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PROCEEDINGS AND DEBATES

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PROCEEDINGS AND DEBATES OF THE SIXTY-EIGHTH CONGRESS
SECOND SESSION

SENATE

TUESDAY, *January 20, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, it is with gladness of heart that we realize that Thou art our Father. Thou dost speak to us in so many different ways, and always the accent of love is evident in Thy words of hope and help. Thou art ever ready to be our guide, and while we may not always recognize Thee, we do beseech of Thee that our hands and hearts may cooperate in fulfilling Thy good pleasure. Be near to us to-day. Help us to see light in Thy light and to walk in fellowship with Thee. For Christ's sake. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, one of its clerks, announced that the House had passed the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 625. An act to extend the time for the construction of a bridge across the White River at or near Batesville, Ark.;

S. 3292. An act granting the consent of Congress to the city of Hannibal, Mo., to construct a bridge across the Mississippi River at or near the city of Hannibal, Marion County, Mo.;

S. 3428. An act authorizing the construction of a bridge across the Ohio River to connect the city of Portsmouth, Ohio, and the village of Fullerton, Ky.;

S. 3610. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 3611. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 3621. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La.;

S. 3642. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Kettle Falls, Wash.;

S. 3643. An act authorizing the construction of a bridge across the Ohio River between the municipalities of Ambridge and Woodlawn, Beaver County, Pa.;

S. 3733. An act to enlarge the powers of the Washington Hospital for Foundlings and to enable it to accept the devise and bequest contained in the will of Randolph T. Warwick; and

S. J. Res. 152. Joint resolution to accept the gift of Elizabeth Sprague Coolidge for the construction of an auditorium in connection with the Library of Congress, and to provide for the erection thereof.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 82. An act to amend an act entitled "An act to amend section 101 of the Judicial Code";

H. R. 7918. An act to diminish the number of appraisers at the port of Baltimore, and for other purposes;

H. R. 9825. An act to extend the time for the construction of a bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi;

H. R. 5084. An act to amend the national defense act, approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes;

H. R. 5939. An act to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation;

H. R. 9535. An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes;

H. R. 9827. An act to extend the time for the construction of a bridge across the Rock River in the State of Illinois;

H. R. 10030. An act granting the consent of Congress to the Harrisburg Bridge Co. and its successors to reconstruct its bridge across the Susquehanna River at a point opposite Market Street, Harrisburg, Pa.;

H. R. 10150. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.," approved November 19, 1919;

H. R. 10152. An act granting the consent of Congress to the Huntley-Richardson Lumber Co., a corporation of the State of South Carolina, doing business in the said State, to construct a railroad bridge across Bull Creek at or near Eddy Lake, in the State of South Carolina;

H. R. 10277. An act to extend the time for the construction of a bridge across Humphreys Creek at or near the city of Sparrows Point, Md.;

H. R. 10412. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River;

H. R. 10413. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River, at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," approved February 27, 1919;

H. R. 10467. An act granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio;

H. R. 10532. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River;

H. R. 10533. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River;

H. R. 10596. An act to extend the times for commencing and completing the construction of a dam across the Red River of the North;

H. R. 10645. An act granting the consent of Congress to the Valley Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.;

H. R. 10688. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak.;

H. R. 10689. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak.;

H. R. 10887. An act granting the consent of Congress to the State of Alabama to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala.;

H. R. 10947. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River in the city of Pittsburgh, Pa.;

H. R. 11030. An act to revive and reenact the act entitled "An act authorizing the construction, maintenance, and operation of a private drawbridge over and across Lock No. 4 of the canal and locks, Willamette Falls, Clackamas County, Oreg.," approved May 31, 1921;

H. R. 11035. An act granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River, at a point approximately 19.1 miles above the mouth of the river, in the counties of Allegheny and Westmoreland, in the State of Pennsylvania;

H. R. 11036. An act extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway Co.; and

H. R. 11168. An act granting the consent of Congress to S. M. McAdams, of Iva, Anderson County, S. C., to construct a bridge across the Savannah River.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Ferris	King	Reed, Mo.
Borah	Fess	McCormick	Sheppard
Brookhart	Fletcher	McKellar	Shipstead
Broussard	Frazier	McKinley	Simmons
Bruce	George	McLean	Smith
Bursum	Glass	McNary	Smoot
Butler	Gooding	Means	Spencer
Cameron	Greene	Metcalf	Sterling
Capper	Hale	Neely	Swanson
Caraway	Harreld	Norbeck	Underwood
Copeland	Harris	Norris	Wadsworth
Couzens	Harrison	Oddie	Walsh, Mass.
Cummins	Heflin	Overman	Walsh, Mont.
Curtis	Howell	Owen	Warren
Dial	Johnson, Calif.	Pepper	Watson
Dill	Jones, Wash.	Phipps	Wheeler
Edwards	Kendrick	Ralston	Willis
Fernald	Keyes	Ransdell	

Mr. BROUSSARD. I was requested by the junior Senator from Kentucky [Mr. ERNST] to announce that he is engaged in a committee meeting.

Mr. FLETCHER. I desire to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Seventy-one Senators have answered to the roll call. A quorum is present.

TRANSPORTATION OF COTTON

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, in response to Senate Resolution No. 252, submitted by Mr. SMITH and agreed to June 7, 1924, a report of the commission on cotton merchandising practices, which was referred to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS

Mr. WILLIS presented the petition of Journeymen Barbers Local Union No. 105, of Akron, Ohio, praying for the passage of the so-called Jones bill, being Senate bill 3218, to secure Sunday as a day of rest in the District of Columbia, and for other purposes, which was referred to the Committee on the District of Columbia.

Mr. FRAZIER (for Mr. LADD) presented a resolution of the Woman's Christian Temperance Union, of Doyon, N. Dak., favoring the adoption of the so-called child labor amendment to the Constitution, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a resolution of the Church of the Brethren, of McPherson, Kans., praying for the participation of the United States in the World Court upon the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

Mr. SHIPSTEAD presented the petition of 43 members of the Chippewa Tribe of Indians of Minnesota, praying for the passage of the so-called Ballinger Chippewa jurisdictional bill, which was referred to the Committee on Indian Affairs.

He also presented a memorial of sundry citizens of Glenwood, Minn., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of 560 citizens, being members of the bar, all in the State of Minnesota, praying for the passage of legislation providing increased salaries to Federal judges, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. GREENE, from the Committee on Banking and Currency, to which was referred the bill (S. 3895) to authorize the coinage of gold $1 pieces and silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont, reported it with amendments.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 332) authorizing the Secretary of the Treasury to pay the Columbus Hospital, Great Falls, Mont., for the treatment of disabled Government employees, reported it with an amendment and submitted a report (No. 898) thereon.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 3180) to amend section 194 of the Penal Code of the United States, reported it without amendment and submitted a report (No. 899) theron.

Mr. BUTLER, from the Committee on the Judiciary, to which was referred the bill (H. R. 9162) to amend section 128 of the Judicial Code, relating to appeals in admiralty cases, reported it without amendment and submitted a report (No. 900) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RALSTON:

A bill (S. 4005) granting a pension to Adeline Bomgardner; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 4006) granting a pension to John W. Fleming; to the Committee on Pensions.

A bill (S. 4007) for the relief of the estate of Juan Martinez y Sanchez; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 4008) to amend section 5 of an act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; to the Committee on Interstate Commerce.

A bill (S. 4009) granting an increase of pension to Virginia F. Stickney; to the Committee on Pensions.

A bill (S. 4010) to amend the national defense act of 1916, as amended; and

A bill (S. 4011) to amend section 3 of the act approved September 14, 1922 (ch. 307, 42 Stat. pt. 1, 840-841); to the Committee on Military Affairs.

By Mr. BUTLER:

A bill (S. 4012) granting an increase of pension to Eva Davis Cogswell (with an accompanying paper); to the Committee on Pensions.

A bill (S. 4013) to remit the duty on a carillon of bells to be imported for the Church of Notre Dame de Lourdes, Fall River, Mass.; to the Committee on Finance.

By Mr. HARRELD:

A bill (S. 4014) to amend the act of June 30, 1919, relative to per capita cost of Indian schools; and

A bill (S. 4015) to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of the homeless Indians; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 4016) for the relief of the Royal Holland Lloyd, a Netherland corporation of Amsterdam, the Netherlands (with accompanying papers); to the Committee on Claims.

By Mr. BRUCE:

A bill (S. 4017) for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co., of Baltimore, Md., and the Fidelity & Deposit Co. of Maryland (with an accompanying paper); to the Committee on Claims.

By Mr. WILLIS:

A joint resolution (S. J. Res. 170) authorizing the erection of a monument to General Wayne and legion at Defiance, Ohio, and markers for fort site and retaining walls to prevent erosion at confluence of Maumee and Auglaize Rivers; to the Committee on the Library.

By Mr. BUTLER:

A joint resolution (S. J. Res. 171) establishing a commission for the participation of the United States in the observance

of the one hundred and fiftieth anniversary of the Battle of Bunker Hill, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; to the Committee on Appropriations.

AMENDMENT TO RIVER AND HARBOR BILL

Mr. SHIPSTEAD submitted an amendment intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

EDWARD LAUTENSCHLAEGER—WITHDRAWAL OF PAPERS

On motion of Mr. CURTIS (for Mr. MCKINLEY), it was

Ordered, That the papers filed with the bill (S. 4948) for the relief of Edward Lautenschlaeger (Fifty-seventh Congress, first session) be withdrawn from the files of the Senate, no adverse report having been made thereon.

ELEVATION OF NAVAL GUNS

Mr. MCKELLAR. I submit a resolution which I ask may lie on the table and be printed.

The resolution (S. Res. 309) was ordered to lie on the table and to be printed as follows:

Whereas it has been stated on the floor of the Senate by the chairman of the Committee on Naval Affairs that "a protest has been made by another power to this country against elevating the guns of our battleships, and until that protest has been settled I do not believe we should take affirmative action and vote to appropriate for the elevation of guns"; and

Whereas it is admitted by all competent naval authorities, as well as by the chairman of the Naval Affairs Committee, that the American Navy can not attain or maintain the 5–5–3 ratio accorded to it under the Limitation of Arms Agreement without elevating the guns on these 13 battleships; and

Whereas it has been reported by the Secretary of State that there is no legal reason under the Disarmament Conference Agreement of 1922 why our guns should not be elevated; and

Whereas it has been asserted that the protest against our elevating guns on these 13 battleships was made to this country on April 15, 1923, nearly two years ago: Now therefore be it

Resolved, That the President of the United States be, and is hereby, respectfully requested to inform the Senate, if not incompatible with the public business, what steps if any have been taken by the Executive Department to have said protest settled and determined; whether any suggestion has been made by the protesting nation or by the United States that the matter be submitted for arbitration; and at what time a decision in reference to the protest may be expected.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 82. An act to amend an act entitled "An act to amend section 101 of the Judicial Code"; to the Committee on the Judiciary.

H. R. 7918. An act to diminish the number of appraisers at the port of Baltimore, and for other purposes; to the Committee on Finance.

H. R. 5084. An act to amend the national defense act approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes; to the Committee on Military Affairs.

H. R. 5939. An act to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation; to the Committee on Agriculture and Forestry.

H. R. 9535. An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes; to the Committee on Claims.

H. R. 9825. An act to extend the time for the construction of a bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi;

H. R. 9827. An act to extend the time for the construction of a bridge across the Rock River in the State of Illinois;

H. R. 10030. An act granting the consent of Congress to the Harrisburg Bridge Co., and its successors, to reconstruct its bridge across the Susquehanna River at a point opposite Market Street, Harrisburg, Pa.;

H. R. 10150. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.," approved November 19, 1919;

H. R. 10152. An act granting the consent of Congress to the Huntley-Richardson Lumber Co., a corporation of the State of South Carolina, doing business in the said State, to construct a railroad bridge across Bull Creek at or near Eddy Lake, in the State of South Carolina;

H. R. 10277. An act to extend the time for the construction of a bridge across Humphreys Creek at or near the city of Sparrows Point, Md.;

H. R. 10412. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River;

H. R. 10413. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River, at or near the borrough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," approved February 27, 1919;

H. R. 10532. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River;

H. R. 10533. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River;

H. R. 10596. An act to extend the times for commencing and completing the construction of a dam across the Red River of the North;

H. R. 10645. An act granting the consent of Congress to the Valley Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.;

H. R. 10688. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak.;

H. R. 10689. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak.;

H. R. 10887. An act granting the consent of Congress to the State of Alabama to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala.;

H. R. 10947. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River in the city of Pittsburgh, Pa.;

H. R. 11030. An act to revive and reenact the act entitled "An act authorizing the construction, maintenance, and operation of a private drawbridge over and across Lock No. 4 of the canal and locks, Willamette Falls, Clackamas County, Oreg.," approved May 31, 1921;

H. R. 11035. An act granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River, at a point approximately 19.1 miles above the mouth of the river, in the counties of Allegheny and Westmoreland, in the State of Pennsylvania;

H. R. 11036. An act extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway Co.; and

H. R. 11168. An act granting the consent of Congress to S. M. McAdams, of Iva, Anderson County, S. C., to construct a bridge across the Savannah River; to the Committee on Commerce.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 8372) to authorize the designation of deputy fiscal or disbursing agents, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House returned to the Senate, in compliance with its request, the bill (H. R. 6498) for the relief of May Adelaide Sharp.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 387. An act to prescribe the method of capital punishment in the District of Columbia;

H. R. 3847. An act granting a certain right of way, with authority to improve the same, across the old canal right of way between Lakes Union and Washington, King County, Wash.;

H. R. 9804. An act to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, as amended February 28, 1923; and

H. R. 10982. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1926, and for other purposes.

PAYMENT OF GERMAN REPARATIONS

Mr. BORAH. Mr. President, I ask permission to have inserted in the RECORD the statement of the Secretary of State made upon yesterday to the press with reference to the transactions which have been held at Paris with reference to the settlement of reparations.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The statement is as follows:

The portion of the agreement reached at the recent conference in Paris which relates to participation of the United States in the Dawes annuities has already been published in the newspapers. The full text of the agreement is on its way to this country and will be published as soon as received. In the meantime it may be said:

1. The conference of finance ministers held at Paris was for the purpose of reaching an agreement as to the allocation of the payments expected through the operation of the Dawes plan. In view of the inclusive character of the payments, it was necessary for the United States to take part in the conference in order to protect its interests.

2. The conference at Paris was not a body, agency, or commission provided for either by our treaty with Germany or by the treaty of Versailles. In taking part in this conference there was no violation of the reservation attached by the Senate to the treaty of Berlin.

3. The agreement reached at Paris was simply for the allocation for the payments paid under the Dawes plan. It does not provide for sanctions or deal with any questions that might arise if the contemplated payments should not be made. With respect to any contingency the agreement at Paris puts the United States under no obligation, legally or morally, and the United States will be as free as it ever was to take any course of action it may think advisable.

4. The agreement at Paris neither surrenders nor modifies any treaty rights of the United States.

HOUSE BILL REFERRED

The bill (H. R. 8372) to authorize the designation of deputy fiscal or disbursing agents, and for other purposes, was read twice by its title and referred to the Committee on Finance.

THOUGHT FOOD FOR THE FARMER

Mr. FERRIS. Mr. President, I have compiled from the CONGRESSIONAL RECORD a few facts and figures of Republican and nonpartisan origin which deserve the candid consideration of farmers, and I entertain the hope that they may be brought to the attention of the farmers in some fashion that will arouse their interest in their own well-being. If the situation depicted by these facts and figures and findings were the reverse of what it is, this city would be so filled with representatives and lobbyists from the steel, textile, and a few other industries that one would have to go across the river into Virginia to sneeze. Members of the Congress would be flooded with letters and telegrams, and all sorts of propaganda would be put to work to correct it. How long the farmer will peacefully submit to the legalized robberies that are constantly being perpetrated upon him remains for him to determine.

I ask unanimous consent that the excerpts which I have compiled from the RECORD may be printed at this point in my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

IN THE HOUSE OF REPRESENTATIVES,
Saturday, May 31, 1924.

Mr. STRONG of Kansas. I wish to present a statement prepared by P. T. Strom, of Republic City, Kans., who lives in a rich agricultural county of my district, where the farmers diversify their crops and produce cattle, hogs, poultry, cream, and eggs, which will show our city and New England friends what is the matter with the farmer and why of all the classes of this Nation he is unable to prosper as he deserves to prosper, and why the purchasing value of the farmer's dollar is worth only about 60 cents, as compared with the value of that of all other industries.

A comparison of the 1914 buying and selling prices, and 10 years later, 1924, buying and selling prices from the Kansas farmers' standpoint

Implements	1914	1924
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hay rake	28.00	55.00
Wagon box	16.00	36.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disk	38.00	95.00
Walking plow, 14-inch	14.00	28.00
Harness, per set	40.00	75.00

[From the CONGRESSIONAL RECORD, March 15, 1923, p. 5828]

THE FARMER'S DOLLAR

DEPARTMENT OF AGRICULTURE,
Washington, February 27, 1923.

Hon. EWIN L. DAVIS,
House of Representatives.

DEAR MR. DAVIS: I am pleased to transmit herewith data relative to the purchasing power of the farm dollar, as requested in your letter of February 17.

A satisfactory index number of the purchasing power of the farm dollar—1860 to date—has not been prepared. The Joint Commission of Agricultural Inquiry prepared a series of index numbers from 1890 to 1920, and we have continued it to include 1922. A copy is transmitted herewith.

Sincerely yours,

HENRY C. WALLACE, *Secretary.*

(Inclosure.)

The purchasing power of the farmer's dollar since 1890

(Includes food and farm products with all other products)

	Cents
1890	83
1891	89
1892	87
1893	87
1894	85
1895	85
1896	81
1897	86
1898	88
1899	83
1900	86
1901	92
1902	95
1903	88
1904	93
1905	90
1906	88
1907	90
1908	93
1909	100
1910	96
1911	97
1912	101
1913	100
1914	105
1915	103
1916	97
1917	107
1918	112
1919	112
1920	96
1921	84
1922	89

1913–1922, revised.

Source: The Agricultural Crisis and Its Causes. Report of the Joint Commission of Agricultural Inquiry, part 1.

Mr. GOODING. I ask to insert in the RECORD at this point, without reading, a table showing the average annual wholesale prices in 1914 and 1923 and the percentage of increase.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Average annual wholesale prices

	1914	1923	Per cent
Granulated sugar, per pound	$0.047	$0.084	78
Cotton goods, viz:			
Print cloths, per yard	.030	.075	150
Calico standard, per yard	.049	.10	104
Percale, 8, per yard	.068	.148	118

Averaged annual wholesale prices—Continued

	1914	1923	Per cent
Cotton goods, viz—Continued.			
Drillings, brown, peperell, per yard	$0.079	$0.178	116
Flannels, colored, per yard	.102	.215	110
Ginghams, Amoskeag, per yard	.063	.143	128
Muslin, bleached, fruit of the loom, per yard	.091	.185	110
Sheeting, brown, peperell, per yard	.069	.152	120
Sheeting, bleached, peperell, per yard	.253	.505	100
Ticking, A. C. A., per yard	.133	.291	119
Blankets, 2 pounds to pair, per pair	.640	1.468	131
Woolen goods, viz:			
Flannels, Ballard Vale, per yard	.455	1.017	122
Suiting, clay worsted, 16-ounce, per yard	1.288	3.240	154
Suiting, Middlesex, per yard	1.459	3.623	148
Suiting, serge, 11-ounce, per yard	1.078	2.604	140
Dress goods, French serge, per yard	.305	.753	149
Dress goods, storm serge, per yard	.500	1.024	104
Dress goods, poplar cloth, per yard	.190	.363	91
Dress goods, Sicilian cloth, per yard	.281	.633	124

Mr. GOODING. Mr. President, the great losses that the farmers have sustained in this country is reflected in the bank failures that have taken place since 1920. I have before me a letter from the Comptroller of the Currency showing the bank failures in this country as far back as 1870 up to and including 1923. During the panic of 1873 for that year there were 4 national banks and 33 State banks that closed their doors. In 1874, 9 national banks and 40 State banks closed their doors. In 1875, 3 national banks and 14 State banks closed their doors. In the panic of 1893 during that year 65 national banks and 261 State banks closed their doors. In 1894, 21 national banks and 71 State banks closed their doors. In 1895, 36 national banks and 115 State banks closed their doors. From 1870 up to and including 1920, a period of 51 years, 502 national banks and 2,488 State banks closed their doors. In 1921, 28 national banks and 338 State banks closed their doors. In 1922, 33 national banks and 364 State banks closed their doors. In 1923, 37 national banks and 237 State banks closed their doors. I ask that the letter from the comptroller may be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

COMPTROLLER OF THE CURRENCY,
Washington, February 26, 1924.

MY DEAR SENATOR: I have your letter of this date requesting to be advised of the number of bank failures, National and State, for each year as far back as 1870, and take pleasure in furnishing the following information for fiscal years ended June 30, on account of the fact that the only figures at command of this office with respect to banks other than national are for years ended June 30:

Year	Number of national bank failures	Number of State bank failures
1870	1	1
1871	None.	7
1872	5	10
1873	4	33
1874	9	40
1875	3	14
1876	8	37
1877	9	63
1878	11	70
1879	9	20
1880	5	10
1881	None.	9
1882	3	19
1883	1	27
1884	6	54
1885	9	32
1886	6	13
1887	5	19
1888	12	17
1889	4	15
1890	6	30
1891	16	44
1892	17	27
1893	65	261
1894	21	71
1895	36	115
1896	27	78
1897	28	122
1898	7	53
1899	12	26
1900	6	32
1901	11	56
1902	3	43
1903	12	26
1904	20	102
1905	22	57
1906	8	37
1907	7	34
1908	24	132
1909	9	60
1910	6	28
1911	3	56
1912	8	55
1913	6	40
1914	21	96
1915	14	110
1916	13	41
1917	7	35
1918	2	25
1919	1	42
1920	8	44
1921	28	330
1922	33	364
1923	37	237

I trust this information will serve the purpose for which requested.

Very truly yours,

HENRY M. DAWES, *Comptroller.*

Hon. F. R. GOODING,
United States Senate, Washington, D. C.

THE TARIFF AND THE FARMER—MORE COST THAN GAIN IN TARIFF—NET LOSS TO AGRICULTURE IS ESTIMATED AT $300,000,000

Gross cost to farmers	$426,000,000
Gains to farmers as producers	125,000,000
Net cost to agriculture	301,000,000

[Inserted in the CONGRESSIONAL RECORD of March 4, 1923, by request of HON. ANDRIEUS A. JONES of New Mexico]

[From the American Farm Bureau Federation Weekly News Letter of January 11, 1923]

MORE COST THAN GAIN IN TARIFF—NET LOSS TO AGRICULTURE IS ESTIMATED AT $300,000,000

This tariff study is submitted by the department of research as a final summary of conclusions on the tariff situation.

This study of the tariff was undertaken for the purpose of appraising the effect of a protective tariff on the income and expenditures of the farmers of the country, having special reference to the tariff of 1922. This involved two tasks—first, to determine to what extent farmers as producers are benefited by import duties on their own products through resultant increases in market prices; and second, to estimate the increased cost of commodities purchased by farmers, whether agricultural or industrial products, attributable to the existing tariff. In the foregoing articles of the series an analysis of the relation of each of the more important farm products to the tariff has been made; a general discussion of the effects of import duties on prices of the products of other industries has been presented. In the present article a summary of conclusions will be set forth and an estimate of tariff gains and costs based on a final scrutiny of the data at hand will be offered, which, it is believed, indicates reliably, though roughly, the net financial significance of the new tariff for the general farming community.

For the purpose of this presentation the tariff schedules may best be divided into two groups: Those relating to farm products and those relating to other commodities. In the first group, farmers generally are interested both as producers and as consumers; in the second group they are interested directly only as consumers.

AGRICULTURAL SCHEDULES INVOLVE BOTH GAINS AND LOSSES

Taking up first the schedules relating to agricultural products, it is to be noted that certain of the duties carried will increase the value of products to the benefit of those farmers who produce the given product, and thereby increase the cost of living or of operation for other farmers purchasing that product in raw or manufactured state. On the whole, however, it is estimated that gains to producers will outweigh increases to farm consumers of farm products. The accompanying table presents the figures in detail for each group of commodities accorded protection in the present law.

The bases of these various estimates and a résumé of general conclusions regarding each line of product—derived chiefly from the foregoing special article of this series—follow:

Table showing estimated results of tariff on farm products

	Gain	Cost to farmers	Cost to all consumers
Wheat	$10,000,000	$3,000,000	$12,000,000
Other cereals	1,000,000	500,000	1,500,000
Sugar	45,800,000	48,100,000	192,400,000
Dairy and poultry products	3,000,000		9,000,000
Wool	37,500,000	27,300,000	91,000,000
Cattle	1,500,000	1,000,000	1,800,000

Table showing estimated results of tariff on farm products—Continued

	Gain.	Cost to farmers	Cost to all consumers
Tobacco	$10,000,000	$5,300,000	$53,000,000
Flaxseed and linseed oil	3,500,000	2,700,000	9,000,000
Miscellaneous products:			
Lemons	5,000,000		
Almonds	500,000		
Walnuts	1,500,000	2,000,000	17,000,000
Miscellaneous fruits and vegetables	1,000,000		
Hemp	500,000		
Clover seed	4,000,000	5,000,000	5,000,000
Total miscellaneous	12,500,000	7,000,000	22,000,000
Total farm products	124,800,000	94,900,000	391,700,000

Net gain to agriculture, $29,900,000.

THE WHEAT TARIFF

As the United States is an exporter of wheat the general impression is that an import duty is useless as a means of increasing domestic prices. Little exception can be taken to this statement of the case as regards winter wheat. A complication arises, however, in the fact that hard spring wheat is at times imported as a premium grade from Canada for mill consumption in this country. An import duty is probably in some years of material benefit to American spring-wheat growers. The facts regarding imports, exports, and consumption of this product are not available. The general situation which determines the price for it, however, seems to be this: Under conditions of free trade the price of spring as well as winter wheat is based on the Liverpool quotation; neither American nor Canadian spring crops can sell much above the price prevailing at Liverpool, given freedom of shipment across the border, though they may sell either above or below winter wheat, depending on the relative volume of spring and winter production. In the second place, production of spring wheat in the United States has been practically stationary for the past 20 years, which probably accounts for the fact that in three out of the last six years quite considerable quantities of Canadian wheat have been imported and ground, and presumably consumed in this country. Now, given such conditions, there will be a natural tendency for prices of American spring wheat to rise above the Liverpool base whenever the crop of that grain falls below the average or when the crop of winter wheat or of Canadian spring wheat is unusually large. That is, there will be in the United States a local relative shortage of spring wheat not existing in the world market, with consequent tendencies toward bulging prices. Free entry of Canadian grain levels down this tendency and the existence of a tariff barrier against that grain allows the domestic situation to secure its logical effect.

CROP OF 1921 AFFECTED

There is evidence that the tariff did maintain the price of northern spring wheat above world levels in the season of 1921 and 1922, as it remained consistently above Canadian prices for Manitoba as well as above domestic prices for red winter. This year, with a very large crop of spring wheat, the effect of the duty is apparently slight or probably entirely nil. The determination of a definite figure to represent benefits to growers is largely guesswork owing to the complexity and obscurity of the factors involved. The amount here fixed upon, namely, $10,000,000 per year, can only be taken to indicate that the sum is small compared to the total value of output, taking the average of one year with another. The cost to consumers in the form of higher prices for flour and mill feed is placed at $12,000,000, allowance being made for the increased cost of imported wheat. Of this amount $3,000,000, or 25 per cent, is allocated to farmers as consumers.

OTHER CEREALS

Import duties on corn, oats, rye, barley, and rice are of little significance. Growers of buckwheat probably benefit somewhat from the duty on Canadian grain brought in mainly for feed. The duty on corn may occasionally be a minor factor when conditions favor imports from Argentina, which is not the normal situation, as that country's surplus will usually find a better market in Europe; and the tariff on oats and barley will probably influence prices seasonally and locally along the Canadian border to a small degree. Gains to producers are estimated roughly at $1,000,000 per annum; cost to consumers, including increased cost of imported cereals, in which rice from the Orient figures most largely, at $1,500,000; and cost to farm consumers at $500,000.

SUGAR

There can be no question that the duty on sugar increases the price of that commodity to about the extent of the duty on Cuban 96° centrifugals, which was fixed in conference at 1.7648 cents per pound. If it be assumed that the whole of this increase accrues to the growers, the addition to the value of their average production is $45,800,000 annually. There is, as pointed out in the article dealing with the sugar tariff, some question whether the manufacturers may not be able to retain some of this increment; but as there is no basis for estimating any definite proportion going to manufacturers the whole amount is allocated to growers' gains. The cost to consumers, based on 1921 consumption figures, is $192,400,000, of which burden it is estimated that farmers as a group bear 25 per cent, making the increased cost of sweets consumed on the farm $48,100,000. In these latter estimates it is assumed that only the amount of the Cuban duty is passed on to the consumer. As a matter of fact, the full rate of duty, which is 25 per cent higher than the Cuban preferential rate, applies to imports of refined sugar, as none is imported in the refined state from Cuba. Imports of refined sugar are usually negligible, and this excess protection accorded the manufacturer is here ignored, as its benefit can only be secured through price-fixing agreements, as to the existence of which nothing is here affirmed.

DAIRY AND POULTRY PRODUCTS

The duties on this group of products are of slight importance to agriculture. The rates on milk and cream will probably influence materially prices received in the Boston territory. The duty on dried and frozen eggs will affect egg prices in New York, specially in the early spring months and on the grades known as breaking stock. The cheese duty will increase the prices of European types, but this will be of no particular significance to the farmer, as he produces very little of such cheeses. The estimate of a gain of $3,000,000 to producers is based on the receipts of milk and cream at Boston and of eggs at New York during the first six months of the year. The $9,000,000 cost-to-consumer figure includes increased cost of the products just named as well as the cost of the duty on imported and domestic European cheese.

THE WOOL DUTY

Roughly speaking, the duty of 31 cents per clean pound is added to the price of wool in our markets. This is equivalent to about 12.7 per grease pound on the average of domestic wools and means an increase of about $37,500,000 in growers' receipts, on the assumption that the farm price will be increased in the same amount as the market price. Further assuming that the exact equivalent of the duty is shifted onto the final consumer—which is probably more or less than the truth, according to market conditions—the cost to consumers is placed at $91,000,000; that is, 31 cents per pound on the total consumption of scoured wool. The farmer probably consumes his per capita share of wool, and his increased clothing cost is accordingly figured at 30 per cent of the total cost, or $27,300,000.

LIVESTOCK AND MEATS

Under present conditions import duties on animals and packing-house products can have very little influence on the markets. In the earlier study of the subject it was concluded that the duty on Canadian cattle would probably have some effect on the purely local fluctuations in feeder cattle at St. Paul and slaughter stuff at Buffalo. It has been rather arbitrarily assumed that the operation of the duties will stimulate prices to the extent of one-fourth to one-half a cent a pound in the two markets named and on the particular classes mentioned. From the statistics of feeder movement at St. Paul and slaughter at Buffalo the benefits to producers are computed to be about $1,500,000 and the increased cost to consumers $1,800,000. Consumers of meat locally in the Buffalo market will feel the effect of whatever price increases result there, while the Corn Belt feeders will shoulder the burden of any increase in cost of feeder cattle at St. Paul. The latter item, therefore, $1,000,000, is charged as a cost to farm consumers.

TOBACCO

The export and manufacturing types of tobacco, constituting the bulk of the crop, are not subject to tariff influences. Cigar leaf can be but slightly affected because the import cigar tobaccos are of a different quality and not truly competitive. Connecticut wrappers are probably increased substantially in price by the $2.10 duty on Sumatra leaf with which they come in competition. How much the increase may be there is no way of determining. As what is believed to be a reasonable guess, based on general considerations of rates of duty, production, and price quotations, the probable benefit to producers is placed at $10,000,000. As the duty on some 85,000,000 pounds of Cuban Sumatra and Turkish tobaccos imported annually is undoubtedly added to the selling price of cigars and cigarettes, the cost of the tobacco duty to the consumer is much higher than the gain to producers, amounting, on the basis of duties assessed, to $53,000,000. Of this, 10 per cent is assigned to farmers as consumers of cigars and cigarettes.

OILS AND OIL-BEARING MATERIALS

Whatever might be the effect of a general tariff against vegetable oils, the law as actually passed can not materially benefit any farm producers save flaxseed growers. The flaxseed duty of 40 cents per bushel will no doubt be genuinely protective.

The effect on prices, however, will be somewhat less than the amount of the duty owing to the drawback privilege whereby crushers secure a refund of a portion of the duty on the exportation of linseed meal or cake made from imported grain. Comparative prices in the United

States and Canada over a period of several years indicate that the differential in favor of the American market equals approximately four-fifths of the amount of the duty. This, under the new law, is 32 cents per bushel—as the nominal rate is 40 cents—which on an average production of 11,000,000 bushels gives us $3,500,000 as the apparent benefit to growers. Applying the same rate of increase on the linseed-oil consumption of the country, the indicated cost is roughly $9,000,000, of which 30 per cent is charged as a cost to farm consumers. It should perhaps be noted that while 32 cents per bushel or thereabouts is the effective rate as regards the influence on the flaxseed market, it may not be the effective rate of increase in linseed-oil prices. This rate on the seed is equivalent to about 1.7 cents per pound on oil. The actual rate on imported oil is 3.3 cents per pound. If the crushers are able to take advantage of the latter rate, the cost of the duty to consumers will be obviously about twice as much as the above estimate.

MISCELLANEOUS PRODUCTS

Among the minor farm products are several which will be more or less influenced by the tariff. These include lemons, raisins, almonds, walnuts, clover seed, onions, and hemp. Gross increases in producers' receipts are estimated at $12,500,000. In estimating increases in consumption costs imports not only of these products but of others not commercially produced in this country, such as dates, figs, pineapples, filberts, etc., must be taken into consideration. The figure is placed at $22,000,000, taking into consideration production, imports, and rates of duty. Cost to farm consumers is figured at $7,000,000, farmers being small purchasers of most of the commodities under consideration, but the sole consumers of clover seed on which they must pay higher prices not only for domestic but for imported seed.

Considering the agricultural schedules as a whole, the estimated gains to producers is $124,000,000, and the cost to farmers as consumers $94,900,000, leaving a net gain to agriculture from the tariff on its own products of $29,700,000. The total of costs to consumers of farm products is $391,900,000. These figures, while admittedly rough, probably approximate the truth.

To estimate the effects of the tariff on the market prices of other commodities, as has been done for agricultural products, is far from a simple matter. It can not be carried out to an unlimited extent by the method which has been followed in the case of farm products; namely, by a detailed analysis of competitive conditions, prices, production, and consumption for all the individual products of all branches of an industry. To undertake such an investigation to determine the effects of the tariff in all industries—manufacturing, mining, and so forth—that operate in the United States would be far beyond the resources of this department; and no adequate inquiry of that character has been made by any agency thus far. Hence, if any attempt to estimate in dollars and cents the cost of the tariff to the farmer as consumer of the products of other industries be made it must be by recourse to some other method.

QUESTION OF COST TO CONSUMERS

Several estimates of the cost of the tariff to consumers have been put forth, from which the total cost to farmers might be derived by estimating his share in consumption of dutiable commodities. No particular basis for these estimates seems, however, to be discoverable and they are therefore ignored. The only basis that appears to be available for any reasonably safe estimate of the sort is the cost-to-consumer figure above presented for agricultural products. The cost of such commodities is increased by import duties to the extent of some $392,000,000 according to our estimates. This is a trifle over 2 per cent of the average total value of the output of the farms. It might be assumed that the cost of other products would be increased in like ratio, whereby the increased cost to consumers could be computed. Such an assumption, it is believed, would be a minimum.

The assumption is here made, and the cost is so computed. The average value of gross output of all industries other than agriculture is about $65,000,000,000; applying the ratio ascertained for farm products the result is $1,323,000,000, which by this computation is the cost of the tariff on other than farm products to American consumers.

FARMERS' SHARE 25 PER CENT

Now, as to the portion of this tax which falls upon the farmer consumer. In the estimates relating to agricultural products it will be noted that the share of the cost-to-consumers figure allocated to farm consumers is a little under 25 per cent of the total. The 25 per cent share seems reasonable on other grounds. The income of farmers is estimated by the National Bureau of Economic Research as 18 per cent of the national income. Their purchasing power would therefore be 18 per cent of that of the whole country; as purchasers of ordinary consumers' goods at retail, however, they would probably buy close to their per capita share, which is 30 per cent, for a much smaller portion of farm income is spent for railroads, factories, industrial materials, and equipment, in the form of corporate securities, than is true of business profits. Furthermore, consumers' goods, where the farmers' largest purchases lie, are probably more affected by the tariff than are producers' goods, most of which are either on the free list or not susceptible to tariff influences. Moreover, the item of house rent absorbs part of the city man's income.

The farmers' share in the cost of the tariff on other than farm products is therefore placed at 25 per cent of the total, or $331,000,000. Subtracting his net gain on the agricultural schedules, which amounts to $30,000,000, the remainder is $301,000,000, which represents the net cost of the tariff to agriculture. Combining the agricultural and nonagricultural schedules the figures are, in tabular form, as follows:

Summary of benefits to farmers and minimum cost to consumers

	Average value of output 1917–1921	Tariff cost to consumers	Cost to farm consumers
Farm products	[1] $19,245,000,000	$392,000,000	$95,000,000
Products of all other industries	[2] 65,000,000,000	1,323,000,000	331,000,000
Total	84,245,000,000	1,715,000,000	426,000,000

[1] U. S. Department of Agriculture.
[2] Partly estimated.

Gross cost to farmers	$426,000,000
Gains to farmers as producers	125,000,000
Net cost to agriculture	301,000,000

It is recognized that these figures are liable to a large degree of error. They are, however, based in part on a careful detailed analysis (that relating to farm products) and on a further assumption that seems reasonable as a minimum, namely, that industrial products are affected by the tariff to the same degree as are agricultural products. The chief weakness in the method is in deriving a ratio of cost of the tariff from value of total output, output being taken as roughly indicative of consumption. The figures of gross production contain a large amount of duplication both within the agricultural and industrial groups and between agriculture and industry. Production figures are therefore somewhat ambiguous; but the duplications will offset each other more or less, since they occur in both agricultural and industrial returns. That the estimate is likely to err below rather than above the truth is indicated by two further considerations. First, no allowance has been made in any of our estimates for possible "pyramiding" of duties between producer or importer and final consumer. It is most probably true that the original tariff increment to the price is, in many cases, increased as the goods pass through the channels of trade; this would naturally occur where commodities are handled on commission and, perhaps, to greater or less extent in the ordinary processes of manufacturing, wholesaling, and retailing. It has been estimated by some observers that the cost of import duties is "pyramided" to the extent of two or three fold. Such an assumption seems excessive, and there is no basis of actual measurement; the whole question has been ignored by this department in preparing estimates. In the second place, farm products enter into commerce relatively much less than industrial products.

If the ratio of tariff costs could be based on actual sales instead of gross production, the resulting figure for industrial products would undoubtedly be higher than the one above given.

SENATOR BORAH'S OBSERVATION

From the speech of Mr. BORAH on the agricultural problem reported in the RECORD of January 12, 1925, I quote the following:

In my opinion, fundamentally, the conditions affecting the farmer have not changed at all. I think the problems which confront us with reference to agriculture, if the farmer is to have any permanent relief, are the same as they were prior to the time the votes were cast in November. It is quite true that there has been in some localities to some extent a betterment of conditions, owing to an increase in the prices of certain articles; but, as I shall undertake to show a little later, that is due to transient causes and may as suddenly disappear as it has appeared. But the great, underlying, fundamental questions which have to do with the restoration of agriculture to its proper place in the industrial life of America have not changed, to my mind, in the slightest.

PROPOSED INVESTIGATION OF POWER COMPANIES

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution submitted by the Senator from Nebraska [Mr. NORRIS], coming over from a previous day. It will be stated.

The READING CLERK. A resolution (S. Res. 286) directing the Federal Trade Commission to investigate the alleged Power Trust in the United States and its financial relationship with certain other public-utility companies and associations.

The PRESIDENT pro tempore. The question is upon agreeing to the resolution.

Mr. PEPPER. Mr. President, I have given cursory attention to the resolution. It impresses me as one of serious importance. It contemplates an investigation which I apprehend will be most expensive and most time consuming. I venture to say that the Senate ought not to be asked to act on the measure until we have been advised on at least three points. I think we ought to know whether there is reasonable or probable cause for an investigation which will expend millions of public money and employ the whole time of multitudes of public servants. In the second place, if there is such an interrelation of public utilities in the several States as the resolution implies, I think we ought to be advised whether that is a matter for cognizance by the public utility commissions of the States or whether it affects or restrains interstate commerce in such fashion as to be subject to our inquiry and control. Finally, it seems to me that we ought to find out whether this costly and time-consuming investigation is one which the Senate ought to sponsor and authorize or whether it is a matter upon which we should also have the views of the House.

I accordingly move that the pending resolution be referred to the Committee on Interstate Commerce. I want to have advice from one of our standing committees before I take the responsibility of voting on a proposal so important.

Mr. NORRIS obtained the floor.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Senator from Montana will state the parliamentary inquiry.

Mr. WALSH of Montana. I inquire what is the order of business?

The PRESIDING OFFICER. Senate Resolution 286, submitted by the Senator from Nebraska.

Mr. WALSH of Montana. I inquire how it comes before the Senate?

The PRESIDING OFFICER. It is a resolution coming over from a preceding day.

Mr. REED of Missouri. Let the resolution be read so we may know what is the subject of discussion.

Mr. NORRIS. All right; I have no objection. Let the resolution be read.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The reading clerk read the resolution (S. Res. 286) submitted by Mr. NORRIS December 29, 1924, as follows:

Whereas it has been alleged on the floor of the Senate and in the public press that a Power Trust exists in the United States, and that many public-utility and power companies are wholly or partly controlled through stock ownership, interlocking directorates, and various other means and methods by various combinations of water-power companies, large manufacturing and industrial corporations, and by banking and other institutions: Now therefore be it

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate the present degree of concentration and interrelation in the ownership, control, direction, financing, and management through legal or equitable ownership of stocks, bonds, or other securities, or instrumentalities, or through interlocking directorates, or holding companies, including trade associations, or through any other devise or means whatsoever, of power companies, transmission companies, public-utility companies, and other companies and associations (not including telegraph companies and common carriers by rail, water, or air), engaged in what is commonly known as the public-utility field of business; and also particularly to investigate and report, together with other and pertinent facts, the extent to which banks and trust companies and the principal companies manufacturing electrical equipment and apparatus, or owning important patents for the manufacture of such equipment and apparatus, and other important industrial companies, or the officers, directors, and stockholders thereof, have a legal or equitable interest in the stock, bonds, or other securities of any of the public-utility and holding companies and associations above referred to, or through interlocking directorates or otherwise exercise partial or complete control or direction of the financing and management of such companies and associations, or have contractual relations with any of them affecting the management or scope of their business.

Resolved further, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury to permit the said Federal Trade Commission, in making such investigation, to have access to all official reports and records in any or all of the bureaus of the Treasury Department.

Mr. NORRIS. Mr. President, when I introduced this resolution I had not anticipated that there would be any possible objection to its adoption. It developed in the so-called Muscle Shoals controversy that there were a great many indications of a far-reaching interlocking by stock ownership and interlocking directorates of a great many power companies and electric companies. I have already placed before the Senate, and other Senators have likewise placed before the Senate, evidence which it seems to me ought to convince any reasonable man that such a monopoly or combination exists. So far that has not been disputed. The subject was debated at considerable length, and, so far as I know, no one in the Senate has even intimated that such a combination does not exist.

It is a common practice here, when there is at least reasonable ground to believe that such a state of affairs exists, for a resolution providing for an investigation either by a committee or some other organization equipped to undertake it to be introduced for the making of the necessary inquiry in order to ascertain the information and to report. That has been true, so far as I now remember, without an exception. I can not understand, Mr. President, when, as in this case, for hours and hours the Senate has been given evidence showing the names of corporations and individuals that interlock and spread all over the country, why there should be opposition to the adoption of this resolution.

I stated at the time I introduced the resolution that I had been compelled to resort to my own resources in order to ascertain the extension of this monopoly; that I had met with a great deal of difficulty and desired to have some official organization of the Government make an investigation and file a report that would give it an official standing.

There is nothing sought but the truth; there is no attempt in the resolution to bring out anything but what is a fact; and the result of such an investigation ought not to hurt anybody.

I had prepared for me a map of the United States showing, as far as my investigation could go, the interlocking condition of the General Electric Co.

I hold that map in my hand. [Exhibiting.] I wish Senators to look at it. I think it is correct. I do not think, however, it covers all of the interlocking devices, because I happen to know of some of them that are not indicated on the map. I think it is not a complete map showing the manner in which this one company, the General Electric Co., spreads its branches all over the United States.

Neither does this map pretend to show the extension of this monopoly to foreign countries. I have produced evidence in the Senate showing that this company has dozens and dozens of organizations in different parts of the world which are subsidiary to the General Electric Co. or to some of its subsidiaries.

What I seek to accomplish by the resolution is to ascertain whether such a combination exists. I have charged it; others in the Muscle Shoals debate have charged it. Do we want to cover it up? Do we want to say there is nothing to it?

Mr. President, although I dislike to take up the time of the Senate, I have on my desk here the report of the general legislative committee on housing of the New York Legislature, known as the Lockwood committee report. It develops—and I do not think the fact has been shown here as yet—that the General Electric Co., charged by the Government of the United States with being a trust and a monopoly in a Federal court at Toledo, Ohio, plead guilty, and this report says the charges made in the bill of the Government to which this defendant plead guilty are far-reaching and of the most damaging kind.

Mr. KING. Mr. President, will it bother the Senator if I ask him a question?

Mr. NORRIS. No.

Mr. KING. I should be very glad to have the Senator elaborate the point he is now making, but before proceeding to do that, I should like to inquire of the Senator just exactly the meaning——

Mr. NORRIS. If the Senator will allow me, I should rather take up the question which he has in mind after I complete this portion of my statement.

Mr. KING. I do not wish to interrupt the line of the Senator's thought.

Mr. NORRIS. I realize that if this debate is not concluded before 2 o'clock the resolution will go over. I do not want to take the time of the Senate; I did not anticipate that anybody would expect me to do so because of the evidence which has already been produced, and I wish to say frankly to the Senate that all I ask is a vote. I am going to do the best I can to get a vote.

If the resolution shall go to a committee and shall be buried in a pigeonhole, I will still seek to have a vote on it at this session of Congress. I have no right to ask that the resolution shall be adopted, but I do have a right, especially after all the evidence that has been produced in the debate, to ask that the Senate shall pass on the resolution. If Senators want to vote it down, that will end it, of course; but I do not want any

method adopted to prevent a vote. I have no disposition to curtail debate and I do not care how long the debate may run, but it occurs to me that much more than a prima facie case has been made in the debate on the Muscle Shoals bill. I tried to have the resolution passed at that time. The proposed investigation is not going to cost millions of dollars; it is not going to be a very expensive investigation, as I understand. All those who will undertake the investigation will have to do will be to examine records. There will not be much else for them to do.

Now, referring to the Lockwood committee report, they say, on page 131:

The General Electric Co.—

That is the head of this whole concern—

has almost a complete monopoly of the business of manufacturing, selling, and distributing to the consumer all the electric lamps that are used in the United States and it also does a substantial export business. It apparently acquired and holds that monopoly by evasions of the judgment of the United States Circuit Court which was entered upon its plea of guilty to the grave charges solemnly preferred against it by the United States Government in 1911.

We must bear in mind that this report is not nearly so broad as was the debate here on the Muscle Shoals bill. The Lockwood committee was appointed to investigate housing conditions, and confined itself to that branch of the subject. It will be found that the General Electric Co. is not confining its business to electric-light fixtures that are used in the homes and houses, although it controls that business too, but it also controls to a great extent—I charge, at least, and I want the investigation to show whether my charge is true or not—the manufacture in the main in the United States of all sorts of electrical equipment for great plants where two or three hundred thousand horsepower of electricity are generated.

The Lockwood committee says further:

After making extravagant charges against its manufacturing cost for the purpose of reducing the apparent profits, the prices at which its lamps are sold still appear to allow an admitted margin of from 150 per cent to 300 per cent between the manufacturing cost and the price paid by the consumers. About 70 per cent of this profit is absorbed by methods in the distribution of lamps to which the company insists on clinging in order to throttle competition between the jobbers and retailers to whom it sells these lamps under the pretext of consignment contracts accompanied by limitations on the resale prices, which it fixes, we believe, in violation of the terms of the decree to which reference has been made.

I might read on at great length from this report, but I will merely read a few more excerpts.

The exorbitant profits have been "camouflaged" by excessive charges against new plant construction account from which the following appear.

Then, they follow with a lot of figures to show that, and they wind up by saying:

We believe this has been done for the purpose of hiding profits.

In another place they say:

The history of the various devices by which this monopoly has been acquired and is held is recited by the Government in its bill of complaint.

Now listen to this, Senators; this is to what they plead guilty:

It will be difficult to find in the archives of the courts a more scathing arraignment than that to which this corporation pleaded guilty in 1911.

The company was then said to control 60 per cent of the business of the country and the purpose of the judgment was to destroy that control. The company, despite the terms of the decree which was entered upon its consent, now controls at least 96 per cent of the business of the country and is at the present time seeking to eliminate the remaining possible 4 per cent.

The report goes on to tell how it is done, and so on. They have holding companies and subsidiaries, and utilize various other devices.

Your committee is advised that the judgment of the Federal court has been violated and accordingly has caused the record made before this committee to be forwarded to the Department of Justice of the United States.

Mr. President, the attorney for that committee was Samuel Untermyer. At the time Mr. Daugherty was Attorney General, and Mr. Untermyer had correspondence with Mr. Daugherty; he tried to get Mr. Daugherty to commence prosecution or to authorize the prosecuting attorney in the city of New York to commence, and he went so far as to proffer the assistance of any of the attorneys that he might select that had been used by this committee, without any cost to the Government, if he would do it; and of course the Attorney General refused to do anything.

In a recent letter, dated on the 1st of January, Mr. Untermyer, writing to me, uses this language:

The General Electric Co. is as completely and effectively dominated and controlled by the banking house of J. P. Morgan & Co. as though they owned the entire share capital, and that has been true for many years. The stock is widely scattered, but, in fact, the officers of the board of directors are selected by Messrs. Morgan, who are not only the bankers of the company but are largely responsible for its policies. The Electric Bond & Share Co. is one of its many subsidiaries. It is in the nature of a holding company and is, I believe, the medium through which many of its bond and stock issues are made.

At another place in his letter he says:

My investigation of the Lockwood committee into the activities of the General Electric Co. had to do principally with its monopoly of the manufacture, distribution, and sale of electric light bonds. The way in which it has secured and maintained that monopoly is about as disgraceful a chapter as can be found in the history of companies that are thriving in defiant violation of the antitrust laws.

* * * * * * *

The General Electric Co. and the Western Electric Co., although nominally independent of one another, are, in effect, operating in the very closest cooperation, and I should not be surprised to learn that they are directed from the same fountainhead, although we took no proof on that subject, and I have no evidence to support that assertion beyond the fact that in the bulb business they operate under a license of the General Electric Co., who maintain the same prices; so that in that branch of the business they are practically one company so far as the absence of competition is concerned.

The violation of the antitrust law by the General Electric Co., which has been continuous since 1910, was so flagrant that our committee made formal demand upon Mr. Daugherty, then Attorney General, to bring criminal proceedings against them, but without avail. There is considerable correspondence between Mr. Daugherty and myself at my office in New York upon that subject.

He writes this from another place:

It was his persistent refusal to act in that and one or two other cases that led to the public attack on him by me, made a little over a year before the investigation of his office was begun. We had no difficulty in securing action by Mr. Daugherty against the minor interstate unlawful combinations connected with the building trades. By arrangement with me he referred them to the United States district attorney at New York, who cooperated with our committee with reasonable fidelity. When, however, it came to the big fellows, especially those under the protection of J. P. Morgan & Co., I was unable to induce him to permit the district attorney to act. He stubbornly held on to those cases himself and would do nothing with them.

* * * * * * *

The General Electric Co. has accumulated literally hundreds of potentially competing patents covering electric-light bulbs, including three or four important inventions made in Australia, Germany, and the United States. They practically control the business, under cover of which they have driven all competition out of the business.

The position I took is confirmed by the decision of the Supreme Court that a combination of competing patents is as offensive to the antitrust law as a combination in articles not protected by patent. In my opinion it is much more offensive. When the Government grants an exclusive privilege covered by a patent, the people have the right to the competition of other inventions.

Mr. President, I am going to ask to insert in the RECORD, without reading, some of the correspondence between Mr. Untermyer and Attorney General Daugherty that bears out every one of the allegations Mr. Untermyer has made in that letter.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

MARCH 23, 1922.

Hon. HARRY M. DAUGHERTY,
The Attorney General, Washington, D. C.

(The General Electric Co.)

MY DEAR GENERAL: I understand you are familiar with the attitude of the Lockwood committee based upon the evidence taken by it and the exhibits, all of which have now been for some time in your possession.

You will doubtless have noted from the comprehensive statement of our attitude made by me at the session of the committee held on January 26, 1922, which is found on pages 6213–6219, that our contentions are:

(1) That there has been a flagrant and continuous violation of the consent decree of October 12, 1921, made by the Federal court at Toledo, Ohio, in a number of particulars; and

(2) That the acquisition of the competing and potentially competing patents that were set forth in the bill of complaint on which the decree was entered and the use that has been and is being made of these patents constitute a willful and persistent violation of the anti-trust laws that should be the subject of immediate criminal prosecution.

If you have examined the record you will also take note of our contention that for years the figures have been juggled by excessive charges to depreciation and in other ways with a view of absorbing the bulk of the exorbitant profits that have been exacted in this business and that one competitor after another has either been bought out or driven out of the business under prosecutions based upon these potentially competing patents.

It would be difficult to imagine a more oppressive monopoly or one that is to my mind more flagrantly violative of the law. Whilst a patent may lawfully be made the basis of a legalized monopoly, owners of patents that are actually or potentially competing have no more right to combine and thus deprive the people of the benefit of that form of competition than if the particular commodity were unprotected by patents.

The story as told in the bill of complaint filed by the Government in 1911 is one of the most amazing recitals of fraud and oppression in the history of the courts. At that time the company, by direct ownership, monopolized only 60 per cent of the business. Now it monopolizes about 98 per cent of the entire business of the country, the volume of which has meantime increased manyfold.

If you will direct your attention to the difference between the manufacturing cost of these bulbs and their uniform selling price, which is maintained through an agency system that is a thinly veiled violation of the consent decree of 1911, you will realize the extent to which the public is being unjustly taxed and the relief that could be secured by smashing this defiant, high-handed monopoly.

I realize the powerful financial and other influences that are behind this company, and the clever legal minds that are guiding it through the labyrinth of evasions of the law so as to give it the appearance of legality, but am relying on the Department of Justice to strip bare the pretexts under which it is attempting to shield its operations.

I respectfully submit that there should be summary action in two directions: (1) By a motion to punish for contempt in the Federal court at Toledo for violation of the decree; and (2) by criminal proceedings in the Federal court at New York.

I am hoping that you will place these prosecutions, as you placed the others, in the hands of the United States district attorney of New York and will supply him with special counsel to conduct these important cases. Although the organization here is quite inadequate to cope with the violations already exposed by the Lockwood committee, the evidence of which has been handed over to the Federal district attorney here, I do not mean to imply that Colonel Hayward, with his able and untiring special deputy, Mr. Podell, and their staff are not exerting themselves to the utmost with the limited facilities at their command.

They are doing their utmost, but they have not the necessary assistance in the way of competent expert trial lawyers, nor have they been able to secure the judges or the other legal machinery necessary to press these cases as rapidly as they should be prosecuted.

At the present rate of progress it will take years to present to grand juries and to bring to trial the many violations of law already brought to their attention that are contributing so largely to the maintenance of the high cost of living.

If, in order to expedite action against these powerful offenders connected with the General Electric Co., you would prefer to deputize any member of the legal staff now connected with the State prosecutions that are being conducted on behalf of the Lockwood committee to take charge of these particular prosecutions, I will see to it that the proceedings are promptly undertaken and pressed to a conclusion without expense to the Federal authorities, but I would rather see it accomplished through your own agencies with such assistance as we may be able to render whenever called upon to do so, provided this can be promptly done.

I assume you have estimated at its proper value the gesture of the General Electric Co. in applying to you to investigate these alleged violations of law after they had been exposed by the Lockwood committee and after it had been publicly announced that prosecutions would be demanded. The published statement made in connection with that gesture, to the effect that the company had not been given a fair opportunity to present its side of the case is without the slightest basis, as you will observe by reference to the minutes of the proceedings before the committee.

You will there find that the company was invited to present any witnesses whom it saw fit to have called and that each witness from the ranks of the company who was examined was urged at the conclusion of his examination by the counsel of the committee to read over his testimony and make such explanation as he cared to present and that whilst several witnesses were not permitted to be examined by their own counsel, which would have been contrary to all the precedents of legislative investigations and would render such investigations impossible, the company was invited and availed itself of the opportunity of putting to the several witnesses such questions as it saw fit to submit through the counsel for the committee, and that all the questions requested to be asked of the witnesses were, in fact, asked. The committee went further in this direction than any investigating committee has ever gone.

Very respectfully yours,

SAMUEL UNTERMYER.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., March 25, 1922.

Hon. SAMUEL UNTERMYER,
Attorney at Law, New York City.

MY DEAR SIR: I have your letter of the 23d instant, and consider that the representations made therein justify a careful examination of the matters referred to as quickly as possible. The matter will be expedited as much as possible, though it can not be attended to at once for the reason that certain parties I am desirous of consulting with are not here, and the department, as far as my assistants are concerned, is undergoing an embarrassing disadvantage at this time because of the serious illness of two assistants and others whom I depend upon for advice and assistance in these matters. I will let you hear from me a little later.

Very truly yours,

H. M. DAUGHERTY,
Attorney General.

MARCH 31, 1922.

Hon. HARRY M. DAUGHERTY,
Attorney General, Washington, D. C.

(General Electric Co.)

MY DEAR GENERAL: I have your letter of the 25th instant, from which I regret to learn of the serious handicaps in your department due to the illness of assistants and others upon whom you depend in the matter to which I refer in my letter to you of the 23d instant. I note also that I am to hear from you a little later.

It is now almost three months since the detailed disclosures of the offenses complained of against the General Electric Co. were made by the Lockwood committee, at which time the facts were doubtless brought to your attention through the United States district attorney at New York. Complaint is constantly being made against Federal and State public officials charged with the administration of the criminal laws that whilst there is ample time at the disposal of these officials for the punishing of small and helpless offenders there is great difficulty in putting the machinery of justice in motion against the men of power and influence.

That feeling is constantly growing on the community, and I am particularly anxious that this reproach shall not attach to the work of our committee, which accounts for my solicitude with respect to the prosecution of the grave offenses that we believe have been established against the General Electric Co. and its officials. But for the fact that these are distinctly violations of interstate law and of a decree of the Federal court, which is not enforceable by State process, our committee would have dealt very promptly with this situation with the machinery we have set up for the purpose and that operates very much more rapidly than the processes in the Federal courts in connection with these cases.

I regret that you have not been able to see your way clear to adopt my suggestion that this particular business be turned over to the Federal prosecuting officers of this district, but am hoping that you will soon be able to deal promptly and effectively with the situation.

I repeat our offer to furnish you with every assistance and facility within our reach of which the Department of Justice is willing to avail itself.

Very truly yours,

SAML. UNTERMYER.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 1, 1922.

Hon. SAMUEL UNTERMYER,
New York City.

MY DEAR SIR: I have your letter of the 31st ultimo. Colonel Goff, who has had this investigation in charge, is still too sick to be seen and I can not take the matter up with him until he gets better.

I note your reference to the complaints that are constantly being made against Federal and State officials charged with the administration of the criminal laws and the impression that there is ample time at the disposal of these officials for the punishing of small and helpless offenders. Such complaints are unjustifiable as far as the Department of Justice is concerned, but they are usual and can not be helped. With the force we have we are going along with these matters in connection with the Federal prosecuting officers of the district and I feel satisfied that the results will meet the expectation of the people and the necessities of the situation. I am sorry I can not adopt all the suggestions you make from time to time; I have very good reasons for not doing so, and perhaps if you were in my position you would see the situation as I do.

Very truly yours,

H. M. DAUGHERTY,
Attorney General.

APRIL 4, 1922.

Hon. HARRY M. DAUGHERTY,
Attorney General, Washington, D. C.

MY DEAR SIR: I beg to acknowledge receipt of your letter of the 1st instant, from which I regret to learn that Colonel Goff is still ill and beg to express the hope that he will soon be restored to health.

I wish it were possible for me, in the light of the experience we have had, to share your optimistic views—"the results will meet the expectation of the people and the necessities of the situation." So far as I am able to form any judgment whatever, the results will do neither. The force continues to be totally inadequate.

Very truly yours,

SAML. UNTERMYER.

Mr. NORRIS. I have also examined some of the evidence that they took; and, Mr. President, although that decree was rendered years ago, as he says there, and as the committee says in its official report, they have been violating it ever since, in defiance of a decree rendered on a complaint to which they plead guilty, and no action was taken.

Mr. President, in the Muscle Shoals debate here it developed that the General Electric Co., in a general way, controlled all the electrical devices, both great and small, all over the United States, and from a part of foreign countries. Is the Senate of the United States going to close its eyes to those facts, brought out here in the discussion of a bill on which it had to take official action? Are we going to say now that we shall not direct the Federal Trade Commission to investigate these charges and ascertain whether they are true or false? Are these statements, standing up to date uncontradicted, such that we ought to remain silent and close our eyes? If half of these statements are true, this trust reaches into practically every home in the United States.

I notice that the Senator from Pennsylvania has moved that the resolution be referred to the Committee on Interstate Commerce. See how unjust that would be if it were going to be referred to a committee? The entire investigation out of which this all arose came from the Committee on Agriculture and Forestry. Ordinarily I should not ask that such a resolution be referred to the Committee on Agriculture and Forestry; but this is one of the side lights of Muscle Shoals. It came out here and came before the country on account of the investigation made by the Committee on Agriculture and Forestry of the Muscle Shoals proposition; and I submit that if you want to be even fair with your standing committees you ought not at this stage of the proceedings to take the investigation away from that committee and give it to another one.

But, Mr. President, the resolution ought not to be referred to a committee. It is making an exception to the general practice of the Senate. This resolution ought to be passed or it ought to be beaten, one or the other, and we ought to vote on it, rather than to whip it around the stump and send it here or there.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield to the Senator.

Mr. SMOOT. Has the Senator any information as to what the investigation will cost?

Mr. NORRIS. Yes.

Mr. SMOOT. I told the Senator yesterday that I had been trying to secure information as to its cost.

Mr. NORRIS. I have it.

Mr. SMOOT. The information that I have runs all the way from a million dollars up to four or five million dollars. Personally, I do not know anything about what it will cost, but I wanted to learn the cost, and I therefore desired to ask the Senator if he has any information at all on the subject.

Mr. NORRIS. I think that is a perfectly proper question. I could hardly conceive that when the resolution came up today anybody would object to it; I supposed that it would go through. I have in my office a report of the cost of all investigations that have ever been made by the Federal Trade Commission. I had an estimate made on this cost, and of course I realize that it is only an estimate. Nobody can tell accurately; but I think the Senator from Pennsylvania and the Senator from Utah and those who think it is going to take two or three million dollars to make this investigation are away wide of the mark. The man who investigated it for me and gave me an opinion on it, who was formerly connected with the Federal Trade Commission and is one of the men who were instrumental in making a great many of their investigations, and knows in detail all their procedure and everything, estimated to me that it would cost $75,000 to make this investigation.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. NORRIS. Yes; I yield.

Mr. BRUCE. Apropos of what the Senator said about expense, I simply want to say that the Interstate Commerce Committee had quite an instructive experience in that respect. A resolution was pending before us to investigate railroad propaganda, and we asked the Interstate Commerce Commission to report to us what it would cost to conduct the investigation. They reported that it would cost some $400,000. So it seems to me that when the Senator from Nebraska estimates that it will not cost more than $75,000 to conduct this investigation, the estimate is hardly likely to be borne out by the facts.

Mr. NORRIS. I am not giving my opinion, I will say to the Senator. I do not see why it should be an expensive investigation. Here is something that I prepared myself, with the assistance of some friends who were interested in helping me get information in the Muscle Shoals debate. It did not cost a penny to have that map made, although it took several days' time of two or three men to do it. They get that information from the records. Why, if this were official, if I could put an official stamp on this, it would be almost the complete investigation. There are some other corporations that they do not have in here that I know about; but no one would think that would take lots of time. It is mostly examining records, examining reports, examining Poor's Manual, making an examination of statistics. I do not think it is going to be an expensive investigation; but, Mr. President, I should be for it even if it were expensive. I think the country ought to know it, and I do not believe that the Senate can afford to conceal it from the country.

Mr. President, I hope we can dispose of this resolution before 2 o'clock. If Senators want to debate it longer and will agree to a time for a vote, I have no objection. I do not want to curtail debate; but from what has gone before in the Muscle Shoals debate I supposed everyone would acquiesce in the resolution.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. Yes; I will yield now to the Senator. I forgot to yield to him before.

Mr. KING. I want to make an inquiry of the Senator for the purpose of understanding just the scope of the resolution. I direct the attention of the Senator to page 2, commencing at the semicolon in line 5, down to and including the word "thereof" in line 12. Does the Senator mean, by the language embraced within those lines, to require an investigation as to the holding of every individual in the United States who may have stock or interests in little power plants or corporations, industrial or otherwise, that may be related remotely or directly to the manufacture of power, or to any of the devices and facilities used in illumination?

Mr. NORRIS. Oh, no, no. Let me read all of that down a little farther than the Senator has called my attention to. It reads in this way:

> And also particularly to investigate and report, together with other and pertinent facts, the extent to which banks and trust companies and the principal companies manufacturing electrical equipment and apparatus, or owning important patents for the manufacture of such equipment and apparatus—

And that will not be very many—

> and other important industrial companies, or the officers, directors, and stockholders thereof, have a legal or equitable interest in the stock, bonds, or other securities of any of the public-utility and holding companies and associations above referred to.

In the first place, it refers to only the principal companies, and I take it that there would be no investigation of all the

little companies which exist here and there over the United States.

Mr. KING. I direct the attention of the Senator directly to the words "and other important industrial companies." That is a clause which is susceptible of very latitudinous construction. Is it to be left to the commission to determine what are the important industrial companies, and the extent to which the investigation of them shall be made? The great manufacturing plants of the United States, the cotton and woolen mills, and what not, are industrial companies. Clearly, the Senator does not intend to have them investigated.

Mr. NORRIS. No. Let me call the attention of the Senator to the language a little further on.

And other important industrial companies, or the officers, directors, and stockholders thereof, have a legal or equitable interest in the stock, bonds, or other securities of any of the public-utility and holding companies and associations above referred to.

I think that limits it so that they would not go off on a tangent and investigate a lot of companies that are not connected with this trust.

Mr. KING. So that we may not be driving at ostensibly the same objective, and yet not understand each other, is it the intention of the Senator to limit the investigation, first, to the determination of whether there is an electric trust; second, if there is, the operations and ramifications of the trust; third, whether the banks finance and control this trust; and, fourth, to what extent other corporations, industrial in character, as well as banks, individuals, directors, and what not of banks, own stock in this great trust?

Mr. NORRIS. I want to have the trust investigated clear through, and if banks and trust companies own stock in it, or in any other way control the trust by interlocking directorates, or in any other method, I want them investigated. I want the facts to appear, in other words. If some other big manufacturing concern is connected with the trust and participates in the control of it, I want to know to what extent; but that is all. For instance, I would not take it to be the duty of the Federal Trade Commission to investigate a cotton-manufacturing concern, unless it appeared that that cotton-manufacturing concern was one of the directing forces of this trust, and insisted in carrying out the monopoly which this trust obtained, or which at least I think it has.

Mr. KING. Mr. President, it seems to me that there can be no objection to an investigation; indeed, that it would be quite pertinent and proper to have one to determine as to whether or not there is an electric light and power trust in the United States. I submit that an investigation limited to that object would be particularly pertinent and proper now, in view of the fact that we have recently passed the so-called Underwood bill, under which, if it shall become the law, the duty will rest upon the President either to engage in certain power activities for the Government, or to execute a lease for the purpose of having a power plant built and fertilizers manufactured.

The President ought to be advised, if that bill shall become a law, as to the various interests of all persons who may offer themselves as lessees for the Muscle Shoals plant. If there is a power trust in the United States I am sure the President of the United States would be glad to know that fact, and that might determine his course in the matter of leasing Muscle Shoals.

I have no objection to the resolution if it is properly limited; and my present objection is because of its lack of clarity. I am afraid that the commission will construe it as a mandate to investigate every bank of the United States with a view to determining whether any director or stockholder of record has any stock in any public-utility corporation, or in any power company, or in any corporation which is engaged in the manufacture of any of the devices used in illumination. I am afraid that they will regard it as a mandate to investigate every industrial corporation in the United States for the purpose of ascertaining whether any stockholder or director, or the corporation itself, is directly or remotely interested in any electric plant or in any industrial organization engaged in the manufacture of the devices used in illumination.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. KING. Certainly.

Mr. NORRIS. The Senator will concede, I think, that if an investigation showed that some concern, no matter what it might be called, or what its business might be, was connected with this trust, it would be their duty to look into it.

Mr. KING. I agree with the Senator.

Mr. NORRIS. That is as far as I want to go.

Mr. KING. If this resolution is limited to that, I shall support it.

Mr. NORRIS. I think it is limited to that, I will say to the Senator, because it refers further down in the language to the "companies and associations above referred to."

Mr. KING. I would like to say to the Senator that if he is seeking information for the purpose of bringing convincing evidence that a great trust exists in violation of the Sherman antitrust law, in the hope that the administration will prosecute that trust, I think he is reckoning without his host. The Senator knows that during the past few years the Federal Trade Commission has investigated a large number of corporations which are properly labeled "trusts," which have flagrantly and wantonly violated the Sherman antitrust law and imposed upon the American people to the extent that it can be said that they have been exploited and robbed by great trusts and monopolies in the United States.

The commission has submitted to the Attorney General between 50 and 60 reports showing flagrant violations of the Sherman antitrust law. I am betraying no confidence when I say that I importuned the former Attorney General, Mr. Daugherty, and his assistants, to take cognizance of those reports and to initiate prosecutions against the trusts covered by the reports. The Department of Justice declined to do so, as its officials declined when Mr. Untermyer urged that prosecution should be inaugurated by the Department of Justice.

I believe that the last Attorney General, Mr. Stone, when he had become accustomed to the duties and responsibilities of his office, as he doubtless soon would have, would have been compelled, by reason of public opinion, as well as by a desire to discharge his duties, to take up those reports and to initiate prosecutions; but I regret to say that the former Attorney General, Mr. Daugherty, and his assistants, failed to prosecute many trusts and corporations, where the evidence, gathered by the Federal Trade Commission, was conclusive, and was submitted to them as a basis for their action.

I do not hope that this administration, which has been elevated to power in part by the influence of the great trusts and the great corporations of the United States, will feel constrained to pursue a different course from that which was pursued under the Harding administration, and thus far under the Coolidge administration.

Mr. PEPPER. Mr. President, I have no thought of shutting off the light or stopping an inquiry if, after mature consideration, it seems wise that such an inquiry as the one outlined in the resolution should be undertaken. I think the Senator from Nebraska makes a mistake, which is quite natural under the circumstances. He imputes to many of his colleagues a degree of information regarding the matter touched upon by this resolution, which seems natural enough to him, in view of the special study he has given to the subject in connection with the Muscle Shoals inquiry, but, speaking for myself, and I think for a number of other Senators, Mr. President, our information on the subject is extremely vague.

I know nothing which would make me feel justified in voting to spend public money in pursuit of an inquiry of this sort. I want the judgment of a responsible, standing committee of the Senate, that we are going to get our money's worth; that if we are to spend whatever it costs, from $75,000, as the Senator from Nebraska estimates, up to $4,000,000, which is the maximum estimate that has been given to the senior Senator from Utah [Mr. SMOOT], we are going to get our money's worth, and that our investigation will follow a line which will be productive of results tending to the public good.

I share with the junior Senator from Utah [Mr. KING] the opinion that the resolution, properly construed, is far broader in its terms than its author seems to think. If I were a member of the Federal Trade Commission and the resolution were placed in my hands as a mandate from the Senate, I should feel that I would have to investigate precisely on the lines which the junior Senator from Utah has indicated, and if that were done we would have a time-consuming, costly, and a far-reaching investigation, which might not produce results in any way compensatory for the money and time spent on it.

I think the resolution should go to the Committee on Interstate Commerce; that it should be carefully studied in the light of whatever considerations the Senator from Nebraska may see fit to lay before that committee, and I should hope that it would be very much modified by amendment by the time it came back to the Senate, so that all of us could vote for an inquiry on proper lines, within proper limitations, and likely to be productive of the results that all of us hope for.

Mr. REED of Missouri. Mr. President, I want to ask the Senator from Pennsylvania a question: Does he think that if the resolution takes the course suggested by him it can be

reported back, and will be reported back, in time for action at this session?

Mr. PEPPER. I know of no reason why that should not be done. If the investigation which the committee must give to this question had to be so far-reaching and extensive that action could not be taken on the resolution by the committee at the present session, it would be an indication to me that the inquiry which is the object of the resolution would be a most formidable undertaking and one which we should not enter upon without deliberation.

Mr. REED of Missouri. Of course, the question whether action *can* be taken is one thing; the question whether action *will* be taken is quite another.

Mr. PEPPER. If the Senator asks me what the committee would do——

Mr. REED of Missouri. I was trying to get the Senator's view as to whether action would be taken. I do not hold to the view for a moment that we need any information at all to warrant us in the conclusion that there are some things upon which it would be beneficial to have light. The resolution may be very broad, and I think it is very broad. I conclude, as I hastily examine it, that it might be given a construction so broad as to give an almost limitless jurisdiction. But that we have sufficient evidence before all of us to warrant the conclusion that the process of consolidation in electrical development has advanced—I will not say to an alarming extent, but to an extent where information is desirable—I have no doubt, and there can be but little doubt about it.

It seems to me that the resolution could, without losing its place, go over until to-morrow. The Senator who is its author perhaps might modify its language. We might then be able to act upon it. However, if it is referred to a committee, with the present temper of the Senate considered and the disposition to get through and to attend to other matters, I am very fearful that it would never see the light of day at this session. Of course, it would be dead at the next session. May I suggest to the author of the resolution whether we could not by unanimous consent postpone consideration of the resolution until the morning hour of to-morrow, with the further stipulaton that the resolution might then be regarded as in a parliamentary position for consideration?

Mr. PEPPER. Mr. President, speaking only for myself, it would require a good deal of debate and discussion and the exhibition of evidence and data to satisfy me that we have reasonable and probable cause for instituting the investigation. In the present condition of the business of the Senate I should much prefer that that inquiry be made by one of the regular organs of the Senate provided for such purposes. I think if we fix a time and debate the question upon the floor, we are not likely to use our time profitably. If the resolution goes to a committee, I should apprehend, if that committee is the Committee on Interstate Commerce, that we might look for a report at a reasonable date, because the principal question about which I am concerned is whether we are starting to inquire into matters which are already cognizable by State public service commissions and whether there is interstate matter here which justifies our inquiry at all. That is the reason why I mentioned that committee.

Mr. REED of Missouri. Of course, if it is the purpose to refer the resolution to a committee with the idea that the committee must conduct a long preliminary investigation in order to determine whether or not there is anything to investigate, then we all know that the resolution will not come back to the Senate at this session in time for action. If it is the purpose merely to examine the phraseology of the resolution and to ascertain whether it is so broad that it ought to be limited, that latter task can be easily performed between now and the morning hour of to-morrow.

I take it from the remarks of my very able friend from Pennsylvania that what he really wants is an investigation to find out whether we ought to have an investigation, and therefore that part of his request is that we shall place the resolution in a position where it will not receive action at the present session of Congress. I am opposed to killing the resolution. I think there is abundant reason for a gleaning of information for the benefit of the Congress, touching at least certain of the subjects referred to in the resolution. I am inclined to think the resolution rather broad and sweeping, and perhaps so broad and sweeping as to defeat in part its purpose, because if the investigation should take an enormously wide scope the delay in a report would be so great that the objects of the author of the resolution might be at least in part defeated.

The Senator from Pennsylvania made a statement which I think throws a little light on the course an investigation might take. He said that he wants to ascertain whether the information is not already in the hands of the State utility commissions or boards. If the information be there, it would require an investigating committee but little time to collate it, digest it, and bring it here in concrete form. So it would be a very happy way and we could look for a very speedy termination of the investigation. But in so far as he raises the question of whether interstate business is involved I think that no man of his great intelligence and experience through contact with large business concerns in his professional capacity could have the slightest doubt that those organizations in many instances are interstate in their character. But whether interstate or not is not a very material thing, for in our legislation touching the affairs of the country we are frequently interested in business conditions which may be limited entirely within the confines of particular States.

I make the suggestion to the author of the resolution that he ask to have it go over until to-morrow morning without prejudice and let us all have a little time to consider it. If he wants to force a vote this morning, I shall vote for the resolution, but I would like to have an opportunity to study it.

Mr. NORRIS. Mr. President, as I said before, I have no disposition whatever to limit debate or consideration in any way. I would not object to having the resolution go to a committee if I thought it would ever see the light of day afterwards, but when the subject, with all of the debate and all of the discussion, originated with one committee, and we come here and find a Senator moving that the resolution be referred to a different committee that must take it up de novo, I am impressed with the thought that if the motion prevails it is just as certain as the sun shines to-day that the resolution will never see the light of day at this session—and that is without finding any fault with the committee. They can start in and investigate from now until the 4th of March if they want to, sending for witnesses all over the United States, to ascertain whether or not there is a trust. When they get all through with it, if they think there is a trust they will report the resolution and recommend that it be adopted, and then the Senator from Pennsylvania, I presume, would be satisfied to pass it.

In other words, the committee would investigate the very thing that the resolution proposes should be investigated by the Federal Trade Commission. They could send to the State of Washington for witnesses. There are some there. They could send to the States of Florida and Alabama and all over the United States for witnesses. All of the committees of the Senate at this stage of the session are very busy. What committee is going to take up this subject and go into it? If there is one member of the committee who wants to kill the resolution, he can demand the calling of witnesses as I have suggested and the investigation would extend easily until after the 4th of March. The committees are not in condition to start in at this time in the session to make such investigations. Ordinarily, if the resolution were referred to a committee and they were acting in good faith, and everybody on the committee wanted to have done rapidly whatever was done at all, they would make only a preliminary survey of the situation. They would act something like a grand jury. They would not expect to make a full investigation.

I thought that was unnecessary for two reasons in this case: First, because it is contrary to the precedent of the Senate, and second, because the matter has been before the Senate now for more than a month. It has been debated and discussed. I tried to have the resolution acted on while the Muscle Shoals question was before the Senate with a view of getting some information before we disposed of that matter, but on account of objection was unable to get action taken. Evidence has been produced here, if it is true, that constitutes more than a prima facie case, and who has denied it? Nobody!

The Senator from Pennsylvania now says that we want a good responsible committee to consider the matter. I can tell him one committee that I think is good and responsible that is in favor of the adoption of the resolution, and they are satisfied from the evidence which has been adduced in the Muscle Shoals debate that it ought to be adopted; but that committee is not the one selected by the maker of the motion to have it referred to. If the resolution goes to the Interstate Commerce Committee and they do what is the evident intention of the maker of the motion to refer it there, it is dead and we might as well make up our minds to that. I say that without any criticism of the committee. They could very easily start an investigation on the subject that would keep a committee of the Senate working every day for six weeks to finish. That can very easily be done, and it would be the easiest thing in the world to kill the resolution in that way.

Mr. DIAL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. NORRIS. I yield.

Mr. DIAL. Can the Senator tell us if he has any hope of a quick report from the Federal Trade Commission?

Mr. NORRIS. I do not know.

Mr. DIAL. My recollection is that some time ago they were very far behind in making reports.

Mr. NORRIS. Yes; the Senator himself had some experience, and while he liked the report very much when he got it he was very nervous because they did not report quickly enough. Perhaps they will not do it here. I do not know; I can not say. But it is safe to say that they will report, and we will get the facts when they report them. If it takes two weeks, that is all right. If it takes six months, let them do it, but it ought to be done and done right, and so far as I am advised it is the best-equipped organization anywhere in our Government to make the investigation. It has a great deal of information already in its files. For that reason it would not be an expensive proposition.

I wish to say to the Senate that I have no objection to any reasonable amendment being made to the resolution. I have frankly stated what I am trying to accomplish. If Senators think that there is danger that the resolution is too broad, and that for the reason it is too broad the Federal Trade Commission would go beyond the point where we desire them to go, I am perfectly willing that the resolution shall be amended. I am also perfectly willing that the resolution should go over until to-morrow or that it should go over until next week, if necessary. I am not asking to rush anything. All I want is what I believe to be fair and honest treatment for the resolution. I do not desire that it shall be pigeonholed and smothered to death.

Mr. GLASS. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. I should like to suggest to the Senator from Nebraska that there are some of us who desire to know whether or not there is a power trust; and if there is, its nature and extent; but we would not be willing to permit the Federal Trade Commission to range through all of the bureaus of the Treasury Department and all of the banking institutions of the country in order to ascertain that specific fact. It seems to me that the resolution is entirely too broad. Should it be adopted, it would enable the Federal Trade Commission to examine every document in the Treasury Department of the United States, whether it might relate to this particular problem or not.

Mr. NORRIS. Mr. President, I think that, in a technical sense, what the Senator from Virginia states is absolutely true. I would not, however, expect the Federal Trade Commission to do such an unreasonable thing.

Mr. GLASS. I do not know about that. I am a great advocate of the Federal Trade Commission. I have always voted to sustain it with appropriations and have regretted that appropriations for the commission have not been more liberal. I think the Federal Trade Commission has done a great service in the face of bitter congressional antagonism. For myself I do not participate in the opposition to the Federal Trade Commission. I think, however, that because of antagonism the Federal Trade Commission has become very jealous of its functions and very keen and desirous for information upon all sorts of things; and if we shall turn it loose under a resolution which is so broad as this, we may be sure that it will try to learn everything it can learn, whether it may relate to this particular problem or not.

Mr. NORRIS. I desire to suggest to the Senator from Virginia that I do not want the investigation to go beyond this particular problem.

Mr. GLASS. I assume that that is the Senator's position.

Mr. NORRIS. As I have previously stated, I have no objection, if Senators think that the resolution is too broad, to having it amended. I do not, however, desire that the resolution shall be put in such shape that the commission will be curtailed in its investigation. I do not wish to tie them up in such a way that they will not be able to get the information upon which we may base a conclusion.

I put into the resolution the second resolve in reference to examining matters in the Treasury Department for the reason I will now state. I am not sure that the second resolve amounts to anything, but I will be perfectly frank with the Senator from Virginia. I had this in mind: It occurred to me that possibly the commission might be able to get records in the Treasury Department from the returns of corporations and individuals that would show their connection, if they had any, with any of the organizations and associations which the commission were investigating.

I did not consult with any member of the Federal Trade Commission or do anything of that kind in order to ascertain whether that would be desirable, and I do not now know whether the investigation by the commission would take that course. I may be entirely wrong about the matter, but it occurred to me that in case of dispute, perhaps, as to whether a certain corporation controls this subsidiary or that subsidiary, the returns that they made in the Bureau of Internal Revenue of the Treasury Department might conclusively settle the question. I therefore desire to give the commission an opportunity to examine the returns with that idea in view. That was the only thing I had in mind. It may be that the resolution would be better with the second resolving clause stricken out. Perhaps the commission would not care to have that power; perhaps they would not care to use it should it remain in the resolution.

If Senators feel that the resolution is too broad and they would like to have an opportunity further to consider it, there is no disposition on my part to press it to a vote now. I am perfectly willing even to having the resolution referred to a committee, if I may be assured that it will come back to the Senate within a reasonable time, a week or such a matter. I am not only willing that the resolution shall go over until to-morrow, but I am willing that it shall go over until next week, and let every Senator examine it in order that we may frame a resolution which shall fairly and honestly state its object. If I have not correctly stated it, I should like to have the resolution put in such shape that that shall be done.

Mr. DIAL. Mr. President——

Mr. NORRIS. I yield to the Senator from South Carolina.

Mr. DIAL. Mr. President, I desire to say that I think highly of the Federal Trade Commission, but I merely mentioned that it would probably be a very long time before we could get a report from the commission on the subject involved in the resolution of the Senator from Nebraska if investigation should be referred to them. My information is that the calendar of the Federal Trade Commission at this time is very much crowded. I am not advocating a reference of the resolution, but if the Senator from Nebraska will suggest that the resolution go over, I think that will be the proper course to be taken for the present. However, I am opposed to the adoption of the resolution at any time.

Mr. SIMMONS. Mr. President, I had in mind to suggest to the Senator from Nebraska if he has any apprehension in case the resolution is referred to a committee that it would be pigeonholed or that otherwise a report upon it would be unduly delayed, that the motion of the Senator from Pennsylvania [Mr. PEPPER] to refer the resolution might be amended so as to require the committee to make a report within a limited period of time, say, within a week.

Mr. NORRIS. Yes.

Mr. SIMMONS. I have not had an opportunity to examine the resolution until this morning, and I only examined it carefully this morning because it had been suggested to me that its terms were probably too broad and that the investigation proposed was unnecessarily sweeping. I have been and am now entirely in sympathy with the desire and purpose of the Senator from Nebraska to have an investigation for the purpose of determining whether or not there is a trust or monopoly of power and electrical energy in this country. I think an investigation of that sort would be very helpful, and I think it ought to be made; but I do not think in making an investigation for this purpose that the scope should be any broader than is necessary to develop the fact of whether or not there is such a combination.

Upon reading the Senator's resolution I think that it is entirely too broad. I think probably if the Senator had stopped at the word "business," in line 5, on page 2, the resolution would be quite broad enough.

Mr. NORRIS. Mr. President, if the resolution stopped there, there would be eliminated from the resolution one thing that I think ought to be in it and which I deem very important.

Mr. SIMMONS. There may be one additional thing that might be important, but all of the additional things, I think, are not important.

Mr. NORRIS. As I have said, I am perfectly willing to strike out anything that is not necessary, but I do not want to eliminate from the resolution the direction to the Federal Trade Commission to see what financial institutions are connected with this outfit.

Mr. SIMMONS. That might be proper.

Mr. NORRIS. If we eliminate that that would cut out the meat of it, in my judgment.

Mr. SIMMONS. What I am suggesting to the Senator is substantially what the Senator from Missouri suggested, that it would be a mistake to include a line of investigation that would lead the Federal Trade Commission off into all sorts of tangent and collateral matters probably not calculated to develop any real light upon the controversy. I think—I will not use the word the Senator from Missouri used; I think he said destroy the effect of the investigation, but it certainly would embarrass the investigation, and probably when we should get the report it would be so encumbered with irrelevant and collateral matters that it would not receive the same consideration or have the same effect that a more direct investigation and report would have.

I hope the Senator will either consent to have the resolution referred to a committee, limiting them as to the time in which they must report it, or will let it go over so that we may have more opportunity and time to investigate and study proposed amendments.

Mr. NORRIS. I am willing to do either one so far as I am concerned.

Mr. WALSH of Montana. Mr. President, if this matter is to go over in order to permit the resolution to be perfected I trust that that action will be taken at once. I have given notice that I desire to invite the attention of the Senate this morning to another matter.

Mr. NORRIS. Mr. President, I will act on that suggestion and ask the Senator from Pennsylvania——

Mr. SIMMONS. If the Senator from Nebraska will pardon me, I think it will be more satisfactory if the resolution were referred to a committee with the proviso which I have suggested.

Mr. NORRIS. That is just what I was going to ask.

Mr. SIMMONS. I do not think a committee under those circumstances or any circumstances would attempt to emasculate the Senator's resolution, but they would report back, I take it, in good faith a resolution providing for such an investigation as they thought was necessary to accomplish the manifest purpose of the introducer of the resolution.

If they shall not do that in their report, then of course it will be open to amendment by the Senator from Nebraska or any other Senator who may want to enlarge the scope of the proposed investigation beyond that provided for in the committee's report.

Mr. NORRIS. Mr. President, I move to amend the motion of the Senator from Pennsylvania by adding the words "and the said committee is directed to report said resolution back to the Senate within six days."

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The question is upon the adoption of the amendment of the Senator from Nebraska to the motion offered by the Senator from Pennsylvania to refer the resolution to the committee.

The amendment to the motion was agreed to.

Mr. NORRIS. Now, Mr. President, I have no objection to the adoption of the motion as amended.

The PRESIDING OFFICER. Without objection, the motion of the Senator from Pennsylvania as amended is agreed to.

TEAPOT DOME INVESTIGATION

Mr. WALSH of Montana. Mr. President, it will be recalled that some time before the adjournment of the last session of Congress the Committee on Public Lands, acting through myself, submitted a report of the investigation of the leases of the naval oil reserves.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kansas?

Mr. WALSH of Montana. I yield to the Senator from Kansas.

Mr. CURTIS. I merely wanted the Senator to yield to me for the purpose of suggesting the absence of a quorum, as I note that the Senator from Missouri [Mr. SPENCER], who is interested in the subject, is not at present in the Chamber.

Mr. KING. I should like to ask the Senator from Kansas whether there is any purpose at the conclusion of the morning hour to take up other business. May not the Senator from Montana [Mr. WALSH] have such time as may be necessary in view of the interruptions to present his report?

Mr. CURTIS. I hope an arrangement may be made to that effect, but the Senator from Maine [Mr. HALE], who is in charge of the unfinished business, would first have to be consulted. I would not want to enter into any agreement until we have a quorum call, so that the Senator from Maine may be present. When he comes in I will talk with him regarding the matter.

Mr. WALSH of Montana. Mr. President, I take this occasion to say before the roll call is proceeded with that I shall not detain the Senate more than five minutes for the presentation of this matter.

Mr. CURTIS. I wanted especially the Senator from Missouri [Mr. SPENCER] to be here while the Senator from Montana was addressing the Senate. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Bingham	Ferris	McKellar	Shipstead
Borah	Fess	McKinley	Shortridge
Brookhart	Fletcher	McLean	Simmons
Broussard	Frazier	McNary	Smith
Bruce	George	Mayfield	Smoot
Bursum	Glass	Means	Spencer
Butler	Gooding	Metcalf	Sterling
Cameron	Hale	Norris	Swanson
Capper	Harris	Oddie	Underwood
Caraway	Harrison	Overman	Wadsworth
Copeland	Heflin	Pepper	Walsh, Mass.
Couzens	Howell	Phipps	Walsh, Mont.
Curtis	Johnson, Calif.	Pittman	Warren
Dale	Jones, Wash.	Ralston	Watson
Dial	Kendrick	Ransdell	Wheeler
Dill	Keyes	Reed, Mo.	Willis
Edwards	King	Sheppard	
Fernald	McCormick	Shields	

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum is present.

Mr. WALSH of Montana. Mr. President, the report referred to came before the Senate for consideration during the closing hours of the long session, and remained undisposed of and on the table at that time. I desire now to ask the Senate to act upon the motion then made to approve and adopt the report submitted by the committee.

I did not think it then necessary to make any extended remarks in explanation of the report, the facts being in a general way, at least as recited in the report, within the knowledge of Members of the Senate from various addresses upon the floor and other sources of information open to Members. I have no disposition now, either, to comment upon the report. I take it that every Member of the Senate is advised, in a general way at least, as to the nature of it. I believe that the report as presented by the committee has really had the approval of the Senate, as it has of the country. I merely desire the Senate to go upon record as either approving or disapproving the action of the committee in connection with the matter.

There was filed a few days ago, Mr. President, a minority report which really affords no very good reason, as I view it, why the report of the committee should not be adopted. It is introduced in the following language:

> The undersigned minority members of the Committee on Public Lands and Surveys, finding themselves unable to entirely agree with the majority report, present to the Senate for their consideration this report of the minority.

Then follows the report, which I venture to characterize as a tissue of half truths and misrepresentations and argument characterized by the most evident partisan and political bias. To illustrate, it continues:

> We attach hereto and make a part of this report a list of inaccurate statements, doubtless in many cases inadvertently made, which are contained in the majority report and which constitute one of the reasons why the undersigned are unable to concur in the report of the majority.

There are some dozen or more of those alleged inaccuracies. I shall not take the time of the Senate to comment upon any of them, but I merely state that I have examined them and I find no merit whatever in any one of them.

Then the report continues:

> We agree with the majority report that only one official connected with the Harding administration and no official connected with the present administration has been found guilty of dishonesty or of any other reprehensible conduct.

I forbear from any discussion as to whether any other officials are guilty of any reprehensible conduct or otherwise. I content myself with saying that the report of the majority may be searched from beginning to end for any statement therein to the effect, as stated herein, that no other official has been guilty of any reprehensible conduct.

The report continues:

We agree as well with the majority opinion that the only possible criticism that could be placed upon the conduct of the Secretary of the Navy, Edwin Denby, or of any assistant secretary, relates entirely to the interpretation of statutes glaringly ambiguous and to the inauguration of administrative policies where no express statute exists.

Again I say the report will be searched in vain for any statement in it to that effect, or any statement that will bear that construction.

I merely speak of these as characteristics. There is, however, one matter to which I feel that attention should be called.

Reference is made to the criticism in the report of the failure to invite competitive bids, and the granting of the lease without advertising for bids. The minority report says that in that regard Secretaries Denby and Fall simply followed the precedent which had been established by the preceding administration in the granting of leases without advertising or competitive bids, and reference is made to a particular case in which it is said that the previous administration acted in that way.

Such a statement was made in a document apparently made use of in some way or other in the House which it was sought to introduce in the proceedings in the hearings before the committee of the Senate. The committee excluded it, but in one way or another the Senator from Missouri attempted to get it in. That statement included a statement to that effect, namely, that the preceding administration had let these contracts without competitive bidding.

Reference is made to the record in support of that. The statement is as follows:

Question (in this House document). Is it a fact that Secretary Daniels approved the leasing without public advertisement by the Hon. John Barton Payne, then Secretary of the Interior, and drilling of new wells on naval oil reserves?

The answer is:

A. Yes. Under date of August 21, 1920, the then Secretary of the Navy informed the then Secretary of the Interior that the lease to the Boston-Pacific Oil Co. covering the drilling of five new wells on section 32 of Naval Petroleum Reserve No. 2 was satisfactory to the Navy Department.

Mr. Finney is on the stand. Mr. Finney is the Assistant Secretary, who knows all about these transactions from beginning to end. He is asked:

What have you to say as to the imputation there made that the policy of leasing the naval oil reserves without competitive bidding was inaugurated and initiated by Secretary John Barton Payne?

Mr. FINNEY. I do not think there is anything to that. I think the action in making these leases of these five wells and the 120 acres of section 28 was entirely correct and appropriate.

Senator WALSH of Montana. What do you think of putting out a statement the purpose of which is to inform the public that the policy of leasing naval reserve No. 3, as it was by Secretary Fall to the Mammoth Oil Co. without competitive bidding, out in New Mexico, and subsequently giving Doheny all leases on No. 3, was a policy inaugurated by Secretary Payne?

Mr. FINNEY. I do not think there was any action by Secretary Payne or the President under the other law at all.

The fact about the matter is that the statute provided that when a claimant actually drilled wells upon a certain tract of land, he was entitled to or might be given a lease on that well, and that the President of the United States might also, if he saw fit to do so, give him a lease of the entire claim.

Of course, the President could not lease it to anybody else, and he was entitled to the lease; so there could be no competitive bidding for it, and that is the foundation for the claim that this policy of leasing without advertisement was pursued by the preceding administration.

Mr. President, the minority report is so well characterized by an editorial appearing on last Saturday in the New York Journal of Commerce, never friendly to this investigation, that I content myself with asking that it be read from the desk; and so conclude my remarks.

The PRESIDING OFFICER. The Secretary will read.

The reading clerk read as follows:

[From the Journal of Commerce and Commercial Bulletin, New York, Saturday, January 17, 1925]

THE WORSE AND THE BETTER

Making the worse appear the better reason is an ancient if not very honorable custom. It is a prevailing practice in politics, where splendid examples of it may be found from time to time. One of the best of such is the current report of the Republican minority of the Senate "oil committee," which at this late date is finally made public.

There is no assignment of reasons why the report of this minority should have been allowed to wait the better part of a year before being given out. Such reasons the irreverent reader is likely to find in the fact that a national election has been held in the meantime and in the fact that the subject has been a "ticklish" one from the beginning. There is, however, a more forceful factor than any of these, as the report itself shows. That is that the committee had hard work to put up any sort of a "front." The process of making the worse appear the better argument has not been easy.

But after all, the main facts in the oil scandal have not so wholly faded from the minds of the more intelligent members of the community as the politicians seem to hope. Prosecutions of those guilty in connection with the scandal are still going on, although when and how they will end it is impossible to prophesy. Still the committee is right in its feeling that the real point on which the public wants to be advised is not the nature of Doheny's negotiations with Federal officers or the reason why Sinclair had marines sent to the Teapot Dome, but is the simple question whether the leases were in the public interest or not. As to this the minority has no hesitation in making a plain statement. It frankly says that "the Executive order [transferring the oil lands to the Interior Department] saved millions to the Government and has resulted in conserving in the ground far more oil than would have remained but for the leases."

As to the second great point on which the public has shown interest, the responsibility of Secretary Fall and other members of the Harding administration, the report hastens to repudiate all responsibility, asserting that "crime is individual" and concurring fully with the majority in the criticism of a Cabinet officer "who is shown to have accepted a loan of $100,000 and certain other favors while in office." How can this be? If the act of the Cabinet officer in question were strictly legal, the leases that he made desirable, and the result that of saving millions of dollars to the Government while conserving oil in the ground, what basis is there for blaming him? He apparently did his full duty, observing the law as he did so. In that case what criticism attaches to him? Moreover, if, as the minority of the committee describes it, he merely accepted a "loan," why should anyone object to that? Many a man has had not merely to accept but to solicit and obtain loans, both out of office and in office.

The report of the committee in short is thoroughly hypocritical and insincere. If the "loan" to Fall was a loan, there is no need of this long report about it and no grounds for complaining of it. If it was a gift, there is reason for asking what the purpose of the gift was. If it was merely a reward of merit for enforcing law and saving fabulous sums to the Government, there is about as much criticism to be attached to the transaction as there would be to the awarding of the Nobel prize to an individual who had made the greatest contribution to science. The whole interest in the transaction centers in the fact that payments should have been made at all for action which was apparently just what the law called for, and which, if loans, were loans of a very special and peculiar character, seeming to differentiate them entirely from other payments of a similar sort. The committee's report in short does not "hold water," but is absurdly lacking in consistency and even in common sense.

Why should the farce of treating this whole subject as an issue in partisan politics be maintained? Either the oil policy that was pursued was unwise from an economic standpoint or not. If it was, the sooner it is changed the better for all concerned. Either those who are guilty of the transactions that have been brought to light were irregular or "crooked" or they were not. If they were, their own party may very well repudiate the responsibility for their acts. What is called for is the honest, straightforward restoration of some policy that will conserve our remaining resources of oil and will bring the offenders, if such they be, to justice. There is neither an attempt to attain or support these objects or any apparent recognition in the committee's report that they are desired. So far as given to the public, the finding is simply an evasive political argument of the kind that has become "staled by custom into commonest commonplace."

Mr. SPENCER. Mr. President, I did not hear the statement of the Senator from Montana as to what the article that has just been read from the desk was. Will he be good enough to tell me?

Mr. WALSH of Montana. An editorial appearing in the Journal of Commerce and Commercial Bulletin, of New York, on last Saturday.

Mr. SPENCER. Mr. President, I undertake to say that the man who wrote that editorial had never read the minority report.

All I want to say in regard to the minority report I can say briefly. It is a minority report. It is signed by only five members of the committee—the Senator from Utah [Mr. SMOOT], the Senator from Oregon [Mr. STANFIELD], the Senator from New Mexico [Mr. BURSUM], the Senator from Arizona [Mr. CAMERON], and myself. The burden of proof is, of course,

upon the minority, because one naturally presumes that the majority report, evidencing the judgment of the committee, is the wiser and the better report.

There is much in the 36 pages of the majority report with which the minority agrees. The fundamental facts upon which they agree are set out in the minority report, but there are some reasons why I undertake to say that no fair man who has read the majority report can approve it, because all through it there are statements, of which I shall in a moment give some illustrations, which are unfounded in fact and are criticisms of coordinate departments of the Government that are most unwise.

I do not believe there is very much difference of opinion in this body about the Bureau of Mines, about its usefulness, and about its high character. I believe most Senators, particularly those from the Western States, with which the Bureau of Mines has most to do, believe that their expert judgment is helpful, necessary, and desirable in the prosecution of the Government's activities. The Bureau of Mines believe, as I believe and as the country believes, that oil in the ground is likely to be drained away and that any policy is a wrong policy that would say of our naval reserves, "We will keep the oil in the ground," for when the oil is needed in the time of emergency it may be found that competing wells which have been drilled will have drained the oil and the oil will not be there for the emergency. That was the opinion of the expert oil men in the Bureau of Mines who knew the field, and that was the reason why Secretary Denby and Secretary Fall said, in effect, "To preserve this oil we will take it out of the ground, we will keep it from drainage, we will store it and not use it for current needs, but keep it for an emergency."

I undertake to say in passing, Mr. President, that due to the fact that we have 1,500,000 barrels of oil stored in Pearl Harbor, in Hawaii, and storage facilities almost completed for 2,400,000 barrels, in addition, not a barrel of it to be used for current needs, but all to be saved for an emergency—I undertake to say that due to this reserve of oil the efficiency of the Navy of the United States, in the judgment of every naval power on earth, has been doubled. It was the wise thing to do.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. SPENCER. I yield.

Mr. WALSH of Montana. The Senator has introduced in the report the same statement he has just now made, that the efficiency of the Navy, by reason of this procedure, has been doubled in the opinion of all the navies of the world. Will the Senator give us a reference to the page of the record on which that testimony appears?

Mr. SPENCER. I can not, Mr. President. It was, as I remember it, a statement concerning our oil reserve, and it is common sense, as well, that if this country has an adequate supply of oil which can be used for the oil burning vessels of the United States in an emergency the efficiency of the Navy is tremendously increased.

Mr. WALSH of Montana. I do not want to engage in any controversy with the Senator upon that subject at all.

Mr. SPENCER. For what purpose did the Senator rise?

Mr. WALSH of Montana. This is a report of the proceedings of this committee. I am simply asking where I can find in the testimony anything in relation to that subject.

Mr. SPENCER. I can not give the Senator the reference offhand.

Mr. WALSH of Montana. Will the Senator assert before the Senate that there is any testimony of that character in the record at all?

Mr. SPENCER. I will assert before the Senate that my recollection of the testimony is that in our record it was said, what I believe, and that is, that the naval power of the United States was doubled in efficiency by reason of the oil that was available.

Mr. WALSH of Montana. The Senator has now stated that his recollection is that one witness stated some fact.

Mr. SPENCER. That is my recollection.

Mr. WALSH of Montana. That is the best authority the Senator can give for his statement?

Mr. SPENCER. It is.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. SPENCER. I yield.

Mr. CARAWAY. In the minority report I notice that there is a reference to the patriotic action of the Secretary of the Navy, Mr. Denby, and of the Secretary of the Interior, Mr. Fall, and coupling that with the statement the Senator has just made, that this leasing of these reserves resulted in doubling the efficiency of our Navy, why does not the Senator from Missouri introduce a resolution to instruct our special counsel to dismiss the suits against Doheny and Sinclair, and let this patriotic work go forward?

Mr. SPENCER. Does the Senator really want an answer to that?

Mr. CARAWAY. I am curious to hear the Senator answer.

Mr. SPENCER. If the Senator is sincere about it, there are in that suit legal questions which, of course, ought to be decided.

Mr. CARAWAY. The Senator would not want to have a court decision strike down half the efficiency of the Navy, would he?

Mr. SPENCER. If any illegality attaches to any one of the Government leases, of course it ought to be determined.

Mr. CARAWAY. Then why does not the Senator introduce a resolution to modify the leases, and cure any irregularities in their making, if it was such a patriotic act to perform, and was such a wonderfully helpful thing?

Mr. SPENCER. The Senator answers his question himself, because if the court should decide that those leases were in every particular valid leases and bind the Government, such a resolution would be unnecessary. If it does not so find, this would not be the time for such a resolution.

Mr. CARAWAY. If the court should decide that the leases were valid, will the Senator agree that then he will introduce a resolution to transfer these reserves to Doheny and Sinclair, under the same conditions?

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes.

Mr. SPENCER. Mr. President, I want further to answer the Senator from Arkansas.

Mr. WALSH of Montana. I understand the matter now before the Senate is the naval appropriation bill. I want to ask the chairman of the committee in charge of the bill whether he will not consent to lay it aside temporarily until we can conclude the matter which has been under discussion?

Mr. HALE. Does the Senator think that the matter can be settled within a short time?

Mr. WALSH of Montana. I think so.

Mr. HALE. I am very anxious to proceed with the consideration of the Navy Department appropriation bill.

Mr. WALSH of Montana. I think it will be recalled that the Senator from Missouri talked on this subject about four hours on the last day of the last session, so I am sure that he is entirely satisfied to take but little time now.

Mr. HALE. If the Senator from Montana will agree that if his matter takes any great length of time he will allow us to resume consideration of the Navy Department appropriation bill, I shall make no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana that the Navy Department appropriation bill be temporarily laid aside? The Chair hears none, and it is so ordered.

Mr. SPENCER. I want to complete my answer to the Senator from Arkansas. Of course, the legality of the leases will be determined by the court. In case the leases should be declared to be invalid, other leases upon the same terms to Mr. Doheny and Mr. Sinclair—I use their names instead of the companies which they represent—could not, in my judgment, be made by the Government. I will say to the Senator from Arkansas that the lease to Sinclair in the Teapot Dome is a monumental loss to the lessee. I will say to the Senator from Arkansas with regard to the lease in California, the Doheny lease, that there are no commercial leases that begin to equal in advantage to the lessor what the United States gets under the Doheny lease. Either one of those leases, in my judgment, would never be duplicated in the future, so far as value to the United States is concerned.

Mr. CARAWAY. May I ask the Senator another question?

Mr. SPENCER. Certainly.

Mr. CARAWAY. Did not the Senator vote to employ special counsel to try to cancel the leases?

Mr. SPENCER. I have no doubt I did.

Mr. CARAWAY. Then, if they were such advantageous leases and the men involved were such patriotic men, why did the Senator vote to have counsel try to cancel them in the courts when they were so advantageous to the Government?

Mr. SPENCER. Because the statement was repeated in the Senate, in which—if my memory fails not—the Senator from

Montana [Mr. WALSH] concurred that there was illegality in those leases, that the power to grant them did not vest in the Secretaries who made them. Of course, that ought to be determined by the courts irrespective of the merits of the leases, and that is exactly what the courts are doing.

Mr. WALSH of Montana. If that is the view of the Senator, why go to the trouble and expense of litigating to determine a controverted question of law? Why not do what the Senator from Arkansas suggests would be the appropriate thing? The Senator from Missouri could introduce a curative bill.

Mr. SPENCER. The Senator from Missouri was not responsible for going to law in regard to those leases.

Mr. WALSH of Montana. No; but if the Senator is now of the opinion that those leases are of the inestimable value to the country that he now states, and that it would be impossible to get similar leases in case they should be invalidated, why does he not now cure the matter by introducing a bill to validate the whole thing?

Mr. SPENCER. That is neither here nor there in connection with the minority report, though I would like to venture the opinion that the legality of the leases will be upheld, and I repeat that the value of the leases to the Government is, in my judgment, unquestioned.

Mr. WALSH of Montana. Does the Senator believe the leases are legal, and does he also believe they are desirable? Then why not introduce a curative bill and dismiss the action? Is not that the necessary course, if the Senator honestly believes what he says, namely, that the leases are legal and that they are profitable to the Government? Then why not introduce a curative measure, stating that doubt has arisen and declaring that we hereby confirm them?

Mr. SPENCER. Mr. President, I started to say a moment ago and, I repeat to quickly end it, that I believe the Senate has confidence in the Bureau of Mines. Why should the Senate be asked to place itself upon record merely because the Bureau of Mines thought the drainage was far more extensive than other experts did? I think the Bureau of Mines is right. Why should the Senate in its report say, and I am now quoting from the majority report:

> If the Secretary of the Interior consulted with anyone competent and experienced in affairs of such magnitude to advise him concerning the terms of the leases viewed as a business proposition, the fact was not developed.
>
> Evidently he conceived himself quite competent unaided to negotiate with such veterans in the oil business as Sinclair and Doheny.

Passing by the slur upon the Department of the Interior, consider this——

Mr. WALSH of Montana. Mr. President——

Mr. SPENCER. Just a moment. Listen to this:

> It is true he conferred with officials of the Bureau of Mines, technical men not chosen by reason of their skill or success in business.

And yet the expert skill of the Bureau of Mines is the very bulwark of the mineral wealth of these United States. Adopt the majority report and cast from the Senate of the United States such a reflection upon that great department of the Government, if you like. I do not think it ought to be done, and I do not think it is fair to ask it.

Now, let me give one other illustration.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Virginia?

Mr. SPENCER. I yield.

Mr. GLASS. May I inquire if the Bureau of Mines believed in the process of offset wells to prevent drainage of a given territory?

Mr. SPENCER. They did. The difference in the views is this, if the Senator desires me to state the situation. The Bureau of Mines believe that when a well is dug it has a tendency to drain surrounding territory at considerable distance, perhaps for a mile or two or more, and that the only way to guard the Government oil from drainage through adjacent wells was to sink a sufficient number of offset wells to take out the oil from Government land.

There are others that believe the drainage of one well will drain but a very few hundred feet or within a very short circumference. There is a difference of opinion. I think it is fair to say that the whole trend of opinion of oil experts is to the effect that no one knows how far the drainage of a well may extend, but that it is certainly with every new development greater in its drainage possibility than was thought before.

Mr. GLASS. But does the Senator know that the Bureau of Mines did advise the Secretary of the Navy that the process of drilling offset wells would secure the Government against drainage of its oil lands?

Mr. SPENCER. I could not answer, if I understand the Senator's question.

Mr. WALSH of Montana. I was more or less desirous of asking the Senator who there is in the Bureau of Mines who is competent to engage from a business point of view in transactions with Doheny and Sinclair?

Mr. SPENCER. We do not want to deal in personalities, but I should say the Director of the Bureau of Mines.

Mr. WALSH of Montana. What does the Senator know about his experience in business matters?

Mr. SPENCER. Does the Senator from Montana think he is an incompetent business man?

Mr. WALSH of Montana. I undertake to say he is a technical man, a very highly skilled man, and I would be the last man in the world to impute to him any lack of skill or technical knowledge, but so far as being a business man compared with Doheny and Sinclair I do not suppose he even pretends to it.

Mr. SPENCER. Would the Senator from Montana say, the Director of the Bureau of Mines with his knowledge of oil, its production, its future, its history, was not competent to make an intelligent lease with regard to its protection?

Mr. WALSH of Montana. I have not said it.

Mr. SPENCER. I am asking the Senator.

Mr. WALSH of Montana. I have said that the Secretary did not consult with men who know the business end of the oil business as did Doheny and Sinclair.

Mr. SPENCER. With whom could he better consult than with the experts of the Bureau of Mines?

Mr. WALSH of Montana. I say he did not consult with anyone. He consulted only with technical assistants.

Mr. SPENCER. They were the very men who had oil leases under their jurisdiction. What better consultation could be had?

Mr. FESS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. SPENCER. Certainly.

Mr. FESS. I am interested to know whether the draining from an underground fissure hundreds of feet below the surface is a matter of business knowledge or a matter of technical science?

Mr. SPENCER. It is undoubtedly a matter of technical science, and that is why the advice and consultation with the Bureau of Mines was precisely the advice that any intelligent man would have secured or endeavored to secure. It is precisely what the Secretary of the Interior did secure.

One thing more: When the matter was up before the committee of the Senate and Admiral Robison, I think, was upon the stand, some query was made seeking information for the committee. Admiral Robison said for the Navy—and my recollection is that the Interior Department concurred—that the information at least in its conception ought to be taken in executive session, that it had international complications. What does the majority of the committee say upon the matter:

> No information was conveyed to the committee which in its opinion had not in substance been made public, nor has the committee been able to appreciate how the public interest would be subserved or the common defense promoted by secrecy with reference to any feature of the contract.

This was after the information had been secured from witnesses. It is an illustration of the disrespect shown to coordinate departments of the Government. The Navy and Interior came before the committee and said, in effect, "Gentlemen, the information you want we are ready to give, but it has international complications and we ask that it should be given in confidence"; why should it not have been so given? The language of the majority report indicates that the entire committee were in accord in thus slighting the judgment of the Navy Department. There were five members of the committee present, and two of the members, the Senator from Utah [Mr. SMOOT] and the Senator from Wisconsin [Mr. LENROOT] protested, but the other three members overruled them. It is not a fair method of procedure.

Mr. WALSH of Montana. Mr. President——

Mr. SPENCER. I yield to the Senator.

Mr. WALSH of Montana. The Senator from Missouri came on the committee after practically all those things transpired and does not know anything about them except what he has learned from the record, the same as any other Senator can learn. He apparently has not studied the record. The record discloses that Admiral Robison said there were matters of great

importance that ought to be heard in executive session. The committee went into executive session, contrary to the opinions of some of its members. The committee went into executive session, heard whatever Admiral Robison had to state, and now the committee advises the Senate that there was absolutely nothing said by Admiral Robison in executive session that had not already been made public and that might not just as well have been talked in the open.

Mr. SPENCER. Suppose the Navy Department were mistaken, or the Interior Department were mistaken, in their judgment and that the information did not have the international complications which they supposed it had, what is the object in the majority report of casting a slur upon both these departments of the Government and telling them they did not know what they were talking about?

Another thing, and I am through. I read this sentence to the Senate and ask if there is any Senator who has any doubt as to the impression it will create. The majority report is speaking about the oil leases and the per cent the Government gets and the per cent that the lessee gets. This is in relation to the Teapot Dome leases. Here is the statement that is made by the majority report:

> The Government actually realizes for use as fuel but 6 per cent of the total contents of the reserve.

Then in another place, on page 32 of the majority report, and carrying out precisely the same statement, it is said:

> Your committee can not believe that a lease under which the Government receives 6 per cent of the oil in the ground and the lessee gets 94 per cent, including what it receives on account of the construction of tankage, can possibly be in the interest of or just to the former.

That is, to the Government. No man can read that statement without coming to the conclusion that in those leases the Government gets 6 per cent and the lessee gets 94 per cent. The language, when analyzed, is adroit. The report says the Government gets 6 per cent "for fuel," and that is true; but what is the fact? The fact is that 6 per cent is just one-third of the average Government royalty. The other two-thirds of the royalty, which the Government could have had in oil if it had wanted it, by the terms of the lease, and at the Government's request, were used in the building of storage tanks to hold the oil. Those tanks, when they were built, belonged to the Government. The Government said in effect to the lessee, "This average of 18 per cent"—the royalty running from 12½ to 50 per cent, we will take the average, for computation purposes, at 18 per cent—the Government said: "Of this 18 per cent average royalty which we get, we want 6 per cent, one-third of it, in oil, and the other two-thirds we want expended in the construction of storage tanks." The Government, however, received its full 18 per cent of royalty, and the lessee did not get 94 per cent. Why make such a misleading statement?

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. SPENCER. I yield.

Mr. WALSH of Montana. I wish to inquire of the Senator from Missouri whether the report does not give the facts just exactly as he has stated them; that the average royalty is about 17 per cent; that one third of that goes into the tanks for fuel, and the other third is used to pay for the construction of the tanks?

Mr. SPENCER. The report does not create that impression.

Mr. WALSH of Montana. The report so states; and the Senator agrees that that is correct?

Mr. SPENCER. The fact is that the Government gets its 18 per cent. The Senator from Montana states it as being 17 per cent, but it is nearer 18 per cent. The Government could have all of the 18 per cent in oil if it so desired, but it takes two-thirds of it in tankage and one-third of it in oil. I am not alleging any bad faith in the majority report, but I am saying that the effect of the majority report is to deceive, and that the average man who reads that statement with regard to royalty would come to the conclusion that the Government, just as the report states, receives 6 per cent and the lessee 94 per cent, and such is not the fact.

I am not going to take up the time of the Senate. If Senators have read the minority report they will see many more illustrations of what I have set out as reasons why, in my judgment, the majority report is not fair. I do not mean to say that there is not much in the report with which I agree; much of it with which the Senate would naturally and properly agree; but the report is biased and unfair in many particulars. The Senator from Montana, as I understand, has moved the adoption of the majority report?

Mr. WALSH of Montana. I have.

Mr. SPENCER. Because of the facts I have stated, I move, Mr. President, that the report of the minority of the committee be substituted for the majority report, and that the minority report be adopted by the Senate.

Mr. CARAWAY. Mr. President, I shall take but a few minutes. If the Senate shall agree with the Senator from Missouri [Mr. SPENCER] that the action of Fall and Denby was inspired solely by patriotic motives; that the contracts they made were so advantageous to the Government that neither of those patriotic gentlemen, Sinclair or Doheny, would again go into those contracts if they should be canceled; that everybody who knows anything about naval affairs agrees that these leases double the strength of the Navy; I should be sorry if the Senator from Missouri did not have the courage of his convictions and introduce a resolution to dismiss those suits which are now pending.

It would be tremendously unfortunate if after Mr. Fall and Mr. Denby had negotiated such advantageous contracts for the Government, inspired wholly by patriotic motives, that we should permit a sentiment that I can not analyze, to drive us into employing counsel and canceling these leases which were entered into, as the Senator from Missouri says, from such patriotic motives and are so highly advantageous to the Government. It would be almost a crime—I would not like to say that the Senator from Missouri could even contemplate committing a crime—but it would be almost a crime to lend his powerful influence, as he did, to employing counsel and passing resolutions and asking the Government to cancel these contracts, if what he now says is true, that there was nothing illegal, as he asserted a moment ago, in entering into the contracts, that there was nothing wrong about it, that the Government was highly benefited by it and the usefulness of our Navy has been doubled. Under such circumstances it would be an unpatriotic thing to let the pending suits proceed.

I wish to suggest to the Senator, if he believes what he said—and, of course, we must concede that he believes it—that it would be a most unexplainable thing if he should now permit the opportunity to go by without trying to remedy the wrong that he helped to perpetrate when he voted to institute those suits. There is nothing wrong about them, I am sure, because the Senator, almost in the opening part of his minority report, which I understand he wrote, makes this statement:

> Patriotically—

I am reading now from the fifth paragraph on page 2 of the Senator's report—

> Patriotically, Secretaries Denby and Fall sought to effect what would avoid the possibility of a repetition of World War experiences, at least so far as oil was concerned.

If the Senator believes that nothing but patriotism inspired those officers, how can he ever answer to them when he admits that he voted to employ counsel to cancel these leases?

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from California?

Mr. CARAWAY. I yield to the Senator from California.

Mr. JOHNSON of California. May I inquire, so that the record may be accurate in that regard, first, if the United States Government has not pending actions to cancel these leases?

Mr. CARAWAY. That is true.

Mr. JOHNSON of California. That is undoubted. Secondly, the United States Government in those actions alleges that the leases should be canceled for two specific reasons: First, that there was no power that authorized the execution of the leases; that is, that there was illegality in their execution; and, secondly—and I wish to be corrected if I am in error in it—that the leases were tainted with fraud.

Mr. CARAWAY. And corruption.

Mr. JOHNSON of California. With fraud and corruption. Is that correct?

Mr. CARAWAY. That is true.

Mr. JOHNSON of California. So that the United States Government stands to-day with these actions pending alleging that there was no power to execute the leases, and alleging, too, that they were tainted with fraud and corruption, and asking their cancellation for those reasons?

Mr. CARAWAY. Yes; and the Senator from Missouri [Mr. SPENCER] voted to have instituted those very proceedings. He was a party to the action which resulted in those proceedings; he lent his powerful influence to induce the Senate to adopt the resolution to bring action of that kind against Mr.

Sinclair and Mr. Doheny and to make these accusations against Mr. Fall, when now he asks the Senate—and he pledges his word of honor as a Senator that he believes it to be true—to say that Mr. Fall was actuated only by patriotic motives.

Mr. JOHNSON of California. Then if we vote that these leases were, indeed, actuated only by patriotic motives and that there was legal authority for their execution, we are going to traverse by the action of the United States Senate the action of the United States Government in the suits, are we not?

Mr. CARAWAY. Of course; and we are going to make the biggest asses of ourselves that the earth ever saw.

Mr. SPENCER. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Missouri?

Mr. CARAWAY. I yield.

Mr. SPENCER. Of course, the Senator recognizes that neither in the majority report nor in the minority report is there any attempt to pass upon the questions which the court has now before it?

Mr. CARAWAY. But, if the Senator will permit me, unless there was a conviction on the part of the Senate that there was fraud and illegality in the acts, what induced the Senate to adopt a resolution and to appropriate $100,000 to employ attorneys and to cancel the contracts? If the Senator is correct now when he says that he has no doubt in his mind that the contracts were legal and the courts are going so to declare; that the contracts were made from the highest and most patriotic motives; and that they were the most advantageous contracts the Government could make, then how can he justify himself for having voted to institute suits against people who are doing such patriotic acts?

Mr. SPENCER. Will the Senator yield?

Mr. CARAWAY. I yield.

Mr. SPENCER. I do not care particularly to justify myself in the matter, but I should like to have the fact clearly understood that allegations were made here upon the floor that there was fraud; that the leases were bad and that the leases were illegal——

Mr. CARAWAY. Yes.

Mr. SPENCER. And they were strongly sustained.

Mr. CARAWAY. But the Senator did not believe them.

Mr. SPENCER. I had doubt——

Mr. CARAWAY. The Senator did not believe them at all?

Mr. SPENCER. If the Senator will allow me to finish the sentence, I had doubt as to the legal authority, of which I am not sure to-day, though, as I said a moment ago, I will not be surprised if the court sustains the legality of those contracts. I myself believe the leases were good leases. Nevertheless, in the face of such assertions, I did precisely what the Senator would have done, and that is there being any doubt about the matter, my colleagues differing about it, of course, the courts should decide it; and I would do the same thing again.

Mr. CARAWAY. I would like to know how the Senator from Missouri [Mr. SPENCER] will ever justify himself toward Sinclair and Doheny when he went on record in the Senate in favor of employing counsel to charge them with fraud and illegality in the procuring of leases and now votes for a minority report in which he declares that there was no fraud, no illegality, no corruption, and nothing but patriotic motives that inspired them and the governmental officials in making the leases; that they were the most advantageous leases that the Government ever made, and were so advantageous that if the courts should cancel them he has no belief that Mr. Doheny and Mr. Sinclair would let the Government hand to them again the Teapot Dome and the oil reserves Nos. 1 and 2 in California.

Of course, Mr. Doheny said—but he did not know what he was talking about—that he would be awfully surprised if he did not make $100,000,000 out of the lease that he took from the Government for naval reserves 1 and 2 in California. Now, however, the Senator has found out that Doheny does not know anything about the oil business; that nobody knows anything about the oil business except Fall and Denby, who got these two unsuspecting oil magnates into this outrageous contract and mulcted them to the tune of hundreds of millions of dollars for the public good.

Another thing: The Senator is an officer of this Government. It is his duty to help maintain its every arm. If he conscientiously believes that these contracts doubled the effectiveness of our Navy, how can he, then, justify himself for voting to have initiated a lawsuit to cancel these very leases?

The minority report is full of just such shining examples of contradictions.

Mr. WALSH of Massachusetts. It is a cross-word puzzle.

Mr. CARAWAY. Oh, no; let us not slander a cross-word puzzle. It has more to justify itself than this minority report. But unless the Senate wants to go on record as being unpatriotic, as being now willing to write itself down as a party to a "persecution" of Fall and Denby and Sinclair and Doheny, it will have to vote against the minority report. It is unthinkable to me that a Senator who cherishes his self-respect could in one breath vote to institute a suit charging fraud and corruption and in the next say there was no fraud, there was no corruption, but, on the other hand, a most advantageous and patriotic duty discharged. I can not follow that reasoning.

Mr. REED of Missouri. Mr. President, I rose to congratulate the State of Missouri upon possessing a representative so amiable and so innocent that, like the three Japanese monkeys, he sees no evil, he hears no evil, and he speaks no evil, and consequently is duly qualified to defend all evil; an innocent abroad in the intellectual and political world who finds virtue in every act and with unblushing countenance can defend every infamy. That is a rare and unusual trait of character, and parliamentary rules forbid me from giving it a direct application.

I recall, however, that when the country was startled with the story of Newberry's bribery and corruption, when a shiver of horror went over the land at the knowledge that an electorate had been bought and sold, and that the second highest office within the gift of the greatest people on earth—a seat in the United States Senate—had been placed, in substance and effect, upon the auction block and knocked down to the highest bidder, the distinguished Senator from Missouri saw no evil, heard no evil, spoke no evil, but rose in eulogy and defense of that man who afterwards, with bowed head and shamed face, resigned from the Senate to escape a further investigation.

I recall how, with an innocence that would do credit to a babe yet "mewling and puking in the nurse's arms," he saw nothing wrong in the conduct of Daugherty, but only a halo of virtue surrounding the head of that gentleman who afterwards was compelled by the President of the United States to yield his resignation and to vanish from public life.

I remember when a committee of the Senate was endeavoring to secure the bank books of the bank in which Daugherty's brother was an officer, in order that they might examine the accounts and ascertain from the records whether moneys had passed to the credit of Daugherty and to secure evidence tending to his conviction, how the Senator from Missouri insisted upon the floor of the Senate that there was grave doubt whether the right existed in pursuit of evidence of a high crime to examine the books of this bank. Unfortunately it was more than the expression of a legal doubt; it was the attempt to place an obstacle in the way of the processes of the law.

I recall how he stood then in the defense of Denby, seeing no evil, hearing no evil, thinking no evil; and yet I recall that Denby was forced from office and yielded his resignation.

All this of the past; but I never expected to see the day when in the United States Senate any man would rise in his place and endeavor by perfervid oratory to create a halo of patriotism and place it upon the brow of Albert Fall and to give him that glorification in connection with the very transactions which took place coincident with and are inseparable from the payment to Fall of $100,000 as the price of his official soul.

I read from the minority report:

> Secretaries Denby and Fall, with equal patriotism—

That is, patriotism equal to that of Mr. Daniels—

> with equal patriotism, had a different conception of preparedness.

Again:

> Patriotically, Secretaries Denby and Fall sought to effect what would avoid the possibility of a repetition of World War experiences.

Patriotically! Yet interwoven in these contracts, which are interlocked with each other by time and circumstance, and were all part and parcel of the warp and the woof of this infamy that blackened the character of the Republic, was the payment of the $100,000 bribe; and in the history that followed was the development of the misuse by Government agents of the secret telegraphic code of the Government, the obstruction of the processes of justice, the horrible flood of scandal which was finally developed into fact before a committee of the Senate; and even now as we sit here and deliberate we find that apparently the records of a Canadian corporation, organized for the purpose of paying further moneys to Fall, have disappeared, and the officers and agents of that corporation are

conveniently in Paris or hunting wild animals in South Africa and unable to answer the subpœnas of this Government.

Now, when the Government is engaged in a struggle to recover that of which it was defrauded, we find a Senator of the United States who voted for the prosecutions which charged fraud, fraud in the execution of these leases, fraud upon our Government through the corrupt hands of Fall, writing a eulogy of Fall's patriotism and declaring upon the floor of the Senate, as he has in the last 10 minutes, that he doubted the illegality or the corruption of the leases at the very time he voted to make these charges.

Mr. President, further comment is not necessary. The eloquence of Demosthenes could not in words paint a halo around the brow of Albert Fall that would not be so manifestly fraud itself that all of the people of the United States could see through that halo the fraudulent hand of the man who sought to portray it.

Mr. SPENCER. Mr. President, I want to make one statement. Somewhere in the Good Book it is written that—

> He that is first in his own cause seemeth just, but his neighbor cometh and searcheth him.

My distinguished colleague has seen fit to speak about me. Of his personal allusions I have nothing to say; they are characteristic of himself. I do want to read one sentence from the minority report concerning Albert Fall. Let this sentence answer. It is what I wrote.

> The minority concur in the full measure of criticism which the majority indulge upon the conduct of a Cabinet officer who is shown to have accepted a loan of $100,000 and certain other favors while in office.

This is my own language:

> Such acts can not be tolerated and are not to be condoned. If the claim that these favors were in the nature of bribes is sustained in the criminal proceedings already begun, punishment adequate and prompt will follow. Crime is individual and guilt is personal. Under the Constitution men are presumed to be innocent until proven guilty, but whether the participants be in fact guilty under the law or innocent, the act itself is most reprehensible, causes national humiliation, and can not be overlooked.

That is the halo around the brow of Mr. Fall.

Mr. REED of Missouri. In that connection——

Mr. SPENCER. Just a moment, and I will yield with pleasure.

I want to repeat all I said about Secretary Denby. No fairer, more patriotic, more diligent man has been in the Cabinet during my acquaintance with public life, and I am glad to reiterate everything I have said in praise of his patriotism, his integrity, and his character.

I would also like to repeat what I have said before concerning the power of the Senate in investigations, a matter that is now before the courts, and concerning which I believe the Senate has gone further than under the Constitution it is authorized to go.

Of course, the reference to the former Attorney General, Mr. Daugherty, is gratuitous, for there is no mention of Mr. Daugherty's name in the minority report, from the beginning to the end of it. Nor is there any mention of Senator Newberry, whose reputation at home and whose conduct in the Senate is quite beyond the power of my colleague to belittle.

Mr. REED of Missouri. Mr. President, I accept the correction, but I ask its consideration. "The loan of money to Fall," says the minority report. Who but a fool believes it was a loan?

"The presumption of innocence," says the minority report, and of course the law, in its charity, extends that to the culprit on trial. But when guilt has been proven here, we have a right to reach a conclusion.

The Senator is fond of the Scriptures, devoted to Holy Writ, and let me say to him that he reminds me of a passage in Holy Writ, as I consider him in connection with his minority criticism:

> Deal gently for my sake with the young man Absalom.

Truly, he has been gentle, and reading the eulogy to Fall's patriotism in the first instance, and a reference to the loan in the last instance, and the presumption of innocence running through it all, who can say that the stontest and boldest defender of Albert Fall who has yet risen is not my distinguished colleague from Missouri?

Some day we will erect a monument to him. It will be of the purest white marble, and we will inscribe on it the legend of the culprits he has defended upon the floor of the Senate, and we will proclaim the new doctrine, not that "There is nothing new under the sun," but "There is nothing wrong under the sun."

Mr. HEFLIN. Mr. President, of course, I am opposed to the minority report. The minority report states in the outset that it agrees with the majority report in that only one Federal official has been guilty of fraud and corruption. I do not so understand the majority report, and if that is the situation I can not agree with the majority report.

I think that Denby was as guilty as Fall. If Denby had not been a Member of the House at the time Ballinger did with the coal lands of Alaska exactly what Denby and Fall did with the oil reserves, I might have thought he was innocent; but when I recall that when Ballinger was investigated, charged with the crime of squandering the public domain, Denby was appointed on the committee on the part of the House to serve with a like committee on the part of the Senate to investigate those charges. I can not believe that Denby was innocent. There is no doubt in my mind that Ballinger was guilty, but that committee exonerated him, just as the Senator from Missouri seems now seeking to do with reference to some people involved in this high crime against the country. But Ballinger left the Cabinet, just as Denby did. He knew he was guilty, and public opinion was so strong against him he could not remain in the Cabinet, and he quit it.

Denby signed a report exonerating Ballinger. He knew, in the minutest detail, all that Ballinger had done in order to steal the coal lands from his Government and sell them to the coal kings. He knew all about that, and when he came to be Secretary of the Navy and this oil proposition was put up to him by Doheny and Sinclair he knew exactly what he was doing. He had the example of Ballinger to go by, and he followed it, and he did as Ballinger had done. The difference between them was that Ballinger's transaction was with regard to coal and Denby's transaction was with regard to oil.

Fall was more unfortunate than Denby. He probably did not take the precaution to cover his tracks as Denby did. They found him with a suitcase full of bills, a hundred thousand dollars. That is not all that Fall got. That is not all that Doheny and Sinclair paid. I never will subscribe to the doctrine that that was all the money that was spent. I am satisfied that Doheny and Sinclair paid more than a million, maybe two or three million, because one of them swore that he would probably make a hundred million out of his part—Doheny—and Sinclair two hundred million out of his part. Of course, they could very well afford to give a million or so to these gentlemen who were so generous and liberal with the property of the Government, in turning over to them the only oil reserves of the Nation.

I am not in favor of exonerating Mr. Denby. I think he was just as guilty as Fall. I think both of them understood perfectly what they were doing. I can not believe that Denby sat there and permitted himself to be drawn into this trap by Fall without knowing exactly what he was doing every step of the way.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Montana?

Mr. HEFLIN. I yield.

Mr. WALSH of Montana. I am very glad the Senator spoke about that matter, because repeatedly it has been said that the majority report exonerates Denby. Mr. Denby is neither condemned nor exonerated in the majority report. The facts are stated. We do not attempt to characterize his acts at all.

Mr. HEFLIN. I am glad to have that statement from the able Senator from Montana, because I do not want to vote to exonerate Denby. If all the Senators in this Chamber vote to exonerate him, I will believe as long as I live that he was just as guilty as Fall, and I state again that I base that belief upon what I know of Denby's conduct in this matter and upon the fact that he had experience with a case like it when he investigated Ballinger's case, and then came himself as an officer in the Cabinet and did the very same thing with regard to another kind of property. Of course he knew what he was doing. Fall knew what he was doing, too. He should never have been in the Cabinet, nor should Denby have ever been in the Cabinet.

The speech of the Senator from Missouri reminds me of what I said when this matter was up in the Senate during the investigation led by the able Senator from Montana. The junior Senator from Wisconsin [Mr. LENROOT] made a speech one day and talked about the oil leases, and said he did not think they were so bad as some of us thought they were. I told the Senate then that the day was not far distant when some Republican would defend those leases; and we have come to that time now. The Senator from Missouri [Mr. SPENCER] is doing that.

I shall not be surprised in the least to see an effort made finally to have our lawsuits against Sinclair and Doheny defeated, as I now see mysterious influences working to acquit Forbes, who stole millions from the disabled soldiers who wasted their strength and spilt their blood and offered their lives on the battle fields of France. I will not be surprised if he is acquitted, because I think I see mysterious influences at work to that end.

Senators, surely we are not trying to clean up here and give some political party a clean bill of health when these thieves in high places have looted the public. The time has come to talk plainly about this matter. Doheny and Sinclair were guilty of corrupt and reprehensible conduct. They contributed money—big money—to the campaign funds of the Republican Party in advance of the time when Fall and Denby transferred the naval oil reserves to them.

O Mr. President, we at least ought to be faithful to the Government. Political parties have no right to gather their campaign funds from private individuals and pay them back in property that belongs to the people. Are we going to give to the lumber kings the choice trees in our national forests in return for their contributions? Are we going to give to the coal kings the coal lands of the Government in return for their contributions? Are we going to deed to the oil kings the oil lands of the Nation in return for their contributions? Let us at least be fair to ourselves and faithful to the country and find these people guilty, as they are guilty according to the facts.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri [Mr. SPENCER] to adopt the minority report instead of the majority report.

Mr. WALSH of Montana. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. WALSH of Montana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Bingham	Fernald	McKinley	Shields
Borah	Ferris	McLean	Shipstead
Brookhart	Fess	McNary	Simmons
Broussard	Fletcher	Mayfield	Smith
Bruce	Frazier	Means	Smoot
Bursum	George	Metcalf	Spencer
Butler	Glass	Neely	Stanley
Cameron	Gooding	Norbeck	Sterling
Capper	Hale	Norris	Swanson
Caraway	Harris	Oddie	Underwood
Copeland	Harrison	Overman	Wadsworth
Couzens	Heflin	Pepper	Walsh, Mass.
Cummins	Johnson, Calif.	Phipps	Walsh, Mont.
Curtis	Jones, Wash.	Pittman	Warren
Dial	Kendrick	Ralston	Watson
Dill	Keyes	Ransdell	Wheeler
Edwards	King	Reed, Mo.	Willis
Ernst	McKellar	Sheppard	

The PRESIDENT pro tempore. Seventy-one Senators have answered the roll call. There is a quorum present. The question is on the motion of the Senator from Missouri [Mr. SPENCER], upon which the yeas and nays have been ordered. The clerk will call the roll.

The reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the senior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea." Were the Senator from Arkansas [Mr. ROBINSON] present, he would vote "nay"; and if the Senator from Oregon [Mr. STANFIELD] were present, he would vote "yea."

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the senior Senator from Maryland [Mr. WELLER] and vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BALL], who is absent. I transfer that pair to my colleague, the junior Senator from Florida [Mr. TRAMMEL], who is necessarily absent, and vote "nay."

Mr. McNARY (when his name was called). Upon this question I am paired with the senior Senator from New Jersey [Mr. EDGE]. If that Senator were present, he would vote "yea." If I were at liberty to vote, I would vote "nay."

Mr. SIMMONS (when his name was called). I wish to inquire whether the junior Senator from Oklahoma [Mr. HARRELD] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. SIMMONS. I have a general pair with that Senator. I transfer the pair to the Senator from Arizona [Mr. ASHURST] and vote "nay."

The roll call was concluded.

Mr. CARAWAY. I wish to announce that my colleague, the senior Senator from Arkansas [Mr. ROBINSON], is unavoidably absent. If present, he would vote "nay."

Mr. PEPPER. I wish to state that my colleague, the junior Senator from Pennsylvania [Mr. REED], who is unavoidably absent, has a general pair with the junior Senator from Delaware [Mr. BAYARD]. I am informed that if my colleague were present, he would vote "yea" on this question.

Mr. FRAZIER. I wish to announce that my colleague, the senior Senator from North Dakota [Mr. LADD], is absent on account of ill health. If he were present, he would vote "nay" on this question.

Mr. NORRIS. I was requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is absent on account of illness, if present, would vote "nay."

Mr. HARRISON. I desire to announce that my colleague, the junior Senator from Mississippi [Mr. STEPHENS], is detained on account of illness and that if present he would vote "nay."

Mr. SHIPSTEAD. I desire to state that my colleague, the junior Senator from Minnesota [Mr. JOHNSON], if present, would vote "nay."

The result was announced—yeas 28, nays 42, as follows:

YEAS—28

Bingham	Ernst	McKinley	Smoot
Bursum	Fernald	McLean	Spencer
Butler	Fess	Means	Sterling
Cameron	Gooding	Metcalf	Wadsworth
Capper	Hale	Oddie	Warren
Cummins	Jones, Wash.	Pepper	Watson
Curtis	Keyes	Phipps	Willis

NAYS—42

Borah	Fletcher	Mayfield	Shipstead
Brookhart	Frazier	Neely	Simmons
Broussard	George	Norbeck	Smith
Bruce	Glass	Norris	Stanley
Caraway	Harris	Overman	Swanson
Copeland	Harrison	Pittman	Underwood
Couzens	Heflin	Ralston	Walsh, Mass.
Dial	Johnson, Calif.	Ransdell	Walsh, Mont.
Dill	Kendrick	Reed, Mo.	Wheeler
Edwards	King	Sheppard	
Ferris	McKellar	Shields	

NOT VOTING—26

Ashurst	Greene	Lenroot	Shortridge
Ball	Harreld	McCormick	Stanfield
Bayard	Howell	McNary	Stephens
Dale	Johnson, Minn.	Moses	Trammell
Edge	Jones, N. Mex.	Owen	Weller
Elkins	Ladd	Reed, Pa.	
Gerry	La Follette	Robinson	

So Mr. SPENCER's motion to substitute the views of the minority for the majority report was rejected.

The PRESIDENT pro tempore. The question now recurs upon the motion of the Senator from Montana [Mr. WALSH].

Mr. HEFLIN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BRUCE. Mr. President, I have no desire whatever to rekindle the embers of the controversy that was waged over the facts involved in these reports at the last session of Congress, nor have I the slightest disposition to deny to any Member of this body on either side of the Chamber the right to reach conclusions with regard to them different from my own. Politics, I am happy to say, has always been with me a mere conflict of principles. I have struggled all my life to import into the formation of my political convictions just as small an element of partisan or personal feeling as, with the infirmities of human nature, I could do.

I wish it now to be understood, first of all, that I voted against the substitution of the minority for the majority report in this case, and that I propose to vote for the adoption of the majority report, because I concur in the main, though by no means in all respects, with the statements and conclusions contained in that report.

The opinions that I have ever entertained with regard to the essential merits of the controversy to which I have referred do not call for any restatement. I have too often expressed my convictions touching them for that, and I need not emphasize again the profound impression left upon my mind by the turpitude of Albert Fall. I wish it to be distinctly understood, however, that if the majority report imputes to Denby anything more than mere technical shortcomings, at the most, in the discharge of his official duty, to that extent at least I do not agree with its conclusions; and I now formally place

upon record the fact that in my opinion Edwin Denby is an eminently brave, honorable, and upright man.

Mr. HEFLIN. Mr. President, the Senator from Maryland, of course, is entitled to his opinion. The Senator from Maryland, however, was not here when the Ballinger case was tried, and I dare say he has never read the report thereon. He is not acquainted with the facts involved in it. If the Senator from Maryland desires, at the judgment bar of his own mind, to exonerate Mr. Denby, he is at liberty to do so. The opinion and position of the Senator in this matter do not in the least affect my position. I desire to reiterate that in my judgment Denby was as guilty as was Fall.

The PRESIDING OFFICER (Mr. McNARY in the chair). The question is upon the motion of the Senator from Montana [Mr. WALSH].

Mr. HEFLIN. The yeas and nays have been ordered, Mr. President.

The PRESIDING OFFICER. The Chair will state to the Senator from Alabama that the yeas and nays are again ordered.

The reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). Making the same statement as before in reference to my pair and its transfer, I vote "yea."

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the junior Senator from Oregon [Mr. STANFIELD], and vote "nay."

Mr. FRAZIER (when Mr. LADD's name was called). My colleague, the senior Senator from North Dakota [Mr. LADD], is unavoidably absent. If he were present, he would vote "yea."

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). I am requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness and that, if he were present, he would vote "yea."

Mr. McNARY (when his name was called). Repeating the announcement of my pair with the Senator from New Jersey [Mr. EDGE], I withhold my vote.

Mr. SIMMONS (when his name was called). Making the same announcement as to the transfer of my pair as on the previous vote, I vote "yea."

The roll call was concluded.

Mr. FLETCHER. I make the same announcement as to my pair and transfer as on the previous vote, and vote "yea."

Mr. FERNALD. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. SHIPSTEAD. I wish to announce that my colleague [Mr. JOHNSON of Minnesota] is unavoidably absent from the Senate. If he were present, he would vote "yea."

Mr. WALSH of Montana. The Senator from New Mexico [Mr. JONES] is unavoidably absent. Were he present he would vote "yea."

I desire also to announce that the Senator from Arkansas [Mr. ROBINSON], who is unavoidably absent, if present, would likewise vote "yea."

I desire to make a further announcement, namely, that if the Senator from Delaware [Mr. BAYARD] were present he would vote "yea." He is paired with the Senator from Pennsylvania [Mr. REED], who, I am informed, would vote "nay" were he present.

Mr. BROUSSARD. I am requested to announce that if the senior Senator from Rhode Island [Mr. GERRY] were present he would vote "yea."

The result was announced—yeas 41, nays 30, as follows:

YEAS—41

Borah	Frazier	Neely	Simmons
Brookhart	George	Norbeck	Smith
Broussard	Glass	Norris	Stanley
Bruce	Harris	Overman	Swanson
Caraway	Harrison	Pittman	Underwood
Copeland	Heflin	Ralston	Walsh, Mass
Dial	Johnson, Calif.	Ransdell	Walsh, Mont.
Dill	Kendrick	Reed, Mo.	Wheeler
Edwards	King	Sheppard	
Ferris	McKellar	Shields	
Fletcher	Mayfield	Shipstead	

NAYS—30

Bingham	Ernst	McKinley	Spencer
Bursum	Fernald	McLean	Sterling
Butler	Fess	Means	Wadsworth
Cameron	Gooding	Metcalf	Warren
Capper	Hale	Oddie	Watson
Couzens	Jones, Wash.	Pepper	Willis
Cummins	Keyes	Phipps	
Curtis	McCormick	Smoot	

NOT VOTING—25

Ashurst	Greene	Lenroot	Stanfield
Ball	Harreld	McNary	Stephens
Bayard	Howell	Moses	Trammell
Dale	Johnson, Minn.	Owen	Weller
Edge	Jones, N. Mex.	Reed, Pa.	
Elkins	Ladd	Robinson	
Gerry	La Follette	Shortridge	

So the report submitted by Mr. WALSH of Montana was agreed to.

BRIDGES ACROSS BAYOU BARTHOLOMEW, LA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.; Vester Ferry, Ward Ferry, and Zachary Ferry, which was on page 1, line 3, after the word "the," where it appears the second time, to insert the following: "Polish Jury of Morehouse Parish, La., or the."

Mr. RANSDELL. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

OHIO RIVER BRIDGE

The PRESIDENT pro tempore laid before the Senate the bill from the House of Representatives (H. R. 10467) granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio, which was read twice by its title.

Mr. NEELY. Mr. President, I ask unanimous consent for the immediate consideration of that bill, which is identical with one recently passed by the Senate. A necessary public improvement will be stayed until this bill is enacted into law.

Mr. CURTIS. Mr. President, as I understand, the bill is a regular bridge bill, and in the regular form.

Mr. NEELY. It is in the regular form.

Mr. CURTIS. It will not take any time, I understand.

The PRESIDENT pro tempore. The Senator from West Virginia asks unanimous consent for the immediate consideration of House bill 10467, being a bill, as explained by the Senator from West Virginia, identical with a bill recently passed by the Senate. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BREAKING OF SEALS OF RAILROAD CARS IN INTERSTATE COMMERCE

Mr. SMITH. Mr. President, there is a matter here of considerable local importance to the States of Missouri and Kansas. The committee has authorized me to report back favorably, without amendment, House bill 4168, which purports to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments," and so forth. The Federal law has no jurisdiction within a State, and it so transpires that this river dividing the two States makes it practically impossible for those violating the law to be punished.

I ask immediate consideration of the bill. I do not think it will lead to any discussion.

Mr. CURTIS. Mr. President, is this a unanimous report from the committee?

Mr. SMITH. A unanimous report. I do not think it will lead to any discussion, and I ask for its immediate consideration.

Mr. HALE. Mr. President, I should like to ask the Senator if there is any opposition to this bill?

Mr. SMITH. None whatever that I have heard of. It is to give local relief, and the committee reported it unanimously.

Mr. HALE. Very well. I will consent to the taking up of this matter, with the understanding that this is the last time I will yield.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4168) to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process

of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stats. L. 670).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVY DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes.

The PRESIDENT pro tempore. The pending amendment is the amendment proposed by the Senator from Washington [Mr. DILL]; and the question is upon agreeing to that amendment.

Mr. COPELAND obtained the floor.

Mr. DILL. Mr. President, before that question is put I desire to continue the speech I was making yesterday, but I understand that the Senator from New York has the floor.

ISLE OF PINES TREATY

Mr. COPELAND. Mr. President, I desire to address myself to the question of ratifying the treaty with Cuba for the adjustment of title to the ownership of the Isle of Pines.

Mr. President, during the last quarter of a century many Senators have discussed our relations to Cuba. But we appear to be no nearer a solution of the treaty problem than we were when it was first presented for ratification.

Senator M. E. Clapp, then Senator from Minnesota, had an article entitled "Have we mislaid a valuable possession?" in the North American Review for September, 1909. He quoted article 2 of the treaty and said:

> The language here used is entirely different from that employed in the same treaty with reference to Cuba, which was that "Spain relinquishes all claim to sovereignty over or title."

How familiar is this argument!

Clapp continues:

> The expression "other islands" was held by the United States Government to include the Isle of Pines. * * * That such was the understanding of the American commissioners who negotiated the treaty has been, it is stated, specifically admitted by at least two of the commissioners, Senators Cushman K. Davis and William P. Frye.

Clapp and Frye were contemporaries in the Senate, both being here between 1901 and the death of Senator Frye in August, 1911. The article from which I quote was printed in 1909, and was never disputed by the latter.

The belief of Davis and Frye was shared by others having full knowledge. In an annex to protocol No. 9 of the Paris conference the Spanish commissioners said:

> They [the United States] did claim sovereignty over the latter [Porto Rico] and over the other islands surrounding Cuba, which will render impossible the independence of the latter, which will always have it at their mercy through their control over the islands surrounding it like a band of iron. (P. 82, S. Doc. No. 62.)

I want to be perfectly fair in the presentation of my argument. To this end it is only just that I should give the Senate the other side of this picture. In the November number (1909) of the North American Review "Cuba's claims to the Isle of Pines" was presented by Gonzalo de Quesada, former minister of Cuba to the United States.

In this article Quesada refers to the language of the Spanish commissioners quoted by Clapp as an "ex parte statement" and "far-fetched." He said it—

> only shows the spiteful animus of Spain toward Cuba and was a contemptible innuendo hinting at duplicity in the motives of this great country [United States].

There can be no doubt, however, that commissioners on both sides and their contemporaries believed the Isle of Pines is an American possession, or should be.

THE INTERLOCKING OF COALING LEASE AND PROPOSED TREATY

In his able address on January 15, the Senator from Virginia [Mr. SWANSON] said of the Platt amendment, that—

> instead of lessening our obligation to ratify this treaty and confirm Cuba's title to the Isle of Pines, the amendment and the transactions thereunder made far more imperative our duty to do so promptly and willingly.

He links up the establishment of the coaling and naval stations at Guantanamo and Bahia Honda, with an implied obligation to cede to Cuba the Isle of Pines. The Senator pointed out the coincidence of date and circumstance as a reason for believing that the two papers—the unconfirmed treaty with Cuba and the agreement as to the lease of the lands for the coaling and naval stations—should be considered as parts of a single transaction.

I regret I can not agree with this conclusion. It does not seem remarkable to me that a commission, identical in personnel and appointed to deal with several matters of mutual interest, should terminate all its functions on a given day. Parchments, ink, and conveniences would naturally be provided on the one occasion. If there were collusion and conniving, secret diplomacy and understanding, they are not to be tolerated or condoned. I do not believe there was such abuse of power.

The Platt amendment related to eight separate and unrelated duties imposed upon Cuba.

Article I denied to Cuba the right to impair her independence by treaty with a foreign power.

Article II defined Cuba's fiscal policies.

Article III recited the right of the United States to intervene to preserve the independence and repose of Cuba.

Article IV validated the acts of the military occupancy by the United States.

Article V guaranteed the sanitation of Cuba.

Article VI stated—

> That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

Article VII read as follows:

> That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the Government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

Article VIII demanded—

> That by way of further assurance the Government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

If the American commissioners made any trade or promise such as is implied by the Senator from Virginia, it was entirely without authority of the Congress and in violation of the Platt amendment. As a matter of fact, however, even though at this day it may be considered inadequate, the consideration for the transfer of the lands for the coaling stations is plainly stated in article 1 of the lease of the naval stations. This particular transaction was closed when the ratifications were exchanged in the city of Washington, October 2, 1903. This carried out Article VII of the Platt amendment and is in no way related to Article VI which has to do with the Isle of Pines.

If Senators consider the compensation given for these lands for coaling stations was not adequate, I suggest that the matter be made the subject of further negotiations with the Cuban Government. But it must be seen that the lease of the coaling stations and the status of the Isle of Pines are absolutely unrelated matters.

The unfortunate wording of Article II in the proposed treaty has given rise to serious misunderstanding. I hope it may not lead to strained relations between Cuba and the United States.

Listen to the wording:

> ART. II. This relinquishment on the part of the United States of America of claim of title to said Island of Pines is in consideration of the grants of coaling and naval stations in the island of Cuba heretofore made to the United States of America by the Republic of Cuba.

As I have pointed out, even though Senators may not agree as to the adequacy of the consideration, the contract for the coaling stations was fully carried out by the fulfillment of the terms of the lease of October 2, 1903.

There is a further and, from Cuba's standpoint, a very important consideration expressed in the Platt amendment, which is that the chief purpose of the establishment of these coaling stations is—

> to enable the United States to maintain the independence of Cuba and to protect the people thereof.

By what right did the authors of the proposed treaty insert Article II, proposing to relinquish claims to the Isle of Pines as the—

> consideration of the grants of coaling and naval stations in the island of Cuba heretofore made to the United States of America by the Republic of Cuba?

Cuba's claim on account of the naval station lands was fully satisfied by the annual payments provided by Article I of the lease approved by the powers October 2, 1903.

Now let us consider Article II of the proposed treaty. What is its purpose?

If the United States owns the Isle of Pines it can not sell the island through the operation of a treaty. The only way the possessions of the United States can be disposed of is by action of the Congress, and not through the ratification of a treaty by one house of the Congress.

The Senate has no more right to dispose of the national domain than has a private individual the right to deed it away. It is ridiculous to talk about relinquishing claims of title as the valuable "consideration" for some other piece of land. Should we ever be so shortsighted as to relinquish our claims to the Isle of Pines, I pray that Article II may be eliminated from the treaty, so that our action may be placed on higher grounds than is implied by the present wording.

THE SUPREME COURT DECISION

When the American military governor of the island of Cuba, at Habana, May 20, 1902, turned over to the President and Congress of Cuba, "the government and control of the island," he addressed a letter to those officials. In this document it was stated:

It is understood by the United States that the present government of the Isle of Pines will continue as a de facto government, pending the settlement of the title to the said island by treaty, pursuant to the Cuban constitution and the act of Congress of the United States approved March 2, 1901.

President T. Estrada Palma replied as follows:

It is understood that the Isle of Pines is to continue de facto under the jurisdiction of the Government of the Republic of Cuba, subject to such treaty as may be entered into between the Government of the United States and that of the Cuban Republic, as provided for in the Cuban constitution and in the act passed by the Congress of the United States and approved on the 2d of March, 1901.

Even to a layman unlearned in the law it is obvious that the Supreme Court did exactly right in the case of Pearcy *v.* Stranahan, United States 205. No other opinion would be possible, as I view it, except to say as did the court:

The Isle of Pines under the provisions of the Platt amendment and the constitution of the Republic of Cuba is de facto under the jurisdiction of the Republic of Cuba and, as the United States has never yet taken possession thereof, it has remained and is foreign country within the meaning of the Dingley Tariff Act of 1897.

No other decision would be possible under the conditions antecedent to and immediately concerned with the transfer by General Wood and the acceptance by President Palma, as shown by the letters I have just quoted. It strikes me as absurd to quote this decision as a reason for saying that—

Cuba has no idea of signing any treaty surrendering her sovereignty over this island. She insists it is a part of Cuba, and she will never surrender, by agreement or treaty, her rights. She can not be expected to do so when our own Supreme Court has rendered an opinion establishing her right, and the only way the United States can ever obtain the Isle of Pines is by force or war.

Mr. Justice White, with Mr. Justice Holmes concurring, dismissed the obiter dictum of the Chief Justice in these plain words:

To my mind any and all expressions of opinion concerning the effect of the treaty and the de jure relations of the Isle of Pines is wholly unnecessary and can not be indulged in without disregarding the very principle upon which the decision is placed—that is, the conclusive effect of executive and legislative action.

Certainly no candid Cuban studying the decision in the light of the facts will ever take comfort in these words or assert ownership because of the decision. It is clear as day to my mind that the court action of 1907 did not change the situation in the slightest degree. The relation of Cuba to the Isle of Pines is exactly the same as it was when the Platt amendment was adopted. It is exactly the same as it was when President Palma accepted the responsibility of administering a de facto government in the island "pending the settlement of the title."

The rejection of this treaty by the Senate will not settle the title either. In the face of the Platt amendment it can only be determined when Cuba and the United States shall agree on and mutually ratify a treaty.

DO WE NEED THE ISLE OF PINES FOR THE NATIONAL DEFENSE?

Viewing the matter from the standpoint of our own country, what is the desirable thing to do?

I wish we could know what was in the minds of Senator Platt and his contemporaries in official life. How did they view the future? Mild mannered always and sometimes yielding, why was President McKinley so determined, so "sensitive," to quote Congressman Hermann, when it came to any question of the ownership of the Isle of Pines?

November 5, 1902, Senator Platt, the author of the amendment, said this in a letter to J. C. Linney, of New York:

I inserted a clause to the effect that the title should be the subject of treaty negotiations. I feel that it is of the utmost importance that it shall be ours. It will give us the most advantageous point from which to defend the entrance of the Isthmian Canal. I supposed, when I provided that it should be the subject of treaty negotiations, that unless we could satisfy the Cuban Government that it passed to us in the cession it would come to us by purchase, and that is still my belief.

We debated for weeks over Muscle Shoals and the chief argument of the author of the successful bill was the need of that great water power to make the nitrogen for use in explosives for the national defense. Can we forget the national defense and the relation of the Isle of Pines to the national defense?

Cast your eyes upon a map of the Caribbean Sea. Can any Senator willingly give up the Isle of Pines when he regards the national ownership of the approaches to the Panama Canal?

Let us review the geographical facts. To the east of the canal is Curacao, a Dutch fueling station.

Farther east is Trinidad, a British possession. South of Cuba and east of the Isle of Pines is Jamaica, also British.

South of Porto Rico and the Virgin Islands are the French islands of St. Kitts and St. Pierre.

Cuba and Haiti, independent nations, complete the band of foreign possessions, completely inclosing the entrance to the canal and commanding its approaches.

Is it not reasonable to believe that Platt and Frye and Davis, as well as McKinley and his Cabinet, to say nothing about the Foreign Affairs Committee of that day, had in mind the construction of the canal and its need of protection in the future?

If not that, what foreign disturbance did they fear? It was hardly for nothing that Platt and his colleagues included article 6 in the amendment.

The island—

Said Senator Clapp in the North American Review—

located as it is with relation to the Caribbean Sea and the Gulf of Mexico, is of immense strategic importance to the United States. It is, in a sense, the key to both those bodies of water and would form an admirable outpost as a guard to the mouth of the Panama Canal. The Bay of Siguanea, opening from the western end of the Isle of Pines, is an extensive sheet of water 15 miles in width by over 20 in length, and contains a depth of from 22 to 35 feet. By dredging a short channel through the sand bar to the north of Point Frances this bay will be available for vessels of deep draught, and contains several sites eminently suitable for coaling stations. It could thus be made into a safe and commodious harbor large enough to float the navy of any nation, and of incalculable value to the United States in case of a foreign war threatening the security of the eastern outlet of the Panama Canal at Colon.

Could any greater humiliation come to the United States than to have the Panama Canal captured or destroyed by an enemy? If in honor we can keep the Isle of Pines, we should do it. If there was excuse for its possession in 1901, the present situation makes its retention a most urgent necessity.

AN APPEAL TO CUBA AND THE CUBANS

As a friend of Cuba, as one who traveled up and down the land begging our citizens to demand intervention, as one who spoke many times from the same platform with Quesada, as one who prays for peace and prosperity for that Pearl of the Antilles, I urge upon the citizens of the Cuban Republic that no greater calamity could come to them than a foreign war which directed its attention to the Caribbean.

As an American I would make every monetary sacrifice rather than give up a piece of land which can be made a naval, military, and air base of greatest importance to our protection of the canal. This island commands the Yucatan Channel. It commands the Caribbean. It commands the eastern approach to the canal. We must keep it at all costs within honor.

Cuba owes the United States a large sum of money. If I am correctly advised, there has been no reimbursement of the cost of the second intervention—in 1907–8–9. According to information given by the Bureau of Insular Affairs, War Department, this amounts to $6,500,000, no part of which has been paid.

If Cuba really owned the Isle of Pines no vote of mine would ever snatch from her a grain of its sands. But if the Isle of Pines is ours it should remain so forever. With my conception of its vital importance to the national defense, we can not afford to lose possession.

May I suggest in all delicacy and with no desire to give affront to a proud people, that I wish Cuba might render us a bill for the important service she has rendered our country by her de facto administration of the Isle of Pines? It has cost the Cuban Republic tremendous sums to look after this territory. Such expenditure should be returned with interest. We can afford to be generous because we have taxed all the goods imported from the island into continental United States. It would be impossible to trace out the tariff receipts and return them to the individual shippers, but we can and should deal generously with the Cuban Government, even to the extent of her entire indebtedness to us or more.

Such is the story from the Cuban standpoint. What is the situation from the American point of view? How are we to solve the riddle?

WHAT DO THE OFFICIAL RECORDS SHOW?

In the absence of specific information which, unfortunately, is not in possession of the Senate, we are forced to search out from available records the truth about the Isle of Pines. When we have the facts at our disposal we discover that our predecessors failed to make effective use of the same material. In consequence the whole situation continues to be muddled and distracting.

Perhaps this is why action on the treaty has been deferred. But the delay may not be such a mystery after all, although I admit that at times it strikes me as a strange and mysterious situation. Study of all the records clears away the mists and, in my opinion, thoroughly illuminates the intentions and decisions relating to the West Indies. I shall attempt to marshal the evidence.

On July 22, 1898, the Government of Spain submitted to President McKinley a message asking upon what terms the war might be terminated. A copy of this letter can be found in Senate Document No. 62, part 1, Fifty-fifth Congress, third session, at pages 272 and 273.

On July 30, 1898, our Secretary of State, William R. Day, made reply to the Spanish Minister of State. This letter is found on pages 273 and 274 of the same document. Here are set forth the demands of our country. I quote:

The United States will require:

First. The relinquishment by Spain of all claim of sovereignty over or title to Cuba and her immediate evacuation of the island.

Second. The President, desirous of exhibiting signal generosity, will not now put forward any demand for pecuniary indemnity. Nevertheless he can not be insensible to the losses and expenses of the United States incident to the war or to the claims of our citizens for injuries to their persons and property during the late insurrection in Cuba. He must, therefore, require the cession to the United States and the immediate evacuation by Spain of the island of Porto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrones, to be selected by the United States.

Third. On similar grounds the United States is entitled to occupy and will hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

If the terms hereby offered are accepted in their entirety, commissioners will be named by the United States to meet similarly authorized commissioners on the part of Spain for the purpose of settling the details of the treaty of peace and signing and delivering it under the terms above indicated.

On August 7, 1898, Spain accepted our terms. I quote from the letter of the minister of Spain, pages 275 and 276:

In the name of the nation, the Spanish Government hereby relinquishes all claim of sovereignty over or title to Cuba and engages to the immediate evacuation of the island, subject to the approval of the Cortes—a reserve which we likewise make with regard to the other proffered terms—just as these terms will have to be ultimately approved by the Senate of the United States.

The United States require, as an indemnity for or an equivalent to the sacrifices they have borne during this short war, the cession of Porto Rico and of the other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrones, to be selected by the Federal Government.

This demand strips us of the very last memory of a glorious past and expels us at once from the prosperous island of Porto Rico and from the Western Hemisphere, which became peopled and civilized through the proud deeds of our ancestors. It might, perhaps, have been possible to compensate by some other cession for the injuries sustained by the United States. However, the inflexibility of the demand obliges us to cede, and we shall cede, the island of Porto Rico and the other islands belonging to the Crown of Spain in the West Indies, together with one of the islands of the archipelago of the Ladrones, to be selected by the American Government.

The next letter, dated August 10, 1898, written by the Secretary of State Day to His Excellency M. Jules Cambon, ambassador of the French Republic, I desire to quote in full. It is as follows:

EXCELLENCY: Although it is your understanding that the note of the Duke of Almodovar, which you left with the President on yesterday afternoon, is intended to convey an acceptance by the Spanish Government of the terms set forth in my note of the 30th ultimo as the basis on which the President would appoint commissioners to negotiate and conclude with commissioners on the part of Spain a treaty of peace, I understand that we concur in the opinion that the Duke's note, doubtless owing to the various transformations which it has undergone in the course of its circuitous transmission by telegraph and in cipher, is not, in the form in which it has reached the hands of the President, entirely explicit.

Under these circumstances it is thought that the most direct and certain way of avoiding misunderstanding is to embody in a protocol, to be signed by us as the representatives, respectively, of the United States and Spain, the terms on which the negotiation for peace are to be undertaken.

I therefore inclose herewith a draft of such a protocol, in which you will find that I have embodied the precise terms tendered to Spain in my note of the 30th ultimo, together with appropriate stipulations for the appointment of commissioners to arrange the details of the immediate evacuation of Cuba, Porto Rico, and other islands under Spanish sovereignty in the West Indies, as well as for the appointment of commissioners to treat of peace.

Accept, excellency, the renewed assurances of my highest consideration.

WILLIAM R. DAY.

His Excellency M. JULES CAMBON, etc.

With this letter was the protocol, pages 277 and 278, setting forth the precise terms upon which the war could be terminated. I quote as follows:

PROTOCOL

William R. Day, Secretary of State of the United States, and His Excellency Jules Cambon, ambassador extraordinary and plenipotentiary of the République of France at Washington, respectively possessing for this purpose full authority from the Government of the United States and the Government of Spain, have concluded and signed the following articles, embodying the terms on which the two Governments have agreed in respect to the matters hereinafter set forth, having in view the establishment of peace between the two countries; that is to say:

ARTICLE 1. Spain will relinquish all claim of sovereignty over or title to Cuba.

ART. 2. Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies and also an island in the Ladrones, to be selected by the United States.

ART. 3. The United States will occupy and hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

ART. 4. Spain will immediately evacuate Cuba, Porto Rico, and other islands under Spanish sovereignty in the West Indies; and to this end each Government will, within 10 days after the signing of this protocol, appoint commissioners, and the commissioners so appointed shall, within 30 days after the signing of this protocol, meet at Habana for the purpose of arranging and carrying out the details of the aforesaid evacuation of Cuba and the adjacent Spanish islands; and each Government will, within 10 days after the signing of this protocol, also appoint other commissioners who shall, within 30 days after the signing of this protocol, meet at San Juan, in Porto Rico, for the purpose of arranging and carrying out the details of the aforesaid evacuation of Porto Rico and other islands under Spanish sovereignty in the West Indies.

ART. 5. The United States and Spain will each appoint not more than five commissioners to treat of peace, and the commissioners so appointed shall meet at Paris not later than October 1, 1898, and proceed to the negotiation and conclusion of a treaty of peace, which treaty shall be subject to ratification according to the respective constitutional forms of the two countries.

ART. 6. Upon the conclusion and signing of this protocol hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each Government to the commanders of its military and naval forces.

These documents established four definite things for Spain to do:

First. The relinquishment of all claims to Cuba.

Second. The cession of the island of Porto Rico, other islands in the West Indies, and an island in the Ladrones to indemnify the United States and its citizens for the losses incident to the war.

Third. The evacuation of Cuba and the evacuation of the adjacent Spanish islands.

Fourth. The evacuation of Porto Rico and other islands.

THE ISLANDS ADJACENT TO CUBA ARE OURS

It is clear that the Habana commissioners were to deal with Cuba and with the adjacent Spanish islands. The San Juan commissioners were to deal with Porto Rico and the rest of the Spanish islands in the West Indies.

If the "adjacent Spanish islands" had been included in and considered a part of Cuba, there would have been no mention of them in article 4 of the protocol. Had they not been mentioned specifically, it could be assumed that they were considered a part of Cuba and to be relinquished with Cuba. As it is, however, the language makes certain that the "islands adjacent to Cuba" were to be included in the cessions to the United States to provide the indemnity.

If my view is not correct, what became of the "islands adjacent to Cuba" when the treaty itself was made? In article 1 of the treaty of Paris "Spain relinquishes all claim of sovereignty over and title to Cuba." No mention is made of the "adjacent islands." It must be concluded, therefore, that in the treaty itself, as contrasted with the more specific article 4 of the protocol, "the adjacent Spanish islands" were fused with and included in the islands mentioned in article 2 of the treaty, namely, "the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies."

This view harmonizes, too, with the Spanish minister's letter of August 7, 1898, found on page 276 of Senate Document No. 62. I quote:

> It might, perhaps, have been possible to compensate by some other cession for the injuries sustained by the United States. However, the inflexibility of the demand obliges us to cede, and we shall cede, the island of Porto Rico and the other islands belonging to the Crown of Spain in the West Indies.

It must be observed that in all the documents referred to the use of the definite and positive article "the" makes specific, as it should, the intention of the various officials. The use and omission of the definite article will give light to any doubter who will study critically the language of the text.

For instance, take note that in the quotation just made the Spanish minister refers to "Porto Rico and 'the' other islands." On the contrary, in the second section of Article IV of the protocol, Secretary of State Day refers to the "evacuation of Porto Rico and other islands." This latter language I take to mean not alone the islands adjacent to Porto Rico but all the remaining islands under Spanish sovereignty, not including the islands adjacent to Cuba.

Contrast this omission of the definite article "the" with the first section of Article IV of the protocol. Here it provides for the "evacuation of Cuba and 'the' adjacent Spanish islands." This is a specific statement and makes clear to him who runs just what islands were meant (pp. 276–277, S. Doc. No. 62).

For myself, I am convinced from a critical study of the records that the Isle of Pines and probably all the other islands adjacent to Cuba were not included in Article I of the Paris treaty, but were ceded to the United States by Article II of the treaty.

In his able address on January 17 the Senator from Illinois [Mr. McCORMICK] made much of Senator Morgan's efforts to amend Article VI of the Platt amendment. He referred to the debate which took place in the Senate on February 27, 1901.

As I read that debate and as I suggested to the Senator from Illinois last Saturday, it is perfectly apparent that Senator Morgan believed the Isle of Pines, which is the chief island "adjacent to Cuba," was included in the islands ceded to the United States by Spain to indemnify us for the losses of the war. The able Senator from Alabama saw that Article VI of the Platt amendment would cloud our title to the Isle of Pines. The suggestion to have the title, "Left to future adjustment by treaty," would, he believed, create a doubt as to the ownership. Who can deny that that is exactly what has occurred? Senators to-day are beclouded in mind because of the conditions created by the Platt amendment.

Senator Morgan said:

> For the purpose of giving the conferees a chance to save the Isle of Pines to the United States without a row with Cuba, I propose to strike out the sixth proposition of the amendment.

He took the view which was expressed even more strongly last week by the Senator from Virginia [Mr. SWANSON]. The latter suggested that the only way to "obtain the Isle of Pines is by force or war."

It is unfortunate we did not at once assert our ownership and take possession of the Isle of Pines. As it is, the Platt amendment has clouded our title. A situation has been created which can only be cleared up by a treaty with Cuba. We must get a quitclaim to property which I believe is legally ours but against which the Platt amendment is a moral mortgage.

The Senator from Illinois [Mr. McCORMICK], in his speech on Saturday, misinterprets the point Senator Morgan had in mind when he introduced his amendment, February 27, 1901. Page 3149 of the CONGRESSIONAL RECORD indicates that the Secretary of the Senate stated Morgan's amendment, showing that Article VI of the Platt amendment, if so amended, would read:

> ART. VI. That the Isle of Pines shall be omitted from the constitutional boundaries of Cuba.

Had Senator Morgan's motion been accepted the Isle of Pines would have been in our undisputed possession. The pending treaty would never have been negotiated and our troubles of to-day would never have been born. The Isle of Pines was ours and we should have possessed it. But this desirable thing did not happen, and before we can regain moral title Cuba's consent must be had.

THE "LOBBY," AND WHY

"Lobbying by persons financially interested in the Isle of Pines" was commented upon by the Senator from Illinois [Mr. McCORMICK] and by others. Why should not citizens of the United States defend their rights? Can a man be blamed if he protests the threatened loss of his home? What American would willingly transfer his household goods to the oversight of another nation, no matter how friendly? Can you blame the owners of homes in the Isle of Pines for using every honorable argument to gain support for their hearthstones? Are they to be called "lobbyists" in the sense that they are log-rolling for some unworthy cause, or in an unworthy manner?

Sneer at it as we may, the fact remains that the Assistant Secretary of War, Mr. Meiklejohn, August 14, 1899, directed John J. Pershing, Assistant Adjutant General, to write to George Bridges, of Carlisle, Pa. Mr. Bridges had said he was no "land grabber," but desired to operate sawmills on the island. Pershing's authorized reply said, "This island was ceded by Spain to the United States and is therefore a part of our territory, although it is attached at present to the division of Cuba for governmental purposes." This statement is found on page 72 of Senate Document No. 166.

Mr. Meiklejohn may be "a forgotten assistant in the Department of War," but his official act is here to haunt us. The Senator from Illinois [Mr. McCORMICK] will retort, no doubt, that "the evil men do lives after them."

January 13, 1900, and January 15, 1900, Mr. Meiklejohn himself replied to correspondents, stating that the Isle of Pines is a part of our territory (pp. 74 and 75 of S. Doc. 166).

Mr. Hermann, of Oregon, afterwards a Member of the House, was Commissioner of the General Land Office during this period. The CONGRESSIONAL RECORD of December 8, 1903, page 57, records Mr. Hermann's statement on the floor of the House. It is as follows:

> Of my own personal knowledge I know that it was the last wish of President McKinley, after carefully looking into the question as to the ownership of the Isle of Pines and as to the right we acquired from Spain to that domain, that it should be understood to belong to the United States under the treaty, and he was so emphatic—I may say sensitive—as to that conviction that he gave specific instructions to the department that the Isle of Pines should be noted upon the large cession map of the United States that shows the different acquisitions of public domain to our country from the various sources through which we derive original title, and that the Isle of Pines should be placed there as inuring to the United States under the Paris treaty.
>
> That was done and publication has been made upon each annual issue of that map since that time, and our claim and ownership of the Isle of Pines has thus been proclaimed through one of the great executive departments to all the world, and with the approval, the wish, and direction of the Chief Magistrate of this country. For one I think the conclusion is irresistible as to our right and title to that Province, and I sympathize with the citizens of our Nation who have gone there and acquired property there and have there engaged in

various industrial occupations under the assurance of American protection and American control, and, indeed, upon every reasonable interpretation of the Paris treaty, and who are now about to be held to be inhabitants and property owners under Cuban jurisdiction.

Mr. President, I have had placed upon the wall of the Senate Chamber a public map which was issued in 1900 as a map of the "United States, Territories, and insular possessions, compiled from official surveys of the General Land Office and other authentic sources," showing that the Isle of Pines is a possession of the United States, as was contended for by Mr. Meiklejohn, General Pershing, President McKinley, and others who have discussed the subject.

Who can question that our citizens, to the number of 10,000 I am told, bought property in the Isle of Pines in full confidence that they were buying homes over which would fly the Stars and Stripes? Ninety per cent of the property of this island is owned by Americans, and it is probable that not one of our citizens would have purchased except in the belief that it was American soil.

Mr. PEPPER. Will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Pennsylvania?

Mr. COPELAND. I yield.

Mr. PEPPER. Did I understand the Senator to estimate the number of American residents in the Isle of Pines as being 10,000?

Mr. COPELAND. I did not; no, sir.

Mr. PEPPER. Then I misunderstood the Senator.

Mr. COPELAND. My exact language was, "Who can question that our citizens, to the number of 10,000, I am told, bought property in the Isle of Pines in full confidence that they were buying homes over which would fly the Stars and Stripes?" I would not give the impression that there are 10,000 Americans in the Isle of Pines, but there are 10,000 American citizens who own property in that island.

Mr. PEPPER. I have no very exact information, but the highest total population that I have ever heard attributed to the island is 4,000 and the highest estimate of Americans at any one time about 700.

Mr. McKELLAR. The highest number of Americans, I think, is 900.

Mr. HEFLIN. I think the Senators are mistaken about that. I understand the number is from 1,000 to 1,500.

Mr. COPELAND. Mr. President, my information does not vary greatly from that of the Senator from Pennsylvania. I would not have any false impression created regarding that matter; but 90 per cent of the property on the island is owned by Americans, and it is probable that not one of our citizens would have purchased except in the belief that it was American soil.

Mr. WALSH of Montana. While the Senator is on that subject I should like to ask him a question, simply for enlightenment. I find in a document issued, I think, by the Cubans in support of their claim a reference to the letter of Assistant Secretary of War Meiklejohn and to the letter of Assistant Adjutant General Pershing, and then reference to some further communications upon the subject. Thus it says——

Mr. COPELAND. From what page is the Senator about to read?

Mr. WALSH of Montana. From page 13. After referring to a letter written by Meiklejohn, it says:

> On January 13 and January 15, 1900 (pp. 74 and 75), the Assistant Secretary of War again replied to inquiries regarding ownership of the Isle of Pines in exactly the same terms as those he had directed to be used in the letter of August 14, 1899, above referred to.

So we have a letter of August 14, 1899, asserting that the Isle of Pines belonged to the Government of the United States. We have another letter of date "January 13 and January 15"—I do not know whether that refers to one letter or to two letters——

Mr. COPELAND. It refers to two letters.

Mr. WALSH of Montana. Very well—again asserting that the title was in the United States; but the document continues:

> But after this date the records show that a different answer was given to such inquiries. A letter dated January 31, 1900 (p. 75), addressed to the Secretary of War, by William O. McDowell, asking, "Is the Isle of Pines United States as Porto Rico is United States, or is it Cuba?" was referred to Mr. Charles E. Magoon, law officer, who reported as follows (undated memorandum, p. 79) to Col. C. R. Edwards, Chief of the Division of Customs and Insular Affairs: "I can not answer the interrogatory propounded in this letter. The political branches of this Government—to wit, the Congress and the Executive—are to determine the territorial extent of the sovereignty and dominion of the United States and the particular territory over which such sovereignty and dominion shall be asserted. I suggest that no answer be attempted by this department under the conditions at present existing. If an answer to this letter is imperative, I suggest that Mr. McDowell be informed that as at present advised this department considers the Isle of Pines subject to the jurisdiction of the military forces of the United States now in charge of civil affairs in the island of Cuba, if such is the fact."

So that it would appear that the assertion of title in the United States by the War Department commenced on the 14th of August, 1899, but was withdrawn on the 30th of January, 1900, if the statement is accurate.

What I should like to know is how many American citizens acquired title to property in the Isle of Pines between those two dates, for I may say that this document—and I have not attempted to verify the statement—goes on to say that most of the Americans in the Isle of Pines acquired title to the lands they own there as late as 1903.

I notice also, in the official document provided, some testimony which gives the names of all American owners of lands in the Isle of Pines, but it does not give any information at all as to the date when they acquired title. It may be, as the Senator now says, that there are 10,000 Americans owning lands in the Isle of Pines; but if they acquired their title after this letter was made public, of course that presents quite a different case.

Mr. COPELAND. I think, Mr. President, the comment of the Senator from Montana is a very proper one. That question does arise; but undoubtedly some Americans invested there before this somersault was turned by the Government.

Mr. WALSH of Montana. What can the Senator advise in respect to that?

Mr. COPELAND. As to the facts?

Mr. WALSH of Montana. Yes. Did the gentlemen who addressed the letter of August, 1899, and the gentlemen who addressed the two letters of January, 1900, actually go there and invest within that period?

Mr. COPELAND. Of course, I can not answer the question; but the average citizen is only an average citizen. If he sees a map of the United States, its territories and insular possessions, and he sees placed there the Isle of Pines, he has a right to assume that the Government is back of that transaction and has given its indorsement to it. Undoubtedly there are many Americans who purchased property in the Isle of Pines since it was known that there was uncertainty regarding the property; and, as I have stated to the Senator, I have no doubt at all that there has been a mortgage upon the American title to the Isle of Pines since the passage of the Platt amendment on March 2, 1901. From that time forward there was a question in the minds of many public officials; but the fact remains that there are Americans who did purchase property in the Isle of Pines, before the doubt of ownership was created, and I do not think for the purpose of the argument that it makes any difference whether there were 10,000 Americans or 100 Americans, if any Americans purchased property there.

Mr. NORRIS. Mr. President, what is the date of the map?

Mr. COPELAND. 1900.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New York yield to the Senator from Arkansas?

Mr. COPELAND. I do.

Mr. CARAWAY. The question of whether or not people purchased property there would not change the right of the United States to assert jurisdiction over the island; would it?

Mr. COPELAND. No, sir.

Mr. CARAWAY. That does not change or should not change our attitude as to whether this treaty should be ratified or rejected.

Mr. COPELAND. No; it simply gives another incentive——

Mr. CARAWAY. Let me ask the Senator, if that is true, then what force has it, in determining what the vote of a Senator should be whether there are 500 or 5,000 people there?

Mr. COPELAND. Not any.

Mr. CARAWAY. Then what was the object of the Senator in presenting it? I am just trying to follow the argument.

Mr. COPELAND. I was simply presenting facts which have been placed in my possession as to the present ownership of the Isle of Pines; but I have just said, in reply to the Senator from Pennsylvania, that I do not think it makes any difference whether we have 10,000 citizens who are interested because of purchase there or whether the number is 100. If any Americans bought land there while the view was taken by the executive departments of the Government that this island was owned by and territory of the United States, we should give protection to those citizens,

Mr. CARAWAY. How does the Senator purpose to give protection to them? That is what I want to know.

Mr. COPELAND. I have not quite finished my argument as regards that.

Mr. McKELLAR. Mr. President, may I make a suggestion to the Senator from New York, if he will permit me?

Mr. COPELAND. Certainly.

Mr. McKELLAR. If these American citizens went down there upon the assurances of the then American Government that the Isle of Pines was United States territory, and then the Senate ratifies this treaty conveying the sovereignty to Cuba, and the Cuban Government dispossesses these American citizens who now own the property or in any other way destroys their property, would they not have a moral right to come back to Congress and say: "The American Government induced us to go there. We went there and spent our money, and by reason of your action we have lost what we invested there"?

Why would they not have some kind of a moral claim on the Government? I am not so sure whether they would or not; but it seems to me that is a matter that the Senate ought to take into very careful consideration before ratifying this treaty.

Mr. HEFLIN. Mr. President, right in that connection, if the Senator from New York will permit me——

Mr. COPELAND. I yield to the Senator from Alabama.

Mr. HEFLIN. Senator Morgan, in his minority report, said, in line with what the Senator from Tennessee said and called to the attention of the Senator from New York:

> In respect of the rightfulness and sincerity of the motives and conduct of our people in purchasing lands and making homes in the Isle of Pines, the conduct of General Wood and the War Department and of the State Department in their official statements has much to do. It is painfully true that the conduct and official statements of these high officers in giving express sanction and consent to our people to make homes in the Isle of Pines will be repudiated if the treaty before the Senate is ratified in its present shape.

Mr. CARAWAY. Mr. President, will the Senator from New York permit me to ask the Senator from Alabama a question?

Mr. COPELAND. I yield.

Mr. CARAWAY. If the Isle of Pines is part of the territory of Cuba, the Senator would not be in favor of dispossessing Cuba to protect some American investors there, would he?

Mr. HEFLIN. I would not; but I do not concede that it is part of the Cuban territory. It is clear to my mind that it is the property of the United States.

Mr. CARAWAY. Of course, if the Senator will pardon me, if it is not the property of Cuba, if there never had been an American foot upon the Isle of Pines it would be the duty of the Senator from Alabama to refuse to ratify the treaty. If it was and is the property of Cuba, if there were a million American citizens there, it ought to be, and I think it would be, his pleasure to vote for its ratification, would it not?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. Then the question of whether American people went there under representations, false or otherwise, does not change the status of the island, does it?

Mr. HEFLIN. To some extent the Senator is right; but in view of the President's attitude and the attitude of General Pershing at the time, and his reply that the island was the property of the United States, I think if they went there in good faith to buy the land, and did do it, and now should be dispossessed, that the Government of the United States ought to pay them every dollar they lost in the transaction.

Mr. CARAWAY. Let us concede that; but that would not have anything to do with whether or not the treaty ought to be ratified, would it?

Mr. HEFLIN. Yes; it would.

Mr. CARAWAY. In what respect? Suppose the President of the United States had asserted title to the Nile Valley?

Mr. HEFLIN. We must construe the transaction of that time in the light of the history that surrounded it. What was the attitude of the President, the Commander in Chief of our Army and Navy? It was that that island belonged to us. What was the attitude of the Acting Adjutant General when the citizens of our Government asked whether this island was ours or not? General Pershing replied for the Government that it was property of the United States.

Mr. CARAWAY. Let me ask the Senator a question: Does he think that the declaration of General Pershing would change the territory of the United States? Suppose he had declared that the State of Alabama never was a part of the Union, would the Senator from Alabama have said that General Pershing had any right to disclaim the sovereignty of the United States over Alabama?

Mr. HEFLIN. Certainly not.

Mr. CARAWAY. He could not extend, nor could he diminish by 1 square inch, the area of the United States.

Mr. HEFLIN. The comparison is not appropriate, because Alabama is in the Union and has been in it a long time, and is not territory that we acquired when the war with Spain came on.

Mr. CARAWAY. The thing I am trying to say to the Senator from Alabama is this: Personally, I hope to protect, and I intend to offer an amendment by way of a reservation that will try to protect, the property rights and the liberty of people in the Isle of Pines; but, as I see it, the question of whether or not the Government has been guilty of holding out inducements to people to go to the Isle of Pines and buy property there has nothing to do with whether we should or should not ratify the treaty. When the question comes up of whether we shall try to protect the rights of American citizens who have gone there under any kind of representation, I then shall find myself very much in sympathy with that procedure, although I can not conceive that it has anything to do with the question of whether the Isle of Pines is Cuban or American territory.

Mr. HEFLIN. Mr. President, if the Senator from New York will permit me——

Mr. COPELAND. I will permit the Senator. Go ahead.

Mr. HEFLIN. I was just going to say this further word to the Senator from Arkansas in line with the point, which I think is very strong, that has been made by the Senator from New York that in the Platt amendment, Article VI, it is said:

> That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

I do not think there is any doubt that McKinley expected to use the Isle of Pines for a naval base, if necessary, and that he intended it to be the property of the United States.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. COPELAND. I yield to the Senator from North Carolina.

Mr. SIMMONS. I want to say to the Senator from New York and the Senator from Tennessee and the Senator from Arkansas that I think the treaty now pending before the Senate provides very fully for the protection of any property acquired in the Isle of Pines since the war with Spain by American citizens. I call the attention of the Senators to this provision in the treaty. It is Article III:

> Citizens of the United States of America who, at the time of the exchange of ratifications of this treaty, shall be residing or holding property in the Island of Pines shall suffer no diminution of the rights and privileges which they have acquired prior to the date of exchange of ratifications of this treaty; they may remain there or may remove therefrom, retaining in either event all their rights or property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners.

Mr. CARAWAY. Mr. President, will the Senator yield there for just one second?

Mr. COPELAND. I yield.

Mr. CARAWAY. The thing I still have in mind is the question of their citizenship. Their right to exercise certain prerogatives of a citizen, I think, is not protected in this provision.

Mr. SIMMONS. No; the question of citizenship—that is, whether they became citizens of that country—is not covered by the treaty.

Mr. CARAWAY. I understand that; but if they went there as American citizens I think they are entitled to a certain kind of protection and guarantees.

Mr. SIMMONS. Possibly the Senator may be right about that—the treaty safeguards and protects their person and property—but it does not provide for naturalization and citizenship.

Mr. COPELAND. Mr. President, I regret that some of the Senators who are taking part in the debate did not hear the early part of my argument. I feel hopeful that possibly they might have been converted to my view of the Isle of Pines problem. Of course, my own position, as I have tried to make it clear and as I believe the documents prove, is that the Isle of Pines was ceded to the United States, and that the Isle of Pines is the property of the United States; but unfortunately the passage of the Platt amendment placed a moral mortgage upon that title, and until we have a treaty with Cuba we will not have moral possession, regardless of whether we take physical possession or not.

As regards the treaty, at the end of my remarks I am going to suggest that there should be a treaty with Cuba making clear our ownership of the island. I think the pending treaty is a very wrong treaty. The second article of this treaty—and I say this specifically to the Senator from North Carolina—says that—

> This relinquishment, on the part of the United States of America, of claim of title to the said Island of Pines is in consideration of the grants of coaling and naval stations in the Island of Cuba heretofore made.

The Senate of the United States can not dispose of the possessions of the United States by treaty. If the Isle of Pines is ours, it can only be transferred to Cuba by act of Congress.

Mr. SIMMONS. Mr. President, at this time I do not desire to enter into any discussion with the Senator from New York, but at the proper time I propose to address the Senate and endeavor to maintain the proposition that the treaty of Paris conveyed to the United States, in trust for Cuba and the Isle of Pines, both of those islands, and that the United States has never been, with respect to those islands, since the negotiation of that treaty anything more than a trustee on behalf of the Cuban people and the inhabitants of the Isle of Pines. I shall therefore, of course, controvert the fundamental proposition of the Senator from New York, to wit, that the United States owns that property. I will not quarrel with the Senator with reference to his conclusion that if the United States owns this property it can not alienate it by treaty. That may be a debatable question. But the United States, in my opinion, does not and never has owned it. The United States has never claimed or declared ownership. The United States has never gone further than the declaration in the Platt amendment that the claim of title of the United States—not the title but claim of title of the United States—should be left to future adjustment through treaty between the two countries. I apprehend there can be no doubt about the right of the United States to adjust a controversy relating to property by treaty, although there may be some question whether the United States could by treaty transfer property to which it had title.

Mr. COPELAND. Is it not implied in the pending treaty that we have title?

Mr. SIMMONS. No; in the pending treaty we relinquish not our title, but we relinquish our claim of title.

Mr. COPELAND. For what?

Mr. SIMMONS. Following the language of the Platt amendment, we relinquish our claim of title. Nobody, so far as I have been able to discover, has declared that the United States had the title, except Mr. Melklejohn, an Assistant Secretary of War, who made that declaration without the authority of his chief, and without consultation with the law officer of the department. The Secretary of War disclaimed that statement and declared the island went to Cuba under the treaty. But all that is a matter I do not wish to discuss at this time. I shall do so later, and in my own time.

Mr. RALSTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. COPELAND. I yield to the Senator from Indiana.

Mr. RALSTON. I wish to make an inquiry of the distinguished Senator from North Carolina: Under which article of the Paris treaty did the United States get whatever interest or title it has in or to the Isle of Pines, whether it is held in trust or otherwise?

Mr. SIMMONS. Under the simple declaration that Spain relinquished all sovereignty and title to Cuba. Under that declaration it was not relinquished to us; it was not relinquished to the Cuban people; but it was relinquished so far as Spain was concerned. It came into our possession by virtue of conquest, and we, carrying out a pledge we made to the Cuban people at the time we declared war, acknowledging our trusteeship, turned it over to Cuba, not because we had any title to it, because relinquishing it to Cuba did not relinquish it to the United States.

Mr. RALSTON. I am not raising the question of the trusteeship now, but article 2 of the first treaty negotiated between Cuba and the United States expressly provides that whatever our interest may be in the Isle of Pines we got it by means of article 2 of the Paris treaty.

Mr. SIMMONS. Yes.

Mr. RALSTON. I suggest that that shows clearly the interpretation the United States and Cuba placed upon the source of our title to the Isle of Pines at that time, and they then traced it to article 2 of the Paris treaty, which brought to us Porto Rico. In the second treaty negotiated it is provided that we surrender whatever claim or title to the Isle of Pines we received under both the first and second articles of the Paris treaty. This shows clearly that in their first interpretation or construction of the Paris treaty the Cubans did not associate the Isle of Pines with Cuba.

Mr. SIMMONS. Mr. President, manifestly, from the official records that we have, Cuba has always contended that the Isle of Pines was a part of Cuba. Cuba has never admitted that we had title to that island. We set up through the Platt amendment a claim of title there. Of course, Cuba admitted that we were claiming title when it ratified the treaty by the terms of which we relinquished in favor of Cuba all claim of title in the isle. As I understand it, both the Senator from New York and the Senator from Indiana contend that the United States can not even part with a claim of title by the process of treaty. I do not think there is any legal or constitutional basis for that contention. But if so, the claim of title set up by the United States was asserted in the so-called Platt amendment to an appropriation bill——

Mr. COPELAND. An Army appropriation bill.

Mr. SIMMONS. An Army appropriation bill. The Platt amendment provided that Cuba should ratify the stipulations and requirements of that amendment as a part of her constitution. Congress ratified the Platt amendment, and in ratifying the Platt amendment the Congress gave its assent to the settlement of this controversy by treaty. It delegated to the treaty-making power the settlement, not of its title to the land but of its claim of title to the land.

Mr. COPELAND. Let me ask the Senator from North Carolina if the Isle of Pines had been unquestionably our property, if it had been a possession of ours which we had had for a long time, and which we had gotten in a perfectly proper way, could Congress have disposed of it by treaty?

Mr. SIMMONS. Only if the act of Congress in authorizing that it be settled in that way should be construed as a direction of Congress to do so under certain conditions to be determined by the negotiators.

Mr. COPELAND. Mr. President, I am very much obliged to the various Senators who have contributed so notably to the discussion. I do think it is unfortunate that we could not lock into the Senate Chamber on one occasion all the Senators who are interested, and who have studied the problem, in order that there might be a real and comprehensive matching of minds and interchange of ideas. Of course, many of the arguments which have been made by several Senators who have discussed my remarks were disposed of, to my satisfaction, at least, by the earlier part of my own remarks, but unfortunately not all the speech has been listened to by those who have just now debated it. I suppose that when the next Member of the Senate undertakes to illuminate the subject he will have the same difficulties. But if I may now have a few moments to myself, I will continue and finish my statement.

I do not suppose it makes any difference whether 10,000 or 1,000 or 100 citizens of the United States bought property in the Isle of Pines by reason of official representations. There can be no doubt that some did.

Through mutual friends I have personal knowledge of several families of high standing and unquestioned probity, persons who invested their all in this island, believing it to be American territory. They give abundant and appealing reasons why their lot will be impossible if this treaty is ratified.

I hesitate to repeat all I have been told and, after all, since it would be a recital of purely personal grievances and wrongs, it has little bearing on the larger questions involved in this matter. Undoubtedly Senators have heard these stories, and I need not refer to them at greater length. It is enough to say this evidence is the testimony of American citizens of known honesty and integrity of character.

AN APPEAL FOR JUSTICE

Even though we might split hairs in deciding technical and legal matters, there is one question upon which there can be no possible division of opinion. When the rights of American citizens are involved, our country, even to the extent of war, would rise as one man to demand that justice be done.

I hasten to say that I am not rattling the sword. Nobody hates war more than I do, although no other American more loudly demanded American intervention in Cuba. Certainly there is nothing at stake in this matter which can not be adjusted in peace and harmony.

But, Senators, are we to neglect the rights of American citizens, citizens who have purchased property in the Isle of Pines because of their confidence in the good faith of their Government?

The ear of our Government should be so attuned that it can hear the cry of an American, no matter where he may be on

this earth. The strong arm of government should reach out to give aid to a poor, afflicted, and oppressed citizen who has a just claim, no matter where he may be. But, certainly, when a citizen of the United States has invested his money and made his home upon the representations of the Federal Government, all the powers of the Federal Government should protect him in his rights, or fully reimburse him for his losses, both material and mental.

One of the most dramatic chapters in the history of the human race is the story of the Apostle Paul and his unrighteous treatment at the hands of the mob. A prisoner, Paul appeared before Festus, who trembled as the apostle reasoned of righteousness, temperance, and judgment to come. But willing to do a pleasing thing to the mob, Festus answered Paul and suggested that he go up to Jerusalem to be judged by Festus.

"Then," said Paul, "I stand at Cæsar's judgment seat, where I ought to be judged; to the Jews have I done no wrong, as thou very well knoweth. For, if I be an offender, or have committed anything worthy, I refuse not to die; but if there be none of these things whereof these accuse me, no man may deliver me unto them. I appeal unto Cæsar."

At once Festus and the council said, "Unto Cæsar shalt thou go."

A few days later King Agrippa, having heard Paul preach, said unto him: "Paul, almost thou persuadest me to be a Christian." He rose up and said to Festus: "This man might have been set at liberty, if he had not appealed unto Cæsar."

Mob, Governor, King—all trembled when Paul made his appeal to Cæsar. Under Augustus Cæsar the Roman Empire had borders including almost the known world. Many peoples, races, tribes, and religions were ruled over by the monarch at Rome. Dissensions, differences, agitations, and revolutions were many, but in spite of these and over and above all else on earth was the splendid privilege of Roman citizenship. No one dared question the right of a citizen to appeal unto Cæsar and no potentate or ruler ventured to refuse the demand of the citizen who made his appeal to appear before Cæsar.

CONCLUSION

Is not American citizenship just as significant as was Roman citizenship of Paul's time? When an American appeals to his Government, is he to appeal in vain?

Ah, Senators, I know you will listen to our fellow citizens who have homes and possessions in the Isle of Pines. They have appealed to us. We can not do less than to listen to their appeal, and to judge it fairly.

For myself, I can see but one course, and it begins with the rejection of this treaty. After that we must take immediate steps to negotiate with Cuba a new and proper treaty, which will attach the Isle of Pines to the United States, giving us honorable and unquestioned possession.

Holding these views, I shall vote against the ratification of the treaty. If the Senate rejects the treaty, as I hope it will, it is then my purpose, if no one else does, to offer a resolution in the Senate requesting the President to enter into negotiations with the Republic of Cuba for the cession of its interest in the Isle of Pines to the United States upon such terms and conditions as may be equitable and just to the Governments and peoples of the United States and of Cuba, and to the residents and property holders of the Isle of Pines.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 5 minutes p. m.) took a recess until to-morrow, Wednesday, January 21, 1925, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, *January 20, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thou art ever alive to the welfare and destiny of Thy children, preserving and guiding them by manifold and gracious ways. Truly Thy mercy is forever flowing and forever free. Comfort all our firesides that may be in anxiety, perplexity, or bereavement. Always encourage us to emphasize by precept and example the three great duties of the American citizen; namely, fear God, love the brotherhood, and honor the State. Everywhere let selfishness be relegated, anger calmed, and avarice give way to beneficence. Thus shall we see the dawn of that Kingdom which comes from above. Amen.

The Journal of the proceedings of yesterday was read and approved.

MAY ADELAIDE SHARP

The SPEAKER laid before the House the following Senate resolution:

Resolved, That the House of Representatives be requested to return to the Senate the bill H. R. 6498, entitled "An act for the relief of May Adelaide Sharp."

The SPEAKER. Without objection the request of the Senate will be complied with and the bill will be returned to the Senate.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate Nos. 2, 8, and 11 to the bill H. R. 10982, entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1926, and for other purposes."

The message also announced that the Senate had passed the following resolutions:

Senate Resolution 306

Resolved, That the Senate has heard with profound sorrow of the death of Hon. HENRY CABOT LODGE, late a Senator from the State of Massachusetts.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public service.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Senate Resolution 307

Resolved, That the Senate has heard with profound sorrow of the death of Hon. FRANK B. BRANDEGEE, late a Senator from the State of Connecticut.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Senate Resolution 308

Resolved, That the Senate has heard with profound sorrow of the death of Hon. LEBARON B. COLT, late a Senator from the State of Rhode Island.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The message also announced that the President pro tempore had appointed Mr. BUTLER, Mr. PEPPER, and Mr. WALSH of Massachusetts members of the commission on the part of the Senate, as provided for in the joint resolution (H. J. Res. 259) establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Lexington and Concord, authorizing an appropriation to be utilized in connection with such observance, and for other purposes, approved January 14, 1925.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10982. An act making appropriations for the Treasury and Post Office Departments for the fiscal year June 30, 1926, and for other purposes;

H. R. 3847. An act granting a certain right of way, with authority to improve the same, across the old canal right of way between Lakes Union and Washington, King County, Wash.; and

H. R. 9804. An act to amend the act entitled "An act to create a commission authorized under certain conditions to

refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, as amended February 28, 1923.

BONDING AND DESIGNATION OF DEPUTY FISCAL OR DISBURSING AGENTS

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

Mr. DOWELL. Reserving the right to object, about what does the gentleman desire to talk?

Mr. BLANTON. I just want to mention a vote that the House is about to take.

The SPEAKER. The Chair hears no objection.

Mr. BLANTON. Mr. Speaker, I rise to call attention to the Haugen bill, on which the House is about to vote, H. R. 8372. That bill changes the law that now exists concerning the paymasters and disbursing agents of every department of this Government—not merely the Agricultural Department, but of every department. These are changes that are going to result in injury to the Treasury. I hope that my colleagues will be careful how they vote on the bill. The bill now consists of a five-page amendment striking out the bill as originally introduced, and it puts five pages of changes of existing law relative to paymasters in every department of the Government on the statute books.

Mr. HAUGEN. The bill is exactly as prepared by the Treasury Department and the Department of Agriculture. The draft was prepared by the two departments, and was first introduced to cover the activities of the Agricultural Department. After consideration and after decision on the part of the comptroller, the other departments were included.

Mr. BLANTON. It is a law relating to the paymasters in the Navy Department and the War Department and every other department.

Mr. HAUGEN. It has general application instead of confining it to one department.

The SPEAKER. The unfinished business is the third reading of the engrossed bill (H. R. 8372) to authorize the designation of deputy fiscal or disbursing agents, and for other purposes. The Clerk will report the bill by title.

The Clerk read the title of the bill.

Mr. BLANTON. Mr. Speaker, for the information of the House, I ask for the reading of the engrossed copy.

The SPEAKER. The Clerk will read the engrossed copy.

The Clerk read as follows:

Be it enacted, etc., That every disbursing clerk, or officer, person, or agent, including any special disbursing agent, or any officer of the Army or Navy, who may be charged with the custody or disbursement of public moneys of the United States, or funds held in trust by the United States, shall, before entering upon his duties, give bond to the United States in such form and in such penalty and with such surety or sureties as may be approved by the head of the department, independent bureau, establishment, or office employing him; and the head of any department, independent bureau, establishment, or office may designate or detail other officers or employees thereof as special disbursing agents whenever he deems it necessary.

In case of the absence from duty, on account of sickness, leave, or unavoidable cause, or otherwise, where it may be necessary in the discretion of the head of the department, independent bureau, establishment, or office employing him, of any disbursing clerk, officer, person, or agent aforesaid, said disbursing clerk, or officer, person, or agent may, with the approval of the head of the department, independent bureau, establishment, or office in which he is employed, authorize a clerk or clerks of highest grade in his office to act for and in his place, or the head of the department, independent bureau, establishment, or office may designate some other officer or officers, employee or employees of the department, independent bureau, establishment, or office, under his jurisdiction and control, to act for and in the place of such disbursing clerk or officer, person, or agent in discharging the duties of the office.

SEC. 2. The official bond given by the regularly designated, appointed, and qualified disbursing clerk, or officer, person, or agent, shall be held to cover and apply to the act of the person or persons so authorized, appointed, or designated to act for and in his place in such cases. Such acting disbursing clerks, or officers, persons, or agents shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for official misconduct in like cases, of the person for whom he or they act, and such acting disbursing clerks, or officers, persons, or agents may be required by the head of the department, independent bureau, establishment, or office to give bond to and in such amount as the disbursing clerk, officer, person, or agent may require, or, in case of a sudden emergency, as may be required by the head of the department, independent bureau, establishment, or office; and such acting disbursing clerks or officers, persons, or agents, when so authorized by a disbursing clerk, or officer, person, or agent, or when designated by the head of the department, independent bureau, establishment, or office so to act, shall have authority to issue and sign checks for and in the name of the disbursing clerk, or officer, person, or agent for whom they are acting.

SEC. 3. Section 145 of the Judicial Code is hereby amended by adding thereto a new subdivision, to be numbered third (b), as follows:

"Third (b). The claim of any depository of public funds, of any bank, agency, or person, for relief on account of loss occasioned by acts in contravention of law or regulations made in pursuance thereof, of a paymaster, quartermaster, or other disbursing officer of the United States, while serving in a foreign country, in connection with the issue of official checks against Government funds: *Provided*, That before any petition shall be filed in such a case, the claim shall be certified as proper for adjudication hereunder to the court by the Secretary of the Treasury: *Provided further*, That any relief granted hereunder shall not be held to relieve such paymaster, quartermaster, or other disbursing officer of the United States, or their sureties, from responsibility and liability to the United States for the acts, by reason of which the relief is granted."

SEC. 4. Section 147 of the Judicial Code is hereby amended to read as follows:

"SEC. 147. Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed as a credit in the settlement of his accounts.

"Whenever the Court of Claims ascertains the facts of any loss by any depositary of public funds or of any bank, agency, or person occasioned by an act of a disbursing officer, or any acting disbursing officer, in contravention of law or regulations made in pursuance thereof, of any paymaster, quartermaster, or other disbursing officer of the United States while serving in a foreign country, in connection with the issuance of official checks against Government funds, it shall make a decree setting forth the amount thereof, and on presentation to the Secretary of the Treasury of a copy of said judgment or decree, certified by the clerk of the Court of Claims and signed by the Chief Justice, and in his absence by the presiding judge of said court, the amount due under such decree or judgment shall be paid as other judgments of the Court of Claims entered under the provisions of section 1059 are paid."

SEC. 5. Section 3646 of the Revised Statutes of the United States, as amended by the act of March 21, 1916, is hereby amended by adding at the end thereof the following:

"That in any case of issuance of a duplicate disbursing officer's check, the Secretary of the Treasury, in his discretion, may waive the execution of the above-required bond."

All provisions of law, general or special, inconsistent herewith are hereby repealed.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 61, noes 3.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present and object to the vote upon that ground.

The SPEAKER. The gentleman makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 188, nays 122, not voting 121, as follows:

[Roll No. 35]

YEAS—188

Ackerman	Brumm	Dickinson, Iowa	Gifford
Aldrich	Burtness	Dowell	Green
Allen	Burton	Doyle	Griest
Andrew	Butler	Dyer	Guyer
Arnold	Cable	Elliott	Hadley
Aswell	Campbell	Evans, Iowa	Hall
Bacon	Celler	Fairchild	Hardy
Barbour	Chindblom	Fairfield	Haugen
Barkley	Christopherson	Faust	Hawes
Beck	Clague	Fenn	Hawley
Beedy	Clarke, N. Y.	Fish	Hersey
Beers	Cole, Iowa	Fleetwood	Hickey
Begg	Colton	Foster	Hill, Md.
Berger	Cooper, Ohio	French	Holaday
Bixler	Cooper, Wis.	Frothingham	Hudson
Bland	Cramton	Fuller	Hull, Iowa
Boies	Crowther	Fulmer	Hull, Tenn.
Brand, Ohio	Dallinger	Gambrill	Jacobstein
Browne, N. J.	Darrow	Garber	Johnson, Ky.
Browne, Wis.	Denison	Gibson	Johnson, S. Dak.

Johnson, Wash.	Madden	Reid, Ill.	Thompson
Kearns	Magee, N. Y.	Robinson, Iowa	Tilson
Keller	Magee, Pa.	Robsion, Ky.	Timberlake
Kelly	Major, Ill.	Rubey	Tincher
Kerr	Manlove	Sanders, N. Y.	Treadway
Ketcham	Mapes	Schneider	Tydings
King	Merritt	Scott	Underwood
Knutson	Michener	Seger	Vaile
Kopp	Miller, Wash.	Simmons	Vestal
Kvale	Mills	Sinclair	Vincent, Mich.
LaGuardia	Moore, Ohio	Sinnott	Voigt
Lampert	Moore, Va.	Smith	Wainwright
Lea, Calif.	Moores, Ind.	Snell	Wason
Leach	Murphy	Snyder	Watres
Leatherwood	Nelson, Me.	Sproul, Ill.	Watson
Leavitt	Nelson, Wis.	Sproul, Kans.	Wefald
Lehlbach	Newton, Mo.	Stalker	White, Kans.
Lineberger	Nolan	Stephens	White, Me.
Linthicum	Parker	Strong, Kans.	Williams, Ill.
Longworth	Patterson	Strong, Pa.	Williams, Mich.
Luce	Peavey	Swank	Williamson
McKenzie	Perkins	Sweet	Winter
McLaughlin, Mich.	Prall	Swing	Woodruff
McLaughlin, Nebr.	Purnell	Tague	Wurzbach
McSweeney	Ramseyer	Taylor, W. Va.	Wyant
MacGregor	Rathbone	Temple	Yates
MacLafferty	Reece	Thatcher	Zihlman

NAYS—122

Abernethy	Doughton	Lazaro	Rankin
Allgood	Drane	Lilly	Rayburn
Almon	Driver	Lowrey	Reed, Ark.
Ayres	Evans, Mont.	Lozier	Richards
Bankhead	Fisher	Lyon	Romjue
Bell	Fulbright	McClintic	Sabath
Black, N. Y.	Gardner, Ind.	McDuffie	Salmon
Black, Tex.	Garner, Tex.	McKeown	Sanders, Tex.
Blanton	Garrett, Tenn.	McReynolds	Sandlin
Bowling	Garrett, Tex.	McSwain	Sherwood
Box	Gasque	Major, Mo.	Sites
Brand, Ga.	Gilbert	Martin	Speaks
Browning	Glatfelter	Mead	Steagall
Buchanan	Hammer	Montague	Stedman
Bulwinkle	Hastings	Mooney	Stengle
Busby	Hill, Ala.	Moore, Ga.	Summers, Wash.
Byrnes, S. C.	Hill, Wash.	Morehead	Sumners, Tex.
Byrns, Tenn.	Hoch	Morrow	Taylor, Colo.
Cannon	Hooker	Newton, Minn.	Thomas, Ky.
Carter	Howard, Nebr.	O'Connell, R. I.	Thomas, Okla.
Collier	Howard, Okla.	O'Connor, La.	Tucker
Collins	Huddleston	Oldfield	Upshaw
Connally, Tex.	Hudspeth	Oliver, Ala.	Ward, N. C.
Connery	Humphreys	Park, Ga.	Watkins
Cook	Jeffers	Parks, Ark.	Weaver
Crisp	Johnson, Tex.	Peery	Williams, Tex.
Crosser	Jones	Pou	Wilson, Ind.
Cummings	Jost	Quin	Wilson, La.
Davey	Kincheloe	Ragon	Woodrum
Davis, Tenn.	Lanham	Rainey	
Dickinson, Mo.	Lankford	Raker	

NOT VOTING—121

Anderson	Fitzgerald	McLeod	Schall
Anthony	Frear	McNulty	Sears, Fla.
Bacharach	Fredericks	Mansfield	Sears, Nebr.
Bloom	Free	Michaelson	Shallenberger
Boyce	Freeman	Miller, Ill.	Shreve
Boylan	Funk	Milligan	Smithwick
Briggs	Gallivan	Minahan	Spearing
Britten	Geran	Moore, Ill.	Stevenson
Buckley	Goldsborough	Morgan	Sullivan
Burdick	Graham	Morin	Swoope
Canfield	Greenwood	Morris	Taber
Carew	Griffin	O'Brien	Taylor, Tenn.
Casey	Harrison	O'Connell, N. Y.	Tillman
Clancy	Hayden	O'Connor, N. Y.	Tinkham
Clark, Fla.	Hull, Morton D.	O'Sullivan	Underhill
Cleary	Hull, William E.	Oliver, N. Y.	Vare
Cole, Ohio	James	Paige	Vinson, Ga.
Connolly, Pa.	Johnson, W. Va.	Perlman	Vinson, Ky.
Corning	Kendall	Phillips	Ward, N. Y.
Croll	Kent	Porter	Weller
Cullen	Kiess	Quayle	Welsh
Curry	Kindred	Ransley	Wertz
Davis, Minn.	Kunz	Reed, N. Y.	Wilson, Miss.
Deal	Kurtz	Reed, W. Va.	Wingo
Dempsey	Langley	Roach	Winslow
Dickstein	Larsen, Ga.	Rogers, Mass.	Wolff
Dominick	Larson, Minn.	Rogers, N. H.	Wood
Drewry	Lee, Ga.	Rosenbloom	Wright
Eagan	Lindsay	Rouse	
Edmonds	Logan	Sanders, Ind.	
Favrot	McFadden	Schafer	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice.

Mr. Free with Mr. Harrison.
Mr. Morgan with Mr. Smithwick.
Mr. Porter with Mr. Gallivan.
Mr. Shreve with Mr. Dominick.
Mr. McFadden with Mr. Morris.
Mr. Graham with Mr. Milligan.
Mr. Fredericks with Mr. Croll.
Mr. Connolly of Pennsylvania with Mr. Buckley.
Mr. Bacharach with Mr. Kindred.
Mr. McLeod with Mr. Tillman.
Mr. Anthony with Mr. Wingo.
Mr. Winslow with Mr. Briggs.
Mr. Ransley with Mr. Larsen of Georgia.
Mr. Wood with Mr. Carew.
Mr. Vare with Mr. Major of Illinois.
Mr. Sanders of Indiana with Mr. Cullen.
Mr. Wertz with Mr. O'Connell of New York.
Mr. Burdick with Mr. Geran.
Mr. Reed of West Virginia with Mr. Quayle.
Mr. Swoope with Mr. Greenwood.
Mr. Taylor of Tennessee with Mr. Spearing.
Mr. Kiess with Mr. Hayden.
Mr. William E. Hull with Mr. Griffin.
Mr. Kurtz with Mr. Shallenberger.
Mr. Taber with Mr. Rouse.
Mr. Kendall with Mr. Goldsborough.
Mr. James with Mr. Sears of Florida.
Mr. Underhill with Mr. Rogers of New Hampshire.
Mr. Tinkham with Mr. Drewry.
Mr. Rogers of Massachusetts with Mr. Stevenson.
Mr. Freeman with Mr. Wright.
Mr. Davis of Minnesota with Mr. Vinson of Georgia.
Mr. Curry with Mr. Johnson of West Virginia.
Mr. Ward of New York with Mr. Weller.
Mr. Anderson with Mr. Sullivan.
Mr. Welsh with Mr. Wilson of Mississippi.
Mr. Michaelson with Mr. Bloom.
Mr. Britten with Mr. Vinson of Kentucky.
Mr. Moore of Illinois with Mr. Kent.
Mr. Paige with Mr. Boylan.
Mr. Reed of New York with Mr. Kunz.
Mr. Roach with Mr. Canfield.
Mr. Sears of Nebraska with Mr. Lee of Georgia.
Mr. Larson of Minnesota with Mr. Casey.
Mr. Morton D. Hull with Mr. Lindsay.
Mr. Funk with Mr. Corning.
Mr. Phillips with Mr. Logan.
Mr. Dempsey with Mr. Mansfield.
Mr. Morin with Mr. Clancy.
Mr. Edmonds with Mr. McNulty.
Mr. Schall with Mr. Cleary.
Mr. Miller of Illinois with Mr. Minahan.
Mr. Cole of Ohio with Mr. Deal.
Mr. Fitzgerald with Mr. O'Brien.
Mr. Perlman with Mr. Dickstein.
Mr. Browne of Wisconsin with Mr. O'Connor of New York.
Mr. Rosenbloom with Mr. Eagan.
Mr. Shafer with Mr. Oliver of New York.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors.

The title was amended.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECONSIDERATION OF H. R. 11066

Mr. FRENCH. Mr. Speaker, I move to reconsider the vote by which the bill (H. R. 11066) to authorize the construction of a bridge across Pend D'Oreille River, Bonner County, Idaho, was passed.

The SPEAKER. The gentleman from Idaho moves to reconsider the vote by which a bill was passed, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11066) to authorize the construction of a bridge across the Pend D'Oreille River, Bonner County, Idaho, at the Newport-Priest River road crossing, Idaho.

EULOGIES

Mr. TREADWAY. Mr. Speaker, I offer a resolution which I send to the Clerk's desk and ask its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Ordered, That Sunday, February 15, 1925, at 2 p. m., be set apart for addresses on the life, character, and public services of the Hon. HENRY CABOT LODGE, late a Senator from the State of Massachusetts.

The question was taken, and the motion was agreed to.

Mr. TILSON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Ordered, That Sunday, February 15, at 2 p. m., be set apart for addresses on the life, character, and public services of the Hon. FRANK B. BRANDEGEE, late a Senator from the State of Connecticut.

The question was taken, and the motion was agreed to.

Mr. ALDRICH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Ordered, That Sunday, February 15, at 2 p. m., be set apart for addresses on the life, character, and public services of the Hon. LEBARON B. COLT, late a Senator from the State of Rhode Island.

The question was taken, and the motion was agreed to.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11753, a bill making appropriations for the Departments of State and Justice, and the Judiciary, and the Departments of Commerce and Labor for the fiscal year ending 1926, and, pending that, Mr. Speaker, I would like to ask the gentleman from Alabama [Mr. OLIVER] if we can agree on time for general debate.

Mr. OLIVER of Alabama. Mr. Speaker, I suggest that two hours will accommodate this side with the understanding by agreement we yield at once to Mr. GARRETT of Tennessee to discuss the subject of constitutional amendments.

Mr. SHREVE. Mr. Speaker, I ask unanimous consent that debate be limited to four hours, two hours on a side, one-half to be controlled by the gentleman from Alabama and the other half by myself.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that general debate be limited to four hours, half of which time to be controlled by himself and half by the gentleman from Alabama [Mr. OLIVER]. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Pennsylvania to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11753, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11753, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11753) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes.

Mr. SHREVE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Reserving the right to object, will the gentleman couple with his request that the bill be printed without reading?

Mr. SHREVE. Mr. Chairman, I very reluctantly insist that we shall proceed in the orderly way, because it has come to my attention that the last two bills which have been printed in the CONGRESSIONAL RECORD cost the Government over $1,600, and as long as the information can be found here I really wish the gentleman would not make that request.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BLANTON. I do not think there will be if the Chair will give me a minute to discuss this matter. I will not take over a half minute. I shall not put the House to the trouble of hearing this bill read; that would be beyond reason, and I am not going to do that, but I am going to discuss after a while the necessity for printing these bills in the RECORD, which I think must convince the gentlemen of the steering committee that there is a vital necessity for it.

Mr. SHREVE. I shall be glad to give the gentleman some time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE

The committee rose informally; and Mr. TILSON having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10467. An act granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio; and

H. R. 4168. An act to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat. L. p. 670).

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 11308. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL

Mr. SHREVE. Mr. Chairman, I yield 30 minutes to the distinguished gentleman from Tennessee, the leader on the other side of the House. [Applause.]

Mr. OLIVER of Alabama. And I yield 30 minutes to the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Tennessee is recognized for one hour.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Mr. GARRETT of Tennessee. Mr. Chairman, the Committee on the Judiciary have reported favorably and there is now upon the calendar House Joint Resolution No. 68, proposing an amendment to the Constitution of the United States.

This resolution, I may say, was introduced by me during the Sixty-seventh Congress, but for satisfactory reasons was not then vigorously pressed and was not acted upon by the committee. On December 10, 1923, at the beginning of the first session of the Sixty-eighth Congress, I reintroduced it, and at a later date the Committee on the Judiciary graciously accorded hearings to myself and others upon it and made its favorable report on June 3, 1924.

I have been assured by the distinguished majority leader, the gentleman from Ohio [Mr. LONGWORTH], that in all probability an opportunity will shortly be given to consider and act upon it in the House, and hence I am taking advantage of the courtesy tendered me by the gentleman from Pennsylvania [Mr. SHREVE] and the gentleman from Alabama [Mr. OLIVER] in yielding time during the general debate upon this appropriation bill to bring it to the attention of Members, to the end that they may be considering it against the day of further discussion and action.

I may say in passing that a precisely similar resolution was introduced in the Senate by the Senator from New York [Mr. WADSWORTH], and, following the custom of attaching to bills and resolutions the names of the introducers, it is commonly referred to as the Wadsworth-Garrett amendment.

It has been the subject of some discussion in the Senate. The Judiciary Committee of that body have reported it in an amended form. Time permitting, I shall later make reference to the Senate resolution as amended. For the present I shall confine myself to the House resolution, which was reported in the exact form in which it was introduced.

It is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article, in lieu of Article V, be proposed to the several States as an amendment to the Constitution of the United States, which shall become valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

ARTICLE —

The Congress, whenever two-thirds of each House shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by three-fourths of the several States through their legislatures or conventions as the one or the other mode of ratification may be proposed by the Congress or the convention: *Provided*, That the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments have been proposed; that any State may require that ratification by its legislature be subject to con-

firmation by popular vote; and that until three-fourths of the States have ratified or more than one-fourth of the States have rejected or defeated a proposed amendment any State may change its vote: *And provided further*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

From the reading it will be observed that it is a proposal to amend Article V of the Constitution, commonly known as the amending clause. I shall later point out the specific changes that are proposed, and it will perhaps be well to have read at this time Article V. I will ask the Clerk to do so.

The Clerk read as follows:

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Before coming to a discussion of the particular changes proposed and the reasons believed to merit them I venture briefly to refer to the history of the article and some of the actions thereunder by the Congress and by the States.

It seems to have been very generally agreed by the delegates who formulated the Constitution that provision should be made in the instrument itself for its amendment. That convention was composed of much of the intellectual and moral aristocracy of America. Each State was permitted to send as many delegates as it chose, and 12 States participated through delegates in its deliberations. Rhode Island alone refused to take part. Seventy-two of the foremost leaders of thought in these 12 States had been offered or given credentials, but in fact the greatest actual attendance was 55. Of these, 39 signed the completed document, while 16 declined to give to it their sanction and support.

Practically all of these delegates had been—many of them were at the time—members of the Continental Congress which had authorized and called the convention. It was indeed called not for the purpose of creating a new national organic law, but rather as a body to propose amendments to the Articles of Confederation, but as their labors advanced the Federal conception grew and grew until there was evolved a Nation.

In providing a method of amendment to be inserted into the body of the instrument the framers entered upon a comparatively new field.

Practically the only precedents were found in the action of the States themselves. Following the Declaration of Independence many of the States had remodeled their organic law. In most instances this was done hurriedly and the work was crude. It was meant to be temporary in character pending the outcome of the war. Jameson says:

The first batch of American Constitutions, moreover, were many of them framed in extreme haste, for temporary purposes, when little was thought or known of the best modes of constructing or amending such instruments. In several instances the State governments were intended to be mere provisional organizations, to be laid aside, not when new and better ones should be provided, but upon the expected contingency of a peace with England, following as a consequence of a redress of grievances. The result was that the Constitutions first framed generally contained no provision for their future amendment, since the necessity of amendment was not at that time apprehended.

By 1787, however, eight of the State constitutions did contain amending provisions.

The delegates to the Constitutional Convention of 1787 familiar with the weaknesses of the Confederation realized that one of the most glaring of these was the provision contained in the thirteenth article thereof, which prevented any alteration save as it should "be agreed to in a Congress of the United States and be afterwards confirmed by the legislature of every State."

They appreciated the fact that changing conditions would necessitate alterations; their ripe acquaintance with history and that profound knowledge of human nature which made them preeminent leaders of men and States caused them to understand full well that such alterations would inevitably come, if not through peaceable and orderly activities then through bloody revolution, and wisely they were of a mind to provide an avenue for the first method.

It is true that in the Madison papers (p. 795) it is said that when the thirteenth resolution of the series offered by Mr. Randolph as the Virginia plan to the effect that—

provision ought to be made for hereafter amending the system now to be established without requiring the assent of the National Legislature—

Was taken up—

Mr. Pinckney doubted the propriety or necessity of it.

It will be recalled that two Pinckneys sat as delegates in the convention from South Carolina, both named Charles.

The utterance mentioned in the Madison papers evidently was that of Charles Cotesworth Pinckney, because Charles Pinckney, who by the way was then but 29 years of age, himself presented a "plan" to the convention, a large part of which is now in the Constitution, and the sixteenth and last article of his plan was an amending clause.

At still another place in the Madison papers (p. 844) it is said that—

several members did not see the necessity of the resolution at all, nor the propriety of making the consent of the National Legislature necessary.

But evidently those who doubted in the beginning were convinced in the end. The proposition was several times before the body and was urged and debated by Madison and Mason, by Randolph and Hamilton, and perhaps most earnestly of all by Gerry.

Probably no better statement of the philosophy of an amending clause can be found than is contained in the remarks of Mr. James Iredell in the North Carolina convention, called to pass upon the question of ratification, when he said:

Mr. Chairman, this is a very important clause. In every other constitution of government that I have ever heard or read of no provision is made for necessary amendments. The misfortune attending most constitutions which have been deliberately formed has been that those who formed them thought their wisdom equal to all possible contingencies, and that there could be no error in what they did. The gentlemen who framed this Constitution thought with much diffidence of their capacities; and, undoubtedly, without a provision for amendment it would have been more justly liable to objection, and the characters of its framers would have appeared much less meritorious. This, indeed, is one of the greatest beauties of the system, and should strongly recommend it to every candid mind. The constitution of any government which can not be regularly amended when its defects are experienced reduces the people to this dilemma—they must either submit to its oppressions or bring about amendments, more or less, by a civil war.

But while agreed as to the necessity for an amending clause there were sharp differences of opinion as to what machinery should be created for accomplishing the purpose desired. The English system with which the delegates were entirely familiar enabled the Parliament to effect fundamental changes in the constitution in the same way as in the statute law. This did not appeal to the "fathers." Indeed, to have adopted this policy would have been wholly incongruous and would have resulted in the almost immediate destruction of their handiwork. They were embodying in organic, basic law too many limitations upon the power and authority of the very government they were creating to admit of leaving it to be altered by ordinary legislative processes.

He who would grasp the philosophy of the Constitution of these United States may not overlook its negatives. In the "Thou shall nots" of the instrument lie embedded the basic assurances of the liberties of the individual and the masses. Through them there is woven into its fabric the deep things of Magna Charta, the Bill of Rights, the habeas corpus act, and the Petition of Right—that is, "No taxation without representation," which had its origin, not in the Petition of Right granted by Charles I in 1628 to the English people, but in an act passed by the Virginia House of Burgesses in 1624 at Jamestown, Va., the first announcement of this great principle to a distracted world.

They were unwilling to intrust the liberties thus crystallized into organic law to the hazard of unrestrained legislative whim or unbridled legislative passion, and so they evolved the dual plans of amendment embodied in Article V.

It is frequently remarked that almost every article of the Constitution was the result of compromise, and such, indeed, is the fact; and it is interesting to note that the two major compromises, without the making of which the Union probably could never have been formed, are to be found in the few lines of the proviso in this article wherein it is declared:

That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section

of the first article; and that no State without its consent shall be deprived of its equal suffrage in the Senate.

The first clause is the one which inhibited legislation by the Federal Government permitting—

the migration or importation of such persons as any of the States now existing shall think proper to admit.

Its primary purpose was to prevent the inhibition of the importation of slaves, and their migration either from the country as a whole or from one State to another.

There was involved in this not only the question of slavery and its recognition in the organic law but of political power, because the fourth clause of section 1 of Article I had made slaves a basis of representation in the House of Representatives by providing that three-fifths of all slaves should be added to the whole number of free persons, excluding Indians not taxed, in apportioning Representatives.

It is worthy of notice as reflecting the spirit of those times that the first suggestion upon the subject was for permanent prohibition of legislation preventing importation.

Later in the proceedings it was proposed to fix upon the year 1800. Upon motion of Mr. Pinckney of South Carolina, seconded by Mr. Gorham of Massachusetts, 1800 was stricken out and 1808 substituted. Mr. Madison vigorously resisted this extension, saying:

Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the American character than to say nothing about it in the Constitution.

The vote upon this important question of extension was 7 States for and 4 against, the former being New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina, and Georgia, while the negative votes were cast by New Jersey, Pennsylvania, Delaware, and Virginia.

The fourth clause of section 1, Article I, which it provided should not be altered prior to 1808 was that which declared that:

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Time has eliminated the inhibition provided in Article V as to legislation or amendment upon these subjects. They are dead things in the organic law, and, of course, the resolution presented by myself omits them from its text.

The second matter which was rendered unamendable save by the action of all the States was that of equal representation in the Senate. That remains a vital, living thing in the Constitution to-day, and is not likely ever to be altered. That can not be amended in the ordinary way by two-thirds of the Congress and three-fourths of the States. To amend it would require the action of all. It is continued in the resolution which I introduced and which the Committee on the Judiciary have reported in the exact words of the original:

That no State without its consent shall be deprived of its equal suffrage in the Senate.

The amending clause of the Constitution was brought under scrutiny in The Federalist during the period between submission and ratification of the instrument, and under even keener scrutiny in the debates of the State conventions assembled to consider the question of ratification. It was the subject of vigorous criticism by Patrick Henry in the Virginia convention, because he regarded it as too restricted. He even went so far as to assert, "The way to amendment is, in my conception, shut."

That he was wrong was shortly to be quite conclusively proven.

THE FIRST TEN AMENDMENTS

In the various State conventions held to consider the question of ratification discussion elicited the fact that there was a widespread demand for additions to the instrument. This was particularly emphasized in Massachusetts, New York, and Virginia, while in Pennsylvania unofficial convocations of citizens were voicing their demands to this end. It is frequently asserted that had it not been well understood that amendments were to be speedily proposed, ratification by nine States, the requisite number for forming the Union, would not have taken place.

However this may be, it is certain that the demands were buttressed by a support so powerful as to make it imperative that they be considered.

Accordingly, on Monday, June 8, 1789, in accordance with notice previously given, Mr. James Madison, of Virginia, moved that the House resolve itself into the Committee of the Whole for the consideration of constitutional amendments. The motion met with immediate resistance. We need not follow the subject through the various parliamentary stages. Suffice it to say that it finally reached the point on that day when Mr. Madison outlined at length his views as to what amendments should be submitted. He had nine proposals, but these embraced all and more than is contained in the first 10 amendments.

It was peculiarly appropriate that the movement should be initiated by Mr. Madison. By common consent he was regarded as the most potent character, taking it all in all, who sat as a delegate in the Constitutional Convention at Philadelphia. With Jay and Hamilton, whose actual participation in the convention was quite limited, but whose tremendous labors for ratification unquestionably secured favorable action by New York, Madison shared the honor of having produced the searching papers that constitute The Federalist, wherein is to be found the most exhaustive and comprehensive contemporary analysis of every paragraph and sentence of the instrument, and he had been its greatest tower of strength in the ratification convention of Virginia.

It is probably not putting it too extravagantly to say that the greatest intellectual battle ever waged upon this continent was in that Virginia convention.

Patrick Henry emerged from that assemblage defeated so far as ratification was concerned, because all his powers of splendid and scintillating genius were expended against it, but he remained, in that age and state of many immortal men, the most powerful political figure of that particular era.

In the legislature which chose the first United States Senators it was he who denied a seat to Madison and dictated the selection of Richard Henry Lee and William Grayson, who had been most potent figures in building up sentiment adverse to ratification. He went still further. In arranging the congressional districts of Virginia he caused the assembly to so place the county of Mr. Madison's residence as that it was believed he could not secure election to the House. In this, however, he failed. Mr. Madison was elected to the House, defeating Mr. James Monroe with whom subsequently he was to be upon terms of close political amity. Monroe as a member of the Virginia convention had opposed ratification.

The Madison proposals finally were agreed to in the House on August 24, 1789. After being debated in the Senate they were the subject of conference between the two Houses and were finally passed by the Senate on September 25.

Being thus submitted they were ratified by the following States, and the notifications of the action from the governors thereof were successively communicated by the President to Congress:

New Jersey, November 20, 1789; Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; New Hampshire, January 25, 1790; Delaware, January 28, 1790; Pennsylvania, March 10, 1790; New York, March 27, 1790; Rhode Island, June 15, 1790; Vermont, November 3, 1791; and Virginia, December 15, 1791. There is no evidence on the journals of Congress that the Legislatures of Connecticut, Georgia, and Massachusetts ratified them.

The failure of Massachusetts to act is somewhat singular in view of the fact that her convention had stressed the importance of practically all the principles contained therein being inserted into the organic law.

Just here it may be a matter of some historical interest to note that there were two other amendments submitted by that Congress which failed of ratification. The idea underlying both of them was contained in the original Madison proposals.

The first had to do with the compensation of Members of the Congress.

Clause 1 of section 6 of article 1 in its first sentence provides as follows:

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States.

It was proposed to amend by adding to the sentence these words:

But no law varying the compensation last ascertained shall operate before the next ensuing election of representatives.

This proposed amendment was ratified by the legislatures of six States, rejected by five, and there is no record of action by three. Vermont had been admitted as a State, it will be remembered, thus making 14 States.

The other proposal had to do with the apportionment of Representatives.

It was proposed to so change clause 3 of section 2, Article I, as that it should provide that after the first actual enumeration of population there should be one Representative for every 30,000 until the number should amount to ———, after which the proportion should be so regulated by Congress that the number should never be less than ——— nor more than ———, but that after the first enumeration each State have at least two Representatives.

This amendment was ratified by the legislatures of 10 States. Pennsylvania at first rejected on March 10, 1791, but ratified in September upon reconsideration. Three States—Massachusetts, Connecticut, and Georgia—failed to act, and one—the State of Delaware—rejected.

It would be interesting to know just why Delaware rejected the amendment. It would have given her two Representatives instead of one. I am not sure, but I believe that State has never except for one 10-year period had more than one Representative here; but if I may be permitted to say it, she has sent many here who have contributed vastly to the Nation's weal. She has one here now in the person of Judge BOYCE, who is the peer of any lawyer in the Congress [applause], and I personally regret that he was not permitted to remain and give to us and the country the benefit of his extraordinary talents and ability. [Applause.]

Delaware to this day takes infinite pride in the fact that she was the first State to ratify the Constitution, and throughout her entire history she has been extremely conservative upon the question of alterations and changes.

I wish at this point to borrow from the great speech made in the House by the gentleman from Virginia [Mr. TUCKER] on January 3, 1924, discussing the so-called Sterling-Towner bill. In that he gave some very instructive history of the personnel of the First Congress, which has a peculiarly appropriate place, I think, just here. Mr. TUCKER said:

> The First Congress of the United States was composed of 92 Members, Senators and Representatives. Of that number, 51 had been members either of the Federal convention which proposed the Constitution or of the conventions of the several States which ratified it. The character and ability of these men could not be questioned. The members of the Federal convention who were members of this First Congress were:
>
> Connecticut: Oliver Ellsworth, William S. Johnson, and Roger Sherman.
>
> Delaware: Richard Bassett and George Read.
>
> Georgia: William Few and Abraham Baldwin.
>
> Maryland: Daniel Carroll.
>
> Massachusetts: Tristram Dalton, Caleb Strong, Elbridge Gerry,
>
> New Hampshire: John Langdon and Nicholas Gilman.
>
> Pennsylvania: George Clymer, Robert Morris, and Thomas Fitzsimons.
>
> South Carolina: Pierce Butler.
>
> Virginia: James Madison.
>
> New Jersey: William Paterson.
>
> The Members of the First Congress who were also members of the conventions in their several States that ratified the Constitution were as follows:
>
> Maryland: Charles Carroll of Carrollton. Joshua Seney, William Smith, and Michael Jenifer Stone.
>
> Massachusetts: Tristram Dalton, Caleb Strong, Elbridge Gerry, George Partridge, and Theodore Sedgwick.
>
> New Hampshire: John Langdon and Samuel Livermore.
>
> New York: John Laurance.
>
> North Carolina: John Steele and Timothy Bloodworth.
>
> Pennsylvania: Thomas Hartley, Frederick A. Muhlenberg, and Henry Wynkoop.
>
> Rhode Island: Joseph Stanton, jr., and Benjamin Bourn.
>
> South Carolina: Ralph Izard, Thomas Sumter, Aedanus Burke, and William Smith.
>
> Virginia: William Grayson, Richard Henry Lee, Andrew Moore, Alexander White, James Madison, jr., Theodoric Bland, and Isaac Coles.
>
> Some of these men had been leaders in the Federal convention. Many of them had been leaders in their State conventions. Mr. Madison and a few others were in both the Federal convention and their State conventions.

THE ELEVENTH AMENDMENT

The eleventh amendment, which inhibits the extension of the judicial power to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State, was the direct result of the decision of the Supreme Court in the famous case of Chisholm, executor, *v.* The State of Georgia (2d Dallas, p. 419), in which it was held that a State was liable to be sued as a defendant by an individual citizen of another State.

From the standpoint of a lawyer, it seems now impossible to escape the force of the logic of the court in this its first decision of importance upon a constitutional question, although Mr. Madison in debate in the Virginia convention had denied that the Constitution would warrant the exercise by the Supreme Court of the power to summon an unwilling State as defendant against an individual. He said, "It is not in the power of individuals to call any State into court."

Not only Madison so declared, but John Marshall, who was to become the greatest of constitutional interpreters, in one of the greatest addresses before that convention, said:

> I hope that no gentleman will think that a State will be called at the bar of the Federal court. * * * It is not rational to suppose that the sovereign power should be dragged before a court. The intent—

Said Mr. Marshall—

> is to enable States to recover claims of individuals residing in other States.

He indicates a belief that a legislature of a State might be made a party, but scorns the idea that a State could be such.

It would be interesting to know how Marshall, had he been upon the bench in the fullness of his superb intellectual powers, would have decided the case of Chisholm, Executor, against Georgia, and what influence his dominating mentality would have had upon his colleagues of the court.

It is interesting to note that Mr. Randolph, who as Attorney General of the United States and as such counsel for the plaintiff in Chisholm against Georgia, was to file the motion on August 11, 1792, summoning the State to the bar of the court and argue it before that even then august tribunal, did not in the Virginia convention express any specific views upon the question which Madison and Marshall so summarily and dogmatically disposed of.

Fear had been voiced in many quarters as to what construction would be given to the language of section 2 of article 3, providing that the—

> Judicial power shall extend to * * * controversies * * * between a State and citizens of another State.

Rhode Island, in ratifying the Constitution in May, 1790, had declared that the—

> judicial power of the United States, in cases in which the State may be a party, does not extend to criminal prosecutions or to authorize any suit by a person against a State,

and in order to remove all doubt they proposed an amendment asserting that Congress did not have the power to interfere with a State in the redemption of its paper money.

However logical the decision in the case, it shocked the sensibilities of the States beyond our power now to conceive. The conception of State sovereignty was quite different in those days from what it is to-day.

Georgia with mingled fineness of dignity and contempt had refused to answer at the bar of the court. Through Messrs. Ingersoll and Dallas she did present to the court a written remonstrance and protestation against the exercise of jurisdiction, but declined to plead or argue the question.

Mr. Randolph's opening sentences were:

> I did not want the remonstrance of Georgia to satisfy me that the motion which I have made is unpopular. Before that remonstrance was read I had learnt from the acts of another State, whose will must be always dear to me, that she, too, condemned it.

This latter sentence doubtless refers to Maryland, which also had been summoned in suit as had New York and Massachusetts.

In their indignation the Legislature of Georgia passed a law subjecting to the death penalty "without benefit of clergy" any officer who should serve such a process against that State. [Laughter and applause.]

Had the decision of the court been permitted to stand as the supreme law of the land there can be little doubt but that dissolution of the Union would have almost immediately followed, perhaps, virtually by unanimous consent.

The amending clause of the Constitution furnished, however, an easy method of solution, and recourse was had to it for "recall of the decision."

Two days after the decision there was introduced in the Senate a resolution in the exact phraseology of the present eleventh amendment. It was briefly considered and action postponed, but the States began to speak in language whose meaning was clear, and at the next session it was reintroduced. It passed the Senate by a vote of 23 to 2 and the House by 89 to 1, and was ratified by 13 of the 16 States.

An interesting question arose in connection with the question of ratification.

Kentucky was admitted to the Union in 1792 and was the twelfth State to ratify, making the required three-fourths. Nevertheless the letters of Mr. Pickering, Secretary of State, indicate that he was for a time in doubt as to whether the requisite three-fourths had ratified on account of the admission of the State of Tennessee. Finally, however, it was shown to have received three-fourths before Tennessee was admitted, which was in June, 1796, more than two years subsequent to its submission. There is no record of action by New Jersey and Pennsylvania. This was possibly due to the fact that it had been ratified by the requisite number and had become a part of the organic law before their legislatures met.

THE TWELFTH AMENDMENT

The twelfth amendment in the form in which it appears may be said to be the outgrowth of the presidential election of 1800 wherein Thomas Jefferson and Aaron Burr received an equal number of electoral votes and the election was thrown into the House of Representatives.

The method of selecting the President of the United States was one of the last questions settled in the constitutional convention. After it had been determined that the executive power should be lodged in a single person to be known as President, the method of selection under the dual form of government, that was being established, became at once a most puzzling and irksome problem.

The electoral college system with the proviso for the House of Representatives to act in the event of failure to make a choice by the first plan was finally determined upon.

It has been said that "this was the great failure of the Constitution."

Mr. James M. Beck in his recent most interesting work on the Constitution says:

> Direct election by the people was deemed impossible, as it was apprehended that each State would vote for its own leading citizen and no election would result. History gave the delegates two great examples of an indirect selection of a Chief Executive; the one was the Holy Roman Empire, whose head was selected by so-called electors, and the other was the head of the Roman Catholic Church, who was selected by the College of Cardinals. Unable thus to solve the problem, the question was referred to a committee, and this committee recommended the plan, not of one electoral college, which theoretically might have been effective, but of as many colleges as there were States, for each State was empowered to select its own electors, who should meet by themselves and then certify their choice to the Central Government. There was thus no joint deliberation between all the electors in any one session.

The original provision in the Constitution provided that the electors should vote for two persons for President; that the one receiving the highest vote, provided it was a majority of the whole vote cast, should be President; and that the person receiving the second highest vote should be Vice President.

President Washington was twice unanimously elected President, with John Adams as Vice President, but by 1796 political parties had begun to form, with the result that under the system provided in the Constitution persons of different political faith—Adams and Jefferson—were elected President and Vice President, respectively. This of itself led to agitation for a change of plan, and the tie vote of Jefferson and Burr in 1800 so emphasized the situation that the twelfth amendment was formulated and submitted to the legislatures of the States.

It provides that the electors shall vote for one person for President and one for Vice President.

Partisan politics entered into its consideration in both the Congress and the legislatures.

In the first session of the Seventh Congress, while passing the House by a vote of 47 to 14, it lacked one vote of securing the necessary two-thirds in the Senate, the vote there being 15 to 8; but it secured the requisite number in both branches during the first session of the Eighth Congress, being finally passed December 12, 1803.

The Federalists, although they had in previous years sought this change, now set themselves against it, and it became a party issue throughout the country. In the House of Representatives the objection was made that it had not constitutionally passed the Senate, because, while it had received two-thirds of the votes of those present, a quorum being in attendance, yet it did not receive two-thirds of the whole membership of that body. In answer to that the Republicans—Democrats—pointed to the precedent fixed in the submission of the first ten. Some of these had not a two-thirds of the entire membership, but only a two-thirds of those present, a quorum being present.

In an address by a Mr. O'Neil, issued to the people of Connecticut, it was said:

> The plan of this amendment is to bury New England in oblivion and put the reins of Government into the hands of Virginia forever.

Only three Representatives from New England voted for its submission.

The star of Jefferson, however, was then in the ascendency. He was at the zenith of his popularity; a candidate for reelection and the presidential election was approaching. The States acted rapidly and by the latter part of July, 1804, it had been ratified by 13 States. Connecticut, Delaware, and Massachusetts, declaring it "unwise, impolitic, and unconstitutional," rejected it. New Hampshire's Legislature ratified, but the governor vetoed it, thus raising for the first time the question of whether the governors had any function to perform. It was academic, however, in view of the fact that without New Hampshire three-fourths had acted favorably.

It was declared in force by proclamation of the Secretary of State September 25, 1804.

I have said that the method provided for the presidential election has been called "the great failure of the Constitution."

It is rather remarkable that it was so from the very beginning. That is to say the electors never did function as the framers of the instrument had in mind. They believed that the electors would meet without instructions or restrictions and after consultation together make selection. It has never been so. All knew in advance, of course, that Washington was to be the first President, and from that time forth practically every presidential elector has been chosen with full knowledge on the part of the authority choosing him as to whom he would support.

TWO OTHER UNACCEPTED PROPOSALS

It was 61 years before another amendment was adopted, but during that period from 1804 to 1865 some 400 proposals were made in the form of resolutions introduced in Congress and suggestions contained in the actions of State legislatures. Of course, many of those were duplicates and repetitions, but nevertheless they covered a wide range of subjects, sufficient indeed, had they been adopted, to have almost completely remade the document.

Two proposals out of the 400 met with the favor of Congress and were submitted. Perhaps as a matter of history they are interesting enough to mention.

In 1810, at the second session of the Eleventh Congress, by a vote of 26 to 1 in the Senate and 87 to 3 in the House, there was passed a resolution to amend the Constitution so as to provide:

> If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall without the consent of Congress accept and retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them or either of them.

This amendment was ratified by 12 States and received the approval of the Senate of South Carolina, but it was not acted upon by the House. Had that State ratified, it would have been the law. There is nothing in the debates about it to indicate what caused its suggestion, nor does contemporary literature shed any light upon the question.

It was thought for a time, Ames tells us in his work on Proposed Amendments to the Constitution, that it had been ratified, and it appears in the official edition of the Constitution proposed for the use of the House of Representatives of the Fifteenth Congress as the thirteenth amendment. He states that the misconception was perpetuated for over a third of a century in editions of the Constitution and school histories.

The second amendment to be submitted in this period was what is known as the Corwin amendment, designed to prohibit any amendment abolishing slavery.

When the Thirty-sixth Congress convened for its second session in December, 1860, the clouds of the war of secession were easily discernible and alarm was universal. President Buchanan in his message recommended the submission of some constitutional amendments in the hope that they might avert civil strife. The House of Representatives created a special committee of 33 on conciliation. Of this Mr. Corwin, of Ohio, was made chairman. This committee, after long consideration, agreed upon a report which embodied measures intended to be conciliatory in character. These were the subject of animated, indeed, intensely angry, debate.

One part of the report was a proposed amendment to the Constitution which would forever make it impossible for Congress to interfere with slavery in the States. Mr. Corwin offered a substitute for the committee proposal. It was at first rejected in the House, but upon a reconsideration received the required two-thirds, the vote being—ayes 133, noes 65. In the Senate it received exactly the required two-thirds, the vote being 24 to 12, and so it went to the legislatures on March 12, 1861, two days before the end of the session, in the following words:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws thereof.

This proposed amendment did not meet the demands of the extreme proslavery advocates; they demanded not only that slavery be not interfered with in the States where it existed but insisted upon the right of its extension. It was the law then that Congress could not interfere with the institution in the States where it existed. The Corwin amendment, however, was not as Doctor Ames, in the work heretofore referred to, declares "comparatively colorless."

It did, indeed, propose a profound change. Its acceptance would have added to the organic law another provision which, like that of equal suffrage in the Senate, could have been changed only by consent of all the States.

The Legislatures of Ohio and Maryland ratified this amendment, the former on May 13, 1861, about one month, by the way, after Fort Sumter had been fired upon, and the latter on January 10, 1862.

There is no record of any action by any other State legislatures, but there was a singular occurrence in the State of Illinois concerning it. In that State in the spring of 1862 a State constitutional convention was held. Its work seems to have been fruitless, as the instrument which it formulated was never adopted. That State appears to have gotten along under her original constitution of 1818 until 1870, when a new one was instituted.

The convention of 1862 was called wholly to deal with the State's organic law, but it assumed to itself authority to act upon the Corwin amendment, and on April 14, 1862, just a few days after the Battle of Shiloh, they proceeded to ratify it. Protests were made by members that they had no power. It was pointed out that Congress had expressly submitted the amendment to the legislatures and that the convention in which they sat, even had it been submitted to conventions, could not legally act, because it was not called for that purpose.

They did, however, pass a resolution of assent, and that action is of interest because it is the only instance wherein a constitutional convention in any State has acted upon an amendment submitted by Congress. This was the last effort to avert the Civil War by action of the legislative branch of the Government.

This is also the last amendment submitted which has failed of ratification. There are just four proposals that have passed the Congress and gone to the legislatures that have not been adopted. Two of these, as I have shown, were submitted in the First Congress along with the 10 that were ratified; the third was in 1910 and the Corwin proposal in 1861.

Query: What is the status of these proposed amendments now? Could they be yet ratified after lying dormant these long years? Mr. Jameson does not think so and the Supreme Court practically says "no" in Dillon *v.* Gloss (256 U. S. p. 368 et seq.).

Just here is a not inappropriate place to refer to another of those "odds and ends" of history, interesting if not important.

In 1873, near the close of the Forty-second Congress, a measure was passed increasing the salaries of Members and Senators from $5,000 to $7,500 per annum, and the bill was made retroactive; that is, it was made to take effect from the beginning of the Congress. It aroused a veritable storm throughout the country, and at the succeeding election the bones of many statesmen were scattered abroad to bleach in the sunshine from coast to coast. Some member of the Ohio Legislature bethought himself of the long-dormant proposal, submitted by the First Congress, providing that no alteration of the existing rate of compensation should at any time take effect before the next succeeding election of Members of the House, and it was brought up in the Ohio Legislature. A committee charged with its preliminary consideration reported that they were divided in opinion on the question of the validity of a ratification after so great a lapse of time, and the matter was finally dropped.

Another interesting matter in connection with the Corwin amendment is that in February, 1864, three years after its submission, Senator Anthony, of Rhode Island, introduced a resolution in the United States Senate to repeal it. The power of Congress to take this action—the question of whether, after submission, Congress has further control—is, of course, important, but I shall not attempt to discuss it at this time.

No action was taken upon Senator Anthony's resolution. None was necessary, for the war, with its resultant emancipation proclamation, not only destroyed it but led to the thirteenth amendment, which was the direct reverse of the Corwin proposal, because it, by its terms, did the very thing which that proposal said might never be done—abolished slavery.

THE THIRTEENTH AMENDMENT

This amendment passed the Senate April 8, 1864. On April 9 it was messaged to the House, and from then until June 16 was from time to time elaborately debated. On that day the vote was had upon it, and it was rejected, the vote being 95 to 66. At the second session of that Congress—the thirty-eighth—however, it was reconsidered and passed by a vote of 119 to 56.

It was ratified by all the States except Delaware and Kentucky, but some did not act until after the proclamation of the Secretary of State, which was issued on December 18, 1865. Texas did not ratify until February 18, 1870.

THE FOURTEENTH AMENDMENT

The fourteenth amendment was debated in the House of Representatives from time to time between April 30 and May 10, 1865. It came from the Joint Committee on Reconstruction and was reported by Mr. Thadeus Stevens, with whose name it, as well as the principle of the fifteenth, is inseparably linked. It passed the House on the latter date by a vote of 128 ayes to 37 nays. In the Senate it was considered on different days between May 27 and June 8, when it was adopted with amendments by a vote of 33 yeas to 11 nays, exactly 3 to 1. On June 13 the Senate amendment was concurred in by the House—120 yeas to 32 nays—and it went to the country.

In the consideration and action upon this amendment a new question arose to which I shall have occasion to refer later in my remarks. Two States, after ratifying and before the Secretary of State had issued the declaratory proclamation, reconsidered and withdrew their assent—New Jersey and Ohio. Oregon also reconsidered and withdrew, but it was after the proclamation. The two States so changing were essential to make the three-fourths. The Secretary, Mr. Seward, stated the facts in a proclamation on June 18, 1868. Congress thereupon took a hand and passed a concurrent resolution, saying it was all sufficient, which the Secretary accepted, and he then issued his proclamation of June 28, 1868. Three States—Virginia, Mississippi, and Texas—ratified after the proclamation. Delaware, Maryland, and Kentucky rejected it.

I have not examined the acts of Ohio and Oregon rescinding their assents, but my curiosity as to New Jersey was aroused by finding, at page 2226 of the Congressional Globe of the second session of the Fortieth Congress, where Mr. Boutwell had reported favorably from some committee a resolution introduced by Mr. Washburn declaring the New Jersey resolution of rescission to be "disrespectful to the House and scandalous in character," directing its return by the Speaker to the Member from New Jersey who presented it and providing that it should be mentioned in the Journal only by title. Mr. Boutwell moved to suspend the rules and pass it. There was quite a lively parliamentary skirmish for a few moments with arguments under the guise of parliamentary inquiries and adroit efforts to get the text in the record by having it read. These efforts were effectively blocked by the Speaker, a motion to adjourn was voted down, and the steam roller moved on with smoothness.

Being anxious to see a scandalous statute, I procured the acts of the New Jersey Legislature of that period and read it. I have it here, but it is rather long to read, and so I will just say that if any desire to examine it as a sort of historical curio it can be found in the Laws of New Jersey for 1868, page 1225.

THE FIFTEENTH AMENDMENT

The fifteenth amendment, providing that no State should deny the right of suffrage to any person on account of race, color, or previous condition of servitude, passed the Senate by a vote of 35 to 11 February 17, 1869. In the House there was adopted as a substitute for it a proposal of Mr. Bingham, of Ohio, on February 20. The Senate disagreed and there was a conference. The conference report was agreed to in the Senate by a vote of 39 to 13 and in the House by 145 to 44, the Speaker voting in the affirmative.

It was declared ratified in a proclamation issued by the Secretary of State on March 30, 1870.

In this case, too, a State—New York—withdrew its action of ratification before the issuance of the proclamation, but it was nevertheless included as one of those ratifying. There were three-fourths without New York.

California, Delaware, Kentucky, Maryland, Oregon, and Tennessee rejected this amendment.

THE LAST FOUR

Many of those now here have participated in the submission of the last four amendments. It is unnecessary to go into any elaborate statement of their history.

The sixteenth, the income-tax amendment, was proposed by the Sixty-first Congress and declared ratified by proclamation issued February 25, 1913.

The seventeenth, providing for popular election of Senators, was submitted by the Sixty-second Congress in 1912 and declared ratified May 31, 1913.

The eighteenth, the prohibition amendment, was submitted by the Sixty-fifth Congress on December 17, 1917, and was declared ratified on January 29, 1919, by 36 of the 48 States. Subsequent to the proclamation, 9 other States added their assent.

The nineteenth, the woman-suffrage amendment, was submitted by the Sixty-sixth Congress June 5, 1919, and was declared ratified August 26, 1920; 38 States ratified, 3 rejected, and there is no record of action by the others.

All four of these amendments, it will be seen, were submitted and ratified within a period of about eight years.

The child-labor amendment is now outstanding.

NUMBER OF PROPOSALS

In 1896 there was published as a House document a volume prepared by Dr. Herman V. Ames, then of the faculty of the University of Pennsylvania, upon "Proposed amendments to the Constitution." This article received the prize offered by the American Historical Association for the best monograph, based upon original investigations in history. It is an exceedingly valuable work. He covers the entire field of proposed amendments for the first 100 years of our national life—that is, from 1789 to 1889—and as an appendix there is published all the proposals which he was able to collate made by any official authority whether a Member of Congress or the act of a State legislature.

It will perhaps surprise those who have not investigated, as it did me when I discovered it, that within that first 100 years there were 1,736 official proposals of amendment.

I have secured from the Library of Congress a compilation of all that have been introduced since that time; that is, from 1889 up to the close of the last session of the present Congress, June 7, 1924. Of these there are 1,252.

This makes a total of 2,988 proposals of amendment.

This, of course, is by no means so formidable as a mere statement of numbers might cause one to at first think, because hundreds and hundreds of them are duplicates while other hundreds are simply repetitions of proposals made in previous Congresses, but an examination will disclose that practically every article and section and clause of the instrument has at one time or another been made the subject of proposed amendment.

THE PROPOSED AMENDMENT

I come now to an analysis of the amendment which I have proposed and which the Committee on the Judiciary have reported in House Resolution 68.

It is quite simple in terms and makes four changes in Article V as it now exists.

First. It makes it mandatory that at least one branch of a ratifying legislature must have been elected subsequent to the submission by the Congress of the amendment acted upon.

Second. It permits a State to require that the act of ratification by its legislature may be subject to confirmation by popular vote.

Third. It gives to a State which has ratified the right to reconsider its vote of ratification at any time before three-fourths have ratified or more than one-fourth have rejected.

Fourth. It is proposed by the use of the words "or more than one-fourth of the States have rejected or defeated" to bring the matter to an end so far as the States are concerned, and make it necessary that any amendment so rejected by more than one-fourth shall be again submitted before further action can be had.

I shall endeavor to discuss these in the order named.

The reason for the first change requiring that at least one house of a legislature which acts upon a proposed amendment must be elected subsequent to submission appears to me to be obvious. It gives an opportunity for the people to pass upon the issue in selecting their members of the legislature. There is no way now by which such an opportunity may be compelled. Under the doctrine laid down by the Supreme Court of the United States in the case of Hawke *v.* Smith, secretary of state of Ohio (253 U. S. p. 221), provisions of a State constitution can not control the actions of a legislature in passing upon a Federal amendment. The court said:

> The function of a State legislature in ratifying a proposed amendment to the Federal Constitution, like the function of Congress in proposing such amendments, is a Federal function, derived not from the people of that State but from the United States Constitution.

The State of Ohio has in its constitution a provision that—

> The people also reserve to themselves the legislative power of the referendum on the action of the general assembly ratifying any proposed amendment to the Constitution of the United States.

After the Legislature of Ohio had ratified the eighteenth amendment an effort was made, in accordance with the law of Ohio, to have a referendum as provided for in the language quoted. A petition was filed for a writ of injunction seeking to restrain the secretary of state from spending public money in preparing and printing forms of ballot for use in the referendum election. It was demurred to, and the demurrer sustained by all the courts of Ohio, and the case was carried to the Supreme Court of the United States, which reversed the decision of the Ohio court and so wiped this provision from that State's organic law.

The States of Tennessee and Florida have provisions in their constitutions that no legislature may act upon an amendment to the Federal Constitution except one elected subsequent to the submission of that amendment, the very principle contained in the resolution I am proposing as regards the Federal entity.

The Governor of Tennessee, in August, 1920, called the legislature in special session, and in his call named as one of the items of business action upon the nineteenth amendment to the Federal Constitution. Thirty-five States had ratified, and favorable action by Tennessee meant that it would become a part of the basic Federal law and that the polls would be opened to the women in all the States at the November election, then just three months off.

As can readily be surmised, our State capitol was honored by one of the greatest convocations of what was certainly one of the most eminently respectable lobbies which ever assembled in America. [Laughter and applause.] Eminent legal talent was there on both sides.

The members of the legislature thus called into special session, except two or three chosen to fill vacancies, had been elected in November, 1918, seven months before Congress had submitted the nineteenth amendment.

An historic contest was waged for days. The doctrine of Hawke against Smith was invoked, and under an opinion of the distinguished attorney general of the State, and acting upon their own conceptions of the law, the resolution of ratification was passed and certified to the secretary of state, who proclaimed the ratification. And so that provision of our Constitution was wiped from our organic law.

At one pivotal stage of the proceedings there was another State constitutional question involved. Our constitution requires two-thirds to make a quorum. A number of members left the State for the purpose of breaking a quorum, and in the house the final act of ratification was by a vote of 49 to 9.

The house has 99 members, so that it requires 50 to make a majority and a constitutional quorum is 66. The speaker held, however, that the rule of the State constitution did not apply in passing upon a Federal amendment.

That this latter question would have been an interesting one for the courts and that it would have been presented there is no doubt but for the fact that it was rendered unnecessary by the subsequent action of Connecticut and Vermont in ratifying.

I believe that in some way, when the people desire it, they should have an opportunity of passing upon a modification or alteration of the Federal Constitution. It is evident that they can not find an avenue for this through any possible action by their own State machinery, and hence the provision for the election of one branch of the legislature subsequent to submission.

This offers a way for popular expression, indirect, it is true, but a way. It gives the opportunity. With this alone many States will doubtless be content, but not all. Some will wish the direct method, and hence the second proposed change, which will permit the people of a State to do what those of Ohio have declared they wish to do; that is, it gives them the right and places in their own hands the power to choose whether they will exercise the right of voting directly.

This is a power which to-day is not only permissive as regards alterations in the State charters but is mandatory, if I mistake not, in every State of the Union except Delaware.

It is not proposed to make it mandatory so far as the Federal Government is concerned, only permissive.

I may say just here that the Senate amendment as reported by their Committee on the Judiciary does make a popular vote mandatory. It reads:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, upon the application of two-thirds of the legislatures of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as a part of this Constitution when ratified by three-fourths of the several States, either through their conventions or through the direct vote of their people at elections to be held under the authority of the respective States, reserving also to the States, respectively, the selection of either mode of ratification and the authentication of the action taken, and until three-fourths of the States shall have ratified or more than one-fourth of the States shall have rejected a proposed amendment any State may by the same mode selected change its vote: *Provided*, That if at any time more than one-fourth of the States have rejected the proposed amendment, said rejection shall be final and further consideration thereof by the States shall cease: *Provided further*, That any amendment proposed hereunder shall be inoperative unless it shall have been ratified as an amendment to the Constitution, as provided in the Constitution, within eight years from the date of submission thereof to the States by the Congress: *Provided further*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

I do not seek to go that far. I do not seek to compel. I would give to the people the right and leave it to them to determine whether they will exercise that right.

As the situation now stands fewer than 4,000 individuals in this Nation of 110,000,000 people can, if they choose, alter every sentence and paragraph of the Constitution of the United States, except the clause as to equal suffrage in the Senate and with just a few hundred added they could change even that. Two-thirds of a majority of the House and Senate and a majority of a quorum of 48 legislatures can completely revolutionize our dual forms of government within the space of a few fleeting months and upon any efforts so to do there rest no legal restraints, either State or Federal. So far as law is concerned, either organic or statutory, the people have no means of prevention nor any method of recourse or review.

I have here a tabulation by States of the number of members composing the two houses of their respective legislatures.

I think it is true that in all save two States a majority constitute a quorum. In Tennessee, I am certain, and in Indiana, I think, the constitutions require two-thirds.

It would be a rather tedious task to figure out the exact minimum number that could change the Constitution and I have not attempted it, but it is accurate to say that it can be accomplished by fewer than 4,000 individuals.

The table is as follows:

State legislatures

	House	Senate
Alabama	106	35
Arizona	35	19
Arkansas	100	35
California	80	40
Colorado	65	36
Connecticut	258	35
Delaware	35	17
Florida	75	32
Georgia	193	51
Idaho	54	44
Illinois	153	51
Indiana	100	50
Iowa	108	50
Kansas	125	40
Kentucky	100	38
Louisiana	101	39
Maine	151	31
Maryland	102	37
Massachusetts	240	40
Michigan	100	32
Minnesota	131	67
Mississippi	140	42
Missouri	142	34
Montana	107	54
Nebraska	100	33
Nevada	37	17
New Hampshire	422	24
New Jersey	60	21
New Mexico	49	24
New York	150	51
North Carolina	120	50
North Dakota	113	49
Ohio	125	37

State legislatures—Continued

	House	Senate
Oklahoma	92	34
Oregon	60	30
Pennsylvania	208	50
Rhode Island	100	39
South Carolina	124	44
South Dakota	61	42
Tennessee	99	33
Texas	150	31
Utah	55	20
Vermont	246	30
Virginia	100	40
Washington	97	42
West Virginia	94	30
Wisconsin	100	33
Wyoming	54	25

In the aggregate there are 5,622 members of the several houses of representatives and 1,778 members of the several senates of the 48 States. There are now 435 Members of the United States House of Representatives and 96 Senators.

We can not, however, by taking two-thirds of the aggregate Congress and a majority of three-fourths of the aggregate number of State legislatures determine just how many individuals can bring about an amendment, since the numbers in the different States vary so greatly.

The third proposition or change is that which gives a State that has ratified a chance to reconsider, provided it be done before its action in conjunction with that of others has become law.

A State which has said "no" may now change and say "yes." What can be the injustice in permitting a corollary whereby it may, within reasonable time limits, change from "yes" to "no"?

The question of the right of a State to reconsider its action upon amendment has been the subject of much profound discussion. It has never been specifically passed upon by the Supreme Court. In the case of the fourteenth amendment three States—New Jersey, Ohio, and Oregon—after having ratified subsequently reconsidered and withdrew their consent. The two first did this before the proclamation of the Secretary of State issued July 18, and he issued a statement reciting the facts and declaring that it had been ratified provided these States were to be counted, notwithstanding their reconsideration. Congress immediately passed a concurrent resolution declaring the ratification valid and sufficient, and so on July 28 Secretary Seward, accepting the dictum of Congress, issued a second proclamation declaring it a part of the organic law. It is for this reason, among others, that many lawyers have taken the position that the fourteenth amendment was never legally ratified.

New York, in the case of the fifteenth amendment, ratified on April 14, 1869, but on January 5, 1870, passed resolutions withdrawing consent. This was before the Secretary of State had issued the proclamation, but New York was nevertheless included therein as one of the ratifying States. There were three-fourths without New York, however, and so her action was of no legal moment.

On the other hand, there are several instances where States reconsidered acts of rejection of the thirteenth, fourteenth, and fifteenth amendments and ratified, and concerning these actions reconsidering negation no question apparently was ever made by the Secretary of State, or, so far as I know, by the Congress.

In practice, therefore, it may be said—and I think it is generally regarded to be—the law that a State may reconsider and change a rejection, but may not reconsider and change a ratification.

Jameson, in his work on constitutional law, in reasoning upon the proposition says, in substance, that this is true because the amendment is submitted for consideration; that after ratification the legislature has lost control. It has passed from its forum, so to speak. But the act of rejection does not have a similar effect. It does not put it beyond their reach if they choose to reach again.

I believe and undertake to maintain that there is no more reason in governmental ethics why an affirmative act should not have the right of reconsideration than a negative prior to the time when the affirmative act actually makes law, and hence the third proposed change.

As for the fourth proposition which would make rejection by more than one-fourth final and require another submission before further action, it seems to me to be justified upon considerations of wise public policy. The people are entitled to have a reasonable end to an issue. They are entitled to be

able to know that a question of proposed organic law is settled for a time at least and with the power of resubmission by the Congress left untouched no harm can come, but upon the other hand it will, I think, promote better feelings of tranquility and peaceful progress.

The eighteenth amendment is the only one ever submitted which carried in a resolution of Congress a time within which it must be ratified. The power of Congress to fix a time limit was questioned in the Supreme Court and was expressly upheld by that tribunal in the case of Dillon *v.* Gloss (256 U. S. p. 368) wherein the court said:

1. Article V of the Constitution implies that amendments submitted thereunder must be ratified, if at all, within some reasonable time after their proposal. (Pp. 371, 374.)

2. Under this article, Congress, in proposing an amendment, may fix a reasonable time for ratification. (P. 375.)

3. The period of seven years, fixed by Congress in the resolution proposing the eighteenth amendment, was reasonable. (P. 376.)

Mr. Chairman, it has been suggested that this amendment, if adopted, will render it more difficult hereafter to amend the Constitution of the United States. I desire here and now to declare that such is not the underlying motive or fundamental purpose of its introduction, nor is it necessarily a logical or proximate result. The desire is to render it more certain than is now the case that amendments adopted in the future shall be truly representative of the wishes of the majority of the people of the States. [Applause.] It does assure, at least, the opportunity for popular study of and deliberate expression upon proposed amendments. I think he would be an unwise man who would take the position that the Constitution has reached such a state of perfection through the progress of the years as that there will never again be occasion to amend it.

The framers of the original document, certainly as profound a body of statesmen as ever assembled together upon the earth, realized their own limitations and appreciated that it must not be made unchangeable law. Their prophetic visions saw clearly that in the shifting processes of human thought and progress and development changes, many of them deep and elemental, must come; that if they could not come through peaceful and orderly methods they nevertheless would come, even though it meant revolution, war, bloodletting. And so with discriminating and superb statesmanship they inserted in the instrument itself a method for its peaceful alteration.

Assuredly we would not assume to ourselves a wisdom superior to theirs and, directly or indirectly, render the Constitution static.

We would not emulate the example contained in the efforts of the Medes and Persians, but we have the right and, to my mind, it is our duty to meet the changed conditions and the altered psychology of our State and national life wrought by near a century and a half of vicissitude and experience, of education and evolution.

I am rather of opinion that there are some amendments now a part of the organic law—and I say this wholly without reference to my own convictions of their merits, because that is immaterial—which would never had been adopted had there been an opportunity for popular expression. I believe the Constitution has been amended by minorities and that in it are to be found some expressions of minority rather than majority sentiment, notwithstanding the, to some minds, extreme provisions that three-fourths of the States must affirmatively act.

The original Constitution was ratified by conventions held in the States. It was so submitted by the Congress of the Confederacy. The delegates to those conventions were, I think, in all instances chosen by vote of the qualified electors. They were representative bodies, and may be assumed, generally speaking, to have embodied the popular will in their acts.

I would not compel every amendment to be treated as was the original document, but I would give to the people of any State the opportunity to have a voice if they so desire. I do not fear them. The more I read of the history of my country the more I am convinced that popular Government, among a people of our blood and race, is the nearest approach to ideal Government, in its safety, its perpetuity, its beneficenses which the mind of man has yet conceived. [Applause.]

It has been suggested often that the end sought in this amendment—that of giving opportunity for popular expression—can be attained by changing the policy of submission to legislatures and adopting the alternative of submitting amendments to conventions to be chosen by the people of the respective States.

Theoretically this is true, but, Mr. Chairman, while possible it is really impracticable so to do. Probably, with this question at least, sufficient proof of the impracticability of the convention method is found in the fact that Congress has never seen fit to utilize it. It needs but a thought to bring us to a realization of how cumbersome this method would be in its practical application and of the innumerable perplexing questions that would arise. For instance, what is a convention as contemplated in the Constitution? The word "legislatures" had a well-defined meaning to the minds of the framers and that has been unchanged. I assume the word "convention" had also at that time, but what does it mean to-day? How shall it be chosen? Can Congress provide the method? What shall be the basis of representation? When and under what authority shall its details be worked out? Shall it be had upon every proposal without reference to its relative importance? Who is to determine this question of relative importance? One might proceed indefinitely with puzzling interrogatories.

The amendment proposed in House Resolution 68 is in no sense radical or revolutionary. Did I think it so I would not propose it. I am not ashamed to declare that in temperament and in conviction I am conservative; not ultra, and static, I trust, for I stand ready to recognize changing conditions and meet them with essential and proper law, but I frankly confess, or I prefer to say, unreservedly avow, that I have not yet reached a stage of either intellectual or moral intrepidity which renders me willing to embark in just any vessel without rudder or compass upon uncharted seas. [Applause.]

I see nothing of either an economic or social character in the condition of society as it exists to-day which renders this necessary to either human happiness or individual security.

I believe in the deep things that find expression in the Constitution of my country. I know that it brought into existence the most unique scheme of Government ever devised by the genius of man for men, and, I think, the greatest.

The very theory which was wrought into its web and woof by the master weavers of that glorious era was different from that which had been the warp of all other confederations.

All history is filled with tales of alliances and leagues of covenants and confederations between sovereign states, and all history is cluttered with their wrecks.

Through the dim and mystic corridors of the ages there swarm and stroll the silent ghosts of long-expired confederacies, "the hollow wraiths of dying fame."

The inherent weakness of these systems as a rule lay in the fact that the general government formed under them or by them was not a coalition of their peoples but a mere combination of their States. That was the very germ of the weakness of the American Confederation proposed in 1776 and adopted finally by the last State—Maryland—in January, 1781.

The Constitution builders did a new thing in the world. They evolved a plan which has no precedent in history and which probably will have no counterpart in ultimate destiny.

They created a new governmental entity which was at once a confederacy and a nation. It draws its powers, holds its authority not from the States, as States, but from the people of the States; its perpetuity, so far as the provisions of the Constitution control, depends not upon the whim, the caprice, or even the intelligent will of the States, as States, but upon the wish and wisdom of the people of the States; its functions are exerted and powers are exercised not only upon the States, as States, but upon the people of the States.

There is deep significance in the terse and powerful language of the tenth amendment:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

This is true because the Constitution while creating a nation yet left to the States, the integrals or units composing it, not a mere modicum but a vast quantum of sovereign powers, and guaranteed them against either foreign or domestic aggression or interference in their exercise.

This was the first of the things that made the scheme worked out in the Philadelphia convention, under the eye of Washington, the immortal, unique in the annals of mankind.

The other was the nicety with which the powers of the General Government created were distributed and balanced between and among the three departments created—the legislative, the executive, and the judicial.

These two things constitute at once its uniqueness and its greatness and are the mudsills of its grandeur and sublimity, and these assuredly I am unwilling to lay hands upon to alter. To me that would be a profanation.

There exists to-day, as strongly as there existed 138 years ago, the necessity for maintaining the independence, each of

the other, of the great departments through which the national authority finds concrete expression. There exists today as strongly as there existed then the necessity for keeping governmental functions divided between the Nation and the States, and in general, I think, the sound rule of action may be found in the policy of leaving all powers that can be as well exercised through State agency to be there exerted, and extending the arm of the Federal Government only to those things and themes which the States can not—I do not mean will not; I mean can not—reach.

I see no reason why any person imbued with the real spirit of constitutional government and devoted to the principle of majority rule—which after all is the very bedrock of peace, order, security, and perpetuity—may not support this amendment. I think I see every reason why they should.

Those of us who propose it and urge it are certainly not of the revolutionary or radical type. We are not of those who would with ruthless roughness and contemptuous impatience kick the Constitution from our pathway or tread it into the dust beneath our feet.

We revere it as the preserver and the hope of human freedom. In it the great civic heroes of the past crystallized the rights which had been bought with patriot blood; in it they gave to liberty for all time "a local habitation and a name." We think of it, sir, with unstinted emotions of gratitude and thanksgiving as having been, in sunshine and in storm, the sheet anchor of our past—our past with its hectic passions and its exalted powers; we recognize it to be the shelter of our present—our present with its prayer and its praise; we hold fast to the faith that it is to be the shield of our future—our future with its dreads and its dreams.

It is strange, Mr. Chairman, but it is true that almost every step which has been taken toward human liberty, apparently the natural state of man, has been taken upon and over the pulseless forms of battle-slain dead, and blood-stained flags are almost the only symbols that signal across the ages the accomplishment of fundamental governmental things.

To this latter our Constitution was the greatest and most notable exception. War, indeed, opened the way for its creation and acceptance, but it itself came into being through orderly and peaceful processes. It was a revolution of peace.

The amendment does not propose to stir or agitate the depths of its pure, clean waters. Upon the direct contrary, the compelling impulse which has presented it is to render them more secure in placidity and serenity. It is for this reason that I earnestly invite my colleagues to its study in the hope that they may see eye to eye with those of us who so strongly believe in its submission and adoption. [Applause.]

Mr. SHREVE. Mr. Chairman and gentlemen of the committee, before discussing the various measures and items of appropriations in this bill, I desire to express my appreciation of the interest and cordial support that we have had from both sides of the aisle. I refer to the action of my committee.

Not only in the appropriation for the Department of State, but in those for the Departments of Justice, Commerce, and Labor. There are some items in this bill that are considerably involved, and I will say to you, gentlemen, that it required straight thinking. We submit to you the bill to-day as the result of several weeks of investigation. We trust that you will approve of our action.

There is recommended in the bill now before the House for the fiscal year 1926 for the Departments of State and Justice and the judiciary, and the Departments of Commerce and Labor, a total of $71,598,123.77.

This is $1,817,490.49 less than the 1925 appropriation. It is $367,985 less than the Budget estimates. In considering the reduction mentioned under the current law, however, the following facts should be borne in mind: There was appropriated for 1925, for the Department of Commerce, $3,500,000, for the purpose of making an agricultural census, which is made every five years. Naturally, this was not carried for 1926. In order to arrive at a comparable basis of figures, therefore, this $3,500,000 should be deducted from the total of the current appropriation. When this is done it will be seen that there really has been an increase in the total recommendations over the current appropriations of over $1,000,000, mainly reflected in the Departments of Justice and Commerce. I shall refer to this at greater length when discussing each department separately.

The following statement shows the appropriations for 1925 and the Budget estimates and the committee's recommendations for 1926:

Department	Appropriations for 1925	Budget estimates for 1926	Amounts recommended in the bill for 1926	Increase (+) or decrease (−), bill compared with 1925 appropriations	Increase (+) or decrease (−), bill compared with 1926 Budget estimates
State	$16,238,756.29	$15,999,512.77	$16,011,512.77	−$227,243.52	+$12,000.00
Justice	22,680,956.50	24,917,822.00	24,205,822.00	+1,524,865.50	−712,000.00
Commerce	25,844,555.00	22,738,514.00	22,778,164.00	[1] −3,066,391.00	+39,650.00
Labor	8,651,346.47	8,310,260.00	8,602,625.00	−48,721.47	+292,365.00
Total	73,415,614.26	71,966,108.77	71,598,123.77	−1,817,490.49	−367,985.00

[1] This reduction is caused by the exclusion of $3,500,000 for an agricultural census, taken every five years, carried in the current appropriation. When this is considered it really shows an increase for 1926 of about $400,000.

Salaries Under the Classification Act

The committee, in reporting the Interior Department appropriation bill, adopted a uniform provision to be carried in all of the regular annual appropriation bills reported from the committee this session relating to expenditures for personal services in the District of Columbia in accordance with the classification act of 1923. This restrictive limitation was carried in the annual supply bills for the current fiscal year and is recommended to be continued for 1926, with several modifications made necessary by rulings of the Comptroller General of the United States.

Department of State

The total of the estimates of regular annual appropriations for the fiscal year 1926 submitted in the Budget for consideration in connection with the Department of State is $15,999,512.77.

The total of the regular annual appropriations which have been made for the fiscal year 1925 is $16,238,756.20, made up as follows:

Regular annual	$15,001,646.29
Second deficiency act	1,231,530.00
Field-service classification	5,580.00
Total	16,238,756.29

The committee's recommendations for the regular annual appropriations for the Department of State for the fiscal year ending June 30, 1926, are $16,011,512.77. This is $227,243.52 less than the 1925 appropriations and $12,000 more than the Budget estimates. The committee's recommendations as compared to the 1925 appropriations for the Department of State remain substantially the same, with the following exceptions:

For contingent expenses the committee has recommended $43,605, which is $5,000 in excess of the Budget estimates. The original laws, proclamations, treaties, and Executive orders of the United States, and so forth, are at present filed in old-fashioned metal cases in a room in the sub-basement of the State Department and are subject to serious injury. This additional $5,000 has been allowed to enable the department to fit up a room in which these important documents may be safely preserved in steel cases and on steel shelves.

Passport Bureaus

For passport bureaus there is carried in the accompanying bill $63,698, the Budget estimate, which is $10,608 more than the 1925 appropriation. This increase is for the establishment of a passport bureau at Boston, Mass.

The committee is of the opinion that a passport bureau at Boston would facilitate the obtaining of passports. It is also of the opinion that the office at this port would return to the Treasury in the way of execution fees the amount necessary for its maintenance.

We have recommended a slight increase in the salaries of clerks at embassies and legations. It amounts to only $5,000, and it is particularly applicable to China, for the purpose of giving much-needed clerical help.

I desire to say that the enactment of the Rogers Act has very much simplified the making of appropriations for the foreign service.

The act of May 24, 1924 (known as the Rogers Act), for the reorganization and improvement of the foreign service of the United States provides:

That hereafter the Diplomatic and Consular Service of the United States shall be known as the Foreign Service of the United States, and that the official designation "foreign-service officer" as employed throughout this act shall be deemed to denote permanent officers in the foreign service below the grade of minister, all of whom are subject to promotion on merit, and who may be assigned to duty in either the diplomatic or consular branch of the foreign service at the discretion of the President.

To carry out the provisions of this act, the following appropriations, which were carried in the law of 1925, have been wholly discontinued:

Secretaries in the Diplomatic Service;
Salaries of the Consular Service;
Salaries of consular assistants; and
Interpreters to embassies and legations, $22,500, covering the salaries of 15 student interpreters.

The estimate for "Salaries of foreign-service officers" takes the place of all these discontinued funds and provides for the salaries of the foreign-service officers. By the same act mentioned above the following classification of foreign-service officers and salaries was established and the proportion of certain grades to the total number of officers in the service permitted:

Class 1, 6 per cent	$9,000
Class 2, 7 per cent	8,000
Class 3, 8 per cent	7,000
Class 4, 9 per cent	6,000
Class 5, 10 per cent	5,000
Class 6, 14 per cent	4,500
Class 7	4,000
Class 8	3,500
Class 9	3,000
Unclassified	3,000–1,500

The appropriations for foreign-service officers for 1925, exclusive of any sums allotted from the fund for post allowances, aggregate $2,882,299, and the amount recommended for 1926 is $2,911,000, the Budget estimate. This will provide for 642 foreign-service officers for 1926, the same number employed during the present fiscal year.

The following statement shows the number of officers and their salaries for 1924, under the old rating prior to the enactment of the Rogers Act, and the same information for 1925, and the estimate for 1926 after the Rogers Act went into effect:

Comparative statement, foreign-service officers

Foreign-service officers after reorganizing							Former Diplomatic and Consular Service, salaries prior to reorganization			
Title	Proposed expenditure, 1926			Proposed expenditure, 1925			Title	Number	Rate	Amount
	Number	Rate	Amount	Number	Rate	Amount				
Foreign-service officers:										
Class 1	1	$12,000	$12,000	1	$12,000	$12,000	Consul general	2	$12,000	$24,000
Do	28	9,000	252,000	28	9,000	252,000	Counselor of embassy	13	4,000	52,000
							Consul general	15	8,000	120,000
Class 2	19	8,000	152,000	19	8,000	152,000	Counselor of legation	3	4,000	12,000
							Consul general	16	6,000	96,000
Class 3	50	7,000	350,000	44	7,000	308,000	First secretary	8	4,000	32,000
							Consul general	22	5,500	121,000
							Consul	21	5,000	105,000
Class 4	53	6,000	318,000	54	6,000	324,000	First secretary	34	4,000	136,000
							Consuls	20	5,000	100,000
							Language secretary	3	6,000	18,000
Class 5	63	5,000	315,000	60	5,000	300,000	Second secretary	2	3,625	7,250
							Consul	62	4,500	279,000
Class 6	81	4,500	364,500	85	4,500	382,500	Second secretary	34	3,625	123,250
							Assistant language secretary	3	4,000	12,000
							Consul	49	4,000	196,000
Class 7	99	4,000	396,000	90	4,000	360,000	Third secretary	3	3,000	9,000
							Consuls	89	3,500	311,500
Class 8	105	3,500	367,500	112	3,500	392,000	Third secretary	27	3,000	81,000
							Consul	92	3,000	276,000
Class 9	7	3,000	21,000	4	3,000	12,000	do	7	3,000	21,000
Unclassified	41	3,000	123,000	37	3,000	111,000	Vice consul, class 1	35	3,000	105,000
							Interpreter, class 1	2	3,000	6,000
Do	30	2,750	82,500	30	2,750	82,500	Vice consul, class 2	30	2,750	82,500
Do	60	2,500	150,000	73	2,500	182,500	Vice consul, class 3	41	2,500	102,500
							Interpreter, class 2	7	2,500	17,500
							Consular assistants	2	2,000	4,000
							do	2	1,800	3,600
							do	8	1,650	3,300
Do	5	1,500	7,500	5	1,500	7,500	do	3	1,500	4,500
							Student interpreter	15	1,500	22,500

You will recall that Congress in a deficiency bill appropriated $500,000 for the purpose of enabling the Department of State to aid in enforcing abroad the provisions of the last immigration law. Up to the time the representatives of the Department of State appeared before our committee they had expended $434,000. We have allowed them for 1926 $450,000, which we felt would be sufficient to carry them through another year.

Another instance in which an increase has been made is that of the Pan American Union, an increase of about $7,231. This comes about by reason of the fact that there has been an increase in the assessments. The finance committee of the Pan American Union found itself in a position where it needed more money to cover this expense for 1926, and in order to raise this revenue they decided to increase the assessments. You will all remember that the Pan American Union is composed of the 21 American Republics. Each of these Republics is contributing its share toward the maintenance and upkeep of the Pan American Union, based upon assessing the member countries according to their population. The assessment heretofore has been $981.88 per million population. The new ratio fixed has been placed at $1,000 per million population and the population figures of all countries have been brought up to date. Our contribution has been based on 107,000,000 people, amounting to $107,231.48, and including the printing item amounts to $127,231.48.

Mr. HUDSPETH. Would it be in order to ask the gentleman a question now?

Mr. SHREVE. Yes.

Mr. HUDSPETH. On page 8 of the bill I find, under immigration of aliens, that the sum of $450,000 has been appropriated. I want to ask the chairman of the subcommittee whether that includes the payment of the expenses of the border patrol?

Mr. SHREVE. No. This is a matter that comes entirely within the Department of State. This is money which we have appropriated for the purpose of putting the act recently passed by Congress into operation through our Consular Service, and it has nothing to do with the border patrol.

Mr. HUDSPETH. What is the sum carried in the bill for the border patrol?

Mr. SHREVE. I shall be very pleased to discuss that at length when I come to it. The appropriation about which I am talking now is to enable the State Department to enforce the immigration act abroad. The appropriation the gentleman has in mind is carried under the Department of Labor in this bill, under the Bureau of Immigration. Our recommendation

for the Bureau of Immigration is over $5,000,000, including $1,000,000 for the land border patrol.

Mr. HUDSPETH. I am glad to know that. I want to say to the gentleman that under the appropriation made the force on the Mexican border has been increased and the statement of the Immigration Department is that it is a very effective force and is keeping out undesirable aliens who try to get into the United States by way of Mexico.

Mr. SHREVE. We fully realize the great importance of this work and we believe it should be continued. We also believe it should be augmented from time to time, and I wish to say to the gentleman that the committee has been very liberal in its treatment of this service.

Mr. HUDSPETH. I commend the gentleman for that. I think the entire House appreciates the importance of this border patrol, especially to the people who live on the border. They have seen the abuses of the past because of the lack of a sufficient force.

Mr. OLIVER of Alabama. I will say to the gentleman, who, I believe, is a member of the legislative committee, that I am sure the gentleman from Pennsylvania recognizes that his committee has been of very great service to us in reaching conclusions relative to this matter. There has been the heartiest cooperation between the legislative committee and the appropriating committee in regard to this matter.

Mr. SHREVE. It is very pleasing to me to agree with the statement made by the gentleman from Alabama. There should be an intimate association between the legislative committees and the appropriating committee, so that legislation may be worked out in advance. There are frequently times when we find an appropriation that should be made to meet a particular condition, but we find ourselves in the position of not being able to legislate. Our committee is an appropriating committee, and we refrain from legislating.

Mr. HUDSPETH. Let me say that the gentleman referred to by the gentleman from Alabama is my colleague from Texas [Mr. BOX]. I am not a member of the Committee on Immigration, which is the legislative committee.

Mr. SHREVE. The next item I wish to bring to the attention of the House is the International Institute of Agriculture, at Rome. There has also been an increase in that item from $29,577 to $54,340. You will recall that formerly we only had a voting strength in this institute of about five members. However, during the last year Congress has authorized the United States to bring into the membership of the institute its insular possessions—the Territory of Hawaii, the Philippine Islands, Porto Rico, and the Virgin Islands. So that we have raised our representation and our voting strength in the agricultural institute to 21; and, incidentally, the increase in our voting strength has carried with it an increase in our share of the expense of the upkeep of this institute. I might say that this institute is composed of about 64 countries, and the principal function of the agricultural institute is to gather information concerning growing crops and the world supply and demand of staples of food and to disseminate reliable data to the uttermost parts of the world. By this service crops may be planned intelligently the world over to supply world needs. Let me give you a practical illustration:

A couple of years ago there was a tornado in the southern part of Sicily and the lemon crop there was totally destroyed. Along in the morning sometime this information was telephoned to Rome; Rome immediately sent it by wire to Paris; and there, over our own radio, it was sent across the ocean to Washington and then again broadcasted to California, so that by 4 o'clock in the afternoon the California lemon growers knew that there had been a tornado in Sicily which had destroyed their crop—and that information was worth while to them. This shows how this institute operates. Information of this sort in order to be worth anything must be prompt and on time.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. CONNALLY of Texas. Does this appropriation for the International Institute of Agriculture at Rome cover the expenses of delegates to attend their meetings?

Mr. SHREVE. Yes; the expense is very light. There is one man who draws a salary of $5,000, and I think that is about all.

Mr. CONNALLY of Texas. I am speaking about the expenses of our delegates back and forth.

Mr. SHREVE. My understanding is that it does cover that.

Mr. CONNALLY of Texas. The statement of the gentleman is very interesting about the storm in Sicily, but does the gentleman know whether that information was in the morning papers the following morning? Was not that information carried all over the United States?

Mr. SHREVE. I presume it was.

I wish to bring to your attention also our recommendation for the General and Special Claims Commission, United States and Mexico. These two commissions are virtually two commissions operating as one. One is established under the old act of 1868, which is to make amicable settlements and adjustments of general claims by citizens of each country against the other; and the other is a special commission for making amicable adjustments of claims arising from loss or damage suffered by American citizens through revolutionary acts between the period of November 20, 1910, and May 31, 1920. We have appropriated $275,000, and made $100,000 of it immediately available, for the purpose of carrying on this work.

INTERNATIONAL STATISTICAL INSTITUTE AT THE HAGUE

This is a very unique institution, and calls upon the United States for the contribution of $2,000. By act of April 28, 1924, Congress authorized the Government to accept membership in the international institute and contribute $2,000 toward the support of the bureau.

Mr. WATSON. Will the gentleman yield?

Mr. SHREVE. I yield.

Mr. WATSON. Since the establishment of the International Court of Justice, I am informed by the secretary at The Hague, that there has not been a case brought before the International Court of Arbitration. What part of the $2,000 relates to the appropriations of other countries to support the Court of Arbitration?

Mr. SHREVE. This is purely an international statistical institute.

Mr. WATSON. I thought the gentleman spoke of the International Board of Arbitration?

Mr. SHREVE. No; I have not spoken of that yet.

This International Statistical Institute was established in 1885 at the jubilee meeting of the Statistical Society of London, now the Royal Statistical Society. It is a purely voluntary association, and its object is the promotion of statistics in both their scientific and practical aspects. The institute selected members from among the citizens of various countries who have distinguished themselves in the field of statistics in the service of their government or in private life.

Mr. WATSON. That includes statistics then in all things.

Mr. SHREVE. In all things. The number of regular members is limited. The number is limited to 200 and the number of honorary members to 20, and no one State is to have more than one-fifth of the elected members.

For the International Fisheries Commission we have authorized $15,000 to take care of the expenses and salary of two members of the commission. The commission is composed of four members. It was created for the purpose of making a study of the halibut fisheries along the Pacific coast.

DEPARTMENT OF JUSTICE

The total of the estimates submitted in the Budget for the fiscal year 1926 are $24,917,822, made up as follows:

Department of Justice proper	$5,422,400
Judicial	15,662,212
Penal institutions	3,833,210
Total	24,917,822

The total of the annual appropriations which have been made for the fiscal year 1925 are $22,680,956.50, made up as follows:

Department of Justice proper	$4,225,681.00
Judicial	14,884,655.00
Penal institutions	3,570,620.50
Total	22,680,956.50

The Budget estimates for 1926, therefore, were $2,236,865.50 over the appropriations for 1925.

The committee has recommended to be appropriated for 1926 $24,205,822, made up as follows:

Department of Justice proper	$4,697,400
Judicial	15,672,212
Penal institutions	3,836,210
Total	24,205,822

The committee's recommendations for 1926 are $712,000 less than the Budget estimates. They are $1,524,865.50 more than the 1925 appropriations.

The individual appropriations, estimates, and recommendations for the Department of Justice will be found on pages 26 to 30 of this report. The accompanying bill is practically similar to the current law with the following exceptions:

THE ATTORNEY GENERAL'S OFFICE

There was appropriated for 1925 for salaries under the Attorney General's office, $584,040. There is recommended in this bill $580,000, which represents a reduction of $4,040.

The next item is for contingent expenses, $63,000, which is an increase of $4,713 over the current appropriation, and we have also included some language in this item so that they may exchange an old automobile for a new one.

For printing and binding the bill carries $225,000, which is an increase over the current appropriation of $25,000. This increase has been made necessary because of the printing of the records of the Supreme Court, the rebinding of books, and so forth.

Mr. STENGLE. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. STENGLE. The gentleman has just started on the Department of Justice, and I take it that the personnel service of the various departments under your supervision will come along later?

Mr. SHREVE. They are all classified according to the classification act, and our appropriations for salaries are made in lump sums and are made as required by that act.

Mr. STENGLE. May I inquire whether your investigations and hearings will reveal any violations of the spirit of the classification act of 1923 in allocations and fixations?

Mr. SHREVE. No. There is nothing in the hearings that will indicate there is any serious fault or dissatisfaction found with the reclassification.

Mr. STENGLE. On the contrary, I have letters in my office from both the State and Commerce Departments pointing out the very things I questioned you about.

Mr. SHREVE. Then I shall be very glad to have the information.

Gentlemen, I now come to the appropriation for the war-frauds section, and in this connection I desire briefly to call your attention to some things that were said by our Attorney General, Mr. Stone. Mr. Stone had made a very careful survey of the war-fraud situation. He came before our committee with a very frank statement, and I am willing to confess that he impressed us with the logic of his argument.

His talk ran to this effect, and will be found on page 5 of the hearings. I shall not attempt to read it all. He says:

> I asked two of the heads of the particular sections there, whom I had appointed, Messrs. Andrews and Michael, to act as joint directors of the whole organization and together do the work which I originally thought of placing in the hands of a single director. That, in my judgment, has turned out very satisfactorily. There has been a very complete reorganization there, and I think we have a very efficient working body of lawyers and accountants looking after the work of the section.
>
> The Budget for this year, recommended by the department and approved by the bureau, has been constructed on the theory that either one of two things ought to be done: Either we ought to be doing a great deal less there or we ought to be doing a great deal more in the way of speeding up and disposing of the accumulated business which has been developed there as a result of the examination of war contracts. There are some 700 contracts requiring prompt attention, beyond those that are actually in litigation or in the course of preparation for litigation.

This is the attitude of the Attorney General. Under the old régime the work of the section was divided into about four units. Each one of these units was working in its own way, without any coordinating or cooperation with various other units. As a result oftentimes it was found that certain litigation would involve certain legal principles when over in the next unit they were on the same subject. Instead of coordination of work they were working along different lines. I know the Attorney General felt that these matters should be brought together, so he placed these two young men, Andrews and Michael, at the head of the bureau as directors. I assure you gentlemen that those men have been doing a wonderfully effective work, not so much in accomplishment in the way of recovering money, but from the fact that they have made a complete and careful study of the situation that confronted them. They have classified all the cases under various legal heads and subdivisions. There are seven or eight hundred cases to be disposed of. Five hundred of these cases might be termed important, and 150 of them were urgently important, and these 150 cases alone involve more than seventy or eighty million dollars.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. CONNALLY of Texas. In discussing the question was any reference made by the Attorney General to the case now in his hands for suit against the Bethlehem Shipbuilding Corporation for some nine or eleven million dollars?

Mr. SHREVE. It was just briefly referred to. The gentleman will find it in the schedule of cases now pending.

Mr. CONNALLY of Texas. It is pending in the office but not in the courts.

Mr. SHREVE. We did not ascertain the exact status of each individual case in the hearings. We found that there were over 60 cases actually in court at the present time awaiting trial. I think the record does not disclose exactly, and if I am misinformed about it the gentleman from Alabama [Mr. OLIVER] will correct me.

Mr. OLIVER of Alabama. The gentleman will find on page 100 of the hearings and pages following a list of cases now pending in court. I do not recall whether the particular case he refers to is pending in court or not. However, I feel sure that if the gentleman is incorrect in the facts of that case, Mr. Andrews or Mr. Michael will give him full information as to its present status. We did not have that particular case before us because there was such a volume that we could not go into every case that they were considering.

Mr. CONNALLY of Texas. The trouble is not about the information, but the case has been pending with the department for a great many months, and what I want to ascertain is when the Attorney General is going to file suit, if ever.

Mr. SHREVE. As I have said before, we did not find out the legal status of individual cases. For the investigation and prosecution of these war-fraud cases the Bureau of the Budget asks $1,725,000. Your committee after giving the matter very careful consideration has allowed them $1,000,000. Since the work was first started Congress has made three appropriations of $500,000 each, plus a supplemental appropriation of $200,000, making a total of $1,700,000. Of this sum at the time of the hearings there remained unexpended a balance of $401,397, showing that there has been expended out of the total sum appropriated $1,298,603. For the expenditure of this $1,298,603 the Government has secured in cash $5,684,670.18; in deferred payments, which are absolutely secure, $832,426.58; and in compromise offers, $2,934,696. These compromise offers have been agreed to. I might say that the largest of these is $2,750,000. The offer in this case is $1,000,000 in cash and $1,750,000 in deferred payments, making a total of $9,300,000.

At this point I call brief attention to a statement made by Judge Bigger, at our last hearing, because this item was referred to by the judge and it was reported in the last hearings. The gentleman from Alabama [Mr. OLIVER] at the hearings asked the witness this question, and the following occurred:

> Mr. OLIVER. You have collected, then, according to that statement by Judge Bigger, the amount of $746,408.03. That is the difference between the cash that you state has been collected and the amount which Judge Bigger stated had been collected at that time.
>
> You have called attention to a case in which there has been an offer made involving approximately $2,750,000. This same proposal was offered by Judge Bigger when he was before us in the spring of this year. I would like to ask why this delay has occurred in the final adjustment of it, if the amount has been really agreed upon between the Government and the party making the proposal, as I understand it has been.
>
> Mr. MICHAEL. That offer was submitted, as I recall, in January of this year. Upon its submission it first had to be referred to the Attorney General for his approval. That was done and it was then referred to the Secretary of War for his approval. The Secretary of War approved the offer, or the acceptance of the offer, and then, in accordance with the statutory requirements, it had to be submitted to the Solicitor of the Treasury for his approval. It was so submitted, and the Solicitor of the Treasury, after holding the offer for a considerable period of time, requested additional information from the Department of Justice in order to enable him to finally pass upon the offer. It was only, as I recall it, about a month or six weeks ago that the Solicitor of the Treasury and the Secretary of the Treasury finally authorized the acceptance of the offer. Now, the offer has not been since that time consummated because, in order to secure the deferred payment of $1,750,000, a new corporation has to be organized, and bonds in that amount secured by the deed of trust of the corporation have to be issued. Naturally, it takes some time to work out the details of a proposition of that kind, and that is now being done.

I mention this that you may see that in compromise cases there must be great delay. Naturally there is great delay. The lawyers amongst us realize that it is not always that we can get a case for trial when we want to.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. CROWTHER. Not being a lawyer, I do not know the method of suits or the ideas expressed in suits. Are they merely suits for recovery, or has there been any assertion of criminal action in any of them?

Mr. SHREVE. Oh, yes.

Mr. CROWTHER. Has anybody been found guilty?

Mr. SHREVE. Yes.

Mr. CROWTHER. Has anybody been sentenced, anybody in jail?

Mr. SHREVE. Yes.

Mr. CROWTHER. How many cases have there been where anybody has been found guilty and has been sentenced to a jail term?

Mr. SHREVE. One.

Mr. CROWTHER. And I suppose he is out on bail?

Mr. SHREVE. Oh, no. I shall make this statement to cover the situation. There have been 35 criminal indictments, of which 9 are pending trial, 3 pending appeal, 15 dismissed, 6 acquittals, 1 conviction, and 1 pleading guilty. Having had some experience in my time in criminal law, having served as the district attorney in my county, I realize the fact that it is difficult to find evidence after four or five or six years; that is, evidence of a reliable nature and of such a character that it will satisfy a jury that the person charged is criminally guilty beyond any question of reasonable doubt.

These are conditions, I assume, that confronted this department. At least it is not always found in alleged criminal cases that criminal intent can be found which is necessary upon which to base a prosecution. Taking it altogether, I am inclined to think that the criminal side has been handled as well as possible under the circumstances and the results practically, as I said before, have been accomplished. I shall be very glad to incorporate in the RECORD a statement of the cases that have been actually disposed of.

Mr. CROWTHER. Along that line the statement has been repeatedly made on the other side of the House and by representatives through the country that, in spite of the very thorough investigation and in spite of all the criminal actions, there never has been the slightest shadow of guilt laid at the door of the men of opposite political faith who had to do with these war activities. Is there any truth in the statements which have been made to me that one of the reasons for never having been able to bring to a successful conclusion these trials was because a good deal of the evidence was abstracted and taken away from the files of the Department of Justice and various other places in the various bureaus of the Government, so that the evidence was not available, there were long gaps in the evidence, the continuity of the evidence was broken from having been taken from the files, and it was impossible to complete the cases? I want to know if there is any truth in that?

Mr. SHREVE. I will say to the gentleman from New York that after a very careful and exhaustive examination of the department made on two different occasions your committee is absolutely unable to find anything as represented by the newspapers or others as the gentleman has just stated. As far as we were able to learn the activities of the Department of Justice have been carried on in a most orderly manner, and even back through the last administration I referred a little while ago to the procedure; there was first established these various activities over which there were placed lawyers of ability, and then over these lawyers what is known as the advisory council, every one of whom were men of great ability, of great honor and integrity, known to this country and men all over the United States. Who were they? Judge Bigger, of Columbus, Ohio; Judge Kerr, of the Canal Zone; Judge Hardwick, of Georgia, who was a Representative in the House when I first came here and who was afterwards a Member of the Senate and also governor. This advisory council was the clearing house; it was a place where all these attorneys went from the various departments to settle the question of whether they should prosecute or not, to settle what disposition should be made of various cases. That is all these men did. They were simply a clearing house.

Mr. CROWTHER. In cases which were compromised is there any question of criminal action or conspiracy, or merely a suit to recover?

Mr. SHREVE. It was really a suit for recovery; never any suit for compromise. I have explained the great difficulty of securing a compromise in any case. It must first be inspected by the Attorney General, next by the Secretary of War, the Secretary of the Treasury, and Solicitor of the Treasury. All these compromises are examined by many, many people; and if there is any fraud, collusion, or guilt the fraud would be instantly found. Now, gentlemen, your committee, after giving this matter very careful consideration, as I have said, have finally come to some conclusions thereon, and we have decided that we can not conscientiously recommend the $1,725,000, as I stated in the beginning. We have recommended $1,000,000. That is twice the appropriation the war frauds section has ever received before. We have made this recommendation—recommended $1,000,000—for the reason these young men who are now directors have shown marked ability; they have shown that they are able lawyers; and they have organized the work of the section so that the cases can be properly tried, compromised, or proper disposition made of them. Now, I want to refer to cases which come under the Dent Act. As you gentlemen will recall, the Dent Act passed Congress shortly after the war. I do not intend to attempt to discuss its provisions here, but I want to say to you gentlemen that the cases in the section which come under the Dent Act are very numerous, and the Members of the House who are lawyers should read an outline appearing in the hearings of a brief prepared by the section in a case—The Standard Steel Car Co. against The United States—upon which is based the department's attitude to the provisions of this act. The committee is of the opinion that the Government's side is very ably presented, and upon the decision reached by the Court of Claims in this case will very largely depend future decisions affecting many cases in the section.

Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed 38 minutes.

DEPARTMENT OF COMMERCE

Mr. SHREVE. The committee recommends for the Department of Commerce $22,788,000, which is an increase of $39,650 over the Budget estimate and an apparent decrease of the current appropriation of $3,066,391. In comparing the figures for the department it should be borne in mind, as I have stated, that there is not carried for the fiscal year 1926 the sum of $3,500,000 which was appropriated for the current year for the census of agriculture taken every five years. Deducting this amount from the current appropriations, so as to arrive at a fair basis for comparison, the Department of Commerce has received an increase for 1926 over 1925 of about $400,000.

For the Secretary's office we are recommending $998,000 this year.

For the Bureau of Foreign and Domestic Commerce, which probably is of great interest to you, the bill carries $2,919,064 for the year 1926, which is $83,761 over the current appropriation and $4,200 more than the Budget estimate.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. BLANTON. I was interested in the statement that the gentleman made to the effect that his committee had cut down the appropriations for prosecutions of war frauds from $1,700,000, as estimated, to $1,000,000. This is the year 1925, and the war closed on November 11, 1918. Can the gentleman name one person who has ever been put inside of a penitentiary yet as the result of these prosecutions of war frauds?

Mr. SHREVE. I just referred to that.

Mr. BLANTON. I know you referred to it; but has one person ever been put inside of a penitentiary yet for war frauds?

Mr. SHREVE. The report which I filed shows exactly what has been done in these criminal prosecutions.

Mr. BLANTON. I already knew that before I asked the question of the gentleman. But does the gentleman know of one who has been put inside of a penitentiary as the result of these prosecutions of war frauds?

Mr. SHREVE. I would not answer that question off-hand, not having asked the authorities.

Mr. BLANTON. I will state it, and my information is reliable, that there has not been any put into the penitentiary yet, although one man named Black was sentenced to serve. Does the generalissimo of the Republican Party have any information to the contrary?

Mr. TILSON. I was just going to say that it was complimentary to the honesty of our people that that should be the case.

Mr. BLANTON. I was wondering why it was necessary in 1925 to continue to appropriate a million dollars to prosecute them. The Government has not yet been able to put anybody inside of the penitentiary for war frauds. Then why continue to appropriate?

Mr. TILSON. There are civil prosecutions as well as criminal, the gentleman should remember.

Mr. SHREVE. I am happy to say to the gentleman that while we have expended $1,200,000 already, we have recovered

over $9,000,000 in cash, deferred payments, and compromises that have been agreed upon.

Mr. BLANTON. How much cash?

Mr. SHREVE. Over $5,000,000.

Mr. BLANTON. That as against spending how many billions? How many did we spend in the war?

Mr. SHREVE. I can not give the gentleman the total at this time.

Mr. BLANTON. So many that the gentleman can not calculate.

Mr. SHREVE. It is possible that $100,000,000 is involved in these transactions.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. LAGUARDIA. Is it not true that since the appointment of Attorney General Stone that whole bureau has been changed, and he has capable lawyers there prosecuting the cases?

Mr. SHREVE. They have always kept able lawyers in the Department of Justice.

Mr. LAGUARDIA. Since Attorney General Stone came in they have gotten real lawyers there.

Mr. SHREVE. They have always had real lawyers there. The trouble in the past was the manner in which the business was conducted. I wish every lawyer in the House could step into that Department of Justice and see how these directors are conducting the office. They are conducting the business on the most modern plan. The others were doing good work, but that was along other lines.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. CROWTHER. There was one conviction against Moore & Black. Moore was dismissed and Black was sentenced to two years and six months in the penitentiary. Is he in the penitentiary now?

Mr. SHREVE. I have not that information now, but I will try to get it.

Referring again to the Bureau of Commerce, at the urgent instance of the gentleman from Oregon [Mr. HAWLEY], the gentleman from Washington [Mr. SUMMERS], and others of the Oregon delegation, we have allowed $15,000 in the appropriation bill for a district office to be located at Portland; and while I am talking about this, let me say that also at the request of the gentlemen from Oregon and the gentleman from Washington [Mr. SUMMERS] we have increased the appropriation for lights in the Columbia River between Portland, Oreg., and the sea about $25,000. Our idea is that we should lay a foundation for that splendid system to which these gentlemen are honestly entitled.

It was interesting to us to know the great volume of business that was being carried on at the port of Portland, Oreg.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. SUMMERS of Washington. I understand the office at Seattle is to be enlarged under the appropriation. There is ample provision for that, is there not?

Mr. SHREVE. Yes; I think so.

CENSUS BUREAU

The Budget estimate of $1,974,000 has been recommended by the committee for the Bureau of the Census. There was appropriated last year $5,347,470, which includes an appropriation of $3,500,000 for an agricultural census which is made every five years, and, therefore, would not be needed for 1926. Deducting this amount from the 1925 appropriation so as to afford a comparable basis for comparison, the 1926 recommendations reflect an increase over the current year of $125,000. This increase is to be used in the census of manufacturers, taken every two years.

For the purpose of collecting statistics there is an appropriation entitled "Collection of statistics," carrying a sum recommended of $960,000, which is to be used as follows:

Birth and death statistics	$106,500
Marriage and divorce statistics	22,000
Census of manufacturers	205,000
Cotton and tobacco	285,000
Miscellaneous inquiries	15,500
Financial statistics of cities and States	46,000
Temporary clerks and special agents in the District of Columbia	280,000

With reference to the agricultural census undertaken during the current year the committee was informed that about three and a half million schedules from that number of farmers had been obtained, and that the enumeration so far as the securing of these schedules is concerned, is therefore nearly half finished.

STEAMBOAT INSPECTION SERVICE

The Budget estimate of $1,057,470 has been recommended for the service for 1926. This is an increase of $7,440 over the current figure and is reflected in salaries for the bureau and for contingent expenses.

There were inspected by the service during the year 1924 a total of 7,560 domestic and foreign vessels, which represents a reduction under the number inspected during 1923 of 93. In addition to this there were the usual inspections of designs of marine boilers and engines, marine-boiler plates, life preservers, buoys, boats, and rafts, officers licensed, and certificates issued to seamen and lifeboat men.

BUREAU OF NAVIGATION

An increase over the current law of $23,857 has been recommended for 1926, making the total appropriation for the Bureau of Navigation $523,240. This increase is due to an addition of six employees in the commissioner's office and an increase of $15,287 under the appropriation for the enforcement of wireless communication laws, under which there has been a considerable volume of work.

According to the report of the commissioner of navigation, on June 30, 1924, the merchant marine of the United States, including all kinds of documented vessels, comprised 26,575 vessels of 17,740,557 gross tons, of which 2,847 seagoing vessels of 12,167,786 gross tons were 1,000 tons or over, compared with 27,017 vessels of 18,284,734 gross tons on June 30, 1923. Following is an analysis of the ownership of seagoing tonnage compared with one year ago:

July 1—	Private ownership (500 tons and over)					
	Steel		Wood		Total	
	Number	Gross tons	Number	Gross tons	Number	Gross tons
1923	1,202	5,243,639	833	998,908	2,035	6,242,547
1924	1,205	5,302,740	778	941,815	1,983	6,244,555

July 1—	United States Shipping Board (1,000 gross tons and over)					
	Steel		Wood		Total	
	Number	Gross tons	Number	Gross tons	Number	Gross tons
1923	1,313	6,370,777	185	490,464	1,498	6,861,241
1924	1,264	6,083,761	75	206,562	1,339	6,290,323

The report also states that the United States is one of the few countries showing no increase in its shipbuilding as compared with March 31 last; according to figures by Lloyd's register this country ranks fifth among shipbuilding nations. A year ago it ranked sixth. The aggregate gain of world shipbuilding over the total of March 31 last was approximately 100,000 tons. Of this gain, 43,000 gross tons is credited to Great Britain, 73,000 to all other countries, while the United States shows a loss of 16,000 gross tons.

Following is a statement showing the taxes and also the navigation fees and fines collected by collectors of customs in the administration of laws through the Bureau of Navigation. This shows the receipts during the past year compared with those of the previous year and 1917, the last pre-war year.

June 30—	Tonnage duties	Navigation fees	Navigation fines	Total
1924	$1,713,432.68	$212,825.46	$46,157.78	$1,972,415.92
1923	1,688,786.68	221,578.56	36,914.62	1,914,379.86
1917	1,393,743.16	139,808.03	49,962.37	1,583,513.56

In connection with the radio broadcasting service, it is stated that class B stations have increased during the year from 42 to 54 and that class A stations increased from 203 to 378. Class C stations were reduced from 327 to 101. There are now two class D stations in the United States, as compared with one a year ago. On June 30, 1924, there were 535 broadcasting stations, as compared with 573 a year prior, showing a decrease of 38. There is also a decrease shown in the number of licensed amateur stations, there being 15,545 on June 30, 1924, as compared with 16,570 on June 30, 1923.

BUREAU OF STANDARDS

The committee recommends for this bureau for 1926 the Budget estimate of $1,750,410. This is a reduction of $30,710 under the current appropriation made up by small amounts

taken from several of the appropriations. This will in no way affect the work of the bureau, which will continue about as it is now being carried on under the current appropriation.

BUREAU OF LIGHTHOUSES

There is carried in the accompanying bill the sum of $9,694,480 for the Bureau of Lighthouses, which is an increase of $241,100 over the current appropriation and an increase of $16,500 over the Budget estimates.

The appropriation for establishing aids to navigation has been increased from the current figure of $573,000 to $725,000. This appropriation is to carry out for the year 1926 the bureau's program of establishing various aids to navigation. For the allotment of this amount and the type and cost of the navigational aids estimated, attention is directed to pages 164, 165, and 166 of the hearings of the Department of Commerce. The balance of the total appropriation is for general expenses, salaries for lighthouse vessels, and service and retired pay.

COAST AND GEODETIC SURVEY

The committee has recommended $2,298,230, the Budget estimate, for this service for the fiscal year 1926. This is $72,614 less than the current appropriation. This decrease in most part has been made in the appropriations for Pacific coast surveys and magnetic observations.

BUREAU OF FISHERIES

The appropriation carried in the bill for 1926 for this bureau is $1,562,890, which is an increase of $54,245 over the current appropriation and $18,950 over the Budget estimates. For the propagation of food fishes there was recommended $372,300, which was a reduction of $13,950 under the current amount. The committee felt justified in recommending $386,250 for this purpose, which is the same amount the bureau is operating under at present. The committee also has recommended an increase of $5,000 in the amount for inquiry respecting food fishes, to enable the bureau to conduct an inquiry along the coast of Texas, which seems to be quite necessary. An increase of $28,000 for the Alaska general service and an appropriation of $25,000 for a wild-life and fish refuge station authorized by the act approved June 7, 1924, make up the balance of the increase.

DEPARTMENT OF LABOR

The total appropriation for the Department of Labor for the fiscal year 1926 carried in the accompanying bill is $8,602,625. This is $48,721.47 less than the appropriation for 1925, but $292,365 more than the estimate submitted by the Budget.

SECRETARY'S OFFICE

There is recommended for this office, which includes the items of salaries, Secretary's office, commissioners of conciliation, contingent expenses, rent of buildings, and printing and binding, $662,620, which is about the same as the current appropriation, but $7,500 in excess of the Budget estimates. This amount has been recommended in the item for printing and binding and is to supplement the allotment of the Children's Bureau contained in the lump-sum appropriation, to enable this bureau to have printed for distribution additional copies of its bulletins on infant and child care.

BUREAU OF LABOR STATISTICS

The appropriation recommended for this bureau is $285,300, the Budget estimate, and practically the same as the current figure with the exception of a slight reduction of $2,840 in miscellaneous expenses.

BUREAU OF IMMIGRATION

In calling your attention to the Bureau of Immigration there is an increase that we have recommended in the appropriation for the border patrol. There was appropriated a million dollars last year for this purpose, and they had obligated up to the time of our hearings about $800,000. The Bureau of the Budget recommended, therefore, $800,000 for this service for 1926. This appropriation was only available after the 1st of July. It took them two or three months to complete an organization.

I want to assure the House that they have completed a most wonderful organization. It is highly efficient. It is in operation now on the Mexican and Canadian borders. It is doing a most useful and valuable work. It will be only a short time, in my opinion, before they will have the situation well in control. The aliens desiring to enter here unlawfully will soon recognize that the boundary lines between the United States and Mexico and between the United States and Canada are unsafe places in which to try to make an entrance into the United States.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. SCHNEIDER. To what extent have you increased the force on the Mexican border?

Mr. SHREVE. There are now 250 men down there.

Mr. SCHNEIDER. Is that an increase over a year ago?

Mr. SHREVE. Yes. Four hundred and fifty men have been added to the force since a year ago and they are divided about half and half, about 250 being on the Mexican border and about 200 on the Canadian border.

Mr. BACON. In other words, these 450 men make up a new force which was created by the Budget last year?

Mr. SHREVE. Yes. They were appointed as the result of the action of the House during the passage last year of the appropriation bill covering this bureau, and they compose a force known as the border patrol. It has taken the department some time to complete this organization. The way it was done was this: They would select one man who was familiar with this work and place him in charge of a squad; he would then take these men and train them, and finally put them on the borders to stop this traffic in aliens. Naturally there would be found some who were inefficient. These were released and others appointed in their places, so they have been sorting out the men and getting the best. It is the ambition of the Secretary of Labor to make this squad the equal of the constabulary force of the State of Pennsylvania, which is known everywhere the world over.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. SUMMERS of Washington. I would like to know the total number on the Mexican border and on the Canadian border who are patrolling to prevent immigrants from coming in as well as preventing the bringing in of narcotics and alcoholics.

Mr. SHREVE. Well, there are 450 under the Department of Labor who are patrolling to prevent the unlawful entrance of aliens into the country. I am unable to state how many men are engaged in the prevention of narcotic smuggling, because that service comes under the Bureau of Internal Revenue.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. LAGUARDIA. Does not the gentleman believe it would be prudent and economical, as well as efficient, to have a uniform border patrol which would take jurisdiction over the smuggling of narcotics and alcoholics as well as immigrants, performing just police duties but not administrative duties?

Mr. SHREVE. I will say in reply to the gentleman that it is my belief that this border patrol is just the foundation which we have laid for something greater and stronger. We should have a well-organized border patrol, whose business it is not only to look after the aliens but to look after the smugglers of narcotics and alcoholics, as well as the bootlegger and every man who is in any way violating the laws of our country. It is my ambition to see this patrol grow until it is of such great value that it will be as well known as is the constabulary of the State of Pennsylvania.

Mr. DOWELL. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. DOWELL. I notice a statement by the Secretary of Labor relative to the number of those coming to this country across the Mexican border. Is that because of the fact that this constabulary, as the gentleman calls it, had not been previously established?

Mr. SHREVE. Yes.

Mr. DOWELL. And will this, in the opinion of the Secretary, prevent this crossing of the border unlawfully?

Mr. SHREVE. Absolutely. It is only a question of time, in my opinion, before the border will be fully protected. The border heretofore has consisted of long, vacant stretches, but I am convinced that before long all of these stretches will be fully patrolled. Let me call the gentleman's attention to another thing: It is becoming mighty dangerous for a Mexican to come across the border illegally, because when he does so he is apt to find himself in great difficulty. He may be picked up and treated as an alien, and then he may be deported to some foreign country, and he prefers to go back to his own country, and the fear of being deported to some foreign country, in my opinion, prevents a great many Mexicans from coming across the border unlawfully.

Mr. DOWELL. One other question, and this relates to the inquiry made by the gentleman from New York [Mr. LAGUARDIA]. It is impractical, I think, for all the departments to keep an independent force on the border. I think the Government is criticized very severely—and perhaps correctly—for having so many agents going over the same territory, one following the other, and neither of them having anything to do with the other departments. Is there not some way by which these departments can be coordinated, if you please, to the point where the agent of one department can act for another

department, and that the information from one department can go to another department just as well as having one agent following another over the same territory; and is it not a part of the duty of the Appropriations Committee to see to it that appropriations are made in the various departments for persons who shall act in connection and in conjunction with all these departments instead of working for just one department?

Mr. SHREVE. Well, to the gentleman's first question I would reply that I believe it is entirely possible and feasible to create such an organization as the gentleman has referred to and which organization would handle all of these various matters. However, that is a legislative matter and does not come before our committee. But as to the appropriations we are making it is our idea not to handicap in any way any of the activities that are rendering a useful service to the Government.

Mr. DOWELL. That is certainly correct, but it is apparent, I think, that the various departments are not going to coordinate this work. They have never done it to any extent, and it seems to me it never will be done unless Congress compels the coordination, and it seems to me that in this special case, where a large sum of money is now being used for a very good purpose, and while they are doing the work to which they have been assigned, they could also, for instance, stop the narcotic traffic across the border. Is it not possible that they can be given this authority by the other departments in order that they may accomplish a greater amount of work?

Mr. SHREVE. It would seem that something might be worked out along the lines suggested by the gentleman.

Mr. BOX. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. BOX. I was very much interested in the statement made by the gentleman to the effect that the border patrol is looked upon by him as something that is just beginning and which will be further developed from time to time. My understanding is that the Department of Labor also has that view to a great extent, and I also understand that my colleagues on the Committee on Immigration and Naturalization believe that.

I wonder if the members of the Committee on Appropriations now generally have that view, and if it is their purpose, circumstances permitting, to develop the idea further and further as the enforcement of this law and the methods of doing it develop.

Mr. SHREVE. I will say to the gentleman that the full committee were very well pleased with the work done by the subcommittee in connection with the border patrol, and it is fair to assume they are in direct sympathy with us, and I feel I reflect the sentiment of the full committee when I say this afternoon that we are vitally interested in the development of this border patrol.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. SHREVE. I yield.

Mr. HILL of Maryland. Will the gentleman state whether he has any information as to the number of immigrants who have been illegally brought in over the Mexican border during the past year? Has that information been developed by his inquiries?

Mr. SHREVE. Illegally brought in?

Mr. HILL of Maryland. Yes; that have been smuggled in. Has the gentleman any statistics on that?

Mr. SHREVE. There are no statistics available. It is a very difficult matter to determine. There are estimates, but I will say that in recent months the number attempting to go across the border has been very materially reduced. These men land nowhere when they get across. Their objective point is Philadelphia or New York or Chicago, and they find now that it is easier to go around and get in through the straight and narrow gate through Ellis Island. I think we will not be bothered much more with them.

Mr. LaGUARDIA. If the gentleman from Pennsylvania will yield, I will say in answer to the gentleman from Maryland that at the time we had the immigration bill under discussion I took the matter up with the Secretary of Labor, and he estimated at that time that sixty-thousand and odd came in legally through the Mexican ports and an equal number came in illegally. That was at the time we were discussing the bill in committee.

Mr. HILL of Maryland. In the hearings before the Immigration Committee last year the Secretary estimated, as I recall it, that there were about 212,000 who came in illegally, but they could not prove it.

Mr. LaGUARDIA. I think that is high.

Mr. TILSON. Will the gentleman from Pennsylvania yield for one additional question?

Mr. SHREVE. Yes.

Mr. TILSON. In regard to the increase of $234,865 over the amount estimated for in the Budget, is this increase largely due to the increased patrol?

Mr. SHREVE. Yes; very largely.

Mr. TILSON. What did the Budget estimate propose to do about it? Did they make any recommendation?

Mr. SHREVE. Oh, yes; they make a recommendation on everything.

Mr. TILSON. Of course, they recommend a certain amount.

Mr. SHREVE. They made a recommendation of about $200,000 less than the amount we have given. Under the Department of Labor on page 44 of the report you will find the total for regulating immigration, and you will find we increased the recommendation of the Budget by $234,865.

Mr. TILSON. This is the same amount that was appropriated for 1925.

Mr. SHREVE. The estimate made by the Bureau of the Budget was $4,850,000 for regulating immigration, and we have recommended an appropriation of $5,084,865, so we have increased the estimate submitted to us by the Budget by $234,865.

Mr. SCHNEIDER. But is not that the same amount appropriated last year?

Mr. SHREVE. Yes.

Mr. TILSON. Does the gentleman know what was the recommendation of the department itself? Did they recommend the same amount carried in the Budget?

Mr. SHREVE. I am not cognizant of what amount the department asked the Bureau of the Budget for.

Mr. TILSON. In other words, you recommend the amount that was appropriated last year and which was asked for by the department, and in this case have disregarded the estimate of the Budget.

Mr. SHREVE. We have appropriated more than the Budget figures because we felt that this unit had not been in operation more than two months, and it was hard to determine just exactly what amount would be expended to complete their organization. We therefore brought the appropriation back to the amount the House thought necessary when it authorized this service last year.

Mr. TILSON. And the gentleman feels that it will require this $234,000 additional in order to do the same work as is being done in the fiscal year 1925?

Mr. SHREVE. I will say to the gentleman that it will require the $234,000 extra in order to carry on the work that is now being conducted with the necessary improvements which naturally go with work of that kind.

Mr. BACON. As a matter of fact, the work should be extended, should it not?

Mr. SHREVE. I do not see how you can extend it. They are covering the border now and I do not see how it could be made more effective.

Mr. SCHNEIDER. Will the gentleman explain just how they are covering the entire border from the fact you are not using more money than you did last year?

Mr. SHREVE. We have 450 men employed in patrolling the border and they are divided into two groups, and if given sufficient time it has been shown that they are able to cover the border and the people are not coming in. They are covering it now with the force that is not fully trained at this time.

Mr. SCHNEIDER. Where does the revenue come from, inasmuch as the amount is the same as it was a year ago?

Mr. SHREVE. I do not understand the gentleman.

Mr. SCHNEIDER. From what fund are they paid?

Mr. SHREVE. The fund created in the appropriation made last year for regulating immigration.

Mr. SCHNEIDER. But the gentleman says the force was increased on the border by 100 men.

Mr. SHREVE. The force was created, and the appointment made of 450 men, because last year the House made a special appropriation of $1,000,000 to cover it.

Mr. CELLER. Will the gentleman yield so that I may ask him some questions about the Bureau of Naturalization?

Mr. SHREVE. Yes.

Mr. CELLER. I understand there is an increase in the appropriation of about $50,000 for this work; am I correct about that?

Mr. SHREVE. The gentleman is absolutely correct.

Mr. CELLER. Is the gentleman familiar with the situation in New York?

Mr. SHREVE. I am.

Mr. CELLER. Where the Federal Government has taken over entirely that work, and does the gentleman know that in the county of Kings, in Brooklyn, for example, where the State did part of the naturalization work that for the fiscal year ending June, 1923, with an appropriation of $12,000 or a little less, the county clerk of Kings County turned into the Federal Government $54,000, making a net profit to the Federal Government of $42,000, and yet the naturalization work has been taken out of the hands of the county clerk in Kings County?

Mr. SHREVE. I am well aware of that fact, and we have made an appropriation of about $50,000 this year for the purpose of restoring the work, provided it can be along the line suggested by the gentleman.

Mr. CELLER. Would not that $50,000 have been saved if it had been entrusted to the State authorities?

Mr. SHREVE. I can not tell about that. We are doing the best we can. That is a peculiar situation, and I hope we have it settled.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. SUMMERS of Washington. The Washington Post credits Mr. James J. Britt, counsel for the Prohibition Unit, with the statement that in an effort to prohibit smuggling of rum and narcotic drugs into the United States an army of 4,500 Federal agents, exclusive of Coast Guards, are employed along the coast and borders of the country. Would it not be immeasurably better to have a unified force, and what serious objection could there be to this force being detailed from the Army or the Navy or the Marines, so as to carry on all of this work at very little additional expense over the ordinary expenditures of the Government? An enormous saving would be made in using the forces of the Government in this way instead of special agents.

Mr. SHREVE. Replying to the gentleman, I would say that some day, sometime, we may be able to accomplish this very noble purpose, but at the present time we are rather handicapped.

Mr. TILSON. Along the lines of the suggestion of the gentleman from Washington [Mr. SUMMERS], why not dismiss all of the policemen in all of our cities and use the Army and the Navy for that purpose? That would be exactly on a par with what the gentleman proposes.

Mr. SUMMERS of Washington. When I mentioned this a year or two ago, immediately thereafter we made a large appropriation to put the Coast Guard to doing the very thing that I suggested here on the floor.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. BLANTON. Mr. Chairman, I think that the distinguished gentleman from Washington [Mr. SUMMERS] is exactly right and that we ought to do just exactly what he states about that matter. I think the gentleman from Iowa [Mr. DOWELL] made a very unfortunate interruption awhile ago when he mentioned the enforcement of the narcotic act. The gentleman will remember that just before we adjourned I vigorously fought from this floor a resolution to appropriate $40,000, which sent our colleague, Mr. PORTER, across the water, where he is now. I said then it would be a waste of money and that we would accomplish nothing by it, and that it would be a pleasure trip for our friend, Mr. PORTER.

Mr. LAGUARDIA. But he is doing good work.

Mr. BLANTON. If the gentleman will read the paper this morning, he will see where the representatives from Great Britain and Holland say, "Away with you."

Mr. LAGUARDIA. But we want to put up as good a fight as possible.

Mr. BLANTON. They say in effect to go home, that they will attend to their business there and we ought to attend to our business here. I say let us attend to our business here and let them attend to their business over there.

Mr. OLIVER of Alabama. Mr. Chairman, I take this opportunity of expressing my appreciation to the distinguished gentleman from Tennessee [Mr. GARRETT] for his scholarly address on the proposed constitutional amendment. It not only evidences his great ability but shows wonderful industry and research. He has collected many interesting and informing historical facts, which will prove of incalculable service to the Members of the House when they come to consider this important amendment favorably reported by the Judiciary Committee. It will also be a veritable encyclopedia of information to our constituency if the amendment is later submitted to the States. It should be printed as a House document, and I will later make such request.

In view of the very full statement made by my distinguished colleague from Pennsylvania [Mr. SHREVE] as to the important items in the appropriation bill which we now have under consideration, I desire simply to briefly supplement his statement relative to some few items of the appropriation for the Department of Justice.

The gentleman from Texas [Mr. BLANTON] in some of the questions propounded seems to criticize the section handling appropriations for war frauds.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. BLANTON. I have commended them, especially our former colleagues who are down there. I have commended them frequently for their effort and zeal; but nothing worth while, compared with the money that we have spent, has been accomplished.

Mr. OLIVER of Alabama. The money we have appropriated, it will be understood, is primarily for the purpose of recovering money improperly paid out and which the Government, it is thought, is entitled to recover. In the investigation of these matters comparatively few cases where criminal prosecutions would lie have been found. There are perhaps now pending 40 criminal cases. The lawyers in charge of the war-fraud cases will not likely be engaged at all in the prosecution of these criminal cases, but cases of this character are referred to district attorneys for investigation and prosecution. The gentlemen employed under this special appropriation, which has been designated "War frauds," are very busy in recovering for the Government money improperly paid out.

The Attorney General, Mr. Stone, has employed two lawyer of splendid ability to take charge of the war transaction section, and every member of the subcommittee who assisted in writing this bill was deeply impressed with the ability of the gentlemen now in charge of the section and with their zeal and industry. Soon after their appointment last summer they very wisely concluded that the important thing to do was to classify the cases now pending in court, as well as those before the war fraud section, for investigation, according to the legal principles involved. This has been well done, and I think Congress can now feel that any money appropriated for the furtherance of this work will bring satisfactory returns.

The Members of the House who were here at the time the Dent Act was passed, in March, 1919, will find it most interesting to read an able brief prepared by Mr. Andrews and Mr. Michael, now in charge of the war fraud section, in the case of the Standard Steel Co., now before the Court of Claims. An analysis of the brief to which I refer will be found on pages 91 et seq. of the hearings, and it furnishes a remarkably clear statement as to what Congress intended in the Dent Act. There has been much criticism and misunderstanding of the real purpose of the Dent Act, and certainly the brief to which I refer is a very concise, logical, and clear statement of the purposes that Congress had in mind when it passed the act. It was unquestionably misconstrued, to put it mildly, by some of the Government representatives, and as a result of such misinterpretation large sums of money were improperly paid to claimants, for which recoveries are now sought. In this particular case the amount involved is something more than $2,000,000, and there are other cases dependent on a like question, where the total amounts involved approximate $100,000,000.

If the counterclaim set up in the Standard Steel Co. case is sustained, it will enable the Government to readily dispose of a number of other claims and will bring into the Federal Treasury very large returns. The legal questions involved were argued and submitted to the Court of Claims about 10 days ago.

Mr. TILSON. Will the gentleman yield?

Mr. OLIVER of Alabama. I will.

Mr. TILSON. Is this a construction of the Dent Act?

Mr. OLIVER of Alabama. Yes; and I commend the brief to the careful reading of the gentleman from Connecticut. It is by far the most forceful and logical statement as to what the Dent Act did or was intended to do that I have yet seen.

Mr. TILSON. If the gentleman will excuse me right there, I have said there was no ground whatsoever for the criticism of the Dent Act, if properly interpreted. I think it was a very wise piece of legislation.

Mr. DENISON. Will the gentleman yield?

Mr. OLIVER of Alabama. I will be glad to yield.

Mr. DENISON. Will the gentleman state who prepared the brief?

Mr. OLIVER of Alabama. Mr. Andrews and Mr. Michael, who were appointed by the Attorney General last July to take charge of the war transactions section. I will be glad to

supply a copy of their brief to the gentleman if he desires it. We have a limited number of these copies for Members of the House who may be interested in going into the matter more fully.

The gentleman from Connecticut is correct in stating that the Dent Act has been grossly misunderstood by the uninformed. Certainly the House in passing the act sought to permit only limited relief in that class of cases where the formalities of law had not been complied with and which, on that account, in the absence of the Dent Act, no claims could have been sustained. Congress certainly limited the profits that could be recovered on such contracts to supplies and goods actually delivered to and received by the Government, and provided further only for a reasonable remuneration for any expenses and obligations incurred in preparations made to carry out such contracts. After the bill passed the House, the Senate amended it by providing for the recovery of possible and prospective profits, but this amendment was not concurred in by the House conferees and the bill finally passed with this Senate amendment stricken out.

Notwithstanding this, the act seems to have been interpreted as authorizing such possible and prospective profits, and as a result of such misinterpretation, millions of dollars were improperly paid out to claimants for which recoveries are now sought. I can not too strongly commend to the Members of the House the reading of the brief referred to.

The committee has not allowed for the war fraud section the amount recommended by the Budget, but we feel that the amount allowed, which exceeds by $300,000 the amount heretofore appropriated for any one year, will enable this section to employ the additional counsel, audit, and clerical help needed for the test cases which it is proposed to try first, and to prepare for trial other cases considered as urgent. If it should later develop that further funds are required, Congress will reconvene in time to supply the same. In the meantime, court rulings will be had on many of the disputed questions, so that Congress can more intelligently appropriate for the further prosecution of these cases.

There are now pending in the war fraud section about 700 cases; of this number approximately 150 are pending in court and suits will soon be filed in 50 or 60 additional cases. The courts will be able to dispose of but comparatively few of these cases during the year, but it is believed that by pressing for trial certain important test cases that the work of this section will later be greatly relieved.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. OLIVER of Alabama. I will.

Mr. LAGUARDIA. Of course, it is very desirable there be no changes of these gentlemen upon the part of the Attorney General's office. Does not the gentleman agree with that?

Mr. OLIVER of Alabama. It is most desirable, and I think the Members of the House will be in full agreement with what the subcommittee has recommended if they will only take time to examine carefully the excellent work now being done by the war transactions section.

I wish to refer Members of the House to pages 100 and 120 of the hearings, where a concise review of the work of this section will be found. Members of the House will also be interested in the tables set out on pages 152 to 154, inclusive, which show how the work of the courts has increased in the last few years. You will also be pleased to note the large number of cases that have been finally disposed of in comparison with former years. Much of the new business before the courts is due to the prohibition act, and you will find in Schedule C to what extent this act has contributed to the volume of new business.

Mr. HILL of Maryland. On what page?

Mr. OLIVER of Alabama. Page 155, I think. In one of the schedules on page 156 will be found the amounts collected in civil and criminal cases through the courts, and it is interesting to note that during the past seven or eight years the amounts collected each year by the Department of Justice have been sufficient to pay one-half of the total appropriations of the department for such years. In some years this percentage has been as high as 70 or 75 per cent of the total appropriations for the department.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. HILL of Maryland. I wondered if there came before the gentleman's committee in connection with the prosecutions to which he refers on page 155 of the hearings the question whether certain portions, at least, of the work that is done by the prohibition units could be properly and more effectively transferred to the Department of Justice under the director of investigations. Was that matter brought up at all?

Mr. OLIVER of Alabama. We did not go into that, since we had no jurisdiction of the matter.

Mr. HILL of Maryland. The council of judges have recommended that. I thought perhaps you had touched upon it.

Mr. OLIVER of Alabama. No; we did not. In another year, let me say, it may be necessary to appropriate a larger sum for the employment of counsel, in view of the many cases now pending in the courts, especially in the Court of Claims, against the Government, and which run now into the billions of dollars. Some of the counsel employed are underpaid, and you can not expect able counsel to remain with the department unless adequate compensation is provided. Congress will be interested, I know, in providing an adequate sum for the employment of lawyers of recognized ability in the defense of these suits. It is important in this connection to provide salaries sufficient to retain an able and permanent personnel in the department. Appointments should be made free of political considerations, and where the personnel are rendering efficient service, they should not be removed from time to time by change of administrations. [Applause.]

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. SCHNEIDER. What is the largest salary paid?

Mr. OLIVER of Alabama. I believe that $10,000 is the largest salary now paid, and there are comparatively few who are paid as much as $10,000. This salary is sufficient, but there are many drawing much lower salaries, some of which should be increased.

The gentleman from Texas [Mr. CONNALLY] made reference to the case of the Bethlehem Steel Co. That case is now in court and is at issue. It involves about $11,000,000, and the final determination of the case may largely hinge, as I am informed, on a legal question, namely, whether the "bonus-savings clause" in some of the war-time contracts is valid. Some insist that this clause is void as against public policy, and of course it is generally accepted that the clause is invalid where any special facts can be shown indicating that fraud or improper influence was exerted in fixing the bonus amount. These are legal questions, however, to be decided by the court; but, as the gentleman from Texas stated, this is an important case.

Mr. CONNALLY of Texas. One of the questions involved in the case is whether Mr. Schwab, who was one of the managers of the Fleet Corporation, was justified in permitting these contracts to be made to the Bethlehem Steel Co. at higher rates than similar contracts in other companies.

Mr. OLIVER of Alabama. This case is being handled by Mr. Brown, whom, I understand, is a distinguished member of the Philadelphia bar. I have no doubt that the fiduciary relationship occupied by Mr. Schwab is a factor to be taken into account. If Mr. Schwab, acting for the Government, made a contract with a company in which he held an interest that, of course, under the law, must be taken into account in determining the validity of the provision referred to.

Mr. CONNALLY of Texas. I only interjected that because the gentleman was giving a catalogue of cases. That is one feature of the case.

Mr. OLIVER of Alabama. The gentleman is undoubtedly correct; but I was undertaking to simply state some of the legal principles involved, not the facts.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. BLANTON. Several of these attorneys are ex-Members of the House and are now drawing $10,000. Does the gentleman think that that service down there is any more responsible or should be paid any higher compensation than the services of a representative of the people in Congress? If they are willing to serve here for $7,500 a year, why should we, as soon as we employ them down there, give them a $2,500 raise?

Mr. OLIVER of Alabama. I do not think there are now many in the employment of the Government at a salary of $10,000 who were former Members of the House.

Mr. BLANTON. I can name several ex-Members of this House who are down there drawing $10,000 a year.

Mr. OLIVER of Alabama. So far as I recall, there is only one ex-Member of the House who may be drawing $10,000. If he is in charge of some of the important litigation now pending against the Government and has the legal ability to efficiently represent the Government in such matters, he is not overpaid. I know nothing, however, of the legal ability of the gentleman to whom reference is made nor of the litigation he is in charge of.

Mr. BLANTON. The gentleman speaks of the size of the cases. They are no larger in the aggregate than the cases ranging between three and four billion dollars a year that we handle on the floor.

Mr. OLIVER of Alabama. I will not go into that; and certainly I have no desire to disparage the important work done by Congress. Where able counsel are employed in litigation involving millions of dollars fees earned by lawyers in private practice must be considered in determining the compensation to be paid by the Government.

The Department of Justice has now set the rule of not exceeding $10,000, and there are comparatively few drawing as much as $10,000. The majority of the lawyers employed by the department, many of whom are men of high ability, are not drawing exceeding $7,500, and by far the larger number of lawyers employed are paid much less.

Mr. BLANTON. I think I give as close study to the work of Congress as I ever did to any case in which I was attorney—nearly a quarter of a century experience in courthouses. I think the work here is just as important as the work down there.

Mr. OLIVER of Alabama. I have no doubt that the gentleman, by leaving the House, could make more on the outside, but if he is content to remain here for $7,500, as others are, that is entirely proper. I know the Members of the House properly feel that they are rendering an important service, and I think they are underpaid, but the very fact that they continue to come back would indicate they are satisfied to serve for the amount allowed.

I simply wish to emphasize that at this time there are more cases pending against the Government in the courts than ever before in its history, and that these cases involve millions of dollars; the ablest counsel in the Nation are employed to prosecute the cases against the Government, and it is important that the Government be represented by counsel of recognized standing and ability, and I am pleased to know that in many instances called to our attention the department has been able to secure the services of very able counsel at not exceeding $10,000 per annum and in quite a few instances for less.

Now, in conclusion, let me say that no department of the Government is more important than that of the Department of Justice. It is supremely important that our people shall have absolute confidence in those who represent the Government in the courts. The present Attorney General, Mr. Stone, is a lawyer of outstanding ability, of high character, and a splendid administrative officer. I regret that we are to lose him as the head of the department. I hope the time will come when the Department of Justice will be organized and maintained free from all suspicion of political appointments, because it is the one department that should give, that must give, confidence to our people in all of the other Government departments. [Applause.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has used 24 minutes.

Mr. OLIVER of Alabama. Mr. Chairman, I yield 20 minutes to the gentleman from Tennessee [Mr. BYRNS].

The CHAIRMAN. The gentleman from Tennessee is recognized for 20 minutes. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, in the time at my disposal I wish to discuss the appropriation which is carried in this bill for the Bureau of Foreign and Domestic Commerce. I have always, I think my colleagues will admit, stood for strict economy in the appropriations which are made for governmental activities, but I recognize that it is sometimes false economy to fail to make a sufficient appropriation and hamper some very important activity of the Government which is rendering a great service to the people of the United States. There is sometimes truth in the old adage of "penny wise and pound foolish."

In my judgment the appropriation which is carried in this bill for the Bureau of Foreign and Domestic Commerce is not sufficient to enable that bureau to properly perform its functions in fostering and promoting our domestic and foreign commerce. If you gentlemen will take the pains to read the hearings—and they are very interesting—and the statements made by Dr. Julius Klein, the very able and efficient director of that bureau, and Mr. Secretary Hoover, a man of great ability and wide vision, I am satisfied that you will come to the same conclusion to which I have come after reading those hearings and making an investigation as to the work being done by the bureau.

Mr. TILSON. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. TILSON. I do not have the hearings before me, but what was the recommendation of the Department of Commerce? I note that the Budget estimate has been exactly carried out in the bill.

Mr. BYRNS of Tennessee. The Budget estimate provided, as I recall, in round figures, for $79,000 more than the appropriation for the present year, and the committee has recommended $83,000, in round figures, more than is carried in the current appropriation, but it will require, according to the statement made by the director, $390,000 more than the amount recommended by the committee in order to enable the bureau to properly perform its functions in meeting the inquiries and demands made upon it by the business and commercial interests of this country.

My interest in this bureau is not a new thing. I have been interested in it from its first inception. It so happened that at that time I was the chairman of the Committee on the Legislative, Executive, and Judicial Appropriations, which carried the appropriation for this bureau. It was one of the first constructive measures proposed by Mr. Redfield, the wide-awake and able Secretary of Commerce under the Wilson administration, and it was put into effect by Congress upon his recommendation.

I have followed it through all these years. I have always been an earnest advocate of the great work being accomplished by it in the interest of the business of the country. I have been greatly interested in the very valuable work that has been done and progress made by this bureau under Mr. Secretary Hoover and under the direct supervision of Dr. Julius Klein, its very competent and efficient director, who has put his whole soul into this work, and to whom the business men of the country are greatly indebted.

Mr. OLIVER of Alabama. If the gentleman will permit, the committee fully appreciates the tribute paid by the gentleman to Mr. Klein. He is a very able director, and the committee appreciates the very valuable work that his bureau is doing.

Mr. BYRNS of Tennessee. I am glad to have that statement from the gentleman from Alabama, because I happen to know that he is as deeply interested in the work being done by this bureau as any other Member of the House, and as anxious to see it function as it should function.

Now, I have heard it stated that one reason why a greater appropriation was not made for the bureau at this time was that it was desired to hold it within the Budget estimate. Well, gentlemen, the Budget, to my mind, was never intended to take from Congress its constitutional authority to make appropriations and to decide matters for itself. The Budget Director is interested in figures, he is interested in holding down the amounts of the appropriations within a certain limit of the financial program, and his work is exceedingly valuable and important. He is not concerned with policies except as they affect appropriations. But the Congress is interested not only in appropriations, but it is interested in all those things which look to the advancement, progress, and material prosperity of all the people. So I say I do not understand that the Budget estimate should control us in a matter where we, as Members of the Congress, are convinced that a bureau is being denied the appropriations necessary in order to enable it to function as it was intended and as the interest of the country demands that it function. But I can point out to the Director of the Budget, and I can point out to the Congress many methods of saving more than the amount of money necessary to provide this bureau with the increased appropriation it requires without injuring the Budget estimates. Only a few days ago, at the instance, and on the express recommendation of the Secretary of the Interior and the Commissioner of Public Lands the Appropriation Committee recommended in the Interior appropriation bill the consolidation and abolishment of certain land offices in the West, which would have amounted to an annual saving of more than $230,000. A great saving could be accomplished by the consolidation and abolishment of a number of assay offices in the West. The elimination of these offices, declared by those in authority to be unnecessary, would take care of the increase so badly needed by this all-important bureau.

Mr. SEARS of Florida and Mr. CARTER rose.

Mr. BYRNS of Tennessee. I yield first to the gentleman from Florida.

Mr. SEARS of Florida. I am interested in what my friend from Tennessee has said. I merely want to say I am surprised at the statement of my friend, because he is on the Committee on Appropriations and is too young and too able to be living in the past. We are now governed solely and entirely by the Director of the Budget, and it is a waste of a Member's time to even go before the committee and present facts and figures.

Mr. BYRNS of Tennessee. I have very great respect and regard for my friend from Florida, but I can not fully subscribe to that statement.

Mr. SEARS of Florida. The gentleman has not met his Battle of Waterloo like the gentleman from Florida.

Mr. BYRNS of Tennessee. I yield now to the gentleman from Oklahoma.

Mr. CARTER. The gentleman spoke of an attempt to abolish certain land offices which the Secretary of the Interior had recommended the discontinuance of, and in that connection I will say that the House did abolish, in the Interior Department appropriation bill, by refusing to provide for them, certain political offices in a great many of the Western States, known as surveyors general. I understand those have all been added to the bill by the Senate, and I hope we will have the full cooperation of the gentleman and of all the House in trying to effect that economy.

Mr. BYRNS of Tennessee. The gentleman can rest assured he will have the benefit of my feeble efforts to enable him to bring about that saving to the taxpayers.

With reference to new activities, I observe from the press that the President of the United States is very much in favor of a great memorial bridge over the Potomac River, estimated to cost at least $14,000,000. The Senate has passed the bill and efforts are now being made to get the House committee to report it.

The annual interest upon that $14,000,000 will take care of the increased appropriations necessary for this very essential bureau twice over. The bridge would doubtless be a work of art and very ornamental, but, in my judgment, it is not needed. The Government has just completed a bridge over the Potomac at a cost of over $3,000,000. The two bridges we now have are sufficient for traffic and certainly there is no necessity for appropriating such an immense sum for a memorial bridge at this time. It is not consistent with a program of genuine economy.

The President has recommended the payment of the French spoliation claim, a claim that has been hanging around Congress for more than 100 years, and every Congress since that time has refused to make appropriations to pay it. So far as I know, no other President has ever recommended it. The amount is over $3,000,000, yet we are told that because the increase of this appropriation for the Bureau of Foreign and Domestic Commerce would put it beyond what is called the President's financial program, we must starve this bureau and prevent it from performing the functions for which it was intended—to give to the business interests of this country information concerning foreign markets—and assistance in securing foreign trade. I protest against such a short-sighted policy and the expenditures of these immense sums, while an activity established for the benefit of the business men of our country is permitted to languish because of lack of funds.

I have had occasion to make inquiries regarding the service rendered to American business by the Bureau of Foreign and Domestic Commerce and have found some really astonishing facts.

I have gone over the figures for the last four years as given in the annual reports of the director and find that they have answered inquiries and requests for information from business men at such a rate that the number handled daily has risen from about 700 in 1921 to almost 7,000 at this time.

A comparison of the increase of services rendered with the appropriation shows an increase in the work of the bureau of 607 per cent, as against an increase of 141 per cent in appropriations. This wide spread is even further emphasized in comparing 1924 with 1923, when the services rendered by the bureau increased 113 per cent, as against only about 3 per cent increase in funds carried in this bill. If the work being done by this bureau is of any value to the business and industrial interests of the country, and no one denies that it is, then it should be provided with sufficient funds to properly function and meet the demands which are made upon it. It is too much to say that the bureau can fully and properly take care of such an increased load of business with such a small increase of appropriation over and above those provided in previous years. Such a condition can mean but one thing—the inevitable breakdown of one of the most valuable revenue-producing units in our Government.

The last annual report of Director Klein shows an estimate of not less than $529,000,000 worth of new business secured last year through their efforts, on which taxes paid to the National Treasury amounted to probably $7,000,000, or nearly three times the cost of maintaining the bureau.

Sound judgment dictates and intelligent economy requires that such a revenue producer be encouraged. It seems to me it is very poor economy to so restrict the resources and stifle its growth at this crucial period in the world's trade that it can not meet the growing burden of demand, now double what it was a year ago, made upon it by merchants, manufacturers, farm cooperatives, and others all over the country. It appears from the hearings on this bill that one of the unfortunate results of this rapidly mounting burden, without a sufficient increase in funds, is a congestion of work already undertaken by the bureau and a great number of demands for new work which can not possibly be touched.

I call attention to a statement made by Director Klein in the hearings in which he sets forth a few of the pressing requests that are being made upon that bureau now and to which the bureau has been unable to give attention because of lack of funds. He says:

We are 32 days behind our schedule in giving out lists of foreign buyers, whereas the delay in the issuance of the lists should not exceed 48 hours in any one case. Speed in this service is absolutely indispensable and this lag of more than a month is growing steadily and can only be overcome by additional clerks. The work of the tobacco section has become so heavy that if no new work of any sort were undertaken the section would be obliged to work full time for four months to complete work already under way.

The tariff division covers only automotive and rubber commodities with a regular service, and can not handle any of the other 16 major commodities, which include electrical equipment, iron and steel, machinery, agricultural implements, boots and shoes, foodstuffs, etc. The National Canners' Association committee, which cooperates with the Department of Commerce, has requested that we compile tariff information and food laws of the various countries to which we export foodstuffs. This we can not do under present funds.

There have been numerous requests made of the bureau for a regular service on comparative ocean freight rates and the transportation division has also received urgent requests for trade surveys of various southern ports, likewise impossible because of inadequate appropriations.

We have recently received a request from produce companies of Tennessee and elsewhere requesting us to make a study of European conditions as they relate to the possibilities of exporting poultry products, the value of which in 1923 was over a billion dollars.

Our lumber division has had numerous most urgent requests which it has not been able to fill. The lumber industry, through organizations in the South and the Northwest, have asked that a system be started in checking up on claims abroad. Not less than $7,000,000 is involved in lumber claims each year, and we are the only large exporting nation with no method of protecting our lumber exporters in this serious form of loss. Nineteen firms of the Pacific Lumber Exporters' Association have requested the department to increase its service of lumber information particularly as it deals with the Japanese market, which we can not do under present funds. This industry is one of the most important and most widely scattered in the country and is justly entitled to such service.

The Jacksonville (Fla.) Chamber of Commerce has made an urgent demand for special information regarding the marketing of citrus fruits in Europe. It has been utterly impossible to undertake this work because of the great amount of work now pending in the foodstuffs division. The annual production of citrus fruits is from $110,000,000 to $112,000,000 and the exports are over $10,000,000.

In the domestic commerce field we are being buried under an avalanche of demands for service which can not be met. Among these may be mentioned the request from the National Wholesale Grocers' Association to the domestic commerce division for an investigation of wastes and costs of operation in this trade.

The machine-tool industry has asked for certain studies on cancellations, on the sale of second-hand machine tools, credit and collection practices, etc. Various companies in the cement industry have asked for studies for the purpose of the elimination of waste in distributing methods of that industry.

Insistent demands have been made on the bureau for aid to the boot and shoe industry, which is gradually recovering from the postwar depression and is urgently in need of current statistics on sales and stocks of shoe retailers.

Mr. TILSON. Will the gentleman state, if he has not done so, what is Doctor Klein's recommendation as to the amount he needs? I have very great confidence in Doctor Klein, and his recommendation would have great weight with me.

Mr. BYRNS of Tennessee. Of course, I do not speak for Doctor Klein, for the gentleman understands the rule that exists in the departments whereby the head of a bureau or even of a department will not come to Congress and urge an appropriation over and above that submitted by the Budget.

Mr. TILSON. But his department does make a recommendation to the Budget.

Mr. CARTER. Yes; that is the point.

Mr. BYRNS of Tennessee. I am informed, as I will show the gentleman later, that about a 15 per cent increase on many of these items of appropriation for specific purposes

would be sufficient; or, in other words, about $390,000 over and above the $79,000 estimated by the Budget as an increase would be entirely sufficient to meet all the demands being made upon them.

Mr. CARTER. Does the gentleman have any information as to the amount of Mr. Klein's request on the Budget Bureau?

Mr. BYRNS of Tennessee. The original department estimates are about the sums I have named to the gentleman from Connecticut.

Mr. GARNER of Texas. Will the gentleman yield so I may ask a question with reference to the authority of departments to make recommendations? The Appropriations Committee can call different heads of bureaus or the heads of departments before them and make inquiry of them as to what they think is sufficient.

Mr. BYRNS of Tennessee. Undoubtedly.

Mr. GARNER of Texas. So Congress is not excluded from securing the necessary information.

Mr. BYRNS of Tennessee. Undoubtedly not; and my reply to the gentleman from Connecticut was not intended to convey the idea that Congress could not and did not get this information. As I understand it, under the custom prevailing in the departments at this time, heads of bureaus are not permitted voluntarily to present and urge figures over and above those submitted by the Director of the Budget. Of course, there is no disposition to withhold that information from the committee or from the Congress.

Mr. OLIVER of Alabama. I think the gentleman, who has no doubt read the hearings, is impressed with the fact we did undertake to bring out from Doctor Klein, as well as from the Secretary, the full facts in reference to what that department is doing and the valuable work that is performed by that bureau.

There was no effort upon the part of the committee to suppress any information that would give to the committee the valuable work that is being done.

Mr. BYRNS of Tennessee. That is true, and I take this occasion to compliment the gentleman from Alabama [Mr. OLIVER], the gentleman from Pennsylvania [Mr. SHREVE], the gentleman from New Jersey [Mr. ACKERMAN], and the other members of the subcommittee on the full and able hearings upon this bureau and the other bureaus coming within their jurisdiction. If Members will take the time to read the hearings on this particular bureau, they will be very much enlightened and interested.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. HOCH. Mr. Chairman, the gentleman has spoken about the great service rendered by this bureau to business and industry. I agree with all of that. The gentleman is aware that there has been a disposition upon the part of certain gentlemen speaking for the agricultural interests to criticize the extension of the work of this bureau to take in matters referring directly to agriculture. As coming from a strictly agricultural district, I say that it seems to me that is a shortsighted policy. If there is anything that American agriculture needs, it is just the sort of work in finding world markets that this bureau is doing; and instead of objecting to their work, agriculture ought to heartily welcome the work of these experts in salesmanship and all that sort of thing across the water.

Mr. BYRNS of Tennessee. I agree with the gentleman, and I shall speak in a moment of one instance in which this bureau has rendered a great service to agricultural interests which happened to come under my personal attention. This bureau does not undertake to interfere with production, which belongs exclusively to the Agriculture Department. Its only interest and the only work that is done with reference to agricultural products is what it is doing with respect to manufactured products—attempting to find markets in foreign countries.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. LAGUARDIA. Do the heads of bureaus when called before the gentleman's committee speak freely, or is it considered a part of insubordination to take issue with the recommendation of the Budget?

Mr. BYRNS of Tennessee. Oh, no; not at all. There is no hesitancy, of course, in giving the committee all the facts.

Mr. LAGUARDIA. I was wondering whether the custom had not grown up through the department, when one was called before the Committee on Appropriations, to confine oneself to the limit set by the Budget Bureau.

Mr. BYRNS of Tennessee. That is all, of course, that they ask for, but they do not hesitate to speak of the needs of their departments, and if the gentleman will read these hearings I think he will find that the director has stated clearly and emphatically to the committee that he will not be able to carry out the purposes of that bureau unless he is given more money.

Mr. SCHNEIDER. Is it not true that the Director of the Budget makes up his figures before the information is given to the gentleman's committee?

Mr. BYRNS of Tennessee. That is true. It is done before the hearings; yes.

Mr. SCHNEIDER. Where does the director get his information other than from dead figures a year ago to make up his figures?

Mr. BYRNS of Tennessee. I do not know just how far the Director of the Budget goes in the way of investigation in coming to conclusions as to what sum should be proposed. Whether he goes into the full facts and full details of the work to be accomplished and expected to be done, I do not know. As I said a while ago, primarily the Director of the Budget is interested in the figures. He is interested in holding down the Budget to within the financial program of the President. He is interested in setting a limit beyond which the bureaus and the departments shall not go.

One of the most important functions of this bureau is the distribution of lists of foreign buyers of American products to the trade at home. Last year 416,000 of these lists were distributed, which was an increase of 130 per cent over the preceding year. I am told that these lists are compiled in the bureau as rapidly as the necessary data is received from the hundreds of foreign offices of the Departments of State and Commerce and are then distributed to the trade. It is clear that this distribution should be made within 48 hours of the receipt of the information in Washington if it is to prove of the greatest value to the trade, but at this moment the work has piled up to such an extent that there are now about 220 large lists awaiting compilation and distribution. It is stated that if no more new work of this sort were undertaken by the bureau and no new reports received from field offices, 32 days of continuous work would be required to put out the lists of foreign buyers for which information is already at hand.

A similar situation exists in that highly important branch of the foodstuffs division, the tobacco section. I happen to have more than a passing knowledge of the work of this very excellent section and, if I may be permitted to say so, have contributed considerably to its formation. As a result of the demands of the large tobacco cooperative associations of the United States this tobacco section was formed, with an expert in charge who was nominated by the cooperatives. I happen to know something of the very great value of the work of this section to the farmers of this country who grow tobacco. It has been most valuable in the collection and publication of information hitherto not available to the farmer, and has also been the direct means of contact between the foreign representatives of the cooperating marketing associations and the tobacco-consuming countries of Europe.

The marketing of tobacco in European markets is perhaps the most difficult problem which confronts any American exporter. This is the result of the almost universal system in Europe whereby tobacco sales are controlled by a rigid State monopoly, which means that the exporter must sell to a government agency. It has been found that these government agencies are difficult of approach by an individual salesman or representative of an American association, while on the other hand the official standing and prestige of our commercial attachés makes it an easy matter to present favorably the case of the tobacco exporter. As an example of the special service this section has been giving to the cooperatives, I might mention that last year a trip was made to Europe by a commission which was composed of representatives of all the tobacco-marketing organizations in the country. Before starting on this journey the commission appealed to the Secretary of Commerce, who delegated the tobacco expert in charge of the tobacco section to accompany the commission, facilitating their contacts with the government agents in the various countries and through them with those in charge of the tobacco monopolies of the various European Governments. The results of this work were of very great value to the tobacco farmers, and the Department of Commerce is entitled to very great credit for what was accomplished.

In view of the aid which this bureau has given to the tobacco farmers, I have very greatly regretted to learn that the work of that section is so far behind and so congested and the staff so small that if it stopped all new activity at this moment it would be fully occupied for four months in turning out the work on hand.

I am told that there is a similar situation in other important work of the bureau because of this same serious discrepancy between its funds and the very rapid growth of demands on it from producers and merchants. The trade in canned goods, for example, which affects every locality where vegetables and fruits are raised in bulk; the trade in lumber, which is so important in my own State and in vast stretches of the South and Northwest; in citrus fruit; in poultry products; hardware; groceries; and many other lines—in fact, a group whose exports last year exceeded $694,000,000—all are now on the waiting list of this bureau for more service of the sort now being given to the limit of the bureau's resources to other trades.

These are some of the reasons which have forced me to conclude that there ought to be a greater increase of appropriations than 3 per cent to take care of an increase in business of 113 per cent. An increase of 15 per cent in some of the activities of this bureau, which would be small in comparison with the increase in some of the Government's activities, would no doubt enable it to function to the fullest advantage and would redound to the interest of our domestic and foreign commerce, greatly increasing our trade in foreign countries. It is axiomatic to say that anything which increases our foreign trade benefits the people as a whole and increases our general prosperity, for it will give wider opportunities for labor and better home markets for agriculture.

I wish to repeat that at this time when the war-torn countries of Europe, which before the war enjoyed such a large foreign commerce, are recovering from the effects of the war and are reaching out through their foreign service for their old trade in all the markets of the world, it would be very poor economy for our Government to fail to increase its effort to garner more of this trade for American products. After all, the real question before us, one which lies behind this appropriation, is whether these legitimate and proper demands from the taxpayer for service on which he can collect, so to speak, a dividend on his capital, are to be granted and the people and the National Treasury to be thus benefited, or whether the work of this bureau is to be stifled and its further growth retarded at this crucial point in its existence. [Applause.]

Mr. SHREVE. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. ACKERMAN].

Mr. OLIVER of Alabama. Mr. Chairman, I also yield the gentleman five minutes.

Mr. ACKERMAN. Mr. Chairman, and members of the committee, I am venturing to invite the attention of the committee to some facts in regard to our foreign and domestic commerce.

From the Statistical Abstract, edition of 1923, supplemented by the preliminary figures of 1924 which have been obtained from the bureau, the excess of exports over imports for 1924 was around $1,075,000,000, which is two and one-half times that of last year, and which shows an export balance per day of almost $3,000,000.

Total exports, foreign and domestic, for 1924 were approximately $4,650,000,000, an increase of about $560,000,000; in other words, our foreign commerce increased at least $1,000,000 a day in 1924 over 1923.

I believe it will be of value to readers of the RECORD to insert here the imports and exports of the United States since 1909:

Merchandise imported and exported, and the annual excess of imports or exports; specie values, 1909–1924

Year ended—	Exports			Imports				Total foreign trade exports and imports, 1,000 dollars	Excess of exports over imports, 1,000 dollars	Excess of imports over exports, 1,000 dollars
	Domestic, 1,000 dollars	Foreign, 1,000 dollars	Total, 1,000 dollars	Free, 1,000 dollars	Dutiable, 1,000 dollars	Total, 1,000 dollars	Per cent free			
1909	1,638,356	24,655	1,663,011	599,557	712,363	1,311,920	45.7	2,974,931	351,091	
1910	1,710,084	34,901	1,744,985	755,311	801,636	1,556,947	48.5	3,301,932	188,038	
1911	2,013,549	35,771	2,049,320	776,973	750,253	1,527,226	50.8	3,576,546	522,094	
1912	2,710,320	34,002	2,204,322	881,671	771,594	1,653,265	53.3	3,857,587	551,057	
1913	2,428,506	37,378	2,465,884	987,524	825,484	1,813,008	54.5	4,278,892	652,876	
1914	2,329,684	34,895	2,364,579	1,127,503	766,423	1,893,926	59.5	4,258,505	470,653	
1915	2,716,178	52,411	2,768,589	1,033,597	640,643	1,674,170	61.7	4,442,759	1,094,419	
1916	4,272,178	61,305	4,333,483	1,492,647	705,236	2,197,883	67.9	6,531,366	2,135,600	
1917	6,227,164	62,884	6,290,048	1,848,841	810,514	2,659,355	69.5	8,949,404	3,630,693	
1918	5,858,652	81,059	5,919,711	2,118,599	827,056	2,945,655	71.9	8,865,367	2,974,056	
Dec. 31:										
1918 (6 months)	3,122,534	53,327	3,174,861	1,146,543	338,666	1,485,209	77.2	4,660,070	1,689,652	
1919	7,749,816	170,610	7,920,426	2,698,703	1,205,662	3,904,365	69.1	11,824,791	4,016,061	
1920	8,080,481	147,535	8,228,016	3,117,011	2,161,471	5,278,481	59.0	13,506,498	2,949,534	
1921	4,378,928	106,103	4,485,031	1,562,202	946,856	2,509,148	62.3	6,994,179	1,975,883	
1922	3,765,091	66,686	3,831,777	1,871,917	1,240,830	3,112,747	60.1	6,944,524	719,030	
1923	4,091,146	76,774	4,167,920	2,135,902	1,655,973	3,791,875	56.3	7,959,795	376,045	
1924, approximate	4,550,000	100,000	4,650,000			3,575,000	57.6	8,225,000	1,075,000	

Last year Great Britain held a wonderful exposition for the increase of foreign trade at Wembly just outside London, an exposition upon which upwards of £20,000,000 was spent. While no direct dividends in cash were declared, yet the indirect results were so valuable that the exposition is to be held again this year. This was a remarkable testimonial to the beneficial results that came from the holding of this trade fair showing what the Empire and its colonies could produce and how varied and vast were the resources of the Empire. I attended this exposition and was much interested in seeing the wonderful array of exhibits contained therein.

We must very carefully consider the effect of reviving European competition. I am reliably informed that the industrial revival, particularly in Germany, has been so astonishing, that American exporters have hardly recovered their breath after finding that the Germans have regained the biggest part of their foothold in Latin America, which was temporarily lost to them during the war. This situation must be watched continually and their efforts must be matched by increased activity on the part of our foreign representatives. At this particular time the export trade of the United States is most prosperous and the position of our world trade is admirable. An analysis of world trade during 1924 as compared with 1913 discloses the fact that the United States export trade has increased in value almost 70 per cent, while the import trade during the same years shows an increase of over 110 per cent. This represents a substantial gain, even after allowance is made for the heavy war-time inflation of prices. The increase is the more remarkable when it is remembered that almost all of the countries of the world have shown relatively increases in trade values, while a certain number have actually shown decreases.

In the district which I have the honor to represent are located manufactories having world-wide points of distribution for their products, and the hold they have in the markets of the world must be maintained if they are to keep up home activities and thus keep steadily employed therein the thousands of employees now earning remunerative wages. In passing, may I say have seen the products of these factories in the markets of Habana and Nassau; Alexanderia and Ismailia; LaGuaira and Barbados; Santiago and Montevideo; Tokio and Kioto; Canton and Mukden; Bergen and Stockholm; Copenhagen and Petrograd; Manila and Penang; Benares and Lahore; Athens and Brindisi; Malaga and Marseille; Algiers and Malta; Canton and Nikko; Liege and Strasbourg; Hamburg and Edinburgh; and many other places.

I know how necessary it is for the United States of America to be properly and adequately represented in the diplomatic and commercial activities that are going on at all points if we are to hold our own with the intensive and expanding activities of our principal competitors.

Let us see what the Bureau of Foreign and Domestic Commerce in Washington and its nine district offices in the United States has done during the periods indicated in answering commercial inquiries.

Class	June 27, 1921, to July 1, 1922	July 2, 1922, to June 30, 1923	July 1, 1923, to June 30, 1924
Commodity:			
Agricultural implements	6,210	14,014	28,353
Automotive products	17,674	56,232	105,459
Chemicals		36,934	66,601
Electrical goods	7,822	32,636	64,355
Foodstuffs	28,565	103,373	143,579
Fuel—			
Coal	10,877	5,356	6,711
Petroleum		18,566	21,371
Iron and steel	7,456	27,918	52,288
Leather	2,923	12,881	23,471
Lumber	10,844	26,177	37,836
Machinery	11,178	46,399	71,919
Paper	2,829	13,668	16,923
Rubber	4,114	14,407	19,894
Shoes	3,803	10,211	11,892
Specialties	15,948	75,023	97,860
Textiles	18,503	64,429	80,669
Transportation	5,244	15,193	20,940
Technical:			
Commercial laws	3,998	10,376	14,727
Finance and investments		7,660	13,726
General economic information	5,217	7,013	
Foreign trade statistics	10,990	25,530	28,711
Foreign tariffs	16,300	19,764	25,730

The wealth of the United States of America is $320,000,000,000. The total cost of the Bureau of Foreign and Domestic Commerce as allowed by the Committee on Appropriations is $2,919,064.

Fund	Present appropriation	Original estimates for 1926	Increases requested	Budget Bureau recommendations	Increase over present appropriation
Commercial attachés	$278,136	$350,000	$71,864	$315,861	$37,725
Promoting commerce:					
Europe	412,600	478,000	65,400	432,600	20,000
Latin America	248,040	343,000	94,960	248,040	
Far East	238,544	290,500	51,956	243,734	5,190
Total	1,177,320	1,461,500		1,240,235	62,915

The membership of the House can thus see that the entire cost of the Bureau of Foreign and Domestic Commerce is not a half cent for every $1,000 worth of property in the United States, according to the last 1922 census, or a 2-cent postage stamp for every $4,000 worth of property. Just think of that! Less than 50 cents for every $100,000 worth, or a $5 bill for every million dollars' worth of property! And yet the bureau reports wonderful dividends accruing to the national wealth by the expenditure of that money.

Doctor Klein tells us an example of the returns to the taxpayer on his investment, the new office of the bureau which was opened up in Ottawa late in 1924. This office cost the taxpayer $4,000 from the date of its opening in September, 1924, until the beginning of 1925, and during that period new business was secured as a direct result of the establishment of that office to the amount of $101,000—about 2,500 per cent return on the investment. Another example is that of the Johannesburg office in South Africa. During the fiscal year 1923–24 this office cost $21,000 and returned $750,000 in new business.

At this point, under leave to extend, I append certain sections of the hearings:

RESULTS ACHIEVED BY THE COMMERCIAL ATTACHÉS OF THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE IN 1923–24

"We particularly appreciate the services rendered by Mr. Charles A. Cunningham (commercial attaché) in calling our attention to the character and reputation of the parties with whom we were dealing in Madrid. Every statement made by Mr. Cunningham has been proven to be correct, and we have been able to take such steps as were possible to properly protect and safeguard our interests. You can better judge of the value of Mr. Cunningham's services to us when you understand that we had investigated the Spanish concern through ordinary channels and had not received any report derogatory or unsatisfactory concerning them. Had it not been for Mr. Cunningham's timely intervention, accurate information would probably have reached us too late to be of value." (Involved contract for $250,000; a large American construction concern located in New York.)

Through the assistance given by the commercial attaché at Santiago, Chile, an American automobile company secured as agents for Chile a firm that has thus far sold or have on order 18 cars which average at New York $3,000 each, or a total of $54,000.

Through the intervention of the commercial attaché at Berlin, an import license was given a firm to import 100 engravograph machines from America. Each machine sells for $400, which would make a total purchase of $40,000.

A firm in Czechoslovakia importing 300 metric tons of dried milk each year from the United States was advised by the customs authorities that this product would be subject to certain heavy restrictions, which would have prohibited the importation of this product into Czechoslovakia. The commercial attaché took the matter up very energetically with the customs authorities and within 24 hours was assured that this product would be admitted without such discriminatory limitations. This one firm imports $56,000 worth of dried milk yearly.

Through the assistance of the commercial attaché at Habana, Cuba, a settlement was made of a claim amounting to $12,000 by an American company against a firm in Cuba.

An American packing house products concern was having trouble with the customs authorities regarding the importation of American salted meats because of unjust or improper classification. The commercial attaché at Rome took this matter up with the Finance Ministry, whereby instructions were issued that the shipments of salted meats were to be admitted without difficulty and subject only to a slight fee per barrel.

"It is not only a pleasure but much interest and benefit to us to meet such representatives of your department, and we are simply writing you this letter to express our appreciation of the help that we thus get from your department through information gained from such representatives." (A threshing machine company of Racine, Wis.)

"The writer has just returned from a trip to various South American countries and I wish to express my appreciation of the courtesy shown to me by the commercial attachés in Rio de Janeiro, Buenos Aires, and Lima. I received very valuable information when calling on these gentlemen, and it was a pleasure to speak to them as they were very well posted on the automobile business in general in the countries to which they are assigned." (A motor truck corporation of New York, N. Y.)

"Having just returned to Dayton this week, I wish to take advantage of the very first opportunity of writing you of my great appreciation of your splendid cooperation and assistance which you and the members of your staff rendered me during my stay in Rio de Janeiro. The Department of Commerce is to be congratulated for having men like you and your assistants for carrying on the big work of increasing American business in foreign countries." (A taxi fare register company of Dayton, Ohio.)

"We write to tell you that this is a most interesting and instructive report, and we have read it with much interest and profit and desire to congratulate and compliment Mr. Feely (commercial attaché) on having submitted such a well-rounded and comprehensive report from the import trade situation of Argentina as existed on May 12." (A steel company, Birmingham, Ala.)

"I want to express to you in behalf of ——— since appreciation of the efforts that Mr. Hall (acting commercial attaché, Constantinople) has made as to the representative of the Department of Commerce as well as personally to assist them in their work here. This assistance has been of value because it has not been in the least perfunctory, but has been characterized by an apparent special and personal interest in attending to every call for his advice or action; as, for example, the telegraphic arrangements made by him for transportation and accommodations for our agent's trip from Constantinople to Teheran, a service which, under the circumstances now existing, it would have been difficult to obtain through any private agency.

"Speaking from experience, I do not hesitate to say that if American enterprise is unable to accomplish anything here (and I hope it will be), it will not be because it has not had full support from your department." (A construction company of New York, N. Y.)

"The commercial attaché was especially helpful in the closing months of our representative's stay in Warsaw in furnishing interpreters when necessary, allowing meetings with the Polish officials to be held in his office, and supplying valuable information as to the state of affairs in the various ministries." (A radio company of New York, N. Y.)

"I think I mentioned in my report that my efforts in getting this information were greatly assisted through the services of the United States commercial attaché's office in Berlin. I would, however, just like to add that I found all the men at this office most desirous of giving every assistance. I also found they seemed to know where to get hold of the necessary information, and that they gave me the impression that no trouble would be too great in obtaining information which would be of material assistance toward promoting American business." (An office-device company of Cleveland, Ohio.)

"Recently I made a trip through several of the European countries, including France, Belgium, Holland, Germany, and the British Isles, in the interests of my company. I had a letter of introduction, signed by yourself, to various commercial attachés, and I want to commend

to you the gentlemen in charge of these foreign offices and to especially bring to your attention the efficiency and courteousness of the agent and his secretary at Brussels, Belgium. It was very largely through the efforts of Mr. R. L. I. de Wael, secretary to Mr. Samuel Cross, that I made very desirable business connections in Belgium and through which we expect to do considerable business." (A fisheries company of New York, N. Y.)

Mr. SHREVE. Those points particularly in the work of our commercial attachés are what I want to show.

(The statement referred to is as follows:)

RESULTS OF SERVICES RENDERED IN 1923–24 BY THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE TO AMERICAN BUSINESS

During 1923–24 an analysis of 3,700 inquiries answered by the bureau disclosed the fact that new business was secured by American exporters to the amount of $427 per inquiry. At this rate the total amount of new export business secured as a result of utilizing the bureau's services would be in excess of $500,000,000.

The income tax paid into the United States Treasury on this new business would be not less than $6,500,000, or more than twice the amount of the bureau's total appropriations for the current year.

In addition to this new business, the "preventative" services of the bureau have been estimated by a group of export managers at something more than the above amount, representing savings effected through bureau advices as to export practices.

Specific instances of business amounting to about $2,750,000 resulting from services of the bureau to approximately 75 firms during 1924:

A New York exporting house has informed the bureau that as a result of their utilizing a single trade opportunity they have obtained business to date aggregating $503,314, representing sales of animal oils, oleomargarine, vegetable oils, and lard in Sweden.

A Philadelphia coal company has informed the bureau that it has received an order for 40,000 tons of coal for the Egyptian State Railways as a result of a lead furnished by the bureau. The business furnished this firm was valued at approximately $300,000.

A manufacturer of belting in San Francisco was put in a position to secure $500,000 of business as a result of the bureau's services.

An electrical company in San Francisco informed the office of the bureau in that city that it has secured $275,000 as a result of the bureau's valuable assistance.

An automobile manufacturing company in Texas has secured $100,000 worth of business through the bureau's efforts.

A large firm of general exporters in New York has secured $100,000 worth of business as a result of the bureau's services.

A firm of international merchants in New York has secured $80,000 worth of business as a result of the bureau's services.

Through the assistance rendered by the bureau, a firm of general exporters in New York has been successful in securing business valued at $75,000.

A copper wire manufacturer of New York has informed the electrical equipment division that it has received an order for 657 miles of wire, valued at $75,000, as a result of the assistance received from that division.

A flour manufacturer of St. Louis informs the bureau's office in that city that he has received $50,000 worth of business as a result of the bureau's services.

One of Chicago's packing houses informed the bureau's office in that city that it owed $60,000 worth of business to the efforts of the bureau.

A New York exporting house has reported to the bureau that as a result of following up four trade opportunities they have secured $22,000 worth of business.

A patent leather manufacturing company of New England was successful in securing business amounting to $50,000 as a result of the bureau's services.

A general manufacturer in San Francisco has secured $40,000 worth of business as a result of the bureau's services.

A Trenton, N. J., manufacturer of motor cars says that through the bureau's trade list they have been able to place their cars in Venezuela and have already sold five cars valued at $20,000.

A wholesale seed merchant of New York states: "We have saved approximately $25,000, as the Department of Commerce has indeed protected our interests from taking up some documents which turned out to be valueless after investigation."

Our San Francisco district office has been informed by a general manufacturer in that city that through the efforts of this bureau he was successful in securing approximately $25,000 worth of business.

A lumber exporter of Texas was successful in securing $25,000 worth of business through the efforts of the bureau.

A general exporter in New Orleans has secured $25,000 worth of business as a direct result of the bureau's services.

A firm in New York manufacturing cotton textiles has informed the bureau's office in that city that it has secured business amounting to $20,000 as a result of our services.

Our New York office was informed by a coal company in that city that it has secured $28,000 worth of business as a result of the bureau's services.

A hosiery manufacturer of New York has secured about $20,000 as a result of the services of this bureau.

Through the assistance of the bureau, a motor truck company of Marion, Ind., was successful in securing business to the extent of $20,000.

A firm of general exporters in Seattle has secured business to the amount of $20,000 as a result of the bureau's services.

A firm in Springfield, Tenn., has formed connections in foreign countries, as a result of the bureau's services, which have brought $25,000 worth of business.

A New York manufacturer of rubber goods secured a trial order for two dozen tires amounting to $168.17, as a result of information furnished by the trade commissioner at Calcutta. On receipt of this material in India, the foreign firm placed a duplicate order, including some additional stock.

Through the assistance of the trade commissioner at Melbourne and the St. Louis district office, a chemical concern in the latter city received an order for 500 gallons of butter color valued at about $1,400.

A machinery company in St. Louis states that as a result of the bureau's services it has received $5,000 worth of business.

A Kansas City, Mo., machinery manufacturer says that the bureau's services has sold him $10,000 worth of business.

A brass manufacturing company of St. Louis states that it has received $3,000 worth of business as a result of the bureau's services.

A company in Fairfield, Ill., informs the St. Louis district office that it has secured $5,000 worth of business as a result of the bureau's services.

A trading company of St. Louis has received $1,000 worth of business as a result of the bureau's services.

A chemical company in Memphis states that $1,100 worth of business has been received as a result of the bureau's services.

A firm in Mayfield, Ky., has written that it has received $5,000 worth of business as a result of the bureau's services.

As a result of a trade opportunity passed out by our Seattle office, a local concern has sold $6,500 worth of flour to a firm in China.

A general exporting concern in New Orleans states that it has received $10,000 worth of business as a result of the bureau's services.

A New York company manufacturing tools has secured $1,000 worth of business as a result of the bureau's services.

A company manufacturing clocks in New York has been able to secure business to the extent of $10,000 with the aid of the bureau.

A specialties manufacturer in Vermont was able to secure $1,500 worth of business through the bureau's efforts.

A mail-order house in Chicago was able to secure $1,000 worth of business as a result of the bureau's services.

A manufacturer of automotive equipment in Indianapolis secured $1,500 as a result of the bureau's services.

A New York tire manufacturer has secured $10,000 worth of business as a result of the bureau's services.

Our New York office was informed by a tire patch company in that city that as a result of the bureau's services it has secured business amounting to approximately $2,625.

A manufacturer of burlap bags in New York has secured $10,000 as a result of the bureau's services.

A firm of general exporters in New York informed our office in that city that it has secured $500 as a result of the bureau's assistance.

A manufacturer of filing equipment in Michigan has secured $1,000 worth of business as a result of the bureau's services.

A rubber company of New England was able to secure business amounting to approximately $1,200 as a result of assistance rendered by the bureau.

A manufacturer of paints in New England was successful in securing $5,000 worth of business as a result of the bureau's services.

A manufacturer of bicycles in New England has secured $1,000 as a result of the bureau's services.

A manufacturer of elastic in New England has secured $10,000 worth of business as a result of the bureau's services.

Our New England district office was informed by a rubber shoe company in its district that business amounting to approximately $3,500 as a result of services rendered by the bureau was secured.

A flour milling company in Texas was successful in securing $10,000 worth of business through the bureau's efforts.

A general exporter in Seattle was able to secure $2,000 worth of business as a result of the bureau's services.

A general exporter in New York has secured $4,985 as a result of the bureau's services.

A paint and varnish company of New Orleans has informed our office in that city that as a result of services rendered by the bureau it was successful in securing business to the amount of $6,700.

A firm of general exporters in New York has secured about $15,000 worth of business as a result of the bureau's assistance.

A New England button manufacturer has secured $1,200 worth of business as a result of the bureau's services.

Our New York office was informed by a machinery manufacturer in that city that business amounting to $9,000 was secured as a result of assistance rendered by the bureau.

A firm of general exporters in New York informed our office in that city that it has secured $1,500 worth of business as a result of the bureau's efforts.

A machinery manufacturer of New York has secured business to the amount of $3,600 as a result of the bureau's services.

A Trenton, N. J., rubber company was successful in obtaining orders valued at $4,275 through the assistance rendered by the bureau.

A Brooklyn casting manufacturer has secured business amounting to $600 as a result of the bureau's services.

As a result of the assistance rendered by the Division of Commercial Laws, a New York exporter has been able to collect $1,230 from a firm in Copenhagen.

Through the assistance of the Commercial Laws Division a New York manufacturer of filing equipment was able to recover goods valued at $2,200.

A firm in New York has stated that the Commercial Laws Division was of assistance to them in collecting $16,000 from a firm in Peru.

A New York exporter of cigarette papers states: "Because of the trade lists you have furnished us in the past, we have worked up a business in one market which is around $8,000 to $10,000. Recent trade lists for other markets which we have used are beginning to show results, but in a mild way, for instance, only a few days ago, an initial order in a new market for $125 was received."

A New York exporter of foodstuffs says: "We have received some very fine business as a result of your cooperation, and if we had to send a representative to the different countries where we have sold, we should say that it would have cost us anywhere between $5,000 and $10,000. Only this week we received an order amounting to $1,600 as a result of your leads to us."

A California exporter states that he can trace business to the amount of $12,000 as a result of trade lists furnished by the San Francisco office.

A New York manufacturer of motor car replacement parts states that so far during 1924 he has received 100 orders for more than $12,000 worth of material as a result of lists furnished by the bureau.

A firm in Rockford, Ill., has informed the Agricultural Implements Division that as a result of a trade opportunity it has secured an initial order amounting to $5,000.

The lumber division has been informed that as a result of a trade opportunity circulated by it a firm in Seattle has secured an order for $3,000 worth of material for shipment to England.

A firm of general exporters in New York states that they have received a cabled order for accessories amounting to $500 as a result of a trade opportunity published by the bureau.

A New York firm reports that as a result of their securing one trade opportunity from the bureau they received an order amounting to $800.

A New York firm writes that as a result of the bureau's trade opportunity service they have sold foodstuffs in Copenhagen, Denmark, amounting to $15,000.

A New York firm reports that on one trade opportunity they have sold in Cuba lots of foodstuffs amounting to "$2,000 and upward."

A San Francisco firm reports having received an order for dried fruit and canned fish amounting to $157. This is a small sample shipment, and the foreign firm is asked to represent the American exporter permanently, from which connection valuable business should result.

Another San Francisco firm reports having sold coffee amounting to $813, with further business expected.

A firm in Rochester, N. Y., reports that as a result of their securing a bureau trade opportunity they have secured business amounting to $3,230 up to the present time.

On the basis of the returns secured from these companies it was evident that the bureau had an important part in getting business last year of about $529,000,000 for American firms on an investment by the taxpayer of about $2,600,000; in other words, more than one hundred and fifty times as much as was actually put into our funds.

TAXES PAID INTO TREASURY AS RESULT OF TRADE SECURED

Now, to answer the question of Mr. OLIVER as to what the Treasury got out of this. Estimates as to taxes paid into the Treasury, of course, vary widely, depending on the business, but even on a very conservative estimate the Treasury received in taxes on that business not less than $7,000,000. That is a very low estimate, as a matter of fact; and members of the staff of the Budget Bureau, when I gave them that figure, proceeded to do some calculating of their own, and instead of $7,000,000 their estimate was several times that total returned to the Treasury.

That is the evidence of actual dividends paid into the National Treasury. It is not imaginative guesswork as to what we might have done. Even if you cut that in two and bring the estimate down to $260,000,000, with an investment of $2,600,000, you have one hundred times as much actually coming into the country in business.

Mr. Klein further informs us that the appropriations granted for various raw material investigations by the Department of Commerce have been used in scientific trade analyses covering nitrates, rubber, sisal, and tanning materials, as follows:

CRUDE RUBBER

The crude rubber survey, established to report upon the possibility of developing new sources of crude rubber, has progressed as follows: The reports of the four field parties investigating the Philippines, the Middle East, the Amazon, and the Caribbean regions have now been submitted to the rubber experts in Washington, and the work of editing these reports in form for publication is steadily advancing.

The force of investigators have been released from duty and the remaining work will be handled by the office force at Washington, which, in addition to editing the voluminous reports, has also been engaged in collecting information concerning rubber, balata, gutta percha, and chicle production in all the countries not covered by investigating parties.

The Middle East, Amazon, and Philippine reports are now nearly ready for publication, and they will be followed by the Caribbean and African reports.

One American company has taken active steps looking toward development of rubber plantations in Liberia and the Amazon, and another company is contemplating the mixed culture of bananas and rubber.

The United States Army and Navy are greatly interested in the possibilities of planting rubber in the Canal Zone and are considering this possibility as a result of the publication of these investigations.

All of the large American rubber manufacturers have commended the crude rubber studies and have pointed out the fact that definite facts and information on this subject are almost impossible to obtain from any other sources.

NITROGEN

The nitrogen surveys have been very widely commented upon and have been of unusual help to the United States Government itself through the Government's interest in the possibilities of production of fertilizers at such plants as that at Muscle Shoals. One authority on nitrogen has said that this survey is "certainly the finest thing on this subject which has yet appeared." The representative of a large organization interested in nitrates and the production of fertilizers states that he "was impressed both with the value of the information and with the impartial tone."

As a result of these investigations there have been published, in addition to the report on "Nitrogen Survey: Part I, Cost of Chilean Nitrate," issued in January, 1924, three other bulletins—No. 226, being a comprehensive study of the nitrogen situation in the United States; No. 240, a survey of the technical development and economic aspects of the air-nitrogen industry of the world; and No. 270, a nitrogen survey of European countries.

SISAL

The results of the sisal investigation carried out in Yucatan were embodied in Trade Information Bulletin No. 200, entitled "Sisal: Production, Prices, and Marketing." A prominent trade journal commented at some length on this study, bringing out the fact that "This report goes into some detail regarding the production of sisal in Mexico and includes an investigation into the distribution under the present cooperative, the Comision Exportadora de Yucatan, and its exclusive sales agents, the Sisal Sales Corporation. It was undertaken under an appropriation authorized by Congress to the Department of Commerce for the purpose of inquiring into the foreign sources of essential raw materials produced or sold under monopolistic control."

TANNING MATERIALS

The study of tanning materials was another of the raw material surveys which was received so favorably by American business. The president of the largest tanners' association in the United States, speaking of this survey says: "I regard this as one of the most important contributions we have had in recent years on the subject of raw materials used by the leather industry."

Information concerning domestic sources of tanning materials and our growing dependence on foreign sources, as well as statistical data on the production and consumption of such materials was published in Bulletin No. 167, "The Probelm of Our Commercial Independence in Tanning Materials." In consequence of the suggestions in this report Congress made an appropriation for a survey of the

stands of chestnut timber and a study of the spread of the blight and methods of resisting it. Bulletins have also been published on "Wattle Culture," "Quebracho, Chrome Ore, and Chrome Salts." Analysis are being made of samples of new tanning materials received from Mexico and Central America, with a view to their utilization by American tanners.

NECESSITY OF ADDITIONAL INVESTIGATIONS IN 1925-26

There are many additional raw materials controlled by monopoly which should be investigated. Among these are tin, production of which is controlled by British capital, while we import $63,000,000 worth annually; coffee, controlled by Brazil through valorization, while we import $116,000,000 worth annually; miscellaneous chemicals such as quinine, arsenic, China wood oil, and gums, resins, and lacs; and miscellaneous minerals such as lead, tungsten, quicksilver, chromite, and molybdinum. There are, further, many additional raw materials which, though not controlled by foreign monopolies, should be investigated because of the necessity of complete and reliable information to interested American industries. Among these products are wool, of which we import $163,000,000 worth annually; and silk, $400,000,000 worth annually.

AGRICULTURAL PRODUCTS

The studies undertaken on world trade in farm products were included under this act which provided for "The investigation of related problems in the development of the foreign trade of the United States in agricultural * * * products." Bulletins issued, or in the process of printing, total about 20 and cover such topics as: Volume and direction of the exports of staple agricultural products from the United States; character and volume of our imports of similar products; trade practices of the export market; competition in overseas trade in farm products; economic conditions in the principal consuming countries which affect the demand for our farm products.

I also insert in my remarks at this point the exports from the United States of the leading products for four calendar years:

Exports	1924	1923	1922	1921
Cotton	$970,000,000	$807,102,507	$673,249,613	$534,241,795
Breadstuffs	450,000,000	311,302,358	515,911,836	758,397,520
Provisions, etc	300,000,000	361,136,213	302,156,552	345,430,403
Cottonseed oil	4,500,000	5,255,640	7,287,142	24,361,974
Petrol, etc	415,500,000	349,810,881	330,911,586	383,680,003
Total	2,140,000,000	1,834,607,599	1,829,516,729	2,046,111,695
All other articles	2,510,000,000	2,333,338,722	2,002,260,740	2,438,919,841
Total	4,650,000,000	4,167,946,321	3,831,777,469	4,485,031,536

When I had the pleasure of addressing the committee upon the consideration of this bill a year ago, the countries whose exports exceeded imports only amounted to 14 in number. Owing to the improved condition of world trade there are now 32 countries, according to the latest available statistics, whose exports exceeded their imports, and the total amount of these exports equals $1,286,000,000.

These countries are scattered all over the face of the globe, and include such far-away places as British India, Java, Cuba, Canada, Brazil, Egypt, Australia, New Zealand, Belgian Congo, French Indo China, Paraguay, Peru, Russia, and Venezuela. But, in spite of this tremendous total, the exports from the United States almost equals this huge amount, and if we leave out of consideration the exports of British India, which total $312,000,000, the United States exports over imports exceeds the total of all the other countries in the world. Those countries who have the greatest export balance at the present time over imports and their order of precedence are British India, Java, Cuba, Canada, Brazil, and Egypt.

The total amount of imports of all the countries in the world, exclusive of the United States, according to the latest available statistics amounts to $22,290,000,000 and the exports to $19,745,241,000, a total of $42,035,241,000, but that is just about what our internal commerce amounts to at the present time! For the extension of this domestic trade, which undoubtedly can be largely increased, the Bureau of the Budget has allowed an additional $25,000 this year, making in all $75,000 for the purposes of extending activity along these lines in the year 1925 to 1926. True this is an increase of 50 per cent over last year, but it is an expenditure of less than $2 per million dollars of domestic trade and less than a silver quarter, or 25 cents per million dollars of national wealth for this purpose.

Taking the world by and large, for every million of population there is approximately thirty millions of import and export trade, but our statistics show that we do more than twice that average or sixty millions of export and import trade for each 1,000,000 of inhabitants. For that reason we must nourish these conditions by making adequate appropriations from time to time in order to sufficiently provide for our agricultural, mining, and manufacturing activities.

Secretary Hoover gave his views on certain phases of our Nation's business while addressing the National Distributing Conference of the United States Chamber of Commerce on January 14, 1925. As many of his references are pertinent to the subjects I have been discussing, I append extracts from his remarks at that time.

The outstanding problem of our distribution system can be easily summarized in one question.

Can we reduce the margin between our farmer and manufacturing producers on one side and our consumers on the other?

I am convinced that we can. I believe that it can be done without reduction of wages or legitimate profits. I believe that in doing so we can make the greatest contribution to the improvement of the position of our farmers and that we can make a contribution to lowered cost of living. I believe it can be done by voluntary cooperation in industry and commerce without governmental regulation. It can be expedited by an extension of the friendly assistance of the Government agencies in organization and information.

These possibilities lie in the elimination of waste. * * *

The area of undue profits in the margin has been pretty well eliminated in the past two years.

* * * * * * *

I wish at once to make it clear that in speaking of waste, I do not mean waste in the sense of willful waste, but economic waste, which is the natural outgrowth of a competitive system. I do not mean the waste that any single individual can correct by his own initiative, but the waste that can only find remedy in collective action. Nor are the wastes to which I refer to be corrected by any extension of the Ten Commandments, or by any legislative extension thereof. You can not catch an economic force with a policeman.

The kinds of waste that cause costly losses may be roughly catalogued as follows:

1. Waste from the speculation, relaxation of effort and extravagance of booms with the infinite waste from unemployment and bankruptcy which comes with the inevitable slump.

2. Wastes from excessive seasonal character of production and distribution.

3. Waste caused through lack of information as to national stocks, of production and consumption with its attendant risk and speculation.

4. Waste from lack of standards of quality and grades.

5. Waste from unnecessary multiplication of terms, sizes, varieties.

6. Waste from the lack of uniformity of business practices in terms and documents, with resultant misunderstandings, frauds, and disputes.

7. Waste due to deterioration of commodities.

8. Waste due to inadequate transportation and terminals, to inefficient loading and shipping and unnecessary haulage.

9. Waste due to disorderly marketing, particularly of perishables, with its attendant gluts and famines.

10. Waste due to too many links in the distribution chain and too many chains in the system.

11. Waste due to bad credits.

12. Waste due to destructive competition of people who are in fact exhausting their capital through little understanding of the fundamentals of business in which they are engaged.

13. Waste due to enormous expenditure of effort and money in advertising and sales promotion effort, without adequate basic information on which to base sales promotion.

14. Waste due to unfair practices of a small minority.

15. A multitude of wastes in use of materials, in unnecessary fire destruction, in traffic accidents, and many other directions.

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This is not emergency work as new wastes will constantly arise and permanent trade organizations are needed in each industry for their elimination.

There has been a vast amount of research into our distribution problems and many publications on them during the last few years. Many have been largely directed toward discovery and exposure of some real or supposed great crime; others have searched for a miracle panacea that would overnight effect enormous cuts in the great margin between our farmers and our consumers or between the manufacturers and their clientele. No such panacea has been found simply because there is none. There are no short cuts to progress.

Nor are we here to worry on behalf of the lady who wishes to order a cake of yeast by telephone to be delivered by a gold-colored automobile. You and I are interested in this problem solely for a better service to our producers and consumers of the primary necessities and ordinary comforts of life.

The reduction of waste means that a considerable part of our population who are busily employed in this unnecessary motion can be directed toward the production of other commodities, and thus their

addition to the national standard of living; it means a lowering in cost of living, or it means more goods for the same money. To our workers it means less labor, more time for recreation, and no attack upon wage levels; to our farmers it means an increased proportion of the consumers' dollars as the returns which he receives from his produce are subject to the deductions of the cost of marketing. If we decrease these costs by the elimination of the waste in them, we increase the return to him. To him it also means enlarged domestic consumption. Moreover, he participates also in the benefits as a consumer. To our industrial and commercial men there is an increase in stability in business and a sounder foundation under our entire business fabric. The elimination of waste is a total asset. It has no liabilities.

I wish to again emphasize that I do not believe the remedy lies in legislation except in so far as the Government may stimulate and assist our citizens to better organization for these purposes and may furnish them with fundamental information which assists in the whole question.

These are the wastes which have grown naturally into our economic system. They can only be corrected by cooperative action. Such action can be built up, first, by investigation and information; second, by conference of the producer and consumer in his various representatives and agreement to abide by the principles laid down.

Nor am I talking about abrogating the Sherman Act. I have no patience with those who deliberately try to confuse these efforts at cooperation in waste elimination with price fixing and restraint of trade. Any intelligent person who has the patience to read and think these problems through and the methods we have developed for their correction will find these efforts to be in the interest of public welfare and free from trade restraint. They are, in fact, the foundations of real competition.

In order that I may make myself more clear I propose to discuss both the theory and the practice attained in the work of the Department of Commerce as a sort of economic laboratory during the last three years. Again I may repeat that this discussion is not an entertainment for holiday people. We are here to consider underlying economic questions, tedious as they may be.

STATISTICS

It is a truism to say that no individual business enterprise could succeed or be conducted without waste if it does not know accurately its stocks, the volume of output or sales, the rate of stock turnover, or its orders, or the prices, assets, and liabilities, and the relation of these to previous periods. Neither can the business of a trade, as a whole, or the Nation itself, function efficiently unless it knows these very things.

Statistics are a counterpoise to "psychology" in business—an anchor of basic facts to tie to.

The gigantic waste from the boom of 1920 through the depreciation in value of excessive stocks would have been much minimized if there had been more complete information as to the volume of these stocks. For instance, prior to that time we had been competing madly in bidding up prices and building up stocks of rubber and nitrates from abroad, and coal among other things at home. As a result, both producers and consumers suffered from the tremendous depreciation of these materials. This need not have happened if the trades had had the statistical information to visualize the volume of these excessive stocks.

The fact is that the greatest waste of all our economic system is the periodic inflationary boom and its consequent ensuing slump with all their speculation, unemployment, and extravagance, for without boom there is no slump. The correction of this waste lies in the prevention of booms. No sensible business man wants either boom or slump. He wants stability. Our working folk should dread a boom above all things because it means an aftercrop of unemployment and misery. Our farmers should resent a boom more than anything else that can happen in our economic system because it means that they will inevitably get the worst of the deflation which follows. Stability or instability in production and distribution is largely the result of the collective judgment of the trades. They can not form a right judgment unless they know the facts as to their own business and as to the trade as a whole. Furthermore, they must also know the probable trend of business in general as indicated by the movement in other trades.

The best protection against booms is that every business man shall have the information so that he may realize from the shifts in credit, from the movements in stocks, of production and consumption, that the economic balance wheel is moving too fast, and if every man then safeguards against danger disaster never comes.

So the first and foremost thing is to have such facts broadcasted so as to give every man that sound basis upon which his own judgment can react. Solemn statistics are the greatest preventative of speculation and profiteering ever invented. I know there are other remedies proposed for the irregularities of the business cycle but I am now discussing statistics in the long view planning (of construction work) and in the better control of credit.

The Government can do much in collection and distribution of statistical information. Indeed the Department of Commerce has greatly improved and expanded these services in the last three years. No other nation provides so complete a service to-day. It needs still greater improvement. However, a considerable part of our statistical service can be better provided by the different trades themselves than by the Government.

Right here some tormentors of progress will rise to say that the collection of statistics by the trades may be used to flimflam the public. They can be so used. They have been so used. Likewise automobiles have been used for purposes of bootlegging, but it is not necessary to suppress the use of automobiles on this account, nor is it necessary to allow them bootlegging privileges.

There is a phase of statistical service that has not been fully studied or fully explored, to which I trust this meeting will give thought. We are almost wholly lacking in the basic data as to distribution. We know our production in most important lines of activity. We know a great deal about stocks of commodities in the hands of producers. We know very little as to stocks in the hands of consumers, the area of distribution in any commodity. If we had a census of distribution, I am convinced that this information would automatically eliminate a great amount of waste in the whole distribution machinery. High pressure selling and marketing expenditure in unprofitable areas is a national waste. We do not know where these areas are to-day.

STANDARDS OF QUALITY AND GRADE

Next to statistics as a power to eliminate waste comes standards.

In order to have standards we must have methods of test by which the fidelity to these standards can be determined. We must have a definition of terms which we apply to these standards. We must have a formulation of specifications to express these terms. Here we enter upon involved problems of chemistry and physics and trade practice and public need and legal implications of the widest character.

Some years ago we established standards of quality in the purchase of cement by the Federal Government and at the same time we established the tests which should be applied to determine whether these standards had been fulfilled. At that time cement manufacturers were each endeavoring to establish their own standards and the consumers setting up counterdemands of performance. The consumer was unable to determine the character of the product which he received and the manufacturer had no assurance upon which to proceed in satisfaction of the consumer. The Federal standards for cement have to-day become the universal standard in both manufacture and distribution. This standard has simplified the production processes. It has simplified all contracts. The tests are well known which determine the fidelity of the manufacturer and secure him against misrepresentations from the consumer. No doubt new standards must be redetermined from time to time with the progress of industry and commerce, but every standard established carries with it an elimination of millions of waste in production, in business transaction, and waste by failure of the commodity itself. This same problem lies at the bottom of producing and marketing of agricultural produce. If we had more effective standards in perishable foods to-day we would be on the road to large savings for the farmer. The foundation of proper standards is scientific investigation and then cooperation of the representatives of the producer, the distributer, and consumer in bringing them to practical workday conditions.

These standards also extend to determination of nomenclature. For when we speak of No. 1 clears in lumber we must define what it consists of. I do not propose to burden you with the great number of standards of quality that have been established in the last three years by the Department of Commerce in cooperation with the producers, distributers, and consumers. They range through literally scores of commodities. They are the foundations upon which both fidelity and economy in our business processes revolve and are the first instrument in eliminating fraud, dispute, and costly litigation.

STANDARDS OF DIMENSION

We need standards not only of quality but also of dimension. Standards of quality, standards in terms, and standards in dimensions at once eliminate a vast amount of unnecessary varieties, all of which we comprehend under the term "simplification."

During the last three years the department has, in cooperation with the industries concerned, installed these simplifications in dimensions and varieties in a multitude of commodities. For instance, the dimensions of paving brick have been reduced from 66 to 5 different sizes; of rasps and files from 1,351 to 496; in wire fencing from 552 to 69; in milk bottles from 49 to 9; in lumber 60 per cent of the variations in sizes were eliminated; in hotel and institutional china the sizes and varieties were reduced from 700 to 160. These are a few instances among many, and in themselves may appear trivial, but they represent literally millions of annual savings in even this small sector of our national waste.

This particular process has a vital bearing upon the reduction of the cost of distribution. There is by these means created the possibility of more rapid turnover, less volume of stocks, and less dead stocks.

And there is an implication of this establishment of standards and elimination of unnecessary dimensions and varieties which is often overlooked. It sharpens the knife of competition, for there is much less competition between dissimilar articles than between articles of the same quality, designation, and character.

TRADE ETHICS

There is a problem in waste which revolves in the field of trade ethics. Unfair competition, of course, is waste, as it imposes wasteful processes and wasteful and fraudulent practices on other members of the trade and the public. It is prohibited by law. The law is, however, very obscure in determination of what is an unfair practice.

In the field of business ethics we have seen a great advance in the last two decades, and chiefly due to the effort of the better trade associations. This brings up an interesting question as to the use which might be made of trade opinion and determination of what is unfair competition. Our English common law was a crystallization into law of trade practices which anteceded it many centuries, but with their crystallization into law and with the development of the industrial era, with its multitude of new methods of violating the Ten Commandments, trade opinion and custom effecting probity and fairness has had but little representation in the formulation of rules. It would seem worth considering that the voices of the large majority of a given trade might be given weight in the determination of what is unfair. It might lead to a degree of self-government of industrial and trade morals which would free us from much regulation.

I thank the committee for their kind attention.

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Chairman, I congratulate the Committee on Appropriations on the work they have done in at least continuing the appropriation for the enlargement and maintenance of the patrol along the Mexican and Canadian borders. The House will remember that by an amendment made on the floor it increased the appropriation reported by the committee last year for that service. The recommendation made by the Budget for this year involved a reduction of some $200,000 more or less from the amount appropriated last year. Those in charge of the enforcement of the law had not expended all of the amount carried. They probably were not expending it at a rate that would have consumed it all. According to this statement, their plan of organizing this patrol was to gradually build it up, so that it would be seasoned and made up of skilled veterans. They were required to use civil-service eligibles for this work, many of whom were examined as applicants for places in the Railway Mail Service. This brought them many employees who were unsuited to the service. They say they are weeding these out and organizing a trained seasoned force. I hope they will succeed. The truth is that if the law is properly enforced on the Canadian and Mexican borders the plan that was outlined here by the gentleman from Pennsylvania [Mr. SHREVE] will probably have to be followed, but while much may have and probably has been accomplished, much remains to be done. Those two borders are something like 5,000 miles long. They run along rivers, through remote regions, through cities, mountains, brush country, and forests. The pressure against our protection there increases very much as the restrictions increase elsewhere. The number of people coming from Mexico is increasing. Sooner or later that will have to be stopped unless the purposes of our immigration laws are permitted to be defeated in large measure. I hope it can be stopped soon. I have had pending for some two Congresses a bill, many of the features of which are now in the present law, providing for the application of the quota provisions of the law to Mexico and Canada.

I think they ought to be so applied——

Mr. HILL of Maryland. Will the gentleman yield for a question? I agree with the gentleman. I think they should be applied.

Mr. BOX. The gentleman from Texas now has a bill pending before the committee making them applicable to those countries. He hopes to have hearings upon it and hopes to have it considered by the committee and soon reported, but he is not very confident as to its being reported and acted upon during this session of Congress, anxious as he is to have it done.

Mr. HILL of Maryland. My recollection of the Texas border is that it would be extraordinarily difficult to prevent any smuggling over the border on account of the exposed conditions.

Mr. BOX. The difficulties are very great. Those in charge of the enforcement law organized this patrol under provisions of the appropriation act of 1924, which provided the funds and authorized the organization. When the patrol was authorized and the funds were provided they began to build up these forces. Because of the need in other sections they did take away some 30 to 50 men who had formerly been engaged in guard duty there and placed them on the coast of Florida and elsewhere. While they may be, and probably are, making progress, frankness compels me to say to the House, from what I know as a citizen of Texas and from my study of this question as a Member of this committee and of the House that the laws are not being adequately enforced. I think that, as quoted by the press, the Secretary of Labor overstated the number entering illegally, but that many thousands are entering in violation of law. I do not tax the department with all of the failure. I do not believe that it would be wise to suddenly throw together an organization of civil-service employees and spend two or three million dollars in maintaining the new, untrained force. I think the plan adopted by the department and by the committee to build and gradually enlarge and train the force is a wise plan. If you really enforce your liquor, narcotic, and immigration laws the force will have to be much increased. To guard a border of four or five thousand miles is very difficult when such great numbers are trying to enter as immigrants and so many liquor and narcotic peddlers are trying to sneak in. I want to say just a word, if the gentleman will permit, about the coordination of the various services there. When I first became a Member of the House and a member of that committee I was impressed by what appeared to me to be the extravagances involved in having immigration inspection, customs inspection service there, and various forces maintained under the direction of different departments and operating along these frontiers. I remember asking the chairman of the Committee on Appropriations about this during the Sixty-sixth Congress while the appropriation bill providing for this service was under consideration. I remember that he admitted that there then was, as there now is, much duplication. He explained that these several sets of officers and guards were under the direction of different departments, each of which must have, or thinks it must have, its own specially trained employees, subject to its own direction, in order to have efficiency and discipline, and that a blending of the services would involve joint employment, joint direction and administration, joint appropriations, and other complications, making it much more difficult than it appears upon hasty consideration. I believe that an earnest, persistent consideration and effort to solve this problem would accomplish much in that direction, and that such effort should be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHREVE. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. OLIVER of Alabama. I yield the gentleman 10 minutes.

The CHAIRMAN. The gentleman is recognized for 25 minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, I believe that everyone will admit that I am in favor of saving public money. It has been rarely the case that I have ever voted for any proposition beyond the Budget estimate. I have voted with the committee consistently to sustain the Budget and the President in keeping down expenses.

I am one of those who compares every year every appropriation bill with former bills. I watch closely the changes that the House itself makes in the new supply bills each year. I watch the growing tendency to increase the amounts over in another body in the Capitol. I have been trying to find out what causes the growth in appropriation bills. They are growing. The Budget estimates are growing, and the appropriations are growing.

I have found that it is hard to keep up with the many changes without a tremendous amount of work. The supply of the appropriation bills after a year or so becomes exhausted and difficult to obtain. It is impossible sometimes to get hold of them, as they are inaccessible. You can not turn to the RECORD and find a supply bill as it was reported to the House, because it is not printed in the RECORD, and unless it is available in your office you can not get it. You can get all the amendments that the House adopts, because they are set forth in the RECORD. You can get the amendments that the Senate introduces if you keep up with it, but you can not get the original supply bill itself without a great amount of trouble sometimes.

I have never felt in my eight years here that for my own convenience the bills should be printed in the RECORD, and have not asked that it be done heretofore, although on my points of order I have knocked out some large sums. I would rather go to the hard work of looking them up, item by item, than go to the expense of putting them in the RECORD.

But this past year from the time we adjourned last June until we met again in December, at my own expense and in my own car, I went over a great portion of the United States. I

talked with many business men—big taxpayers some of them were, not Democrats, specially, but Democrats and Republicans—about the problems which we face here in the Congress. Not our problems—their problems! These problems here are not ours; only for us to solve. They are the problems of the people; and I was surprised to find that many business men who are big taxpayers are regular daily readers of the CONGRESSIONAL RECORD. There are, as you know, over 40,000 copies of the daily CONGRESSIONAL RECORD sent every day from Washington into the various districts of the United States represented by us here in the Congress.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. BLANTON. I will ask the distinguished gentleman to kindly excuse me for a few moments as I wish to get these facts in consecutive order. These 40,000 copies of the daily CONGRESSIONAL RECORD go into every district in the United States, and go to some of the most prominent people in our district, and is their only record of what we do by which they may check our actions here. They go to the country newspapers, if you please, which are really the mouthpieces of our people, because of the many men on earth you can not control and buy it is the editor of a country newspaper. He speaks his own mind in behalf of the people in whose locality he operates.

Mr. WHITE of Kansas. Will the gentleman now yield.

Mr. BLANTON. I would prefer not, if my friend will kindly excuse me, and after awhile I will yield to the gentleman when I finish my statement. Several business men in various sections said, "BLANTON, why do not you men in Congress be fair to us taxpayers. I notice that you do not put these bills you pass, taking from three to four billion dollars a year out of our Treasury in the RECORD so that we may know about the items in the large amounts Congress is spending." They said: "We know the lump sums, but we do not know the items for which they are spent. We would like to know the items. We want to know how our money is being spent. Why don't you get the Congress to be fair to us, and print all the supply bills in the RECORD and thus let us see how you are spending our money? We know how our own money is spent in our private business. Our bookkeepers and our disbursing clerks do not keep those things from us. We know exactly how our money at home is spent. Why don't you put those supply bills in the RECORD, showing how Congress is spending our billions?"

I have lately been trying to get them into the RECORD. When the Navy Department bill was first presented to the House and taken up for consideration it was in the charge of the gentleman from Idaho [Mr. FRENCH], and I insisted on that bill going into the RECORD; and I now read from the RECORD:

Mr. FRENCH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BLANTON. Mr. Chairman, reserving the right to object—and I think the reading of the bill can be obviated by an agreement—this bill proposes an appropriation of $290,485,578. The Senate has just recently passed a bill granting the Navy Department another $110,000,000. The people of the United States ought to know what is in this bill, and they will not know what is in it unless it is put into this RECORD. If the gentleman's request is granted, this bill will not be printed in the RECORD. Would the gentleman mind its going into the RECORD without being read, but as if it were read? If he will couple with his request that the bill be printed in the RECORD as if it were read, I shall not object.

Mr. FRENCH. I shall be glad to include that in my request.

Mr. BLANTON. Then I shall not object.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to modify his request. Is there objection? [After a pause.] The Chair hears none. The request of the gentleman from Idaho is that the first reading of the bill be dispensed with but that the bill be printed in the RECORD as if it had been read. Is there objection?

There was no objection.

And the bill appeared in the RECORD. Then when the big joint Treasury and Post Office Departments bill came up, it was in the charge of the distinguished gentleman from Illinois [Mr. MADDEN], who is the chairman of the great Committee on Appropriations, who managed it on the floor here. Here is what happened. That bill embraced $763,000,000. Mr. MADDEN said:

Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BLANTON. Reserving the right to object, would the gentleman be willing for the bill to be printed in the RECORD without reading, for the information of the country?

Mr. MADDEN. I am willing to have it printed.

Mr. BLANTON. With that understanding, I will not object.

There was no objection, and that bill appropriating $763,180,522 appeared in the RECORD.

But when the last bill appropriating for the "Executive and independent offices" was called up, on the day before yesterday, and I wanted it to go into the RECORD so that the people back home, the 110,000,000 people of the Government who furnish the taxes to meet the expenses of the Nation, would know just how we are spending their $452,349,617 appropriated in that bill—when I insisted on that bill going into the RECORD, the bellwether of the great Republican steering committee, who acts as a kind of bellwether for the whole Republican organization here—and he is an able bellwether—the distinguished gentleman from New Jersey [Mr. LEHLBACH], for whom we all have high regard, objected; and what was his objection? The gentleman from Illinois [Mr. MADDEN], though a prominent Republican, is not a member of the Republican steering committee. He did not object. The gentleman from Illinois [Mr. MADDEN], however, is a very fair-minded, orthodox Republican. He did not object. The gentleman from Idaho [Mr. FRENCH] is not a member of the Republican steering committee, yet he is a prominent orthodox Republican. He did not object. Mr. MADDEN and Mr. FRENCH thought it was all right. But our distinguished friend from New Jersey, who is prominently mentioned through the press as a possible candidate for the next Republican Speaker of this House—he objects. On what grounds? On the ground of economy. He says it costs money to print these bills in the RECORD. Oh, that is not the objection! Money? How much does it cost?

When this morning I asked that the present supply bill be printed in the RECORD for public information, our distinguished friend in charge of this bill [Mr. SHREVE] claimed that the printing of the last two big supply bills that were printed cost $1,800, and therefore he said he objected. Some one told him to say that. And $1,800 is their excuse. They were the two largest bills we have had or will have. They would cost more than any other two bills, because they contained more pages. I deny that their printing would cost $1,800. Why, gentlemen, we have nearly 4,000 employees in our Government Printing Office working on salaries—mind you, salaries; they have got to have something to do, 4,000 of them, if they earn their salaries.

Mr. SHREVE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes; I can not deny the gentleman from Pennsylvania, who has been so kind to yield me time.

Mr. SHREVE. I take it that the intention of the gentleman's remarks is always economy?

Mr. BLANTON. Yes.

Mr. SHREVE. Does not the gentleman think that the printing in the RECORD is a waste of money?

Mr. BLANTON. No. I will tell you why. I believe it will ultimately cause us to decrease annual appropriations several hundred million dollars each year when the people become posted. Those 4,000 employees in the Government Printing Office might just as well go to work on printing this bill to-night as in printing the statement from the Secretary of State which our colleague Mr. ACKERMAN has just ordered printed in the RECORD. You might just as well have them printing this bill in the RECORD to-night as to be printing that long excerpt from Mr. Klein which our colleague Mr. ACKERMAN has just ordered printed in the RECORD. I did not object to it. The gentleman from New Jersey [Mr. LEHLBACH] did not object to that. He is possibly, as reputed, a candidate for the new Speaker, and if he is chosen Speaker I predict he will be a good one, if he continues to stand for economy.

Mr. LEHLBACH. I am neither a member of the steering committee nor to my knowledge has my name been mentioned as a possible candidate for the Speakership of this House.

Mr. BLANTON. It is reported in the press that the gentleman is a possible candidate for the Speakership, and the gentleman would make a good one if he were elected, because he is for economy.

Mr. LEHLBACH. I reiterate what I just said. However, I want to ask the gentleman whether he makes his request to have these bills printed in the RECORD for his own convenience or for the convenience of the people back home who may desire to read them?

Mr. BLANTON. That is a pertinent question, and I will answer it. For the people's benefit and not my own I am asking that these 10 annual supply bills be printed in the RECORD for the public information of the country. Now, let me call your attention to something unique. Here is what is wrong with the situation. When I asked that the "Executive and independent offices" bill, appropriating $452,349,617, be printed

in the RECORD the other day, here is what the gentleman from New Jersey [Mr. LEHLBACH], who for the first time raised any objection to printing a supply bill in the RECORD, said:

Mr. LEHLBACH. Reserving the right to object, Mr. Chairman, I want to state that these bills are printed and copies are available to everybody in concise form.

Notice he said "everybody," and I am reading from the RECORD. Now, listen, Mr. LEHLBACH further said:

Anyone can send a page to the document room and get them and take them to his office and study them, and it is a waste of money to print these bills in the RECORD, and I object.

Can anyone send a page? No. We can send a page. We have a page here in the House whom we can send, and such bills are available to most of us. We can take them to our offices, but nobody else in the United States can send a page there and get one. He said everybody could get one. Can everybody get one? I will show you they can not do it. He is mistaken. They are not available to the public. Yet the gentleman from New Jersey [Mr. LEHLBACH] objected and prevented the bill from being printed in the RECORD.

Now, I want to show you something you possibly do not know. Here are the rules of the House. I am reading from page 424 of the rules, setting forth how such bills are printed and distributed, and the number of them. This shows that there are only 734 of these supply bills printed, although there are 96 Senators and 435 Congressmen and 110,000,000 people, and here is the way they are distributed.

Forty go to the legations; 5 go to the Library of Congress; 2 go to the Superintendent of Documents; 5 go to each of the departments of Government, except the State Department which gets 10; 2 go to the Executive Mansion; 10 go to the Secretary of the Senate; 225 go to the Senate document room for the benefit of Senators; and only 385 go to the House document room for the benefit of Members of the House, and none are available to the public. When there are 435 Members of the House only 385 copies of these supply bills go to the document room for our benefit and for the benefit of our constituents back home. How can 435 of us all send and get copies for our constituents when there are only 385 copies of them sent there to begin with for our use? Now, let me show you further——

Mr. LEHLBACH. Does the gentleman care to yield right there?

Mr. BLANTON. In just a moment. Now, let me show you that expense can not be the excuse. Talk about this expense! Why, suppose these two bills did cost $1,800 to print them; that is only $900 a piece, is it not? Counting the two that are before the House it makes 8 supply bills reported thus far, and we are going to have 2 more, making 10. Ten times $900 would be a total of only $9,000, according to your own estimate. That is a total of $9,000 for printing in the RECORD all of the 10 supply bills in order to let 110,000,000 people in the United States know what Congress is doing with their three billion-odd dollars spent each year, and having a permanent record of the amount of money we spend and how we spend it.

Now, let me show you what tremendous sums these supply bills contained. The Agricultural bill contained $124,637,715; the executive and independent offices bill contained $452,349,617; the Interior Department bill contained $238,240,926; the Navy Department bill contained $286,385,578; the State, Justice, Commerce, and Labor bill contains $71,598,123.77; the Treasury and Post Office Departments bill contained $763,180,522; the War Department bill contained $331,131,114; and the first deficiency bill contained $157,111,700. That makes a total in these eight supply bills alone of $2,424,635,295.77.

Now, let me ask you a question. Is it economy to save this little $9,000? Why, the gentleman from New Jersey [Mr. LEHLBACH] voted for that Porter resolution, appropriating $40,000, which Mr. Porter is now wasting abroad at the narcotic conference. I denounced it when you passed it as a junketing trip, and it is a junketing trip over there, costing the enormous sum of $40,000 for a trip abroad. The gentleman voted for the Graham investigation.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. In just a few moments. I got these figures from the Clerk of the House, showing the cost of special committees for which the gentleman voted. Now, let me show you. The special committee now investigating Federal Judge Baker has spent already $1,600; the special committee now investigating this Indian affair has spent $5,000; the special committee on bonds has already spent $7,000; the special committee on the Shipping Board has already spent $14,000; the special committee on aircraft has already spent $18,000; the Graham committee, for which the gentleman voted, spent $151,000; the Walsh committee, for which the gentleman voted, spent $40,000; the Anderson committee, for which the gentleman voted, spent $42,000; the Coal Commission, for which the gentleman voted both times, spent first $200,000 and then $400,000, making $600,000, and it was not worth a thrip. I fought against thus wasting the people's money. The other day the gentleman voted glibly $50,000 for the President's so-called agricultural conference, meeting on the call of the President without authority of law, when it was bunk, as so denominated by our minority leader; the gentleman also voted $50,000 for the President's so-called oil investigation, on the recommendation of the President, which also was bunk. He did not vote against any of these appropriations. All of which money, in my judgment, has been wasted. He has voted for so many of these special matters that it would take the rest of the evening to talk to him about them, and then he talks to us about saving a little old measly $9,000, and by his objection keeps the people of the United States from knowing how we are spending their hundreds of millions of dollars each year.

Mr. LEHLBACH. Now will the gentleman yield?

Mr. BLANTON. Certainly, because I am not going to take advantage of the gentleman.

Mr. LEHLBACH. Has the gentleman ever been unable to get a copy of an appropriation bill that was pending?

Mr. BLANTON. Many times the supply has been exhausted at the document room. I warrant that you can not go right now and get an appropriation bill of three years ago.

Mr. LEHLBACH. I said one that was pending.

Mr. BLANTON. No; because I usually get a copy as soon as they are printed.

Mr. LEHLBACH. If the gentleman wants to refer to them in the future, why does he not save them in his files?

Mr. BLANTON. Oh, my office is so full of printed files now that I have to throw away a lot of it every morning in order to be able to have plenty of room to turn around.

Mr. LEHLBACH. Can the gentleman in his six or eight years of incumbency as a Member of this House show 20 letters from constituents requesting a copy of an appropriation bill?

Mr. BLANTON. Mr. Chairman, I ask unanimous consent right now that I may put into the RECORD letters, and I will not put in any from Democrats—I will guarantee I will not put in a one from Democrats—but I ask unanimous consent to put in the RECORD all of the letters I have received from Republicans only over the United States during the last 30 days indorsing my stand about putting these bills in the RECORD since I first began my fight to have it done.

Mr. LEHLBACH. Oh, no; I asked the gentleman this question.

Mr. BLANTON. Will the gentleman let me do that? I ask unanimous consent to be allowed to do that.

Mr. LEHLBACH. One moment. I asked the gentleman this question: How many letters the gentleman had received asking for copies of appropriation bills?

Mr. BLANTON. They do not write me for the appropriation bills because they do not know that we could send them, and they should not be compelled to write a Congressman, as a copy of the bill itself to citizens would be too expensive. I want to say this: I honestly believe that I have received a small basket full of letters from prominent citizens saying, in substance: "BLANTON, keep up your fight to put those bills in the RECORD. Keep it up; we are entitled to know about it, and don't you let them keep those bills out. We want to see how our money is spent."

Mr. LEHLBACH. Will the gentleman yield for this observation?

Mr. BLANTON. Yes; in a moment; but wait, I want to get my unanimous-consent request through.

Mr. LEHLBACH. Does not the gentleman know there are not 100 men in the United States who would read the bills if you printed them?

The CHAIRMAN. Does the gentleman wish to prefer a unanimous request?

Mr. BLANTON. Mr. Chairman, I ask unanimous consent, confining it to letters from Republicans only, that I may put into the RECORD all such letters I have received indorsing my fight on this proposition, from men whom I know or ascertain to be Republicans in the country.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

Mr. LEHLBACH. Reserving the right to object, Mr. Chairman——

Mr. BLANTON. Mr. Chairman, this does not come out of my time, does it?

Mr. LEHLBACH. If you submit a unanimous-consent request, it does.

The CHAIRMAN. If the gentleman prefers a unanimous-consent request, the Chair thinks it would.

Mr. BLANTON. I do not want it to come out of my time.

The CHAIRMAN. Is there objection?

Mr. LEHLBACH. Reserving the right to object——

Mr. BLANTON. Mr. Chairman, I will withdraw the request if the gentleman from New Jersey [Mr. LEHLBACH] is going to take up all my time with reservations and then object.

Mr. LaGUARDIA. Now will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. BLANTON. In just a few moments.

Oh, I wish I had time to show the many big wastes that the gentleman has voted for that have taken big sums of money out in the hundreds of thousands of dollars. I will tell you what the genfleman will do, and you watch. It will not be a week before there will be a resolution here on this floor to vote out not a little measly $9,000, the total cost of printing all these 10 supply bills in the RECORD, according to the gentleman's own estimate, but there will be a resolution here to vote $100,000 of the people's money to inaugurate a President, when he could be inaugurated here in this Chamber without costing a single dollar.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Will the gentleman yield me two more minutes?

Mr. OLIVER of Alabama. I am sorry that my time is all taken up.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The time has been fixed by agreement.

Mr. BLANTON. But you can do anything by unanimous consent.

Mr. LEHLBACH. Mr. Chairman, we can not vary the instructions of the House in committee.

The CHAIRMAN. No; that can not be done.

Mr. BLANTON. The gentleman from New Jersey will vote for that $100,000 parade, but wants to save this $9,000.

Mr. LELHBACH. Yes; I think it is necessary to inaugurate a President, but I do not think it is necessary to print these bills.

Mr. OLIVER of Alabama. Mr. Chairman, I yield nine minutes to the gentleman from Missouri [Mr. JOST].

Mr. JOST. Mr. Chairman, in the nine minutes allotted to me I wish to divert the attention of the House from the matter of dollars to a subject that should, and I believe will, touch the hearts of Members. A large number of splendid women in my city and district belonging to various patriotic organizations, many of them war mothers and quite a few wearing the honorable insignia of the gold star, have importuned me to say a word to you in behalf of two bills in which they are deeply interested. I did not introduce either of these measures, but I find on examination that I am in hearty sympathy with the objects sought to be obtained by each of them.

One of them is House bill 9095, introduced by the gentleman from Pennsylvania [Mr. GRAHAM], and has for its purpose giving corporate status to the War Mothers' Society. It is No. 201 on the House Calendar. The second is House bill 9538, introduced by the gentleman from Illinois [Mr. MCKENZIE], and is 365 on the Union Calendar. The object of that bill is to allow, at Government expense, the mothers of deceased World War veterans to visit the graves of their sons whose bodies still rest in foreign graves.

The first of these measures I have referred to bears the favorable report of the Committee on the Judiciary, and the second has the favorable report of the Committee on Military Affairs. The first will not cost the Government one cent. It merely gives corporate existence to a war-time society and is in line with like action taken with reference to other similar organizations. The second of these measures, according to the report of the Committee on Military Affairs, will cost the Government $3,292,776 to allow 7,600 mothers to visit the graves of their sons in Europe.

But the cost is really nothing if it be borne in mind that those same mothers were entitled to have the bodies of their dead boys exhumed and transported to and reinterred in the United States at Government expense. If you wish to be mercenary about the matter, which I know you do not, the passage of this bill will cost the Government less than to bring the bodies of those dead soldiers back here. Moreover, there are those who hold to the thought that the proper resting place of a soldier is where he won a glorious death. Evidently those 7,600 mothers so think, and I with all my heart agree with them.

A former Congress has reimbursed sugar brokers and war contractors in huge amounts for losses sustained under war contracts. As a Member of this House I have sat here for days listening to arguments in favor of claims against the Government, asserted by those who seek to be indemnified on account of war losses under various war contracts and in behalf of others who suffered by the conduct of the Government during the war. But, gentlemen, are dollars all there is in this world? Was property only involved in the World War? Did human flesh and suffering count for nothing? Are the tears and mental anguish of the mothers of this land, whose heartstrings were cut by German bullets, of no consequence? Does the jingle of gold and silver interest this Congress more than the heavy heart of a mother who, after having gone down into the valley and risked her life, finds the fruit of her suffering cut down in the morning of his existence, and in a grave which for lack of means she has never seen? Is human feeling numb in this House? Have we so trained our minds to think in terms of money that humanitarian problems cease to have any meaning to us? Who was it that suffered sleepless nights during the late war and was up at the break of dawn and out in the yard waiting the coming of the morning paper to read the casualty lists? It was not the sugar broker, it was not the horse and mule buyer, it was not the speculator in war provisions. Nay, it was none of those. It was the frail, nervous little mother who was out there reaching, atremble, for that paper, hesitant to read it even when she picked it up for fear that the name of her boy might be in the list. And yet we are ready to hear and to push and allow indemnity claims on our calendar, the while remaining indifferent to the plaintive requests of these mothers.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. JOST. My time is about up.

Mr. LaGUARDIA. I introduced a bill in the Sixty-sixth Congress upon that subject and could not even get a hearing upon it.

Mr. JOST. Mr. Chairman, it has somehow slipped our minds that it was the mothers of this land who furnished the millions of soldiers for the American battle line [applause], and that it was their contribution, their sacrifice, and their sorrow that made the Stars and Stripes triumphant. And what do they ask? Not money, for theirs was a gift to the Nation. They do not seek indemnity, because theirs was a loss which can not be measured in dollars. They ask by the first of the bills to which I have referred merely national recognition of their association. By the second they seek to have accorded to each sorrowing mother whose boy still sleeps in Flanders Field the poor and sad privilege to go there and embrace the earth that incloses his silent and wasting form and cry over it a little while. The request is one which should be honored without hesitation in the performance of a solemn and sacred duty. It is such a plea as should have paralyzed the thought and action of this House as to all else until granted. Not another piece of legislative business should be transacted until, by the passage of these two measures, this Congress, speaking for the people of the Nation, has paid a fitting tribute to the mother love of this country. [Applause.]

There should be no objection to the immediate consideration and passage of these bills. What do the rules of the House amount to against a manifest obligation of the Government to its Gold Star Mothers? Pause and reflect my colleagues. The American Army was flesh of their flesh and bone of their bone. Every bullet that struck an American boy at the same moment pierced the breast of his good mother. Oh, what an overwhelming duty we owe to her who laid and lost upon the altar of this Republic the immediate jewel of her life. She it was who paid the price of victory. The sympathy and the gratitude of the Nation should be hers without the asking. She has won a higher rank than that of a suppliant.

Think of this one moment more, I pray you. Of all the splendid relationships you have known in life is there any one of them that can transcend that which sprung from the travail of her who first put her arms about you? Is there any other word in the English language that gathers and expresses more

of life than the word "mother"? Is there anything so pure and so sweet as a mother's kiss? Is there any interest so unselfish and so genuinely true as that of a mother? Surely he who has been warmed as a boy and into manhood by a mother's love is blessed of God. The snapping of the relationship when it is in full bloom is tragic, and engenders a sadness which clings to the survivor through life. To me the world never held a more precious treasure than my mother. I lost her in my babyhood, but my constant hunger for her lips and arms, even to this day, makes me sure that a more noble and finer creature never graced this earth. Please gentlemen, be considerate of and just to the mothers of our soldier dead. May I not ask you again to interest yourselves in the bills to which I have referred, and may I not also declare my conviction that to adjourn without passing them will eternally disgrace this Congress.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, namely:

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLANTON: Beginning on page 1, line 8, strike out the paragraph.

Mr. BLANTON. Mr. Chairman, under the rules of the House, whenever a motion is made to strike out a paragraph, that paragraph of the bill goes into the RECORD and is printed. There are 262 paragraphs in this bill. By making a motion just after each one of them is read to strike out the paragraph one forces automatically the printing of these paragraphs of the bill into the RECORD. I do not like to be captious with my colleagues or to make them dislike me—I prefer to have them like me—but I never shrink from doing my duty. I feel it is my duty to try to have these supply bills printed in the RECORD, and under the rules I can force them to be printed in the RECORD by moving to strike out each paragraph. I am going to do it, and if I lose the friendship of my colleagues by doing so I shall regret it. When I can do it—and I am going to do it, and you can not keep me from it—why not be reasonable and conciliate with me and agree that the whole bill shall go in now without all these 262 motions?

Would not that be the sensible plan? I am coming to you from a reasonable and common-sense standpoint and asking you to do it. I am asking you on behalf of the Republican taxpayers of this country, who want to know just as much as do Democrats, what are in these supply bills that take nearly $4,000,000,000 of their tax money and spend same every year. It is not for Democrats particularly, but for Democrats and Republicans. Some of the strongest supporters I have in my district and in my State and in our Nation are Republicans, lifelong, orthodox Republicans, yet they indorse my work here. They have a right to know what is in these bills. Whenever you put these 10 supply bills we pass every year, embracing nearly $4,000,000,000, in the RECORD there are 40,000 copies of it distributed to the country newspapers and prominent men in our districts, because we send them to prominent people, who read them, and they have a right to know what is in these bills. Now, I submit to the steering committee of the Republican Party, is not that a fair request, and according to the gentleman's own estimate the whole amount for all the supply bills will not be but $9,000, when you spend hundreds of thousands of dollars every day for this and that?

One of these bills embraced $763,000,000. Is not that a reasonable request? I submit it to you gentlemen. Mr. Chairman, I ask unanimous consent that at this point, in lieu of the remarks I have just made, that the balance of the bill be printed in the RECORD consecutively with the first paragraph.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the balance of the bill be printed in the RECORD. Is there objection?

Mr. FAIRCHILD. Mr. Chairman, I object.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

Mr. HILL of Maryland. Will the gentleman withhold that for a moment?

Mr. SHREVE. I will.

Mr. HILL of Maryland. Mr. Chairman, I simply want to ask unanimous consent to put in the RECORD at this point as a part of my remarks two tables from the hearings. That is all.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks at this point in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The tables are as follows:

TABLE A.—*Comparison of business and expenditures, Department of Justice and United States courts*

[Includes United States civil cases, United States criminal cases, suits to which United States is not a party, and bankruptcy]

Business United States District courts	1912	1913	1914	1915	1916	1917	1918
Cases commenced	50,691	52,618	57,645	62,768	64,963	62,017	72,251
Increase over preceding year:							
Number of cases		1,927	5,028	5,122	2,195	−2,946	10,226
Per cent		3.8	9.5	8.8	3.5	−4.5	16.4
Cases terminated	46,648	53,450	56,336	60,396	75,502	65,955	85,441
Increase over preceding year:							
Number of cases		6,802	2,886	4,057	15,109	−9,547	19,486
Per cent		14.5	5.4	7.1	25	−12.6	29.5
Number of cases pending close of year	102,209	102,012	120,208	132,102	129,421	118,926	109,359
Total expenditures	$10,198,572.91	$10,494,660.54	$10,735,918.62	$10,703,227.96	$10,628,538.92	$10,970,535.06	$13,489,272.25
Increase over preceding year:							
Amount		$296,087.63	$241,258.08	$27,309.33	$62,305.97	$144,991.14	$2,518,747.19
Per cent		2.9	2.3	0.26	0.58	1.3	22.9
Special items							$783,320.19

Business United States District courts	1919	1920	1921	1922	1923	1924
Cases commenced	80,291	91,254	109,474	130,632	143,095	147,873
Increase over preceding year:						
Number of cases	8,054	10,963	18,220	21,158	12,463	4,803
Per cent	11.1	13.6	19.9	19.3	9.5	3.3
Cases terminated	83,422	98,735	85,636	101,838	131,469	146,590
Increase over preceding year:						
Number of cases	−2,019	−14,687	10,951	16,152	29,631	15,121
Per cent	−2.3	−17.6	24.7	18.8	29.1	11.5
Number of cases pending close of year	96,285	118,744	147,402	167,445	179,346	179,194
Total expenditures	$15,096,765.91	$16,557,362.44	$17,424,148.79	$17,531,250.01	$21,619,116.02	$21,104,633.25
Increase over preceding year:						
Amount	$1,607,493.66	$1,460,596.53	$866,786.35	$107,101.22	[1]$4,087,865.01	[2]$514,482.77
Per cent	11.9	9.6	52.2	0.61	23.28	[2]2.4
Special items	$1,122,574.11	$772,260.49	$787,270.53	$785,735.71	$750,404.19	$853,652.30

[1] Increase 1923 over 1922, excluding $2,000,000 strike expenses in 1923, $2,087,865.01; per cent, 11.9.
[2] Increase 1924 over 1923, excluding $2,000,000 strike expenses in 1923, $1,485,517.23; per cent, 7.5.

TABLE B.—*Statement showing cases commenced, terminated, etc., under the national prohibition act*

	1920	1921	1922	1923	1924	Total
CIVIL CASES TO WHICH THE UNITED STATES WAS A PARTY						
1. Number of civil cases pending at beginning of fiscal year to which the United States was a party		561	2,074	2,625	4,140	
2. Number of civil cases commenced during the fiscal year	611	1,893	2,157	4,109	5,741	14,516
3. Number of civil cases terminated during the same period	92	622	1,537	2,670	4,210	9,131
4. Judgment for the United States	80	466	1,207	1,928	3,242	6,923
5. Judgment against the United States	10	34	141	232	244	661
6. Dismissed or discontinued after payment or compromise	1	23	17	44	80	165
7. Dismissed or discontinued for other reasons	1	99	172	486	644	1,352
8. Appealed to Circuit Court of Appeals	1	18	9	54	71	153
9. Appealed to Supreme Court	1	1	1	15	8	26
10. Number of trials by jury	1	77	81	221	506	886
11. Number of civil cases pending close of fiscal year	519	1,827	2,694	4,064	5,671	
12. Aggregate amount of judgments obtained during the year in favor of the United States	$3,396.68	$84,735.48	$120,255.29	$170,298.93	$221,005.51	$579,691.94
13. Amount realized from such judgments obtained during the year	$2,163.40	$55,954.70	$100,178.51	$89,289.80	$147,319.37	$394,903.78
14. Amount realized from old judgments, settlements by compromises, etc		8,014.43	17,923.20	33,395.45	96,653.81	155,986.89
15. Amount paid through United States Attorney, on demand, in cases where no actual civil suit was commenced		2,800.00	3,641.00	22,657.15	12,410.00	41,508.15
Total collections	2,163.40	66,769.13	121,740.71	145,342.40	256,383.18	592,398.82
CRIMINAL PROSECUTIONS						
16. Number of criminal prosecutions pending at beginning of fiscal year		2,548	10,472	16,761	23,060	
17. Number of criminal prosecutions commenced during the fiscal year	7,291	29,114	34,984	49,021	45,878	166,288
18. Number of criminal prosecutions terminated during the same period	5,095	21,297	28,743	42,730	46,909	144,747
19. Number of convictions	4,315	17,962	22,749	34,087	37,181	11,027
20. Number of acquittals	125	765	1,195	1,770	1,754	5,609
21. Number of nol. pros. or discontinued	623	2,179	3,549	4,857	5,356	16,564
22. Number quashed or dismissed on motion, demurrer, etc	32	301	1,250	2,036	2,318	6,027
23. Number of pleas of guilty	4,109	16,610	20,571	30,654	33,834	105,778
24. Number of trials by jury	332	2,075	3,346	4,805	5,217	15,775
25. Number of criminal prosecutions pending close of fiscal year	2,196	10,365	16,713	23,052	22,329	
26. Aggregate amount of fines, forfeitures, and penalties imposed during the year	$605,314.52	$3,360,298.46	$4,041,456.03	$5,832,491.38	$7,487,235.19	$21,326,795.28
27. Amount realized on fines, forfeitures, and penalties imposed during the year and former years	$507,482.70	$2,418,117.55	$2,376,305.20	$4,023,466.24	$5,026,899.17	$14,352,270.86
28. Collected without prosecution			846.95	144,513.63	84,052.65	229,413.23
Total collections	507,482.70	2,418,117.55	2,377,152.15	4,167,979.87	5,110,951.82	14,581,684.09

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 11753, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to the following:

Mr. WELLER, for one week, on account of important business.

Mr. CANFIELD, for one week, on account of important business.

PACIFIC COMMISSARY CO.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2357, insist upon the House amendments, and agree to a conference.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table, to insist on the House amendments, and agree to the conference asked by the Senate, the bill which the Clerk will report by title.

The Clerk read as follows:

An act (S. 2357) for the relief of the Pacific Commissary Co.

The SPEAKER. Is there objection?

Mr. SNELL. Will the gentleman yield?

Mr. STRONG of Kansas. I will.

Mr. SNELL. What was the amendment put on by the Senate?

Mr. STRONG of Kansas. The House reduced the amount considerably and the Senate insisted upon its amount.

Mr. SNELL. I know something about this, having once considered it in the gentleman's committee, and I hope the gentleman will insist on his position.

The SPEAKER. The Clerk will report the conferees.

The Clerk read as follows:

Mr. STRONG of Kansas, Mr. WILLIAMS of Michigan, and Mr. O'BRIEN.

AGRICULTURAL APPROPRIATION BILL—CONFERENCE REPORT

Mr. MAGEE of New York. Mr. Speaker, I present a conference report on the Agricultural appropriation bill for the fiscal year ending 1926 for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes.

The SPEAKER. Ordered printed under the rule.

Mr. GARRETT of Tennessee. Is this the complete agreement?

Mr. MAGEE of New York. Yes.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 21, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

799. A letter from the Sergeant at Arms of the House of Representatives, transmitting a statement of receipts and disbursements of money through his hands December 1, 1923, to December 1, 1924, and a statement of property in his charge December 1, 1924; to the Committee on Accounts.

800. A letter from the chairman of the Interstate Commerce Commission, transmitting report for the month of December, 1924, showing the condition of railroad equipment in the United States; to the Committee on Interstate and Foreign Commerce.

801. A letter from the Secretary of War, transmitting a letter of the Chief of Engineers, dated January 7, 1925, inclosing a report by the Board of Road Commissioners for Alaska on a survey, including plans and estimates of cost, for the construction of a Government dock or wharf at Juneau, Alaska (H. Doc. No. 561); to the Committee on the Merchant Marine and Fisheries and ordered to be printed, with illustrations.

802. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Tillamook Bay and entrance, Oreg. (H. Doc. No. 562); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DALLINGER: Committee on Education. H. R. 10604. A bill to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867; without amendment (Rept. No. 1258). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORES of Indiana: Committee on Foreign Affairs. S. 2506. An act authorizing an appropriation for the payment of claims arising out of the occupation of Vera Cruz, Mexico, by American forces in 1914; without amendment (Rept. No. 1261). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. S. 76. An act to create a bureau of aeronautics in the Department of Commerce, to encourage and regulate the operation of civil aircraft in commerce, and for other purposes; with an amendment (Rept. No. 1262). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LOWRY: Committee on War Claims. H. R. 11009. A bill for the relief of James M. Connor; without amendment (Rept. No. 1259). Referred to the Committee of the Whole House.

Mr. HILL of Maryland: Committee on Military Affairs. H. R. 10535. A bill authorizing the Secretary of War to convey to the Federal Land Bank, of Baltimore, Md., the tract of land situated in the city of San Juan, island of Porto Rico; with amendments (Rept. No. 1260). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ELLIOTT: A bill (H. R. 11791) to provide for the construction of certain public buildings, and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11792) to increase the pension of those who have lost limbs or have been totally disabled in the same, or have become totally blind, in the military or naval service of the United States during the Civil War; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Michigan: A bill (H. R. 11793) to amend section 5 of an act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 11794) extending the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals; to the Committee on Military Affairs.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 11795) to create a waterways and water resources commission; to the Committee on Flood Control.

By Mr. HOLADAY: A bill (H. R. 11796) to provide for the deportation of certain aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. WHITE of Maine: A bill (H. R. 11797) authorizing the reorganization and consolidation of the bureau, offices, and other branches of the public service, including the Department of Commerce, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH: A bill (H. R. 11798) to pension soldiers who were in the military service of the United States during the period of Indian wars, campaigns, and disturbances, and the widows, minors, and helpless children of such soldiers, and to increase the pensions of Indian war survivors and widows; to the Committee on Pensions.

By Mr. LUCE: A bill (H. R. 11799) to secure a replica of the Houdon bust of Washington for lodgment in the Pan American Building; to the Committee on the Library.

By Mr. ACKERMAN: Resolution (H. Res. 409) providing additional compensation to the special employee under the Doorkeeper of the House; to the Committee on Accounts.

By Mr. THOMAS of Oklahoma: Memorial of the Senate of the State of Oklahoma urging Congress to pass S. 33, relating to retirement of disabled emergency Army officers; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 11800) granting an increase of pension to Mary A. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11801) granting an increase of pension to Mary M. Maloney; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 11802) granting an increase of pension to Anna M. Myers; to the Committee on Pensions.

By Mr. DRIVER: A bill (H. R. 11803) granting an increase of pension to Nancy McKinzie; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 11804) granting a pension to Ida May Hassler; to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 11805) granting an increase of pension to Louise M. Prouty; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 11806) for the relief of Thomas N. Swearingen; to the Committee on Military Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 11807) for the relief of L. A. O'Brien; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 11808) granting a pension to Alpha M. Jackson; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 11809) for the relief of Lillie M. Watson; to the Committee on Claims.

By Mr. REED of New York: A bill (H. R. 11810) granting an increase of pension to Margaretta E. Mower; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11811) granting an increase of pension to Lucinda Dye; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 11812) granting an increase of pension to Eva B. Lynch; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 11813) for the relief of J. V. Crain; to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 11814) granting an increase of pension to Annie Tibbils; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3494. By the SPEAKER (by request): Petition of citizens of Porto Rico, urging Congress to approve legislation providing for the election of governor in Porto Rico; to the Committee on Insular Affairs.

3495. By Mr. COOK: Petition of Federated Council of Clubs, of Logansport, Ind., in relation to participation in World Court; to the Committee on Foreign Affairs.

3496. By Mr. EVANS of Iowa: Petition of citizens of Osceola, Iowa, opposing the enactment of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3497. By Mr. GALLIVAN: Petition of F. L. Dunne & Co., Boston, Mass., indorsing Postmaster General's recommendation for increase in all classes of mail excepting first class; to the Committee on the Post Office and Post Roads.

3498. By Mr. SITES: Papers to accompany House bill 11782, granting a pension to Frank L. Rider; to the Committee on Invalid Pensions.

3499. By Mr. SPEAKS: Papers to accompany House bill 11785, granting an increase of pension to Jane Leist; to the Committee on Invalid Pensions.

3500. By Mr. WYANT: Petition of Chamber of Commerce of Pittsburgh, Pa., relative to the Gooding bill, S. 2327; to the Committee on Interstate and Foreign Commerce.

SENATE

WEDNESDAY, *January 21, 1925*

(Legislative day of Tuesday, January 20, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House insisted upon its amendment to the bill (S. 2357) for the relief of the Pacific Commissary Co., disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STRONG of Kansas, Mr. WILLIAMS of Michigan, and Mr. O'BRIEN were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10467) granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio, and it was thereupon signed by the President pro tempore.

CALL OF THE ROLL

The PRESIDENT pro tempore. The Senate resumes the consideration of the naval appropriation bill, and the question is on the amendment proposed by the Senator from Washington [Mr. DILL].

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Bayard	Ferris	McKellar	Sheppard
Bingham	Fess	McKinley	Shields
Borah	Fletcher	McLean	Shipstead
Brookhart	Frazier	McNary	Shortridge
Broussard	Gooding	Mayfield	Simmons
Bruce	Greene	Metcalf	Smith
Bursum	Hale	Moses	Smoot
Butler	Harreld	Neely	Spencer
Cameron	Harris	Norbeck	Swanson
Capper	Harrison	Norris	Wadsworth
Caraway	Heflin	Oddie	Walsh, Mass.
Copeland	Howell	Overman	Walsh, Mont.
Couzens	Johnson, Calif.	Pepper	Warren
Cummins	Jones, Wash.	Phipps	Watson
Curtis	Kendrick	Ralston	Weller
Dial	Keyes	Ransdell	Wheeler
Dill	King	Reed, Mo.	Willis
Fernald	McCormick	Reed, Pa.	

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Seventy-one Senators have answered on the roll call. There is a quorum present.

PETITION AND MEMORIAL

Mr. WILLIS presented a petition of members of the Ohio Wesleyan University and sundry other citizens of Delaware, in the State of Ohio, praying for the adhesion of the United States to the World Court under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

Mr. SHORTRIDGE presented resolutions of the Kern County Labor Council and the Building Trades Council, of Alameda County, both in the State of California, protesting against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

PAYMENT OF REPARATIONS BY GERMANY

Mr. JOHNSON of California. Mr. President, I have a formal resolution of inquiry from the Foreign Relations Committee concerning which I apprehend there will be no opposition or objection. I ask unanimous consent that I may submit the report and that it may receive present consideration.

The PRESIDENT pro tempore. Is there objection?

Mr. HALE. Do I understand the Senator to say there will be no debate upon the resolution?

Mr. JOHNSON of California. None, I understand.

Mr. SMOOT. Let it be read.

The resolution (S. Res. 301) submitted by Mr. JOHNSON of California on the 17th instant was read, as follows:

Resolved, That the Secretary of State be, and is hereby, requested, if not incompatible with the public interest, to transmit to the Senate copy of the agreement signed by Messrs. Kellogg, Herrick, and Logan during the past week at the conference of the allied and associate powers in the World War relating to the Dawes plan and the payment of reparations by Germany.

Mr. JOHNSON of California. I report the resolution from the Committee on Foreign Relations with amendments and ask for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SMOOT. Let the amendments be stated before consent is given.

The PRESIDENT pro tempore. The amendments will be stated.

The READING CLERK. In the last line of the resolution, after the word "Germany" and before the period, insert "together with such information respecting the circumstances surrounding the negotiation and execution of the agreement as may be relevant to a full understanding of its terms"; and also in line 4, after the name "Logan," strike out the words "during the past week."

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 4018) granting an increase of pension to Dina Schmidt (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4019) granting an increase of pension to Catherine E. Mauts; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4020) to amend section 4445, title 52, of the Revised Statutes of the United States, as amended by an act approved March 23, 1900, relating to the licensing of officers of steam vessels; to the Committee on Commerce.

By Mr. SWANSON:

A bill (S. 4021) to amend and reenact section 111 of the Judicial Code (36 Stats. L. p. 1127) as amended by the act of June 13, 1918 (40 Stats. L. p. 605), and amended by the act of April 30, 1924 (43 Stats. L. p. 114); to the Committee on the Judiciary.

By Mr. SHORTRIDGE:

A bill (S. 4022) granting a pension to Elizabeth Gaylord Smith; and

A bill (S. 4023) granting a pension to Mary Ellen Gaylord Moss.; to the Committee on Pensions.

A bill (S. 4024) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the admission of the State of California into the Union; to the Committee on Banking and Currency.

By Mr. ODDIE:

A bill (S. 4025) to reimburse the Truckee-Carson irrigation district, State of Nevada, for certain expenditures for the operation and maintenance of drains for lands within the Paiute Indian Reservation, Nev.; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 4026) granting a pension to Edwin R. Smith; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 4027) granting an increase of pension to Epimenia Ortega de Kaselo; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 4028) to authorize the appointment as a colonel on the retired list of the Army, with retired pay, of the person now holding a commission as colonel in the Officers' Reserve Corps who has served more than 45 years in the military forces of the United States and State of Pennsylvania and has had certain military service; to the Committee on Military Affairs.

By Mr. BALL:

A bill (S. 4029) to amend an act entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, as amended by an act of Congress approved December 30, 1910; to the Committee on the District of Columbia.

By Mr. RALSTON:

A bill (S. 4030) granting an increase of pension to Lucindia E. Sisson (with accompanying papers); to the Committee on Pensions.

A bill (S. 4031) authorizing the President of the United States to appoint Samuel Woodfill to the position and rank of captain in the Army of the United States and immediately retire him with the rank and pay of a captain; to the Committee on Military Affairs.

By Mr. UNDERWOOD:

A bill (S. 4032) authorizing the Department of State to deliver to the Hon. Henry D. Clayton, district judge of the United States for the middle and northern districts of Alabama, and permitting him to accept the decoration and diploma presented by the Government of France; to the Committee on Foreign Relations.

By Mr. CAMERON:

A joint resolution (S. J. Res. 172) to appropriate certain amounts for the Yuma irrigation project, Arizona, and for other purposes; to the Committee on Irrigation and Reclamation.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. SWANSON submitted an amendment and Mr. FLETCHER submitted four amendments intended to be proposed to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

ELEVATION OF NAVAL GUNS—BRITISH BATTLESHIPS "NELSON" AND "RODNEY"

Mr. McKELLAR. I submit a resolution which I ask may lie on the table and be printed.

The resolution (S. Res. 310) was ordered to lie on the table and to be printed, as follows:

Whereas it has been stated on the floor of the Senate, by the chairman of the Committee on Naval Affairs, that "a protest has been made by another power to this country against elevating the guns of our battleships and until that protest has been settled, I do not believe we should take affirmative action and vote to appropriate for the elevation of guns"; and

Whereas it is admitted by all competent naval authorities, as well as by the chairman of the Naval Affairs Committee, that the American Navy can not attain or maintain the 5-5-3 ratio accorded to it under the limitation of arms agreement without elevating the guns on these 13 battleships; and

Whereas it has been reported by the Secretary of State that there is no legal reason under the disarmament conference agreement of 1922 why our guns should not be elevated; and

Whereas it has been asserted that the protest against our elevating guns on these 13 battleships was made to this country on April 15, 1923, nearly two years ago; and

Whereas Article II of the limitation of armament treaty provides in part that: "The British Empire may, in accordance with the replacement table in Chapter II, part 3, construct two new capital ships not exceeding 35,000 tons (35,500 metric tons) standard displacement each"; and

Whereas in Article VII of said treaty it is provided: "The total tonnage for aircraft carriers of each of the contracting powers shall not exceed in standard displacement, for the United States 135,000 tons (137,160 metric tons); for the British Empire 135,000 tons (137,160 metric tons)"; and

Whereas Article IX of the treaty is as follows: "No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for or within the jurisdiction of, any of the contracting powers.

"However, any of the contracting powers may, provided that its total tonnage allowance of aircraft carriers is not thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons (33,528 metric tons) standard displacement, and in order to effect economy any of the contracting powers may use for this purpose any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the provisions of Article II. The armament of any aircraft carriers exceeding 27,000 tons (27,432 metric tons) standard displacement shall be in accordance with the requirements of Article X, except that the total number of guns to be carried in case of any of such guns be of a caliber exceeding 6 inches (152 millimeters), except antiaircraft guns and guns not exceeding 5 inches (127 millimeters) shall not exceed eight"; and

Whereas Article X of the treaty provides in part as follows: "No aircraft carrier of any of the contracting powers shall carry a gun with a caliber in excess of 8 inches (203 millimeters)"; and

Whereas it has been stated on the floor of the Senate and in the public print that the new British ships called the *Nelson* and *Rodney* are vessels supposed to be the latest thing in battleships; that they will carry nine 16-inch guns, and that these guns will be placed forward, and that the afterdeck will be used for an airplane platform upon which they can carry airships, and that there will be no stacks: Now, therefore, be it

Resolved, First. That the President of the United States be, and he is hereby, respectfully requested to inform the Senate, if not incompatible with the public interest, what steps, if any, have been taken by the Executive Department to have said protest against the elevations of guns on 13 of our battleships settled and determined; whether any suggestion has been made by the protesting nation or by the United States that the matter be submitted for arbitration, and at what time a decision in reference to the protest may be expected.

Second. That the President of the United States is hereby further respectfully requested to obtain the information from Great Britain as provided under the terms of said treaty and inform the Senate, if not incompatible with the public interest, whether said ships, *Nelson* and *Rodney*, conform to the provisions of said treaty; whether the same are battleships or aircraft carriers; if combined battleships and aircraft carriers, whether or not such ships, as aircraft carriers, do not violate Article X of the treaty by carrying guns in excess of the caliber therein permitted; whether the said ships as aircraft carriers do not violate Section IX of the treaty in reference to tonnage and in reference to the number of guns carried.

NAVY DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes, the pending question being on the amendment submitted by Mr. DILL.

Mr. DILL. Mr. President, when the pending amendment came up on last Monday I spent some time in trying to make clear how the site happened to be chosen, for I do not want to leave the impression that the site for a naval airplane base on the north Pacific coast was chosen by the people of that section of the country. It was chosen only after several years of investigation by the experts of the Navy Department and is unanimously approved by every aeronautic and Navy official who has studied the situation.

Seven years ago, about the time of the beginning of the World War, the Navy Department officials recommended the Sand Point site as the only suitable site on the northwest coast for a naval airplane base. For some years there was an attempt made to induce the proposal of legislation to purchase the site. Then the people of King County, through their officials, knowing the great necessity for an airplane base, proposed that they purchase the site and offer it to the Government. In 1920 and 1921 they made that proposal to the Government. That was some four or five years after the Navy Department had decided that this was the only suitable location for an airplane base.

I want to read from the testimony of Admiral Moffett before the Naval Affairs Committee of the House on May 21, 1924, as to the importance of naval airplane bases for the Navy. On page 2812, when asked as to its value and importance, he said:

An aviation base is to airplanes what a navy yard is to ships. For instance, this summer—

That was last summer—

the whole fleet will go up there, and we will want a place for those planes to go and be overhauled and repaired and the engines gone over. We have to change the engines frequently and we have to make minor repairs and sometimes major repairs. That applies to all kinds of planes—the planes that are carried on board ship, or the flying boats, or anything else. Now, these planes, say, in time of war—which all of our operations are based on—must have some main place where they can go and be repaired. A ship, for instance, has to go to a navy yard. There must be some port or some base from which it can operate and at which it can get gasoline and supplies and be overhauled. We have proposed three for that purpose in carrying out our mission on the Pacific coast in patrolling, scouting, and operation with the fleet.

There is only one that has been provided for and that is at the south end of the Pacific coast line at San Diego. It is proposed to have another one at San Francisco and a third at Seattle at Sand Point.

The point I make is that the property at Sand Point is now under lease; it can not be permanently improved, and it will not be permanently improved until it is owned by the Government. The county commissioners of King County have offered to give it to the Government, but there is no reason why that offer should continue indefinitely to remain in force. Oh, I know it is said they will not withdraw the offer. Well, why should they not? The Navy must have an airplane base on the north Pacific. This is the only suitable site within a million dollars of what it will cost to prepare any other site so it will be equally as satisfactory. The pending bill is an appropriation bill, I am told. I think it is of as much interest to this Government to save appropriations as it is to make them, and by accepting this site there will be no possibility of having to spend $300,000 or $400,000 or $500,000 to buy it should the county commissioners decide not to offer it at a future time. I am not asking for an appropriation; I am simply asking that the law to be enacted shall provide that the President may direct the Secretary of War to accept the site so that we may have it and improve it as the Navy Department may see the need to improve it.

In this connection, I wish to call attention to the fact that we have been compelled to buy, at rather large expense, the other aviation bases. The inactive base now on the north

Atlantic coast at Chatham is being purchased from the owners. The cost, I think, is not exactly certain, but it is being purchased at a considerable expense. The inactive base at Rockaway is occupied by a permit from the city of New York, but that permit lapsed with the termination of the World War, and we shall have to purchase that very probably if we use it in the future, as we would use it in time of war.

Lakehurst, which is an active airplane base, is now being purchased. The Anacostia station, here in the District of Columbia, is owned by the Government. Quantico is an active base and is being purchased by the Government. The Hampton Roads base was purchased by the Government. The Pensacola station is a part of the old navy yard and is now being used for the training of aviators. The station at San Diego has been purchased by the Government. At Galveston the Government began the construction of a station on land leased, with an option to purchase, but the station is not being completed and the land is being purchased under congressional authorization to resell it. At Coco Solo, in the Canal Zone, the land is owned by the Government. At Pearl Harbor the land is also owned by the Government.

Mr. FLETCHER. Mr. President, will the Senator yield to me?

Mr. DILL. I will.

Mr. FLETCHER. Did the Senator mention Pensacola?

Mr. DILL. Yes.

Mr. FLETCHER. My attention being momentarily diverted, I did not hear what the Senator said.

Mr. DILL. I stated that the land for the air station there is a part of the old navy yard and is owned by the Government.

Mr. FLETCHER. There was a navy yard there for years and the Government simply converted the navy yard into an air station.

Mr. DILL. That is true.

Mr. FLETCHER. I wish to ask the Senator a further question. He uses the expression "Navy airplane base."

Mr. DILL. Yes.

Mr. FLETCHER. I have always understood the proper description to be "Navy air stations." Is there any difference between a "Navy airplane base" and a "Navy air station"?

Mr. DILL. Yes; there seems to be a difference. The airplane base is used primarily as a base to be used with the Battle Fleet when the Battle Fleet comes into that vicinity for repair purposes. I do not know the detailed differences. I am a member of the Committee on Naval Affairs; but I have noticed that they sometimes refer to them as "airplane bases," although they are all referred to as "air stations"; so the one really includes the other.

I wish to call attention to another matter. We are spending rather large sums of money to maintain air stations throughout the country. I do not believe, and I have never advocated, that any one section of the country ought to be given consideration because it is a section of the country; but I desire to remind the Senate that we have 13 air stations, and only one of them is located on the Pacific coast. We are spending a great deal of money in order to maintain the stations we have. According to the statistics given in the other House on the naval appropriation bill, I find that we are spending $170,000 at the Anacostia station; that we are spending $14,000 to keep the Cape May station inactive, simply to take care of the buildings there. That station is on the Atlantic coast. We are spending $125,000 at Coco Solo, which is an active base. At Dahlgren, which is, as I understand, a sort of proving ground, we are spending $6,000. At Guam we are spending $75,000; at Hampton Roads we are spending $200,000; at Port au Prince we are spending $70,000.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. DILL. I do.

Mr. KING. I should like to ask the chairman of the Committee on Naval Affairs, in view of the statement which has been made by the Senator from Washington, whether or not it is a fact that we are still maintaining, even in an inactive condition, the base at Cape May, N. J.? My understanding when the last naval appropriation bill was under consideration was that that station was to be absolutely abandoned and that the property which the Government owned there was to be disposed of.

Mr. HALE. The Cape May, N. J., station is not an active base. The Government simply has some property there and it is keeping up the property.

Mr. KING. Why should it cost such a large sum merely to keep the property in an inactive condition?

Mr. HALE. It is a very small amount, comparatively; it is only $14,000.

Mr. KING. That is the trouble with the naval appropriation bill and with the Navy Department. There is so much overhead and waste. Instead of using the funds which we appropriate for the building of a virile, strong navy, we spend a very large part of them for overhead.

Mr. HALE. We expend at Cape May for keeping up the property there only $14,000 a year, and that is necessary until the property shall have been disposed of.

Mr. DILL. Mr. President, I am not objecting to the fact that we keep the buildings in repair, because in time of war we must have air stations operate with the Navy; but I am reciting these figures to call attention to the fact that Congress has taken good care of the Navy, so far as the eastern and southern portions of the country are concerned, supplying some 12 stations in all, while on the whole Pacific coast, where we keep most of the fleet and where most of the trouble will be if we should have war, we have only one base. That is the point I am trying to make.

At Lakehurst we spend——

Mr. HALE. Mr. President, the only heavier-than-air naval stations that we are keeping up on the east coast at the present time are those at Anacostia, Quantico, Hampton Roads, and Pensacola.

Mr. DILL. The Senator from Maine points out that those are the only active stations; but we have the station at Cape May, we have the one at Chatham, and we have the one at Rockaway Beach, which are inactive, but which, of course, can be put into action at any time. The buildings and construction are there which may be used, and I think properly so. They are on the north Atlantic coast. I am only asking for some provision to be made on the north Pacific coast, and I am asking for it without expense to the Government, for property worth $400,000 is ready to be provided by King County and the city of Seattle. I point out, however, that that is not a continuing offer; the Government has no option and has no right to assume that it shall have the right to take that property free forever; but there is a chance to get this property free at this time—and it will be gladly given—and I see no reason why we should not save that $400,000, instead of taking chances and having to buy it, as we must buy it at some time as a part of our naval defenses.

At Lakehurst we are spending $700,000; at Newport, R. I., where there is some sort of expense connected with some activities of the Navy—I am not sure just what they are—we are spending $3,000.

Mr. HALE. Lakehurst is a lighter-than-air station.

Mr. DILL. Yes. At Pensacola, which is a training station, we are spending $1,250,000; at Pearl Harbor, $225,000; at Quantico, $200,000; at Rockaway Beach, $13,000, to take care of buildings. That is now an inactive base. At San Diego we are spending $270,000.

These figures merely show the great expense to which we go to keep up these naval airplane bases. I am not complaining of that; I think we should do it; but I can not see why the committee should object to the acceptance of the offer for the base at Sand Point in order that we may have another arm of the Navy to rely upon on the north Pacific coast.

It is interesting to note that last summer when the Battle Fleet went to Puget Sound and used Sand Point, because it is the only base that they had to use for an air station, the experience gained at that time bore out the recommendations that had previously been made. I have here the report of Admiral Robison, who was the commander in chief of the battleplane fleet, transmitting to the Navy Department the report of Admiral Coontz, who was in command, based upon the report of Captain Moses, who actually had charge of the airplane field at Sand Point.

Admiral Coontz reports under date of September 20, 1924, that—

> 2. For a period of about nine years the commander in chief has made a study of the question of an air base in the Northwest and has inspected all possible sites. Sand Point presents more potential advantages than any other location.
>
> 3. It is recommended that the department support vigorously the provisions relative to Sand Point now carried in the general land bill before Congress and proceed with plans for the development of this location.

Then I have before me the report of Captain Moses, who had charge of this field and command of the boys out there who, living like a lot of settlers or tourists, were repairing the planes, standing in the water part of the time, bringing them up to the shore on temporary structures of planks and logs,

taking the engines out, putting them under a tent, and making some sort of improvised machine shop there to handle them as best they could. His report as to the desirability of an air base is dated August 30, 1924, after he had been there six weeks. The report says:

1. In obedience to your order of January 20, 1924, the following report is submitted upon Sand Point with reference to its desirability for use as a naval air base.

2. Comprehensive data as to location, size, topography, and other physical conditions are matters of record. These matters have been the subject of so many official reports and of so much discussion that it seems unnecessary for this report to do more than briefly summarize the advantages and disadvantages of Sand Point as an air base in the light of the most recent experience.

3. For the past six weeks, from the middle of July to the end of August, 1924, parts of the aircraft squadrons, Battle Fleet, have based on Sand Point for purposes of flight training, tactical work, and operations with the Battle Fleet. This Sand Point detachment has included observation planes—land and float seaplane types—combat planes, and seaplanes, with the tenders *Aroostook* and *Gannet* and advance-base equipment on shore. Reconnaissance flights have been made over many land and water areas, followed by inspection of sites which might be used as bases for land and sea planes. Particular attention has been given to inspection of localities nearer the Bremerton Navy Yard than Sand Point.

4. The advantages or disadvantages of Sand Point as an air base may be briefly summarized as follows:

ADVANTAGES

(1) Proximity of labor market and city.
(2) Land, rail, and water transportation.
(3) Steady winds (as to direction).

And it may be mentioned the wind blows from three directions there without hindrance by hills or the surrounding country.

(4) Good field (when cleared and graded)—

And we have in the testimony of Admiral Moffett the statement that it can be placed in a suitable condition for an expense of approximately $75,000.

(5) Large body of smooth water.
(6) No tides.
(7) Sand beach.
(8) Combination of landplane and seaplane base.
(9) Suitability for training purposes.
(10) No danger from floating logs or timber.
(11) Less fog than in sound.

Any point on the north Pacific coast is bound to be afflicted with fogs, but this place has the least fog of any place that has been considered.

(12) No high hills in vicinity.
(13) Freedom from salt-air corrosion.

And that is a very important consideration, because, being located in fresh water, there can not be any salt-air corrosion.

(14) University of Washington aeronautic laboratory—

Which is only a mile or two away.

Then he sums up the disadvantages as follows:

DISADVANTAGES

(1) Landlocked; seaplanes, bombers, and loaded planes must fly overland to enter or leave.

(2) Canal limits size of ships which can reach Sand Point, and size of seaplanes that can enter the lake by water. The *Aroostook* approximates the extreme limits of draft and over-all dimensions of a ship which can navigate the Lake Washington Canal with its present locks and channels.

(3) Low fog in Puget Sound may prevent planes from reaching Sand Point.

(4) Maneuvering area over the lake is somewhat restricted.
(5) No gun range for aircraft.
(6) Canal locks delay passage of tenders.
(7) Distance from the sea.

All of these disadvantages are minor, and they are fewer and less important than the disadvantages of any other site in the Northwest.

(5) Sand Point appears to be the best available location in the Puget Sound area for a naval air base.

(6) Attention is invited to the fact that the character and extent of the Puget Sound area will eventually require one or more main air bases and also several outlying section bases, or subbases, for target practice, for use in thick or foggy weather and for operations requiring a base in closer proximity to the entrance to San Juan de Fuca Strait.

I submit these as a part of the record of this particular airplane base. I recognize that this is legislation, and if the chairman of the committee sees fit he can make a point of order against it, and the point of order will be sustained; but I come back to the consideration of the fact that the Navy carries airplanes, and they must have a base. This is the most suitable, and in fact the only really suitable, location in the entire Northwest. Here is an opportunity to secure it without expense to the Government, and if we do not take advantage of this opportunity that expense may become well-night half a million dollars at any time. So I appeal to the chairman not to make the point of order, but to let the matter go to the Senate and be voted upon on its merits as a proposition, because this is the important thing:

The great Northwest and the north coast of the Pacific Ocean is entitled to have its share of defense, along with the rest of the country; and when there are on the Atlantic coast some six or eight stations that will serve as air bases, it is not unreasonable to ask that we have two air bases on the Pacific coast, whereas now we have but one.

The chairman of the Naval Affairs Committee, the Senator from Maine [Mr. HALE], living in the far northeastern section of the United States, knows something of what it means to live in the far northwestern section. He knows also the importance of the Pacific Ocean in case of any kind of naval warfare; and therefore I appeal to him not to make the point of order, but to let the amendment go to the Senate for a vote on its merits.

Mr. HALE. Mr. President, I have listened with a good deal of interest to the remarks of the able Senator from Washington [Mr. DILL], and I may say that I look favorably on the Sand Point project. This whole matter, however, is contained in a bill which I introduced in the Senate, and which is now before the Committee on Naval Affairs. On that bill we shall have hearings. This matter has not yet been heard by any committee of the Senate. After we have had hearings on the matter, if we find that it is advisable to enact this legislation I feel that we shall have time to do so at this session. Therefore, in spite of the very eloquent appeal of the Senator I am afraid that I must make the point of order against this amendment on the ground that it is general legislation on an appropriation bill.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. DILL. Mr. President, I have pending a written notice to suspend the rule and adopt the amendment. However, I realize that a motion of that kind will not be voted upon on the merits of the proposition, and for that reason I hesitate to make the motion to suspend the rule.

The chairman of the committee mentioned the fact that he has this item included in the land bill; but the trouble with the land bill is that there is very little probability of its becoming a law in this short session. I think it is extremely important that this legislation be carried in some bill that will become a law; and if the Senator will give some assurance that we may have hearings in connection with the general omnibus bill, or some bill that is likely of passage, I shall be somewhat influenced not to press the motion at this time.

Mr. HALE. I can assure the Senator that we will have hearings on this Sand Point proposition. The question as to the bill will have to be decided, of course, by the committee.

Mr. DILL. I understand that.

Mr. HALE. If the committee reports favorably, I shall do everything in my power to bring the matter before the Senate, whether it goes on the omnibus bill or on the land bill.

Mr. DILL. I understand that the Senator will have those hearings at some early date?

Mr. HALE. At an early date.

Mr. DILL. I ask that because the period is only six weeks in length. For that reason I will not press the motion.

Mr. BAYARD. Mr. President, may I ask the chairman of the committee whether or not the Sand Point proposition is the only property which will not cost the Government any money for its proposed acquisition?

Mr. HALE. I think it was in the provisions of the Senator's amendment that it was to cost the Government $1.

Mr. BAYARD. All the rest of these properties or Sand Point alone?

Mr. HALE. Sand Point alone. It is practically a gift.

Mr. DILL. Yes.

Mr. BAYARD. I was going to make this suggestion to the Senator from Washington and the chairman of the committee: On page 39 of the bill, under the title "Bureau of Aeronautics," the last two lines, lines 25 and 26, and the first and second lines of page 40, read as follows:

For maintenance, repair, and operation of aircraft factory, helium plant, air stations, fleet activities, testing laboratories, and for overhauling of planes, $6,921,625.

If the Senator were to insert in that, after the comma, the words "of which $5," or "$1," or whatever the consideration may be, "may be used for the purchase of the Sand Point site," he could do that without breaking the rule.

Mr. HALE. Mr. President, my point is that we have not yet had hearings on this matter, and this suggestion would simply be getting around the rule and legislating on an appropriation bill.

Mr. DILL. I do not want to be unreasonable in the matter, but one thing is certain: If any bill gets through on the part of the Navy, this bill will get through; and it seems to me that the Senator ought to recognize that the hearings before the House Naval Affairs Committee have been very complete. He certainly can not dispute the reports and records made by every naval officer who has studied the situation, and I think his standing on the technicality that no hearings have been had is not justified.

Mr. HALE. There certainly have been no hearings before any Senate committee on the matter, Mr. President; and I think we should have a hearing before this is embodied in legislation.

Mr. DILL. Of course, it would still be within the discretion of the Navy Department to decide whether or not it would purchase the site if the amendment suggested by the Senator from Delaware [Mr. BAYARD] were adopted. It would not be directed to purchase the site, but would be permitted to do so.

Mr. HALE. I think there is very little chance that the Navy Department would go ahead on that authorization unless they received specific authority from the Congress.

Mr. KING. Mr. President, with respect to the item which has just been disposed of, may I say to the Senator from Washington [Mr. DILL]—and I say it as a member of the Naval Affairs Committee—that with the information which I possess I would not be willing to vote for this amendment? It may be that it has very great merit. Indeed, the admirable address just delivered by the Senator would persuade almost anyone that it was an indispensable necessity for our Government. Senators may know that I have been very much interested in aviation and have felt that the Government has failed to do its full duty in the development of aviation, and that in the Navy we have spent too much money upon capital ships and too little money upon airplanes and upon submarines.

Undoubtedly there must be suitable naval bases of all kinds for surface ships, for airplanes, and for submarines upon the Pacific coast, though not alone for the reason alleged by the Senator, namely, that if we have a naval war it will be in the Pacific Ocean. I do not look for any war, at least in the near future, in the Pacific Ocean or in the Atlantic Ocean or elsewhere, in which the United States will be engaged. I hope that the conferences which are being held now in all parts of the world, and the conference now being held in this city by a number of ladies who have gathered from all parts of the United States to promote peace, will be productive of good and will fortify the determination of statesmen in all parts of the world to inaugurate policies that will make for world peace, but so long as we do not have agreements for the proper limitation of armaments upon land and upon sea and do not have measures adopted which will bring all the world into accord, of course, we shall have to maintain an Army and a Navy. When this matter comes before the Naval Affairs Committee I can assure the Senator that I shall look upon it with a good deal of sympathy, and if I think that the Government ought to accept it, I shall vote for the proposition which he has submitted.

Mr. President, I offered the other day an amendment which I now ask to have considered.

The PRESIDENT pro tempore. The Senator from Utah proposes an amendment which will be stated by the Secretary.

The READING CLERK. On page 51, after line 16, insert:

That the President is authorized and requested to invite the governments with which the United States has diplomatic relations to send representatives to a conference to be held in the city of Washington, which shall be charged with the duty of formulating and entering into a general international agreement by which armaments for war, either upon land or sea, shall be effectually reduced and limited in the interest of the peace of nations and the relief of all nations from the burdens of inordinate and unnecessary expenditures for the provision of armaments and the preparation for war.

Mr. KING. That amendment addresses itself, I am sure, to the conscience and good judgment of the Senate, and I submit it. I hope the chairman will accept it.

Mr. HALE. Mr. President, I will accept that amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. KING. Mr. President, I have another amendment which I offer.

The PRESIDENT pro tempore. The Senator from Utah offers a further amendment which will be stated by the Secretary.

The READING CLERK. At the proper place in the bill it is proposed to insert the following proviso:

Provided, That no part of this sum and no part of any amount carried in this bill shall be used to keep or maintain any marines in the Republic of Haiti.

Mr. KING. Mr. President, I have offered the amendment just read to the pending naval appropriation bill because I regard the amendment as germane, and also believe that the Government should, if the executive department will not voluntarily withdraw the naval forces of the United States from Haiti, be compelled by law to do so. This is not a new question. I have presented it to the Senate upon a number of occasions and have condemned the policy of our Government which subjects the Haitian people to foreign rule maintained by ships of war and marine forces armed and equipped to enforce American demands. If my amendment shall be adopted, then after the last day of June of this year the United States may not maintain marines in the Republic of Haiti. The United States has spent many millions of dollars in its forcible government of the Haitian people and in the maintenance of naval and military forces in Haitian waters and in the Haitian Republic. I repeat, it is time for the United States to withdraw its military control over a friendly State and leave the Haitian people to govern themselves in their own way and under such forms as they may choose.

I believe, Mr. President, and regret to make this statement, that practically all Americans are unaware of the fact that the United States is controlling the Haitian Government, and that since July, 1915, by military force, it has been in practical control of the same. The United States did not peaceably intervene, but it forcibly intervened in Haiti. The Haitian Government was overthrown and a dictated authority imposed upon the Haitian people. The efforts of our Government to secure the assent of the Haitian people to give the United States the same authority in Haiti that it was exercising in the Dominican Republic in 1914 were repulsed by the Haitian Government. It declared that it was its duty to the United States as well as to itself to make plain its "irrevocable intention not to accept any control of the administration of Haitian affairs by a foreign power." Undoubtedly, our Government was inspired by a desire to improve the condition of the Haitian people and believed that intervention would be of advantage to the Haitian people.

But the Haitians were unwilling to place themselves under the control of a powerful Government such as the United States, no matter how altruistic its purposes or how disinterested its aims. The Haitian people preferred to follow their own course and to not submit to the domination of a foreign power. Negotiations were conducted for some time between the United States and Haiti, which demonstrated the purpose of the United States to weaken the sovereignty of Haiti and place the fiscal affairs of the Haitian Republic under the control of the United States. Revolutionary movements occurred in Haiti, doubtless in part the result of what was regarded by some of the Haitian people as the menacing attitude of the United States. During these revolutionary movements, however, the rights of American citizens were not in any manner jeopardized.

In July, 1915, without, in my opinion, sufficient reason, American warships landed military forces of the United States upon Haitian soil, and took over the control of the Haitian Government. The Haitian troops were disarmed and the American military forces took possession of the barracks, the palace, and various strategic points upon the island.

The customhouses were seized and a military rule set up. Later, by methods not necessary here to relate, a convention was forced upon the Haitian people through a puppet government set up and maintained by the United States. This convention, in effect, robs Haiti of her independence. It was

ratified in September, 1915, and the United States ever since has been in control of Haiti, claiming its occupation to be legal under the terms of the convention which was forced upon the Haitian people. Under the convention referred to the United States was to aid the Haitian Government in the development of its various resources and the establishment of its finances. The President of Haiti was required to appoint as general receiver any person nominated by the President of the United States, together with such aids and employees as may be necessary, who should have full authority to collect, receive, and apply all customs duties on imports and exports accruing at the several customhouses and ports of entry of the Republic of Haiti. The United States also was authorized to nominate a financial adviser to be attached to the ministry of finance, and the President of Haiti was required to appoint him. This adviser was authorized to devise an accounting system, to aid in increasing the revenues and adjusting them to the expenses, to inquire into the validity of the debts of the Republic, and to make such recommendations as he deemed necessary for the welfare and prosperity of Haiti.

The Government of Haiti was required to provide by law or appropriate decrees for the payment of all customs duties to the general receiver and to extend to him and to the financial adviser aid and full protection in the execution of the powers conferred and duties imposed. The general receiver was also authorized to apply all sums collected to the payment of the salaries and allowances of the general receiver, his assistants and employees, and the expenses of the receivership and of the financial adviser to the interest and sinking funds of the public debt, and the maintenance of the constabulary which the convention provided should be formed.

The convention also forbade the Republic of Haiti from increasing its public debt except by the consent of the United States, nor was it permitted to contract any debt or assume any financial obligation unless the ordinary revenues of the Republic available for that purpose, after defraying all expenses of the Government, were adequate to pay the interest and provide a sinking fund for the final payment of the debt. It was also provided in the convention that Haiti could not without the consent of the United States modify any customs duty if a reduction in the revenue resulted, and it was required that the Haitian Government should cooperate with the financial adviser in carrying out his recommendation.

The convention also compelled the Haitian Government to immediately create an efficient constabulary both for the cities and the country, to be officered by Americans appointed by the President of Haiti, upon nomination by the President of the United States. These officers were to be empowered by the Haitian Government with full authority to perform their functions. Provision was also made that the Haitian Government could not surrender any of its territory by sale, lease, or otherwise, or confer jurisdiction over such territory to any foreign power, nor to enter into any treaty or contract with any other country which would tend to impair the independence of Haiti.

The convention further required that the Haitian Government should execute a protocol with the United States for the settlement of all pending pecuniary claims of foreign corporations, citizens, or subjects against Haiti. It was further provided in the convention that the Republic of Haiti was to execute such measures as the contracting parties regarded necessary for the sanitation and improvement of the Republic, but under the direction of engineers nominated by the President of the United States, who were to be then named by the President of Haiti.

The United States was also given authority to take such steps as it might regard necessary to insure the complete attainment of all the objects contemplated in the treaty, and whenever the necessity arose the United States was to lend efficient aid to preserve the independence of Haiti and to maintain a government adequate for the protection of life and property.

This convention was to remain in force for 10 years, and for a further period of 10 years when specific reasons were presented by either of the parties in the event the purpose of the treaty was not fully accomplished. I might say in passing that the uncertain provisions of Article XVI, to which I am now referring, gave the United States the right to continue the treaty in force for the entire period of 20 years.

Comment is unnecessary upon the extraordinary provisions of this treaty. In effect, they deprive Haiti of her sovereign rights and constitute her a dominion of the United States. The control of the customs and the collection and disbursement of revenues stripped Haiti of her powers as an independent State. It is clear that the United States assumed a military protectorate over the Republic of Haiti and was empowered to set up such machinery, administrative or otherwise, as would subject the Haitian people to foreign rule. The constitution of Haiti was overthrown and a government set up by the United States which was required to execute the latter's will. The Haitian people had presented to them a new-made constitution. The Haitian Assembly refused to ratify it. They were particularly hostile to the article in the proposed constitution which permitted aliens to own land in Haiti.

I might say that under the Haitian constitution, which was in force when our Government forcibly intervened in Haiti, foreigners could not acquire land in Haiti. That such a provision in their fundamental law was wise most persons concede. The Haitian people knew that their island had many resources and they desired to preserve them for the Haitian people. They knew that they were surrounded by powerful States and by stronger peoples. Most of the Haitians, as Senators know, are the descendants of Africans, some of whom were brought to the island of Haiti more than two centuries ago, and at a time when Christian nations were forcibly impressing the negroes of Africa into bondage. These Haitian people wanted to guard against the imperialism of other States or the aggressions of foreign capital. Accordingly, they wrote into their constitution provisions that prevented foreigners from acquiring Haitian territory.

But in the new constitution which our Government forced upon the Haitian people this safeguard was removed. The new constitution also ratified and confirmed all acts of the Government of the United States under its military occupation. There are other provisions of the constitution which I shall not take the time of the Senate to examine which were objectionable to the Haitian people. Our Government, by military force, dissolved the assembly which refused to ratify the constitution which was prepared by our Government and which it was determined the Haitian people should adopt. By methods which I regard as unfair and indefensible this new-made constitution was forced upon Haiti.

The Haitian people resented American occupation, and many who resided in rural sections organized military movements to resist American domination. Bloody conflicts ensued, and more than 3,000 Haitians were killed by our occupying forces. An overwhelming majority of the Haitian people disapproved of the course of our Government, and they long for the day when their country shall be freed from American troops and American control.

It can not be said that any Government which has existed in the island since July, 1915, has represented the wishes of the Haitian people. The Haitian officials are not chosen by the Haitian people. They are chosen by the military Government which the United States has established and maintains. There are now hundreds of marines in Haiti armed and equipped and ready to enforce the commands of the American high commissioner. The Haitian people feel the humiliation of having their country occupied by military forces of a foreign power, and there is deep-seated hostility against the United States because of its imperialistic policy under which Haiti is placed under military rule.

I repeat that if my amendment is adopted our Government will be compelled to withdraw its military forces, and when that is done the Haitian people will call a constitutional convention and adopt a constitution, probably the one which we by force attempted to destroy, with such supplemental amendments as the new situation may have made necessary.

Mr. President, protests were filed by the Haitian people against American occupation, and in 1921 a memorial was presented which, in effect, called for the withdrawal of American marines from Haiti. An investigation was ordered by the Senate, and testimony was taken concerning conditions in Haiti and the causes leading up to military occupation by the United States. I regret that the committee who conducted the investigation did not promptly report in favor of the petitioners. The view of the committee seemed to be that it was the duty of the Haitians to collaborate with Americans for the purpose of developing the wealth of the island. They declared that "there are certain elements in Haiti that can balk and perhaps delay the rehabilitation of the country." The committee further declared "that it is the duty of patriotic Haitians to cooperate with the United States under the treaty"—which, may I add, was forced upon them—"and thus hasten the day when Haiti may stand alone."

This report undoubtedly contemplates a continuation of American occupation. In the meantime American capital has gone into Haiti and land has been acquired by Americans. Bonds have been issued under direction of the American Government which have been purchased by New York bankers, and

little by little the resources of the island are passing into the hands of American capitalists. It was to prevent conditions of this kind that the Haitian people provided in their constitution prohibitions against the alienation of land to foreigners. Mr. President, their wishes should be controlling, not ours; it is their country, not our country.

We ought not to forget, as I indicated a few moments ago, the humble origin of the Haitian people, nor their struggles toward self-government and civilization. Their forefathers came from the wilds of Africa. They were forcibly taken to Haiti, and for many years they were held in involuntary servitude. At last the Haitians rose against their masters, and under the leadership of Taussaint L'Ouverture, they broke the chains of slavery and set up a government of their own. Their efforts to establish an independent government met with opposition. They had obstacles almost superhuman to encounter. Even those liberal spirits in other lands who hoped for their success, believed that it was impossible. It must be admitted that the progress of the Haitian people has been slow. Revolutions have been frequent; war and pestilence have visited all parts of the island, and conditions have conspired to retard their development. There is great illiteracy among most of the people, and those elements of stability, and many of the qualities essential to growth and progress, have been but imperfectly developed. A few of their presidents have been assassinated, and unscrupulous and ambitious persons have too often come to power in a ruthless and brutal way.

No one can defend the misdeeds of some of those who have exercised authority and power among the Haitian people. Mistakes have been made in the life of the Haitian Republic, and those who are schooled in the traditions of the Anglo-Saxon race, and who appreciate the importance of law and order as indispensable to intellectual and moral progress, will be filled with sorrow as they read the pages chronicling the vicissitudes of the Haitian Republic.

But, I repeat again, Mr. President, these people came out of the darkness and long years must elapse before they can develop those qualities which find expression, after centuries of struggle, in the Anglo-Saxon race and among those peoples of other races who have stable and enlightened governments. But the people of Haiti were making progress when we forcibly intervened. They had men of culture and education among them. They had churches and some schools, and were developing their resources, expanding their commerce, and furnishing evidence that they would be able to fulfill their international obligations. Their government was not such as we would like. Perhaps they can not govern themselves as well as we can govern them. Perhaps if the United States should remain in Haiti for a century and take charge of their affairs and control their government, they might be further advanced, materially and educationally, at the end of that period, than if they had been left alone.

It has always been the plea of the powerful nation that superimposed itself upon the weak nation, that it could give to the people a better government than they could give to themselves. Imperialistic powers have found a multitude of excuses and pretexts for subjugating weak States. It is astonishing how benevolent and altruistic have been despotic nations in their dealings with weaker peoples. Imperialism usually clothed itself in the beautiful garb of a lofty idealism. It seeks the conquest of other nations in order to help the people and to redeem them from their own sins and transgressions!

This Nation is not the policeman for the world, nor has it been commissioned by Providence to forcibly annex other lands or to subject foreign races to American military rule. The American people, by their example, by their devotion to high ideals, to justice, to righteousness, and peace, will influence profoundly other peoples. Nations, as individuals, are taught by example, and a nation that is guided by noble purposes and a spirit of international fellowship will compel other nations to follow its course and to seek the heights of justice and peace. Peoples who have learned in the school of experience the art of self-government are the potent forces, material and spiritual, in the world. It may take centuries for the Haitian people to attain the culture, education, and capacity for government reached by some nations of the earth; but through struggles and initiative and their own efforts they will develop a texture and a strength and those qualities which will insure the perpetuity of good government and the triumph of the principles of justice.

Mr. President, our course with respect to Haiti seems to me to be clear. We should announce to the Haitian people our purpose to evacuate their territory just as soon as they have called a constitutional convention and established a government ready to assume control and authority over the territory of Haiti and its inhabitants. We should signify our desire to aid them in every legitimate and proper way, not interfering with their Government or subjecting them to our economic control. We are in a position to aid them in the difficult path which they must tread, and we can secure their gratitude, deep and lasting, by exhibiting, in our commercial and other relations with them, that spirit of disinterested friendship that should always accompany the relations between powerful and weak States.

Mr. President, I have sometimes thought our course toward the nations to the south of us, as well as some of the peoples of the West Indies, has been calculated to create prejudices against the United States and to develop suspicions that our Nation was not free from the taint of imperialism. In the early days of this Republic the people in Latin America caught the spirit of democracy, and soon the flag of Spain was driven from continental America. This Nation evinced a sincere regard for the new Republics and sought to aid in every possible way their development and progress. We had declared that the monarchical system of the Old World was not applicable to this Republic and that the Western Hemisphere should not be a field for political exploitation. There developed a genuine friendship between this country and the countries to the south of the United States. They saw nothing imperialistic in this new Republic. It gave to the world the most enlightened and just form of government that the wisdom of man had been able to produce. They perceived that the United States sought no territorial conquests; that it did not seek colonial possessions or to impose its rule upon other states or peoples. Inspired with mutual confidence, both the United States and Central and South America marched forward hand in hand seeking the goal of international fellowship and world peace.

The Latin-American Republics, repeatedly in the early days of their existence, signified their desire for what might be denominated continental solidarity. However, the United States was then a young nation and limited in wealth as well as in the number of its population. Nevertheless, they perceived that it possessed the seeds of growth and power, and that it would ultimately become one of the greatest and strongest powers of the earth. They took the initiative in calling various Pan American Congresses. Indeed, as I recall, some of these movements occurred before the Monroe doctrine was announced. Great statesmen and military heroes, like Bolivar and O'Higgins, with earnestness sought to establish economic and political relations that would make for the material development and prosperity of all members of the Pan American Union.

Various causes developed which prevented the full consummation of the purposes of these statesmen and leaders to whom I have referred. But, nevertheless, there were men of vision in both the United States and the Latin-American Republics who adhered to the view of continental solidarity, and who exerted their influence upon all occasions to prevent any cause for unfriendly relations among any of the nations to which I have referred. The South and Central American Republics sought to build their political foundations along lines similar to those of the United States.

Unfortunately, this strong current of affection was interrupted by the Mexican War, and under the terms of the treaty of Guadalupe Hidalgo the territorial boundaries of the United States were greatly expanded. I shall not stop to discuss the merits of that conflict. There was then a sharp difference of opinion even among the American people as to the justice or wisdom of the contest. We recall that Abraham Lincoln opposed the war with Mexico.

Later conditions in Cuba became so acute that the United States intervened in the conflict which then raged between the Cuban people and the Spanish Government. As a result of that war the United States acquired Porto Rico and assumed a responsibility with respect to Cuba which it is not necessary for us now to consider.

The political party which was then in power in the United States insisted the war brought to us the Philippine Islands and Spain's title to the same was extinguished. I might say in passing, Mr. President, that it was the view of many Americans that the Philippine Islands ought never to have been taken over by the United States and that the Republic which had been set up by the Filipinos, under the leadership of General Aguinaldo, should have been recognized. There is a bill now pending in Congress which carries out the pledge of the United States as stated in the Jones Act, and requires the withdrawal of the United States from the Philippine Archipelago as soon as the Filipinos have organized a repub-

lican form of government and elected the necessary officers provided for in their organic law. Unfortunately, the Republican Party has signified its purpose to not carry out the solemn pledge of Congress, and indicates its intention to continue the authority of the United States over the Philippine Archipelago for an indefinite period. The reason for this course is the one usually assigned by powerful States for denying to small States and their inhabitants the liberty, freedom, and form of government they desire.

There are people in the United States who have imperialistic views. They would be glad to see the United States acquire distant territories and hold colonial possessions.

Our fathers did not contemplate that the principles of this Republic in all of their power and strength should be denied to any territory over which the flag of the Republic floated or to any people residing under that flag. In other words, they conceived this Republic to be a "Republic of Republics," a Nation in which all States should enjoy equal political and civil rights. They did not believe that territory should be annexed against the will of the people and held outside the Constitution, and governed as imperialistic and monarchial governments have governed distant colonies and possessions. Yet many Americans have advocated that our Government retain the Philippine Islands and acquire additional possessions and deny to them constitutional rights and subject them to a military government. The Filipinos, more than 10,00,000 in number, a homogeneous race, desire independence. For years they struggled against Spanish authority to achieve freedom, and finally they did throw off Spain's control and organized a republican form of government which challenged the admiration of lovers of liberty the world over. We made war upon them, overthrew their government, and subjected them to military rule.

They submitted to that rule and have earnestly applied themselves to learning the art of self-government and to the application of those ideas which find root in the hearts of people who love liberty. They have made great progress; they are competent to govern themselves; they are a nation of landholders; their territory is rich in natural resources; the people are industrious; they aspire to a republican form of government, patterned after this great Republic, and they now knock at the door of Congress and demand that we redeem our pledges to withdraw our military forces and allow the Filipinos to take their station as an independent nation among the civilized nations of the world.

Mr. President, I protest that a denial of their national aspirations will be regarded by the liberal forces throughout the world, not only with regret but with apprehension. It will afford ground for suspicion, if not belief, that this Republic is imperialistic and ambitious and seeks opportunities for the exploitation of foreign territories and alien people.

May I say that former Governor General Harrison, who was in the Philippine Islands for several years, reported to Congress that the Filipinos were competent to govern themselves and were able to maintain a stable government.

The Democratic Party accepted that view in the platform adopted by that party in 1924. They declared that it was our duty to withdraw from the Philippine Islands and give to the Filipinos the liberty and freedom they desired.

Mr. President, the United States also took from Spain Porto Rico, and has a form of protectorate over Cuba. Later our Government brought Santo Domingo within the sphere of its control. Military forces were landed in Santo Domingo, and for many years it was subjected to the military control of the United States. I am glad to know that recently our military forces were withdrawn, but, as I am advised, there are certain conditions which the Dominican Government must comply with, among them being the ratification of all of the acts of the military government and "an agreement to allow the United States to continue to collect the customs and administer the finances of the country."

Then, in 1915, as I have heretofore stated, we forcibly landed troops in Haiti, overthrew the constitution of that country, and during the entire period since then we have governed the Haitian people by military force. It is true there is a Haitian constitution and a so-called Haitian President and that Haitians fill various positions in the Government; but, Mr. President, it is not a Haitian Government. That is a fiction. We affirm to the world that the Haitian people are free and independent.

It is a sort of magnificent gesture, but the fact is that we forcibly intervened in Haiti and that our troops and our strong arm dominate and control the Haitian Republic. We have controlled her finances, negotiated loans for her, determined her fiscal policies, outlined and enforced her internal and domestic policies as well as her foreign policies. We have required that she should authorize bond issues aggregating, as I now recall, $40,000,000.

It is true that Haiti was owing France when we took control of the Haitian Government, and there were some internal loans which would shortly mature. But the Haitian people were able to meet their obligations, and, as I now remember, bonds held by France had not then matured. It is claimed that there is a moral if not a legal obligation upon the part of the United States to remain in control of Haiti until such indebtedness resulting from said bonds is discharged. I do not remember definitely when this $40,000,000 bond issue will mature, but undoubtedly the obligations run for from 20 to 30 years, and if this contention is true, then the United States will be called upon to remain in possession of Haiti's Government for an indefinite period.

Mr. REED of Missouri. Mr. President, may I ask the Senator a question?

Mr. KING. Yes.

Mr. REED of Missouri. If I understand the Senator, it is to the effect that the United States has incurred an obligation to remain in the island of Haiti until the bonds are collected.

Mr. KING. I stated, or intended to state, that it is claimed by some with respect to the bond transaction to which I refer that there is a moral obligation upon the part of the United States to control the fiscal policies of Haiti until the maturity of such bonds. Undoubtedly, our legal obligations are to be determined by the treaties or conventions that have been entered into, or may be entered into, between the United States and Haiti.

However, if conventions were, or are, wrung from the Haitian people by our Government there will be just ground for complaint, and the position may be taken by Haitians that their country is not bound by such provisions.

Mr. REED of Missouri. How is that obligation of the United States evidenced? The Senator does not mean to say there is a treaty to that effect between the two countries, I take it. Does he then mean to say there is a contract between the bondholders and the Government of the United States in which we assume the obligation to which he refers?

Mr. KING. The Senator from Missouri was not in the Chamber when I called attention to the terms of the convention forced upon the Haitian people by the United States in September, 1915. I do not have the full text of the treaty before me, but I am advised that some Americans claim that under that treaty loans which have been negotiated by the Haitian Government since American occupation are to be protected by the United States. It is insisted by some that there is a legal obligation on the part of the United States to see that the loans are paid; others contend that the obligation is a moral one only.

I am told that these loans which I am referring to were negotiated with American bankers; and that there were letters exchanged between the State Department, or between American officials in Haiti and the banks who made the loans, or underwrote them, that the United States would see that the terms of the bonds were met by Haiti, and that to accomplish such result, the United States would control the fiscal policies of Haiti until the bonds were discharged.

Of course, I did not mean that the United States is obligated to pay the bonds.

Mr. REED of Missouri. No; but if we actually have assumed such an obligation, how can the Senator consistently offer a resolution which would provide that we shall place ourselves in a position so we can not carry out our obligation provided there has been a breakdown of government in Haiti? It seems to me—though I am not arguing it—that the Senator puts himself out of court when he says we have such an obligation, because if we have that obligation then we must do everything that is reasonably necessary to carry it out. I never imagined we had any such obligation, but if we have it we must keep the faith.

Mr. KING. Mr. President, I hope the Senator is right that there is no obligation either moral or legal upon the part of the United States to see that the obligations arising from the bonds referred to are discharged. However, Mr. President, there is a point of view which it is proper to stress at this time. If the United States imposes by force of arms its rule upon an alien country or people, and takes forcible possession of their government, and sets up a puppet government through which it places burdens upon the people of such state, there is much reason to argue that such act is ultra vires, as lawyers say, and imposes no valid obligation upon the coerced state and people to discharge the same.

Purchasers of securities issued in such instances should inquire as to the authority to issue such obligations. It might

be said that the doctrine of caveat emptor applies, and that the purchasers of such bonds should beware, and should determine whether a liability is created legally or morally which the submerged State and people are compelled to meet. Of course, as to the situation of the dominating and compelling government, another question arises which I shall not now attempt to determine.

But when I referred to moral obligation I had in mind the representations which, I understood, had been made to bankers of New York who acquired the bonds issued under the direction of the United States, that the United States would remain in control of the fiscal policies of Haiti for an indefinite period and would see that such bonds were paid.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. KING. Yes.

Mr. McKELLAR. Who created the obligation on the part of the United States and when was it done?

Mr. KING. I have not stated that there were any obligations which the United States was required to pay, either morally or legally, out of the Treasury of the United States. What I intended to say was that it is asserted, as I understand, by those who have purchased bonds issued by the government set up in Haiti by the United States that the latter is morally, if not legally, bound to see that Haiti pays such bonds when they mature. I have suggested that Haitians may claim that these bonds are not valid obligations which they are compelled to meet because their issue was forced by the United States. I shall not discuss this matter from the standpoint of international law. Undoubtedly there are many precedents which establish the proposition that Haiti would be bound to meet these obligations, even though the authorities which issued them were not of their choice and were acting under the direction of a foreign government which was controlling and directing the Haitian Government at the time the bonds were issued.

I think it may be conceded that under accepted principles of international law the obligations of a de facto government, even though it is not one of the people's choosing, are valid obligations to be met by the State when a de jure government is established. Of course, if the present government in Haiti is a de jure government, it is quite likely the principles of international law would require the Haitian people, when the United States shall withdraw from Haiti and the people are permitted to establish their own government, to make provision for the payment of these bonds at their maturity.

Mr. REED of Missouri. If the Senator will pardon the interjection, if certain individuals who happen to hold office under the Federal Government undertook to do that which they had no authority to do, I deny that any act of Congress can impose any kind of obligation upon the Federal Government or the people of the United States, either a moral obligation or a legal obligation.

Mr. KING. I agree with the Senator.

Mr. REED of Missouri. If that be true, then the premise that the Senator was laying down a few moments ago disappears. I also deny the proposition, if it be made, that if any set of bankers—and I have no antipathy toward bankers, because I borrow money from them—would talk with the State Department and get a promise from the State Department that if they loaned money the United States would see to its collection, that it would be of the slightest validity. If any officer of the State Department undertook to make any such contract he ought to have been very summarily dealt with. If he was Secretary or a responsible Cabinet officer, he ought to have been impeached. I do not mean to intimate it has ever been done, but if it had been attempted a very gross breach of duty would have occurred.

I am unwilling to treat this proposition as in any way intermixed with the collection of the debt due by the Haitian people, but I also regret that the Senator has said, unless indeed he is prepared to fully sustain it, that our Government or any of our officials undertook to do either one of those things, to set up a fictitious government in Haiti, and then through that fictitious government to have bonds issued, and that thing having been accomplished to have given a pledge, moral or any other kind of pledge, to men who loaned the money that we would enforce the payment of that money at point of the sword or by any other manifestation of power.

Mr. McKELLAR. Mr. President, before the Senator goes to another feature of the discussion will he yield?

Mr. KING. Certainly.

Mr. McKELLAR. I would like to ask the Senator how long those bonds are to run, and what is the amount of bonds that have been issued? The statement the Senator made is a very startling one, it seems to me, that bonds have been issued in the manner he said. How many of those bonds are there and how long are they to run?

Mr. KING. May I say to the Senator that when our Government took control of Haiti, the Haitian Government had a foreign indebtedness of several millions of dollars, and also an internal debt amounting to several millions of dollars. I do not recall the aggregate amount of the internal and foreign debt, but it was, as I remember, about $16,000,000. I am speaking only from memory and have not had occasion to look into the indebtedness for a number of years. The new government which was set up under the direction of the United States authorized the issue of bonds to the amount of $40,000,000. My opinion is that the entire amount authorized has not yet been issued. But between sixteen and twenty-five millions in bonds have been issued, most of which have been sold in the United States, and have been taken largely by New York bankers. I am not certain as to the date when the bonds which have been issued mature, nor do I know whether it is intended to increase the bonded indebtedness.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Utah yield to the Senator from Nevada?

Mr. KING. Certainly.

Mr. ODDIE. I think I can answer the question of the Senator from Tennessee. Sixteen million dollars of these bonds have been issued for a period of 30 years.

Mr. KING. My opinion is that the amount issued since American occupation exceeds $16,000,000.

Mr. President, recurring to the statement made by the Senator from Missouri, I think there is a difference between the situation resulting from the occupation of Haiti by the American Government and the case where individuals who temporarily hold positions under the Federal Government perform acts wholly beyond their authority. I also agree with the Senator that if bankers talked with the State Department and obtained promises from its officials that the United States would be responsible for money loaned by the bankers, that it would impose no liability upon the Government. But, as I have stated, the United States forcibly intervened in Haiti. It overthrew the existing government as well as the constitution then existing; it set up a government manned largely by Haitians and brought about the adoption of a new constitution, modifying the former constitution. It also negotiated a treaty with the new government which impaired its sovereignty and placed the United States in control of Haiti and the newly created government. It caused this government of its creation to issue bonds, and undoubtedly the representatives of the United States in Haiti, if not the State Department, made representations to the purchasers of these bonds that the United States would undertake to see that said bonds were paid by the Haitian people. Of course, it will be claimed that the United States was rightfully in Haiti and that it was acting within the terms of the treaty. That claim will be made also by the bondholders, and undoubtedly they will insist that there is a moral, if not a legal, obligation on the part of the United States to either remain in Haiti until the bonds are paid or at least control the fiscal affairs of Haiti and compel the payment of these obligations at maturity. I shall not pretend to state just what the obligations of the United States are with respect to the bondholders; I am more interested in the question as to the right of the United States to be in Haiti and as to the justice of the course of our Government toward the people of that Republic.

In an article appearing in the Atlantic Monthly for July, 1924, written by Samuel Guy Inman, reference to the Haitian question is made. In his article he states that in Haiti there are 2,000 marines who—

> direct and protect the Haitian Government elected under their supervision, where an American financial adviser exercises absolute control over finances, collecting customs and making loans which the United States Government guarantees, thus assuring its continued occupancy of Haiti, and where, moreover, the nation's constitution was rewritten to permit the acquisition of land by United States companies.

Mr. REED of Missouri. Mr. President, I should like to know the authority of that author for the statements that the United States Government has guaranteed the loans referred to. I do not want to say anything harsh of the author, and I do not mean to say that he writes falsehoods, but a falsehood gains no sanctity because it is printed in a modern magazine. It is of record that they have several times allowed inaccuracies to get into their articles, to say the least. I should like to know when the United States guaranteed such loans. It takes an act of Congress to do that, and I know of no such act.

Mr. KING. The writer does not say that Congress or the Government by any legislative act has guaranteed the loans.

Mr. REED of Missouri. If the Government has not done so, who speaks for the United States?

Mr. KING. He must have reference to the Executive department, or place an interpretation upon the treaty of September, 1915, which I have said was forced upon Haiti.

Mr. REED of Missouri. I think he has reference to his imagination.

Mr. KING. No; I do not think so. I think, Mr. President, that there have been commitments made by the State Department which the Senator would not approve, and which, if I am correctly advised, I would not approve.

Mr. REED of Missouri. And which the State Department had no authority of law to make if it ever undertook to make them.

Mr. KING. The Senator may be right as to that. Earlier in my remarks and before the Senator entered the Chamber, I referred to the convention between the United States and Haiti which placed the United States in control of Haiti and her Government and her fiscal affairs. I have contended, however, that there might be some legal question as to the validity of obligations contracted by a Government which was the creation of a foreign force; and it would seem that there might be some question from a moral standpoint, as to the validity of such loans when the Haitian people were compelled to submit to the demands of the United States, and when the puppet government which was set up by the United States to ratify the treaty, did not represent the will of the Haitian people.

It will be claimed, however, that there was a government in Haiti, not only de facto but de jure; that the bonds were issued by this government with the officials of the United States in charge of the fiscal affairs and the revenues of Haiti, and that the United States controlled the disposition of the funds derived from the sale of the negotiated bonds. The claim undoubtedly will be made that the United States Government is, therefore, under the treaty, and because of the part played by the State Department in the bond transaction, under obligation to see that the bonds are paid at maturity.

I referred a moment ago to Mr. Inman and his reference to Haiti. The article from which I quoted appears under the title of "Imperialistic America." Mr. Inman is a student of Latin-American affairs and has spent much time in travel in South and Central America and is competent to advise the American people concerning conditions in those countries and to interpret the views and feelings of our Latin-American neighbors. He asks us to examine the map and note the countries "where the United States is now in practical control." He also states that this control always brings resentment and enmity among the people, though their officials may approve of it. Among the list of countries enumerated by him are Cuba, Haiti, Santo Domingo, Panama, Honduras, Salvador, Colombia, Ecuador, Peru, Bolivia, Guatemala, Costa Rica, and Mexico. He states that out of the 27 Latin-American Republics, 11 have their financial policies directed by North Americans officially appointed, and that 6 of this number have their financial agents backed by American military forces.

He also states that four of these Republics, other than the 11 referred to, have their economic and fiscal life closely tied to the United States through large loans and concessions, giving special advantages to American capitalists.

In the article referred to, he quotes from the work of Mr. H. H. Powers, entitled "America among the nations," Mr. Powers makes the following statement:

> It is difficult to follow the expansion of America in the Caribbean without feeling that it will go farther. Utter recklessness and incompetency have characterized the management of every one of the pseudo-states which the preoccupations of the real nations have temporarily abandoned to independence.

This is a cynical expression of the imperialistic American—

> It was a matter of chance which one of the dancers should first pay the piper, but all have danced and all must pay. To the independence party Central America is its own little world. To the imperialistic party it is but a pawn on the mighty chessboard of world empire.
>
> The United States plays the vaster game, must play it, and play it well, for the stake is its existence. We have learned subtler ways of winning, more varied ways of ruling. Never was our frontier more alive than it is to-day. Not one American in a hundred realizes that we have a protectorate over Haiti, and that our control is creeping out through all these southern seas. If he knew, his only reaction would probably be a slightly increased complacency. The door is thus opened wide for a government embarrassed by the mischievous irresponsibility of these petty make-believe states to take refuge in an ever-broadening imperilism.

Mr. President, the view of Mr. Powers, I am sure, will not be indorsed by the American people. Unfortunately, there are some Americans who would support an imperialistic policy and welcome the annexation by the United States of Mexico and perhaps other territory. Some flambuoyants have at times declared that the United States was destined to rule the Western Hemisphere, but I feel sure that the heart of the American people is sound and that they are opposed to military and imperialistic policies and to the gaudy trappings of military power. They desire peace and friendship with all nations and will welcome the progress and development of nations in this hemisphere.

But we can not disguise the fact that there are interests in the United States that are seeking to exploit Mexico and countries in Central and South America, as well as some of the islands of the East Indies.

Mr. Inman, in the article to which I have referred, takes the view that America is becoming imperialistic and that its course in recent years particularly indicates a growing imperialistic tendency.

In his article he speaks as follows:

> After watching it rather closely for several years the author believes that it bodes more evil than any other tendency on the American Continent to-day.

Then he speaks of Cuba and states:

> Run your eyes rapidly down the map and note the countries where the United States is now in practical control. And remember that this control always brings resentment and enmity among the people, though their officials may approve it. Here is the list:
>
> Cuba, where the United States has a Navy base, with marines often found in the interior of the country, with the threat of intervention always held over the Cuban Government, which can make no loan nor dispose of any territory without the consent of the United States, whose representative at Havana largely controls the political and financial policies of a land whose economic life is determined by absentee landlords and bankers living in the United States.

May I say in passing that I think the United States could do no more gracious or righteous thing than promptly to ratify the treaty, which has been sent by the Executive to the Senate, by which the title to the Isle of Pines shall be confirmed in Cuba? The Isle of Pines does not belong to us. It would be a high-handed act of imperialism, in my judgment, if the United States should annex the Isle of Pines and place it under military control; for if annexation occurred, it would be placed under military or naval authority. We would govern through the Navy or through the Army, through the War Department or through the Navy Department. The people who resided there would learn to see the gold braid and the insignia of the military and naval power, not the symbols of civil authority.

Mr. Inman refers to Haiti in a paragraph which I read a few moments ago. May I add, Mr. President, that I was in Haiti a few years ago and learned that Americans were acquiring lands and property and were making investments which, if continued, would sooner or later give American capital a dominating influence in the industrial and economic life of the Haitian Republic?

It is a question which should be considered seriously by the American people aside from the question of morality and justice. Is it for the best interests of the Haitian people and the people of the United States for Americans to acquire large holdings and assume a dominating influence in Haiti? I am only repeating when I say that the Haitian people, fearing the aggression of virile Americans, solemnly asserted in their constitution that no part of their territory could be acquired by aliens. They knew their own intellectual limitations, their backwardness, their inability to cope with the peoples of many civilized States. They appreciated that their permanent progress depended upon their continued ownership of the soil. They perceived the evils of peonage in Egypt and in Mexico. They knew that if the lands of Haiti were to be acquired by large corporations, the people would be slaves. Haiti's future depends upon the products of her soil. She can grow coffee and cane and various kinds of fruits in great abundance. The inhabitants of Haiti, if they would be free from industrial servitude, must be landowners. They were wise in placing the limitation which I referred to in their constitution. It was unjust to the Haitian people, it was indefensible for the United States to require, in the constitution which was forced upon

them, a provision that aliens might acquire the ownership of lands in Haiti.

Mr. President, I submit that our course in Haiti has created intense bitterness in the hearts of the Haitian people. They also believe that we are imperialistic and seek to control them politically as well as industrially. Our course there has also produced an uneasy feeling among many Latin Americans. They can not reconcile our professions of democracy in the policy pursued in Santo Domingo and the Republic of Haiti.

Mr. Inman refers to the changing sentiments in South America and to the spirit of distrust, if not hostility, which is developing against the United States. He states that in Latin American magazines articles are carried in every issue against the United States, and he thinks that "old friends have either changed or they do not care to oppose the tide." With reference to the statement made by our State Department to the effect that the relations with Latin America have never been more cordial, Mr. Inman refers to La Prensa, a newspaper published in Buenos Aires, which—

sharply challenged the optimistic report made to the Secretary of State by the United States delegation to the Santiago conference.

The paper referred to calls the report—

inexact, incomplete, and exaggeratedly optimistic.

Then, after referring to the various causes of the controversies, the article in this newspaper asks whether the people of the United States know about these things which so profoundly affect their interest. It further states that if Pan American friendship is to go forward the United States must reorganize their work on another basis—

taking into account the discontent which exists in the greater part of the Latin American countries.

It refers to the lack of diplomacy, of exact information, and of coordination among the various officials of the United States Government in regard to Pan Americanism blocking its development.

Continuing, Mr. Inman refers in the following language to the course of the United States in dealing with Santo Domingo:

For the first time in the history of the Republic, one Republic, without declaring war on another, landed an army, dismissed the President and Congress, and for several years ruled entirely, without even a semblance of national government, by military decree enforced by a foreign military government, backed by 2,500 marines. Recent promises to retire the military government are conditioned on the Dominican ratification of all the acts of the military government and agreement to allow the United States to continue to collect the customs and administer the finances of the country.

It would seem, Mr. President, that there was a condition which we imposed, doubtless in the interests of American creditors, which obviously constitutes a protectorate and impinges upon the sovereignty of the Dominican Republic.

Speaking of Panama, Mr. Inman refers to the statement of Mr. Roosevelt, "I took Panama," and to the fact that ever since that time it has been under control of the United States, with an agreement which calls for the disbanding of the Panamanian Army, the taking over at any time of further Panamanian territory considered necessary for protection of the canal, and carrying out any other measures which might be covered under the general formula of—

maintaining the independence of the Republic of Panama.

Speaking of Nicaragua the author states—

We have maintained 100 marines since 1912 keeping in control a government which, according to the United States admiral in charge, is opposed by 80 per cent of the Nicaraguans, but which is favorable to American bankers, who, with the approval of the State Department, collect the customs and own the national banks and the railroads—such a complete control that the country is known throughout Latin America by the name of the bankers who hold the privileges.

The author, in considering our relations to Honduras, says:

Honduras, where the American minister and two American corporations have long been the controlling powers, and where recently Marines have been landed for "protection of American life and property"—the same formula under which they have entered and remained in the other countries mentioned.

Here then are six Republics where the United States' economic control is backed by military forces on the ground.

Next we come to the countries where North American financial advisers, directing the fiscal policy of the governments, have not yet brought military forces, but, following precedent in the above-named republics, they may at any time bring those forces, which are always handy, on the battle cruisers that continuously patrol the Caribbean.

Referring to Salvador and other countries, Mr. Inman continues:

Salvador, where a loan at 8 per cent—plus extra charges—has been recently made by New York bankers, which loan is guaranteed by 70 per cent of the customs receipts, collected by the bankers, with the agreement made by the Secretary of State of the United States that if any differences arise beween Salvador and the bankers, he—the Secretary of State—will refer the question to the Chief Justice of the Supreme Court of the United States, whose word shall be final.

* * * * * * *

Colombia, where an American financial mission has just outlined a reorganization of the fiscal system of the Republic, especially advising as to the expenditure of the $25,000,000 the United States is now paying to Colombia. * * *

Ecuador, where the Government has recently engaged an American financial adviser, where an American president of the principal railroad owns most of the stock, and where American interests recently blocked an English loan.

Peru, where an American financial adviser directs the fiscal policies of the Government, and a loan is pending by American bankers which would be guaranteed by the customs, collected by Americans.

Bolivia, where the hardest bargain of all has been driven, with a loan of $24,000,000 floated, which is guaranteed by the country's customs, by the stock in the Government bank, by a Government railroad, and finally by all the internal revenues of the country, which may be augmented at any time to suit the commission of the American bankers—which commission now assumes complete control of Bolivia's finances, including practically the power to dictate what Bolivia's tariffs and taxes shall be.

Guatemala, where American bankers control the business, American money is the medium of circulation, and the United Fruit Co. and other American financial interests have secured control of the railroads, which now become a part of the international railways of Central America—the largest American-owned railway enterprise outside of the United States.

Costa Rica, where, after 30 years' peace, American oil and banana interests recently fomented a revolution against a reform government and at present largely control the economic life of the country and often act as brokers for the Government.

The author refers to other South American countries, but I shall not take the time of the Senate to name them. However, in speaking of Mexico, he declares that Americans own one-third of the $2,500,000,000 of the nation's wealth, with 73 per cent of the oil lands and much the largest part of the more than 54,000,000 acres of land owned by foreigners.

I think it is generally conceded that the Santiago conference, from which so much was expected, was a failure. It did not produce amity, but upon the contrary it brought about, as stated by Mr. Inman, a resurgence of opposition against the United States. This condition is manifest by the hostile criticisms in South American newspapers and by utterances on the part of many of the people. I referred a few moments ago to an article in La Pransa. In part, it is as follows:

The conference has perturbed the tranquillity of the situation in general, and especially among certain groups like the Rio de la Plata group (Argentina, Uruguay, Brazil). In the question of disarmament the part of the United States was scarcely welcome, since they, being the initiators of the movement for universal disarmament, and authors of that subject on the program of the Santiago conference, then abandoned this attitude at Santiago. * * * Do the good people of the United States know these things, which so profoundly affect their interests? * * * The United States has a great mission in favor of Pan American friendship, but they must reorganize their work on another basis, taking into account the discontent which exists in the greater part of the Latin-American countries. The lack of diplomacy, of exact information, and of coordination among the various officials of the United States Government in regard to Pan Americanism is blocking its development.

Mr. Inman states:

No one who visits these countries, mixes on equality with the people in general, reads their literature, and attends their theaters and lecture halls can fail to realize the truth of the following, written by an Argentine professor, a friend who laments the fact he describes as much as does any American:

"As is well known, up until the present, whenever reference is made to closer relations between the two Americas, the intensification of economic relations between them is the usual method advocated. This attitude, in which many eminent personalities have taken part, has

not been able to accomplish the desired results. It is certainly true that in Latin America the conviction seems to have grown largely that the egotistic motive is the one that guides the United States in its relations with these countries and the materialistic conception of the North American civilization has been more largely confirmed in recent time. The current of sympathy toward his country which Wilson succeeded in arousing during the war and which caused Ricardo Rojas to say that the legend of a ruddy and cannibalistic Yankee had disappeared and that the United States was displaying a magnificent spirit has gradually disappeared. For people in general once again the North American civilization is considered as barbaric and automatically moved only by a utilitarian objective.

We would even venture to say, at least in reference to Argentina, that she finds herself further removed from the United States to-day than she was in the sixth and seventh decades of the past century. At that time at least our people were influenced by the fervid enthusiasm for North American democracy felt by Sarmiento and Alberdi. Certainly, with France and England, the United States had captured our sympathy. To-day this has all been modified. While France continues captivating us by thé excellencies of her literature and Great Britain continues attracting our thinkers as the country of free institutions and good political sense, the United States presents herself to us as principally concerned in the conquest of our markets.

Mr. Inman then quotes from Mr. Roosevelt as follows:

If succeeding administrations can act as Wilson's is now acting in reference to mine, then unquestionably there is far heavier claims for reparation against the United States * * * by Santo Domingo and Haiti for her invasion and overthrow of their Government by armed forces without declaration of war, while Costa Rica, Nicaragua, and Guatemala, all have similar grievances, and in the case of one—I think Costa Rica—the International Court of the Isthmus has actually decided we are to blame.

Mr. Inman criticizes the course of our Government in seeking to alienate the Latin Republics from the Pan American spirit which should bind the nations of the Western Hemisphere together.

Mr. President, it would seem as if the materialistic spirit was finding a place in America; that policies foreign to democracy, imperialistic in form and in results, were being followed by the administration and supported by too many persons in this Republic.

A short time ago Doctor Gruening, one of the editors of the Nation, went to Haiti to investigate conditions there. He wrote a number of articles which were published in the paper referred to. They are corroborative of the position I have taken. In a recent editorial the Nation has this to say about Haiti:

Haiti is too small to stay in the headlight. The juggernaut of American imperialism is rolling on, crushing the life out of the proud Negro Republic, and the American people are unaware of the bitter crimes being committed in their name.

I referred earlier in my remarks to the fact that a Senate committee had been appointed to investigate conditions in Haiti. The chairman of that committee was the senior Senator from Illinois [Mr. McCORMICK]. Notwithstanding his report, it is evident that he is dissatisfied with the attitude of our Government toward Haiti, for less than a year ago he offered in the Senate the following resolution:

Whereas martial or military law was proclaimed in the territory of the Republic of Haiti by the commander of the American military forces landed there in 1915; and

Whereas such military law continues effective throughout the territory of a friendly Republic by the authority of the President of the United States; and

Whereas, under such military law, citizens of Haiti are liable to arrest by the armed forces of the United States and to trial before military tribunals of the United States, nine years after military law was first proclaimed to the end that anarchy might be checked and civil order restored: Therefore be it

Resolved, That the continuance of such military or martial law, and the liability of Haitian citizens throughout the Republic to trial before military tribunals of the United States, is undemocratic, unrepublican, and contrary to American ideals. * * *

Senator McCORMICK confirms my statement that martial and military law exist in Haiti. Mr. President, I received many letters from Haiti, some of them within the past week, protesting against military autocracy which there prevails. Haitian citizens of repute and high standing are arrested and thrown into jail without trial. Free speech is restricted and freedom of the press is unknown. Our marines are kept in Haiti to enforce the edicts of those in authority.

In the name of the Haitian people I protest against the continuation of this policy which compels a friendly people in a near-by State to submit to foreign domination.

The editorial from the Nation, which I referred to, continues, as follows:

We, the American people, conquered Haiti in 1915. There has been no legislature, no legal government in Haiti, since Smedley Butler, now settling the affairs of Philadelphia, appeared pistol in hand before the Haitian Senate (too boldly patriotic to do the conqueror's will) and dissolved it. No elections have been held. A puppet government has held power, ruling in the interest of American economic development, and ruling brutally. One branch of the government remained in Haitian hands—the courts. The Americans or their puppet government might issue decrees muzzling the press and forbidding criticism of the conqueror's acts; the courts almost invariably refused, as patroits should, to hold Haitian editors guilty. Again and again the complaint has been made that the courts were partial and preferred Haitians to marines. Naturally, what Haitian would not? Now, this last bulwark of Haitian freedom is being destroyed. On July 28, by decree, the illegal council of state abolished the permanent tenure of the magistracy.

Henceforth insubordinate judges can, and will, be removed by executive fiat. Doubtless we shall read in Navy publicity that the courts were corrupt and the magistrates ignorant; the fact is that the magistrates are being dismissed because they were too patriotic.

Elections should, constitutionally, have been held last January. Without sanction by the marines or the puppet government many Haitians insisted on exercising their constitutional rights and voting.

A senate was elected. This senate, although never sworn into office by the powers that be, has just met. It was particularly aroused by the action of the American authorities in negotiating in behalf of Haiti regarding a frontier dispute of long standing between Haiti and the Dominican Republic. It is reported that traces of oil have been discovered in the disputed territory, which makes the negotiations particularly interesting. Faced with the possible alienation of their land by their conquerors the senators drew up this protest:

"The Republic of Haiti is still under the military occupation of the United States, and the Government which rules there is not the free expression of the people's will. It is the duty of the Senate to protest against the initiative of this Government in undertaking, in the present circumstances, to settle the Haitian-Dominican dispute.

"The senate, in the name of the people from whom it obtains its powers, and under reserve of the authority of the high court of justice, declares void and of no effect any act which transfers Haitian territory to a foreign State, company, or individual without the formal consent of the authorized representatives of the nation; and declares that any citizen participating in such an arrangement is a traitor to his country.

Cauvin, César, Charmant, Honoré, Sandaire, Télémaque, Sylvain, Glémand, Hudicourt, Senators.

The editorial proceeds:

Americans applaud such courage and independence when little nations display it against other great nations. Are they blind and dumb when a weak people attempts to preserve its integrity against their own race?

Mr. President, I should like to read to the Senate a number of the letters that have come to me from Haiti. I think they would be disturbing to many Senators. Certainly when they learn of the high-handed methods there pursued, of the denial of justice, of the suppression of the press, of the incarceration of cultured and able men because they have demanded their rights and the establishment of law and justice, there would be a change in their attitude toward Haiti. I appeal to Senators and to the American people to end this Haitian tragedy, and to demand that the United States immediately withdraw from Haiti and abandon its unjust and imperialistic course toward an unoffending people. I plead to-day for the rights of the people of Haiti and ask Senators to join with me in support of the amendment which I have offered to the pending bill.

Mr. SHIPSTEAD obtained the floor.

Mr. HALE. Does the Senator intend to speak for some time?

Mr. SHIPSTEAD. I expect to speak for about an hour.

Mr. HALE. We have now come to the very last amendment in the naval appropriation bill, and I hope the Senator will allow us to go on with it and complete it, and will make his address after the bill has been passed.

Mr. SHIPSTEAD. I have been waiting for several days to make the remarks which I now desire to submit.

Mr. HALE. I hope the Senator will yield so that we may conclude the consideration of the naval appropriation bill.

Mr. KING. Why should the Senator from Maine try to interfere with the able Senator from Minnesota?

Mr. HALE. I would like very much to have the bill passed and get it into conference this week, if possible. There are a number of other important bills now before the Committee on Naval Affairs, and we have had to postpone hearings on those bills until we could get this appropriation bill out of the way. I think it would be to the interest of the country to get this bill through so that we can proceed with our meetings in the Committee on Naval Affairs, and I hope the Senator from Minnesota will allow us to go ahead with it.

Mr. SHIPSTEAD. Mr. President, I sympathize with the Senator from Maine. I know there are many questions pending before the Senate which should be taken care of. There are also many questions pending before the country which are not pending before the Congress which should likewise be taken care of. I rose to address the Senate upon a matter which I think is of importance and which has lain dormant for the entire session of Congress. It is a subject upon which there has been a great deal of discussion in the last 40 years, particularly during the last session of the Congress.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. SHIPSTEAD. I yield to the Senator.

Mr. ODDIE. Will not the Senator yield to me for a very few minutes in order that I may answer some statements just made by the junior Senator from Utah [Mr. KING] in reference to our occupation of Haiti?

Mr. KING. Mr. President, I hope the Senator from Minnesota will not yield, and I express that hope only for one reason. I am compelled to go to a meeting of the Committee on Privileges and Elections. That committee will have a meeting at 2 o'clock to pass on some very important questions, and I am compelled to be there. Of course, I would like to be here when the able Senator from Nevada replies to me, and if he will defer his reply until the Senator from Minnesota shall have concluded, I shall be happy to return and listen with great pleasure to what he may have to say.

Mr. ODDIE. It will be perfectly agreeable to me to wait until the Senator from Utah can return to the Chamber.

Mr. SHIPSTEAD. Mr. President, I purpose to discuss a question which, as I said in the beginning, has been allowed to lie dormant during this entire session of Congress.

Mr. NORRIS. Mr. President, will not the Senator yield to me to suggest the absence of a quorum?

Mr. SHIPSTEAD. I yield to the Senator for that purpose.

Mr. NORRIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ball	Ferris	McLean	Sheppard
Bayard	Fess	McNary	Shipstead
Bingham	Fletcher	Mayfield	Shortridge
Borah	Frazier	Means	Simmons
Broussard	Gooding	Moses	Smith
Bursum	Hale	Neely	Smoot
Butler	Harreld	Norbeck	Spencer
Cameron	Harris	Norris	Sterling
Capper	Harrison	Oddie	Swanson
Caraway	Heflin	Overman	Underwood
Copeland	Howell	Pepper	Wadsworth
Couzens	Johnson, Calif.	Phipps	Walsh, Mont.
Curtis	Kendrick	Pittman	Wheeler
Dial	Keyes	Ralston	Willis
Dill	King	Ransdell	
Edwards	McKellar	Reed, Mo.	
Ernst	McKinley	Reed, Pa.	

Mr. BROUSSARD. I was requested to announce that the junior Senator from Iowa [Mr. BROOKHART] is engaged in a committee hearing.

The PRESIDING OFFICER. Sixty-five Senators have answered to their names. There is a quorum present. The Senator from Minnesota will proceed.

Mr. NORRIS. Mr. President, will the Senator from Minnesota yield to permit me to make an announcement and ask to have a document printed in the RECORD?

Mr. SHIPSTEAD. Certainly.

AMERICAN COUNCIL OF AGRICULTURE

Mr. NORRIS. Mr. President, last July a great many of the leading national and State organizations connected with agriculture had a meeting in St. Paul, Minn. Out of this meeting they organized an executive committee and called it the American Council of Agriculture. This council of agriculture came down to Washington to appear before the commission appointed by the President to look into the agricultural situation. They are in the city now, and arrangements have been made for them to appear before a joint meeting of the Agricultural Committees of the Senate and House this evening at 7.30, in the committee room of the Senate Committee on Agriculture and Forestry. I desire to invite all Members of the Senate, regardless of whether they are members of the committee or not, to attend the meeting if they can possibly do so.

While I am on my feet, and with the further permission of the Senator from Minnesota, I ask unanimous consent to have placed in the RECORD a statement made by the American Council of Agriculture to the so-called agricultural conference appointed by the President. I ask unanimous consent to print it in the RECORD together with a statement of the objects of the Council of Agriculture, the letter of transmittal of the president, Mr. Peek, submitting their views to the President's agricultural conference, together with the appendix and the list of names of the national, State, and district organizations which met in St. Paul to organize the American Council of Agriculture.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

EQUALITY FOR AGRICULTURE, DECEMBER, 1924, REPRINT OF RECOMMENDATIONS FOR PLACING AMERICAN AGRICULTURE UPON EQUALITY WITH AMERICAN INDUSTRY AND LABOR UNDER OUR NATIONAL PROTECTIVE POLICY, MADE TO THE AGRICULTURAL CONFERENCE APPOINTED BY PRESIDENT COOLIDGE.

(By the American Council of Agriculture.)

THE AMERICAN COUNCIL OF AGRICULTURE

WHAT IT IS

For the purpose of speaking with one voice on the subject of extending the American protective system to include agriculture, the great agricultural organizations and associations of the country have formed a special alliance in the American Council of Agriculture. It is an executive committee of the existing farm organizations.

THE NEED WHICH PRODUCED IT

The American farmer has awakened to the fact that he does not command the political influence which is due his numbers and his importance in the Nation. His weakness has been a lack of united leadership. At St. Paul, Minn., July 11 and 12, 1924, definite steps to remedy this were accomplished. The leaders in agriculture were united in the American Council of Agriculture.

HOW IT WAS LAUNCHED

Following the defeat of the McNary-Haugen bill in Congress, those who had labored at Washington for its adoption called a conference to determine what steps should be taken to secure "equality for agriculture." The conference was held at St. Paul on July 11 and 12, 1924. It was attended by representatives of 49 farm organizations. It founded the American Council of Agriculture, determined a course of action as expressed in a "Declaration of purpose," adopted a constitution, named officers, and selected an executive committee.

THE COURSE OF ACTION

The farmer gets for his products a price which is determined by world conditions. Industry gets for its goods, and labor for its services, a price determined by the tariff and other protective measures. Industry and labor enjoy the so-called American standard which is one of America's proudest boasts. The farmer does not because the tariff has no effect on prices of export agricultural crops. The result is that the farmer sells cheap but is compelled to buy dear. The course of action laid out before the American Council of Agriculture is to work for "equality for agriculture," for a 100-cent dollar for the farmer, by the extension of the protective system to include agriculture on our surplus crops; for equality for agriculture with labor and industry.

THE PROGRAM

The American Council of Agriculture hopes to secure, through the committee appointed by President Coolidge, legislation to effect this purpose. It aims to unite the strength of all farmers to this end.

AMERICAN COUNCIL OF AGRICULTURE,
Chicago, Ill., December 17, 1924.

Hon. ROBERT D. CAREY,
Chairman President's Agricultural Conference,
Careyhurst, Wyo.

DEAR MR. CAREY: Following your suggestion, we are mailing you herewith a memorandum in which the American Council of Agriculture sets forth its analysis of certain factors that make for disparity between agriculture and other important interests. We are mailing copies directly to each member of your committee.

We respectfully request that you give very careful consideration to the problem and to the suggested solution outlined in this memorandum and that you urge upon your associates the necessity of reporting upon it to the President, with your recommendations as to

the steps that should be taken at once, not only to relieve agriculture from the price inequality that is inherent in the American protective system in its present stage, but to prevent a recurrence of the recent collapse in prices of our basic agricultural commodities.

The American Council of Agriculture was created by representatives of national and State farm and cooperative marketing organizations for the sole purpose of addressing itself to the problem of securing an American price independent of world price, for the portion required by the domestic market, of any basic farm product of which a surplus must be sold in export. The scope of the council is thus closely limited, but within those limits it desires to offer you and your associates its complete and cordial cooperation.

With best wishes for your success in dealing with the important problem that is before you, we are

Yours very truly,

AMERICAN COUNCIL OF AGRICULTURE,
By GEORGE N. PEEK, *President*.

PART I. THE AGRICULTURAL SITUATION

I. THE FUNDAMENTAL PROBLEM OF PRICE

The American farmer is chained to a world price level for those great crops like corn, cotton, wheat, and pork of which he produces a normal surplus over domestic requirements. This condition attracted no great degree of attention as long as agricultural and world general price levels retained substantially the same relation with each other that existed while present farming enterprises were being established and developed. It has been thrust into the foreground of national problems following the postwar deflation, when farm prices in the United States followed world farm prices as they returned nearly to pre-war levels, while prices for most goods and services for which the farmers' crops are exchanged were upheld, far above their pre-war position, by industrial and labor organizations, operating behind the effective American protective system created to a large extent by legislative enactments and other governmental activities in recent years.

The war brought about a closer association of industrial interests engaged in kindred lines than the country had known before. Compared in number and geographical distribution with the farmers, industrial enterprises are few and concentrated. They are closely knit by trade associations. Where no such association was in existence prior to the war, it was developed under the encouragement of the Government through such agencies as the War Industries Board, the Food Administration, and the Fuel Administration which found the task of mobilizing the Nation's manufacturing and distributing power simplified when it could deal with an organization of producers and distributers rather than with individuals in any industrial line.

Farm prices that are governed by world prices, and industrial prices and wages that are effectively protected, therefore, are acutely out of line. The sign of this in postwar years has been a farm dollar whose buying power has been cut nearly in half because of the low exchange value of wheat, pork, and beef. Its attendant circumstance of wholesale farmer bankruptcy, farm abandonment, and a rapid depletion of capital invested in farms and farming, representing years, even generations of toil, is too familiar to require extended discussion.

The National Industrial Conference Board, 247 Park Avenue, New York, has recently made known the results of its statistical study showing exchange value per acre to the farmer at the farm of the principal farm commodities for the years 1920, 1921, 1922, and 1923. This study differs from most others measuring the purchasing power of farm products in that it uses retail prices of selected articles required by farmers instead of the more easily quoted wholesale prices; it figures crop value by the acre production rather than the bushel standard; and the price of farm products used is the price to the farmer, rather than terminal market price which includes relatively high freight rates and other factors that have increased rather than diminished since pre-war years.

The following table, taken from those figures, shows the exchange value for the last four years, compared with 1914, on four principal food products, wheat, corn, beef cattle, and hogs:

Food products	1914	1920	1921	1922	1923	Average
Wheat	100	54	41	46	41	45
Corn	100	56	48	63	69	57
Beef cattle	100	60	59	49	48	51
Hogs	100	76	59	62	51	62

Four-year average 53.

Agriculture can not long survive such a condition, nor can industry expect anything like a normal business permanently when a large proportion of our population has its purchasing power so seriously reduced.

It is a common mistake to assume that there has been insufficient demand for these commodities since the war; as a matter of fact there has been ample demand both at home and abroad for all that the farmers of the United States have produced, and at a "dollar" price generally equal to or above prices received before the war. Our exports of corn, pork products, and wheat have been larger in volume since 1920 than they were in pre-war years. (See Table A.) The trouble with the postwar exchange value is not only that farm prices are too low, but that other prices are too high.

It is also a mistake to assume that this postwar exchange value is due wholly to an increased postwar production of basic farm commodities. Such assumption is not supported either by sound economic theory or by the facts respecting farm production. The theory generally accepted—at least up to 1920—was that the greater the exportable surplus of farm products the greater the farmers' contribution to the common good and the Nation's wealth. Our entire national land and agricultural policy has been aimed toward a maximum production from our farms. Increased postwar production did not create the exportable surplus as a new factor in American agriculture; this county has been on an export basis since the Civil War.

II. RELATION OF PRODUCTION TO DOMESTIC DEMAND AND POPULATION

The American Council of Agriculture feels certain that your honorable body will study all facts carefully before placing the stamp of your approval on the too-common view that there is overproduction of the basic food necessities in the United States. It would seem that numbers of our citizens are engaged in disseminating the opinion that production of important food crops and livestock has been expanded and increased out of proportion as a result of the war and its price stimulation. The fact is that production, in comparison with our population, has declined, not increased. The American supplies of wheat, corn, cattle, and swine per capita of population in this country are now and have been for the past 5, 10, and 15 years below those of 20, 30, 40, and, in the case of swine, 50 years ago.

It is unfortunate that many spokesmen for agriculture accept the view that the farmers' troubles come from overproduction and are blind to the fact that production is steadily falling behind population in the United States.

The following figures illustrate this point. They are set forth in greater detail in an appended table:

Wheat: Five-year average production (1920–1924) per capita of population, 7.296 bushels, compared with 7.406 bushels for 1910–1919; 7.441 bushels for 1900–1909; and 7.33 bushels for 1890–1899.

Corn: Five-year average production (1920–1924) per capita of population, 26.108 bushels, compared with 26.112 bushels for 1910–1919; 27.284 bushels for 1900–1909; 27.599 bushels for 1890–1899; and 26.879 bushels for 1880–1889.

Cattle: Five-year average (1920–1924) number per capita of population, 0.3762 head, compared with 0.3762 head for 1910–1919; 0.5119 head for 1900–1909; 0.4408 head for 1890–1899; and 0.5002 head for 1880–1889.

Swine: Five-year average (1920–1924) number per capita of population, 0.5466, compared with 0.6194 for 1910–1919; 0.5729 head for 1900–1909; 0.6029 head for 1890–1899; 0.7085 head for 1880–1889; and 0.5957 head for 1870–1879.

See Table B.

Other than milch cattle.

The existence of an exportable surplus of a vitally important food crop or commodity is not an evil, nor should the aim be to render it nonexistent by acreage reduction. For well over a half century the United States has been on an export basis with wheat, corn, cotton, pork, and other commodities. (See Table A.) No human power can adjust acreage in crop or number of livestock so as to be certain of having no surplus for export on the one hand without inviting national underproduction, possibly famine, on the other. From the consumers' viewpoint, nothing could be more dangerous than to urge deliberate curtailment of the potential supply of the essential food elements. From the national viewpoint, the grave danger in such a policy is best pictured when one asks oneself the question: "What would have happened to the United States and to the Allied Nations in the late war if the agriculture of the Nation previously had been reduced to a domestic basis?" It was the fact that they were then on an export basis that enabled the farmers of the United States to supply quickly to the Allies food that was necessary to carrying on the war.

If the farmers of the United States are not to be reduced to the danger line, with years of hardship, and hundreds of thousands of individual tragedies accompanying the reduction, this country must either speedily abandon its legislated policy of protection so that general prices in America will descend in harmony with farm prices, or there must be devised a new method whereby farmers may dispose of the exportable portion of their crop without having it determine the domestic price. There is no other way for the farmers to secure an American price for the American consumption, independent of the world price for the surplus.

If it were not for the great debt that lies upon the public in general and on agriculture in particular, public policy might point the way toward equality for agriculture by bringing all prices and wages down

to the pre-war levels. The theory is advanced that this could be speeded by removal of the various forms of protection afforded labor and industry under our laws. But this debt should be paid off with a dollar as nearly equal as possible in purchasing and debt-paying value to the dollar of the period when the debt was contracted. The council believes that the wise solution is to include the farmer in the American protective system along with industry, labor, transportation, and finance; to level him up rather than to seek to level the others down.

III. THE THEORY OF THE AMERICAN TARIFF

The basic principle of the American protective tariff is to "equalize differences in costs of production in the United States * * * and in competing foreign countries." (Tariff act of 1922.) This has been successful in protecting and expanding industry, to nurture which our laws have been aimed since the first tariff act was passed on July 4, 1789.

The United States reached and passed a significant milepost since the outbreak of the World War in 1914, when industry and labor secured further legislation for their benefit which resulted in a great disadvantage to agriculture. Not for the benefit of a class, but for our national good, it is now time to establish a definite policy of effective protection for agriculture, or else to remove from agriculture the subsidy assessed against it for the benefit of other groups. The cornerstone of our social structure, and the bulwark of our national institutions are formed of the home-owning, independent, and contented farmers. It is time to challenge the wisdom of a system that not only does not encourage an independent and contented agriculture, but is actually threatening to destroy it. Such a system is inequitable from the standpoint of agriculture, but even more than that, it is wrong as a national economic and social policy.

The whole protective structure in the United States enhances farm production costs above those in lands whose products, sold in the world market, definitely establish the price at which the American farmer is compelled to sell in his own domestic market.

IV. THE WEAK LINK IN THE SYSTEM

For those great crops of which we produce a normal surplus above domestic needs, the mere writing of a schedule in the tariff law does not tend "to equalize differences in costs of production at home and in competing foreign countries." No one now seriously questions that the price at which the surplus sells in export, establishes the price on the home market, regardless of what the tariff law may provide, unless there is some means of disposing of that surplus abroad in such manner as to maintain an American price behind the protective tariff wall.

To use a familiar illustration with wheat, it is apparent that no grain firm or wheat-marketing association in the United States, as long as approximately 1 bushel in 5 has to be disposed of on the export market, can sell under existing conditions, even for home consumption, for a price higher than that fifth bushel can be sold for abroad. If the wheat price at Liverpool sets an export price of $1.25 a bushel at American ports, the domestic price of wheat throughout the United States will be based on $1.25 a bushel on the Atlantic seacoast. The price will be about the same in Canada, regardless of the fact that we have a 42-cent tariff on wheat, expressly intended to protect the American farmer in his home market by equalizing differences in cost of production between his operations and those of his foreign competitor. It can be no different as long as the problem of the "fifth bushel" remains undisposed of.

It is true that this year witnesses an improvement in the wheat situation, but it would be sheer folly to consider this a permanent change due to fundamentally new conditions.

"The Agricultural Situation," issued monthly by the Bureau of Agricultural Economics of the United States Department of Agriculture, said on November 1, 1924:

> "The wheat situation represents an almost spectacular combination of circumstances. We alone have a good wheat crop while the consuming world is short of bread grains. But to regard this year's situation as representing any lasting alignment of supply and demand is to mismeasure the forces on both sides. It is one of those lucky accidents that sometimes happens once."

As having direct bearing on the problem of the surplus farm crops, the council takes the liberty of quoting from the resolutions adopted by the National Association of Commissioners, Secretaries, and Departments of Agriculture at their meeting on December 2, 1924:

> "The protective principle affects only those farm crops of which we produce less than we consume, examples of which are wool, flax, and sugar. In the case of those crops of which there is an exportable surplus, the case is quite different. The price of the exportable surplus is fixed by world-wide competition and is unaffected by a so-called protective tariff. The price level of exportable surplus in turn determines the price level of all that portion of the commodity required for domestic consumption. It is apparent, therefore, that the producer of these farm crops having a surplus available for export, sells at price levels determined by world-wide competition, but buys in a market restricted by the operation of the protective principles. Examples are: Wheat, corn, pork, and, to some extent, dairy products."

The association which unanimously adopted the resolutions from which the above is quoted is composed of the executives of the State departments of agriculture in 44 States of the Union, men in closest touch with the agricultural problems and needs of their several States.

It is the plain duty of anyone representing agriculture and of any official body charged with present responsibility of leadership in working out a solution of the tremendous economic problem of the farmers to give immediate study and counsel as to steps that may be taken to prevent a recurrence of the situation that has surrounded the wheat farmer since 1920, and which still affects with deadening adversity the condition of certain other parts of our farm citizenship.

V. CONSIDERATION OF ALTERNATIVE PROPOSALS

It becomes necessary to examine important recommendations that have wide popular support and that aim toward correction of the conditions that have been described. These are:

1. That crop production be adjusted to domestic demand so that there will be no surplus for export, or

2. That farmers by voluntary cooperative action organize to dispose of the surplus and thus maintain an American price with the aid of the protective tariff.

In support of the first recommendation it has been argued that since the surplus is such a troublesome and costly part of the Nation's crop farmers should reduce their acreages so that there would be no surplus. One need only consult comparative tables showing acreages and yields of two important crops—wheat and cotton—for recent years to realize how fantastic and impossible such a proposal is from the practical standpoint. From the point of view of national welfare it would prove dangerous.

In 1924 our national wheat acreage was 4,400,000 acres below that of 1923, but our estimated wheat yield was 70,000,000 bushels greater than in 1923, figures being: 1923, 58,308,000 acres, yielding 786,000,000 bushels; 1924, 53,818,000 acres, yielding 856,000,000 bushels. The 1924 wheat acreage in the United States was but 1,500,000 acres greater than in 1916, but our yield was 220,000,000 bushels greater in 1924. Our wheat acreage in 1923 was 2,000,000 acres less than the acreage in 1915, but the 1915 yield was 240,000,000 bushels greater than that of 1923.

In 1923 the South, with cotton harvested from 37,420,000 acres, reached its maximum acreage in all history, but picked only 10,281,000 bales. Compare that with the year 1914 when 36,832,000 acres—588,000 acres less than in 1923—yielded 16,135,000 bales, 5,854,000 bales more than in 1923. (P. 796, United States Department of Agriculture Yearbook, 1923.)

The summary of the pig surveys conducted by the United States Department of Agriculture for 1922 and 1923 shows a fluctuation in average number of pigs per litter of 20 per cent in the fall pig crops of those years. (P. 948–49, United States Department of Agriculture Yearbook, 1923.)

No human agency can adjust acreage or number of these great commodities and, except by accident, arrive at or anywhere near the desired mark in production. No human agency should attempt to. The one attempting it would be faced with the necessity of suggesting substitute crops to utilize the acres thus vacated. The difficulty of this is apparent. It is noteworthy that those ardent advocates who in 1923 would have turned the wheat farmers into commercial producers of butterfat, are now silent in the face of existing conditions in the dairy industry.

Even if it were possible for farmers through voluntary organization to make a nice adjustment of acreage to the estimated domestic demand, there is no possible way of forecasting to what extent drouth and flood, hail and freeze, insects and disease—all these and others beyond the farmers' powers to foresee and control—would thwart such calculations.

The great task is to deal with this normal surplus so as to preserve the home market for American producers at an American price that does equalize differences in production costs between farmers of this and competing countries. Those without experience in trying to accomplish this say: "Let the farmers organize cooperatively to do this thing." Undoubtedly, if this were practical, it would be the very remedy sought for. Cooperative organization has done great good for agriculture in this and other countries, and in years to come is destined to accomplish vastly more. The opportunity for cooperatives to demonstrate their worth by helping farmers secure a fair price for their products would be immensely increased if the question of the disposal of the surplus were itself disposed of otherwise. But to maintain a domestic price above world levels and at the same time dispose of a substantial surplus at the world price, is a task which cooperative organizations of farmers alone can not do, and which, if attempted by them, would destroy them.

To illustrate again in the case of wheat: By the use of the imagination it is possible to conceive of 75 per cent of the 2,000,000 farmers growing wheat organized in one cooperative marketing association. Its task is to sustain a domestic price above world levels behind a tariff wall. To do this it must sell from 150,000,000 to 200,000,000 bushels of wheat abroad at the world price for which it pays its members the protected domestic price.

The existing tariff on wheat is 42 cents per bushel. To complete the illustration, assume that the domestic price is 40 cents a bushel above the world price, held there by the activities of the cooperative association, which is taking the surplus out of the country and selling it at a loss of 40 cents a bushel. This loss, which would amount to from $60,000,000 to $80,000,000 in the present illustration, would have to be assessed back on the membership of the association, who would even then be receiving more net per bushel for their wheat than they would have received without the corporation. But the difficulty lies in the fact that the 25 per cent of the wheat growers outside the cooperative association, also receiving full benefits from the protected domestic price, do not have any of the assessment to pay. Consequently the outsiders would receive substantially a higher price than the members of the association. The members, realizing this, would prefer to become outsiders themselves, and the cooperative association would then speedily enter the process of dissolution.

On the other hand, if it were possible for the cooperative association to dispose of the surplus and compel all who marketed their wheat to pay their pro rata share of the costs and losses involved in dealing with the surplus, regardless of their voluntary attitude toward the association, then success might be attained. Or if some one outside the cooperative association attended to thus disposing of the surplus, cooperative associations would be powerful factors in the domestic market and should be able to assist materially in obtaining a fair price in the American market for the American producers.

PART II. THE REMEDY

I. TWO IMPORTANT AGENCIES ARE NEEDED

With the preliminary discussion contained in Part I, the American Council of Agriculture desires respectfully to state its position and make its recommendations to those charged by the President of the United States with the responsibility of advising him, and through him the Congress of the United States, on steps to be taken on behalf of agriculture.

The council represents that there are two agencies required to deal with the existing and confronting situation:

1. A workable device to divert the surplus, the expense of which would be borne by all the producers intrinsically benefited.

2. Cooperative associations of producers which would be effective, with the problem of the surplus removed, in sustaining and stabilizing the domestic price back of the tariff wall.

Both of these factors are essential. Each supplements the other. But since the American Council of Agriculture was established for the sole purpose of promoting equality for agriculture by addressing the problem of the disposal of the surplus, its recommendations made herewith are confined to that end.

II. THREE YEARS OF RESEARCH—ITS RESULT

Almost three years ago the late Henry C. Wallace, Secretary of Agriculture from March 4, 1921, until his death, caused to be started a careful and thorough study of the agricultural situation in the United States which during his term of office reached a state of crisis. During three years Secretary Wallace had at his service what is probably the greatest organization of agricultural experts, students, and workers in the world. This council, therefore, respectfully submits that the recommendations of the late Secretary, founded upon organization research covering three years, might well be made the starting point of any present study of the same problems.

In his special report on the wheat situation to President Coolidge, dated November 30, 1923, the then Secretary of Agriculture said:

> "Inasmuch as the first step looking toward increasing the domestic price requires the disposition of the surplus over and above domestic needs, * * * the suggestion that the Government set up an export corporation to aid in the disposition of this surplus is worthy of the most careful consideration. Such a corporation necessarily would need rather broad powers. It would not be necessary that it should undertake to handle the entire crop, and it could probably carry on its activities in cooperation with existing private agencies. If it should be found necessary to arrange for the sale of the surplus exported at a price much lower than the domestic price the loss so incurred would properly be distributed over the entire crop."

In his general report to President Coolidge, made at about the same time, referring to the same project, Secretary Wallace said:

> "While the plan proposed could be applied more easily to wheat than to some other agricultural products, obviously, if favorably considered, it should not be confined to dealing in wheat alone. It should include all agricultural products of which we have a considerable exportable surplus and the prices of which are substantially out of line. Especially should provision be made for handling pork products, of which we export large quantities and which also were brought under Government control during the war."

III. OUTLINE OF SUGGESTED LEGISLATION

The object of the plan suggested in this outline is to create a farmers' export corporation in the most direct and simple manner consistent with the preservation of the features necessary for successful action.

These are:

1. Power to divert a surplus above domestic needs to the world market, so that cooperative marketing associations, assisted by the buying activities of the farmers' export corporation, may be able to make the protective tariff effective in equalizing differences in costs of production of major farm commodities in the United States and in competing foreign countries.

2. Adequate working capital.

3. Power to collect from each unit of each commodity handled in this manner, as it moves in trade, an amount sufficient to prevent impairment of working capital.

4. A protective tariff.

The above powers should be granted in as simple a measure as possible. It would seem to fall into three parts, as follows:

Part I. Creation of a farmers' export corporation of 15 individuals, the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce to represent the general public interest; and 12 individuals appointed by the President, one from each of the 12 Federal land bank districts, from nominations made in each district by bona fide farm organizations. The life of the corporation to extend to June 30, 1930.

Such funds as may be needed to be advanced possibly from the funds of the War Finance Corporation, returnable out of the equalization fees described in Part II.

The 15 incorporators would make up the board of directors, with power to organize a smaller executive committee from the appointed members, to hire administrative officers, and otherwise to exercise the powers of a corporation. Directors would receive a per diem and expenses while attending meetings.

Part II. Broad grant of general and special powers to the corporation to buy and sell, or to contract with others to buy and sell, farm commodities, lease and operate storage and processing facilities, and exercise all functions necessary and proper to its purpose, which is to segregate the surplus of a farm commodity above domestic requirements and hold it or dispose of it at world price levels. Powers would include authority to operate with a premium or bounty on exports if desired.

This part of the bill would provide for the collection of equalization fees and the apportionment of expenses and losses in export sales out of equalization funds.

Part III. Miscellaneous provisions, including power of restriction of imports by proclamation of the President; utilization of services of Government agencies in collection of equalization fees, and in other ways; penalty clauses, and declaration of separability of sections of bill in event any one should be found unconstitutional.

IV. BRIEF OF EXPLANATORY ARGUMENT

The above powers were all included in the McNary-Haugen bill, which was before Congress last winter, but there were other features in that bill to which serious objections were raised, which the council suggests might be omitted from a bill drawn on simpler lines but which still maintains powers ample for an effective farmers' export corporation.

The suggested plan would simply make existing tariff schedules under the Fordney-McCumber tariff law of 1922 effective on those crops and agricultural commodities of which a surplus above domestic requirements is produced. This would eliminate two features of the McNary-Haugen bill which aroused strong opposition—the ratio price and the powers conferred upon the President to fix tariff rates at will.

The assumption underlying American protective tariff law is that duties shall be levied sufficient to equalize differences between cost of production at home and abroad. The McNary-Haugen bill sought to base agricultural tariffs somewhat differently by having the President fix rates that would protect a domestic price level that fluctuated, not in harmony with the world level but with the general price level in this country as measured by the all-commodity index.

The plan suggested now would, when made effective, permit the maintenance of a domestic price level that fluctuates in harmony with the world price level, but approximately the height of the tariff wall above it.

Under the McNary-Haugen bill the corporation was compelled to buy at the "ratio price," which was mathematically fixed in relation to the all-commodity index, giving the occasion for opposition to the bill as "price fixing." The proposed plan would have the corporation go into the market to buy up and divert the surplus at whatever prices prevail, but get it out of the way so that domestic prices could rise to the height of the tariff wall or be forced there by the activities of the export corporation. Not even the most active opponent of legislation

providing equality for agriculture could think of the plan herein suggested as "fixing" prices.

Under the proposed plan it would not be necessary to introduce any new tariff principle in the measure. This would take away the ground for much of the opposition of the Tariff Commission and of those who objected to the powers conferred upon the President to fix tariff schedules at will. The Fordney-McCumber law fixes tariff rates on most agricultural commodities and gives the President power to increase them by one-half upon a showing that existing rates do not equalize differences of cost of production in the principal competing country and in the United States. It is proposed in this plan to take advantage of this existing tariff law, making it effective through the export corporation, without introducing any new tariff principle.

Every care should be taken to set the new agency up as a farmers' export corporation, limiting the Government participation to the bare minimum necessary to a comprehensive grant of powers.

The council, through its legislative committee, will shortly submit to your honorable body for consideration a preliminary draft of a bill designed to set up such a farmers' export corporation.

Respectfully submitted.

AMERICAN COUNCIL OF AGRICULTURE

CHICAGO, ILL., *December 2, 1924.*

APPENDIX

TABLE A

Average net exports and average price by periods 1870–1923, of wheat, corn, and swine.

TABLE B

Average production per capita of total population by decades 1870–1924, of wheat, corn, milk cattle, cattle other than milk cattle, and swine.

TABLE A—*Average net exports and average price at farms by periods* [1]

WHEAT

Period	Average net exports per annum	Farm value
	Bushels	*Cents*
1870–1879	84,917,277	99.4
1880–1889	126,218,314	83.4
1890–1899	171,588,531	65.1
1900–1909	14,954,264	76.7
1910–1914	152,198,991	86.0
1915–1920	209,183,866	109.3
1921–1923	208,037,522	95.2

[1] Based upon tables of U. S. Department of Agriculture 1923 Yearbook, pp. 602, 662, and 908.

CORN

Period	Average net exports per annum	Farm value
	Bushels	*Cents*
1870–1879	85,021,595	40.5
1880–1889	58,656,127	40.5
1890–1899	113,315,367	34.0
1900–1909	75,321,295	47.1
1910–1914	39,272,878	68.4
1915–1920	30,399,912	102.0
1921–1923	[1] 137,913,707	60.2

[1] Two years, 1921–22.

SWINE [1]

Period	Average exports per annum	Farm value per head
	Pounds	*Cents*
1870–1879		4.62
1880–1889		5.19
1890–1899		4.83
1900–1909		6.50
1910–1914	911,385,000	9.36
1915–1920	1,705,721,000	16.77
1921–1923	1,610,487,000	11.10

[1] Gross exports of fresh pork and pork products—does not include exports of live hogs.

Census	Population
1879	50,155,783
1889	62,947,714
1899	75,994,575
1909	91,972,266
1919	105,710,620
1924	112,679,797

Estimated population 1924, based on assumption that population increase 1919–1924 (5 years) was one-half the increase of 1909–1919 (10 years).

TABLE B—*Production per capita by decades* [1]

Decade	Average production of wheat per year	Per capita production
	Bushels	*Bushels*
1870–1879	317,166,300	6.32
1880–1889	444,077,600	7.215
1890–1899	556,694,300	7.33
1900–1909	684,363,300	7.441
1910–1919	782,931,400	7.406
1920–1924	831,454,000	7.296

[1] Based upon tables of U. S. Department of Agriculture 1923 Yearbook, pp. 602, 662, 879, and 945.

Decade	Average production of corn per year	Per capita production
	Bushels	*Bushels*
1870–1879	1,212,013,100	28.165
1880–1889	1,692,018,700	27.879
1890–1899	1,985,190,300	27.599
1900–1909	2,508,970,300	27.284
1910–1919	2,760,320,600	26.112
1920–1924	2,939,313,600	26.108

Decade	Milk cattle on farms in United States (average number)	Milk cattle per capita of population
1870–1879	19,602,200	0.213
1880–1889	13,686,800	.217
1890–1899	16,227,500	.238
1900–1909	18,644,000	.2021
1910–1919	21,643,900	.2047
1920–1924	24,102,900	.21408

Decade	Other than milk cattle on farms in United States (average number)	Other than milk cattle per capita of population
1870–1879	17,190,400	0.3425
1880–1889	32,055,700	.5092
1890–1899	33,467,600	.4408
1900–1909	47,085,700	.5119
1910–1919	39,776,700	.3762
1920–1924	42,490,400	.3762

Decade	Swine on farms in United States (average number)	Swine per capita of population
1870–1879	29,877,600	0.5957
1880–1889	44,602,000	.7085
1890–1899	45,775,560	.6029
1900–1909	52,693,000	.5729
1910–1919	65,477,600	.6194
1920–1924	61,539,000	.5466

ORGANIZATIONS PARTICIPATING IN AGRICULTURAL CONFERENCE HELD AT ST. PAUL, MINN., JULY 11 AND 12, 1924, AND CONSTITUTING THE AMERICAN COUNCIL OF AGRICULTURE

National Organizations: American Farm Bureau Federation, American Wheat Growers Associated (Inc.), Farmers' Educational and Cooperative Union of America, National Cooperative Milk Producers' Federation, National Grange, National Livestock Producers' Association, National Producers' Alliance.

State or interstate organizations: Colorado Wheat Growers' Association, Corn Belt Meat Producers' Association, Corn Growers' Association, Equity Cooperative Exchange, Equity Union Marketing Association, executive committee for promotion of McNary-Haugen bill, Indiana Farm Bureau Federation, Indiana Wheat Pool, Illinois Agricultural Association, Iowa Farm Bureau Federation, Iowa State Grange, Minnesota Export Commission League, Minnesota Farm Bureau Federation, Minnesota Wheat Growers' Cooperative Marketing Association, Missouri Farmers' Association, Missouri Farm Bureau Federation, Montana State Farm Bureau Federation, Montana Wheat Growers' Association, Nebraska committee for promotion of McNary-Haugen bill, Nebraska Farm Bureau Federation, North Dakota Wheat Growers' Association,

North Dakota Farm Conference Committee, Oklahoma Farmers' Union, Oklahoma Wheat Growers, Oregon Cooperative Grain Growers' Association, Oregon Farmers' Union, South Dakota Export League, South Dakota Wheat Growers' Association, Washington Export Commission League, Washington Wheat Growers' Association.

County and district organizations: Clarkfield Farmers' Elevator Association (Minn.), Fairbault County Farm Bureau (Minn.), Farmers' Association of Pennington County (Minn.), Farmers' Elevator Co. of Avoca (Minn.), Hardin County Farm Bureau (Iowa), Henry County Farm Bureau (Ill.), Henderson County Farm Bureau (Ill.), Humboldt County Farm Bureau (Iowa), Juab County Farm Bureau (Utah), Kossuth County Farm Bureau (Iowa), Marshall-Putnam County Farm Bureau (Ill.), McLean County Farm Bureau (Ill.), Plymouth County Farm Bureau (Iowa), Redwood County Farm Bureau (Minn.), Rock County Farm Association (Minn.), Rock Island County Farm Bureau (Ill.), Richland County Farmers' Alliance (N. Dak.), Traverse County Farm Bureau (Minn.), Vermilion County Farm Bureau (Ill.), Woodbury County Farm Bureau (Iowa), Yellow Medicine County Farm Bureau (Minn.).

STOCK INFLATION VERSUS PROSPERITY

Mr. SHIPSTEAD. Mr. President, a few moments ago I called attention to the fact that Congress will adjourn within a very few weeks and I now desire to say that at this session of Congress to the best of my knowledge there has been no economic legislation enacted with the exception of the action taken on the question of Muscle Shoals and that is still before the Congress. I have just completed a survey of the present condition of commerce, business, and transportation in the United States. It was undertaken for my own information. The result of that survey was to me so amazing that I felt it my duty to call it to the attention of the Senate for fear that Senators have been led to believe, as I had partially been led to believe, the newspaper stories to the effect that the so-called prosperity of the United States was in the ascendency.

I make this announcement of the survey with a great deal of reluctance. In many respects I have been disappointed. It affects the woof and warp of our social and commercial life. As I have taken occasion before to call to the attention of the Senate certain phases of the rise and fall of the business index and price index and the influence upon the price index and business condition of the country of the manipulation of money and credit, very often in cooperation with the Secretary of the Treasury. I find in that another reason why I should call the attention of the Senate to the result of the survey I have made. It affects the agricultural and business life of the Nation.

We have had an Agricultural Department of the Government in operation for something like almost half a century. We have had in practically every State in the Union an agricultural college whose purposes have been to study the condition of agriculture.

Congress at various times has conducted investigations into the condition of agriculture. The Department of Agriculture has had various departments for research and has had county agents in almost every county in the United States. After these 30 or 40 or 50 years of investigation into the question of agriculture we came to the conclusion last summer that we did not know anything about it, and so the President decided to appoint a commission whose occupation was said to be the study of agricultural conditions. I have always held that the question of the study of agriculture can not be made on a scientific basis unless it is studied in relation to the other business structure of the country.

Within the last two months we have had a very interesting phenomena upon the New York Stock Exchange market. A study of the discount and credit situation in the last six months has been a very interesting study, and particularly so when we view the period of 1920 and 1921 as a background. At that time it will be remembered we had a tremendous shrinkage in commodity values and stock and bond values.

Coupled with that situation we had at that time a constant increase in the rediscount rate and a constant shutting off of credit to legitimate business and a constant increase of credit to the speculative interests where bonds and stocks are sold. As a result of that restriction of money and credit and the rise in the discount rate we had a shrinkage of value all over the country, the total of which has been estimated by various reputable sources as going into the billions of dollars.

Now we have apparently an opposite operation taking place. This also was apparently in cooperation with the operations of the Secretary of the Treasury and the Federal reserve banking system.

The New York Stock Exchange has been enjoying the greatest orgy of stock sales in its history. Under the stimulus of 2 per cent "call money," aided by the Treasury and Federal Reserve Board, the volume of stock sales has doubled and now reaches a daily average of 2,000,000 shares.

The price inflation on leading stocks averages 25 per cent of par value. The aggregate volume of inflation of only 200 leading shares, or about one-fourth of the New York Exchange stock list, was $3,000,000,000 during the six weeks ending December 15 last. The total inflation for all stocks listed during the 60 days ending December 31 will not be less than $6,000,000,000.

The usual "call loan" rate during November and December since the Federal reserve act was first passed by Congress is around 5 per cent to 6 per cent. The average November "call" rate for the five years 1919–1923 was 5½ per cent. But it was deemed necessary by the powers that be to give the country an object lesson in "prosperity" following the fall election. So, instead of 5½ per cent "call" money as the usual November rate for the former five years, it was decided by those in Treasury control to take off the lid and reduce the "call" rate to the 2 per cent minimum, as in the good old days before the Government tried to check the flow of the country's bank reserves to Wall Street stock gambling.

It seemed to be the case of the end justifying the means. All pretext of restraining stock gambling by Federal reserve control was thrown to the winds. So we have 2 per cent to 3 per cent "call" money back at the old stand, a daily stock sale of 2,000,000 shares, and an inflation of 25 per cent, netting $6,000,000,000 of paper profits to the faithful.

I call to your attention that the farm loans of the country have not responded to this low money rate in Wall Street.

The average layman reading newspaper headlines and the story of the stock boom might naturally conclude that the country was indeed enjoying an era of unusual industrial prosperity. But when we come to read the data beneath the scare heads and compare 1924 with 1923 and previous years, we find only a gilded mirage. October, 1924, indeed shows gains, but over what? Over the low point of the summer of 1924. The October gains are only seasonal and are less than in previous years.

I would not venture to throw a wet blanket over the advertised "prosperity" produced by the stock exchange, if I did not have before me the December Federal Reserve Bulletin, of which Hon. A. W. Mellon, Secretary of the Treasury and chairman of the Federal Reserve Board, is editor in chief. All data on the subject of the country's industrial prosperity that I have to offer at this time are derived from that fountain authority—which no one will deny is ex cathedra. If the following industrial data, therefore, are looked upon as pessimistic and as showing that the stock market boom is artificially manufactured and without industrial foundation, you will have to lay the official blame upon the author of the data—Hon. Andrew W. Mellon, chairman of the Federal Reserve Board and likewise the official chiefly responsible for 2 per cent and 3 per cent "call" loans.

Following economic custom in seeking an index of industrial prosperity, we first take the iron and steel industry. Page 953 of the Federal Reserve Bulletin for December sets up in parallel columns the leading items of iron and steel activity for October, 1924, compared with October, 1923. Against these items I append the percentage of 1924 shrinkage.

Commodity movements	October, 1924	October, 1923	1924 decrease
			Per cent
Iron-ore shipments at Lake Superior (long tons)	5,597,000	8,100,000	44½
Pig-iron production (long tons)	2,477,000	3,149,000	27
Steel-ingot production (tons)	3,111,000	3,577,000	15
Unfilled orders, United States Steel Corporation (long tons)	3,525,000	4,673,000	32½

I might say that the percentages of decrease which I have just cited are for the month of October, 1924, as compared to the month of October, 1923.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nebraska?

Mr. SHIPSTEAD. Yes.

Mr. NORRIS. The percentages the Senator is citing, as I understand him, are of decreases for a year?

Mr. SHIPSTEAD. No.

Mr. NORRIS. Are they decreases merely for one month?

Mr. SHIPSTEAD. They are the percentages of decrease for the month of October, 1924, over the month of October, 1923.

Mr. NORRIS. Why did the Senator select October? Can he give us the percentages for the entire year?

Mr. SHIPSTEAD. Yes; I shall do so later.

Mr. NORRIS. Very well.

Mr. SHIPSTEAD. I will say to the Senator that I quote the percentages for October at this time because they appear not in the last but in next to the last issue of the official Federal Reserve Bulletin.

Mr. NORRIS. It seems to me that statistics covering the whole year would be much more reliable than statistics covering only one month. There might have been some particular reason for the difference in the case of one month.

Mr. SHIPSTEAD. I give the percentages for October because the stock boom started during the month of October and was carried on through November and subsequently; and I desired to show the actual business conditions in the basic industries of the country in the months of October, November, and December. Later I shall give the percentages for an entire year, if the Senator will bear with me.

Thus we find that iron and steel activity was approximately 25 per cent lower for October, 1924, than for the same month a year before; United States Steel Corporation unfilled orders were 32½ per cent below the level of the year before and production lighter, and yet United States Steel common, under the spur of 2 per cent call money, has gone up from 94 in the summer to 124 a few days ago. I did not see the stock-market report this morning, and so I can not quote the market value of steel common stock for to-day; but there has been an inflation of 30 per cent on $500,000,000 of listed common stock. The increase in its paper prosperity, therefore, approximates $150,000,000 on its common stock alone.

On page 951 of the Federal Reserve Bulletin we find that pig-iron production for September and October, 1924, averaged 33 per cent below the 1923 level for the same months and that steel-ingot production was 17 per cent lower. Moreover, we find that total iron and steel production for September and October, 1924, was only 77 per cent of the production for the same months in 1919, five years before.

Turning to the editorial text of the Federal Reserve Bulletin, page 916, we find the following editorial statement:

> The October figure (for pig-iron production) is below that of the same month of both 1923 and 1922 and is 36 per cent less than the 1923 high point. Only 45 per cent of the total number of blast furnaces in the country were active at the end of October.

I wish to emphasize the fact that at the end of October when the boom began in United States Steel stock only 45 per cent of the blast furnaces of the country were operating.

> Steel ingot daily average output has increased from 71,901 tons in July to 115,239 tons in October, which is over 25 per cent below the 1923 maximum. Shipments of iron from the Great Lakes were small in October, as they have been throughout the year.

It is therefore plain, from the data of the Federal Reserve Board, of which the esteemed Secretary of the Treasury is official head, that the inflation of steel stocks was without industrial foundation and purely a stock-gambling move.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nebraska?

Mr. SHIPSTEAD. I yield.

Mr. NORRIS. I think I follow the Senator's argument, and I am not trying to detract from it, but I should like to ask him whether there might not have been a reason for the increase in the price of stocks other than production? It sometimes happens that there is greater profit in small production than in large production. Has the Senator any figures to show the profits of those corporations whose stock has been going up, and would it not follow that one reason for the increase in the value of the stock would be the profit that such corporations were making more than the volume of business they were doing?

Mr. SHIPSTEAD. Of course what their actual profits are we can not tell, but usually a large industrial organization depends for its profits on a large percentage of activity.

Mr. NORRIS. Yes; I think that is right.

Mr. SHIPSTEAD. For instance, when the blast furnaces of the country are only operated to 45 per cent capacity it seems to me it would be unreasonable to assume that the iron and steel industry would be making large profits. I will say, however, that I believe the United States Steel Corporation has a large surplus. The inflation of 30 per cent—amounting to a gain of $150,000,000 on United States Steel common—went hand in hand with a shrinkage of 25 per cent to 30 per cent in the industrial activity and actual prosperity. Though only—

> 45 per cent of the total number of blast furnaces in the country were active—

And though the iron ore shipment from the Great Lakes was small—

> throughout the year—

And I am quoting from the Federal Reserve Bulletin when I say that the iron-ore shipment from the Great Lakes was small throughout the year—

> all that was necessary to produce stock market "prosperity" was abundance of 2 per cent "call money" authorized by the Federal Reserve Board and the Treasury.

Although the iron and steel industry is the time-honored index of industrial prosperity, and accurately tells the story, let us consider the conditions of a few other leading industries—always using as our guide the excellent bulletin edited by Hon. Andrew W. Mellon, chairman of the Federal Reserve Board.

Every item of the lumber industry showed a decline for October, 1924, compared with October, 1923. Reports from the National Lumber Manufacturers' Association, the Southern Pine Association, and the West Coast Lumbermen's Association alike reported decline in number of mills operating, production, and shipments. Receipts of naval stores, turpentine, and rosin alike fell off.

Coal, both bituminous and anthracite, showed reduced production. Beehive coke production fell off 50 per cent. Crude petroleum production dropped, and 80 fewer wells were in operation, although the refined product increased.

I may add that the bulletin issued by the Federal Reserve Board last Saturday shows a slight increase in oil production. In the cotton industry there was a shrinkage in American spinners' takings, in stocks at mills, and in consumption at mills, as well as in number of active spindles. In the woolen industry there was a decline in percentage of active looms, cards, and spindles, although a slight gain reported for wool consumed. But the great increase in textile activity was in silk—silk consumption, silk stocks, and silk imports showing gains approximating 40 per cent. I may say that in last week's bulletin that item showed a great decrease over October. The silk industry, showing the highest percentage of gain in the entire industrial list, evidently looked forward to the heyday of the silk-shirt and silk-stocking crowd.

Mr. NORRIS. Mr. President, the Senator has been reading from the Federal Reserve Bulletin?

Mr. SHIPSTEAD. From the bulletin issued on December 15.

Mr. NORRIS. What I wanted to know was whether what the Senator has just read was a quotation from the bulletin?

Mr. SHIPSTEAD. It was.

Mr. NORRIS. When it speaks of reductions and increases, and so forth, has that reference to the entire year?

Mr. SHIPSTEAD. No; not what I have read. I am confining myself at the present time in my argument to the period during which we have had this tremendous rise in stocks and stock values. I will cover the year later.

Mr. NORRIS. I meant, when the Senator would say, for instance, there is a tremendous increase or a decrease in this or that, does that mean for the year?

Mr. SHIPSTEAD. That means for the months of October, November, and up to December 15.

Mr. NORRIS. Very well.

Mr. SHIPSTEAD. In hides, leather, and shoes for the pedestrian population of the country there was general decline down the line. Stocks of cattle hides, calf and kip skins, goat and kid skins, sheep and lamb skins alike shrunk, in the aggregate, about 20 per cent below last year's level. Sole-leather production, stocks in process, and tanner's finished stocks fell off, on the whole, about 30 per cent. Upper leather declined in somewhat less degree. Men's, boys', and children's shoes showed smaller production, while women's shoes showed increased production—doubtless to meet new campaign requirements.

Production of automobile passenger cars fell off from 334,244 in October, 1923, to 257,839 in October, 1924—a shrinkage of nearly one-fourth. Railway shipments of automobiles fell off 10,000 carloads. Tires and tubes, however, showed a normal gain to meet campaign wear and tear.

There were 310 locomotives built in October, 1923, against only 96 in October last, and unfilled locomotive orders fell off over 50 per cent. Gross tonnage of vessel construction dropped one-third. In railway revenue freight there was a marked gain in grain products but a decline in livestock, coal, coke, forest products, and ore. There was a marked increase in freight-car surplus and bad-order cars, and a shrinkage in freight-car shortage. Commerce of the Soo Canal fell off for

October, as compared with the same month the year before, 2,675,000 tons, or 20 per cent.

Building permits issued in 168 cities were somewhat lighter in both number and value of improvements. Building construction, in square feet, dropped from 54,258,000 in October, 1923, to 47,390,000 in October last, and was general in residential, industrial, educational, and public buildings, though there was an increase in business buildings.

An exception to the general industrial decline must be noted in the newspaper, magazine, paper, and pulp industries, which naturally find expansion in campaign years.

But the industrial table which tells the story—not only for October but for the five-month period of June to October, and for all industries—is that found on page 908 of Editor Mellon's instructive bulletin. Here we have the basic production of the entire country set up in expert numerical indexes. Under the head of "Business indexes of the Federal Reserve Board," we have the whole industrial tale in a nutshell by comparative months—1924 against 1923—which tells us at once if the 1924 industrial-stock boom had a genuine industrial foundation. I add to Editor Mellon's figures only one column—that of the 1924 shrinkage.

Here I have the percentage for the five-month period from June until October. The Senator from Nebraska inquired how long a time these figures covered.

Business indexes of the Federal Reserve Board

PRODUCTION IN BASIC INDUSTRIES

Month	1923	1924	1924 shrinkage
June	122	94	28
July	121	94	27
August	120	94	26
September	114	103	11
October	118	109	9
5 months average	119	98	21

In the five months ending October, 1924, immediately preceding the stock-market boom, the basic production in all lines of industry in the United States was 21 per cent smaller than during the same period the year before. This on the authority of the honorable Secretary of the Treasury and chairman of the Federal Reserve Board. No wonder it was believed necessary to take drastic action to produce a prosperity exhibit—even to the extent of going diametrically against the first avowed purpose of the Federal reserve act—by throwing off all restraint upon stock gambling through check on call-loan rates, and reducing that rate to a paltry 2 per cent. The bad condition of the patient called for drastic remedy.

DECLINE IN FACTORY EMPLOYMENT

Equally significant of industrial prosperity are the statistics of factory employment. The Federal Reserve Board kindly reduces employment to scientific indexes, so that again we may compare 1924 with 1923.

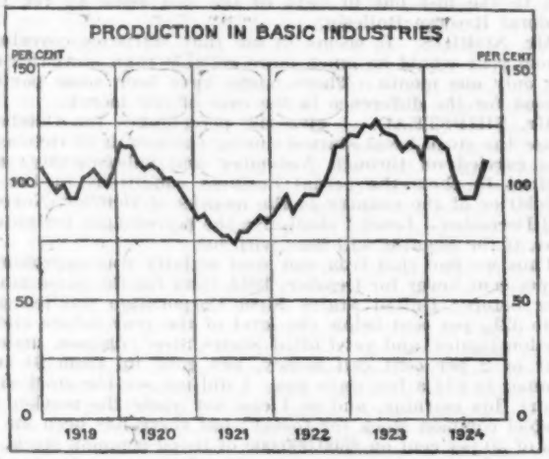
Month	1923 employment	1924 employment	1924 decrease
June	103	90	13
July	101	87	14
August	101	87	14
September	101	90	11
October	101	91	10
5 months average	101	89	12

So we find industrial employment for the five months ending October, just before the stock inflation, 12 per cent below the 1923 level, and production 21 per cent below the level of the preceding year. Only 2 per cent call money could produce prosperity in the face of such unvarnished industrial facts.

I now ask to have printed in the CONGRESSIONAL RECORD two invaluable charts, found on pages 907 and 908 of the Federal Reserve Bulletin for December, showing that industrial production during the latter half of 1924 was not only far below 1923 but likewise well below the 1919-20 average of four years before, while factory employment in 1924 was nearly 20 per cent below the high-peak employment year 1920.

The PRESIDING OFFICER. Permission must be obtained from the Joint Committee on Printing.

The charts referred to are here printed as follows:





Mr. SHIPSTEAD. Inasmuch as factory employment is the basic factor in industry and tells the story of industrial prosperity more directly and accurately than any commercial factor, and likewise reaches the living and the homes of so many millions of workers, I desire herewith to quote a few pat editorial statements from the text of the Federal Reserve Bulletin, page 919:

As compared with previous years the general index (of employment) is 10 per cent lower than it was a year ago and about on a level with that of September, 1922. The iron and steel and automobile indexes are about one-sixth less than in October, 1923, but correspond rather closely to the level of two years ago. Textiles, owing largely to the small volume of employment in the clothing industry, appear to be still below all months since 1921. No group index is as high as in October of last year (1923). * * * Earnings, however, were 13.3 per cent less than a year ago, and as in the case of employment were about on the same level as two years ago. * * * Wage rate decreases averaged 9.5 per cent and affected 20,000 employees.

Industrial production declined. Industrial employment was contracted in both number employed and wage earnings. Outside of the increased rail haul of grain products—due to weather and farm enterprise—railway revenue tonnage was lighter for 1924 than for the preceding year.

Only one resource was left to save the day for campaign prosperity—namely, the stock market—and that by grace of 2 per cent and 3 per cent call money nobly and wildly has come to the rescue. What the outcome will be when the orgy of stock inflation is over is a subject which every speculator is now deeply pondering. It is safe to say that the professionals will not dare to unload until the "public," otherwise the "lambs," are loaded for slaughter. Whether the big dealers will be able to realize their $6,000,000,000 of paper gains

no one knows, but it is safe to say they will unload as fully as they are able.

Following is a list of 200 leading stocks, with their high November and December quotations, for the six weeks ending December 15, 1924, and set opposite thereto the 1924 low quotation, together with the percentage and amount of the inflation, an inflation of paper values amounting to $3,000,000,000 on 200 stocks, an average gain of 25 per cent.

The PRESIDING OFFICER. Without objection, the request will be granted.

Mr. SHIPSTEAD. Below is the November-December high point and the year's low for 200 leading shares and the amount of the recent 1924 inflation to December 15:

Market inflation of 200 stocks

November-December high	Year's low	Increase points	Name of listed company or share	Amount stock outstanding	Amount inflation
93½	73½	20	Adams Express	$12,000,000	$2,400,000
54	28¾	25¾	Advance Rumely, preferred	12,500,000	3,200,000
122½	96½	26	All-American Cables	27,586,000	7,100,000
72¾	41¾	31	Allis-Chalmers Manufacturers	26,000,000	8,100,000
163½	96	67½	American Can Co	41,233,000	27,800,000
184¾	153½	31¼	American Car & Foundry	30,000,000	9,300,000
151	88	63	American Express	18,000,000	11,300,000
72½	50½	22	American Hide & Leather, preferred	12,548,000	2,700,000
35¼	17¼	18	American International	49,000,000	8,800,000
28	13¾	14¼	American Linseed	16,750,000	2,300,000
48	30	18	American Linseed, preferred	16,750,000	3,000,000
135½	94¼	41¼	American Radiator	20,700,000	8,200,000
91½	57½	34	American Smelting & Refining	60,988,000	20,700,000
106½	96	10½	American Smelting & Refining, preferred	50,000,000	5,200,000
44½	33½	10	American Steel Foundries	24,073,000	2,400,000
134¾	121¼	13½	American Telegraph & Telephone	886,000,000	119,600,000
169¾	136½	33¼	American Tobacco Co. (old)	40,200,000	13,300,000
168¼	135¾	33	American Tobacco, Class B	57,382,000	18,900,000
39¼	24	15¼	American Waterworks & Electric	10,000,000	1,500,000
43½	28½	15	Anaconda Copper	150,000,000	22,500,000
94¼	83¼	11	Armour Preferred of Delaware	62,811,000	6,900,000
140½	79	61½	Associated Dry Goods	14,982,000	9,200,000
120¾	97¼	23½	Atchison, Topeka & Santa Fe	232,463,000	54,600,000
95	86½	9½	Atchison, Topeka & Santa Fe, preferred	124,199,000	11,700,000
149¼	112	37¼	Atlantic Coast Line	67,586,000	25,100,000
23	10¾	12¼	Atlantic, Gulf & West Indies	14,963,000	1,800,000
29¾	12¼	17½	Atlantic, Gulf & West Indies, preferred	14,979,000	2,500,000
117½	110½	7	Baldwin Locomotive, preferred	20,000,000	1,400,000
84¾	52¼	32½	Baltimore & Ohio	152,314,000	49,500,000
66½	56¼	10¼	Baltimore & Ohio, preferred	60,000,000	6,100,000
124¼	107¼	17	Brooklyn Edison	59,725,000	10,100,000
35	14	21	Case (J. I.) Threshing	13,000,000	2,700,000
21½	10	11½	Central Leather	39,689,000	4,500,000
58¼	29¼	29	Central Leather, preferred	33,297,000	9,600,000
205	199	96	Central of New Jersey	27,436,000	26,200,000
104½	80	24½	California Packing	47,000,000	11,700,000
66½	27	39½	Chandler Motor	28,000,000	11,000,000
83	61	22	Coco-Cola	50,000,000	11,000,000
98¼	67¾	30½	Chesapeake & Ohio	65,425,000	19,900,000
19¾	8¼	11½	Chicago & Alton, preferred	18,394,000	2,100,000
38	21	17	Chicago & Eastern Illinois	23,845,000	4,000,000
62¾	27	35¾	Chicago & Eastern Illinois, preferred	22,050,000	7,800,000
34¾	25¾	9	Chile Copper	109,776,000	9,800,000
52	40¾	11¼	Cerro De P. Copper	112,000,000	12,600,000
11¾	4	7¾	Chicago Great Western	45,246,000	3,500,000
31¼	10½	20¾	Chicago Great Western, preferred	46,946,000	9,700,000
18¾	10¾	8	Chicago, Milwaukee & St. Paul	117,411,000	9,300,000
32¼	18¼	14	Chicago, Milwaukee & St. Paul, preferred	116,274,000	16,200,000
75¾	40¼	35	Chicago & North Western	145,165,000	37,700,000
114	100	14	Chicago & North Western, preferred	22,395,000	4,900,000
93¾	79¾	14	Chicago Pneumatic Tool	12,934,000	1,800,000
50	21½	28½	Chicago Rock Island	75,000,000	21,300,000
97¾	76¾	21	Chicago Rock Island, 7 per cent preferred	29,422,000	6,100,000
87½	65¾	21¾	Chicago Rock Island, 6 per cent preferred	25,127,000	5,400,000
57½	29	28½	Chicago, St. Paul, Minneapolis & Omaha	18,556,000	5,200,000
94	68¼	25¾	Chicago, St. Paul, Minneapolis & Omaha, preferred	11,259,000	2,900,000
150¾	100	50¼	Cleveland, Cincinnati, Chicago & St. Louis	47,000,000	23,600,000
49	20	29	Colorado & Southern	31,000,000	8,900,000
79¾	60¾	19	Consolidated Gas	359,980,000	68,300,000
69¼	43½	25¾	Continental Can	38,373,000	9,800,000
43¾	31½	12¼	Corn Products Refining	62,500,000	7,600,000
75¾	48	27¾	Crucible Steel	55,000,000	15,200,000
97	86	11	Crucible Steel, preferred	25,000,000	2,700,000
84	61¼	22¾	Deers & Co	37,828,000	8,400,000
149¼	110¾	38¼	Delaware, Lackawanna & Western	84,554,000	32,500,000
115¾	102¼	13	Detroit Edison	57,739,000	7,500,000
139¾	112	27¾	Du Pont de Nemours	98,000,000	26,300,000

Market inflation of 200 stocks—Continued

November-December high	Year's low	Increase points	Name of listed company or share	Amount stock outstanding	Amount inflation
95½	85	10½	Du Pont de Nemours, 6 per cent debentures	$69,320,000	$7,100,000
114¾	104	10¾	Eastman Kodak	203,795,000	22,000,000
73¼	56	17¼	Endicott-Johnson	20,268,000	3,400,000
49¼	28¾	20½	Erie, first preferred	47,900,000	9,500,000
62¾	41½	21¼	Federal Mining & Smelting	12,000,000	2,500,000
85	38	47	Fisk Rubber, first preferred	18,925,000	8,800,000
59½	31½	28	General Asphalt	19,831,000	5,500,000
288	193½	94½	General Electric	180,283,000	170,000,000
103½	95¼	8¼	General Motors, 7 per cent preferred	88,544,000	7,300,000
37½	17	20½	Goodrich (B. F.)	60,140,000	12,300,000
92¾	70¼	22	Goodrich (B. F.), preferred	34,848,000	7,600,000
90	39	51	Goodyear Tire & Rubber, preferred	55,913,000	30,500,000
107½	88¼	19¼	Goodyear Tire & Rubber, prior preferred	15,000,000	2,800,000
21½	12½	9	Granby Consolidated	34,465,000	3,100,000
75	53¾	21¼	Great Northern	249,478,000	52,900,000
96¾	83¼	13½	Great Western Sugar	15,000,000	2,000,000
115	105	10	Great Western Sugar, preferred	15,000,000	1,500,000
29½	11¾	17¾	Gulf, Mobile & Northern	10,469,000	1,800,000
88	50	38	Gulf, Mobile & Northern, preferred	10,961,000	4,100,000
78	61	17	Houston Oil	25,000,000	4,200,000
117¾	100¼	17½	Illinois Central	110,114,000	19,200,000
117¼	104	13¼	Illinois Central, preferred	21,000,000	2,700,000
269	159	110	Ingersoll Rand	24,000,000	26,400,000
48¾	31½	17¼	Inland Steel	118,277,000	20,300,000
31¼	22¾	9	Inspiration Con. Copper	23,630,000	2,100,000
51	38	13	International Agricultural, preferred	10,000,000	1,300,000
59½	40¾	18¾	International Cement	36,416,000	6,800,000
38	22	16	International Comb. Engineer	41,000,000	6,500,000
109	78	31	International Harvester	99,876,000	30,900,000
115½	106	9½	International Harvester, preferred	60,415,000	5,700,000
15¾	6¾	9	International Merc. Marine	43,872,000	4,400,000
47½	26½	21	International Merc. Marine, preferred	51,726,000	10,800,000
119	73	46	International Shoe	92,000,000	42,200,000
89¼	65	26¼	International Telephone & Telegraph	17,113,000	4,400,000
100	39½	60½	Iron Products	33,978,000	20,500,000
51¾	21¾	30	Jordan Motor Car	12,600,000	3,700,000
41¾	17¾	24	Kansas City Southern	30,000,000	7,200,000
54¼	34¼	20	Kennecott Copper	42,500,000	8,500,000
113	79	34	Laclede Gas	10,700,000	3,500,000
85	39½	45½	Lehigh Valley	60,500,000	27,300,000
66½	50	16½	Liggett & Myers	21,496,000	3,400,000
107½	87¾	19¾	Louisville & Nashville	117,000,000	23,000,000
115¾	75¾	30	Mack Trucks	28,310,000	8,400,000
70¾	50	20¾	Macy (R. H.) & Co	35,000,000	7,000,000
83	38	45	Maxwell Motors, Class A	18,265,000	8,200,000
39¾	10¼	29½	Maxwell Motors, Class B	61,495,000	18,100,000
115	82½	32½	May Department Stores	26,000,000	8,400,000
50	28¾	21¾	Milwaukee, St. Paul & Sault Ste. Marie R. R	25,200,000	5,300,000
70	50	20	Milwaukee, St. Paul & Sault Ste. Marie R. R., preferred	12,600,000	6,300,000
34¼	10½	23¾	Missouri, Kansas & Texas	80,675,000	19,000,000
75½	29¾	45¾	Missouri, Kansas & Texas, preferred	26,292,000	12,000,000
34¾	9¾	25	Missouri Pacific	82,839,000	20,700,000
74	29	45	Missouri Pacific, preferred	71,800,000	32,700,000
48	21¾	26¼	Montgomery Ward	114,000,000	29,900,000
192¼	96½	95¾	Nash Motors	27,300,000	26,000,000
66¾	44	22¾	National Cloak & Suit	12,000,000	2,700,000
119	99	20	New York Central	294,292,000	58,800,000
128	72½	55½	New York, Chicago & St. Louis	31,954,000	17,700,000
32¾	14¼	18½	New York, New Haven & Hartford	157,117,000	29,000,000
28¼	16	12¼	New York, Ontario & Western	58,113,000	7,100,000
45	22	23	North American	28,524,000	6,500,000
73	47¼	25¼	Northern Pacific	247,998,000	62,500,000
40	31¼	8¾	Ohio Fuel Supply	39,600,000	3,400,000
85⅝	63¾	22	Otis Elevator	15,650,000	3,400,000
104¼	90¼	14	Pacific Gas & Electric	41,882,000	5,800,000
50	42¼	7¾	Pennsylvania R. R	499,296,000	38,000,000
119½	92¾	26¾	Peoples' Gas, Chicago	38,495,000	10,300,000
73	40½	32½	Pere Marquette	45,000,000	14,600,000
55¾	43	12¾	Philadelphia Co	46,443,000	5,900,000
54	18¾	25¾	Pierce-Arrow, preferred	10,000,000	2,500,000
75¼	38	37¼	Pittsburgh & West Virginia	30,500,000	11,000,000
97¾	48½	49¼	Postum Cereal	40,000,000	19,700,000
59	39	20	Pressed Steel Car	12,500,000	2,500,000
69¼	39	30¼	Public Service Corporation, New Jersey	82,056,000	24,600,000
115	99¼	15¾	Public Service Corporation, New Jersey, 8 per cent preferred	21,921,000	3,300,000
147	113½	33½	Pullman Co	135,000,000	45,200,000
30¼	20	10¼	Pure Oil	71,316,000	7,100,000
105¾	92	13¾	Pure Oil, preferred	13,000,000	1,700,000
79	52	27	Reading	70,000,000	18,900,000
49¾	32¼	17	Remington Typewriter	10,000,000	1,700,000
23¼	7¼	16	Replogle Steel	50,000,000	8,000,000
56½	42	14½	Republic Iron & Steel	30,000,000	4,300,000
79¼	61¾	17½	Reynolds Tobacco, class B	70,000,000	12,200,000
48½	26	22½	Radio Corporation	50,000,000	11,200,000
134¾	106	28¼	Railway Steel Springs	13,500,000	3,800,000
17½	9	8½	Ray Consolidated Copper	27,000,000	2,200,000

Market inflation of 200 stocks—Continued

November-December high	Year's low	Increase points	Name of listed company or share	Amount stock outstanding	Amount inflation
66	32	34	Rutland, preferred	$9,000,000	$3,000,000
40	22	18	St. Joseph Lead	15,500,000	2,700,000
65	19¼	45¾	St. Louis-San Francisco Ry	46,432,000	21,200,000
55¾	33	22¾	St. Louis Southwestern	16,356,000	3,700,000
74	58	16	St. Louis Southwestern, preferred	19,893,000	3,100,000
24¼	6¼	18	Seaboard Air Line	38,919,000	7,000,000
45½	14¼	31¼	Seaboard Air Line, preferred	23,894,000	7,400,000
150	78½	71½	Sears, Roebuck & Co	105,000,000	74,800,000
98½	91½	7	Shell Union Oil, preferred	20,000,000	1,400,000
82¼	52	30¼	Sloss-Sheffield Steel & Iron	10,000,000	3,000,000
105½	85½	20	Southern Pacific	372,380,000	74,400,000
78	38½	39½	Southern Railway	120,000,000	47,400,000
81¼	66¾	14½	Southern Railway, preferred	60,000,000	8,700,000
72½	39½	33	Standard Milling	12,492,000	4,100,000
44¾	30½	14¼	Studebaker	187,500,000	27,600,000
48¾	19	29¾	Texas & Pacific	38,760,000	15,000,000
72¾	53	19¾	Tobacco Products	51,482,000	9,900,000
151	127	24	Union Pacific	222,291,000	53,200,000
64¾	42⅛	21¾	United Cigar Stores	33,083,000	7,500,000
119¾	71	48¾	United Drug	35,860,000	17,400,000
206	182	24	United Fruit	100,000,000	24,000,000
280½	8	20½	United Railway Investment	20,400,000	4,000,000
60½	26½	34	United Railway Investment, preferred	15,000,000	5,100,000
147¼	64	82¼	United States Cast Iron Pipe	12,000,000	9,900,000
86¾	61¼	25½	United States Industrial Alcohol	24,000,000	6,000,000
143½	90	53½	United States Realty & Improvement	16,294,000	8,700,000
96¼	66½	28¾	United States Rubber, first preferred	69,000,000	19,800,000
38	18½	19½	United States Smelting & Refining	17,555,000	3,400,000
119	94¼	24¾	United States Steel	508,495,000	125,000,000
85¼	64	21¼	Utah Copper	16,244,000	3,400,000
44⅛	16⅛	27⅞	Utah Securities Corporation	30,775,000	8,300,000
24¼	10⅜	13¾	Wabash	65,000,000	8,800,000
60½	34	26½	Wabash, preferred A	67,865,000	17,900,000
115½	47½	68	West Penn Co	22,500,000	15,300,000
97	87½	9½	West Penn Co., 7 per cent preferred	22,120,000	2,200,000
36¾	14¾	22	Western Pacific Ry	47,500,000	10,400,000
86½	58	28½	Western Pacific Ry., preferred	27,500,000	7,800,000
118¾	105	13¾	Western Union Telegraph	99,817,000	13,700,000
111	84	27	Westinghouse Airbrake	39,423,000	10,600,000
70¼	53¼	15	Westinghouse Electric and Manufacturing	114,504,000	17,100,000
103⅝	71½	9¼	Wheeling & Erie	33,613,000	3,000,000
71⅝	50½	21¾	White Motors	25,000,000	5,200,000
124½	72½	52	Woolworth	65,000,000	33,800,000
57½	23½	34	Worthington Pump	12,992,000	4,400,000
73	58½	14½	Worthington Pump, preferred B	10,321,000	1,400,000
72	60	12	Youngstown Sheet & Tube	98,000,000	11,700,000
86¾	32¾	54	Savage Arms	9,239,000	4,900,000
65½	55½	10	Sterling Products	62,000,000	6,200,000
37¾	33	4¾	Standard Oil of New Jersey	506,000,000	23,700,000

Average gain, 25 per cent. Total gain of 200 stocks, $3,066,000,000.

Mr. SHIPSTEAD. It is doubtful if the world's financial history affords a parallel to the $6,000,000,000 inflation engineered by Wall Street, with the active cooperation of the Treasury, in the closing weeks of 1924. The leading financial journals of the country, however strongly affiliated they may be with big business and Wall Street finance, are not blind to the situation. We find a leading journal of finance and commerce, like the Annalist, of New York, saying editorially on its first page—December 15, 1924:

Unlike Shakespeare's mercy, which fell gently from heaven, to-day's flow of business "confidence" suggests the action of powerful pumps.

During the month of November, when the stock inflation was ushered in with the election returns, the financial press gave much space to a discussion of effects and causes. In the November discussion of the stock market we find many sidelights reflecting the relation of the Treasury and the Federal Reserve Board to the market and its call-loan rates. The remainder of my remarks will be devoted to the situation from the November point of view.

THE STOCK MARKET INFLATION OF 1924

Sales of shares on the New York Stock Exchange have attained a daily average of 2,000,000, which is double that of one year ago. In three weeks following election the market value of leading securities increased $4,000,000,000.

Call money for New York Stock Exchange speculation has been reduced to 2½ and even 2 per cent, or one-half the rate of one year ago, and from one-half to one-third of the six-year average for the same month.

The Treasury, through purchase of securities and other measures, has turned into city commercial centers over $1,000,000,000 of public funds and has given active support to the program of cheap and abundant loans for speculative operations.

Exchange of checks passing through the New York Clearing House for the week ending November 22 reached $5,587,938,000. This is an increase of $1,200,000,000 over the same week in 1923, an increase of $1,600,000,000 over the same week in 1922, and of $2,200,000,000 over the same week in 1921.

For this same week the ruling rate on call loans was 2½ per cent, compared with 4¾ per cent last year, 5 per cent in 1922 and 1921, and 6 per cent in 1920 and 1919. In other words, reduction of the rate on call money has gone hand in hand with stock market inflation.

At the same time the Federal Reserve Board report for November 20 shows that for the country at large the Federal reserve banks have reduced their total holdings of discounted bills during the year by $512,000,000—that is to say, from $746,188,000 on November 21, 1923, to $233,844,000 on November 19, 1924—a decrease of 68 per cent.

The Federal Reserve Board report also shows a reduction in the Federal reserve note circulation during the present year of $399,600,000. Notwithstanding the deflation of circulation and discounts for the country at large, New York City loans for the week reported were expanded $107,000,000 in a single week.

Conservative financial journals—like the New York Commercial and Financial Chronicle, the New York Journal of Commerce, and the Annalist—are full of glaring headlines and editorial comments such as these:

The Commercial and Financial Chronicle discusses the stock inflation under the editorial caption "Imperfect Working of the Federal Reserve System." It finds that the stock inflation is not justified by increased values and earnings and is artificially due to a "money glut," and that the glut of cheap money for stock speculation was due "largely" to Federal reserve activities in forcing cash into the market that ought to have been kept in the vault.

The New York Journal of Commerce, under the editorial head "Belated Anxiety," discusses the dangers of stock-market inflation as marking the "unsatisfactory quality of the leadership at Washington as regards banking." It editorially charges the administration with an "investment policy which has beaten down the rate of interest and been more than hazardous for the country at large."

I want to say that when the Secretary of the Treasury and the Federal Reserve Board last spring cut the rediscount rate I do not criticize them for doing that. That was a commendable thing to do. I criticize the Federal reserve banking system for extending money and credit to speculation at the expense of the business and industry of the country. I say that these periodical booms, inflation of the stock market, and then, following that, periodical deflation and destruction of values have at all times worked to the detriment of the country.

The Annalist has such headlines as these:

A cheap money, cheap credit boom.

Will the racing stock market become a Juggernaut?

Uneasy business holds the Federal reserve responsible for an inflationary course, which, it begins to fear, may end in a collapse like 1920–21.

In support of the charge that "industry has not kept pace," and that therefore the inflation is artificial, the Annalist compares 1924 with 1923, and finds that, in a given period, factory employment is nearly 11 per cent less and employees' earnings 13.3 per cent less than a year ago.

"Inflation coming!" is the headline placed over an article by George E. Roberts, vice president of the National City Bank, published in the Financial World.

The market letter of Hayden, Stone & Co. closes with the sentence:

We feel that the market has entered a zone of decided danger.

H. Parker Willis, a former official of the Federal Reserve Board, in a special article published in the Annalist charges that the Federal Reserve Board has pushed into the market $1,100,000,000 by purchase of securities, and that besides this "open-market work" the Federal reserve banks, "under instructions of the Treasury," have forced into circulation as much of the gold coin in their possession as the market could absorb. He states:

The reserve banks have not only lowered rates to correspond with the market, but have done everything they could to force down rates in the market before they lowered their own charges.

Mr. Willis calls attention to the fact that the Federal reserve system was organized by Congress, in the first place, to

check the very evil it is now actively aiding and abetting—namely, control of cheap and abundant funds for stock-exchange speculation in Wall Street.

All of the financial authorities above cited substantially agree, as editorially expressed in the Annalist, that—

there are practically unlimited funds with which to speculate in the stock market.

They are likewise in practical agreement that the responsibility for this condition rests, first, with the Federal Reserve Board; second, that the board is acting in substantial pursuance of Treasury instructions and policy; and, third, that it has the administration approval.

The financial authorities above quoted are cited, not for their editorial views, which in the main are ultra-conservative, but as a basis for appreciation of the facts. Conservative as they are, they show beyond question of doubt:

First. That we are going through a period of stock market inflation.

Second. That this inflation is not based on increased production, employment, and actual values, but is artificial; or, as defined by the Annalist, "the present inflated—that is, not justified by earnings outlook—stock price level."

Third. That, "There are practically unlimited funds with which to speculate in the stock market."

Fourth. That these funds and low call-money rate are the result of Government action, aided and inspired by the administration and carried out by the Federal Reserve Board and Federal reserve banks, and variously called, "The policy of the Federal reserve," and "The policy of the Treasury."

The Wall Street Journal is one of the financial reviews that looks upon the situation with equanimity. It jovially refers to the stock excitement as "one of the greatest market 'jamborees' of history." It quotes one of its broker patrons as saying: "The good old stock A. O. T. (any old thing) will soon rule supreme." It humorously suggests to the anxious crowd: "One way to protest stock inflation is to sell the market short." It rejoices that Wall Street has the greatest boom since 1901, "just before the break in the Harriman corner in Northern Pacific shares."

On November 25, the Wall Street Journal gives the encouraging news from Washington:

NO BANK RATE CHANGE NOW

WASHINGTON—There is no immediate change in rediscount rate contemplated at the present time, Treasury officials said Monday.

Comparing the recent stock exchange pace of 2,000,000 shares daily, the Wall Street Journal compiles data showing that the 1924 average prior to the present stock boom was only 838,044 shares daily; that the 1923 average for the New York Stock Exchange was 809,547 shares daily; and that the 1922 average was 874,906, and the 1921 only 598,933. In other words, in November, 1924, with unlimited 2 per cent and 2½ per cent call money for stock speculation, the daily stock sales have multiplied something like 150 per cent above the average of the Harding-Coolidge administration to date.

The New York Times for November 23 publishes an eight-year review of New York call-money rates for the week, as follows:

CALL LOANS

The following is the range of call-money loans in this week for a series of years:

Year	High	Low	Ruling
1924	2½	2	2½
1923	6	4½	4½
1922	5½	4	5
1921	5¾	4½	5
1920	7	5	6
1919	7	5½	6
1918	6	5	5½
1917	6	2¾	4¾

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Alabama?

Mr. SHIPSTEAD. I yield.

Mr. HEFLIN. I want to interrupt the Senator to ask him what the highest rate for call money was in 1920 and 1921, during the deflation period.

Mr. SHIPSTEAD. In 1919 the high was 7 per cent, and the low 5½, the ruling 6 per cent. In 1920 the high was 7 per cent, the low 5 per cent, and the ruling 6 per cent——

Mr. HEFLIN. How about 1921?

Mr. SHIPSTEAD. About three times what they were in November and December, 1924. That was when stocks were going down, when they were being squeezed out of the hands of the small buyers of the country, who bought Liberty loan bonds at par and were forced to sell them at 80 and 85 cents on the dollar. We had an entirely opposite transaction going on at that time. That was the so-called period of deflation, when the stocks were being squeezed out of the hands of the people who bought them, who very often bought them on borrowed money; for instance, from patriotic motives during the war. They were unloaded or squeezed out of the public during that period to which the Senator from Alabama refers. That was accomplished by an operation opposite to what is now taking place. Then we had a raising of the discount rate. We had a raising of the call-money rate. We had a shutting down on credit to legitimate business. We had a throttling of the business of the country by those who controlled the money and the credit of the Nation. Now we have the opposite going on. We have a lowering of the discount rate. We have plenty of money for speculation. We have increasing credit, and consequently an increase in values.

Mr. HEFLIN. In other words, the small stockholder at that time could not obtain money with which to hold his stocks, but the large speculative financiers could.

Mr. SHIPSTEAD. The records show that. I thank the Senator from Alabama for calling that to the attention of the Senate.

The effect of these call-loan rates—less than one-half the average for the same week in seven preceding years—is shown elsewhere in the New York Times in comparing the present "2,000,000-share days" with former records. The following is an interesting paragraph from the Times for November 23:

The turnover of stocks in the week just closed totaled 12,079,380 shares, which has been exceeded but once in the history of the exchange. This was in the week of May 4, 1901—23 years ago—when a boom in stocks just preceded the panic week of May 11, 1901. All other records, even those established in the tremendous markets of 1907 and the boom of 1916, as well as 1920, were outrun in last week's volume of business.

The Times then presents a table of stock sales, by days, for 16 days, and an estimated increase in market values of $3,000,000,000 to $4,000,000,000 as the 16-day gain in speculative value of leading shares.

This appreciation of billions in the market value of shares has doubtless made many fortunes. Says the Times:

Stories of the winning of fortunes continue to circulate and increase. Wealthy individuals who are always in the market have benefited materially. Probably the largest paper profits have been made by the bankers who during the summer bought cheap railroad stocks. Until the public got into the market, it was guided by constructive banking and pool operation. Outside public participation has increased from 100 to 300 per cent.

Such is the picture the country obtains of high finance—the finance of Wall Street stock speculation as fostered under the auspices of the administration through the activities of the Treasury and the Federal Reserve Board.

The faithful, those who supported the administration policies with their campaign subscriptions and votes, are doubtless receiving their rewards. November's $4,000,000,000 increase in stock values will cover a multitude of sacrifices.

In the days before Congress and the State legislatures passed civil service laws the slogan, "To the victor belong the spoils" meant distribution of patronage. But a four-billion-dollar division through stocks beats all Federal office spoils. The loaves and fishes are multiplied on a vaster scale than any miracle at Galilee.

The hungry speculator, when the news stand opens, gets his Wall Street Journal and assures himself that there is to be 2 per cent call money to-day. Yes; there is the assurance of the Treasury that the rate is not to change for some time yet. That means a sustained bull market. He hies himself to a bucket shop, and, lo, in perhaps the first hour he has the loaves and fishes of a year. For his two loaves and five fishes he reaps baskets full.

By way of fairness to the administration, one naturally inquires if the blessings of abundant and cheap money have not been extended to all classes, and not restricted to stock speculation. So we pick up a November Federal reserve report, and scrutinize the class of loans that are carried by the Federal reserve banks.

I have before me the Federal Reserve Board statement for the press of November 20, 1924. On page 4 of the statement is a classified list of bills discounted held by Federal reserve banks

on November 19. The total amount of such discount bills is $233,844,000. This is the way these bills are classified:

Discount bills due within 15 days	$149,052,000
Discount bills due within 16 to 30 days	25,528,000
Discount bills due within 31 to 60 days	33,175,000
Discount bills due within 61 to 90 days	16,493,000
Discount bills due within 91 days to 6 months	9,149,000
Discount bills due within over 6 months	447,000

So the very record shows that call money and stock speculation are getting the bulk of this extension of credit and use of money.

We might ask, what class of these loans are perhaps farm loans? Let us assume that all loans for over 90 days are farm loans; they amount to $9,596,000, or only 4 per cent of the total.

Then let us assume that all discounts of 16 days up to 90 are business loans of merchants and manufacturers. They amount to a little over $75,000,000, or about 32 per cent of the total.

But $149,000,000, or 64 per cent of the total, are for only 15 days or less. What class of people make 1 to 15-day loans? Well, on that point, I yield to the superior judgment of the stock exchange or bucket-shop manager.

At length I turn for light to the great stock-market authority, the Wall Street Journal; and now all is clear. I read in its issue of November 26 the following official notice:

FEDERAL RESERVE STATEMENT

Report of the Federal Reserve Board indicates a continued gain in loans on stocks and bonds. * * * According to the statement, 67 New York banks increased their loans on this collateral (for the week) $64,000,000. * * * Eliminating New York, interior banks' transactions against these securities declined $17,000,000.

Such is the financial picture. The loans are going on 1 to 15 day paper. This paper has stock and bond collateral. The place where it is handled is Wall Street. Low interest rates and abundant funds for New York Stock Exchange speculation.

The Wall Street Journal assures its patrons in this same issue:

A banker says: "You can look for easy money for a long time yet."

It seems scarcely necessary to comment upon such a condition. The facts speak louder than any denunciation that can be framed. The facts are from ex cathedra sources—from New York leading financial authorities, and from Federal reserve reports. They tell their own story to the country at large, the story of a Wall Street stock market "jamboree" financed by the United States Treasury. The check upon Wall Street control, the purpose for which the Federal reserve was originally created, has been destroyed, and the Government agency turned into a force to perpetuate and magnify the evil. The result is called prosperity of the American people and sound finance.

The greatest menace which I see in the present situation is the effect upon the 100,000,000 minds which make this the world's greatest nation, when it at last dawns upon the average man—as sooner or later is inevitable—that our boasted national prosperity hangs, not upon productive industry and wage-earning toil, but upon the use of Government financial functions in aiding stock-market operations. In producing a few weeks of paper prosperity for stock gamblers, are we laying the foundation for the loss of that popular faith, hope, and charity which are the foundation of the Republic? What shall we gain if we add six billions to fake prosperity and lose the faith of the American people? Even now we know not what hour the bubble may burst and the 1924 stock inflation, like others before it, produce disaster to the many and endanger panic. The country will survive. It is the greatest and most enduring that man has happily created. But let us not trifle with the corner stone of its foundation—the faith of the 100,000,000 people.

The January number of Secretary Mellon's Federal Reserve Bulletin comes to hand after we have completed the examination of his December review. The chief points of interest in the January number are the industrial and commercial data for November. Inasmuch as November ushers in the great bull market in Wall Street stocks, we would naturally conclude that November likewise had similar good tidings for the industries which the stocks represent. Great is our disappointment, therefore, to find that November shows a decline from October in the following fundamental data: Decreased production in basic industries, decreased railroad car loadings, and decreased wholesale trade.

For the six months ending November the production in basic industries for 1924 is 21 per cent lower than in 1923, and employment is still 12 per cent lower than the year before. Wholesale trade for November, 1924, is only 84 per cent of that for the same month in 1919.

It would be supposed that by reason of the largely increased grain marketed in the fall of the year railroad car loadings would show marked gain for the latter half of 1924. But for the six months ending November railroad car loadings in 1924, according to Secretary Mellon's admirable statistical data, are 5 per cent smaller than for 1923.

Factory employment for November is the same as for October—9 per cent below the 1919 and 1923 level and 20 per cent below the high peak of June, 1920.

Mineral production for November—see page 37—12 per cent below October and 10 per cent below November the year before. Anthracite coal production falls off 13 per cent and bituminous 16 per cent. Crude petroleum declines 11 per cent below the October output and 29 per cent below November a year ago.

Manufacturing production for November is 11 per cent below October and 6 per cent below November the year before. Automobile production declines 38 per cent; lumber, 29 per cent; cement and brick, 21 per cent; leather and shoes, 13 per cent; textiles and food products, 6 per cent.

For the production of pig iron, which modern economists assume is the most accurate single unit index of industrial prosperity, we are favored by the Iron Age with a complete report for each month of the complete calendar year for 1924, 1923, 1922, 1921, and 1920. As these figures of the Iron Age are the official data of the iron and steel trade, and will doubtless appear in the February issue of Secretary Mellon's bulletin, I take the liberty of presenting them herewith for the RECORD:

	1924	1923	1922	1921	1920
	Tons	*Tons*	*Tons*	*Tons*	*Tons*
January	3,018,890	3,229,604	1,644,951	2,416,292	3,015,181
February	3,074,757	2,904,187	1,629,991	1,937,257	2,978,879
March	3,446,086	3,533,868	2,035,920	1,595,522	3,375,907
April	3,233,428	3,547,551	2,072,114	1,193,041	2,739,797
May	2,615,110	3,867,694	2,306,679	1,221,221	2,988,881
June	2,026,221	3,668,413	2,361,028	1,064,833	3,043,540
July	1,784,899	3,679,810	2,405,365	864,555	3,059,603
August	1,887,145	3,449,493	1,816,170	954,193	3,147,402
September	2,053,264	3,125,512	2,033,720	985,529	3,129,323
October	2,477,127	3,149,158	2,637,844	1,246,676	3,292,597
November	2,509,673	2,894,295	2,849,703	1,415,481	2,934,908
December	2,961,702	2,920,982	3,086,898	1,649,086	2,703,855

It will be noted that in 10 months out of 12 the pig-iron production of 1924 was below that of 1923 and that for the complete calendar year the pig-iron output was only 31,000,000 tons, compared with 40,000,000 in 1923 and 36,900,000 in 1920. In other words, the 1924 annual product was 29 per cent below the year before and 19 per cent below 1920. For each of the nine months from March to November, inclusive, the 1924 pig-iron product was lower than that of the preceding year. For each of the seven months from May to November, inclusive, the 1924 pig-iron output was lower than in 1920, the aggregate of these seven months being less in 1924 than in 1920 by 6,000,000 tons, or nearly 40 per cent.

It is therefore plain that the November-December industrial stock boom was without industrial foundation. It was financial wind, inflation, and speculative gambling.

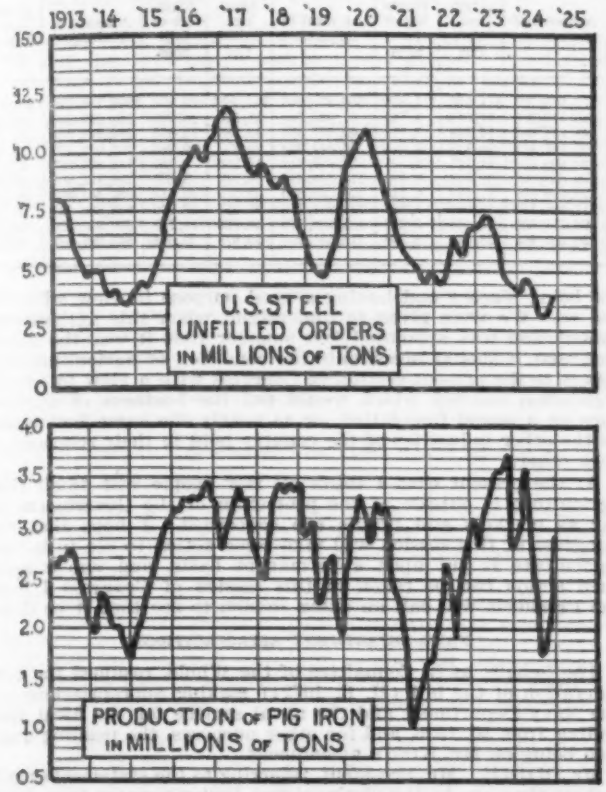
For the stock gambling of November, 1924, there was far less basis even than for October. In October there was a heavy grain movement to help the stock market, which by November had fearfully shrunk. On page 37 of the January Federal Reserve Bulletin we read that total receipts of grain and flour at the 17 principal interior centers dropped from 192,440,000 bushels in October to 123,287,000 in November—a shrinkage of 69,000,000 bushels, or 35 per cent. Shipments from the 14 interior principal shipping markets dropped from 147,760,000 bushels in October to 99,000,000 in November—a shrinkage of 48 per cent. Wheat-flour production declined. Livestock receipts and shipments fell off. Vegetable receipts and tobacco manufactures decreased. Sugar receipts and meltings fell off over 30 per cent.

There was a slight increase in unfilled orders of the United States Steel Corporation for November over October, but the steel company's unfilled orders still remained below November the year before and less than half the unfilled tonnage of the corporation at the high peak in 1920.

Believing that the chairman of the Federal Reserve Board would not take exception to the statistical data of such a high-grade financial authority as the Magazine of Wall Street, I ask permission to insert in the RECORD two industrial diagrams from that gilt-edged source—page 465 of the Magazine of Wall Street for January 17, 1925.

I will request the Joint Committee on Printing for permission to inserter these two charts and a diagram from the Wall Street Magazine.

The diagrams referred to are here printed as follows:



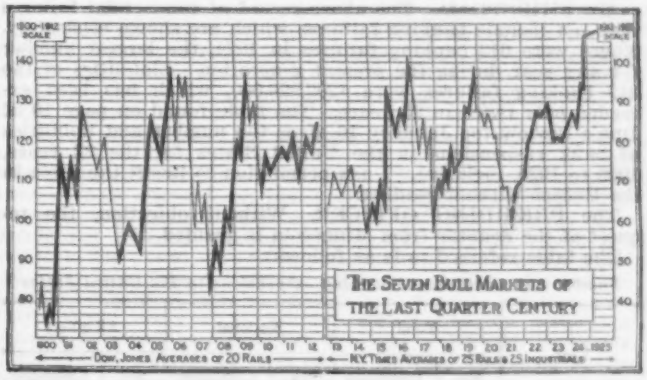
So, though we see United States Steel common soaring on the Wall Street stock market, we behold in the beautiful pictorial diagram of United States Steel unfilled orders a steady retrograde movement from the high point of 10,000,000 tons in 1916 and 1920 down to 4,000,000 at the close of 1924—culminating in a shrinkage of 60 per cent. At the same time the shrinkage of pig-iron production during the last nine months of 1924 drops to near the level of 1921.

No; we are unable, search as we may, to find justification for stock-market inflation in any staple field of industry. Not industrial but financial activities are the basis for the boom. The big item which tells the story is the expansion of $2,000,000,000 in the country's loans and investments—over $1,000,000,000 of which is in the New York Federal reserve district alone. A loan and investment of $1,000,000,000 in the New York reserve district, coupled with 2 per cent and 3 per cent call money, and the active cooperation of the Treasury, the Federal Reserve Board, and Wall Street high finance, tell the story.

How effectively these forces have worked during the past 10 weeks is graphically told in the Magazine of Wall Street by its editor, Richard D. Wyckoff, under the caption "Wall Street's greatest bull market: Why the present rise must be regarded the greatest of them all."

A diagram presenting the history of the Wall Street bull markets for the past 25 years is presented as an exhibit of the skyrocketing of so-called high finance when the big operators get ready and mobilize their forces. The dizzy heights of the Wall Street bull fever are well portrayed by the black zigzag leaps of the diagram. We are assured by the editor that the recent bull fever has broken the record. The diagram is taken from page 454 of the January 17 issue, and tells its own story.

The diagram referred to is here printed as follows:



Only one thing now seems lacking in presenting a complete record of high finance in 1924, and that is the record of commercial and banking failures. The third quarter of 1924 breaks the record with the heaviest volume of failure liabilities for that quarter in the history of the United States. The month of March, 1924, holds the country's record for the largest volume of failure liabilities for any single month.

The 1924 total of commercial failures was 20,615 in number and $514,225,000 in volume of failure liabilities. This is an increase over 1923 of not quite 2,000 in number and $4,000,000 in volume. Although 1921 and 1922 slightly exceed 1923–24 in number and volume of failures, the year 1924 easily holds the banner over the 25 years preceding. It exceeds by a fairly wide margin the combined totals for the years 1919 and 1920, and very largely exceeds the total of the panic of 1908.

I desire to insert in the RECORD, without reading, the excellent 30-year record of commercial failures published by R. G. Dun & Co., as found on page 8 of Dun's Review for January 10, 1925.

The PRESIDING OFFICER. Without objection, the request of the Senator from Minnesota is granted.

The statement referred to is as follows:

Quarterly statements of failures and average of liabilities

Year	First quarter			Second quarter			Third quarter			Fourth quarter			Total for the year		
	Number of failures	Amount of liabilities	Average liabilities	Number of failures	Amount of liabilities	Average liabilities	Number of failures	Amount of liabilities	Average liabilities	Number of failures	Amount of liabilities	Average liabilities	Number of failures	Amount of liabilities	Average liabilities
1895	3,802	$47,813,683	$12,577	2,855	$41,028,261	$14,370	2,792	$32,167,179	$11,521	3,748	$52,188,937	$13,924	13,197	$173,196,060	$13,124
1896	4,031	57,425,135	14,246	2,995	40,444,547	13,504	3,757	73,284,649	19,507	4,305	54,941,803	12,762	15,088	226,096,134	14,985
1897	3,932	48,007,911	12,209	2,899	43,684,876	15,121	2,881	25,601,188	8,884	2,649	27,038,096	10,150	13,361	154,332,071	11,559
1898	3,687	22,946,505	8,936	3,081	34,498,674	11,381	2,540	25,104,778	9,886	2,928	28,118,482	13,017	12,186	130,662,899	10,722
1899	2,772	27,152,031	9,795	2,081	14,910,902	7,165	2,001	17,640,972	8,816	2,483	31,175,984	12,556	9,337	90,879,889	9,733
1900	2,894	33,022,573	11,411	2,433	41,724,879	17,114	2,519	27,119,996	10,766	2,923	36,628,225	12,531	10,774	138,495,673	12,854
1901	3,335	31,703,486	9,506	2,424	24,101,204	9,943	2,324	24,756,172	10,652	2,919	32,531,514	11,145	11,002	113,092,376	10,279
1902	3,418	33,731,758	9,869	2,747	26,643,088	9,699	2,511	25,032,634	9,969	2,939	32,099,279	10,911	11,615	117,476,769	10,137
1903	3,200	34,344,433	10,732	2,428	32,452,827	13,360	2,548	34,858,596	13,680	3,009	33,786,330	13,824	12,069	135,444,186	12,879
1904	3,344	48,066,721	14,374	2,870	31,424,188	10,949	2,969	32,168,296	10,835	3,016	32,543,106	10,790	12,199	144,202,311	11,820
1905	3,443	30,162,505	8,760	2,767	23,742,080	9,303	2,596	20,329,443	7,061	2,714	26,442,144	9,743	11,520	102,676,172	8,913
1906	3,102	33,761,107	10,883	2,510	28,902,987	11,515	2,300	21,996,163	9,568	2,770	34,541,278	12,470	10,682	119,201,545	11,159
1907	3,136	32,075,591	10,228	2,471	37,493,071	15,173	2,483	46,467,096	18,714	3,635	81,348,877	22,379	11,725	197,385,225	16,834
1908	4,909	75,706,191	15,422	3,809	48,668,642	12,805	3,457	55,302,690	15,997	3,524	42,638,161	12,099	15,699	222,315,684	14,169
1909	3,850	44,460,950	11,548	2,981	44,086,423	14,787	2,836	29,094,498	10,259	3,257	36,967,594	11,350	12,924	154,609,465	11,963
1910	3,526	73,679,154	20,732	2,863	39,160,153	13,678	3,011	42,177,988	14,006	3,253	47,339,793	14,552	12,652	201,757,097	15,947
1911	3,985	59,651,761	14,969	3,076	44,046,500	14,319	2,880	35,167,269	12,211	3,500	52,196,945	14,913	13,441	191,061,955	14,215
1912	4,828	63,012,323	13,051	3,489	44,999,900	12,898	3,499	45,532,137	13,013	3,636	49,573,031	13,634	15,452	203,117,391	13,145
1913	4,458	76,832,277	17,235	3,705	56,076,784	15,135	3,549	63,337,315	17,987	4,325	75,925,912	17,555	16,037	272,672,288	17,008
1914	4,826	83,221,826	17,265	3,717	101,877,904	27,410	4,298	86,818,291	20,200	5,439	85,990,838	15,810	18,280	357,908,859	19,579

Quarterly statements of failures and average of liabilities—Continued

Year	First quarter			Second quarter			Third quarter			Fourth quarter			Total for the year		
	Number of failures	Amount of liabilities	Average liabilities	Number of failures	Amount of liabilities	Average liabilities	Number of failures	Amount of liabilities	Average liabilities	Number of failures	Amount of liabilities	Average liabilities	Number of failures	Amount of liabilities	Average liabilities
1915	7,216	$105,703,355	$14,648	5,524	$82,884,200	$15,004	4,348	$52,876,525	$11,626	4,868	$60,822,068	$12,494	22,156	$302,286,148	$13,644
1916	5,387	61,492,746	11,415	4,108	49,748,675	12,110	3,755	43,345,286	11,543	3,743	41,625,549	11,120	16,993	196,212,256	11,547
1917	3,937	52,307,099	13,286	3,551	42,414,257	11,944	3,249	47,228,682	14,536	3,118	40,491,333	12,986	13,855	182,441,371	13,168
1918	3,300	49,780,300	15,085	2,589	38,013,262	14,683	2,180	35,181,462	16,139	1,913	40,044,955	20,933	9,982	163,019,979	16,331
1919	1,904	35,821,052	18,813	1,559	32,889,834	21,096	1,393	20,230,722	14,523	1,595	24,349,629	15,266	6,451	113,291,237	17,561
1920	1,627	29,702,499	18,256	1,725	57,041,377	33,067	2,031	79,833,595	39,308	3,498	128,544,334	36,747	8,881	295,121,805	33,230
1921	4,872	180,397,989	37,038	4,163	130,273,615	31,293	4,472	122,699,399	27,440	6,145	194,030,880	31,575	19,652	627,401,883	31,926
1922	7,517	218,012,365	29,002	5,867	155,003,973	26,538	5,033	117,198,157	23,285	5,259	132,981,756	25,287	23,676	623,896,251	26,351
1923	5,316	138,231,574	26,002	4,408	121,192,494	27,493	3,776	98,754,559	26,153	5,218	181,208,179	34,728	18,718	539,386,806	28,816
1924	5,655	184,865,571	32,691	5,130	119,594,388	23,313	4,441	126,263,495	28,431	5,389	112,501,995	20,876	20,615	543,225,449	26,351

Mr. SHIPSTEAD. The above record of commercial failures does not include banking failures, which are shown separately. There were 613 banking failures in 1924, the largest number for any year during the present generation. Liabilities of the 613 banking failures were $202,926,000, which has been exceeded only twice in 25 years. The table found on page 10 of Dun's Review for January 10 gives the number and liabilities of bank suspensions in the United States for the 22 years, 1903 to 1924, inclusive. I ask permission to insert the table in the RECORD without reading.

The PRESIDING OFFICER. Without objection, the request of the Senator from Minnesota is granted.

The table referred to is as follows:

Number and liabilities of banking suspensions in the United States

Year	Total		National		All others	
	No.	Liabilities	No.	Liabilities	No.	Liabilities
1924	613	$202,926,206	121	$69,656,772	492	$133,269,434
1923	578	203,739,138	77	36,568,934	501	167,170,204
1922	277	77,735,551	35	16,453,926	242	61,281,625
1921	404	173,027,776	47	28,401,550	357	144,626,226
1920	119	50,708,300	10	3,350,000	109	47,358,300
1919	50	16,520,862	4	1,850,000	46	14,670,862
1918	20	5,131,887			20	5,131,887
1917	42	18,451,964	4	3,700,000	38	14,751,964
1916	50	10,396,779	8	1,755,000	42	8,641,779
1915	133	37,223,234	18	13,649,000	115	23,574,234
1914	212	56,005,107	19	9,606,098	193	46,399,009
1913	120	31,546,314	7	5,197,336	113	26,348,978
1912	79	24,219,522	4	8,313,000	75	15,906,522
1911	107	25,511,606	3	1,250,000	104	24,261,606
1910	119	41,097,255	10	4,284,482	109	36,812,773
1909	60	24,677,128	11	4,109,224	69	20,567,904
1908	180	123,126,956	31	48,388,000	149	74,738,956
1907	132	233,325,972	12	12,533,000	120	220,792,972
1906	58	18,805,380	8	1,490,966	50	17,314,414
1905	73	20,227,155	16	4,198,348	62	16,028,807
1904	99	28,158,811	24	10,257,223	75	17,901,588
1903	121	29,685,766	12	5,735,477	109	23,950,289

Mr. SHIPSTEAD. I have called this condition of the basic industries of the country, the condition of commerce and business of the country, to the attention of the Senate because Congress will soon adjourn, and because I believe some remedial legislation is needed, particularly so far as agriculture and the control of money and credit is concerned. It seems to me Congress should take some action to enact legislation that would stop the hoarding of money and credit in the financial districts at an exceedingly low rate of interest for the purpose of speculation. We have had in the last few weeks an inflation of approximately $6,000,000,000 of paper profits, and the public is led to believe that it is all based upon a sound economic condition of the industries of the country. An unprejudiced survey of the earning power and production capacity of the industries of the country will convince anyone that what is going on now is not based upon any sound economic principle, that it is merely a repetition of what has taken place in the country many times before, an artificial stock speculation, the fleecing of the lamb, and after that comes the deluge of deflation with ruined business concerns and individuals all over the country.

I again call attention to the fact that this reduction in interest rates has not been reflected to the farmers of the country. The farm-loan rate has not been reduced. The farmers of the country are still carrying the burden of interest rates and taxes. It is true that the President appointed a commission for the purpose of studying the agricultural situation, and I do not question his motives in doing that. I give him credit for being sincere and having a good purpose in view when he did so. We were given to understand when this agricultural commission was appointed last summer that it was the intention that it should investigate the condition of agriculture and report to the present session of Congress with a view to having legislation enacted which would put the business of agriculture on a sound foundation, or as nearly the same foundation as the other industries of the country hold in their relations to each other.

At the present time I think all fair people will admit that agriculture is outside of the protection of the Government so far as markets and profits are concerned. I hope that the Congress at this session will take some action to see to it that agriculture is put upon a permanent basis, and unless some such action can be taken at this session of Congress I hope the President will call an extra session to see that it be done.

NAVY DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes, the pending question being on Mr. KING's amendment.

Mr. ODDIE. Mr. President, referring to the statements made a short time ago by the distinguished junior Senator from Utah [Mr. KING] I desire to make a few comments. The American occupation of Haiti has been discussed at length several times during the last three years. The committee, of which I was a member, appointed by the Senate investigated conditions in Haiti in considerable detail two years ago. It held hearings all over Haiti; it held hearings here in Washington; and it worked hard for many weeks, in fact for many months. I feel that the Senator from Utah has been misinformed regarding the original purpose of our occupation of Haiti and of the events which have since then taken place.

The intervention of the United States into the internal affairs of the Republic of Haiti in July, 1915, was unavoidable. The President of Haiti had been brutally murdered, his government overthrown, and the steadying presence of a foreign military force was imperatively necessary. Obviously there was only one foreign State that should, in view of the international understandings in force over that region, land troops—the United States. The intervention of the United States was fully justified and was undertaken as a matter of duty.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Utah?

Mr. ODDIE. I yield.

Mr. KING. Will the Senator please state to the Senate what international understandings there were as to the landing of troops or as to the assumption of control over the island of Haiti; and if there were international understandings, what nations entered into those understandings; and if nations did enter into understandings, did they do it with the consent of the people of Haiti, or was it merely an understanding of a number of bankers and a number of imperialistic governments that, if any disturbances arose in Haiti, they or one of them would interpose for the purpose of forcing control over an unwilling people?

Mr. ODDIE. Mr. President, the United States was a party to a treaty in 1909 that had much to do with the finances of Haiti. It is a well-known fact——

Mr. KING. Pardon me. Does the Senator from Nevada mean Haiti? We had a treaty in 1909, or a little before, with Santo Domingo.

Mr. ODDIE. The treaty with Santo Domingo was negotiated in 1909.

Mr. KING. But the treaty with Haiti was negotiated in 1915 or 1916.

Mr. ODDIE. That treaty was in 1915, as I should have said. At that time there was anarchy in the island of Haiti. Troops had been landed by France; troops had been landed by Germany; the President of Haiti had been brutally murdered, and the Government had been overthrown. The United States was forced to land troops in order to preserve the Monroe doctrine. It acted under an obligation.

The American high commissioner, Brig. Gen. John H. Russell, United States Marine Corps, the treaty officials, and the armed naval forces of the United States are in the Republic of Haiti to-day for the sole purpose of carrying out the provisions of the treaty between the United States and Haiti, signed September 16, 1915, duly ratified by both Governments and proclaimed May 3, 1916. The preamble of that treaty states that the—

Republic of Haiti desiring to remedy the present condition of its revenues and finances, to maintain the tranquillity of the Republic, to carry out plans for the economic development and prosperity of the Republic and its people; and the United States being in full sympathy with all of these aims and objects and desiring to contribute in all proper ways to their accomplishment—

Both Republics—

resolved to conclude a convention with these objects in view.

Article 14 of the treaty provided that—

should the necessity occur, the United States will lend an efficient aid for the preservation of Haitian independence and the maintenance of a government adequate for the protection of life, property, and individual liberty.

Thus the armed forces of the United States have neither displaced the civil government of Haiti nor have they established a military government of the United States in that country; rather they are engaged, pursuant to law and solemn treaty obligations, in lending efficient aid to the Republic of Haiti in preserving a republican form of government, and suppressing domestic violence.

At the present time the general policy of the United States with regard to the Republic of Haiti is established by the Department of State, and the American high commissioner, in carrying out this policy, is responsible to the Secretary of State and not to the Secretary of the Navy.

Mr. President, this matter has been covered in a very able manner in a speech made last year by the Secretary of State, Mr. Hughes, before the American Bar Association at Minneapolis, and I ask that the portion of his address which I have marked with reference to the American occupation of Haiti may be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

In order to understand conditions in Haiti it should be recalled that since the Republic of Haiti gained its independence it has been the scene of almost continuous revolution. This is true of its recent history as well as of the earlier years. From 1886, when General Salomon completed his full presidential term, until 1915 every president except one had been overthrown by revolution, some escaping to near-by islands, others being assassinated. As the result of these successive revolutions the Republic, by the summer of 1915, had reached a stage of exhaustion and devastation more complete than at any prior period of its existence. It is unnecessary to review the causes of these revolutions; it is sufficient for the present purpose to state the fact. Between the years 1910 and 1915 the foreign relations of the Haitian Government became seriously involved because of the pressure brought to bear by the Governments of France, Great Britain, Germany, Italy, and the United States to obtain a settlement of the claims of their nationals. Because of the unwillingness or inability of the Haitian people to settle these claims in a satisfactory manner there were armed demonstrations; armed forces of foreign powers had been landed at various points in Haiti on the ground that lives and property of their nationals were in danger.

In 1914 and 1915 there were continuous disturbances, which culminated in the latter year in the murder by armed mobs of ex-President Oreste Zamor and President Sam, the latter having been dragged by a mob from the French Legation, where he had taken refuge, and torn to pieces in the street. Following this the members of the cabinet took refuge in foreign legations or escaped from the country, so that there was no executive to assume direction of affairs. It was in this situation that on July 28, 1915, the U. S. S. *Washington* arrived, and it was deemed necessary to land American forces. Within a short time the legislative chamber assembled and, under the protection of the United States marines, elected Sudre Dartiguenave, president of the former Senate, President of the Republic. In connection with the immediate exigency of preserving peace, it appeared essential from a humanitarian standpoint to aid the Haitian people to free themselves from the hopeless conditions, which continued revolutions and a policy of despotic militarism had produced. In a large part of the island agriculture had practically been abandoned and in the theater of the revolutionary disturbances the country was devastated. A treaty was negotiated by our Government with President Dartiguenave shortly after his election to "aid the Haitian people in the proper and efficient development of its agricultural, mineral, and commercial resources, and in the establishment of the finances of Haiti on a firm and solid basis." Provision was made for the appointment by the President of Haiti, upon the nomination of the President of the United States, of a general receiver and the necessary aids for the collection of customs dues, and of a financial adviser, who was to devise an adequate system of public accounting, aid in increasing the revenues and adjusting them to the expenses, and otherwise make recommendations in relation to economic requirements.

Conditions in Haiti have not yet permitted the withdrawal of American forces, as there is general agreement that such a withdrawal would be the occasion for revolution and bloodshed. The Government of the United States desires to effect a withdrawal as soon as this can be done consistently with the obligations it has assumed. The Government is endeavoring to improve administration and to aid in establishing the basis for a sound and stable local government. Brig. Gen. John H. Russell, who was sent to Haiti in the early part of 1922 as American high commissioner, has steadily sought to bring about improved political and financial conditions, and his endeavors have already met with almost unhoped-for success. General Russell has worked in the closest cooperation with the local government. Peace and order have been established, and there is safety of lives and property. The great mass of Haitians, who formerly had been completely at the mercy of a rapacious military oligarchy, which had exploited it to such an extent that there was no incentive but rather a real danger in producing or in owning anything beyond the merest necessities, are now free to engage in profitable activities. Graft and embezzlement have been eliminated by the customs service, and the currency has been stabilized. The public debt has been appreciably reduced. Last October this Government was instrumental in obtaining a loan of $16,000,000 to Haiti upon favorable terms, and this has permitted the undertaking of numerous constructive works. A claims commission has been set up in Port au Prince which is disposing of foreign and internal claims for debts.

The practice of financing the government by private and public loans at ruinous terms has been discontinued and expenses have been kept within the bounds of the revenue of the country. Although the public debt has been decreased, large sums have been expended on constructive public works. Telegraph and telephone systems have been repaired and new construction has been extended to all the principal towns of the interior. Roads have been reconstructed and new construction has been undertaken so far as the financial resources of the country permit. A modern, efficient sanitation system has been installed in the seaboard cities and in some of the large interior towns. I can not attempt to enumerate all the improvements that have been attempted. They are gratifying but they are not yet adequate and much remains to be done. An American legal adviser in Haiti is now endeavoring to establish a basis for a sound judicial system. Agricultural surveys are being undertaken in order that all practicable assistance may be given for the development of the resources of the island. The Government of the United States is seeking to make its relation to Haiti beneficial to the Haitian people; it has no other aim but to establish peace and stability. It does not seek to acquire or to control the Territory of Haiti, and it will welcome the day when it can leave Haiti with the reasonable assurance that the Haitians will be able to maintain an independent government competent to keep order and discharge its international obligations.

Mr. ODDIE. Mr. President, this morning the Washington Post carried an editorial headed "The 'invasion' of Haiti," which gives a very clear and concise history of the occupation of Haiti and the reasons for it. I ask that that editorial may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington Post of January 21, 1925]

THE "INVASION" OF HAITI

There have been periodic gusts of criticism against the occupation of Haiti by the United States. When American marines took over the island in 1915 conditions were fast relapsing into savagery in the interior country, while on the coast the breakdown of the native gov-

ernment left the population open to a reign of terror. The United States authorities first restored order and made it safe for an unarmed person to appear in public. By vigorous rule they instilled something of respect for person and property into the better-class Haitian.

They then invited the native officials from the old régime to sit in with them while they organized a government. They passed laws and explained to the Haitians what these meant. They built or helped to build schools. They established hospitals and taught native "doctors" the principles of medicine and surgery. They built roads into the wilderness of the interior and routed out the bloodthirsty bandits which haunted the forests. They sterilized pest districts and disinfected polluted waters. They set up sanitary markets and instituted the unheard-of system of drainage.

They took over the native constabulary, drilled it, armed it, and organized it into an effective military body with a patriotic morale. They preached through it the necessity that Haitians should love their country, obey their government, and protect helpless foreigners.

Finally they reorganized the finance and commerce of the island and in eight years reduced the public debt from $32,000,000 to $23,000,000, or over a million a year. They leave $1,306,856 in the national treasury, a sum inspiring both pride and respect.

Should the United States have done all this or not? There can be no doubt about it. Under the obligations of the Monroe doctrine, supplemented by the Root corollary wherein this Government formally recognized the duty to remove conditions in Latin America which might give cause for European intervention, this country faced an unescapable task. In fulfilling its mission it has incurred both loss of life and millions of dollars. It leaves, in return, a stable government in the island Republic and a people conscious for the first time of the benefits of civilization and self-respect.

Mr. ODDIE. Mr. President, the discussion of this question has, to my mind, led to a very unfortunate situation. There has been for some time past criticism which I think is very unjust and unfair of our naval occupation of Haiti and a criticism of our naval officers and Marine Corps officers and men. Those men have been acting under instructions from our Government and, from my personal knowledge, they have conducted themselves in a magnificent manner. They have upheld the good name of the United States, of the Navy, and of the Marine Corps. They have had trying experiences to meet; they have had difficult problems to solve; but I feel that they have done their work well. I want it to be understood by the people of the United States and by our neighbors to the south of us that America's idea is not one of oppression or of acquiring property, but that the idea of the United States is to occupy the position of a big brother toward Haiti.

The Haitian people are better off a thousand times because of our occupation than they had been for over a hundred years. They had revolution after revolution and changes in their form of government innumerable until our occupation in 1915. Since then there has been peace and security; the people have been able to cultivate their little tracts of land and raise livestock in security; and they have confidence in us. I hope that it will not be long before they will have a stable government, so that we may remove our forces from that island. However, until that time comes—and it does not face us to-day—we must continue our occupation. It is being maintained for humanitarian purposes and not for the purpose of exploitation.

Mr. President, I trust that the amendment offered by the Senator from Utah will not prevail. The Senator is guided by altruistic motives in his statements, but we differ as to the reason for the occupation, its character, and its results.

The PRESIDING OFFICER. The question is on the amendment offered by the junior Senator from Utah [Mr. KING].

Mr. KING. Mr. President, having presented at some length my views in regard to this matter, it is not necessary that I consume but a few moments in replying to the Senator from Nevada. With all due respect to the Senator, I venture to assert that the record will not support all of the positions which he has taken, and I can not assent to the conclusions which he has reached.

Whenever the question is presented involving the occupation of the territory of a weak state by a strong state, there will always be eloquent contenders for the right of possession and subtle and sophistical arguments—many of which will be persuasive—will be urged in behalf of the assertion of the right to control.

The Senator did not answer my question respecting "international agreements entered into," under which possession was taken by the United States, of Haiti. I inquired, when he was speaking, What international agreements had been entered into, and by what nations, and whether such agreements had received the sanction of the Haitian people? I repeat, the Senator has not answered my inquiry.

I now inquire what nations agreed to invade Haiti, and upon what basis do such agreements rest? Has their validity been accepted by Haiti? Do such agreements meet with the approval of the Haitian people? I deny the right of any nation to barter away the territory of another nation, or to impose upon a weak people a form of government which is distasteful to them, even though it may be a better form of government than that which they possess.

The Senator states that we have been actuated by "humanitarian motives" in our occupation of the island. Mr. President, that is always the plea of the strong nation when it oppresses the weak or seizes the territory belonging to another people. Many crimes have been committed in the name of "humanity," and high altruistic motives have often been urged as an excuse for tyrannous and oppressive acts. Many of the most tyrannical acts recorded in history have had a multitude of apologists, and plausible reasons have been submitted in justification. The devil can quote Scripture, it is said, and wrongs have often been dressed in the apparel of virtue.

Haiti does not belong to the United States. It is inhabited by people who are different from the great majority of this Republic. They want their independence and desire to establish a government of their own. Perhaps their government was not a good government. Undoubtedly, it has not always served the interests of the people well. The Haitian people have at times had bad and vicious rulers, and injustices have been perpetrated for which no defense can be made. The same may be said of other nations. The progress of the world has been slow, and even the best governments have had serious imperfections, and people living under them have been subjected to indignities and wrongs, which may not be defended.

Mr. President, the principles of evolution, as revealed in the biological world, manifest themselves in political institutions and in humanity's development. The history of the human race is one of tragedy, and the wrecks of nations and the obliteration of civilizations bear testimony to the conflicting forces which have battled to prevent the triumph of justice and freedom. Centuries must lapse before all the people of the world emerge from darkness into the sunlight of justice and righteousness. One of the obstacles to human progress has been the imperialistic attitude of the strong nations and of ambitious peoples. There have been peoples who lusted for power and conquest and who believed there was no moral law to govern nations or to guide and control the international relations of the world.

There are still believers in the philosophy—the cold and cynical philosophy—of Nietzsche. They see in the state the personification of power freed from all moral restraints and endued with authority to seek its own nationalistic ends regardless of the rights of other states or the peoples of other lands. The World War, it was hoped, ended this baneful philosophy and developed the theory that nations are merely aggregations of individuals and must be governed by the ethical and moral principles which define and determine human conduct and human relations.

The state may not be an outlaw or above law. It must move within the limits of justice and be governed by the moral principles which abide in the world, and strong nations in their dealings with small nations must be more scrupulous, if possible, in the observance of those high principles of honor and rectitude which must obtain among nations if liberty and justice are to be the inheritance of humanity. I protest against the political materialism which is taught and practiced and plead for the triumph of those nobler principles which find expression in the spiritual truths of revealed religion and reign in the hearts of righteous and just men and women throughout the world.

Mr. President, I concede that the Haitian people have not exhibited the capacity for self-government which has been found among many other people. It is true their progress has been slow, and that under their government many injustices were perpetuated and many wrongs condoned. It is true they have had revolutions, and that Presidents were assassinated, and many cruelties practiced. It is true that there was great ignorance upon the part of a majority of the people of the country, and that there was much lacking essential to the happiness and welfare of the people. But other peoples and other nations have dwelt in the shadow and their paths had been marked by bloodshed, internal convulsions, and grim and awful tragedies. It is the way of life. It is the slow and painful method by which men and people emerge from the darkness.

We must remember the beginnings of the Haitian Government, and the race to which the great majority of the inhabi-

tants of Haiti belong. They were slaves, but even in slavery desired freedom, and under a great leader emancipated themselves from foreign dominion. They set up a government and embarked upon a national career amidst perplexities and difficulties which at times threatened to wreck their enterprise and to destroy their government. They were functioning as a government under a written constitution which contained wise and just provisions when the United States seized possession of Haitian territory and overturned the Haitian Government.

I repeat, Mr. President, what I stated this morning, that we had no right to invade Haitian territory, and we certainly had no right to impose a hard and cruel treaty upon the Haitian people under which we have claimed the right to occupy the Haitian state and control the government which we established. The Senator said there was an international understanding. This I do not admit, but if there were such an understanding it did not and could not bind Haiti. Nor could a small fraction of designing politicians living in Haiti speak for the Haitian people or barter away their liberties. What governments had the right to join with the United States in an "agreement" to place Haiti under the dominion of the United States?

It is said that we went there because we believed Germany might use Haitian harbors as naval bases for submarine activities when the World War was in progress. It is possible that Germany did so contemplate prior to the United States entering the war. Under the Monroe doctrine it may be claimed that the United States had the right to prevent Germany from using Haitian harbors for the purposes just mentioned. However, if we base our occupancy upon an assertion of the Monroe doctrine, there must be proof that the integrity of Haiti was threatened by a foreign power, and that our strong arm was interposed, not to seize and control Haiti and subject her people to military control by our Government, but only to warn off threatened dangers and guard the territorial integrity of the Haitian Republic.

The Monroe doctrine, Mr. President, may not be perverted and used as a pretext to justify aggression by our Government or the infringement of the sovereign rights of states upon the Western Hemisphere. As I understood the Senator, he interpreted the Monroe doctrine as authority under which the United States could seize Haiti and San Domingo and exercise unlimited control for an indefinite period.

Mr. President, the misinterpretation of the Monroe doctrine has been the occasion of anxieties and fears upon the part of some of our Latin neighbors. It is important that it be justly and properly interpreted, otherwise it will be a recurring cause of offense and a haunting specter threatening the amicable relations which should exist between this Republic and the Republics to the south of us. I repeat, we may not invoke the Monroe doctrine to justify the seizure of territory on this hemisphere or to impose upon the peoples found therein a government of our choice. But I discussed this question, Mr. President, earlier in the day and can not pursue it further.

The Senator states that it is unfair for me to criticize the marines and the Navy Department because of their activities in Haiti. Mr. President, I did not utter a word of criticism of the marines or of the work of the Navy Department. I have been criticizing policies and what I have believed to be an unwise course upon the part of the United States in its dealings with Haiti and San Domingo and certain Central American states.

The marines acted under instructions given them. They performed their duty as they saw it and carried out the instructions which were given them. I have no disposition whatever to criticize their conduct. They were sent to take possession of Haiti, to seize strategic points, and to resist any efforts made by the Haitian people to regain possession of their country or control of their government.

And the Navy Department was acting under instructions of the Executive, and the officers of the Navy in their dealings with Haiti and the Haitian people only did their duty and for them I have no criticism. I repeat, I do criticize the overthrow by force of the Haitian Government and the setting up of a puppet régime which assented to a treaty dictated by the United States and the terms of which attacked the sovereignty of Haiti and subjected the Haitian people to foreign control for an indefinite period.

The Senator says that the Haitian people are a thousand times better off now than before the United States sent its military forces to the island. I do not know the standard adopted by the Senator to measure their progress from the low and degraded position which he attributes to them at the time of American occupation and the high state of felicity which he would have us believe they now enjoy under the military control of the United States. Does he mean they are better off financially or physically? Does he mean that their feelings toward the United States are more friendly now than before? Mr. President, I think the Senator did not speak in terms of moderation. Undoubtedly, through the expenditure of large sums which, by the way, the Haitian people have to pay, roads in Haiti have been improved and some advancement has been made in various directions. But it would be folly to say that the Haitian people would have made no advancement if they had had control of their own affairs since the year 1915. History records that many conquerors laid heavy burdens upon conquered peoples, built roads and assisted in the physical and material advancement of the people, but in most instances reactions occurred and the final results proved that but little or any value survived.

Mr. President, there are many Haitians of culture and education; lawyers of eminence, and many professional men are found among the Haitian people. They are devoted to their country and are competent to hold high official positions and discharge with fidelity the duties which such positions would entail. I frankly admit that neither they nor others within the Haitian state could give the Haitian people as progressive and as liberal a form of government as that which we enjoy, or which may be found in many other countries in the world. But whatever government they maintain would be their own.

I submit that in this age of democracy people have the right to choose their own government, and the right of people to determine the kind of government under which they live may not be abridged or destroyed. Many supposed that imperialistic policies had received a mortal thrust as a result of the World War, but we still find in many parts of the world imperialism, perhaps in a little different guise, but nevertheless having the same body and characteristics and seeking the same ends.

The Senator from Nevada, if I interpret him aright, declares that we have inaugurated reforms in Haiti, and have given them a better government than that which they could devise. Concede this to be true, it is not in my opinion sufficient justification for our aggressive acts, or for our continued military occupation of Haitian territory.

I repeat when I say that every act of conquest has been accompanied by pious protestations upon the part of the conquering nation, that it sought the physical and moral well-being of the subjugated people. And undoubtedly in many cases under the rule of the conqueror increased prosperity came to the people. But in most instances seeds of discord and hate were sown, the fruits of which persisted for centuries. The Haitian people believe that our acts have not been wholly unselfish; and that the expenditures made have not brought adequate returns. Their representatives have carried the word to other states that this Republic is imperialistic, and that it covets the rich inheritance which the people of Haiti have won through the courage and valor of their forefathers 100 years ago.

Mr. President, it is a dangerous thing to invade another country for "humanitarian" reasons. That danger is increased when the invading power is strong. It weakens its influence among the nations, especially when it has claimed to have been the champion of liberty and the evangel of a new faith and the inaugurator of a new era.

Mr. President, in my opinion, our duty is clear. We should announce to the people of Haiti that on the 1st of July we shall withdraw from the island; and that in the meantime we will render them every aid possible in setting up the necessary machinery to take over the control and government of their country upon American evacuation.

Mr. ODDIE. Mr. President, if the Senator from Utah will examine the records of the Navy Department proceedings during 1915, at the time the occupation started, he will find, I think, an answer to his question in regard to the international understanding. The French and German forces were there at the start. It is a well-known fact that if the United States had not acted, one of the foreign nations would have taken charge of Haitian finances, their customs and revenues, in a very short time.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Utah [Mr. KING].

The amendment was rejected.

Mr. KING. Mr. President, I shall not ask for a division, because I know the temper of the Senate. I shall not say the Senate is imperialistic. That would be unparliamentary. It might be untrue. I shall say, however, with due respect to my colleagues, that I think they fail to appreciate the great opportunity which we have in this particular instance to emphasize

the high purposes of this Government. I think we are losing an opportunity to bring to the United States the friendship and the love of the Latin-American republics.

Mr. BRUCE. Mr. President, may I interrupt the Senator for just a moment?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. BRUCE. I should like to ask the Senator whether he has ever had any occasion to make any particular study of the conditions existing in Haiti from personal experience and observation?

Mr. KING. Mr. President, the able Senator from Maryland asked me the same question a few moments ago in private conversation, and I told him "Yes"; and the able Senator called my attention to a book which had been written in regard to Haiti which I had read. I said to the Senator then, and I say to him now, that I have made some study of conditions in Haiti. I visited the island. I have read a vast amount of literature in regard to Haiti. I have read of the glorious struggles of the Haitians more than a century ago, for their independence. I have read of the tragic pages of blood and sorrow that have been written by cruel men in Haiti. I am familiar with all that.

Mr. BRUCE. I should like to ask the Senator, if he will allow me, whether he can recall just how many of the rulers of Haiti have died peacefully in their own beds?

Mr. KING. The Senator propounded this same question to me in the conversation just referred to. I stated to him then, as I state now, that many of the Haitian Presidents were assassinated. Senators know that many rulers in many countries have been denied peaceful deaths. Cruel and oppressive rulers have met cruel fates in all ages, and many benevolent and progressive kings and monarchs have met untimely ends through the ignorance and barbarism of their peoples. I am not defending many of the pages written by the Haitians. These pages are blurred and reddened by sanguinary acts, and I believe that if we should withdraw from the island there would be sporadic outbreaks, factional strife, and possible revolution.

There have been revolutions in Mexico and in many of the Latin-American Republics. Presidents and rulers in these revolutions have often met sanguinary fates. Mexico, as the Senator knows, is a child of revolutions, and many of its Presidents have been deposed and some have been assassinated. Intervention is not justified, except in rare instances, because of internal struggles within States, or great convulsions which even shake the foundations of their government. The people of this Republic welcomed the South American revolution which emancipated the people of Mexico, Central and South America from Spanish dominion. Eloquent speeches have been delivered from time to time in Congress encouraging the Poles, the Hungarians, the Greeks, and other European peoples in their efforts to establish governments of their own.

Mr. President, revolutions, even though they have been accompanied by bloodshed and often by atrocities and assassinations, have been blows struck at autocratic government, and have laid the foundations of more liberal government, though such foundations have been laid in blood. Even in our own Republic, dedicated to liberty, there was a mighty conflict, appalling in its magnitude, which destroyed hundreds of thousands of the flower of American manhood and imposed financial burdens upon the people which persist even until this day.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. KING. Let me add, Mr. President, that because of the revolutions and conflicts in Mexico, cruel and bloodthirsty as some of them were, I can not believe that any American would advocate that it was the duty of the United States to take possession of Mexico and set up a military government under the authority of the United States.

The people of Mexico must work out their own problems and laboriously and painfully work their way up the difficult mountain to the heights where peace and freedom and prosperity are found. It may be a century, it may be two centuries, no one can tell when that happy condition will be reached. Our duty is to offer encouragement, to treat with patience their transgressions which may affect our peace, or trespass upon the rights of our nationals. Mexico belongs to the Mexicans and they deserve the sympathy of the American people in their efforts to solve the agrarian and other difficult problems which lie along their pathway.

Mr. BRUCE. Mr. President, may I ask the Senator another question, if he has not grown impatient?

Mr. KING. I never become impatient with the Senator. I yield to him.

Mr. BRUCE. I reciprocate that condition with respect to the Senator from Utah.

Mr. KING. I think, however, the Senator from Maine [Mr. HALE] is getting impatient with both of us, as he is anxious to pass the naval bill.

Mr. BRUCE. I should like to ask the Senator how many roads there were in Haiti when the American occupation took place. My information is that there was nothing there but bridle paths.

Mr. KING. That is not quite accurate. I will concede to the Senator, so as to avoid further questioning——

Mr. BRUCE. Let me ask one more question?

Mr. KING. Certainly.

Mr. BRUCE. I should like to ask the Senator what real measure of personal liberty there was in Haiti at the time of the American occupation.

Mr. KING. Mr. President, the Senator has propounded two questions. I concede that the roads were limited in number, and that large sums have been expended since the Americans have been in control of Haiti in the construction of roads and highways, but as I have heretofore stated the payment for these improvements must be made by the Haitian people. I also concede that many of the Haitian rulers were cruel and imposed upon the people unjust laws which deprived many of them of their liberty. But conceding all that and more, I still insist that the United States has no right to control the Haitian people by military force, or to set up a form of government at variance with the Haitian constitution which our acts suspended, if they did not destroy.

Mr. BRUCE. Mr. President, it seems to me the Senator from Utah is very much like the English——

Mr. KING. If the Senator wants to ask a question, all right. He can make a speech afterwards.

Mr. BRUCE. I was just asking my question in a little different form for a minute. I hope the Senator will not interrupt me in it.

Mr. KING. If it is a comparison of my views with some other views, it is not a question.

Mr. BRUCE. No; I was just endeavoring to illustrate my point. The Senator's reading is so incessant and wide that I am sure he will recollect that some time ago a very ardent opponent of prohibition in England said that he would much rather be free than sober; so I assume that the point of view of the Senator is that it is much better for Haitians to be free than civilized.

Mr. KING. I do not admit the pertinency of the Senator's illustration. I want the Haitians both free and civilized, and freedom and civilization will the sooner be realized if they are not held under the control of another power. An imposed civilization is too often a superficial one. It is a very thin veneer which is removed when brought into contact with the actualities and the realities that the progressive and educational forces in life present for the consideration of the people. The Haitians are not free under our rule. If they are not civilized, how long will it take us to civilize them? Shall we remain until they reach the standards of civilization which fastidious Americans prescribe? Ah! Mr. President, the oppressor always urges as an excuse for his assertion of control over a weak and defenseless people that they are incapable of governing themselves and that their interests will best be served by submission to an alien power. In so doing they will sooner take on the culture of civilized nations, particularly the alien power—a culture which it is claimed they could not obtain under any processes of government which they might devise or set in motion.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. McKELLAR. I want to ask just a question.

Mr. KING. Very well.

Mr. McKELLAR. Is it true that the Haitians practice cannibalism? And is it true that several years ago while the marines were down there they served up one or more American marines for food? I have heard that statement a number of times, and I was wondering whether there was any basis for the statement.

Mr. KING. Mr. President, the testimony before a committee appointed by the Senate to investigate conditions in Haiti, as I now recall, showed that in some of the mountainous districts of Haiti there were persons who were semicivilized. However, an American minister who testified stated, as I remember his testimony, that he had traveled in every part of the island and had come into contact with the people in the darkest and most remote sections of the country. He declared that they were kindly disposed, hospitable, and possessed of many admirable qualities. In the remote sections of the island, where there

was the least progress and development, the inhabitants were childlike in their simplicity, but were receptive to the religious instructions which were imparted. I think the testimony showed that in a few sections of the island voodooism was believed in, and a number of arrests were made because of alleged cannibalistic practices. Undoubtedly there is much ignorance among the great majority of the inhabitants of Haiti; but there are thousands of educated men and women, many who have received their instructions in the best universities of Europe, and they are deeply interested in the welfare of their country. At the time of the American occupation there were many other signs of improvement and progress which promised better conditions and more rapid advancement.

I believe the gruesome statement to which the Senator refers in connection with the marines is a pure fiction. The Senator's question would imply that there were no marines now in Haiti. The fact is that there are still approximately 1,300 marines. In the early days of our occupancy of the island there were several thousand marines. Their presence was resented by the Haitians, and a war was carried on for some time which resulted in the death of between three and four thousand inhabitants of the island.

Returning to the question of the Senator from Maryland. In considering the question before us we must remember the origin of the Haitian nation and the difficulties which the Haitian people have been compelled to encounter. The great majority are Negroes. They were in bondage for many years, and when they won their independence they found themselves with but few resources and few leaders. They were without education, without knowledge of government, without the traditions which many civilized people inherited and which were such powerful aids to progress. They had to build de novo. To expect immediate and great progress, intellectual or otherwise, would be to expect the impossible. That they have made progress can not be denied; that their progress will be greater in the future all must admit. They set up a republican form of government and they painfully and patiently set to work to develop conditions which would permit the enjoyment of political and economic freedom.

Mr. President, I submit that we are offering impediments to the accomplishment of their purposes. A military dictatorship has interrupted the stream of their national life, and imposed an abnormal condition, the effects of which may not at this time be determined. I am pleading only for the right of self-government, for the the right of people, whether white or black, to have their own freedom in their own way, to work out their own problems, unafraid, and undeterred by the power and might of a great nation. This Nation has not been made the policeman for the world. It is not a modern Don Quixote to redress the evils and ills of the world. It may not prescribe the standard which is to be applied throughout the world. This Republic has its own problems, and there are many persons in other countries who feel that we are not solving all of our problems in a satisfactory manner. We have economic problems and racial problems.

The complexities of modern life, together with the varied conditions existing in our own country, press upon us problems of a most serious and important character. This Republic, more than any other nation, should set an example of unselfishness. It should lend its mighty influence to dilute, if not destroy, the spirit of imperialism and the covetous and sinister designs which so often manifest themselves in the international relations of the world. And at this particular hour our attitude toward Latin America should be such as to command not only the respect of its people but their affection. We should impress upon them that we do not seek their territory, nor will we infringe upon the sovereign rights of their governments. Our course should be such as to constrain them to recognize in this Republic a true and sincere friend who wishes to live in peace and amity with all people and to contribute to the advancement and prosperity of all nations and to the peace of the world.

The PRESIDENT pro tempore. The bill is in Committee of the Whole, and still open to amendment.

Mr. KING. Mr. President, it was my purpose to discuss various features of the naval bill, and particularly the matters involved in the recent criticisms of our Navy. I wanted to discuss the question of gun elevation, the effect of the limitation of arms treaty, and the condition of our battleships, airplanes, and submarines. I was prepared to speak upon these questions at this time. I wanted to give my views upon the weaknesses of our Navy and upon what our naval policy should be; but the lateness of the hour, and the fact that I have consumed so much time to-day, and the impatience of the Senator from Maine to pass the bill compel me to pretermit my purpose. I warn him, however, that when he brings in the next bill relating to naval matters, I shall tell him what I think of the Navy.

The PRESIDENT pro tempore. If there are no further amendments, as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ORDER OF BUSINESS

Mr. McNARY and Mr. BURSUM addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oregon.

Mr. McNARY. I should like very much at this time to propose the consideration of a conference report. However, I feel some embarrassment on account of the fact that I promised the Senator from Ohio [Mr. WILLIS] that I would not call it up when he was not on the floor or that I would suggest the absence of a quorum if he were not present.

Mr. CURTIS. There are a couple of treaties upon the Executive Calendar, and the chairman of the Committee on Foreign Relations is very anxious to have them acted upon in executive session this afternoon. I hope the Senator will not make the point of no quorum. I would like to have an executive session to consider those treaties.

Mr. McNARY. Mr. President, I am always desirous of being obliging——

The PRESIDENT pro tempore. The Chair desires to state to the Senator from Kansas that the Senator from Oregon was recognized because he was first on his feet, but the Senator from New Mexico [Mr. BURSUM] was claiming the recognition of the Chair about the same time, and the Chair feels that after the recognition of the Senator from Oregon he will be compelled to recognize the Senator from New Mexico.

Mr. McNARY. In view of the statement made by our distinguished leader, I am very happy to withhold my request.

Mr. KING. Then I shall feel constrained to ask for a quorum. I do not want to do so, if the Senator from Kansas desires to move that the Senate go into executive session. I withhold my suggestion of the absence of a quorum.

Mr. CURTIS. In view of the statement made by the Chair, of course, I suppose the Senator from New Mexico will next be recognized.

The PRESIDENT pro tempore. The Chair recognizes the Senator from New Mexico.

Mr. KING. I suggest the absence of a quorum.

Mr. CURTIS. I ask the Senator to withhold the call for a quorum so that I may see if I can not get an agreement for an executive session.

Mr. KING. I withhold the suggestion for a moment.

Mr. CURTIS. I ask the Senator from New Mexico if he will not let his matter go over until to-morrow morning. We must have an executive session to-night.

Mr. BURSUM. Mr. President, the other day the Senate had under consideration Senate bill 33, making eligible for retirement under certain conditions officers of the Army of the United States other than officers of the Regular Army who incurred physical disability in line of duty while in the service of the United States during the World War. It was considered for about an hour and a half. I gave notice yesterday that I would submit a motion to make that bill a special order. I am anxious that it shall be considered. I am not especially interested in the day when it shall be brought up—I would like to make it convenient for all—but the bill was on the calendar at the last session and has been on the calendar for something like a year and certainly is entitled to receive consideration at the hands of the Senate and be disposed of.

Mr. CURTIS. Will the Senator suggest some date which would be agreeable?

Mr. BURSUM. I would say next week some time—say Tuesday, at 2 o'clock.

Mr. KING. Mr. President, I will say very frankly to the Senator from New Mexico that I am opposed to the bill. I think it is a bad bill. I think it would be an entering wedge to legislation which would cost the Government of the United States not only millions of dollars but tens and tens of millions of dollars. It ought to be defeated, and I shall use all legitimate parliamentary means to defeat it.

Mr. BURSUM. Mr. President, the Senator from Utah does not think that the Senate would do anything bad, does he?

Mr. KING. If the Senator is asking my opinion about our infallibility, I will say that we are very fallible.

Mr. BURSUM. Surely the Senate is strong enough to resist any measure that would be outrageously bad. All I am asking is that an opportunity be given to vote on the bill; that is all.

Mr. KING. I regret that the Senate has not been able to resist the outrageously bad legislation suggested by the able Senator from New Mexico.

Mr. BURSUM. This is a government of majorities. If the majority desires the bill, there should be an opportunity afforded to the majority to vote on it.

The PRESIDENT pro tempore. There is no question before the Senate.

Mr. KING. I suggest the absence of a quorum.

Mr. BURSUM. I move that the Senate——

The PRESIDENT pro tempore. The Senator from Utah has suggested the absence of a quorum.

Mr. BURSUM. May I finish what I am saying?

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. KING. I will withhold the suggestion, if the Senator is not making a motion.

Mr. BURSUM. I was on my feet to make a motion.

Mr. KING. Then I insist on my call for a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ball	Edwards	McKellar	Ransdell
Bayard	Ernst	McKinley	Reed, Pa.
Bingham	Ferris	McLean	Sheppard
Borah	Fess	McNary	Shipstead
Broussard	Fletcher	Mayfield	Shortridge
Bruce	Frazier	Means	Simmons
Bursum	Hale	Metcalf	Smith
Butler	Harreld	Moses	Smoot
Cameron	Harris	Neely	Spencer
Capper	Harrison	Norris	Swanson
Caraway	Heflin	Oddie	Underwood
Copeland	Johnson, Calif.	Overman	Wadsworth
Couzens	Kendrick	Pepper	Walsh, Mont.
Cummins	Keyes	Phipps	Wheeler
Curtis	King	Pittman	Willis
Dial	McCormick	Ralston	

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. There is a quorum present.

Mr. BURSUM. Mr. President, on account of the fact that the motion I was about to make will probably cause some debate, and in order to accommodate those who desire to have some matters of importance taken up in executive session, I will postpone making the motion until to-morrow. I shall submit the motion at the first opportunity.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 4 o'clock and 25 minutes p. m.) adjourned until to-morrow, Thursday, January 22, 1925, at 12 o'clock meridian.

CONVENTION WITH SANTO DOMINGO TO REPLACE CONVENTION OF 1907

In executive session this day, the following convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States and the Dominican Republic, signed December 27, 1924, to replace the convention of February 8, 1907, between the two countries.

The attention of the Senate is invited to the explanatory statement regarding the new convention made in the accompanying report of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 2, 1925.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and the Dominican Republic, signed December 27, 1924, to replace the convention of February 8, 1907, between the two countries, a copy of which is also inclosed.

For the information of the Senate the following explanatory statement is made: The convention now submitted has been concluded to meet the desire of the Dominican Government to effect a new agreement in view of the financial provisions of the convention of 1907, and in order to facilitate the flotation of a new loan on more favorable terms which will refund the outstanding issues of 1908, 1918, and 1922, and provide additional funds for highway construction and other necessary public works.

Owing to the provisions of the convention of 1907 and of certain executive orders issued by the military government in connection with the loans of 1918 and 1922, the Dominican Government has received from the customs duties, the principal source of revenues of the Republic, only that portion under a total of $3,000,000 that remains after the expenses of the receivership and the services of the three bond issues have been met and only 15 per cent of any amount above $3,000,000, the remainder being devoted to the amortization of the two older issues. Under these conditions these securities are being retired much faster than the resources of the country appear to permit, and the Dominican Government is not receiving sufficient income to meet its ordinary expenditures. To overcome this the newly signed convention provides that the Dominican Republic shall receive all customs revenues up to and including a total of $4,000,000 after deducting the expenses of the receivership and the service of the new bond issue, and 90 per cent of all income from this source above $4,000,000. It is certain that these more liberal provisions will prove of great benefit to the Dominican Republic.

The Department of State has viewed with sympathy the desire of the Dominican authorities to obtain less onerous financial obligations for their country, provided, of course, that the new convention should contain adequate protection for the future bondholders similar to that provided in the convention of 1907. The undersigned considers that this has been accomplished in the convention.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, December 31, 1924.

Whereas a convention between the United States of America and the Dominican Republic providing for the assistance of the United States in the collection and application of the customs revenues of the Dominican Republic, was concluded and signed by their respective plenipotentiaries at the city of Santo Domingo, on the eighth day of February; and

Whereas that convention was entered into to enable the Dominican Government to carry out a plan of settlement for the adjustment of debts and claims against the Government; and

Whereas, in accordance with that plan of settlement, the Dominican Republic issued in 1908 bonds to the amount of $20,000,000, bearing 5 per cent interest, payable in 50 years, and redeemable after 10 years at 102½, and requiring payment of at least 1 per cent per annum for amortization; and

Whereas additional obligations have been incurred by the Dominican Government in the form of the issuance, in 1918, of bonds to the amount of $5,000,000, bearing 5 per cent interest, payable in 20 years, and redeemable at par on each interest date as the amount of amortization fund available on such interest dates will permit, and requiring payment of at least 5 per cent per annum for amortization; and in the form of the issuance of bonds, in 1922, to the amount of $10,000,000, bearing 5½ per cent interest, payable in 20 years, and redeemable after 8 years at 101 and requiring payment after such period of at least $563,916.67 per annum for amortization; and

Whereas certain of the terms of the contracts under which these bonds have been issued have proven by experience unduly onerous to the Dominican Republic and have compelled it to devote a larger portion of the customs revenues to provide the interest and sinking fund charges pledged to the service of such bonds than is deemed advisable or necessary; and

Whereas it is the desire of the Dominican Government and appears to be to the best interest of the Dominican Republic to issue bonds to a total amount of $25,000,000 in order to provide for the refunding on terms more advantageous to the Republic of its obligations represented by the bonds of the three issues above mentioned still outstanding and for a balance remaining after such operation is concluded to be devoted to permanent public improvements and to other projects designed to further the economic and industrial development of the country; and

Whereas the whole of this plan is conditioned and dependent upon the assistance of the United States in the collection of customs revenues of the Dominican Republic and the application thereof so far as necessary to the interest upon and the amortization and redemption of said bonds, and the Dominican Republic has requested the United States to give and the United States is willing to give such assistance:

The United States of America, represented by Charles Evans Hughes, Secretary of State of the United States of America; and the Dominican Republic, represented by Señor José del Carmen Ariza, envoy extraordinary and minister plenipotentiary of the Dominican Republic in Washington, have agreed:

ARTICLE I

That the President of the United States shall appoint a general receiver of Dominican customs, who, with such assistant receivers and other employees of the receivership as shall be appointed by the President of the United States in his discretion, shall collect all the customs duties accruing at the several customs houses of the Dominican Republic until the payment or retirement of any and all bonds issued by the Dominican Government in accordance with the plan and under the limitations as to terms and amounts hereinbefore recited; and said general receiver shall apply the sums so collected, as follows:

First, to paying the expenses of the receivership; second, to the payment of interest upon all bonds outstanding; third, to the payment of the annual sums provided for amortization of said bonds including interest upon all bonds held in sinking fund; fourth, to the purchase and cancellation or the retirement and cancellation pursuant to the terms thereof of any of said bonds as may be directed by the Dominican Government; fifth, the remainder to be paid to the Dominican Government.

The method of distributing the current collections of revenue in order to accomplish the application thereof as hereinbefore provided shall be as follows:

The expenses of the receivership shall be paid by the receiver as they arise. The allowances to the general receiver and his assistants for the expenses of collecting the revenues shall not exceed five per cent unless by agreement between the two Governments.

On the first day of each calendar month shall be paid over by the receiver to the fiscal agent of the loan a sum equal to one-twelfth of the annual interest of all the bonds issued and of the annual sums provided for amortization of said bonds and the remaining collection of the last preceding month shall be paid over to the Dominican Government, or applied to the sinking fund for the purchase or redemption of bonds or for other purposes as the Dominican Government shall direct.

Provided, that in case the customs revenues collected by the general receiver shall in any year exceed the sum of $4,000,000, 10 per cent of the surplus above such sum of $4,000,000 shall be applied to the sinking fund for the redemption of bonds.

ARTICLE II

The Dominican Government will provide by law for the payment of all customs duties to the general receiver and his assistants, and will give to them all needful aid and assistance and full protection to the extent of its powers. The Government of the United States will give to the general receiver and his assistants such protection as it may find to be requisite for the performance of their duties.

ARTICLE III

Until the Dominican Republic has paid the whole amount of the bonds of the debt, its public debt shall not be increased except by previous agreement between the Dominican Government and the United States.

ARTICLE IV

The Dominican Government agrees that the import duties will at no time be modified to such an extent that, on the basis of exportations and importations to the like amount and the like character during the two years preceding that in which it is desired to make such modification, the total net customs receipts would not at such altered rates have amounted for each of such two years to at least 1½ times the amount necessary to provide for the interest and sinking fund charges upon its public debt.

ARTICLE V

The accounts of the general receiver shall be rendered monthly to the ministry of finance and commerce of the Dominican Republic and to the State Department of the United States, and shall be subject to examination and verification by the appropriate officers of the Dominician and the United States Governments.

ARTICLE VI

The determination of any controversy which may arise between the contracting parties in the carrying out of the provisions of this convention shall, should the two Governments be unable to come to an agreement through diplomatic channels, be by arbitration. In the carrying out of this agreement in each individual case, the contracting parties, once the necessity of arbitration is determined, shall conclude a special agreement defining clearly the scope of the dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. The special agreement providing for arbitration shall, in all cases, be signed within a period of three months from the date upon which either one of the contracting parties shall notify the other contracting party of its desire to resort to arbitration. It is understood that on the part of the United States such special agreements will be made by the President of the United States by and with the advice and consent of the Senate thereto, and on the part of the Dominican Republic shall be subject to the procedure required by the constitution and laws thereof.

ARTICLE VII

This agreement shall take effect after its approval by the contracting parties in accordance with their respective constitutional methods. Upon the exchange of ratifications of this convention, which shall take place at Washington as soon as possible, the convention between the United States of America and the Dominican Republic providing for the assistance of the United States in the collection and application of the customs revenues, concluded and signed at the city of Santo Domingo on the 8th day of February, 1907, shall be deemed to be abrogated.

Done in duplicate in the English and Spanish languages at the city of Washington this 27th day of December, nineteen hundred and twenty-four.

CHARLES EVANS HUGHES. [SEAL.]
J. C. ARIZA. [SEAL.]

CONVENTION RATIFYING AGREEMENT BETWEEN THE UNITED STATES AND THE DOMINICAN REPUBLIC

In executive session this day, the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

I transmit herewith, to receive the advice and consent of the Senate to ratification, a convention of ratification between the United States and the Dominican Republic, as contained in the agreement of evacuation of June 30, 1922, signed at Santo Domingo on June 12, 1924.

The attention of the Senate is invited to the accompanying explanatory report by the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 18, 1924.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention of ratification between the United States and the Dominican Republic, as contained in the agreement of evacuation of June 30, 1922, signed at Santo Domingo on June 12, 1924.

The following explanation of the convention is made for the information of the Senate:

During the first half of the year 1922 a commission of representative Dominican citizens, consisting of Gen. Horacio Vasquez and Messrs. Federico Velasquez E. Brache, jr., and Francisco J. Peynado, visited Washington to present their views to the Secretary of State as to the nature of an agreement which might be reached between the Government of the United States and the Dominican people which would permit of the withdrawal of the American forces of occupation and at the same time give the Government of the United States the assurances it required before making such evacuation effective. As a result of these conferences an agreement of evacuation of the Dominican Republic by the military forces of the United States

was entered into on June 30, 1922. The convention of ratification now submitted is contained in article 7 of this agreement.

This convention validates all the executive orders promulgated by the military government and published in the Official Gazette which may have levied taxes, authorized expenditures, or established rights on behalf of third persons, and the administrative regulations issued, and contracts which may have been entered into in accordance with those orders or with any law of the Republic. Inasmuch as these measures have confirmed important vested rights acquired principally by Dominican citizens from the military government during the occupation of the Republic by the military forces of the United States, the Dominican representatives who negotiated the agreement of evacuation in 1922 recognized the necessity of a convention of this nature.

The agreement of evacuation also provided that a provisional government should be set up in the Dominican Republic for the purpose of promulgating legislation to regulate the holding of elections and to provide for the reorganization of provincial and municipal governments and to enable the Dominican people to make such amendments to the constitution as they might deem appropriate and hold general elections without the interference of the military government. These provisions have all been duly carried out. The American forces have evacuated the territory of the Republic, and a constitutional government headed by President Vasquez was inaugurated on July 12, 1924.

The convention of ratification was signed at Santo Domingo on June 12, 1924, by the plenipotentiaries of both countries. It has been ratified by the Dominican Congress, which has also, in pursuance of the last paragraph of article 7 of the agreement of evacuation, passed a law recognizing independently of it the validity of the executive orders referred to in the convention.

A copy of the agreement of evacuation is attached for the Senate's further information.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, December 16, 1924.

Whereas, in the month of May, 1916, the territory of the Dominican Republic was occupied by the forces of the United States of America, during which occupation there was established, in substitution of the Dominican Government, a military government which issued governmental regulations under the name of executive orders and resolutions and administrative regulations, and also celebrated several contracts by virtue of said executive orders or by virtue of some existing laws of the Republic;

Whereas the Dominican Republic has always maintained its right to self-government, the disoccupation of its territory and the integrity of its sovereignty and independence; and the Government of the United States has declared that, on occupying the territory of the Dominican Republic, it never had, nor has at present, the purpose of attacking the sovereignty and independence of the Dominican Nation; and these rights and declarations gave rise to a plan or *modus operandi* of evacuation signed on June 30, 1922, by Monseñor A. Nouel General Horacio Vasquez, Don Federico Velasquez y H., Don Elias Brache, hijo, and Don Francisco J. Peynado, and the Department of State, represented by the Honorable William W. Russell, envoy extraordinary and minister plenipotentiary of the United States in the Dominican Republic, and the Honorable Sumner Welles, commissioner of the President of the United States, which met with the approval of the Dominican people, and which approval was confirmed at the elections that took place on March 15 of the present year;

Whereas, although the Dominican Republic has never delegated authority to any foreign power to legislate for it, still it understands that the internal interests of the Republic require the validation or ratification of several of the executive orders and resolutions, published in the Official Gazette, as well as the administrative regulations and contracts of the military government celebrated by virtue of said orders or of any law of the Republic; and, on its part, the United States considers that it is also to its interest that said acts be validated or ratified; for these reasons one of the stipulations in the above-mentioned plan of evacuation provides for the celebration of a treaty or convention of ratification or validation of said orders, resolutions, regulations, and contracts;

Therefore the United States of America and the Dominican Republic, desirous of celebrating the above-mentioned treaty or convention, have named for this purpose their plenipotentiaries as follows:

The President of the United States, William W. Russell, envoy extraordinary and minister plenipotentiary of the United States in Santo Domingo; and

The Provisional President of the Dominican Republic, Don Horacio Vasquez, Don Federico Velasquez y H., and Don Francisco J. Peynado, who, after having exchanged their full powers, and after having found them in due and proper form, have agreed upon the following:

I. The Dominican Government hereby recognizes the validity of all the executive orders and resolutions, promulgated by the military government and published in the Official Gazette, which may have levied taxes, authorized expenditures, or established rights on behalf of third persons, and the administrative regulations issued, and contracts which may have been entered into, in accordance with those orders or with any law of the Republic. Those executive orders and resolutions, administrative regulations and contracts are those listed below:

EXECUTIVE ORDERS

2	205–212 inclusive
8	214
9	215
14	218
17	220
19	223–225 inclusive
23	229–231 inclusive
27	233–243 inclusive
28	245–250 inclusive
31	252
34–38 inclusive	254–260 inclusive
43	262–266 inclusive
44	269–277 inclusive
46	280–282 inclusive
48	285–298 inclusive
52	300–302 inclusive
53	304–307 inclusive
55	311
58	312
60	314–318 inclusive
61	320–322 inclusive
64	324–326 inclusive
65	328–336 inclusive
68	338–367 inclusive
69	369–375 inclusive
71	377–391 inclusive
75	393
79	395
81–85 inclusive	396
88	398
89	400
91	402–413 inclusive
92	415–433 inclusive
94	435–443 inclusive
95	445
97	447
104	449
106	451
108	454–461 inclusive
110–112 inclusive	463–489 inclusive
114	491–498 inclusive
116	500
118	502
119	504–506 inclusive
121	509
126	510
128–130 inclusive	513–517 inclusive
133–136 inclusive	519–526 inclusive
139	530
142	532–547 inclusive
143	549
145	550
146	552–556 inclusive
148–151 inclusive	558–563 inclusive
153–163 inclusive	566
166	569
168	570
169	574–577 inclusive
171	579–590 inclusive
173	593
174	594
176–178 inclusive	596
183	597
185–187 inclusive	599–610 inclusive
190–195 inclusive	612–615 inclusive
197–203 inclusive	617–629 inclusive

634–643 inclusive
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647–651 inclusive
653–656 inclusive
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660–668 inclusive
670–685 inclusive
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692–697 inclusive
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701–703 inclusive
706–710 inclusive
712–719 inclusive
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723–733 inclusive
735–738 inclusive
741–748 inclusive
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752–759 inclusive
761–764 inclusive
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768–775 inclusive
777–779 inclusive
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RESOLUTIONS

FOMENTO AND COMMUNICATIONS

Resolution—Official Gazette No. 2790—Barahona Co.
Resolution—Official Gazette No. 2821—Santa Fe Plantation Sugar Co.
Resolution—Official Gazette No. 2845—Central Romana.
Resolution—Official Gazette No. 2849—Central Romana.
Resolution—Official Gazette No. 2850—Santa Fe Plantation Sugar Co.
Resolution—Official Gazette No. 2861—Central Boca Chica Co.
Resolution—Official Gazette No. 2862—Installation of a telephone line.
Resolution—Official Gazette No. 2911—Installation of a telephone line.
Resolution—Official Gazette No. 2911—Santa Fe Plantation Sugar Co.
Resolution—Official Gazette No. 2929—Ingenio Cristobal Colon.
Resolution—Official Gazette No. 2967—Cancellation.
Resolution—Official Gazette No. 2993—Cia. Anónima de Explotaciones Industriales.
Resolution—Official Gazette No. 2993—San Cristobal Mining Co.
Resolution—Official Gazette No. 3008—Bentz Hnos.
Resolution—Official Gazette No. 3015—Bentz Hnos.
Resolution—Official Gazette No. 3036—Barahona Co.
Resolution—Official Gazette No. 3037—Julio V. Abreu.
Resolution—Official Gazette No. 3076—Central Romana.
Resolution—Official Gazette No. 3076—Barahona Co.
Resolution—Official Gazette No. 3093—Luis del Monte.
Resolution—Official Gazette No. 3093—Jose Mota Ranché.
Resolution—Official Gazette No. 3106—Central Romana.
Resolution—Official Gazette No. 3106—Central Romana.
Resolution—Official Gazette No. 3106—Castillo Hnos.
Resolution—Official Gazette No. 3106—Barahona Co.
Resolution—Official Gazette No. 3106—Barahona Co.
Resolution—Official Gazette No. 3121—Consuela Sugar Co.
Resolution—Official Gazette No. 3126—Sres. Noboa Hnos.
Resolution—Official Gazette No. 3129—Barahona Co.
Resolution—Official Gazette No. 3129—Consuela Sugar Co.
Resolution—Official Gazette No. 3159—Barahona Co.
Resolution—Official Gazette No. 3159—Central Romana.
Resolution—Official Gazette No. 3160—Barahona Co.
Resolution—Official Gazette No. 3162—Pardo y Ely Dorsey. Registered 1, 2, and 3.
Resolution—Official Gazette No. 3162—J. Amando Bermudez.
Resolution—Official Gazette No. 3196—Lorenzo Gautier Olives.
Resolution—Official Gazette No. 3203—Barahona Co.
Resolution—Official Gazette No. 3235—Barahona Co.
Resolution—Official Gazette No. 3242—Central Romana.
Resolution—Official Gazette No. 3243—Manuel Bermudez.
Resolution—Official Gazette No. 3274—Cia. Anónima de Inversiones Inmobiliarias.
Resolution—Official Gazette No. 3243—Cia. Anónima de Inversiones Inmobiliarias.
Resolution—Official Gazette No. 3354—Barahona Co.
Resolution—Official Gazette No. 3313—Ingenio Santa Fe de San Pedro de Macoris.
Resolution—Official Gazette No. 2786—Central Romana.
Resolution—Official Gazette No. 2787—L. E. Alvarez.
Resolution—Official Gazette No. 3358—Barahona Co.

AGRICULTURE AND IMMIGRATION

Resolution No. 61—Official Gazette No. 2838—Declaración de Zonas Agricolas en la Provincia de Barahona.
Resolution No. 64—Official Gazette Nos. 2853 and 2854—Declaración de Zonas Agricolas en la Provincia de Barahona.
Resolution No. 66—Official Gazette No. 3003—Declaración de Zonas Agricolas en la Provincia de Barahona.
Resolution No. 86—Official Gazette No. 3089—Luis Holguer. Todos los permissos de inmigración y ordenes de deportación expedidos por esta Secretaria.
Resolution No. 88—Official Gazette No. 3133—Declaración de Zonas Agricolas en Barahona.
Resolution No. 89—Official Gazette No. 3145—Declaración de Zonas Agricolas en la Provincia de Barahona.
Resolution No. 91—Official Gazette No. 3167—Declaración de Zonas Agricolas en la Provincia de Santo Domingo.
Resolution No. 92—Official Gazette No. 3180—Industrial Alcohol Cia.
Resolution No. 93—Official Gazette No. 3180—Declaración de Zonas Agricolas en la Provincia de Santo Domingo.
Resolution No. 94—Official Gazette No. 3197—Declaración de Zonas Agricolas en la Provincia de Santo Domingo.
Resolution No. 95—Official Gazette No. 3219—Declaración de Zonas Agricolas en la Provincia de Monte Cristi.
Resolution No. 96—Official Gazette No. 3242—Alvaro Fernández.
Resolution No. 97—Official Gazette No. 3243—Rectificación Limites Mencionados en Resolución No. 94 referente a Bani.
Resolution No. 98—Official Gazette No. 3301—Cancelando Resolución No. 97.
Resolution No. 99—Official Gazette No. 3332—Asociación de Regantes.
Water titles issued by the Secretariat of State for Agriculture by virtue of Executive Order No. 318 to the following:
Domingo Rodriguez—Agua del Rio San Juan, Azua.
Jesús M. Vargas—Agua del Rio el Caño de Boña, Neiba, Barahona.
Alberto Perdomo—Agua del Rio Plaza Cacique.
Santiago J. Rodriguez—Agua del Rio Macasia, Matas de Farfán.
J. Julio Coiscou—Agua del Rio Birán, Barahona.
Asociación La Altagracia—Agua del Rio El Manguito, Neiba.
Arbaje Hnos.—Agua del Rio Macasia, Matas de Farfán.
A. Santiago—Agua del Rio Macasia, Matas de Farfán.
Manuel de Pérez—Agua del Rio Camana, Neiba.
Sociedad de Irrigación Los Tres—Agua del Rio San Juan, San Juan, Azua.
Joaquin Gracia—Agua del Rio Yaque del Sur, Barahona.
Sociedad de Irrigación Amantes de las Agricultura—Agua del Rio San Juan, San Juan, Azua.
Ismael Mateo—Agua del Rio de Jacahueque, Matas de Farfán.
Inomina Palmer—Agua del Rio Jacahueque, Matas de Farfán.
Sociedad de Irrigación La Unión—Agua del Rio San Juan, San Juan, Azua.
Sociedad de Irrigación La Unión—Agua del Rio Macasia, Matas de Farfán.
Sociedad de Irrigación La Competencia—Agua del Rio Mario Chiquita, Neiba.
Francisco Tomillo—Agua del Rio San Juan, San Juan, Azua.
Sociedad de Irrigación El Porvenir—Rio Las Marias, Neiba.
Sociedad de Irrigación El Esfuerzo—Agua del Rio Bani.
Sociedad de Irrigación El Progreso—Agua del Rio Bani.
Sociedad de Irrigación La Voluntad—Agua del Rio Bani.
Sociedad de Irrigación La Legalidad—Agua del Rio Bani.
Sociedad de Irrigación El Adelanto—Agua del Rio Bani.
Wenceslao Ramirez—Agua del Rio Mijo, San Juan, Azua.
Resolution No. 74—Official Gazette No. 3355—Luis L. Bogaert.
All letters of naturalization and permits to establish residence granted for the purpose of naturalization, in accordance with article 11 of the constitution.
All permits issued to establish legal residence in the Republic in accordance with article 14 of the civil code.
Resolution regarding the sale of the cruiser *Independencia*, under date of February 20, 1918, and the tugboat *Aguila*, under date of June 6, 1918. (Not yet published.)
Resolution—Official Gazette No. 3203, approving the increase in the tariff tax of the municipal aqueduct (Puerto Plata).
All the resolutions passed by the Ayuntamientos and approved by the military government.

SANITATION AND CHARITY

Sanitary code published in the Official Gazette No. 3181, December 29, 1920.

TREASURY

Circular E–105, December 8, 1919.

INTERNATIONAL CONVENTIONS ENTERED INTO DURING THE PERIOD OF THE MILITARY GOVERNMENT

FOMENTO AND COMMUNICATIONS

Spanish-American Postal Convention of Madrid of November 2, 1920. Resolution No. 7, of March 12, 1921.
Universal Postal Convention of Madrid of November 30, 1920. Resolution No. 21 of December 31, 1921.
Universal Parcel Post Convention of Madrid of November 30, 1920. Resolution No. 32 of December 31, 1921.
Dominican-Spanish Postal Convention of November 17, 1921. Resolution No. 13 of April 29, 1922.
Pan American Convention of Buenos Aires dated September 15, 1921. Resolution No. 25 of July 26, 1922.
Resolution approving the Postal Convention between the Dominican Republic and the United States of America, under date of May 19, 1917.

ADMINISTRATIVE REGULATIONS

FOMENTO AND COMMUNICATIONS

Departmental order, Official Gazette No. 2801, Department of Fomento Order No. 1.

Departmental Order No. 6, Official Gazette No. 2841.
Departmental Order No. 8, Official Gazette No. 2852.
Departmental Order No. 10, Official Gazette No. 2856.
Departmental Order No. 12, Official Gazette No. 2861.
Departmental Order No. 11, Official Gazette No. 2862.
Departmental Order No. 14, Official Gazette No. 2863.
Departmental Order No. 15, Official Gazette No. 2868 B.
Departmental Order No. 16, Official Gazette No. 2923.
Departmental Order No. 19, Official Gazette No. 2933.
Departmental Order No. 21, Official Gazette No. 2960.
Departmental Order No. 22, Official Gazette No. 2988.
Departmental Order No. 23, Official Gazette No. 2998.
Departmental Order No. 24, Official Gazette No. 3026.
Departmental Order No. 25, Official Gazette No. 3035.
Departmental Order No. 27, Official Gazette No. 3124.
Departmental Order No. 28, Official Gazette No. 3159.
Departmental Order No. 29, Official Gazette No. 3192.

AGRICULTURE AND IMMIGRATION

Departmental Order No. 2, Official Gazette No. 2992.
Departmental Order No. 5, Official Gazette No. 3084.
Departmental Order No. 18, Official Gazette No. 3124.
Departmental Order No. 20, Official Gazette No. 3128.
Departmental Order No. 21, Official Gazette No. 3128.
Departmental Order No. 27, Official Gazette No. 3152.
Departmental Order No. 31, Official Gazette No. 3355.
Departmental Order No. 36, Official Gazette No. 3156.
Departmental Order No. 38, Official Gazette No. 3159.
Departmental Order No. 57, Official Gazette No. 3203.
Departmental Order No. 60, Official Gazette No. 3211.
Departmental Order No. 85, Official Gazette No. 3291.
Departmental Order No. 89, Official Gazette No. 3328.
Departmental Order No. 92, Official Gazette No. 3346.

INTERIOR AND POLICE

Departmental Order No. 13 granting authorization to the Junta de Caridad "Padre Billini" in order that it might contract a loan of $15,000. (Not yet published.)

JUSTICE AND PUBLIC INSTRUCTION

Departmental Order No. 1 of 1921, under date of February 19 of the same year. (Division of "comunero lands.")

All the departmental orders of the Department of Justice and Public Instruction relative to public instruction, with the exception of Orders Nos. 5, 9, and 10 of 1917; No. 97 of 1918; and Special Order No. 1 of 1919, until the installation of the provisional government.

CONTRACTS

TREASURY

Contracts entered into between the military government and the persons listed below for the rental of urban properties of the Republic:

Contract No. 58 with A. Humberto Aybar, under date of March 7, 1918. (One lot.)

Contract with Selidonia Petiton Vda. Parisien, under date of December 12, 1918. (One lot.)

Contract with Elias José, under date of December 4, 1918. (One lot.)

Contract with Justiniano Acosta, under date of December 6, 1918. (One lot.)

Contract with Donato Pérez, under date of December 2, 1918. (One lot.)

Contract with Anita Buenrostro, under date of December 4, 1918. (One lot.)

Contract with Urbano Acosta, under date of December 2, 1918. (One lot.)

Contract with Celestino Fontana, under date of December 20, 1918. (One lot.)

Contract with Ulises Cuello, under date of May 26, 1919. (One lot.)

Contract with Alejandro Deño, under date of May 26, 1919. (One lot.)

Contract No. 59 with Augustin Hernández, under date of July 21, 1919. (One house.)

Contract No. 60 with R. O. Galvan, under date of October 31, 1919. (One lot.)

Contract No. 61 with Pablo Gobaira, under date of November 11, 1919. (One lot.)

Contract No. 62 with Abelardo José Romano, under date of November 11, 1919. (One lot.)

Contract No. 63 with Jorge Bazil, under date of November 11, 1919. (One lot.)

Contract with Earle T. Fiddler for the extraction of sand and other products.

Contract No. 1 with Francisco J. Peynado, under date of December 14, 1917; rental of house No. 33 de la Calle José Reyes.

Contract No. 2 with Feliz Gonzalez, under date of January 1, 1918; transfer service in the Port of Macoris.

Contract with Francisco J. Peynado, No. 4, under date of April 12, 1918; rental of house No. 46 de la Calle Mercedes.

Contract No. 5 with Alej. Penso, under date of December 17, 1918; rental of house No. 15 Calle Beler and the upper floors of house No. 13/36 de la Calle Beler, corner of Comercio, both in Santiago.

Contract No. 6 with J. L. Manning, under date of July 12, 1919. (Designating International Banking Corporation as depositary of Government funds.)

Contract No. 8 with the La Fé Lodge, under date of September 29, 1919: Rescinding a rental contract covering the building known by the name of "Logia La Fé."

Contract No. 9 with Ig. Cat. Apostólica Romana, under date of September 25, 1919: Establishing an agreement pending the determination of ownership of the buildings annexed to the Iglesia de Regina.

Contract No. 26 with Suc. Juan Nieves Reyes, under date of June 4, 1920: Transfer of rights to a tract of land in Nigua.

Contract No. 27 with Agapito, Lorenzo, and Mercedes Ant. Reyes, under date of June 27, 1920: Purchase of land in Nigua for the National Leper Colony of Nigua.

Contract No. 29 with Alberto Ascensio, under date of October 1, 1920: Rental of a piece of land located in Santiago in Bella Vista which measures 96 tareas. (The Government is the renter.)

Contract No. 30 with Junta Fábrica Iglesia del Rosario in Moca, under date of September 30, 1920: Payment of $32,315.52 in order that the board might relieve the Government of all responsibility occasioned by executive order No. 420 and its amendments.

Contract No. 31 with Junta Fábrica Iglesia Salcedo, under date of October 5, 1920: Payment of $26,400 in order to relieve the Government of all claims by reason of executive order No. 420.

Contract No. 32 with Melendez y Godoy, under date of March 14, 1921: Payment of $85,891 in order that the Government might be relieved of all claims by reason of executive order No. 543.

Contract No. 35 with R. M. Lepervanche, under date of March 16, 1921: Printing stamps.

Contract No. 34 with R. M. Lepervanche, under date of February 11, 1922: Printing stamps.

Contract with Divanna-Grisolia & Compañia, under date of November 18, 1920: Purchase and sale of tobacco.

Contract with Grace & Co., under date of November 18, 1920: Purchase and sale of tobacco in Europe.

Contract with Grace & Co., under date of September 29, 1919: Purchasing agency.

Contract with Frank L. Mitchell, under date of September 19, 1921: Construction of a pump and installation of piping for pumping salt water.

Contract with Frank L. Mitchell, under date of March 16, 1921: Construction of a railroad bridge.

Contract with Gaetan Bucher y Nicolas Cortina, under date of March 4, 1921: Construction of warehouses.

Contract with Frank L. Mitchell, under date of March 16, 1921: Construction of a wharf.

Contract with G. H. Lippitt, under date of September 3, 1920: Installation of a pipe line for molasses.

Contract with Lee, Higginson & Co., under date of April 4, 1922: Loan of $6,700,000.

Contract with the Compañia de Mieles Dominicana C. por A., under date of March 25, 1922: Extension of the concessions and for a pipe line for molasses.

FOMENTO AND COMMUNICATIONS

All the contracts existing between the department of fomento and communications and other persons for the rental of buildings for post offices in force on the date of the installation of the provisional government.

Mark Engineering & Contracting Co.: Contract dated August 23, 1921, for construction Barahona market.

Chief of surveyors (land survey): Four contracts which have been made for the advance of funds, as follows:

(a) Central Romana (Inc.), June 29, 1921.
(b) Barahona and allied companies, December 31, 1921.
(c) Ingenio Santa Fe, March 3, 1922.
(d) Ingenio Santa Fe, May 16, 1920.

INTERIOR AND POLICE

Contract between the military government and the commune of Azua for a loan of $20,000 (veinte mil pesos) at a rate of interest of 5% under date of December 31, 1919.

Contract between the commune of Azua and the International Banking Corporation for a loan of $15,000 (quince mil pesos), under date of December 31, 1919.

Cancellation under date of June 8, 1920, of the loan of $15,000 (quince mil pesos) with the International Banking Corporation mentioned above.

Loan of the military government to the commune of Azua of $15,000 (quince mil pesos) at a rate of interest of 5%, under date of June 8, 1920.

Contract between the commune of Barahona and the military government for a loan of $25,000 (veinticinco mil pesos) at a rate of interest of 5%, under date of April 8, 1920.

Contract between the commune of Villa Mella and the military government for a loan of $14,650 (catorce mil seis cientos cincuenta pesos) at a rate of interest of 5% under date of May 25, 1920.

The Dominican Government likewise agrees that those executive orders, those resolutions, those administrative regulations, and those contracts shall remain in full force and effect unless and until they are abrogated by those bodies which in accordance with the Dominican constitution can legislate. But this ratification, in so far as concerns those of the abovementioned executive orders, resolutions, administrative regulations, and contracts which have been modified or abrogated by other executive orders, resolutions, or administrative regulations of the military government, only refers to the legal effects which they created while they were in force.

The Dominican Government further agrees that neither the subsequent abrogation of those executive orders, resolutions, administrative regulations, or contracts, or any other law, executive order, or other official act of the Dominican Government, shall affect the validity or security of rights acquired in accordance with those orders, those resolutions, those administrative regulations, and those contracts of the military government; the controversies which may arise related with those rights acquired will be determined solely by the Dominican courts, subject, however, in accordance with the generally accepted rules and principles of international law, to the right of diplomatic intervention if those courts should be responsible for cases of notorious injustice or denial of justice. The determination of such cases in which the interests of the United States and the Dominican Republic only are concerned shall, should the two Governments disagree, be by arbitration. In the carrying out of this agreement in each individual case the high contracting parties, once the necessity of arbitration is determined, shall conclude a special agreement defining clearly the scope of the dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereto, and on the part of the Dominican Republic shall be subject to the procedure required by the constitution and laws thereof.

II. The Dominican Government, in accordance with the provisions of Article I, specifically recognizes the bond issue of 1918 and the twenty-year five and one-half per cent customs administration sinking fund gold bond issue authorized in 1922 as legal, binding, and irrevocable obligations of the Republic, and pledges its full faith and credit to the maintenance of the service of those bond issues. With reference to the stipulation contained in article 10 of the executive order No. 735, in accordance with which the loan of five and one-half per cent authorized in 1922 was issued, which provides—

That the present customs tariff will not be changed during the life of this loan without previous agreement between the Dominican Government and the Government of the United States;

the two Governments concerned agree in interpreting this stipulation in the sense that, in accordance with article 3 of the convention of 1907, a previous agreement between the Dominican Government and the United States shall be necessary to modify the import duties of the Dominican Republic, it being an indispensable condition for the modification of such duties that the Dominican executive demonstrate and that the President of the United States recognize that, on the basis of exportations and importations to the like amount and the like character during the two years preceding that in which it is desired to make such modification, the total net customs receipts would at such altered rates of duties have been for each of such two years in excess of the sum of $2,000,000 United States gold.

III. The Dominican Government and the Government of the United States agree that the convention signed on February 8, 1907, between the United States and the Dominican Republic shall remain in force so long as any bonds of the issues of 1918 and 1922 shall remain unpaid, and that the duties of the general receiver of Dominican customs appointed in accordance with that convention shall be extended to include the application of the revenues pledged for the service of those bond issues in accordance with the terms of the Executive orders and of the contracts under which the bonds were issued.

IV. This arrangement shall take effect after its approval by the Senate of the United States and the Congress of the Dominican Republic.

Done in four originals, two in the English language and two in the Spanish, and the representatives of the high contracting powers signing them in the city of Santo Domingo this twelfth day of June, nineteen hundred and twenty-four.

[SEAL.]	WILLIAM W. RUSSELL.
[SEAL.]	HORACIO VASQUEZ.
[SEAL.]	FEDERICO VELASQUEZ.
[SEAL.]	FRANCISCO J. PEYNADO.

MEMORANDUM OF THE AGREEMENT OF EVACUATION OF THE DOMINICAN REPUBLIC BY THE MILITARY FORCES OF THE UNITED STATES ENTERED INTO IN WASHINGTON, D. C., ON JUNE 30TH, 1922

1. Announcement by the military government that a provisional government will be set up for the purpose of promulgating legislation to regulate the holding of elections, and to provide for the reorganization of the provincial and municipal governments, and to enable the Dominican people to make such amendments to the constitution as they may deem appropriate and hold general elections without the intervention of the military government. At the same time the military government will announce that the provisional government will assume from the date of its installation administrative powers to carry out freely the aforesaid purposes; and the said provisional government from that date will alone be responsible for its acts.

2. The selection of a provisional president and cabinet by majority vote of the members of a commission composed of General Horacio Vasquez, Don Federico Velasquez, Don Elias Brache, Don Francisco Peynado, and of Monseñor Dr. Adolfo Nouel, upon the inclusion of whom the four above-named representatives have agreed. The commission, in determining upon the members of the provisional government, will determine the conditions placed upon the exercise of that government and the said commission, by a majority vote, will fill the vacancies that may occur in that government on account of death, resignation, or disability of any of its members. Upon the inauguration of the provisional government the executive departments of the Dominican Republic shall be turned over to the members of the cabinet thus designated. There shall be no change in the personnel of these departments, except for duly proved cause; the judges and other officials of the judiciary can not be removed except for the same reason. Officials in charge of the executive departments of the military government will lend their assistance to the respective secretaries of state of the provisional government whenever such assistance may be requested. There shall be no payment made by the department of finance except in accordance with the budget in force, nor will any payment be made otherwise than as customary. Any necessary item of expenditure not provided for in the budget will be appropriated by the provisional government in accord with the military governor. Immediately upon the installation of the provisional government the military government will deliver to that government the National Palace, and at the same time the military forces of the United States in the Dominican Republic will be concentrated at one, two, or three places, as may be determined by the military governor. From that date peace and order will be maintained by the Dominican national police under the orders of the provisional government, except in the case of serious disturbances which, in the opinion of the provisional government and of the military governor, can not be suppressed by the forces of the Dominican police.

3. The provisional president will promulgate the legislation above referred to concerning the holding of elections and the reorganization of the government of the Provinces and communes.

4. The provisional president will convene the primary assemblies in accordance with the provisions of the new election law and those assemblies will elect the electors as provided by article 84 of the present constitution and the public functionaries whose election is prescribed in the laws regulating the organization of the Provinces and communes.

5. The electoral colleges so elected by the primary assemblies will elect the members of the senate and of the chamber of deputies and will prepare the lists of the members of the judiciary to be submitted to the national senate.

6. The Congress will vote the necessary amendments to the constitution and will issue the call for the election of the constituent assembly, to which the proposed amendments will be submitted.

7. The provisional president will designate plenipotentiaries to negotiate a convention of ratification reading as follows:

I. The Dominican Government hereby recognizes the validity of all the executive orders promulgated by the military government and published in the Official Gazette which may have levied taxes, authorized expenditures, or established rights on behalf of third persons, and the administrative regulations issued, and contracts which may have been entered into, in accordance with those orders or with any law of the Republic. These orders, administrative regulations, and contracts are those listed below:

ORDENES EJECUTIVAS

2	254–260 inclusive
8	262–266 inclusive
9	269–277 inclusive
14	280–282 inclusive
17	285–298 inclusive
19	300–302 inclusive
23	304–307 inclusive
27	311
28	312
31	314–318 inclusive
34–38 inclusive	320–322 inclusive
43	324–326 inclusive
44	328–336 inclusive
46	338–367 inclusive
48	369–375 inclusive
52	377–391 inclusive
53	393
55	395
58	396
60	398
61	400
64	402–413 inclusive
65	415–433 inclusive
68	435–443 inclusive
69	445
71	447
75	449
79	454
81–85 inclusive	454–461 inclusive
88	463–489 inclusive
89	491–498 inclusive
91	500
92	502
94	504–506 inclusive
95	509
97	510
104	513–517 inclusive
106	519–526 inclusive
108	530
110–112 inclusive	532–547 inclusive
114	549
116	550
118	552–556 inclusive
119	558–563 inclusive
121	566
126	569
128–130 inclusive	570
133–136 inclusive	574–577 inclusive
139	579–590 inclusive
142	593
145	594
145	596
146	597
148–151 inclusive	599–610 inclusive
153–163 inclusive	612–615 inclusive
166	617–629 inclusive
168	634–643 inclusive
169	645
171	647–651 inclusive
173	653–656 inclusive
174	658
176–178 inclusive	660–668 inclusive
183	670–685 inclusive
185–187 inclusive	687
190–195 inclusive	689
197–203 inclusive	690
205–212 inclusive	692–697 inclusive
214	699
215	701–703 inclusive
218	706–710 inclusive
220	712–719 inclusive
223–225 inclusive	721
229–231 inclusive	245–250 inclusive
233–243 inclusive	252
723–733 inclusive	786
735–738 inclusive	787
741–748 inclusive	789
750	790
752–759 inclusive	791
761–764 inclusive	792
766	793
768–775 inclusive	794
777–779	795
782	796
783	799
784	800
785	

RESOLUTIONS

FOMENTO Y COMMUNICACIONES

Resolution—Official Gazette No. 2790—Barahona Company.
Resolution—Official Gazette No. 2821—Santa Fe Plantation Sugar Co.
Resolution—Official Gazette No. 2845—Central Romana.
Resolution—Official Gazette No. 2849—Central Romana.
Resolution—Official Gazette No. 2850—Santa Fe Plantation Sugar Co.
Resolution—Official Gazette No. 2861—Central Boca Chica Co.
Resolution—Official Gazette No. 2862—Installation of a telephone line.
Resolution—Official Gazette No. 2911—Installation of a telephone line.
Resolution—Official Gazette No. 2911—Santa Fe Plantation Sugar Co.
Resolution—Official Gazette No. 2929—Ingenio Cristobal Colón.
Resolution—Official Gazette No. 2967—Cancellation.
Resolution—Official Gazette No. 2993—Cia. Anonima de Explotaciones.
Resolution—Official Gazette No. 2998—San Cristobal Mining Co.
Resolution—Official Gazette No. 3008—Bentz Hnos.
Resolution—Official Gazette No. 3015—Bentz Hnos.
Resolution—Official Gazette No. 3036—Barahona Company.
Resolution—Official Gazette No. 3037—Julio B. Abreu.
Resolution—Official Gazette No. 3076—Central Romana.
Resolution—Official Gazette No. 3076—Barahona Company.
Resolution—Official Gazette No. 3093—Luis del Monte.
Resolution—Official Gazette No. 3093—Jose Mota Ranchá.
Resolution—Official Gazette No. 3106—Central Romana.
Resolution—Official Gazette No. 3106—Central Romana.
Resolution—Official Gazette No. 3106—Castillo Hnos.
Resolution—Official Gazette No. 3106—Barahona Company.
Resolution—Official Gazette No. 3121—Consuelo Sugar Co.
Resolution—Official Gazette No. 3126—Sres. Nobon. Hnos.
Resolution—Official Gazette No. 3129—Barahona Company.
Resolution—Official Gazette No. 3129—Consuelo Sugar Co.
Resolution—Official Gazette No. 3159—Barahona Company.
Resolution—Official Gazette No. 3159—Central Romana.
Resolution—Official Gazette No. 3160—Barahona Company.
Resolution—Official Gazette No. 3162—Pardo y Ely Dorsey. Registered 1, 2, and 3.
Resolution—Official Gazette No. 3162—Y. Amando Bermúdez.
Resolution—Official Gazette No. 3196—Lorenzo Gautier Olive.
Resolution—Official Gazette No. 3203—Barahona Company.
Resolution—Official Gazette No. 3235—Barahona Company.
Resolution—Official Gazette No. 3242—Central Romana.
Resolution—Official Gazette No. 3243—Manuel Bermúdez.
Resolution—Official Gazette No. 3274—Cia. Anónima de Inversiones Inmobiliarias.
Resolution—Official Gazette No. 3243—Cia. Anónima de Inversiones Inmobiliarias.
Resolution—Official Gazette No. 3354—Barahona Company.
Resolution—Official Gazette No. 3313—Ingenio Santa Fe de San Pedro de Macoris.
Resolution—Official Gazette No. 2786—Central Romana.
Resolution—Official Gazette No. 2787—L. E. Alvarez.
Resolution—Official Gazette No. 3358—Barahona Company.

AGRICULTURE AND IMMIGRATION

Resolution No. 61—Official Gazette No. 2838—Declaración de Zonas Agricolas en la Provincia de Barahona.
Resolution No. 64—Official Gazette Nos. 2853 and 2854—Declaración de Zonas Agricolas en la Provincia de Barahona.
Resolution No. 66—Official Gazette No. 3003—Declaración de Zonas Agricolas en la Provincia de Barahona.
Resolution No. 86—Official Gazette No. 3089—Luis Holguer. Todos Los Permisos de inmigración y ordenes de deportación expedidos por esta Secretaria.
Resolution No. 88—Official Gazette No. 3133—Declaración de Zonas Agricolas en Barahona.

Resolution No. 89—Official Gazette No. 3145—Declaración de Zonas Agrícolas en la Provincia de Barahona.

Resolution No. 91—Official Gazette No. 3167—Declaración de Zonas Agrícolas en la Provincia de Santo Domingo.

Resolution No. 92—Official Gazette No. 3180—Industrial Alcohol Cía.

Resolution No. 93—Official Gazette No. 3180—Declaración de Zonas Agrícolas en la Provincia de Santo Domingo.

Resolution No. 94—Official Gazette No. 3197—Declaración de Zonas Agrícolas en la Provincia de Santo Domingo.

Resolution No. 95—Official Gazette No. 3219—Declaración de Zonas Agrícolas en la Provincia de Monte Cristy.

Resolution No. 96—Official Gazette No. 3242—Alvaro Fernández.

Resolution No. 97—Official Gazette No. 3243—Rectificación Límites Mencionados en Resolusión No. 94 referente a Baní.

Resolution No. 98—Official Gazette No. 3301—Cancelando Resolusión No. 97.

Resolution No. 99—Official Gazette No. 3332—Asociación de Regantes.

Water titles issued by the Secretariat of State for Agriculture, by virtue of Executive Order No. 318, to the following:

Domingo Rodriguez—Agua del Rio San Juan Azua.

Jesús M. Vargas—Agua del Rio el Caño de Boña, Neiba, Barahona.

Alberto Perdomo—Agua del Rio Plaza Cacique.

Santiago J. Rodriguez—Agua del Rio Macasia, Matas de Farfán.

J. Julio Courscou—Agua del Rio Dirán, Barahona.

Asociación La Altagracia—Agua del Rio El Manguito, Neiba.

Arbaje Hnos.—Agua del Rio Macasia, Matas de Farfán.

A. Santiago—Agua del Rio Macasia, Matas de Farfán.

Manuel de Pérez—Agua del Rio Camana, Neiba.

Sociedad de Irrigación los Tres—Agua del Rio San Juan, San Juan, Azua.

Joaquin Gracia—Agua del Rio Yaqui del Sur, Barahona.

Sociedad de Irrigación Amantes de la Agricultura—Agua del Rio San Juan, San Juan, Azua.

Ismael Mateo—Agua del Rio de Jacahueque, Matas de Farfán.

Inomina Palmer—Agua del Rio Jacahueque, Matas de Farfán.

Sociedad de Irrigación La Unión—Agua del Rio San Juan, San Juan, Azua.

Sociedad de Irrigación La Unión—Agua del Rio Macasia, Matas de Farfán.

Sociedad de Irrigación La Competencia—Agua del Rio María Chiquita, Nieba.

Francisco Tomillo—Agua del Rio San Juan, San Juan, Azua.

Sociedad de Irrigación El Porvenir—Rio las Marias, Neiba.

Sociedad de Irrigación El Esfuerzo—Agua del Rio Baní.

Sociedad de Irrigación El Progreso—Agua del Rio Baní.

Sociedad de Irrigación La Voluntad—Agua del Rio Baní.

Sociedad de Irrigación La Legalidad—Agua del Rio Baní.

Sociedad de Irrigación El Adelanto—Agua del Rio Baní.

Wenceslao Ramirez—Agua del Rio Mijo, San Juan, Azua. Resolution No. 74, Official Gazette No. 3355—Luis Liberto Bogaert.

All letters of naturalization and permits to establish residence granted for the purpose of naturalization, in accordance with Article 11 of the Constitution.

All permits issued to establish legal residence in the Republic in accordance with Article 14 of the Civil Code.

Resolution regarding the sale of the cruiser *Independencia*, under date of February 20, 1918, and the tugboat *Aguila*, under date of June 6, 1918. (Not yet published.)

Resolution—Official Gazette No. 3203, approving the increase in the tariff tax of the municipal aqueduct (Puerto Plata).

All the resolutions passed by the Ayuntamientos and approved by the Military Government.

SANITATION AND CHARITY

Sanitary Code published in the Official Gazette, No. 3181, December 29, 1920.

TREASURY

Circular B-105, December 8, 1919.

INTERNATIONAL CONVENTION ENTERED INTO DURING THE PERIOD OF THE MILITARY GOVERNMENT

FOMENTO AND COMMUNICATIONS

Spanish-American Postal Convention of Madrid of November 12, 1920. Resolution No. 7 of March 12, 1921.

Universal Postal Convention of Madrid of November 30, 1920. Resolution No. 21 of December 31, 1921.

Universal Parcel Post Convention of Madrid of November 30, 1920. Resolution No. 32 of December 31, 1921.

Dominican-Spanish Postal Convention of November 17, 1921. Resolution No. 13 of April 29, 1922.

Pan-American Convention of Buenos Aires, dated September 15, 1921. Resolution No. 25 of July 26, 1922.

Resolution approving the postal convention between the Dominican Republic and the United States of America, under date of May 19, 1917.

ADMINISTRATIVE REGULATIONS

FOMENTO AND COMMUNICATIONS

Departmental Order—Official Gazette No. 2801—Department of Fomento Order No. 1.

Departmental Order No. 6, Official Gazette No. 2841.

Department Order No. 8, Official Gazette No. 2852.

Departmental Order No. 10, Official Gazette No. 2856.

Departmental Order No. 12, Official Gazette No. 2861.

Departmental Order No. 11, Official Gazette No. 2862.

Departmental Order No. 14, Official Gazette No. 2863.

Departmental Order No. 15, Official Gazette No. 2868B.

Departmental Order No. 16, Official Gazette No. 2923.

Departmental Order No. 19, Official Gazette No. 2933.

Departmental Order No. 21, Official Gazette No. 2960.

Departmental Order No. 22, Official Gazette No. 2988.

Departmental Order No. 23, Official Gazette No. 2998.

Departmental Order No. 24, Official Gazette No. 3026.

Departmental Order No. 25, Official Gazette No. 3035.

Departmental Order No. 27, Official Gazette No. 3124.

Departmental Order No. 28, Official Gazette No. 3159.

Departmental Order No. 29, Official Gazette No. 3192.

AGRICULTURE AND IMMIGRATION

Departmental Order No. 2, Official Gazette No. 2992.

Departmental Order No. 5, Official Gazette No. 3084.

Departmental Order No. 13, Official Gazette No. 3124.

Departmental Order No. 20, Official Gazette No. 3128.

Departmental Order No. 21, Official Gazette No. 3128.

Departmental Order No. 27, Official Gazette No. 3152.

Departmental Order No. 31, Official Gazette No. 3355.

Departmental Order No. 36, Official Gazette No. 3153.

Departmental Order No. 38, Official Gazette No. 3159.

Departmental Order No. 57, Official Gazette No. 3208.

Departmental Order No. 60, Official Gazette No. 3211.

Departmental Order No. 85, Official Gazette No. 3291.

Departmental Order No. 89, Official Gazette No. 3328.

Departmental Order No. 92, Official Gazette No. 3346.

INTERIOR AND POLICE

Departmental Order No. 13, granting authorization to the Junta de Caridad "Padre Billini" in order that it might contract a loan of $15,000. (Not yet published.)

JUSTICE AND PUBLIC INSTRUCTION

Departmental Order No. 1 of 1921, under date of February 19 of the same year. (Division of communal lands.)

All the departmental orders of the Department of Justice and Public Instruction relative to public instruction, with the exception of Orders Nos. 5, 9, and 16 of 1917; No. 97 of 1918; and Special Order No. 1 of 1919, until the installation of the provisional government.

CONTRACTS

TREASURY

Contracts entered into between the military government and the persons listed below for the rental of urban properties of the Republic:

Contract No. 58 with A. Humberto Aybar, under date of March 7, 1918. (One lot.)

Contract with Selidonia Petitón Vda. Parisión, under date of December 12, 1918. (One lot.)

Contract with Elias José, under date of December 4, 1918. (One lot.)

Contract with Justiniano Acosta, under date of December 6, 1918. (One lot.)

Contract with Donato Pérez, under date of December 2, 1918. (One lot.)

Contract with Anita Buenrostro, under date of December 4, 1918. (One lot.)

Contract with Urbano Acosta, under date of December 2, 1918. (One lot.)

Contract with Celestino Fontana, under date of December 20, 1918. (One lot.)

Contract with Ulises Cuello, under date of May 26, 1919. (One lot.)

Contract with Alejandro Deño, under date of May 26, 1919. (One lot.)

Contract No. 59 with Agustin Hernández, under date of July 21, 1919. (One lot.)

Contract No. 60 with R. O. Galván, under date of October 31, 1919. (One lot.)

Contract No. 61 with Pablo Gobaira, under date of November 11, 1919. (One lot.)

Contract No. 62 with Abelardo José Romano, under date of November 11, 1919. (One lot.)

Contract No. 63 with Jorge Brazil, under date of November 11, 1919. (One lot.)

Contract with Earle T. Fiddler for the extraction of sand and other products.

Contract No. 1 with Francisco J. Peynado, under date of December 14, 1917: Rental of house No. 33 de la Calle José Reyes.

Contract No. 2 with Felix González, under date of January 1, 1918: Transfer service in the Port of Macoris.

Contract with Francisco J. Peynado, No. 4, under date of April 12, 1918: Rental of house No. 46 de la Calle Mercedes.

Contract No. 5 with Alej. Penso, under date of December 17, 1918: Rental of house No. 15 Calle Beler and the upper floors of house No. 13/36 de la Calle Beler, corner of Comercio, both of Santiago.

Contract No. 6 with J. L. Manning, under date of July 12, 1919.

Contract No. 8 with the La Fé Lodge, under date of September 29, 1919: Rescinding a rental contract covering the building known by the name of "Logia La Fé."

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Contract No. 27 with Agapito, Lorenzo and Mercedes Ant. Reyes, under date of June 27, 1920: Purchase of land in Nigua for the National Leper Colony of Nigua.

Contract No. 29 with Alberto Ascensio, under date of October 1, 1920: Rental of a piece of land located in Santiago in Bella Vista which measures 96 tareas. (The Government is the owner.)

Contract No. 30 with Junta Fábrica Iglesia del Rosario in Moca, under date of September 30, 1920: Payment of $32,315.52 in order that the board might relieve the Government of all responsibility occasioned by executive order No. 420 and its amendments.

Contract No. 31 with Junta Fábrica Iglesia Salcedo, under date of October 5, 1920: Payment of $26,490 in order to relieve the Government of all claims by reason of executive order No. 420.

Contract No. 32 with Melendez y Godoy, under date of March 14, 1921: Payment of $85,891 in order that the Government might be relieved of all claims by reason of executive order No. 513.

Contract No. 35 with R. M. Lepervanche, under date of March 16, 1921: Printing.

Contract No. 34 with R. M. Lepervanche, under date of February 11, 1922: Printing.

Contract with Divanna-Grisolia & Compañia, under date of November 18, 1920: Purchase and sale of tobacco.

Contract with Grace & Co., under date of November 18, 1920: Purchase and sale of tobacco in Europe.

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Contract with Frank L. Mitchell, under date of September 19, 1921: Construction of a pump and installation of piping for pumping salt water.

Contract with Frank L. Mitchell, under date of March 16, 1921: Construction of a railroad bridge.

Contract with Gaetan Bucher y Nicolas Cortina, under date of March 4, 1921: Construction of warehouses.

Contract with Frank L. Mitchell, under date of March 16, 1921.: Construction of a wharf.

Contract with G. H. Lippitt, under date of September 3, 1920: Installation of a pipe line for molasses.

Contract with Lee, Higginson & Co., under date of April 4, 1922: Loan of $6,700,000.

Contract with the Compañia de Mieles Dominicana C. por A., under date of March 25, 1922: Extension of the concession and for a pipe line for molasses.

FOMENTO AND COMMUNICATIONS

All the contracts existing between the Department of Fomento and Communications and other persons for the rental of buildings for post offices that are in force on the date of the installation of the provisional government.

Marck Engineering & Contracting Co.—Contract dated August 23, 1921, for "Construction Barahona Market," of which cubication #5 was submitted December 31, 1921, but on which $994.32 is still pending. This project has not been finally accepted from the contractor due to failure of the contractor to carry out certain parts of his contract.

Chief of Surveyors: (Land Survey) Four contracts have been made for the advance of funds as follows:

(a) Central Romana (Inc.), June 29, 1921: Total amount in contract was $35,000, payable in sums of $5,000 to $10,000 monthly, with privileges of furnishing labor and supplies in addition.

Amount deposited in Treasury to date	$64,680.52
Amount asked for August	6,729.84
Approximate amount of labor and supplies	20,000.00

(b) Barahona and allied companies: December 31, 1921.

Total amount: $45,000, payable $2,000 monthly with privilege of increasing amounts and of furnishing labor and supplies:

Amount deposited in Treasury to date	$11,334.85
Amount asked for August	3,686.62
Approximate amount of labor and supplies	800.00

(c) Ingenio Santa Fe, March 3, 1922: Total amount, $10,000, payable up to $4,000 per month.

Amount deposited in Treasury to date	$5,598.77
Amount asked for August	4,401.23

There is also due the company about $5,000 for provisions and labor furnished which is being taken care of with Romana funds.

(d) Ingenio Santa Fe, May 16, 1920: Same conditions as (c) but for a different district.

Amount deposited in Treasury to date	$481.00
Amount asked for August	910.00

INTERIOR AND POLICE

Contracts between the military government and the Commune of Azua for a loan of $20,000 (ceinte mil pesos) at a rate of interest of 5 per cent, under date of December 31, 1919.

Contract between the Commune of Azua and the International Banking Corporation for a loan of $15,000 (quince mil pesos), under date of December 31, 1919.

Cancellation, under date of June 8, 1920, of the loan of $15,000 (quince mil pesos) with the International Banking Corporation mentioned above.

Loan of the military government to the Commune of Azua of $15,000 (quince mil pesos) at rate of interest of 5 per cent, under date of June 8, 1920.

Contract between the Commune of Barahona and the military government for a loan of $25,000 (veinticinco mil pesos) at a rate of interest of 5 per cent, under date of April 8, 1920.

Contract between the Commune of Villa Mella and the military government for a loan of $14,650 (catorce mil seis cientos cincuenta pesos) at a rate of interest of 5 per cent, under date of May 25, 1920.

The Dominican Government likewise agrees that those executive orders, those resolutions, those administrative regulations, and those contracts shall remain in full force and effect unless and until they are abrogated by those bodies which, in accordance with the Dominican constitution, can legislate. But this ratification, in so far as concerns those of the abovementioned executive orders, resolutions, administrative regulations, and contracts, which have been modified or abrogated by other executive orders, resolutions, or administrative regulations of the military government, only refers to the legal effects which they created while they were in force.

The Dominican Government further agrees that neither the subsequent abrogation of those executive orders, resolutions, administrative regulations, or contracts, or any other law, executive order, or other official act of the Dominican Government, shall affect the validity or security of rights acquired in accordance with those orders, those resolutions, those administrative regulations, and those contracts of the military government; the controversies which may arise related with those rights acquired will be determined solely by the Dominican courts, subject, however, in accordance with the generally accepted rules and principles of international law, to the right of diplomatic intervention if those courts should be responsible for cases of notorious injustice or denial of justice. The determination of such cases in which the interests of the United States and the Dominican Republic only are concerned shall, should the two Governments disagree, be by arbitration. In the carrying out of this agreement, in each individual case, the high contracting parties, once the necessity of arbitration is determined, shall conclude a special agreement defining clearly the scope of the dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereto, and on the part of the Dominican Republic shall be subject to the procedure required by the constitution and laws thereof.

II. The Dominican Government, in accordance with the provisions of Article I, specifically recognizes the bond issue of 1918 and the twenty-year five and one-half per cent customs administration sinking fund gold bond issue authorized in 1922 as legal, binding, and irrevocable obligations of the Republic, and pledges its full faith and credit to the maintenance of the service of those bond issues. With reference to the stipulation contained in article 10 of the Executive Order No. 735, in accordance with which the loan of five and one-half per cent authorized in 1922 was issued, which provides:

That the present customs tariff will not be changed during the life of this loan without previous agreement between the Dominican Government and the Government of the United States;

the two Governments concerned agree in interpreting this stipulation in the sense that, in accordance with article 3 of the convention of 1907, a previous agreement between the Dominican Government and the United States shall be neces-

sary to modify the import duties, it being an indispensable condition before the modification of such duties that the Dominican Executive demonstrate, and that the President of the United States recognize, that on the basis of exportations and importations to the like amount and the like character during the two years preceding that in which it is desired to make such modification, the total net customs receipts would at such altered rates of duties have been, for each of such two years, in excess of the sum of $2,000,000 United States gold.

III. The Dominican Government and the Government of the United States agree that the convention signed on February 8, 1907, between the United States and the Dominican Republic shall remain in force so long as any bonds of the issues of 1918 and 1922 shall remain unpaid, and that the duties of the general receiver of Dominican customs, appointed in accordance with that convention, shall be extended to include the application of the revenues pledged for the service of those bond issues in accordance with the terms of the executive orders and of the contracts under which the bonds were issued.

IV. This arrangement shall take effect after its approval by the Senate of the United States and the Congress of the Dominican Republic.

This convention will be referred to the Congress for its approval. The Congress will, in addition, pass the law recognizing independently of the convention of ratification the validity of the Executive orders referred to in the said convention.

8. The members of the judicial power will be elected in accordance with the constitution.

9. After all the steps specified in the foregoing articles have been taken and after the convention mentioned in article 7 has been approved and the law referred to in the same article has gone into effect, the members of the Executive power will be elected in accordance with the constitution. Immediately upon taking possession of his office, the President will sign the law ratifying the Executive orders and the convention, and the military forces of the United States will thereupon leave the territory of the Dominican Republic.

ISLE OF PINES—PEARCY *v.* STRANAHAN

Mr. SWANSON asked and obtained leave to have printed in the RECORD the decision of the Supreme Court of the United States in the case of Pearcy *v.* Stranahan (205 U. S. Repts. pp. 257–274) which is as follows:

PEARCY *v.* STRANAHAN

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

(No. 1. Submitted March 4, 1907.—Decided April 8, 1907)

The averment that territory named in the complaint is a part of the United States is a conclusion of law and not admitted by a demurrer.

The court takes judicial cognizance whether or not a given territory is within the boundaries of the United States, and is bound to take the fact as it really exists, however it may be averred to be.

Who is the sovereign de jure or de facto of territory is not a judicial but a political question, the determination of which by the legislative and executive departments of any government conclusively binds the judges as well as all other officers, citizens, and subjects of that government. (Jones *v.* United States, 137 U. S. 202.)

The Isle of Pines under the provisions of the Platt amendment and the constitution of the Republic of Cuba is de facto under the jurisdiction of the Republic of Cuba, and, as the United States has never yet taken possession thereof, it has remained and is foreign country within the meaning of the Dingley Tariff Act of 1897. (De Lima *v.* Bidwell, 182 U. S. 1; United States *v.* Rice, 4 Wheat. 246.)

The facts, which involve the political status of the Isle of Pines and whether it is under the jurisdiction of Cuba or that of the United States and whether merchandise therefrom is subject to duty as coming from a foreign country within the meaning of the Dingley Tariff Act, are stated in the opinion.

Mr. James C. Lenney for plaintiff in error:

Up to the ratification of the second treaty of Paris (April 11, 1899) the Isle of Pines was under the sovereignty of the Crown of Spain. It did not belong to, nor was it a part of, the island of Cuba.

Spain acquired title to and sovereignty over the Isle of Pines by right of discovery.

Spain until A. D. 1800 retained the title and sovereignty thus acquired.

Since a territory can have but one sovereignty at one time, it follows that the island of Cuba at no time prior to 1899 acquired any title to the Isle of Pines, either expressly or by implication.

No authority has been found to hold that the maritime jurisdiction of one island can extend to another island located in the open sea 40 miles distant from the nearest shore. Geographically, then, there appears to be no ground for holding that the Isle of Pines belonged to or was a part of the island of Cuba.

In the absence, therefore, of any express cession of sovereignty to Cuba or of any impliable intention to include this isle as a part of Cuba, or of any good geographical reason for so doing, it must follow that on April 11, 1899, Spain did own, and Cuba, a mere colony, did not own or include, the Isle of Pines.

Under article 2 of the said treaty—"Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies * * *"—the Isle of Pines passed direct from the sovereignty of the Crown of Spain to that of the people of the United States.

The only reasonable construction is that by article 2 of the treaty, as above quoted, the United States acquired all the islands under Spanish sovereignty in the West Indies except the island of Cuba.

The very language of the treaty itself, as explained in the protocols and construed according to its fair and ordinary meaning, is overwhelmingly in favor of this proposition.

On or about August 14, 1899, the United States War Department, in an official letter, stated:

"The Isle of Pines * * * was ceded by Spain to the United States, and is therefore a part of our territory."

The maps and other data prepared and issued by the General Land Office of the Department of the Interior indicate the Isle of Pines as being United States territory.

The "Platt amendment" provided:

"That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba; the title thereto being left to future adjustment by treaty."

When Cuba was transferred to the government of its people, on May 20, 1902, the American military governor of Cuba was ordered by the United States Secretary of War to continue "the present government of the Isle of Pines" (which was American) "as the de facto government."

By the terms of the proposed treaty, negotiated in 1903 and still pending in the United States Senate, our country's present ownership of the Isle of Pines is clearly recognized by the sections which provide for a transfer of our title to Cuba, the consideration being certain naval stations which we theretofore possessed.

Under Article II of the treaty, the Isle of Pines was ceded directly to the United States.

It is a historical fact that at this time Spanish sovereignty in the West Indies was limited to Cuba, Porto Rico, the Isle of Pines, and some very small, insignificant islands, mostly uninhabited and located round about these three large ones. Such being the fact, the only reasonable conclusion from this language can be, that by the "other islands" phrase it was the intention of the parties to cede, and they did cede, the Isle of Pines direct from the Crown of Spain, to the people of the United States just as plainly as Porto Rico, in the same article, was ceded. It can not be too greatly emphasized that such is the only reasonable construction applicable to this phrase. Unless it refers to the Isle of Pines, it means nothing, and certainly it would be a most serious imputation to hold that the learned commissioners deliberately inserted words meaning nothing or worse than nothing into so important a document of state.

Official acts and declarations subsequent to the treaty support the same view.

Not only did all the parties thus intend at the time of the making of the treaty, but subsequent acts and declarations for more than three years thereafter were almost uniformly in support of this view. We already have official declarations, both executive and legislative.

The "Platt amendment" expressly excludes the Isle of Pines from the boundaries of Cuba.

Plaintiff calls attention to Article VI of the amendment to the Army appropriation bill, passed March 2, 1901, and widely known by the popular title "Platt amendment." This amendment, which is still in force, expressly provided "that the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty."

This clause is doubly significant, showing, as it does, the attitude of both the Republics. Up to this point we have been noting the acts of our own Government and the attitude of our own people. That the Cubans themselves claimed no conflicting title is clearly proven by their vote on June 12, 1901. Without discussion and without debate, the Cuban Congress incorporated this identical language into their own constitution. By so doing they expressly admitted, first, that the Isle of Pines was not then a part of the Cuban Republic, and, secondly, that the isle should not become Cuban soil unless granted to the Republic from the United States by good and valid treaty. The effect of this action must have been to leave the isle as theretofore, under American administration and control; for when the Congresses of both countries have expressly declared that at present the Isle of Pines is not Cuban territory it must be territory of the United States.

The Isle of Pines, not being a foreign country under the tariff law, but, like Porto Rico, a part of the United States, it follows that the

seizure, etc., complained of by plaintiff and the detention after demand made was unwarranted, illegal, and an act of conversion. De Lima v. Bidwell, 182 U. S. 1, 198 et seq.; Dooley v. United States, 182 U. S. 222; Armstrong v. United States, 182 U. S. 243.

The Attorney General, the Solicitor General, and Mr. Otis J. Carlton, special assistant to the Attorney General, for defendant in error, submitted:

Whether the Isle of Pines be included within the boundaries of the United States is a political question, which can not be decided by this court, being nonjudicial in its nature.

The question in this case resolves itself into a question of boundaries within the principle of the following cases: Foster v. Neilson, 2 Pet. 253; Garcia v. Lee, 12 Pet. 511; United States v. Arredondo, 6 Pet. 691.

It is well settled that the courts of the United States are scrupulous to exercise no power not clearly judicial in its nature. Hayburn's case, 2 Dallas, 409; United States v. Ferreira, 13 How. 40; United States v. Yale Todd, 13 How. 52 (note); Gordon v. United States, 117 U. S. 697.

If it be considered that the title to the Isle of Pines has been determined by the political departments to be in the United States, the fact that the question of ownership by mutal agreement between the United States and the Republic of Cuba is to be settled by arbitration, the adjudication to take the form of a treaty, excludes this court from its jurisdiction to decide the question of title in this case.

While this court, as a general rule, will decide questions of individual rights, founded upon a treaty, by ascertaining and following the determination of the political departments upon political questions, still if those departments charged with the settlement of our relations with foreign powers have directed that political questions be settled in a certain manner, that determination is conclusive on the courts.

It is well settled that even to determine questions judicial in their nature special tribunals may be erected, their decisions to be final and conclusive on the courts. United States v. Ferreira, 13 How. 40; Murray v. Hoboken, &c., Co., 18 How. 280; Bates & Guild Co. v. Payne, 194 U. S. 109; United States v. Ju Toy, 198 U. S. 253.

The Isle of Pines was not ceded to the United States by the treaty of peace, Article II, but was included within the term "Cuba" in Article I.

The Isle of Pines is, by a well-settled principle of international law, a part of Cuba. Hall's International Law, edition of 1895, pages 129, 130.

We intervened in aid of the Cuban revolutionists from the highest motives of humanity and not to wage a war of conquest.

The term "Cuba," historically and politically, includes the Isle of Pines.

This is shown by the official acts of the Spanish Government, which from 1774 to 1898 treated the Isle of Pines, as included in the political division known as Cuba, just as the island of Nantucket is included in the Commonwealth of Massachusetts.

Conceding, for the purposes of argument only, that the Isle of Pines was ceded to the United States by the treaty of peace, as we have never taken possession of the island, and as it has been and is being governed by the Republic of Cuba, it has not ceased to be "foreign country" within the Dingley Act.

Mr. Chief Justice Fuller delivered the opinion of the court.

Plaintiff brought his action in the Circuit Court of the United States for the Southern District of New York against the then collector of the port of New York to recover the value of certain cigars seized by him, which had been brought to that port from the Isle of Pines, where they had been produced and manufactured. This seizure was made under the Dingley Act, so called (act July 24, 1897, 30 Stat. 151, ch. 11), and the regulations of the Secretary of the Treasury thereunder. The Dingley Act provided for the imposition of duties "on articles imported from foreign countries," and in plaintiff's complaint it was asserted that the Isle of Pines was "in possession of and part of the United States," and hence domestic territory. The Government demurred, the demurrer was sustained, the complaint dismissed, and the case brought here on a writ of error.

Whether the Isle of Pines was a part of the United States is a conclusion of law not admitted by the demurrer. It was certainly not such before the treaty of peace wih Spain, and, if it became so, it was by virtue of that treaty. The court takes judicial cognizance whether or not a given territory is within the boundaries of the United States, and is bound to take the fact as it really exists, however it may be averred to be. (Jones v. United States, 137 U. S. 202; Lincoln v. United States, 197 U. S. 419; Taylor v. Barclay, 2 Sim. 213.)

August 12, 1898, a protocol of agreement for a basis for the establishment of peace was entered into between the United States and Spain, which provided:

"ARTICLE I. Spain will relinquish all claim of sovereignty over and title to Cuba.

"ART. II. Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones to be selected by the United States." (30 Stat. 1742.)

This was followed by the treaty of peace, ratified April 11, 1899, containing the following articles:

"ARTICLE I. Spain relinquishes all claim of sovereignty over and title to Cuba.

"And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

"ART. II. Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones." (30 Stat. 1754–1755.)

In Neely v. Henkel, 180 U. S. 109, January 14, 1901, the question was whether Cuba was a foreign country or foreign territory within the act of Congress of June 6, 1900 (31 Stat. 656, ch. 793), providing for the extradition from the United States of persons committing crimes within any foreign country or foreign territory or any part thereof, occupied or under the control of the United States. And it was held that Cuba was within this description. Mr. Justice Harlan, delivering the opinion of the court, said:

"The facts above detailed make it clear that within the meaning of the act of June 6, 1900, Cuba is foreign territory. It can not be regarded in any constitutional, legal, or international sense a part of the territory of the United States.

"While by the act of April 25, 1898, declaring war between this country and Spain, the President was directed and empowered to use our entire land and naval forces, as well as the militia of the several States to such extent as was necessary, to carry such act into effect, that authorization was not for the purpose of making Cuba an integral part of the United States but only for the purpose of compelling the relinquishment by Spain of its authority and government in that island, and the withdrawal of its forces from Cuba and Cuban waters. The legislative and executive branches of the Government, by the joint resolution of April 20, 1898, expressly disclaimed any purpose to exercise sovereignty, jurisdiction, or control over Cuba 'except for the pacification thereof,' and asserted the determination of the United States, that object being accomplished, to leave the government and control of Cuba to its own people. All that has been done in relation to Cuba has had that end in view and, so far as the court is informed by the public history of the relations of this country with that island, nothing has been done inconsistent with the declared object of the war with Spain.

"Cuba is none the less foreign territory, within the meaning of the act of Congress, because it is under a military governor appointed by and representing the President in the work of assisting the inhabitants of that island to establish a government of their own, under which, as a free and independent people, they may control their own affairs without interference by other nations. The occupancy of the island by troops of the United States was the necessary result of the war. That result could not have been avoided by the United States consistently with the principles of international law or with its obligations to the people of Cuba.

"It is true that as between Spain and the United States—indeed, as between the United States and all foreign nations—Cuba, upon the cessation of hostilities with Spain and after the treaty of Paris, was to be treated as if it were conquered territory. But as between the United States and Cuba, that island is territory held in trust for the inhabitants of Cuba, to whom it rightfully belongs and to whose exclusive control it will be surrendered when a stable government shall have been established by their voluntary action."

If, then, the Isle of Pines was not embraced in Article II of the treaty but was included within the term "Cuba" in Article I, and therefore sovereignty and title were merely relinquished, it was "foreign country" within the Dingley Act.

This inquiry involves the interpretation which the political departments have put upon the treaty; for, in the language of Mr. Justice Gray, in Jones v. United States (137 U. S. 202), "who is the sovereign, de jure or de facto, of a territory is not a judicial but a political question, the determination of which by the legislative and executive departments of any government conclusively binds the judges as well as all other officers, citizens, and subjects of that government."

By the joint resolution of April 20, 1898 (30 Stat. 738), entitled "Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the United States disclaimed any disposition or intention to exercise sovereignty or c

trol over Cuba, except in the pacification thereof, and asserted its determination, when that was accomplished, to leave the control of the island to its people. What was the signification of the word "Cuba" at that time?

The record of the official acts of the Spanish Government from 1774 to 1898 demonstrates that the Isle of Pines was included in the political division known as "Cuba." The first official census of Cuba, in 1774; the "statistical plan of the ever-faithful isle of Cuba for the year 1827"; the establishment by the Governor General, in 1828, of a colony on the island; the census of 1841; the budgets of receipts and expenses; the census for 1861, 1877, 1887, and so on, all show that the Isle of Pines was, governmentally speaking, included in the specific designation "Cuba" at the time the treaty was made and ratified, and the documents establish that it formed a municipal district of the Province of Habana.

In short, all the world knew that it was an integral part of Cuba, and in view of the language of the joint resolution of April 20, 1898, it seems clear that the Isle of Pines was not supposed to be one of the "other islands" ceded by Article II. Those were islands not constituting an integral part of Cuba, such as Vieques, Culebra, and Mona Islands, adjacent to Porto Rico.

Has the treaty been otherwise interpreted by the political departments of this Government? The documents to which we have had access, with the assistance of the presentation of the facts condensed therefrom in the brief for the United States, enable us to sufficiently indicate the situation in that regard, and we think it proper to do this, notwithstanding the determination of the case turns at last on a short point requiring no elaboration.

The Spanish evacuated Habana January 1, 1899, and the government of Cuba was transferred to a military governor, as the representative of the President of the United States. The President ordered, August 17, 1899, a census to be taken as a first step toward assisting "the people of Cuba" to establish "an effective system of self-government." In accomplishing this the island was divided into 1,607 enumeration districts. Three enumerators took the census of the Isle of Pines, which was described as a municipal district of the judicial district of Bejucal, in the Province of Habana. The report on the census, as published by the War Department in 1900, stated: "The Government of Cuba has jurisdiction not only over the islands of that name but also over the Isle of Pines, lying directly to the south of it, and more than a thousand islets and reefs scattered along its northern and southern coasts. * * * The Isle of Pines, with an area of 840 square miles, is a municipal district of the Province of Habana. * * * The total population of Cuba, including the Isle of Pines and the neighboring keys, was, on October 16, 1899, 1,572,797."

The population tables give the population of the Isle of Pines as a municipal district of Habana Province, and so of the statistics as to rural population; sex, nativity, and color; age and sex; birthplace; conjugal condition; school attendance; foreign whites; number and size of families; dwellings of families—these and like items are given as to the Isle of Pines as under the Province of Habana.

In August, 1899, the military governor of Cuba appointed a mayor and first assistant mayor of the Isle of Pines.

On June 16, 1900, an election was held throughout the island, at which the people of Cuba in all their municipalities elected their municipal officers, participated in by the inhabitants of the Isle of Pines, as is stated in the report of the Committee on Foreign Relations, Senate Document No. 205, Fifty-ninth Congress, though this was denied in a minority report.

A constitutional convention was called, and the inhabitants of the Isle of Pines participated in the election of delegates thereto, September 15, 1900.

The convention concluded its work by October 1, 1901, and December 31, 1901, an election was held to choose governors of Provinces, provincial councilors, members of the House of Representatives, and presidential and senatorial electors under an order of General Wood of October 14, 1901, No. 218, approved by the War Department, which divided the Province of Habana into four circuits, the third being composed of several ayuntamientos, of which the Isle of Pines was one.

February 24, 1902, the electors met, chose senators, and elected Señor Palma, President, and Señor Romero, Vice President.

The government was transferred to Cuba May 20, 1902; and in making the transfer and declaring the occupation of Cuba by the United States and the military government of the island to be ended, the military governor wrote to "the President and Congress of Cuba," among other things: "It is understood by the United States that the present government of the Isle of Pines will continue as a de facto government pending the settlement of the title to said island by treaty, pursuant to the Cuban constitution and the act of Congress of the United States approved March 2, 1902[1]." On the same day President Palma replied:

"It is understood that the Isle of Pines is to continue de facto under the jurisdiction of the Government of the Republic of Cuba, subject to such treaty as may be entered into between the Government of the United States and that of the Cuban Republic as provided for in the Cuban constitution and in the act passed by the Congress of the United States and approved on the 2d of March, 1901." (31 Stat. 897.)

At that date the Isle of Pines was actually being governed by the Cubans through municipal officers elected by its inhabitants and a governor of the Province of Habana, councilors, etc., in whose choice they had participated. And see Neely v. Henkel (180 U. S. 109, 117, 118).

February 16, 1903, the Senate of the United States by resolution requested the President "to inform the Senate as to the present status of the Isle of Pines and what government is exercising authority and control in said island."

In reply the President submitted a report from the Secretary of War, which stated:

"The nature of the de facto government under which the Isle of Pines was thus left pending the determination of the title thereof by treaty is shown in the following indorsement upon a copy of the said resolution by the late military governor of Cuba:

(Here follows the indorsement, dated February 20, 1903, of which the following is a part:)

"'At the date of transfer of the island of Cuba to its duly elected officials the Isle of Pines constituted a municipality included within the municipalities of the Province of Habana and located in the judicial district of Bejucal. The government of the island is vested in its municipal officers, subject to the general control of the civil governor of the Province of Habana, who is vested under the constitution of Cuba with certain authority in the control of municipal affairs. Under the military government of Cuba the Isle of Pines was governed by municipal officials, subject to the general authority of the civil governor, who received his authority from the governor general. The Isle of Pines, as it had existed under the military government, was transferred as a de facto government to the Cuban Republic, pending the final settlement of the status of the island by treaty between the United States and Cuba. The action taken by the military government was in accordance with telegraphic orders from the honorable the Secretary of War. The government of the island to-day is in the hands of its municipal officers, duly elected by the people under the general control of the civil governor of the Province of Habana and the Republic of Cuba. As I understand it, the government of the Isle of Pines is vested in the Republic of Cuba, pending such final action as may be taken by the United States and Cuba looking to the ultimate disposition of the island. No special action was taken to protect the interests of the citizens of the United States who have purchased property and have settled in the Isle of Pines, for the reason that no such action was necessary. All Americans in the island are living under exactly the same conditions as other foreigners, and if they comply with laws in force it is safe to say that they will not have any difficulty or need special protection. At the time these people purchased property they understood distinctly that the question of ownership of the Isle of Pines was one pending settlement, and in locating there they took the risk incident to the situation.'"

We are justified in assuming that the Isle of Pines was always treated by the President's representatives in Cuba as an integral part of Cuba. This was indeed to be expected in view of the fact that it was such at the time of the execution of the treaty and its ratification, and that the treaty did not provide otherwise in terms, to say nothing of general principles of international law applicable to such coasts and shores as those of Florida, the Bahamas, and Cuba. (Hall, 4th ed. 129, 130; Louisiana v. Mississippi, 202 U. S. 1, 53; The Anna, 5 C. Rob. 273.)

In August, 1902, the Treasury Department decided that duties should be assessed on goods coming from the Isle of Pines at the same rates as on similar merchandise imported from other places.

On July 2, 1903, a treaty with Cuba was signed, relinquishing any claim by the United States to the Isle of Pines under the treaty of peace, but this failed of ratification, and on March 2, 1904, another treaty was signed, which relinquished all claim of title under that treaty.

November 27, 1905, the Secretary of State wrote an American resident of the Isle of Pines:

"The treaty now pending before the Senate, if approved by that body, will relinquish all claim of the United States to the Isle of Pines. In my judgment the United States has no substantial claim to the Isle of Pines. The treaty merely accords to Cuba what is hers in accordance with international law and justice.

"At the time of the treaty of peace which ended the war between the United States and Spain, the Isle of Pines was and had been for several centuries a part of Cuba. I have no doubt whatever that it continues to be a part of Cuba and that it is not and never has been territory of the United States. This is the view with which President Roosevelt authorized the pending treaty, and Mr. Hay signed it, and I expect to urge its confirmation."

There are some letters of an Assistant Secretary of War or written by his direction, and other matters referred to, which we do not regard as seriously affecting the conclusion that the Executive has consistently acted on the determination that the United States had no substantial claim to the Isle of Pines under the treaty.

The only significant legislative action is found in the proviso of the act of March 2, 1901, the Army appropriation act (31 Stat. 895, ch. 803), commonly called the Platt amendment (897), which reads:

"*Provided further*, That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled 'For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect,' the President is hereby authorized to 'leave the government and control of the island of Cuba to its people' so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:"

Then follows eight clauses, of which the sixth is:

"VI. That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty."

It appears that certain American citizens, asserting interests in the Isle of Pines, had contended that it belonged to the United States under the treaty, and the sixth clause of the Platt amendment, while not asserting an absolute claim of title on our part, gave opportunity for an examination of the question of ownership and its settlement through a treaty with Cuba. The Republic of Cuba has been governing the isle since May 20, 1902—the present situation need not be discussed—and has made various improvements in administration at the suggestion of our Government, but Congress has taken no action to the contrary of Cuba's title as superior to ours.

It may be conceded that the action of both the political departments has not been sufficiently definite to furnish a conclusive interpretation of the treaty of peace as an original question, and as yet no agreement has been reached under the Platt amendment. The Isle of Pines continues at least de facto under the jurisdiction of the Government of the Republic of Cuba, and that settles the question before us, because as the United States have never taken possession of the Isle of Pines as having been ceded by the treaty of peace, and as it has been and is being governed by the Republic of Cuba, it has remained "foreign country" within the meaning of the Dingley Act, according to the ruling in De Lima *v.* Bidwell, 182 United States 1, and cases cited; United States *v.* Rice, 4 Wheat. 246. There has been no change of nationality for revenue purposes, but, on the contrary, the Cuban Government has been recognized as rightfully exercising sovereignty over the Isle of Pines as a de facto government until otherwise provided. It must be treated as foreign, for this Government has never taken nor aimed to take that possession in fact and in law which is essential to render it domestic.

Judgment affirmed.

Mr. Justice McKenna concurred in the judgment.

Mr. Justice White and Mr. Justice Holmes concurred specially.

Mr. Justice Moody took no part.

Mr. Justice White, with whom was Mr. Justice Holmes, concurring.

My reasons for agreeing to the conclusion announced by the court are separately stated to prevent all implication of an expression of opinion on my part as to a subject which in my judgment the case does not require and which, as it is given me to see it, may not be made without a plain violation of my duty.

The question which the case raises, by way of a suit to recover duties paid on goods brought from the Isle of Pines is whether that island, by the treaty with Spain became a part of the United States or was simply left or made a part of the Island of Cuba, over which the sovereignty of Spain was relinquished.

I accept the doctrine which the opinion of the court announces, following Jones *v.* United States (137 U. S. 202), that "who is the sovereign de jure or de facto of a territory is not a judicial but a political question, the determination of which by the legislative and executive departments of any government conclusively binds the judges as well as other officers, citizens, and subjects of that government." That the legislative and executive departments have conclusively settled the present status of the Isle of Pines as de facto a part of Cuba and have left open for future determination the de jure claim, if any, of the United States to the island, as the court now declares, is to me beyond possible contention. Thus by the amendment to the act of 1891, which was enacted to determine the de facto position of the island and to furnish a rule for the guidance of the executive authority in dealing in the future with the island, it was expressly provided "that the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty."

So, also, when the Island of Cuba was turned over to the Cuban Government by the military authority of the United States, that Government was expressly notified by such authority, under the direction of the President, that whilst the de facto position of the Isle of Pines as a part of Cuba was not disturbed it must be understood that its de jure relation was reserved for future determination by treaty between Cuba and the United States. And this notification and relation was in terms accepted by the President of the Republic of Cuba. If the opinion now announced stopped with these conclusive expressions I should of course have nothing to say. But it does not do so. Although declaring that the de facto position of the Isle of Pines as resulting from legislative and executive action is binding upon courts, and although referring to the conclusive settlement of that de facto status and the reservation by the legislative and executive departments of the determination of the de jure status for future action, the opinion asserts that it is open and proper for the court to express an opinion upon the de jure status; that is, to decide upon the effect of the treaty. In doing so it is declared that all the world knew that the Isle of Pines was an integral part of Cuba, this being but a prelude to an expression of opinion as to the rightful construction of the treaty. To my mind any and all expression of opinion concerning the effect of the treaty and the de jure relation of the Isle of Pines is wholly unnecessary and can not be indulged in without disregarding the very principle upon which the decision is placed; that is, the conclusive effect of executive and legislative action. In other words, to me it seems that the opinion, whilst recognizing the force of executive and legislative action, necessarily disregards it. This follows, because the views which are expressed on the subject of the meaning of the treaty amount substantially to declaring that the past action of the executive and legislative departments of the Government on the subject have been wrong, and that any future attempt by those departments to proceed upon the hypothesis that the de jure status of the island is unsettled will be a violation of the treaty as now unnecessarily interpreted.

Mr. Justice Holmes concurs.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 21 (legislative day of January 20), 1925

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Edgar A. Bancroft to be ambassador extraordinary and plenipotentiary to Japan.

UNITED STATES DISTRICT JUDGES

Charlton R. Beattie to be district judge of the eastern district of Louisiana.

Thomas D. Thacher to be district judge, southern district of New York.

COLLECTOR OF CUSTOMS

Charles N. Hildreth, jr., to be collector of customs for customs collection district No. 18.

INTERNAL REVENUE COLLECTOR

Peter H. Miller to be collector for the district of Florida.

POSTMASTERS

FLORIDA

Milton E. Clark, Pensacola.

ILLINOIS

Paul A. Witte, St. Peter.

MISSOURI

Dorsey F. Waggoner, Brownington.
Ray Streeter, Sturgeon.
Roy E. Dusenbery, Van Buren.

NEBRASKA

Willis I. Stebbins, Gothenburg.

OKLAHOMA

Thomas H. Starnes, Elmer.

PENNSYLVANIA

Fred Montgomery, Curtisville.
Paul J. Kessler, Gilberton.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 21, 1925*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou whose all-searching eye is upon us, hear us for Thy mercy's sake. Continue to teach us that the performance of righteous duty is the upper way that leads to God. Impress us that he who fails wrongs his own happiness and weakens the privileges of his fellow men. Let Thy word of knowledge and Thy word of wisdom weave themselves in all hearts, and

may they serve as an inspiration to right living. O let Thy guardian care be over us this day to protect, to guide, and to nourish. By faith, by hope, and by love may we hold on to the best that is in the world, and thus promote mutual confidence among men. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk proceeded to call the roll of committees.

Mr. SNYDER (when the Committee on Indian Affairs was called). Mr. Speaker, I have several bills which have been favorably reported by the unanimous vote of the Committee on Indian Affairs, a quorum being present, and I ask unanimous consent that all of these bills be considered in the House as in Committee of the Whole.

The SPEAKER. Are they on the Union Calendar?

Mr. SNYDER. Yes.

The SPEAKER. The gentleman from New York asks unanimous consent that these bills be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

INDIANS OCCUPYING RAILROAD LANDS

Mr. SNYDER. Mr. Speaker, I call up the bill, S. 369.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 369) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913

Be it enacted, etc., That all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, and amended by the act of April 11, 1916, and the act of June 30, 1919, be, and the same are hereby, extended to March 4, 1925: *Provided*, That the provisions of this act shall apply only in cases where it is shown that the lands were actually occupied in good faith by Indians prior to March 4, 1913, and the applicants are otherwise entitled to receive such tracts in allotment under existing law, but for the grant to the railroad company.

With a committee amendment, as follows:

Page 1, line 8, strike out "1925" and insert in lieu thereof "1927."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

WITHDRAWAL OF CERTAIN LANDS IN NEVADA

Mr. SNYDER. Mr. Speaker, I call up the bill, H. R. 10025.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10025) to provide for the permanent withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation

Be it enacted, etc., That the following-described lands situate in the State of Nevada, temporarily withdrawn from settlement, entry, sale, or other disposition until March 5, 1925, by presidential order dated June 27, 1924, for the use and benefit of the Indians of the Walker River Reservation, be, and they hereby are, permanently withdrawn for the purpose indicated in said order: *Provided*, That this withdrawal shall not affect any existing legal right of any person to any of the withdrawn lands: All of township 14 north, range 30 east, Mount Diablo meridian, west half of township 14 north, range 31 east, Mount Diablo meridian, west half of township 13 north, range 31 east, Mount Diablo meridian, west half of township 12 north, range 31 east, Mount Diablo meridian, east half of township 12 north, range 30 east, Mount Diablo meridian.

With a committee amendment as follows:

Page 2, after line 8, insert "*Provided*, That the foregoing reservation is hereby created subject to exploration, location, and entry under the existing mining laws of the United States."

The SPEAKER. The question is on agreeing to the amendment.

Mr. CARTER. Mr. Speaker, this, as I understand it, is to continue a temporary withdrawal?

Mr. HAYDEN. The withdrawal was made under the law authorizing withdrawals.

Mr. CARTER. Is it to carry out the original intention when the lands were purchased?

Mr. HAYDEN. Yes, sir.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAYDEN. Mr. Speaker, the proviso offered by the committee is a proviso to the proviso, and there should be inserted, I think, the word "further," on page 2, after the word "Provided," on line 8.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXCHANGE OF LANDS IN THE NAVAJO RESERVATION, ARIZ.

Mr. SNYDER. Mr. Speaker, I call up the bill H. R. 11361.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11361) to provide for exchanges of Government and privately owned lands in the additions to the Navajo Indian Reservation, Ariz., by Executive orders of January 8, 1900, and November 14, 1901

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, under rules and regulations to be prescribed by him, to accept reconveyances to the Government of privately owned and State school lands, and relinquishments of any valid filings under the homestead laws, or of other valid claims within the additions to the Navajo Indian Reservation, Ariz., by Executive orders of January 8, 1900, and November 14, 1901, and to permit lieu selections within the boundaries of the said reservation additions by those surrendering their rights, so that the lands retained for Indian purposes may be consolidated and held in a solid area so far as may be possible: *Provided*, That the title or claim of any person or company who refuses to reconvey to the Government shall not be hereby affected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE COLORADO RIVER, ARIZ.

Mr. SNYDER. Mr. Speaker, I call up the bill H. R. 4114.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4114) authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz.

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $100,000, to be expended under the direction of the Secretary of the Interior, for the construction of a bridge and approaches thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., to be available until expended, and to be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Indians of the Western Navajo Indian Reservation, Ariz., to remain a charge and lien upon the lands and funds of such Indians until paid: *Provided*, That no part of the appropriations herein authorized shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona satisfactory guaranties of the payment by said State of one-half of the cost of said bridge, and that the proper authorities of said State assume full responsibility for and will at all times maintain and repair said bridge and approaches thereto.

With the committee amendment as follows:

On page 2, line 1, strike out the word "Western," and on line 2, after the word "Reservation" strike out the word "Arizona," and in line 3 strike out the words "lands and."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I want recognition for a moment or two. I want first to ask a question of the chairman of the Committee on Indian Affairs and then a question of the gentleman from Arizona [Mr. HAYDEN].

This committee, the Committee on Indian Affairs, is the only committee of the House that can report a bill to build a bridge in the United States that is wholly within a certain State. That is a fact, is it not?

Mr. SNYDER. That is the way I understand it.

Mr. BLANTON. Whereas in the case of a bridge between two States, a party seeking to build a bridge across it with private funds comes here and gets permission through the Committee on Interstate and Foreign Commerce. But the gentleman's committee brings in a bill here to build bridges that are not built with private funds. The question I wanted to ask him is, Is not this a bridge that is to be used by the general public?

Mr. SNYDER. The bridge is to be used by about 800 God-forsaken Indians.

Mr. BLANTON. And by how many white men?

Mr. SNYDER. Well, perhaps, an even number of white men; I hope so, anyway.

Mr. BLANTON. It is to be used by an even number of white men who live in Arizona and who pass that way, is not that true?

Mr. SNYDER. Yes.

Mr. CARTER. Has the gentleman from Texas ever been over the Navajo Reservation?

Mr. BLANTON. I am trying to find out something from the chairman of the committee and not from these Indian men. I know the Indian men are in favor of it.

Mr. CARTER. I think the chairman has been over the Navajo Reservation, and I think he will agree with me that outside of a few Government employees we did not meet many white people on that reservation.

Mr. BLANTON. I think the gentleman from New York can take care of himself without help from the distinguished gentleman from Oklahoma.

Mr. SNYDER. I would like to answer the gentleman in this way: This is a bridge that is thoroughly needed by both the Indians and white men.

Mr. BLANTON. By both the Indians and white men?

Mr. SNYDER. Yes.

Mr. BLANTON. That is the point I am coming to.

Mr. SNYDER. Will the gentleman let me answer him?

Mr. BLANTON. I want to ask some questions. The gentleman says this bridge is needed by both the white men and the Indians, and there are only 800 Indians involved. We are proposing to take the money out of the Treasury, let it be Indian money or public money, it does not make any difference, because all the Indian money was at one time public money, which came out of the general funds of the Treasury.

Mr. SNYDER. Of course, the gentleman overlooks one part in this measure, and that is that this money is reimbursable.

Mr. BLANTON. Oh, yes: I know that may be so.

Mr. SNYDER. The Indians undoubtedly within a short number of years, on account of the discovery of oil and minerals, will have sufficient money with which to reimburse the Government.

Mr. BLANTON. Suppose they do not discover oil and minerals?

Mr. SNYDER. They have already discovered them.

Mr. BLANTON. But suppose they do not discover any more?

Mr. SNYDER. If they do not discover any more, there is sufficient there now to reimburse the Government.

Mr. BLANTON. What I want to ask the distinguished gentleman from New York—because I follow him on many matters which involve just such subjects as these, as he is an active worker on these Indian matters—is this: Does he believe in the policy of the Government that every time 800 Indians and a lot of white men in a whole State want a bridge built that they may come to Congress and get the money?

Mr. SNYDER. But the gentleman overlooks the fact that the State pays one-half the value of the bridge and the Indians eventually will pay the other half.

Mr. BLANTON. Eventually may be so and eventually may be not. In the gentleman's State, when a bridge is built, the people do not pay just one-half, but all of it, and in the State of Oklahoma, where the distinguished gentleman, our friend, Mr. CARTER, lives, when the people want to build a bridge they pay not half, but they pay all. In the State of Arizona, usually, when the white men want to build a bridge, the people of Arizona pay for it, but in this case the people of Arizona are paying half of it and the Government pays the other half, and some day, maybe so, the Government will be reimbursed.

Mr. CARTER. Will the gentleman yield?

Mr. BLANTON. I do not want to take up any more time, but I will yield.

Mr. CARTER. Let me say this: That in Oklahoma we have treaties with the Indians defining how their funds shall be spent.

Mr. BLANTON. Yes; and if you can spend their funds for a bridge for the white men, all right.

Mr. CARTER. This bill could not apply in the State of Oklahoma, because it provides that the payment shall be reimbursable from tribal funds. You can not do that in the State of Oklahoma under the treaties we have with the Five Civilized Tribes.

Mr. BLANTON. Will the gentleman yield?

Mr. CARTER. Yes; but the gentleman has the floor.

Mr. BLANTON. I was through, and I was going to sit down. Does not the gentleman know this: That if he and I and the gentleman from Arizona [Mr. HAYDEN], our friend, whose bills we always like to pass, were to get in our cars to-day and go out in that neighborhood, we would like to have this bridge to cross when we got to that particular place, would we not?

Mr. CARTER. I have never crossed at this particular place, but I always like to have a bridge to cross upon.

Mr. HAYDEN. Will the gentleman from Texas yield?

Mr. BLANTON. Yes.

Mr. HAYDEN. Does the gentleman think it fair that the Federal Government, on behalf of the Indians, should reserve an area greater than the State of Maine, greater than the State of South Carolina, and greater than the State of West Virginia, over 22,000 square miles of land, not 1 acre of which can be taxed, containing oil, coal, and timber? Does he not believe that the Indians should not contribute their fair share toward building roads across their reservation and in building a bridge which they will use?

Mr. BLANTON. There is not any Democrat here who serves with the gentleman from Arizona who could answer any argument the gentleman from Arizona would make in behalf of one of his pet measures, and therefore I yield the floor, Mr. Speaker.

Mr. CARTER. Mr. Speaker, I would like to get a little information about this bill. I notice on page 2 that the bill, as introduced, provided that the amount authorized in this bill should remain a charge and lien upon the lands and funds of such Indians, to wit, the Navajo Indians, and I notice the words "lands and" are striken out, which leaves it applying only to the funds of the Navajos. The question is, what funds have the Navajos?

Mr. HAYDEN. The Navajos have in the Treasury of the United States at the present time nearly $100,000, obtained through bonuses and rentals and royalties on oil discovered a year or so ago. The reason for striking out the words "lands and" was because it was brought to our attention by some of the eminent lawyers on our committee that there was no practical way of enforcing a lien against the lands of the Indians unless the lands were taken away from them, and Congress evidently does not intend to do that. In this instance the committee was satisfied that the security for the payment of this amount was ample because, as I stated a moment ago, oil of very high gravity has been discovered on the reservation and we are confident the oil development will be extended. There are billions of tons of coal in the Navajo country, and they have great timber resources. Whenever such resources are disposed of the money will be deposited in the Treasury and the United States will be reimbursed for this expenditure. The security being ample and there being no practical way of enforcing a lien on the land, the committee thought there was no necessity for including the words to which the gentleman from Oklahoma has referred in the bill.

Mr. CARTER. They have now less than $100,000?

Mr. HAYDEN. Yes.

Mr. CARTER. But the amount from their royalty is increasing and accruing?

Mr. HAYDEN. The amount will increase if the development continues. There is another bill which we hope to pass to-day in reference to the production of oil and other minerals on Indian reservations.

Mr. CARTER. Have not a good many of the wells that have been drilled been found to be artesian wells rather than oil wells?

Mr. HAYDEN. That is the happiest part of the situation so far as the Navajo Indians are concerned. The Navajos hope that the oil driller will not find oil but an artesian well, because that means that they will have more water for their sheep and other livestock.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ALIENATION OF LANDS OF KANSAS OR KAW INDIANS IN OKLAHOMA

Mr. SNYDER. Mr. Speaker, I call up the bill (H. R. 11359) to authorize the Secretary of the Interior to issue certificates of competency removing the restrictions against alienation on

the inherited lands of the Kansas or Kaw Indians in Oklahoma.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue certificates of competency removing the restrictions against alienation covering all or any part of the inherited lands of the Kansas or Kaw Indians in Oklahoma, upon the request therefor of the legal heirs to the estates of the deceased allottees: *Provided*, That these certificates shall be of the same form and legal effect as those issued to members of that tribe for their original homesteads and surplus land allotments, under section 10 of the act of Congress of July 1, 1902 (32 Stat. L. pp. 636–639).

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ADJUDICATION OF CLAIMS OF ASSINIBOINE INDIANS

Mr. SNYDER. Mr. Speaker, I call up the bill (H. R. 7687) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Assiniboine Indian Nation or Tribe, or arising under or growing out of any act of Congress in relation to Indian affairs, which said Assiniboine Nation or Tribe may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Assiniboine Nation or Tribe party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Assiniboines approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indian nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nation.

SEC. 3. In said suit the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nation, but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act, an appeal may be taken by either party, as in other cases, to the Supreme Court of the United States.

SEC. 5. That upon the final determination of any suit instituted under this act, the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian nation for the services and expenses of said attorneys rendered or incurred prior or subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

With the following committee amendment:

Page 3, line 6, after the word "suit" insert "and the United States shall be allowed credit for any and all payments including gratuities made to or for the benefit of the Assiniboine Indians."

Page 3, strike out all of section 5 and insert the following:

"That upon final determination of any suit or suits instituted under this act the Court of Claims shall have authority to decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys employed by the Indians as herein provided, which fee or fees shall not exceed 10 per cent of any recovery made, and in no case shall they amount in the aggregate to more than $25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, and shall be paid out of the judgment."

Page 3, line 25, strike out the words "or all persons" and insert in lieu thereof "other tribe or band of Indians."

Mr. CARTER. Mr. Speaker, I would like to get the gentleman from New York [Mr. SNYDER] or the gentleman from Montana [Mr. LEAVITT], who introduced the bill, to explain to the House the nature of the claims that the Assiniboine Indians have and the amount of them.

Mr. SNYDER. They are just the regular claims that usually follow a straggling band of Indians. These lands have never been recognized as belonging to them and were never formally relinquished by treaty or agreement. The committee after giving this matter full consideration and discussing all of the merits of the case, as well as the rights of the Indians decided to report the bill, the Indians having made sufficient showing to have their claims referred to the Court of Claims. This bill is in the regular form and protects the interests of the Government in every way.

Mr. CARTER. Yes; I notice that the interests of the Government are properly protected, but what I am interested in is knowing just what the claims are.

Mr. SNYDER. The gentleman from Montana [Mr. LEAVITT] can explain the details.

Mr. LEAVITT. The lands the Assiniboines are now occupying on the reservation are not in all respects the same lands that they claimed ownership of in the old tribal days before they went on the reservation. They believe they have some just claims against the Government in connection with some old treaties that have not as yet been adjudicated. The whole purpose of the bill is to allow them to present their case in the Court of Claims and have them determine what their rights are and what they should have.

Mr. CARTER. They have made treaties and they want an adjudication of the claims based on those treaties?

Mr. LEAVITT. Yes; that is the entire purpose of the bill.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WINNEBAGO INDIAN RESERVATION

Mr. SNYDER. Mr. Speaker, I call up the bill (H. R. 11358) to authorize the Secretary of the Interior to cancel restricted fee patents covering lands on the Winnebago Indian Reservation and to issue trust patents in lieu thereof, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cancel any restricted fee patents that have been issued to Indians of the Winnebago Reservation in Nebraska, under the provisions of the act of Congress of February 21, 1863 (12 Stat. L. p. 658), and to issue in lieu thereof, to the original allottees, or heirs, trust patents of the form and subject to all the provisions set out in the general allotment act of February 8, 1887 (24 Stat. L. p. 388), as amended: *Provided*, That the trust period shall be 10 years from the date of issuance of the lieu trust patents.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DISPOSITION OF RENTALS, ETC., FROM UNALLOTTED INDIAN LANDS

Mr. SNYDER. Mr. Speaker, I call up the bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order In-

dian reservations, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That all moneys received under the provisions of the act of Congress approved February 25, 1920 (41 Stat. L. 437), entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," from bonuses, rentals, and royalties in connection with unallotted lands in Indian reservations not affected by the proviso to section 3 of the act of Congress approved February 28, 1891 (26 Stat. L. 795), shall be deposited in the Treasury of the United States to the credit of the particular tribe of Indians for whose benefit the reservation was created and shall draw interest at the rate of 4 per cent per annum. Such moneys shall be available for appropriation by Congress for the expense of administration and for the use and benefit of such Indians.

With the following committee amendment:

Page 2, after line 9, insert:

"That the provisions of said act, approved February 25, 1920, shall apply to unallotted lands within Indian reservations except that such lands may only be leased and patents shall not be issued for the same.

"That the production of minerals on said lands may be taxed by the State wherein the same are produced in all respects the same as minerals produced on privately owned lands, and the Secretary of the Interior is hereby authorized and directed to cause to be paid from out of the tribal funds in the Treasury the tax so assessed: *Provided*, That such tax shall not become a lien or charge of any kind or character against the land or other property of such Indians.

"SEC. 2. That there is hereby authorized an appropriation of $15,000 from the money on deposit in the Treasury to the credit of the Navajo Tribe of Indians derived from bonuses on oil and gas leases, and from oil and gas royalties for expenditure, in the discretion of the Secretary of the Interior, for necessary expenses in connection with the supervision of the development and operation of the oil and gas industry on the Navajo Indian Reservation in Arizona and New Mexico."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CARTER. Mr. Speaker, I offer the following amendment, to follow the committee amendment which has just been adopted. Strike out the period and insert:

Provided, That the provisions of this act shall not apply to the Five Civilized Tribes in Oklahoma.

I do not think that this does, and the gentleman from Oklahoma [Mr. HASTINGS] assures me that in his opinion as a lawyer it does not; but out of an abundance of caution, and in view of the fact that this in the future may be passed on somewhat in the course of the proceedings of the House by men who are not lawyers, I think it better to have that amendment adopted.

Mr. HAYDEN. Mr. Speaker, I think the gentleman should offer it as a third section to the bill rather than as a proviso to section 2, which is merely the authorization of an appropriation.

Mr. CARTER. I have no objection to that.

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARTER: Page 3, after line 6, insert:

"SEC. 3. That the provisions of this act shall not apply to the Five Civilized Tribes in Oklahoma."

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. CARTER. Yes.

Mr. HASTINGS. Mr. Speaker, I have no objection to the amendment, but as my colleague has already stated, I do not think it is necessary. In the first place, this act is an amendment of the act of February 25, 1920. That act does not, of course, refer to the Five Civilized Tribes, and hence this amendment could not possibly refer to them. Then, attention being invited to lines 5, 6, and 7, page 1, it will be noted that the title of the act of February 25, 1920, is "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain." No lands of the Five Civilized Tribes are public domain, and therefore it could not apply to them.

Mr. CARTER. But the provisions of this act also apply to Indian lands outside of the public domain, and their lands are Indian lands.

Mr. HASTINGS. Those were created by Executive order.

Mr. CARTER. Mr. Speaker, the fact about it is this: There are provisions of this act which will be passed on by the comptroller without any court decision. Other decisions may be made by a Chairman of the Committee of the Whole or by the Speaker of this House, which are not judicial determinations. In view of that fact I think we had better be safe about it and proceed on safe grounds. The amendment will do no harm. The gentleman from New York does not intend to include the Five Civilized Tribes.

Mr. SNYDER. Mr. Speaker, there is no objection to the amendment on the part of any member of the committee so far as I know. There was no intention to include the Five Civilized Tribes when the bill was drawn. As far as I am concerned as chairman of the committee, the amendment is agreeable to me.

Mr. HASTINGS. Mr. Speaker, I simply want to reemphasize the fact that I have no objection to the amendment, although I feel that I ought to state that I do not believe it necessary.

Mr. CARTER. Perhaps the gentleman may be right, but I think we better be safe.

Mr. HOWARD of Oklahoma. I think this amendment is a perfectly proper one and might estop future litigation.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

USE OF TRIBAL FUNDS TO REPAIR AGENCY BUILDINGS

Mr. SNYDER. Mr. Speaker, I call up the bill (H. R. 7888) to provide for expenditures of tribal funds of Indians, for construction, repair, and rental of agency buildings, and related purposes, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That any tribal funds or Indian moneys, which are now or may hereafter be authorized by law for expenditure for support and civilization of Indians shall, in the discretion of the Secretary of the Interior, be available also for construction, repair, and rental of agency buildings, including heating, lighting, power, water, and sewer systems in connection therewith.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ALLOTMENTS OF LANDS TO INDIANS OF THE MENOMINEE RESERVATION, WIS.

Mr. SNYDER. Mr. Speaker, I call up the bill H. R. 6869.

The SPEAKER. The gentleman from New York calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6869) to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes

Be it enacted, *etc.*, That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to allot on the Menominee Reservation, Wis., 80 acres of land to each Indian entitled to allotment thereon, living on the date of this act, or who may be born prior to the completion of the allotment work hereunder: *Provided*, That the patents to be issued hereunder shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of 25 years in trust for the sole use and benefit of the Indians to whom such allotment shall be made, or, in case of his decease, of his heirs, according to the laws of the State of Wisconsin, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust, and free of all charge or incumbrance whatsoever (except as hereinafter provided): *Provided further*, That the President of the United States may in his discretion extend the period: *And provided further*, That the patents herein authorized, both trust and fee, shall contain a clause reserving to the United States the right to cut and market the merchandise timber on the lands embraced in any such patent in the manner now provided by law for the sale of timber on the Menominee Reservation, and the proceeds received therefrom shall be deposited and used for the benefit of the Menominee Indians as the Secretary of the Interior may direct: *And provided further*, That when the merchantable timber has been cut from the land so allotted the title to any timber remaining on said allotments shall thereupon pass to the respective allottees.

SEC. 2. That the Secretary of the Interior may, in his discretion, reserve from allotment lands chiefly valuable for the timber thereon, or that may, in his opinion, be needed for reforestation.

SEC. 3. That all minerals, oil, and gas are reserved during the period of trust as the common property of the tribe; and no lands

valuable for power-site or reservoir purposes shall be subject to allotment.

SEC. 4. That the Secretary of the Interior may reserve such lands as may be deemed necessary for agency and school purposes; and, with the consent of the Indians, nontimbered land not exceeding 10 acres in any one tract for religious purposes; all to remain so reserved so long as used for the purposes indicated: *Provided*, That the Secretary of the Interior is hereby authorized to issue a patent in fee simple to the duly authorized missionary board or other proper authority of any religious organization engaged in mission or school work on the Menominee Reservation for such lands not within any town site herein provided for as have been heretofore set apart to and are now being used and occupied by such organization for mission or school purposes.

SEC. 5. That the Secretary of the Interior is authorized to set aside and reserve for town-site purposes such lands as may be needed for the future public interests, to cause necessary surveys thereof to be made, and to dispose of the lands therein at such time and under such rules and regulations as he may deem proper: *Provided*, That any lands disposed of hereunder shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress.

SEC. 6. That $10,000 or so much thereof as may be necessary of any tribal money now on deposit in the Treasury of the United States to the credit of the Menominee Indians is hereby appropriated to carry out the provisions of this act.

SEC. 7. That so much as may be necessary of the tribal funds of the Menominee Indians of Wisconsin arising under the act of March 28, 1908 (35 Stat. L. p. 51), is hereby appropriated to enable the Secretary of the Interior to make therefrom a per capita payment or distribution of not to exceed $500 to such Indians who receive allotments under authority of this act, under such rules and regulations as he may prescribe.

The committee amendments were read, as follows:

Page 2, line 13, strike out the word "merchandise" and insert the word "merchantable."

Page 2, line 16, after the word "reservation," strike out "and the proceeds received therefrom shall be deposited and used for the benefit of the Menominee Indians as the Secretary of the Interior may direct."

Page 4, line 7, after the word "hereby," insert the words "authorized to be."

Page 4, line 14, strike out the word "such."

Page 4, line 15, after the word "act," insert "to be paid or expended for their benefit."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ADJUDICATION OF CLAIMS OF THE CHIPPEWA INDIANS OF MINNESOTA

Mr. SNYDER. Mr. Speaker, I call up the bill H. R. 9343.

The SPEAKER. The gentleman from New York calls up the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9343) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, to consider and render judgment in any and all claims, both legal and equitable, not heretofore adjudicated by the Court of Claims, which the Chippewa Tribe of Indians of Minnesota, or any band or bands thereof, may allege against the United States under any treaty, agreement, or act of Congress relating to Indian affairs.

SEC. 2. If any suit or suits are filed under the provisions of this act, the court shall determine and settle the rights therein, both legal and equitable, of all parties thereto, notwithstanding lapse of time or statutes of limitation. The court shall consider the claims, if any, asserted by any band or bands of the said tribe, a party to such suit, against any other band or bands thereof arising under any treaty, agreement, or act of Congress relating to the affairs of the Chippewa Indians of Minnesota, and shall render judgment therein and settle the rights of the parties in interest as the law and the facts shall require. In any suit or action brought hereunder the United States shall be allowed credit for all moneys, including gratuities, paid by the Government to or expended for the benefit of the Indians party to any such suit or suits.

SEC. 3. The claim or claims of the said tribe of Indians and the various bands thereof to be adjudicated hereunder may be filed jointly or separately, suit to be filed within five years from the date of the approval of this act; and any band or bands of the Chippewa Tribe of Indians of Minnesota deemed necessary to a final determination of any suit or action shall be joined therein as the court may order. Such suit or suits shall be commenced by petition, subject, however, to amendment, to be filed in the Court of Claims by the attorney or attorneys employed as herein provided; and such petition or petitions shall be verified by the attorney or attorneys employed on behalf of the said Indians and shall make the tribe or band or bands on whose behalf the action is brought party plaintiff, and the United States shall be the party defendant. Such petition shall set forth all the facts on which the claims for recovery are based and shall be signed by the attorney or attorneys for the Indians, and no other verification than as above stated shall be necessary. Official papers, letters, documents, and public records, or certified copies thereof, may be used in evidence; and the departments of the Government shall give access to the attorney or attorneys employed in any suit or action instituted to any such treaties, papers, correspondence, or records that may be needed in such suit or suits by such attorney or attorneys.

SEC. 4. The attorney or attorneys selected to prosecute the claims of the Indians in any suit, cause, or action hereunder shall be employed under contract to be executed and approved in accordance with existing law: *Provided*, That if the Indians fail within a reasonable time to agree in the selection of suitable counsel in any case, the Secretary of the Interior shall select a proper attorney or attorneys for the tribe or bands in interest: *Provided further*, That no attorney or firm of attorneys shall be allowed more than one contract hereunder.

The fees to be paid the attorneys shall be stated in such contracts, but in no event shall the fee in any one contract exceed the sum of $5,000 per annum, and shall be paid from the tribal funds of the Chippewa Tribe of Indians of Minnesota, and the Secretary of the Interior is hereby authorized to pay the fees of attorneys so employed out of the tribal funds on deposit in the Treasury of the United States to the credit of the said Indians of Minnesota. In addition to the fees herein provided for the attorneys having an approved contract in any suit hereunder shall be allowed such reasonable and necessary expenses incident to prosecuting the suit as may be provided for in their contract, such expenses to be paid also from the tribal funds of the Chippewa Indians of Minnesota: *Provided*, That before payment such expenses shall be itemized and verified by the attorney or attorneys and submitted upon vouchers approved by the Court of Claims.

SEC. 5. Any moneys found due the Chippewa Tribe of Indians of Minnesota, or any band or bands thereof, under judgment rendered in any suit, cause, or action instituted under the provisions of this act shall be deposited in the Treasury of the United States to the credit of the Indians entitled thereto, where it shall draw interest at the rate of 5 per cent per annum.

The committee amendment was read, as follows:

Page 3, after the word "verification," insert "than as above stated."

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

Mr. BLANTON. Mr. Speaker, I ask recognition on the bill. I want to ask the gentleman a question about the change in policy that is shown in this bill. This bill provides that where the Chippewa Indians themselves can not agree upon an attorney that the Secretary of the Interior shall appoint one. Why should not the Indian Commissioner appoint him?

Mr. SNYDER. The reason for that is that the Indian Commissioner has tried on several occasions to get the Indians to agree and has not been able to accomplish it.

Mr. BLANTON. Why should we take the appointing power he now has away from him and give it to the Secretary of the Interior, who ought not to be chargeable with these little affairs of appointing attorneys for the Indians?

Mr. SNYDER. That is a matter they agree upon themselves——

Mr. BLANTON. I was wondering—does the author of the bill want to take this power away from the Indian Commissioner? I was wondering whether this situation brought about such a bill. The gentleman has been conducting a hearing here——

Mr. SNYDER. For nearly 10 years.

Mr. BLANTON. But the gentleman has been conducting a more recent and particular hearing here with respect to charges against the Indian Commissioner. I do not know whether there is any ground for any charges or not. I am not concerned about that because the gentlemen of the committee can take care of it, but I happen to know this since I have been here. In every other controversy the Indian Commissioner has the power to appoint an attorney, and the Indian Commissioner ought to have that power. He is charged with the exercise of performing all the duties of the bureau with respect to Indians. He ought to be prepared and qualified to appoint a proper attorney for them. I was wondering whether the evidence that has been before the gentlemen's committee showing where attorneys have been appointed at high salaries from time to time, and that one particular attorney named

Mott has been interested many times in the fees which have been paid, has had anything to do with taking this appointive power away from the Commissioner of Indian Affairs?

Mr. SNYDER. Will the gentleman permit me to answer?

Mr. BLANTON. Certainly.

Mr. SNYDER. This matter was presented on May 29, 1924, and the charges against the Indian Commissioner were made about the 18th or 20th of November.

Mr. BLANTON. The gentleman understands I am not saying either yea or nay about those charges?

Mr. SNYDER. I want to show the suspicion the gentleman has——

Mr. BLANTON. So far as I am concerned I have every confidence in the Commissioner of Indian Affairs, until evidence in full hearings shakes it, and I am jealous of his being allowed to perform his duties under the organic law which created his bureau and of not depriving him of his rights.

Mr. SNYDER. I am trying to tell the gentleman that the effect of those charges had nothing to do with selecting the Secretary of the Interior to appoint this attorney for Indians in the event they could not agree among themselves.

Mr. BLANTON. I am not going to delay the passing of these 16 bills, which the gentleman's committee has prepared to pass—one every two or three minutes—but I want to make this suggestion to the gentleman: The Congress, in its wisdom, and it was wise, saw fit to appoint one executive officer of this Government, whom we call the Comptroller General. We tried to make him just as immune from political influence as was possible by words to frame the law. We gave him power to pass upon the disposition of money by every department of the Government. We made him amenable only to the Congress itself, and not to the President or any other power except to the power of the Congress, because we wanted him to do his duty unbiased and uninfluenced by politics.

The Comptroller General passes upon the improper payments of money by any department, as to whether they are in accordance with the law or not. I want to call the attention of the gentleman from New York [Mr. SNYDER] and the attention of the House to this: Various departments from time to time have been stopped in the payment of money through their disbursing officers by orders of the Comptroller General, who says they have not been complying with the law, and these departments have been coming to Congress from time to time lately, having us pass bills, this bill and that bill, to clip the wings of the Comptroller General and stop him in the performance of his duty. They have succeeded in passing bill after bill in Congress when the Congress did not understand the purpose of them, which has been to stop the Comptroller General in the performance of his duty. We passed a bill yesterday when the Members did not understand it; a bill specially prepared by the heads of departments for the purpose of infringing on the power of the Comptroller General. The time is coming when, if we are to get the advantage of the splendid work that General McCarl is now doing, thereby saving this Government hundreds of millions of dollars that have been paid out improperly, we shall have to stop enacting such bills. I have checked up the items in my office, showing a tremendous amount of money in the aggregate that he has caused to be paid back to the Treasury of the United States. But the bill that we passed yesterday will, if it becomes a law, do more to stop him in the proper performance of his duty than anything else that Congress has passed for years.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I understood I was recognized for an hour, although I was about through.

The SPEAKER. The gentleman is mistaken.

Mr. BLANTON. I just want one minute more.

Mr. SNYDER. Mr. Speaker, I yield to the gentleman one minute more.

Mr. BLANTON. The time will come when every Member of Congress who is watchful over the expenditure of money and whom in accordance with law is going to come in here and ask for the repeal of these various measures and demand that we uphold the Comptroller General. Mr. Secretary Denby on one occasion told the Comptroller General to "go to." You can not stop these money-spending administrative officers ordinarily, but the Secretary of the Navy eventually found out that General McCarl had been given extreme power by Congress, even to pass upon his office. I hope the membership of this House will watch that point and that we will sustain the action and purpose of Congress in creating his office an independent one, and protect Comptroller General McCarl in his rulings.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WITHDRAWAL OF LANDS IN NEW MEXICO FOR THE BENEFIT OF THE NAVAJO INDIANS

Mr. SNYDER. Mr. Speaker, I call up the bill H. R. 11360.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11360) to provide for the permanent withdrawal of a certain 40-acre tract of public land in New Mexico for the use and benefit of the Navajo Indians

Be it enacted, etc., That the following-described tract in the State of New Mexico, temporarily withdrawn from settlement, entry, sale, or other disposition until March 5, 1927, by presidential order dated October 24, 1924, in aid of proposed legislation, be, and it hereby is, permanently withdrawn for the use and benefit of Navajo Indians residing in that immediate vicinity: Southeast quarter southeast quarter, section 8, township 11 north, range 3 west, New Mexico principal meridian, New Mexico.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TIMBER OPERATIONS ON THE MENOMINEE RESERVATION, WIS.

Mr. SNYDER. Mr. Speaker, I call up the bill S. 3036.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 3036) to amend the law relating to timber operations on the Menominee Reservation in Wisconsin

Be it enacted, etc., That section 2 of the act approved March 28, 1908 (35 Stat. L. p. 51), entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin," be, and is hereby, amended to authorize the making of contracts with white men for any work connected with the logging and milling operations on the said reservation, to authorize the employment of white men by Indian contractors, and to exempt from the requirements of sections 3709 and 3744 of the Revised Statutes all contracts for labor or supplies necessary for the carrying on of such operations.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. SNYDER. Mr. Speaker, I call up the bill H. R. 8356 for the purpose of asking that it be laid on the table on account of the fact that it is a duplicate of a bill which has been passed.

The SPEAKER. The gentleman from New York asks unanimous consent to lay on the table the bill H. R. 8356, being a duplicate of a Senate bill just passed. Is there objection?

There was no objection.

The SPEAKER. Without objection, the following other bills will be laid on the table, similar Senate bills having been passed: The bills H. R. 9178, H. R. 6426, and H. R. 2574.

There was no objection.

BRIDGE ACROSS THE SAN JUAN RIVER

Mr. SNYDER. Mr. Speaker, I call up the bill S. 1665.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 1665) to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,620, or so much thereof as may be necessary, to defray one-half the cost of a bridge across the San Juan River near Bloomfield, N. Mex., under rules and regulations to be prescribed by the Secretary of the Interior, who shall also approve the plans and specifications for said bridge: *Provided*, That the State of New Mexico or the county of San Juan shall contribute the remainder of the cost of said bridge, the obligation of the Government hereunder to be limited to the above sum, but in no event to exceed one-half the cost of the bridge.

With committee amendments, as follows:

Line 3, after the word "hereby," insert the words "authorized to be," and on line 10 insert "and to be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians, to remain a charge and lien upon the funds of such Indians until paid."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments of the committee were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

PURCHASE OF LOTS IN CEDAR CITY, UTAH, FOR THE BENEFIT OF PIUTE INDIANS

Mr. SNYDER. Mr. Speaker, I call up the bill H. R. 11362.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11362) to authorize an appropriation for the purchase of certain lots in the town of Cedar City, Utah, for the use and benefit of a small band of Piute Indians located thereon

Be it enacted, etc., That the sum of $1,275 is hereby authorized to be appropriated, out of any moneys in the United States Treasury not otherwise appropriated, to enable the Secretary of the Interior to purchase nine lots or parts of lots in the town of Cedar City, Utah, for the use and occupancy of a small band of Piute Indians now residing thereon: *Provided*, That the title to said lots is to be held in the United States for the benefit of said Indians.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ORDER OF BUSINESS

Mr. SNYDER. Mr. Speaker, that is the last of the bills which the committee has for presentation here to-day from the Union Calendar. But the gentleman from Arizona [Mr. HAYDEN] desires to submit a unanimous-consent request, to which I am perfectly willing to agree, if the House will permit us. This is due to the fact that we have used so little time on account of the courtesy extended by the membership of this House to this committee.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent for the present consideration of three Senate bills on the Private Calendar.

The SPEAKER. The Chair does not think the rules of the House will permit the Chair to recognize the gentleman for that purpose. It would be a violation of the rules.

Mr. BEGG. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEGG. The gentleman can not make the request unless the bills are on the calendar that we are operating on to-day.

Mr. HAYDEN. Anything can be done by unanimous consent.

The SPEAKER. The Chair does not think he is authorized to entertain the request.

Does that complete the business of the Committee on Indian Affairs?

Mr. SNYDER. Yes.

The SPEAKER. The Clerk will call the roll of committees.

The Clerk called the Committee on the Territories.

The SPEAKER. The Chair was informed that the Committee on the Territories had business for the consideration of the House.

Mr. BEGG. Mr. Speaker, the representative of the Committee on the Territories will be here with two bills in just a minute. We telephoned to him a minute ago.

PROPOSED RENTAL LEGISLATION FOR THE DISTRICT OF COLUMBIA

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to address the House for five minutes out of order.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes out of order. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker and gentlemen, this is an opportunity I have long sought. It is very rare that a Member gets a chance to break in edgewise, as was presented to me just a few seconds ago and, indeed, I welcome this opportunity.

During the last session, when certain bills were before the House, the test of regularity was applied to Members of the majority party and some of us who differed with the party were branded as irregulars.

Mr. LINEBERGER. Will the gentleman yield?

Mr. LAGUARDIA. Not just now. I have only five minutes but I will yield in a moment. Now, gentlemen, before long an important measure will be before this House, a measure of national interest although applying only to the District of Columbia.

President Coolidge has taken a courageous stand and has made specific recommendations in his letter sending a proposed draft of the so-called rent bill to Congress. This rent bill, which is the result of seven years' experience in emergency rent laws in the various States of the Union to regulate the housing situation, is up to date, is in keeping with existing conditions and has the necessary teeth in it to make even a landlord obey the law. Why, gentlemen, in some of the States emergency rent laws have been construed by the courts, and so distorted that instead of protecting the tenants they are guaranteeing an income on an investment to speculative owners of property.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LAGUARDIA. I will in just a moment. As I read my mail I find numerous protests coming from real estate associations and landlords from all over the country. As I read the comments in the press I find that the same crowd of landlords in New York City and in other large centers, who have defied the legislatures of their States and who have sought to control the courts, are now lining up against the President's rent law which affects only the District of Columbia.

I want to say that the same test of regularity which was applied to us with regard to the Mellon tax bill should apply to the majority Members of the House in standing back of President Coolidge on this great issue. [Applause.]

Mr. CHINDBLOM. Will the gentleman yield now?

Mr. LAGUARDIA. In just a moment. The fight now, gentlemen, is between President Coolidge and organized landlords. You will remember that the distinguished gentleman from Illinois in his last appeal to the House with respect to the Mellon plan, in explaining his amendment, cried: "Vote the Republican ticket." So, now, the few of us who are outcasts and branded as irregulars are saying to you that we are going to stand by the President. Are you going to stand by him on the rent bill? I now yield to the gentleman from Illinois.

Mr. CHINDBLOM. First, I want to ask the gentleman whether he believes he is altogether reliably informed when he says the President has made this the sine qua non for the solution of this problem?

Mr. LAGUARDIA. The President's letter was short and concise. He says, "I submit here a rent law which is necessary for the proper functioning of the Government and the country." Oh, the President was well advised. It might have taken him a long time to get it, but he has got it right, and I am going to stand by him when he is right. [Applause.]

Mr. CHINDBLOM. I will say to the gentleman that I do not believe the President takes the position that this is the only solution. Secondly, I will ask the gentleman whether he thinks that upon a local District matter of this sort he can establish regularity as against matters of national importance?

Mr. LAGUARDIA. Oh, I see now that the gentleman is finding a way of escape.

Mr. CHINDBLOM. No; I mean as for himself. The gentleman is establishing his own regularity by this local bill.

Mr. KNUTSON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. KNUTSON. Is not the gentleman's main concern in providing housing for the minority of the minority in this House?

Mr. LAGUARDIA. We are asking no quarter. My concern is in establishing a national law for the District of Columbia so perfect, so complete, and so constructive that it may be the model for other States, and I do not hesitate to say so.

The SPEAKER. The time of the gentleman from New York has expired.

THE CONSENT CALENDAR

Mr. BEGG. Mr. Speaker, I desire to present a unanimous-consent request. Before doing so I want to say that we have run into an unexpected condition, due to the speed with which the gentleman from New York has gotten through with his calendar. The request I desire to submit is that we be permitted to begin where we left off on Monday on the Consent Calendar before taking up the bridge bills. There are a great many important bills on that calendar, and it is absolutely essential that the calendar be gone through. Rather than adjourn at 1.15, we can do some profitable work by beginning there and taking up that calendar. Mr. Speaker, I make that unanimous-consent request.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the Consent Calendar be taken up where we ended on Monday before taking up the bridge bills. Is there objection?

Mr. CHINDBLOM. Mr. Speaker, I shall not object to the request, but I want to say to the gentleman from Ohio that, in view of the fact that the House has been without notice and a great many Members are absent, in case nobody else does it, I shall raise the point of no quorum.

Mr. BLANTON. Mr. Speaker, I ask the gentleman from Ohio to be fair enough to withhold his request and permit me to ask the House to kindly give me five minutes out of order in which to reply to the gentleman from New York [Mr. LAGUARDIA]. I make that unanimous-consent request.

Mr. BEGG. Let us dispose of the unanimous-consent request I have made, with the understanding that the gentleman have five minutes in which to speak out of order.

Mr. KNUTSON. Mr. Speaker, I have some bills on the Consent Calendar, and for the time being I shall object.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes out of order.

Mr. KNUTSON. I shall not object to the gentleman's request.

The SPEAKER. The other request is the one that is pending.

Mr. KNUTSON. I will withdraw it for the time being.

Mr. DOWELL. Mr. Speaker, reserving the right to object, I desire to ask the exact meaning of this request. As I understand it, on Monday the calendar was called on bridge bills, and we went almost through the calendar.

The SPEAKER. The Chair understands the request to be that we take up the bills on the calendar where we left off before taking up the bridge bills.

Mr. BEGG. Yes; that is the request.

Mr. BLANTON. Bills unobjected to.

Mr. BEGG. Certainly.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that I may have five minutes to speak out of order in reply to the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, since 1917 the control of private property in the District of Columbia has been taken away from the property owners by laws passed by Congress. From the time of the Saulsbury Act in 1917 on down until this day owners of property have had to employ attorneys to protect their rights, and have been put to every kind of inconvenience possible. It is no wonder the tenants have suffered. Of course there has been retaliation. There has not been a piece of rental property that I know of that has been improved during that time. There has not been a new residence built in Washington in six years for rental purposes. Naturally, we all have suffered. But unsound laws caused the suffering.

The bill known as the Whaley bill seeks to make this awful condition permanent in the Nation's Capital. I wish every Member of the Congress could have heard the splendid speech made by General MacChesney, who for years was a distinguished lecturer in the University of Michigan on economics, who for years was a distinguished lecturer in the University of Illinois on economics, who is one of the best-posted constitutional lawyers in the United States on this question. He gave it as his opinion to our committee that the Supreme Court would never uphold such a law if we passed it.

This is the condition and situation here now. Last April we passed a law extending the Rent Commission one more year, or until May 22 of this year, and we passed the bill here just one week exactly after the Supreme Court of the United States held that the law was inoperative and unconstitutional, and I predicted then that we were wasting time and money. I had the chairman of that commission testify on oath the other day before a joint hearing of the House and Senate committees that since last May every member of that Rent Commission has been drawing his salary, when for eight months they have not done one single thing in remuneration to this Government for the money they draw, but have all been idle.

I can not agree with the gentleman from New York [Mr. LAGUARDIA], who occupies the unique position in this House of being the only Member here of the party he represents.

Mr. LINEBERGER. There are two of them; VICTOR BERGER and himself.

Mr. BLANTON. No; he goes further than even VICTOR BERGER on uneconomic questions. VICTOR BERGER has denied that the gentleman is in his class at all. [Laughter.]

I hope if there should be such a proposition as this monstrous Whaley bill presented to this House, you gentlemen will read the hearings first, and that you will especially read the convincing and unanswerable speech of General MacChesney before placing such a law on the statute books relating to all residence property in the District of Columbia, a law that will stop all new construction, and will make property values here in the District, including the value of every piece of real estate, decrease at least 33⅓ per cent within six months after its passage. I honestly believe that. Instead of helping the people who rent, you will do more to damage them than anything else you could do. I hope you will go back to the old law of supply and demand and let property matters here function normally, according to the wise laws of the land and in accordance with the decisions of the Supreme Court of the United States.

THE PROBLEM OF ENACTING AGRICULTURAL LEGISLATION

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a paper which I prepared on the problem of enacting agricultural legislation for the Quarterly Journal published by the University of North Dakota, and which appeared in the November issue of that journal.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD by publishing an article written by himself on agricultural relief. Is there objection?

There was no objection.

Mr. BURTNESS. Mr. Speaker, under leave granted me to extend my remarks, I insert herewith the following article written by me for the Quarterly Journal of the University of North Dakota, and which appeared in the November, 1924, issue thereof:

The enactment of any legislation of importance in the National Congress, aside from the necessary supply or appropriation bills, is not an easy task. Every proposed measure has a "rough and rugged path to travel." When we recall that in recent Congresses more than 10,000 bills and resolutions have been introduced in the House we realize that congestion must be encountered all along the line.

Bills upon their introduction are referred to committees, and the first necessary step is to get a hearing granted upon the proposed measure before the committees. It must have substantial support before even a hearing is granted, for it would be physically impossible for any one of the important committees to grant hearings in any session upon all of the bills pending before it. At such hearing opposition usually develops either from organized groups of the general public, from some special interest adversely affected, or some member of the committee to whom the alleged merits of the bill have no appeal. Assuming, however, a favorable report by the committee, the bill goes to the calendar. There it must await its turn, and unless it can be passed by unanimous consent it is likely never to be reached for actual consideration and vote unless a special rule can be obtained for its consideration. The demands made upon the Rules Committee for special rules are numerous, and fortunate, indeed, are the bills which secure a special rule for their consideration. A feeling, which is by no means unfounded, has arisen throughout the country that too many new laws are enacted. This tends to make the passage of any legislation more difficult, for there are many Members who refuse to vote for any bill unless they are strongly convinced of the need for its passage. It is not enough for them to feel the bill is harmless or that it may result in some more or less indefinite benefits. They want to be shown specifically that meritorious effects can be assured before voting to put another law upon the statute books. After the bill has withstood these various onslaughts in one House and emerged victorious it must run the same gantlet in the other body of Congress.

Every proposed measure is subject to amendments, motions to recommit with instructions to the committee, and other proceedings impeding its progress and often decapitating it. A substantial number of measures fail of passage, even though approved in principle by both Houses. This situation arises when the body last voting on the bill adopts amendments in which the first body will not concur and as to which conferees appointed can not come to an agreement, or where the conferees agree upon a compromise one body or the other refuses to follow their recommendation. If the bill is finally agreed upon by both Houses in all its details, there is still the possibility of a presidential veto.

While outside the immediate subject of this article, I desire to emphasize the fact that any public impression that legislation is hastily enacted in Congress is erroneous. Until I became a Member thereof I would not have believed that its committees exercise such care in bringing out all material facts in their hearings and give such extensive study and consideration to the probable effects of passing the legislation as is the case. I am firmly convinced that there are many more meritorious bills which do not become laws than there are bad measures enacted. I have often wished that it were possible for proposed legislation to be given as thorough consideration by committees in State legislatures as bills in Congress receive.

No measures were pending during the last session of Congress of greater importance to the Northwest than those intended for the relief of agriculture. There were several of them. One was the Norbeck

burtness bill, which was intended to accelerate the much-needed diversification of our farming methods in the spring wheat area. Most of us ardently supporting that measure were even more interested in the so-called McNary-Haugen bill which was intended to place agriculture on a parity with industry and labor.

I doubt whether any measure has been more misunderstood throughout the Nation as a whole in so far as the fundamental principles upon which it is based are concerned than the McNary-Haugen bill. In the limited space permitted me I shall try to point out its fundamental principles rather than its mechanics and details, for those principles, in my opinion, must sooner or later be enacted into law if we are to maintain in the United States a higher standard of living than in competing countries. I desire also to suggest some pertinent questions as to lessons that may be drawn from the vote on the measure as had in the House on June 3, 1924.

No one will deny the assertion that industry and labor are protected in the United States. The tariff laws enacted since 1816, whether by one party or another, have given protection to capital and labor in a greater or less degree. During most of such time we have had tariff laws, as we now have, specifically intended to provide protection sufficient to cover the difference between the cost of production at home and abroad. Of almost as great importance, however, in the protection of the wages of the laborer and the profits of industry are such measure as the laws restricting immigration, the Adamson law, the transportation act or Esch-Cummins bill, the Federal reserve act, the Webb-Pomerene Act, which permits manufacturers to combine to engage in the exportation of their products free from the restraints of antitrust laws in the foreign field, and others. True, these laws do not "guarantee" profits as claimed by some radicals, or anything of that sort, but most of them do tend to protect industry and labor against the competition of world influences and all of them tend to stabilize labor, industrial and general business conditions. We have always been proud of being able to maintain an American standard of living and it has been possible not only because of superior natural resources but in large part by legislation of the nature referred to.

The question is fairly asked whether these same laws have not also stabilized agriculture. Honesty demands the answer that it has in part, but not wholly. Many forms of agriculture can be protected against foreign competition by means of the tariff alone. This is true of such crops as wool, flax, sugar, and the like, and will remain true until our production thereof is increased one or more times. Other forms of agriculture have, however, remained subject to world influences and our farmers have been and are forced to compete with the peasants of other lands. This is true in the case of every crop of which we have an exportable surplus as to which the American price is not fixed by American conditions, but in foreign markets by world conditions. The surplus must always be sold abroad in world competition at world prices. No American producer can complain as to this whether he is a farmer or manufacturer. But the difficulties complained of by farmers and their friends who have given thought to the problem is that in the case of farm crops and produce the price of the surplus obtained in foreign markets is the price of the whole crop. In other words, the world price of exportable surplus crops fixes the American price not only on the surplus but also on the domestic consumption. The inevitable result is that such farmers must buy the products of stabilized industries produced and manufactured under sustained American standards of living and wages, yet sell many of their crops at world prices in direct competition with much cheaper labor and much lower costs of production. These differences are even more aggravated in the case of the farmer who must hire labor, for the wages in stabilized industries directly affect the wages of farm labor in spite of the fact that the farm labor may be employed only in producing crops, the price of which is set in the world's markets rather than in American markets. The general result in the Nation of a continuance of such conditions will necessarily be that men and women engaged in agriculture will be forced to accept a lower standard of living than producers of like ability, thrift, and energy in other industries.

Can this situation be changed in a way that is economically sound? The most reactionary capitalist, as well as the most radical labor leader, should admit the advisability and fairness of an economic condition wherein the person engaged in tilling the soil secures just as large a return for his labor as the toiler in the mine, factory, shop, or on the railroad, and just as large a return on his capital investment as the average man in small, conservative, personally managed business requiring skill and intelligence of approximately like degree. Some of us think that the change can be made, and that without bringing the level of industry and labor down to the level of that portion of our agricultural classes directly competing with the European peasant or the Argentine Indian, but rather by bringing such agricultural workers up to a parity with industry and labor. The cure is simply that of bringing such farmers within the general protective system referred to. That can be accomplished, but the means of so doing, due to the exportable surplus, must be somewhat different from those employed for other lines of business.

One way in which it might possibly be done is by a thorough organization of such farmers. We note, for instance, that a well-organized business like the International Harvester Co. can sell surplus machinery abroad at lower prices either to meet competition or simply get rid of its surplus without reducing prices to the United States trade. This is good business. Let us assume that one individual, or one corporation, or one cooperative association, or other organization owned or controlled all of a crop such as wheat and was confronted with a situation that three-fourths of the crop could be sold within the United States, but that one-fourth of it, if sold at all, would have to be sold abroad and, furthermore, enjoyed a law as we now have to the effect that wheat or wheat products can not be imported into the United States without the payment of a duty equivalent to 42 cents per bushel, that being the estimate of the difference in the cost of production here and abroad. How would that individual or corporation or organization market that grain?

The answer is plain. The exportable surplus would be sold at world prices, but the three-fourths of the crop would not be sold for less than the world price plus the tariff duty. That would not be unfair to the domestic consumer who is engaged in some other protected industry, for the tariff is, or should be, no greater than the difference in foreign and domestic costs of production. But the crop is owned by 2,000,000 farmers scattered through 40 different States instead of by one farmer. They are not now and probably never can be organized in the sense that one selling agency can control the marketing of their crops, and this statement is not intended as any reflection upon the laudable purposes of the cooperative marketing movement among producers. Control of the markets by cooperation is probably practical for some forms of produce or crops. The task of perfecting such an organization is, however, probably insuperable in the case of any crop raised over large areas and by countless individuals.

The McNary-Haugen bill proposed another plan to accomplish the same desired result. This plan was a governmental agency to act as an export corporation, to segregate the exportable surplus and sell it abroad at world prices with a view of obtaining an American price for that consumed within the United States. The American price suggested in the bill was a ratio price equal in exchange value to the price obtained for the crops to which it might be applied during the normal pre-war period of 1905 to 1914, inclusive. This price is capable of definite ascertainment from the statistics kept by the Bureau of Labor Statistics, and it is plain that the price of the commodity would rise and fall with the rise or fall of commodities in general. The exchange value rather than dollars and cents was taken as the proper yardstick of measurement. To maintain such price the export corporation would simply stand ready to buy the crops or produce offered at such price, and that in itself would determine the minimum price within the United States. It is plain that if this price was greater than the world price the corporation would suffer a loss on the amount exported. Therefore the bill provided for an equalization fee to be charged the producers whenever any such crop or produce was sold into the commerce of the Nation, so that each producer would stand his pro rata share of such loss as well as of the overhead expense. In other words, the Government as such would not fix or guarantee any price. No drain on the Public Treasury was contemplated. Initial appropriations proposed to put the machinery into effect were merely in the nature of an advance. The theory was to provide an agency with some capital which could and would handle the situation as it might be handled were the whole crop controlled by one organization.

The legislative guide or desired object set out in the bill was a ratio price equal to a pre-war exchange value. This was adopted in the bill both for its apparent fairness and for practical reasons. The figures were readily attainable. Agriculture was in a serious emergency. While the proponents had in mind fundamental principles, yet they were also desirous of doing something quickly, for prompt relief seemed to be vitally necessary. In effect its adoption would have meant the increase of prices on the commodities intended for its operation or about the present tariff rates above the existing world prices. The price of wheat would have been increased at that time slightly more than the tariff of 42 cents per bushel, the price of cattle above the tariff ranges from 1½ cents to 2 cents per pound, the price of hogs somewhat more than the tariff of 2 cents, etc.

Many of us therefore took the position that in advocating the measure we stood upon the principle that it was nothing more or less than a converse application of the protective tariff. The ratio price adopted was a temporary practical expediency. By the adoption of tariff schedules in the case of any commodity the legislative finding is solemnly made that the commodity can not be produced in the United States as cheaply as abroad. The tariff is operative—that is, reflected—in the price in the case of commodities of which we have no exportable surplus unless local competition is so great as to eliminate all or part of the tariff, in which event it is probable that the duty is too high, tested by the standard of the difference in the case of production here and in competing countries. Is it anything but simple justice to make that tariff similarly reflected in the price of commodities of which we have an exportable surplus, if it can be done?

If it is fair to increase the price of flax, wool, textiles, cutlery, and lemons by means of the tariff, why not also wheat, hogs, cattle, or cotton? Such action is in the interest of maintaining a general economic parity for all our people.

Some say a surplus for export should not be raised. This is comparatively new propaganda. While I believe thoroughly in reducing acreage of such crops as wheat, yet I can not get into the frame of mind that it is almost a crime to raise some for the consumption of other people than Americans so long as it is needed for human consumption. We have heretofore been encouraged to raise large crops; our Department of Agriculture and our agricultural colleges have tried to teach us "to grow two blades of grass where one grew before"; we have been proud of our exports; we have been taught that nations, like individuals, to prosper should sell more than they buy.

It is not easy to adjust farming conditions over large areas sufficiently to bring production down to consumption needs in a crop like wheat, of which we have always had a large surplus for the foreign markets. In any event, it must be remembered that if domestic production were reduced so as to barely satisfy domestic consumption the tariff would be reflected in the price. American consumers would, under the operation of some such law as the McNary-Haugen bill, pay no more than they would without such a law in the event of no surplus above domestic needs. So in either case it would seem that the consumer would have no just cause for complaint so long as he is one of those for whom the United States is artificially maintaining higher standards than those existing in his trade, business, or calling in other countries.

What caused the defeat of the bill in the House on June 3? There was naturally some doubt in the minds of some as to whether the enactment thereof would really work as intended, but I am convinced that such doubt was resolved in favor of the measure by those disposed to favor the principle of helping agriculture to the same extent as other industries, even if the means must be different. There were some who were opposed to it because it seemed to put the Government more into private business, but I do not believe that they caused its defeat. The most telling arguments used in the debate against it—the arguments that resulted in votes—were those which emphasized the fact that its enactment would mean higher costs of bread and pork and meat for the people of the country, and particularly for the constituents of the speaker opposing it. Representatives from New England, from the South, and from industrial centers had computed what the enactment would mean in higher living costs to the people of their respective cities, counties, and districts. Men from factory towns frankly asked the question as to what answer they would give to their constituents if they openly voted to increase what to them already seemed like high costs of living. Members from South Carolina asked why their farmers raising tobacco or cotton or rice should be asked to pay more for bread and pork just because, as they believed, there were too many people in North Dakota, Montana, and Kansas raising wheat, or too many people in Iowa and Illinois trying to convert corn into hogs.

It may be argued that a position of that sort is narrow and provincial. I feel that such is the case. They were, however, probably carrying out the wishes of their constituents. In any event they paid little or no heed to our argument that all sections of this country in the final analysis are dependent for their permanent prosperity upon all other sections thereof. Their own people were as yet too prosperous to realize that if the buying power of the farmers of the West is wiped out the factories of New England, the shops of our industrial centers, and the producers of cotton and tobacco would also suffer severely before long. More real to them was the immediate threatened advance in the price of food. There were 161 votes and pairs for the bill and 232 against it, 41 not voting. In other words, the vote on the whole was that of the consumers, the Representatives from consuming centers, against the bill, and the vote of the producers, Representatives of agricultural districts, in favor of it.

Appended to this paper is a very interesting map showing how each Representative voted. The districts colored dark voted for the bill, those shaded voted against it, and those not colored or shaded were absent and not voting. The bulk of the votes against it came from New England and the "Solid South." In all New England it received 1 vote, in the great State of New York 1 vote. There were four or five scattered votes in its favor from the so-called Southern States, including one from Texas. It received some support in Pennsylvania, and then beginning with West Virginia and Ohio its support increased as the West was approached. The vote in Ohio split evenly; Indiana gave it 11 out of 13; Illinois 16 out of 27, and all but 1 of these opposing votes were from the city of Chicago. From there on west it was almost a solid vote for the McNary-Haugen bill. The few opposing votes were those of Representatives from grain or consuming centers, as note the Minneapolis district, the Duluth district, St. Louis, Kansas City, and Denver. The coast districts of California voted against it. Of Northern States Wisconsin alone stands out as an agricultural State which did not give it general support. In that State the vote was 6 to 5 against it. In 16 States the bill had no opposition, and in only 11 was it without some support.

I have shown this map to many individuals during the past few months and they have been surprised to realize that the bill had the support of about three-fourths of the area of this country and yet was defeated. It takes the vote of 10 or 12 of our States in the Great Plains region to equal the vote of the State of New York.

Perhaps in no better way can I emphasize the fact that in this country to-day the consuming industrial centers have the majority of the population, and consequently the votes at the polls and in the lower House of Congress.

Does not this vote then show the folly of any suggestion that the producers would be benefited by the adoption of the policy of having Congress definitely "fix" or "guarantee" the price of staple farm products from time to time? It is plain that the price would then ultimately be fixed by those consuming the products and not by the producers thereof. If anything is to be done to mitigate the difficulties encountered by farmers engaged in raising surplus crops for export due to world competition must it not be done along some such line as the McNary-Haugen bill? Must it not be done by the adoption of a plan based upon a principle which extends to other industries? If I am correct as to the fundamentals underlying the McNary-Haugen bill, will not the country as a whole in the interests of fair play adopt them in some form when they are fully understood?

An analysis of this vote also naturally raises another question. Has America ceased to be primarily an agricultural Nation and become an industrial one? Will agriculture and industry in the future advance side by side, each claiming about half of our population—or will industry gradually advance and finally entirely eclipse agriculture? If the latter proves to be the case, will agriculture be able to hold its own in procuring from time to time legislation that will be fair to it? Will industry subscribe to a policy that our foodstuffs should be raised in our own country, or will it want to procure those foodstuffs from whatever place it can get them the cheapest? Is there any real danger that agriculture in the United States may descend to the level of peasantry as found in many European countries?

These questions are well deserving of the best thought and consideration that we can give them. No matter what our views thereon may be, I sincerely hope that the generally accepted belief that Americans always stand for "fair play" and a "square deal" will never be found unjustified. Is it not well to emphasize at every opportunity among our people that if we are to remain a well-rounded, many-sided Nation, fully developed as to all resources to such an extent that we can remain in an economic sense virtually independent of the outside world, each class must be willing to give to all others the same opportunities which it seeks for itself. If American standards are to be permanently maintained above the level of European standards, or Asiatic standards, or world standards in any particular, they must be available to all Americans and not only to some selected classes thereof.

CALL OF THE HOUSE

Mr. CHINDBLOM. Mr. Speaker, I believe, in view of the changed program in reference to the business of the House, every Member of the House should have an opportunity to be present, and therefore I make the point of no quorum.

The SPEAKER. The gentleman from Illinois makes the point of no quorum present. It is clear there is no quorum present.

Mr. BEGG. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 36]

Anderson	Dallinger	Howard, Okla.	Morris
Aswell	Deal	Hull, Morton D.	Nelson, Wis.
Bacharach	Dempsey	Hull, William E.	Newton, Minn.
Bacon	Denison	James	Newton, Mo.
Barbour	Dickstein	Johnson, S. Dak.	O'Brien
Barkley	Dominick	Johnson, W. Va.	O'Connell, N. Y.
Berger	Dyer	Jones	O'Connor, N. Y.
Bloom	Eagan	Kent	O'Sullivan
Bowling	Edmonds	Kindred	Patterson
Brand, Ohio	Fairchild	Kunz	Perlman
Brand, Ga.	Favrot	Kurtz	Phillips
Briggs	Fish	Langley	Porter
Britten	Fitzgerald	Larson, Minn.	Quayle
Buckley	Foster	Lee, Ga.	Ransley
Burdick	Fredericks	Lindsay	Reed, W. Va.
Canfield	Free	Linthicum	Roach
Carew	Funk	Logan	Robinson, Iowa.
Casey	Gallivan	McFadden	Rogers, Mass.
Clancy	Geran	McKenzie	Rogers, N. H.
Clark, Fla.	Gifford	McLaughlin, Nebr.	Rouse
Cleary	Goldsborough	McLeod	Schafer
Cole, Ohio	Graham	McNulty	Schall
Collins	Griffin	MacGregor	Shallenberger
Connolly, Pa.	Guyer	Michaelson	Snell
Corning	Harrison	Mills	Spearing
Cullen	Hawley	Minahan	Steagall
Curry	Hickey	Morin	Stevenson

Sullivan	Thomas, Okla.	Voigt	Wood
Swoope	Tinkham.	Ward, N. Y.	Woodruff
Taber	Tydings	Weller	Yates
Tague	Underhill	Werts	
Taylor, Colo.	Vare	Winter	
Thomas, Ky.	Vinson, Ky.	Wolff	

The SPEAKER. Three hundred and three Members have answered to their names—a quorum.

Mr. BEGG. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. By special order of the House the Consent Calendar will be taken up at the place where we left off on Monday last. The Clerk will report the first bill.

TRANSPORTATION OF REMAINS OF EMPLOYEES OF DEPARTMENT OF AGRICULTURE

The first business on the Consent Calendar was the bill (H. R. 9692) to authorize the transportation, at public expense, of remains of officers and employees of the Department of Agriculture who die while away from their official stations.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, I ask the gentleman from Iowa [Mr. HAUGEN], who reported the bill, why, if we pay these expenses, we should not pay for the expenses of the employees of all of the rest of the departments who die away from their official station—the employees of the Treasury Department and the employees of the Labor Department and of all the other departments?

Mr. HAUGEN. That would be for the committee having that matter in charge.

Mr. BLANTON. Does the gentleman want to extend the privileges of this bill to all of the departments?

Mr. HAUGEN. I have no objection to extending them to all of the other departments.

Mr. BLANTON. I just wanted to get the gentleman's policy.

Mr. HAUGEN. I am in favor of giving the same authority to the Secretary of Agriculture as is given to the Secretaries of other departments.

Mr. BLANTON. Does the gentleman know how many employees of the United States there are now?

Mr. HAUGEN. About 20,000 in the Department of Agriculture.

Mr. BLANTON. Mr. Speaker, the United States Government has now over 500,000 employees. It has over 66,000 employees here in the District of Columbia. If the policy of the gentleman's bill is right, then we ought to extend it to everyone of these 500,000 employees of the Government. I am not willing to extend it to one, unless we extend it to all, and I think it is a bad policy to extend it to any of them, as it would cost the taxpayers a tremendous sum. I think it is wrong in principle, and I object.

EMPOWERING AGENTS OR EMPLOYEES OF THE DEPARTMENT OF AGRICULTURE TO ADMINISTER OATHS, ETC.

The next business on the Consent Calendar was the bill (S. 2148) to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I ask that the bill be reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are hereby authorized and empowered to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of any law committed to or which may hereafter be committed to the Secretary of Agriculture or the Department of Agriculture or any bureau or subdivision thereof for administration. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee when certified under his hand and authenticated by the seal of the Department of Agriculture may be offered or used in any court of the United States and shall have like force and effect as if administered or taken before a clerk of such court without further proof of the identity or authority of such officer, agent, or employee.

SEC. 2. That no officer, agent, or employee of the Department of Agriculture shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by this act.

With the following committee amendment:

Page 2, after line 19, insert a new section as follows:

"SEC. 3. That employees of the Department of Agriculture who, upon original appointment, have subscribed to the oath of office required by section 1757 of the Revised Statutes shall not be required to renew the said oath because of any change in status so long as their services are continuous, unless, in the opinion of the Secretary of Agriculture, the public interests require such renewal."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. As one Member of the House I have only one objection to this bill, and that will not be urged unless the bill covers the point I shall mention. The bill provides that when this affidavit is taken by an employee of the Agricultural Department it shall be admitted in any court as evidence. Does that mean that it will be admitted in suits as between parties? If it does, it is objectionable; it would be ex parte as to them, because the parties litigant will have had no chance to cross-examine the witness.

Mr. HAUGEN. Oh, it does not mean that at all.

Mr. BLANTON. I am glad to learn that, for such an affidavit would be ex parte to the parties. If it does not mean that, then I have no objection to the gentleman's bill.

Mr. HAUGEN. My understanding is that it does not.

Mr. BLANTON. It relates only to matters with which the Department of Agriculture is concerned in investigation.

Mr. HAUGEN. That is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes."

GENERAL SUPPLY COMMITTEE

The next business on the Consent Calendar was the bill (H. R. 8711) to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, is there anyone here who knows anything about the bill? I am under the impression that there is being framed now a bill much more desirable than this by the very people who have introduced this bill. Therefore I ask unanimous consent to pass the bill over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

FEES, ETC., PAID TO CLERKS OF UNITED STATES COURTS

The next business on the Consent Calendar was the bill (H. R. 5422) to provide for reporting and accounting of fines, fees, forfeitures, and penalties and all other moneys paid to or received by clerks of United States courts.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RAKER. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I object.

Mr. BOX. Mr. Speaker, I object.

Mr. WATSON. Mr. Speaker, I object.

The SPEAKER. Three Members having objected, the bill is stricken from the calendar.

ACCOUNTS OF UNITED STATES ATTORNEYS, MARSHALS, CLERKS, ETC.

The next business on the Consent Calendar was the bill (H. R. 5424), to provide for the rendition of accounts by United States attorneys, United States marshals, clerks of United States courts, and United States commissioners.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON, Mr. RAKER, Mr. WATSON, and Mr. OLIVER of Alabama objected.

The SPEAKER. Three Members having objected; the bill is stricken from the calendar.

U. S. S. "MAINE" PENSION BILL

The next business on the Consent Calendar was the bill (H. R. 74), to extend the benefits of certain pension laws to the officers, sailors, and marines on board the U. S. S. *Maine* when that vessel was wrecked in the harbor of Habana, February 15, 1898, and to their widows and dependent relatives.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws the officers, sailors, and marines who were serving on board the U. S. S. *Maine* when that vessel was wrecked in the harbor of Habana, February 15, 1898, shall be held and considered to have rendered 90 days' service during the war with Spain, and such officers, sailors, and marines, and their widows, minor children under the age of 16 years, helpless children, and dependent parents shall be entitled to all the benefits of the act of June 5, 1920, and the act of September 1, 1922, as the case may be.

The committee amendment was read, as follows:

Page 2, line 4, after the figures insert "and amendments thereto."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

SPANISH WAR PENSION BILL

The next business on the Consent Calendar was the bill (H. R. 5934) to pension soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. I want to ask the gentleman from Kentucky [Mr. ROBSION] whether this bill when it passes the House, if it should pass, will rectify the discriminations that now exist with respect to pensions paid to survivors of the war with Spain and other pensioners under other wars?

Mr. ROBSION of Kentucky. Yes; I think it will.

Mr. BLANTON. Well, does it do it? Will it pay the pensioners of the war with Spain the same amount as it does the pensioners of other wars?

Mr. ROBSION of Kentucky. Yes; this is a substitute. The same measure passed the House in the Bursum bill and was included in that bill.

Mr. BLANTON. Then I am heartily in favor of the bill. But why does not the gentleman include in this bill another class of the most deserving soldiers who ever served their flag. I refer to the old rangers and the Indian fighters who protected every border and frontier of our Government in dangerous times. Why does not the gentleman include them in this bill?

Mr. ROBSION of Kentucky. Well, it was thought we ought to have a bill which would confine it to the Spanish-American War soldiers and——

Mr. BLANTON. The Bursum bill protected the rangers and Indian fighters, and raised their pensions, though not in proper proportion.

Mr. ROBSION of Kentucky. And there is a bill before our committee which will be reported which will protect the rangers.

Mr. BLANTON. Why not have them cared for in this bill now? What is the use of passing piecemeal legislation? Now, the gentleman, in this bill, has covered the survivors of the war with Spain, he has covered the survivors of the Philippine insurrection, he has covered the survivors of the Chinese insurrection, why does not he look after these old rangers and old Indian fighters, a few of whom only are alive and who are now 85 years of age and on up?

Mr. ROBSION of Kentucky. I will say to the gentleman from Texas that the rangers of the West have been a matter of my special regard.

Mr. BLANTON. We had the Bursum bill with these men in it. Why leave them out of this bill?

Mr. ROBSION of Kentucky. Simply because it was thought we could reach these objects better in this way than if they were combined.

Mr. BLANTON. This bill has been reported, how long?

Mr. ROBSION of Kentucky. This bill has been reported——

Mr. BLANTON. The gentleman will find the date on top of the bill there.

Mr. ROBSION of Kentucky. It has been reported since February, 1924.

Mr. BLANTON. Over a year and yet no bill has been reported from the gentleman's committee giving relief to the old rangers and Indian fighters, who are just as deserving as all other pensioners.

Mr. ROBSION of Kentucky. I will say there have been a great many bills reported from our committee which would give relief to the rangers.

Mr. BLANTON. But not rectifying the discrimination that is now made against them as between them and other pensioners——

Mr. ROBSION of Kentucky. I think the gentleman is not correct in that.

Mr. BLANTON. Yes; I am, because they are paid less. Mr. Speaker, I hope the gentleman's committee will promptly bring in a bill which will take care of these old rangers and Indian fighters by the time we reach this bill again, and I object to this one merely for the purpose of hoping thereby to expedite the early reporting and passing of such bill.

Mr. ROBSION of Kentucky. I hope the gentleman will withhold his objection.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

COMPLETION OF THE TOPOGRAPHICAL SURVEY OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 4522) to provide for the completion of the topographical survey of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the President be, and hereby is, authorized to complete within a period of 20 years from the date of the passage of this act, a general utility topographical survey of the territory of the United States, including adequate horizontal and vertical control, and the securing of such topographic and hydrographic data as may be required for this purpose, and the preparation and publication of the resulting maps and data: *Provided*, That in carrying out the provisions of this act the President is authorized to utilize the services and facilities of such agency or agencies of the Government as now exist, or may hereafter be created, and to allot to them (in addition to and not in substitution for other funds available to such agencies under other appropriations or from other sources) funds from the appropriation herein authorized, or from such appropriation or appropriations as may hereafter be made for the purpose of this act.

SEC. 2. That the agencies which may be engaged in carrying out the provisions of this act are authorized to enter into cooperative agreements with and to receive funds made available by any State or civic subdivision for the purpose of expediting the completion of the mapping within its borders.

SEC. 3. The sum of $950,000 is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, to be available until the 30th day of June, 1925, for the purpose of carrying out the provisions of this act, both in the District of Columbia and elsewhere as the President may deem essential and proper.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

Mr. BLANTON. Mr. Speaker——

Mr. BEGG. Was No. 481 passed by the Indian Affairs Committee?

The SPEAKER. Yes; it was passed by the Indian Affairs Committee.

Mr. BLANTON. Mr. Speaker, the gentleman from Kentucky assures me that he is to bring in an Indian fighter and ranger bill before long, and with that assurance I desire to withdraw my objection.

The SPEAKER. The Chair thinks it is too late. The Chair thinks when objection is made the time to bring that up is after the completion of the calendar.

Mr. BLANTON. Will the Chair permit me to ask unanimous consent?

The SPEAKER. No; the Chair thinks he ought not to proceed until the calendar is completed. The Clerk will report the next bill.

ESTABLISHMENT OF MIGRATORY-BIRD REFUGE, ETC.

The next business on the Consent Calendar was the bill (H. R. 745) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of

public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. RAKER. Reserving the right to object, would the gentleman in charge consent to let this go over for a few minutes?

Mr. HUDDLESTON. Mr. Speaker, I am going to object to the bill.

The SPEAKER. Objection is made. The Clerk will report the next bill.

CROATAN INDIANS IN NORTH CAROLINA

The next business on the Consent Calendar was the bill (H. R. 8083) to designate the Croatan Indians of Robeson and adjoining counties in North Carolina as Cherokee Indians.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LYON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

EXTENSION OF RITTENHOUSE STREET, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 2593) for the extension of Rittenhouse Street in the District of Columbia.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SIMMONS. Mr. Speaker, I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

RELIEF OF THE GOVERNMENT OF CANADA

The next business on the Consent Calendar was the bill (H. R. 8236) for the relief of the Government of Canada.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

GARABED FREE-ENERGY GENERATOR

The next business on the Consent Calendar was the resolution (H. J. Res. 190) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. HOWARD of Nebraska. Mr. Speaker, I reserve the right to object. I would like to know something about it. I have not had opportunity to examine it.

Mr. BEGG. I can say that this bill merely provides this, briefly: This man claims to have invented or discovered—whichever it is—a new power other than that which is known to-day as power derived from water, electricity, or steam. He is willing to show that power or that engine to four scientists appointed by the President, under the condition that if he has what he claims to have they are to sign a statement which gives him a patent to the same, with a provision in the agreement with the Government that the Government can buy this at any time.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BEGG. I would like to finish the statement first. Then I will yield. My interest in the proposition is simply this: I do not believe anything is impossible. This looks like a monstrosity, but it does not cost the United States a nickel, and if he has what he claims he has it will be a benefaction to mankind.

Mr. BLANTON. Now will the gentleman yield?

Mr. BEGG. Yes.

Mr. BLANTON. Was he not here in the Sixty-sixth Congress?

Mr. BEGG. In the Sixty-fifth, I believe.

Mr. BLANTON. In the Sixty-sixth Congress we passed this very bill, which gave him these same powers, but we put around it certain safeguards, and that gentleman to this day has never met the provisions of that bill.

Mr. BEGG. The House did not compel the four scientists to sign a statement giving him the patent, and they refused to sign it, and he refused to let them see it.

Mr. BLANTON. And I object to the bill, Mr. Speaker.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

UNLAWFUL TRANSMISSION OF GAMBLING MACHINES, PISTOLS, ETC.

The next business on the Consent Calendar was the bill (H. R. 9179) to punish the unlawful transmission in interstate commerce or through the mails of gambling machines, fraudulent devices, pistols, and revolvers, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, may we have the bill reported?

The SPEAKER. The Clerk will report the bill.

Mr. HUDDLESTON. Mr. Speaker, I reserve the right to object.

The Clerk read as follows:

Be it enacted, etc., That when used in this act—

(a) The term "interstate commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia.

(b) The term "State" includes Territory and possession of the United States, and the District of Columbia.

(c) The term "person" includes an individual, partnership, association, or corporation.

SEC. 2. It shall be unlawful for any person to knowingly (a) deposit or cause to be deposited with any person or carrier for carriage in interstate commerce, (b) carry or cause to be carried in interstate commerce, (c) import or bring into the United States, (d) deposit or cause to be deposited in the mails of the United States, or (e) take or receive from the mails or from any person or carrier after carriage in interstate commerce, any gambling or chance slot machine or automatic vending device connected with chance devices or any parts or repairs of such machine or device) which gives or purports to give at one operation more or less in value than at any other operation when a coin, check, or slug of the same value is used.

SEC. 3. (a) It shall be unlawful for any person to deposit or cause to be deposited in the mails of the United States, or with any person or carrier for carriage in interstate commerce, any package or container of any kind containing a pistol or revolver unless such package or container is labeled or tagged on the outside cover so as to show plainly the name and address of the addressee or consignee and that a pistol or revolver is contained therein.

(b) It shall be unlawful for any person to (1) deposit or cause to be deposited in the mails of the United States or with any person or carrier for carriage in interstate commerce, (2) carry or cause to be carried in interstate commerce, or (3) import or bring into the United States any pistol or revolver for delivery in a State in violation of any law of such State. It shall be unlawful for any person to accept, in any State, from the mails or from any person or carrier after carriage in interstate commerce any pistol or revolver in violation of any law of such State.

(c) No postmaster shall deliver from the mails, and no person or carrier shall deliver, after carriage in interstate commerce, any pistol or revolver in any State in violation of any law of such State.

(d) No postmaster shall accept for transmission through the mails, and no person or carrier shall accept for carriage in interstate commerce, to any State, any pistol or revolver if any law of such State would be violated by the delivery therein of such pistol or revolver.

(e) Any pistol or revolver transported into any State by mail or in interstate commerce shall, upon arrival in such State, be subject to the operation and effect of the laws of such State enacted in the exercise of its police powers and shall not be exempt therefrom by reason of being introduced therein through the mails of the United States or in interstate commerce.

SEC. 4. Section 4041 of the Revised Statutes is amended to read as follows:

"SEC. 4041. The Postmaster General may, upon evidence satisfactory to him that any person is engaged in conducting any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance or other contingency, or that any person is conducting any scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or that any person is selling, offering for sale, or sending through the mails any article, device, or thing designed or intended for the conduct of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance or other contingency, or any unfair, dishonest, or cheating gambling article, device, or thing, or any chance slot machine, or that any person is unlawfully sending through the mails any pistol or revolver, forbid the payment by any postmaster to any such person of any postal money orders payable to him or to any person as his agent and may provide by regulation for the return to the remitters of the sums named in such money orders. But this shall not authorize any person

to open any letter not addressed to himself. The public advertisement by any person conducting any such lottery, gift enterprise, scheme, or device, or offering to transmit through the mails any article the transmission of which is unlawful, that remittances for the same may be made by means of postal money orders to any other person, shall be held to be prima facie evidence of the existence of an agency, but the Postmaster General shall not be precluded from ascertaining the existence of an agency in any other legal way."

SEC. 5. Any person who violates any provision of this act (other than section 4) shall, upon conviction therefor, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or both.

Mr. BLANTON. Mr. Speaker, there are three objections to this bill. In order to save time, I object, for one.

Mr. BLANTON, Mr. DOYLE, and Mr. HUDDLESTON objected.

The SPEAKER. Three gentlemen have objected. The Clerk will report the next bill.

PLANS AND DESIGNS FOR ROOSEVELT MEMORIAL

The next business on the Consent Calendar was the resolution (S. J. Res. 135) granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt.

The title of the resolution was read.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, I reserve the right to object. Is the gentleman who has charge of this bill present? I am seeking some information in reference to this resolution. If no one is in a position to give it to me, I shall object to its consideration.

Mr. BLANTON. I am not personally interested in this resolution, but the gentleman from Massachusetts [Mr. LUCE], from whose committee it was reported, is not here. But I am interested in showing some consideration to the memory of Theodore Roosevelt, and I ask that the resolution retain its place on the calendar.

Mr. HUDDLESTON. Mr. Speaker, I think very likely I shall object to the bill under any conditions, and for that reason I object.

The SPEAKER pro tempore (Mr. CHINDBLOM). Objection is made. The Clerk will report the next bill.

RESTORATION OF THE LEE MANSION, ARLINGTON

The next business on the Consent Calendar was the resolution (H. J. Res. 264) authorizing the restoration of the Lee Mansion in the Arlington National Cemetery, Va.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 264) authorizing the restoration of the Lee Mansion in the Arlington National Cemetery, Va.

Whereas the era of internecine strife among the States having yielded to one of better understanding, of common loyalty, and of a more perfect Union; and

Whereas now honor is accorded Robert E. Lee as one of the great military leaders of history, whose exalted character, noble life, and eminent services are recognized and esteemed, and whose manly attributes of precept and example were compelling factors in cementing the American people in bonds of patriotic devotion and action against common external enemies in the war with Spain and in the World War, thus consummating the hope of a reunited country that would again swell the chorus of the Union: Therefore be it

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed, as nearly as may be practicable, to restore the Lee Mansion in the Arlington National Cemetery, Va., to the condition in which it existed immediately prior to the Civil War, and to procure, if possible, articles of furniture and equipment which were then in the mansion and in use by the occupants thereof. He is also authorized, in his discretion, to procure replicas of the furniture and other articles in use in the mansion during the period mentioned, with a view to restoring, as far as may be practicable, the appearance of the interior of the mansion to the condition of its occupancy by the Lee family.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

FORT GRATIOT LIGHTHOUSE RESERVATION, MICH.

The next business on the Consent Calendar was the bill (H. R. 9537) to authorize the Secretary of Commerce to transfer to the city of Port Huron, Mich., a portion of the Fort Gratiot Lighthouse Reservation, Mich.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER pro tempore. This bill requires three objections.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to state this: Is not this the Cramton bill?

The SPEAKER pro tempore. Yes.

Mr. BLANTON. This is a bill which seeks to have Government property used for one of these tourist camping grounds in Michigan. I do not think the Government ought to furnish tourist camping grounds to States. Every community almost in the United States is now furnishing magnificent camping grounds for tourists. In my State the people in many communities are granting to the State public parks for use as tourists' camping grounds. They are doing it also in Oklahoma, in Kansas, Missouri, and in Illinois, and in many of the States. Everywhere you will find splendid tourist camping grounds furnished by the people, not by the Government.

This is valuable property that belongs to the Government of the United States. We may need it some day, but once it is given to the people of Michigan and we should want to get it back, we shall have to pay money for it.

They have a fine bathing beach there, and our friend from California [Mr. BARBOUR] waded in the water there when he was a young boy and he and Brother CRAMTON want to vie with Miami and Palm Beach this summer in furnishing to the country models of all the new-fangled bathing costumes. They ought to do it at the expense of Michigan and not at public expense, and I object, Mr. Speaker.

Mr. DOWELL. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa demands the regular order. This bill requires three objections. Are there any further objections? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Speaker, before we take up this bill we ought to have a quorum, and I make the point of no quorum. The membership of the House now absent ought to know what is in this bill.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that no quorum is present. The Chair will count.

Mr. BLANTON. Mr. Speaker, some of the membership having come in from the cloak rooms so that we now have more chance to protect the Government, I withdraw the point of no quorum.

Mr. WATKINS and Mr. MCKEOWN objected.

Mr. MAPES. Mr. Speaker, I make the point of order that unanimous consent was given and that the Chair had already decided that a sufficient number had not objected.

Mr. BLANTON. But there was no quorum at that time. I called attention to the fact that there was no quorum present and you can not consider the provisions of a bill when there is no quorum present.

Mr. MAPES. I make the point of order that the Speaker had already ruled before the point of order of no quorum was made.

The SPEAKER pro tempore. The Chair will state that before the gentleman made the point of order that there was no quorum present the Chair had announced that there were not sufficient objections to the consideration of the bill, and before the gentleman withdrew his point of no quorum the Chair had not determined that there was no quorum present and had not announced that there was no quorum present.

Mr. BLANTON. The ruling of the Chair would have no more force and effect than a ruling of the Chair to the effect that "the ayes seem to have it, the ayes have it, and the bill is passed." A point of order then made that there is no quorum present vacates the ruling of the Chair, and would stop the passage of the bill. There is no quorum present now and the Chair realizes that. It is evident to the Chair that there is no quorum present, and I am not taking advantage of the House, because there is no quorum present, and if I were to force the Chair to count he knows there would be no quorum present, and that would vacate all that preceded.

The SPEAKER pro tempore. The Chair will state that he has not counted the House.

Mr. BLANTON. No; he has not, but having made the point of order that there is no quorum present that vacates the ruling of the Chair.

The SPEAKER pro tempore. In the opinion of the Chair the point of order made by the gentleman from Michigan [Mr. MAPES] is well taken.

Mr. BLANTON. Of course, I bow to the decision of the Speaker because I am a law-abiding man and have to do it. [Laughter.]

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to convey by deed to the city of Port Huron, Mich., a portion of the Fort Gratiot Lighthouse Reservation, Mich.: *Provided*, That the city of Port Huron will open and maintain in first-class passable condition an extension of Garfield Street through the lighthouse property to Lake Huron; that the city will rebuild the pile groin now near the northerly side of the lighthouse reservation in a manner similar to its present form of construction or one of equal efficiency on the northerly line of the said reservation extended, and that the city will maintain pile groin No. 6 in a serviceable condition at its present location or at some other location approved by the Lighthouse Service: *Provided further*, That the city of Port Huron will maintain the tract to be conveyed in a presentable condition and at all times accessible to the public as a public park and for no other purpose, and will construct and maintain a suitable wire fence on the line separating the said tract from the lighthouse premises: *And provided further*, That the exact location of the property to be conveyed to the city under the conditions herein recited shall be agreed upon between the city of Port Huron and the Secretary of Commerce and be described by metes and bounds in the deed: *And provided further*, That should the city of Port Huron fail to carry out, within one year from the date of the transfer hereby authorized, any of the conditions of transfer herein recited, or should at any time thereafter fail for a period of one year to observe the conditions of maintenance herein provided for, the title to the premises shall revert to and be revested in the United States.

Mr. BLANTON. Mr. Speaker, I move to strike out the enacting clause.

The SPEAKER pro tempore. The gentleman from Texas moves to strike out the enacting clause.

Mr. BLANTON. Mr. Speaker, for several years I have worked on the floor of this House and in committees shoulder to shoulder with the distinguished gentleman from Michigan [Mr. CRAMTON]. The gentleman is my friend and I am his friend. Personally, he could not ask any favor of me that I would not grant him within my power. I would not do anything that would harm him. I think a great deal of his great State of Michigan. It has sent some distinguished and able men here, but, Mr. Speaker, this is asking for the dedication of public property to private use from the Government to one State that is not done for every State in this Union.

I objected to this bill the other day and had it stricken from the calendar. I called attention then to the fact that during the past summer in the great State of Texas the governor of that State had gone from one end of the State to the other asking the people in every community to donate a park at their own expense for the benefit of men who tour the country in their cars during the summer months. The fair-minded people of Texas in many communities have donated magnificent public parks. When the distinguished gentleman from Michigan or his people come down to Texas they can find a magnificent camping ground in almost every community where they can camp in the woods with every convenience furnished free of any cost or charge. This is furnished at the expense of the people of my State. The people of other States are doing likewise. The people of Michigan ought to be as generous to the rest of the public and to themselves as the people of other States. They ought not to come here and ask that this magnificent bathing beach and this valuable park property should be given to them free as a tourist park. They ought to be willing, if it is necessary to have it, to buy it from the Government; but they do not propose to do that. They ask it as a gift.

Mr. BEGG. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. BEGG. The gentleman believes that if the Government owns a piece of ground next to a city or right in the city, the Government ought to do one of two things—get rid of it or keep it up?

Mr. BLANTON. That is the uniform policy of all the Members from that particular city.

Mr. BEGG. In any city in the United States, if the Government owns a plot of ground, it ought to keep it up.

Mr. BLANTON. Don't believe that the Government does not keep up this property.

Mr. BEGG. Then, it is an expense to the Government.

Mr. BLANTON. The Government keeps it up without expense, and it is all right that the Government should keep it up that way, because you can not keep up a public park in any better way than to leave it in its natural state. If you go out here to Rock Creek Park, one of the most beautiful in the land, you will find it has been left in its natural state, except a driveway has been put through it. Its beauty depends upon its natural state. Nature has done for it what no mortal man can do, so far as beautification is concerned. Personally, I would like to see the gentleman from Michigan get this bill passed, if it did not hurt the people and the Government. I know the gentleman is able to put it over. The gentleman occupies such a distinguished position here in the House that when he calls on his colleagues to come in here and pass this bill, they will pass it, and I can not stop it.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I ask for one minute more.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. BLANTON. I want every Member who votes for this bill to go back home and tell his constituents, who have furnished private parks at their own expense, that the Congress at Washington requires them to furnish their own tourist parks, but it gives the distinguished gentleman from Michigan public ground for his constituents back home and allows him to have his bathing parties there with the gentleman from California [Mr. BARBOUR] this summer without cost to them.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas to strike out the enacting clause.

The motion was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 76, noes 2.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Texas objects to the vote on the ground there is no quorum present. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 255, nays 22, not voting 154, as follows:

[Roll No. 37]

YEAS 255

Abernethy	Colton	Glatfelter	Lea, Calif.
Ackerman	Connery	Green	Leach
Aldrich	Cook	Greenwood	Leatherwood
Almon	Cooper, Ohio	Griest	Leavitt
Andrew	Cooper, Wis.	Guyer	Lehlbach
Anthony	Cramton	Hadley	Lineberger
Arnold	Crisp	Hall	Logan
Barbour	Croll	Hardy	Lozier
Beck	Crosser	Haugen	Luce
Beedy	Cummings	Hawes	Lyon
Beers	Dallinger	Hayden	McClintic
Begg	Darrow	Hersey	McDuffie
Bell	Davey	Hill, Ala.	McKeown
Bixler	Davis, Tenn.	Hill, Md.	McLaughlin, Nebr.
Black, N. Y.	Denison	Hill, Wash.	McLaughlin, Mich.
Bland	Dickinson, Iowa	Hoch	McReynolds
Boies	Dickinson, Mo.	Hooker	McSweeney
Brand, Ga.	Doughton	Howard, Okla.	MacGregor
Brand, Ohio	Dowell	Hudson	MacLafferty
Browne, N. J.	Drane	Hudspeth	Madden
Browne, Wis.	Drewry	Hull, Iowa	Magee, N. Y.
Browning	Driver	Humphreys	Magee, Pa.
Brumm	Elliott	Jacobstein	Major, Ill.
Buchanan	Evans, Iowa	Jeffers	Manlove
Bulwinkle	Evans, Mont.	Johnson, S. Dak.	Mansfield
Burtness	Fairchild	Johnson, Wash.	Mapes
Burton	Fenn	Jost	Martin
Butler	Fisher	Kearns	Mead
Byrnes, S. C.	Fitzgerald	Kelly	Michaelson
Byrns, Tenn.	Fleetwood	Kendall	Michener
Cable	Frear	Kerr	Miller, Wash.
Campbell	Frothingham	Ketcham	Mills
Cannon	Fulmer	Kiess	Mooney
Carter	Gambrill	Kincheloe	Moore, Ga.
Celler	Garber	King	Moore, Ohio
Chindblom	Gardner, Ind.	Kopp	Moore, Va.
Christopherson	Garner, Tex.	Kvale	Moores, Ind.
Clague	Garrett, Tenn.	LaGuardia	Morgan
Cole, Iowa	Gasque	Lanham	Morrow
Collier	Gibson	Larsen, Ga.	Murphy
	Gifford	Lazaro	Nelson, Me.

Newton, Minn.	Richards	Sproul, Ill.	Vincent, Mich.
Newton, Mo.	Robinson, Iowa	Sproul, Kans.	Vinson, Ga.
Oldfield	Robsion, Ky.	Stalker	Wainwright
Oliver, Ala.	Romjue	Stedman	Ward, N. C.
Paige	Rubey	Stengle	Wason
Park, Ga.	Sabath	Stephens	Watson
Parker	Salmon	Stevenson	Weaver
Parks, Ark.	Sanders, N. Y.	Strong, Kans.	Welsh
Peavey	Sandlin	Strong, Pa.	White, Kans.
Peery	Schneider	Summers, Wash.	White, Me.
Phillips	Scott	Swank	Williams, Ill.
Purnell	Sears, Fla.	Swing	Williams, Mich.
Quin	Seger	Temple	Williams, Tex.
Rainey	Sherwood	Thatcher	Williamson
Raker	Shreve	Thomas, Okla.	Wilson, Ind.
Ramseyer	Simmons	Thompson	Wilson, La.
Rankin	Sinclair	Tilson	Wilson, Miss.
Rathbone	Sinnott	Treadway	Wingo
Rayburn	Sites	Tucker	Winslow
Reece	Smith	Underwood	Wood
Reed, Ark.	Smithwick	Upshaw	Wurzbach
Reed, N. Y.	Snell	Vaile	Wyant
Reid, Ill.	Speaks	Vestal	Yates

NAYS—22

Allen	Busby	Lankford	Ragon
Allgood	Connally, Tex.	Lilly	Sanders, Tex.
Aswell	Fulbright	Lowrey	Taylor, W. Va.
Bankhead	Hammer	Morehead	Watkins
Blanton	Huddleston	O'Connell, R. I.	
Boylan	Johnson, Tex.	Oliver, N. Y.	

NOT VOTING—154

Anderson	Faust	Lee, Ga.	Sanders, Ind.
Ayres	Favrot	Lindsay	Schafer
Bacharach	Fish	Linthicum	Schall
Bacon	Foster	Longworth	Sears, Nebr.
Barkley	Fredericks	McFadden	Shallenberger
Berger	Free	McKenzie	Snyder
Black, Tex.	Freeman	McLeod	Spearing
Bloom	French	McNulty	Steagall
Bowling	Fuller	McSwain	Sullivan
Box	Funk	Major, Mo.	Sumners, Tex.
Boyce	Gallivan	Merritt	Sweet
Briggs	Garrett, Tex.	Miller, Ill.	Swoope
Britten	Geran	Milligan	Taber
Buckley	Gilbert	Minahan	Tague
Burdick	Goldsborough	Montague	Taylor, Colo.
Canfield	Graham	Moore, Ill.	Taylor, Tenn.
Carew	Griffin	Morin	Thomas, Ky.
Casey	Harrison	Morris	Tillman
Clancy	Hastings	Nelson, Wis.	Timberlake
Clark, Fla.	Hawley	Nolan	Tincher
Clarke, N. Y.	Hickey	O'Brien	Tinkham
Cleary	Holaday	O'Connell, N. Y.	Tydings
Cole, Ohio	Howard, Nebr.	O'Connor, La.	Underhill
Collins	Hull, Morton D.	O'Connor, N. Y.	Vare
Connolly, Pa.	Hull, William E.	O'Sullivan	Vinson, Ky.
Corning	Hull, Tenn.	Patterson	Voigt
Crowther	James	Perkins	Ward, N. Y.
Cullen	Johnson, Ky.	Perlman	Watres
Curry	Johnson, W. Va.	Porter	Wefald
Davis, Minn.	Jones	Pou	Weller
Deal	Keller	Prall	Wertz
Dempsey	Kent	Quayle	Winter
Dickstein	Kindred	Ransley	Wolff
Dominick	Knutson	Reed, W. Va.	Woodruff
Doyle	Kunz	Roach	Woodrum
Dyer	Kurtz	Rogers, Mass.	Wright
Eagan	Lampert	Rogers, N. H.	Zihlman
Edmonds	Langley	Rosenbloom	
Fairfield	Larson, Minn.	Rouse	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. McFadden with Mr. Briggs.
Mr. Longworth with Mr. Hastings.
Mr. Faust with Mr. Hull of Tennessee.
Mr. Merritt with Mr. Steagall.
Mr. Crowther with Mr. Carew.
Mr. Bacharach with Mr. Garrett of Texas.
Mr. Kurtz with Mr. Ayres.
Mr. Sanders of Indiana with Mr. O'Connell of New York.
Mr. Sweet with Mr. Pou.
Mr. Vare with Mr. Quayle.
Mr. Zihlman with Mr. Brand of Georgia.
Mr. Graham with Mr. Rouse.
Mr. Free with Mr. Buckley.
Mr. Morin with Mr. Jones.
Mr. Fredericks with Mr. Lindsay.
Mr. Britten with Mr. Tillman.
Mr. Rogers of Massachusetts with Mr. Deal.
Mr. Taber with Mr. Sumners of Texas.
Mr. Wertz with Mr. McSwain.
Mr. Patterson with Mr. Vinson of Kentucky.
Mr. Timberlake with Mr. Dominick.
Mr. McLeod with Mr. Minahan.
Mr. Dempsey with Mr. Morris.
Mr. Connelly of Pennsylvania with Mr. Favrot.
Mr. Hull, Morton D., with Mr. Tague.
Mr. Bacon with Mr. Kunz.
Mr. Anderson with Mr. Black of Texas.
Mr. Holaday with Mr. Gallivan.
Mr. James with Mr. O'Connor of New York.
Mr. Schafer with Mr. Gilbert.
Mr. Dyer with Mr. Barkley.
Mr. McKenzie with Mr. Griffin.
Mr. Tincher with Mr. Prall.
Mr. Moore of Illinois with Mr. O'Brien.
Mr. Fish with Mr. Geran.
Mr. Perkins with Mr. Bloom.
Mr. Winter with Mr. O'Sullivan.
Mr. French with Mr. Harrison.
Mr. Woodruff with Mr. O'Connor of Louisiana.
Mr. Roach with Mr. Bowling.
Mr. Hickey with Mr. Kent.
Mr. Voigt with Mr. Goldsborough.
Mr. Snyder with Mr. Casey.
Mr. Clarke of New York with Mr. Kindred.
Mr. Knutson with Mr. Taylor of Colorado.
Mr. Sears of Nebraska with Mr. Collins.
Mr. Lampert with Mr. Thomas of Kentucky.
Mr. Swoope with Mr. Major of Missouri.
Mr. Burdick with Mr. Wright.
Mr. Curry with Mr. Montague.
Mr. Tinkham with Mr. Doyle.
Mrs. Nolan with Mr. Woodrum.
Mr. Underhill with Mr. Box.
Mr. Porter with Mr. Rogers of New Hampshire.
Mr. Watres with Mr. Howard of Nebraska.
Mr. Ransley with Mr. Johnson of Kentucky.
Mr. Edmonds with Mr. Spearing.
Mr. Funk with Mr. Canfield.
Mr. Hull, William E., with Mr. Johnson of West Virginia.
Mr. Cole of Ohio with Mr. Lee of Georgia.
Mr. Foster with Mr. Cleary.
Mr. Taylor of Tennessee with Mr. Linthicum.
Mr. Perlman with Mr. Milligan.
Mr. Fuller with Mr. Weller.
Mr. Freeman with Mr. Tydings.
Mr. Reed of West Virginia with Mr. Sullivan.
Mr. Hawley with Mr. Boyce.
Mr. Ward of New York with Mr. Clancy.
Mr. Miller of Illinois with Mr. McNulty.
Mr. Fairfield with Mr. Corning.
Mr. Larson of Minnesota with Mr. Eagan.
Mr. Schall with Mr. Cullen.
Mr. Keller with Mr. Wolff.
Mr. Rosenbloom with Mr. Shallenberger.
Mr. Nelson of Wisconsin with Mr. Dickstein.

The result of the vote was announced as above recorded.

A quorum being present the doors were opened.

PROPOSED POWER PROJECT AT GREAT FALLS, VA.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that I may have until Saturday next at midnight to file my minority report on what is known as the Great Falls power project bill. This is a bill which in my judgment calls for anywhere from seventy-five to one hundred million dollars. I have not been able to finish my report, because I have been so busy, nor will I be able to do so until midnight of Saturday.

The SPEAKER pro tempore (Mr. CHINDBLOM). The gentleman from Texas asks unanimous consent that he may have until midnight of Saturday next to file minority views on the bill mentioned by him. Is there objection?

Mr. STENGLE. Reserving the right to object, will the gentleman grant the same privilege to some of the rest of us under similar circumstances?

Mr. BLANTON. Oh, I always do.

Mr. STENGLE. I withdraw the objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

CONSENT CALENDAR

The SPEAKER pro tempore. The Clerk will report the next business in order on the Consent Calendar.

LA PLATA RIVER COMPACT

The next business on the Consent Calendar was the bill (S. 1656) granting the consent and approval of Congress to the La Plata River compact.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Reserving the right to object, I ask that the gentleman from Utah make a statement about it.

Mr. LEATHERWOOD. Mr. Speaker, the act now before the House for consideration seeks the approval of the Congress to a compact heretofore entered into between the States of Colorado and New Mexico. The legislatures of the two States concerned have heretofore ratified the compact entered into between the States at Santa Fe, N. Mex., in November, 1922. The bill is a fine illustration of what may be done by agreement between States with reference to settling disputes as to the right to use the waters of interstate streams. Each of the States concerned in this compact through their State engineers studied the water of the La Plata River and they agreed upon an apportionment of it, and went back to the legislatures of the different States and secured, as stated a moment ago, a ratification of the agreement, so far as the States are concerned. The bill now before the House simply seeks the approval of the Government of the United States to this contract entered into between these two States as provided by the Constitution.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. DOWELL. Does this bill entirely take from the Government any further right or control over the stream?

Mr. LEATHERWOOD. In this particular case I am inclined to think that the Government at the present time has practically no right or ownership—if that is what the gentleman means.

Mr. DOWELL. Yes.

Mr. LEATHERWOOD. To the waters of the river. I do not understand that it has ever been classed as a navigable stream, and I may say that it never has been, so that the question which perhaps the gentleman has in mind would not be applicable to this stream. It is a nonnavigable stream.

Mr. DOWELL. Has that been determined by the engineers so that there is no question about that proposition?

Mr. LEATHERWOOD. It has been so determined, and there is no question about it.

Mr. DOWELL. Then, so far as the Government is concerned, it has no interest as it now stands in the matter further than that there may be a claim which the gentleman seeks to have released in favor of this agreement?

Mr. LEATHERWOOD. The procedure requires that Congress shall place its approval upon the compact heretofore entered into.

Mr. DOWELL. One other question. If the gentleman's statement is correct that this is not a navigable stream, what right has the Government there at all and what purpose has this bill?

Mr. HAYDEN. Mr. Speaker, will the gentleman yield to me?

Mr. LEATHERWOOD. Yes.

Mr. HAYDEN. The sole purpose of this bill is to comply with the provision of the Constitution of the United States that agreements or compacts may not be entered into between States without the consent of Congress.

Mr. DOWELL. In other words, the stream has no relation to this, except the question of the compact as between the two States.

Mr. HAYDEN. That is it exactly. All the waters of the stream have been appropriated for beneficial purposes in the two States.

Mr. LEATHERWOOD. And both of the States concerned are what we call priority States, and the Government has recognized that, and therefore there could be no question as to the title to the waters of the stream.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, inasmuch as this bill simply sets out in full a compact between the States, I suggest that the gentleman from Utah ask that the formal reading of the bill be dispensed with.

Mr. LEATHERWOOD. I would be very glad to do that. The bill merely sets out the compact.

Mr. MOORE of Virginia. Mr Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER pro tempore. There is but one reading necessary. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent and approval of Congress is hereby given to the compact signed by the commissioners of the States of Colorado and New Mexico at the city of Santa Fe, on the 27th day of November, 1922, and approved by the Legislature of the State of Colorado by an act entitled "An act to approve the La Plata River compact," April 13, 1923, and by the Legislature of the State of New Mexico by an act entitled "An act ratifying and approving the La Plata compact," approved February 7, 1923, which compact is as follows:

"The State of Colorado and the State of New Mexico, desiring to provide for the equitable distribution of the waters of the La Plata River and to remove all causes of present and future controversy between them with respect thereto, and being moved by considerations of interstate comity, pursuant to acts of their respective legislatures, have resolved to conclude a compact for these purposes and have named as their commissioners Delph E. Carpenter, for the State of Colorado, and Stephen B. Davis, jr., for the State of New Mexico, who have agreed upon the following articles:

"ARTICLE I

"The State of Colorado, at its own expense, shall establish and maintain two permanent stream-gauging stations upon the La Plata River for the purpose of measuring and recording its flow, which shall be known as the Hesperus station and the interstate station, respectively.

"The Hesperus station shall be located at some convenient place near the village of Hesperus, Colo. Suitable devices for ascertaining and recording the volume of all diversions from the river above Hesperus station shall be established and maintained (without expense to the State of New Mexico), and whenever in this compact reference is made to the flow of the river at Hesperus station it shall be construed to include the amount of the concurrent diversions above said station.

"The interstate station shall be located at some convenient place within 1 mile of and above or below the interstate line. Suitable devices for ascertaining and recording the volume of water diverted by the Enterprise and Pioneer Canals, now serving approximately equal areas in both States, shall be established and maintained (without expense to the State of New Mexico), and whenever in this compact reference is made to the flow of the river at the interstate station it shall be construed to include one-half the volume of the concurrent diversions by such canals, and also the volume of any other water which may hereafter be diverted from said river in Colorado for use in New Mexico.

"Each of said stations shall be equipped with suitable devices for recording the flow of water in said river at all times between the 15th day of February and the 1st day of December of each year. The State engineers of the signatory States shall make provision for cooperative gauging at two stations, for the details of the operation, exchange of records and data, and publication of the facts.

"ARTICLE II

"The waters of the La Plata River are hereby equitably apportioned between the signatory States, including the citizens thereof, as follows:

"1. At all times between the 1st day of December and the 15th day of the succeeding February each State shall have the unrestricted right to the use of all waters which may flow within its boundaries.

"2. By reason of the usual annual rise and fall, the flow of said river between the 15th day of February and the 1st day of December of each year shall be apportioned between the States in the following manner:

"(a) Each State shall have the unrestricted right to use all the waters within its boundaries on each day when the mean daily flow at the interstate station is 100 cubic feet per second, or more.

"(b) On all other days the State of Colorado shall deliver at the interstate station a quantity of water equivalent to one-half of the mean flow at the Hesperus station for the preceding day, but not to exceed 100 cubic feet per second.

"3. Whenever the flow of the river is so low that in the judgment of the State engineers of the States the greatest beneficial use of its waters may be secured by distributing all of its waters successively to the lands in each State in alternating periods, in lieu of delivery of water as provided in the second paragraph of this article, the use of the waters may be so rotated between the two States in such manner, for such periods, and to continue for such time as the State engineers may jointly determine.

"4. The State of New Mexico shall not at any time be entitled to receive nor shall the State of Colorado be required to deliver any water not then necessary for beneficial use in the State of New Mexico.

"5. A substantial delivery of water under the terms of this article shall be deemed a compliance with its provisions and minor and compensating irregularities in flow or delivery shall be disregarded.

"ARTICLE III

"The State engineers of the States, by agreements from time to time, may formulate rules and regulations for carrying out the provisions of this compact, which, when signed and promulgated by them, shall be binding until amended by agreement between them or until terminated by written notice from one to the other.

"ARTICLE IV

"Whenever any official of either State is designated to perform any duty under this contract, such designation shall be interpreted to include the State official or officials upon whom the duties now performed by such official may hereafter devolve.

"ARTICLE V

"The physical and other conditions peculiar to the La Plata River and the territory drained and served thereby constitute the basis for this compact, and neither of the signatory States concedes the establishment of any general principle or precedent by the concluding of this compact.

"ARTICLE VI

"This compact may be modified or terminated at any time by mutual consent of the signatory States, and upon such termination all rights then established hereunder shall continued unimpaired.

"ARTICLE VII

"This compact shall become operative when approved by the legislature of each of the signatory States and by the Congress of the United States. Notice of approval by the legislatures shall be given by the governor of each State to the governor of the other State, and the President of the United States is requested to give notice to the governors of the signatory States of approval by the Congress of the United States.

"In witness whereof, the commissioners have signed this compact in duplicate originals, one of which shall be deposited with the secretary of state of each of the signatory States.

"Done at the city of Santa Fe, in the State of New Mexico, this 27th day of November, A. D. 1922.

"DELPH E. CARPENTER.
"STEPHEN B. DAVIS, Jr."

Mr. MOORE of Virginia. Mr. Speaker, I ask that the bill be printed in the RECORD in full.

The SPEAKER pro tempore. The bill has been read.

Mr. BLANTON. Mr. Speaker, in order to get the decisions uniform, I shall ask for a ruling on the part of the Chair. The bill has been read, there is no question about that. I have no objection to that, but when the bill is read by the Clerk it goes into the RECORD, does it not?

The SPEAKER pro tempore. Not necessarily, in the opinion of the Chair. That question is not now before the Chair.

Mr. BLANTON. Mr. Speaker, I raise the point of order that this bill should go in the RECORD because it was read, and I ask the Chair to pass on it. If the House does not pass on it, does the Reporter of debates decide whether the bill goes in or not?

The SPEAKER pro tempore. Does the gentleman ask unanimous consent that the bill be printed?

Mr. BLANTON. Yes; I ask that to make the bill a matter of record; I ask it so we may know what this agreement was.

Mr. BANKHEAD. Mr. Speaker, in order to show more clearly the parliamentary status I make this parliamentary inquiry; whether or not it is necessary, in order to have a bill printed in the RECORD, to get unanimous consent that it be done, inasmuch as the bill, a short bill, has been already read in full by the Clerk. I am assuming it was a short bill because it took a short time to read it.

The SPEAKER pro tempore. The Chair will call attention to paragraph 6967 in volume 5 of Hinds' Precedents, which reads as follows:

No rule requires the Official Reporters to insert in full in the RECORD every resolution or other proposition offered by a Member, regardless of the attendant circumstances.

And further

Although a Member in introducing a bill may read it in full to the House, yet it would not therefore appear in full in either the Journal or CONGRESSIONAL RECORD.

Mr. BANKHEAD. That does not relate to the situation which is now presented. That relates to the old practice of a Member reading a bill when he introduces it. That was a former practice as I remember.

The SPEAKER pro tempore. Section 6970, also of the same volume, Hinds' Precedents, volume 5, reads as follows:

The practice of the House does not require that in all cases the texts of bills considered shall be printed in full in the RECORD.

And cites certain cases which occurred thereafter. And in the opinion of the Chair——

Mr. BANKHEAD. Mr. Speaker, I understand that the gentleman from Connecticut [Mr. TILSON] was in the chair a day or so ago when the same question arose, and at that time, as I remember, he asserted the practice had been where a bill or resolution required only a limited time to read, or a limited space to print what appeared in the bill, that it was not necessarily the practice, although the bill had been read in full, that it should go in the RECORD in full.

Mr. TILSON. The gentleman from Alabama correctly states the facts. I also stated that there is no rule of the House requiring a bill to be printed in full even though it may be read by the Clerk from the Clerk's desk, but it has been the custom, where a short bill was read, to print the bill in full.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. Who is to determine whether it is a short or long bill, the Reporter of debates? Is it going to be left entirely to the discretion of the Reporter of debates whether a bill should be printed? If that is the case we are in chaos on that point, and, I think, this House ought to determine whether or not bills should be printed in the RECORD. Here is a long bill, and it would take me probably some minutes to read it. It took the Clerk about a half minute to read it. Are you going to decide that because it took a half minute to read it that it should go in the RECORD, but that shorter bills taking others a longer time to read should not?

Mr. TILSON. The Clerk is a more adept reader than is the gentleman.

Mr. BLANTON. I know he is, and I appreciate it sometimes, but not always.

The SPEAKER pro tempore. The Chair will state that this bill contains just a little over six pages.

SEVERAL MEMBERS. Regular order!

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the entire bill be printed in the RECORD. Is there objection?

Mr. BLANTON. Mr. Speaker, I withdraw my request. I am not that much concerned about this bill.

Mr. HAYDEN. Mr. Speaker, I renew the request.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent that the bill be printed in full in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

DISPOSITION OF OLD PATENT OFFICE MODELS

The next business on the Consent Calendar was the bill (H. R. 8550) to authorize the appointment of a commission to select such of the Patent Office models for retention as are deemed to be of value and historical interest, and to dispose of said models, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. In the absence of the gentleman from Wisconsin, I ask that this bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that this bill be passed without prejudice. Is there objection?

Mr. LANHAM. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Texas reserves the right to object.

Mr. LANHAM. Will the gentleman permit me to make a short statement as to this bill and its purpose?

Mr. BLANTON. Certainly.

Mr. LANHAM. Mr. Speaker, this bill has to do with the disposition of an accumulation of models in the Patent Office, models which in the main are useless. Since the year 1894 the Government has paid out more than $200,000 in rent for space for the accommodation of models of this character. We are now paying $1,800 a year for space in a building on G Street for this purpose, and the landlord, as I understand it, intimates that he will ask $2,400 a year, having offers of increased rental from private concerns.

Mr. BLANTON. Will my colleague yield?

Mr. LANHAM. Yes.

Mr. BLANTON. The only objection I have to this bill, I will say to my colleague, is this: It is represented to me that there are some patent models that are in the office now, old models, that might by some commission not familiar with all the facts be considered unimportant and might be destroyed under the provisions of this bill, models which in the future might be some of the most valuable models that the people would have access to. It has been represented to me by parties that it is important that all of these models should be kept. If it is necessary, let us build another building. Let us have housing room for them. Let us not destroy them. They are the accumulation of thought and genius that has come down through a hundred years of this country's history; not from those highly educated, altogether, but some of the most valuable patents we have have come from uneducated men, working in mills and blacksmith shops and factories. You know how commissions act. They would go down there and have somebody represent to them that these models are unimportant, and they will say, "We will destroy them." I think we should go slowly on the destruction of these patent models. A bill like this should not be taken up here and passed in a few minutes without our being fully advised.

Mr. LANHAM. The bill does not call for the destruction of the models. It calls for their disposition by gift or purchase, and it is my purpose to offer an amendment that they shall also be returned to the original depositors or their representatives, if possible. In that way the models will not be lost.

Mr. BLANTON. On that statement, I withdraw my objection. They should be returned, and not destroyed, for this bill does provide that they could be destroyed or sold at auction by the commission.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BLANTON] withdraws his request that the bill retain its place on the calendar without prejudice. The question now is, Is there objection to the consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, does the gentleman say an increase in the rent was demanded for this place?

Mr. LANHAM. That is my information. The authorities have been notified recently that the rental will be increased from $1,800 to $2,400.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8550) to authorize the appointment of a commission to select such of the Patent Office models for retention as are deemed to be of value and historical interest and to dispose of said models, and for other purposes

Be it enacted, etc., That a commission to consist of the Commissioner of Patents and the Secretary of the Smithsonian Institution, or their representatives, and a patent attorney duly registered as such in the Patent Office, the latter to be designated by the Commissioner of Patents, with the approval of the Secretary of the Interior, is hereby created to select such of the Patent Office models and exhibition exhibits as may be deemed to be of value and of historical interest, and thereafter store or place the same on exhibition in the Patent Office or the National Museum, and cause the remainder of the said models and exhibits to be disposed of by public auction, gift to Federal, State, or private museums or institutions, or destroyed, as the commission may determine.

The Commissioner of Patents is authorized to pay necessary drayage and all other expenses incident to handling and removing the said models and exhibits and to employ per diem employees in such numbers and at such times as he may determine, and pay each of the said employees at a rate of compensation not to exceed $5 per day, such employees to be engaged upon the work of uncrating, removing, crating, storing, listing, sorting, and otherwise handling said models and exhibits.

In order to carry out the purposes of this act the sum of $10,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That all actions and expenditures herein authorized shall be subject to the approval of the Secretary of the Interior.

A report shall be made to Congress of the action of the commission hereunder.

Mr. LANHAM. Mr. Speaker, I wish to offer an amendment.

The SPEAKER pro tempore. The bill is all in one section. The Clerk will report the bill for amendment.

The Clerk again read the bill, with a committee amendment, as follows:

On page 2, line 17, after the word "hereby" insert the words "authorized to be."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. LANHAM. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Page 2, line 5, after the word "institutions," insert the words "or returned to the original depositors or their representatives."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. LANHAM].

Mr. BLANTON. Mr. Speaker, I offer an amendment to the gentleman's amendment. At the end of the Lanham amendment insert the words, "when demanded by them," so that as amended the provision will read, "Exhibits to be disposed of by public auction, gifts to Federal, State, or private museums or institutions, or returned to the original depositors or their representatives when demanded by them, or destroyed, as the commission may determine."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Texas [Mr. BLANTON] to the amendment offered by the gentleman from Texas [Mr. LANHAM].

The Clerk read as follows:

Amendment offered by Mr. BLANTON to the amendment offered by Mr. LANHAM: After the word "representatives" insert the words "when demanded by them," so that it will read, "Exhibits to be disposed of by public auction, gifts to Federal, State, or private museums or institutions, or returned to the original depositors or their representatives when demanded by them, or destroyed, as the commission may determine."

Mr. DOWELL rose.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment.

Mr. DOWELL. Mr. Speaker, I demand that the amendment be submitted in writing.

Mr. LANHAM. Mr. Speaker, I have no objection to the modification of the amendment as submitted by the gentleman from Texas. The very pertinent suggestion has been made that the demand be in writing. In order that there may be no misunderstanding——

Mr. BLANTON. Mr. Speaker, with the permission of my colleague, I ask to modify my amendment by placing after the word "demanded" the words "in writing."

The SPEAKER pro tempore. The gentleman from Texas [Mr. BLANTON] asks unanimous consent to amend his amendment as indicated. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from Texas [Mr. BLANTON] as amended.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: After the word "representatives" insert the words "where demanded in writing by them."

Mr. RAKER. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. RAKER. Are these to be returned on the written demand of the owners?

Mr. LANHAM. Yes.

Mr. RAKER. At whose expense?

Mr. LANHAM. This amendment was not originally in the bill. However, it might be well to have some reservation inserted whereby these models will be returned at the expense of the depositors.

Mr. RAKER. If you should take out a lot of those models, it might cost $200,000 or $300,000 to return them.

Mr. BLANTON. I think not.

Mr. RAKER. Yes; there are some patent models which it will cost $50 or $100 to properly crate before they can be returned.

Mr. BLANTON. They are not going to dispose of that kind of models.

Mr. RAKER. We do not know.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. HUDDLESTON. It seems to me that the amendment is not susceptible of the interpretation that the gentleman from California gives it, but that it means that they are to be returned to the Patent Office and those who want them must appear there to receive them. There is nothing which would indicate that they must be sent by mail or express to those who want them returned.

Mr. RAKER. In order to avoid any complication and so the department may know, ought not the Congress to determine at whose expense they are to be returned?

Mr. BLANTON. I think so.

Mr. RAKER. We can settle that now once and for all, and it will avoid that expense.

Mr. LANHAM. Mr. Speaker, I suggest a modification of the amendment and ask unanimous consent that the amendment be modified so as to incorporate the term "returned without expense to the Government to the original depositors or their representatives on request in writing by them."

The SPEAKER pro tempore. The gentleman from Texas [Mr. LANHAM] asks unanimous consent to modify his amendment in the form which will be reported by the Clerk.

Mr. BLANTON. That was a modification of his amendment, so I withdraw mine.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BLANTON] withdraws his amendment to the amendment. The Clerk will report the amendment offered by the gentleman from Texas [Mr. LANHAM] as now offered by unanimous consent.

The Clerk read as follows:

Page 2, line 5, after the word "institutions," insert "or returned, without expense to the Government, to the original depositors or their representatives, where demanded in writing by them."

The SPEAKER pro tempore. The question now is on the amendment offered by the gentleman from Texas.

Mr. LOZIER. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Missouri is recognized.

Mr. LOZIER. Mr. Speaker and gentlemen, I hold no brief either for or against this bill. Nevertheless, I believe it is a bad bill. Certainly it should be given more consideration than is now proposed. I believe that more harm than good will come from the enactment of this bill. Now, let us see what this measure proposes to do. In the Patent Office are many thousand models of inventions, proposed inventions, and mechanical appliances and devices on which thousands of men have spent their lives in an effort to produce a piece of mechanism that would be useful to man. Many of these appliances are obviously impractical. Many are based on correct mechani-

cal principles the practical application of which was difficult. Many of these models represent the unfinished work of men who had mechanical genius and who were working along accepted mechanical formulas, but were unable to develop their ideas to a point where they would be practical. Other students of mechanics, working along the same lines and attempting to apply the same principles, may with profit study the models of those who in former years failed. Frequently the inspection of a crude machine or imperfect appliance will suggest to a keen mechanic new methods by which mechanical principles may be successfully applied. Now, I believe these models should be preserved so that any student of mechanics may have access to them and an opportunity to study them. No doubt men in the future will study along the same lines as men in the past, and if these models which represent failures in the past are preserved for future inspection their study may enable future inventors to overcome the difficulties which were insuperable to those who went before them.

Now, in order to save a little rent it is proposed by this bill to destroy or discard many thousand models which this commission may consider valueless. Men in coming years who have a mechanical turn of mind, who have mechanical genius, by a study of these models may be able to devise instruments, equipment, and machinery which will be of inestimable value to the world. If these models are preserved other men, by studying them, may be able to overcome defects and difficulties which defied and defeated the original designer. It seems to me that we should retain these models as a mechanical museum, to which those having mechanical genius can go at any time in the future, study these models, and, if possible, originate instrumentalities which may be of great value to the people of the United States, just as we retain in the Congressional Library tens of thousands of books of but little comparative value, and yet from these dusty volumes much may be found to edify and instruct.

Mr. BEGG. Will the gentleman yield?

Mr. LOZIER. Certainly.

Mr. BEGG. The gentleman has never known in the past of any disaster coming because this has been done?

Mr. LOZIER. Well, no one can tell how much wisdom and wealth has been lost to the world by the destruction of things considered valueless by this or that generation. Practically every invention represents the work of many minds. One man works along a certain line and builds a machine, which for some reason he is unable to perfect or make practical. Another man comes along, studies the first man's work, discovers its defects, adds a little here and a little there, and the result is a perfected and useful mechanism. Many of the models in the Patent Office preserve—perhaps in a crude manner—the ideals of their creators and are object lessons of what was in the mind of the man who built the model. In after years some one else will come along, take up the work where the other fellow left off, make a new application of an old principle, and, in many instances, solve the problem. Many devices, appliances, and machines which are now useful and practical were at one time condemned as impractical and useless. Frequently a very slight change will transform a mechanical failure to a mechanical success.

Mr. BEGG. This same thing has been done before and no harm has ever come from it.

Mr. LOZIER. We do not know what harm or how much harm has come from it, nor do we know what harm will come from the destruction of these models. Certainly no good can come from selling, giving away, and otherwise scattering these models.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LOZIER. Certainly.

Mr. LAGUARDIA. The gentleman assumes there is a model with each application for a patent that is filed.

Mr. LOZIER. No; I do not assume anything of the kind. Many applications for patents are not followed up, and frequently applications are abandoned without any models having been deposited in the Patent Office. But such models as are now in the Patent Office ought to be preserved, so that we may in the future get the benefit of any work or any original ideas or any new principle that may be reflected in those models.

Mr. LANHAM. Will the gentleman yield?

Mr. LOZIER. I yield to the gentleman from Texas.

Mr. LANHAM. The gentleman seems to proceed upon the assumption that these models are to be destroyed, whereas the terms of the bill provide that they are to be disposed of by public auction, by gift to Federal, State, or private museums or institutions, or returned to the original depositors or their representatives when they request it, and I would like to ask the gentleman in addition, does not the gentleman think that the mere fact that the commission is to consist of the Commissioner of Patents, who is familiar with the details of the office——

Mr. LOZIER. Before the gentleman takes up all of my time, I will answer him in this way: No one man, no dozen men, and no 100 men are in a position to say what mechanical contrivance can not be made practical or valuable for future use perhaps by a very simple addition or subtraction. Many useful inventions were for a long time considered impractical and valueless. The bill proposes what is in effect a destruction of these models, because it proposes to scatter them to the four winds, and the gentleman knows that in a very few years these models will be destroyed, even if they are distributed or sold as provided in the bill. They should all be kept together in the Patent Office, accessible to every student of mechanical problems.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SALE OF APPRAISERS' STORES PROPERTY AT PROVIDENCE, R. I.

The next business on the Consent Calendar was the bill (H. R. 7911) to authorize the Secretary of the Treasury to sell the appraisers' stores property in Providence, R. I.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RAKER. Mr. Speaker, may the bill be reported?

The SPEAKER. Without objection the Clerk will report the bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell the property at the southeast corner of South Main Street and Custom Avenue, in the city of Providence, R. I., known as the appraisers' stores property, in such manner and upon such terms as he may deem to be to the best interests of the United States, and to convey such property to the purchasers thereof by the usual quitclaim deed, the proceeds of such sale to be deposited in the Treasury as a miscellaneous receipt.

Mr. RAKER. Mr. Speaker, reserving the right to object, will the gentleman having charge of the bill advise us why this property should not be appraised before it is sold?

Mr. GREEN. It is not the custom in such cases. It is not very valuable property.

Mr. RAKER. Does the gentleman know about what is the value of the property?

Mr. GREEN. Somewhere between $5,000 and $7,000.

Mr. RAKER. I once heard on the floor here a gentleman say that a certain piece of Government property was worth little, and then it was sold for $3,000 or $4,000; when it was clear it was worth from $60,000 to $70,000; but there was no appraisement or anything of that kind before the sale, and I wondered whether this was the same kind of a case.

Mr. GREEN. I do not think so, and I presume the Secretary of the Treasury will get as much for it as he can.

Mr. RAKER. Of course, the presumption is he would get as much as he could for it, and the only question in my mind was through a desire to protect the Government and have it appraised before it was sold, and I wondered why the committee did not include that in the bill.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. GREEN. Yes.

Mr. LAGUARDIA. This is not Government property at all. It is property that is at the appraisers' stores that is unclaimed?

Mr. GREEN. No; this is a small tract of land with a shack on it.

Mr. RAKER. Will the gentleman yield further?

Mr. GREEN. Yes.

Mr. RAKER. There is not even to be a public sale of the property?

Mr. GREEN. No.

Mr. RAKER. Why should we sell Government property without notice, without appraisement, and not at public sale, but simply meet a man in the dark and fix up a price that is agreeable to the purchaser and then sell it privately?

Mr. GREEN. If this was property of any considerable value there might be some point to the gentleman's statement.

Mr. RAKER. If I had $7,000 worth of property I would think I was pretty well fixed.

Mr. GREEN. I do not think this is worth putting up at public auction, and the Government does not want to be obliged to sell it for bids that may be offered. The Secretary is not required to sell it.

Mr. BLANTON. The gentleman from Iowa ought to tell the gentleman from California that the purchaser has already been found and is known to the department and is willing to give $7,000 for it.

Mr. GREEN. No; I do not know of anyone who is willing to give any such price. If gentlemen are going to object, I wish they would object and not take up the further time of the House.

Mr. RAKER. Oh, why put it in that way, that the gentleman does not care anything about the bill. Is it not the usual practice for the Government, where Grovernment property is sold, first to have it appraised, then to have it sold at public auction, after advertisement? The only thing that I am trying to find out is why this property is so different from anything else.

Mr. GREEN. It is not the general rule—the gentleman is mistaken—to dispose of property of small value in the way the gentleman has indicated. If the gentleman wants to object, let him object.

Mr. RAKER. If the gentleman keeps pressing me, I shall be obliged to object.

Mr. GREEN. I do not care anything about it.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. GREEN. Yes.

Mr. BANKHEAD. What are the facts with reference to the sale of this property? Why is it necessary to sell it to protect the interests of the Government?

Mr. GREEN. It is not necessary to sell it to protect the interests of the United States, except that the Government is getting very little benefit from it. The situation with reference to the property is this. Some time ago the Government had a building on this property which was called the appraisers' stores building, and that is the reason why this is now called the appraisers' stores property. Then the city proceeded to pass an ordinance, with the consent of the Government I believe, widening the street, and paid damages for the widening of the street, which necessitated the wrecking of the building then on the property and cutting down the size of the lot so much that it is not now of a size where the Government would desire to construct a building. It is not big enough. There is a little shack on the land and the Government gets a nominal rent from it, but not enough to compensate it for the real value of the property.

Mr. BANKHEAD. Has it been necessary for the Government to acquire other property to carry on the business of the appraisers' stores there in that port?

Mr. GREEN. So I understand; I am informed that it did some time ago acquire the other property necessary for that purpose. I am not certain about that, however.

Mr. BANKHEAD. This is really just a surplus piece of property that the gentleman has been advised in the interest of the Government to dispose of?

Mr. GREEN. That is the situation exactly. It is a surplus piece of property the Government has no use for.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk again reported the bill.

Mr. BLANTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BLANTON.: Page 1, line 4, after the word "discretion" insert the words "after advertisement," and after the word "sell" in the same line insert the words "at public auction."

Mr. GREEN. I have no objection to the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LIMIT OF COST OF CERTAIN NAVAL VESSELS

Mr. SNELL, from the Committee on Rules, reported H. Res. 393, providing for the consideration of the bill (H. R. 11282) to authorize an increase in the limits of costs of certain naval vessels, which was referred to the House Calendar.

THE CONSENT CALENDAR

The SPEAKER. The Clerk will report the next bill in order on the Consent Calendar.

TERMS OF DISTRICT COURT IN IOWA

The next business on the Consent Calendar was the bill (S. 3792) to amend section 81 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DENISON. Mr. Speaker, I reserve the right to object for the purpose of asking if there is anyone here who can state briefly what the bill does?

Mr. DOWELL. Mr. Speaker, the bill is a mere correction of the time of holding terms of district court in the State of Iowa. The report of the committee is very short, consisting of three lines, and I shall read it:

This bill merely changes the times for holding court in the district of Iowa. It provides for no additional places for holding court and will involve no additional expense to the Government.

It merely changes the time for holding the court for the convenience of the court and to save additional expense to the litigants.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the fifth paragraph of section 81 of the Judicial Code is hereby amended to read as follows:

"Terms of the district court for the eastern division shall be held at Keokuk on the fourteenth Tuesday after the second Tuesday in January and the eighth Tuesday after the third Tuesday in September; for the central division, at Des Moines on the fifteenth Tuesday after the second Tuesday in January and the tenth Tuesday after the third Tuesday in September; for the western division, at Council Bluffs on the second Tuesday after the second Tuesday in January and the second Tuesday after the third Tuesday in September; for the southern division, at Creston on the fourth Tuesday after the third Tuesday in September and the second Tuesday in January; for the Davenport division, at Davenport on the twelfth Tuesday after the second Tuesday in January and the sixth Tuesday after the third Tuesday in September; and for the Ottumwa division, at Ottumwa on the first Tuesday after the second Tuesday in January and the third Tuesday in September."

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

STANDARD WEIGHTS, ETC., FOR FLOURS, ETC.

The next business on the Consent Calendar was the bill (H. R. 3241) to establish a standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, viz, flour, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOUGHTON. Mr. Speaker, I object.

Mr. VESTAL. Mr. Chairman, will the gentleman withhold his objection for a moment?

Mr. DOUGHTON. Yes.

Mr. VESTAL. This bill is the exact language that it was when it passed the House by unanimous consent at the last Congress. It went to the Senate a few days before adjournment, and they had no opportunity to pass upon the bill in the Senate. The bill is not objected to by the manufacturers of flour or corn, the wholesale grocers, and the retailers. There is a demand for this bill by those who are in the business of manufacturing flour and by the wholesale grocers and retailers all over the country.

It only has to do with the fixing of the standard so that it will in no way hurt the consumer, but will help the consumer and help the manufacturer and retailer as well, and I hope the gentleman will not object to the bill. It has had the indorsement of these people all over the country, and it has been before the House, discussed thoroughly at the session before last, and passed at the last session by unanimous consent.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. VESTAL. I will be glad to do so

Mr. McKEOWN. If this bill is passed, will it not cause a considerable expense to the manufacturers who now manufacture under the 96 pounds, whose machinery is so made and adjusted that they will have to put in new machinery for packing?

Mr. VESTAL. Let me answer the gentleman on that proposition. If there could be any burden on anybody it would be upon the manufacturers of flour, but every manufacturer of flour all over the country is in favor of the bill, and it will not be a burden because it will reduce the number of packages

they will have to carry. Let me give the gentleman one illustration of what it means now. Take the manufacturer of flour in Pennsylvania for instance. He can not sell in North Carolina flour that he manufactures in Pennsylvania because the package he manufactures in Pennsylvania contains more flour than is legal in North Carolina. That is absolutely made unlawful.

Mr. BLANTON. Will the gentleman yield?

Mr. VESTAL. I will.

Mr. BLANTON. Does not this bill affect every little gristmill in the United States that grinds on Saturday afternoon its corn meal?

Mr. VESTAL. It absolutely affects every person who manufactures.

Mr. BLANTON. Every farmer boy who rides old Beck to a corn mill is going to be affected by it.

Mr. VESTAL. Not at all.

Mr. BLANTON. I have ridden old Beck——

Mr. VESTAL. The gentleman is mistaken about that.

Mr. BLANTON. Mr. Speaker, I object to the bill.

Mr. DOUGHTON. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

VALIDATING CERTAIN PAYMENTS MADE BY ARMY OFFICERS

The next business on the Consent Calendar was the bill (H. R. 6065) authorizing the Secretary of War to validate certain payments made by Army officers.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

AUTHORIZING INCREASE IN THE LIMITS OF COST OF CERTAIN NAVAL VESSELS

The next business on the Consent Calendar was the bill (H. R. 11282) to authorize an increase in the limits of cost of certain naval vessels.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, the chairman of the Committee on Rules has just introduced on the floor of the House a rule that makes this bill in order. He has not called it up, but he will do it as soon as Calendar Wednesday is over. I hope the membership will take notice of that pending rule, and take notice of this bill, and we fellows who are not committed to a big Navy or a big Army ought to be here to vote down that rule and kill the bill if we can. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

MINORITY VIEWS ON H. R. 10604

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to file minority views on the bill (H. R. 10604) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

Mr. BEGG. Mr. Speaker, I did not hear the gentleman's request.

The SPEAKER. The gentleman asks unanimous consent to file minority views from the Committee on Education. The Clerk will report the next bill.

LIBRARY INFORMATION SERVICE IN BUREAU OF EDUCATION

The next business on the Consent Calendar was the bill (H. R. 633) to provide for a library information service in the Bureau of Education.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BULWINKLE. Mr. Speaker, I object.

Mr. DALLINGER. Will the gentleman withhold his objection?

Mr. BULWINKLE. I will withhold it for the moment.

Mr. DALLINGER. Mr. Speaker, I simply want to say that the Committee on Education will not have an opportunity at this session of Congress to bring any of the bills reported by it before the House, except by unanimous consent by a special rule, or under suspension of the rules. This bill, I may add, has been favorably reported unanimously by the Committee on Education in two Congresses, and while on its face it may appear, I may say to the gentleman from North Carolina, to cause an increase of expenditure by the Government, as a matter of fact it will, in the opinion of the committee, result in a large saving to the taxpayers.

The object of the bill is to increase the efficiency of American libraries as educational agencies by supplying them with up-to-date information concerning Government activities, together with digests, indices, and other aids that are essential to make the material readily available to the people who use the libraries of the country.

The Government Printing Office issues annually more than 120,000,000 publications and periodicals at a cost of nearly $6,000,000. These publications contain a mine of material on various subjects of general public interest. Experience demonstrates, however, that a large percentage of this output of the Government Printing Office is wasted, due to the fact that a majority of the people of the United States are totally ignorant of the existence in printed form of most of this information.

Miss Edith Guerrier, of the Boston Public Library, was given leave of absence by that institution during the war and performed valuable service for the United States Food Administration, being in charge of a library information service and general exhibits in connection with that branch of the Government service. She found librarians everywhere eager to receive and to use the Government material. The Secretary of the Interior permitted her to demonstrate for six months the possibilities of a library information service in connection with all the Government departments. As a result of this experiment direct connection was established for the first time between the Government and the libraries of the country, which was at that time welcomed not only by the libraries but by the heads of the different executive departments as well.

The method by which the division of library information service created by the proposed bill would operate is described briefly by Miss Guerrier as follows:

> The proposed service would function as a central information office and clearing house between Government offices and libraries, which are the people's own educational extension centers. It would establish and maintain contact with all Government offices. It would maintain a subject card catalogue, giving sources of information, and it would send out news notes on current publications to libraries throughout the United States.
>
> The Public Printer in his 1922–23 report estimates a yearly waste of $1,000,000 worth of printed matter, part of which was distributed to persons who threw it into the wastebasket, and the larger part of which was never distributed at all. Through the efforts of the proposed library information service at least half this waste should be eliminated.
>
> Twenty-three thousand five hundred dollars spent in salvaging half a million dollars' worth of Government property looks like an economy measure.

The total appropriation authorized by the proposed bill is $23,500, based upon the following estimate:

	Per annum
Salary of director	$5,000
Salary of assistant director	4,000
Salary of chief clerk	2,500
Salary of stenographer	2,000
Extra stenographic and messenger service	1,000
Travel	4,000
Stationery	1,000
Printing and binding	4,000
Total	23,500

In his annual report for the fiscal year ending June 30, 1923, the Public Printer says:

> It seems fair to assume that the total waste in publications printed for free distribution by the departments in the last 10 years will be fully 25,000,000. Figuring the cost of these publications at 20 cents each (many of them being small pamphlets), the total loss to the Government may be placed at $5,000,000 for the 10 years. This is in addition to the estimated loss of $1,000,000 in 8 years on the free publications which Congress likewise failed to distribute. Therefore, the total loss to the Government on publications printed for free distribution by Congress and the departments may be conservatively estimated at not less than $600,000 a year.

The primary purpose of the proposed bill is to salvage this vast annual wastage of Government publications. By reason of its direct contact with the libraries throughout the country and by means of its card catalogues and indexes, the division of library information service would be in a position to know the demand for any particular Government publication. A twofold benefit could therefore be accomplished: First, publications in which there is an interest would be made readily available through speedy channels to those who wish them, and, secondly, publications in which there is no interest would not be printed, thus eliminating a large portion of the cost of printing publications which in most instances are consigned to the wastebasket.

Using the most conservative estimate of the Government Printer, we find that the annual cost of wasted Government

publications amounts to more than the total of the annual appropriations authorized by this bill for the next 25 years.

It is the opinion of the Committee on Education that the small annual appropriation authorized by this bill, which for the first time would place within easy reach of a majority of the people of the United States authentic information in regard to the activities of their Government, is in the interest of wise economy and businesslike efficiency in the expenditure of the people's money.

I trust that the gentleman from North Carolina will withhold his objection.

Mr. BULWINKLE. I will ask that the bill be passed over without prejudice, so that I can have time to examine it.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. The gentleman from Massachusetts [Mr. DALLINGER] knows that his reorganization bill has the approval of the administration and is going to be brought in here under a rule, so the papers say. His bill will embrace this bill.

Mr. DALLINGER. No; the gentleman from Texas is mistaken; it will not embrace this bill.

Mr. BLANTON. It will when it gets in operation. I object to this bill.

The SPEAKER. The gentleman from Texas objects. The Clerk will report the next bill.

The SPEAKER. The Clerk will report the next bill.

PROCEEDINGS IN CONTESTED ELECTIONS

The next business on the Consent Calendar was the bill (H. R. 9493) to determine proceedings in contested-election cases of Members of the House of Representatives.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. WATKINS. Mr. Speaker, I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

ADDITIONAL FACILITIES AT WALTER REED GENERAL HOSPITAL

The next business on the Consent Calendar was the bill (H. R. 11252) authorizing the construction of additional facilities at Walter Reed General Hospital.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. LINEBERGER. Mr. Speaker, I reserve the right to object.

Mr. McKENZIE. Mr. Speaker, will the gentleman withhold that?

Mr. LINEBERGER. I will reserve the right to object.

Mr. McKENZIE. This bill is simply to build a permanent hospital for the boys out at Walter Reed to take the place of the frame buildings out there, which are a constant menace to the boys who are there. I hope the gentleman will not object.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. BEGG. We recently appropriated some $18,000,000 or $20,000,000 for hospitals. Was not any of that available? Will we have to appropriate $2,000,000 more?

Mr. McKENZIE. That was made available under the Veterans' Bureau. That has nothing whatever to do with this hospital.

Mr. BEGG. That could not be used, even if there was a surplus?

Mr. McKENZIE. I so understand.

Mr. LaGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. LaGUARDIA. We were told heretofore, when that $18,000,000 bill was passed, that that would care for all the hospitals. That was the understanding I had at the time.

Mr. BEGG. That was my understanding. But the gentleman from Illinois [Mr. McKENZIE] states otherwise and I accept his statement.

Mr. BLANTON. Some of this money will be spent in constructing roads running in and out of the grounds. Does not the gentleman from Illinois fear that under the authority granted here the proposed Fourteenth Street extension will be opened up through the grounds?

Mr. McKENZIE. I will say to the gentleman that every Member who is opposed to the proposed extension of Fourteenth Street through those grounds can in no more effective way prevent that than by passing this bill. This bill would block it.

The SPEAKER. Is there objection?

Mr. LINEBERGER. I would not like to object to this bill, but it appropriates $2,000,000, and I think that is quite a large sum of money to be appropriated here in the House without any discussion or hearing or anything of that kind.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. LINEBERGER. I yield.

Mr. McKENZIE. I want to say to the gentleman from California that this matter has been submitted to the War Department and to the Bureau of Finance, and it has the approval of the War Department and the Bureau of Finance and the Budget and everybody.

Mr. LINEBERGER. Well, Mr. Speaker, I know of a good many other bills pending in this House which have only one or two Members of Congress against them, and yet they are continually being objected to when they come before the House. I think this is entirely too large an amount to appropriate without discussion and full consideration, and therefore I object.

The SPEAKER. The gentleman from California objects. The Clerk will report the next bill.

BRITISH STEAMSHIP "BARON BERWICK"

The next business on the Consent Calendar was the bill (S. 2719) to authorize the payment of an indemnity to the British Government on account of losses sustained by the owners of the British steamship *Baron Berwick* as the result of a collision between that vessel and the United States steamship *Iroquois* (now *Freedom*) and a further collision with the United States destroyer *Truxton*.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BOYLAN. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

EXCHANGE OF LAND IN EL DORADO, ARK.

The next business on the Consent Calendar was the bill (H. R. 11501) for the exchange of land in El Dorado, Ark.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to convey by the usual quit-claim deed to the city of El Dorado, Ark., for street purposes and for no other purpose, all the right, title, and interest of the United States of America in and to a strip of land off the easterly side of the Federal building site in said city, 30 feet in width: *Provided*, That the city of El Dorado, Ark., shall vacate and convey to the United States of America in lieu thereof a strip of land 30 feet in width alone the entire 140-foot frontage of the westerly side of said Federal building site: *Provided further*, That the city of El Dorado, Ark., shall not have the right to sell or convey the land herein authorized to be granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described, and in the event that the said land shall not be used for street purposes it shall revert to the United States of America.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

HELIUM GAS

The next business on the Consent Calendar was the bill (H. R. 5722) authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LINEBERGER. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from Massachusetts [Mr. FROTHINGHAM] whether or not this bill carries an appropriation of any considerable amount?

Mr. FROTHINGHAM. This is the helium bill, so called?

Mr. LINEBERGER. Yes.

Mr. FROTHINGHAM. This is a bill, Mr. Speaker, that has been on the calendar since last year. The idea is to preserve or attempt to preserve the helium, which is in this country almost exclusively, for the use of lighter-than-air ships, for the safety

of the people who go up in those ships, because helium is non-explosive, as hydrogen is not; and if we do not preserve this wonderful thing that nature has given us it will soon be used up.

As a matter of fact, the supply in this country runs from Texas into Oklahoma and through into Pennsylvania, and the only other supply of helium in the world is a very small amount in Canada, a very small amount in Italy, and a minute quantity in Czechoslovakia.

Mr. LINEBERGER. Will the gentleman yield?

Mr. FROTHINGHAM. Yes.

Mr. LINEBERGER. Is this the kind of gas that is used in the *Shenandoah* and *Los Angeles*?

Mr. FROTHINGHAM. This is the kind of gas that is used in the *Los Angeles*, in California and elsewhere, and also in the *Shenandoah*.

Mr. LINEBERGER. I withdraw my reservation, Mr. Speaker.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. FROTHINGHAM. Yes.

Mr. LEATHERWOOD. I want to remind the gentleman that there has been a large quantity of helium discovered in my State, and the Government has reserved it.

Mr. FROTHINGHAM. I will say, in answer to the gentleman, that, of course, that was a case where the reservation was made of land that was already owned by the Government and it was taken over by order of the President last year. Of course, when it is on private land and not on a Government reservation it is not possible to take it over without authority, and this bill gives that authority.

Mr. McKEOWN. Will the gentleman yield?

Mr. FROTHINGHAM. Yes.

Mr. McKEOWN. I reserve the right to object in order to ask the gentleman if he would not be willing to pass the bill at this time, because at the present time I would be compelled to object to its consideration under the unanimous-consent rule for the reason that the bill puts the Government of the United States into the helium gas business, whereas the Government of the United States could regulate the production of this gas to great advantage by agreeing to take the gas from private persons rather than the Government going out and expending its millions in trying to produce helium gas. For that reason I would like to ask the gentleman if he would not be willing to pass the bill at this time.

Mr. FROTHINGHAM. I do not understand that the bill does that unless necessary, and the gentleman from Texas [Mr. LANHAM], who is an expert, is going to offer an amendment to this bill, and the gentleman from Oklahoma can offer one also.

As a matter of fact, if the bill does not come up now it is probably gone for the session, and it does seem to me that as a matter of safety for the persons who fly in these ships the bill should be passed.

Mr. McKEOWN. I am in full sympathy with the gentleman as to the purposes for which the gas is to be used, but I am opposed to the United States Government going into the helium-gas business when we can get gas for just half what it costs the taxpayers by buying it from those who produce helium gas.

Mr. LaGUARDIA. Will the gentleman tell us from whom we can buy it.

Mr. McKEOWN. Yes; I will tell you.

Mr. FROTHINGHAM. That is one of the things authorized in the bill.

Mr. McKEOWN. But this bill puts the Government in the business, and I think it is launching out on a business that we ought not to take up under unanimous consent.

Mr. FROTHINGHAM. I do not understand that it necessarily does that. It gives them the option of purchasing it or making it as far as necessary.

Mr. McKEOWN. But you give them the entire control of this business; you turn over the entire control to the Government.

Mr. LANHAM. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. LANHAM. I do not think it is the plan of the United States Government to remain permanently in the business of producing helium. The gentleman understands, of course, that the original production of helium was a war-time activity, in order to acquire helium for our use during the war. There had been no previous experimentation in the production of helium, except for a few laboratory experiments, and when the war came on the Government was the only agency that could well launch into it. There is no plant to-day anywhere in the world of any consequence except the plant owned and operated by the Government. There are no private concerns that are to-day producing helium and no private concerns that are at present qualified to produce helium until they learn more of the processes by which it is extracted. It is the purpose of the Government, as I understand it, eventually to stimulate the production of helium commercially by private concerns, and then the Government will get helium for its use by purchase from these various concerns. But at present there is no way in the world that the United States can get this helium except to produce it itself.

Mr. COLTON. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. COLTON. Is this the same bill that was before the Public Lands Committee and on which hearings were held?

Mr. LANHAM. It is substantially the same. The bill was subsequently referred to the Committee on Military Affairs and was reported from that committee. I will say to the gentleman from Utah that he probably recalls that it was not considered by the Public Lands Committee; that is, no report was made on it by that committee, by reason of the fact that the Committee on Public Lands was of the opinion that it did not have jurisdiction, in view of the fact that at that time no helium of any consequence had ever been discovered on public lands.

Mr. COLTON. Then, as I understand the bill, it does not put the Government in the business of producing it only to this extent, that it is for the purpose of conserving the gas.

Mr. LANHAM. The purpose of this bill is primarily for conservation.

Mr. COLTON. And as soon as private companies produce it the Government will, perhaps, withdraw?

Mr. LANHAM. That is correct.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. LaGUARDIA. For the information of the gentleman from Oklahoma, is it not true that the Government is the only customer for helium gas?

Mr. LANHAM. It is.

Mr. LaGUARDIA. And unless it protects itself in this way it will be either at the mercy of some individual who can develop it or else not have any at all.

Mr. LANHAM. And not only that, but the Government would have to wait until some private concerns do go into it and develop it.

Mr. LaGUARDIA. And the Government thus far has developed it and reduced the cost over 100 per cent.

Mr. LANHAM. Yes; very much more than that.

Mr. McKEOWN. I will say to the gentleman that this is the situation: The Government of the United States prevents private parties from developing it. The Government assumes to control it, and they ought to have the control if they will take the entire output.

Here is the language of the bill to which I object. It is the language contained in lines 8, 9, 10, 11, and 12, on page 2, in which the Government assumes and reserves ownership and the right to all the helium in the United States.

Mr. LaGUARDIA. It has got to do that at this time.

Mr. McKEOWN. Mr. Speaker, I feel compelled to object or else have the bill passed over.

Mr. FROTHINGHAM. Mr. Speaker, this measure is a question of life or death to the men who go in these machines, and if the gentleman from Oklahoma objects to any part of the bill, it would seem the best parliamentary procedure for him to offer an amendment, and I have no doubt we could agree about it.

Mr. LANHAM. May I say to the gentleman from Oklahoma that the bill in its present shape is not entirely satisfactory to me and I anticipate offering some amendments in case the bill is considered.

Mr. McKEOWN. If gentlemen will just hear me for a minute or two and will allow me to explain the situation, then the House can do as it wants to. I do not want to assume here the responsibility of dictating to the House what it ought to do but I want to give you some facts, and then you can determine what you want to do.

Here is the truth about this matter. Helium was discovered in Kansas. It is found all through the Osage country. It is in nearly all the gas that comes out of the ground in northern Oklahoma. The concerns that produce gas can produce this helium cheaper, in my opinion, than the United States can ever produce it, because they have the greater quantities of gas from which to produce it.

Mr. LANHAM. Can the gentleman give us some statistics on what they have produced?

Mr. McKEOWN. I will give the gentleman some information about that.

The SPEAKER. Did the gentleman withdraw his objection?

Mr. McKEOWN. Just a minute, Mr. Speaker.

The SPEAKER. The Chair thinks there is no use wasting the time of the House, if the gentleman is going to object.

Mr. McKEOWN. My mind is open about it, Mr. Speaker. [Laughter and applause.]

Mr. DOWELL. Is it necessary for the gentleman to speak for a few minutes before he can get his mind made up?

Mr. McKEOWN. No; but I want to explain the situation. I know something about this helium gas that the House ought to know. Several private parties came before a committee of Congress at the time the Government of the United States went down to Fort Worth and established a plant there that was clear away from where the helium was found, with all due regard to my distinguished friend, the gentleman from Texas [Mr. LANHAM]. They established there a plant that cost the Government an immense lot of money.

Mr. DOWELL. I think this discussion is entirely premature.

Mr. FROTHINGHAM. This is a very important matter and I hope the gentleman will not demand the regular order.

Mr. McKEOWN. I am simply trying to explain to you gentlemen just what the situation is.

Mr. DOWELL. The gentleman can have time to make this explanation if this bill is going to be considered and unless it is to be considered, I think we are wasting time.

Mr. FROTHINGHAM. Unless the gentleman wants to prevent the bill from being passed I hope he will allow the gentleman from Oklahoma to proceed. I think we can meet the gentleman's objections.

Mr. DOWELL. I want the gentleman to state what he intends to do and I demand the regular order, Mr. Speaker.

Mr. McKEOWN. I simply want to explain the situation, Mr. Speaker. I have an open mind on the bill. I do not want to do any injustice to the bill, but there is an important matter involved here.

Mr. DOWELL. If it will make the gentleman feel any better to proceed a few minutes, I am willing to wait a little while, but in a few moments I shall insist on the regular order unless the gentleman closes.

Mr. McKEOWN. I can give the gentleman a few things to think about if he will just wait a minute. [Laughter.]

The situation is that private individuals, and I could name some of them, can produce helium cheaper than the United States Government, but you will not permit them to produce this helium. Here is what I want you to do, and it is all I want. I want the United States Government to buy the helium gas where it can buy it cheapest and save as much money as they can to the taxpayers of this country, and at the same time encourage the production of helium.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. McKEOWN. In just a moment. I do not want the Army or Navy of the United States to squelch the private production of helium, and that is what they have been doing in order to keep up the Government plants. They have discouraged private production, and all I am insisting on is the right of the Government to buy its helium where it can buy it the cheapest, and if you will amend the bill in that way I have no objection.

Mr. FROTHINGHAM. That is the question I was going to ask the gentleman. If the gentleman will offer such an amendment I will accept it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of producing helium with which to supply the needs of the Army and Navy and other branches of the Federal Government, the Secretary of the Interior is hereby authorized to acquire land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or conserve helium-bearing gas; to drill or otherwise test such lands; and to construct plants, pipe lines, facilities, and accessories for the production, storage, and repurification of helium: *Provided*, That any known or probable helium gas-bearing lands on the public domain not covered at the time by leases or permits under the act of February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," may be reserved for the purposes of this act.

SEC. 2. That the Bureau of Mines, acting under the direction of the Secretary of the Interior, is authorized to maintain and operate helium production and repurification plants, together with facilities and accessories thereto; to store and care for helium; to conduct exploration for and production of helium on and from the lands acquired or set aside under this act; to conduct experimentation and research for the purpose of discovering helium supplies and improving processes and methods of helium production, repurification, storage, and utilization.

With the following committee amendment:

Page 2, line 7, strike out the word "act" and the period following it and insert: "Act, and that the United States reserves the ownership and the right to extract, under such rules and regulations as shall be prescribed by the Secretary of the Interior, helium from all gas produced from lands so permitted, leased, or otherwise granted for development."

Mr. LANHAM. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Page 2, lines 13 and 14, after the figure "2," strike out the remainder of line 13, and on line 14, down to the word "is," and insert in lieu thereof the following: "That the Secretary of the Navy." And in lines 17 and 18, strike out the words "and production of," and on line 17, after the semicolon and before the word "to," insert: "that the Bureau of Mines acting under the direction of the Secretary of the Interior is authorized."

Mr. LANHAM. Mr. Speaker, the primary purpose of this bill is for the conservation of helium. The first section of the bill has that in view. The fourth section provides against the export of helium.

All experimental matters with reference to helium, exploration, repurification, devising lower methods of cost, and so forth, perhaps, properly belong to the Bureau of Mines, but helium is extracted for the use of the Army and the Navy. Under the direction of the Helium Board the Navy has had charge of the production plant and has reduced the cost of extraction until now it is between 4 and 5 cents a cubic foot, and I have advices from those in charge which lead them to believe that before the present year is ended they will further reduce that cost to about 2 cents a cubic foot. The part of this bill which, in my judgment, should not pass without some amendment, is that which transfers the production of helium, the actual operation of the plants, to the Bureau of Mines. In other words, you take it out of the hands of the people who are operating it most successfully and efficiently, change horses in the middle of the stream, and turn the production end over to the Bureau of Mines. The Bureau of Mines is made an intermediary between the Army and the Navy. The Bureau of Mines does not use helium. It is used by the Army and the Navy, and the Army and the Navy through their understanding now are permitting the Navy to extract the helium from the gas. One can imagine the great misunderstanding that may arise when you have to take funds out of the Army and the Navy, take them to the Bureau of Mines, and then come back to the Army and the Navy with the audit and the bookkeeping and the squaring of those accounts. In addition to these administrative troubles, it seems to me that we should not without further opportunity for consideration take this operation away from those who are now carrying it on successfully and place it in the hands of those who have not been charged with the operation.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. McKEOWN. Will this bill with this proposed amendment prevent a private individual from producing helium and selling it to the Government?

Mr. LANHAM. In my judgment, there is nothing to prevent that now, and I believe it is the object of those in authority that that very thing the gentleman desires will be done. I know that gentlemen who are interested in the production of helium recently appeared before the American Petroleum Institute, that met in my home city of Fort Worth, and urged upon them their interest in the matter of producing helium. Up to this time no private concerns have produced it. At present the Government is the only agency that is producing it at all.

Mr. McKEOWN. Will this bill encourage private individuals to produce helium, or will the Government here make regulations to make its production absolutely necessary?

Mr. LANHAM. It certainly will not discourage them and, in my judgment, will encourage them, because in the next section provision is made for the encouragement of commercial aviation with any surplus helium that may be acquired.

Mr. JONES. And this merely authorizes the Government to control such lands as it may lease?

Mr. LANHAM. That is all.

Mr. JONES. Leaving all outside lands for private enterprise and in another paragraph it authorizes the leasing of them.

Mr. LANHAM. Yes; that is all. And I may say this with reference to the leasing of those lands. There are fields of gas in this country to-day with a high content of helium, and so low in British thermal units as to be of little value commercially. Those fields can be leased and set aside for the conservation of helium without in any way crippling industry or commerce, because the gas is not available in its present form for commercial purposes. The amendment that I have offered leaves the Bureau of Mines as the proper experimenting and exploring agency to find the gas and to proceed to lease the lands and condemn them, if necessary, and purchase them, to preserve helium. I think that is a proper function. I do not believe that when we are conducting our operation so successfully, with the cost being constantly reduced by those who are in charge, that we ought to take it away from the Army and the Navy and place it in another branch of the Government without mature deliberation, and the purpose of my amendment is to prevent that.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. McKEOWN. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 1, line 7, after the word "necessary," insert "or can not be purchased from private parties at a less cost."

Mr. FROTHINGHAM. Mr. Speaker, I accept that amendment.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment to section 1.

The committee amendment was agreed to.

The SPEAKER. The Clerk will read the next section.

The Clerk read as follows:

SEC. 3. That immediately upon the passage of this act all existing Government plants operated by the Government or under lease or contract with it for the production of helium shall be transferred to the jurisdiction of the Bureau of Mines: *Provided*, That the Army and Navy and other branches of the Federal service requiring helium may requisition it from the said bureau and make payment therefor by transfer of funds on the books of the Treasury from any applicable appropriation at actual cost of said helium to the United States, including all expenses connected therewith: *Provided further*, That any surplus helium produced may, until needed for Government use, be leased to American citizens or American corporations under regulations approved by the President: *And provided further*, That all moneys received from the sale or leasing of helium shall be credited to a helium-production account and shall be and remain available for the purposes of this section; and that any gas belonging to the United States after the extraction of helium, or other by-product not needed for Government use, shall be sold and the proceeds of such sales shall be deposited in the Treasury to the credit of miscellaneous receipts.

Mr. LANHAM. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Page 2, line 23, after the figure "3," strike out all of lines 23, 24, and 25, and on page 3, strike out lines 1, 2, 3, 4, 5, 6, 7, and through the word "further," on line 8.

Mr. LANHAM. Mr. Speaker, this amendment is really but a part of the amendment which I offered before to the provisions in the preceding section, and this does the same thing in reference to this section that the amendment already adopted did to the other section.

Mr. FROTHINGHAM. Mr. Speaker, the amendment is acceptable.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That hereafter no helium gas shall be exported from the United States, or from its possessions, until after application for such exportation has been made to the Secretary of the Interior and permission for said exportation has been obtained from the President of the United States, or such authority as he may designate to give such permission. That any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 or by imprisonment of not more than one year, or by both such fine and imprisonment, and the Federal courts of the United States are hereby granted jurisdiction to try and determine all questions arising under this section.

The committee amendment was read, as follows:

Page 3, line 25, strike out the language "or such authority as he may designate to give such permission" and insert "on the joint recommendation of the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior."

The question was taken, and the amendment was agreed to.

Mr. WATKINS. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 21, after the word "possessions," strike out the remainder of said page and lines 1 and 2 on page 4.

Mr. WATKINS. Mr. Speaker, the amendment I propose simply means helium can not be exported, and I believe with the situation as it exists we should not permit it, and I therefore offer the amendment in that spirit.

Mr. McKEOWN. Mr. Speaker, I rise in opposition to the amendment to say this is an amendment which I think will prevent the exportation of helium. I think it should be left to the officers when the time comes, because helium is not only used for the purpose of aircraft but it is also used in the manufacture of light globes and things of that character, and maybe they will discover other very useful things that we want to export, so I think the gentleman's amendment ought not to prevail, but it ought to be left to the Secretary.

Mr. FROTHINGHAM. Mr. Speaker, I think the bill reported by the committee prevents the exportation sufficiently, and I trust the amendment will be voted down.

The SPEAKER. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Page 4, after line 9, insert:

"SEC. 5. The Army and Navy may each designate an officer to cooperate with the Department of the Interior in carrying out the purposes of this act, and shall have complete right of access to plants, data, and accounts."

Mr. LANHAM. Mr. Speaker, I offer an amendment.

Mr. FROTHINGHAM. Mr. Speaker, in view of the amendment adopted, I ask that this committee amendment be voted down.

Mr. LANHAM. That is the purpose of my amendment, and I defer to the gentleman.

The question was taken, and the committee amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FROTHINGHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING THE HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 11214) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, as amended by the act of December 30, 1910.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to know what the present limitation is on the height of buidlings?

Mr. BLANTON. It is eight stories, not to exceed 90 feet. This bill has been submitted to the commissioners and it comes to the Committee on the District of Columbia with their strong approval, and the approval of the zoning commission, and at their instance they got the chairman of the committee [Mr. REED of West Virginia] to introduce the bill for them.

Mr. BEGG. I understand that, but an eight-story building in the business section is not high for a city of a half million inhabitants.

Mr. BLANTON. It was thought best by those who govern the situation here, and that is a zoning commission appointed by the Congress, not to make of this city a city of high buildings such as New York or Chicago. They want to preserve this as a city of beauty rather than a city of commercial uses.

Mr. BEGG. Does not the gentleman think we ought to pass it over here until we get a little more light?

Mr. WINGO. Will the gentleman permit a suggestion?

Mr. BLANTON. It is a unanimous report of the Committee on the District of Columbia, something which is very rare, indeed.

Mr. HILL of Maryland. Does it raise the height or lower it?

Mr. BLANTON. It permits buildings on residential streets to be 90 feet high.

Mr. HILL of Maryland. Does it make a lower limit or a higher limit?

Mr. WINGO. I will tell the gentleman, if he will listen to me, that when I first looked into this bill it was with the idea of possibly objecting; but reading the present law, I have come to this conclusion, and my opinion is confirmed in the report of what this bill does. It permits a 5-foot additional height in the residential portion of the city. They now have the right to build 90-foot business houses in the residential portions where it is permitted, but the limitation still goes to 85 feet for apartment houses, hotels, and such as that. This will enable them to make them still only eight stories, but permits those eight stories to be 5 feet higher. The American Institute of Architects desires this in order to give additional space in the architectural treatment. It increases the limitation only 5 feet on residential buildings, permitting them to be 5 feet higher. That is all it does, in my opinion.

Mr. BEGG. I shall not object to it, although I think it is rather hazardous.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That paragraph 3 of section 5 of an act entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, as amended by the act of December 30, 1910, be, and it is hereby, further amended to read as follows: "On a residence street, avenue, or highway no building shall be erected, altered, or raised in any manner so as to be over eight stories in height or over 90 feet in height at the highest part of the roof or parapet, nor shall the highest part of the roof or parapet exceed in height the width of the street, avenue, or highway upon which it abuts, diminished by 10 feet, except on a street, avenue, or highway 60 to 65 feet wide, where a height of 60 feet may be allowed; and on a street, avenue, or highway 60 feet wide or less, where a height equal to the width of the street may be allowed: *Provided*, That any church, the construction of which had been undertaken but not completed prior to the passage of this act, shall be exempted from the limitations of this paragraph, and the Commissioners of the District of Columbia shall cause to be issued a permit for the construction of any such church to a height of 95 feet above the level of the adjacent curb."

Mr. BOYLAN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from New York moves to strike out the last word.

Mr. BOYLAN. Mr. Speaker, I just want to say that in answer to an objection we were told by the District Committee that it was the intention of the commissioners to make this city a city of beauty rather than a commercial city. Yet I have observed, in coming to the Capitol from the west, along Pennsylvania Avenue, that we encounter such beautiful objects as two and three story dumps; we have Chinese laundries; we have Indian fortune tellers; we have soothsayer signs and signs advertising clairvoyants; we have one-night stands, and other objects of beauty. Buildings that will give us the idea that when we go back to our home towns that we should try to emulate them. [Laughter.]

Mr. BLANTON. That is the overflow from the metropolitan city of New York. [Laughter.]

Mr. BOYLAN. Well, be that as it may, it exists. We see these objects of beauty. Only a short time ago a distinguished former Member of this House, now a Member of the Senate, was almost killed in passing that beautiful section of Washington along Pennsylvania Avenue, the westerly approach to this wonderful Capitol, in this beautiful city of Washington.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BOYLAN. Certainly.

Mr. BLANTON. I will vote for every bill that the gentleman from New York will introduce that will wipe out every joint on Pennsylvania Avenue, from the Capitol on down to Georgetown and Arlington. [Applause.]

Mr. BOYLAN. I would be glad to have somebody do something here to make Washington a city of beauty. We ought to hold up Washington as a mirror to the rest of the country, so that the benighted Members here can carry back to their home towns a vision of beauty in their minds, so that they could emulate this city of beauty in their home towns.

Mr. BLANTON. Have these sights been bothering the gentleman at any time?

Mr. BOYLAN. No; but I have an esthetic sense, and when I travel up and down the Avenue, to and from the Capitol, those things grate upon my esthetic sense.

Mr. BLANTON. Those garlic smells grate on me, too. [Laughter.]

Mr. HILL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. HILL of Maryland. On page 1, line 9, of the bill it says, "No building shall be erected, altered, or raised in any manner so as to be over eight stories in height or over 90 feet in height." Is the gentleman, who is familiar with this bill, sure that that will preclude buildings over eight stories high?

Mr. WINGO. I will say in reply to that question that I think the language justifies that idea, that the eight-story limitation is still there, and the 90-foot limitation. The only change they make is to increase the 85-foot limit on residential property to a 90-foot limit, which is now applicable to business property.

Mr. HILL of Maryland. I wonder if it really accomplishes that. It says, "over 90 feet."

Mr. WINGO. I understand it permits an eight-story building 90 feet high instead of an eight-story building of 85 feet.

Mr. HILL of Maryland. Is that entirely clear on line 9 of page 1? I think there should be a limitation to make it 90 feet.

Mr. WINGO. That is a limitation. No building shall be erected to be over eight stories or over 90 feet. They might make it eight stories and 90 feet. That is the highest elevation.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. BLANTON. I did not know that the gentleman from Baltimore was interested in a 90-foot limit. I thought he was interested in a 3-mile limit. [Laughter.]

Mr. HILL of Maryland. Since the gentleman from Texas has violated the 3-mile limit, I am in favor of a 90-foot limit. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

JUDICIAL DISTRICTS IN ARKANSAS

The next business on the Consent Calendar was the bill (H. R. 5197) to amend section 71 of the Judicial Code, as amended.

The title of the bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. WINGO. I object.

The SPEAKER. The gentleman from Arkansas objects.

Mr. PARKS of Arkansas. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the bill retain its place on the calendar. Is there objection?

Mr. BEGG. What is the object of that? It stays on the calendar, and the next time it will be objected to. I think I will object to it now.

The SPEAKER. The gentleman from Ohio objects. The Clerk will report the next bill.

CLOSING CERTAIN STREETS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 1179) to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. BLANTON. I reserve the right to object.

Mr. BEGG. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. BLANTON. I reserved the right to object first.

Mr. BEGG. I would like to ask a man who is interested in this bill a question.

Mr. BLANTON. I can tell the gentleman something about it if he will yield to me.

Mr. BEGG. Certainly I will yield to the gentleman.

Mr. BLANTON. This bill would be all right except for one point in it. If you pass this bill you will permit Fourteenth Street to be opened up through the Walter Reed Hospital. That is one of the main designs of this bill. I was going to object, but I will wait and let the Speaker recognize the gentleman from Ohio to object.

Mr. BEGG. Mr. Speaker, I object.

EXPENSES OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 1786) to amend sections 5, 6, and 7 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object, Mr. Speaker.

TERMS OF COURT IN THE EASTERN DISTRICT OF SOUTH CAROLINA

The next business on the Consent Calendar was the bill (S. 3509) to change the time for the holding of terms of court in the eastern district of South Carolina.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes," approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.,'" approved March 4, 1923, be and the same is hereby amended by changing the times for the terms of the district court for the eastern district of South Carolina, so as to read as follows:

"SEC. 5. That the terms of the district court for the eastern district of South Carolina shall be held at Charleston on the second Monday in October, the third Monday in January, and the fourth Monday in May; at Columbia on the first Monday in November and the third Monday in March; at Florence on the first Monday in December and the fourth Monday in April; and at Aiken on the fourth Monday in September and the third Monday in February.

"Terms of the district court of the western district shall be held at Greenville on the first Tuesday in April and the first Tuesday in October; at Rock Hill, the second Tuesday in March and September; at Greenwood, the first Tuesday in February and November; at Anderson, the fourth Tuesday in May and November; and at Spartanburg, on the third Tuesday in February and second Tuesday in December.

"The office of the clerk of this district court for the western district shall be at Greenville, and the office of the clerk of the district court for the eastern district shall be at Charleston.

"This act shall take effect on the 1st day of July next ensuing its passage."

With the following committee amendment:

Page 2, line 12, strike out the word "third" and insert the word "second."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

TARIFF ACT OF 1922

The next business on the Consent Calendar was the bill (H. R. 11638) to amend the tariff act of 1922, and other acts, and to change the official title of the Board of United States General Appraisers and members thereof to that of the United States Customs Court, presiding judge, and judges thereof.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WATKINS. Mr. Speaker, I object.

DIPLOMATIC AND CONSULAR ESTABLISHMENTS OF THE UNITED STATES IN TOKYO, JAPAN

The next business on the Consent Calendar was the bill (H. R. 9700) to authorize the Secretary of State to enlarge the site and erect buildings thereon for the use of the diplomatic and consular establishments of the United States in Tokyo, Japan.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I reserve the right to object in order to ask a question. Is it the policy of those who have in charge the passage of legislation to furnish such quarters as are contemplated in Tokyo, Japan, to all of our embassies and legations? If it is, this bill ought to pass.

Mr. MOORE of Virginia. I did not catch the gentleman's question. The gentleman from Pennsylvania [Mr. TEMPLE], who is immediately in charge of the bill, is not here; but I happen to be a member of the committee and can probably answer the gentleman's question.

Mr. BLANTON. I want to know whether the gentleman is in favor of doing for our representatives in all foreign countries what we are proposing to do in Tokyo, Japan?

Mr. MOORE of Virginia. It has been done in a good many countries but it has not been done in all. This bill does not propose any general policy, but it does propose to make provision for the housing of our diplomatic and consular representatives in Tokyo.

Mr. BLANTON. I am not going to object to it, but we are embarking on a very expensive policy.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object. Can the gentleman from Virginia give us any information as to the prospective cost of this housing?

Mr. MOORE of Virginia. The total cost will be something over $1,000,000.

Mr. COLE of Iowa. One million two hundred and fifty thousand dollars.

Mr. MOORE of Virginia. One million two hundred and fifty thousand dollars less an unexpended sum of $100,000. The total expenditure will include the purchase of necessary land and the construction of buildings.

Mr. BLACK of Texas. Mr. Speaker, I greatly regret to object at this time——

Mr. RAKER. Will the gentleman yield before he objects? I hope the gentleman will not object to this bill, and I hope that no other Member of the House will object. The passage of this bill will do a great deal of good to the service. There is nothing we can do that will do as much good as to pass this bill. We should properly provide for our consular and diplomatic officers at Tokyo, Japan.

Mr. BLACK of Texas. Can the gentleman from Virginia give the House any information as to how the probable cost of this enterprise will compare with the cost of our embassy buildings in the city of London and in the city of Paris, for example?

Mr. MOORE of Virginia. My friend remembers that the building in London was given to this Government.

Mr. BLACK of Texas. Yes; I remember that.

Mr. MOORE of Virginia. The building in Paris, which only takes care of the embassy, cost a much less sum than the sum I have mentioned. It will be necessary to acquire a parcel of real estate adjoining that now owned by the United States and another smaller parcel of real estate in the down-town or commercial section of the city. I will say this to the gentleman: We have had communications from the Secretary of State and we have had before our committee Mr. Wilson, who has been engaged in the foreign service in Tokyo and is familiar with the whole situation, and there seems no sort of doubt that the land desired to be acquired will be gotten if this legislation passes at a very reasonable figure.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. MOORE of Virginia. I yield to the gentleman.

Mr. COLE of Iowa. This appropriation includes also houses for the employees of the Government which, of course, are not included in the figures as to London or Paris, but it is necessary to acquire them at Tokyo.

Mr. MOORE of Virginia. Yes; that is true.

Mr. REED of New York. Is it true that because of the earthquake over there the Government is very much embarrassed at this time on account of not being able to get quarters?

Mr. MOORE of Virginia. Very much, and then, as the gentleman from Iowa [Mr. COLE] has just suggested, it is necessary to provide housing for our diplomatic and consular representatives in Tokyo.

Mr. BLACK of Texas. Will the gentleman from Virginia yield for one further question?

Mr. MOORE of Virginia. Yes.

Mr. BLACK of Texas. Is this a unanimous report from the Committee on Foreign Affairs?

Mr. COLE of Iowa. Yes.

Mr. MOORE of Virginia. So far as I recall, it is a unanimous report.

Mr. RAKER. Will the gentleman yield for a question?

Mr. MOORE of Virginia. Yes.

Mr. RAKER. In addition to what the gentleman stated in answer to the gentleman from New York [Mr. REED], about

this being necessary on account of the earthquake and so forth, as I understand it, we can get this land now much cheaper than we can if we wait even a short time; is not that the fact?

Mr. MOORE of Virginia. It is certainly understood by our people that the piece of land adjoining a parcel which our Government now owns can be gotten at a very low figure.

Mr. BLACK of Texas. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, empowered, at a cost not exceeding $1,250,000, to acquire in Tokyo, Japan, additional land adjoining the site of the former American Embassy and construct thereon suitable buildings for the use of the diplomatic establishment of the United States, and also appropriate land and to construct thereon suitable buildings for the use of the consular establishment, the said buildings to include residences for the diplomatic and consular representatives, and the furnishing of the same, and an appropriation of $1,150,000 is hereby authorized for this purpose in addition to the sum of $100,000 already available.

With the following committee amendments:

Page 1, line 6, after "Embassy," insert "and such other land as may be necessary."

Page 1, line 7, after "diplomatic," insert "consular" and change the word "establishment" to "establishments."

Page 1, line 9, strike out all after "States" down to and including "establishment," line 10.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FORT BLISS, TEX.

The next business on the Consent Calendar was the bill (H. R. 8267) for the purchase of land adjoining Fort Bliss, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $366,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of 3,613 acres of land adjoining and to the east of the present military reservation at Fort Bliss, Tex., and the Secretary of War is hereby authorized and directed to make said purchase.

With the following committee amendments:

Line 3, after the word "that," strike out the article "the" and in lieu thereof insert the article "a."

Line 3, after the word "sum," strike out the word "of" and insert in lieu thereof the words "not to exceed."

Line 5, beginning with the word "three," strike out all thereafter down to and including the word "of," in line 6.

Line 6, after the word "land," strike out all the line down to and including the word "of," in line 7, and insert in lieu thereof the words "in the vicinity of and for use in connection with."

Line 8, strike out the words "and directed."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FEES IN NATURALIZATION PROCEEDINGS

The next business on the Consent Calendar was the bill (H. R. 5428) to provide for accounting by clerks of United States district courts of fees received by them in naturalization proceedings.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of New York, Mr. BOYLAN, and Mr. LAGUARDIA rose and objected.

Mr. HUDSPETH. Mr. Speaker, I move to reconsider the vote by which the bill H. R. 8267 was passed and to lay that motion on the table.

The SPEAKER. It will save time if the gentleman will not do that.

Mr. HUDSPETH. Then, Mr. Speaker, I withdraw the motion.

Mr. CHINDBLOM. Mr. Speaker, in view of the manner in which this calendar was called up unexpectedly to-day, without notice to the Members save through the calling of the roll when they were brought over on a point of no quorum, I personally ask that no Member make a motion to reconsider a vote and to lay that on the table to-day in respect to any bill that has been passed to-day.

The SPEAKER. The gentleman from Texas withdrew his request.

UNITED STATES VETERANS' BUREAU HOSPITAL RESERVATION AT KNOXVILLE, IOWA

The next business on the Consent Calendar was the joint resolution (S. J. Res. 61) authorizing the Director of the United States Veterans' Bureau to grant a right of way over United States Veterans' Bureau Hospital reservation at Knoxville, Iowa.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Director of the United States Veterans' Bureau is hereby authorized to grant to the State and municipal authorities for use as a public highway so much of said reservation as may be necessary therefor; and to make, execute, and deliver all needful conveyances. The director is further authorized in his discretion to receive on the part of the United States a grant of the land covered by the highway to be closed.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

LIVESTOCK EXPERIMENT STATION AT DALHART, TEX.

The next business on the Consent Calendar was the bill (H. R. 9362) to provide for the establishment of a dairying and livestock experiment station at Dalhart, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I reserve the right to object, and say to the gentleman from Texas [Mr. JONES] that unless he gets the indorsement of the Department of Agriculture I shall be forced to object to the bill.

Mr. JONES. Mr. Speaker, they have at this point a dry-land experiment farm. An appropriation was made about 1916 or 1917 to have a livestock experiment station in connection with it. They have the land already. In order to secure the station, the citizens were induced to raise $3,000 for the purchase of land. The land was purchased by the citizens. An appropriation of $40,000 was made by the Government, but the war came on, and building prices increased so much that the appropriation was allowed to revert to the Treasury. There is no other farm in that section of the State.

Mr. BEGG. Has the gentleman taken this up at all with the Department of Agriculture?

Mr. JONES. I took it up with the Department of Agriculture about a year ago. It was after the Budget had made out its report, and they said they did not like to do anything contrary to the recommendations of the Budget. This is a livestock country primarily.

Mr. BEGG. I understand that.

Mr. JONES. The Government operates a dry-land farm there.

Mr. BEGG. The only reason the gentleman has offered to the House is the resolution of the Chamber of Commerce of Dalhart. I can get a resolution from my chamber of commerce if the gentleman will undertake to establish a livestock experiment station in my town. I do not care to prolong the discussion. I shall object to the consideration of the bill, or will agree to pass it over without prejudice.

Mr. JONES. Let me read what the Secretary of Agriculture says:

The Agricultural appropriation bill for 1917 carried an appropriation for $40,000 for establishing livestock farms in connection with dairying and meat-production enterprises in the arid and semiarid regions of the western United States, including the purchase of livestock and erection of barns and other necessary buildings. This appropriation has continued each year up to the present time.

In the years 1917 and 1918 livestock farms were gotten under way at Ardmore, S. Dak., and Huntley, Mont. The next two stations to be established were at Belle Fourche, S. Dak., and Dalhart, Tex., but

because of the excessive costs for buildings, and because it was thought inadvisable to compete for labor and materials during 1918 and 1919, the other two stations were not started.

Mr. BEGG. I suggest to the gentleman that he ask unanimous consent to pass the bill over without prejudice until the next consent day, and in the meantime get an indorsement from the Department of Agriculture.

Mr. JONES. I do not know whether I could secure it or not. If the gentleman insists, I shall have to do that, but I want to say in that connection that it would be very difficult to get the Department of Agriculture to indorse anything unless the Bureau of the Budget had first indorsed it. Of course, at this time it would be impossible to interest the Bureau of the Budget in the matter.

Mr. BEGG. Oh, I hope the conditions in our Government have not gotten to the point that before anybody can recommend the Congress do anything they have to go to the Bureau of the Budget. The department knows whether they need this for the benefit of agriculture, and if the Department of Agriculture say they need it, that will be a guide to me; but because the chamber of commerce at Dalhart say they need it does not weigh very heavily with me.

Mr. JONES. Well, I do not know about the chambers of commerce the gentleman is talking about, but in my country they are composed of good citizens. Of course, at this date it would be practically impossible to get action by the department in time to be useful at this session. I represent a district that is as large as the gentleman's State. I have 53 counties.

Mr. BEGG. And how many people has the gentleman in his district?

Mr. JONES. About 400,000.

Mr. BEGG. I have that many in my five little counties.

Mr. JONES. That may be true, but this section produces and has in it, according to the census, more cattle than any other district in the United States. It has not as many sheep as the district of my colleague, Mr. HUDSPETH. That is what this section of the country produces more than any other thing, and the Government is maintaining a dry-land station. The citizens there made up $3,000 to purchase this land for that use at the time this first appropriation was made. They were able to raise this money by virtue of the fact that the appropriation was to be made for that purpose. That is what the folks are interested in.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, I object.

Mr. JONES. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day, January 21, they had presented to the President of the United States, for his approval, the following bills:

H. R. 3847. An act granting a certain right of way, with authority to improve the same, across the old canal right of way between Lakes Union and Washington, King County, Wash.;

H. R. 9804. An act to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes," approved February 9, 1922, as amended February 28, 1923; and

H. R. 10982. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1926, and for other purposes.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10467. An act granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio;

H. R. 4168. An act to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat. L. p. 670); and

S. 3622. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry.

MEMORIAL IN MEMORY OF LIEUT. LOUIS BENNETT

The next business on the Consent Calendar was (H. J. Res. 319) granting permission to Mrs. Louis Bennett to erect a memorial in memory of Lieut. Louis Bennett as a gift to the people of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HILL of Maryland. Mr. Speaker, I object.

Mr. TAYLOR of West Virginia. Will the gentleman withhold his objection?

Mr. HILL of Maryland. I will.

Mr. TAYLOR of West Virginia. I want to ask the gentleman from Massachusetts if this Lieutenant Bennett is the son of Hon. Louis M. Bennett, of West Virginia?

Mr. LUCE. Mrs. Bennett lives in New York City. I could not inform the gentleman——

Mr. TAYLOR of West Virginia. I am quite sure he is the young man in whose memory the memorial is to be erected, who comes from West Virginia and who gave his life in defense of his country during the war. I desired it brought out in the RECORD that he was from West Virginia.

Mr. HILL of Maryland. Mr. Speaker, in making objection there is no reflection on the gentleman in whose memory this memorial is to be erected, but I do not think we ought to have special memorials erected to individuals in that way, and therefore I objected.

IMPROVEMENT OF THE SYSTEM OF OVERLAND COMMUNICATION ON THE SEWARD PENINSULA, ALASKA

The next business on the Consent Calendar was (H. J. Res. 60) authorizing the improvement of the system of overland communications on the Seward Peninsula, Alaska.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I object.

The SPEAKER. This ends the calendar.

Mr. SUTHERLAND. Will the gentleman from Texas withhold his objection for just a moment?

Mr. BLACK of Texas. I will.

Mr. SUTHERLAND. This bill has been on the calendar during this entire session of Congress, and it is a matter of great importance to the people of the Seward Peninsula to have an improved transportation system. The road commission of Alaska, War Department, operates under an act which provides for the construction of roads and trails. This act will permit the construction of a tramway system which is found to be much cheaper in the way of maintenance than public roads.

Mr. BLACK of Texas. Mr. Speaker, I would be willing for the bill to go over without prejudice until I can read some of the hearings on the bill. I did read the hearings on the construction work the War Department has been doing in Alaska, and I would not care to give my consent to the extension of that construction without the House taking more time than it would have this afternoon to consider the merits of the legislation.

Mr. SUTHERLAND. This bill has application to the Federal road act system and to the particular section which provides that the Territory shall cooperate to the extent of 20 per cent.

Mr. BLACK of Texas. I shall still let the objection stand until I can have more time to study the bill. I will be glad to get the bill and the hearings and, perhaps, when the Consent Calendar is called again, I shall not object.

THE AMERICAN JOURNAL OF SOCIOLOGY

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to print in the RECORD an article from the American Journal of Sociology on the "Permanence of the American Democracy," by Prof. James Harrington Boyd, of Toledo, Ohio, who is one of the notable scholars of the country.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks by inserting an article from a newspaper. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERWOOD. Mr. Speaker, under the leave granted to extend my remarks in the RECORD I insert an article from the American Journal of Sociology on the "Permanence of the American Democracy," by Prof. James Harrington Boyd, of Toledo, Ohio.

The article is as follows:

[From the American Journal of Sociology, July, 1924, vol. 30, No. 1]

PERMANENCE OF THE AMERICAN DEMOCRACY

(By James Harrington Boyd, B. A., Sc. Dr., Toledo, Ohio)

I

It is an outstanding fact of history that all of the civilizations of the Old World have followed the same cycle of development—Babylonian, Persian, Egyptian, Greek, Roman, and Spanish. Each in its turn became conqueror of the then known commercial world in its lust for silver, gold, lands, and commercial and political world power. Each made advances over its predecessors in learning, art, science, law, accumulations of wealth, and the control of the world's commerce and political supremacy. Each surpassed its predecessors in magnificent displays of wealth, in the national follies of its peoples, and the deep depravity and moral debasement of its ruling classes. Each fell from the supreme height of power.

What are the governmental practices which a nation must adopt and exercise in order to perpetuate a high standard of civilization? Can they be determined from the past history of the races and their accomplishments?

II

"What are the most destructive germs which cause political decay, and which have been fatal to the nations that have gained and lost the power to rule the world?"

The germs which cause political decay may be discovered from the history of the rise and fall of many nations; for example, that of the Romans.

Following the reign of Augustus there were three great causes which impeded a sound political, social, and economic development of the people: The imperial Roman system, the institution of slavery, and the gladiatorial shows. Each of these exerted an influence of the widest and most pernicious character on the morals and economic conditions of the people.

1. THE IMPERIAL ROMAN SYSTEM

The theory of the Roman Empire was that of a representative despotism. The various offices of the Republic were gradually concentrated in a single man. The privileged classes were gradually depressed, ruined, or driven by the dangers of public life into orgies of private luxury. The poor were conciliated, not by any increase of liberty, opportunity, or even of permanent prosperity, but by free distribution of corn and by public games, while the emperors undertook to invest themselves with a sacred character through religious devices which established the worship of themselves as gods and divinities. We recall how Tiberius deprived the Asiatic town of Cyzicus of its freedom, chiefly because it had neglected the worship of Augustus. The images of the emperors were invested with a sacred character. They were the recognized refuge of the slave of the oppressed, and the smallest disrespect to them was punished as a heinous crime. A woman was executed for undressing before the statue of Domitian.

Liberty is always favorable to morals, for the most effective method that has been devised for diverting men from vice is to give free scope to greater opportunities and higher ambitions. This scope was absolutely wanting in the Roman Empire.

2. DEGRADATION OF SLAVERY AND THE DECAY OF AGRICULTURE

As the Roman conquests proceeded Rome was filled with slaves, while the home stock of the best men were sent out as soldiers to conquer new provinces. To these also flocked the most enterprising youth of the rural parts of Italy, because there he could grow richer faster than at home. When he became rich he returned home and lived on an estate surrounded by slaves. The poor citizen found almost all the spheres in which an honorable livelihood might be obtained wholly, or in a very great degree, occupied by slaves, while he had learned to regard trade with an invincible repugnance. Every rich man was surrounded by a train of dependents who lived largely at his expense. The mass of the people were supported in absolute idleness by corn, which was given without regard to desert and was received as a right.

3. GLADIATORIAL SHOWS AND DETHRONEMENT OF PITY

Finally, the business and political system of the Roman Empire inevitably led to general depravity and to the most brutalizing amusements. Nero and the other emperors amused the populace for many days at a time by shows in the vast amphitheaters where gladiators, slaves, criminals, captives, and all varieties of wild beasts by the thousands fought to the death for the amusement of the Roman populace and the political and social elect. These shows were only brought to an end by the reenthronement of pity by Christianity.

The foundations of the Roman Empire were so worm-eaten by the time of Vespasian that it was beyond repair. He passed laws to reform and suppress the extravagance of the aristocracy. The continuous period of 84 years during which the emperors, Trajan, Hadrian, Antoninus, and Marcus Aurelius ruled, exhibits a uniformity of good government which no other despotic monarchy has equaled. Yet, these noble rulers were unable to prevent the decay of the Roman Empire. The germs fatal to the vitals of the state had done their work. The good doctors came too late, the state's vital organs had been destroyed and could not be restored.

III. CONDITIONS AFFECTING SOCIAL AND MORAL CONDITIONS OF SOCIETY

(a) Improvements in the development of machinery and industrial processes.

(b) Developments of principles of justice due to changes taking place in the adjustment of social and political organizations to fit new conditions.

(c) Economic conditions controlled by sources of wealth—lands, timber, minerals, and water power.

(d) Changes in economic and social relations due to applications for inventions and discoveries of science.

(e) Rapid concentration of population in large industrial centers.

(f) Seventy per cent of the Nation's population industrialized.

(g) The rapid concentration of wealth into the control of the few and the great increase in the population of eleemosynary institutions and of the vicious classes.

(h) How promote justice, liberty, and the efficiency and welfare of the citizens of the State?

IV. HOW HAVE THE CHANGES AND PROGRESS IN THE DEVELOPMENT OF PRINCIPLES OF JUSTICE, SOCIAL RELATIONS, AND ECONOMIC EFFICIENCY BEEN AFFECTED BY OUR INDUSTRIAL PROGRESS?

1. SOCIALIZATION OF JUSTICE

(a) Works of Frederick Carl von Savigny, Bernard Windschied, and Rudolph von Jhering.

(b) State eleemosynary institutions.

(c) State elementary public school systems.

(d) Workmen's compensation acts providing compensation for injuries, sickness, old age, and out-of-work pensions, regulation of hours and conditions of employment of men, women, and children.

(e) The elimination of friction and economic waste arising between employees and employers in collective bargaining.

(f) Creation of State and Federal commissions to regulate State and interstate commerce and to protect the general public welfare.

2. ECONOMIC CONSIDERATION—NEED FOR CONSERVATION OF SOURCES OF WEALTH

(a) The growth of population.

(b) Four sources of wealth.

(c) Land deterioration.

(d) Consumption of coal, iron, minerals, and precious metals.

Shall America, Russia, their allies, and the neutrals be duped by the Teuton propaganda of Pan-Germanism in the same fashion as were the Mexicans, South Americans, the West and East Indies, by the Spanish conquerors?

If we were to-day only as wise as the Japanese prime minister was in 1710, then our statesmen would adopt his policy and not export in the future a pound of the product of our mines, excepting in emergencies such as the World War, but limit the exports of the United States to the products of the soil and things produced therefrom, for not a pound of coal, or of any mineral once removed from the mines, can ever be replaced. But the products of the soil can by skillful cultivation be steadily increased and the soil be kept in as good condition, and in most parts of the country in better condition than it now is. The highway to success of the American in the future must be fashioned from the common clod under his feet. He must cease to stimulate his industries and exert himself in the improvement of the production of the products of the farms.

V

"What are the means, if any, for destroying or preventing the development of the germs which cause political decay, and which have been fatal to civilizations and their governmental organizations in the past, which America must recognize in order to prevent the decay of our Government and its institutions, and make them the easy prey of internal and external enemies?"

The French, through the instrumentality of Napoleon, conquered almost the whole of Europe and ruled and governed it for a decade of years. Yet the defeat of Napoleon and the passing of the French dominion over the countries which he had conquered did not result in the extinction of the French civilization nor in a great moral degradation of her people. This is proved by the successes of the French nation in the World War. The French nation in proportion to its population is the equal, if not the superior, of any of the

belligerent nations in the great national virtues, courage, self-denial, morals, thrift, national organization, and intellectual gifts of the highest order.

That the French nation has not gone the way of earlier world conquerers is, we think, due to the socializing principles of justice found in the Code Napoleon and its development, the abolition of hereditary aristocracy and primogenitureship, the limitation of testamentary disposition of property, the introduction of uniform legal procedure in the administration of the law by the courts, the nationalization of educational institutions and elementary schools, the introduction of vocational educational training, social insurance for the working classes, and the establishment of many devices for the encouragement of efficiency and economic thrift of the common people. The war has not redeemed France, as some are wont to say. It has merely revealed France—that France whose national life has been developed under the democratization of its institutions, the foundation of which was the Code Napoleon.

The illustration and analysis given shows that the minimum requirements for the prevention of political decay of modern governments and their institutions are three:

1. The preservation of liberty and opportunity to earn a living for every citizen and the conservation of minerals, soils, forests, and all of our national resources, and the provision of national schemes for encouraging universal thrift.

2. Industrial efficiency, the conservation of the family, and the nationalization of a vocational educational system.

3. The elimination of political waste. Universal and compulsory military and naval service with adequate equipment. The promotion of justice.

All of these requirements are substantially provided for under the Napoleon Code, as developed during the last century. None of them in fact existed under the Roman imperial system of government, and that of the other world powers which have perished. They all were present in the German imperial political system, in their highest perfection, excepting the provision for individual liberty. There, hereditary aristocracy, materialistic as well as social and political, were dominant. Universal suffrage was a mere form. All of the political power of the national importance was centered in the German Emperor and those whom he personally selected, and they were responsible to no one but him. Thus he was able to plunge the entire world into the World War.

The political organization of Great Britain provided for these requirements only in part. It still retains hereditary aristocracy, and has not abolished primogenitureship. Nor has it established a national compulsory common-school system with vocational training for the masses. It has also not conserved its supply of coal, nor divided up its landed estates for agricultural purposes. Hence, it has failed to create a source from which to draw men with the best brains properly skilled not only to direct its affairs of state but also to direct its industrial activities most wisely. It failed to create a deep interest in the minds of the masses in the welfare of their own government. Not only have its statesmen failed during the last 30 years to cope with the efficiency of the organization of the German Government but also failed to successfully compete with the efficiency of the German industrial organization. The aristocratic breed of English statesmen disappeared during the first three years of the World's War from the management of their part in the same.

In the United States we fail to meet these requirements in many particulars. On the one hand, we have too much public and private charity, and on the other hand, we have too little protection of the workman and his family against the hazards of our industrial life. The workman's family lives under a constant dread of want on account of sickness, invalidity, old age, out-of-work, and the high cost of living. For decades our industries have been overdeveloped by artificial stimulation, at the expense of the neglect of the proper cultivation and conservation of our farms. The products of our mines and forests have been wasted. The efficiency of our industrial life has suffered greatly by the lack of universal vocational training in our common-school system. The waste due to inefficient administration of our municipal, State, and Federal Governments is colossal. It alone would support the entire outlay of the cost of administration of the navies, armies, and governments of continental Europe at the beginning of the World's War (1914).

There is but one excuse for government, but one use for law—the preservation of liberty—to give to each man his own, to secure to the farmer what he produces from the soil, the mechanic what he invents and makes, to the artist what he creates, the thinker the right to express his thoughts. Liberty is the breadth of progress.

The chief problem of a government in its relation to the world's commerce is to maintain a high average efficiency of the productive capacity of its citizens, and thereby to be able to take part in the world's business on equal terms with its competitors.

Unwise control of vast concentrations of wealth by the world-conquering powers wrecked their moral, economic, and political organizations. These destructive forces which arise from the uses to which vast concentrations of wealth are put, or the manner in which they are spent, whether in luxurious living, gambling, and corruption of politics, are independent of the manner in which they have been accumulated. All wealth represents so much work—human effort.

The economic return for the expenditure of money varies from pure waste, and in fact a destructive result, to 100 per cent or more return. If I expend $5,000 in building apartments or a barn, useful to the community, I get a full return; if I spend the $5,000 for digging useless holes in a field I get no return for the money, but have done a damage. The reward to the laborer is as much in one case as in the other. A German community, the Dutch people, the French, and Japanese, owing to their national traits of thrift, receive a very large percentage of a full economic return for their expenditures of wealth. In America it varies from a gross waste to a full return.

The World's War developed many improved methods of administration and introduced many new economies, both private and national in character, and has made long strides toward the establishment of the means to save us from the pending disaster, which destroyed the older powers who had conquered the world, by hastening the perfection of the minimum requirements stated above.

1. PRESERVATION OF THE LIBERTIES AND MATERIAL OPPORTUNITIES OF THE CITIZENS

The preservation of the liberties of the citizens is secured by the State and Federal constitutions. The preservation of the opportunities of our citizens depends largely upon the conservation of and regulation of the use of the products of our forests, mines, and soil, and the prevention of private monopolies and the granting of special privileges to the few, which are matters of efficient Federal and State legislation.

2. INDUSTRIAL EFFICIENCY AND THE CONSERVATION OF THE FAMILY, AND NATIONALIZATION OF A VOCATIONAL EDUCATIONAL SYSTEM

There will be competition whether gas engine or electric motor is to be used, whether a local steam turbine plant is to be installed or power brought from a long-distance transmission system. But the decision will be made on the basis of the relative economy in each process.

Financial manipulation for the mere acquisition of more money, without regard to constructive economical organization, will necessarily be impossible. There must be an active cooperation between all producers, from the unskilled laborer to the master mind which directs a huge industrial organization. Such active cooperation presupposes that everybody feels personally interested in the industrial economy. This presupposes that the fear of unemployment, of sickness, and old age has been relegated to the relics of barbarism, and everybody is assured an appropriate living, is assured employment when able to work, and protected against want, maintained in his or her standard of living when not able to work—not as a matter of charity, but as an obvious and self-evident duty of society toward the individual.

This can be accomplished, as it has been done in other countries, by effective social legislation.

As a mainstay of support affecting all of these constructive measures, our common compulsory school system, with advanced vocational training, must be vastly improved and extended in its organization, and the thoroughness of its instruction which must be maintained in keeping with the requirements of our social, economic, and political development. This is necessary not only to maintain industrial efficiency but also is the best means for developing industrial and political leaders from the masses and providing an intelligent population of voters to whom the national leaders can make appeals on national questions and have them receive intelligent consideration.

These fatal diseases can be determined with no great difficulty. It is a harder task to provide the ways and means to overcome them. These ways and means can be created through the existing knowledge of the most efficient forms of organization of our industrial, social, and political institutions. We must provide new and exacting methods of economy, not only in conserving our timber, mines, and soil but also every human effort from that of the common laborer to the master mind which directs a large industrial organization. We must not only provide the man who works an opportunity to earn a living but also to see to it that all who are able to work earn their own living surrounded by incorruptible administration of just laws. He must be provided with an educational system in keeping with the social, industrial, and political conditions of the times.

3. THE ELIMINATION OF POLITICAL WASTE; UNIVERSAL AND COMPULSORY MILITARY AND NAVAL SERVICE, WITH ADEQUATE EQUIPMENT; THE PROMOTION OF JUSTICE

We must infuse into the administration of our municipal, State, and Federal governments economies in expenses and amount of labor used, and place the ablest and best-trained brains at the head of affairs.

These constitute our necessary efficient and potential resources. They can only be defended and preserved by a military organization and equipment, scientific, up to date, universal, and on a scale commensurate with the resources of our country.

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PRINTING AS A DOCUMENT SPEECH OF HON. FINIS J. GARRETT OF TENNESSEE

Mr. LONGWORTH. Mr. Speaker, before moving to adjourn I desire to ask unanimous consent that the very instructive and illuminating speech delivered here yesterday by the distinguished gentleman from Tennessee, the leader of the minority, Hon. FINIS J. GARRETT, be printed as a public document and that 5,000 copies thereof be distributed through the folding room. [Applause.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. KINDRED, indefinitely, on account of illness in family.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Thursday, January 22, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

803. A letter from the Postmaster General, transmitting claim of the legal representatives of William Fries, deceased, former postmaster at Alton, Ill., for credit on account of losses sustained in the burglary of the post office on May 12, 1924; to the Committee on Claims.

804. A letter from the Postmaster General, transmitting claim of Claude T. Winslow, acting postmaster at Mayfield, Ky., for credit on account of losses sustained in the burglary of the post office on October 10, 1923; to the Committee on Claims.

805. A communication from the President of the United States, transmitting a communication from the Secretary of War, submitting eight claims for damages to or loss of privately owned property in the sum of $2,008.45, which have been adjusted and which require an appropriation for their payment (H. Doc. No. 563); to the Committee on Appropriations and ordered to be printed.

806. A communication from the President of the United States, transmitting a communication from the Secretary of the Navy, submitting an estimate of appropriation in the sum of $22,737.05, to pay 42 claims which have been adjusted and which require an appropriation for their payment (H. Doc. No. 564); to the Committee on Appropriations and ordered to be printed.

807. A communication from the President of the United States, transmitting communications from the Acting Secretary of Commerce, submitting three claims for damages to privately owned property in the sum of $387.60, which claims have been adjusted by the Commissioner of Lighthouses, and which require an appropriation for their payment (H. Doc. No. 565); to the Committee on Appropriations and ordered to be printed.

808. A communication from the President of the United States, transmitting a communication from the Acting Secretary of Commerce, submitting claim for loss to privately owned property in the sum of $15.95, which claim has been adjusted by the Director of the Coast and Geodetic Survey, and which requires an appropriation for its payment (H. Doc. No. 566); to the Committee on Appropriations and ordered to be printed.

809. A communication from the President of the United States, transmitting a communication from the Secretary of Labor, submitting an estimate of appropriation in the sum of $94.42, to pay a claim which has been adjusted, and which requires an appropriation for its payment (H. Doc. No. 567); to the Committee on Appropriations and ordered to be printed.

810. A communication from the President of the United States, transmitting a communication from the Secretary of the Navy, submitting an estimate of appropriation in the sum of $7,620.08, to pay 26 claims which have been adjusted and which require an appropriation for their payment (H. Doc. No. 568); to the Committee on Appropriations and ordered to be printed.

811. A communication from the President of the United States, transmitting seven communications from the Postmaster General, submitting estimates of appropriations in the sum of $13,616.99, to pay 316 claims for damages to or losses of privately owned property which have been adjusted and which require an appropriation for their payment (H. Doc. No. 569); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 393. A resolution providing for the consideration of H. R. 11282; without amendment (Rept. No. 1264). Referred to the House Calendar.

Mr. WRIGHT: Committee on Military Affairs. H. R. 11546. A bill to define the status of retired officers of the Regular Army who have been or may be detailed as professors and assistant professors of military science and tactics at educational institutions; without amendment (Rept. No. 1266). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. H. R. 8505. A bill for the relief of Capt. Norman D. Cota; without amendment (Rept. No. 1265). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11814) granting an increase of pension to Annie Tibbils, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PEAVEY: A bill (H. R. 11815) authorizing the Chippewa Indians of Lake Superior to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. HAUGEN: A bill (H. R. 11816) to authorize the Secretary of Agriculture to cooperate with State officials, crop-improvement associations, or growers of seeds, and other interested parties to encourage the production of seeds of a high varietal purity and quality, and for other purposes; to the Committee on Agriculture.

By Mr. EDMONDS: A bill (H. R. 11817) to establish home ports of vessels of the United States, to validate documents heretofore issued such vessels, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. HUDSPETH: A bill (H. R. 11818) granting the consent of Congress to the construction of a bridge across the Rio Grande; to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDS: A bill (H. R. 11819) to reimburse the Truckee-Carson irrigation district, State of Nevada, for certain expenditures for the operation and maintenance of drains for lands within the Paiute Indian Reservation, Nev.; to the Committee on Indian Affairs.

By Mr. MANLOVE: A bill (H. R. 11820) to extend certain provisions of the act of May 1, 1920; to the Committee on Invalid Pensions.

By Mr. LEATHERWOOD: A bill (H. R. 11821) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended; to the Committee on Pensions.

Also, a bill (H. R. 11822) to increase the pensions of those who have lost limbs or have been totally disabled in the same or have become blind in the military or naval service of the United States during the Spanish War or Regular Establishment; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 11823) to amend paragraph 2 of section 301 of the war risk insurance act as amended March 4, 1923; to the Committee on World War Veterans' Legislation.

By Mr. WARD of North Carolina: A bill (H. R. 11824) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act approved October 7, 1914; to the Committee on the Judiciary.

By Mr. MURPHY: A bill (H. R. 11825) to extend the time for the construction of a bridge over the Ohio River near Steubenville, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 11826) to provide for an additional district judge for the western district of Michigan; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 11827) granting a pension to Florence Clemens; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 11828) granting a pension to Hattie E. Dyer; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 11829) granting an increase of pension to Mary A. Thompson; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 11830) for the relief of the Royal Holland Lloyd, a Netherlands corporation, of Amsterdam, the Netherlands; to the Committee on Claims.

By Mr. FITZGERALD: A bill (H. R. 11831) granting a pension to Hannah O'Brien; to the Committee on Invalid Pensions.

By Mr. FLEETWOOD: A bill (H. R. 11832) granting an increase of pension to Ada M. Smith; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 11833) granting an increase of pension to Amanda J. Kirkpatrick; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 11834) to correct the military record of James Moore; to the Committee on Military Affairs.

By Mr. JACOBSTEIN: A bill (H. R. 11835) granting an increase of pension to Bridget Kelly; to the Committee on Pensions.

Also, a bill (H. R. 11836) granting an increase of pension to May Vickery; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 11837) granting an increase of pension to Margaret M. Wolfe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11838) granting an increase of pension to Elizabeth Rossell; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 11839) granting a pension to Nannie Ludy; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 11840) granting an increase of pension to Jennie Ray; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 11841) granting an increase of pension to Mary E. Stewart; to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 11842) granting an increase of pension to Hannah Palmer; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11843) granting an increase of pension to Catherine J. Lydick; to the Committee on Pensions.

By Mr. SANDERS of New York: A bill (H. R. 11844) granting an increase of pension to Mary Harvey; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 11845) granting a pension to Josephine Dodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11846) granting an increase of pension to Anna E. Jones; to the Committee on Invalid Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 11847) for the relief of Herbert T. James; to the Committee on Naval Affairs.

By Mr. WILSON of Indiana: A bill (H. R. 11848) granting an increase of pension to Elizabeth Hill; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3501. By Mr. GALLIVAN: Petition of N. P. Alifas, president District No. 44, International Association of Machinists, Washington, D. C., urging the adoption of an amendment to the independent offices appropriation bill requiring that repairs to and reconditioning of Shipping Board vessels shall be performed at the Government navy yards and arsenals when time permits and when the work can be done there more cheaply than by private contractors; to the Committee on Appropriations.

3502. By Mr. MORROW: Petition of the New Mexico Cattle and Horse Growers' Association, concerning freight rates on livestock; to the Committee on Interstate and Foreign Commerce.

3503. Also, petition of the New Mexico Cattle and Horse Growers' Association, favoring repeal of section 15a of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

3504. Also, petition of the New Mexico Cattle and Horse Growers' Association, concerning and indorsing Garner Resolution No. 300; to the Committee on Ways and Means.

3505. Also, petition of the New Mexico Cattle and Horse Growers' Association, concerning the administration of grazing on public domain; to the Committee on the Public Lands.

SENATE

THURSDAY, *January 22, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Gracious Father, we thank Thee for the sunlight of the morning. We thank Thee for everything that comes from Thy hand, for Thine hand is the hand of love. We rejoice before Thee that it is our privilege to serve in Thy Name, for Thy glory, and the good of our loved country. Hear us, we beseech of Thee, as we ask for the direction of Thy Spirit constantly, and ever enable us to love the things which Thou dost love and to advance in righteousness our country. Hear and help. For Jesus' sake. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, January 20, 1925, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 1656. An act granting the consent and approval of Congress to the La Plata River compact;

S. 3036. An act to amend the law relating to timber operations on the Menominee Reservation in Wisconsin;

S. 3792. An act to amend section 81 of the Judicial Code; and

S. J. Res. 61. Joint Resolution authorizing the Director of the United States Veterans' Bureau to grant a right of way over United States Veterans' Bureau Hospital reservation at Knoxville, Iowa.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

S. 369. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

S. 876. An act to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes; and

S. 3509. An act to change the time for the holding of terms of court in the eastern district of South Carolina.

The message further announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 1665. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.; and

S. 2148. An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 74. An act to extend the benefits of certain pension laws to the officers, sailors, and marines on board the United States ship *Maine* when that vessel was wrecked in the harbor of Habana, February 15, 1898, and to their widows and dependent relatives;

H. R. 4114. An act authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz.;

H. R. 4522. An act to provide for the completion of the topographical survey of the United States;

H. R. 5722. An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes;

H. R. 6869. An act to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes;

H. R. 7687. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes;

H. R. 7888. An act to provide for expenditures of tribal funds of Indians for construction, repair, and rental of agency buildings, and related purposes;

H. R. 7911. An act to authorize the Secretary of the Treasury to sell the appraisers' stores property in Providence, R. I.;

H. R. 8267. An act for the purchase of land adjoining Fort Bliss, Tex.;

H. R. 8550. An act to authorize the appointment of a commission to select such of the Patent Office models for retention as are deemed to be of value and historical interest and to dispose of said models, and for other purposes;

H. R. 9343. An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims;

H. R. 9537. An act to authorize the Secretary of Commerce to trasfer to the city of Port Huron, Mich., a portion of the Fort Gratiot Lighthouse Reservation, Mich.;

H. R. 9700. An act to authorize the Secretary of State to enlarge the site and erect buildings thereon for the use of the diplomatic and consular establishments of the United States in Tokyo, Japan;

H. R. 10025. An act to provide for the permanent withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation;

H. R. 11214. An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, as amended by the act of December 30, 1910;

H. R. 11358. An act to authorize the Secretary of the Interior to cancel restricted fee patents covering lands on the Winnebago Indian Reservation and to issue trust patents in lieu thereof;

H. R. 11359. An act to authorize the Secretary of the Interior to issue certificates of competency removing the restrictions against alienation on the inherited lands of the Kansas or Kaw Indians in Oklahoma;

H. R. 11360. An act to provide for the permanent withdrawal of a certain 40-acre tract of public land in New Mexico for the use and benefit of the Navajo Indians;

H. R. 11361. An act to provide for exchanges of Government and privately owned lands in the additions to the Navajo Indian Reservation, Ariz., by Executive orders of January 8, 1900, and November 14, 1901;

H. R. 11362. An act to authorize an appropriation for the purchase of certain lots in the town of Cedar City, Utah, for the use and benefit of a small band of Piute Indians located thereon;

H. R. 11501. An act for the exchange of land in El Dorado, Ark.; and

H. J. Res. 264. Joint resolution authorizing the restoration of the Lee Mansion in the Arlington National Cemetery, Va.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 625. An act to extend the time for the construction of a bridge across the White River at or near Batesville, Ark.;

S. 3292. An act granting the consent of Congress to the city of Hannibal, Mo., to construct a bridge across the Mississippi River at or near the city of Hannibal, Marion County, Mo.;

S. 3428. An act authorizing the construction of a bridge across the Ohio River to connect the city of Portsmouth, Ohio, and the village of Fullerton, Ky.;

S. 3610. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 3611. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 3621. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La.;

S. 3622. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry;

S. 3642. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Kettle Falls, Wash.;

S. 3643. An act authorizing the construction of a bridge across the Ohio River between the municipalities of Ambridge and Woodlawn, Beaver County, Pa.;

S. 3733. An act to enlarge the powers of the Washington Hospital for Foundlings and to enable it to accept the devise and bequest contained in the will of Randolph T. Warwick;

H. R. 4168. An act to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat. L. p. 670); and

S. J. Res. 152. Joint resolution to accept the gift of Elizabeth Sprague Coolidge for the construction of an auditorium in connection with the Library of Congress, and to provide for the erection thereof.

SENATOR FROM KENTUCKY

The PRESIDENT pro tempore laid before the Senate the certificate of the Governor of the State of Kentucky certifying to the election of FREDERIC M. SACKETT as a Senator from that State for the term beginning on the 4th day of March, 1925, which was ordered to be placed on file and to be printed in the RECORD, as follows:

COMMONWEALTH OF KENTUCKY.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1924, FREDERIC M. SACKETT was duly chosen by the qualified electors of the State of Kentucky a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1925.

Witness his excellency our governor, William J. Fields, and our seal hereto affixed at Frankfort, Ky., this 20th day of January, in the year of our Lord 1925.

W. J. FIELDS, *Governor.*

By the governor:

[SEAL] EMMA GUY CROMWELL,
Secretary of State.

SPANISH SPRINGS IRRIGATION PROJECT, NEVADA

The PRESIDENT pro tempore laid before the Senate the following telegram, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed in the RECORD:

[Western Union telegram]

CARSON CITY, NEV., *January 21, 1925.*

PRESIDENT OF THE SENATE,
Washington, D. C.:

Legislature of Nevada has adopted resolution indorsing proposed legislation for the Spanish Springs project. Secretary of State is directed to send certified copy, and this notice is for the purpose of advising the House and Senate at Washington of the action in advance.

By direction of the Governor;

HOMER MOONEY, *Secretary.*

COMMISSION OF GOLD AND SILVER INQUIRY

The PRESIDENT pro tempore laid before the Senate the following communication, which was referred to the Committee on Mines and Mining and ordered to be printed in the RECORD:

AMERICAN SILVER PRODUCERS' ASSOCIATION,
Reno, Nev., January 17, 1925.

To the honorable the PRESIDENT PRO TEMPORE OF THE SENATE,
United States Senate, Washington, D. C.

SIR: At a meeting of the American Silver Producers' Association held in Salt Lake City, August 8, last, at which more than 85 per cent of domestic silver production was represented, the following resolution was unanimously adopted:

"*Resolved*, That the American Silver Producers' Association, now permanently organized, express its sincere thanks and appreciation to the members and staff of the Commission of Gold and Silver Inquiry of the United States Senate for the constructive and timely work which it has already done, and which is now in process of completion, in behalf of the silver producers of the United States; and further

"*Resolved*, That in view of the far-reaching importance of the completion of the investigations which are now being conducted by the commission, not only to the producers of silver but also because of the broad economic interests of the United States which are involved, the American Silver Producers' Association expresses the hope that the commission may be given full opportunity to complete the work which is now in progress, and that the commission's existence may be continued for such period beyond the Sixty-eighth Congress as may be necessary to enable it fully to complete such investigations."

Yours very respectfully,

AMERICAN SILVER PRODUCERS' ASSOCIATION,
By HENRY M. RIVES, *Secretary.*

PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts. Mr. President, I have two short communications, one from the National Editorial Association and the other from the Country Newspaper Association, with reference to Senate bill 3674, the postal salaries bill, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the memorials were ordered to lie on the table and to be printed in the RECORD, as follows:

[Western Union telegram]

ST. PAUL, MINN., *January 21, 1925.*

WASHINGTON OFFICE NATIONAL EDITORIAL ASSOCIATION,
540 Investment Building, Washington, D. C.:

National Editorial Association protests amended Sterling bill, considers it places unjust burden upon country press. Furthermore, time is inopportune for increase postage rates as publishers programs very serious at present with high and increasing costs for labor and supplies. Additional burden should not be imposed in this period of agricultural depression.

H. C. HOTALING,
Executive Secretary, National Editorial Association.

NORTHFIELD, MINN., *January 21, 1925.*

WASHINGTON OFFICE NATIONAL EDITORIAL ASSOCIATION,
Investment Building, Washington, D. C.:

Publishers of weekly country newspapers have not had opportunity to study amended Sterling bill affecting postal rates, but they vigorously protest against any increase at this time even of a temporary nature. Thorough impartial investigation and study of costs should precede legislation which adds higher postage burden to any group of publishers particularly the more than 12,000 publishers of country weeklies.

HERMAN ROE,
President, Country Newspaper Association (Inc.).

Mr. FESS presented a petition of members of the faculty of the Ohio Wesleyan University, at Delaware, Ohio, praying for adhesion of the United States to the World Court under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

Mr. FRAZIER presented resolutions of the Board of County Commissioners of Burleigh County (signed by Frank J. Johnson, county auditor) favoring the establishment of a Reserve Officers' Training Camp at Fort Lincoln, Bismarck, N. Dak., which were referred to the Committee on Military Affairs.

He also (for Mr. LADD) presented resolutions of the Dickinson Association of Business and Public Affairs, of Dickinson, N. Dak., indorsing the 50 per cent increase in the tariff on clover seed, which were referred to the Committee on Finance.

Mr. HARRELD presented the following resolution of the Senate of the State of Oklahoma, which was ordered to lie on the table:

STATE OF OKLAHOMA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, R. A. Sneed, secretary of state of the State of Oklahoma, do hereby certify that the following and hereto attached is a true copy of senate resolution No. 1, adopted by the senate January 8, 1925, the original of which is now on file and a matter of record in this office.

In testimony whereof, I hereto set my hand and cause to be affixed the great seal of State. Done at the city of Oklahoma City, this 16th day of January, A. D. 1925.

[SEAL.]

R. A. SNEED,
Secretary of State.
UNO LEE ROBERTS,
Assistant Secretary of State.

Enrolled senate resolution 1 (by Brown), memorializing Congress to pass Senate bill No. 33, pertaining to the retirement of disabled emergency Army officers, disabled in line of duty during the World War

Whereas there is now pending in the Senate of the United States, Senate bill No. 33, known as the Bursum bill, and the same bill is now pending in the United States House of Representatives, designated as House bill No. 6484; and

Whereas both of said bills provide for the retirement of disabled emergency Army officers on equal pay and under the same conditions provided for the retirement of disabled Regular Army officers and disabled emergency officers of the Navy and Marine Corps; and

Whereas all officers disabled in line of duty in the service of the United States during the World War are allowed to be retired on 75 per cent of the pay given their rank at time of disability, except the emergency Army officers disabled in line of duty during the World War; and

Whereas it is simple justice to the officers who served during the emergency of the World War as emergency officers of the United States Army and who were disabled to receive the same benefits accorded disabled emergency officers of the Navy and Marine Corps: Therefore be it

Resolved by the Senate of the State of Oklahoma, That we request the Congress of the United States to pass Senate bill No. 33, or its companion bill in the House, being House bill No. 6484, or some other measure designed to give relief to said disabled emergency officers as provided in said bills; and be it further

Resolved, That the secretary of the senate be instructed to furnish each member of the Oklahoma delegation in Congress and the President of the United States with a copy of this resolution.

Adopted by the senate this January 8, 1925.

W. J. HOLLOWAY,
President of the Senate.

Correctly enrolled.

DAVE BOYER,
Chairman Committee on Engrossing and Enrolling.

Mr. HARRELD also presented the following concurrent resolution of the Legislature of Oklahoma, which was referred to the Committee on Interstate Commerce:

STATE OF OKLAHOMA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, R. A. Sneed, secretary of state of the State of Oklahoma, do hereby certify that the following and hereto attached is a true copy of senate concurrent resolution No. 3, adopted by the senate and house of representatives January 8 and 12, respectively, 1925, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of state. Done at the city of Oklahoma City, this 16th day of January, A. D. 1925.

[SEAL]

R. A. SNEED,
Secretary of State.
UNA LEE ROBERTS,
Assistant Secretary of State.

Senate concurrent resolution 3 (by Looney (Wewoka) and Hill), a concurrent resolution petitioning the Oklahoma representatives in Congress to use their influence and good offices in securing the passage of the Gooding bill

Whereas the people of Oklahoma have paid their part of the $176,000,000 spent by the Government in deepening the Mississippi River and its tributaries in order that water transportation of freight might be made possible and lower freight rates thereby secured, and have also paid their part of the several hundred million dollars spent in constructing the Panama Canal, both to secure cheaper transportation for freight and also to better provide for the defense of the country in case of war; and

Whereas the transcontinental railway lines are now carrying freight between water-transportation points for a charge that is much less than the actual cost of transportation, in order to kill the competition of freight-carrying barges on our inland rivers and of ocean-going freighters by way of the Panama Canal; and

Whereas Oklahoma and other inland States are being heavily overcharged for freight-conveying service in order that the railways may recoup their losses on freight conveyed between water-shipping points, paying in addition to the taxes collected to secure deepened waterways an exorbitant freight rate collected to destroy water transportation; and

Whereas the United States Senate eight months ago passed the Gooding bill, which seeks to terminate the practice of charging discriminatory freight rates, and passed the bill with only one trans-Mississippi Senator opposing the same; and

Whereas the Gooding bill still remains with the House Committee on Commerce, notwithstanding the bill reached that committee eight months ago; and

Whereas this bill must be passed before March 4, 1925, if it is to be passed at all, its failure meaning that the long fight for just freight rates will be lost for several years to come: Therefore be it

Resolved by the Senate of the Tenth Legislature of the State of Oklahoma (the House of Representatives concurring therein)—

First. That the Oklahoma Representatives in Congress be, and are hereby, requested to use their influence and good offices in getting the Gooding bill reported by the Committee on Commerce and passed by the House of Representatives; and

Second. That a copy of this resolution be sent to each and all of the Oklahoma Representatives in Congress.

Adopted by the senate this the 8th day of January, 1925.

W. J. HOLLOWAY,
President of the Senate.

Adopted by the house of representatives this the 12th day of January, 1925.

J. B. HARPER,
Speaker of the House of Representatives.

Correctly enrolled.

DAVE BOYER,
Chairman Committee on Engrossing and Enrolling.

REPORTS OF COMMITTEES

Mr. WADSWORTH. From the Committee on Appropriations I beg leave to report back with amendments the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes, and I submit a report (No. 901) thereon. I take this opportunity of stating that I shall move to take up the bill as soon as possible.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. HARRELD, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4014. An act to amend the act of June 30, 1919, relative to per capita cost of Indian schools (Rept. No. 903);

S. 4015. An act to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians (Rept. No. 904);

H. R. 3913. An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States (Rept. No. 905); and

H. R. 8965. An act for the relief of the Omaha Indians of Nebraska (Rept. No. 906).

BLACK RIVER BRIDGE, ARKANSAS

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 3885) granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River, at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas, and I submit a report (No. 902) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Harry E. Bovay, of Stuttgart, Ark., and his successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Black River at a point suitable to the interests of navigation at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRAZIER:

A bill (S. 4033) authorizing the Turtle Mountain Chippewas to submit claims to the Court of Claims; to the Committee on Claims.

By Mr. WATSON:

A bill (S. 4034) granting a pension to Eliza Frances Moran; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 4035) granting a pension to Roman L. de Baca; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4036) granting a pension to Florence Storr (with accompanying papers); to the Committee on Pensions.

By Mr. CARAWAY:

A bill (S. 4037) to define the jurisdiction of courts in the District of Columbia in civil action against Members of Congress; to the Committee on the Judiciary.

A bill (S. 4038) for the relief of William Sparling; to the Committee on Military Affairs.

A bill (S. 4039) granting a pension to W. E. Parker; and

A bill (S. 4040) granting an increase of pension to Martha Burley; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4041) for the relief of A. B. Ewing; to the Committee on Claims.

By Mr. HARRELD:

A bill (S. 4042) to authorize the Secretary of the Interior to purchase certain land in California to be added to the Cahuilla Indian Reservation, and authorizing an appropriation of funds therefor; to the Committee on Indian Affairs.

By Mr. SHEPPARD:

A bill (S. 4043) for the relief of Ida Fey; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 4044) to equalize the promotion list of the Regular Army; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 4045) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; to the Committee on Commerce.

AMENDMENT TO RIVER AND HARBOR BILL

Mr. BALL submitted an amendment intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

POSTAL SALARIES AND POSTAL RATES

Mr. WALSH of Massachusetts submitted two amendments intended to be proposed by him to the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, which were ordered to lie on the table and to be printed.

APPOINTMENT TO OFFICE OF MEMBERS OF CONGRESS

Mr. CARAWAY. Mr. President, I submit a resolution, which I ask may lie on the table, as I want to call it up tomorrow if I may do so.

The resolution (S. Res. 311) was ordered to lie on the table, as follows:

Whereas the efforts to control the sentiment and votes of Members of Congress by the appointment of Members thereof to office are hurtful to the dignity and freedom of the Congress and to the public service, and are contrary to the fundamental theory of our Government, which recognizes three distinct and independent branches of government: Therefore be it

Resolved, That it is the sense of the Senate that it will deny confirmation to any Member of Congress to any office to which said Member may be appointed if it is apparent that said Member has changed his position on any question pending before the body of which he is a Member in order to aid himself in securing any appointment by the President to such office.

TERMS OF COURT IN THE EASTERN DISTRICT OF SOUTH CAROLINA

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3503) to change the time for the holding of terms of court in the eastern district of South Carolina, which was, on page 2, line 12, to strike out "third" and insert "second."

Mr. DIAL. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 74. An act to extend the benefits of certain pension laws to the officers, sailors, and marines on board the United States ship *Maine* when that vessel was wrecked in the harbor of Habana, February 15, 1898, and to their widows and dependent relatives; to the Committee on Pensions.

H. R. 4522. An act to provide for the completion of the topographical survey of the United States; to the Committee on Public Lands and Surveys.

H. R. 8550. An act to authorize the appointment of a commission to select such of the Patent Office models for retention as are deemed to be of value and historical interest and to dispose of said models, and for other purposes; to the Committee on Patents.

H. R. 9700. An act to authorize the Secretary of State to enlarge the site and erect buildings thereon for the use of the diplomatic and consular establishments of the United States in Tokyo, Japan; to the Committee on Foreign Relations.

H. R. 11214. An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, as amended by the act of December 30, 1910; to the Committee on the District of Columbia.

H. R. 7911. An act to authorize the Secretary of the Treasury to sell the appraisers' stores property in Providence, R. I.; and

H. R. 11501. An act for the exchange of land in El Dorado, Ark.; to the Committee on Public Buildings and Grounds.

H. R. 4114. An act authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz.; and

H. R. 9537. An act to authorize the Secretary of Commerce to transfer to the city of Port Huron, Mich., a portion of the Fort Gratiot Lighthouse Reservation, Mich.; to the Committee on Commerce.

H. R. 5722. An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes; and

H. R. 8267. An act for the purchase of land adjoining Fort Bliss, Tex; to the Committee on Military Affairs.

H. R. 6869. An act to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes;

H. R. 7687. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes;

H. R. 7888. An act to provide for expenditures of tribal funds of Indians for construction, repair, and rental of agency buildings, and related purposes;

H. R. 9343. An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims;

H. R. 10025. An act to provide for the permanent withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation;

H. R. 11358. An act to authorize the Secretary of the Interior to cancel restricted fee patents covering lands on the Winnebago Indian Reservation and to issue trust patents in lieu thereof;

H. R. 11359. An act to authorize the Secretary of the Interior to issue certificates of competency removing the restrictions against alienation on the inherited lands of the Kansas or Kaw Indians in Oklahoma;

H. R. 11360. An act to provide for the permanent withdrawal of a certain 40-acre tract of public land in New Mexico for the use and benefit of the Navajo Indians;

H. R. 11361. An act to provide for exchanges of Government and privately owned lands in the additions to the Navajo Indian Reservation, Ariz., by Executive orders of January 8, 1900, and November 14, 1901; and

H. R. 11362. An act to authorize an appropriation for the purchase of certain lots in the town of Cedar City, Utah, for the use and benefit of a small band of Piute Indians located thereon; to the Committee on Indian Affairs.

H. J. Res. 264. Joint resolution authorizing the restoration of the Lee Mansion in the Arlington National Cemetery, Va.; to the Committee on the Library.

MESSAGE FROM THE HOUSE

A message from the House by Mr. Farrell, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FRENCH, Mr. HARDY, Mr. TABER, Mr. BYRNES of South Carolina, and Mr. OLIVER of Alabama were appointed managers on the part of the House at the conference.

NAVY DEPARTMENT APPROPRIATIONS

The PRESIDING OFFICER (Mr. JONES of Washington in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes, asking for conference on the disagreeing votes of the two Houses thereon, and appointing conferees on the part of the House.

Mr. HALE. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. HALE, Mr. PHIPPS, and Mr. SWANSON were appointed conferees on the part of the Senate.

CALL OF THE ROLL

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Alabama makes the point of no quorum. The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	King	Ransdell
Ball	Edwards	McCormick	Reed, Mo.
Bayard	Ernst	McKellar	Sheppard
Bingham	Fernald	McKinley	Shields
Borah	Ferris	McLean	Shipstead
Brookhart	Fess	McNary	Shortridge
Broussard	Fletcher	Mayfield	Simmons
Bruce	Frazier	Means	Smith
Bursum	Gooding	Metcalf	Smoot
Butler	Greene	Moses	Spencer
Cameron	Hale	Neely	Sterling
Capper	Harreld	Norbeck	Swanson
Caraway	Harris	Norris	Underwood
Copeland	Harrison	Oddie	Wadsworth
Couzens	Heflin	Overman	Walsh, Mass.
Cummins	Howell	Pepper	Walsh, Mont.
Curtis	Johnson, Calif.	Phipps	Warren
Dale	Jones, Wash.	Pittman	Watson
Dial	Kendrick	Ralston	Weller

Mr. FLETCHER. I desire to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. I will let this announcement stand for the day.

Mr. FESS. The senior Senator from Ohio [Mr. WILLIS] is unavoidably absent from the Chamber. I wish this announcement to stand for the day.

Mr. PEPPER. The junior Senator from Pennsylvania [Mr. REED] is unavoidably absent from the Chamber. I would like to have this announcement stand for the day.

The PRESIDENT pro tempore. Seventy-six Senators have answered to the roll call. There is a quorum present.

A NEW CARIBBEAN POLICY

Mr. BORAH. Mr. President, I ask permission to have printed in the RECORD an editorial from the New York World, entitled "A new Caribbean policy."

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

[From the New York World, January 19, 1925]

A NEW CARIBBEAN POLICY

With the approaching withdrawal of the American marines from Nicaragua the United States is preparing to retrace its steps in another quarter. Last summer our armed forces after a long stay evacuated Santo Domingo. About the same time they were landed in Honduras during a season of domestic disturbance. The marines are still in occupation of Haiti.

The encircling policy of the United States in the Caribbean has been progressive for a quarter of a century. From the time of the war with Spain and the Panama "revolution" the movement has steadily gained headway. At one point it might be by intervention, as in Cuba, or by annexation, as in Porto Rico, at another by the establishment of an imposed protectorate, as in Haiti, or an acknowledged guardianship, as in Santo Domingo. At Managua the small body of marines was called a "legation guard," which, going outside that duty, kept a controlling hand on Nicaraguan politics.

Sometimes it was the exercise by the United States of an "international police power," as Roosevelt preached; sometimes it was "dollar diplomacy," pure and simple, as Secretary Philander Knox practiced it; sometimes it was unpremeditated seizure in emergency of foreign territory for the assertion or protection of American rights; sometimes the United States Government was merely acting as a collection agency for bondholders, American or foreign. The pretexts varied—sometimes there were protocols, ratified or unratified, granting American control of finances—but always the consequences were the same, the holding by American forces of foreign territory in the region washed by the Caribbean.

Because of its predominant interests the United States must have a Caribbean policy. In the case of Cuba it has certain definite rights and responsibilities. It is firmly planted in Porto Rico, the Virgin Islands, and at the Isthmus. But its Caribbean policy should not be merely a series of acts of aggression at the expense of the sovereignty of weaker nations. It should not be a haphazard policy, to be executed now here, now there, by bodies of marines or naval forces summoned at convenience.

Since the United States must have a Caribbean policy—a deliberate, considered, orderly policy—it should be left to the State Department. We have gone much further than is defensible in assuming at will powers of intervention and protectorate where the presence of American financial agents had been accepted. We have imposed on the peoples of other countries whose independence we profess to honor, governments not of their choice but of the making of officers of the marines, backed by machine guns.

American intentions may have been avowedly benevolent, but American methods have also been often brutal and despotic. We have denied harboring imperialistic designs, but in Latin-American eyes we stand convicted through the long years of a program of imperialism that regards with contempt weaker nations as sovereign powers. And in large measure we have created among Latin-Americans a fellowship of sentiment against us, suspicious and resentful. All because on occasion we have hesitated to treat them, not as equals but as races and nations backward and unfit for self-government.

With the evacuation of Santo Domingo and Nicaragua the time has come to manifest a change of spirit, to adhere to a policy—call it Caribbean or what you will—that shall be tactful, conciliatory, and honestly helpful. In that way we shall most certainly advance American interests. For so long as the United States makes its name distrusted and its leadership suspected it can not hope among its neighbors to cultivate true friendship or earn their respect, however it may protest that its services are unselfish.

POSTAL SALARIES AND POSTAL RATES

The PRESIDENT pro tempore. Routine morning business is closed. In pursuance of an order heretofore entered the Chair lays before the Senate the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, and so forth.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. MOSES. Mr. President, I ask unanimous consent that the formal reading of the bill may be dispensed with, that the bill be read for amendment, and that committee amendments be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire?

Mr. BURSUM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico object?

Mr. BURSUM. I do not object.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from New Hampshire, and it is agreed to. The Secretary will state the first amendment of the Committee on Post Offices and Post Roads.

Mr. BURSUM. I rise to ask the Senator from New Hampshire if he will yield to me in order that I may make a motion?

Mr. MOSES. If it is a debatable motion which the Senator desires to make, I can not yield for that purpose.

Mr. BURSUM. In my judgment the motion I propose to make is not debatable.

Mr. KING. I think it is debatable, Mr. President.

Mr. BURSUM. If it shall be found that the motion I intend to make is debatable, I shall withdraw it for the time being.

Mr. KING. I can assure the Senator from New Hampshire that the motion which the Senator from New Mexico proposes to make will lead to debate.

Mr. BURSUM. I should prefer a decision by the President pro tempore on that question.

Mr. KING. The Senator from New Hampshire has not yet yielded to the Senator from New Mexico in order that he may make his motion.

Mr. MOSES. If the Senator from New Mexico wishes to make a parliamentary inquiry as to whether or not the motion he proposes to make will, in the opinion of the Chair, be debatable, I have no objection to yielding the floor to him for that purpose.

Mr. BURSUM. I wish to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state the inquiry.

Mr. BURSUM. I gave notice yesterday that I would to-day enter a motion to make Senate bill 33 a special order. I propose to make that motion. I rise to inquire of the Chair if such a motion would be debatable?

Mr. KING. Mr. President, I rise to a parliamentary inquiry. Is the Chair supposed to rule upon a moot case? I raise the point of order.

Mr. MOSES. Mr. President, I will solve the question by declining to yield.

The PRESIDENT pro tempore. The Chair has been formerly asked to rule on a great many moot cases, and has no hesitation in presenting his views with regard to the parliamentary inquiry now stated by the Senator from New Mexico [Mr. BURSUM]. In the opinion of the Chair, whenever the Senator from New Mexico gets the floor he may move that the Senate proceed to the consideration of other business than the pending special order. The Chair is further of opinion that that motion must be decided without debate.

Mr. MOSES. Mr. President, I do not understand that that is the motion which the Senator from New Mexico wishes to make. I understand he wishes to enter a motion to make the bill which he has in charge a special order for some future date.

Mr. BURSUM. Yes.

The PRESIDENT pro tempore. The Chair is of the opinion that that would be a motion for the consideration of business other than the special order.

Mr. MOSES. Then I will solve the whole problem by declining to yield, and I ask that the order already entered by unanimous consent shall go forward.

Mr. KING. That is entirely agreeable.

Mr. MOSES. The Senator from New Mexico can not make his motion until he has the floor.

Mr. HARRELD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Oklahoma?

Mr. MOSES. I should like to inquire politely for what purpose the Senator rises?

Mr. HARRELD. I wish to ask for the recommittal of a bill which is on the calendar.

The PRESIDENT pro tempore. Does the motion of the Senator from Oklahoma relate to the motion suggested by the Senator from New Mexico?

Mr. HARRELD. No; it has nothing to do with it. In June last the Committee on Indian Affairs met and ordered favorably reported the bill (H. R. 25) authorizing a per capita payment of $50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation. The committee now desires that the bill be recommitted for further consideration. I ask unanimous consent that that may be done.

The PRESIDENT pro tempore. In order that Senators may have Rule X in their minds, the Chair will now read it.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Just a moment.

Mr. KING. A parliamentary inquiry.

The PRESIDENT pro tempore. The Chair intends to read Rule X before he answers any further parliamentary inquiries. The Chair will recognize the Senator from Utah immediately after he shall have read the rule.

Mr. KING. I am sure it will refresh the recollection of the Senate to have the rule read.

Mr. MOSES. In the meantime I have the floor.

The PRESIDENT pro tempore. The Chair will content himself by reading the last paragraph of Rule X, which is as follows:

And all motions to change such order or to proceed to the consideration of other business shall be decided without debate.

Mr. MOSES. Mr. President, in view of the ruling which the Chair has made regarding the displacing of the special order, I can not yield for any purpose. I now ask for the regular order.

The PRESIDENT pro tempore. The Senator from Utah [Mr. KING] will now state his parliamentary inquiry.

Mr. KING. The Senator from Utah now has no parliamentary inquiry to make.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The reading clerk proceeded to read the bill.

The first amendment of the Committee on Post Offices and Post Roads was, on page 5, after line 7, to strike out the following clause:

That section 4 of the act of March 3, 1883 (22 Stats. p. 528), entitled "An act to modify the postal money-order system, and for other purposes," as amended by the act approved June 29, 1886 (24 Stats. p. 87), entitled "An act to make the allowances for clerk hire to postmasters of the first and second class post offices cover the cost of clerical labor in money-order business, and for other purposes," as amended by section 3 of the act approved January 27, 1894 (28 Stats. p. 31), entitled "An act to improve the methods of accounting in the Post Office Department, and for other purposes," be amended so that the third paragraph of the last-mentioned section shall read as follows:

The amendment was agreed to.

The next amendment was, on page 28, after line 9, to strike out the following:

That the act approved February 28, 1919, be amended to read as follows:

"*Provided*, That the act of August 24, 1912 (37 Stats. p. 548), amended by the act approved March 3, 1917, be further amended to read as follows."

The amendment was agreed to.

The next amendment was, in Title II, section 201, on page 37, line 16, after the word "be," to strike out "1½ cents" and insert "1 cent," so as to read:

SEC. 201. The rate of postage on drop letters at post offices where free delivery by carrier is not established shall be 1 cent per ounce or fraction thereof.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. The Chair must have an understanding with regard to the floor.

Mr. MOSES. I am going to maintain my right to the floor, but I will yield to the Senator from South Dakota.

The PRESIDENT pro tempore. The Senator from New Hampshire can retain the floor if he desires to address the Senate, but the Chair is of the opinion that the Senator can not maintain his right to the floor while amendments are being considered.

Mr. STERLING. That is what I supposed, and that the amendments as they are being read are open to consideration.

Mr. MOSES. Yes, indeed, Mr. President.

Mr. STERLING. I wish to make a suggestion or two with regard to the proposed amendment which has just been stated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee, and the Chair recognizes the Senator from New Hampshire.

Mr. MOSES. Mr. President, the whole question involved in this amendment was thoroughly expounded by me in the Senate on the day of the introduction of the bill, and I am quite sure that those who did not do me the honor to listen to me on that day have since then read that speech in the RECORD. I have nothing to add to the statement which I then made.

Mr. KING. We may not be satisfied with the exposition.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. STERLING. Mr. President, we have now reached the very important part of this important postal salary increase bill. We have come to title 2 which is designed to provide the revenue for paying the increases of salaries of the postal employees.

I wish to say, Mr. President, that I am loath to disagree to any of the amendments reported by the committee, but I wish to say further, with reference not only to this but other amendments which I shall propose, that, while speaking in the highest terms of the work of the subcommittee of the Committee on Post Offices and Post Roads, there was little opportunity in the full committee for the consideration of the report of the subcommittee. I think all Senators will recognize the fact that it was very desirable that the bill be presented at a particular time, and the full Committee on Post Offices and Post Roads voted that the bill should be reported, each member of the committee, however, reserving the right to suggest or propose on the floor of the Senate any amendment that he might desire to submit.

The fundamental proposition involved here, Mr. President, is as to whether the proposed increases in postal rates will pay the increased salaries provided for in the bill or will be approximately sufficient to pay them. The report of the subcommittee differs in many respects quite radically from the opinion of the Post Office Department, that opinion being based largely on the cost ascertainment report which was submitted to the Senate and has been printed.

Now, as to the amendment on page 37, line 16, the increased postage on drop letters from 1 cent to 1½ cents for each drop letter is not very material so far as increasing the postal revenues is concerned. The proposed amendment is to reduce the rate to "1 cent per ounce or fraction thereof," which is the present law.

The rate of 1½ cents was proposed, Mr. President, in order that this one particular and apparently small feature of the bill may be in harmony with amendments that immediately follow in regard to the rates on postal cards, on post cards, or private mailing cards, and on double post cards or return post cards, as they are called. The increase on drop letters suggested by the Post Office Department is one-half of 1 cent, and I think, for the reason stated, that this increase should stand.

Mr. President, as I have stated, this is comparatively unimportant, and the additional revenue raised from increasing the rate on drop letters will be inconsequential; yet I wish to refer here to the question that will be raised because of this particular increase of one-half cent on the items immediately following the drop-letter item.

Mr. NORRIS. Mr. President, may I interrupt the Senator before he leaves the particular amendment?

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. STERLING. I yield.

Mr. NORRIS. The committee amendment proposes to reduce the rate, as I understand?

Mr. STERLING. It reduces it; yes, sir.

Mr. NORRIS. That is the pending amendment?

Mr. STERLING. That is the pending amendment, but I am referring, when I say 1½ cents, to the recommendation of the Post Office Department in the original bill.

Mr. NORRIS. If we agree to the amendment, it will put the rate right where it is now, will it not?

Mr. STERLING. If we agree to the amendment, it will put the rate right where it is now, that rate being 1 cent. My proposal is to disagree to the amendment, so that the provision will stand as in the original bill.

Mr. NORRIS. That leads me to ask another question, if the Senator will permit me to do so.

Mr. STERLING. Certainly.

Mr. NORRIS. The Senator favors the original bill, which fixes the rate at 1½ cents?

Mr. STERLING. Yes.

Mr. NORRIS. Would there not be some difficulty about that if a person wanted to buy a stamp? There would be stamps made, I suppose, in value 1½ cents?

Mr. STERLING. Yes, sir.

Mr. NORRIS. Of course we have not any half-cent in our currency.

Mr. STERLING. I understand.

Mr. NORRIS. A person would either have to pay 2 cents for a 1½-cent stamp or he would have to buy a larger number.

Mr. STERLING. Yes; I understand that, and I am coming to that, and I want to give to the Senate what the Post Office Department has to say in that regard in commenting on the

next proposed amendment, which raises the rate to a cent and a half.

Mr. COPELAND. Mr. President, will the Senator answer a question? How much loss of revenue will this involve? I mean to say, the Post Office Department has suggested this increase, and has told how much the probable income would be from this source.

Mr. STERLING. Out of the two propositions to increase the rate on postal cards and post cards and double post cards it is estimated that $12,500,000 will be raised. There will be that increase in revenue.

Mr. COPELAND. I assume the Senator will give us the reasons why the committee thought it wise to cut down on the bill as presented by the department.

Mr. STERLING. I suppose they will do that.

The Post Office Department says:

While a fractional postage rate is new to our service, it is not so in the service of other countries. There should be no difficulty in supplying customers with postal cards on a scale adjusted to a rate of this kind. The only difficulty which would arise would be in the case of a purchaser who desired to buy one card. It is believed that there are comparatively few in the whole number of users of postal cards who would be in that class, and that such purchasers would soon become accustomed to the new rate. Such a user would have to buy two cards or pay 2 cents for the one card.

That is under the terms of the bill as stated further on.

From the record of the annual distribution of postal cards by the department, it is estimated that this increase in rate would produce added revenue of about $6,250,000.

That is, from this rate; and this does not refer to the rate imposed on private mailing cards, which would raise $6,250,000 more, according to the estimate of the department.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from New York?

Mr. STERLING. I do.

Mr. COPELAND. I am not quite clear about this matter. Would that mean, then, that there is a loss of $6,500,000 on the change proposed in section 202, and an increase of $6,000,000 on paragraph (c), page 38?

Mr. STERLING. No; I would not be able to say that that means that that business has sustained a loss, but there is some loss in it. There is no question as to that. Whether the loss itself would amount to that or not I am hardly able to say, but it will mean that much increased revenue. I will say to the Senator that the cost of handling, transporting, and so forth, this class of mail is 1.45 cents. That is the cost now; and this increase to 1½ cents will just about cover the cost. I will say to the Senator from New Hampshire [Mr. MOSES] that I have been alluding to the other amendment with regard to fractional postage.

Mr. MOSES. I thought the Senator was referring to the amendment before the Senate.

Mr. STERLING. No; I thought it was generally understood that I was referring to these other two items. Those are the items about which the Senator questioned me, and I have been speaking about them.

Mr. NORRIS. Mr. President, I may have been misled in the same way. I should like to know specifically, however. The Senator says there is now a loss on this kind of mail.

Mr. STERLING. Yes.

Mr. NORRIS. Was he referring to section 201, then, on drop letters?

Mr. STERLING. Oh, no; I was going ahead to speak about the fractional postage covered in the next two paragraphs and affected by the next two amendments.

Mr. NORRIS. May I ask the Senator whether there is not quite a large profit to the Government now on drop letters at 1 cent, where there is no delivery made? Can he give us the figures on that point?

Mr. STERLING. No; I can not give the Senator the figures, and I have seen no figures. There may be such figures in this cost-ascertainment report. I have seen no estimate on the subject.

Mr. NORRIS. In the case of a letter with a 1-cent stamp on it, a drop letter, where it is not carried and where it is not delivered—that is what this section deals with, as I understand——

Mr. STERLING. It is.

Mr. NORRIS. It has occurred to me that there would be quite a large profit on the business at 1 cent.

Mr. STERLING. The Post Office Department says this in regard to that:

The number of drop letters on which there is postage of 1 cent is so small that there would be no appreciable revenue derived through increasing the rate from 1 cent to 1½ cents per ounce, and no estimate is submitted by the department as to the additional revenue from this source.

The suggestion in the original bill of 1½ cents with reference to drop letters is made for the purpose of keeping in harmony with the other provisions of the bill.

So, Mr. President, in view of the conditions and circumstances and the report of the Post Office Department, I am going to ask that the Senate reject the first amendment, the amendment now before the Senate.

Mr. MOSES. Mr. President, the Senator's own argument has afforded ample basis for agreeing to the amendment. The amount involved is very small. This class of matter must be handled at a profit; and unless the whole structure of section 201 is to be overthrown as amended by the subcommittee, unless it is proposed to put into our postage system the hybrid of a cent and a half, which means 2 cents to the individual, unless it is proposed to follow, as the department says, something which is established in foreign countries, even though it does not exist here, it will be necessary to sustain the amendment proposed by the committee.

Mr. SIMMONS. Mr. President, may I ask the Senator a question?

Mr. MOSES. Yes.

Mr. SIMMONS. I want to ask the Senator whether this increase in the rate on postal cards is proposed by the committee upon the theory that the present rate is too low, or is it upon the theory that the Government wants additional revenue from the Post Office Department, and it is increasing these rates not because they are now too low but because the Government wants additional revenue from that source?

Mr. MOSES. Mr. President, I should prefer to deal with the question of the rate on postal cards and post cards when those amendments are reached, but I am very glad to answer the Senator now.

Mr. SIMMONS. I beg the Senator's pardon; I thought he was now dealing with that subject.

Mr. MOSES. No; we are now dealing with the amendment which provides for the rate on drop letters.

Mr. SIMMONS. I beg the Senator's pardon. I thought he read from page 37, line 18.

Mr. MOSES. No; the pending amendment is in line 16. However, I am perfectly willing to answer the Senator now if he wishes me to do so.

Mr. SIMMONS. I ask the same question with reference to drop letters.

Mr. MOSES. I have just stated that the volume of this class of mail is very small. The handling of it involves practically no labor in the post office. The Senator will observe that these are letters that are dropped into the office and put into the box of the patron of the post office or handed out through the delivery window by the postmaster. Necessarily, the amount of handling there is practically nothing, and in consequence the subcommittee believed that the existing rate of 1 cent was sufficient.

Mr. SIMMONS. Then it is the theory of the committee that we should fix rates according to the expense to the Government of affording the service?

Mr. MOSES. Mr. President, we could not do that in every case. The Senator did me the honor to listen to me with patience for two or three hours the other day——

Mr. SIMMONS. I did; and I heard a very, very fine speech.

Mr. MOSES. And the Senator heard me say that. If the Senator is insistent that as to every amendment proposed by the subcommittee we shall be able to demonstrate that the increase we are suggesting meets the cost of handling that particular piece of mail, I say to the Senator frankly now that that is not the case. We have been endeavoring to draw as consecutive, as consistent, as symmetrical a system of rates as could be drawn to meet the conditions thrust upon us by the President's veto; namely, of getting out of increased postal revenues the amount of money necessary to pay the wholly justifiable increases in postal salaries. We do not pretend to any monopoly of wisdom about this. We do not necessarily think that each conclusion we have reached is sacrosanct and should not be criticized or tampered with. We simply say that we have produced as consistent and symmetrical a body of rates as was possible under the circumstances which necessitate this legislation; and the Senator will remember that I pointed out over and over again that the whole structure of rates as proposed here leads up to the culminating amendment in the bill, which looks forward to a complete investigation and a per-

manent, thoroughly consistent, readily defendable schedule of postal rates.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I am not, at least at this time, criticizing the committee. What I am trying to do is to develop, if I can, the line of policy which controlled the committee in writing these new rates; that is to say, was it the theory of the committee that the rate ought to be fixed upon the basis of the cost to the Government of furnishing the service?

Mr. MOSES. That was manifestly impossible in many cases.

Mr. SIMMONS. I wanted to develop whether that was the general policy of the committee and the thought of the committee in fixing the rates; then, again, whether, in the judgment of the committee, the rates they fix are more equitable than the rate which they supplant; and was it the idea of the committee in increasing the rate that the present rate was too low and ought to be increased, or was it the idea of the committee that, notwithstanding the present rate was not too low, it ought to be raised to enable the Government to put he Post Office Department upon the basis of a business investment?

I am simply trying to find out from the Senator upon what general policy these rates were increased.

Mr. MOSES. Mr. President, it is not possible to state a theory which will apply to each change in rates contained in the bill as it came to us originally, or in the bill as it now stands with all of the amendments of the subcommittee. The general theory of the committee in dealing with the subject was to allocate so many millions of dollars of additional revenue through the four classes of mail matter, so that each class should bear some share—as nearly as we could determine it, a reasonable share—of the millions to be raised. Therefore, Mr. President, in this section which deals with the drop letters, the postal card, and the post card, we put the only increase which this section contains upon that element of first-class mail which, in our opinion, does not necessarily constitute a proper factor in public activity, and which also carries with it a commercial or merchandising feature. In other words, we left the drop letter, such as we are now discussing, exactly as it has been; we left the postal card, which is the Government card, exactly as it has been, and we put the increase on the private mailing card, the picture post card, every legitimate purpose of which is subserved by the Government card, and into which, as I have already said, there enters a commercial or merchandising element. That is the theory upon which the change in rates, as contained in section 201, which we are now discussing was made.

Mr. SIMMONS. Mr. President, of course I did not expect the Senator, as the chairman of the subcommittee, who explained this bill, to give exact figures or make exact answers to the question as to what was the proper price to pay for this service, but I did desire to know the general policy adopted by the committee. As I now understand the Senator, he states, in substance, that it was ascertained that there was a certain deficit in the revenues in the Post Office Department, and it was desired to provide for that deficit by levying increased rates upon these four classes of mail matter; and that pursuing that policy of raising enough money to fill this hole—to meet this deficit—they allocated the increases in rates that would be necessary to provide this additional revenue by raising rates upon a certain class of mail a certain sum, another class a different sum, and so on, with a view of raising a sufficient amount of money to pay the increased salaries of the post-office employees.

Mr. MOSES. I said that to the Senator the other day, and I have just said it to him again.

Mr. SIMMONS. The Senator knows very well that that is a proposition which I combat very seriously. If that is the general policy, then it is a policy which does not meet with my approval. I wanted to know if I was correct as to the policy pursued by the committee, and I find, from the answers of the Senator from New Hampshire, that I am. These increases were not made by the committee because the committee had investigated and found the present rates too low, but because the committee found that more money would be needed if we increased the salaries of the post-office employees, and they divided up the deficit which would be created by the salary increases, and allocated it to the different classes of mail, increasing the rates upon those classes sufficiently to raise the apportionment that was assigned to each.

Mr. MOSES. Mr. President, what the Senator from North Carolina says is, to a degree, correct. I call his attention to the fact that I not only answered his question substantially in the form which he has stated, but I volunteered that statement on the floor of the Senate some days ago. I have nothing to conceal from the Senator from North Carolina or from the Senate, but I want the Senator from North Carolina to believe this, in addition, that we did not undertake to allocate this money to the four classes of mail by mere rule of thumb. We undertook, so far as the testimony at our command would permit, so far as the limited time which we deemed we could give to the subject now would permit, to allocate this money through the four classes of mail matter with such degree of justice as the circumstances would make possible, and I said, and I say it again, and I can not say it too often, no matter how long the debate on this bill may run that the entire structure of amendments proposed by the subcommittee works up to the last amendment which we propose, an amendment which looks to a searching inquiry into the whole subject of postal rates, a subject, Mr. President, too diverse, too complicated to be considered at a time when the senatorial mind is engrossed with the great variety of business here on the floor and in the committee room, a subject which probably will necessitate an investigation into the question of railway mail pay again, because of the incongruities in the Postal Service now, where we sell postage by the pound and pay for its transportation by cubic feet, involving many questions of general policy which have existed since the beginning of the Post Office Department, but upon which there has been built up what I, at least, deemed to be a series of abuses, a series of extensions, at any rate, which were never contemplated. In other words, I think that the postal rate structure as it exists to-day, to a degree, as it will exist if every amendment which I have proposed shall be adopted, contains certain inconsistencies, certain incongruities, which should be done away with. They could not be done away with completely in the manner in which the subcommittee was able to deal with the subject. The Senator will forgive me if I say that neither he nor any other Senator here, in the time at our disposal between now and the 4th of March, could deal with the subject satisfactorily.

In order to meet a situation which I deemed to be acute, to bring about action which I believed to be thoroughly justified for the increase of the salaries of postal employees, we have devised this measure, and I had thought to disarm the Senator from North Carolina by frankly saying it was emergency, stop-gap legislation intended to cover an immediate situation.

Mr. SIMMONS and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair.) Does the Senator from New Hampshire yield; and if so, to whom?

Mr. MOSES. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator did discuss this question upon the floor of the Senate, when he reported his bill, in a very illuminating way, and I took occasion then to ask the Senator some questions, not exactly upon the line of the questions I have propounded to-day but in some measure covering the same ground. The Senator knows that the Senate does not begin thoroughly to consider and reflect upon these big measures during the general debate on them. It only begins to do that when we start to deal with the measure in detail, by amendment, and my thought was, notwithstanding the fact that the Senator had expressed himself heretofore,—not so fully as he has now, not so completely as he is now, but very ably and very adroitly—now that we were taking up the bill for the purpose of considering amendments to it, it would be well to bring out the facts with reference to these amendments as we deal with them. In order to determine our action it was very important that we should understand clearly the policy upon which the bill was based.

As I now understand the Senator, he admits that the committee had to proceed with the investigations and the preparation of this bill—a matter of great public import and of great significance and importance to millions of people in this country—in a great hurry, in a great haste. I imagine that in the hurry and the haste the committee had in mind the chief purpose, which I now understand to be to raise additional revenue, and in carrying out that purpose I fear very much that they did not give proper consideration to the question which underlies that. That question is whether or not the present rates with which the committee is dealing, with a view of increasing them, are just and fair rates for the service performed. The people of this country are entitled to the cheapest possible service and the best possible service. I am afraid that the committee lost sight of that very fundamental fact in reaching its conclusion and did not have the time, or, if it had the time, did not take the time, to make a thorough and

rigid inquiry, such as the importance of the question demanded, as to whether or not the present rates are adequate.

I am inclined to think that, due very likely to the fact that the committee did not have sufficient time, and to the fact the committee is conscious of the fact that it has not properly investigated this fundamental factor in the problem, the committee proposes that the bill which they now ask us to pass with reference to the increase of rates shall be of temporary duration, and that within a very short time—less than a year, I think—this part of the bill is to terminate. Am I correct about that?

Mr. MOSES. That is quite right. The Senator and I had a colloquy about that the other day.

Mr. SIMMONS. When we are put on notice by what seems to be a practical admission by the committee that it did not properly investigate all the phases and all the factors which ought to enter into the consideration of these increases—what they propose with reference to the temporary life of this bill indicates that they are conscious themselves of that—then we should scrutinize this legislation very carefully.

Mr. MOSES. I will be very glad to cooperate with the Senator from North Carolina in elucidating any feature of this rate structure as proposed. The Senator undertook to state my position for me two or three times in the course of his interruption. I will now state it for myself, so far as section 201 is concerned.

I believe that the rate of 1 cent for a drop letter, as proposed here, is an adequate rate for the Government to exact for that service, and that is why I am maintaining that this amendment of ours should prevail.

I believe, further, that the convenience of the postal card, the Government publication, its value to a certain type of users of the mails, is such that 1 cent is a just rate to exact for that.

When we come to the other class, however, the private mailing card, which I have described as containing an element of merchandising and of business and of profit making for individuals as against the Government, I am prepared to maintain that the increased rate which we seek to apply is just.

Mr. SIMMONS. Does the Senator think that by increasing the rate more revenue will be realized? That I understand to be quite a debated question.

Mr. MOSES. Mr. President, the manufacturers of the picture post cards come to me, as I suppose they come to the Senator from North Carolina——

Mr. SIMMONS. No; they have not been near me.

Mr. MOSES. As they come to others, and say "If this increased rate is put on, we will be put out of business." The Senator from North Carolina is thoroughly familiar with that type of prophetic argument. He heard it at least ten thousand times when he was acting on tariff bills or tax bills during the time of his distinguished service as chairman of the Committee on Finance, and he knows that that type of argument amounts to nothing. It is based upon self-interest, and we have not attempted to draw this bill to make any one of these rates revolve about a single individual, a single enterprise, a single group of publications, a single community of users of the mails. We have attempted to allocate the rates in such wise as we could without the complete knowledge which the Senator said we should have for permanent rates, and which I admit we should have, but which we can not get except with months and months of painstaking investigation.

Mr. OVERMAN and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield, and if so, to whom?

Mr. MOSES. I yield first to the Senator from New York, because he has been waiting patiently.

Mr. COPELAND. We find the Senator from New Hampshire this morning in an exceptional mood.

Mr. MOSES. No; perfectly natural.

Mr. COPELAND. He is yielding and unusually frank this morning.

Mr. MOSES. I hope the Senator from New York is not undertaking to convince the Senate or others that the Senator from New Hampshire is not generally frank in the discussion of a matter.

Mr. COPELAND. I think I used the term "exceptionally frank."

Mr. MOSES. I thank the Senator for the adverb.

Mr. COPELAND. I assume that the Senator has admitted that this stop-gap legislation intended to justify, I presume, the presidential veto, and at the same time to provide for increases in postal rates.

Mr. MOSES. I shall have to take the floor again in my own right at this point before I lose sight of the particular question the Senator from New York is raising.

Mr. COPELAND. Very well; I shall sit down.

Mr. MOSES. Oh, not at all, so far as I am concerned.

Mr. COPELAND. I thought the Senator was declining to yield further.

Mr. MOSES. Oh, no; not at all; but I do not want the Senator from New York to get too far away from this particular point before I make my rejoinder. So far as I am concerned, the measure which I am now discussing was not drafted to justify the presidential veto. I voted to override that veto; therefore I do not have to justify it.

Mr. COPELAND. The Senator admits that the bill is unscientific and probably improper in many of its features.

Mr. MOSES. Oh, no.

Mr. COPELAND. Hastily made.

Mr. MOSES. Quickly made, but by very talented men.

Mr. COPELAND. Often talented men make the grossest mistakes. There is no question that the bill proposed by the committee and defended so ably by the eloquent Senator from New Hampshire is a bill which has offended the farmers. It has offended the press; it has offended the fraternal journalists; it has offended the religious editors. If I may suggest to the Senator from New Hampshire, this would be a good time to move to strike out Title II of the bill, let the investigation go on, and let the committee bring in at some time a bill which is scientific and not, to use the words of the Senator himself, simply stop-gap legislation.

Mr. MOSES. I am not sure that the Senator from New York has enumerated all the classes of people who feel themselves aggrieved by the proposed increases in rates. I assume everybody whose self-interest is affected will oppose any increase in the postal rates at any time under any circumstances. My observation and the discussion I have had with those who have been opposing the schedule of rates which the bill carries is that the opposition chiefly arises from self-interest, but most of them want to see increased salaries paid the postal employees. Most of them agree that the general policy of the President is right when he insists that there shall be an increase in postal revenue for the purpose, but all of them insist that somebody else shall pay, not they.

Mr. SWANSON. Mr. President, will the Senator yield to me a moment?

Mr. MOSES. Certainly.

Mr. SWANSON. I wish to give notice to the Senator and to the Chair that I am going to raise a point of order against Title II of the bill, and I would like to hear the Senator from New Hampshire on that question.

Mr. MOSES. Does the Senator mean the whole rate section?

Mr. SWANSON. Yes.

Mr. MOSES. The Senator is going to raise the point of order against the entire Title II?

Mr. SWANSON. Against that portion of the bill which proposes to raise revenue.

Mr. MOSES. I do not care to discuss a moot question. If the Senator from Virginia will make his point of order now and let us get it clear, I am willing to discuss it. The Senator from Virginia wishes——

Mr. SWANSON. I make the point of order——

Mr. MOSES. Just a moment. Let me see how the Senator states it. He intends to make the point of order against that portion of the bill beginning with line 11, on page 37——

Mr. SWANSON. Yes; and all the rest of the bill.

Mr. MOSES. Wait a moment—down to and including line 4, on page 52. I understand that Senators on the other side of the Chamber who have been discussing the question this morning are most eager for a searching investigation to be made, and that is provided for in section 217.

Mr. SWANSON. As to the section that does not undertake to raise revenue, I make no point of order, because I do not think it would be subject to a point of order, but as to that portion of the bill in Title II down to section 217, the point of order that I make is that it proposes to raise revenue and put money in the Treasury, and under the Constitution of the United States measures that undertake to raise revenue must originate in the House of Representatives. So much of the pending bill as contemplates raising revenue, inasmuch as the measure originates in the Senate, is in contravention of the Constitution of the United States. I wish to make that point of order when I can do so.

Mr. MOSES. Is the Senator going to make the point of order?

Mr. SWANSON. Yes; I make it now.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield for that purpose?

Mr. MOSES. Yes; I am perfectly willing to have that question raised at this time.

Mr. STERLING. Is the point of order raised now with the expectation that it will be considered and disposed of at this time?

Mr. SWANSON. I am ready to dispose of it at this time.

Mr. MOSES. So far as I am concerned, I am entirely willing that the point of order shall be raised and taken up for discussion now.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield the floor for that purpose?

Mr. MOSES. I did yield for the purpose of having the point of order made; in fact, I invited the Senator from Virginia to make it.

Mr. SWANSON. I make it now.

Mr. MOSES. The Senator from Virginia in turn invites me to proceed with the discussion. I think the prosecution had better say something first.

Mr. SWANSON. By courtesy I merely suggested, not insisted. I am always glad to hear the Senator speak, but I did not desire to take him off the floor in order that I might make the point of order. I only thought that I ought to notify him that I intended to do it, because I am satisfied we have no authority in the Senate to originate revenue measures.

Mr. MOSES. I gave the Senator from Virginia full opportunity to make the point of order, and he has submitted it. I do not think I ought to be called upon to discuss it until the Senator from Virginia has at least amplified his views about it to some extent, and I therefore yield the floor to him for that purpose.

Mr. SWANSON. I shall be very glad to do so. The Constitution provides that measures for the purpose of raising revenue must originate in the House of Representatives. This bill did not originate in the House of Representatives, but in the Senate. It is a proposition to use the taxing powers of the Government to raise revenues or moneys to go into the Treasury of the United States. I wish to say that the issuance of bonds to raise money to go into the Treasury, the raising of revenue that goes to the Treasury, ought to be incorporated in bills or measures which originate in the House of Representatives. That is so provided in the Constitution, and the Constitution speaks for itself.

The PRESIDING OFFICER. If the Senator from Virginia will indulge the Chair just a moment, the Chair will say that the same point of order was made January 16, 1924, as to Senate bill 120, to provide for a tax on motor-vehicle fuel in the District of Columbia, and for other purposes. The Presiding Officer then held that the Chair has no authority to pass on the constitutionality of a bill and submitted the question to the Senate, Shall the point of order be sustained? The present occupant of the chair would take the same position, and the point of order raised by the Senator from Virginia will be submitted to the Senate.

Mr. SWANSON. That is agreeable. I am willing to vote now.

Mr. CARAWAY. What will the vote be on—the point of order?

Mr. SWANSON. If the point of order is to be sustained the vote will be "yea." If it is not to be sustained, the vote will be "nay."

The PRESIDING OFFICER. The question is, Shall the point of order raised by the Senator from Virginia be sustained?

Mr. STERLING. There will be an opportunity to discuss the question, of course?

The PRESIDING OFFICER. The matter is submitted to the Senate and it can discuss it as it sees fit.

Mr. MOSES. Has the Senator from Virginia concluded his discussion of the question?

Mr. SWANSON. I wish to say further that the House of Representatives is very jealous on this question and I am satisfied, if the bill goes to the House of Representatives, that it will refuse even to consider it. It has always refused to consider measures where its right to originate bills for producing revenue was involved. The right to originate bills for the purpose of raising revenue rests in the House of Representatives. I remember once when I was chairman of the Committee on Naval Affairs that expenses were pretty heavy and we originated a measure to raise revenue for the purpose of meeting those expenditures. The bill passed the Senate, but the House of Representatives refused even to consider the bill until it was sent back to the Senate and that provision was eliminated.

It seems to me the right, fair, just way is for the Senate to confine itself to its functions and pass a bill providing what we think is right in the way of increased salaries, and then let the House of Representatives originate the measure to provide the funds to pay the salaries.

Mr. CARAWAY. Before the matter is discussed let us have a quorum, so that everybody may know what the question is.

Mr. SWANSON. I think that is a good idea.

Mr. CARAWAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arkansas suggests the absence of a quorum. The clerk will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McCormick	Shields
Ball	Ernst	McKellar	Shipstead
Bayard	Fernald	McKinley	Shortridge
Bingham	Ferris	McNary	Simmons
Borah	Fess	Mayfield	Smith
Brookhart	Fletcher	Means	Smoot
Broussard	Frazier	Metcalf	Spencer
Bruce	Gooding	Moses	Sterling
Bursum	Hale	Neely	Swanson
Butler	Harreld	Norris	Underwood
Cameron	Harris	Oddie	Wadsworth
Capper	Harrison	Overman	Walsh, Mass.
Caraway	Heflin	Pepper	Warren
Copeland	Howell	Phipps	Watson
Couzens	Johnson, Calif.	Pittman	Weller
Curtis	Jones, Wash.	Ralston	Wheeler
Dale	Kendrick	Ransdell	
Dial	Keyes	Reed, Mo.	
Dill	King	Sheppard	

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, a quorum is present.

Mr. SWANSON. Mr. President, I will state for the benefit of Senators who were not then present that I have raised a point of order against the provisions of Title II of the pending bill, which increases rates of postage on various classes of mail matter therein included, embracing parcel post, letters, journals, and so forth. The point of order is made on the ground that that portion of the bill is contrary to section 7 of the Constitution which provides that "All bills for raising revenue shall originate in the House of Representatives."

Inasmuch as we have not now before us a revenue raising bill, sent here from the House of Representatives, I consider the portion of the bill which proposes to raise revenue subject to the point of order. The provisions of the bill, however, proposing to increase the salaries of postal employees are such as the Senate would have a right to enact; but I make the point of order against Title II of the bill which contravenes the right of the House of Representatives to originate revenue-producing measures.

The only defense which has ever been urged for such legislation as that contained in Title II is that the rates of postage provided constitute a charge for a service and are not proposed for the purpose of raising revenue. It is very hard, however, to make any such distinction, where the money so raised goes into the Treasury to be used for all purposes of the Government. All the revenue collected by such charges goes into the Treasury to be appropriated by Congress. Consequently, it seems to me, that under the general principles governing such legislation, the rates proposed clearly can not be held to be charges for service rendered, as they are, when collected, covered into the Treasury with all the other revenues of the Government, and, therefore, must be considered as revenue going into the Treasury to be appropriated out of the Treasury by Congress, as are any other revenues.

There have been some cases in which it has been held as to some specific matters, where the Government makes specific charges for services, that amendments affecting such charges, proposed in the Senate, do not constitute revenue legislation. This, however, is a case where the money will go into the Treasury; it will go through all the ordinary processes of collection; and it can only be appropriated out of the Treasury by Congress as are other revenues.

It seems to me, in addition, that we ought not to assume the power of attempting to enact such legislation when the House of Representatives has always been very scrupulous in insisting revenue measures should originate with them. It seems to me we ought to adhere to the policy of not permitting to originate in the Senate on bills increasing salaries amendments for the purpose of raising revenue. Under the circumstances I make the point of order against so much of the bill as contemplates raising revenue by an increase of postal rates.

Mr. MOSES. Mr. President, far be it from me to attempt to measure swords with the Prince Rupert of debate from Virginia, a great constitutional lawyer, a great executive, and a great legislator; but the Senator has stated the case for the proponents of Title II of this bill. Our contention is that this is not an appropriation bill within the meaning of the Constitution. We base that contention upon the fact that the

provision giving absolute, complete control of revenue bills in their origination to the House of Representatives is found in one place in the Constitution, whereas the broad power of Congress to establish post offices and post roads, a concomitant portion of which power is the payment of salaries, is to be found in another place.

We maintain further, Mr. President, that the payments provided for in the schedule of rates in Title II of the bill are not payments of revenue in the form of general taxation; that they are payments for specific services carefully enumerated in the body of the measure itself; and that they are paid by no one who does not enjoy those services. They are unlike a general levy of a tax burden upon the whole body of the people.

Mr. STERLING. Mr. President, the Senator from New Hampshire has stated briefly, but very well indeed, the case against the point of order made by the Senator from Virginia.

This is not a bill raising revenue in the ordinary sense of the term, or a bill raising revenue within the meaning of the constitutional provision, which is to the effect that bills raising revenue must originate in the House of Representatives. The exact wording of the constitutional provision is:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

It has been stated—and the Senator from Virginia himself made the statement—that it is contended, on the part of the advocates of this bill, that the rates proposed in the bill represent charges for services rendered. That is the fact; and the bill proposes to raise the means with which to pay for the services rendered and to pay increases in the salaries of postal employees. It is not a tax bill or a revenue bill within the meaning of the words "for raising revenue" as used in the Constitution.

I wish to call attention to a few authorities. I first looked up the authorities, following a suggestion by the Senator from Virginia some weeks ago when this matter was before the Senate that he thought the bill was objectionable on the ground that it was a bill for raising revenue. I call attention first to the case of United States against Norton, found in Ninety-first United States Reports, at page 566. That was a criminal case, and I can not take time to read or state the facts in the case, but the court said:

> The offenses charged were crimes arising under the money order acts. The title of that act does not indicate that Congress, in enacting it, had any purpose of revenue in view—

Although, of course, it provided for a charge or fee for money orders issued—

> its object, as expressly declared at the outset of the first section, was "to promote public convenience and to insure greater security in the transmission of money through the United States mails."

Now, with reference to what was done with the money received for money orders and money charged as fees for the issuing of money orders the court says:

> All moneys received from the sale of money orders, all fees received for selling them, and all moneys transferred in administering the act are "to be deemed and taken to be money in the Treasury of the United States." The Postmaster General is authorized to allow the deputy postmasters at the money-order offices, as a compensation for their services, not exceeding "one-third of the whole amount of fees received on money orders issued," and at his option, in addition, "one-eighth of 1 per cent upon the gross amount of orders paid at the office."

And so forth. Then the court says:

> There is nothing in the context of the act to warrant the belief that Congress in passing it was animated by any other motive than that avowed in the first section. A willingness is shown to sink money, if necessary, to accomplish that object.
>
> In no just view, we think, can the statute in question be called a revenue law.
>
> The lexical definition of the term "revenue" is very comprehensive. It is thus given by Webster: "The income of a nation, derived from its taxes, duties, or other sources, for the payment of the national expenses."

Then the court comments upon the expression "other sources," and says:

> The phrase "other sources" would include the proceeds of the public lands, those arising from the sale of public securities, the receipts of the Patent Office in excess of its expenditures, and those of the Post Office Department, when there should be such excess, as there was for a time in the early history of the Government. Indeed, the phrase would apply in all cases of such excess. In some of them the result might fluctuate, there being excess at one time and deficiency at another.
>
> It is a matter of common knowledge that the appellative "revenue laws" is never applied to the statutes involved in these classes of cases.

The court indicates that to say that the expression "other sources" comprehends conditions such as we now have before us in connection with the adjustment of rates, and that measures making such provision because of that could be called bills "for raising revenue" would be absurd.

> The construction of this limitation is practically well settled by the uniform action of Congress. According to that construction it "has been confined to bills to levy taxes in the strict sense of the words, and has not been understood to extend to bills for other purposes which incidentally create revenue."
>
> "Bills for raising revenue" when enacted into laws, become *revenue laws*. Congress was a constitutional body sitting under the Constitution. It was, of course, familiar with the phrase "bills for raising revenue," as used in that instrument and the construction which had been given it.
>
> The precise question before us came under the consideration of Mr. Justice Story, in the United States *v.* Mayo (1 Gall. 396). He held that the phrase *revenue laws*, as used in the act of 1804, meant such laws "as are made for the direct and avowed purpose of creating revenue or public funds for the service of the government." The same doctrine was reaffirmed by that eminent judge, in the United States *v.* Cushman, 426.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Mississippi?

Mr. STERLING. Yes; I yield to the Senator.

Mr. HARRISON. The Senator recalls that some months ago—I do not remember now all the facts touching it—there was a piece of legislation proposed here, I think introduced by the Senator from Delaware [Mr. BALL], carrying out a certain agreement between the District of Columbia and the State of Maryland touching the gasoline tax. That question, as I recall, was left to the Senate, and the Senate decided that it was a revenue bill, and refused to take it up for consideration. It was then sent back to the House; the House then passed it, and it then came before the Senate. Did not the Senator vote at that time that that was a revenue bill, and that it was not properly before the Senate?

Mr. STERLING. I do not recall.

Mr. HARRISON. The Senator ought to look up his record on that proposition.

Mr. STERLING. I will say frankly to the Senator that I do not recall that bill nor the circumstances.

Mr. HARRISON. Does not the Senator think that is a bill pretty much in point?

Mr. STERLING. No; I do not, in connection with this.

Mr. SWANSON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Virginia?

Mr. STERLING. I yield to the Senator from Virginia.

Mr. SWANSON. How would this measure be retarded in its progress to final enactment if we should sustain this point of order and send the measure providing for the increase of salaries over to the House? The House has to agree to it anyway; and the House, having the power to originate tax measures, could put on the bill any amendment which it saw proper in connection with taxes. The bill would then come back to the Senate. Does the Senator see how the measure would be hurt by going over in that way, and not having this conflict as to the jurisdiction of the two bodies?

Mr. STERLING. Mr. President, in view of the time I should say that this matter ought to be disposed of here and now and in this bill, and that the Senate ought to take the view which I sincerely believe to be the correct view—that this is not a revenue measure—and if they take that view, we will be that much further along with the enactment of this legislation.

Take the case of Twin City Bank against Nebeker, found in One hundred and sixty-seventh United States:

> The contention in this case is that the section of the act of June 3, 1864, providing a national currency secured by a pledge of United States bonds, and for the circulation and redemption thereof, so far as it imposed a tax upon the average amount of the notes of a national banking association in circulation, was a revenue bill within the clause of the Constitution declaring that "all bills for raising revenue shall originate in the House of Representatives"; * * *

that it appeared from the official Journals of the two Houses of Congress that while the act of 1864 originated in the House of Representatives, the provision imposing this tax was not in the bill as it passed that body, but originated in the Senate by amendment, and, being accepted by the House, became a part of the statute; that such tax was, therefore, unconstitutional and void; and that, consequently, the statute did not justify the action of the defendant.

It will be observed, from reading the opinion of the court, that the court would regard it as wholly immaterial whether the bill originated in the Senate or not; it was not a revenue-producing measure.

The court says:

The case is not one that requires either an extended examination of precedents or a full discussion as to the meaning of the words in the Constitution, "bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt, by any general statement, to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency secured by a pledge of bonds of the United States, and which, in the furtherance of that object, and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a revenue bill which the Constitution declares must originate in the House of Representatives. Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue.

Mr. President, in no sense of the word does this bill provide for the levy of taxes. This bill adjusts rates of pay for service rendered. Those who use the mails.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Maryland?

Mr. STERLING. I yield to the Senator from Maryland.

Mr. BRUCE. I will ask the Senator whether a valuable legal analogy in cases of this kind is not furnished by an act of Congress providing that a particular Federal officeholder shall be paid out of the fees of his office? An act of that kind, it seems to me, would hardly be called an act to raise revenue.

Mr. STERLING. No.

Mr. BRUCE. In other words, the officeholder would not be paid out of anything which it seems to me could be accurately described as revenue. He would be paid a quantum meruit.

Mr. STERLING. To be sure.

Mr. BRUCE. And in the same way it seems to me that a bill like this, so far as this particular compensation is concerned, is not to be referred to that part of the section of the Constitution which says that "all bills for raising revenue shall originate in the House of Representatives," but to that part of the same article which confers upon Congress the power "to establish post offices and post roads."

Mr. STERLING. Certainly.

Mr. BRUCE. In other words, as I look at it, the provision for postage in a bill of this kind is simply a provision for a quantum meruit; that is to say, for a special compensation for the special postal service that is rendered.

Mr. STERLING. Yes.

Mr. BRUCE. I have taken the liberty of submitting those ideas to the Senator for consideration, for whatever they are worth.

Mr. STERLING. I thank the Senator, and I think the analogy is a very good one, indeed.

Just a word from this decision, now, Mr. President.

Mr. SIMMONS. Mr. President, will the Senator pardon me a moment?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from North Carolina?

Mr. STERLING. I do.

Mr. SIMMONS. Just at this point I want to say that some questions I propounded this morning were in part for the purpose of eliciting from the committee an expression as to whether these rates had been increased because they were regarded as too low, or whether they had been increased for the purpose of raising revenue to supply a governmental deficiency. I conceive that to be very important upon the very question that is pending before the Senate right now; and I understood the Senator from New Hampshire [Mr. MOSES] to admit that they were levied without any due consideration of the question of the inadequacy of the present rates and for the purpose of raising money to meet a deficit in the Post Office Department.

Now, if the Senator from South Dakota will pardon me, I should like to say this, so that he may answer: I have anticipated this very motion. I have recognized that the question was a very close one, but I have recognized what the Supreme Court seems to have recognized in one of the leading cases quoted by the Senator—that it was a question which would depend very largely upon the purpose and intent with which the increase was made. If it is for the purpose of raising revenue to meet a governmental situation, then it would be given one construction. If it is simply for the purpose of increasing pay for a service, it would be given another construction. That is a nice question which the bill raises.

I observe by reading the title of this bill that it is entitled:

A bill reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

In other words, it is a bill increasing postal rates for the purpose of raising revenue to pay increased salaries. Now, take that, together with the admission of the Senator from New Hampshire, who was chairman of the subcommittee which framed this measure, that the governing purpose was to raise revenue to put in the Treasury for the purpose of meeting a Government deficit, and have we not a clear indication that the purpose of this bill is not to adjust and balance and fix postal rates according to the requirements of the service and the value of the service, but that it is for the purpose of raising money to pay for a governmental charge, namely, the salaries of its employees?

Mr. President, the House of Representatives has been very jealous of its prerogatives in this respect. Several times since I have been in the Senate, when we passed a measure that we did not ourselves think was a revenue measure but that the House construed as being one for the purpose of raising revenue, it has sent the bill back to us and resented our action upon it as an encroachment upon the prerogatives of the House.

The Senator says that these are not revenue rates. I recall this matter, which I wish to call to the attention of the Senate, and which is only one illustration of many that might be drawn from the revenue bills we have been passing here in recent years:

We dealt with the question of raising revenue in a bill passed here some years ago. That was the sole object and purpose of it. One of the ways that we devised for raising revenue was an increase in the rate of postage upon first-class matter. Before the passage of that bill the postage rate upon letters, first-class matter, was 2 cents. To raise revenue for the purpose of defraying the expenses of the Government, we increased that rate from 2 to 3 cents, and that is exactly what the Senator's bill does with reference to these matters affecting rates.

The Senator from Tennessee [Mr. SHIELDS] suggests—and I thank him for the suggestion; it is adding force to the contention, and it is not my contention; it is the contention of the Supreme Court; the Senator has just read it—that the question is, Was the purpose and intent to raise revenue? If that was the purpose of it, then you may camouflage it as much as you please, but you can not get rid of that intention; and it is the intention which controls in determining the question of whether or not it is a measure to raise revenue.

Mr. STERLING. Does the Senator from North Carolina agree with the interpretation given the expression "bills for raising revenue" as I have read it?

Mr. SIMMONS. I have not read that case, and I could not say to the Senator whether I agree with it or not. I was merely referring to the part of it which I understood the Senator to read, stating that the question of whether it was a revenue-raising proposition depended in part upon the purpose as well as upon the language.

When the President of the United States vetoed the late measure providing for increases of the salaries of postal employees, he did so upon the ground of lack of revenue, and suggested that if the Congress would, at the same time it enacted this legislation, or contemporaneously therewith, provide sufficient revenue with which to meet the increased expenses of the Post Office Department, then his view with reference to the proposed salary increase might be different. Now the Senate is attempting to carry out the requirement of the President and do that very thing which he said must be done, namely, that the Congress must devise means and enact legislation for the purpose of raising the necessary revenue.

Mr. STERLING. Does the Senator from North Carolina think that this is a bill for the purpose of levying taxes in the strict sense of the words?

Mr. SIMMONS. What I meant to say to the Senator was that evidently the purpose and intent of this bill is to raise revenue.

Mr. STERLING. What taxes would it levy? What else would it do than readjust the rates on certain classes of mail matter, imposing no general taxation at all on the public?

Mr. SIMMONS. It would levy the same general character of taxes that were provided for in some of the provisions of the revenue bills we passed during the war.

Mr. STERLING. Here is the interpretation put upon the language of the Supreme Court:

> The construction of this limitation is practically well settled by the uniform action of Congress. According to that construction, it "has been confined to bills to levy taxes in the strict sense of the words, and has not been understood to extend to bills for other purposes which incidentally create revenue."

What is the object of this bill? Its primary purpose and object is to increase the salaries of all postal employees of the country. Then it adjusts rates which the users of the mail pay for the service so as to raise the revenue to provide for the increases.

Mr. SWANSON. Mr. President, will the Senator permit an interruption?

Mr. STERLING. Certainly.

Mr. SWANSON. In section 7 of Article I the Constitution does not mention "taxes." It refers to bills "for raising revenue."

Mr. STERLING. I am reading the language of the Supreme Court.

Mr. SWANSON. If the Senator will permit me, this is to raise $63,000,000 of revenue, which will be put into the Treasury, and which must be appropriated out of the Treasury by act of Congress.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I think we can settle this right now. Here is a precedent.

Mr. STERLING. I yield to the Senator.

Mr. OVERMAN. I am reading from a report by Roscoe Conkling, once a Senator in this body, to whom this question was referred.

Mr. WALSH of Massachusetts. When was that?

Mr. OVERMAN. He cited the Congressional Globe of 1846, and stated that the Post Office appropriation bill in the second session of the Thirty-fifth Congress originated in the House, but that the Senate added an amendment raising the rates of postage. When that was returned to the House Mr. Grow—who was a distinguished Member of the House—objected, and said, "The amendment is in the nature of a revenue bill." The bill was returned to the Senate by the House, but the Senate adhered to its original action, and the bill failed.

That shows how the matter was construed then—that the raising of the postal rates was a raising of revenue, and the Senate having added an amendment to the bill to raise postage rates, the House would not consider the matter at all.

Mr. STERLING. Let me say, Mr. President, that I do not consider that decisive of the question involved here.

Mr. OVERMAN. It is a case in point. Does not the Senator agree that this measure provides for an increase in postage rates?

Mr. STERLING. It provides for an increase in the postage rates in some instances. Yes; I quite agree to that.

Mr. OVERMAN. What is the difference between raising postage rates in 1846 and raising postage rates now?

Mr. STERLING. I see no difference as the Senator states it. The difference is in the authorities.

Mr. OVERMAN. Such men as Roscoe Conkling, and others, have decided that it was raising revenue.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. STERLING. I yield.

Mr. WALSH of Massachusetts. Suppose we had here a bill providing for increased salaries to customs employees, and we desired to meet the increases by an increase in customs duties. Would not the Senator hold that the part of the bill which provided for increasing tariff duties would be in violation of the Constitution?

Mr. STERLING. That is a different proposition.

Mr. WALSH of Massachusetts. How is it different? Postal revenue is, as the Senator says, collected only from those who use the mails. So are customs duties and tariff protective duties collected from interested parties. The people who pay those duties are only the people who buy the goods, and it does not seem to me that it could be classed as a general taxation law which would affect everybody.

Mr. STERLING. I think it would be classed as a general tariff tax, and all tariff acts, of course, are said to be for the raising of revenue and must originate in the House of Representatives, because they are tariff acts. This is not a bill to fix a tariff; it is a rate measure.

Mr. WALSH of Massachusetts. The Senator will agree that if a bill providing for increased salaries to those employees in the performance of collecting the customs duties were introduced, and there was a provision in it providing for an increase in the protective tariff rates, that would be in violation of the Constitution.

Mr. STERLING. I am not ready to agree to that proposition, I will say to the Senator from Massachusetts.

Now I want to call attention to further statements by the Supreme Court, going back a little and reading a few lines which I read before, in order that I may preserve the connection:

> Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue. The main purpose that Congress had in view was to provide a national currency based upon United States bonds, and to that end it was deemed wise to impose the tax in question. The tax was a means for effectually accomplishing the great object of giving to the people a currency that would rest primarily upon the honor of the United States and be available in every part of the country. There was no purpose by the act or by any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the Government.
>
> This interpretation of the statute renders it unnecessary to consider whether, for the decision of the question before us, the Journals of the two Houses of Congress can be referred to for the purpose of determining whether an act, duly attested by the official signatures of the President of the Senate, the Speaker of the House of Representatives, and the President, and which is of record in the State Department as an act passed by Congress, originated in the one body or the other.

As I stated before, it would have been immaterial in which House it did originate. It could have been originated here and not have been in violation of the Constitution.

The next case to which I call attention, Mr. President, is the case of Millard *v.* Roberts (202 U. S.). Let me read just a short statement of the facts of this case and see how nearly this came to be a bill for raising revenue.

> The principal allegations of the bill are that the railroad defendants are private corporations and all interested in the railway and terminal facilities of the District of Columbia; that the District of Columbia owns no stock in any of the companies nor is otherwise interested in any of them save as useful private enterprises, and yet it is required by said acts, "without any lawful consideration therefor," to pay the Baltimore & Potomac Railroad Co. the sum of $750,000, and a like sum to the Baltimore & Ohio Railroad Co., "to be levied and assessed upon the taxable property and privileges in the said District other than the property of the United States and the District of Columbia," and for the exclusive use of said corporations, respectively, "which is a private use and not a governmental use"; that the public moneys of the District of Columbia are raised chiefly by taxation on the lands therein, and that the complainant is obliged to pay and does pay direct taxes on land owned by him therein. And the bill also alleges that the acts of Congress are "acts which provide for raising revenue and are repugnant to Article I, section 7, clause 1, of the Constitution of the United States, and are therefore null and void ab initio, and to their entire extent, because they and each and every one of them originated in the Senate and not in the House of Representatives." * * *
>
> The first contention of appellant is that the acts of Congress are revenue measures and therefore should have originated in the House of Representatives and not in the Senate, and to sustain the contention appellant submits an elaborate argument. In answer to the contention the case of Twin City Bank *v.* Nebeker (167 U. S. 196) need only be cited. It was observed there that it was a part of wisdom not to attempt to cover by a general statement what bills shall be said to be "bills for raising revenue" within the meaning of those words in the Constitution, but it was said, quoting Mr. Justice Story, "that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word and are not bills for other purposes, which may incidentally create revenue." And the act of Congress which was there passed on illustrates the meaning of the language used. The act involved was one providing a na-

tional currency and imposed a tax upon the average amount of the notes of a national banking association in circulation. The provision was assailed for unconstitutionality because it originated in the Senate—

And so forth. Then, the decision quotes language which has already been quoted and referred to in calling attention to the case of Twin City Bank against Nebeker.

This language is applicable to the acts of Congress in the case at bar. Whatever taxes are imposed are but means to the purposes provided by the act.

Mr. President, that language ought to be decisive of this question in the mind of every Senator here. Referring to what was said by the Senator from North Carolina [Mr. SIMMONS], I may take the interpretation given by the Senator from New Hampshire; I may take the language of the title of the bill as it is related to this question in its broadest sense, and yet this is not a bill, according to the construction put upon this clause by the Supreme Court of the United States, for the purpose of raising revenue, and therefore it is not open to the objection made by the Senator from Virginia [Mr. SWANSON].

The PRESIDING OFFICER. The question is, Shall the point of order raised by the Senator from Virginia be sustained?

Mr. ASHURST and Mr. WALSH of Massachusetts called for the yeas and nays.

Mr. WATSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Indiana suggests the absence of a quorum. The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McCormick	Sheppard
Ball	Ernst	McKellar	Shields
Bayard	Fernald	McKinley	Shortridge
Bingham	Ferris	McLean	Simmons
Borah	Fess	McNary	Smith
Brookhart	Fletcher	Mayfield	Smoot
Broussard	Frazier	Means	Spencer
Bruce	Gooding	Metcalf	Sterling
Bursum	Hale	Moses	Swanson
Butler	Harreld	Neely	Underwood
Cameron	Harris	Norris	Wadsworth
Capper	Harrison	Oddie	Walsh, Mass.
Caraway	Heflin	Overman	Walsh, Mont.
Copeland	Howell	Pepper	Warren
Couzens	Johnson, Calif.	Phipps	Watson
Curtis	Jones, Wash.	Pittman	Wheeler
Dale	Kendrick	Ralston	
Dial	Keyes	Ransdell	
Dill	King	Reed, Mo.	

The PRESIDING OFFICER. Seventy-three Senators have answered to their names. A quorum is present.

Mr. McKELLAR. Mr. President, I want to ask the Senator from South Dakota [Mr. STERLING] whether as a matter of fact all of the revenue that is derived from postal rates is not covered into the Treasury?

Mr. STERLING. Exactly.

Mr. McKELLAR. The Senator will recall that several years ago when we were in the war we raised the rate on first-class mail to 3 cents for the purpose of raising additional revenue for the Government. The Senator recalls that, does he not?

Mr. STERLING. That was the sole purpose, to raise revenue for the Government.

Mr. McKELLAR. But it increased the postage from 2 cents to 3 cents.

Mr. STERLING. And it was in the revenue act, too.

Mr. McKELLAR. Originating in the House?

Mr. STERLING. Yes.

Mr. McKELLAR. All of the revenues that were obtained from the increased rates went into the Treasury.

Mr. STERLING. One of the cases to which I referred was the case of the United States against Norton, where the courts were interpreting the application of the act providing for the money-order system. That act provided that all the moneys received for money orders and for fees for issuing money orders should be covered into the Treasury of the United States and be a part of the Government's funds, and yet they held that it was not a revenue act within the meaning of the Constitution.

Mr. REED of Missouri. Mr. President, the Senate has fallen into a very bad system of deciding points of order the way we want to decide them and not with reference to the merits of the question. The result is that we can hardly be said any longer to have rules in the Senate. I have always opposed that system, and I know that in what I am going to say I shall find myself in opposition to the desires of many of my own colleagues and to my own desires. I would like to pass a bill raising the salaries of the employees and send it to the House of Representatives and let the House accept it or reject it. If the House saw fit to add a revenue measure and commit itself to it and it came back here, we could then pass it in that form.

My own opinion is that the bill in its present form will not be passed by the House at this session. But, Mr. President, we have raised in the point of order an important constitutional question. I regret that I have not had time to examine the authorities, but proceeding upon the light of reason it seems to me that the point of order can not be sustained. The Constitution provides that revenue measures shall originate in the House of Representatives, and that raises the question whether this is a revenue measure. Now, what are the facts? The United States is engaged in performing a service. It carries the mail from one part of the country to another, and for that service it fixes a charge. It says to the citizens of the United States: "We will carry a letter written by you across the country for 1 cent or 2 cents, or for some other specified sum. If you do not want to employ us, you do not have to employ us, but if you do employ us, you must buy a stamp of a certain denomination and put that stamp upon your letter and thus pay for the service." Revenue measures as referred to in the Constitution do not in my judgment apply to that character of charge.

I have had only a moment, and I have examined just one of the authorities which were cited by the Senator from South Dakota [Mr. STERLING]. It seems to me, however, that the language of the syllabus, which, I take it, must conform to the text—I have not had time to read the text—the language of the syllabus settles it:

Revenue bills, within the meaning of the constitutional provision that they must originate in the House of Representatives and not in the Senate, are those that levy taxes in the strict sense of the word and are not bills for other purposes which may incidentally create revenue.

Now, who is prepared to say that this is a tax in the "strict sense" of the term?

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED of Missouri. Yes.

Mr. CARAWAY. Following that line of reasoning, if the Congress should decide that import duties were for the purpose of regulating the inspection of the kind of goods that are to be admitted we could levy any kind of a tax.

Mr. REED of Missouri. I do not follow the Senator on that.

Mr. CARAWAY. I recall, and the Senator from Missouri will, too, that a few years ago there was an attempt under the Smith-Lever bill to control cotton futures. The Senate put on an amendment in the nature of a substitute providing a special tax. The law went to the court, and the court said it was a revenue bill. Although it was a tax upon the transfer of a certain number of bales of cotton, so much being required to be paid for each bale that was transferred, it was a service for which the Government was charging a tax. It was called a tax; it was levied as a tax; and the court said it was a revenue measure, and, therefore, must originate in the House of Representatives.

Mr. REED of Missouri. Mr. President, I do not think that case is in point. The Government in that instance was levying a tax in fact, and the court said that it was a revenue measure; but the charge in this instance has no relation to a tax; it has nothing to do with a tax. This charge is for a service rendered.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. REED of Missouri. Certainly.

Mr. CARAWAY. When the World War was on and we were raising revenue to carry on the war, in a revenue bill, one which was looked upon as a revenue measure, we increased first-class postage rates from 2 to 3 cents. The money went into the Treasury exactly as will the money levied under this bill should it become a law. That was a revenue measure, and this is a revenue measure, if that was. The Senator from Missouri recalls the increase of rates of postage?

Mr. REED of Missouri. Yes.

Mr. CARAWAY. Was that a revenue measure?

Mr. REED of Missouri. I do not think it was, but such legislation might have gone into a revenue bill.

Mr. MOSES. May I suggest to both the Senators that at the time that was done there was a very great outcry against the Finance Committee here and the Ways and Means Committee of the House of Representatives for having invaded the legislative prerogatives of the Committees on Post Offices and Post Roads in both branches.

Mr. REED of Missouri. Mr. President, the distinction that I think I see—I sometimes do not see things right, perhaps, a majority of times I do not—is this: A bill may be brought in here that is a strictly revenue measure, that levies taxes upon the people. The Senate may amend it or the House of Representatives may amend it and put in an item, or such an item may be originally in it, which increases the income of the Government, but does not do it by taxation but by the fixation of an additional charge for some particular thing. I think the distinction is perfectly clear.

Mr. CARAWAY. Of course, I may be wrong, and perhaps I am usually wrong, but if we can simply say that certain moneys raised for certain purposes do not constitute a tax, but merely a charge for services, I do not know why the Senate may not invade every province of raising revenue. Can it be maintained that the constitutional inhibition is avoided by saying that the inspection of the goods is the thing for which import duties are charged, or that the money is to be paid out in a certain way or for a certain kind of service? I heard the chairman of the committee who had this matter in charge say, in answer to a question from the Senator from North Carolina [Mr. SIMMONS], that they had not adjusted the charges to the revenue and that they did not know whether or not the rates proposed ought to be charged in order to raise the required amount of money by this means.

Mr. REED of Missouri. Well, Mr. President, one might——

Mr. MOSES. And may I complete my answer by saying to the Senator from Arkansas [Mr. CARAWAY] that the money was also to be raised for a specific purpose, to pay expenses for certain services rendered.

Mr. CARAWAY. But that is merely an assertion. There is not anything in the bill that makes the particular money which is raised pay the post-office employees. Those employees are being paid out of the general revenue, and this money goes into the general revenue. The money is not taken from the man who buys a postage stamp and handed over to a postal clerk to pay his salary.

Mr. MOSES. That will be found in the title of the bill, I will say to the Senator from Arkansas.

Mr. REED of Missouri. Mr. President, the poverty of our language is responsible for many differences of opinion. We, in common parlance, use the term "revenue" to cover any source of income, but when we come to consider this constitutional question, the Supreme Court has said, at least by implication, that the language of the Constitution refers to taxes and strictly to taxes. Now, while taxes create revenues, all revenues are not taxes. In this instance we have a charge for a service which produces an income which we commonly call a revenue, but it is not a tax; it is an exaction of a price for a particular service, and, if it were a tax, then it would have to be levied in quite a different way than it is.

Mr. OVERMAN. What is a tax in the opinion of the Senator?

Mr. REED of Missouri. A tax is a burden levied by law for governmental purposes upon all the people or upon particular classes of people, and is clearly distinguishable from a charge made for a service. Although a charge made for a service and although a tax may be commonly designated as revenue, the fact is that a charge for a service is not a tax. I do not care to argue it.

Mr. OVERMAN. Is not such a charge a burden on the man who pays it?

Mr. REED of Missouri. Yes; but all burdens are not taxes.

Mr. OVERMAN. And not all taxes are burdens.

Mr. REED of Missouri. In this instance it is not a burden.

Mr. OVERMAN. It is a burden.

Mr. REED of Missouri. I absolutely say that it is not a burden; it is a great benefaction conferred by the Government for a very small charge; it is not a burden placed on the people.

Mr. OVERMAN. It increases his tax.

Mr. REED of Missouri. No; it does not increase his tax; it increases his capacity in life, his ability to move.

Mr. CARAWAY. Mr. President, if the Senator will pardon me, it is designed to do exactly the other thing. It is designed to make the man who receives the service but who lives farthest from the point where it is rendered pay the most for it.

Mr. REED of Missouri. He gets a greater service.

Mr. CARAWAY. Does he get a greater service? A man living in Missouri subscribes for a newspaper and pays one price while a man living in Montana pays another, but they both get the same paper. Now, who gets the greater service?

Mr. REED of Missouri. Mr. President, we would not get anywhere discussing a side issue of that kind, but, if it were true, it would not make any difference as to this constitutional point. As a matter of fact, however, and in theory of law the man who prints the newspaper and who wants to ship it clear across the continent has to pay more to ship it across the continent than to ship it a short distance.

I do not care to haggle about it. I simply rose to say that when I cast my vote against this point of order I do so reluctantly, but I will not vote contrary to my judgment on an important matter of this kind, even though some little technical advantage might be gained by it, and, of course, I give to every other Senator the full right to his judgment and opinion.

THE FRENCH DEBT

Mr. BORAH. Mr. President, the press dispatches from Paris this morning carry the account of a speech made in the Chamber of Deputies by Louis Marin on the subject of the French debt. The speech is so exceptional that it is difficult to pass it by without some observations. It seems to express the view not only of the distinguished speaker, but the view of the Chamber of Deputies, and I presume, in a large measure, the view of the French people. In this press dispatch I find the following:

> By its applause to-day the Chamber of Deputies indicated its attitude in favor of binding the French Government to undertake no settlement of war debts except on a basis which takes into account all the circumstances in which those debts were contracted.
>
> Repeatedly throughout the morning and afternoon cheers and applause came from all sides of the house, nationalists and socialists alike giving their approval to the words of Louis Marin, former minister of the Poincaré administration, as he laid before his hearers a five-hour plea that the cost of the war to France in life and property and her service to the world in holding up the German onslaught till the Allies were ready to share the burden should be set off against the cash value of what was borrowed while serving in a common cause.

Some of the sentences taken from the speech and reported in quotation marks are as follows:

> Are lives and limbs lost on the battle field of less value than money loaned?
>
> Are the terms of the peace treaty insisted on by America and never ratified not worth some compensation?

Again:

> "While war still raged statesmen in every country appealed in the common cause," he said. "Some gave their ships, some munitions, some the lives of their sons, some money, and to-day only those who gave money come, saying to us, "Give back what we loaned."

Further along in the speech it is said:

> France is not alone among the debtor nations of the world. There are half a score of others waiting her lead and her effort to show the world that gold is not the only thing that counts. * * *
>
> If in this world the power of gold has so much influence on the policy of nations, then farewell to justice and farewell to the power of conscience and the high influence of the great heart of humanity.

I presume, Mr. President, that these quotations fairly represent the views of the speaker. They have the same tendency, and I presume the same purpose, as have characterized so many statements emanating from leading French authorities and from the French press, and also, at an earlier period in this matter, from eminent English authorities and from the English press, to the effect that the United States is assuming the attitude of an exacting creditor. Almost every term of reproach indicating that attitude has been at some time or other used by those in authority, or by the press seemingly speaking for those in authority. We are charged to some extent with playing the rôle of a Shylock, exacting the last cent or the last pound of flesh. It is particularly to that phase of the controversy that I wish to address my remarks to-day.

I have no desire to enter into an acrimonious debate with anyone concerning this matter; but there is another side to this controversy which, if heretofore presented, has not lately been considered in connection with this question.

The United States is not in the attitude of an exacting creditor, and has displayed none of the qualities, none of the vices of an exacting creditor. On the other hand, I undertake to say that the proposition submitted to the British Government and by the British Government accepted, and upon which rule, as I understand, the United States stands ready to settle all other debts, is the most generous proposition for the settlement of international debts that can be found anywhere in the history of international affairs. It is exceptional in its liberality and should call for expressions of gratitude rather than illy concealed and persistent terms of reproach.

Let us take as a text the settlement of the British debt and see to what extent these imputations are justified. Figures

will tell the story much better than generalizations of language; and as we study these figures we will find that if there has been any disregard anywhere, it has been a disregard of the taxpayers of the United States and not of our associates in the war. This debt is due, as a matter of fact, to the American taxpayer. He is the party who raised the money, who brought forward the means by which to carry on the war. He is now carrying the burden which resulted from that, and when we examine and analyze the figures in these settlements we will find that we have been exceedingly generous with our associates in the war and somewhat harsh and disregardful in our attitude toward the American taxpayer.

The British debt was $4,600,000,000 at the time the settlement took place. At that time it bore interest at the rate of 5 per cent—an interest rate which was fixed without criticism and without objection, and which, at the time it was fixed, was supposed to be reasonably fair. Had we been assuming the attitude which is now assigned to us we could have very well maintained that we were entitled to a fulfillment of the contract. A settlement upon the basis of the contract as it was written, a settlement upon the basis of the contract as it now exists with France, would have, in the English matter, in a 62-year settlement, amounted to $14,214,900,000; but the amount which will be paid under the English settlement according to the contract of settlement is $11,105,965,000. In other words, upon the face of the contract as it was written there was a voluntary surrender of the stupendous sum of $3,008,935,000.

Owing, however, to the fact that the Liberty bonds were issued at a different rate of interest, the United States very willingly and, I think, very fairly and very justly waived the terms of the contract and undertook to proceed to a settlement more nearly in accordance with the burden which the American taxpayer was compelled to carry. Taking the Liberty bonds at 4¼ per cent—which they were then bearing and which a number of them now are bearing—the British taxpayer pays, on the entire settlement, in interest $6,505,965,000. The American taxpayer, upon the same proportionate indebtedness, at the rate he is now paying, will pay $8,172,665,000. These are the facts. In other words, Mr. President, after having waived the contract, we still give them an advantage in interest under the contract by which the American taxpayer is bound of the difference between $6,505,965,000 and $8,172,665,000.

To illustrate further, in 1923 the British paid in principal $23,000,000, in interest $138,000,000; total, $161,000,000. The American taxpayer, leaving out the principal entirely, paid in interest alone $195,500,000, or in excess of the principal and interest combined of the British taxpayer some $34,500,000. It is these first years, these exacting, burdensome years, which count most in this situation; and the heaviest burden is now placed upon our own taxpayers to a very marked degree. Strictly speaking, sir, we had no right to thus discriminate against our own people, but we did so, and for which we are charged with meanness and narrowness in our relations with our associates in the war.

In 1924 the British paid $23,000,000 in principal and $137,310,000 in interest, making a total of $160,310,000. The American taxpayer paid in interest alone in that year $194,522,500, or $34,212,500 in excess of what the British paid both in principal and interest.

To state it in another way, the British taxpayer goes down in his pocket for the settlement of the debt which they owe us, which they not only contracted but contracted at their own solicitation, and according to their own terms, for $11,105,965,000 in order to settle $4,600,000,000 of debt; while the American taxpayer must raise in the way of taxes, in order to settle the same amount of indebtedness which he is carrying, $12,772,665,000. So it clearly appears that, even upon the basis of the contract which was made with the American taxpayer in order to raise the money to meet this situation, he is paying in excess of the British taxpayer $1,666,700,000.

Mr. President, that proposition, as I understand, would be willingly extended to France, and to all other nations which are indebted to the United States.

If this stood alone, as the only item in the results growing out of the war, it would not be, perhaps, so striking. But it is constantly argued that in settling these debts we must take into consideration, as Mr. Marin says, all the facts and circumstances, all the conditions and sacrifices of the war, and, I presume, all the gains and advantages of the war. Taking these into consideration, let us look for a moment at some of the other items of advantage which flowed to England, and later, as we shall show, to France.

It will be remembered that during the war some four or five great nations met and in secret treaties literally divided the less thickly settled and more helpless parts of the earth. Never was there such a division of territory and of spoils as characterized those settlements designated and controlled by the secret treaties. If it be said, as has been said, that these territories are a burden rather than an advantage, I recall the fact that perhaps the most persistent and most determined fight which Woodrow Wilson made at Versailles was to loosen the grip of these nations which they had by reason of the secret treaties; but with all the power he could exert and influence which he could command he was unable to separate them from that which they regarded theirs and of tremendous value. I have sometimes wondered why those who have occasion to deliver eulogies upon Mr. Wilson never refer to what I think was one of the most remarkable exhibitions of courage, the most exemplar sense of justice in the whole Versailles controversy.

Let me call your attention to what was said by the English at the close of the war as to what they had gained in the war. We claimed no territory; we claimed no natural resources; we exploited and claimed the right to exploit no people; we claimed no indemnity.

Lord Curzon said immediately after the close of the war:

> Great Britain has gained in this war all and indeed more than she set out to win. Our navy remains at the end of the war intact and unassailed. The principle of the freedom of the seas, which is the basis of our national existence, stands unimpaired and unimpugned. The British protectorate over Egypt is provided for in one of the clauses of the treaty, and our new possessions are made safe under our command.

If you undertook to measure the value of the territory acquired by the British Government, the value of the natural resources, the advantage by reason of destroying her only great naval competitor and the only great marine competitor in the world, there would be no means by which to calculate its worth.

Colonel Hilder said in the House of Commons:

> The outstanding feature of the peace treaty is that it puts the British Empire at the highest point that it has ever reached in regard to territorial and world influence. Largely by force of circumstances and the leading part which our navy and army took in either the breaking down or destroying of the enemy we have been left with far greater territory and power than at any other period in the history of our race.

Mr. President, if you leave out Persia, England has received as the result of the war at least 1,607,053 square miles of territory, occupied by 35,000,000 people, and enriched in some particulars by the most valuable natural resources in the world.

If you take the States of Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, and Kansas, you will still have less in area of territory than Great Britain acquired as the result of the Great War. I am not at all envious of that fact and I am not at all concerned about it, except when we come to discuss the question of the attitude of the United States in the settlement of the international obligation which grew out of the war. But if we are to consider all the facts and circumstances which entered into the question of the settlement, it is perfectly legitimate and, indeed, most justifiable that we call attention to these facts.

Mr. President, the English debt is settled. While there has been criticism of it in England on the ground that it was exacting we may consider it as settled, and no one, in my judgment, will successfully contend that under all the circumstances it was settled upon a harsh or exacting basis.

The French war debt now in principal and interest amounts to about $4,000,000,000. No part of the principal has been paid, and no interest has been paid at any time. If we should settle with France upon the basis upon which we settled with England, we would cancel by that settlement nearly 50 cents on the dollar of all that France originally owed us. Unless it is a question of absolute rejection of the debt entirely; unless it is proposed to create such a condition of public mind and such an opinion in regard to the matter that it can be—I hesitate to use the harsh term "repudiation"—unless it can be acquitted, I will say, upon the part of the United States, I can not understand how any other terms than those which have been offered could be expected. If France asks for better terms than the British terms, she is finessing for cancellation. Her arguments are the arguments of cancellation; her logic, if such it can be called, is the logic of repudiation. The fact is that we are face to face with the proposition of whether we shall urge the payment of any part of this debt, and France is face to face with the proposition of whether she will pay any part of this debt, and no one can read the French press or the debate which took place yesterday in the Chamber of Deputies without con-

cluding that that is now the issue, whether any part of it is to be settled, whether any part of it is to be paid. Of course, the great French people can repudiate their obligation in that way, but if they choose to do so the truth of history ought to carry the actual facts in regard to the debt and the conditions and circumstances surrounding the desired settlement. If she repudiates her debt, she must do so with both sides of the controversy thoroughly stated.

Now, turn to French territory acquired as a result of the war. France acquired as a result of the war a total territory of 402,392 square miles, inhabited by about 4,000,000 people. That only indicates very partially the value of the acquisition. Portions of it are tremendously rich in oil and other natural resources.

Mr. McCORMICK. Mr. President, does the Senator include Morocco in that estimate?

Mr. BORAH. I did not include Morocco.

Mr. McCORMICK. I think the Senator might just as well include Morocco.

Mr. BORAH. Perhaps so, but there was a claim of the French in Morocco prior to the war; so I eliminate that, though I think we might well include it.

France received, by virtue of the Versailles treaty, the coal beds of the Saar Valley. The value of those coal beds has been estimated all the way from $150,000,000 to $500,000,000. I do not suppose there is any way by which an accurate estimate of their real value can be made. That they are of almost incalculable value there can be no doubt.

France also received back Alsace-Lorraine. Let us assume she was entitled to it. She did not have it; she got it as a result of the war. She got it back and enjoys it by reason of American soldiers and American money. The richness of that piece of territory almost beggars description. It is one of the richest regions of the earth in natural resources, and has now been restored to France.

In addition to that, Mr. President, according to the American Institute of Economics, Germany has already paid in cash and kind $6,500,000,000, France receiving her proportion. It has been estimated, Mr. President, that the acquisitions of the British have a value of fifty billion; that of the French thirty billion.

I said a moment ago, in this vast wealth, in these great acquisitions, the American people did not share and do not desire to share. Now, if you put the wealth of these acquisitions upon one side and the debt which the French owe to the people of the United States on the other, you will find that France has been tremendously advantaged after all the sacrifices which were referred to by the speaker upon yesterday have been calculated.

It may be thought unjust by some to say that we are now discussing the question of absolute repudiation, but in view of the fact that for five years there has been no offer of settlement, no payment of principal, and no payment of interest; in view of the further fact that no specific proposition for settlement has ever been made, that apparently it is not intended that any shall be made, as the press of France and as the speakers upon behalf of those people now indicate, I assume that that is the real problem before us.

There have been some strange arguments advanced from time to time in regard to this French debt. We are not only advised by the French people, but we are advised by a certain class of our own people that we ought to forgive the French debt because the French practically forgave the debt which we incurred in France during the American Revolution. As a matter of fact, Mr. President, the United States paid in full the debt incurred at that time. I have upon my desk a statement of the facts and the figures, furnished me by the Treasury Department, where the records are, disclosing a full settlement, and the payment of a higher rate of interest than we are now proposing. I shall ask permission to insert this in the RECORD without taking time to read it.

The PRESIDING OFFICER (Mr. McNARY in the chair). Is there objection? There is no objection.

Mr. BORAH. I read a paragraph from Bolles Financial History of the United States:

> The first money advanced to the colonies was through Beaumarchais on June 10, 1776. The amount was 1,000,000 livres. This amount was advanced secretly and for the purpose of purchasing munitions. But as a matter of fact, owing to a scandal which arose, it is doubtful if any of the munitions were ever delivered.

I now read a paragraph from Bayley's History of National Loans:

> By an act of Congress, April 18, 1806, $78,886.26 was paid to the heirs of Beaumarchais, and under the convention with the King of the French of July 4, 1831, 800,000 francs were also paid to the heirs of Beaumarchais, making an over payment of 1,426,787 livres.
>
> The whole amount received from France during the War of the Revolution in the way of loans and subsidies was $8,187,500.

I shall insert the balance of the facts touching these loans at the close of my remarks.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. BRUCE. The Senator is aware, of course, that France made some very large gifts to the people of the United States during the War of the Revolution?

Mr. BORAH. I have not been able to find a record of them.

Mr. BRUCE. The Senator will find a record of them among the letters of Benjamin Franklin. In one of his famous letters he acknowledged the fact that France made these gifts and expressed the hope that the gratitude of the United States because of them would be eternal.

Mr. BORAH. Mr. Franklin, with whose history the Senator from Maryland is so familiar and concerning whom he has written so illuminatingly, was referring, I presume, to what was called the gift by Beaumarchais, but that was afterwards settled, after Mr. Franklin had passed to the region from whose bourne no traveler returns.

Mr. BRUCE. If the Senator will allow me, I was not referring to that at all.

Mr. BORAH. To what was the Senator referring?

Mr. BRUCE. I was not referring to any part of the loans made by the French Government to the United States through the agency of the house of Hortalez & Co., of which Beaumarchais was the directing genius.

Mr. BORAH. Will the Senator state to what specific gift he has reference?

Mr. BRUCE. Franklin records the fact that on one occasion he applied to the French minister for a loan of 6,000,000 livres, only to be told by the French minister that the French Government was not willing to make a loan of that amount, but was willing to make a gift of that amount, which was duly made.

Mr. BORAH. That took place, as the Senator must know, because at the time Franklin applied for that loan the French Government was not willing to risk its chances with the American Colonies, and they never did take the risk until after the Battle of Saratoga. Therefore they transmitted this loan—this gift, if the Senator prefers to call it such, which afterwards transformed itself into a loan—through certain individuals from whom Franklin got it. One of them was Beaumarchais. But that afterwards came in and was adjusted and settled, just the same as the other obligations were settled. If there was any gift of which there has been no settlement, after the most industrious effort I have been unable to find a record of it, and the Treasury Department has been unable to find any record of it, and in my opinion history does not record it.

Mr. BRUCE. I want to state to the Senator from Idaho that in the letter to which I referred Franklin said the gifts amounted to twelve millions of livre.

Mr. CARAWAY. If I remember correctly, we have been giving almost daily to them large sums to restore the devastated areas in France, have we not?

Mr. BORAH. Yes, indeed.

Mr. CARAWAY. Many hundreds of millions of dollars.

Mr. BRUCE. The point I was making is that it does seem to me those gifts should be taken into due account. I am firmly of the belief, as is the Senator from Idaho, that France should pay her indebtedness to us, and that she has no extraordinary claim of any kind on our generosity in the principal respect; but I do think when we come to settle with France that we, as a grateful people, might take into account the generous treatment she showed us, because everybody knows that France was not actuated simply by considerations of selfish policy in connection with the loans and gifts she made to us.

She was, of course, partly influenced by selfish policy, because of the peculiar relation she sustained at that time to Great Britain. On the other hand, she was influenced by a feeling of generous enthusiasm in rendering to us the aid she did. She was on the eve of the French Revolution, the most tremendous outburst of uncalculating enthusiasm the world ever knew. She had been infected by the example of our long struggle for liberty. She shared all our own generous aspirations for freedom. Anyone familiar with the history of France at that time can not well doubt that what influenced most the minds of the French people in forming an alliance with us was their love of liberty; that they were anxious to secure for

themselves the same freedom that we were struggling to secure, and it may well be questioned whether she would have taken any part in our contest for independence at all had not that condition prevailed.

Mr. BORAH. Mr. President, the Senator may be entirely familiar with the life of Franklin, but he is certainly at war with the record of facts in regard to the reasons why France went into the American Revolution. I am going to read just a paragraph from Woodrow Wilson's History of the United States:

> The Congress at Philadelphia explicitly commanded its commissioners to be guided by the wishes of the French court. Doctor Franklin, Mr. John Adams, and Mr. John Jay, who bore its commission, were men of honor, and entertained, besides, a lively sense of the very deep obligations of the United States to France for the money and the armed assistance in the field and upon the seas, without which, apparently, their victory would have been impossible. It proved impracticable, nevertheless, to act with France; for she conducted herself not as the ingenuous friend of the United States but only as the enemy of England and, as first and always, a subtle strategist for her own interest and advantage. The American commissioners would not be tricked and came to terms separately with the English.

Mr. McCORMICK. By whom was this written?

Mr. BORAH. By a former President of the United States, Mr. Woodrow Wilson.

Now let me read from an authority which was closer to the scene of action, and that is Alexander Hamilton. Alexander Hamilton in his letters, signed Pacificus, said:

> A third objection to the proclamation—
>
> The proclamation of neutrality which Washington issued when the French Revolution broke out—
>
> is, that it is inconsistent with the gratitude due to France for the services rendered to us in our Revolution.
>
> * * * * * * *
>
> France, the rival, time immemorial, of Great Britain, had, in the course of the war which ended in 1763, suffered from the successful arms of the latter the severest losses and the most mortifying defeats. Britain from that moment had acquired an ascendant in the affairs of Europe and in the commerce of the world too decided and too humiliating to be endured without extreme impatience and an eager desire of finding favorable opportunity to destroy it and to repair the breach which had been made in the national glory. The animosity of wounded pride conspired with calculations of interest to give a keen edge to that impatience and to that desire.
>
> The American Revolution offered the occasion. It early attracted the notice of France, though with extreme circumspection. As far as countenance and aid may be presumed to have been given prior to the epoch of the acknowledgment of our independence, it will be no unkind derogation to assert that they were marked neither with liberality nor with vigor; that they wore the appearance rather of a desire to keep alive disturbances which might embarrass a rival than of a serious design to assist a revolution or a serious expectation that it could be effected.
>
> The victories of Saratoga, the capture of an army, which went a great way toward deciding the issue of the contest, decided also the hesitations of France. They established in the Government of that country a confidence of our ability to accomplish our purpose, and, as a consequence of it, produced the treaties of alliance and commerce.
>
> It is impossible to see in all this anything more than the conduct of a jealous competitor, embracing a most promising opportunity to repress the pride and diminish the power of a dangerous rival, by seconding a successful resistance to its authority with the object of lopping off a valuable portion of its dominions. The dismemberment of this country from Great Britain was an obvious and a very important interest of France. It can not be doubted that it was both the determining motive and an adequate compensation for the assistance afforded to us.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield for a question.

Mr. BRUCE. I repeat the conviction I have already expressed that the motives which induced France to participate in our struggle for independence were even to a greater extent generous than they were selfish, because of the peculiar conditions that prevailed in France at that time. If that is not so, why should we perpetuate in all the manifold forms that we do the obligations of gratitude that this Nation has ever felt to Lafayette and the other Frenchmen of his time who did so much to promote our national cause? If the motives by which France was actuated were purely selfish, it seems to me that the whole trend of our relations with her since the War of the American Revolution would have been quite different. The point I am emphasizing is that France was on the eve of her own revolution.

Mr. BORAH. Of which she knew nothing at that time.

Mr. BRUCE. Oh, yes, she did.

Mr. BORAH. She had no revolution at that time at all. She was not even expecting it. The Bourbons, as fatuous and confident as ever, knew nothing of the volcano at their feet.

Mr. BRUCE. The blood of the French Revolution was stirring in her veins just as the sap in the limb of a tree stirs in the springtime.

Mr. BORAH. At the time those loans were made those who were inspiring and directing and organizing the revolution were not the people who had the say as to the loans. Does the Senator think that the Bourbons of France had any profound sympathy with the revolution in America, which revolution afterwards, to a marked degree, fed the fires of the French Revolution?

Mr. BRUCE. No, I do not.

Mr. BORAH. I did not think so.

Mr. BRUCE. I say that the French King and the French minister were opposed to the participation of France in our struggle for independence, but that the desire of the people of France that the Government of France should participate was too strong for the French King and the French minister.

Mr. BORAH. Yes; the French people had a great voice in affairs in France at that time.

Mr. BRUCE. They did. Their stirrings were sufficient in a few years to overwhelm the whole existing system of French government. They had not at that time, of course, obtained the mouthpieces, so to speak, of political action that they shortly afterwards obtained, but they were in a position to spread throughout the whole of French society the contagious passion for liberty that hurried France into our revolution. Does the Senator believe that Lafayette, the young man who left the side of his bride to come to this country, was actuated by anything in the world but impulses of knightly and chivalrous sympathy with our people?

Mr. BORAH. Mr. President, if the Senator wants to occupy my time I will yield the floor.

Mr. BRUCE. I do not at all. I do not want to interrupt the Senator for one second longer than he is willing I should interrupt him.

Mr. BORAH. Of course I yield for a question at any time; but I think it fair to the man who has the floor that he be given a part of the time.

The Senator has just referred to the young man who left his bride and came to America enthusiastic in the cause of liberty.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BRUCE. Surely the Senator is not going to cut me off abruptly.

The PRESIDENT pro tempore. The Senator from Maryland can not interrupt the Senator from Idaho unless he consents.

Mr. BORAH. I will not consent until I have at least finished my sentence.

Mr. BRUCE. But some of the Senator's sentences are so long that it is hard to say when they will end.

Mr. BORAH. Long or short, I trust the Senator will be patient. I may have misunderstood the Senator about the young man leaving his bride, but he certainly said he left his country in behalf of this country. He did. All honor to Lafayette. He was a brave, generous, and daring spirit. But Lafayette had to steal away. The French Government tried to arrest him while he was going. He had undertaken to fit out a ship. He was deprived of the opportunity of taking it, and stole away like a criminal from the French Government, which was so deeply in sympathy with America!

Mr. BRUCE. May I interrupt the Senator?

Mr. BORAH. In just a moment. Not only that, but the time came when the Congress of the United States compensated Lafayette. I have upon my desk now the statute which we enacted paying him for his services and deeding to him a large tract of land. The United States met every obligation, and she did not plead at that time, as it is pleaded now, that the war was fought upon her territory, and therefore we should not pay the debt. She did not plead that France came into the war late, after the Battle of Saratoga, and therefore we should not pay the debt. She did not plead that it was a common fight for liberty, and therefore we should not pay the debt. The battle was fought upon American soil. American

homes were destroyed. For seven years they ravaged American territory. We did not plead that in settling the debt.

It is for this reason that I call attention to these facts. We have been told month after month that the war was fought in France; that as we got into the war late, that as we were fighting for a common cause, and therefore the debt should not be paid. All those incidents transpired in the American Revolution, but America did not plead them as an offset for the debt.

Mr. BRUCE. Mr. President, I do not understand whether the Senator gives me permission to interrupt or not.

Mr. BORAH. I yield for a question.

Mr. BRUCE. What I was going to say I could hardly put in the form of an interrogatory.

Mr. BORAH. I will ask the Senator from Maryland if he can not put his interruption in the form of a question to wait until I conclude.

Mr. BRUCE. I was perfectly satisfied with the position of the Senator from Idaho if he was not willing to be interrupted, but when the Senator proceeded to traverse statements that I had made I supposed that he meant to indicate, of course, that the resolution on his part not to be interrupted was not inflexible; but what I say——

Mr. BORAH. Mr. President, if the Senator will ask a question I shall undertake to answer it, but I do not want the Senator to put incorrect history into my speech. [Laughter.]

Mr. BRUCE. Well——

The PRESIDENT pro tempore. The Senator from Idaho declines to yield.

Mr. BRUCE. Well, I am glad——

The PRESIDENT pro tempore. The Senator from Maryland is out of order.

Mr. BORAH. I decline to yield, except for a question.

Mr. President, the Senator from Maryland seems to deplore the fact that there is not a sufficient manifestation of gratitude upon the part of America for what France did in the American Revolution. There is a sense of gratitude for the simple reason that whatever the motives were upon the part of France, whatever selfish interests may have actuated her in the stand which she took, her action did result in benefit to the United States, but the United States did not plead any interest on the part of France as an offset for the debt that she had incurred. She paid every dollar of it.

Before I leave this subject as to why France took part in the American Revolution may I read a paragraph or two from the celebrated historian, John Fiske, in his fascinating story of the American struggle for independence. He says:

> In France the interest in American affairs grew rapidly (this was after the Battles of Trenton and Princeton). Louis XVI had no love for Americans or for rebels, but revenge for the awful disasters of 1758 and 1759 was dear to the French heart. France felt toward England then as she feels toward Germany now. And so long ago as the time of the stamp act, Baron Kalb had been sent on a secret mission to America to find out how the people regarded the British Government.

Again the same author says:

> The British ambassador had already begun to protest against the violation of neutrality involved in the departure of privateers, and France was not willing to run the risk of open war with England until it should become clear that the Americans should prove efficient allies.

Again the author says:

> It was no part of the French policy to take an active share in the struggle until the proper moment should come for reaping some decisive material advantage. At the beginning of the year 1778 that moment seemed to have arrived, the capture of Burgoyne and the masterly strategy which Washington had shown in spite of his ill success on the field had furnished convincing proof that the American alliance was worth having. At the same time the announcement that Lord North was about to bring in conciliatory measures indicated that the British Government was weakening in its purpose. * * * Just now, too, Frederick the Great publicly opened the port of Dantzig to American cruisers and prohibited the Hessian soldiers from passing through his dominions to the seaboard, while he wrote to Franklin at Paris that he should probably follow the King of France in recognizing the independence of the United States.

Then there came a time, Mr. President, when the reason for France entering the American Revolution was evidenced in a more signal way than the ways in which I have mentioned, and that was the time after the American Revolution had been won and American independence was an issue and when the question of setting up a new Republic upon the western continent was the problem before the American people. Read the history of international affairs during the time of which the late Woodrow Wilson speaks in his history when every ingenuity which could be exercised was put forward for the purpose of preventing the independence of the American Colonists. I am going to ask, Mr. President, to insert in the RECORD some excerpts from the history of foreign affairs written by Johnson.

Mr. JONES of Washington. I suggest to the Senator that he read them.

Mr. BORAH. Very well, at page 165, after speaking of the encouragement which had been given to America in a secret way by Vergennes about 1775, Mr. Johnson says:

> The French Government, however, made no move toward aiding the Colonies in the struggle which it had encouraged them to begin. Louis XVI had no inclination to do so. Neither principle nor sentiment impelled him to help the Americans.

At page 67, after quoting from Bon Volouir, who wrote from America about 1776 in regard to the situation, the author says (p. 67):

> It would be difficult to conceive any policy more selfish, cold-blooded, and cynical. The proposition in effect that France should play the part of Iago. We can perceive in it not one trace of sympathy for the American struggle for liberty and not a hint of a desire for the welfare of the Colonies.

Mr. Johnson further states:

> It can not be too strongly emphasized, however, that in so doing and in whatever aid was given to this country, there was no real love for America or for American causes (p. 69).

Then the attempt of France to deprive America of the fruits of her victory is recorded in this language:

> The French Government, through Girard, attempted a still more mischievous stroke. It sought to persuade Congress to forego all demand for recognition of American independence by Great Britain and to be content with a French guaranty of independence (p. 109).

France undertook to thwart the efforts of the Americans to make treaties with Holland and also with Spain. Speaking of the arrival of Adams at The Hague and the strong desire of the Hollanders to make a treaty with America, the author says:

> This would probably have been done without delay had it not been for the malign influence of France (p. 117).

Again, at page 123, he says:

> France and Spain persisted in holding aloof in trying to make mischief, France especially striving to the last to fetter her nominal ally to the utmost of her ability (p. 123).

Mr. President, those quotations are only interesting at this time to stay, if possible, the continued criticism that the United States is ungrateful and is assuming the attitude of an ingrate in not forgiving this debt because of the services of France in the American Revolution. France joined with America in that contest, but she joined with America because it was to her interest to do so. France loaned America money because it was to her interest to do so. Together they won the fight. France joined us after the Battle of Saratoga; she joined us after it was known or believed that America would win; she made her loan and her alliance after that fact. She loaned the money. We paid it and we paid it all. There were no gifts in the nature of loans, in my opinion, which were not taken care of before the final adjustment of the obligation.

Mr. DILL. Mr. President, will the Senator from Idaho yield to me?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield for a question.

Mr. DILL. Does the Senator from Idaho find no evidence of the forgiving of certain interest on that loan when the settlement was made in 1782?

Mr. BORAH. No; I find no evidence of it; but I would not dispute the fact that the interest might have been reduced, because the record is so indefinite about that.

Mr. DILL. A number of authors have stated that the interest was reduced.

Mr. BORAH. Mr. President, I have here and shall put into the RECORD a statement of the Treasury Department showing the amounts borrowed, the settlements, the interest paid, and so forth. I have also an account of the transactions by Bolles and other financial historians, and those I shall insert in the RECORD. I think they bear out everything that I have stated.

I am aware, Mr. President, that there is nothing involved in this controversy other than, as said by Mr. Marin yesterday, a financial obligation, so far as the United States is concerned.

It was an obligation, however, which was incurred at the instance and request of other countries and an obligation which we called upon the American taxpayer to take care of. When we come to consider everything which enters into the transaction, the sacrifices made during the war, the material advantages growing out of the war to France and England, instead of the United States being an exacting creditor the United States has been exceedingly generous. We might just as well have claimed a vast portion of the oil fields had it been in accordance with our policy to have done so as for France and England to have claimed them; we might just as well have claimed a portion of the other natural resources; but all those things were waived; they were put aside; they were left to be distributed and divided between the other powers. That being true, certainly settlement of the financial obligation incurred to help France and due to the American taxpayer may be called for without our country being constantly placed in the position which they are seeking to place us at this time.

Mr. REED of Missouri. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I do.

Mr. REED of Missouri. I was unavoidably called from the Chamber and the Senator may have mentioned what I am about to suggest, but I did not hear him refer to the greatest benefit which France received, and that was her life as a nation.

Mr. BORAH. That is quite true.

Mr. REED of Missouri. For everyone familiar with the facts knows that the French were facing inevitable destruction—and they have substantially so admitted—when the American Army was thrown into the conflict. When they are estimating benefits, they might take into account how much it is worth to France still to be a great and independent country.

Mr. BORAH. That is quite correct. Now, a single sentence in conclusion. We are entitled to a specific proposition of settlement from France. And France is in honor bound to make it.

Mr. President, I want to submit as part of my remarks the memorandum from the Treasury and an article on interallied debts by Mr. Bernard M. Baruch, and also an article upon the international debts by Mr. Gary, president of the United States Steel Corporation.

The PRESIDENT pro tempore. Without objection, the memorandum and articles will be printed in the RECORD.

The articles are as follows:

APPENDIX I

MEMORANDUM OF LOANS MADE BY FRANCE TO THE UNITED STATES DURING AND IMMEDIATELY FOLLOWING THE REVOLUTIONARY WAR

France made four loans to the United States during and immediately following the Revolution, all of which were negotiated by the Continental Congress. The details of these loans are as follows:

Date	Loan	When due	Amount in dollars	Interest rate
				P. ct.
1777	1,000,000 livres from Farmers General of France under authority of resolution Dec. 23, 1776.	Indefinite	181,500	5
1778	18,000,000 livres from French Government under authority resolution Dec. 3, 1777.	12 annual installments from the third year after conclusion of peace.	3,267,000	5
1781–1782	10,000,000 livres from French Government under authority resolution Oct. 26, 1779.	10 annual installments from Nov. 5, 1787.	1,815,000	4
1783	6,000,000 livres from French Government under authority resolution Sept. 14, 1782.	6 annual installments from Jan. 1, 1785.	1,089,000	5
	Total		6,352,500	

Due to the condition of the finances of the new Government, interest payments on these loans, as well as the installments on the principal, were not always made promptly, but the account, both principal and interest, was ultimately settled in full. All amounts still unpaid in 1795 were converted into domestic stock bearing interest at 4½ and 5½ per cent per annum. Oliver Wolcott, jr., the Secretary of the Treasury at the time, said that "* * * by this operation the debt as due under former contracts to the Republic of France may be considered as discharged." The details pertaining to repayments on the principal and refunding operations of the various loans are as follows:

Date	Loan	Repayments	Merged into 5½ per cent stock	Merged into 4½ per cent stock	Total
1778–79	First loan	[1] $27,811.11			$27,811.11
1791	Second loan	544,500.00			544,500.00
1792	do	1,089,000.00			1,089,000.00
	Third loan	726,000.00			726,000.00
1793	Second loan	272,250.00			272,250.00
	Third loan	544,500.00			544,500.00
1794	Second loan	329,100.00			329,100.00
	Third loan	186,983.96			186,983.96
1795	First loan	153,688.89			153,688.89
	Second loan	272,250.00	$759,900.00		1,032,150.00
	Third loan	181,516.04		$176,000.00	377,516.04
	Fourth loan		1,089,000.00		1,089,000.00
	Total	4,327,600.00	1,848,900.00	176,000.00	6,352,500.00

[1] In tobacco.

There is attached a photostat copy of a statement prepared by the Register of the United States Treasury, dated April 28, 1800 (American State Papers, Finance, vol. 1, p. 671), which shows the French debt at the beginning of the Government and its ultimate estinguishment, both principal and interest. Thus of the total amount of $6,352,500 borrowed, the sum of $4,327,600 was repaid by 1795, and the balance, or $2,024,900, was refunded into 4½ per cent and 5½ per cent domestic stock. The 4½ per cent stock was all repaid in due course between 1807–8, while the final payment was made on the 5½ per cent stock in 1815.

In addition to the loans described above there were certain aids and subsidies granted by the French King to the American Colonies. In these subsidies Spain participated to the extent of 1,000,000 livres. The amounts of these subsidies are as follows:

	Livres.
In 1776, from France	2,000,000
In 1776, from Spain	1,000,000
In 1777, from France	2,000,000
In 1781, from France	6,000,000
Total (equal to $1,996,500)	11,000,000

Thus the gifts from France amounted to $1,815,000.

The first subsidy from France of 2,000,000 livres and the subsidy of 1,000,000 from Spain were handled by M. Caron de Beaumarchais, who carried on his work under the guise of a Spanish trading company by the name of Roderique Hortales & Co. The others were negotiated through Benjamin Franklin. So far as the Treasury has been able to determine the facts, there was never any misunderstanding over the gratuities granted by the French King to the United States through Benjamin Franklin, in amount 8,000,000 livres. The adjustment of 1795 seems conclusive in this respect. Moreover, the mutual claims of France and the United States have been the subject of several treaties between the parties, but no reference is found to any supposed debt to France originating in the support given by France to the United States in the Revolutionary War. The earliest of these treaties was the one of September 30, 1800, followed by that of April 30, 1803, ceding Louisiana to the United States.

A dispute, however, arose between Beaumarchais and Congress over the claims of the former. He made large shipments of munitions and supplies to this country for the use of the Revolutionary Army aggregating over 6,000,000 livres, according to Bayley's history of national loans of the United States. These were afterwards the subject of claims presented by Beaumarchais and his heirs. Settlement was finally made in 1835 by the payment of 810,000 livres to his heirs. Mr. Bayley made a careful investigation of the claims of Beaumarchais against the United States, and in stating the account in the volume referred to shows an overpayment by the United States of 1,426,787 livres (about $250,000).

APPENDIX II

CHAPTER XX. INTERALLIED DEBTS

(By Bernard M. Baruch, chairman of the War Industries Board, member of the Supreme Economic Council, economic adviser for the American Peace Commission, American delegate on economic and reparation clauses, author of Making of the Economic and Reparations Sections of the Peace Treaty.)

Wars are fought on the land, on the water, in the air, and behind the front where the civilian forces labor. It is not enough to mobilize a nation's military strength; there must be a mobilization of its full economic resources, industrial, agricultural, and financial. These must be organized, coordinated, and directed with the same strategy that governs the operations of the purely military arms of the service. The World War involved not only all of the man power, but the material resources of the participating nations. So it was soon found necessary for the stronger financial nations on each side to support the weaker nations with financial resources, goods, and services, as well as with man power, The natural theory was that each nation should finance,

as in times of peace, its own necessities; but it soon became evident that requirements from outside sources could not be obtained in the usual manner (i. e., offering bonds or like securities on the domestic and foreign markets) because of the deranged condition of exchanges; and so funds for governments had to be obtained through loans of one government to another. Thus arose the interallied debts.

AMOUNTS ADVANCED

England and France were called upon early in the war to supply money for the less wealthy allies. Most of this money was spent in the creditor countries. When America entered the war it was found necessary to relieve the already overstrained credit, not alone of the participants who had already borrowed money from England and France but of England and France themselves. So loans from America were negotiated to the amount of $9,842,468,566.82. Later there were added obligations for sales of surplus war materials, for relief, and for flour, bringing the total to $10,578,509,342, which together with interest made a total at the end of 1923 of $11,800,-010,245. There was no thought when made that these loans would be treated differently from any other loans.

As a rule, the lending nations aided their allies in two different ways. For the articles which were purchased by their allies within the creditor countries' boundaries they loaned money; for the things the lending nations purchased in the debtor countries they had to pay cash. Most of the creditor countries also sent their soldiers to the debtor territory, and not only supported them while there with munitions and food from home but paid for such munitions, food, and transportation necessary for their troops as were obtainable in the debtor countries. Thus the United States not only loaned England and France money but in addition spent hundreds of millions of dollars in those countries for material, equipment, and transportation. The other countries, when making purchases in the United States, used money they had borrowed from the United States. The United States paid cash.

Because of inability or unwillingness, the only understanding reached on interallied debts has been an agreement to fund the British debt to the United States. It was the general understanding that Belgium's indebtedness to the Allies and to America was to be paid from the German reparation.

DOES PAYMENT DEPEND ON REPARATIONS

This whole subject of the interallied debts, other than those between Great Britain and the United States, was in January, 1924, held up pending the settlement of the reparation problem. France, followed by Italy, practically said to the other nations that unless Germany pays certain sums of money it can not or will not pay its indebtedness to other nations. M. Poincaré, in his note to Lord Curzon of August, 1923, said that until France should receive 26 billions of gold marks from Germany and in addition the cancellation of its indebtedness to England and America, or the acceptance by its creditor nations of the German "C" bonds (generally considered of doubtful value), the reparation matter could not be settled. Whereas it is perfectly true that the more Germany pays to the Allies the more they will have out of which to pay their debts, this self-evident truth has no relation to the inherent ability of the Allies to pay their outstanding obligations. The Franco-Italian position, ignoring this economic truth, seems simply equivalent to saying that until their chief debtor pays them they (the French and Italians) will not (not can not) pay their creditors. See Poincaré note to Curzon, as follows: "While recognizing our debt, while not even thinking of leaving it unpaid, we are forced to say that we can only pay after having received what Germany owes us. We shall demand from the latter, in addition to our 26 milliards of "A" and "B" bonds, what is demanded from ourselves."

The point is often raised that if Germany's debt is scaled, why should not the debt of the Allies one to another be scaled? There would be some force in that argument if one urges that Germany be let off for less than she is able to pay or that the recipients of the reparations be more lenient to Germany than the facts warrant. If Germany's ability to pay out of her own resources is fixed at, roughly, a capital sum of $10,000,000,000, the taxpayers of America will want to know why France out of her resources can not pay what she owes America.

If the quid pro quo for the cancellation of interallied debts should be the cancellation of that portion of the German reparation liability which can not be paid and is therefore worthless, then those creditor nations which cancel their debts are in effect paying German reparations. That would be a bad precedent to set—to make some of the victorious nations pay to some of their associates an indemnity for the nation they had conquered.

[From an address by Judge Elbert H. Gary, chairman of the United States Steel Corporation, in New York City on November 30, 1923]

There is at present a strenuous agitation in favor of canceling or reducing the debts of foreign countries to the United States. From the viewpoint of the United States and also many foreign countries who borrowed money at a time when it was very much needed, with unconditional promises to pay, the proposition would appear to be irrational and preposterous. To the ordinary American mind, it is unthinkable. The debtors should have an abundance of time to pay their obligations and a reasonable rate of interest, but that they should desire to repudiate an honest national debt is beyond the comprehension of Americans, to say the least. When the Government which precipitated the terrible World War announced that it considered a solemn international agreement, which it had previously entered into, as only a "scrap of paper" the whole world was startled. It was believed at first the one who made the statement did not accurately represent the attitude of his country, and when it was found he did, most nations, including those who are now indebted to the United States for borrowed money, denounced the statement as an outrage and placed the nation who stood for the repudiation of an honest agreement as in disgrace and without the pale of civilization.

With much greater reason, when a nation relying upon the friendship of another nation borrows money for immediate needs for a definite time upon an absolute, unconditional promise to pay, there is reason to question the bona fides or even the sanity of those who propose repudiation. Most of us remember clearly what took place and what was said during the war by those who borrowed money; how urgent they were, how profuse in promises, how grateful for accommodations; and it is difficult to believe there is a change in sentiment. * * *.

According to the published reports it has lately been said by one of the foreign leaders in governmental matters, referring to war debts, that the war was fought by and for all the countries participating, for their joint benefit and safety. Even though this may be a complete, fair, and accurate statement, which is not admitted, it may be urged in answer that as far as we were concerned we paid all of our own expenses and furnished our own men, and that they served efficiently and with great credit to themselves.

It has been asserted by certain foreign nations that they are willing to pay their debts when their debtors pay them and not before. Did any one ever before hear such a condition insisted upon by any self-respecting, solvent individual, or nation? Does any one of these foreign nations, through its courts, allow individual debtors to other individuals to postpone payment until these debtors have collected their claims against third parties? What would a foreign court say to such a defense to a suit brought upon a note given for borrowed money? * * *.

If our United States Congress should vote in favor of any reduction in the principal of the foreign debts, whether as an intended act of generosity or otherwise, it would receive no genuine response of gratitude from the debtor and, on the contrary, it would be charged by a majority, at least, of the people of this country with attempting to contribute the moneys of others for motives that are not commendable. We do not ask Congressmen to be economical with their own money but with ours it is different, notwithstanding we do not believe in false economy nor object to true and real generosity. * * * If the foreign debts to this country were canceled or reduced except by consent of at least a majority of the Americans, it would be outrageous, for it would be a mere transfer of the burden from one nation to another whose people are already carrying a very heavy load.

We in this country desire the friendship of every other country and may be depended upon to do everything just and reasonable to maintain the cordial and friendly relationship with all of them; but when it comes to the point of being generous beyond the limit of obligations we must reserve to ourselves the decision as to what is appropriate; and in the consideration of all such matters we should not forget that charity begins at home and that the necessities and comforts of our own people are not to be overlooked nor neglected. True generosity regards always of highest importance actual obligations to our own dependents. This is good doctrine for all of us as individuals and for our lawmakers as official administrators as well.

[From United States Statutes at Large, vol. 6, p. 320 (18th Cong., 2d sess.)]

STATUTE II

CHAPTER II. AN ACT CONCERNING GENERAL LAFAYETTE

Be it enacted, etc., That, in consideration of the services and sacrifices of General Lafayette, in the War of the Revolution, the Secretary of the Treasury be, and he is hereby, authorized to pay to him the sum of $200,000 out of any money in the Treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That there be granted to the said General Lafayette and his heirs one township of land, to be laid out and located under the authority of the President, in any of the unappropriated lands of the United States.

Approved December 28, 1824.

ISLE OF PINES TREATY

Mr. McCORMICK. Mr. President, since the Senator from Idaho [Mr. BORAH] has addressed the Senate upon a question long pending and still unsettled between France and the United States and other debtors to the Government of the United States, I venture to ask him if he will not join in requesting that, by unanimous consent, we fix a day to vote upon the so-called Isle of Pines treaty, in order that that long-unsettled question may be determined in one way or another?

Mr. BORAH. Mr. President, I can well understand on this afternoon of generosity, when we are called upon to meet the issue of forgiving $4,600,000,000 of indebtedness to France, why the Senator from Illinois is so anxious also to give away the Isle of Pines.

Mr. McCORMICK. The Senator from Idaho does not charge me with being one of those——

Mr. BORAH. I will say to the Senator that the debate on the Isle of Pines has just begun, and there is no way to ascertain how long it will legitimately continue. I will ask for a vote just as soon as I think the debate is drawing anything like near to a close; but there are Senators, both those who favor the treaty and those who are against it, who are seriously desirous of discussing it, and I would not want to undertake to agree at this time that we should vote on a day certain, for in that case they might not be able to discuss it.

Mr. McCORMICK. Would it seem that a week from to-day would be too far off?

Mr. BORAH. Yes; it would seem so.

Mr. McCORMICK. I venture to suggest to the Senator two weeks from to-day.

Mr. BORAH. Of course, I have no idea what will come before the Senate in the meantime.

Mr. HEFLIN. I will object now to any time being fixed.

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Alabama?

Mr. McCORMICK. I yield gladly to my friend from Alabama.

Mr. HEFLIN. I thought it might save time, Mr. President, if I should say that I am not ready now to agree for any time to be fixed to vote on the Isle of Pines treaty.

Mr. McCORMICK. Am I to apprehend, then, Mr. President, that the treaty will be rendered insensible by novocaine and kept in that condition pending the reassembling of the Senate next December?

Mr. BORAH. If I understand the Senator correctly, that may be the situation; I can not tell; but, Mr. President, candidly and seriously, we can not agree upon a time for a vote at this time. If everything else were out of the way so that the time might be ours, we could agree, perhaps, in two or three days, but I am not going to agree until I know that the right of way is cleared, because there still remains a great deal to be said about the Isle of Pines treaty.

I should like to accommodate the Senator from Illinois, but I join with the Senator from Alabama in saying that we can not agree at this time.

Mr. HEFLIN. Mr. President, if the Senator from Illinois will permit me——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Alabama?

Mr. McCORMICK. I do.

Mr. HEFLIN. I want to ask the Senator from Illinois how long this treaty has been pending.

Mr. McCORMICK. It has been pending some 20 years. It has been in suspense four times as long as the determination of the settlement of the debts due the Government of the United States by the European governments.

Mr. President, I do not urge Senators who are opposed to this treaty after a study of the record, the history, the facts, and the law to vote for the treaty. I only venture to urge that we are under a moral obligation to ratify or to reject this treaty, precisely as I regard the debtor governments under obligation to negotiate honorable settlements for the payment of their debts to the Government of the United States.

The question of the Isle of Pines is not altogether a simple question, as I ventured to say when I addressed the Senate before. If it were there would be no division of opinion among us; but we have access to the records, beginning with the declaration by a resolution of Congress requiring Spain to evacuate the Island of Cuba, until the submission of the treaties of 1903; and any Senator with those records before him may study the question and form an opinion.

I recognize that the advocates of the treaty are confronted by the most formidable adversary on the floor of the Senate in the person of the Senator from Idaho [Mr. BORAH]. I recognize that he is animated by profound conviction in the position which he has taken. I assume that he will base his case upon constitutional grounds, but I think it ought to be possible for us to agree at this time to vote within a fortnight; and at a later period during the day, if the occasion presents itself, I shall offer, for unanimous agreement, a proposal to that end.

ADDRESS BY JUDGE FLORENCE ALLEN

Mr. RANSDELL. Mr. President, as the mind of the Senate seems to be directed to matters relating to war or growing out of war, I wish to have its attention for just a moment.

On the 18th instant, at the Belasco Theater in this city, the National Conference on the Cause and Cure of War was opened. One of the speakers was Judge Florence Allen, of the Supreme Court of Ohio, who held her large audience spellbound for 30 minutes. Her plea for "the outlawry of war," for a new slogan, "The State *shall* do no wrong," for world peace by teaching mankind "law, not war" was one of the most eloquent and convincing speeches I ever heard. I ask that it may be printed in the RECORD as part of my remarks, and I commend its careful study to all lovers of peace.

Mr. MOSES. Mr. President, I am a lover of peace, but I shall have to ask that the manuscript be sent to the Committee on Printing under the rule.

Mr. RANSDELL. I hope the Senator will not insist on that, for I do not want to consume the time of the Senate by reading it; but it is a very eloquent and beautiful speech, and I shall be compelled to stand in my place and read it if the Senator objects.

Mr. McCORMICK. I object.

Mr. RANSDELL. I have the floor, and I shall certainly keep it and read this wonderful address.

Mr. MOSES. I am sure that the lady's eloquence would be greatly refined by the utterances of the Senator, and I want him to read it.

Mr. RANSDELL. Not at all. It is the most beautiful speech I have heard in many, many years, and I have even heard the Senator from New Hampshire.

The PRESIDENT pro tempore. Objection is made.

Mr. RANSDELL. I shall take the time to read it. I have the floor.

This address was made last Sunday evening, and the speaker was introduced by Mrs. Carrie Chapman Catt, who was presiding over this National Conference on the Cause and Cure of War. She said:

> We women were very proud not long ago when there was elected to a State supreme court for the first time in the history of the world an American woman. We are very proud of that woman as a lawyer and a judge, but I may say on behalf of all of us that there is no woman who is a better speaker on the subject of peace. It is therefore a double pleasure and honor to present to you Judge Florence Allen, of the Supreme Court of Ohio. [Applause.]

Mr. SWANSON. Mr. President, I renew the unanimous-consent request that Judge Allen's speech be printed in the RECORD without reading.

Mr. RANSDELL. As a part of my remarks?

Mr. SWANSON. I ask unanimous consent that the address may be printed in the RECORD.

Mr. RANSDELL. I should be very glad to have that done, provided all the Senators will agree to read it. This speech of Judge Allen's is only 30 minutes long.

Mr. MOSES and Mr. McCORMICK addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Louisiana yield?

Mr. RANSDELL. I yield for a question.

Mr. KING. I think the address is such an admirable one that we ought to hear it.

Mr. RANSDELL proceeded to read the speech, and was interrupted by——

Mr. SIMMONS. Mr. President——

Mr. RANSDELL. Does the Senator wish to ask a question?

Mr. SIMMONS. I wanted to make an appeal to the Senator from Illinois.

Mr. RANSDELL. He does not seem to heed appeals.

The PRESIDENT pro tempore. Does the Senator from New Hampshire withdraw his objection?

Mr. MOSES. I can not, Mr. President.

Mr. SIMMONS. I hope the Senator from Illinois will withdraw his objection.

Mr. RANSDELL. I will proceed, and I hope I shall not be interrupted. I have a wonderfully eloquent oration here.

Mr. RANSDELL resumed the reading of the speech, and was interrupted by——

Mr. HEFLIN. Mr. President, I think the Senator from New Hampshire ought to permit this speech to be printed in the RECORD.

Mr. KING. I think we ought to have it read.

Mr. RANSDELL. I am going to read it.

Mr. RANSDELL resumed the reading of the speech, and was interrupted by——

Mr. SWANSON. Mr. President, I ask unanimous consent that the rest of the speech may be printed as a part of the remarks of the Senator from Louisiana, without reading.

The PRESIDENT pro tempore. Is there objection?

Mr. JONES of Washington. Mr. President, is this an address prepared by the Senator himself?

Mr. SWANSON. No; it is what he wishes to have included as a part of his remarks. We have done that repeatedly.

Mr. JONES of Washington. Was it made by somebody else?

Mr. SWANSON. By somebody else.

Mr. JONES of Washington. Then I have no objection to that. I want to suggest, however, that the Senator from New Hampshire has just left the floor.

Mr. ASHURST. He has withdrawn his objection.

Mr. FLETCHER. There is no rule against the request of the Senator from Louisiana. There is no rule of the Senate forbidding it. It is a perfectly proper request just to have it inserted.

Mr. RANSDELL. I want to say, before taking my seat, that I have made a request here which has been granted time and time again in the past; and any Senator—there were several present—who heard that truly remarkable address of Judge Allen, would agree with me that there has never been a more eloquent address delivered in this city, or in the United States, sir, on the most important question we have before the world to-day—peace. This great association of women, or associations of women—for there are many of them, sir—are in this city for the purpose of trying to carry peace throughout the world. They are doing the best they can toward that end. They had a great meeting in the Belasco Theater last Sunday evening. I do not think there was a vacant seat and I never heard such eloquence pour from a human being's lips as poured from the lips of this lady. I ask all Senators to read what she said, and I am really ashamed of the objection that has been made to putting this speech in the RECORD. We put all sorts of things in the RECORD, but we insert in it very few things which have half the value to mankind and to the United States that this speech has.

If there is no objection, now, I do not care to read the balance of the speech.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia?

Mr. MOSES. What was the request?

The PRESIDENT pro tempore. The request is that this address be printed in the RECORD.

Mr. SWANSON. My request was that the residue of the speech should be printed as a part of the Senator's remarks.

Mr. MOSES. And the Senator from Louisiana takes full paternity for it in the Senate?

Mr. SWANSON. He asked that it be printed as a part of his remarks, for what it was worth.

Mr. MOSES. I wish to make my position perfectly clear. I am the chairman of the Committee on Printing and I am charged with a certain guardianship of the RECORD. I have objected constantly, when I have been on the floor, to the insertion of extraneous matter in the RECORD. I do not want a speech delivered by anybody, unless it is a Senator, going into the RECORD without having the scrutiny of the committee which is charged with that duty. I meant no discourtesy to the Senator from Louisiana. I simply wanted the committee to have a chance to read the speech which he wished to have inserted in the RECORD.

If the Senator from Louisiana, by inserting it as a part of his remarks, assumes paternity for it here on the floor, of course I have no objection.

Mr. RANSDELL. Mr. President, I am surprised that the chairman of the Committee on Printing would make any such statement as that when he knows that it is the common practice of Senators to have editorials and articles of various kinds printed as a part of their remarks. I have done it, and other Senators have done it. They do it without reading, and they do it without becoming personally responsible for everything in the articles inserted. I do not know that there is anything I object to in this speech. I heard it, and I heard it with approval and applause. I believe in the general principles enunciated in the speech, but I can not permit the Senator who is the chairman of the Committee on Printing, of which committee I have the honor of being a member, to try to establish some new principle here, that a Senator must be responsible for and assume the responsibility of everything he asks to have inserted in the RECORD. We have never had any such rule in the Senate, and we can not have any such rule with my consent.

Mr. MOSES. That certainly ought to be the principle, Mr. President. No Senator should put into the RECORD something which he does not indorse.

Mr. RANSDELL. The speech goes in, as I understand, as a part of my remarks?

The PRESIDENT pro tempore. The Chair has heard no objection, and the address will be printed in the RECORD.

The entire speech referred to is as follows:

Judge FLORENCE ALLEN. Members of the participating organizations and friends, I have been wishing this afternoon while I listened to the splendid expositions by the distinguished military officers, I have been wishing that I had the force and eloquence to take advantage of this opportunity. I have before me, delegates from such groups, delegates from the American Association of University Women, those women who have had the training that a hundred years ago was denied the women the world over; delegates from the Council of Women for Home Missions and the Federation of Women's Boards of Foreign Missions of North America, the women who believe that the ethics and philosophy of Christ ought to be put into practice in our daily life. [Applause.] The General Federation of Women's Clubs, that splendid group which links together so many organizations with such a vast field of cultural and civic activity; the National Board of the Young Women's Christian Associations which beneficently directs the activity of the young womanhood of the entire Nation; the National Council of Jewish Women, with such a heritage of law-making behind them that they well may be proud and we may well be proud to have them affiliated with us in this gathering; the National League of Women Voters, a league which has in its membership many men in this country, a league which believes that every vote shall be intelligently cast and every woman and thereby every man shall be made an intelligent voter [applause]; the National Woman's Christian Temperance Union, that fighting group which first said that the evil of the open saloon must go in America; and last but not least, the National Women's Trade Union League, the group of women who do work with their hands so well competing with labor in the open market that they force the world to give them an honest living. [Applause.]

When we think of the ramifications of these organizations, their territorial extent, the numbers which they represent, can we underestimate the power which resides in this particular group? And, more than that, it is significant that this is a group of women, not because the war problem is primarily a woman's problem; women suffer hideously in war and so do men; every boy who lost his life in the World War had the greatest human right denied him. We find these truths to be self-evident—that all men are endowed by their Creator with certain inalienable rights, rights that can not be taken away, rights that can not be given away—a right to life, liberty, and the pursuit of happiness. [Applause.]

And we are here as a group to declare a new declaration of independence, to say that henceforth we will be independent of the curse of war; that we hereby demand that the tyranny of the most colossal evils that the world has ever seen shall cease, and, my friends, it is significant that this is a woman's gathering, because while men suffer with women in war, and while men work magnanimously with women to do away with war, as the presence of these distinguished speakers evidence, the fact does remain that woman's task is very peculiar with regard to the abolition of war. We have to teach the human race that ethical standards can be set up to maintain between nations, as well as between individuals [applause], women have to teach—women have to teach the coming generations that the rules of right and wrong can be applied to every group; that there is no situation in which the law of justice can not and does not function if applied. Women have to teach the coming race that this thing is not impossible; that law can be substituted for the use of armed forces in the settlement of international difficulties, and in the long run, my friends, over and above and behind and underneath all of the plans which will be urged here for the cures of war, and I undoubtedly am in accord with all of them, the fact remains with you and the women of the world who believe that this evil can and must be abolished, have to go out to change the convictions of men's minds that war is legal and sanctioned and necessary, and that is primarily a task for women.

And then, too, women have another peculiar responsibility in this matter, because they have within them that thing which Kidd calls the power of developing the emotion of the ideal, that power of looking far off into the dim distance, looking far off into the future, that power of working for something which they see not, something which they only hope and dream will come to pass. Thousands and thousands of women in this country joined the ranks of those who demanded that liberty should be given to the women, as well as to

men, and died before we ever had the vote. That kind of spirit within women for reaching out over the long years which comes, perhaps, partly from our physical nature and partly from the long, sad training of the ages which has compelled us to achieve a masterly self-control. [Applause.] That power makes it possible for us to sacrifice and renounce and work for something which will not immediately be accomplished, and, of course, my friends, in spite of advances which have been made in our lifetime in the peace movement, you and I know that it will be a long, hard progress, and that there will be years and centuries which will go by before the peace fabric will finally reach the completion which you and I hope for it.

Now, this emotion of the ideal present in women makes us perhaps see with a certain clearness certain fundamental facts, because we are looking forward to the attainment of the final consummation, we look forward to a great thing, we look forward to the abolition of war disease, and nothing less, and because of that perhaps we see more clearly certain practical aspects in the situation, and we wonder, as women, how it comes that government spends so little money and such little effort for making peace, and so much money and so much effort for making war, and we say to ourserves that if centuries ago the finest minds of the Nation had been gathered together to argue peace, instead of to keep war machinery well oiled, that perhaps by now the peace fabric would have been built, and we say to ourselves that if in 1500 A. D. the great energies of the races had been poured into substituting law for war that the World War would never have been fought. [Applause.] And then we say, too, that we demand substantial steps toward peace. We care very little just how it is done in detail or in the mass. Women are not very particular as to who does it; they are not particular as to who gets the honor of the great achievement. They are not particular as to the brand or name by which the thing is called, but women want war branded and made disreputable; they want its use made criminal; they want the sanction taken away from war, and they want orderly, peaceful processes of enactment and adjudication substituted for war. They want, in a word, law, not war. [Applause.]

And just because we have within ourselves this great power, this power which is essential toward carrying causes as colossal even as this, we confront particular dangers. It has been said here in America since the women got the vote that we ought to be used mainly as a channel for engendering enthusiasm. [Laughter.] And, my friends, creating enthusiasm is worthy for certain objects, but let us by all means scrutinize the object. Let not these groups, let not these fine groups act as cheer leaders in a game in which they do nothing but the cheering.

And we face other pitfalls. I shall speak particularly of one this afternoon. It is a correlative danger. We face the danger of thinking that we can act to help to do away with war without actual knowledge, and we face the correlative danger of thinking that we can be of no use in eliminating war unless we are experts. I shall first speak of the need of actual knowledge. We must not emotionalize every step we take; every measure we demand must be based upon our knowledge of actual facts, and let me illustrate very simply with regard to the subject which is to be considered by you in this conference. I speak of the codification of international law. Now, there are some people who think that the codification of international law would have great weight in doing away with war because they think that if law could be gathered together governing the conduct of nations, then we would have laid the groundwork for orderly adjudication of international disputes, and, my friends, if codify means to enact, then I agree that the codification of international law is very necessary; but codification in its usual sense, in the sense in which lawyers use it, does not mean to enact law. It means to make a compilation, to make an orderly, systematic assemblage of laws already existing, and, my friends, there is practically no international law existing enforced by the courts with regard to the conduct of nations. Take the latest case books on international law—Scott or Stowell or Munro—and look through those textbooks in which courts have enforced international law, and you will look in vain for any case which has held any nation guilty of the crime of making deliberate, premeditated, aggressive war. You will look in vain for any case which finds any nation guilty of stealing, or guilty of extortion, and I, perhaps, see the need of these more than some other people because of my legal experience, because I have presided in a number of murder trials, and sometimes I ask myself how, if when I was in the trial court where these cases were tried, how I ever could have impaneled a jury, or how the jury could have convicted the person, or how the person could have been sentenced by the court if there had been no law making murder a crime. And I want to explain here very simply what to me the phrase—outlawry of war—means. It does not mean that the enactment of law making war a crime will of itself prevent war. I am one of those people who believe in securing peace by all means, and I do not by any means pin my faith to one method only; but, my friends, how can we enforce a law before we declare the law? The first step in law enforcement is the declaration of the law. And, perhaps, I might put it simply in an illustration like this: Suppose that your child did something that you did not like, and you wanted to stop his doing it; suppose that Johnnie tells a lie; do you say to him: "Johnnie, all fine little boys tell lies, but you know I, myself, I personally do not like to have you do it, so please do not do it in the future." Is that what you say? Or suppose that Mary takes a piece of pie right out of the pie that is saved for the family supper. I used to do that when I was a child; I still want to. Do you say to her: "Mary, all little girls with spunk and initiative go to the pantry and take the thing that was saved for the family, but just for my sake I wish you would not do that in the future." Is that what you say? Of course not. You say to Johnnie: "All straight, upstanding little boys are honest and truthful; they do not tell lies, and I want my boy to be honest and truthful." And you say to Mary: "It is selfish to take the things that were for the whole family; it is selfish and I do not want my little girl to be selfish." and you lay down a moral basis upon which you begin to enforce that moral law. And, my friends, again I repeat, I am not one of those who believe that the mere enactment of law, making the making of war a crime, would, of itself, stop war; but I am at a loss to understand how the World Court or The Hague Court or any tribunal which is constituted can brand the making of war as illegal and disreputable so long as we recognize and tolerate and sanction the making of war. [Applause.] In other words, what the world needs in addition to machinery for enforcement, in addition to the World Court, in addition to some kind of permanent, continuously operating international organization which must exist, the world needs to declare moral law as applicable between the nations. The world needs to lay down a Ten Commandments between the nations: "Thou shalt not war; thou shalt not steal; thou shalt not oppress." [Applause.]

And by whom can this law be laid down? It can be laid down by treaty; it can be laid down by conference; it can be laid down by the League of Nations. A beginning has been made in the protocol at Geneva, with its declaration of the outlawry of war. A beginning has been made in the resolution pending in the Senate for the abolishing of war. These declarations have not been accepted; they are a very important start.

The other law must follow, the law making crimes existing between nations just as those crimes existing between individuals. Suppose, for instance, you were to cut out of the law of New York State, or Ohio, or California, the laws making murder and arson, rape, and burglary crimes, the whole bottom would have dropped out of your moral fabric; you would have lost the very basis upon which all law is built. The first step in law enforcement is to declare the law. And now this law could be declared by the league court or the World Court, if they could lay down the law. My friends, what I am about to say to you I want you in no sense to construe as a criticism upon arbitration or as opposition to entering the World Court. I wish the world would employ arbitration to its utmost possible limit. I believe in adhering to the league court, but I want very distinctly to bring out to you the thing I am trying to say. A court lays down law in quite a simple way. It has a given case before it, and upon the facts of that case it enunciates legal and moral principles. When another case based upon the same kind of facts comes before the court, the court applies the legal and moral principle laid down in the first case to the second case exactly as if that law had been passed by the legislature.

Let me illustrate by a case which we are familiar with in Ohio. We had what we called the East Cleveland Municipal Suffrage case before we got the vote. The city of East Cleveland had a home-ruler charter and it gave the women the vote, and we went to the Supreme Court of Ohio, and the supreme court said that a home-rule city in Ohio could give women the right to vote, and the women of East Cleveland could vote. Shortly after that the women of Columbus got the charter commission to give them a vote on that charter, and the charter was submitted to the electors and carried. Now, if the Supreme Court of Ohio had not been able to lay down law the women of Columbus would have had to go up again to the supreme court and see whether they had a right to vote, but the supreme court said in the first case: "A charter city has the right to give women the power to vote." And so the women of Columbus did not have to try their case because law was made by the supreme court in laying down legal and moral principles in the first place.

Now, in an arbitration moral principle is not laid down, and arbitration simply decides the case. It decides who wins, but not who is right or wrong. The league court is bound by this provision in the statute, article 59 of the statute which creates the court states as follows: "The decision of the court has no binding force except between the parties and in respect of that particular case."

And so, my friends, the league court can not lay down law. I believe in adhering to the league court because it can interpret law; because it can adjudicate cases which come within its jurisdiction, but we shall have to have law, not codified but enacted, declaring the primary crimes between nations before we can properly go forward to enforce that law, and sometimes when I think of the task which has been demanded, the thing that we have asked of the World

Court, and The Hague Court, and the League of Nations to ask them to prevent war, when up to this time in history the whole so-called Christian world, the whole civilized world tolerated and sanctioned war, it seems to me that we have been asking an impossible thing, because the sanction must be taken away from war before we can enforce provisions against war.

And now, the women of this country demand that this be done; they demand that war shall no longer be sanctioned; they demand that the use of war as a means of settling international disputes be abolished; they demand that other methods of settling international controversies be adopted, and some people say this is impossible. Why, my friends, human history shows that this is the next step in our social development.

There was such a thing as war between individuals. There was private warfare between individuals; that private warfare has been abolished. There was warfare to determine legal questions. Men used to go out and fight to determine the titles of land in what was called the "wager of battle." That has been abolished, and the duel, which clung so long and so persistently—that has gone with the advance of civilization. Shall we say that men, men who swim beneath the sea in boats and who climb the sky in airplanes, are incapable of applying to themselves in groups the same law which they applied to themselves as individuals.

Now, I want just a second before I close to speak to you of the other dangers which we face—that is, the danger that we shall think we know too little to assist in solving this problem—and I was interested to read the other day in an interview or a statement of a speech made by a distinguished officer for whom I have the highest personal regard. I was interested to see that he said that pacifism in the United States was rampant because of the women's insatiable desire to mix in things which they did not understand. And he said that we did not understand that, because war is a question of mathematics and science [laughter], and, of course, I do not know whether this distinguished officer said what is ascribed to him, but the fact does remain that that view exists, and I grant that science goes into the making of war. I could not calculate the trigonometric formulas which are said to be necessary to the direction of the shots from one of our great modern guns; I think very few men could. [Laughter.] Science, of course, governs all of the law of chemical specifications; science governs military tactics; science must always come into play when war is made; but the question of keeping out of war, the question of maintaining peace, and the question of establishing peace is not a question of science and mathematics; it is a question of establishing moral principles between the nations as law, enforceable as law, and that is a thing which is not a question of the parabola or the momentum or velocity of a gunshot.

And then, on the other hand, there are some people who think we can not help to establish peace because there is so much to know about the peace question. And, my friends, there is a great deal to know; there is a great deal to know about the Dawes plan; there is a great deal to know about the whole question; and if we are to understand everything with regard to the workings of the League of Nations, everything with regard to the treaty relations in the Senate, everything with regard to the World Court, and everything with regard to the workings of the Pan-American Union, we shall have to have some expert knowledge; we should have very much more expert knowledge than we have; and I go so far as to say that no woman's club or organization in this country ought to go further without having one member, a committee of one, to read the substantial proceedings of the League of Nations' documents, to keep in touch with things that are going on in the Senate, to be posted upon our relations, particularly with South America and Central America and the Caribbean, and report back to her own club. But, after all, the great basic policies which underlie the making of peace are not difficult of comprehension. Any ordinarily intelligent person can understand them, and I will even say that never until in this country the ordinary person, the nonexpert voter, is taken into the confidence of the peace expert, never until that time can America take her place among the leaders in the peace movement of the world. [Applause.]

I remember there was a great meeting held once at the Masonic Hall in Cleveland at which Mrs. Catt spoke. Will Irwin had told us what would happen to the world in the next world war; that war would be directed against the whole civilian population; how the advance of chemical warfare would make the next war something undreamed of, and Mrs. Catt had some scholarly address to make, and instead of making it she threw down her manuscript and came down into the center of the stage and called upon the women of the United States to unwar, and that call we are still hearing. I suppose I have quoted one hundred times something which she said that night. We don't always have Mrs. Catt with us in Ohio, so we have to quote her. She said: "The women in this room can do this thing; the women in this room can do this thing." And when she said that she said something truer than she knew, because she had seen just such a movement grow from a meeting in a little room; she had seen the woman's suffrage movement start when women had no training, no education, no money, nothing but the inherent rightness of their cause; she had seen it sweep over the whole civilized world in her lifetime. The women in this room can do this thing; the women in this room can do anything which is right and just, my friends.

Think of the colossal absurdity that we should have lived to this year of our Lord, 1925, and the slogan for nations during all this time until very recently has been, "The State can do no wrong." We have to change that slogan; we have to write new law; we have to say, "The State shall do no wrong." [Applause.] And that thing can be done for America by the women in this room, and I grant you that we have great odds against us; we have great interests and great powers against us; we have something, on the other hand, to inspire us because the boys, you know, went out and they met six times their number in the great day of the first advance, six times their number of the crack troops of Europe, sent them reeling back in their tracks; and of course they fought for a number of things, but they fought principally because they thought that that war would end war. If we have any conception of their sacrifice, we will never let that standard fall; we will make this war the war which did end war, and all over the world the great forces of human affection are working with us. Sometimes I get very, very upset over the international situation in that it is particularly my situation, and it oppresses me, but I heard something this summer which I intend to keep before me as a symbol of the hope we have. I know a girl who did war work in Italy and France and Germany, and has all the decorations that it is possible to have, and this summer she visited all of her little villages and she personally investigated and knew that this thing happened. At Mont Faucant, in France, which was so shelled that it seems nothing but a remnant was left of the town when the armistice was signed, a man came and knocked at the door of a little cottage, and a woman came to the door, and he asked if she was the woman of the house and spoke French, but it was a queer kind of French, and she said, "Yes, she was," and he said, "Perhaps, you won't want to talk to me because I am a German," and she said, "Go on, monsieur." He said, "I had a son who was killed in the war; he was killed here very near and he was buried somewhere near here, and I came over this morning as early as I could to hunt for his grave, and I could not find it; I thought perhaps I could find some cottage where I could stay all night and go on in the search, but probably you won't want me to stay because I am German." She said, "Monsieur, I had a son who was killed in the war, and he was killed fighting for France in self-defense; your son was killed fighting under orders, and I suppose he was killed doing what he thought was right; shall any one say that as between a father who lost his son in battle and a mother who lost her son in battle that there is a gap that can not be bridged? Come in, monsieur, and stay this night." I do not know how many of us could rise to that height; but, my friends, the great forces of human affection, the great love of fathers and mothers for their children the world over are fighting this battle. The women in this room can do this thing; they can do it because it is everlastingly, eternally right. There is no situation in the world in which the rules of right and wrong can not function. There is no group in the world to which the laws of right should not apply, and you and I have to study this problem in this conference and go out to teach the ranks that we will have law, not war. [Applause.]

The CHAIRMAN. The meeting will close with the singing of "America," Mrs. Wheeler leading.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

Mr. SWANSON. Mr. President, I ask for the yeas and nays on my point of order.

The yeas and nays were ordered.

Mr. ASHURST. Let the question be stated.

Mr. STERLING. I suggest the absence of a quorum.

Mr. ASHURST. I have asked that the question be stated, Mr. President.

The PRESIDENT pro tempore. The Senator from South Dakota has suggested the absence of a quorum, and the question will be stated after a quorum is developed. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Bursum	Curtis	Frazier
Ball	Butler	Dale	Gooding
Bayard	Cameron	Dial	Hale
Bingham	Capper	Dill	Harreld
Borah	Caraway	Edwards	Harris
Brookhart	Copeland	Ferris	Harrison
Broussard	Couzens	Fess	Heflin
Bruce	Cummins	Fletcher	Howell

Johnson, Calif.	Metcalf	Reed, Mo.	Sterling
Jones, Wash.	Moses	Sheppard	Swanson
Kendrick	Neely	Shields	Underwood
Keyes	Oddie	Shipstead	Wadsworth
King	Overman	Shortridge	Walsh, Mass.
McCormick	Pepper	Simmons	Walsh, Mont.
McKellar	Phipps	Smith	Warren
McNary	Pittman	Smoot	Watson
Mayfield	Ralston	Spencer	Wheeler
Means	Ransdell	Stanley	

The PRESIDENT pro tempore. Seventy-one Senators have answered to the roll call. There is a quorum present.

Mr. McKELLAR. Mr. President, just before we vote I want to read an extract from the syllabus in the case of Hubbard *v.* Lowe, decided by the District Court for the Southern District of New York in October, 1915, construing the cotton futures act, which decision in many of its aspects has a bearing on this case, in my opinion.

The syllabus reads, in part:

(1) The tax is upon the privilege of dealing on exchanges and not upon the business itself there transacted; but the tax is laid or not laid, not by the extent of the privilege, but by the manner of use of the privilege. That is to say, a man who makes a contract on the exchange in the form approved by the statute is not taxed; but if the same or another man makes a contract of the same value or transacts the same amount of business on the same exchange, but uses any other form of contract than that governmentally approved, he is taxed. This classification of or measure for taxation is said to be unconstitutional and to vitiate the entire statute.

(2) The United States cotton futures act is, in the language of the Constitution, "a bill for raising revenue"; but it did not originate in the House of Representatives and did originate in the Senate. It is therefore unconstitutional, because the command is imperative that "all bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills." (Hubbard *v.* Lowe, 226 Federal Reports p. 136.)

I have been informed that the Supreme Court of the United States has affirmed this holding, although I have not been able to find its decision.

Mr. PITTMAN. Mr. President, I listened with a great deal of interest to the argument made by the Senator from Missouri [Mr. REED], and I did so particularly because I do not believe there is another Senator whose views on the Constitution are more sound than his.

It develops that there is just one question for each Senator to determine, and that is whether or not this bill would raise revenue incidental to general legislation, or whether that portion of the bill raising revenue is entirely distinct and separate from that portion of the bill adjusting postal salaries. These two provisions could be separated. As a matter of fact, they should be in two separate bills. They have no relation to each other whatever.

I realize that many bills incidentally raise revenue. They do not come within this constitutional provision, but we could pass the first portion of this bill, and it would become the duty of Congress to provide the revenue necessary to carry it out. It is not necessary that these revenues be provided by taxing the mails. They could be raised from taxation of incomes. They could be raised from the taxation of capital or personal property.

When we come right back to the constitutional provision, and seek for the reason underlying it, we find that it is simply this, that the raising of revenue, in the very nature of things, imposes a burden upon all of the people of this country.

The framers of the Constitution realized that the people of the country were more directly represented, as individuals, by the House of Representatives than they were by the Senate of the United States.

Mr. OVERMAN. That doctrine came down also from a time prior to the revolution, from the English Parliament. The people resented the idea of anybody but their representatives laying heavy burdens upon them by way of taxation.

Mr. PITTMAN. When the Constitution was adopted, Senators were to be elected by the legislatures of the States. They were to represent States, as ambassadors, as distinguished from those representing particular groups of people in this country.

We have a right to pass any general legislation. We have a right, if we want to, to increase the prices to be paid for public lands of the United States. The revenue so raised would be perfectly incidental, because it would be essential to the interests of the United States that we fix a price to be paid in case of the sale of public land. But the Post Office Department is not supported from a fund. The Post Office Department is not supported from the sale of its services in carrying letters and newspapers. The Post Office Department is supported from the general taxation of the United States.

It is proposed that the Senate of the United States shall determine how the funds shall be raised with which to carry on the departments of this Government, including the Post Office Department. It can not be said that this applies alone to the Post Office Department, because the funds to be raised by taxation will go into the general funds of the Government to help pay the running expenses of every department of the Government. We say that a man who writes a letter shall pay so much toward this revenue, and that a man who mails a newspaper shall pay a different figure.

Mr. STERLING. Mr. President, will the Senator yield?

Mr. PITTMAN. I ask the Senator to wait just a moment until I finish this thought. We are asked here to say how revenue shall be raised that is to go into the General Treasury of the United States. If there was any purpose on earth behind this constitutional provision, it was to prevent this body from initiating such legislation as this, and to permit the representatives of the people in the House of Representatives to say when and how revenue should be raised in the first place. They have a right to say whether the revenue shall be raised at all or not. After having determined that it shall be raised they have a right, and the exclusive right, to say from what source it shall be raised.

I consider that this proposal is a subterfuge to avoid the provisions of the Constitution, and feeling that way I certainly shall not vote for it.

I yield now to the Senator from South Dakota.

Mr. STERLING. Referring to the contention made by the Senator from Nevada that because this money went into the Treasury of the United States and became a part of the general fund therefore it was a tax for raising revenue, what will the Senator do with the case of the United States against Norton, in Ninety-first United States, cited in the discussion this morning, where the money arising from the money-order system, money paid for money orders and fees for issuing money orders, was covered by the express terms of the act into the Treasury of the United States, and it was there held that the money-order system act was not an act for raising revenue although the money went into the Treasury of the United States.

Mr. PITTMAN. I can conceive of many bills that could be initiated by this body which incidentally raised revenue that would not be in violation of the Constitution. If an act is originated here for the purpose, mind you, of arriving at a just compensation for the services rendered by the United States Government in carrying mail, I do not think that it would be a revenue bill. As I said before, it must be the duty of every Senator here to determine whether or not the moneys raised are incidental or whether this is a subterfuge, as I charge it is, for the purpose of evading the constitutional provisions.

The President of the United States, who caused the introduction of the legislation, stated that if revenue were provided in some manner, if some plan for raising revenue were provided, he might look upon this in a different manner, and so the bill had its inception. The Senator who is chairman of the subcommittee, the Senator from New Hampshire [Mr. Moses], rose and specifically answered question after question this morning, and stated he did not know whether or not the increase in the various items of mail was essential to meet the cost of that transportation, but that it was essential for the purpose of raising revenue. It is as much a revenue bill as a percentage tax would be on any character of goods in the country.

Away back in 1832 a matter came before the Senate dealing with reprisals. This body felt that it was essential to pass an act of reprisal against another country, but the question of reprisal affected the revenue legislation of the United States and what took place? It is reported in the proceedings in the Journal of the Twenty-first Congress, first session, at page 155, as follows:

A bill "to provide for the abolition of unnecessary duties, to relieve the people from sixteen millions of taxes," etc., was read the second time and was being considered in Committee of the Whole, when the Vice President [Mr. Calhoun] expressed a doubt whether it was in order to originate in the Senate a bill containing provisions of the character of those contained in the third section, as follows: "That from and after the 1st day of January, in the year 1832, a duty of 33⅓ per cent on the value shall be levied on all furs and raw hides imported into the United States from countries which shall not have secured the continuance of their free admission by granting equivalent advantages to the like productions of the United States."

Mind you, there was a question of reprisal. There were certain countries that were violating the reciprocity of the United States. Here was a bill introduced in the Senate for the pur-

pose of reprisal. What was the result of that situation? The Chair—

submitted the question for the decision of the Senate, when, on motion of Mr. Webster, it was ordered that the bill, "together with the question of order," be laid upon the table.

That was one of the first occasions. There was no subterfuge there. There was the deliberate intent of the Senate of the United States to enact a reprisal against certain other nations which had violated their agreements with this country.

Coming down further, what was the act of the Senate recently? A bill was introduced to place a tax on gasoline in the District of Columbia. What was the purpose of that act? There had been disputes going on between the State of Maryland and the District of Columbia for years with regard to the difference in the charges for automobile licenses in the respective municipalities. The State of Maryland was charging much more than the District was charging as a tax on cars. There is no question that the Governor of Maryland got together with the Commissioners of the District and, for the purpose of agreeing upon equality of taxation for licenses for automobiles, agreed that they would avoid the whole thing by placing a tax on gasoline.

The purpose was not to raise revenue for the District of Columbia. The purpose of the act was to settle a dispute between Maryland and the District of Columbia. The purpose of the act dealt with interstate commerce. The purpose of the act dealt with the friendly relations between the District of Columbia and Maryland. Yet when that bill came before the Senate what was the action of this body? The Senator from Delaware [Mr. BALL] explained all about the situation. He contended that it was not intended to raise revenue; that the raising of revenue was simply incidental to the main purpose; and yet on a point of order, exactly as in this case, the President pro tempore of the Senate, the same distinguished Senator who now presides over this body, followed the practice now being followed and submitted the question to the Senate to determine whether or not that character of legislation was in violation of the Constitution. The Senate held, on January 16, 1924, that it was in violation of the Constitution; that it was taking away from the representatives of the people in the House of Representatives the sole right under the Constitution to determine when revenue should be raised and how it should be raised.

It is not a question of taxation as the word "taxation" is ordinarily used. The constitutional amendment does not deal with the word "taxation." It deals with raising revenue and any legislation for the raising of revenue must originate in the House of Representatives.

I am satisfied, in my own mind, that if it were not essential to raise many millions of dollars in revenue at this time the bill would never have been brought before the Senate. I am perfectly confident that if the salary increase bill had not come up there would have been no member of the Committee on Post Offices and Post Roads who would have stated that there was any necessity for legislation of this kind increasing postal rates. The legislation for the increasing of these charges had its origin in the statement of the President of the United States that he would not consider the postal salaries increase bill until revenue was provided for to meet those increases. He may be right in that policy. It is probably right to provide for the revenue. We must raise revenue for every expense that we create by law and the Congress has invariably done that. We provided an appropriation to build a railroad in Alaska. We provided $50,000,000 for that purpose, but we did not provide for any revenue to pay for it. We did not provide that the rates established on that railroad should be so much because it was essential to raise the revenue to meet that expense. The House of Representatives enacted a law raising the revenue and it fixed the time and the method for paying the taxes for that purpose.

The two propositions have no business together in one bill. They are not connected in any sense whatever. One of them is a legitimate act by this body to adjust the pay of laborers, and the other is an attempt to describe when and how certain revenue shall be raised. They are inside of one binding, within one paper, but they could be separated by a knife, and either act would stand alone, absolutely independent. They are not dependent upon each other. They are supplemental in no sense whatever. The legislation to raise revenue is not incidental to the main portion of the bill unless we say that every time we pass a law that will incur an expense to the Government, the raising of the revenue to meet that expense is incidental. Raising revenue is incidental whenever we pass a bill that incurs a future expense, but never before have we ever tried to take away from the House the right to determine how the revenue should be raised to meet that expense. To my mind this is purely and simply a subterfuge. If it were essentially incidental to the legislation relating to the pay of these men I would agree with the Senator from Missouri [Mr. REED]; but it is not essential to that readjustment. It does not have to be raised out of a readjustment of postal rates. It can be taken care of in the ordinary way in which we provide for acts that require more money, and the House of Representatives has always taken care of such matters.

Mr. REED of Missouri. Mr. President, I think that most that has been said is aside from the point. It seems to me that there is a decision of the Supreme Court that settles the matter.

Repeating very briefly what I said this morning, revenue is a term that we can apply and do apply loosely to all sorts of income, but the question is in what sense the term "revenue" is used in the Constitution? Does it mean that the House of Representatives must originate every measure that in any way contributes to the income of the United States, or does it apply to taxes? That is the question. Taxes bring revenue, but, I repeat, all revenue is not the result of taxation.

It is true that back of this right to initiate revenue legislation is a long history, but what is that history? As I read it, the contest which raged in England for many years was around the proposition of the right of the Commons to initiate tax measures, strictly speaking, or whether taxes could be imposed by the King or measures of that character originate in the House of Lords. The Commons won the point, and upon that doctrine and the soundness of it there is no difference of opinion. The sole question is, "What does the Constitution mean when it confers upon the House of Representatives the sole right to originate revenue measures? Is it taxation or does it embrace all forms of income?

Mr. President, I will ask the Senate to give its attention for just a moment to the case to which the Senator from South Dakota [Mr. STERLING] called attention. It seems to me we ought to settle the pending question and settle it right, for, let me say, it is highly important that we do settle it right. If the Senate determines here to-day, upon a vote, that when we are fixing the pay of post-office employees we can not fix the rates of charges in that bill or in any other bill which we may originate, then there is a very grave limitation imposed upon the Senate which will apply not only in this case but in a good many other cases that will follow along. So no Senator can afford to vote upon this question on the basis that he would like to have this particular question decided in a certain way.

Neither, Mr. President, are we concerned here with the question as to whether the revenue that is levied is incidental to something else. I say that, in my judgment, we could introduce a proposition here to raise the rates of postage if there were nothing said about salaries. Our right is not dependent, if we have the right, upon whether we are preparing to spend the money at the same time we are raising it. However, let me call attention to this case, and I shall not then further weary the Senate. The case was decided away back in 1875. I shall read the salient paragraphs:

Norton was indicted for the embezzlement at different times of money belonging to the money-order office in the city of New York, he being a clerk in that office when the crimes were committed.

The indictment was found on the 21st of February, 1874. He pleaded "that the several offenses did not arise, exist, or accrue within two years next before the finding of said indictment." * * *

The indictment was founded upon the eleventh section of the "Act to establish a postal money-order system."

The act of April 30, 1790, provided that no person should be prosecuted unless the offense was committed within two years, but there was another act, of March 26, 1804, which provided that any person guilty of crimes arising under the revenue laws of the United States should be prosecuted within five years.

Now, the court says:

The substantial question presented for our determination is which of these two provisions applies as a bar to a prosecution for the offenses described in the indictment? The solution of this question depends upon the solution of the further question whether the "Act to establish a money-order system" is a revenue law within the meaning of the third section of the act of 1804.

The offenses charged were crimes arising under the money-order act.

And the court proceeds to discuss that act. Among other things, it provided that:

All moneys received from the sale of money orders, all fees received for selling them, and all moneys transferred in administering the act

are "to be deemed and taken to be money in the Treasury of the United States."

In that instance the fees went into the Treasury, as they will under this bill.

The Postmaster General is authorized to allow the deputy postmasters at the money-order offices, as a compensation for their services, not exceeding "one-third of the whole amount of fees received on money orders issued"—

And so forth.

In no just view, we think, can the statute in question be deemed a revenue law.

The lexical definition of the term "revenue" is very comprehensive. It is thus given by Webster: "The income of a nation, derived from its taxes, duties, or other sources, for the payment of the national expenses."

The phrase "other sources" would include the proceeds of the public lands, those arising from the sale of public securities, the receipts of the Patent Office in excess of its expenditures, and those of the Post Office Department when there should be such excess as there was for a time in the early history of the Government. Indeed, the phrase would apply in all cases of such excess. In some of them the result might fluctuate, there being excess at one time and deficiency at another.

It is a matter of common knowledge that the appellative "revenue laws" is never applied to the statutes involved in these classes of cases.

The Constitution of the United States * * * provides that "all bills for raising revenue shall originate in the House of Representatives."

The construction of this limitation is practically well settled by the uniform action of Congress. According to that construction, it "has been confined to bills to levy taxes in the strict sense of the words, and has not been understood to extend to bills for other purposes which incidentally create revenue." (Story on the Constitution, sec. 880.) "Bills for raising revenue" when enacted into laws become revenue laws. Congress was a constitutional body sitting under the Constitution. It was, of course, familiar with the phrase "bills for raising revenue," as used in that instrument, and the construction which had been given to it.

The precise question before us came under the consideration of Mr. Justice Story, in United States v. Mayo, 1 Gall. 396. He held that the phrase "revenue laws," as used in the act of 1804, meant such laws "as are made for the direct and the avowed purpose of creating revenue or public funds for the service of the Government." The same doctrine was reaffirmed by that eminent judge in United States v. Cushman, 426.

These views commend themselves to the approbation of our judgment.

The cases of United States v. Bromley, 12 Howard, 88, and United States v. Fowler, 4 Blatch. 311, are relied upon by the counsel for the United States. Both these cases are clearly distinguishable with respect to the grounds upon which the judgment of the court proceeded from the case before us. It is unnecessary to remark further in regard to them.

It will be certified, as the answer of this court to the circuit court, that the indictment against Norton charges offenses for which, under the limitation provided in the thirty-second section of the act of Congress * * * the defendant can not be prosecuted, tried, or punished, unless the indictment shall have been found within two years.

Now, it seems to me that settles the question. I am unable to differentiate between the doctrine laid down in that case and the question that is presented to us in the pending bill.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED of Missouri. I yield.

Mr. WALSH of Montana. Let me ask the Senator whether this is not a consideration to be noted in that connection: The court there was construing a statute in a criminal case and gave it a construction favorable to the defendant by holding that the five-year statute did not apply but the two-year statute did apply. It so held in accordance with the well-established principle of law that, in the construction of criminal statutes, if a construction can be given consistent with the innocence of the defendant and one consistent with his guilt, the former will be adopted by the court if it can do so. But is not the rule in relation to the construction of constitutional provisions quite different? In other words, I call the attention of the Senator to the fact that that being a criminal case and a criminal statute being under consideration, it does not form a very safe guide for the construction of a constitutional provision.

Mr. STERLING. Mr. President, will the Senator from Missouri yield?

Mr. REED of Missouri. Will the Senator first let me answer the Senator from Montana?

Mr. STERLING. Very well.

Mr. REED of Missouri. Of course we are all familiar with the rule that criminal statutes are strictly construed, but that was not the ground upon which the court was proceeding in this case.

Mr. WALSH of Montana. I appreciate that. I followed the argument of the opinion as the Senator read it and they do not put it upon that ground; but is not every court in construing a criminal statute under the influence of his life-long training which induces him to a conclusion favorable to the defendant in a criminal case?

Mr. REED of Missouri. That is true as to the question whether or not an offense charged is defined in a statute, and the courts carry that along; but this was a question as to whether the act was a revenue law or not, and they laid down the doctrine and cited not criminal cases but civil cases as their authority. This case has been followed in other decisions in which civil controversies were before the court.

Mr. STERLING. Mr. President, I will ask the Senator from Missouri if it is not merely a question of the construction of the words "revenue law"?

Mr. REED of Missouri. That is all.

Mr. STERLING. As I remember the case, it was claimed on the part of the Government that the offense charged was a violation of a revenue law and that the period in which prosecution might be instituted was five years under that law instead of two years under the money order law, but the court said that the postal money order system law was not a revenue law within the meaning of the Constitution.

Mr. WALSH of Montana. There is no doubt that is what they did say, and they argued along that line, but that does not answer the suggestion that I make, namely, that the court is constrained by a long line of decisions and by a custom reaching back to the ages when there were scarcely records to construe every statute imposing a penalty upon the defendant strictly in favor of the innocence of the defendant.

Mr. STERLING. Mr. President, I can not, I will say to the Senator from Montana, think that the Supreme Court of the United States, so far removed from the trial judge who tries the case in the first instance, is going to construe a statute with reference to what might have been the attitude of the trial judge.

Mr. WALSH of Montana. Will the Senator deny that that rule is as applicable to the Supreme Court, the court of last resort, as it is to a trial court?

Mr. STERLING. I may say that the Supreme Court may sometimes be influenced by it, but there is not a word in its opinion in this case that indicates that anything of that kind was a governing consideration on the part of the court, and I am satisfied it was not, nor could it have been.

Mr. WALSH of Montana. We agree about that; they did not say so.

Mr. REED of Missouri. Mr. President, why discuss it? The same rule has been laid down in civil cases, as I understand.

Now, let me read from the case of Twin City Bank against Nebeker. I will read just a paragraph; and in this language is embraced enough of the facts of that case to show its nature:

The case is not one that requires either an extended examination of precedents or a full discussion as to the meaning of the words in the Constitution, "bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt by any general statement to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency secured by a pledge of bonds of the United States, and which, in the furtherance of that object and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a revenue bill which the Constitution declares must originate in the House of Representatives. Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue.

Taking those two cases together, unless some one can show they have been overruled it seems to me they are controlling. I do not undertake to set up my opinion against the opinion of other lawyers; but the conclusion seems to me to be inevitable that the Senate has the right not only to raise the wages of these men but to raise the price it charges the American people for their services.

Mr. McCORMICK. Mr. President, as usual, the Senator from Missouri goes directly to the root of the matter and sweeps aside the legal meshes which might impede a man of less vigorous intelligence. Let me ask him, for example, if the charge for parcels post is not analogous to the charge made by the American Express Co. for carrying packages, and therefore a charge for services rendered?

Mr. REED of Missouri. I think they are identical, except that one is the Government and the other is a private corporation.

Mr. McCORMICK. Would not that hold, then, in the case of special-delivery letters?

Mr. REED of Missouri. Certainly.

Mr. McCORMICK. And does it not hold for charges made by other agencies of the Government which, by power delegated by Congress, levy charges, as in the case of the Fleet Corporation or the Panama Steamship Co., which certainly fix charges which are not construed as taxes; and yet certainly the sole recipient of the revenues accruing to those companies is the owner of those companies, the Government of the United States.

Mr. WALSH of Montana. Mr. President, I should like to inquire of the Senator from Missouri whether, if Title II were an entirely separate act, he would feel that it fell under the inhibition of the Constitution?

Mr. REED of Missouri. I would not. I said that.

Mr. WALSH of Montana. So the fact that it is associated with the other part does not influence the judgment of the Senator?

Mr. REED of Missouri. I think their being associated makes a much stronger case, but I think that without it it would not fall under the inhibition. That is my judgment.

Mr. WALSH of Montana. Mr. President, so that my position about the matter may not be misunderstood, I merely desire to say that the hurried examination I have been able to give this matter has satisfied me that the position taken by the Senator from Missouri is correct, although originally I was of a different view.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

Mr. SWANSON. I hope the Senator will let us have a vote first.

Mr. HEFLIN. Will not the Senator let us vote on this matter? The yeas and nays have been ordered on it.

Mr. CURTIS. One or two Senators have told me that they want to talk on the question. One Senator deferred his speech in order that we might go into executive session. I will agree to take a recess as soon as we get through, but under the circumstances I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Friday, January 23, 1925, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 22, 1925

POSTMASTERS

COLORADO

Clare Baker, Rico.

CONNECTICUT

Walter H. DeForest, Derby.
John F. Egan, Lakeville.
Anna T. Harding, Rockyhill.
Erle Rogers, Windsor.

GEORGIA

Charles P. Graddick, Barnesville.
William A. Adams, Fitzgerald.

HAWAII

Arthur V. Lloyd, Lahaina.
Thomas E. Longstreth, Lihue.

INDIANA

James J. Speck, Greentown.

IOWA

Leslie E. Kislingbury, Alta.
George H. Falb, Elgin.

KANSAS

August Bernasky, Ingalls.
Ulysses E. Van Dyke, Woodston.

LOUISIANA

William L. S. Gordon, New Orleans.

MARYLAND

Daniel W. Babcock, Berlin.
Richard H. Williams, Midland.
Helen G. Rawlings, Rising Sun.
Victor R. Mumma, Sharpsburg.
Luther B. Miller, Williamsport.

NEBRASKA

Charles H. Kuhns, Maxwell.
John A. Gibson, Mullen.

NEW JERSEY

William L. Scheuerman, Basking Ridge.
David B. Rodman, Beverly.
Edward W. Walker, Cranbury.
Preston Pedrick, Pedricktown.

NEW YORK

Grace Davies, Lake Kushaqua.
John J. Kiely, New York.

OHIO

Lora Bloomfield, East Columbus.

OKLAHOMA

William A. Johnson, Cromwell.

PENNSYLVANIA

Charles J. Levegood, Jersey Shore.
J. Laurence Miller, Lopez.
Louis S. Bisky, Meshoppen.
William S. Livengood, Meyersdale.

SOUTH CAROLINA

Richard P. Poore, Belton.

TEXAS

William L. Turner, Brownwood.

VIRGINIA

William W. Allmond, Allmondsville.
James M. Denton, Big Island.
Wilbert D. R. Proffitt, Highland Springs.
Laura L. Keeler, Middleburg.
John W. Taliaferro, Mount Solon.
John A. Johnston, Petersburg.
William A. Coates, South Washington.
Helen T. Munt, Surry.
Wade H. Hash, Trout Dale.
Fannie Moore, Vinton.
Janie B. Crumpler, Zuni.

WISCONSIN

Eugene S. Tradewell, Antigo.
Minnie B. Dixon, Bristol.
Miles M. Shepard, De Pere.
Magnus Magnusson, Detroit Harbor.
Herbert B. Linde, East Troy.
Alexander E. Matheson, Janesville.
Otto J. Ahnert, Kewaunee.
Marie D. Host, Lake Geneva.
Edward W. LeRoy, Marinette.
James J. Stoveken, Pembine.
George F. Fiedler, Seymour.
Florence M. Lewis, Silverlake.
Edward J. Gardner, West De Pere.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 22, 1925*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, who art above all and over all, before and behind us life is a solemn mystery; yet it is very sweet and dear to us. Truly Thou dost sustain us in our ignorance. We beseech Thee to help us learn more of its compass, its dignity, and its possible achievements. Be ever present, for it is so difficult for us to be always wise and strong. In all ways qualify us for excellent service which we owe our country and ourselves. Write Thy law in all our hearts and pity us if we forget Thee. Give us the assurance that truth's errands can not fail and that all good work is immortal through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes, in which the concurrence of the House of Representatives was requested.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

S. 3733. An act to enlarge the powers of the Washington Hospital for Foundlings and to enable it to accept the devise and bequest contained in the will of Randolph T. Warwick;

S. 625. An act to extend the time for the construction of a bridge across the White River at or near Batesville, Ark.;

S. 3292. An act granting the consent of Congress to the city of Hannibal, Mo., to construct a bridge across the Mississippi River at or near the city of Hannibal, Marion County, Mo.;

S. 3643. An act authorizing the construction of a bridge across the Ohio River between the municipalities of Ambridge and Woodlawn, Beaver County, Pa.;

S. 3642. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Kettle Falls, Wash.;

S. 3428. An act authorizing the construction of a bridge across the Ohio River to connect the city of Portsmouth, Ohio, and the village of Fullerton, Ky.;

S. 3610. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 3611. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 3621. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La.; and

S. J. Res. 152. Joint resolution to accept the gift of Elizabeth Sprague Coolidge for the construction of an auditorium in connection with the Library of Congress and to provide for the erection thereof.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that January 21, 1925, they presented to the President of the United States, for his approval, the following bill:

H. R. 10467. An act granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio.

MUSCLE SHOALS

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 518, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 518, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. HULL of Iowa rose.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The Chair will recognize the gentleman from Iowa first.

Mr. HULL of Iowa. I reserve the right to object, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I desire to make a point of order against the bill.

The SPEAKER. What is the gentleman's point of order?

Mr. BLANTON. My point of order, Mr. Speaker, is that this bill is not properly before the House. It was a bill designed to accept the proposition of Henry Ford respecting the $100,000,000 Muscle Shoals power plant. Before this bill was acted upon by the Senate, Henry Ford sent to the President of the United States a withdrawal of his proposition which, in effect, vitiated the action taken by the House, and the Senate had no authority to act in any way on the bill, and their action in presenting an entirely different proposition is not germane to the bill.

The SPEAKER. The Chair overrules the point of order.

Mr. HULL of Iowa. Mr. Speaker, I would like to ask the chairman of the Committee on Military Affairs if this is not the bill to dispose of Muscle Shoals?

Mr. McKENZIE. Yes.

Mr. HULL of Iowa. The bill that we passed is doubly dead. The bill that the Senate passed, if I get it rightly, struck out all after the enacting clause of the bill that the House passed, and in the meantime the bill that we passed, being a contract with Henry Ford, was withdrawn by Henry Ford. Why not send the bill to the Committee on Military Affairs and let the bill come to the floor of the House, where in the open the Representatives of the people can pass upon the proposition?

Mr. McKENZIE. In reply to the inquiry of the gentleman from Iowa, Mr. Speaker, I wish to say this, that as chairman of the Committee on Military Affairs I have the highest regard for my colleagues on that committee, but in the interest of the country and in the hope that this matter might be disposed of, I realize that if this bill was sent to our committee, no matter how expeditious our work might be in the committee, it would have to come back to the House and be taken up in the Committee of the Whole House on the state of the Union. Time is essentially the essence of this whole proposition at this time, whereas if the bill is sent to conference, the conferees can do their best to come to some workable agreement, and in case they do, it will be brought back into the House, and the Members of this Congress are sufficiently advised in regard to Muscle Shoals, in my judgment, to pass upon the conference report intelligently; and if the conferees should go so far afield as not to regard and protect the interests of the country in this legislation, the House can vote down the conference report, and we will get results; and in my judgment that is the only way we can get results.

Mr. HULL of Iowa. The gentleman from Illinois says time is essential. He has taken nearly a week before bringing the matter up or bringing it to any conclusion.

Mr. McKENZIE. I hope the gentleman will not charge "the gentleman from Illinois" with waiting a week or a minute, because on last Saturday I asked that this bill be taken from the Speaker's table.

Mr. LONGWORTH. Mr. Speaker, if any one is chargeable with delay, it is myself, when I asked the gentleman from Illinois [Mr. McKENZIE] the other day to withdraw his request, which had been made at the earliest possible moment.

Having given considerable consideration to the question, and having consulted with a number of gentlemen since, I have come to the conclusion that this is the proper way to deal with this matter, and I trust that the request of the gentleman from Illinois may not receive objection.

Mr. GARRETT of Texas. The gentleman from Ohio, I take it, with his usual generalship, has gotten things fixed so that this matter will be expedited if it is sent to conference.

Mr. LONGWORTH. The gentleman pays me a very high compliment. I think, however, the situation is such that care-

ful consideration may be given to this matter if it is allowed to go to conference, and I have no question about that.

Mr. ALMON. Will the gentleman from Illinois yield?

Mr. McKENZIE. The gentleman from Iowa [Mr. HULL] has the floor.

Mr. ALMON. Will the gentleman from Iowa yield?

Mr. HULL of Iowa. Yes.

Mr. ALMON. Mr. Speaker, in addition to what the chairman of the Committee on Military Affairs has said, in answer to the question propounded by the gentleman from Iowa [Mr. HULL], I would say that the bill which the House passed on this question authorized a lease of the power for 100 years and a sale of the nitrate plants to Henry Ford. The Senate amendment dealing with the same property provides for a lease of both for 50 years on very much the same conditions. The Senate amendment was not referred to a committee of the Senate and was acted upon without any reference to a committee. I will say further that every feature of the Senate amendment has been thoroughly considered by the committees of both Houses of Congress. I am not a member of those committees, but on account of this development at Muscle Shoals being in the district I have the honor to represent I have attended most of the meetings, as my friend from Iowa will remember, and have heard or read all the hearings, and, in my judgment, there is not one particle of information that could be furnished by further hearings before the Military Affairs Committee that would be helpful to the House in passing on the Senate amendment. As explained by the chairman, everybody agrees that this matter should be settled before the 4th of March. I would further say to my friend from Iowa that the Senate amendment carries out the recommendations of the President; it authorizes the President to lease the property for 50 years, lessee to pay at least 4 per cent on cost of Dam No. 2, and that the lessee be required to make same amount of fertilizer provided for in the Ford bill; but if a lease can not be made, the bill provides for Government operation through a Government corporation. If it is sent to conference now, I believe the will of the House and the Senate and the views of the President will be enacted into law before the 4th of March, but if it is referred to the committee and it is opened up to hearings again I very much fear there will be no action and we will have it all to go over again the next session of Congress. I most sincerely hope that the gentleman from Iowa will not object.

Mr. LAGUARDIA. Mr. Speaker, in order not to prolong the agony, I object.

Mr. SNELL. Will not the gentleman from New York reserve his objection for a moment?

Mr. LAGUARDIA. I reserve my objection.

Mr. HULL of Iowa. Mr. Speaker, I just want to say——

The SPEAKER. This is all by unanimous consent, and anybody, by demanding the regular order, can end it.

Mr. SNELL. Will the gentleman from New York withhold his objection?

The SPEAKER. Nobody has the floor.

Mr. SNELL. Then, Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. SNELL. Mr. Speaker, I have not been in favor of everything that has been provided in this Muscle Shoals legislation, but I know it is important legislation, and it is important to the country that something should be done with it very soon, because by the 1st of July, as I understand the situation, they will be ready to deliver power. There should be no fault on our part, and we should not be open to the charge that we have not acted so that the power can be taken and the country get the benefit of it. I believe this, it is the feasible thing to do and that we should send the bill to conference. I know that if objection is made there will be an immediate application to the Committee on Rules for a special rule to send it to conference and there is probably nothing else that can be done. While I have not consulted the committee, I know that the bill must go to conference, and if objection is made here we will be obliged to act.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Speaker, I object.

NAVY DEPARTMENT APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I ask to take from the Speaker's table H. R. 10724, the Navy Department appropriation bill, with Senate amendments thereto, disagree to all Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Idaho asks unanimous consent to take from the Speaker's table, disagree to all Senate amendments, and ask for a conference on the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair appoints as conferees on the part of the House Mr. FRENCH, Mr. HARDY, Mr. TABER, Mr. BYRNES of South Carolina, and Mr. OLIVER of Alabama.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice and the judiciary and the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11753, with Mr. SNELL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. If the Chair remembers correctly, there was an amendment pending when the committee rose last Tuesday.

Mr. BLANTON. Mr. Chairman, it was a pro forma amendment, and I ask unanimous consent to withdraw it.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his pro forma amendment. Is there objection?

There was no objection.

The Clerk read as follows:

TITLE I—DEPARTMENT OF STATE

OFFICE OF SECRETARY OF STATE

Salaries: For Secretary of State, $12,000; Undersecretary of State and other personal services in the District of Columbia in accordance with the classification act of 1923, including temporary employees, $1,057,600; in all, $1,069,600: *Provided*, That in expending appropriations or portions of appropriations contained in this act for the payment for personal services in the District of Columbia in accordance with the classification act of 1923 the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923, and is specifically authorized by other law.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when the bill was under consideration day before yesterday, the energetic and able gentleman from Texas, my good friend Mr. BLANTON, took occasion to refer to the mission of one of our colleagues, the distinguished gentleman from Pennsylvania [Mr. PORTER], chairman of the Committee on Foreign Affairs of the House, as a junket. I am in complete accord with the gentleman from Texas in his severe criticism of junkets generally, but I am sure the gentleman from Texas did not mean to imply that our distinguished chairman of the Committee on Foreign Affairs of the House is not doing excellent work and rendering great services not only to the country but to the world in the mission upon which he was officially sent by our Department of State.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. Does the gentleman think that our chairman of the Committee on Foreign Affairs, who is not over there with any authority of the Congress to speak for us, when he asserts that "there should be one law for the East and for the West," who is not over there clothed with any au-

thority of our Government to initiate laws alike for the East and the West, or to make enemies there, but who is there as an individual commissioner of the United States attending a conference for the purpose of effecting an amicable agreement against narcotics, is going to get any agreement from Great Britain or from Holland or from any other Government that is going to stop the importation and the smuggling into this country, through 5,000 miles of border, of narcotics? If the gentleman could do that, I would agree to an appropriation of $100,000 instead of the $40,000 to stop it.

Mr. LAGUARDIA. Oh, Congress appropriated for the mission, and he therefore has the authority of Congress. I want to say to the gentleman from Texas that the very conditions which he states—the opposition which is confronting the gentleman from Pennsylvania, the United States representative at the conference—make it necessary that we give him our moral support to the very limit. If any word goes to Europe from this House, let it be known that the American Congress and the American people are back of Mr. PORTER in his efforts to stop commerce in narcotics. [Applause.]

I appreciate the difficulties our representatives are confronted with, but I believe that Bishop Brent and Congressman PORTER have rendered excellent services, and in view of the fact that these growers and dealers in narcotics are so powerful as to be able to succeed year after year in getting powerful governments back of their vicious traffic; let the United States, at least, stand back of their representatives and say that we will stand back of them until the very end, and until we stop this vicious traffic.

Mr. BLANTON. Will the gentleman yield further?

Mr. LAGUARDIA. I yield.

Mr. BLANTON. I know the gentleman is not any jingo, because he wants wars stopped, but does not the gentleman know that Mr. PORTER and Mr. PORTER'S administration are against any league or combination of nations that would stop war, and yet by his very action now he could involve this country in a war with a European power, and the gentleman from New York would not want to go that far.

Mr. LAGUARDIA. No: but our Government is so right, the moral of our attitude is so high, that no civilized nation on earth would dare to go to war on that question.

Mr. BLANTON. The gentleman wants us to back him up in a squabble. Suppose he is insulted over there again——

Mr. WINGO. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. The gentleman from New York is making a prohibition speech, and I submit it is out of order for the prohibitionist from Texas to disagree with him.

The CHAIRMAN. The gentleman will proceed in order.

Mr. BLANTON. There is a prohibition gulf as wide as hades between the ideas of the gentleman from Texas and the gentleman from New York on real prohibition.

The CHAIRMAN. Gentlemen must address the Chair and be recognized before addressing the committee.

Mr. WINGO. I submit, if my friend will permit, that prohibition is prohibition, whether it be of narcotics or of liquor, and I think when the gentleman from New York joins the gentleman from Texas I think due regard to the proprieties and good fellowship would require them to agree.

Mr. LAGUARDIA. I did not yield, Mr. Chairman. I want to say to the gentleman from Arkansas that if he had been here and listening, the gentleman would have known that the gentleman from Texas and the gentleman from New York are not in accord on this particular question, and following the good example of the gentleman from Arkansas and the latitude which he takes very often in moving to strike out the last word, I believe he is the last man on this floor that ought to raise a point of order on the gentleman from New York.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WINGO. Mr. Chairman, I move to strike out the last two words.

Mr. LAGUARDIA. And I shall not make a point of order. Let the gentleman go as far as he likes.

Mr. WINGO. The trouble with my friend, the gentleman from New York [Mr. LAGUARDIA] is that the gentleman does not recognize the theory I try to adhere to. I do not always do it, but I try to discuss every question from the standpoint of fundamentals, and after all, what difference is there, as a fundamental principle, in the prohibition of one evil by government regulation and the prohibition of another? Of course I may be wrong, but I can not make that fine distinction between the humanitarian spirit that arouses my friend from New York [Mr. LAGUARDIA] to join the crusade for the prohibition of one debasing article and the same fine spirit that causes my friend from Texas [Mr. BLANTON] to join the crusade to prohibit the manufacture and sale of another debasing article. Unfortunately for me, I was not reared in the school of expediency. I try to follow fundamental principles. My humble point of order was not critical of either of these distinguished gentlemen. I was but trying to recall to both of them that they were standing on the same fundamental proposition, that it is always the province and duty of government to try to protect the weak against those vicious things that destroy character, weaken the intellect, wreck homes, and bring unhappiness to the human race.

Mr. BLANTON. Mr. Chairman, I offer as a substitute a motion to strike out the paragraph.

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, I am just as much in favor of prohibiting the use of narcotics in the United States and keeping narcotics out of this country as any man. I have a bill pending before a committee now to give to the President of the United States the entire Army of the United States, the entire Navy of the United States, the entire Marine Corps of the United States, the entire Coast Guard of the United States, and the help of Congress in every way he asks, for him to keep smuggled aliens, liquors, and narcotics out of the United States, to keep them from being smuggled into this country. What more could a man do? I say this, that we are in a rather embarrassing situation when we refuse to unite with the other nations of the world in a concert of action to stop war, and yet send an unauthorized representative, a representative unclothed with any power or authority, to go over to Europe and sit with a bunch of bullyraggers in a conference over narcotics. They tell us to go back home and attend to our own business, and that is where Mr. PORTER ought to be. He ought to be here on the floor of this House attending to his business, in my judgment, and not over there meddling in their European affairs. We have facilities enough in this country to stop narcotics from being smuggled into the country. Let us use the facilities that we have at home, and we can keep these European countries from smuggling narcotics and everything else across our borders. We can not do it with policemen. We have to have the Army and the Navy to do it, and we are entitled to do it, and the President is entitled to do it, and I hope the President will have them when he calls on Congress for them.

Mr. Chairman, I will briefly recite a résumé of the facts connected with the holding of this conference. On April 7, 1924, this House passed a resolution which, after being amended by the Senate, recited certain whereases and then concluded:

Resolved, etc., That the appropriation of such sum as may be necessary, not to exceed $40,000, for the participation of the United States in one or both of these conferences, or any postponement thereof, to be expended under the direction of the Secretary of State, is hereby authorized: *Provided*, That the representatives of the United States shall sign no agreement which does not fulfill the conditions necessary for the suppression of the habit-forming narcotic drug traffic as set forth in the preamble.

You will note that the only authority given in that resolution was for our representatives to attend a friendly conference and to agree, if possible, upon the "suppression of the habit-forming narcotic drug traffic." There was no authorization given our representatives to make any attempt to involve the United States in enforcing in any other country the suppression of the narcotic drug habit, but what we hoped would be accomplished was an agreement with the nations that they, and each of them, would suppress it themselves in their own countries, respectively.

The gentleman from Pennsylvania [Mr. PORTER] belongs to the dominant party that refused to ratify our entry into the League of Nations and our participations in the conferences held by the other nations of the world toward having a concert of action in suppressing all future wars. He and his party helped to defeat the League of Nations so far as the United States is concerned.

And when this resolution was up in the House for passage on April 7, 1924, I quote my remarks, then made from page 5947 of the RECORD, to wit:

Mr. BLANTON. Mr. Speaker, I offer an amendment, on page 3, line 2, I move to strike out "$40,000" and insert in lieu thereof "$10,000."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

"Amendment offered by Mr. BLANTON: Page 3, line 2, of the resolution, strike out '$40,000' and insert in lieu thereof '$10,000.'"

Mr. BLANTON. Mr. Speaker, our distinguished colleague from Pennsylvania [Mr. PORTER] is going, with four others, to Europe on this mission. I go with him in spirit, and I am for the things he stands for on this mission. But why on earth these five people should spend $8,000 apiece is beyond my comprehension. I am willing to cut this $40,000 down to $10,000, and I hope my colleagues who are in favor of economy will support me. These four other individuals, led by our colleague here in the House, can easily make that trip on $2,000 apiece, which would total $10,000, and if they can not do it they ought to stay at home. Conditions now are such that $2,000 of American money in Europe will buy a whole lot of things, wet and dry, and I am sure these five excursionists can get along on $10,000, in all.

That is my only purpose in now taking up the time of the House, and I hope that every man in the House who believes in economy will vote for my amendment. How on earth can these five individuals spend $8,000 apiece—four men and one good woman?

The length of this resolution made me rather suspicious of it. It goes on to tell us what President Roosevelt did in 1907, and then what President Taft did in 1909, and then what President Wilson did in 1913, and then what the League of Nations has done. Why, the gentleman ought not to mention the League of Nations, because he and his Republican Party have not only ignored and disregarded it but turned it down. Now he sets up in a resolution that it is the League of Nations that expects to carry out his Hague narcotic convention of 1912. If he is depending on the League of Nations he ought to cooperate with it a little more, instead of disregarding it and turning it down all the time.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KING. Does not the gentleman think it is worth $40,000 to us to recognize the League of Nations?

Mr. BLANTON. Oh, it is such a small recognition after all that I doubt if it is worth it. We are only recognizing it on narcotics.

Mr. KING. It is recognized four times in the resolutions.

Mr. BLANTON. Yes. That is a kind of camouflage. It is going in by the back door. When I go into a place I do not go in by the back door. I go in openly by the front door.

Mr. MOREHEAD. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MOREHEAD. This trip is what we call in the West a junketing trip?

Mr. BLANTON. Yes. I am willing to pay for the gentleman's trip. He accomplishes something every time he goes over there. I am behind him in what he is doing. This is his annual trip to Europe. He accomplishes something every time he goes; but I want to say this to him—and I am his friend—that he has got his kite up too high.

Forty thousand dollars is too much for five people to spend on this junketing trip that has much junketing in it. I hope the gentleman will agree to cut it down to $10,000, because unless he does I am going to vote against so much waste.

In all of Hearst's newspapers for Tuesday morning, January 20, 1925, under large headlines, "Sneers meet United States at opium parley," and "British and Dutch openly fight American plan," and "Attempt to force prohibition on Asia, Hollander charges," the Universal Service reported from Geneva that "Sarcasm and thinly-veiled sneers were America's share when the League of Nations drug conference reconvened to discuss the opium question." It reported Britain and Holland as open enemies to America's plan. It reported Delegate London, of Holland, as charging that America was trying to force prohibition down the throats of the Asiatics as well as down the throats of European countries, and he charged further that prohibition of liquor had not succeeded in America, and that prohibition of opium would not succeed in the Orient. Viscount Cecil, of Chelwood, who heads the British delegation, openly insulted our representative, Mr. PORTER, and indicated that the meeting was a junket, by proposing a larger junket for our representative to the Orient, and I quote both the subheadlines and the report of what was said:

BIG JUNKET PROPOSED

As a sop to the United States, Lord Cecil threw out the suggestion for a big junketing commission of inquiry to tour the Orient and inquire into the opium problem in spite of the fact that the American delegation comes fully documented with a definite plan.

Such a commission, which Lord Cecil "thought" might be headed by Representative STEPHEN G. PORTER, chairman of the American delegation to the conference, or another American, would, in the opinion of members of the American delegation, be simply another way of delaying if not burying the whole matter.

The American delegates have a hopeless feeling to-night in the face of the attitude of England and Holland and the passivity of France.

And then in the afternoon papers came the report that our representative had asserted that America had been slandered, and that Lord Cecil had apologized for insulting Mr. PORTER. The Washington Star for the afternoon of January 20, 1925, stated America's position as proposed by Mr. PORTER to be the following:

Mr. PORTER was fighting for the suppression of opium smoking in the Far East. He had opposed yesterday's British proposal to stop the smoking in 15 years, beginning from the time when China had suppressed her growth of opium to a stage which would remove the danger of opium smuggling from China into other Far Eastern territories. Then in a spirit of conciliation he extended the time limit in the American plan for the abolition of smoking to make it 15 years instead of the original 10. In urging the adoption of the provision he asked why the Western powers should safeguard their own homes while leaving the homes of the orientals open to exploitation.

"Are not their children as dear to them as ours are to us?" he asked. "Away with this nonsense of one law for the West and another for the East. Let us have one law for all and thus really work for world peace."

And this representative Republican whom we have sent over there, whose party repudiated the League of Nations designed to stop war, was publicly asserting in a conference of nations in Geneva—

Away with this nonsense of one law for the West and another for the East. Let us have one law for all, and thus really work for world peace.

We gave him no authority to make such a declaration as that. His party repudiated such a policy, even restricted to a League of Nations to prevent war.

But here is the most serious part of the whole situation. The Washington Star reports Mr. PORTER to have said:

The American delegate then created his sensation by strongly criticizing Lord Cecil for his assertion of yesterday that the consumption of opium per capita in the United States was greater than in India. It was his duty to the American people, whom he represented, he said, to challenge "such a vile accusation." The chief British delegate had pleaded yesterday for cooperation, continued Mr. PORTER, but he was hardly practicing what he preached in making such an accusation.

"If he could have uttered a greater slander against the American people, I should like to know what it is," the American added.

When was Mr. PORTER clothed with any authority by Congress to assert that "we should have one law for the whole world" and to cause friction and trouble with representatives of foreign governments? I did not consider that the resolution we passed April 7, 1924, gave him any such authority. It was not my understanding that we were sending him over there to force his views upon other nations. It was to be merely an amicable conference to reach, if possible, a friendly agreement. Wars could come from just such incidents. And I am for keeping out of war. Press reports from Geneva this afternoon state:

ONLY JAPAN AND CHINA NOW SUPPORTING AMERICAN AT CONFERENCE

[By United News]

GENEVA.—With only the qualified support of Japan and China to sustain him, STEPHEN G. PORTER, the American delegate, once more has brought the League of Nations antinarcotic conference to the brink of breakdown by his insistence that the drastic American program be adopted to suppress opium smoking in the Pacific countries.

There is a bare chance that a special session of the conference Saturday may evolve a solution of the stalemate between the United States and Britain, Holland, and India.

Meanwhile the conference is adjourned until Saturday to permit the delegates to get over the fits of temper which have marred the last two days of the sessions.

Settlement of the conference's disagreements seem doubtful, partly owing to the human equation involved. PORTER has annoyed some of the delegates by his charges that Britain and Holland and, to a lesser extent, France and India have shown bad faith. PORTER'S insinuation was that certain countries had a money stake in the production and smoking of opium and that they were not willing to relinquish it in order to eradicate the evil.

And under such circumstances, when the administration has kept the United States from joining the League of Nations, and when in taking part in this Geneva conference our representative is not of a nation that is a member of the League of Nations, unfortunately, and when representatives of nations who are members have told us to go home and attend to our own business, as reported by the press, and as we seem to be making enemies over there and not friends, I believe that our representative ought to be at home, and I believe that we ought to confine our efforts here in the United States to keep-

ing opium out of our own country, and until we enter the League of Nations, let the other countries attend to their business, and let them keep it out of their own countries.

Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk proceeded with the reading of the bill.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph. In order that this bill may be printed in the RECORD in consecutive order, I ask unanimous consent at this juncture that the bill may be printed in the RECORD to show what is in the entire bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the bill may be printed in the RECORD at this point. Is there objection?

Mr. SPROUL of Illinois. Mr. Chairman, I object.

Mr. SHREVE. Mr. Chairman, I object.

Mr. BLANTON. Mr. Chairman, the only way to get the paragraphs of this bill in a permanent record as they were introduced by the Committee on Appropriations is to move to strike out the paragraph. That automatically under the rules causes the paragraph to be printed in the record.

I am forced by the action of the Committee on Appropriations—some of its members, at least—to resort to this means of getting these paragraphs printed. I hate to do it, but it is the only means of getting them printed. They ought to be printed. If we ever expect to stop the expenditure of hundreds of millions of dollars that are now being appropriated and cut them down to a reasonable amount we must let the country know how we are spending the money, and the public sentiment of the people at home will ultimately stop it. That is what I have in mind. Just as soon as the people of the country through the country's press and the citizenry who read over 40,000 copies of this RECORD every day find out exactly how we are expending the money they will come to us when we go home and tell us that they want the money stopped in this or that item, and we usually conform to their wishes and their requests. That is my attitude. Are you gentlemen who are spending this trust fund of the people afraid to let them know how you are spending it? I am sure you are not. Do you want to keep this information from them? I am hopeful you do not. The gentleman says that it costs $1,600 to print two bills. There are 10 of these appropriation bills only. That is $800 each, which means a paltry sum of $8,000 to print all of the 10 supply bills. I do not agree with him that it costs that much; but if it does, are you going to stand back on a paltry expense of $8,000 and say to the 110,000,000 people of this Nation, "We are going to keep you from knowing how we are spending your money, amounting to over $3,000,000,000 every year; we will not put it in the RECORD, 40,000 copies of which go out to the people every day"? That is the situation. I am not making an unreasonable request when I ask to put these supply bills into the RECORD. I am making a reasonable request. I think you will find out sooner or later that I am backed in that request by the very people who send you here, the prominent ones of the taxpayers of this country, who want to know how their money is being spent. I trust the gentleman from Illinois will withdraw his objection.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas to strike out the paragraph.

Mr. BLANTON. Mr. Chairman, that is a pro forma amendment and I ask to withdraw it.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk proceeded with the reading of the bill.

Mr. KVALE. Mr. Chairman, I move to strike out the paragraph. I do so for the same purpose that the gentleman from Texas [Mr. BLANTON] does and renew his request. I ask unanimous consent that the bill be printed in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the bill be printed in the RECORD. Is there objection?

Mr. SPROUL of Illinois. I object.

Mr. KVALE. I can not understand why this should be objected to.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. KVALE. Yes.

Mr. BLANTON. I will tell the gentleman why.

The CHAIRMAN. Does the gentleman from Minnesota claim the floor?

Mr. KVALE. I yield to the gentleman from Texas.

Mr. BLANTON. The bill contained $763,000,000 and was in charge of Mr. MADDEN. He did not object, but let that bill be printed. The Interior bill involved a lot of money——

Mr. SPROUL of Illinois. Will the gentleman yield?

Mr. BLANTON. Not just now. I am going to give the gentleman some facts. The naval bill, in charge of the gentleman from Idaho [Mr. FRENCH], involved——

Mr. TILSON. Mr. Chairman, I make the point of order the gentleman is not discussing the amendment before the House.

The CHAIRMAN. The gentleman must confine himself to the amendment before the House.

Mr. BLANTON. I made this amendment to strike out the paragraph to get the paragraph printed in the RECORD, and I am showing the reasonableness of that request by making this amendment, which prints the paragraph in the RECORD——

Mr. TILSON. Mr. Chairman, the gentleman can not move an amendment for any such purpose. It is not a proper purpose for which to offer an amendment. I insist that the gentleman discuss the amendment pending in the committee, which is to strike out the paragraph. If he can show any good reason why the paragraph should be stricken out, the gentleman can talk in order. Otherwise I shall insist that he confine himself to the amendment before the House. I insist upon the rules being observed, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will confine himself to the motion before the House.

Mr. BLANTON. The Chair will let me answer the distinguished candidate for floor leader?

Mr. TILSON. It needs no answer whatsoever.

The CHAIRMAN. The gentleman will confine himself to the proposition before the House, which is to strike out the paragraph.

Mr. BLANTON. Mr. Chairman, this is a motion to strike out the paragraph. Any debate that is pertinent to that motion is authorized on the floor. Now, the gentleman from Connecticut becomes——

Mr. TILSON. Mr. Chairman, there is no point of order pending, and so I insist that the gentleman discuss the amendment that is before the committee.

The CHAIRMAN. The gentleman must confine himself to a discussion of the motion before the House.

Mr. BLANTON. I realize I am in the hands of Philistines, Mr. Chairman [laughter], but my locks are not yet shorn.

The CHAIRMAN. The gentleman must confine himself to the proposition before the House; and if so, he will have his time.

Mr. BLANTON. Mr. Chairman, is this a point of order I must confine myself to or debate?

The CHAIRMAN. To debate on the question of striking out the paragraph.

Mr. BLANTON. Mr. Chairman, when a man makes a motion to strike out a paragraph he ought to have some reason for it.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BLANTON. Mr. Chairman, I rise in opposition——

Mr. KVALE. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to withdraw the amendment. Is there objection?

Mr. BLANTON. I renew it, Mr. Chairman, to strike out the paragraph.

Mr. LEHLBACH. Mr. Chairman, I make the point of order that the gentleman offered that amendment and withdrew it.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. Is there objection to the gentleman from Minnesota withdrawing his amendment?

Mr. TILSON. Mr. Chairman, I object to the withdrawal, and I move that all debate on this paragraph and all amendments thereto do now close.

Mr. BLANTON. But there has been no debate against the paragraph, Mr. Chairman, and I make the point of order that the motion is premature——

The CHAIRMAN. The gentleman's motion is in order; there has been debate on the question and the motion is in order.

Mr. BLANTON. Mr. Chairman, I make the point of order that under the rules of the House on every proposition in Committee of the Whole House on the state of the Union there is allowed as much as five minutes for and five minutes against, and there has been only five minutes for and we are working still under the rules of the House.

The CHAIRMAN. One speech of five minutes is sufficient to move to close debate. The question before the House——

Mr. BLANTON. I am still in the hands of the Philistines.

The CHAIRMAN (continuing). Is, Shall debate be closed?

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment.
The question was taken, and the amendment was rejected.
The Clerk proceeded with the reading of the bill:

Passport bureaus——

Mr. HOWARD of Nebraska. Mr. Chairman, I move to strike out the paragraph. I am making that motion in support of my distinguished brother from Texas, who can get right every once in a while. I believe with him that all of these bills ought to be printed in the RECORD in order that the home folks may know something about the purpose for which the money we are appropriating is to be expended. I have nothing more to say than that, but I believe it is a reasonable request.

Mr. NEWTON of Minnesota. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. NEWTON of Minnesota. The gentleman is not speaking to his motion to strike out.

The CHAIRMAN. The gentleman must confine himself to the motion, which is to strike out the paragraph.

Mr. HOWARD of Nebraska. Mr. Chairman, I do not know by what scientific or legerdemain processes the Chairman of the House or any Member on the floor may interpret the meaning of my words other than I intended. I thought I was speaking to the motion. The Chair tells me to confine myself to the motion. I want to be obedient to the Chair, and I suppose I can not speak any more along that line, and inasmuch as I have no other line of argument to make, I subside. [Laughter.]

Mr. SHREVE. Mr. Chairman, the gentleman having finished his argument, I move that the debate on this paragraph and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Pennsylvania moves that the debate on this paragraph and all amendments thereto be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DIPLOMATIC AND CONSULAR SERVICE

AMBASSADORS AND MINISTERS

Ambassadors extraordinary and plenipotentiary to Argentina, Brazil, Chile, Cuba, France, Germany, Great Britain, Italy, Japan, Mexico, Peru, Spain, and Turkey, at $17,500 each, $227,500: *Provided*, That so much as may be necessary of the amount herein appropriated for the salary of an ambassador to Turkey shall be available for the salary of an envoy extraordinary and minister plenipotentiary to Turkey at $12,000 per annum in the event that the President should appoint a diplomatic representative of that grade;

Mr. BLANTON. Mr. Chairman, I offer an amendment. On page 4, beginning with the first line of the paragraph, strike out all of the paragraph except the last three words, which read as follows: "of that grade."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 4, line 3, strike out all of the paragraph down to and including the word "representative" in line 11.

Mr. BLANTON. Mr. Chairman, this paragraph appropriates $227,500. Most of that the people at home would not object to, but to some of it they would object. I hope they will pass on this paragraph if they find it in the RECORD and let us know which portion of it they do not object to.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. BLANTON. That is not a pro forma amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Texas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For ambassador extraordinary and plenipotentiary to Belgium and envoy extraordinary and minister plenipotentiary to Luxemburg, $17,500;

Mr. HOWARD of Nebraska rose.

Mr. BLANTON. Mr. Chairman, I yield to the gentleman from Nebraska. I understand he wants to offer an amendment.

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. Mr. Chairman, I offer an amendment: Strike out "$17,500" at the end of the paragraph, and add the following proviso: "*Provided*, That no money herein be available for expenditure unless——

Mr. LEHLBACH. Mr. Chairman, I make the point of order that the amendment must be submitted in writing.

Mr. TILSON. Mr. Chairman, the amendment should be in writing.

Mr. BLANTON. Mr. Chairman, I move to strike out the entire paragraph. That is what I want to get at. I withdraw the other motion.

The CHAIRMAN. Does the gentleman desire to be recognized?

Mr. BLANTON. I would like recognition for a minute unless I am out of order.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, I am not in ill humor. I never was in better humor in my life.

The CHAIRMAN. The gentleman will please confine his remarks to the question before the House—the motion to strike out the paragraph.

Mr. BLANTON. Who will tell me what to say if I do not say what I think? However, I shall try to confine myself within the rule. I surely can have some latitude in debate.

Without debating this paragraph further, Mr. Chairman, I ask unanimous consent that the balance of this bill be printed in the RECORD for the public information of the taxpayers of the country.

Mr. SHREVE. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to do as indicated. Is there objection?

Mr. SPROUL of Illinois. I object.

The CHAIRMAN. Objection is made. Without objection, the pro forma amendment is withdrawn.

Mr. BLANTON. I will not withdraw it. I ask for a vote on it.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Texas.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded with the reading of the bill.

Mr. BLANTON. Mr. Chairman, I offer an amendment—to strike out lines 16 and 17.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 4, strike out lines 16 and 17.

Mr. LEHLBACH. Mr. Chairman, I make a point of order that the amendment is not in writing.

The CHAIRMAN. The gentleman will submit his amendment in writing.

Mr. BLANTON. I offer to strike out the paragraph. Does the gentleman want that in writing?

Mr. LEHLBACH. That is a pro forma amendment.

Mr. BLANTON. No; that is for a purpose.

The CHAIRMAN. The gentleman from Texas moves to strike out the paragraph.

Mr. BLANTON. I submit it without argument.

The CHAIRMAN. The question is on agreeing to the gentleman's motion to strike out the paragraph.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to Albania, Austria, Bolivia, Bulgaria, Czechoslovakia, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Egypt, Finland, Greece, Guatemala, Haiti, Honduras, Hungary, Nicaragua, Norway, Panama, Paraguay, Persia, Poland, Portugal, Rumania, Salvador, Siam, Sweden, Switzerland, Uruguay, and Venezuela, at $10,000 each, and to the Serbs, Croats, and Slovenes, $10,000; in all, $320,000.

Mr. SEARS of Florida. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. SEARS of Florida. Mr. Chairman, when general debate was agreed upon, the chairman of the subcommittee stated that there would be some latitude allowed in discussing this bill. Therefore I did not ask for an extension of time. I am not going to take up much of the time of the House to-day. I realize that perhaps what I am going to say should be said at a later time, but I hope the membership will let me make these few remarks in order that you may have the facts before you in case I should decide to offer an amendment.

I appeared before the subcommittee, and they were very courteous to me, and I thoroughly, fully, and completely covered the subject matter. Mr. Chairman, I ask that my remarks made before the subcommittee be inserted in the RECORD as a part of my remarks to-day. They are very short and have reference to the Bureau of Lighthouses and aids to navigation. They cover my position as completely as I could cover it now; and if these remarks may be inserted in the RECORD it will save the time of the House.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks for the purpose indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

WEDNESDAY, JANUARY 7, 1925.

STATEMENT OF HON. WILLIAM J. SEARS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

IMPROVEMENT OF LIGHTHOUSE DEPOT FACILITIES AT KEY WEST, FLA.

Mr. SEARS. Mr. Chairman, I thank you and the committee for giving me this chance to be heard. Unfortunately, like my colleague from Oregon, I find that perhaps the object for which I appear has not been recommended by the Bureau of the Budget. I am one of those who desire to deal frankly with the committee. I feel that this is a meritorious proposition among the mass of propositions which may be brought before you. Usually, the Budget being prepared when we are absent from Washington, Congress not being in session, many meritorious propositions can not be brought to the attention of that bureau, and perhaps many times meritorious things are overlooked. I have been watching the appropriation bills very carefully, and I heard the statement of the chairman that there was an invariable rule observed by this special subcommittee in connection with the estimates. I want to commend you for that, because I am for economy, although my remarks may not indicate it. I still believe that when a man advocates a just cause, a meritorious cause, and a necessary cause he can still be an economist, because economy consists in doing that which is absolutely necessary to prevent a greater future cost.

For instance, you would take care of your house. You would not neglect a small leak, but would repair it immediately, because you want to economize. You know that if rains were permitted to enter, causing the plaster to fall, you would have to make repairs at a cost of thousands of dollars that could originally have been made at a comparatively small cost. Therefore I am still in accord with those of my colleagues who are advocating economy. Unfortunately—and I say that without criticism, because I have been here for 10 years and have tried to refrain from criticism—by the time they get to Florida, which is the southernmost State in the United States, the lump-sum appropriations are generally exhausted. I have voted for the lump-sum appropriations, and my record will show that I voted for the Hell Gate improvement at New York, although there was practically nothing in the bill for my district. I will say to this committee, as I have said on the floor repeatedly, that when the time comes when I can not vote for a meritorious proposition or will not vote for a meritorious proposition simply because it does not affect the fourth congressional district of Florida, I hope I will be man enough to resign from Congress. Still I have a personal pride in my State, a pride in which all of my colleagues share, and naturally I want my State to get what I believe it is entitled to receive.

You will find on page 44 of the Report of the Secretary of Commerce this note, under the heading "Depot for seventh lighthoust district: Purchasing site and constructing and equipping a lighthouse depot," etc.:

"The act of June 5, 1920 (41 Stat. 1058), authorized this work in the sum of $225,000, but no appropriation was made therefor. The Lighthouse Service storehouse, wooden smithy, and wharf are on property belonging to the Treasury Department, which is situated in the midst of the United States naval station. The wooden storehouse and wharf, which are highly inflammable, are located between the Navy coal sheds and Piers A and B and are therefore in an unusually dirty location. The coal dust is practically always in motion, and when the coal conveyors are in operation it blows about in clouds. It finds its way into the depot keeper's quarters and into the storehouse, where thousands of dollars' worth of property is stored, which it is impossible to keep clean. These coal sheds have been erected since the storehouse was built. Furthermore, there are frequently several Navy torpedo-boat destroyers lying alongside at the Navy piers on each side of the depot wharf, which, in addition to causing a great deal of dirt, are a menace to the lighthouse tenders on account of collision. The wharf is old, in bad condition, and beyond economical repairs. The entire depot is congested; it is inadequate for efficient, expeditious, and economical handling of equipment and materials and therefore seriously retards the work of the tenders and the district. Owing to its unsafe and congested condition some of the spare buoys and equipment are now stored at Dry Tortugas, 60 miles away. A new site and wharf are now urgently needed for the efficient and economical work of the district. The Navy Department has repeatedly urged the removal of this depot from its present location in the midst of the navy yard. The amount requested is for the purpose of commencing work on the project."

That is recommended in the report of the Secretary of Commerce for the fiscal year ended June 30, 1924, and the Secretary also made a recommendation for ensuing fiscal year in sum of $250,000. No stronger recommendation or indorsement could be given by myself, by yourselves, or by any other person; yet the Director of the Budget did not see fit to place it in the estimates because, forsooth—not pretending that I can read his mind—he might have said, as he did in connection with other projects, "Some years from now that can be done within a few months." However, I notice that appropriations for other places go along just the same.

Mr. SHREVE. Not for every place.

Mr. SEARS. Not for every place, but about $700,000 went to four States. That is not said in a spirit of complaint, because I take, as I have always taken, this broad view of life, that because I can not get what I want it certainly will not do me any good to see that my good friend and colleague Mr. SHREVE, the chairman of this subcommittee, is not given what his district is entitled to. Therefore, being a good sport, if I can not get what I believe I am entitled to, I try to help my colleagues get what I think they are entitled to. Perhaps I am on the wrong tack there, but I am getting along somewhat in years—not too old, I trust, to remain in Congress, but too old to change my ways and learn new tricks. I hope that the whole of my career in Congress will be based along those lines.

I have before me a letter from Senator FLETCHER, inclosing an estimate from the Commissioner of Lighthouses, which I will ask to be incorporated in the RECORD. This estimate shows how the $250,000 would be expended. It is not necessary to take up the time of the committee reading it, because it will be in the hearings. This is an itemized estimate of the improvements that are absolutely necessary there, as shown by the report of the Secretary of Commerce upon information secured from the officials at Key West. Those who have been at Key West can appreciate as much as I do the importance of this appropriation, because of the danger from fire and because of the congested conditions, as stated in the report. Key West has grown greatly, and when they get their water supply from the mainland, which they are preparing to do, and when they have completed the "ninth wonder," the "eighth wonder of the world" being the Flagler system across the sea, they will also have an automobile road alongside that railroad, so you can drive from the mainland to Key West; when that is done Key West will grow as she has never grown before.

Mr. OLIVER. Have they financed that undertaking for bringing water from the mainland?

Mr. SEARS. My understanding is that they have financed it, and it depends now upon the rapidity with which they can construct the conduits. They tell me that they can not be laid on the bottom of the sea, because the waves would break them up.

Mr. OLIVER. I think you recognize that it has been very seriously handicapped, so far as extension of Government activities is concerned, because of the large expense incident to the water supply.

Mr. SEARS. Yes, sir; it has been. I have been advocating and urging for years a bond issue, although perhaps I should not have done so, because I have made it a rule not to interfere with local matters. I represent the entire district; but realizing what I had to fight up here, or what Mr. OLIVER has suggested, I perhaps went out of my way in urging those people to bond themselves to the limit in getting that water supply. I understand that that is now practically assured.

Now, there are many lines in operation to Galveston, Habana, and European ports, and the lighthouse station as now located in those old wooden buildings, with wooden piers, right in the midst of the United States naval station, makes this one of the most congested conditions in the world. I want to be absolutely frank with the committee. Perhaps we could get some relief if we could get a public building there. When I first came to Congress I succeeded in getting the Secretary of the Treasury to purchase a lot which had been authorized for a post-office building, which would result in turning over to the naval district the old building, which was a brick building, for naval purposes, but that has been a hopeless dream. It looks as though it were still hopeless. It has been in that status for 10 years. I think that we are entitled to that building. Senator FLETCHER states that he hopes I will be able to convince the subcommittee that this item should be included in the bill. I would not ask for it if I did not think it was meritorious, and when I say that I am backed up by the expression of the Secretary of Commerce in this report which I have just read to you.

Mr. OLIVER. Mr. SEARS of Florida, as we know, has always been very diligent in presenting the claims of his district, and especially of Key West, but his constituents probably do not realize to what extent he has been handicapped by their failure to carry out what I understand were assurances given Members of Congress who have been to Key West in the past, that an adequate supply of good water would be obtained at an early date, and that it would be distributed at a reasonable cost. I know that the absence of that water supply has been quite prejudicial to him in his efforts on behalf of Key West.

Mr. SEARS of Florida. Let me say in justification of Key West, because they have been more than loyal to me—more than I deserve: This is a $1,500,000 or $2,000,000 project, and they have tried for years to carry out the promises they made to the committees. I know what promises they made. They have gone three, four, five, or as much as six or seven thousand feet, with large wells, hoping to get below salt water, as they have done in many places. They have spent thousands upon thousands of dollars trying to do that. It was only after they had to give that up as hopeless, although engineers from Pennsylvania and other States had told them that it could be done, and geologists had told them it was possible—it was only after reaching the conclusion that that was a hopeless undertaking, and that they were wasting money, that they took up this bond question. With a city of 40,000 or, perhaps, 50,000 population, a bond issue of $1,500,000 or $2,000,000 can not be taken care of overnight, but I understand that it has been done. Therefore Key West has not willfully broken any promise that it made to the committees.

AIDS TO NAVIGATION ON LAKE OKEECHOBEE

Now, there is one other subject I would like to bring to your attention, and I had as well take both of them up with you while I am here. I have had this question up with the Bureau of Lighthouses many times, both in person and by letter, but the budget system came along and they felt that under the lump-sum appropriations this matter, perhaps, would be taken care of. Unfortunately, for some reason that has not been the case, although I am not criticizing anybody for it. This year they asked $85,000 for aids to navigation on Lake Okeechobee, which is the largest inland lake in the United States. A large amount of the vegetables that are shipped into this part of the country during the seasons when you can not get vegetables any other way, such as tomatoes, peppers, beans, cucumbers, etc., are grown around that lake. That section has been settled up by people from your State and from every State in the United States. We have begged for markers on that lake, so that the boats would not have to be guided by stars, because sometimes the stars flicker, not because of reasons given by some people, but a star sometimes goes out and you have to follow another star. Sometimes, although that is very seldom in Florida, we have a starless night, and the boats sometimes run aground. At other times they have to wait until daybreak in order to get their bearings.

I say that it is very unfortunate that we have only one or two lights on this lake, which is approximately 32 miles in diameter. We have had only one or two during the last five or six years. This year they are asking $85,000, but we were met with the usual statement that there were projects in the country of more importance than that, and therefore the Director of the Budget could not see his way clear to recommend it. Florida has spent millions of dollars in digging canals to drain the Everglades, and has not asked the Government for one penny for that purpose. I am not criticizing anyone in that connection, but the people of Florida have been taxed thousands of dollars to aid in the irrigation of dry lands; but we simply went to work and drained our own lands down there, and they are the richest lands in the world. Thousands of acres of those lands have been drained, and they did it at their own expense. I simply mention that because of the fact that up to the time of the completion of the Miami Canal, the West Palm Beach Canal, and the other canal leading to Fort Lauderdale, and the St. Lucia Canal, which is 200 feet wide and 12 feet deep, and which will be completed in the near future, there was only one light from there to where the Caloosahatchee River enters the Gulf of Mexico. And yet with these additional ways of water transportation the lake is not properly marked or lighted.

I am informed that the boats that carry the mail are often delayed several days because of the absence of markers on the lake. Sometimes they get lost at night, and they are delayed in that way. The lake gets pretty rough at times. We have not been able to get much for it, but it is an important proposition.

This is an unusual talk that I have made to the Appropriations Committee, but I hope I will not be misunderstood. I do not want to take up too much of your time, or to worry you unduly, but I know that you are interested in these matters, and I want to say to you that out of $4,000,000 appropriated this year as a lump sum only $200,000 was allotted to Florida for aids to navigation. Only $200,000 was allotted to Florida, but I alone represent 600 miles of seacoast and 1,500 miles of river front. Taking the whole coast of Florida, from where it joins the State of Alabama—and I believe my colleague from Alabama will indorse this statement—there are approximately 1,200 miles of seacoast in my State, with only $200,000 allotted to it for aids to navigation. Only the other day I read where a large steamer went aground just off St. Augustine and was destroyed.

In looking over the report of the Secretary of Commerce—and my attention was called to it because the chairman asked the gentleman from Oregon something about it—I see on page 40 that the amount asked for the seventh lighthouse district as absolutely necessary by the Secretary of Commerce was $519,700. That was asked as the minimum amount that they could get along with this year; yet we get only $200,000. That has been the old, old cry for years and years and years. I know that the Bureau of Lighthouses and the Bureau of Navigation are anxious to cooperate with me in this, but I know also of the pressure and the demands that are brought to bear upon them. I know they can not stretch money beyond where it can go, but certainly we ought to have something for Lake Okeechobee. I want to again call the chairman's attention to that statement on page 40, where $519,700 was asked for the seventh lighthouse district including $85,000 for Lakes Okeechobee and Hicpochee.

I do not know where the other amount was cut down. But for the Florida reefs and keys, where vessels go aground—American vessels and foreign vessels—of value many times this amount, there is $191,000 alone asked for; and yet in the bill we have only $200,000 for the entire coast of Florida, including Tampa Bay. You all know the importance of that, and although it is not in my district, I am just as deeply interested in getting for Tampa what she is entitled to as I am for my district.

Mr. ACKERMAN. Is that new railroad across Florida going to open up a great country?

Mr. SEARS. That new railroad, something over 200 miles of which the Seaboard has built in about six months, will start on the 26th of January, and will open up an undeveloped country, no railroad being nearer than from 40 to 75 miles of that road.

Mr. ACKERMAN. Does it go straight across the country?

Mr. SEARS. It goes right across the country and ends at West Palm Beach. While that does not come before your committee, and I will argue that later on the floor of the House, that shows us the importance of giving us harbor improvements to which we are entitled. Now, the Seaboard would not go in and spend those millions unless they believed that there was a future before them. It is just like the Florida East Coast Railroad. That east coast of Florida was an unknown and untrodden path; and when, years afterwards, Mr. Plant, president of the Plant system at that time, asked the late Henry M. Flagler where the Florida East Coast Railroad was, Mr. Flagler replied, "Mr. Plant, follow the crowd and you will find out."

There are 90,000 people now at Miami; 65,000 at West Palm Beach, and all the cities and towns down there are growing by leaps and bounds. This road is going to West Palm Beach, and they have got to have an outlet.

This, too, might be of interest to you. The Clyde Line and the Merchants & Miners Transportation Co. are now running steamers direct to Miami from Baltimore and New York, but they are their smaller steamers, because we have only 18 feet of water. If they can get 25 feet of water, they will have larger boats. But the reason I mentioned that, Mr. Chairman, is that when those boats go in we are going to need more aids to navigation. There are about 200 vessels passing now, weekly or monthly, in sight of Miami, West Palm Beach, Fort Lauderdale, Fort Pierce, etc., a mile and a half out, that can not get in because they have not the water, and these are going to Mobile, to Galveston, and to New Orleans—three States—and those vessels are entitled to the additional aid now, and more so when that harbor is completed, because in nearly every storm some big vessel is lost.

I do not want to take up more of your time, because I believe the committee will be absolutely fair and do all it can; but I want to urge in the strongest terms possible that additional aid over the $200,000 be given to Florida, taking in Lake Okeechobee, and that some relief be given the lighthouse station at Key West, as recommended by the Secretary of Commerce, and which, as shown by his report, is absolutely necessary. We hear much in the District of Columbia about fire traps. If one fire should break out in that wooden fire trap at Key West—and Mr. OLIVER has been there several times—the Government would lose many, many times the $250,000 in valuable records that you never could reproduce, and you would lose many times the amount of the appropriation in supplies that are stored there for the submarines that come in, for the war vessels that land there—because that is the nearest point—and other Government supplies that they must have and distribute throughout the district.

Just one other point and then I am through. I was told—which, however, I already knew—that Florida represents three separate and distinct districts, but that $200,000 covers all three of them. So my district does not get very much. I do not want to appear to be a "piker" in asking for such small sums here. I hope the time will come some day, when I can go before my colleagues on the floor and earnestly, honestly, and sincerely ask for $1,500,000,000 for something in Florida for our people, formerly your people; because, then I am sure I can get the appropriation, for you will say, "The sum is so large that it must be important." But I have never asked Congress for more than I felt we were entitled to, whether it was $1,000 or $50,000, and as long as I stay here I am not going to ask my colleagues to appropriate more than I believe is absolutely necessary.

I thank the committee.

Mr. SHERVN. Mr. Congressman, we have been very much interested in your statement, and I can assure you that we will give it our very careful consideration.

(The letter and statement submitted by Mr. Sears are as follows:)

UNITED STATES SENATE,
COMMITTEE ON COMMERCE,
December 4, 1924.

Hon. W. J. SEARS,
House Office Building.

MY DEAR CONGRESSMAN: Inclosed find copy of letter addressed to me under date of December 3 by Hon. G. R. Putnam, Commissioner Bureau of Lighthouses, together with copy of my communication to him of this date.

I will advise you further when the information comes from the commissioner, for, as you know, the appropriation bill will first be considered by the House, and I am hopeful that you will be able to have the item of $250,000 for improving the lighthouse depot facilities at Key West included; but, in any event, let me know the outcome of your efforts.

Very truly yours,

DUNCAN U. FLETCHER.

Depot for seventh lighthouse district, detailed estimate

Site, water front, at $160 per front foot (250 feet)	$40,000
Bulkheads, at $60 per linear foot (500 linear feet)	30,000
Filling and grading (at same time deepening water front for vessels), at $1 per cubic yard (42,400 cubic yards)	42,400
Wharf, at $3 per square foot (15,000 square feet)	45,000
Service building, at 44 cents per cubic foot (70,000 cubic feet)	30,800
Keeper's dwelling, at 37 cents per cubic foot (24,000 cubic feet)	8,880
Storehouse, at 18 cents per cubic foot (144,000 cubic feet)	25,920
Oilhouse, at 26 cents per cubic foot (8,000 cubic feet)	2,080
Machine and blacksmith shop, at 19 cents per cubic foot (24,000 cubic feet)	4,560
Carpenter shop, at 19 cents per cubic foot (12,000 cubic feet)	2,280
Miscellaneous equipment	4,075
Traveling crane	6,000
Track on wharf, at $2 per linear foot (1,200 linear feet)	2,400
Push cars (2), at $250	500
Buoy skids on chain platform, at $1.50 per square foot (1,000 square feet)	1,500
Boundary fence, at $3.50 per linear foot (1,030 linear feet)	3,605
Total	250,000

Mr. SEARS of Florida. Now, Mr. Chairman, as I recall, the Secretary of Commerce asked for $519,700 for aids to navigation in the seventh lighthouse district. Only $200,000 of this amount was allowed, striking from the estimate of the Secretary of Commerce $319,700. For one project alone in my district, something like $200,000 will be required. For years and years I have been trying to secure aid to navigation in Lake Okechobee which will cost $85,000. Many nothern, western, and eastern people have moved down there and are trucking; the only mode of transportation they have is by boats across this lake, and without aids to navigation it is practically impossible for them to cross the lake.

I doubt if I shall offer the amendment, because I want to deal fairly with my constituents, and I am making these remarks to-day with the hope that if I decide not to offer the amendment that at the next session the subcommittee, or at least the Director of the Budget, may see his way clear to accept the recommendations of the able Secretary of Commerce and give us these aids to navigation.

DEPARTMENT OF STATE

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. BOYLAN. Mr. Chairman, I desire to offer an amendment to the paragraph.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BOYLAN: Page 4, lines 21 and 22, after the word "Hungary" insert "Irish Free State." In line 25, strike out "$320,000" and insert "$330,000." Page 5, line 8, strike out "$611,500" and insert "$621,000."

Mr. SHREVE. Mr. Chairman, I make a point of order against this amendment because there is no legislative authority for it.

The CHAIRMAN. The gentleman from Pennsylvania makes a point of order against the amendment. Does the gentleman from New York desire to be heard?

Mr. BOYLAN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BOYLAN. There is a bill pending before the House which will confer necessary legislative authority, and unless the appropriation is made at this time we will not have any money to pay this minister after the House votes to have him sent to the Irish Free State.

I am sure the House recognizes the fact that the Irish Free State has sent a distinguished son here to represent it in Washington, and as a matter of reciprocal consideration the great United States should send a minister likewise to the Irish Free State. I am sure that the sum of $10,000, the amount added to the appropriation, will just cover the salary of the distinguished American who shall be honored by being the first minister sent by these United States to the Irish Free State.

Mr. SHREVE. Mr. Chairman, I shall have to renew my objection. There is no legislative authority for this item, and, another thing, it has not been recommended by the Bureau of the Budget, and no suggestion was made by the Department of State at the time of our hearings that such an appointment should be made.

The CHAIRMAN. From the statement made by the gentleman from New York [Mr. BOYLAN], it is evident that he agrees with the position taken by the gentleman from Pennsylvania that there is no legislative authority at the present time for appointing such a minister. The point of order is sustained.

Mr. BOYLAN. Then, Mr. Chairman, what would be the course of procedure if legislation is passed providing for an appropriation?

The CHAIRMAN. That is another proposition. But it is a well-established fact that we can not appropriate for a position that is not authorized by law.

Mr. BLANTON. Mr. Chairman, I offer an amendment to strike out all of the paragraph except the figures "$320,000."

Mr. LEHLBACH. Mr. Chairman, I make the point of order that the amendment is not submitted in writing.

Mr. BLANTON. I will put it in writing. [Cries of "Read!" "Read!"]

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. Mr. Chairman, I want my amendment submitted. The gentleman must give me time.

The CHAIRMAN. The gentleman should have his amendments ready.

Mr. LEHLBACH. Mr. Chairman, I make the point of order that the recurrent submission of amendments verbally which should be submitted in writing and then a demand made for time in which to reduce them to writing is dilatory.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman withdraws his other amendment and moves to strike out the paragraph.

Mr. BLANTON. Mr. Chairman, this paragraph embraces $320,000 of public money. I am in favor of spending some of it, but there are parts of it that possibly are spent in wastefulness and extravagance, and if the people of the United States could know just how all of it is being spent, they might object to a part of it. I think that temporarily the paragraph ought to be stricken out, if I can not get it printed in the RECORD by any other way, and that the committee should rewrite it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk proceeded with the reading of the bill.

Mr. BLANTON. Mr. Chairman, I move, on page 5, lines 1 and 2, to strike out the paragraph.

Mr. TILSON. Mr. Chairman, I make the point of order that that paragraph has been passed and that the next paragraph has been read.

Mr. BLANTON. I was on my feet, Mr. Chairman.

Mr. TILSON. I make the point of order that the gentleman is on his feet all the time.

Mr. BLANTON. I know I am. The new floor manager from Connecticut makes me stay there. It is necessary if I protect the people's rights.

The CHAIRMAN. Will the gentleman submit his amendment to the Clerk, so we can see what it is?

Mr. BLANTON. I will.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 5, lines 1 and 2, strike out the paragraph.

Mr. TILSON. Mr. Chairman, I make the point of order that we have passed that paragraph and that it is too late, and the further point of order, Mr. Chairman, that as the amendment is not offered in good faith it is dilatory. The repeated efforts of the gentleman to put this bill in the RECORD, which is an improper purpose, so far as the rules are concerned, are perfectly evident, therefore I make the point of order that the gentleman's repeated motions to strike out paragraphs are dilatory.

In addition to that the Clerk has already passed the paragraph and has read the next one.

The CHAIRMAN. Does the gentleman from Texas desire to be heard?

Mr. BLANTON. I desire to be heard, Mr. Chairman. I do not want the gentleman from Connecticut, whatever his position in this House is, to pass on the good faith of any amendment I offer. I state to the Chair that every one of these amendments is offered in the utmost good faith, with a definite, conscientious purpose in view, and under my oath as a Representative of the people. I am trying my dead level best to get this entire bill and the other supply bills printed in the RECORD, so the American people may see just how we are spending over $3,000,000,000 of their tax money every year.

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. I have a definite, proper purpose under the rules of this House concerning every one of these amendments.

Mr. TILSON. If the gentleman will yield——

Mr. BLANTON. I do not yield to the gentleman from Connecticut.

The CHAIRMAN. The gentleman from Texas refuses to yield.

Mr. TILSON. The gentleman is making a misstatement.

Mr. BLANTON. What misstatement was it?

Mr. TILSON. The gentleman has said that he has made these motions in good faith; that is, to strike out the paragraph. If the gentleman will state that he desires to strike these paragraphs out of the bill and leave them out, I will then concede that the gentleman is acting in good faith.

Mr. BLANTON. The gentleman knows he is not correct, Mr. Chairman. The gentleman from Connecticut himself has made many motions to strike out a paragraph when he did not intend to do it. It is a motion made under the rules of the House for various purposes—to give a Member the opportunity to speak, to put the paragraph in the RECORD, and for other purposes in connection with it, and I do not yield to the gentleman from Connecticut to pass upon the good faith of my actions here, even if he may be the heralded next floor manager of this House. I want the gentleman to attend to his good faith and let me attend to mine. I am offering this motion to get this paragraph printed in the RECORD. It is a proper thing to do, hence a proper motion. It is the only means I have of getting it in the RECORD. If the gentleman's steering committee would permit this bill to be printed in the RECORD so the American people would know just how the hundreds of millions of dollars are being spent by this Congress, I would not be making these motions, and the gentleman knows it, and I have to protest——

Mr. TILSON. The gentleman is not talking to the point of order.

The CHAIRMAN. The gentleman will confine himself to the point of order.

Mr. BLANTON. That is the point of order and the chairman of the Rules Committee is to pass on it and ought to be able to pass on it.

The CHAIRMAN. The gentleman will discuss the point of order. The Chair will pass on the point of order at the proper time.

Mr. BLANTON. I am waiting for the Chair's decision.

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. BACHARACH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PHIPPS, and Mr. SWANSON as the conferees on the part of the Senate.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE AND JUDICIARY

The committee resumed its session.

Mr. CONNALLY of Texas and Mr. LEHLBACH rose.

The CHAIRMAN. The Chair recognizes the gentleman from Texas, who rose first.

Mr. CONNALLY of Texas. Mr. Chairman, to establish a precedent that the Chair has the right to pass upon the good faith of a Member in offering an amendment would be a very dangerous departure. For instance, when the gentleman from Texas offers his amendment to strike out this section the presumption is that he wants to strike it out. Unless the gentleman from Texas should admit that that was not his purpose at all, but that his purpose was some other purpose——

Mr. MILLS. Will the gentleman yield?

Mr. CONNALLY of Texas. In just a moment. Unless the gentleman from Texas should admit that he had no intention to strike it out, but was offering his motion through some ulterior motive, the Chair would have no right to say what was in the mind of the gentleman from Texas. I yield to the gentleman.

Mr. MILLS. Mr. Chairman, I just want to point out to the gentleman that the gentleman from Texas [Mr. BLANTON] has just made that admission. The gentleman said that motion after motion had been made here for the purpose of getting the paragraph in the RECORD and for no other purpose.

Mr. CONNALLY of Texas. I will say to the gentleman from New York that the gentleman from Texas [Mr. BLANTON] did not make the statement, as I understood it, that that was his only purpose in offering the amendment. Of course, the gentleman wants it in the RECORD, I assume, or he would not have made the motion.

Mr. BLANTON. Will the gentleman yield?

Mr. CONNALLY of Texas. In just a moment. The presumption is—and it is a presumption that can not be overcome except by proof—and if there is proof it is not for the Chair to act upon it but for this House or for this committee to act upon it, and the presumption is he intended to strike out the paragraph, because if you adopted any other rule it would make it possible for the Chairman to overrule any amendment a Member might offer on the floor of this House and say that in the opinion of the Chair it was not offered in good faith. You can not overcome that presumption except by proof, clear and distinct, that that was not the intention of the gentleman who offered the amendment.

Mr. BLANTON. Will the gentleman yield?

Mr. CONNALLY of Texas. I yield.

Mr. BLANTON. Every time the Chair has stated that it was pro forma, I have insisted on a vote. I wanted the House to vote. If the House is not going to let these supply bills go in the RECORD, if I could I would vote out every paragraph in this bill and make it go back to the committee and let the steering committee of this House then decide whether the people of the United States have the right to see what is in these supply bills. I am offering the motions in good faith. I am voting every time to strike out the paragraph on my responsibility as a Representative. If you Members here would vote with me, we would strike every paragraph out of these supply bills carrying hundreds of millions of dollars and send them back to the committee to be reframed and brought in here and put in this RECORD so that the people of the United States could see just exactly how we are spending their money.

Mr. CONNALLY of Texas. Mr. Chairman, resuming just for a moment. In making this statement, of course, I am not agreeing with the gentleman as to the wisdom of the gentleman's amendment. I do not think the paragraph ought to be stricken out, but what I am protesting against is the establishment of any such precedent as is sought to be invoked by the gentleman from Connecticut [Mr. TILSON], which would lodge in the Chairman of the Committee of the Whole House on the state of the Union, or in the Speaker himself, the right to pass upon the motives of Members when they offer amendments on this floor.

Mr. TILSON. If the gentleman will yield, the gentleman misunderstood me entirely, if that is his idea. My point of order is that it is dilatory, and then as a part of my argument——

Mr. CONNALLY of Texas. Oh, the gentleman stated——

Mr. TILSON. There is nothing before the House to show that I asked the Chair to pass upon the good faith of the gentleman, but as a part of my argument as to whether it was dilatory or not, I stated it as my own opinion, and it is my honest opinion, that the gentleman is not in good faith attempting to strike out the paragraph. Surely the Chair is not called upon to rule as to the good faith of the gentleman in offering the amendment but as to whether it is dilatory.

Mr. CONNALLY of Texas. If the gentleman's argument was lodged in support of his position——

Mr. TILSON. Absolutely; and nothing more.

Mr. CONNALLY of Texas. The gentleman then intended the Chair to believe his argument and intended that the Chair should use that argument and the reason which he urged as a determining factor in his decision.

It is against that kind of a proceeding that I make this objection. It does not make any difference what the gentleman's purpose is, unless it clearly appears that the purpose is not

the true purpose—not in the mind of the Chair, but in the mind of this House. I am speaking for the rights of the Members on the floor, and not for the abdication of those rights and the lodgment of them in the Presiding Officer of the House. The gentleman from Texas [Mr. BLANTON] states on the floor that he is acting in good faith. By what magic can the gentleman from Connecticut [Mr. TILSON] probe into his mind, what sort of a mental X-ray process does the gentleman possess, or can the Chairman of this committee possess, to go into the secret chambers of a man's mind and pull out what they claim to be the good or the bad faith of the Member in offering a motion? Even if that issue were invoked it is a question of fact whether the Member is acting in good faith or bad faith, and wherever there is an issue of fact somebody must decide it, and if that were the doctrine, then the Chair would have to decide it, and it is against that kind of doctrine that I am protesting. I submit that is not sound in law or in logic. I do not agree with the gentleman from Texas [Mr. BLANTON]. I do not think this ought to be stricken out. I am not in favor of what the gentleman from Connecticut [Mr. TILSON] may call dilatory tactics, but that does not change the rule.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. BLANTON. Is the gentleman in favor of keeping the items of these great supply bills away from the knowledge of the people in the land, by keeping them out of the RECORD?

Mr. CONNALLY of Texas. I am not in favor of any policy of keeping information from the knowledge of the people. I am speaking of the gentleman's motion now pending, which is to strike out the paragraph.

Mr. BLANTON. Does the gentleman believe that it is to save a little $8,000 that these attempts are made to keep these big supply bills from going into the RECORD?

Mr. CONNALLY of Texas. I really do not want to be diverted from the argument that I am making. It is on the matter of policy and not with reference to detail. It is just as important whether it is a motion to strike out 25 cents so far as the procedure of the House is concerned, as if it were to strike out $25,000,000.

Mr. LEHLBACH. Mr. Chairman, with the general principles laid down by the gentleman from Texas [Mr. CONNALLY], who has just taken his seat, I agree, and that they are sound principles governing the question, Is a proceeding by a Member dilatory? But there is no doubt as to the facts in this case, because the gentleman from Texas [Mr. BLANTON] has plainly stated his purpose in offering this series of amendments, and we must take him at his word necessarily. On the 20th of January, 1925, when this bill was being read for amendment, on page 2184 of the RECORD, the gentleman from Texas, spoke as follows:

Mr. BLANTON. Mr. Chairman, under the rules of the House, whenever a motion is made to strike out a paragraph, that paragraph of the bill goes into the RECORD and is printed. There are 262 paragraphs in this bill. By making a motion just after each one of them is read to strike out the paragraph one forces automatically the printing of these paragraphs of the bill into the RECORD. I do not like to be captious with my colleagues or to make them dislike me—I prefer to have them like me—but I never shrink from doing my duty. I feel it is my duty to try to have these supply bills printed in the RECORD, and under the rules I can force them to be printed in the RECORD by moving to strike out each paragraph.

Mr. Chairman, the gentleman is estopped from stating on the floor that he is offering these motions to strike out the paragraphs for any other purpose than that which he has so plainly and unequivocally announced to be his purpose.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. I do not yield at the present time. Let us consider the situation with reference to the printing of these bills in the RECORD. The RECORD is the proceedings of the House—what goes on here—the debates of Members and such material as is necessary to intelligently understand such debates as are reported. By the act of January 12, 1895, control of the RECORD was put in the Joint Committee on Printing. Among other functions with respect to the RECORD which were vested in the Committee on Printing by this act was to take needed action for the reduction of the unnecessary bulk of the RECORD.

Under the direction of the Joint Committee on Printing and pursuant to law, the committee has eliminated printing from the RECORD these long supply bills, which served no useful purpose in printing them. Not a dozen people in the United States read them, and three-quarters of the membership of Congress would not read them. Also, pursuant to this authority granted by law, the committee has not authorized the printing in the RECORD of pro forma amendments, or, rather, the purport or result on the paragraph of a pro forma amendment. A pro forma amendment is not only one to secure opportunity to speak on the floor, but it is for any other purpose where an actual amendment is not contemplated. That is the language of the rules set forth in the Manual and in Hinds' Precedents with respect to amendments that are pro forma. In other words, pro forma amendments do not contemplate an actual amendment of the text of the measure under consideration.

Furthermore, the offering of these motions to strike out being admittedly pro forma, as pro forma is defined in the rules, would not result in the paragraphs being printed in the RECORD, and the gentleman will not find them there to-morrow.

Mr. BLANTON. Then I am still in the hands of the Philistines?

Mr. LEHLBACH. Therefore, even his purpose is not served by delaying the House by making these motions. He did not vote for his motions to strike out this morning, because he sat silent time and again when the motions were put. He admitted on his second motion that it was pro forma and withdrew several of them, and only on the last two or three motions suggested that a vote be taken. He does not offer his motions for the purpose of changing the text of the bill or the provisions of the bill. He has supplemented what the RECORD discloses he said on January 20, here on the floor to-day by statements that he offers these motions for the purpose of forcing into the RECORD that which the law says does not belong in the RECORD and which the House does not want in the RECORD. If he wants to change the rules he can submit a rule and have it properly considered, to cause all bills to be printed in the RECORD. He can go before the Joint Committee on Printing and ask them to modify their regulations which, by law, they have the right to make with reference to the RECORD. He has his proper legal remedies, provided the House agrees with him, but he has no right to force his single will on the House contrary to the rules of the House or the law of the land, and I submit, Mr. Chairman, that his motions are dilatory.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. I yield the floor.

Mr. BLANTON. Mr. Chairman, I ask to reply to the gentleman.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, if the gentleman from New Jersey [Mr. LEHLBACH] and other Members here will give me five minutes out of order to state my reasons for wanting these supply bills to go into the RECORD, I shall make no more motions for that purpose. I am not permitted under the rules to speak out of order, but if you gentlemen will give me five minutes I shall make no more motions on the bill.

The CHAIRMAN. Is there objection?

Mr. TILSON. Mr. Chairman, if the gentleman will make that promise there will certainly be no objection.

Mr. LEHLBACH. I have no objection.

Mr. SHREVE. I have no objection.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to speak for five minutes out of order.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to speak for five minutes out of order. Is there objection?

Mr. MONTAGUE. On the condition that the gentleman speaks no more on the bill.

Mr. BLANTON. No; I will make no more motions to strike out paragraphs for the purpose of getting the bill printed. I may want to speak on the bill.

The CHAIRMAN. The Chair hears no objection.

Mr. BLANTON. Mr. Chairman, the Naval Affairs supply bill contained $286,335,578. Mr. FRENCH did not object to its going in the RECORD. Mr. LEHLBACH did not object to its going in the RECORD, and it was printed in the RECORD. The joint Treasury Department and Post Office Department supply bill contained $763,180,522. Mr. MADDEN, your great chairman of the Appropriations Committee, did not object to its going in the RECORD, and no man objected to its going in the RECORD, and it was printed in the RECORD. The first objection that was raised to a supply bill going in the RECORD, since we met on December 1, 1924, was when we got to the Executive and independent offices bill, where there are several hundred thousand dollars of extravagance and waste, and the gentleman from New Jersey does not want that bill to go in the RECORD. His administration here on the floor sandbags me and by suddenly changing the rules and practice of the House, ties my hands and feet and gags me and will not let me put before the country how you are spending between three and four billion dollars each year.

Let me repeat that everyone will admit that I am in favor of saving public money. It has been rarely the case that I have ever voted for any proposition beyond the Budget estimate. I have voted with the committee consistently to sustain the Budget and the President in keeping down expenses.

I am one of those who compares every year every appropriation bill with former bills. I watch closely the changes that the House itself makes in the new supply bills each year. I watch the growing tendency to increase the amounts over in another body in the Capitol. I have been trying to find out what causes the growth in appropriation bills. They are growing. The Budget estimates are growing, and the appropriations are growing.

I have found that it is hard to keep up with the many changes without a tremendous amount of work. The supply of the appropriation bills after a year or so becomes exhausted and difficult to obtain. It is impossible sometimes to get hold of them, as they are inaccessible. You can not turn to the RECORD and find a supply bill as it was reported to the House, because it is not printed in the RECORD, and unless it is available in your office you can not get it. You can get all the amendments that the House adopts, because they are set forth in the RECORD. You can get the amendments that the Senate introduces if you keep up with it, but you can not get the original supply bill itself without a great amount of trouble sometimes.

I have never felt in my eight years here that for my own convenience the bills should be printed in the RECORD, and have not asked that it be done heretofore, although on my points of order I have knocked out some large sums. I would rather go to the hard work of looking them up, item by item, than go to the expense of putting them in the RECORD.

But this past year from the time we adjourned last June until we met again in December, at my own expense and in my own car, I went over a great portion of the United States. I talked with many business men—big taxpayers some of them were, not Democrats, specially, but Democrats and Republicans—about the problems which we face here in the Congress. Not our problems—their problems. These problems here are not ours; only for us to solve. They are the problems of the people; and I was surprised to find that many business men who are big taxpayers are regular daily readers of the CONGRESSIONAL RECORD. There are, as you know, over 40,000 copies of the daily CONGRESSIONAL RECORD sent every day from Washington into the various districts of the United States represented by us here in the Congress.

These 40,000 copies of the daily CONGRESSIONAL RECORD go into every district in the United States, and go to some of the most prominent people in our district, and is their only record of what we do by which they may check our actions here. They go to the country newspapers, if you please, which are really the mouthpieces of our people, because of the many men on earth you can not control and buy it is the editor of a country newspaper. He speaks his own mind in behalf of the people in whose locality he operates.

Several business men in various sections said, "BLANTON, why do not you men in Congress be fair to us taxpayers? I notice that you do not put these bills you pass, taking from three to four billion dollars a year out of our Treasury, in the RECORD so that we may know about the items in the large amounts Congress is spending." They said, "We know the lump sums, but we do not know the items for which they are spent. We would like to know the items. We want to know how our money is being spent. Why don't you get the Congress to be fair to us and print all the supply bills in the RECORD, and thus let us see how you are spending our money? We know how our own money is spent in our private business. Our bookkeepers and our disbursing clerks do not keep those things from us. We know exactly how our money at home is spent. Why don't you put those supply bills in the RECORD, showing how Congress is spending our billions?"

I have lately been trying to get them into the RECORD. When the Navy Department bill was first presented to the House and taken up for consideration it was in the charge of the gentleman from Idaho [Mr. FRENCH], and I insisted on that bill going into the RECORD; and I now read from the RECORD:

Mr. FRENCH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BLANTON. Mr. Chairman, reserving the right to object—and I think the reading of the bill can be obviated by an agreement—this bill proposes an appropriation of $290,485,578. The Senate has just recently passed a bill granting the Navy Department another $110,000,000. The people of the United States ought to know what is in this bill, and they will not know what is in it unless it is put into this RECORD. If the gentleman's request is granted, this bill will not be printed in the RECORD. Would the gentleman mind its going into the RECORD without being read, but as if it were read? If he will couple with his request that the bill be printed in the RECORD as if it were read, I shall not object.

Mr. FRENCH. I shall be glad to include that in my request.

Mr. BLANTON. Then I shall not object.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to modify his request. Is there objection? [After a pause.] The Chair hears none. The request of the gentleman from Idaho is that the first reading of the bill be dispensed with but that the bill be printed in the RECORD as if it had been read. Is there objection?

There was no objection.

And the bill appeared in the RECORD. Then when the big joint Treasury and Post Office Departments bill came up, it was in the charge of the distinguished gentleman from Illinois [Mr. MADDEN], who is the chairman of the great Committee on Appropriations, who managed it on the floor here. Here is what happened. That bill embraced $763,180,522. Mr. MADDEN then said:

Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BLANTON. Reserving the right to object, would the gentleman be willing for the bill to be printed in the RECORD without reading, for the information of the country?

Mr. MADDEN. I am willing to have it printed.

Mr. BLANTON. With that understanding, I will not object.

There was no objection, and that bill appropriating $763,180,522 appeared in the RECORD.

But when the last bill appropriating for the "Executive and independent offices" was called up, on the day before yesterday, and I wanted it to go into the RECORD so that the people back home, the 110,000,000 people of the Government who furnish the taxes to meet the expenses of the Nation, would know just how we are spending their $452,349,617 appropriated in that bill—when I insisted on that bill going into the RECORD the gentleman from New Jersey [Mr. LEHLBACH] objected. The gentleman from Illinois [Mr. MADDEN], though a prominent Republican, is not a member of the Republican steering committee. He did not object. The gentleman from Illinois [Mr. MADDEN], however, is a very fair-minded, orthodox Republican. He did not object. The gentleman from Idaho [Mr. FRENCH] is not a member of the Republican steering committee; yet he is a prominent orthodox Republican. He did not object. Mr. MADDEN and Mr. FRENCH thought it was all right. But our distingnished friend from New Jersey objected.

On what grounds? On the ground of economy. He says it costs money to print these bills in the RECORD. Oh, that is not the objection! Money? How much does it cost?

When I asked that the present supply bill be printed in the RECORD for public information, our distingnished friend in charge of this bill [Mr. SHREVE] claimed that the printing of the last two big supply bills that were printed cost $1,600, and therefore he said he objected. Some one told him to say that, and $1,600 is their excuse. They were the two largest bills we have had or will have. They would cost more than any other two bills, because they contained more pages. I deny that their printing would cost $1,600. Why, gentlemen, we have nearly 4,000 employees in our Government Printing Office working on salaries—mind you, salaries; they have got to have something to do, 4,000 of them, if they earn their salaries.

I believe it will ultimately cause us to decrease annual appropriations several hundred million dollars each year when the people become posted. Those 4,000 employees in the Government Printing Office might just as well go to work on printing this bill to-night as in printing the statement from the Secretary of State which our colleague Mr. ACKERMAN printed in the RECORD. You might just as well have them printing this bill in the RECORD to-night as printing that long excerpt from Mr. Klein which our colleague Mr. ACKERMAN printed in the RECORD. I did not object to it. The gentleman from New Jersey [Mr. LEHLBACH] did not object to that.

When I asked that the "Executive and independent offices" bill, appropriating $452,349,617, be printed in the RECORD the other day, here is what the gentleman from New Jersey [Mr. LEHLBACH], who for the first time raised any objection to printing a supply bill in the RECORD, said:

Mr. LEHLBACH. Reserving the right to object, Mr. Chairman, I want to state that these bills are printed and copies are available to everybody in concise form.

Notice he said "everybody," and I am reading from the RECORD. Now, listen, Mr. LEHLBACH further said:

Anyone can send a page to the document room and get them and take them to his office and study them, and it is a waste of money to print these bills in the RECORD, and I object.

Can anyone send a page? No. We can send a page. We have a page here in the House whom we can send, and such bills are available to most of us. We can take them to our offices, but nobody else in the United States can send a page there and get one. He said everybody could get one. Can everybody get one? I will show you they can not do it. He is mistaken. They are not available to the public. Yet the gentleman from New Jersey [Mr. LEHLBACH] objected and prevented the bill from being printed in the RECORD.

Here are the rules of the House. I am reading from page 424 of the rules, setting forth how such bills are printed and distributed, and the number of them. This shows that there are only 734 of these supply bills printed, although there are 96 Senators and 435 Congressmen and 110,000,000 people, and here is the way they are distributed.

Forty go to the legations; 5 go to the Library of Congress; 2 go to the Superintendent of Documents; 5 go to each of the departments of Government, except the State Department, which gets 10; 2 go to the Executive Mansion; 10 go to the Secretary of the Senate; 225 go to the Senate document room for the benefit of Senators; and only 385 go to the House document room for the benefit of Members of the House, and none are available to the public. When there are 435 Members of the House only 385 copies of these supply bills go to the document room for our benefit and for the benefit of our constituents back home. How can 435 of us all send and get copies for our constituents when there are only 385 copies of them sent there to begin with for our use?

Now, let me show you that expense can not be the excuse. Talk about this expense! Why, suppose these two bills did cost $1,600 to print them; that is only $800 a piece, is it not? Counting the two that are before the House it makes 8 supply bills reported thus far, and we are going to have 2 more, making 10. Ten times $800 would be a total of only $8,000, according to your own estimate. That is a total of $8,000 for printing in the RECORD all of the 10 supply bills in order to let 110,000,000 people in the United States know what Congress is doing with their three billion-odd dollars spent each year, and having a permanent record of the amount of money we spend and how we spend it.

Now, let me show you what tremendous sums these supply bills contained. The Agricultural bill contained $124,637,715; the executive and independent offices bill contained $452,349,617; the Interior Department bill contained $238,240,926; the Navy Department bill contained $286,385,578; the State, Justice, Commerce, and Labor bill contains $71,598,123.77; the Treasury and Post Office Departments bill contained $763,180,522; the War Department bill contained $331,131,114; and the first deficiency bill contained $157,111,700. That makes a total in these eight supply bills alone of $2,424,635,295.77.

Now, let me ask you a question. Is it economy to save this little $8,000? Why, the gentleman from New Jersey [Mr. LEHLBACH] voted for that Porter resolution, appropriating $40,000, which Mr. PORTER is now wasting abroad at the narcotic conference. I denounced it, when you passed it, as a junketing trip, and it is a junketing trip over there, costing the enormous sum of $40,000 for a trip abroad.

I got these figures from the Clerk of the House, showing the cost of special committees for which the gentleman voted. Now, let me show you. The special committee now investigating Federal Judge Baker has spent already $1,600; the special committee now investigating this Indian affair has spent $5,000; the special committee on bonds has already spent $7,000; the special committee on the Shipping Board has already spent $14,000; the special committee on aircraft has already spent $18,000; the Graham committee, for which the gentleman voted, spent $151,000; the Walsh committee, for which the gentleman voted, spent $40,000; the Anderson committee, for which the gentleman voted, spent $42,000; the Coal Commission, for which the gentleman voted both times, spent first $200,000 and then $400,000, making $600,000, and it was not worth a thrip. I fought against thus wasting the people's money. The other day the gentleman voted glibly $50,000 for the President's so-called agricultural conference, meeting on the call of the President without authority of law, when it was bunk, as so denominated by our minority leader; the gentleman also voted $50,000 for the President's so-called oil investigation, on the recommendation of the President, which also was bunk. He did not vote against any of these appropriations. All of which money, in my judgment, has been wasted. He has voted for so many of these special matters that it would take the rest of the evening to talk to him about them, and then he talks to us about saving a little old measly $8,000, and by his objection keeps the people of the United States from knowing how we are spending their hundreds of millions of dollars each year.

Oh, I wish I had time to show the many big wastes that the gentleman has voted for that have taken big sums of money out in the hundreds of thousands of dollars. I will tell you what the gentleman will do, and you watch. It will not be a week before there will be a resolution here on this floor to vote out not a little measly $9,000, the total cost of printing all these 10 supply bills in the RECORD, according to the gentleman's own estimate, but there will be a resolution here to vote $100,000 of the people's money to inaugurate a President, when he could be inaugurated here in this Chamber without costing a single dollar. But the gentleman and others will want expensive pomp ceremony with the inauguration.

In his speech the gentleman from New Jersey [Mr. LEHLBACH] a few minutes ago, referring to my action in trying to get these supply bills printed in the RECORD for the information of the American people, said:

He has no right to force his single will upon the House.

Is he correct? No; he is not. You will find in this RECORD to-day that the distinguished gentleman from Minnesota [Mr. KVALE] moved to strike out a paragraph of the bill for the sole and only purpose of forcing such paragraph of the bill to be printed in the RECORD, and from the floor he expressed his opinion that this bill should be printed in the RECORD.

You will likewise find in this RECORD to-day that the distinguished gentleman from Nebraska [Mr. HOWARD] moved to strike out a paragraph of the bill for the sole and only purpose of trying to force same to be printed in this bill, and he expressed his opinion then, and has also done so on other occasions, that he thought these supply bills should be printed in the RECORD.

But when these two gentlemen ascertained that the steam roller, so forcibly in evidence here to-day, was going to crush them they gave up the fight.

The gentleman from New Jersey [Mr. LEHLBACH] in his speech further said:

The offering of these motions to strike out being admittedly pro forma, as pro forma is defined in the rules, would not result in the paragraph being printed in the RECORD, and the gentleman will not find them there to-morrow.

I therefore assume that an agreement has been arranged between the gentleman from New Jersey [Mr. LEHLBACH], and the powers that be, to disregard the rules and practice of the House by not printing the paragraphs, which I have moved to strike out in order to get them printed, which has been the practice here for many years. I can prove from statements made by another chairman, and by our minority leader [Mr. GARRETT of Tennessee], that the rules require such a paragraph to be so printed. I cite the following excerpts from the RECORD from page 2103 in the debate occurring on January 17, 1925, to wit:

Mr. BLANTON. Members can force the bill being printed in the RECORD by offering an amendment to each paragraph under the five-minute rule which forces its printing in the RECORD.

The CHAIRMAN. When a paragraph of the bill is read and an amendment is offered, of course it is printed.

Mr. LEHLBACH. I call the gentleman's attention to the fact that only the amendment of the gentleman is printed and not the paragraph of the bill.

Mr. BLANTON. The preceding paragraph to which the amendment is offered is always printed ahead of the amendment.

Mr. GARRETT of Tennessee. Mr. Chairman, if the bill is not to be printed in the RECORD in any event, let me make this suggestion to the gentleman from Texas. Of course, the gentleman is correct that if an amendment is offered to every paragraph of the bill the RECORD will show the paragraphs, but that which we are now doing is not going to force the printing of the bill as a whole under the ruling made by the Chairman, and I venture to suggest that after all this is not accomplishing the end which the gentleman has in view.

Mr. BLANTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. If a minority of the membership, however small, believes it is to the interest of the taxpayers of the country to print these bills in the RECORD and such minority can force the bill to be printed by offering amendments to each paragraph, then in order

to prevent forcing them to that round-about way to get it in the RECORD, would it not be a saving of time and money to agree to the bill being printed in the RECORD at this time?

Mr. GARRETT of Tennessee. I have no objection to the bill being printed in the RECORD.

Mr. DOWELL. Let the gentleman from Texas take the responsibility of putting this bill in the RECORD by paragraphs.

Mr. BLANTON. I take the responsibility for everything I do here and elsewhere.

Mr. DOWELL. The gentleman can take that responsibility.

Mr. BLANTON. And I have been here eight years with a growing majority all the time.

Thus both the chairman, then presiding, and also our minority leader of the House decided just the opposite of what the gentleman from New Jersey [Mr. LEHLBACH] contended. Yet he asserts emphatically that these paragraphs of the bill will not appear in the RECORD to-morrow. Hence I assume the rules will be set aside. I can not help it now. But I shall contend for a different practice here some day.

But to cap the climax, in his speech a few moments ago, the gentleman from New Jersey [Mr. LEHLBACH], concerning these 10 supply bills that appropriate about $3,000,000,000, said:

Not a dozen people in the United States read them, and three-quarters of the membership of Congress would not read them.

That is the worst indictment that he could file against the Members of this Congress. Does he mean to say that three-fourths of the Members are rubber stamps who pass these big supply bills every year; do not even read them? He is going to find out some day that the people who pay the taxes would read them if he would give them the chance.

I go over the United States a lot, in vacation, and at my own expense. Many of your constituents, strong Republicans, big taxpayers, as well as being your friends are mine. I know they will not like this action of the gentleman, and at my own expense, if the gentleman is willing—I will not do it if he now expresses his unwillingness—I will put my views on this question together with his views as printed on this subject, and I will have them printed together in one document and I will send them to every constituent of his in New Jersey, if he is willing to let them pass on whether he is right or I am right on this question. Now, his constituents in New Jersey want to know how their money is spent. Oh, he says they can get these bills. They can not get them. But he did not want them to have the privilege of reading these supply bills in the RECORD. Gentlemen, you are in an awfully tight place when you gag a Representative who is seeking to put these 10 supply bills before the people of the country and let them know how we spend their money, and you will not let me print these bills in the RECORD. I know the position of the gentleman from Connecticut [Mr. TILSON]. I know the newspapers say he is slated for the next floor manager of this House. He has to render some service to the Republican Administration to get that position. He is performing here now just as a circus performer does to get results—he performs here to get elected to that position.

Mr. JOHNSON of Washington. Mr. Chairman, I rise to a point of order——

Mr. BLANTON. I got permission to speak out of order. [Laughter.]

Mr. JOHNSON of Washington. Even so, the gentleman can not impute motives to a Member.

Mr. BLANTON. When I am whipped I take my medicine with good grace. You have whipped me on this, for you have set aside the rules; you kept me from putting it in, but the country is going to hear of it, and you are likely to hear from the people on it as sure as you live.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. If the gentleman from Pennsylvania will yield me a moment; in view of the very fine promise of the gentleman from Texas I desire to withdraw my point of order.

The CHAIRMAN. Without objection, the point of order is withdrawn and the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $400,000.

Mr. CONNALLY of Texas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CONNALLY of Texas: On page 10, line 25, after the figures "$500,000," insert: "*Provided*, That no part of the foregoing sum shall be used for the payment of salary or expenses of any unofficial observer attending any international conference unless it is impractical for the United States to be represented by a duly accredited ambassador or minister of the United States."

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, as I understand, the appropriation of $400,000 carried in this paragraph is what is known as the secret appropriation that the State Department——

Mr. SHREVE. It is an appropriation made for the Secretary of State. I will say to the gentleman that a year ago the Secretary of State came in person to us and discussed this very proposition. It is something that has gone along for years——

Mr. CONNALLY of Texas. I am informed as to that.

Mr. SHREVE. This is the Secretary; it is not the President's fund; however, the President has to make some examination and possibly O. K. before bills are paid.

Mr. CONNALLY of Texas. Of course, with all respect to the gentleman from Pennsylvania, I have some small familiarity with that matter, having been on the Committee on Foreign Affairs for some years that formerly had jurisdiction of such appropriations.

Mr. SHREVE. Yes.

Mr. CONNALLY of Texas. This is the item, as I understand it, known as the secret fund?

Mr. SHREVE. It is.

Mr. CONNALLY of Texas. There is practically no accountability to anybody for the expenditure of this fund. Now I may be in error, but as I recollect, prior to the war this fund was never in excess of $200,000 a year. Of course, when the war came it was necessary to enlarge this fund in order that the administration and the President might have funds of this character with which to carry on their intelligence service and secret work abroad.

Now, what is the responsibility involved? Does any committee of Congress or anybody else on earth ever check over these expenditures? Will the gentleman tell us how much was unexpended of this fund last year?

Mr. SHREVE. I will say that for last year there was $198,000 unexpended.

Mr. CONNALLY of Texas. Why the necessity, then, for making such a large appropriation this year—$400,000?

Mr. SHREVE. Simply because it is the recommendation of the Secretary. I would like to send up Secretary Hughes's statement to the Clerk's desk and have it read for the information of the House.

Mr. CONNALLY of Texas. I do not want my time taken up.

Mr. SHREVE. The gentleman knows that during the war the fund reached $700,000?

Mr. CONNALLY of Texas. Yes. I stated that during the war it was greatly increased.

Now, my amendment provides that none of this fund shall be used for the payment of salaries and expenses of what are called "unofficial observers." The United States Government is so great that its dignity and its prestige abroad ought to be such that we should at some time or other get rid of this "official observer" method that now obtains in European affairs. If the United States has no business at an international conference, why, do not go; but if the United States has business at an international conference, then send somebody who is accredited by the Government of the United States to represent it; somebody that can stand up in the conference and say, "Yes, these are the views of the Government of the United States." But for our own self-respect let us stop this way of sending "unofficial observers" to pry in and eavesdrop and observe in these foreign conferences.

When somebody asks such an "unofficial observer," "Are you here representing the Government of the United States?" he answers, "Oh, no; I am just an unofficial observer. I can not do anything. I do not represent anybody, but I am over here as a sort of spy on the part of the Department of State or the President of the United States, just seeking to find out what I can pick up here and there and carry it back to my Government."

Gentlemen, there was a little conference over in Paris the other day, and——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask for five minutes more. The gentleman from Pennsylvania took up a good deal of my time.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. A conference took place the other day in Paris with reference to allocation of the Dawes reparation payments. Who represented the United States? Who did the papers say was the chief delegate there? The ambassador to France, Mr. Herrick? No. The ambassador to Great Britain, the future Secretary of State, Mr. Kellogg? No. Who was the chairman of the delegation? Why, Col. James A. Logan, the "unofficial observer" for the United States Government.

Gentlemen, I hope I am not speaking as a partisan. I do not want to. I believe that in foreign affairs partisanship should stop at the shore line. But I believe it is below the dignity of the United States to pursue that kind of gum-shoe policy in our foreign affairs. I believe that practice is injuring the prestige of America abroad. I believe that representatives of other nations are beginning to believe that the United States shirks its responsibility or is undertaking devious and improper methods in foreign affairs. I am not asking that we go into all these conferences, but I am asking that when we go we go there as equals, represented by responsible officers who, when they speak, speak with the voice of a great Government, and not send some fellow who has no responsibility or authority except authority to deny that he has any authority.

"Unofficial observer!" Last year, my friends, over in London—and I happened to be in London at the time—they had a conference with reference to the Dawes plan; a conference, my friends, with reference to a plan that the Department of State and the President of the United States are understood to have unofficially approved. But when Mr. Dawes and his party left for Europe, these high functionaries of our Government said, "Oh, no; the Government has nothing to do with this plan; the Government has nothing to do with the Dawes plan. It is purely the act of a private citizen. They are not responsible to the Government. They represent only individual views of certain citizens of the United States." Yet when they got over to London and were discussing the Dawes plan with the diplomats of Paris and London and Berlin and Brussels and the other nations of the earth, who had congregated in London to discuss this great financial plan, whom did we find there?

If any gentleman had been so disposed, he could have walked down that hallway, and he would have observed a very distinguished citizen of the United States—the Secretary of State, Mr. Hughes. "Good morning, Mr. Hughes! I suppose you are attending the conference here in London as the Secretary of State of the United States?" "Oh, no. I am simply attending the assembly of the bar association as a private citizen, with no official standing." And yet Mr. Hughes was standing out in the hall, listening over the transom to everything that transpired at the London conference, an "unofficial observer." And then if that inquirer had cared to do so, he could have walked down the aisle a little bit farther and he could have seen another distinguished citizen of the United States—the Secretary of the Treasury, Mr. Mellon, from Pittsburgh. "Good morning, Mr. Secretary! I suppose you are in London attending the international conference on the Dawes reparations plan?"

"Oh, no; I am over here on a little vacation, purely for recreational purposes." But, my friends, when that conference in London was over—this conference, my friends, that was dealing with dollars, this conference that was dealing in dividends, this conference of international bankers who were going to determine what the interest rate should be on this gold loan that they were to make to Germany, and which she, in turn, should use for the rehabilitation of her industries and for the payment of her debts——

The CHAIRMAN (Mr. TILSON). The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. When this conference was in session, in which the bankers were going to determine how much interest they were going to charge on this gold loan to Germany, where you could hear the rattle of money, and where you could see people, in their mind's eye, clipping coupons off of bonds, the Government of the United States had two of its Cabinet members eavesdropping, listening through the keyhole, and peeping all around, but when challenged as to their authority said, "We are unofficial observers." My friends, that kind of conduct is unbecoming the dignity and the prestige of America. If we had any business at London, we had business to be represented there by an outstanding United States citizen who could say "yes," and if we did not have any business in London we ought not to have been snooping around an international gathering that was conducted by foreign representatives. [Applause.]

And yet this is the fund out of which the Department of State pays the salary and expenses of this Colonel Logan. He has been over in Europe representing us in an unofficial observatory way for some years. He has, as I understand it, a separate and distinct office. Why, gentlemen, I believe that when a citizen of the United States goes abroad and when he wants to find out who is representing the interests of his country he ought to be able to go to the United States Embassy and find the ambassador who is representing his country. But if you go to Europe now you have got to hunt up the unofficial observer if you want to find the American representative who speaks in international conferences.

What occurred in Paris the other day? This process is in a state of metamorphosis, though; they are coming out in the open a little bit all the time. For a while you could not get these unofficial observers to talk, and you could not get them to sign anything; but the other day in Paris, when it came to affixing signatures to the agreement between the powers and the United States for the distribution of the Dawes reparation plan, the unofficial observer came out and stuck his signature to the bottom of the instrument, and the press said he was the chairman of the delegation, and that he was the man who carried on the negotiations with the foreign governments. This unofficial observer had the audacity to stand up and sign as the representative of the United States of America ahead of the ambassador to Paris and ahead of the ambassador to London, the future Secretary of State. The Constitution of the United States provides that the President of the United States shall appoint ambassadors, ministers, and consuls; but, my friends, that authority is limited by that other clause which says they shall be confirmed by the Senate of the United States. When was Colonel Logan, the man who carries so much authority of the United States on European soil around in his pocket—when was Colonel Logan, this unofficial observer, ever confirmed by the Senate of the United States? When did a committee of the Senate ever look into the appointment of this Colonel Logan and see what his qualifications are?

Mr. LEHLBACH. Will the gentleman yield?

Mr. CONNALLY of Texas. I anticipate what the gentleman from New Jersey is going to ask me. He is going to ask me, "Well, did not President Wilson appoint Colonel Logan?" Is not that right? [Laughter.]

Mr. LEHLBACH. No. I was going to ask the gentleman who confirmed Paramount Blount, who went to Hawaii and put Queen Lil back on the throne; and I was going to ask the gentleman who confirmed Colonel House when he went over to the Versailles conference?

Mr. CONNALLY of Texas. Colonel House never signed an international conference agreement in his life, and he never purported abroad to represent the Government of the United States or the President of the United States until he was duly accredited as a member of the party attending the peace conference.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. On account of the interruptions of the gentleman from New Jersey, I ask for five minutes additional.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Now, I was not surprised at the gentleman from New Jersey, because some gentlemen on that side and, perhaps, some on this side, will not permit any of us to discuss a question of international policy or discuss a question out yonder in the wide world where all of our faces ought to be turned the same way, but that somebody has got to rise up and interject some local political or partisan question into the debate. Of course, the gentleman from New Jersey is entitled to do that. I am trying to get out onto the

broad, high, and lofty plane of international affairs, but the gentleman insists on pulling my coat tails in an endeavor to pull me down into the muck of partisan political discussion. [Applause.]

Mr. LEHLBACH. I want to ask the gentleman whether his face is now turned in the same way with the State Department and the American representatives on foreign affairs?

Mr. CONNALLY of Texas. I hope so.

Mr. LEHLBACH. But the gentleman is not talking that way.

Mr. CONNALLY of Texas. I will say to the gentleman that I am only asking that the United States accredit somebody that has authority and that really does represent it.

I am not declaiming against our foreign service and our foreign representatives. I esteem them very highly. I believe many of them are able men, but I do say it is a reflection upon the ambassador to London and it is a reflection upon the ambassador to Paris to send some unauthorized, some unaccredited appointee that has not the sanction of confirmation by the Senate over there to precede them in importance before the rest of the world.

What does the administration mean? Does it mean it can not trust Mr. Herrick, whom the Senate confirmed? Does it mean it can not trust Mr. Kellogg, who is going to be the Secretary of State? Why should they send an unaccredited, unconfirmed, unofficial observer? He has done more than observe. He signed this instrument which the publicists of Europe are proclaiming as an entrance of the United States into world affairs, whereas the Secretary of State, Mr. Hughes, says it is not an entrance of the United States.

Why did Mr. Hughes let Mr. Logan represent him? Why did he not let his own servants represent him—these ambassadors? Then Mr. Hughes would have had the right to interpret their actions.

So, Mr. Chairman and gentlemen of the committee, I do not object to whom they appoint; but when we appoint a man to go abroad to deal with foreign nations, to negotiate regarding the most paramount questions in the world—the questions of peace and of war, the questions of reparation and international debt, the questions that may affect not only our children but our children's children—I believe the Government of the United States ought to so far consult its dignity and its prestige that when we send such a man abroad, and when he is challenged as to his authority, he may say, "Here is my commission, representing the United States; here is my confirmation by the Senate of the United States; and I represent the Government and the people of the United States," instead of sending some fellow over there—"Who are you?" "Well, I am an unofficial observer." "Whom do you represent?" "I do not represent anybody." If he said he represented anybody, he would then be an official observer; so he says, "I do not represent anybody or any government."

Mr. LOWREY. Will the gentleman yield?

Mr. CONNALLY of Texas. I yield.

Mr. LOWREY. Mr. Chairman, I think the gentleman ought to do the administration and the Republican Party the justice to show that during the campaign they went out before the public and showed that they had no responsibility and claimed no credit for the Dawes plan.

Mr. CONNALLY of Texas. That is very true.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. SHREVE. Mr. Chairman, I send to the Clerk's desk Secretary Hughes's own statement as to the necessity for this appropriation being carried at the amount of $400,000, and ask to have it read.

The Clerk read as follows:

There is our emergency fund, which we have in at $400,000, the same amount appropriated last year. Now, I want to emphasize as strongly as I can the absolute necessity of that emergency fund. From the foundation of the Government the Secretary of State has been intrusted with a confidential fund, the expenditures from which are to be vouchered over his signature, but to be entirely confidential and separate from the other appropriations to be expended. That confidential fund, however, must be expended by him under the direction of the President. I want to emphasize this in two aspects. In the first place, no responsible person, I assert, of any party could administer the office of Secretary of State without a fund of that description. It could not be done and I would not undertake to do it for a moment, because the responsibilities of the undertaking are too great. That covers all of our intelligence work throughout the world; it is the particular thing which enables the Secretary of State to function in ways which can not, in the interest of the country, be made the subject of public comment or even of report.

Now, it has always been assumed since the foundation of the Government, as I say, that this has been so, and it has always been assumed that the Secretary of State would be a man who could be trusted with that discretion, and if he can not be he ought not to be Secretary of State. As you know, every foreign office has to be equipped in that way; the secrecy of it is essential, and you have got to rely, when it comes down to the last analysis, upon what the Secretary of State tells you is his judgment as to the needs in that matter.

Now, the situation is this: We never have been, in the history of the department, in a position where it is more necessary than to-day, because we have these anomalous conditions all over the world, largely as a result of the war, and we never know when we have got to have some ready money to use in a particular place. Under our present system we do not have a lap-over of the unexpended appropriation, and we therefore are not expanding more than we have to expend and are not desiring an amount which we feel will give us more than a fair margin to cover our contingencies.

Mr. SHREVE. Mr. Chairman, I ask that the amendment of the gentleman from Texas [Mr. CONNALLY] be again reported.

The amendment was again reported.

Mr. BURTON. Mr. Chairman, I think that a very undesirable amendment. In the first place, we have this fund of $400,000 which is at the disposal of the Secretary of State. Such a fund has been at the disposal of the Secretary for a very long time. We have declined to become a party in the League of Nations, but we are in divers positions in which there should be maintained a certain touch with what is done, though we have no official connection with it. It is important to have representatives familiar with the economic situation in all European countries and not merely accredited to one. This amendment would embarrass participation in conferences in regard to means for payment of debts due to the United States, in regard to questions of disarmament, and in regard to questions of the manufacture of arms, where it is extremely desirable that we should take part, although it be by unofficial representatives.

Mr. MOORE of Virginia. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question, if the gentleman will yield.

Mr. SHREVE. I yield.

Mr. MOORE of Virginia. This paragraph directs that the expenditure be made pursuant to the provisions of the Revised Statutes, section 291 of the Revised Statutes being cited. Has the gentleman that section before him?

Mr. SHREVE. No.

Mr. MOORE of Virginia. Can the gentleman tell me about when that statute was enacted. I believe it has been in effect for a great many years.

Mr. SHREVE. It has been in effect for very many years, and during a part of the time the appropriation was very much larger than this. It was as much as $700,000 during the war.

I wish to say further that I remember very distinctly the statement made by the Secretary that he really would not care to be Secretary of State if this fund was not provided, and the limitation would make it useless.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MOORE of Virginia. I wanted to ask one further question. Making this provision in an appropriation bill under the statute cited and considering the Budget law, does the gentleman think the Comptroller General would be precluded from embracing this item in his audit of the expenditures of the Government?

Mr. SHREVE. Oh, I think the item has been carried right along since 1892.

Mr. MOORE of Virginia. As I recall, the Bureau of the Budget law does not make any exceptions which would prevent the auditing of the expenditure of this particular fund. Perhaps the old statute cited constitutes an exception.

Mr. SHREVE. This has obtained for such a long time that it is fully established.

Mr. BLANTON. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. BLANTON. The gentleman knows that this is a legislative item and is unauthorized. I did not make a point of order against it, because I did not want to put my wisdom up against that of the State Department on matters of this nature; but if any Member of the House had made a point of order against this paragraph, the $400,000 would have been stricken out, because there is no law authorizing it.

Mr. SHREVE. The gentleman is correct about it, and if any gentleman wants to interfere with the effective operation of the Department of State, he has a right to do that.

Mr. CONNALLY of Texas. The gentleman misunderstands me. I do not want to strike out the fund. I think it is necessary to a certain extent. I think it is too large, but I did not make the motion to reduce it.

Mr. SHREVE. Last year only $180,000 was expended. It is simply an authorization. It is not expended unless it is necessary.

Mr. CONNALLY of Texas. I am not complaining about that. I am not afraid that the Secretary is going to squander it. I do not think he would. Here is what I am talking about. Can the gentleman tell us how much salary and expenses Col. James A. Logan, the unofficial observer, expended out of this fund?

Mr. SHREVE. The committee has no information that any sum for Colonel Logan was expended. We have no knowledge of that.

Mr. CONNALLY of Texas. Does anybody on earth know what salary he is getting and what his expenses are and what the emergency is? The act says it is for an emergency. What is the emergency that requires Colonel Logan's services in Paris, and what is his compensation?

Mr. BURTON. Because of the fact that there is no regular representative, no ambassador, it has been thought desirable that there be one individual there who is well posted on finance and on the financial and economic negotiations between the different nations of Europe, who could look after our own interests. I am not sure but that some part of the expenses of the Dawes Mission were paid from this fund; but I am not posted in regard to it.

Mr. CONNALLY of Texas. Those are the matters that I am trying to inquire into. I do not say that I am against them, but I do think that somebody, a subcommittee if need be, from the Committee on Appropriations, and all of them could be from the majority so far as I am concerned, ought to be able to look into the books of the Department of State and see where this money is going. I would like the gentleman from Pennsylvania to get me that information if he can.

Mr. SHREVE. I shall endeavor to get it.

Mr. CONNALLY of Texas. Just how much the salary and expenses of Colonel Logan are.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was rejected.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word in order that I may ask the chairman of the committee a question. I did not get just what was said about the proposed arms conference. I understood the gentleman from Ohio [Mr. BURTON] to say something about an arms conference. Does the gentleman know anything about that matter?

Mr. SHREVE. I think not.

Mr. McKEOWN. Whether there is money that would be available in the event that the conference would be called?

Mr. SHREVE. For the information of the gentleman I would say that we have been discussing the emergency fund of $400,000 given to the Secretary of State. We did not approach the subject of an arms conference.

Mr. McKEOWN. Will that be available? I am interested in this House doing whatever is necessary to assist in the calling of an arms conference whenever it is expedient to do so. I want to know whether or not in this bill any provision of that kind is made or contemplated to be made.

Mr. SHREVE. There is not, for the reason that there is no legislative authority for it.

Mr. McKEOWN. It has to come from the other committee?

Mr. SHREVE. There is no recommendation for it.

Mr. McKEOWN. As one Member of the House I am in favor, whenever it is expedient, of calling such a conference, because I have not given up hope that the last conference attained a good deal of benefit for the world. I am heartily in favor of the position taken by the President against the elevation of guns. I am opposed to the elevation of guns at this time because to a man living in the interior who does not know very much about the ocean it appeals to him in this manner: Let us say that there are two ranchmen living out in my country who live within a reasonable distance of each other. They are neighbors.

They have their cowboys and they have their guns, and news comes to one that the other has bought some more guns, and then this man goes out and buys himself some more guns. Finally they conclude that it would be less expensive if they would not keep so many guns, and they agree to sell all of the guns except some shotguns that are necessary around the place to protect it from marauders and from wild animals. They make the agreement, and after a while one man over on the hill hears that his neighbor has gone to work and has purchased a rifle which gives him a longer range than he would have with a shotgun. For that reason I believe that the elevation of guns at this time is not in the spirit of the Armament Conference and I, for one, voice my opposition to it, and hope that the time will come when the United States will call another armed conference.

The Clerk read as follows:

BOUNDARY LINE, ALASKA AND CANADA, AND THE UNITED STATES AND CANADA

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary; and for the more effective demarkation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including the salaries of the commissioner and the necessary engineers, surveyors, draftsmen, computers, and clerks in the field and at the seat of government, expense of necessary traveling, for payment for timber necessarily cut in determining the boundary line not to exceed $500, and commutation to members of the field force while on field duty or actual expenses not exceeding $5 per day each, to be expended in accordance with regulations from time to time prescribed by the Secretary of State, $38,515: *Provided*, That when the commissioner is absent from Washington and from his regular place of residence on official business he shall not be allowed actual and necessary expenses of subsistence in excess of $8 per day.

Mr. McKEOWN. Mr. Chairman, on page 15, line 6, after the word "of," I move to strike out the figure "8" and insert the figure "5."

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. McKEOWN: Page 15, line 6, strike out "$8" and insert in lieu thereof "$5."

Mr. McKEOWN. I do that, Mr. Chairman and gentlemen, to make it conform to the allowance of the other men in the field who get $5 allowance, and I do not see why there should be any distinction between the two.

Mr. ACKERMAN. Mr. Chairman, I would like to say to the gentleman from Oklahoma there is no authority in law for making that $8 and it is subject to a point of order, but the $8 was inserted because the work is in Mexico and Canada, and it was thought it was absolutely necessary in order to provide suitable quarters for these people to make it $8 a day, and I hope the gentleman will not object.

Mr. McKEOWN. I want to call the gentleman's attention to this. You make a distinction of men in the field of only $5 a day. That is one thing I protested here so long about—discriminating between the different departments where some men were allowed $4 and some $5 and some $8 per day.

Mr. ACKERMAN. This is for the commissioner.

Mr. McKEOWN. Well, we are supposed to pay the expenses of these men. We ought either to give the other fellows $8 or these $5. I am not quibbling so much about the question of $5 as I am quibbling about the distinction.

Mr. ACKERMAN. In most instances in foreign countries, as the gentleman will remember, $8 is allowed and this says not in excess. It is not absolutely the figure of $8, but not in excess of that amount.

Mr. McKEOWN. I want to call the attention of the gentleman that there has been a distinction made between employees of the State Department who are permitted to have from $7 to $8 a day where in the Department of Justice they only get $4 or $5 a day; that is the thing I am complaining about, the discrimination.

Mr. WATKINS. If the gentleman will yield, I think there is a distinction here. It was established years ago and they have been going on under it ever since that time, but in that case they got it in lieu of subsistence whereas here it has to be the actual and necessary expenses of subsistence not in excess of $8. They may have only an expense of $4 or $6.

Mr. McKEOWN. If the gentleman will offer an amendment to increase the other ones who get $6 or $7 a day I have no objection, but I do object to this discrimination between the two.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

PAN AMERICAN UNION

For the payment of the quota of the United States for the support of the Pan American Union, $107,231.48, and for printing and binding of the union, $20,000; in all, $127,231.48: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the chairman of the governing board of the union for the purpose of meeting the expenses of the union and of carrying out the orders of the said governing board.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman how these men are employed. The United States evidently puts up a like amount, and does it collect from the other countries? Or how is it done?

Mr. SHREVE. Replying to the gentleman, I will say each country puts up its proportionate part of the expense. We have recently been compelled to make an increase in our appropriation by reason of the fact the men managing the union found themselves short of finances and had to raise the assessment, so we are now putting up $107,000 on an estimate of 107,000,000 population.

Mr. McKEOWN. Who controls the appointment of these men?

Mr. SHREVE. The Pan American Union is composed of 21 of the American Republics, north and south. It has representatives of each of those governments. They meet here at the Pan American Building and are known as the board of governors—21, all told. Secretary Hughes is chairman of that meeting, and these are the men who absolutely control and regulate the financial affairs, who made this suggestion to Congress that they had revised their estimate and made a different assessment, and there was a slight increase of the money to be paid by us.

Mr. McKEOWN. What is the purpose of the language "shall be paid into the Treasury as a credit"? Do we advance the money for the other countries? What is the object of that language there about paying it back?

Mr. SHREVE. That is the $20,000 for printing. We carried that independently, but now it is all thrown into one fund.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKEOWN. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHREVE. It is now all to be found in one fund.

Mr. McKEOWN. The language you have here is "provided that any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit." Now, what I was getting at, is it the purpose of our Government to advance the money for these other countries?

Mr. SHREVE. Oh, no.

Mr. McKEOWN. What is the purpose of that language?

Mr. SHREVE. It is simply that the countries shall all pay in their funds.

Mr. McKEOWN. Do we handle all the money and pay it out?

Mr. SHREVE. The money is all handled here in Washington.

Mr. McKEOWN. That is what I am trying to get at; why is it necessary to have that language?

Mr. SHREVE. Here is the idea: That the moneys of the 21 American Republics are put into the Treasury Department in one fund.

Mr. McKEOWN. And paid out of the Treasury of the United States?

Mr. SHREVE. In a way; yes.

Mr. McKEOWN. You say—

That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the chairman of the governing board.

Mr. SHREVE. That is an exact statement. That is correct.

Mr. McKEOWN. It all goes into our Treasury and is then paid out?

Mr. SHREVE. Yes; that is it.

Mr. McKEOWN. I did not understand that language before.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION

To meet the share of the United States in the expenses for the calendar year 1924 of the International Bureau of the Permanent Court of Arbitration, created under article 22 of the convention concluded at The Hague, July 29, 1899, for the pacific settlement of international disputes, $2,000.

Mr. WATSON. Who pays for the maintenance of the building?

Mr. SHREVE. The different governments contribute the funds.

Mr. WATSON. What expenses does the $2,000 help to meet?

Mr. SHREVE. Our proportionate part of the expenses of the court.

Mr. WATSON. For the maintenance of the court?

Mr. SHREVE. Yes.

Mr. WATSON. How much does that cost?

Mr. SHREVE. I can not tell just what it costs.

Mr. WATSON. How are the officials paid?

Mr. SHREVE. They are paid out of the common fund.

Mr. WATSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. WATSON. I want to ask a question of the chairman of the committee in regard to the International Court of Arbitration. Since the establishment of the International Court of Justice there has not been a case brought before the International Court of Arbitration. I want to know what the other nations pay in comparison with our Government to maintain the court of arbitration?

Mr. SHREVE. Usually in matters of that kind each nation pays the same amount.

Mr. WATSON. Two thousand dollars is contributed by the United States for the maintenance of the Palace of Justice at The Hague, as I understand by this section.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY

For the expenses of determining the amounts of claims against Germany by the Mixed Claims Commission established under the agreement concluded between the United States and Germany on August 10, 1922, for the determination of the amount to be paid by Germany in satisfaction of the financial obligations of Germany under the treaty concluded between the Governments of the United States and Germany on August 25, 1921, including the expenses which under the terms of such agreement of August 10, 1922, are chargeable in part to the United States; and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of claims and the presentation thereof before said mixed commission, including salaries of an agent and necessary counsel and other assistants and employees, rent in the District of Columbia, contingent expenses, traveling expenses and per diem in lieu of subsistence (and the Secretary of State may allow per diem in lieu of subsistence for foreign travel at not to exceed $8), and such other expenses in the United States and elsewhere as the President may deem proper, $147,536.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. McKEOWN. I want to ask the chairman of the subcommittee if it is the purpose of this commission to assist in collecting the claims of citizens of the United States against Germany. Is that the purpose of this allowance?

Mr. SHREVE. Yes, sir.

Mr. McKEOWN. Is there any provision made to the effect that the citizens of the United States who have their claims successfully collected shall bear part of the expense of this collection?

Mr. SHREVE. No; none at all.

Mr. McKEOWN. Of course, it is not the province of the gentleman's committee to legislate, but I would like at this point to call the attention of the House again to the fact of the many expenditures of money by the taxpayers of the United States for the benefit of a comparatively few citizens. I am not going to trespass upon the time of the House, but it is an absolute outrage that the taxpayers of the country should have to pay out large sums for the benefit of a few private citizens who, if they had to go into court in this country, would have to pay the costs; and they should pay the costs here.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. NEWTON of Minnesota. Does not the gentleman think that if a government has any function, it is that of protecting the rights of its citizens?

Mr. McKEOWN. Yes.

Mr. NEWTON of Minnesota. When a foreign power violates the rights of American citizens, causing them damage, it is the province of the United States Government to take the matter up.

Mr. McKEOWN. Yes; it should arrange the machinery or operation by which the claimant should get his money, but the activity of the United States Government should cease at that point when that arrangement had been made.

Mr. NEWTON of Minnesota. Would the gentleman have the Government assess a 10 per cent or 25 per cent fee every time a claim was approved?

Mr. McKEOWN. I would have the Government exact a reasonable amount for the recovery, because at the point where the Government sets up the method by which the debt is collected the duty of the other taxpayers ceases, and the claimant should be required to pay something; if not all the costs, then something.

Mr. NEWTON of Minnesota. Does the gentleman know of a single country that follows out any such plan as that suggested by the gentleman?

Mr. McKEOWN. I will say to the gentleman that the State of Oklahoma, when it collects claims for its citizens, requires them to pay part of the costs, which is but fair.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

GENERAL AND SPECIAL CLAIMS COMMISSIONS, UNITED STATES AND MEXICO

For the expenses of the settlement and adjustment of claims by the citizens of each country against the other under a convention concluded September 8, 1923, and of citizens of the United States against Mexico under a convention concluded September 10, 1923, between the United States and Mexico, including the expenses which, under the terms of the two conventions, are chargeable in part to the United States, the expenses of the two commissions, and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of the claims and the presenting thereof before the said commissions, as well as defending the United States in cases presented under the general convention by Mexico, including salaries of an agent and necessary counsel and other assistants and employees in the District of Columbia and elsewhere, rent, law books and books of reference, printing and binding, contingent expenses, traveling and subsistence expenses (notwithstanding the provisions of any other act), and such other expenses in the United States and elsewhere as the President may deem proper, $275,000, of which $100,000 shall be immediately available.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. HUDSPETH. Mr. Chairman, I wish to ask the chairman of the subcommittee a question regarding the item on page 24, relative to the Mixed Claims Commissions between the United States and Mexico. As I understand it, this $275,000 is for the payment of the expenses of both these commissions?

Mr. SHREVE. Yes, sir.

Mr. HUDSPETH. As I understand, one of the commissions, the Special Claims Commission, is now sitting here in Washington. Can the gentleman inform me as to the place of sitting of the General Claims Commission that considers claims dating back as far as 1876? Where does that sit? In the City of Mexico?

Mr. SHREVE. It is expected to sit in the City of Mexico. These two commissions have been somewhat handicapped heretofore by reason of not having funds. That is the reason why this $100,000 is made immediately available. But these two commissions are now working in harmony. The main idea is this, that any lawyer in both countries will be within reasonable touch of the commissioners.

Mr. HUDSPETH. The claims grow out of these revolutions that occurred in Mexico since 1911. I think the arrangement that the gentleman refers to will make for the convenience of the claimants, because most of the claims growing out of those revolutions are filed by citizens along the border, and of course from there it is much nearer to the City of Mexico than to the city of Washington. When will the General Claims Commission meet?

Mr. SHREVE. Very soon; I think as soon as the money is available through this bill. One hundred thousand dollars is made immediately available. They are anxious to get to work, but unfortunately they have not had the funds.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

DEPARTMENT OF JUSTICE

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; the acquisition, collection, classification, and preservation of criminal identification records and their exchange with the officials of States, cities, and other institutions; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; hire, maintenance, upkeep, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary; purchase and exchange of a motor-propelled, passenger-carrying vehicle to cost not to exceed $3,000, exclusive of the exchange allowance on any vehicle given in part payment therefor; firearms and ammunition, such stationery and supplies for use at the seat of government or elsewhere as the Attorney General may direct, including not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General, whose certificate as to the expenditure thereof shall be conclusive on the General Accounting Office; per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, including not to exceed $295,000 for necessary employees at the seat of government, and including a director of the Bureau of Investigation at not exceeding $7,500 per annum, $2,177,500; for the investigation of the official acts, records, and accounts of marshals, attorneys, and clerks of the United States courts and the territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; and also, when requested by the presiding judge, the official acts, records, and accounts of referees and trustees of such courts, including $43,000 for necessary employees at the seat of government, $117,000; in all, $2,294,500; to be expended under the direction of the Attorney General: *Provided*, That this appropriation shall be available for advances to be made by the disbursing clerk of the Department of Justice when authorized and approved by the Attorney General, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding: *Provided further*, That for the purpose of executing the duties for which provision is made by this appropriation, the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execution of such duties.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph because it contains various items of legislation which are unauthorized on an appropriation bill. I will direct the Chair to one of them.

The CHAIRMAN. Will the gentleman specify the particular items?

Mr. BLANTON. I think only one of them is necessary because the whole paragraph would go out. I call attention to the words "Director of the Bureau of Investigation at not exceeding $7,500 per annum." Those words are found on page 30, lines 11 and 12. There is no such official authorized by law. That is one of the items of legislation which, of course, would be sufficient to knock out the whole paragraph from the bill.

Mr. SHREVE. Mr. Chairman, this language has been carried for some time, I do not know how long, and has been incorporated in the appropriation bills right along.

Mr. BLANTON. Yes; but that fact does not authorize its continuance. This legislation has never been authorized by law and is subject to the point of order.

Mr. SHREVE. But it has been the current law for years.

Mr. BLANTON. Merely an item carried on appropriation bills. There is no legislation for it.

Mr. McKEOWN. Mr. Chairman, I make the point of order that only that language should go out.

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. SHREVE. This appropriation has been carried for some time, like many others, and it is current law. Probably it is subject to a point of order, if the gentleman insists on it, but I trust he will not because it would seriously interfere with the organization.

Mr. BLANTON. Mr. Chairman, I insist on the point of order, because there in no authorization for this language by law, and this new position carrying $7,500 per year should go out of the bill.

Mr. McKEOWN. I desire to make a point of order.

The CHAIRMAN. The gentleman will be permitted to make his point of order. The gentleman from Texas has the floor.

Mr. BLANTON. I insist upon the point of order I have made against the whole paragraph.

The CHAIRMAN. The gentleman from Texas makes the point of order that lines 11 and 12 are not authorized by law. The gentleman from Pennsylvania says this language has only been carried in current appropriation bills and is not authorized by law. Therefore, the Chair sustains the point of order.

Mr. McKEOWN. Mr. Chairman, I make the point of order that the point of order made by the gentleman from Texas would only lie against the legislative language and would not take out all of the paragraph.

Mr. BLANTON. The rules are to the contrary.

The CHAIRMAN. The Parliamentary Clerk informs the Chair that it is the custom on appropriation bills, when a point of order is made, to strike out the entire paragraph.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $15,000 for clerical services and not exceeding $50,000 for compensation of attorneys at the seat of government, $228,600: *Provided*, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. SHREVE. Mr. Chairman, I move to return to the paragraph just passed a moment ago—the paragraph to which a point of order was sustained.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to return to the paragraph just passed. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, I shall not object provided that if the amendment offered contains legislation I be permitted to make a point of order against the legislation. I do not want to waive my right to make a point of order against it, but I have no objection to returning to the paragraph.

The CHAIRMAN. Is there objection?

Mr. BLANTON. With that understanding, there is no objection.

There was no objection.

Mr. SHREVE. Mr. Chairman, I offer an amendment to insert the paragraph just passed with the elimination of the words to which the point of order was sustained, and ask that the paragraph be inserted at its proper place in the bill.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SHREVE: On page 29, after line 9, insert——

Mr. SHREVE. Mr. Chairman, I ask unanimous consent that the amendment may be considered as having been read without reading it.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the amendment be considered as read without being read. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I desire to make a point of order against the paragraph because of legislation it contains. I call the Chair's attention to the language on page 30. The Chair will find the same language that is in the amendment on page 30, lines 5, 6, and 7, reading as follows:

whose certificate as to the expenditure thereof shall be conclusive on the General Accounting Office.

Mr. Chairman, I call the attention of the Chair to the fact that this is a change of very important law. When we created the office of General McCarl and placed him in charge of the United States Accounting Office we gave him independent power over the disbursing officers of every department, and there has been an attempt ever since from time to time by the various bureau chiefs to get out from under his supervision and orders. This is just one more attempt to clip his wings and get out from under his power and supervision. If this language is enacted into law, General McCarl will have no right to pass upon the legality of payments made by the Attorney General of the United States under this paragraph, and I am quite sure the gentleman would admit that this is legislation on an appropriation bill.

Mr. McKEOWN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McKEOWN. Has not the gentleman waived his point of order against this language by making a point of order and not including this language when he made his point of order?

The CHAIRMAN. This is a point of order against an amendment, and the gentleman had the right to make the point of order at the time he did.

Mr. SHREVE. Mr. Chairman, the language beginning in the middle of line 5, on page 30, "whose certificate as to expenditure thereof shall be conclusive on the General Accounting Office," is undoubtedly not authorized by law, and the point of order should be sustained as to that, and I ask unanimous consent to amend the amendment by omitting that language.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to amend his amendment in the manner indicated. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHREVE].

The amendment was agreed to.

The Clerk read as follows:

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS

For salaries, fees, and expenses of United States marshals and their deputies, including services rendered in behalf of the United States or otherwise, services in Alaska in collecting evidence for the United States when so specially directed by the Attorney General, and maintenance, alteration, repair, and operation of motor-driven passenger-carrying vehicles used in connection with the transaction of the official business of the United States marshal for the District of Columbia, $3,500,000: *Provided*, That there shall be paid hereunder any necessary cost of keeping vessels or other property attached or libeled in admiralty in such amount as the court, on petition setting forth the facts under oath, may allow: *Provided further*, That marshals and office deputy marshals (except in the District of Alaska) may be granted a per diem of not to exceed $4 in lieu of subsistence, instead of, but under the conditions prescribed for, the present allowance for actual expenses of subsistence.

Mr. McKEOWN. Mr. Chairman, on page 36, line 21, I move to strike out the figure "4" and insert the figure "6," so as to read "$6 in lieu of subsistence," and I ask the gentlemen if they are not willing to accept this amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 36, line 21, strike out the figure "4" and insert in lieu thereof the figure "6."

Mr. McKEOWN. Mr. Chairman, of all classes of citizens that are employed by the Government, these marshals and deputy marshals have the hardest time because they travel in all kinds of weather, day and night, and they really do not get enough money under this $4 allowance to pay their hotel bill, outside of the question of their traveling expenses. This is something that happens every day. You make an allowance of $8 to the commissioners who travel, and I ask the gentleman what objection there could be to giving them not to exceed $6 a day instead of $4, when $4 absolutely deprives them of a chance to meet their actual expenses. All these men who travel under this item travel at a loss.

Mr. SHREVE. These men are not traveling night and day and in the rain and all that sort of thing, because much of the time they are waiting at the courts where they appear as witnesses or appear with their prisoners.

Mr. McKEOWN. I will say to the gentleman that you can not get hotel accommodations for $4 a day.

Mr. SHREVE. We have had in mind for some time a revision of this allowance with a view to making it uniform.

Mr. McKEOWN. Why not start now and treat all of these people alike?

Mr. SHREVE. We hesitate about starting now because there has been no recommendation made by the Bureau of the Budget and there has been no suggestion by the Department of Justice that this amount should be changed. There has been nobody before the committee to testify about the necessity for any change and therefore we are not prepared to accept at this time the recommendation made by the gentleman.

Mr. McKEOWN. What justification does the gentleman offer for allowing men who travel out of Washington $8 a day while these men who do real work and who are out in the field only receive $4 a day?

Mr. SHREVE. Let me advise the gentleman that the rate of $8 a day is only paid to those men who are traveling outside of the United States, which is quite a different proposition.

Mr. McKEOWN. They travel to Canada, and they do not get very far out of the United States, and things are cheaper in Canada than they are in this country. This is a discrimination that ought not to exist. Four dollars a day will not pay their hotel bills.

Mr. SUMMERS of Washington. Does not the gentleman think there would be some inequality if these men were allowed $6 a day while the field men in other departments of the Government were only allowed $4 a day?

Mr. McKEOWN. I will say to the gentleman that the discrimination is absolutely absurd. They allow the men of one department $7 a day, and some of them $8 a day, and yet these men only get $4 a day.

Mr. SUMMERS of Washington. Does the gentleman refer to other field men in the United States who get $7 and $8 a day?

Mr. McKEOWN. Yes, sir; in the United States. If they would allow them all the same I would have nothing to say, but I do not propose to sit here silently and see this discrimination practiced.

Mr. SUMMERS of Washington. That is exactly what should be done. It should be made uniform.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

I want the gentleman from Oklahoma [Mr. McKEOWN] to understand the modus operandi which is exhibited in this bill. If the gentleman will look at page 20, lines 9, 10, 11, and 12, the gentleman will see where a certain Secretary and a commission under the Department of State, when they are absent from Washington, draw a subsistence allowance of $8 a day.

Our regular United States marshals and deputies are allowed only $4 per day, hence are required to go to a less expensive hotel. They are required to take upper instead of lower berths. They are required to carry lunches in their satchels instead of going into the Pullman dining car. They are required to keep their expense down to $4 a day, while the others are paid $8 a day.

Mr. McKEOWN. And these are the men who are out trying to enforce the laws of this country.

Mr. BLANTON. Of course. I agree with the gentleman that all American citizens ought to be treated alike. There ought not to be any distinction between one and the other. When you allow a certain sum to one man for traveling expenses, you ought to allow the same sum to the other; not allow one $4 a day and another $8 a day.

Mr. HUDSPETH. Does the gentleman know any part of this country where a man can travel and secure a decent room and three meals for $4 a day?

Mr. BLANTON. He would have to use a little judgment and discretion to do it.

Mr. HUDSPETH. Can he find a place?

Mr. BLANTON. Once in a while he can. They have been changing this in every bill. I have watched the matter here for eight years. They give the employees of one department a certain sum for traveling expenses and the employees of another department a different sum. If it is the State Department, the high silk hat department, they get twice as much as the United States marshals.

Mr. SHREVE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a moment. That is why I thought, when you gave the Secretary of State $400,000 a few minutes ago, without accounting for it, you ought to have required him, as you did the President of the United States when he went to France, to file an itemized statement of his account and of the expenditure of that money. When you sent the President of the United States to France and gave him an appropriation from which to pay expenses you required him to file an itemized statement of the expense, and he did file it.

Mr. SHREVE. That was under another act.

Mr. BLANTON. I know, but he did file it, and there ought not to be any official of this Government so big but that he should be required to file in some department a statement of his expenses. You ought not to give him $400,000 just to spend at will without any check or statement to be made of it later. There is extravagance in some of the departments. When you do not put this check on them, when they know that they do not have to file any itemized statement, they are a little more careless about the expenditure of the money. There ought to have been that safeguard on that item.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. McKEOWN) there were—ayes 14, noes 55.

So the amendment was rejected.

The Clerk read as follows:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, including the office expenses of United States district attorneys in Alaska, and for salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the office of the United States district attorney, $1,334,000: *Provided*, That United States district attorneys and their regular assistants may be granted a per diem of not to exceed $4 in lieu of subsistance, instead of, but under the conditions prescribed for, the present allowance for actual expenses of subsistence.

Mr. LaGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk:

Amendment offered by Mr. LaGUARDIA: Page 37, line 5, strike out "$1,334,000," and insert in lieu thereof "$1,500,000."

Mr. LaGUARDIA. Mr. Chairman, I ask the attention of the chairman of the subcommittee, so that I may acquaint him with the conditions existing in the district attorney's office in the southern and eastern districts of New York. It is impossible to get or retain the right kind of men and the right kind of service with the pay that the assistant district attorneys receive in those two districts. Let us make a comparison of the pay which we allow to the assistant district attorneys in these two districts with that which the counties of King, New York, and the Bronx, within the city of New York, allow to their district attorneys.

Mr. HERSEY. What is the pay?

Mr. LaGUARDIA. We pay our district attorneys $15,000, and the chief assistants, who are doing the important trial work, get $10,000, and the least they get is $7,500. The deputy assistant attorney in the magistrate court gets $5,000.

Mr. HERSEY. And the district judge gets only $7,500?

Mr. LaGUARDIA. Yes. Think of that. As the gentleman knows, these district attorneys are charged with the prosecution of importation cases. I believe if we want to enforce the law we should be able to employ men who can compete with the able counsel retained by the persons charged with law violations. We should have men there who are not susceptible to making outside connections after having been in the office only a short time. Recently we have had several of Colonel Hayward's staff resign because there is really no inducement for a good lawyer to remain in the service. I do not see how we can expect the district attorney in New York City to run a law office with the right kind of men to do the work that these assistants must do against able, trained, and experienced lawyers with the salaries that we are paying. I believe it is out of all proportion. My colleagues from the city of New York know that the salaries that we are paying these assistants in the southern and eastern districts of New York are out of all proportion to retainers in that city, to living conditions there, and such conditions certainly are not conducive to getting the right kind of men. My amendment would increase this appropriation by $166,000, and that would permit the Attorney General to somewhat increase the salaries in these big centers where he finds it necessary. I submit my amendment in all seriousness and I hope that the committee will approve the amendment.

Mr. SHREVE. Mr. Chairman, the recommendations here are considerably increased over what they were last year. There is an increase of over $16,000.

There is nothing in the hearings to warrant an increase, no recommendation from the Department of Justice and no suggestion from the Bureau of the Budget. I think it is merely a local question with the gentlemen in New York, perhaps, but we find ourselves in a position where we must object to an increase in this appropriation.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. SHREVE. I will.

Mr. LaGUARDIA. The increase of $16,000 is for the entire United States. The gentleman does not know what suggestion the Department of Justice made to the Bureau of the Budget before it came to the gentleman's committee?

Mr. SHREVE. That information does not come to our committee.

Mr. OLIVER of Alabama. If the gentleman will yield for a moment, I wish to say that I am in sympathy with the position taken by the gentleman from New York, and feel that in the case of many district attorneys and their assistants their salaries should be increased. The gentleman's amendment, however, would not accomplish that purpose. Merely increas-

ing the amount of this appropriation would not increase the salaries of these officials. The amount of their salaries is fixed by law, and it will be necessary to first change the substantive law. Our committee has no authority to do that. I called attention the other day to the fact that I hoped some action would be taken by the appropriate committee looking to a revision of the pay of assistant district attorneys.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. OLIVER of Alabama. I will say this to the gentleman, that in this bill we are providing for an additional number of regular assistants, and that really accounts for the increased appropriation. The gentleman's amendment would simply authorize an increase in the number but not in the pay.

Mr. LAGUARDIA. Of course, that would not answer the proposition at all. I saw there was a lump-sum appropriation and I simply assumed the Attorney General had some discretion in regard to it.

Mr. OLIVER of Alabama. No.

Mr. LAGUARDIA. It is a very unfortunate condition.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. McKEOWN. Mr. Chairman, on page 37, line 7, I move to strike out the figure "4" and insert the figure "6."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: On page 37, line 7, after the word "exceed," strike out the figure "4" and insert in lieu thereof the figure "6."

Mr. McKEOWN. Now, gentlemen of the committee, you think this does not amount to very much, and that a man ought not to take up your time to ask you to consider a proposition of increasing this amount from $4 to $6. I say it is a great injustice that the House of Representatives will sit here and give the men in one department $8 for subsistence and say to these men who are employed in the district attorney's office that they shall receive not to exceed $4. I am simply asking for common justice and that is all I ask here. I have no interest in it. It is nothing to me. The district attorneys are Republicans down my way. There is no Democrat to be helped out and——

Mr. BOYLAN. Is it not a matter of fact that in order to get a decent dinner alone men have to pay $4 for it?

Mr. McKEOWN. Not in my country; they might in New York. I say men can not live on $4 a day away from home and travel even in the great State of Oklahoma, where things are cheap; and I can not understand the attitude of gentlemen who take the position of giving $8 a day to a favored class of men, while those men who are honestly trying to enforce the law of this country and law enforcement are being discriminated against. As suggested by a gentleman, may be it takes a better room in which to pull off a silk hat than it does a derby. It may make that difference, but the great Congress ought not to make this discrimination. If you vote my amendment down, it is all right; but I say the principle is wrong of giving one man $8 a day and another man $4 a day.

Mr. SHREVE. Mr. Chairman, I say again for the gentleman's information there is nothing in the record on which we would be warranted in making an increase in accordance with the amendment proposed. For the information of the gentleman I will say this, that I do realize that there are some inconsistencies, and we hope to be in a position before very long to work out the thing covering all departments of the Government, but this is not the place. For the $4 there is legal authorization, and this is not the place for it and I trust the gentleman will not press his amendment.

Mr. McKEOWN. I will ask the chairman this: I called the attention of the chairman before when this very matter was up here before. I on the floor of the House called the attention of the Congress to the discrimination made against deputy marshals, marshals, and United States district attorneys and their assistants, with nothing in view except to try to get the same thing for every man.

Does the gentleman have special authorization to bring in $8 back here for these other men?

Mr. SHREVE. That is for travel in foreign lands.

Mr. McKEOWN. And in the United States, too,

Mr. SHREVE. I will say to the gentleman that there is no great demand for an increase. There are plenty of men ready to fill these jobs. There are plenty of men who want them and who insist on having them. We have more applications than we can possibly fill. The men are satisfied. These marshals are not coming in here and demanding an increase in their allowance.

Mr. McKEOWN. No; and I will tell you why they are not here. They are out trying to enforce the law and are too busy to come here; and then again they would have to have permission of the department to come here.

Mr. SHREVE. They are highly efficient; I will admit that.

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. UPSHAW. Does not the gentleman think that it is not a just line of argument to say that there is nothing in the hearings concerning this matter? We are putting it in the RECORD now. We do not believe in such injustice.

Mr. McKEOWN. I was just trying to get Congress to do what it should do, in my opinion, and that is, just common justice.

Mr. UPSHAW. The gentleman is right.

Mr. MacLAFFERTY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. MacLAFFERTY. Gentlemen, it was only yesterday that I was talking with a man employed by the Government, who, like most men in the employ of the Government, is underpaid. They are underpaid if they are good men. He was telling me of the hardships imposed upon him and his family by reason of this limitation of $4 in the per diem allowance. There is not a commercial house in the United States of America that would think of limiting a representative or agent on the road to $4 a day under the present schedules of the cost of living. I say it is a disgrace, and I say it as a business man who is in sympathy with every aspiration of this administration.

I say we should hang our heads in shame and acknowledge that these men are underpaid. When they are sent out from home by the Government they must pay part of this expense out of their own pockets and thereby deprive their wives and children of that amount, because the per diem allowance given is insufficient. I protest against it. We may sit here and call ourselves underpaid—and I grant you we may be underpaid—but simply because we have the power to vote this deduction from the pitiful salaries paid to these men, we should not exercise it, because if a man is not serving the Government at a sacrifice to himself he is not serving it well.

Let us carry this amendment and make it $6 per diem. Then we shall know that at least we are coming somewhere near being fair and square. I seldom rise to my feet on this floor, and then only when I have something to say. With all due respect to this committee and to the Budget and to all of them, let us give to these men who work for the Government a square deal. [Applause.]

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. MacLAFFERTY. Yes.

Mr. UPSHAW. Mr. Chairman, the gentleman from California [Mr. MacLAFFERTY] has practically made my speech for me. Does not the gentleman think it is a tremendous temptation to force these men to go to the back alleys and cheap places in order to come within their allotted expenses?

Mr. MacLAFFERTY. I think it is putting a premium upon dishonesty. I think it is something we ought to be ashamed of, because in this case we are the employers.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MacLAFFERTY. Yes.

Mr. MADDEN. I want to say for the information of the Members of the House that there is now being worked out in our committee a uniform bill that will cover every department alike. It is not an easy job to work it out, and you can not work it out in a minute; but we are at work on it, and it will be worked out eventually, and we are going to present it to the House and to the Senate for their action.

Mr. UPSHAW. Before adjournment?

Mr. MADDEN. I am just saying that the problem is being given the consideration that its importance justifies, and it will be worked out so that everybody in every department will be treated on the basis of equality.

Mr. MacLAFFERTY. If that is the case—and we acknowledge that there is inequality now—let us fix it so that the men in this service shall not suffer in the coming year from such a great inequality.

Mr. UPSHAW. For this coming year?

Mr. MADDEN. There is not an allowance so high given to any class of employees in this country as is given in foreign countries to our agents in their European travels on governmental business. But what has been done in other countries, whatever amount it is, does not show a differential in their favor, owing to the conditions that prevail there.

Mr. MacLAFFERTY. I hope the committee when it has worked out this problem will arrange it equitably.

Mr. SHREVE. Mr. Chairman, if this amendment is passed, it will not change the law. The law is found on page 288, section 1193, of Barnes's Federal Code. For expense of lodging and subsistence it is provided that the allowance shall not exceed $4 a day, and so forth. I will read from the law:

The necessary expenses for lodging and subsistence actually paid, not exceeding $4 per day and actual and necessary traveling expenses of the United States district attorneys and their assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business shall be allowed and paid in the following manner—

And so on.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. SHREVE. Yes.

Mr. NEWTON of Minnesota. What is the date of that act?

Mr. SHREVE. May 27, 1908.

Mr. NEWTON of Minnesota. It certainly does need some revision.

Mr. SHREVE. I admit that this allowance should be revised, but this is the law.

Mr. MacLAFFERTY. At the time it was placed at that amount it was intended that it should be equitable in comparison with the cost of living in the country.

Mr. SHREVE. I am with the gentleman in his desire to pass some legislation that will change the situation.

Mr. McKEOWN. If Congress passes this amendment, it will be the law, so far as this appropriation is concerned.

Mr. SHREVE. It will be a law for this coming year.

Mr. McKEOWN. Is not the gentleman in favor of that?

Mr. SHREVE. I am in favor of amending the general law.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. McKEOWN. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 19, noes 45.

So the amendment was rejected.

Mr. BURTON. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. BURTON. Mr. Chairman, I desire to correct a gross injustice done to our fellow-Member, Mr. PORTER, and a very palpable error in a statement made by the Member from Texas [Mr. BLANTON]. I read from what he said this morning:

I say this, that we are in a rather embarrassing situation when we refuse to unite with the other nations of the world in a concert of action to stop war, and yet send an unauthorized representative, a representative unclothed with any power or authority, to go over to Europe and sit with a bunch of bullyraggers—

The meaning of that term I do not quite understand, but it appears here—

in a conference over narcotics. They tell us to go back home and attend to our own business, and that is where Mr. PORTER ought to be. He ought to be here on the floor of this House attending to his business, in my judgment, and not over there meddling in their European affairs.

I have rarely heard a more incorrect statement on the floor of this House. In the first place, by Joint Resolution No. 195, passed on the 15th of May of last year, we declared our intention to take part in a conference for the correction of the evils pertaining to the sale of narcotics. I ask unanimous consent to have the whole of of this resolution printed in my remarks.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

The resolution referred to follows:

[Public Resolution No. 20, Sixty-eighth Congress]

Joint resolution (H. J. Res. 195) authorizing an appropriation for the participation of the United States in two international conferences for the control of the traffic in habit-forming narcotic drugs

Whereas President Roosevelt on October 14, 1907, called an international commission which met in Shanghai, China, in 1909, to make an investigation of the abuses growing out of the opium traffic and to suggest a means for their prevention, and thus the United States, as pointed out by President Wilson in his message to Congress on April 21, 1913, "initiated the world-wide movement toward" the abolition of the traffic in habit-forming narcotic drugs; and

Whereas the international conference at The Hague proposed by President Taft on September 1, 1909, to give international effect and sanction to the resolutions of the Shanghai opium commission resulted in the adoption of The Hague opium convention of 1912 by the powers assembled, which is in full force and effect between the nations which have ratified it; and

Whereas the original convention delegated certain administrative functions to the Netherlands Government (thereby constituting the said Government an agent for the execution of the treaty), and said Government called two conferences in 1913 and 1914 to consider problems growing out of the execution of the convention; and

Whereas certain of the powers parties thereto have vested in the League of Nations the agency or duty of executing the convention by treaty, dated June 28, 1923, article 23 of which provides as follows: "Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the league * * * will intrust the league with the general supervision over the execution of agreements with regard to * * * the traffic in opiums and other dangerous drugs * * *;" and

Whereas the United States, for the reasons that it is only by international cooperation that the suppression of the world-wide traffic in habit-forming narcotic drugs can be accomplished, and that this Government is bound by The Hague opium convention equally with other governments to work toward this end, accepted an invitation from said agency to cooperate with it in the execution of said treaty; and

Whereas as the result of conferences in January, May, and September of 1923 between the representatives of the United States and governments represented by the League of Nations, the latter governments agreed that the United States' construction of The Hague opium convention, as provided in Public Resolution No. 96, Sixty-seventh Congress, approved March 2, 1923, represented the objects which the treaty was intended to accomplish, and that any other construction would render the treaty ineffective and of no practical value, and accordingly it was decided:

"1. If the purpose of The Hague opium convention is to be achieved according to its spirit and true intent, it must be recognized that the use of opium products for other than medical and scientific purposes is an abuse and not legitimate.

"2. In order to prevent the abuse of these products it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for nonmedical and nonscientific purposes"; and

Whereas it was further decided at said conferences that two international conferences should be called in the latter part of the year 1924 to agree upon a plan to enforce said treaty in accordance with said construction and interpretation, bearing in mind that the gradual suppression of the traffic in and use of prepared opium as provided in Chapter II of the convention is not yet accomplished, reservations to that effect having been noted by certain powers (Great Britain, France, Germany, Netherlands, Japan, British India, and Siam, in regard to prepared opium): Now therefore be it

Resolved, etc., That the appropriation of such sum as may be necessary, not to exceed $40,000, for the participation of the United States in one or both of these conferences, or any postponement thereof, to be expended under the direction of the Secretary of State, is hereby authorized: *Provided*, That the representatives of the United States shall sign no agreement which does not fulfill the conditions necessary for the suppression of the habit-forming narcotic-drug traffic as set forth in the preamble.

Approved, May 15, 1924.

Mr. BURTON. I will repeat a portion of the preamble to the resolution. This is the first sentence:

Whereas President Roosevelt, on October 14, 1907, called an international commission, which met in Shanghai, China, in 1909, to make an investigation of the abuses growing out of the opium traffic and to suggest a means for their prevention, and thus the United States, as pointed out by President Wilson in his message to Congress on April 21, 1913, "initiated the world-wide movement toward" the abolition of the traffic in habit-forming narcotic drugs.

Then, passing to the last clause of the preamble:

Whereas it was further decided at said conferences—

There were three conferences held in 1923 to carry into effect The Hague opium convention adopted in 1912—

that two international conferences should be called in the latter part of the year 1924 to agree upon a plan to enforce said treaty in accordance with said construction and interpretation, bearing in mind that the gradual suppression of the traffic in and use of prepared opium as pro-

vided in Chapter II of the convention is not yet accomplished, reservations to that effect having been noted by certain powers (Great Britain, France, Germany, Netherlands, Japan, British India, and Siam, in regard to prepared opium): Now therefore be it

Resolved, etc., That the appropriation of such sum as may be necessary, not to exceed $40,000, for the participation of the United States in one or both of these conferences, or any postponement thereof, to be expended under the direction of the Secretary of State, is hereby authorized: *Provided*, That the representatives of the United States shall sign no agreement which does not fulfill the conditions necessary for the suppression of the habit-forming narcotic-drug traffic set forth in the preamble.

Approved, May 15, 1924.

In pursuance of that resolution five representatives of the United States were chosen by the President to attend this conference at Geneva. The members so chosen were Mr. Porter, Mr. Neville, Dr. Rupert Blue, Bishop Brent, and Mrs. Hamilton Wright. In pursuance of that appointment they have been in attendance at the conference to carry out the terms of this resolution, a resolution passed by Congress to show our interest in the abolition of the use of habit-forming drugs, a world-wide evil.

This is not a European matter or "meddling in their European affairs." It pertains to the whole world and the evils are especially noticeable in the Far East.

Again, in the deficiency act which was approved on the 5th of December last——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman be accorded five additional minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Ohio may proceed for five additional minutes.

Mr. BLANTON. I shall not object. I presume the House will give me a few minutes to answer the gentleman, since he will not yield.

Mr. BURTON. I will yield right now.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Is the distinguished gentleman from Ohio in favor of a concert of action by the nations of the world to prevent war?

Mr. BURTON. Yes; but that is one thing and this is another.

Mr. BLANTON. Was Mr. PORTER clothed with any authority whatever by this Government to sign an agreement to the effect that the commercial nations dealing in opium should have 15 more years to deal in it?

Mr. BURTON. That is a question which must be submitted to the State Department.

The proviso is—

> That the representatives of the United States shall sign no agreement which does not fulfill the conditions necessary for the suppression of the habit-forming narcotic-drug traffic as set forth in the preamble.

Whether that is 1 year or 15 years, Mr. PORTER is authorized to sign such agreement as will carry out the express wish of President Roosevelt, or President Wilson, and of legislation adopted by Congress.

Mr. BLANTON. Will the gentleman yield further?

Mr. BURTON. Yes.

Mr. BLANTON. Is the gentleman aware of the fact that authentic press reports tell us that Lord Cecil insulted our representative over there and apologized for it?

Mr. BURTON. I suppose he apologized if he presented any insult to any representative of the United States.

Mr. BLANTON. The gentleman knows of that fact?

Mr. BURTON. I do not say that.

Mr. BLANTON. And that the representative from Holland said, "You had better go home and attend to your own business and we will attend to ours." The gentleman understands all of that, does he not?

Mr. BURTON. The gentleman from Texas is giving——

Mr. BLANTON. I shall try to answer the gentleman in my own time.

Mr. BURTON. A splendid example of how it is possible to evade the real point at issue and go off on something collateral that has nothing whatever to do with it.

Now, Mr. PORTER has been there working very hard on this, and the other Members have been doing the same thing. The appropriation made at the date I have named, December last, reads as follows:

> Traffic in habit-forming narcotic drugs: For the expenses of the participation of the United States in one or both international conferences to be called to agree upon a plan to enforce The Hague opium convention, as authorized by public resolution approved May 15, 1924, including salaries in the District of Columbia or elsewhere, rent, printing and binding, traveling and subsistence expenses (notwithstanding the provisions of any other act), and such other expenses in the United States and elsewhere as the President may deem proper, fiscal year 1925, $35,000.

I do not want to criticize any fellow Member of this House, but things are sometimes said idly here which are taken seriously on the other side, and such remarks as were made by the gentleman from Texas, possibly, may be cabled to Geneva and will interfere very seriously with the standing of our commissioners, with the work of Mr. PORTER, and with our success in seeking to accomplish a reform that is as essential as anything in the habits and customs of the people, namely, the prevention of the use of narcotic drugs. Thus I am not willing to allow a statement so erroneous and so unjust to pass here unchallenged.

I correct it from the record, which shows clearly that Mr. PORTER is not there as an unauthorized person, but that he is there as a representative of the United States in pursuance of legislation by Congress and by appointment of the President. That is all I desire to say, Mr. Chairman.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. BURTON. Certainly.

Mr. BLANTON. Should our Government take up with foreign nations over there the stopping of the opium traffic more than we should take up with foreign governments the stopping of the alcoholic liquor traffic? Is not one just as important as the other? Why should we let one of them alone and pursue the other?

Mr. BURTON. We take up one thing at a time. It is not best for us to fight windmills by taking up the utterly impracticable task of doing away with the use of intoxicating liquors on the other side.

This is one evil that has been very generally recognized.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended one minute in order that I may be permitted to ask the gentleman from Ohio one question.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that the time of the gentleman from Ohio be extended one minute. Is there objection?

There was no objection.

Mr. WINGO. The gentleman stated that Mr. PORTER was not only there by formal authority of the United States Government but has back of him the Government; is it not also true that in the work he has been engaged in he not only has back of him the official authority of this Government but has back of him the overwhelming moral sentiment of the American people?

Mr. BURTON. I think so. [Applause.] I would hesitate to say that because we do not take up the question of intoxicating liquors it should be used as a reflection upon his work or upon our own legislation in seeking by international agreement to do away with the use of opium.

Mr. BLANTON. Mr. Chairman, I ask for five minutes to reply to the gentleman from Ohio.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, neither my action nor my remarks were idly taken or idly made. They state the situation just as it is, and I stand on them. In the closing part of the last session of Congress what was known as the Porter resolution, already discussed, to appropriate $40,000 for five people to go to this conference, was called up, and my colleagues who were then on the floor know I fought that resolution vigorously, upon the ground that it would be a waste of money and that the appropriation was entirely too large. I made a motion, first, to cut it to $10,000, which failed, and then I endeavored to reduce it as much as possible.

The resolution was passed and the $40,000 was appropriated, and Mr. PORTER, as he has done heretofore from time to time before, made this trip abroad with the four other people. There is just as much use for us to go over there and tell those people they should stop drinking intoxicating liquor in European and Asiatic countries as there is that they should stop the opium

traffic over there. We ought to first suppress the liquor and opium traffic in the United States and then try to have this traffic suppressed in other countries.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. In a moment. We ought to first suppress the opium traffic in the United States and then help to suppress it in China. I am just as much in favor of suppressing it in the United States as anybody else in the world. I have a bill here to give the President the use of the Navy, the Army, the Marine Corps, and the Coast Guard in order to suppress its being smuggled into the United States. We have 5,000 miles of border with this contraband stuff being smuggled in here every day of the world, and we ought to stop it by the use of every facility of the Government and we ought to first stop it at home.

Mr. UPSHAW and Mr. CHINDBLOM rose.

Mr. BLANTON. I will yield in a moment, if I have time. We ought to do the best we can to suppress it here. The gentleman from Ohio [Mr. BURTON] says "he is in favor of a concert of action by the nations to stop war," but he will not have his party adopt it. His party will not adopt it.

The gentleman is in favor of it, but his party will not adopt such a measure to stop war; but he is in favor of sending a man over there who was bullyragged by Lord Cecil; he was bullyragged by the representative from Holland, and the first thing you know we are going to keep sending these commissions over there and one of them is going to be insulted and the fellow will not apologize, and then we will be called on by jingoes to go to war, something that the gentleman from Ohio does not want and something I do not want, and something I am not going to vote for any more unless it is an awfully extreme case. [Laughter.] But he still insists on these fellows going over there and meddling in somebody else's business. I think we would do better to stay at home and tend to our own business, and my remarks were not made idly.

Mr. UPSHAW. Will the gentleman yield?

Mr. BLANTON. I know what the gentleman will say.

Mr. UPSHAW. The gentleman does not know.

Mr. BLANTON. Well, I am presuming to know. All the speeches the gentleman makes have been similar since I have been here. [Laughter.]

Mr. UPSHAW. Mr. Chairman——

The CHAIRMAN. The gentleman from Texas declines to yield.

Mr. BLANTON. Mr. Chairman, in conclusion let me say that I have high regard for Mr. PORTER. I would vote to send him anywhere on a proper mission, but he has proposed something that the resolution did not authorize. He has proposed to extend this traffic for 15 years. If he proposes that, how are we going to stop him if he has the backing of this Government?

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to address the House for one minute out of order.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to address the House for one minute out of order. Is there objection?

There was no objection.

Mr. UPSHAW. Mr. Chairman, I agree with the gentleman from Texas [Mr. BLANTON] every time he will let me. [Laughter.] But the gentleman has introduced two wholly extraneous questions, and the point is simply this: He believes in obeying the action of this House in other things—for instance, he believes this House acted wisely in suppressing the liquor traffic; and I do not understand why he should object to obeying the action of the House in this opium matter, although he did not vote for it—he was outvoted—but let him and all of us remember that the House took regular action and authorized the presence of Mr. PORTER at the conference which he is now attending. I think Mr. PORTER is doing a great work for America by his presence and his vigilant loyalty, and I want to go on record as being in favor of the thing that he is now doing. [Applause.]

The Clerk read as follows:

Inspection of prisons and prisoners: For the inspection of United States prisons and prisoners, including salary of the assistant superintendent of prisons, and expenses incident to examination of estimates of appropriation in the field, $20,000.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. Without objection, the spelling of the word "bedding," in line 21, page 41, will be corrected. The question is on the motion of the gentleman from Pennsylvania that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON, having assumed the chair as Speaker pro tempore, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes, and had come to no resolution thereon.

RECESS

Mr. SNELL. Mr. Speaker, I understand that through previous arrangement there is to be a session this evening and that the House will recess until 8 o'clock p. m.

The SPEAKER pro tempore. The Chair is informed that when the House recesses to-day it will be until 8 o'clock this evening, and for the consideration of bills on the Private Calendar.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry. Does that refer to bills unobjected to?

Mr. SNELL. Bills unobjected to on the Private Calendar.

Mr. Speaker, I move that the House do now stand in recess.

The motion was agreed to; and accordingly (at 3 o'clock and 57 minutes p. m.) the House stood in recess.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker.

The SPEAKER. Under the special rule, business on the Private Calendar is in order this evening.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent that the bills be considered in the House as in Committee of the Whole House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the first bill, beginning where we left off.

CLAIMS GROWING OUT OF THE HOUSTON RIOT

The first business on the Private Calendar was the bill (H. R. 7631) for the relief of Charles T. Clayton and others.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the parties hereinafter named the various amounts set opposite their respective names as compensation for personal injuries and damages suffered by them and each of them at the hands of the mutinous negro United States soldiers on the night of August 23, 1917, at Houston, Tex., as follows, to wit:

Charles T. Clayton, of Resenberg, Tex., $5,000, as compensation for personal injuries inflicted by United States soldiers, aforesaid; Fred Scofield, of Houston, Tex., $5,000, as compensation for personal injuries inflicted by United States soldiers, aforesaid; Mrs. Ira D. Raney, of Houston, Tex., $3,500, as compensation for loss by death of her husband, Ira D. Raney, killed by United States soldiers, aforesaid; Mrs. W. P. Herms, née Mrs. E. A. Thompson, of Hempstead, Tex., $2,500, as compensation for loss by death of her husband, E. A. Thompson, killed by United States soldiers, aforesaid; Mr. and Mrs. T. F. Thompson, of Hempstead, Tex., $2,500, for loss by death of son, E. A. Thompson, killed by United States soldiers, aforesaid; Mrs. A. R. Carstens, of Houston, Tex., $2,500, as compensation for loss by death of her husband, A. R. Carstens, killed by United States soldiers, aforesaid; Mrs. E. M. Jones, of Houston, Tex., $2,500, as compensation for loss by death of her husband, E. M. Jones, killed by United States soldiers, aforesaid; Mrs. D. R. Patton, of Houston, Tex., $2,500, as compensation for loss by death of her husband, D. R. Patton, killed by United States soldiers, aforesaid; Mrs. S. Satton, of Houston, Tex., $2,500, as compensation for loss by death of her husband, S. Satton, killed by United States soldiers, aforesaid; Mrs. Horace Moody, of Houston, Tex., $2,500, as compensation for loss by death of her husband, Horace Moody, killed by United States soldiers, aforesaid; William J. Drucks, of Houston, Tex., $2,500, as compensation for personal injuries inflicted by United States soldiers, aforesaid; Mrs. E. J. Meinecke, of Houston, Tex., $2,500, as compensation for loss by death of her husband, E. J. Meinecke, killed by United States soldiers, aforesaid; Mrs. C. W. Wright, of Houston, Tex., $2,500, as compensation for loss by death of her husband, C. W. Wright, killed by United States soldiers, aforesaid; G. W. Butcher, of Houston, Tex., $1,000, as compensation for personal injuries inflicted by United States soldiers, aforesaid; T. Binford, of Houston, Tex., $1,000, as compensation for personal injuries inflicted by United States soldiers, aforesaid; Mary E. Winkler, of Houston, Tex., $1,000, as compensation for loss by death of her son, Fred J. Winkler, killed by United States soldiers, afore-

said: Mrs. F. M. Shurbet, of Houston, Tex., $1,000, as compensation for loss by death of her son, Earl Finlay, killed by United States soldiers, aforesaid; W. H. Burkett, of Houston, Tex., $500, as compensation for personal injuries inflicted by United States soldiers, aforesaid; W. A. Wise, of Houston, Tex., $250, as compensation for personal injuries inflicted by United States soldiers, aforesaid; Miss Alma Reichart, of Houston, Tex., $250, as compensation for personal injuries inflicted by United States soldiers, aforesaid; James Edward Lyon, of Houston, Tex., $250, as compensation for personal injuries inflicted by United States soldiers, aforesaid.

Each and all of the above said sums are hereby appropriated for said purpose out of any moneys in the Treasury not otherwise appropriated.

The committee amendments were read, as follows:

Page 2, line 8, strike out "Mrs. W. P. Herma" and insert "Mrs. J. E. Chamberlin."

Page 4, line 2, strike out "$250" and insert "$2,500."

The committee amendments were agreed to.

Mr. BLACK of Texas. Mr. Speaker, I have an amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BLACK of Texas: On page 4, at the end of the bill, add a new section, section 2:

"SEC. 2. That no part of the amount of any item appropriated in this bill in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim: *Provided*, That it shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. BLACK of Texas. Mr. Speaker, I do not know that the question of attorneys' fees will enter in any of these cases, but it is the precedent of the House in omnibus claims of this kind to put a limitation of not more than 10 per cent. That is to say that no attorneys' fees in excess of 10 per cent can be paid, and I have used exactly the same language that is used as an amendment to the bill S. 827, which is on the calendar and has been reported by the Committee on Claims, and that bill appropriates for only one claim $2,500, and the committee saw fit—and properly so, I think—to put this same amendment on that Senate bill. I do not know that it is contemplated that there will be any attorneys' fees of any kind in these cases, but the number of claims in this bill is quite large and I think the amendment ought to go in merely as a matter of precaution such as the House usually takes in such cases.

Mr. STRONG of Kansas. The committee will accept it.

Mr. GARRETT of Texas. Mr. Speaker, in accepting that amendment I wish to say that so far as the per cent is concerned I have no objection to striking out the word "per cent" and permit no attorneys' fees shall be charged in any event so far as these cases are concerned, because they are cases I have devoted my attention to for several Congresses, and as far as I am concerned I am going to see to it as far as in me lies that no attorney gets any amount whatsoever, and if it is satisfactory to the chairman of the committee to let that provision go in, of course, I shall not object to it, but I should prefer the amendment to be amended to, say, at least 5 per cent instead of 10 per cent. I do not believe we should even leave the doors open for anybody to get as much as 10 per cent on claims of this kind, because these claims are settled without the assistance of an attorney at all.

Mr. STRONG of Kansas. I think the committee would be glad to accept any amendment to make the attorneys' fees as low as possible.

Mr. BLACK of Texas. I would be willing to accept an amendment to make it 5 per cent.

Mr. GARRETT of Texas. Mr. Speaker, I move to amend the amendment by striking out "10 per cent" and inserting "5 per cent."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GARRETT of Texas: Amend the amendment offered by the gentleman from Texas [Mr. BLACK] by striking out "10 per cent" and inserting "5 per cent."

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. LEHLBACH) there were—ayes 37, noes 11.

So the amendment to the amendment was agreed to.

The SPEAKER. The question is on the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. EDMONDS. Mr. Speaker, can we have unanimous consent that the motion to reconsider can be made at the end of the session to-night?

The SPEAKER. The Chair thinks it can be done at the end of the session to-night in order to save time.

JAMES F. ROWELL

The next business on the Private Calendar was the bill (S. 2526) providing for an allotment of land from the Kiowa, Comanche, and Apache Indian Reservation, Okla., to James F. Rowell, an intermarried and enrolled member of the Kiowa Tribe.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in order to give effect to the act of Congress of April 4, 1910 (36 Stat. L. p. 280), directing an allotment to James F. Rowell, an intermarried and enrolled member of the Kiowa Tribe of Indians, Oklahoma, who has heretofore received no allotment of land, or money settlement in lieu of such allotment, the Secretary of the Interior is hereby authorized to make an allotment of 160 acres of land to James F. Rowell out of the remaining lands embraced in the former Kiowa, Comanche, and Apache Indian Reservation, Okla., including land reserved for agency, subagency, and school purposes, no longer needed for administration of the Kiowa Agency, should it appear to the Secretary of the Interior that the aforesaid lands selected be not worth more than $25 per acre after appraisement: *Provided*, That such selection shall be made within 90 days after the passage of this act, by and with the advice and consent of the superintendent of the Kiowa Indian Agency, and shall not include land in the pasture reserves or on which buildings are located, and shall be subject to final approval by the Secretary of the Interior: *Provided further*, That the Secretary of the Interior shall issue to the said James F. Rowell a fee patent for the lands allotted to him under the provisions of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore (Mr. TILSON). The Clerk will report the next bill.

THOMAS H. HAZELRIGG AND JOHN A. CHUMBLEY

The next business on the Private Calendar was the bill (S. 2676) authorizing the Secretary of War to lease or, in his discretion, to convey by quitclaim deed a certain tract of land in the military reservation at Santa Rosa Island, Fla.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. WAINWRIGHT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

LEO P. QUINN

The next business on the Private Calendar was the bill (S. 2764) authorizing the President to order Leo P. Quinn before a retiring board for a rehearing of his case and upon the findings of such board either confirm his discharge or place him on the retired list with the rank and pay held by him at the time of his discharge.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BEGG. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from New Jersey a question. Is it a technicality in the law that prevents this man from getting justice, or is it just asking us to do this arbitrarily?

Mr. LEHLBACH. No. If the gentleman would look at the report he would see that the War Department approves of this bill.

Mr. BEGG. I have seen it.

Mr. LEHLBACH. The circumstances are these: That under the plucking law, or whatever you may choose to call it, Major Quinn and numerous other officers were called before a board of inquiry as to the desirability of releasing them from the service. The board of inquiry recommended that he be retained in the service. In the meantime Major Quinn, who had

lost a portion of his hand while in line of duty and who was entitled to be discharged for disability, was called before a military survey board, or a surgical survey board, for examination for retirement; but inasmuch as he had a splendid record as an officer, with the exception of some incidents that happened 20 years ago, and inasmuch as they deemed that he was capable of rendering effective service, they did not discharge him for disability because he was to be retained in active duty.

Mr. BEGG. The gentleman does not need to say any more. I am satisfied.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War, under the direction of the President, is hereby authorized, in his discretion, to order Leo P. Quinn, late major, United States Army, again before a retiring board for the purpose of a new hearing of his case and to inquire into and determine the facts touching the nature and occasion of his disability, and to find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of the service, according to the statute, and that upon the findings of such board the President is further authorized, in his discretion, either to confirm the order by which the said Leo P. Quinn was discharged, or, in his discretion, to nominate and, by and with the advice and consent of the Senate, to appoint said Leo P. Quinn a major, the grade which he had at the time of his discharge, and to place him on the retired list of the Army: *Provided*, That no pay, bounty, or other allowance during the period between the time that he was discharged and the time of the passage of this act shall become due and payable by virtue of this act.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 2, line 10, after the word "of," strike out the following language, "the passage of this act," and insert the following language: "his retirement under the provisions of this act, if he is so retired," so that the provision will read: "That no pay, bounty, or other allowance during the period between the time that he was discharged and the time of his retirement under the provisions of this act, if he is so retired, shall become due and payable by virtue of this act."

The SPEAKER pro tempore. The question is on agreeing to——

Mr. LEHLBACH. Mr. Speaker, as the sponsor here of this bill, which was introduced by a Senator from New Jersey, I have no objection to the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

EDWARD N. MOORE

The next business on the Private Calendar was the bill (H. R. 5278) for the relief of Edward N. Moore.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BOX. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

PLEASANT P. W. HARRIS

The next business on the Private Calendar was the bill (H. R. 7131) for the relief of Pleasant P. W. Harris.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. TABER. I object.

Mr. RAGON. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. TABER. Yes.

Mr. RAGON. I do not think the gentleman will object when he hears the facts.

This was a soldier who had served the greater part of a three-year term of enlistment and was on duty in the service at Springfield, Mo. While there he was attacked with smallpox, in company with several others. In the meantime his command moved from Missouri over to Memphis, Tenn., and before he recovered the company had gone from the neighborhood of Springfield, Mo. He was separated from his company in that way. The man addressed letters to the captain of his company and also went to headquarters of the Federal troops, and there he was advised not to undertake the overland route to Memphis and rejoin his company. I presume these facts are set forth in the testimony. This was at the conclusion of the war, and almost at the conclusion of his term of service.

I have made some personal investigations of this matter, and I hope the gentleman will not object to the passage of this bill.

Mr. TABER. I do not understand that the department approves of this. Does it?

Mr. WURZBACH. I will state that the War Department has not approved of any of these bills. That is, they do not disapprove of them, but they refuse to grant a discharge because they say they have no authority to do it.

Mr. HULL of Iowa. Will the gentleman permit me to make an explanation?

Mr. WURZBACH. Yes.

Mr. HULL of Iowa. The War Department has a law which was passed many years ago, known as the Ainsworth law. I think it is a very unjust and unwise law. It will not permit the War Department to correct a record, even when it knows that it is wrong. Therefore in all these cases they must come to Congress.

I have personally found, myself, case after case of men who served three and four years in the Civil War and completed their enlistments, but in doing so somewhere they were taken prisoner and the charge of desertion was lodged against them. The record showed clearly that they were in prison at the time that the charge of desertion was lodged against them. We have come to Congress to correct these records. The War Department will not do it.

Mr. WURZBACH. I simply want to state and give an illustration as an extreme case, the case just objected to by my friend from Texas [Mr. BOX]. It was the case, I think, of a young man who had served during the entire period of the war, from 1861 to August, 1865, and who had engaged in 20 or 30 battles.

Mr. TABER. I insist upon my objection.

LEO P. QUINN

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the bill (S. 2764) authorizing the President to order Leo P. Quinn before a retiring board for a rehearing of his case and upon the findings of such board either confirm his discharge or place him on the retired list with the rank and pay held by him at the time of his discharge was passed. I do this for the purpose of reconsidering or vacating the amendment which was adopted to the bill.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, and I shall not object, the gentleman from New Jersey fears that the adoption of the amendment which I offered would send the bill to conference and that this might jeopardize its passage. I do not think the amendment is of sufficient importance to jeopardize the passage of the bill, and I shall not object to its reconsideration and withdrawal.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the bill, S. 2764, as amended was passed.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The SPEAKER pro tempore. The question now is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

JAMES SHOOK

The next business on the Private Calendar was the bill (H. R. 7133) for the relief of James Shook.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. TABER. I object.

Mr. RAGON. Will the gentleman reserve his objection for a moment?

Mr. TABER. Yes.

Mr. RAGON. Is it to be the policy of the gentleman to object to all these bills which the War Department does not report favorably? I would like to know, because I might guide my actions a little bit in the matter.

Mr. TABER. As far as I have gone into them, yes; but I am not going to undertake to object to every bill that comes up. I have gone into some a little bit and I am going to object to those.

Mr. WURZBACH. Will the gentleman yield to me?

Mr. TABER. Yes.

Mr. WURZBACH. I want to state that I am the chairman of the subcommittee of the Committee on Military Affairs, and I think it ought to be taken into consideration that all of these old soldiers are over 80 years of age, and that your committee did not give recognition only to those cases where a man was not, in fact, a deserter, although technically marked as a deserter. If objection is going to be made to every case of this kind that is reported by the Committee on Military Affairs, I would like to know it, and I suppose the Committee on Military Affairs would like to know it, because we would not feel like spending any more time on this kind of bills. I do not think objection ought to be made indiscriminately to these bills.

Mr. TABER. Mr. Speaker, I object.

Mr. REED of New York. Mr. Speaker, in view of the fact that a great majority of the bills on this calendar seem to be bills for the relief of soldiers who failed to get an honorable discharge because of some technical reason and that practically all of these bills are going to be objected to, it seems to me it would be a waste of time to stay here.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. REED of New York. Certainly.

Mr. BLANTON. Does not the gentleman think that when the Military Affairs Committee brings in a bill of this kind with a favorable report that it ought to bring with it at the same time a recommendation from the War Department that the bill be passed? If they did that there would be no objection to any of these bills, I take it.

Mr. SPEAKS. Will the gentleman yield?

Mr. REED of New York. Yes.

The SPEAKER pro tempore. This is all by unanimous consent.

Mr. SPEAKS. I want to say just a few words in this connection. It is not the duty of the War Department to decide this matter. It is the duty of Congress. About 15 years ago General Ainsworth, Adjutant General of the Army, adopted a policy which is probably influencing my colleague in his position. It was this, and I can illustrate it to those not familiar with military proceeding by utilizing the Supreme Court. Suppose that 25 years ago the Supreme Court had rendered a decision. Neither the Supreme Court nor Congress could revoke that decision, but to-day the Supreme Court could render a decision diametrically opposed to that of 25 years ago. Now, that is the attitude of the War Department.

Transactions occurring in past years can not be removed from the records, although the record may be wrong. It is up to the Congress to authorize the removal of any restrictions which might interfere with the right of a soldier to a pension.

Mr. BEGG. Will the gentleman yield?

Mr. SPEAKS. Yes.

Mr. BEGG. Does not the gentleman think the better way to get at all of this trouble would be the passage of a law authorizing the War Department to correct these records whenever absolute proof is submitted showing that such a correction should be made?

Mr. SPEAKS. I do not.

Mr. BEGG. Will the gentleman permit a further question?

Mr. SPEAKS. Yes.

Mr. BEGG. There are very few of these bills that are supported by any evidence that would have any great weight. I am personally acquainted with a man who has applied for a pension five or six times and yet he never saw the war. I finally checked up his case and ran it down and found that another man was the man whose name he had assumed and through whose name he was trying to fake a pension.

He could support his claim by affidavits of men of his time and he did support his claim that he was such-and-such man, and they thought he was a truthful man and was in the war. I am not objecting to this bill, but so far as I am personally concerned I think we would be perfectly safe if we should pass a general statute authorizing the Secretary of War to correct records whenever proof was furnished that an error had been made.

Mr. SPEAKS. He can not correct the record.

Mr. BEGG. I do not know why not, if we pass a law enabling the Department to do it.

Mr. SPEAKS. I doubt if that is the proper way.

Mr. HULL of Iowa. I think the gentleman from Ohio is absolutely right, and I asked within two weeks' time why the War Department objected to such a law.

Mr. TABER. Mr. Speaker, I insist upon my objection.

TENNESSEE M'CLOUD

The next business on the Private Calendar was the bill (H. R. 8749) to correct the military record of Tennessee McCloud.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BOX. I object.

Mr. REED of New York. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from New York makes the point of no quorum. The Chair will count.

Mr. REED of New York. Mr. Speaker, I withdraw the point of no quorum.

ROSA L. YARBROUGH

The next business on the Private Calendar was the bill (S. 1427) for the relief of Rosa L. Yarbrough.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask a question. I do not know that I shall object, but I want to ask why there is not a report from the department on this bill?

Mr. HILL of Alabama. The gentleman will notice in the report of the committee that the report of the department is referred to.

Mr. BLANTON. But why is not that report printed as a part of this report? The usual custom is to incorporate the report of the department in the report on the bill.

Mr. HILL of Alabama. If the gentleman will read the report carefully he will see that the report of the committee refers to the report of the War Department.

Mr. BLANTON. I know that, but is there anything in the report that the committee did not want the Members to see?

Mr. HILL of Alabama. Not a thing. I reported the bill.

Mr. BLANTON. And there is nothing in the report that would indicate anything to the contrary of a favorable report on this bill.

Mr. HILL of Alabama. Not a thing.

Mr. RAGON. Reserving the right to object, Mr. Speaker, what is the purpose of this bill?

Mr. JEFFERS. This is for six months' gratuity pay to the dependent mother of a soldier killed in the *Roma* disaster. The dependent mother lives in Selma, Ala., and for some technical reason the papers were not properly fixed up.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Quartermaster General of the Army shall cause to be paid to Rosa L. Yarbrough, mother of Thomas A. Yarbrough, late sergeant, Airship School Detachment, Air Service, United States Army, who was killed in the accidental destruction of the airship *Roma* on February 21, 1922, an amount equal to six months' pay at the rate the said Thomas A. Yarbrough was receiving at the date of his death. Such amount shall be paid from funds appropriated for pay of the Army.

The bill was ordered to be read a third time, was read the third time, and passed.

FRED J. LA MAY

The next business on the Private Calendar was the bill (H. R. 7780) for the relief of Fred J. La May.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to issue a patent to Fred J. La May for the north half of the southwest quarter and the southwest quarter of the northwest quarter of section 31, township 30 north, range 8 east, Michigan meridian, upon the payment by him for said land at the rate of $1.25 per acre.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

GREAT LAKES ENGINEERING WORKS

The next business on the Private Calendar was the bill (S. 698) for the relief of the Great Lakes Engineering Works.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the Great Lakes Engineering Works, a corporation organized under the laws of the State of Michigan, with its principal place of business in the city of Detroit, in said State, owner of the steamship *Frank H. Goodyear*, and certain docks on the Detroit River at Ecorse, Mich., against the United States for damages alleged to have been caused by collision between the U. S. S. *Isla de Luzon* and said steamship *Frank H. Goodyear* on May 24, 1917, in the Detroit River at Ecorse, Mich., may be sued for by the Great Lakes Engineering Works in the District Court of the United States for the Eastern District of Michigan, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Great Lakes Engineering Works, or against the Great Lakes Engineering Works in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

JESSIE M. WHITE

The next business on the Private Calendar was (S. 827) for the relief of Jessie M. White.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I object.

Mr. SEARS of Florida. Mr. Speaker, will the gentleman withhold his objection?

Mr. BEGG. I will withhold it for just a minute. Let me ask the gentleman one question: If a man dies a natural death in the employ of the Government is the widow entitled to compensation?

Mr. SEARS of Florida. No; but that is not this case.

Mr. BEGG. I shall be forced to object to this bill.

Mr. SEARS of Florida. The gentleman asked me a question and I answered it fairly, but if the gentleman knows all of the facts in the case he would not do so.

Mr. BEGG. I know only what is contained in the report.

Mr. SEARS of Florida. If the gentleman will read on page 3 of the report——

Mr. BEGG. That is exactly what I want to read to the gentleman and see what he has to say about it.

Mr. SEARS of Florida. I think you will find that he suffered off and on continuously.

Mr. BEGG. For six years.

Mr. SEARS of Florida. Yes.

Mr. BEGG. And worked.

Mr. SEARS of Florida. Yes.

Mr. BEGG. And he received pay all of the time.

Mr. SEARS of Florida. Not all of the time.

Mr. BEGG. I am sorry, but I must object.

The SPEAKER pro tempore. Objection is heard, and the Clerk will report the next bill.

H. B. STOUT

The next business on the Private Calendar was the bill (S. 831) for the relief of H. B. Stout.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to H. B. Stout, out of any money in the Treasury not otherwise appropriated, the sum of $475.30 as compensation for expenses incurred by him while employed by the Bureau of Internal Revenue, district of Florida, during the months of February, March, April, May, and June, 1921.

The bill was ordered to be read a third time, was read the third time, and passed.

GEORGE M. APPLE

The next business on the Private Calendar was the bill (S. 1763) to validate certain payments made to George M. Apple, and to authorize the General Accounting Office to allow credit to certain disbursing officers for payments of salaries made on properly certified and approved vouchers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, why should this man have two salaries?

Mr. VAILE. Because he performed the work that went for the salary.

Mr. BEGG. He was getting two payments from the Government, and that is forbidden.

Mr. VAILE. He was getting one payment as a retired officer under the general provision of law, and before accepting the position which called for this payment he asked the Civil Service Commission if he were entitled to accept it. They ruled that he was. He continued to perform that service for which the Veterans' Bureau would have had to pay a much higher salary, according to its own statement, than if it had gotten some one else to do the work.

Mr. BEGG. Did the Veterans' Bureau make that statement?

Mr. VAILE. It did. It is in the report.

Mr. BEGG. Where is that?

Mr. VAILE. It is quoted by Senator PHIPPS on page 4 of the report:

As a matter of fact, the district manager informs me that Colonel Apple proved of great assistance to him in the conduct of the office, and that had the bureau been obliged to look elsewhere for a similar employee it would have been compelled to pay a higher salary.

Mr. BEGG. Will the gentleman yield to me for a moment?

Mr. VAILE. Yes.

Mr. BEGG. What position does Senator PHIPPS hold in the Veterans' Bureau?

Mr. VAILE. Senator PHIPPS, like the gentleman from Ohio [Mr. BEGG] and others, is an advisor to the bureau in some respects. [Laughter.]

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, the law of the land provides that no employee of the Government shall draw two salaries from the Government at the same time. The gentleman from Colorado talked the gentleman from Ohio out of his objection, but I intend to object to this bill.

Mr. VAILE. Oh, I think I can talk the gentleman from Texas out of his objection.

Mr. BLANTON. I do not think he can. I object.

Mr. VAILE. Will the gentleman reserve that for a moment?

Mr. BLANTON. If the House is willing to have the gentleman take time to speak on the bill to which there is going to be objection, I shall reserve it for a moment to let him speak.

Mr. VAILE. I want to correct the gentleman's error. I am sure that when he finds his objection is based upon an error of fact he will not insist upon it. The gentleman states that it is forbidden by general law that a man shall draw two salaries. As a matter of fact it is not. It is permitted in the appropriation act as passed last year for a retired officer to hold just such a position as this officer is holding. That is permitted now by law, and I question very much whether it was ever forbidden by law. It was the Comptroller General's ruling on a provision of law, and everybody else disagreed with him.

Mr. BLANTON. Mr. Speaker, I know that there are retired officers drawing a general's pay——

Mr. VAILE. And this officer was not.

Mr. BLANTON. And at the same time getting other salaries. For instance, there is General Harboard, who is retired, drawing a general's pay from the Government. I understand that he is also drawing $50,000 a year from the Radio Corporation of America. If the gentleman wants to embark on that policy and retire a man on one salary and then allow him to come back and get another salary from the Government, he may do so, but I am not willing to vote for it.

Mr. UNDERHILL. Will the gentleman yield just a moment? What are you going to do when you go to a duly authorized and constituted branch of the Government and ask for information and the information comes back that it is perfectly proper to receive it; what would the gentleman do in a case like that?

Mr. BLANTON. I would do this. If the present law does not let this man draw two salaries, and it takes this law to let him do it, I am in favor of not passing this law but upholding the present law which does not allow him to draw two salaries.

Mr. UNDERHILL. It is not a question of the law, but what the Comptroller General says.

Mr. BLANTON. I am backing Comptroller General McCarl 100 per cent because the gentleman helped to vote for the position creating him, and if we do not back him up his office should be abolished. You are clipping his wings every day and you might as well do away with him if you are going to hamstring him.

Mr. RAKER. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. RAKER. I do not know anything about——

Mr. BLANTON. I expect to object to the bill.

Mr. RAKER. But the matter came up a few months ago where it was alleged a man was drawing two salaries from the Government and——

Mr. BLANTON. Is this man from California?

Mr. RAKER. I am simply calling attention to what the law is. Now if the gentleman will yield, I wrote to the Attorney General. He wrote me back that the Attorney General could not give information except to the President and Cabinet officers, but he said that if I would look at the following statutes I would find the provisions of the law, and he cited me to no less than eight statutes where the double salary could be drawn and is drawn to-day, and it depends entirely where the man is prohibited from drawing two salaries, and if the gentleman will look into that——

Mr. BLANTON. I would vote for every law brought in here to repeal those laws.

Mr. RAKER. They are on the statute books, and if this man has complied with the law there is no question there——

SEVERAL MEMBERS. Regular order!

Mr. BLANTON. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

OWNERS OF THE STEAMSHIP "KIN-DAVE"

The next business on the Private Calendar was the bill (S. 1894) for the relief of the owners of the steamship *Kin-Dave*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,500 to the owners of the steamship *Kin-Dave*, as compensation for and in full satisfaction of all claims of such owners for any damages to said steamship *Kin-Dave* sustained as a result of a collision between said steamship and the U. S. S. *Colonel Clayton* on November 3, 1920, in the Milwaukee River, Wis.

The bill was ordered to be read the third time, was read the third time, and passed.

COMMERCIAL UNION ASSURANCE CO. (LTD.) AND OTHERS

The next business on the Private Calendar was the bill (S. 1975) for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, without interest, thirteen 4 per cent United States Treasury certificates of indebtedness Nos. 12033, 12034, 12035, 12036, 12037, 12038, 12039, 12040, 12256, 12257, 12258, 12259, and 12260, of the denomination of $1,000 each, dated August 20, 1918, and maturing July 15, 1919, without presentation of such certificates of indebtedness, which have been lost, stolen, or destroyed, and to pay, from the proceeds of such redemption, to the following companies the respective sums set after their names: Commercial Union Assurance Co. (Ltd.), $2,600; Federal Insurance Co., $2,600; American & Foreign Marine Insurance Co., $1,950; Queen Insurance Co. of America, $1,950; Fireman's Fund Insurance Co., $1,820; United States Lloyds, $1,560; St. Paul Fire & Marine Insurance Co., $520; a total sum of $13,000: *Provided*, That the said certificates of indebtedness shall have not been previously presented and paid: *And provided further*, That the said Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co. shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said certificates of indebtedness, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness hereinbefore described.

Mr. EDMONDS. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, strike out the figures "13" and insert "12." Page 1, line 7, strike out the figures "12,039." Page 2, line 6, strike out the figures "$2,600" and insert "$2,400." Page 2, line 7, strike out the figures "$5,600" and insert "$2,400." Page 2, line 8, strike out the figures "$1,950" and insert "$1,800." Page 2, line 9, strike out the figures "$1,950" and insert "$1,800." Also in same line strike out "$1,820" and insert "$1,680." Page 2, line 10, strike out the figures "$1,560" and insert "$1,440." Page 2, line 11, strike out the figures "$520" and insert "$480." Also in same line strike out the figures "$13,000" and insert "$12,000."

Mr. EDMONDS. A further amendment to correct a misprint in the bill in line 13.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. CHINDBLOM. Do these reductions represent coupons presented?

Mr. EDMONDS. No; a $1,000 bond has been redeemed, and that made a change in the bill. A $1,000 bond is returned and has been redeemed, so instead of $13,000 it is made $12,000.

Mr. CHINDBLOM. And the other items——

Mr. EDMONDS. It represents a distribution of the money. It appears that this was a collective loss of all these different companies and they had certain percentage of loss.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

COMMERCIAL UNION ASSURANCE CO. (LTD.) AND OTHERS

The next business on the Private Calendar was the bill (S. 1976) for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Lloyds.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, without interest, two 4½ per cent United States Treasury certificates of indebtedness Nos. 7012 and 7013, of the denomination of $5,000 each, dated April 10, 1918, and maturing July 9, 1918, without presentation of such certificates of indebtedness, which have been lost, stolen, or destroyed, and to pay, from the proceeds of such redemption, to the following companies the respective sums set after their names: Commercial Union Assurance Co. (Ltd.), $2,000; Federal Insurance Co., $2,000; American & Foreign Marine Insurance Co., $1,500; Queen Insurance Co. of America, $1,500; Fireman's Fund Insurance Co., $1,400; St. Paul Fire & Marine Insurance Co., $400; and United States Lloyds, $1,200; a total sum of $10,000: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment: *Provided further*, That the said Commercial Union Assurance Co. (Ltd.), the Federal Insurance Co., the American & Foreign Marine Insurance Co., the Queen Insurance Co. of America, the Fireman's Fund Insurance Co., the St. Paul Fire & Marine Insurance Co., and the United States Lloyds shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said certificates of indebtedness, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness hereinbefore described.

Mr. MacLAFFERTY. Mr. Speaker, it appears from the reading of the bill that the Clerk read Fireman's Insurance Co. and I am wondering if it is printed that way in the bill.

I think he meant Fireman's Fund Insurance Co. I ask it so that there will be no error made in the printing of the bill.

The SPEAKER pro tempore. It is "Fireman's Fund Insurance Co." in the bill.

Mr. MACLAFFERTY. Very well.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

J. R. KING

The next business on the Private Calendar was the bill (S. 2669) for the relief of J. R. King.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated to J. R. King, father and administrator of the late Lawrence B. King, a lieutenant in the Air Service of the Officers' Reserve Corps, who died on duty at Clover Field, Santa Monica, Calif., the sum of $478.51, burial and transportation expenses.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

GEORGE A. PETRIE

The next business on the Private Calendar was the bill (H. R. 5752) for the relief of George A. Petrie.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to George A. Petrie, of Alexandria, La., the sum of $53.30, out of any money in the Treasury not otherwise appropriated. Such sum is the value of the services rendered by the said George A. Petrie while acting as United States commissioner for the western judicial district of Louisiana from February 18, 1923, to June 30, 1923.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

STEAMSHIP "MALTA MARU"

The next business on the Private Calendar was the bill (H. R. 6695) authorizing the owners of the steamship *Malta Maru* to bring suit against the United States of America.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of Kokusai Kisen Kabushiki Kaisha, owner of the Japanese steamer *Malta Maru*, against the United States for damages and loss alleged to have been caused by the collision of said vessel with the United States Coast Guard cutter *Tallapoosa* off the port of Pensacola, Fla., on September 11, 1923, may be sued for by the said owner of the Japanese steamer *Malta Maru* in the District Court of the United States for the Eastern District of Louisiana, New Orleans Division, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the Japanese steamer *Malta Maru* or against said owner in favor of the United States, upon the same principles and measure of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That the said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. EDMONDS. Mr. Speaker, I have an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: Page 2, in line 15, strike out the period, add a colon, and the following: "*Provided further*, That the proceedings had and testimony taken in the case entitled 'In re Kokusai Kisen Kaisha, applying to perpetuate the testimony of the officers and crew of the *Malta Maru*, in Equity No. 17352, in the District Court of the United States for the Eastern District of Louisiana, New Orleans Division,' may be offered and received in evidence in the suit herein authorized in like manner and with the same force and effect in all respects as though the said cause in equity applying for the perpetuation of said testimony had been brought and maintained against a private party instead of against the United States of America."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. BLANTON. Mr. Speaker, does the gentleman from Pennsylvania mean that this shall preclude the Government from refuting any of this evidence by competent testimony? In other words, it ought not to be bound by this testimony if it had evidence that would refute some of it.

Mr. EDMONDS. It is to use this testimony without calling the witnesses together. They are sailors, and of course they are scattered.

Mr. BLANTON. Should not the Government have opportunity to examine the witnesses?

Mr. EDMONDS. They were present while this testimony was taken. The district attorney objected on the ground that the statute did not apply to a suit against a sovereign. This will not have any effect on the case except that the testimony as taken before the court in Louisiana will be given as though the witnesses themselves were present.

Mr. BLANTON. There was evidence taken from witnesses. The Government had an attorney there, but he did not participate in the direct examination or cross-examination.

Mr. EDMONDS. He was present.

Mr. BLANTON. I know. He sat there hearing the statements and did not participate, but let things go by default; whereas, if they had asked questions the result might have been otherwise. Does the gentleman think it is fair to the Government to let these witnesses go and allow their ex parte statements, of course, made favorable to the claimants, go against the Government without giving the Government a chance to cross-examine those witnesses on these points?

Mr. EDMONDS. The gentleman will recognize the fact that a ship is movable property, and these people can not be got together anywhere.

Mr. BLANTON. In the case of a deposition the Government has the same right to cross-examine witnesses as if the witnesses were present.

I do not think this amendment ought to pass. If you pass this amendment, you force the Government to try the case on ex parte evidence in this matter, when the Government has not yet cross-examined the witnesses. The Government ought to cross-examine the witnesses. I have seen a claimant go into court numerous times and make out a prima facie case from witnesses, and I have seen the defendant come along and produce testimony which upset the testimony of the claimant's witnesses.

Mr. EDMONDS. This is not an unusual proceeding in shipping matters.

Mr. BLANTON. It is not an unusual proceeding for the gentleman to ask for just such an amendment as this.

Mr. EDMONDS. I have introduced very few amendments. I occupy very little of the time on the floor in comparison with the time occupied by the gentleman from Texas.

Mr. BLANTON. The gentleman does come in here with bills like the McClintic-Marshall bill, where $764,000 is paid out without debate, when that bill had been denied by Congress for several years. I am a little careful about watching the gentleman's amendments.

Mr. EDMONDS. I deny the statement made by the gentleman with regard to the McClintic-Marshall bill. It went to the Court of Claims and was investigated by that court and it was investigated by the Panama Canal authorities, and the bill was favorably reported by this committee. The bill was passed as a result of that investigation.

Mr. BLANTON. The gentleman knows that when I was a member of that committee I filed a minority report against it which held that bill up for three years.

Mr. EDMONDS. Oh, the gentleman has filed many minority reports.

Mr. BLANTON. That minority report of mine held the bill up for three years, and showed that it should not have been passed, but in the dying hours of Congress the gentleman came in here and had it passed.

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 42, noes 3.

So the amendment was agreed to.

Mr. BLANTON. I will not make a point of no quorum, because it would disappoint so many of my friends. [Laughter.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MECHANICS & METALS NATIONAL BANK

The next business on the Private Calendar was the bill (H. R. 7118) for the relief of the Mechanics & Metals National Bank, successor to the New York Produce Exchange Bank.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the Mechanics & Metals National Bank, successor to the New York Produce Exchange Bank, out of any money in the Treasury not otherwise appropriated, the sum of $746.96. Such sum is the amount of two deposits with the New York Produce Exchange Bank which were seized under an unlawful levy and execution by United States marshal, and the amount of which the New York Produce Exchange Bank was subsequently compelled to reimburse to its depositors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

B. G. OOSTERBAAN

The next business on the Private Calendar was the bill (H. R. 1639) for the relief of B. G. Oosterbaan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit to the account of B. G. Oosterbaan, postmaster at Muskegon, Mich., in the sum of $8,099.28, and certify said credit to the General Accounting Office, being the amount of the deficit existing at present in said postmaster's accounts due to the misappropriation of funds in said office, for which he was in no way responsible and without fault or negligence on his part.

Mr. BLANTON. Mr. Speaker, I rise in opposition to the bill.

The SPEAKER pro tempore. If the gentleman moves to strike out the last word, the Chair will recognize him for five minutes.

Mr. BLANTON. I rise against the passage of the bill.

The SPEAKER pro tempore. The bill has not been engrossed.

Mr. BLANTON. Then I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. BLANTON. This is a bill to pay a postmaster for a shortage of $8,099.28 in his accounts. There is an adverse report here from the Post Office Department that controls my action on the bill. If those who want this bill passed can tell us why we should allow this postmaster a credit of $8,099.28 when Harry S. New, the present Postmaster General of the United States, in reporting on this bill, says that:

In the case of Bryan v. United States the circuit court of appeals held that funds received in a post office were in contemplation of law received into the official custody of the postmaster, and the fact that such funds were embezzled by a clerk does not constitute a defense to an action to recover.

And he does not recommend that this bill be passed.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. UNDERHILL. I wish the gentleman, for the information of the Members of the House, would read the balance of the report.

Mr. BLANTON. I will let the gentleman do it in his own time. Does anybody dispute the fact that the Postmaster General has not recommended this bill?

Mr. UNDERHILL. No.

Mr. BLANTON. Can anybody show that he has ever made anything but this report, which is an adverse report?

Mr. UNDERHILL. No; we do not need it.

Mr. BLANTON. But you are going to pass it over his head?

Mr. UNDERHILL. Yes; if we can.

Mr. BLANTON. I know you are doing that every day. I am willing to go by a Republican Postmaster General's report and when he fails to tell the Congress to pass it, I want to uphold him. I am upholding Harry S. New, the Republican Postmaster General, in trying to save $8,000 of the people's money in the Treasury. My friend from Massachusetts and his friends want to go over the head of a Republican Postmaster General and pay it out against his recommendation. Some of these days the money in the Treasury is going to give out. [Laughter.] Some of these days the tax burden that is now on the shoulders of the American people is going to break some American backs in two. They can not carry it any longer; the burden is going to be too great for them, and then look out, Members of Congress, because there is going to be something stirring around here.

Mr. UNDERHILL. Mr. Speaker, there is a vast difference between following the absolute letter of the law and giving justice to the citizens of the United States. For the benefit of the Members I am going to read the last three paragraphs of this report:

While it is not a part of the duties of your committee to make suggestions or comments upon matters outside of claims, it is the sense of the committee that rules and regulations or laws should be enacted to relieve an intolerable situation as suffered by the claimant in question.

May I add right here that this is but one of hundreds of such claims that the committee has had before it.

Postmasters of the country are held responsible for the acts of negligence and theft of employees under them. They have no voice in the appointment of their assistants. They are obliged to take those who are assigned by the department and certified by the Civil Service Commission.

It is the belief of the committee that this is not only a rank injustice to the postmasters but results in great loss to the Government. It is not right to hold a postmaster responsible for the acts of his assistants when he has no voice in their appointment.

Now, I hope the House will be patient with me for just a moment while I relate something that tended to help me greatly in deciding these various questions. Some 15 years ago I was in the city of Richmond. I attended a sitting of the municipal court there, presided over by Judge Crutchfield. I suppose there is not a man in this House who has not heard of that wonderful character and his decisions, which were the decisions of a Solomon.

There was a case before him for trial. A young lawyer who came from Manchester, Va., took issue with the judge on a certain question, and turning to a table back of him and taking up a large volume of Supreme Court decisions he said to the judge, "I beg your pardon, your honor, but I do not think your contention can be proved by this authority," quoting a certain section of the decision. The judge said: "Young man, if you want to read those books, you will find a nice, quiet, cool little office upstairs where you will not be disturbed. You are a new man here, and you might just as well understand now as later that this is not a court of law; this is a court of equity."

So I apply that same principle here in Congress, that we are not a court of law; we are a court of equity, and we ought to see that justice is done to all of these citizens of our country, whether they be postmasters or whatever they may be.

Mr. BLANTON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. I sometimes am afraid we are a kangaroo court.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I wish to take only a moment. The Postmaster General does not make an adverse report. He simply states that under the letter of the law he is not permitted to give the postmaster at Muskegon credit for the amount of the stealings of his as-

sistant; but I will say that when the inspector made his report and gave the Postmaster General all the facts and circumstances, the Postmaster General did undertake to give the postmaster credit, and when the case went to the Comptroller General the letter of the law was invoked against him, the matter was referred back to the Postmaster General, and he called upon the postmaster to make good the amount of the shortage.

This is my home city. I know the facts and all the persons connected with the case. It was shown by the examination by the inspector that the stealings of the assistant postmaster were done in such a cunning way that they deceived the inspector himself, one of the best men in the service, and he reported that there was no blame or fault in any way whatever attaching to the postmaster.

Mr. RAMSEYER. Did not the assistant postmaster who was guilty of this embezzlement have a bond?

Mr. McLAUGHLIN of Michigan. He had a bond of $6,000, and it was collected and paid, leaving $8,000 to be accounted for.

Mr. RAMSEYER. The embezzlement was about $14,000?

Mr. McLAUGHLIN of Michigan. $14,099.

The pro forma amendment was withdrawn.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—yeas 60, noes 1.

So the bill was passed.

ESTATE OF ANNE C. SHYMER

The next business on the Private Calendar was the bill (H. R. 1824) for the relief of the estate of Anne C. Shymer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. I reserve the right to object, Mr. Speaker. The gentleman from New York [Mr. MILLS], I believe, is the author of this bill, and in reading the report I see that the bill is based upon some articles of jewelry that were turned over to the American consul in the city of London for transmission to the United States and were lost. I do not see upon what ground the Government of the United States should be an insurer under those circumstances. From the report, I have not seen where anything was paid for the transmission of these articles. It seems that no guilt has been fastened upon any Government official. They have been lost. Now, why should the Government of the United States come in and pay for a diamond necklace or a pearl necklace or articles of jewelry which, I think, amounted in value to $3,900. Can the gentleman from New York give the House any reason why the Government of the United States should be an insurer under those circumstances?

Mr. MILLS. I would say to the gentleman that if the circumstances were ordinary and some citizen of the United States had requested the Government to forward the jewelry, that his argument might carry considerable weight, but the circumstances in the case are peculiar.

The lady to whom the jewelry belonged happened to be a passenger on the steamship *Lusitania*, and she was drowned, and her body came ashore on the Irish coast and was turned over to the American consul at Cork. He took charge of her effects, among which were the jewels in question, and the consul at Cork forwarded the jewelry in question to the office of the consul general in London, and either there or while being transmitted to the United States they were lost, admittedly lost after the United States Government had assumed control.

It seems to me there is responsibility here. They were not intrusted to the Government by the voluntary act of anyone. There was a great tragedy. The Government took charge. The Government through its negligence lost the property, and it seems to me there is a very distinct liability on the part of the Government to make good the negligence of its agent.

Mr. BLANTON. Will my colleague from Texas yield?

Mr. BLACK of Texas. I yield.

Mr. BLANTON. Does not the gentleman think, in view of the fact that our distinguished colleague, the gentleman from New York [Mr. MILLS], honors us with his presence at this night session, we ought not to object to his bills?

Mr. MILLS. I thank the gentleman from Texas for his assistance. [Laughter.]

Mr. BLACK of Texas. Mr. Speaker, I shall be compelled to object at this time until I have had time to look into this claim further.

Mr. MILLS. May I say to the gentleman I hope he will not press his objection? A further investigation will not give the gentleman any more facts than I have already given him.

Mr. BLACK of Texas. Oh, we will have another day for the consideration of the Private Calendar. At the present time I can not see my way clear to withdrawing the objection.

Mr. LOZIER. Mr. Speaker, will the gentleman yield for a moment?

Mr. BLACK of Texas. Yes.

Mr. LOZIER. Is not this a case where the Government was the bailee for accommodation?

Mr. BLACK of Texas. Surely. It was trying to perform an accommodation, favor, and in the course of the matter the articles were lost.

Mr. LOZIER. And therefore only liable for gross negligence.

Mr. BLACK of Texas. I do not think that under the circumstances the Government should be held responsible and reimburse the claimant for the loss.

Mr. BEGG. Mr. Speaker, will the gentleman from Texas yield for a moment?

Mr. BLACK of Texas. Yes.

Mr. BEGG. The gentleman from Missouri does not state the case clearly, it seems to me. The woman was drowned——

A MEMBER. I demand the regular order.

Mr. BLACK of Texas. I object.

The SPEAKER pro tempore. Objection is heard, and the Clerk will report the next bill.

DE KIMPKE CONSTRUCTION CO.

The next bill on the Private Calendar was the bill (S. 970) for the relief of the De Kimpke Construction Co., of West Hoboken, N. J.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Sixty of my colleagues a few moments ago overrode the recommendation of the Postmaster General and passed a bill he disapproved of, and I want to read now the recommendation of the Assistant Secretary of the Navy upon this bill. After setting forth the facts, Mr. T. Roosevelt, Acting Secretary of the Navy, made this recommendation:

> In view of this fact, the department makes no recommendation as to reimbursement for this amount.

That is signed by T. Roosevelt. I have always thought that concerning the payment of public money out of the Treasury of the United States Mr. T. Roosevelt, both when Acting Secretary of the Navy and before, has been rather liberal; and if there had been any merit at all in this case, I am quite sure that he would have recommended the payment of it.

Mr. WILLIAMS of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. But he says that the facts are such that he can not make any recommendation.

Mr. WILLIAMS of Michigan. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. WILLIAMS of Michigan. I am sure the gentleman from Texas would not wish to mislead the House.

Mr. BLANTON. Did I read the recommendation correctly or not?

Mr. WILLIAMS of Michigan. But the gentleman unintentionally carries the wrong inference.

Mr. BLANTON. Did I read the words of T. Roosevelt or not? Did I misread a single word?

Mr. WILLIAMS of Michigan. But the gentleman did not read all that he should have read.

Mr. BLANTON. I read that entire concluding paragraph.

Mr. WILLIAMS of Michigan. The gentleman did not as applying to the bill.

Mr. BLANTON. Let us see whether I did or not. I shall read it over again.

Mr. WILLIAMS of Michigan. Read the paragraph.

Mr. BLANTON. I am going to read the concluding part, which is the main part.

Mr. DOWELL. Mr. Speaker, I demand the regular order, and we will see whether the gentleman will read it or not.

The SPEAKER pro tempore. The regular order is demanded. The regular order is, Is there objection?

Mr. BLANTON. I object.

Mr. WILLIAMS of Michigan. Will the gentleman withhold his objection for a moment?

Mr. BLANTON. His colleague from Iowa [Mr. DOWELL] forced me to object without giving the gentleman a chance to be heard.

Mr. STRONG of Kansas. But we were not responsible for that.

Mr. BLANTON. Well, you control your membership better over there.

The SPEAKER pro tempore. The regular order is demanded, and objection has been made. The Clerk will report the next bill.

CAPT. MURRAY A. COBB

The next business on the Private Calendar was the bill (S. 1815) for the relief of Capt. Murray A. Cobb.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SIMMONS. Mr. Speaker, I object.

CLAIMS FOR DAMAGES ON ACCOUNT OF LOSS OF PRIVATE PROPERTY INCIDENT TO ARMY TRAINING

The next business on the Private Calendar was the bill (S. 2527) for the payment of claims for damages to and loss of private property incident to the training, practice, operation, and training or maintenance of the Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I reserve the right to object.

Mr. DENISON. Mr. Speaker, I demand the regular order.

Mr. BLANTON. I object.

WILLIAM A. GLASSON

The next business on the Private Calendar was the bill (H. R. 1307) for the relief of William A. Glasson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BOX. Mr. Speaker, I object.

Mr. FRENCH. Mr. Speaker, let me ask the gentleman a question. I would like to make a statement, but I do not want to take up the time of the House if at the end of the statement the bill will be objected to in any event.

Mr. BOX. I am performing what I understand to be a duty. As a matter of fact the gentleman from Tennessee has studied these claims and had to leave, and I am doing a part of his work and will have to abide by it.

Mr. FRENCH. Then I shall not take up the time of the House.

ORRIN F. STRICKLAND

The next business on the Private Calendar was the bill (H. R. 2107) for the relief of Orrin F. Strickland.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BOX. I object.

ROBERT W. CALDWELL

The next business on the Private Calendar was the bill (H. R. 8672) for the relief of Robert W. Caldwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BOX. I object.

Mr. SPEAKS. Mr. Speaker, will the gentleman withhold his objection?

Mr. BOX. I withhold the objection for a moment.

Mr. SPEAKS. Is the gentleman in honor bound to object to the bill?

Mr. BOX. I think I am.

Mr. SPEAKS. I doubt very much if there are reasonable grounds for objection, with all due respect to my colleague. I wanted General SHERWOOD, who is very much interested in this bill, to have an opportunity to make a statement.

Mr. BOX. I will reserve the objection.

Mr. SPEAKS. Is the gentleman in duty bound to object further?

Mr. BOX. I think I am.

Mr. SPEAKS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SPEAKS. Is there any means by which this bill can be considered over the objection?

The SPEAKER pro tempore. Not to-night.

Mr. SPEAKS. Will the gentleman withhold the objection until I make a statement?

Mr. BOX. The gentleman from Texas takes full responsibility for his action.

Mr. KNUTSON. But Members have introduced measures in good faith and——

Mr. SPEAKS. I will make any statement the gentleman wishes me to make.

Mr. DOWELL. Mr. Speaker, this is only a waste of time, and I ask for the regular order.

The SPEAKER pro tempore. The gentleman from Iowa demands the regular order. Is there objection?

Mr. BOX. I will have to object; I would reserve it except that the regular order has been called for.

Mr. SPEAKS. Mr. Speaker, here is a bill that has been pending for 50 years. It could not possibly confer benefits upon the soldier, since the man died long ago.

Mr. DOWELL. Regular order!

Mr. SPEAKS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SPEAKS. I ask unanimous consent to proceed for five minutes out of order.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. SPEAKS. Mr. Speaker and gentlemen, this is one of those pathetic and tragic events of life upon which a great drama might be founded. Back in 1864 an Ohio soldier in the line of duty became involved in an official transaction which finally resulted in his being dishonorably dismissed from the service. Subsequent developments clearly established his innocence.

For 40 years efforts have been made to rectify the great injustice inflicted upon his name and record. Bills for his relief passed the Senate, and at another time the House, and on a number of occasions they have been favorably reported in each body. There is absolutely no place in the world where this great wrong can be rectified except in the United States Congress. The man died many years ago, heartbroken, with the consciousness that he was unjustly going to a dishonored grave so far as his military record was concerned. All that remains is an aged woman with a legacy of disappointment and sorrow. No possible benefits could come to her except, perhaps, the right to draw a pension for a year or two. This is all there is in this case. The man spent his life and means in an effort to have Congress, the only body on earth that could, rectify the admitted wrong. As I have stated, bills passed the Senate and later the House, but not in the same session.

This Congress can not wipe out the record in 1864, but it can admit that the record is wrong.

Mr. RAGON. Will the gentleman yield?

Mr. SPEAKS. I will.

Mr. RAGON. I would like to say that it seems like I am suffering as the gentleman with two bills of similar merit, but it seems there is an agreement here between the leaders of the two sides that these bills are not to be considered, and I ask if the gentleman can think of any reason why we should sit here the other evening and pass 15 or 25 bills of identically the same nature and some of less merit, and when we come to-night we sit here and are confronted with objections when each one of these bills are called up?

Mr. SPEAKS. I do not consider that any of these bills are on a parity with this, because, as I said before, this stands alone, with a record of almost 50 years, with the injustice well established.

Mr. RAGON. I do not say that——

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

ALBERT S. MATLOCK

The next business on the Private Calendar was the bill (H. R. 8329) for the relief of Albert S. Matlock.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is a bill to pay Albert S. Matlock, a former postmaster at Van Buren, Ark., to square up a shortage of his accounts, the sum of $18,906.91.

The Acting Postmaster General, if I remember his recommendation, claimed that the provisions of law and the rules of the department had not been complied with. Is not that the fact?

Mr. WINGO. No. Under the act of 1918, where the amount claimed is over $1,000, it takes an act of Congress. The post office at Van Buren, Ark., was burglarized, and the young man convicted of the burglary is now serving a term in the penitentiary. But the Government was responsible for not requiring

the lessor of the building to provide himself with a burglar-proof safe. The name of the man is Williams.

Mr. BLANTON. Did the Postmaster General recommend this bill?

Mr. WINGO. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Albert S. Matlock, formerly acting postmaster at Van Buren, Ark., in the sum of $18,906.91, due to the United States on account of postal funds (including war-savings certificates for which the postmaster had given interim receipts), postage stamps, money-order funds, war-savings and thrift stamps, and war-tax revenue funds which were lost as the result of burglary on February 13, 1919, and the sum of $18,906.91 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of said claim.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: On line 11, after the figures "1919," strike out the remainder of the line and all of lines 12 and 13.

Mr. BLACK of Texas. Mr. Speaker, I would like to call the attention of the gentleman from Arkansas [Mr. WINGO] to this fact as to this particular measure: The Postmaster General in this case, as I understand, has never paid anything on account of this shortage, so that the bill is not really to appropriate any money to pay to Mr. Matlock but it is to authorize the accounting officers of the Government to give him credit. Therefore I think it is improper for the bill to carry an appropriation, and I think the appropriating language should be stricken out, because there is no money appropriated. The purpose of the bill is to authorize the Postmaster General to credit the account.

The reason why I have offered the amendment is to comply with the same thing as in the bill offered by the gentleman from Michigan [Mr. MCLAUGHLIN], which covers an identically similar case. That bill only authorizes the Postmaster General to credit the account.

Mr. WINGO. I will say to the gentleman that there is a difference. I had the same idea as the gentleman has, and I refused at first to introduce the bill when it was furnished to me by the Post Office Department with that language in it. But the gentleman will notice that this burglary occurred in a different fiscal year, and the post-office funds are disbursed out of the post-office receipts. My understanding is that in one particular class of items, possibly, there is an adjustment to be made to the bonding company, but it was explained to me that it was necessary to use this form in order to give the Postmaster General authority, because this is a postal fund to be reimbursed out of the postal receipts. I raised that question. At first I drew a different bill, but my attention was called to the matter, and the Post Office Department furnished this bill and said that was the reason for the change.

Mr. BLACK of Texas. Then, Mr. Speaker, I withdraw my amendment.

The SPEAKER pro tempore. Without objection, the amendment is withdrawn. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

DOMINIC I. MURPHY

The next business on the Private Calendar was the bill (S. 399) authorizing Dominic I. Murphy, consul general of the United States of America, to accept a silver fruit bowl presented to him by the British Government.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

Mr. DOWELL. Mr. Speaker, I demand the regular order.

Mr. BLANTON. If the gentleman will wait a moment, may be I shall not object.

Mr. DOWELL. The gentleman is going to make a speech to the gallery. [Laughter.]

Mr. BLANTON. I do not know that there is a gallery here. I have no more concern in the question of who sits in the gallery than——

Mr. DOWELL. Mr. Speaker, I demand the regular order.

Mr. BLANTON. Then, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

JAMES MADISON BROWN

The next business on the Private Calendar was the bill (H. R. 3544) for the relief of James Madison Brown.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BOX. I object.

The SPEAKER pro tempore. The gentleman from Texas objects.

The Clerk will report the next bill.

FIRST INTERNATIONAL BANK OF SWEETGRASS, MONT.

The next business on the Private Calendar was the bill (H. R. 6335) for the relief of the First International Bank of Sweetgrass, Mont.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to substitute Senate bill 2689, an identical bill.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to substitute for the House bill Senate bill 2689, an identical bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to issue patent to the First International Bank of Sweetgrass, Mont., for the south half of section 25, township 37 north, range 5 west, Montana principal meridian, upon payment by said bank of the value of said land, to be fixed by the Secretary of the Interior, less any amounts loaned by said bank to Stephen Horgasz and remaining unpaid: *Provided*, That in no event shall patent so issue to said bank for said land except upon the payment therefor by said bank at the rate of not less than $1.25 per acre.

Mr. BEGG. Mr. Speaker, I move to strike out the last word. I would like to ask the gentleman from Montana why this amendment should not be adopted: On page 1, line 8, strike out the words "less any amounts loaned by said bank to Stephen Horgasz and remaining unpaid?" The gentleman from Montana can answer it, I think, when I make my statement. Why should the United States be the guarantor for a bank making a bad loan? I think the bill is all right but I think that amendment ought to be made to the bill. I do not see why the Government should stand the loss.

Mr. LEAVITT. There is no loss to the Government, I will say to the gentleman from Ohio. This land had been entered in the regular way and proof satisfactory to the Government had been offered by the homesteader. In the ordinary course of events the title to it would have passed to this man without any payment whatever except the ordinary filing fees to the Government. On the basis of that, the final certificate having been issued by the Government, the bank loaned $2,000 to Mr. Horgasz. Over a year later a question was raised as to his right to become a citizen of the United States and his certificate of naturalization was canceled. Now, that was information not in the hands of the Land Office at the time and, therefore, not available to the bank at the time they made this loan, and in the ordinary course of events this land would have been security for the loan.

Mr. BEGG. The gentleman has answered my question.

The SPEAKER pro tempore. Without objection the pro forma amendment will be withdrawn.

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the identical House bill will lie on the table.

There was no objection.

LARS O. ELSTAD

The next business on the Private Calendar was the bill (H. R. 7679) for the relief of Lars O. Elstad and his assigns, and the exchange of certain lands owned by the Northern Pacific Railway Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, who is interested in this bill?

Mr. WEFALD. I am.

Mr. BEGG. Does the gentleman believe that we ought to put in the committee amendment? I would not object to the bill if the permission to get other land in the vicinity of this land is somewhat limited, but when you grant him practically the whole of the United States where it is possible to enter, it seems to me you are overdoing your intent to do justice.

Mr. WEFALD. I will answer the gentleman by saying that this is the committee amendment, and it is satisfactory to me.

Mr. BEGG. I would like to ask the reason for putting that in.

Mr. WEFALD. The gentleman from Oregon [Mr. SINNOTT] was the man who reported the bill.

Mr. BEGG. I will not object to the bill, but I will move to strike out the committee amendment and leave it to the House. It seems to me this is too broad.

Mr. WEFALD. I will say this involves only a small matter; it only involves 15.47 acres.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Northern Pacific Railway Co., upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to lot 5, section 13, township 140 north, range 40 west, in the Crookston (Minn.) land district, under its place grant, shall be entitled to select and receive a patent for other vacant, unreserved, nonmineral, public lands of an equal area.

With the following committee amendments:

On page 1, in line 9, after the word "nonmineral," insert the word "surveyed."

On page 2, line 1, after the word "area," insert the words "within any of the States through which the Northern Pacific Co.'s land grant extends."

Mr. BEGG. Mr. Speaker, I ask that these committee amendments be voted on separately.

The SPEAKER pro tempore. The question is on agreeing to the first committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 9, after the word "nonmineral," insert the word "surveyed."

The SPEAKER pro tempore. The question is on agreeing to this amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 1, after the word "area," insert the words "within any of the States through which the Northern Pacific Railway Co.'s land grant extends."

Mr. BEGG. Mr. Speaker, I move to strike out the last word. I would like to call the attention of the committee to this, and then the responsibility is yours as much as it is the responsibility of anyone else. These people thought they had made an entry on some land which afterwards proved to belong to the Northern Pacific Railroad Co. This land was located in Minnesota. If the committee amendment is adopted, it authorizes these people to get an equal amount of land anywhere in the United States which is open to entry where the Northern Pacific traverses. Now, I think the thing we ought to do is to confine it to the State of Minnesota; and if the committee amendment is voted down I will offer an amendment to insert the words "in Minnesota."

Mr. KNUTSON. May I suggest to the gentleman that it will not be necessary to confine it to the State of Minnesota, because anyone living in that State has no desire to leave.

Mr. WEFALD. Mr. Speaker, I ask the gentleman from Ohio not to make any objection to this amendment.

Mr. BEGG. It is not an objection, but it is now up to the House.

Mr. WEFALD. This amendment has been reported by the Committee on the Public Lands.

The SPEAKER pro tempore. The question is on agreeing to the second committee amendment.

The question was taken; and on a division (demanded by Mr. BEGG) there were—ayes 44, noes 10.

So the committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BYRON S. ADAMS

The next business on the Private Calendar was the bill (H. R. 8298) for the relief of Byron S. Adams.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and allowed to pay to Byron S. Adams, printer, Washington, D. C., the sum of $2,036.80, being equitably due for printing furnished the Ordnance Department, United States Army, under contract dated June 21, 1919, and supplemental contracts dated October 18, 1919, and December 26, 1919, and which account now stands disallowed on the books of the General Accounting Office.

Mr. BLANTON. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BLANTON. Mr. Speaker, I move to strike out the last word.

We have a Government Printing Office with 4,000 employees paid salaries to do this work.

Mr. DOWELL. Mr. Speaker, that is not in order at this time.

The SPEAKER pro tempore. The bill is before the House for amendment. The gentleman from Texas has moved to strike out the last word.

Mr. BLANTON. Now that the gentleman from Iowa has been seated, I will proceed. [Laughter.]

We have a Government Printing Office with approximately 4,000 employees drawing salaries from the Government. They are supposed to print every document that the War Department, including the Ordnance Bureau, needs. The War Department is given large sums of money in the $400,000,000 bill we passed for them to do its printing at the Government Printing Office. They can get their printing done there for half of what they can get it done for in any private establishment. The Ordnance Bureau in this case exceeded the law. They went to a private printer and had this work done, and did not have it done at the Government Printing Office.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. JOHNSON of Washington. As a matter of fact, until quite recently the War Department had the right to have a very considerable amount of printing done outside, for instance, in New York City, and I think perhaps that is still done.

Mr. BLANTON. But that has been stopped.

Mr. JOHNSON of Washington. It has been stopped quite recently, but this printing was done prior to that time.

Mr. BLANTON. The gentleman is on the Joint Committee on Printing and the gentleman helped to stop them from doing that.

Mr. JOHNSON of Washington. But nevertheless——

Mr. BLANTON. Well, but, nevertheless, the gentleman helped to create the office of Comptroller General to make these departments obey the law of the land and not disburse money against the provisions of law or to disburse it unlawfully. This contract for $2,000 worth of outside printing was an unlawful contract, not authorized by any act of Congress, and it was the gentleman's own committee that helped to stop them from doing that.

Mr. JOHNSON of Washington. This printing was done in 1919 and was just a short time after the passage of that act.

Mr. BLANTON. I know that, but the gentleman knows that if there had been any law for it the bill would have been paid.

Mr. BEGG. Will the gentleman yield?

Mr. BLANTON. The gentleman can reply in his own time.

Mr. BEGG. I will ask for a little more time for the gentleman.

Mr. BLANTON. I do not want any more.

Mr. BEGG. I would like to ask the gentleman one question.

Mr. BLANTON. I yield for a question.

Mr. BEGG. Does the gentleman think that the printers, the people who are losing this money, knew they were making an unlawful contract?

Mr. BLANTON. There is one thing that the printers and the merchants of Washington know more than any other one thing, and that is that they can not make lawful contracts unless there is a law authorizing them, and we have taught

them that by turning them down when they make such contracts. The gentleman will remember the Moses case, where the naval officers bought all that fine mahogany furniture against a provision of law. They have not gotten their money yet because we have kept them from getting it, for it was done in violation of law.

We ought to stop this. This is another bill to clip the wings of the Comptroller General. You have been doing that every day. You ought to abolish his office if you are going to keep on doing it. If I were Comptroller General McCarl, I would tell you that you could take your office and have it if you were not going to give me the discretion that Congress intended to give me when the act was passed. Every day you come in here with a bill turning down his orders, saying, "We put you there and gave you the discretion; we made you impervious to politics and put you beyond the will of the President, and yet we turn you down every day."

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. STRONG of Kansas. Mr. Speaker, the work done by the printer for which this bill has been incurred was done in 1919. The Secretary of War, in response to a letter from our committee, states:

Adams, Byron S., printer, Washington, D. C. Mr. Adams did certain printing for the office of the Chief of Ordnance under contract dated June 21, 1919, and supplemental contracts dated October 18, 1919, and December 26, 1919. Upon completion and delivery of the work he submitted his bill, and the usual vouchers were prepared for approval and payment when it was discovered that under the provisions of the act of March 1, 1919, the Ordnance Department had no authority to contract for the printing to be done outside the Government Printing Office without the permission of the Joint Committee on Printing. The work was done in good faith by Mr. Adams, and the printing furnished by him has been accepted and used by the Ordnance Department.

The Director of the Bureau of the Budget has been consulted and advises that the proposed legislation is not in conflict with the financial program of the President.

Respectfully,

JOHN W. WEEKS, *Secretary of War.*

It does seem to me inasmuch as this printing was done in good faith and was used by the Government it ought to be paid for.

The pro forma amendment was withdrawn.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM G. JOHNSON

The next business on the Private Calendar was the bill (H. R. 9027) authorizing the Secretary of the Interior to sell and patent to William G. Johnson certain lands in Louisiana.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon the payment to the United States of $1.25 per acre, the Secretary of the Interior be, and is hereby, authorized to issue patent to William G. Johnson to lot 3, section 18, township 19 north, range 11 east, Louisiana meridian, situated in East Carroll Parish, La.: *Provided*, That payment be made and application filed hereunder in the district land office within six months after the approval of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MRS. G. A. GUENTHER

The next business on the Private Calendar was the bill (H. R. 8997) for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign, United States Naval Air Corps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, let me ask the committee or somebody here why this boy should be favored over any other soldier who died and who has permitted his insurance to lapse prior to death? If anyone can show any reason why this particular case ought to be preferred, perhaps I may be persuaded to withdraw the objection. I personally know cases identical with this, where boys allowed their insurance to lapse and then died. Are we going to pick one out and start on this? Why introduce a bill of this character, or why should the committee report it? It is just a question of policy. Are we going to establish this by picking one out at a time?

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. LOZIER. Supplementing what the gentleman says, I have in mind an instance where a captain was killed in France. He had not drawn his compensation for three or four months. He had allowed his insurance to lapse for that length of time. He died without having reinstated his insurance, although his compensation was three or four months in arrears. If this is to be the rule and the policy of the Government, it ought to be covered by general legislation.

Mr. BEGG. I agree with the gentleman, and I hesitate to object to a bill of this kind. Evidently there are thousands of similar cases.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. Mr. Speaker, I am forced to object.

Mr. STRONG of Kansas. I am not going to plead with the gentleman not to object. I think the objection is well taken.

JOSEPH A. CHOATE

The next business on the Private Calendar was the bill (H. R. 6824) for the relief of Joseph A. Choate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. TABER. I object.

Mr. BOX. I object.

THOMAS JAMES CAMP

The next business on the Private Calendar was the bill (H. R. 9553) to authorize the appointment of Thomas James Camp as a major of Infantry, Regular Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. McKENZIE. Mr. Speaker, there is a Senate bill on the calendar, identical with the House bill, which has been reported favorably from the Committee on Military Affairs. I ask unanimous consent that the bill S. 3416, identical Senate bill, be substituted for the House bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the Senate bill 3416 be substituted for the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That upon the occurrence of the next vacancy in the grade of major in the Regular Army such vacancy may be filled by the appointment by the President, by and with the advice and consent of the Senate, of Thomas James Camp, if found physically qualified, as a major of Infantry in the Regular Army: *Provided*, That no pay or allowances antedating an acceptance under an appointment pursuant to this act shall accrue thereunder.

The bill was ordered to be read the third time, was read the third time, and passed.

The House bill H. R. 9553 was ordered to lie on the table.

STATE BANK AND TRUST CO. OF FAYETTEVILLE, TENN.

The next business on the Private Calendar was the bill (H. R. 1076) for the relief of the State Bank & Trust Co. of Fayetteville, Tenn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Why is the usual safety clause not put in this bill providing for the filing of a bond with the Treasury Department in double the amount of the claim?

Mr. DAVIS of Tennessee. Mr. Speaker, this is not the case that the gentleman has in mind, I think.

Mr. BLANTON. I am not against the bill. I am for the bill. This is a case where Liberty bonds to the extent of $1,779.84 were lost while being transmitted by registered mail. These Liberty bonds may still be in the papers of these people. They may have overlooked them. They may think that they are lost when as a matter of fact they may not be and may later be found. In all such bills we insert a clause that this is to be paid when the claimant files with the Treasury Department a bond in double the amount of the Liberty bonds, provided that if they are later presented and paid they shall be paid out of the proceeds of the bond.

Mr. DAVIS of Tennessee. But that would be no protection. It is through the gross negligence of the Government and not of the claimant that the bonds were lost. It is clearly shown and

undisputed and stated in the report that these bonds were sent by registered mail and that there was a failure to deliver them.

Mr. BLANTON. Mr. Speaker, I have done my duty by calling attention of the House that this bill has no safeguards about bond being filed at twice the amount. It is $1,700, and there are bills here of $170,000, and I prefer to make my objection to the big ones.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. I object, Mr. Speaker.

Mr. DAVIS of Tennessee. Will the gentleman withhold it?

Mr. BEGG. I will, but I will object unless they put the language in in the regular order in reference to the bond.

Mr. DOWELL. Mr. Speaker, regular order.

Mr. BEGG. The Secretary absolutely recommends against it.

Mr. BANKHEAD. I suggest to the gentleman from Iowa——

Mr. DAVIS of Tennessee. If the gentleman please, I went to see the gentleman and explained it beforehand to him and the gentleman said it was all right, that he would not object.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. Mr. Speaker, I am going to ask for one minute more. If the gentleman from Tennessee makes the statement, I can not accept or deny it, but if he says I made that statement to him I will withdraw my objection, because I do not break my word.

Mr. DAVIS of Tennessee. I think I can make the gentleman remember it. I went with the gentleman to Mr. LONGWORTH's office and got the bill out and we looked the bill over and we discussed it, and the gentleman said it was all right, that he would not object, and if the gentleman will give me an opportunity to explain the matter——

Mr. EDMONDS. Would the gentleman be satisfied if he would put in an amendment to furnish bond in twice the amount?

Mr. DAVIS of Tennessee. That will not protect the constituent at all because it is not a case of supplying a bond such as we have in mind. If the gentleman will read the report of the committee himself he will see it is not applicable to a case of this kind, and if given the opportuntiy I think I can convince the gentleman.

Mr. BEGG. I will not object after the gentleman's statement.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the State Bank & Trust Co. of Fayetteville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $1,779.84; such sum being the amount of actual loss sustained by the bank by reason of the theft or loss of certain Liberty bonds while being transmitted as registered mail.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

MARTHA JANOWITZ

The next business on the Private Calendar was the bill (H. R. 9131) for the relief of Martha Janowitz.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. DENISON. Is there anyone here who can tell us who Martha Janowitz is and explain the bill?

Mr. STRONG of Kansas. This is a case where a boy in the service made a will making the payment of money that is due him in case of death, six months' pay, payable to an uncle. He died, and it developed that the uncle was very wealthy, and he refused to accept it. The boy's mother is destitute and we want to substitute the boy's mother. The Government will lose nothing and the widow, who is in much need, will be benefited.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Quartermaster General of the Army shall cause to be paid to Martha Janowitz, mother of Harry Janowitz, late private, Company G, Thirty-second Infantry, an amount equal to six months' pay at the rate the said Harry Janowitz was receiving at the date of his death. Such amount shall be paid from the funds appropriated for pay of the Army.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

EMMA KIENER

The next business on the Private Calendar was the bill (S. 1605) for the relief of Emma Kiener.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. DENISON. Mr. Speaker, I would like to ask who Emma Kiener is. Is there anyone who can tell about her and the nature of this claim?

Mr. LEATHERWOOD. Mr. Speaker, I think I can give the gentleman the information. Emma Kiener and her husband went to the land office at Salt Lake City and examined the plats in the land office and made an entry on a section of land in what is known as Red Butte Canyon, which lies immediately back of Fort Douglas. The land was open for entry upon the records of the land office. They made the entry and went upon the land. Thereafter they built a home and tilled some of the ground. A year and a half later the authorities of Fort Douglas wanted to conserve or rather to get all of the land lying within the watersbed of Red Butte Canyon. An order was then made—and perhaps there may have been a mistake on the part of the Government in having the plat show it was open for entry. But, be that as it may, the order was made rescinding the entry made by these two people. About a year after that, after they had planted their crop and made other improvements upon the place, they were forcefully ejected from the premises.

I may say to the gentleman that there are some things connected with the matter that perhaps it is well not to discuss. Anyway, the ejectment was surrounded by circumstances which were exceedingly aggravating. This old lady was brutally treated at the time they were ejected by the authorities. They were not at fault. They expended over $4,000 of their money, of which they never got back a cent. The husband is now dead. The old lady is decrepit, and what they hoped would be a nest-egg was wiped out without any fault on their part. I do not think, gentlemen, that any objection should be made to the amount of the appropriation in the Senate bill. Let us even at this late date do justice in the case of this old lady.

The SPEAKER pro tempore. Is there objection?

Mr. DENISON. I make no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any mony in the Treasury of the United States not otherwise appropriated, for the relief of Emma Kiener, of Salt Lake City, Utah, widow of Christian Kiener, deceased, in full satisfaction of all damages suffered through the destruction by soldiers stationed at Fort Douglas, Utah, of certain buildings erected on a homestead location, made in good faith, near Fort Douglas, Utah, by said Christian Kiener the sum of $1,500.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

WILLIAM SCHUYLER WOODRUFF

The next business on the Private Calendar was the bill (S. 1199) authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he hereby is, authorized to appoint William Schuyler Woodruff, formerly a captain of Infantry, United States Army, an officer of Infantry, United States Army, to be placed on the promotion list as provided by section 24a of the act of June 4, 1920.

With a committee amendment, as follows:

In line 6, after the word "Army," strike out the comma and the following language: "to be placed on the promotion list as provided by section 24a of the act of June 4, 1920."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

ANTON HIERSCHE

The next business on the Private Calendar was the bill (H. R. 5170) providing for an exchange of lands between Anton Hiersche and the United States in connection with the North Platte Federal irrigation project.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That upon proper execution and delivery by Anton Hiersche of a deed conveying to the United States, its successors and assigns, a good merchantable title in fee, free of incumbrance, to certain lands needed by the United States for reservoir purposes in connection with the North Platte Federal irrigation project in Nebraska and Wyoming, to wit: The northeast quarter; north half of the northwest quarter; southeast quarter of the northwest quarter; north half of the southeast quarter and southeast quarter southeast quarter of section 16, township 23 north, range 54 west, sixth principal meridian, Nebraska; then in exchange for such lands so conveyed the usual patent shall be issued by the United States to Anton Hiersche, conveying to him the following-described lands: The northeast quarter of the northeast quarter; south half of the northwest quarter of the northeast quarter; south half of the northeast quarter; south half of the north half of the northwest quarter; south half of the northwest quarter; and the southeast quarter of section 22; and the southeast quarter of the northeast quarter; and the east half of the southeast quarter of section 15, all in township 23 north, range 54 west, sixth principal Meridian, Nebraska, excepting therefrom rights of way thereon for ditches or canals constructed by authority of the United States: *Provided*, That said deed to the United States shall release the United States from all damages to said lands in section 16 suffered by said grantor Anton Hiersche on account of the construction, operation, and maintenance of the said irrigation project: *Provided further*, That said grantor shall be permitted within a period of six months after the date of said deed to remove his improvements from said land in section 16: *Provided further*, That the patent from the United States shall contain language reserving to the United States the right to flood said land in section 22 by existing or proposed reservoirs constructed or to be constructed in connection with said irrigation project.

With a committee amendment, as follows:

Page 2, line 24, strike out all of lines 24 and 25, and on page 3 strike out all of line 1 and the words "irrigation project" on line 2 and insert: "language (a) by which the United States shall be released from all claims for damages to said land in section 22 by seepage from existing or proposed reservoirs constructed or to be constructed in connection with said irrigation project, and (b) by which the title of the grantee shall be held subject to a lien in favor of the United States to secure the payment of the project operation and maintenance and construction charges upon the irrigable area of the land patented hereunder."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF CERTAIN OFFICERS IN THE UNITED STATES ARMY

The next business on the Private Calendar was the bill (S. 1568) for the relief of certain officers in the United States Army.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. Reserving the right to object, Mr. Speaker, I would like to have a little information on this bill. Is this subsistence fund a private fund for these officers or is it a subsistence fund of the soldiers, the privates? Which is it? If it is the officers' subsistence fund, there is a decided difference.

Mr. LINEBERGER. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Gladly.

Mr. LINEBERGER. Does not the gentleman think the officers have to eat as well as the privates?

Mr. BEGG. Well, the Government is not supposed to insure them against burglary any more than it is supposed to insure a private citizen. If it is Government funds that were stolen, I shall not object.

Mr. STRONG of Kansas. These were Government funds stolen by a sergeant, who pleaded guilty.

Mr. BEGG. If it is Government funds, then there is no question about it.

Mr. STRONG of Kansas. The superior officers deducted the amount from the sergeant's pay, and the department recommended that this bill pass.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask a question. Why is it that this bill comes to us with a committee report that does not contain a recommendation from the department that favors it?

Mr. STRONG of Kansas. It is a recommendation copied in the report.

Mr. BLANTON. It is not a complete report, just an excerpt. Is there anything in the report made by the department that warrants anyone in voting against this bill?

Mr. STRONG of Kansas. Certainly not; or we would have put it in the bill. The committee has no interest in these bills.

Mr. BLANTON. I think sometimes they are not put in the reports when their opinion is adverse, but when the report is favorable they are put in.

Mr. STRONG of Kansas. I can assure my friend it is not being done at this session.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the accounting officers of the United States be, and they are hereby, authorized and directed to reimburse the following officers of the United States Army with the following sums for certain defalcations made by Regimental Commissary Sergeant William Le Duc, Seventeenth Infantry, for which he was court-martialed, found guilty, and sentenced, said officers never having been held for failure or neglect of duty, namely: Col. Horace P. Hobbs, $1,166.31; Col. Charles B. Stone, $1,028.17; Col. Henry M. Bankhead, $103.65; Col. Louis F. Garrard, jr., $2,373.64.

The bill was ordered to be read a third time, was read the third time, and passed.

JOHN I. CONROY

The next business on the Private Calendar was the bill (H. R. 5143) for the relief of John I. Conroy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint John I. Conroy, who served during the World War in the United States Marine Corps and was wounded in action, a captain in the United States Marine Corps, and to place him on the retired list of the Marine Corps with the rank and retired pay of that rank from the date of the passage of this act.

With the following committee amendments:

Page 1, line 4, after the word "appoint," insert the words "First Lieutenant."

Page 1, line 4, after the word "Conroy," insert the words "United States Marine Corps, retired."

Page 1, line 7, after the word "captain," strike out the words "in the United States Marine Corps," and to place him."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended to read: "A bill for the relief of First Lieut. John I. Conroy."

FREDERICK MARSHALL

The next business on the Private Calendar was the bill (H. R. 811) for the relief of Frederick Marshall.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. BOX. Mr. Speaker, I object.

Mr. BARBOUR. Will the gentleman withhold his objection?

Mr. BOX. Yes.

Mr. BARBOUR. I would like to ask the gentleman a question. I would like to know why it is that bills of this class are all being objected to to-night, without regard to their individual merits or without any consideration of them?

Mr. BOX. So far as the gentleman from Texas is concerned, he is acting at the request of the minority leader, the gentleman from Tennessee [Mr. GARRETT].

Mr. BARBOUR. I assumed that there must be some good reason for objections to all of these bills.

Mr. BOX. I assume so.

Mr. BARBOUR. All of these bills are being objected to, and something is going on here with which I am not familiar. I would like to ask the gentleman from Texas for some information.

Mr. BOX. The "gentleman from Texas" has told the gentleman all he knows.

Mr. BARBOUR. Is there anything in the statement made here to-night that there is an agreement between the two leaders?

Mr. BOX. The "gentleman from Texas" knows nothing about any such agreement.

Mr. DOWELL. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded, and it is, Is there objection?

Mr. BOX. I object.

JOHN CLARENCE SHEA

The next business on the Private Calendar was the bill (H. R. 3771) for the relief of John Clarence Shea.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. BOX. I object, Mr. Speaker.

KATHERINE MACDONALD

The next business on the Private Calendar was the bill (H. R. 5812) for the relief of Katherine Macdonald.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that this bill may be passed without prejudice and retain its place on the calendar, and that I be allowed to present a new and additional report with regard to it.

The SPEAKER pro tempore. The Chair would state that the bill will retain its place if it is objected to or not called up.

Mr. BLACK of Texas. I would like to ask, while we are on the bill, one question. We have a reclamation fund out of which all of these reclamation projects are financed, but I notice that this bill appropriates money out of the general funds of the Treasury and not out of the reclamation fund.

Mr. LEAVITT. Well, I am asking that this be passed so that I can prepare an additional report and in which I will be very glad to cover that point.

Mr. BLACK of Texas. Very well.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to prepare a supplemental report. Is there objection?

Mr. BANKHEAD. Is that a report from the committee?

Mr. LEAVITT. Yes.

There was no objection.

EMMA ZEMBSCH

The next business on the Private Calendar was the bill (H. R. 8072) for the relief of Emma Zembsch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Emma Zembsch, widowed mother of Lawrence Zembsch, late chief pharmacist of the United States Navy, is hereby allowed an amount equal to six months' pay at the rate said Lawrence Zembsch was receiving at the date of his death.

SEC. 2. That the payment of the amount of money hereby allowed and authorized to be paid to said Emma Zembsch is authorized to be made from the appropriation of officers who die while on the active list of the United States Navy.

With the following committee amendment:

Page 1, line 7, after the word "death" insert: "*Provided*, That the said Emma Zembsch establishes to the satisfaction of the Secretary of the Navy the fact that she was actually dependent upon her son, the late Lawrence Zembsch, at the time of his death."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CLAUDE S. BETTS

The next business on the Private Calendar was the bill (H. R. 8566) for the relief of Claude S. Betts, late ensign (pilot), Naval Air Service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. TABER. I object, Mr. Speaker.

CONSTANCE D. LATHROP

The next business on the Private Calendar was the bill (H. R. 9204) granting six months' pay to Constance D. Lathrop.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. DENISON. Mr. Speaker, reserving the right to object, I would like to have some information as to this bill.

Mr. DREWRY. I think I can inform the gentleman. Prior to 1917 the law allowed six months' pay to the beneficiaries of deceased officers. In 1917 the war risk insurance act was passed and that unintentionally, apparently, repealed the previous act, because in 1920 Congress put back the proposition that the beneficiary of a deceased officer should have six months' pay. At the present time this bill takes care of the death of an officer which occurred between those years, 1917 and 1920. Do I make it clear to the gentleman?

Mr. DENISON. Does the gentleman know of any other claim in the same class?

Mr. DREWRY. There have been a great many others, as I understand it, that have already been passed and others that may come in.

Mr. DENISON. Have similar cases been taken care of by similar bills?

Mr. DREWRY. I am so informed.

Mr. VINSON of Georgia. I will say to the gentleman that a great many cases have been favorably considered not only by the committee but by the House.

Mr. DENISON. And already disposed of?

Mr. VINSON of Georgia. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Constance D. Lathrop, widow of the late Commander Patrick Theodore Moore Lathrop, United States Navy, is hereby allowed an amount equal to six months' pay at the rate said Patrick Theodore Moore Lathrop was receiving at the date of his death.

SEC. 2. That the payment of the amount of money hereby allowed and authorized to be paid to said Constance D. Lathrop is authorized to be made from the appropriations for beneficiaries of officers who die while in the active service of the United States Navy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LIEUT. RICHARD EVELYN BYRD, JR.

The next business on the Private Calendar was the bill (H. R. 9461) for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DENISON. Mr. Speaker, reserving the right to object, I would like to have some one state briefly what this bill is for.

Mr. STEPHENS. The gentleman from Georgia [Mr. VINSON] will explain the bill.

Mr. VINSON of Georgia. Mr. Speaker, it will give me much pleasure to inform the gentleman that in my judgment this bill is for one of the most meritorious officers in the Navy. Lieutenant Byrd is on the retired list on account of injuries that he received in line of duty back in 1916.

Mr. DENISON. In 1916?

Mr. VINSON of Georgia. Yes. A short time after going on the retired list, on account of his superior knowledge and skill in aviation, within two months afterwards, as a matter of fact, the department requested Lieutenant Byrd to come back into the service, and from 1916 down to date Lieutenant Byrd, while his status has been that of an officer on the retired list, has been assigned to active duty.

Lieutenant Byrd is one of the few officers in the Navy who has 17 citations to his credit for bravery and heroism. The department has a very high regard for Lieutenant Byrd, and if the gentleman will examine the report he will see that Assistant Secretary Roosevelt says, "Personally, I feel that

there is no officer who better deserves this recognition," and I trust the gentleman will permit this bill to go through. If there are any other facts the gentleman desires, I will be glad to give them.

Mr. DENISON. I do not intend to object, but I want a little explanation. What does the bill do for him?

Mr. VINSON of Georgia. Lieutenant Byrd's rank now is that of a lieutenant. This puts him on the retired list with the rank of lieutenant commander.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I think it is fair to the House to say that while Mr. Roosevelt did make the statement which the gentleman quotes, yet he recommended against the passage of the bill.

Mr. HOOKER. Oh, no.

Mr. BLACK of Texas. Yes; he did.

Mr. VINSON of Georgia. Yes; he does on account of the policy of the department.

Mr. HOOKER. He says he will make no recommendation.

Mr. BLACK of Texas. He says he can not recommend the bill, and I consider that an adverse recommendation.

Mr. VINSON of Georgia. I will state to the gentleman from Texas that the record shows that Lieutenant Byrd's service has been practically continuous since he entered the Naval Academy in 1908, in spite of the fact that he was retired in 1916 for injuries received in the line of duty, because a few weeks after he was retired the Navy requested him to take active duty.

Lieutenant Byrd served as an aviator with the rank of lieutenant commander during the war and until 1922. He has, according to the Navy Department's report, rendered exceptional and distinguished service. His record shows 17 citations for duty performed over and above the call to duty. Four of these are for bravery, two of which are for extraordinary heroism. It is doubted if any naval officer has a larger number of citations.

He has several times requested that he be released from active duty so that he could accept offers to take a position in civil life, but was requested to remain on active duty for the good of the service and for the public interests. This he did at a considerable personal sacrifice.

Lieutenant Byrd is now engaged in writing an important technical book on aviation for the Government.

He had charge of the air navigational preparations for the first successful trans-Atlantic flight of the *NC* seaplanes, which feat brought "honor to the Navy and the country."

He was detailed to fly across the Atlantic as an air-navigation expert on the airship *ZR–2*, which exploded in the air in England, killing 45 aviators, only 1 American escaping.

He organized the Naval Reserve aviation personnel in the various districts and erected the reserve air stations.

Since Lieutenant Byrd has served to his own detriment for the good of the service, it would seem that Congress should at least give him the title his classmates have had several years, and so rectify the injustice which, due to a technicality of the law, the Navy Department has been unable to do.

During and for several years after the war 35 retired lieutenants were promoted to lieutenant commander. The Army has so promoted hundreds of officers.

On account of the policy that the department has not to recommend any legislation for any individual case, it does not give its sanction to this kind of legislation.

Mr. BLACK of Texas. Does the gentleman think it is sound legislative policy for Congress to undertake to promote officers, either in the Army or in the Navy, by special legislation?

Mr. VINSON of Georgia. Ordinarily each case stands on its own bottom. As a matter of fact, there have been 35 cases handled just like this case in the Navy on account of the conspicuous service of naval officers.

Mr. BLACK of Texas. Why can not the Navy grant the relief in this case if it is of the character that the gentleman states?

Mr. VINSON of Georgia. The Navy would if it had the general authority to do so, but Congress and the committee prefer to pass upon these cases themselves and to see whether or not the facts surrounding them justify such reward.

Let me say to the gentleman from Texas—and I trust he will not object—Lieutenant Byrd was in charge of the flight that the Navy made across the Atlantic. He was in charge or was to be in charge of the *ZR–2*, which exploded, killing all the officers but one. He is one of the most efficient men in the aviation branch of the service.

Mr. BLACK of Texas. Let me ask the gentleman one more question. Is this a unanimous report from the Committee on Naval Affairs?

Mr. VINSON of Georgia. Yes, sir.

Mr. STEPHENS. It is a unanimous report.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to appoint, by and with the advice and consent of the Senate, Lieut. Richard Evelyn Byrd, jr., United States Navy, a lieutenant commander on the retired list of the Navy: *Provided*, That nothing contained herein shall entitle Lieut. Richard Evelyn Byrd, jr., to any back pay or allowances.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MAUDE MORROW FECHTELER

The next business on the Private Calendar was the bill (H. R. 6755) granting six months' pay to Maude Morrow Fechteler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to cause to be paid, from the appropriation for beneficiaries of officers who die while on the active list of the Navy, to Maude Morrow Fechteler, mother of Frank C. Fechteler, late lieutenant, United States Navy, an amount equal to six months' pay at the rate the said Frank C. Fechteler was receiving at the date of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM C. GRAY

The next business on the Private Calendar was the bill (H. R. 7825) for the relief of William C. Gray.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized, by and with the advice and consent of the Senate, to appoint Chief Machinist William C. Gray, United States Navy, a lieutenant on the active list of the Navy to date from August 3, 1920, and to take rank next after Lieut. James Madison Ober, United States Navy: *Provided*, That he shall be considered as having been appointed in the grade of lieutenant in accordance with the provisions of section 4 of the act of Congress approved June 4, 1920 (U. S. Stat. L. vol. 41, ch. 228, p. 835): *Provided further*, That the said Chief Machinist William C. Gray shall not be entitled to any increase in pay or emoluments prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN J. DOBBERTIN

The next business on the Private Calendar was the bill (H. R. 8169) for the relief of John J. Dobbertin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint John J. Dobbertin, former marine gunner, United States Marine Corps, in which grade he served honorably during the World War, a marine gunner in the United States Marine Corps, and to retire him and place him on the retired list of the United States Marine Corps as a marine gunner with retired pay of that grade.

With the following committee amendment:

Page 1, line 9, after the word "grade," insert: "in accordance with the provisions of existing law for the retirement of officers of the Marine Corps, in case a retiring board should find him incapacitated for active service and that his incapacity is the result of an incident of service."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ROGER SHERMAN HOAR

The next business on the Private Calendar was the bill (H. R. 8727) for the relief of Roger Sherman Hoar.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roger Sherman Hoar, 715 Hawthorne Avenue, South Milwaukee, of the county of Milwaukee and the State of Wisconsin, the sum of $150.93, with interest from July 25, 1919, in full compensation for moneys actually expended by him under the direction of his commanding officer during the late World War for the protection of the Government in the matter of patent, serial No. 298605.

With the following committee amendment:

Line 8, strike out the words "with interest from July 25, 1919."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

LEIA, GERSCH, AND CIVIA LIPMAN

The next business on the Private Calendar was the resolution (S. J. Res. 110) to admit Leia, Gersch, and Civia Lipman, three Russian orphan children, to the United States.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that Senate Joint Resolution 110, next in order, be laid on the table. The relief prayed for in this resolution has been granted in an omnibus bill, which became a law on the 7th of last June.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BURTON. What disposition has been made of the bill admitting to the United States a considerable number of immigrants who obtained visés and came to the ports of Europe, and then were refused admission to the United States?

Mr. JOHNSON of Washington. In the other body the Immigration Committee indefinitely postponed consideration of a resolution of that kind, and in the committee of which I have the honor to be chairman hearings have been held, and I believe that the motion is one of the three pending before us for our consideration, but just what action the committee will take I could not state positively, except to say this.

The committee succeeded in securing reports with the names of those people with the visés at two of the ports in eastern Europe, and instead of their being largely women and children of aliens resident in this country, they were largely cousins and brothers-in-law. The women and children were a very small per cent out of some 3,000 names.

Mr. BURTON. As far as the idea of their obtaining visés is concerned, and going to the seaports and there being detained, destitute, it seems to me that that is a deserving measure.

Mr. JOHNSON of Washington. Except this. The public misunderstands it a little. These visés could not well be refused by the United States consuls in these ports under the passport law, which permits refusal only to anarchists and desperate criminals. However, without the objection of other governments where these ports were, visés were refused with the understanding that if they would come around in a year or a year and a half later they might get a proper visé. In that way the excess of 10,000 over the quota came about.

Mr. BURTON. The Committee on Immigration in the House still has this under consideration.

Mr. JOHNSON of Washington. Yes.

Mr. UNDERHILL. Does the gentleman expect to get that out?

Mr. JOHNSON of Washington. It is one of three motions pending, to be taken up in order, on which the committee will vote in a few days, another matter having preference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington that the resolution, S. Res. 110, be laid on the table?

There was no objection.

LEONARD R. COATES

The next business on the Private Calendar was the bill (H. R. 5135) for the relief of Leonard R. Coates.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, I wish some one would make some explanation about this bill. As I understand it, this man was selling milk in the District. It was found to be infected, and he was refused permission to come and sell any more.

Mr. HAUGEN. He submitted the herd for test.

Mr. BEGG. Did he ask the Government to go and make this tuberculin test or did the Government force itself on him?

Mr. HAUGEN. He asked it under a certain agreement.

Mr. BEGG. Did the Government accept responsibility?

Mr. HAUGEN. Why, yes; if it is responsible for the loss, as stated by Doctor Moore.

Mr. BEGG. I read Doctor Mohler's report, and I did not get it, he made the statement the Government was liable. I did get it, he made the statement that by reason of the work done there the man put his herd in and they became poisoned.

Mr. HAUGEN. The herd was poisoned.

Mr. UNDERHILL. Mr. Speaker, I shall have to object to the bill, if the gentleman from Ohio does not.

The SPEAKER pro tempore. Objection is heard.

JOHN P. HOLLAND

The next business on the Private Calendar was the bill (H. R. 5779) to place John P. Holland on the retired list of the United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to place John P. Holland, formerly a lieutenant (junior grade), United States Navy, on the retired list of the Navy with the rank and retired pay of a lieutenant (junior grade) of the Navy: *Provided*, That in computing his pay credit shall be given for all his continuous service in the Navy: *Provided further*, That no pay shall accrue prior to the passage of this act.

Mr. BLACK of Texas. Mr. Speaker, I offer the following amendment: Line 9 after the word "no" insert the word "back," and after the word "pay" insert the words "or allowance," so the proviso will read:

Provided further, That no back pay or allowance shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BLACK of Texas: Page 1, line 9, after the word "no" insert the word "back," and after the word "pay" insert the words "or allowance."

The question was taken and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

PITT RIVER POWER CO. RELIEF

The next business on the Private Calendar was the bill (H. R. 7053) for the relief of the Pitt River Power Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized to adjust and settle the claim of the Pitt River Power Co. in the amount of $1,767 paid to the United States and deposited with the Treasury, in connection with its application for a water power permit on Pitt River, Calif., and to certify the same to Congress.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

FAYETTE L. FROEMKE

The next business on the Private Calendar was the bill (H. R. 8234) for the relief of Fayette L. Froemke.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That so much of section 6 of the naval appropriation act approved July 12, 1921, as provided that the application for retirement of officers of the Naval Reserve Force and temporary officers of the Navy who have heretofore incurred, or who may hereafter incur, physical disability in the line of duty in time of war shall be filed with the Secretary of the Navy not later than October 1, 1921, be, and hereby is, waived in the case of Ensign Fayette L. Froemke, Pay Corps, United States Naval Reserve Force, inactive, and his case is hereby authorized to be considered and acted upon under the remaining provisions of said section if his application for retirement is filed not later than 60 days from the approval of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

EDWARD A. GRIMES

The next business on the Private Calendar was the bill (H. R. 1343) for the relief of Edward A. Grimes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. TABER. Mr. Speaker, I object.

Mr. VINSON of Georgia. Will the gentleman withhold his objection for a moment?

Mr. TABER. Yes.

Mr. VINSON of Georgia. Mr. Speaker, I presume the gentleman has carefully read the report in this case?

Mr. TABER. Yes.

Mr. VINSON of Georgia. And found out this boy was given a bad-conduct discharge and in about 10 or 20 days after that time he was declared to be insane. Now Congress adopted a policy, as far as the Bureau of War Risk is concerned, that where insanity appears within three years from the time the man leaves the Army the presumption is that it was contracted in line of duty. Now the committee has followed that same line of reasoning——

Mr. BEGG. Will the gentleman yield for a question?

Mr. VINSON of Georgia. Yes.

Mr. BEGG. I have marked this bill to be objected to.

Mr. VINSON of Georgia. I recognize then I have quite a hard proposition if there are two objectors here.

Mr. BEGG. I want to say to the gentleman I would like to know what he has to say about this kind of a statement from the department:

There is nothing meritorious about this case, and such legislation would furnish an undesirable precedent.

Mr. VINSON of Georgia. I will say to the gentleman the report shows we followed the line of reasoning Congress did when it enacted the war risk act. We took the position there that in case insanity developed within three years after the party left the service the presumption was that it was contracted in line of duty, and we said when this boy received his bad-conduct discharge and within 20 days after he received the bad-conduct discharge he was put in an insane asylum out in St. Louis——

Mr. BEGG. I would like to ask the gentleman another question. Is there any evidence in the record in any place to show this boy had any suspicion of insanity while in the service?

Mr. VINSON of Georgia. Of course, I have no evidence of that kind, because if he did he never would have been granted a discharge for bad conduct but would have been granted a discharge on account of insanity.

Mr. BEGG. This is the third time this boy was tried by court-martial and——

Mr. VINSON of Georgia. No; only before a summary court-martial. This man was only absent seven days, and then was given a bad-conduct discharge, and 20 days after that he was confined in an insane asylum in St. Louis. Now, we say in the insurance cases and in the Veterans' Bureau that if within three years insanity developed the presumption is, it was contracted in line of duty. That is the theory that the committee, in this case, following that same line of reasoning, recommended the bill.

Mr. TABER. The Secretary says:

The enactment of this proposed law would furnish an undesirable precedent.

Mr. VINSON of Georgia. I will state to the gentleman that if he will follow the Secretary's conclusions there would not be a bill passed here to-night, because with respect to not one bill on the entire calendar has the Secretary or the Navy Department recommended favorable action.

Mr. WURZBACH. Mr. Speaker, will the gentleman yield to me?

Mr. VINSON of Georgia. Yes.

Mr. WURZBACH. As an illustration of the injustice that has been done in some worthy cases, I want to read a report in the case of Edward N. Monroe, a case that was objected to.

Mr. BANKHEAD. Does that relate to this case?

Mr. WURZBACH. No.

Mr. BANKHEAD. Then I do not think the gentleman should consume time in referring to it.

Mr. VINSON of Georgia. Let me say to the gentleman from Ohio [Mr. BEGG] that this boy was absent only seven days.

Mr. BEGG. I will say to the gentleman that in view of the statement that he has made, the fact of the insanity following closely makes me feel differently.

Mr. VINSON of Georgia. The record shows that this man received a bad-conduct discharge from the Navy.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the compensation laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, marines, etc., their widows and dependent relatives, Edward A. Grimes shall hereafter be held and considered to have been discharged honorably from the United States Navy as a seaman March 25, 1919.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

REIMBURSEMENT OF CERTAIN NAVAL GENERAL COURT-MARTIAL PRISONERS

The next business on the Private Calendar was the bill (H. R. 5705) for the reimbursement of certain persons for loss of Liberty bonds and Victory notes while naval general court-martial prisoners.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named persons the principal sums herein set forth plus interest thereon at the rate of 4¼ per cent per annum from October 24, 1918, to the date of this act: Joseph Taylor, jr., ex-seaman, $100; Paul Victor Heine, ex-landsman for electrician, $250; James William Coker, ex-fireman, first class, $300; John Fogarty, ex-fireman (Coast Guard), $100; and Paul Beck (assignee of John Fogarty), ex-fireman (Coast Guard), $250; and to the following-named persons the principal sums herein set forth plus interest thereon at the rate of 4½ per cent per annum from May 20, 1919, to the date of this act: William Sarsfield Mengher, ex-landsman for electrician, $200; John Douglas Williams, ex-mess attendant, third class, $150; Isabelo Quebral, ex-mess attendant, third class, $100; and John Grover Condon, ex-seaman, second class, $100; being the respective amounts of their private funds in the form of Liberty bonds of the fourth issue and interest thereon, and Victory notes and interest thereon, which the said persons had placed in the safe in the office of the supply officer at the United States naval prison, Portsmouth, N. H., for safekeeping, and which were stolen therefrom on or about March 23, 1920, by some unknown person or persons.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

HENRY F. MULLOY, UNITED STATES NAVY

The next business on the Private Calendar was the bill (H. R. 9308) to authorize the appointment of Machinist Henry F. Mulloy, United States Navy, as an ensign in the regular Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, and without regard to age, Machinist Henry F. Mulloy, United States Navy, to the grade of ensign in the regular Navy, to take rank from February 9, 1924, next after Ensign William A. Graham, United States Navy.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

FLORA M. HERRICK

The next business on the Private Calendar was the bill (H. R. 8741) for the relief of Flora M. Herrick.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Flora M. Herrick, of Turners Falls, Mass., mother of Edward T. Herrick, late radioman, second class, United States Navy, who lost his life in line of duty from the U. S. S. *Tacoma* on January 21, 1924, while engaged in a gallant attempt to maintain radio connections, the sum of $482, the same being the amount of six months' gratuity pay due her as the dependent mother of the said Edward T. Herrick, deceased.

With a committee amendment, as follows:

On page 2, line 1, insert: "*Provided*, That the said Flora M. Herrick shall establish to the satisfaction of the Secretary of the Treasury the fact that she was actually dependent upon her late son for support at the time of his death."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

THE SCHOONER "ITASCA"

The next business on the Private Calendar was the bill (S. 51) for the relief of the owner of the schooner *Itasca* and her master and crew.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the owner of the schooner *Itasca* arising out of the collision between said schooner and the United States submarine *R-8* off Brenton Reef lightship, Newport, R. I., on the 20th day of August, 1920, for and on account of the losses alleged to have been suffered in said collision by the owner of said schooner *Itasca* and by her master and crew, may be submitted to the United States court for the district of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs and interest at the rate of 4 per cent per annum until said judgment or decree is satisfied, as in like cases in admiralty between private parties with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

With committee amendments as follows:

Page 1, lines 8 and 9, strike out the words "and by her master and crew."

Page 2, lines 6 and 7, strike out the words "with costs and interest at the rate of 4 per cent per annum until said judgment or decree is satisfied."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the title will be amended.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

CANADIAN CAR & FOUNDRY CO. (LTD.)

The next business on the Private Calendar was the bill (H. R. 8879) for the refund of customs duties paid by the Canadian Car & Foundry Co. (Ltd.) on materials imported into the United States to be further manufactured for shipment abroad, and which materials were destroyed by fire after such manufacture and before such shipment.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. HOWARD of Nebraska. Reserving the right to object, Mr. Speaker, I would like if somebody who knows will tell me about this.

Mr. EDMONDS. I would be glad to. Does the gentleman object?

Mr. HOWARD of Nebraska. No. I would like to know about it.

Mr. EDMONDS. The Canadian Car & Foundry Co. were making a lot of war material up on the Hudson River. This was before we went into the war. The question was raised about making the factory a bonded warehouse, and it was decided that it would not be a good thing to turn that into a bonded Government warehouse because it might be considered a nonneutral act.

He went on building this material, and they had a fire, and the material was destroyed. The Treasury Department says that there seems to be considerable merit in this bill and the bureau says there is no objection by the President to the bill. But the question is this: A refund of duties would not have been necessary if they had been able to bond this warehouse, which they naturally would have done, because all the goods were to be exported to foreign countries at war. Now, that is the whole story of the case and it is borne out by all the facts and affidavits furnished us by the different departments.

Mr. BURTNESS. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. BURTNESS. Of course, if the fire had not occurred all of these goods would have been exported and, under the tariff act, they would have gotten their drawback under the law.

Mr. EDMONDS. That is true.

Mr. BURTON. And it is also true that it is believed this was an act of incendiarism performed by the enemies of the allied countries.

Mr. EDMONDS. That is true as to the allied countries, but at that time we were not at war, so they could not have been our enemies.

Mr. BURTON. But it was only a few months before we entered the war?

Mr. EDMONDS. Yes.

Mr. HOWARD of Nebraska. Is the claim based on the suggestion that it was an act of incendiarism?

Mr. EDMONDS. The claim is not based on that. If these men had been able to make a bonded warehouse of it or had been able to export these goods, they would have gotten back the duties.

Mr. HOWARD of Nebraska. I am glad the claim is not based on that fact.

Mr. EDMONDS. It is not based on the claim of incendiarism.

Mr. HOWARD of Nebraska. Mr. Speaker, I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. EDMONDS. Mr. Speaker, Senate bill 3505, which is exactly the same as this bill, passed the Senate in December and is on the Speaker's table. I ask unanimous consent to substitute that bill for the House bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to substitute an identical Senate bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to the agency of the Canadian Car & Foundry Co. (Ltd.) the sum of $192,278.83 paid by the agency of the Canadian Car & Foundry Co. (Ltd.) as duties on certain materials imported into the United States for shipment abroad but which were destroyed by fire after such manufacture and before the same were exported, such refund to be paid out of any money in the Treasury not otherwise appropriated.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the House bill will lie on the table.

There was no objection.

GEORGE A. BERRY

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that Senate bill 3073 be considered and put upon its passage. The reason for this unanimous-consent request is due

to the fact that in May, 1924, the House passed a similar bill, which went to the Senate. The Senate passed a Senate bill, and the Senate bill is now over here. The House bill is on the calendar in the Senate, and in order to rectify this oversight I ask unanimous consent that the Senate bill be now considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he hereby is, authorized to order George A. Berry, ex-lieutenant commander, United States Naval Reserve Force, to appear before a naval retiring board for the purpose of determining whether or not the disability complained of in his case originated in the line of duty in time of war, as required by the provisions of the act of July 12, 1921, volume 42, Statutes at Large, page 140: *Provided*, That if said naval retiring board finds that Mr. Berry is now suffering from a disability incurred in the line of duty in time of war which renders him unfit to perform all the duties of the grade of lieutenant commander, United States Naval Reserve Force, in time of war, the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint George A. Berry a lieutenant commander, United States Naval Reserve Force, and to place him upon the retired list with three-fourths of the pay of his grade: *Provided further*, That he shall not be entitled to any back pay or allowances by the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

FRANCIS KELLY

The next business on the Private Calendar was the bill (H. R. 9846) for the relief of Francis Kelly.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. BOX. Mr. Speaker, I object.

Mr. STEPHENS. I ask the gentleman to withhold his objection.

Mr. BOX. I will withhold it in order to permit the gentleman to make a statement.

Mr. STEPHENS. I think this is a very meritorious bill, and it has been recommended by the Navy Department. This man Kelly was with Richmond Hobson on the *Merrimac* when it was sunk. He was disabled and lost—that is, they did not find him for a number of years. He was injured, was in a hospital, and it was some years before he found himself. He was one of those men who went down with the *Merrimac*. If the gentleman will read the recommendation of the Navy Department, he will see that it is recommended by the department. Capt. Richmond Hobson was here in person and presented this case to the committee.

Mr. BOX. Mr. Speaker, the hour of 11 o'clock has arrived, and I ask that this case go over in order that it may have further consideration.

Mr. STEPHENS. I ask the gentleman to let it go through now.

Mr. BOX. The gentleman from Texas will have to object if consideration of the bill is insisted upon now.

On motion of Mr. EDMONDS, a motion to reconsider the votes by which the several bills were passed was laid on the table.

ADJOURNMENT

Mr. EDMONDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p. m.) the House adjourned until to-morrow, Friday, January 23, 1925, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAWLEY: Committee on Ways and Means. S. 3352. An act to provide for the appointment of an appraiser of merchandise at Portland, Oreg.; without amendment (Rept. No. 1267). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT: Committee on Interstate and Foreign Commerce. H. R. 11723. A bill to protect the public against fraud by prohibiting the sale or shipment in interstate or foreign commerce of misbranded articles, and for other purposes; without amendment (Rept. No. 1268). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 11804) granting a pension to Ida May Hassler, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAGON: A bill (H. R. 11849) authorizing the Secretary of War to terminate certain contracts in respect of the picric-acid plants at Little Rock, Ark., and for other purposes; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 11850) to promote and preserve the navigability of Cass Lake, in the State of Minnesota; to the Committee on Agriculture.

By Mr. HASTINGS: A bill (H. R. 11851) to amend section 9 of the act of May 27, 1908 (35 Stat. L. 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma and providing for the United States to join certain actions, and for making judgments binding on all parties, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 11852) for the protection of the lands and funds of restricted Indians of the Five Civilized Tribes, regulating the approval of conveyances of full-blood heirs, the approval of leases, and the appointment of guardians, and for other purposes; to the Committee on Indian Affairs.

By Mr. FISH: A bill (H. R. 11853) to increase the compensation of the heads of the executive departments; to the Committee on the Judiciary.

By Mr. BACON: A bill (H. R. 11854) authorizing the transfer of abandoned and unused lighthouse reservation lands and buildings to States, counties, or municipalities, for public park purposes, and authorizing the transfer of lighthouse reservation lands and buildings in exchange for other real property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOONEY: A bill (H. R. 11855) granting privilege of the floor and right to participate in debate to heads of executive departments; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: A bill (H. R. 11856) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11881) to provide for the installation of aids to navigation at Grays Harbor, Wash.; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREW: A bill (H. R. 11882) to amend the World War adjusted compensation act by making its benefits assignable to patriotic, educational, and philanthropic organizations; to the Committee on Ways and Means.

By Mr. BLAND: Joint resolution (H. J. Res. 327) for the appointment of Harry H. Holt, of Virginia, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: Resolution (H. Res. 410) relative to immigration into the United States; to the Committee on Immigration and Naturalization.

By Mr. McCLINTIC: Memorial of the Legislature of the State of Oklahoma, petitioning the Oklahoma Representatives in Congress to use their influence and good offices in securing the passage of the Gooding bill; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: Memorial of the Legislature of the State of Montana, calling attention to the urgency of accelerating construction work upon the Flathead irrigation project, and making further adequate appropriations therefor; to the Committee on Appropriations.

By Mr. SWANK: Memorial of the Legislature of the State of Oklahoma, petitioning the Oklahoma Representatives in Congress to use their influence and good offices in securing the passage of the Gooding bill; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 11857) granting an increase of pension to William O. Bulger; to the Committee on Pensions.

Also, a bill (H. R. 11858) granting an increase of pension to George N. Ulrich; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 11859) granting an increase of pension to Charley Setemeyer; to the Committee on Pensions.

By Mr. FAUST: A bill (H. R. 11860) granting a pension to Phebey T. Miller; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 11861) granting a pension to James B. Rowley; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 11862) granting a pension to Flora Ella Stevens; to the Committee on Invalid Pensions.

By Mr. GLATFELTER: A bill (H. R. 11863) granting a pension to Rose Wernig; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 11864) granting an increase of pension to Abbie M. Rogers; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 11865) granting a pension to Sarah J. Kirkland; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 11866) granting an increase of pension to Catherine Leach; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 11867) granting a pension to Irene M. Stanley; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 11868) granting an increase of pension to John Casey; to the Committee on Pensions.

Also a bill (H. R. 11869) granting an increase of pension to Francis Rounds; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11870) granting an increase of pension to Ada Z. Murdock; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of New York: A bill (H. R. 11871) for the relief of Stephen A. Farrell; to the Committee on Naval Affairs.

By Mr. SANDERS of New York: A bill (H. R. 11872) granting an increase of pension to Cora E. Willetts; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11873) granting a pension to James N. McNew; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 11874) granting an increase of pension to Maria J. Burnham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11875) granting an increase of pension to Marion S. Davis; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 11876) granting an increase of pension to Clarinda A. Spear; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 11877) granting a pension to Josephine Howell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11878) granting an increase of pension to Sarah E. Sias; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 11879) for the relief of Belle H. Walker and Frank E. Smith; to the Committee on Claims.

By Mr. WINGO: A bill (H. R. 11880) granting a pension to Louisa Bell; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: Resolution (H. Res. 411) for the relief of the estate of John M. Larson, late an employee of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3506. By the SPEAKER (by request): Petition of Municipal Assembly of Ponce, P. R., favoring the enactment of legislation permitting Porto Rico to elect its own governor; to the Committee on Insular Affairs.

3507. By Mr. CHINDBLOM: Petition of Freion A. Mott and other residents of Chicago, opposing passage of Senate bill 3218, a bill to secure Sunday as a day of rest in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

3508. By Mr. HAWLEY: Petition of the residents of Bend, Oreg., to the House of Representatives not to concur in the passage of the compulsory Sunday observance bill (S. 3218) nor to pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

3509. Also, petition of residents of Hood River, Oreg., opposing certain legislation, to wit: The compulsory Sunday observance bill (S. 3218) and asking the House of Representatives not to pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

3510. By Mr. LEA of California: Petition of 16 citizens of Sonoma County, Calif., protesting against Senate bill 3218, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3511. By Mr. MacLAFFERTY: Petition of citizens of Alameda County, Calif., opposing the passage of the compulsory Sunday observance bill (S. 3218) and any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3512. By Mr. MOONEY: Petition of Cleveland Branch, Railway Mail Association, for the passage of House bill 11444, to provide increase in postal salaries; to the Committee on the Post Offices and Post Roads.

3513. By Mr. WYANT: Petition of board of trustees of the Eastern State Penitentiary of Pennsylvania, protesting against the Parker-Fess bill, requiring the labeling of all prison-made goods, and the Zihlman bill which would prohibit the interstate shipment of prison-made goods; to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, *January 23, 1925*

(Legislative day of Thursday, January 22, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Elkins	Keyes	Reed, Mo.
Ball	Ernst	King	Sheppard
Bayard	Ferris	McCormick	Shields
Bingham	Fess	McKellar	Shipstead
Borah	Fletcher	McKinley	Shortridge
Brookhart	Frazier	McLean	Simmons
Broussard	George	McNary	Smith
Bruce	Gerry	Mayfield	Smoot
Bursum	Gooding	Means	Spencer
Butler	Greene	Metcalf	Stanfield
Cameron	Hale	Moses	Sterling
Capper	Harreld	Neely	Swanson
Caraway	Harris	Norris	Underwood
Copeland	Harrison	Oddie	Wadsworth
Couzens	Heflin	Overman	Walsh, Mass.
Cummins	Howell	Pepper	Walsh, Mont.
Curtis	Johnson, Calif.	Phipps	Warren
Dale	Johnson, Minn.	Pittman	Watson
Dial	Jones, Wash.	Ralston	Wheeler
Dill	Kendrick	Ransdell	Willis

Mr. FLETCHER. I wish to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. I ask that this announcement may stand for the day.

Mr. PEPPER. I desire to announce that my colleague, the junior Senator from Pennsylvania [Mr. REED], is unavoidably absent from the Chamber. I request that this announcement may stand for the day.

The PRESIDENT pro tempore. Eighty Senators have answered to the roll call. There is a quorum present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 698. An act for the relief of the Great Lakes engineering works;

S. 831. An act for the relief of H. B. Stout;

S. 1427. An act for the relief of Rosa L. Yarbrough;

S. 1568. An act for the relief of certain officers in the United States Army;

S. 1605. An act for the relief of Emma Kiener;

S. 1894. An act for the relief of the owners of the steamship *Kin-Dave;*

S. 1976. An act for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Firefman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Lloyds;

S. 2316. An act to allow credit in the accounts of A. W. Smith;

S. 2526. An act providing for an allotment of land from the Kiowa, Comanche, and Apache Indian Reservation, Okla., to James F. Rowell, an intermarried and enrolled member of the Kiowa Tribe;

S. 2669. An act for the relief of J. R. King;

S. 2689. An act for the relief of the First International Bank of Sweetgrass, Mont.;

S. 2711. An act for the relief of the Pitt River Power Co.;

S. 2764. An act authorizing the President to order Leo P. Quinn before a retiring board for a rehearing of his case and, upon the findings of such board, either confirm his discharge or place him on the retired list with the rank and pay held by him at the time of his discharge;

S. 3073. An act for the relief of George A. Berry;

S. 3416. An act to authorize the appointment of Thomas James Camp as a major of Infantry, Regular Army; and

S. 3505. An act for the relief of Canadian Car & Foundry Co. (Ltd.).

The message also announced that the House agreed to the amendment of the Senate to the bill (H. R. 8235), for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway.

The message further announced that the House had passed the bill (S. 1199) authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills of the Senate each with amendments, in which it requested the concurrence of the Senate:

A bill (S. 51) for the relief of the owner of the schooner *Itasca* and her master and crew; and

A bill (S. 1975) for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 1076. An act for the relief of the State Bank & Trust Co. of Fayetteville, Tenn.;

H. R. 1343. An act for the relief of Edward A. Grimes;

H. R. 1699. An act for the relief of B. G. Oosterbaan;

H. R. 5143. An act for the relief of First Lieut. John I. Conroy;

H. R. 5170. An act providing for an exchange of lands between Anton Hiersche and the United States in connection with the North Platte Federal irrigation project;

H. R. 5705. An act for the reimbursement of certain persons for loss of Liberty bonds and Victory notes while naval general court-martial prisoners;

H. R. 5752. An act for the relief of George A. Petrie;

H. R. 5779. An act to place John P. Holland on the retired list of the United States Navy;

H. R. 6695. An act authorizing the owners of the steamship *Malta Maru* to bring suit against the United States of America;

H. R. 6755. An act granting six months' pay to Maude Morrow Fechteler;

H. R. 7118. An act for the relief of the Mechanics & Metals National Bank, successor to the New York Produce Exchange Bank;

H. R. 7631. An act for the relief of Charles T. Clayton and others;

H. R. 7679. An act for the relief of Lars O. Elstad and his assigns and the exchange of certain lands owned by the Northern Pacific Railway Co.;

H. R. 7780. An act for the relief of Fred J. La May;

H. R. 7825. An act for the relief of William C. Gray;

H. R. 8072. An act for the relief of Emma Zembsch;

H. R. 8169. An act for the relief of John J. Dobbertin;

H. R. 8234. An act for the relief of Fayette L. Froemke;

H. R. 8298. An act for the relief of Byron S. Adams;

H. R. 8329. An act for the relief of Albert S. Matlock;

H. R. 8727. An act for the relief of Roger Sherman Hoar;

H. R. 8741. An act for the relief of Flora M. Herrick;

H. R. 9027. An act authorizing the Secretary of the Interior to sell and patent to William G. Johnson certain lands in Louisiana;

H. R. 9131. An act for the relief of Martha Janowitz;

H. R. 9204. An act granting six months' pay to Constance D. Lathrop;

H. R. 9308. An act to authorize the appointment of Machinist Henry F. Mulloy, United States Navy, as an ensign in the regular Navy; and

H. R. 9461. An act for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy.

APPRECIATION OF TRIBUTE TO THE LATE SENATOR LODGE

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from J. E. Lodge, a son of the late distinguished Senator from Massachusetts, acknowledging receipt of resolutions recently adopted by the Senate, which will be printed in the RECORD.

The communication is as follows:

SMITHSONIAN INSTITUTION, FREER GALLERY OF ART,
Washington, D. C., January 22, 1925.

GEORGE A. SANDERSON, Esq.,
Secretary United States Senate,
Washington, D. C.

MY DEAR SIR: On behalf of my family and myself, I beg to thank you for the copy of the Senate resolutions of January 19, 1925, and to ask that you will convey to the Senate our grateful appreciation of the action they have taken in connection with the death of my father.

Very truly yours,

J. E. LODGE.

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules and lists of papers, documents, etc., on the files of the Treasury Department not needed in the transaction of public business and having no permanent or historic value, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The President pro tempore appointed Mr. SMOOT and Mr. SIMMONS members of the committee on the part of the Senate, and ordered that the Secretary notify the House of Representatives thereof.

PETITIONS AND MEMORIALS

Mr. WILLIS presented the petition of Rev. R. E. Conrad and sundry members of the congregations of the Freeport and Antrim Presbyterian Churches, at Freeport, Ohio, praying for the passage of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Cincinnati (Ohio) Chamber of Commerce, favoring the passage of legislation for the recognition and promotion of Master Sergt. Samuel Woodfill, United States Army, a conspicuous member of the American Expeditionary Forces during the World War, which were referred to the Committee on Military Affairs.

Mr. CAPPER presented memorials of sundry citizens of Galena, Crawford County, Nekoma, and Topeka, all in the State of Kansas, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. NEELY presented a resolution unanimously adopted by the executive council of the West Virginia Bar Association at Charleston, W. Va., favoring the passage of legislation granting increased salaries to Federal judges, which was referred to the Committee on the Judiciary.

Mr. HOWELL presented a petition of sundry citizens of Wayne, Nebr., praying for the passage of the so-called Cramton bill, being House bill 6645, to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, to define its powers and duties, and to place its personnel under the civil service act, which was referred to the Committee on the Judiciary.

Mr. PEPPER presented a petition of sundry citizens of Chester, Philadelphia, Haverford, and Pittsburgh, all in the State of Pennsylvania, praying for the passage of legislation to provide for the preservation of the frigate *Constitution*, which was referred to the Committee on Naval Affairs.

Mr. OWEN presented a resolution adopted by the Senate of the State of Oklahoma, favoring the passage of Senate bill 33, making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, which was ordered to lie on the table. (See resolution presented by Mr. HARRELD, when printed in full in the proceedings of yesterday, p. 2266.)

Mr. WADSWORTH submitted the following concurrent resolution of the Legislature of New York, which was referred to the Committee on Commerce:

IN SENATE, STATE OF NEW YORK,
Albany, N. Y., January 12, 1925.

(By Mr. Byrne)

Whereas since the last session of the Legislature of the State of New York, as a result of an organized movement on the part of the citizens of the State of New York, the United States Army Board of Engineers for rivers and harbors officially approved of the project of deepening the channel of the Hudson River; and

Whereas at the last session of the legislature the senate and assembly did jointly adopt a resolution calling on the Congress of the United States to enact appropriate legislation to provide the authorization and necessary appropriation for the deepening of the said Hudson River; and

Whereas there has been a state-wide call for this project, indorsed by civic and semicivic organizations, clubs, fraternities, business and professional men, and organizations of citizens of various kinds; and

Whereas the action of the United States Army Engineers has been approved, in turn, by the Chief of the Army Engineers and the Secretary of War and has been transmitted, with their approval, by them through the proper channels to the Rivers and Harbors Committee of the House of Representatives, and, in turn, reported favorably by this committee as a part of the rivers and harbors bill now before Congress, containing the authorization for this deeper Hudson project; and

Whereas the governor in his annual message has indorsed this project of deepening the Hudson River, setting forth that the measure is for State and national economies in transportation; that it is immensely important to every community in the State and to the entire eastern seaboard of the United States that this natural geographical trade route, on which the Erie Canal built up the fortunes of the State of New York 100 years ago, be maintained and strengthened by such a measure; and that he further stated that this is not a partisan matter, but a business proposition, and should be kept free of politics in its every aspect, and that its importance to the State justified consideration by the legislature: Therefore be it

Resolved (if the assembly concur), That the Legislature of the State of New York do hereby memorialize the Congress of the United States to enact legislation now before it which will provide the authorization, and subsequently to provide the necessary appropriation, for the deepening of the Hudson River to provide for the continuation of a 27-foot channel from the lower river to the capitol district adequate for deep-sea freighters, thus creating an inland port which will relieve surplus pressure of commerce on the port of New York and hold the channel of the future trade of the United States through its logical eastern water-level route to the Atlantic coast; and that we do hereby call upon the representatives of the State of New York in the United States Senate and House of Representatives to do their utmost to see that favorable action is taken at once on this highly important and vitally necessary legislation; and be it further.

Resolved (if the assembly concur), That a copy of this resolution be transmitted to the Clerk of the United States Senate and to the Clerk of the House of Representatives and to each Senator and Representative in Congress from this State.

By order of the senate:

ERNEST A. FAY, *Clerk.*

IN ASSEMBLY, *January 13, 1925.*

Concurred in without amendment.

By order of the assembly:

FRED W. HAMMOND, *Clerk.*

REPORTS OF COMMITTEES

Mr. CAMERON, from the Committee on Irrigation and Reclamation, to which was referred the joint resolution (S. J. Res. 172) to authorize the appropriation of certain amounts for the Yuma irrigation project, Arizona, and for other purposes, reported it without amendment and submitted a report (No. 907) thereon.

Mr. RALSTON, from the Committee on Military Affairs, to which was referred the bill (S. 1931) amending the Army appropriation act approved July 9, 1918, providing for appointment and retirement of officers of the Medical Reserve Corps, or contract surgeons, reported it with an amendment and submitted a report (No. 908) thereon.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 5417) authorizing and directing the Secretary of War to investigate the feasibility, and to ascertain and report the cost of establishing a national military park in and about Kansas City, Mo., commemorative of the Battle of Westport, October 23, 1864, reported it without amendment and submitted a report (No. 909) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 3977) to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service, reported it without amendment and submitted a report (No. 911) thereon.

Mr. SMITH, from the Committee on Interstate Commerce, to which was referred the bill (S. 3772) to authorize the reduction of and to fix the rate of interest to be paid by carriers upon notes or other evidences of indebtedness heretofore issued under the provisions of section 207 of the transportation act, 1920, or section 210 of said act, as amended by an act approved June 5, 1920, reported it with an amendment.

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (S. 3682) for the relief of M. Barde & Sons (Inc.), Portland, Oreg., reported it with an amendment and submitted a report (No. 912) thereon.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands, reported it with amendments and submitted a report (No. 913) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 3818) authorizing the construction of additional facilities at Walter Reed General Hospital, in the District of Columbia, reported it without amendment and submitted a report (No. 914) thereon.

He also, from the same committee, to which was referred the bill (S. 3400) for the purchase of the tract of land adjoining the militia target range at Auburn, Me., reported it with amendments and submitted a report (No. 915) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3669) to provide for the inspection of the battle fields of the siege of Petersburg, Va., reported it with an amendment and submitted a report (No. 916) thereon.

CHANGES OF REFERENCE

Mr. WADSWORTH. The bill (S. 2010) for the relief of Mrs. Gill I. Wilson was referred to the Committee on Military Affairs through an error. After consultation with the introducer, the Senator from West Virginia [Mr. NEELY], and the members of the Committee on Military Affairs I ask unanimous consent that that committee be discharged from its further consideration and that the bill be referred to the Committee on Finance.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. ASHURST. The bill (H. R. 4114) authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz., was erroneously referred to the Committee on Commerce. I ask unanimous consent that the Committee on Commerce be discharged from its further consideration and that the bill be referred to the Committee on Indian Affairs.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ENROLLED BILLS PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that January 22, 1925, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 387. An act to prescribe the method of capital punishment in the District of Columbia;

S. 625. An act to extend the time for the construction of a bridge across the White River at or near Batesville, Ark.;

S. 3292. An act granting the consent of Congress to the city of Hannibal, Mo., to construct a bridge across the Mississippi River at or near the city of Hannibal, Marion County, Mo.;

S. 3428. An act authorizing the construction of a bridge across the Ohio River to connect the city of Portsmouth, Ohio, and the village of Fullerton, Ky.;

S. 3610. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 3611. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 3621. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La.;

S. 3622. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry;

S. 3642. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Kettle Falls, Wash.;

S. 3643. An act authorizing the construction of a bridge across the Ohio River between the municipalities of Ambridge and Woodlawn, Beaver County, Pa.;

S. 3733. An act to enlarge the powers of the Washington Hospital for Foundlings and to enable it to accept the devise and bequest contained in the will of Randolph T. Warwick; and

S. J. Res. 152. Joint resolution to accept the gift of Elizabeth Sprague Coolidge for the construction of an auditorium in connection with the Library of Congress, and to provide for the erection thereof.

WABASH RIVER BRIDGE, INDIANA

Mr. SHEPPARD. Mr. President, I report back favorably with amendments from the Committee on Commerce the bill (S. 3722) to authorize the States of Indiana and Illinois in the States of Indiana and Illinois to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind., and connecting Lawrence County, Ill., and I submit a report (No. 910) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 4, after the name "Illinois," to strike out "connecting the two States, is" and insert "are"; in line 9, after the word "navigation," to strike out "at a place near a bridge now in operation and heretofore constructed by said Knox County at said point on the Federal transcontinental highway, known as the Midland Trail, between Vincennes, Ind., and St. Louis, Mo., all," so as to make the bill read:

Be it enacted, etc., That the county of Knox, State of Indiana, and county of Lawrence, State of Illinois, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River from a point in the city of Vincennes, Knox County, Ind., to a point in Lawrence County, in the State of Illinois, at a point suitable to the interests of navigation in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the county of Knox, State of Indiana, and the county of Lawrence, State of Illinois, to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind."

WHITE RIVER BRIDGE, ARKANSAS

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 3884) granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River at or near the city of Batesville, in the county of Independence, in the State of Arkansas, and I submit a report (No. 917) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Independence, in the State of Arkansas, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, at or near the city of Batesville, in the county of Independence, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAVANNAH RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11168) granting the consent of Congress to S. M. McAdams, of Iva, Anderson County, S. C., to construct a bridge across the Savannah River, and I submit a report (No. 918) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 4046) to curb and prevent fraudulent practices affecting real property in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McKINLEY:

A bill (S. 4047) granting a pension to Elizabeth J. Hawron; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4048) for the relief of Luther Hansford Phipps; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 4049) for the relief of John H. Poe (with accompanying papers); to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 4050) for the relief of Herman Shulof; to the Committee on Claims.

By Mr. DILL:

A bill (S. 4051) granting a pension to Mary E. Kester; to the Committee on Pensions.

A bill (S. 4052) authorizing and directing the President to accept lands for naval air station at Sand Point, Wash.; to the Committee on Naval Affairs.

By Mr. NEELY:

A bill (S. 4053) granting an increase of pension to Floyd A. Honaker; to the Committee on Pensions.

By Mr. HEFLIN:

A bill (S. 4054) for the relief of the owner of the tug *Bascobel;* to the Committee on Claims.

By Mr. REED of Missouri:

A bill (S. 4055) granting an increase of pension to James W. Fisher (with accompanying papers); to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 4056) to provide for an additional district judge for the western district of Michigan; to the Committee on the Judiciary.

By Mr. OWEN:

A joint resolution (S. J. Res. 173) authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma, and making provision for the same; to the Committee on Indian Affairs.

MINERAL LANDS IN INDIAN RESERVATIONS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes, which was, on page 2, after line 8, to insert the following:

That the provisions of said act approved February 25, 1920, shall apply to unallotted lands within Indian reservations, except that such lands may only be leased and patents shall not be issued for the same.

That the production of minerals on said lands may be taxed by the State wherein the same are produced in all respects the same as minerals produced on privately owned lands, and the Secretary of the Interior is hereby authorized and directed to cause to be paid from out of the tribal funds in the Treasury the tax so assessed: *Provided*, That such tax shall not become a lien or charge of any kind or character against the land or other property of such Indians.

SEC. 2. That there is hereby authorized an appropriation of $15,000 from the money on deposit in the Treasury to the credit of the Navajo Tribe of Indians derived from bonuses on oil and gas leases, and from oil and gas royalties, for expenditure, in the discretion of the Secretary of the Interior, for necessary expenses in connection with the supervision of the development and operation of the oil and gas industry on the Navajo Indian Reservation in Arizona and New Mexico.

SEC. 3. That the provisions of this act shall not apply to the Five Civilized Tribes in Oklahoma.

Mr. SMOOT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LANDS IN ARIZONA, NEW MEXICO, AND CALIFORNIA

Mr. ASHURST. I ask that the Chair kindly lay before the Senate the amendment of the House of Representatives to the bill (S. 369) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913. I wish to move that the Senate concur in the House amendment. The bill passed the Senate and later passed the House with one amendment. I think it came over with a message on yesterday or the day before.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 369) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or Califor-

nia," approved March 4, 1913, which was on page 1, line 8, to strike out "1925" and insert the following: "1927."

Mr. ASHURST. I move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 5170. An act providing for an exchange of lands between Anton Hiersche and the United States in connection with the North Platte Federal irrigation project; to the Committee on Irrigation and Reclamation.

H. R. 7780. An act for the relief of Fred J. La May; and

H. R. 9027. An act authorizing the Secretary of the Interior to sell and patent to William G. Johnson certain lands in Louisiana; to the Committee on Public Lands and Surveys.

H. R. 1343. An act for the relief of Edward A. Grimes;

H. R. 5143. An act for the relief of First Lieut. John I. Conroy;

H. R. 5779. An act to place John P. Holland on the retired list of the United States Navy;

H. R. 6755. An act granting six months' pay to Maude Morrow Fechteler;

H. R. 7825. An act for the relief of William C. Gray;

H. R. 8072. An act for the relief of Emma Zembsch;

H. R. 8169. An act for the relief of John J. Dobbertin;

H. R. 8234. An act for the relief of Fayette L. Froemke;

H. R. 9204. An act granting six months' pay to Constance D. Lathrop;

H. R. 9308. An act to authorize the appointment of Machinist Henry F. Mulloy, United States Navy, as an ensign in the Regular Navy; and

H. R. 9461. An act for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy; to the Committee on Naval Affairs.

H. R. 1076. An act for the relief of the State Bank & Trust Co., of Fayetteville, Tenn.;

H. R. 1699. An act for the relief of B. G. Oosterbaan;

H. R. 5705. An act for the reimbursement of certain persons for loss of Liberty bonds and Victory notes while naval general court-martial prisoners;

H. R. 5752. An act for the relief of George A. Petrie;

H. R. 6695. An act authorizing the owners of the steamship *Malta Maru* to bring suit against the United States of America;

H. R. 7118. An act for the relief of the Mechanics & Metals National Bank, successor to the New York Produce Exchange Bank;

H. R. 7631. An act for the relief of Charles T. Clayton and others;

H. R. 8298. An act for the relief of Byron S. Adams;

H. R. 8329. An act for the relief of Albert S. Matlock;

H. R. 8727 An act for the relief of Roger Sherman Hoar;

H. R. 8741. An act for the relief of Flora M. Herrick; and

H. R. 9131. An act for the relief of Martha Janowitz; to the Committee on Claims.

REPORT OF THE DIRECTOR GENERAL OF RAILROADS

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Interstate Commerce:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the report of the Director General of Railroads and Agent of the President for the year ended December 31, 1924, together with his final report as to adjustments of the claims of carriers whose property was taken over and actually operated by the Government during the 26 months of Federal control.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 23, 1925.*

RETIREMENT OF WORLD WAR OFFICERS

Mr. BURSUM. Mr. President, I move that the bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, be made a special order for Tuesday next at 2 o'clock.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from New Mexico moves that Senate bill 33 be made a special order for Tuesday next at 2 o'clock. The motion is not subject to debate. The Senator from Utah will state the inquiry.

Mr. KING. Is it in order, when a measure is under consideration as a special order, to supersede it or to suspend the consideration of that special order by a motion to make another bill a special order for some particular time?

The PRESIDENT pro tempore. The Chair is of the opinion that it is in order, as he expressed yesterday. The last paragraph of Rule X so provides.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. The motion is not open to debate.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from New Hampshire will state the inquiry.

Mr. MOSES. In the event of entertaining the motion made by the Senator from New Mexico and its adoption, will it displace the business now before the Senate under the special order?

The PRESIDENT pro tempore. The Chair is of the opinion that it will not displace the business before the Senate.

Mr. MOSES. And the pending question, the point or order, goes on?

The PRESIDENT pro tempore. The pending question goes on, standing precisely as it does now.

Mr. SWANSON. Mr. President, I would like to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Virginia will state the inquiry.

Mr. SWANSON. If the Senate took an adjournment and we had had a morning hour, the ruling of the Chair, it seems to me, would be correct; but having taken a recess, we are in the legislative day of yesterday, and having no morning hour to-day it seems to me the motion, if it prevails, will displace the unfinished business which is now a special order. It appears to me also that the motion would be subject to debate for the simple reason that a motion made at this time when the Senate meets after a recess is considered as having been made after the morning hour of the legislative day.

The PRESIDENT pro tempore. The last paragraph of Rule X specially provides that the motion is not subject to debate.

Mr. KING. Is the motion subject to amendment?

The PRESIDENT pro tempore. It is not subject to amendment.

Mr. KING. Is not the motion subject to amendment as to fixing the time when the bill shall be made a special order?

The PRESIDENT pro tempore. The Chair is in doubt about that, but will hold for the moment that it is not subject to amendment.

Mr. KING. I will make the motion anyway. I move to amend the motion submitted by the Senator from New Mexico by striking out the word "Tuesday" and inserting "Saturday of next week."

Mr. BURSUM. I will accept the amendment.

The PRESIDENT pro tempore. The amendment is accepted. All who are in favor of the motion of the Senator from New Mexico as modified by the suggestion of the Senator from Utah will say "aye." Those opposed "no." The noes have it, and the motion is not agreed to.

Mr. KING. I call for the regular order.

The PRESIDENT pro tempore. The difficulty is that many Senators did not vote on the motion and the Chair declared the result on the vote that was actually cast.

Mr. BURSUM. I did not understand the decision of the Chair. What was the decision of the Chair?

The PRESIDENT pro tempore. The decision of the Chair was that the noes had it, and the motion was not agreed to.

Mr. BURSUM. That was on the amendment, was it not?

The PRESIDENT pro tempore. The Senator from New Mexico accepted the amendment, and the Chair stated that the question was on the motion as made by the Senator from New Mexico modified by the suggestion of the Senator from Utah. The Chair is not to blame because many Senators did not vote.

Mr. BURSUM. I ask for a division or a roll call.

Mr. KING. I submit that it is too late.

The PRESIDENT pro tempore. The Chair is of the opinion that the demand comes too late.

Mr. KING. Regular order!

The PRESIDENT pro tempore. The regular order is Senate bill 3674, and it will be proceeded with.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting

their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

The PRESIDENT pro tempore. The question is upon the point of order raised by the Senator from Virginia [Mr. SWANSON].

Mr. STERLING. Will the Chair state the point of order, so that all Senators may understand it?

The PRESIDENT pro tempore. The Senator from Virginia raises the point of order that Title II of the bill down to section 217 is repugnant to the Constitution of the United States, which requires that revenue measures shall originate in the House of Representatives. The question is, Shall the point of order raised by the Senator from Virginia be sustained?

Mr. HEFLIN. On that question I call for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays were ordered yesterday upon the question.

Mr. PEPPER. Mr. President, I wish to submit a very few observations touching the validity of the point of order which has been made against the portion of the pending bill which the Chair just specified.

Of course, I am aware that in the last analysis the House of Representatives may determine the question in any particular case, because if it chooses to regard a measure originating in the Senate as being a bill for raising revenue it may refuse to consider the bill and the Senate has no recourse. On the other hand, I apprehend that we should not anticipate that the House in any particular case will act in capricious fashion, but will desire merely to stand upon its constitutional prerogatives. Therefore I take it that the Senate should not act in mere slavish apprehension of what the House may do, but should seek, if possible, to work out a test of its own and apply that test in deciding such a point of order as this one.

Mr. President, after having listened most attentively to the argument by the Senator from Virginia [Mr. SWANSON] and those who have suggested considerations on that side of the proposition, I submit that clearly the test is not whether the bill under consideration produces revenue which is covered into the Treasury. Whatever the test may be, it seems to me clear that that is not the test. I think that becomes almost demonstrable if one considers a few illustrations of different measures which have been or may be before this body.

Take, Mr. President, the case in which a bill authorizes the sale of land. The proceeds of the sale are covered into the Treasury. It is clear that that is not a revenue measure, but that the Government in that case is acting not as a sovereign but as a proprietor and is receiving the consideration which comes from parting with the thing owned.

Take, if you please, Mr. President, the case of a lease of Government property or the grant of a power privilege—the lease, for example, of the Muscle Shoals project, or whatever the case may be. It is perfectly true that money will come as the result of the proprietary grant; that the money will be covered into the Treasury and will become the subject of appropriation; but such a bill is not, within the meaning of the Constitution, a bill to raise revenue.

Take the case, Mr. President, of a criminal code, which prescribes what shall constitute crimes and offenses and the penalties for the infraction of its provisions. The fines and penalties are covered into the Treasury; but no one will be bold enough to contend that, being in the Treasury and subject to appropriation for the general purposes of government, therefore a criminal act imposing fines and penalties is a bill to raise revenue.

I suggest, Mr. President, the case of the creation of an office by statute and the prescribing of fees and charges which may be exacted for service rendered in the office, as, for instance, an act to establish a pension office and to fix the fees payable by those using the facilities of the pension office. That would not be a bill to raise revenue.

An act regulating the rate to be charged on a public utility—as, for example, a railroad owned by the Government—has the effect of producing revenue for the Treasury; but I submit, sir, that such a bill, within the meaning of the Constitution, is not a bill to raise revenue.

In the present case, as I think was well suggested by the Senator from Missouri [Mr. REED] yesterday, what we have is not the exercise of sovereignty by the Government, which is the thing against which the Constitution protects the people by placing its original determination in the hands of the most numerous branch of the National Legislature, but it is an act of proprietorship in which the Government sells service, and the resulting payment which comes into the Treasury is not revenue within the sense of the constitutional provision that we are discussing.

What is the test which the Senate should apply? Mr. President, clearly the test is not the mere fact that money is raised and that it goes into the Treasury. I apprehend that the true test, in the first place, is this: No bill is a bill for the purpose of raising revenue unless it is a bill to raise a tax, a duty, an impost, or an excise. Those are the methods specified in the Constitution for raising the revenue of the Government, and, I repeat, no bill is a revenue bill which does not lay a tax, a duty, an impost, or an excise.

The reason is obvious. A tax, Mr. President, is a charge levied against the person or the property of an individual, otherwise than as a penalty for a crime, for the purpose of providing the Government with money with which to operate. That is a tax. It is an exaction of sovereignty. An impost or a duty is a charge which is assessed in respect of goods brought in from abroad. An excise is a charge made against those inland activities which the Government sees fit to make tributary to the Treasury.

All those are methods of raising revenue; they are exactions of sovereignty, and against the abuse of those powers the people need protection. The kind of protection that is given them is to require the bills raising revenue in the those ways shall originate in the House of Representatives, which is supposed to be more closely in touch with popular sentiment.

On the other hand, Mr. President, there are many varieties of ways in which money may be raised and flow into the Treasury which have no relation whatever to the raising of revenue in the constitutional sense. All the cases which I have mentioned by way of illustration are examples of measures that produce money for the Treasury but are not revenue measures within the meaning of the Constitution.

So I venture to suggest that the Senate in acting upon this matter should be guided by the following two principles: First, that no measure is a bill for raising revenue unless it lays a tax, an impost, a duty, or an excise; and, second, that it by no means follows that merely because a bill does lay a tax, a duty, an impost, or an excise, therefore it is a revenue measure; for, while it is not germane to the present discussion because we are considering a bill which lays no one of those exactions, it is settled by authority that even tax bills may not be revenue measures or measures to raise revenue in the constitutional sense if it so be that the revenue production is incidental to some other purpose of Government which is the primary object of the bill.

I have in mind the case in which all the property of the District of Columbia was subjected to an assessment to raise a fund for the purpose of meeting in part the expenses of the Union Station. That was clearly a tax bill, but it was held by the Supreme Court not to be, within the meaning of the Constitution, a bill raising revenue. I have in mind, by way of distinction, the case cited yesterday by the Senator from South Dakota [Mr. STERLING] to the effect that where the postal-order system was set up and fees were authorized to be charged by deputy postmasters for the service rendered in the office, while that was a measure which produced money it was in no sense a revenue-producing measure within the meaning of the Constitution.

There are tax bills discussed in the cases, confessedly tax bills, as in the national bank case, in which the court said that the taxation feature was incidental merely to the principal purpose of the legislation, and therefore the bill was not one to raise revenue.

But, Mr. President, I lay aside as not germane to this case the cases in which taxes, imposts, duties, and excises are levied not primarily for the purpose of revenue. Having done so, I venture to assert that there is no case decided by respectable authority in which it has been held that a bill is a bill to raise revenue unless it is a bill levying a tax, an impost, a duty, or an excise.

Mr. FESS. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. PEPPER. I yield to the Senator from Ohio.

Mr. FESS. Would the Senator's interpretation extend to the authority of the Senate to fix the salaries of Government officials? Could we originate a bill here fixing the salaries of various officials of the Government?

Mr. PEPPER. Mr. President, I take it that that raises the question which has been long in debate between the Senate and the House, which even gives rise to the question whether appropriation bills may originate here.

Mr. FESS. That is another question.

Mr. PEPPER. I am aware of the existence of that conflict of opinion between the two bodies; but I beg the Senator to focus attention upon the proposition immediately before us, which is whether the Senate should take its stand upon the constitutional proposition that no measure is one beyond its jurisdiction unless it is a measure which lays or levies a tax, an impost, a duty, or an excise. I say, if it were necessary, I should be prepared to point out that there are cases where measures are tax measures and yet are not measures raising revenue in the constitutional sense. But this is not a tax case, and so it is not necessary to discuss that question.

I submit, however, that we ought not, merely upon the suggestion that the House of Representatives will refuse to consider our bill, slavishly recede from the assertion of what I believe to be the constitutional rights of the Senate. I feel somewhat jealous, Mr. President, of the preservation of our constitutional rights in this body, and I venture to hope that Senators will look beyond the immediate implications of the pending question and deal with it as one affecting the dignity and prerogatives of the Senate. I press for an acceptance of that view, Mr. President, with all the earnestness of which I am capable.

Mr. FESS. Mr. President, I am of the opinion that the comments of the Senator from Pennsylvania should be given considerable attention because of the necessity of maintaining the dignity of this body. I give that phase of the suggestion full respect. He did raise the question that was in my mind as to the right of this body to initiate appropriation bills and also as to its right to originate general legislation fixing the salaries of Government officials. Those two are mooted questions. I think that the strongest argument that has yet been presented on either side of that issue was presented by John Sharp Williams, when a Senator in this body, on July 15, 1912. The opinion of Senator Williams would always carry great weight because of his ability generally, and especially with reference to an issue such as this. I commend the reading of that address to every Member of the Senate. It is too long for me to quote from it, other than simply to call attention to the argument ex-Senator Williams made that that is not a power that this body can initiate.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. FESS. I do.

Mr. SIMMONS. Will the Senator state to the Senate the general position taken by Senator Williams, and some of the essential arguments upon which he based his conclusion?

Mr. FESS. The Senator will be glad to make a statement of the source of ex-Senator Williams's argument.

The subject had been running as a subject of debate for much time, and he took occasion to go over the sources, going back to the Constitutional Convention, and quoting very profusely from the fathers, including Mr. Pinckney, whose opinion would carry great weight, Hamilton, Madison, and Yates.

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. FESS. I yield.

Mr. McCORMICK. Was the bill before the Senate, upon which Senator Williams spoke, a revenue bill?

Mr. FESS. It was an appropriation bill; and the Senator asked the privilege of inserting in the RECORD his findings, after having taken much time to collect them from the original sources, and they are here before me. He quotes the opinion from the famous Judge Iredell, of the State of the distinguished Senator from North Carolina, one of the great judges of our early history; also quoting the opinion of the Pinckneys. If I may be permitted, I should like to read just one statement:

> That all bills for raising or appropriating money and for fixing the salaries of the officers of the Government of the United States shall originate in the first branch of the Legislature, and shall not be altered or amended by the second branch.

That was the original proposal. It was modified by striking out the latter part, "shall not be altered." I do not want to take the time of the Senate to repeat the various citations, but simply call the attention of the membership of the Senate to the article, that they may enlarge on it if they desire.

Mr. McCORMICK. Mr. President, did Senator Williams hold that the Senate could not modify appropriation bills?

Mr. FESS. No; he did not.

Now, as to the other suggestion of our respecting the action of the House, I think it is proper that we should take into consideration what is to be the immediate result of this legislation if we send it to the House. The matter came up in the House in 1859. I read from Hinds' Precedents, volume 2, section 1485:

> The Senate having insisted on its right to add a revenue amendment to an appropriation bill, the House declined to proceed further with the bill.
>
> Instance of a conference over the prerogatives of the two Houses respecting revenue legislation.
>
> * * * * * * *
>
> On March 3, 1859, Mr. Galusha A. Grow * * *—

Of the State of the distinguished Senator from Pennsylvania—

> as a question of privilege offered this resolution:
>
> "*Resolved*, That House bill No. 872, making appropriations for defraying the expenses of the Post Office Department for the year ending 30th June, 1860, with the Senate amendments thereto, be returned to the Senate, as section 13 of said amendments is in the nature of a revenue measure."
>
> Mr. Grow explained that section 13 raised the rate of postage.
>
> Mr. John S. Phelps, of Missouri, contended that the revenue bills which should originate only in the House were such only as were contemplated in this clause of the Constitution.

That is the contention of those who have spoken in favor of this body having the ability to do what we propose to do, that that power was conveyed in this clause:

> "The Congress shall have power to lay and collect taxes, duties, imposts, and excises."
>
> The question being taken, the resolution was agreed to—yeas 116, nays 78.
>
> The resolution of the House having been received in the Senate, Mr. John J. Crittenden, of Kentucky, proposed the following resolutions, which were agreed to:
>
> "*Resolved by the Senate of the United States*, That the Senate and House, being of right equally competent, each to judge of the propriety and constitutionality of its own action, the Senate has exercised said right in its action on the amendments sent to the House, leaving to the House its right to adopt or reject each of said amendments at its pleasure."

That was the contention of the Senator from Pennsylvania [Mr. PEPPER] just a moment ago.

> "*Resolved*, That this resolution be communicated to the House of Representatives, and that the bill and amendments aforesaid be transmitted therewith."

That was the action of this body.

> This message, with the bill and amendments, having been received in the House, a motion to take them up under suspension of the rules failed—yeas 94, nays 85.

The House, therefore, rejected the proposal to take them up. That is only one incident touching this subject. There are many others. There are two specific instances that cover precisely this point that we have, both of them on the postal increase. The second was raised by Uncle Joe Cannon, afterwards the Speaker of that body.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, that is the very case cited by Roscoe Conkling in a celebrated opinion he gave as to the right of the House to make appropriations. It has been contended that the Senate could not make appropriaitons.

Mr. FESS. So I understand.

Mr. OVERMAN. And his opinion was written on that subject, and in so far as levying taxes are concerned Roscoe Conkling quotes this very case in the case I quoted yesterday.

Mr. FESS. In other words, Mr. President, we have two precedents that cover precisely the question we have before us, limited to the raising of postage rates, and there is not a bit of doubt about the outcome of this thing if we send it to the House. Some Member of the 435 will raise the point of order. Here are two precedents specifically on the subject, and the House does not reverse its precedents. That has been my understanding, at least, in my service in that body.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. FESS. I yield.

Mr. STERLING. I wondered if the question was not raised in either one or both of these cases as to a consideration of the matter by the House in Committee of the Whole. As I remember, the House had a rule, and I think the rule still prevails, to the effect that certain measures must be considered by the House in Committee of the Whole; and is it not

possible that the action of the House was based on the fact that the measure had not been considered in the Committee of the Whole?

Mr. FESS. I will say to my friend the Senator from South Dakota that that is not the point. It is true that all public bills that provide for an appropriation or expenditure of money must be considered in the Committee of the Whole in the House; but that was not the question that was raised here. My only concern about the matter is that we are raising a question that I am perfectly certain will be futile, for if we send this bill to the House a point of order will be raised, and the bill will not be considered. It is true that the House then can proceed to take up the bill ab initio; but I think the proper thing to do would be to have the bill originate in the House where it belongs. Then, when it comes over here, we can amend it if we see fit to do so.

Mr. McCORMICK. Mr. President, let me ask the Senator—who for so many years and so ably has defended the prerogatives of the House that he is not yet accustomed to defending the prerogatives of the Senate—if it be not true that in the House, under the rule, appropriations may not be made for commissions appointed without authority of law?

Mr. FESS. I do not know of any case of that sort. Is the Senator's question as to appropriating for commissions in the House without authority of law? There is no such practice over there.

Mr. McCORMICK. The Senator knows that within the last fortnight the House has appropriated to that end.

Mr. FESS. If anybody had made the point of order, it would not have been done. The House evidently did it in ignorance of the fact that there was no existing law on the subject.

Mr. McCORMICK. No, Mr. President, I think if the Senator will inquire he will find that they did it under the persuasion of some of the leaders of the House that that would be the prudent and the politic course to follow in the interest of the public welfare.

Mr. FESS. I will say to the Senator from Illinois that I can not conceive of the possibility of the House knowingly appropriating money without authority. I can not conceive of the possibility of that; and if there had not been any authority I also can not conceive of an appropriation bill in the House writing in the bill legislation which would not pass a point of order.

Mr. McCORMICK. Mr. President, unless my memory be at fault the appropriation was made by amendment in the Senate, and leaders of the House persuaded the Members of the House to acquiesce in that appropriation for the maintenance of a commission which exists without any authority of law.

Mr. FESS. I catch the point of the Senator now. Whenever the Senate puts on a bill through an amendment that which would have been without authority in the House, or would have been subject to a point of order in the House, the House can not act upon that without a separate vote.

Mr. SMOOT. That is only under the rules of the House.

Mr. FESS. That is what I mean, under the rules of the House. That is what we are talking about.

Mr. McCORMICK. In this case, unless I am misinformed, there was no separate vote.

Mr. NORRIS and Mr. PEPPER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Ohio yield, and if so, to whom?

Mr. FESS. I yield first to the Senator from Nebraska.

Mr. NORRIS. So that we may have accurate information, I wish the Senator from Illinois would give that instance.

Mr. McCORMICK. Certainly; I shall seek the information at the first opportunity. I was informed yesterday that the amended bill sent over there was accepted without any separate vote on the items in question.

Mr. NORRIS. Was that a vote for an appropriation?

Mr. McCORMICK. Yes.

Mr. NORRIS. That is different from a vote for an amendment raising revenue, to begin with. There is not any constitutional prohibition against the Senate originating an appropriation.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. FESS. I yield to the Senator.

Mr. SWANSON. To emphasize still further the position taken by the Senator from Ohio and also the suggestion made by the Senator from North Carolina, let me suggest that all of these rates were fixed in a revenue act which is now existing, the act of 1917, passed by both bodies of Congress and signed by the President. This is an effort to repeal, abolish, or modify what has been decided by both the House and the Senate in fixing these rates in the revenue act of 1917. The Constitution provides that the Senate may concur in a revenue bill with amendments, but, as suggested by the Senator from North Carolina yesterday, there is an effort now to repeal in the Senate what has been conceded by both bodies to be a revenue act.

Mr. FESS. I yield now to the Senator from Pennsylvania.

Mr. PEPPER. Mr. President, I merely desire to address an inquiry to the Senator from Ohio, from the point of view of friendliness to the legislation now pending and with a regard for the maintenance of the prerogatives of the Senate. Does not the Senator think that there is a great deal to be said in favor of the last suggestion which he himself made in his opening remarks, that we should turn down this point of order, maintain the position of the Senate, send the bill to the House, and, if the House refuses to consider it, the House will proceed, as the Senator suggests, to originate a companion or substitute measure of its own? This is my question: From the point of view of the Senate, should we not act upon the principle which I attempted to outline a few moments ago and let the House take the responsibility of rejecting our action if it sees fit?

Mr. FESS. Mr. President, I want to be very frank in my reply to the Senator. This point of order is a source of considerable embarrassment to the friends of the measure in that if the point of order is sustained and it is limited to Title II, this body will have before it exactly the same bill which was vetoed by the President, precisely, without any modification.

Mr. WILLIS and Mr. REED of Missouri addressed the Chair.

Mr. FESS. This body will be facing a situation of going up hill one day and down the next, which nobody wants to do.

Mr. SMOOT. Mr. President——

Mr. FESS. I will yield in just a moment. I have insisted that the point of order should go to the legislation, should go to the entire bill, and if sustained, the bill will be away from this body, instead of having the point of order apply to the point to which the author has limited it. I recognize, as any other Member here does, that I can make a point of order to a word in a bill, and if sustained the word will go out and leave the bill; or to a clause, or to a title. I can also make a point of order to the whole bill, because it contains that which is out of order, and if the point of order is sustained, the bill will leave us. That is the contention I have been insisting upon, but I have not been able to convince the President of this body that, with the point of order of my friend the Senator from Virginia, now pending, the larger point of order, going to the entire bill, which includes everything, would be in order.

I yield to the Senator from Utah.

Mr. SMOOT. I simply wanted to refer to the remarks made by the Senator from Virginia [Mr. SWANSON]. He claims that because of the fact that an amendment fixing rates was made to an appropriation bill, that made it a revenue measure. That is the position the Senator took, or at least I understood the Senator to say that.

Mr. SWANSON. The revenue act of 1917, as I understand it——

Mr. SMOOT. No, it was a Post Office appropriation bill to which the Senator referred, and if that is the case, I want to call the Senator's attention to the fact that few appropriation bills ever pass this body without legislation being put upon them. The Senator from Ohio [Mr. FESS] was correct when he said that such legislation has to be acted upon separately in the House, under the rules of the House. There is no doubt about that. But the mere fact that the House agrees to it, and agrees that under their rule it should be a part of that particular bill, does not make that item or amendment a revenue bill, because few appropriation bills ever pass without legislation of that kind on it. I hold in my hand the Interior Department appropriation bill for the fiscal year ending June 30, 1926. I think there are at least four or five items in the bill of exactly the character I have described. Does the Senator mean that hereafter, if there shall be legislation in Congress upon the items in an appropriation bill, it must originate in the House? That would be intolerable.

Mr. SWANSON and Mr. WILLIS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Ohio yield; and if so, to whom?

Mr. FESS. I yield first to the Senator from Virginia.

Mr. SWANSON. As I understand it—and if I am mistaken I would like to have the Senator correct me—the revenue act of 1917 for all purposes fixed these postal rates, too.

Mr. SIMMONS. Mr. President, as I stated on yesterday, one of the revenue acts—I do not recall now which one—provided for an increase in the postage rate upon letters, raising it from 2 cents to 3 cents. That went into effect and continued in effect until subsequently repealed in another revenue act. That is what I stated yesterday.

Mr. FESS. Now I yield to my colleague.

Mr. WILLIS. Mr. President, I simply wanted to call the attention of my colleague to a rather famous case which came from the State of Ohio, and to ask whether he has considered the court's decision in that case.

As I recall the case, the title was Laylin against the Southern Gum Co. The Senator will remember that the Legislature of Ohio passed an act levying what in common parlance was called a "tax" upon certain corporations, domestic corporations and foreign corporations, in proportion to their capital stock. The Senator will remember that that was contested by the corporations on the theory that it was a tax. The case ran through all the courts and finally came here to the Supreme Court, as I recall it, and it was held that that was not a tax, that the bill was not a revenue bill, that the purpose of it was to require these corporations to pay a fee for a service. It seemed that the fee paid was rather out of harmony with the amount of service rendered.

The Senator knows that the law in question brings in, perhaps, a million and a half dollars per year; but the court held, and it is still the holding of the court, never having been reversed, that that was not a revenue measure, but a measure intended to collect a fee for a service, and that therefore the provision of the Constitution touching revenue bills did not apply.

With great respect for my colleague's argument, it seems to me that that applies to the instant case, in that this is not a revenue bill, but is a measure intended to collect, as it were, a fee for a service, and therefore the provision of the Constitution in question does not apply. It is my understanding that the pending measure is not a revenue bill, but that it proposes in effect to provide for the collection of certain fees and charges for service rendered. I think, therefore, that the point of order should not be sustained.

Mr. FESS. Mr. President, I must say to my colleague that both he and I voted against this measure when it was originally in the Senate because it did not provide the revenue. Now we do provide the revenue, and I am inclined to vote for the bill, it having that provision in it. Everybody knows that the Constitution does not use the word "taxes" in this connection, but uses the word "revenue," and that anything that goes into the Treasury, out of which or from which it can only be taken by legislative action, is revenue. Whether or not it is revenue in the sense in which that word is used in the Constitution, where it provides that all bills for raising revenue shall originate in the House, is a question of dispute here, it seems; but there is no doubt in my mind, and for that reason I shall have to vote to sustain the point of order.

Mr. WILLIS. Mr. President, my colleague understands that I agree with him that while in effect this is revenue, it is really a payment for a service that is rendered by the Post Office Department, and that therefore it does not come under the general head of revenue, but rather is a fee.

Mr. REED of Missouri. Mr. President, I do not want to weary the Senate with further talk about this point of order, but I desire to call attention to a few authorities. As a preliminary, let me say that it is a strange doctrine which I have heard announced here this morning, that if a certain item happens to have been put in some ordinary revenue bill, for all time that fixes that class of thing as a revenue measure within the meaning of the Constitution. If that were true, we would better use a great deal of care hereafter, for nothing is more common than to find a revenue bill filled up with all sort of regulations, and with substantive law touching many questions.

The question whether this bill is a revenue bill within the meaning of the Constitution is the only question before us. If we shall decide that it is, we will deprive the Senate of a jurisdiction which it has constantly had since the formation of the Government. If we decide it upon narrow grounds because our desires in this particular case may run in a certain direction, we may find day after to-morrow that our desire runs the other way, and we will be confronted with the decision in which we have shorn ourselves of a jurisdiction granted to us by the Constitution.

Of course, absent the provision in the Constitution which declares that the House of Representatives must originate revenue bills, the Senate would have an equal jurisdiction, and the Senate's jurisdiction is coordinate with that of the House save and except as it is limited by that phrase of the Constitution, and that phrase of the Constitution has received construction by the courts and the authorities from the days of Story. It was Story who early used, if he did not originate, that expression construing the clause of the Constitution as referring strictly to taxes, and which has been read here several times.

I desire for a moment to call attention to the fact that the specific question we are now discussing has been decided by the United States District Court for the Southern District of New York. The opinion was by Judge Johnson, and he said:

> The provision of the Constitution, which is claimed to render invalid the clause in question, is this: "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills."

The court declares:

> A bill regulating postal rates for postal service provides an equivalent for the money which the citizen may choose voluntarily to pay. He gets the fixed service for the fixed rate or he lets it alone, as he pleases and as his own interests dictate. Revenue beyond its cost may or may not be derived from the service and the pay received for it; but it is only a very strained construction which would regard a bill establishing rates of postage as a bill for raising revenue, within the meaning of the Constitution. This broad distinction existing, in fact, between the two kinds of bills, it is obviously a just construction to confine the terms of the Constitution to the case which they plainly designate. To strain those terms beyond their primary and obvious meaning and thus to introduce a precedent for that sort of construction would work a great public mischief. Mr. Justice Story, in his Commentaries on the Constitution (sec. 880), puts the same construction upon the language in question and gives his reasons for the views he sustains, which are able and convincing. In Tucker's Blackstone only, so far as authorities have been referred to, is found the opinion that a bill for establishing the post office operates as a revenue law. But this opinion, although put forth at an early day, has never obtained any general approval; but both legislative practice and general consent have concurred in the other view.

There is the case of Smith *v.* Gillam (282 Fed. Repts. 628), where the question arose touching the prohibition law. I read just a sentence:

> * * * Previous adjudications have clearly established the proposition that the incidental receipt of money by the Government or its officers under the national prohibition act (41 Stat. 305) does not make it a "revenue law" within the meaning of such enactments as section 33 of the Judicial Code.

Here is a case in the One hundred and forty-ninth Federal Reporter, Bryant Bros. against Robinson, coming up from the fifth circuit. The case came up on a question of removal, and the court there said:

> There is no decision of the Supreme Court decisive of the question as to whether this cause is removable under section 643. In Public Clearing House *v.* Coyne, 194 U. S. 497, 506, 24 Sup. Ct. 789, 48 L. Ed. 1092, the Supreme Court speaks of the Post Office Department as not being "a necessary part of the civil government in the same sense in which the protection of life, liberty, and property, the defense of the Government against insurrection and foreign invasion, and the administration of public justice, are; but is a public function assumed and established by Congress for the general welfare, and, in most countries, its expenses are paid solely by the persons making use of its facilities; and it returns, or is presumed to return, a revenue to the Government, and really operates as a public and efficient method of taxation." United States *v.* Norton, 91 U. S. 566, 23 L. Ed. 454, is cited as an authority against the application of the statute to this case. It holds that the act entitled "An act to establish a postal money-order system," approved May 17, 1864, c. 87, 13 Stat. 76, is not a revenue law within the meaning of the act entitled "An act in addition to the act entitled 'An act for the punishment of certain crimes against the United States.'" approved March 26, 1804, c. 40, 2 Stat. 290. United States *v.* Hill, 123 U. S. 681, 8 Sup. Ct. 308, 31 L. Ed. 275, contains expressions which confine the phrase "revenue law," when used in connection with the jurisdiction of the United States courts, to laws imposing duties on imports or tonnage, or a law providing in terms for revenue.

The case in Two hundred and second United States, Millard against Roberts, has already been cited. The case in One hundred and seven United States, Twin City Bank against Nebeker, has been cited and I shall not read it again. The case of United States against Norton has been cited and often referred to. There is a case in Arkansas by the supreme court of that State which holds that a special tax levied for the purpose of building bridges and highways is not a revenue law within the proper meaning of that term. There is a case of Laughlin against County of Sante Fe, decided by the Supreme Court of New Mexico, from which I read just a sentence:

> Courts have frequently had occasion to construe similar phraseology, and, in such construction, they hold almost uniformly that the term "revenue," when used with reference to funds derived from taxation,

is best interpreted, in the absence of qualifying words or circumstances implying a different signification, as confined to the usual public income taxation.

I have found no case to the contrary. It seems to me too plain for argument. The exclusive authority granted to the House of Representatives to originate revenue bills, properly construed, gives to that body an exclusive jurisdiction over tax measures and does not apply in a case where a charge is fixed for a governmental service, even though the funds derived are turned into the General Treasury, where, in fact, are placed by the Government substantially all dues or fees or fines.

Let me illustrate: We have built a railroad in Alaska. Suppose we were to undertake in the Senate to pass a bill regulating or improving the service on the railroads in Alaska. Would anyone say we could not provide for the levying of proper charges on that road? The Panama Canal is an illustration. Tolls are charged for boats passing through the canal. Does anyone imagine that the Senate could not provide for the raising or lowering of those tolls? The lowering of a toll is the fixing of a lower rate, and there it is equally a revenue measure, if it be a revenue measure at all, with the raising of rates.

Now, it seems to me a vote upon this question for any narrow reason that we would like to put the bill in such shape that the House of Representatives would be forced to a particular action or that some tactical advantage could be gained here over the bill, is a mistake, because the precedent we establish will remain. If we establish a wrong precedent, it will be here to-morrow and the day after to-morrow and 10 years from now, and we may find an occasion when the Senate will regard it as highly necessary that it should exercise the power given to it by the Constitution of the United States.

Mr. PEPPER. Mr. President, will the Senator yield for a question before he takes his seat?

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED of Missouri. I yield.

Mr. PEPPER. I have been very much impressed with the effectiveness and logic of the Senator's presentation, and I want to ask whether it is not true that the real distinction as indicated by the authorities which the Senator has cited is between those exactions which the Government makes in its capacity as sovereign and those charges which it makes when, as a proprietor, it sells property or as a renderer of service it sells services? Is not that distinction fundamental all through the cases which the Senator cited?

Mr. REED of Missouri. I think it is. But I go a little further than that. I believe that a careful examination will show that the provisions of the Constitution apply only to a general tax, strictly and absolutely a tax.

Mr. STERLING. Mr. President, I have already occupied considerable time in the discussion of this question, and shall therefore be very brief. I just want to say a few words brought out by some statements made by the Senator from Ohio [Mr. FESS] and by others, too. It seems to me that we only need to look at the terms of the bill and consider the things for which the bill provides in order to determine whether it is a revenue measure.

The Government, under the power given by the Constitution, has established post offices and post roads for the benefit of the public or that part of the public desiring to use postal facilities. It costs the Government, of course, to maintain those facilities, and it charges the people who use the facilities for the services rendered. In charging them for the services rendered, are we raising a revenue within the meaning of the Constitution, requiring bills for the raising of revenue to originate in the House of Representatives?

Note the language of the bill, and one example will serve for all. For the service rendered in handling drop letters the rate of postage at post offices where free delivery by carriers is not established shall be, according to the terms of the original bill, 1½ cents; according to the amendment, 1 cent.

Now, note the next clause—

SEC. 202. (a) Postal cards authorized in section 3916 of the Revised Statutes shall be transmitted through the mails at a postage charge, including the cost of manufacture, of 1½ cents each—

According to the original bill, but "1 cent each" according to the proposed amendment. Is the charge made on the individual who chooses to use this facility and to purchase and mail a postal card with a 1½-cent stamp or a 1-cent stamp on it revenue in the ordinary sense of the term, let alone the meaning of the expression as found in the Constitution? So it is with reference to every single service provided for in this bill, the service as it is applicable to the zone system for which the bill provides and the extra charge for the service in transmitting the mail to the remote zones established by the bill or at present under the law. Therefore, Mr. President, it seems to me that there is a very good test, indeed, as to whether the charges provided for by the provisions of Title II of the bill are revenue in the sense meant by the Constitution.

One thing further, Mr. President. The authorities were cited and read from at length on yesterday. There are the three decisions of the Supreme Court—first, in the case of the United States against Norton, in which the question as to whether the money-order system established years ago was a system for raising revenue and whether a man having violated the law had violated a revenue law. The Supreme Court held in that case that it was not a revenue law, although every cent of the money received for a money order and every cent of fees paid for the issuance of the order went into the General Treasury of the United States.

Take the next case, that of Twin City Bank against Nebeker, where a 10-cent tax was imposed upon the circulation of national banks. The point was sought to be made that it was a revenue measure which should have originated in the House of Representatives. The court stated in that connection:

This language is applicable to the acts of Congress in the case at bar. Whatever taxes are imposed are but means to the purposes provided by the act.

I appreciate the point raised by the Senator from Ohio as to what the House of Representatives may do, but I wish to know if here and now in the consideration of this question the Senate is to be bound by what it thinks the House may possibly do in regard to this matter, or whether it is to be governed by the interpretations of the Constitution by the Supreme Court in case after case.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from California?

Mr. STERLING. I yield.

Mr. SHORTRIDGE. May we not confidently assume that the House of Representatives will be governed by the authorities which have been cited and the strong and unanswerable reasons which have been given in support of the position of the Senator from South Dakota and other Senators?

Mr. STERLING. I think so. Mr. President, I thank the Senator from California for his observation.

Futhermore, Mr. President——

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. I yield.

Mr. WILLIS. I wonder whether the Senator from South Dakota meant what he said in response to the Senator from California. Does the Senator from South Dakota think because the House, the other body, is likely to be governed by the considerations named that, therefore, in the Senate, abjectly and slavishly, we should bury our own opinions and not act as we think we ought to act?

Mr. SHORTRIDGE. Mr. President, may I respond to the suggestion just made by the Senator from Ohio?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from California for that purpose?

Mr. STERLING. Certainly.

Mr. SHORTRIDGE. In response to the Senator from Ohio [Mr. WILLIS] I will say, of course not. I put the question in that form for this reason: At this moment I merely say that, in my opinion, this is not a revenue measure, for reasons which have been presented by various Senators, notably this morning by the Senator from Pennsylvania [Mr. PEPPER] and immediately now by the Senator from South Dakota [Mr. STERLING], who has the floor. I inquired, may we not assume with perfect confidence that these authorities, this logic, the very philosophy of our Government, will appeal to the learned men in the House of Representatives? Wherefore, why should we hesitate, why should we timidly pause out of a childish fear that the House of Representatives will differ from us?

Mr. STERLING. That is as I understood the purport of the question of the Senator from California.

Mr. SHORTRIDGE. Multum in parvo.

Mr. STERLING. Yes. In that connection let me call the attention of Senators to this thought: The Senator from Ohio [Mr. FESS] states that among the 435 Members of the House of Representatives there will be some one who will make the

point of order against this bill, should we pass it here. Does it conclusively follow because the point of order may be made that the point of order will be sustained?

Mr. SHORTRIDGE. It might be overruled, Mr. President.

Mr. STERLING. It may be overruled. It may be submitted to the House of Representatives, as it is submitted to the Senate here, and the House of Representatives may vote against sustaining the point of order, if it shall be made.

Mr. FESS. Mr. President, will the Senator from South Dakota yield?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. I yield.

Mr. FESS. Does the Senator believe that the House of Representatives will reverse its decision when its practice has been to follow the precedents that it has set?

Mr. STERLING. How recently has the House followed the precedent which was set away back 50 years ago?

Mr. FESS. I have never known the House of Representatives to reverse a precedent. Does the Senator from South Dakota remember the House of Representatives having reversed a precedent?

Mr. STERLING. No; I do not recall it having done so. I am not familiar with the proceedings in that respect in the other House. I will say to the Senator from Ohio.

The PRESIDING OFFICER. It is contrary to the rules to refer to what has taken place in the House of Representatives or to what takes place in the House of Representatives.

Mr. SHORTRIDGE. Mr. President, the House of Representatives is not made up of Medes and Persians, but they are American statesmen——

The PRESIDING OFFICER. That reference to the House of Representatives will be indulged.

Mr. SHORTRIDGE. And I am assuming that if they were wrong 40 years ago, they will strive to be right to-day.

Mr. STERLING. Mr. President, I hope I have said nothing derogatory to the House of Representatives or to any Member of the House of Representatives.

The PRESIDING OFFICER. The Senator has not done so.

Mr. STERLING. I think the Chair has been a little exacting in his construction of the rule. I hardly think the rule goes so far as the Presiding Officer now intimates.

The PRESIDING OFFICER. The Chair did not mean to intimate that the learned Senator from South Dakota had said anything unparliamentary or in an offensive way.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Virginia?

Mr. STERLING. I yield.

Mr. NEELY. I wish to observe that if Senators desire to criticise the House of Representatives they ought to wait until the next Speaker of the House, Mr. LONGWORTH, shall have retired from this Chamber. [Laughter.]

Mr. STERLING. Mr. President, I was very much impressed with the argument of the Senator from Pennsylvania [Mr. PEPPER]. It seems to me it is conclusive. Money collected by the Government can not be called revenue except it arises from a tax, from a duty, from an impost, or from an excise; but there may even be bills providing for taxes which are not, according to the decisions of the Supreme Court, bills raising revenue, as in the case in Two hundred and second United States, where a tax of $1,500,000 was imposed upon the people of the District of Columbia under the terms of two several bills, and yet they were held not to be within the meaning of the Constitution—bills for the purpose of raising revenue.

Mr. President, just one word further. I want Senators to consider the exigencies of the situation. We have before us a bill which we are pledged in a sense—and in a very large sense—to pass. It is a bill increasing the salaries of the postal employees. It is here now and has reached the state of consideration by the Senate. The question of time is very material and important, and I think we ought to go ahead as we are warranted in going ahead with this bill, taking the sense of the Senate upon the various amendments and upon the bill itself, and then testing out the question as to whether the House will raise and insist upon the point that it is a revenue bill and therefore should have originated in the House.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from California?

Mr. STERLING. I yield.

Mr. SHORTRIDGE. Mr. President, under the Constitution the public lands are under the jurisdiction of Congress, are they not?

Mr. STERLING. They are.

Mr. SHORTRIDGE. And the Congress is made up of two Houses—the House of Representatives and the Senate. We all agree as to that. Now, could a bill not be introduced in the Senate providing for the leasing of the public domain or the sale of the public domain?

Mr. STERLING. I have no question about that, I will say to the Senator from California.

Mr. SHORTRIDGE. And as a consideration for the lease or for allowing the title to pass the Government would receive certain moneys, and those moneys would be converted into the Treasury.

Mr. STERLING. Certainly.

Mr. SHORTRIDGE. It is all repetitious, but merely to emphasize the point, allow me to ask, is there any learned Senator, Member of this body, who would contend that a bill for the purpose of selling the public domain or of leasing it might not properly and constitutionally originate in the Senate?

I submit that that one illustration is determinative of the point raised by the Senator from Virginia. The mere circumstance that the Government receives some money does not make that money revenue in the constructive sense, nor does the fact that a bill provides for the getting of that money by a charge for service rendered or for property parted with make the bill one for the raising of revenue as contemplated by the Constitution.

Mr. OVERMAN. Mr. President, I am not going to discuss the pending question except to read briefly from one decision. Of course, there are all kinds of courts and all kinds of decisions, but I have before me a decision which I think decides the point as to whether or not the pending bill is a revenue measure. It was argued here all day yesterday, and has been argued to-day, that a bill designed to raise $63,000,000 and taking it out of the pockets of the people and putting it in the Treasury of the United States is not a revenue bill.

In the grand old State of Massachusetts, before its supreme court, one of the greatest courts in the country, this question came up for decision. There is a clause in the constitution of Massachusetts exactly like the clause in the Federal Constitution in regard to the body in which bills to raise revenue shall originate. The court in Massachusetts decided that money which is taken out of the pockets of the people and put into the treasury of the State is revenue. The decision, I think, is clearly in point. I read from One hundred and twenty-sixth Massachusetts Reports, on page 557, and the decision is signed by all of the judges. A question similar to that now before the Senate was sent to the judges for decision, namely, whether or not the senate of the Legislature of Massachusetts could originate appropriations, which was the same question that has arisen here time and time again, and which really has been settled by the Conkling report, from which I read yesterday. I will merely read from the syllabus of the Massachusetts case:

> The exclusive privilege of the house of representatives, under the constitution of the Commonwealth, chapter 1, section 3, article 7, to originate money bills, is limited to bills that transfer money or property from the people to the State.

That is what is meant by revenue. Whenever a bill transfers money from the pockets of the people to the State treasury it is a revenue bill.

Mr. STERLING. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from South Dakota?

Mr. OVERMAN. I yield.

Mr. STERLING. Does the decision make any distinction between a tax imposed on all the people generally and a tax imposed upon those who use a special service of the Government and pay for that service?

Mr. OVERMAN. No; it does not make any such distinction, and certainly there can be no such distinction made in this case where it is proposed to take the $63,000,000 from the people.

Mr. President, this question is 300 years old and more. Long years ago it was discussed in parliament, and there came near being a great war on account of it. When the power to raise money for governmental uses was transferred from the people that power was conferred on the House of Commons. So when the question was discussed in our Constitutional Convention, the members of that convention took the provision from the parliamentary rules of Great Britain as it is found in the Constitution to-day. Mr. Blackstone goes fully into that, and I presume all the lawyers of the Senate have read in Blackstone the passages where he goes on to show the

origin of the provision that all bills that raise money from the people for governmental purposes shall be initiated in the House of Commons of the English Parliament.

Mr. GEORGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH in the chair). The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Ernst	McKellar	Shields
Ball	Ferris	McKinley	Shipstead
Bayard	Fess	McLean	Shortridge
Bingham	Fletcher	McNary	Simmons
Borah	Frazier	Mayfield	Smith
Brookhart	George	Means	Smoot
Broussard	Gerry	Metcalf	Spencer
Bruce	Gooding	Moses	Stanfield
Bursum	Hale	Neely	Sterling
Butler	Harris	Norris	Swanson
Cameron	Harrison	Oddie	Underwood
Capper	Heflin	Overman	Wadsworth
Caraway	Howell	Pepper	Walsh, Mass.
Copeland	Johnson, Calif.	Phipps	Walsh, Mont.
Couzens	Johnson, Minn.	Pittman	Warren
Curtis	Jones, Wash.	Ralston	Watson
Dale	Kendrick	Ransdell	Wheeler
Dial	King	Reed, Mo.	Willis
Dill	McCormick	Sheppard	

The PRESIDING OFFICER. Seventy-five Senators have answered to their names. There is a quorum present.

Mr. SIMMONS. Mr. President, on yesterday I participated in the discussion of some of the phases of the controversy in which we are now engaged, by my interruptions of the Senator from New Hampshire [Mr. MOSES], in charge of the bill, and the Senator from South Dakota [Mr. STERLING], who is chairman of the committee reporting the bill. The question now before us is whether the pending measure provides for the raising of revenue and therefore, having originated in the Senate, contravenes the constitutional provision which invests the House of Representatives with the exclusive power of originating bills for such purpose.

It is gravely contended the Senate, ignoring the precedents and position of the other body of the Congress, should decide for itself that question. Senators have declared that our failure to do so would show a spirit of weakness, and an indisposition to defend the dignity and prerogatives of the Senate.

Mr. President, I hope that Senators, in making up their minds as to how they ought to vote upon this question, will not be influenced by the dilemma or the predicament in which the administration and the majority upon this floor might be put with respect to this legislation in case this point of order should be sustained. If the Senate wants to assert its prerogatives, and thinks it is in a position to assert and maintain its alleged prerogatives effectively, all well and good; but I hope Senators will not permit the fact of a legislative predicament to influence their minds in the determination of the question upon its merits.

Mr. President, the House of Representatives has the right, and the exclusive right, to settle this question. The Constitution lodges in the House the exclusive power to originate bills to raise revenue. That power necessarily carries with it the exclusive power to determine and decide whether a bill does raise revenue or not. We can not divest the House of Representatives of that constitutional right by any action we may take; and any action we may take in this respect, therefore, is futile, while any action that the House of Representatives may take is binding upon us.

To refuse to recognize the power of the House and the decisions of the House in this respect is to undertake to override the constitutional provision which gives them the exclusive right to originate bills to raise revenue; in other words, the exclusive right to originate bills to raise revenue implies, to be effective, the exclusive power to determine whether a bill does raise revenue or not.

Mr. President, we know what the attitude of the House is with respect to these revenue bills. During a long period of years the House has made its attitude clear. The Senator from Ohio [Mr. FESS]—who was long a Member of the House, one of its leading Members, a student of parliamentary law, a student of constitutional law, and manifestly a man of reflection and observation—has called to the attention of the Senate the well-established and unbroken precedents of the House in this behalf. He called attention to the fact that the House in the assertion of this right has invariably returned to the Senate without action thereon bills held by it to provide for the raising of revenue.

The Senator from Ohio also assures this body that his long service and familiarity with the proceedings of the House, and the spirit of the House with respect to questions of this sort leads him to believe that the House will not recede from the precedent so established. He goes further than that and says that he does not know any instance where the House has receded from its position upon this question.

Of course, Mr. President, we can enact this legislation, we can assert our alleged right if we wish to disregard the attitude and precedents of the House of Representatives; but if we put this provision in the bill, it is quite certain, I think, that the House will refuse to accept the bill. If it follows its precedents, it certainly will. That does not mean that we may not at this session have legislation upon this subject. The House can, if it sees fit to do so, initiate legislation providing revenue to cover increases in the salaries of postal employees. But the surest method of getting effective legislation in this matter is for the Senate to recognize the precedents of the House, to recognize the authority of the House to decide a question of this kind, and strike this section out of the bill, passing the balance of the bill providing for the increases in the salaries of the postal employees, let it go to the House, and then if it is found desirable, and the House shall so determine, the House can reincorporate that part of the bill which we eliminate, and there will be no delay in the process of legislation.

If there is a determination on the part of the majority party, or the administration, to resist the passage of this legislation in behalf of the postal employees unless the bill provides for additional revenue sufficient to take care of the increases, the House is as cognizant of that position as is the Senate. The House is in close touch with the leaders in this Chamber. If the House feels that the President would veto the bill again if it did not contain the provision for raising additional revenue by increase of postage rates, and that it is necessary to tack on, in order to secure the President's signature, such a provision, undoubtedly the House will add such a provision or make some other provision to meet the requirements of the situation created by the attitude of the President.

There is nothing involved in the decision of this question under discussion, therefore, which should defeat the main purpose of this bill, namely, to increase the salaries of postal employees; and if the rate section is eliminated from the bill and the bill goes to the House and it wants to pass the bill but is satisfied the President would veto it if it did not contain a revenue provision to take care of the increases, I assume the House would make some provision for the additional revenue to cover the salary increases, although I should oppose with all the vigor I have a bill coming from the House providing the same method of raising this money as is employed in this bill.

Mr. President, I can not see in the cases cited and the decisions relied upon by the Senator from Missouri [Mr. REED] or by the Senator from South Dakota [Mr. STERLING] any justification for the confident position which they take that the courts have already settled this controversy. The courts have not settled this controversy. Not a single one of the decisions shows that the courts have settled it. All the courts have undertaken to decide is that in case a governmental service is created and the act creating it provides for payment for that service that that is not an act to raise revenue.

I do not controvert that position at all. I said yesterday in discussing this question that if this were an original bill for the purpose of creating a postal facility, such, for instance, as the Rural Free Delivery Service, it would be entirely competent for the Senate in providing for that service to provide for the funds to pay salaries of the employees of the Post Office Department charged with the performance of that service. In such a case it would be clear that the bill was for the purpose of providing funds to pay for a service to be performed and for no other purpose.

It was because I had that view that, upon the very threshold of the consideration of this question, when the very able and eloquent and resourceful Senator from New Hampshire [Mr. MOSES] was discussing the amendments to the bill, I interrupted him and asked him what the policy of the committee was in imposing these increased postage rates, whether it was to make the rates more nearly commensurate with the service rendered, or because the present rates were thought by the committee to be too low. I asked him whether they increased the rates upon parcel post and newspaper advertising matter because they thought the present rates were now too low, or whether they were so increased for the purpose of raising an additional amount of revenue to be paid into the Treasury to meet a deficit expected to appear because of the proposed increases in postal salaries.

I had in mind this very distinction when I asked those questions, because I believed then, as I believe now, if the proposed increases in rates were based on the belief that they were at

present inadequate to the service rendered by the Government, the section of the bill making these increases would not be subject to the objection that it provided for raising revenue within the meaning of the constitutional provision which we have been discussing.

Mr. REED of Missouri. Mr. President, is not that exactly what we are doing?

Mr. SIMMONS. If the Senator will pardon me, he will shortly see my point. The Senator probably was not here when I made my statement yesterday.

The Senator from New Hampshire admitted that the purpose of this section of the bill was to obtain revenue which should go into the Treasury for the purpose of meeting the salary increases made in the bill.

We have an admission to the effect that that is the purpose of the legislation. Not only does that admission come from the sponsor for this legislation upon the floor of the Senate, but that admission is implied in the very attitude of the President with regard to this legislation. Moreover, the bill itself in its title declares that it has a double purpose, one to raise the salaries and the other to raise the revenue to meet that increase in salary.

I think that the intent of Congress with respect to the legislation is the essential matter of the utmost importance in determining the question at issue. The court will gather its information as to that intent from the context of the act itself. If it finds from the context of the act that it is in effect one to raise revenue to defray Government expenses, then it will hold that it is subject to the constitutional provision with regard to the branch of the Congress authorized to originate such bills. If we know the intent that we ourselves have in the enactment of the legislation, whether we write that intent clearly in the bill or not, if we know our purpose and intent is to raise revenue to meet the increased expenses of the Government and not to adjust or increase charges for service rendered, then we ourselves ought to refrain from undertaking the exercise of power withheld from this body with respect to the origin of legislation.

In questions of this sort, in trying to ascertain what was the intent of Congress, the courts not only look to the context of the measure, but the courts examine the discussions in the Congress with a view of enlightening its judgment as to what was the real intent of the legislation. That it is our intent to do this thing—to raise revenue—is confessed on the floor of the Senate, confessed in the attitude of the President—yes, in the demand of the President, for the President is understood to demand that if we increase these salaries we shall at the same time provide additional revenue with which to pay the increase, and the bill is merely carrying out his demand.

I think the Supreme Court has sustained my contention in this respect. It was for the purpose of ascertaining what was the intent—not because I did not know it, but because I wanted it declared upon the floor of the Senate by the sponsor of the bill—that I interrogated the Senator from New Hampshire [Mr. MOSES] before this question was raised in order that I might have an authoritative declaration written in the records of the Congress as to what intent actuated and moved the committee in incorporating into the bill the provisions increasing postage rates.

Mr. McCORMICK. What was the statement of the Senator from New Hampshire with reference to the intent of the committee?

Mr. SIMMONS. It was made clear by the statement of the Senator from New Hampshire made on yesterday that the purpose of the committee in providing for these rate increases was to raise revenue to pay the increased salaries.

Mr. McCORMICK. Let me ask the Senator——

Mr. SIMMONS. Let me finish this and then I will yield to the Senator. The very case cited by the distinguished Senator from South Dakota [Mr. STERLING] bears out my contention. I shall not review the facts before the Supreme Court in the case of United States *v.* Norton, but it became necessary in deciding the case to determine whether a certain act was a revenue act within the meaning of the constitutional term to raise revenue. The court said:

> There is nothing in the context of the act to warrant the belief that Congress in passing it was animated by any other motive than that avowed in the first section.

The motive there was to establish a postal monetary system. If that means anything it means that the court will look to the context for the purpose of seeing if there was any purpose in the act that might relate to revenue, and if there was purpose that might relate to revenue then they would give weight to that purpose in their consideration of the case. The court said further:

> The offenses charged were crimes arising under the money order act. The title of the act does not indicate that Congress, in enacting it, had any purpose of revenue in view. Its object, as expressly declared at the outset of the first section, was "to promote public convenience and to insure greater security in the transmission of money through the United States mails."

Mr. President, I think it is clear that in determining the question whether an act is designed to raise revenue the intent of Congress is of great importance, and it is upon that manifest intent in the pending bill that I put my objection to the rate section as infringing the rights of the House and therefore inadmissible in a bill originating in the Senate.

I do not think there can be any doubt about two things; first that it is the clear, manifest, undisputed purpose and intent of this particular part of the pending bill to impose the proposed increased postage for the purpose of raising revenue to defray the increased expenses of the Government caused by increasing the salaries of postal employees; second, it shall be enacted and the courts shall find that such was its purpose and intent; they will construe it to be an act to raise revenue. If the courts shall find that such was not the purpose, but that the purpose was to equalize and adjust postal rates, because at the present time they are unequal or unfair to the Government or to the patrons of the Government service, then the courts would, in my judgment, hold that those provisions were not for the purpose of raising revenue, but for the purpose of paying for the service.

But when it is coupled with another piece of legislation and is brought here admittedly for the purpose of raising revenue to meet the expenses of the Government involved in the other section of the bill, then it really becomes a revenue measure and the intent of the Congress in passing it is not to charge for service, but to raise money for a collateral purpose.

The House of Representatives can not be in any doubt about what the intent is with reference to the matter. The intent may not be sufficiently clearly written in the context of the bill to control the Supreme Court and the Supreme Court may not be able, using that context and the contemporaneous discussion of the question in the Congress, to gather our intent in that respect with sufficient certainty to enable them to apply it in the consideration of the question involved; but there is no trouble about the House knowing what the intent is.

The House knows as well as the Senate knows what purpose actuates and moves us in the imposition of these increased rates. The House knows that it is not for the purpose of fixing the scale of charges upon the basis of equity and fairness to the Government and to the users of this governmental facility. It knows that it is for the purpose of raising this money for some other reason than that which ought to actuate us in increasing postal rates.

Mr. President, we are impelled in our haste and our hurry to get revenue, under the demand of the President, to pay these increased salaries. We are hurried into imposing these taxes upon the users of the parcel post and increasing the rates on advertising matter in the newspapers and magazines of the country not because it has been determined by the committee, after thorough investigation, that it is the duty of the Government to do this, but because it is found expedient to do it, in order to meet the demands of the President to raise additional revenue to cover a probable deficit.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. SIMMONS. I yield.

Mr. WALSH of Massachusetts. I should like to ask the Senator if it is not significant that since the foundation of the Post Office Department there never before has originated in the Senate a bill to increase postal rates?

Mr. SIMMONS. I do not recall any such bill having originated in the Senate since I have been here, now practically a quarter of a century.

Mr. UNDERWOOD. Mr. President, I do not intend to delay the Senate for any length of time in discussing the point of order which is now before the Senate.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Alabama yield to me in order that I may make a point of order?

Mr. UNDERWOOD. I yield.

Mr. WALSH of Massachusetts. I think the full Senate ought to hear what the Senator from Alabama shall say on this question, and I raise the point of order that a quorum is not present.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McCormick	Sheppard
Ball	Fess	McKellar	Shipstead
Bayard	Fletcher	McKinley	Shortridge
Bingham	Frazier	McLean	Simmons
Brookhart	George	McNary	Smith
Broussard	Gerry	Mayfield	Smoot
Bruce	Gooding	Metcalf	Spencer
Bursum	Hale	Moses	Stanfield
Butler	Harreld	Neely	Sterling
Cameron	Harris	Norbeck	Swanson
Capper	Harrison	Oddie	Underwood
Caraway	Heflin	Overman	Wadsworth
Copeland	Johnson, Calif.	Pepper	Walsh, Mass.
Couzens	Johnson, Minn.	Phipps	Warren
Curtis	Jones, Wash.	Pittman	Weller
Dale	Kendrick	Ralston	Willis
Dial	Keyes	Ransdell	
Dill	King	Reed, Mo.	

The PRESIDING OFFICER. Seventy Senators have answered to their names. A quorum is present.

Mr. UNDERWOOD. Mr. President, I would not detain the Senate on this question of order if I did not regard it as one that is very far-reaching, and one that goes to the very fabric of the construction of government.

Some weeks ago I voted for the raise in the pay of the postal employees, because I believed that most of those men, if not all of them, are underpaid when you consider the advanced cost of living since their salaries were fixed heretofore; but I stand ready to vote against this bill in the form it is in if it comes to final passage. There are a number of reasons, but not the least of those is the method in which the bill comes before the Senate.

These employees are under the civil service. They are employees of the United States Government, not particularly of the Post Office Department. They receive their pay from the Treasury of the United States, not from the Post Office Department. It matters not whether the postal rates produce too much or too little; their pay is fixed by the Congress, and is supposed to be fixed in compensation for service rendered. If we are now to start a new precedent, one that is established for the first time in the history of this Government, and say that the basis of pay for service rendered shall be the question as to whether the Congress is willing to levy taxes on the American people in order to raise the revenue to compensate for that service, we have established an entirely new basis for service in the Post Office Department as distinguished from every other department of this Government.

I think that would be unfortunate for the Government; I think it would be most unfortunate for the employees; and I think it would be equally unfortunate for those who must pay the toll, because you are then going to bring about a competition between the political influence of the employee in an effort to raise his salary and the political influence of the man who is paying the toll in an effort to keep down his salary. I do not think the basis of compensation of any employee of this Government should be the question as to whether we can raise taxes to pay him. His compensation should be based on a fair and just return for service rendered.

Now as to the point of order. Mr. President, it seems to me very clear that the section of the bill that seeks to increase postal pay or the remuneration for carrying the mail is subject to the point of order made by the Senator from Virginia [Mr. SWANSON].

The reason of the law is the life of the law, and without the reason manifestly the law can never stand. The reason for the adoption of these clauses in the Federal Constitution is the life that stands behind them. You must bear in mind that it was the men who fought the War of the Revolution who wrote the Constitution of the United States, and one of the battle cries that they followed on the Revolutionary battle fields was that taxation without representation is unjust. Therefore when they wrote the Constitution of the United States they provided in the limitations of that instrument that all bills affecting revenue must originate in the House of Representatives; and why? Because that body more nearly represented the mass of the American people who pay taxes.

We may to-day pay a portion of our taxes measured by the standard of wealth, but we had no income tax in the days of the Revolution. We collected our taxes largely per capita; we collected them on the food the man ate, or the clothes he wore, or on some service rendered. Therefore we placed in the Constitution of the United States a limitation that provided that if you were going to tax him the taxing power must originate in the House, primarily representing the mass of the American people.

I have heard it said that that reason applied in that day because United States Senators were not directly elected by the people, but were elected by the legislatures, and that the House was elected directly by the people. I do not so understand the reason of the rule. The reason of the rule was that every State, regardless of its size and its population, was represented in this body by two Senators, while the number of Members of the House of Representatives depended on the population of the States. In other words, it came back to the principle that taxation without representation is unjust; and it is in the House and not here that the mass of the people of the United States are represented according to number. A smaller State has the same representation in this Assembly that the Empire State of New York has, and yet in the House of Representatives that smaller State has 1 vote and the Empire State of New York has 43. So it is perfectly clear that there was and is a reason for the rule maintained and established in the Constitution of the United States that bills affecting revenue must originate in the House.

If that is the reason of the rule, if it was placed in the Constitution to protect the mass of the American people against taxation, why should it not apply all along the line? Why should you discriminate? Why should you say that you may perchance levy an income tax and require that it shall originate in the House of Representatives, but at the same time that if you levy an impost tax on automobiles it may originate in the Senate? There is no reason for that rule. It does not apply. It does not come within the terms of the reason that moved the fathers who built the Constitution.

Mr. KING. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I will.

Mr. KING. The Senator used the expression "bills affecting revenue," and stated that they must originate in the House. Does the Senator differentiate between the word "affecting" and the word "raising"? The Constitution says "raising," not "affecting."

Mr. UNDERWOOD. I do not differentiate. It has been held that under the term "raising revenue" a bill decreasing revenue that originates in the Senate is equally unconstitutional.

Mr. KING. It is not unconstitutional.

Mr. UNDERWOOD. I beg the Senator's pardon. I can not stop now to show him the authorities, but I will do so. It has been held that bills lowering revenue are just as unconstitutional, if they originate in the Senate, as bills raising revenue; because, forsooth, they fix the revenue tax, and in the end they are charging revenue.

As has been said in this debate, revenue means taxation, and that is true. That is the reason of the rule. It was to guard against unjust taxation that this clause was placed in the Federal Constitution; and the courts have said that raising revenue meant levying taxes. But what does levying taxes mean? What is a tax? A tax is a rate charged on person or property for the use of the Government?

Now, what is this? What is the proposal here? To increase postal rates; in other words, to require the user of the mails to put additional stamps on a package. The stamp merely represents the power of the Government. It is a permit for the use of the mails. The buying of the stamp is the charge, and it is a rate imposed either upon the person who sends the letter or on the letter itself, whichever you choose to call it, for the use of the Government of the United States. There can not be any question about that. The fact that the Post Office Department in a way renders a business service does not take it out of the rule. You might go to the Interior Department and go to the Public Lands Division and there apply the same rule. Of course, that would not be a tax, because the public lands already belong to the Government, and this rule applies only to taxation. But you can go to any of these departments where service is rendered, and the fact that there is a rendition of service does not change the fact that the revenue raised to support it is not taxation. It seems to me that is perfectly clear, and it has so been regarded since the beginning of this Government, and until this time I have never heard of a bill raising the rates in the Postal Service originating in the Senate of the United States.

Senators claim that we should stand firm to our rights and our prerogatives. Yes, Mr. President, if they are our rights and our prerogatives, but there is no greater disservice the Senate can give to the people of the United States than to seek to absorb to itself, where it may have a temporary lease of power, the control of matters which have not been given to us either by the Constitution or the people of the United States.

The Constitution gives to us the right to join with the President of the United States in making treaties. That is our

right, and we should be firm in maintaining that right. But the Constitution distinctly took away from us the right to originate certain classes of legislation, and it did so for a good reason. It did so in the interest of the great mass of the American people, and I say that for the Senate at this hour, under the pressure of a trying case, to seek to grasp power which we do not possess, to maintain rights which are not ours, would not only set a bad precedent, which would come back to haunt us, but it would mean a great disadvantage to the men we seek to serve.

In all honesty and candor I voted for the increases in the pay of the postal employees, because I believed they were entitled to them, but I know, and I think there are but few Senators here who do not know, that the House of Representatives is just as jealous of its rights and its prerogatives as is the Senate of the United States of its rights and prerogatives; that it will maintain them, and should maintain them.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Delaware?

Mr. UNDERWOOD. I yield.

Mr. BAYARD. I do not know whether the Senator was present this morning when the senior Senator from Pennsylvania [Mr. PEPPER] was talking on this subject, but he made the suggestion, as I understood him, that it was not the part of this body to be in any way afraid of whatever action the House might take; in other words, whatever conception the House might have of the duties and powers of the Senate was not a matter for this body to consider. It struck me at that time—and I want to make the suggestion to the Senator who is now speaking—that we are bound to take cognizance of our own powers in this body, and are we not to that extent a quasi judicial body, which must first determine its own jurisdiction of a matter pending before it before it can determine the consideration of the case?

Mr. UNDERWOOD. I think the Senator is unquestionably right. If our position were clear, if it were within our power, I think we should maintain our position and our rights; but, to say the least, this proposal had hardly walked across the door of the Senate before its constitutionality was challenged. I served for 16 years on the Ways and Means Committee of the House of Representatives, and twice I participated in votes which sent back to the United States Senate bills which came over there containing provisions for raising revenue.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. UNDERWOOD. I yield.

Mr. SWANSON. To emphasize what the Senator has said, to show that this point of order made by me should be sustained, one of the ablest justices we ever had on the Supreme Court, Justice McLean, in a case reported in Twelfth Howard, delivered an opinion on this very question which seems to me should be conclusive of this matter. The question was as to whether postal revenues were taxes, so as to form the basis for a prosecution against a man who misused the revenues of the Government under a general statute. I want to read from the opinion, which seems to me ought to be conclusive of this question.

Mr. WALSH of Massachusetts. What is the citation?

Mr. SWANSON. It is the case of United States *v.* Bromley, (12 How. 97). This is the language of the court:

> Revenue is the income of a State, and the revenue of the Post Office Department, being raised by taxation on mailable matter conveyed in the mail and which is disbursed in the public service, is as much a part of the income of the Government as moneys collected for duties on imposts.

The language under which that prosecution was had was "revenue of the Government," under the constitutional phrase.

Mr. UNDERWOOD. I think the Senator is right. I do not think there is any doubt about that position.

Now, as to the practical proposition. If I really were not disposed to pass legislation which would give these men reasonable raises in their salaries, I would say—

> On with the dance! Let joy be unconfined.

Let us ride on over the bluff and destroy the measure. But I know, and you know, Mr. President, that if we send this bill raising revenue in the Postal Service to the House of Representatives our action will be challenged at once. They will either refuse to pass the bill or they will send it back here.

We are within about 30 days of final adjournment. If we should pass this bill now with this provision in it, it would mean absolutely and unequivocally that the measure providing for increases in the salaries of the postal employees would lie dead across the door of the Senate. There can be no question about that. On the other hand, if this point of order shall be sustained or on motion this section shall be stricken out of the bill, we will send the measure to the House of Representatives.

Mr. McKELLAR. Mr. President——

Mr. UNDERWOOD. Just allow me to finish this thought. If the House sees fit to put in the bill a provision for taxation to raise this money, they can do that; that is their prerogative. I think it would set a bad precedent. I think the question of the increases in the pay of these men should stand on service rendered and not depend on the condition of the Treasury. But the House could do that, and when the bill came back here, or went to conference, we would have a direct vote on the question involved, without any constitutional issue being raised.

Now, I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, we have already passed a postal salaries increase bill, which the President has vetoed. If the revenue features of this bill should be stricken out, that would leave the salary bill just as it was when the President vetoed it. Does the Senator think that the postal employees will get any increases of salary if all the revenue features are stricken out and the bill is left as it was before?

Mr. UNDERWOOD. I do not know what attitude the President may take in reference to the bill as it goes back to him. I am not prepared to say that. Nor am I prepared to say whether the House would pass it over his veto if it came back again. I think the vote when the bill came up before was very close. There might be a change.

Mr. SWANSON. Mr. President, if the Senator will permit me to suggest it, if this section shall be eliminated—and I wish to say that if this point of order is not sustained I shall move to strike out the part of the bill imposing the tax—the bill can go to the House with these raises in it, and if the House sees proper to impose a tax, as it is given power under the Constitution to do, I do not see why the Senator from Tennessee should be so anxious that the Senate should impose these taxes. The House will have that privilege, if it thinks wise to put it through.

Mr. McKELLAR. I do not want to interfere with the remarks of the Senator from Alabama, but when he finishes I will be very glad to answer the Senator from Virginia.

Mr. UNDERWOOD. Mr. President, of course the House can add a provision imposing these taxes, and we can consider that. I think it would be very unwise for the House to impose taxes in order to pay specific salaries. I think in the last analysis we would in that way put the Government employees on the battle line on one side against the taxpayers on the battle line on the other side, to the detriment and discomfort, in the end, of the Government employees. I do not think the question should be raised. I do not think it is a fair wage of battle. I think it is very much better in the end for these men to stand on what I believe are their just and fair rights; and if they do not obtain their rights to-day, they should come back to-morrow. But they should not let the issue as to whether or not they are entitled to the raises be dependent on whether the Government is willing to impose additional taxes out of which they shall be paid.

I think the point of order is clearly well taken, and I think from every point of view it ought to be sustained.

Mr. McCORMICK obtained the floor.

Mr. FESS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. McCORMICK. I yield.

Mr. FESS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	King	Ralston
Bayard	Ernst	McCormick	Ransdell
Bingham	Fernald	McKellar	Reed, Mo.
Borah	Ferris	McKinley	Sheppard
Brookhart	Fess	McLean	Shields
Broussard	Frazier	McNary	Shipstead
Bruce	George	Mayfield	Shortridge
Bursum	Gerry	Means	Simmons
Butler	Gooding	Metcalf	Smith
Cameron	Hale	Moses	Spencer
Capper	Harris	Neely	Stanfield
Caraway	Harrison	Norbeck	Sterling
Copeland	Heflin	Oddie	Swanson
Couzens	Johnson, Calif.	Overman	Underwood
Cummins	Johnson, Minn.	Owen	Wadsworth
Curtis	Jones, Wash.	Pepper	Walsh, Mass.
Dale	Kendrick	Phipps	Watson
Dial	Keyes	Pittman	Willis

Mr. JONES of Washington. I desire to announce that the senior Senator from Delaware [Mr. BALL] is necessarily absent on business of the Senate.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Seventy-two Senators have answered to their names. A quorum is present. The Chair recognizes the Senator from Illinois.

Mr. McCORMICK. Mr. President, the Senator from Missouri [Mr. REED] yesterday, so it seemed to me, made more clearly manifest than has any other Senator the issue before us. I recognize that in a parliamentary body it is perhaps sometimes necessary to invoke the good offices of parliamentary experts whose capacity to refine distinctions passes the comprehension of ordinary men. Some of those who have joined in this debate remind me of the theologians of Alexandria and Byzantium. After all, whatever the decisions of the courts or of the Chair may have been on the pending point of order, the rule of reason must govern.

It is asserted that this is a revenue bill—a revenue bill when the Post Office is engaged in active competition with private enterprise, when the Post Office conducts a savings bank, when the Post Office forwards money orders, when the Post Office makes a special charge to deliver some letters more promptly than others, and when the Post Office is engaged in the express business in competition with the private express monopoly formed by permission of Secretary McAdoo. The conditions in the Post Office to-day are not identical or even analagous to those which obtained at the time of the decision by the Supreme Court in 1851 of the case cited by the Senator from Virginia [Mr. SWANSON]. I may suggest that after that time the Dred Scott decision regarding the fugitive slave law was handed down and the American people passed adverse judgment upon it.

If we are to act upon a measure which has to do with Government competition with private service, with its employment of individuals who thereby become competitors of the employees of private enterprises, we are not acting upon a revenue measure. We are dealing with the Post Office as an agency in the service of the people. It was intended to raise the pay of postal employees precisely as the pay of employees in other like lines of business have been raised.

The President has declared that he will not consent that the pay of those postal employees be raised unless the service in which they are engaged is placed upon a self-sustaining or nearly self-sustaining basis.

A point of order has been raised against Title II of the measure, a point of order raised in order to strike from the bill Title II regarding charges for service even at the risk that the pay of the postal employees may not be raised. I think there is a general belief on the floor of the Senate that some of those who are interested in sustaining the point of order are more concerned with the political advantage to be gained than they are either with the prerogatives of the other Chamber or with the advance of salaries of postal employees. Those who have—as I have not—discussed at length the point of order in the light of the decisions of the courts and the Presiding Officers of the Houses of Congress have none the less indulged in speeches about the character of the bill and about the postal employees. If the point of order is sustained, those who sustain it know full well that there is every probability that there will be no increase in the pay of postal employees, and that, although the responsibility will be theirs, they will seek to place it upon Senators on this side of the Chamber or upon the President of the United States.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New York?

Mr. McCORMICK. I yield.

Mr. COPELAND. Is not that where the responsibility belongs?

Mr. McCORMICK. The Senator from New York is always confident, if not always accurate, in assertions. Did the Senator rise to ask me a question?

Mr. COPELAND. I was hoping that the Senator would answer the question I propounded.

Mr. McCORMICK. I thought the Senator had made a statement.

Mr. COPELAND. No; I asked the Senator if the responsibility for the defeat of the postal salary increase bill should not rest with the Republican Party and the Senator's colleagues on the other side of the aisle?

Mr. McCORMICK. I will answer that if the pending measure in the general terms reported by the Senator from New Hampshire [Mr. MOSES] is defeated the responsibility indubitably will be on the other side of the aisle.

Mr. COPELAND. I assume from the answer of the Senator that he admits that up to this time the responsibility for the defeat of the postal salary increase lies at the door of the Republican Party.

Mr. McCORMICK. The Senator is entitled to assume what he may, whether with regard to the pending bill or the title to the Isle of Pines.

Mr. COPELAND. I hope the Senator is not so wrong on the pending bill as he is on the Isle of Pines. However, I would be glad if he would let us know what attitude the Republican Party is taking regarding the increase of salaries for the postal employees who have worked so valiantly for the bill, and who are so thoroughly entitled to its enactment into law.

Mr. McCORMICK. I have noticed that recently the Senator from New York has become the spokesman for the party in his State. Will he speak for the party here in the Senate?

Mr. COPELAND. Of course, I may say in reply to that——

Mr. McCORMICK. Since Governor Smith has been dethroned?

Mr. COPELAND. I doubt exceedingly if the Senator from Illinois can quite speak for the Republican Party of his State.

Mr. McCORMICK. I have not pretended to speak for the Republican Party.

Mr. COPELAND. That is the reason, I suppose, why the Senator is not willing to answer the question I asked a little while ago, whether or not his party is responsible for the defeat of the postal salary bill.

Mr. McCORMICK. That is not the reason. There is a division on this side of the Chamber upon the point of order precisely as there is a division on the other side of the Chamber, as the Senator very well knows.

Mr. PEPPER. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. McCORMICK. I yield.

Mr. PEPPER. Referring to the two cases which were brought to the attention of the Senator from Illinois while he was speaking by the Senator from Virginia [Mr. SWANSON], I desire to say that the Senator from Missouri [Mr. REED] called my attention to the following reference to both of them which is made by the Supreme Court of the United States in United States against Norton, in Ninety-first United States, at page 569. The reference is this:

> The cases of United States *v.* Bromley (12 How. 88) and United States *v* Fowler (4 Blatch. 311) are relied upon by the counsel for the United States.

Those are the two cases to which I refer and which were mentioned by the Senator from Virginia—

> Both these cases are clearly distinguishable with respect to the grounds upon which the judgment of the court proceeded from the case before us. It is unnecessary to remark further in regard to them.

Mr. McCORMICK. The Senator from Virginia is conveniently absent from the Chamber.

Mr. President, let me repeat that the Senator from Missouri [Mr. REED] made plain the issue before the Senate. This bill does not involve the levying of taxes upon the whole people—that is, the collecting of revenue—but it deals with the imposition of charges upon certain people for services rendered to those people by the Government like or identical to services rendered by private enterprise. If the Government is to engage in such service, then the Legislature of the Government must be able to legislate in order that the Government may compete upon reasonably equitable conditions with private enterprise.

If there had been no disposition to raise a political issue here in the Senate, the discussion of the point of order by those who have supported the contention of the Senator from Virginia would have confined themselves to the point of order, but even my friend, the Senator from North Carolina [Mr. SIMMONS], after alluding to precedents and prerogatives and constitutional powers, embarked upon a discussion of the measure and found fault with its terms, debating it not as if it were out of order but as if its provisions were the major issue and contending that it was faulty in construction.

Mr. BAYARD. Mr. President——

Mr. McCORMICK. I yield to the Senator from Delaware.

Mr. BAYARD. I would suggest the following quotation from the veto message of the President of last June, which is found on page 3:

> For the fiscal year 1923 the postal revenues were $32,000,000 less than the cost of the service for that year.

So the President of the United States used the word "revenues" with regard to the result of the raising of the postal rates. I do not see how the Senator can get away from the fact that this is a revenue bill.

Mr. McCORMICK. But, Mr. President, one may say that the income of a railroad is its revenue, may he not? I think that is hairsplitting in which the Senator from Delaware will hardly care to indulge.

Mr. BAYARD. I will say to the Senator from Illinois that I merely made that quotation from the President's message because of the fact that the Senator himself was referring to various enterprises in the country which, from his point of view, came in contact with the operations of the Government; and he is using that to base his argument on in order to show that these were not revenue measures but were mere fiscal measures of the Government, separate and apart from any revenue measures. I was quoting from the President, who vetoed this measure and who used the very word "revenues" in connection with the return from postal operations.

Mr. McCORMICK. I still insist that the use by the President of the term "revenues" in that connection does not imply that the charges under this bill constitute revenue under the terms of the Constitution any more than the incomes of railways accruing from freight and passenger fares are revenues because they are sometimes so described.

THE FRENCH DEBT

Mr. BRUCE. Mr. President, yesterday when I was engaged in a colloquy with the Senator from Idaho [Mr. BORAH] he abruptly shut off the prosecution of my interruption by saying that he did not want me to introduce any incorrect history into his speech. How far this curt disposal of my interruption was consistent with the ordinary amenities of parliamentary intercourse I will leave the Senator to determine for himself in his more meditative moments; but if by that statement the Senator intended to ascribe to himself any extraordinary degree of accuracy as a historian, I beg leave to say that about the only correct history in his speech was that which I contrived to inject into it. [Laughter.]

When I made the statement that France not only loaned large sums to the people of the United Colonies during the War of the Revolution but made large gifts to them also, and when I recalled a gift of no less than 6,000,000 livres made by France to the people of the United States during that Revolution the Senator said:

> That took place, as the Senator must know, because at the time Franklin applied for that loan the French Government was not willing to risk its chances with the American Colonies, and they never did take the risk until after the Battle of Saratoga. Therefore they transmitted this loan—this gift, if the Senator prefers to call it such, which afterwards transformed itself into a loan—through certain individuals from whom Franklin got it.

The surrender of Burgoyne at Saratoga took place on October 17, 1777. The gift of 6,000,000 livres was not made until the year 1781, and that fact is evidenced by the exhibit itself, which the Senator from Idaho has had inserted in the CONGRESSIONAL RECORD in connection with his speech.

It had no connection whatsoever with the subsidies that America received from France and Spain through the agency of Beaumarchais. As evidenced by the Senator's exhibit, those subsidies amounted to some 3,000,000 livres. Two millions of that amount was advanced in 1776 to Beaumarchais by the French Government for the purpose of assisting the American colonists, and another million was advanced in the same year to him by Spain for the same purpose. Franklin had no connection whatever with those subsidies. He did not even arrive in France until the latter part of the year 1776. Silas Deane, not Franklin, was our minister at the Court of France during that year, and, even after Deane, Franklin, and Arthur Lee were appointed our ministers to Paris, all transactions that our country had with Beaumarchais, or the commercial house of Roderique Hortalez & Co., which was the screen for these transactions, were conducted by Beaumarchais with Silas Deane alone. Deane alone was privy on behalf of America to the Beaumarchais operations.

I shall not pause to read in detail the statements in the Life of Franklin, by James Parton, which sustain these allegations. He is perhaps the most authoritative biographer of Benjamin Franklin; and upon his testimony, as well as upon other testimony that I could readily cite, I base my assertion that, after what he said about my inaccuracy, the Senator from Idaho has fallen into complete, irredeemable error when he connects the gift of 6,000,000 livres of which I have spoken with Beaumarchais. The six millions, as I have said, were given by France to the United States in the year 1781, and this, too, is shown by the Senator's exhibit; and I desire to pause just for a moment to bring to the attention of the Senate the circumstances under which that splendid gift was made.

I refer to Parton's Life of Benjamin Franklin, volume 2, page 391. Parton states that Franklin was instructed to ask for a loan of 25,000,000 of francs from France. He made the application, and then Parton goes on and describes the result:

> He had to wait three anxious weeks for an answer, during which arrived Col. John Laurens, the minister sent expressly by Congress to promote the loan. The arrival of Colonel Laurens gave Doctor Franklin an excuse for pressing his request anew upon the Count de Vergennes, who sent for him at length. "He assured me," Franklin wrote, "of the King's good will to the United States; remarking, however, that being on the spot, I must be sensible of the great expense France was actually engaged in and the difficulty of providing for it, which rendered the lending us twenty-five millions at present impracticable. But that to give the States a signal proof of his friendship, His Majesty had resolved to grant them the sum of six millions not as a loan but as a free gift. This sum, the minister informed me, was exclusive of the three millions which he had before obtained for me to pay the Congress drafts for interest expected in the current year."

Parton continues:

> It was a timely and precious gift. It enabled Doctor Franklin to sustain the credit of America in Europe, and it contributed essentially to the success of the campaign which ended in the surrender of Lord Cornwallis at Yorktown.

And I may add that when Franklin was instructed to apply to France for the loan of 25,000,000 of francs George Washington wrote to him—this was just before the Revolutionary campaign of 1781—

> We must have one of two things, peace or money from France.

Mr. BORAH. Mr. President, do I understand that the Senator is reading from James Parton?

Mr. BRUCE. I am reading from James Parton. I gave the volume and the page.

Mr. BORAH. The Senator will recall an incident in the life of James Parton which illustrates his historical worth. Whitelaw Reid at one time introduced James Parton to a literary club in New York as the great American novelist.

Mr. BRUCE. Did he? Well, I think this is a case where truth is stranger than fiction, perhaps.

Mr. BORAH. "Perhaps" is good.

Mr. BRUCE. This is one case, at any rate, in which fiction rests upon a solid basis of historic truth.

But I need not turn—and nobody knows it better than the Senator from Idaho—to Parton in confirmation of what I have been saying, because, as I have said, the fact of this gift of 6,000,000 of livres, though the Senator from Idaho seemed to be unconscious of that fact, was evidenced by the very exhibit that he inserted in the RECORD in association with his speech. Such was the spirit in which George Washington regarded the significance of that gift; such was the spirit in which Benjamin Franklin regarded its significance; and that it was precious at that particular crisis in the history of our country does not rest upon the mere asseveration of James Parton or any other historian, but upon unquestionable contemporary testimony.

Let us inquire just a little more in detail what impression the gift made upon the mind of Franklin at that time. It was made, of course, when our country was weak and enveloped with doubt and uncertainty, not to say despair. When the Senator from Idaho spoke yesterday he was speaking in the plenitude of our amazing power, when the relative positions of France and of the United States of America at the time of the Revolution had been completely reversed; and when it was no longer the United States that was approaching France and asking for favors, but France approaching the United States and asking for them. As there is no other authority readily at hand, I take the liberty of quoting from a work of Benjamin Franklin, Self-Revealed, in which I personally have had something to say on this subject:

> He [Franklin] was generously prompt always also to ascribe any temporary interruption to the flow of French subsidy to the pressing necessities of France herself. Full, too, always he was of simple-hearted gratitude to France for the princely help that she had given to the American cause. No one knew better than he that this help originated partly in selfish policy, and was continued partly because it had been extended too liberally already to be easily discontinued. "Those, who have begun to assist us," he shrewdly observed to Jay, when counseling him that every first favor obtained from Spain was tant de gagné," are more likely to continue than

to decline." Every appeal that he ever made in his life to liberality in any form took the bias of self-interest duly into account. But he was merely true to his settled principle that human character is an amalgam of both unselfish and selfish motives, when, realizing that the aid rendered by France to the United States originated partly in the glow of a generous enthusiasm for the cause of human liberty and fraternity, he wrote to Robert R. Livingston on August 12, 1782, in a letter in which, after stating that the whole amount of the indebtedness, then due by the United States to France, amounted to 18,000,000 livres, exclusive of the Holland loan guaranteed by the King of France, he said—

And it is to these words especially that I invoke the attention of the Senate—

In reading it—

Franklin was referring to a statement of an account between the United States and France which had been presented to him recently by the French minister—

In reading it [a statement of the account] you will discover several fresh marks of the King's goodness toward us, amounting to the value of near two millions. These, added to the free gifts before made to us at different times, form an object of at least twelve millions, for which no returns but that of gratitude and friendship are expected. These, I hope, may be everlasting.

In a subsequent letter to Vergennes, Franklin referred to the King as our "friend and father." But naturally enough deep-seated gratitude found its most impressive utterance when the long and bloody war was at an end, the independence of the United States fully established, and Franklin ready, as he wrote to Robert R. Livingston, to say with old Simeon, "Now lettest thou thy servant depart in peace, for mine eyes have seen thy salvation."

There are further words of gratitude uttered by him:

May I beg the favor of you, sir [he wrote to Vergennes, when he was soon to leave France forever], to express respectfully for me to His Majesty, the deep sense I have of all the inestimable benefits his goodness has conferred on my country; a sentiment that it will be the business of the little remainder of life now left me, to impress equally on the minds of all my countrymen. My sincere prayers are, that God may shower down His blessings on the King, the Queen, their children, and all the royal family to the latest generations.

How any man can read those kindling words and then dwell in any strain of ignoble criticism upon the country which called them forth, is more than I, at any rate, can understand.

So much for the inaccuracy of the Senator from Idaho with regard to the origin of this gift of 6,000,000 livres. Now, until some more substantial testimony to the contrary has been brought to my attention than has yet been brought to it, I think that he was equally inaccurate when he stated that this gift was paid back. I find no evidence of the fact in the exhibit that he has had recorded with his speech. Nor have I ever seen such a fact stated by any biographer of Franklin or any authoritative book of any kind relating to Franklin.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. BRUCE. I do, even at the risk of having some incorrect history inserted in my speech.

Mr. BORAH. No; I am not going to insert any history at all.

Mr. BRUCE. No; the Senator had better try fiction.

Mr. BORAH. I was going to say that if the Senator has any evidence himself that it was not paid, I will accept it.

Mr. BRUCE. Evidence! When a thing is a gift, it is a gift; and when the fact is established that a gift has been made, the presumption, of course, is that it has never been treated as a loan and paid back.

Mr. BORAH. I understand that is the Senator's only answer?

Mr. BRUCE. It is my answer, and it is an unanswerable answer, I think.

Mr. BORAH. Yes; I think it is, in the way it is put.

Mr. BRUCE. An unanswerable answer, I believe.

Mr. BORAH. I quite agree with the Senator, if the Senator's conclusion is that there is no answer to it.

Mr. BRUCE. That exhibit shows that all the loans made by France were either paid back by 1795 or reduced to the form of 4½ per cent and 5 per cent stock, some of which was paid off at the beginning of the nineteenth century, and some as late as the year 1815; but nowhere in that exhibit, nowhere in any biography of Franklin, nowhere in any authoritative publication of any kind, I venture to say, though I speak subject to correction, can be found the slightest scintilla of evidence going to show that one single dollar that the United States of America received in the gift of 6,000,000 livres from France was ever paid back to France.

Mind you, as that exhibit shows, too, this gift of 6,000,000 livres was not the only gift received by the people of the United Colonies from France during the War of the Revolution. There was another gift through Franklin of 2,000,000 livres, in 1777, making the whole amount of the gifts given by France to the people of the United Colonies, including the subsidy of 2,000,000 livres received by Beaumarchais from France in Spain in 1776, 10,000,000 livres—a sum equivalent, in terms of American money, to $1,815,000, and a sum, though I do not pretend to speak at this moment with any exactitude upon such a point as that, probably four or five times greater in point of purchasing power than the same sum of money would be to-day.

So, if I were disposed to indulge in a spirit of rash assertion, such as I conceive the Senator from Idaho to have indulged in to some extent when he brushed me so quickly aside, I should say that his speech in regard to these historical incidents was highly inaccurate.

I admire the rare abilities of the Senator from Idaho; I admire his persuasive eloquence; I admire his integrity of character; I admire his independent, fearless spirit. When I came to this body, a stranger and unknown, he was one of the first of its older Members who held out to me the hand of cordial fellowship, and I am sure that if he had had just a little more time to give to this matter what he said would have been marked by his usual accuracy. But, highly as I think of the Senator in every other respect, if I were to judge of him as a historian by what he said yesterday I should say that he was one of the most untrustworthy historians that ever came to my knowledge in the range of my humble historical labors.

When the Senator speaks of France being governed entirely by selfish motives in coming to the aid of the colonists, he fails to draw the distinction, as I apprehend it, between the French Government and the French people. Of course, Louis XVI was a king. His trade was that of a king—a crowned head. Naturally enough, the spectacle of a people rising up in insurrection on the other side of the ocean and defying the armed power of their sovereign was one that he, at least, did not relish. Nor of course did his minister, Turgot, who shared his responsibilities, relish it, and there is no question in the world that the participation of France in the American Revolution was to no small extent inspired by the hostility of France to England, by the wish to wound her, to injure her, to maim her, to separate her from her valuable colonies. That those considerations entered into the executive policy of France at the beginning of the American Revolution no one can gainsay, but equally hard it would be to gainsay the fact that king and minister and government were all hurried into the alliance between France and the people of America by the passionate sympathy which the people of France came to feel for the cause of American liberty.

Why, in order to establish his views should the Senator from Idaho have turned to the history of the United States by Woodrow Wilson, whose history, I say with great respect, is regarded with very little favor by any true historical student, remarkable as the intellectual powers and public services of Woodrow Wilson were in many respects.

And why should the Senator from Idaho refer to Alexander Hamilton, above all men of the world, in support of his claim that France was animated solely by selfish motives in taking a part in the American cause? Hamilton was a native-born Englishman. All his prepossessions were in favor of the English monarchical form of government. He shared all the old, immemorial hatred of his people for the French. He felt like the character in Shakespeare who said:

> I thought upon one pair of English legs
> Did march three Frenchmen.

Of course, he approached such a subject with an absolutely inveterate, irrepressible bias against France. And if the utterance of his referred to by the Senator was made after the deadly feud that sprang up between him and Thomas Jefferson, who, of course, was a devoted friend of the French people, there was all the more reason, in view of the rivalry that existed between him and Jefferson, why he should have no tolerance of comment whatever for France and be unwilling to acknowledge that she had been actuated by generous motives in assisting the American Colonies.

Let us turn rather to what, after all, is the only true testimony with regard to any historical controversy; that is, to the best contemporary testimony. First of all, let us refer to

Count Sigur, one of the ornaments of the French court, as to the general state of the French mind in relation to America and its cause at the beginning of the American Revolution.

Says Count Sigur:

It would be difficult to describe the eagerness and delight with which the American envoys—the agents of a people in a state of insurrection against their monarch—were received in France, in the bosom of an ancient monarchy. Nothing could be more striking than the contrast between the luxury of our capital, the elegance of our fashions, the magnificence of Versailles, the still brilliant remains of the monarchical pride of Louis XIV, and the polished and superb dignity of our nobility, on the one hand, and, on the other hand, the almost rustic apparel, the plain but firm demeanor, the free and direct language of the envoys, whose antique simplicity of dress and appearance seemed to have introduced within our walls, in the midst of the effeminate and servile refinement of the eighteenth century, some sages contemporary with Plato, or republicans of the age of Cato and of Fabius. This unexpected apparition produced upon us a greater effect in consequence of its novelty and of its occurring precisely at the period when literature and philosophy had circulated amongst us an unusual desire for reforms, a disposition to encourage innovations and the seeds of an ardent attachment to liberty.

All this is strikingly corroborated by Thomas Jefferson, who, as we all know, became our minister to France after Franklin had left that country. Speaking of the French Revolution, Jefferson said:

Celebrated writers of France and England had already sketched good principles on the subject of government; yet the American Revolution seems first to have awakened the thinking part of the French nation in general from the sleep of despotism in which they were sunk. The officers, too, who had been to America were mostly young men less shackled by habits and prejudice and more ready to assent to the suggestions of common sense and feeling of common rights than others. They came back with new ideas and impressions. The press, notwithstanding its shackles, began to disseminate them; conversation assumed new freedoms. Politics became the theme of all societies, male and female, and a very extensive and zealous party was formed which acquired the appellation of the Patriotic Party who, sensible of the abusive government under which they lived, sighed for occasions of reforming it. This party comprehended all the honesty of the kingdom sufficiently at leisure to think—the men of letters, the easy bourgeois, the young nobility—partly from reflection, partly from mode; for these sentiments became matter of mode, and as such united most of the young women to the party.

In other words, so universal was the popular sympathy of the French with American ideas of liberty, that the American cause became even the mode with the young women of France.

I ask whether, in the face of such contemporary testimony as that, it is possible for anyone reasonably to declare that in espousing the cause of American independence France was influenced solely by selfish motives. When our rebellion began she was feeling the premonitions of her own subsequent revolution. Her people were laboring under a frightful load of feudal tyranny. They were bowed down to the very earth by all sorts of oppressive taxation, and by the special privileges of caste in many forms. They were already more or less ripe for revolt, though they scarcely realized in their own hearts the extent to which they were.

As I said yesterday, the ideas and the sentiments of the American Revolution were stirring in their veins as the vernal sap stirs in the limb of a tree in the springtime. That is the real reason why Franklin, when he lived in France, was acclaimed as he was. That is the real reason why hundreds of medallions of his face were struck off and distributed far and wide among the people of France, and why portrait after portrait was painted of him and bust after bust fashioned of him, and why he was reverenced and idolized and adored as he was. Of course, his greatness was such that he needed no artificial aids of any kind to be a conspicuous figure in Paris or any other capital in the world. But he never would have been the renowned figure that he was, the world figure that he was, if the French people had not seen in him a glorious exemplar of the new spirit of freedom that was bringing the United States of America into the great family of free and independent nations.

As for Lafayette, he was but one of the many young Frenchmen who left France to unsheathe their swords in the cause of America. So many French officers were eager to cross the ocean and engage in our war of independence that the matter finally became a source of vexation and to some extent of merriment to Benjamin Franklin. It was only because of the peculiar nobility of his character, because of his high social position, because of the special circumstances under which he left France that Lafayette rather than many another young Frenchman became the fresh, captivating, immortal figure that he is.

Let the Senator from Idaho take my advice in one respect, if he should never take it in another, and sit down and see with what little popular success he could rewrite the school history of the people of the United States in consonance with his peculiar ideas about the events that led to the alliance between France and the American Revolution. He seems to think that because we gave Lafayette a sum of money and a considerable tract of land our debt of everlasting gratitude to him was discharged. I do not so construe the meaning of gratitude. If the Senator from Idaho were, at considerable sacrifice to himself, to loan me the sum of $1,000 and I afterwards paid it back to him, I would not think that my debt to the Senator was completely discharged. It would be discharged, of course, in its pecuniary aspects, but in its moral aspects never. When Lafayette received that sum of money and that tract of land from the people on those shores of which he spoke in one of his letters to Jefferson as "the blessed shores of liberty," the debt that we as a people owed him was not extinguished. From that day to this we have loved to honor him in all the ways in which the profoundest respect and affection of a people manifest their sense of imperishable gratitude.

I agree substantially with the Senator from Idaho in what he said yesterday with regard to the general features of the French debt. The most searching questions that can be asked of the individual are how honorably does he meet his debts and other moral obligations in time of peace; how ready is he to lay down his life in time of war?

Those questions involve the supreme tests of individual character. They involve also the supreme tests of national character. Of course, France must pay her debt to us. She should be scrupulous enough to avoid even any appearance of evasion or shabby indifference with regard to paying it. I will not permit myself to doubt that when the time comes she will make a faithful, earnest effort to do all that she can toward its payment; but, in the meantime, I do say that when the representatives of this great country, the wealthiest and the most powerful upon the globe, shall take up for settlement the matter of the French debt, they should at least not forget those extraordinary gifts that she made to us in the hour of our peril, anxiety, and distress.

The finest thing in the life of this Nation is not its splendid material achievements, not its extensive acquisitions of territory, not even the determined spirit with which it has always defended its national rights, but the spirit in which in recent years it has dealt with foreign and weaker peoples when they had some real moral claim upon our consideration. If I were to single out the most admirable thing, perhaps, in our entire history, the event that sheds upon us as a people the highest degree of credit, I should single out the return of the Boxer indemnity to China. I might speak also of the generous spirit that we have imported into our relations to our territorial dependencies, the mingled sagacity and magnanimity that inspired us to go down to Cuba and to confer upon her people the priceless boon of freedom, and yet afterwards to retire as we did in honor from her shores. Here is still another opportunity, within sensible, practical limits, to exhibit again a certain amount of nobility of feeling and purpose.

The amount that France gave us is, after all, in terms of modern wealth, but small; it is not so much in a pecuniary sense; but if we were to deduct the total sum of those gifts from what France owes to us, I think that the moral value of the concession would be almost inestimable. We should then have made, at least, some sort of return for the valuable services that France rendered to us during the War of the Revolution, because, even though the Senator from Idaho and I should differ with regard to every other historical question that enters into this discussion, I think we would both agree that but for the aid of France in men and arms and munitions of war we should never have achieved our independence as a people.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Maryland yield to the Senator from Idaho?

Mr. BRUCE. I was about to take my seat. However, I yield to the Senator with pleasure.

Mr. BORAH. Then I will not interrupt the Senator.

Mr. BRUCE. That is all right.

Mr. BORAH. I was merely going to say that I could not agree with the conclusion just stated by the Senator from Maryland. Notwithstanding the fact that I think that there

was substantial aid rendered us by France, for which we are very grateful, I could not concede that we could not have won our independence without the aid of France, for the tide had distinctly turned in our favor and Lord North had announced his conciliatory plan before France entered the war at all upon our behalf.

Mr. BRUCE. But he would not have announced it but for the fear of a French alliance. I agree with the Senator from Idaho in believing that in process of time, unless the whole attitude of the British Government toward us had undergone an alteration, we should have acquired our national freedom, because the increase in American wealth and population was such that in a few generations it would have been absolutely impossible for any other nation on earth, however powerful, to have kept us in chains.

Mr. DILL. Mr. President, a few days ago I made some observations regarding the history of the loans of France to this Government and our payment of them, but I did not think they would form a preface to what has developed into a most interesting discussion between the Senator from Idaho [Mr. BORAH] and the Senator from Maryland [Mr. BRUCE]. I think, therefore, I might be permitted to take a few moments to make a sort of addendum to the discussion.

In his desire yesterday to enforce his argument in support of his contention that France should not disregard her debt to this country the Senator from Idaho omitted, to say the least, some historical facts that are worth remembering in connection with the settlement of our Revolutionary debt to France. While it is true that we made an agreement with France in 1782 to pay what we owed, I think the authorities are agreed—and I find nothing in the Senator's statement in the RECORD to disprove it—that the French King did forgive the interest that had accrued on the loans up to that date. Furthermore, while that agreement provided that we should begin payment within three years after the conclusion of peace, the authorities agree that we did not begin to pay on our debt until after the Constitution was adopted and the new Government was set in motion, for the simple reason that under the Articles of Confederation we could not raise the money.

It is worth remembering also that it was through the credit of France, if not her own treasury, that after the Revolution was over the United Colonists were able to borrow enough money in Europe to finance their representatives abroad and even to establish the new Government and put it into operation.

I refer to this as an explanation of my statement that the Senator from Idaho omitted some things when he said that we paid promptly all our debt to France. It is true that as soon as the new Government was able to raise the money it did so, and settled all of our debt with France on time, as provided by the agreement of 1782.

I do not mention these facts in any way to give ground to anyone to believe that France should be allowed to disregard her debt to us, but I do mention them in the interest of fairness to the history of the early association of the colonists with the French Government at that time.

For my own part, I can see nothing to be gained at this time by our belittling in any way the assistance that France gave to the colonists in the days of trial in their trouble with England. I agree with the Senator from Maryland that without the aid of France the Revolution would have failed; or if not, it would have been prolonged for many years. Her service and her help to us were almost as valuable as our service and our help to her during the late war.

Neither, Mr. President, can I see anything to be gained on the part of France by belittling the assistance that we rendered in the World War to her, for, as suggested yesterday, we did help to save her life. We paid the debts which we incurred during the Revolution in order to save the Revolutionary cause and to enable the united colonists to form a republic, and we accepted certain gifts and offsets of interest on the part of the French Government. So, I think that to-day France ought to pay the debt she owes us, but that we should meet her in the same liberal, generous spirit that her representatives met our forefathers in the days of long ago.

I, for one, am not insistent that the terms shall be absolutely the same as those we have made with England. The condition of France may demand and justify better terms. Her condition should be taken into consideration, and we should remember, recalling the spirit of amity that has so long existed between these countries, that we can afford to be generous. Let me add that I agree absolutely that France has waited all too long and that she ought to make a proposition for settlement of the debt and make it now in order that the talk of repudiation may be stopped for all time.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Ball	Fess	McKinley	Shortridge
Bayard	Fletcher	McLean	Simmons
Bingham	Frazier	McNary	Smith
Borah	George	Mayfield	Smoot
Brookhart	Gerry	Means	Spencer
Broussard	Gooding	Metcalf	Stanfield
Bruce	Hale	Moses	Sterling
Bursum	Harreld	Neely	Swanson
Butler	Harris	Norbeck	Underwood
Cameron	Harrison	Oddie	Wadsworth
Capper	Heflin	Overman	Walsh, Mass.
Caraway	Howell	Owen	Walsh, Mont.
Copeland	Johnson, Calif.	Pepper	Warren
Couzens	Johnson, Minn.	Phipps	Watson
Cummins	Jones, Wash.	Pittman	Weller
Dale	Kendrick	Ralston	Wheeler
Dial	Keyes	Reed, Mo.	Willis
Dill	King	Sheppard	
Ernst	McCormick	Shields	

Mr. FESS. The Senator from Kansas [Mr. CURTIS] is indisposed and unavoidably absent from the Chamber.

The PRESIDENT pro tempore. Seventy-eight Senators have answered to the roll call. There is a quorum present. The Secretary will call the roll upon the pending question.

Mr. WILLIS. Mr. President, will the Chair again state the question for the information of the Senate?

The PRESIDENT pro tempore. The question is, Will the Senate sustain the point of order raised by the Senator from Virginia [Mr. SWANSON]? The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. REED], who is absent. I transfer that pair to the junior Senator from New Jersey [Mr. EDWARDS] and will vote. I vote "yea."

Mr. FESS (when Mr. CURTIS's name was called). The Senator from Kansas [Mr. CURTIS] has a general pair with the Senator from Arkansas [Mr. ROBINSON]. Were the Senator from Kansas present, he would vote "nay."

Mr. ERNST (when his name was called). I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from Wisconsin [Mr. LENROOT] and will vote. I vote "nay."

Mr. McLEAN (when his name was called). I transfer my general pair with the junior Senator from Virginia [Mr. GLASS] to the senior Senator from New Jersey [Mr. EDGE] and will vote. I vote "nay."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the Senator from Florida [Mr. TRAMMELL] and will vote. I vote "yea."

The roll call was concluded.

Mr. DALE. My colleague [Mr. GREENE] is unavoidably detained. If he were present, he would vote "nay."

Mr. HARRISON. I desire to announce that my colleague [Mr. STEPHENS] is unavoidably absent. He has a pair on this question with the senior Senator from Vermont [Mr. GREENE]. If my colleague were present and at liberty to vote, he would vote "yea."

I desire also to announce that the senior Senator from Arkansas [Mr. ROBINSON] is unavoidably absent. He has a pair on this question with the senior Senator from Kansas [Mr. CURTIS]. If the senior Senator from Arkansas were present, he would vote "yea."

Mr. JONES of Washington. I desire to announce that the Senator from Maine [Mr. FERNALD] has a general pair with the Senator from New Mexico [Mr. JONES].

The result was announced—yeas 29, nays 50, as follows:

YEAS—29

Ashurst	Fletcher	Norbeck	Simmons
Bayard	Frazier	Overman	Swanson
Brookhart	Harris	Owen	Underwood
Broussard	Harrison	Pittman	Walsh, Mass.
Caraway	Heflin	Ralston	Wheeler
Copeland	Kendrick	Ransdell	
Dill	Mayfield	Shields	
Fess	Neely	Shipstead	

NAYS—50

Ball	Ferris	McKellar	Smith
Bingham	George	McKinley	Smoot
Borah	Gerry	McLean	Spencer
Bruce	Gooding	McNary	Stanfield
Bursum	Hale	Means	Sterling
Butler	Harreld	Metcalf	Wadsworth
Cameron	Howell	Moses	Walsh, Mont.
Capper	Johnson, Calif.	Oddie	Warren
Couzens	Johnson, Minn.	Pepper	Watson
Cummins	Jones, Wash.	Phipps	Weller
Dale	Keyes	Reed, Mo.	Willis
Dial	King	Sheppard	
Ernst	McCormick	Shortridge	

NOT VOTING—17

Curtis	Glass	Lenroot	Stephens
Edge	Greene	Norris	Trammell
Edwards	Jones, N. Mex.	Reed, Pa.	
Elkins	Ladd	Robinson	
Fernald	La Follette	Stanley	

So the Senate refused to sustain Mr. SWANSON'S point of order that Title II of the bill down to section 217 is repugnant to the Constitution of the United States, which requires that revenue measures shall originate in the House of Representatives.

EXECUTIVE SESSION

Mr. MOSES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. MOSES. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Saturday, January 24, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 23 (legislative day of January 22), 1925

MEMBER OF THE FEDERAL FARM LOAN BOARD

Robert A. Cooper, of South Carolina, to be a member of the Federal Farm Loan Board, for a term of eight years expiring August 5, 1932. Mr. Cooper is now serving under temporary commission issued during the recess of the Senate.

APPOINTMENT IN THE REGULAR ARMY

VETERINARY CORPS

To be second lieutenant

Second Lieut. Ernest Eugene Hodgson, veterinary, Officers' Reserve Corps, with rank from January 15, 1925.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

Capt. Alfred Marston Shearer, Infantry (detailed in Signal Corps), with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS

Lieut. Col. John Lawrence Bond, Infantry, from January 16, 1925.

Lieut. Col. Edward Raymond Stone, Infantry, from January 18, 1925.

TO BE LIEUTENANT COLONELS

Maj. William Francis Morrison, Field Artillery, from January 16, 1925.

Maj. Victor Sidney Foster, Cavalry, from January 18, 1925.

TO BE MAJORS

Capt. Michael Frank Davis, Air Service, from January 16, 1925.

Capt. John Fuller Davis, Cavalry, from January 18, 1925.

TO BE CAPTAINS

First Lieut. Christopher William Ford, Air Service, from January 16, 1925.

First Lieut. James Eugene Smith, Quartermaster Corps, from January 16, 1925.

First Lieut. Biglow Beaver Barbee, Finance Department, from January 18, 1925.

TO BE FIRST LIEUTENANTS

Second Lieut. Frank Joseph Vida, Infantry, from January 16, 1925.

Second Lieut. Harold Patrick Henry, Infantry, from January 16, 1925.

Second Lieut. Harry Woldren French, Infantry, from January 16, 1925.

Second Lieut. Dwight Joseph Canfield, Air Service, from January 18, 1925.

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

TO BE BRIGADIER GENERAL

Henry Dozier Russell, brigadier general Georgia National Guard.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

Commander Donald C. Bingham to be a captain in the Navy from the 1st day of January, 1925.

Lieut. Commander Jere H. Brooks to be a commander in the Navy from the 17th day of October, 1924.

Lieut. Commander Samuel A. Clement to be a commander in the Navy from the 23d day of December, 1924.

Lieut. Commander Laurence Wild to be a lieutenant commander in the Navy from the 8th day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander Herbert K. Fenn to be a lieutenant commander in the Navy from the 25th day of July, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander George D. Hull to be a lieutenant commander in the Navy from the 28th day of July, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander Harry P. Curley to be a lieutenant commander in the Navy from the 29th day of July, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander Paul Hendren to be a lieutenant commander in the Navy from the 24th day of August, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander Henry M. Briggs to be a lieutenant commander in the Navy from the 5th day of October, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander Paul Cassard to be a lieutenant commander in the Navy from the 16th day of October, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander Joseph Y. Dreisonstok to be a lieutenant commander in the Navy from the 26th day of October, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Commander Eric F. Zemke to be a lieutenant commander in the Navy from the 29th day of December, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Samuel S. Thurston to be a lieutenant commander in the Navy from the 5th day of June, 1924.

Lieut. Albert G. Berry, jr., to be a lieutenant commander in the Navy from the 17th day of October, 1924.

Lieut. John M. Creighton to be a lieutenant commander in the Navy from the 17th day of December, 1924.

Lieut. (Junior Grade) Guy B. Hoover to be a lieutenant in the Navy from the 1st day of July, 1920.

Ensign Sterling T. Dibrell to be a lieutenant (junior grade) in the Navy from the 3d day of June, 1924.

Lieut. (Junior Grade) Rutledge B. Tompkins to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1923, to correct spelling of his name as previously nominated and confirmed.

Surg. William N. McDonell to be a medical inspector in the Navy with the rank of commander from the 30th day of June, 1924.

Surg. George S. Hathaway to be a medical inspector in the Navy with the rank of commander from the 10th day of November, 1924.

Asst. Surg. John M. Woodard to be an assistant surgeon in the Navy with the rank of lieutenant (junior grade) from the 10th day of June, 1924, to correct spelling of his name as previously nominated and confirmed.

Boatswain Fred H. Stewart to be a chief boatswain in the Navy to rank with but after ensign from the 12th day of February, 1923.

Boatswain George E. Henning to be a chief boatswain in the Navy to rank with but after ensign from the 20th day of August, 1924.

Gunner Clarence E. Delp to be a chief gunner in the Navy to rank with but after ensign from the 20th day of November, 1924.

Machinist Albert Adams to be a chief machinist in the Navy to rank with but after ensign from the 20th day of September, 1924.

Machinist Eustace G. Wilson to be a chief machinist in the Navy to rank with but after ensign from the 21st day of October, 1924.

Pay Clerk William H. Hopkins to be a chief pay clerk in the Navy to rank with but after ensign from the 20th day of August, 1924.

Pay Clerk Oscar B. Bennett to be a chief pay clerk in the Navy to rank with but after ensign from the 20th day of April, 1924.

POSTMASTERS

ARKANSAS

Samuel S. Greene to be postmaster at Reyno, Ark.. Office became presidential July 1, 1924.

ARIZONA

Freda B. Irwin to be postmaster at Gilbert, Ariz., in place of E. M. Lacy. Incumbent's commission expired June 5, 1924.

FLORIDA

Ernest C. Mahaffey to be postmaster at Quincy, Fla., in place of E. C. Mahaffey. Incumbent's commission expired June 4, 1924.

GEORGIA

William M. McElroy to be postmaster at Norcross, Ga., in place of W. M. McElroy. Incumbent's commission expired September 28, 1922.

Robert Turner to be postmaster at Jasper, Ga., in place of R. M. Edge. Incumbent's commission expired June 4, 1924.

Allie D. Griffin to be postmaster at Quitman, Ga., in place of W. R. Harrell. Incumbent's commission expired September 28, 1922.

Robert L. O'Kelley to be postmaster at Grantville, Ga., in place of T. B. Banks. Incumbent's commission expired June 4, 1924.

Louis S. Marlin to be postmaster at Doerun, Ga., in place of L. S. Marlin. Incumbent's commission expired February 4, 1924.

John F. Charles to be postmaster at Chatsworth, Ga., in place of S. M. Barnett. Incumbent's commission expired June 4, 1924.

ILLINOIS

Olga M. Streets to be postmaster at River Grove, Ill. Office became presidential January 1, 1925.

John M. Yolton to be postmaster at Port Byron, Ill., in place of M. J. Yolton, deceased.

Mildred E. Wright to be postmaster at Murrayville, Ill., in place of W. E. Wright, resigned.

IOWA

Ren S. Bosley to be postmaster at Newhall, Iowa. Office became presidential January 1, 1925.

Arthur M. Foster to be postmaster at Storm Lake, Iowa, in place of A. C. Smith, deceased.

Matt Olson to be postmaster at Clear Lake, Iowa, in place of J. C. Palmer. Incumbent's commission expired June 5, 1924.

KANSAS

Uriah E. Heckert to be postmaster at Tescott, Kans. Office became presidential April 1, 1921.

Sheridan Crumrine to be postmaster at Longton, Kans., in place of F. N. Adams. Incumbent's commission expired June 4, 1924.

Lela Martin to be postmaster at Cherokee, Kans., in place of H. B. Price, removed.

KENTUCKY

John H. Meyer to be postmaster at Newport, Ky., in place of Alfred Gowling, deceased.

William T. Isaacs to be postmaster at Benham, Ky., in place of F. L. Coldwell. Incumbent's commission expired November 19, 1923.

MAINE

Susan M. Dyer to be postmaster at Harrington, Me., in place of W. N. Dyer, deceased.

MARYLAND

James C. Jones to be postmaster at Stevensville, Md. Office became presidential January 1, 1925.

MICHIGAN

Harvey W. Raymond to be postmaster at Baraga, Mich., in place of H. W. Raymond. Appointee declined.

William J. Newton to be postmaster at Marysville, Mich., in place of F. T. Jackson, resigned.

MINNESOTA

Henry B. Young to be postmaster at Holt, Minn. Office became presidential January 1, 1925.

Willie W. Bunday to be postmaster at Dennison, Minn. Office became presidential January 1, 1925.

Marvin R. Christensen to be postmaster at Arco, Minn. Office became presidential January 1, 1925.

MISSOURI

Ralph W. Day to be postmaster at Summersville, Mo., in place of Z. R. Baskett, removed.

MONTANA

Eliza J. Davis to be postmaster at Kevin, Mont. Office became presidential January 1, 1925.

NEW HAMPSHIRE

Burt D. Young to be postmaster at Cossville, N. H. Office became presidential January 1, 1925.

NEW JERSEY

William Griffin to be postmaster at Cresskill, N. J., in place of William Griffin. Incumbent's commission expired October 24, 1922.

Joseph B. Kronenberg to be postmaster at Bernardsville, N. J., in place of A. B. Gibb, deceased.

NEW YORK

Kenneth C. Steblen to be postmaster at Cape Vincent, N. Y., in place of F. J. Brady. Incumbent's commission expired February 14, 1924.

NORTH CAROLINA

Ophus L. Robertson to be postmaster at Leaksville-Spray, N. C. Office became presidential January 1, 1925.

NORTH DAKOTA

John D. Greene to be postmaster at Edgeley, N. Dak., in place of W. S. Hancock, removed.

OHIO

Hattie B. Elliott to be postmaster at Trenton, Ohio. Office became presidential January 1, 1925.

OKLAHOMA

Abe H. Bergthold to be postmaster at Weatherford, Okla., in place of H. J. Dray. Incumbent's commission expired February 4, 1922.

Mollie E. McGinty to be postmaster at Ripley, Okla., in place of W. E. Baker, resigned.

OREGON

Mabelle N. Olds to be postmaster at Cloverdale, Oreg. Office became presidential January 1, 1925.

PENNSYLVANIA

James G. Galbreath to be postmaster at Glassmere, Pa. Office became presidential October 1, 1923.

Daisy W. Shaw to be postmaster at Folcroft, Pa. Office became presidential January 1, 1925.

Bertha N. Stiner to be postmaster at Moylan, Pa., in place of F. T. Stiner, deceased.

TEXAS

Mary A. Weimhold to be postmaster at Odell, Tex., in place of S. S. Farley, resigned.

VERMONT

Robert B. Thomas to be postmaster at Jeffersonville, Vt., in place of F. L. Start, resigned.

VIRGINIA

Samuel W. Collie to be postmaster at Danville, Va., in place of W. N. Brown. Incumbent's commission expired July 15, 1918.

WEST VIRGINIA

Earl Morris to be postmaster at Pursglove, W. Va., in place of H. A. Pettigrew, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 23 (legislative day of January 22), 1925

ASSISTANT DIRECTOR, BUREAU OF FOREIGN AND DOMESTIC COMMERCE

John Matthews, jr., to be assistant director, Bureau of Foreign and Domestic Commerce.

POSTMASTERS

VIRGINIA

Benjamin T. Culbertson, Dungannon.
Charles E. Black, Fordwick.
Willie R. Hall (Mrs.), Heathsville.
George W. Robinson, Raven.
Fred S. Bock, Roxbury.
Randall M. McGhee, Seven Mile Ford.

HOUSE OF REPRESENTATIVES

FRIDAY, *January 23, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art our everlasting hope, at Thy footstool we offer Thee our grateful praise. Thou who canst hear the falling of a tear and the whisper of a breath, read our hearts, purify our purposes, and cleanse us from all hidden motives which are contrary to Thy holy will. As the work of life is too long and too arduous to be borne alone, we beseech Thee, O Lord, to direct us with Thy counsel and make plain for us the definite outlines of duty. Go with us through all the scenes of life and be with us when we reach the end. Amen.

The Journal of the proceedings of yesterday was read and approved.

REFERENCE OF A BILL

Mr. EDMONDS. Mr. Speaker, under instructions from the Committee on the Merchant Marine and Fisheries I ask unanimous consent to refer back to that committee the bill S. 2930, No. 304 on the Union Calendar, an act to regulate radio.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that there be referred to the Committee on the Merchant Marine and Fisheries a bill which the committee has reported. Is there objection?

Mr. GARNER of Texas. As I understand it, the gentleman makes the statement that this is a unanimous request of the committee?

Mr. EDMONDS. It was taken up in the committee yesterday, and I did not hear a dissenting vote when the question was put.

The SPEAKER. Is there objection?

There was no objection.

AKTIESELSKABET MARIE DI GIORGIO

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8235) for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway, with a Senate amendment thereto, and move that the House agree to the Senate amendment.

The Clerk read the Senate amendment.

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, is this satisfactory to the Democratic conferee?

Mr. EDMONDS. I spoke to the gentleman from Texas [Mr. Box] about it, and he is satisfied about it. There are no conferees.

Mr. GARNER of Texas. The bill has not gone to conference?

Mr. EDMONDS. It did not go to conference because we are agreeing to the Senate amendment. I talked to the gentleman from Texas [Mr. Box], and it is perfectly satisfactory. It simply gives our Government additional securtiy.

The Senate amendment was agreed to.

MEMORIAL SERVICES FOR THE LATE REPRESENTATIVE JULIUS KAHN

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that Sunday, February 22, be designated as a day for memorial services in memory of Hon. JULIUS KAHN, late a Representative from the fourth district of California.

The SPEAKER. The gentleman from California asks unanimous consent that Sunday, February 22, be set aside for memorial services for Mr. KAHN. Is there objection?

There was no objection.

A. W. SMITH

Mr. HAUGEN. Mr. Speaker, inadvertently the bill H. R. 6557, to allow credit in the accounts of A. W. Smith, was passed last evening instead of Senate bill 2316, the Senate bill being identical with the House bill. I ask unanimous consent that the proceedings by which the House bill was passed be vacated and the Senate bill be considered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the proceedings by which a House bill identical with a Senate bill was passed be vacated and the Senate bill be considered. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed, in the settlement of the accounts of A. W. Smith, fiscal agent, Forest Service, United States Department of Agriculture, to allow credit in the sum of $111.75 now standing as a disallowance in said accounts on the books of the General Accounting Office, covering expenses incurred during the fiscal year ended June 30, 1917, in the erection of a building at the Bacon ranger station on the Klamath National Forest, Calif.

The bill was ordered to be read a third time, was read the third time, and passed.

The House bill H. R. 6557 was laid on the table.

PITT RIVER POWER CO.

Mr. HAUGEN. Mr. Speaker, I make the same request as to the bill (H. R. 7053) for the relief of the Pitt River Power Co., and ask that the bill S. 2711, an identical bill, be considered.

The SPEAKER. Is there objection to vacating the House proceedings and considering a similar Senate bill, S. 2711?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized to adjust and settle the claim of the Pitt River Power Co. in the amount of $1,767 paid to the United States and deposited with the Treasury, in connection with its application for a water-power permit on Pitt River, Calif., and to certify the same to Congress.

The bill was ordered to be read a third time, was read the third time, and passed.

The House bill H. R. 7053 was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved bills of the following titles:

On January 13, 1925:

H. R. 9076. An act to amend section 2 of the act entitled "An act to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922 and all other customs revenue laws," approved March 4, 1923.

On January 14, 1925:

H. J. Res. 259. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Lexington and Concord, authorizing an appropriation to be utilized in connection with such observance, and for other purposes;

H. R. 2309. An act for the relief of Robert Laird, sr.; and

H. R. 8906. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920.

On January 16, 1925:

H. R. 62. An act to authorize the appointment of an additional district judge in and for the district of Indiana and to establish judicial divisions therein, and for other purposes.

On January 17, 1925:

H. R. 10144. An act to amend an act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," approved May 27, 1924.

On January 20, 1925:

H. R. 11308. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes.

On January 21, 1925:

H. R. 9804. An act to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, as amended February 28, 1923.

On January 22, 1925:

H. R. 10982. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1926, and for other purposes.

SENATE BILL REFERRED

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas; to the Committee on Interstate and Foreign Commerce.

MUSCLE SHOALS

Mr. SNELL, from the Committee on Rules, presented a privileged report on the bill H. R. 518, the Muscle Shoals bill, which was referred to the House Calendar.

Mr. LAGUARDIA reserved all points of order.

NATIONAL DISABLED SOLDIERS' LEAGUE (INC.)

Mr. SNELL, from the Committee on Rules, presented a privileged report on H. Res. 412, authorizing the appointment of a special committee for the investigation of the National Disabled Soldiers' League (Inc.), which was referred to the House Calendar.

ARTICLE BY JOSEPH M. TRIGG, KNOXVILLE, TENN.

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short, but very interesting, article by a representative colored man on the bill H. R. 3228, known as the negro industrial commission bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert an article that was written by Joseph M. Trigg, former alderman of Knoxville, Tenn., a newspaper correspondent, which is as follows:

[From the East Tennessee News, Knoxville, Tenn., Thursday, January 15, 1925]

CONGRESS TO CONSIDER IMPORTANT MEASURE AFFECTING BOTH RACES

WASHINGTON, D. C., January 12.—The Negro industrial commission bill (H. R. 3228) that is on the Union Calendar of the House of Representatives is one of the most important national measures that is pending before Congress.

Some national body to correlate and coordinate with a number of State interracial commissions that are doing splendid work throughout the country all agree. These various agencies are seriously handicapped in most instances for lack of funds; they are financed by public-spirited citizens who desire to promote racial understanding and friendly relationship in their respective communities.

This bill provides to "formulate a policy for mutual understanding and confidence between the races; to study the economic conditions of the Negro; to promote the general welfare of the Negro in industrial pursuits."

The commission would be empowered to make investigations and surveys covering the entire gamut of interracial endeavors in the United States, to the end to strengthen the ties of amity and good will everywhere.

A condition and not a theory underlies our race question. President Coolidge in his address to the Sixty-eighth Congress, the first session, recommended such legislation. At a public hearing before the House Judiciary Committee, April 10 and 11 and May 7, 1924, educators, publicists, and students of race problems testified that such a commission should be authorized.

It will be an interracial clearing house, where grievances and complaints will receive a sympathetic hearing and a righteous adjustment.

High patriotic motives have brought this question thus far with the hope it will spring into existence.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I call up the bill (H. R. 11749) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Minnesota calls up an omnibus pension bill and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Bridget M. McCarty, widow of Eugene McCarty, late of Company H, Second Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma J. Mason, widow of Nathaniel H. Mason, alias Dennis Carroll, late of Company H, Sixth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Percy H. Allen, late of Company F, Second Battalion United States Engineers, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Clarence E. West, alias Earl West, late of Company M, Forty-ninth Regiment Iowa Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William C. Donlevy, late of Company L, Second Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas H. Stubbs, late of Company D, Ninth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Atwood P. Latham, late acting hospital steward, Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of $24 per month.

The name of John R. Sharp, late of Company K, Fifth Regiment Missouri Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Calvin R. White, late scout and guide in Indian wars, and pay him a pension at the rate of $30 per month.

The name of Albert Long, late of Company G, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Martin Fluegel, late of band, Fifth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Katharina Sparks, widow of Wesley R. Sparks, late of Company A, Ninth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Edward J. McCauley, late of Company E, Fourteenth Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of John G. Murphy, late of Company C, Thirteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Henry Juvenile, late of Troop M, Third, and Troop D, Sixth Regiments United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Mary E. Gilland, former widow of John Gilland, late of the Hospital Corps, United States Army, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Archie McDonald, late of Company H, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of Charles Brown, late of Company B, Twenty-third Regiment Kansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Samuel F. Brown, late of the Sixty-eighth Company United States Coast Artillery, Philippine insurrection, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Letcher Caudell, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Linna L. White, widow of Cassius G. White, late musician, United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of John E. Hanson, late of Company B, Twentieth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Minnie Wolfe, widow of Charles H. Wolfe, late of Company C, Eleventh Regiment United States Cavalry, Philippine insurrection, and pay her a pension at the rate of $20 per month and $4 per month additional for each of the soldier's minor children until they shall attain the age of 16 years.

The name of I. J. Howard, late of Battery A, Second Regiment United States Field Artillery, Regular Establishment, and pay him a

pension at the rate of $12 per month in lieu of that he is now receiving.

The name of George W. Pinion, late of Company L, Third Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Crawford Blair, late of Company F, Twentieth Regiment Kansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Annie Donaldson, dependent mother of Robert E. Donaldson, late of the United States ship *Mayflower*, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Edith L. Quick, widow of John Henry Quick, late sergeant major, United States Marine Corps, and pay her a pension at the rate of $50 per month in lieu of the compensation she is now receiving.

The name of James A. J. Yokum, late of Captain Ed. Sheffield's Company (A), Second Regiment Oregon Mounted Volunteers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Earnest J. Logan, late of Company D, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Shannon, late of Troop B, Eighth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Louisa W. Henderson, widow of John Henderson, late of Company K, First Regiment Alabama Volunteer Infantry, Mexican War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Evans, widow of Thomas C. Evans, late of the Marine Corps, United States Navy, Mexican War, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving.

The name of Albert M. Vance, late of Company G, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of Edward P. Coan, late of Companies G, H, and I, Twelfth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Millard A. Hammond, late of Company K, Third Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret C. Cooper, widow of Raymond S. Cooper, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of each minor child of the sailor until they reach the age of 16 years.

The name of Josephine M. Hayes, widow of Avery W. Hayes, late bandmaster, United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan A. Bankston, widow of Jackson W. Bankston, late of Company E, Fifth Regiment United States Volunteer Infantry, Indian wars, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John M. Stephens, late of Company D, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of John G. DeCamp, late of Company E, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of James Burke, late of Battery A, First Regiment Maine Heavy Artillery, war with Spain, and pay him a pension at the rate of $18 per month.

The name of Bartlett Sharp, late of Company G, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of John W. Hughes, late of Battery B, Utah Light Artillery, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving, said pension to be paid to soldier's duly appointed guardian.

The name of Weston A. Pattee, late captain of Company H, First Regiment Vermont Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Seth S. Crosby, late of Troop G, Fourth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Leonard Merical, late of Company F, Twelfth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Sanford S. See, late of Company B, One hundred and fifty-eighth Indiana Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry L. Wiessner, late of Company H, Sixteenth Regiment, United States Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Granville Burns, late of the Thirteenth Battery, United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Bige Hubbard, late of Company K, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Eugene A. Rentz, late of Company K, Second Squadron, Cavalry, Georgia National Guard, border defense, and pay him a pension at the rate of $12 per month.

The name of William H. Cole, late of Battery H, Third Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Allen F. McAfee, late of Battery C, Pennsylvania Light Artillery, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary K. Stegle, widow of Gebhard Stegle, late of Troop H, Fourth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Frederick L. Eagle, late of Company B, Tenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Robert L. Chick, late of Company G, Forty-first Regiment United States Volunteer Infantry, Philippine insurrection, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William B. Walker, late of Batteries H and O, Third Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $18 per month.

The name of Guy Warwick, late of Battery H, Second Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John G. Schempp, late of Company I, Twenty-third Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah E. Smith, widow of William I. Smith, late of Company G, Tenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Don C. Haddock, late of Company B, Second Regiment Idaho National Guard, border defense, and pay him a pension at the rate of $30 per month.

The name of Charles Andross, late of Company K, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emma Meckel, widow of Charles C. Meckel, late of Troop I, Fifth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Thomas Bond, late of Company B, Fourth Regiment Missouri Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Carrie Miller, widow of John Miller, late of Company A, Battalion Eighteenth Kansas Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hezekiah C. Cotner, late of Company D, Second Regiment Oregon Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William T. Lamme, late of Company A, Sixth Regiment Missouri Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James M. Burns, late of Company L, First Regiment United States Volunteer Engineers, war with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of James M. Cawood, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of Lester Swanberg, late of Machine Gun Troop, First Regiment Illinois Cavalry, border defense, and pay him a pension at the rate of $12 per month.

The name of Bert Myers, late of Company I, Twenty-second Regiment Kansas Volunteer Infantry, war with Spain, and pay him a

pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James H. Jevens, late of Company K, Second Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Nancy A. Sumner, widow of James Sumner, late of Company A, Fourth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Clara R. Wilson, widow of James Wilson, late of Company G, Nineteenth Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Arria S. Sargent, dependent mother of Harry L. Sargent, late of Battery A, First Regiment Maine Heavy Artillery, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Susie Eigretta Henderson, helpless and dependent daughter of John B. Henderson, late of Troop F, Third Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Hester P. Hart, remarried widow of William Stafford, late of Company H, First Regiment Michigan Volunteer Infantry, Mexican War, and pay her a pension at the rate of $30 per month.

The name of Henry B. Schenck, late of the Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Carl Olson, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Reuben B. Hyder, late of Company L, Thirty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Rufus W. Jones, late of Company L, First Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Mary Elizabeth Carson, widow of Robert Carson, late of Captain Conner's Company, Texas Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ella M. Shaffer, widow of Edward Shaffer, late of Troop C, First Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Abijah Eversole, late of Company K, Ninth Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $6 per month.

The name of Frank M. Griffin, late of Company B, Fourth Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Loreziar Walton, widow of Charles Allen, alias Percy Walton, late of Company C, Eleventh Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Benjamin F. Doxtater, late of Company H, First Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of James B. Bently, late of Company G, Tenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of Jane C. Stinnett, widow of George I. Stinnett, late of Company G, First Regiment Arkansas Volunteers, Mexican War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Leo Pope Ott, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month.

The name of Cornelia H. Clopton, widow of Thomas Clopton, late of Captain John Field's company, Virginia Militia, War of 1812, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Conrad Nagel, late of Company A, First Regiment Nebraska Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert L. Hedges, late of Company B, Fourth Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Caroline de Witt Flagler, widow of Clement A. F. Flagler, late major general United States Army, and pay her a pension at the rate of $50 per month in lieu of any other pension or compensation to which she may be entitled, to be effective from and after May 6, 1925.

The name of Willard L. Anthony, late of Company M, Fourth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Essie Moore, late of Company H, Twenty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Charles N. Cannon, late of Company E, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Edward Hall, late of Company M, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Laura Hendrickson, widow of George D. Hendrickson, late of Company K, Signal Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of said George D. Hendrickson until they reach the age of 16 years.

The name of Benjamin F. Johnson, late of Company G, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Robert L. McFarland, late of Company M, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Esther Meece, late of Company H, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Joe H. Ross, late of Company B, Fifth Regiment United States Infantry, and Company A, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Isaac Townsend, late of the Fourteenth Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Mary A. Wray, widow of Seaburn D. Wray, late of Troop M, Fourth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month.

The name of Reuben Waller, late of Company H, Tenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Clarence L. Wimer, late of Company A, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Andrew, late of Company K, Second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Ralph Lotz, late of the U. S. S. *Maryland* and *Colorado*, United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Helena Bunt, mother of Joseph W. Bunt, late of Troop B, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William S. McGaha, late of Company F, First Regiment Arkansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary P. McIntire, former widow of William B. Skinner, late of Company I, First Regiment Illinois Volunteer Infantry, Mexican War, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Roy Elrod, late of Company C, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Archie A. Warner, late of Company D, Thirty-second Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles M. McDonald, late of Company H, Thirtieth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Laura G. Weisenburger, widow of John J. Weisenburger, late major First Regiment Washington Volunteer Infantry, war with Spain, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary A. Baldridge, former widow of George W. Berry, late of Company G, Second Regiment Kentucky Volunteer Infantry, Mexican War, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of William A. Rogers, late of Twenty-second Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of Jennie E. Buckley, widow of Daniel J. Buckley, late first-class fireman, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Tamar Ervin, dependent mother of Grover Cleveland Ervin, late seaman U. S. S. *Nina*, United States Navy, Regular Estab-

lishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hattie A. Cruson, widow of George W. Cruson, late of Company G, Thirteenth Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Albert S. Riddle, late of Troop I, Fourth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Silas Rogers, late of Company M, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward McCloskey, late of Company G, Third Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Ormsby, late of Company G, Sixty-fifth Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas P. Bright, late of Troop C, Seventh Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Kate McGhehey, dependent mother of Warren C. McGhehey, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth F. Hampton, dependent mother of Otto L. Hampton, late of Fourth Company, United States Coast Artillery, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles L. Berkheimer, late of Battery L, Third Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Walter S. Reynolds, late of Company I, Nineteenth Regiment Kansas Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Antonio Alberto Madero, late of the United States Navy, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John G. MacFarlane, late of Company F, Thirty-fourth Regiment Michigan Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of David Ebner, late of Battery H, Fourth Regiment United States Artillery, Indian wars, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John M. Day, late of One hundred and twenty-first Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Thomas E. Whalen, late of the Hospital Corps, United States Army, Philippine insurrection, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Lanier, late of Company F, Sixteenth Regiment, and Company D, Second Regiment, United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Bert Walker, late of Company K, Sixteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frederick Sholes, late of Troop E, Sixth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lee Byrd, dependent father of Clarence Byrd, late of Troop B, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Dudley, late of Company L, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Hedges, late of Company H, Sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Charles E. Kidder, late of Company H, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Laura Smith, widow of William Smith, late of Company A, Nineteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Jesse T. Talmadge, late of Troop K, Third Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Elizabeth Bierley, widow of James S. Bierley, late of Company D, Seventeenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jesse M. Leverton, late of Company D, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary C. Allen, widow of Joseph W. Allen, late of Company F, Twenty-fifth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Noah H. Stout, late of Company D, Third Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Asa C. Pieratt, late of Troop I, Fourth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary A. Donaghy, widow of Thomas Donaghy, late of Company F, Seventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mortimer H. Cadwell, late of Company M, Forty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Egidius J. Fehr, late of Company M, Thirteenth Regiment Minnesota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Paulinus G. Huhn, late of Company M, Thirteenth Regiment Minnesota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. KNUTSON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 12, strike out lines 11 to 14, inclusive, being the name of William T. Lamme.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

This bill is a substitute for the following House bills, referred to said committee:

H. R. 889. Bridget M. McCarty.
H. R. 2775. Emma J. Mason.
H. R. 4005. Percy H. Allen.
H. R. 4207. Clarence E. West.
H. R. 4357. William C. Donlevy.
H. R. 4999. Thomas H. Stubbs.
H. R. 5027. Atwood P. Latham.
H. R. 5361. John R. Sharp.
H. R. 6936. Calvin R. White.
H. R. 7055. Albert Long.
H. R. 8390. Martin Fluegel.
H. R. 8562. Katharina Sparks.
H. R. 8694. Edward J. McCauley.
H. R. 8832. John G. Murphy.
H. R. 8989. Henry Juvenile.
H. R. 9098. Mary E. Gilland.
H. R. 9103. Archie McDonald.
H. R. 9147. Charles Brown.
H. R. 9152. Samuel F. Brown.
H. R. 9203. Letcher Caudell.
H. R. 9208. Linna L. White.
H. R. 9236. John E. Hanson.
H. R. 9282. Minnie Wolfe.
H. R. 9305. I. J. Howard.
H. R. 9355. George W. Pinion.
H. R. 9374. Crawford Blair.
H. R. 9473. Annie Donaldson.
H. R. 9662. Edith L. Quick.
H. R. 9681. James A. J. Yokum.
H. R. 9682. Ernest J. Logan.
H. R. 9684. John Shannon.
H. R. 9715. Louisa W. Henderson.
H. R. 9734. Sarah A. Evans.
H. R. 9742. Albert M. Vance.
H. R. 9830. Edward P. Coan.
H. R. 9838. Millard A. Hammond.
H. R. 9843. Margaret C. Cooper.
H. R. 9844. Josephine M. Hayes.
H. R. 9856. Susan A. Bankston.
H. R. 9866. John M. Stephens.
H. R. 9868. John G. De Camp.
H. R. 9872. James Burke.
H. R. 9880. Bartlett Sharp.
H. R. 9882. John W. Hughes.
H. R. 9907. Weston A. Pattee.
H. R. 9918. Seth S. Crosby.
H. R. 9945. Leonard Merical.
H. R. 9951. Sanford S. See.
H. R. 9959. Henry L. Weissner.
H. R. 9981. Granville Burns.
H. R. 9984. Bige Hubbard.
H. R. 10000. Eugene A. Rentz.
H. R. 10002. William H. Cole.
H. R. 10004. Allen F. McAfee.
H. R. 10019. Mary K. Stegle.
H. R. 10033. Frederick L. Eagle.
H. R. 10037. Robert L. Chick.
H. R. 10042. William B. Walker.
H. R. 10043. Guy Warwick.
H. R. 10058. John G. Schempp.
H. R. 10059. Sarah E. Smith.
H. R. 10112. Don C. Haddock.
H. R. 10122. Charles Andross.
H. R. 10125. Emma Meckel.
H. R. 10180. William Thomas Bond.
H. R. 10185. Carrie Miller.
H. R. 10203. Hezekiah C. Cotner.
H. R. 10213. William T. Lamme.
H. R. 10233. James M. Burns.
H. R. 10254. James M. Cawood.
H. R. 10262. Lester Swanberg.
H. R. 10264. Bert Myers.
H. R. 10288. James R. Jevens.
H. R. 10344. Nancy A. Sumner.
H. R. 10390. Clara R. Wilson.
H. R. 10399. Arria S. Sargent.
H. R. 10420. Susie Elgretta Henderson.
H. R. 10432. Hester P. Hart.
H. R. 10429. Henry B. Schenck.
H. R. 10442. Carl Olson.
H. R. 10446. Reuben B. Hyder.
H. R. 10448. Rufus W. Jones.
H. R. 10459. Mary Elizabeth Carson.
H. R. 10464. Ella M. Shaffer.
H. R. 10513. Abijah Eversole.
H. R. 10517. Frank M. Griffin.
H. R. 10538. Loreziar Walton.
H. R. 10577. Benjamin F. Doxtater.
H. R. 10655. James B. Bently.
H. R. 10666. Jane C. Stinnett.
H. R. 10675. Leo Pope Ott.
H. R. 10695. Cornelia H. Clopton.
H. R. 10711. Conrad Nagel.
H. R. 10801. Robert L. Hedges.
H. R. 10809. Caroline De Witt-Flagler.
H. R. 10817. Willard L. Anthony.
H. R. 10825. Essie Moore.
H. R. 10854. Charles N. Cannon.
H. R. 10855. Edward Hall.

H. R. 10856. Laura Hendrickson.
H. R. 10857. Benjamin F. Johnson.
H. R. 10858. Robert F. McFarland.
H. R. 10859. Esther Meece.
H. R. 10861. Joe H. Ross.
H. R. 10862. Isaac Townsend.
H. R. 10863. Mary A. Wray.
H. R. 10897. Reuben Waller.
H. R. 10898. Clarence L. Wimer.
H. R. 10904. Samuel Andrew.
H. R. 10906. Ralph Lotz.
H. R. 10911. Helena Bunt.
H. R. 10926. William S. McGaha.
H. R. 10930. Mary P. McIntire.
H. R. 10935. Roy Elrod.
H. R. 10936. Archie A. Warner.
H. R. 10943. Charles M. McDonald.
H. R. 10960. Laura G. Weisenburger.
H. R. 10961. Mary A. Baldridge.
H. R. 10967. William A. Rogers.
H. R. 10995. Jennie E. Buckley.
H. R. 10996. Tamar Ervin.
H. R. 11007. Hattie A. Cruson.
H. R. 11013. Albert S. Riddle.
H. R. 11015. Silas Rogers.
H. R. 11039. Edward McCloskey.
H. R. 11041. John S. Ormsby.
H. R. 11042. Thomas P. Bright.
H. R. 11050. Kate McGhehey.
H. R. 11051. Elizabeth F. Hampton.
H. R. 11061. Charles L. Berkheimer.
H. R. 11088. Walter S. Reynolds.
H. R. 11106. Antonio Alberto Madero.
H. R. 11120. John J. MacFarlane.
H. R. 11121. David Ebner.
H. R. 11143. John M. Day.
H. R. 11162. Thomas E. Whalen.
H. R. 11186. William Lanier.
H. R. 11187. Bert Walker.
H. R. 11199. Frederick Sholes.
H. R. 11204. Lee Byrd.
H. R. 11224. John Dudley.
H. R. 11240. William T. Hedges.
H. R. 11300. Charles E. Kidder.
H. R. 11336. Laura Smith.
H. R. 11349. Jesse T. Tulmadge.
H. R. 11374. Elizabeth Bierley.
H. R. 11385. Jesse M. Leverton.
H. R. 11395. Mary C. Allen.
H. R. 11431. Noah H. Stout.
H. R. 11439. Asa C. Pieratt.
H. R. 11561. Mary A. Donaghy.
H. R. 11603. Mortimer H. Cadwell.
H. R. 11710. Egidius J. Fehr.
H. R. 11711. Paulinus G. Huhn.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11753, with Mr. SNELL in the chair.

The Clerk reported the title of the bill.

The Clerk read as follows:

Commercial attachés: For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for the compensation of a clerk or clerks for each commercial attaché at the rate of not to exceed $3,000 per annum for each person so employed, and for janitor and messenger service, traveling and subsistence expenses of officers and employees, rent outside of the District of Columbia, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference, and periodicals, reports, documents, plans, specifications, manuscripts, newspapers (both foreign and domestic) not exceeding $400, and all other publications, travel to and from the United States, and all other incidental expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $315,861: *Provided*, That not to exceed two commercial attachés employed under this appropriation may be recalled from their foreign posts and assigned for duty in the Department of Commerce without loss of salary.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 50, line 10, strike out the figures "$315,861" and insert in lieu thereof the figures "$390,861."

Mr. BYRNS of Tennessee. Mr. Chairman, last Tuesday I submitted some remarks upon the work of the Bureau of Foreign and Domestic Commerce while this bill was under consideration under general debate. My attention has been called to the fact that in speaking of the formation of the bureau I made a mistake in stating that it was first formed under the recommendation of Secretary Redfield, under the Wilson administration. It was really formed by a combination of the Bureau of Manufactures and Statistics then in the Department of Commerce and Labor in August, 1912, and I think the chief credit is due to the then Representative and now Senator from Alabama, Mr. UNDERWOOD, who was collaborating with the then chairman of the Committee on Appropriations, Mr. John J. Fitzgerald, of New York, and also with the gentleman from Kentucky, Mr. Swagar Sherley, the ranking majority member of the committee.

The amendment which I have offered seeks to increase the appropriation for commercial attachés in the sum of $75,000.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MADDEN. The gentleman from Tennessee has covered everything in his amendment, or are there one or two other amendments to follow?

Mr. BYRNS of Tennessee. Yes; there are.

Mr. MADDEN. Why not present them all and have them pending so that we can discuss them at this time?

Mr. BYRNS of Tennessee. I am not going to offer all of them.

Mr. MADDEN. Somebody ought to offer them all. I ask unanimous consent that all amendments to this particular paragraph be offered at this time and be considered.

Mr. BYRNS of Tennessee. I notice one or two of the gentlemen who have amendments are not on the floor, though I think they will be in shortly, probably before I conclude.

Mr. MADDEN. I suppose the gentleman from Tennessee has been in consultation with those gentlemen?

Mr. BYRNS of Tennessee. We have discussed the matter, since we are all greatly interested in the matter.

The CHAIRMAN. Does the gentleman from Illinois present a request?

Mr. MADDEN. Unless the gentleman from Tennessee objects to it.

Mr. BYRNS of Tennessee. At this moment I think it would be inopportune to make the request.

Mr. HOWARD of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. I wanted to discuss this amendment and I am afraid I will not have time to do it, but I yield briefly.

Mr. HOWARD of Nebraska. I just wanted to help the gentleman.

Mr. BYRNS of Tennessee. I need assistance and I am always glad to have it from the gentleman from Nebraska.

Mr. HOWARD of Nebraska. The gentleman said that he could not conveniently present these amendments now on account of the absence of certain other gentlemen. I was going to volunteer to get them here, if he wants them.

Mr. BYRNS of Tennessee. Oh, I am not asking the gentleman to make a point of no quorum.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. OLIVER of Alabama. Following up the question of the gentleman from Illinois [Mr MADDEN], I think the gentleman from Tennessee recognizes that since perhaps there might be amendments offered to other provisions of the bill, they are so connected with it, that it would be well to have them considered together.

Mr. BYRNS of Tennessee. I have no objection to that.

Mr. OLIVER of Alabama. These different activities are so allied together that the separate amendments which I understand are to be offered could be well considered together.

Mr. BYRNS of Tennessee. I have no objection to that, provided time can be given. I would not want four or five amendments considered with time to discuss only one.

Mr. SHREVE. Mr. Chairman, I think we should have a full, fair, and clear understanding of what is before us. If the gentleman would have all of his amendments offered at one time, then we may be able to arrange time for debate. We want to be liberal, and if the whole proposition is in front of us, then we will know exactly what to do.

Mr. BYRNS of Tennessee. I am interested in this bureau, particularly with reference to its foreign work, and the amendment which I offer relates to the work it is doing in foreign countries. There are four or five amendments relating to paragraphs in the bill which have to do with the foreign service of this bureau, but I am not desirous of offering all those amendments.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3509) to change the time for the holding of terms of court in the eastern district of South Carolina.

The message also announced that the Senate had passed the bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR

The committee again resumed its session.

Mr. OLIVER of Alabama. I ask that the gentleman's time be extended for five minutes.

Mr. MADDEN. Of course, the gentleman knows I am not going to object. I desire to offer this suggestion: I want to talk on this subject myself and I want to present every phase of the bureau's activities as clearly as I may be able to do it, and it will take me about 30 minutes to do what I want to do, and I would like to have enough time allotted to those who want to speak on either side of this case so we will have a real picture of it when we get through, and if the gentleman from Tennessee will not object——

Mr. BYRNS of Tennessee. What time?

Mr. MADDEN. I want 30 minutes myself, and I do not know how much the gentleman wants.

Mr. BYRNS of Tennessee. There are other gentlemen who want time.

Mr. MADDEN. And they ought to have it. Say, take an hour on a side.

Mr. GALLIVAN. Further reserving the right to object, I want some time on this proposition.

Mr. OLIVER of Alabama. I do not think two hours will be sufficient.

Mr. MADDEN. Say three hours, so as to make it right.

Mr. HOWARD of Nebraska. Make it four hours.

Mr. OLIVER of Alabama. The gentleman from Tennessee made a very interesting statement on Tuesday, and he suggested in that statement there would be amendments offered which would increase the appropriation for that part in the bill approximately $390,000.

Mr. BYRNS of Tennessee. I will say to the gentleman, following up what I said to the gentleman from Pennsylvania a moment ago, I do not care to offer amendments relating to anything except the Foreign Service, and the amendments I have in mind amount to about $315,000.

Mr. OLIVER of Alabama. The point I had in mind was this: There will possibly be some amendments in addition to those the gentleman mentioned that would be kindred to the same subject, and as they all relate to the same subject they could well be reported here so we could consider them altogether and devote something like three hours to it.

Mr. SHREVE. Mr. Chairman, I ask unanimous consent that debate on the motion now pending, and all amendments thereto, be limited to three hours, and that the time shall be controlled, one-half by the gentleman from Alabama [Mr. OLIVER] and the other half by myself.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that debate on the pending amendment and all amendments relating to this same subject shall be limited to three hours, one-half to be controlled by himself and one-half by the gentleman from Alabama. Is there objection?

Mr. BYRNS of Tennessee. I would like to know where the gentleman from Alabama stands on this amendment. I would not like to have the time entirely controlled by gentlemen who are opposed to this amendment, with all due deference to my friend.

Mr. OLIVER of Alabama. I will yield time allotted to me to those who are in favor of the amendment, and the gentleman from Pennsylvania will control time of those who are opposed to the amendment.

Mr. BYRNS of Tennessee. As I understand of this request of the gentleman for three hours an hour and a half of time will be given to those who are in favor of the amendment and an hour and a half to those who oppose it?

Mr. SHREVE. That is correct.

Mr. BYRNS of Tennessee. I have no objection.

Mr. OLIVER of Alabama. I will get the gentleman from Tennessee to suggest to me to whom time shall be allotted, because I really am opposed to the amendment.

The CHAIRMAN. Is there objection?

Mr. OLIVER of Alabama. I think we ought to have it understood as to what this time is intended to cover. I understand the understanding to be that we are to have all amendments to this general subject relating to foreign and domestic commerce submitted now?

The CHAIRMAN. That is the Chair's understanding.

Mr. OLIVER of Alabama. And have the amendments read so they can all be discussed.

The CHAIRMAN. The amendments will be pending. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WINGO. I desire to suggest this, Mr. Chairman, that the agreement ought to include this; the right of gentlemen to submit in their own time their proposed amendments that they intend to have voted on because it may not be possible to offer all in that time, there being so many of them. I think it should be understood that in their own time they can read their amendments and discuss them that they intend to offer at the conclusion of the debate.

The CHAIRMAN. The Chair thinks that is proper. The gentleman from Pennsylvania will be recognized.

Mr. OLIVER of Alabama. I would suggest that those having amendments speak first so we can have the amendments before the committee, and I will yield such time as those who wish to offer amendments desire and we have the amendments read now.

The CHAIRMAN. Are there amendments ready to be presented under this unanimous consent request?

Mr. BYRNS of Tennessee. As I understand under the unanimous consent agreement amendments can be offered at any time before the close of debate.

The CHAIRMAN. The Chair understands so. Are there any amendments ready to be offered now and have them before the committee. If not, the gentleman from Tennessee is recognized for such time as the gentleman from Alabama yields?

Mr. OLIVER of Alabama. I yield the gentleman 10 minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, I dislike very much to take issue with the splendid subcommittee which prepared this bill. They are gentlemen in whom we all have great confidence and for whom we all have very great respect. I have always followed the chairman of the Committee on Appropriations [Mr. MADDEN] in his splendid and most serviceable efforts in behalf of economy; and if I did not feel so very strongly on this subject, I would not now offer an amendment to this bill seeking to increase the appropriation, which I feel is absolutely essential to the proper functioning of this great Bureau of Foreign and Domestic Commerce.

We all know that before the war Germany had what might be called a commercial supremacy in many of the countries, not only in the Southern Hemisphere but in other portions of the world. Germany was said to be commercially supreme in South America and in Mexico and in Central America, and Germany secured that supremacy during the years before the war by establishing foreign agents in those countries for the purpose of seeking German trade; agents whose duty it was to investigate and find out just where German products could be sold and to advise the foreign service in Germany, so that the foreign service could in turn advise German manufacturers and business men as to where they could secure the best markets for that which they had to sell, giving them information as to the kind and quality of products which would be best suitable in those countries and how to pack and ship those products. Great Britain followed the same plan, though not to so intensive a degree. France was engaged in the same enterprise, and that was largely the reason for our establishing the Bureau of Foreign and Domestic Commerce in August, 1912.

In 1914 the war came on. The supremacy which Germany had enjoyed, the great trade which was going from South America and Mexico and other countries to Europe, fell into the lap of America. One thing is certain, my friends. We can not hope to retain that trade; we can not possibly hope to garner more trade, unless we meet the efforts that are now being made by those European countries to regain the trade which they enjoyed before the war. These big commercial countries of Europe are carrying on an intensive campaign to increase their foreign trade. Great Britain is doing much more than we are. Can we afford to lag behind at this crucial period of the world's trade?

It is true that if a jobber in this country has men upon the road who are seeking out trade for his business, those who are in competition with him must do the same or they will go into bankruptcy. And certainly, it seems to me, that the United States can not afford to withhold from this bureau the amount of money necessary to enable it to function and to hold its own with European countries which are now reaching out through their foreign services to regain the trade they once enjoyed.

We are told on the best of authority that already Germany is now commercially supreme in Mexico, and if you do not do something toward giving this foreign service of ours opportunity to bring to the attention of countries in South America and in Europe and the Far East the value of American products, the kind and quality of American products, and information to manufacturers and those who supply those commodities in this country as to where they can sell their products, then as certainly as you sit where you do, my friends, we are not

going to keep pace, as we should by reason of our great resources, with our competitors.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. McDUFFIE. It is essential, is it not, from the fact that we are now trying to put our flag on the seas and carry our goods to the four corners of the earth by our merchant marine?

Mr. BYRNS of Tennessee. Yes. The gentleman's suggestion is exceedingly apropos. How are you going to maintain a merchant marine if you do not cultivate the foreign trade of our country? How long do you think a jobber in this country would exist in his business if he failed to meet the competition of other jobbers who have their men upon the road who are giving the trade information as to what the jobber has to sell? That is the whole proposition in a nutshell; so simple, it seems to me, that there is no room for argument against it.

I lay down this as a proposition: These hearings are brief. I am making no criticism of that. They are valuable and informative. I say that if you will read the hearings showing what this bureau has done and what it is trying to do and how it proposes to increase foreign trade, you will realize that it has not sufficient funds to-day to do what it ought to do, and I do not believe any of you will oppose a reasonable appropriation for this bureau.

Take the amendment I have offered in the first instance. I have moved to increase the appropriation for commercial attachés by $75,000. What will that do? We have now only 14 commercial attachés throughout the world. This $75,000 will not give the bureau what it ought to have. It will not give the bureau the number it says it ought to have, but it only provides for three more officers.

Mr. Director Klein stated, in response to a question from the gentleman from Pennsylvania [Mr. SHREVE], that the commercial attaché offices proposed to be opened under his program, but which will not be opened on account of insufficient funds, are at Dublin; Budapest, Hungary; Berne, Switzerland; Christiania, Norway; Toronto; Guayaquil, Ecuador; La Paz, Bolivia, and possibly Caracas and one or two other South American and Central American cities. My amendment provides for only three of these offices. Inasmuch as this is such a great revenue-producing agent for the Government, can we afford at this time, when other countries are reaching out for foreign trade—can we now take a backward step and fail to give to the Bureau of Foreign and Domestic Commerce at least a part, if not all, of the funds which they say is necessary to garner this trade; not only to get more trade, but to actually retain the trade we now have?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. I ask for three minutes more.

Mr. OLIVER of Alabama. Mr. Chairman, I yield to the gentleman three additional minutes.

Mr. BLANTON. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will yield for a brief question.

Mr. BLANTON. Do I understand the gentleman to say that these commercial attachés will cost $25,000 apiece?

Mr. BYRNS of Tennessee. No.

Mr. BLANTON. Well, $75,000 will produce three of them.

Mr. BYRNS of Tennessee. I will explain that to the gentleman.

Mr. BLANTON. I wish the gentleman would do so, because I want to be with him.

Mr. BYRNS of Tennessee. These commercial attachés are paid salaries ranging from $6,500 to $9,000 per annum. There are just a few at $9,000, but that is the general range of the salaries of these commercial attachés. In addition to their salaries they must have, of course, rent; they must have heat and light; they must have clerical employees, and then there must be services rendered here in the District of Columbia to take care of the work which they bring to the bureau by reason of their location in foreign countries. So it is stated that a commercial attaché's office means an expenditure—for the salary of the commercial attaché, all employees and all incidentals—of from $21,000 to $25,000, and that is the reason I stated that this $75,000 increase would only mean three additional offices of this kind.

Now, gentlemen, I have not the time to discuss this amendment, and I have not the time to go into many of the facts. I wish I could. I wish I had the opportunity to call your attention to some of the facts stated by Director Klein in the hearings. Let me call your attention to some of them.

In speaking of the necessity on having a commercial attaché in Dublin, he said:

> We recently lost, as a direct result of our not having a trade commissioner or an attaché in Ireland to look after our affairs there and watch opportunities, a contract which will probably run well in excess of $15,000,000. That contract would probably have come into American hands had there been an American commercial attaché there. It may not be too late to save the day if we are authorized to establish that office; but at present the situation is such as to tend very strongly in the direction of a powerful European competitor.

Another illustration is in one of the South American countries in which we have no office. An $18,000,000 contract was let for some important public works, and the first we knew of it was when the president of that republic signed a decree. Now, it is the business of the commercial attachés and the trade commissioners to head off things of that sort.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. BYRNS of Tennessee. May I have two more minutes?

Mr. OLIVER of Alabama. I yield the gentleman two more minutes.

Mr. BYRNS of Tennessee. Again quoting from the statement made by Director Klein:

> Just three days ago I had a letter from a large construction company describing what our Athens office had been able to do for them. A $10,000,000 contract for public works, for a water system and drainage for Athens, Piraeus, and that whole section, was let to an American company, and that company was good enough to say that a good deal of the credit for that—not all of it, of course, but a good deal—was due to our commercial attaché in Athens. It was a very conspicuous concrete result of the work of our service there.

Now, gentlemen, this hearing is full of statements regarding lesser amounts of business that have been secured by the commercial attachés and the trade commissioners in this great service. It is a great revenue producer for the Government. It is estimated that last year this bureau brought new business, new foreign business, to our country amounting to $529,000,000 in contracts and supplies furnished as the result of information secured by these foreign representatives in foreign countries and communicated by them to the service here and in turn promptly communicated to those who were in a position to handle that business and to derive a profit from it. I say it is a plain business proposition, and one, my friends, which I do not believe the increase asked here will sufficiently meet, but certainly by this increase we will do something to show that we are interested in the general prosperity of this country, for what benefits the manufacturer, what benefits the business man, and what benefits the exporter of this country, benefits everybody. It gives better opportunities for labor; it gives better markets for our agricultural products, and it is for that reason that I feel so earnestly upon this subject. I hope that these five amendments carrying, as they will, probably $300,000, or a little more, will be voted into this bill, so that this bureau may be able to meet some of the demands which are now being made upon it, and which it is absolutely unable to meet because it has not the funds with which to meet them. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. SHREVE. Mr. Chairman, I yield myself five minutes. Gentlemen of the House, I am sure there is not a man within the sound of my voice who does not know that the subcommittee of which I have the honor to be the chairman has been consistent in its efforts for several years to assist and build up this Bureau of Foreign and Domestic Commerce, and it has been a great satisfaction to us to know that this bureau has been able to go into at least 25 countries of the world, until to-day we are exporting $3,000,000 worth of goods every day. But, gentlemen, I want to say to you that I find myself in a position where I can not agree with the distinguished gentleman from Tennessee [Mr. BYRNS]. I feel the time has come when we should limit our appropriations here, because the country is clamoring for that; it is demanding it, and in almost every paper to-day we see the cry of "pork barrel" about this and the cry of "pork barrel" about that. I am happy to say, however, that there has never been a charge that there is any pork barrel with reference to the appropriations for the Bureau of Foreign and Domestic Commerce. The only thing is the desire upon the part of the people to have a reduction in taxes, and how can you expect to have a reduction in taxes if you are going to raise appropriations all the time?

This bureau is doing a most wonderful work, and I would not curtail that work for a single instance, but with the splendid organization the bureau now has for bringing to our country large contracts and enabling this country to export goods to the value of $3,000,000 per day, the bureau can continue along that line indefinitely without any increase in appropriations.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. COOPER of Ohio. Is this not true—that our country and our manufacturers are asking for an extension of our foreign trade?

Mr. SHREVE. They are asking for it; yes.

Mr. COOPER of Ohio. If we do not have commercial attachés in foreign countries to get that business, how are we going to extend our foreign trade?

Mr. SHREVE. As I say, we are now exporting $3,000,000 worth of goods per day, and I think that is a pretty good business.

Mr. COOPER of Ohio. But we want more if we can get it.

Mr. SHREVE. We are satisfying the people; the people are all satisfied, and this is simply propaganda that is going over the country. Nobody came before our committee asking to have this appropriation increased; there was no recommendation by the Bureau of the Budget that this appropriation be increased, and nobody has spoken to the distinguished chairman of the Appropriations Committee about increasing this appropriation. Where does it come from? I say it is simply a question of propaganda.

Mr. McDUFFIE. Will the gentleman permit me to make an observation?

Mr. SHREVE. Yes.

Mr. McDUFFIE. The gentleman said something about a demand for a reduction of taxes. Does not the gentleman think that increased business necessarily means an increase of wealth and thus a reduction in taxes?

Mr. SHREVE. Well, that is a deep financial problem which I will not attempt to discuss at this time.

Mr. McDUFFIE. The President seems to think that way about those things.

Mr. SHREVE. Now, gentlemen, I want to say another thing to you. This is just one of the many activities handled by this subcommittee of the Committee on Appropriations. We have got to look at the proposition fairly and we have to look at every angle of it.

We have the great Department of State, which has now been reorganized under the Rogers bill, with 642 representatives scattered all over the world, and now there are 100 other cities demanding that we have consular representation there. You know that these men are also assisting in gathering statistics, and every day they furnish information to the Department of Commerce. We have not been able to increase this great force of the Department of State by a single dollar of increased appropriation. The only thing we have given them is an appropriation for a vault in order to take care of their most valuable documents.

Mr. KETCHAM. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. KETCHAM. Just a few moments ago the gentleman made some reference to propaganda.

Mr. SHREVE. Yes.

Mr. KETCHAM. Has the gentleman any information that he would be willing to give more than that which he indicated at the time he made mention of it?

Mr. SHREVE. I will say it only comes from a stack of letters and telegrams which we have all received from all over the United States urging us to vote for the Byrns amendment. It looks to me like propaganda.

Mr. KETCHAM. Would the gentleman be willing to read one of those letters or telegrams, without giving, possibly, the names of those who send the telegrams or letters, in order that we may have the general tenor of the appeal?

Mr. REED of New York. Will the gentleman yield?

Mr. SHREVE. Certainly.

Mr. REED of New York. The wording of practically all of them is the same, is it not?

Mr. SHREVE. They are practically in the same language.

Mr. Chairman, I ask that the Clerk may read the telegram which I send to the desk.

The Clerk read as follows:

NEW YORK, N. Y., *January 21, 1925.*

Hon. MILTON W. SHREVE,

House Office Building, Washington, D. C.:

The American Manufacturers' Export Association, on behalf of its members, desires to record its whole-hearted support to the amendment to be offered by Hon. JOSEPH W. BYRNS of Tennessee giving the Bureau of Foreign and Domestic Commerce additional appropriations in keeping with its needs for expansion to meet the requirements placed upon it by American business. This association hopes that Congress will act favorably on this amendment.

O. C. ROACH,

Secretary American Manufacturers' Export Association.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SHREVE. Mr. Chairman, I yield myself five minutes more.

Mr. MOONEY. Will the gentleman permit an interruption a moment?

Mr. SHREVE. Yes.

Mr. MOONEY. I understood the gentleman to say that the consular officers reported to the Department of Commerce the information which they got.

Mr. SHREVE. Yes.

Mr. MOONEY. Is that report made direct to the Department of Commerce?

Mr. SHREVE. It is made first to the Department of State and then sent over to the Department of Commerce.

Mr. MOONEY. Is it not a fact that often the information arrives at the Department of Commerce too late to be of any value to the exporters and manufacturers?

Mr. SHREVE. Not always; no.

Mr. McDUFFIE. Will the gentleman permit just one further question?

Mr. SHREVE. Yes.

Mr. McDUFFIE. Can the gentleman give the House any idea of the amounts expended for this sort of work by our Government as compared with the amounts expended by other nations that are reaching out for world business? For instance, take Great Britain; does the gentleman know whether we spent as much as Great Britain for this sort of work?

Mr. SHREVE. I am not able to make a complete statement about that now, because I have not the figures here. Of course, we all know that Great Britain has a wonderful organization all over the world.

Mr. McDUFFIE. And has a wonderful world trade.

Mr. SHREVE. We are ready to admit that, but we also have a wonderful organization all over the world. We are getting along well, and we should stop and think about these other departments that are just as much in need of money as this department.

This committee has to be fair about these matters. We look at the Department of Commerce, we look at the Bureau of Foreign and Domestic Commerce, we look at the Department of State, and we must look at all these activities with exactly the same eyes and with the same thought, which is to render the best service we can to all of them. We have to equalize and divide these appropriations up. I wish I had the time to tell you about many of these other things.

For instance, there is the Bureau of Standards. We have received many letters from all over the United States, written in a friendly sort of way, about the Bureau of Standards, and yet there is no propaganda to increase the appropriations for the Bureau of Standards.

Referring again to the matter of propaganda, the telegram which you have just heard read clearly indicates it is propaganda. It was sent out when? I have had it three or four days and before anybody knew anything about the Byrns amendment except those who were on the inside.

Mr. WURZBACH. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. WURZBACH. I have a great deal of confidence in the good judgment of the head of the Department of Commerce. Does the Department of Commerce recommend this increase?

Mr. SHREVE. The Department of Commerce has never said anything to the committee about it.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. BYRNS of Tennessee. I want to ask the gentleman if it is not a fact that both Secretary Hoover and Director Klein stated to the committee that while, of course, they were not in a position to ask that the Budget estimates be increased, yet they absolutely could not function and dispose of present business under 32 days, and in some instances 4 months, unless they got more money.

Mr. SHREVE. Well, that same thing ran all through the hearings. There was the statement that they needed more money; but as I have said, these specific items referred to by the gentleman and by others who intend to offer amendments, were not referred to.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. DICKINSON of Iowa. Is there any suspicion on the part of anyone that this is an effort on the part of large exporting concerns to have the Government pay their advance agents, so that they can avoid the necessity of having foreign salesmen abroad?

Mr. SHREVE. I am not of that opinion, I will say to the gentleman from Iowa. I think these large export concerns in a good many instances have their own men in foreign countries. This is just a general service and I am not criticizing the service at all.

Mr. BLANTON. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. BLANTON. Has the gentleman any information as to the manner by which these export manufacturers learned of this Byrns amendment?

Mr. SHREVE. I am not able to answer the gentleman. I yield back the balance of my time, Mr. Chairman.

Mr. BYRNS of Tennessee. Mr. Chairman, I have three additional amendments which I desire to present at this time.

The CHAIRMAN. The gentleman from Tennessee presents amendments at this time for the information of the House.

Mr. OLIVER of Alabama. Mr. Chairman, I suggest that others who have amendments should send them up and have them read from the desk at this time.

The CHAIRMAN. If there are any other Members who have amendments to offer at this time they should be sent to the Clerk's desk.

Mr. SUMMERS of Washington. Mr. Chairman, I have an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the various amendments.

The Clerk read as follows:

Amendments proposed by Mr. BYRNS of Tennessee: Page 51, lines 4 and 6, strike out "$432,600" and "$53,000" and insert in lieu thereof "$492,600" and "$75,000."

On page 52, line 14, strike out "$248,040" and "$99,080" and insert in lieu thereof the figures "$308,040" and "$120,000."

Page 54, line 7, strike out the figures "$575,404" and insert in lieu thereof the figures "$635,404."

Amendment proposed by Mr. SUMMERS of Washington: Page 53, lines 7 and 8, strike out "$243,734" and "$95,771" and insert in lieu thereof the figures "$303,734" and "$115,000."

Mr. OLIVER of Alabama. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. MACLAFFERTY].

Mr. MACLAFFERTY. Mr. Chairman, I am interested in this question because the whole training of my life has been in commerce and business. A question was asked of the gentleman from Pennsylvania [Mr. SHREVE], who just had the floor, as to whether or not there might be a suspicion in the minds of some one that the business interests of the country were seeking to have the Government pull their chestnuts out of the fire, or words to that effect. I feel that I can speak to you with some degree of knowledge, because I have been in foreign countries looking for American business. I had opportunities to see at those times that our prestige as a Nation handling foreign business was very low. At the time I went to the Orient looking for business there were nine American ships running overseas under the American flag, and the rest of our commerce abroad—and it was small—was handled in foreign bottoms. To illustrate what I mean when I say American prestige was very low and that there was very little respect for American business standing among foreigners, I shall relate to you a little incident. When I was a boy I heard my father tell many times about a trip that he made to China in 1868. At that time I have heard him say that almost the only flag he saw in the China Sea was the American flag on our wonderful clipper ships. When I went to China and was gone for four months I saw the American flag afloat only four times after I left Honolulu. Once was on the old steamship *China*, for years owned and operated by the Pacific Mail Steamship Co. but at that time owned by Chinese. Another was on our old American flagship *Brooklyn*, which was lying in the Whang-Po River at Shanghai. She has now been torn to pieces and junked, and she should have been long before I saw her. When I tell you about the third time that I saw the American flag I want also to tell you how an American feels when he sees his country held up to ridicule by a foreigner in a foreign country.

Coming back from China I was a passenger on a Canadian Pacific steamship, because there was no American steamship within two weeks of the time I had to return. We had been at sea about 10 days and had sighted nothing, because the north Pacific Ocean is a very lonely place. One morning we saw ahead of us a little smudge on the horizon, and we all began to wonder what it was. We were all interested. It was the first thing that we had seen since we had left the coast of Japan. Our captain was a good-natured, typical British seaman. He had a good broad neck and a good cockney accent. I remember how we were all gathered around him on the deck, and as that little smudge began to enlarge, he looking through the glass, was telling us what he saw. All of a sudden some colors broke out from the peak of that vessel, and he said to us, "Well, by Jove, she is an American." There was a little, dirty, old steam schooner bobbing up and down on the waves of the Pacific like a cork, and she signaled to us afterwards that she was on her way to Japan with timbers for props in mines. Do you know what the jolly skipper said right after he made the observation that she was an American? He said—and they all laughed when he said it—"I wonder what she is doing so far from shore."

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. MACLAFFERTY. Yes.

Mr. MORGAN. Is it not a fact that all of the principal competitive nations with the United States have agents who are reporting to the countries in which they are located the business their country is in a position to transact, both in food and manufactured products?

Mr. MACLAFFERTY. Decidedly.

Mr. MORGAN. And is it not a fact that those of us who export have to look out for markets by our own agents?

Mr. MACLAFFERTY. That is true. I want to tell of another incident. In the city of Shanghai, in what was called the American Bank, I want to show how American interests were looked after and by what manner of men—and this is not referring to their moral character or to their ability. One of the clerks in the American Bank at Shanghai was a typical British "clark," as they speak of clerks. He was very polite. I used to think that he was very obsequious. After each steamer came in I went to the bank to get my mail. The steamer came in one day, and I went in and got my mail, and the next day, passing, I thought that perhaps there was something else and I would go in and ask again. I went to the young man, and I said, "Is there any more mail for me?" And he bowed very low and was very polite and assured me that there was no more mail—a typical British clerk looking after American interests. I thought I would have a little fun with him and did not stop to think that perhaps he would not understand what we call American humor.

After the evidence of his obsequiousness I said, "I accept your apology." He straightened up and said, "I did not apologize, sir." That is how American ideas are understood in many foreign countries. I was over in China selling paper, a commodity that every civilized being and many half-civilized beings use. I was over there trying to drum up business without the aid of any governmental agency, and I tell you that it is a hard job. But, let me tell you, when our Government designates a man and sends him abroad as a commercial attaché, he can explore unknown channels with a prestige that the representative of American business houses does not have.

And this morning I find myself with the opportunity of making these observations on a question that is absolutely nonpartisan. There is not a man in this House who is not desirous of promoting American trade abroad, or possibly that little factory in his home town is now or looking forward to the time they will be able to ship goods beyond our borders. Our business prestige abroad has been low, and this is the one business institution connected with our Government that gives prestige abroad that will keep our flag upon the seas. Remembering that the happiness of a country is founded upon its business and its commercial prosperity, we should be very wise in our vote here to-day to see that everything is done that can be done to build up American prestige abroad, particularly in the sale of our merchandise.

Mr. BLANTON. Will the gentleman yield?

Mr. MACLAFFERTY. I will.

Mr. BLANTON. I give credit to the distinguished gentleman from California for his interest in our foreign commerce. I am glad the gentleman made his speech to-day, because there are some Members here who were not present in the committee last year and did not hear the incident he has related concerning our shipping.

Mr. MACLAFFERTY. I related the incident about the American flag, knowing it had been done before, and I related it because I think it illustrates the point. I am sure my friend from Texas appreciates it. But I know this, that I have not related it well enough so you can understand the feeling of humiliation that was in my heart at the time I had a part in it.

Mr. BLANTON. The gentleman succeeded in passing the amendment the last time, and I am afraid he is going to pass it again.

Mr. MACLAFFERTY. My friend is mistaken in his theology, because I mentioned it two years ago on the ship subsidy bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACLAFFERTY. May I have two minutes?

Mr. BYRNS of Tennessee. I yield the gentleman two additional minutes.

Mr. MACLAFFERTY. If it is a crime for a little factory in your home town, which is handling the business of the country, asking Members of Congress to do everything they can to stimulate trade with foreign lands so that they can enlarge their activities and have bigger facilities and bring prosperity to the community, if it is a crime, then I approve of such crime. I have not yet felt it is one for a commercial house in New York City or an organization of manufacturers or a labor organization or any organization that exists for legitimate purposes writing or wiring asking Congressmen to do what they can for the protection and enlargement of that trade.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. MACLAFFERTY. I will.

Mr. BLACK of Texas. The gentleman knows we had a trade balance last year of more than $1,000,000,000.

Mr. MACLAFFERTY. A little more than that.

Mr. BLACK of Texas. Does the gentleman know of any other nation that anything like approaches that balance of trade in their favor?

Mr. MACLAFFERTY. I can not say as to that, but we had a home trade of something like $45,000,000,000. I will say to my friend from Texas that is very good as far as we have gone if we do not slip backwards. Let us keep on going because that balance last year ought to have been double what it was. It should be this coming year. I am not here trying to put the Budget out of business. That is not the point at all. I saw an opportunity this morning to make these observations, and I do not expect to have many more opportunities to make observations here, so I took advantage of that opportunity to talk about something about which I know a little. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHREVE. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman and gentlemen of the committee, I am very much interested, and have been for many years, in this question of foreign trade. It has been my privilege to see a great many countries and to see the operations of Americans in those countries as well as foreigners who are nationals in the respective countries that I visited. I am certainly heartily in favor of an increase when it can be normally done, but I believe it is being normally done and extraordinarily done by the Department of Commerce with the money that they have had at their disposal. I took the liberty the other day, with the permission of the House, to insert in the RECORD a few instances given by Doctor Klein as to what they had accomplished during the last year and how the business of that office is increasing. I also placed in the RECORD the number of inquiries that they had received dealing on various topics, and they will be able with the money that they have this year to do all that they have been doing in the past and something more, because we have given them an additional office and we have given them some additional money. Now, the gentleman from California [Mr. MACLAFFERTY], who last spoke, mentioned the trade of the Far East, and in the supplement to the Commerce Reports published by the Bureau of Foreign and Domestic Commerce which I have in my hand it is shown that our foreign trade with China in 1910 and 1914 was $31,390,000; in 1922 it was $127,008,000; and in 1923 it was $134,881,000, showing that there is a very substantial increase there.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield for a question?

Mr. ACKERMAN. Certainly.

Mr. WAINWRIGHT. The gentleman, I believe, has recently been in China. Can he tell us at what points in China we now maintain commercial attachés?

Mr. ACKERMAN. I could not answer that offhand.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. Certainly.

Mr. COLE of Iowa. Can you give us any information as to the attitude of Secretary Hoover on this question? Does he want this additional appropriation?

Mr. ACKERMAN. He mentioned the subject generally. Of course, as the chairman of the subcommittee explained, he did not want to say anything that would impeach the figures given by the Budget Bureau.

Mr. COLE of Iowa. Is it your opinion that Secretary Hoover would welcome these additional appropriations?

Mr. ACKERMAN. I suppose any head of an executive department could use additional funds. But it is all with the idea of harmonizing the situation, so that the increases will not run over the Budget estimate, in order that taxes may ultimately be reduced.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. Certainly.

Mr. KNUTSON. How does the appropriation carried in this bill compare with the appropriation made for the Foreign Trade Bureau in the bill of a year ago?

Mr. ACKERMAN. As I understand it, in this particular item there is $37,725 more.

Mr. KNUTSON. Is that in proportion to the increase of our foreign trade, would the gentleman say?

Mr. ACKERMAN. I would not say exactly that, because our foreign trade increased in 1924 as compared with 1923 from 200 to 250 per cent. Our balance of exports over imports in 1923 was $376,000,000, and in 1924 it was $1,075,000,000, or about three times as much.

Mr. KNUTSON. Does not the gentleman think that the representatives we have abroad have been largely instrumental in building up this trade?

Mr. ACKERMAN. Yes; in my remarks on January 20, I printed extracts from the hearings, showing the excellent work done by the Department of Commerce.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. With pleasure.

Mr. BYRNS of Tennessee. I am sure the gentleman will agree that the importance of the work done by this bureau depends on the rapidity with which it can get this information to those who need it in this country. Is it not a fact that Director Klein, supported by Mr. Hoover, who was seated at his side at the time, stated that in some instances they were four months behind; in the foodstuffs division 32 days behind, and if they shut down on all this work they would be 32 days behind?

Mr. ACKERMAN. Well, business is always behind in the departments. It is not quite current.

Mr. BYRNS of Tennessee. Is not that true for the four months?

Mr. ACKERMAN. Yes.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. Certainly.

Mr. HUDSON. Has it been suggested where these additional officers might be placed?

Mr. ACKERMAN. Yes; it has been suggested in the hearings.

Mr. HUDSON. They were suggested as critical places for the development of trade?

Mr. ACKERMAN. Yes; the gentleman from Tennessee [Mr. BYRNS] mentioned them this morning.

Mr. BYRNS of Tennessee. Yes; I read the 10 places where they wanted them, as stated in the hearings.

Mr. BLANTON. Mr. Chairman, will the gentleman yield there?

Mr. ACKERMAN. Certainly.

Mr. BLANTON. The gentleman himself is an extensive manufacturer, is he not, and has been for years, and he does not think this $75,000 is necessary?

Mr. ACKERMAN. I do not for the moment.

Mr. BLANTON. I agree with the gentleman.

Mr. HUDSON. Has the department suggested that they need at this time the additional appropriation?

Mr. ACKERMAN. They admitted that the increase that the Budget was giving them was too slight, and stated that wonderful results had been obtained from the increase last year. Therefore we thought that if, by the slight increase last year, they had obtained such favorable results, there was no reason why they could not have the same amount this year. We did not cut them down under the estimates of the Budget.

I took the Statistical Abstract, the last edition, and I went through it, and I discovered that there were 32 countries in the world whose exports exceeded their imports; and I find that in 1922 there were only 12 countries whose exports exceeded their imports, but in 1923, the latest figures available show that the amount of the excess of exports over imports of 32 countries in the aggregate was $1,286,000,000. If we leave out British India; their exports over imports being very favorable at the present time, that is in 1923, by the sum of $312,000,000, but the excess of exports of the United States for 1924 was more than that of all the other countries of the world combined. Think of that!

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. Certainly.

Mr. CROWTHER. Then we would be led to believe from those figures that the Fordney-McCumber bill, which some of our friends on the other side opposed in the last campaign

as being detrimental to our foreign commerce, was not such a producer of bad business abroad as they claimed?

Mr. ACKERMAN. The gentleman is correct from his standpoint, but I am speaking from an entirely nonpartisan standpoint. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield to the gentleman from Washington [Mr. SUMMERS] 10 minutes.

The CHAIRMAN. The gentleman from Washington is recognized for 10 minutes.

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen, as a member of the Appropriations Committee, I assure you I have great hesitancy in opposing my friend Mr. SHREVE, the chairman of this subcommittee, and I do so only because I am fully convinced that this little additional item for trade commissioners would bring returns of a hundredfold; and I believe whenever we can turn $1 loose that will expand our foreign commerce $100, or that will make markets for $100 worth of American farm products, that is economy and not extravagance. The additional business will actually help to carry the tax burden in the United States. It reaches to raw products from the farm, and manufactures, and labor, and to every citizen.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes; I yield to my friend from New York.

Mr. WAINWRIGHT. For the information of the House, will the gentleman state how many commercial attachés this $75,000 will maintain, and where it is proposed to put them? At what points is it proposed to place them?

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes; I yield.

Mr. BYRNS of Tennessee. I will say to the gentleman from New York [Mr. WAINWRIGHT] that this amendment, if adopted, will provide for three additional commercial attachés. On page 9 of the hearings, Director Klein stated that there were 10, and possibly one or two other countries, in which he would like to appoint additional commercial attachés. Of course, it will be up to Secretary Hoover and Director Klein as to where these men will be located.

Mr. WAINWRIGHT. Will the gentleman read to us some of the important points showing the necessity for these additional commercial attachés. We do not have the hearings before us.

Mr. SUMMERS of Washington. I shall be glad to do that. The value of the American trade with the Far East—and that is our great undeveloped field—has increased 235 per cent since 1914. American investments there have increased fourfold over 1914, jumping from one-quarter of a billion dollars at that time to one billion in 1924. The inquiries on the Far East, handled by the bureau during the first six months of 1924, numbered 111,633, as against 53,136 for the corresponding period of 1923, an increase, therefore, of 110 per cent. As rapidly as funds are made available new offices for trade commissioners should be opened in the Far East as follows: Hankow, Harbin, Tientsin, China; Singapore, Straits Settlement; Soerabaya, Dutch East Indies, Rangoon, Burma; Colombo, Ceylon; Kobe, Japan; Auckland, New Zealand; and Sydney, Australia.

Hankow, exporting to the United States $14,000,000 annually, is the distributing center of central China trade and is 600 miles by boat from the nearest bureau office. Where we are purchasing $14,000,000 worth of Chinese products there is an opportunity to sell and there is a chance to barter. So we must have our agents at that point. That only is good, common business sense.

There appears in the hearings letters received from different manufacturing concerns and exporting firms that read something like this: There went to South America $75,000 worth of wire. That grew out of this service. To Egypt, $300,000 worth of coal. That resulted from this service. Forty thousand dollars worth of lumber went to Costa Rica; $20,000 worth of hosiery; $10,000 worth of foodstuffs; another $28,000 worth of coal; lumber from Seattle, and so on through.

Now, let me read just a few lines from the testimony and you will see whether the bureau feels they need any more funds. Director Klein said:

> For example, five of our divisions started this last year special drives for exports in certain fields. In every instance there was an increase in our exports. As one example, take our automotive business, whose exports for the fiscal year 1924 exceeded those for the year 1923 by 49 per cent; the same was true in agricultural implements, which gained 61 per cent; industrial machinery 15 per cent; electric goods 24 per cent; lumber 28 per cent, and in every single instance there was ample evidence that that gain was due largely to efforts made by these divisions specializing along these lines.

Just a few lines more:

> It has been thought that our efforts are of particular significance to manufacture—to those dealing in fabricated products. As a matter of fact, however, the largest single groups of commodities now using the service of the Bureau of Foreign and Domestic Commerce are farm products—foodstuffs, cotton, and tobacco. These are the largest single beneficiaries of our service. That is to say, the demands or requests for help and services which we received from dealers and producers of farm products totaled 208,000 in the last fiscal year.

Then are enumerated the different special commodities that were inquired into. We can not sell if we do not have somebody there to furnish the information. They can not wait for six weeks to send a letter over here to some firm with which they are not acquainted and through which some indefinite information may be secured. Different trade terms are used in different countries. You can not write over to China and intelligently place an order. Not a man on the floor who is not engaged in foreign trade can write over there and intelligently place an order for something that is to come out of one of those exporting centers in China, because you are not able to give them a correct description of the goods you want to import. If an American can not place such order, how can the Chinaman place his order in America? There must be somebody there who is reliable and in whom they have confidence. Suppose you want to export apples even to London or to Berlin, where trade customs are similar to ours. What do you know about a possible purchaser over there—as to his reliability, as to the kind of apples you should offer him, or how to arrange for the transportation of the apples? All of those problems have to be met, and they have to be met by a personal representative. This matter is not provincial unless we make it provincial by trying to confine our trade and our efforts to the United States. The fact that our foreign trade has enormously increased does not mean that we are to stop expansion. Suppose England had done that years ago?

Why is she a great nation? It is not because of her raw products, and it is not because of her territory there at home, but it is because of her world trade, and that has always been the case. The prosperity and the expansion of that great nation has been built around her foreign commerce and around her merchant marine. We are trying to build up a merchant marine, and for the United States we want these agents to continue to build up our foreign trade so that our raw products and our manufactured products may be carried in American bottoms.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. COLE of Iowa. It has been intimated that there is some conflict between the Department of Agriculture and the Department of Commerce in these matters. Does the gentleman know anything about that?

Mr. SUMMERS of Washington. I have heard some vague rumors about that, but I do not think there is anything serious along that line. The American farmer wants his products sold abroad regardless of whether he is helped to those sales through the Secretary of Agriculture or through the Secretary of Commerce. We have vast quantities of orchard products, of wheat products, of lumber, and fish in the Northwest, and the great expanding market is across the seas.

The volume of imports from Japan into the United States for 1923 amounted to $347,000,000. Practically half this, or $171,120,000, was imported through the ports of Seattle and Tacoma. Practically 80 per cent of imports from Japan, through the United States Pacific coast ports, is credited to these ports. Their foreign trade is rapidly increasing, and as our commerce with the Far East expands these great and growing cities of the Pacific Northwest will grow.

If we had proper representation there, instead of $70,000,000 going out from the State of Washington to these foreign ports in the past nine months, there would be double that amount.

We who are intensely interested in agriculture have endeavored to secure legislative relief for the farmer. We were told our prices must be regulated by supply and demand. Every ambitious American farmer and manufacturer wants his farm or his factory to produce to the limit. This is right. Then we must neglect no opportunity to increase the foreign demand. Two hundred and eight thousand inquiries on farm products were handled by the Foreign Commerce Bureau last year. No opportunity for expansion should be neglected.

Mr. SHREVE. Mr. Chairman, I yield two minutes to my colleague, the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I desire to call the attention of the House to the publication of the Paris protocol in the Philadelphia Inquirer of January 21, 1925, and I would like to extend my remarks in the RECORD by having the text, without any comment, printed for the information of the Members of the House and the public. I ask that permission.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing the Paris protocol. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Chairman, under leave to extend my remarks in the RECORD, I insert the Paris protocol, taken from the Philadelphia Inquirer of January 21, 1925, which is as follows:

PARIS, January 20.—The American diplomatic colony in Paris to-day was united in predicting that the loud noise the irreconcilables are making in the Senate will subside when the text of the Paris agreement for the essential section reached Washington. The official text was given out here to-night.

Far from pledging the United States to help the Allies enforce the reparation clauses of the treaty of Versailles, it is maintained that the Allies now recognize the Berlin treaty, and the United States signature rests upon nothing but a sort of annex to the Dawes plan, in which the American plans are accepted without even the scrutiny of the Reparations Commission or subject thereto in the future.

Col. James A. Logan, jr., American observer with the Reparations Commission and a member of the American delegation at the recent conference, has cabled Secretary Hughes a brief digest of the document, omitting the bulk of the 28 articles, which do not mention the United States and represent specific agreements among the Allies.

In no case can a phrase or paragraph be found entangling the United States in any obligation, Mr. Logan maintains.

The American claim, in his contention, rests on the basis of the Berlin treaty arrangements, whereas all other claims must pass through the Reparations Commission in accordance with the Versailles treaty.

A strong point in sustaining this argument is found in the text of the Dawes report, stating that the annuities payable by Germany on her reparations account, which had been worked out by the Dawes committee, "comprise all the amounts for which Germany may be liable to the Allies and associated powers for the costs arising out of the war, including reparations and restitution of all costs of all armies of occupation, clearing house operations, etc."

The official text of the Paris conference agreement given out here under the caption, "Agreement regarding distribution of the Dawes annuities," begins by saying, "The Governments of Belgium, France, Great Britain, Italy, Japan, United States of America, Brazil, Greece, Portugal, Rumania, the Serb-Croate-Slovene State, and Czechoslovakia, respectively, represented by the undersigned, have agreed as follows":

The statement comprises 5 chapters, 28 articles, and a protocol. Chapter I, article 1, deals with the costs of commissions which constitute a prior charge on the Dawes plan receipts. These include the Reparations Commission, an organization set up under the Dawes plan, with maximum expenses allowed of 9,500,000 gold marks a year, beginning September 1, 1924, and 7,500,000 gold marks in succeeding years.

Of these sums no more than 3,700,000 gold marks yearly shall be attributable to the organizations set up under the Dawes plan. If necessary, this sum can be increased to meet the costs of arbitral bodies provided under the Dawes plan London protocol.

ARMY COSTS TAKEN UP

Article 2 deals with the "Costs of armies of occupation during 1924 and 1925." Paragraph 1 deals with sums to be allowed prior charge payments by Germany during the year from September 1, 1924, to August 31, 1925, with respect to the costs of the armies of occupation of Belgium, Great Britain, and France, which shall be fixed at the following amounts: Belgian Army, 25,000,000 gold marks; British Army, 25,000,000 gold marks; French Army, 110,000,000 gold marks.

"B. Belgium, Great Britain, and France will meet their additional army costs during the period mentioned from their respective shares of the German reparations payments, but shall not be indebted to the reparations account. That is to say, their respective reparations arrears will increase by corresponding sums.

"C. Additional army costs shall be calculated as follows: Each power will be entitled to receive (1) sums payable under the finance ministers' agreement of March 11, 1922, calculated in the case of Great Britain on the basis of the French capitation rate with special allowance of 2 gold marks per man converted on the sterling at the mean rates of exchange of respective currencies during December, 1921.

VALUE OF MARKS INCLUDED

"The value of German marks supplied armies of occupation and the value of any requisitions under article 6 of the Rhineland agreement shall, as heretofore, be included in these sums; and (2) the value of requisitioned services under articles 8 to 12, inclusive, of the Rhineland agreement which are credited Germany in the accounts of the agent general of reparations. Each power's additional army costs shall be the difference between the total sums so calculated and the amount of the prior charge at the outset of paragraph 1 above.

"D. It is agreed that the powers concerned shall not charge for their effectives in excess of the strength authorized for each, respectively, by article 1, sections 2 and 3, of the agreement of March 11, 1922.

"E. The provisions of this article for the year to August 31, 1925, are accepted without prejudice to any question or principle and the Allied Governments and the Government of the United States will discuss before September 1, 1925, arrangements for the army costs in the future."

UNITED STATES SHARE

Article 3 of the "American article" of the Paris agreement, captioned "Share of the United States of America in the Dawes annuities" being: "(a) Out of the amount received from Germany on account of the Dawes annuities there shall be paid the United States of America the following sums in reimbursement of costs of the United States Army of Occupation and for the purpose of satisfying the wards of the Mixed Claims Commission established in pursuance of the agreement between the United States and Germany of August 10, 1922:

"(1) The sum of 55,000,000 gold marks per annum beginning September 1, 1926, continuing until the principal sums outstanding on account of the costs of the United States Army of Occupation, as already reported to the Reparations Commission, shall be extinguished.

"These annual payments constitute a first charge on the cash made available after transfer by the transfer committee out of the Dawes annuities after provision of sums necessary for service of the 8,000,000 gold marks German external loan of 1924, and for costs of the Reparations Commission, organizations established pursuant to the Dawes plan, Interallied Rhineland High Commission, the Military Control Commissions, and the payment to the Danube Commission, provided by article 9 below, and for any other prior charges, which may hereafter, with the assent of the United States of America, be admitted.

PROVIDES FOR ARREARS

"If in any year, the total sum of 55,000,000 gold marks be not transferred to the United States of America, arrears shall be carried forward to the next succeeding annual installment payment to the United States of America which shall be pro tanto increased. Arrears shall be cumulative and bear simple interest at 4½ per cent from the end of the year in which arrears accumulated until they are satisfied.

"(2) Two and a quarter per cent of all receipts from Germany on account of the Dawes annuities, available for distribution of sums allotted for other treaty charges by this agreement, provided that the annuity resulting from this percentage shall not in any year exceed the sum of 45,000,000 gold marks.

"(b) Subject to provisions of paragraph 1, above, the United States of America agrees: First, to waive any claims under Army cost agreement of May 25, 1923, on cash receipts obtained since January 1, 1923, beyond the sum of $14,725,154.40, now deposited by Belgium in the blocked account in the Federal Reserve Bank, New York, which sum shall forthwith be released to the United States Treasury; second, that the agreement of May 25, 1923, does not apply to payments on account of reparations by any former enemy powers other than Germany; third, that the agreement of May 25, 1923, is deemed to be superseded by the present agreement.

PROVISIONS NOT TO BE ALTERED

"(c) The provisions of this agreement relating to admission against the Dawes annuities of charges other than reparations and allotments provided for such charges shall not be modified by allied governments so as to reduce the sums to be distributed as reparations save in agreement with the United States of America.

"(d) The United States of America is recognized as having an interest, proportionate to its 2¼ per cent interest in the part of annuities available for reparations, in any distribution of railway bonds, industrial debentures or other bonds issued under the Dawes plan, or in the proceeds of any sale of undistributed bonds or debentures, and as having the right also to share in respect to the repayment of its Army costs as provided in the present agreement. The United States of America is also recognized as having an interest in any other disposition that may be made of bonds if not sold or distributed."

Chapter II, article 4, is entitled "The Belgian War Debt," and includes the following terms:

"A. As from September 1, 1924, 5 per cent of the total sum available in any year after meeting the charges for the service of the German external loan of 1924, and the charges and costs of the commissions; the cost of the United States Army of Occupation; the annuity arrears from May, 1921, on the Army costs; the prior charge for current Army costs;

and other prior charges which may hereafter be agreed, shall be applied to the reimbursement of the Belgian war debt as defined in the last paragraph of article 232 of the treaty of Versailles.

PROPORTIONATE DISTRIBUTION

"B. The amounts so applied in any year shall be distributed among the powers concerned in the proportion of the amount of the debt due them, respectively, as at May 1, 1921. Pending a final settlement of the accounts, France will receive 46 per cent; Great Britain, 42 per cent; Belgium (by reason of her debt to the United States), 12 per cent."

Article 5 deals with "Restitution," allotting 1 per cent annually for the first four years to these allied claims, after all the priorities are met, including the service of the German loan, the costs of the commissions, and the United States Army costs, among the others. During subsequent years 1 per cent of the first 1,000,000,000 gold marks, after meeting the priority charges, and 2 per cent of the surplus of the annuity is allotted.

BELGIAN PRIORITY

Article 6 deals with the Belgian priority, allocating to Belgium from the annuities received from Germany after September 1, 8 per cent a year, beginning September 1, 1924, and the same per cent monthly during the following year until the priority is extinguished, when the percentage of all further payments of that year will be reduced to 4½ per cent. During the year commencing September 1, 1926, and each succeeding, Belgium's percentage will be 4½ per cent. This reduction was accepted as fully discharging Belgium from obligations to repay her priority. The article continues:

"As from the date at which the Belgian priority is extinguished, at the latest September 1, 1926, the 3½ per cent released by the above arrangements for the repayment of the Belgian priority will be payable to France and Great Britain in proportion to 52–22, in addition to the Spa percentages."

Article 7 deals with the Greek and Rumanian percentages, fixing that of Greece at four-tenths per cent of the German payments, and Rumania at 1⅓ per cent.

Article 8 deals with miscellaneous allied claims, which will be submitted for evaluation by the Reparations Commission.

Article 9 provides compensation for the European Danube Commission.

CLEARING OFFICE BALANCES

Article 10 is entitled "Clearing Office Balances," and provides that no special charge shall be admitted against the Dawes annuities in respect to clearing office balances of pre-war debts or other claims under the economic clauses of the treaty, unless it is shown that any allied power claiming benefit from such charge has a net credit balance due for payment, after applying, to meet its claims under the economic clauses, German properties and other assets, which it is in its power to liquidate under the same article. No provision shall be made for such net credit balances during the first four years of the Dawes plan.

Article 11 deals with the request of the allied governments that the Reparations Commission draw up as soon as possible a definite distribution of the accounts up to September 21, 1924, when the Dawes plan began operation, and gives authority to the respective delegates on the commission to submit to arbitration questions on which the agreement is not unanimous.

RECEIPTS OBTAINED

Article 12 deals exclusively with the receipts obtained by the French, Belgian, and Italian Governments from the occupation of the Ruhr, delegating the Reparations Commission to draw up the accounts of both deliveries in kind and in cash, taking into account the army costs and other administrative expenses, and debiting the respective allies against the reparations. The article adds:

"The balance account shall, with the exception of the sum mentioned in subparagraph 1 of paragraph B under article 3 be paid over to the Belgian Government, which shall be debited on the account of its priority for the period before September 1, 1924, with the full amount so received, less the interest due on the German treasury bills transferred to Belgium in 1922."

Another paragraph continues:

"In accordance with annex 3 of the London protocol, no claim will be made for payment from the Dawes annuities for any costs with respect to the military forces in German territory not occupied January 1, 1923, other than the value of the requisitions effected by or services rendered to these forces after September 1, 1924. The value of such requisitions or services will be accounted as deliveries on the reparations account to the allied powers concerned."

CHAPTER 3 NEXT

Chapter 3, articles 13 to 17, inclusive, deal with "questions arising out of previous agreements" between the Allies, such as the appropriation of deliveries in kind to the costs of the armies of occupation; the retention by each power of deliveries in kind received by it; the costs of the armies of occupation for the period from May 1 to August 1, 1924; the debit vessels allotted or transferred to Belgium under article 6, section 4 of the Spa protocol, and the debit on Japan's reparation percentage for the Shantung railways and mines.

Chapter 4, article 18, entitled "Interest account," provides for the waiving of all interest charges between the allied powers on reparation receipts up to September 1, 1924, and fixes the interest thereafter at 5 per cent on the excess receipts due as from September 1, 1924, by any allied power to the reparations pool.

Article 19, on "Excesses and arrears," directs the Reparations Commission to draw up accounts as of September 1, 1924, of each power entitled to share in reparations payments from Germany, "but not including the United States of America." These accounts are directed to include the balance of the receipts actually credited as against the Spa percentages.

RECOVERY OF ARREARS

Article 20 deals with the "recovery of arrears," stipulating that the excess payments had by any power as fixed by the Reparations Commission at the end of each year shall be repaid by the reduction of certain percentages from the shares of that power in each succeeding annuity until the debt is paid off, and interest at the rate of 5 per cent.

Article 21, entitled "Costs of armies of occupation to May 1, 1921," provides that "the arrears due France and Great Britain on account before May 1, 1921, shall be excluded from the general account of arrears and discharged by a special allotment from the Dawes annuities (ranking immediately after the charge in favor of the United States Army costs) of the following amounts: During the first year 15,000,000 gold marks; second year 20,000,000 gold marks; third, 25,000,000 gold marks; fourth year, 30,000,000 gold marks, and thereafter an annuity of 30,000,000 gold marks until the arrears are extinguished. This allotment shall be divided between France and Great Britain in the proportion of France 57 per cent and Great Britain 43 per cent."

CHAPTER 5, "MISCELLANEOUS QUESTIONS"

Article 22 fixes the "expense account" of the sum due by Czechoslovakia to the Reparations Commission with respect to deliveries in kind received from Germany and Hungary since May 1, 1921.

Article 23 deals with the division among the Allies of the Bulgarian reparations payments under the Sofia protocol.

Article 24 gives the allied representatives on the Reparations Commission power to settle all questions concerned with the property ceded by the free city of Danzig.

Article 25 is entitled "Recommendations with regard to the distribution of payments throughout the year," the full text of which follows:

"The finance ministers drew the attention of the Reparations Commission to the fact that the operation of the Dawes plan would be greatly facilitated if the agent general for reparations payments could so arrange that the annual payments to be made during the operation of the Dawes plan may be distributed throughout the course of each year, and they request the Reparations Commission and agent general to consider what steps can be taken to secure this result, which is of particular importance during the second and third years of the plan.

"With a view to accomplishing this result, the allied governments, so far as they are concerned, authorize the Reparations Commission and the agent general to cooperate with the trustees for the railway bonds and industrial debentures to take all action which may be necessary to arrange that the due dates for the payments be made on the railway and industrial bonds, so as to provide for a gradual and even flow of payments throughout each annuity year. Furthermore, the finance ministers authorize the Reparations Commission to make arrangements as far as may be practicable without prejudicing the requirements of other powers to enable the Portuguese Government to obtain during the second year of the Dawes plan the sums necessary to complete certain outstanding orders for deliveries in kind of special importance to it."

INTERPRETATION ARTICLE

Article 26, captioned "Interpretation," follows in full:

"This agreement shall be transmitted to the Reparations Commission; the commission will be requested to give effect thereto and adjust all payments during the remainder of the year to August 31, 1925, and during the subsequent years, so that the total receipts of each allied power during each year shall not exceed its share under this agreement. The Reparations Commission shall have the authority by a unanimous resolution to interpret the provisions of the agreement in so far as the allied powers are concerned. If any differences or dispute shall arise on the Reparations Commission or between the allied powers in respect to the interpretation of any provision of this agreement or as to anything to be done hereunder, whether by the commission or otherwise, the same shall be referred to arbitration by a single arbitrator to be agreed upon unanimously by the commission, or failing agreement to be appointed by the president for the time being of the Permanent Court of International Justice.

"Any differences or dispute that may arise with the United States of America regarding the interpretation of this agreement affecting American claims or the rights of the United States of America under this agreement shall be referred to an arbitrator to be agreed upon

between the United States of America and the Reparations Commission acting unanimously."

Article 27 declares that the "provisions of the present arrangement concluded between the powers interested in reparations do not prejudice any rights or obligations of Germany under the treaties, conventions, or arrangements at present in force."

Article 26 declares "The present arrangement, done in English and French in a single copy, will be deposited in the archives of the French Republic, which will supply certified copies thereof to each of the signatory powers. The interpretation of this agreement in the English and French texts shall both be authentic."

The brief of the protocol attests the fact that the present arrangement was signed by all the powers concerned.

Mr. SHREVE. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. BEEDY].

Mr. BEEDY. Mr. Chairman and gentlemen of the House, I think no one is more interested in the extension of American trade than myself, and surely no one appreciates the valuable services which our commercial attachés have rendered since legislation provided for them in Europe. It so happens that in the summer of 1923, in my visit to 10 different countries, I took occasion to visit the offices of these commercial attachés to see what they were doing; it so happens also that a member of my family recently made a survey of the wood-pulp industries of Europe, and had occasion to consult the commercial attachés frequently. My experience with this department would not lead me to minimize the value of the services which it has rendered and is now rendering.

I want to call to the attention of the House, however, this fact, which it seems to me we are losing sight of for the moment. When the first suggestions were offered that we establish these attachés and make appropriations for them there were those, thoughtful men and well informed, who said, "You are providing for a duplication of the very services which your consular offices are rendering this country and we are opposed to it." The first provision in this direction was acknowledged to be purely experimental. I am not in favor of attempting to go too fast in what I am convinced, in a very appreciable manner, is a duplication of the services rendered by the consular agents.

I am certainly opposed to increasing the appropriation for commercial attachés over that allowed in this bill unless the Secretary of Commerce himself wants to come before the committee and tell us that there is a necessity for such an increase. I prefer to stand with the President in this matter, who, I understand, believes, upon consultation and investigation, that $315,000 is sufficient to promote the best interests of our trade abroad through our commercial attachés, and I want the House to recollect also that in addition to this $315,000 provided for commercial attachés this bill carries $430,000 for the extension of American trade in Europe and in other parts of the world.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. BEEDY. Yes.

Mr. BYRNS of Tennessee. This $315,000 includes not only commercial attachés but the greater part of it includes trade commissioners and aid to export industries.

Mr. BEEDY. Exactly.

Mr. BYRNS of Tennessee. And only a fraction of it applies to the commercial attachés.

Mr. BEEDY. That is true. In referring to commercial attachés I mean to include the trade commissioners who are in the same branch of service and simply are outranked by the commercial attachés.

Mr. HUDSON. Will the gentleman yield?

Mr. BEEDY. Certainly.

Mr. HUDSON. Was the request of the department cut by the Budget Bureau in this instance for this purpose?

Mr. BEEDY. This bill allows $140,000 more than the Director of the Budget recommended.

Mr. HUDSON. I mean for this particular purpose.

Mr. BEEDY. For this particular purpose $10,000 more is appropriated, I am informed, than the Director of the Budget recommended.

Mr. BYRNS of Tennessee. I beg to differ with the gentleman. It allows $4,000 more than was recommended by the Budget. The bill allows $80,000 more than the current appropriation.

Mr. BEEDY. If the gentleman will pardon me, I repeat that investigation will reveal the fact that the present bill carries $140,000 more than was appropriated for the current year.

A question was just asked here, and it has not been answered. The gentleman from New York asked whether we had any commercial attachés in China; and if so, where? We have a trade commissioner at Canton, we have a trade commissioner at Shanghai, and a trade commissioner and a commercial attaché at Peking.

Mr. WAINWRIGHT. Will the gentleman from Maine give way?

Mr. BEEDY. Certainly.

Mr. WAINWRIGHT. For the benefit of some of us, will the gentleman explain the difference between a commercial attaché and a trade commissioner? I do not think all of us have that distinction in mind.

Mr. BEEDY. There is the same difference as there would be between an ambassador, we will say, and the first assistant in the embassy. The one outranks the other and draws more salary, but they are both employed in the same kind of work. That is my understanding of it.

In addition to these trade commissioners and the commercial attachés which we already have in China—and I allude to this because we all appreciate the importance of developing our trade in the East—we have our consular agents; and I want to say that in the making of this survey of the wood-pulp industries of Europe we were able to get quite as much information from our consular agents as we were from these commercial attachés.

There is a duplication of work here. There is no question about it, and this appropriation of $315,000 was made because we appreciated the importance of extended activity in the development of American trade.

I think the sound and proper thing for us to do is to follow the recommendations of this committee and not go too fast in the spending of money in this particular connection.

The CHAIRMAN The time of the gentleman from Maine has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, so far the discussion has been directed to the first amendment that was offered by the gentleman from Tennessee [Mr. BYRNS] which has to do with the increase in the number of foreign attachés, but that amendment has been followed by others, and it is fair to say that the adoption of these several amendments will effect one general result. It will invigorate the work and increase the usefulness of the Bureau of Foreign and Domestic Commerce.

Questions have been asked as to what that bureau is doing. Anyone who reads the very valuable weekly publication that is issued by the bureau, entitled "Commerce Reports," will have no difficulty in getting an answer to several of the questions that have been propounded. The editor of that publication is Doctor Klein, who has testified before the Committee on Appropriations.

Something was said a while ago by my friend from Pennsylvania [Mr. SHREVE] about the efforts to increase the appropriations, and he spoke of propaganda and propagandists. I myself have not been appealed to by people who can be put in that category. I rely very largely on the opinion of a man whose opinion on such subjects as this in my judgment is entitled to more weight than any opinion that I can possibly entertain or express or the opinion that may be entertained by most men in public life. I refer to the Secretary of Commerce himself. There is no man who has a fuller appreciation of the whole field of American foreign commerce and its needs than Mr. Hoover, and, albeit, he supports, as we all support, a general policy of economy, he does not hesitate for a moment to say that it is greatly to the interest of the country that the bureau shall be stimulated by additional appropriations.

Something has been said about duplication of efforts. There is practically no duplication, as far as the Department of Commerce and the Department of State are concerned. So far as the Department of Commerce and the Department of Agriculture are concerned, there may be a slight but not a serious duplication. It has been suggested that this is perhaps a covert effort to weaken the Department of Agriculture. I think I am in as good position as anyone as a member of the joint committee on reorganization to say that there is no foundation for any such view. The Bureau of Markets and the Bureau of Economics are going to be maintained in the Department of Agriculture, and the Bureau of Foreign and Domestic Commerce is going to be maintained in the Department of Commerce. The Agriculture Department has to do very largely with the extremely important matter of considering domestic markets and assisting the agricultural producers of the country to find domestic markets.

The primary business of the Department of Commerce, exerting its powers through the Bureau of Foreign and Domestic Commerce, is to find channels through which Ameri-

can trade can pass to foreign countries and the bureau has done a tremendous work in that direction, during the time that I have served in this body. It has been of infinite value. It has been of infinite value to our manufacturers and likewise to our agricultural producers. We have spent weeks and months here discussing what we may do to solve what we speak of as the agricultural problem. Specifics have been proposed which some have thought of as panaceas. Where are they? They have vanished. There is not a single bill, so far as I know, before Congress that anyone believes in, in a broad way, in a comprehensive manner, will materially better the position of agriculture.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. CLARKE of New York. What about the Ketcham bill?

Mr. MOORE of Virginia. I do not know as to that bill, but it has not received much consideration so far as I am informed.

Mr. CLARKE of New York. It has been considered right on the floor of the House here.

Mr. MOORE of Virginia. I am even ignorant of that. I am willing the gentleman shall state the purpose of that bill.

Mr. CLARKE of New York. The Ketcham bill has to do with the increasing of the ratings of the employees sent out, the representatives of agriculture, to the different governments. It has been shown by the Secretary of Agriculture that they have been of great influence in broadening the domain for our market supplies. As far as our own dairy products are concerned, that is true.

Mr. MOORE of Virginia. Yes; but even so, the passage of that bill would not in any way afford a general solution of the agricultural problem. There was here in the last days of the last session the bill introduced by the gentleman from Kansas [Mr. HOCH] with reference to freight rates, for which great things were predicted. No final action has been taken on that. And the same observation applies to other bills that might be mentioned. There is now an agricultural commission functioning. Is there anybody who is so confident, I may say so credulous, as to believe that the commission is going to recommend any measure which will advance us very far in doing what is the common desire? I am now only talking about the difficulty of providing any general effective remedy.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield two minutes more to the gentleman.

Mr. MOORE of Virginia. Mr. Chairman, I wish to refer to what Doctor Klein said to the committee to show that we are not dealing with a visionary thing, a conjectural or theoretical thing, but with a very practical matter. Doctor Klein told the committee that the bureau can not function to the advantage of the public unless the appropriations are increased, and he proceeded to mention several agricultural products as to which he is endeavoring to furnish information to the producers and exporters, but he said that the work was so far behind that the bureau is greatly embarrassed. He spoke of tobacco; he spoke of foodstuffs. He spoke of the desire of American producers, mentioning the State of Tennessee, to obtain timely information with reference to foreign markets for poultry products.

Mr. BEEDY. Will the gentleman yield?

Mr. MOORE of Virginia. I would but I have not the time. He spoke of the same fact with reference to export lumber. He spoke of the same fact in reference to producers of citrus fruits seeking foreign markets. He mentioned in the same connection the very urgent importance of giving information without delay, without months of delay, when the information will be of little or no value to manufacturers of boots and shoes and machinery and the other output of American factories. He showed how desirable it is that exporters may be advised and quickly advised of changes in foreign tariff duties and changes in ocean freight rates.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MOORE of Virginia. I think, gentlemen, if we are really interested in agriculture, as we claim to be, as well as in our manufacturing industries, that we should support the pending amendments. [Applause.]

Mr. SHREVE. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, if the point of order were made to most of these items contained in the paragraphs to which the four amendments now being debated will be offered, they would go out of the bill, because there is no organic law authorizing them. They appear in this appropriation bill without legislative authority.

This little bureau has been growing and growing and growing and spreading its wings until they can hardly house it. It is not the Department of Commerce; it is merely one of its many bureaus. Let me show what we are spending for this one little bureau—the Bureau of Foreign and Domestic Commerce—as already given to it for the coming fiscal year by the committee in this bill. We give the director, in the very first paragraph, $266,477, without any restrictions whatever. We do not even direct or confine him as to how he is to expend it. We give him that huge lump-sum appropriation and start him off with it, and then we give him the following additional amounts: Commercial attachés, $315,861; promoting commerce, Europe and other areas, we give him $432,600 more; district and cooperative office service, we give him $230,818 more; promoting commerce, South and Central America, we give him $248,040 more; promoting commerce in the Far East, we give him $243,734 more; enforcement of China trade act, we give him $30,000 more; export industries, we give him $618,054 more; domestic commerce and raw materials investigation, we give him $115,000 more; transportation and interment of remains of officers and employees of the bureau, we give him $1,500 more; transportation of families and effects of officers and employees, $35,000 more; customs statistics, $339,980 more; lists of foreign buyers, $12,000 more; investigation of foreign trade restriction, $30,000, and so on.

This is entirely too much money to give this one little bureau. Not long ago all the bureaus in the department did not spend that much.

Mr. BRAND of Ohio. How much is it, all together?

Mr. BLANTON. I am going to add it up, but I need an adding machine to do it. It aggregates the tremendous sum of $2,919,064 for this one little bureau alone, and still they are asking to enlarge it.

I am in favor of commercial attachés, upon a sane and reasonable basis, and I was following the gentleman from Tennessee until he showed me how much they were costing apiece. I imagined $75,000 would give quite a number of additional ones; but when he told me from the floor specifically that I had understood him correctly, that the $75,000 additional he was trying to add to this paragraph would only furnish us three more of them, I concluded that they came too high. Twenty-five thousand dollars apiece for commercial attachés is too costly, and that telegram from these export manufacturers and a copy of which was read from New York did not have the desired effect on me when I found out how much they were costing.

When is this money spending going to stop? In the year 1913 you created this bureau not by legislative act but by an unauthorized rider on an appropriation bill. You consolidated the little Bureau of Manufacturers with the little Bureau of Statistics and added certain other services taken from the Department of Labor, and started this otherwise unauthorized bureau carried in this bill, and it has been growing and growing and growing for 12 years. Mr. Secretary Hoover is continually enlarging most of the bureaus of his department and is duplicating work done by many other departments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. And you will find, if you will just figure it up, what a tremendous sum the various bureaus in his department are costing now, and you will stay by the Budget, I believe. I am going to stay with the Budget on this proposition and vote against all of the increases proposed in the four amendments.

Mr. OLIVER of Alabama. I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Chairman and gentlemen, as I see it there is a difference in judgment between members of the Committee on Appropriations as to the amount of money that can be used to advantage by a very efficient bureau of the Government during this next fiscal year. It has been my experience as a Member of Congress that the Bureau of Foreign and Domestic Commerce is one of the most efficient bureaus of the Government that we have. In our committee work there has repeatedly come to my attention instances of the great value of the work of that bureau to our export trade in agriculture and manufactures. This difference of opinion arises. The opponents of an increase claim that no officer or employee of the Bureau of Foreign and Domestic Commerce or of the Department of Commerce has appeared before the committee and requested any amount of money in excess of the Budget estimates. Well, of course, there is a very good reason for their not doing so. Under the Budget act Congress prohibited anything of that kind. That law was so drafted as to prevent

Congress receiving an honest and frank expression from a departmental head or a bureau chief as to whether or not the Budget has treated them fairly in submitting their estimate. Here is the provision of the Budget law:

No estimate or request for appropriation, and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by an officer or employee, of any department or establishment, unless at the request of either House of Congress.

Not a committee of Congress, but at the request of either House of Congress.

Mr. JOHNSON of Washington. If the gentleman will yield, I want to say that in an effort to ascertain the real needs of the Department of Labor in regard to immigration the committee of which I have the honor to be chairman brought the heads of the Department of Labor to our committee and made proper inquiry and were met with the very statement that the gentleman gives, that they did not dare come before any committee of Congress even in order for it to find out their demands and find out what was going on.

Mr. NEWTON of Minnesota. Yes; and along the line of the gentleman's suggestion; a year ago, because of the failure of the Budget to adequately provide for the Immigration Service, this House added $1,200,000 for an immigration border patrol. As a result this year an adequate provision is included in the estimate from the Budget Bureau. If the House had not acted then, where would we have been with reference to the border patrol and the prevention of the bootlegging of immigrants?

Mr. JOHNSON of Washington. But the departmental representatives were afraid to speak before a committee which sent for them; not an appropriating committee at all but a legislative committee. They said they were prohibited from recommending anything more than the Budget Bureau had estimated for.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. CLARKE of New York. May I ask the chairman of the subcommittee whether or not it is true that officials of the Department of Commerce have been running around soliciting Congressmen themselves, and whether they did not go before the gentleman's committee and practically evade that provision?

Mr. NEWTON of Minnesota. I do not know as to that; but I will say this, that if there are any persons in the country that ought to have an expression of the frank judgment of the department people, it is the Representatives of the people, who are voting the money?

Mr. CLARKE of New York. I will ask the gentleman from Pennsylvania if that is not true?

Mr. SHREVE. Oh, I think I had better advise the gentleman privately about that.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, may I have two minutes additional?

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota is recognized for two minutes more.

Mr. NEWTON of Minnesota. Mr. Chairman, in the hearings that we have here, in the testimony of Director Klein, while you will not find any specific request for increase, yet in the statement made by the Secretary of Commerce, giving his view on the question of trade competition during the next fiscal year and the necessity of increasing the appropriation in order to meet it, his opinion is expressed. Gentleman, that is just as far under the law as the Secretary or a bureau chief could go.

As to the money that has been expended, if you will refer to the hearings you will find where there has been an increase of American business amounting to $529,000,000, made possible by the work of this bureau, at an expenditure that same year of $2,600,000, and that is 15,000 per cent on the investment. It strikes me that is a pretty good sort of work to continue and to provide with an adequate force.

It is estimated that this additional business brought into the Treasury of the United States $7,000,000, as against an appropriation of $2,600,000, which is about 300 per cent increase upon the investment, in money going into the Treasury.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. WILLIAMSON. What means have you of knowing how much additional money has been brought into the country through this instrumentality and how much additional revenue has been brought into the Treasury?

Mr. NEWTON of Minnesota. If the gentleman will refer to the hearings, he will find that question propounded by a member of the committee as to the increase of this business and the contracts obtained. In the answer Doctor Klein proceeded to detail facts giving the names and amounts of contracts. The total as given was $529,000,000.

Gentlemen, I shall support the motion for the increase. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. SHREVE. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. CLARKE].

Mr. CLARKE of New York. I would like to ask the gentleman from Pennsylvania a question, which is directly in point with the statement made by the gentleman from Washington [Mr. JOHNSON]. Is it not true that representatives of the Department of Commerce have been soliciting different Members of Congress for increased appropriations along this line, completely evading the law referred to by the gentleman from Minnesota [Mr. NEWTON], which expressly prohibits it?

Mr. SHREVE. I do not know as to "representatives" of the department, but I understand that one representative of the Department of Commerce has been soliciting votes for the Byrns amendment.

Mr. CLARKE of New York. Could the gentleman state his name for the RECORD?

Mr. SHREVE. I would not care to.

Mr. JOHNSON of Washington. Does the gentleman from New York want him to be separated from the department?

Mr. CLARKE of New York. Well, if he has done that he deserves to be separated from the department.

Mr. BYRNS of Tennessee. The gentleman is not willing to give the information.

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

The CHAIRMAN. The gentleman from Arkansas is recognized for five minutes.

Mr. WINGO. Mr. Chairman, I hope the committee will not be affected or influenced in their consideration of the merits of the amendment by the controversy that has occurred among these gentlemen as to whether or not the amendment has been advocated by some officials of the department. The question is whether we shall continue to go on upbuilding our commerce and maintain it to the fullest extent, in order to be of real practical value to the entire country. The question as to these commercial agencies and the extension of our foreign trade and commerce is one that, while peculiarly of primary benefit to the manufacturing interests and exporting interests of the country, is yet such that a man would be shortsighted if he did not realize that the agricultural interests and every other active industrial interest of this country has a selfish stake in it. I live in the inland. The district that I have the honor to represent is in the heart of the Nation; and yet I know that the people of my district will be benefited in the future, not, perhaps, directly, by our foreign commerce, although I know that our principal product has to find a foreign market for 65 per cent of that product. But when you develop all the interests of this Nation and find a foreign market for the surplus of our factories and farms and mines and all our industrial activities, you increase the welfare of the entire American people and their means of living; you add to the standard of living of the people of this Nation.

The man who has not sensed the future is very shortsighted, because the future contains the real conflict, the real battle that is to be fought; and that is the battle of economic competition in the markets of the world. It would be a shortsighted policy for this Nation, with its wonderful natural resources, with its great wealth, if it did not use every legitimate means at hand to force the products of our farms and factories into the markets of the earth, and bring the benefits that accrue to all the homes of the Nation. Therefore, I shall support an amendment that will give the greatest amount of possible efficiency and activity to these agencies that are carrying on this good work. [Applause.]

Just a word in closing. Some of my friends think they have discovered a mare's nest because somebody in the Department of Commerce has seen fit to furnish Congress or Members of Congress with information. Gentlemen, you have a mistaken idea about the Budget.

The original purpose of the Bureau of the Budget was to require a more practical estimate and request upon the Congress

for public funds to maintain the executive departments, but now gentlemen wish to interpret it on the theory that Members of Congress have not the intelligence or the capacity to discharge the time-honored function of a representative body—that is, to control the purse strings—and the theory now is that you must go out and brand as a felon any man who either by request of a Member of Congress or by reason of his interest in the public welfare volunteers information to a Member of Congress. That is straining at a gnat and swallowing a camel. I do not like the suggestion that Members of Congress be put off in this box and that you must not permit any information to get to us except through one little channel, or that we must swallow what the Lord of the Budget sticks down our mouths, whether it be wise or unwise. In other words, gentlemen, I fight and shall continue to fight for the keystone of Anglo-Saxon government, and that is that the people's representatives shall control the purse strings. I maintain that as Members of Congress we not only have that right but that we have the intelligence, more than any other agency of the Government, to determine how the funds of the people shall be disbursed and for what purposes. [Applause.]

The CHAIRMAN (Mr. NEWTON of Minnesota). The time of the gentleman from Arkansas has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. McDUFFIE].

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, I think every Member of Congress really has an earnest desire to economize in the expenditure of public money. I think there are some things about the Budget that work for the good of the country, but the gentleman from Arkansas [Mr. WINGO] is correct in saying that the Congress itself is supposed to determine the amount of Federal funds to be expended in any wise. Yet it does seem the day is rapidly coming, if it is not already here, when the people's representatives must sit here and not make certain appropriations; because, forsooth, some one man says, "This interferes with the program of the Director of the Budget and you can not pass this legislation."

Mr. MADDEN. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. MADDEN. There is more carried in this bill for this service than was recommended by the Budget—a good deal more.

Mr. McDUFFIE. Not a good deal more; only about $79,000.

Mr. MADDEN. Yes.

Mr. McDUFFIE. I think the gentleman will find it is not a great deal more if he will examine the figures. At the same time, it is not as much as the Department of Commerce, for whom we are supposed to legislate to-day, desires. I think the gentleman will not dispute that.

Mr. MADDEN. They did not say so to us.

Mr. McDUFFIE. Because of certain proprieties probably they dared not say so. I happen to be one of those who did not receive one of the telegrams we have heard read; nor have I seen any member of the official personnel of the Department of Commerce with reference to this matter. I am, however, one of those who believe, gentlemen, that if we hope to progress and fully develop our commerce across the seas—and we must do that—we should provide ample means with which to furnish necessary information to our manufacturers and producers who need a foreign market for their goods. If other great nations do this, surely we can not do otherwise.

We have a great merchant marine. We have done well with a great big problem of putting our flag on the seas, the most stupendous undertaking of the Government in many years. We must maintain our merchant marine; that can not be disputed. How are you going to have the tonnage for our ships and compete for our share of the world's business unless we have the necessary agencies that other great nations have to go and get the business? Some one has suggested that we are doing well enough, and we should "let well enough alone." That is the substance of what has been said on this floor—that we already have a balance of trade in our favor amounting to $1,000,000,000 and that is sufficient. But that is not the course this great Government should pursue if we are to take our proper place as a great commercial nation. Other big nations do not pursue such a course. If we are to be able to furnish tonnage for our ships that will, I hope, continue to sail from our ports to the seven seas, it is necessary, as you know, that we develop that tonnage for our vessels. Now, if you are going to say that just because we have a balance of trade amounting to $1,000,000,000 we must stop there, why, then you are absolutely correct in failing to provide sufficient funds with which our foreign trade might be substantially increased. Gentlemen, let me warn you that is not the policy of the nations that get the business of the world. I do not know how much more they spend than we do in this way. I have tried to find out and compare what England, Germany, and Japan do along this line, and I dare say that all the big nations of the world have better-paid representatives in the fields of business throughout the world than this great country of ours.

I have taken up your time to-day for a few moments, not because somebody has propagandized me—and, may I say, I have no objection to that. The right of appeal to the representatives of the people is proper and perfectly legitimate. I am advocating the amendments not because some man in the department down there has urged me to do so but because I really believe if this Nation is to handle its fair share of the business of the world it is necessary to go out and get that business. We can not get that business unless we provide the necessary funds for that purpose.

Now, let me call your attention to the hearings, which are very interesting. On page 14 there are many, many instances cited where American business concerns were greatly benefited by the work of this bureau. On page 50 the chairman of the subcommittee referred to the lists of foreign buyers and the witness, Doctor Klein, said:

> There is an increase of $2,700. That, perhaps, is the first and most direct service we now render to exporters. The first question which we get from any business man who has become interested in export is "Can you give me the name of a good agent for my commodity in a certain market abroad?" and we have been completely swamped with requests for lists of that description. In 1921–22 we had a call for 69,000 lists of that sort—

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. McDUFFIE. Mr. Chairman, I ask for just one minute more.

Mr. OLIVER of Alabama. Mr. Chairman, I yield to the gentleman an additional minute.

Mr. McDUFFIE (reading)—

> the next year 178,000, this last fiscal year 416,000—in other words, six times as many last year as we had two years ago, and these lists were not handed out broadcast, but they were requested in each case individually.

I read this simply to point out the great value of this activity of the bureau, the calls made upon it, and the volume of business which is possible to be obtained, provided we furnish sufficient funds. In my judgment the committee should adopt the Byrns amendment. [Applause.]

Mr. SHREVE. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. DICKINSON].

Mr. DICKINSON of Iowa. Mr. Chairman, I would like to have the amendment, which I have sent to the Clerk's desk, read at this time for the information of the House.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Iowa for the information of the House.

The Clerk read as follows:

> Amendment proposed by Mr. DICKINSON of Iowa: On page 55, line 5, after the word "industries," strike out "$115,000" and insert in lieu thereof "$100,000," and add the following: "*Provided*, That none of the funds appropriated in this paragraph shall be used for collecting and compiling information regarding the disposition and handling or to investigate the conditions of production and marketing of raw agricultural products in the United States, or in foreign countries."

Mr. DICKINSON of Iowa. Mr. Chairman, there are two phases of this question I want to discuss. The first one is that there is and has been a tendency on the part of the Department of Commerce to duplicate and infringe upon the duties of the Department of Agriculture. The second one is that it is my belief the United States is becoming the sales agent for the export concerns of this country to an extent that is unwarranted in the business development of the export trade of this country.

On the first proposition the conflict between the Department of Agriculture and the Department of Commerce came up when a very innocent amendment was put in, I think two years ago, at the suggestion of the gentleman from Tennessee [Mr. BYRNS], when they increased the allowance to investigate crude rubber, and the gentleman from Tennessee [Mr. BYRNS] in his statement said he thought it might be a good thing to also include nitrates. Secretary Hoover, when before the committee, said he thought it would be a good thing to include coconut oil, but lo and behold, when that item came out in the bill it gave the Department of Commerce authority to investigate all agricultural products. Then they increased their personnel and went out into the field and duplicated the work of the Department

of Agriculture, and I am going to call your attention to a few instances of that.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BYRNS of Tennessee. The gentleman will state, will he not, for the benefit of the committee, that that was not out of any of these appropriations but out of a special appropriation of $50,000?

Mr. DICKINSON of Iowa. Yes; but it is included in this appropriation now by the committee joining the two sums, $50,000 of which is for this purpose.

Mr. BYRNS of Tennessee. That does not come under any item I have offered an amendment to.

Mr. DICKINSON of Iowa. That is shown by the report of the committee, and the item I refer to is in the consolidation of the two items.

Here is a report of the Department of Commerce, dated January, 1925, and it is entitled "International Trade in Wool." Every single, solitary bit of information that is in this book is old and obsolete, and the real wool producers of this country get their information from the weekly and the monthly bulletins sent out by the Department of Agriculture. There is nothing in this publication that will assist them in any way in selling or handling wool, and in order that you may know of this duplication, I want to give you these references. Here is "International trade in wool," Agricultural Yearbook, Department of Agriculture, 1923, page 200. "World wool production," exactly the same thing, and "Wool trade in agricultural production," Department of Commerce Bulletin No. 13, page 2. Take them and examine them and you will find they absolutely cover the same statement of facts.

"World distribution of sheep," Yearbook of Agriculture, 1923, page 232; "Sheep raising," Bulletin No. 13, Department of Commerce, page 4.

"Types of sheep"—tell me who there is down in the Department of Commerce who knows anything about the types of sheep; not one of them; and yet here are "Types of sheep" dealt with in the Yearbook of 1923, at page 240, and "Types of breeds" are discussed in the Department of Commerce Bulletin No. 13, page 6, with just a change in the heading.

"Development of the sheep industry," Yearbook of 1923, page 234. "Westward trend of sheep raising in different sections of the United States," Bulletin of the Department of Commerce No. 13, page 9.

"Grades of wool and their uses," Yearbook of Agriculture, 1923, page 297. "Classification of wool imports," Bulletin No. 13, page 4. This contains an absolute duplication of every bit of information that is contained in the article of the Department of Agriculture.

The reason I am bringing in this amendment is to follow out the course we tried to make plain in this House last winter when we defeated the Winslow bill. This is only a continuation of that fight.

Under this crude-rubber appropriation the Department of Commerce increased its personnel for the investigation of these agricultural commodities; and if they do not get these increases, they will have to contract that personnel because of the fact they have had a group of men working on this information which involved agricultural products, a field they ought never to have entered and a field they knew the Department of Commerce was never organized to enter. [Applause.] And yet you men here are absolutely working into their hands by increasing these amounts and the personnel so that they can go along and do the very things which I suggest they have been doing; and not only that but I do not know how many departments of this Government the Department of Commerce ought to run.

Mr. HUDSPETH. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. HUDSPETH. Going from wool to cattle, does not the gentleman think we ought to adopt the Byrns amendment, so we can build up the export trade and relieve the cattlemen of the West, who are to-day absolutely broke because they have no market in this country for their meat?

Mr. DICKINSON of Iowa. If there is any information that the Department of Commerce can get for you in the world markets to-day, even if you increase their personnel, it is already available for you down in the Department of Agriculture, in the Bureau of Economics. [Applause.]

Mr. HUDSPETH. If the gentleman will permit, I understand the amendment of the gentleman from Tennessee [Mr. BYRNS] is to increase the force abroad so that they can encourage and promote the foreign market.

Mr. DICKINSON of Iowa. And I am explaining to you that you can increase the appropriation all you wish; but if the information is not available for you, they can not get it for you. No representative of any department of the Government can make a market where one does not exist.

Mr. HUDSPETH. I think the gentleman will agree with me, and with his cheer leader from New York also, that we have not a market for our meats in this country to-day.

Mr. DICKINSON of Iowa. I will agree with the gentleman about that.

Mr. HUDSPETH. And the cattlemen of this country are going broke by the thousands all over the country, and everybody knows it.

Mr. DICKINSON of Iowa. You are talking from the cattle end of it; let me talk to you from the market end of it.

Mr. HUDSPETH. I am talking about the end of it that I know something about and am interested in, and that is why I am interested in the amendment of the gentleman from Tennessee.

Mr. DICKINSON of Iowa. Let me say to the gentleman that if that market is not available to you through the Department of Agriculture, neither is it available through the Department of Commerce, and your cattle situation is not going to be helped any if you increase the amount for this purpose five times the amount suggested by the gentleman from Tennessee.

Mr. BLANTON. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BLANTON. Is not the great trouble with our cattlemen and our sheepmen——

Mr. HUDSPETH. There is not any trouble with the sheepmen.

Mr. BLANTON. Due to the fact that the packers are shipping into this country, and have been for years, millions of pounds of frozen meat from other countries in competition with our American-raised meat?

Mr. DICKINSON of Iowa. Some frozen meat is coming into this country.

Mr. HUDSPETH. Did the gentleman vote for a tariff of 40 per cent on meat?

Mr. BLANTON. Yes. I wanted to stop it.

Mr. HUDSPETH. But you did not stop it.

Mr. DICKINSON of Iowa. Oh, Mr. Chairman, I do not want the Texas delegation to monopolize my time.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. MILLS. Has the Department of Agriculture any representatives abroad in the places where the gentleman's amendment proposes to establish commercial attachés?

Mr. DICKINSON of Iowa. They have at least four of them for every man that they have got in the Department of Commerce. They are collecting information from every country in the world.

Mr. MILLS. Is the gentleman in a position to tell us how many representatives of the Department of Agriculture are in Europe to-day, for instance?

Mr. DICKINSON of Iowa. I have the information here, and I will insert it in the RECORD.

Mr. MILLS. I would appreciate it if the gentleman would.

Mr. DICKINSON of Iowa. I can not give it to the gentleman offhand.

Mr. MILLS. Could the gentleman give it is to us before this matter comes to a vote?

Mr. DICKINSON of Iowa. I think I can. I suggest this one thing further. I do not want this country to become the granddaddy for every exporting concern there is in the country, and that is what you are attempting to do here. Our Government is getting Hooverized sufficiently. [Applause.] There is hardly a morning paper that comes out but carries a headline of some kind that Mr. Hoover is going to do this, that, or the other thing. He is going to tell us how to regulate the traffic in the District of Columbia; he is going to tell the farmers how to save waste——

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. No; I can not yield any more. The farmer has to be Hooverized, if you please, by being told how to prevent waste, and he is going to tell the cattlemen how, if they will prevent waste they will be all right, and therefore do not need legislative assistance. We are even going to have a Secretary of Agriculture, if you please, who is approved by Secretary Hoover of the Department of Commerce, when, as a matter of fact, you gentlemen all know that ever since Mr. Hoover has had charge of the Department of Commerce he has been trying to work into the Department of Agriculture, to take its bureaus' functions, in so far as he could get legislation to do so, and last year we defeated the

attempt in the Winslow bill; and here now is an effort to bring about this change without legislation by an increase in personnel, on the theory that they have enough authority if they can get the personnel. [Applause.]

It may be assumed from the testimony before the committee that the information given out by the Department of Commerce is of especial benefit to the producers of agricultural raw products. In view of the fact that it is shown that 208,000 inquiries were received in 1923 and 1924 from exporters and producers during the said fiscal year, it is well to observe, first, that these inquiries come from exporters as well as producers, and that there is no division as to how many inquiries come from producers and how many come from exporters. From all the data available at this time, the friends of agriculture are thoroughly convinced that their marketing machinery is better safeguarded by retaining the same in the hands of the Department of Agriculture, and that all of the pertinent data necessary for advice in marketing raw products is available through that department, and that if any expansion is made extending such inquiries in behalf of the producers it should be made through the Department of Agriculture, and not by placing such authority in the hands of the Department of Commerce.

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman and gentlemen of the committee, there was a time when Secretary Hoover had the entire confidence of the people of this country, and I believe that to-day he has not forfeited or lost that confidence in any degree. [Applause.] If there is any official of the Government to-day who has the entire confidence of the business people of the country, it is the head of the Department of Commerce.

As I understand, this is the familiar question: Shall we accept the recommendation of a department which has been overruled or pared down by the Bureau of the Budget, or, in the desire for a very rigid economy, shall we overrule the estimates of the department? As far as I am concerned, in a matter of this sort I am willing to sustain the recommendations of the Department of Commerce. The Secretary of Commerce practically advises us that he considers that an increase in the number of his commercial attachés will be very much in the interest of the extension and development of our foreign trade. If there is one department whose activities have a direct bearing upon our prosperity, it is that department, charged, as it is, with the development of our foreign trade. What most impresses the traveler in the Far East is how undermanned is American trade in that region of the world and at how great a disadvantage we are at as compared with Great Britain and other foreign countries. That is so in Shanghai and the other important points in China and is evident also in the Malay Peninsula. I remember in Singapore meeting with a few American gentlemen at the invitation of the American consul. One of them told me he thought he was the only representative of an American business house in Singapore, and that was one of the leading chewing-gum concerns. Think of it—that in that market, one of the greatest in the Far East, the only business maintaining a special agency was one of that nature. There had been others, I was told, which for one reason or another had been discontinued; and it struck me what a wonderful opportunity was there for a general agency to promote our trade in that particular market. These commercial attachés, as I understand it, are the special representatives of the American business people generally, particularly the smaller American industrial concerns looking for foreign trade. The larger concerns, such as the General Electric and the Standard Oil Co., have their representatives in China, but you will find no one except the commercial attachés or the commercial agents specially charged with the exploitation of the interests of the great multitude of smaller concerns whose products might find a market in those fields.

If it is true that this great increase in our foreign commerce in finished products is due in large part to the services of these commercial attachés, it surely furnishes ample warrant for acceding to the recommendation of the Secretary of Commerce for this slight increase of appropriation to enable the department to cover other important trade centers now uncovered. I believe we will make no mistake in adopting this amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHREVE. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK of Texas. Mr. Chairman, it is well we remember what we have under consideration, and that is an amendment to increase the number of employees of the Bureau of Foreign and Domestic Commerce in the Department of Commerce. Now I shall not make any fight upon the existing activities of the department, and I shall not make any fight upon the existing appropriation. I do think that if a proper inquiry and investigation were made of both the Department of Agriculture and the Department of Commerce a great deal of duplication would be found, and a large saving could be effected without any harmful effect to the Government. We need not discuss that at this place. It would serve no useful purpose because at this particular time we have no opportunity to correct it. In my district I have found one situation to exist well nigh universal, and that is the people are becoming uneasy, dissatisfied at the large increase of the Government pay roll. [Applause.] And in the few times that I have had an opportunity to address them recently I have pledged them my support in an effort to keep down any further increase in the number of Government employees, and I have told them that there is but one way to do it; not two ways, not a half dozen ways, but just one way, and that is to stand up on the floor of Congress and fight against these propositions which propose to enlarge and increase the activities of the Federal Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK of Texas. I ask unanimous consent to extend my remarks on this subject.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLACK of Texas. Mr. Chairman, under leave to extend my remarks in the RECORD, I want to say just these few words more. It is an easy matter to exaggerate the importance of the work that most any of these Government bureaus are doing.

I do not question the good motives of their spokesmen who come before the committees of Congress and enlarge upon the vital importance of their tasks. Most of them verily believe that the prosperity and happiness of the country would come to an end if their expansion were halted.

There are those of us here who take a different view. I belong to that number. It is my view that Congress can better spend its time in coordinating and harmonizing the activities of the Government bureaus we do have, so as to prevent waste and duplication of effort, than to add on more new employees.

I am none too sanguine that very much will be accomplished along that line, at least very soon. But in the meanwhile, while we wait, we Members of Congress who really believe in economy and try to practice it can render a very useful service in helping to hold down the ever-enlarging number of Federal employees. I shall continue to try to do my best along that line.

Mr. ACKERMAN. Mr. Chairman and gentlemen, the interest manifested in the analysis of the income-tax figures as presented by me last year seems to warrant a further consideration of the application and collection of personal-income taxes. This is undertaken, therefore, based on the report recently issued of the transactions for 1922, the latest completed compilation of the Treasury Department.

While there are some slight changes from the figures of 1921, used as the basis for last year's analysis, by far the major portion of the burden is still, I believe, being disproportionately borne by the income-tax payers of New York, New Jersey, Pennsylvania, and Ohio.

It follows, therefore, as a natural sequence that the people of these individual States who file 2,357,340 personal-income-tax returns, representing 34.74 per cent of the entire number filed, are carrying on their professional and commercial activities under a tax load which can not otherwise than be a brake upon the wheels of permanent progress and a drag on initiative and enterprise.

The agricultural West is having its burdens alleviated, but the industrial East is very heavily burdened; its load is inequitable, and that it should have priority consideration by the Congress is strikingly shown in several ways.

A simple comparison of the wealth of these 4 industrial States with that of the other 44 States and the amount of taxes collected in each group discloses one phase.

A comparison of the numerical representation of each group in the Congress shows another.

A still further inequity is shown in the returns yielded through State-aid projects.

A glance at the following table shows these inequities in inescapable facts and figures:

	4 States, New York, New Jersey, Pennsylvania, Ohio	The 44 other States
Wealth, Government census 1922	$96,000,000,000	$218,000,000,000
Percentage of wealth paid out for taxes	[1] 0.0467	0.0191
Personal income taxes paid in 1922	[2] $447,000,000	$413,000,000
Received as State aid	[3] $12,000,000	$64,000,000
Number of Senators	8	88
Number of Congressmen	113	322

[1] Almost two and a half times the amount paid by 44 States.
[2] $34,000,000 more than the amount paid by 44 States.
[3] $52,000,000 less than the amount received by 44 States.

On the basis of wealth the four States of New York, New Jersey, Pennsylvania, and Ohio should have paid $265,000,000 in personal income taxes. Compare this with the amount paid—$447,000,000—and you will see that these States have an overpayment of 70 per cent, because the individuals living therein have an overassessment to that extent.

On this same basis of wealth the group comprising the 44 States should have paid $595,000,000 instead of $413,000,000, the amount collected according to the 1922 figures, $182,000,000 less than in proportion to their wealth by the last census of 1922.

Still considering the wealth of the two groups we see that the four States with considerably less than a third of the total wealth of the country, as indicated by the census, pay thirty-seven times as much to the Federal Government in personal income taxes as they receive in "State aid" funds. Compare this with the "State aid" paid to the 44 States, and it will be seen that they pay only six and a half times the amount of the "aid" in income taxes from the residents of all of those States combined. In other words, they receive nearly six times on the average what the four States—New York, New Jersey, Ohio, and Pennsylvania—receive.

The wide discrepancies in regard to the proportion of taxes paid and State aid received is graphically set out in the table which the Washington Post has kindly allowed me to use. I insert it here as collateral evidence to the conclusions which my examination into the facts disclose bearing on this inequitable feature of our present system of income tax collecting and the necessity at an early date of there being prompt reform in this particular.

Proportion of Federal subsidies to United States taxes paid by each State

[This table shows the amount of Federal taxes each State paid in the fiscal year 1923–24 and the amount the State received in Federal aid.]

State	Paid in Federal taxes, including personal income taxes	Received as State aid [1]	Per cent
Alabama	$9,800,970	$1,705,610	17.40
Arizona	2,131,288	995,331	42.00
Arkansas	6,536,635	1,361,459	20.82
California	129,026,453	2,475,800	1.91
Colorado	15,228,037	1,264,448	8.30
Connecticut	37,006,532	538,009	1.45
Delaware	10,805,101	379,330	3.51
Florida	15,819,827	910,084	5.75
Georgia	19,181,446	2,137,684	11.14
Idaho	1,976,084	905,827	45.08
Illinois	214,840,722	3,390,701	1.57
Indiana	45,767,607	2,034,555	4.44
Iowa	17,946,204	2,149,551	11.97
Kansas	20,735,282	2,036,124	9.81
Kentucky	28,574,914	1,592,612	5.57
Louisiana	20,427,382	1,099,011	5.37
Maine	13,945,902	704,496	5.05
Maryland	34,349,218	714,774	2.77
Massachusetts	138,681,654	1,196,042	.86
Michigan	221,380,005	2,339,480	1.05
Minnesota	31,586,633	2,157,830	6.83
Mississippi	4,949,236	1,428,199	28.55
Missouri	68,794,487	2,503,602	3.62
Montana	2,958,039	1,448,635	48.97
Nebraska	10,791,615	1,555,586	14.41
Nevada	761,499	885,759	116.31
New Hampshire	5,805,346	387,527	6.68
New Jersey	112,260,046	1,109,187	.98
New Mexico	1,131,323	1,119,086	98.91
New York	690,415,425	4,020,445	.58
North Carolina	157,973,393	1,873,830	1.18
North Dakota	1,282,838	1,142,382	89.05
Ohio	153,524,833	3,026,236	1.97
Oklahoma	13,520,536	1,813,931	13.41
Oregon	10,500,237	1,138,143	10.83
Pennsylvania	209,688,619	8,796,118	1.40

[1] These figures do not include small payments made under minor subsidy measures.

Proportion of Federal subsidies to United States taxes paid by each State—Continued

State	Paid in Federal taxes, including personal income taxes	Received as State aid	Per cent
Rhode Island	$20,239,353	$371,864	1.38
South Carolina	8,938,278	1,178,110	13.18
South Dakota	1,951,248	1,175,515	60.24
Tennessee	18,633,646	1,754,211	9.41
Texas	36,863,758	4,448,314	12.06
Utah	4,087,186	816,876	19.98
Vermont	3,600,827	382,681	10.62
Virginia	45,991,886	1,599,270	3.47
Washington	19,006,008	1,111,660	5.84
West Virginia	19,895,467	917,127	4.60
Wisconsin	40,448,722	1,951,718	4.82
Wyoming	2,088,353	880,051	42.14
	$2,761,850,099	$75,955,121	

In arriving at the above-mentioned conclusion an analysis was made not only of the total amounts paid by the respective States as compared with the total amount collected in the United States and its possessions, but I also considered the number of personal income-tax payers in each State as compared with the total population, according to the last census, of the respective States. By this method the following shows the comparative taxpaying strength of each individual State in totals and percentages.

New Jersey had a population of 3,315,231, or 3.03 per cent of the entire population of the United States as of July 1, 1922 (estimated), as compared with a population of 3,155,900, or 2.98 per cent according to 1920 census, an increase of 159,331, or 0.05 per cent.

Personal income tax paid by individuals filing reports therein in 1922 of $40,982,616, or 4.76 per cent, as compared with a total tax in 1921 of $33,258,294, or 4.62 per cent, an increase of $7,724,322, or 0.14 per cent.

Paid more in 1922 than the total tax paid by 21 States and Hawaii combined, as follows, increasing its burden in 1922 over 1921 by the amount paid by the whole State of Tennessee, as per the following table:

States	Amount of personal income tax paid	Per cent of tax	Per cent of population	Population
North Carolina	$4,908,611	0.57	2.42	2,649,982
Florida	4,059,859	.47	.93	1,024,054
Kansas	3,246,097	.38	1.63	1,789,423
Nebraska	3,165,433	.37	1.21	1,323,193
Alabama	2,892,298	.34	2.19	2,402,273
Arkansas	2,314,409	.27	1.64	1,797,978
New Hampshire	2,133,631	.25	.41	446,304
Delaware	1,833,712	.21	.21	228,330
Mississippi	1,803,632	.21	1.63	1,790,618
Vermont	1,573,555	.18	.32	352,428
Hawaii	1,387,398	.16	.25	272,392
South Carolina	1,368,305	.15	1.58	1,727,070
Montana	1,029,195	.12	.54	593,396
Utah	955,929	.11	.43	468,979
Wyoming	687,062	.08	.19	206,875
Arizona	687,026	.08	.24	367,589
South Dakota	548,683	.06	.59	650,108
Idaho	478,706	.06	.42	459,233
North Dakota	453,219	.05	.61	664,859
New Mexico	383,750	.04	.34	368,861
Nevada	258,732	.03	.07	77,407
Total	$36,069,247	4.19	17.95	19,661,343
Tennessee	$4,902,612	.57	2.17	2,377,308
Total	$40,971,859	4.76	20.12	22,038,651
1921 (except Tennessee)	$41,337,009	4.36	18.02	19,122,259

Per cent of increase in total tax paid for all States in 1922 over 1921 ..... 19.69
Per cent of increase in total tax paid for New Jersey in 1922 over 1921 ..... 23.22

New York had a population of 10,712,680, or 9.78 per cent, as of July 1, 1922 (estimated), as compared with a population of 10,385,227, or 9.80 per cent, according to the 1920 census, an increase of 327,453; personal income tax paid by individuals filing reports therein in 1922 was $273,960,079, or 31.82 per cent, as compared with a total tax in 1921 of $210,768,379, or 29.30 per cent, an increase of $63,191,700, or 2.52 per cent; paid more in 1922 than the total tax paid by 43 States and Hawaii combined, taking on the amount paid by the State of Ohio over the amount paid in 1921, as follows:

States	Amount of personal income tax paid	Per cent of tax	Per cent of population	Population
Michigan	$34,965,003	4.06	3.55	3,889,418
Missouri	15,972,706	1.86	3.13	3,432,586
Maryland	15,303,765	1.79	1.36	1,489,399
Texas	14,119,655	1.64	4.44	4,860,658
Connecticut	13,130,562	1.52	1.32	1,449,097
Indiana	9,578,511	1.11	2.73	2,989,493
Minnesota	9,419,301	1.09	2.25	2,467,318
Rhode Island	9,351,580	1.08	.57	620,308
Wisconsin	9,126,855	1.06	2.47	2,708,858
District of Columbia	8,326,587	.97	.40	437,571
Oklahoma	6,414,336	.74	1.94	2,123,851
Iowa	5,466,397	.63	2.24	2,450,189
Louisiana	5,353,574	.62	1.67	1,835,106
Washington	5,148,477	.60	1.34	1,466,926
Virginia	4,919,485	.57	2.16	2,372,940
North Carolina	4,908,611	.57	2.42	2,649,982
Tennessee	4,902,612	.57	2.17	2,377,308
Colorado	4,869,555	.57	.89	975,837
Kentucky	4,676,804	.54	2.24	2,449,263
West Virginia	4,594,653	.53	1.39	1,526,169
Georgia	4,557,769	.53	2.71	2,969,664
Oregon	4,239,789	.49	.74	811,875
Florida	4,059,879	.47	.93	1,024,054
Maine	3,896,892	.45	.71	774,617
Kansas	3,246,097	.38	1.63	1,789,423
Nebraska	3,165,433	.37	1.21	1,323,193
Alabama	2,892,298	.34	2.19	2,402,273
Arkansas	2,314,409	.27	1.64	1,797,978
New Hampshire	2,133,631	.25	.41	446,304
Delaware	1,833,712	.21	.21	228,330
Mississippi	1,803,632	.21	1.63	1,790,618
Vermont	1,573,555	.18	.32	352,428
Hawaii	1,367,398	.16	.25	272,392
South Carolina	1,268,305	.15	1.58	1,727,070
Montana	1,029,195	.12	.54	593,396
Utah	955,929	.11	.43	408,979
Wyoming	687,092	.08	.19	206,875
Arizona	687,026	.08	.34	367,589
South Dakota	548,688	.06	.59	650,108
Idaho	478,706	.06	.42	459,233
North Dakota	453,219	.05	.61	664,859
New Mexico	383,750	.04	.34	368,861
Nevada	258,732	.03	.07	77,407
Total	234,474,115	27.21	60.37	66,139,765
Ohio	39,310,406	4.57	5.49	6,014,914
Total	273,784,521	31.78	65.86	72,154,679
1921 (except Ohio)	205,578,692	28.59	60.58	64,236,396

Per cent of increase in tax paid for all States in 1922 over 1921 ..... 19.69
Per cent of increase in tax paid for New York in 1922 over 1921 ..... 29.98

Pennsylvania had a population of 8,991,666, or 8.21 per cent, as of July 1, 1922 (estimated), as compared with a population of 8,720,017, or 8.23 per cent, according to the 1920 census, an increase of 271,649; personal income tax paid by individuals filing reports therein in 1922 was $93,573,559, or 10.87 per cent, as compared with a total tax paid in 1921 of $84,660,220, or 11.76 per cent, an increase of $8,913,339; paid more in 1922 than the total tax paid by 31 States and Hawaii combined:

States	Amount of personal income tax paid	Per cent of tax	Per cent of population	Population
Oklahoma	$6,414,336	0.74	1.94	2,123,850
Louisiana	5,353,574	.62	1.67	1,835,106
Washington	5,148,477	.60	1.34	1,466,926
Virginia	4,919,485	.57	2.16	2,372,940
North Carolina	4,908,611	.57	2.42	2,649,982
Tennessee	4,902,612	.57	2.17	2,377,308
Colorado	4,869,555	.57	.89	975,837
Kentucky	4,676,804	.54	2.24	2,449,263
West Virginia	4,594,653	.53	1.39	1,526,169
Georgia	4,557,769	.53	2.71	2,969,664
Oregon	4,239,789	.49	.74	811,875
Florida	4,059,879	.47	.93	1,024,054
Maine	3,896,892	.45	.71	774,617
Kansas	3,246,097	.38	1.63	1,789,423
Nebraska	3,165,433	.37	1.21	1,323,193
Alabama	2,892,298	.34	2.19	2,402,273
Arkansas	2,314,409	.27	1.64	1,797,978
New Hampshire	2,133,631	.25	.41	446,304
Delaware	1,833,712	.21	.21	228,330
Mississippi	1,803,632	.21	1.63	1,790,618
Vermont	1,573,555	.18	.32	352,428
Hawaii	1,367,398	.16	.25	272,392
South Carolina	1,268,305	.15	1.58	1,727,070
Montana	1,029,195	.12	.54	593,396
Utah	955,929	.11	.43	408,979
Wyoming	687,092	.08	.19	206,875
Arizona	687,026	.08	.34	367,589
South Dakota	548,688	.06	.59	650,108
Idaho	478,706	.06	.42	459,233
North Dakota	453,219	.05	.61	664,859
New Mexico	383,750	.04	.34	368,861
Nevada	258,732	.03	.07	77,407
Total	89,643,193	10.40	35.91	39,344,899
1921 totals	79,461,602	11.04	36.09	38,274,838

Per cent of increase in total tax paid for all States in 1922 over 1921 ..... 19.69
Per cent of increase in total tax paid for Pennsylvania in 1922 over 1921 ..... 10.53

Ohio had a population of 6,014,914, or 5.49 per cent, as of July 1, 1922 (estimated), as compared with a population of 5,759,394, or 5.43 per cent, according to the 1920 census, an increase of 255,520, or 0.06 per cent; personal income tax paid by individuals filing reports therein in 1922 was $39,310,406, or 4.57 per cent, as compared with a total tax paid in 1921 of $33,574,094, or 4.67 per cent, an increase of $5,736,312; paid more in 1922 than the total tax paid by 20 States and Hawaii combined, as follows:

States	Amount of personal income tax paid	Per cent of tax	Per cent of population	Population
North Carolina	$4,908,611	0.57	2.42	2,649,982
Florida	4,059,859	.47	.93	1,024,054
Kansas	3,246,097	.38	1.63	1,789,423
Nebraska	3,165,433	.37	1.21	1,323,193
Alabama	2,892,298	.34	2.19	2,402,273
Arkansas	2,314,409	.27	1.63	1,797,978
New Hampshire	2,133,631	.25	.41	446,304
Delaware	1,833,712	.21	.21	228,330
Mississippi	1,803,632	.21	1.60	1,790,618
Vermont	1,573,555	.18	.33	352,428
Hawaii	1,367,398	.16	.25	272,392
South Carolina	1,268,305	.15	1.58	1,727,070
Montana	1,029,195	.12	.54	593,396
Utah	955,929	.11	.43	408,979
Wyoming	687,092	.08	.19	206,875
Arizona	687,026	.08	.34	367,589
South Dakota	548,688	.06	.59	650,108
Idaho	478,706	.06	.42	459,233
North Dakota	453,219	.05	.61	664,859
New Mexico	383,750	.04	.34	368,861
Nevada	258,732	.03	.07	77,407
Total	36,069,247	4.19	17.95	19,661,343
1921 totals	31,337,009	4.36	18.02	19,122,259

Per cent of increase in total tax paid for all States in 1922 over 1921 ..... 19.69
Per cent of increase in total tax paid for Ohio in 1922 over 1921 ..... 17.08

Alabama had a population of 2,402,273, or 2.19 per cent, as of July 1, 1922 (estimated), as compared with a population of 2,348,174, or 2.22 per cent, according to 1920 census, an increase of 54,099; paid personal income tax in 1922 of $2,892,298, or 0.34 per cent, as compared with a total tax in 1921 of $2,713,826, or 0.38 per cent, an increase of $178,472 over 1921, or 6.58 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by six States combined, as follows: Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Arizona had a population of 367,589, or 0.34 per cent, as of July 1, 1922 (estimated), as compared with a population of 334,162, or 0.31 per cent, according to 1920 census, an increase of 33,427; paid personal income tax in 1922 of $687,026, or 0.08 per cent, as compared with a total tax in 1921 of $516,637, or 0.07 per cent, an increase of $170,389 over 1921, or 32.98 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by two States combined, as follows: New Mexico and Nevada.

Arkansas had a population of 1,797,978, or 1.64 per cent, as of July 1, 1922 (estimated), as compared with a population of 1,752,204, or 1.65 per cent, according to 1920 census, an increase of 45,774. Paid personal income tax in 1922 of $2,314,409, or 27 per cent, as compared with a total tax in 1921 of $1,866,164, or 0.26 per cent, an increase of $448,245 over 1921, or 24.02 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by four States combined, as follows: Utah, Idaho, North Dakota, and New Mexico.

California had a population of 3,697,070, or 3.37 per cent, as of July 1, 1922 (estimated), as compared with a population of 3,426,861, or 3.23 per cent, according to 1920 census, an increase of 270,209. Paid personal income tax in 1922 of $43,778,932, or

5.09 per cent, as compared with a total tax in 1921 of $36,438,432, or 5.06 per cent, an increase of $7,340,500 over 1921, or 20.14 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by 21 States and Hawaii combined, as follows: North Carolina, Colorado, Florida, Kansas, Nebraska, Alabama, Arkansas, New Hampshire, Delaware, Mississippi, Vermont, Hawaii, South Carolina, Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Colorado had a population of 975,837, or 0.89 per cent, as of July 1, 1922 (estimated), as compared with a population of 939,639, or 0.89 per cent, according to 1920 census, an increase of 36,198; paid personal income tax in 1922 of $4,869,555, or 0.57 per cent, as compared with a total tax in 1921 of $3,862,862, or 0.54 per cent, an increase of $1,006,693 over 1921, or 26.06 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by seven States combined, as follows: Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, and North Dakota.

Connecticut had a population of 1,449,097, or 1.32 per cent, as of July 1, 1922 (estimated), as compared with a population of 1,380,631, or 1.30 per cent, according to 1902 census, an increase of 68,466; paid personal income tax in 1922 of $13,130,562, or 1.52 per cent, as compared with a total tax in 1921 of $10,633,045, or 1.48 per cent, an increase of $2,497,517 over 1921, or 23.49 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by 12 States and Hawaii combined, as follows: Mississippi, Vermont, Hawaii, South Carolina, Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Delaware had a population of 228,330, or 0.21 per cent, as of July 1, 1922 (estimated), as compared with a population of 223,003, or 0.21 per cent, according to 1920 census, an increase of 5,327; paid personal income tax in 1922 of $1,833,712, or 0.21 per cent, as compared with a total tax in 1921 of $1,284,365, or 0.18 per cent, an increase of $549,347 over 1921, or 42.77 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by four States combined, as follows: South Dakota, Idaho, North Dakota, and Nevada.

District of Columbia had a population of 437,571, or 0.40 per cent, as of July 1, 1922 (estimated); paid personal income tax in 1922 of $8,336,587, or 0.97 per cent, as compared with a total tax in 1921 of $7,704,564, or 1.08 per cent, an increase of $632,023 over 1921, or 8.20 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by 10 States combined, as follows: Mississippi, Vermont, Montana, Utah, Wyoming, Arizona, Idaho, North Dakota, New Mexico, and Nevada.

Florida had a population of 1,024,054, or 0.93 per cent, as of July 1, 1922 (estimated), as compared with a population of 968,470, or 0.91 per cent, according to 1920 census, an increase of 55,584; paid personal income tax in 1922 of $4,059,859, or 0.47 per cent, as compared with a total tax in 1921 of $2,929,409, or 0.41 per cent, an increase of $1,130,450 over 1921, or 38.59 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by seven States combined, as follows: Utah, Wyoming, Arizona, South Dakota, Idaho, New Mexico, and Nevada.

Georgia had a population of 2,969,664, or 2.71 per cent, as of July 1, 1922 (estimated), as compared with a population of 2,895,832, or 2.73 per cent, according to 1920 census, an increase of 73,832; paid personal income tax in 1922 of $4,557,769, or 0.53 per cent, as compared with a total tax in 1921 of $3,892,645, or 0.54 per cent, an increase of $665,124 over 1921, or 17.09 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by eight States combined, as follows: Montana, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Idaho had a population of 459,233, or 0.42 per cent, as of July 1, 1922 (estimated), as compared with a population of 431,866, or 0.41 per cent, according to 1920 census, an increase of 27,367; paid personal income tax in 1922 of $478,706, or 0.06 per cent, as compared with a total tax in 1921 of $493,658, or 0.07 per cent, an increase of $14,952 over 1921, or 3.03 per cent increase over tax paid in 1921; paid in 1922 more than North Dakota.

Illinois had a population of 6,703,312, or 6.12 per cent, as of July 1, 1922 (estimated), as compared with a population of 6,485,280, or 6.12 per cent, according to 1920 census, an increase of 218,032; paid personal income tax in 1922 of $77,196,407, or 8.96 per cent, as compared with a total tax in 1921 of $68,574,351, or 9.53 per cent, an increase of $8,622,056 over 1921, or 12.57 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by 28 States and Hawaii combined, as follows: Oklahoma, Virginia, North Carolina, Tennessee, Colorado, Kentucky, West Virginia, Georgia, Florida, Maine, Kansas, Nebraska, Alabama, Arkansas, New Hampshire, Delaware, Mississippi, Vermont, Hawaii, South Carolina, Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Indiana had a population of 2,989,493, or 2.73 per cent, as of July 1, 1922 (estimated), as compared with a population of 2,933,390, or 2.77 per cent, according to 1920 census, an increase of 56,103; paid personal income tax in 1922 of $9,578,511, or 1.11 per cent, as compared with a total tax in 1921 of $8,973,653, or 1.25 per cent, an increase of $604,858 over 1921, or 6.74 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by 10 States and Hawaii combined, as follows: Vermont, Hawaii, South Carolina, Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, and New Mexico.

Iowa had a population of 2,450,180, or 2.24 per cent, as of July 1, 1922 (estimated), as compared with a population of 2,404,021, or 2.27 per cent, according to 1920 census, an increase of 46,159; paid personal income tax in 1922 of $5,466,397, or 0.63 per cent, as compared with a total tax in 1921 of $5,837,960, or 0.81 per cent, a decrease of $371,563 under 1921, or 6.36 per cent decrease under tax paid in 1921; paid in 1922 more than the total tax paid by eight States combined, as follows: Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, and New Mexico.

Kansas had a population of 1,789,423, or 1.63 per cent, as of July 1, 1922 (estimated), as compared with a population of 1,769,257, or 1.67 per cent, according to 1920 census, an increase of 20,166; paid personal income tax in 1922 of $3,246,097, or 0.38 per cent, as compared with a total tax in 1921 of $3,392,429, or 0.47 per cent, a decrease of $146,332 under 1921, or 4.31 per cent decrease under tax paid in 1921; paid in 1922 more than the total tax paid by six States combined, as follows: Wyoming, Arizona, South Dakota, Idaho, North Dakota, and New Mexico.

Kentucky had a population of 2,449,263, or 2.24 per cent, as of July 1, 1922 (estimated), as compared with a population of 2,416,630, or 2.28 per cent, according to 1920 census, an increase of 32,633; paid personal income tax in 1922 of $4,676,804, or 0.54 per cent, as compared with a total tax in 1921 of $4,297,470, or 0.60 per cent, an increase of $379,334 over 1921, or 8.63 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by eight States combined, as follows: Montana, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Louisiana had a population of 1,835,106, or 1.67 per cent, as of July 1, 1922 (estimated), as compared with a population of 1,798,509, or 1.70 per cent, according to 1920 census, an increase of 36,597; paid personal income tax in 1922 of $5,353,574, or 0.62 per cent, as compared with a total tax in 1921 of $5,304,522, or 0.74 per cent, an increase of $49,052 over 1921, or 0.92 per cent increase over tax paid in 1921; paid more in 1922 than the total tax paid by eight States combined, as follows: Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, and New Mexico.

Maine had a population of 774,617, or 0.71 per cent, as of July 1, 1922 (estimated), as compared with a population of 768,014, or 0.72 per cent, according to 1920 census, an increase of 6,603; paid personal income tax in 1922 of $3,896,892, or 0.45 per cent, as compared with a total tax in 1921 of $3,974,861, or 0.55 per cent, a decrease of $77,969 under 1921 or 1.96 per cent decrease under tax paid in 1921; paid more in 1922 than the total tax paid by six States combined, as follows: Montana, Wyoming, South Dakota, Arizona, Idaho, and North Dakota.

Maryland had a population of 1,489,399, or 1.36 per cent, as of July 1, 1922 (estimated), as compared with a population of 1,449,661, or 1.37 per cent, according to 1920 census, an increase of 38,738; paid personal income tax in 1922 of $15,363,765, or 1.79 per cent, as compared with a total tax in 1921 of $14,537,303, or 2.03 per cent, an increase of $826,462 over 1921, or 5.62 per cent increase over tax paid in 1921; paid more in 1922 than the total tax paid by 13 States and Hawaii combined, as follows: New Hampshire, Delaware, Mississippi, Vermont, Hawaii, South Carolina, Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, and New Mexico.

Massachusetts had a population of 3,977,490, or 3.63 per cent, as of July 1, 1922 (estimated), as compared with a population of 3,852,356, or 3.63 per cent, according to 1920 census, an increase of 125,134; paid personal income tax in 1922 of $57,781,194, or 6.72 per cent, as compared with a total tax in 1921 of $46,534,644, or 6.47 per cent, an increase of $11,246,550 over 1921, or 24.17 per cent increase over tax paid in 1921; paid

more in 1922 than the total tax paid by 23 States, Hawaii, and the District of Columbia combined, as follows: District of Columbia, North Carolina, Colorado, Georgia, Florida, Maine, Kansas, Nebraska, Alabama, Arkansas, New Hampshire, Delaware, Mississippi, Vermont, Hawaii, South Carolina, Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Michigan had a population of 3,889,418, or 3.55 per cent, as of July 1, 1922 (estimated), as compared with a population of 3,668,412, or 3.40 per cent, according to 1920 census, an increase of 221,006; paid personal income tax in 1922 of $34,965,003, or 4.06 per cent, as compared with a total tax in 1921 of $24,197,840, or 3.36 per cent, an increase of $10,767,163 over 1921, or 44.50 per cent increase over tax paid in 1921; paid more in 1922 than the total tax paid by 19 States and Hawaii combined, as follows: Florida, Maine, Kansas, Nebraska, Alabama, Arkansas, New Hampshire, Delaware, Mississippi, Vermont, Hawaii, South Carolina, Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, and New Mexico.

Minnesota had a population of 2,467,318, or 2.25 per cent, as of July 1, 1922 (estimated), as compared with a population of 2,387,125, or 2.25 per cent, according to 1920 census, an increase of 80,193; paid personal income tax in 1922 of $9,419,301, or 1.09 per cent, as compared with a total tax in 1921 of $8,697,117, or 1.21 per cent, an increase of $722,184 over 1921, or 8.30 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by 10 States combined, as follows: Arkansas, Mississippi, Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, and New Mexico.

Mississippi had a population of 1,790,618, or 1.63 per cent, as of July 1, 1922 (estimated), as compared with a population of 1,790,618, or 1.69 per cent, according to 1920 census; paid personal income tax in 1922 of $1,803,632, or 0.21 per cent, as compared with a total tax in 1921 of $1,069,136, or 0.15 per cent, an increase of $734,496 over 1921, or 68.70 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by four States combined, as follows: Wyoming, North Dakota, New Mexico, and Nevada.

Missouri had a population of 3,432,566, or 3.13 per cent, as of July 1, 1922 (estimated), as compared with a population of 3,404,055, or 3.21 per cent, according to 1920 census, an increase of 28,511; paid personal income tax in 1922 of $15,972,706, or 1.86 per cent, as compared with a total tax in 1921 of $14,660,351, or 2.04 per cent, an increase of $1,312,355 over 1921, or 8.95 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by 14 States and Hawaii combined, as follows: New Hampshire, Delaware, Mississippi, Vermont, Hawaii, South Carolina, Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Montana had a population of 593,396, or 0.54 per cent, as of July 1, 1922 (estimated), as compared with a population of 548,889, or 0.52 per cent, according to 1920 census, an increase of 44,507; paid personal income tax in 1922 of $1,029,195, or 0.12 per cent, as compared with a total tax in 1921 of $1,051,862, or 0.15 per cent, a decrease of $22,667 under 1921, or 2.15 per cent decrease under tax paid in 1921; paid more in 1922 than the total tax paid by two States combined, as follows: North Dakota and New Mexico.

Nebraska had a population of 1,323,193, or 1.21 per cent, as of July 1, 1922 (estimated), as compared with a population of 1,296,372, or 1.22 per cent, according to 1920 census, an increase of 26,821; paid personal income tax in 1922 of $3,165,433, or 0.37 per cent, as compared with a total tax in 1921 of $3,328,145, or 0.46 per cent, a decrease of $162,712 under 1921, or 4.89 per cent decrease under tax paid in 1921; paid more in 1922 than the total tax paid by six States combined, as follows: Wyoming, Arizona, South Dakota, Idaho, North Dakota, and Nevada.

Nevada had a population of 77,407, or 0.07 per cent, as of July 1, 1922 (estimated), as compared with a population of 77,407, or 0.07 per cent, according to 1920 census; paid personal income tax in 1922 of $258,732, or 0.03 per cent, as compared with a total tax in 1921 of $329,296, or 0.5 per cent, a decrease of $70,564 under 1921, or 21.42 per cent decrease under tax paid in 1921; Nevada has a smaller population and pays less tax than any other State.

New Hampshire had a population of 446,304, or 0.41 per cent, as of July 1, 1922 (estimated), as compared with a population of 443,083, or 0.42 per cent, according to 1920 census, an increase of 3,221; paid personal income tax in 1922 of $2,133,631, or 0.25 per cent, as compared with a total tax in 1921 of $1,759,290, or 0.24 per cent, an increase of $374,341 over 1921, or 21.28 per cent increase over tax paid in 1921; paid more in 1922 than the total tax paid by five States combined, as follows: South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

New Mexico had a population of 368,861, or 0.34 per cent, as of July 1, 1922 (estimated), as compared with a population of 360,350, or 0.34 per cent, according to 1920 census, an increase of 8,511; paid personal income tax in 1922 of $383,750, or 0.04 per cent, as compared with a total tax in 1921 of $351,629, or 0.05 per cent, an increase of $32,121 over 1921, or 9.13 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by one State, namely, Nevada.

North Carolina had a population of 2,649,982, or 2.42 per cent, as of July 1, 1922 (estimated), as compared with a population of 2,559,123, or 2.41 per cent, according to 1920 census, an increase of 90,859; paid personal income tax in 1922 of $4,908,611, or 0.57 per cent, as compared with a total tax in 1921 of $3,760,499, or 0.52 per cent, an increase of $1,148,112 over 1921, or 30.53 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by seven States combined, as follows: Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, and North Dakota.

North Dakota had a population of 664,850, or 0.61 per cent, as of July 1, 1922 (estimated), as compared with a population of 646,872, or 0.61 per cent, according to 1920 census, an increase of 17,978; paid personal income tax in 1922 of $453,219, or 0.05 per cent, as compared with a total tax in 1921 of $485,783, or 0.07 per cent, a decrease of $32,564 under 1921 or 6.7 per cent decrease under tax paid in 1921; paid in 1922 more than New Mexico.

Oklahoma had a population of 2,123,851, or 1.94 per cent, as of July 1, 1922 (estimated), as compared with a population of 2,028,283, or 1.91 per cent, according to 1920 census, an increase of 95,568; paid personal income tax in 1922 of $6,414,336, or 0.74 per cent, as compared with a total tax in 1921 of $4,206,507, or 0.58 per cent, an increase of $2,207,829 over 1921, or 52.49 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by nine States combined, as follows: Delaware, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Oregon had a population of 811,875, or 0.74 per cent, as of July 1, 1922 (estimated), as compared with a population of 783,389, or 0.74 per cent, according to 1920 census, an increase of 28,486; paid personal income tax in 1922 of $4,239,789, or 0.49 per cent, as compared with a total tax in 1921 of $4,951,580, or 0.68 per cent, a decrease of $711,791 under 1921, or 14.38 per cent decrease under tax paid in 1921; paid in 1922 more than the total tax paid by seven States combined, as follows: Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, and New Mexico.

Rhode Island had a population of 620,308, or 0.57 per cent, as of July 1, 1922 (estimated), as compared with a population of 604,397, or 0.57 per cent, according to 1920 census, an increase of 15,911; paid personal income tax in 1922 of $9,351,580, or 1.08 per cent, as compared with a total tax in 1921 of $9,236,328, or 1.28 per cent, an increase of $115,252 over 1921 or 1.25 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by 11 States combined, as follows: Mississippi, Vermont, South Carolina, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

South Carolina had a population of 1,727,070, or 1.58 per cent, as of July 1, 1922 (estimated), as compared with a population of 1,683,724, or 1.59 per cent, according to 1920 census, an increase of 43,346; paid personal income tax in 1922 of $1,268,305, or 0.15 per cent, as compared with a total tax in 1921 of $1,246,523, or 0.17 per cent, an increase of $21,782 over 1921 or 1.75 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by three States combined, as follows: South Dakota, New Mexico, and Nevada.

South Dakota had a population of 650,108, or 0.59 per cent, as of July 1, 1922 (estimated), as compared with a population of 636,547, or 0.60 per cent, according to 1920 census, an increase of 13,561; paid personal income tax in 1922 of $548,688, or 0.06 per cent, as compared with a total tax in 1921 of $524,653, or 0.07 per cent, an increase of $24,035 over 1921 or 4.58 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by one State, namely, Idaho.

Tennessee had a population of 2,377,308, or 2.17 per cent, as of July 1, 1922 (estimated), as compared with a population of 2,337,885, or 2.21 per cent, according to 1920 census, an increase of 39,423; paid personal income tax in 1922 of $4,902,612, or 0.57 per cent, as compared with a total tax in 1921 of $3,984,051, or 0.55 per cent, an increase of $918,561 over 1921, or 23.06 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by seven States combined, as follows: Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, and North Dakota.

Texas had a population of 4,860,058, or 4.44 per cent, as of July 1, 1922 (estimated), as compared with a population of 4,663,228, or 4.40 per cent, according to 1920 census, an increase

of 197,430; paid personal income tax in 1922 of $14,119,635, or 1.61 per cent, as compared with a total tax in 1921 of $12,667,894, or 1.76 per cent, an increase of $1,451,761 over 1921, or 11.46 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by 13 States and Hawaii combined, as follows: Delaware, Mississippi, Vermont, Hawaii, South Carolina, Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Utah had a population of 468,979, or 0.43 per cent, as of July 1, 1922 (estimated), as compared with a population of 449,396, or 0.42 per cent, according to 1920 census, an increase of 19,583; paid personal income tax in 1922 of $955,929, or 0.11 per cent, as compared with a total tax in 1921 of $842,904, or 0.12 per cent, an increase of $113,025 over 1921, or 13.41 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by two States combined, as follows: North Dakota and New Mexico.

Vermont had a population of 352,428, or 0.32 per cent as of July 1, 1922 (estimated), as compared with a population of 352,428, or 0.33 per cent, according to 1920 census; paid personal income tax in 1922 of $1,573,555, or 0.18 per cent, as compared with a total tax in 1921 of $1,155,767, or 0.16 per cent, an increase of $417,788 over 1921, or 36.15 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by three States combined, as follows: Wyoming, Idaho, and New Mexico.

Virginia had a population of 2,372,940, or 2.16 per cent, as of July 1, 1922 (estimated), as compared with a population of 2,309,187, or 2.18 per cent, according to 1920 census, an increase of 63,753; paid personal income tax in 1922 of $4,919,485, or 0.57 per cent, as compared with a total tax in 1921 of $4,161,116, or 0.58 per cent, an increase of $758,369 over 1921, or 18.23 per cent; paid in 1922 more than the total tax paid by eight States combined, as follows: Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Washington, including Alaska, had a population of 1,466,926, or 1.34 per cent, as of July 1, 1922 (estimated), as compared with a population of 1,411,520, or 1.33 per cent, according to 1920 census, an increase of 55,406; paid personal income tax in 1922 of $5,148,477, or 0.60 per cent, as compared with a total tax in 1921 of $4,909,857, or 0.68 per cent, an increase of $238,620 over 1921, or 4.86 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by eight States combined, as follows: Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, and Nevada.

West Virginia had a population of 1,526,169, or 1.39 per cent, as of July 1, 1922 (estimated), as compared with a population of 1,463,701, or 1.38 per cent, according to 1920 census, an increase of 62,468; paid personal income tax in 1922 of $4,594,653, or 0.53 per cent, as compared with a total tax in 1921 of $4,579,113, or 0.64 per cent, an increase of $15,540 over 1921, or 0.34 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by eight States combined, as follows: Montana, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Wisconsin had a population of 2,708,858, or 2.47 per cent, as of July 1, 1922 (estimated), as compared with a population of 2,632,067, or 2.48 per cent, according to 1920 census, an increase of 76,791; paid personal income tax in 1922 of $9,126,855, or 1.06 per cent, as compared with a total tax in 1921 of $8,971,044, or 1.25 per cent, an increase of $155,811 over 1921 or 1.74 per cent increase over tax paid in 1921; paid in 1922 more than the total tax paid by 11 States combined, as follows: Arkansas, South Carolina, Montana, Utah, Wyoming, Arizona, South Dakota, Idaho, North Dakota, New Mexico, and Nevada.

Wyoming had a population of 206,875, or 0.19 per cent, as of July 1, 1922 (estimated), as compared with a population of 194,402, or 0.18 per cent, according to 1920 census, an increase of 12,473; paid personal income tax in 1922 of $687,062, or 0.08 per cent, as compared with a total tax in 1921 of $783,257, or 0.11 per cent, a decrease of $96,195 under 1921, or 12.28 per cent decrease under tax paid in 1921; paid in 1922 more than the total tax paid by two States combined, as follows: New Mexico and Nevada.

I think we are all agreed that the most effectual way of reducing taxes is by reducing unnecessary appropriations. This can be done and has been done by your committee in framing this bill. We are constantly on the lookout for reductions through the elimination of possible waste, duplication of effort, and overlapping of bureau or departmental activities.

At the same time we recognize the undesirability of adopting a policy of "cheeseparing" as against a policy of real economy. There is a vast difference, although sometimes a moment's reflection is required to see the advisability of making an immediate expenditure which will not show results until some time in the future, as against an immediate saving of the amount in question and then being forced to expend a larger amount later. Such distinctions your committee has very carefully and thoroughly considered as we have in mind the diminishing of the tax burden through reduced appropriations. This is the logical foundation for subsequent legislation revising the tax rates downward, and as the chairman of the Appropriations Committee [Mr. MADDEN] has stated, a saving of $332,127,933.50 has been made under the Budget estimates since the Bureau of the Budget was formed.

Mr. GIBSON. Mr. Chairman, the House will pass H. R. 11791, commonly referred to as the public buildings bill. An appropriation of $150,000,000 is authorized to carry out the purposes of the act, only $25,000,000 of which is available for any one year.

The Secretary of the Treasury is authorized to carry on the construction work. In so far as the construction of buildings to be used in whole or in part for post office purposes the Secretary of the Treasury and the Postmaster General act jointly in the selection of towns or cities in which buildings are to be constructed, in the selection of sites therein, and in determining the dimensions of the buildings, and the arrangement of space.

The last general public buildings bill was passed in 1913, and carried authorizations amounting to about $40,000,000. Since the buildings then authorized were completed, no Government buildings have been erected. During that time the business of the Federal Government has increased in every line of activity. As a result the rent charges have increased enormously. We are to-day paying out over $24,000,000 annually for quarters in which to do the necessary business of the Nation. So it is apparent that building activity must and should be resumed, and considering the situation confronting us the amount authorized is reasonable.

The act proposes a departure from the custom heretofore followed in that it takes away from Congress the function of establishing public buildings and places it under the direction and control of executive departments. Heretofore Congress has specifically provided by legislation for the places where public buildings were to be constructed and the maximum amounts that could be expended at the places designated. Congress has defined its intentions with respect to what was to be done under the law, and the manner in which it was to be done, with great precision as indicated by the many statutes in relation thereto that have been enacted.

It is claimed for the act that it eliminates all political considerations in the matter of locations and will tend to bring about a more efficient and comprehensive building program. On its face it seems to be a step in advance. The success of the plan depends upon the general scheme adopted for the determination of locations. If it be the intention to favor the larger centers to the entire exclusion of smaller, then great opposition to the plan will arise. The population of a town where a public building may be contemplated must not be the controlling factor. On this point I call the attention of the Members to an actual situation.

Along our Canadian border we have many places with small population that have become important ports of entry. Such a port is Derby Line in Vermont. The international boundary line divides a village, one portion of which is in Canada and known as Rock Island, the other portion in Vermont and known as Derby Line. The United States maintains at Derby Line a customs office and an immigration office. The customs office occupies two small rooms in the end of a hotel, and the immigration office a room in the ell part of the same hotel. There are six customs officials on duty all the time, but in the summer the number is increased. Two immigration inspectors are employed the year around.

The fact that this has become an important port is evidenced by the amount of business actually transacted. The official figures for 1923 show that 49,622 automobiles and 1,924 teams entered from Canada, carrying 129,726 persons, all of whom were examined as required by law, rules, and regulations. In 1924, 31,162 automobiles departed to Canada and 44,365 automobiles entered the United States. The number of persons entering and examined was 157,365. The enforcement of the prohibition law entails a great amount of work, requiring the cooperation of prohibition-enforcement officers. Thousands of dollars in the way of fines are collected, requiring a great amount of detail work.

It is necessary to examine each automobile and each passenger. This examination requires a minute inspection of the luggage. The Government has no place to do this work except in the street or on the piazza of the hotel where the customs

office is located. Now, I submit that it is a shame that this great Government is compelled to do its important and necessary business under such limitations. What an inspiration to the incoming immigrant or traveler first entering the country to see its work conducted under such limited and primitive conditions!

The work of the customs and immigration service at Derby Line will increase year by year, and the port become more and more important as the years pass. No time should be wasted in erecting a substantial building that will be a credit to the country. The Canadian Government has such a building for its business in Rock Island, just across the boundary.

If the size of a city or town becomes a factor in selecting sites, then it will be a long time before the Government activities at this port will be properly housed, and the work will continue to be done under conditions that are disgraceful to any country. If the amount of business transacted has its proper consideration, there will be no delay.

Vermont is asking for another public building—a post office at Bellows Falls, a commercial center in the southern part of the State. But the size of the municipality and the amount of business transacted combine to assure the early erection of the desired and necessary building. The small towns are the ones that should receive careful consideration.

These remarks are submitted for the consideration of my fellow Members if the public buildings bill fails to pass, and for the consideration of the Treasury Department if it becomes a law.

Mr. OLIVER of Alabama. Mr. Chairman, I yield six minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, I seldom if ever differ with my associates on the Committee on Appropriations. I do not remember when I had my last disagreement with the committee. My colleague who sits at my right [Mr. BYRNS of Tennessee], and whose amendments are now under consideration, like myself seldom disagrees with the committee. We usually stand together. But I rise at this moment to support the Byrns amendment, because I am reliably informed from a source that ought to be unquestioned that there is every need for an addition to the staff of commercial attachés now representing this Government. Hurriedly, may I be permitted to say, that investigation shows that not only has there been an earnest demand but an absolute need for 25 important foreign commercial centers still uncovered? I may repeat something that has already been said in this debate, but at the risk of doing so I want to call the attention of the House to the fact that this important branch of our Federal service is left uncovered at Budapest, at Berne, at Belgrade, at Dublin, at Christiania, at Liverpool, at Sydney, at Guatemala City, at Guayaquil, at La Paz, at Tampico, and Caracas, not to mention other centers of industry abroad. These centers need this sort of service, and I think we need our commercial attachés at these great cities. We have to meet strong competition in trade, and also we need these attachés for the protection of American investments abroad. The present recommendation for the Foreign Service will permit of no new offices, and therefore I am impelled, much against my personal desire—because I usually follow our chairman, Mr. MADDEN—to stand up here and advocate the adoption of the Byrns amendment, a very slight increase compared with the great work it will accomplish. It will certainly strengthen the offices abroad. Do you know that the average cost of the operation of a foreign office is $25,000 a year? We can not fill the present needs with the appropriation asked for and with the additional sum proposed in the amendment offered by my colleague on the Committee on Appropriations, but it will help to increase the business standing of our country at the places that I have mentioned. The class of men now engaged as commercial attachés is far above what any man in this House realizes unless he has given close study to it. I have been told of a business leader, who was earning $40,000 a year with the Regal Shoe Co., who sacrificed that position to take one of these positions abroad at a salary of but $6,000 a year. He was in love with the service. I knew a newspaper man who adorned that press gallery, who represented a Boston newspaper, and with the various newspaper connections his earning income was at least $10,000 a year, and he has gone abroad now at a salary of half that sum as a commercial attaché. These men love their work, and I am surprised at the rather rampaging remarks of the gentleman from Iowa [Mr. DICKINSON], for if these men are able to find markets abroad for the farmer who ships his corn, his cotton, his tobacco, or whatever he produces, the leader of the farm bloc in this House ought to be in favor of this amendment instead of against it. [Applause.]

However, while I am on my feet, I desire to congratulate the subcommittee in charge of the appropriation now under consideration for its excellent judgment in reporting an additional appropriation for the State Department which will enable the Bureau of Passports to establish a passport office in the city of Boston.

I have often wondered why such action has not been taken long ago. You would be greatly surprised if you knew what an immense amount of tourist travel goes out from the port of Boston, and yet it has never had an office for the obtaining of the necessary documents requisite for securing passports. New York, naturally, has one; but so have Seattle, Chicago, San Francisco, and New Orleans.

Do you know that an intending traveler from the port of Boston must either go to New York to secure his papers or write to Washington and await the pleasure of the department? Scarcely a week passes without one or more citizens of my city writing to me to expedite the issuance of the passport for which they have applied days in advance, and which has not been received by them. Many times my people have been forced to wait over for another boat than the one on which they had secured passage owing to the delay down here in forwarding the all-desired identification papers which would prove their citizenship in this country.

Assistant Secretary Wright puts it succinctly when he says:

> The passport offices are the first and most tangible points of contact that the public make with the Government. If they are compelled to go from Boston to New York, or to write from Boston to Washington and wait two or three days, they get an unfortunate impression of the way the Government transacts business. We have any number of letters saying, "Why can not some scheme be devised so that if I get word that my mother or my brother is ill in England or Ireland or Italy or Germany and I have to leave to-morrow or the day after from Boston, I can get my passport without having to wait a week or 10 days for that helpful official document?"

The passport system, a war-time measure and necessary when it was established, is now a needless interference with the free movements of American citizens who travel abroad. But so long as it is kept up, Boston, the chief port of New England, certainly deserves as much in the way of convenience of obtaining the papers as any other city in this country.

Mr. Chairman, I renew my congratulations and my thanks to the committee presided over by the distinguished gentleman from Pennsylvania [Mr. SHREVE] for seeing the absolute necessity of incorporating in this bill a provision establishing this bureau in Boston, and I know that all New England will be grateful and most appreciative of this consideration.

The CHAIRMAN. The gentleman yields back one minute.

Mr. SHREVE. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. OLIVER].

The CHAIRMAN. The gentleman from Alabama is recognized for 20 minutes.

Mr. OLIVER of Alabama. Mr. Chairman, I wish to make a few preliminary remarks before discussing the amendments now under consideration, and I do this in the hope that I may clear away some misunderstandings relative to the bill.

In the first place, may I say that I am not in sympathy with the statements made by the gentleman from Iowa [Mr. DICKINSON], in which he charges that the Department of Commerce is endeavoring, under a combined appropriation carried in the bill, to interfere with the activities of the Department of Agriculture. The subcommittee who prepared the original draft of this bill, which was later approved by the full committee, are alone responsible for combining the two appropriations to which he has referred, and it was not even suggested by any official of the Department of Commerce. Last year the gentleman from Iowa [Mr. DICKINSON] and the gentleman from Tennessee [Mr. BYRNS] came before our committee and pointed out that under certain language carried in a $500,000 appropriation for rubber investigation, certain language had led to some duplication of work in foreign fields by representatives of the Agriculture and Commerce Departments. The committee very promptly made changes in the language complained of and which all agreed would avoid any duplication in the future. Since that time an Executive order has been issued requiring frequent conferences between representatives of the different Government departments in foreign fields, with a view of avoiding any interference one with the other and any duplication of work.

These conferences have been helpful, our committee was informed, and I do not think there is any foundation for the fears expressed by the gentleman from Iowa. The Department of Agriculture carries an appropriation under the head of "Agricultural economics" amounting to about $65,000 for this particular work in foreign fields and employs not exceeding 12

representatives. The Department of Commerce has about 250 men employed in foreign fields.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. DICKINSON of Iowa. I want to suggest to the gentleman that this bulletin which I have in my hand is dated January, 1925, and I have cited the clearest case of duplication that can be found anywhere. The department has not carried out the instructions which the gentleman refers to.

Mr. OLIVER of Alabama. I was discussing the work in foreign fields. If there is any duplication in the matter of published bulletins, that is quite a different proposition and can be promptly remedied by calling it to the attention of the director of the bureau.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. BYRNS of Tennessee. That does not apply to this service. This is not domestic service at all.

Mr. OLIVER of Alabama. The gentleman is entirely correct. Coming now to the discussion of the amendments offered by the gentleman from Tennessee [Mr. BYRNS], seeking to increase appropriations carried for the Bureau of Domestic and Foreign Commerce, I feel that these increases should not be granted, and certainly not in the way proposed by the gentleman from Tennessee.

The subcommittee of five who prepared this bill were quite fortunate in having two distinguished business men, the gentleman from Pennsylvania [Mr. SHREVE] and the gentleman from New Jersey [Mr. ACKERMAN] to assist in its preparation. Mr. SHREVE, the chairman of that committee, is a man of large business interests, not only in Pennsylvania but in the South, and no one could be more fully in sympathy with the work of the Bureau of Foreign and Domestic Commerce than he is. He has always been liberal in making appropriations to this bureau. Certainly, no one could be found better acquainted with and more deeply interested in the important service of the Bureau of Foreign and Domestic Commerce than the gentleman from New Jersey [Mr. ACKERMAN]. I think he has written into the CONGRESSIONAL RECORD more accurate and informing information on our foreign trade than any other Member of the House. [Applause.] I mention this in order that you may understand that the business interests of the country have been well represented on the committee that prepared this bill, and certainly the committee was not unmindful of the useful service being rendered by the Bureau of Foreign and Domestic Commerce.

In this connection I will add that no member of the committee has been more just, more fair in voting needful appropriations than the gentleman from Pennsylvania [Mr. SHREVE]. [Applause.] As chairman of the committee, he knows no section, no politics when it comes to writing an appropriation bill. Members on my side of the aisle from Texas, North Carolina, New York, Oregon, and other States will bear willing witness to this tribute I pay him. He has never failed to give earnest and sympathetic consideration to any meritorious appeal for appropriations over which his committee has jurisdiction. [Applause.]

Should the House, after a full discussion of the pending amendments, feel that the appropriations for this bureau should be increased, then I wish to suggest that the increases be provided for in a different way from that proposed by my good friend from Tennessee.

These increases can be provided for in a thoroughly practical and businesslike way, without imposing any further burden on the Treasury and without hurt to the business interests served by this bureau. I appreciate the importance of the work of the bureau and share fully in the complimentary references made to the Secretary of Commerce, Mr. Hoover, and the Director of the Bureau of Foreign and Domestic Commerce, Doctor Klein. Under their direction the bureau has been rendering most efficient and helpful service. There comes a time, however, when you can justly call on business men to help themselves. Under the Federal reserve system the member banks are required to keep on deposit large sums of money, which make large profits for that system and for the Government. The farmers are required, under the law, to contribute money for the payment of the salaries and expenses of the Farm Loan Board. They are doing it under an assessment plan authorized by Congress. In the naval appropriation bill we carry an appropriation for the West Indies, conditioned on a like contribution to be made by the islands. Why should not some plan be devised for business men, in a reasonable way, to contribute to a fund for any expansion of the work of the Bureau of Foreign and Domestic Commerce, if, as we are told, they insist that this work is now so urgently needed? All agree that the bureau is now performing a splendid work; that it is well organized and that it is now contributing in a most helpful way to our foreign and domestic trade, and the pending bill carries an appropriation to continue this work. It was organized, as the gentleman from Tennessee explains, in 1913. It started with only a small appropriation. This amount has been increased every year, and the present bill carries more than $3,200,000 for its work in 1926. This represents an increase of $142,064 over the present current year, instead of $83,000, as the gentleman from Tennessee was inadvertently led to state.

The last year's bill for the main activities of the bureau carried $2,835,303, and the additional sums of $135,000 and $105,000 for printing and contingent expenses, making the total $3,075,303. The present bill carries $2,919,064 for general purposes, to which must be added $183,000 for printing and $105,000 for contingent expenses, making the total $3,207,064. The difference between these totals is $02,064, to which must be added $50,000, taken from the appropriation carried last year for the rubber investigation, and which has been added to other appropriations for this bureau. By referring to page 35 of the committee report, you will find these increases tabulated.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. BYRNS of Tennessee. I am interested in knowing just what increases have been made with reference to this foreign service to which these amendments apply.

Mr. OLIVER of Alabama. I can not go into this in detail in the limited time allotted me, but I refer the gentleman to the hearings, on page 35, for the information.

Mr. BYRNS of Tennessee. I do not think you have made any increase.

Mr. OLIVER of Alabama. You will find the increases in the table referred to, on page 35, in the second to the last column, and the table will give the gentleman the information he inquires about. You will remember, however, to add to the amounts mentioned in the table the items which I referred to as being carried for printing and contingent expenses.

The gentleman from Tennessee seeks to increase the appropriation for this bureau by $315,000—the increase being carried in the five amendments he offers. The first seeks to increase the amount carried for commercial attachés, $75,000; the second to increase the amount for promoting foreign trade in European countries and other areas, $60,000; the third to increase the amount for the promotion of foreign trade in South and Central America, $60,000; the fourth to increase the amount for the Far East by $60,000, and the fifth the amount for export industries by $60,000. The last amendment, however, I am reminded, was offered by the gentleman from Washington [Mr. SUMMERS].

The bill as reported for 1926 carries an increase over the current year of $142,000, and the five amendments referred to above seek to increase this amount by $315,000.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will be gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. O'CONNOR of Louisiana. Was Secretary Hoover ever before your committee in connection with this matter?

Mr. OLIVER of Alabama. Yes.

Mr. O'CONNOR of Louisiana. Did he state that the department would require more than that which is appropriated?

Mr. OLIVER of Alabama. I think, in effect, he did, and I am glad the gentleman asked that question because I wish to invite his careful reading of the statements made by Mr. Hoover, as well as by Doctor Klein, before the committee.

In reply to questions from the committee, both Mr. Hoover and Doctor Klein went very fully into the work of the Bureau of Foreign and Domestic Commerce, and as to how its work could and should be extended both at home and abroad. They both expressed the belief that without additional appropriations the work of the bureau could not be expanded.

Mr. O'CONNOR of Louisiana. Did you ever invite General Lord to show why he cut the estimates made by Secretary Hoover and Doctor Klein?

Mr. OLIVER of Alabama. No.

Mr. O'CONNOR of Louisiana. I think it is highly important to know the reasons for making the cut.

Mr. OLIVER of Alabama. Now, the gentleman from Louisiana will understand that this bill carries an increase of $142,000 over the present current year, and I am sure that my friend from Tennessee [Mr. BYRNS], who has long been a member of the Appropriations Committee, will bear me out in the statement that seldom, if ever, are the requests of any department

as to the amount of its needs granted. It is not unusual for the different departments, spurred on by a very laudable ambition to grow and expand, to estimate their needs at amounts far in excess of what the Budget Bureau allows and in excess of what the committees of this House and the Congress allow.

Before the appropriating power was concentrated in one committee, the several appropriating committees of the House found it necessary to make cuts in the estimates submitted by the various Government departments, so this is not a practice that has sprung up since the Bureau of the Budget was established.

I recognize, and I am sure that every Member of the House does, that the Bureau of Foreign and Domestic Commerce has been doing a valuable work. It now has representatives, under the appropriations heretofore carried, at 40 different important trade centers in foreign countries. During the past year statements appearing in the hearings show that they have rendered a very remarkable service, and the committee has not only provided the fund heretofore carried for this work, but has increased the appropriation for the fiscal year 1926 by $142,000.

There comes a time when an agency like this, if its activities are to be expanded so as to meet the needs of private business, should call upon private business to contribute in a reasonable way to the additional expense necessary for such new and extended service. As I pointed out a few minutes ago, to require a contribution from those who are primarily interested in the service offered by certain agencies of the Government is not new. I wish to suggest how the service of the Bureau of Foreign and Domestic Commerce can be extended in foreign fields in a way that is practical, and I think will prove agreeable to Doctor Klein and other officials of the bureau. Unquestionably, Secretary Hoover and Doctor Klein sincerely feel that the Bureau of Foreign and Domestic Commerce is rendering a great service to manufacturers, exporters, and other business interests, and that it has brought large financial returns to American business men, and with additional funds our export trade can be extended. When the bureau was first organized in 1913, it started with a small appropriation. That appropriation has been steadily growing each year since 1913 and now amounts to more than $3,200,000.

In a conversation with Doctor Klein a few days ago he stated that he felt that the business men served by the Bureau of Foreign and Domestic Commerce would gladly pay $1 for the list of foreign buyers which the bureau has been printing and distributing free. There were more than 400,000 requests for this list during the past year, and it was Doctor Klein's belief that American trade would gladly pay $1 for this list. He estimated that from the sale of this list alone the department could realize approximately $400,000 a year.

Now, this would impose a very small charge on the American business man, and I have an amendment which I would be glad to have the gentleman from Tennessee accept as a substitute for the amendment he now offers. My friend from Tennessee is usually very sound when it comes to spending Government money, and we are not widely apart as to the ends which he now seeks to secure, but we differ rather as to method of accomplishing those ends. If the member banks of the Federal reserve system contribute to its maintenance and to its profits, if the farmers pay the expenses of the Farm Loan Board, why can we not call on the American business man to help defray the expense for expanding and extending the service of the Foreign and Domestic Commerce Bureau? Is that unreasonable?

I have drafted an amendment in line with what Congress has approved on other appropriation bills, and if the gentleman from Tennessee will accept it in lieu of his amendment, I think the House will give approval to such method of raising necessary funds to permit the Bureau of Foreign and Domestic Commerce to extend its work and field of service. Simply add after the amount which the gentleman from Tennessee seeks by his amendment to increase by $75,000 the following language:

> Plus so much of $75,000 additional as may equal the sum of revenue derived from the sale of publications issued by the bureau and not on a sales basis when this appropriation becomes effective, and authority is hereby granted the Secretary of Commerce in his discretion to place any and all publications issued by the Bureau of Foreign and Domestic Commerce on a sales basis.

If this amendment is adopted, and Doctor Klein is correct, then one publication, to wit, the Foreign Buyers' List, will raise a fund of $400,000, which is $75,000 over the total amount carried in the five amendments proposed by the gentleman from Tennessee. This would insure the publication of documents and lists which the business man demanded, and when such lists and publications were offered for sale to the business man, whom the hearings show have been greatly benefited by the Bureau of Foreign and Domestic Service, who doubts that any would hesitate to pay one dollar for publications of this importance. This would raise the amount that the gentleman from Tennessee seeks to raise without any additional charge on the Federal Treasury and without hurt to American business. This, I submit, is a fair business proposition.

Mr. LAZARO. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. LAZARO. The gentleman has just stated that we were represented in 40 important trade centers. Will the gentleman tell us how many important trade centers are left where we are not represented?

Mr. OLIVER of Alabama. The gentleman well understands that there are a large number.

Mr. LAZARO. Then, why not expand?

Mr. OLIVER of Alabama. The present bill now carries an increase of $142,000 over the current year for this bureau, and the amendment which I suggest will provide a means to increase this to the amount which the gentleman from Tennessee deems necessary. I submit that the proposal is entirely reasonable and one that business interests served by this bureau should not complain of. I repeat again that Doctor Klein feels that one single publication of the bureau if sold at $1 per copy would bring in $400,000, which is far more than the amount carried in the five amendments offered by the gentleman from Tennessee.

Mr. WINSLOW. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. WINSLOW. Does the gentleman think that the claim of the department, or of those in its interest, is worthy and should be granted, if they could make proper use of the money that is provided?

Mr. OLIVER of Alabama. I will be more than glad to give them the opportunity of raising the money in the way I suggest, and I think they would make wise use of the money so raised.

Mr. WINSLOW. That is not quite what I was inquiring about. I was interested to know whether the gentleman thought they had a good use for the money if it were easily obtainable?

Mr. OLIVER of Alabama. I do not question but that in many foreign countries we should have agents where we now have none.

Mr. WINSLOW. And if we could arrange it in some such way as they do in the Patent Office——

Mr. OLIVER of Alabama. It stands to reason that if the representatives of the Bureau of Foreign and Domestic Commerce have accomplished good results in the countries where they are established it should follow that they will accomplish like results in countries where we now have no representative if they are provided with funds to go there.

Mr. WINSLOW. Would the gentleman agree that if we could get the income from such a source as he proposes that the money should go to the department for proper uses?

Mr. OLIVER of Alabama. That is what the amendment which I suggested proposes, and it is my belief that every member of the committee will be willing to try it out if it is accepted by the gentleman from Tennessee as a substitute for the amendments he offers.

Now, in conclusion, this is the situation: The Budget Bureau is not infallible and does make mistakes. Our committee does not always follow the Bureau of the Budget, but we recognize that it is an important and helpful agency in providing orderly estimates for Congress to consider. In the matter of appropriations for the Bureau of Foreign and Domestic Commerce for the fiscal year 1926 the Bureau of the Budget granted an increase over the amount carried for the present fiscal year, and the President, I am informed, gave careful consideration to the estimates recommended by the Director of the Budget.

Our committee were further informed that it was the opinion both of the Director of the Budget and the President that the amount approved for the Bureau of Foreign and Domestic Commerce was reasonable and fair and would permit the bureau not only to continue its efficient work but, with the increase granted, to expand some. The Appropriations Committee gave careful consideration to the very full and informing statements made by Secretary Hoover and Doctor Klein, and in this bill recommends, as I have stated before, an increase of $142,000 for this bureau over the amount carried for the present fiscal year.

We must remember that there are other important agencies of the Government beside the Bureau of Foreign and Do-

mestic Commerce, and none of these agencies has been allowed the amounts which they have estimated as their needs for the fiscal year 1926. In the Department of Commerce we find that the important Bureau of Standards has not been dealt with as liberally as the Bureau of Foreign and Domestic Commerce. The Bureau of Standards is one bureau that our committee, pursuing the customary course of eliciting full information as to what it was doing, and as to what amount of money it would need for its work in the next fiscal year, failed to find any express or implied demand for an increased appropriation. They had submitted, however, an estimate in excess of that allowed by the Bureau of the Budget, and in view of the very widespread and general importance of the work of this bureau I think every member of the subcommittee felt that they might need a friend in court when we come to prepare the next appropriation bill. The Bureau of Foreign and Domestic Commerce always gets a liberal allocation of any funds placed by the Director of the Budget at the disposal of the Department of Commerce for distribution over the department's various activities.

Mr. WINSLOW. I understood the gentleman to say that he thought the need of the Foreign and Domestic Commerce Bureau was apparent and meritorious.

Mr. OLIVER of Alabama. I dislike to be quoted, especially when it seems that a wrong impression has been created.

Mr. WINSLOW. I am interested in finding out what the gentleman really thinks about my inquiry.

Mr. OLIVER of Alabama. I will be very glad to answer the gentleman's inquiry if I can.

Mr. WINSLOW. I want to get together on the original inquiry. I understood the gentleman to say that he thought the claim of the department, or the friends of the department, for an increase in appropriation was meritorious, and that they could put the money to good use if we had it to give to them. The gentleman proposes a way of raising the money with the idea that if they had it he would give it to them. Is that correct?

Mr. OLIVER of Alabama. I do not care to answer the question in the categorical way that the gentleman puts it, but I will say that I think the work of the Bureau of Foreign and Domestic Commerce is very important and that they are rendering a splendid service. If they are now supplied with additional funds to open offices in other foreign countries, I have no doubt that good results will follow. I have suggested what I think is a proper and practical way to raise funds in excess of what this bill carries. It will place the burden for the expanded service of this bureau on the business which feels that it will be benefited from such expansion. The Government will continue to appropriate for the maintenance of this bureau more than $3,200,000, and any excess over and above this sum that business served by this bureau desires to supply in the way suggested can be, no doubt, wisely expended by the bureau in extending its service.

Mr. WINSLOW. Let me follow with one more question. It amounts, does it not, then to this, that they could make good use of the funds if they had them, that if we had an income as large as the gentleman speaks of, he would give it to them. Those two things being settled, is it not a natural conclusion that all that we are doing by not giving the appropriation is to arrest them where they are and not let them go any farther?

Mr. OLIVER of Alabama. I have stated several times that this bill provides a substantial increase for this bureau over the present fiscal year. No department of the Government has been given, so far as I recall, the amount which it estimated its needs to be for the fiscal year 1926.

Mr. WINSLOW. Does the gentleman know of any business man who ever called in a salesman who was selling more goods?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHREVE. Mr. Chairman, I would like to know how much time remains?

The CHAIRMAN. The gentleman has 14 minutes remaining.

Mr. SHREVE. Mr. Chairman, we have used up more time than was expected, and it will be necessary to make another unanimous-consent request. The chairman of the Committee on Appropriations [Mr. MADDEN] is to speak yet, and I ask unanimous consent that the time be extended half an hour.

The CHAIRMAN. There are 14 minutes remaining on each side.

Mr. SHREVE. I ask that the time be extended 16 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time be extended 16 minutes. Is there objection?

Mr. BYRNS of Tennessee. That is, 16 minutes on a side?

Mr. SHREVE. That time is for the chairman.

Mr. BYRNS of Tennessee. We want the same over here.

Mr. SHREVE. We yielded time to that side in order that they might have time——

Mr. BYRNS of Tennessee. I beg pardon. I think we ought to divide the time equally. We each have 14 minutes to a side. There are several gentlemen here who want to speak, and I think the time ought to be evenly divided.

Mr. OLIVER of Alabama. I spoke to the gentleman from Pennsylvania after speaking to the gentleman from Tennessee, and I understood there would be a request for a reasonable extension and it would be divided equally in favor of those in favor and those against. That would give the chairman the time he wishes and also give time to the opposition.

Mr. SHREVE. I amend the request and ask additional time to the extent of 30 minutes, to be divided equally between the two sides.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time be extended 30 additional minutes, with the understanding that one-half is to be controlled by himself and one-half by the gentleman from Alabama [Mr. OLIVER]. Is there objection? [After a pause.] The Chair hears none.

Mr. SHREVE. Will the gentleman from Alabama use some time now?

The CHAIRMAN. There will be 29 minutes to a side at the present time.

Mr. OLIVER of Alabama. I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD]. [Applause.]

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, it is with extreme regret that I find it impossible for me to agree with the views of my distinguished and able colleague from Alabama [Mr. OLIVER] upon the proposition here presented. I recognize his ability, his conservatism, his wise investigation of the problems arising before the committee, but since my experience in Congress began, a considerable portion of the efforts that I have used here has been in connection with the promotion of our merchant marine and foreign trade, and in the investigation of subjects related to that question I have had an opportunity more intimately to acquaint myself with the proposition involved in the debate on the amendments of the gentleman from Tennessee. Therefore, believing the service and the unquestioned value not only of the present facilities afforded by existing appropriations, but also believing that there is an ample field for a wise extension of those services, I feel it to be my duty to support the amendments of the gentleman from Tennessee. [Applause.]

I was very profoundly surprised at the statement made by the gentleman from Iowa [Mr. DICKINSON], and I was more keenly surprised when I heard read the amendment which he proposed at the Clerk's desk, and which I presume he will offer later in the proceedings, the effect of which is directly to prohibit the farmers of America from enjoying any of the benefits of these appropriations in the event that this House in its wisdom should see fit to grant them. The gentleman from Iowa some months ago acquired some temporary notoriety in the country as the leader of the so-called farm bloc in this House. I presume that he still has at heart the benefits of the farmers of the country. I want to say to him that if there is any class of people in this country who are directly interested, probably more vitally interested than any other class of business, in the building up and sustaining not only of an adequate but of a permanent foreign market for our domestic products it is the farmers and cattle raisers of the country——

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. BANKHEAD. I prefer not to yield right now.

Mr. DICKINSON of Iowa. I would like to ask one short question.

Mr. BANKHEAD. Yes; I will yield.

Mr. DICKINSON of Iowa. Can the gentleman show me any data that any of these so-called attachés can bring to the benefit of the raw agricultural products that is not already available to them?

Mr. BANKHEAD. The gentleman has asked that question, and I thank the gentleman for his direct interrogatory upon this question at this point, and I will now proceed to give the gentleman the facts in the case, which I do not believe he can

successfully dispute. Doctor Klein, in testifying before this committee in reference to this particular proposition, said this:

It has been thought that our efforts are of particular significance to manufacturers—to those dealing in fabricated products. As a matter of fact, however, the largest single groups of commodities now using the service of the Bureau of Foreign and Domestic Commerce are farm products, foodstuffs, cotton, and tobacco. [Applause.]

These are the largest single beneficiaries of our service. That is to say, the demands or requests for help and service which we receive from dealers and producers of farm products total 208,000 in the last fiscal year.

I want the gentleman from Iowa to carry that information back to his farm constituents in the West when his views upon this question are considered.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. BANKHEAD. With all due respect to the gentleman, my time is limited.

There are some other features of this matter that I want to discuss. The gentleman from Iowa [Mr. DICKINSON] seemed very vehement this morning in criticizing the distinguished Secretary of Commerce. Those of us on this side are not responsible for the elevation of Mr. Hoover to the position he occupies. I wonder what would have been the reaction of the gentleman from Iowa regarding Mr. Hoover if he had accepted the invitation of the President of the United States to become the Secretary of Agricudture instead of retaining his post as Secretary of Commerce in the next administration? It seems that the leader of the gentleman's party and the head of the administration has a much higher idea of the capacity of Mr. Hoover than has the distinguished leader or ex-leader of the farm bloc. [Laughter and applause.]

Gentlemen, as I undertook to say before, if there is anything of profound importance to the people of this country, to the producers of this country, it is a sustained foreign market. Goods do not sell themselves in the markets of the world, especially in the foreign markets. Those who have made inquiries concerning this proposition know of the intense international rivalry that exists in all the possible fields of exploitation and markets in Europe and in South America, and in fact all over the world. Germany, Japan, England, the Scandinavian countries have in the field their numerous experts. They place their business establishments at various points for specific purposes of extending their manufacturing and trade, not only for raw materials, but for manufactured products.

It is said that the degree of our prosperity is always measured by the balance of trade favorable to us. In a large measure, economically, that is true. For one, I am not willing, gentlemen, to say that when we reach the possible maximum of $1,000,000,000 excess of exports along that line we should be satisfied.

I believe American commerce in foreign fields has only been scratched on the surface as to some of them, and the only way American producers and manufacturers, in my opinion, are going to be able to come into full possession of the fruits of those inviting fields is to meet our competitors on the same terms and with the same instrumentalities that they use in enlarging their markets.

So I say this is not an extravagant appropriation. The Secretary of the Department of Commerce sat with the committee that reported this bill. Under the new construction of this Budget law that we passed I understand that no one has the right to utter an opinion to a committee or to Members of Congress. But the Secretary, as I say, was there, and by his presence he gave his assent to the testimony of Doctor Klein concerning the importance—the great importance—of increasing this field of activity for our foreign and domestic commerce.

I had occasion in the past summer, being a member of a select committee of the House on the Shipping Board, to visit a few of the great ports of Europe. I had occasion to come somewhat into the atmosphere of that keen rivalry where this competition is going on in foreign countries. Gentlemen, you will find that where the manufacturing and agricultural interests of America are best represented by agencies of this sort is the place where they get the most productive and profitable business. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. I am sorry I have not more time to go into this matter more fully.

Mr. ACKERMAN. Mr. Chairman, will the gentleman from Tennessee or the gentleman from Alabama use more time?

Mr. OLIVER of Alabama. I yield five minutes to the gentleman from Massachusetts [Mr. WINSLOW].

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. WINSLOW. Mr. Chairman, now that the lights are on, I can see, though rather indistinctly, the ghost of the old commerce and agriculture controversy of last spring stalking about. [Laughter.] The attitudes of my distinguished friend from Iowa [Mr. DICKINSON] and my other good friend from Alabama [Mr. BANKHEAD] make me think of a very common utterance in the Mutt and Jeff history, and so I am inclined to say, "For God's sake, be reasonable." [Laughter.]

But we do not care anything about that. There are several agricultural things which went wrong last spring, but the country still lives. We had a little matter affecting the Commerce Department which did not go quite the way some of us would have liked to have had it go. Yet we are going on and having better times.

Now, we come to this particular proposition. I believe the Committee on Appropriations has undertaken to balance its bill and to mete out proper amounts in accordance with what they think is wise, whether they prefer it otherwise or not. I have no occasion to dispute the wisdom of the particular amount which they have assigned to the Foreign Bureau of the Commerce Department, but I am interested at this time—seeing that the feeling has been running along outside of entirely smooth water—in setting the situation of that Foreign Bureau right. The gentleman from Alabama [Mr. OLIVER] said he thought the bureau had good use for more money and he said that if we had the money easily available that could be so diverted he would be in favor of diverting it to the use of this bureau. He suggested that we might be able to sell publications of that bureau for some small sum to the people who want them. I agree in a general way with him in his conclusions or in his admissions of opinion, and I do think it is a perfectly practical thing—if the legislation can be brought about, but of that I have no knowledge—to put a price on some reports that the department gets out, and thus make an income.

I would suggest, however, that the real consideration, as it comes to this House to-day, is this: Whether or not we are justified in holding up what it seems everybody admits is the onward movement of that Foreign Bureau by failing to increase the amount by $75,000. I said, for the lack of time and maybe the want of greater wit, that I did not know of a business house that would call in its salesmen when they were selling more goods and desired more business.

My good friend, my very good friend, my esteemed colleague, the chairman of the Appropriations Committee, said:

This department is not selling goods and we do not keep it for that purpose.

Well, technically, we do not; but I will tell you that the man who finds the place and the customers to whom my regular salesmen can sell goods is the best salesman I have. And that is what these foreign bureau representatives are doing. The history of the department and the approval of the business men of the country indicate that such is the fact.

The only question we have, my friends, is this—and I am not bucking the committee and I am not particularly urging on the side of those who want more money, although I have my own views and I know how I shall vote—shall we, for the sake of $75,000, hold up a department, which we all admit is doing a real work in building up the foundations of business from which we get our national income, and fail to give it that extra amount of money? [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. BRAND].

Mr. BRAND of Ohio. Mr. Chairman and members of the committee, this plan of selling the pamphlets of the Government or of the Department of Commerce is absolutely new to my mind, and I think it would involve the consideration of selling other pamphlets, agricultural pamphlets, and so forth. We are spending about $3,000,000 a year in securing the information that goes into the pamphlets issued by the Department of Commerce. That is the total expense of this bureau, and a good deal of it is involved in securing the information and publishing it. The value of this work comes from the number of people who take these pamphlets, see them and read them, and if we should start in to sell these pamphlets would we not reduce the number of people who would see them in this country? If these pamphlets were to be sold to them for so much a year, would we not reduce the use of those pamphlets and thereby reduce the value of the $3,000,000 we are spending in securing the information?

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. BRAND of Ohio. Yes.

Mr. McKEOWN. Does the gentleman mean to say that the Government should not have some remuneration or something coming back from the men who get the private benefit of the work done by this bureau?

Mr. BRAND of Ohio. I believe it will do more good if we give this information freely than if we sell it, just as we do the farm bulletins, and so forth.

I am interested in this question particularly because I spent three months in Europe this past summer. I found I did not take interest very long in the ruins over in Europe, but I found very soon that I took interest not in what Europe has but in what Europe lacks, and the place to study that question I found to be not among the ruins of Europe but right in the offices of the commercial attachés representing the Department of Commerce of the United States, and I found myself most of my time over there, while I was in London, Paris, Rome, and Athens, right in those offices.

Now, I have but a short time and I want to give you an idea of the possibilities of business over there. If you go out and order a taxi, the chances are you will get a Ford, and going down the street in the taxi you will see three or four other makes of American machines; but in all of Europe there are only as many automobiles as there are now in the State of Ohio, but in the next 10 or 15 years you are going to see Europe using automobiles just as America does. We have the opportunity to sell those automobiles because we are in on the ground floor and we can make them cheaper than they can over there. Now, as to telephones, I found in southern Europe that they had mighty poor telephone service from France on down south.

I found out that if you wanted to make a long-distance call in southern Europe you had to go to the station and make an engagement for the next day. You would have to wait 24 hours before you could have a long-distance call supplied. I found also in Spain that the telephone service was bad, and the American Telephone Co. has made a contract covering $90,000,000 for an entirely new service in Spain, and they are now trying to get contracts in all the other countries of southern Europe at this very time.

Mr. MADDEN. If the gentleman will yield, what did this organization have to do with that?

Mr. BRAND of Ohio. I will answer the gentleman from Illinois by saying that while I was in Athens I met there a number of engineers—waterworks engineers—who were trying to get the Government to establish a new water plant in Athens. The water plant in Athens was built 1,600 years ago, and they need a new one. [Laughter.] They do not use much water inside or out in Europe, but they are thinking seriously of putting in a new plant in Athens, and the engineers from America were there, and I met them in the offices of the attaché, and while I was there the contracts were made. [Applause.]

I will say further to the gentleman from Illinois that while I was in Athens the Government of England furnished the Greek Government with $10,000,000 to help the refugees from Turkey residing in Greece. And a part of the fund was made available for horses and cows, so that the refugees could establish themselves on farm land. Horses and cows are higher in Greece than in the United States, and the day this fund was made available I saw an American commercial attaché cable New Orleans, St. Louis, and cow territory in New York for prices on cows and horses, and this led to big business. Would we ever have known of this demand in Greece for our animals if we had had no commercial attaché in Greece?

My experience in Europe makes me know that these representatives of the Department of Commerce are a great asset to American business, and I will vote to-day for three more to be located at once. It will not be many years until the United States is using all the agricultural products we produce, and then we will depend entirely upon industrial products to maintain the balance of trade, and we must get ready for that situation now.

Mr. OLIVER of Alabama. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. CLEARY].

Mr. CLEARY. Mr. Chairman and gentlemen, three minutes is not very long, but as none of my distinguished colleagues who are orators from the great city of New York are present, I thought I ought to say a word in favor of an amendment of this kind that will increase the entire commerce of this country. [Applause.]

Commerce, of course, is what built up the great city I come from. It is the thing I have been interested in since a boy. Forty-five years ago when I came to New York we had in the Borough of Brooklyn one-half a million people and to-day we have 2,000,000 or more in just that one borough. What created that? Commerce. On the great docks we have spent millions, and I think I may say billions of dollars, and yet we are hesitating and arguing and using a tremendous amount of eloquence and learning discussing a little matter of $75,000 that some great merchant would not hesitate to spend in advertising for himself. [Applause.] It seems to me it is ridiculous.

What does commerce do? It is said that my great city is not only the greatest commercial city in the country and perhaps in the world but is also the greatest manufacturing city, and we should think of the employment of people in all directions, including the workmen in the factories, the men on the docks, and the men on the boats, and then we would realize what commerce means. We should not hesitate about a little matter of this kind which, it is said by those who know, will give us an opportunity to increase our commerce, which means the welfare of the country. This all goes back to the agriculturist, to the commercial men, to the clerks, and to all of our employees, and yet we hesitate over a small amount like this. Of course, this gives an opportunity for our orators to practice a little elocution, but when you come down to the real facts in the case I know that the wisdom of this great Congress will not show itself so shortsighted and so stupid, I might say, as to vote down the small increase that is requested in the amendment. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. McSWEENEY].

Mr. McSWEENEY. Mr. Chairman and gentlemen, I presume to come here to-day because I am making an ardent effort to arrive at what is really an expenditure and what is really an investment on the part of our Government.

I do not want your penury to mock the noble efforts of our country to extend its rights. I do not wish our Government to in any way be paternal in taking care of the industries of America, but as a member of the Committee on Agriculture I am earnestly trying in some way to help the farmer, and even though the Committee on Agriculture probably is not a unit behind this measure, nevertheless there are certain sections where the Department of Commerce can help the agriculturalists and help to sell the products of the agriculturalists abroad, and that is, indeed, a thing we should strive for if we are truly the friend of those people.

I am hoping that American trade, as Richelieu said of the French trade, that calm health of nations which fills a sail can carry our products and by carrying our products establish a friendly relationship with all these countries.

You heard it referred to by our good friend the gentleman from Alabama [Mr. OLIVER] that many of the great business men probably would be against this measure, but we must realize that these larger businesses probably be so because of the great growth they have experienced and are able to maintain their own men in foreign ports. We realize that the Standard Oil Co. and other large companies are able to have under their private guidance men to take care of their foreign interests, but to-day my interest lies not with the big industries so much as with the smaller industries that can not maintain a foreign representative, and for whom the Government of the United States should maintain some representation abroad and give them an opportunity to bid in the field of competition with equal opportunity with the greater and larger industries.

We realize the boastfulness of Rudyard Kipling when he said:

> You can take the wings of the morning,
> Sail around the world 'til you are dead;
> But you can't get away from the tune that they play,
> To the blooming old rag overhead.

That is boastfulness but it is actuated probably by his patriotism, and I hope I may be equally patriotic, but probably a little bit boastful, and paraphrase him and say:

> You can take the wings of the morning,
> Sail around the world 'til we are dead,
> And find no forward movement in all the world
> Without an American at its head.

I feel if we do that we will be doing the thing America would have us do and the thing that will make us prominent in all parts of the world.

Mr. OLIVER of Alabama. Mr. Chairman, I yield the remainder of my time to the gentleman from Tennessee [Mr. BYRNS].

The CHAIRMAN. The gentleman from Tennessee is recognized for three minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, first let me apologize to the committee for inflicting myself upon it again. I shall use the three minutes to call attention to the fact that there are five amendments pending. Many of those who have spoken have referred to these amendments as relating to commercial attachés. One amendment does increase the attaché appropriation. Other amendments increase the funds provided for the extension of our foreign commerce in Europe, in Central and South America, and in the Far East. I have not the time to do more than to read to you what Doctor Klein says with reference to the European situation, for instance:

The European situation alone has almost doubled the burden of the organization, and how we are going to meet that with an increase in our funds of 2⅝ per cent I do not know.

Let me read to you what he says about Latin America:

We are being swamped with requests for more service in the field of Latin America. There is no field in which our department is being more used. It is a field where we will have the stiffest European competition. The best index of that is the fact that for the first three or four months of this fiscal year the demands for service are running at the rate of 112 per cent over last year. That is an index of the growing interest in Latin America. And that interest is spread all over the country—quite as much in the Western, Southern, and Gulf States as in the Atlantic seaboard States.

This is a proposition not to help big business, because big business can take care of itself. The big business, which has millions of dollars of capital, can send its representatives to Europe and can take care of itself, but this is to help the manufacturer and the farmer in your State and in mine who has not the funds at his command to send representatives abroad to represent him in the various countries of Europe. They are being benefited by this great service, and I appeal to you to vote for all of these amendments. [Applause.]

Mr. WILLIAMSON. Mr. Chairman, these amendments involve the sum of $390,000, and I think the full committee should hear the chairman of the Committee on Appropriations. I therefore make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from South Dakota makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and forty Members present, a quorum.

Mr. SHREVE. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. MADDEN], the chairman of the Committee on Appropriations. [Applause.]

Mr. MADDEN. Mr. Chairman, I hope the committee will give me as good attention as it has given to the other speakers. I have been delighted to watch the interest that the Members have taken in the debate this afternoon.

For several days past I have been receiving telegrams asking me to support the Byrns amendment to the commerce bill and to cooperate with him. Like all propaganda telegrams, they are vague and indefinite as to what the amendments are. The sender had been told by some bureaucratic booster to send these telegrams to the Members of Congress. I am always glad to cooperate with the gentleman from Tennessee, my coworker and constant companion in resisting raids on the Treasury, and so when I got these communications I very naturally assumed that according to his past performance and true to the traditional policies of his historic party, he had planned a program to reduce some expenditure of the Government and had interested the taxpaying public in his motion to the extent of soliciting support.

The gentleman from Tennessee has been a wonderful aid in that direction, and I find myself under very great obligations to him for his constant cooperation in the work in which this splendid committee over which I preside has been engaged. There is no man in the House or in the country for whom I have greater admiration, and I should be very happy, indeed, if I could find myself in a position to cooperate with him on the amendment which he has pending, but I can not find myself consistently able to do so.

My disillusionment as to his intent was soon dispelled. These telegrams became so numerous and from so varied sources that the real situation dawned upon me and I was amazed at my own stupidity! A propaganda barrage has been laid down on Congress. The bureaucratic boosters have been busy with their insidious efforts to get more funds for their pet activity.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BYRNS of Tennessee. I want to say to the gentleman that I have not received any telegram and that I am not responsible for any telegrams.

Mr. MADDEN. Oh, I know the gentleman is not responsible for the barrage and that he has not received any telegrams. It was not necessary that he should, because he is leading the charge on the Treasury and these telegrams were intended to support the charge. [Laughter and applause.]

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LONGWORTH. I, too, have received several telegrams urging my support of this increase, all based upon the definite assertion that the Secretary of Commerce had officially requested this increase. I have also heard a number of gentlemen on the floor to-day base their argument in favor of an increase on the fact that Secretary Hoover has asked for it. Is that the fact?

Mr. MADDEN. There has been no request made by Secretary Hoover or anybody else in his behalf for any appropriation in addition to what we carry in the bill. It is true that Doctor Klein, the head of the Bureau of Foreign and Domestic Commerce, has been before the committee, and he said in almost every line of his testimony that many requests have been made upon the bureau for greater activities, which they would be able to comply with if they had more money.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MOORE of Virginia. Was the Secretary of Commerce present when Doctor Klein made those representations as to the needs of the bureau?

Mr. MADDEN. He did not make any representations as to specific needs of the bureau. He simply made a general statement to the effect that he could comply with some requests if he had more money.

Mr. MOORE of Virginia. Was the Secretary present when he made these wild statements?

Mr. MADDEN. He was not.

Mr. BYRNS of Tennessee. Oh, I beg the gentleman's pardon. If he will read the hearings, he will see that Secretary Hoover injected some remarks.

Mr. SHREVE. Secretary Hoover was present for a short time.

Mr. MADDEN. He was not present during all of the statements made by Doctor Klein?

Mr. SHREVE. No.

Mr. MADDEN. Mr. Chairman, these telegrams come from all sources. A Member of Congress has received one asking him to support the Byrns amendment to provide for a representative abroad for motion pictures! Shades of Thomas Jefferson and Andrew Jackson! Is my friend willing to inject a bureau of the Government into a program of sending paid agents of the United States into foreign countries to sell the movies to them? If I thought that by so doing, we in this land might be spared from some of the scenes that the cinema protrays I might be impelled by a sense of self-protection to vote for his amendment and send them abroad. I would not by my vote, however, wish to have a paid representative of the Government of the United States urging upon the public of foreign lands the purchase of those films that are misrepresentative of true American life. [Applause.]

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. BYRNS of Tennessee. The gentleman knows I am not, and I am quite sure the gentleman is satisfied that any increase made in this for the purpose I have indicated would not be so used.

Mr. MADDEN. I am only reciting what is stated in the telegrams.

Mr. BYRNS of Tennessee. Oh, well.

Mr. MADDEN. I am only reciting what is stated in the telegrams.

What is behind this propaganda, and where does it come from? The answer is simple. The Bureau of Foreign and Domestic Commerce is in this bill. They have received an increase of $92,000 in this measure over what they have for the current year, and if we eliminate from consideration the decrease of $50,000 in the item for crude-rubber investigations, a temporary proposition, the increase over 1925 for the continuing, constant, regular work of the bureau is $142,000. They are not happy with an increase of only $142,000. They presented their needs to the committee and did not get what they thought they ought to have. So they determined that they would bombard Congress with propaganda. They are seeking

to get their funds increased by influencing the Members of the House through the sources from which these telegrams come. They rely upon the influence which they believe that the name of the sender of the telegram will have with the man to whom it is sent. The wires are all of the same kind. The tenor of them indicates that the person who sent them does not know what it is all about. He has been adroitly told by some one that if he does this it will help his business. He does not know the facts.

If he is a business man, he is a stalwart believer in tax reduction, but does not stop to think that when he sends telegrams to his Congressman to increase some Government bureau that he is virtually asking the postponement of some part of tax reduction every time he sends such a wire.

Mr. MOORE of Virginia. Would it interfere with the gentleman if I asked a question?

Mr. MADDEN. I would rather go on for the time being.

Mr. MOORE of Virginia. It will only take about a quarter of a minute to say that I have inquired on this side of the House and have been unable to find, up to this time, but one gentleman who has received any such telegram as that to which the gentleman has alluded.

Mr. MADDEN. Then they have been sending them on this side of the House. They have been sending them to Members of the House; they have been sending them to Senators and asking them to join Mr. BYRNS of Tennessee in the passing of a plan to increase the appropriation.

I ask Members of this House not to be misled by this barrage. Most of the men who send these telegrams do not know what this bureau is receiving in the way of Federal appropriations now. It has been dealt with generously in the past.

In the time that has been allotted to me I want briefly to trace its origin and the growth of the appropriations to support it. When you know what it has received and what it is now receiving, I believe you will agree with the committee that these amendments that are proposed should not prevail.

All I think you have to do is to know the facts, and I am going to try to give them to you. I have no prejudice; I am as much interested in the development of foreign commerce as any man in the United States, but I am also interested in the running of the Government on an economical, systematic, non-extravagant basis.

The Bureau of Foreign and Domestic Commerce was created by the consolidation of the Bureau of Manufactures and the Bureau of Statistics of the Department of Commerce and the transfer of certain duties which had been given to the Bureau of Labor. The consolidation was made in the legislative appropriation act for the fiscal year 1913, approved August 23, 1912.

The first appropriation for the bureau as newly created and designated was for the fiscal year 1913 in the sum of $174,860. By the fiscal year 1920 this sum had been increased to $1,085,460. This took place during the years of Democratic control in the House. The increase over that period resulted in an average yearly increase of approximately $130,000. For the fiscal years 1921 to date the appropriations have been made under Republican control in the House. During that time the appropriations for this bureau have increased from $1,085,460 to the amount recommended in this bill of $3,207,064. This latter sum includes $183,000 allotted from the printing fund, $105,000 from the contingent fund, and $2,919,064 granted directly to the bureau. The increase from the fiscal year 1920 of $1,085,460 to $3,207,064 for the next year is $2,121,604. The increase during this last period is an average yearly increase of $353,600.

Have we starved it? Do you think the business people of the country are going to demand appropriations if they understood the facts, and do you think they will sustain you in making these additional appropriations when they do understand the facts, even though they may send you telegrams demanding you vote for increased appropriations for something about which they do not know the details?

These figures are cited to show that the belief that seems to be current that the Government is not doing well by this service is not well founded. I doubt if there is a bureau of the Government which has been so generously treated by way of increased appropriations so consistently as has this one.

I want now to call attention to the organization which has been provided for the bureau in the department in Washington, in district offices throughout the United States, and in various places in foreign countries.

The bureau organization in Washington, as estimated for the next fiscal year, calls for annual aggregate salaries of $1,248,872, and the number of persons to be employed is 604. The Washington pay roll is approximately 40 per cent of the total appropriations of the bureau for the fiscal year 1926. Out of this Washington pay roll there are 87 provided at salaries in excess of $3,000 a year. They are as follows:

$6,000 or over	4
$5,000 to $6,000	28
$4,000 to $5,000	20
$3,000 to $4,000	35
Total	87

The organization in the United States, outside of the department in Washington, consists of the following:

Ten branch offices, one each at Atlanta, Boston, Chicago, Detroit, New Orleans, New York, Philadelphia, St. Louis, San Francisco, and Seattle. One additional is provided in this bill for Portland, Oreg. The managers of these branch offices receive salaries ranging from $3,800 to $5,200 per annum, and assistant managers—four in number—receive $3,000. The total of employees in branch offices in the United States is 92, and the total cost $230,000.

Mr. BYRNS of Tennessee. Will the gentleman yield for a question?

Mr. MADDEN. Yes, sir.

Mr. BYRNS of Tennessee. Of course, the gentleman understands my amendment does not relate to district officers, and the committee itself recommended the increase of the district office of $15,000 at Portland.

Mr. MADDEN. The foreign service consists of offices in 40 foreign cities, headed either by commercial attachés or trade commissioners. In the foreign service there are 317 officers and employees, as follows:

Commercial attachés, salaries $6,000 to $9,000	16
Trade commissioners, salaries $4,000 to $7,000	41
Assistant trade commissioners, salaries $3,000 to $5,000	32
American clerks, $2,000 to $3,000	21
Native employees	207
Total	317

There was transferred by law from the Customs Service to this bureau the compilation of statistics in connection with customs, and the bureau maintains at New York the statistical division with 170 employees and a pay roll of over $250,000.

Mr. NEWTON of Minnesota. I think the impression is that these men here in Washington are not handling foreign matters.

Mr. MADDEN. They do handle them, of course.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. MILLS. Does the gentleman think the amount expended in Washington is excessive?

Mr. MADDEN. I do.

Mr. MILLS. Then, why was it not cut?

Mr. MADDEN. We can not regulate that very well. We try to as best we can, but it is largely an administrative matter.

The approximate division of the appropriation of $3,207,000 in the pending bill for 1926, and the distribution of the 1,183 employees thereunder, are as follows:

Object	Amount	Number employees
Departments in Washington:		
Salaries	$1,250,000	604
Contingent expenses	105,000	----------
Printing	183,000	----------
Total	1,538,000	604
Offices in foreign countries	1,040,000	317
District offices in the United States outside of Washington	230,000	92
Statistical bureau at New York	240,000	170
General traveling expenses	59,000	----------
Grand total	3,207,000	1,183

I want to tell what the bureau has had in the way of appropriations commencing with the fiscal year 1920:

1920	$1,085,460
1921	1,136,533
1922	1,451,211
1923	1,925,395
1924	3,056,314
1925	3,115,303
1926 (this bill)	3,207,000

Included in the appropriations for the fiscal year 1924 was $400,000 for the crude-rubber investigations, a temporary activity. This sum was reduced for 1925 to $94,000 and to $50,000 for 1926. The reduction in this one item made possible increases in other regular items and therefore the increases of

1925 over 1924 and 1926 over 1925 do not show as large as they practically were. The real increase of 1925 over 1924 was approximately $375,000, and the increase of 1926 over 1925 is approximately $140,000.

These figures show that Congress has been liberal with this bureau each year. It is true that the proportionate increase for 1926 is not so large as it has been in some of the past years.

The increases in years gone by were generous, the bureau was new, and an organization needed. The time has come when we should take stock of what we are doing in the way of expansion. If you listen attentively and heed to the last dollar the requests of the propagandists, there is no limit to which we can go in bedecking every important geographical point in the world with paid agents of the United States.

This is not the only bureau or department of the Government engaged in work abroad which is beneficial to the products of the United States. At the last session of Congress there was enacted what is known as the Rogers Act to give a better status and a greater impetus to the activities of the State Department in foreign fields. That act established what is known as the corps of foreign-service officers. There are 642 of them. Appropriations for them and for the Foreign Service of the State Department are carried in this bill. Another bill passed the House at the last session of Congress authorizing the Department of Agriculture to have agents abroad to further the interest of the agricultural and forest products of the United States. It is now pending on the Senate Calendar by report from the Senate committee. The Department of Agriculture has a small number of men now in foreign fields engaged in economic work.

How far are we to go in the foreign field with these different agencies of the Government? Thus far, we are told by them, that there is no duplication, that they are working harmoniously, that there is no jealousy of one for the work of the other. I hope heartily that this is the fact, and that the difficulties of the past have been ironed out and the problems adjusted. I tell you frankly that if these proposed appropriations are added to this bill, there is a likelihood that whatever of calm exists among the different activities in the foreign field may be upset and the jealous rivalry again aroused.

I do not wish anyone to infer that I do not believe in the expansion of our foreign commerce or in the Government giving aid to that expansion. We should, of course, expand to the markets of the world wherever we can. The Government should aid that expansion reasonably, sanely, and in the most careful fashion. I do not conceive it to be the function or duty of the Government to send its agents out to procure specific contracts or to make specific sales for American exporters. It should furnish them with general information about the markets of the world and stop there.

There is one phase in connection with procuring foreign trade that should not be overlooked. It is well to compete with other nations. It is not well to carry our competition to a basis where we beget more than friendly rivalry. We should be exceedingly careful about the manner in which we load up with appropriations those bureaus of the Government which are to represent us in foreign territory. That phase of expansion of Federal activities should be most carefully, cautiously, and sanely considered from every angle of approach. The mere statement on the part of some bureau chief or the receipt of stereotyped "inspired" telegrams and letters asking for the support of some motion projected to increase the operations of a given bureau should not be sufficient cause to increase the appropriations for a given activity operating in the delicate atmosphere of foreign relations without any consideration of the merits of those other activities of the Government which are engaged in the same sphere of action.

In my opinion there is great opportunity for the legislative study of two services in which there might be national danger from the overlapping of zealous effort.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Will the committee yield me five additional minutes? Mr. Chairman, I ask unanimous consent that they may. I will conclude then.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. MADDEN. I refer to the land-border patrols of the United States, where the Customs Service, Immigration Service, and Prohibition Service, and perhaps some others, are at work on their individual problems. It might be that a special legislative committee of the House should be appointed to harmonize the differences of the various activities and result in the establishment of a border-patrol service to handle all of the problems at a lessened cost and increased efficiency. So, too, with our foreign service. Expansion of the three authorized agencies in the foreign field—namely, State, Agriculture, and Commerce—if not now actually resulting in service duplication or jealousies, is certain, with sufficient expansion of any or all of them, to result in lack of harmony, consequent ineffectiveness, and perhaps other more far-reaching consequences. It may not be altogether practicable, but if special legislative attention could be directed toward the enactment of law which would place these three services in the foreign field under a unified control, with definite limits and bounds, the efforts of the Federal agencies in that direction would give the confidence which comes from definite responsibility in work which is the most serious the Nation has—our foreign relations.

There is one other phase of the matter so far as the demand for increased appropriations for this particular purpose is concerned.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I regret I have not the time. Otherwise I would yield.

Mr. JOHNSON of Texas. What is the aggregate amount involved?

Mr. MADDEN. Three hundred and fifteen thousand dollars, I think. It is not a question of the particular amount of money involved, but a question of principle.

On every tongue we hear commendation for tax reduction and reduction or restraint in Government expenditures from which tax reduction results. Everyone with general acclaim favors restraint or reduction in expenditures, but when we come to be specific and apply the reduction or exercise the restraint the most ingenious arguments are concocted and advanced as to why the reduction or restraint ought not to be applied to the particular activity or enterprise in question, but should be applied to some other activity or enterprise of the Government. When we yield to the special pleading of a specific cause and shift the reduction or restraint to the other activity, the proponents of that activity have the same argument and suggestion for a shifting of the reduction or restraint still further on to some other place. When we speak generally of tax reduction and reduction or restraint in expenditures, everyone favors it; but when we come to be specific and try to hold in check the activities of the Government that want to burst their bounds and spread in all directions we are always met with the statement that this specific activity is the most meritorious thing in the whole Government service, and that unless we grant what its ardent and enthusiastic supporters want the heavens will fall and the Nation go into a slump.

One of the most frequently used arguments in connection with the reduction of taxes is the statement that there is no single act of the Government more salutary to the prosperity of the industry of the United States in its most comprehensive phase than the reduction of taxes. That is an economic fact that all will acknowledge. Yet we are met here in this debate with the oft-repeated assertion that the export trade in the United States is contingent upon increasing these appropriations. I can not reconcile these arguments. Reduction or restraint in expenditure and tax reduction go hand in hand. Increased expenditure and tax reduction do not harmonize.

Now, the problem is a simple one. Are we here to be swayed by these telegrams that ask funds beyond the increase that has already been allowed? Are we to be influenced by these general arguments advanced by the proponents of this cause as to the increase in business? Are we to be guided by sanity and moderation in the growth of Government bureaus, or are we to give them ad libitum the funds they say they want and then trust to luck that we have not authorized the doing of things we do not approve? I believe the $3,207,000 in this bill is sufficient, including, as it does, an increase of over $140,000, compared with the regular work of the current year.

I hope the committee will not adopt the amendments. [Applause.]

The CHAIRMAN. The Chair will state the situation. There is one amendment pending. The others will be offered for the information of the House. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Amendment offered by Mr. BYRNS of Tennessee: Page 50, line 11, strike out the figures "$315,861," and insert "$390,861."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and on a division, suggested by the Chairman, there were—ayes 65, noes 81.

Mr. BYRNS of Tennessee. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Tennessee demands tellers.

Tellers were ordered; and the Chairman appointed Mr. SHREVE and Mr. BYRNS of Tennessee to act as tellers.

The committee again divided; and the tellers reported—ayes 71, noes 84.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Promoting commerce, Europe and other areas: For all necessary expenses, including investigations in Europe and other areas, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, purchase of books of reference and periodicals, maps, reports, documents, plans, specifications, manuscripts, newspapers (both foreign and domestic) not exceeding $400, and all other publications for the promotion of the commercial interests of the United States, rent outside the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to further promote and develop the foreign and domestic commerce of the United States, $432,600, to be expended under the direction of the Secretary of Commerce: *Provided*, That not more than $53,000 of the foregoing sum may be used for personal services in Washington, D. C.: *Provided further*, That not more than four trade commissioners employed under this appropriation may be recalled from their foreign posts and assigned to duty in the Department of Commerce.

The CHAIRMAN. The Clerk will report the amendment offered to this paragraph by the gentleman from Tennessee [Mr. BYRNS].

The Clerk read as follows:

Amendment offered by Mr. BYRNS of Tennessee: Page 51, lines 4 and 6, strike out the figures "$432,600" and "$53,000" and insert in lieu thereof the following: "$492,600" and "$75,000."

The CHAIRMAN. The question is on agreeing to the amendments.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BYRNS of Tennessee. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee demands a division.

The committee divided; and there were—ayes 37, noes 73.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Promoting commerce, South and Central America: To further promote and develop the commerce of the United States with South and Central America, including personal services in the District of Columbia and elsewhere, purchase of furniture and equipment, stationery and supplies, typewriting, adding and computing machines, accessories and repairs, books of reference and periodicals, reports, plans, specifications, manuscripts, documents, maps, newspapers (both foreign and domestic) not exceeding $400, and all other publications, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to be expended under the direction of the Secretary of Commerce, $248,040, of which amount not to exceed $99,080 may be expended for personal service in the District of Columbia: *Provided*, That not more than two trade commissioners employed under this appropriation may be recalled from their foreign posts and assigned to duty in the Department of Commerce.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee to this paragraph.

The Clerk read as follows:

Amendment offered by Mr. BYRNS of Tennessee: Page 52, line 14, strike out the figures "$248,040" and "$99,080" and insert the figures "$308,040" and "$120,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BYRNS of Tennessee. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 37, noes 79.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Promoting commerce in the Far East: To further promote and develop the commerce of the United States with the Far East, including personal services in the District of Columbia and elsewhere, purchase of furniture and equipment, stationery and supplies, typewriting, adding and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, maps, newspapers (both foreign and domestic) not exceeding $400, and all other publications, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to be expended under the direction of the Secretary of Commerce, $243,734, of which amount not to exceed $95,771 may be expended for personal services in the District of Columbia: *Provided*, That not more than two trade commissioners employed under this appropriation may be recalled from their foreign posts and assigned to duty in the Department of Commerce.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph because it is legislation not authorized on an appropriation bill. I think the gentleman from Pennsylvania will admit it is legislation. There is no organic law that authorizes it.

Mr. SHREVE. This matter has been passed on a number of times in previous Congresses, when the same question has been considered.

The CHAIRMAN. Of course, the real question is whether it is authorized by law or not. The gentleman from Texas makes the point of order that it is legislation not authorized by law. What has the gentleman from Pennsylvania to say about that?

Mr. SHREVE. It is this way: It was authorized under the general organic law which created the department, and we argued it a couple of years ago. The Chair then overruled the point of order.

Mr. BLANTON. I want to be heard, Mr. Chairman. There is no legislative authority that authorizes this appropriation of $243,734. This bureau is not authorized by law. This bureau originated in 1913 on an appropriation bill. There were two bureaus which had been carried in appropriation acts that were consolidated, and certain services were taken out of the Department of Labor that had been carried in appropriation acts, and on an appropriation bill there was an attempt to create this bureau. It was not organic law and there was no legislation authorizing it. It has been set up by riders on appropriation bills, and I challenge the gentleman from Pennsylvania to show one single legislative act that ever authorized this service in the Far East. He can not do it.

Mr. SHREVE. I repeat again, Mr. Chairman, that the matter has been disposed of on several occasions, and it rests entirely upon the organic law on which the bureau was founded, and that gives the Department of Commerce the right to do this character of work.

The CHAIRMAN. Has the gentleman the organic law?

Mr. SHREVE. I will have it in a minute.

Mr. BLANTON. The burden is on the gentleman from Pennsylvania to show that the organic act authorizes this particular bureau, and he can not do it.

Mr. SHREVE. Mr. Chairman, you will find the law in Barnes's Federal Code on page 157. It refers to the Department of Commerce, and the Chair will find this in the first section:

There shall be at the seat of government an executive department to be known as the Department of Commerce and Labor and a Secretary of Commerce and Labor who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate.

Then it provides for the salary of the Secretray. I follow the language along down and find:

There shall be in said department an Assistant Secretary—

And so forth. Now we come to the powers and duties of the department as defined in section 670:

It shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries.

That is where we find the authority under the organic act.

Mr. BLANTON. Mr. Chairman, under that general authority there is no authority for this particular bureau within the department or for us to have trade commissioners in China or Japan unless specific authority is given by law. There is no authority under that organic act read by the gentleman creating the Department of Commerce and Labor which gives the Secretary of Commerce the authority to establish this bureau and to send commercial attachés to China or Japan. There is no authority given under that organic act for these various services to be performed under this paragraph. All that must be done by legislative acts. I know that there is a ruling to

that effect made by the former Representative from Kansas, Mr. Campbell, but such ruling was made through expediency and not based on decisions of the former chairman, and should not be followed.

I have not raised a point of order against the other paragraphs affecting this bureau because I think they may have enough merit in them to be productive of good, though they too are unauthorized, but we should not enlarge the services of this department just now. After a few years when our Nation gets back on its feet again financially we will try to arrange so that every time our friend from California [Mr. MACLAFFERTY] goes back to Shanghai again he shall find there an American commercial attaché at the dock to welcome him and to introduce him around; and so that when our distinguished friend from New York [Mr. WAINWRIGHT] goes back to Singapore again he shall find there an American commercial attaché at the dock to welcome him and to show him around and introduce him. That seemingly is what they expect. This organic act never contemplated that all of that was to be done for our friend from California and our friend from New York. It is legislation pure and simple, unauthorized on an appropriation bill and ought to come off.

Mr. SHREVE. At the time this matter was considered before I think the gentleman from Texas made a point of order against this paragraph or against the paragraph providing for commercial attachés. However, it matters not to which paragraph he refers, because it is all under the organic law which provides for the promotion of commerce, and so forth.

The CHAIRMAN. The Chair is ready to rule. It seems from a reading of the organic law that it is provided that the bureau can carry on these general activities at various places. The Chair finds a direct ruling by Chairman Campbell on March 24, 1921, when the gentleman from Texas made the same point of order, and the Chair at that time overruled his point of order. The point of order is overruled at the present time.

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington: Page 53, lines 7 and 8, strike out the figures "$243,734" and the figures "$95,771," and insert in lieu thereof the figures "$303,734" and the figures "$115,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The amendment was rejected.

The Clerk read as follows:

Export industries: To enable the Bureau of Foreign and Domestic Commerce to investigate and report on domestic as well as foreign problems relating to the production, distribution, and marketing in so far as they relate to the important export industries of the United States, including personal services in the District of Columbia not to exceed $575,404, traveling and subsistence expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside District of Columbia, and all other incidental expenses connected therewith, $618,054.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNS of Tennessee: Page 54, line 7, strike out the figures "$575,404" and insert in lieu thereof the figures "$635,404"; and in line 14 strike out the figures "$618,054" and insert in lieu thereof "$678,054."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The amendment was rejected.

The Clerk read as follows:

Domestic commerce and raw-materials investigations: For all expenses, including personal services in the District of Columbia and elsewhere, purchase of books of reference and periodicals, furniture and equipment, stationery and supplies, typewriting, adding and computing machines, accessories and repairs, medical supplies and first-aid outfits, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the disposition and handling of raw materials and manufactures within the United States; and to investigate the conditions of production and marketing of foreign raw materials essential for American industries, $115,000, of which amount not to exceed $100,000 may be expended for personal services in the District of Columbia.

Mr. DICKINSON of Iowa. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Iowa: On page 55, line 7, after the word "industries," strike out "$115,000" and insert in lieu thereof "$100,000" and add the following: "*Provided*, That none of the funds appropriated in this paragraph shall be used for collecting and compiling information regarding the disposition and handling of or to investigate the conditions of production and marketing of raw agricultural products in the United States or in foreign countries."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 18, noes 34.

So the amendment was rejected.

The Clerk read as follows:

Investigation of foreign trade restrictions: For all necessary expenses, including personal services in the District of Columbia and elsewhere, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the restrictions and regulations of trade imposed by foreign countries, $30,000, of which amount not to exceed $29,500 may be expended for personal services in the District of Columbia.

Mr. SHREVE. Mr. Chairman, I move that the committee do now arise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having had under consideration the bill H. R. 11753, the appropriation bill for the Departments of State, Justice, Commerce and Labor, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. TAYLOR of West Virginia, for three days, on account of important business.

Mr. DOYLE, for two days, on account of important business.

Mr. HOCH (at the request of Mr. WHITE of Kansas) for two days, on account of sickness.

REPORT OF THE DIRECTOR GENERAL OF RAILROADS

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered printed:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the report of the Director General of Railroads and agent of the President for the year ended December 31, 1924, together with his final report as to adjustments of the claims of carriers whose property was taken over and actually operated by the Government during the 26 months of Federal control.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 23, 1925.*

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

S. 1656. An act granting the consent and approval of Congress to the La Plata River compact;

S. 3036. An act to amend the law relating to timber operations on the Menominee Reservation in Wisconsin;

S. 3792. An act to amend section 81 of the Judicial Code; and

S. J. Res. 61. Joint resolution authorizing the Director of the United States Veterans' Bureau to grant a right of way over United States Veterans' Bureau hospital reservation at Knoxville, Iowa.

MUSCLE SHOALS

Mr. GARNER of Texas. Mr. Speaker, for the information of some Members who have made inquiry, may I ask the gentleman from New York [Mr. SNELL] when he expects to call up the rule sending the Muscle Shoals bill to conference?

Mr. SNELL. I had intended to bring it up to-morrow, but I think now, on account of some requests that have been made, it will not be brought up until Tuesday, unless something now unforeseen happens.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 51 minutes p. m.) the House adjourned until to-morrow, Saturday, January 24, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

812. A letter from the Secretary of the Treasury, transmitting report of schedules and lists of papers and documents on the files of the Treasury Department which are no longer needed in the transaction of public business and have no permanent value; to the Committee on Disposition of Useless Executive Papers.

813. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the War Department for the fiscal year ending June 30, 1925, for the National Home for Disabled Volunteer Soldiers, amounting to $1,728,000 (H. Doc. No. 571); to the Committee on Appropriations and ordered to be printed.

814. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Labor for the fiscal year ending June 30, 1925, for refunds of immigration fines erroneously assessed and collected, amounting to $2,110 (H. Doc. No. 572); to the Committee on Appropriations and ordered to be printed.

815. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year ending June 30, 1925, for the Alaska Railroad, amounting to $300,000 (H. Doc. No. 573); to the Committee on Appropriations and ordered to be printed.

816. A communication from the President of the United States, transmitting a communication from the Secretary of the Treasury, submitting an estimate of appropriation in the sum of $215.90 to pay claims which he has adjusted and which require an appropriation for their payment (H. Doc. 574); to the Committee on Appropriations and ordered to be printed.

817. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Mill Cut and Clubfoot Creek, N. C.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 407. A resolution for the consideration of H. R. 518; without amendment (Rept. No. 1269). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 412. A resolution to provide for an investigation of the National Disabled Soldiers' League (Inc.); without amendment (Rept. No. 1270). Referred to the House Calendar.

Mr. RATHBONE: Committee on the District of Columbia. H. R. 10348. A bill authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold, donated to the United States for park purposes; without amendment (Rept. No. 1271). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on District of Columbia. H. R. 596. A bill to provide for the extension of Bancroft Place between Phelps Place and Twenty-third Street NW., and for other purposes; with amendments (Rept. No. 1272). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 4202. A bill to amend section 5908, United States Compiled Statutes, 1916 (R. S., sec. 3186, as amended by act of March 1, 1879, ch. 125, sec. 3, and act of March 4, 1913, ch. 166); without amendment (Rept. No. 1273). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MORROW: A bill (H. R. 11883) to provide for the enlargement of the present public building at Raton, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. EDMONDS: A bill (H. R. 11884) to establish home ports of vessels of the United States, to validate documents relating to such vessels, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAWLEY: A bill (H. R. 11885) granting certain lands and reserving other lands as a source of water supply for the cities and towns in the Willamette Valley, in Oregon, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 11886) to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911 (36 Stat. L. p. 961); to the Committee on Agriculture.

By Mr. JOHNSON of Washington: A bill (H. R. 11887) authorizing issuance of certificates of identification to alien residents of the United States; to the Committee on Immigration and Naturalization.

By Mr. THOMAS of Oklahoma: A bill (H. R. 11888) granting the consent of Congress to John Bates, Fred Hulen, and A. Shattuck and their assigns, of Duncan, Stephens County, Okla., to construct a bridge across the Red River; to the Committee on Interstate and Foreign Commerce.

By Mr. BACON: A bill (H. R. 11889) authorizing increases in the commissioned personnel of the Regular Army to provide additional instructors for the National Guard, Officers' Reserve Corps, Reserve Officers' Training Corps, and citizens military training camps, and to increase the efficiency of the Regular Army; to the Committee on Military Affairs.

By Mr. WILLIAMS of Michigan: A bill (H. R. 11890) to enlarge and extend the post-office building at Battle Creek Mich.; to the Committee on Public Buildings and Grounds.

By Mr. LINEBERGER: A bill (H. R. 11891) to authorize the establishment and maintenance of a forest experiment station in California and the surrounding States; to the Committee on Agriculture.

By Mr. SMITH: Joint resolution (H. J. Res. 328) to provide for designating the route of the Old Oregon Trail; to the Committee on Roads.

By Mr. JARRETT: Joint resolution (H. J. Res. 329) authorizing an investigation of the proposed Molokai irrigation project, county of Maui, Territory of Hawaii; to the Committee on Irrigation and Reclamation.

By Mr. SMITH: Joint resolution (H. J. Res. 330) to authorize the appropriation of certain amounts for the Yuma irrigation project, Arizona, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. PARK of Georgia: Concurrent resolution (H. Con. Res. 42) authorizing the payment to Hampton V. Ricks of $1,440 as messenger to the Joint Committee on Revision of the Laws in the Sixtieth Congress; to the Committee on Accounts.

By Mr. STEVENSON: Resolution (H. Res. 413) requiring the Postmaster General to transmit to the House of Representatives the report of Hon. John T. Doyle and Mr. Neiss on the sale of Federal patronage by Joseph W. Talbert and his subordinates in South Carolina, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS of Oklahoma: Memorial of the Legislature of the State of Oklahoma, urging passage of the Gooding bill; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 11892) granting an increase of pension to Seffie B. Hughes; to the Committee on Invalid Pensions.

By Mr. BEEDY: A bill (H. R. 11893) granting an increase of pension to Mary A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11894) granting a pension to Raymond R. Hammond; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 11895) for the relief of W. D. Wilson; to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 11896) granting a pension to Henry C. Duncan; to the Committee on Invalid Pensions.

By Mr. DAVEY: A bill (H. R. 11897) granting a pension to Lucy Bowers; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 11898) granting a pension to Catherine Trushel; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 11899) granting a pension to Laomi Horton; to the Committee on Invalid Pensions.

By Mr. GASQUE: A bill (H. R. 11900) for the relief of J. M. Holladay; to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 11901) granting a pension to Lizzie Forkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11902) granting an increase of pension to Monime C. Gordon; to the Committee on Invalid Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 11903) granting an increase of pension to Mary L. Taylor; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 11904) granting an increase of pension to Nancy Bradley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11905) granting an increase of pension to Mary Brownfield; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 11906) granting a pension to Stephen Dorsey; to the Committee on Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 11907) granting an increase of pension to Rebecca B. Nowell; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 11908) granting an increase of pension to Emma Smith; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 11909) granting an increase of pension to Mary Hare Mason; to the Committee on Pensions.

By Mr. SANDERS of New York: A bill (H. R. 11910) granting an increase of pension to Cornelia Kenfield; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11911) granting an increase of pension to Rosina Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11912) granting an increase of pension to Cynthia L. Piercy; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 11913) granting an increase of pension to Margaret A. DeCoursey; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11914) granting a pension to Francis M. Hamon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11915) granting a pension to Henry B. Jones; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 11916) granting an increase of pension to Susan Sigler; to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 11917) granting a pension to Nelson E. Bucknam; to the Committee on Pensions.

My Mr. WYANT: A bill (H. R. 11918) granting an increase of pension to Sylvester Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11919) granting an increase of pension to Isabella F. Rice; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3514. By Mr. GALLIVAN: Petition of City Council of Boston, Mass., James Donovan, city clerk, recommending early and favorable consideration of Senate bill 3674, providing for an increase in the salaries of postal employees; to the Committee on the Post Office and Post Roads.

3515. By Mr. JOHNSON of Washington: Petitions of various citizens of Clarke and Cowlitz Counties, Wash., opposing the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3516. By Mr. KELLER: Petition of sundry citizens of St. Paul, Minn., protesting against the enactment of the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3517. By Mr. LEA of California: Petition of 68 residents of Sonoma, Calif., in protest against the pending compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3518. By Mr. LUCE: Petition of the Botanical Society of America, regarding a proposed national arboretum; to the Committee on Agriculture.

3519. By Mr. MANLOVE: Petition of sundry citizens of cities in the fifteenth congressional district in the State of Missouri, protesting against the passage of Senate bill 3218, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3520. By Mr. O'CONNELL of New York: Petition of the Courts Committee of Brooklyn, N. Y., favoring the passage of the Graham bill (H. R. 5195), which would extend the probation system to the Federal courts; to the Committee on the Judiciary.

3521. By Mr. PHILLIPS: Petition of the Woman's Club of Ambridge, Pa., urging the adoption of the resolution providing for the creation of the World Court, and recommending that it be reported out of committee and placed upon the Senate calendar for action at this session of Congress; to the Committee on Foreign Affairs.

3522. By Mr. RAKER: Petition of Oakland Chamber of Commerce, Oakland, Calif.; Building Owners & Managers' Association of San Francisco, San Francisco, Calif.; E. A. Bridgford, attorney at law, San Francisco, Calif.; and Merchants' Exchange (Inc.), of San Francisco, Calif., all protesting against the passage of the Ball rent act making the District of Columbia Rent Commission permanent; to the Committee on the District of Columbia.

3523. Also, petition of Mr. M. E. Meservey, assistant postmaster, and four other employees of the Nevada City (Calif.) post office: Farr & McComb (Inc.), Los Angeles, Calif.; L. F. Grammes & Sons (Inc.), of Allentown, Pa., relative to the postal salary increase legislation; to the Committee on the Post Office and Post Roads.

3524. Also, petition of Oakland Company, California Grays, of Oakland, Calif.; San Francisco Chamber of Commerce, San Francisco, Calif.; Mr. W. L. Redke, of Monrovia, Calif., all urging the passage of House bill 6484 for the retirement of disabled emergency Army officers; to the Committee on Military Affairs.

3525. Also, petition of Joseph Mathers, of Placerville, Calif., and nine other citizens of that city, all protesting against the passage of the compulsory Sunday observance bill or any other religious legislation; and M. V. Mathers and 13 other citizens of Placerville, Calif., protesting against compulsory Sunday observance bill or any other religious legislation; to the Committee on the District of Columbia.

3526. Also, petition of Hartford Post, No. 155, Department of California and Nevada, Grand Army of the Republic, and Halleck Post, No. 19, Grand Army of the Republic, Department of California and Nevada, urging the repeal of the law providing for coinage to be issued for the benefit of the Stone Mountain Confederate Monument Association; to the Committee on Coinage, Weights, and Measures.

3527. Also, telegram from Paul I. Fagan & Co., of San Francisco, urging issuance of rule for consideration of China trade act; to the Committee on Rules.

3528. Also, petition of California Manufacturers' Association, Oakland, Calif., protesting against the Jones bill to amend section 4426 of the Revised Statutes as amended by the act of Congress approved May 16, 1906; to the Committee on the Merchant Marine and Fisheries.

3529. Also, petition of H. N. Cook Belting Co., of San Francisco, Calif., relative to appropriations for Department of Commerce activities; to the Committee on Appropriations.

3530. Also, petition of Mr. A. L. Enos, of Angels Camp, Calif., urging increased appropriation for citizens' military training camps; to the Committee on Appropriations.

3531. Also, petition of Sacramento Bar Association, Sacramento, Calif., urging passage of legislation to increase salaries of Federal judges; to the Committee on the Judiciary.

3532. Also, petitions of California Farm Bureau Federation, Berkeley, Calif., urging establishment of forest experiment station in California, and Pacific Logging Congress, indorsing work of the Forest Service; to the Committee on Agriculture.

3533. Also, petition of Board of Supervisors of San Joaquin County, Calif., urging completion of survey of the lower Sacramento River control works project; to the Committee on Irrigation and Reclamation.

3534. Also, petition of Kansas State Bankers' Association, Topeka, Kans., protesting against branch banking; to the Committee on Banking and Currency.

3535. Also, petition of E. F. Blaine, Seattle, Wash., protesting against the change of the name of Mount Rainier to Mount Tacoma; to the Committee on the Public Lands.

3536. Also, petition of G. H. Justice, Macdoel, Calif., indorsing the public shooting ground bill; to the Committee on Agriculture.

3537. Also, petition of Harry L. Walker, San Francisco, Calif., indorsing Shreve bill (H. R. 8352); to the Committee on the Civil Service.

3538. Also, petition of the National Legislative Committee, American Legion, Washington, D. C., relative to House bill 9629, for the reorganization of the Government departments; to the Committee on the Civil Service.

3539. Also, petition of National Organization of Masters, Mates, and Pilots of America, San Francisco, Calif., indorsing House bill 849, providing for an annuity for employees of the Lighthouse Service; to the Committee on the Civil Service.

3540. Also, petition of Harvey M. Toy, chairman California Highway Commission, San Francisco, Calif., indorsing and urging passage of the Colton bill (H. R. 6133); to the Committee on Roads.

3541. Also, petition of Milwaukee Association of Commerce, Milwaukee, Wis., indorsing the Lakes-to-the-Gulf waterway project; to the Committee on Rivers and Harbors.

3542. By Mr. SINNOTT: Petition of residents of Corvallis, Oreg., protesting against the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3543. Also, petition of numerous citizens of Marion and Benton Counties, Oreg., protesting against passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3544. Also, petition of numerous citizens of Willamina, Oreg., protesting against the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3545. Also, petition of numerous citizens of Tillamook, Oreg., against the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3546. Also, petition of Clara Dillon and others, of Boardman, Morrow County, Oreg., against the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3547. Also, petition of 75 residents of Hereford and Long Creek, Oreg., protesting against the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3548. By Mr. SMITH: Petition of the Loyal Orange Institution of the United States, Boise Loyal Orange Lodge, No. 360, urging ample appropriations for maintaining and improving the air forces to combat those of any other country; to the Committee on Military Affairs.

3549. By Mr. WATKINS: Petition of City Council of Portland, Oreg., urging Congress to provide funds to build a hospital on a site offered by the medical school of the University of Oregon for veterans of the World War; to the Committee on World War Veterans' Legislation.

3550. Also, petition of citizens of Portland, Oreg., opposing the enactment of Senate bill 3218, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

SENATE

SATURDAY, *January 24, 1925*

(Legislative day of Thursday, January 22, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, one of its clerks, announced that the House had passed a bill (H. R. 11749) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 1656. An act granting the consent and approval of Congress to the La Plata River compact;

S. 3036. An act to amend the law relating to timber operations on the Menominee Reservation in Wisconsin;

S. 3792. An act to amend section 81 of the Judicial Code; and

S. J. Res. 61. Joint resolution authorizing the Director of the United States Veterans' Bureau to grant a right of way over United States Veterans' Bureau hospital reservation at Knoxville, Iowa.

SENATOR FROM NORTH CAROLINA

Mr. OVERMAN presented the certificate of the Governor of the State of North Carolina certifying to the election of FURNIFOLD M. SIMMONS as a Senator from the State for the term beginning on the 4th day of March, 1925, which was read and ordered to be filed, as follows:

EXECUTIVE DEPARTMENT,
STATE OF NORTH CAROLINA.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1924, FURNIFOLD M. SIMMONS was duly chosen by the qualified electors of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th of March, 1925.

Witness: His excellency our governor, Angus Wilton McLean, and our seal affixed at Raleigh, N. C., this 22d day of January, in the year of our Lord 1925.

ANGUS W. McLEAN, *Governor.*

By the governor:

[SEAL.] W. N. EVERETT, *Secretary of State.*

PETITIONS AND MEMORIALS

Mr. BAYARD. I ask unanimous consent to have referred to the Committee on Foreign Relations and printed in the RECORD resolutions adopted by the Council of the Mayor and the Council of Wilmington, Del.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

WILMINGTON, DEL., *January 22, 1925.*

Whereas we believe the United States should clearly make up its mind whether it desires to participate in the World Court, and thus join the other great nations of the world in an attempt to substitute law and the principle of arbitration for war as a method for settling international disputes: Be it

Resolved, That the Council of the Mayor and Council of Wilmington urges the Foreign Relations Committee of the Senate of the United States, by whatever procedure is found to be best, to get before the full Senate for a vote a resolution providing for the participation of the United States in the World Court on the Harding-Hughes terms. Be it further

Resolved, That a copy of these resolutions be sent to our two Senators, Congressman, and the Senate Foreign Relations Committee.

Mr. WILLIS presented a memorial of sundry citizens of Youngstown, Ohio, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BROOKHART presented the petition and complaint of the Arthur Arent Laboratories (Inc.), of Des Moines, Iowa, in the matter of certain charges against George M. Hunt, acting director Forest Products Laboratory and in charge of section of wood preservation, Forest Products Laboratory, and Ernest Bateman, chemist, Forest Products Laboratory, etc., which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of the Ladies' Aid Society of the First Methodist Episcopal Church of Fort Dodge, Iowa, signed by Mrs. Frank O. Peterson, praying for the participation of the United States in the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted at a World Court mass meeting at Des Moines, Iowa, favoring the participation of the United States in the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

Mr. BINGHAM presented the petition of John Hay Lodge No. 61, Knights of Pythias, of Hartford, Conn., praying for the passage of legislation for the relief of immigrants stranded

in Europe because of inability to obtain passports, which was referred to the Committee on Immigration.

He also presented a memorial of the general board of L'Union St. Jean-Baptiste D'Amerique, at Goodyear, Conn., remonstrating against the passage of legislation for the establishment of a Federal Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Business Men's and Civic Association, of Wethersfield, Conn., remonstrating against the passage of legislation increasing the rates on parcel post matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions of Harry W. Congdon Post No. 11, American Legion, and John J. Banville Post No. 3, American Disabled Veterans of the World War, both of Bridgeport, Conn., protesting against the abandonment of the Veterans' Bureau headquarters in Bridgeport, which were referred to the Committee on Finance.

He also presented resolutions of the Real Estate Boards of Stamford, Meriden, and New Haven, all in the State of Connecticut, protesting against the passage of legislation creating a permanent commission for the control of rentals in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. STANFIELD presented memorials of sundry citizens of Hereford, Long Creek, Morrow County, Portland, Multnomah, Reedsport, Boardman, St. Helens, Hillsboro, Canby, Hood River, Bend, Estacada, Forest Grove, Gaston, Toledo, and Newport, all in the State of Oregon, and of sundry citizens of Tampa, Fla., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 9138) to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes, reported it without amendment, and submitted a report (No. 920) thereon.

Mr. BRUCE, from the Committee on Military Affairs, to which was referred the bill (H. R. 2958) for the relief of Isaac J. Reese, reported it without amendment, and submitted a report (No. 921) thereon.

He also, from the same committee, to which was referred the bill (S. 1534) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army, submitted an adverse report thereon.

Mr. REED of Missouri, from the Committee on the Judiciary, to which was referred the bill (S. 3793) to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation, reported it with amendments and submitted a report (No. 922) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (H. R. 9343) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims, reported it with amendments and submitted a report (No. 923) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3017) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes, reported it with amendments and submitted a report (No. 925) thereon.

Mr. BURSUM, from the Committee on Pensions, to which was referred the bill (S. 3314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian War veterans and widows, and to certain Spanish war soldiers and widows, and certain maimed soldiers, and for other purposes, reported it with amendments and submitted a report (No. 926) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11354) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 927) thereon.

PROPOSED INVESTIGATION OF POWER COMPANIES

Mr. SMITH. Mr. President, I have been instructed by the Committee on Interstate Commerce to ask the Senator from Nebraska [Mr. NORRIS] if he would be willing to consent to an extension of time, not to exceed five days, for a report on the resolution (S. Res. 286) submitted by him December 20, 1924. It may be possible for us to get through in less time, but we would like to have five days additional.

Mr. NORRIS. Of course the time will have to be extended by the Senate, but so far as I am concerned, I have no objection to the request.

Mr. SMITH. I ask unanimous consent that the time may be extended not to exceed five days.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 4057) providing for the irrigation of certain lands in the State of Nebraska; to the Committee on Irrigation and Reclamation.

By Mr. STERLING:

A bill (S. 4058) for the relief of Leandert J. DeBeer; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 4059) to provide for an additional Federal district for North Carolina; to the Committee on the Judiciary.

By Mr. SMOOT:

A bill (S. 4060) to recognize and reward the accomplishment of First Lieut. Russell L. Maughan; to the Committee on Military Affairs.

By Mr. FESS:

A bill (S. 4061) granting an increase of pension to Lilly D. Murphy; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4062) for the relief of Henry Kirn; to the Committee on Claims.

By Mr. FERNALD:

A bill (S. 4063) granting a pension to Ida B. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 4064) granting a pension to Rosario M. Madrid;

A bill (S. 4065) granting an increase of pension to Francesca Napoleone; and

A bill (S. 4066) granting an increase of pension to Gus M. Brass, jr.; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 4067) granting a pension to George Pierce; to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 4068) authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims; to the Committee on Indian Affairs.

Mr. McKELLAR:

A bill (S. 4069) relative to the acquirement of the site of the Battle of Franklin, Tenn.; to the Committee on Military Affairs.

By Mr. CURTIS:

A joint resolution (S. J. Res. 174) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1925, etc.; to the Committee on the District of Columbia.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. BROUSSARD and Mr. FLETCHER each submitted an amendment, and Mr. SWANSON submitted three amendments intended to be proposed to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were referred to the Committee on Commerce, and ordered to be printed.

POSTAL SALARIES AND POSTAL RATES

Mr. GEORGE submitted an amendment intended to be proposed by him to the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, which was ordered to lie on the table and to be printed.

WITHDRAWAL OF PAPERS—JAMES L. PYNE, DECEASED

On motion of Mr. NEELY, it was—

Ordered, That the papers accompanying the bill (S. 3190) for the relief of the heirs of James L. Pyne, deceased, be withdrawn from the files of the Senate, no adverse report having been made thereon.

PREVENTION OF WAR PROFITEERING

Mr. KING. Mr. President, I submit the resolution which I send to the desk, and ask that it may be read.

The reading clerk read the resolution, S. Res. 312, as follows:

Whereas in all wars illegitimate private profits are derived from dealings with the Government, which become the main cause of high prices in various lines of industrial activity, and afford an incentive for private interests to promote war; and

Whereas in time of war there should be no private profits and the resources of all should be mobilized on equal and just terms for the prosecution of the war: Therefore be it

Resolved, That the Senate approves in principle of the proposition that in the event of war it shall be the policy of the Government to draft not only its man power but its material and industrial resources, in order to prevent profiteering and the amassing of private fortunes out of the prosecution of war.

Mr. KING. Mr. President, there may be some doubt as to the committee which should have jurisdiction of this resolution and the subject with which it deals. It has been suggested to me that it should go to the Committee on Military Affairs, but I have felt that with greater propriety it could be referred to the Committee on the Judiciary. It will be recalled that that committee framed most of the war legislation. It is true the Finance Committee reported measures providing revenue for the carrying on of the Government. However, the Judiciary Committee dealing with broad and general questions of law is best equipped, in my opinion, to consider this important subject. For that reason I have preferred the reference of the resolution to that committee.

An admirable article has been written by Mr. Bernard M. Baruch under the title "Take the profits out of war." It appears in a recent issue of Our World. I ask that this article be printed in the RECORD. Mr. Baruch, as Senators know, was one of the most efficient executives during the war and contributed in a very large way to the mobilization of the Nation's resources. As head of the War Industries Board he performed most valuable services and won the admiration and confidence not only of President Wilson but of all with whom he had to deal in that great crisis. I now ask, Mr. President, that the article be printed in the RECORD.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on the Judiciary as requested, and, if there be no objection, the article to which reference is made will be printed in the RECORD.

The article is as follows:

TAKE THE PROFITS OUT OF WAR—A CHRISTMAS MESSAGE TO THE READERS OF OUR WORLD—HOW AMERICAN EXPERIENCE IN THE GREAT WAR SHOWS THAT WAR MOBILIZATION OF MONEY AND MATERIALS ON THE SAME BASIS AS THAT OF MEN NOT ONLY TAKES THE ILLICIT PROFIT OUT OF WAR INDUSTRIES BUT INDICATES THAT THERE IS MORE TO BE GAINED BY INDUSTRY IN PEACE

(By Bernard M. Baruch)

[Mr. Bernard M. Baruch, it will be remembered, was chairman of the War Industries Board from March, 1918, to January, 1919. He was a member of the economic section of the American Peace Commission in Paris and chairman of the raw materials division of the Supreme Economic Council, as well as economic advisor to the American Peace Commission. His endowment of the International Institute of Politics, which meets every summer now at Williams College, Williamstown, Mass., is a further development of his influence for international understanding and cooperation.]

I hope America will soon join the World Court, and I believe eventually a common ground will be found by which Americans of all parties will accept the responsibility of membership in the League of Nations and will give our country a share in such far-reaching initiatives for international peace as the protocol to which 47 nations at Geneva have pledged themselves toward the outlawry of war.

But in the meantime there is an immediate domestic peace proposal we can and should enact without delay without detracting in any way whatsoever from our interest in world peace. I mean the proposal to decide now to take the profits out of the next war and to put the necessary legislation in force to make that assurance permanent. It is not a new thing in this country. We had practically accomplished the complete mobilization of money and materials, on the same basis as the draft of men, when the last war ended. That experiment convinced everyone concerned in it that on another occasion it would not only be a powerful deterrent to war to prepare to make every dollar and every unit of business serve the country as every soldier served it, but that if it had to be carried out it would be the soundest industrial and military strategy as well.

Since the war public opinion has matured slowly on this point, but last summer it had progressed so far that both major parties declared in plain terms in their platforms for the war mobilization of money and materials on the same basis as that of men. "In the event of war," the Democratic platform declared, "in which the man power of the Nation is drafted, all other resources should likewise be drafted. This will tend to discourage war by depriving it of its profits." The Republican platform was longer, but quite as explicit. "We believe," it said, "that in time of war the Nation should draft for its defense not only its citizens but also every resource which may contribute to its success. The country demands that should the United States ever again be called upon to defend itself by arms the President be empowered to draft such material resources and such services as may be required, and to stabilize the prices of services and essential commodities whether utilized in actual warfare or in private activity."

The only trouble with the idea of Government mobilization of capital during war is that it is so sane and obvious that people imagine there must be some catch to it. There is no catch; step by step we tried it during the late war with growing public approval and with cooperation among the great interests concerned which became more and more complete as the operation went on. The result was that the Government and the allied powers obtained copper at 23½ cents a pound when before we entered the war the prevailing spot rate was about 36 cents; it secured a 25 per cent reduction in the price of ship plates, and in other steel products, in chemicals, textiles, lumber, and other such first-line necessities which the whole Nation needed it negotiated and held drastic reductions which would otherwise have been impossible to have maintained with fair play all around.

It must be remembered that in 1917, when we entered the war, many military commodity prices were at the peak of a long period of unrestricted ascent. But as compared with the immediately preceding period American capital in the war made progressively less profit as we continued, and in a future war the full force of the draft and direction of American capital under this plan would be used to enforce the salutary lesson that less profits actually should be made in war than in peace time. They are bound to be less under such a system if only by reason of the wholesale curtailment of nonessential production which would be entailed—often highly profitable—and by the enforcement of the moral injunction now well understood and generally accepted by industry that abnormal profits are unwarrantable in a modern emergency of war.

It has been said that such a plan would lessen the initiative of American business to produce on a big scale for war needs. My only answer is that so far as it was tried it never had that effect. It certainly lessens the initiative of profiteering business to make illicit profits, but the average American business man, I became convinced when on the War Industries Board, was just as willing to submit to Government control as the average American citizen was willing to submit to the control of the military authorities in the draft. As it turned out, neither American business men nor American soldiers displayed any lack of initiative during the war. And certainly it must be admitted now that the major share of our material contribution to the war was due to the spirit of service and cooperation on the part of American industry.

What we want as the result of awakened public opinion on this subject is that Congress shall at its next session, both parties having agreed to it, place the powers in the hands of the President that will make such a decisive change in our military plans immediately and automatically possible on the outbreak of war. While I do not believe that big business ever actively desires war, this peace plan may be relied on to enlist the positive support of industry in efforts against war on occasions in the future when its outbreak becomes imminent. The gesture that America will be able to make toward the rest of the world will be that of a nation sincerly bent on stopping war by at any rate seeking to deprive its citizens of all possible profit that may derive from its operation.

The only way to prevent people from making profit after a war, supposing the war to have been alleged to be fought for markets, is to make an honest peace under the arbitrament of a league of nations. The only way to prevent people from making a profit in a war is so to control the operation of capital as to make profits eventually less than in peace time. Both of these are practical things which can and will be done, and in the more civilized world, which I believe is coming, they will not seem wonderful at all. It will be the other side of the picture that will seem wonderful, the old system of fear and stupidity which perpetuated itself for so long.

NAVAL AIR STATION AT PENSACOLA, FLA.

Mr. FLETCHER. Mr. President, I submit a brief resolution relative to a land training field at the naval air station at Pensacola, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida?

Mr. MOSES. Does the Senator ask for its immediate consideration?

Mr. FLETCHER. Yes. It is a local matter and I think it will lead to no discussion.

Mr. KING. Should not the resolution be referred to the Committee on Naval Affairs?

Mr. FLETCHER. There is no need of referring it to a committee. It merely authorizes an investigation.

Mr. KING. I have no objection.

The resolution (S. Res. 313) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, authorized and directed to investigate and report on the advisability of acquiring the title in fee simple to such lands in the vicinity of Pensacola (Fla.) Naval Air Station, as he may deem desirable for use as a land training field and the estimated cost of such lands.

INCREASED FREIGHT CLASSIFICATIONS

Mr. COPELAND submitted the following resolution (S. Res. 314), which was referred to the Committee on Interstate Commerce:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to furnish the Senate the following information respecting certain proposed increased classifications of canned fish, fruits, meats, mincemeat, and jams, jellies, and preserves, in metal cans, in barrels, boxes, or crates, as proposed by railroads in official classification territory, said proposed increases being published in Supplement No. 33, to Consolidated Freight Classification No. 3:

1. A statement showing the existing classification and the proposed increased classifications.

2. A statement showing the percentage increases which the advanced classification will mean in the freight rates applicable on these canned food products.

3. A statement as to the necessity, if any, for increases in the freight rates on these staple articles of canned goods at this time.

NATIONAL MILITARY PARK, KANSAS CITY, MO.

Mr. REED of Missouri. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 5417) authorizing and directing the Secretary of War to investigate the feasibility and to ascertain and report the cost of establishing a national military park in and about Kansas City, Mo., commemorative of the Battle of Westport October 23, 1864. It is a bill merely authorizing the Secretary of War to make an investigation and survey with reference to the desirability of establishing a national park to commemorate the battle. It carries no appropriation whatever, and merely authorizes the Secretary to take that action.

Mr. SMOOT. Has the bill been referred to a committee?

Mr. REED of Missouri. The bill has been before the Committee on Military Affairs and was reported unanimously.

The PRESIDENT pro tempore. The bill is upon the calendar?

Mr. REED of Missouri. It is upon the calendar, Order of Business 978.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to investigate the feasibility of establishing a national military park in and about Kansas City, Jackson County, Mo., for the purpose of commemorating the Battle of Westport, and engagements therewith connected, occurring on October 21 to October 23, 1864, both dates inclusive, and the preservation of said battle field, or so much thereof as may be suitable, for historical purposes, and to prepare plans of such park and an estimate of the cost of establishing and acquiring the same and obtain such further information as may enable Congress to act upon the matter after being fully advised.

SEC. 2. To aid and assist him in this undertaking, the Secretary of War is authorized to appoint a commission of not to exceed three persons, who shall serve without compensation or expense to the Government.

SEC. 3. That the expense of the investigation herein directed to be made shall be paid from the appropriation to the War Department from "Contingencies of the Army."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETIREMENT OF WORLD WAR OFFICERS

Mr. BURSUM. Mr. President, I move that the bill (S. 33) making eligible for retirement under certain conditions, officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, be made a special order for Thursday next at 2 o'clock; that it be then taken up for consideration and continued until finally disposed of. On the motion I ask for the yeas and nays.

Mr. WALSH of Massachusetts. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Massachusetts will state the inquiry.

Mr. WALSH of Massachusetts. The Senator's motion requires a two-thirds majority?

Mr. BURSUM. Yes.

The PRESIDENT pro tempore. It does. The clerk will state the motion made by the Senator from New Mexico so that Senators may understand it.

The READING CLERK. The Senator from New Mexico moves that the bill (S. 33) making eligible for retirement under certain conditions, officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, be made a special order for Thursday next at 2 o'clock, and that the bill be held before the Senate until disposed of.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state the inquiry.

Mr. KING. Assuming the propriety of moving and assuming the right of the Senator to move, under our parliamentary procedure, while a measure is before the Senate such as the postal salaries bill——

The PRESIDENT pro tempore. The Chair is of the opinion that the motion would be in order if it did not contain the last clause read by the clerk. The Chair is of the opinion that the motion as now made is not in order.

Mr. BURSUM. I ask that the last clause be stricken out.

The PRESIDENT pro tempore. The Chair is of the opinion that the motion as thus amended is in order.

Mr. KING. I move to amend the motion by striking out the words "Thursday of next week," and inserting in lieu thereof "Monday of the following week," whatever the date may be.

The PRESIDENT pro tempore. The Senator from Utah moves that the word "Thursday" be stricken out and "Monday of the following week" be substituted.

Mr. SMITH. Let the motion be stated as amended.

The PRESIDENT pro tempore. The matter is not subject to debate.

Mr. SMITH. I am not debating it. I merely want to have the motion stated as amended.

The PRESIDENT pro tempore. The motion as amended will be stated.

The READING CLERK. The Senator from New Mexico moves that Senate bill 33 be made a special order for Thursday, January 29, at 2 o'clock, and the junior Senator from Utah moves to amend by striking out "Thursday, January 29," and inserting in lieu thereof "Monday, February 2."

The PRESIDENT pro tempore. The question is upon agreeing to the amendment. [Putting the question.] The noes seem to have it.

Mr. KING. I call for a division.

Mr. WATSON. Mr. President, may I not appeal to the Senator from New Mexico to accept Monday as suggested by the Senator from Utah?

Mr. BURSUM. I am perfectly willing to accept Monday if Monday is agreeable to the Senate. I will accept the modification.

The PRESIDENT pro tempore. The Senator from New Mexico modifies his motion in accordance with the suggestion of the Senator from Utah, and the question is now upon agreeing to the motion of the Senator from New Mexico as modified.

Mr. WADSWORTH. I understand the motion is not debatable.

The PRESIDENT pro tempore. It is not debatable.

Mr. OVERMAN. It requires a two-thirds vote.

The PRESIDENT pro tempore. It requires a two-thirds vote to adopt it. The Chair feels that in order to ascertain whether there is a two-thirds majority for the motion it will be necessary to have the roll called. The clerk will call the roll upon agreeing to the motion of the Senator from New Mexico as modified.

The reading clerk called the roll.

Mr. CURTIS (after having voted in the affirmative). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the junior Senator from Arizona [Mr. CAMERON], and will let my vote stand.

Mr. BURSUM. My colleague, the senior Senator from New Mexico [Mr. JONES], has requested me to announce that if he were present he would vote "yea."

Mr. FLETCHER. I wish to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. I will let this announcement stand for the day.

Mr. FERNALD (after having voted in the affirmative). I have a pair with the Senator from New Mexico [Mr. JONES]. In view of the announcement that that Senator, if present, would vote as I have voted, I will let my vote stand.

Mr. JONES of Washington. I desire to announce that the Senator from New Jersey [Mr. EDGE], the Senator from Oregon [Mr. STANFIELD], the Senator from North Dakota [Mr. LADD], and the Senator from Missouri [Mr. SPENCER], if present, would vote "yea" on this motion. They are all unavoidably absent.

The result was announced—yeas 53, nays 18, as follows:

YEAS—53

Ashurst	Fernald	Kendrick	Reed, Mo.
Ball	Ferris	Keyes	Sheppard
Borah	Fess	McKellar	Shipstead
Brookhart	Fletcher	McKinley	Simmons
Broussard	Frazier	McLean	Smith
Bursum	Gerry	McNary	Swanson
Capper	Gooding	Means	Walsh, Mass.
Copeland	Harreld	Neely	Watson
Couzens	Harris	Norbeck	Weller
Cummins	Harrison	Overman	Wheeler
Curtis	Heflin	Owen	Willis
Dale	Johnson, Calif.	Pittman	
Dial	Johnson, Minn.	Ralston	
Dill	Jones, Wash.	Ransdell	

NAYS—18

Bayard	Ernst	Moses	Sterling
Bingham	George	Oddie	Wadsworth
Bruce	Greene	Phipps	Walsh, Mont.
Butler	King	Reed, Pa.	
Caraway	Metcalf	Shields	

NOT VOTING—25

Cameron	Jones, N. Mex.	Pepper	Stephens
Edge	Ladd	Robinson	Trammell
Edwards	La Follette	Shortridge	Underwood
Elkins	Lenroot	Smoot	Warren
Glass	McCormick	Spencer	
Hale	Mayfield	Stanfield	
Howell	Norris	Stanley	

So Mr. BURSUM's motion, as modified, was agreed to, two-thirds of the Senators present and voting being recorded in the affirmative.

MONONGAHELA RIVER BRIDGE, PITTSBURGH, PA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10947) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River in the city of Pittsburgh, Pa., and I submit a report (No. 919) thereon. I call the attention of the Senator from Pennsylvania [Mr. REED] to the report.

Mr. REED of Pennsylvania. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Texas. It is a bridge bill in the usual form.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPE COD CANAL

Mr. FERNALD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 3933) for the purchase of the Cape Cod Canal property, and for other purposes, and I submit a report (No. 924) thereon. I understand that the views of the minority on the bill are to be presented, and I ask that they be printed at the same time with the majority report.

Mr. FLETCHER. I submit the views of the minority on the bill just reported by the Senator from Maine to accompany the majority report.

Mr. WALSH of Massachusetts. I desire to inquire of the Senator from Maine if the majority views of the committee have been filed with the bill?

Mr. FERNALD. They have been.

The PRESIDENT pro tempore. There has been as yet no order made for the printing of the majority report of the committee and the views of the minority. Is it desired that that shall be done?

Mr. JONES of Washington. I understand they will be printed in the usual course.

Mr. FERNALD. I ask that the majority report of the committee together with the views of the minority may be printed.

Mr. JONES of Washington. As one document?

Mr. FERNALD. As one document.

The PRESIDENT pro tempore. Without objection, they will be so printed.

ANNIVERSARY OF BATTLE OF BENNINGTON AND INDEPENDENCE OF VERMONT

Mr. MOSES. Mr. President, I ask unanimous consent in behalf of the senior Senator from Vermont [Mr. GREENE] for the immediate consideration of the bill (S. 3895) to authorize the coinage of gold $1 pieces and silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. KING. Let the bill be read.

The bill was read, and, there being no objection, the Senate as in Committee of the Whole proceeded to its consideration.

The bill had been reported from the Committee on Banking and Currency with amendments in section 1, on page 1, line 6, after the name "United States," to strike out "gold $1 pieces" and insert "silver 50-cent pieces"; in line 7, after the words "number of," to strike out "twenty" and insert "forty"; in the same line, after the word "thousand," to strike out "and silver 50-cent pieces to the number of 15,000"; in line 8, after the word "such," to strike out "$1 pieces and"; and on page 2, line 2, after the word "said," to strike out "$1 pieces and," so as to make the section read:

That in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont there shall be coined in the mints of the United States silver 50-cent pieces to the number of 40,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont."

PERSONAL EXPLANATION

Mr. HEFLIN. Mr. President, the New York World of this morning contains an article sent from Washington on yesterday, the headlines of which read as follows:

Stone and Warren face a real fight.

Then, in the body of the story, it contains this statement:

Mr. Stone's confirmation is to be fought on the floor of the Senate, OVERMAN, of North Carolina, and HEFLIN, of Alabama, are expected to fight him on the score of his having been a Morgan attorney—a return compliment for the Republican attacks on John W. Davis on the same count.

Mr. President, that is not the reason why I am opposing Mr. Stone for confirmation as a Supreme Court judge. The Senator from North Carolina, I am sure, is not opposing him for that reason.

Mr. OVERMAN. That is true, Mr. President.

Mr. HEFLIN. The reason why I am opposing him is because——

Mr. WATSON. Mr. President, may I interrupt the Senator for a question?

Mr. HEFLIN. I yield.

Mr. WATSON. Does the Senator think it is in order to discuss that matter in open session?

Mr. HEFLIN. I think, since the newspaper has misrepresented me, that I have a right to give my position in the matter.

Mr. WATSON. I am rather inclined to the opinion that that matter is for executive discussion only.

Mr. HEFLIN. I agree with the Senator about certain phases of the matter; but the reason why I am opposing Mr. Stone is because of the case in which he appeared for the heirs of J. Pierpont Morgan, an argument that he made in the Supreme Court.

Mr. CURTIS. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator from Kansas raises a point of order, which he will state.

Mr. CURTIS. The Senator from Alabama is discussing a matter that should be disposed of in executive session, and if he insists on making his speech I shall move that the Senate proceed to the consideration of executive business.

Mr. HEFLIN. Mr. President, I rise to a question of personal privilege. The press——

Mr. CURTIS. Mr. President——

Mr. HEFLIN. A Senator should not be attacked in newspaper articles and then be denied in the open session of the Senate the opportunity of having the country know his position. He should have a chance to be heard in the matter.

Mr. CURTIS. Mr. President, I raise a point of order.

The PRESIDENT pro tempore. What is the point of order raised?

Mr. CURTIS. That the Senator is discussing a matter that ought to be discussed in executive session.

Mr. OVERMAN. The Senator has a right to rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator from Alabama has not gone far enough with his remarks to enable the Chair to determine the point of order.

Mr. CURTIS. I think if the Chair had heard the Senator the Chair would have concluded that he had, because he said he was giving his reasons for opposing the confirmation of a man whose name is before the Senate to-day for confirmation.

Mr. HEFLIN. But, Mr. President, the New York World said that I was opposing him because he had been an attorney for J. Pierpont Morgan, and that I was retaliating because Republicans had attacked John W. Davis for the same reason. That is not my reason; that is not the truth; and I am entitled to state the truth in the open session of the Senate.

The PRESIDENT pro tempore. The Chair is of opinion that matters concerning the confirmation of a nomination made by the President must be discussed in executive session unless the Senate decides to open the discussion to the public, which has often been done by a motion to consider a nomination in open executive session.

Mr. HEFLIN. Mr. President, my point is that I am trying to state the facts showing just why this newspaper statement is not correct.

Mr. WATSON. Mr. President, inasmuch as the Senator desires to answer what he alleges is an attack upon him, and perhaps impugning his motives—I have not read the article—he has a right to deny it in open session and say that it is not true; but when he takes the affirmative side and attempts to give the reasons why he is opposing the nomination of Mr. Stone, then he is discussing a matter which under our rules can be discussed alone in executive session.

The PRESIDENT pro tempore. The Chair understands that the rules provide for the consideration of nominations in executive session, and has sustained the point of order.

Mr. HEFLIN. Mr. President, I was stating that this article in the newspaper did me an injustice; that the reason given was not my reason for opposing the confirmation of Mr. Stone, and that I wanted to state to the Senate and the country just wherein it was not a correct statement; and the Chair holds that a Senator may be attacked in the press, and the people of the country read the attack, and have his motives impugned and himself misrepresented, and when the Senator rises on the floor to reply to the misrepresentations he must go behind closed doors and shut out the public and remain silent, so far as the public is concerned, permitting the misrepresentations to remain unanswered.

The PRESIDENT pro tempore. That may be a reason for changing the rules of the Senate, but it does not affect the case until the rules are changed.

Mr. HEFLIN. Does the Chair hold that I can not rise to a question of personal privilege and give my reasons?

The PRESIDENT pro tempore. No; the Chair does not so hold.

Mr. HEFLIN. Then I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Alabama.

Mr. HEFLIN. Mr. President, the matter that I desire to discuss in setting myself right in regard to this statement is a matter of record. The case in which Mr. Stone appeared was argued before the Supreme Court, and he made the last argument in behalf of the heirs of J. Pierpont Morgan. I have told several newspaper men that I thought this matter ought to be looked into because of his connection with the case I have mentioned.

Mr. WATSON. Now, Mr. President, I must insist on the point of order. I do not think that the Senator, under the cloak of personal privilege, has the right to discuss a matter which otherwise he is not permitted to discuss. He is proceeding to give the reasons why he is opposing the confirmation of Mr. Stone. He is proceeding to do it on the theory that he is discussing a question of personal privilege; but, nevertheless, whatever the excuse for the speech it is a violation of the rules, and he is discussing a confirmation in open session, whereas our rules provide that it must be done only in executive session. If a Senator may rise to a question of personal privilege and discuss a proposition of this kind, or any proposition relating to the confirmation of anybody for any office before the Senate, then we may as well abandon the executive session.

The PRESIDENT pro tempore. What point of order does the Senator from Indiana make?

Mr. WATSON. I make the point of order that the Senator from Alabama is discussing a matter which relates solely to the confirmation of Attorney General Stone as an Associate Justice of the Supreme Court of the United States, giving the reasons for his opposition to it, and that that must be done in executive session.

The PRESIDENT pro tempore. The Chair is of the opinion that the Senator from Alabama can discuss a question of personal privilege, but the discussion of the merits of a particular nomination now before the Senate in executive session is not a question of personal privilege.

Mr. REED of Missouri. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. HEFLIN. I yield to the Senator from Missouri.

Mr. REED of Missouri. I agree to the proposition that in open session we can not discuss, under any pretext, the question of the confirmation of a particular man who has been nominated for an office, but I deny that there is any rule which prohibits a Member of this body from discussing any man or any fact relating to any man merely because that man's name may be before the Senate for confirmation. He can not discuss the question whether he should be confirmed or not confirmed, but there is no rule which makes a man immune from discussion or criticism merely because his name comes before this body.

The PRESIDENT pro tempore. The Senator from Alabama has risen to a question of personal privilege, and the matter decided by the Chair was that he could not discuss the confirmation of a nomination before the Senate as a matter of personal privilege.

Mr. REED of Missouri. That is correct.

The PRESIDENT pro tempore. It is not a matter of personal privilege.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. The Senator from Alabama, the Chair is sure, understands far better than the Chair does, indeed, because he has had more experience what is a question of personal privilege, and the Chair relies upon the Senator from Alabama to confine himself to what he understands to be a question of personal privilege.

Mr. HEFLIN. I am afraid, if I understand the Chair, that I do not agree with the Chair. Does the Chair hold that I can not mention the name of a man whose name is associated with my name this morning in the press of the country, and incorrect accusations contained in a statement concerning me regarding that man? Does the Chair propose to hold that I can not mention the name of Mr. Stone?

The PRESIDENT pro tempore. The Chair does not intend to hold any such thing.

Mr. HEFLIN. Then, Mr. President, Mr. Stone, the present Attorney General of the United States, appeared in a case in the Supreme Court representing the heirs of J. Pierpont Morgan in a suit instituted in the State of Delaware. An attachment proceeding was issued in the Delaware court against Mr. Ownbey, of Colorado. The bond was suggested by the attorneys of Mr. Morgan, and the amount was placed at $200,000.

Mr. STERLING. Mr. President, I rise to a point of order.

Mr. HEFLIN. The present Attorney General was not at that time in attendance at the trial in the lower court. But he——

The PRESIDENT pro tempore. The Senator from South Dakota rises to a point of order.

Mr. STERLING. I make the point of order on the ground that the statement being made by the Senator from Alabama has reference to matters which shall be considered in executive session, and there only, and which have no relation to personal privilege.

The PRESIDENT pro tempore. The Chair is of the opinion that the Senator from Alabama is not discussing a question of personal privilege.

Mr. OVERMAN. Mr. President, if the Senator will permit me, I move that we proceed in open executive session to consider the nomination of Mr. Stone.

The PRESIDENT pro tempore. That motion can only be made after the Senate has entered into executive session. If any Senator desires that the Senate shall proceed to the con-

sideration of executive business, and a motion to that effect being carried, then the motion made by the Senator from North Carolina will be in order.

Mr. OVERMAN. I move that we go into executive session, and after we are in executive session I shall make a motion that we proceed in open executive session.

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Senate proceed to the consideration of executive business.

Mr. HARRISON. I ask for a division, Mr. President.

The Senate proceeded to divide.

Mr. WATSON. I demand the yeas and nays.

Mr. HEFLIN. Let us have the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Arizona [Mr. CAMERON] and vote "nay."

Mr. ERNST (when his name was called). I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from Missouri [Mr. SPENCER] and vote "nay."

Mr. FERNALD (when his name was called). I transfer my general pair with the senior Senator from New Mexico [Mr. JONES] to the senior Senator from New Jersey [Mr. EDGE] and vote "nay."

Mr. McLEAN (when his name was called). I transfer my general pair with the junior Senator from Virginia [Mr. GLASS] to the senior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

The roll call was concluded.

Mr. GERRY. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON], whose pair has already been announced, if present, would vote "yea."

I also wish to announce that the senior Senator from Kentucky [Mr. STANLEY] has a general pair with his colleague [Mr. ERNST] and if present he would also vote "yea."

I also desire to announce that the junior Senator from Virginia [Mr. GLASS] is paired with the senior Senator from Connecticut [Mr. McLEAN].

Mr. NORRIS. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness. If present, he would vote "yea."

Mr. REED of Pennsylvania. I wish to announce that the senior Senator from Pennsylvania [Mr. PEPPER] is unavoidably absent to-day. I ask that this announcement may stand for the day.

Mr. HARRISON. My colleague [Mr. STEPHENS] is absent on account of illness. If present, he would vote "yea."

Mr. FERNALD. I also desire to announce that my colleague [Mr. HALE] is unavoidably absent. If present, he would vote "nay."

The roll call resulted—yeas 37, nays 36, as follows:

YEAS—37

Ashurst	Ferris	McKellar	Shipstead
Bayard	Fletcher	Mayfield	Simmons
Borah	George	Neely	Smith
Brookhart	Gerry	Norris	Swanson
Broussard	Harris	Overman	Walsh, Mass.
Bruce	Harrison	Pittman	Walsh, Mont.
Caraway	Heflin	Ralston	Wheeler
Copeland	Johnson, Minn.	Ransdell	
Dial	Kendrick	Reed, Mo.	
Dill	King	Sheppard	

NAYS—36

Ball	Ernst	Keyes	Phipps
Bingham	Fernald	McKinley	Reed, Pa.
Bursum	Fess	McLean	Shortridge
Butler	Frazier	McNary	Smoot
Capper	Gooding	Means	Sterling
Couzens	Greene	Metcalf	Wadsworth
Cummins	Harreld	Moses	Warren
Curtis	Johnson, Calif.	Norbeck	Watson
Dale	Jones, Wash.	Oddie	Willis

NOT VOTING—23

Cameron	Howell	Owen	Stanley
Edge	Jones, N. Mex.	Pepper	Stephens
Edwards	Ladd	Robinson	Trammell
Elkins	La Follette	Shields	Underwood
Glass	Lenroot	Spencer	Weller
Hale	McCormick	Stanfield	

The PRESIDENT pro tempore. On this question the yeas are 37, the nays are 36; so the motion is agreed to, and the Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After one hour and five minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVAL

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that January 24, 1925, the President approved and signed the joint resolution (S. J. Res. 152) to accept the gift of Elizabeth Sprague Coolidge for the construction of an auditorium in connection with the Library of Congress and to provide for the erection thereof.

HOUSE BILL REFERRED

The bill (H. R. 11749) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

PAN AMERICAN HIGHWAYS CONGRESS

The PRESIDING OFFICER (Mr. JONES of Washington in the chair) laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State concerning a Pan American Highways Congress, to meet at Buenos Aires on May 22, 1925, in which the participation of the Government of the United States has been invited by the Government of the Argentine Republic. Accompanying the report are copies of letters from the Acting Secretary of Commerce and the Secretary of Agriculture furnishing information regarding the Congress and urging the importance of participation therein by the United States.

In view of the strength of these representations and in accordance with the recommendation of the Secretary of State, I request of Congress legislation which will authorize an appropriation of $15,000 for the expenses of delegates of the United States to the Pan American Congress of Highways, to meet at Buenos Aires on May 22, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 24, 1925.

LAFAYETTE RIVER DAM AND BRIDGE, VIRGINIA

Mr. SWANSON. There is on the calendar a bridge bill in the usual form, which I am very anxious to get to the House. It has been approved by the War Department. I ask unanimous consent for the present consideration of the bill (S. 3398) to authorize the city of Norfolk, Va., to construct a dam from the southern and northern banks of Lafayette River to the southern and northern edges of the channel of said river.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments. In line 5, after the word "construct," to strike out "and maintain a dam from the southern and northern banks of Lafayette River to the southern and northern edges of the channel of said river, where Granby Street, Norfolk, Va., crosses the same, in connection with the construction at said point of a lift draw and tide gates," and insert "maintain and operate a combined dam and bridge in Lafayette River, at a point suitable to the interests of navigation, at or near Granby Street, Norfolk, Va.: *Provided*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That this act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy."

And to insert a new section to be numbered "section 2," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Norfolk, a municipal corporation, situated in Norfolk County, State of Virginia, to construct, maintain, and operate a combined dam and bridge in Lafayette River, at a point suitable to the interests of navigation, at or near Granby Street, Norfolk, Va.: *Provided*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That this act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy.

SEC. 2. That the authority granted by this act shall cease and be null and void unless the actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act: *Provided*, That from and

after 30 days' notice from the Federal Power Commission, or other authorized agency of the United States, to said city, that desirable water-power development will be interfered with by the existence of said dam, the authority hereby granted to construct, maintain, and operate said dam shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near said dam shall have authority to remove, submerge, or utilize said dam under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of said dam.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the city of Norfolk, Va., to construct a combined dam and bridge in Lafayette River at or near Granby Street, Norfolk, Va."

WAR DEPARTMENT APPROPRIATIONS

Mr. MOSES. I ask unanimous consent that the unfinished business may be temporarily laid aside in order that the Senate may proceed to the consideration of the War Department appropriation bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and the unfinished business is temporarily laid aside.

Mr. WADSWORTH. Mr. President, I ask that the War Department appropriation bill be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WADSWORTH. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be considered first.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

The reading clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Finance Department, pay, etc., of the Army," on page 10, line 21, to increase the appropriation for additional pay for length of service to enlisted men from $2,400,000 to $2,500,000.

The amendment was agreed to.

The next amendment was, on page 11, at the beginning of line 18, to strike out "Miscellaneous," so as to read:

For pay and allowances of contract surgeons, $41,100.

The amendment was agreed to.

The next amendment was, under the subhead "Mileage of the Army," on page 13, at the beginning of line 20, to strike out "transports" and insert "vessels for which no transportation fare is charged," so as to make the paragraph read:

For mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof, as authorized by law, to commissioned officers, warrant officers, contract surgeons, expert accountant, Inspector General's Department, Army field clerks and field clerks of the Quartermaster Corps, when authorized by law, $800,000; and officers and other members of the Military Establishment named in this paragraph performing travel on Government-owned vessels for which no transportation fare is charged shall be entitled only to reimbursement of actual and necessary expenses incurred.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps," on page 15, line 21, after the words "sum of" to strike out "$100" and insert "$1,200," so as to read:

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, including retired enlisted men when ordered to active duty, civil employees when entitled thereto, hospital matrons, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed by the Army as guides and scouts, and general prisoners at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army Transport Service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps while on active duty, and enlisted men of the Army: *Provided*, That the sum of $1,200 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the National Guard while competitors in the national rifle match.

Mr. WADSWORTH. The amendment proposing to insert $1,200 was an error. Another cipher should have been added to the amount, making it $12,000. I move that the amendment be amended in that way.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 15, line 21, strike out "$1,200" and insert in lieu thereof "$12,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 23, line 10, to increase the appropriation for transportation of the Army and its supplies from $15,774,953 to $15,814,000.

The amendment was agreed to.

The next amendment was, under the subhead "Barracks and quarters," on page 27, line 4, after the word "condition," to strike out the semicolon and the following additional proviso:

Provided further, That $3,500 of this appropriation shall be available for the purchase of approximately 43.6 acres of land opposite the Fort Reno, Okla., pumping plant, to be used in an effort to straighten the course of the North Canadian River.

The amendment was agreed to.

The next amendment was, under the subhead "Air Service, Army," on page 38, line 5, after the words "may be," to strike out "desired by the Chief of Air Service, United States Army," and insert "designated by the President," so as to make the proviso read:

Provided, That the Secretary of the Navy and the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation are hereby directed to transfer to the War Department for this purpose not to exceed two obsolete naval craft and two obsolete Shipping Board or United States Shipping Board Emergency Fleet Corporation vessels, respectively, of such types as may be designated by the President, for the purpose set forth herein; and not exceeding $500,000 shall be available immediately toward the transfer of the testing and experimental plant of the Air Service now located at McCook Field, Dayton, Ohio, and the reestablishment thereof on a permanent site in the same vicinity, including the preparation of grounds, construction of buildings, installation of roadways and utilities, and all other expenses of whatever character connected with this project, provided that such a site, satisfactory to the Secretary of War and on terms approved by him, is provided for this purpose without cost to the Government.

The amendment was agreed to.

The next amendment was, on page 39, line 19, after the word "thereof," to strike out "the provisions herein made with reference to helium, for the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas, and also for the purchase, manufacture, construction, maintenance, and operation of plants for the production thereof and experimentation therewith, shall apply also to the Navy Department," and insert:

Authorization as herein granted for the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas, and also for the purchase, manufacture, construction, maintenance, and operation of plants for the production thereof and experiments therewith is likewise hereby granted to the Navy Department.

The amendment was agreed to.

The next amendment was, under the subhead, "Seacoast defenses, insular possessions," on page 48, line 17, to increase the appropriation for the installation and replacement of electric light and power plants and the purchase and installation of searchlights at the seacoast fortifications of the Hawaiian Islands, from $12,000 to $24,000.

The amendment was agreed to.

The next amendment was, under the subhead, "Seacoast defenses, Panama Canal," on page 49, line 10, to increase the appropriation for the installation and replacement of electric light and power plants, and the purchase and installation of searchlights for the seacoast fortifications on the Canal Zone, from $12,000 to $24,000.

The amendment was agreed to.

The next amendment was, under the subhead, "Chemical Warfare Service, Army," on page 57, line 17, after the word "ranges" to strike out "$882,980," and insert "$907,980, of which sum not more than $25,000 may be used in completing agricultural experiments in exterminating the cotton boll weevil," so as to read:

For purchase, manufacture, and test of chemical warfare gases or other toxic substances, gas masks, or other offensive or defensive materials or appliances required for gas-warfare purposes, including all necessary investigations, research, design, experimentation, and operations connected therewith; purchase of chemicals, special scientific and technical apparatus and instruments; construction, maintenance, and repair of plants, buildings, and equipment, and the machinery therefor; receiving, storing, and issuing of supplies, comprising police and office duties, rents, tolls, fuel, gasoline, lubricants, paints and oils, rope and cordage, light, water, advertising, stationery, typewriting and adding machines, including their exchange, office furniture, tools, and instruments; for incidental expenses; for civilian employees; for libraries of the Chemical Warfare Service and subscriptions to periodicals which may be paid for in advance; for expenses incidental to the organization, training, and equipment of special gas troops not otherwise provided for, including the training of the Army in chemical warfare, both offensive and defensive, together with the necessary schools, tactical demonstrations, and maneuvers; for current expenses of chemical projectile filling plants and proving grounds, including construction and maintenance of rail transportation, repairs, alterations, accessories, building and repairing butts and targets, clearing and grading ranges, $907,980, of which sum not more than $25,000 may be used in completing agricultural experiments in exterminating the cotton boll weevil.

The amendment was agreed to.

The next amendment was, under the subhead, "Seacoast defenses, insular possessions," on page 62, line 5, after the word "stations," to insert "general communication system," and at the end of line 17 to strike out "$40,000" and insert "$150,000," so as to make the paragraph read:

For construction of fire-control stations, general communication system, and accessories, including purchase of lands and rights of way, purchase and installation of necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring and all special instruments, apparatus and materials, coast-signal apparatus, subaqueous, sound, and flash ranging apparatus, including their development, and salaries of electrical experts, engineers, and other necessary employees connected with the use of Coast Artillery; purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the machinery necessary for their manufacture in the Hawaiian Islands, $150,000.

Mr. WALSH of Massachusetts. Mr. President, that seems to be a very large increase. Will the Senator please explain it?

Mr. WADSWORTH. The Budget estimate for that item, if my recollection is correct, was $273,000. The House cut it down to $40,000. On the testimony submitted to the Senate Committee on Appropriations it was believed that the House cut was too savage, and the Senate committee has compromised between the two amounts and fixed it at $150,000. It is still over $100,000 below the estimate.

The amendment was agreed to.

The next amendment was, under the subhead "Arming, equipping, and training the National Guard," on page 66, line 23, after the figures "$1,444,905," to insert:

and in addition thereto the sum of $16,000 from the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," is continued and made available for this purpose during the fiscal year 1926,

So as to read:

For the procurement of forage, bedding, and so forth, for animals used by the National Guard, $1,444,905, and in addition thereto the sum of $16,000 from the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," is continued and made available for this purpose during the fiscal year 1926.

The amendment was agreed to.

The next amendment was, on page 67, line 6, after the words "sum of" to strike out "$600,000" and insert "$635,000," so as to read:

For expenses, camps of instruction, $9,900,000, and in addition thereto the sum of $635,000 from the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," is continued and made available for this purpose during the fiscal year 1926.

The amendment was agreed to.

The next amendment was, on page 67, line 12, after the figures "$325,000," to insert "and in addition thereto the sum of $15,500 from the unexpended balances of the appropriation for 'Arming, equipping, and training the National Guard, 1924,' is continued and made available for this purpose during the fiscal year 1926," so as to read:

For expenses, selected officers and enlisted men, military service schools, $325,000, and in addition thereto the sum of $15,500 from the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," is continued and made available for this purpose during the fiscal year 1926.

The amendment was agreed to.

The next amendment was, on page 67, line 18, after the figures "$72,000," to insert "and in addition thereto the sum of $1,800 from the unexpended balances of the appropriation for 'Arming, equipping, and training the National Guard, 1924,' is continued and made available for this purpose during the fiscal year 1926," so as to read:

For pay of property and disbursing officers for the United States, $72,000, and in addition thereto the sum of $1,800 from the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," is continued and made available for this purpose during the fiscal year 1926.

The amendment was agreed to.

The next amendment was, on page 68, line 5, after the figures "$350,000," to insert "and in addition thereto the sum of $31,250 from the unexpended balances of the appropriation for 'Arming, equipping, and training the National Guard, 1924,' is continued and made available for this purpose during the fiscal year 1926," so as to read:

For transportation of equipment and supplies, $350,000, and in addition thereto the sum of $31,250 from the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," is continued and made available for this purpose during the fiscal year 1926.

The amendment was agreed to.

The next amendment was, on page 68, line 14, before the word "from," to strike out "$900,000" and insert "$968,750," so as to read:

For pay of National Guard (armory drills), $9,900,000, and in addition thereto the sum of $968,750 from the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," is continued and made available for this purpose.

The amendment was agreed to.

The next amendment was, under the subhead "Arms, uniforms, equipment, etc., for field service, National Guard," on page 69, line 7, after the figures "$3,119,281" to insert "and in addition thereto the sum of $62,500 from the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," is continued and made available for this purpose during the fiscal year 1926, so as to read:

To procure by purchase or manufacture and issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories, or the commanding general, National Guard of the District of Columbia, such military equipment and stores of all kinds and a reserve supply thereof as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, and to repair such of the aforementioned articles of equipage and military stores as are or may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use, $3,119,281, and in addition thereto the sum of $62,500 from the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," is continued and made available for this purpose during the fiscal year 1926.

The amendment was agreed to.

The next amendment was, under the subhead "Militia Bureau, War Department," on page 70, line 8, after the figures "$127,560" to insert "And in addition thereto the sum of $12,000 from the unexpended balances of the appropriation for 'Arming, equipping, and training the National Guard, 1924,' is continued and made available for this purpose during the fiscal year 1926," so as to read:

Salaries: For personal services in the District of Columbia in accordance with the classification act of 1923, $127,560, and in addition thereto the sum of $12,000 from the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," is continued and made available for this purpose during the fiscal year 1926.

The amendment was agreed to.

The next amendment was, under the subhead "Organized Reserves," on page 70, line 16, after the word "training," to strike out "$2,457,900" and insert "$2,293,500"; in line 19, after the word "law," to strike out "$300,460" and insert "$400,000"; and in line 21, after the word "law," to strike out "$390,000" and insert "$449,300," so as to read:

Officers' Reserve Corps: For pay and allowances of members of the Officers' Reserve Corps on active duty for not exceeding 15 days' training, $2,293,500; for pay and allowances of members of the Officers' Reserve Corps on active duty for more than 15 days in accordance with law, $400,000; for mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof as authorized by law, $449,300.

Mr. WALSH of Massachusetts. There seems to be a considerable change from the amounts fixed by the House. Will the Senator explain the items?

Mr. WADSWORTH. I shall be very glad to do so. The House appropriated $2,457,900 for the pay of reserve officers attending the 15-day training camps which are held in the summer. Under that item 18,000 officers could be paid for that duty. In increasing, as the House did, the number of officers who could go to such camps and be paid, they omitted to increase the mileage item which, of course, pays their traveling expenses. The mileage item is found in line 21.

The Senate committee, when it tackled the problem, made up its mind that it would not increase the total appropriation in the paragraph as contained in those items, the item in line 16, the item in line 19, and the item in line 21. So we readjusted the items, reducing the item in line 16, from $2,457,900 to $2,293,000.

Mr. WALSH of Massachusetts. Does that reduce the number of officers?

Mr. WADSWORTH. It reduces the number of officers to 16,500; but we take that reduction and apply it to the mileage item in order to get mileage to pay for the transportation of those officers. Likewise in the item in line 19, it is a readjustment with no increase in the appropriation.

The amendment was agreed to.

The next amendment was, on page 71, line 3, to strike out "$3,148,366" and insert "$3,142,800," so as to read:

In all, $3,142,800.

The amendment was agreed to.

The next amendment was, to increase the appropriation for "Reserve Officers' Training Corps," on page 75, line 4, from "$3,818,020" to "$3,828,020."

The amendment was agreed to.

The next amendment was, on page 75, line 22, after the word "exceed," to strike out "$100" and insert "$10,000," so as to make the additional proviso read:

Provided further, That not to exceed $10,000 of the total appropriated by this act may be expended for the transportation of authorized Reserve Officers' Training Corps students who may be competitors in the national rifle match, and to subsist them while traveling to and from said match and while remaining thereat.

The amendment was agreed to.

The next amendment was, on page 79, line 5, after the word "services" to insert "not exceeding $15,000"; and at the end of line 13, to strike out "$49,560" and insert "$85,000," so as to read:

To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms under reasonable regulations to be prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services not exceeding $15,000; for badges and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship, and their participation in national and international matches, to be expended under the direction of the Secretary of War, and to remain available until expended, $85,000.

The amendment was agreed to.

The next amendment was, on page 79, line 15, after the word "exceed," to strike out "$100" and insert "$80,000," so as to make the proviso read:

Provided, That out of this appropriation there may be expended not to exceed $80,000 for the payment of transportation, for supplying meals or furnishing commutation of subsistence of civilian rifle teams authorized by the Secretary of War to participate in the national matches.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps, National Cemeteries," on page 83, line 9, after the word "cemeteries," to strike out "$85,000, of which amount $15,000 shall be expended by the Secretary of War in erecting a fitting marking of the burial place at Bardstown, Ky., of Lieut. John Fitch, soldier and inventor," and insert "$70,000," so as to read:

For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union and Confederate soldiers, sailors, and marines, and soldiers, sailors, and marines of all other wars in national post, city, town, and village cemeteries, naval cemeteries at navy yards and stations of the United States, and other burial places, under the acts of March 3, 1873, February 3, 1879, and March 9, 1906; continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906; and furnishing headstones for the unmarked graves of Confederate soldiers, sailors, and marines in national cemeteries, $70,000.

Mr. WADSWORTH. I ask that that item be temporarily passed over. The Senator from Kentucky [Mr. STANLEY] is interested in it. He asked me that he might have an opportunity to discuss it.

Mr. BROUSSARD. I have just sent for the Senator from Kentucky.

The PRESIDING OFFICER. Without objection, the amendment will be passed over temporarily.

The next amendment was, under the subhead "Rivers and harbors," on page 93, line 11, to reduce the appropriation for examinations, surveys, and contingencies of rivers and harbors for which there may be no special appropriation, from "$300,000" to "$250,000."

Mr. HARRISON. May I ask the Senator from New York why that item is reduced $50,000?

Mr. WADSWORTH. The committee, in giving consideration to the item for examination and surveys and contingencies of river and harbor work, came to the conclusion that the Board of Army Engineers could proceed with all reasonable dispatch with the sum of $250,000.

The PRESIDING OFFICER. The Chair understood the Senator from Mississippi to refer to the flood-control item.

Mr. HARRISON. No; I was first referring to the $250,000 item. I was under the impression that there was a new bill pending which would carry with it some more surveys and investigations. This is the item which takes care of that work, is it not?

Mr. WADSWORTH. It is.

Mr. HARRISON. If the $250,000 be adequate to carry on the work of those surveys which have already been provided for and if Congress should pass the new bill, which in all probability it will, it would take quite a good deal more money, would it not?

Mr. WADSWORTH. I think it fair to say in that connection that a goodly portion of the similar appropriation during the current fiscal year, as I recollect it, has been spent in carrying on a survey of the proposed Lake Erie to Ohio River Canal. A pretty large sum has been spent upon that; in fact, a large portion of the appropriation has been expended in that way, if my recollection is correct. That work has progressed to a considerable extent, and the committee believes that, with that work pretty fairly well under way, not so large an appropriation will be needed in the next fiscal year, even taking into consideration the possible passage of a new river and harbor project bill.

Mr. HARRISON. At the time the Senator's committee obtained that information, they did take into consideration the new projects that might be adopted in the new bill?

Mr. WADSWORTH. They did.

Mr. HARRISON. That was considered in reporting the amendment?

Mr. WADSWORTH. It was.

Mr. HARRISON. The appropriation for river and harbor work was very materially cut, as the Senator from New York knows, in the House Committee on Appropriations, and I should dislike to see $50,000 lopped off this item, if it was estimated for by the Budget Bureau; if it can be reasonably expended, and if it is needed.

Mr. WADSWORTH. I can merely say that the members of the Committee on Appropriations were convinced that the amount proposed to be appropriated would be sufficient.

Mr. HARRISON. I know nothing about the facts, and I am merely trying to elicit information, but I regret to see the reduction made.

Mr. WADSWORTH. I may say that on the committee are some Senators who are especially familiar with the river and harbor work.

Mr. FLETCHER. Mr. President, I desire to say to the Senator from Mississippi that the appropriation of $40,000,000 which is carried in the bill is according to the estimate of the engineers and according to the report of the Director of the Budget. I believe the Budget Director reported an amount somewhat less, but that is the estimate of the engineers. I think I am correct in that. That appropriation, of course, is intended, as it is stated:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable—

That takes care of the river and harbor work.

The other item to which the Senator refers is simply for surveys. That has nothing to do with the carrying on of the work that is now under way and that has heretofore been authorized.

Mr. HARRISON. I understand that, but I have the impression—I do not know where I got it—that the intention of the House Committee on Appropriations was at first to appropriate some fifty-odd million dollars for river and harbor improvements. Then, finally, it was reduced to $40,000,000. I do not know what the estimate was, but I read that statement in a newspaper.

Mr. FLETCHER. I think the Senator has those figures somewhat confused with the river and harbor bill which is now before the Committee on Commerce. It was contemplated originally that the authorizations in that bill and appropriations to take care of projects embodied in it would require something like $52,000,000, I believe. At the instance of the Committee on Rivers and Harbors of the other House as many as three bills were introduced there, the first one having been introduced last June.

Mr. HARRISON. The Senator is referring to bills for new improvements?

Mr. FLETCHER. I am referring to the river and harbor bill. They finally reduced the authorizations contained in that bill to a lower figure, to about $39,000,000. I think that is where the talk in reference to an appropriation of $52,000,000 originated. It was in connection with the river and harbor bill which was introduced, but which has been modified, and the authorizations contained therein decreased.

Mr. HARRISON. Of course, if that bill becomes a law—and we hope it will become a law—during this session, there will be another appropriation bill providing for those projects.

Mr. FLETCHER. Precisely; but that appropriation bill will carry a less amount than at first it was intended that it should.

Mr. HARRISON. The $40,000,000 is all that was estimated for and will do the work so far as maintenance is concerned?

Mr. FLETCHER. It will be sufficient, it is assumed, for carrying on the work that has heretofore been approved and adopted. I do not think we ought for a moment to consider the possibility of not passing a river and harbor bill at this session. I think the bill ought to come out of the committee, and I believe it will come out of the committee very soon. It ought to come before the Senate, and it ought to be passed at this session beyond any question. I hope that it will be passed. I trust it may be taken up at an early time, so that any changes or amendments that may be offered to the bill which would have to go to conference may be disposed of before Congress adjourns.

I think we must figure in the pending bill on taking care of the surveys which will be authorized by the river and harbor bill. The engineers undoubtedly had that in mind when the estimate was made for $300,000. The committee proposes to reduce that to $250,000. That may raise some question as to whether or not the engineers will have sufficient funds with which to make the surveys. I hope they will have; but I really think that the amendment ought to be disagreed to, for the reason that this money is not spent unless it is needed. It merely provides for the necessary work in making the surveys. If it is not needed for that purpose, it is not spent. I should like always to be on the safe side. That is the view I take of that. The engineers figured that they would need $300,000; it is possible that they can make the surveys with $250,000; but I am quite sure that we ought to give them enough to take care of the surveys that are covered in the pending river and harbor bill. However, there is not a great deal of difference between the $300,000 and the amount provided by the bill, and I am inclined to think the engineers might probably get along with the $250,000 when the surveys shall be provided in the river and harbor bill; but if they shall not be able to do that after the river and harbor bill shall have passed, we might provide for an additional amount in a deficiency appropriation bill.

Mr. HARRISON. I agree with the Senator in what he has said touching the river and harbor bill. I think it is very necessary that that measure should be passed, and, as I understand, the Senator from New York, the chairman of the committee, is in favor of the river and harbor bill and of carrying out the projects therein provided for.

Mr. WADSWORTH. Yes; I am.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Flood control," on page 93, line 24, after the figures "$10,000,000," to insert a semicolon and the following proviso:

Provided, That $40,000, or so much thereof as may be necessary, may be expended in revetting and protecting the yards of the barge line at Memphis, Tenn., in accordance with plans of the chief of the barge line service.

Mr. HARRISON. Mr. President, I am in hearty sympathy with the provisions of the proviso, but I do not think the amount devoted to the purpose specified should come out of the appropriation of $10,000,000 for flood control. I ask the Senator from New York if he will not consent to have this item adopted as a separate provision without providing that the amount shall be taken from the $10,000,000 appropriation. Whenever we deduct appropriations for specific projects from the $10,000,000 appropriation which is necessary and ought to be provided for flood control it gives encouragement to other places to ask that they be given an amount out of that fund, and so it will go.

Mr. WADSWORTH. Mr. President, this matter was brought to the attention of the committee by the Senator from Tennessee [Mr. McKELLAR], who explained that the Government barge line or the Inland Waterways' Corporation, which is owned by the Government, has expended something like a million dollars at Memphis in building terminals, docks, railway tracks, and so forth, and that those docks and railway yards and storehouses are threatened by the river undermining them and sweeping them away.

Mr. McKELLAR. They are not only threatened, but that has actually taken place already. The water has invaded the Government's property there.

Mr. WADSWORTH. The item is to provide that the Government's own property shall be protected.

Mr. HARRISON. But the Senator did not answer my question. I am heartily in favor of this appropriation of $40,000 to take care of this work; no doubt it is necessary; but why make it a charge on the $10,000,000 flood-control appropriation? Why not appropriate the $40,000 outside of that?

Mr. WADSWORTH. In reply to that question, Mr. President, I may say that I am not authorized to accept the provision in the form of a separate item involving a new appropriation. It has not been estimated for by the Budget; it has not been passed upon by a standing committee in that form, and a point of order would lie against it in any but its present form.

Mr. HARRISON. I am not going to make any point of order and I am not going to object to it, but if any other proposition comes in to charge other expenditures to the lump-sum appropriation of $10,000,000 I shall oppose it, because the $10,000,000 should be appropriated and utilized for flood-control work. This item should come under a separate heading for the protection of the barge line, or the amount should come out of the Treasury as a separate item, or it should be provided for in some other way, as in the case of other appropriations which are made by the bill.

Mr. McKELLAR. Mr. President, I am very much obliged to my friend from Mississippi for taking the position that he does about this appropriation. It is absolutely necessary to have it in order to protect the Government's property at Memphis. The river is already making inroads into it, and it is vitally necessary to the conduct of the barge line that this appropriation be made. I thank the Senator from Mississippi for his forbearance.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 97, line 8, after the word "subsistence," to strike out "$400,000" and insert "$300,000," and at the end of line 11 to strike out "$979,500" and insert "$879,500," so as to read:

Northwestern Branch, Milwaukee, Wis.: Current expenses, $71,000; subsistence, $300,000; household, $152,000; hospital, $289,000; transportation, $500; repairs, $52,000; farm, $15,000; in all, Northwestern Branch, $879,500.

The amendment was agreed to.

The next amendment was, on page 98, line 26, after the figures "$160,000," to strike out "but no part of this shall be expended in furnishing other than the regulation Civil War uniform for members, veterans of the War for the Union," so as to read:

For clothing for all branches; labor, materials, machines, tools, and appliances employed and for use in the tailor shops and shoe shops, or other home shops in which any kind of clothing is made or repaired, $160,000.

Mr. WILLIS. Mr. President, it will be noticed that in the provision at the bottom of page 98 and the top of page 99 the House bill makes the following provision:

but no part of this shall be expended in furnishing other than the regulation Civil War uniform for members, veterans of the War for the Union.

It has been brought to my attention, Mr. President, that the veterans of the Civil War who are at present inmates of the National Soldiers' Home at Dayton, Ohio, look with a great deal of favor on the House provision, because, as a matter of sentiment, they desire to have the blue uniform which was the one they wore at the time of the civil strife. They naturally take pride in that uniform, just as the Confederate veterans take honorable pride in the uniform of gray. So it is desired by many of them, instead of being furnished with the khaki uniforms which are now supplied to them, that they may be permitted to wear the old blue uniforms which they wore when they marched away and when they were fighting the battles of the country. As I understand, the House provision will accomplish that purpose.

It may be said, it is true, that it is only a matter of sentiment; but, after all, Mr. President, the world is moved to a great extent by sentiment; the actions of nations are controlled largely by sentiment, and it seems to me, frankly speaking, that this is a worthy sentiment. Talking with these old veterans one can very readily understand their feeling with reference to the type of uniform which they shall be permitted to wear. They feel it almost a sacrilege to discard the blue. While they honor the khaki uniform for those who wore that uniform in the World War, they feel that that was not their uniform. The khaki uniform is just as good as the blue, and it would perhaps be distasteful to the veterans of the World War if they were required to wear the blue uniform; but at all events, for the old veterans of the Civil War, it seems to me that we ought to make provision for them, so that they shall be permitted to wear the blue in which they marched away and fought.

Mr. WADSWORTH. Mr. President, I think I can explain the attitude of the Senate committee. The Senate committee struck out this proviso which in effect would compel the Board of Managers of the National Soldiers' Homes to reclothe 20,000 men. The members of the homes now are clothed in the olive drab suits which are made from the cloth acquired by the War Department during the war and of which there is a considerable surplus. The members of the Board of Managers have been able to clothe the members of the homes from this surplus stock. I have taken occasion, since my attention was first directed to this provision adopted by the House, to inquire of a member of the Board of Managers as to whether or not there was any insistent sentiment in the homes among the Civil War veterans that the blue cloth should be used as it was prior to our participation in the war against Germany, and the information I receive from him is that this is the first time he has ever heard of it.

If this provision is retained in the bill, we will have to appropriate approximately $500,000 in order to carry out its provisions. No member of the Committee on Appropriations of the Senate, so far as my knowledge goes, has ever been approached upon this subject by any veteran of the Civil War. It may be that some one has found some sentiment in favor of this change in the home at Dayton, Ohio. It has not reached the committee nor has it reached the Board of Managers.

I may say that the Spanish War veterans who are now members of the homes are entirely satisfied, apparently, with the clothing provided for them by the Government, and yet in the Spanish war the uniform was blue. The World War veterans, who are now coming to the homes in increasing numbers, are satisfied with these uniforms. The appearance certainly is neat and satisfactory in every way. I have visited one or more of the homes and have seen them. I merely want to say to the Senate that this provision, which was adopted upon the floor of the House without any consideration by any standing committee, if insisted upon, will call for an expenditure of something like $500,000.

Mr. WILLIS. Mr. President, I wonder whether the Senator from New York can state offhand what is the probable surplus of this olive-drab cloth which the Government now has?

Mr. WADSWORTH. I can not remember the figures; indeed, I am not informed as to the figures up to date; but, to the best of my recollection, about two years ago the Government had several million yards of olive-drab cloth in the bolt, and it is from that surplus stock that the Regular Army and the National Guard have been clothed and are now being clothed, and also the members of the soldiers' homes.

Mr. WILLIS. The purpose of that question was to bring out the very apparent fact that if there is not a large surplus of this olive-drab cloth on hand now there probably will be no additional expense, because if the Government must buy new cloth out of which to make this clothing it could buy the blue as cheaply as it could buy the olive drab; so that after this surplus is exhausted there would be no additional expense, it seems to me.

Mr. WADSWORTH. The surplus is not exhausted.

Mr. WILLIS. But the Senator is not able to state whether or not it is a large surplus, so that there would be any considerable loss. If it is a small surplus, the loss, of course, would be inconsequential, because it would be used, as he has already explained, by the other branches of the service.

Mr. WADSWORTH. The surplus is plenty large enough to clothe all the military elements taken care of in this bill certainly throughout the entire fiscal year to come and then have a lot left over.

Mr. WILLIS. Mr. President, I believe that this is a matter of enough importance, even though it is simply a matter of sentiment, to warrant the additional expenditure. I believe that the amendment proposed by the committee ought not to be agreed to, and that the matter should be allowed to stand as it was in the bill as it came from the House.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee. [Putting the question.] In the opinion of the Chair the ayes have it.

Mr. FESS. I call for a division.

On a division the amendment was agreed to.

The next amendment was, on page 99, line 17, to reduce the total appropriation for the National Home for Disabled Volunteer Soldiers from "$7,681,200" to "$7,581,200."

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments as printed in the bill.

Mr. WADSWORTH. Mr. President, I am directed by the Committee on Appropriations to ask unanimous consent for the adoption of a comparatively small number of amendments which may be termed legislative in character. I propose the first one, and ask that it be read.

The PRESIDING OFFICER. The Senator from New York proposes an amendment, which will be stated by the Secretary.

The READING CLERK. On page 9, after line 13, it is proposed to insert the following:

Hereafter no commissioned officer of the Army, Navy, or Marine Corps shall be deprived of his right to pay and allowances while serving on such duty as the President may direct in the coordination of the business of the Government as now being conducted by him under the general supervision of the Director of the Bureau of the Budget.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I ask unanimous consent for the consideration and adoption of the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from New York offers an amendment, which will be stated by the Secretary.

The READING CLERK. On page 68, after line 17, it is proposed to insert the following:

Hereafter no money allowance for the rental of quarters shall be paid to members of the National Guard when called to duty under the provisions of sections 94, 97, or 99 of the national defense act, as amended, for a period of not exceeding 31 days, if quarters for their personal accommodation during such period are provided by the Government.

Mr. WADSWORTH. Mr. President, I think it incumbent upon me to make a statement in connection with this amendment; and my statement will apply also to an amendment of a similar character which the committee has instructed me to offer in connection with the Organized Reserves items. It is a matter of some importance, sufficiently so to warrant a statement of it to go in the RECORD.

Under present law an officer of the Regular Army who is not housed in public quarters but must find quarters for himself and family, either by owning or renting a residence or apartment, receives a rental allowance from the Government. That allowance is paid to him in varying sums, in proportion to his rank. That law applies not only to regular officers but to officers of the National Guard and to officers of the Reserve Corps whenever they are on active duty.

This point has arisen, and I want to emphasize it:

An officer of the Organized Reserves, for example, is ordered to attend a 15-day training camp. When he reports at that camp he is paid the pay of his grade plus the allowances. One of the allowances, or part of the pay, is credit for longevity service. Under existing legislation, that officer, who has left his own home, but leaves his family in his home with no disturbance whatsoever in connection with their living conditions and with no added expense imposed upon him, goes to a training camp for a 15-day period and during that period receives a rental allowance from the Government.

Your committee believes that the spirit of the pay act of 1922 relative to the payment of rental allowances to officers does not include any such situation as that. The officer attending a National Guard encampment but for 15 days, or a reserve officer attending a training camp but for 15 days, has been put to no expense with respect to his quarters or his home. The committee believes that hereafter the rental allowance should not be paid to guard officers or reserve officers attending training camp so long as the Government provides the officer quarters for his personal use while at such a camp. He does not have to expend any money out of his own pocket for his own shelter during that training period. The object of this amendment applicable to the National Guard chapter is to withhold the payment of that rental allowance, and a similar amendment will be offered in a moment to withhold it in the case of reserve officers.

I may say that when the committee had this matter brought to its attention, and the whole spirit of the 1922 pay act in connection with rental allowances was explained and discussed, the committee was unanimous in the belief that the payment of a rental allowance under these circumstances constituted an abuse.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York on behalf of the committee.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I offer a similar amendment applicable to the Organized Reserve chapter; and if that is adopted I propose to make another redistribution of the appropriations in that chapter without increasing the sum total.

The PRESIDING OFFICER. The Senator from New York proposes an amendment, which will be stated.

The READING CLERK. On page 71, after line 3, it is proposed to insert the following:

Hereafter no money allowance for the rental of quarters shall be paid to members of the Officers' Reserve Corps when called to active duty for a period of not exceeding 31 days, if quarters for their personal accommodation during such period are provided by the Government.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, let me call to the attention of the Senate an immediate effect of the adoption of these two amendments, especially the last one.

The adoption of this amendment will decrease by something over $400,000 the amount of money to be paid to reserve officers during the next training season in these 15-day training camps and in the 30-day instruction camps. That is the saving immediately effected. In other words, for the same amount of money as has been appropriated in this chapter entitled "Organized Reserves," a much larger number of officers can receive the training. The appropriation adopted a while ago in connection with the Organized Reserves is sufficient to train for a 15-day period this next summer 16,500 officers, and to send for training for longer periods than 15 days at Army service schools 650 officers. With the adoption of this legislative amendment we can now train in the 15-day training camps nineteen thousand and some hundreds of officers, and in the training in excess of 15 days 950 officers.

Mr. McKELLAR. What page has the Senator before him?

Mr. WADSWORTH. Page 70.

So I ask the Senate to adopt a readjustment of those three items, which will be found on lines 16, 19, and 21. The readjustment will involve no increase in the sum total of the three, but will actually permit a total of 21,000 reserve officers to receive training this next year—a consummation, to my mind, devoutly to be wished. It can be done on account of the legislative amendment which has just been adopted.

So, Mr. President, I ask for the reconsideration of the vote by which the committee amendment, on page 70, line 16, was agreed to, in order that the figures "$2,293,500" may be changed to "$2,087,402."

The PRESIDING OFFICER. Without objection, the vote by which the amendment was adopted is reconsidered, and the Senator from New York proposes an amendment to the amendment, which the Secretary will report.

The READING CLERK. In lieu of the amendment proposed by the committee, the Senator from New York proposes to insert the figures "$2,087,402."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WADSWORTH. The amount represented in that reduction is to be used in increasing the next two items by the same amount, and I ask the reconsideration of the vote by which the committee amendment, on line 19, was agreed to.

The PRESIDING OFFICER. Without objection, the request is granted, and the vote by which the amendment was agreed to is reconsidered.

Mr. WADSWORTH. I move to make the appropriation $537,750.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from New York to the amendment.

The READING CLERK. In lieu of the $400,000 proposed in the committee amendment, on line 19, page 70, the Senator from New York proposes to insert "$537,750."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WADSWORTH. I make a like request in reference to the amendment on line 21, that the vote by which the amendment was agreed to be reconsidered.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent for the reconsideration of the vote by which the amendment on line 21 was agreed to. Without objection, that request is granted.

Mr. WADSWORTH. I move that the amendment be changed so as to read "$517,648."

The PRESIDING OFFICER. The Senator from New York proposes an amendment, which the Secretary will report.

The READING CLERK. In lieu of the amendment proposed by the committee, on page 70, line 21, the Senator from New York proposes to insert the figures "$517,648."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WADSWORTH. I ask that the Secretary be authorized to correct the total, although I believe the total will be found to be the same.

The PRESIDING OFFICER. That order will be entered.

Mr. WADSWORTH. I am directed by the committee to propose the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 70, after line 12, the Senator from New York proposes to insert:

The appropriations herein made for "Arming, equipping, and training the National Guard" shall be available until December 31, 1926.

The unexpended balances of the appropriations for "Arming, equipping, and training the National Guard" for the fiscal year ending June 30, 1925, are continued and made available until December 31, 1925.

Mr. WADSWORTH. This does not involve any increase of appropriations.

Mr. McKELLAR. I understand that, but will the Senator state how much was not used during the present year of the money which was appropriated?

Mr. WADSWORTH. I did not hear the Senator's question.

Mr. McKELLAR. The Senator proposes the reappropriation of an unexpended balance?

Mr. WADSWORTH. Not by this amendment. The amendment to which the Senator refers has already been adopted by the Senate. One million nine hundred thousand dollars, it is estimated, remains unexpended from the National Guard appropriation for the fiscal year 1924. One million seven

hundred and forty-three thousand dollars of that is reappropriated by this bill. This particular amendment merely has to do with the continuance of the availability of the appropriations in the future and in this current fiscal year.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WADSWORTH. On the recommendation of the Committee on Military Affairs, not on the recommendation of the Committee on Appropriations, I am instructed to offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from New York on behalf of the Committee on Military Affairs.

The READING CLERK. On page 25, after line 24, the Senator from New York proposes to insert:

Whenever, in the opinion of the President, the lands and improvements, or any portion of them, of the military post or reservation at Fort Porter, N. Y., are no longer necessary for military purposes, he may, in his discretion, cause to be appraised and sold in one or more parts that portion of such real property to which the United States holds a fee-simple title, under such regulations as to public notice and terms and conditions of sale as he may prescribe, and the proceeds to be deposited in the Treasury: *Provided*, That a sum of money, not exceeding the proceeds of such sale or sales, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the construction of barracks and quarters or other buildings and utilities to accommodate a battalion of Infantry upon another Government-owned military post or reservation: *Provided further*, That the President is authorized to return to the State of New York such portions of the military post at Fort Porter that were originally donated by the State of New York when, in his opinion, such land is no longer needed for military purposes.

Mr. McKELLAR. Will not the Senator explain the amendment before it is voted on?

Mr. WADSWORTH. Here is the situation: Fort Porter, a small Army post, with a capacity of approximately 400 men, is one of the old posts built, following the War of 1812, on what was then known as the frontier. It stands on the banks of the Niagara River at the city of Buffalo.

The city of Buffalo has expanded and grown solidly around the post. There are 28 acres in the reservation. There is no room for the training of troops at all. Eighteen acres belong to the State of New York, the State having turned it over to the Federal Government 80 or 90 years ago for military purposes, with the provision that should it ever be abandoned by the War Department it should revert to the State. Ten acres, approximately, are owned by the Government. There are barracks, officers' quarters, an old hospital building, and a few old storage buildings on the property.

The War Department would like to get rid of the post, because it is not suitable for the training of troops. There is not space enough. The department has been unable to get rid of it, however, in the past, because were it to be abandoned two-thirds of the acreage would revert to the State of New York as a matter of right resting in the State and all the Government's buildings would go with it. All the improvements made by the Government would be lost by the Government. So up to this point the Secretary of War has not been willing to abandon that post. The Government would lose whatever value the buildings would have. They are pretty old.

Now comes the city of Buffalo and by appropriate action of its common council instructs its finance officer to offer to the Secretary of War the sum of $400,000 for this whole place, and that is the price fixed by the Secretary of War in negotiations with them. They offered to take this property off the hands of the War Department and pay $400,000 for it and then deal with the State of New York in the matter of the title to the 18 acres.

The matter has reached a crisis for this reason: That a bridge is to be built across the Niagara River from Buffalo to the Canadian shore. It will be an immense structure, and it has been sadly needed for years, especially since the great increase in motor traffic. There is to-day no way of crossing but by means of a ferry.

The Army engineers have decreed that that bridge should be built at a certain specified height above the navigable channel of the Niagara River, 100 feet above the surface of the water at the navigable point. The only spot in Buffalo where an approach to such a bridge can be built is at Fort Porter itself, which happens to stand upon the highest point of a bluff extending along the river. It presents a crisis for the city. The building of the bridge will be a matter of immense importance, not only to Buffalo but to all that region of the country. The motor traffic is terrific. The history of that bridge will be very much like the history already written in connection with the Bear Mountain Bridge, I may say to my colleague. This amendment will permit the building of the bridge, and will reimburse the Government a generous sum for the value of the post.

The Secretary of War says:

If I move these 400 men out of there, I have no place to put them, equipped as I am now with barracks and quarters.

So he asks us to let him build at some other military post now owned by the Government, out of money accruing from this sale, a set of barracks which will house the 400 men.

Mr. COPELAND. May I ask my colleague to state to the Senate for the RECORD what progress has been made with the State of New York itself as regards the transfer of its share in this property to the city of Buffalo?

Mr. WADSWORTH. The progress this far made has been confined to informal negotiations between the officials of Buffalo and the officers of the company chartered to build the bridge and the officials at Albany, the State capital. There is no doubt in my mind whatsoever but that the State legislature will cede to the city of Buffalo the right and title of the State of New York to this little plot of land.

Mr. COPELAND. No one speaks with greater authority about what the present Legislature of New York will do than does my colleague.

Mr. McKELLAR. May I ask the Senator from New York whether there was a unanimous report from the committee in reference to the Fort Porter matter?

Mr. WADSWORTH. Yes; from the Committee on Military Affairs.

Mr. McKELLAR. I understand.

Mr. WADSWORTH. Not from the Committee on Appropriations.

Mr. McKELLAR. I understood the Senator. In his first statement he said it was from the Committee on Military Affairs. From the Senator's statement it seems to me that is a matter which ought to be carried out, and I have no objection to it. I just wanted to be sure there was no difference of opinion in the committee.

Mr. COPELAND. I hope no one will oppose the amendment proposed by my colleague, for it makes for progress.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York on behalf of the Committee on Military Affairs.

The amendment was agreed to.

Mr. WADSWORTH. I offer the following amendment, and ask unanimous consent for its consideration.

The PRESIDING OFFICER. The Secretary will report the amendment offered by the Senator from New York.

The READING CLERK. On page 49, after line 23, the Senator from New York proposes to insert:

Hereafter the officer of the United States Engineer Corps in charge of public buildings and grounds shall, during the term of his office, have the rank, pay, and allowances of a brigadier general.

Mr. FLETCHER. I would like to inquire of the Senator having charge of the bill about the amendment just offered. What is the purpose of it?

Mr. WADSWORTH. This is a matter which undoubtedly the Senator from Florida will recognize as soon as I utter a sentence or two about it. The Senator will remember that on several occasions the Committee on Military Affairs has had under discussion and consideration the military status and rank of that officer who is charged with the care of public buildings and grounds in the District of Columbia.

Mr. FLETCHER. I recall now.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the amendment which was passed over.

The READING CLERK. On page 83, line 9, after the word "cemeteries" to strike out "$85,000" and down to and including the word "inventor" in line 12, and to insert "$70,000."

The PRESIDING OFFICER. The amendment was passed over at the request of the Senator from Kentucky [Mr. STANLEY].

Mr. WADSWORTH. I believe the Senator from Kentucky understands the amendment now.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FERNALD. Mr. President, I suggest an amendment, which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 29, after line 6, the Senator from Maine proposes to insert:

For the purchase of the tract of land adjoining the militia target range at Auburn, Me., comprising 84 acres, more or less, the property of John Baron, for the purpose of adding to said rifle range, not to exceed $3,000.

The amendment was agreed to.

Mr. CARAWAY. I move an amendment, which I send to the desk.

The PRESIDING OFFICER. The Senator from Arkansas submits an amendment, which the Secretary will report.

The READING CLERK. On page 103, after line 8, the Senator from Arkansas proposes to insert:

That the Secretary of War is authorized to make a final settlement of all the rights and obligations of the United States in respect of the picric-acid plant at Little Rock, Ark.

The amendment was agreed to.

Mr. BROOKHART. I desire to offer two amendments, which I send to the desk.

The PRESIDING OFFICER. The Secretary will report the first amendment offered by the Senator from Iowa.

The READING CLERK. On page 21, line 22, after the word "plants," strike out "for payment of entrance fees for Army rifle and pistol teams participating in competitions" and insert "for the payment of entrance fees of authorized participants of the Army in small-arms competitions."

Mr. WADSWORTH. May I ask if there is an appropriation provided in that amendment?

Mr. BROOKHART. There is no change in the appropriation.

Mr. WADSWORTH. It provides an authorization for the use of money already appropriated?

Mr. BROOKHART. Yes.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment offered by the Senator from Iowa.

The READING CLERK. On page 22, line 2, strike out the period and insert a colon and the following proviso:

Provided, That expenditures heretofore made from, and obligations incurred against, appropriations for incidental expenses of the Army for entrance fees of authorized participants of the Army in small-arms competitions are hereby authorized and validated.

Mr. WADSWORTH. I understand the amendment.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Tennessee offers an amendment, which the Clerk will report.

The READING CLERK. On page 87, after line 20, insert:

That the Secretary of War be, and he is hereby, authorized and directed to acquire, by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the procedure prescribed by the laws of Tennessee, such tracts of land as are deemed by him necessary and desirable for suitable designation of the site of the Battle of Franklin, Tenn., and to obtain and place on said tracts appropriate markers: *Provided*, That the entire cost of acquiring and marking said tracts, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, shall not exceed the sum of $20,000. And the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of this act.

Mr. WADSWORTH. Mr. President——

Mr. McKELLAR. I hope the Senator will not make a point of order against the amendment. The Battle of Franklin in the State of Tennessee was one of the bloodiest battles of the Civil War. As I recall, there were something like 10,000 soldiers killed there in the course of two or three hours. It was really one of the bloodiest of the Civil War battles. The markers are fast disappearing, and unless an appropriation is made to provide markers for the battle field while people are now living who can indicate the ground on which the battle was fought, it will pass out of existence as a battle field. I hope the chairman of the committee will not make the point of order against the amendment.

Mr. WARREN. I would like to help my friend in that kind of legislation, but the amendment certainly could not be put on a bill like this without opening the door for all kinds of legislation on it.

Mr. McKELLAR. An amendment very similar just went on the bill. It was proposed by the Senator from Maine [Mr. FERNALD]. There is no possible difference between the amendments except that one is for Maine and the other is for Tennessee.

Mr. WARREN. Oh, there is a wide difference.

Mr. McKELLAR. There is a wide difference between Maine and Tennessee of course, but I am talking about placing the two amendments on the bill. There is no possible difference between them.

Mr. WADSWORTH. The amendment offered by the Senator from Maine is the text of a bill reported favorably by the Committee on Military Affairs after thorough consideration.

Mr. McKELLAR. I hope the Committee on Military Affairs will report this one, too.

Mr. WADSWORTH. Perhaps later on we will. We shall give it our best consideration.

Mr. FLETCHER. The amendment does not propose to create a national park?

Mr. McKELLAR. Oh, no.

Mr. FLETCHER. It simply provides for markers and that is the end of it. There is no further expense upon the Government?

Mr. McKELLAR. The expense is only $20,000 and it is all appropriated here. I ask the Senator from New York if he will not let it go in and be taken up in conference?

Mr. WADSWORTH. I would not have any right to do that. I shall have to make the point of order against the amendment, that it is legislation upon an appropriation bill.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. McKELLAR. Mr. President, I will introduce the amendment as a bill.

The PRESIDING OFFICER. The bill will be received.

Mr. McKELLAR introduced a bill (S. 4069) relative to the acquirement of the site of the Battle of Franklin, Tenn., which was read twice by its title and referred to the Committee on Military Affairs.

Mr. KING. Mr. President, may I ask the Senator from New York what is the aggregate amount carried in the War Department appropriation bill?

Mr. WADSWORTH. The bill as reported to the Senate carried $332,352,671. On the floor of the Senate there has been added $3,000 by reason of the amendment offered by the Senator from Maine [Mr. FERNALD]. If the bill becomes a law in its present form there will be appropriated about $5,327,600 less than the appropriations for the present fiscal year.

Mr. KING. May I ask the Senator what proportion of the entire amount is legitimately chargeable to war machinery, the War Department, because the bill as I understand it carries a number of measures that are scarcely germane to the subject of war.

Mr. WADSWORTH. Yes; a large number.

Mr. WARREN. It carries a large part of the old sundry civil list.

Mr. WADSWORTH. For example, it carries a rivers and harbors item which is $40,000,000. It carries $10,000,000 for Mississippi River flood control. It carries $3,000,000 for continuation of work at Muscle Shoals, $7,500,000 for the support of the National Soldiers' Home, $8,700,000 for the Panama Canal Zone, and all of the care of the national cemeteries and national military parks aggregating some millions of dollars. I should say $70,000,000 or $80,000,000 in the bill are for nonmilitary activities.

Mr. KING. I would like to inquire of the Senator whether the $40,000,000 referred to for river and harbor work is to cover any new projects?

Mr. WADSWORTH. None at all.

Mr. KING. It is to continue existing river and harbor projects?

Mr. WADSWORTH. Yes; for maintenance and construction of projects already adopted and authorized by the Congress.

Mr. KING. Will there be a river and harbor bill this session?

Mr. WADSWORTH. An appropriation bill?

Mr. KING. Yes; for rivers and harbors.

Mr. WADSWORTH. I may only give my personal view. I think not.

Mr. KING. Does the Senator think the $40,000,000 will cover the appropriations for the current year?

Mr. WADSWORTH. There may be an authorization for new projects. That matter is now pending before the Committee on Commerce.

Mr. WILLIS. Mr. President, I offer an amendment to be inserted on page 91, after line 12, in connection with the appropriation for the Corps of Engineers, buildings and grounds in the District of Columbia.

The PRESIDING OFFICER. The Senator from Ohio offers an amendment, which the Clerk will report.

The READING CLERK. On page 91, after line 17, insert the following:

The Chief of Engineers or the Commissioner of Public Buildings and Grounds is hereby authorized to remove any obstructions in the public highways in the District of Columbia which are a menace to life.

Mr. KING. Ought not that to be incorporated as proper legislation upon the District appropriation bill?

Mr. WADSWORTH. I will have to raise the point of order against the amendment.

Mr. WILLIS. I suspected the Senator would do so, but I hope he will permit me to make a statement.

Mr. WADSWORTH. I withhold the point of order for that purpose.

Mr. WARREN. I hope the Senator will remember it when the District of Columbia appropriation bill comes up. It might answer there as a direction under some appropriation.

Mr. WILLIS. I shall remember that.

Mr. KING. I suggest to the Senator from Ohio that we will have a District appropriation bill before us which covers all such items, providing for the streets, highways, and so forth. Of course, the District funds should be charged with the expense of putting the streets in order. It ought not to be tacked on a War Department appropriation bill.

Mr. WILLIS. If the Senator will permit me to make a brief statement, I think he will see the reason why I am offering it here. The Senator from New York [Mr. WADSWORTH] and the Senator from Wyoming [Mr. WARREN] are perfectly familiar with the matter. Early in the administration of the late President Harding he expressed a desire to have the massive iron gates on West Executive Avenue removed, he believing that they were a menace to health and an impediment to public traffic.

Mr. KING. Mr. President, will the Senator yield?

Mr. WILLIS. Certainly.

Mr. KING. That very matter has received attention at the hands of the District Committee, of which I am a member. We have not finally decided upon it. As I now recall, there is a bill now pending before us which, if passed, would effect the object the Senator has in view.

Mr. WILLIS. I hope the Senator's committee will report the bill favorably, because I have grave fears that the point of order may be made against the amendment which is now pending before the Senate.

Mr. KING. I think the Senator had better appear before our committee, because some of us are not satisfied that that magnificent gate should be removed; but the persuasive eloquence of his power may lead us to change our views.

Mr. COPELAND. Mr. President——

Mr. WILLIS. I yield to the Senator from New York.

Mr. COPELAND. I may say to the Senator from Ohio that as a member of the District Committee I shall be very glad to advocate the bill he has in mind. I think it is a wise proposal and should be carried out.

Mr. WILLIS. I am gratified at the progress I have made. If I could have a similar assurance from the distinguished Member of the Senate who now occupies the chair as presiding officer that I should have his support, I should feel almost inclined to withdraw the amendment.

The PRESIDING OFFICER. The Chair will state that he is rather inclined against the proposition of the Senator from Ohio.

Mr. WILLIS. That greatly discourages me, and I therefore feel constrained to offer the amendment at this time.

Seriously, may I briefly explain just what is sought here? President Harding was very anxious that those gates should be removed, it being his belief that they were a menace to the convenience and even to the life of the traveling public. He had the further desire to comply with the request of Col. Webb Hayes, a son of the late President Hayes, who very patriotically and with filial devotion has dedicated his great estate at Fremont, Ohio, as a perpetual memorial to his father and mother for the use of the public. He has beautified Spiegel Grove in every possible way, has erected an historical museum, and has a number of historical gateways and entrances to the grounds at Spiegel Grove. It was desired that these gates should be dedicated to that purpose, and thought was directed to it because of the fact that an effort was made at one time to sell the gates, and it was found that not only was there no bid for them but that the best offer they could get was from some contractor who was willing to take them away for $2,000. The proposition was that the gates should be given to the Spiegel Grove estate, but that they should be removed without expense to the Government. That is what is sought in the amendment to authorize the removal of those gates.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. WILLIS. I yield.

Mr. COPELAND. I am very sorry the Senator from Ohio has made his speech, because now that he tells me the gates are going to Ohio, I am not sure but what I shall have to oppose the matter in the committee, because if they go to any State they should go to the State of New York.

Mr. WILLIS. We will argue that with the Senator when we get before his committee.

Mr. WADSWORTH. Mr. President, I make the point of order against the amendment.

The PRESIDING OFFICER. The point of order is sustained.

Mr. FESS. Mr. President, I would like to ask the chairman of the committee a question about the Panama Canal Zone. What amount of money is carried in the bill for administration there? I understood the chairman in his repetition of what the bill contained to mention that item, but I can not find it.

Mr. WADSWORTH. The total for the Panama Canal is $8,735,366.

Mr. FESS. The revenue collected at the canal goes into the general Treasury, does it not?

Mr. WADSWORTH. It does.

Mr. FESS. Does the chairman of the committee have the report of collections for the year?

Mr. WADSWORTH. I have not.

Mr. FESS. I had understood there was something like $24,000,000.

Mr. WADSWORTH. That is gross revenue.

Mr. FESS. That would indicate that it is coming to be somewhat a paying project.

Mr. WADSWORTH. I think it is self-supporting. I have not the figures before me. It certainly is paying its running expenses. Whether it is paying in addition to that the interest upon the Panama bonds I am not informed.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment. If there are no further amendments to be proposed the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

POSTAL SALARIES AND POSTAL RATES

Mr. MOSES. Mr. President, I ask that the unfinished business may again be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

Mr. MOSES. Mr. President, the unfinished business having been laid before the Senate, because of the absence of several Senators who desire to submit amendments to amendments which have been proposed by the committee to the bill, I shall not ask to go forward with the measure this afternoon.

MINERAL LANDS IN INDIAN RESERVATIONS

Mr. SMOOT. I move to reconsider the vote by which the Senate concurred in the amendment of the House to the bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes.

I will state that in looking over the bill and the House amendment which was concurred in by the Senate on yesterday, it was discovered that there were three words left out. The department has just called my attention to the matter. I therefore move a reconsideration of the vote by which the House amendment was concurred in.

Mr. KING. Are the omitted words important to the bill?

Mr. SMOOT. Not at all, but they were simply omitted.

The PRESIDENT pro tempore. The Chair is advised that the bill to which the senior Senator from Utah refers has already gone to the House of Representatives. His motion will therefore have to be accompanied by a request for a return of the bill.

Mr. SMOOT. Then I ask that the bill may be returned from the House of Representatives.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the House of Representatives be requested to return to the Senate the bill to which he refers. Is there objection? The Chair hears none, and it is so ordered.

The motion of the Senator from Utah to reconsider will be entered and be acted upon after the bill to which it relates shall have been returned to the Senate.

ISLE OF PINES TREATY

Mr. MOSES. I move that the Senate proceed to the consideration of the Isle of Pines treaty in open executive session.

The motion was agreed to, and the Senate, in open executive session and as in Committee of the Whole, resumed the consideration of the treaty between the United States and Cuba, signed March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

Mr. COPELAND. Mr. President, I shall detain the Senate but a few minutes. I wish to read into the RECORD, continuing very briefly the discussion on the pending treaty, three articles from the Paris treaty of peace with Spain:

ARTICLE I. Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation for the protection of life and property.

ART. II. Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies and the island of Guam in the Marianas or Ladrones.

ART. III. Spain cedes to the United States the archipelago known as the Philippine Islands. * * *

Mr. President, if there were any doubt as to the relation of the Isle of Pines to Cuba and that the Isle of Pines is a part of Cuba, there never would have been any discussion of this subject. The Platt amendment created the issue. Article 6 of that amendment reads:

The Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left for future adjustment by treaty.

On November 10, 1903, President Roosevelt submitted for the advice and consent of the Senate as to its ratification a treaty between the United States and Cuba, signed on July 2, 1903, for the adjustment of title to the ownership of the Isle of Pines. Article IV of that treaty provided that it must be ratified "within seven months."

The treaty was not ratified, and on March 2, 1904, a second treaty was signed and sent to the Senate for its consideration. That is the treaty which is now pending.

It seems to be the impression of many Senators that there is no difference in the wording of the two treaties, except the clause providing for ratification within seven months, as used in the first treaty and omitted in the second.

An interesting situation has developed. The State Department has failed to find the original of the first treaty, signed on July 2, 1903. In consequence we must depend for guidance on the papers which are on file in the Senate. Concerning this matter I will speak in a moment.

I have been shown by the Senator from North Carolina [Mr. SIMMONS] what appears to be a copy of the original treaty, and it does not harmonize in language with the papers on file in the Senate. It is extremely unfortunate that any doubt exists as to the wording of the first treaty.

Mr. SIMMONS. Mr. President, the Senator from New York has failed to state that the copy of the treaty which I exhibited to him is a copy of the treaty said to have been filed with the Department of State of Cuba, and the document which I exhibited to the Senator has attached to it the certificate of the President of Cuba to the effect, as I understand, that it is a correct copy of the original treaty on file in the office of the secretary of state of that country.

Mr. COPELAND. Mr. President, I wish to make it clear that the matter is exactly as stated by the Senator from North Carolina. What we have appears to be a certified copy of the original treaty; but it is not the original treaty, and the language does not coincide with the language contained in the treaty presented to the Senate at the time the Senate was asked to ratify the first treaty. One purpose I have in mind to-day in addressing the Senate is to broadcast the information that the American copy of the treaty is lost, hoping that this knowledge may stimulate search by all officials concerned. The original treaty is tucked away in a pigeonhole somewhere, and it should be brought to light for the information of the Senate.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Virginia?

Mr. COPELAND. I yield.

Mr. SWANSON. The treaty that was certified by the State Department is a copy and is not the original. It is a typewritten copy of the treaty transmitted by President Roosevelt in a communication in his own handwriting. It seems at that time it was customary to send copies of treaties to the Senate, and not to send the original treaties. Since then original treaties have been sent to the Senate for ratification. I have not been able to find the original Isle of Pines treaty. I secured the copy that was sent with President Roosevelt's message to the Senate, which, as I have said, was a typewritten copy, with the signatures of the American representative and the Cuban representative, who negotiated it also in typewriting. The original treaty must be somewhere among the papers in the State Department, but the officials have not been able to find it there. I repeat, I think that now the Senate receives the original treaty upon which it acts, but at one time it was the custom merely to send copies here, and the Senate acted on the copies. The usual course now pursued is to send the original treaty here. That seems to be the proper course, and when the treaty is ratified the original is sent back, together with the resolution of ratification by the Senate, which is filed.

Mr. SIMMONS. Let me ask the Senator from Virginia a question.

Mr. COPELAND. I yield for that purpose.

Mr. SIMMONS. When the method of procedure to which the Senator from Virginia has just referred was in force—that is, the sending of copies instead of the originals—was the copy always certified to as being a correct copy?

Mr. SWANSON. It was so certified, and President Roosevelt sent it with a message to the Senate. I was the first person to call attention to the discrepancy. When I made that statement the minister from Cuba called my attention to the fact that the original in Habana was precisely similar to the second treaty. When the second treaty was sent here it purported practically to be, and representations were made that it was, the same as the first treaty, except that there was no limitation on the period within which ratification might be made. The only differences between the two are that in the first treaty the United States relinquishes its right to the Isle of Pines under Article II, and also the expression "Porto Rico and other islands under Spanish sovereignty" is used.

Mr. COPELAND. The Senator would hardly place emphasis on that and say "the only difference." That is a very significant difference, is it not?

Mr. SWANSON. In the second treaty it is said "all rights acquired under Article II." I think there is no substantial difference between the two, because under Article I it has never been claimed that the United States acquired any right, as it was simply a relinquishment of a right by Spain, which would go to the people of Cuba, whom we declared to be free, sovereign, and independent. All the claim that was ever made to any right on the part of the United States was under Article II of the treaty, which conveys to the United States Porto Rico and other islands under Spanish sovereignty in the West Indies. I have never thought it was material to show any title under Article I, which is a relinquishment clause entirely.

I have made every effort I could in every direction of which I could think to find the original treaty that was signed by the representatives of the two countries, but it has not been found. However, there can not be any question as to the validity of the original, wherever it may be, which carries the signature of Squires for the United States, and of Montes, who, I think, was the Spanish representative who signed that treaty.

I modified my views and accepted the statement of the Cuban ambassador that he had an exact copy, which was so certified. I have tried to verify it in every way that I could and to get the original, which is deposited somewhere. However, I am not able to see any difference as to the material rights of the United States, as it has always been claimed that our rights were acquired under Article II.

Mr. COPELAND. Of course, I shall try to convert the Senator from Virginia on that particular matter; but in the meantime I thank the Senator from Virginia and the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I want to say that while I entirely concur in the views as stated by the Senator from Virginia—and I do not think it is very material, because I agree with him that whatever claim the United States has must grow out of Article II and not out of Article I; but as a matter of history, when the question was raised, I was very

anxious to ascertain whether a mistake had actually been made in what purported to be the copy sent to the Senate and from which the treaty as we find it in these documents was printed. For that reason I, having met some of the representatives of the Cuban embassy here, inquired of them if they had the original, and was told that they did have it and would let me see it. When it came I thought it was the original and then paid no attention to it, but upon closer investigation, in company with the Senator from New York [Mr. COPELAND] and the Senator from Indiana [Mr. RALSTON], I discovered that it only purported to be a copy of the treaty which was certified as a correct copy, as I understand. The certificate was in Spanish, and I have not had it interpreted, but I understood it was a certificate that the copy was a correct copy of the original treaty on file in Cuba.

Mr. SWANSON. I will say, if the Senator will yield——

Mr. COPELAND. I yield.

Mr. SWANSON. The original treaties would not be delivered to anyone. We could only get certified copies.

Mr. SIMMONS. That is what I thought. I had supposed that where there was a treaty, each party to the treaty had the original in duplicate.

Mr. SWANSON. They have the original in duplicate. I think it was both in Spanish and in English, and the original ought to have been sent to the Senate. When ratified by the Senate, the resolution of ratification ought to have accompanied it, and it ought to have been deposited in the State Department. They have sent a copy here. Nobody can get the original. If it is in the State Department, they might let us see it, but it is in the custody of the man who has the seal of state.

Mr. SIMMONS. But I understand the Senator to say that the original can not be found.

Mr. SWANSON. It can not be found in the Senate.

Mr. SIMMONS. But can it be found in the State Department?

Mr. SWANSON. I have not had a sufficient search made up there for it to enable me to say.

Mr. SIMMONS. Has the Senator from New York had search made for it?

Mr. COPELAND. Mr. President, the chairman of the Foreign Relations Committee, the Senator from Idaho [Mr. BORAH], at my request has had every possible search made at the State Department for this original treaty, and it can not be found. It is because of this, Mr. President, that I am addressing the Senate this afternoon. I want to broadcast the fact that this treaty has been mislaid. Somebody, somewhere, has it, and I hope that as a result of this discussion the right person will be aroused to bring it to the Senate, so that we may know what the language is; because, frankly, Mr. President, it makes a great difference in my mind whether Article I in the first treaty says that we acquired the Isle of Pines under Article I, or Articles I and II, or Article II. Of course, however, I am going to go into that later, and in the meanwhile I will go on with my discussion of this matter.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Virginia?

Mr. COPELAND. I yield.

Mr. SWANSON. I should like to ask the Senator, if it develops that the treaties are similar, and Article I and Article II are included in both treaties, whether he will think it is conclusive that the United States did not possess the island?

Mr. COPELAND. I should then fall back on the speech which I made a few days ago, in which, without knowing that this problem existed, I proved conclusively to my own satisfaction that it does not make any difference whether it is I, or I and II, or II.

Mr. SWANSON. I feel the same way. I am sure it is a very immaterial matter. Everybody recognizes that if the United States has any title it is under Article II; and whether it relinquishes rights which it did not have under Article I or Article II, it really goes to the basis as to whether the Isle of Pines was included in the phrase "other islands in the West Indies."

Mr. COPELAND. Of course.

Mr. President, while we are waiting for the determination of this question and for a glimpse of the original treaty, I desire, for the benefit of interested Senators, to call attention to the radical difference between Article I of the first treaty, the one which lapsed, and Article I of the pending treaty.

I ask unanimous consent that these two articles be printed in the CONGRESSIONAL RECORD in parallel columns, so that the difference may be noted.

I ask unanimous consent, also, that Articles I and II and the first three lines of Article III of the treaty of Paris be printed in the same section of the RECORD, and that these quotations from the treaty shall include both the English and the Spanish versions.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

TREATY OF PEACE BETWEEN UNITED STATES AND SPAIN OF DECEMBER 10, 1898

ARTICLE I	ARTÍCULO I
Spain relinquishes all claim of sovereignty over and title to Cuba. And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.	España renuncia todo derecho de soberanía y propiedad sobre Cuba. En atención a que dicha isla, cuando sua evacuada por España, va á ser ocupada por los Estados Unidos, los Estados Unidos mientras dure su ocupación, tomarán sobre sí y cumplirán las obligaciones que por el hecho de ocuparla, les impone el Derecho Internacional, para la protección de vidas y haciendas.
ARTICLE II	ARTÍCULO II
Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.	España cede á los Estados Unidos la Isla de Puerto Rico y las demás que están ahora bajo su soberanía en las Indias Occidentales, y la Isla de Guam en el Archipiélago de las Marianas ó Ladrones.
ARTICLE III	ARTÍCULO III
Spain cedes to the United States the archipelago known as the Philippine Islands.	España cede á los Estados Unidos el archipiélago conocida por Islas Filipinas.

TREATIES BETWEEN UNITED STATES AND CUBA

Treaty of July 2, 1903 (First treaty)	*Treaty of March 2, 1904* (Pending treaty)
ARTICLE I	ARTICLE I
The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Island of Pines situate in the Caribbean Sea near the southwestern part of the island of Cuba, which has been and may be made in virtue of Article II of the treaty of peace between the United States and Spain, signed in the city of Paris on the 10th day of December, 1898.	The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Island of Pines situate in the Caribbean Sea near the southwestern part of the island of Cuba, which has been or may be made in virtue of Articles I and II of the treaty of peace between the United States and Spain, signed at Paris on the 10th day of December, 1898.

Mr. COPELAND. I have made the requests relating to the treaty with Spain in order that I may call attention later to certain inaccuracies in the translation. On another occasion, too, I shall point out the distinction made in the treaty between the word "island," as used with reference to Cuba, and the word "archipelago" when referring to the Philippine Islands.

The proponents of the treaty found their arguments on the theory that the Isle of Pines is and always has been a part of Cuba, and that Cuba's claim to the island lies in Article I of the Paris treaty.

Even if this contention were established, it is clear as day to me that Cuba has no legal or moral claim to the Isle of Pines, except so far as it was given by the Platt amendment. Should it develop that Cuba is depending for possession on Article II of the Paris treaty, in spite of what the Senator from Virginia said a little while ago, even the most enthusiastic supporters of the pending treaty must be forced to admit that the claim is without substantial foundation. I am sorry that the Senator from Virginia has left the Chamber, because this would be a good time to discuss that question, perhaps.

It should be noted by Senators that according to available records the first treaty, which must have reflected the prevailing Cuban and American sentiment, was founded on the theory that the Isle of Pines, just as was Porto Rico, was ceded to us by Article II of the Paris treaty. If the papers on

file in the Senate are correct, there is left not a vestige of doubt that the Isle of Pines was ceded to the United States with Porto Rico and the other Spanish islands in the West Indies as indemnity for our losses incurred in the war with Spain.

The history of the first treaty in the Senate, as shown by the papers on file in the executive clerk's office, is as follows:

This, Mr. President, is the paper which was sent to the Senate, supposed to be the first treaty; and I want to write into the record the history of this treaty as recorded upon this paper:

November 11, 1903. Treaty read the first time and referred to the Committee on Foreign Relations, and, together with the message and accompanying papers, ordered to be printed in confidence for the use of the Senate.

November 23, 1903, reported.

November 24, 1903, injunction of secrecy removed.

February 1, 1904, recommitted.

And then the note:

Expired by limitation.

This note, "Expired by limitation," is the last known action, and dates back a period of almost 21 years. It is possible, of course, that the papers transmitted to the Senate were not accurate in their quotation of the language of the treaty; but I submit that 21 years is a long time to pass before this point is raised. When the original treaty is found, if it is still in existence, it may not harmonize with the language of the papers on file; but at this moment the burden of proof is on those who contend that Article I of the pending treaty is identical with Article I of the first treaty. The record, both in the Senate file and in the State Department, is to the contrary.

In any event, as I see it, the Isle of Pines was ceded to the United States by Article II of the treaty, and it was not intended by the commissioners to treat the Isle of Pines in any other way than Porto Rico or the other islands included in Article II were treated.

It is unfortunate that the original treaty can not be found for the moment. This impels me, Mr. President, as in legislative session, to present the resolution which I send to the desk and ask to have read and referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The Senator from New York, as in legislative session, offers a resolution which will be read.

The reading clerk read the resolution (S. Res. 315), as follows:

Resolved, That the Secretary of State be requested to obtain from the Cuban Government, for the information of the Senate, an authenticated copy of the English and Spanish texts of the treaty signed between the United States and Cuba on July 2, 1903, for the adjustment of the title to the ownership of the Isle of Pines, the United States' original being misplaced and not available for the moment.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Foreign Relations.

ADJOURNMENT

Mr. CURTIS. Mr. President, as in legislative session, I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 42 minutes p. m.) the Senate adjourned until Monday, January 26, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 24 (legislative day of January 22), 1925

PROMOTIONS IN THE NAVY

MARINE CORPS

Capt. John L. Doxey to be a major in the Marine Corps from the 17th day of July, 1924.

First Lieut. Alton A. Gladden to be a captain in the Marine Corps from the 3d day of June, 1924.

First Lieut. Dudley S. Brown to be a captain in the Marine Corps from the 17th day of July, 1924.

Second Lieut. Otto B. Osmondson to be a first lieutenant in the Marine Corps from the 13th day of May, 1923.

Second Lieut. Joseph L. Moody to be a first lieutenant in the Marine Corps from the 30th day of January, 1924.

Second Lieut. Walter A. Wachtler to be a first lieutenant in the Marine Corps from the 20th day of August, 1924.

HOUSE OF REPRESENTATIVES

SATURDAY, *January 24, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, when we consider Thy heavens, the work of Thy fingers, the moon, the stars which Thou hast ordained, what is man that Thou art mindful of him? Truly, we are the perpetual miracle of Thy love! We would speak of Thy loving kindness and call it marvelous and of Thy tender mercies and regard them as without number. Build us up, O Lord, in a most holy faith and give us to feel that we are building our life house upon the eternal rocks. Do Thou give us triumph over all fear. Show us that in this world we are in preparation for better things. Give us a little realization of that peace and joy which are to come, because of Him who became obedient to Calvary's cross. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 369. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913; and

S. 876. An act to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 11168) granting the consent of Congress to S. M. McAdams, of Iva, Anderson County, S. C., to construct a bridge across the Savannah River.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 5417. An act authorizing and directing the Secretary of War to investigate the feasibility and to ascertain and report the cost of establishing a national military park in and about Kansas City, Mo., commemorative of the Battle of Westport, October 23, 1864;

H. R. 10947. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River in the city of Pittsburgh, Pa.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3722. An act to authorize the county of Knox, State of Indiana, and the county of Lawrence, State of Illinois, to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.; and

S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River at or near the city of Batesville, in the county of Independence, in the State of Arkansas.

The message also announced that the President pro tempore had appointed Mr. SMOOT and Mr. SIMMONS members of the joint select committee on the part of the Senate, as provided for in the act of February 10, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

SENATE BILLS REFERRED

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3722. An act to authorize the county of Knox, State of Indiana, and the county of Lawrence, State of Illinois, to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.; to the Committee on Interstate and Foreign Commerce.

S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River at or near the city of

Batesville, in the county of Independence, in the State of Arkansas; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that on January 23, 1925, they presented to the President of the United States for his approval the following bill:

H. R. 4168. An act to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat. L. 670).

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States was presented by Mr. Latta, one of his secretaries.

RETURN OF DOMESTIC ANIMALS WHICH HAVE CROSSED THE BOUNDARY LINE

Mr. GARNER of Texas, by direction of the Committee on Ways and Means, presented a privileged report from the Committee on Ways and Means to accompany House Joint Resolution 325, extending the time during which certain domestic animals which have crossed the boundary line may be returned duty free, which was referred to the Committee of the Whole House on the state of the Union.

SPEECH OF HON. PEDRO GUEVARA, PHILIPPINE RESIDENT COMMISSIONER

Mr. STENGLE. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a brief but most interesting address which will be delivered by our colleague, Mr. GUEVARA, Commissioner from the Philippines, in Boston to-day.

The SPEAKER. Is there objection?

There was no objection.

Mr. STENGLE. Mr. Speaker, under the leave granted to extend my remarks in the RECORD, I insert a speech delivered by Hon. PEDRO GUEVARA, Philippine Resident Commissioner, before the members of the Foreign Policy Association of Boston January 24, 1925, which is as follows:

Mr. Chairman, ladies, and gentlemen, an opportunity like this by which the people of the Philippine Islands can lay bare, before the bar of American public opinion, their case for the solution of which they have been striving for a long time, has been very seldom extended to them. I am, therefore, deeply grateful to the Foreign Policy Association of Boston for this opportunity given to me, and I wish to convey to its members my thanks.

A discussion of the Philippine questions from several points of view is essential as well as beneficial to all concerned. It will show at least whether or not the American occupation of the Philippines has been of service to humanity, to civilization, and progress. It will, also, show whether or not the American people of the present day are following the path traced by their ancestors. A careful examination of the events and accomplishments in the Philippine Islands during the American sovereignty, will supply the most scrupulous historian plenty of materials to write a glorious chapter on the service of the United States of America to humanity. Let biased critics minimize the task accomplished by the United States in the Philippines and the progress attained by the Filipino people in the last 25 years. The time which is cruel in its judgment will duly honor the blessings brought by the American flag in that far country and the intelligent and patriotic response of the Filipino people in taking advantage of the chances given to them.

THE PHILIPPINE ISLANDS

Gentlemen, as a preliminary to the discussion of facts and conditions in the Philippines, it will not be out of place to give the members of the Foreign Policy Association of Boston a brief description of the country and its people. The Philippine Islands are situated to the southeast of Asia bounded by the Pacific Ocean on the north and east, by the Celebes Sea on the south, and by the China Sea on the west. They are 631 nautical miles from the nearest port of China and from the nearest port of Japan the Philippine Islands are 1,306 nautical miles. The total area of the islands is 115,026 square miles, or in excess of the combined areas of New York, New Jersey, Pennsylvania, and Delaware; and those of the independent states of Greece, Netherlands, Belgium, Denmark, and almost as big as the entire area of Great Britain. There are over 11,000,000 people or 4,000,000 more than the total population of the New England States; and 4,000,000 more than the combined population of the Pacific States, and in excess of the populations of the independent states of Argentina, Chile, Cuba, Belgium, Greece, Austria, Hungary, Netherlands, Peru, and others.

The Filipinos are a homogeneous people and speak about 17 different dialects which can properly be reduced to only five which are quite different from each other. But inhabitants of the different regions, with different dialects, can communicate with each other understandingly in the very dialects they speak or in the English or Spanish languages which are the official languages. A similar condition prevails in Spain, Switzerland, Belgium, Czechoslovakia, and Hungary, not to mention China.

PROGRESS ACCOMPLISHED BY THE FILIPINOS

The Filipinos are the only Christian people in the Orient, 92 per cent of the 11,000,000 belonging to the Christian religion and the 8 per cent are either Mohammedan, Buddhist, or Pagans. The Filipinos have been under the influence of the Christian religion for over 300 years.

With respect to the progress accomplished during the last few years, let me just cite a few pertinent figures.

The public-school enrollment for the academic year 1922–23 was 1,102,322, besides the enrollment in the private schools. In these enrollments are not included the university and colleges which run to several thousands. Due to the efficient system of public instruction in the Philippines, established during the American sovereignty, the percentage of literacy is over 60 per cent, which is above those of 35 independent nations and below only 14 nations.

The sanitary progress accomplished during the American sovereignty is really a wonder. From 1908 to 1913 the death rate was 32 per thousand, while from 1914 to 1919 it was 28.62 per thousand, showing a decrease of over 4 per thousand in a period of five years. Since the last date more hospitals and social-welfare institutions were established and the mortality per thousand has further decreased very considerably. If we examine now the improvements in the way of public works, highways, and public buildings constructed in the different municipalities in the last 10 years, it will occasion surprise that the Filipinos have made such progress under the circumstances. Figures may be had from our official archives which will demonstrate unparalleled advance in business and industry; in administration and other government activities. And there is the testimony of public officials—Filipinos and Americans—who have been connected with our governmental affairs.

The problem of picturing the true Philippine conditions seems to be a very hard one. If you happen to have read the articles published in the different papers of this country entitled the "Isles of Fear," by Miss Mayo, it must have amazed you that in spite of over 25 years of American sovereignty in the Philippines that country is still in almost a savage state and no progress at all has been accomplished. If that is the situation, either the sovereign power or the people of the islands are responsible. In either case the indictment is really directed against the Government of the United States. If the sovereign power has not accomplished something for the welfare and progress of the people placed under its guidance in a period of 25 years, then it can not escape accountability for the failure. On the other hand, if the people are naturally and hopelessly incapable for progress or improvement, then there is no justification for the sacrifices and expenditures which may attach to the continuance of the Government's effort. It would be better to renounce the task voluntarily undertaken and let the people work out their own salvation and learn from the lessons of their own experience, as the American people did in the past. It must be taken into consideration that the Philippine Islands have been under the administration of several American officials belonging to the two great political parties of the United States, and if notwithstanding this fact no progress has been accomplished and the political concessions given to the people are not justified, then it may be well said that the 26 years of the American occupation of the Philippines has been a reckless waste of time.

FREEDOM IS THE ROOT OF PROGRESS

In some sections of the public opinion of this country there is advocated the adoption of a political backward step, or at least there is definite opposition to any further liberal concessions to the Filipino people in the line of self-government. Some are still going further than this in that they advocate that a most autocratic policy be adopted, because, according to the author of the "Isles of Fear," the people of the islands have "no sense of morals and honor," a statement hardly deserving comment.

In passing, however, let me remind you that the American people in the beginning of their independent existence were aspersed by certain French critics as a "degraded people" with "a spirit of fear and sense of inferiority," language which closely resembles that used by Miss Mayo. Think of the situation in the colonial period in America even as contrasted with the present Philippine situation as pictured by those who see the worst side of it. Think of what their critics said of the first settlers of Virginia under the charter of the London Co. in 1609. The colonists were so idle as to compel John Smith, who was at the head, to establish the rule "he who will not work shall not eat." Notwithstanding very little progress was made and the "starving times" came when the colonists were forced to live "by roots, herbs,

acorns, walnuts, berries, and even the very skins of their horses." The loss of life was so terrible that out of the first 1,000 settlers less than 100 survived to tell of their troubles. In the midst of this terrible condition John Smith left the country and Sir Thomas Dale as his successor ruled with a rod of iron. He enforced Smith's decree by whipping those who would not work. But that policy accomplished little, and through the efforts of Sir Edwin Sandys and other liberal members of the London Co. the people of Virginia were at last given a share in their own Government. As stated by an American historian, "the cruel and tyrannical rule of one man like Dale was no longer possible, for the Government was more nearly by the people and for the people," and since then there has been marvelous progress not only in Virginia but in the other original Colonies and in the new States culminating in the unparalleled position now enjoyed by the United States. This page of the American history shows the unfading truth that freedom is the root of progress. And American history is paralleled by that of other nations.

MISREPRESENTATION ONLY BREEDS HATE

Biased critics, and especially the author of the "Isles of Fear," contesting the capacity of the Filipino people for self-government, cite the economic and financial conditions prevailing in the islands during the administration of Gov. Francis Burton Harrison. They do great injustice both to Governor Harrison and to the people. Without embarking upon any partisan discussion, let me say that the administration of Governor Harrison brought happiness and contentment to the inhabitants of the islands. It is only fair to say that Governor Harrison, following the mandate of the Government of the United States, gave the Filipinos such complete control of their own domestic affairs as the organic law permitted, and if there was failure it was not his fault, but theirs. But there was no failure. History will give a full account of the success of his administration, and the time will come that everybody will approve it as one of the most brilliant during the occupation of the Philippine Islands by the United States.

I do not wish, however, to ignore the splendid work done in the islands by other American Governors General. Not to mention all of them, I wish to pay my tribute to the administration of Governor Forbes, a distinguished son of Boston, whose genius brought us prosperity. He laid the foundation upon which to build up the economic progress of the country, and, among other things, provided a wonderful system of highways. What he commenced has been kept up and developed. It is true that his opinion regarding our ultimate fate differs from that of the Filipinos themselves, but he is honest and sincere in his ideas, and we know that individual opinion can not impair the soundness and vitality of American ideals and traditions.

Now, ladies and gentlemen, loyalty and good faith have caused me to assume in behalf of my people full responsibility for what was or was not done during the administration of Governor Harrison. You have frequently heard one side of the question discussed by our unmerciful critics. We have read and heard with patience such criticism, however extravagant and cruel. Some writers have painted our people in such a way as to hurt their natural pride, as well as excite prejudice against them, but the Filipinos have learned sportsmanship in politics. They know they have their own defects and virtues as any other people of whatever race. No people or race has yet reached the perfection dreamed by the apostles of human welfare. Heaven is yet beyond their reach.

Misrepresentation does not surprise us. We know that it is an unavoidable incident in all struggles for freedom. The American people have suffered in the same way. In the heat of the struggle of your forefathers for the liberation of this country they were pilloried by their enemies as common "individuals" who could not "dignify" themselves by any "title" they might adopt, who were appealing to "passion" and not to the "reason" of the British nation. They were branded as "selfish men who hope to derive private emolument from public calamities." They were charged with violating "private confidence," even stealing "letters and documents" so as to successfully shackle the press and gag their opponents. In the drafting of the Declaration of Independence, that immortal charter of liberty, they were accused of "willfully or ignorantly" distorting the facts and deducing arguments from "premises that have no foundation in truth," to use the language of that great document.

The Filipinos do not resent constructive criticism. They welcome it. Thus they can appreciate the errors that should be corrected. But gross misstatement is not real criticism. It is destructive, very destructive. It does not foster friendship, but destroys it. It turns friends into foemen. It breeds nothing but hate.

Let me say, ladies and gentlemen, that the economic troubles which have occurred in the Philippines are similar to those which visited all the countries of the world after the war. No nation has escaped it. The United States, in spite of its marvelous strength and prestige, suffered in that unavoidable crisis. Many banks closed their doors and many financial enterprises suspended.

At this point let me quote what Mr. Otto C. Leightner has said in his "The history of business depression," as to the effect of the universal depression upon the financial and industrial institutions of this country. He says:

> "After the depression set in in 1920, and including the first three-quarters of 1921, failures numbered 6,503 * * * involving $202,532,000, August, 1921, showing the greatest number of defaults, a total of 1,562. * * * Altogether 17,000 concerns, large and small, were forced to go out of business in 1920 and 1921, and a large number of others no doubt suffered enormous losses."

But for the sake of argument let it be supposed that such a condition was confined to the Philippines alone. "Common sense," which is the slogan of the day, teaches that it can not be regarded as proof that our people are incapable of self-government, for panics also occurred in this country. Those of 1837 and 1857 are too recent to be forgotten, and instead of discouraging the American people they marked stages in the development of the Nation. And may we not claim that just as the United States was not finally condemned because of the serious reverses which took place here, so our people can not be finally condemned because they have suffered like reverses?

There is a loud cry on the part of the critics of the Filipinos regarding alleged corruptions and dishonesty of some of our political leaders. The charge may be true, although it is greatly magnified. As bearing upon that general subject I wish to repeat what President Coolidge said in his address of acceptance delivered at Washington, D. C., on August 14, 1924:

> "In all my studies of political history I can not recall an administration which was desirous of a dishonest and corrupt Government. * * * But individuals charged with wrongdoing are being prosecuted. * * *
>
> "Whenever there have been suspicions of guilt involving members of any party I have caused them to be investigated and presentation made to the grand jury. If the evidence warranted, those suspected of crime have been indicted, and without favor, but without malice, they will be tried on the charge returned against them. Wherever it has appeared that the property of the Government has been illegally transferred and held action has been brought for its recovery and will be pursued to a final judgment. No government was ever able to prevent altogether the commission of crime."

UNITED STATES CONSISTENTLY SHUNS FOREIGN ENTANGLEMENTS

Permit me, ladies and gentlemen, to examine now very briefly the stand of the United States in regard to her foreign policy since the days of George Washington up to the present time. In the farewell address of Washington it was said that "the great rule of conduct" for the United States "in regard to foreign nations is * * * to have with them as little political connections as possible," and that it would be unwise for the United States to implicate herself by "artificial ties in the ordinary vicissitudes" of the Old World policies. Washington said also that the distant situation of the United States invites and enables her to pursue a different course than that followed by the Old World.

It is true that when Washington was enunciating these principles he was only referring to the Old World or European powers, but the spirit and wisdom of these principles are still applicable to the present position of the United States in relation to Asia and the Far East, as has been explicitly recognized.

Twenty-five years afterwards, in 1823, the Monroe doctrine was proclaimed by the United States to the world. Chief Justice Marshall, once Secretary of State during the administration of President Adams, said:

> "No principle of general law is more universally acknowledged than the perfect equality of nations. It results from the equality that no one can rightfully impose a rule upon another and that every nation has the right to independence in the sense that it has a right to the pursuit of happiness and is free to develop itself without interference or control from other states, provided that in so doing it does not interfere with or violate the rights of other states."

For a century the United States has acted on these principles of foreign policy. It has been invariably consistent in its conduct, as evidenced by the recent declaration of President Coolidge in his message to Congress on December 3, 1924:

> "* * * Our actions—

The President said—

> "in the recent months have greatly strengthened the American policy of permanent peace with independence. * * * 'Ultimately nations, like individuals, can not depend upon each other but must depend upon themselves. Each one must work out its own salvation. * * * Our past adherence to this policy, our constant refusal to maintain a military establishment that could be thought to menace the security of others, our honorable dealings with other nations, whether great or small, has left us in the almost constant enjoyment of peace. * * * While we desire always to cooperate and to help, we are equally determined to be independent and free. Right and truth and justice and humanitarian efforts will have the moral support of this country all over the world. * * *"

UNITED STATES, THE CHAMPION OF SMALL NATIONS

The United States has enforced its traditional policy. In 1866 France withdrew from Mexico upon intimidation by the United States. In 1902 Great Britain, Germany, and Italy withdrew their demonstration against Venezuela because of the attention of the United States. This Nation was largely responsible for the preservation of the territorial integrity of China. She recognized the independence of Cuba as the fruit of the American victory against Spain.

Many small nations in Europe are now enjoying an independent life through the influence of the principle of "self-determination" proclaimed by the United States during the World War. This humanitarian principle has invigorated the spirit of the small nations and has ended the dreams of conquest entertained by strong nations.

In the light of all this, it is evident that the philosophy of the foreign policy of the United States was and is not to hamper the national development of the people of any country but allow them to work out their own destiny.

PHILIPPINE GOVERNMENT IS SELF-SUPPORTING

It has been suggested that the present financial condition of the islands forbids an independent life. I answer by saying that the cost of our government has never exceeded the islands' revenues. And in this connection I wish to refer to the policy of the United States relative to some of the bankrupt nations of Europe.

In the debate in the House of Representatives of the United States December 16, 1924, on the bill "to authorize the settlement of indebtedness of the Republic of Poland to the United States of America, and for other purposes," Congressman CRISP said:

> "* * * The bill you are now called upon to consider, settling the indebtedness of Poland, is substantially the same; it in no material way varies and does not lose the United States 1 cent over what it is receiving under the British settlement. The only difference is that for the first five years Poland is required to pay only $10,000,000 in cash. Under the terms of the agreement the remainder of principal and interest due during those five years in excess of $10,000,000 can be paid in bonds of Poland. Poland is a new republic and weak financially. Since the armistice she has been engaged in war; Poland's economic condition is bad, her revenue does not meet her expenditures, and she is a young, struggling republic. * * *"

In the same financial plight as that of Poland are found Armenia, Belgium, Czechoslovakia, Esthonia, Finland, Latvia, Liberia, Lithuania, Rumania, Yugoslavia. And there can not be excluded the great nations of Germany, Russia, Italy, Great Britain, and France, who owe the United States billions and billions of dollars without being able to make immediate payment or in most cases offer terms of settlement.

JAPAN IS NOT A MENACE TO AN INDEPENDENT PHILIPPINES

The international situation in the Far East should not cause any worry as a danger to Philippine independence. The new principles which now govern the policy of the powerful nations are the blessings received by humanity from the bloody experiences of the World War. And for those blessings the United States is most responsible.

Viscount Ishii of Japan, addressing the United States Senate as ambassador extraordinary at the head of the Imperial Japanese mission on August 30, 1917, said, in part:

> "But I grasp this occasion to say to you that the whole people of Japan heartily welcome and profoundly appreciate the entrance of this mighty Nation of yours into the struggle against the insane despoiler of our civilization. We all know that you did not undertake this solemn task on the impulse of the moment, but that you threw your mighty weight into the struggle only after exercising a most admirable patience, with a firm determination that this world shall be made free from the threat of aggression, from the black shadow of a military despotism wielded by a nation taught with the mother's milk that human right must yield to brutal might. To us the fact that you are now on the side of the Allies in this titanic struggle constitutes already a great moral victory for our common cause, which we believe to be the cause of right and justice, for the strong as for the weak, for the great as for the small."

Continuing, he said:

> "We of Japan took up arms against Germany because a solemn treaty was not to us 'a scrap of paper.' We did not enter into this war because we had any selfish interest to promote or any ill-conceived ambition to gratify. We are in the war, we insist on being in it, and we shall stay in it because, earnestly, as a nation and as individuals, we believe in the righteousness of the cause for which we stand; because we believe that only by a complete victory for that cause can there be made a righteous, honorable, and permanent peace, so that this world may be made safe for all men to live in and so that all nations may work out their destinies untrammeled by fear."

Whatever may have been the diplomacy in the past and however hypocritical and ruthless the course of great nations in the past, there is now a world conscience ready to stop a soulless plunderer.

FILIPINOS ASK TO BE FREE

The world is now living in an age in which the solution of political problems, either international or national, does not call for the heroism of the 300 Spartans who perished in the battle of Thermopylae nor the genius of intriguing statesmen. Good will and good faith are growing every day among nations in the promotion of security and the blessings of independence and peace.

Agencies designed to outlaw war are sought of to be established by the leading nations. Under one name or another such agencies will become more real and effective as the years come and go. The people of all the nations can no longer stand for a bloody settlement of international differences. A common ideal of justice is becomming the supreme need of this and future ages, and the United States is playing the most important rôle in this great task.

Resting upon this hope, and especially upon the specific pledge of the United States, the Filipino people are asking that independence be granted to them in order that they may be of more service and usefulness to this great Nation, under whose unselfish leadership the world will witness the birth of a new republic in the Far East.

REUBEN R. HUNTER

Mr. UNDERHILL. Mr. Speaker, I present a conference report on Senate 353, an act for the relief of Reuben R. Hunter, for printing under the rules.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 353) for the relief of Reuben R. Hunter, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1; and agree to the same.

GEORGE W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

ARTHUR CAPPER,
SELDEN P. SPENCER,
THOMAS F. BAYARD,
Managers on the part of the Senate.

COMPLETION OF THE "LEXINGTON" AND THE "SARATOGA"

Mr. SNELL. Mr. Speaker, I call up House Resolution 393, a privileged resolution from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 393

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11282, a bill to authorize an increase in the limits of cost of certain naval vessels. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled between those for and those against the bill, said bill shall be read for amendments under the five-minute rule. At the conclusion of such consideration the committee shall rise and report the bill to the House, and the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion except one to recommit.

Mr. SNELL. Mr. Speaker, the resolution itself needs very little explanation, because it is the usual resolution from the Rules Committee. The purpose of the bill which the resolution makes in order is to increase the cost of the aircraft carriers, the *Lexington* and the *Saratoga*, from the present authorized cost of $23,000,000 each to $34,000,000 each. These two ships were originally two of the six battle cruisers that were authorized by the naval building program of 1916. The contract for the construction of these two boats was entered into in the year 1917, but on account of the war no work was done on either one of them at that time, because it was necessary to give our attention to the construction of other ships for use in the war. Finally the work was begun on one of them in September, 1920, and on the other in January, 1921, but all work was suspended on February 8, 1922, following the signing of the treaty limiting naval armament. At this time these two ships were about 33 per cent completed, but by the terms of this naval treaty we were authorized to convert these two ships into naval aircraft carriers. The original authorization in 1916 provided for a limit of cost of sixteen and a half million dollars. This was increased in 1917 to $19,000,000 and again increased in 1919 to $23,000,000. That was the

limit of cost at the time that we authorized on July 19, 1922, that they should be converted into aircraft carriers.

The work on these boats under the present limitation, unless some new authorization is given, will be completed during the present summer. When these two ships are completed they will have a displacement of 33,000 tons each and be the largest and best aircraft carriers afloat. That is the mechanics of the whole situation as it stands to-day. Here is the practical proposition that is before this House. It is not a proposition of whether you are a big Navy or a small Navy man. It is not a proposition of whether you want to spend this money or not. We have already put $46,000,000 in the construction of these two aircraft carriers.

Unless we authorize more money the work will stop and the money that we have spent so far will be of absolutely no use. We are practically in the situation of a man who has built a house up to the second story, with four walls, and has not money enough to put the roof on the house. Unless he puts the roof on the house it will be of no use. These two boats can not be used for the purpose we are constructing them unless we increase the authorization necessary to complete them.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. BUTLER. Will the gentleman state in this connection in explaining the situation what the position of the Executive is with respect to the matter, and whether or not it has been considered and is within his business program?

Mr. SNELL. This matter has been very carefully considered by all of the executive departments of the Government—by representatives of the administration, by the Navy Department, by the Naval Committee of the House, and by the Rules Committee—and there is no one anywhere that has any objection to the continuation of the program, because it seems to be absolutely necessary to protect the money that we already have in these boats. Furthermore, if we do not complete these ships, we would have to construct some more to take their places.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. MOORE of Virginia. Can the gentleman tell us where the work is being done now?

Mr. SNELL. One of these ships is being constructed at Quincy, Mass., and the other at Camden, N. J., by private corporations.

Mr. MOORE of Virginia. Does the gentleman feel confident that this further authorization will be sufficient to complete the work?

Mr. SNELL. That is a hard question for me to answer, because we have already increased the limit of cost three times. Our best information is that it will.

Mr. BUTLER. Mr. Speaker, if the gentleman will permit, three times I asked that question and endeavored three different times to get an exact statement. The Chief Constructor said that the best wisdom they could give us after making full and ample inquiry was that this would be sufficient to complete these two ships.

Mr. CHINDBLOM. Perhaps the gentleman from Pennsylvania had better answer this question than the gentleman from New York.

Mr. SNELL. I yield to the gentleman from Pennsylvania.

Mr. CHINDBLOM. Are these increased authorizations required by changes of plans?

Mr. BUTLER. Somewhat, and, to be accurate with the gentleman, the increases have been two in number. Those increases were largely made because of change of plans. These increases are asked for reasons set out in the report of the committee given to us by the best authority of the department, and to this end I will endeavor to explain, if necessary in connection with my colleagues if anyone desires it, why these large additional sums of money are needed in order to complete these two great ships.

Mr. CHINDBLOM. I will say to the gentleman I am in favor of the proposal, but in this connection, with a special rule brought in, I thought a short statement in regard to the matter might very well appear in the RECORD.

Mr. SNELL. The reason it is necessary to have it done now is the work will stop on each ship the coming summer, and the authorization must be given so that the appropriation can be made in the final deficiency bill of this session to continue the work through the coming summer and not have any intermission of the work. Does the gentleman from North Carolina desire some time?

Mr. POU. Five minutes.

Mr. SNELL. I yield the gentleman from North Carolina five minutes.

Mr. POU. Mr. Speaker, to a thoughtful man who considers the great question of world peace there are times when he hardly knows which way to turn. Surely we all devoutly desire world peace. I believe that America is the one Nation that is big enough and great enough and strong enough to say to the balance of the world, we will stop here and now this program of increase in naval and military armaments. [Applause.] But, Mr. Speaker, America has not said that. American is not going to say it. It seems to be an impractical dream, and therefore the thoughtful American is driven to some other alternative. For my part the alternative I have embraced is to appropriate enough money to make America's Navy incomparable. [Applause.] It seems to me, as devoutly as we hope for peace, that that is the best security and the safest attitude. I do not want a navy just big enough to be defeated by Great Britain. What is the sense of having any navy at all if you are going to have one just short of being able to conquer? I do not want any 5–4 proposition; I do not want any 10–9 proposition; I want a proposition that America can say to the world, "Here we are. We mean peace; we have no other purpose, but if you are going to force us to fight, then we are going to conquer with the help of God." And for that reason, Mr. Speaker, I shall support this rule very heartily. [Applause.]

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. BUTLER. Mr. Speaker, does it require a motion under the rule to go into Committee of the Whole House on the state of the Union? If so, I move that we go into the Committee of the Whole House on the state of the Union for the purpose of considering this resolution made in order by the rule.

The SPEAKER. Of course it has no preference over an appropriation bill.

Mr. SNELL. We thought this would go through without much trouble, and we can finish up the appropriation bill later in the day.

The SPEAKER. The Chair had not been consulted with reference to the program.

Mr. SNELL. I beg the gentleman's pardon; I consulted with the floor leader.

The SPEAKER. The Chair will recognize the gentleman from Pennsylvania if that is the program.

Mr. BUTLER. Mr. Speaker, I do not know what the arrangement is as to the business. I am hitched to the tongue, and I pull when the lash is put on me.

Mr. SHREVE. That is entirely satisfactory to me.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania.

AUTHORIZING INCREASE IN THE LIMITS OF COST OF CERTAIN NAVAL VESSELS

Mr. BUTLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 11282, the bill provided for under the rule just adopted.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11282, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11282, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11282) to authorize an increase in the limits of cost of certain naval vessels

Be it enacted, etc., That the limits of cost for the construction of the U. S. S. *Lexington* and *Saratoga*, the conversion of which vessels into airplane carriers, in accordance with the terms of the treaty providing for the limitation of naval armament, was authorized by the act of July 1, 1922, is hereby increased to $34,000,000 each.

The CHAIRMAN. Under the rule there will be one hour of debate. The Chair recognizes the gentleman from Pennsylvania for one-half of that time.

Mr. BUTLER. Mr. Chairman, may I humbly inquire who will have the other half? My colleague and myself are together.

The CHAIRMAN. The Chair does not know, but if there is any member of the committee in opposition to the legislation, of course he will be recognized.

Mr. VINSON of Georgia. No member of the committee on the minority side is in opposition to the rule or the bill, but I ask unanimous consent to control 30 minutes of that time.

The CHAIRMAN. The Chair will state under the rule it provides for one hour of general debate, which shall be confined to the bill, to be equally divided and controlled by those for and against the bill, so that if there is any Member in the House opposed to the bill who desires recognition he will be entitled to recognition.

Mr. VINSON of Georgia. I will yield to anyone who is opposed to it.

The CHAIRMAN. Perhaps you had better hold the matter in abeyance until later developments. There may be somebody against it.

Mr. CONNALLY of Texas. Mr. Chairman, why not settle that question now?

Mr. SNELL. It is understood that the ranking minority member shall be given control of half the time.

Mr. BLANTON. The gentleman from Georgia [Mr. VINSON] has promised to give me some time from his allotment. I am opposed to the item.

The CHAIRMAN. The Chair will recognize the gentleman from Georgia in allotting time.

Mr. BUTLER. Mr. Chairman, it does not seem worth while to go over the same track that the chairman of the Committee on Rules went over in explaining the purpose of the resolution. No one more than I do deplores the necessity which requires us to perform our duty here to-day. The Committee on Naval Affairs unanimously, after hearings conducted for some time by it for the purpose of obtaining the facts, to see whether the necessities were here, reported this measure, and we will ask you to unanimously indorse the action of this committee.

These two ships, as has already been explained to you, are ships authorized to be converted into what are known as airplane carriers by the treaty of Washington, made three years ago. They were provided for in the antiwar period of 1916. They were to be six of the greatest ships that man ever designed for destructive purposes. Four of them have gone, or will go to the bottom of the ocean. Two of them will remain for this conversion.

I know that at this time it is not, perhaps, in keeping with the desires of those who wish that peace may be maintained among the nations of the world in preparing a defense, that comparisons should be made; but you overlook the attempt I will make in that direction by telling you that England has one such vessel completed and two more under construction. If Congress authorizes what we ask for and the money is appropriated, we shall have about the same tonnage. We now have one old airplane carrier, constructed out of an old boat several years ago.

These two ships are of 34,000 or 35,000 tons each. They were to have weighed 43,000 tons as fighting ships. They are not much armed. They have some small guns on them. They have some machinery to protect them from bombers.

This statement will impress you, my colleagues: Each one of these ships will carry at least 72 airplanes and will run 35 miles an hour, the same speed that we intended they would have had provided they had not been authorized to either be destroyed or converted under the terms of the arms treaty. We can not take the airplanes to sea without aid—one thing that the military men have agreed upon, one thing that this commission recently appointed by the President to determine the facts as to the availability of aircraft for war purposes has decided, is that we can not be attacked by airplanes flying across the ocean; the distance is too great. Consequently we fear that airplanes, if we ever are attacked, might be carried on airplane carriers and brought to our coast and from there used against us. It is against that, as one of the contingencies that might arise, that these great ships are to be built and converted. They are more than one-half completed. By next summer they will be two-thirds completed, and unless this authority is given at any early date, so that the appropriation can be made, all work on these ships must cease. Two of these authorities were given originally, one in 1916 and the other in 1917 or 1918, for the purpose of changing the plans and the designs of these ships.

They are not experimental but they are improved. As to ships of this kind we had but little to go by. Now, this authority here is asked because of the increased cost of material and the increase in the rate of wages. In 1919 it was anticipated by the preceding administration, which was very, very careful in its expenditure—I will say that for it—that there would be sufficient money after the war was over to enable us to finish the construction of these ships. But it did not turn out so. Wages and the cost of materials have materially increased. Changes have been made. There were airplane carriers to be constructed; decks and all kinds of machinery had to be provided. The plans were approved and indorsed by all the military men as the very latest models of this sort of craft.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield there?

Mr. BUTLER. Certainly.

Mr. GARNER of Texas. I understand that there has been another resolution placed on an appropriation bill in the Senate providing for another disarmament conference.

Mr. BUTLER. Yes.

Mr. GARNER of Texas. This work will be about half through by next July. Suppose the conference is called next fall and the conference decides that it will do away with these airplane carriers to prevent one nation from attacking another. Are you going to sink these?

Mr. BUTLER. Well, the gentleman asks me a question that is very hard to answer. I am going to answer by saying to my friend, "Guess yourself." [Laughter.] If I thought that that resolution would result in another conference, and that the result of that conference would be a further limitation, if necessary to secure the agreement, I would say, "Yes; sink them." [Applause.]

I happen to know some of the reasons that led to the last disarmament conference. I am one of two or three living witnesses with whom President Harding spoke after the election at Marion. He knew as well as his advisers what was necessary to be done to secure an agreement, and that was to keep that great program of 1916 on the move.

These are two ships which, in my judgment, brought about the happy conclusion which was found in the Washington disarmament conference. Now, let us move on, not for the purpose of threatening any nation—no; not for that purpose—but for the purpose of equipping ourselves for a national defense. [Applause.]

I can not escape the old method of preparing a defense, that of comparison, which leads to competition.

Mr. BRITTEN. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. BRITTEN. The gentleman, of course, knows, as well as the distinguished gentleman from Texas [Mr. GARNER] also knows, that the new proposed conference will have nothing whatever to do with airplane carriers.

Mr. BUTLER. It might have.

Mr. GARNER of Texas. Who is going to exclude the consideration of airplane carriers?

Mr. BRITTEN. They are already in the conference and that was arranged a couple of years ago.

Mr. GARNER of Texas. But the new conference might consider airplane carriers.

Mr. BRITTEN. No; the new conference is to apply only to small craft, and it will have nothing whatever to do with capital ships.

Mr. GARNER of Texas. The gentleman from Illinois may know that, but he is the only one in the country who does know it.

Mr. BRITTEN. No; the gentleman knows it, too.

Mr. BUTLER. Of course, I am not close enough to the throne to hear even the whisperings of those who sit upon it, but I assume they are going to be smart enough and intelligent enough to throw open the doors to any kind of sensible agreement in the proposed conference for the further limitation of armament. [Applause.] You can not charge me with being a pacifist, because I claim to have been the originator of the largest program ever put before human beings. [Laughter.] But if we can avoid the destruction of human lives, I say in the name of God let us reach for the method. However, I am not in favor of pulling the fuse out of my gun while the other fellow has a fuse in his. [Laughter.] I want to say to my inquiring friend from Texas [Mr. GARNER] that I do not know what this will lead to, but I do know this: That this Congress authorized these two ships, not only to be converted according to the terms of the treaty, but they have increased the cost twice. Now, what are you going to do with them?

Mr. SPEAKS. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. SPEAKS. I want to inquire whether these vessels are being constructed under the cost-plus system?

Mr. BUTLER. They are not. The House will understand that these great ships of 180,000 horsepower have never before been constructed. No responsible person could be found to

undertake them and no sort of mechanic had been brought into existence that would undertake to build these ships and guarantee that they would have 45,000 horsepower on each shaft. Consequently it became necessary, when the ships were authorized by Congress, to put them out under a cost-plus 10 per cent contract. In 1921, when we began to construct them, the present administration succeeded in having supplemental contracts made with the contractors so that instead of these ships costing $3,400,000—contractors' profits—under the 10 per cent cost-plus system they will cost but $2,000,000. By agreeing on a fixed sum the cost of each ship has been reduced by $1,400,000.

Mr. SPEAKS. Are we to understand that the bill proposes an increase which will mean double the cost of the original contracts?

Mr. BUTLER. Yes. And I want to say in my answer to the gentleman that there has never been a ship authorized for the last eight years which has not cost double and sometimes upwards of 75 per cent more than was estimated. It is disappointing to the gentleman and it is disappointing to me. But what would the gentleman do? I can do no better than take the advice of these learned men, in whom we have very great confidence, and the committee over which I preside has the same confidence in them that I have. We are doing the best we can, as economically as we know how, and the very best for our national defense.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. BLACK of Texas. I understand that these vessels are being constructed on the cost-plus plan for a fixed fee. Does the gentleman know what system the Navy has in force to check up on that cost and to verify it? Do they have any system of that kind?

Mr. BUTLER. Will not the gentleman permit me to refer that question to the gentleman from Georgia?

Mr. VINSON of Georgia. I will say now it is a fixed fee of $2,000,000 for each contractor for the construction of each one of these vessels. Under the original plan which Secretary Daniels put through during the war and prior to the war, if this bill had passed, the contractor would have received $3,400,000.

Mr. BLACK of Texas. But that does not answer the question I have propounded. I want to know what system the Navy has for checking up on the cost of these ships and seeing that the cost is not inflated.

Mr. VINSON of Georgia. The Navy has in every navy yard experts who check up every bit of the work done. That system is being followed in this instance, and even if a vessel had cost $60,000,000 the contractor could get no more than $2,000,000.

Mr. BUTLER. And if it should cost $25,000,000, he would get $2,000,000. He furnishes everything except the labor and material that goes into the ship, furnishing the yards and docks. I think the gentleman will find all of those things particularly set out in the hearings.

Mr. Chairman, I reserve the balance of my time and yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. VINSON of Georgia. Mr. Chairman, I yield the gentleman from Texas 10 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia in opposition. The gentleman from Georgia yields the gentleman from Texas 10 minutes and the gentleman from Pennsylvania yields him 5 minutes, making 15 minutes in all.

Mr. BLANTON. Mr. Chairman, I imagine that the same patriotic expression we heard from our friend from North Carolina [Mr. POU] likewise beats in the breast of every statesman in Japan, and likewise pulsates in the heart of every statesman in Great Britain.

If the matter of spending $68,000,000 for two new airplane carriers were before the British Parliament to-day, as an argument for the passage of such legislation, they would proclaim that the United States is proposing to expend $68,000,000 for just such purposes, and likewise the same argument would be presented to the legislative body in Japan, that the United States is proposing to expend $68,000,000, and therefore Japan should expend at least $68,000,000 or more for airplane carriers.

I am willing to assume for the sake of the argument that statesmen in Great Britain and in Japan are just as patriotic as patriot statesmen in the United States. I am willing to assume that statesmen neither in Great Britain nor Japan want their country to be outdone by any other country, and that they are watching us to set the example, and that what we do they will do likewise. They do not want a navy second to ours. They want an unconquerable navy, as Mr. POU expressed it, and that is the trouble with the civilized nations of the world. They each want an army and a navy that are unconquerable, and every time we build two $34,000,000 airplane carriers, we are going to find Japan doing likewise and Great Britain doing likewise, and then some. We have got to meet the competition and they must meet all competition.

The gentleman from Illinois, your great chairman of the Committee on Appropriations [Mr. MADDEN], yesterday said that we hear on the tongue of everybody "economy," "economy," and yet when it is going to be put in practice, when a move comes to take millions out of the Treasury, the ones who are behind that particular project say, "Oh, let us apply the economy somewhere else," and that is the way it goes.

When we first proposed to build these two ships they were to cost $16,500,000 each, and then we increased the limit of cost to $19,000,000 each, and then we increased it to $23,000,000 each, and now this bill attempts to increase the limit of cost to $34,000,000, or another $11,000,000 additional increase on each ship. And then remember, too, that we are allowing them an additional margin of 20 per cent, which was provided in the original law, and has never been repealed.

This is the situation. The distinguished gentleman from Ohio [Mr. SPEAKS] asked a very pertinent question when he asked the chairman of this great committee whether or not these ships were to be built upon a cost-plus basis. They are built on that same vicious principle, and I will never vote for it again. We are to put up all the expense, no matter how much they cost, and the contractors are to bear no loss and take no chances. They have no chance to lose. They are to get a stated fee of $2,000,000 for each ship, and whatever they finally cost the Government has to pay it. That is the situation.

Mr. SNELL. Will the gentleman yield for a question there?

Mr. BLANTON. In a moment.

Mr. SNELL. Right on that statement.

Mr. BLANTON. I have only 15 minutes, and I want to use all of it, please.

Mr. SNELL. Will not the gentleman yield on that point about the $2,000,000 fee?

Mr. BLANTON. Does the gentleman know more about it than our friend the gentleman from Georgia [Mr. VINSON]? He just stated that they were to get $2,000,000 fee on each ship. Does the gentleman know more about it than the chairman of the committee, the gentleman from Pennsylvania [Mr. BUTLER]? He knows that is the fact. They would have gotten a fee of $3,500,000 under the old program, but now they will get $2,000,000 each; is not that so?

Mr. BUTLER. Yes.

Mr. BLANTON. They are not concerned about what these ships cost. They are not especially concerned about keeping down the cost to the Government. After we pay them their $2,000,000 fee for building each ship, and after they spend all this $68,000,000 we are giving them for labor and material, if these two carriers should not be completed we will have to give them enough millions more to complete them.

Go up to the Camden shipyards and see how the New York Shipbuilding Corporation conducts its affairs. It is on a big, expensive scale. They want to get and use the very best and easiest facilities and means possible for building these ships. What do they care about expense when the Government is paying the cost? I can not forget all of the waste, extravagance, and loss that the American taxpayers suffered during the war on cost-plus contracts.

I well remember the special train of palace cars down here at the station that the New York Shipbuilding Corporation provided, when upon their invitation they took us up to Camden and showed us through their yards and gave us a magnificent spread up there and then carried us around Philadelphia.

They know how to make friends of us and of course I like them personally, for they are bully good fellows, but I do not like them well enough to continue to give them $34,000,000 to spend on a ship, and a $2,000,000-guaranteed profit on a ship. I found out something about how they conduct their business when I went on that trip. I looked over their shipyards and looked into the method of their shipbuilding business. While some of you men were at that splendid spread, I was looking around.

Mr. BUTLER. When did the gentleman get his invitation? I did not have any.

Mr. BLANTON. Oh, yes. This was several years ago.

Mr. BUTLER. I was living then. [Laughter.]

Mr. BRITTEN. When did this junket occur? I was not there, and I would like to know something about that.

Mr. BLANTON. I see a number of colleagues here who do know all about it for they were along. It was not a Government junket. But it was a junket just the same paid for by the New York Shipbuilding Corporation.

I remember when this same committee came in here two years ago with that plan to take $6,500,000 out of the Treasury and increase the elevation of our guns. That bill was going to pass just like this bill is passing, without any opposition. I first made a point of order against it, that we did not have any right to elevate our guns under the terms of our 5-5-3 treaty. The chairman overruled my point of order. I then took the floor in debate and fought that proposition, claiming we did not have the right to elevate our guns under the treaty, as it specifically prohibited it, but the House mowed down my opposition and finally passed the bill and the money was provided. Then the Secretary of State held it up and said, "Our naval officers have deceived us. They have misrepresented what Great Britain is doing," and the distinguished gentleman from Illinois [Mr. MADDEN] had the manhood to stand there and tell those naval officers, "You shall not spend one dollar of that money in elevating those guns, for by misrepresentation you deceived Congress. You let that money alone. I am going to put it back into the Treasury of the United States"; and as soon as Congress met, the gentleman introduced and passed a bill here that turned back into the Treasury that $6,500,000.

Oh, I know that this has been a pet measure of our friend the distinguished gentleman from Illinois [Mr. BRITTEN]—and he is our friend, and all of us like him, even though we can not agree with him. His committee has tried time and again to spend that $6,500,000. They have tried time and again to elevate those guns; and yet Mr. Coolidge, the President of the United States, has within the last month put his stamp of everlasting disapproval upon that project, and he says to let it alone; he is not going to permit it; it is a violation of the treaty we have signed with other governments of the world.

So you see it does help for an humble Member of Congress to get up here sometimes and oppose these propositions, even though almost unanimously sponsored by a powerful committee.

Mr. BRITTEN. Just at that point, will my friend yield for a question?

Mr. BLANTON. Yes; certainly.

Mr. BRITTEN. I know the gentleman wants to be correct. Mr. Coolidge, the President, did not object on the lines suggested by the gentleman from Texas. He objected from the standpoint of economy solely, and the Secretary of State backed him up in the statement that the elevation of the guns would not be a violation of the treaty.

Mr. BLANTON. Has the gentleman ever darkened a glass and tried to look into the heart of Cal Coolidge?

Mr. BRITTEN. Not yet.

Mr. BLANTON. Because he would have to have a dark glass to keep from hurting his eyes. His heart shines with brightness, and he stands for the people on that question, and he is not going to let that money be spent; he is not going to let a treaty of the United States be used as a scrap of paper. I can not agree with the gentleman. It was stopped because of the treaty. The gentleman does not any more know the reason why Cal Coolidge prevented that money from being spent than I do.

Mr. BRITTEN. Oh, yes; we do. We have his statement to the committee.

Mr. BLANTON. Oh, I have not been to those White House breakfasts like the gentleman, but I know something about the workings of his heart. I know why he would not let that money be spent. I heard what MARTIN MADDEN said on this floor; and the distinguished colleague of the gentleman from Illinois, who is the chairman of the Committee on Appropriations, goes to those breakfasts and midnight receptions the same as the gentleman does, and his advice and judgment does influence the President; for besides being the able chairman of the Committee on Appropriations, MARTIN MADDEN is an able statesman.

What are we going to do about this big building program? Are we going to be like our friend from North Carolina [Mr. POU] and build a Navy that is unconquerable? Is that our idea as a "peaceful Nation"? That would be the idea of a militaristic kaiser, but we are a peaceful Nation. We ought to set our peaceful example to the nations of the world. We ought to say to Great Britain, we ought to say to Japan, that we, the peaceful American people, are not going to build any of these $34,000,000 airplane carriers, that we are a peaceful Nation, that we are not embarking upon militarism, that we can protect ourselves if danger comes to us, if attacks come from abroad, that we can amply protect ourselves. We demonstrated our fitness to do that in the last war. Within the passing almost of a night we mobilized a trained Army of 4,000,000 men. We secured ships and sent our Armies across the water. We did in a short time everything that a militaristic nation had been doing for years, and we demonstrated our unconquerable determination to see that our land and our rights should be defended. If we would set that example of peace to Great Britain and to Japan, you would find their statesmen unable to make an argument strong enough to get the taxpayers of those countries to build ships such as they and we are building now. They would follow our example. Those taxpayers are tax burdened to death over there. They do not want to spend this money. They are spending it only with the idea of defending their own interests, and if they knew that their own interests were not menaced, they would not spend it. They would like to save it; they would like to relieve themselves of these burdens.

I am going to stand here and have the courage to fight against these bills every time they come in here. I am going not only to vote against these bills every time they come in here, but I am going to speak against them in my humble way, if I am outvoted a hundred to one.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BUTLER. Did the gentleman oppose the act of Congress which authorized the conversion of these ships?

Mr. BLANTON. I voted against every bill that this Naval Affairs Committee has brought in here for these increases for the last five years, and the gentleman will find my action consistent upon them.

Mr. BUTLER. Did the gentleman speak against it?

Mr. BLANTON. I think the gentleman will find that I have taken up the time of the House against a big Navy and building plan every time the gentleman has presented a bill.

Mr. BUTLER. That is right.

Mr. BLANTON. I have knocked out many of them on unanimous-consent days. The gentleman will remember that.

Mr. BUTLER. Yes.

Mr. BLANTON. When I hated to do it, because I love the gentleman from Pennsylvania.

Mr. BUTLER. Our affection for each other, however, must not control us here. As a business man, what are we to do with these boats? This House has unanimously, or practically so, authorized these expenditures. What are we to do? Shall we finish them or turn them into old garrets for swallows to build their nests in?

Mr. BLANTON. I am not in favor of doing with them what the gentleman did with some brand-new battleships that had never been used.

Mr. BUTLER. Taking them and sinking them?

Mr. BLANTON. Sinking them. That was a crime.

Mr. BRITTEN. Would the gentleman have voted to complete them?

Mr. BLANTON. I know that the Steel Trust wanted those boats sunk. It was to the interest of the Steel Trust to sink those boats, and get all that steel out of the competitive market. I would not have sunk one of them. I would have dismantled all of them and converted that steel into useful plowshares. I would have converted that steel into something useful. I would have converted that steel into something that would have been in competition with the high-priced steel that is on the markets to-day, which concerns the pocketbook of every farmer and stockman in the Nation. That is how I feel about it. When are we going to start the economy that we preach about so generally? Mr. MADDEN said yesterday that economy is not a specific proposition, he regrets to say, but is a general proposition. When you preach economy everybody is for it, but when you come to apply it specifically, then everybody is against it. Each wants to apply it to every project except his own. The Naval Affairs Committee wants to apply it to the Army but not to itself, and vice versa. We do not apply it; we preach it. I am going to apply it, and vote against this bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. MCKEOWN. Mr. Chairman and gentlemen of the committee, I voice my protest against the proposed action in this case. If we were trying to get some legislation for the farmers of the West, you could not get a rule out of the Committee on Rules with a crowbar and sledge hammer, but when it comes to fixing a war machine and implement to carry on war, to help some contractors in the East, why, you can get a special rule that carries an authorization for an appropriation of $22,000,000 of the people's money. Now, let me say this to you: This arms conference, the way they are carrying it out, is going to cost the United States more money than if we had kept on with our competitive armament program. It is costing

more money of the people to comply with the treaty than it would if we had gone ahead with the program of competitive armament. Oh, they say we want to fix these airplane carriers involving $22,000,000, more of the people's money. Why do you not wait until the new Congress comes in here? Are you Republicans afraid to risk that new Congress? You have got enough sins of omission to answer for, and here is one of commission that you will have to answer to the people of this country. Why, it is an attempt to take $22,000,000 of the hard-earned money of the American taxpayers and put it upon a program of increasing the armament of the Navy. They are going to have aircraft ships. The gentleman from Pennsylvania [Mr. BUTLER] said, would we let them go along and become bat holes and places for birds to roost in? No; but I would junk them and sell the junk, if I could junk them. I do not want to spend another dollar of the people's money on these old boats that we talk so much about. This is a small matter, only $11,000,000 apiece; it is a small matter for these taxpayers in the United States, the taxpayers from New York, from Pennsylvania, those States that pay such large amounts into the Treasury of the United States; oh, it is a small sum and they do not care.

But, gentlemen, you listen. Why do not you wait until the next Congress comes in? Why do not you give the newly elected Congress a chance to express itself? I said in the outset that when you talk about a peace program, when you talk about the arms conference, it does not mean, according to the construction of men of this House—it does not mean an attempt to reduce armament. If it were not for the President of the United States I do not know where this thing would go. He stopped the elevation of guns. He is the only hope for the taxpayers of this country, because there is no minority report here from any Member on the Democratic side, and what I have got to say about this extravagance is just as applicable to the minority Members who favor the report on file. I take it for granted that a large number of the Members of the House are in favor of spending $22,000,000 on these ships, and you are now trying to put a tax on the magazines and newspapers of this country to pay a deficit, to pay the post-office employees reasonable wages, and yet here at one fell stroke you propose to take $22,000,000 of the money, or nearly enough to pay the post-office employees; you are willing to take it out of the United States Treasury and put a tax on the magazines and newspapers of this country that carry the intelligence and information to the people of this country. If that is your program, make the most of it and see whether or not the American people at the next election will indorse such a program. Why, it is outrageous to come in here and take $22,000,000 of the people's money in one stroke and put it on naval vessels that are outlawed under the treaty and then come in here and ask to put a tax on the newspapers and magazines of this country to make up a deficiency occasioned by an increase in the pay of postal employees. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. MCCLINTIC].

Mr. MCCLINTIC. Mr. Chairman, as a rule, I am in accord with my colleague from Oklahoma on matters relating to armor and the protection of our Navy. But in this particular instance I am of the opinion that if we are to have a Navy and are going to maintain a Navy, it is necessary to provide a method so that airplanes can be carried on ships. I have not been in accord with the majority of the members of the Committee on Naval Affairs on a great many programs. When the war with Germany and her allies was completed, it left the world in a deplorable condition; England and France were bled white because of the loss of man power; Russia was in the hands of the Bolshevists; Austria, Germany, Turkey, and the other nations were in bad financial straits. Therefore, when the question of completing the 1916 shipbuilding program, which would have cost approximately $1,000,000,000, came up for consideration before the Naval Affairs Committee, I opposed the same on the grounds that there was not a nation on earth financially able to start another war, and I was of the opinion that the lesson taught during the recent struggle would be sufficient to cause all nations to refrain from engaging in hostilities for a number of years.

I believe I was the only Member of the Naval Affairs Committee who took this stand.

A little later a disarmament conference was called, and Secretary Denby and Admiral Coontz to a large extent, represented our Navy. I believed that they would use good judgment in protecting the interests of the country, and, of course, we were all amazed when it was found out that a policy was adopted which caused our new ships to be scrapped and the old ones retained.

Now, Mr. Chairman, I believe that far more efficiency can be secured for the Navy if we will appropriate sufficient money to construct airplane carriers to navigate the air, for it has already been demonstrated that planes can be launched and reattach themselves to ships of this type. Therefore, I believe it will be only a few years until we shall construct great dirigibles sufficiently large to carry just as many planes as these airplane carriers will take care of when completed. Of course, there are those who will object to this appropriation. However, we are in a position similar to the person who had hold of the tail of a bear and could not turn loose. A contract was let for the construction of these airplane carriers on a 10 per cent plus cost plan; later on, it was agreed that they should be completed on a fixed-fee basis, which would give the contractors an additional sum of $2,000,000 for each ship, and no one can say what they will cost before they are finally completed, because we do not have any way to know what will be charged up against the two ships. Therefore, to protect our investment, it is necessary to pass this bill.

The two types of airplane carriers which have been authorized to be constructed will be termed by some as monstrosities for the reason they contain engineering features which are excessive when compared to the modern types of battleships, in that the horsepower is extraordinarily excessive.

When it is taken into consideration that the weight of 72 planes is not very heavy when making a comparison with the usual tonnage of a battleship, and that the horsepower of average battleships is less than 100,000, I can not understand why it was necessary to provide these two carriers with boilers which will produce 180,000 horsepower each, and this is probably one reason why it is going to cost so much to complete the same.

Notwithstanding the fact that I have opposed the construction of what I term useless battleships in the past, I am convinced that in order to maintain an efficient Navy, it is necessary that carriers be provided, and I feel it is my duty to support this bill.

Mr. VINSON of Georgia. Mr. Chairman, will the Chair please advise me when I have used five minutes?

The CHAIRMAN. Very well.

Mr. VINSON of Georgia. Mr. Chairman, in reference to the last statement of the gentleman from Oklahoma [Mr. MCCLINTIC] as to why the horsepower of these ships is so much greater than that of the average battleship, I will say it is because the purpose of an airplane carrier is to go in front of the line, far in advance of the battle fleet. Therefore they must have more horsepower and more speed.

Now, Mr. Chairman and gentlemen of the committee, I want to give a little information as to the reason why we are again asking for an additional appropriation.

The *Lexington* and *Saratoga* were originally two of the six battle cruisers included in the building program of 1916. The contract for the building of the *Lexington* as a battle cruiser was entered into with the Fore River Shipping Corporation, Quincy, Mass., April, 1917. The contract for the *Saratoga* was entered into with the New York Shipbuilding Corporation, of Camden, N. J., in May, 1917.

From the date of the contract down to the time that we entered the war on April 6, 1917, practically no work was undertaken on these vessels, and as a result of the war the keel of the *Lexington* was not laid down until January, 1921, and September 25, 1920, for the *Saratoga*.

The work on these vessels was stopped on February 8, 1922, following the signing of the treaty limiting naval armaments. At that time the *Lexington* was 33 per cent complete and the *Saratoga* 34 per cent. Under the terms of the treaty it was agreed that these two battle cruisers should be converted into airplane carriers. The original contracts for the construction of the two battle cruisers was based on the cost plus 10 per cent plan. Before the keel of either one of these vessels had been laid down, as a matter of fact, on December 7, 1920, and October 11, 1920, the contracts were changed to a cost plus a fixed fee, which was $2,000,000.

Under the cost plus 10 per cent plan the contractor for the construction of these ships, with the passage of this bill, would receive $3,400,000, but by the new contract, the same being cost plus a fixed fee, the contractors receive but $2,000,000 each. The original cost of the *Lexington* and *Saratoga* was provided for in the 1916 building program bill at $16,500,000 each. By the act of March 4, 1917, the cost was increased to $19,000,000. By the act of July 11, 1919, the limit of cost was fixed at $23,000,000.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. OLIVER of Alabama. I think the gentleman falls into an error there in that statement, for this reason: That the act authorizing these ships to be built placed a limitation on the cost.

Mr. VINSON of Georgia. Exactly.

Mr. OLIVER of Alabama. And the first contract, which gave 10 per cent, was limited by what Congress had done in fixing the original price, so that it could not have been 10 per cent of $34,000,000.

Mr. VINSON of Georgia. Yes; but Congress fixed the price at $23,000,000 in the act of July 11, 1919, and under that authorization, unless the contract was changed, the contractor would receive $2,300,000.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield there?

Mr. VINSON of Georgia. Yes.

Mr. LAGUARDIA. These two ships, as I understand, were to be built on plans prepared by the department?

Mr. VINSON of Georgia. Yes.

Mr. LAGUARDIA. What does the contractor do, or what does he give besides his work?

Mr. VINSON of Georgia. He constructs the ship according to naval plans and specifications.

Mr. LAGUARDIA. What does he do for his fee?

Mr. VINSON of Georgia. He builds the ship according to contract and specifications.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. McKEOWN. Would it not be wise to defer this?

Mr. VINSON of Georgia. No. And the reason is that the appropriation of $23,000,000 will be expended this summer, and it would be folly to let these ships stand until Congress meets in December. If the gentleman were building a house and had it all finished but the roof, would he wait one year before putting on the roof? A wise man would finish the construction as early as possible.

The CHAIRMAN. The gentleman from Georgia has consumed five minutes.

Mr. VINSON of Georgia. I will take two minutes more.

The speed of these airplane carriers will be between 33 and 34 knots an hour; they have a horsepower of 180,000. They can carry 72 planes, or four groups of 18 planes each. Under the treaty they are permitted to carry only 8-inch guns. The cost plus fee is a little less than 6 per cent on the $34,000,000. These vessels have a draft of 31 feet and are 874 feet long and have a tonnage of 43,500 tons.

Now, it is pertinent to state here that under the treaty we are not up to the ratio allowed us in airplane carriers. As a matter of fact, we could construct another airplane carrier.

Now, let me say that the main part of the increase in the cost of construction is due to the same causes that have resulted in an increase in the cost of construction of other vessels building at private shipyards on cost-plus contracts and of vessels building at navy yards during the period since the war. These are, first, the increases in wages and prices of material, which now stand at about 1.8 as compared with the 1916 level; and, second, the increase in the overhead expenses due to the small amount of shipbuilding work, which has caused shipbuilding plants to operate at much below their normal output. In addition to the above causes, which affected the cost of all vessels under construction during this period, the cost of these two vessels has been further increased, though to a lesser extent, by the cost of certain work undertaken for the vessels as battle cruisers and which could not be utilized in their construction as airplane carriers, and by the additional delay necessitated by the preparation of a new set of plans in connection with the conversion.

This proposed legislation was submitted to the Director of the Bureau of the Budget, as required by Circular No. 49, issued by that bureau, for information as to whether or not it came within the financial program of the President, and under date of January 2, 1925, the director advised the department "that this proposed legislation is not in conflict with his (the President's) financial program."

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. VINSON of Georgia. Mr. Chairman, I reserve the balance of my time.

Mr. BUTLER. Mr. Chairman, I yield five minutes to my colleague Mr. BRITTEN. [Cries of "Vote!" "Vote!"]

Mr. BRITTEN. Mr. Chairman, I realize, as some of my friends do who are calling for a vote, that this bill should receive no opposition whatever. It is merely continuing a contract for the construction of a couple of ships, and we have either got to continue the contracts or abandon the shipbuilding. So there should be no objection to this bill.

I want to call the attention of the House to one or two points in order to make clear just what our status is on airplane carriers. When these two ships have been completed we will have only three airplane carriers. Japan will have three, and England will have six, so that we are away behind England and practically on a parity with Japan in airplane carriers. I think, gentlemen, that the airplane carrier is more important in the defense of the Nation than even a battleship itself.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. FROTHINGHAM. Does the *Langley* carry as many planes?

Mr. BRITTEN. No; the *Langley* is a very small, experimental craft.

Mr. FROTHINGHAM. But that is the third one the gentleman refers to?

Mr. BRITTEN. Yes.

Mr. FROTHINGHAM. And it does not carry as many planes as the English or Japanese airplane carriers?

Mr. BRITTEN. No. In the matter of airplane tonnage, when these two wonderful ships have been completed, we and Japan will have practically the same tonnage in airplane carriers, although from a ratio standpoint we should have five to her three. That puts us at a disadvantage on airplane carriers.

I want to call attention to the building program of Great Britain. She is building two capital ships. I do not know whether the Navy Department itself knows just what those capital ships constitute, whether they are battleships or airplane carriers. They are ships without funnels on main decks, no guns aft; they carry 16-inch guns and have heavy armor; and yet they are plane carriers to all intents and purposes. A clear deck space gives a long, broad sweep for the launching of airplanes, thus increasing the vessel's battle radius by hundreds of miles. The absence of funnels provides unobstructed space for planes.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. WAINWRIGHT. How many planes does the gentleman understand these new British ships are to carry?

Mr. BRITTEN. Various estimates have been made all the way from 30 to 70. Now, the question is: I want to know whether Great Britain is pulling the wool over our eyes again and constructing plane carriers under the guise of capital ships? I do not know whether the Navy Department has yet ascertained just what kind of ships the British are building.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. CONNALLY of Texas. I am for the gentleman's bill, but does the gentleman think that the use of that kind of language on this floor with reference to another nation is really contributing to the harmony and amity of nations?

Mr. BRITTEN. Of course, I hope the House will not declare war against Great Britain this afternoon.

Mr. CONNALLY of Texas. I refer to the use of such language as "pulling the wool over our eyes."

Mr. BRITTEN. Well, I will repeat: I want to know if they are pulling the wool over our eyes, as they have in the past whenever we attempt to negotiate with them diplomatically.

Mr. GREEN. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. GREEN. I am in favor of the gentleman's bill, although I am not one of the extreme Navy men. But Great Britain does not conduct these matters in secret. There has never been any trouble about finding out what Great Britain is doing, except by the misrepresentation that has come from naval officers before your committee, as I have shown here several times. [Applause.] And a year afterwards the gentleman and the members of his committee had to admit that wrong information had been given.

Mr. BRITTEN. I will say to my friend that these ships are being constructed in a rather secret manner. We do not know their specific characteristics. We have been told by some experts that they are plane carriers, and we have been told by other experts that they are capital ships and not plane carriers. From all I have heard they might be either or both. I am wondering whether our Navy Department knows what is going on. When we attempt to elevate our guns and make our capital ships as powerful as England she immediately objects and says that the elevation of guns is a violation of the treaty. Our Government contends to the contrary. Great Britain is constantly protecting herself by her superior

diplomacy all over the world, and I want the United States to do the same thing. The country will back any opinion made by our present Secretary of State.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I would like to have five minutes more.

Mr. BUTLER. Mr. Chairman, I do not think I have five minutes to yield my friend.

Mr. BRITTEN. Then yield me two minutes.

Mr. BUTLER. I am going to yield the gentleman all the time I can. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Pennsylvania has five minutes remaining, and the gentleman from Georgia [Mr. VINSON] has three minutes remaining.

Mr. BUTLER. Mr. Chairman, I will be delighted to yield one minute more to my friend, the gentleman from Illinois.

Mr. BRITTEN. Mr. Chairman, I desire to present to the House a communication which I received at my Chicago address from one of the peers of the Japanese Parliament, and I ask unanimous consent that it may be read in my time.

Mr. BLANTON. Reserving the right to object, and I shall not object, will the gentleman yield for a brief question?

Mr. BRITTEN. This is to be read in my time.

Mr. LaGUARDIA. Reserving the right to object, Mr. Chairman, I raise a point of order on that. I understand all communications from foreign governments must come through our State Department. [Laughter.]

Mr. BLANTON. Will the gentleman yield for a question?

Mr. BRITTEN. Yes; but I may not have time to answer it in the one minute I have.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. LaGUARDIA. I object.

Mr. BRITTEN. Then I will read it in my own time.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. I have just had one minute yielded to me and I have not spoken. I will only require a minute to read this communication.

Mr. BUTLER. I will yield the gentleman one minute.

Mr. BRITTEN. From Mr. Teiichi Sugita, member of the House of Peers, Tokyo, Japan:

TOKYO, *December 29, 1924.*

To FRED ALBERT BRITTEN, Esq.,
327 Belden Avenue, Chicago.

SIR: In inclosing herewith a copy of the resolution passed at a meeting held on the 21st instant under the auspices of the Tai Bei Mondai Yushi Association, representing all classes of the Japanese people, I respectfully beg to request that you will exert your utmost to persuade the American Government to abandon the naval maneuvers.

Thanking you in anticipation, I am, sir,

Yours respectfully,
TEIICHI SUGITA,
Chairman of the Meeting.

Resolution

Whereas America has decided to concentrate her whole Navy in the Pacific for the purpose of holding grand naval maneuvers, with Hawaii as the central base of operations, extending over a period of nine months from January next;

Whereas America intends to invite Australia and New Zealand to participate in the said maneuvers—

Which is not correct—

Whereas the above action of America tends to disregard completely the spirit of the Washington conference and to menace the peace of the Far East—

Which is also incorrect—

We, Mitsuru Toyama and the members of the Tai Bei Mondai Yushi Taikai, representing all classes of the Japanese people and all political parties, publicly assembled to-day, December 21, 1924, do hereby earnestly hope that the American Government, out of due regard to international morality and the cause of world peace, will immediately abandon the disquieting plan.

TEIICHI SUGITA,
Member of the House of Peers and
Chairman of the Meeting.

TOKYO, JAPAN, *December 21, 1924.*

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. BRITTEN. I think the House ought to know this, and that is the reason I wanted it read into the RECORD.

Mr. BLANTON. That is not authentic as coming from that Government?

Mr. BRITTEN. No; not from the Government. Here is the envelope it came in—from Mr. Sugita, chairman of the meeting.

Mr. BLANTON. I mean that is not from the Government, but just from an individual.

Mr. BUTLER. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. VINSON of Georgia. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. CONNALLY of Texas. Mr. Chairman and gentleman of the committee, I do not believe in war if there is any honorable method of avoiding it. I believe in international cooperation, arbitration, and the settlement of disputes between nations according to law and justice, but the trouble about the proposition is that the world has not seemingly come to that conclusion, and it seems that the people of the United States are not yet ready to crystallize that feeling into any concrete action.

In this sort of situation there is nothing else for the United States to do, as I view it, but to maintain an adequate Navy to protect our interests on the high seas. For this reason I am going to vote for this bill, not because I fear any war with Japan, as the gentleman from Illinois [Mr. BRITTEN] seems to fear, and not because I fear any war with Great Britain, because I do not believe we are going to have any war with either one of them; but it is simply a question of whether or not our national interests require that, to protect ourselves against the future and its uncertainties, we should maintain a Navy adequate to our defense.

I deprecate very much the attitude of the gentleman from Illinois [Mr. BRITTEN]. We all recognize that he is technically well posted on the Navy, but when it comes to the passage of a naval bill, is it necessary that we try to make the world believe that in doing so we are entertaining some particular animus or some particular objective toward Japan or toward Great Britain.

I am not voting for this bill as a threat against Japan or against Great Britain, or against any other power, but I am voting for it because I believe it is my duty as a Member of this Congress, a duty to the taxpayers, and I have as high regard for the taxpayers as any Member. I would be delighted if we could have a Navy without levying taxes, but I believe it is a duty we owe our country and the future generations of our country to provide an adequate Navy.

I merely suggested the impropriety of the gentleman from Illinois [Mr. BRITTEN] dragging into the debate this Japanese bugaboo that he sees behind every bush. And it is a rather remarkable circumstance that the gentleman from Illinois, contrary to all custom and usage as between foreign nations, should have contact, direct contact, with a member of the national congress of Japan. Usually such communications are transmitted through the State Department or through the embassy or through the foreign representative of that government, and I am rather surprised that the gentleman from Illinois should seek to put that kind of a face upon this situation.

Then the gentleman stood on the floor here and stated that he wondered if Great Britain was trying to pull the wool over our eyes again, and when I questioned him as to the propriety of it, he repeated it and said she had pulled the wool over our eyes. No; she did not. We had gentleman in the disarmament conference.

The Secretary of State, I am sure, is equally as shrewd as the average Member of the House. [Laughter.] We had there the experts of the Navy Department, whom I have heard the gentleman from Illinois stand on this floor and compliment and praise to the skies. They knew what they were doing. These representatives of America, I am sure, realized it was getting the small end of the disarmament conference. We all realize it now, and those who were in the conference realized, perhaps, that we were sacrificing more in that conference than any other nation in the world, and realizing that they hoped, perhaps, that because of that sacrifice and because of the fact that the world would see that sacrifice the nations might be impressed with the fact that in the interest of humanity all over the world it was best that all nations agree to disarm as far as practicable.

But the result of that maneuver is that the other nations have gone on arming in those respects in which they were not limited by the treaty, and as long as they do there is no other course that is dictated by safety, that is dictated by our national duty, that is dictated by the most solemn considerations of common sense and patriotism, except for the United States in our own interests to maintain a Navy, efficient and of fight-

ing strength, up to the standard provided by the disarmament conference. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the limits of cost for the construction of the U. S. S. *Lexington* and *Saratoga*, the conversion of which vessels into airplane carriers, in accordance with the terms of the treaty providing for the limitation of naval armament, was authorized by the act of July 1, 1922, is hereby increased to $34,000,000 each.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word. I want the attention of the committee for only a moment. It has been decided by the highest authorities who are entitled to speak and it is the belief of this administration, as has been revealed to us sitting as a committee, that every nation which signed the disarmament treaty is living honestly up to it. [Applause.] There is no variation from its terms by either England or Japan, but all of these nations are scrupulously—and that is the language of the Secretary of the Navy—keeping the letter and the spirit of the agreement made in Washington. I agree with my friend from Texas [Mr. CONNALLY] that there is but one of two things left for us to do. Either we must make the preparation which in our honest, sober judgment is necessary for a national defense or there must be another agreement by which our armaments are further limited.

Mr. WINGO. Mr. Chairman, I rise in opposition to the pro forma amendment. The gentleman from Illinois [Mr. BRITTEN], after he had read the letter addressed to his particular street number in his home city by a Japanese politician, said he thought the House and the country ought to know it. He did not disclose anything new in that letter. That letter simply reports what any sane, sensible man would expect, and fear, that the people of Japan are being inflamed and misled by demagogues in Japan, just as demagogues and publicity seekers in this country are trying to inflame the American people. [Applause.] I have said before on this floor, and I repeat it, that there is room on the earth for the development of the peoples of both America and Japan, working in competition, it may be true, but a friendly rivalry in competition, which will not conflict with either the dignity or the material welfare of either nation. It would be a tragedy for Japan, as much as it would be a tragedy for the United States, if thoughtless demagogues inflamed the passions of a patriotic people and led these two great nations into conflict, the result of which would be the sacrifice of treasure and of the youth of both lands. [Applause.] The gentleman from Illinois [Mr. BRITTEN] of course can pursue his own course, but as for me, thinking of my own lad and of the boys of other men and women of this Nation, I shall insist that men in responsible place at least measure their words when they play with those elemental passions which from time immemorial have needlessly brought nations into conflict. The statesmen of both Japan and the United States are working together in perfect harmony, each maintaining rigidly the rights of each, and there is no danger of war with Japan unless the demagogues of Japan inflame the mad passions of the people of Japan, and the demagogues of America inflame the mad passions of America, so that the thoughtful judgment of statesmen directing the destinies of these two nations are overwhelmed. If such a thing should eventuate, it would be a tragedy, and I would hate to have the responsibility on my soul of shedding the blood that these irresponsible demagogues in the two countries will have if such a thing should happen.

Mr. GREEN. Mr. Chairman, I regret more than I can express that any intimation should have been given in the course of this debate that other nations connected with the disarmament treaty did not act with perfect fairness. At the time it was framed there was no concealment, no effort to mislead this country as to the resources of armament and the power of the navies of those other countries engaged, when the treaty was entered into. That such is the fact is evident because no one has made any such claim since that time. Anyone who will take the trouble to go to the library and ascertain the construction of the navies of these different powers which entered into the treaty at the time can get the full information on the subject.

The "wool was not pulled over the eyes" of this country. As one gentleman has already said, the experts of our Navy sat with the representatives of the State Department of this Government in framing that great measure. We knew perfectly well what we were doing at that time and we understood perfectly that only the construction of vessels of a certain kind were limited by the treaty. Great Britain is now constructing two battleships, or is about to construct them. I think the gentleman from Pennsylvania [Mr. BUTLER] can say whether the keels have yet been laid.

Mr. BUTLER. Oh, they are more than laid; they are completing them quite fast, but they are strictly named in the conference treaty.

Mr. GREEN. Great Britain is in no respect violating the treaty, but on the contrary is doing what the treaty expressly permitted. It is probable that in constructing these vessels an effort is made to have them on the most approved lines within the limits of the treaty, which is being observed as to size, as to armament, and as to all other particulars which were specified in the treaty. It is possible that they are to be constructed without funnels. There are certain reasons for that. On the last two vessels that we have constructed the funnels are so made that at certain angles of vision they are not seen, although the funnels are there. However that may be, there was no provision in the treaty against building battleships without funnels, and as to the plan to construct them with the main battery forward, instead of aft, there is nothing in the treaty providing against that. There may be much argument as to whether or not that is an advantage. In conflict battleships do not as a rule fight bow on, because it gives a better chance for the enemy to hit a ship that is so placed.

The whole matter may be summed up by saying that it was agreed that Great Britain might build these ships in order to make her fleet equal to our own, and we have reason neither for complaint nor alarm.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BRITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition.

Mr. DOWELL. Mr. Chairman, I make the point of order that debate is exhausted on this amendment.

Mr. LAGUARDIA. I can rise in opposition to the gentleman's amendment to strike out the last two words.

The CHAIRMAN. There has been only one speech on the last pro forma amendment. The gentleman from Illinois is recognized.

Mr. LAGUARDIA. I think he gives way to me.

Mr. DOWELL. Mr. Chairman, I make the point of order debate is exhausted, and there is nothing before the House unless it be a pro forma amendment.

The CHAIRMAN. There is a pro forma amendment, upon which there has been one speech.

Mr. BUTLER. Mr. Chairman, I am waiting a favorable opportunity to move that the committee rise.

Mr. DOWELL. Why does not the gentleman do it?

Mr. BUTLER. Because there is an amendment before the House to which the gentleman from New York rises in opposition and also the gentleman from Illinois, and as early as possible I shall move that the committee rise.

Mr. DOWELL. A member of the Committee on Naval Affairs is now claiming the floor. If the gentleman desires to make a motion, it is in order; but I insist that further debate on a pro forma motion means it is unlimited and a waste of time, and we ought to stop it.

The CHAIRMAN. The Chair will state that the first motion was to strike out the last word, upon which there was one speech for and one against. The Chair, without objection, withdrew that pro forma amendment. Then there was a pro forma amendment made to strike out the last two words, upon which there has been one speech, and the gentleman from Illinois, a member of the committee, now demands recognition against that amendment; and in the opinion of the Chair he ought to be recognized.

Mr. BANKHEAD. Mr. Chairman, under a strict interpretation of the rule if the gentleman from Iowa would press his point he would be compelled to discuss actually the amendment?

The CHAIRMAN. When the gentleman begins his speech it would under those circumstances be necessary for him to address himself to the subject matter of the amendment.

Mr. CONNALLY of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONNALLY of Texas. Is there not some rule somewhere which provides that if a Member speaks once he shall not speak until everybody else has a chance to speak on the same amendment?

The CHAIRMAN. The gentleman from Illinois spoke in general debate.

Mr. CONNALLY of Texas. I am not objecting to the gentleman from Illinois.

Mr. BRITTEN. Mr. Chairman, I will require not to exceed three minutes and perhaps only two minutes. I want to suggest to the distinguished gentleman from Arkansas [Mr. WINGO] that the same kind of speech he made here to-day could reasonably have been made by himself, and probably was made by himself, against Captain Hobson, a very distinguished Member from the gentleman's side of the House some 10 years ago, when Hobson was advocating a big Navy. Talk of a big Navy always brings forth the cry of "jingo" by the little Navy men and pacifists. I feel like the gentleman from Arkansas does, that there is not the slightest prospect of war between this country and Japan, not the slightest, and I will go further than that and say there never will be a war between this country and Japan so long as we absolutely control the Pacific, and that is what we have got to do. As long as I am in this House I shall raise my voice for the purpose of keeping our Navy at top speed and in the highest efficiency for the protection of this country and the control of the Pacific Ocean, and when we fail to control the Pacific, gentlemen, you may make up your minds there will be war pending immediately.

The CHAIRMAN. Debate has been exhausted upon the pending amendment. The gentleman from Pennsylvania.

Mr. BUTLER. Mr. Chairman, I can not move that this committee rise when a gentleman is on his feet to make a further amendment.

Mr. LaGUARDIA. I move to strike out the paragraph.

The CHAIRMAN. The gentleman from New York moves to strike out the paragraph. The other amendment, without objection, will be withdrawn.

There was no objection.

Mr. LaGUARDIA. Mr. Chairman and gentlemen, I admit that this bill could pass, that the committee could rise without my speech, but, gentlemen, I do not believe it is fair at any time to apply the gag rule to Members of this House. In connection with this bill I simply want to say, supplemental of what the distinguished gentleman from Texas [Mr. CONNALLY] has said, that if the men of this country who do the talking would have some consideration for the men who do the fighting we would go a long way toward permanent peace. [Applause.] I voted against the appropriation for the elevation of guns, and my vote was justified by subsequent events. In this case a different proposition presents itself. I am going to vote for this appropriation or authorization because it is experimental in every sense of the word. If we can succeed in developing aviation to that point of establishing daily contact with other countries of the world, I believe that, too, will be a great step toward permanent peace. Now, when I rose and objected to the reading of a letter which, as suggested, came from an official of another nation, I believe I was justified in doing so. You have here a living example of how easy it is for information to be distorted and misunderstandings to be pyramided. First, some gentleman in Japan misunderstands the resolution of the gentleman from Illinois and he writes a letter. Then the gentleman from Illinois misunderstands the gentleman from Japan and brings in here a letter which purports to be from a Government official, and so the misunderstanding instead of clarifying keeps growing. I do not believe that any Member of Congress should have any correspondence with any foreign government [applause], and that is the law as I understand it.

Mr. BRITTEN. Will the gentleman yield? It was not purported that the correspondence came from the Japanese Government.

Mr. LaGUARDIA. Let me make that clear. I know one thing, if I received a letter from a member of parliament of a foreign country, I would refer it to the State Department. I would not reply to it or bring it on the floor of this House.

It is the easiest thing in the world to create misunderstanding in just that way. I agree with what has been said here by the gentleman from Texas, that the least we can do is to permit the State Department to conduct the foreign affairs of our country, and we should attend to our own business here on the floor of the House. [Applause.]

Mr. BUTLER. Mr. Chairman, I move——

Mr. BEEDY. Mr. Chairman, I rise in opposition to the amendment.

Mr. BUTLER. We have to conform to the rule. Gentlemen speaking on the measure must confine themselves to the measure. I move, Mr. Chairman, that the committee rise and report the resolution to the House.

Mr. BEEDY. I wish to speak on the amendment.

The CHAIRMAN. There is no amendment pending.

Mr. SNELL. The chairman of the committee in charge of the bill has the right to make that motion.

Mr. BUTLER. I do not want to cut anybody off. I ask unanimous consent that the gentleman from Maine [Mr. BEEDY] may speak for two minutes. Then I will make the motion to rise.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Maine may proceed for two minutes. Is there objection?

There was no objection.

Mr. BUTLER. Nobody here talks less than the gentleman from Maine. It does not cost the Government anything to keep him here. [Laughter.]

Mr. STENGLE. Mr. Chairman, if this is to be the last one, I will withhold my objection.

The CHAIRMAN. The gentleman from Maine is recognized for two minutes.

Mr. BEEDY. Mr. Chairman and gentlemen, I am very grateful to the gentlemen of the House. I take very little of the time of this House, but I rise to say a word which I hope may be of help to all of us here and to the country.

This debate has assumed in some respects perhaps an unfortunate aspect. You and I hold positions of public trust, and I rise to say that I think the gentlemen who sit in this press gallery, listen to these debates, and send out the reports addressing a much vaster audience than you and I, also hold positions of public trust. I submit to this House and the gentlemen in the press gallery that the news item growing out of this debate is not that some one has risen here to warn against the danger of war with any country. The news item for the country is that every Member of the House participating in this debate has expressed his interest in the maintenance of friendly relations with other nations, and has stressed the fact that there is no danger of war; no intimation is here made that the present situation contains any of the possibilities of war. And I rise to remind the gentlemen of the press that they, more than Members of this House, can create misunderstanding and provoke trouble by yielding to the temptation to write sensational headlines rather than accurate reports of events. One way to prevent war is to stop talking and writing about war when facts do not justify it. [Applause.]

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Pennsylvania [Mr. BUTLER], that the committee do now rise and report the bill to the House with the recommendation that the bill pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11282) to authorize an increase in the limits of cost of certain naval vessels, had directed him to refer the same back to the House with the recommendation that the bill do pass.

Mr. BUTLER. Mr. Speaker, I do not recollect all the terms of the rule, but I move the previous question on the measure.

The SPEAKER. The rule provides for that. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Texas asks for a division.

The House divided; and there were—ayes 97, noes 17.

Mr. BLANTON. Mr. Speaker, I make the point that there is no quorum present, and I object to the vote.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will summon absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 255, nays 34, not voting 142, as follows:

[Roll No. 38]

YEAS—255

Abernethy	Barkley	Brand, Ga.	Byrns, Tenn.
Ackerman	Beedy	Brand, Ohio	Cable
Aldrich	Beers	Britten	Campbell
Allen	Begg	Browne, N. J.	Chindblom
Andrew	Bell	Browne, Wis.	Christopherson
Arnold	Bixler	Browning	Clague
Ayres	Black, Tex.	Brumm	Clarke, N. Y.
Bacharach	Bland	Bulwinkle	Cleary
Bacon	Bowling	Burtness	Cole, Iowa
Bankhead	Box	Butler	Collier
Barbour	Boyce	Byrnes, S. C.	Colton

Connally, Tex.	Hill, Ala.	Martin	Snell
Connery	Holaday	Merritt	Snyder
Cook	Hooker	Michener	Stalker
Cooper, Ohio	Hudson	Miller, Ill.	Stedman
Cramton	Hudspeth	Miller, Wash.	Stengle
Crisp	Hull, Iowa	Milligan	Stephens
Crowther	Hull, Tenn.	Minahan	Strong, Kans.
Darrow	Humphreys	Montague	Strong, Pa.
Davey	James	Mooney	Summers, Wash.
Davis, Minn.	Jeffers	Moore, Ohio	Swing
Davis, Tenn.	Johnson, Ky.	Moore, Va.	Taber
Denison	Johnson, S. Dak.	Moores, Ind.	Taylor, Tenn.
Dickinson, Mo.	Johnson, Tex.	Morgan	Thatcher
Doughton	Johnson, Wash.	Morrow	Thomas, Ky.
Drane	Jones	Murphy	Thompson
Drewry	Jost	Nelson, Me.	Tillman
Driver	Kearns	Newton, Mo.	Tilson
Dyer	Keller	Nolan	Treadway
Elliott	Kelly	O'Connell, R. I.	Tucker
Evans, Mont.	Kerr	Oldfield	Tydings
Fairfield	Ketcham	Oliver, Ala.	Underhill
Faust	Kincheloe	Oliver, N. Y.	Underwood
Fenn	King	Parks, Ark.	Upshaw
Fish	Knutson	Patterson	Valle
Fitzgerald	Kopp	Peery	Vare
Fleetwood	Kurtz	Perkins	Vinson, Ga.
Frear	LaGuardia	Pou	Voigt
French	Lampert	Purnell	Wainwright
Frothingham	Lanham	Quin	Wason
Gallivan	Larsen, Ga.	Ragan	Watkins
Garber	Lazaro	Raker	Watson
Gardner, Ind.	Lea, Calif.	Ramseyer	Weaver
Garrett, Tenn.	Leavitt	Rankin	Wefald
Garrett, Tex.	Lehlbach	Rathbone	Wertz
Gasque	Lilly	Rayburn	White, Kans.
Gibson	Lineberger	Reece	White, Me.
Gifford	Logan	Reid, Ill.	Williams, Ill.
Green	Longworth	Robinson, Iowa	Williams, Tex.
Greenwood	Lozier	Robsion, Ky.	Williamson
Griest	Luce	Rubey	Wilson, Ind.
Guyer	McClintic	Sabath	Wilson, La.
Hadley	McDuffie	Salmon	Wingo
Hall	McLaughlin, Mich.	Sanders, Ind.	Winslow
Hammer	McReynolds	Sandlin	Winter
Hardy	McSwain	Schneider	Wood
Harrison	MacGregor	Scott	Woodruff
Hastings	MacLafferty	Sears, Fla.	Woodrum
Haugen	Magee, N. Y.	Sears, Nebr.	Wright
Hawes	Major, Ill.	Shreve	Wurzbach
Hawley	Major, Mo.	Simmons	Wyant
Hayden	Manlove	Sinclair	Yates
Hersey	Mansfield	Sinnott	Zihlman
Hickey	Mapes	Sites	

NAYS—34

Allgood	Crosser	Kvale	Sanders, Tex.
Almon	Dickinson, Iowa	Lankford	Sherwood
Beck	Dowell	Lowrey	Speaks
Blanton	Fulbright	McKeown	Steagall
Bofes	Hill, Wash.	Moore, Ga.	Sumners, Tex.
Busby	Howard, Nebr.	Morehead	Swank
Cannon	Howard, Okla.	Park, Ga.	Thomas, Okla.
Collins	Huddleston	Reed, Ark.	
Cooper, Wis.	Hull, Morton D.	Romjue	

NOT VOTING—142

Anderson	Favrot	McKenzie	Rosenbloom
Anthony	Fisher	McLaughlin, Nebr.	Rouse
Aswell	Foster	McLeod	Sanders, N. Y.
Berger	Fredericks	McNulty	Schafer
Black, N. Y.	Free	McSweeney	Schall
Bloom	Freeman	Madden	Seger
Boylan	Fuller	Magee, Pa.	Shallenberger
Briggs	Fulmer	Mead	Smith
Buchanan	Funk	Michaelson	Smithwick
Buckley	Gambrill	Mills	Spearing
Burdick	Garner, Tex.	Moore, Ill.	Sproul, Ill.
Burton	Geran	Morin	Sproul, Kans.
Canfield	Gilbert	Morris	Stevenson
Carew	Glatfelter	Nelson, Wis.	Sullivan
Carter	Goldsborough	Newton, Minn.	Sweet
Casey	Graham	O'Brien	Swoope
Celler	Griffin	O'Connell, N. Y.	Tague
Chalmers	Hill, Md.	O'Connor, La.	Taylor, Colo.
Clark, Fla.	Hoch	O'Connor, N. Y.	Taylor, W. Va.
Cole, Ohio	Hull, William E.	O'Sullivan	Temple
Connolly, Pa.	Jacobstein	Paige	Timberlake
Corning	Johnson, W. Va.	Parker	Tincher
Croll	Kendall	Peavey	Tinkham
Cullen	Kent	Perlman	Vestal
Cummings	Kiess	Phillips	Vincent, Mich.
Curry	Kindred	Porter	Vinson, Ky.
Dallinger	Kunz	Prall	Ward, N. Y.
Deal	Langley	Quayle	Ward, N. C.
Dempsey	Larsen, Minn.	Rainey	Watres
Dickstein	Leach	Ransley	Weller
Dominick	Leatherwood	Reed, N. Y.	Welsh
Doyle	Lee, Ga.	Reed, W. Va.	Williams, Mich.
Eagan	Lindsay	Richards	Wilson, Miss.
Edmonds	Linthicum	Roach	Wolff
Evans, Iowa	Lyon	Rogers, Mass.	
Fairchild	McFadden	Rogers, N. H.	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Graham with Mr. Black of New York.
Mr. Hill of Maryland with Mr. Rainey.
Mr. Kendall with Mr. Buchanan.
Mr. Porter with Mr. Stevenson.
Mr. Fredericks with Mr. Briggs.
Mr. Edmonds with Mr. Aswell.
Mr. Burton with Mr. Linthicum.
Mr. Paige with Mr. Deal.
Mr. Smith with Mr. Mead.
Mr. Madden with Mr. Vinson of Kentucky.
Mr. Seger with Mr. O'Connell of New York.
Mr. Mills with Mr. Favrot.
Mr. Swoope with Mr. Tague.
Mr. Watres with Mr. Gilbert.
Mr. Reed of West Virginia with Mr. Boylan.
Mr. Funk with Mr. Garner of Texas.
Mr. Evans of Iowa with Mr. Croll.
Mr. Free with Mr. Spearing.
Mr. Curry with Mr. Carew.
Mr. Anthony with Mr. Buckley.
Mr. McFadden with Mr. Fulmer.
Mr. Sweet with Mr. Carter.
Mr. McLeod with Mr. Dominick.
Mr. McKenzie with Mr. Prall.
Mr. Timberlake with Mr. Kindred.
Mr. Phillips with Mr. Kent.
Mr. Williams of Michigan with Mr. Clancy.
Mr. Kiess with Mr. Geran.
Mr. Ransley with Mr. O'Sullivan.
Mr. William E. Hull with Mr. Lee of Georgia.
Mr. Fuller with Mr. Corning.
Mr. Rogers of Massachusetts with Mr. Weller.
Mr. Vincent of Michigan with Mr. Cummings.
Mr. Freeman with Mr. Morris.
Mr. Sanders of New York with Mr. Eagan.
Mr. Hoch with Mr. O'Connell of Rhode Island.
Mr. Reed of New York with Mr. Fisher.
Mr. Welsh with Mr. Ward of North Carolina.
Mr. Larson of Minnesota with Mr. Lindsay.
Mr. Roach with Mr. Kunz.
Mr. Ward of New York with Mr. Taylor of Colorado.
Mr. Parker with Mr. Griffin.
Mr. Newton of Minnesota with Mr. Smithwick.
Mr. Foster with Mr. Rogers of New Hampshire.
Mr. Dempsey with Mr. Gambrill.
Mr. Connolly of Pennsylvania with Mr. Rouse.
Mr. Anderson with Mr. Quayle.
Mr. Dallinger with Mr. Glatfelter.
Mr. Magee of Pennsylvania with Mr. Sullivan.
Mr. Sproul of Illinois with Mr. Lyon.
Mr. Leach with Mr. Goldsborough.
Mr. Morin with Mr. Celler.
Mr. Burdick with Mr. Wilson of Mississippi.
Mr. McLaughlin of Nebraska with Mr. Cullen.
Mr. Cole of Ohio with Mr. McSweeney.
Mr. Tincher with Mr. Richards.
Mr. Leatherwood with Mr. Canfield.
Mr. Temple with Mr. O'Connor of Louisiana.
Mr. Michaelson with Mr. Casey.
Mr. Fairchild with Mr. O'Connor of New York.
Mr. Peavey with Mr. Taylor of West Virginia.
Mr. Vestal with Mr. O'Brien.
Mr. Tinkham with Mr. McNulty.
Mr. Sproul of Kansas with Mr. Johnson of West Virginia.
Mr. Schall with Mr. Shallenberger.
Mr. Perlman with Mr. Jacobstein.
Mr. Nelson of Wisconsin with Mr. Bloom.
Mr. Rosenbloom with Mr. Dickstein.
Mr. Schafer with Mr. Doyle.

The result of the vote was announced as above recorded.

The doors were opened.

On motion of Mr. WOODRUFF, a motion to reconsider the vote whereby the bill was passed was laid on the table.

NATIONAL DISABLED SOLDIERS' LEAGUE

Mr. JOHNSON of South Dakota. Mr. Speaker, I have a privileged resolution from the Committee on Rules, House Resolution 412, which I desire to call up.

The SPEAKER pro tempore (Mr. LEHLBACH). The gentleman from South Dakota presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 412

Resolved, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint from the membership of the House a select committee of five Members for the Sixty-eighth Congress, which said committee is hereby authorized and directed to investigate the National Disabled Soldiers' League (Inc.), its methods of solicitation of funds, sources of revenue, character and pay of officials, distribution of funds for the benefit of the veterans of the World War, uses of the United States mails, implication of indorsement by the Commissioner of Internal Revenue, and all other matters pertaining to the organization and conduct of said league.

For the purpose of said inquiry, the committee, or any subcommittee designated by it, shall have the power to send for persons, papers, books, and documents, administer oaths, affirmations, to take testimony, to sit during the sessions of the House or during any recess of the House.

Such committee shall have the right at any time to report to the House in one or more reports the result of its inquiry, with such recommendations as it may deem advisable.

The Speaker is hereby empowered to issue subpœnas to witnesses upon the request of the chairman of said committee at any time, including any recess of the House, during the inquiry of the committee; and the Sergeant at Arms is hereby empowered and directed to serve all subpœnas and other processes transferred to him by the said committee.

Mr. JOHNSON of South Dakota. Mr. Speaker, this is a resolution originally introduced by the gentleman from New York [Mr. FISH] providing for an investigation of the National Disabled Soldiers' League. This organization was formed in 1919 by an aggregation of men, some service men and some non-service men, who contended that they were going to collect sums of money for the benefit of disabled veterans of the World War. It was developed at that time—some three or four years ago—that this organization was collecting great sums of money, but that none of it was disbursed for the benefit of any disabled soldiers. A preliminary investigation was initiated by the Rules Committee as the result of a resolution which I introduced and had referred to that committee. We held hearings for several days and demonstrated the fact that this was a very unworthy organization, and it went out of business; but some other gentleman, finding that this is a very profitable field, particularly around Christmas time, when it is very easy to secure contributions from philanthropic citizens of the United States to help disabled men, have reorganized it, and they have invented a new system of securing donations. They purchased approximately $45,000 worth of very cheap lead pencils in bulk, then they got so-called "sucker" mailing lists, or mailing lists of some kind, and sent out throughout the year, but particularly just before Christmas, requests for the purchase of 2 cents' worth of lead pencils for $1. They request the individuals to whom they send these lead pencils to send $1 to this league in order to take care of disabled service men. They have created considerable unrest by stating in their literature that the Government and Congress is not appropriating sufficient sums of money to take care of disabled men and is not furnishing hospitalization.

Members of this House and the intelligent people of the United States know that is not true, that we have appropriated $56,000,000 for hospitals since the war, that we are appropriating $12,000,000 at this session of Congress, and that we are spending $1,500,000 a day in behalf of the disabled men, and that the disabled men are getting the best treatment ever given to any body of disabled men after any war in the history of the entire world.

These gentlemen set the stage for their activities by going to Atlantic City last summer and calling a national convention of this National Disabled Soldiers' League. Of course, no soldiers belong to it, disabled or otherwise, so they put advertisements in the papers asking one-armed men, one-legged men, one-eyed men, and men who had been injured in any way to come in and act as delegates, and from among the beggars and others in New York City and adjoining large cities they gathered a fine aggregation of one-armed, one-legged, and one-eyed men for the purpose of holding their convention. None of them were disabled in the war, because the men who were disabled in the war are being taken care of by the Government. The matter was brought to the attention of the authorities at Atlantic City and they very properly ordered this organization to leave Atlantic City. But they are indulging in the very greatest of propaganda, and they are collecting, in my opinion, hundreds of thousands of dollars a year under false pretenses.

Now, gentlemen may very properly say, "Why is it the Department of Justice or the Post Office Department do not handle this?" It is an impossibility. I know of a number of Members of this House who have contributed $1 to this organization, and in order to draw an indictment and secure a conviction it would be necessary to trace the individual contribution of $1 through this group and show that it was not used for some disabled service man, and all that this organization must do is to expend $100 for disabled men out of the hundreds of thousands of dollars they are collecting to avoid conviction.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BLANTON. I take it that every Member here is with the gentleman in his desire to protect the ex-service men from fraud or from being imposed upon, but this is not a Federal incorporation, and Congress did not incorporate it. Why, we might as well investigate all of the hundreds of other outside corporations and associations.

Mr. JOHNSON of South Dakota. The gentleman did not allow me to finish my statement. Congress has incorporated the American Legion and other organizations of service men, and properly so. Many of them, perhaps, have been willing to offer their lives for the service of the country, and these service men, perhaps, stand on a little different basis than some commercial, economic, or financial organization. The object of this investigation is not only to stop these contributions and to see that no more funds are collected but also to formulate, if possible, some law that will stop this sort of affair in the future.

If I did not think as a result of this investigation we would be able, through the aid of the Department of Justice and the Post Office Department and the Committee on the Judiciary of the House, where I think this eventually must go, to formulate some law that would protect the Government and protect the Congress and protect the charitably minded and philanthropic people of the United States, I would not wish to have this favorably acted upon, because I know that many investigations, and most investigations as conducted in Congress, do not perhaps subserve the purpose which their sponsors may desire. Some have been good, but others perhaps have not been so good.

Mr. McDUFFIE and Mr. UNDERHILL rose.

Mr. JOHNSON of South Dakota. I yield first to the gentleman from Alabama.

Mr. McDUFFIE. I wanted to find out what this investigation would cost.

Mr. JOHNSON of South Dakota. Oh, the cost of it, I would say, would probably be $1,000 or $2,000. As soon as this resolution would pass, it would be necessary for the chairman of this committee, who is to be appointed by the Speaker, to confer with the chairman of the Committee on Accounts, who would introduce a resolution to provide for that.

Mr. McDUFFIE. Has this matter been taken up with the Department of Justice and the Post Office Department?

Mr. JOHNSON of South Dakota. Oh, yes; and they are in hearty sympathy with us.

Mr. McDUFFIE. If they can not punish these people now, how does this committee expect to do it?

Mr. JOHNSON of South Dakota. All this committee can do is to expose this organization and then see if we can not draft some law that will make it possible for the Post Office Department and the Department of Justice to reach this outfit.

Mr. UNDERHILL. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman.

Mr. UNDERHILL. The gentleman says the Post Office Department has information that they are fraudulently collecting money.

Mr. JOHNSON of South Dakota. I say the Post Office Department does not have such information as they feel certain would sustain a fraud charge. They are convinced in their own minds, but there is difficulty in tracing this dollar that you or I might contribute to them, and in case they should issue a fraud order against these gentlemen they might come in and show that they had expended $1 as it should have been expended.

Mr. UNDERHILL. If the gentleman will yield further, with such information as the gentleman has and has quoted to the House regarding that convention in Atlantic City, does the gentleman mean to say that the Department of Justice or a dozen Members of this House can not draw a bill that will reach such an evil as this?

Mr. JOHNSON of South Dakota. I do not know. I am not on the committee that is charged with drafting that law. I would say that such a bill undoubtedly could be drawn if it was called to the attention of the Members of the House.

Mr. UNDERHILL. I may say to the gentleman that the House very readily passes these resolutions for investigations and appointing investigating committees, and then they come to the Committee on Accounts and ask for appropriations all the way from $5,000, which I think is the least any committee has asked, up to $50,000, and then there is involved the matter of the appropriation which the Committee on Accounts has to handle and bring before the House, and thus far I have not seen any good results from any of these committees that have been appointed during my service here.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman.

Mr. SCHNEIDER. It would appear that the Department of Justice and the Post Office Department have sufficient men who are able and have sufficient funds to follow up these contributions that are made by different people to find out what becomes of them; and if they can not do that, it would appear that it would entail considerable expense to a committee of this kind to find out what becomes of the money.

Mr. JOHNSON of South Dakota. The Department of Justice, I may say to the gentleman, has no right to subpœna any of these gentlemen, has no right to call for their books, and has no way to get any information such as a committee of Congress can get.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Certainly.

Mr. CONNALLY of Texas. I am in sympathy with the purpose the gentleman sets forth in his statement here, but if the facts that the gentleman has outlined here are true, why could not any Federal grand jury in the United States, under the direction of the Attorney General, find out the facts with reference to this matter and present an indictment and prosecute these people? Does the gentleman really think that the Congress of the United States should lessen its dignity by investigating and investigating? We have already, from the gentleman's view and the view of other gentlemen, lessened our dignity by investigations. Does the gentleman think that this is in keeping with the dignity of this House, to go out and investigate a suspicion? Why not let a grand jury go into a matter of this sort?

Mr. JOHNSON of South Dakota. Because I do not think there is any grand jury that could present an indictment upon the facts that can be secured and without going into their books that could be sustained under present law, and except for the fact that there is involved in this matter the question of the disabled soldier, I would not have presented it to this House.

Mr. McDUFFIE. May I ask the gentleman this question: Would not the grand jury have the right to send for these books?

Mr. JOHNSON of South Dakota. I do not think so, unless they gave the man immunity, perhaps.

Mr. McDUFFIE. Does not the gentleman think the Department of Justice could do more than we can do or than a committee of this House can do in finding out where the trouble is?

Mr. JOHNSON of South Dakota. I will say to the gentleman the Department of Justice does not think so.

Mr. RAMSEYER. Do I understand it is the contention of the gentleman that this organization is conducting a nation-wide fraud and that it is impossible to get evidence on which to base an indictment?

Mr. JOHNSON of South Dakota. Certainly, because you have to trace the individual dollar in order to sustain a conviction.

Mr. RAMSEYER. Oh, I do not know about that. The Post Office Department investigates all kinds of frauds and indicts many defendants throughout the year and convicts them. I can not conceive of just what kind of concealment there is in conducting this fraud that would prevent the Post Office Department from getting the evidence.

Mr. JOHNSON of South Dakota. I will say to the gentleman I am not authorized to speak for either the Department of Justice or the Post Office Department, but they contend there is no existing statute under which they can reach this matter; that they are in hearty sympathy with the resolution; that it is on the right track, and they desire to have the committee do what it can to develop the facts.

Mr. RAMSEYER. Are they conducting a fraudulent scheme? If they are conducting a fraudulent scheme, certainly we have laws to cover such a case.

Mr. JOHNSON of South Dakota. I will say to the gentleman there are a good many fraudulent schemes where it is not possible to legally convict.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield.

Mr. JOHNSON of Washington. The gentleman in his capacity as a Member of the Congress has made a direct charge and a direct statement here, and if such are the facts, why can not the gentleman's committee close the thing up between now and March 4?

Mr. JOHNSON of South Dakota. What committee?

Mr. JOHNSON of Washington. Or if the gentleman thinks we should have a select committee, let him strike out the words "providing that they shall sit into the next Congress and then report," and have the report made to us before March 4. The gentleman has made direct charges and has referred to positive evidence.

Mr. JOHNSON of South Dakota. That is what we want. This will be done by March 4, because except by the passage of a resolution passed by both Houses of Congress no committee can function after March 4.

Mr. JOHNSON of Washington. And this resolution does not authorize that?

Mr. JOHNSON of South Dakota. Oh, no. It could not. It would require a resolution passed by both Houses of Congress and signed by the President.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. UNDERHILL. The gentleman is at the head of the Veterans' Committee. This has a peculiar and particular analogy to veterans' legislation and to the Veterans' Committee. I have a high opinion of the men on that committee. There are some very able lawyers on it. I have enough faith in them to believe that they could draw what legislation is necessary. Then, I bring to the attention of the gentleman the fact that this organization has been at work—or a similar one has—in the city of Boston, has been conducting daisy drives and other drives, and the grand jury in the city of Boston found the evidence necessary to bring them before the bar of justice, and they have been closed out. That can be done here.

Mr. JOHNSON of South Dakota. Perhaps it is one place where it has been done.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. I want to answer the gentleman from Massachusetts. The gentleman indicates how the Veterans' Committee ought to handle this matter. In the first place, the gentleman will remember that the authority of the Veterans' Committee is so restricted that we have not the authority. If we did have it, at the present time we are drafting amendments to the Reed-Johnson law, and the entire hospital program is under consideration by a subcommittee of which the gentleman's distinguished colleague [Mr. LUCE] is the chairman. Another committee, of which the gentleman from New York [Mr. SNYDER] is the chairman, is at work on the personnel bill, and it will be absolutely impossible for that committee to discuss it for three or four weeks.

Mr. UNDERHILL. How about the Judiciary Committee?

Mr. JOHNSON of South Dakota. That is one of the busiest committees in the House, and I know that it has so much work that the matter would not be discussed.

Mr. UNDERHILL. Then, where are you going to get the members of this special committee if you do not take them from the Veterans' Committee and the Judiciary Committee?

Mr. JOHNSON of South Dakota. That is a matter that the Speaker would determine. He has never had any trouble in finding members of a committee.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BLANTON. Can the gentleman name a State out of the 48 States of the Union that has not now a law against obtaining money under false pretenses, a good law by which you can put a man in jail when he defrauds people out of their means.

Mr. JOHNSON of South Dakota. I know the gentleman is a very good lawyer, but I would like to know how the State of Alabama would have any jurisdiction if somebody in Washington writes a letter to Alabama and sends there four lead pencils and gets a dollar for them.

Mr. BLANTON. We have the Federal law against that. We have a Federal law against using the mails for the purpose of defrauding. We put the great Doctor Cook in the penitentiary for using the mails to defraud—as distinguished a man as Doctor Cook, who claimed to have discovered the North Pole.

Mr. JOHNSON of South Dakota. I have explained to the gentleman that because of the fact of tracing a single dollar, I do not think a conviction could be sustained.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BUTLER. The gentleman from Massachusetts [Mr. UNDERHILL] has told me that some of these same people were indicted and put into the penitentiary up in Boston. Why could we not obtain our facts from Boston and legislate at once? I am with the gentleman in the matter, but I would like to stop the expense of this investigation, if I could.

Mr. JOHNSON of South Dakota. I am not certain that it is the same organization. Some one is always originating one of these things in cities. This is a national organization.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. HUDDLESTON. The gentleman seems to be already in possession of the facts.

Mr. JOHNSON of South Dakota. I am quoting from the testimony before the Rules Committee, not personal knowledge.

Mr. HUDDLESTON. So it seems quite unlikely that any additional facts of any particular moment will be found by this committee. It occurs to me, in view of that fact, that the chief value connected with the gentleman's resolution is for publicity, for propaganda purposes—that is, to advise the disabled veterans of the fraudulent nature of this concern. I am wondering whether the gentleman considers that it is the proper function of Congress to be carrying on that kind of an investigation?

Mr. JOHNSON of South Dakota. I will say to the gentleman that the American Legion, the Disabled American Vet-

erans, and the Veterans of Foreign Wars, the only three organizations in the United States that really represent the veterans, having approximately a million members among them, have expended a great deal of their own money in having this investigation and producing many of these facts. They are very much interested in this, and perhaps this is where the impetus to this movement comes from, and the great object in our minds in bringing it out is to try to formulate some legislation that would protect the disabled man from exploitation in the future.

Mr. HUDDLESTON. Is it not obvious to the gentleman that any competent member is able to draw a bill that would reach the case?

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. SIMMONS. I think this Congress is distinctly interested in it. The charge is made almost in so many words in a part of the stuff this organization sends out that the Congress and the United States has been negligent and has not adequately cared for the disabled veterans of the late war. That appeal is not made to the disabled, but is made to the man who has a feeling of sympathy for the disabled soldier, who spends his money and pays no further attention to it and feels that the United States Government and this Congress is not doing its duty by the service men. This is a move on the part of the service men themselves to protect the public from that sort of imposition. We can protect the service men through our organizations.

This will give, I think, if the gentleman pleases, the publicity that is necessary to reach every citizen to whom these appeals are made and stop it.

Mr. WASON. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will.

Mr. WASON. I notice in the resolution the word "incorporated" is used.

Mr. JOHNSON of South Dakota. That is incorporated in New York as a philanthropic and benevolent organization.

Mr. WASON. Why should not the charter be forfeited?

Mr. JOHNSON of South Dakota. I will say this resolution comes from the gentleman from New York [Mr. FISH], and for some reason it is said it can not be done, as they file no reports of any kind. That is what I am told; I do not know.

Mr. WASON. The gentleman is a lawyer: does he not think that an organization, if it is incorporated under the laws of the State of New York and it is conducting itself as related by him, could be reached and the charter forfeited?

Mr. JOHNSON of South Dakota. There certainly should be some such provision. But I notice the American Legion lawyers state they have been unable to reach it.

Mr. WASON. Have they attempted along this line?

Mr. JOHNSON of South Dakota. In every way they could I know of to put them out of business. I am not familiar with the condition in New York. The gentleman will have to ask some Member of the New York delegation.

Mr. UNDERHILL. Will the gentleman yield me five minutes time?

Mr. WATKINS. Will the gentleman yield for a question?

Mr. BANKHEAD. Is the gentleman going to yield some time on this side?

Mr. JOHNSON of South Dakota. I would say to the gentleman from Alabama we had no idea this would precipitate any discussion in trying to put an outfit like this out of business, and so no division of time was arranged, but the gentleman is entitled to time and I would be willing to make any arrangement he desires.

Mr. BANKHEAD. We would like a few minutes over here.

Mr. JOHNSON of South Dakota. I will say the gentleman from Massachusetts [Mr. UNDERHILL] wants five minutes and the gentleman from Texas [Mr. BLANTON] five minutes, and I will give all the rest of the time to the gentleman from Alabama.

Mr. GALLIVAN. I want five minutes on the gentleman's side.

Mr. JOHNSON of South Dakota. I will give the gentleman whatever time he desires. That would leave only eight minutes. Would that be sufficient? However, I will give the gentleman whatever time he wants. I now yield to the gentleman from Alabama.

Mr. BANKHEAD. Mr. Speaker, I am not at all surprised that the gentleman from South Dakota in submitting this matter should be asked a number of questions by Members of the House, because upon the face of it it does appear to present an anomalous and unusual situation. This was a unanimous report from the Committee on Rules, upon the facts and representations made before it when this resolution was brought here for consideration, and in order to attempt to clarify the matter in the minds of the Members of the House I shall very briefly restate the facts appearing before the committee that led the committee to permit this resolution to be submitted for your consideration. The gentleman from New York [Mr. FISH] introduced the resolution. He appeared before the committee with another gentleman, who was one of the executive officers, I believe, of one of the ex-service men's organizations, whose name I do not now recall. It was shown to the committee that this small coterie of men, some six or eight individuals, claimed to have organized under the laws of the State of New York this so-called National Disabled Soldiers' League (Inc.). No copy of the certificate of incorporation or charter powers of the organization was presented to the committee, so we did not know exactly what its powers are. We presumed that they were granted the usual authority granted to benevolent and eleemosynary organizations of that sort. The evidence further disclosed that these people in order to defraud the American public, especially those who are always sympathetic to the demands of the disabled ex-service men, have sent out a package of cheap lead pencils, some six in a package, with the statement that the Congress of the United States had failed to make adequate provision for the proper care of the disabled men of the country and their organization was selling these lead pencils at a dollar a package for the six—which cost about 6 cents—with the assurance that——

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BANKHEAD. In a moment—that these funds would be used for the benefit of the suffering ex-service men of the country. But, as a matter of fact, it was represented to the committee that instead of doing that these men were converting those funds, amounting to many thousands of dollars, to their own individual uses.

Mr. JOHNSON of Texas. I had an inquiry recently concerning an organization known as the United States Blind Veterans of the World War, incorporated in Maryland. Does the gentleman know whether or not that organization is connected with this organization which is now under consideration?

Mr. BANKHEAD. No; there is no evidence tending to show any relation between them.

Mr. WAINWRIGHT. If the gentleman will yield, I am able to answer that question that they are not. That is an entirely separate and worthy organization.

Mr. LAGUARDIA. Under the law of the State of New York they require a permit of our department of welfare to solicit funds in New York City, and if incorporated as a charitable institution they are under State supervision and, I believe, incorporated under our membership corporation law.

Mr. BANKHEAD. The amazing thing to me when I heard these statements of fact by a gentleman before the committee was that there was no adequate existing statute either to justify the Post Office Department or the Department of Justice in proceeding against these men for this apparent fraud in which they were using the United States mails as a vehicle to carry out their schemes.

But the gentleman from New York stated to the committee, and he was backed up in that statement by the other witness who appeared, that they had been officially informed, not only by the Post Office Department, but by the Department of Justice, that upon the statement of facts which has been presented to you this morning here, showing the method of this organization's operation, there was no statute in existence upon which they would assume the responsibility of a successful prosecution of these men in the courts. It is my personal opinion that if the Postmaster General had taken the bit in his teeth, so to speak, and issued a general fraud order against this outfit, there would have been no question as to its efficacy. But he has not done that.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. MONTAGUE. Is not the committee as well prepared now to formulate a statute that would meet this trouble as it would be after an investigation?

Mr. BANKHEAD. Which committee?

Mr. MONTAGUE. The appropriate committee, whatever it is. Could not that committee just as well frame a statute with the information on hand as with information that might be obtained from an investigation?

Mr. BANKHEAD. I think the gentleman is well justified in coming to that conclusion. My opinion is that if these matters were drawn to the direct attention of the Committee on the Judiciary, the law committee of the House, it could make an independent investigation and probably recommend some legislation. But, gentlemen, this was a specific resolution presented to the Committee on Rules, not only for the protection of the American people against frauds of this sort,

but for the protection in a measure of the dignity of Congress, and as a remonstrance, if you want to call it that, against these accusations that have been lodged against Congress for failing adequately to take care of the disabled service men. So the Committee on Rules, on the facts presented and on the assurance given us that there was no law that covered offenses of this character, concluded that the resolution ought to be favorably reported to the House, so as to give the membership of the House full opportunity to say whether or not it was a matter of sufficient importance to justify the appointment of this special select committee charged with this duty. I think it is a matter of sufficient importance to justify the passage of the resolution. I shall vote for the resolution, as I did for the rule.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield there?

Mr. BANKHEAD. Yes.

Mr. TREADWAY. Did the resolution submitted to the committee set out any basis of facts that would justify the framing of legislation? Did that complaint suggest the necessity of an investigation to secure the facts?

Mr. BANKHEAD. They proposed an investigation by this select committee to be appointed by the House.

Mr. TREADWAY. Yes; but I understood from the statement of the gentleman from Alabama and the statement of the gentleman who submitted the resolution that the facts are already known to the Committee on Rules.

Mr. BANKHEAD. The facts are very largely known.

Mr. TREADWAY. Then what further knowledge would be secured to justify the appointment of a committee on which to base legislation? In other words, as the gentleman from Virginia [Mr. MONTAGUE] just said, have not the Members of the House sufficient knowledge of the facts to frame legislation now, without further study on the part of a committee?

Mr. BANKHEAD. I think that this could be brought to the attention of a standing committee of the House, I will say to the gentleman. But if you sought, as this resolution contemplates, to get the books and papers and the actual transactions and records of this fraudulent organization you must give authority to some committee, and you must give that authority either to the Committee on the Judiciary or to some select committee in order to enable them to compel the officers of the organization to submit the books, and compel witnesses to testify.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield there?

Mr. BANKHEAD. Yes.

Mr. HUDDLESTON. They can not be compelled to produce their books if those books would incriminate them. That is something that a grand jury could not do.

Mr. BANKHEAD. That is a mooted question, recently developed here as to a Senate investigation, which the courts must determine.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. LOZIER. Could not better results and quicker results and more effective results be obtained by a bill referred to the Committee on the Judiciary and the reporting by the Committee on the Judiciary of a bill supplying the present deficiency in the law?

Mr. BANKHEAD. I think equally beneficial results could be obtained, as far as recommendations are concerned, for immediate legislation. But that would not meet the objections that I have just stated, namely, that it would deprive the House of the opportunity to examine witnesses under legal process. Whatever in the wisdom of the House may be the most direct and efficacious method of correcting this evil, I am willing for that to be adopted. I would have no objection to referring this to the Committee on the Judiciary, but if you wanted witnesses to appear before that committee in case it made an investigation, you must have express authority given to the committee.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. I yield the floor to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. I think the gentleman from Alabama has covered the ground thoroughly. It seems to me, from as careful a study as I was able to give to the resolution, that it ought to pass by all means.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. Does not the gentleman believe that the members of the Committee on Rules ought at least to give 5 or 10 minutes of the hour to those who have reasons for opposing this resolution, in order to explain our reasons for that attitude? I have not had an opportunity yet. The proponents of the resolution have used practically the time.

Mr. GARRETT of Tennessee. There is no time in my control. Otherwise I would be glad to yield to the gentleman.

Mr. JOHNSON of South Dakota. Mr. Speaker, how much time has been used?

The SPEAKER. Twenty-five minutes.

Mr. BANKHEAD. Mr. Speaker, I yielded the floor to the gentleman from Tennessee [Mr. GARRETT].

Mr. JOHNSON of South Dakota. I promised to yield to the gentleman from Massachusetts [Mr. UNDERHILL] first, and then to the gentleman from Texas [Mr. BLANTON]. But the gentleman from Tennessee [Mr. GARRETT] can have whatever time he desires.

Mr. GARRETT of Tennessee. I yielded the floor.

Mr. JOHNSON of South Dakota. Then I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

The SPEAKER. The gentleman from Massachusetts is recognized for five minutes.

Mr. UNDERHILL. Mr. Speaker, I feel that perhaps I am wrong in my view on this question when I oppose the position taken by the Democratic leader on one side and my friend from South Dakota on the other side; but I want to make one or two observations. According to the testimony presented to us by the gentleman from Alabama [Mr. BANKHEAD] and the gentleman from South Dakota [Mr. JOHNSON], there are two specific charges which can be brought against this organization.

One is that they have solicited contributions on the ground that Congress is not taking care of disabled veterans, a direct falsehood, and they are obtaining money under false pretenses. The other is that they have collected funds and then diverted them to their own uses. I do not know much about the law, but I should hate to take a chance myself in doing any such thing as that. I believe I could shut my eyes and place my hand upon the head of 20 Members of this House—yes; more than 20; I do not want to leave out any of them—100 Members of this House who, on the information this committee now has, could draw a bill which would provide sufficient law to reach any one of these people who are fraudulently obtaining money and who are diverting the same to their own uses.

But what I want to say particularly regarding this special committee is this: Perhaps some of you know about it. It comes to me every time you pass a resolution providing for a special committee. The Speaker chooses good men, and I know I would have no criticism of the personnel of such a committee. The first thing is to appear before the Committee on Accounts and ask for an appropriation out of the contingent fund of this House for carrying on the work of the special committee. In the first place, every one of these special committees wants a clerk. The clerk, of course, does a great deal of work for all of these committees. Then they put in an item for travel, not only for themselves but an item for travel of witnesses who may be summoned; then they must have stenographers and typewriters; then they must go outside of this body and hire legal talent; then they must have money for summonses and all that sort of thing.

Now, it probably did not come to the attention of the Committee on Rules that in the State of Massachusetts there was this organization or a similar organization, headed by a man named Burns. He was conducting what they called daisy drives and also sending out these fraudulent statements. The grand jury or the Attorney General or the district attorney or some other duly constituted authority arrested that man and two others, and they were brought before the court, tried, convicted, and sentenced for doing just exactly what the committee claims this organization is doing. I would suggest that you get in communication with the authorities in Massachusetts and find out how they did it, and under what process of law they accomplished what you are trying to do through a special investigation, and then pass a law before we leave here on the 4th of March that will reach these fellows and put them in jail, where they belong, without the attendant expense of a special committee and without the attendant bother, nuisance, trouble, and work on the part of such special committees.

Referring to the question I asked my friend, he said the Veterans' Committee was too busy to attend to it, so consequently all the members of that committee are too busy; the Judiciary Committee is too busy to attend to it, consequently that eliminates all the members of the Judiciary Committee; and I say in behalf of the Committee on Claims that it is too busy to attend to it; probably all House committees are just as busy, so I do not know where you are going to get the personnel for this committee.

Mr. JOHNSON of South Dakota. I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, if this were a Federal corporation there would be some reason, possibly, for this resolution, but we have plenty of law now, both national and State, to handle this very situation.

When is this special committee investigation and expense to end? Our friend from South Dakota [Mr. JOHNSON] is now the chairman of a special committee in behalf of the veterans, and how much has he spent up to this time? Here are the figures given me by the Clerk of the House: Up to this date he has spent $6,796.72 out of our contingent fund in the investigations he has made already.

Mr. JOHNSON of South Dakota. I want to ask the gentleman to yield there. The gentleman does not mean that the chairman of the committee has spent $6,000?

Mr. BLANTON. No; I mean his committee.

Mr. JOHNSON of South Dakota. He means that the 21 members of the Veterans' Committee, in accordance with the authority given by this Congress to investigate the condition of hospitals over the country——

Mr. BLANTON. Please do not use all of my time, as it is very limited.

Mr. JOHNSON of South Dakota. I will yield the gentleman additional time. The Veterans' Committee, in accordance with the authority given by this Congress to investigate the condition of hospitals over the country, has formed six special committees and sent them over the United States to determine the treatment and hospital care and medical care now being given to disabled veterans of the late war. Mr. Speaker, I yield the gentleman from Texas one more minute.

Mr. BLANTON. And, Mr. Speaker, that leaves me how much time?

The SPEAKER. The gentleman has three minutes remaining.

Mr. BLANTON. Well, with the gentleman's explanation, his committee has spent already out of the contingent fund of the House, in addition to the regular annual committee expenditures, $6,796.72.

Now, let me show you what some of the other special committees have spent. The committee now investigating Judge Baker has spent $1,600; the committee investigating alleged Indian frauds has already spent on the matter now pending before it $5,000; the special committee on bonds has already spent $7,000; the special committee on the Shipping Board has already spent $14,000; the special committee on aircraft has already spent $18,000; and I happen to remember what some of the other special committees spent. I can not forget that the Graham committee, for which most of you Members voted, spent $151,000; that the Joe Walsh committee, that went to the Pacific coast—and the gentleman under this resolution could go there if he wanted to if you should appoint this committee and if he were chairman of it, he could go to the Pacific coast—the Joe Walsh committee went there on a special train and lived on a special train on the Pacific coast, and they spent $40,000; the Anderson committee spent $42,000; and I could mention others leading up as high as the special coal commission that spent $600,000. Where is it all going to end?

We already have the information sought by this resolution; we already have the law; every State in this Nation, 48 of them, now has laws against procuring money under false pretenses, and offenders could be prosecuted under the State law. We have Federal laws sufficient to prevent the use of the United States mails for fraudulent purposes.

The gentleman said the mails are being used by this organization. If they are being used fraudulently, they can be put in the penitentiary under the present law.

I am just as good a friend of the service man as my friend the gentleman from South Dakota [Mr. JOHNSON]. I am working for them constantly. They call on me from every part of the country to help get their claims adjudicated. I do not turn them down.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. I keep my office busy submitting their claims to the Veterans' Bureau all the time for adjudication, and I am doing everything I can to help them; but I am not willing to continue to spend thousands of dollars on these special committees.

Mr. UNDERHILL. Will the gentleman yield right there?

Mr. BLANTON. I yield.

Mr. UNDERHILL. I have just found out I may say for the benefit of the gentleman and the House, that the cases I spoke of in Boston were tried in the Federal courts and Federal convictions were secured. [Applause.]

Mr. BLANTON. Oh, gentlemen, we ought to stop appointing these expensive special committees. None have accomplished anything in my judgment. We ought to stop this traveling and these expense accounts that are being paid out of our contingent fund. We ought to use the regular committees of the House. The gentleman has a splendid personnel on his committee, and the 21 Members who constitute his committee now can furnish us the facts without the expenditure of further funds.

I have confidence in the gentleman sufficient to convince me that he can give us every fact, and I believe in his ability as a lawyer. He is a splendid lawyer. He has been a distinguished prosecuting attorney. The gentleman can draw a bill right now providing a new law, if one is needed, that will meet this situation. Let us all use wise judgment and save this money in the Public Treasury.

Mr. GARRETT of Tennessee. Mr. Speaker, I had not intended to participate in this discussion, but I think the Members should get clearly just what the situation is that has induced the Committee on Rules—some members of which at least are very careful about investigations; certainly none more careful than the chairman—to report this particular resolution.

I do not propose to prejudge the organization which has caused the introduction of this resolution, because I do not know what the facts are; but I do know what the allegations are.

The allegations are not that this organization is injuring the service men. This is not primarily a proposition to protect service men. The allegations are that this organization, incorporated, as I understand it, as a charity organization under the laws of the State of New York, is sending out to the public generally lead pencils with a request that the person receiving the letter containing the pencils purchase them by remitting $1 to the senders and holding out the idea that the fund so received is to be used for the benefit of disabled soldiers; and the allegation is further that the funds so received are not being used in any considerable degree for the benefit of disabled soldiers, but that they are being diverted to the pockets of those who organized the concern.

I have not talked with the Post Office Department about it, and I have not talked with the Department of Justice about it. I have not time to go to the departments about all these things. I have accepted the statement made before the Committee on Rules by gentlemen whose sole interest in this matter seemed to be the protection of the public against what were alleged to be improper, and probably fraudulent, methods. But I understand that the Post Office Department, after an investigation extending, I think some one said, before the Committee on Rules over a period of 18 months has not found itself justified, in its opinion, in issuing a fraud order. They hesitate about issuing fraud orders, and they should hesitate about issuing them.

I understand, further, that the Department of Justice, whose attention was called to it long ago, has made an investigation and has been unable to ascertain facts upon which it could predicate an indictment under existing law.

Furthermore, these letters that go forth, or some of them in the past—I have a recollection, I think, quite distinct that I myself received a letter from this concern a long while ago, or some similar concern; I do not know that it was the same one, and my first impulse was to return it with the small amount asked for, but when I glanced over the letter I saw where the clear intimation, which admitted of no other conclusion, was thrown out in that letter, that the Congress had failed to do its duty in providing for disabled soldiers. Of course, I knew that was not so, and my suspicions were easily aroused, and I threw it aside and gave it no further attention.

You note that this resolution is tied up with legislation. This is not a resolution merely to bring about an exposure, but the committee is specifically instructed to consider the question, if they can not be reached under existing law and their practices are wrong, and determine whether or not a statute can be drawn under which they can be reached and their practices and the practices of any similar organizations that may spring up be checked in the future by force of law, which the Department of Justice and the Post Office Department say can not now be done.

I think it is of sufficient importance to merit the passage of this resolution, and hence gave it my support in committee and shall support it here.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. GARRETT of Texas. I would like to ask the gentleman this question: Conceding all the allegations to be as stated in the resolution and as stated by the gentleman from Tennessee, the question that arises in the minds of some of the Members is this: Assuming the allegations to be true and assuming the conditions to be true as stated, why not pass legislation at once meeting those conditions; and if they do not

exist, your legislation will be harmless; but if they do exist, then you have met the situation long before your special committee would have the time to make its report, which could not possibly be before the adjournment of this Congress, and then we could not take it up before next December?

Mr. GARRETT of Tennessee. I think the report as to the facts can be made before the close of this Congress; the report will have to be made before the close of this Congress, because the committee will die along with the Congress.

Mr. GARRETT of Texas. That is true; but it will be impossible to pass legislation in connection with it during this Congress.

Mr. GARRETT of Tennessee. Let me say this to the gentleman; I think there is not now a sufficient knowledge of the details of their operations. I confess I do not have such knowledge. I simply know these general allegations, but they are so serious in their nature—that is, that in the name of the soldiers, and the disabled soldiers at that, these people are alleged to be preying not only upon soldiers but upon the public as a whole—I think we ought to know sufficient of the details of the practice, if the allegations are found to be true, that the matter can be clearly defined in a statute.

Mr. GALLIVAN. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. GALLIVAN. Knowing something of this organization, will the gentleman permit me to say in his time that not one of the half dozen so-called disabled veterans who divide these spoils was ever disabled overseas, and I cordially support the Democratic leader in his position.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I am somewhat in a quandary. I have great respect for the gentleman who brings in this resolution, and I have great respect for the thoughtful, wise leader of the minority; but have they made out a case? I would like to vote for anything that professes to protect and help the disabled soldier, naturally, but let us see where we are. It is charged that these men have made false representations, and that through those false representations they have procured money. Are those the facts? I ask members of the committee if that is the fact; and, further, that those false representations upon which were procured money went through the mails. Is that the fact? You nod your assent. Do you mean to tell me that you have no law to punish that? I am not much of a lawyer, but I can draw three indictments on those facts.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. MOORE of Virginia. Suppose it is shown that everything is as has been stated here this morning, so far as the facts are concerned; then what legislation does the gentleman think we could enact in addition to legislation already on the statute books that would meet the offense?

Mr. WINGO. I do not know, and I can not hear of any. Are gentlemen afraid that the country will be misled into thinking that we are neglecting the disabled soldier? I think we have convinced this country that we are not; and some people accuse us of raiding the Treasury and of being demagogues in our interest in the disabled veteran. Are you going to have an investigating committee every time somebody lies about Congress? If you are, then you will not have time to do anything else.

One of the leading dailies in my district recently published an editorial—and the same editorial appeared in 17 other papers, a canned editorial sent out from Washington—that contained a willful, deliberate lie about Congress. In my first heat of passion I sat down and wrote an indignant letter to that editor, but fortunately I have a secretary who is very wise. He has a cooling box for my indignant letters. I wrote the letter yesterday and this morning I tore it up. Neither the Congress nor any individual Member of Congress can afford to take all of its and his time to answer willful, deliberate falsehoods circulated up and down this land. I may be wrong, and I am not reflecting on the investigations made heretofore, but the American people, according to my notion, are heartily sick and tired of our investigating things that an ordinary grand jury ought to investigate. [Applause.]

If your facts are true, why do you not go down here and demand of the district attorney that these men be indicted? You say you have the documentary evidence. If he will not do his duty, then why not go to President Coolidge and insist that he remove the District attorney and give us one who will prosecute men who cheat helpless, disabled soldiers and in their name fleece the people of the land? If your statement of fact is true, you have plenty of law, and what you need is not an investigation but an enforcement of the existing statutes. I submit that the enforcement of the criminal laws is the province of the administrative and judicial branches of the Government and is not for an investigation by the legislative branch.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. BANKHEAD. I agree with the gentleman that the chief justification for the passage of this resolution is the assumption that there is no adequate law under which you can convict these men if they are guilty of the charges made. When the Attorney General of the United States and the law-enforcement officers of the Post Office Department solemnly assert that there is no such law, then it brings the matter squarely up to us.

Mr. WINGO. I differ with the gentleman. I saw the letter. I hesitated whether I would send it to the Department of Justice. If the facts stated are true, you can indict them in every State in the Union, and if there is no statute under which you can indict them then the gentleman is a good enough lawyer to draw a common-law indictment. It is admitted that they obtained money under false pretenses. My God! have the judiciary and the courts of this land fallen to such a low estate that criminals who prey in the name of the disabled soldiers are not brought to book? If so, then something is wrong, and it does not lie within the compass of our duty unless we proceed by impeachment. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Speaker, I would say to the gentleman who says it is so easy to draw five or six indictments in this matter, that no indictment can be drawn in my own opinion and a conviction secured unless you can trace the individual dollar contributed by some person and show that it is misappropriated. If $100,000 were fraudulently collected and it can be shown that $10 were used for some one wounded soldier, you never can secure a conviction. We members of the Rules Committee do not present the facts of this matter of our own knowledge. We have given to this House the testimony that has been given by witnesses before the Committee on Rules. We do not represent the Department of Justice nor do we represent the Post Office Department, but we have been assured by those departments, who ought to know more about their own business than somebody discussing it on the outside, that they can not reach the situation as it now stands. We have presented the facts to the House. If the House decides it knows more about the matter than do those departments, and more about drawing indictments and prosecutions than the Attorney General, then we have nothing more to say.

I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 71, noes 66.

Mr. BLANTON. I make the point of order, Mr. Speaker, that there is no quorum present and object to the vote on that ground.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 158, nays 106, not voting 167, as follows:

[Roll No. 39]

YEAS—158

Abernethy	Clague	Gardner, Ind.	Lampert
Allen	Clarke, N. Y.	Garrett, Tenn.	Lanham
Andrew	Cleary	Garrett, Tex.	Lazaro
Aswell	Cole, Iowa	Gibson	Leatherwood
Ayres	Collier	Green	Leavitt
Bacon	Colton	Greenwood	Lilly
Bankhead	Connery	Griest	Longworth
Barkley	Cooper, Ohio	Hadley	Luce
Beers	Crowther	Hardy	McSwain
Begg	Darrow	Hawes	MacLafferty
Bixler	Davey	Hawley	Madden
Black, Tex.	Davis, Minn.	Hayden	Magee, N. Y.
Bland	Davis, Tenn.	Hickey	Mapes
Bloom	Denison	Howard, Nebr.	Martin
Boles	Doughton	Humphreys	Michener
Browne, N. J.	Dowell	James	Miller, Ill.
Browne, Wis.	Elliott	Jeffers	Miller, Wash.
Browning	Evans, Mont.	Johnson, S. Dak.	Minahan
Brumm	Fairfield	Kearns	Mooney
Bulwinkle	Fish	Keller	Morgan
Burtness	Fitzgerald	Kelly	Murphy
Byrnes, S. C.	Fleetwood	Kerr	Newton, Minn.
Byrns, Tenn.	French	Ketcham	O'Connell, R. I.
Cable	Frothingham	Kincheloe	Oldfield
Campbell	Gallivan	Knutson	Oliver, N. Y.
Christopherson	Garber	Kurtz	Patterson

Perkins	Sinclair	Tillman	Wilson, La.
Purnell	Sinnott	Tilson	Wilson, Ind.
Quin	Smith	Treadway	Wilson, Miss.
Ragon	Snell	Underwood	Winslow
Raker	Speaks	Upshaw	Winter
Rathbone	Stalker	Vaile	Wood
Rayburn	Stedman	Vincent, Mich.	Woodruff
Reece	Stengle	Voigt	Woodrum
Reid, Ill.	Strong, Kans.	Wainwright	Wurzbach
Salmon	Strong, Pa.	Watson	Wyant
Sandlin	Swing	Weaver	Yates
Scott	Taylor, Colo.	White, Kans.	Zihlman
Shreve	Taylor, Tenn.	Williams, Tex.	
Simmons	Thomas, Ky.	Williamson	

NAYS—106

Ackerman	Fenn	Lozier	Romjue
Aldrich	Fulbright	McClintic	Rubey
Allgood	Gasque	McKeown	Sabath
Arnold	Gifford	McLaughlin, Mich.	Sanders, Tex.
Barbour	Harrison	McReynolds	Schneider
Beck	Hastings	McSweeney	Sears, Fla.
Bell	Hersey	MacGregor	Sherwood
Blanton	Hill, Ala.	Major, Ill.	Sites
Bowling	Hill, Wash.	Major, Mo.	Sproul, Kans.
Box	Hooker	Mansfield	Steagall
Boyce	Howard, Okla.	Merritt	Stephens
Brand, Ga.	Huddleston	Montague	Stevenson
Brand, Ohio	Hudson	Moore, Ga.	Summers, Wash.
Buchanan	Hudspeth	Moore, Va.	Sumners, Tex.
Busby	Hull, Iowa	Moores, Ind.	Swank
Butler	Hull, Morton D.	Morehead	Taber
Cannon	Johnson, Tex.	Morrow	Thatcher
Chindblom	Johnson, Wash.	Nelson, Me.	Thomas, Okla.
Connally, Tex.	Jones	Oliver, Ala.	Tucker
Cooper, Wis.	King	Park, Ga.	Underhill
Crisp	Kvale	Parks, Ark.	Wason
Crosser	LaGuardia	Peery	Watkins
Dickinson, Iowa	Lankford	Ramseyer	Wefald
Dickinson, Mo.	Larsen, Ga.	Rankin	Wingo
Drane	Lehlbach	Reed, Ark.	Wright
Drewry	Lineberger	Robinson, Iowa	
Dyer	Lowrey	Robsion, Ky.	

NOT VOTING—167

Almon	Favrot	Lindsay	Roach
Anderson	Fisher	Linthicum	Rogers, Mass.
Anthony	Foster	Logan	Rogers, N. H.
Bacharach	Frear	Lyon	Rosenbloom
Beedy	Fredericks	McDuffie	Rouse
Berger	Free	McFadden	Sanders, Ind.
Black, N. Y.	Freeman	McKenzie	Sanders, N. Y.
Boylan	Fuller	McLaughlin, Nebr.	Schafer
Briggs	Fulmer	McLeod	Schall
Britten	Funk	McNulty	Sears, Nebr.
Buckley	Gambrill	Magee, Pa.	Seger
Burdick	Garner, Tex.	Manlove	Shallenberger
Burton	Geran	Mead	Smithwick
Canfield	Gilbert	Michaelson	Snyder
Carew	Glatfelter	Milligan	Spearing
Carter	Goldsborough	Mills	Sproul, Ill.
Casey	Graham	Moore, Ill.	Sullivan
Celler	Griffin	Moore, Ohio	Sweet
Clancy	Guyer	Morin	Swoope
Clark, Fla.	Hall	Morris	Tague
Cole, Ohio	Hammer	Nelson, Wis.	Taylor, W. Va.
Collins	Haugen	Newton, Mo.	Temple
Connolly, Pa.	Hill, Md.	Nolan	Thompson
Cook	Hoch	O'Brien	Timberlake
Corning	Holaday	O'Connell, N. Y.	Tincher
Cramton	Hull, Tenn.	O'Connor, La.	Tinkham
Croll	Hull, William E.	O'Connor, N. Y.	Tydings
Cullen	Jacobstein	O'Sullivan	Vare
Cummings	Johnson, Ky.	Paige	Vestal
Curry	Johnson, W. Va.	Parker	Vinson, Ga.
Dallinger	Jost	Peavey	Vinson, Ky.
Deal	Kendall	Perlman	Ward, N. Y.
Dempsey	Kent	Phillips	Ward, N. C.
Dickstein	Kiess	Porter	Watres
Dominick	Kindred	Pou	Weller
Doyle	Kopp	Prall	Welsh
Driver	Kunz	Quayle	Wertz
Eagan	Langley	Rainey	White, Me.
Edmonds	Larson, Minn.	Ransley	Williams, Ill.
Evans, Iowa	Lea, Calif.	Reed, N. Y.	Williams, Mich.
Fairchild	Leach	Reed, W. Va.	Wolff
Faust	Lee, Ga.	Richards	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Mr. Vare with Mr. Jost.
Mr. Faust with Mr. McDuffie.
Mr. McKenzie with Mr. Prall.
Mr. Kendall with Mr. Pou.
Mr. Manlove with Mr. Almon.
Mr. Newton of Missouri with Mr. Collins.
Mr. Sears of Nebraska with Mr. Johnson of Kentucky.
Mr. Porter with Mr. Driver.
Mr. Moore of Ohio with Mr. Vinson of Kentucky.
Mr. Hoch with Mr. Tydings.
Mr. Williams of Illinois with Mr. Hull of Tennessee.
Mr. Cramton with Mr. Milligan.
Mr. Wertz with Mr. Canfield.
Mr. Britten with Mr. Logan.
Mr. Thompson with Mr. Hammer.
Mr. White of Maine with Mr. Vinson of Georgia.
Mr. Beedy with Mr. Smithwick.
Mr. Haugen with Mr. Cummings.
Mr. Burdick with Mr. Johnson of West Virginia.
Mr. Holaday with Mr. Lea of California.
Mr. Moore of Illinois with Mr. Mead.
Mr. Kopp with Mr. Clark of Florida.
Mr. Sanders of Indiana with Mr. Cook.
Mr. Morin with Mr. Berger.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11753.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11753, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11753, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Preventing overcrowding of passenger vessels: To enable the Secretary of Commerce to employ, temporarily, such persons as may be necessary, of whom not more than two at any one time may be employed in the District of Columbia, to enforce the laws to prevent overcrowding of passenger and excursion vessels, and all expenses in connection therewith, $17,920.

Mr. BLANTON. Mr. Chairman, on page 61, in line 8, I move to strike out the words "in the District of Columbia."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BLANTON: On page 61, line 8, after the word "employed," strike out "in the District of Columbia."

Mr. BLANTON. Gentlemen, if you will give me your attention for just half a minute, if you will call at the Sergeant at Arms' office he will give you a metal tag to place on your automobiles that will assist you in finding a parking place down town when you go to the various Government buildings on official business. I just wanted to let you know they are at the Sergeant at Arms' office. They have been furnished by the District of Columbia. They are not transferable, and may be used on no car other than your own. If you get them it may help you to find parking places.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. UNDERHILL. Would it not be well to say in connection with the gentleman's statement that this does not give to Congress any privileges which are not now enjoyed by the ordinary citizen, except an opportunity to park near some of the public buildings?

Mr. BLANTON. That is a fact. It is merely an identification tag, and gives to us no privilege additional to that we now have. It does not permit you to speed down the streets any more than any other citizen. It does not permit you to park near water plugs. It does not permit you to violate the law in any respect, but is simply to enable you to find a parking place when you go down town on official business. I withdraw the pro forma amendment.

The Clerk read as follows:

Clerk hire: For compensation, to be fixed by the Secretary of Commerce, to each person or clerk in the offices of shipping commissioners, $89,040.

Mr. SEARS of Florida. Mr. Chairman, I move to strike out the last word. A few days ago I addressed the House calling the Members' attention to the fact I might offer an amendment for the aid of navigation, as the amount has been cut down to something like $200,000 or $300,000. Those remarks appear in the RECORD of day before yesterday and show that the Secretary, a Cabinet member, asked for $517,700, but the Director of the Budget did not see fit to grant that amount. From the sum appropriated there will not be a sufficient amount adequately to take care of the seventh naval district. It will simply be impossible, however much the department may desire to do so, to provide the necessary aids to navigation. I say this in justice to the department because the department by its report showed they wanted to assist and aid navigation in

every way possible, but it seems we can not get the money. I shall not at this time offer an amendment, which I said in my remarks the other day I might offer, because yesterday having listened to the able address of one of my colleagues when he tried to get through an amendment to this bill, realizing that he being a member of the Committee on Appropriations—and the Appropriations Committee was divided among themselves as to the merit of the amendment—that if he could not succeed, certainly it would be useless for me to try. I am satisfied that some Members are now beginning to realize the force of my remarks when I said the other day I had met my Waterloo, and that now there was no use in fighting and wasting our energies; therefore I will not at this time offer the amendment. I only hope and trust that the committee next year, when the Secretary, a Cabinet member, requests an amount that is absolutely necessary to be appropriated properly to take care of a certain item, will see that the amount goes into the bill, and I also hope that the Director of the Budget will grant the request and see that the proper amount is submitted to the Appropriations Committee.

I withdraw the proforma amendment.

The Clerk read as follows:

Metallurgical research: For metallurgical research, including alloy steels, foundry practice, and standards for metals and sands; casting, rolling, forging, and the properties of aluminum alloys; prevention of corrosion of metals and alloys; development of metal substitutes, as for platinum; behavior of bearing metals; preparation of metal specifications; investigation of new metallurgical processes and study of methods of conservation in metallurgical manufacture and products; investigation of materials used in the construction of rails, wheels, axles, and other railway equipment, and the cause of their failure; including personal services in the District of Columbia and in the field, $43,140, of which amount not to exceed $40,080 may be expended for personal services in the District of Columbia.

Mr. WINGO. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from Pennsylvania a question. The gentleman does not expect to vote on this bill this afternoon, does he?

Mr. SHREVE. We would really like to run along a while, but I assume that possibly we can not vote this afternoon. I think I can say we will not attempt to reach a vote this afternoon.

Mr. WINGO. The gentleman will endeavor to complete the bill, but he does not expect a vote this afternoon?

Mr. SHREVE. No.

Mr. BLANTON. If the gentleman will permit, this is Saturday afternoon; will the gentleman give us a little rest?

Mr. SHREVE. At what time?

Mr. BLANTON. At 4.15.

Mr. SHREVE. All right.

Mr. WINGO. I withdraw the pro forma amendment.

The Clerk read as follows:

General expenses: For supplies, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks, and purchase of land for same; establishment of post lights, buoys, submarine signals, and fog signals; establishment of oil or carbide houses, not to exceed $10,000: *Provided*, That any oil or carbide house erected hereunder shall not exceed $1,000 in cost; construction of necessary outbuildings at a cost not exceeding $500 at any one light station in any fiscal year; improvement of grounds and buildings connected with light stations and depots; restoring light stations and depots and buildings connected therewith: *Provided further*, That such restoration shall be limited to the original purpose of the structures; wages of persons attending post lights; temporary employees and field force while engaged on works of general repair and maintenance, and laborers and mechanics at lighthouse depots; rations and provisions or commutation thereof for working parties in the field, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels or in working parties in the field may be paid on proper vouchers to the person having charge of the mess of such vessel or party; purchase of rubber boots, oilskins, rubber gloves, and coats, caps, and aprons for stewards' departments on vessels; reimbursement under rules prescribed by the Secretary of Commerce of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year; fuel and rent of quarters where necessary for keepers of lighthouses; purchase of land sites for fog signals; rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent; rent of offices, depots, and wharves; traveling expenses; mileage; library books for light stations and vessels, and technical books and periodicals not exceeding $1,000; traveling and subsistence expenses of teachers while actually employed by States or private persons to instruct the children of keepers of lighthouses; all other contingent expenses of district offices and depots, $4,031,000.

The CHAIRMAN. On line 14 of page 54 the word "boats" should be changed to "boots." Without objection, the change will be made.

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. CONNALLY of Texas. I want to ask the gentleman from Illinois [Mr. MADDEN] a question. The gentleman from Illinois is chairman of the Committee on Appropriations, and knows all about these appropriations. I want to call his attention to a statement in this morning's Washington Post, as follows:

LORD TO TOUR NATION, LECTURING ON BUDGET

Aims and practices of the Bureau of the Budget were outlined by Brig. Gen. Herbert M. Lord, its director, in an address before the Harvard Club of Washington at its meeting last night at the University Club.

He told the club that the Budget is a common-sense system applied to the business of the United States, but that frequently its purposes are misunderstood. For this reason he will leave next month on a series of tours through the northeastern and midwestern sections of the country delivering 20 lectures on the Budget. After March 4 he will make more extensive tours, he said.

Mr. MADDEN. Is that an advertisement, or a statement by the editor of the paper?

Mr. CONNALLY of Texas. It is a news item. Is there any appropriation carried in these bills to pay the Director of the Budget for expenses incurred on these lecture tours?

Mr. MADDEN. Not at all.

Mr. CONNALLY of Texas. Is it a part of the duty of the Director of the Budget Bureau to deliver lectures to the people on the Budget instead of attending to his business?

Mr. MADDEN. There is nothing on that in the law, so far as I know. There is no appropriation for that.

Mr. CONNALLY of Texas. What are the gentleman's views as to the propriety of that?

Mr. MADDEN. I do not want to answer categorically as to anything stated in a newspaper without knowledge as to how it got into the paper, or whether it is true or not.

Mr. CONNALLY of Texas. It is in the Washington Post.

Mr. MADDEN. I would not feel free to take, without some reservation, the word of any paper at this time. [Laughter.]

Mr. CONNALLY of Texas. The gentleman from Illinois is one of the chief proponents of this budget system. Does he think that it is any part of that system to carry on these lecture tours throughout the country, to discredit Congress, and build up a body of popular opinion favorable to the Budget Bureau?

Mr. MADDEN. I would not like to subscribe to the statements made by my good friend from Texas, whether the lectures are to be delivered by Mr. Lord to discredit Congress, or to applaud Congress, or to exploit the budget system, or to acquaint the people with the facts concerning the institution. I would have to know about each one of those four or five things he was going to do, and without that knowledge I would not want to express an opinion.

Mr. CONNALLY of Texas. The gentleman does not need to brag about the work of the Committee on Appropriations.

Mr. MADDEN. No. Our work speaks for itself.

Mr. CONNALLY of Texas. The gentleman's committee usually cuts the estimates of the Budget, and it used to cut the estimates of the executive departments of the Government before there was a Budget.

Mr. MADDEN. I will say to my friend from Texas, than whom there is no better Member of Congress, that the aggregate of appropriations since the Budget system went into effect, in round figures, is $330,000,000 lower than the Budget recommendations. I am happy to be able to make that statement. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For continuing magnetic observations and to establish meridian lines in connection therewith in all parts of the United States; magnetic observations in other regions under the jurisdiction of the United States; purchase of additional magnetic instruments; lease of sites where necessary and erection of temporary magnetic buildings; continuing the line of exact levels between the Atlantic, Pacific, and Gulf coasts; establishing lines of exact levels in Alaska; determination of geographical positions by triangulation or traverse for the control of Federal, State, boundary, and other surveys and engineering works in all parts of the interior of the United States and Alaska; determination of field astronomic positions; for continuing gravity observations; for the maintenance and operation of the latitude observatory at Ukiah, Calif., not exceeding $2,000; and including the employment in the field and office of such magnetic observers as may be necessary, $128,735.

Mr. WHITE of Kansas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. WHITE of Kansas. Mr. Chairman and gentlemen of the committee, I have carefully followed the provisions of this bill. As to the remarks that I may make in the few minutes allotted to me perhaps some gentleman in the committee may think that they are not entirely pertinent to the subject matter of the section. But I ask your forbearance and patience, with the assurance that I probably shall not consume even the five minutes.

This morning a very large portion of the people of the United States were permitted to experience the sight of a great natural phenomenon that comes but a few times in a century. As I looked here in the city of Washington at the eclipse of the sun this morning, I thought of those lines by Lord Byron, which for the first time in my life I fancied may have been inspired by just such an exhibition. When in a few moments the pall of night, with its chill and darkness, settled down over a large portion of our country, I was impressed with these lines:

I had a dream that was not all a dream.
The bright sun was extinguished, and the stars
Did wander darkly in the eternal space,
Rayless and pathless, and the icy earth
Swung blind and blackening in the moonless air.
Morn came and went, and came, and brought no day;
And men forgot their passions in the dread of this their desolation.

[Applause.]

I shall insert as a part of my remarks newspaper clippings concerning the scientific and other phases of the eclipse:

ECLIPSE REUNION GATHERS VETERANS OF 1869 PHENOMENA

[By the Associated Press]

LESUEUR CENTER, MINN., January 24.—An eclipse reunion was held here to-day by a number of pioneers who saw the eclipse of 1869. Recalling the terror caused by the eclipse of 55 years ago, Thomas Dewire said that when it appeared between 3 and 4 p. m., August 7, 1869, he saw persons running for safety.

There was only curiosity to-day.

[By the Associated Press]

LAKEHURST, N. J., January 24.—Jubilant because of the apparent success of their venture to observe and photograph from aloft the phenomena of a solar eclipse, the group of scientists who to-day witnessed the eclipse from the dirigible *Los Angeles* to-night were enthusiastically describing the beauty of the spectacle. Like a group of excited schoolboys, they recited their adventure in the simple words of the layman.

"When you can adequately describe celestial glory, then you will have told what this eclipse looked like," was the way Capt. Edward T. Pollock, Superintendent of the Naval Observatory at Washington, described it.

"A most spectacular sight," Commander J. H. Klein, jr., commander of the *Los Angeles*, said: "The sky at the horizon was a flood of merging orange and red light. Overhead the ceiling was blue-black, while all about was the darkness of twilight."

While the success of the expedition will not be known definitely until the photographic plates exposed during the eclipse have been developed and studied at the Naval Observatory, every member of the scientific group expressed confidence that he had obtained some discovery concerning the elements of a solar eclipse.

Dr. C. C. Keiss, of the Bureau of Standards, who operated the spectroscope aboard the observation car, said he had obtained three pictures of rings of hydrogen and helium gases emanating from the sun, which will be developed and studied for possible scientific revelations.

Capt. C. S. Litell, of the Naval Observatory, said he reckoned the flashes sent off from the sun's corona to be one and one-half times the diameter of the sun itself, or 1,700,000 miles in length. He witnessed also, he said, several sun spots which he expected would show up on the pictures taken.

[From Associated Press]

Saturday, January 24.—Dreams of astronomers of seeing a total eclipse of the sun under ideal conditions were realized to-day in New York and New England. In Michigan, at Niagara Falls, N. Y., and in Ontario, Canada, however, clouds and low visibility frustrated scientific tests.

Especially in New York City, witnessing its first total eclipse in 119 years, was the spectacle magnificent. Excellent scientific observations were made by home and visiting scientists at Cornell and Yale, almost in the center of the totality area, and also aboard the Navy dirigible *Los Angeles*. The airship named for the angels hovered over the island of Nantucket, Mass., and sent word by radio through the heavens that the results of its trip were excellent.

First reports of the results of scientific tests concerned the radio, and were from Yerkes Observatory, from Iron Mountain, Mich., where a slight increase in volume and clarity of the radio was noted.

At Waterbury, Conn., a marked departure from direction of the tone was apparent. The Radio Corporation of America in New York City reported that its tests showed that a short wave length follows the sun and that static is not entirely a local condition.

The eclipse averaged four seconds later than the astronomers had calculated. It was five seconds behind schedule at Cornell, three seconds at Vassar, and five seconds at Yale.

A rapidly vanishing streak of darkness was daubed over 40,000 square miles of the most densely populated section of the United States.

In the path of the celestial shadow brush there were this morning for the first time in their modern aspects the largest city in the country, much of the Empire State, parts of eight other States—Minnesota, Michigan, Wisconsin, Pennsylvania, New Jersey, Massachusetts, Connecticut, Rhode Island—and part of the great Canadian Province of Ontario.

The solar eclipse affected the activities of more than 10,000,000 people living in this totality area, with an hour of daylight being succeeded by twilight, a few moments of darkness, then twilight and daylight again. The phenomenon was not greeted by terror, as was the wont of the untutored ancients, but with enthusiasm for nature's greatest spectacle, where clouds did not blot out a view of the eclipse.

BUSTLE OF BUSINESS HALTED

The bustle of business was deferred for a sight of celestial wonders and study of the cosmos that are mysterious in many respects, despite the progress of science.

The moon's shadow, about 100 miles wide, swept eastward in a curve from Minnesota to the Atlantic Ocean, blackening such places as Toronto, Canada; Buffalo, Niagara Falls, with its frozen cataract; Rochester, N. Y.; Scranton, Pa.; Paterson, N. J.; half of New York City; New Haven, Hartford, and New London, Conn.; Newport, R. I.; New Bedford and Nantucket, Mass.

Across the Atlantic it moved to disappear into space at a point near the Shetland Islands, after streaking the earth for 3,000 miles.

Two minutes was the longest time any one city was covered, yet to an observer in the far heavens, with vision strong enough, were such a thing possible, the drawing of the black mark would last 1 hour and 43 minutes.

There was about 95 per cent totality in Philadelphia, Chicago, Boston, Washington, Pittsburgh, Cleveland, Detroit, Toledo, Ottawa, and Montreal, but only those in the totality area had the opportunity to witness the greatest glories of the eclipse, the halo, beads of light, and shadow bands at the moment of totality of the sun.

NEW YORK CITY.—When the momentary blackness of midnight at 9.11 a. m. was accompanied by the beautiful sight of the corona there was enthusiasm. Watchers on skyscrapers and hilltops applauded and cheered.

COOLIDGE IS OBSERVER

President Coolidge witnessed the partial eclipse on the lawn of the White House, looking through a blackened window pane which he carried.

Scientific observations were characterized as the most successful ever made by Dr. E. E. Free, who headed a party at East Hampton, Long Island.

The weather bureau at Cornell noted a drop of 1.3° in the temperature. A drop of 2° was reported at Yonkers.

Shadow bands were noted at Yale one minute before and one minute after totality. Jupiter, Mercury, and Venus were clear at Yale, but no comet was seen.

Nearly 3 miles up in the air an Army plane from Mitchel Field, Long Island, took 12 pictures of the racing shadow.

VIEWED FROM ABOVE CLOUDS

Aboard naval dirigible *Los Angeles*, en route from Nantucket, Mass., January 24.—(By wireless to the Associated Press.)—Lifted a mile closer to the sun by the Navy dirigible *Los Angeles*, the United States Naval Observatory astronomers had a perfect view of the total solar eclipse. During the two minutes four and six-tenths seconds of totality not a cloud marred the magnificent spectacle of the sun completely blotted out by the moon.

The ghostly radiance of the eclipsed sun turned the ocean, horizon, and the clouds below into a vivid picture in yellow, purple, and gray, while observers made pictures of the corona for science. A battery of four astronomical cameras secured 18 photographs, and two motion-picture cameras and a spectograph were in operation. The latter instrument recorded the spectrum lines or helium gas which holds the *Los Angeles* aloft. Hydrogen, which helium superseded, was also recorded, since both helium and hydrogen occur in the outer layers of the sun.

DROP IN TEMPERATURE

It will be several weeks before it is determined before any new science has been discovered. The bands were not pronounced. Apparently no comet was seen according to the information received here, Professor Brown said, in the exchange of telegrams by the scientific observers stationed at various points. Middletown reported great success, East Hampton reported perfect conditions for color photographs, and Buffalo said the color effects were beautiful.

Poughkeepsie reported streamers of unusual shape.

Ithaca reported a drop of five degrees in temperature during totality and said that clouds which obscured the sun cleared away a moment before totality.

SUCCESSFUL AT YALE

NEW HAVEN, CONN., January 24.—Astronomers at the Yale observatory reported conditions of observation of the eclipse to be excellent. All plans are working to perfection, they said. Hundreds of persons gathered about the observatory grounds but were prevented by police from interfering with the expert observers.

At the period of total obscurity, the sun's corona and the brilliant streamers were plainly visible both at the Yale observatory and throughout this section.

SUCCESSFUL DESPITE CLOUDS

CAMBRIDGE, MASS., January 24.—Visual and photographic work carried out at the Harvard observatory in connection with to-day's eclipse of the sun, were successful in spite of slightly cloudy conditions in the later stages of the eclipse, officials at the observatory announced.

From this point of observation, the eclipse obscured 99 per cent of the diameter of the sun.

OBSERVATIONS AT CORNELL

ITHACA, N. Y., January 24.—The eclipse of the sun was observed by scientists at Cornell University here to-day under conditions they described as ideal. The eclipse was total here from 9.08.40 until 9.10.20.

MOUNTAINS OF GAS

NEW YORK, January 24.—Prof. B. G. Taylor, making telescopic observations at the College of the City of New York, said that at totality he observed mountains of gas boiling up from the corona to a height of 1,000,000 miles, and that the contour of the corona was continually changing.

PRECISELY AS PREDICTED

BRONX, N. Y., January 24 (by the Associated Press).—The two-ring celestial circus—a total eclipse of the sun—was successfully performed in all its brilliant glory at 9.11 a. m. to-day precisely as astronomers predicted it would.

Not a cloud screened the passing of the moon before the sun's disk, and all the attendant phenomena—Bailey's beads, the shadow band, and the pearly corona—were observed by thousands who filled the streets and housetops in the northern section of the metropolis.

Mercury, Jupiter, and Venus were as clearly visible as at night. Green, gold, and scarlet colors splashed the horizon, adding to the grand spectacle. The corona of the sun was perfect.

TOTAL FOR 30 SECONDS

The shadow of the total eclipse stole across the snow-covered landscape, visible about two minutes before and after the totality.

The total eclipse lasted for about 30 seconds, as scientists had forecast.

A purple light gradually descended over the earth, forerunning the total darkness. There was a period of dark-purple and black-gray light, during which dancing waves of crescended lights wove a fantastic pattern on snow fields, roadways, and the sides of buildings.

SPECTACULAR FEATURE

Bailey's beads, dancing like drops of liquid topaz strung on a sparkling thread, hung in the sky for just a moment before the eclipse became total. As they flickered out the shadow bands flared forth weirdly, heralding the appearance of the awe-inspiring corona.

Then slowly the shadow bands appeared on the opposite side of the solar-lunar conjunction. Bailey's beads spread their ochre crescent again, a feature of the spectacular eclipse about which the forecasts of astronomers had said little.

ARMY AIRPLANE USED

MITCHEL FIELD, N. Y., January 24.—The first of the 35 Army airplanes from which observations of the eclipse will be made left Mitchel Field at 7.45 o'clock this morning, and the other planes followed in quick succession.

Conditions for observation from the air were almost perfect, the only clouds in the sky being a high bank off the southern tip of Long Island.

Mr. BLANTON rose.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. BLANTON. Will the poet laureate of Kansas yield? [Laughter.]

Mr. WHITE of Kansas. Mr. Chairman, I yield back the balance of my time.

Mr. BLANTON. Concerning the contribution just made by our distinguished colleague, the poet laureate of Kansas, relative to what men, women, and children were doing this morning, I call attention to the fact that even before the days of Lord Byron the Good Book speaks of "looking through a glass, darkly." [Laughter.]

The Clerk read as follows:

For objects not hereinbefore named that may be deemed urgent, including the preparation or purchase of plans and specifications of vessels and the employment of such hull draftsmen in the field and office as may be necessary for the same; the reimbursement, under rules prescribed by the Secretary of Commerce, of officers of the Coast and Geodetic Survey for food, clothing, medicines, and other supplies furnished for the temporary relief of distressed persons in remote localities and to shipwrecked persons temporarily provided for by them, not to exceed a total of $550; actual necessary expenses of officers of the field force temporarily ordered to the office in the District of Columbia for consultation with the director, and not exceeding $1,000 for the expenses of the attendance of representatives of the Coast and Geodetic Survey who may be designated as delegates from the United States at the meetings of the International Research Council or of its branches, $4,200.

Mr. BLANTON. Mr. Chairman, the gentleman from Pennsylvania should note that "the hour having arrived"——

Mr. SHREVE. The House is anxious to complete this bill.

Mr. BLANTON. The gentleman, I am sure, wants to keep his agreement.

Mr. SHREVE. Let us run until half past four.

The Clerk read as follows:

Pay, commissioned officers: For pay and allowances prescribed by law for commissioned officers on sea duty and other duty, holding relative rank with officers of the Navy, including one director with relative rank of captain, two hydrographic and geodetic——

Mr. BLANTON. Mr. Chairman, I make the point of order——

The CHAIRMAN. The Clerk has not finished reading the paragraph.

Mr. BLANTON. Mr. Chairman, before the Clerk completes the reading of the paragraph I make the point of order that we have no quorum present.

Mr. SHREVE. Will not the gentleman from Texas withhold that and permit us to read about three more pages?

Mr. BLANTON. When the gentleman makes an agreement with us I think he should keep it. He made a gentleman's agreement with us to stop at 4.15.

Mr. SHREVE. I did make a gentleman's agreement with the gentleman but we also made another agreement.

Mr. BLANTON. I did not understand that. I do not think those of us who stay here all the time should be overworked.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that

committee had had under consideration the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8235. An act for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway;

S. 3073. An act for the relief of George A. Berry;

S. 369. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

S. 698. An act for the relief of the Great Lakes Engineering Works;

S. 1427. An act for the relief of Rosa L. Yarbrough;

S. 831. An act for the relief of H. B. Stout;

S. 1568. An act for the relief of certain officers in the United States Army;

S. 1605. An act for the relief of Emma Kiener;

S. 1894. An act for the relief of the owners of the steamship *Kin-Dave;*

S. 1976. An act for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Lloyds;

S. 2316. An act to allow credit in the accounts of A. W. Smith;

S. 3416. An act to authorize the appointment of Thomas James Camp as a major of Infantry, Regular Army;

S. 3505. An act for the relief of Canadian Car & Foundry Co. (Ltd.);

S. 2526. An act providing for an allotment of land from the Kiowa, Comanche, and Apache Indian Reservation, Okla., to James F. Rowell, an intermarried and enrolled member of the Kiowa Tribe;

S. 3509. An act to change the time for the holding of terms of court in the eastern district of South Carolina;

S. 2669. An act for the relief of J. R. King;

S. 2689. An act for the relief of the First International Bank of Sweetgrass, Mont.;

S. 2711. An act for the relief of the Pitt River Power Co.; and

S. 2764. An act authorizing the President to order Leo P. Quinn before a retiring board for a rehearing of his case, and upon the findings of such board either confirm his discharge or place him on the retired list with the rank and pay held by him at the time of his discharge.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PEAVEY, for 10 days, on account of important business.

MESSAGE FROM THE PRESIDENT—PAN AMERICAN HIGHWAYS CONGRESS

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State concerning a Pan American Highways Congress, to meet at Buenos Aires on May 22, 1925, in which the participation of the Government of the United States has been invited by the Government of the Argentine Republic. Accompanying the report are copies of letters from the Acting Secretary of Commerce and the Secretary of Agriculture furnishing information regarding the congress and urging the importance of participation therein by the United States.

In view of the strength of these representations, and in accordance with the recommendation of the Secretary of State, I request of Congress legislation which will authorize an appropriation of $15,000 for the expenses of delegates of the United States to the Pan American Congress of Highways, to meet at Buenos Aires on May 22, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 24.

MUSCLE SHOALS

Mr. SNELL, from the Committee on Rules, presented a privileged report on House Resolution 414, requesting a conference with the Senate on the amendments to the bill H. R. 518, which was referred to the House Calendar.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 23 minutes p. m.) the House adjourned until Monday, January 26, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

818. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1925, for the Commission on the Memorial to the Sacrifices and Services in the World War of the Women of the United States of America and its Insular Possessions, $150,000 (H. Doc. No. 576); to the Committee on Appropriations and ordered to be printed.

819. A letter from the vice chairman of the American Legion, transmitting report of finances of the American Legion for the 12 months ending December 31, 1924; to the Committee on World War Veterans' Legislation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GARNER of Texas: Committee on Ways and Means. H. J. Res. 325. A joint resolution extending the time during which certain domestic animals which have crossed the boundary line into foreign countries may be returned duty free; without amendment (Rept. No. 1275). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 3251. A bill to provide for the appointment of an additional judge for the middle district of Pennsylvania and fixing his salary; with amendments (Rept. No. 1276). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 3392. An act to amend section 558 of the Code of Law for the District of Columbia; without amendment (Rept. No. 1277). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 414. A resolution to send H. R. 518 to conference; without amendment (Rept. No. 1279). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WURZBACH: Committee on Military Affairs. H. R. 1226. A bill for the relief of George Penrod; with an amendment (Rept. No. 1278). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BOX: A bill (H. R. 11920) to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT: A bill (H. R. 11921) to authorize the permanent appointment of any acting chaplain in the Navy to the temporary grade and rank in the Navy held by him during the World War; to the Committee on Naval Affairs.

By Mr. PEAVEY: A bill (H. R. 11922) providing for the sale and disposal of public lands within the area heretofore surveyed as Boulder Lake in the State of Wisconsin; to the Committee on the Public Lands.

By Mr. ANDREW: A bill (H. R. 11923) to relieve persons in the military service of the United States during the war emergency period from claims for overpayment at that time not involving fraud; to the Committee on Military Affairs.

Also, a bill (H. R. 11924) to relieve persons in the naval service of the United States during the war emergency period from claims for overpayment at that time not involving fraud; to the Committee on Naval Affairs.

By Mr. MACLAFFERTY: A bill (H. R. 11925) for the relief of former officers of the United States Naval Reserve Force and United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than

their homes or places of enrollment; to the Committee on Naval Affairs.

By Mr. VINSON of Georgia: A bill (H. R. 11926) to authorize the reimbursement of certain persons for the loss of personal effects at the naval training station, Hampton Roads, Va.; to the Committee on Naval Affairs.

By Mr. EVANS of Montana: A bill (H. R. 11927) to amend section 11 of the Federal highway act, approved November 9, 1921, providing for the construction of primary or interstate highways in certain public-land States, and also amending paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," and prescribing limitations on the payment of Federal funds in the construction of highways; to the Committee on Roads.

By Mr. KNUTSON: A bill (H. R. 11928) to promote and preserve the navigability of Cass Lake, in the State of Minnesota; to the Committee on Agriculture.

By Mr. RAGON: A bill (H. R. 11929) permitting the sale of the southwest quarter of the northeast quarter section 5, township 6 north, range 15 west, 40 acres, in Conway County, Ark., to Ida Reece; to the Committee on the Public Lands.

By Mr. OLDFIELD: A bill (H. R. 11930) directing the Director of the Bureau of the Census and Secretary of Agriculture, in the announcement and publication of cotton-production figures for any year for the United States and foreign countries, to include in the totals only actual weight of cotton ginned and baled; to the Committee on the Census.

By the SPEAKER (by request): Memorial of the Legislature of the State of Nevada, indorsing legislation for the Spanish Springs project; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 11931) granting a pension to John McDonald; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 11932) granting a pension to Sarah Horton; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 11933) granting an increase of pension to Delia M. Hall; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 11934) granting a pension to Peter Shell; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11935) for the relief of John R. Anderson; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 11936) granting an increase of pension to Letitia D. Wheeler; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 11937) to carry out the finding of the Court of Claims in the case of the estate of Haller Nutt, deceased; to the Committee on War Claims.

By Mr. RANKIN: A bill (H. R. 11938) granting the distinguished-service cross to Richard M. Boyd; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 11939) granting an increase of pension to George T. Mahan; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 11940) to correct the military record of Felix Sizemore; to the Committee on Military Affairs.

Also, a bill (H. R. 11941) granting a pension to William Thompson; to the Committee on Invalid Pensions.

By Mr. SEARS of Nebraska: A bill (H. R. 11942) to provide for the payment of amounts expended in the construction and maintenance of a hangar and flying field for the use of the Air Mail Service; to the Committee on Claims.

Also, a bill (H. R. 11943) granting a pension to Betsey Jane Hazen; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 11944) for the relief of John M. Wells; to the Committee on Military Affairs.

By Mr. SHREVE: A bill (H. R. 11945) granting an increase of pension to Ruth A. Wright; to the Committee on Invalid Pensions.

By Mr. SITES: A bill (H. R. 11946) granting a pension to Louisa R. Smith; to the Committee on Invalid Pensions.

By Mr. THOMAS of Oklahoma: A bill (H. R. 11947) authorizing the Secretary of the Interior to sell and patent to David A. Vincent certain lands in Oklahoma; to the Committee on the Public Lands.

By Mr. VESTAL: A bill (H. R. 11948) granting a pension to Mary D. Foland; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 11949) granting an increase of pension to Phoebe A. Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11950) granting a pension to Louis Conner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3551. By Mr. CONNERY: Resolutions adopted by the Massachusetts State Federation of Women's Clubs, urging the extension of the civil service law to presidential postmasters and to the entire prohibition enforcement bureau; also urging the strict observance of provision of the civil service law which prohibits congressional recommendations for appointments in the classified service; to the Committee on the Civil Service.

3552. By Mr. CRAMTON: Petition of George A. Newberry and other residents of Mayville, Mich., protesting against the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3553. By Mr. GALLIVAN: Petition of American Engineering Council, Washington, D. C.; also John E. Lloyd, president William M. Lloyd Co., Philadelphia, Pa., recommending adoption of appropriation of $89,200 to be used by the Department of Commerce in the furtherance of utilization of forest products; to the Committee on Appropriations.

3554. By Mr. LEA of California: Petition of 121 residents of Red Bluff, Calif., protesting against the proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3555. By Mr. MacLAFFERTY: Petition of citizens of Oakland, Calif., protesting against the passage of the compulsory Sunday observance bill (S. 3218) and other national religious legislation which may be pending; to the Committee on the District of Columbia.

3556. By Mr. MAPES: Petition of adult residents of Ottawa County, State of Michigan, against the passage of the compulsory Sunday observance bill (S. 3218) and any other religious legislation which may be pending before Congress; to the Committee on the District of Columbia.

3557. By Mr. MORROW: Petition of the Hermosa Land & Cattle Co., Albuquerque, N. Mex., J. A. Wigmore, president, indorsing the Phipps bill (S. 2325); to the Committee on the Public Lands.

3558. By Mr. O'CONNELL of New York: Petition of Homer A. Dunn, of New York City, protesting against House Joint Resolution 315; to the Committee on Ways and Means.

3559. By Mr. SEARS of Nebraska: Petition of over 2,000 citizens of Omaha, Nebr., favoring the same treatment of the Spanish-American War veterans as other veterans of other wars; to the Committee on Pensions.

3560. By Mr. TINKHAM: Petition of Greater Boston Chapter of the General Alumni Association of Howard University, favoring the passage of House bill 9635; also Boston First Austrian Hungarian Association and Lazarus Davis Lodge, No. 548, I. O. B. A., favoring revision of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

SENATE

MONDAY, *January 26, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, as the recipients of Thy mercy, we approach the throne of grace this morning. We bless Thee for all the kindnesses which Thou hast poured in upon us in our daily lives, and in all the varied responsibilities which come to us. We humbly beseech of Thee this morning to be in the thought and in the purpose of each one dealing with great obligations and meeting his various duties as in Thy sight and for Thy glory. Be very gracious, we beseech of Thee, and accept of us. Through Christ, our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, January 22, 1925, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed

a bill (H. R. 11282) to authorize an increase in the limits of cost of certain naval vessels, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 369. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

S. 698. An act for the relief of the Great Lakes Engineering Works;

S. 831. An act for the relief of H. B. Stout;

S. 1427. An act for the relief of Rosa L. Yarbrough;

S. 1568. An act for the relief of certain officers in the United States Army;

S. 1605. An act for the relief of Emma Kiener;

S. 1894. An act for the relief of the owners of the steamship *Kin-Dave;*

S. 1976. An act for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Lloyds;

S. 2316. An act to allow credit in the accounts of A. W. Smith;

S. 2526. An act providing for an allotment of land from the Kiowa, Comanche, and Apache Indian Reservation, Okla., to James F. Rowell, an intermarried and enrolled member of the Kiowa Tribe;

S. 2669. An act for the relief of J. R. King;

S. 2689. An act for the relief of the First International Bank of Sweetgrass, Mont.;

S. 2711. An act for the relief of the Pitt River Power Co.;

S. 2764. An act authorizing the President to order Leo P. Quinn before a retiring board for a rehearing of his case, and upon the findings of such board either confirm his discharge or place him on the retired list with the rank and pay held by him at the time of his discharge;

S. 3073. An act for the relief of George A. Berry;

S. 3416. An act to authorize the appointment of Thomas James Camp as a major of Infantry, Regular Army;

S. 3505. An act for the relief of Canadian Car & Foundry Co. (Ltd.);

S. 3509. An act to change the time for the holding of terms of court in the eastern district of South Carolina; and

H. R. 8235. An act for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	King	Sheppard
Ball	Ferris	McCormick	Shields
Bayard	Fess	McKellar	Shipstead
Bingham	Fletcher	McKinley	Shortridge
Borah	Frazier	McLean	Simmons
Brookhart	George	McNary	Smith
Broussard	Glass	Mayfield	Smoot
Bruce	Gooding	Means	Spencer
Bursum	Greene	Metcalf	Sterling
Butler	Hale	Moses	Swanson
Cameron	Harreld	Norbeck	Wadsworth
Capper	Harris	Norris	Walsh, Mass.
Carraway	Harrison	Oddie	Walsh, Mont.
Copeland	Heflin	Overman	Warren
Couzens	Howell	Pepper	Watson
Cummins	Johnson, Calif.	Phipps	Weller
Curtis	Johnson, Minn.	Pittman	Wheeler
Dale	Jones, N. Mex.	Ralston	Willis
Dill	Jones, Wash.	Ransdell	
Edwards	Kendrick	Reed, Mo.	
Ernst	Keyes	Reed, Pa.	

Mr. FLETCHER. I desire to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Eighty-one Senators have answered the roll call. There is a quorum present.

HOUSE BILLS REFERRED

The following bills were each read twice by title and referred as indicated below:

H. R. 7679. An act for the relief of Lars O. Elstad and his assigns and the exchange of certain lands owned by the Northern Pacific Railway Co.; to the Committee on Public Lands and Surveys.

H. R. 11282. An act to authorize an increase in the limits of cost of certain naval vessels; to the Committee on Naval Affairs.

REVERSAL OF RULING ON POINT OF ORDER

The PRESIDENT pro tempore. The Chair desires to make a statement. On Saturday a point of order was raised against remarks being made by the junior Senator from Alabama [Mr. HEFLIN]. The Chair sustained the point of order. A further study of the rule invoked in behalf of the point of order has convinced the Chair that he misinterpreted that section in its application to the remarks being made by the Senator from Alabama, and the point of order should have been overruled instead of sustained. The Chair deems it his duty to make this statement for the RECORD as well as for the information of Senators.

SENATOR FROM MONTANA

Mr. WHEELER presented the credentials of THOMAS J. WALSH as a Senator from the State of Montana for the term beginning on the 4th day of March, 1925, which were read and ordered to be placed on file, as follows:

In the name and by the authority of the State of Montana, to all to whom these presents shall come, greeting:

Know ye, that I, Jos. M. Dixon, Governor of the State of Montana, do hereby certify that at a general election held in the State of Montana on the 4th day of November, A. D. 1924, pursuant to section 531 of the revised codes of the said State, Hon. THOMAS J. WALSH was duly elected to the office of United States Senator in and for the State of Montana, he having received the highest number of votes for said office as appears from a certified copy of the abstract of votes cast at said election now on file in my office.

And by virtue of the power vested in me by the constitution and in pursuance of the laws, I do hereby commission him, the said Hon. THOMAS J. WALSH, to be United States Senator, hereby authorizing and empowering him to execute and discharge, all and singular, the duties appertaining to said office and enjoy all the privileges and immunities thereof for a period of six years, beginning March 4, 1925.

In testimony whereof I have hereunto subscribed my hand and caused the great seal of the State of Montana to be affixed at Helena, Mont., the 15th day of December, in the year of our Lord 1924, and in the one hundred and forty-ninth year of the independence of the United States of America.

JOS. M. DIXON.

By the governor:

[SEAL.] C. T. STEWART, *Secretary of State.*

PETITIONS AND MEMORIALS

Mr. CAPPER presented a resolution adopted by the Student Council, representing the student body of McPherson College, at McPherson, Kans., favoring the participation of the United States in the Permanent Court of International Justice under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

He also presented the petition of the faculty and students of the Kansas Wesleyan University, of Salina, Kans., praying for the participation of the United States in the Permanent Court of International Justice under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

Mr. WILLIS presented memorials of sundry citizens of Sharline, New Bedford, New Castle, Youngstown, Ravenna, and Portage County, all in the State of Ohio, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the council of the city of Cleveland, Ohio, favoring the passage of Senate bill 3674, reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES of Washington presented memorials of sundry citizens of Kelso, Longview, Battle Ground, Brush Prairie, Vancouver, and Clarke County, all in the State of Washington, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. JOHNSON of Minnesota presented the memorials of Albert A. Anderson and 15 other citizens of Detroit, of George C. Maddock and 113 other citizens of Brainerd and Pine River, of J. M. Harris and 15 other citizens of Simpson and Stewartville, of F. L. Wendorf and 117 other citizens of Hewitt, of Irma C. Hartley and 66 other citizens of Brainerd, of Mildred

Arvig and 26 other citizens of Pine River, of Peter Staub and 67 other citizens of Cass County, of Mrs. L. S. Forester and 107 other citizens of Duluth, of Aug. S. Anderson and 208 other citizens of Duluth and vicinity, and of C. S. Stewart and 37 other citizens of St. Paul, all in the State of Minnesota, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented the petitions of Louis Gewalt and 15 other merchants of Breckenridge, and of L. J. Heymans and 28 other postal employees of Brown County, all in the State of Minnesota, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

REPORT OF A COMMITTEE

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9461) for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy, reported it without amendment, and submitted a report (No. 929) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 1656. An act granting the consent and approval of Congress to the La Plata River compact;

S. 3036. An act to amend the law relating to timber operations on the Menominee Reservation in Wisconsin;

S. 3792. An act to amend section 81 of the Judicial Code; and

S. J. Res. 61. Joint resolution authorizing the Director of the United States Veterans' Bureau to grant a right of way over United States Veterans' Bureau hospital reservation at Knoxville, Iowa.

BULL CREEK BRIDGE, SOUTH CAROLINA

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10152) granting the consent of Congress to the Huntley-Richardson Lumber Co., a corporation of the State of South Carolina, doing business in the said State, to construct a railroad bridge across Bull Creek at or near Eddy Lake, S. C., and I submit a report (No. 928) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of California:

A bill (S. 4070) to exempt from cancellation certain desert-land entries in Riverside County, Calif.; to the Committee on Public Lands and Surveys.

By Mr. BORAH:

A bill (S. 4071) to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as the result of collisions between it and the U. S. S. *Siboney* and the U. S. Army tug *No. 21*, at St. Nazaire, France;

A bill (S. 4072) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Brittania;*

A bill (S. 4073) to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair;*

A bill (S. 4074) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood;* and

A bill (S. 4075) authorizing the payment of an indemnity to John Williamson on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921; to the Committee on Foreign Relations.

By Mr. PHIPPS:

A bill (S. 4076) to provide for the establishment of grazing districts on the public lands of the United States and Alaska, and to regulate their beneficial use by livestock, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. ERNST:

A bill (S. 4077) to amend the judicial system of the United States, to add two associate justices to the Court of Appeals of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Minnesota:

A bill (S. 4078) granting an increase of pension to Catherine E. Sperry (with accompanying papers); to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 4079) granting a pension to Myra F. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 4080) to provide for the retirement of ex-Cadet Jay Earnest Schenck as second lieutenant of Infantry, United States Army; to the Committee on Military Affairs.

By Mr. McKELLAR:

A bill (S. 4081) relative to the acquirement of a national park, to be known as Smoky Mountain National Park; to the Committee on Public Lands and Surveys.

By Mr. WILLIS:

A bill (S. 4082) granting an increase of pension to Mary A. Good (with accompanying papers); and

A bill (S. 4083) granting an increase of pension to Juretta Z. Nelson (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4084) for the relief of Thomas Vincent Corey; to the Committee on Naval Affairs.

By Mr. SMITH:

A bill (S. 4085) to amend section 277 of the revenue act of 1924; to the Committee on Finance.

By Mr. WILLIS:

A bill (S. 4086) for the relief of Robert W. Caldwell (with an accompanying paper); to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 4087) to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.; to the Committee on Commerce.

By Mr. WATSON:

A bill (S. 4088) for the relief of Charles E. Reyburn (with accompanying papers); to the Committee on Claims.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. METCALF submitted an amendment (with an accompanying paper) and Mr. JOHNSON of California and Mr. CAMERON each submitted an amendment intended to be proposed to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on river and harbors, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

POSTAL SALARIES AND POSTAL RATES

Mr. McKELLAR and Mr. HARRIS each submitted an amendment intended to be proposed to the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, which were ordered to lie on the table and to be printed.

INCREASED FREIGHT CLASSIFICATIONS

Mr. COPELAND. Mr. President, on Saturday I introduced a resolution calling for certain information from the Interstate Commerce Commission. I supposed it would lie over, but I note that it was referred to the Committee on Interstate Commerce. I would like permission to have it brought back and given immediate consideration. It simply asks for certain information regarding the higher rates proposed on canned fruits, and so forth.

Mr. SMOOT. Mr. President, there is so much confusion and noise in the Chamber that I could not hear a word the Senator said. Will he repeat his request?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. COPELAND. On Saturday I introduced a resolution asking for certain information from the Interstate Commerce Commission about a proposed increase of freight rates on canned fruits and vegetables. It was referred to the Committee on Interstate Commerce. I am asking permission to have it brought back and given immediate consideration by the Senate in order that we may get the information.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the discharge of the Committee on Interstate Commerce from the consideration of Senate Resolution 314 and for its immediate consideration.

Mr. SMOOT. Let the resolution be read.

The PRESIDENT pro tempore. It will be read.

The resolution (S. Res. 314) submitted by Mr. COPELAND on the 24th instant was read, as follows:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to furnish the Senate the following information respecting certain proposed increased classifications of canned fish, fruits, meats, mincemeat, and jams, jellies, and preserves, in metal cans, in barrels, boxes, or crates, as proposed by railroads in official classification territory, said proposed increases being published in Supplement No. 33, to Consolidated Freight Classification No. 3:

1. A statement showing the existing classification and the proposed increased classifications.

2. A statement showing the percentage increases which the advanced classification will mean in the freight rates applicable on these canned food products.

3. A statement as to the necessity, if any, for increases in the freight rates on these staple articles of canned goods at this time.

The PRESIDENT pro tempore. The Chair hears no objection, and the Committee on Interstate Commerce will be discharged from the further consideration of the resolution. Is there objection to its present consideration?

Mr. BRUCE. I object. It is a matter that affects my constituents in Maryland.

The PRESIDENT pro tempore. Objection is made, and the resolution will lie on the table.

Mr. COPELAND. Mr. President, is it possible for me to ask the Senator from Maryland to withhold his objection for just a moment in order that I may explain the purpose of the resolution?

The PRESIDENT pro tempore. It is quite proper.

Mr. BRUCE. I withhold my objection for the present.

Mr. COPELAND. If the proposed classification goes into effect, it will materially affect the resale price of all canned fruits, canned fish, canned vegetables, and so forth. The purpose of the resolution is merely to get the information. If it is right that the proposed increase in rates should be made, I have no objection; but the point is to get the information before the Senate so it may know why it is proposed to take the action which may materially increase the cost of these staple goods.

Mr. BRUCE. I withdraw my objection.

The PRESIDENT pro tempore. Objection is withdrawn.

Mr. JONES of Washington. I would like to have the third request read. It seems to me that it calls for an opinion rather than for facts.

The PRESIDENT pro tempore. The clerk will read as requested.

The reading clerk read as follows:

3. A statement as to the necessity, if any, for increases in the freight rates on these staple articles of canned goods at this time.

Mr. JONES of Washington. It seems to me that calls for an opinion or argument. I would like to have the Senator leave it out.

Mr. COPELAND. I am very glad to omit it.

Mr. JONES of Washington. Then I make no objection to the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as modified by striking out paragraph 3.

The resolution as modified was agreed to.

APPOINTMENT TO OFFICE OF MEMBERS OF CONGRESS

Mr. CARAWAY. Mr. President, on the 22d instant I introduced a resolution, being Senate resolution 311. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent for the present consideration of Senate resolution 311.

Mr. SMOOT. Let the resolution be read.

The PRESIDENT pro tempore. The Secretary will read the resolution for the information of the Senate.

The resolution (S. Res. 311) submitted by Mr. CARAWAY on the 22d instant was read, as follows:

Whereas the efforts to control the sentiment and votes of Members of Congress by the appointment of Members thereof to office are hurtful to the dignity and freedom of the Congress and to the public service, and is contrary to the fundamental theory of our Government, which recognizes three distinct and independent branches of government: Therefore be it

Resolved, That it is the sense of the Senate that it will deny confirmation to any Member of Congress to any office to which said Member may be appointed if it is apparent that said Member has changed his position on any question pending before the body of which he is a Member in order to aid himself in securing any appointment by the President to such office.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. CURTIS. Mr. President, I ask the Senator from Arkansas if he will not allow the resolution to go over for a day or two?

Mr. CARAWAY. I will cheerfully let it go over. For how long does the Senator wish to have it go over?

Mr. CURTIS. I will talk with the Senator about that later.

Mr. CARAWAY. Very well, let the resolution go over without prejudice.

The PRESIDENT pro tempore. What does the Senator mean by asking that it go over?

Mr. CURTIS. I ask that it lie on the table without prejudice.

The PRESIDENT pro tempore. It is on the Table Calendar, as the Chair understands.

Mr. CURTIS. If it is on the calendar, let it stay there.

Mr. CARAWAY. No; it is on the table. Just let it lie on the table for a day or two.

The PRESIDENT pro tempore. The resolution will continue to lie on the table, being on the Table Calendar.

EXECUTIVE SESSION

The PRESIDENT pro tempore. Morning business is closed.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

After one hour and five minutes spent in executive session the doors were reopened.

CALL OF THE ROLL

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Edwards	King	Reed, Pa.
Ball	Ferris	McKellar	Sheppard
Bayard	Fess	McKinley	Shields
Bingham	Fletcher	McLean	Shipstead
Borah	Frazier	McNary	Shortridge
Brookhart	George	Means	Simmons
Broussard	Glass	Metcalf	Smith
Bruce	Gooding	Moses	Smoot
Bursum	Hale	Norbeck	Spencer
Butler	Harreld	Norris	Stanfield
Cameron	Harris	Oddie	Sterling
Capper	Harrison	Overman	Swanson
Caraway	Heflin	Pepper	Wadsworth
Copeland	Howell	Phipps	Walsh, Mass.
Couzens	Johnson, Minn.	Pittman	Walsh, Mont.
Curtis	Jones, N. Mex.	Ralston	Warren
Dale	Jones, Wash.	Ransdell	Watson
Dill	Keyes	Reed, Mo.	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, there is a quorum present.

WILLIAM SCHUYLER WOODRUFF

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1199) authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army, which was, on page 1, to strike out all after "Army" in line 6 down to and including "1920" in line 7.

Mr. REED of Pennsylvania. I move that the Senate concur in the House amendment.

The motion was agreed to.

PER CAPITA PAYMENT TO CHIPPEWA INDIANS

Mr. HARRELD. Mr. President, I ask unanimous consent for the immediate consideration of House bill 25, Order of Business, 852, which in my judgment is an emergency measure.

This bill provides for the payment of a per capita annuity to a certain band of the Chippewa Indians, known as the Red Lake Band, out of funds belonging to that band. The other day, when the Committee on Indian Affairs was in session, the Commissioner of Indian Affairs appeared and recommended that the bill be amended so as to provide a payment of $50 per capita to each and all of the members of the Chippewa Tribe; and I want to offer an amendment to that effect, by direction of the committee, if I can get unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 25) authorizing a per capita payment of $50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation.

Mr. HARRELD. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The Senator from Oklahoma offers an amendment, which will be stated by the Secretary.

The READING CLERK. It is proposed to strike out all after the enacting clause, and to insert:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States so much as may be necessary of the principal fund on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889 (25 Stat. L. 642), entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to make therefrom a per capita payment or distribution of $50 to each enrolled member of the tribe, under such rules and regulations as the said Secretary may prescribe: *Provided*, That before any payment is made hereunder the Chippewa Indians of Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify the provisions of this act and accept same: *Provided further*, That the money paid to the Indians as authorized herein shall not be subject to any lien or claim of attorneys or other parties.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. KING. Mr. President, may I inquire of the chairman of the committee whether this bill has received the approval of, or at least has not been opposed by, the Chippewa Indians, or any of the representatives of the Indians here in Washington?

Mr. HARRELD. On the contrary, they all are in favor of it, and are asking for it.

Mr. KING. It is not a bill that originated with the Indian Bureau, then?

Mr. HARRELD. No. The bill as originally introduced provided for paying this per capita only to the Red Lake Band. The amendment proposes to pay the per capita to every member of the Chippewa Tribe. There is an emergency there, because a great many of them really need this money, and need it badly, through this hard winter, and the department has asked that the bill be passed expeditiously; but the entire delegation from Michigan in Congress were before the committee, and were highly gratifed at the decision to recommend that this per capita be paid.

Mr. KING. Of course, the Senator knows that there has been considerable controversy between the Indian Bureau and the Chippewa Indians. The latter feel that a great injustice has been done them by the Government, if not by the department, and have been opposing some of the legislation which is before Congress.

Mr. HARRELD. In this particular instance I will say that the department for some time did not want to pay this money, and only recently agreed that it might be paid.

Mr. KING. Relying upon the statement of the Senator that this is not part of the objectionable legislation which is before Congress—legislation which the Indians oppose—I shall not object to the passage of this bill.

Mr. HARRELD. I assure the Senator that this bill is not a measure of that kind at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill providing for a per capita payment of $50 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States."

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that we begin with the calendar at Order of Business 150. We had the other two or three bills up the last time the calendar was called. The measure to which I refer is the fourth one on the calendar.

Mr. BRUCE. I object, Mr. President. I do not see why we should not begin with the first bill on the calendar.

The PRESIDING OFFICER. Objection is made. The Secretary will state the first bill on the calendar.

The first business on the calendar was the bill (S. 55) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1181) naming the seat of government of the United States was announced as next in order.

Mr. FESS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 60) to stimulate crop production in the United States was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The resolution (S. Res. 124) directing the Interstate Commerce Commission to secure information relative to amount of money expended for the purpose of creating public interest favorable to railroad sentiment was announced as next in order.

Mr. KING. Mr. President, I think the Senator from Indiana [Mr. WATSON] is interested in the resolution.

The PRESIDING OFFICER (Mr. FESS in the chair). There is an amendment pending to the resolution, offered by the Senator from Florida [Mr. TRAMMELL], who is not present.

Mr. KING. I do not like to object, but I ask that it be temporarily laid aside.

Mr. FLETCHER. Let it go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 185) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. WILLIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2401) providing for the compensation of retired warrant officers and enlisted men of the Army, Navy, and Marine Corps, or any other service or department created by or under the jurisdiction of the United States Government, and warrant officers and enlisted men of the Reserve Corps of the Army and Navy was announced as next in order.

Mr. KING and Mr. CURTIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2299) to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2149) to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2150) to authorize arrests by officers and employees of the Department of Agriculture in certain cases and to amend section 62 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2151) to increase the subsistence and per diem allowances of certain officers and employees of the Department of Agriculture, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1809) for the relief of Emelus S. Tozier was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1639) to provide for the appointment of a court reporter by each judge of the United States district court, fixing their salaries and fees, defining their duties and repealing all laws and parts of laws inconsistent herewith, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1387) to provide for payment of the amount of a war risk insurance policy to a beneficiary designated by Capt. John W. Loveland, jr., deceased, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

DAVIS CONSTRUCTION CO.

The bill (S. 2685) for the relief of the Davis Construction Co., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed, under such regulations as he may prescribe, to receive fully itemized and verified claims and reimburse the Davis Construction Co., contractor for the Post Office Department Equipment Shops Building, erected at Fifth and W Streets NE., Washington, D. C., under the supervision of the Postmaster General, for losses due directly to increased costs due either, first, to increased cost of labor and materials, or, second, to delay on account of the action of the United States Priority Board or other governmental activities, or, third to commandeering by the United States Government of plants or materials shown to the Secretary of the Treasury to have been sustained by it in the fulfillment of such contract by reason of war conditions alone. And the Secretary of the Treasury is hereby directed to submit from time to time estimates for appropriations to carry out the provisions of this act: *Provided*, That no claim for such reimbursement shall be paid unless filed with the Treasury Department within three months after the passage of this act: *And provided further*, That in no case shall the contractor be reimbursed to an extent greater than is sufficient to cover its actual increased cost in fulfilling its contract, exclusive of any and all profits to such contractor: *And provided further*, That the Secretary of the Treasury shall report to Congress at the beginning of each session thereof the amount of each expenditure and the facts on which the same is based.

Mr. COPELAND. Mr. President, I hope there will be no objection to the passage of this particular bill. It has been recommended by the committee. It involves no money. It follows action taken in similar cases in the past.

Mr. KING. I should like to ask the Senator if he thinks, from his knowledge of the matter, that there is any legitimate claim against the Government in this case?

Mr. COPELAND. Yes, I do; I think it is a legitimate claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed the bill (S. 1665) to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 353) for the relief of Reuben R. Hunter.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ANTHONY, Mr. DICKINSON of Iowa, and Mr. JOHNSON of Kentucky were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were subsequently signed by the President pro tempore:

H. R. 5417. An act authorizing and directing the Secretary of War to investigate the feasibility and to ascertain and report the cost of establishing a national military park in and about Kansas City, Mo., commemorative of the Battle of Westport, October 23, 1864;

H. R. 10947. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River in the city of Pittsburgh, Pa.; and

H. R. 11168. An act granting the consent of Congress to S. M. McAdams, of Iva, Anderson County, S. C., to construct a bridge across the Savannah River.

WAR DEPARTMENT APPROPRIATIONS

The PRESIDING OFFICER (Mr. Fess in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WADSWORTH. I move that the Senate insist upon its amendments, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. WADSWORTH, Mr. JONES of Washington, Mr. SPENCER, Mr. FLETCHER, and Mr. HARRIS conferees on the part of the Senate.

AMENDMENT TO JUDICIAL CODE

The bill (S. 2060) to amend the Judicial Code, further to define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes, was announced as next in order.

Mr. KING. I would like to ask the Senator from North Carolina, a member of the Judiciary Committee, whether this bill, which seems to be a very important one, has received the approval of the committee?

Mr. OVERMAN. It is a very important bill, and I think there is some opposition to it by Senators who are not here; therefore I think it better that it should go over.

Mr. FLETCHER. I hope the bill will be taken up at some time. It is an important measure, and would provide relief to the Supreme Court which is very much needed. They are behind with their docket, and it is impossible for them to catch up without some relief like this being granted. I certainly hope the bill will be acted on at this session.

Mr. OVERMAN. I agree with the Senator, but there is considerable opposition to it.

The PRESIDING OFFICER. The bill will be passed over.

FRENCH SPOLIATION CLAIMS

The bill (S. 56) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, was announced as next in order.

Mr. HOWELL. Let the bill go over.

Mr. SPENCER. Mr. President, this is the bill providing for the settlement of the so-called French spoliation claims. Those claims have been before Congress for 120 years, and certainly there can be no difference in the opinion that we should settle them one way or the other. Therefore I move that we proceed to the consideration of Senate bill 56.

Mr. OVERMAN. Similar bills have been vetoed by two Presidents.

Mr. SPENCER. No; they were never vetoed, as I will explain if we can have consideration of the bill.

Mr. OVERMAN. Let it go over.

Mr. SPENCER. I move that the Senate proceed to the consideration of Senate bill 56.

Mr. KING. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. If we shall proceed to the consideration of this bill, unlimited debate will be permitted, will it not? The debate will not be under the five-minute rule?

The PRESIDING OFFICER. Debate will not be limited.

Mr. KING. I think this is a measure so important that we had better have a quorum.

Mr. SPENCER. Mr. President, I will withdraw my request for a vote, because the time is so short that we could not complete consideration of the bill before 2 o'clock.

Mr. KING. I withdraw my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The bill will be passed over.

MARGARET I. VARNUM

The bill (S. 246) for the relief of Margaret I. Varnum was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

AGRICULTURAL RELIEF

The bill (S. 3091) declaring an emergency in respect of certain agricultural commodities, to promote equality between the agricultural commodities and other commodities, and for other purposes, was announced as next in order.

Mr. KING. That is an important bill, and if proceeded with the reading of the bill will take up the 12 minutes still remaining, and I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 7111) to promote American agriculture by making more extensively available and by expanding the service now rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, competition, and demand in foreign countries

in promoting the sale of farm products abroad, and in other ways, was announced as next in order.

Mr. KING. The same situation exists as to that bill as to the one just called.

Mr. CURTIS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1638) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions, was announced as next in order.

Mr. KING. I would like to have an explanation of that bill.

Mr. CURTIS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3011) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

COTTON FUTURES

The bill (S. 626) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. SMOOT. That bill can not be passed this morning.

Mr. CARAWAY. It can if the Senator will not object.

Mr. SMOOT. Let it go over.

Mr. CARAWAY. Mr. President, I sincerely hope the Senator from Utah, who does not know cotton when he sees it, will not undertake to regulate our industry without giving us a chance to be heard.

Mr. SMOOT. I am quite sure there are other Senators interested in the measure. I want to say to the Senator that I have handled more cotton, I dare say, than he ever thought of handling in all his life. I have spun more cotton, and I know something about it.

Mr. CARAWAY. Yes; the Senator spun it after somebody else grew it; and that is the thing I want regulated. I can understand now why the Senator is against the bill.

Mr. SMOOT. I do not say I am against it.

Mr. CARAWAY. The Senator does not need to say so.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

BILLS, ETC., PASSED OVER

The bill (S. 1230) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1642) to provide for the purchase and sale of farm products was announced as next in order.

Mr. WADSWORTH. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2570) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 47) establishing a congressional committee to consider ways and means through legislation to lighten the responsibilities of the President was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2155) to amend and modify the war risk insurance act was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 87) authorizing the erection of a flagstaff at Fort Sumter, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

CONSTRUCTION OF PUBLIC BUILDINGS

The bill (S. 2284) to provide for the construction of certain public buildings in the District of Columbia was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDING OFFICER. The pending amendment is one offered by the Senator from Florida [Mr. FLETCHER], which the Secretary will report.

The READING CLERK. On page 5, after line 16, the Senator from Florida proposes to insert:

SEC. 7. That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, namely:

(a) For increase in the limit of cost of construction of those certain public buildings, heretofore authorized by Congress to be constructed and for which appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, $15,130,780, or so much thereof as may be necessary.

(b) For the construction of public buildings on those certain sites, heretofore acquired, for the construction of which buildings no appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, $23,557,500, or so much thereof as may be necessary.

Mr. ASHURST. Mr. President, I ask the Chair to advise me how much money is proposed to be appropriated by the bill.

The PRESIDING OFFICER. Fifty million dollars.

Mr. ASHURST. I believe it would be a good business proposition and that it would save the Government much money annually not only to pass this bill, but to add to it the proposal of the Senator from Florida [Mr. FLETCHER].

We should not be driven from our duty because, forsooth, some publication here or there says "pork barrel." Consider the river and harbor bill. On account of the cry for years of "pork barrel" a large number of persons believed that the Treasury was being raided. When such persons investigate, as I investigated after voting against river and harbor bills for 10 years, they will conclude, as I did, that such bills are not "pork barrel." I am as much opposed to "pork barrel" legislation as anyone else.

We have not had a public buildings bill since 1913.

Mr. CARAWAY. Since 1910.

Mr. ASHURST. In 1913 there was a public buildings bill, and some buildings were authorized. The learned Senator from Arkansas informs me that it was in 1910.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ASHURST. I have but five minutes.

Mr. McKELLAR. I just want to state to the Senator that I am informed that the House Committee on Public Buildings has to-day reported out a bill carrying $150,000,000, which includes $50,000,000 for the construction of buildings in the District of Columbia.

Mr. ASHURST. I am not opposed to this bill, but I desire that the needs and requirements of the entire country should be considered. We should approach this subject in a constructive, statesmanlike way, and the cry of "pork barrel" should have no influence with us if the country actually needs certain buildings.

Mr. SMOOT. The Senator has never heard me say "pork barrel."

Mr. ASHURST. I have not, and the only thing I regret about the Senator's attitude is that he is not trying to assist in getting the Fletcher amendment added to the bill.

Mr. SMOOT. I do not believe there is a Senator in this body who is opposed to this bill. I do not think there is a person in the United States opposed to it. It is of such vital importance that I do not want to take any more responsibility unless we get an appropriation for these buildings, as provided in this measure.

Mr. ASHURST. Why not add to this bill, as an amendment, the Fletcher proposal? That has the approval, in my judgment, of the Treasury Department, and it is an amendment which can be defended.

Mr. SMOOT. I hope the Senator will let the Senate vote on the question. I know the bill ought to pass. There is no doubt about that at all. All I ask of the Senator is to let us vote on the amendment and let the Senate decide as to whether it shall be adopted.

Mr. FLETCHER. Mr. President, I am very anxious to have the bill considered; I am not delaying it at all.

Mr. SMOOT. I am not finding fault with the Senator in any way.

Mr. FLETCHER. I want to say just a word as to the amendment. I think I am entitled to do that.

The PRESIDING OFFICER. The bill is before the Senate for consideration, and the Senator from Florida is in order. He will have five minutes.

Mr. FLETCHER. Mr. President, I have offered an amendment to the bill, which is the pending question, as I understand. I am afraid we will not have time to get through with this matter this morning, but I will hurry.

Mr. SMOOT. I will ask unanimous consent, at 2 o'clock, that the unfinished business be laid aside.

Mr. FLETCHER. I have endeavored on several occasions to impress upon the Congress the advisability, as well as the necessity, of appropriating sufficient funds with which to construct suitable public buildings on all those sites acquired under the provisions of law enacted prior to March 3, 1913.

During the last session of Congress I offered a resolution (S. Res. 94) requesting the Secretary of the Treasury to furnish data in reference to public buildings, and under date of January 24, the Secretary submitted the information, which was printed in the RECORD, and is also found in Senate Document 28.

The letter from the Secretary of the Treasury is as follows:

TREASURY DEPARTMENT,
Washington, January 24, 1924.

The PRESIDENT OF THE SENATE.

SIR: In response to Senate Resolution 94, directing the Secretary of the Treasury to furnish certain data in reference to public buildings, I have the honor to submit the following:

The information desired, together with certain additional data not specifically called for by the resolution, but without which the statement in regard to the status of authorized buildings and sites would not be complete, is set forth in Exhibit A, as follows:

(a) Name of each city or town (by States) where authorizations have been made for acquisition of a site, construction of a building on site already owned, or for site and building.

(b) Date site was acquired; or, if not acquired, its present status.

(c) Consideration paid for each site.

(d) Amount authorized for site, site and building, or for building only.

(e) Balance available for building.

(f) Estimated cost of building on site authorized.

(g) Amount of increase required where existing authorization is insufficient.

There is also submitted Exhibit B, which includes the names of certain projects, mentioned in Exhibit A, where drawings have been prepared, or are contemplated, for buildings of a very simple type that may possibly be provided within the existing limit of cost by the adoption of much cheaper methods of construction than has been the practice heretofore of this department; or by furnishing space to satisfy present needs only, without room for future expansion; or by not including accommodations for Government activities that may be located in the places named but where the legislation is for a post office only.

Respectfully,

A. W. MELLON,
Secretary of the Treasury.

I later addressed a communication to the Treasury Department, and received the following letter from Judge McKenzie Ross, Assistant Secretary:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, February 27, 1924.

Hon. DUNCAN U. FLETCHER,
United States Senate.

MY DEAR SENATOR: Reference is made to your letter of February 22 asking to be furnished with certain totals of the amounts in connection with authorized public buildings and sites contained in Senate Document No. 28. These amounts are as follows:

(1) The total amount of appropriations available for the construction of certain buildings (col. e)	$9,280,822
(2) An estimate of the total additional amount necessary for Congress to appropriate in order that those buildings may be constructed (col. g)	15,130,780
(3) The total amount estimated necessary to be appropriated for the construction of buildings on sites heretofore acquired for which no appropriation was made for the construction of a building (col. f)	23,557,500

Very truly yours,

MCKENZIE MOSS,
Assistant Secretary.

Mind you, there is $9,280,822 already appropriated and available. It has been appropriated; it has not been used; it is available there now for use in part for the construction of these buildings for which it was appropriated, and it has been there about 10 years.

It will be noted that the cost of material and the labor charges have all increased to such an extent that the buildings could not be completed with the amount appropriated for that purpose, and there is need of an additional appropriation in order to complete those buildings before even the contracts for them can be let and before the work on them can be commenced. Part of the appropriation has already been made, and it was supposed at the time the appropriation was made that it would be adequate, but it is found there is needed an additional appropriation in order to accomplish what has been authorized and adopted and agreed on. The additional appropriation required to construct the buildings for which appropriation has heretofore been made but found to be inadequate amounts to, as estimated—No. 2 in this letter of February 27—$15,130,780.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

Mr. SMOOT. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside for the consideration of the bill which has been under discussion.

Mr. BRUCE. I object.

The PRESIDING OFFICER. Objection has been heard.

Mr. SMOOT. Does the Senator from Maryland object?

Mr. BRUCE. I do. I have been given no mercy myself, and do not propose to extend any.

Mr. SWANSON. Mr. President, I want to submit a unanimous-consent agreement. To-day is Calendar Monday. We were interfered with on the call of the calendar on account of other matters that came up. We ought to go on until 2 o'clock every day with the call of the calendar. The business on the calendar is becoming more and more accumulated. I ask unanimous consent that we proceed with the call of the calendar until 3 o'clock.

Mr. KING. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CURTIS. Mr. President, I wish to say to the Senator from Virginia that I have been delaying asking to have the calendar called until the senior Senator from Arkansas [Mr. ROBINSON] returned, when it is my intention to ask unanimous consent to hold night sessions for a couple of nights for the purpose of calling the calendar.

Mr. SWANSON. I think it only an act of justice to have Calendar Monday devoted to the calendar. We ought to have the unfinished business laid aside temporarily for at least another hour, as I have suggested, and let us proceed with the calendar, for unobjected bills only, until 3 o'clock.

Mr. MOSES. It would be much better if we had a couple of evening sessions to devote to that purpose.

The PRESIDING OFFICER. Objection has been made.

Mr. FLETCHER. Am I to understand there is objection made to the request to continue the consideration of the bill which we have been discussing?

Mr. BRUCE. Yes; I objected.

The PRESIDING OFFICER. Objection was made.

Mr. FLETCHER. It is a very important bill, and I think we could dispose of it in a short time.

Mr. BRUCE. There are other important bills that some of us are interested in, if we can ever get an opportunity to have them considered.

Mr. RALSTON. Mr. President, I ask unanimous consent that the bill (S. 2983) for the publication of official papers of the Territories of the United States now in the national archives be made a special order for Thursday, January 29, at 2 o'clock p. m. It will not take to exceed 15 or 20 minutes to dispose of it.

Mr. KING. What is the bill?

Mr. RALSTON. It is a bill for the publication of the official papers of the Territories of the United States now in the national archives.

Mr. SMOOT. I shall object now to the request of the Senator from Indiana. I want the postal bill out of the way so that a motion at some time may be made to bring up some other measures that are of vital importance to the Nation.

The PRESIDING OFFICER. Objection is heard to the request of the Senator from Indiana [Mr. RALSTON].

Mr. FLETCHER. Mr. President, I understand that the unfinished business is now before the Senate?

The PRESIDING OFFICER. It is.

Mr. FLETCHER. Then I want to proceed with my statement and finish it.

The next item in the report of the Assistant Secretary is No. 3:

> The total amount necessary to be appropriated for the construction of buildings on sites heretofore acquired for which no appropriation was made for the construction of buildings, $23,557,500.

So that the total appropriation which would be called for by the amendment would be those two items and the estimate of the total additional amount necessary for Congress to appropriate in order that those buildings may be constructed,

$15,130,780. That is, to supply the funds necessary to complete buildings for which inadequate appropriations have already been made. The other amount is for the construction of buildings on sites which have already been acquired, $23,557,500.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. FLETCHER. I yield to the Senator.

Mr. WARREN. I want to ask the Senator how much is the total that would be required to be appropriated? I understand the situation is, that the sites are all paid for, but appropriations have not been made for the buildings for all of them; that appropriations made at first were thought amply sufficient to cover the requirements at the time for certain buildings, but that it requires an additional appropriation to finish the construction. What is the total?

Mr. FLETCHER. There is $9,280,822 already appropriated, and that has been resting in the Treasury for nearly 10 years. Then the other two items to be added are $15,130,780, and $23,557,500. The items I have mentioned make a total of $38,688,280.

Mr. WARREN. I thank the Senator, and I want to say that in my opinion that bill ought to have passed long ago. However, the matter ought to be presented in a bill by itself. Of course, if it had been introduced as a separate measure on the first day of the session, we ought to have had it out of the way and over to the House with some promise of ultimate passage there. I do not want to hinder or interfere with the passage of other necessary bills in order to put an amendment on a particular bill that might defeat that bill. I am thoroughly in earnest in support of the measure that the Senator has been discussing, but at the proper time and in the proper bill. I wish it were so we could unite it with something else and pass it on through the Congress, but the situation seems to be now that we can not do it.

Mr. FLETCHER. I have introduced a separate measure covering it, but it seems to me that it is entirely proper to put it on this bill as an amendment. The bill is a public-buildings measure, confined to buildings in the District of Columbia, and the addition that I am proposing is not a general public-buildings measure at all, but is to take care of those matters which have been heretofore authorized by Congress, and which have been pending for nearly 11 years.

Mr. ASHURST. Is it not a fact that the Senator's amendment does not propose to construct a new building anywhere, but merely to carry out the purpose and intent of the law of 1913 and prior statutes?

Mr. FLETCHER. It is to carry out the purpose of Congress and the Executive as expressed in statutes heretofore enacted. It will be noted from this letter that there are now appropriations available in the sum of $9,280,822 for the construction of certain buildings. That sum is available in the Treasury awaiting an additional appropriation of $15,130,780 before suitable buildings can be constructed on the sites heretofore acquired and for which the appropriations are now found to be inadequate. In other words, $9,280,822 has been available for several years, but it is now found necessary to appropriate $15,130,780 additional in order that those special buildings may be constructed, the appropriation in each case having been found inadequate. The $9,280,822 is not a lump-sum appropriation but an aggregate of a number of unexpended and separate appropriations.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. FLETCHER. Certainly.

Mr. CARAWAY. I do not think the Senator need defend his bill as designed to construct buildings already authorized, but why should we not go forward? If there is necessity for buildings here in the District of Columbia and a similar necessity exists in any other part of the country, why should it not be taken care of?

Mr. FLETCHER. Precisely; and the necessity does exist and has been so declared by the Congress to exist.

Mr. CARAWAY. They are not all taken care of even by the Senator's amendment, because there are places now that are in need of public buildings much worse than we are in the District of Columbia. The Government here has valuable property that is leasing for almost nothing and taking care of somebody in some way. Why not recover those buildings? For instance, the Government has property just east of the Treasury which is not paying a sufficient return to pay for the painting of the buildings, and we need the buildings for governmental purposes.

Mr. FLETCHER. These matters are pending, and I am going to show before I get through that sites have been donated to the Government, sites upon which buildings existed, and the Government accepted the sites and ordered the buildings removed, so that the people who donated the sites have been deprived of the rents that they were getting prior to that time from their own property donated to the Government. The property has gone off the tax rolls and is simply lying idle and unused, and the original owners, after donating the sites, are now, and have been for some years, deprived of the rents which they formerly got from that same property.

Then, under legislation enacted prior to March 5, 1913, there was appropriated several million dollars—the amount is not stated—for the purpose of acquiring sites only, and it appears from the information submitted by the Secretary of the Treasury in his letter of January 24, that it is now necessary to appropriate $23,557,500 in order that suitable buildings may be constructed on those sites.

It is shown by the information submitted by the Secretary of the Treasury in response to Senate Resolution No. 94—printed as Senate Document 28—that sites have either been acquired or authorized to be acquired in several of the States. The people in these various States years ago pointed out the necessity for buildings and for acquiring sites for post offices and public buildings. In some instances the buildings embraced provisions for holding United States courts and for customs offices as well as post offices. They were authorized by Congress, approved, and adopted, and yet nothing has been done from that day to this. I am asking now simply that Congress proceed with what they have been endeavoring to accomplish for 10 years past throughout the country. These are the States and the number of post-office buildings thus authorized and still waiting on the Government to act:

Alabama, 6; Alaska, 2; Arizona, 3; Arkansas, 9; California, 7; Colorado, 5; Connecticut, 4; Delaware, 1; Florida, 5; Georgia, 11; Idaho, 4; Illinois, 16; Indiana, 13; Iowa, 7; Kansas, 1; Kentucky, 13; Louisiana, 2; Maine, 3; Maryland, 1; Massachusetts, 9; Michigan, 7; Minnesota, 3; Mississippi, 2; Missouri, 14; Nebraska, 1; Nevada, 2; New Hampshire, 1; New Jersey, 9; New Mexico, 1; New York, 16; North Carolina, 10; North Dakota, 2; Ohio, 16; Oklahoma, 2; Oregon, 1; Pennsylvania, 17; Rhode Island, 1; South Carolina, 2; South Dakota, 3; Tennessee, 7; Texas, 15; Utah 2; Vermont, 1; Virginia, 5; Washington, 3; West Virginia, 4; Wisconsin, 6; Wyoming, 4.

Under the provisions of the amendment introduced by me appropriations would be made available for the purpose of constructing suitable buildings on all those sites.

Mr. SHEPPARD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. FLETCHER. Certainly.

Mr. SHEPPARD. Since the beginning of this session the contracts have been let for the construction and completion of the buildings at Pittsburg, Tex., and Mount Pleasant, Tex. I suggest that the Senator eliminate those places from his amendment.

Mr. FLETCHER. I did not specify the sites in my amendment. I am simply giving the list as given to me by the Treasury Department of the different buildings in the various States. I have not attempted to specify the number in the amendment which I have offered. If any work has been proceeded with since the items were given to me, as I have mentioned, embraced in Document No. 28, they would be taken care of out of the old appropriation, of which over $9,000,000 remains unexpended and unpledged. If so, they would be taken out of consideration when it came to making use of the appropriation set out in my amendment. Only so much of the appropriation would be used, of course, as would be necessary to complete the projects already authorized.

It is a well-known fact that the sites acquired have not since produced any revenue to the Federal, State, county, or municipal governments, but, so far as I know, have been a source of expense rather than a benefit to the communities. The Government has not, so far as I am advised, received any income whatever from those sites, or, if any, very little. The improvements that were on the sites have been removed, and the sites are an eyesore in the community. They pay nothing toward street pavements, sidewalks, or other expenses the municipalities may be put to.

Congress should not longer delay making appropriations in order to carry out the intent and purpose of previous legislation—legislation enacted prior to March 5, 1913. I believe a general bill is in order for the purchase of sites and the construction of suitable buildings in other localities throughout the

country where the actual needs of the service justify. That would mean legislation in addition to that proposed by me, and it should be promptly considered when it comes to us. I am not dealing with that matter in this amendment.

Mr. ASHURST. Mr. President, will the Senator from Florida yield to me at that point?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Arizona?

Mr. FLETCHER. I yield.

Mr. ASHURST. I do not wish to interrupt the Senator's speech, but, in order that Senators may clearly understand the situation, I desire to say that if they will turn to the proceedings of the Senate on December 2 last, page 28 of the RECORD of that date, they will there ascertain just what places need buildings, according to the Secretary's report, and they will also ascertain there where and when sites have been acquired. That information was placed in the RECORD by the Senator from Florida on that date. They will also ascertain the amount of increase necessary in some places and likewise the original appropriation which is necessary. That information is set out in elaborate detail on the page of the CONGRESSIONAL RECORD to which I have referred.

Mr. FLETCHER. Yes; I will refer to that more specifically a little later on, but the documents which I have mentioned also give the data to which the Senator from Arizona has alluded.

The appropriations sought to be made available under the provisions of my bill are going to be made available some day, and it would seem to me that the sooner they are made available the better it will be for all concerned; for the longer action is delayed the greater will be the cost of materials and labor. No one, I presume, will deny that statement. So, looking at the situation from a purely economic standpoint, it would certainly be advantageous to make the appropriations immediately and thereby permit the Treasury Department to proceed by letting contracts for the construction work in such a manner as will not disrupt general economic conditions.

Furthermore, Congress is under a moral obligation to each of those communities mentioned in Senate Document No. 28, which gives all of the details which have been referred to by the Senator from Arizona. Nearly 12 years have elapsed since the last general public buildings bill was enacted. Many of the sites mentioned in that document were acquired prior to March, 1913. The Government has had millions of dollars invested—if it may be called an investment—in these building sites for many, many years.

The Secretary of the Treasury, in his report to the chairman of the Senate Committee on Appropriations on the bill introduced by me during the last Congress, said, in part:

> The passage of this bill would permit the construction of these buildings authorized and limits of cost fixed under act of March 4, 1913, which on account of the increased cost of labor and materials can not now be erected within such limits. The completion of these projects and the erection of Federal buildings in many places where sites only have been authorized would be a substantial help in relieving the congestion in the Postal Service.

The Postmaster General, in his annual report for the fiscal year ended June 30, 1922, said:

> The Postal Service is growing steadily and its requirements are difficult to meet without constant recourse to enlarged quarters, which are secured on a rental basis at an expense much greater than that which would result from Government construction and ownership. A vast sum is paid annually for these rentals. The reasons in favor of some plan of Government ownership of post-office buildings for postal use where an economy would be realized is set forth in detail in my letter to the Joint Commission on Postal Service, which reads as follows—

And so forth.

Then, in his letter of date August 21, 1922, addressed to the Joint Committee on Postal Revision, he stated:

> MY DEAR SIRS: There are at present 5,846 post offices in leased quarters and 1,119 post offices in buildings owned by the Government. The aggregate annual rental paid for the occupancy of these 5,846 leased quarters is $9,262,515.47, but this aggregate does not include the amount paid for quarters not under lease, which when added to $9,262,515.47 makes a present total annual rental bill of $11,660,056, not including garages, to be paid by the Government from appropriation made to the Post Office Department. There are at present 5 Government-owned buildings actually under construction and 11 under contract for construction in which post offices will find quarters.

Then, in his annual report for the fiscal year ending June 30, 1923, he stated:

> GOVERNMENT OWNERSHIP
>
> Attention again is invited to the unbusinesslike method of securing quarters for post offices and postal stations under the leasing system. In many cases the Government is paying in annual rent from 10 to 17 per cent of the value of the premises occupied. On August 21, 1922, a letter was addressed by the then Postmaster General to the Joint Commission on Postal Service setting forth very fully the department's views with reference to Government ownership of post-office buildings. This letter was published in full in the last annual report, and the conclusions contained therein have been considered by me and receive my full approval.

In his last annual report, that for the fiscal year ending June 30, 1924, will be found the following:

> GOVERNMENT OWNERSHIP
>
> I desire again to invite attention to the unbusinesslike method of securing quarters for post offices and postal stations under the leasing system. In many cases the Government is paying in annual rent a large per cent of the value of the premises occupied. In 1922 the then Postmaster General addressed a letter to the Joint Commission on Postal Service setting forth fully the department's views with reference to Government ownership of post-office buildings. In the last report mention was made of my full approval of those recommendations.

The recommendations of the department, the action of Congress heretofore taken, nearly 12 years ago, adopting this course and these projects and actually making appropriations which have since been found to be inadequate, all, it seems to me, should compel the Senate and the House of Representatives now to carry through what we have been trying to accomplish, what the department has been urging, and which every economical consideration justifies—the erection of the public buildings which have been partially appropriated for and on sites which the Government now owns.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Florida yield for a moment?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. FLETCHER. I yield.

Mr. WALSH of Massachusetts. The Senator will be interested in connection with his remarks in a statement from the report of the Joint Commission on Postal Service to Congress. The Senator has referred to the recommendations made by the Postal Department to that commission, but the commission itself in its report, on page 168, under the title "Post-office buildings and facilities," says, among other things:

> It will cost many millions to furnish the sites and buildings which are required, but it will be millions well spent, and the longer action is deferred the greater will be the cost to the Government.

The commission report recommends just what the Senator has been arguing.

Mr. FLETCHER. Precisely.

Mr. WALSH of Massachusetts. And this commission spent thousands of dollars and months and years in studying the Postal Service requirements of the country.

I wish to say in connection with what the Senator has stated that I consider the attitude of our Government in failing to erect instead of renting public buildings to take care of the increasing public business is most regrettable. I know of nothing that more strikingly indicates the inefficiency of our Government to handle the public business economically than the attitude we have taken as to the construction of public buildings. I fail to see any economy in paying excessive rentals for the use of buildings which the Government must occupy so long as there is a Government, because the postal business is here, not for a passing period but for all time. I heartily concur in everything the Senator from Florida has said, and hope that some day we may give evidence to the country that we purpose to house in Government-owned buildings the departments of the Government which require space and convenient locations in order that the public business may be conducted without financial waste through excessive rentals.

Mr. FLETCHER. I am very much obliged to the Senator for his interruption and for the observations he has made.

Mr. WALSH of Massachusetts. Mr. President, I ask that a short excerpt from the report of the Joint Commission on Postal Service may be printed in the RECORD in connection with my remarks.

Mr. FLETCHER. I hope that will be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

POST OFFICE BUILDINGS AND FACILITIES

The Postal Service is a great business institution. In fact it is one of the major industries of the country. Efficiency in the service is very largely dependent upon the facilities available for the ever-increasing volume of business that has to be disposed of. The war and post-war conditions necessitated very largely the suspension of building operations. It is apparent from the evidence presented to the commission that the Postal Service has in consequence long labored under a most serious handicap and has had to discharge its duties in congested quarters and with insufficient facilities. The time has come when action should be taken to mend the situation. The business development of the country is so largely dependent upon, and so intimately connected with, efficiency in the Postal Service that it would be most detrimental to the public welfare should the present status of the service in respect to needed facilities continue. It will cost many millions to furnish the sites and buildings which are required, but it will be millions well spent, and the longer action is deferred the greater will be the cost to the Government. For some time past the Government has been compelled to secure at enormous rentals space to enable it to carry on the business of the Postal Service.

The rentals are increasing year after year at alarming rates. No profitable business could sustain the burden which the rental system is imposing upon the Government. We must have post offices, we must have terminals, we must have post-office stations.

Experience throughout the whole country has shown these units of postal development are almost invariably located in areas of intensive business, and that such sites as have been acquired therefor have rapidly increased in value, so that there is a practical certainty that such investments in real estate as may hereafter prove essential for the efficient conduct of the Postal Service will likewise rapidly increase in value and prove to be paying investments to our Government.

BUILDING PROGRAM RECOMMENDED BY THE COMMISSION

The commission has previously recommended to Congress, and now renews the recommendation, that a building program be adopted, with appropriations by Congress for the conduct of the Postal Service, under which for a term of years a definite sum will be annually appropriated to cover the cost of the necessary developments. If such a program is adopted and carried out, in the course of time the postal system will be freed of the tremendous burden of rentals which it is now bearing and which, under present methods, will be ever increasing. It will then be conducted on the basis of the public ownership of its plants, whereby it will acquire for the people, through the Government, participation in the increase of the value of the land in the various commercial centers of the United States, which is certain to be rapid and continuous. The pursuit of such a system faithfully and persistently will do more in the way of economy than has ever before been accomplished. While the outlay for a few years will be heavy, it will gradually diminish; whereas under the present rental system the increase will continue year after year indefinitely, without end, until, as may be plainly foreseen, the rentals borne by the postal system will offset any possible economies that can be made in any other direction and keep it ever impoverished.

Mr. ASHURST. Mr. President, shrewd profiteers are leasing buildings to the Government in many places, some of them not far from the Capitol, and receiving as annual lease money what is the equivalent of from 15 to 25 per cent on the investment covering the cost of such leased buildings. Whenever anyone tries to relieve the Government from these excessive rentals these industrious profiteers cry "pork barrel," in the hope that they may divert the attention of Congress from the high rentals which they are receiving.

Mr. FLETCHER. Of course, I do not know the motive and purpose back of the articles which are appearing from time to time in various publications throughout the country. I have observed in the newspapers frequent critical references to every effort in any wise to add anything to the bill offered by the Senator from Utah [Mr. SMOOT], and there has been a marked endeavor, it seems, to prejudice the public against the proposal which I am now making upon the claim, as the Senator from Arizona has stated, that it involves some "pork-barrel" considerations. Such a suggestion is perfectly ridiculous. I feel as keenly as anyone can the importance of passing the bill which the Senator from Utah has introduced providing for the erection of necessary public buildings in the District of Columbia, but, in my judgment, it is just as much incumbent upon us, and it is just as great a responsibility resting upon us, to take care of conditions existing in other portions of the country as it is to take care of conditions existing in the District of Columbia. There can be no excuse whatever for further postponing the carrying out of what we have been trying to accomplish for 10 years in respect to public buildings.

I have numerous letters from all parts of the country on this subject. In one instance in Pennsylvania there was a block of ground donated to the Government for a post office. The man who donated that block of ground informs me that it has simply been allowed to grow up in weeds, that it is not cared for, and is an eyesore to the community, although, as a matter of fact, it has increased in value five times what it was worth when he donated it to the Government. It is just lying there idle, however, no use of it being made, no income from it being derived, and no care being taken even to give it a decent appearance.

I have not introduced the amendment simply because it affects five projects in Florida; I have done so because I feel that the action proposed is to the general public interest and of nation-wide importance. I have read to the Senate the various States which are concerned, and the document to which I have referred gives the details as to the status of each project in the various States.

Mr. JONES of New Mexico. Mr. President——

Mr. FLETCHER. I will ask the Senator to allow me to proceed for a moment. I have before me a letter which explains the situation as to one building site in Florida. It was written January 5, 1925, and the writer says:

In view of the fact that both you and Mr. SMITHWICK have introduced bills for the construction of public buildings on the lot donated by me in De Funiak Springs, Fla., and as no action has been taken by Congress, I would respectfully request you to introduce a bill reconveying the lot to me.

Instead of deriving any benefit by donating the lot to the Government, I have actually sustained a loss of about $2,500. Quoting from a letter from B. R. Newton, Assistant Secretary, dated February 16, 1916—

This is the quotation:

It being understood, of course, that you would reserve the improvements on the property and the use of the land until such time as it would be needed by the Government.

That is what they assured him when he donated the property in 1916, nine years ago. Then continues his letter:

Only a short time after conveying the property I was notified to remove all buildings, which I proceeded to do, feeling sure the Government was going to begin the construction of a building at once. This was eight years ago, and since that time I have suffered a loss of $400 a year in rents.

I would ask that you introduce a bill reconveying the lot to me, as I wish to have the lot improved during my lifetime.

Thanking you, I am,

Yours very truly,

CHARLES MURRAY, Sr.

Now, think of that! The citizen absolutely donated the lot, which was inspected, passed upon, and approved by the Post Office Department as a desirable site for the post office in that town; and they assured him at the time that he could use the buildings that were on the lot until they ordered him to take them off. Within a year after that, eight years ago, after he had donated the lot to the Government and conveyed it, he received instructions to remove all the buildings from the lot, from which he was deriving a rental of $400 a year. He removed the buildings, and so he has lost $400 a year for eight years, and nothing has been done by the Government since then about putting up the building on the lot. I do not blame him and you can not blame him when he says, now, "If you are not going to make any use of this property, since you have already caused me a loss of $3,200, deed it back to me. I want the title to my own property, which I gave you with the idea that you were to put up a post-office building on that lot and which you refuse or fail to do."

That is not an isolated case. There are other cases in the same situation. Are we going to continue to treat these people in this sort of way? Is it fair that we shall consider only the District of Columbia and ignore all the rest of the country and every other community concerned in this matter of public buildings?

Mr. JONES of New Mexico. Mr. President——

Mr. FLETCHER. I yield to the Senator.

Mr. JONES of New Mexico. I am sure the Senator has heard from a great many communities in the country where conditions have practically become intolerable for transacting the public business. It is over 10 years since the last public buildings bill passed. At that time there were many communities that were in dire need of additional facilities for carrying on the public business; and to such an extent did that appear that the Congress made these provisions which were contained

in the act of 1913. Those communities from that day until this have not only been suffering the inconvenience arising from conditions as they were at that time but those conditions have been augmented or increased by the increase in population in the community, and so forth. These communities have suffered these inconveniences owing to the war, and that sort of thing, but they have depended upon the Government taking hold of this work and giving them these governmental facilities just as soon as it was within the range of reasonableness for the Government to act following the war.

I have in mind several communities of that sort, some of them mentioned in the list which the Senator has presented here. I have in mind one particular instance where there are two post offices. Two communities have grown together, and the mail gets all mixed up. You hardly know which is one town and which is the other town, and there are two post offices of very similar name. One is the name of the town itself, and the other has "East" added to it; and the mail goes to one or to the other just as the writer happens to think the party may live in that community.

The purpose in that case is to establish one post office to take care of the whole situation. That community has been hoping for all these years that something would be done. The condition is absolutely intolerable, and the Government ought not to expect its citizens, who want to do business in a decent way, to tolerate these things any longer.

Mr. FLETCHER. I quite agree with the Senator, and I am glad he has added this to my observations in connection with this amendment.

The Treasury Department is not opposed to this amendment, nor is the Post Office Department. They recognize the necessity of taking some step like this; and my information is, although I have not seen it, that the report of the department on the bill introduced in the House, to which the Senator from Tennessee alluded—a general public buildings bill—is favorable to taking care of these projects that have already been adopted and provided for in previous legislation. That bill, however, involves the adoption of new undertakings throughout the country, and I have no idea whether or not it will be possible to pass that bill at this session. It may get through the House, but I question very much if it is possible to pass that bill at this session.

Why hold back these matters until we consider a new public buildings bill, a general public buildings bill, taking care of the future? These matters rest in the past. They ought to have been attended to long ago. The departments do not object to them. Why should we not put them on this bill, which proposes to make an appropriation covering new buildings in the District of Columbia, so as to take care of these matters which have been pending all these years, and which, in all conscience, ought not to have been neglected and delayed as they have been? There is over $9,000,000 in the Treasury appropriated for the purpose of putting up buildings, and it is necessary to add to it another $15,000,000 in order to complete the buildings for which the $9,000,000 was appropriated, and the other millions are necessary to put buildings on sites in many instances absolutely donated to the Government, as I have shown.

I say this amendment belongs on this bill, here and now. It is just as meritorious as the proposal in the original bill to take care of buildings in the District of Columbia, and I think has additional considerations in its favor. Therefore I insist that this amendment should be agreed to on this bill; and so far from weakening the principal bill, in my judgment, it will strengthen the bill, both here and in the other body. I believe that what is known as the Smoot bill for the District of Columbia would be strengthened by the addition of this amendment, and that it would have a much better chance of passing both in this body and in the other body.

I am going to say this: If this amendment is voted down, I propose to introduce a bill that will direct the reconveyance to this constituent of mine of the lot mentioned in his letter, so that whenever the Government undertakes to put up a building in that community it will have to pay for its lot, and must get the title in the usual way, without deceiving and disappointing and ill-treating a citizen who is patriotic and public-spirited enough to donate the land absolutely for post-office purposes.

After he gave them the site they unnecessarily cause him actual loss and ignore their obligation to him and to the community.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. FLETCHER. I yield to the Senator.

Mr. SMITH. Have the projects to which the Senator calls attention been authorized already?

Mr. FLETCHER. All of them have been authorized, yes; and appropriations have been made in some instances.

Mr. WALSH of Massachusetts. Before the war?

Mr. FLETCHER. In 1913; 12 years ago.

Mr. SMITH. Where they have been authorized, and then the authorizations have been translated into actual appropriations, why have not the buildings been constructed?

Mr. FLETCHER. Because the appropriations were inadequate for the reason that before they could let the contracts the price of labor and materials went up, and when they had prepared the plans and were ready to call for bids they could not get bids within the appropriation. There is over $9,000,000, nearly $10,000,000, already appropriated that has simply been lying there.

Mr. SMITH. How much in excess of the appropriation already available would be necessary to complete the buildings under the new cost?

Mr. FLETCHER. An excess of $15,130,780.

Mr. SMITH. In addition to the $9,000,000?

Mr. FLETCHER. Yes.

Mr. JONES of New Mexico. Mr. President, just an observation which may clear up the matter in the mind of the Senator from South Carolina.

These buildings were authorized prior to the war, in 1913, and for some reason or other the Treasury Department was not in condition to go ahead with the construction of the buildings immediately after the passage of the act. In the meantime the war came on and the price of building increased enormously. In fact, it pretty nearly doubled by reason of the war. After the war started it was the policy of the administration, and I think everybody agreed it was wise, that we should not engage in public building during the war, and after the war was over the cost of building had increased to the extent I have just stated and the appropriations were inadequate.

In regard to the building out in my State that is referred to in the list mentioned by the Senator from South Carolina, $125,000 was appropriated for the site and the building. They purchased a site for $9,000, and that left $116,000. In order to complete that building now according to the plans and specifications which were prepared prior to the war, it will require an additional $80,000; and it is to cover additions of that kind to these various buildings that the Senator from Florida is now insisting upon his amendment.

Mr. FLETCHER. Mr. President, of course I recognize that I can not get a vote on this bill now, but I desire to complete these observations, so that when we can take up the bill it perhaps will not be necessary to say any more. I want the Senate to vote on this amendment, and I believe the Senate ought to adopt the amendment. If they do not adopt it I shall be very much disappointed, and I shall feel that they have not met their full responsibilities.

Mr. WALSH of Massachusetts. Mr. President, is not the Senator able to convince the Senator from Utah of the importance of his amendment, in order that the bill which the Senator from Florida favors shall get through?

Mr. FLETCHER. I have endeavored to do that, but the Senator from Utah seems to feel that he must stand on his bill. I do not think he seriously objects to this amendment.

Mr. SMOOT. I will vote for it, personally.

Mr. WALSH of Massachusetts. I think the Senator's bill is a very important one and a very necessary one, and that it ought to be passed; and it seems to me the best way for the Senator to pass his bill is to accept the amendment of the Senator from Florida.

Mr. FLETCHER. I think undoubtedly he will get more votes for his bill with the amendment than he will without it.

Mr. SMOOT. If I believed that I would accept it; but there is a serious situation confronting us, and really I think I can get this bill through in some way, if it stands by itself, at this session of Congress. If not, I do not know what is going to happen.

Mr. FLETCHER. I can not possibly see how adopting this amendment will jeopardize the Senator's bill.

Mr. SMOOT. The Senator may not, but if the Senator will introduce his bill I will vote for it; I will tell him that.

Mr. FLETCHER. I did introduce it at the last Congress, and never got a report from the committee.

Mr. SMOOT. I do not know as to that.

Mr. FLETCHER. Apparently, the Senator will vote for my bill, but he will not vote for my amendment.

Mr. SMOOT. Three of the buildings provided for in the Senator's amendment are in my own State. It is not that at all. Serious as the situation is in the country, I know that it is not half so serious as it is in the District of Columbia.

Mr. FLETCHER. I think we can take care of both those situations in this measure.

Mr. JONES of New Mexico. Mr. President, will the Senator from Florida permit me to ask a question of the Senator from Utah?

Mr. FLETCHER. I yield.

Mr. JONES of New Mexico. I am informed that the Secretary of the Treasury has advised the Committee on Public Buildings and Grounds of the House that an appropriation of $100,000,000 for buildings outside of the District of Columbia is not inconsistent with or contrary to the administration's policy of economy.

Mr. SMOOT. I will say to the Senator that I was advised about 10 minutes ago that the House had passed that $150,000,000 bill. I have not had time yet to go over and find out.

Mr. JONES of New Mexico. Does not that bill contain a provision for the erection of the buildings to which the Senator from Utah is referring in his bill?

Mr. SMOOT. I think that bill could be construed as making $50,000,000 of the $150,000,000 appropriated available for buildings in the District of Columbia.

Mr. JONES of New Mexico. I may be misinformed about it, but I understand that the Secretary of the Treasury wrote to a committee of the House that an appropriation of $150,000,000 was not objectionable—$50,000,000 of it to be applicable to buildings in the District of Columbia and $100,000,000 of it applicable to buildings throughout the country—to become available in five different annual installments.

Mr. SMOOT. The Senator must know that I would not take any chances in the matter if I could help it, and I thought that if we could pass this bill it could be enacted into law, providing the House did not pass a bill making the appropriations to which the Senator has referred. Such a bill, I am told, passed the House a few moments ago. That may be so and it may not be so, but I will find out in a moment.

Mr. JONES of New Mexico. It will not take five minutes to ascertain that. The point I had in mind was this: When the Senator from Utah tried to get his bill passed some time ago I heard him state that it was contrary to the policy of the administration to couple with his bill any appropriation for buildings outside of Washington.

Mr. SMOOT. I did not go that far. I did say, however, that that had not been recommended at that time by the Treasury Department, by the Budget, or by the President.

Mr. JONES of New Mexico. And the Senator from Utah assumed, therefore, that it was not according to the wishes of the Treasury Department and the administration.

Mr. SMOOT. That is what I was fearful of.

Mr. JONES of New Mexico. Now, since that letter has been written by the Secretary of the Treasury, specifically stating that it is not contrary to the policy of the administration, I think the reasons heretofore advanced by the Senator from Utah for objecting to this amendment have ceased to exist.

Mr. SMOOT. If there is to be a general bill, which will take care of this matter, I prefer to have that bill taken up and passed through the Senate. But if the House has not passed that bill, I want this bill to pass the Senate as it is in order that in some way I may get it in such form that it can be presented to the House.

Mr. JONES of New Mexico. I am confident that the Senator will aid the passage of his bill if he will accept the amendment of the Senator from Florida.

Mr. SMOOT. I am not so confident of that; in fact, I doubt it, or I would accept the amendment willingly.

Mr. JONES of New Mexico. When the reasons for the Senator's objection to this amendment have disappeared, I can not understand upon what basis he is appealing to Senators not to put amendments on the bill. When we know that the Secretary of the Treasury has said that they are willing that there shall be an appropriation of $100,000,000 for buildings outside of the District of Columbia, I can not imagine upon what basis the Senator from Utah can appeal to Senators here who are representing the various States of the Union not to put amendments on his bill, when the very reasons suggested by him have failed, when the situation doubtless has changed, and now we know that it is not contrary to the policy of the administration to make appropriations for public buildings. The situation here in regard to these buildings is such that no Senator ought to think about putting any obstacle in the way of appropriations unless there is something exceedingly important.

Mr. WALSH of Massachusetts. Mr. President, I want to make a suggestion to the Senator from Florida. I ask the Senator if he has considered the matter of a committee sitting during the recess to consider this whole question, and especially the rentals paid by the Government. The Commission on Postal Service went into the question of the need of new post-office buildings in the large cities, and the report of that commission is available. But the difficulty with this building problem is that each department does its own renting, knows its own needs, and there is no general committee that knows how much it is possible for the Government to save merely by constructing a building and putting different units of the different departments in that building.

Take, for instance, the city of Boston. We pay enormous rents for our internal-revenue department, enormous rents for our Veterans' Bureau service, and enormous rents for the Prohibition Unit service. Then the Army headquarters are located there, and rental is paid for private offices in private buildings for that service. Some committee ought to be appointed to find out just what is being paid out, and to give clear and unmistakeable proof to the public and to Government officials that a building could be bought or erected to house all these different units at a great saving to our Government. I think that is a work in which the Senator could interest himself and render great public service. I do not know of anybody doing it now.

Mr. SMOOT. I have thought for many years that that thing ought to be carried out in exactly the same way the building commission has carried it out in the District of Columbia. That commission is at work and every day some question comes before it about transfers. Every day we are hunting space somewhere to accommodate a few employees of the Government now working in places that are overcrowded.

Mr. WALSH of Massachusetts. The argument as to the needs in the District of Columbia is unanswerable.

Mr. SMOOT. I know enough about the rents that are being paid outside of the District of Columbia to make a statement now that if it were your money or my money that was being paid out for rents and we were able to secure the money at a low rate of interest to construct buildings to take the places of the offices now rented, we would never pay the rents demanded.

Mr. WALSH of Massachusetts. Exactly. Why make that admission, and remain here passive and indifferent to the situation? What a terrible reflection it is on us that we admit here privately that we are carrying on a system that is bringing a loss of millions of dollars to our taxpayers, and we are powerless? The people have given us the power, but we have not the capacity, the business acumen, to pass a law and change that situation and save millions of dollars. It is a disgrace. No wonder the people are losing confidence in their Congress when we admit that we are pursuing a policy that is costing millions and millions and millions of dollars to the taxpayers.

I sat in meetings of the Committee on Post Offices and Post Roads and heard the proposition seriously presented of asking private capital to buy a location in the city of New York and erect a building that we would rent from them—in the city of New York, the largest city in this country, where a post office will be needed as long as there is a flag flying over this country. To think of asking private individuals to buy the land and erect a building that we could rent from them for post-office purposes! It is inconceivable. Why was that done? Because Members of Congress admitted that they could not get a bill through to erect a post office such as is required in the city of New York. I do not believe it. If the administration and the leadership of this administration gets behind any bill—this bill or any other bill—designed to eliminate waste, to obviate the payment of high rentals which are being charged for post offices, and will say, "We want that bill to go through; we want to show the American people we mean economy when we talk economy, and here is a way of saving millions of dollars," the bill will be passed, regardless of what this side may do.

Mr. SMOOT. Let me call the attention of the Senator to a little history. In 1913 the building commission for the District of Columbia was first created. The Senator from Virginia was chairman of that commission. We began an investigation. We have pleaded and pleaded for nearly 13 years for action by Congress, and I have a bill here now calling for an appropriation of $50,000,000 to take care of what we have recommended time and time again, but the bill is held up.

Mr. WALSH of Massachusetts. Is it not due to a lack of leadership? Can not any administration that has the confi-

dence of the people and competent leadership put through any legislation they see fit to put through?

Mr. SMOOT. They have not been able to do it because of this fact—and I am going to speak very plainly to the Senator. We can not get a single dollar appropriated for the erection of buildings in the District of Columbia unless the bill carries with it appropriations to put up buildings in every State of the Union. That is the fact, and that is what has been said before us on two or three occasions, one particularly, which I will mention. We proposed an appropriation for an archives building. I told the Senate of the United States that with $550,000 I could erect a plain, fireproof archives building, into which could be put the records from the different departments of the Government that were occupying space in which we could put employees. We needed such a building, and could have saved the Government of the United States $550,000 every year, so we put a provision on a pending bill providing for such a building. It went to the House, and when it got into conference we were told flatly that no such provision would be made until there was a general building bill.

Mr. WALSH of Massachusetts. Why should the convenience of employees of the Government who happen to live in Washington and the convenience of the public who happen to go to Washington be of any more concern than the convenience of the public in Florida, or New York, or Boston, or any of our other large cities? If there is need of adequate building facilities here, there may be there, and Senators and Representatives recognizing that fact, want those buildings built.

Mr. SMOOT. I agree with the Senator that those buildings ought to be erected. There is no doubt about it; but in the smaller cities through the country buildings can be rented, and the Government does not suffer as it does here in the District of Columbia. We have been held up by the throat and compelled to pay rents that are out of reason. Does the Senator think I want to have that done?

Mr. WALSH of Massachusetts. That is true not only in the District of Columbia but in every large city in this country.

Mr. SMOOT. Not so much outside.

Mr. WALSH of Massachusetts. Perhaps to not as great a degree outside.

Mr. SMOOT. There is this to take into consideration in the location of a post office in the small or medium-sized cities; I will not say in New York but outside of New York and Boston and other large cities, perhaps. Wherever a post office is located it draws business to the section of the town where it is located, and the rents in the small towns throughout the country are exceedingly small indeed. I think every Senator knows that to be a fact.

Mr. WALSH of Massachusetts. I want to make one more observation and then I will yield to the Senator. I just want to say this, that I am not in favor of "pork-barrel" bills, but I am in favor of the Government erecting a Government building whenever it can be shown that the cost of maintaining that building, when it is erected, is cheaper than paying rent.

Mr. SMOOT. That is a rule which ought to be laid down and followed.

Mr. WALSH of Massachusetts. I thank the Senator from Florida for yielding, and I hope he will answer my question at his convenience.

Mr. FLETCHER. I will take an opportunity to answer the Senator in a moment.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Tennessee?

Mr. FLETCHER. I yield.

Mr. McKELLAR. I want to make an observation in reply to the Senator from Utah about the rental charged for buildings outside of Washington being cheaper than for buildings here. Several years ago, as a member of the Committee on Post Offices and Post Roads, I had occasion to go over the city of New York to look into the matter of the rental of a building there for a post office. My recollection is that the people in New York proposed to rent the Government a building at a figure which amounted to about 20 per cent a year on the money actually invested. The Government would have paid for the building in rental, and paid a tremendous interest rate on the money invested, and at the end of 20 years the contractor would have had the building, and the Government would have had nothing. It was the most outrageous example of profiteering I have ever known. My information is that right now throughout the country we are paying rentals at a rate of something like 10 to 12 per cent on all the properties that we rent for the Government, when we could get money at 4 per cent and build the buildings, and have them ourselves, saving millions of dollars. That ought to be done.

Mr. SMOOT. The Senator perhaps did not hear the exceptions I made when I made the statement about rentals. I said that the rentals were lower with the exception of New York and Boston and some of the other large cities of the United States.

Mr. McKELLAR. Wherever the Government rents, in a large or small city, it pays a tremendous rental.

Mr. SMOOT. Not in the small cities.

Mr. McKELLAR. In the small cities as well as in the large. It is just a relative matter.

Mr. SMOOT. I think if the Senator will make further investigation he will withdraw his remarks as to the small cities, because the location of the post office and other Government buildings draws business to the section where they are located, and that is always taken into consideration.

Mr. JONES of New Mexico. May I suggest that the reason why the Senator from Utah is at least partially right, in my judgment, is that those communities are willing to get along with fewer conveniences and with less reasonable facilities. It is done in a crude way. Those communities are simply deprived of the same facilities.

Mr. McKELLAR. Of all the profiteering I ever heard of was the proposed profiteering about conditions in the post offices. In eight years the Government would have expended money enough on rentals to have constructed the buildings. The contractor would have had a tremendous rental during the 12 years and would have owned the property at the end of 20 years.

Mr. FLETCHER. Because the smaller communities are more reasonable than the large centers and the big cities, because the rents are small in the little towns and smaller communities and the people there are more fair and even generous toward the Government is no reason why they should be punished, and is no reason why they should be discriminated against. There is no such profiteering in the various small communities as we have heard mentioned here. I grant that, and am glad of it. But is that any reason why we should deny to them the things we have been promising them for 8 or 10 years? On the contrary, it is a very good reason, it seems to me, why they should be treated justly and their interests should be considered in a reasonable way and in a reasonable time by the Congress.

The Senator from Utah [Mr. SMOOT] said that he offers a bill to construct buildings in the District of Columbia, and that his bill is held up because other portions of the country are demanding recognition and that they should be taken care of. There is nothing in the amendment which I have offered which ought for a minute to be considered as holding up his bill. On the contrary, the Senator from New Mexico [Mr. JONES] has very properly pointed out the reason why my amendment ought to strengthen the bill and ought to secure its passage, both here and in the other body, more quickly than it could otherwise be passed.

There is no argument against what the Senator from New Mexico has said. There is no answer to his position. Simply because a Senator introduces a bill and does not want it amended in any respect, but wants it to go through as he introduces it, is no reason why a meritorious and proper amendment should not be offered and considered. Here are Senators practically unanimous in favor of the proposal embodied in my amendment if it were in the shape of a bill, and I can not see why they should oppose it when it comes in the form of an amendment to the bill.

Mr. JONES of New Mexico. No one, so far as I have observed, has objected to it on the other side of the Chamber.

Mr. FLETCHER. Not at all. Even the Senator from Utah has said that if it came here in the shape of a separate bill he would vote for it. It comes in the form of an amendment and is not only in order but has all the virtue and all the force that it could have as an original or separate bill.

In reference to what the Senator from Massachusetts [Mr. WALSH] inquired about a few minutes ago, as to whether I had considered the matter of appointing a commission to take into view the situation throughout the country, I will say frankly that I have not attempted to go into a broader field for the reason that it has been my purpose to narrow down the question to the projects already adopted and to the appropriations already partially made where there are other appropriations needed in order to make the original appropriations adequate—just those two instances already embodied in the laws which Congress has passed. I have not ventured to go outside of that field because I do not propose to involve this matter with a general public buildings bill. I do not want to burden or jeopardize the bill or the amendment. That would be a matter that the Senator from Utah might well

view as attempting to introduce a general public buildings bill into consideration. He might then have some ground to complain that I was holding up his bill, but I am only attempting to take care of the two conditions, first where the appropriation already made is found to be inadequate, and secondly, where the sites have been acquired and in a great many instances they have been donated to the Government and the construction of buildings has been authorized and promised for years. As to the amount of rents now being paid, the Postmaster General, in his report from which I read, said that the Government is now paying from 17 to 20 per cent on the value of the property which it occupies. That is the general situation. If we can borrow money at 4 per cent, it is perfectly absurd to continue that situation.

I agree with the Senator from Massachusetts that a thorough study of the whole subject should be made and we should determine what it is costing the Government to pay rent for the premises it occupies, and in each instance where it would be advantageous to own the property it requires and build for itself the accommodations it needs. But, without waiting on that, we should carry out now what we have heretofore pledged the Government would do.

Mr. WALSH of Massachusetts. My suggestion had in view a future building program rather than the Senator's present proposition. I heartily agree with what the Senator has said about the present situation.

Mr. FLETCHER. I think it will be very well, indeed, to have a study of the whole subject made. The existing conditions ought to be corrected. The amendment which I have offered will not interfere with any financial program in any case. It is indorsed in effect by departments of the Government, and the President's program, as now advanced and reported, contemplates spending a great deal more than this amount on public buildings. Before we enter upon new public buildings and new enterprises let us carry out, as good faith demanded of us long ago, our promise to the people with reference to those which we have already adopted and undertaken.

Mr. SMOOT. Mr. President, I am sorry to say that the report made to me a few minutes ago that the $150,000,000 public buildings bill had passed the House was an error. The chairman of the Committee on Public Buildings of the House has sent me a statement to the effect that the committee authorized the report of the bill favorably to the House, but that it has not been acted upon by the House.

SAN JUAN RIVER BRIDGE IN NEW MEXICO

Mr. HARRELD. I ask the Chair to lay before the Senate the amendments of the House to Senate bill 1665.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1665) to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex., which were, on page 1, line 3, after the word "hereby," to insert the following: "authorized to be"; and on page 1, line 9, after the word "bridge," insert the following: "and to be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians, to remain a charge and lien upon the funds of such Indians until paid."

Mr. KING. I should like to ask the Senator from Oklahoma, if this bill shall pass, whether there would be any obligation upon the Government to build the bridge or any part of it?

Mr. HARRELD. As I remember the bill, it was intended that the expense should come from the Navajo Indian funds; but for some reason the bill as it passed the Senate did not so provide, and the other House has added a clause providing that the money shall "be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians, to remain a charge and lien upon such Indians until paid."

This is the bill of the Senator from New Mexico [Mr. BURSUM], I will say.

Mr. KING. Is it anticipated that there will be such funds, and therefore the cost of the construction of the bridge is to be charged to the United States in the meantime?

Mr. HARRELD. Yes; that is what I understand. The Senator from New Mexico [Mr. BURSUM] introduced the bill, and I thought he would be here.

Mr. BURSUM entered the Chamber.

Mr. KING. May I inquire of the Senator from New Mexico whether this bill, if it shall be enacted into law, will entail any burden upon the United States?

Mr. BURSUM. No.

Mr. KING. Is it anticipated that revenues will be derived at some time from the Indians and that in the meantime the Government will have to pay for the bridge?

Mr. BURSUM. The money expended by the Government for this purpose is to be reimbursable out of the funds of the Navajo Indians.

Mr. KING. But will the Indians ever have such funds?

Mr. BURSUM. Oh, yes; those Indians have good oil wells and probably later will have a good deal of money.

Mr. KING. Was the passage of this bill recommended by the Indian Bureau?

Mr. BURSUM. Yes; and I may also add that the bridge will afford as much benefit to the Indians as it will to the community.

Mr. KING. I have no doubt it will be of great benefit to the Indians, but the question in my mind was whether or not the Government ought to pay for it.

Mr. BURSUM. I repeat the passage of the bill is recommended by the department. It is in line with the policy of the department in providing for bridges on Indian reservations. In this case the Government is saved one-half the burden of expense in the construction of the bridge, because the county cooperates and pays half the expense.

Mr. HARRELD. I will also say to the Senator from Utah that the Navajo Indians have a great tract of land where some oil has been found. I have been on the land myself.

Mr. KING. I wish to say to the Senator from Oklahoma that I have no objection to the construction of the bridge. The point I am making is that it will be a local bridge; and if it is for the benefit of the Indians and if they have funds, they ought to pay for it and there ought not to be a tax imposed on the remainder of the people for that purpose.

Mr. BURSUM. The Indians are chargeable for the bridge, and it is so provided in the bill.

Mr. KING. For the entire amount?

Mr. BURSUM. Yes; for the entire amount.

Mr. KING. And not merely for half of it?

Mr. BURSUM. No.

Mr. KING. I am not satisfied, but I shall not object if it is necessary that the bill go through.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma to concur in the House amendments to the bill.

The motion was agreed to.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, which will be stated.

The READING CLERK. On page 37, line 16, strike out "1½ cents" and insert "1 cent," so as to read:

SEC. 201. The rate of postage on drop letters at post offices where free delivery by carrier is not established shall be 1 cent per ounce or fraction thereof.

Mr. STERLING. Mr. President, just a few words which will be a repetition of what I stated the other day when the amendment was read.

Mr. WALSH of Massachusetts. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. WALSH of Massachusetts. I make the point of order that there is no quorum present.

The PRESIDING OFFICER. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ball	Fletcher	McKellar	Sheppard
Bayard	Frazier	McKinley	Simmons
Bingham	George	McLean	Smith
Brookhart	Gooding	McNary	Smoot
Broussard	Harreld	Mayfield	Stanfield
Bruce	Harris	Means	Sterling
Bursum	Harrison	Metcalf	Swanson
Butler	Heflin	Moses	Wadsworth
Cameron	Howell	Norbeck	Walsh, Mass.
Capper	Johnson, Calif.	Norris	Walsh, Mont.
Caraway	Johnson, Minn.	Oddie	Warren
Copeland	Jones, N. Mex.	Overman	Watson
Cummins	Jones, Wash.	Pepper	Weller
Curtis	Kendrick	Ralston	Wheeler
Ewards	Keyes	Ransdell	Willis
Ferris	King	Reed, Mo.	
Fess	McCormick	Reed, Pa.	

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. A quorum is present.

Mr. STERLING. Mr. President, I am very anxious to make some progress toward the disposition of the postal salaries bill.

The first item in Title II of the postal salaries bill is found in section 201, page 37. The bill originally provided:

SEC. 201. The rate of postage on drop letters at post offices where free delivery by carrier is not established shall be 1½ cents per ounce or fraction thereof.

The amendment proposed is to change "1½ cents" to "1 cent per ounce or fraction thereof," which is the present rate. I am not going to discuss this amendment at any length, except to say that I do not think the rate of 1½ cents on drop letters where no city delivery is established is excessive, and it is in harmony with the other provisions of the original bill, which provides a 1½-cent rate for postal cards and 1½-cent rate for post cards, and so on.

Mr. McKELLAR. How does the 1-cent rate differ from the present rate, is it not the present rate?

Mr. STERLING. One cent is the present rate.

Mr. McKELLAR. It is for that the amendment of the committee provides?

Mr. STERLING. The committee amendment proposes to restore the present rate. I am asking the Senate to disagree to the committee amendment and to restore the rate in the original bill of 1½ cents.

Mr. President, one fundamental point in the consideration of this bill is the raising of sufficient revenue by the changed postal rates to pay the proposed increase in salaries of the postal employees. The original bill, which, of course, for the most part, is the Post Office Department bill, will raise approximately, according to their estimate, $66,000,000. Because this rate is not excessive and because it will then make this part of the bill—which is a comparatively minor part—in harmony with the other provisons of the bill, I think the Senate ought to disagree to the committee amendment and leave in the provision for a rate of 1½ cents on drop letters.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. KING. Does the Senator speak for the other members of the committee?

Mr. STERLING. Oh, no. I am not speaking for the remainder of the committee, but I am merely expressing my own individual sentiment, representing the view of the Post Office Department.

Mr. HOWELL. Mr. President, I move as an amendment to the amendment that the rate be 1 cent in cities and towns where there is not delivery outside such cities and towns.

Mr. MOSES. That is exactly what the committee has provided.

Mr. McKELLAR. That is what the rate is now.

Mr. HOWELL. One cent within cities?

Mr. MOSES. Does the Senator mean where there is free delivery?

Mr. HOWELL. I mean where there is free delivery. I move as an amendment to the amendment that the rate shall be 1 cent in cities where there is free delivery.

Mr. MOSES. If the Senator will be good enough to follow me, I will suggest that probably the best way to express his amendment would be to move to strike out the last two words in line 14 down to the word "shall," in line 15, so that it would read:

The rate of postage on drop letters shall be—

And so forth.

Then that would apply to all cities.

But, Mr. President, before the question is put I wish to express the opinion of the subcommittee which reported this bill—and on this particular point the subcommittee was unanimous—first, that in allocating this considerable sum of money among four classes of mail matter, no class of mail matter should be left unchanged; but in consideration of the fact that first-class mail now supposedly earns a considerable sum of money, the committee deemed it best to make as light as possible such burden as it was necessary to impose on first-class mail. Therefore the committee had two notions in mind in suggesting the amendments which are found in paragraphs (a), (b), and (c) of section 201. First, we wanted to lighten the burden on first-class mail, which is now considered as earning money for the department; second, we did not wish to give countenance to the hybrid system of a half-cent stamp when we have no half-cent coin, and especially when that means 2 cents for an individual drop letter or an individual postal card; and, third, we sought to place the burden which should be allocated to this class of mail matter upon that portion of the class which is not of governmental origin, which is for purely private benefit, and which has the merchandising or commercial element in it, to wit, the private mailing card and the picture post card.

It is the hope of the subcommittee—and I can speak for them, Mr. President—that both the amendment to the amendment and the amendment proposed by the Senator from South Dakota shall be disagreed to, and that the amendment proposed by the subcommittee shall be agreed to.

Mr. HOWELL. Mr. President, as I understand, we are now considering section 201?

Mr. MOSES. Yes.

Mr. HOWELL. I withdraw my amendment to the amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Nebraska to the amendment reported by the committee is withdrawn. The question now is on agreeing to the amendment reported by the committee. [Putting the question.] By the sound the noes seem to have it.

Mr. MOSES. Let us have a division on the committee amendment.

Mr. SMITH. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. SMITH. As I understand, we are voting on the amendment proposed by the Senator from South Dakota to the committee amendment?

Mr. MOSES. No; the Senator from South Dakota has proposed no amendment.

Mr. STERLING. The Senator from South Dakota has asked that the Senate disagree to the amendment reported by the committee.

Mr. MOSES. The question is on agreeing to the committee amendment in line 16.

Mr. SMITH. Very well; I understand the parliamentary situation.

Mr. McKELLAR. I desire to ask the Senator from New Hampshire a question. The Senator knows I was not here during the holidays when the hearings on the bill were held. I want to ask if the department furnished any figures as to what would be the result of the rate of 1 cent on drop letters?

Mr. MOSES. There is only one short statement from the department, and that has come since the hearings were held. It did not come to the subcommittee at all, but has been brought up here, I think, more or less clandestinely and is now in the hands of the Senator from South Dakota, who can state publicly what is in it.

Mr. STERLING. The Senator from South Dakota had this statement clandestinely and surreptitiously to the extent——

Mr. McKELLAR. I hope he will give it to the Senate openly.

Mr. STERLING. Yes. It is the statement of the Post Office Department, I will say to the Senator from Tennessee, that the cost of delivering the drop letter is 1.17 cents per piece. So it may readily be seen that when the rate of postage is but 1 cent on such drop letters the Government is losing money on them.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee on which a division has been asked.

On a division, the amendment of the committee was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The next amendment was, on page 37, line 21, before the word "each," to strike out "1½ cents" and insert "1 cent," so as to make the paragraph read:

POSTAL CARDS

SEC. 202. (a) Postal cards authorized in section 3916 of the Revised Statutes shall be transmitted through the mails at a postage charge, including the cost of manufacture, of 1 cent each.

Mr. McKELLAR. Mr. President, the committee amendment leaves the law just as it is, does it not?

Mr. MOSES. Yes. The only change at all that takes place in first-class mail matter is the change on private post cards—not on the postal card; not on the Government card at all; on the private card.

Mr. McKELLAR. I have no objection to the committee amendment.

Mr. STERLING. Mr. President, I want to say just a word in regard to this amendment.

This is a very important item in the matter of raising the necessary revenue for the purpose of paying the increases of salaries. From this one item alone it is estimated that $6,-

250,000 will be produced. I want to say further that the cost of handling this class of mail is 1.45 cents now, and when we are making it 1½ cents for each piece we are making the rate just a trifle more than the actual cost of carrying it.

With reference to the rate of 1½ cents, I know that that seems a sort of an anomalous position to take; but the Post Office Department say, in justification of that, that fractional postage is used in foreign countries and that they can easily issue 1½-cent postage stamps here; and I think the public generally will soon get used to using the 1½-cent postage. When you consider how much of an item it is in making up the necessary revenue for this bill that we are anxious to have passed I think the amendment of the committee ought to be rejected, and we ought to have the 1½-cent rate on this item and also on the following one.

Mr. SMITH. Mr. President, in case of an individual using just one card, he would pay 2 cents under the rate proposed by the committee?

Mr. STERLING. He would pay 2 cents; I grant that.

Mr. SMITH. In order to avail himself of the 1½-cent rate he must buy the cards in bulk.

Mr. STERLING. I want to say that postal cards are purchased as a rule in quantities, so that a man will not be required to pay the 2 cents just for one postal card but he will pay at the rate of 1½ cents each for a number of cards. Mind you, they are used to a great extent in sending out notices of meeting by fraternal societies and other associations, and so on. That is the way in which they are used for the most part, and the ordinary citizen, if he is confronted with the necessity of paying 2 cents for a card, is likely to buy two cards at least.

Mr. SMITH. Mr. President, I am not going to question the amount of revenue that may be raised, but as 1 cent is the lowest unit of our money, I think it would be introducing a confusing element here to have a unit for sale which does not conform to the unit of our money. It will work a hardship. The committee proposes to transfer that to another form of card which does not bear the same relation to the Government that this form does, and I think we had better put the burden of expense on that rather than on this.

Mr. MOSES. Mr. President, the Senator from South Carolina has stated the argument which swayed the subcommittee. We felt that in the absence of a half-cent coinage we should not have a half-cent stamp. The Senator from South Dakota has admitted that the individual buying a card must pay 2 cents for it, and if he proceeds to buy two cards for 3 cents we feared that he might use the second card to write to Senators condemning them for having placed that burden upon him. At any rate, it is the hope of the subcommittee that its amendment may be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 38, line 2, before the word "cents," to strike out "3" and insert "2," so as to make the paragraph read:

(b) The double postal card authorized in section 32 of the act entitled "An act making appropriations for the services of the Post Office Department for the fiscal year ending June 30, 1880, and for other purposes," approved March 3, 1879, shall be sold for 2 cents.

Mr. MOSES. Mr. President, I may say that that simply keeps the ratio of 1 cent for the Government postal card. The return card should be 2 cents if the single card is 1 cent, and the amendment maintains the rate of postage exactly as it is now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 38, line 6, before the word "cents," to strike out "1½" and insert "2," so as to make the paragraph read:

(c) The rate of postage on private mailing cards described in the act entitled "An act to amend the postal laws relating to use of postal cards," approved May 19, 1898, shall be 2 cents each.

Mr. MOSES. Mr. President, this amendment is the only amendment in connection with first-class matter about which any controversy seems to have arisen. The controversy has divided itself into several forms, one being an assertion on the part of the manufacturers of private mailing cards that they will be driven out of business if this rate of postage is imposed upon that class of mail matter. That, as I have said heretofore, is a prophetic line of argument which is of no validity, and is a line of argument which the senior Senator from Utah [Mr. SMOOT] will say is of no value whatever, because he probably heard it ten thousand times when the tariff bill was being framed—that if certain rates were not agreed upon, a given industry would be put out of business. We can prophesy quite as well as those who have self-interest in any postal rates. My prophecy is that nobody will be put out of business, and that the revenue to be raised from first-class matter will be exactly the same through the adoption of this committee amendment, as it would have been had all the original recommendations of the Post Office Department been adopted.

The Post Office Department now undertake to say that an increase from 1 to 2 cents in the private mailing card will produce only half as much revenue as they insisted would be produced under their proposals with a half-cent increase. In other words, the Post Office Department solemnly told us that there were 2,500,000,000 postal cards and private post cards mailed each year, and that an increase of one-half cent on them, as they proposed, would produce $12,500,000. They divided the two classes of cards—the Government postal card and the private post card—into equal amounts. There were 1,250,000,000 of each. Yet when they come to take the proposals of the subcommittee, based upon their own estimates of an increase of 1 cent upon 1,250,000,000 private post cards, which would produce $12,500,000, the Post Office Department now send up here a memorandum to assert that the business will be so reduced by this increase to 2 cents per card that we shall get only $6,125,000 out of it. In other words, Mr. President, they abandon their own figures, because, as I believe, of intense pride of opinion. They insist that under an increase such as we propose, which figures out mathematically exactly as the increase which they propose, we can get only half of the revenue. To my mind, their reasoning is made up of non sequiturs; and inasmuch as this amendment deals with a feature of first-class mail matter in which there is a very great element of self-interest, of business, of commercialism, of private profit, it is the hope of the subcommittee, naturally, that the amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 38, after line 6, to strike out the following:

(d) Whenever the purchase price of postage stamps or postal cards includes a fractional part of a cent the Postmaster General shall require payment of a whole cent.

The amendment was agreed to.

The next amendment was, on page 38, after line 17, to strike out "(1) Except as provided in paragraphs (2) and (3) of this subdivision, the rate of postage on that portion of any such publication (except newspapers) devoted to matter other than advertisements shall be 2 cents per pound or fraction thereof," and to insert:

(1) The rate of postage on that portion of any such publication devoted to matter other than advertisements shall be 1½ cents per pound.

Mr. STERLING. Mr. President, while I refrained from saying anything with reference to the last two amendments adopted by the Senate, I want to ask the Senate to disagree to the amendment as now proposed by the subcommittee.

This is closely coupled up with some other amendments, Mr. President, and I am going to take the time to refer to these amendments at a little length, and also refer to and quote from the explanation of the Post Office Department.

Mr. President, while I hold no brief for the Post Office Department, I want to say that I do not think the Post Office Department have been influenced at all by pride of opinion in this matter. They have worked for a long time in producing this cost-ascertainment report; they have had the assistance of the ablest experts; and I think, Mr. President, some credence must be given to what they say as to the effect of the original proposition which they make and as to the effect of the amendments now offered on behalf of the subcommittee.

I am opposed to the amendment which would strike out lines 18 to 22, inclusive, and I am opposed to the amendment which is offered as a substitute and opposed to the next amendment at the top of page 39, and also to the amendment immediately following, which proposes to establish, as it were, a new zone system for second-class mail matter.

Here is what the Post Office Department have to say:

The proposed amendment restores the recommendation of the Postmaster General as originally embodied in the Sterling bill.

Mr. WILLIS. To what amendment does that statement refer?

Mr. STERLING. The Post Office Department, in making this statement, have reference to an amendment which they proposed which is not necessary. To disagree to the amendment offered by the committee accomplishes the whole thing.

Mr. WILLIS. I was anxious that the Senator should make clear what effect on the revenues will be had if the amendments now proposed by the subcommittee shall be adopted.

Mr. STERLING. I will call attention to that.

The cost-ascertainment report shows a loss of over $74,000,000 in handling and carrying second-class mail matter. The Postmaster General's recommendation proposed rates which would increase the revenue from second-class matter only $9,876,223. Under the provisions of paragraph 1 of this section, as it is here proposed to restore it, the rate of postage on the portion of publications devoted to other than advertisements is increased from 1½ cents to 2 cents per pound, except on newspapers and on such publications as may be entered as second class by scientific, agricultural, religious, etc., organizations not conducted for profit.

Paragraph 3—

And I will ask Senators to follow this—

provides that on newspapers and periodicals entitled to be entered as second-class matter and maintained by and in the interest of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, the rate of postage on the portions thereof devoted to other than advertisements shall be 1¼ cents per pound. The present rate of postage on such publications is 1¼ cents per pound, and this applies to the whole publication, there being no differential on the advertising portion.

Mr. President, the way the subcommittee would handle this matter would be to leave that rate of 1¼ cents per pound on fraternal, religious, educational publications, and so on, but they would reduce the rate on other second-class matter to 1¼ cents per pound, whereas the rate is now 1½ cents per pound.

The department's recommendation as embodied in paragraph (3) of section 203 proposes that the rate of 1¼ cents per pound shall apply only to the portion of said publications devoted to other than advertisements.

So, as to the rate upon publications of this kind—agricultural, religious, educational, fraternal, and so forth—the rate shall be left as it is now on the reading portion of the publication. It is provided later on in the bill, of course, that the zone system shall apply to the advertising portions of such publications.

Paragraph 4 of section 203 in effect provides for the application of the zone rates of postage on the advertising portions of publications referred to in the preceding paragraph and that the existing zone rate schedule shall be increased as follows:

Then follows a table showing the increased zone rate on advertising matter in publications of this character, as well as in publications generally, newspapers and magazines as well.

Paragraph (b) of section 203 simply refers to this condition, namely, that where the advertising portion is less than 5 per cent of the paper there is to be no extra charge for carrying that advertising portion. It simply goes at the flat rate.

Paragraph (c) continues existing law with respect to postage on daily newspapers and periodicals and newspapers described in paragraph (3) of subdivision (a) of section 208.

The proposed amendment would reduce the existing rate from 1½ to 1¼ cents. I think that is a principle which we all should consider, as to whether these proposed rates reduce the rate from what it is at present, and I do not believe there is any complaint—a very audible one, at any rate—in regard to the rates on second-class matter.

I want to call attention again to the fact that we are to raise so much revenue, and if we do not approximate that we will imperil the final passage and approval of this bill.

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. I yield.

Mr. WILLIS. I want to ask the Senator a question entirely for information, because the Senator has given great attention to this matter. Has the subcommittee thus far proposed any amendment to the bill which would not operate to reduce the revenue provided by the bill?

Mr. MOSES. I think, Mr. President, that I should make answer to that question. I should say that every amendment we have offered would substantially increase the revenue.

Mr. STERLING. There is a difference as to that between the Senator from New Hampshire and the experts of the Post Office Department who have gone over this matter very thoroughly.

Mr. WILLIS. Some one, I think either the Senator from New Hampshire or the Senator from South Dakota, stated a moment ago, when we passed on an amendment, that that involved a loss of about $6,000,000 in the revenue.

Mr. MOSES. The Post Office Department, using their own figures, but with a rate twice as big as that, said that was true. That is a fallacy I was attempting to point out.

Mr. WILLIS. If the Senator from South Dakota will yield to me just a moment, it seems to me that in these intricate matters we would better rely upon the expert information of the Post Office Department than upon mere guesses made here upon the floor of the Senate. Other things being equal I should be inclined to give some weight to the findings of this cost ascertainment committee. I understand it to be their idea that this amendment would result in the loss of $6,000,000 revenue.

Mr. STERLING. I do not want to characterize the investigations of the subcommittee or the report of the chairman of that subcommittee as being mere guesses.

Mr. WILLIS. I withdraw that statement; I think that was hardly fair.

Mr. STERLING. I do not want to so characterize them, because this subcommittee has worked hard.

Mr. MOSES. The Senator from South Dakota could not do that, because he has twice publicly commended the subcommittee for its work.

Mr. STERLING. I have commended the subcommittee for its zeal and industry in its work, not altogether on account of the accuracy of its work. I can not help but think that the Post Office Department, with the attention and the work they have bestowed on this, and with the work of their experts, has a better basis for their conclusion than has the subcommittee which has reported the amendment.

Mr. ODDIE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. STERLING. I yield.

Mr. ODDIE. A number of questions came before the subcommittee in regard to the allocations made by the Post Office Department in the costs, and we were rather of the opinion that those allocations were not all strictly accurate; that mistakes, as we saw it, were occasioned on account of the policies of the Post Office Department. Of course, people might differ as to those policies. For instance, their allocation of certain costs to rural free delivery was perplexing to us. We could not determine whether the Post Office Department allocated those costs accurately. The same might be said in regard to several other allocations. I believe on the whole that the cost ascertainment report of the Post Office Department is a very able document, but I think it can be criticized in a number of particulars.

Mr. WILLIS. Mr. President, will the Senator from South Dakota yield to me?

Mr. STERLING. I yield.

Mr. WILLIS. I simply wanted to call the attention of the Senator from Nevada to the fact that these allocations, and the methods that were used in collecting the information, received, as the Senator will recall, the commendation of two of the greatest firms of certified public accountants in the country. If we are not to rely——

Mr. MOSES. Retained for that purpose, may I say?

Mr. WILLIS. I want to say, in response to that, that I know enough of at least one of those firms of accountants to be sure that no matter for what purpose they were retained, their conclusions could not be influenced except by the facts in the case as they saw those facts. It seems to me that the findings of the experts of the Post Office Department, and the commendation of these firms of accountants, certainly are worthy of pretty serious consideration. I should not be disposed to set them aside without pretty definite information.

If the Senator from South Dakota will yield to me one moment further, is he prepared to state at this time what revenue he understood would be produced by the bill which bears his name?

Mr. STERLING. The general statement of the Post Office Department in regard to second-class matter is that over $9,876,000 will be produced, in addition to the one million

that will be produced on transient second-class matter, that is, newspapers or magazines that may be mailed from one individual to another, aside from the mailing by the publisher or registered news agent himself.

Mr. WILLIS. What I wanted to get was not only that, but the sum total of the increase in revenue which his original bill provided, and then I want to get, in comparison with that, his estimate as to the revenue to be raised under this bill.

Mr. STERLING. The estimate is that about $66,000,000 would be raised under the original bill.

Mr. WILLIS. What do they estimate would be raised under this bill?

Mr. STERLING. The estimate of the Post Office Department is that this will bring in about $29,000,000.

The Post Office Department calls attention to some objections to the rates provided for second-class matter in these amendments.

Under the provisions of section 203 of the Sterling bill, reported by Senator MOSES, with amendments, the present rate of postage of 1½ cents per pound on reading matter of second class is reduced to 1¼ cents per pound; and there are also reductions—shown hereinafter—in the zone rates of postage on the advertising portions of publications not subject to the zone rates.

Under the provisions of the Sterling bill, as amended, the advertising portions of publications now going through the mails at a flat rate of 1¼ cents per pound are made subject to zone rates of postage provided in the bill. These publications are those maintained by, and in the interest of religious, educational, scientific, philanthropic, agricultural, labor or fraternal organizations or associations not organized for profit, and none of the net income of which inures to the benefit of any private stockholder or individual.

I want to say in this connection, Mr. President, that I have been somewhat in sympathy with the idea that publications of this character, religious, educational, fraternal, and so forth, should be exempt from the zone rates. I was not quite certain about it, but in looking up the record I find that in 1917 I myself offered an amendment to that effect. But when I come to the crux of the situation, the necessity for this revenue, what I may denominate, in a word, the reason of the thing, I have about come to the conclusion that it would be nothing more than just that publishers of papers and periodicals of this kind should pay the zone rates. They still have the preferential rate of 1¼ cents, as distinguished from other publications, which pay 1½ cents.

Mr. BUTLER. They would all be treated alike?

Mr. STERLING. They would all be treated alike under this proposed amendment. But this thought occurs to me. These papers which carry advertisements in excess of 5 per cent—and below that, of course, they are free from any zone rates—might recoup themselves by charging something more from the people who advertise, and the increase need not go upon the general public or upon the subscribers to the newspapers or magazines. It has seemed to me that that is a reasonable proposition. The other day I picked up a little country paper from my own State, and found what seemed to me a very sensible and well-written editorial upon that proposition, and I thought it expressed good, sound sense in saying that that was where the remedy lay, so far as rates were concerned. That would pertain, however, to all papers, particularly to papers or periodicals of this class.

With reference to these, the department left the rate on reading matter at one and a fourth cents a pound, but suggested that zone rates should apply to the advertising matter which now enjoys the flat rate of 1¼ cents per pound, the same as the reading portion. This last suggestion has been approved by the committee but they do not make a differential favoring these publications on the rate on reading matter.

The effect of the bill is to zone the United States into three zones instead of eight zones as at present.

I call particular attention now to the zone system provided for in the amendment to the bill.

The first zone will include the present first, second, and third zones. The second zone will include the present fourth, fifth, and sixth zones, and the third zone will include the present seventh and eighth zones. The following shows a comparison of the present zone rates with the proposed rates in the Sterling bill, as amended.

Zones 1 and 2; present rate, 2 cents; bill as amended, 3 cents, an increase of 1 cent.

Zone 3; present rate, 3 cents; under the bill as amended, 3 cents; no change through the amendment proposed by the subcommittee.

Zone 4; the present rate is 5 cents. The bill as amended would give 6 cents. The increase would be only 1 cent.

Zone 5; the present rate is 6 cents, and the proposed rate is 6 cents, so there would be no change.

In the sixth zone the present rate is 7 cents, in the bill as proposed to be amended it would be reduced to 6 cents, and there would be a decrease of 1 cent.

In the seventh zone the present rate is 9 cents, under the Sterling bill as amended it would be 8 cents, and there would be a decrease of 1 cent.

In the eighth zone the present rate is 10 cents, under the Sterling bill as amended it would be 8 cents, a decrease of 2 cents.

The effect of the amendments therefore is to reduce the rate on reading matter from 1½ cents to 1¼ cents a pound where the latter rate is not now so provided by law, which is only in the case of the religious, educational, etc., periodicals published by organizations or associations not organized for profit, as named above.

As to zone rates on advertising matter, it increases them in the first and second zones from 2 to 3 cents a pound, leaves them the same for the third zone at 3 cents, increases them in the fourth zone from 5 to 6 cents, continues them the same in the fifth zone at 6 cents, reduces them 1 cent in the sixth zone from 7 to 6 cents, reduces them 1 cent in the seventh zone from 9 to 8 cents, and reduces them 2 cents in the eighth zone from 10 to 8 cents.

Under the proposed rates it is estimated that the following additional revenue will be raised:

Second class

Present zone rate matter	$1,130,997.68
Scientific, agricultural, religious	1,355,369.36
Total, publishers' second class	2,486,367.04

It has been stated that the reductions in rates are suggested for the purpose of inducing publishers who now ship publications by freight for reentry at another point to return such publications to the mails for transportation the entire distance. No information was submitted at the hearings indicating to what extent the publications now shipped by freight would be returned to the mails should the rates be reduced, or how much reduction would be necessary in order to induce such return.

Then the weight of the mailing matter is given, and I think it is of interest to advert to that.

Mr. WILLIS. Mr. President, before the Senator leaves that point may I ask him a question?

Mr. STERLING. Certainly.

Mr. WILLIS. I understood the Senator to say that under his original bill the department estimated there would be an increase in revenue on this class of matter of $9,000,000.

Mr. STERLING. Over $9,000,000; nearly $10,000,000.

Mr. WILLIS. The Senator now states that under the amendments proposed by the subcommittee the amount of revenue produced would be $2,000,000.

Mr. STERLING. $2,487,367.04.

Mr. WILLIS. A loss of revenue estimated by the department of approximately $7,000,000.

Mr. STERLING. Yes. I think this relates to the zone rates and what would be realized from the zone rates.

Mr. ODDIE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. STERLING. I yield.

Mr. ODDIE. Is the Senator aware of the statement made before our subcommittee that many hundreds of millions of pieces of second-class mail were driven out of the mails because of quite recent advances in the rates on second-class mail matter?

Mr. STERLING. No; I did not hear that statement. I was very little before the subcommittee.

Mr. ODDIE. I think the statement was made that something like 600,000,000 pieces of mail matter had been driven from the mails because of the advances in second-class rates.

Mr. STERLING. It is further said:

The total weight of mailings of second-class matter subject to zone rates shipped by freight or express for mailing at offices other than the offices of original entry during the fiscal year 1924 was 80,851,174 pounds, of which 44,786,562 pounds was advertising matter and 36,064,612 pounds was other than advertising matter or reading matter. If it could be assumed that all of this would come back to the mails at the office of original entry, an estimate might be made on the following basis:

And this is pertinent, I think, to the statement of the Senator from Nevada about what was said before the subcommittee:

It might be assumed that this matter when reentered is carried into the first and second zones and into the third zone in equal quantity. The present rate to the first and second zones is 2 cents and to the third zone 3 cents. Therefore the rate on all would be on the average 2½ cents, which is the basis for present revenue. Assuming that it all comes back to the mails and that the haul would be as far as the sixth zone, the new rate would be 6 cents. Therefore the additional revenue would be approximately 3½ cents a pound on the advertising matter. This would yield a revenue of $1,567,529. The rate on the reading matter would be reduced one-fourth cent, which would amount to $90,161, leaving a difference of $1,477,368. As against this possible revenue we must set off the probable additional cost for transportation.

Assuming that much of it would go back, or all of it would go back and be mailed originally, there would be only $1,447,368; yet the department says that as against this we must set off the additional cost of transportation.

These periodicals would be carried on the heavy lines, where there is no considerable surplus space available in the cars, and where space is purchased on the emergency basis to carry all considerable additions from day to day. It is estimated that the probable cost of the additional space necessary to carry this amount would be $1,487,661. This is on the theory that these mails are now carried the average distance of the second and third zones and would be carried under the new arrangement the average distance to the fifth zone. If this be correct, there would be no revenue derived, but a slight loss.

Who would have the best facilities for solving the question as to whether the matter would be returned to the mail or as to what the cost of transportation would be if returned and how much the net yield would be? Who, I say, would have better facilities to determine that question than the Post Office Department, after having spent a year in cost-ascertainment work, and which has finally made its report with the help of some of the best experts in the United States?

Mr. WILLIS. Mr. President——

Mr. STERLING. I yield to the Senator from Ohio.

Mr. WILLIS. I desire to make a further response to what the Senator from Nevada [Mr. ODDIE] observed a few minutes ago. I understood him to say that because of increased rates some 600,000,000 pieces of second-class matter had been driven from the mail. I do not know just what argument the Senator from Nevada would produce from that, but, as a matter of fact, if that be the case—and I do not question at all the statement of the Senator—inasmuch as the report of the cost-ascertainment committee shows that every piece of second-class matter was carried at a loss of 1.68 cents, that would make a total gain for the Government by having those 600,000,000 pieces taken out of the mails. Instead of having a loss, it would be a gain for the Government of some $10,800,000 to have that character of mail transported otherwise than through the mails.

Mr. ODDIE. Mr. President, will the Senator from South Dakota yield to me?

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. STERLING. I yield.

Mr. ODDIE. In my opinion, the cost-ascertainment report shows some errors in arriving at the cost of second-class mail matter. In addition to what I have just stated about the number of pieces of mail being withdrawn from the mails, I will say it has been determined that numbers of smaller publications have been driven from the mails and driven out of business completely because of recent increases in second-class mail rates.

Mr. STERLING. Mr. President, I think I have said about all I care to say. Whatever we may think about first-class matter and rates on drop letters, postal cards, post cards, double post cards, and private mailing cards as provided in section 1 of Title II, I am not so particular; but we have reached, I think, a place in the consideration of the bill where we ought to consider very carefully the question before deciding in favor of the proposed amendment. This is second-class mail matter and it relates to a service that lost to the Government the tremendous sum of $74,712,000 in the last fiscal year or in the fiscal year 1923. We proposed by the original bill here to raise from the publishers who are affected by these new rates the sum of something over $9,000,000, leaving $65,000,000 yet of a deficit on the part of this particular class of mail. I think they ought to pay it, and, as I previously stated, when it comes to the advertising portions of the great periodicals, such as the Ladies' Home Journal, the Saturday Evening Post, and great metropolitan newspapers, let them charge their advertising customers a little more, instead of claiming that they will be impoverished by this increase in the zone rates which is proposed by the Post Office Department.

The amendment which I ask the Senate to disagree to is found in lines 18 to 22, being the first amendment in section 203. The amendment also includes lines 23 to 25, inclusive, because the lines in italics are to be substituted. It is a case of striking out and inserting. Those lines are to be substituted for the lines which are stricken through.

Mr. President, I dwell at length upon this amendment because practically every other amendment relative to second-class mail matter is connected with it, and if we disagree to one we should disagree to the others. A scheme is presented here—I think a well thought-out scheme—that will produce just so much revenue. It is material in a bill by which it is proposed to raise $60,000,000 or $70,000,000. It is necessary for us to raise that amount in order to approximate the $68,000,000 which the postal-salary part of the bill will call for. I do not wish this bill to be imperiled or to be in danger of being vetoed by the President of the United States; and if he shall be convinced, whether through investigation, or inquiry of the Post Office Department, or study of the cost-ascertainment report, that the amendments will permit of the raising of, say, only $29,000,000, remembering the principle to which he has adhered and for which he stood in his veto message of the original bill, what, I ask, may be his attitude of mind in regard to a bill that carries only that proportion of the large amount, $68,000,000, which is necessary to be raised?

Mr. NORRIS. Mr. President, may I ask the Senator from South Dakota a question?

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. STERLING. I yield to the Senator from Nebraska.

Mr. NORRIS. The amount necessary to be raised in order to meet the expense involved in increasing postal salaries is sixty and some odd million dollars?

Mr. STERLING. It is about $68,000,000.

Mr. NORRIS. Now, as I understand, in a nutshell——

Mr. STERLING. Let me say to the Senator from Nebraska—and I had not thought of this before—that, as I understand, that amount is exclusive of the $35,000,000 which would be required to be raised in order to pay salaries in the event this bill shall be retroactive from July 1 last; it is leaving that out of account.

Mr. NORRIS. As the bill is now written it would require $69,000,000 to provide the increased salaries?

Mr. STERLING. It would require about $68,000,000.

Mr. NORRIS. That is, stating the amount in round numbers?

Mr. STERLING. Yes.

Mr. NORRIS. If these amendments shall be agreed to, as I understand, that action would just about cut that sum in two, would it not?

Mr. STERLING. It would not quite cut it in two.

Mr. NORRIS. According to the Senator's statement that the bill would then raise $29,000,000, the amendments would more than cut the required amount in two.

Mr. STERLING. About $34,000,000 would be half of the required amount.

Mr. NORRIS. So that if amended as proposed the bill would raise about $5,000,000 less than half?

Mr. STERLING. Yes.

Mr. NORRIS. The Senator's idea is—and it seems to me there is a good deal of reason in it—that the President having vetoed a bill, which is embodied in the first part of this bill, because it did not provide any increase in rates, if we should pass a bill that has practically no increase, the reasons given for a veto would not be met by such legislation?

Mr. STERLING. That is what I fear, I will say to the Senator. I do not want to see the President put in a position of having to veto the bill; and I do not want the bill to fail. I desire that the bill shall pass.

Mr. NORRIS. I take it that the Post Office Department, therefore, it is safe to say, is opposed to these amendments?

Mr. STERLING. Yes; and the department has suggested that the amendments be disagreed to. Mr. President, I think that is all I now care to say.

Mr. MOSES obtained the floor.

Mr. BUTLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Massachusetts?

Mr. MOSES. I yield.

Mr. BUTLER. I have an amendment to offer to section 203 of the bill. I understand that the usual course is to proceed first with the committee amendments, but it appears to me that the amendment which I intend to propose might well be considered in connection with the present discussion of section 203, inasmuch as it applies to that section. So, if the Senator from

New Hampshire does not object, I will offer the amendment now.

Mr. MOSES. The amendment which the Senator has in mind, if I understand it correctly, applies to paragraph 2 on page 39.

Mr. BUTLER. That is correct.

Mr. MOSES. If the Senator would permit us to proceed with the amendment on page 38, which does not deal with the zone system at all, I would much prefer to do that.

Mr. BUTLER. Then I will offer my amendment when we reach the second paragraph on page 39.

Mr. MOSES. I hope that will be very soon.

Mr. NORRIS. Mr. President, may I interrupt the Senator from New Hampshire?

Mr. MOSES. Yes.

Mr. NORRIS. I have not seen the amendment of the Senator from Massachusetts, but from what he has just said I take it that it may have some application to the question we are now considering.

Mr. MOSES. I think not, Mr. President. If I may be permitted, I will say——

Mr. NORRIS. If it does, it seems to me it ought at least be read at the present time.

Mr. MOSES. The proposed amendment of the Senator from Massachusetts has already been printed, and, as I understand, it deals with zone rates.

Mr. BUTLER. It deals with the zone rates and proposes an exception in the case of publications of religious, educational, scientific, philanthropic, agricultural, labor, and fraternal organizations or associations.

Mr. MOSES. I do not understand that the Senator can offer his amendment while we are now considering the amendment proposed at the bottom of page 38, but immediately thereafter the Senator from Massachusetts will be in order with his amendment.

If the Senator from Massachusetts will forgive me for undertaking to state his case, his amendment, as I understand, does not change the rate of postage on reading matter at all in any of the classes of publications which would be affected by his amendment; and that is the subject which is now before the Senate. The present rate of postage for reading matter in periodicals is 1½ cents per pound flat, except that certain periodicals which are described as religious, educational, scientific, fraternal, and so forth, enjoy a flat rate of 1¼ cents a pound.

The subcommittee does not propose to take that privilege away from religious, educational, scientific, fraternal, and so forth, publications at all. We leave that rate for them as to reading matter at 1¼ cents a pound, and we give all other classes of reading matter in second-class mail matter exactly the same rate, our theory being that it is not within the proper function of Congress to undertake to say that the reading matter in one periodical is of a higher quality and deserving of preferential treatment as compared to the reading matter in some other periodical. In other words, we are seeking to make all reading matter which passes through the mails at second class pound rates equal before the law, a doctrine to which the Senator from Nebraska, I am sure, will not dissent. The changes that we make come later in connection with the zone rates for advertising, where we purpose to put on a zone rate for advertising in all the classes of periodicals which have hitherto—and not for very long, either—enjoyed a special preference. This preference is not so long established that it may be considered as having fixed itself into the policy of a department.

Mr. President, while I dislike very much to anticipate an argument which will arise with reference to the zone rates, I can not refrain from pointing out that the Hughes commission, which probably gave the most intensive study to the question of postal rates, especially second-class rates, that ever has been given to the subject, reported that the department has uniformly held that publications containing advertisements in the interest of other persons and concerns than the societies or trade unions or institutions of learning issuing them are not entitled to the privilege. That, however, I wish to discuss when we come to the amendment following that now under consideration.

I am sorry, Mr. President, that I can not share the opinion of the Senator from South Dakota regarding the modesty of the Post Office Department. My observation of the experts there is that they have become indoctrinated with their own ideas to an extent that they resist strenuously any suggestion, however good, which does not originate with them. My opinion is that the cost ascertainment was taken up upon a theory prevalent in the department, and that very fact was bent to fit that theory. The cost ascertainment was provided for in the Sixty-seventh Congress, and on the 4th of March, 1923, the money was provided to make the cost ascertainment. The department proceeded for nearly a year with plans for taking the cost ascertainment, but finally discovered late in the year that their plans were all erroneous; that the notions they had for taking the cost ascertainment were incorrect. So they threw away all the work that had been done and started out anew. That of itself would be sufficient to my mind to warrant me in regarding the report with skepticism, and, still more, Mr. President, do I regard with skepticism any report which takes 64 per cent of the weight of the mail and over 50 per cent of the bulk of the mail which pays less than 25 per cent of the total postal revenue and says that that bulk of mail, that weight of mail, with the insignificant revenue received from it, produced an annual loss of only about $6,000,000. That is the one thing which has clouded the whole conclusion of the cost ascertainment report in the minds of those members of the committee who do not agree to it.

Mr. NORRIS. Mr. President——

Mr. MOSES. I yield to the Senator from Nebraska.

Mr. NORRIS. I do not want to let pass one of the statements which the Senator made. As I look at the question, from what little I know about it—and I realize it is very little; I am seeking information—the last statement made by the Senator, which he has made here before, it seems to me is logical, and I have not heard anybody as yet offer anything that to my mind shook it; but I want to interrupt the Senator long enough to say that I can not agree with him when he looks with suspicion upon any report made or investigation conducted by the department merely because they started out on an investigation, found they were wrong, threw their work away, and started anew. It seems to me that that is to their credit. If they discovered that they were wrong and did not hold on to something that was not proper when they were convinced that it was not—and they must have been fair-minded or they would not have been so convinced—they ought to be given credit, even though we might suffer from the mistake which they made, if they frankly admitted their error and started anew and tried to make it right.

Mr. MOSES. Mr. President, the sweet nature of the Senator from Nebraska was never more finely exhibited than in the statement he has just made. I regret that with my larger element of skepticism I can not agree with him. I do not know why they concluded that their method was erroneous. They never told us why they had so concluded. Certainly they never said so at any meeting of the commission when I was present; but from general circumstances I can only conclude that they changed their method because they thought it was not going to bring them out where they wanted to arrive.

Mr. NORRIS. If the Senator has any evidence of that, it is a different proposition.

Mr. MOSES. But, Mr. President, when I was speaking earlier I stated my opinion on the subject, and, of course, an opinion in a case like this, as the Senator from Nebraska well knows, has to be founded upon observation, contact with individuals, and a multitude of elements. I chance to have been upon the Committee on Post Offices and Post Roads almost from the day of my entrance into the Senate. I have been upon the Joint Postal Commission which investigated first postal salaries and service, ending with the report which produced the act of June 5, 1920; again upon the Joint Postal Commission which produced several pieces of legislation prior to its conclusion; again upon the joint subcommittee which drew the salaries bill which met the President's veto; and finally upon the subcommittee which has reported these amendments. Mr. President, the evidence to my mind has been constant and cumulative that what may be roughly called bureaucracy has arisen in the Post Office Department, where theories apparently count more than facts, and where, by reason of long-continued service in a rut, given officials dealing with given subjects have come to a point where no conclusion save their own is deemed worthy of consideration.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. MOSES. I do.

Mr. NORRIS. The Senator may be entirely right, but I should like to call his attention to the fact that he ought to apply the same doctrine to himself. The Senator says he has been on this committee so long that the memory of man runneth not to the contrary. If the Post Office Department has gotten into a rut because it has been in the business so long, will not the same argument apply to the Senator, and should we not, then, look with suspicion on him?

Mr. MOSES. It will with reference to certain things, I confess. I "'fess up" to the Senator that it will. It will apply particularly to the proposed legislation to put postmasters under the civil service law. About that, of course, I am in a rut, as the Senator well knows through discussions which he and I have had upon the floor.

Mr. STERLING. Mr. President, will the Senator yield for just a moment?

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from South Dakota?

Mr. MOSES. Yes.

Mr. STERLING. The Senator from New Hampshire speaks about the Post Office Department dealing in theories and not basing conclusions upon facts. Of course, the Senator is familiar with the appendix to the cost-ascertainment report. A glance at that and the several pages following indicates to me that they have been dealing quite exclusively in facts, and that is what they have been doing during all these months.

Mr. MOSES. In reply to that, I think the specific instance of the Minneapolis post office was so sufficiently exploded with reference to the clerks handling the Minneapolis Journal that at least that conclusion was well vitiated.

However, the amendment with which we are now dealing is an amendment which puts all publications upon a plane of complete equality, so far as postal rates are concerned, in so far as those rates relate to the reading matter; and the subcommittee could find no reason whatever for setting up a differentiation, especially inasmuch as prior to 1917 this particular form of differentiation did not appear, and inasmuch as prior to 1911 these fraternal, religious, and so forth, papers which had second-class rates at all were compelled to limit their advertising to those subjects which affected or concerned themselves and were not media for the general distribution of advertising matter.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. MOSES. I yield the floor.

Mr. BUTLER. I desire to ask one question in that connection. The rate for the bulk of the second-class mail under present conditions is 1½ cents, is it not?

Mr. MOSES. Yes.

Mr. BUTLER. I assume that the proportion of mail which goes at 1¼ cents, embraced in the description of newspapers and so forth, and publications for religious, educational, scientific, and philanthropic purposes is a very, very small part of the mail. Now, if that is so—and I assume it is, and I think I have good grounds so to assume—why change the rate from 1½ cents on the bulk of the mail. Why not keep it at 1½ cents? Why reduce the rate on the great bulk of second-class mail in order to accommodate the theory that you are going to level everything on one rate of postage?

Mr. MOSES. Mr. President, we had no idea of depriving anybody of a privilege which even seven years of legislative policy have seemed to grant to them. Accordingly, it was our opinion that it was better to bring the others down to the point of special privilege granted to this one class rather than to try to raise the special-privilege class up; and, if I may judge by the outcry that is being made all over the country by certain of the periodicals and certain of the institutions that are affected, I think if we had tried to make them pay 1½ cents on their reading matter we would have found ourselves under a much greater flood of telegrams than we now find ourselves under.

Mr. President, when a publication carries 40 per cent of its space in general advertising no part of which has relation to the cause which is represented by the organization issuing that publication, such publication ought not to be claiming special privilege. Especially is that true when, in addition to that, you take into consideration the fact that, generally speaking, the columns or the pages of those periodicals do not devote themselves to the cause of the organization which gives them this special privilege.

Mr. JOHNSON of California. Mr. President——

Mr. MOSES. I yield to the Senator from California.

Mr. JOHNSON of California. I rise simply for the purpose of obtaining some information. I have received probably 4,000 telegrams asking me to favor what is termed the Butler amendment. Practically all of them say that they are sent in behalf of the Christian Science Monitor, which is published in Boston. I have no objection to favoring the particular amendment, provided everybody is put upon a like basis; and I want to inquire, because I doubt very much if we will be able to get any vote this evening, what difference is there in revenue under the amendment proposed by the Senator from Massachusetts and under the bill of the Senator from New Hampshire?

Mr. MOSES. Speaking of the Christian Science Monitor?

Mr. JOHNSON of California. Yes.

Mr. MOSES. I believe the Christian Science Monitor itself figures that it would have to pay $59,000 more per year if it paid for its advertising at the zone rate. I have not the figures; it is some days since they were stated to me; but I think that is the amount.

Mr. JOHNSON of California. Is that the amount of the increase over the present amount?

Mr. MOSES. Yes; more than they now pay.

Now, Mr. President, with reference to this whole question of the publishers, whether it includes this specially privileged class or those who enjoy merely the general privileges of the second-class postage rates, I can only say again, as I have said many times in the course of this discussion, that these publishing companies, these individual publishers, these organizations have been enabled, by reason of preferential treatment in the mails, to establish their publications, to develop their business, and to make money. Without exception they advocated the increase in postal salaries which brought this question upon us; almost without exception they still maintain that advocacy; and almost without exception they want somebody else to pay the bill. I maintain that such a position is wholly untenable.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. MOSES. Yes.

Mr. BUTLER. Is not that the position of all the publications?

Mr. MOSES. Oh, I said so, Mr. President.

Mr. BUTLER. And not alone this class?

Mr. MOSES. Oh, no; I said that was the position of all publications. They are just alike, and all persons using the mail are the same, Mr. President. They all want the other class of mail to bear the increase, if an increase must be had.

Mr. JOHNSON of California. Is not that a fairly good demonstration that we should not bother with the increase if the increase in the salaries of postal employees is just? However, that question may have been settled by the vote which was had on the veto.

Mr. MOSES. Mr. President, of course, personally, I am somewhat embarrassed by the question which my friend the distinguished senior Senator from California raises, because, as he well knows, I voted for the postal salaries increases. I voted to override the President's veto. So far as any personal embarrassment in this situation is concerned, I have none of it. If this bill is so mutilated that the President can not sign it, if it is filibustered so that it can not pass, it can not affect my record upon the subject; but inasmuch as the President saw fit to veto the salaries bill because it did not carry a concomitant increase in postal rates, and inasmuch as the Senate has seen fit to sustain the President's veto, those Senators who now want to give increases of salaries to the postal employees must support a bill of this character. Otherwise, there can be no increases.

Mr. SWANSON. Mr. President, if the Senator will permit me, could it not be done in this way? If we should pass a bill giving the increase and bring it back here, then if a few of the Senators who voted to sustain the President's veto would change their votes we could pass it over his veto; could we not?

Mr. MOSES. Will the Senator take the contract to bring about that change?

Mr. SWANSON. I could not do it; but I am suggesting to the Senator that that is another method by which it could be done.

Mr. JOHNSON of California. Mr. President, can the Senator tell me how many papers come under the amendment proposed by the Senator from Massachusetts? The one concerning which the telegrams have come to me is the Christian Science Monitor. As I say to the Senator, I have received four or five thousand telegrams from California. Those who are Christian Scientists there constitute a very large and a very important and a very good part of our people, so that they would be more or less persuasive; but how many other newspapers or papers come under the particular amendment? Can the Senator tell me?

Mr. MOSES. I can not give the Senator the number. There is only one daily newspaper, and that is the Christian Science Monitor; but if the Senator wishes to confine his discussion to the Christian Science Monitor, he should remember that the Christian Science Monitor is one of a series of publications issued by the Christian Science Publishing Society in Boston. The whole business of that society, as I understand it, is profitable. I am inclined to think that the Christian Science Monitor, standing by itself, probably does not earn any money. It is expensively edited. It maintains large bureaus in all the capitals of the world. It does not deem itself free to take certain types of advertising which certain other periodicals

may take, and I think that as a publication it does not earn any money; but it is one of a chain of publications issued by that society, and I am quite sure the whole string returns a profit.

Mr. JOHNSON of California. Let me take another paper published in Boston, say the Boston Transcript, the editor of which I am very fond of, whose editorials, generally speaking, I would like to put into the hands of all the people of the United States. But under this amendment, would the Christian Science Monitor be given preferential treatment over the Boston Transcript?

Mr. MOSES. Under the amendment proposed by the Senator from Massachusetts?

Mr. JOHNSON of California. Yes.

Mr. MOSES. Yes; it would be.

Mr. GLASS. Upon what score—that the Christian Science Monitor is a religious newspaper?

Mr. MOSES. Mr. President, the Senator from Virginia is himself a publisher. He knows the provision of the law, which is that preferential treatment shall be given a publication issued by an organization which does not exist for profit, or no part of the net income of which is distributed to individuals. I can not remember the exact language, but it means that these publications are issued under the auspices of organizations which do not pay profits in the form of dividends to individual stockholders, and therefore they are deemed to be in this philanthropic class. Of course, the Senator can well understand that he could take his paper to-morrow and turn it over to an organization made up only of himself and the members of his family, declare it to have been organized for a philanthropic purpose——

Mr. GLASS. It is that sort of an organization now.

Mr. MOSES. But, I take it, under some incorporated form?

Mr. GLASS. No; it is not.

Mr. MOSES. A partnership, then; he could pay in salaries every dollar that the paper earned, and it being published by an organization not organized for profit, in that it does not pay dividends to stockholders, I think the Senator could make out a prima facie case for this preferential treatment.

Mr. GLASS. I am obliged to the Senator for the suggestion, and if I should find myself acquisitive enough, I may do that.

Mr. MOSES. What we are trying to do with this amendment, Mr. President, is to put the reading matter in the Senator's paper, and in every other paper in the country, on terms of equality in the public mails.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. MOSES. I yield to the Senator.

Mr. COPELAND. I regret that I was not in the Chamber when the Senator started his explanation. What would be the effect, in a word, upon the Christian Science Monitor, we will say, of this bill as it stands now?

Mr. MOSES. Mr. President, I do not know. I have been told that that paper would have to pay a considerably increased sum in postage.

Mr. COPELAND. What would be the effect upon the Elks Magazine?

Mr. MOSES. It would pay an increased sum in postage.

Mr. COPELAND. Does not the Senator believe that a paper which is published exclusively for the benefit of a religious organization, or for the benefit of a fraternal order, and not intended as a money-making affair, should be given preference?

Mr. MOSES. Mr. President, I will come back to the report written by that very distinguished fellow citizen of the Senator from New York——

Mr. COPELAND. I have many of them.

Mr. MOSES. The present Secretary of State, who, in the report of the commission on second-class mail matter, pointed out that up to that time publications containing advertisements in the interest of persons or organizations, other than trade-unions or institutions of learning, could not have the privilege at all.

The vice of the situation is that these publications, having a large clientele through the country, and able to establish almost immediately a large circulation, go out and get advertising in competition with the other periodicals which have to pay the larger rates. There is published in this city a magazine with a circulation of something over a million, which has the flat 1¼-cent rate through the mails all over the country, a magazine which is in direct competition, so far as advertising is concerned, with every other magazine in this country.

Mr. COPELAND. I am perfectly clear in my mind, Mr. President, that we must make a distinction between a paper like the Christian Science Monitor and ordinary newspapers. I suppose a physician ought to be the last person in the world to speak for the Christian Science Monitor, because if it goes on with its noble work there will be no physicians left in the world in a little while. Nevertheless, I do say for it that it is a paper which, as I understand it, is the organ of a great religious organization. Whatever profits accrue from its publication are used in religious propaganda of a very proper nature. That applies also to a journal like that published by the Order of Elks, a benevolent and protective organization, which has in mind only the benefit of society, the care of children, and of dependents who would be a charge upon society except for the activities of that organization. The profits are used for the care of such persons. I am perfectly clear in my mind that in the formulation of a postal bill some preference should be given with reference to the mailing of journals of this type, as contrasted with those which are published for revenue.

I own a little newspaper, which never has made much revenue, and I do not expect any differential or any benefit, of course, for that. But a religious or fraternal organization ought to be given special consideration, in my opinion.

Mr. MOSES. My opinion runs counter to that of the Senator.

Mr. GEORGE. Mr. President——

Mr. MOSES. I yield.

Mr. GEORGE. I would like to ask the Senator how, in his judgment, the amendment offered by the Senator from Massachusetts would fix any preference? If the Senator will scrutinize the amendment, he will find that it simply reduces the postal rates on the class of periodicals to 1¼ cents per pound.

Mr. MOSES. Including the advertising matter.

Mr. GEORGE. It says nothing about that.

Mr. MOSES. But that would be the effect of it, none the less.

Mr. GEORGE. It says nothing about advertising matter; it says nothing about reading matter.

Mr. MOSES. Certainly; it means 1¼ cents a pound for the whole publication.

Mr. GEORGE. In all zones?

Mr. MOSES. In all zones.

Mr. GEORGE. Just as it stands; is that the Senator's opinion?

Mr. MOSES. That is my judgment; that this amendment simply restores the rate to what it is now, which is 1¼ cents flat, all over the country.

Mr. GEORGE. At any rate, it is not applicable to the particular provision which we are now considering.

Mr. MOSES. No; not at all; but, as is usual, as the Senator has learned here, the debate has gone far afield.

Mr. GEORGE. I understand.

Mr. MOSES. The amendment offered by the Senator from Massachusetts has no bearing whatever upon the amendment we are now discussing. This amendment we are now discussing does not change the rate of postage on the reading matter in this class of publications at all.

Mr. President, I very much hope that the amendment of the committee will prevail. May we have a vote on it?

Mr. JONES of Washington. Mr. President, the Senator from New Hampshire made a statement a moment ago that was rather interesting to me. As I remember it, it was that practically all of the newspapers supported the provision for increases in the postal salaries, and also that practically without exception, if not without exception, they opposed the increases in rates. Was that a correct understanding?

Mr. MOSES. Mr. President, generalizations are always dangerous. That is what I said——

Mr. JONES of Washington. I am not going to criticize the Senator's statement, but it reminded me of an editorial I saw in one of the leading papers of my State, which I think would be of much interest to the Senate. I want to commend the sentiment in this editorial to the newspapers of the East and the Middle West, which are, as the Senator has said, and as we all know, so violently opposed to these increases in rates. The editorial from the Seattle Times is not very long, and I ask that it be read. It was published with reference to the old provision.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and the Secretary will read.

The reading clerk read as follows:

[From the Seattle Times of December 31, 1924]

MAIL RATES—MIDDLE WEST AND EAST SHOULD ACCEPT PLAN TO RAISE PAY OF POSTAL EMPLOYEES

It is incomprehensible to newspapers in this part of the country that publishers in the Middle West and East should make any protest

against the plan proposed by the Post Office Department to raise revenues to meet the postal salary increases.

The profit-and-loss report of Postmaster General New shows that the largest deficit occurs in the handling of second-class mail, a branch of the service which carries newspapers and periodicals. It was to be expected that in finding the money to increase the remuneration of the underpaid postal employees the sharpest rise should come where the heaviest deficit was shown.

The publishers of the Middle West and East argue that any substantial increase in the second-class mail rate would result in greater loss of revenues, a contention that can not be readily accepted. It is incomprehensible here that second-class mail has reached the point of saturation. Also, it is hard to see how newspaper circulation is handled in the Middle West and East to bring about any such result.

Public sentiment demands that the salaries of postal employees be increased substantially. In order to do so it will be necessary to find $65,000,000 a year. As an operating unit of the Government the Post Office Department should find the means to provide the money.

It is likely that the newspapers of the Middle West and East are crying before they are hurt. To be sure, they must pay something more under the schedule proposed in the Sterling bill, but to the individual newspaper it will not be a serious burden.

The object in view is so worthy that the newspapers should accept the increases without making anguished protests. The probabilities are that nobody will be seriously hurt.

Mr. HARRIS. Mr. President, I offer an amendment to the pending bill, and ask that it be printed and lie on the table.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WILLIS. Mr. President, just for the edification of the Senator from Washington, I want to invite his attention to statements from two Ohio newspapers which appear in the RECORD at page 1218. I placed them in the RECORD when this bill was under discussion. They take substantially the same view as that taken in the editorial which the Senator has had read at the desk.

Mr. MOSES. May we not have a vote on this amendment now, Mr. President?

Mr. STERLING. Mr. President, with regard to this whole subject of second-class mail matter, my attention has been called to the debates in 1917, when we applied the zone system, and I want to read what was put into the RECORD at that time in the shape of a short editorial from the Philadelphia Inquirer. It is headed as follows:

Eighty million dollars in subsidies.

It is a little less than that now. It is only about $74,000,000. The editorial reads:

According to Senator Hardwick, the periodicals of the country are carried through the mails as second-class matter at a loss to the Government of $80,000,000 annually.

That loss amounts to a direct subsidy paid to the various publications. It makes mendicants out of them.

The House undertook to right this outrageous wrong by establishing a zone system, under the provisions of which postage would increase in proportion to distance. The Senate Finance Committee cut out this just zone system and replaced it with a fourth-cent postage increase and a tax of 5 per cent upon the net income of newspaper and magazine publications. The Senate for two days has been trying to straighten this matter out. But it never will be settled until it is settled right, and there is but one right settlement—wipe out that $80,000,000 deficiency.

The 5 per cent tax is utterly indefensible, since it is discriminatory and mixes taxation with postal matters. Besides, the tax, it is estimated, would produce only $7,500,000, while the additional quarter-cent postage would yield only about $3,000,000. Here is a total of $10,000,000 against a loss of $80,000,000.

That is absurd. It is wretched business.

The thing to do, of course, is to abandon the 5 per cent discriminatory tax and increase second-class postal rates to a more equitable basis.

This is from a prominent journal of the country that was affected, of course, by the increase in zone rates.

Mr. MOSES. Mr. President, may we now have a vote upon the amendment?

Mr. STERLING. Before the vote is taken I want to make one further observation. I think there is one thing to which the attention of the Senate has not been particularly called in all of this discussion.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Virginia?

Mr. STERLING. Certainly.

Mr. GLASS. I wish to interrupt the Senator from South Dakota, who read from the RECORD a moment ago an advocacy of the increase in second-class matter from the Philadelphia Inquirer, which newspaper the Senator suggested would be materially affected by the proposition. Does the Senator seriously think that the Philadelphia Inquirer was there advocating an increase in the postal rates for newspapers?

Mr. STERLING. I really think so. It was rather indicated in the editorial.

Mr. GLASS. The Senator misapprehended the purport of the editorial.

Mr. STERLING. I do not think I did.

Mr. GLASS. The editorial pointed out that a Senator had called attention to the fact that there was a deficit of $80,000,000 in the postal revenues arising out of the transportation of periodicals.

Mr. STERLING. Of all second-class matter.

Mr. GLASS. No, it said periodicals; and at that particular time there was quite a controversy between the periodicals as such and the daily newspapers of the country as to an increase in postal rates. The daily newspapers of the country, I assume, including the one which he quoted, contended that the increase should apply to periodicals and not to daily newspapers. So when we present editorials here favoring an increase of the second-class rate that distinction should be borne in mind.

Mr. STERLING. The editorial was presented by the Senator from Tennessee [Mr. MCKELLAR] at the time, and in introducing it he said it came from one of the papers or periodicals—I do not remember which term he used—that would be affected by the proposed rates.

Mr. GLASS. If the Senator will examine the editorial again, he will find that the Philadelphia Inquirer was going to put the cost on the periodicals and not on the daily newspapers.

Mr. STERLING. I think it referred to all second-class matter, and I am sure that expression was used in the discussion of the editorial.

The thing I wanted to call attention to was that the first amendment under second-class matter would strike out lines 18 to 22, inclusive. That amendment, together with the amendment on the following page, discriminates between periodicals, such as magazines, and the newspapers, leaving the rate the flat rate on periodicals other than newspapers at 2 cents per pound or fraction thereof, and on newspapers, in the next amendment, at the top of page 39, the rate would be 1½ cents, which is the same as it is now.

Mr. MOSES. No; I can not let that pass. The Senator will find, beginning in line 11, "in the case of publications entered as second-class matter"—that is, all of them, all publications entered as second-class matter—that the rate is on that portion of any such publication or publications entered as second-class matter. There is no discrimination at all.

Mr. STERLING. If the Senator will read it through, he will find that it is different. Read paragraph 1, which relates to the other papers, publications, and newspapers. It there refers to all except newspapers, and fixes a rate of 2 cents per pound. Reading over to the next paragraph, it is there provided, in paragraph 3 of this subdivision, that the rate of postage on that portion of the newspaper devoted to matter other than advertisements shall be 1½ cents per pound or fraction thereof.

Mr. MOSES. If the Senator will follow the language throughout, he will find in line 11, section 203a, that it is "any class of publication entered as second-class matter." Then we have nothing to do with the text until we get down to line 23, where it provides "the rate of postage on that portion of any such publication devoted to matter other than advertisements." Then we have nothing to do with the text until we get to line 5, page 39, where it provides the rates "on that portion of any such publication," and so forth. It all refers to publications of second-class matter.

Mr. STERLING. Of course, it refers to all publications, but it makes discrimination between magazines and newspapers.

Mr. MOSES. We are trying to get rid of the system of discrimination. We are trying to make them all equal.

Mr. STERLING. I know; and I think there is reason for discrimination between the two.

Mr. FRAZIER. I move to amend the committee amendment at the bottom of page 38 by striking out "1¼" and inserting in lieu thereof "1½."

Mr. STERLING. That would hardly be necessary. The point would be to disagree to the committee amendment. If we disagreed to it, it would restore the original rate.

Mr. FRAZIER. My amendment is to strike out 1½ cents, the present rate, and restore the rate in the original bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Dakota to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. BROUSSARD. It is rather late to make an inquiry, but the Senator from North Dakota made a motion and there was a pending motion. What was the question disposed of just now?

The PRESIDENT pro tempore. The amendment disposed of was the amendment offered by the Senator from North Dakota to the committee amendment. The question now is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will report the next amendment.

The READING CLERK. The next amendment of the Committee on Post Offices and Post Roads is, on page 39, to strike out lines 1 to 4, inclusive, in the following words:

(2) Except as provided in paragraph (3) of this subdivision, the rate of postage on that portion of a newspaper devoted to matter other than advertisements shall be 1½ cents per pound or fraction thereof.

And insert in lieu thereof:

(2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

For the first, second, and third zones, 3 cents.

For the fourth, fifth, and sixth zones, 6 cents.

For the seventh and eighth zones, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 8 cents.

Mr. MOSES. I do not intend to press for action on the amendment now, but I understand the Senator from Massachusetts [Mr. BUTLER], who is under the necessity of leaving the city this evening, wishes to offer his amendment now as an amendment to the committee amendment. If he will do that, I will then make another motion.

Mr. BUTLER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Massachusetts offers the amendment which will be stated.

The READING CLERK. After line 14, page 39, insert the following:

The rate of postage on newspapers or periodicals maintained by and in the interests of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be 1¼ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rates, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

Mr. BUTLER. Mr. President, I desire, if I may, to make a very short statement with reference to the amendment. As the bill is now amended the rate of postage on that portion of any such publication devoted to matter other than advertisement is fixed at 1¼ cents per pound. That was the rate of postage which applied to publications, a description of which has been included heretofore in the amendment. It is the existing rate.

This amendment, if it shall be agreed to, will be inserted after line 14, on page 39, of the bill, and will operate to relieve religious newspapers and periodicals and other publications of the character described in the amendment from the zone rates. That will be the effect of the amendment if it shall be agreed to.

Mr. President, we began some time ago to differentiate between publications of this character and the ordinary publications, including newspapers, periodicals, and so forth. In the act approved October 3, 1917, section 1103, this language is used.

That in the case of newspapers and periodicals entitled to be entered as second-class matter and maintained by and in the interest of religious, educational, scientific, philanthropic, agricultural, labor or fraternal organizations or associations, not organized for profit—

And so forth. The same language is employed in that provision as is found in my amendment. We have laid down a policy and that policy has been adhered to up to the present time. As a result of the examination made by the subcommittee they have produced a bill which does not include any such provision; that is, it is an attempt to change the policy of Congress which has been adhered to at least since 1917.

I wish to call the attention of the Senate, Mr. President, to the fact that the bill as reported by the committee is merely a temporary bill so far as rates are concerned. The rates proposed, as I understand, are to be fixed only for a period of 10 months, and if the bill shall pass, during the interim there is to be a commission appointed for the purpose of attempting to make a scientific adjustment of rates for recommendation to the next Congress. Why, in a temporary measure of this kind, alter the policy of Congress? Why disturb the situation with reference to this class of periodicals? That subject, it seems to me, has heretofore been deliberated upon and considered and decided. Why change the policy of the Congress simply to accommodate a temporary situation such as is sought to be provided for in the pending bill?

Mr. COPELAND. Mr. President, will the Senator from Massachusetts yield to me?

Mr. BUTLER. I yield.

Mr. COPELAND. Does the Senator from Massachusetts feel that the argument which he has just used with reference to the inadvisability of any action now which may affect this subject applies also to all other matters which are involved in the bill?

Mr. BUTLER. My answer to that inquiry would be simply that the other changes which are made in the bill are merely as to rates, while in this instance as to that portion of any publication which is devoted to matter other than advertisements the rate is decreased. I assume that the real purpose is to see if we can not obtain from an increase of rates sufficient income to meet the additional expense, and a decrease in certain rates may be one way to get at that result, for we may get a larger volume of business and a greater income from a lower rate. I do not undertake to decide that question; I am not sufficiently familiar with the subject of postal rates to have any opinion upon it; but the changing of a rate is not the same as eliminating a special rate which is applied to one class of publications.

I hope, Mr. President, that the amendment which I have offered may be adopted.

Mr. SMITH. I desire to ask the Senator from Massachusetts a question. As between the proposed amendment of the Senator from Massachusetts and the paragraph which is now in the bill which he proposes to strike out, the only difference, as I understand, is that the Senator's amendment would include reading matter and advertisements, whereas the language in the bill provides for an elimination of advertising?

Mr. BUTLER. That is true.

SEISMOLOGICAL INVESTIGATIONS BY COAST AND GEODETIC SURVEY

Mr. JONES of Washington. Mr. President, I desire, out of order, from the Committee on Commerce to report without amendment the bill (H. R. 8308) authorizing the Coast and Geodetic Survey to make seismological investigations, and for other purposes, and I submit a report (No. 930) thereon. I ask for the immediate consideration of the bill. It is a very short bill.

Seismological investigations are now made by the Coast and Geodetic Survey and also partly by the Weather Bureau. The two departments involved recommend that this work shall be put under the Coast and Geodetic Survey. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize that the Coast and Geodetic Survey make investigations and reports in seismology, including such investigations as have been heretofore performed by the Weather Bureau.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE SCHOONER "ITASCA"

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 51) for the relief of the owner of the schooner *Itasca* and her master and crew, which were on page 1, lines 8 and 9, to strike out "and by her master and crew"; on page 2, line 5, to strike out all after "liability," down to and including "satisfied," in line 7; and to amend the title so as to read, "An act for the relief of the owner of the schooner *Itasca*."

Mr. BUTLER. I move the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

ADMINISTRATION OF OATHS BY AGRICULTURAL DEPARTMENT EMPLOYEES

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2148) to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, which was, on page 2, after line 14, to insert the following:

SEC. 3. That employees of the Department of Agriculture who, upon original appointment, have subscribed to the oath of office required by section 1757 of the Revised Statutes shall not be required to renew the said oath because of any change in status so long as their services are continuous, unless, in the opinion of the Secretary of Agriculture, the public interests require such renewal.

And to amend the title so as to read: "An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes."

Mr. NORRIS. I move the Senate concur in the amendments of the House.

The motion was agreed to.

MAY ADELAIDE SHARP

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 6098) for the relief of May Adelaide Sharp, returned to the Senate from the House of Representatives in compliance with its request.

Mr. SIMMONS. I move to reconsider the vote by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. SIMMONS. I move that the bill be indefinitely postponed.

The motion was agreed to.

ISLE OF PINES TREATY

Mr. SWANSON. Mr. President, on last Saturday there was quite an extended discussion about the original treaty made between Cuba and the United States in connection with Article I, and up to that time we had not been able to find the original treaty. Our very efficient executive clerk, Mr. Walter A. Johnson, has made since then an examination through the entire files of the executive branch of the Senate, and he has found the original treaty, signed both in Spanish and in English with the signatures of the two ministers representing the two countries making the treaty.

I wish to state that it discloses that Article I of the original treaty is precisely similar to the one now pending. I will read it, and I ask to have the original treaty printed in the RECORD, the English and Spanish in parallel columns.

Article I is as follows:

ARTICLE I

The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Island of Pines, situate in the Caribbean Sea near the southwestern part of the island of Cuba, which has been or may be made in virtue of Articles I and II of the treaty of peace between the United States and Spain, signed in the city of Paris on the 10th day of December, 1898.

This is the original treaty which was transmitted to the Senate by President Roosevelt. What we had were typewritten copies that were made from the original. I ask to have the original treaty I now submit printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The treaty is as follows:

The United States of America and the Republic of Cuba, being desirous to give full effect to the sixth article of the provision in regard to the relations to exist between the United States and Cuba, contained in the act of the Congress of the United States of America, approved March second, nineteen hundred and one, which sixth article aforesaid is included in the appendix to the constitution of the Republic of Cuba, promulgated on the 20th of May, 1902, and provides that "The Island of Pines shall be omitted from the boundaries of Cuba specified in the constitution, the title of ownership thereof being left to future adjustment by treaty"; have for that purpose appointed as their plenipotentiaries to conclude a treaty to that end:

Deseando los Estados Unidos de America y la Republica de Cuba cumplir en todos sus extremos el articulo sexto de la disposicion que relativa a las relaciones que deberan existir entre los Estados Unidos y Cuba esta contenida en la ley del Congreso de los Estados Unidos de America aprobada el 2 de Marzo de 1901, estando dicho articulo sexto antes mencionado incluido en el appendice a la constitucion de la Republica de Cuba que fue promulgada el 20 de Mayo de 1902, y en el cual se dispone que "La Ysla de Pinos queda omitida de los limites de Cuba propuestos por la constitucion, dejandose para unfuturo tratado la fijacion de supertenencia;" han nombrado con ese objeto coma plenipotenciarios suyos para concertar un tratado a ese fin:

The President of the United States of America, Herbert G. Squiers, Envoy Extraordinary and Minister Plenipotentiary in Habana; and the President of the Republic of Cuba, José M. Garcia Montes, Secretary of Finance, and Acting Secretary of State and Justice, who, after communicating to each other their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I

The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Island of Pines situate in the Caribbean Sea near the southwestern part of the Island of Cuba, which has been or may be made in virtue of Articles I and II of the Treaty of Peace between the United States and Spain, signed in the city of Paris on the 10th day of December, 1898.

ARTICLE II

This relinquishment, on the part of the United States of America, of claim of title to the said Island of Pines is in consideration of the grants of coaling and naval stations in the Island of Cuba heretofore made to the United States of America by the Republic of Cuba.

ARTICLE III

Citizens of the United States of America who, at the time of the exchange of ratifications of this treaty, shall be residing or holding property in the Island of Pines shall suffer no diminution of the rights and privileges which they have acquired prior to the date of exchange of ratifications of this treaty; they may remain there or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions being subject in respect thereof to such laws as are applicable to other foreigners.

ARTICLE IV

The present treaty shall be ratified by each party in conformity with the respective Constitutions of the two countries, and the ratifications shall be exchanged in the City of Washington, within seven months from this date.

In witness whereof, We, the respective Plenipotentiaries, have signed this treaty and hereunto affixed our Seals.

Done at Habana, in duplicate, in English and Spanish, this 2d day of July, 1903.

H. C. SQUIERS. [SEAL.]
JOSÉ M. GARCIA MONTES. [SEAL.]

El Presidente de los Estados Unidos de America a Herbert G. Squiers, Enviado Extraordinario y Ministro Plenipotenciario en la Habana; y el Presidente de la Republica de Cuba a Jose M. Garcia Montes, Secretario de Hacienda e interino de Estado y Justicia, quienes, previo el canje de sus plenos poderes que encontraron estar en buena y debida forma, han convenido en los siguientes Articulos:

ARTICLE I

Los Estados Unidos de America renuncian a favor de la Republica de Cuba toda reclamacion que acerca del derecho a la Ysla de Pinos, situada en el Mar Caribe cerca de la parte sudoeste de la Ysla de Cuba, se haya hecho o hiciere en virtud de los Articulos I y II del Fratado de Paz entre los Estados Unidos y Espana, firmado en Paris el 10 de Diciembre de 1898.

ARTICLE II

Esta renuncia—por parte de los Estados Unidos—de pretension a la propiedad de dicha Ysla de Pinos, se hace en consideracion a las concesiones de estaciones carboneras y navales en la Ysla de Cuba que antes de ahora se han hecho a los Estados Unidos de America por la Republica de Cuba.

ARTICLE III

Los ciudadanos de los Estados Unidos de America que—en la fecha del canje de ratificaciones de este tratado—residieren o poseyeren propieclades en la Ysla de Pinos, no sufriran menoscabo alguno en los derechos y privilegios que hayan adquirido conanterioridad a la fecha del canje de ratificaciones de este Fratado; podran permanecer en ella o salir de ella, conservando en uno u otro caso todossus derechos de propriedad, incluyendo el derecho de vender o disponer de dichos bienes o de sus productos, y tendran asi mismo derecho a efercer sus industrias, comercio y profesiones sujetandose con respecto a las mismas a aquellas leyes que sean aplicables a otros extranjeros.

ARTICLE IV

El presente tratado sera ratificado por cada una de las partes de conformidad con las respectivas Constituciones de ambos paises, y las ratificaciones seran canjeadas en la Ciudad de Washington, dentro de siete meses despues de esta fecha.

En testimonio de lo cual, Nosotros, los respectivos Plenipotenciarios, hemos firmado este tratado y hemos estampado en el mismo nuestros Sellos.

Hecho en la Habana por duplicado, en ingles y en castellano, hoy dia dos de Julio de mil novecientoes tres.

H. G. SQUIERS. [SEAL.]
JOSE M. GARCIA MONTES. [SEAL.]

PARIS FINANCE CONFERENCE

Mr. SHIPSTEAD. Mr. President, I have in my hand an issue of the London Times of January 15, which arrived to-day,

carrying the full text of the agreement entered into by the so-called Paris Finance Conference. It is the full text given out by the British foreign office. In view of the fact that the Senate has been waiting for a long time to receive the text of this agreement, and because the newspapers inform us that the diplomatic mail failed to get the first boat out of England, I think that this text ought to be printed in the RECORD. I ask unanimous consent that that may be done.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the London Times, Thursday, January 15, 1925]

PARIS FINANCE CONFERENCE—FULL TEXT OF THE AGREEMENT—DAWES ANNUITIES

The Foreign Office issued last night the official text of the agreement reached by the Paris conference. It is as follows:

CHAPTER I. ALLOCATION OF THE DAWES ANNUITIES

ARTICLE 1. COSTS OF THE COMMISSIONS

(a) The maximum normal charge on the Dawes annuities of the Reparation Commission, including the organizations set up under the Dawes plan, shall be:

For the year from September 1, 1924, 9,250,000 gold marks; for the later years, 7,500,000 gold marks (to be taken partly in foreign currencies or in German currency as required).

Of these sums not more than 3,700,000 gold marks a year shall be attributable to the organizations set up under the Dawes plan. If necessary this can be increased in order to meet the costs of the arbitral bodies provided for by the Dawes plan and the London protocol.

(b) The maximum charge for the Interallied Rhineland High Commission (including deliveries under articles 8 to 12 of the Rhineland agreement) shall not exceed 10,000,000 gold marks (to be taken in foreign currencies or in German currency as required) for the year from September 1, 1924, this sum being allocated between the French, British, and Belgian high commissariats in the proportion of 62–16–22, after providing for the other expenses of the commission. The amount for any later year will be settled at a later date.

(c) The charge of the military commission of control shall not exceed a maximum of 8,000,000 gold marks (to be taken in German currency in the year from September 1, 1924). The amount of any later year will be settled at a later date. This figure does not include the commission's expenses in national currencies, which shall continue to be paid by the governments concerned, the amounts so paid being credited to their respective accounts by the Reparation Commission, in the same way as the expenditure in national currencies incurred for their armies of occupation.

ARTICLE 2. COSTS OF ARMIES OF OCCUPATION, 1924–25

(a) The sums to be allowed as a prior charge on payments by Germany during the year September 1, 1924, to August 31, 1925, in respect of the costs of the armies of occupation of Belgium, Great Britain, and France shall be fixed at the following amounts:

	Gold marks.
Belgian Army	25,000,000
British Army	25,000,000
French Army	110,000,000

(b) Belgium, Great Britain, and France will meet their additional army costs during the period mentioned out of their respective shares in German reparation payments, but shall not be debited on reparation account therewith; that is to say, their respective reparation arrears will be increased by corresponding sums.

(c) The additional army costs shall be calculated as follows. Each power will be entitled to receive—

(1) The sums payable under the finance ministers' agreement of March 11, 1922, calculated in the case of Great Britain on the basis of the French capitation rate with a special allowance of 2 gold marks a man, converted into sterling on the basis of the mean rates of exchange of the respective currencies during the month of December, 1921. The value of German marks supplied to the armies of occupation and the value of any requisitions under article 6 of the Rhineland agreement shall, as heretofore, be included in these sums; and

(2) The value of the requisitions and services under articles 8–12 of the Rhineland agreement, which are credited to Germany in the accounts of the agent general for reparations. For each power the additional army costs shall be the difference between the total sum so calculated and the amount of the prior charge set out in paragraph (a) above.

(d) It is agreed that the powers concerned in the occupation shall not charge for effectives in excess of the strength authorized for each, respectively, by article 1 (2) and (3) of the agreement of March 11, 1922.

(e) The provisions of this article for the year to August 31, 1925, are accepted without prejudice to any question of principle, and the allied governments and the Government of the United States of America will discuss before September 1, 1925, the arrangement for army costs in the future.

ARTICLE 3. SHARE OF THE UNITED STATES OF AMERICA IN THE DAWES ANNUITIES

(a) Out of the amount received from Germany on account of the Dawes annuities, there shall be paid to the United States of America the following sums in reimbursement of the costs of the United States Army of Occupation and for the purpose of satisfying the awards of the Mixed Claims Commission established in pursuance of the agreement between the United States and Germany of August 1, 1922.

(1) Fifty-five million gold marks per annum beginning September 1, 1926, and continuing until the principal sums outstanding on account of the costs of the United States Army of Occupation, as already reported to the Reparations Commission, shall be extinguished. These annual payments constitute a first charge on cash made available for transfer by the transfer committee out of the Dawes annuities, after the provision of the sums necessary for the service of the 800,000,000 gold marks German external loan, 1924, and for the costs of the Reparation Commission, the organizations established pursuant to the Dawes plan, the Inter-Allied Rhineland High Commission the Military Control Commissions, and the payment to the Danube Commission provided for in article 9 below, and for any other prior charges which may hereafter with the assent of the United States of America be admitted. If in any year the total sum of 55,000,000 gold marks be not transferred to the United States of America the arrears shall be carried forward to the next annual installment payable to the United States of America, which shall be pro tanto increased. Arrears shall be cumulative and shall bear simple interest at 4½ per cent from the end of the year in which said arrears accumulated until they are satisfied.

(2) Two and one-fourth per cent of all receipts from Germany on account of the Dawes annuities available for distribution as reparations after deduction of the sums allotted for other treaty charges by this agreement, provided that the annuity resulting from this percentage shall not in any year exceed the sum of 45,000,000 gold marks.

(b) Subject to the provisions of paragraph (a) above, the United States of America agree:

(1) To waive any claim under the army cost agreement of May 25, 1923, on cash receipts obtained since January 1, 1923, beyond the sum of $14,725,154,040, now deposited by Belgium to the Treasury of the United States in a blocked account in the Federal Reserve Bank of New York, which sum shall forthwith be released to the United States Treasury.

(2) That the agreement of May 25, 1923, does not apply to payments on account of reparations by any ex-enemy powers other than Germany.

(3) That the agreement of May 25, 1923, is deemed to be superseded by the present agreement.

(c) The provisions of this agreement relating to the admission against the Dawes annuities of charges other than reparations, and the allotments provided for such charges, shall not be modified by the allied governments so as to reduce the sums to be distributed as reparations, save in agreement with the United States of America.

(d) The United States of America is recognized as having an interest, proportionate to its 2¼ per cent interest in the part of the annuities available for reparation, in any distribution of railway bonds, industrial debentures, or other bonds issued under the Dawes plan, on in the proceeds of any sale of undistributed bonds or debentures, and as having the right also to share in any distribution or in the proceeds of any sale of such bonds or debentures for any arrears that may be due to it in respect of the repayment of its army costs as provided in the present agreement. The United States of America is also recognized as having an interest in any other disposition that may be made of the bonds if not sold or distributed.

ARTICLE 4. BELGIAN WAR DEBT

(A) As from September 1, 1924, 5 per cent of the total sum available in any year after meeting the charges for the service of the German external loan, 1924, and the charges for costs of commissions, costs of United States Army of Occupation, annuity for arrears of pre-May 1 army costs, prior charge for current army costs, and any other prior charges which may hereafter be agreed, shall be applied to the reimbursement of the Belgian war debt as defined in the last paragraph of article 232 of the treaty of Versailles.

(B) The amounts so applied in any year shall be distributed between the powers concerned in proportion to the amount of the debts due to them respectively as at May 1, 1921. Pending the final settlement of the accounts, France shall receive 46 per cent, Great Britain 42 per cent, and Belgium (by reason of her debt to the United States of America) 12 per cent.

ARTICLE 5. RESTITUTION

(A) There shall be applied to the satisfaction of claims for restitution:

(a) During the first four years, 1 per cent of the total sum available in any year after meeting the charges for the service of the German external loan, 1924, and the charges for cost of commissions; costs of United States Army of Occupation annuity for arrears of pre-May 1, 1921, Army costs; prior charge for current army costs; and any other prior charge which may hereafter be agreed.

(b) During subsequent years, 1 per cent of the balance of the first milliard after meeting the charges enumerated above and 2 per cent of the surplus of the annuity.

(B) The amount so applied shall be distributed between the powers having a claim for restitution proportionately to their respective claims under this head as accepted by the Reparation Commission.

(C) The French and Italian Governments reserve their rights to claim restitution of certain objects of art by the application of article 238 of treaty of Versailles. The other allied governments will support their efforts to secure the execution by Germany of such restitution. Nevertheless, if the fulfillment of this obligation involves a charge on the Dawes annuities, the value will be charged against the share in the annuity of the power interested.

ARTICLE 6. BELGIAN PRIORITY

(A) It is agreed that the determination of the exact position as regards the satisfaction of the Belgian priority depends on the settlement of the distribution account which the Reparation Commission has been requested to draw up.

(B) Out of the part of the annuities received from Germany and available for distribution as reparations among the allied powers after September 1, 1924, Belgium will receive:

(a) During the year commencing September 1, 1924, 8 per cent.

(b) During the year commencing September 1, 1925, so long as Belgian priority is not extinguished, 8 per cent of each monthly payment. As soon as the priority is extinguished the percentage of all further payments during the year in question will be reduced to 4.5 per cent.

(c) During the year commencing September 1, 1926, and during each succeeding year, 4.5 per cent.

This reduction in percentage is accepted as fully discharging Belgium from her obligations to repay her priority.

(C) As from the date at which Belgian priority is extinguished, or at the latest from September 1, 1926, the 3½ per cent released by the above arrangements for the repayment of the Belgian priority will be payable to France and Great Britain in the proportion 52–22, in addition to their Spa percentages.

The sums debited to Belgium in respect of the period to September 1, 1924, will not be regarded as creating for her either excess payments or arrears, provided that this shall be without prejudice to the liability of Belgium to account for any final balance under the economic clauses of the treaty.

(D) The rights accruing to Belgium as a result of previous agreements on payments received or to be received from or on account of Austria-Hungary and Bulgaria remain unaltered.

ARTICLE 7. GREEK AND RUMANIAN REPARATION PERCENTAGES

(A) The percentage of reparation payments available for distribution between the allied powers to be allotted to Greece is fixed at 0.4 per cent of payments by Germany and of the first half of payments by Austria, Hungary, and Bulgaria, and 25 per cent of the second half of payments by Austria, Hungary, and Bulgaria.

(B) The percentage of reparation payments available for distribution between the allied powers to be allotted to Rumania is fixed at 1.1 per cent of payments made by Germany and of the first half of payments by Austria, Hungary, and Bulgaria, and 20 per cent of the second half of payments made by Austria, Hungary, and Bulgaria.

ARTICLE 8. MISCELLANEOUS CLAIMS

(A) The following claims, namely:

(a) Costs of military occupation of the plebiscite zones (annex to art. 88 of treaty).

(b) Costs of repatriation of German prisoners of war (art. 217 of the treaty).

(c) Repayment of exceptional war expenses advanced by Alsace-Lorraine during the war, or by public bodies in Alsace-Lorraine, on account of the Empire (art. 58 of the treaty).

(d) Payment of certain indemnities in the Cameroons and French Equatorial Africa (arts. 124 and 125 of the treaty) shall be submitted for valuation to the Reparation Commission, which shall be at liberty to use for this purpose all the means at its disposal, including reference to arbitration as proposed in article 11 below.

The amounts of these claims, when established, shall be credited to the interested powers in their reparation accounts as at September 1, 1924, and the credits treated as arrears at that date in accordance with the provisions in article 19 below.

(B) The following claims would appear to be payable apart from and in addition to the Dawes annuities, namely:

(a) The costs of the civil and military pensions in Alsace-Lorraine earned at the date of the armistice (art. 62 of the treaty).

(b) The transfer of the reserves of social insurance funds in Alsace-Lorraine (art. 77 of the treaty). Should, however, the German Government succeed in establishing that these claims must be met out of the Dawes annuities the allied governments will concert together as to the manner in which they should be dealt with.

ARTICLE 9. COMPENSATION DUE TO THE EUROPEAN COMMISSION OF THE DANUBE

There shall be paid forthwith to the European Commission of the Danube, out of the annuities, the sum of 266,800 gold francs, being the amount agreed to be due from Germany to the commission in respect of compensation for damages.

ARTICLE 10. CLEARING-OFFICE BALANCES

No special charge shall be admitted against the Dawes annuities in respect of the clearing-office balances of pre-war debts or other claims under the economic clauses of the treaty, unless it is shown that any allied power claiming the benefit of such charge has a net credit balance due for payment after applying, to meet its claims under the economic clauses, the German properties and other assets which it has the power to liquidate under the same articles. No provision shall be made for such net credit balances during the first four years of the Dawes plan.

CHAPTER II. SETTLEMENT OF PAST ACCOUNTS

ARTICLE 11. DISTRIBUTION ACCOUNTS: PROVISION AS TO ARBITRATION

The allied governments request the Reparation Commission to draw up as soon as possible definite distribution accounts as at September 1, 1924.

They will give authority to their respective delegates on the Reparation Commission to submit to arbitration all questions of fact or of figures arising on the accounts, and, to the fullest possible extent, questions of interpretation on which they are not unanimous, in so far as is not already provided for in any existing arrangement.

The above provisions will apply in particular to the settlement of the Ruhr accounts, in accordance with the principles set out below, and to questions which may arise in regard to the amounts due under the heads of restitution or other nonreparation claims.

ARTICLE 12. RUHR ACCOUNTS

(A) The Reparation Commission shall fix, in accordance with the provisions of the treaty of Versailles and the practice hitherto in force, the value in gold marks of the receipts of every nature obtained by the French, Belgian, and Italian Governments from Germany since January 11, 1923, in so far as such receipts have not already been accounted for to it. The Reparation Commission shall similarly determine the amounts to be set against such receipts, with a view to securing that the powers concerned receive credit for expenditure actually incurred by them, subject, however, to the detailed provisions below with respect to army costs.

(B) Separate accounts will be drawn up for deliveries in kind and cash receipts.

(C) The accounts of deliveries in kind shall include the value as determined by the Reparation Commission of—

(1) Deliveries in kind not yet accounted for to the commission, including deliveries paid for from the "fonds commun" and the "fonds spécial."

(2) All requisitions under or on the analogy of article 5 of the Rhineland agreement and all paper marks seized and fines imposed by the armies of occupation during the period January 1, 1923, up to August 31, 1924, in so far as they have not already been reported to the Reparation Commission.

Against these receipts will be allowed as deductions the extra costs incurred by the French and Belgian Governments during the period January 1, 1923, to August 31, 1924, through the maintenance of military forces in German territory not occupied on January 1, 1923, after setting off the normal costs of the maintenance of these forces in their home garrisons.

The net value of the deliveries in kind so determined shall be debited in the reparation accounts against the powers which have received them.

The value of coal and coke sold to Luxemburg during the same period shall be treated as a delivery in kind to France.

(D) The account of cash receipts shall include cash receipts of all kinds obtained by the occupying powers, including the gross amounts obtained from taxes or duties, licenses, derogations, etc. * * * and the net receipts of the Railway Régie as ascertained by the Reparation Commission after verification of the accounts.

From these receipts will be allowed as deductions the civil costs of collection and expenses of administration incurred before August 31, 1924, and the costs of loading coal and exploitation of mines and cokeries up to the same date.

The balance of the account shall, with the exception of the sum mentioned in subparagraph 1 of paragraph 8 of article 8, be paid over to the Belgian Government, which shall be debited on account of its priority for the period before September 1, 1924, with the full amount received, less the interest due on the German treasury bills transferred to Belgium in 1922.

(E) In accordance with Annexe III to the London protocol, no claim will be made for payment out of the Dawes annuities of any costs in respect of military forces in German territory not occupied on January 1, 1923, other than the value of requisitions effected by or services rendered to these forces after September 1, 1924. The value of such requisitions or services will be accounted for as deliveries on reparation account to the allied powers concerned.

CHAPTER III. SPECIAL QUESTIONS ARISING OUT OF PREVIOUS AGREEMENTS

ARTICLE 13. EXTENSION BEYOND JANUARY 1, 1923, OF THE PROVISIONS OF ARTICLE 2 OF THE AGREEMENT OF MARCH 11, 1922; APPROPRIATION OF DELIVERIES IN KIND TO THE COSTS OF ARMIES OF OCCUPATION

The French, British, and Belgian Governments agree that the forfeits fixed or to be fixed for their respective armies of occupation from January 1, 1923, and until August 31, 1928, in so far as they are not met out of requisitions of paper marks and services, etc. * * * under article 6 of the Rhineland agreement, should be charged on the deliveries in kind (including receipts under the British reparation recovery act and any similar levy established by any other government) received by them, respectively, and the Reparation Commission is requested to give effect to this decision in its accounts.

ARTICLE 14. EXTENSION BEYOND JANUARY 1, 1923, OF THE PROVISIONS OF ARTICLE 6 OF THE AGREEMENT OF MARCH 11, 1922; RETENTION OF EACH POWER OF THE DELIVERIES IN KIND RECEIVED BY IT

Each of the allied governments having a credit due to it on reparation account shall be entitled to retain, without being required to make payment in cash for the value thereof, the deliveries in kind (including reparation recovery act receipts) received and retained by them between December 31, 1922, and September 1, 1924. The receipts of each power, however, up to September 1, 1924, shall be taken into account in determining the adjustments provided for in article 19.

ARTICLE 15. COSTS OF THE ARMIES OF OCCUPATION FOR THE PERIOD MAY 1 TO AUGUST 1, 1924

(A) The credits to be given in respect of the costs of occupation for the period May 1, 1922, to May 1, 1924, are as follows:

	French share of forfait, gold marks	Belgian share of forfait, gold marks	British share of forfait, gold marks
May 1, 1922, to Apr. 30, 1923	155, 526, 693	30, 680, 158	21, 092, 922
May 1, 1923, to Apr. 30, 1924	117, 195, 330	23, 284, 922	22, 368, 567

(B) As regards the cost of occupation for the period May 1, 1924, to August 31, 1924, the allied governments will authorize their representatives on the Reparation Commission to make the necessary adjustment on the basis of the principles on which the above figures were calculated.

(C) The Reparation Commission is requested to introduce these figures into its accounts for the years in question.

ARTICLE 16. DEBITS FOR THE VESSELS ALLOTTED OR TRANSFERRED TO BELGIUM UNDER ARTICLE 6 (4) OF THE SPA PROTOCOL

The debits in the interallied accounts for the vessels allotted or transferred to Belgium under article 6 (4) of the Spa protocol shall be dealt with under article 12 of the finance ministers' agreement of March 11, 1922, instead of as provided for in the Spa protocol.

ARTICLE 17. DEBITS FOR SHANTUNG RAILWAYS AND MINES

In respect of the railways and mines referred to in the second paragraph of article 156 of the treaty of Versailles, Japan will be debited by the Reparation Commission in the interallied accounts only with the equivalent of the compensation which has, or may be, in fact, paid by the German Government to its nationals for their interests. Pending the establishment of the amounts in question Japan will be regarded as entitled to her full percentage of reparations as from September 1, 1924.

CHAPTER IV. INTEREST AND ARREARS

ARTICLE 18. INTEREST ACCOUNT

The allied governments agree that all interest charges on reparation receipts up to September 1, 1924, should be waived as between the allied powers, and all provisions in existing agreements requiring interest accounts to be kept to that date are canceled. Interest at 5 per cent shall, however, be charged as from September 1, 1924, on the excess receipts shown in the account to be drawn up under article 19 below as due at that date by an allied power to the reparation pool as well as on any further excess receipts which may accrue after that date until they are repaid.

ARTICLE 19. EXCESSES AND ARREARS

(A) The Reparation Commission shall, as soon as possible, draw up an account showing as at September 1, 1924, for each power entitled to a share in the reparation payments of Germany, but not including the United States of America.

(a) The net receipts of that power on reparation account as at September 1, 1924, which shall be calculated by deducting from its total gross receipts as valued for the purpose of interallied distribution, the credits due to it in respect of Spa coal advances, of costs of armies of occupation, excluding the arrears as at May 1, 1921, provided for in article 21, of costs of commissions of control and paid in German currency, of profits on exchange, and of any other approved claims such as the claims referred to in article 8 (A) of this agreement.

(b) The amount that power should have received, had the total net reparation receipts of all the powers been distributed in accordance with the Spa percentages.

By deducting from the amount due to each power its actual debit, the Reparations Commission will determine the arrears due to that power or the excess payments due from that power as at September 1, 1924.

(B) A similar calculation shall be made by the Reparation Commission on September 1 in each succeeding year.

(C) For the purpose of the above calculations the figures relating to Belgium shall be included on the same footing as those relating to other powers, but, save as provided elsewhere in this agreement, Belgium shall be free of any obligation to repay reparation receipts obtained before September 1, 1924.

Belgium shall, however, if the case arises, be required to account with interest for any excess of reparation receipts obtained by her after September 1, 1924, over her due proportion, as laid down elsewhere in this agreement, of the total receipts effectively debited to all the powers after that date. In the contrary case Belgium will be regarded as having a claim in respect of arrears.

(D) The provisions of the second paragraph of article 7 of the agreement of March 11, 1922, relating to the debits to be entered in the account to be drawn up under article 235 of the treaty in respect of coal received by Italy before May 1, 1921, shall apply also to the debits for coal received by Italy between May 1, 1921, and December 31, 1922.

ARTICLE 20. RECOVERY OF ARREARS

Except as otherwise provided for in this agreement—

(A) These excess receipts of any power, as fixed at the end of each year under article 19, shall be repaid by the deduction of a certain percentage from the shares of that power in each succeeding annuity until the debt is extinguished, with interest at 5 per cent, provided that no repayments under this subsection shall be required out of the annuities for the years commencing September 1, 1924, and September 1, 1925.

(B) In the case of Italy and the S. H. S. State, this deduction shall be fixed at 10 per cent. In the case of other countries the deduction shall be calculated by the Reparation Commission on a similar basis.

(C) The repayments made by the debtor powers shall be distributed between the powers in credit to the reparation pool in proportion to their respective arrears.

ARTICLE 21. COSTS OF THE ARMIES OF OCCUPATION TO MAY 1, 1921

The arrears due to France and Great Britain on account of pre-May 1, 1921, army costs shall be excluded from the general account of arrears and shall be discharged by a special allotment out of the Dawes annuities (ranking immediately after the charge in favor of United States army costs) of the following amounts, namely:

First year, 15,000,000 gold marks.
Second year, 20,000,000 gold marks.
Third year, 25,000,000 gold marks.
Fourth year, 30,000,000 gold marks.

And thereafter an annuity of 30,000,000 gold marks until the arrears are extinguished.

This allotment shall be divided between France and Great Britain in the proportion, France 57 per cent, Great Britain 43 per cent. The allotment shall be taken in deliveries in kind during the first two years of the Dawes plan and thereafter may be transferred either in deliveries in kind or cash. This arrangement will not affect the distribution of any cash receipts now in the hands of the Reparation Commission available for the liquidation of army costs arrears, which receipts will be dealt with in accordance with article 8 of the agreement of March 11, 1922, and credited against the capital arrears. Further, the annuity above provided for will retain a prior charge up to 25 per cent of its amount on any cash receipts not arising out of the Dawes plan which may accrue to the Reparation Commission in the future on account of Germany.

CHAPTER V. MISCELLANEOUS QUESTIONS

ARTICLE 22. PAYMENT BY CZECHOSLOVAKIA FOR DELIVERIES IN KIND

The sums due by Czechoslovakia to the Reparation Commission in respect of the deliveries in kind received by her from Germany and

Hungary since May 1, 1921, shall be placed in a suspense account and carry interest at 5 per cent from September 1, 1924.

Bulgarian payments: Without prejudice to any question of principle, the payments made or to be made up to December 31, 1926, by Bulgaria under the protocol of Sofia dated March 21, 1923, will be distributed between the allied powers in the proportions laid down in article 2 of the Spa protocol. The allied governments will agree together as to the method of distribution of these payments to be adopted after December 31, 1926.

ARTICLE 24. PROPERTIES CEDED TO THE FREE CITY OF DANZIG

The allied governments give full powers to their respective representatives on the Reparation Commission to settle all questions connected with the debt due by the Free City of Danzig in respect of the value of the public properties ceded to the Free City by Germany, including such adjustments of the payments to be made by the Free City as may be necessitated by its financial situation.

ARTICLE 25. RECOMMENDATIONS WITH REGARD TO DISTRIBUTION OF PAYMENTS THROUGHOUT THE YEAR

The finance ministers draw the attention of the Reparation Commission to the fact that the operation of the Dawes plan would be greatly facilitated if the agent general for reparation payments could so arrange that the annual payments to be made during the operation of the Dawes plan may be distributed throughout the course of each year, and they request the Reparation Commission and the agent general to consider what steps can be taken to secure this result, which is of particular importance during the second and third years of the plan.

With a view to accomplishing this result the allied governments so far as they are concerned authorize the Reparation Commission and the agent general for reparation payments, in cooperation with the trustees for railway bonds and industrial debentures, to take all action that may be necessary to arrange the due dates of the payments to be made on the railway and industrial bonds so as to provide for a gradual and even flow of payments throughout each annuity year.

Furthermore, the finance ministers authorize the Reparation Commission to make arrangements, so far as may be practicable without prejudicing the requirements of other powers, to enable the Portuguese Government to obtain during the earlier months of the second year of the Dawes plan (within the limit of its share in the second annuity) the sums necessary to complete certain outstanding orders for deliveries in kind of special importance to it.

ARTICLE 26. INTERPRETATION

This agreement shall be transmitted to the Reparation Commission, and the commission will be requested to give effect thereto and to adjust the payments during the remainder of the year to August 31, 1925, and during subsequent years, so that the total receipts of each allied power during each year shall not exceed its share under this agreement. The Reparation Commission shall have authority by unanimous resolution to interpret the provisions of the agreement in so far as the allied powers are concerned. If any difference or dispute shall arise on the Reparation Commission or between the allied powers in respect of the interpretation of any provisions of this agreement or as to anything to be done hereunder, whether by the commission or otherwise, the same shall be referred to the arbitration of a single arbitrator to be agreed unanimously by the members of the Reparation Commission, or, failing agreement, to be appointed by the president for the time being of the Permanent Court of International Justice.

Any difference or dispute that may arise with the United States of America regarding the interpretation of this agreement affecting American claims or the rights of the United States of America under this agreement shall be referred to an arbitrator to be agreed upon between the United States of America and the Reparation Commission acting unanimously.

ARTICLE 27

The provisions of the present arrangement concluded between the powers interested in reparations do not prejudice any rights or obligations of Germany under the treaties, conventions, and arrangements at present in force.

AMENDMENT OF NATIONAL DEFENSE ACT

Mr. WADSWORTH. Mr. President, out of order, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 908, being the bill (S. 3760) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes.

I make the request because, this being a Senate bill, if it is to be enacted by Congress at this session it must pass the Senate pretty soon. While no one provision in the bill is of vast importance, collectively there are half a dozen provisions not related one to the other, which are of great importance to the National Guard. I may say that the bill in its several provisions is the result of a series of conferences between the National Guard authorities, the Militia Bureau, the General Staff, the Secretary of War, and the Committee on Military Affairs of the Senate; and a complete agreement has been reached upon every item of the proposed legislation. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. GEORGE. I inquire of the Senator from New York what is the measure for the consideration of which he asks unanimous consent?

Mr. WADSWORTH. It is the bill affecting various provisions of the law relating to the National Guard. It was reported from our committee unanimously after a meeting at this session of Congress.

Mr. GEORGE. Is it the bill which carries a provision giving the War Department the power to summon a commission to pass upon the competency of National Guard officers?

Mr. WADSWORTH. It is, and the provision on that subject which is found in the bill is the one agreed upon by the National Guard authorities themselves in conference with the War Department. That was made very clear to us.

Mr. GEORGE. I was not present, Mr. President, at the time this measure was considered by the committee. I understand the Senator is now asking for the immediate consideration of the bill?

Mr. WADSWORTH. Yes. If we do not get it through pretty soon—and it contains other provisions also—we can not secure its enactment at this session of Congress, and there will be grave injustice done to the guard in several respects. The particular provision to which the Senator has reference was explained to us and the president of the Guard Association stated to us in the presence of several of his colleagues that that language had been agreed upon by all concerned.

Mr. GEORGE. I do not want to go into any discussion here at this time, and the Senator knows I have no disposition to interfere with the immediate consideration of the bill, but the provision to which I have referred in this proposed legislation is one which seems to me to be rather important.

I wish to ask the Senator a further question, because he is very familiar with military affairs. Does not that provision give to the Secretary of War the power to pass upon the qualifications of State officers?

Mr. WADSWORTH. The situation in that respect is this: To-day upon an examination of a guard officer commissioned by the governor of his State Federal recognition is extended to him in the grade in which he is serving.

Mr. GEORGE. I so understand.

Mr. WADSWORTH. That is done as the result of an examination, but it seems there is no provision of the statute by which that Federal recognition can be withdrawn should the officer later on prove to be incompetent.

Mr. GEORGE. Yes; but under the bill as proposed, for instance, where a board or commission is assembled to consider the qualifications of a National Guard officer whose competency is called in question and he is found incompetent, will we not have virtually the removal of a State officer by the Federal Government?

Mr. WADSWORTH. No. He may still hold his commission under the State, but he may not receive Federal pay.

Mr. GEORGE. Probably he would be removed.

Mr. WADSWORTH. He should be if he were incompetent.

Mr. BROOKHART. What machinery is provided for withdrawing recognition from him?

Mr. WADSWORTH. I will describe that. It is very brief.

Mr. GEORGE. If the Senator will yield to one or two other questions he may save an objection, because I am very much interested in this very point. As I understand, National Guard officers now are put into the regular service, for instance, under a draft in time of war.

Mr. WADSWORTH. In time of war; yes.

Mr. GEORGE. But they may also be called into service?

Mr. WADSWORTH. They may be called into active service for the three purposes mentioned in the Constitution.

Mr. GEORGE. Yes. Then, if they should be found incompetent, we would have the Federal Government taking away a commission issued by a State?

Mr. WADSWORTH. No; Mr. President, the Federal Government can not take away the officer's commission from the State.

Mr. GEORGE. But suppose the officer is called into the service?

Mr. WADSWORTH. Even then, in time of peace, his commission can not be withdrawn by the Federal Government, because it comes from the governor alone; but under the national defense act the Government extends recognition to

National Guard officers commissioned by the State, and under that recognition they are paid by the Federal Government.

Mr. SMITH. What machinery is set up to ascertain the officer's fitness or unfitness?

Mr. WADSWORTH. I will read the provision in that respect; it is very brief:

At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers senior in rank to the officer whose fitness for service shall be under investigation, appointed from the Regular Army or the National Guard, or both, under such rules and regulations as may be prescribed by the Secretary of War; and if the board shall recommend the withdrawal of Federal recognition of such officer, the Secretary of War may, in his discretion, withdraw recognition accordingly.

He can not withdraw the commission.

Mr. GEORGE. I understand that.

Mr. WADSWORTH. But it must be understood that there must be some method of withdrawing Federal recognition from incompetent officers; and, I repeat, the guard association has agreed to this language.

Mr. SMITH. Is there any provision made in the bill to the effect that the State officials shall be represented on the board selected to inquire into the officer's fitness?

Mr. WADSWORTH. The board may be composed of regular and guard officers, or both.

Mr. SMITH. But the bill does not make it mandatory that the State shall be represented?

Mr. WADSWORTH. No; I may say that the relation between the two components of the Army now are very good, and the men who testified before us had no suspicion in their minds that the provisions of this bill would be abused.

Mr. GEORGE. I hope their relations may remain harmonious.

Mr. BROOKHART. Under machinery provided in the bill does the same board pass on recognition and also on withdrawal?

Mr. WADSWORTH. No; a separate board passes on withdrawals.

Mr. BROOKHART. Is the board which passes on withdrawals appointed in the same way as is the other board which passes on recognition?

Mr. WADSWORTH. My recollection is that the board extending recognition in the first instance is appointed by the corps area commander.

Mr. BROOKHART. How is the board which passes on withdrawal of recognition appointed?

Mr. WADSWORTH. The board which passes on withdrawing recognition can be appointed in accordance with regulations prescribed by the Secretary of War.

Mr. STERLING. Mr. President, I should like to ask this question: Would the withdrawal of recognition by the Secretary of War have any other effect than to stop Federal pay to the officer?

Mr. WADSWORTH. That is all.

Mr. STERLING. He would still be recognized as a commissioned officer of the National Guard within his State?

Mr. WADSWORTH. Yes; in his State alone, and he would not be subject to certain duties under a Federal call.

Mr. GEORGE. Now, I wish to ask the Senator a further question. Suppose the National Guard is called into active service—distinguishing between a call and a draft, of course, during a major emergency—and suppose in the case of an officer called into service——

Mr. WADSWORTH. By the President?

Mr. GEORGE. Yes, sir. Suppose the board should find him incompetent; then he could not continue in the service, could he?

Mr. WADSWORTH. No; I think not.

Mr. GEORGE. So it comes to this, Mr. President——

Mr. WADSWORTH. He would merely hold his commission.

Mr. GEORGE. But it would be a purely empty commission?

Mr. WADSWORTH. Yes; outside the borders of the State.

Mr. GEORGE. In such an instance it comes to this: That in that event at least we are putting into the power of the Secretary of War the authority really to revoke the commission of a State officer?

Mr. WADSWORTH. No; I can not agree to that.

Mr. GEORGE. Well, to relieve him from active duty?

Mr. WADSWORTH. To relieve him from active duty under the Federal Government, but not under the State government.

Mr. GEORGE. Yes; that is very true.

Mr. WADSWORTH. And I contend that there must be some machinery for doing that. I think no one interested in the welfare of the National Guard will insist that the Federal Government shall never have any opportunity to withdraw Federal recognition from an officer who is incompetent.

Mr. DILL. Mr. President, has this bill ever passed the Senate?

Mr. WADSWORTH. It has not.

Mr. SWANSON. Mr. President, I should like to ask a question. How do the National Guard and its officers feel toward this bill?

Mr. WADSWORTH. The National Guard and its representatives appeared before the committee and advocated this section.

Mr. SWANSON. The adjutants general of the different States?

Mr. WADSWORTH. Represented collectively by their committee headed by General Reckord, of Maryland, the adjutant general of Maryland, who is the president of the association.

Mr. SWANSON. To what extent does this modify the law by which the State government had to recognize and agree to accept certain conditions under the Federal statute by which the National Guard got assistance?

Mr. WADSWORTH. None at all.

Mr. SWANSON. Does it change that law at all?

Mr. WADSWORTH. Not at all.

Mr. SWANSON. As I remember, a State legislature by affirmative action has to recognize that act, to approve it, in order to obtain any of its benefits.

Mr. WADSWORTH. Yes; this does not affect that at all.

Mr. SWANSON. There is no change in that?

Mr. WADSWORTH. None at all.

Mr. GEORGE. Mr. President, did I understand the Senator to say that the National Guard was collectively represented at the hearing before the committee?

Mr. WADSWORTH. Yes.

Mr. GEORGE. I am making this inquiry because I was not present at this particular meeting.

Mr. WADSWORTH. They went over it very carefully.

Mr. GEORGE. This particular provision, however, did strike me as being somewhat odd, and I thought there was some reasonable ground for objecting to it. I will interpose no objection to the immediate consideration of the bill if the matter was gone over thoroughly before the committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The amendments were, on page 2, line 4, after the word "regulations," to strike out "all" and insert "no"; in line 9, after the word "shall," to strike out "not"; on page 5, line 8, after the word "cause," to strike out "but" and insert "shall be eligible to succeed himself and"; on page 8, line 13, after the words "throughout the," to insert "then current"; and in line 14, after the words "fiscal year," to insert "and throughout the fiscal year," so as to make the bill read:

Be it enacted etc., That section 58 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 58. Composition of the National Guard: The National Guard shall consist of regularly enlisted men who upon original enlistment shall be not less than 18 nor more than 45 years of age, or who in subsequent enlistments shall not be more than 64 years of age, organized, armed, and equipped as hereinafter provided, and of commissioned officers and warrant officers between the ages of 21 and 64 years: *Provided*, That in cases of appointments of warrant officers or enlistments made in accordance with National Guard regulations no payments heretofore made to such warrant officers and enlisted men for participating in exercises or performing the duties described in sections 92, 94, 97, and 99 of the national defense act of June 3, 1916, as amended, or any bona fide claim therefor, shall be held or considered invalid because such warrant officer or enlisted man was of an age greater than 45 years at the time of his appointment or enlistment or at the time of the performance of such duties."

SEC. 2. That said national defense act as amended be, and the same is hereby, further amended by inserting therein, immediately after section 77 thereof, a new section to be known as section 77½, and to read as follows:

"SEC. 77½. Withdrawal of Federal recognition: At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers senior in rank to the officer whose fitness

for service shall be under investigation, appointed from the Regular Army or the National Guard, or both, under such rules and regulations as may be prescribed by the Secretary of War; and if the board shall recommend the withdrawal of Federal recognition of such officer, the Secretary of War may, in his discretion, withdraw recognition accordingly."

SEC. 3. That section 78 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 78. Men duly qualified for enlistment in the active National Guard may enlist in the National Guard Reserve for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall subscribe to the following enlistment contract and take the oath therein specified: 'I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard of the United States and of the State of ———, to serve in the reserve thereof, or in the active National Guard of the United States and said State if transferred thereto, for a period of one (or three) year–, unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever and that I will obey the orders of the President of the United States and the Governor of the State of ———, and of the officers appointed over me according to law and the rules and Articles of War.' Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard may be transferred to the National Guard Reserve; likewise, enlisted men hereafter enlisted in or transferred to the National Guard Reserve may be transferred to the active National Guard: *Provided*, That no enlisted man shall be required to serve under any enlistment for a longer time than the period for which he enlisted in the active National Guard or National Guard Reserve as the case may be. Members of said reserve, officers and enlisted men, when engaged in field or coast defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said guard when likewise engaged: *Provided further*, That except as otherwise specifically provided in this act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes."

SEC. 4. That section 81 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 81. Militia Bureau of the War Department.—The Militia Division of the War Department shall hereafter be known as the Militia Bureau of the War Department. The Chief of the Militia Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of active Federally recognized National Guard officers, recommended by the governors of the several States and Territories as suitable for such appointment, who have had 10 or more years' commissioned service in the active National Guard, at least 5 of which have been in the line, and who have attained at least the grade of major. The Chief of the Militia Bureau shall hold office for 4 years unless sooner removed for cause, shall be eligible to succeed himself and when he is 64 years of age he shall cease to hold such office. Upon accepting his office the Chief of the Militia Bureau shall also be appointed a major general in the Officers' Reserve Corps and shall be commissioned in the Army of the United States, which appointment and commission shall terminate when he ceases to hold such office. The Chief of the Militia Bureau shall have the rank, pay, and allowances of a major general provided in section 8 of the pay readjustment act of June 10, 1922, during his tenure of office, but shall not be entitled to retirement or retired pay. For duty in the Militia Bureau and for instruction of the National Guard, the President shall assign such number of officers and enlisted men of the Regular Army as he may deem necessary. The President may also assign, with their consent, to duty in the Militia Bureau three officers who, at the time of their initial assignment, are active Federally recognized National Guard officers and who are reserve officers, and any such officer while so assigned shall receive the pay and allowances provided in the pay readjustment act of June 10, 1922, as amended, for officers of the National Guard when authorized by law to receive Federal pay. The President may also assign, with their consent and within the limits of the appropriations previously made for this specific purpose, not exceeding 500 officers of the active Federally recognized National Guard, and who are reserve officers, to duty with the Regular Army, in addition to those attending service schools, and while so assigned they shall receive the pay and allowances authorized in the preceding sentence. In case the office of Chief of the Militia Bureau becomes vacant or the incumbent, because of disability, is unable to discharge the powers and duties of the office, the reserve officer, senior in rank on duty in the Militia Bureau, appointed from the National Guard, shall act as chief of said bureau until the incumbent is able to resume his duties, or the vacancy in the office is regularly filled. The pay and allowances provided in this section for the Chief of the Militia Bureau and for the reserve officers assigned to duty from the National Guard shall be paid out of the whole fund appropriated for the support of the National Guard. The age limitations herein prescribed shall not apply to the existing Chief of the Militia Bureau during his present term of office."

SEC. 5. That section 87 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 87. Disposition and replacement of damaged property, etc.: All military property issued to the National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National Guard, detailed by the Secretary of War, and the report of such surveying officer shall be forwarded to the Secretary of War, or to such officer as he shall designate to receive such reports; and if it shall appear to the Secretary of War from the record of survey that the property was lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor. If it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable State, Territory, or District of Columbia, to be paid from State, Territory, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition by sale or otherwise shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and shall remain available throughout the then current fiscal year and throughout the fiscal year following that in which the sales, stoppages, and collections were effected for the purposes provided for in that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war: *Provided*, That if any State, Territory, or the District of Columbia shall neglect or refuse to pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after a survey by a disinterested officer appointed as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payment shall have been made: *Provided further*, That property issued to the National Guard and which has become unserviceable through fair wear and tear in service, may, after inspection thereof and finding to that effect made by an officer of the Regular Army designated by the Secretary of War, be sold or otherwise disposed of, and the State, Territory, or District of Columbia accountable shall be relieved from further accountability therefor; such inspection, and sale or other disposition, to be made under regulations prescribed by the Secretary of War, and to constitute as to such property a discretional substitute for the examination, report, and disposition provided for elsewhere in this section."

SEC. 6. That the eighth paragraph of section 127a of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"Unless special assignment is made by the President under the provisions of the one hundred and nineteenth article of war, all officers in the active service of the United States in any grade shall take rank according to date, which, in the case of an officer of the Regular Army, is that stated in his commission or letter of appointment, and, in the case of a reserve officer or an officer of the National Guard called into the service of the United States, shall precede that on which he is placed on active duty by a period equal to the total length of active Federal service and service under the provisions of sections 94, 97, and 99 of this act which he may have performed in the grade in which called or any higher grade. When dates of rank are the same, precedence shall be determined by length of active commissioned service in the Army. When length of such service is the same, officers of the Regular Army shall take rank among themselves according to their places on the promotion list, preceding reserve and National Guard officers of the same date of rank and length of service, who shall take rank among themselves according to age."

SEC. 7. That the Secretary of War be, and he hereby is, authorized, in his discretion, to reconvey to the Monroe Water Supply Co. that portion of the lands in the State of Pennsylvania conveyed by the said company to the United States under its deed of June 12, 1915, and described in said deed as follows:

"No. 38. All that part of the warrantee tract in the name of William Sproat, situate in said township of Coolbaugh, Monroe County, bounded

and described as follows: Beginning at a point in the north line of the William Sproat warrantee tract, said point being south 45° 30′ west, 56 perches from a stone mound which marks the southeast corner of tract of land in the warrantee name of James Hollingshead, now owned by the Pocono Mountain Ice Co.; thence by land in the warrantee names of James Hollingshead and Jacob Postens north 45° 30′ east, 121 perches, more or less, to the northwest corner of the William Sproat tract; thence south 44° 30′ east, along the south line of the Nathan Levering warrantee tract 30 perches to a point; thence south 45° 30′ west 133 perches to a point; thence north 44° 30′ west 30 perches to the point, the place of beginning, containing 22 acres, more or less. Courses as of meridian May 12, 1902."

It being the intent to convey that portion of the tract north of the public road leading from Tobyhanna to Sterling, adjacent to the tract of land in the warrantee name of Jacob Postens, upon the conveyance by the said Monroe Water Supply Co. to the United States of a tract of land of approximately equal area to that named in the above description and lying within the adjoining Nathan Levering warrantee tract, at such location within the said tract as may be agreed upon by the Secretary of War with said company.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BAYOU BARTHOLOMEW BRIDGE

Mr. BROUSSARD. Mr. President, I send to the desk a concurrent resolution, which I ask to have read.

The PRESIDENT pro tempore. The concurrent resolution will be read.

The reading clerk read the concurrent resolution (S. Con. Res. 27), as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Paris, La.: Vester Ferry, Ward Ferry, and Zachary Ferry, for the purpose of correcting an error therein.

The PRESIDENT pro tempore. Does the Senator from Louisiana ask for the immediate consideration of the concurrent resolution?

Mr. BROUSSARD. I do.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution? The Chair hears none.

The concurrent resolution was considered by the Senate and agreed to.

YUMA IRRIGATION PROJECT, ARIZONA

Mr. CAMERON. Mr. President, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 172, to appropriate certain amounts for the Yuma irrigation project, Arizona, and for other purposes. There is a slight amendment to the joint resolution.

Mr. WILLIS. What is the number of the joint resolution on the calendar?

Mr. CAMERON. It is Order of Business 976. I may state that this joint resolution has passed the Senate twice, and I want to get an authorization so that the House will give me an authorization on the other side, so that I can get it into the deficiency bill; that is all.

Mr. OVERMAN. Is this the matter that is in the appropriation bill?

Mr. CAMERON. Yes; it is the same one.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent for the immediate consideration of Senate Joint Resolution 172, to appropriate certain amounts for the Yuma irrigation project, Arizona, and for other purposes. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The amendment was, on page 1, line 3, after the word "hereby," to insert the words "authorized to be," so as to make the joint resolution read:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, to be paid out of the reclamation fund established by the act of June 17, 1902 (32 Stat. p. 388), for operation and maintenance and completion of construction of the irrigation system required to furnish water to all of the irrigable lands in part 1 of the Mesa division, otherwise known as the first Mesa unit of the Yuma auxiliary project, authorized by the act of January 25, 1917 (39 Stat. p. 868), as amended by the act of February 11, 1918 (40 Stats. p. 437): *Provided*, That all moneys received by the United States in payment of land and water rights in said part 1 of the Mesa division, beginning one year from the date this act becomes effective, shall be covered into the reclamation fund until the sum advanced from said fund hereunder is fully paid: *Provided further*, That the purchase price of land and water rights hereafter sold in said part 1 of the Mesa division shall be paid to the United States in 10 equal installments, the first of which shall be due and payable at the date of the purchase, and the remaining installments annually thereafter, with interest on deferred installments at the rate of 6 per cent per annum, payable annually; and the Secretary of the Interior is authorized, at any time within one year from the date this act becomes effective, to amend any existing uncompleted contract for the purchase of land and water rights so that the aggregate amount of principal and interest remaining unpaid under such contract may be paid in 10 equal installments in accordance with the conditions of this proviso, beginning with the date of amendatory contract: *And provided further*, That land and water rights in said part 1 of the Mesa division heretofore or hereafter offered at public sale under said act of January 25, 1917, and not disposed of at such public sale may be sold later at private sale at not less than $25 per acre for the land and at $200 per acre for the water right, and a corporation may purchase land and water rights at any such sale, either public or private, and receive patent therefor.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution to authorize the appropriation of certain amounts for the Yuma irrigation project, Arizona, and for other purposes."

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. JONES of Washington. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 39 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, January 27, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 26, 1925

MEMBER OF THE INTERSTATE COMMERCE COMMISSION

Thomas F. Woodlock, of New York, to be a member of the Interstate Commerce Commission for the term expiring December 31, 1930, vice Mark W. Potter, resigned.

MEMBER OF THE FEDERAL TRADE COMMISSION

William E. Humphrey, of Washington, to be a member of the Federal Trade Commission for the term expiring September 25, 1931, vice Nelson B. Gaskill, now serving under a recess appointment.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 26, 1925

PROMOTIONS IN THE ARMY

John Cargill Pegram to be lieutenant colonel, Cavalry.

Edward Gill Sherburne to be major, Infantry.

Walter Harold Sutherland to be captain, Finance Department.

Michael Nolan Greeley to be captain, Quartermaster Corps.

Earle Everette Cox to be first lieutenant, Cavalry.

Thomas Russell Howard to be first lieutenant, Infantry.

Samuel James Adams to be first lieutenant, Infantry.

William Henry Webb to be first lieutenant, Coast Artillery Corps.

Albert Gillian Kelly to be first lieutenant, Infantry.

James Millard Little to be colonel, Infantry.

Edward Jay Moran to be lieutenant colonel, Infantry.

Walter Wood Hess to be major, Field Artillery.

Richard Allen to be captain, Quartermaster Corps.

Wayne McVeigh Pickels to be first lieutenant, Quartermaster Corps.

Owen Russell Marriott to be first lieutenant, Field Artillery.

POSTMASTERS

ARIZONA

Charles C. Stemmer, Cottonwood.
Luncinda White, Dos Cabezos.

CALIFORNIA

Charles D. Heywood, Berkeley.
Lewis T. Temple, Capitola.
Allen G. Thurman, Colfax.
Pearl C. Snider, Fellows.
Isaac J. Willard, Fort Jones.
William M. Irwin, Fullerton.
Edward W. Vodden, Los Gatos.
Ada K. Harris, McKittrick.
Eva L. Snyder, Moorpark.
Fred M. Eachus, Newman.
Joseph F. Owen, Placerville.
Joseph H. Steele, Riverbank.
Anna E. Collier, Seal Beach.
James Underwood, Trinidad.
Fred W. Urch, Trona.
Edward F. Wilson, Veterans Home.
Benjamin E. Randolph, Westmoreland.
Ora A. Woods, Winters.

FLORIDA

John E. Brecht, Fort Myers.
Adam E. Koehler, Pablo Beach.

MARYLAND

S. Stanley Bender, Kitzmiller.
James C. Jones, Stevensville.

MINNESOTA

Oscar E. Linquist, Dassel.

NEW MEXICO

Karl L. Milam, Madrid.
Francis O. Polston, Melrose.

NORTH CAROLINA

Charles L. Brown, Burnsville.
Russell Best, Calypso.
Preston P. Herman, Conover.
Maxie M. McCurry, Forest City.
Ferry M. Barber, Goldston.
John A. Chambers, Hayesville.
Hilliard C. Rector, Marshall.
William H. Stewart, Matthews.
William E. Crisp, Pinetops.
Sadie L. Burgy, Sunburst.
Guy C. Dixon, Walstonburg.
Annie Deese, Willard.
Thomas J. Henderson, Yanceyville.

OHIO

Hattie B. Elliott, Trenton.

OKLAHOMA

Mollie E. McGinty, Ripley.
Abe H. Bergthold, Weatherford.

OREGON

Leila A. Phelps, Hermiston.

WASHINGTON

Blanche E. Lambert, Ione.
Esther C. Bosma, Peshastin.
Harry A. Mykrantz, Twisp.

HOUSE OF REPRESENTATIVES

MONDAY, *January 26, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Vouchsafe Thy blessing unto us this day, our blessed Heavenly Father. Enlarge and intensify our sense of responsibility to all the people. Do Thou allow the highest standards to incite our motives. Grant that Thy spirit may go forth over our broad land, subduing the wicked and evil passions of man, taking out of their breasts all malice, ill will, and intolerance. Give protection to the innocent, stability to the weak, and wisdom to the erring. Arise, O God, and give strength and encouragement to all who stand for order, authority, and law. Prepare by gain and loss, by joy and sorrow, to rise above all things false, and at the last bid us come and rest. Amen.

The Journal of the proceedings of Saturday last was read and approved.

REUBEN R. HUNTER

Mr. UNDERHILL. Mr. Speaker, I call up the conference report on the bill (S. 353) for the relief of Reuben R. Hunter and ask for its adoption.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 353) for the relief of Reuben R. Hunter, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

ARTHUR CAPPER,
SELDEN P. SPENCER,
THOMAS F. BAYARD,
Managers on the part of the Senate.

GEORGE W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

Mr. GARRETT of Tennessee. Will the gentleman state, just in a word, what this is?

Mr. UNDERHILL. This is the Reuben R. Hunter claim. I do not want the House to gain the impression I am in favor of it, but the Senate receded from its disagreement to the amendments of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

WAR DEPARTMENT APPROPRIATION BILL

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take up the War Department appropriation bill, disagree to all the Senate amendments, and ask for a conference. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I have conferred with the gentleman from Kentucky [Mr. JOHNSON], the ranking minority member, on this bill and I understand it is entirely agreeable to him for this course to be taken.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. ANTHONY, Mr. DICKINSON of Iowa, and Mr. JOHNSON of Kentucky.

COMPULSORY SCHOOL ATTENDANCE AND SCHOOL CENSUS IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2842) to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I have no requests for time on this bill. I would like to ask the gentleman from Texas [Mr. BLANTON], the ranking minority member of the committee, whether he has had any requests for time on the bill.

Mr. BLANTON. I have had no such requests, and unless some Member of the House wants some time I am willing to have the bill read.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc.—

ARTICLE I.—COMPULSORY SCHOOL ATTENDANCE

SECTION 1. Every parent, guardian, or other person residing permanently or temporarily in the District of Columbia who has custody or control of a child between the ages of 7 and 16 years shall cause said child to be regularly instructed in a public school or in a private or parochial school or instructed privately during the period of each year in which the public schools of the District of Columbia are in session: *Provided*, That instruction given in such private or parochial school, or privately, is deemed equivalent by the Board of Education to the instruction given in the public schools.

SEC. 2. Any child between the ages of 14 and 16 years who has completed satisfactorily the eight-grade course of study prescribed for the public elementary schools of the District of Columbia, or a course of study deemed by the Board of Education equivalent thereto, may be excused by the superintendent of schools from further attendance at school under the provisions of this act, provided he is actually, lawfully, and regularly employed.

SEC. 3. The Board of Education of the District of Columbia may issue a certificate excusing from attendance at school a child who, upon examination ordered by such board, is found to be unable mentally or physically to profit from attendance at school: *Provided, however*, That if such examination shows that such child may benefit from specialized instruction adapted to his needs, he shall attend upon such instruction.

SEC. 4. The Board of Education shall define in its rules and regulations valid excuses for absence from school, and the absence of a child between the ages of 7 and 16 years for any reason other than so defined as valid shall be unlawful.

SEC. 5. An accurate daily record of the attendance of all children between the ages of 7 and 16 years shall be kept by the teachers of every public, private, or parochial school and by every teacher giving instruction privately. Such record shall at all times be open to the school-attendance officers or other persons authorized to enforce this act, who may inspect and copy the same.

SEC. 6. It shall be the duty of every principal or head teacher of every public, private, or parchial school, or private teacher to report to the department of school attendance and work permits the name and address of any child between the ages of 7 and 16 years enrolled in his school whenever such child has been absent from school two day sessions or four one-half day sessions or more in any school month, together with the reason for such absence as far as known.

SEC. 7. The parent, guardian, or other person residing permanently or temporarily in the District of Columbia and having charge or control of any child between the ages of 7 and 16 years who is unlawfully absent from public or private school or private instruction shall be guilty of a misdemeanor, and upon conviction of failure to keep such child regularly in public or private school or to cause it to be regularly instructed in private, shall be punished by a fine of $10 or by commitment to jail for five days, or by both, at the discretion of the court: *Provided*, That each two days such child remains away from school unlawfully shall constitute a separate offense: *Provided further*, That upon conviction of the first offense, sentence may, upon payment of costs, be suspended and the defendant placed on probation.

ARTICLE II.—SCHOOL CENSUS

SECTION 1. That it shall be the duty of the director of school attendance and work permits, under instruction of the superintendent of schools, approved by the Board of Education, to cause to be made a complete census of all children between the ages of 3 and 18 years permanently of temporarily residing in the District of Columbia, and annually thereafter or as frequently as may be found necessary or desirable. Such census shall be amended from day to day as changes of residence occur among children within the ages prescribed in this act, and as other persons come within the ages prescribed, and as other persons within such ages shall become residents of the District. The record of such enumeration of the children shall give the full name, address, race, sex, and date and place of birth of every child, the school attended by him, and if the child is not at school the name and address of his employer, and the name, address, and occupation of the parents or guardian.

SEC. 2. It shall be the duty of the principal or head teacher of every public, private, or parochial school, or private teacher, in accordance with the rules adopted by the Board of Education, to report to the director of the department of school attendance and work permits the name, address, sex, age, and race of every child under 18 years of age residing permanently or temporarily in the District of Columbia, who enrolls in or withdraws from his school.

SEC. 3. Any parent, guardian, custodian, principal, or teacher of a child between the ages of 3 and 18 who willfully neglects or refuses to provide the information required by this act, or who knowingly makes any false or untrue statement, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of $10 or by commitment to jail for five days, or by both, at the discretion of the court.

ARTICLE III.—ADMINISTRATION

SECTION 1. The Board of Education is hereby authorized to consolidate the administrative duties incident to the enforcement of the provisions of this act and of the act to regulate child labor under a single division to be known as the department of school attendance and work permits.

SEC. 2. The Board of Education is hereby authorized, empowered, and directed to appoint a director of said department whose rank shall correspond to that of other directors who serve as officers of the Board of Education, and who shall be paid the same salary as said directors, and who shall be known as the director of the department of school attendance and work permits, and also to appoint such a number of attendance officers, inspectors, clerks, and other assistants as shall be necessary to carry out the provisions of this act.

Such appointments, other than that of the director of said department and clerks, shall be made from a list of applicants obtained from open competitive examinations conducted by the respective boards of examiners of the Board of Education, and designed to test the fitness of the applicants for the duties to be performed.

SEC. 3. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising from this act.

SEC. 4. The act of Congress approved June 8, 1906, entitled "An act providing for compulsory education in the District of Columbia," and all other acts or parts of acts inconsistent herewith, are hereby repealed.

SEC. 5. That this act shall take effect from the date of its enactment.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment. On page 4, line 23, after the word "employer," insert the words "if any" and a comma.

The CHAIRMAN. Without objection the committee will return to section 4 of the bill for the purpose of offering the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: On page 4, line 23, after the word "employer" insert "if any."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill S. 2842 had directed him to report the same to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

BANCROFT PLACE, BETWEEN PHELPS PLACE AND TWENTY-THIRD STREET NW.

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 596) to provide for the extension of Bancroft Place, between Phelps Place and Twenty-third Street NW., and for other purposes.

The SPEAKER. If there is no contention about the bill, the Chair suggests it might be considered in the House as in Committee of the Whole.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. BLANTON. I object to that.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 596.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 596, with Mr. TILSON in the chair.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I have no requests for time on this bill, and I will ask the gentleman from Texas, the ranking member of the minority, if he has any requests.

Mr. BLANTON. I will ask for recognition.

Mr. ZIHLMAN. Then, Mr. Chairman, I reserve the balance of my time.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I am availing myself of the rules of the House to enable me now to discuss the next bill that will in a few minutes be called up just after the passage of the present one under consideration. There should be further discussion of that bill. I refer to the bill which is called the District surplus and takes approximately four and a half million dollars out of the Treasury of the United States and credits it to the people of the District of Columbia.

During my argument I shall refer to that amount as four and a half million dollars, to be brief, although it is $4,438,154, to be exact, but for brevity I shall call it four and a half million. This is my only chance to debate that so-called surplus bill to-day, as general debate has been exhausted upon it.

I realize that further debate is useless and that the bill will pass by a big majority in spite of everything that we may do to prevent it. But it should be explained.

If, by conducting a filibuster under the rules of the House, I could keep this bill from passing, I would filibuster to the limit of the rules, because in my judgment this bill ought not to pass. In my judgment, when a Member knows that a bill pending before the House is bad and is to wrongfully take as much as $4,438,154 of the people's money out of the Treasury, I believe that it is his duty to resort to every rule of the House and to every means within his power to keep that bad bill from passing. That is what the rules of the House are for. They are the tools with which we work here. They are just like the saw and the hammer to the carpenter. They are provided for the minority. But there is no kind of a filibuster permitted under the rules that will stop this bill from passing. It is sure to pass by a big majority and I realize that by a filibuster I could not keep a vote from coming on the bill. I firmly believe that if the Members of the House were all here and knew the facts about it, they would defeat it. But only a few are here on the floor.

Mr. McKEOWN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McKEOWN. Will the gentleman explain to us just how this surplus arises—we have tried to find out; some say that the money belongs to the District and the contention of others is that it does not belong to the District.

Mr. BLANTON. I will come to that soon. First, I want to discuss the uselessness of a filibuster on the bill. Some people think a filibuster is something that is wrong and improper. The other day in committee when I suggested that I probably would do everything I could to keep the bill from passing, my colleague on the committee, Judge GILBERT from Kentucky, attempted to give me a lecture by stating that he thought it was my duty not to filibuster.

Mr. UNDERHILL. Mr. Chairman, I rise to a point of order. The gentleman has no right to disclose what took place in committee.

Mr. BLANTON. I am not disclosing anything confidential that was not in the newspapers. Our committee does not have executive sessions. A filibuster is a matter which each one of us must determine. I called the attention of the gentleman from Kentucky then to what a proper filibuster may sometimes accomplish against a bad bill. In the last session of Congress you remember our filibuster against the Barkley bill, introduced by our colleague whom every one of us likes personally. Nothing on earth but a filibuster kept that bill from passing. If there had not been a filibuster and roll call after roll call, that bill would have passed at the last session. The gentleman from Kentucky, my colleague, Judge GILBERT—if you will look at the RECORD of May 19, 1924, you will see that he was there voting with the gentleman from Kentucky [Mr. BARKLEY] as against those of us who were filibustering against the bill. In every one of those roll calls on May 19, 1924, he was standing shoulder to shoulder with Mr. BARKLEY in behalf of that bill. I was one of those who forced the roll calls and tried to keep the bill from passing. We did keep it from passing. What has happened at this session? It has not been called up. There have been several days on which the bill could have been called up, but it has not been called up, and our friend from Kentucky stated the other day from the floor that he is not going to call it up in the House at this session. I take it that if it was a good bill and could be passed now, that action would not have been taken. I take it that the people of the United States last November registered their disapproval of that bill, in my judgment, and I take it that the people all over the United States registered their disapproval of it.

I might say to the distinguished gentleman from Kentucky, Judge GILBERT that outside of Texas I believe I have received more letters from his State than any other State besides my own commending the action I took in the filibuster against that bill, indicating that the people of Kentucky did not want the bill any more than did the people of Texas.

Now, what is this bill that is going to be called up here? The reason I took advantage of this situation to speak was on this so-called surplus bill is because immediately following the vote on this little street bill that surplus bill will be brought to a vote in a few minutes without a part of the present small membership on the floor probably knowing much about it.

Now, here is the committee report on the bill [exhibiting it] which proposes to take four and a half million dollars out of the Public Treasury. It has just four lines and a part of a line, and it reads:

> The Committee on the District of Columbia, to whom was referred the bill (S. 703) making an adjustment of certain accounts between the United States and the District of Columbia, having considered the same, report favorably thereon with the recommendation that it do pass.

Do you not think that it was the duty of the committee to tell you all about this proposal to expend $4,438,154 of public money? Do you not think that the committee before it asked the membership of this House to vote upon it should explain the whys and wherefores of a bill that is to take four and a half million dollars out of the Public Treasury?

On a little four-line report like that they ask you to take this money from the people's Treasury and put it to the credit of the people who fortunately live in the District of Columbia.

Here is the way this question originated: In June, 1922, we sent an appropriation bill to the Senate. The Senate put a rider on that bill appointing a joint committee to investigate this claim. That did not come up in a legislative bill where all the Members would have had a chance to discuss it. It was never discussed on the floor of the House, but it was put on by means of a Senate rider, and the bill went to conference. Who were the conferees? The gentleman from Kentucky [Mr. JOHNSON], who was for years the chairman of the Committee on the District of Columbia, and who is reputed to know more about the fiscal relations between the District and the Government than any other man in Congress, was one member of that conference committee. The other members were the gentleman from Michigan [Mr. CRAMTON] and the gentleman from Illinois [Mr. MADDEN]. They proposed that certain language should be added to the Senate rider in conference before they would accept it, and you have Mr. CRAMTON'S word for it from this floor that if these Senate conferees had not agreed to that language they would not have accepted it at all, and the rider would not have been put upon the appropriation bill. However, they did accept it, and the bill was brought back here with their conference report, and that was adopted, without you Members knowing what was in it. Here is what started the whole thing, and I now read the following excerpt from that Senate rider:

> A joint select committee, composed of three Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives, is created, and is authorized and directed to inquire into all matters pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874, with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District, or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District.

That was the rider and that was the authorization for the appointment of the joint committee. It was directed by Congress to do a specific thing. It was directed by Congress to go

back to July 1, 1874, and come down to date. Who were our House Members of this joint committee? Mr. Evans of Nebraska, who since he left us here in this House has been put on the supreme bench of his State, was one of them. He is a supreme court judge now. Then there was our friend from Georgia [Mr. WRIGHT] and our friend from Colorado [Mr. HARDY]. They constituted the House Members of the committee. I call attention to the fact that the gentleman from Michigan [Mr. CRAMTON] has told us that the House committeemen were ignored when this joint committee met and organized and appointed its auditors. Let me read you what Mr. CRAMTON said, and it was not denied in the debate two weeks ago. Mr. CRAMTON, be it remembered, was one of the House conferees on the appropriation bill which carried the rider. Mr. CRAMTON said:

It chanced that by reason of the illness or absence of one of the conferees I was permitted to serve as a member of the conference, the other conferees being the gentleman from Illinois [Mr. MADDEN] and the gentleman from Kentucky [Mr. JOHNSON]. * * *

If there had not been an acceptance of certain amendments drafted originally by the gentleman from Kentucky [Mr. JOHNSON] there would have been no such investigation. The terms, then, that were put in by Representative JOHNSON and supported and modified somewhat by some suggestions of mine and supported by the House conferees and supported by the House—those changes some of them were material. The acceptance by the House of that Senate proposition was secured through the acceptance of the language that we inserted in their proposition.

Notice what else Mr. CRAMTON said:

I say the select committee did not follow the law. We have not had an investigation of the fiscal affairs of the last 50 years in accordance with the law creating that commission. We have not the information that we are warranted in accepting as a basis for turning over $4,500,000 to the District. When you have an investigation in accordance with the law, an investigation that covers all the matters between the two parties, so that you know that the balance that is found is really in equity due to the District, then I favor giving it to the District, but I do not favor giving it after a one-sided investigation.

Now listen to what Mr. CRAMTON said about the way that joint committee was organized.

Mr. CRAMTON. * * * Now, under that language a commission was created composed of three Members of the House and three Members of the Senate, and they organized. The chairman of the House committee was Mr. Evans, of Nebraska, a very fair-minded, conscientious, and able gentleman, and who, I understand, was elected to the supreme court of his State in the recent election. He was the chairman of the House membership. Absent a few days from the city, in his absence a meeting of that commission was called, without showing the House the courtesy of awaiting his return. And, unless I am mistaken, when that commission met to organize there were three of the Senate Members present and two Senators held proxies for two House Members, and the third House Member was in the West. Of course, there is no authority for anyone outside the House to hold proxy for a House Member of such a committee. It was in effect a meeting without House representation. The three Senators, with House proxies in their pockets, proceeded to organize that commission, select the accountants, and so forth.

It shows that not a single House Member was present when that so-called joint committee was organized and selected its accountants and proceeded with its business.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I do.

Mr. CLARKE of New York. What was the vote of the committee on this appropriation?

Mr. BLANTON. I will tell the gentleman in a minute. I am going to show you that they never went back to 1874. I am going to read to you the hearings in the committee meeting, when it ended, to show that the only investigation that they had their accountants make at all was for 11 years, from 1911 to 1922; that they did not go back of 1911 except to take some reports of some other matters that did not relate whatever to this joint committee's work organized by Congress. I am going to show you what the men themselves said in the meeting, to show that they did not have the kind of investigation that we authorized. I shall read now from their hearings the following excerpt just as it occurred in their joint committee:

Representative WRIGHT. Mr. Chairman, I am impressed that the legislation which created this committee contemplated that the entire period from 1874 on up should be covered; and, if it be necessary, to render a report which would finally settle these mooted questions between the United States and the District of Columbia; in other words, when this report shall have been filed that Congress can take such action upon it as will finally set at rest these disputed items. I think that was thoroughly in contemplation when the legislation was passed.

Now, the chairman has suggested that only 11 years of that period have been covered, and that that, coupled with the formal report, might clear up the situation so that a comprehensive report might be submitted by this committee.

It has developed that the examination of those 11 years alone has consumed practically all the time——

Representative HARDY of Colorado. And all the money.

Representative WRIGHT (continuing). And all the money; so that this committee has very little time to formulate a report; and the question arises as to whether we have sufficient data or information now to render that report.

This thought occurs to me: What would be the status of this committee after the 29th of February, which is the date fixed as that upon which we should render this report? If we submit a preliminary report, would we not necessarily have to ask Congress to extend our time and make an additional authorization of appropriation for the work?

Senator BALL. Would you suggest a preliminary report?

Representative WRIGHT. I think that would be the sensible thing to do. I hardly see how it would be physically possible for this committee to thoroughly investigate all of these items, with the issues which have been raised here, between now and the first Monday in February.

Senator BALL. Personally, I would rather submit no report until we were ready with our final report. We might make a statement in this preliminary report, if one were submitted, that we would find afterwards was not well founded, and it would be in existence and would be quoted in the future, probably, against our final report.

Representative WRIGHT. I would certainly want to avoid what the Senator suggests. If you made a preliminary report, it would not particularly bind anybody. My idea would be to have Haskins & Sells submit a preliminary report.

The CHAIRMAN. A preliminary report could be in two forms, as I see it—one including the figures or recommendations, and another, which would be practically a report of progress, with an explanation of the situation that has developed.

Senator BALL. That is the kind of report I would like to see.

The CHAIRMAN. With a recommendation for further time and, if necessary, that further money be allowed for the purpose.

The above shows conclusively that both of our colleagues, Mr. WRIGHT and Mr. HARDY, admitted that they covered only 11 years and did not go back to 1874, and our other member of the committee, Judge Evans, filed his minority report against paying the District any sum, claiming, too, that they covered only 11 years.

That is the way the situation ended, without having a single bit of further investigation. Without going into this matter as Congress directed, they took up two old reports, one known as the Mays report and one known as the Spaulding report, touching only certain features of the investigation under the direction of Chairman JOHNSON, of the Committee on the District of Columbia, and they stopped that auditing right there and brought in this report here for us to pay four and a half million dollars.

Congressman Evans, who is now on the supreme bench of Nebraska, has filed one of the finest minority reports against this matter that I have ever read. He points out exactly why you should not adopt this report and pay out this money. Under the privilege that I have obtained to extend my remarks in the RECORD I shall put some excerpts from his full report into the RECORD, showing that he points out exactly that the committee did not do what we told them to do, showing what was left out and the things that they did not touch on at all. I now quote the following excerpts from Judge Evans's minority report:

EXCERPTS FROM MINORITY REPORT FILED BY MR. EVANS, OF NEBRASKA

The undersigned is unable to agree with the findings and conclusions of the majority of the committee for the following reasons:

(1) The construction of the act raising the committee as made by the majority report is erroneous, and the same objection lies as to the construction or effect of other acts bearing upon or affecting the matter investigated by the committee.

(2) The investigation made by the committee has covered neither the period nor the extent that Congress directed.

(3) The finding by the majority of a balance or surplus of $4,438,154.92 as due to the District of Columbia is not supported by facts or law.

The language of the act under which the committee was created is clear and positive in its authorization and directions. There is, as to the points upon which the majority of the committee and the writer differ, no ambiguity in the language of the act.

The purpose Congress had in creating the joint select committee was to discover and report to Congress all facts bearing on the fiscal relations between the District of Columbia, hereinafter called the District, and the United States, hereinafter called the Government, in order that Congress might be able to determine the exact state of such fiscal relations. Such a discovery and report has not been made.

The alleged surplus reported by the majority of the committee is not based on such facts or information so gathered, because not all of such facts or information was gathered or searched for. In addition, it was desired to have fixed accurately and authoritatively the amounts contributed by the District and the Government, respectively, for "maintaining, upbuilding, or beautifying said District, or for the purpose of conducting its governmental activities and agencies or for the furnishing of conveniences, comforts, and necessities to the people of said District." This direction of Congress has been ignored or so performed as to amount to a disregard of the congressional mandate.

I

The construction of the act raising the committee as made by the majority is erroneous, and the same objection lies to the construction of other acts bearing upon or affecting the investigations by the committee.

The act "authorizes and directs" inquiry into all matters pertaining to the fiscal relations between the District and the Government since July 1, 1874.

First, there is no question but that the act is mandatory. It is not left to the choice or desire of the committee or a majority of the committee to determine whether it is best or proper or just to go into the subject matter presented for inquiry, and the act is equally specific as to the extent. It covers "all matters" pertaining to the fiscal relations * * * since July 1, 1874.

What did the committee do under this authorization and direction? It secured the services of Haskin & Sells, accountants, and secured through them an audit of the District general fund from June 30, 1911, to June 30, 1922. It secured a calculation and stating of the amount of interest on a portion only of the fund found due from one to the other. It inquired of certain persons if they knew of any other items unsettled in the accounts between these interests. It had submitted to it a report of a previous audit made by persons in no way responsible to it, and so far as known such report could not be vouched for as a complete and comprehensive audit of the period prior to June 30, 1911.

Such items as its inquiries developed, it inquired into to only a limited extent. Outside of the audit of the District general fund for the time intervening between June 30, 1911, and June 30, 1922, it has and can produce no certified audit of any period or any account. I wish to emphasize this fact: It does not have an audit that covers fully all accounts between these interests between the dates mentioned in the act, June 30, 1874, and June 30, 1922. None was made. I assume that the construction placed by the majority of the committee, hereinafter called the majority, is measured by its acts, and hence I feel there has been a misconception of the intent of the act. No accountant or auditor, no committee or part of a committee with financial reliability back of its certificate, will certify to the correctness of the surplus reported or the completeness and thoroughness of the audit reported.

The effect of the majority report boiled down is that within limits of the time given a thorough audit can not be made. To make such an audit will require more money and more time than was given to the committee. It has inquired of certain persons, former officials or auditors of a portion of these accounts, if they or either of them knew of unreported items, which, if there had been items so known to such persons it would have been their duty to report, and upon receiving an answer denying knowledge of unreported items the majority have accepted as final and complete the investigation of Haskins & Sells as to the District general fund covering the period between June 30, 1911, and June 30, 1922.

Thus it is clearly apparent that this joint select committee did not do what Congress had directed it to do, and that it did not go back to July 1, 1874, but that it merely considered the short period embraced between July 1, 1911, and July 1, 1922. But let me quote further excerpts from Mr. EVANS's minority report:

It is also claimed by them that Congress has very materially reduced District appropriations during the war (p. 184). This is an inaccurate statement. The appropriations by years since 1892 follow:

[NOTE: Total appropriations, including water department.]

1892	$5,597,125.17
1893	5,372,737.27
1894	5,413,223.91
1895	5,616,138.57
1896	5,761,383.25
1897	5,900,319.48
1898	6,205,015.06
1899	6,536,580.07
1900	$6,874,525.77
1901	7,577,369.31
1902	8,592,269.94
1903	8,586,089.97
1904	8,888,097.00
1905	11,023,440.00
1906	9,844,197.62
1907	10,346,062.16
1908	10,442,598.63
1909	10,001,888.85
1910	10,899,531.49
1911	10,840,257.99
1912	12,061,286.50
1913	10,670,733.00
1914	11,392,239.00
1915	12,272,539.49
1916	11,950,063.60
1917	12,842,216.10
1918, including $956,003 in deficiency acts	15,129,000.85
1919, including $830,482.80 in deficiency acts	15,971,001.40
1920, including $12,000 in sundry civil act, $726,825.04 in deficiency acts, $591,281.75 in special acts, and $15,264,421 in the District of Columbia act	16,694,527.79
1921, including $533,727.90 in deficiency acts	18,881,949.43
1922	21,039,972.99
1922 (deficiency acts)	1,566,700.00
1922 (Army act)	200,000.00
1922 (permanent annual and indefinite appropriations)	1,380,600.00
1923	22,459,609.80
1923 (deficiency act)	382,000.00
1923 (special act)	10,000.00
1923 (permanent annual and indefinite appropriations)	1,624,600.00

It will be seen that while there was a slight reduction in one or two years there has been a gradual increase throughout the entire period.

The majority report also challenges attention to the fact that since 1912 the appropriations have not been equal to the estimates, and by inference, if not statements, convey the impression that this is unusual and had not been the fact prior to 1912, and the statement is also made that this failure to appropriate the amount estimated and because appropriations were so reduced the surplus accumulated. The majority fails to state that for some of the years covered there was an estimate calling for expenditure of large amounts exclusively from the Federal funds, but does include those amounts in the estimates copied into the report.

Schedule 1 of the Mapes report shows that the total District revenues in 1912 were $7,078,091.16, and that there was a gradual increase, until in 1922 the amount was $13,917,005.62, approximately doubling in 11 years. This fact and a comparison of the preceding tables refute the majority statements referred to so far as material to the consideration of the subject in hand.

In this connection it is also urged that expenditures for public schools in the District during the war were reduced. The expenditures for schools, by years, since 1914 follow:

[Note: Total for public schools.]

APPROPRIATIONS

1915	$3,382,840.00
Deficiency	13,152.00
1916	3,308,740.00
In deficiency acts	42,204.00
1917	3,090,299.00
Deficiency act	88,150.00
1918	3,568,225.00
Deficiency	103,657.00
1919	3,478,840.00
Deficiency	92,000.00
1920	3,665,950.00
Deficiency	175,744.00
1921	5,018,160.00
Deficiency	69,719.56
1922	5,871,140.00
1922 (deficiency)	1,544,000.00
1923	7,240,800.00
Deficiency act	260,000.00

ESTIMATES

1915	3,781,245.00
1916	3,362,700.00
1917	3,647,721.00
1918	4,131,180.00
1919	5,101,253.00
1920	3,986,300.00
1921	4,556,915.00
Supplemental	54,520.00
1922	7,115,645.00
1923	7,614,280.00

It is apparent from this table that schools have been fairly treated.

Now, Mr. Chairman, let us all remember that the foregoing is from the minority report of our House committeeman, Judge Evans, who was chairman of the House committee. Let me quote some further excerpts from part 2 of Judge Evans's minority report, to wit:

II

THE INVESTIGATION MADE BY THE COMMITTEE HAS COVERED NEITHER THE PERIOD NOR THE EXTENT THAT CONGRESS DIRECTED

The language of the act is very plain in two particulars, i. e., the period covered, June 30, 1874, to time of the act June 30, 1922, and the matters covered; that is, all matters pertaining to the fiscal relations.

There has been but one fund to which the investigation of Haskins & Sells has gone—the District general fund. If there have been other items followed or investigated, it has been because such items have been connected with the District general fund or the inquiry has been made on special request of the committee or its chairman or a member. The same is true of the Mays investigation. Nothing has been done outside of the District general fund unless the item was connected with the general fund or unless there were instructions to the accountants to investigate a particular item or group of items.

The remarkable thing about it all is that it is from items outside of the general fund that the debits against the District have nearly always been found. It will be found that when a complete and thorough investigation has been made that the oversights and omissions will be in matters not strictly within the general fund. The reason for this is plain. It is an account with the appropriations and in touch by practically daily audits by both the District and the Treasury. This is not true of the "interest and sinking fund" handled in the Treasury alone, or of an account such as the Washington Market, the District insane, or even rentals when they go into the District account without a check back.

It is because of these conditions that now is the time to check up all appropriations made wholly from Federal funds and which reach the District or benefit it and at the same time to search all receipts to their sources, so as to determine whether or not the District has received revenues equitably belonging to the Government.

No man at either end of the Capitol has such thorough knowledge of the relations between the District and the Government as Hon. BEN JOHNSON, of Kentucky. Certainly no one knows more of the House committee work as covered by the Mays and Spaulding audits covering the period from 1878 to 1911 than he.

It was upon his motion that such action was taken. He was before the joint committee, and I quote a part of his comment before the committee on those audits:

"They were not what you might call, Senator, audits in the strict sense of the word. They were supposed to look through the acts of Congress and find where Congress had made loans or advancements to the District of Columbia, with the distinct understanding that those that the District should reimburse, they should make a report as to those. Now, they did report as to several of those, and the Congress directed what they found, and which finally became undisputed, to be returned to the United States. But there was not an audit of the accounts between the District of Columbia and the United States made by either Mays or Spaulding.

"The CHAIRMAN. That could be termed a complete audit, you mean?

"Representative JOHNSON of Kentucky. Yes.

"The CHAIRMAN. There were audits made, but you would not term them complete audits?

"Representative JOHNSON of Kentucky. Why, I would term them most incomplete." (Hearings, p. 199.)

It is stated in the majority report that Mr. Johnson has spoken "against the necessity for or advisability" of "a further detailed audit" of the period between July 1, 1874, and June 30, 1911.

This is an error. Mr. JOHNSON stated in substance that it was not necessary to audit the portion—not the period—of the accounts audited by Mays, which was the general fund, and some special items. The Member from Kentucky does not need assistance from the majority or minority either in the expression of his views or their interpretations, and this mention is only made that this statement of the majority may not remain unchallenged.

On page 202 Congressman JOHNSON, in answer to a question by Senator BALL, states:

"Representative JOHNSON of Kentucky. You take it for granted; your premise is laid down now that a former Congress has settled this. There I take issue with you. I do not think the former Congress ever settled it.

"Now, Mays and Spaulding made reports that they found that many advances to the District of Columbia under certain congressional acts had been paid to the District of Columbia with the provision that the United States was to be reimbursed, and then their report was as to the amounts advanced, and the report also was to the fact that no reimbursement had ever been made. So the two naked facts of advancement to the District and nonpayment by the District to the United States of a specified amount were the extent of their reports.

"Then the Appropriations Committee just put in the appropriation bill clauses requiring the District of Columbia to account for and pay the amounts so reported, saying nothing whatever of interest, as to whether it was to be calculated at some other time or whether it was to be remitted.

"That condition relates to the insane asylum affairs and to a number of other items. If I had known I was coming here, I would have read the report." (Hearings, p. 202.)

When Hon. BEN JOHNSON was before the committee he made the following statement in answer to questions then asked him:

"Representative EVANS. When the committee which presented the report that covered the period prior to July 1, 1911, presented that report, had they covered all of the work that was referred to them?

"Representative JOHNSON of Kentucky. Most certainly not.

"Representative EVANS. The Mays, and subsequent to them Mr. Spaulding, were asked to check up the matter of disbursements against the matter of appropriations for the period mentioned, were they not?

"Representative JOHNSON of Kentucky. For the purposes mentioned; yes.

"Representative EVANS. Now, were there any other items investigated by either the Mays or Mr. Spaulding except such as were specifically called to their attention?

"Representative JOHNSON of Kentucky. If they went into the investigation of anything except matters to which their attention was specifically invited by the House District Committee, I am not aware of it.

"Representative EVANS. Was that investigation under the control of the District Committee?

"Representative JOHNSON of Kentucky. It was under the control of a subcommittee of the District of Columbia Committee.

"Representative EVANS. What relation had you to the District Committee and to that subcommittee?

"Representative JOHNSON of Kentucky. I was chairman of the House District Committee, and I was chairman of that subcommittee." (Hearings, p. 209.)

That the Mayes report did not pretend to be a completed investigation of the accounts under consideration was called to the committee's attention. (Id. 240.)

On January 31, being the Wednesday immediately preceding the Monday on which the majority report was filed and presented, the minority member inquired of Mr. Hill, the representative of Haskins & Sells, the accountants employed by the committee, whether or not Haskins & Sells would then, without an additional audit, cover with a certificate or under their signature the accuracy of a statement of account of the period preceding June 30, 1911. His reply was, "Absolutely not."

SALARIES OF ARMY OFFICERS DETAILED TO DISTRICT SERVICE

An item mentioned in the report of Haskins & Sells has not received the attention it merits—Engineer officers detailed by the Army for District work, whose salaries are wholly paid by the Government.

These men so detailed are men whose counterparts in similar cities as a rule receive large salaries. No other city can secure a similar detail. It has been suggested that on river work to which they are assigned they are paid by the Government, but the rivers are under the War Department. It is suggested that they are assigned to advise in engineering problems, but even in that case the service rendered is only advisory, of short duration, and nothing more. In this case, however, it is all kinds of engineering work, streets, water, auto vehicles, every branch of engineering work in the city. The salary of the engineer commissioner might be excepted, but even as to that no sufficient reason can be given for the exception.

FINES AND FEES IN DISTRICT COURTS

There is an item in the Haskins & Sells report to which it calls special attention; that is, fines and fees in the District Supreme Court. There is another item in that report to which special attention is not called—fines in the police court of the District, which during the period covered by the Haskins & Sells audit amounted to $1,586,958.73. It was all covered to the District's credit and should have been divided.

These courts are supported from the joint appropriation, except that clerk and marshal of the former are paid entirely from Government funds. It is the opinion of the writer that both of these should be divided between the District and Government on the basis of their contributions.

CONGRESSMAN EVANS ASSERTED THERE WAS NO SURPLUS DUE DISTRICT

Let me quote a few more excerpts from the concluding portion of Mr. Evans's minority report (pt. 3):

III

THE FINDINGS BY THE MAJORITY OF A SURPLUS OF $4,438,154.92 AS DUE TO THE DISTRICT OF COLUMBIA IS NOT SUPPORTED BY FACTS OR LAW

In order that there shall be a surplus in favor of the District in the Treasury of the United States under the law it must appear that all accounts between the District and the Government from June 30, 1874, to June 30, 1922, have been audited and that the balance sheet covering that entire period shows such balance.

THE MAJORITY DID NOT SO FIND THE SURPLUS THEY REPORT

The only period that has been covered by the majority audit is that between June 30, 1911, and June 30, 1922. The only account covered in that period is that of the District general fund. Other funds or appropriations not contained in the District appropriation acts have not been checked or audited except as to specific items, and as to the period preceding June 30, 1911, there is only the guess that it is as found by the Mays, of whom it is established that they only completely checked the District general fund.

To arrive at the conclusions presented by the majority it was compelled to violate the ordinary canons of construction in construing

the acts of Congress, and to disregard the directions of the act of June 29, 1922, under which it was supposed to act.

In arriving at its conclusions the majority omitted from consideration the following items for the Government:

One-half of the 5–20 bonds.

One-half of the interest on the 5–20 bonds.

Interest on all items of advances or credits upon which interest has not been paid.

One-half of the fines of the police court for the Government.

One-half of the $5,000 appropriation to buy land for the National Training School for Girls, which, it seems, has been expended but no land bought.

One-half of the salaries of Army officers who work only for the District.

The interest item alone on known changes shows a credit to the United States of $1,691,889.93, as shown by the majority report.

The 5–20 bonds show a credit of over a million for the Government, and interest from the dates of payment should be added.

There are many other items not included in the foregoing which are known to a limited number of persons, which, when properly inquired into, will doubtless disclose other large sums that have gone from the Treasury to the benefit of the District.

HOUSE COMMITTEE CHAIRMAN EVANS SHOWED REPORT OF COMMITTEE COVERED ONLY 11 YEARS

And, Mr. Chairman, in his minority report, Judge Evans quoted the hearings before the joint committee, just as I have done, to show that the other members of the committee themselves in the hearing admitted that they had covered only 11 years, from 1911 to 1922, and that they did not go back to 1874 as Congress had directed. I copy the following from Judge Evans's minority report, to wit:

Representative WRIGHT. Mr. Chairman, I am impressed that the legislation which created this committee contemplated that the entire period from 1874 on up should be covered, and if it be necessary to render a report which would finally settle these mooted questions between the United States and the District of Columbia; in other words, when this report shall have been filed that Congress can take such action upon it as will finally set at rest these disputed items. I think that was thoroughly in contemplation when the legislation was passed.

Now, the chairman has suggested that only 11 years of that period have been covered, and that that coupled with the formal report might clear up the situation so that a comprehensive report might be submitted by this committee.

It has developed that the examination of those 11 years alone has consumed practically all the time——

Representative HARDY of Colorado. And all the money.

Representative WRIGHT (continuing). And all the money; so that this committee has very little time to formulate a report, and the question arises as to whether we have sufficient data or information now to render that report.

This thought occurs to me: What would be the status of this committee after the 29th of February, which is the date fixed as that upon which we should render this report? If we submit a preliminary report, would we not necessarily have to ask Congress to extend our time and make an additional authorization of appropriation for the work?

Senator BALL. Would you suggest a preliminary report?

Representative WRIGHT. I think that would be the sensible thing to do. I hardly see how it would be physically possible for this committee to thoroughly investigate all of these items, with the issues which have been raised here, between now and the first Monday in February.

Senator BALL. Personally I would rather submit no report until we were ready with our final report. We might make a statement in this preliminary report, if one were submitted, that we would find afterwards was not well founded, and it would be in existence and would be quoted in the future, probably, against our final report.

Representative WRIGHT. I would certainly want to avoid what the Senator suggests. If you made a preliminary report, it would not particularly bind anybody. My idea would be to have Haskins & Sells submit a preliminary report.

The CHAIRMAN. A preliminary report could be in two forms, as I see it, one including the figures or recommendations, and another, which would be practically a report of progress, with an explanation of the situation that has developed.

Senator BALL. That is the kind of report I would like to see.

The CHAIRMAN. With a recommendation for further time and, if necessary, that further money be allowed for the purpose.

Hence, I challenge any member of the District Committee to show that they know more about what actually happened than the House committee chairman, Judge Evans, and the other two members, Mr. WRIGHT and Mr. HARDY, both of whom then admitted that they had spent all their time and all their money in covering only 11 years from 1911 to 1922, and therefore could not go back to 1874.

Let me show you further. Now, here is one point that my friend from Kentucky [Mr. GILBERT] can not get around. When he claims that the Mays report and the Spaulding report covered this interim of 1911 back to 1874, he was confronted with this other testimony of parties who know it did not do anything of the kind. In this very hearing they had to which I have referred Judge Evans turned to Haskins & Sells and he asked them if they were willing to swear that these reports of Mays and Spaulding were correct. They said, "No; that they were not; absolutely not." They were asked if they were willing to say those reports covered this interim on all fiscal matters, and they would not do so. Then we have the direct statement of the auditor of the District of Columbia, Major Donovan, testifying before a House Committee that the joint committee did not go back of 1911, but it covered only 11 years, and I want to tell you his flimsy excuse as to why they did not do it. I am reading from the testimony of Mr. Donovan, Major Donovan, himself, who for years has been the auditor for the District of Columbia, and who has been trying to pass this bill. He is a property owner, a taxpayer here in the District. It will benefit him by reducing his taxes. It will benefit him by increasing the value of his property, because when you spend this four and a half millions of money in the District of Columbia it benefits every piece of property in the District. Let us see what Major Donovan says:

Mr. DONOVAN. To go back for a moment to a previous investigation—because it enters into this question in view of what Mr. BLANTON has said—the joint select committee appointed under the act of June 29, 1922, did not go back of any period prior to July 1, 1911, but continued its examination only from that point down to and including June 30, 1922, and the reason was this. During the time that Mr. BEN JOHNSON was chairman of the Committee on the District of Columbia of the House of Representatives he had got through the House a resolution providing for an investigation into the fiscal relations between the United States and the District covering the period between July 1, 1874, and June 30, 1911. Mr. JOHNSON'S committee employed two accountants, a father and son, by the name of Mays—both from Kentucky—and those two gentlemen did actually conduct that investigation during a period of two and one-half years; and I want to emphasize the fact that it took two and one-half years for that particular examination. Those two accountants did conduct as fine-tooth-combed an investigation and examination into the fiscal relations between the United States and the District of Columbia as was humanly possible.

He puts it off on BEN JOHNSON, of Kentucky. He said that the Johnson committee had investigated covering that period. Now, if that were so, I would stop my fight. If that were true, I would not take up the time of this House in opposing this measure, but I wrote to BEN JOHNSON and I quoted Donovan's language, and I asked BEN JOHNSON if his committee did do that, and I want to read you again my letter to BEN JOHNSON, written on the very day this testimony was given, and BEN JOHNSON'S reply where he says he did not do any such a thing, that these expert committees did not do such a thing. Now listen:

WASHINGTON, D. C., *June 5, 1925*.

Hon. BEN JOHNSON, M. C.,
House Office Building.

MY DEAR COLLEAGUE: With reference to the so-called surplus alleged to be due the District of Columbia by the Government, Mr. Daniel J. Donovan, the auditor for the District, testified that the reason the joint congressional committee created June 20, 1922, confined its investigations to the period between June 30, 1911, and June 30, 1922, and did not go back to July 1, 1874, as directed by Congress, was because you had fully covered the period between July 1, 1874, and July 1, 1922, in an investigation you had conducted while chairman of District Committee. And he claimed that you had balanced accounts up to July 1, 1911.

From my conversations with you and in examining many speeches made by you on the many ways the District has overreached the Government on finances, I am constrained to believe that Auditor Donovan is mistaken.

Will you kindly advise me whether you did, in fact, cover all matters involved between July 1, 1874, and July 1, 1911, and whether you agree that the District balanced accounts up to July 1, 1911.

Sincerely yours,

THOMAS L. BLANTON.

Here is the letter I got back from BEN JOHNSON. Now, mind you, I want to repeat again that everyone who mentioned Mr. JOHNSON on this special committee agreed he was the best-posted man in the District of Columbia on the fiscal relations between the District and the Government. No one knows more about District matters than Mr. JOHNSON of Kentucky. I am sorry he is not in good health and that he could not be here to-day, and I wish he could give us his personal statement in that regard—what he had done, the number of years of service he spent as

chairman of that committee, endeavoring to keep the District from getting its hands into the Federal Treasury. Here is what BEN JOHNSON says. Mr. Chairman, I will ask that the Clerk be permitted to read this, as I am getting very hoarse.

The CHAIRMAN. Without objection, the Clerk may read.

The Clerk read as follows:

[BEN JOHNSON, M. C., Fourth Kentucky District. Member Appropriations Committee]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 6, 1924.

HON. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: I am just in receipt of your note asking whether or not, in my opinion, all matters relative to the fiscal relations between the District of Columbia and the United States Government were covered by the investigations made by the Committee on the District of Columbia while I was chairman of that committee.

In reply thereto, I wish to say that not only is the statement made by Mr. Donovan incorrect, but that it was never contemplated under the authority given by the House to the District Committee to go into the entire fiscal relations between the United States and the District of Columbia. The authority given and the work undertaken included nothing more than to recover specific items due the United States from the District of Columbia.

In those items were embraced considerably more than a million dollars, owing to the United States by the District of Columbia on account of the lunatic asylum, approximately half a million dollars on account of the Center Market, and various other items on account of advancements made for schoolhouse purposes, the jail, the 3.65 bonds, and a number of other items which I can not now enumerate.

When I retired from the chairmanship of the District Committee, I invited the attention of my successor to several other items which, beyond any sort of doubt, were due to the United States by the District of Columbia and volunteered my assistance in helping him to develop them so that they might be paid. The resolution which would have authorized additional payments to the United States by the District was never asked for, and my offer to designate the specific sums due the United States was not availed of.

In my opinion, large sums of money are still owing to the United States by the District between the 1st of July, 1874, and the 1st of July, 1911.

I notice in the local papers that those who are designated as "friends of the District" are asking for another investigation into the fiscal relations between the District of Columbia and the United States. In my opinion, the "special committee" now being asked for to once more inquire into these relations is but an excuse to avoid the real issue. It is easily ascertainable that every time the District of Columbia has been called upon to pay a decent rate of taxes without infringing upon the rights of the people of other States to help them pay their taxes they have resorted to a "special committee" to inquire into the fiscal relations between the District of Columbia and the United States. It is not the investigation that they want. Instead it is delay and a lack of adjustment that they desire by seeking an investigation.

The last investigation, with all due respect to those who conducted it, was farcical. That "special committee" was particularly directed to make specific findings. If they had complied with the law made two years ago, they could not possibly have failed to find the District of Columbia indebted to the United States in excess of $50,000,000 spent in beautifying and upbuilding the District of Columbia.

Instead of going into the matter in detail they treated the proposition in a blanket way and found that the United States owes the District of Columbia what is now known as "the four and one-half million dollar surplus"; while, as I have said, if they had followed the directions of the law the balance would have been on the other side of the ledger in an amount certainly not less than $50,000,000.

Very truly yours,

BEN JOHNSON.

Mr. BLANTON. What are you going to do about that testimony? Just ignore it and make this gift of $4,438,154 to the District in spite of it? The hearings show they did not go behind 1911. The hearings show they attempted to take and rely upon the Mays and Spaulding reports beyond that time, which was improper. Mr. Donovan, the auditor, says they did not go behind 1911. Mr. Donoval says that the reason they did not do it was that BEN JOHNSON did it through Mays and Spaulding. Does the gentleman from Kentucky [Mr. GILBERT] know more about it that BEN JOHNSON? Does he know more about it than Mr. Donovan?

Mr. ZIHLMAN. Will the gentleman yield?

Mr. BLANTON. Does he know more about it than the actual colloquies which took place between members of the committee when they decided not to go behind 1911? Why, certainly not. I yield.

Mr. ZIHLMAN. Is the gentleman aware of the fact that a portion of the period to which the gentleman refers there were no records from which the auditor could make a report? I state that on the authority of one of the auditors in a written communication to Judge WRIGHT, a member of the commission which made this investigation.

Mr. BLANTON. Oh, there are records of all the appropriations. If I had been given a chance before the committee hearings to have presented the data I have accumulated myself, I should have shown the committee——

Mr. ZIHLMAN. Will the gentleman yield?

Mr. BLANTON. In just a moment—I should have shown the committee there were many items running into the many thousands that they did not consider at all, and concerning which Judge Evans stated some of them in consecutive detail.

They were items of debt due from the District of Columbia to the Government. But they gave us no time to do it. They gave us no opportunity. They shut us off. They say that this report from this joint committee is binding on us and that we can not go behind it.

I know that the easy way to do is to pass the bill, to vote the money, and give it to them. That is following the path of least resistance. I have got sense enough to know that if I would join my colleagues on the Committee on the District of Columbia every time this District wanted something and not oppose it, but would sit with them and vote "yes" instead of "no"—I know that then these Washington newspapers would not fight me. I know they would have my picture on the front page and that they would eulogize me on every page. It would be a nice thing for me to do that, but I can not square it with my judgment.

I want to call your attention to what happened along that line. The gentleman from Maryland [Mr. ZIHLMAN] will remember it, because he has been right there at the head of the table. You will remember when our former colleague Mr. Ben Focht, of Pennsylvania, was chairman of that committee they gave him a big banquet down here one night. I do not know what caused him to feel overexuberant, but he got up there during that banquet and said in substance that as long as he was chairman of the District Committee, so far as the things that the District wanted were concerned, there was not any lid. He was going to take the lid off. The blue sky, he said, was going to be his limit. He said, "I am going to give $100,000,000 to the District for their schools," and so on. And he did not see fit to stop there. He saw fit to take a whack at me because I had fought some of these demands of the District in the committee. He said he did not come from a jack-rabbit State, where people were careful about spending money. He came from the great State of Pennsylvania, where they spent money in millions. He said he was going to have the blue sky as his limit. All that came out in the papers the next morning.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. Yes; in a moment.

I put that statement of his in the RECORD, those excerpts from the papers. I wanted the people in Texas to know what he was saying about that "jack-rabbit State." I wanted the people of Pennsylvania also to know that he was proposing to take the lid off the Treasury here in Washington, and I wanted to see whether or not they approved it. The people of Pennsylvania read that RECORD, and the business men there began to gather together and consult as to whether they wanted that done in Washington. When the election time came, unfortunately they decided that Ben should stay at home and spend his own private money if he wished to, instead of spending the money of the people of Pennsylvania here in Washington.

It shows what the people think of taking these big sums of money out of the Treasury and spending them in the District of Columbia. I believe that every dollar should be expended here that ought to be spent. I am just as fond of the city of Washington as any other man in the Nation. I love this city and I admire its beauty. I think it is one of the most beautiful cities in the world, and I am willing to help to make it the most beautiful city in the world, but I am not willing to continue to vote these great big sums out of the Treasury when there is no reason at all for it.

Let me say this to you: The gentleman from Colorado [Mr. HARDY] on this floor two weeks ago said in substance, that he would admit things here are very favorable to the people who live in the District, and that Congress has already spent out of the Treasury $190,000,000 for the people of the District of Columbia. That does not mean money spent for the Capitol. That does not mean money spent for the Congressional Library. That does not mean money spent for the Washington Monument. That does not mean money spent for the

Lincoln Memorial and the Reflecting Pool. That does not mean money spent for all the Government buildings here, because those objects were not included or counted in that $190,000,000. That means money that has been spent here in civic improvements, in paving streets, in paving alleys, in furnishing a water system here, in furnishing a sewer system here, in furnishing a lighting system here, in building these million-dollar Connecticut Avenue bridges for the people here, in paying a big per cent of the salaries of several thousand policemen to take care of the people here, in furnishing 700 firemen to protect the people of the District from fire, and for these hundreds of ash gatherers who go behind our residences every morning to collect and remove the ashes; for furnishing this army of trash gatherers who remove the trash from the receptacles placed at our back doors, and for which we ought to pay ourself; for furnishing 2,500 school teachers, and free school books to the 66,000 school children here in the District; for furnishing magnificent school buildings here like the Eastern High School, that cost over $3,000,000; for furnishing everything they enjoy that makes life enjoyable. That is where that $190,000,000 went.

Still they are calling for more. Still they are not satisfied. Still they hound us. Still they will not treat me with justice. Because I fight them and stand up here as a Representative and represent the interests of the people, they will not treat me justly in their papers.

Let me tell you what happened this week. There was published in the press of my district what was called Mr. Harry P. Hunt's Washington Letter. He is a great reporter; I am not minimizing the value or importance of either the reporter or his work.

But he went on to say that the poor people of Washington were taxed without representation; that they paid more money into the Federal Treasury than a lot of different States, mentioning them, and he said we would not even let them elect their officers or have any representation. Do you know what I did when I first came here? I found out that they were using that plea to get money all the time; that the people of Washington and the newspapers were using it. They were all the time saying they were being taxed without representation, and I do not believe in that. I believe in a man having some representation. I believe in the Constitution, which says that Congress shall keep control of this District. I believe in that because it is the Nation's Capital; it is the Nation's workshop, and the Government should keep control over it, but I do not believe in people not having a right to vote, so three years ago I introduced a bill, and if you will go yonder and get a copy of it—there are lots of copies still in the document room—you will see that I proposed to give the people of Washington a vote on their local matters; to let them elect their own commissioners, if you please, from among men who have lived here a certain number of years; to let them elect their own fiscal officers in the District, and I provided the machinery by which that could be done. I provided that they should elect every member of their school board; I provided that they should have that right, and it would not have meant the loss of control of the District by the Federal Government. I did not stop there. I felt they should have representation to appear before our committees and on the floor of the House when legislation affecting their interests was up, so I provided in that bill for them to have a delegate to sit on the floor of this House and be able to present their matters before Congress when their bills came up and to present their interests to committees when their interests were involved before committees of the Congress. But do you think they wanted it? No. They held a mass meeting in the caucus room of the House Office Building one night, and I thought they would all be in favor of it.

I called on Colonel Jones, who was the chairman of their suffrage organization in Washington, and I said, "Bring your men here and let us get their approval of a bill to give the District representation and the vote." To my surprise that night chairman after chairman of citizens' associations rose and said, "We do not want that bill." They did not say publicly why they did not want it, but they told me privately, and I will tell you privately, if you will ask me some time, why they did not want it. You could not force such a bill on the people of the District. They do not want suffrage. They are using the absence of it, though, every day in trying to create sympathy over the United States in order to get great big sums of money that will relieve them from paying taxes.

Now, we had just as well look this thing squarely in the face; we had just as well be frank about it; we had just as well talk out in the meeting about it and call white white and black black.

Did you hear the gentleman from Michigan [Mr. CRAMTON] during the debate two weeks ago say why he coupled this on the lump-sum plan? He said it was to get it through another body. He said, in effect, that we never would be able to get that lump-sum plan through another body unless we gave somebody in another body this $4,500,000 surplus. He said he wanted to use that to get it through. Let me show you exactly some of the words he used. He said:

> Standing alone we will have trouble getting action by the Senate on a permanent lump-sum bill. I would like to use this surplus bill as a vehicle to carry through the lump-sum proposition.

What else did he say? He said, further:

> If you, to-day, pass this bill for the payment of this $5,000,000 they will have that, and you will wait a long time before you will get the Senate to pass a permanent lump-sum contribution as our payment toward the District expenses.

Why, gentlemen, is he so afraid of the Senate? Is it because he knows that one of our new Senators, a very distinguished friend of ours, owns the big $5,000,000 Willard Hotel? Is that one of his reasons? Is it because some other legislators own big property interests here? Is that the reason? Well, if it is, we had just as well know about it and speak out in meeting. If it is because Congressmen and Senators own property here on which they do not want to pay high taxes, we had just as well admit it and not beat about the bush.

Do you know what the tax rate is now? One dollar and forty cents on the $100, and about half valuation. Until we passed the Cramton amendment last year it was $1.20 on the $100.

In order to find out just how much more other people in other cities were paying in taxes, during the fall of 1923 I wrote to the mayor of every city of any size in the United States and asked them to advise us of their local tax rates, of the charges for water, sewer, paving, and so forth, and what rate, in their judgment, they thought Washington people should pay as a minimum. I want to insert just a few in this report. The consensus of opinion was that the rate here should be at least $2.50 per $100, and there was a large per cent who were in favor of it being much higher, and the rates for taxation ranged from $2.75 to over $6.50, and in all these cities the people were charged more for water, sewer, and paving.

Let me again quote a few excerpts from the letter sent me by the mayor of the city of Peoria, Ill.:

> [City of Peoria, Ill., mayor's office. Edward N. Woodruff, mayor]
>
> NOVEMBER 1, 1923.
>
> Hon. THOMAS L. BLANTON,
> *Representative, Washington, D. C.*
>
> DEAR SIR: Answering your questionnaire of October 15 concerning relative tax rates of the cities of Washington and Peoria:
>
> The tax rates on each $100 taxable valuation levied against the real and personal property of the citizens of Peoria for the year 1922 is itemized as follows:

City corporate tax, including library, tuberculosis, garbage, and police and fire pension fund	$1.94	
Street and bridge	.24	
School district	2.70	
Park district	.41	
		$5.29
State	.45	
County	.59	
County highway	.25	
		1.29
Total, all purposes		6.58

> Unless there is a tremendous revenue derived from sources other than from taxes, the rate of $1.20 for Washington is ridiculous. While I have never had my attention called to this disparity, I am amazed that the light has not been let into financial affairs of the Capital City long before this time.
>
> You should be supported by every colleague in your effort to compel the citizens of Washington to do theirs, even as every citizen outside the District is doing his.
>
> Wishing you success, I am,
>
> Very truly yours, E. N. WOODRUFF, *Mayor.*

The foregoing statement from the mayor of Peoria, Ill., fairly indicates the sentiment of the people over the United States. It might be enlightening to quote from a few of the letters received the tax rates of some of the cities over the United States, as certified to me by the mayors of such cities.

When I speak of the tax rate of these cities I, of course, mean their total tax—State, county, school, and municipal—which is the total tax citizens of those respective cities have to

pay on their property, as compared with the $1.40 on the $100 rate Washington people have to pay in the District of Columbia.

The tax rate paid by the people in Baltimore, Md., $3.27 on the $100; in New Orleans, La., $3.16½ on the $100; in Portland, Oreg., $4.52 on the $100; in my birthplace, Houston, Tex., $4.29½ on the $100; in Ogden, Utah, $3.33 on the $100; in Cheyenne, Wyo., $3.75 on the $100; in Fort Smith, Ark., $3.32 on the $100; in New Bedford, Mass., $3.13; in Burlington, Vt., $3.10 on the $100; in Pittsburgh, Pa., $3.22 on the $100; in St. Louis, Mo., which is a distinct political subdivision of the State, the city tax is $2.43 on the $100; in Boston, Mass., $2.47 on the $100; in Rochester, N. Y., $3.36 on the $100; in Portland, Me., $3.40 on the $100; in Boise City, Idaho, $4.29 on the $100; in Mobile, Ala., $3.40 on the $100; in Detroit, Mich., $2.75 per $100; in Duluth, Minn., $5.79 on the $100; in Atlanta, Ga., $3.15 on the $100; in Kansas City, Mo., $2.93 on the $100; in Minneapolis, Minn., $6.52 on the $100; in Salt Lake City, Utah, $3.18 on the $100; in Oakland, Calif., $4.02 on the $100; in Austin, the capital of Texas, $3.54 on the $100; in Denver, Colo., $2.76 on the $100; in Trenton, N. J., $3.22 on the $100; in Racine, Wis., $2.87 on the $100; in Nashville, Tenn., $2.80 on the $100; in Charlottesville, Va., $2.85. And let me illustrate as the tax rate runs generally over Texas: In Paris, Tex., $4.10 on the $100; in Port Arthur, Tex., $3.54 on the $100; in Tyler, Tex., $4.61 on the $100; in Denison, Tex., $3.32 on the $100; in Waco, Tex., $3.63 on the $100; in Amarillo, Tex., $3.55 on the $100; in Temple, Tex., $3.15; in Wichita Falls, Tex., $5.05 on the $100; in Beaumont, Tex., $4.04.

Mr. Edward F. Bryant, tax collector for San Francisco, Calif., has sent me a statement certifying that the following is the tax rate paid by the citizens in the following cities: In Seattle, Wash., $8.80 on the $100; Chicago, Ill., $8 on the $100; in Reno, Nev., $7.38 on the $100; in New York, N. Y., $5.48 on the $100; in Philadelphia, Pa., $6 on the $100; in Detroit, Mich., $4.48 on the $100; in San Francisco, Calif., $3.47 on the $100; in Los Angeles, Calif., $3.89 on the $100.

What excuse have we to offer to our constituents back at home, who are paying the above tax rates, for permitting by our votes here the 437,000 people in Washington, D. C., to continue paying the measly little pittance of only $1.40 on the $100, based on a half to two-thirds valuation, when our constituents have to pay all the balances of the expenses of this great city?

When we passed the Cramton amendment last year providing a lump sum for the District out of the United States Treasury of $9,000,000 we just increased the tax rate 20 cents on the $100. There is not a man in this House or in the body at the other end of the Capitol who can go back to his tax-burdened constituents and reconcile the amount of taxes we let them pay here and the amount they make them pay at home.

There are hundreds of rich men and women in Washington who have no connection with the Government; there are hundreds of them who own big property interests here; there are hundreds of them who own big intangible assets which we tax here only five-tenths of 1 per cent, and they come here to dodge tax paying, and we permit it. Now, when you vote this $4,500,000 to the District you will automatically reduce the tax rate here 25 cents on the $100. That is what you will do, and mark my words. I know, because I have studied it. When you give them this $4,500,000 out of the Treasury the tax rate next year instead of being $1.40 will be only $1.15 on the $100. Of course, if we owe it we ought to pay it; but we do not owe it.

Listen to what Judge Evans, who is now on the supreme court bench of Nebraska, said in his minority report we did not take into consideration. He said:

> In arriving at its conclusions the majority omitted from consideration the following items for the Government:
>
> One-half of the 5–20 bonds.
>
> One-half of the interest on the 5–20 bonds.
>
> Interest on all items of advances or credits upon which interest has not been paid.
>
> One-half of the fines of the police court for the Government.
>
> One-half of the $5,000 appropriation to buy land for the National Training School for Girls, which, it seems, has been expended but no land bought.
>
> One-half of the salaries of Army officers who work only for the District.
>
> The interest item alone on known changes shows a credit to the United States of $1,691,889.93, as shown by the majority report.
>
> The 5–20 bonds show a credit of over a million for the Government, and interest from the dates of payment should be added.

Yet you are going to vote this blind. I know the bill will pass by a big majority. I want to say to my colleagues, that I know I can not stop its passage, but whenever I make a fight and lose, the fight is over. I have done my duty by this question, have I not? I have presented the facts to you, have I not? I have called your attention to the situation, have I not? I have done everything I could to keep you from passing this bill, have I not? I have taken up your time with a minority report upon which I worked, not like this committee worked, superficially, I worked hard for days and nights and weeks on the matter that is contained in that report and on the fights I have made on this proposition.

The District government is not going to run away. The United States Treasury is not going to run away. Why can we not let this matter stand in abeyance? Why do we not beat this bill and then let the matter still be pending here and let us have an auditing from 1874 to 1911, and then if we owe it, let us pay it? We have plenty of time to look into it. We have plenty of time to have another joint committee do what we told this committee to do and which they did not do. Why should we pass this bill to-day? If we pass it to-day and the money is paid, that ends the whole matter, because you can never get it back from the District. It is a settlement and you can not get it back.

I have made my fight knowing there is no chance to win. It is up to you. If, in your judgment, you think the bill ought to pass, well and good; vote for it. I am going to vote against it. I thank you. [Applause.]

I reserve the balance of my time, Mr. Chairman.

Mr. ZIHLMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. GILBERT]. [Applause.]

Mr. GILBERT. Mr. Chairman and gentlemen of the committee, it is with a sense of imposition that I again rise to discuss this bill, but it does seem to me, after such an egotistical and misleading arraignment as we have just heard, in which my name was called three times, and in which the honesty and fairness of the other members of the District Committee, all 20 of them, have been impugned, that I should challenge those statements and insinuations.

The gentleman from Texas takes the position that it is his great integrity and fearlessness that alone save this House from the unwise and cowardly action of the District Committee.

Mr. BLANTON. Oh, no; I do not insinuate that.

Mr. GILBERT. The gentleman said——

Mr. BLANTON. I do not attack the integrity of the committee.

Mr. GILBERT. The gentleman said that if he wanted to follow the other 20 members of the committee in permitting these outrageous expenditures to be made for this District, he, too, could have his picture in all of the papers, intimating we had, and that influenced our actions. The reverse is absolutely true. What demagoguery that is. Every one of you who has lived in the country knows how easy it is to prejudice the country fellow against the so-called town clique. The gentleman from Texas is talking for Texas consumption and not for the District of Columbia. He is talking for his remarks to be considered in Texas, just as the fellow running for a small county office likes to go into the country and say, "See what I did to them town fellers."

As a matter of fact, it is contrary to the interests of practically every member on the District of Columbia Committee to advocate the passage of this measure, and only the gentleman from Texas seeks the popular side, though ingeniously ascribing such a motive to his committee colleagues. I have no personal desire about the matter one way or the other. I, like the other 20 members of this committee and every other committee that has investigated it, have come to the conclusion that, although it is against our interests and although it is to some extent a disagreeable acknowledgment, yet under the law and facts as ascertained by our own committee we owe this debt.

The gentleman referred to his great services in defeating the Howell-Barkley bill and referred to my position on that measure and also how unanimously his services were accepted by his district.

I did support the Howell-Barkley bill as far as it ever got, not because I was in favor of all of its provisions, but on the contrary I had some amendments I wanted to offer; but a filibuster, that I now learn for the first time was conducted by the gentleman from Texas, saved the country from that unwise legislation. I want to say in support of what votes I cast, in every instance they were supported by a majority of the membership of the House, and if his fight did make him solid with his people, which he so modestly admits, yet there

were ten times more people in his district opposed to his coming back to Congress than there were in my district opposed to my coming back. I say that because that is the inference from his speech. If my vote was so unpopular on the Howell-Barkley bill, it is strange that I was the unanimous selection of both parties in my district, a close district, which, for the first time in its history, gave me the unanimous support of both parties. It does not seem from that, that my efforts on the Howell-Barkley bill were so unpopular with the people at home.

Let us now eliminate the consideration of what Senator has $5,000,000 of property in this city and that some other gentleman, contrary to his oath of office, is favoring this bill, being influenced by his own personal interest; let us forget, if we can, the self-asserted superiority of the gentleman from Texas both in honesty, ability, and industry, and consider this bill on its merits.

I do not know whether the District owes the country a dollar or the country owes the District a dollar or not. The gentleman from Texas in beginning the debate on this bill on the last District day—and he consumed 1 hour and 17 minutes—in that debate promised the committee at the start in these words: "If you just give me time, I can convince every man on this committee that it is an outrage." I do not know how much time it would have taken, but I know he did consume an hour and 17 minutes, and the gentlemen who were present at that time, all of whom went into this matter like I did, prejudiced against paying out of the Treasury a big sum to the District of Columbia, after listening to him for an hour and 17 minutes in an argument that he said would convince every man in this House of this outrage, overwhelmingly defeated him. Now, while we can not go into the merits of this bill again to-day, and I have no such disposition, let me call your attention to this unescapable proposition: That this Congress has in the past had a policy with the District of Columbia which the gentleman from Texas eliminates in the consideration of this measure now. This leaves it to a question of calculation. This House appointed a committee which met with a committee of the Senate, or, to be exact, it was a joint committee of both bodies which did investigate this situation. The gentleman from Texas tells you they did not do their duty, that they came back here with the work half performed. I do not care to enter into a dispute with the gentleman from Texas over that, but I will simply read to you what both gentlemen stated in this House two weeks ago as to what they did, and, like the gentleman from Texas, leave it to you. It matters nothing to me or any of my constituents whether this audit is ever paid or not. If it has any effect whatever, it will be detrimental.

What are the facts and what do they show? This committee was not composed of public accountants. They went back to 1911, with an audit of their own by the highest class and the most respectable public accountants they could find. They went back to 1911. The gentleman from Texas insists that they stopped at 1911. Let us read what the gentleman from Colorado [Mr. HARDY] stated as to whether they stopped there or not:

> I say in a general way this joint committee did go into those things. It did not have a detailed audit of all the books from 1874 down, but it had the advantage of all these reports. Then it brought before this committee all the people it could find who had some knowledge of these matters. It brought Mr. Spaulding before the committee, it brought Mr. Thomas Hougson, who had been in the Treasury Department for 30 years and had written the items for the District over 30 years, and it questioned them in detail where any particular point could be brought up. It considered every item suggested by these people, including the gentleman from Kentucky [Mr. JOHNSON], who discussed various phases of the items.
>
> Now, the $50,000,000 which some say might be charged against the District can only be arrived at if you go back and say that Congress ought to have done many things that it did not do. We followed the law as the law was on the statute books, and did not try to make the law say something it did not say.

That is one of our own committee, one of our own fellow Members, who I have a right to presume has just as much industry, just as much fairness, just as much integrity as has the gentleman from Texas. I do not know the gentleman from Colorado [Mr. HARDY] personally, but you gentlemen do. I do know the gentleman from Georgia [Mr. WRIGHT], the Democratic Member that was on that committee. It was our committee, a committee of our own selection, on which the District had no representative whatever, not a voice, but it was our committee, and let us see what the gentleman from Georgia [Mr. WRIGHT] says. In answer to a question brought up by the gentleman from Texas that they did not make a separate audit previous to 1911, Mr. WRIGHT says:

> Oh, yes, we did. All law must be construed. I could not construe that language to mean that the District of Columbia could be justly, morally, equitably, legally, or in any other way charged with half the cost of the Lincoln Memorial or of the Library of Congress. I could not consider it in that way. We went back to 1878, and if the gentleman will read this report he will find items we canvassed back of 1878.

Again, the gentleman from Georgia [Mr. WRIGHT] says this:

> We investigated the status of the accounts between 1874 and 1911. Not in detail; we did not have a thorough audit made of them, but we sought all of the information we could get about these accounts prior to 1911. We had before us Mr. Thomas A. Hodgson, a most conscientious man, an able man. He had been with the Treasury Department here from almost time immemorial, and I venture to say that he knows more to-day about the fiscal affairs between the United States and the District of Columbia than any living man. We catechized him as to the desirability of going back of 1911, and in response to questions asked him by the chairman he said:
>
> "I do not think it would be worth anything at all. I have always tried to take hold of anything there wrong in connection with my work, and every item that Mr. Mays and even Haskins & Sells and Mr. Spaulding had, had been verified and proven time and time again, and I do not believe that there is but one item out to-day that has not been called to the attention of Congress. I do not believe there is but one, and I know what that is."

In other words, they found details of an investigation already made, they investigated witnesses who knew the facts, and came to the conclusion that what already was in existence was more accurate, was more detailed than perhaps they could then get at this later time.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. ZIHLMAN. I yield the gentleman two minutes more.

Mr. GILBERT. So, to get rid of this matter, and we all want to get rid of it, all of us want the country to pay every dollar to the District of Columbia that it owes—after all it is a question are you going to take the word of your own committee who made the investigation and reported to you, or are you going to take the word of the gentleman from Texas whose word you have that he has done more work on it than the committee, and who modestly intimates that he is more able and fearless?

As for my part, I say to you frankly I shall follow the report of our own committee that has found against us rather than follow the popular course taken by the gentleman from Texas and fight a proposition simply because the committee found against our interests.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. MANSFIELD. Was this money originally paid by the taxpayers of the District of Columbia?

Mr. GILBERT. More than their estimate under the policy of the Congress existing at the time. They have paid into the Treasury, so our committee says, some four and a half million dollars more than we have equalized under the plans of either 50–50 or 60–40.

Mr. MANSFIELD. Then it was paid, in effect, by the local taxpayers?

Mr. GILBERT. Yes; and it is just a question of giving them an accounting, and whether we shall give them credit for it. Everyone who has investigated the matter says that we owe it. Of course, it is easy to convince a lot of Members of Congress who have not investigated it that we are simply making a donation to the people of the District of Columbia. I went into it with that idea, but after hearing honest men, who under a commission of Congress made an honest investigation and report against us, I am not in favor of going back on our own committee and welching on our own proposition simply because we lost out.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman from Texas consume the remainder of his time?

Mr. BLANTON. Is there just one more speech on the gentleman's side?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. Mr. Chairman, the hearings of the joint committee that I have put into the RECORD and that I quoted from Judge Evans's report show that Mr. WRIGHT himself raised the question that they were not going back of 1911, and that both Mr. WRIGHT and Mr. HARDY then stated in the committee hearing that they covered only 11 years and they

will not claim that they went back of that time, except that they used this Mays report and the Spaulding report. The gentleman from Kentucky [Mr. JOHNSON] emphatically says that they did not cover the situation, and that if you would do like the Congress directed the committee to do—go back to 1874—you would find that the District owed the Government $50,000,000 instead of the Government owing the people of the District four and a half million dollars.

The gentleman from Kentucky [Mr. GILBERT] says that I presented the matter here to the House two weeks ago and that the House by an overwhelming vote defeated it. Was he absolutely fair about that? He says there are 20 members of the District Committee for this matter. It is to be presumed that they would all be here on the floor when the committee work was under consideration, and I am willing to admit that the 20 were on the floor. When I moved to strike out the enacting clause of this bill there were 32 voted for it—to strike it out—and only 47 against it. If you will take the 20 members of the committee who are presumed to be here from the 47, that leaves only 27 other Members of Congress here voting against striking out the enacting clause, so that there would have been 32 for and 27 against striking out the enacting clause, exclusive of the 20 committeemen. I must have convinced some of them that the report of Judge Evans; that the report of Mr. JOHNSON, who for years was chairman of this committee; the report of Mr. CRAMTON, who was a conferee, represented something of value about this matter. The gentleman from Kentucky [Mr. GILBERT] says he does not know whether we owe anything or not, he is taking somebody's else word for it. I have not asked you to take my views about it. I was discussing the views of Judge Evans, our committeeman, who filed a minority report.

I was discussing what Mr. WRIGHT said. He wanted to go back of 1911, and they would not do it. I was discussing what Mr. HARDY, the only other member of the committee, said. He admitted that he was in that conference, and he showed that they had spent all of the money and all the time on 11 years, and they did not have time or money to go back to 1874.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MANSFIELD. Does the gentleman agree with the answer given to me a while ago by the gentleman from Kentucky [Mr. GILBERT] that this was money paid by the taxpayers of the District of Columbia?

Mr. BLANTON. Why, there is no such money. The gentleman would have you believe that there is now a separate fund of money in the Treasury credited to the District in this amount. There is no money there except the general fund of the United States Treasury. According to Judge Evans's report and according to Mr. JOHNSON, if you were to take the money that we have given them from other appropriation bills—and in every one we give them a million or two or three million dollars—and the money we give them in other bills and credit it up against the amount that they paid in, they would owe us $50,000,000 at least.

I know I can not stop this bill from passing. It will pass. I am not going to take up any more time and I am not going to filibuster, because I could not thus keep you from passing the bill. If I could keep it from passing, I would filibuster, for it is a bad bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ZIHLMAN. Mr. Chairman, I tried to interrupt the gentleman from Texas [Mr. BLANTON] when he stated that he had not had a full opportunity of explaining this measure. The gentleman from Texas has consumed 2 hours and 17 minutes on this subject on the floor of the House and has had ample opportunity to convince every Member of the House of the sincerity and the worthiness of his side of the question.

I ask for the reading of the bill.

The CHAIRMAN. No further general debate being desired, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Bancroft Place between Phelps Place and Twenty-third Street NW., through the square numbered for purposes of assessment and taxation as square 2529 in the District of Columbia, to a width of 50 feet, upon such lines as the Commissioners of the District of Columbia may deem best for the public interest: *Provided, however*, That not less than one-half of the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for the extension of said street, plus one-half of the costs and expenses of the proceeding taken pursuant hereto, shall be assessed by the jury as benefits.

SEC. 2. That there is hereby appropriated from the revenues of the District of Columbia and from any money in the Treasury not otherwise appropriated, in the same percentage proportion as is applied according to law in the payment of all other general expenses of the District of Columbia, amounts sufficient to pay the necessary costs and expenses of the condemnation proceeding taken pursuant hereto and for the amounts awarded as damages, the amounts collected as benefits to be repaid to the District of Columbia and covered into the Treasury, 60 per cent to the credit of the revenues of the District of Columbia and 40 per cent to the credit of the revenues of the United States.

With the following committee amendments:

Page 2, line 13, after the word "hereby," insert the words "authorized to be."

Page 2, line 14, after the word "appropriated," insert the word "entirely."

Page 2, line 15, strike out the words "and from any money in the Treasury not otherwise appropriated, in the same percentage proportion as is applied according to law in the payment of all other general expenses of the District of Columbia, amounts," and insert the words "and amounts."

Page 2, line 23, after the word "Treasury," strike out "60 per cent."

Page 2, line 24, after the word "Columbia," strike out the words "and 40 per cent to the credit of the revenues of the United States."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 596) for the extension of Bancroft Place, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3398. An act to authorize the city of Norfolk, Va., to construct a combined dam and bridge in Lafayette River at or near Granby Street, Norfolk, Va.; to the Committee on Interstate and Foreign Commerce.

S. 3895. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont; to the Committee on Coinage, Weights, and Measures.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5417. An act authorizing and directing the Secretary of War to investigate the feasibility and to ascertain and report the cost of establishing a national military park in and about Kansas City, Mo., commemorative of the Battle of Westport, October 23, 1864;

H. R. 10947. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River in the city of Pittsburgh, Pa.; and

H. R. 11168. An act granting the consent of Congress to S. M. McAdams, of Iva, Anderson County, S. C., to construct a bridge across the Savannah River.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments the

bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3398. An act to authorize the city of Norfolk, Va., to construct a combined dam and bridge in Lafayette River at or near Granby Street, Norfolk, Va.; and

S. 3895. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont.

The message also announced that the Senate had passed the following order:

Ordered, That the House of Representatives be requested to return to the Senate the message announcing its agreement to the amendment of the House of Representatives to the bill (S. 876) entitled "An act to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled 'An act to promote the mining of coal phosphate oil, oil shale gas, and sodium, on the public domain,' approved February 25, 1920, from unallotted lands in Executive order Indian reservations and for other purposes."

The message also announced that the Senate passed without amendment the bill of the following title:

H. R. 10152. An act granting the consent of Congress to the Huntley-Richardson Lumber Co., a corporation of the State of South Carolina, doing business in the said State, to construct a railroad bridge across Bull Creek, at or near Eddy Lake, in the State of South Carolina.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1199) authorizing the appointment of Will Schuyler Woodruff as an Infantry officer.

ADJUSTMENT OF ACCOUNTS BETWEEN THE UNITED STATES AND THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 703) making adjustments of certain accounts between the United States and the District of Columbia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 703, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 703, which the Clerk will report by title.

The Clerk read as follows:

An act (S. 703) making adjustment of certain accounts between the United States and the District of Columbia.

Mr. CRAMTON. Mr. Chairman, when the committee last was in session on this bill an amendment offered by me was pending. I ask unanimous consent to withdraw the amendment and offer in its stead the amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to withdraw the amendment now pending and substitute another. Is there objection?

Mr. BLANTON. I understand it shall be subject to all points of order.

Mr. CRAMTON. Of course it will be. It does not have to be understood.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, lines 8 and 9, after the word "for," strike out the words "such purposes as it may from time to time provide" and insert "purchase of land and construction of buildings for public schools, playgrounds, and park purposes other than and in addition to sums appropriated for such purposes in the District of Columbia appropriation act for the fiscal year 1926."

Mr. BLANTON. Just to get the Chair's ruling, I make the point of order that the amendment is not germane as to the paragraph to which it is offered or to the preceding paragraph.

Mr. CRAMTON. Mr. Chairman, I am greatly encouraged by the fact that the same gentleman who is now in the Chair held in order at the last session substantially the same amendment.

Mr. BLANTON. I want to get a ruling, because he changes his ruling sometimes.

The CHAIRMAN. The Chair is ready to rule. It was clear to the Chair that the amendment referred to, which was offered at the last session of the committee, was germane to this bill, and it is equally clear that this amendment is germane to the purposes of the bill. It simply adds a specific purpose where general purposes are provided for in the language already in the bill. The Chair overrules the point of order.

Mr. CRAMTON. Mr. Chairman, this afternoon we have listened to a very interesting discussion between the gentleman from Texas [Mr. BLANTON] and the gentleman from Kentucky [Mr. GILBERT] as to who killed cock robin and whether he is really dead or not. I am not so much interested in that because a great many very desirable cock robins have been prematurely killed, and on the other hand many birds that should have died have lived to a ripe old age. The mere fact that this bill will pass this afternoon does not signify that it is right or that the gentleman from Kentucky has been right or the gentleman from Texas has been wrong. Both of them have the habit of being that frequently, and it is not determined hereby whether the bill passes or not. I am against the bill. There never has been a proper finding that we owe the District of Columbia this money, but what is the use of my wasting more time on a bill that can not be stopped. It is going to pass, and I should like to see it in as good and workable a form as can be made. The amendment I have offered, I understand, has the approval of the gentleman from Maryland [Mr. ZIHLMAN] and other members of the committee. This is its purpose: As the bill stands, and as I understand existing laws relating to the District's financial matters, when the authorities of the District meet a few months later to determine how much taxes should be raised in the fiscal year 1926, they will simply subtract from the total this $5,000,000 carried by this bill. Therefore the taxes of the people of the District for the next fiscal year will be to that extent reduced, abnormally reduced, and then the year following they will come up again, and so far as any improvements for the District are concerned the District will have nothing to show for this legislation. There is an appropriation bill soon to come before the House carrying the appropriations for the District for the fiscal year 1926, and it has been framed without any reference to the passage of this legislation.

It is my feeling that this money ought to be spent upon a program framed by the District authorities and approved by the Budget that has this particular money in view. Hence the amendment that I am offering. As it was the other day, it simply limited it to permanent improvements, for purchase of land, and construction of buildings for parks or playgrounds or schools. Desiring to divorce this expenditure from the 1926 appropriation bill that is soon to come before you, and which has had nothing to do with this, I have changed it and provided that the money shall be spent for purchase of lands and construction of buildings for public schools, playgrounds, and park purposes other than and in addition to sums appropriated for such purposes in the 1926 District of Columbia appropriation act.

The effect of that will be that if this bill becomes a law, if there comes in an estimate for these particular permanent improvements in time for us to consider them in the deficiency bill, if it can be passed before the adjournment, that will be done. Personally I hope they will take time enough to work out a wise use of the money, and that that method will be involved and incorporated in the appropriation bill for 1927 for the District of Columbia. The gentleman from Maryland [Mr. ZIHLMAN] is in favor of the amendment; and, in fact, I consulted with him in drafting it.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WILLIAMSON. Does the gentleman propose to reduce the appropriation bill by the sum that this bill carries?

Mr. CRAMTON. He does not.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I ask leave to proceed for two minutes additional, to answer this question.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. The District bill will be considered on its merits. I have no desire, so far as I am concerned, to take any part in reducing any of the items for these purposes that may be reported in that bill.

Mr. ZIHLMAN. Is not the District of Columbia appropriation bill now before the subcommittee in print and ready to be reported?

Mr. CRAMTON. I understand it is ready to be reported to the House. Of course, the House can reduce such items, but so far as I am concerned, I have no intention of taking any part in reducing those items. There will be no reason for it. The Treasury of the United States will not be affected. When we pass this bill we have taken the money out of the Federal Treasury, and our interest in it from that standpoint is ended.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. In any event, we do not lose control over this fund, even if the gentleman's amendment is passed? They will have to come to Congress for the appropriation in that event?

Mr. CRAMTON. No; they will not. This bill puts the money into a certain fund referred to in the appropriation act for 1923, and that fund is the fund from which all appropriations will be paid that are passed at this session.

Mr. LAGUARDIA. They must be authorized?

Mr. CRAMTON. They will be authorized in the pending appropriation act.

Mr. ZIHLMAN. Mr. Chairman, let me call attention to the fact that we left in the language "appropriations to be made by Congress for parks and school buildings, playgrounds," and so on. This bill merely authorizes it.

The CHAIRMAN (Mr. DOWELL). The time of the gentleman from Michigan has again expired.

Mr. CRAMTON. May I have one minute additional?

The CHAIRMAN. The gentleman from Michigan asks for one minute additional. Is there objection?

There was no objection.

Mr. CRAMTON. Action by Congress in making the appropriations is necessary, but that action will be taken, if we pass my amendment, when you pass the District appropriation bill for 1927 or a deficiency bill. If my amendment is not passed, that action will be taken by the passage of the 1926 District appropriation bill.

Mr. BLANTON rose.

Mr. ZIHLMAN. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. ZIHLMAN. I asked for recognition, Mr. Chairman. Will the gentleman from Texas please be in order?

Mr. BLANTON. There are rules covering that. If the gentleman is against the amendment, he is entitled to recognition. But there has just been a speech for it.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. ZIHLMAN. Mr. Chairman, my understanding of the statement of the gentleman from Michigan [Mr. CRAMTON] is that this money will be available in addition to the sums carried in the 1926 appropriation bill for parks, public buildings, and playground purposes, and that it will be necessary, in order to make the appropriation to meet these requirements and the appropriations to carry out the estimates made by the District Commissioners and the Budget officials, to come to Congress for further authorization for those expenditures.

I see no objection to that amendment; and, Mr. Chairman, I am in favor of the amendment.

Mr. BLANTON. Mr. Chairman, I wish to speak against the Cramton amendment. The gentleman from Maryland [Mr. ZIHLMAN] is in a peculiar situation. First, he is pushing the passage of this bill on the ground that it is a just debt of $4,438,154 due to the people of the District of Columbia. If he is right, and if it is a just debt, which I deny, when we pay this money it ought then to be the money of the District of Columbia for all purposes. We ought not to tie it up with this Cramton amendment. It ought to be their money to be spent just exactly as their authorized commissioners want it spent, and they should be allowed to go ahead and ask the Budget to let them spend it just in their own way.

Mr. CRAMTON. It will be their money, just as the taxes are their money, and we decide how they will spend them.

Mr. BLANTON. The gentleman ought not to hog tie them. If you think you owe this debt and think it is their money, pay them, and do not tie it up so that they can not use it as they want to. If I owe a man a debt, when I pay him the money I do not tell him that he has got to spend it this way or that way. I let him spend it in the way he pleases. If you pass this bill and you thus declare it is an honest debt, and it is their money, then the District Commissioners ought to be allowed to go to the Budget Bureau and tell them just how they want it spent. That would be right. You ought not to pass this Cramton amendment.

Mr. ZIHLMAN. Mr. Chairman, I move that the debate on this amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BLANTON. I ask for a division, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas asks for a division.

The committee divided; and there were—ayes 61, noes 12.

So the amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I offer a further amendment: Amend, on page 4, by striking out all of lines 6 to 19.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 4, beginning with line 6, strike out the remainder of the bill.

Mr. CRAMTON. Mr. Chairman, here is what seems to have happened when the commission was considering this question. They were directed to make an investigation of the accounts, the claims of the District and the offsets of the Federal Government against them, and then they were to report the balance. They went into that in their way. There is no use in discussing "their way" any more; but they went into it, and they concluded that there was this sum of $4,438,000 due to the District. Then the auditor of the District dropped into the committee meeting and said, "That is all right, gentlemen, as far as it goes, but there is about $800,000 more which should be added, and we wish you would have somebody make a further investigation as to those further items which are due the District." Now, Judge Evans, of Nebraska, was a member of the commission, and the gentleman from Kentucky [Mr. JOHNSON] is very familiar with District matters. Both of these gentlemen said there were several million dollars that had not been taken into account by the commission which were favorable as offsets on the part of the Federal Government. The commission did not determine anything about those items, but now, after they came to this stated balance of $4,000,000 plus, they insert this proviso in the bill, the purpose of which is to permit the Comptroller General to find a further payment due the District of $800,000. I submit that if that commission made a complete examination when they found their balance of $4,000,000 plus, that ought to be the answer and the end of it, and that when you pass this bill it ought to adjust and settle the account between the District and the Federal Government. But this proviso makes it possible for the Comptroller General to make a further finding in favor of the District of Columbia of almost another $1,000,000 and closes the door to any finding as to offsets in behalf of the Federal Government. So, believing that when we finally settle this matter it ought to be settled without any tag-ends left, I move to strike that proviso ont of the bill, and if it carries it will save to the Federal Government some $800,000. Whatever justice there might be in the claim is more than offset by several million dollars of honest claims of the Federal Government against the District that have not yet been taken into consideration and can not be taken into consideration under this proviso.

Mr. ZIHLMAN. Mr. Chairman, I hope that the amendment offered by the gentleman from Michigan [Mr. CRAMTON] will not prevail. As I understand this legislation, the commission created by this Congress, and which made an investigation of this subject made a finding, in which finding they found a true surplus of $4,448,154.92 due the District. However, there were certain items in dispute, and this section, which the gentleman from Michigan seeks to strike out of the bill simply authorizes the Comptroller General of the United States, a sworn official of the United States Government, to make a further investigation as to these items in dispute, and if they are found to be owing to the District that they be credited to the District of Columbia.

If we are going to carry out the recommendation of the commission appointed by Congress to investigate this matter, we ought to do it wholeheartedly; we ought to carry out their recommendation; and if we do not think this is a just debt owing to the people of the District of Columbia this bill should not pass; but we should not, as suggested by the gentleman

from Michigan, attempt to save money for the Federal Government and prevent money being taken out of the Federal Treasury that is honestly owing to the District of Columbia. Either this money is owing to the District of Columbia or it is not, and the section which the gentleman from Michigan seeks to strike out simply authorizes the Comptroller General of the United States to investigate further into these disputed items, and if found to be owing to the District that they be credited to the District. I certainly hope the amendment will not be adopted.

Mr. CRAMTON. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. Will the gentleman be willing to accept a change in it that would provide that this same sworn Comptroller General investigate the fairness of one or two million dollars owing by the District to the Federal Government with reference to those bonds and another one or two million dollars with reference to interest due the Federal Government by the District, and let him then find whatever the balance might be? In other words, is the gentleman willing to let him consider the Federal Government's offsets?

Mr. ZIHLMAN. I will say to the gentleman that if he is referring to the items which have been suggested in debate on this bill, and which have been thoroughly considered by the House, providing that the District government should pay one-half of the cost of the Congressional Library and interest thereon and one-half the cost of the Smithsonian Institution, that I would not be in favor of such an amendment.

Mr. CRAMTON. I did not make reference to anything but bonds, which, by law, were to be paid exclusively by the District, but which, in fact, were paid by the Federal Government.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CHINDBLOM. Were the items to which the gentleman from Michigan refers included in the matters that were considered by the commission?

Mr. ZIHLMAN. They were all considered by this commission, as I read their report as made to Congress.

Mr. CRAMTON. They were not considered by the commission, as they occurred prior to 1878, the earliest date considered by the commission in any way but, subsequent to 1874, the date the law required the investigation to begin.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 34, noes 46.

So the amendment was rejected.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (S. 703) making an adjustment of certain accounts between the United States and the District of Columbia, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time and was read the third time.

Mr. CRAMTON and Mr. BLANTON rose.

Mr. CRAMTON. Mr. Speaker, I make the point of order that there is no quorum present, and I object to the vote.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will summon absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 227, nays 79, not voting 125, as follows:

[Roll No. 40]

YEAS—227

Abernethy	Andrew	Bacon	Beedy
Ackerman	Arnold	Barbour	Beers
Aldrich	Ayres	Beck	Berg
Berger	Garrett, Tenn.	MacGregor	Sites
Bixler	Garrett, Tex.	MacLafferty	Smithwick
Black, N. Y.	Gasque	Madden	Snell
Boies	Gibson	Magee, N. Y.	Snyder
Brand, Ohio	Gifford	Magee, Pa.	Speaks
Browne, Wis.	Gilbert	Major, Ill.	Spearing
Brumm	Green	Major, Mo.	Stalker
Buchanan	Greenwood	Manlove	Stedman
Bulwinkle	Griest	Mansfield	Stephens
Burtness	Guyer	Mapes	Stevenson
Burton	Hadley	Martin	Strong, Kans.
Butler	Hall	Michener	Strong, Pa.
Byrnes, S. C.	Hammer	Miller, Wash.	Sweet
Cable	Hardy	Milligan	Swing
Campbell	Harrison	Minahan	Taber
Chindblom	Hawes	Montague	Taylor, Tenn.
Christopherson	Hawley	Moore, Ohio	Temple
Clarke, N. Y.	Hayden	Moore, Va.	Thatcher
Cleary	Hersey	Moores, Ind.	Thompson
Cole, Iowa	Hickey	Morgan	Tilson
Cole, Ohio	Hill, Md.	Murphy	Timberlake
Colton	Hill, Wash.	Nelson, Me.	Tincher
Connery	Holaday	Newton, Minn.	Treadway
Cook	Howard, Okla.	Newton, Mo.	Underhill
Cooper, Ohio	Hudson	Nolan	Underwood
Cooper, Wis.	Hull, Iowa	Oldfield	Upshaw
Cullen	Hull, Tenn.	Oliver, Ala.	Vaile
Darrow	Hull, Morton D.	Oliver, N. Y.	Vare
Davey	Humphreys	Park, Ga.	Vestal
Davis, Minn.	James	Parker	Vincent, Mich.
Deal	Jeffers	Patterson	Vinson, Ga.
Denison	Johnson, S. Dak.	Peery	Voigt
Dickstein	Johnson, Wash.	Prall	Wainwright
Doughton	Jost	Purnell	Wason
Doyle	Keller	Quayle	Watkins
Drewry	Kelly	Quin	Watres
Dyer	Kendall	Ragon	Watson
Elliott	Ketcham	Raker	Weaver
Evans, Mont.	King	Ramseyer	Wertz
Fairchild	Knutson	Rathbone	White, Kans.
Fairfield	Kopp	Rayburn	White, Me.
Fenn	Kunz	Reece	Williams, Ill.
Fish	Kurtz	Reed, N. Y.	Williamson
Fitzgerald	LaGuardia	Reed, W. Va.	Wilson, Ind.
Fleetwood	Lampert	Richards	Wingo
Foster	Lazaro	Robsion, Ky.	Winslow
Free	Leach	Sabath	Winter
Freeman	Leatherwood	Sanders, Ind.	Woodruff
French	Leavitt	Schneider	Woodrum
Frothingham	Lineberger	Scott	Wright
Fuller	Linthicum	Shreve	Wyant
Funk	Longworth	Simmons	Yates
Gallivan	Luce	Sinclair	Zihlman
Gardner, Ind.	McDuffie	Sinnott	

NAYS—79

Allen	Crosser	Kerr	Robinson, Iowa
Allgood	Davis, Tenn.	Kincheloe	Romjue
Almon	Dickinson, Iowa	Kvale	Rubey
Bankhead	Dickinson, Mo.	Lanham	Salmon
Bell	Dowell	Lankford	Sanders, Tex.
Black, Tex.	Drane	Larsen, Ga.	Sandlin
Blanton	Driver	Lilly	Sears, Fla.
Bowling	Fisher	Lowrey	Sears, Nebr.
Box	Fulbright	Lozier	Sherwood
Boyce	Garber	McKeown	Sproul, Kans.
Brand, Ga.	Garner, Tex.	McReynolds	Steagall
Browning	Hastings	McSwain	Stengle
Busby	Haugen	McSweeney	Sumners, Tex.
Cannon	Hill, Ala.	Moore, Ga.	Swank
Clague	Howard, Nebr.	Morehead	Thomas, Okla.
Collier	Huddleston	Morrow	Wefald
Collins	Hudspeth	O'Connell, R. I.	Wilson, La.
Connally, Tex.	Johnson, Tex.	Parks, Ark.	Wilson, Miss.
Cramton	Jones	Rankin	Wurzbach
Crisp	Kearns	Reed, Ark.	

NOT VOTING—125

Anderson	Evans, Iowa	McLaughlin, Mich.	Rosenbloom
Anthony	Faust	McLaughlin, Nebr.	Rouse
Aswell	Favrot	McLeod	Sanders, N. Y.
Bacharach	Frear	McNulty	Schafer
Barkley	Fredericks	Mead	Schall
Bland	Fulmer	Merritt	Seger
Bloom	Gambrill	Michaelson	Shallenberger
Boylan	Geran	Miller, Ill.	Smith
Briggs	Glatfelter	Mills	Sproul, Ill.
Britten	Goldsborough	Mooney	Sullivan
Browne, N. J.	Graham	Moore, Ill.	Summers, Wash.
Buckley	Griffin	Morin	Swoope
Burdick	Hoch	Morris	Tague
Byrns, Tenn.	Hooker	Nelson, Wis.	Taylor, Colo.
Canfield	Hull, William E.	O'Brien	Taylor, W. Va.
Carew	Jacobstein	O'Connell, N. Y.	Thomas, Ky.
Carter	Johnson, Ky.	O'Connor, La.	Tillman
Casey	Johnson, W. Va.	O'Connor, N. Y.	Tinkham
Celler	Kent	O'Sullivan	Tucker
Clancy	Kiess	Paige	Tydings
Clark, Fla.	Kindred	Peavey	Vinson, Ky.
Connolly, Pa.	Langley	Perkins	Ward, N. Y.
Corning	Larson, Minn.	Perlman	Ward, N. C.
Croll	Lea, Calif.	Phillips	Weller
Crowther	Lee, Ga.	Porter	Welsh
Cummings	Lehlbach	Pou	Williams, Mich.
Curry	Lindsay	Rainey	Williams, Tex.
Dallinger	Logan	Ransley	Wolff
Dempsey	Lyon	Reid, Ill.	Wood
Dominick	McClintic	Roach	
Eagan	McFadden	Rogers, Mass.	
Edmonds	McKenzie	Rogers, N. H.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. McFadden with Mr. Carter.
Mr. Graham with Mr. Bland.
Mr. Faust with Mr. Aswell.
Mr. Bacharach with Mr. Rouse.
Mr. Wood with Mr. Briggs.
Mr. Porter with Mr. Kindred.
Mr. Reid of Illinois with Mr. Byrns of Tennessee.
Mr. Smith with Mr. Tydings.
Mr. McLaughlin of Nebraska with Mr. Mead.
Mr. Kiess with Mr. Dominick.
Mr. Rogers of Massachusetts with Mr. Weller.
Mr. William E. Hull with Mr. Tague.
Mr. Perkins with Mr. Hooker.
Mr. Dempsey with Mr. Rogers of New Hampshire.
Mr. Curry with Mr. Johnson of Kentucky.
Mr. Mills with Mr. Kent.
Mr. Ward of New York with Mr. Canfield.
Mr. Connolly of Pennsylvania with Mr. Tillman.
Mr. Anthony with Mr. Lea of California.
Mr. Merritt with Mr. Carew.
Mr. Welsh with Mr. Tucker.
Mr. Britten with Mr. McClintic.
Mr. Morin with Mr. Morris.
Mr. Evans of Iowa with Mr. O'Connell of New York.
Mr. Phillips with Mr. Favrot.
Mr. Fredericks with Mr. Gambrill.
Mr. Ransley with Mr. Rainey.
Mr. Hoch with Mr. Pou.
Mr. Sanders of New York with Mr. Fulmer.
Mr. Seger with Mr. Barkley.
Mr. Lehlbach with Mr. Griffin.
Mr. Roach with Mr. Sullivan.
Mr. Edmonds with Mr. Casey.
Mr. Paige with Mr. Lyon.
Mr. Dallinger with Mr. Williams of Texas.
Mr. Moore of Illinois with Mr. Corning.
Mr. Crowther with Mr. O'Connor of New York.
Mr. Burdick with Mr. Geran.
Mr. Anderson with Mr. Cummings.
Mr. Miller of Illinois with Mr. O'Connor of Louisiana.
Mr. Williams of Michigan with Mr. Vinson of Kentucky.
Mr. Tinkham with Mr. Taylor of Colorado.
Mr. Larson of Minnesota with Mr. Shallenberger.
Mr. McLeod with Mr. Lee of Georgia.
Mr. Swoope with Mr. Boylan.
Mr. McLaughlin of Michigan with Mr. Lindsay.
Mr. Sproul of Illinois with Mr. Buckley.
Mr. McKenzie with Mr. Mooney.
Mr. Summers of Washington with Mr. Croll.
Mr. Michaelson with Mr. Taylor of West Virginia.
Mr. Schall with Mr. Goldsborough.
Mr. Frear with Mr. Glatfelter.
Mr. Nelson of Wisconsin with Mr. Thomas of Kentucky.
Mr. Schafer with Mr. Bloom.
Mr. Perlman with Mr. Jacobstein.
Mr. Peavey with Mr. Celler.
Mr. Rosenbloom with Mr. Johnson of West Virginia.

The result of the vote was announced as above recorded.

The doors were opened.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

GIFT OF LAND FOR PARK PURPOSES

Mr. ZIHLMAN. Mr. Speaker, I call up the bill H. R. 10348, authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold, donated to the United States for park purposes, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that the bill H. R. 10348 may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to accept, as an addition to the park system of the District of Columbia, the land, approximately 28.12 acres in extent, lying along Foundry Branch between the Glover Parkway and Reservoir Road, donated by Mrs. Anne Archbold to the United States for park purposes in accordance with the terms of her dedication as shown on the map of said area dated November 10, 1924, on file in the Office of Public Buildings and Grounds, which tract shall be known as the "Archbold Parkway"; and the Chief of Engineers, United States Army, shall be, and is hereby, further authorized to accept dedications of additional land in the District of Columbia and adjacent thereto on request of the National Capital Park Commission and in accordance with the plans of said commission for the extension of the park system of the District of Columbia under the authority contained in Public Act No. 202, Sixty-eighth Congress, approved June 6, 1924.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I think this good woman ought to be commended for donating this valuable park to Washington. The public spirit that accompanies this gift is worthy of commendation, and I thought we ought not to pass a bill giving a valuable park to the District without at least a word said in its behalf; and I therefore wanted to call attention to it.

The pro forma amendment was withdrawn.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMPULSORY SCHOOL ATTENDANCE AND SCHOOL CENSUS, DISTRICT OF COLUMBIA

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill (S. 2842) to provide for compulsory school attendance and for the taking of a school census in the District of Columbia, and for other purposes, was passed, was laid on the table.

POLICEMEN AND FIREMEN'S RELIEF FUND OF THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 5327) to provide for the payment to the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that the bill H. R. 5327 may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the amount of retirement or pension pay withheld from members of the police and fire departments of the District of Columbia, or from their widows, on account of deficiencies in the policemen's and firemen's relief funds during the period from January 1, 1911, to July 30, 1915, be, and it hereby is, appropriated and authorized to be paid wholly from the revenues of the District of Columbia, and the Commissioners of the District of Columbia are hereby authorized and directed to adjust and settle all of said claims for deficiencies in the payment of allowances made by them to the members of said departments or their widows. In case of the death of any beneficiary under the provisions of this bill, the amount due such beneficiary shall be paid to his widow, heir, or legal representative, in the order named.

SEC. 2. That all acts and parts of acts, so far as they are inconsistent with the provisions of this act, are hereby repealed.

With the following committee amendments:

Page 1, line 7, after the figures "1915," insert "amounting to $68,425.06"; line 1, page 2, strike out the words "appropriated and"; and in line 4, page 2, strike out the words "and directed."

Mr. UNDERHILL. Mr. Speaker, I move to strike out the enacting clause.

Mr. Speaker, this is one of the disagreeable features of service in a body like this, which I hate to tackle just as much as anybody else, but it seems as though others who are prone at other times to try to save money for the taxpayers have let this opportunity slip or have been influenced by the sob stuff which always accompanies such a bill, and consequently have not raised their voices in opposition.

Mr. BLANTON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. How did the gentleman vote on the four and a half million dollar surplus due the people?

Mr. UNDERHILL. I am going to discuss this bill now.

Mr. BLANTON. This bill provides a pension for policemen and firemen, some of whom are about 65 years of age.

Mr. UNDERHILL. Mr. Speaker, I am not going into the history of pension legislation. I am merely going to observe that which you all know, that pension legislation is class legislation, and that the chief beneficiaries of class legislation are public servants. The blacksmith and the carpenter and the tradesman and the professional man and the school-teacher in the back districts do not enjoy a pension upon retirement, but are obliged to save money out of their salary or their wages in order to take care of them in later life. I am going to discuss briefly the history of this piece of legislation.

Up to 1916 there was no comprehensive legislation covering a pension system for the District. There was a pension system in vogue at the time, made up of contributions from public-spirited citizens, from court fines, from dog taxes, and from other sources which provided a revenue for a pension upon retirement of all those who reached retirement age in the fire department and in the police department.

In 1911, almost 15 years ago, this fund began to show a deficit, and the deficit increased throughout the years of 1912, 1913, 1914, and 1915.

A pension was paid to those who retired during that period. There is no evidence showing how much that pension was. It was strictly within the control of those who belonged to the police and fire departments. It may have been—I do not claim that it was—an amount equal to their salary; it may have been equal to two-thirds of their salary—we do not know what ratio of percentage of salary was paid, but the pension fund shows a deficit, until 1915 it reached the sum of over $68,000. There have been various efforts to get the Congress of the United States to make up that deficit. There is no legal obligation, and I am sure it requires a vivid imagination for anyone to hold that it is a moral obligation. There was no civil pension system at that time in the District except the pension system, which you might call a relief fund, got up by the members of the department themselves.

Now they have come before Congresses in the past and asked them to make up the deficit, and the request has been denied.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. UNDERHILL. I ask for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERHILL. Now they have come to Congress again, making this same request. It is true that the $68,000 comes out of the District, but you are taking $68,000 out of the pockets of the taxpayers, some of whom can ill afford it, and putting it into the pockets of a favored special class.

Mr. BEGG. Will the gentleman yield?

Mr. UNDERHILL. Certainly.

Mr. BEGG. If this bill passes, does not it mean retroactive legislation back to 1911?

Mr. UNDERHILL. Of course, you might as well, when you passed the act of 1916, have said that this shall be retroactive to 1911; but Congress has absolutely refused to pass retroactive legislation of that kind.

Mr. RAKER. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. RAKER. Does the record show the parties entitled to this pension—whether or not there has been enough money to pay them?

Mr. UNDERHILL. They are the members who retired during that period from 1911 to 1916.

Mr. BLANTON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr BLANTON. This bill was called up in the House two or four weeks ago, and I made a point of order against it, which was sustained. It went back to the committee. Did the gentleman oppose the bill in committee?

Mr. UNDERHILL. Let me say to the gentleman from Texas I have opposed this bill for four years.

Mr. BLANTON. Did the gentleman file a minority report?

Mr. UNDERHILL. No; I am filing my minority report now.

Mr. BLANTON. Does the gentleman hope to stop this bill?

Mr. UNDERHILL. I hope so.

Mr. BLANTON. I doubt, with all the gentleman gets to assist him, he will get over 30 votes.

Mr. UNDERHILL. The gentleman from Texas credited me the other day with having lucid intervals, and I think this is one of my lucid intervals. [Laughter.] If the House will listen to me——

Mr. BLANTON. But it will not. [Laughter.]

Mr. UNDERHILL. That may be true and perhaps it is because it has to listen so much to the gentleman from Texas. [Laughter.] Now, you are taking the money from the taxpayer who can ill afford it, many of whom have not had a regular job, regular pay, days off, sick leave, and all that sort of a thing—you are taking $68,000 of their money and putting it into the pockets of those who have enjoyed regular employment and all the privileges that go with public employment.

This is a disagreeable job. I have heard it rumored that I am getting a reputation of being more than a 10-minute egg; nevertheless some Member of Congress in these days has got to have his eyes open to this method of obtaining special privilege for a favored class. Too many Members of Congress, too many members of other legislative bodies, are prone to give away the people's money to this privileged class, when they would rise in indignation if similar legislation should be proposed for the benefit of the people of another class.

I trust that the Members will look at the report of the committee; and if they can intelligently come to the conclusion that these men are entitled to this gift, either legally or morally, then, of course, they are entitled to vote for the proposition. But, on the other hand, if they come to the conclusion that tradesmen, men in industry, and men and women in professions have to look out for their own future with money saved from their salary or wages, they are going to stop, look, and listen before they go back 10 or 15 years and give to an especial privileged class a pension fund amounting to $68,000.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLACK of Texas. If a policeman was on the retired list in the period the bill covers, if he is retired, he gets the retirement pay?

Mr. UNDERHILL. Yes; those on the list prior to 1916.

Mr. BLACK of Texas. But, even if he did retire previous to that time, he gets retirement pay now under the present law?

Mr. UNDERHILL. No. Mr. Speaker, I hope that my motion to strike out the enacting clause will prevail.

Mr. GIBSON. Mr. Speaker and Members of the House, I hope that the motion of the gentleman from Massachusetts [Mr. UNDERHILL] will not prevail. Let me call attention to the purpose of the bill. It proposes to authorize the Commissioners of the District to pay certain retired members of the police and fire departments of the District and the widows and minor children of deceased members a deficiency in monthly payments of pension allowances between January 1, 1911, and July 30, 1916. The funds that were available during that period under the then existing law were insufficient to the amount of $68,000. Since 1916 we have been operating under a new firemen and policemen's relief fund law, and under it the District annually makes up the deficiency. Before 1911 the police and firemen's relief fund was made up of fines imposed upon such members for infractions of the regulations, annual tax on dogs, police court fines, and donations, but that plan was abolished in 1916 by the provisions of the District of Columbia appropriation act. As I said before, we have been operating since that time under the new law, and all deficiencies are taken care of by the United States Government.

The gentleman from California [Mr. RAKER] asked the gentleman from Massachusetts [Mr. UNDERHILL] if we had a list of the men who are to be affected or of the women and children who are to be affected by this act. The Commissioners of the District have a list. It has been taken up by them, figured out, and absolutely determined just how much is due to every claimant.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. GIBSON. Yes.

Mr. RAKER. Under the gentleman's statement, I take it for granted that there is a record showing the number of people who would be entitled to this pension, or their heirs, had there been enough money in the fund to pay them.

Mr. GIBSON. That is as I understand it.

Mr. RAKER. The reason they were not paid is because there was not enough money in this fund for that purpose.

Mr. GIBSON. That is my understanding.

Mr. RAKER. And the original fund provided by the District of Columbia not being sufficient, you ask now that the fund be made up by this deficiency?

Mr. GIBSON. Yes.

Mr. RAKER. So that in both events it comes out of the funds of the District of Columbia?

Mr. GIBSON. Yes; and does not come out of the Federal Treasury.

Mr. RAKER. The fund that was heretofore used, had it not been paid for this purpose, would have been used by the District to pay its other expenses.

Mr. GIBSON. I think that is correct.

Mr. RAKER. So that, in effect, it was the use of money belonging to the people of the District, using it for that purpose?

The SPEAKER. The time of the gentleman from Vermont has expired.

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. GIBSON. Under the existing law it is made up out of the treasury of the District of Columbia when there is a deficiency.

Mr. LUCE. Mr. Speaker, will the gentleman yield?

Mr. GIBSON. Yes.

Mr. LUCE. The letter of the commissioners does not indicate that prior to the time when the Government regulated this thing there was any appropriation from the District of this fund whatever.

Mr. GIBSON. I call the gentleman's attention to the fact that at one previous time the Congress did appropriate. That was for the period between June 1, 1894, and May 21, 1896. Congress appropriated the amount then to cover the deficiency, which is a precedent for the action in this case.

Mr. LUCE. But I thought the gentleman from California understood that there was an obligation on the part of somebody to follow up this fund.

Mr. RAKER. If these fines and taxes were collected, they belonged to the District and would go into the fund that would help pay the expenses of the District, so that if they took that fund and used it to pay this they would still use the money of the people of the District.

Mr. GIBSON. Under the appropriation to cover the deficiency from 1894 to 1896, of course, they were using the people's money to make up the deficiency.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. GIBSON. Yes.

Mr. UNDERHILL. There was no obligation on the part of the District to do this. This is one of the roundabout ways which they use to take money belonging to the people generally and give it to a particular group of people. That is all there is to it.

Mr. GIBSON. Mr. Speaker, in answer to the suggestion made to the gentleman from California by the gentleman from Massachusetts, I suggest that making up the deficiency from 1894 to 1896 set a precedent. There is, as the commissioners say in their letter, a moral obligation resting upon the District to do that, and they recommend that this bill do pass. The bill is recommended by the committee. It is recommended by the Commissioners of the District, and it is not in conflict with the financial policy of the President. The matter has been submitted to the Bureau of the Budget, so that the bill has the approval of the committee, of the commissioners, and of the Bureau of the Budget. I think it is fair and just to pass this bill, so that this deficiency may be made up.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GIBSON. Yes.

Mr. MOORE of Virginia. I intend to support the bill, but I suggest to the gentleman that the bill should follow the recommendation of the Commissioners of the District of Columbia. Does not the gentleman think that any payment should be made to the widow of the deceased, or, in the event there is no widow, should be confined to the minor child or children of the deceased, if any?

Mr. GIBSON. I will be very glad to accept any amendment which the gentleman from Virginia may present to accomplish that purpose. I believe, gentlemen of the House, this moral obligation is so far-reaching that we ought to pass this bill and vote against the motion of the gentleman from Massachusetts.

Mr. GILBERT. Will the gentleman yield for an observation without taking the time of the committee?

Mr. GIBSON. Certainly.

Mr. GILBERT. I want to say, while I approve the principle of the gentleman from Massachusetts, I hardly think that it would be fair to apply to policemen and firemen as hard a rule as you would to the public at large. Otherwise you could not get a policeman to accept the position with the small pay if he has a family, which would probably be left destitute in the event of his death.

Mr. BEGG. Mr. Speaker and gentlemen of the House, it seems to me that this bill undertakes to do one thing, and one only, namely, to make the relief or pension fund of the firemen and police retroactive as of January 1, 1911. Now, in all beneficial legislation there must be a beginning point and an ending point. You can take the compensation and liability law that Congress put on the statute books, and it begins on a certain date, and constantly on the Private Calendar are coming up bills for the relief of individuals. I would ask this Congress: Here is the widow of a man in service, even though not on the fire or police force; does not she deserve the same consideration as that of a widow of one of these men?

Mr. UNDERHILL. Will the gentleman yield?

Mr. BEGG. Gladly.

Mr. UNDERHILL. If during that period a fireman or policeman was killed in the performance of his duty, and his widow and other dependents were taken care of, then does the gentleman——

Mr. BEGG. I understand that. It is simply to make up a deficit in the retirement pay. But again I ask you. There is an equalization pay bill before the Congress for the soldiers who were retired prior to the passage of the last retirement act. Some of those men are getting the same pay that they would have received had they retired at a later date. Well, if you are going to make this retroactive as of 1911, why not use the thing for a precedent and clean the calendar of all that kind of legislation? In other words, it seems to me they all fall in the same class.

Mr. GIBSON. Will the gentleman yield?

Mr. BEGG. I will yield in a half minute. If you are going to take January 1, 1911, suppose there is a widow of December, 1910? Does not she have the right to come in? What is the difference? It may be of a month, and it may be only one day. If you are going to make any of these laws retroactive, let us make them retroactive as far back as there are any dependents to be interested. You do the same injustice to go back to 1911 that you will in leaving it at 1915, only you are adding five years of a group in the favored class and leaving all prior to that time outside the post, and it would seem to me that unless Congress felt that an injustice had been done in all of these and wanted to make all of these bills enacted retroactive that we ought not to touch any of them.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. BEGG. I will.

Mr. SEARS of Florida. As a matter of fact, if there should be a widow of a policeman who died or was killed in 1905 or 1900—I do not know there is such a case—is not she more entitled because of her age and services than a younger one?

Mr. BEGG. Certainly. Suppose there is a policeman who retired in December, 1910. Say he is living to-day. Do you mean to tell me you are willing to pass this act making it retroactive from 1915 to 1911 as of January 1, and not make it include that man who retired in December, 1910? When it comes to the matter of equity and fairness there is only one way to do, and that is to stay on the line you start with or make it include everybody in the class.

Mr. SEARS of Florida. If the gentleman will yield again, especially so if the man in 1910 retired because of wounds or disability when the man in 1915 simply retired on account of age.

Mr. BEGG. Regardless of why he retired. If he was retired prior to January 1, 1911, he is entitled to the same consideration that he is if he retired after January 1, 1911. Now, does the gentleman from Vermont desire to ask a question?

Mr. GIBSON. I was about to ask the gentleman when I rose if this does not clean it up; does not the gentleman understand this cleans it up, so far as the policemen and firemen relief fund is concerned.

Mr. BEGG. Well, I will say to the gentleman, I could not get from the report the information that I wanted. But I will ask this question: Do the statutes provide for the pay of the retired policemen prior to June 30, 1916?

Mr. GIBSON. There is no statute to that effect, but since 1916 it is provided for, and prior to 1916, all up to that date are taken up by this bill.

Mr. BEGG. There are no people who have not received retirement pay, but there are people who are not on the retired list but in receipt of pay prior to the establishment of the voluntary relief fund. Of course there are.

Mr. GIBSON. I do not understand the gentleman on that.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. BEGG. Mr. Speaker, I ask for one minute more.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BEGG. There must have been a beginning date for the voluntary fund, was there not?

Mr. GIBSON. Yes.

Mr. BEGG. Were the policemen prior to that date carried on the voluntary relief fund?

Mr. GIBSON. They were all taken care of up to 1911 under the old act by the policy that was followed, but between 1911 and 1915 this deficiency occurred; so that, as I understand, when we take care of these, we take care of all who have any claim on the firemen's and policemen's relief fund.

Mr. BEGG. I would like to ask the gentleman another question. In order to be safe, would he be willing to remove the restriction of January 1, 1911?

Mr. GIBSON. Oh, yes; if the gentleman has any fear about it.

Mr. BEGG. If there is no restriction in the beginning proposition, there is not the danger of injustice that there would be this way.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. UNDERHILL] to strike out the enacting clause.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. UNDERHILL. A division, Mr. Speaker.
The SPEAKER. A division is demanded.
The House divided; and there were—ayes 15, noes 24.
So the motion was rejected.
Mr. BEGG. Mr. Speaker, is it too late to offer an amendment?
The SPEAKER. The committee amendments have not yet been acted upon. The question is on agreeing to the committee amendments.
The committee amendments were agreed to.
Mr. GIBSON. Mr. Speaker, I offer an amendment.
The SPEAKER. The gentleman from Vermont offers an amendment, which the Clerk will report.
The Clerk read as follows:

Amendment offered by Mr. GIBSON: Page 2, line 9, after the word "widow," strike out "heir, or legal representative, in the order named," and insert in lieu thereof the words "or if none, to any minor child or children of the deceased."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Vermont.
The amendment was agreed to.
The SPEAKER. Does the gentleman from Ohio desire to offer an amendment?
Mr. BEGG. Yes. On page 1, line 6, after the word "funds," strike out the rest of the line and line 7, down to the word "to," and insert the word "prior" in lieu of the matter stricken out.
The SPEAKER. The gentleman from Ohio offers an amendment, which the Clerk will report.
The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 1, line 6, after the word "funds," strike out the words "during the period from January 1, 1911," and insert the word "prior."

Mr. BEGG. Mr. Speaker, just a word on my amendment. As I understand my amendment, if it is adopted, this will cover the retired firemen and policemen prior to 1916, as far back as you want to go, if there is any deficiency.
The SPEAKER. The question is on agreeing to the amendment.
The question was taken; and the Speaker announced that the ayes seemed to have it.
Mr. BLANTON. Mr. Speaker, I ask for a division.
The SPEAKER. A division is demanded.
The House divided; and there were—ayes 9, noes 17.
So the amendment was rejected.
Mr. LAGUARDIA. Mr. Speaker, I move to strike out the last word.
The SPEAKER. The gentleman from New York moves to strike out the last word.
Mr. LAGUARDIA. I do so for the purpose of asking the gentleman a question. Under the amendment just adopted, the gentleman from Vermont has stricken out the words "heirs or legal representative" and inserted the words "widow and child." How about dependent parents—a mother or father?
Mr. GIBSON. That was in accordance with the form of amendment suggested by the gentleman from Virginia [Mr. MOORE].
Mr. LAGUARDIA. I will ask the gentleman from Virginia if the purpose is to exclude a dependent parent?
Mr. MOORE of Virginia. I was simply following the letter of the commissioners confining the benefits to the widow of the decedent, or, in the event there is no widow, to his minor child or children. I do not know anything about, or who the people are, or whether there are dependent mothers involved or not.
Mr. LAGUARDIA. It seems to me if the decedent left a dependent parent that parent would be excluded by the wording of the bill. That is the effect of the gentleman's amendment.
The SPEAKER. The Clerk will proceed with the reading of the bill.
The Clerk resumed and concluded the reading of the bill.
The SPEAKER. The question is on the engrossment and third reading of the bill.
The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CLOSING OF CERTAIN STREETS AND HIGHWAYS, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the bill (S. 1179) authorizing the Commissioners of the District of Columbia to close certain streets and highways in the District of Columbia be considered in the House as in Committee of the Whole.
The SPEAKER. The gentleman from Maryland asks unanimous consent to consider in the House as in Committee of the Whole Senate bill 1179, which the Clerk will report.
The Clerk read the title of the bill.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to close Broad Branch Road between Jocelyn and Thirty-first Streets, Piney Branch Road between Spring Road and Blair Road, Pierce Mill Road between Tilden Street and Wisconsin Avenue, Belt Road between Wisconsin Avenue and Chevy Chase Circle, Colfax Street through square 712, Queen's Chapel Road between Bladensburg Road and Irving Street, Grant Road between Wisconsin Avenue and Connecticut Avenue, and such other streets, roads, or highways or parts of streets, roads, or highways, as may, in the judgment of the Commissioners of the District of Columbia, become useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of a street, road, or highway in the District of Columbia by dedication, purchase, or condemnation; the title to the part or parts of the streets, roads, or highways so closed to revert to the abutting property owners: *Provided*, That the consent of the owners of all the property abutting on the street, road, or highway or a part of street, road, or highway proposed to be closed be obtained.

Mr. CHINDBLOM. Mr. Speaker, I move to strike out the word "highway" in line 14, page 1. I would like to ask the gentleman from Maryland what the effect will be of this grant of rather wide power to close streets in the District by the commissioners.
Mr. ZIHLMAN. I wish the gentleman would read the rather wide powers for the information of the House. I do not know of any wide powers given in the bill.
Mr. CHINDBLOM. The bill provides, referring to line 4, page 2:

Such other streets, roads, or highways or parts of streets, roads, or highways, as may, in the judgment of the Commissioners of the District of Columbia become useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of a street, road, or highway in the District of Columbia by dedication, purchase, or condemnation.

Mr. ZIHLMAN. I suggest that the gentleman read further on—

Provided, That the consent of the owners of all the property abutting on the street, road, or highway or a part of street, road, or highway proposed to be closed be obtained.

Mr. CHINDBLOM. I wanted to ask the gentleman, since a number of streets have been enumerated, whether it is proposed that this shall be general legislation which will make it unnecessary hereafter to secure the consent of Congress to close streets.
Mr. ZIHLMAN. I will say to the gentleman that under the old plan of streets, alleys, and highways in the District of Columbia, in that part of the District which was known as a part of the County of Washington, many of these streets that are now being closed by this bill ran across a square of land, as the District is at present constituted; it ran diagonally across this square and in order to square up the property and have streets on the four sides the property owners deeded new streets to the District of Columbia, and the Commissioners of the District of Columbia were authorized by the law now in existence to close alleys, but they have no power to close streets, so that every time they want to close one of these old streets—streets no longer used, in many cases impassable, and in some cases in a dangerous condition—it is necessary to come to Congress and get a special act of Congress authorizing the closing of such streets. So the Commissioners sent up this list of streets, which have accumulated over a period of years, as being useless or unnecessary, and they have also put in the bill the general power that when they determine that a street has become useless or unnecessary by reason of the opening, widening, or extension of other streets, and where all of the property owners are in accord, they shall be authorized to close those streets without further authority from Congress. It was the intention of the committee to give that power to the Commissioners of the District of Columbia instead of bringing in a bill every time they wanted to close one of these abandoned streets.

Mr. CHINDBLOM. Does not the gentleman think that in such event a general bill giving that authority would have been better than enumerating a certain number of streets and then tying it up with the further authority to close streets?

Mr. ZIHLMAN. I do not think so. I think this is a perfectly proper way to legislate. We close these streets and then we give this power so that in the future the District Commissioners will not have to come to Congress when they want to close a street which they think unnecessary or useless by reason of the opening or closing of other streets and where all the property owners on both sides are unanimous in asking that such street be closed.

Mr. DOWELL. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. DOWELL. This bill also gives authority to purchase and condemn property for the establishment of other streets without let or hindrance.

Mr. ZIHLMAN. I wish the gentleman would call my attention to that language.

Mr. DOWELL. Well, in line 10, page 2, the bill provides:

By dedication, purchase, or condemnation.

Now, this bill provides for the giving away of the highway and then it provides the power to purchase another street.

Mr. ZIHLMAN. No; it does not do that, I will say to the gentleman. If the gentleman will read the language of the bill carefully, he will find that the Commissioners of the District of Columbia may close a street when it has become useless or unnecessary by reason of the extension, widening, or straightening of another street.

The SPEAKER pro tempore (Mr. LUCE). The time of the gentleman from Illinois has expired.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent that the gentleman have two minutes more.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the gentleman from Illinois have two additional minutes. Is there objection?

There was no objection.

Mr. DOWELL. Just one further question. As I understand it, the District under this bill may purchase or condemn any street, and then by so doing the commissioners may give away a street that is now established or has been established for some years.

Mr. ZIHLMAN. No; the gentleman is wrong. This simply proposes that when a street has become useless or unnecessary because of the opening, extension, widening, or straightening of other streets, that then the commissioners are authorized without further legislation by Congress to close such street when the consent of all the property owners has been obtained; all the abutting property owners.

Mr. CHINDBLOM. Now, Mr. Speaker, I believe I have a moment left of my own time.

Mr. DOWELL. I did not understand the gentleman had the floor, and I beg his pardon.

Mr. CHINDBLOM. Does not the gentleman from Maryland think it would be necessary to have some provision in the bill by which property owners might be compensated for injuries done to them or their land and by which benefits might be ascertained, as well as other similar questions determined, which always arise in the matter of adjusting streets in cities?

Mr. ZIHLMAN. Well, according to existing law, I will say to the gentleman from Illinois when a street that was on the plat of the old city of Washington is abandoned and authority is given to close that street, the property, under existing law, reverts to the abutting property owner, and the same power they now have under existing law has been applied to alleys.

The SPEAKER pro tempore. The time of the gentleman from Illinois has again expired.

Mr. CHINDBLOM. Mr. Speaker, I ask for one more minute.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. CHINDBLOM. The situation may be altogether different here than in other towns, but there are places where a highway has been dedicated by some owner, and it is not right that it should revert to the abutting property owners, because the abutting property owners may never have granted the right of way, so that the title, if there is any, and the interest, if there is any, should revert to the people who originally dedicated the right of way.

Mr. ZIHLMAN. My understanding of the present law is that when a street is opened the land is acquired by either one of two methods, one by condemnation and the other by dedication in fee simple to the Commissioners of the District of Columbia, so I can not see where a case such as the gentleman cites would apply to these streets, because the title is in the District without any restrictions, and that is the reason for this legislation.

Mr. CHINDBLOM. And under this bill such title would vest in the abutting property owners without reference to any prior interest they might have had in the land constituting the highway.

Mr. ZIHLMAN. They had no interest in it.

Mr. CHINDBLOM. But you are making a gift to them now of the abutting land.

Mr. ZIHLMAN. As is done in all cases under the District law.

Mr. BLANTON. Mr. Speaker, I rise in opposition to the pro forma amendment.

Mr. DOWELL. Mr. Speaker, I desire to offer an amendment.

Mr. BLANTON. Mr. Speaker, as a member of the committee, I rise in opposition to the pro forma amendment.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Speaker, I want to have this understanding with the gentleman from Maryland [Mr. ZIHLMAN], in charge of the bill, relative to the legislative intent of this bill. It was understood in the committee definitely, was it not, by all present that this bill would have no effect whatever upon the Walter Reed Hospital grounds and would give the commissioners no right whatever to open up Fourteenth Street through those grounds; was not that understood?

Mr. ZIHLMAN. There is no right given here to open any street.

Mr. BLANTON. Was not that thus understood in the committee?

Mr. ZIHLMAN. It was understood in the committee that it would not give them the right to open any street.

Mr. BLANTON. And it is so understood on the floor now in the debate on this bill that they have no power whatever with reference to the Walter Reed Hospital grounds?

Mr. ZIHLMAN. That is so apparent from a reading of the bill that I quite agree with the gentleman.

Mr. BLANTON. And that is thoroughly understood on the floor here now?

Mr. ZIHLMAN. That is understood.

Mr. BLANTON. And with such an understanding there is no opposition?

Mr. ZIHLMAN. No opposition on the gentleman's part.

Mr. DOWELL. Mr. Speaker, I desire to offer an amendment to strike out beginning with the word "and" in the third line of the second page, down to and including the word "owners" in line 12.

The SPEAKER pro tempore. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DOWELL: Page 2, line 3, after the word "Avenue," strike out the word "and" and all down to and including the word "owners" in line 12.

Mr. DOWELL. Mr. Speaker, if this amendment is agreed to, it will leave the authority with the commissioners to abandon the streets designated in the bill. It will make no provision whatever for any future abandonment of streets and will not make provision for turning the property over to any individuals.

I want to call attention to this fact: If the bill passes as it is now agreed upon and hereafter it is desired to condemn land and establish a street, the District will condemn and pay for the street and then afterwards the commissioners are authorized to abandon the street under certain conditions and turn it back to the property owners again.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. CHINDBLOM. Of course, the property owners who are going to get this property will consent to receiving it.

Mr. DOWELL. Certainly; and you are only getting very enthusiastic support for the abandonment of a street because you are sending it back to the property owner, perhaps after the city or the District has paid all that was found due at the original opening of the street. I think this amendment should be agreed to, and we should authorize the commissioners to abandon the streets if they desire to do so, designated in the bill, without the authority of turning it back to any individual.

Mr. ZIHLMAN. Mr. Speaker, I hope the amendment offered by the gentleman from Iowa [Mr. DOWELL] will not prevail.

It has been repeatedly stated by Members of Congress on both sides of the aisle that these matters which are more or

less trivial should not be taking up the time of the American Congress, and the committee feels that this power, which has already been vested in the commissioners as applied to alleys, should be extended to streets. The commissioners are men of responsibility. They are men appointed by the President of the United States and they are only delegated the power in this bill to close streets that have been rendered useless or unnecessary by the opening or extension of other streets. Then, in order to further safeguard the rights of the abutting property owners, it is provided in the bill that the unanimous consent of the property owners must first be obtained.

If we do not pass this legislation, at the next session of Congress we will have half a dozen bills closing streets that are useless and abandoned and in some cases in a dangerous condition.

I can not see that any harm is done to anyone, and I believe this power should be delegated to the District Commissioners. I will say to the gentleman from Iowa that I, personally, would be willing to extend other powers to them, so that many of the matters would not be continually demanding the time of Congress.

Mr. WATSON. Will the gentleman yield?

Mr. ZIHLMAN. I yield to the gentleman from Pennsylvania.

Mr. WATSON. In case the owner of abutting properly fails to consent to having the street closed, what action would the District of Columbia then take?

Mr. ZIHLMAN. Then we would have to come in here with a special bill.

Mr. WATSON. You could not close it, then, under this bill?

Mr. ZIHLMAN. No; not unless they had the unanimous consent of the abutting property owners.

Mr. WATSON. Then if there are 10 or 15 property owners and 1 stands out, this would avail nothing?

Mr. ZIHLMAN. In that event, this avails nothing; but I will call the gentleman's attention to the fact that the first paragraph of the bill does give them authority to close quite a number of streets.

Mr. WATSON. But they must get the consent of the abutting property owners?

Mr. ZIHLMAN. I think there should be some protection, and if the matter is controversial and dubious in its nature, then they could come here with a bill and the committee would be justified in taking up the time of Congress with its consideration.

Mr. WATSON. You would then have to bring in a bill conferring full authority to close the street?

Mr. ZIHLMAN. Yes.

Mr. CHINDBLOM. Do the words relating to the consent refer to the streets specifically mentioned in the bill?

Mr. ZIHLMAN. No; I will say to the gentleman, I do not think so. The first paragraph of the bill says that "the commissioners are hereby authorized to close"; that is one section of the bill, and it goes on and provides for power to be vested in the commissioners for the future as to certain streets which they now have as applied to alleys.

Mr. CHINDBLOM. But this is all one section. Does the gentleman think that we ought to make a grant to abutting property owners in every instance of the land, whether the abutting property owners had an interest in the street or not?

Mr. ZIHLMAN. I will say yes. I have inspected some of these streets, although I have not inspected all of them, and some of them run squarely through the lots of the property owners. When we made the highways the plan was agreed upon, and Congress provided that they must dedicate the new streets and the owners had to give the land.

Mr. CHINDBLOM. These property owners get the land and, of course, they are always going to consent in order to get the land by reason of closing the streets. That will not protect the District of Columbia or the people generally.

Mr. ZIHLMAN. That section of the bill which provides that the District Commissioners shall close streets only when they find that the street is useless or unnecessary because of the opening of other streets is a protection to the District of Columbia. It is questionable whether the property owners in all cases would be in favor of closing the street, as many of them have garages and sheds on the land which is not subject to taxation; if the street is closed and title reverts to them they must pay taxes upon it, whereas they now have the use of it without the payment of taxes.

The SPEAKER (Mr. LUCE in the chair). The question is on the amendment offered by the gentleman from Iowa [Mr. DOWELL].

The question was taken; and on a division (demanded by Mr. DOWELL) there were 4 ayes and 18 noes.

So the amendment was rejected.

Mr. MOORE of Virginia. Mr. Speaker, I move to strike out the last word in order to ask a question of the gentleman from Maryland. I suppose a lawyer could raise a good many questions about this bill, but I shall not undertake to do it. I suggest, however, that there ought to be some evidence preserved of the consent of the abutting property owners. That could be effected by inserting the word "written" before the word "consent" in the twelfth line.

Mr. DOWELL. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. DOWELL. Also there should be some finding by the commission under the bill. All the commission need to do under the bill in order to close any street in the District of Columbia is to find that in their judgment and belief that it is not necessary.

Mr. MOORE of Virginia. Does not the gentleman think that imports a finding based upon some sort of an investigation?

Mr. DOWELL. That may be.

Mr. MOORE of Virginia. If the gentleman from Iowa were a commissioner I would assume that, as a matter of course, and I would assume it in the case of the commissioners now in office.

Mr. ZIHLMAN. The next paragraph in the bill provides what shall be done when a street is closed. I have no objection to the amendment suggested by the gentleman from Virginia, and, Mr. Speaker, I move to amend on page 2, line 12, after the word "the" insert the word "written" before the word "consent."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ZIHLMAN: Page 2, line 12, after the word "the" where it occurs the second time in the line insert the word "written."

The amendment was agreed to.

The Clerk completed the reading of the bill.

The SPEAKER pro tempore. The question is on ordering the bill to be read a third time.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AUTHORIZING SALE OF GOVERNMENT PROPERTY TO JEREMIAH O'CONNOR

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 5517) authorizing the sale of certain Government property in the District of Columbia to Jeremiah O'Connor be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that the bill H. R. 5517 be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture, in his discretion, be, and he is hereby, authorized to sell for cash, under such rules and regulations as he may prescribe, to Jeremiah O'Connor, lot No. 4, square 377, comprising 600 feet, more or less, in rear of 913 E Street NW., Washington, D. C.

The following committee amendments were read:

Place a period after the word "Columbia" in the caption of the bill and strike out the words "to Jeremiah O'Connor."

In line 5, strike out the words to "to Jeremiah O'Connor."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill authorizing the sale of certain Government property in the District of Columbia."

DISTRICT LEGISLATION

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to proceed for five minutes out of order on the status of District legislation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, this afternoon we have passed seven District bills, bills that were agreed upon by the committee as having preference in the order called up here to-day. There are a number of other bills of great importance on the calendar, one of which relates to the taxation system of the District of Columbia and about which there should be no great

contention, because the changes made in existing tax laws are of minor character, and many of them are now carried in the appropriation bill. It simply makes permanent law of what is temporary law, but in view of the lateness of the hour and due to the fact that it will be impossible to conclude the consideration of any bill to which there is any strong opposition, it is not my purpose to call it up to-day.

We have also on the calendar at this time a bill providing for the acquisition of certain park areas in the District of Columbia. Inasmuch as this legislation simply authorizes the purchase of these park areas, and we now have legislation authorizing the appropriation of $1,000,000 per year under the general park bill, the committee does not deem it wise to take up the time of the House with this legislation.

We have also on the calendar what is known as the Fitzgerald compensation bill. Owing to the fact that the gentleman from Ohio [Mr. FITZGERALD] has not been well, he has not urged that this matter be brought up, and the committee, in view of his condition, has felt it inexpedient and unwise to press this legislation at the present time.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. NEWTON of Minnesota. The Senate has passed a bill, and it is now under consideration by the gentleman's committee, that is of great importance, pertaining to the regulation of the sale of milk.

Mr. ZIHLMAN. I will come to that in a moment.

Mr. NEWTON of Minnesota. I hope the gentleman's committee will report promptly upon that.

Mr. ZIHLMAN. We have also on the calendar a bill providing for the development of the Great Falls hydroelectric power project. At the last meeting of the committee the gentleman from Texas [Mr. BLANTON], who is the leader of the minority in the absence of the gentleman from New York [Mr. SULLIVAN], assured me that he would allow that matter to be brought up at the next District day in the House, providing that it is satisfactory to the other members of the District Committee.

There is also before subcommittees of the District Committee of the House a bill providing for the creation of a permanent rent commission in the District of Columbia and a bill known as the general welfare bill, relating to delinquent minor children, and reenacting many of the laws relating to dependents, delinquents, and orphans here in the District. The subcommittee, I understand, will report that measure at the next meeting of the District Committee.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. SNELL. Has the committee taken into consideration reporting out a general bill changing the fundamental law of the District? It seems to me that the time has come when something ought to be done along that line.

Mr. ZIHLMAN. What does the gentleman mean by the fundamental law?

Mr. SNELL. The whole thing connected with the construction of the government of the District. It seems to me it is the height of folly to bring in here every District day matters pertaining to policemen and the widening of streets, and matters of that kind.

Mr. ZIHLMAN. We just passed a bill giving power to the commissioners to close certain streets.

Mr. SNELL. Yes; I understand, and that is what brought this matter to my attention. I think somebody in connection with the District government ought to have authority to do these minor things that are done by the mayor or a board of aldermen in other cities. It does not seem to me necessary for Congress to do all of those things.

Mr. ZIHLMAN. Nothing has been done in this session looking to that end.

Mr. SNELL. Does not the gentleman think that something along that line ought to be done?

Mr. ZIHLMAN. I think so. Personally I am in favor of some such change. It is rather a reflection upon the system of government here when, for instance, we have a snowfall in the District and the chosen officials must go to one man, the Director of the Budget, and first ask whether he will recommend a deficiency appropriation if they clean the snow off the streets. It seems absurd that the representatives of 425,000 people must go to the head of the Budget, who is changed at the will of the President, and who has to pass on all appropriations for the various branches of the Government, and obtain his consent before a deficiency appropriation can be assured in such a case.

Mr. SNELL. It is proper for the District of Columbia Committee to take up that kind of legislation, and I think they should do it.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. GILBERT. I have given great consideration to the matter to which the gentleman from New York refers. I think the gentleman has brought out one of the most important matters that Congress could consider, and at the next session I shall offer to the House something along that line. I hope in the summer that the gentleman from New York can be of assistance to me in perfecting some such system. I think it would be unwise for the Congress of the United States to surrender any of its powers over the District, and at the same time it will be quite wise to rid itself of many of these annoyances. It is my general plan to reserve in the Congress of the United States a veto power in all legislation allowing the District to initiate the character of legislation the gentleman speaks of.

Mr. SNELL. I entirely agree with the gentleman, as far as that is concerned, in reference to the reserving of the veto power here, but I know there is a lot of minor legislation that the average Member knows nothing about which never should clutter up the calendars.

Mr. GILBERT. In my investigation I ran across this difficulty. It is not only wise to reserve the veto power but, in my opinion, wise to reserve the right to initiate legislation. The local authorities might not see fit to initiate legislation which the Congress thinks should be initiated, but you realize the comprehensiveness of that entire situation is so great that it requires a great deal of thought and much detail.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for five additional minutes.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I shall not object, but the gentleman surely will give me five minutes?

Mr. ZIHLMAN. Surely, so far as I am concerned.

Mr. GILBERT. I should like to say to the gentleman from New York and all other Members present that I would like their hearty cooperation in perfecting some such program.

Mr. SNELL. Is it not a fact that when the original law was enacted this town was merely a burg, practically nothing but a small village? Now it is a big city and the relationship seems to be altered——

Mr. GILBERT. And the gentleman will notice that it is behind other cities in all character of legislation. The gentleman will observe that we just passed a compulsory education bill. We have no insurance bill, no proper system of transportation, no banking system, no workman's compensation law——

Mr. NEWTON of Minnesota. No milk law.

Mr. GILBERT. There are a great many others.

Mr. SNELL. Are not a great many of these things which are generally attended to by what is called a mayor or a local board of aldermen, and if the law was changed——

Mr. GILBERT. I expect to submit to the gentlemen of the House a plan containing my conclusions on the subject.

Mr. SNELL. I have no definite plan, but I know that something along that line ought to be done.

Mr. MOORE of Virginia. May I ask the gentleman from Kentucky, considering this entire matter, realizing how busy the standing committees of the two Houses are that have to do with District of Columbia affairs, would it not be wise to create a special joint committee to consider the very subject which the gentleman is now bringing to the attention of the House?

Mr. GILBERT. I think so.

Mr. TILSON. Will the gentleman yield for a question?

Mr. ZIHLMAN. I will yield to the gentleman from Connecticut.

Mr. TILSON. The gentleman from Minnesota referred to the fact that there is no law here in regard to milk. Either in the last Congress or the beginning of this one I introduced a bill of that character, copying very freely from the law of my own State, which seems to me would be a good law and serve the purpose. Has anything been done in regard to that bill?

Mr. ZIHLMAN. I do not know in regard to that particular bill, but I will say to the gentleman that a special committee having the various milk bills in charge has advised me they are going to make a favorable report on some bill at the next meeting of the District of Columbia Committee, which is next Wednesday.

Mr. MOORE of Virginia. That is the bill that passed the Senate that is regarded by the health authorities of the District and the commissioners as a very excellent bill. It has been in the hands of the subcommittee for a long time.

Mr. ZIHLMAN. Now, Mr. Chairman, we have also the milk bill referred to which will be reported to the District Committee Wednesday. We have in the hands of a subcommittee what is known as the five-year school building program bill, which the chairman of the House subcommittee advises me will be ready to be reported during the coming week. We also have a joint meeting with the Senate committee for the consideration of a new traffic bill, a code of traffic law for the District of Columbia, and that should be concluded during the coming week. The insurance bill providing for a new insurance code of the District of Columbia is on the calendar now. There was a good deal of opposition to that bill and a new bill has been introduced and the subcommittee is trying to whip it into shape and that will be ready to report to the Committee on the District of Columbia next Wednesday.

Mr. NEWTON of Minnesota. In reference to the traffic legislation referred to, does that legislation provide anything along the line of what is known as arterial highways, where there must be a full stop before crossing?

Mr. ZIHLMAN. The committee has not really formulated the bill, but they are giving consideration to a plan of superhighways, fast highways.

Mr. NEWTON of Minnesota. I understand from the papers requests are coming for 300 more police. You can put on a thousand more and if they still permit running down the principal highways and over the crossing, as is now permitted that will not change the traffic situation at all.

Mr. ZIHLMAN. The gentlemen of the committee have been considering that phase of legislation.

Mr. BLANTON. Mr. Speaker, I ask leave to speak for five minutes.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I would state to the gentleman from Minnesota [Mr. NEWTON] that the milk bill mentioned by the gentleman from Virginia [Mr. MOORE], a Senate bill, is all right, with one exception. It does not require all milk retailed here to be pasteurized. With the amendment that we expect to put into that bill, I think it will be next on the program for consideration two weeks from now. There will be a proper milk bill here I hope in two weeks.

Mr. NEWTON of Minnesota. All milk to be pasteurized might not be a very good thing. Unpasteurized milk is absolutely essential to be used for certain classes of patients.

Mr. SNELL. Pasteurization of milk does not take all the dirt out of it.

Mr. LAGUARDIA. That theory has been exploded.

Mr. BLANTON. In regard to the insurance bill, I hope that we have about agreed on a proper code.

With regard to the Great Falls water-power bill, that is a pet project of our friend from Virginia [Mr. MOORE] and our friend from Maryland [Mr. ZIHLMAN]. They claim that it involves an expenditure of only $44,000,000. I claim, judging from the reports of expert engineers, that it could cost $80,000,000. If you do not want to spend $80,000,000 up there to dam this river up and have another Muscle Shoals white elephant problem on your hands to solve and get rid of, that is for you to decide.

Mr. SNELL. How much power could be developed?

Mr. BLANTON. If you saw some of the photographs I have that were taken last July and August, showing the little stream of water then trickling through the rocks up there, I do not think you would have much power during at least two or three months of each year.

Mr. NEWTON of Minnesota. What disposition is to be made of the power?

Mr. BLANTON. To let it out to private parties, and permit them to use it for private profit and let the Government pay for it. [Laughter.]

Mr. MOORE of Virginia. As to that, I will say to the gentleman——

Mr. BLANTON. Oh, I do not want to discuss that bill now. This is rather a bad day on which to discuss propositions from the standpoint of the taxpayers.

Mr. UNDERHILL. And it will also assist materially in developing a whole lot of property up there for general exploitation on the part of real-estate owners.

Mr. BLANTON. Yes. I agree with the gentleman absolutely on that.

In regard to the proposed rent bill, which should not pass, there is no question but that we should pass before March 4 a bill requiring all real-estate agents to be licensed and regulated. I have introduced a bill now pending before the joint House and Senate committee on that line. We should also pass a bill requiring a statement of the real and true amount of consideration to be placed in every deed and every deed of trust, and also a statement of the liens according to priority that may lie against the property. We should also provide some legislation preventing and making unlawful any concert of action between the real-estate dealers for the purpose of raising rents. But I do not believe the House or the Senate will ever agree upon the proposed socialistic program of having a system of fixed rentals here in the District of Columbia, making the Rental Commission a permanent institution, which would hurt more people than it would help.

Mr. NEWTON of Minnesota. Everybody ought to agree on that. Can we not get some legislation of that kind through and take up the other things later?

Mr. BLANTON. I am afraid that the committee is going to insist on either having a rental board to fix rents permanently and force distasteful renters on landlords and perpetuate the socialistic law now in existence and let this rental board permanently determine what a man shall get for his property and what he shall furnish with it and who he shall keep in it, or as an alternative insist that all of those requirements shall be made by the municipal court. That alternative, worse than the Rent Commission, has been proposed.

This last, or Copeland proposal, is to turn all of the rental residence property in the District over to a municipal court here in Washington and let that court decide what is a fair rental and determine what a man should be required to furnish with his house, what service shall be given in the way of attendants and lights and heat and gas and fixtures, and so on, and what the owner may charge for it, and when the court has fixed those requirements, if you disobey same, let it put you in jail for a term and fine you a thousand dollars if you do not comply with the court's regulations. Those are the problems you will soon have before you to take up and give consideration, and when they come may we all be guided by an All Wise Providence.

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER pro tempore. The gentleman from Vermont asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. GIBSON. Mr. Speaker, I rise to say that I think the gentleman from New York [Mr. SNELL] has hit upon a vital matter in connection with the District government. It should not be necessary to come here to Congress and take up time to dispose of a whole lot of small things that now engage the attention of Congress. For instance, this matter of the widening of streets is one. Here is an illustration in point: It is desirable to remove the stone posts in front of the Treasury Building. Under the present system that can not be removed without an act of Congress. So, there are a lot of things of that same nature that ought to be disposed of without coming to Congress.

I am very glad indeed the gentleman from Kentucky [Mr. GILBERT] has brought the weight of his ability to an attempt to arrive at a solution. I would not have the House think that the Committee on the District of Columbia has been entirely negligent in this matter. I gave notice at the last meeting of the committee that some of the members would ask for the passage of a joint resolution providing for a joint committee to give intensive study to this proposition and be ready to report at the opening of the next session of Congress.

Mr. SNELL. Mr. Speaker, will the gentleman yield to a question for information?

Mr. GIBSON. I shall be glad to.

Mr. SNELL. Does the Federal Government own the water-power at Great Falls?

Mr. GIBSON. I do not think it does.

Mr. SNELL. They would have to go and buy it? They own no riparian rights or anything of that kind?

Mr. BLANTON. Absolutely not.

Mr. ZIHLMAN. They do not own any of the land on either side. The Federal Government has the right to take water from the river.

Mr. GIBSON. Mr. Speaker, I am not wise enough to say what ought to be done with respect to the District government.

I do not think there is a Member of this House who has the ability to arrive at a correct solution of the problem alone.

I think we ought to have this joint committee to give this study to it and give the House the benefit of that study, and I hope it will have the unanimous support of the House. [Applause.]

MESSAGE FROM THE SENATE

A mssage from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. JONES of Washington, Mr. SPENCER, Mr. FLETCHER, and Mr. HARRIS as the conferees on the part of the Senate.

DISPOSITION OF COAL, PHOSPHATE, OIL, AND GAS ROYALTIES

The SPEAKER pro tempore. The Chair lays before the House the following communication from the Senate, which the Clerk will report.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
January 22 (calendar day, January 24), 1925.

Ordered, That the House of Representatives be requested to return to the Senate the message announcing its agreement to the amendment of the House of Representatives to the bill (S. 876), entitled "An act to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled 'An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain,' approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes."

The SPEAKER pro tempore. Without objection the message will be returned to the Senate.

There was no objection.

ADJOURNMENT

Mr. ZIHLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 3 minutes p. m.) the House adjourned until Tuesday, January 27, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

820. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a communication from the Secretary of War submitting claim of Col. Herman Hall for damage to or loss of privately owned property in the sum of $150, which has been adjusted and which requires an appropriation for its payment (H. Doc. No. 578), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAYDEN: Committee on Irrigation and Reclamation. H. R. 10279. A bill for the completion of first Mesa division of the Yuma auxiliary reclamation project, Arizona, and for other purposes; with amendments (Rept. No. 1281). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on War Claims. S. 3252. An act referring the claim of the State of Rhode Island for expenses during the war with Spain to the Court of Claims for adjudication; without amendment (Rept. No. 1282). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on the Public Lands. H. R. 11067. A bill to provide for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho; without amendment (Rept. No. 1283). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DRIVER: Committee on the Public Lands. H. R. 9687. A bill permitting the sale of the northeast quarter, section 5, township 6 north, range 15 west, 160 acres, in Conway County, Ark., to A. R. Bowdre; with an amendment (Rept. No. 1280). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11161) granting an increase of pension to Daniel W. Savage, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McKENZIE: A bill (H. R. 11951) to authorize the Secretary of War to secure for the United States title to certain private lands, now used as an artillery range, adjoining Schofield Barracks, Hawaiian Territory; to the Committee on Military Affairs.

By Mr. SINNOTT: A bill (H. R. 11952) to authorize the exchange of certain patented lands in the Rocky Mountain National Park for Government lands in the park; to the Committee on the Public Lands.

By Mr. WOOD: A bill (H. R. 11953) to authorize the construction of a bridge across the Grand Calumet River on the north and south center line of section 33, township 37 north, and range 9 west of the second principal meridian in Lake County, Ind., where said river is crossed by what is known as Kennedy Avenue; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11954) to authorize the construction of a bridge across the Grand Calumet River at Gary, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Mississippi: A bill (H. R. 11955) for the relief of dependents of men who were killed in the explosion on the battleship *Mississippi;* to the Committee on Naval Affairs.

By Mr. FAIRFIELD: A bill (H. R. 11956) to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909; to the Committee on Insular Affairs.

By Mr. FISH: A bill (H. R. 11957) to authorize the President in certain cases to modify visé fees; to the Committee on Foreign Affairs.

By Mr. SHALLENBERGER: A bill (H. R. 11958) providing for the irrigation of certain lands in the State of Nebraska; to the Committee on Irrigation and Reclamation.

By Mr. SMITH: A bill (H. R. 11959) authorizing the Secretary of the Interior to grant a patent to certain lands to Company C, Two hundredth Infantry, Idaho National Guard, for use as a rifle range for said organization; to the Committee on the Public Lands.

By Mr. STEDMAN: A bill (H. R. 11960) to provide for an additional Federal district for North Carolina; to the Committee on the Judiciary.

By Mr. UNDERWOOD: Joint resolution (H. J. Res. 331) declining a bequest to the United States by the late Wesley Jordan, of Fairfield County, Ohio; to the Committee on the Judiciary.

By Mr. WINSLOW: Joint resolution (H. J. Res. 332) to authorize a survey of the St. Lawrence River, and the preparation of plans and estimates, as recommended by the International Joint Commission; to the Committee on Interstate and Foreign Commerce.

Also, resolution (H. Res. 416) expressing a desire that every educational institution provide a course for the study of the Constitution of the United States; to the Committee on Education.

By Mr. DYER: Resolution (H. Res. 417) for the consideration of House bill 9179, to punish the unlawful transmission in interstate commerce or through the mails of gambling machines, fraudulent devices, pistols, and revolvers, and for other purposes; to the Committee on Rules.

By Mr. MORROW: Memorial of the Legislature of the State of New Mexico, indorsing Senate bill 2327, Gooding long and short haul bill; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 11961) for the relief of William H. Dotson; to the Committee on Military Affairs.

By Mr. COLE of Iowa: A bill (H. R. 11962) granting a pension to Mary J. Stotts; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 11963) granting an increase of pension to Sarah M. Crommett; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 11964) granting a pension to Caroline Arnold Brown; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 11965) granting a pension to Samuel C. Hassler; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 11966) granting an increase of pension to Mary S. Rine; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 11967) granting an increase of pension to Sarah A. Tefft; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 11968) granting a pension to William R. Tillard; to the Committee on Pensions.

By Mr. SWEET: A bill (H. R. 11969) granting an increase of pension to Lucena Cory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11970) granting an increase of pension to Nancy Dunham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11971) granting an increase of pension to Anna Vinier; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 11972) granting an increase of pension to Mary Ellen Kepler; to the Committee on Invalid Pensions.

By Mr. WILSON of Mississippi: A bill (H. R. 11973) for the relief of Shadworth L. Smith; to the Committee on Pensions.

Also, a bill (H. R. 11974) for the relief of Marion F. Blackwell; to the Committee on the Public Lands.

Also, a bill (H. R. 11975) for the relief of L. H. Bowles; to the Committee on War Claims.

By Mr. WILSON of Indiana: A bill (H. R. 11976) granting an increase of pension to Loucinda Spencer; to the Committee on Invalid Pensions.

By Mr. SNELL: Resolution (H. Res. 415) granting a sum equal to six months' salary and $250 for funeral expenses to Catherine Louise Terrott, mother of Fred G. Terrott, late clerk of the Rules Committee of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3561. By the SPEAKER (by request): Petition of Municipal Assembly of Fajardo, P. R., urging Congress to enact into law the bill permitting the people of Porto Rico to elect their own governor; to the Committee on Insular Affairs.

3562. By Mr. FULLER: Petition of the Indian Relief Committee, of Minneapolis, favoring passage of a bill providing a $100 per capita payment to the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

3563. Also, petition of the Illinois Valley Manufacturers' Club, of La Salle, Ill., protesting against the passage of the Gooding long and short haul bill (S. 2327); to the Committee on Interstate and Foreign Commerce.

3564. By Mr. GALLIVAN: Petition of Massachusetts Association of Real Estate Boards, Boston, Mass., protesting against establishment of permanent Rent Commission in the District of Columbia, as provided for in Senate bill 3764 and House bill 11078; to the Committee on the District of Columbia.

3565. By Mr. MORROW: Petition of New Mexico Cattle and Horse Growers' Association, in re tariff on hides; to the Committee on Ways and Means.

3566. By Mr. SITES: Papers to accompany House bill 11946, granting an increase of pension to Louisa R. Smith; to the Committee on Invalid Pensions.

3567. By Mr. SMITH: Resolutions adopted by tenth annual convention of Idaho State Federation of Labor, Boise, Idaho, against enactment of Senate bill 3218; to the Committee on the District of Columbia.

3568. By Mr. STRONG of Pennsylvania: Petition of E. R. Brady Post, No. 242, G. A. R., Brookville, Pa., urging passage of the pending bill to increase the pensions of Civil War soldiers, their widows, and dependents; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *January 27, 1925*

(Legislative day of Monday, January 26, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 596. An act to provide for the extension of Bancroft Place between Phelps Place and Twenty-third Street NW., and for other purposes;

H. R. 5327. An act to provide for the payment to the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915;

H. R. 5517. An act authorizing the sale of certain Government property in the District of Columbia; and

H. R. 10348. An act authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold donated to the United States for park purposes.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 703. An act making an adjustment of certain accounts between the United States and the District of Columbia;

S. 2842. An act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes; and

S. 1179. An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan, of other streets, roads, or highways in the District of Columbia, and for other purposes.

The message further announced that the House returned to the Senate, in compliance with its request, the message from the Senate announcing its agreement to the amendment of the House of Representatives to the bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 25) authorizing a per capita payment of $50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the enrolled bill (H. R. 10152) granting the consent of Congress to the Huntley-Richardson Lumber Co., a corporation of the State of South Carolina, doing business in said State, to construct a railroad bridge across Bull Creek at or near Eddy Lake, in the State of South Carolina, and it was thereupon signed by the President pro tempore.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Hale	McNary
Ball	Dill	Harreld	Mayfield
Bayard	Edge	Harris	Means
Bingham	Edwards	Heflin	Moses
Borah	Ernst	Howell	Neely
Brookhart	Fernald	Johnson, Calif.	Norbeck
Broussard	Ferris	Johnson, Minn.	Norris
Bruce	Fess	Jones, N. Mex.	Oddie
Cameron	Fletcher	Jones, Wash.	Overman
Capper	Frazier	Kendrick	Pepper
Caraway	George	Keyes	Phipps
Copeland	Gerry	King	Pittman
Couzens	Glass	McKellar	Ralston
Cummins	Gooding	McKinley	Ransdell
Curtis	Greene	McLean	Reed, Mo.

Reed, Pa.	Smith	Sterling	Walsh, Mont.
Sheppard	Smoot	Swanson	Warren
Shipstead	Spencer	Underwood	Watson
Shortridge	Stanfield	Wadsworth	Weller
Simmons	Stanley	Walsh, Mass.	Willis

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably detained. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Eighty Senators have answered to the roll call. There is a quorum present.

VISITORS TO NAVAL ACADEMY

The PRESIDENT pro tempore, pursuant to the provision of the act of Congress of August 29, 1916, relative to the appointment of the Board of Visitors to the Naval Academy, appointed Mr. SHORTRIDGE, Mr. SWANSON, Mr. METCALF, and Mr. COPELAND members of the board on the part of the Senate.

PETITIONS AND MEMORIALS

Mr. FESS presented a resolution adopted by the City Council of Cleveland, Ohio, favoring the passage of Senate bill 3674, reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions of the City Council of Cleveland, Ohio, protesting against the passage of legislation authorizing a permanent diversion of 10,000 cubic feet of water per second from Lake Michigan into the Chicago Drainage Canal, which were referred to the Committee on Commerce.

Mr. McLEAN presented petitions of members of the A. C. Tyler Auxiliary, No. 14, United Spanish War Veterans' Association, and the Auxiliary of the United Spanish War Veterans, both of Willimantic, Conn., praying for the passage of House bill 5934, the so-called Knutson bill, proposing increased pensions to Spanish War veterans, etc., which were referred to the Committee on Pensions.

He also presented resolutions of the real estate boards of New Haven, Bridgeport, Stamford, and Greenwich, all in the State of Connecticut, protesting against the passage of legislation providing for the creation of a permanent commission for the control of rentals in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BROOKHART presented a resolution of the Fairbank Tourist Club, of Fairbank, Iowa, favoring the participation of the United States in the Permanent Court of International Justice under the terms of the so-called Harding-Hughes plan; which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Dubuque (Iowa) Chapter, Reserve Officers' Association of the United States, favoring the passage of legislation placing chaplains of the United States Army on the same basis in the matter of pay, allowances, and opportunity for advancement as the other noncombatant forces of the Army, and according them the same relative grades as now enjoyed by chaplains of the United States Navy, which was referred to the Committee on Military Affairs.

Mr. BINGHAM presented a memorial of Local Union No. 2039, United Brotherhood of Carpenters and Joiners of America, of Noank, Conn., remonstrating against the passage of Senate bill 3218, to secure Sunday as a day of rest in the District of Columbia, and for other purposes, which was referred to the Committee on the District of Columbia.

He also presented petitions of members of A. C. Tyler Auxiliary, No. 14, United Spanish War Veterans' Association of Willimantic, and of Emerson H. Liscum Camp, No. 12, United Spanish War Veterans, of Waterbury, in the State of Connecticut, praying for the passage of House bill 5934, the so-called Knutson bill, proposing increased pensions to Spanish War veterans, etc., which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. BALL, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 174) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1925, etc., reported it without amendment.

Mr. ERNST, from the Committee on the Judiciary, to which was referred the bill (H. R. 64) to amend section 101 of the Judicial Code as amended, reported it with an amendment and submitted a report (No. 931) thereon.

ENROLLED BILLS PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on January 26, 1925, that committee presented to the President of the United States the following enrolled bills:

S. 369. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

S. 698. An act for the relief of the Great Lakes Engineering Works;

S. 831. An act for the relief of H. B. Stout;

S. 1427. An act for the relief of Rosa L. Yarbrough;

S. 1568. An act for the relief of certain officers in the United States Army;

S. 1605. An act for the relief of Emma Kiener;

S. 1894. An act for the relief of the owners of the steamship *Kin-Dave;*

S. 1976. An act for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Lloyds;

S. 2316. An act to allow credit in the accounts of A. W. Smith;

S. 2526. An act providing for an allotment of land from the Kiowa, Comanche, and Apache Indian Reservation, Okla., to James F. Rowell, an intermarried and enrolled member of the Kiowa Tribe;

S. 2669. An act for the relief of J. R. King;

S. 2689. An act for the relief of the First International Bank of Sweetgrass, Mont.;

S. 2711. An act for the relief of the Pitt River Power Co.;

S. 2764. An act authorizing the President to order Leo P. Quinn before a retiring board for a rehearing of his case, and upon the findings of such board either confirm his discharge or place him on the retired list with the rank and pay held by him at the time of his discharge;

S. 3073. An act for the relief of George A. Berry;

S. 3416. An act to authorize the appointment of Thomas James Camp as a major of Infantry, Regular Army;

S. 3505. An act for the relief of Canadian Car & Foundry Co. (Ltd.); and

S. 3509. An act to change the time for the holding of terms of court in the eastern district of South Carolina.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 4089) for the relief of Stanton & Jones, contractors; to the Committee on Claims.

By Mr. SHIPSTEAD:

A bill (S. 4090) to provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.; to the Committee on Claims.

By Mr. FERNALD:

A bill (S. 4091) granting an increase of pension to Sarah T. Cram (with accompanying papers); to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 4092) granting an increase of pension to Seffie B. Hughes; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4093) granting a pension to Margaret Horey (with accompanying papers); and

A bill (S. 4094) granting a pension to Sarah A. Conley (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4095) for the relief of Thomas Huggins; to the Committee on Military Affairs.

A bill (S. 4096) granting a pension to Edward Bowden (with accompanying papers); and

A bill (S. 4097) granting an increase of pension to Scott F. Stevens (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4098) for the relief of Robert C. Osborne; to the Committee on Claims.

A bill (S. 4099) to authorize the establishment and maintenance of a forest experiment station in the State of California; to the Committee on Agriculture and Forestry.

By Mr. WILLIS:

A bill (S. 4100) granting an increase of pension to Mary Jane Napper (with accompanying papers); and

A bill (S. 4101) granting an increase of pension to Malinda Jane Caldwell (with accompanying papers); to the Committee on Pensions.

By Mr. ODDIE:

A bill (S. 4102) granting an increase of pension to Arthur C. Gardner (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 4103) for the relief of P. F. Billingsley; to the Committee on Claims.

By Mr. STERLING:

A bill (S. 4104) making an appropriation to pay amounts determined to be due by the Secretary of the Interior in accordance with the act of Congress approved June 7, 1924; to the Committee on Appropriations.

By Mr. COPELAND:

A bill (S. 4105) granting a pension to Levi S. Wilson; to the Committee on Pensions.

A bill (S. 4106) for the relief of Stephen A. Farrell; to the Committee on Naval Affairs.

By Mr. SHIPSTEAD:

A bill (S. 4107) to authorize the President in certain cases to modify visé fees; to the Committee on Foreign Relations.

By Mr. BORAH:

A bill (S. 4108) making appropriation for a contribution by the United States toward the expenses of the Bureau for the International Map of the World; to the Committee on Foreign Relations.

Mr. SWANSON. On behalf of the Senator from Tennessee, Mr. McKELLAR, and myself, I introduce a bill.

The bill (S. 4109) relative to the acquirement of national parks, to be known as Shenandoah National Park and Smoky Mountain National Park, was read twice by its title and referred to the Committee on Public Lands and Surveys.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 175) to amend section 2 of the public resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved April 14, 1922; to the Committee on Commerce.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. HALE, Mr. FERNALD, and Mr. JOHNSON of California each submitted an amendment, and Mr. SHEPPARD submitted two amendments intended to be proposed to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were severally referred to the Committee on Commerce and ordered to be printed.

IMPROVEMENT OF THE ILLINOIS RIVER

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 3933) for the purchase of the Cape Cod Canal property, and for other purposes, which was ordered to lie on the table and to be printed.

MASSACHUSETTS ELECTION FOR SENATOR IN 1922

Mr. WALSH of Massachusetts. Mr. President, I submit a resolution which I send to the desk, and I ask unanimous consent for immediate action on it. It concerns a formal matter, and I believe its consideration will take practically no time.

The resolution (S. Res. 316) was read, as follows:

Whereas the secretary of the Commonwealth of Massachusetts states that all ballots cast at the election in that Commonwealth for United States Senator on November 7, 1922, are retained by election officials of all cities and towns by reason of notice of a contest having been filed in the United States Senate against the validity of the election of HENRY CABOT LODGE as a Senator from that Commonwealth for the term beginning March 4, 1923: Be it

Resolved, That the said contest be dismissed, and that the secretary of the Commonwealth of Massachusetts be notified accordingly.

Mr. WALSH of Massachusetts. Mr. President, the purpose of the resolution is to take such action here as will permit the local election authorities of Massachusetts to release the ballots referred to in the resolution.

The resolution was considered by unanimous consent and agreed to.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred to the Committee on the District of Columbia:

H. R. 596. An act to provide for the extension of Bancroft Place between Phelps Place and Twenty-third Street NW., and for other purposes;

H. R. 5327. An act to provide for the payment to the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915;

H. R. 5517. An act authorizing the sale of certain Government property in the District of Columbia; and

H. R. 10348. An act authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold donated to the United States for park purposes.

AGRICULTURE THE BASIC INDUSTRY—CONFERENCE REPORT

Mr. SMITH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 107) declaring agriculture to be the basic industry of the country, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House insert the following:

"That it is hereby declared to be the true policy in rate making to be pursued by the Interstate Commerce Commission in adjusting freight rates that the conditions which at any given time prevail in our several industries should be considered, in so far as it is legally possible to do so, to the end that commodities may freely move.

"That the Interstate Commerce Commission is authorized and directed to make a thorough investigation of the rate structure of common carriers subject to the interstate commerce act, in order to determine to what extent and in what manner existing rates and charges may be unjust, unreasonable, unjustly discriminatory, or unduly preferential, thereby imposing undue burdens, or giving undue advantage as between the various localities and parts of the country, the various classes of traffic, and the various classes and kinds of commodities, and to make, in accordance with law, such changes, adjustments, and redistribution of rates and charges as may be found necessary to correct any defects so found to exist. In making any such change, adjustment, or redistribution the commission shall give due regard, among other factors, to the general and comparative levels in market value of the various classes and kinds of commodities as indicated over a reasonable period of years to a natural and proper development of the country as a whole, and to the maintenance of an adequate system of transportation. In the progress of such investigation the commission shall, from time to time, and as expeditiously as possible, make such decisions and orders as it may find to be necessary or appropriate upon the record then made in order to place the rates upon designated classes of traffic upon a just and reasonable basis with relation to other rates. Such investigation shall be conducted with due regard to other investigations or proceedings affecting rate adjustments which may be pending before the commission.

"In view of the existing depression in agriculture, the commission is hereby directed to effect with the least practicable delay such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by that depression, including livestock, at the lowest possible lawful rates compatible with the maintenance of adequate transportation service: *Provided*, That no investigation or proceeding resulting from the adoption of this resolution shall be permitted to delay the decision of cases now pending before the commission involving rates on products of agriculture, and that such cases shall be decided in accordance with this resolution."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title, and agree to the same.

E. D. SMITH,
A. B. CUMMINS,
KEY PITTMAN,
Managers on the part of the Senate.
SAMUEL E. WINSLOW,
HOMER HOCH,
SAM RAYBURN,
Managers on the part of the House.

The report was agreed to.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. BUTLER] to the committee amendment on page 39.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from New Hampshire will state the inquiry.

Mr. MOSES. I understood the Chair to state that the pending question is the amendment offered by the Senator from Massachusetts to the committee amendment, as found on page 39 of the printed bill.

The PRESIDENT pro tempore. The Senator is correct.

Mr. MOSES. In that event, a purely formal change will have to be made in the amendment to the amendment. The amendment as proposed by the Senator from Massachusetts in its printed form can not well be adopted, and in the absence of the Senator from Massachusetts, I wish to suggest that his amendment should be changed so as to take the form of a proviso. It should be made to read, after line 14, page 39, "*Provided*, That the rate of postage," and so forth. I ask unanimous consent that that change may be made in the amendment proposed by the Senator from Massachusetts to the committee amendment.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire?

Mr. MOSES. I make the request in behalf of the Senator from Massachusetts, to whom I spoke of the matter last night.

The PRESIDENT pro tempore. The Chair hears no objection, and the amendment of the Senator from Massachusetts to the amendment will be changed accordingly.

Mr. MOSES. Mr. President, the amendment proposed by the Senator from Massachusetts does nothing more than to restore the provision of the existing law as it has existed since 1917, prior to which time newspapers and periodicals of the class dealt with by this amendment stood on exactly the same footing as all other newspapers and periodicals passing through the mails under the second-class postage rate. I can see no reason, as I have said so often in the course of the discussion of the bill, for Congress undertaking to classify reading matter in any periodical, and because of that fact the amendment which the subcommittee suggested at the bottom of page 38, and which was yesterday agreed to by the Senate, came into being.

We do not feel either that special preferential rates should obtain for any class of publications with reference to their advertising. Having already put the reading matter in all classes of publications upon a footing which makes them exactly equal before the law, we see no reason for failing to adopt the same course with reference to the advertising which those periodicals contain.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. MOSES. Certainly.

Mr. COPELAND. May I ask the Senator if it is not true that during the war, when income was badly needed, an exemption was made with reference to religious and fraternal periodicals?

Mr. MOSES. If the Senator is familiar with the chronology of the country, he will recognize that I stated that fact some time ago by saying that this policy was instituted in 1917. Not having been here at that time, I can not speak of the motives which actuated Congress in instituting the distinction at that time. My opinion is that it was done in order to soften the opposition to the institution of the zone system, which was put in vogue at that time for the purpose, as the Senator from New York pointed out, of raising revenue.

It is my opinion that this exemption was carried in those provisions in order that a group of opponents to the proposal might be silenced. At any rate, the policy is not of such long duration that it may be considered as a settled policy, either of the Congress or of the department; and when we find periodicals of this classification carrying 40 per cent or more of their total column or page area in advertising, which advertising is sought in competition with all newspapers and periodicals of all classes, it is an untenable proposal that Congress shall continue this special preferential treatment to that class of publications.

Mr. President, the life history of these periodicals and newspapers is such as to lend no support to the theory that they require or should have on any basis the special preferential treatment which would be given them by the amendment proposed by the Senator from Massachusetts [Mr. BUTLER].

Mr. NORRIS. Mr. President——

Mr. MOSES I yield to the Senator from Nebraska.

Mr. NORRIS. If the amendment proposed by the Senator from Massachusetts shall prevail, it will put the law back where it was before this proposed legislation was attempted?

Mr. MOSES. Yes.

Mr. NORRIS. Would the amendment of the Senator from Massachusetts apply to the reading matter and advertising alike?

Mr. MOSES. Yes.

Mr. NORRIS. The Senator's contention is that neither the reading matter nor the advertising of such publications included in the amendment should have any preferential treatment? Is that correct?

Mr. MOSES. Yes. My contention is that the already highly preferential second-class postal rates which are enjoyed by periodicals of all kinds should be applied equally to all classes of publications.

Mr. NORRIS. I am not criticizing the Senator's attitude. What I wish to get at is the real status here. There are those in the Senate who believe that publications of this kind which are conducted not for profit, and out of which the publishers are not making any money, are entitled to a little different treatment from that accorded to other publications; but there are at least some who believe that, even as to this class of publications, a preferential rate should not be applied to advertising matter. Those who believe in that theory and wish to give the reading matter a preferential rate in the class provided for by the amendment of the Senator from Massachusetts, but who are opposed to giving any such preferential rate to advertising matter in that class of periodicals, are not able by their votes to express their real sentiments on the proposition.

Mr. MOSES. That is true, Mr. President.

Mr. NORRIS. There is not anything in the bill or in the pending amendment, is there, that would differentiate in that class of publications between reading matter and advertising matter?

Mr. MOSES. No, Mr. President; but if it will assist the Senator from Nebraska in any way in the drafting of an amendment to meet a situation such as he apparently has in mind, I am entirely willing to point out that when the status of this bill shall be such that the individual amendments may be offered the Senator from Nebraska may then readily offer a proviso to be added as an amendment at the bottom of page 38 which would take care of that situation.

Mr. NORRIS. Before the Senator from New Hampshire leaves that point, I desire to say that in order to do that the amendment now pending ought to be——

Mr. MOSES. The amendment ought to be disagreed to.

Mr. NORRIS. It ought to be disagreed to. If the amendment were agreed to, such an amendment as I have in mind would be inconsistent with it.

Mr. MOSES. I think so.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. MOSES. I yield to the Senator from New York.

Mr. COPELAND. I do not want the Senator from New Hampshire to think that I am stubborn or obstinate about this matter, but I am sure he recognizes a distinction between a religious publication, the profits of which do not go to the benefit of any individual or of any corporation, but which are used wholly in religious propaganda, and an ordinary newspaper which is printed not alone to convey information but in order to make profit for the owner.

We have many such religious publications, not alone the Christian Science Monitor, but we have the various Advocates published by the Methodist Church and the religious journals of the Baptists, the Congregationalists, the Presbyterian Church, and the Catholic Church. We also have the War Cry of the Salvation Army, as well as the various fraternal magazines such as the Elks magazine and various others which are published by the Masons, the Odd Fellows, the Moose, and other organizations. The profits of all those publications are used to take care of homes for the aged or homes for children, for the relief of persons who would otherwise be upon the public and be a public charge. I am sure that the Senator from New Hampshire recognizes a difference between the publication of such periodicals and the treatment they should re-

ceive from the Government and the newspapers which are published for revenue only. Am I right?

Mr. MOSES. Mr. President, I think it was Artemus Ward who said it was "better to know fewer things than to know so many things that ain't so." When the Senator says that he is sure that I recognize such a distinction he is very much in error. I do not recognize such a distinction before the law. We are legislating for the entire country, for everybody who uses the post office, and it is my theory, as it was the theory of the subcommittee in recommending this amendment, that we should make all persons, all organizations, all sects, all beliefs, all creeds equal before the law, and we have sought to do nothing else.

The Senator from New York adverts to the uses which may be made, and which probably are made, of any profit which inures from this class of publications. As I have said fifty times since first addressing myself to the subject before the Senate, it is true that these publications do not exist for the purpose of profit in the form of a distribution of dividends to individual stockholders; but, Mr. President, every one of them exists for the purpose of profit in the payment of very considerable salaries to those who have to do with their editorial management and publication. That was brought out in the course of the hearings before the subcommittee. It can not be gainsaid that such positions in connection with these periodicals constitute prizes among the groups who manage them. That is well known, I suppose, to everybody who knows anything about the internal workings of such institutions; and in that sense, Mr. President, it is probable that many of these periodicals which do not make money for distribution to stockholders will be found to have distributed their earnings in the form of salaries.

The type of legislation contained in this amendment and the type of legislation contained in the statute of 1917 is a type of legislation which ran counter and runs counter to the entire policy of the Post Office Department in dealing——

Mr. COPELAND. Mr. President——

Mr. MOSES. Let me finish, please—In dealing with this class of publications, because the Hughes commission points out distinctly that the Post Office Department invariably refused to give the old second-class rate privilege to periodicals of this kind which accepted advertising which had nothing to do with the purposes of the order or the organization enjoying the preferential rate.

These periodicals have come to be packed with advertising of the most general nature which has nothing to do with any of the tenets of any sect or any of the principles of any order. They exist in the mails exactly as do all other newspapers and periodicals enjoying the second-class privilege, and exist in a very real sense for the purpose of making money. It is the contention of the committee that that is a condition of affairs which should not receive the sanction of the statute, and that if we are going to legislate we should legislate for everybody alike. I now yield to the Senator from New York.

Mr. COPELAND. Mr. President, the Senator in his remarks spoke about equality before the law and treating all publications alike. It has been the custom through the ages to relieve all eleemosynary institutions of taxes; there has always been a distinction in the minds of the people between the ownership of property which has been utilized for private advantage and property which has been used for church or fraternal purposes. There is not any doubt in my mind that these journals are clearly entitled to the same consideration from the Congress that is given to church and fraternal property in the way of exemption from taxation.

The Senator referred to the salaries paid. As a matter of fact, I do not believe there are any publications operated anywhere so economically as those operated by the various churches. A great many times those employed are ministers of the given faith, who give freely of their time, feeling that they are serving a great cause; and every dollar of the profit is expended in some good work which makes for the relief of society or for the betterment of government.

I think it may be said of many of these journals that they are among the very fairest of those which present news to the public. During the recent Democratic convention, which held forth for several weeks in New York, I found myself every morning reading the Christian Science Monitor, because I thought I got from it a fairer statement of what was going on in the convention than I could get from a newspaper which was partisan. I think these publications are rendering a real service; and if they are paying liberal salaries to persons who are in editorial management, it is because they wish to have high talent. I do not believe, if I may say so in all kindness to the Senator, that he has quite presented a sound argument in favor of treating these publications in the same way that the secular press should be treated; and I hope the generous and kind Senator from New Hampshire may find it in his heart to give consideration to these religious and fraternal journals and treat them in some way so that they may not be required to pay quite the high rates which are proposed for other publications.

Mr. MOSES. Mr. President, the Senator from New York raises several points which I will try to deal with in order as I remember them. He speaks of the salaries which are paid to the managers of this type of periodicals. It so happens, Mr. President, that my father was a preacher; and I can well remember that the editorship in chief of the publications of that denomination of which my father was a preacher was looked upon as a very great prize, over which there was a very great contest in the general convention which elected such officer, because it carried much easier duties than those of circuit riding in a country parish and carried a much larger salary.

The Senator from New York, during the 103 rounds which were fought out in the Madison "Bear" Garden last June, read the Christian Science Monitor as a newspaper, and that is how I want to deal with the Christian Science Monitor now—as a newspaper. When it carries 40 per cent of its space in advertising, as that journal does, it can not be said that it is not a newspaper and that it does not exist in very large measure for the purpose of disseminating advertising.

Further, Mr. President, there are many periodicals of this class which are general literature. There is one which is known to every Member of the Senate which has a circulation of something like a million copies, which has accumulated a cash surplus of something like a million dollars, which has built at least two complete buildings for its use, which I understand pays its assistant editor a salary of $25,000 a year, and which is in direct competition with every periodical of general literature in this country, both for advertising and for subscriptions; yet that periodical circulates all over the country in every zone at a flat rate of one cent and a quarter per pound on both its reading matter and its advertising.

But, further, Mr. President, if what the committee proposes is a hardship, if what the committee proposes runs counter to the ethical sense of the country, if what the committee proposes is going to work detrimentally to the Postal Service, all that can be ascertained in the course of the complete and extended hearings which will be held by a special joint subcommittee of the two Post Office Committees as provided by the last amendment which the committee submits to this bill. Nobody knows to-day what the exact effect of these amendments will be, except that they will produce additional postal revenue, except that they will enable us to go forward with legislation to which Congress is fully committed, and which, in my opinion, is wholly justified. One man's prophecy is probably as good as another's as to the ultimate result of this legislation in its present form; but I want Senators constantly to bear in mind that these rates which the subcommittee proposes, and which it is my duty to defend and to preserve so far as I can in their integrity as this measure advances through the Senate, are only temporary. They serve a purpose now, and when put into application they will give us the opportunity to show what their effect will be upon postal revenues and upon the industries affected.

Mr. COPELAND. Mr. President——

Mr. MOSES. I yield to the Senator from New York.

Mr. COPELAND. Is not the statement just made by the Senator an admission that probably the bill is a bad bill with these rates?

Mr. MOSES. Oh, Mr. President, I do not admit that the bill is a bad bill. The bill is a mighty good bill.

Mr. COPELAND. The Senator says that the rates are only temporary——

Mr. MOSES. Yes.

Mr. COPELAND. Until a scientific bill can be worked ont.

Mr. MOSES. No; I did not say a scientific bill. I have never said that. I have said—and I beg the Senator from New York to permit me to state my own position—I say that when we are confronted with the necessity of raising this money, we can raise it only by the increase of postal rates.

The Senator from New York is too intelligent to have misunderstood me as I have repeated this over and over again; and we have undertaken to allocate this money through the four classes of mail matter. Every allocation of money which causes somebody to pay something into the Federal Treasury meets with opposition; and because it may be that some of the rates now proposed would not serve permanently, the last amendment which the committee submits has been

drafted. It may prove, on the investigation which we purpose to hold, that these rates, after all, are the rates which should exist in perpetuity.

Mr. COPELAND. Did not the Senator say in his speech the other day that this is stop-gap legislation?

Mr. MOSES. Yes; and the Senator knows perfectly well what I meant by that. The Senator knows perfectly well that I meant that unless we have legislation of this character we can not grant the increases of postal salaries which the Senator wishes to grant as earnestly as I do, does he not?

Mr. COPELAND. I certainly do.

Mr. MOSES. Well, then, go on and mutilate the bill so that we can not grant them.

Mr. COPELAND. But I think those rates should be granted in spite of the passage of this bill. I do not think there is any relationship between the passage of this bill and the question whether these underpaid postal employees should have their increase or not.

Mr. MOSES. Mr. President, let me say to the Senator that that question has already been determined here. He and I happened to vote together for the passage of the salary increase bill and to pass it over the President's veto. He and I have no difference of opinion about that; but the President has created a relation here between postal rates and postal salaries, and the Senate has passed upon it. If the Senator wishes to go forward now with what I deem to be a thoroughly justifiable proceeding, namely, of increasing postal salaries, he will have to go forward with it as I have to go forward with it, under conditions as they exist, not under conditions as the Senator and I would like to see them.

Mr. COPELAND. Mr. President, I assume that the Senator from New Hampshire has given me a warning that unless this bill passes with the increased revenue involved in it, there will be another veto. So far as I am concerned as a Member of the Senate, I do not purpose to have my vote regulated by the fear of a veto. It is my business as a Senator to vote for a bill or vote against it according to my judgment as a Senator, and I am not going to be influenced in my vote by the fear of a veto. I conceive it to be the right, of course, the constitutional right, of the President of the United States to veto any measure, and I know that he has a right to communicate in writing to the Congress about his wishes. I find that the stomachs of some of the Senators are written on by White House buckwheat cakes and sausage in the morning, and then, when higher committees are involved, their minds are written upon by the silver of the state dining room. I am going to vote for this bill according to my judgment as a Senator, and not by reason of any fear of what the President may do with it if we amend it along certain lines which make for its betterment in our judgment.

Mr. MOSES. Mr. President, I hail the Knight de la Mancha in postal salary increases.

Mr. NORRIS. Mr. President, may I ask the Senator a question before he sits down?

The PRESIDENT pro tempore. The Senator from Nebraska——

Mr. NORRIS. I want to ask the Senator—I think we have not reached it yet—where this amendment comes in.

Mr. MOSES. The amendment is offered as a proviso to be inserted at the end of line 14 on page 39 and will give this special preferential rate to the class of publications enumerated.

Mr. NORRIS. Yes. Now let me ask the Senator whether there is anything in the bill or in any amendment pending which proposes to give a preferential rate to a publication which carries no advertising at all or which has less than 5 per cent advertising space in it?

Mr. MOSES. Mr. President, a newspaper of this character that carries less than 5 per cent of its space in advertising is not subject to the zone rate of postage for its advertising but is carried through the mails flat at a cent and a quarter a pound, just as those publications are now carried.

Mr. NORRIS. For its carriage there are no zones?

Mr. MOSES. No.

Mr. NORRIS. It is a flate rate?

Mr. MOSES. Absolutely; and that means, Mr. President, that a publication of this character which does not go into competition for advertising, which makes advertising a minor feature of its publication, suffers no change whatever in rate.

Mr. SIMMONS obtained the floor.

Mr. WATSON. Mr. President, may I ask the Senator a question?

Mr. MOSES. I yield first to the Senator from Indiana.

Mr. SIMMONS. I thought the Senator had finished his speech.

Mr. MOSES. I thought I had, too, but the Senator from Indiana wishes to ask me a question.

Mr. WATSON. How much revenue is involved in this amendment?

Mr. MOSES. Mr. President, that is most difficult to say; but, speaking roughly, certain of the publications which have made outcry about it present in their totals more than a million dollars; and they are not all of them, either.

Mr. WATSON. Does the Senator think that is a fairly accurate estimate?

Mr. MOSES. Oh, no. My opinion is that it will run much higher than that. I am speaking only of those publications which have come to me and have made a very determined outcry against this proposal, and they have undertaken to tell me how much it will cost each of those publications; and, running them over roughly in my mind, I should say that even those would come to a million dollars.

Mr. WATSON. Then, of the additional sum of $68,000,000 involved in the salary increase, the amount raised by the committee bill, if it goes through, is about $30,000,000?

Mr. MOSES. That is a matter about which there is wide division of opinion; and let me say in that connection that there is wide division of opinion in the Post Office Department itself about the cost ascertainment and about these estimates. There is one group down there that maintains a certain opinion, and there is another group that maintains a diametrically opposite opinion.

Mr. STERLING. Mr. President, may I suggest——

The PRESIDENT pro tempore. The Senator from North Carolina has the floor.

Mr. MOSES. No; I have the floor, Mr. President.

Mr. SIMMONS. The Chair, I think, recognized me.

The PRESIDENT pro tempore. The Senator from North Carolina has the floor.

Mr. MOSES. Then I beg pardon of the Senator from North Carolina. I thought I still had the floor.

Mr. WATSON. I did, too. I thought the Senator from New Hampshire still had the floor.

Mr. STERLING. Mr. President, will the Senator yield to me for a suggestion?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from South Dakota?

Mr. SIMMONS. I yield to the Senator, of course.

Mr. STERLING. I want to say, Mr. President in regard to the suggestion of the Senator from New Hampshire that there is one group down in the Post Office Department that entertains certain views with regard to the cost-ascertainment report that we know nothing officially from that group. The only thing we have before us here is the cost-ascertainment report and the estimate of the Postmaster General and his chief assistant in regard to it and in regard to what certain rates will produce in the way of revenue; that is all. I know nothing myself about the views entertained by any other group in the Post Office Department.

Mr. SIMMONS. Mr. President, I want to express my appreciation of the frankness and the fairness displayed by the Senator from New Hampshire [Mr. MOSES] in all of his discussions of this question. He was exceedingly frank in his discussion of the so-called Butler amendment. The Senator in discussing that amendment made it clear that he is opposed to granting special consideration to publications in the interest of education, religion, and science in the fixing of postal rates.

Mr. President, the proposal of the present bill with reference to this matter involves a change of policy on the part of the Government in dealing with this question. I think an inspection of the legislation, especially of the past 10 years, will disclose the fact that we have uniformly, not only in our postal laws but in our revenue laws, recognized as a matter of public policy the wisdom of making special exemptions in the interest of education, religion, philanthropy, and science.

That policy has been written all through our revenue legislation since our entrance into the World War. Our revenue policy before that time was of such a character that these interests were not to any considerable extent involved, but in the revenue legislation of the war period and the period since the war these benevolent, religious, scientific, and educational interests have been much involved, and in every instance where they have been so involved we have provided for special consideration with respect to them.

I have in my hand the revenue act of 1918. I have not recently examined all of these acts, but I am substantially familiar with them and I know the same policy is disclosed in all of them. In the act to which I have just referred we imposed a tax on admissions to theaters, and so on, and in the imposition of that tax we exempted these interests from these admission taxes. I quote from that act:

No tax shall be levied under this title in respect to any admissions all the proceeds of which inure exclusively to the benefit of religious, educational, or charitable institutions, societies, or organizations, societies for the prevention of cruelty to children or animals, or exclusively to the benefit of organizations conducted for the sole purpose of maintaining—

Certain other institutions which I need not read. That provision was carried forward into the revenue act of 1921. In the 1921 act we imposed a gift tax, subjecting all gifts over a certain amount to the payment of a certain sum into the Federal Treasury. It was a new tax. It was not levied in any of the preceding revenue acts, and following out the policy of the former acts, we applied to this new tax the same provision for the protection of these religious, philanthropic, benevolent, and educational institutions.

I quote from that act:

The amount of all gifts or contributions made within the calendar year to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children—

Are exempt from the provisions of this tax.

I think it will be found that that policy, so established, runs through all our revenue legislation. The same policy finds expression in our present postal laws. In our present postal laws a discrimination is made, deliberately, purposely made, in the rates imposed between secular publications and religious and educational publications. The advertising matter of secular papers is subject to a tax in excess of that imposed upon the reading matter. In these religious and benevolent publications no specific tax is imposed upon the advertising matter. The tax is upon the reading matter. Why have we so uniformly in the past made this distinction?

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. I yield.

Mr. MOSES. It occurs to me that the Senator is slightly in error in his statement when he says that the tax is only upon the reading matter. Under the present arrangement, the entire weight of the periodical, advertising matter and all, pays the flat rate of 1¼ cents.

Mr. SIMMONS. The Senator is technically correct about that; it is a flat tax on the total weight; but there is a clear distinction in the present law in favor of these religious and educational publications—the accorded exemptions from the specific and higher rates on advertising matter imposed on secular publications.

Mr. MOSES. Oh, yes; Mr. President, because the zone system does not apply to the advertising——

Mr. SIMMONS. A flat rate applies as against one and not as against the other.

Mr. MOSES. That is quite true, Mr. President, and, as the Senator has well said, that is also in pursuance of a long-established policy of the Government since 1917.

Mr. SIMMONS. That is the situation. The policy has been established in this country, and I think it would be difficult to find any exception from that line of policy since its establishment up to this time.

It is now proposed in the pending bill to reverse that policy and hereafter, so far as the precedent now sought to be set may influence the future, to place all publications upon the same footing, without regard to whether they are operated for private gain or religious and educational purposes without personal profit to those who conduct them.

Mr. MOSES. Mr. President, would the Senator be willing to accept this statement of the matter: That the proposals of the committee are to revert to pre-war conditions, so far as any element of preference is concerned?

Mr. SIMMONS. I would not accept that qualification, because I do not think that these discriminations were altogether confined to the legislation during the war period, or the post-war period.

Mr. MOSES. I think the Senator will find, and my impression is, that the recital of the situation which he gave is hardly correct.

Mr. SIMMONS. It is possible that I may be slightly mistaken so far as the mails are concerned. I am not so familiar in detail with postal legislation.

Mr. MOSES. That is what we are discussing now.

Mr. SIMMONS. I am discussing the general policy that obtains both in our revenue and postal laws and service.

Mr. MOSES. I want to point out to the Senator that this policy did not exist prior to 1917.

Mr. SIMMONS. In the Postal Service?

Mr. MOSES. In the Postal Service.

Mr. SIMMONS. Very well. I do not pretend to be informed as to that and I accept the Senator's statement.

Mr. MOSES. The proposals of the committee are based on that theory.

Mr. SIMMONS. I accept that correction because I am not entirely familiar with the policies which obtained in the Postal Service prior to 1917, but I am fairly familiar with our revenue policies and legislation in this respect.

Mr. MOSES. If the Senator will permit me further, I would say that up to something like 10 years ago the provision extending the second-class privilege as it then existed to this class of publications was narrowly limited by the uniform practice of the Post Office Department through their consistent refusal to grant even the old second-class mail privilege to periodicals of this nature which carried advertising which did not more or less directly relate to the interests of the organization issuing the periodical.

Mr. SIMMONS. I am quite prepared to accept the statement that the Post Office Department had construed with the utmost rigidity and strictness legislation in favor of those institutions.

It may be that our postal legislation did not apply this policy until 1917, but that this policy is now written in our postal and revenue legislation is beyond dispute, and it is equally true the proposed would reverse that policy.

Mr. MOSES. Mr. President, will the Senator permit me again to interrupt him?

Mr. SIMMONS. Certainly.

Mr. MOSES. This legislation did not originate with the Post Office Department or with either of the Post Office Committees in Congress. This legislation originated with the Ways and Means Committee of the House and was passed upon in the Senate by the committee over which the Senator from North Carolina presided with such distinction and ability during the most trying period of the national finances. It was not postal legislation. It was, as the Senator from New York [Mr. COPELAND] seeks to describe it, stop-gap legislation, and the postal authorities and certainly the Post Office Committees of Congress were vastly indignant that the Senator from North Carolina with his committee and the Member from North Carolina at the other end of the Capitol with his committee had invaded what the Post Office Committees looked upon to be their prerogatives.

Mr. SIMMONS. That is immaterial, and I accept the statement of the Senator that this special matter of legislation did not originate with the Post Office Department and did not originate with the Treasury Department; but it did originate with the people of the country, represented by the House and the Senate in the Congress of the United States. It is an expression of the awakened public sentiment of the country that these classes are entitled to preferential consideration.

Now, what is the basis of the legislation and why have we heretofore extended this special treatment to this class of periodicals? We have not done it without a reason. We have not written this into the legislation because of the importunities or the solicitation of these classes. We have done it for a reason. I want Senators to consider the reason which must have prompted us in adopting this policy in our legislation.

I know, so far as I am concerned, and I assume as to other Senators and Members of the other House who participated in enacting the legislation and who are responsible for it, that the main reason actuating us was that these organizations represent interests that lie at the very foundation of our civilization and of our progress and development as a people. They are engaged in work that is not conducted for private profit, but that is pursued in the interest of humanity and in the interest of a higher civilization. They do not represent gainful occupations. They represent charity. They represent benevolence. They represent Christianity. They represent science. They represent education.

Those are interests which, if they are taken care of at all in this country, have got to be taken care of by the public. They must look to the public for the means to support their operations. If they can not secure a ready response from the public, they can not successfully function. They must be financed either by taxation or through voluntary contribution, gifts, and benefactions.

Senators and Members, I think, when they wrote the legislation favoring these organizations into our laws, they felt that

the public was losing nothing by reason of giving the privilege and exemptions accorded these organizations, that we were not adding to the public burden but were relieving to some extent the public burden. We can change that policy if we want to, but if we change it, it ought to be for a better reason than that given by the Senators who advocate that change.

The Senator from New Hampshire seems to be under the impression that this is a mere question of business competition, that these religious publications contain much advertising matter and thus compete with the secular publications in advertising matter and rates, and because of such competition ought to be subjected to the same postal exaction as their secular competitors. The Senator is wrong; it is not a question of competition at all. The privilege contended for is based upon the difference between an organization operating for private gain and one conducted for purposes of public service and the general welfare.

If it is an organization for private profit, then it is subject to the law imposing greater taxes upon advertising matter directly. If it is not an institution for profit and gain, then it is not so subject. But it not only must be an institution not for profit or gain but it must be an institution whose business is carried on with a view of promoting the cause of religion, science, education, or charity. The distinction is not upon the basis alone of whether it is conducted for private profit, but also of whether it is conducted in the cause of education, religion, science, or charity.

Mr. President, I readily admit that these religious journals, or some of them, carry a large quantity of advertising. They could not live otherwise. It is a well-settled fact that it is difficult for news publications to make ends meet, to say nothing about profit, on its circulation alone. Many of the great papers of the country, and the small ones, too, so far as that is concerned, would to-day have to go out of business if it were not for the profits that they make upon advertising. These religious journals likewise must have profitable advertising or they can not live and carry their great work for human betterment. If these religious papers are to live—and the highest demands of Christianity and civilization require that they shall both live and prosper in their work to the best public advantage—they must at least make ends meet, and if they make a profit the public gets the benefit. That is true of the class to whom the Butler amendment applies.

I have no more interest in this matter than anyone else. True I have participated in accentuating the present policy, as the Senator from New Hampshire has stated, in our legislation of the past 10 years. I am very proud of my part in it. I do not believe that the Congress will overturn it and supplant it with the materialistic policy now advocated by the opponents of the pending amendment. I do not believe it wants to treat these organizations in that way. They are among the chief agencies through which our great religious and educational organizations work and reach the masses. If the Congress wishes to deprive them of the help extended to them by our present policy, then all I can do is vigorously to protest. The policy we have established is, I think, a good one. I wish it to be maintained inviolate, and I should like to extend it, Mr. President, so far as I am concerned. That is a question for Congress to settle.

The Senator from New Hampshire has stated that this legislation will be easily evaded; that publications not strictly entitled to the privilege according to the purpose and intent of Congress will secure it by various means of evasion and subterfuge. Mr. President, I do not know what they have been able to do in the past. I understood the Senator from New Hampshire to indicate that the department has been rather rigid in its rulings about the matter; that it has been rather strict in applying the law against the privilege.

This particular amendment, however, has a provision in it that I do not find in the other legislation with respect to the subject. Especially when it is to be interpreted and applied by a governmental department naturally disposed to construe legislation in favor of the Government and against the individual beneficiary, the provision of the amendment will, I think, be ample to protect the Government against any ordinary artifice of evasion of the intent of the statutory requirements. The amendment provides—

and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

That means that the department shall find as a condition precedent to granting this privilege that the entire net income of the publication goes not into the pockets of any private individual but that it goes into the service of religion, if it be a religious publication, or that it goes into the service of education, if it be an educational publication. The question is, Does Congress want to put its hands upon that income which is to be expended and used for these sacred purposes?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts [Mr. BUTLER].

Mr. MOSES. I suggest the absence of a quorum.

Mr. HARRELD rose.

Mr. MOSES. I withdraw my suggestion if the Senator from Oklahoma desires to speak.

Mr. HARRELD. I wish to offer an amendment, but I believe I shall wait until after quorum call, as I have not the amendment quite ready.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. MOSES. Just a moment. If the Senator from Oklahoma [Mr. HARRELD] is ready to present his amendment now, I will not make the point of no quorum.

Mr. HARRELD. I had rather present my amendment after the roll call shall have been concluded.

Mr. MOSES. Very well. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fletcher	McKinley	Shipstead
Ball	Frazier	McLean	Shortridge
Bayard	George	McNary	Simmons
Bingham	Gerry	Mayfield	Smith
Borah	Glass	Means	Smoot
Brookhart	Gooding	Moses	Spencer
Broussard	Hale	Neely	Stanfield
Bruce	Harreld	Norris	Stanley
Cameron	Harris	Oddie	Sterling
Capper	Heflin	Overman	Swanson
Caraway	Howell	Owen	Underwood
Copeland	Johnson, Calif.	Pepper	Wadsworth
Couzens	Johnson, Minn.	Phipps	Walsh, Mass.
Dale	Jones, N. Mex.	Pittman	Walsh, Mont.
Dill	Jones, Wash.	Ralston	Warren
Edge	Kendrick	Ransdell	Watson
Edwards	Keyes	Reed, Mo.	Weller
Ernst	King	Reed, Pa.	Willis
Ferris	McCormick	Sheppard	
Fess	McKellar	Shields	

The PRESIDING OFFICER. Seventy-eight Senators having answered to the roll call, there is a quorum present.

Mr. HARRELD. I offer an amendment to the amendment of the Senator from Massachusetts [Mr. BUTLER], and I ask that the Secretary may read it.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. At the end of line 5, on page 2, of the amendment offered by the junior Senator from Massachusetts [Mr. BUTLER] it is proposed to insert the following additional proviso:

Provided further, That these special postal rates shall not apply to any such periodical which pays excessive salaries to its editors, managers or employees, or to any periodical which pays to such editor, manager, or employee a salary greater than $12,000 per annum, and before being entitled to such rate shall furnish to the Postmaster General satisfactory evidence of the salaries paid by such periodical.

Mr. HARRELD. Mr. President, before the subcommittee that had this matter under consideration there was some proof that magazines and periodicals that belonged to the particular classes mentioned in the Butler amendment, while not printed for profit and not making profits or paying dividends, were in many cases paying excessive salaries to their editors, which, of course, is another way of making profits. There is nothing under this bill as it stands that would prevent a man who owns a periodical which is paying him a profit of $25,000 a year from making of it a journal that comes within the provisions of this amendment, and paying to himself that profit as a salary, thus avoiding these rates.

This amendment is proposed to meet that situation. It has been mentioned by the Senator from New Hampshire that one periodical pays its assistant editor $25,000. We are not informed what it pays its principal editor. I do not know what magazine the Senator from New Hampshire had in mind, but that is possible; and whenever a periodical pays salaries of that kind to its editors it is no longer a religious periodical,

it is no longer a fraternal periodical, it is no longer a scientific periodical; it is purely a periodical published for profit, just as much so as if it paid dividends to stockholders.

The investigation before the committee brought out the fact that the Christian Science Monitor pays its editor $12,000 a year. That is one of the best edited papers in the United States. If it can get its editor for $12,000 a year, then any other magazine that comes within the provisions of this law ought to be able to get its editor for $12,000. That is the reason why I have fixed the limit at $12,000.

I think the amendment is very pertinent to the issue, and I hope it will be adopted.

Mr. MOSES. Mr. President, a parliamentary inquiry. May the amendment be offered in the present status of amendments?

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that the motion to strike out decreases the extent of the Butler amendment and is in order.

Mr. MOSES. Is the Senator's amendment in the form of a motion to strike out?

The PRESIDING OFFICER. It is in the nature of a proviso that is attached to the end of the amendment offered by the Senator from Massachusetts.

Mr. MOSES. It is an amendment to the amendment proposed by the Senator from Massachusetts to the amendment proposed by the committee.

Mr. HARRELD. It is a proviso, though.

Mr. MOSES. This is a proviso, is it not?

Mr. FLETCHER. Mr. President, may the amendment or the proviso be stated?

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 2, line 5, of the amendment offered by the junior Senator from Massachusetts, it is proposed to insert the following additional proviso:

Provided further, That these special postal rates shall not apply to any such periodical which pays excessive salaries to its editors, managers, or employees, or to any periodical which pays to such editor, manager, or employee a salary greater than $12,000 per annum, and before being entitled to such rate shall furnish to the Postmaster General satisfactory evidence of the salaries paid by such periodical.

Mr. FLETCHER. It seems to me that is a matter rather difficult to ascertain, and that it is rather dangerous to delegate to the Postmaster General power to determine what are excessive salaries.

Mr. JOHNSON of California. Mr. President, I have just heard the particular amendment read. Apparently, judging from the reading of the amendment, it exempts those publications which pay salaries of $12,000. Am I accurate in that?

Mr. HARRELD. No, sir. The Senator will see that the first provision was that the rate shall not apply to any periodical which pays excessive salaries to its editors, managers, or employees. That means salaries greater than those paid to editors of other periodicals of the same kind. Then comes the provision of which the Senator speaks, that in no case shall any periodical be entitled to this rate where it pays a greater salary than $12,000 per annum.

Mr. JOHNSON of California. Mr. President, I can not support an amendment which fixes a limitation of $12,000 per annum upon a salary which may be paid, and particularly I can not do it in view of the testimony which has been referred to upon the floor here regarding various publications. In addition to that, to say, in language generic in character, that none shall pay excessive salaries, leaves the matter, in my opinion, ultimately to conjecture and doubt. What might seem an excessive salary to the distinguished author of the amendment or to the Senator from New Hampshire might not seem to me an excessive salary; and it might seem to me, too, that most of the editorial writers of the day are paid excessive salaries anyway. While some are worth much more than $12,000 a year, many are worth much less. I do not think many of them ought to be paid a quarter of a cent, and I think we would be better off if such were not paid at all, and if they did not even exist. However that may be, to leave to some uncertain determination what may be an excessive salary will lead to difficulty and doubt in the future.

Now, Mr. President, I want to say just a word about the amendment generally.

Mr. HARRELD. Mr. President, will the Senator yield?

Mr. JOHNSON of California. Yes; I yield.

Mr. HARRELD. I do not know whether the Senator heard the explanation or not. I explained that I arrived at the amount of $12,000 because before the committee there was testimony that the chief editor of the Christian Science Monitor is paid $12,000, and that is one of the best edited papers we have, and if its editors are paid that salary certainly the editors of other magazines coming within the same class would not be entitled to more.

Mr. BAYARD. Mr. President, may I interrupt to ask the Senator from Oklahoma a question.

Mr. JOHNSON of California. I yield.

Mr. BAYARD. What percentage of the papers of this country pay their editors $12,000 per annum?

Mr. HARRELD. I can not answer that question. I do not think it was brought out in the hearings.

Mr. JOHNSON of California. Mr. President, I find myself utterly unable to agree either to the language of the amendment which is used in the first part of the amendment or to the limitation which is placed in the latter part of it.

Passing that, however, the question is broader, it seems to me. I should be very glad indeed to vote to exempt or to give the preferential rates, as the case may be, to periodicals that are of religious, educational, scientific, and philanthropic character, and the like. I hesitate to give preferential rates to a publication which is filled with advertisements and maintains a mere newspaper staff and runs in reality a newspaper, because by so doing we are dealing unequally with other newspapers.

I am not concerned with the question of raising revenue under this bill at all. I do not subscribe to the doctrine that it has ever been the policy of this country or the policy of the legislative branches of the Government of this Nation to pay as you go in connection with any department like the Post Office Department. I insist, as I insisted when the bill originally was before the Senate, that if those who are the employees of the United States Government are entitled to a living wage, they are entitled to it irrespective of whether some rates within the Post Office Department should be raised or should be lowered. I am neither a prophet nor the son of a prophet, but I indulge in this speculation: There will be no legislation this year, in this session, increasing the salaries of postal employees, and if I had the facility of expression of the Senator from New Hampshire [Mr. MOSES] or the ability and the eloquence of the Senator from Idaho [Mr. BORAH], I would engage in a debunking process concerning the bill that is now pending before the Senate.

This bill purports to raise certain revenue to meet a just advance in wages. It is not going to do anything of the sort when we have concluded with the bill, and there is not a Senator upon this floor—I do not care whether he be the strictest party man that there may be in the United States, and I care not whether he be the most abject gentleman who responds to the administration or not—there is not a Senator upon this floor but knows that the bill that is pending before the Senate to-day will not raise the revenue with which to meet the increased salaries or wages of the men who are working in the Post Office Department.

Knowing that fact, what is the result? The Senator from South Dakota, as I understood him yesterday, said: "The bill will be vetoed."

The Senator from New Hampshire, as I understood him, said yesterday that he is not embarrassed by that situation, because his attitude is the same as that which was mine and which was yours, most of you, when the bill was pending before the Senate. We are engaged here now with this bill, Mr. President, in a sham, a pretense, and a fraud. I do not say that in any spirit of criticism of any of the gentlemen who advocate the bill, nor do I question their motives. I say it is the natural sequence and the final result of what has happened; and, that being the case, perhaps it is of little consequence what we do with one kind of amendment or another.

I heard it stated this morning that if this bill ever gets into the House of Representatives it will be sent back here instanter with every one of these rates eliminated from it and the whole second division of the bill wholly omitted from the bill itself, and that then, in the shuttlecock that will occur between the two Houses, the remaining five weeks will have elapsed, and there will be no legislation at all. I do not know whether that is correct or whether it is not; but it is obvious if we have not the revenue raised here by which increases of the men in the Postal Department may be met, either we have been tilting at windmills in the past in talking concerning the raising of revenue or we will have no legislation when finally, if the two Houses shall act, there shall be a definitive conclusion in the matter.

The amendment, however, when presented to us, although the situation renders it of little consequence, of course, must be met. I am ready to meet it by giving to every educational, philanthropic, or religious periodical, or periodical of like

character, that is designed alone for those specific objects the preferential rates that are suggested.

I doubt very much the wisdom of saying that where advertisements play a large part in a newspaper, that paper may be included in this particular category. If I could, I would apply the particular preferential rates to publications that are wholly of the character of educational, philanthropic, and religious and fraternal publications.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from California yield to the Senator from Delaware?

Mr. JOHNSON of California. I yield.

Mr. BAYARD. I suppose the Senator read the morning papers, where the President was made to say, as I understood it—at least, in the New York Times—that on the 30th day of next June there would be a resulting surplus of $230,000,000 in the Treasury as a result of his administration's operations.

Mr. JOHNSON of California. I had not read it.

Mr. BAYARD. If that be true, why should not some part of that be used to take care of these raises in pay regardless of the rates?

Mr. JOHNSON of California. If there were a disposition to do the thing which ought to be done, to give to governmental employees a living wage, and to give the increased salaries to men in the Post Office Department who richly deserve them, we would concern ourselves, first, with the suggestion of the Senator from Delaware; if, however, we were concerned with raising the revenue to meet the increase, and if we really meant to give them the increases to which they are entitled, we would see there in the very reservoir the Senator suggests the way through which those increases could be met. That is simply another evidence that we are dealing with a pretense here in this bill.

Mr. MOSES. Mr. President, the Senator from California has done me the honor to suggest that he wished he possessed my facility in vocabulary. I wish that I possessed his vigor of statement. I must say to him, and say to the Senate, that, so far as I am concerned, in defending the integrity of this bill which the committee has charged me to report, I am dealing in no fraud, no subterfuge, no pretense. It is my belief, which I think I can substantiate before the Senate mathematically, that this bill, as the subcommittee reported it, will produce revenue sufficient to meet the situation which has been thrust upon us. I have no intention of speaking or acting other than frankly with my colleagues here with reference to any feature of the bill, and I can assure the Senator from California that, so far as the defender of this measure is concerned, there is no intention except to procure legislation which will give the postal employees the increases of salary which they merit, and I am glad to know that the Senator from California, if I correctly interpreted his remarks, will stand with me in voting against the pending amendments, which, if adopted, I think would militate against the good objects we have in view.

Mr. JOHNSON of California. Does the Senator expect that the legislation will be ultimately enacted into law at this session?

Mr. MOSES. I do.

Mr. JOHNSON of California. I am glad to hear that. We will watch the result.

Mr. HEFLIN. Mr. President, I can agree with some of the things the Senator from California [Mr. JOHNSON] has said. I think that this makeshift proposition is being urged largely for the purpose of deceiving and misleadng the postal employees, and I do not believe that the principle involved in this legislation should be allowed to become a precedent against the postal employees in the future. Why should this great Government hold up the postal employees every time we want to give one of them an increase in salary until some tax is imposed upon the public? We do not do that with other people working for the Government. When we raise the salaries of judges, or Federal officials at the Capital, we do not stipulate that there shall be no increase in salary until the money is raised by a certain kind of tax to be imposed and collected. Why should that be done in this particular with regard to the postal employees? I am convinced that they are entitled to an increase in pay and that increase ought to be provided as other Government expenditures are provided.

Mr. BALL. Will the Senator from Alabama yield, that the Chair may lay before the Senate the amendment of the House to Senate bill 1179?

Mr. HEFLIN. I yield for that purpose.

CLOSING OF CERTAIN STREETS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1179) to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes, which was, on page 2, line 12, after the word "the" where it appears the second time, to insert "written."

Mr. BALL. I move that the Senate concur in the House amendment.

The motion was agreed to.

ADJUSTMENT OF CERTAIN DISTRICT OF COLUMBIA ACCOUNTS

Mr. PHIPPS. Will the Senator from Alabama yield for a like purpose in regard to Senate bill 703.

Mr. HEFLIN. I yield if it does not lead to debate.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 703) making an adjustment of certain accounts between the United States and the District of Columbia, which was, on page 3, lines 8 and 9, to strike out "such purposes as it may from time to time provide" and insert "purchase of land and construction of buildings for public school, playground, and park purposes other than and in addition to sums appropriated for such purposes in the District of Columbia appropriation act for the fiscal year 1926."

Mr. PHIPPS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PERSONAL EXPLANATION—ATTORNEY GENERAL STONE

Mr. HEFLIN. Mr. President, I rise at this time to speak briefly about another matter. Because of recent occurrences in this Chamber in which I participated, and because of recent notices that have appeared in the press of the country regarding me and my attitude toward the Attorney General of the United States, Mr. Stone, because of his appearance in a certain case before the Supreme Court, I feel that I owe it to myself, to the Senate, and to the country, to say something regarding the issues involved.

It will be a sad day when any party in power can suppress free speech in this Chamber. It will be a sign of degeneracy and decay on the part of the Senate of the United States when a Senator is not permitted to rise in his place here and discuss the conduct and records of officials occupying positions of trust and grave responsibility, positions that affect vitally the welfare of the people, and the well-being of the Republic.

I am glad that the senior Senator from Iowa [Mr. CUMMINS], who, as the Republican Presiding Officer of the Senate, ruled last Saturday that I was out of order in discussing matters which involved the Attorney General of the United States, has, after carefully examining the rules of the Senate on the subject, reached the conclusion that his ruling was wrong, as he frankly admitted it was upon the convening of the Senate on yesterday.

I regret that because of that ruling I was not permitted to proceed at that time, but an honest confession is always good for the soul, and I am glad that it is still permissible for a Senator, representing a sovereign State in this body, to speak concerning matters that affect the public weal.

I have here several newspaper notices concerning the matter growing out of my effort to set myself right regarding a newspaper article which incorrectly stated my reason for criticizing the Attorney General for his conduct in a case of record before he became Attorney General. One of those newspaper articles stated that my reason for desiring to discuss this matter in the open was that "the public may know the truth." Another one said that—

During the secret session of the Senate—

Meaning the executive session of last Saturday—

bitter personalities were flung about the Senate between HEFLIN, his friends, and the administration leaders.

That will be amusing to the administration leaders, Mr. President, because no such thing as that happened in the executive session. I am anxious that the country may know the truth about the whole matter.

The executive session which was called last Saturday was in no way connected with the Wheeler case. The newspaper stories which went out from the Capitol would give the impression to the country that this difficulty arose in the Senate

about Senator WHEELER and the effort of the Attorney General to have him indicted in the District of Columbia. That was not the case. I rose in my place to reply to an article which appeared in the New York World stating that I was criticizing the Attorney General and opposing the Attorney General because he had been the attorney of J. Pierpont Morgan and that I was doing that because the Republicans had attacked Mr. Davis, the Democratic nominee for President in the last campaign, because they said he had represented J. Pierpont Morgan at one time.

I was proceeding to state that the reason for my criticism of the Attorney General was an argument he made in the Supreme Court regarding a certain case which is matter of record. The case was brought up from the courts of Delaware and argued in the Supreme Court of the United States.

I criticized the Attorney General because he insisted, in that case, that the Supreme Court should sustain the judgment of the lower court, which was in Delaware, where, I am convinced, an American citizen, a citizen of the State of Colorado, was denied his rights and deprived of his property without due process of law.

Mr. President, I desire to say something about this case now in the open Senate, because so much has been said in the press about my opposition to Mr. Stone. I stated the other day to my colleagues that I would not discuss this part of Mr. Stone's record in secret or executive session, and when the executive session was moved the Senator from North Carolina [Mr. OVERMAN] stated that when we got into executive session he would move to have the doors opened in order that I might make my speech in open executive session. That is the reason the executive session was voted for by a majority of the Senate. The Wheeler case had nothing on earth to do with it. It had not even been mentioned by any Senator in the open session of the Senate. When we got into executive session I did not and would not discuss behind closed doors what I thought the country was entitled to know. What I wanted to discuss I knew was a matter which the public ought to know, and that I could, without violating any rules of the Senate, discuss it in the open session of the Senate.

Our Supreme Court is the highest tribunal in the Republic, and I think those who aspire to places upon the bench of that court should be required to walk through this Chamber in open session, so that newspaper reporters and anyone else who wants to sit in these galleries and see and hear what transpires when we are passing upon the character and qualifications of those who seek to occupy a place for life on the bench of the highest court in all the world may do so.

It is a serious thing to make and confirm an appointment to the Supreme Court of the United States where a man can sit and use the tremendous power vested in him as long as he lives. It may be said that a justice of the Supreme Court might be impeached if his record were really bad. We know how ineffective the impeachment proceeding is, and how difficult it is to start impeachment proceedings against a Federal judge, even one who is not on the supreme bench.

No lawyer who aspires to that place should object to having his record discussed in the open, and the lawyer who does aspire to that place ought to be well grounded in the fundamental principles of justice. He ought to love to hug the Constitution to his heart. He ought to dedicate himself to its service, and he should, in all of his practice, from the time he is admitted to the bar until he finds himself on some bench where he construes the law, do that and that only which supports the Constitution and upholds the principles of justice.

No lawyer's duty to his client will warrant him in doing anything that violates the fundamental principles of justice. No lawyer's duty to his client will require him or justify him in invoking technicalities which, if sustained, will deny to the American citizen in the courts of the country his personal and property rights. That will deny to him the opportunity to come into court and be heard.

This case in which Mr. Stone appeared for the heirs of J. Pierpont Morgan is in many respects the most remarkable case that I have ever read. This was a case that grew out of a partnership between Colonel Ownbey and J. Pierpont Morgan, sr. They owned large mining interests and some ranches in Colorado and New Mexico. When the elder Morgan died the heirs of the estate proceeded to throw Colonel Ownbey into the hands of a receiver out in Colorado. His property was tied up, everything that he had, and soon after that they came back from the State of Colorado into another State where Colonel Ownbey did not live and proceeded against him with a writ of attachment issued under an old Delaware statute called the custom of London. As Mr. Stone pointed out in his argument before the Supreme Court, that old custom of London first became the law during the reign of George I of England, and under that attachment the attorneys for the Morgan estate attached everything that Colonel Ownbey had, in a court over here in Delaware, and they noted upon the attachment writ that they wanted bond fixed at $200,000.

Mr. Ownbey was invited by that court through that writ to come and answer and show cause why his property should not be disposed of as they sought to do. He came into court. He employed the firm of Ward, Gray & Neary. They went in and entered their names upon the docket as attorneys for Colonel Ownbey in the case that had been brought against him. Colonel Ownbey was there himself and his testimony ready to answer and to offer proof denying the allegations in the case against him. What do you suppose happened? The attorneys for the Morgan heirs demanded that he put up a $200,000 bond before they would consent for him to open his mouth in the case. They demanded that he gather up a money consideration of $200,000 before his lawyers could speak in his behalf.

What did he say? He told the court that everything that he owned had been tied up in the hands of a receiver out in Colorado asked for by the Morgan heirs and that it was utterly impossible for him to make a $200,000 bond.

The Delaware court accepted the view of the attorneys for the Morgan heirs and held that Colonel Ownbey could not appear and answer until he put up the $200,000 bond.

What do you suppose happened in the court then? The attorneys for the Morgan heirs moved to strike the names of Colonel Ownbey's lawyers off the docket, and that was done and Colonel Ownbey sat there in that court and witnessed the high-handed procedure which deprived him of his rights and took from him his property without ever permitting him to say a word in his own behalf. He was not allowed to answer because he could not muster $200,000 and bring it into court and lay it down to buy a permit for an American citizen to appear and answer a complaint filed against him in the civil courts of his country. That was all. Human rights were flung to the four winds. The constitutional rights of the citizen were trampled under foot. Money, filthy lucre, $200,000, was put above the rights of the citizen and the demands of justice, and Colonel Ownbey was not permitted to testify and his lawyers were not permitted to plead his cause. They sat there in court and the court gave judgment to destroy this man's business, and they did destroy it.

He appealed from the decision of the Delaware court on a writ of error and the matter finally came here to the Supreme Court. What do you suppose occurred in Delaware when appeal was taken from the lower court to the Supreme Court of Delaware? The same judges who tried the case in the court below and who denied him the right to be heard went up and sat with the other judges and helped to write the judgment against him for the second time. Then they appealed from that court to the Supreme Court, and Colonel Marshall, a very able lawyer of New York, who I understand has now succeeded to some of the practice that Mr. Stone used to have in connection with the Morgan interests, appeared and made a very strong argument before the Supreme Court and urged that this man had been deprived of his rights and his property without due process of law. Mr. Stone appeared for the Morgan heirs. His firm previous to that time had employed the lawyers to look after the case in Colorado, as I understand it, and had Saulsbury and others to look after it in Delaware; but when it came to the Supreme Court of the United States Mr. Stone, now Attorney General of the United States, appeared and took the position that the judgment of the lower court ought to be sustained, and argued that from his understanding and interpretation of the Constitution no injustice had been done, no wrong had been perpetrated against Colonel Ownbey, and he vigorously urged the highest court in our country, the court from which there can be no appeal, to sustain the judgment of the lower court.

When a man comes to occupy a high place like the office of Attorney General of the United States who holds the views that Mr. Stone holds about the Constitution, I wonder if that fact alone would not tend to discredit him and unfit him for any high judicial office. If he believes that it is all right to bring a citizen from another State and try him, without permitting him to be heard, under an old statute called the custom of London, foisted upon the colony of Delaware 200 years ago and resorted to in court procedure but a very few times in its history, the Senate ought to know it and the country ought to know it.

Yes; Mr. Stone, the present Attorney General, insisted that the judgment of the lower court in Delaware should be sustained. He is therefore as much responsible for the treatment

accorded to Colonel Ownbey by the lower court as if he had been in the case from its inception, because when he came to study the case and review the record he knew exactly what had occurred, and all the way from Delaware to the Supreme Court Colonel Ownbey was never once permitted to offer his evidence to show that the allegations set out against him were not true.

Mr. OVERMAN. He offered to put up as security 33,000 shares of stock, for which he had been offered $1,500,000, and they would not take it.

Mr. HEFLIN. I thank the able and courageous Senator from North Carolina for that suggestion. Yes, Mr. President, he offered all that he had—33,000 shares of stock. "Take my stock and all, but for God's sake make your lawyers and judges of this court let me testify. Let me offer my evidence. Let me be heard." But they would not do it.

I think we ought to be exceedingly careful about who goes on our Supreme Court bench. It is a great tribunal, one of tremendous importance and power.

Let us not fail in our obligations to protect and preserve it in the highest and best sense of that term.

In the case I speak of Colonel Ownbey was represented by Mr. Marshall before the Supreme Court. He said, in substance: "What did they do in Delaware?" He said, "They called him into court and when he came into court they refused to allow him to testify." It was one of the most outrageous pieces of judicial tyranny that has ever come to my attention.

Mr. SIMMONS. Did it not go further than refusing to let him testify? Did they even let him have counsel?

Mr. HEFLIN. Not at all.

Mr. SIMMONS. Did they allow him to enter any appearance whatever?

Mr. HEFLIN. None whatever. They struck his lawyers' names off the docket. He had employed them and paid them, but the court would not let them appear for him. Nobody appeared for him.

Mr. WALSH of Massachusetts. Did the Supreme Court of the United States sustain the decision of the Delaware courts?

Mr. HEFLIN. Yes; I am sorry to say that it did. It was a divided court.

Mr. WALSH of Massachusetts. On what ground?

Mr. HEFLIN. Chief Justice White dissented, and Associate Justice Clarke dissented, and I have understood that Justice McReynolds did not agree altogether with the opinion rendered in the case. My criticism also applies to the judges who sanctioned that opinion. I do not think that I commit any serious offense when I justly criticize the Supreme Court. As long as I am a Member of this body I reserve the right to comment upon and criticize the conduct of the Supreme Court. This Government was established for the welfare of the citizen. His welfare was the whole end and aim of constitutional government. The Government was created for his comfort and well being. What are we doing here to hold it true to the purpose of its creation? Are we going to permit an old statute containing the outrageous principles of an old custom of London to be invoked here and deny the American citizen the right to be heard in the courts of his country? Mr. Marshall argued before the Supreme Court, and I think he is right about it, that the statute violated the principles of amendments 5 and 14 of the Constitution.

Mr. OVERMAN. Justice McReynolds in the case said, "I concur in the result." That means as far as the law is concerned he concurred.

Mr. HEFLIN. Yes. He agreed that they had such a statute in Delaware.

Mr. WALSH of Massachusetts. How did they get jurisdiction in Delaware?

Mr. HEFLIN. The company was organized in Delaware.

Mr. WALSH of Massachusetts. It was a Delaware corporation?

Mr. HEFLIN. Yes; the corporation was organized in that State. Senators, we are coming into a materialistic age. We have already reached the time when commercialism and materialism are becoming the dominant forces in our Government. We will probably reach the time, unless we call a halt and put a stop to certain things, when the poor man who can not raise the money consideration required will have no rights in our courts. That is precisely what we have in this case. I do not care how lawyers may argue the technicalities, and how they may try to get around it by saying that that was the statute of Delaware; the fact remains, they can not be explained away, that Colonel Ownbey has been deprived of his property by a court which did so without due process of law.

If I had been one of the Delaware judges, I would have said: "This statute, called the custom of London, denies this American citizen his constitutional right, and I am going to let him testify and answer the complaint filed against him. You may appeal to the Supreme Court if you want to and let the Supreme Court say whether I should have sustained a musty, time-worn, tyrannical statute or protected the American citizen in his right to appear and testify when proceeded against in the courts of his country."

Mr. OVERMAN. What did they do with the 33,000 shares of stock?

Mr. HEFLIN. The court, without hearing him, ordered them to be sold.

Mr. OVERMAN. Who bought them?

Mr. HEFLIN. The Morgan heirs, I think, did they not?

Mr. OVERMAN. They did. For how much?

Mr. HEFLIN. What did they pay for them?

Mr. OVERMAN. Forty-one thousand dollars.

Mr. HEFLIN. Mr. President, this is a pitiful case. It is one that should appeal strongly to everyone who has any regard for right and justice. I have seen and talked to Colonel Ownbey. He is here now. He has talked to me about this case with tears in his eyes. He was once prosperous and happy, and was offered over a million dollars for his part in the Morgan company, but when they went through a receivership out there and tied him up under this statute in Delaware, they kept him gagged and tied until they broke him and sold his stock for $41,000, and bought it in themselves and threw him over on the roadside and left him in his old age helpless and almost penniless.

They did not do what the good Samaritan did when the man who journeyed to Jericho fell into the hands of thieves who robbed and beat and bruised him. The good Samaritan poured oil in his wounds, took him into a hotel, and told the hotel keeper that if he would look after the man he would pay him. This man was not treated in that way. They resorted to some sort of process of law, they dragged him into court, and when he got into court they sealed his lips, they denied him counsel. He told me that at one stage of the procedure he arose to protest as an American citizen that he was being robbed and denied his rights and that the court ordered a bailiff to take him out. Senators, do you know of anything more calculated to make bolsheviks than things like that?

Mr. OVERMAN. Mr. President, I will ask the Senator from Alabama what the State of Delaware afterwards did?

Mr. HEFLIN. I am glad the Senator called my attention to that. Because of this particular case the Legislature of the State of Delaware amended that old custom of London statute and passed a retroactive amendment dating back to 1915 and runing up to 1918, I believe it was, purely and wholly, I am told, for the purpose of giving Colonel Ownbey the right to come in and plead without giving the bond required under the old custom of London statute. The Legislature of Delaware evidently felt that a grave injustice had been done to Colonel Ownbey. Then what happened? This man went before the same court under that amended statute and tried to have the judgment opened in order that he might then tell the truth and produce his testimony and be permitted to answer the complaint filed against him. But the same court again denied him the right to be heard, upon the ground that the retroactive amendment affected a judgment which had been already rendered by the court, and again they refused to hear him.

What did the Senate of Colorado do about this treatment of Colonel Ownbey? The Senate of Colorado unanimously passed a resolution condemning the Morgan heirs for this procedure against Colonel Ownbey and said, in substance, that they had practically ruined, or were trying to ruin, one of the best and most valuable citizens that ever came to Colorado. So, after two States have taken action regarding this case, certainly a Senator ought to be excused if he dares stand in his place in this body and call attention to men who are moving toward the Supreme Court with a record like the one made by Mr. Stone in this case.

Here is what Mr. Stone ought to have done: When he looked into that case he should have said, "I know we can win it; that old Delaware statute is a cruel thing; it has thorns and locks and chains in it for an American citizen; but we ought not to proceed under it. Let us dismiss this case and proceed in some other way and let this man be heard. He is an American citizen. Let us not take advantage of him. We are rich and powerful; we have millions; we can employ the best counsel in the country. Let us open up the case, let it be heard, and let the case be tried upon its merits." But, Mr. President, Mr. Stone, however, did not do that. He

insisted in his argument that the court should sustain the judgment and all that had been done in the lower court. When he did that, he became a party to the process employed to deny this American citizen "due process of law." There is no question about that. Let us see what our law books say is meant by "due process of law."

Here is a book from the Senate law library, a splendid work, called Judicial and Statutory Definitions of Words and Phrases. Let us see what it has to say about "due process of law":

The constitutional guaranty of "due process of law" prohibits every arbitrary interference with the property of a person, and protects every citizen in the possession, enjoyment, and disposition of his property; but it is not intended to interfere with the Government in determining by what remedies or process legal rights may be asserted or legal obligations be enforced, provided the method of procedure adopted for this purpose gives reasonable notice and affords fair opportunity to be heard before the issues are decided.

How was it, Mr. President, in this case? Was Colonel Ownbey ever heard? Not at all. Was he permitted to have counsel? He employed counsel and paid them, he told me, but what did the judges do? They struck their names off the record upon the suggestion of the lawyers of J. Pierpont Morgan's heirs. They sat there in silence and Colonel Ownbey sat there in silence while the judges proceeded to hear only one side of the case. Judgment was rendered against him—listen, Senators—by default.

Mr. President, I remember, when I was a boy 15 years old, a justice of the peace who resided in the precinct in which I lived, in Alabama, took judgment against an old negro by the name of Eugene Carrigan. Eugene frequently used big words without knowing their meaning. At the time I speak of the justice of the peace gave judgment against him by default, because he did not appear and answer the complaint that had been filed against him. The court thought he did not desire to contest the suit or had no answer to make, and therefore gave judgment against him. The next Saturday the court was again in session, and Carrigan walked into court and wanted to be heard. The judge asked, "Why were you not here last Saturday?" Eugene said, "Jedge, I got destitute on the day." "What?" said the judge. "I got destitute on the day." "What do you mean?" Eugene said, "I thought it was this Saturday instend of last Saturday." The judge asked, "Do you want to make any defense in this case?" "Oh, yes sir; I done paid this gentleman, and I got the receipt." The judge said, "All right, Eugene." He turned to the plaintiff and said, "I am going to open up that judgment; I am going to give this nigger a chance to be heard." And he was right in his ruling.

There is not a court in all the Southern States where a negro was ever denied his right to appear and be heard by himself or by counsel. I doubt if such a thing as happened in the Ownbey case has ever occurred in any other State in the Union. The justice of the peace in my State could have easily said, "You may have your receipt; you may have a defense, but you are too late; last Saturday was the time you were to be here." If, however, he had done that, he would have denied that citizen his rights and been guilty of knowingly denying justice to a citizen. Yet he could have done it under forms of law and said, "the judgment is already written; that is all there is to it; good bye"; and the negro would have gone out with the receipt in his pocket showing that he had paid a debt that he was about to have to pay again.

But what happened to Colonel Ownbey? The summons came to him, "Come in here, Colonel Ownbey, and show cause why this writ should not go through." He said, "Here I am." The reply was, "Yes, but have you got $200,000 about your person; you can not testify in this court under a writ such as this, Colonel Ownbey, unless you have the coin of the realm—$200,000." He said, "I haven't got it; everything I have is tied up; you have already got me in the hands of a receiver in Colorado; you have brought me here under a writ of attachment under an old custom of London statute that has been repealed in London for over 40 years and is not in use in the United States in any State except two or three; you have resorted to that old statute; you have dragged me across the continent, and I am here to answer, but you will not let me answer." That is this case in a nutshell, Senators.

But let me read a little further what the law says as to due process of law, and let us inquire if Colonel Ownbey was permitted to have it in this instance.

That the Constitution is the "law of the land" in the sense that no act of either department of the Government which violates its provisions or exceeds its powers can be enforced to deprive the citizen of his life, liberty, or property is a fundamental truth. To deny it is to assert that constitutional government is a failure and liberty regulated by law has no abiding place in our political system.

According to that doctrine this man did not have his property taken by due process of law, and yet Mr. Stone appeared in the Supreme Court and urged that court to the effect that Colonel Ownbey had not been denied his rights and that the court below ought to be sustained, and that, too, after the court below had stricken off the appearance of his attorneys, silenced him, sealed his lips, and rendered judgment against him by default when he was sitting in the court offering to testify and to give the truth regarding the case against him. The attorneys for the heirs of the Morgan estate moved to strike everything off the record, so that there would not be a line there to show what occurred in the court below when the case reached the Supreme Court, but the judges of Delaware said in effect, "No; you can not do that; the record must show that something happened," and so forth, on the other side, at some stage of the proceedings; but no permission was given to testify, no permission was given to plead. Is that due process of law?

Colonel Ownbey, stand up there! "You used to aid the Government in battling with the Indians in the West, did you not?" "Yes." "You were one of the torch bearers of American civilization penetrating the wilderness of the West, were you not?" "Yes." "You are a mining engineer, are you not?" "Yes." "You discovered rich mineral lands and ranch lands, and Morgan thought enough of you to take you into partnership with him, did he not?" "Yes." "And finally when he died his heirs sought to get you out, did they not?" "Yes." "How much did they offer you?" "A million and a quarter dollars, but I did not want to sell my property; I wanted to stay in." Colonel Ownbey told me that they said, "We will get you out," and they proceeded against him out there. That was in Colorado where he lives. What happened there after they proceeded against him? As I have said, the State Senate of Colorado unanimously—Democrats and Republicans alike—passed a resolution condemning the procedure against Colonel Ownbey and said he was one of the best citizens of that State.

Mr. REED of Missouri. Mr. President——

Mr. HEFLIN. I yield to the Senator.

Mr. REED of Missouri. I am interested in knowing whether the proceedings in Colorado were those in which a receiver was appointed?

Mr. HEFLIN. That is true.

Mr. REED of Missouri. Were the moving parties in that case the Morgan heirs?

Mr. HEFLIN. Yes; that is my understanding.

Mr. REED of Missouri. I am very particular to get that right. If I understand the Senator, the first thing the Morgan heirs did was to go to Colorado and apply for a receiver for the company in which Ownbey was interested. That, of course, would greatly affect the value of the stock that he held.

Mr. HEFLIN. Absolutely, and that is what he contended in the Supreme Court.

Mr. REED of Missouri. And having done that, having destroyed the value of his stock, they attached it in Delaware, but the value of his stock having been destroyed by the suit which they had already brought in Colorado, he was unable to raise the money to deposit or to give the security required under the Delaware statute.

Mr. HEFLIN. That is true.

Mr. REED of Missouri. If that is accurate, it is important.

Mr. HEFLIN. His lawyer, Mr. Marshall, made that argument to the Supreme Court that the value of the stocks had been injuriously affected by the proceedings in Colorado.

Mr. REED of Missouri. But the point in my mind is—I want to direct the Senator's attention to it so that I am sure I understand it—whether the litigation in Colorado was brought by the Morgan heirs, or whether it was brought by some outsider.

Mr. HEFLIN. The Morgan heirs brought that suit; that is my understanding. I think that is what Colonel Ownbey told me.

Mr. REED of Missouri. That looks to me like a conspiracy.

Mr. HEFLIN. The old colonel is frank to say that it was a conspiracy to rob him. They proceeded against him in Colorado and tied his hands, tied up everything he had, and then left there, came to Delaware, proceeded under this old statute, and fixed a bond which they knew he could not make. That is the real point in it, Mr. President. He could not make the bond that they required. They knew he could not make it; and because he had been stripped of his substance in that

fashion, and could not raise that money, he was denied the right to tell the truth, to be heard in the case at all, or to be represented by counsel, violating every principle of the Government's law that I am reading here to-day.

Let me read another statement on due process of law.

The phrase "due process" has had a well-defined meaning for ages.

Mr. SIMMONS. Mr. President, before the Senator gets to that I want to ask him a question. I have heard it stated, and I want to ask him if he has any information about it, that the firm which brought that suit out in Colorado was the same firm of which Mr. Stone was a member when he appeared in the Supreme Court.

Mr. HEFLIN. That is true. This firm employed lawyers out there, so I understand, to bring this suit in Colorado, just as the firm of which Mr. Stone was a member employed lawyers in Delaware to bring the suit in Delaware. Then, after they won the suit in Delaware and an appeal was had from it, Mr. Stone himself appeared in the Supreme Court and discussed the case from its inception and urged that the Supreme Court sustain the action of the lower court and all that was done in it against Colonel Ownbey.

Mr. SIMMONS. If that be true, then Mr. Stone was an attorney in the case brought in Colorado as well as in the case argued before the Supreme Court.

Mr. HEFLIN. From that standpoint he was—that his firm employed the men there as they employed them in Delaware—and he himself finally appeared at the climax of the proceedings in the Supreme Court of the United States.

Now let me read this:

The phrase "due process" has had a well-defined meaning for ages. Putting it in the fourteenth amendment to the Constitution not only granted, but directly defined, certain specific rights which inure to the benefit of every person, alien as well as citizen, and are derived from, dependent upon, or secured by the Constitution of the United States.

The right thus created and defined, in a case involving life and liberty, is the right to enjoy the benefits of all proceedings which constitute a trial according to the law of the land.

They had just said before that that the Constitution is the law of the land. Let me read:

But it cuts deeper than this. The law of the land, applying to all persons impartially, might not afford some of the rights which this clause of the Constitution grants and secures to the citizen and compels the State to afford. If, for instance, the State should deprive a person of the benefit of counsel, it would not be due process of law.

There you are. That is what was done in this case. They deprived him of the benefit of counsel after he had employed and paid his counsel. They struck off the names of his lawyers and they sat there as dumb as oysters in the courtroom, not allowed to speak while their client's property was being taken from him without due process of law. I read:

Within certain limits the State may change its remedies at pleasure, but it must be "with due regard to the landmarks established for the protection of the citizen." It must not exercise "arbitrary power or depart from the principles of private right and distributive justice." As declared by the Supreme Court, the fourteenth amendment, in its requisition concerning due process, "is not too vague and indefinite to operate as a practical restraint * * *." As there declared, "due process" must, in the language of Mr. Webster, be, according to his familiar definition—

Listen to this, Senators—

the general law, or law which hears before it condemns, and which proceeds upon inquiry and renders judgment.

That is the law which was violated. Colonel Ownbey was deprived of his property—the earnings of a lifetime—without due process of law.

Now, Mr. President, I am not going to detain the Senate but for a few moments longer. This is an important matter. The questions involved here go to the very roots of free constitutional government. They affect most vitally the most sacred rights of the American citizen.

Let me say in conclusion that Colonel Ownbey was called into court to answer the complaint of the plaintiff; and when he came he was denied the right to answer because he did not have the money required by the court to buy a permit to be heard in a case that involved all of his earthly possessions.

It was an attachment suit brought by the heirs of J. P. Morgan under an old statute called the custom of London. No bond was required of them when they attached the property of Colonel Ownbey. They were permitted to tie up everything he had in the world without giving a bond; and when he came into the court in Delaware and sought to submit testimony showing that the allegations of the complaint against him were wholly untrue, he was told by the court that unless he could put up $200,000 he would not be permitted to say or do anything regarding the suit against him. He told the court that he could not make the bond. Yet, in the face of that situation and in spite of the defendant's inability to put up the money consideration demanded by the Delaware court, the court refused to permit the defendant to appear and testify in his own behalf, and it also refused to permit the lawyers that he had employed to appear and represent him in the case that he had been called by the court to answer, all because he did not have $200,000, the amount required by the Delaware court before he would be permitted to tell his story and present his side of the case to the judges who had by the writ issued to him commanded him to come into court and answer.

No one denied that he was a man of high character. No one denied that he had the testimony necessary to disprove the allegations set out in the complaint against him, but because he could not put up $200,000 he was denied the right to be heard; and he sat there in the court and, without being permitted to put a witness on the stand or to testify himself, saw the court, refusing to hear but one side of the case, give judgment against him. As I have said, he was so indignant at such an outrageous and disgraceful act of judicial tyranny that he arose in the court to protest, and the court had a bailiff to take him out of the court room.

Mr. President, the Senate ought to inquire well into the character, concepts, and conduct of the practicing attorney or judge, whoever he may be, who aspires to a position on the Supreme Court bench. I do not know Mr. Stone personally. I never saw him except when he marched into the House with the Cabinet members on the occasion of the memorial services for the late President Wilson. He may be a very clever gentleman personally, but my objection to him goes to his conception of and attitude toward the fundamental principles of justice, to his views as to how the Constitution should be construed when "due process of law" is involved and the vital rights of the citizen are at stake.

Mr. President, the time for a United States Senator to be on guard is when men are suggested by the powers that be for places on the Supreme Court bench. We can not be too careful and painstaking in the discharge of that important duty.

Mr. President, when President Washington appointed for life the first judges of the Supreme Court, men of judicial skill and rectitude, the personal representatives of the dignity and majesty of the law, he declared that the Supreme Court is the chief pillar upon which our National Government must rest.

Charles Carroll of Carrollton, whose honored name graces the Declaration of Independence, said in 1827:

I consider the Supreme Court of the United States as the strongest guardian of the powers of Congress and the rights of the people.

In 1835, Hon. Horace Binney, of Philadelphia, one of the greatest lawyers that ever lived, in speaking of Chief Justice Marshall and the Supreme Court, said:

The Supreme Court judge in administering the law is the representative of the abstract justice of the people.

Speaking in honor of Chief Justice Marshall, in 1901, Senator William Lindsay, an able statesman of Kentucky, said:

No other court compares with our Supreme Court in jurisdiction, power, or independence. The peace, the prosperity, and the very existence of the Union are vested in the hands of our Supreme Court judges.

Hon Frank Springer, of the Territory of New Mexico, said in 1901:

If this Republic endures longer than those of antiquity, it will be chiefly by reason of the controlling influence of that great court which maintains the equilibrium of the Nation, which holds together the Union like some great sun of a planetary system, sending its light to the remotest parts, allowing each member to move unrestrained in its appointed path, but binding all by its mighty force so that they can neither collide with each other nor depart from the system.

That court is the rich man's rock against improper judgments, the poor man's shelter against judicial tyranny, the city of refuge for both capital and labor, and the people's mighty stronghold of justice against injustice. The feeling of respect and appreciation on the part of the people for our Supreme Court and their abiding faith in its integrity and in its love of justice have done more to inspire patriotism and strengthen the Republic than any other influence in the country.

Grover Cleveland, in his article on "Good Citizenship," said:

The abandonment of our country's watchtowers by those who should be on guard and the slumber of the sentinels who should never sleep directly invite the stealthy approach, the pillage, and the loot of selfishness and greed.

Are we as watchful and faithful as we ought to be in protecting our Supreme Court against men who should never have and use the power vested in a Supreme Court judge?

Our Supreme Court is the loftiest tribunal in all the world, and a place on that bench is the climax and crowning glory of attainment in the legal profession. When an American citizen is elevated to that high station, and crosses its sacred threshold, and puts on the honored ermine of the Nation's highest court, he ought to dedicate his talents and consecrate his all to wholehearted service in the temple of justice.

Mr. President, let it be known in all the hereafter that there is one high and sacred place in our system of Government that shall never be invaded by political influence and partisan ambition, and that everyone who enters that sacred tribunal closes the door of political ambition behind him, casts anchor with the Constitution to live and die as one of its faithful guardians.

Our Supreme Court holds the scales of justice between the man of moderate means and the man of large fortune. It determines cases in which the welfare of society is involved and the life of the citizen is at stake. It has the power to revise and destroy all other court decisions. It wields the power of life and death over State and Federal statute, and it has the power to declare null and void the acts of the Chief Executive of the Nation. This court must never be perverted from the ends of its institution. It must forever remain true to the purpose of its creation. The power to make law is important and the power to execute law is essential, but the power to destroy law, the power to withold or to administer justice, is the most important power of all.

Here then, in the Supreme Court, our fathers lodged the ark of our civic covenant, and they wisely provided that those chosen to guard and protect it should enlist for life and be consecrated to the service. That ark was placed there by the founders of the Republic, and for more than a hundred years it has remained in the temple of justice. There, in its exalted grandeur, it guards in the main the Constitution, holds the scales of justice, and contributes as no other power can to the strength and perpetuity of the Republic.

Mr. President, it ought to be the constant desire and firm purpose of all Senators, who vested as we are with the power to accept or reject men named for places on the Supreme Court bench, to see to it that this great court of last resort, from whose decision there is no appeal, shall be kept, in deed and in truth, a great American tribunal of justice.

Mr. STERLING. Mr. President, I do not intend to make a reply to the Senator from Alabama, or to make any remarks beyond those necessary to the reading for the RECORD of a telegram and two letters which I have here relative to Mr. Stone.

The telegram is directed to me and is from former Senator Saulsbury, of Delaware, who for six years was a Member of this honorable body and was President pro tempore of the Senate. Further, Mr. President, I desire to say that I did not suppose the Senator from Alabama or any other Senator would address himself to the subject of Mr. Stone's confirmation today, or before the Senate Judiciary Committee, to which the appointment had been referred, had acted and made its report to the Senate.

Mr. HEFLIN. Mr. President——

Mr. STERLING. But I deem it necessary, under the circumstances, to present these matters for the RECORD.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from South Dakota yield to the Senator from Alabama?

Mr. STERLING. I yield.

Mr. HEFLIN. If the Senator will permit, the thing I have been discussing about Mr. Stone is a matter of record in the Supreme Court. The papers have already said a good deal about it, and my own position was not clear from the reports in the papers, and I wanted the country and the Senate to know the facts. I wanted the facts of this case to go in the RECORD. They could not go in behind closed doors, and they ought to go in the RECORD; the country ought to know the truth.

Mr. STERLING. The matter I have before me, therefore, Mr. President, is all the more pertinent, because it refers to the very case to which the Senator from Alabama has alluded.

The telegram to me from Senator Saulsbury reads as follows:

Newspapers this morning publish extensive Washington dispatches regarding case of Morgan's executors against Ownbey, stating defendant Ownbey is opposing confirmation of the Attorney General's appointment to the Supreme Court. I will be in Washington during the whole of the coming week. Am familiar with that case from its inception. The Morgan executors were throughout represented by my firm, and every court in which we appeared decided the case in our favor. Attorney General Stone appeared with me in the Supreme Court, to which the case was taken by the defendant, where the decision of the Delaware courts was affirmed. Any attack on Mr. Stone is founded in ignorance and prejudice. If any attention is paid to this matter by your committee, I hope you will call me as a witness, and I think I can give you a full history of the case. Indeed, the whole history of the case is set out in public records in the files of the Supreme Court of the United States. Mr. Stone's connection with the case consisted in appearing jointly with me as counsel in the Supreme Court of the United States, and every act of his will be clearly shown to be in accordance with high conception of the ethics of the legal profession and great ability in obtaining correct legal determination by the courts. I understand you are chairman of the subcommittee having this nomination in charge. If I am incorrect in this, please hand this to Senator BORAH, chairman of the committee, for reference to whatever subcommittee may have it in charge.

WILLARD SAULSBURY.

The next communication——

Mr. HEFLIN. Before the Senator gets away from the telegram, I mentioned Mr. Saulsbury, who was an attorney in the case, and who was a party to this judicial tyranny practiced against Colonel Ownbey. I would not expect him to condemn his own conduct and to slap in the face his own offspring.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. STERLING. Certainly.

Mr. CARAWAY. The Senator is conscious that he is putting before the Senate a part of the evidence that has been presented before the Committee on the Judiciary. Is it his judgment, then, that all the evidence ought to come out?

Mr. STERLING. What is the Senator's inquiry?

Mr. CARAWAY. Is it the Senator's opinion that all the evidence ought to be discussed in the open Senate?

Mr. STERLING. Oh, no; this refers to the particular Ownbey case, about which the Senator from Alabama has spoken.

Mr. CARAWAY. That is the testimony of a man who went before the committee in executive session, and the Senator is now putting it before the open Senate.

Mr. STERLING. Yes; and I propose to do it.

Mr. CARAWAY. I wanted just to find out what the Senator thought about it and about the rule he has wanted to have enforced.

Mr. STERLING. The next is a photostatic copy of a letter written by Mr. Louis Marshall, who was the opposing counsel in the Supreme Court on the other side of the Ownbey case from the side represented by Mr. Saulsbury and Mr. Stone. The letter is dated January 9, and reads:

GUGGENHEIMER, UNTERMYER & MARSHALL,
New York, January 9, 1925.

DEAR MR. ATTORNEY GENERAL: But for the fact that I have been engaged in court constantly since the announcement of your nomination for justice of the Supreme Court, I would have at once extended to you my sincere and heartfelt congratulations upon the high but deserved honor implied in your elevation to the greatest court in the world. As one who has had exceptional opportunities of becoming familiar with your legal learning, your fine judicial temperament, your indefatigable industry, and your unusual good sense, I regard your designation to that tribunal as one for which the entire public should be grateful. I am sure that you will enjoy the work, for which you are so admirably fitted, and I trust that you will be spared many years in the service to which you have been called.

Very cordially yours,

LOUIS MARSHALL.

The ATTORNEY GENERAL,
Department of Justice, Washington, D. C.

The next letter is of the same date——

Mr. HEFLIN and Mr. REED of Missouri addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and if so, to whom?

Mr. STERLING. I yield first to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I mentioned Mr. Marshall, who appeared in the Supreme Court and represented Colonel Ownbey. He was only employed in the Supreme Court, and he made a masterful argument.

Mr. STERLING. Yes.

Mr. HEFLIN. He has since that time, I have been informed, been employed by the Morgan interests in certain matters that Mr. Stone used to represent. He will have to practice law before Mr. Stone, if Mr. Stone shall be confirmed, and you would not expect him to attack an appointee as Associate Justice, before whom he would have to appear.

Mr. STERLING. I suppose the Senator from Alabama would have us infer that because Mr. Marshall may now be employed by the executors of the Morgan estate, if such be the fact, that his statements in regard to the qualifications of Attorney General Stone have been colored.

Mr. REED of Missouri. Mr. President, will the Senator yield for a question?

Mr. STERLING. Yes; I yield.

Mr. REED of Missouri. The Senator has read two telegrams——

Mr. STERLING. One telegram.

Mr. REED of Missouri. One telegram and a letter. Is he not reading from evidence that was presented in executive session before the Judiciary Committee?

Mr. STERLING. I think the telegram to myself was read before the Judiciary Committee, and the sender of the telegram was before the Judiciary Committee and made his statement, all of which is corroborated by what he says in the telegram.

Mr. REED of Missouri. I remember hearing both those documents read at a meeting of the Judiciary Committee, which was an executive meeting.

Mr. STERLING. Yes.

Mr. REED of Missouri. I am simply astounded to find a Senator appear on the floor to present a part of the evidence that was there submitted, and I am all the more astounded because, after proper deliberation, it was determined that the appointment of Mr. Stone should be returned to the Judiciary Committee for further consideration. Manifestly, if we are to proceed in this way, we ought not to take the bars down, by which I mean remove the question of secrecy in executive session, or executive meetings of the Judiciary Committee, or in the further consideration of this case before any committee, but proceed here to have it out, rough and tumble, "packing-house rules," if you please, on the floor of the Senate; and I think that is exactly what we are doing now—proceeding just according to that sort of rules.

Mr. STERLING. Mr. President, the reading of these documents here to-day before the Senate would have been the last thing I would have thought of but for the fact that the Senator from Alabama has stood here for more than an hour this afternoon speaking in criticism of Attorney General Stone and his connection with the Ownbey case, and these communications relate especially and only to that particular case; because of this I feel myself now amply justified in bringing these matters to the attention of the Senate.

Mr. REED of Missouri. Mr. President, these documents came into the hands of the Senator as chairman of the subcommittee, appointed by the Judiciary Committee to try this case, and to report its findings privately to the Judiciary Committee.

Mr. STERLING. Privately?

Mr. REED of Missouri. He obtained the documents in that way, and without the permission of the Judiciary Committee, or the permission of the Senate, in violation of the rules and the precedents of the Senate, he proceeds to present a part of the evidence in this open session.

Mr. STERLING. When was it decided, Mr. President——

Mr. REED of Missouri. And he undertakes to justify himself upon the ground that he regards the remarks of the Senator from Alabama [Mr. HEFLIN] as having been improper. So he asserts his right to bring here to this body documents which belong to the Judiciary Committee. That, I say, is a very remarkable proceeding.

Mr. STERLING. When was it decided——

Mr. McKELLAR. A point of order, Mr. President.

Mr. STERLING. Just wait a moment.

Mr. McKELLAR. I have a right to make a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. McKELLAR. My point of order is that manifestly this is matter for an executive session, that it is contrary to the rules of the Senate and is not in order for the Senator from South Dakota to read telegrams or letters, or comment on the same, which came before his committee in executive session.

Mr. STERLING. The point of order should have been made earlier, when the Senator from Alabama was speaking, who occupied all his time criticizing Attorney General Stone in reference to this one matter.

Mr. OVERMAN. Mr. President, the Senator from Alabama did not have any testimony that had been given before the Judiciary Committee. What he presented were outside matters.

Mr. HEFLIN. Mr. President, on the point of order the Senator from South Dakota said my speech would be stricken from the RECORD. A newspaper had misrepresented my connection with regard to this matter, and I rose the other day to discuss it and to set myself right. The President pro tempore, the Senator from Iowa [Mr. CUMMINS], ruled that I was out of order. On Monday, on the reconvening of the Senate, he stated to the Senate that his ruling was wrong; that I was in order, and therefore it was in order for me to speak to-day, as I did. I have not submitted letters and telegrams from lawyers who appeared in the case there nor from the lawyer who appeared for Colonel Ownbey. I discussed the fundamental principles of right and justice to every citizen to be represented in the courts of this country.

The PRESIDING OFFICER. The Chair is ready to rule.

Mr. STANLEY. Mr. President, this is an anomalous proceeding. The chairman of a subcommittee supposed to try a case of this importance, with the case then pending before his committee and undecided, appears in the Senate as an advocate of one side or the other, and his only excuse is that somebody else has been guilty of a like indiscretion. Lord Macaulay once said, in speaking of Hume, that his great vice was that "he assumed the impartiality of a judge while exercising the arts of an advocate." The Senator from South Dakota should either cease to act as judge and resign as chairman of the subcommittee to try the case or cease to act as advocate one day for a case in which he shall sit as a judge the next. If, as he said, the Senator from Alabama has been guilty of an indiscretion, out of his mouth he doubly damns himself, and I insist upon the point of order made by the Senator from Tennessee.

Mr. REED of Pennsylvania. Mr. President, I want to make an appeal to Senators on both sides of the aisle to think what they are doing in this case. If we are going to judge confirmations sanely, wisely, and understandingly, we have got to keep open for ourselves all channels of information about the nominees. We are never going to get a full, free, and fair disclosure of the facts concerning a nominee for office if the American people are to feel that, having got them in confidence, we are going to spread them to the world in open session.

Mr. STANLEY. Mr. President——

Mr. REED of Pennsylvania. Just a moment, if the Senator will permit me. I have cast no reflection upon Senators who have spoken in this case nor on what they are doing. I realize the provocation that has led the Senator from South Dakota to read the telegrams and letters. I am not talking of this particular case, but for the sake of the Senate and the integrity of its work in future cases. I am not pleading for Attorney General Stone—not for a minute; his case will take care of itself—but for our own sake and the future functioning of the Senate we ought to preserve the custom that the experience of a century has shown to be wise, to consider nominations in executive session only. What we are doing here to-day, whether we are conscious of it or not, is to break down that century-old practice which has brought us good results, as we all know. I want to make my appeal to Senators on both sides of the aisle, without ascribing blame to any, to think what we are doing and to consider whether this discussion ought not to stop at this point without any further debate.

Mr. McKELLAR. I think that the Senator from Pennsylvania is also appealing to the Chair to exercise the authority of the Chair to hold and declare this debate out of order. I am insisting upon my point of order.

Mr. HEFLIN. I want to draw this distinction between myself and the Senator from South Dakota. I am not a member of the Judiciary Committee. I have had nothing to do with telegrams. I have discussed a matter of record. That is the difference.

Mr. STANLEY. Mr. President, I heartily concur in what has been so opportunely and so cogently expressed by the accomplished Senator from Pennsylvania [Mr. REED]. I trust that nothing said here will be construed as indicative of my attitude as a member of the Judiciary Committee or as a Member of this body upon the merits of the appointment of the Attorney General as a justice of the Supreme Court of the United States.

If, as the Senator from Pennsylvania [Mr. REED] has so well said, we were not deterred from a proceeding of this unseemly character by the wholesome and restraining influence of one custom at least of the Senate that is honored in its observance as well as in its breach, if there were no such custom, if this body for the lifetime of a man had never before

attempted such a thing, the proprieties and the decencies of the occasion would restrain a lawyer, to say nothing of a Senator, possessing ordinary sensibility and a decent regard for the honor of the Senate and the dignity of the Supreme Court of the United States.

Of course, the Senator from Alabama [Mr. HEFLIN] was not discussing, as I understand it, the propriety of the appointment. He was speaking to a matter of personal privilege.

Be that as it may, this is not the place and this is not the time to discuss the merits or the demerits of an appointee to the Supreme Court of the United States, to say nothing of an Attorney General. My mind is open upon that question. If we are to forget our dignity and our honor, if we are to become the superserviceable tools of organized minorities, if we are to take our orders here and there and yonder, not from the people but from our selected masters, if the Senate is to become meaner and meaner as it groveis before smaller and weaker things, let us at least remember that there is one department of the Government which has preserved the finest traditions of the highest court in the world with serene dignity, unblemished honor, and an integrity as immaculate as its ermine; and when we pass upon the proprieties of the case, pass upon the qualifications, as we are instructed to do under the Constitution, of men appointed to that high place, let us remember the court whose dignity and whose example we should emulate, and let us drop the curtain upon the shameful scene now attempted by the Senator from South Dakota.

Mr. STERLING. Mr. President, I simply hope that Senators on either side of the Chamber will now reflect just for a moment and consider the circumstances under which I have sought to read these documents.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. KING. I understood a point of order had been raised. If the Senator from South Dakota desires to discuss the point of order, of course, it is proper if the Chair cares to hear it.

The PRESIDING OFFICER. The Chair is willing to hear the Senator from South Dakota. The Senator from South Dakota will proceed.

Mr. STERLING. As I have already stated, but for the speech of the Senator from Alabama, the reading of these documents would have been the last thing I would have thought of. But the Senator from Alabama made an impassioned speech of over an hour in length, the effect of which or the purpose of which was to influence sentiment in the Senate of the United States and in the country at large in regard to the nomination of Attorney General Stone to the Supreme Bench. I think there can be no question in the mind of any Senator who heard the Senator from Alabama that such was his purpose and that would be the effect of his address.

Under these circumstances I base what I have sought to do on the very principle stated by the distinguished Senator from Pennsylvania [Mr. REED], namely a plea for fairness and justice in the matter. These were the considerations that impelled me to read Senator Saulsbury's telegram to me and the letter of Louis Marshall, the opposing counsel in the Ownbey case, and to read them at this juncture in order that Senators might now have the opinions of others competent to judge as against the views expressed by the Senator from Alabama.

Mr. REED of Missouri. Mr. President, I insist that a point of order has been made, and while the Chair may permit discussion on the point of order if he sees fit, we are not hearing a discussion of any point of order now.

Mr. CARAWAY. Oh, let him debate it a little while longer.

Mr. STERLING. The point of order was raised as I was about to read the second letter.

The PRESIDING OFFICER. The Chair will not permit debate to run on unduly. He thinks the Senator from South Dakota is entitled to make a brief statement.

Mr. REED of Missouri. Undoubtedly he is entitled to make a brief statement on the point of order if the Chair desires to hear it, but we are not now listening to a discussion of the point of order. We are listening to a plea in confession and avoidance.

The PRESIDING OFFICER. The Senator from South Dakota will proceed to discuss the point of order.

Mr. STERLING. I have nothing further to say upon the point of order, but I am ready to read the second letter from Louis Marshall to the Attorney General.

Mr. McKELLAR. Before that is done I insist upon the point of order.

Mr. STERLING. A point of order has been made against it, and I shall abide the decision of the Chair.

Mr. CARAWAY. Mr. President, I hope the point of order will be withdrawn. I want to see the Senator from South Dakota exhibit to the Senate his conception of the honor and dignity of being a Senator of the United States. I want him to have an opportunity to go into the files of the Judiciary Committee, take out the secret documents, and stand here and read them to the Senate and to the world.

Mr. STERLING. These are not secret documents of the Judiciary Committee, and the Senator knows it.

Mr. CARAWAY. Then, there are no secret documents. These were read in the Committee on the Judiciary, and the Senator knows it.

Mr. STERLING. These are communications that came to me individually as four telegrams and——

Mr. CARAWAY. As chairman of the subcommittee having charge of the confirmation of Mr. Stone. In that way the Senator got possession of them.

The PRESIDING OFFICER. The Chair is prepared to rule.

Mr. CARAWAY. Oh, I would not rule, Mr. President.

The PRESIDING OFFICER (Mr. WILLIS). It is with great diffidence that the present occupant of the chair feels called upon to take a position, as he views it, adverse to that taken by the President pro tempore of the Senate on yesterday. It was then the opinion of the present occupant of the chair that this whole matter was one which should have been discussed in executive session. The present occupant of the chair is still of that opinion, and he, therefore, feels constrained to sustain the point of order. The Senate has its remedy, and if it desires to proceed with the discussion it may go into executive session.

Mr. STERLING. I yield.

Mr. DILL obtained the floor.

Mr. HEFLIN. Mr. President, will the Senator from Washington permit me just one word?

Mr. DILL. Certainly.

Mr. HEFLIN. The Senator from South Dakota [Mr. STERLING] undertook to state what my purpose was. I said in the outset that a newspaper had incorrectly stated my position in the matter, and I sought to set that statement right and to set myself right before the country and to discuss the record of the Attorney General of the United States in a case which was carried to the Supreme Court. I have not read any letters or telegrams; I am not a member of the Judiciary Committee; but I think the country ought to know the truth about any man who is seeking to go upon the Supreme Court bench. I shall hereafter be in favor of open executive sessions for the confirmation of Supreme Court judges.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

Mr. DILL. Mr. President, there is a couplet somewhere which begins: "Men are only boys grown tall." I think what is happening here in relation to executive sessions of the Senate is a most excellent illustration that men in the Senate are not much different from men anywhere else; and if anything more is needed to show the ridiculous attitude in which the Senate of the United States is placing itself I do not know what it is.

We have a rule which prohibits discussion of certain questions except in executive session. Then a presiding officer permits by ruling the discussion of such a subject under another name; but when another Senator attempts to reply in similar terms we have another ruling that the question can not be discussed. The truth of the matter is that this whole question is public business, and it ought to be all discussed in public.

I do not know anything that better illustrates the tendency of the Senate than what we see in the morning newspapers. We find in one column on the front page of the metropolitan dailies of this country a statement that the Senate was greatly perturbed over reports that became public about its executive session on last Saturday, and that there was excited discussion to the effect that members would be barred from the press gallery and references made to the rule—an archaic rule in my judgment—adopted in this body in 1868, providing that Senators may be expelled from this body if they reveal what happens here in secret sessions. I say that is all printed in one column on the front page of the newspaper, and then in another column of the same newspaper is a large headline telling that the President of the United States and other officers

of the Government met last night and discussed the executive business of the Government and stating that they put it on the radio so that 10,000,000 of people might hear it all over the country. I do not know of a finer example illustrating the Senate as looking backward and the President and his officials as looking forward than is to be found there. It seems to me that it is an excellent illustration of the fact that the Senate needs to get into step with the public sentiment of this country, which demands that public business shall be public except in special cases.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. DILL. I yield.

Mr. REED of Missouri. While the Senator is pronouncing his eulogy on the President for keeping step with the forward-looking people I want to call his attention to the fact that the Senate has time and again called for documents that it needed in order to consider the public business and has been denied them by the executive department on the ground that the executive department did not think compliance with the request would be compatible with the public interest. The executive department keeps its secrets when it wishes to keep them.

Mr. DILL. I do not wish to be put in the class of those agreeing with the President and his policies, but I do not hesitate to commend the President of the United States when I think he is taking an attitude that is in the interest of the public good. I think that too much secrecy does surround the executive offices and executive documents. It is for that reason that I commend this attitude, as shown last night, not only of making the information public but of having the radio broadcast it all over the United States.

Mr. CARAWAY. May I ask the Senator what was it the President said about the executive business on the radio?

Mr. DILL. He told the whole story of attempting to save money for the Government.

Mr. CARAWAY. That is not executive business. That is merely a joke, you know. [Laughter on the floor and in the galleries.]

Mr. DILL. The Senator from Arkansas may think it is a joke, but I think the saving of two or three billion dollars is not very much of a joke to the taxpayers of the country.

Mr. CARAWAY. It was not saving; it was merely talking about it on the radio.

Mr. DILL. I notice we cut taxes last year, anyway. What I wish to say is this——

Mr. REED of Missouri. Does the Senator say that the President cut taxes last year?

Mr. DILL. I said that the Government cut taxes——

Mr. REED of Missouri. No; the Congress cut taxes.

Mr. DILL. Because of the saving made in expenditures and for no other reason.

Mr. REED of Missouri. Who made the saving?

Mr. DILL. The executive officers of the Government under the direction of Congress.

Mr. REED of Missouri. Oh, no.

The PRESIDING OFFICER. The Chair feels constrained to remind the occupants of the galleries that they are there by the courtesy of the Senate and that manifestations of approval or disapproval on the part of the occupants of the galleries are contrary to the rules of the Senate.

Mr. CARAWAY. Do you not think, Mr. President, they ought to be permitted to laugh at a joke like that?

Mr. DILL. Mr. President——

The PRESIDING OFFICER. The Senator from Washington.

Mr. DILL. There are those Senators who can see nothing good except in what they or their friends do. I am glad I do not belong to that class.

Mr. KING. Mr. President, will the Senator yield?

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield, and if so to whom?

Mr. DILL. I yield first to the Senator from Utah.

Mr. KING. I think the Senator in the interest of accuracy—and I know he wants to be accurate—should state what the fact is, namely, that the executive department through the Bureau of the Budget made certain recommendations and that the Congress has always gone below the Bureau of the Budget; so that whatever reforms have come in the matter of economy have come through the legislative branch of the Government instead of the executive branch.

Mr. DILL. I can not agree with the Senator that Congress has always gone below the estimates of the Bureau of the Budget. I think sometimes we have and I think sometimes we might well override the Budget, so far as that is concerned; but I come back to the fact that if those in charge of the executive department of the Government had continued to recommend appropriations larger than were strictly necessary the Congress would have granted them. There is no getting away from that, but Congress has helped greatly in the economy program.

But, Mr. President, I did not rise to discuss that particular question. What I rose to discuss——

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. DILL. I yield.

Mr. COPELAND. I am sure the Senator does not want to leave a false impression. I think the impression his remarks have made is that the Executive is largely responsible for the economies which have been effected. I am sure he would not want to leave an impression that derogates from the work Congress does and has done to bring about economies.

Mr. DILL. I would not say that the executive branch is largely responsible or that Congress is largely responsible, but that they are jointly responsible, and that if one insists on an excess the other is pretty likely to go along with it. There has been joint action on the part of the executive and the legislative that has brought about the reductions in the expenditures of the Government. But, levity aside, the fact remains that expenditures have been cut; that they should have been cut, and they should be cut even more and that the President and the Congress should cooperate in further cutting governmental expenditures.

Mr. SMOOT. Mr. President——

Mr. DILL. I yield.

Mr. SMOOT. I merely wish to suggest that if it had not been for the President of the United States insisting that a certain amount of reduction must be made in every one of the departments of the Government, and that the Budget Bureau should not approve of recommendations for appropriations asked unless they were reduced, there would not have been the reduction in expenditures which has taken place. That has been the cause of the reduction.

Mr. DILL. And yet if Congress had appropriated more money probably the departments would have spent it.

Mr. SMOOT. I wish to say also to the Senator that there would have been many hundred thousand dollars added to the appropriations if the Budget had estimated the amounts which were demanded, but many hundreds of thousands of dollars have been kept off the appropriation bills by points of order because the Budget Bureau had not estimated for them.

Mr. DILL. I think that is true.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. DILL. Yes.

Mr. WALSH of Massachusetts. Of course, the Senator agrees that the principal reduction in the expenditures of the Government is due to the fact that we are no longer at war.

Mr. DILL. Absolutely.

Mr. WALSH of Massachusetts. And that with the ending of the war employees have been discharged and obligations under contracts assumed during the war have been lessening and lessening every year.

Mr. DILL. Absolutely.

Mr. WALSH of Massachusetts. Therefore, the appropriations are much less than they were during the war period, but are still higher than they were before the war.

Mr. DILL. But my original statement was that the President last night over the radio was not only talking about reductions that had been made, but was urging still greater reductions, in which expression I concur, whether it be made by a Republican President, or a Socialist President, or a Democratic President. I do not care who may make it.

Mr. President, what I rose to discuss was the tendency of the Senate to look backward to rules that were made long ago and to have exploited on the front page the fact that we try to act under rules the violation of which, even by the simplest form of telling anything that happens in this body in executive session, makes a Senator liable to expulsion, while the executive department of the Government is trying to make all the publicity it can for what it is doing. For that reason I think the rules should be amended so that the Senate would hold its sessions in the open in considering public business, unless that public business should be of such a confidential nature that a special two-thirds vote of the Senate should be required. I think that that is a reform that should come in this body, and I think it will come, but whether in our time or at some future time I do not know.

Mr. President, I am not going to take more time of the Senate on this subject now, but will discuss it further at a later date.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oklahoma [Mr. HARRELD] to the amendment of the Senator from Massachusetts [Mr. BUTLER].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is upon the amendment of the Senator from Massachusetts to the amendment of the committee.

Mr. ASHURST and Mr. SIMMONS called for the yeas and nays, and they were ordered.

Mr. KING. I ask that the amendment be stated.

The PRESIDING OFFICER. The Secretary will read the amendment.

The READING CLERK. On line 14, page 39, at the end of the committee amendment, it is proposed to insert the following proviso:

Provided, That the rate of postage on newspapers or periodicals maintained by and in the interests of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be 1¼ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

The PRESIDING OFFICER. The question is on the amendment which the Secretary has just read. The yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. JONES of Washington (when Mr. CURTIS's name was called). The Senator from Kansas [Mr. CURTIS] is absent on account of illness. He is paired with the senior Senator from Arkansas [Mr. ROBINSON].

I wish also to announce that the Senator from Massachusetts [Mr. BUTLER] is necessarily absent. He has a general pair for the day with the Senator from Florida [Mr. TRAMMELL]. If present, the Senator from Massachusetts would vote "yea."

Mr. CARAWAY. The senior Senator from Arkansas, if present, would vote "yea" on this question.

Mr. FLETCHER (when Mr. TRAMMELL's name was called). My colleague [Mr. TRAMMELL] is unavoidably absent. He has a pair with the Senator from Massachusetts [Mr. BUTLER]. If my colleague were present, I am advised that he would vote "yea."

The roll call was concluded.

Mr. McNARY. I have a pair for the day with the senior Senator from Mississippi [Mr. HARRISON]. I am advised that if he were present, he would vote as I shall vote. I vote "yea."

Mr. PHIPPS. I have a pair with the junior Senator from South Carolina [Mr. DIAL]. In his absence, being unable to secure a transfer, I will withhold my vote. If at liberty to vote, I should vote "nay."

Mr. GERRY. I desire to announce that the Senator from Mississippi [Mr. STEPHENS] is paired with the Senator from Rhode Island [Mr. METCALF]. If the Senator from Mississippi were present, he would vote "yea."

Mr. FRAZIER. I wish to announce that my colleague [Mr. LADD] is unavoidably absent. If he were present, he would vote "yea" on this question.

Mr. JONES of New Mexico (after having voted in the affirmative). I observe that the Senator from Maine [Mr. FERNALD] is not in the Chamber. I have a general pair with that Senator. Not knowing how he would vote, and not being able to obtain a transfer, I must withdraw my vote.

The result was announced—yeas 51, nays 23, as follows:

YEAS—51

Ashurst	George	McCormick	Shipstead
Ball	Gerry	McKellar	Shortridge
Borah	Glass	McKinley	Simmons
Broussard	Gooding	McNary	Smith
Caraway	Hale	Mayfield	Spencer
Copeland	Harreld	Neely	Stanfield
Cummins	Harris	Norbeck	Stanley
Dill	Heflin	Oddie	Swanson
Edge	Howell	Overman	Underwood
Edwards	Johnson, Minn.	Pittman	Walsh, Mass.
Ernst	Jones, Wash.	Ralston	Walsh, Mont.
Fletcher	Kendrick	Ransdell	Weller
Frazier	Keyes	Sheppard	

NAYS—23

Bayard	Couzens	McLean	Sterling
Bingham	Dale	Means	Wadsworth
Brookhart	Ferris	Moses	Warren
Bruce	Fess	Pepper	Watson
Bursum	Johnson, Calif.	Reed, Pa.	Willis
Cameron	King	Smoot	

NOT VOTING—22

Butler	Greene	Metcalf	Shields
Capper	Harrison	Norris	Stephens
Curtis	Jones, N. Mex.	Owen	Trammell
Dial	Ladd	Phipps	Wheeler
Elkins	La Follette	Reed, Mo.	
Fernald	Lenroot	Robinson	

So Mr. BUTLER's amendment to the amendment of the committee was agreed to.

Mr. GEORGE. Mr. President, I now offer an amendment which I had printed on Saturday last to the committee amendment on page 39.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The READING CLERK. On page 39, it is proposed to strike out lines 5 to 14, inclusive, of the committee amendment, and to insert in lieu thereof the following:

In the case of the portion of such publications devoted to advertisements the rates per pound or fraction thereof for delivery within the several zones applicable to fourth-class matter shall be as follows (but where the space devoted to advertisements does not exceed 5 per cent of the total space, the rate of postage shall be the same as if the whole of such publication was devoted to matter other than advertisements): For the first and second zones, 1½ cents; for the third zone, 2 cents; for the fourth zone, 3 cents; for the fifth zone, 3½ cents; for the sixth zone, 4 cents; for the seventh zone, 5 cents; for the eighth zone, 5½ cents.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia to the amendment of the committee.

Mr. GEORGE. Mr. President, in the revenue act of 1917 four successive increases on second-class mail matter were provided, effective during four years. The amendment which I have offered is precisely the second increase provided on second-class mail matter in the act of 1917.

The second increase provided in that act on the portion of any publication devoted to advertisements is as follows:

On and after July 1, 1919, and until July 1, 1920, for the first and second zones, 1½ cents; for the third zone, 2 cents; for the fourth zone, 3 cents; for the fifth zone, 3½ cents; for the sixth zone, 4 cents; for the seventh zone, 5 cents; for the eighth zone, 5½ cents.

Those are the rates which I have inserted in the amendment now offered. This is precisely the same amendment which in May of last year, as I recall, designated as the McKinley amendment, was adopted by the Senate, but it did not become a law because the amendment was stricken in the House.

Now, Mr. President, I want to discuss but briefly this amendment.

First, I want to say that when it is asserted in the cost-finding report and by the Post Office Department that second-class mail matter is now carried by the postal system at a loss of $74,000,000 per annum, by that is not meant that if the second-class mail matter should be eliminated altogether from the mails the postal system would save $74,000,000 per annum which it now loses; not at all. By that is meant simply this: That according to the method of allocating the entire cost of the postal system to the several classes of mail and special services performed by the postal system the amount allocated to second-class mail is $74,000,000 per annum more than the revenue paid by the second-class mail.

That has to be borne in mind, because, when you consider either the question of gain or loss on any service performed by the postal system, the whole question resolves itself finally into this—that there is a gain or loss when you take into consideration the method of allocating the cost of the entire system to the several services performed by the Post Office Department.

I do not discuss the method upon which the cost of the whole system has been allocated to the several services performed by that system further than to say that whatever method has been adopted—and sometimes there has been a combination of one or more methods—the cost ascertainment commission has proceeded upon the theory that all service performed by the Post Office Department is primary service, and there has been as nearly as practicable an equal or equitable allotment of the cost of the whole system to that particular branch of the service—that is, of its share of the cost,

considering every service performed by the department as a primary service.

That, I think, is the fallacy underlying the whole cost ascertainment report. As a cost ascertainment report, it does contain very many valuable facts. It reaches very many helpful conclusions. That the whole subject was pursued honestly I have no doubt; but it seems to me that the department is indoctrinated with certain theories, theories honestly held by the department, and in undertaking to allocate the cost of the whole system to the several separate services performed by that system they have kept constantly in mind their particular theory of the case.

I am quite well aware that the purpose of Title II of this bill is to raise so much additional revenue as will approximately equal the increases carried in Title I of the bill—that is, to the increases of salaries to the employees of the system. Of course, we are all familiar with the fact that as we originally considered and passed the postal salaries increase bill we took no account of the means of raising revenue to meet those increases in salary. We, of course, all know that that bill was vetoed, and we all know what happened when we voted upon the question of sustaining the President's veto.

So Title II of this bill undertakes to raise the revenue necessary to pay the increases in salary carried in Title I. I have offered this amendment, though it does reduce rates on second-class matter below existing rates, and below the rates proposed in the original bill, known as the Sterling bill, or in the committee's amendment to that bill; but I have offered this amendment with the sincere belief that these rates will really result in raising increased revenue.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. GEORGE. I yield.

Mr. BRUCE. I would like to ask the Senator whether this amendment involves any increases in preexisting rates?

Mr. GEORGE. It does not. I have offered the amendment on the theory that it really would increase revenues in the Postal Department, though the rates proposed do not increase existing rates, but are rather under existing rates.

It is just that phase of the question I wish to discuss, and I wish to discuss it in the light of the testimony that was delivered by responsible publishers, as I take it, and representatives, themselves responsible, of other publishing interests, before the subcommittee of the Committee on Post Offices and Post Roads, sitting to consider this bill during the Christmas holiday recess in 1924.

First of all, I want to call attention to what has happened in the matter of raising revenue in the postal system.

Mr. KING. Mr. President, would it interrupt the Senator for me to ask him a question before he takes up that matter?

Mr. GEORGE. Not at all.

Mr. KING. I would like to ask the Senator whether his amendment, if adopted, would create a deficit, or whether the rates which he seeks to have adopted would be compensatory for the services rendered by the Government? By that question I am trying to ascertain whether the Senator thinks that the Government of the United States owes the duty to individuals or to corporations, to newspapers or anybody else, to supply them transportation without their paying a reasonable and a compensatory rate?

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. GEORGE. I yield.

Mr. GLASS. With the consent of the Senator from Georgia, I would like to ask the Senator from Utah a question, whether he thinks any one class of publishers in this country ought to be taxed to pay for the Government's generosity and charity to any other class of publishers?

Mr. KING. Obviously, there is only one answer. I answer that negatively. That is the reason I voted against the amendment which was adopted a few moments ago, which seemed to discriminate against certain classes of newspapers in favor of other classes.

Mr. GLASS. As a matter of fact, we sit here and exonerate the whole country press of the United States from any contribution whatsoever toward the expenses of the postal system, and I doubt if we could get half a dozen United States Senators now to vote to tax the country press of this country with their proper proportion of the cost of the postal system. We vote to ourselves the franking privilege, and load down the mails with franked matter, every pound of which is charged up against those publishers of the country who pay for the maintenance of the Postal Service.

Mr. KING. Mr. President, with the general indictment which the Senator makes of certain practices, and the inequalities adopted in the raising of postal revenues, I am somewhat in sympathy. I think that the basis employed in fixing postal rates, including parcel-post rates, is not only unscientific, but in many respects preferential and unjust. It is not uniform, and there are many irregularities, and, as I stated, injustices. I should be glad to see the present plan rectified, and a just and fair plan adopted, under which all matter and all publications, whether religious or nonreligious, whether carrying advertising, or not, should pay for the service rendered by the Government, that much and no more. Generally speaking I would not favor any policy that sought to raise revenue out of the Postal Service.

Mr. MOSES. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. MOSES. With the permission of the Senator from Georgia I will say to the Senator from Utah, first, that it is beyond the wit of man to devise a schedule of postal rates whereby every piece of mail passing through the Postal Service shall pay its cost. There are bound to be some pieces of mail matter which will provide a profit. There are bound to be some upon which there will be a loss.

The chief purpose for which I rose was to advert briefly to the suggestion coming from the Senator from Virginia. He speaks of a situation which one of the committee amendments to this bill, if adopted, will cure; at any rate, it will point the way toward curing it.

It is true that the Postal Service is the goat of the executive departments. It is loaded down by Congress with franked matter. It is loaded down by the executive departments with penalty matter. It is loaded down by the executive departments with all kinds of extraneous service, such as the Postal Service never was designed to render, and all those constitute a very great cost in the Postal Service, for which the service gets absolutely no credit, even on paper.

On the other hand, whenever the Postal Service wants anything from one of the other executive departments it has to pay for it. For example, a hog census was taken in this country a few years ago. How was it taken? By the Postal Service. For whom? For the benefit of the Department of Agriculture. Was it paid for? Not a penny was paid. Yet, Mr. President, knowing the pay roll of the Postal Service, we know that that service took a great deal of money out of the postal appropriation to render an absolutely free service to another executive department.

The Post Office Department to-day is carrying on business for the Treasury Department in the selling of war savings stamps. It is carrying on a mass of advertising for the other departments. Yet, when the Post Office Department wants to buy some stamps, it goes over to the Bureau of Engraving and Printing, buys them, and pays for them in cash, out of an appropriation which we make here.

As the Senator from Virginia points out, the cost of every one of those items should be made in some form an entry upon the books of the Post Office Department to its credit for the purpose of reducing the postal deficit which we hear so much about each year, and which is created in large part because the Postal Service is made the beast of burden for the whole Government.

I can promise the Senator from Virginia that if this bill becomes a law and the last amendment in it remains unmutilated there will be a searching inquiry into the evils which he points out, which I believe ought to be corrected and the correction of which I think will go far toward enabling us to readjust postal rates on an equitable basis and in perpetuity.

Mr. GEORGE. Mr. President, recurring to the subject in hand—that is, this particular amendment I have offered—when the Senator from Virginia, with my permission, made answer to the Senator from Utah I was about to say that whether or not the amendment offered by me would result in a deficit or would actually result in an increase in revenue, so far as second-class mail matter is concerned, was the very matter I proposed to discuss.

The Senator has been very well answered already as to whether this amendment or any other amendment really in effect grants subsidies or preferential rates to one class of mail as against another. The Senator must now be informed, as indeed all Senators are, that the whole postal system, from the bottom to the top, is full of preferential rates; it is full of concessions; and if there is to be invoked the doctrine that every class of mail matter must pay its way, or any particular service must pay its way, the obligation is put upon us to go back through the whole system and take away every concession, take away every preferential rate, take away every free serv-

ice, to the end that no user of the mail may unjustly be charged for what is given to somebody else by the Government.

I do not want to discuss that question, however. I want to direct my attention to the particular amendment which I have offered and to this particular phase of the question, to wit, whether or not under the rates proposed in my amendment there would be an increase in revenue to the Postal Department or whether there would be a further decrease in the revenues.

I am sure that when Senators really consider the question, they will be unwilling to commit themselves to the proposition that they should disregard the established policies of the Congress and insist upon every service performed by the postal system paying its own way, because the Senate has just voted to give to religious periodicals a preference which was carried into our law some years ago, and I think very justly. But I do not think that that vote could be defended, or even excused, if any man should rise here and insist upon the proposition that the postal system should pay its way in every branch of its service, because that would be asking us to commit ourselves to an act which would be essentially and at bottom unjust and immoral. But I do believe we can defend, and that we can defend upon just grounds, the vote taken upon the Butler amendment, so-called, which does nothing more than to continue, as a part of the established policy of the Government, the same rates and provisions which have heretofore been carried in our postal laws, so far as religious and fraternal publications go.

But if Congress is going to commit itself now or at any time to the proposition that every branch of the service must pay its way, the Congress necessarily commits itself to the proposition that every service to which preference has been given as a part of a sound public policy as determined by the Congress must be eliminated, that every preference which Congress has seen fit to give in the exercise of what seemed to it to be a wise public policy must be wiped out, and we must go back to the proposition that every service paying its way means that we can in the exercise of our judgment give to no service the slightest preference. That is my view, and I think it is perfectly proper to state my view in the light of the amendment which I have offered.

But now recurring to the operation of the rates carried in the revenue act of 1917 and the particular rates to which I propose in this amendment to revert, permit me to read just a little of the testimony taken before the committee from more than one witness, though I shall try to confine the testimony to the pertinent question involved in the amendment.

Mr. FLETCHER. May I ask the Senator whether the rates have been changed since 1917 in respect to the particular matters involved in the amendment? The Senator refers back to the rates of 1917, and I understand the amendment carries the same rates as those. Have there been changes since then?

Mr. GEORGE. Yes; I will say to the Senator that in the act of 1917 there were four successive increases provided, taking place over four years so far as second-class mail goes, and there were increases also in first class and other classes of mail, and all increases imposed in the revenue act of 1917, except the increases on second-class mail, have long since been corrected. There has been a return to the original rates, except as to second-class matter.

The first increase of rates on second-class mail matter—and my amendment relates entirely to second-class mail—was effective in 1918; that is, from June 30, 1918, until June 30, 1919. The second increase operated from June 30, 1919, to June 30, 1920, and it is to that increase that I propose in this amendment to revert.

Mr. FLETCHER. Is that last increase in effect now?

Mr. GEORGE. No. Four successive increases were provided. The third increase took effect on July 1, 1920, and the fourth increase on July 1, 1921; but I propose to go back to the increase provided for the year 1919—that is, the fiscal year ending June 30, 1920—which was one-half of 1 cent over the rate prevailing prior to 1917, and is one-half of 1 cent under the present rate on second-class mail matter.

I want to refer first and quote briefly from the testimony of one who appeared as counsel for the National Newspaper Publishers' Assoication, Mr. Hanson. I am not reading from the printed record, but from the original typewritten record which I examined before the record was in print. Mr. Hanson testified before the committee on December 27, 1924, as follows:

> Second-class mail is the only class of mail upon which postage rates have been increased since 1912. While it is true that for a short time during the war there was a tax on letters and certain parcels, that tax was removed immediately after the armistice, but a law increasing the rates of postage on second-class mail became effective on July 1, 1918. It provided for a series of graduated annual increase beginning on July 1 that year, and it reached a maximum on July 1, 1921. In other words, since July 1, 1918, there have been four increases in postage on second-class mail and no increases in postage on any other class of mail. These increases in postage have increased the revenues received by the department from ninety-five one-hundredths of 1 cent per pound to 2.16 cents per pound since 1918; so in the last six years we have had four increases on second-class rates and no other branch of the service has been increased at all. In the last 11 years we have had 600,000,000 pieces of second-class mail driven from the mails, whereas every other branch of the mail service has increased not only in volume of pounds but in volume of pieces carried.

Senator MOSES. What about the revenues? Have you any figures on that subject?

Mr. HANSON. The revenues have increased 125 per cent. In other words, they have driven out one-eighth of our circulation but have increased the revenues approximately 125 per cent. That increase was brought about with a one-half cent per pound increase. In other words, they raised us from 1 cent to 2 cents a pound in the first zone in four successive years, and you have approximately the same revenue from 1.5 cents in the first and second zones that you have for 2 cents.

I invite the attention of Senators to these figures:

> Let us go for a minute to the revenues. The first of those increases took effect on July 1, 1918. The revenues from second-class mail for the fiscal year ending June 30, 1918, were $11,718,000, in round figures. The first increase, which represented one-fourth of a cent per pound in the first and second zones, produced the next year $16,059,000 in revenue, or approximately an increase of $4,300,000.

It is to the next following increase that my amendment proposes to return:

> In 1920 the second increase of one-fourth of a cent per pound produced a total aggregate revenue of $25,100,000, or an approximate increase of $13,300,000. That one-half a cent increase spread over two years produced $13,300,000 increase in revenue.
>
> In 1921 the third increase of one-fourth of a cent per pound in the first zone went into full effect and produced $25,499,000 in total revenue.
>
> The first two increases of one-fourth of a cent per pound each produced $13,300,000 additional revenue and the third increase of one-fourth of a cent per pound produced less than $400,000 in additional revenue.
>
> From 1918 to 1920, with an increase of one-half cent a pound in the first two zones, the revenues jumped from $11,700,000 to $25,100,000. In 1921, with an increase of one-fourth of a cent per pound, the revenues correspondingly increased by $399,000. In 1922, with another increase of one-fourth of a cent per pound, the revenue decreased $302,000, the total for that year being $25,197,000, or only $99,000 more than the total for 1920, when they had a cent and a half as against 2 cents in the first and second zones in 1922.

Now, the Postmaster General has pointed out that while the third and fourth successive increases on second-class mail matter did not produce the corresponding increase in revenue or the proportionate increase in revenue that was secured by the second increase which went into effect on June 30, 1919, and was in effect for one year thereafter, that the years 1921 and 1922 were off-peak years in point of business; that is to say, we were experiencing a business depression in the country and the revenue of the Postal Department, along with the revenue of every other line of business, fell off. There is, of course, some weight to this suggestion, which must be borne in mind.

But the Post Office Department itself has provided figures which appear in the printed report at page 58, which very clearly indicate one thing, and that is that when the 1920 revenues were increased during the next two succeeding years there was a very slight increase so far as the revenues of the postal system were concerned and that the point of saturation, so to speak, seems to have been reached with the increases that were imposed on June 30, 1919.

That, I think, is borne out by the testimony of men who appeared before the committee and who from the beginning insisted upon the one proposition, that the increased rate on second-class mail matter has actually driven out of the Post Office Department the bulk of the second-class mail. It is entirely reasonable, and it must commend itself to the minds of all reasonable men, that when the rate becomes so high as to drive away the business upon which that rate is imposed, then the rate has become too high to produce revenue.

I want to read and thus put into the RECORD the testimony of Mr. Davis, of the New York Herald. I read but briefly from his testimony upon the question that I have already indicated—that is, that the present rates on second-class mail matter have

really driven second-class mail out of the mails. Speaking of the mailing lists of evening papers in the great cities, he said:

Their mailing list in New York is very small. The morning papers are the biggest users of the mails. The average morning paper places from 8 to 10 per cent of its total circulation—that is, bundles, etc.—in the mails. A few years ago in the case of my own paper we ran trucks 75 miles and have substituted that service for the mails. We do it much cheaper.

Representative RAMSEYER asked the witness this question:

How do you distribute them at the places where your truck delivers them?

Mr. DAVIS. We have them taken to the dealers' doors. Through Westchester County and up along the Hudson River we save a great deal of money by doing that.

Representative RAMSEYER. Do I understand now that you are saying that there is only 8 or 10 per cent of the morning papers in large cities like New York, Philadelphia, and Boston that get into the mails at all?

Mr. DAVIS. The daily circulation of the New York Herald-Tribune in week days is about 285,000. We are now using in the mails about 33,000. We are a little higher than most papers.

Now I will read the testimony of Mr. S. E. Thomason, vice president and business manager of the Chicago Tribune, who, I take it, is a responsible witness:

Mr. THOMASON. If I may volunteer to answer the Congressman's question, I would say that in the average large metropolitan center the average evening paper will run from 2 to 2½ per cent mail circulation. The average morning paper will run from 8 to 10 per cent. In the case of my own paper—

That is to say, the Chicago Tribune—

the morning circulation is 615,000, and the mail circulation is 62,000, almost exactly 10 per cent.

Turning now to the testimony of Mr. Hanson on this particular point, he states:

Gentlemen, on that point, the large metropolitan papers have a variety of methods for getting their publications out, but when you come to the small paper which has to publish on a small margin of profit, it is impossible for them to get their outside distribution by any other means than rural free delivery.

I wish now to quote briefly from the testimony of Mr. E. H. Baker, president of the Plain Dealer Publishing Co., Cleveland, Ohio, as follows:

The effect of the raises which have already been put into effect—

He is speaking of the rates on second-class mail matter—

has been to make every publisher go to the most extreme length to keep from the United States mail every copy that he could take out.

I digress here to say that when it is shown by credible witnesses, indeed, by the undisputed testimony before the committee, that of all of the big metropolitan evening dailies only about 2 or 2½ per cent of their entire circulation finds itself in the mails, and of the morning newspapers only between 8 and 10 per cent of their circulation finds itself in the mails, it must be accepted as true that the rates imposed and now in effect have driven second-class mail out of the mails.

Mr. FLETCHER. Mr. President, I should like to ask the Senator from Georgia a question. It would seem that that would apply simply to the metropolitan dailies in large centers, but it could scarcely apply to the daily newspapers and weekly newspapers in small country towns. I take it such newspapers must use the mails.

Mr. GEORGE. That is quite true, and I was coming to that. On that point I wish to read the testimony of Mr. Thomason, as follows:

Gentlemen, just one person throughout the United States is going to be hit by it—

Referring to the increases on second-class mail carried in the Sterling bill—

and that is the reader of the city dailies, large and small, in the country districts. He and only he. The average daily represented by the class of dailies particularly that Mr. M. F. Hanson has just described here can not pay the freight. That means it has got to pass the expense on to the country reader.

He illustrates:

We, in the case of the Chicago Tribune, had 85,000 mail circulation in 1918. And that portion of our circulation, counting what we have been able to get since that time, is down to 62,000.

Senator MOSES. Did you increase your subscription rate?

Mr. THOMASON. We did increase it during the war from $4 to $7.50, and our circulation fell to 30,000 copies at that time.

* * * * * * *

Representative RAMSEYER. Do I understand that if the rate were increased as proposed in the Sterling bill you would have to pass that on to the country subscriber?

Mr. THOMASON. Well, as to that, I am not speaking of the particular institution which I am employed by, but of the newspapers of the country as a whole.

Representative RAMSEYER. Would they do it?

Mr. THOMASON. Will they? Absolutely they will. I confidently say there are not 10 newspaper properties in this country to-day that can absorb that rate without raising their country rates of subscription.

I wish to call the attention of Senators to the fact that this testimony is nowhere throughout the hearings that were conducted during the holidays disputed or even modified by any witness. Here is testimony to the same effect from the Daily Oklahoman, published in Oklahoma City, Okla.:

If second-class postage rates are increased, I have instructed our circulation department to immediately write all subscribers who are receiving the paper through the post office, and to make arrangements with them to deliver their copies through local newsdealers, who receive it by express rather than through the mail. We can change our subscriptions going to towns in that manner, but we can not change subscriptions going on rural routes, and we will either let them expire as rapidly as possible or establish a higher rate to rural routes to take care of the expense.

Now, Mr. President, I wish to quote again from Mr. Thomason, the vice president and business manager of the Chicago Tribune. He has this to say:

I would say, gentlemen, that as a matter of policy if a fair flat rate could be established you could double the revenue of the second-class mail without any question, but you would want to make certain in advance it was fair. This Sterling bill—it has been said here before, and it does not add a whole lot if I say it; but I say it with absolute confidence, and I expect to appear before you gentlemen in years to come. This Sterling bill will not raise a nickel of revenue from second-class rates. It won't do it from second-class mail.

Mr. STERLING. Mr. President, may I ask from whom the Senator from Georgia is reading? I merely caught the latter part of the statement.

Mr. GEORGE. Does the Senator refer to the last statement I read?

Mr. STERLING. Yes; in which reference is made to the Sterling bill.

Mr. GEORGE. I was quoting then from the testimony of Mr. Thomason, vice president and business manager of the Chicago Tribune.

Mr. MOSES. Mr. President, is it not also true, may I ask the Senator, that Mr. Thomason is president of the American Newspaper Publishers' Association?

Mr. GEORGE. He is in fact president of the American Newspaper Publishers' Association.

Mr. STERLING. The statement is, as I recall, that the increase would not raise a dollar of revenue.

Mr. GEORGE. More than that; he said it would not raise a nickel of revenue. Mr. Thomason adds this:

We find in our business—

Speaking of the newspaper business—

that there are points beyond which it is inadvisable to raise our advertising rates in our circulation lists, because they are more than the traffic will bear, and that is just the situation you have got down to here. You can not increase revenues by simply increasing rates in any business.

That is the whole case. If we could increase revenue by increasing rates on business all of the economic problems in the world would be solved; but that can not be done, for there is a point somewhere at which an increased rate will produce less revenue than a lower rate. If the testimony of the gentlemen who appeared before the committee is to be given face value, or even if it is to be discredited by taking into consideration the fact that they were interested witnesses, it, nevertheless, remains that this testimony indicates—and it indicates beyond all doubt—that with the increase on second-class mail, effective in July, 1920, the saturation point had been reached, the fine dividing line had been crossed, and the revenue from second-class mail matter fell off. That is borne out by the fact that since the rates were increased——

Mr. SIMMONS. Mr. President, I think the statement the Senator has just made expresses an axiomatic principle of all taxation.

Mr. GEORGE. Undoubtedly so.

Mr. SIMMONS. When you reach the point where a greater tax would reduce revenue instead of increasing revenue that is a fact which admonished you to stop there.

Mr. GEORGE. I think the Senator is quite right. I know that I am speaking of a proposition that is entirely axiomatic; but, because the Post Office Department takes the position that there really has not been a decrease in poundage and in revenues derived from second-class mail matter, and because they persist in that argument, I wanted to read to the Senate and to put into the RECORD in concrete form the testimony of these responsible witnesses.

Now, I am going to refer briefly to some of the periodicals and magazines because, if the fact finding commission is to be of any service to us, and if we rely upon any part of it at all, our notions with regard even to magazines must be revised.

I shall now read from the testimony of Mr. Baldwin, who appeared before the committee perhaps on the second day of the hearings. He was asked about magazines, and in discussing this very question of rates on second-class mail matter he said:

> I can not speak individually for the two hundred and odd publications which I represent, because each has a little different condition that confronts it, but I do know that the Saturday Evening Post has withdrawn from the post office, and that 70 per cent of their present production never reaches a post office, and 15 per cent is mailed at Philadelphia, while 15 per cent is shipped by freight and entered in various post offices to take advantage of lower zones.

So it appears that in the case of a large publication, such as the Saturday Evening Post, under the existing second-class mail rates, 70 per cent of its entire circulation is withheld absolutely from the mails.

Mr. OVERMAN. Mr. President, what is the relief for such a situation? What can we do to get the Saturday Evening Post in the mails in order to produce revenue?

Mr. GEORGE. By the reduction of rates to the point where it will be to the business interest of the publisher to reenter the mail.

Mr. OVERMAN. If the Senator's amendment is adopted they will begin to ship through the mails this matter which they now send by freight and express?

Mr. GEORGE. Exactly.

During the committee's deliberations it was asked, if the Government is really losing money on so much of the second-class mail as it now handles, how will the Government be advantaged by increasing the volume of second-class mail? I wish to read a portion of the testimony of Mr. Baldwin upon that point:

> All the great magazines are not entering their publications into the post office, but they are sending them here and there, and then dumping them into the post office where you have the heaviest work. That is a discrimination against the smaller publications, which can not avail themselves of such a condition.
>
> Senator MOSES. Do you think that would be possible under the competitive conditions of transportation?
>
> Mr. BALDWIN. I do.
>
> Senator MOSES. If the railroads are now carrying them far cheaper——
>
> Mr. BALDWIN (interposing). I do not mean under the present contract of per space-mile.
>
> Senator MOSES. No; but what I am getting at is this: The publishers are not going to pay the Government more than they pay the railroads.
>
> Mr. BALDWIN. No.
>
> Senator HARRELD. On the other hand, the railroads would not take less from the Government than they do from the publishers.

This is the point:

> Mr. BALDWIN. No; but how much less trouble it would be than they have now—

That is, to the publishers—

> the trouble of rerouting and reshipping, and paying the freight to the post-office city, and there reentering it, if they entered it in New York City and handed it over in a freight car, at a rate which would be just to the Government, and let the Government have it in the mails, and the Government could obtain that car just as cheaply as the publisher. That is a fixed rate. But it will be a deferred service, and not this fixed service. I am only mentioning that situation because it does seem to me a pity that the great publications like the Saturday Evening Post and the Pictorial Review are being driven out of the mails.

Continuing:

> At the present time there are thousands of tons of mail that are not going into the post office. It is being distributed by all manner of distribution services in the larger cities, and the question that I think is worthy of consideration is whether the post office should not make a bid for this business, the same as my friend says they are making a bid for business from the express companies by lowering rates on parcel post in certain zones.

Continuing just one further excerpt from the testimony of Mr. Baldwin:

> Apply the same principle to the immense organization which you have—

Referring to the postal system—

> and you will derive a tremendous revenue from it. That revenue is slipping away from the post office now through the organization of distributing companies which take these magazines and handle them.

Throughout the testimony it is made perfectly plain that the publishers, both of daily newspapers, large and small, and of magazines, are now resorting to other means of carrying their product. They are not putting their publications into the mails.

I call attention to the statement made by the Post Office Department to the fact that the years 1920, 1921, and 1922 were years of financial or business depression; and it is therefore pointed out by the Post Office Department that those years can not be taken as an index of what will be produced or what is now being produced, according to the contention of the department, on the present existing rates, which are higher than the rates carried in the amendment offered by me. I call attention to the table inserted by the Post Office Department, which in a measure bears out the contention of the department. I also call attention to the department's explanation of the fact that since the present second-class rates went into effect 600,000,000 pieces of second-class mail that formerly were in the mails have actually been driven from them; that that is due in part, at least, to the free-in-county service and to other causes pointed out by the Post Office Department; but it comes back finally and at last to this, if Mr. Baldwin is to be believed and if Mr. Thomason's testimony is to be accepted, and if the testimony of every other witness who made appearance before the committee is to be accepted: Only 2 or 2½ per cent of the larger evening papers find themselves in the mail, and only 8 to 10 per cent of the larger morning papers find themselves in the mail.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. GEORGE. I yield.

Mr. McKELLAR. What percentage of the magazines and trade papers find themselves in the mail under the present rates?

Mr. GEORGE. I read the testimony of Mr. Baldwin with reference to the Saturday Evening Post, I believe, in which he stated that 70 per cent did not enter the mails at all; that 15 per cent entered at Philadelphia and 15 per cent at other points of entry throughout the country.

Mr. McKELLAR. I am absolutely sure, so far as my investigation goes—and I have been on the committee a long time and have heard the testimony a number of times—that newspapers, under the rates of 1920, absolutely pay the cost of their transportation. I am not so sure about other forms of second-class matter, such as trade journals and even magazines. That is why I asked the Senator the question that I did with reference to the amount of magazines that went through the mails.

Mr. GEORGE. I will say to the Senator that the cost-investigating report shows that magazines, other than certain excepted classes of magazines, are carried by the Government at a total loss of $5,000,000 or a little less, whereas the assumption had been, and, indeed, the popular belief had been, that many of these larger publications were themselves costing the Government four to five times that amount.

Mr. McKELLAR. What loss did they attribute to newspapers in this report?

Mr. GEORGE. They attribute a total loss of $74,000,000 to all second-class matter.

Mr. McKELLAR. I understand that; but how much of it do they attribute to newspapers?

Mr. GEORGE. About $30,000,000 to newspapers and about $5,000,000 to the class of magazines to which the Senator evidently refers. I think I am correct in the figures just given. The Senator from New Hampshire [Mr. MOSES] recalls those figures much more accurately than I do.

Mr. MOSES. No; the Senator stated the figures with reference to the Curtis publications with accuracy, but my attention was diverted for a moment. I do not recall whether the Senator from Georgia spoke of the great variety of weekly trade papers whose circulation is not concentrated in large numbers in any one post office, and which, therefore, use the mails for the entire edition. Did the Senator refer to that?

Mr. GEORGE. I did not refer to that at all, Mr. President. I have but just a few additional remarks that I wish to make. I wish to narrow the whole question, so far as my amendment goes, to this:

While the Post Office Department does insist that the present rates, or even an increase in the present rates, on second-class mail will produce more revenue, yet here are the publishers appearing before the committee—responsible men—who point out that they have already taken out of the mail practically all of their publications, and who point out that they are able to carry their publications at a cost of 1 cent and in many instances one-half of 1 cent, where the Government is now imposing a charge of 2 cents for the same service; and it passes without argument and without emphasis that business men will take advantage of the best business opportunity offered them. I want to call attention to the fact that a few of the larger papers, as Mr. Thomason has testified, and other witnesses have testified, possibly 10 or 12 in the country, can stand an increase in their rates. That statement is based upon the assumption that those larger papers will be able to carry their product without resorting to the mails. That being true, they assert that at least 10 to 12 publications or publishers in this country will be able to carry their papers and periodicals notwithstanding a further increase in second-class mail rates; but that is not true of the small daily papers, and by "small daily papers" I mean daily papers having a circulation of 50,000, or even 75,000, and under.

Mr. SIMMONS. Mr. President, the Senator means papers circulating in the first and second zones entirely?

Mr. GEORGE. Largely so; because practically all the circulation of the smaller dailies is confined to the first and second zones—some going over into the third zone—but generally to the first and second zones.

I want to insert in the RECORD these figures which have been worked out by a daily paper in my State—the Macon Telegraph. It has a circulation of approximately 30,000, I should say. It is well within the class of what may be called small dailies. These figures have been prepared and furnished me, and I have others from papers throughout the country, but these will serve as an illustration. It is not the extremest case I have in this file by any means; it is rather a conservative statement.

Referring to the bill as reported—that is, with the committee amendments now before the Senate—the Macon Telegraph says that this bill, if put into effect, will increase its expense for the advertising portion of the paper $8,040 per annum and will decrease the expense for the news matter by $1,620, making a net increase of its expenses of about $6,400 per annum.

There is your typical case—a paper with approximately $100,000 capital, I should say, a paper with a circulation of approximately 30,000. The rates carried in the amended bill will wipe out a profit of about 6 per cent and will convert a small profit into an actual loss.

That is typical. It is typical of every southern newspaper falling in the class of papers known as the small dailies. It bears very much more severely upon some papers than upon this particular paper, but it is typical of the large class of papers that serve the South, the Northwest, and the West and even many sections of the East. Testimony is in the record here from newspaper men in the State of New York who say that they are able to deliver their papers, small dailies, outside of the mail cheaper than they can make delivery in the mail, and therefore they have largely withdrawn their papers from the mail. They are able to do that in the East because of a very dense population; but the southern newspaper, the western newspaper, the northwestern newspaper, can not do that, and consequently it will have to stand the loss; and Mr. Thomason, of the Chicago Tribune, is entirely right when he says that every paper will have to pass on its increased expense finally to its country reader, and those who can not pass it on to the country reader will have to stand a diminishing subscription list, which will mean a constant loss in revenue to the paper.

Mr. President, I have nothing further to say upon the amendment at this time, but in closing I wish to affirm my belief that a return to the rates of 1920 on second-class mail matter will result in a natural increase of revenue from that class of mails, and that is borne out by the fact that 600,000,000 pieces of second-class mail have gone out of the mails since additional increases were imposed; and it is borne out by the fact that that has been the contention of every publisher of responsibility who has appeared before the committee. When you have discounted that testimony by pointing out that they are interested in this legislation, you must nevertheless recognize that every one of them has repeated time and again that any further increase would result in the almost total exclusion from the mails of all papers and periodicals that could be carried by any other means than the mails, and that the only part of second-class mail, so far as newspapers and magazines are concerned, that would remain in the mails, would be those publications that simply had to depend upon the mail.

The hour is late, and I do not want to indulge in anything but a simple statement of what I think to be the facts in the case; but there is a class of papers in the United States, the small daily and the weekly papers of America, which carries the Government back to the man on whom the Government ultimately depends—that is, the man in the back country. They can not subsist if you increase the rates. If we go back to a sane rate basis, such as was in effect in 1920, when on the volume handled by the post office we derived revenue in comparison with the volume, we will invite into the mail that large volume of second-class matter which is now traveling in whole or in part outside of the mails, and the result will be a net increase in our postal revenues.

EMPIRE COTTON GROWING CORPORATION

Mr. SHEPPARD. Mr. President, I offer the resolution which I send to the desk, and ask for its immediate adoption. It is a resolution merely asking for information from the Federal Trade Commission which it possesses or to which it has ready access.

The resolution (S. Res. 317) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Federal Trade Commission be requested to report to the Senate as soon as possible whatever information it possesses or has ready access to regarding the development, methods, and activities of the Empire Cotton Growing Corporation, and as to the probable effect upon American cotton growers of the action of the British Government as outlined in article 6 of the recent ultimatum to Egypt with respect to the increase of the area to be irrigated at Gezira in the event such action should be carried out.

AIR-MAIL SERVICE

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent for the present consideration of House bill 7064, a bill on the calendar, to encourage commercial aviation and to authorize the Postmaster General to contract for air-mail service, and I ask leave to make a very brief explanation of the request.

The PRESIDENT pro tempore. The Secretary will read the bill for information.

The reading clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the air mail act.

SEC. 2. That when used in this act the term "air mail" means first-class mail prepaid at the rates of postage herein prescribed.

SEC. 3. That the rates of postage on air mail shall be not less than 10 cents for each ounce or fraction thereof.

SEC. 4. That the Postmaster General is authorized to contract with any individual, firm, or corporation for the transportation of air mail by aircraft between such points as he may designate at a rate not to exceed four-fifths of the revenues derived from such air mail, and to further contract for the transportation by aircraft of first-class mail other than air mail at a rate not to exceed four-fifths of the revenues derived from such first-class mail.

SEC. 5. That the Postmaster General may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act: *Provided*, That nothing in this act shall be construed to interfere with the postage charged or to be charged on Government-operated air-mail routes.

Mr. REED of Pennsylvania. In brief, the bill authorizes the Postmaster General to make contracts for air-mail routes where he can contract for the service at four-fifths of the actual revenue from the service. That is to say, instead of granting a subsidy, it authorizes the making of a contract only where the Post Office will make a profit of 25 per cent.

Mr. STERLING. This is House bill 7064?

Mr. REED of Pennsylvania. Yes; it has been favorably reported from the Committee on Post Offices and Post Roads, the report being unanimous. While I realize that it is unusual to ask for the consideration of a bill in this way, the reason for

not waiting for it to come up on the calendar in its regular order is that if it is to take effect this year it must be passed now and get to the Director of the Budget this week. Otherwise the whole action will be postponed for a year. It involves no outlay by the Government whatever, except where a greater income is derived from that particular route for which the contract is made.

Mr. WILLIS. Will the Senator state whether there is any change in existing law by section 3? My attention has just been drawn to that section.

Mr. REED of Pennsylvania. No. Section 3 provides:

That the rates of postage on air mail shall not be less than 10 cents for each ounce or fraction thereof.

I understand that that does not raise the rate in any way over the present schedule.

Mr. GEORGE. I did not quite catch the Senator's statement about the measure. This is not a special bill?

Mr. REED of Pennsylvania. No; it is a bill general in its scope.

Mr. MOSES. The Committee on Post Offices and Post Roads reported the bill favorably without amendment.

Mr. REED of Pennsylvania. It is a House bill, and was passed without objection in the House. It merely authorizes the making of airplane delivery contracts where the income to the Government would exceed the cost of the service.

Mr. GEORGE. I remember it.

Mr. REED of Pennsylvania. I think the Senator is familiar with it. He will recall that it was before the committee.

Mr. GEORGE. Yes; I recall it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. MOSES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

RECESS

Mr. MOSES. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Wednesday, January 28, 1925, at 12 o'clock meridian.

EXTRADITION WITH CANADA

In executive session this day, the following convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States and His Britannic Majesty, in respect of the Dominion of Canada, providing for extradition on account of crimes or offenses committed against the laws for the suppression of the traffic in narcotics, signed at Washington, January 8, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 10, 1925.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and His Britannic Majesty, in respect of the Dominion of Canada, providing for extradition on account of crimes or offenses against the laws for the suppression of the traffic in narcotics, signed at Washington, January 8, 1925.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, January 9, 1925.

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, being desirous of enlarging the list of crimes on account of which extradition may be granted with regard to certain offenses committed in the United States or in the Dominion of Canada under the conventions concluded between the United States and Great Britain on the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, and the 15th May, 1922, with a view to the better administration of justice and the prevention of crime, have resolved to conclude a supplementary convention for this purpose, and have appointed as their plenipotentiaries, to wit:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States of America, and

His Britannic Majesty: The Honorable Ernest Lapointe, Minister of Justice to the Dominion of Canada;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I

The following crimes are, subject to the provision contained in Article II hereof, added to the list of crimes numbered 1 to 10 in the 1st article of the said convention of the 12th July, 1889, and to the list of crimes numbered 11 to 13 in Article I of the supplementary convention concluded between the United States and Great Britain on the 13th December, 1900, and to the list of crimes numbered 14 and 15 in Article I of the supplementary convention concluded between the United States and Great Britain on the 12th April, 1905, and to the list of crimes numbered 16 in Article I of the supplementary convention concluded between the United States and Great Britain on the 15th May, 1922; that is to say:

17. Crimes and offenses against the laws for the suppression of the traffic in narcotics.

ARTICLE II

The operation of the present convention is confined to cases in which the offenses mentioned in the preceding article having been committed in the United States or in the Dominion of Canada, the person charged with the offense is found in the Dominion of Canada or in the United States, respectively.

ARTICLE III

The present convention shall be considered as an integral part of the said extradition conventions of the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, and the 15th May, 1922, and the 1st article of the said convention of the 12th July, 1889, shall be read as if the lists of crimes therein contained had originally comprised the additional crimes specified and numbered 17 in the 1st article of the present convention, subject to the provision contained in Article II.

The present convention shall be ratified, and the ratifications shall be exchanged either at Washington or Ottawa as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the high contracting parties, and it shall continue and terminate in the same manner as the said convention of the 12th July, 1889.

In testimony whereof, the respective plenipotentiaries have signed the present supplementary convention and have affixed their seals thereto.

Done in duplicate at the city of Washington this eighth day of January, in the year one thousand nine hundred and twenty-five.

[SEAL.] CHARLES EVANS HUGHES.
[SEAL.] ERNEST LAPOINTE.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 27 (legislative day of January 26), 1925

POSTMASTERS

ALABAMA

Culver M. Hillis, Athens.
Joseph S. Mathis, Atmore.
Samuel L. Thetford, Boligee.
Marzette H. Bell, Calhoun.
Frances A. King, Childersburg.
John T. Haertel, Citronelle.
Eugene B. Hanby, Coal Valley.
Edward B. Beason, Demopolis.
James W. Snipes, Florala.
Madison D. Majors, Georgiana.
Sister M. Loretta, Holy Trinity.
Jesse D. Newton, Odenville.

Albert R. Boroughs, Perdue Hill.
Henry C. Warren, Rogersville.
Allie Wilson, Stevenson.
John H. Lynn, Summerdale.
Evelyn E. Morgan, Uniontown.
James McDonald, Winfield.

ARIZONA

Freda B. Irwin, Gilbert.
Raymond W. Still, Tempe.

FLORIDA

Ernest C. Mahaffey, Quincy.

KANSAS

Lela Martin, Cherokee.
Sheridan Crumrine, Longton.
Uriah E. Heckert, Tescott.

KENTUCKY

James Webb, Allen.
Troy W. Frazier, Elsiecoal.
Sadie Bowe, Wheelwright.
Felix G. Fields, Whitesburg.

MAINE

Susan M. Dyer, Harrington.

MASSACHUSETTS

Elizabeth C. Kelley, Thorndike.

NEW HAMPSHIRE

Burt D. Young, Cossville.

NEW YORK

Kenneth C. Steblen, Cape Vincent.

PENNSYLVANIA

Fred L. White, Great Bend.

TEXAS

Mary A. Weimhold, Odell.

VERMONT

Robert B. Thomas, Jeffersonville.
Harold C. Richardson, Roxbury.

VIRGINIA

Mattie C. Berry, Accomac.
Virginia H. Silcox, Andover.
John W. Smith, Belle Haven.
Hugh H. Slemp, Big Stone Gap.
Nellie A. Mannes, Boykins.
Charles F. Gauthier, Bristol.
Myrtle M. Lafoon, Ettricks.
Ross W. Walker, Fort Humphreys.
Charlotte V. Bevans, Greenbackville.
George E. Adkins, Grundy.
Maude L. Bateman, Lowmoor.
Frank P. Sutherland, McClure.
Andrew F. Johnson, Millboro.
William H. Meador, Moneta.
James J. Mateer, Rosslyn.
Norborne G. Smith, South Hill.

WISCONSIN

Fred Hennig, Bowler.

HOUSE OF REPRESENTATIVES

TUESDAY, *January 27, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Remember us, O Lord, with the favor that Thou bearest to all Thy people. We would say, blessed be the name of the Lord from this time forth even forever more. Out of the depths of our needs and limitations we pray. Much we need Thy tenderest care and pardoning grace. We praise Thee for Thy sovereign and unchanging love; we bless Thee for the assurance—as thy days so shall thy strength be. Incline all hearts to seek Thy wisdom and to ever reverence the word of Thy truth. Establish the work of our hands for the good and the prosperity of our country and for the growing blessing of every home. For the sake of Jesus, our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

"BE FAIR TO CONGRESS"—PRESS COMMENTS

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks briefly on the subject which I discussed on the floor of the House on January 12.

Mr. LONGWORTH. Mr. Speaker, I did not hear the request. Are they the gentleman's own remarks?

Mr. TILLMAN. Mainly. As the gentleman will recall, I said a few words in defense of the personnel of Congress here and there have been a few comments on the matter in the press of the country and I simply want to print a few of them.

Mr. LONGWORTH. I have no objection.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Speaker, on January 12 I spoke on the floor of the House on the subject, "Be fair to Congress," and will print a few of the many press notices on the speech:

Congress was treated to a word picture of how a lie travels, and the description has been preserved in the CONGRESSIONAL RECORD. Representative JOHN N. TILLMAN, of Arkansas, is the author of the description. (Washington Sunday Star.)

The Tribune begs to say that the criticism of a local newspaper in reference to the speech of Hon. JOHN N. TILLMAN, of Arkansas, defending the House does injustice to a gentleman of the highest personal character, whose private life and public career have won for him the respect and admiration not only of a large constituency and his party associates but those who differ with him in politics. Judge TILLMAN deservedly occupies a high position. (The Tribune, Johnstown, Pennsylvania.)

Frequent applause, especially from the drys on the floor of the House greeted the TILLMAN excoriations on sensational investigations. (Philadelphia Inquirer.)

THE DIGNITY OF THE HOUSE

Representative TILLMAN, of Arkansas, follows the only sensible course in urging the House to stand on its dignity and not permit itself to be stampeded into ordering an investigation of charges that Members of Congress have been drinking liquor. In this case there is nothing for the House—or the Senate either—to do but to stand on its dignity and treat with silent contempt these accusations.

"Is it not time," asks Representative TILLMAN, "to abandon unfair attacks on public men?"

From the congressional viewpoint, Mr. TILLMAN takes the only possible stand for a Congressman to take.

What would be the possible good of a congressional investigation?

Representative TILLMAN is unquestionably right; there is nothing for the House to do but stand on its dignity and ignore ribald charges. (Richmond (Virginia) Times-Dispatch.)

The House of Representatives is composed of men of high character and ability; men who work hard and deserve respect. (Washington Herald.)

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 8308. An act authorizing the Coast and Geodetic Survey to make seismological investigations, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolutions of the following titles:

S. 2148. An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes;

S. 51. An act for the relief of the owner of the schooner *Itasca;* and

S. 1665. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2685. An act for the relief of the Davis Construction Co.;

S. 3760. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; and

S. J. Res. 172. Joint resolution to authorize the appropriation of certain amounts for the Yuma irrigation project, Arizona, and for other purposes.

The message also announced that the Senate had passed the following concurrent resolution:

Senate Concurrent Resolution 27

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry, for the purpose of correcting an error therein.

The message also announced that the Senate had passed, with amendments, the bill (H. R. 25) authorizing a per capita payment of $50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation; in which the concurrence of the House of Representatives was requested.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2685. An act for the relief of the Davis Construction Co.; to the Committee on Claims.

S. 3760. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

S. J. Res. 172. Joint resolution to authorize the appropriation of certain amounts for the Yuma irrigation project, Arizona, and for other purposes; to the Committee on Irrigation and Reclamation.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10152. An act granting the consent of Congress to the Huntley-Richardson Lumber Co., a corporation of the State of South Carolina, doing business in the said State, to construct a railroad bridge across Bull Creek at or near Eddy Lake, in the State of South Carolina.

BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 5417. An act authorizing and directing the Secretary of War to investigate the feasibility, and to ascertain and report the cost of establishing a national military park in and about Kansas City, Mo., commemorative of the Battle of Westport, October 23, 1864;

H. R. 11168. An act granting the consent of Congress to S. M. McAdams, of Iva, Anderson County, S. C., to construct a bridge across the Savannah River;

H. R. 10947. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River, in the city of Pittsburgh, Pa.; and

H. R. 8235. An act for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway.

CHIPPEWA INDIANS OF MINNESOTA

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 25) authorizing a per capita payment of $50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, and agree to the amendment added by the Senate.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill H. R. 25, which the Clerk will report.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, reserving the right to object, it seems to me we ought to have some explanation of the Senate amendment.

Mr. KNUTSON. I will say to the gentleman from New York that the House last winter passed the bill H. R. 25, which provided for a $50 per capita payment to the Red Lake Indians of Minnesota. The bill went to the Senate, and in view of conditions that have arisen since the bill was sent to the Senate the Senate committee, at the request of the Indian Bureau, struck out the words "Red Lake" and inserted "The Chippewa Indians of Minnesota," so as to make a general payment of $50 to all the Indians up there.

Mr. SNELL. Out of their own funds?

Mr. KNUTSON. Out of their own funds.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and the Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

The title of the bill was amended.

On motion of Mr. KNUTSON, a motion to reconsider the vote by which the Senate amendment was agreed to was laid on the table.

PER CAPITA PAYMENT TO THE CHIPPEWA INDIANS OF MINNESOTA

Mr. WEFALD. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD on H. R. 25, the bill just passed.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WEFALD. Mr. Speaker, on January 24, 1924, Congress passed a bill providing for a per capita payment to the Chippewa Indians of Minnesota of $100 to each individual Indian. This bill became Public Law No. 1 for this Congress. H. R. 25 was introduced in the first session of the Sixty-eighth Congress for the purpose of giving an extra per capita payment of $50 to each member of the Red Lake Band of the Chippewa Tribe. It passed the House just before adjournment on June 4, 1924, but was not taken up in the Senate.

There have been several questions of controversy between the Red Lake Band and the rest of the Chippewas; the Red Lake Indians have not yet been allotted lands, and this proposed extra $50 per capita payment was part of the plan of the Indian Bureau to equalize benefits to the Red Lakers out of the common Chippewa tribal funds. The Department of the Interior contended that proceeds from timber and lumber sold from within the Red Lake Reservation should be used for the exclusive benefit of the Red Lake Band. At the petition of the White Earth Band and other bands of the Chippewas I opposed its passage when it was before the House on June 4. When this bill now comes back to the House from the Senate, amended so as to give a $50 per capita payment to the whole Chippewa Tribe, it is because a jurisdictional bill has been agreed to between the Bureau of Indian Affairs and the attorney for the Chippewa Indians, under which not only the claims of the whole tribe against the United States Government can be taken up, but also all controversial matters between the different bands within the tribe can be settled. The Bureau of Indian Affairs, having eventually come to the conclusion that a per capita payment out of the Indians' own money was actually needed this winter, agreed to have H. R. 25 amended, as has been done by the action of the Senate. If the House passes this bill as it now comes from the Senate the signature of the President will make it a law and relief of the bad conditions prevailing among these unfortunate people can be speedily undertaken.

Owing to the mistaken policy pursued by the Government in the past toward these people there is and will for many years to come be need and hardship every winter among them. At their urgent request I introduced H. R. 9819 on the opening day of this session, December 1, 1924, providing for a $100 per capita payment. This bill was adversely reported by the Department of the Interior, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 18, 1924.

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: This will refer further to your letter of December 4, transmitting for report and recommendation a copy of H. R. 9819, proposing to authorize a $100 per capita payment to the Chippewa Indians of Minnesota from their tribal funds on deposit in the United States Treasury accruing under the act of January 14, 1889 (25 Stat. L. 642).

A $100 payment was made to the Chippewa Indians from this fund last winter under the act of January 25, 1924 (43 Stat. L. 1), in the total sum of approximately $1,171,800. It is not believed that the conditions justify another per capita payment at this time, and, as no estimate for such a payment is contained in the estimates transmitted to Congress by the President, I am unable to recommend the enactment of H. R. 9819.

Very truly yours, HUBERT WORK.

That the House may know whether or not the Department of the Interior is well informed on the situation among the Chippewa Indians when it says in its report on H. R. 9819, "It is not believed that conditions justify another per capita payment at this time," I wish to read into the RECORD some interesting statements of fact relative to conditions among the Chippewa Indians of Minnesota at the present time and how conditions have in many respects been changed for the worse. I do this for the reason that I am sure the same conditions will prevail again next winter, and that we may through these statements be able to see whether conditions among them change for the better or for the worse. In a speech on the situation among these Indians, delivered in the last session, I quoted extensively from newspaper stories written by reliable investigators, and looking back to last winter it will be seen that conditions have not improved very much. Whatever improvement there is, if any, must be due to the per capita payment given them last year. Shortly before I introduced my per capita payment bill this session one of the leading Chippewa Indians, a member of their council, an intelligent and truthful man, Mr. Charles E. Leith, of Mahnomen, Minn., made the following statement in support of a $100 per capita payment that will throw a good light upon the trials and tribulations of these people:

The condition among the Chippewa Indians of the White Earth Reservation was made extremely bad by the severe frosts about the middle of August this year. I went up to Lower Rice Lake the 18th of August to take some levels and reestablish the meander lines and corners around this lake to determine how much water the Indians needed for the purpose of harvesting their wild rice. The reason for the water being so low was that the county of Clearwater, where Lower Rice Lake is located, constructed a ditch through the north end of the lake. In doing my work around the lake I found some gardens quite large, some of the Indians having an acre or more of potatoes, corn, beans, and other garden truck all frozen black and dried up and was a total loss. As a timber cruiser and timber estimator, my business takes me to all parts of the White Earth Indian Reservation, and the most destructive frost was in the eastern part of the reservation where the Indians live. The loss of all their gardens will make conditions worse among them than any previous years.

The merchants are charging more for staple articles than a year ago. Thirty-cent coffee is now from 40 to 45 cents a pound; 100 pounds of flour that used to sell for $8.50 per hundredweight is now selling from $4.75 to $5 per hundredweight, and still going up. Pork and other meats have advanced over 20 per cent.

Quite a number of Indians from this part of the White Earth Reservation were in North Dakota during harvest and threshing. I also met many Indians from the different reservations in Minnesota, and it was nearly impossible for them to get jobs; they stated that the country was flooded by men from all parts of the United States, and these men told me that the reason was because of the shutting down of saw mills, factories, and other industries in all parts of the United States. The rainy season came and it took two months to get in 20 days threshing, and many of them did not get in that many days. An Indian could consider himself lucky if he got a job at all. I was in the different parts of North Dakota this fall and found the conditions of the farmers deplorable, as about 75 per cent of their crops are mortgaged to the bankers. Some of them were stripped so completely, even to the last load of oats, leaving many of them without food.

Now these are a few reasons why the Indians are in such deplorable conditions. I asked some of the Indians, when they returned home, about how many days shocking and threshing they did. Some told me 5 days and some as much as 8 days, according to the size of the farm they worked on; some for from 10 to 12 days threshing. The price paid for shocking was from $2 to $2.50 per day. Men coming in cars were broke and offered to shock for $2 per day, regardless of hours. Figuring up about the average the Indian made with 6 days shocking, amounting to $12, and 12 days threshing at $4.50 amounting to $54, total $66.

And it took nearly three months to do this. There were no jobs to get when they returned and there are none now. This shows what money the Indian earned during harvest of the so-called big crop in North Dakota in 1924. Being a rainy season this fall, many of the farmers paid off their men when a rain started, which forced them to go to town to board, where it cost them from 75 cents to $1 for bed and 40 to 50 cents per meal, and so many of the men spent nearly all they earned for board and lodging. Some were lucky and got their board and lodging at the place they worked during the rains. Then the expense of going and returning home, paying train fare for hundreds of miles, which left many very slim stakes from the North Dakota harvest and threshing. No half-fare rates were given anybody from any parts of the White Earth Reservation.

Winter has set in already and it is now the 19th day of November, 1924, and not an ounce of rations has been issued to any of the old people, Indian men and women, sick and blind and destitute. They are now at the mercy of the people they stay with. Yes, they got a $15.50 annual annuity payment; this did not help some poor old married Indian couple out very much, as $15.50 does not go very far in buying warm clothing, blankets, and provisions.

As for hunting and trapping, the well-to-do hunters are equipped with the best guns and trapping outfits and automobiles to take them to the different trapping fields on the reservation. Now as the country is settled the game is to a great extent exterminated or driven out. The principal lakes that formerly abounded in fish has now many summer resorts and good automobile roads leading to them, where the summer resorts are, are practically all fished out by the tourists.

There was a large crop of raspberries in the southeastern part of the reservation. Also Juneberries, high-bush cranberries, and other berries in the eastern part. The Indians used to pick and sell these berries to the merchants and others; through this they secured their provisions. Now, people come in cars, even from North Dakota, to pick these berries in the eastern part of their reservation. On one occasion so many cars were parked near the berry field that it presented the appearance of a county fair. The case of the blueberries is far worse; and this was formerly a source of good income to the Indians. Now, this business has practically been taken over by the upper-crust people who come in cars bearing licenses from the different States. The blueberry crop this year was but half crop, and being scarce the Indians lost out in the picking game. Many merchants sent out trucks to bring in the blueberries that their crews had picked and hauled them in. Many people made a business of it, so the Indians could get but very little berries. In some instances the Indians were driven off by the landowners. Now, the good roads and automobiles have practically taken away this source of livelihood, where in former years it was a common sight to see ox teams, ponies with wagons coming to market with all kinds of berries which they readily disposed of at a fair price. In the wintertime they would bring in loads of fish and some furs to sell to farmers and merchants to trade for provisions. Some of the Indians formerly hauled wood to market and made a fairly good living, but it is a thing of the past, as now it is being hauled in trucks, and the different sawmills are hauling in slab wood by truck and delivering it, so the Indians have also gone out of the wood business.

There are two men located at Waubun on the reservation buying live frogs, paying Indians at the rate of 30 cents per pound. The Indians did well for a short time, or while they got the job, and netted as high as $30 per day. Now, the settlers took up this occupation and crowded the Indians out. The sugar bush, where the Indians used to make their sirup and sugar to last them the year round and had considerable to sell to merchants and others; now the woodsman's axe has left only stumps where the maple groves flourished. The maple was made into lumber and cordwood and marketed. This resource is gone with the rest of the vanished resources. The squaws used to make fine beadwork and weaving of rugs, making baskets to sell, but modern machinery has put this vocation in the shade.

I also read into the RECORD a statement by another intelligent Indian, Mr. William A. Brunette, of Lengby, Minn., also a member of the United Chippewa Council, in support of a $100 per capita payment. This statement also paints a vivid picture of the changing conditions and the crying needs of these people:

On behalf of the Chippewa Indians of Minnesota, and more particularly of the White Earth Reservation, resident in Becker, Mahnomen, and Clearwater Counties, I ask your careful consideration of the earnest request of our people for a per capita payment of $100 to the Chippewa Indians of Minnesota, to be made this winter from their tribal funds.

Congress has hearkened in the past to the plea of the Indians for a partial distribution of their tribal funds on deposit to their credit in the Treasury of the United States, and such aid has been thankfully received and the source of alleviating much suffering during the winter months.

It is hardly necessary to call your attention to the fact that winters in northern Minnesota, the home of said Chippewa Indians, are severe, calling for warm homes, abundance of fuel and warm clothing, and plenty of nourishing food. The Indian can no longer subsist on the bounty of nature for his shelter, food, and clothing, and for those living in towns and villages the fuel question is also of great importance.

For many years after the settlement of the White Earth and other reservations the digging of snake root required only a 25-cent hoe, and with this simple tool the Indian went out and earned $5 to $6 per day from early May until the ground froze in the fall. So this goes to show why the Indians did not take to farming, and not having the capital followed their own ways. They also gathered other medicinal

herbs. The harvest of fish and furs from the lakes and streams, the berries in the woods in summer, and the deer, grouse, and rabbits in winter furnished food, covering for the tepee, and was a source of revenue for the Indians.

To-day the prairies are given over to farming, the lakes and streams furnish few fish and little, if any, fur-bearing animals, and the deer have been vastly decreased in numbers. The white man seeking sport, with his repeating shotgun, high-powered rifles, and the ever-present automobile on roads that thread every corner almost of the former Indian country, have reduced the game to the vanishing point. The white man also takes his toll of the fish and gathers his share of the wild fruits. The means of subsistence which nature afforded to our fathers is gone never to return. What has the Indian to take the place of these sources of income? Some may say let the Indian learn from the white men, let him farm, let him enter the trade and do the manual labor of the communities in which he lives.

In this connection it may be stated that, despite the many noble qualities of the Chippewa Indians, those who are able to succeed in the trades or as shopkeepers and merchants are few in number. The character, training, temperament, and talent of the Indian does not, on the other hand, make him successful as a farmer. Farming requires capital for building, equipment, machinery, and livestock, and the faculty of waiting for months often to reap what has been sown. The Indians are lacking in capital, the traditions and aptitude for agriculture, the managerial ability necessary to successful farming. The Indian puts forth his best efforts and meets with his fair share of success when employed by others who furnish the capital, the tools, and the managerial ability. In other words, as a manual laborer he succeeds.

But the demand for manual labor during the winter months in the regions inhabited by the Chippewas of Minnesota is confined chiefly to logging and lumbering. It is a well-known fact, proven by statistics and by first-hand information of anyone interested in investigating the matter, that Minnesota is no longer able to supply herself with timber products; that the great pine and hardwood forests of the State are practically exhausted, and that employment in the woods can not and does not afford employment for more than 1 able-bodied Indian in 100 of the male population.

In years past the Indian trader was generally able to assist needy Indian families during the winter with supplies of clothing and food. That time has gone by for the reason that the Indian has long since parted with his lands; his ability to secure work in the woods is gone with the vanishing of the forest, and he no longer can secure from the lake, stream, and forest the fish, furs, and deer to exchange for the traders' goods.

For years past, therefore, every winter is a period of suffering, extreme hardship, and in some cases starvation for the Chippewa Indians.

Some think that because the Chippewa Indians received from Congress a per capita payment of $100 from their tribal funds in the winter of 1923–24 that there exists no necessity for a per capita payment this winter. There is great need every winter for assistance to the Indians and especially this coming winter.

The summer of 1924 was an extremely cold and unfavorable season for the growing and maturing of all crops except small grains. The Indians raise to an appreciable extent only garden crops, corn, and potatoes. Garden crops, corn, and potatoes were killed in the early frost of August 13, 1924. This was the condition all over the White Earth Reservation. It was especially severe around Twin Lakes, Rice Lake, Big Bend, and Ponsford, all of which are Indian settlements.

Again the late frosts in the spring caught the blueberries in blossom, so that crop, which is a source of much revenue to the Indians, was almost a total failure. Only the wild rice crop was good and of that cereal the Indians gathered large quantities, but can not dispose of their surplus at this time as the merchants, too, are overstocked. But with very little work afforded by logging and lumbering operations the Chippewa Indians can not go through the winter of 1924–25 without speedy and liberal assistance from their tribal funds.

As to facilities for education of the Indian, in the past the children of the older Indians were taken to the Government schools. Now there is a disposition to make use of the public schools where the children can attend and live at home under the care and supervision of their parents. The facts are there are a lot of them that do not take advantage of the Government schools on account of being deprived of the association with their children. As they have by instinct and intuition a deep parental feeling for their children, it is with a spirit of defiance that they allow their children to leave home for the Government boarding schools. On the White Earth Reservation all the Government schools have been closed, and as far as they are concerned it has become necessary for the Indian to get his own education if he wants one. It is true the Indian children are taken into the public schools and given educational training the same as the white children, and in many cases with the same beneficial results. However, at this vital point the Indians are hampered by lack of food and clothing. If the Indian pupil expects to be able to take its stand in the community and school with the white pupil, it will have to be comfortably clothed and to some extent properly fed, for without these no child can be expected to make even average progress, and in these matters the Indian father and mother are just as much concerned as those of the white race. If those in charge of the funds belonging to the Chippewas at Washington see fit to allow part of that fund to be distributed among us in the near future, they will no doubt make the best possible use of it—it will be carefully used for the necessities of life, and for the clothing and education of the children. In asking for money, being a Chippewa myself, speaking in behalf of my people, we believe we are not begging for it, we are not even asking for a loan, we are only asking that portion which is recognized by Congress as ours to be given to us at this time.

These are pathetic cries for justice, a craving for a greater participation in the blessings of civilization, like education and the enjoyment of the social status of other citizens of the country.

I have received 25 petitions, carrying over a thousand names, in favor of a $100 per capita payment. These have been filed with the House Committee on Indian Affairs. Complaints have been made over the rations that have been distributed among the old and indigent Indians. I have received pictures of an old Indian woman 70 years of age, who sits holding a piece of board on her knees on which are placed the rations doled out to her for a month. A sworn affidavit by the old lady states that for November she received 5 pounds of pork, 4 pounds of white rice, 1 pound of tea, 1 pound of sugar, and a 1-pound can of baking powder. This would indeed make a very meager bill of fare for a Congressman, and he would be hungry many a day were this to be his whole sustenance for a month.

The winter has been severe in Minnesota. This has increased the suffering and hardship among the poorer Indians. About New Year's there began to appear in Twin City newspapers reports of the bad conditions among the Indians. The superintendent of the Cass Lake Agency took exception to these statements, as will appear from the following item from the Minneapolis Journal of January 8, 1925:

[From the Minneapolis Journal, January 8, 1925]

REPORT ON INDIAN CONDITIONS DENIED—FEDERAL AGENT CHALLENGES TWIN CITY CHIPPEWAS' ACCOUNT OF TRIBESMEN LIVING IN TEPEES

Reports of conditions among Chippewa Indians in the Winnibigoshish country, 250 miles north of the Twin Cities, published in the Sunday Journal in a report of a conference on Indian relief were denied to-day in a letter from P. R. Wadsworth, superintendent of the consolidated Chippewa Indian Agency at Cass Lake.

Mr. Wadsworth referred to statements by Minneapolis Chippewas that 100 Indians near Ball Club, Minn., were living in tepees in snow 2 feet deep, and that some were suffering from want of necessaries of life. He quoted:

"Indians are clad in so little clothing that they literally can not leave the tepee until warmer weather. Many of them wear nips, a kind of half-length sock, without shoes or moccasins."

"When I read this quoted matter," his letter said, "I felt sure that it was not true at all. But in order to know about it for certain, two of the office employees and myself went in an auto and we drove over the Winnibigoshish country. We talked with different Indians, including James Wakonabo, mentioned in The Journal, and observed conditions for ourselves. We found that none of these Indians are living in tepees, not one; that the snow is not to exceed 7 or 8 inches deep; that they have comfortable residence houses; that they have plenty of firewood; that none of them are suffering for clothing or food; and that the health conditions among them are not bad.

"I want to say to your readers, and do say, that the above quoted matter, taken from The Journal of January 4, is untrue in every detail."

F. W. Peake, attorney for the Twin City Council of Chippewas, members of which brought reports of conditions among the Ball Club Indians to The Journal, to-day reiterated those reports.

"Indians are suffering from want of food and clothing up there," he said. "Some are living in tepees. There may not be 25 tepees in one group, but there are various groups of around five tepees. I saw conditions for myself in October and have had many letters since then. Mr. Wakonabo sent us an appeal for clothing just a few weeks ago. I do not know how deep the snow is now, but friends say it is deeper than here."

But the snow became deeper, the weather colder, the suffering more intense, and the cry for help went out over the State of Minnesota. Charity workers from the Twin Cities, knowing about the horrible conditions that existed among the Chippewas last winter, when conditions there were likened to those on the Volga during the Russian famine, went out among the Indians

to investigate. The report of their findings is a challenge to Superintendent Wadsworth to go out among the Indians and "see for himself." I quote from the Minneapolis Journal of January 18, 1925:

[From the Minneapolis Journal, January 18, 1925.]

INDIANS WORSE OFF THAN DOGS, WOMEN REPORT AFTER TRIP—CHALLENGE AGENT TO MAKE TOUR OF RESERVATION TO SEE WANT, DISEASE, AND HUNGER—RELIEF COMMITTEE ACTS TO RUSH FOOD AND CLOTHING AFTER HEARING TALE OF STARVATION

A challenge to P. R. Wadsworth, Indian agent at White Earth, Minn., to make a searching tour of the Chippewa Indian Reservation to see conditions at first hand, went out of Minneapolis last night, as two Minneapolis women came back from a week's trip by bobsled over the reservation.

They brought back stories of disease and hunger and need; they declared that issued rations are inadequate; they said that 900 aged men and women on the reservation need a home to which they can move for cold winter months, and made the statement that "we treat our dogs in Minneapolis better than those people are treated."

Mrs. E. M. Moran, 2545 Garfield Avenue, and Miss Elizabeth Chute, 2325 Pleasant Avenue, reported the results of their week's tour to the Indian Relief Committee of Minneapolis meeting in the mayor's reception room late yesterday, and the committee acted to—

Get clothing and food to needy families on the reservation, solicited in Minneapolis from the committee's headquarters, 900 Hennepin Avenue.

Open an unused school building at White Earth, with their own funds if necessary, so that 25 aged Indians near the village can be housed for the rest of the winter.

Broadcast their report of conditions and ask for aid all over the State.

"We saw dozens of women, 80 to 100 years old, lying on rags with no food in the house."

Mrs. Moran said.

"We saw scores of children who had not been to school all winter for lack of clothing. There are 500 persons at Rat Lake, and yet not a child has been to school all winter because there were no clothes and little food.

"We found a woman who had both feet cut off, the result of blood poisoning, lying on a pile of rags. There was some old biscuit in the house for food.

WOMAN TOO STARVED TO TALK

"We walked into a filthy house and saw some one lying under a canopy made of quilts and dirty black cheesecloth. It was an old woman, so starved she couldn't talk; two young children were almost as bad. A married daughter came from her home, and we learned that all she had in the house was a cup of flour. She had lost a baby two weeks before from convulsions and undernourishment. They all sat there, dejected, heads hanging, the house full of smoke because there were no lids on the stove.

"In home after home the women told us the floors were dirty because the water would freeze if they tried to wash them."

Accompanied by a driver and an interpreter, and at times by one or two welfare workers stationed at White Earth or Mahnomen, Mrs. Moran and Miss Chute worked their way through the reservation to half a dozen settlements, and to homes all along the way. They offered to go back over the route and show Mr. Wadsworth the conditions.

Congress was asked to appropriate funds to establish a temporary home for the aged, to be followed by remodeling of dormitories at White Earth not being used, so that hundreds of aged Indians could stay there during the winter.

A person is almost moved to ask, "What do the eyes of an Indian agency superintendent see, anyway?"

Further illustrating the plight of these people, I quote from the Minneapolis Daily Star for January 20, 1925:

[From the Daily Star, January 20, 1925]

UNITED STATES FAILS TO FEED INDIANS, WOMEN CLAIM—LACK OF FOOD INVITES DISEASE ON RESERVATION, INVESTIGATORS REPORT

Hundreds of Chippewa Indians on the White Earth Reservation are forced to live on rabbits caught in ingeniously contrived traps because Government rations furnished them can not possibly be stretched beyond a single week of the month.

This was the statement to-day of Mrs. E. M. Moran, member of the Indian relief committee, an independent organization, who returned to-day from investigation of conditions there.

Miss Elizabeth Chute accompanied Mrs. Moran.

PNEUMONIA PREVALENT

"Tuberculosis and trachoma were found in many places"—Mrs. Moran said—

"and pneumonia seems to be making the most terrible inroads.

"Ravages of these diseases appear to be due to undernourishment and the tragic conditions under which the Indians are compelled to live.

"Practically all the homes were found in good order, in spite of the fact that without soap it was virtually impossible for them to keep bed clothing and other clothing clean.

SOOT COVERS SHACKS

"There was no filth anywhere, but in the single or two room tar-paper shacks in which practically all the families lived, sometimes with two stoves in the room, ashes and soot covered everything in the place.

"In visiting more than 50 families we found only 2 which had any potatoes, practically none that had more than enough flour for a batch of biscuits, and place after place where there was absolutely nothing to eat in the house.

CHILDREN LACK CLOTHES

"Among 600 Indians at Rat Lake we found that none of the 300 or more children were in school. Not only did they have no clothes in which to attend, but there was nothing they could take for a lunch, and with snow driving wolves into the vicinity, it was considered dangerous to send the children on the 2-mile trek to the nearest schoolhouse. A request for a school bus had been denied.

"The Government rations are given to only a few of the helpless Indians, and there is one place on the reservation where the Indians are well taken care of, so that other investigators may visit this place and make the proper reports.

UNEMPLOYMENT CITED

"In spite of the Government statements, we found there was practically no employment to be had even for those adult Indians who were in such health as to be able to accept it. Not any of the Indians that we saw seemed to have had enough to eat to be able to withstand the rigors of an outdoor job.

"In one place at Pine Point we found a mother dying virtually of starvation. In another a baby with an abscessed lung was lying uncared for.

"The most extraordinary thing was that in spite of the poverty and the unclean conditions of the clothing and bedding there was absolutely none of the odor in the homes commonly associated with poverty among white people."

URGE HOME FOR AGED

The Indian relief committee is urging the building of a home for aged Indians and a $100 per capita payment from the tribal funds of the Chippewas to help them through the present winter.

The matter was taken before the Minnesota Legislature yesterday.

This brings the story up to the day when the Commissioner of Indian Affairs yielded and let it be known to the Senate Committee on Indian Affairs that the administration would consent to a $50 per capita payment to the Chippewas and sanctioned the amending of House bill 25 to bring this about. The $50 payment was sanctioned because there was a need for it and because it would not conflict with the "economy program" of President Coolidge. A $100 payment could not be made; such a payment would conflict with the "economy program." The payments will be made from the Indians' own fund.

There was nothing to do but accept the inevitable; accept it with thanks and be glad that it will afford some immediate relief. I therefore support this bill for final passage; had there been any possibility to get a $100 payment for these people I should now have moved to amend the bill to that effect. But out in Minnesota the Chippewas are holding council meetings and protesting that nothing less than a $100 payment will pull them through the winter. These people can not understand why their own money can not be used to alleviate hunger and want within their own ranks. They can not understand that saving the lives of their young and making them fit to go to school can in any way interfere with the President's "program of economy."

In the meantime the good people of the Twin Cities are organizing relief expeditions to go up in the Indian country with food, medicine, and warm clothing for the needy ones. Over the radio appeals are being made for help. This should not have to be done; the Chippewa Indians are proud and self-respecting; they have ample wealth, now held in the hands of the United States Government as their guardians, to make them self-supporting and happy if their affairs will be given the consideration by Congress that it deserves.

I am happy to say, however, that the settlement of the troubles of the Chippewas of Minnesota will be much nearer a solution when this session is over than it has been before. Such an old, experienced national legislator as the gentleman from Oklahoma [Mr. CARTER] said in discussing Chippewa matters on June 4, 1924, that—

they are the most complicated of any Indian affairs in the United States, except those of the Five Civilized Tribes, and those of the Five Civilized Tribes have come nearer to a solution now than those of the Chippewas.

Great progress will have been made in this session toward a settlement of the Chippewa matters when the jurisdictional bill that now is agreed upon between the department and the representatives of the Chippewas is passed that will give the Indians a chance to have all their claims tried out in court.

For this happy turn in Chippewa Indian affairs much credit is due to the special committee of the Senate, headed by Senator HARRELD, that came to Minnesota last summer and investigated the conditions among the Chippewas. Also credit is due the Commissioner of Indian Affairs, Mr. Burke, as well as the attorney of the Chippewas, Mr. Webster Ballinger. The clashes of opinion of Mr. Burke and Mr. Ballinger whipped the jurisdictional bill in shape as it is now reported to the Senate.

In conclusion, I wish to say that while this relief that will come as a blessing will seem to come tardily, let it be remembered that Congress is a big, ponderous, and slow-grinding machine. Only very few bills have passed both Houses so far this session. Practically all legislation is the result of compromise. So is this $50 per capita payment. The department charged with the administration of Indian affairs necessarily looks beyond the present in deciding a question like this one. The larger the payment, the quicker the Chippewa fund would be exhausted. Four more $100 per capita payments would practically exhaust the fund, the department argues, and then what would happen?

In the next session of Congress legislation must be passed that will enable the competent, intelligent Indians of this tribe to have a settlement made under which they can receive their share of the tribal funds, so they can sever their tribal relations and strike out to make their fortunes. Until some such settlement is made, many a young Chippewa will not strike out among strangers and do his best; he will be waiting for his per capita payment. He should receive his legacy all at one time—or assurance that he some time will receive it. Then let him sink or swim. Likewise a different arrangement must be made for the incompetent Indians than now exists. The sad conditions of the last few years among them should not ever occur again; there should be no danger of famine among them and there should be no ravages of disease as now follow starvation and malnutrition among them. There should be no need of relief expeditions being sent in among them as had they been ravaged by war or some other equal calamity.

The chairman of the House Committee on Indians Affairs, Mr. SNYDER, a man with a big, warm heart, has greatly assisted in hastening this per capita payment, for which the Chippewa Indians will be very grateful to him. The factionalism among the Chippewas has been less manifest this year than in former years; much good work was done by some of their leaders last summer in bringing the factions together and trying to harmonize their differences. This is a good sign for the future, but there are yet among them a few that seem to crave, for the kick they get out of it, to keep the pot of discontent boiling. The close of the next Congress should see the sun of happiness and prosperity rise over the Chippewas of Minnesota and see them start on the road to real progress.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11753, with Mr. SNELL in the chair.

The Clerk read as follows:

Regulating immigration: For enforcement of the laws regulating immigration of aliens into the United States, including the contract labor laws; cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including not to exceed $125,000 for personal services in the District of Columbia, together with persons authorized by law to be detailed for duty at Washington, D. C., per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; enforcement of the provisions of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," and acts amendatory thereof and in addition thereto; necessary supplies, including exchange of typewriting machines, alterations and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of aliens into the United States by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expenses of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding the head tax, maintenance bills, and immigration fines upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $5,084,865: *Provided*, That $1,000,000 of this amount shall be available only for coast and land-border patrol: *Provided further*, That the purchase, exchange, use, maintenance, and operation of motor vehicles and allowances for horses, including motor vehicles and horses owned by immigration officers when used on official business required in the enforcement of the immigration and Chinese exclusion laws outside of the District of Columbia, may be contracted for and the cost thereof paid from the appropriation for the enforcement of those laws, under such terms and conditions as the Secretary of Labor may prescribe: *Provided further*, That not more than $100,000 of the sum appropriated herein may be expended in the purchase and maintenance of such motor vehicles, and of such sum of $100,000 not more than $88,000 shall be available for the purchase and maintenance of motor vehicles for coast and land-border patrol.

Mr. HUDSPETH. Mr. Speaker, I offer an amendment, on page 89, line 15, strike out "$1,000,000" and insert in lieu thereof "$1,200,000."

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 89, line 15, strike out "$1,000,000" and insert in lieu thereof "$1,200,000."

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee: In offering this amendment, I wish it distinctly understood I am not in any way criticizing either the splendid gentleman from Pennsylvania [Mr. SHREVE], chairman of the committee, or the ranking member of the committee on my side, my friend from Alabama [Mr. OLIVER]; in fact, I want to take this occasion to compliment these two gentlemen upon the thoroughness with which they went into the question of the border patrol. The gentleman from Pennsylvania on a number of occasions, owing to the fact that I represent a portion of the border between the United States and Mexico, has consulted me about matters affecting the border, and has solicited my cooperation and such suggestions as I desired to offer; likewise, the gentleman from Alabama [Mr. OLIVER].

I do not know, gentlemen, whether, I want to state, that this appropriation should be raised to this amount or not, and in offering this amendment I am seeking information. When the general immigration bill passed the House at the last session, I offered an amendment increasing the appropriation to $1,400,000 for the border patrol. This amendment passed the House by an almost unanimous vote, but it seems it was reduced in the Senate to $1,000,000.

I want to state that we who represent the border between this country and Mexico are as much interested in the enforcement of the law against the illegal entrance of aliens as any gentlemen upon this floor. I want to state to my friend, the gentleman from New York [Mr. LAGUARDIA], who has introduced a resolution asking the Secretary of Labor to furnish information as to the number of Mexicans that come across the border illegally—and as I understand, he states many of them go as far north as his State—that the testimony of Mr. Husband before the committee, as the gentleman will find on page 72 of the hearings, shows a greater number of aliens enter this country illegally across the border between this country and Canada, by almost two to one, than enter this country across the border between this country and the Republic of Mexico.

I want to state further to my friend that, of course, it is necessary in certain parts of the South to use the Mexicans as laborers, but the gentleman need not be alarmed, I will state to my friend, that the Mexican will migrate to the frozen North and remain there. He is a tropical bird, if I know his nature. He can not stand a cold climate. [Laughter.]

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. LAGUARDIA. The Commissioner of Immigration appeared before the committee a few days ago and did not deny

the charge that trainloads of immigrants had been imported as far north as Michigan.

Mr. HUDSPETH. How many? He says he has no way of ascertaining, if you will refer to his testimony on page 73 of the hearings.

Mr. LAZARO. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. LAZARO. Does the gentleman from Texas think that we will ever solve the problem of preventing outsiders from coming here illegally until we pass a registration law?

Mr. HUDSPETH. I am not prepared to state. Probably we will have to pass a registration law, but the border patrol, if efficient men are selected, will be a great bar. But I want to state to the gentleman from Alabama——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. The gentleman from Alabama brought out the fact that the illegal immigration, so called, owing to the border patrol, was decreased. In the year 1923 it was about 60,000. This has only been in operation about two months, and yet it was reduced to 10,000 for the year 1924. The decrease was due to the border patrol I helped to establish. The question is whether 200 men can control 2,500 miles of border, patrolling it efficiently night and day, or whether or not we should increase it to the extent where undesirables can absolutely be kept out of the country. That is what I desire and what I think every man down on the border desires.

Mr. BLANTON. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. BLANTON. I am in favor of the gentleman's amendment, because I know that in the gentleman's district he has 400 miles of border between Texas and Mexico.

Mr. HUDSPETH. The gentleman is just 400 miles out of the way.

Mr. BLANTON. It is 800 miles?

Mr. HUDSPETH. Eight hundred miles.

Mr. BLANTON. Then there is that more reason for the amendment.

Mr. HUDSPETH. Certainly; and I want to state that when we increased the appropriation last spring, if the right kind of men had been placed there—and I think the gentleman would agree with me—the patrol would have been much more efficient. What did they do? I discussed the matter with Assistant Secretary of Labor White, a courteous gentleman and diligent official. He knew the character of the men that should be placed down there. But his hands were tied in a great degree by the civil service certifying to him the names of 1,200 railway mail clerks to select his patrol from. Mr. Husband so states. The question was asked Mr. Husband, the efficient Director General of Immigration, how much was appropriated for horses. He said, "Very little"; most of it was for automobiles, when, as a matter of fact, a billy goat can not climb these mountains in many places along the Rio Grande, and you are placing jitneys there for the patrol of the border where you can not reach the river for 30 miles in many instances on account of the cap rocks that stand there 500 and 1,000 feet above the river. Yet you are providing for automobiles for the patrol. Nobody but a Texas ranger has been able to patrol that border successfully, and he does not transport himself on a motor cycle or an automobile. He sails on the hurricane deck of a Spanish broncho.

Mr. CABLE. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. CABLE. Does the gentleman know that the committee has seen fit to increase the amount specified in the Budget by $200,000?

Mr. HUDSPETH. I notice that, and I am making this statement and offering this amendment for the purpose of getting information from the committee as to whether they think it is sufficient.

Mr. CABLE. I was a member of the Immigration Committee and went before the committee to ask them to give full consideration to it.

Mr. HUDSPETH. Yes; and the committee went into the matter very thoroughly, but Mr. Husband says that this last summer we have been able to cut down unlawful entry of aliens by more than 50 per cent on the Mexican border, or words to that effect. But, gentlemen, you will understand that it is simply a question of patroling the border both night and day to effectively keep them out. Now, the cry has been made, "They are coming in through Mexico." That is probably true to some extent, and we want them to come across at the regular ports of entry and pay the head tax of $8 and the visé of $10.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. HUDSPETH. Certainly.

Mr. OLIVER of Alabama. The committee went into the question very fully, and after hearing two very informative statements by representatives of the legislative committee we felt that by increasing the appropriation over that allowed in the Budget by $200,000 we would provide sufficient funds to take care of this matter.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HUDSPETH. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. We felt this increase would provide for the needed additional force on the border, and I feel that if later it is shown, when the new Congress assembles, that we have not given sufficient force, the gentleman will be able to get relief. Certainly, the funds we have provided will provide a considerable addition to the present patrol force.

Mr. HUDSPETH. I trust my friend is correct, but if my friend will revert to the appropriation he will find that the million dollars not only covers the border patrol but the coast and land border patrol. How much of the million dollars is necessary for the coast patrol?

Mr. OLIVER of Alabama. Practically none of it will be expended on the coast, except where it can be done without hurt to the border patrol. We gave some laxity, so that the department might more efficiently use their forces in the field.

Mr. HUDSPETH. I want now to make a suggestion to both the gentleman from Alabama [Mr. OLIVER] and the gentleman from Pennsylvania [Mr. SHREVE] in respect to the personnel of this patrol. Do they think that the Assistant Secretary of Labor should be held down to the selection of these men, where roughriders should be selected, to 1,200 railway mail clerks, who probably could not sit astride a hobbyhorse at a country show?

I would like to have the gentleman from Alabama and the gentleman from Pennsylvania suggest to the Secretary of Labor that it is possible to select men who know that border, who understand it, like the Texas Rangers; but you can not now depend upon the Texas Rangers who have cooperated with this patrol in the past. A district judge in San Antonio has declared the law under which the State rangers were mustered into service unconstitutional. We hope to have that reversed in the Supreme Court. That rough riding, fearless band, therefore, is now estopped from cooperating with these men. Will the gentleman give me his opinion of the proposition of selecting from 1,200 railway mail clerks, who probably never rode a horse in their lives?

Mr. OLIVER of Alabama. I find that we have been thinking alike on this subject. We would be more than glad to cooperate in every way and would be glad to present the matter to the Secretary of Labor. I think that he should select men who are familiar with the border.

Mr. HUDSPETH. That is necessary, if he expects to get efficient service.

Mr. OLIVER of Alabama. The assistant Secretary of Labor explained to us that in view of the limited time they had, they found it necessary to call on the list of eligibles to which the gentleman has referred. I do not believe there is any disposition on the part of the Secretary of Labor not to call on the Texas Rangers.

Mr. HUDSPETH. But he did want to call on the class of men that are inured to and familiar with that section of the country, and he tells me that his hands are tied, because he had to select from this list of 1,200 submitted to him by the Civil Service Commission.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. He stated, further, that if he were left free, in the first instance, he would select men who would enforce this law, and knew how to enforce it, and I know he would—probably he can get some good men from the list certified to him—and whenever you put the right kind of men on that border, men who know the geography and topography of the country, and know every trail that the alien can travel, then you will have this law enforced as this House intended it should be enforced when it passed its stringent immigration law. I certainly trust that my two friends on the committee

will cooperate to the extent of suggesting to the Civil Service Commission the right kind of men down there, men born and raised in that section of the country; and in that connection, I suggest to the gentleman from New York [Mr. LAGUARDIA] that you better put an additional force between here and Canada, because the report shows that 35,000 were questioned or stopped on the border. Further, I think it is a question of economy to adopt my amendment, because Mr. Husband states that while he could not state the exact amount, that large sums were expended in deporting these people. He stated that this very border patrol that we have created had been the means of deporting 6,500 across the Mexican border and about 35,000 across the Canadian border, sending them back to their homes. It costs the Government a great deal of money, but he said he could not estimate the exact amount.

Mr. OLIVER of Alabama. The Committee on Appropriations have been cooperating with the legislative committee about this matter. The legislative committee will, I understand, report within the next few days a deportation bill. That bill may later require an additional appropriation, and we assured the committee that we felt we voiced the sentiment of the entire Committee on Appropriations in saying that they would be more than willing to provide such funds as the passage of the deportation bill might suggest was necessary. That would come later in a deficiency appropriation bill. I am sure the House will vote every dollar necessary to efficiently carry out any law Congress may pass at this session looking to the deportation of aliens unlawfully here.

Mr. HUDSPETH. I am sure that if we follow the wishes of the gentleman from Alabama and the gentleman from Pennsylvania, we will. I shall leave the adoption of this amendment to the House. It is possible that you have sufficient funds. I do not think so. I do not think 200 men can patrol the border of 2,500 miles efficiently and keep out undesirables. [Applause.]

Mr. OLIVER of Alabama. May I state this? If the gentleman will turn to page 95, he will find the committee asked Mr. White a question which sought to elicit full information about this matter. The answer, which appears on page 96, is not altogether responsive to the question, but it appears from the answer that they do not require more than the Budget allowed, yet the committee, after a consultation with Mr. CABLE and Mr. VAILE, of the legislative committee, felt it should be increased $200,000.

Mr. HUDSPETH. I am going to leave the matter, as I have stated, to the committee, trusting that it will cooperate with me and the Secretary of Labor in getting competent men, men who can sit on a horse and shoot straight, if it should become necessary, in order to enforce our law. This patrol not only enforces the immigration law, but cooperates with the custom officials in operating against smugglers of narcotics and the prohibition enforcement officers against bootleggers? Therefore, gentlemen, give us the right kind of men and we will enforce our laws on the Mexican border. [Applause.]

Mr. CABLE. Mr. Chairman, I wish to say that the committee reporting this bill has given full consideration to and cooperation with the Immigration Committee to make effective our border patrol. Now, I would like to give due credit to the members of what I designate as "the immigration court," but better known as the Secretary's board of review.

There is a rule as old as the law itself and always to be respected that every man is entitled to his day in court. Our Federal and State Constitutions preserve to the individual, whether American or alien, full protection of life, liberty, and property. Likewise, the laws and our courts secure to the alien a fair hearing before he can be denied admission or sent out of the country.

Take, for example, the case of James Lawlor, who arrived at Ellis Island in January, 1925. He presented his passport and immigration visa to the inspector. The visa, issued to him by the American consul, assured him that he was within his country's quota. He was given a thorough examination by a United States Public Health Service surgeon and found—let us say—to be afflicted with heart disease—chronic cardiac—which the physician stated might affect his ability to earn a living. Instead of being promptly sent back on board the ship in which he came, he is given a hearing before what is known as a board of special inquiry. There are several of these boards at Ellis Island, as well as at other ports of entry. A board consists of three members and is a permanent part of the Immigration Service. Every alien who on primary inspection does not appear to be clearly and beyond doubt entitled to land is detained at port and given his "day in court," before one of these boards. He is entitled to have a friend or relative present at the hearing.

His case is called before the full board. A friend or relative may be present at the hearing. The medical examiner and the immigrant both testify quite fully as to the character and extent of the disease, as well as its effect upon the immigrant's ability to earn a living. At the conclusion of the hearing the board finds the immigrant, because of the condition of his heart, to be physically defective and likely to become a public charge, and could not, therefore, enter; at the same time advising him that he has a right to appeal his case to the Secretary of Labor. In this appeal he is aided by a representative of one of the nationally known societies having an office on the island, as well as by relatives and an attorney. The entire testimony and record is then sent to Secretary of Labor Davis at Washington for final decision.

Take another case, that of Rafael Lopez, who reached America by crawling through a hole in the big fence that marks the boundary between California and Mexico. He is shortly afterwards arrested and charged with entering the United States without inspection and without a quota immigration visé. Lopez is taken before Immigration Inspector Judson F. Shaw, of the Immigration Service, and there he has his first "day in court" to determine if he could remain or should be sent back home.

He was advised of the charges against him; that he had the right to employ counsel and to introduce witnesses to meet any evidence that the Government might produce against him. He retained an attorney and a full hearing was accorded him. Afterwards the testimony was written out and sent to Washington to Secretary of Labor Davis, whose decision is final. A brief was prepared by his counsel, in which was incorporated objections to the testimony offered by the Government and became a part of the file in the case at Washington.

The cases of James Lawlor and Rafael Lopez both reach the Department of Labor the same day. The attorneys in each case promptly request oral hearing before the "immigration court."

After the World War the people of Europe threatened migration en masse to the United States. Congress promptly acted in an attempt to stem the tide. The 3 per cent restrictive immigration law was passed and extended, and finally the immigration act of 1924 went into effect.

As the number who could lawfully enter was reduced in each succeeding act, the determination of the people of Europe to come to America grew. Prevented from entering at ports by the limited quota, thousands of aliens were smuggled in across the borders or landed on the seacoast. Almost every alien denied admission by boards of special inquiry appealed to the Secretary of Labor. The number of these cases increased by leaps and bounds. Last year there were more than 15,000 appeal cases. The Secretary, under the law, is required to pass upon all the testimony in each case. It was a physical impossibility for him to do this and thus administer justice to each appealing alien.

Let me give you Secretary Davis's own description of the situation at that time:

> With the passage of this restrictive law, there occurred a change in the work of the Secretary of Labor. Appeals from adverse decisions rendered at the ports of entry are made direct to the Secretary of Labor and this 1921 act increased the number of such appeals from a nominal few to about 3,000 a month.
>
> As I have said, I have been myself an alien, and an immigrant, and in every one of these cases which have come before me I have tried to do justice and to show mercy to the immigrant. Facilities at Ellis Island were strained because erected to care for only from five to seven hundred people, at times there were thrust into it as many as three thousand or more. We permitted them to be landed at the island because we felt that they were better off even in these cramped quarters than in the steerage accommodations in some of the ships in which they came.
>
> While these immigrants were detained under these conditions, appeals came to the department, thousands at a time, and there were only two officers here who could, by law, entertain them, the Assistant Secretary of Labor and myself.
>
> Many times I have myself, though anything but a weakling, been on the very edge of breaking down. It was grind, from 6 o'clock one morning until 2 the next, making decisions and signing appeals. At times it was such that the building just seemed to turn around in my brain. At times, too, I could hear the cries of Ellis Island here, and through it all two thoughts have stood out clearly in my mind: First, that I had a country to serve, and, second, that mercy was due to many while justice must be done to both—the country and the immigrant.
>
> At times the situation has been such that the hangman's job was a gentleman's job compared with mine. Nearly all the races of the world were coming in, and the seventh floor of the Department of

Labor has been a regular madhouse; women have fallen prostrate and wept and pleaded that their friends, relatives, or loved ones be permitted to enter. No; it is a much different question we have to contend with here than the handling or admission of merchandise, such as comes through our customs offices. We do not decide upon the admissibility of a bag of salt or coffee or sugar or the amount of duty or tribute which shall be paid as a right to enter this land of ours. We are dealing with human rights, human liberties, human ambitions, human ties, and human love. It is a source of pride to me that in the application of these rigid laws to human situations that I have not become hardened and grown cold toward those who seek to better themselves in a better land. I shall always remember the groans and distressing scenes which have been a part of this administration of immigration laws as long as I live.

A large amount of the work fell upon Mr. E. J. Henning, Assistant Secretary of Labor. The five days before Christmas, 1921, he personally reviewed and decided 1,365 cases.

To cure this situation the Secretary called in Robe Carl White, an able, efficient, and hard-headed Hoosier, and requested him to establish a clearing house of some kind—a centralized body—to handle the thousands of cases which by law must be disposed of. White went to work. The "immigration court," commonly known as the Board of Review, was established January 2, 1922. Men experienced in the immigration law, and who could say "no" for the benefit of America—who would not be swayed by persuasive arguments of highly paid lawyers or by political power of Members of Congress—were inducted into office. White became chairman. The board then consisted of five members. A vast volume of business has been handled, the work increasing from month to month. To-day there are seven members—W. N. Smelser, chairman; J. L. Bixler, F. J. Phillips, T. G. Finucane, G. W. Stilson, Edward Shaughnessy, and W. C. Welch—all efficient, hard-working, and long trained in the service of the Labor Department. The board is under the direct supervision of White, who is now Second Assistant Secretary of Labor.

Daily hearings are held, three members sitting at a time. There is a regularly established courtroom on the seventh floor of the Department of Labor Building at Washington. An elevated platform and bench for the judges, a railing separating those presenting the various cases from the spectators. The alien may appear in person or be represented by welfare organizations or by legal counsel. Often a Senator or a Congressman appears in person or by his secretary before the Board. An opinion is written by a member of the "court" in every case. No longer must the alien wait at Ellis Island or in jail days, weeks, or even months for a hearing and final determination of his case. The docket of the Secretary of Labor has been kept clear. For example, during the months of August and September, 1924, the average was less than two and one-half days per case before final disposition by the Secretary, because of the immigration court. There were as high as 40 hearings per day, and never less than three or four.

The following summary for the month of November, 1924, will show the kind, character, and amount of the work of the immigration court:

Number of cases reviewed and decisions written	2,405
Number of aliens involved	3,222
Number of oral hearings by the board	212
Number of cases in which Senators and Congressmen were interested:	
Senators	85
Congressmen	195
Number of cases in which attorneys were interested	491
Number of cases in which societies, relatives, friends, and interested parties other than Senators, Congressmen, and attorneys were interested	190
Number of cases in which the recommendation of the port was not followed in whole or in part	233
Total number of Ellis Island cases in the above	715
Total number of new appeals from all ports	496
Total number of new appeals, Ellis Island	201
Total number of new warrants from all ports	1,117
Total number of new warrants, Ellis Island	130

The tabulation below gives an idea of the character of the cases coming before the board of review:

Accompanying aliens	11
Actors	53
Alien contract labor	315
Anarchists, communists, I. W. W., etc	13
Assisted aliens	31
Barred zone	13
Children under 16 unaccompanied	24
Crimes involving moral turpitude (burglary, felony, forgery, grand larceny, murder, perjury, robbery, smuggling, etc.)	146
Domestic servants	13
Entered within one year of deportation without permission	43
Excess quota	235
Heart trouble	40
Hernia	15
Idiots, feeble-minded, imbecile, or mentally deficient, etc	12
Illiterates	228
Insane	126
LPC (aliens arriving without funds)	357
Nurses	
Orphans	
Physically defective (deformed, epileptics, nervous affections, paralysis, and senility)	77
Prostitution, immorality, procurer, etc	81
Section 17 (23) (foreign contiguous territory)	97
Student and student laborers	20
Surreptitious entry, stowaways, without inspection, and without passport or immigration visé	995
TB, LCD, and DCD (favus, leprosy, trachoma, venereal diseases, etc.)	51
Visitors	332
Chinese	199
Japanese	17

At 10 o'clock in the morning of January 19 the Lawlor case was called by the chairman of the Board. A Member of Congress arose. Being a good lawyer, his plea was persuasive. He argued fully the facts from the record and the law as applied thereto. Likewise, Lopez was represented by an able lawyer, who devotes a great deal of his time to such cases. The merits were argued with as much dignity and persuasive eloquence as is heard in the Supreme Court of the United States.

Next, John Chinaman's case was called. Every Chinese case coming before the Board is represented by counsel. The claim is usually made that the Chinese is an American citizen, because born in America, and that, although educated in China, he is entitled to readmission; or that he is a merchant or student and that he comes to America as such. In a Chinese case the record usually runs about a thousand pages and so voluminous and so suspicious is some of the evidence that two members of the court—Shaughnessy and Welch—devote their entire time to those cases. These two members always sit with the chairman when a Chinese case is before the court.

The same day, after court adjourned, all three cases were considered. In the Lawlor case the court held that he belonged at home with his mother rather than in the United States with his uncle, where he might likely become a public charge, and so entered their finding. The court held that Lopez was in the United States unlawfully, and further found that he should be deported to Mexico. In every warrant case the alien must have had a fair hearing on the charges on which it is sought to deport him. The facts must disclose the country or port from which he came and to which he is to be deported, and whether at the expense of the steamship company or the United States Government. In the case of John Chinaman the court found that he was neither born in the United States nor of a parent who was an American citizen and that he had failed to prove, as is now required by law in all cases, his right to be admitted. Secretary White reviewed the findings in each case and signed orders as recommended by the members of the court. Thus the immigration court functions, expediting all cases, insuring a fair hearing to the alien and protecting the people of America from the physically, mentally, and morally unfit.

A different procedure appertains to cases of aliens seeking to enter in which a medical question is involved resulting from a certification by the surgeons of the United States Public Health Service that the alien is afflicted with insanity or a mental defect. When excluded by a board of special inquiry in such cases there is no appeal to the Secretary of Labor, but the alien may appeal to a board of medical officers of that service and may introduce before such board one expert medical witness at his own cost and expense. On the other hand, if the alien be certified by the Public Health Service surgeons to be afflicted with tuberculosis in any form, or with a loathsome or dangerous contagious disease and excluded by the board of special inquiry on that ground, its decision is final and there is no right of appeal.

While the law provides that the decision of the Secretary of Labor shall be final, yet the courts have gone still further in preserving to the alien the right to a fair hearing to determine his admission to or deportation from this country. The alien has a right to take his case into court if it involves the interpretation of the immigration or deportation laws, as in such a case the decision of the immigration official is not final. Resort is also made if the alien can prove that his hearing for admission or deportation was manifestly unfair and such as to show a manifest abuse of discretion.

The Supreme Court of the United States has said that the decision of the immigration officials is not final and that he may appeal to the courts if the proceedings be manifestly unfair or if it clearly appear that a fair investigation of his rights were thereby prevented.

Uncle Sam has provided laws and regulations so that every alien is entitled to and does receive a fair hearing on the question of his admission to the United States or for determination whether or not he shall be deported. On all these issues, by law, he is entitled to and does receive his "day in court."

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas to strike out "$1,200,000" and make it "$1,400,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment offered by Mr. HUDSPETH by striking out "$1,200,000" and inserting in lieu thereof "$1,400,000."

Mr. LAGUARDIA. Mr. Chairman, at the suggestion of my colleague, the gentleman from Texas, that the Canadian border requires additional patrolling, as well as the Mexican border, which is justified by the information before the House at this time, I would increase his amendment by $200,000 so that an additional patrol might be placed on the Canadian border. There is a slight difference, I want to call to the attention of the gentleman from Texas, to the illegal importation at the Canadian border and that at the Mexican border. He will find that a great many of the violations by unlawful entry from Canada are individual cases, while the information which was before the Committee on Immigration suggested that the unlawful importation of aliens from Mexico was on a wholesale scale. We had information which was presented at the time. The gentleman from California [Mr. RAKER] I believe, testified before the Committee on Immigration, that carloads of Mexicans with armed guards had been imported into northern States. It is not denied that a large number of Mexicans are working in the sugar-beet fields of Colorado and Utah, and that a great many of them have reached as far north as Michigan. What I want to suggest to the Members of the House is this: As I understood the immigration law recently passed, at the last session, which I consider cruel, causing a great deal of hardship in individual cases, the policy was to protect labor in this country.

Mr. CABLE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In a moment.

The intention was to keep up a decent standard of wages; to permit the wage earners in this country to live up to the American standard of living. Now, gentlemen, if you close the doors to immigration from Europe, as you have done in your last immigration law, and open the door at our border so that greedy exploiters of labor can go down to Mexico and bring up thousands of aliens in violation of the alien contract labor law and permit them to work at a low rate of wages and thus destroy the standard of living that we are trying to establish and maintain, you defeat the very purpose of the immigration law.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HUDSPETH. That can not be done if there is sufficient border patrol. All the evils and abuses that the gentleman describes happened before the day of a sufficient border patrol.

Mr. LAGUARDIA. Correct. I agree with the gentleman from Texas. When the Mexicans come up north and work for employers who do not care for them as well as do the people down on the border, they may want to feed these Mexicans on a diet of cayenne pepper alone and nothing else, and I presume the gentleman does not want to impose such a condition in this country.

Mr. HUDSPETH. In that case the Mexican laborer will go down among his friends, where proper care will be taken of him.

Mr. LAGUARDIA. The gentleman knows how easy it is to send down there and bring up thousands and thousands of these laborers. It has not been denied that they have imported thousands of Mexican laborers in the sugar-beet fields of Utah and Colorado. What I want is to have the department investigate this matter in order to ascertain what these men are doing, where they are working, and what rate of wages is being paid to them. I am not referring to the border region at all, but to these specific cases where large importations of Mexican laborers have been made. I contend that Congress should not be averse to getting full information on that question.

Mr. SHREVE. Mr. Chairman, I usually agree with my friend from Texas [Mr. HUDSPETH] on all matters affecting the southern border. But I must say in this case that I can not agree with him. The committee has made a very careful study and analysis of this situation. We have increased the appropriation for the Bureau of Immigration by $234,000.

Now, border patrol has been in operation only for a few months, but from the reports that we get from the border the work is going on splendidly. We feel that with the $234,000 additional, added to the $800,000, the appropriation will be amply sufficient, and we were unable to find anywhere from any witness who appeared before us any suggestion that more money could be used to advantage.

Here is the situation: It is not so bad in the South along the border, because, as the gentleman from Texas [Mr. HUDSPETH] explained, after crossing the southern boundary and getting 25 miles within the boundary you are still nowhere. One might as well be back in Mexico. European aliens crossing the border would have to go hundreds of miles before they could get to a place where they could take a train. That is the reason why we have been establishing this patrol principally with automobiles, because even after they pass the border they must eventually center at some railway station; they must center at some place in order to get out of the country. We have provided, in my opinion, sufficient funds.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield there?

Mr. SHREVE. Yes.

Mr. HUDSPETH. If the gentleman will refer to page 78, at the bottom, he will see where Mr. Husband made this statement:

The land border situation is being handled very well. I am agreeably impressed with the way it is being handled. I think, as Mr. Henning suggested yesterday, that even with this small patrol force, the work it has done up to this time has been so successful as to give a pretty clear impression to everybody concerned that border running is not an easy matter nor a successful one.

Now it is a small patrol, and yet there are aliens coming into this country illegally. Does not the gentleman think that by increasing it and adding to this service, considering the efficient work that has been already established, my amendment is justified?

Mr. SHREVE. We have already increased it. That estimate was based on $800,000. We are giving the Bureau of Immigration $234,000 more.

Mr. HUDSPETH. That was not the estimate of the Secretary of Labor.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Certainly.

Mr. HUDSON. I would like to ask the gentleman to tell us as a matter of information whether this border patrol has the duty exclusively of preventing the smuggling of aliens?

Mr. SHREVE. Yes. That is the principal business of our patrol. That is their principal business.

Mr. HUDSON. They pay no attention to smuggling in other lines, such as the smuggling of narcotics, and so on?

Mr. SHREVE. The narcotic situation is not the appropriation that we are discussing. This appropriation is made to cover the border patrol to prevent illegal immigration.

Mr. HUDSON. Does not the gentleman believe that Congress in some way or another should consolidate these different services?

Mr. CABLE. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. CABLE. I will say to the gentleman from Michigan that the border patrol that we have established down there is a universal patrol, and they turn over the people they arrest for violating other laws to the respective officials having jurisdiction of those cases.

Mr. HUDSON. That is what I wanted to know.

Mr. SHREVE. Incidentally, they help each other. Let me read what Mr. Husband says. To the question asked by the gentleman from Alabama [Mr. OLIVER]—

To what extent are local authorities cooperating with you and giving information?

The answer was this:

In most instances it is a very hearty and helpful cooperation, and that will increase as our inspectors become acquainted with the peace officers in the sections where they are located.

So they have lots of assistance all the time.

Mr. HUDSON. Mr. Chairman, if the gentleman from Pennsylvania will yield further, we are spending a great deal of money for patrolling the borders in various ways. We enlarged the Coast Guard for the purpose of patrolling the coast line and we have placed boats on the Detroit River. Now, do those border patrols pay attention to all kinds of smuggling or does each patrol operate separately and independently?

Mr. SHREVE. Well, in a general way they keep track of all kinds of violations of the law, but they all have their specific and particular occupations.

Mr. HUDSON. It seems to me there ought to be coordination there.

Mr. LAGUARDIA. If the gentleman will yield, I took up that matter with the Commissioner General of Immigration and suggested a border patrol to take care of all violations of law, but I do not believe they have that authority now.

Mr. SHREVE. Not yet. I will say to the gentleman from Michigan that this is a legislative matter and should be brought before the legislative committee and there disposed of.

Mr. HUDSON. I have reason to believe the President thinks these patrols should be coordinated.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LAGUARDIA] to the amendment offered by the gentleman from Texas [Mr. HUDSPETH].

The amendment was rejected.

The CHAIRMAN. The question now is on the original amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. HUDSPETH) there were—ayes 26, noes 49.

So the amendment was rejected.

The Clerk read as follows:

BUREAU OF NATURALIZATION

Salaries: For the commissioner and other personal services in the District of Columbia, in accordance with the classification act of 1923, $100,000.

Mr. BLANTON. Mr. Chairman, on page 90, in lines 12 and 13, I move to strike out the words "salaries in the District of Columbia."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 90, line 12, strike out the word "salaries," and in line 13 strike out the words "in the District of Columbia."

Mr. BLANTON. Mr. Chairman, concerning salaries in the District of Columbia, the most refreshing thing I have heard since I have been here is the declaration of economy radioed last night to the people, and which we find in the papers this morning, from the President of the United States, who says that the surplus employees of the Government must leave here and go home. I hope that is not idle talk; I hope he means business.

Concerning that, and for his information—I hope it will reach him; I hope it will get by his private secretary and into his sanctum sanctorum and actually reach his own ears—I want to read to him from the House floor what the chairman of the Committee on Appropriations [Mr. MADDEN] said about those self-same surplus employees on April 28, 1924. I read from page 7400 of the CONGRESSIONAL RECORD for April 28, 1924. Mr. MARTIN MADDEN, chairman of the great Appropriations Committee, who then had the floor, said the following:

I think there are 30,000 people here on the Government pay roll who ought not to be here. [Applause.]

That showed that the House agreed with him, because it applauded him. Continuing, Chairman MADDEN further said:

We have been trying to get them off, but we have not been able to get them off. We have passed appropriation bills to pay their way home, but they will not even go home when you offer to pay their way. They want to stay on the Government pay roll.

And so forth. Now, I hope the President, when he causes orders to be issued for these surplus employees to go home and their Senators contend that no such number of surplus employees exists, will send for the chairman of the Committee on Appropriations [Mr. MADDEN] and let him point out to the President every one of these 30,000 surplus employees, and they can take joint steps to send them home. If he does that there will not be so much congestion in Washington, and there will not be the necessity of a Bolshevik rent bill being passed.

The CHAIRMAN. The time of the gentleman from Texas has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. STENGLE. Mr. Chairman, I want to register my commendation and most hearty approval of most of the address delivered by the President over the air last night. The economy features of that address were admirable; the deductions drawn by the President were, in many respects, very accurate, but I must take some exception to the law of averages in regard to the employment of the classified service in the various departments. Those of you who heard that speech will recall that reference was made to what the average salary was 10 or 12 years ago, to wit, in the neighborhood of $1,100, and that in 1924 the average had run up to between $1,700 and $1,800. Then emphasis was laid on the fact that there had been an average increase throughout the service of $600, or thereabouts. Now, to the unsuspecting and to those who have given the subject no particular consideration it would appear that the average employee of the Government has been admirably cared for financially and that he has no right to expect any better treatment. However, the average of $600, referred to by the President, is like unto the Wisconsin rabbit sausage I heard about years ago, which was composed of a little bit of rabbit and a whole lot of horse. Now, the averages referred to are arrived at by adding those receiving an increase of from $2,000 to $3,000 to those who were given an increase of from $20 to $60. In striking the average it would appear that the increase has been $600 or thereabouts, but upon investigation you will find that those in the low end of that average are in a bad position, when the President's address is broadcasted over the country, and I am sure that when the attention of the President is brought to this matter he will be fair enough to let the country know that while there may have been a general average of $600 throughout the service that the major portion of the funds related to that average has gone to the higher ups, and the lower downs have been and are to-day suffering very much. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

General expenses: For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stat. L. vol. 37, p. 736), and May 9, 1918 (Stat. L. vol. 40, pp. 542 to 548, inclusive), including not to exceed $51,440 for personal services in the District of Columbia, in accordance with the classification act of 1923, and for their actual and necessary traveling expenses while absent from their official stations, including street-car fare on official business at official stations, together with per diem in lieu of subsistence, when allowed pursuant to section 18 of the sundry civil appropriation act approved August 1, 1914, and for such per diem, together with actual necessary traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; not to exceed $20,000 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stat. p. 609), as amended by the act approved June 25, 1910 (36 Stat. p. 765), and in accordance with the provisions of the sundry civil act of June 12, 1917, for which purposes $20,000 of this appropriation shall be immediately available; and for mileage and fees to witnesses subpœnaed on behalf of the United States, the expenditures from this appropriation shall be made in the manner and under such regulation as the Secretary of Labor may prescribe; $680,000: *Provided*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment. On page 91, line 22, strike out "$680,000" and insert in lieu thereof "$720,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 91, line 22, strike out "$680,000" and insert in lieu thereof "$720,000."

Mr. LAGUARDIA. Mr. Chairman, the appropriation for this item I understand was increased somewhat by the committee over the appropriation allowed last year.

I want to call the attention of the chairman to the condition existing in the Naturalization Bureau of New York City, which includes the courts of Manhattan, Brooklyn, and the Bronx. The department has taken the work away from our State courts and naturalization cases are now being conducted, as I understand, by the Federal courts only with the result that but a small number are able to be called each week for final certificate. We have a deplorable condition both in Brooklyn and in New York and in the Bronx. It takes all the way from 6 months to 9 and 10 months before it is possible

for an applicant to receive the certificate of arrival or to be called for final hearing.

On the one hand, we urge these aliens to become citizens. We have private organizations and State help and municipal help, with schools of instruction to teach these aliens English and civics, and when they do apply and are ready to be received into citizenship the condition of the Bureau of Naturalization in New York, as well as the bureau here in Washington, which must check up their original landing, is such that it takes many, many months before the alien is called.

I want to point out, as the chairman knows, that the fee paid by the applicant is sufficient to cover all expenses so than an additional appropriation here, as I understand, would not entail additional cost to the Treasury.

I understand an additional allowance of some $50,000 was made, and I submit that in order to give some relief to the bureaus in the great city of New York—and I believe the same condition prevails in other large centers—the chairman of the subcommittee should not oppose my amendment.

Mr. CELLER. Mr. Chairman, I rise in support of the amendment of the gentleman from New York [Mr. LAGUARDIA].

I desire to state supplementary to his remarks that the conditions in Brooklyn, where I hail from, are most deplorable with reference to naturalization applications and the granting of final papers.

I had occasion about a month ago to appear in Judge Garvan's court, which is the United States District Court for the Eastern District of New York, the jurisdiction of which comprises Brooklyn, Queens, and Long Island and Staten Island. I asked Judge Garvan how many applications he passed upon, and he told me that he or one of his associate judges are assigned once a week in that district court throughout the year for naturalization, and it was their intention to handle some 200 applications each week, but because of lack of clerical force both in the court and in the Naturalization Bureau, due to lack of appropriations, they have been unable to handle more than 50 per cent of the contemplated amount, on an average, and as a consequence great delays occur in the handling of the petitions and applications.

I am informed through responsible sources that within a period of two years they will be five years behind in the handling of this work in New York City. The increase of applications for certificates of naturalization in Brooklyn alone has been over 20 per cent in the year ending 1924 over the year 1923.

Heretofore we have had the aid of State agencies. The county clerk of Brooklyn, Kings County, and the county clerk of New York County supplemented the work of the naturalization bureaus, but this work was taken out of the control of the county clerks and placed exclusively and entirely within the Bureau of Naturalization; therefore the Government and the Committee on Appropriations should take into consideration the necessity of allowing the county clerks to help in this work and should make additional appropriations, so that the business of naturalization will not be hampered.

The amendment offered by the gentleman from New York [Mr. LAGUARDIA] would take this into consideration and provide for a proper appropriation to take care of this large and increasing volume of business that is now being handled by the Government and would under proper Federal control and supervision permit the State agencies to help in the expedition of granting naturalization papers.

You can well appreciate, my good friends, that if this delay continues in affording proper appropriations, you are going to put immigrants who want to embrace citizenship, who want to become Americanized, at a most serious disadvantage, and the least we can do is to lend a helping hand to those who thus express their willingness to become a part of our body politic by accepting and embracing our citizenship.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CELLER. Gladly.

Mr. LAGUARDIA. The gentleman might remind our colleagues also that the city of New York is spending hundreds of thousands of dollars, and millions of dollars, on night schools to teach these people English and civics.

Mr. CELLER. That is very true. Not only that, but the Government gets something from the immigrant. The immigrant when he applies for his citizenship papers in the first instance must pay a fee, and when he applies for his final papers he must also pay a fee, and the Government probably gets back a goodly portion of the entire expense.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHREVE. Mr. Chairman, just a word. The committee has taken this matter into consideration. We are very familiar with the needs of the situation and have increased the appropriation $50,000 in order to take care of it in the future.

Mr. CABLE. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. CABLE. Is it not a fact that several persons from New York came down here from that city and appeared before the committee on this particular item?

Mr. SHREVE. Yes; the clerks of the courts were here and we have a very full hearing and we understand the situation. We have appropriated amply to take care of it.

Mr. MILLS. Mr. Chairman, I think the appropriation is adequate, but in order to correct any misapprehension that may exist as to the situation in New York City with reference to the work of the county clerks' offices and the Naturalization Bureau, I want to say a few words in order to make the situation entirely clear.

For some years the county clerks of the counties of New York, the Bronx, and Kings handled some of the naturalization petitions, and maintained a force of 37 clerks at an annual cost of some $60,000, paid from the Federal Treasury. It was in a sense a duplication of the work performed by the Federal Bureau of Naturalization. A year ago there were pending some 11,000 petitions for naturalization before the supreme court in New York County, and some 12,000 pending in Kings County, or a total of 23,000 petitions; and it took anywhere from 3 to 18 months for the papers to go through under the system then prevailing.

The Bureau of Naturalization undertook in March, 1924, to do all the work itself and took it away from the offices of the county clerks. But they only employed 6 or 8 clerks, as compared with 37, because there was not an adequate appropriation available. Even so, they reduced the cost of handling each petition from 55 cents a petition to 20 cents a petition. If in the southern district of New York they had been able to put into full effect the system that now prevails in the eastern district, the United States courts alone, without any help from the State courts, would have been able almost to keep up to date, providing the Bureau of Naturalization had been permitted to employ a reasonable number of employees.

Now, it is suggested that if we deprive the county clerks of this patronage—and that is what it amounts to—we can not get the Supreme Court of the State of New York to help in the naturalization work. I should have to have that statement from the judges themselves before I would be willing to accept that as their attitude.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MILLS. I want to complete my statement, I have only five minutes. The work can be done by the Bureau of Naturalization. The $3,000 which the county clerks would be entitled to retain in fees would be ample for employment of one or two clerks necessary to serve as a pipe through which the papers would reach the judges of the supreme court. As a matter of fact—and I say it with all due respect to the committee—I consider it absurd that the Bureau of Naturalization should contribute $60,000 to the clerks of the courts of the State of New York to do the work, particularly when during the eight months that they have functioned the Bureau of Naturalization has demonstrated that it is able to do for 20 cents what the State agency was doing for 55 cents.

So I say, Mr. Chairman, I am quite satisfied that an amendment, other than the one suggested by my colleague from New York, will make it possible to bring the calendars up to date by having the Federal Government perform the Federal duties and functions, and by not turning over those functions to the State agencies, which the record shows have inefficiently and inadequately performed them up to date. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, the committee in preparing this bill gave very full and careful consideration to this matter, and while conflicting statements were made in reference to the cost of this work, yet the committee in its report—and I suggest that the gentleman from New York [Mr. MILLS] read this part of the report—have clearly indicated what, in their judgment, would be a reasonable compensation for this service on the part of county officials. I will later insert as a part of my remarks that part of the committee's report bearing on this question.

As a result of the restrictive immigration law many have been stimulated to file applications for citizenship, and on June 30, 1924, more than 100,000 applications were pending and this number has steadily increased since that time. The committee were unanimous in concluding that it was important to provide the Secretary of Labor with a fund so that he could secure the cooperation of State and county officials at all congested offices and thus speedily dispose of the applications for naturalization.

The facts submitted to our committee made it clear that this could be done at a reasonable cost, and the report of the committee was unanimous in increasing this appropriation $50,000, $20,000 of which is made immediately available. I think the report will make sufficiently clear to the House the wisdom of the committee's action.

I quote from the report, as follows:

The Budget estimate for the Department of Naturalization has been increased by $50,000, $20,000 of which is to be immediately available, making a total appropriation for this service of $780,000 for the fiscal year 1926. This increase is granted in order that the congestion which now obtains at some of the offices can be corrected.

On June 30, 1924, there were about 100,000 petitions waiting to be filed or awaiting final action, and this number has steadily increased. The committee feels that with the increase herein provided the cooperation of State courts can be had on a basis that will prove helpful in the removal of this congestion and without undue expense to the Government. The law provides for such cooperation and the work of the State officials is entirely under the supervision of the Bureau of Naturalization, and any part of this appropriation prudently expended for this purpose will be immediately returned several times over to the Federal Treasury. It is estimated that the cost for preparing declarations and petitions for naturalization represents approximately 25 per cent of the amount received from the petitioners.

Under these circumstances it seems but simple justice that parties entitled to citizenship be given fair consideration and that facilities be provided to insure the prompt handling of their applications.

When the new Congress convenes, if it is found that the amount provided by the committee is insufficient, additional funds can be secured. If the suggestions of the committee are followed, as we feel they will be, there will certainly be no complaint such as the gentleman from New York [Mr. MILLS] seems apprehensive of, that we are providing an expensive method for the handling of naturalization papers. It is simply continuing the old method on a perfectly rational basis.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read to the end of line 10, page 93.

Mr. DEAL. Mr. Chairman, I offer an amendment to strike out the figures "$110,000," in line 4, page 92, and substitute therefor "$90,000," and on line 9, page 92, strike out "$135,000" and insert in lieu thereof "$100,000."

Mr. SHREVE. Mr. Chairman, we have passed those items, and I make the point of order that the gentleman's amendment comes too late.

The CHAIRMAN. The Clerk has read by those items. The amendment comes too late. The point of order is sustained.

The Clerk concluded the reading of the bill.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11753, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SHREVE. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHREVE, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL DISABLED SOLDIERS' LEAGUE

The SPEAKER appointed the following committee, under House Resolution 412, to investigate the National Disabled Soldiers' League (Inc.): Mr. FISH, Mr. BOIES, Mr. ALDRICH, Mr. BLACK of Texas, Mr. CONNERY.

MUSCLE SHOALS

Mr. SNELL. Mr. Speaker, I call up House Resolution 414, a privileged report from the Committee on Rules. Pending that I would like to make some arrangement of time with the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. I do not think there will be any difficulty about that.

Mr. SNELL. How much time does the gentleman from Tennessee suggest?

Mr. GARRETT of Tennessee. Mr. Speaker, I suggest two hours.

Mr. SNELL. Mr. Speaker, I suggest that this is an important matter. We want to act after full and free discussion. The gentleman from Tennessee suggests two hours. I ask unanimous consent that the time for discussion on this resolution be limited to two hours, one-half to be controlled by the gentleman from Tennessee and one-half by myself, and that at the end of that time the previous question be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that the debate upon the resolution be limited to two hours, one-half to be controlled by himself and one-half by the gentleman from Tennessee, and that at the end of the two hours the previous question be considered as ordered. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is the gentleman from Tennessee to control the time of those opposed to the resolution?

Mr. SNELL. The gentleman from Tennessee will control the time on that side, and he will yield to those who are opposed and those who favor the resolution, and I expect to do the same on this side.

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, how will the time be divided among those for and against the resolution?

Mr. SNELL. As near as possible, I am willing to divide it evenly.

Mr. HUDDLESTON. I do not know who is for it or who is against it. I think there should be some sort of equality of time.

Mr. GARRETT of Tennessee. I think the gentleman is quite right about that. I favor the resolution; but so far as I am concerned, I may say that it is rather the understanding between the gentleman from New York [Mr. SNELL] and myself that the time we control will be divided as nearly as possible equally between those who favor the resolution and those who are opposed to it.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is not.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Bloom	Fitzgerald	McNulty	Reid, Ill.
Brand, Ohio	Foster	Magee, Pa.	Roach
Briggs	Fulmer	Mead	Rogers, Mass.
Buckley	Geran	Michaelson	Rogers, N. H.
Burdick	Goldsborough	Miller, Ill.	Rosenbloom
Canfield	Graham	Mooney	Rouse
Carew	Griffin	Morin	Sanders, N. Y.
Casey	Harrison	Morris	Schafer
Clancy	Hoch	Nelson, Wis.	Schall
Clark, Fla.	Johnson, Ky.	Newton, Mo.	Sherwood
Cleary	Johnson, W. Va.	Newton, Minn.	Sullivan
Croll	Keller	O'Brien	Sweet
Crowther	Kent	O'Connell, N. Y.	Swoope
Cummings	Kiess	O'Connor, La.	Tague
Curry	Kindred	O'Sullivan	Tinkham
Dallinger	Kunz	Paige	Ward, N. Y.
Dempsey	Langley	Peavey	Ward, N. C.
Dominick	Larsen, Ga.	Perkins	Weller
Doyle	Larson, Minn.	Perlman	Williams, Mich.
Eagan	Logan	Porter	Winter
Edmonds	Lyon	Rainey	Wolff
Evans, Iowa	McFadden	Ransley	Yates
Favrot	McLeod	Reed, W. Va.	Zihlman

The SPEAKER. Three hundred and thirty-eight Members have answered to their names.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. SNELL. Mr. Speaker, I call up House Resolution 414.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 414

Resolved, That the bill H. R. 518, with Senate amendments thereto, be taken from the Speaker's table, the Senate amendments be disagreed

to, a conference be requested with the Senate upon the disagreeing votes of the two Houses, and the managers on the part of the House at said conference be appointed without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, House Resolution 414 simply gives this House an opportunity to decide for itself whether it wants to send the bill H. R. 518, commonly referred to as the Muscle Shoals bill, to conference or refer it back to the committee. There is no other meaning to the resolution as presented by the Rules Committee. The Federal Government has spent in the vicinity of $150,000,000 to $160,000,000 at Muscle Shoals. We have a very valuable property there consisting of hydraulic developments, machinery to generate hydroelectric power, villages, two plants for the manufacture of nitrate, railroads, and quarries. Taking it all together it is a most valuable property and must receive our considerate attention. I am informed that we will be able to deliver electric energy some time before the 1st day of September of the present year. Therefore it is very incumbent upon this House before it adjourns to do something to make final disposition, if it is possible, of this very valuable property, and not allow it to stand idle on account of lack of attention on our part. The element of time, as I look at the proposition, is one of the most important ones before us at this time. If nothing is done during the present session it is my belief that it will be at least a year and perhaps two years more before this House takes any definite stand in regard to the disposition of this property, and that would be very fatal, as I look at the whole proposition, and I think that the Congress would be subject to severe criticism if it does adjourn without trying to do all in its power to make some disposition of this power plant and attendant properties. Now let us look just for a moment at the history of this Muscle Shoals proposition. This whole proposition has been before the Congress as long as I have been here, and I know for the last three or four years we have had a definite proposition in regard to the same. The House Committee on Military Affairs held long hearings. There were volumes of their hearings in regard to Muscle Shoals. Probably every distinguished engineer, business man interested, representatives of the War Department in the country appeared before that committee and gave testimony in regard to it, and after all those hearings there was a very decided difference of opinion among the Committee on Military Affairs. Finally they reported a bill, and the House had ample free discussion on the floor, and it was finally passed, but with still a difference of opinion among Members of the House. This bill went over to the Senate.

The Senate Committee on Agriculture actually reported a new bill. This bill was before the Senate and freely discussed for at least six weeks, and at the end of that time they struck out the enacting clause of the bill reported by the Senate committee, and the result of all of these different considerations is we find that we are now confronted with a third bill. I recite this history to show that there is a very wide difference of opinion among Members as far as this proposition is concerned, and after all this consideration we have not gone very far as far as the details of the bill are concerned. So we find ourselves in this condition at the present time. When the Senate bill was sent over to the House the chairman of the Committee on Military Affairs [Mr. McKENZIE] asked unanimous consent to send the same to conference. That was objected to. Now, there are two propositions or two ways open to the House to proceed in regard to this bill. We can either send the same to conference or return it to the Committee on Military Affairs. I appreciate that if we sent this to conference that the conference committee has practically a wide-open door. They can do practically anything they see fit in regard to this legislation on account of its legislative procedure thus far. But, on the other hand, the remedy remains in the House, because we are not obliged to accept the conference report unless they present something which is definite and along the lines practically marked out for this legislation and which, on the general question, is agreeable to the House. We have our remedy in voting down the conference report. Now, what happens if it goes back to the committee? Certainly there are no new facts to be developed by the committee or before the committee, and as a result the committee will be just as divided in its opinion now as when they presented the original bill to the House, unless they are going to start new hearings; and if they start new hearings, we all know nothing will be done this session. There are no new facts to be developed or brought by the committee to the House; and if it goes back to the committee and they report a new bill, that means we must start practically this whole proposition all over and make the whole round of the circle, the same as we have been running for three or four years in connection with this legislation, and we will wind up just where we are to-day and no progress made. When this bill first came back to the House, without any careful consideration, I at first was of the opinion perhaps it ought to go to the committee.

But after giving it as careful a consideration as possible, after looking at all the conditions confronting us in regard to this very important legislation, after consulting with the Secretaries of War and Commerce, and with men on each side of the aisle who are very much interested in this matter, I am firmly convinced that the only common-sense business thing to do under the present situation, if you want action in this Congress, is to send this bill to conference.

I have decided that in my mind, first, because the element of time is most important here at this time. There are only 31 more legislative days at this session, and if anything is to be done before that time, it must be done in a very few days. If it goes over, it means that with respect to this very important legislation nothing will be done concerning it for a year at least, and it might go two years. The people of the country demand that the Congress shall lay down some definite plan or proposition with regard to the disposition of this very valuable property, and we must do it now and not put it off any longer, and from the further fact that the Committee on Military Affairs can throw no new light on the whole proposition, I see no reason why it should be again tied up in committee for an undetermined period of time. As I look at it, Congress itself has already defined the principal policy to be followed in connection with the disposition of this property. We are committed as far as possible to the idea that this property shall be confined primarily to the manufacture of nitrates for use by the Federal Government in time of war, and of fertilizer in time of peace. The water power must be leased under the terms of the general water power act for a period not longer than 50 years. Furthermore, I am convinced thoroughly that Congress is opposed to the permanent Government operation of this water power.

Thus, with the major problems or policy worked out, it must be for a smaller group of men to work out the details of this most intricate contract. There is no other way to do it.

I know from practical experience that it is absolutely impossible for 500 men to write the kind and the character of a contract that is necessary to be written in connection with the leasing of this Muscle Shoals property for a long period. If this matter was placed before the board of directors of any organization, they would immediately appoint three or four of their members, and those members would get together with the people they are intending to lease this property to and work out the details of this proposition, and then submit it back to the full board for approval.

That is practically what we are doing when we send this bill to conference, and these men must report back to us, and can do nothing without our approval. These men on the conference committee have been considering this legislation for a long time. They are familiar with every detail of it. They know what the policy of Congress is in regard to the general proposition, and the only thing we ask them to do is to work out the details of some contract in order that we may put this property to work.

If this matter goes over for another year—and we will be ready to deliver electric current by the 1st of September—that means an actual loss in the rental value of this property to the extent of some $3,000,000 a year for the primary horsepower, to say nothing about the secondary power.

Furthermore, we will have to wait so much longer to get the results we want from this plant and the benefit that will accrue locally and nationally to industrial and commercial progress as the result of such a large power and nitrate development.

Now, considering all the conditions that confront us from a common sense practical business standpoint, from the standpoint of getting something, there is nothing left for this House to do but send this bill to conference; and if you adopt this rule or this resolution that will be done immediately, and we have done all we can to facilitate this important legislation; and I trust you will agree with me. [Applause.]

Mr. Speaker, how much time have I used?

The SPEAKER pro tempore (Mr. BURTON). Ten minutes. The gentleman from Tennessee [Mr. GARRETT] is recognized.

Mr. GARRETT of Tennessee. Mr. Speaker, if this were a long session of Congress and we had several months in which to deal with this very important—tremendously important—matter, I should favor the policy, under the circumstances which exist, of referring the bill to the standing committee of the House. But as one who tries to be a practical legislator

I must consider the situation with which we are confronted. As has been said by the gentleman from New York [Mr. SNELL], only 31 legislative days remain of this session, and I think it is clear beyond dispute that time is the essence of the problem under the situation which confronts us. And so, therefore, I rise to give my hearty support to the resolution which has been presented by the gentleman from New York to send this bill to conference.

Now, recognizing the fact that the conferees will be at liberty to act in almost any manner they choose, I think it is proper at this time for some of us to indicate something of our feelings concerning this measure and indicate, at least, some of the things that must be in it in order to receive the support of many of us.

The one thing that I desire to emphasize above all others is that this must be a fertilizer and explosives proposition. [Applause.] I wish to get clearly into the minds of the Members the idea that we are not interested in it very vitally as a power proposition. The national defense act, which made provision for the institution of this project, in section 124 thereof, passed in 1916, defined what it should be; and in order that our memories may be refreshed concerning it I shall put part of section 124 in the RECORD:

SEC. 124. Nitrate supply: The President of the United States is hereby authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary, or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

In other words, this great project, the greatest of its kind in all the world, was instituted as an act of national defense, and it constitutes to-day the greatest physical asset of defense which the United States possesses. And, second, in times of peace it was to provide one of the basic elements that enter into fertilizer, that so greatly needed commodity throughout much of the United States. And so, in order to secure the support of many of us, this so-called Underwood measure, which seemed to be the best that we could get out of the Senate at the time, will have to be modified in its fertilizer feature so as to make it sure beyond question that that plant is to be operated as a fertilizer and explosives producer. [Applause.]

It is not power that we are interested in down there; it is the operation of that great plant for the purposes that were defined in the act under which it originated.

Now, so far as I am concerned, with all that made sure, I do not mind saying that I should not be such a stickler for 50 years as the time for leasing the power proposition. I realize that it is going to require some time for experimentation down there, much time, probably, in order to develop the best and most modern processes of nitrate manufacture and of fertilizer production, and with it made absolutely sure that all the power that is necessary will be used there and utilized in the manufacture of this particular commodity, I shall not be disposed to quibble so much over the time for which it shall be leased, of course making it clear that after a period of 60 years, say, the Government shall have the right at any time, upon the institution of the correct proceedings, to recapture.

Now, one other thing that I venture to call attention to that should be done: I think an advisory council should be created. I think it should consist of five members—probably two members of the Cabinet and three members outside—with whom the President can advise and with whom individuals who may be interested in submitting bids upon this proposition can advise. I regard that as highly important to go in the act; of course, perhaps, not so much of a sine qua non as the other proposition.

Either in this bill or in one of the appropriation bills we should certainly make provision for the institution of the work on Dam No. 3. That is essential as a power proposition, and it will be essential to the success of this plant as a fertilizer and explosive producer. Our experiences, growing out of the time when we failed to appropriate for a season to carry on the work upon the present Dam No. 2, should make us prompt to provide at this session of the Congress, either in this bill or in one of the appropriation bills, that while the great organization that is now completing Dam No. 2 is in existence it can immediately begin its work on Dam No. 3. There is no one in this country who knows anything about it, I think, but who realizes that Dam No. 3 is going to be built, and it will be a saving to the Government of anywhere from $4,000,000 to $5,000,000 if we make provision at this session of the Congress so that that organization can go to work at once.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LONGWORTH. Does the gentleman construe that the conference committee has entire latitude in this matter, without limit?

Mr. GARRETT of Tennessee. Practically so, I think. The proposition I am now discussing, I may say, is in the bill; that is, the authority for it is in the bill. I am really talking about an appropriation.

Mr. LONGWORTH. The gentleman thinks that under existing conditions the hands of the conferees are in no way tied at all?

Mr. GARRETT of Tennessee. I think so. As I understand, we are in the situation where the House has passed a bill and the Senate has struck out all of it and inserted a new proposition, and my idea is that when the bill goes to conference the conferees are practically unlimited and can write a new bill.

Mr. HULL of Iowa rose.

The SPEAKER pro tempore. The gentleman from Tennessee has consumed 10 minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I will yield myself two additional minutes in order to yield to the gentleman from Iowa.

Mr. HULL of Iowa. Could the conferees agree to a 100-year lease?

Mr. GARRETT of Tennessee. I think they could.

Mr. BLANTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. The gentleman has expressed some very definite ideas about salutary safeguards that should go in the bill. I agree with them all. But if we send this bill to conference our three conferees, with the Senate conferees, will write the bill for us, and then we will have to vote it either up or down without chance to amend it, whereas if it went to the committee the gentleman himself, and other gentlemen, could appear before that committee and impress their ideas upon the committee, but they will not have that chance to appear before the conferees.

Mr. GARRETT of Tennessee. I think we will; under the circumstances that exist, I think the conferees will be desirous of hearing from Members of the House either formally or informally. And let me say this to the gentleman: The gentleman is a practical man and the gentleman knows what the situation in the Senate was. If this bill should go to the committee, and they should agree upon these amendments, it would have to come back to the House, and it would have to be acted upon by the House; then it would have to go back to the Senate and be acted upon there again, and I fear the delay because, let me say to the gentleman from Texas, there is going to be some 180,000 horsepower ready by the 1st of September, and, under an opinion given by The Adjutant General to the Secretary of War, the Secretary of War is authorized to lease that power, and it is my understanding that it is the purpose of the Secretary of War to make those leases, short-time leases, I understand he says, and mark my prediction: If you ever get that power leased without provision being made for the manufacture of nitrates for explosive and fertilizer purposes it is just going to throw one more block in the way of ever having it made into a fertilizer plant, and for that reason I want it done at this session of the Congress.

Mr. BLANTON. Will the gentleman yield further?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. On account of the anxiety among certain specially interested Members from certain parts of the country to have this matter passed finally before we adjourn, does not the gentleman believe that if the conferees should reject every proposal the gentleman has so wisely suggested, that nevertheless the conferees' report would be voted up and agreed upon and the conferees' action would be passed with every one of these safeguards left out?

Mr. GARRETT of Tennessee. I do not think so.

Mr. BLANTON. I am afraid so.

Mr. GARRETT of Tennessee. I do not think the sentiment of this House will sustain the conferees if they fail to put in the safeguards and assurances mentioned.

Mr. MADDEN. Will the gentleman allow me to make an interruption?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. There is this danger, as I see it, if the matter is not settled now: Dam No. 2 will be completed before the 1st of July, and if there is no adjustment of the proposition by an agreement as to what the law shall be after the 1st of July, naturally the administration will want to dispose of the water power it has for power purposes, because that is the only thing for which it could be disposed of, and if it once gets on the line of power, good night to every future attempt to consider the proposition from a fertilizer standpoint, and the fertilizer standpoint is the only standpoint from which this question should be considered. [Applause.]

Mr. GARRETT of Tennessee. I thank the gentleman for his very valuable contribution.

I reserve the remainder of my time, Mr. Speaker.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HULL]. [Applause.]

Mr. HULL of Iowa. Mr. Chairman and gentlemen of the House, I am opposed to the adoption of this rule. If it is not adopted I shall immediately move to send this bill back to the Committee on Military Affairs, where it properly belongs.

Mr. BLANTON. That would be automatic. The gentleman would not have to move that.

Mr. HULL of Iowa. Probably so. It does not belong in a conference. It is an outrage on representative government to send a bill in the position that this is to a committee of conference. [Applause.] No tyrant in the world's history ever proposed a more outrageous proposition than this. I listened to the gentlemen who spoke, and they gave you some mighty good excuses for sending it to the Committee on Military Affairs, and, so far as I heard, they gave you very little except trying to excuse sending it to a conference. They say time is the essential thing. If time is the essential thing, why is it that you delayed 10 days?

Mr. BLANTON. Twelve days.

Mr. HULL of Iowa. Yes; for 12 days you have held this measure up. Time was not essential then, but it is essential now that you send it to a conference behind closed doors to star-chamber proceedings and dispose of this great property that belongs to the people of this country. Time is quite essential now. It was not essential 12 days ago.

My friends, I am opposed to this character of procedure in disposing of the most valuable property that this Government owns.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HULL of Iowa. I yield.

Mr. WILLIAMSON. Is it not a fact that these conferees can practically rewrite the bill to suit themselves?

Mr. HULL of Iowa. Why, certainly, and the conferees are not to be the ordinary conferees; they are, so I am told, to be hand-picked conferees. [Applause.]

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. HULL of Iowa. Yes.

Mr. COOPER of Wisconsin. If the two gentlemen who are so apprehensive that this property may be leased in July really believe that, why can not either one of them introduce a joint resolution prohibiting the leasing of the property until we reassemble?

Mr. HULL of Iowa. Certainly they can. That is not the trouble at all. The Secretary has the authority, if he wants to, to lease the property for a year. Time is not the essential thing here. They told you that time was the essential thing when we had the Ford proposition before you. You are $100,000,000 better off because the Ford proposition has been taken out of this matter.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. HULL of Iowa. I want to get along, and I hope there will not be too many interruptions.

Mr. BLANTON. When these three House conferees meet the three Senators in conference, and we are proposing something radically different from what they propose, what will happen, in the judgment of the gentleman?

Mr. HULL of Iowa. I do not know whether there will be some unseen hand that will write the bill or not, but I do know this——

Mr. BLANTON. I think the Senators will write it.

Mr. HULL of Iowa. I do know that if you will send this bill back to the Committee on Military Affairs that committee is practically in agreement to-day, and they can report a bill back to the House in three or four days. They do not want or need any hearings before that committee. Then you, the representatives of the people, will have an opportunity to amend the bill as you see fit, and the gentleman from Tennessee [Mr. GARRETT] will then be given the opportunity to see that the rights of his people are protected. He is voting them away to-day when he votes to send this bill to conference, and he knows it.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. HILL of Maryland. The gentleman says he thinks the members of the Committee on Military Affairs are practically in agreement and will be able to report a bill very promptly.

Mr. HULL of Iowa. I hope so.

Mr. HILL of Maryland. I am very much interested in that statement and I am wondering if the gentleman can intimate on what theory the Military Affairs Committee would agree, because I do not understand that they do agree.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. SNELL. I yield the gentleman an additional five minutes.

Mr. HULL of Iowa. I have not any doubt about the Committee on Military Affairs being able to agree. There might be some disagreement, of course. There was some before.

Mr. HILL of Maryland. The gentleman will remember that the gentleman and I fought the House bill last year.

Mr. HULL of Iowa. Yes; and it only took them two days to get it out of the committee when they wanted to do it. They ran over us with a steam roller.

Mr. HILL of Maryland. Does not the gentleman think that the same steam roller would run over us again?

Mr. HULL of Iowa. May be, but perhaps we would be a part of the steam roller. [Laughter and applause.] I am used to the steam roller and, in any event, we would have a chance in the House and we could turn publicity in on the deal in the House. I plead for the right of this House to amend the bill.

Mr. JACOBSTEIN. Will the gentleman yield for just one question?

Mr. HULL of Iowa. Yes.

Mr. JACOBSTEIN. Is it known who the conferees are going to be?

Mr. HULL of Iowa. Certainly not. I do not know who the conferees are going to be, but this is the reason you should send this bill back to the Committee on Military Affairs: You passed a bill and here is your bill, H. R. 518. This is the bill that it took you seven days to pass through the House, and every man here had the right to amend it. This is your bill as it is to-day. This is all that is left of it, just the number, a period, a comma, and the enacting clause, and yet you are sending it back to conference. [Laughter.]

Every Member of this House knows that in a representative Government such a thing as this was never contemplated. [Applause.] It is a mere technicality and it is only through the use of strong-arm methods that you are permitted here to-day to send to conference this bill. I realize you have the votes and that you will send it to conference, but time will prove to you, as it has in the past, that what I say is right, and that you will make time if you send this to the Military Committee. The potential possibilities that exist at Muscle Shoals stagger the imagination of everybody. The gentleman from Tennessee [Mr. GARRETT] says that fertilizer and the national defense are the first two important things in this matter. I agree with him, and the third is the power, which is a mighty important thing. Just stop and think. On the 1st of July, when this great project is completed, 100,000 horsepower will start to work for the benefit of the people of this country. Do you know what that means? That is the minimum amount. One hundred thousand! That means, translated into coal, that it would take four trains of 20 cars each and 20 tons to the car every day to equal the power that will flow over this dam. Practically over these falls for all time will flow the minimum amount of 1 ton of coal per minute. And when you have completed Dam 3 and the other dams there will be 10 times the amount of power, and that power is in electricity. You can put it on the wire and transmit it into the barns and homes and factories of the Southland. Do you realize the value of that great plant? It is true that it is the first line of defense in the national defense, and it is also true that it is a mighty important thing as a fertilizer proposition.

Gentlemen, you have had this before you for 10 years. Now, here, in the final days, let us not make a mistake. Let us see that what we do is the right thing. Bring that bill in before the House and let the House amend it if it is not right. My appeal is to your common sense in this great matter. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker and gentlemen of the House, the House bill known as the McKenzie bill was an acceptance of the offer of Henry Ford providing for a lease for 100 years of the water power and a sale of the nitrate plants at Muscle Shoals for $5,000,000 on condition that the Ford company should make 40,000 tons of fixed nitrogen each year during the period of the lease and convert it into a complete mixed fertilizer to meet the demands of agriculture. Hearings were held covering a period of three years before the Military Committee of the House and the Agricultural Committee of the Senate and volumes of evidence were printed. Everybody and every interest who desired to be heard were given an opportunity. Many offers besides that of Henry Ford were made and hearings were had on every possible phase of Muscle Shoals; also as to whether there should be private or Government operation. Finally, last March the McKenzie bill was considered in the House and passed by an overwhelming majority, and was sent to the Senate and referred to the Committee on Agriculture, where additional hearings were granted, and everybody who desired to be heard was again given the opportunity. Hearings were continued before that committee until a few days before Congress adjourned without any action being taken by the Senate.

Mr. Ford then, after waiting for more than three years on Congress to act on his offer, got tired of waiting and withdrew his offer. This was a matter of general regret, but no one could blame him. When Congress reconvened the 1st of December last the Senate amendment known as the Underwood bill was offered as a substitute for the McKenzie bill and without being considered by any committee was passed a few days ago and is now on the Speaker's table. The chairman of the Military Committee of the House, Mr. MCKENZIE, asked unanimous consent that it be sent to conference; there was objection, so he then introduced and had referred to the Committee on Rules a resolution which provides for the sending of this Senate bill to conference. Without such a rule it would be referred by the Speaker to the Military Committee of the House. The Committee on Rules has reported favorably on this resolution and it is now before the House for adoption. The Military Committee has held extensive hearings on every possible phase and every feature involved in the Underwood bill, as well as the McKenzie bill; also the Norris Government operation bill. The question of a sale, lease, private operation, and Government operation of Muscle Shoals has been considered and hearings held by the committees of both Houses of Congress almost continuously for more than three years. Muscle Shoals being in my district and near my home, I attended all the hearings, and am sure that no additional information could be obtained by referring the Senate substitute to the Military Committee. The only effect would be to delay and probably prevent final action before adjournment of Congress on March 4. There could be no other reason or motive for such a reference. The importance of a final decision of this question at this session of Congress is of such paramount importance that the President called special attention to it in his last message to Congress, in which he referred to the rate at which the soil was being depleted and the importance of the operation of the Muscle Shoals plants for the purpose of increasing the supply of fertilizer and thereby reducing the price. He also recommended private operation by means of a long-term lease of the property, if such a lease could be obtained; if not, that the Government proceed with the development.

The Senate amendment, known as the Underwood bill, carries out the recommendations of the President and has his approval. It authorizes the President to lease, with proper guaranties for the performance of the terms of the lease, the water power from Dam No. 2, which will be completed July 1 of this year, and the nitrate plants for 50 years. The lessee being required to pay at least 4 per cent per annum on the cost of the dam and hydroelectric equipment, and as much more as the President can get, and also be required to make at least 40,000 tons per annum of fixed nitrogen during the period of the lease, the same as provided in the Ford offer, and convert it into a complete mixed fertilizer according to demands of the farmers, which would amount to 2,500,000 tons of the ordinary fertilizer. Besides, lessee would have to spend millions of dollars in additions to the nitrate plants in order to make fertilizer. Influences in the Senate, no doubt, opposed to a lease and private operation, caused to be adopted an amendment authorizing the lessee or the Government to cancel the lease at the expiration of six years if the business was not profitable. This amendment, in my opinion, should be eliminated in conference. The lessee could make it unprofitable, and in that way avoid his lease. Another amendment was injected into the Underwood bill providing for separate leases of the water power and the nitrate plants. The original Underwood bill contemplated one lease. I believe that the water power and nitrate plants should be included in one lease, so that it may be sure that the fertilizer feature will not suffer from an improper use of the water power, and that this development may be for all time used as intended for national defense and fertilizer. The nitrate plants and Dam No. 2 are all a part of and together constitute one plant built by an Executive order of the President under authority of section 124 of the national defense act. Hence it should all be included in one lease and operation. I prefer private operation over Government operation. I want to see a lease made and want the business of the lessee to be a success. The power part might be profitable and the fertilizer part alone unprofitable, but the two together might be a success. So to safeguard the success of the fertilizer part and make it a success there should be one lease.

Some other features of the Senate amendment should be modified by the conferees so as to carry out the spirit and purpose of the bill. I am willing to trust the President to make a proper lease, such as is provided in the Senate amendment, when perfected in conference [applause], and the American people are willing to trust him. [Applause.] In the event the President can not make a lease by the 1st of September, 1925, the Senate amendment provides for the organization of a Government corporation to take over and operate the Muscle Shoals development. It further provides for a discontinuance of Government operation at the end of eight years if its net earnings are not sufficient to meet the interest on bonds issued by the corporation to raise funds for working capital, and which is authorized in the Senate amendment. Dam No. 2 will be completed by the 1st of next July. The nitrate plants have been standing idle since the war ended. The Senate amendment has the indorsement of the farmers and farm organizations of the country. The President is given until the 1st of September, 1925, to make the lease. Some one has suggested that that is not sufficient time. Every chemical fertilizer and power interest and other persons who would likely be interested in making such a lease have been considering and studying Muscle Shoals from every angle for at least three or four years, and are now in possession of all the facts they would need in submitting an offer to lease. There are many persons in the service of the Government and out of the service who are experts and are familiar with every feature that would be involved in such a lease whom the President could call to his assistance. So it would seem that the six months provided for in the bill would be ample time. However, this is a matter which can be considered by the conferees.

The power from Dam No. 2 will be available the 1st of next July and should net the Government something like $2,000,000 a year if this bill is enacted into law and a lease is made. Some one will say that the Secretary of War could lease it temporarily without further authority. However that may be, it should not be done. The Government could get a much greater rental for a long-time permanent lease than a short one. If a temporary lease is made the lessee would no doubt be some water-power company opposed to the operation of the nitrate plants for the manufacture of fertilizer and would get its clutches upon this water power and install its transmission lines and make it difficult, if not impossible, to bring about in the future an operation of the plants for the manufacture of fertilizer as is provided for in the Senate amendment. The fertilizer trust and water-power monopoly, with their powerful lobby which has been around the Capitol for the past four years, and is still here, tried to prevent the passage of the Ford bill by the House, but failed after a two years' contest. The same interest and lobby aided in killing the Ford bill by preventing it from coming to a vote in the Senate at the last session of Congress. They have tried from the day the Underwood bill was introduced to defeat its passage by the Senate, but failed. Mr. John I. Tierney, assistant to the president of the National Fertilizer Association, sent out to its members from their headquarters in Washington, December 13, 1924, Bulletin No. 146, in which it is stated—

> With the support of the administration influence behind him, Senator UNDERWOOD is driving through his Muscle Shoals bill, and at present writing it looks as though he will command a majority when final vote is taken in the Senate. The bill as it stands is little, if any, improvement over the Ford bill, and so far as the fertilizer industry is concerned it is fully as objectionable. It is suggested that southern members especially wire their Senators to protest against this menace to the fertilizer industry.

This association would like for these nitrate plants to continue to stand idle and rust out in order that the Fertilizer Trust and monopoly may not be interfered with. This same interest undertook to have this whole subject referred to a commission to investigate and recommend to Congress what Congress should do with Muscle Shoals. This, of course, would have meant nothing but delay and defeat of this legislation. This is the same interest that was invited at the beginning of this administration to submit offers for the Muscle Shoals development and replied that they were not interested and advised against the expenditure of any more money or any further development at Muscle Shoals. Work was then discontinued for one year for the want of funds. In the meantime Henry Ford submitted his offer and immediately thereafter the fertilizer and water-power interests changed their views overnight, and one of their principal objections then made to the Ford offer was that he had not offered enough. Another was that he could not make fertilizer at Muscle Shoals, and in the event he could, he would not make enough to amount to anything. If that were true, we wondered why they were interested in opposing his offer. As the hearings on this subject proceeded before the committees of Congress it was clearly proved and demonstrated by fertilizer experts, both favoring and opposing the Ford offer, that with cheap water power at Muscle Shoals taking the nitrogen from the air by fixation of atmospheric nitrogen, phosphate from mines near by with inexhaustible quantities, coal, limestone, and all other raw materials in close proximity to Muscle Shoals, that fertilizer could be made there from one-third to one-half cheaper than existing prices. It was also conceded that the price of fertilizer made at Muscle Shoals would control the price of all fertilizer used by the farmers. This would amount to a saving of at least $175,000,000 annually to the farmers of the United States.

Stocks in the Chilean nitrate industry went up immediately when Ford withdrew his offer, as shown by the following article from the Wall Street Journal:

CHILEAN NITRATE OUTLOOK—FORD'S WITHDRAWAL OF MUSCLE SHOALS OFFER RESULTS IN BOOM TO CHILEAN INDUSTRY

SANTIAGO, CHILE.—Henry Ford's withdrawal of his offer to take over the Muscle Shoals project has resulted in a considerable boom in the Chilean nitrate industry. Chile is the greatest nitrate producer in the world, and the United States is her principal customer. With Ford in control of Muscle Shoals on an announced program of making vast quantities of nitrate from the air, Chilean producers saw ruin ahead of them. Nitrate shares in London rose from two to three points as soon as news of withdrawal of the Ford offer was received.—(From the Wall Street Journal, October 22, 1924.)

So it seems that the prospect of the operation of Muscle Shoals by Henry Ford for the manufacture of fertilizer had a very depressing effect upon the Chilean nitrate industry and they very naturally rejoiced when the Ford offer was withdrawn. [Applause.]

Now, their last chance to prevent the will of the majority of both Houses of Congress from being enacted into law before this session ends March 4 is to refer the Senate amendment to the Military Committee for further hearings and rehash all that has been heretofore stated before the committee amounting to volumes.

It is vitally important for many reasons that this bill be sent to conference without further delay in order that it may be perfected and agreed upon and enacted into law before the 4th of March. If not, it will have to be gone over and rehashed and worked over by the next Congress. It has already been before Congress too long and should not take up the time of the next Congress. The Senate amendment, which is a substitute for the Ford bill, dedicates the nitrate plants at Muscle Shoals and Dam No. 2 to the manufacture of fertilizer in times of peace and the manufacture of explosives in time of war, in accordance with the national defense act approved on the 6th day of June, 1916, which authorized this development.

One of the efforts of the water-power interests and their lobby has been to try to induce Congress to abandon the purpose of the Government to use it in this way, and convert it into a great superpower system, but both Houses of Congress have decided otherwise.

I would call the attention of my Democratic colleagues, especially from the South, that we have a Republican President from New England, who in his recent address to Congress recommended and urged that this great development, located in the center of the Southland, be not only completed, but that it be operated for the manufacture of fertilizer for the benefit of agriculture. The Senate amendment carries out his recommendations. So it seems to me that every Representative, especially from the South and other agricultural districts, which require and use fertilizer, should give this measure his hearty and unanimous support. [Applause.] Of course, the advantages accruing to agriculture would enure to every class of the American people.

The operation of the plants under the provisions of the Senate amendment would produce at least 2,500,000 tons of fertilizer per annum, thereby increasing the supply and reducing the price, inuring to the benefit of the farmers not only of the South but every other section of the country.

This water-power Dam No. 2 was built to generate power with which to operate the nitrate plant for the manufacture of war material and fertilizer. It is not a water-power development in the ordinary sense of the word for industrial and commercial purposes.

The Senate amendment authorizes the construction by the President of the other power dam, No. 3, at Muscle Shoals, as did the McKenzie bill and the Norris bill, but does not undertake to make any disposition at this time of the power to be created by this dam. However, the construction of this dam will complete the development of all the water power at Muscle Shoals, adds primary power to Dam No. 2, and removes all obstructions to navigation on the Muscle Shoals section of the Tennessee River. The Government will have no difficulty in disposing of the power from this dam for industrial purposes at a price that will give the Government a good return on the investment.

The original Underwood amendment (section 4) limited the profit on the fertilizer manufactured either by the Government or lessee at 8 per cent of the fair annual cost of production, this being the same provision that was in the Ford bill. This feature of the original Senate amendment was amended so as to limit the profit on the fertilizer to 1 per cent on the cost of production. While the fertilizer should be sold at a fair and reasonable price, so as to enable the farmers to secure a good grade of fertilizer at a reasonable price, still the price or amount of profit fixed in this bill should not be such as to prevent the President from making a lease and preventing private operation, nor at such a rate as would make operation by the Government impossible in the event of such operation on failure to make a lease. This can and should also be worked out by the conferees.

However, the Senate amendment requires the surplus power from Dam No. 2, not required under the terms of the amendment for the manufacture of nitrates for fertilizer, shall be sold for distribution. The rates charged for same are to be regulated by the public utilities commission of the State in which it is sold, and in the event there is no such State public utilities commission then by the Federal Power Commission. And in the event unreasonable, discriminatory, and unjust rates are fixed the same shall be regulated by the Federal Power Commission where rates and charges of payment constitute interstate commerce.

The farmers have grown tired, impatient, and somewhat disgusted, and do not understand why Congress can not settle this question and put the plants into operation for the manufacture of fertilizer.

I do not know to whom the President will make a lease. No American citizen or American owned and controlled company or corporation is barred under the provisions of the Senate amendment. Personally, I would like to see it leased to Henry Ford, for I believe that he and his company would utilize this property to a greater advantage to the American people at large, and especially the farmers, than anyone else to whom it could be leased. We expect to make an effort to get Mr. Ford interested again in Muscle Shoals when this bill is enacted into law and negotiate with the President for a lease. [Applause.]

Mr. SNELL. Mr. Speaker, I yield four minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Speaker, were it not for the fact that I took an entirely different position of this Muscle Shoals matter from the position taken by the chairman of the Committee on Military Affairs, Mr. MCKENZIE, and by some of those gentlemen who to-day are urging the passage of the rule, I should not take up the time of the House on this question. I was one of those on the Military Affairs Committee opposing the Ford offer, who were afterwards in the House steam-rollered. We were not steam-rollered in the committee, but after seven days' fight against the so-called Ford proposition we were absolutely wiped out, although the Ford proposition now seems to have shared the same fate in the Senate, so that our labors were not in vain. I do not feel any apprehension in voting for this rule for fear that this House will

ever pass any measure reported by any conference committee that does not have in mind the essentials of fertilizer in time of peace and nitrates in time of war. I agree entirely with what the gentleman from Tennessee [Mr. GARRETT] said on that subject.

I do not think there is any use of sending this bill back to the committee. You send it back to the committee and you open up the chance for new hearings on questions which have been exhausted, as everybody who had anything to say on this subject has repeated it dozens and dozens of times, and the time has come when some final disposition should be made.

On the conference committee from the House naturally there would be the chairman of the Committee on Military Affairs, the ranking Republican Member, and the ranking Democratic Member. The chairman of the committee on the floor of the House operated the steam roller when the bill was passed. The now ranking Member, the gentleman from Pennsylvania, Mr. MOHIN, who would also be on the conference committee in the event you send it to conference, was in charge of the fight against the Ford offer and the position taken by the chairman of the committee, and I stood with Mr. MOHIN, so that if we send it to conference you will have the two points of view adequately represented. Mr. QUIN'S views are known to all of you. He undoubtedly would oppose any measure which did not provide adequately for the production of fertilizer in time of peace and nitrates in time of war. I think the time has come when this matter should be finally disposed of, and the only reason I speak on this rule is that I think on the general proposition as advocated by those who favor the rule we should send this to conference and get the matter settled in the interest of the national defense and fertilizer. [Applause.] I yield back the remainder of my time.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, the time at my disposal will not permit me to do more than merely to outline my position.

The McKenzie bill, the House bill, dealt only with the Ford offer for Muscle Shoals. The Ford offer having been withdrawn, the House bill, for all practical purposes, stands disposed of and will not be considered by the conferees. This will leave the conferees to consider only the Senate bill—the Underwood bill. For this reason, I believe that to send the bill to conference will result in the adoption of the Senate bill with only unimportant amendments.

I feel that the Senate bill does not sufficiently safeguard the production of nitrates for fertilizer, and that under it probably no nitrates at all will be produced. It is quite unlikely that any nitrates will be produced at a cost which would result in cheapening the price of fertilizer. As far as nitrates are concerned the bill is "a snare and a delusion."

I also feel that the adoption of the Senate bill will mean the delivery of Muscle Shoals to some branch of the Power Trust or to an affiliated interest, and that development under it will be carried on only to the extent that is forced by law, and that such development will be carried on in such manner as to avoid competition with the great power and fertilizer interests.

On the other hand, to recommit the bill to the committee may result in comprehensive amendments which will insure the production of cheap nitrates and the fullest development of Muscle Shoals in competition with the power and fertilizer interests.

Holding to these views, I am compelled to vote against the proposal to send the bill to conference, as the defeat of that proposal will result in sending the Senate bill to the Committee on Military Affairs for consideration.

Let me say to you in all frankness that if the alternative were presented of taking the Senate bill or leaving the disposition of Muscle Shoals over until the next Congress, I would without hesitation say that I would leave it to the future to decide. [Applause.] I do not want to appear extreme, gentlemen, but let me say that I know something of power conditions as they are in Alabama to-day, and I would rather the Tennessee River should roll on unharnessed for the next 50 years than for Muscle Shoals to be turned over to a power corporation which would use it so that it would not benefit the people but merely add to its strength and capacity for evil and as a means of further oppression and exploitation. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, did the gentleman from Ohio exhaust his time?

The SPEAKER pro tempore. The gentleman from Tennessee has 22 minutes remaining.

Mr. SNELL. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER pro tempore. The gentleman from New York is recognized for 10 minutes.

Mr. LAGUARDIA. Mr. Speaker, as I understand the purpose of a conference, it is to harmonize slight variations in like bills passed by the two Houses of Congress. In this instance you have two distinct, separate bills, and in the present situation the difference between the House and the Senate bills is beyond the scope of a conference.

Now let us be perfectly frank about this matter. What certain gentlemen in support of the proposal to send this bill to conference are seeking to do is simply to avoid the test on the question whether we shall have private operation or Government operation. Muscle Shoals is equal to if it does not surpass in magnitude and importance the Panama Canal, and our predecessors did not hesitate a moment in turning the canal over to Government operation.

Ah, gentlemen, you can use this plant to its utmost capacity for the manufacture of fertilizer and still you will have the greatest power plant in the whole world. And that is the reason for the maneuvering, the legislative tactics, and the strategy that is being displayed to send it to a conference of six men when we are hopelessly divided between the House and the Senate.

The gentleman from Tennessee [Mr. GARRETT], the distinguished leader of the minority, has four important amendments: One to guarantee the maximum amount of fertilizer; second, the duration of the lease; third, the creation of an advisory board; and fourth, the completion of Dam No. 3.

Mr. GARRETT of Tennessee. I will say to the gentleman that the latter is in the bill.

Mr. LAGUARDIA. That makes three very important, vital amendments; and yet the gentleman from Tennessee urges us to send the bill to conference.

Why, when the bill was before us before, we had one specific proposition, with a definite lessee to consider, and the personality of the lessee overshadowed the whole question, and the House passed the bill and sent it over to the Senate. The Senate at three different stages in the consideration of the bill changed its attitude, and finally the present bill comes to us. Unlike the gentleman from Alabama [Mr. HUDDLESTON], who says he does not want to appear as extreme on this matter, I am extreme on this matter. That is, I have definite and fixed views on the subject of the conservation of our natural resources and their utilization for the benefit and equal enjoyment of all of the people.

I say that the policy of the control of water power must be sooner or later decided by Congress. The quicker we decide to take God's gift to the people of America and operate it for the enjoyment of all of the people instead of for the profit of a private corporation, the better it will be for the people of this country. [Applause.] I do not want to hesitate. I am ready to go on record for the Government operation of Muscle Shoals to-day.

Mr. ALLGOOD. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ALLGOOD. Does the gentleman represent an agricultural district?

Mr. LAGUARDIA. No; but I represent a district that is dependent upon agricultural districts, and the question of food is just as important to us as it is to your district, I will say to my colleague.

Mr. ALLGOOD. Are not the gentleman's people continually complaining about the high prices of food?

Mr. LAGUARDIA. Yes, they are; but if we want to benefit the agricultural districts of this country we should operate this great plant, the greatest of its kind in the whole world: we should let the Government of the United States operate it and not a private company.

Mr. ALLGOOD. Then why is the gentleman continually standing between his people and that relief?

Mr. LAGUARDIA. I will say to the gentleman that I am not in favor of turning this over to any favored, already selected lessee, because if that is done it is not going to benefit your people or my people.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. I was wondering whether the gentleman from New York is in favor of fixing the price of farm products and foodstuffs the same as he is housing prices?

Mr. LAGUARDIA. Well, I am willing to so legislate as to give the farmers of this country as well as the consumers of this country some benefit out of this great natural water-power project.

Mr. BLANTON. But a little on the inside to the consumers?

Mr. LAGUARDIA. I am willing to give the benefit to the farmers.

Mr. RATHBONE. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RATHBONE. Taking into consideration the freight rates we now have, is the gentleman able to inform us within what radius of miles from Muscle Shoals any fertilizer there produced could be bought by farmers and used?

Mr. LAGUARDIA. Oh, I suppose they are going to manufacture it in tabloid form and send it by parcel post. [Laughter.]

Mr. RATHBONE. May I ask the gentleman within what radius of miles, in his judgment, would this be a practical proposition as a fertilizer producer and used by the farmers of the country as such?

Mr. LAGUARDIA. The gentleman from New York is more concerned at this moment as to what radius of miles from the National Capital is the lessee that is to take this proposition and is ready to take it up as the matter is now before the House. The details of the operation of the plant are not before the House at this time, but the proposition is whether you are going to take the greatest water-power project in the whole world and after this country has spent millions of dollars upon it turn it over to private operation?

Mr. BANKHEAD. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BANKHEAD. In order that we may clearly understand the gentleman's position, I understand he is in favor of the use of this plant for the manufacture of fertilizer?

Mr. LAGUARDIA. Yes.

Mr. BANKHEAD. But that the gentleman is distinctly opposed to the private operation of that plant under any circumstances and favors Government operation.

Mr. LAGUARDIA. Absolutely, unequivocally, and definitely at all times. I base that upon our country's experience with natural resources and the manner they have been exploited for private profit. Gentlemen, the question of conservation and control of water power is fundamental, and it is squarely before us. We shall have to solve it. The sending of this bill to conference will no more solve that problem than the repeal of the Missouri compromise solved the slavery question. The manner in which this important bill is being treated forces the comparison. We have got to face the question and decide it real soon. Why not now? If you give away this gift of God; if you hand over this great undertaking down at Muscle Shoals to a private lessee—and it has already been suggested 50 years is not long enough—once you turn it over you will never get it back. I dread to contemplate the condition of this plant in case of an emergency and the Government of the United States would require it for the manufacture of explosives. It is admitted that in case of an emergency the Government is to take it over on five days' notice. You concede you will not trust this great explosive plant in the hands of a private operator in the event of an emergency, yet you are willing to turn it over for 50 years or more, as has already been suggested, and run the risk of taking it over in the hour of need, when it may be entirely dismantled or disarranged for the very purpose you seek to conserve it.

I fail to see how six men would be able to bring out a bill that will be at all satisfactory and contain all the safeguards it should contain, because, as the gentleman from Texas [Mr. BLANTON] has pointed out, when the conferees report we shall have to either accept or reject their recommendation. I can only see a sacrifice of the people's right or indefinite delay by the procedure here proposed. The distinguished chairman of the Rules Committee said that if this were a corporation it would turn the matter over to its board of directors. That is true, but if a board of directors of any corporation intended disposing of corporate rights or property, the board of directors, under the laws of every State in the Union, would not have such power; they would have to submit such a proposition to the stockholders. Here we delegate our rights, duties, and obligations to a conference of three members.

Mr. SNELL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SNELL. Can any action be taken without submitting it to the House for its approval?

Mr. LAGUARDIA. Of course not.

Mr. SNELL. And that is submitting it back to the board of directors, just exactly as I suggested.

Mr. LAGUARDIA. But the gentleman knows the practical situation?

Mr. SNELL. I think I do.

Mr. LAGUARDIA. I am sure the gentleman does and there is no doubt about it, because he is steering it into conference. But when the conference report comes back we shall either have to vote for it or reject it, and then at the last moment we shall have an appeal made for the poor farmers again; we shall be told to vote for it and we shall be told that unless we do vote for it we are not going to help the farmers. Then the conference report will be adopted and a permanent irreparable injury inflicted on the people of our country. In a few years to come we shall be ashamed of our action. If this project goes to private operation what we say here to-day will soon be forgotten, but Muscle Shoals will be a monument to the lack of vision on the part of the Sixty-eighth Congress. [Applause.] In closing permit me to say that I can understand the anxiety of my colleagues coming from the locality in which this plant is located. If I for a moment thought private operation would produce the amount, quantity, and quality of fertilizer at as reasonable price as is anticipated, I would not for a moment delay the proposition, but just as sure as I am standing here I am convinced that private operation will result in nothing but a delusion for the farmers of this country who have been fooled so many times. Private operation will mean the absolute control of the industry, the commerce, yes, the finance, and the very lives of the people of that region of the South. Gentlemen, 10 years is not a long time. In 10 years from now if this plant falls into the hands of some power company or allied interests or any individual, let us then compare what has been said on the floor of this House to-day and when the House bill was under consideration. I repeat, I stand unequivocally for the conservation of our natural resources, for the absolute control and operation of every bit of water power that God in his generosity to America has given for the enjoyment of our people.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HILL].

Mr. HILL of Alabama. Mr. Speaker and gentlemen of the House, I concur in the spirit and intent of the remarks of my distinguished leader, the gentleman from Tennessee. I regret to find myself in disagreement with my able colleague from Alabama. He has denounced the Underwood bill; but let me say to you, gentlemen, that we are not considering the Underwood bill; we are not sitting in judgment on that bill; we are merely passing upon the proposition as to whether we shall send that bill to conference or whether we shall send it to committee. The gentleman from Alabama denounces that bill and then rather proceeds to presume that the conference committee, if that bill is sent to conference, will report that bill in its present form. I indulge in no such presumption. I know that if that bill goes to conference the conferees will have before them the act which provided for the building and the establishment of the great project at Muscle Shoals. That act laid out the intent of Congress, namely, the use of the great project for national defense and for the manufacture of fertilizer, and that intent has not been changed.

I know, too, that these conferees will have before them the intent of this House as embodied last year in the McKenzie bill, the bill for the acceptance of the Ford offer, and I know that that bill embodied the great proposition of keeping the project at Muscle Shoals for national defense and for the manufacture of fertilizer; and I know further that the distinguished leader on the Democratic side of the House has in very diplomatic terms told the conferees—and in telling them I believe he has spoken for the overwhelming majority of the Democratic membership—that if these conferees bring back a report that does not embody the national defense and the fertilizer guaranty that certainly, so far as the majority on the Democratic side of the House is concerned, that conference report will be voted down. [Applause.]

Gentlemen, we are face to face with a practical proposition. We are not indulging in theories but we are dealing with a practical situation. My distinguished colleague from Alabama would send this bill to committee, and that would mean no action on Muscle Shoals so far as this Congress is concerned.

Mr. BANKHEAD. And the gentleman from Alabama, I understand, is a member of that committee.

Mr. HILL of Alabama. I am, sir, a member of that committee.

What I would do would be to send this bill to conference, in an earnest, honest effort to get a bill out of that conference that embodies the fundamental principles we desire, and then if that conference report does not embody the great principles of national defense and the manufacture of fertilizer this

House can and should vote the conference report down. [Applause.]

Send the bill to the committee and we have nothing before us; all is lost, all is gone. Send it to conference and at least we have the hope—yea, more, we have the expectation—that this Congress may settle this great problem. [Applause.]

I believe it is the duty of this Congress, if it be possible, to settle this great problem of Muscle Shoals before it adjourns on March 4. For five years this question has been pending in Congress. For five years the farmers of the country have been looking to Congress to give them, through the proper disposition of Muscle Shoals, relief from the oppressive cost of their fertilizer. For five years the people of the country have waited for Congress to make sure this mighty project as a great powderhorn for the defense of the Nation. Just five years ago there was introduced into Congress the first bill providing for the disposition of Muscle Shoals. This bill was known as the Wadsworth-Kahn bill. It passed the Senate in May, 1920, but failed of enactment when Congress adjourned on March 4, 1921, without the House having considered it. On April 2, 1921, Gen. Lansing H. Beach, Chief of Engineers, asked for bids for the lease or sale of Muscle Shoals. On July 8, 1921, Mr. Henry Ford made his now famous offer.

This offer was followed from time to time by other offers, such as the Parson's offer, the Alabama Power Co. offer, the Hooker-White-Atterbury offer, the Union Carbide offer. On March 25, 1922, a joint committee of the Senate and House made a visit to Muscle Shoals to personally investigate the plants, dam, shops, and property there. On June 9, 1922, the Military Affairs Committee of the House reported to the House the McKenzie bill, providing, in substance, the acceptance of the Ford offer. This bill died on March 4, 1923, when the Congress adjourned without the House ever having considered the bill. The McKenzie bill was reintroduced in the present Congress when it convened on December 4, 1923, was favorably reported by the Military Affairs Committee of the House, and passed the House on March 10, 1924. This bill authorized and directed the Secretary of War to accept the Ford offer. It went forthwith to the Senate, but failed to receive the consideration of that body before the adjournment of Congress on June 7 last. As we well know, last October Mr. Ford recalled his offer and withdrew completely from the consideration of Muscle Shoals. I was one of those who supported the Ford offer. I defended it from the attacks of its enemies in the Military Affairs Committee, of which I am a member, and on the floor of this House. I urged its acceptance by the Government. I fought its fight. I plead its cause. [Applause.]

I believe that it was the greatest offer ever made by a citizen to his Government. If it were here to-day, I would still be urging its acceptance. I would still be fighting for it. But it has been definitely and positively withdrawn. It is gone, and I have no power to recall it. I now want this House to pass the best bill it can, a bill that will embody the principles of the Ford offer, that will absolutely guarantee the manufacture of nitrate for explosives in time of war and for fertilizer in time of peace. If the conference report does not embody these principles and provide this guaranty, I shall not vote for it. I pray that the conference report will embody these principles and provide this guaranty, for there is danger that if the present Congress does not dispose of Muscle Shoals it may forfeit the right of Congress to dispose of it. The Judge Advocate General of the Army has held that under section 124 of the national defense act the Secretary of War has the authority to lease or sell the power at Muscle Shoals. On July 1 next the great Wilson Dam will be completed and there will be ready for distribution at Muscle Shoals nearly 200,000 horsepower. Any sale of this power by the Secretary of War, if it did not actually prevent the Congress from disposing of the Muscle Shoals project, might well embarrass or seriously shackle the Congress in making disposition of the properties.

Section 124 of the national defense act passed by Congress in 1916 not only provided for the construction of the Muscle Shoals project but it dedicated that project to the national defense and to the service of the farmer. Under that dedication the people of the United States have already expended nearly $150,000,000 on Muscle Shoals. That dedication should remain, and the Congress should never permit the great enterprise to be diverted from its original purposes and converted into a power project. [Applause.]

To-day the people of the United States are expending millions of dollars to make guns, to build battleships, to fortify our coast defenses, to construct airplanes, to maintain our Army and our Navy, and yet we are almost entirely dependent upon Chile to supply us with the nitrogen which we must have if any of our arms and defenses are to be worth anything at all to us—if we are to fire a single gun. Nitrate is needed in every form of ammunition used by our Army and our Navy. The United States has no natural supply of fixed nitrogen, and with the exception of the great plant at Muscle Shoals we have practically no plant with which to take it from the air.

During the World War we commandeered every available merchant ship that was on the seas; we secured the German and Austrian interned ships; we took over Dutch steamers, and chartered Scandinavian and Japanese tonnage. It required every available merchantman that we could find to carry our troops to the front line, to supply them with food and munitions of war, and to move the commerce of the United States; yet in that dire necessity we were compelled to use nearly one-third of our entire merchant marine to bring over the 4,000-mile route from Chile the nitrate to make powder and the explosives without which we were utterly helpless to make war. Let us not forget that the first real naval battle of the World War was fought in December, 1914, off the coast of Chile, when the British and Japanese gunboats intercepted the German fleet endeavoring to give protection to German merchantmen coming out from Chile with their cargoes of Chilean nitrate. If in the days preceding the war Germany, seeing the handwriting on the wall, had not stored in her arsenals great stores of Chilean nitrate and partially provided for a supply of nitrogen from the air, she would have been defeated before the end of the first year of the war. Fortunately for us our Navy in conjunction with the British and Japanese Navies kept open our lines of communication with Chile, and we were able to secure the necessary nitrate for the winning of the war.

As much as we of America hate war, who can say when we will again be forced into war? If we are, who knows that our Navy will be able to keep open our lines of communication with Chile? If our Navy can keep those lines open, who knows that Chile will not assume a neutral position and refuse to let us have any nitrate? It is our solemn duty, gentlemen of the House, as the representatives of the people, charged under the Constitution with the responsibility of the defense of the Nation, to make ready for the national defense that great nitrate plant at Muscle Shoals. It is foolish, yea, more, it is a crime for us to spend millions of dollars, earned by the sweat and the toil of the people of this country, for battleships and forts and airplanes and armies when all of these instruments of warfare are naught without gunpowder. [Applause.]

The great plant at Muscle Shoals with its capacity of 40,000 tons of pure nitrogen a year would supply the nitrate needed in actual warfare for the ammunition of 12 Army divisions, which is three times the number of divisions in our present Army. This great plant must be preserved and maintained as the powderhorn of our Nation. [Applause.] Its successful operation will insure the construction and operation in this country of similar plants.

It has been well said by an ancient philosopher that there are only two great forces that destroy national life; one is an invading army and the other is the depletion of the soil. Invading armies wipe out peoples and civilizations. Depletion of the soil makes it impossible for peoples and nations to sustain life in their habitat. They move on as in times gone by the people of Greece moved to the more fertile lands of southern Italy. In soil depletion lies the tragic story of the fall of Babylon, of Greece, of Rome. Strange as it may seem, by Divine Ordinance the element which is used to destroy life is the element which gives life. The nitrogen which makes the gunpowder also brings forth the products of the field.

President Coolidge in his message at the opening of the present session of Congress spoke to us as follows:

> The production of nitrogen for plant food in peace and explosives in war is more and more important. It is one of the chief sustaining elements of life. It is estimated that soil exhaustion each year is represented by about 9,000,000 tons and replenishment by 5,450,000 tons. The deficit of 3,550,000 tons is reported to represent the impairment of 118,000,000 acres of farm lands each year. To meet these necessities the Government has been developing a water-power project at Muscle Shoals to be equipped to produce nitrogen for explosives and fertilizer. It is my opinion that the support of agriculture is the chief problem to consider in connection with this property.

President Coolidge recognizes that we have overrun our last frontiers and placed under cultivation practically all of our arable lands. He recognizes that we are gradually depleting our soil. He knows that self-preservation demands that we stop this depletion. He knows the pressing need for fertilizer

and he knows that this is not a sectional question. Formerly, the southern farmer was the only one to buy commercial fertilizer, but to-day the farmers of Ohio buy more fertilizer than do the farmers of Florida. Missouri buys more fertilizer than Louisiana and Michigan more than Tennessee. From 1909 to 1919 Alabama farmers increased their expenditures for fertilizer 80 per cent, while the farmers of Iowa increased 400 per cent, Oregon 600 per cent, Montana 900 per cent, North Dakota 1,000 per cent, and Oklahoma 1,400 per cent. It is estimated that if the increase for the country during the next 10 years is only 80 per cent of what it was for the last decade by 1930 our annual fertilizer bill will amount to more than $800,000,000.

The operation to its full capacity of the great plant at Muscle Shoals assures the production of an amount of fertilizer equivalent to 250,000 tons of Chilean nitrate, or equal to 2,000,000 tons of 2-8-2 commercial fertilizer. This amount of nitrate is equal to the entire annual import from Chile used by American agriculture before the World War. We find that during the fiscal year ended June 30, 1923, American farmers paid the Chilean Government $11,241,890.94 as a tax simply for the privilege of buying necessary nitrate from that country. If the establishment of the nitrogen industry at Muscle Shoals resulted in nothing more than in eliminating the export duty collected by Chile for the privilege of purchasing nitrate in that country, it would pay to American farmers and consumers a dividend each year of more than 5½ per cent on $200,000,000. But authorities everywhere declare that the operation of the great nitrate plant at Muscle Shoals will reduce the cost of fertilizer one-half. The annual expenditure of the farmers in this country for fertilizer over the past five years has been, in round numbers, $300,000,000 a year. Cutting this bill in half would save the farmers of this country $150,000,000 a year. In my State of Alabama we have important iron and steel industries, and Alabama is a large producer in the coal and coke industry, and Alabama's textile industry grows yearly, but Alabama, like every other State in the Union, is without the nitrogen industry.

The operation of this plant at Muscle Shoals would establish in Alabama the nitrogen industry, without which no nation can consider itself safe in time of war and without which no nation can preserve and increase the soil fertility of its lands. Resting on every acre of land there are 33,800 tons of nitrogen in the atmosphere. This plant would "fix" the nitrogen; that is, it would take the nitrogen from its gaseous form in the atmosphere and combine it with other substances so farmers can use it. In 1920 Alabama farmers paid $14,066,108 for about 388,000 tons of fertilizer, and in 1910 they paid $7,630,952 for about 425,000 tons—that is, strange as it may seem, they paid 84 per cent more money for 8 per cent less tonnage. When Alabama farmers can get this fertilizer for one-half of what they have been paying for it in normal times they will double and treble their purchases, and by so doing will double and treble their production per acre.

Mr. Speaker, when the McKenzie bill for the acceptance of the Ford offer was being discussed on this floor its opponents were loud in their claims that all the prospective benefit to the farmer in the reduction of the cost of his fertilizer through the acceptance of the Ford offer was a vain hope, based on widespread misrepresentation. When the gentleman from Illinois [Mr. McKENZIE] had concluded a masterful speech, that will be long remembered by Members of this House, there arose the gentleman from Ohio [Mr. KEARNS], who declared with great emphasis that the arguments in favor of the Ford offer based upon obtaining cheaper fertilizer for the farmers were misleading and false, and that the representations of the American Farm Bureau Federation and others predicting important savings to the farmers as a result of the operation of the Muscle Shoals project under the Ford offer were absolutely untrue from one end to the other.

Mr. Speaker, those arguments that cheaper fertilizers could be had at Muscle Shoals were based upon the declarations of experts, who knew far more of the possibilities of the project than did the gentleman from Ohio, and the truthfulness of their opinions was strikingly demonstrated when Henry Ford withdrew his offer.

If any of the great interests had reason to inform themselves of the facts about the production of nitrates under the Ford offer, certainly that interest was the Chilean Nitrate Producers Association. They knew the facts not only about the Ford offer but as to every other offer that came before the committee. What was the result? What was the testimony of the nitrate industry itself? Mr. Speaker, these are the facts:

The rejection by the committee of all offers except the Ford proposal produced not the slightest flurry of interest or excitement either in the Chilean fields or in their London security markets, but when the official announcement was made that the Ford offer had been withdrawn the rejoicing in the Chilean nitrate industry produced nothing short of a boom both in Chile and in London.

Let me read to the House a statement from the Wall Street Journal which appeared a few days after the withdrawal of the Ford offer:

CHILEAN NITRATE OUTLOOK—FORD'S WITHDRAWAL OF MUSCLE SHOALS OFFER RESULTS IN BOOM TO CHILEAN INDUSTRY

SANTIAGO, CHILE.—Henry Ford's withdrawal of his offer to take over the Muscle Shoals project has resulted in a considerable boom in the Chilean nitrate industry. Chile is the greatest nitrate producer in the world, and the United States is her principal customer. With Ford in control of Muscle Shoals on an announced program of making vast quantities of nitrate from the air, Chilean producers saw ruin ahead of them. Nitrate shares in London rose from two to three points as soon as news of withdrawal of the Ford offer was received. (From the Wall Street Journal, October 22, 1924.)

The people of Chile rejoiced when Henry Ford withdrew his offer. They knew that he would cut in half the cost of fertilizer, and that the price of Chilean nitrate would likewise be reduced. The statement tells the tale.

Let us send this bill to conference and let that conference bring out a report embodying the principles of the Ford offer. [Applause.]

For those who are concerned about the power at Muscle Shoals and its use for lighting and industrial purposes rather than for national defense and for fertilizer, let me say that the maximum amount of power that it has been estimated will be required to operate the great plant at Muscle Shoals and to produce the 2,000,000 tons of fertilizer annually is 260,000 horsepower. Thus when the great project at Muscle Shoals is completely developed some 600,000 horsepower is left for lighting, industrial, and other uses. Let me say furthermore that the United States Engineers in a survey of a part of the Tennessee River have estimated that in addition to the great horsepower at Muscle Shoals there is 3,000,000 horsepower available on that part of the Tennessee.

The rivers and harbors bill which we passed in this House several days ago provides for a survey of the rest of the Tennessee River, which survey will doubtless disclose more thousands of horsepower. Besides the power at Muscle Shoals and on the Tennessee we have in Alabama the great power on the Coosa, Tallapoosa, and Little Rivers, and the Alabama Power Co. has formally and publicly announced that it has formulated plans for the distribution of this power throughout Alabama, and even in the States of Mississippi and Florida. I am confident that the day is at hand when every town and village in Alabama will have all the power that it needs.

Gentlemen of the House, Germany, France, England, and Japan are this day operating plants that take the nitrogen from the air for national defense and for the farmer. These countries have given their people independence from Chile in time of war, and they have freed their farmers from the exactions and the extortions of the Chilean Nitrate Trust. I, with eight of my nine colleagues from Alabama, am asking you to send this bill to conference with the hope, yea, with the earnest prayer, that the conferees will report to this House a bill that will make our people secure in their national defense and independent of Chile, that will free our farmer from paying tribute to a foreign government, that will lighten his burdens, and be a blessing to the great toiling masses of America—to all who lift their heads and pray "Give us this day our daily bread." [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. Mr. Speaker and gentlemen of the House, to my mind the question before the House at this time involves something more than merely a "practical proposition." It involves a fundamental matter of principle. In Muscle Shoals we have an investment of $150,000,000 of the people's money. We have created and built the most magnificent dam the world has ever known. It will develop 600,000 horsepower throughout the year when Dam No. 3 is finished. It is the largest individual unit plant to be found anywhere.

We are proposing now to send this bill to conference, with every word of the House bill stricken out, and a Senate measure substituted almost as objectionable as the House measure itself. Those of you who are advocating the Muscle Shoals development as a fertilizer proposition are on the wrong trail if you are going to accept the Underwood amendment as a substitute for the House bill. It no more guarantees to you the continuous manufacture of fertilizer than did the Henry

Ford proposal. Neither guarantees anything at all worth while along the fertilizer line. This is practically conceded upon this floor by the supporters of the Underwood amendment.

I am one of those who believes that fertilizer ought to be manufactured at Muscle Shoals; but, Mr. Speaker, you can read the reports and the hearings from end to end without discovering a single fact or set of facts that will establish any sound ground for believing that we can manufacture nitrate there in competition with the imported product. On the contrary, it is established that nitrate from Chile can be laid down at our ports of entry at less cost than it can be produced at Muscle Shoals. What does the Underwood bill mean? It means that after the expiration of five or six years the lessees can abandon the manufacture of fertilizer, as they will, because they can not manufacture it cheaply enough for anybody to buy. You will have nothing left but a power plant in the hands of a great corporation that will use it purely as a money-making proposition and not for the purpose of reducing rates.

The Government can take this great plant at Muscle Shoals, which will develop from 600,000 to 750,000 horsepower, and undersell the current of the Alabama Power Co. by 50 per cent, and inside of 50 years, notwithstanding the extravagant cost of the plant, retire the entire amount invested and put it back in the Federal Treasury. With the capital cost out of the way, current could either be sold at cost or at a price which would make the plant a profitable investment.

To my mind Muscle Shoals ought to be retained and operated by the American people. It belongs to them. They ought to continue their experiments in the production of fertilizer until a process shall be found, as it will be found, whereby the Government could use, say, 100,000 horsepower for that purpose, and manufacture not only 40,000 tons of nitrate annually, but twice that amount. Such a result may be expected if the plant is retained by the Government. It is unlikely if turned over to private lessees. The balance of the power should be used for the purpose of reducing rates on electric current and for the purpose of retiring the capital put into the plant by the American people.

I do not believe we are warranted in leasing this plant to a private corporation under any circumstances. I am not a believer in Government ownership and operation as such as a general proposition, but the best that can be done is to lease this plant so as to bring a return of 3 or 4 per cent annually on the investment. No part of the capital cost can be retired from the returns upon any lease the Government will ever be able to make. Nobody will pay a sufficient amount and at the same time guarantee to manufacture fertilizer.

Not only the South but the entire country is crying out against the Power Trust. Here we have a means of holding it in check by effective competition. And yet the very people who for years have complained against the strangle hold of the Alabama Power Co. in the South are now clamoring for a lease which, for the next 50 or 100 years, will help tighten that hold. We now have an opportunity to release that grip in the only way that experience has shown it can be released. That opportunity should not be thrown away.

Our water-power resources are a part of the Nation's birthright. We, as custodians of the public's interest, have no business frittering it away. This is especially true in the present instance because of the fact that your constituents and mine have already invested $150,000,000 in the Muscle Shoals project. They have a right to expect that we shall so manage it that it will serve the largest good. It should never become the instrument of exploiting the very people that it was built to serve. [Applause.]

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, there is just one question before the House and that is, Shall we send this bill to conference or shall we send same to our Military Affairs Committee? On that one fundamental question, strange as it may seem, I find myself in accord with our friend from Iowa [Mr. HULL], our friend from Alabama [Mr. HUDDLESTON], our friend from New York [Mr. LAGUARDIA], and our friend from South Dakota [Mr. WILLIAMSON]. That is a strange aggregation, is it not? [Laughter.]

But here is the parliamentary situation: This amended House bill came from the Senate and was put on the Speaker's desk on the 15th day of January last. Under the strict rules of the House it was the duty of the Speaker to send it immediately to the committee; but, of course, our practice here allows him to hold it on his desk for a reasonable time. That is to give the House an opportunity to agree to Senate amendments. The gentleman from Illinois [Mr. MCKENZIE] on that very day, January 15, 1925, asked unanimous consent that this bill be taken from the Speaker's table and sent to conference. That request was refused. The bill then ought to have been sent by the Speaker to the Military Affairs Committee. Yet it has been held on the Speaker's desk for 12 days when the rules of the House was that it should go to said committee. If it had been sent to the committee on January 15, 1925, all of us would have had plenty of time to have appeared before that committee, made our suggestions, and helped to whip the bill in proper shape by this time.

But here is the present situation: If you will now send the bill to the committee, the gentleman from Tennessee [Mr. GARRETT] can go to the committee and tell the committee just exactly what he wants put in the bill. The gentleman from Ohio [Mr. LONGWORTH] also can go and tell the committee just exactly what he wants put in the bill. The membership of this House can go to the committee and say we do not stand for this, and we do not stand for that, but we want these specific safeguards put in the bill. They can demand a hearing.

But you send the bill to conference, as this rule proposes, and nobody can go before that conference; it is behind closed doors. Our three House Members will meet three big, august, distinguished Senators on a bill where they have already cut from our House bill every page and paragraph and sentence except the enacting clause and put in the bill an entirely different proposition.

The gentleman from Alabama [Mr. HILL] says that if we do not like the conference report when it comes back we can vote it down and send the bill to the committee. He ought to know better than that. When you once send a bill to conference you can not then take it from the conferees and send it to the committee any more, for it is in conference. When you vote the conference report down you can then vote to instruct the conferees along certain lines and send it back to conference, but it does not go back to the committee except on motion of somebody, carried by a majority vote.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. BLANTON. Not just now; I have only five minutes.

Mr. HILL of Alabama. The gentleman has misquoted me.

Mr. BLANTON. Did not the gentleman say that we could vote down the conference report and send it to committee?

Mr. HILL of Alabama. No; I did not say that.

Mr. BLANTON. The gentleman from Alabama is correct. He did not say it, for I now have before me the reporter's notes and find that the following is the exact language of the gentleman, to wit:

> Now, what I would do would be to send this bill to conference in an earnest, honest effort to get a bill out of that conference that would embody the fundamental principles we desire, and then if the conference report does not embody the great principles of national defense and the manufacture of fertilizer, then this House can vote the conference report down. Send it to the committee and we have nothing before us—

And so forth.

I did not note the period just before "send it to the committee."

Now, gentlemen, do you not want to have something to say about the disposition of this $150,000,000 plant? That is what this is. Every man who knows anything about the plant will tell you that it could be worth $300,000,000. I am not for Government ownership; I am against it. But I want to protect this property for the people by proper legislation. There ought to be another safeguarding provision in the bill in addition to the splendid salutary suggestions made by the minority leader [Mr. GARRETT]. We ought to put in a provision that the plant shall be maintained and repaired and replaced if lost through the negligence by the lessee and not by the Government. You will remember that the Henry Ford bill provided that the people shall keep the dam gates and locks in repair and replace them if lost at the expense of the people. It should be at the expense of the lessee. Let us safeguard this bill. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Nebraska [Mr. SIMMONS].

Mr. SIMMONS. Mr. Speaker, it seems to me there is an issue in this matter that has not been properly presented to the House. We are confronted here with the proposition to send to conference a bill not one word of which has ever been considered by a committee of this House; to send to conference a bill not one word of which has ever been considered on the

floor of the House. I searched last night for some precedent for this sort of undertaking, but I did not find anywhere where this House has done this thing in this way before. It may be that it has, but I did not find it.

We are asked in this matter to send to conference a bill upon which we are charged primarily with acting and upon which we have not acted. We are asked to delegate our authority as Members of Congress to a conference committee. So far as this bill is concerned, it is a new bill in this House. I know what has been said. Members have asked us to do this, and in doing so have told the membership of the House of certain things that in their opinion the conferees must put in the bill. I know what is going to happen when the conference report comes back. Members will take the floor and point out where the bill is not satisfactory, and then ask the House to vote for it, as they are asking us to vote for this to-day, in order to get the thing settled and out of the way.

I do not anticipate the time will ever come when we from the Western States will get any fertilizer from Muscle Shoals. We are too far removed from the point of production. We do have in the West many streams with undeveloped power, undeveloped resources that can be used to build up industries, produce fertilizer for peace time, nitrates in time of war. In this matter is involved the question of the development of water-power resources in the West. Our action on this matter will be a precedent set for future development of other power possibilities. It is important that this issue be settled right. I for one am not willing to delegate my duty as a Member of this body to a conference committee that is not named either in this body or the other body, and then be compelled in the closing days of this Congress to either take what they give us or be branded here as opposing the settlement of this issue at this time. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I yield four minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, as I view this matter, the real question before the House in the consideration of this rule is whether or not we want any legislation with reference to the development at Muscle Shoals at this session. I am for this rule and for sending this bill to conference, because I believe that Congress at this session should take some action with reference to this great property. Suppose it is sent to the Committee on Military Affairs? As has been stated, it is open to hearings. The gentleman from Iowa [Mr. HULL] has said that there will be no hearings because there is no necessity for any, that it can be reported back within three or four days. Granted that is done, which I think all will agree with me is very improbable, a rule will then have to be reported for its consideration in the House, it will have to be considered here and then sent to the Senate, and there under the rules it will have to go to a Senate committee——

Mr. HULL of Iowa. Oh, the gentleman is certainly mistaken. It will go to conference instead of going to the Senate.

Mr. BYRNS of Tennessee. That is correct, and I accept the gentleman's correction. I was speaking of it as an independent bill. But suppose it is reported as an amendment, it will be considered in the House in Committee of the Whole, then it goes to conference, and you have the same conferees that you will have if this rule is adopted. However, the Senate may discuss the amendment with its usual deliberation, or may send it to a Senate committee before agreeing to a conference. It simply means a delay that may cause this legislation to be finally defeated at this session of Congress.

This proposition has been pending before Congress for three or four years. The people expect something to be done with it. We certainly ought to let the people know that we are capable of dealing with a great proposition of this kind. I have been for this legislation all along because it is, as I conceive it, a fertilizer proposition.

This development would never have been made if it had not been for the fact that Congress understood in 1916 that it was to be developed primarily for explosives in time of war and fertilizer in time of peace, and I believe we ought to keep faith with the farmers of this country who need cheaper fertilizer. I believe it ought to be developed primarily as a fertilizer proposition. I am willing to trust the conferees who will be appointed by the Speaker, under the rules of the House, to see to it that the original intention of Congress is carried out faithfully and that a bill is reported which will take care of the farming interests of the country.

Gentlemen seem to assume that the conferees are going to report the Underwood bill, and call attention to the fact that the Senate rejected the House bill. The House passed that bill at the time Mr. Ford's offer was pending before the House. When it reached the Senate and during its consideration by the Senate, or the Senate committee, Mr. Ford withdrew his offer, and it became necessary then to have an entirely new bill substituted for it, and the Senate passed a bill which carries to a very large extent the very provisions of the Ford offer in the matter of fertilizer. I think, however, this bill needs some amendments which will absolutely guarantee the production of nitrogen and restrict the profits, so that the farmers may be sure of cheaper fertilizer. I think we ought to adopt this rule and send this bill to conference and let the conferees take it under consideration and report a bill back to the House which we can reject or accept as we see fit. [Applause.]

Mr. GARRETT of Tennessee. I wonder if the gentleman from New York can help me out with a little time over here?

Mr. SNELL. I think I can.

Mr. GARRETT of Tennessee. I yield two minutes to the gentleman from Georgia [Mr. UPSHAW].

Mr. SNELL. I yield him a minute and a half.

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, in opposing the proposition to send this bill to the Committee on Military Affairs instead of a conference, I wish to say that the trouble is the committee would not "commit." They will not have time to get themselves together and bring back a new bill for action before this Congress adjourns.

Congress has played with this thing long enough—let us have action. The people are tired of a legislative attitude of hesitation, vacillation, and equivocation. Happily the "star chamber sessions" of the House and Senate conferees, as the gentleman from Iowa [Mr. HULL] called the proposed conference, are not final. If they do not bring back a bill that dedicates Muscle Shoals to the high purposes of national defense and the manufacture of cheaper fertilizers for the farmers, as well as the development of water power, I expect to vote against it. But let us get somewhere during this session of Congress.

Some gentlemen who have opposed this bill seem unduly alarmed concerning the development of our natural resources by great power companies. Gentlemen, let us be practical about this matter. I have never seen any baleful effects from the development of water power by private enterprise. Goodness knows I would rather see our great natural resources developed by private enterprise than not developed at all. [Applause.] Through all the centuries the water power in our Georgia mountains had gone to waste, and it would be wasting still if a great power company had not taken hold with its wealth, its vision and vigor, and now behold! Our whole section is commercially athrob and athrill as a result of this superb business enterprise. Factories hum, cars run, and even farmers' homes are lighted, because private enterprise took charge. Think, too, of the Carolinas—how for generations their streams had flowed and plunging waterfalls there had leaped on in rushing cascades of unused power; but private enterprise came upon the scene, and all that Piedmont section is happy and stirring with progress and prosperity, and—glorious to contemplate—as a result of this development the marvelous sum of forty millions of dollars recently went into Christian education and benevolence in that section through the big-hearted generosity and wisdom of James B. Duke. [Applause.]

Let Muscle Shoals be developed. I voted and worked for Henry Ford to have Muscle Shoals because he had so won the confidence of the people that they wanted him to have it. But since unnecessary and unreasonable congressional delay caused Ford to withdraw his offer, then there is nothing else for us to do but bring out a bill that will enable the Government, through President Coolidge and such good offices as he may elect, to go forward and put this great national asset to work for the good of the people. The gentleman from Alabama [Mr. ALMON] has wisely said that we are not afraid to trust the President to guard the people's interest in such a necessary transaction. I have not always agreed with President Coolidge in some of his positions and conclusions—and I am sorry, of course, for the country when he does not agree with me—but I believe in the fundamental honesty of Calvin Coolidge, and also in his abundance of that New England thrift that will cause him to drive a good trade in behalf of his clients—the American people.

Again I say this Congress has waited and debated and hesitated long enough, all these years wasting power and time and money that our industries and the people need.

Let us do something with Muscle Shoals, and let us do that something now. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I believe my time is exhausted. I trust the gentleman from New York can yield to the gentleman from Alabama [Mr. BANKHEAD].

Mr. SNELL. I yield to the gentleman from Alabama such time as he needs up to 10 minutes. I yield the gentleman 5 minutes.

Mr. BANKHEAD. Mr. Speaker, in addition to my general interest in this great problem as a legislator I have some measure of local interest in this proposition and in its proper solution by reason of the fact that a part of this great plant, an essential part, is located within the bounds of my district. I refer to the Waco Quarry, Franklin County, Ala. I realize that the ordinarily prudent Member of the House would hesitate always to take an unusual or extraordinary method in handling any legislative problem, and the impression may have gained credence this afternoon in the minds of some that this is an unusual and unprecedented procedure. But such is not the case. In my experience here time and time again we have had a similar situation presented as far as the legislative mechanics of the problem are involved. It very frequently happens that a bill passes the House and goes to the Senate and the Senate writes an entirely new bill upon the proposition, striking out the entire House bill except the enacting clause. So that from the standpoint of precedent and practice nothing revolutionary or, indeed, extraordinary is presented here by this rule. Now I am very heartily in favor of the adoption of this rule, and I think that I have sound reason, at least convincing to my mind, as to the propriety of that position. I can not add anything of value to the statements of fact already presented by those who preceded me, but as a practical proposition and as one who is anxious that if it can be done the wisdom of the American Congress shall make some permanent disposition of this great property, it seems to me that in the procedure suggested by this rule lies the only real hope we have of accomplishing that result, certainly within any decent limitation of time. [Applause.] There are some features of the Underwood bill that do not appeal to me as meeting all the requirements, but I want you gentlemen to bear this in mind. This House is on record by a very large majority in favor of the private operation of that plant. As a matter of fact the Ford proposal passed this House, I believe, by a majority of eighty-odd votes. Now, the first essential of the Underwood bill is that it gives an opportunity to the President of the United States, within such limitations and directions as may be written in the bill, to lease this great property to some private operator.

I believe that it is the consensus of opinion, at least a majority of opinion, not only in the House, but in the Senate, that if private operation can be secured with reasonable restrictions with reference to the public interest, that method of operation should prevail; and the Underwood bill provides that six months, until September, be afforded as an opportunity for bids to be made and submitted to the President of the United States; bids that I am sure the President will bear in mind ought to convey the will of Congress on this question of fertilizer as well as of power.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. Mr. Speaker, can the gentleman give me five minutes more?

Mr. SNELL. I yield to the gentleman two minutes more.

Mr. ALMON. The gentleman has not yet used up all of his time.

Mr. BANKHEAD. No.

Some intimation has been made here—I believe by the gentleman from Iowa [Mr. HULL], who somewhat covertly suggested that behind closed doors and in some character of a star chamber proceeding the gentlemen who would be appointed as conferees on the part of the House might be either so stupid that they would be overreached or would be moved by some sinister influence so that they would ignominously surrender the views that at least a majority of the House conferees have so earnestly pressed here before us, and might be induced to bring back here to this House such character of legislation as would not reflect the will of the House of Representatives. On account of my great confidence in the character and probity and judgment of these men who will probably be the conferees on the part of the House, I think that is certainly a gratuitous and unfair intimation as to what will happen, so far as this conference is concerned. I have not only confidence in their character, but confidence in their intention to carry out the will of this House. As was shown at the last time we had this bill under consideration, when we stood for adequate provision for the manufacture of fertilizer for the benefit of the farming interests of this country, and as has been stated heretofore, I think they will see to it that that is properly protected, and if they do not, then I reserve the right to vote against the adoption of the conference report in toto. [Applause.]

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. OLIVER].

The SPEAKER. The gentleman from Alabama is recognized for three minutes.

Mr. OLIVER of Alabama. Mr. Speaker, from the very first the outstanding purpose declared by Congress in the development of power at Muscle Shoals was that it should be primarily employed to make nitrates for use by the Government in time of war and for agriculture in time of peace. Representatives from that section have been unanimous in their support of this declared purpose of Congress, and, with possibly one or two exceptions, the Members of the House from that section, I feel, are now favorable to sending this bill to conference rather than having it referred to the Committee on Military Affairs.

To my mind, this is the only way that gives any promise of definite action at this session of Congress. [Applause.]

The Members of the House have full confidence in those who will be appointed as House conferees, and the House will be given full opportunity to vote on any bill they recommend or agree to.

Mr. UPSHAW. And confidence in President Coolidge.

Mr. OLIVER of Alabama. The conferees on the part of the House are well informed as to the views of a majority of the Members on this important subject, and they will be found, I feel, earnestly endeavoring to carry out these views.

A vote to refer the bill to conference does not commit any Member of the House to the action taken by the Senate, nor to any action the conferees may hereafter take—but the House will be absolutely free to vote for or against any conference report which may later be submitted.

To refuse to refer the bill to conference at this time would shut the door to the only possible way that gives any hope that some definite proposal may later be submitted to the House and Senate before this Congress adjourns. [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MCKENZIE].

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MCKENZIE. Mr. Speaker and gentlemen of the House, I find myself in a somewhat embarrassing position in this matter, being chairman of the Committee on Military Affairs. Some one might think that my approving the proposition to send this bill to conference might be construed as a reflection on my colleagues on that great committee. But I want to say to the Members of this House that that is not true. I have labored long months with the gentlemen on the Committee on Military Affairs. They are strong men, and I respect every one of them. They are men of strong opinions. But I realize, as they do, the great difficulty we have had in coming to any conclusion on that committee and getting any bill reported to this House. These men are just as strong to-day as they were then, and to send this bill to the Committee on Military Affairs would mean contention. I do not mean to criticize my colleagues for that, because I think every one of them is sincere in his convictions and views on this matter. But, gentlemen, in the interest of getting something done, of getting action on this question, whether the matter goes to the Committee on Military Affairs or is sent to conference, I am ready now, as I always have been, to go into that conference and try to uphold the views of this House as I understand them. [Applause.]

And I want to say another thing while I am on my feet, and that is that it is all a mistake to say that there is not anything in this bill on which we can hang a conference. This bill as it came from the Senate dedicates forever this property to the production of explosives and munitions in time of war and to the production of fertilizer in times of peace. It provides for the lease of the property and for the rental of the property. It declares that a certain amount of fertilizer must be made each year.

Those were the things we fought for in the Ford bill. Those are the things we must stand for to-day.

I agree with you that there are some things in this bill that ought to be changed, in my judgment, and representing the views of the House as one of the conferees, if you order us to go into that conference, I shall respectfully urge that the wishes and intentions and desires of the Members of this House may be carried into this legislation.

Gentlemen, for this reason I hope, regardless of the views of my colleague from Iowa [Mr. HULL], a gentleman who lives a neighbor to me and whom I love, you will see that it is the

part of wisdom and the only way to get action at this session of Congress is to send the matter to conference. [Applause.]

Mr. SNELL. Mr. Speaker, that concludes the debate. That finishes the debate.

The SPEAKER. The previous question having been ordered by unanimous consent, the question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 181, noes 41.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays, and pending that I make the point of no quorum.

The SPEAKER. The Chair overrules the point of no quorum. There were 181 yeas and 41 noes, so a quorum is present. The gentleman from Texas demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-six gentlemen have risen, not a sufficient number, so the yeas and nays are refused.

So the resolution was agreed to.

The SPEAKER appointed the following conferees: Messrs. MCKENZIE, MORIN, and QUIN.

BRIDGE ACROSS THE BAYOU BARTHOLOMEW

The SPEAKER. The Chair lays before the House the following concurrent resolution:

Concurrent Resolution 27

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry, for the purpose of correcting an error therein.

The SPEAKER. Without objection, the resolution will be agreed to.

There was no objection.

HOUSE RESOLUTION 407

The SPEAKER. Without objection House Resolution 407, providing for sending H. R. 518 to conference, will be laid on the table.

There was no objection.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same.

S. 2148. An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes;

S. 1199. An act authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army;

S. 51. An act for the relief of the owner of the schooner *Itasca;* and

S. 1665. An act to provide for the payment of one-half of the cost of the construction of a bridge across the San Juan River, N. Mex.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CANFIELD, for one week, on account of sickness.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 1 minute p. m.) the House adjourned until Wednesday, January 28, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

821. A letter from the Secretary of War, transmitting a draft of proposed legislation approving the action of the War Department in issuing supplies out of the quartermaster's store for the relief of sufferers from cyclone in northwestern Mississippi; to the Committee on Military Affairs.

822. A letter from the Secretary of Labor, transmitting report of the aggregate number of publications issued during the fiscal year 1924, the number distributed, the cost of paper used for such publications, the cost of printing, and the cost of printing for the Department of Labor; to the Committee on Printing.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SMITH: Committee on the Public Lands. H. R. 11210. A bill to grant certain public lands to the State of Washington for park and other purposes; without amendment (Rept. No. 1284). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 11791. A bill to provide for the construction of certain public buildings, and for other purposes; with amendments (Rept. No. 1285). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 11928. A bill to promote and preserve the navigability of Cass Lake in the State of Minnesota; without amendment (Rept. No. 1286). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBSION of Kentucky: Committee on Mines and Mining. H. R. 4148. A bill to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes; without amendment (Rept. No. 1289). Referred to the Committee of the Whole House on the state of the Union.

Mr. FAIRFIELD: Committee on Insular Affairs. H. R. 11956. A bill to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909; without amendment (Rept. No. 1290). Referred to the House Calendar.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 3173. An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial in the city of Washington to an appropriate point in the State of Virginia, and for other purposes; without amendment (Rept. No. 1291). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 11796. A bill to provide for the deportation of certain aliens, and for other purposes; without amendment (Rept. No. 1292). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBSION of Kentucky: Committee on Mines and Mining. H. R. 2720. A bill to authorize the sale of lands in Pittsburgh, Pa.; with an amendment (Rept. No. 1293). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SMITH: Committee on the Public Lands. H. R. 3618. A bill for the relief of Nora B. Sherrier Johnson; with an amendment (Rept. No. 1287). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. H. R. 11922. A bill providing for the sale and disposal of public lands within the area heretofore surveyed as Boulder Lake in the State of Wisconsin; without amendment (Rept. No. 1288). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 11977) to extend the time for the commencement and completion of the bridge of the American Niagara Railroad Corporation across the Niagara River in the State of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. SWOOPE: A bill (H. R. 11978) granting the consent of Congress to the Commissioners of McKean County, Pa., to construct a bridge across the Allegheny River; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: A bill (H. R. 11979) to authorize the Secretary of the Interior to cooperate with the Territory of Alaska; to the Committee on the Territories.

By Mr. TEMPLE: A bill (H. R. 11980) to provide for the securing of lands in the southern Appalachian Mountains for perpetual preservation as national parks; to the Committee on the Public Lands.

By Mr. FAIRFIELD: Joint resolution (H. J. Res. 333) authorizing a commission to make a survey of economic and Governmtntal conditions in the Philippine Islands; to the Committee on Rules.

By Mr. FREE: Joint resolution (H. J. Res. 334) to amend section 2 of the public resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved April 14, 1922; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Washington: Resolution (H. Res. 418) for the consideration of H. R. 11796, a bill to provide for the deportation of certain aliens, and for other purposes; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of Nevada, favoring an appropriation being made for the construction of the Spanish Springs extension to the Newlands project; to the Committee on Appropriations.

By Mr. RICHARDS: Memorial of the Legislature of the State of Nevada, petitioning Congress for the passage of the Gooding bill, designated as S. 2327; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Nevada, petitioning Congress to the effect that Congress give its approval to the Spanish Springs appropriation; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHINDBLOM: A bill (H. R. 11981) for the relief of Thomas A. Moore; to the Committee on Claims.

By Mr. COLE of Ohio: A bill (H. R. 11982) granting an increase of pension to Isabell Cory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11983) granting an increase of pension to Lovina E. Willoughby; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 11984) granting a pension to Mary Jane Trinkle; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11985) granting an increase of pension to William Cunagim; to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 11986) for the relief of Abraham Nachmann; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 11987) granting an increase of pension to Elizabeth M. Kerr; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 11988) granting an increase of pension to James A. Galloway; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 11989) granting an increase of pension to Mary C. Parker; to the Committee on Pensions.

By Mr. RAGON: A bill (H. R. 11990) permitting the sale of the northwest quarter of the northeast quarter, section 5, township 6 north, range 15 west, 40 acres, in Conway County, Ark., to Luvenie Reece, Abraham Reece, Correne Reece, Powell Reece, Arlington Reece, Brvee Reece, Mayola Reece, Usieus Reece, Odessa Reece, and Jessie Reece, heirs of M. C. Reece; to the Committee on the Public Lands.

By Mr. RUBEY: A bill (H. R. 11991) for the relief of Morgan L. Atchley; to the Committee on Military Affairs.

By Mr. SHREVE: A bill (H. R. 11992) for the relief of Willard H. Shedd; to the Committee on Military Affairs.

By Mr. SPEAKS: A bill (H. R. 11993) granting a pension to Amelia A. Keith; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 11994) granting a pension to Lydia J. Hall; to the Committee on Invalid Pensions.

By Mr. TAYLOR of West Virginia: A bill (H. R. 11995) for the relief of Silas L. Lawson; to the Committee on Military Affairs.

By Mr. WOODRUFF: A bill (H. R. 11996) granting a pension to Supremia Gatehouse; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3569. By Mr. BERGER: Petition of residents of West Allis, Wis., and Milwaukee, Wis., opposing the enactment of Senate bill 3218, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3570. Also, petition of residents of Milwaukee, Wis., opposing the enactment of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3571. Also, petition of 900 residents of Milwaukee, Wis., opposing the enactment of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3572. Also, memorial of the Federated Trades Council of Milwaukee, Wis., opposing the enactment of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3573. Also, petition of Hugh J. McGrath Camp, No. 4, United Spanish War Veterans, Milwaukee, Wis., urging the enactment of House bill 5934, to pension soldiers and sailors of the war with Spain, the Philippine insurrection, and the China relief expedition; to the Committee on Pensions.

3574. By Mr. CULLEN: Petition of Indian relief committee of Minneapolis, urging the Congress to act with favor and promptness upon the bill now pending for the relief of the Chippewa Indians of Minnesota out of funds now held by the Government belonging to those Indians; to the Committee on Indian Affairs.

3575. By Mr. DAVEY: Petition of 37 residents of Ravenna, Ohio, protesting against the proposed compulsory Sunday observance bill (S. 3218) or any other religious legislation which may be pending in Congress; to the Committee on the District of Columbia.

3576. By Mr. HUDSON: Petition of the Real Estate Board of the city of Pontiac, Mich., protesting against the so-called rent bill (H. R. 11708); to the Committee on the District of Columbia.

3577. By Mr. SWING: Petition of residents of Anaheim, Calif., protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3578. By Mr. TILLMAN: Petition of G. E. Norwood and others, all of Fayetteville, Ark., opposing the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *January 28, 1925*

(Legislative day of Monday, January 26, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near, Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. No. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCKENZIE, Mr. MORIN, and Mr. QUIN were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 27) requesting the President to return to the Senate the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry.

The message further announced that the House had passed a bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills:

S. 51. An act for the relief of the owner of the schooner *Itasca;*

S. 1199. An act authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army;

S. 1665. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.; and

S. 2148. An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Kendrick	Ransdell
Ball	Fernald	Keyes	Reed, Pa.
Bayard	Ferris	King	Sheppard
Bingham	Fess	McCormick	Shields
Borah	Fletcher	McKellar	Shipstead
Brookhart	Frazier	McKinley	Simmons
Broussard	George	McLean	Smith
Bruce	Gerry	McNary	Smoot
Bursum	Glass	Mayfield	Stanfield
Cameron	Gooding	Moses	Sterling
Capper	Greene	Neely	Swanson
Caraway	Hale	Norbeck	Trammell
Copeland	Harreld	Norris	Underwood
Couzens	Harris	Oddie	Wadsworth
Cummins	Heflin	Overman	Walsh, Mass.
Curtis	Howell	Owen	Warren
Dale	Johnson, Calif.	Pepper	Watson
Dill	Johnson, Minn.	Phipps	Weller
Edge	Jones, N. Mex.	Pittman	Wheeler
Edwards	Jones, Wash.	Ralston	Willis

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Eighty Senators have answered to their names. A quorum is present.

PETITION AND MEMORIAL

Mr. WILLIS presented resolutions of the Cleveland (Ohio) Bar Association, favoring the passage of legislation granting increased compensation to Federal judges, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Ravenna, Cuyahoga Falls, and Kent, all in the State of Ohio, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. EDGE:

A bill (S. 4110) granting a pension to Bud Evering; to the Committee on Pensions.

By Mr. BALL:

A bill (S. 4111) to provide for the elimination of Lamond grade crossing in the District of Columbia, and for the extension of Van Buren Street; to the Committee on the District of Columbia.

By Mr. WELLER:

A bill (S. 4112) for the relief of the Sanford & Brooks Co. (Inc.); to the Committee on Claims.

By Mr. BURSUM:

A bill (S. 4113) granting a pension to Anna M. Benham;

A bill (S. 4114) granting a pension to Mary E. Harris;

A bill (S. 4115) granting a pension to Anna M. E. Purse;

A bill (S. 4116) granting a pension to Anna K. Brown;

A bill (S. 4117) granting a pension to Gavino Bernal;

A bill (S. 4118) granting a pension to Mary J. Wells; and

A bill (S. 4119) granting an increase of pension to Maria Rosario Maxsam; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 4120) to promote the production of sulphur upon the public domain; to the Committee on Public Lands and Surveys.

By Mr. WALSH of Montana:

A bill (S. 4121) for the relief of Nick Masonich, Isaia Fabbro, and John Disarri; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 4123) to authorize the Secretary of War to secure for the United States title to certain private lands, now used as an Artillery range, adjoining Schofield Barracks, Hawaii; to the Committee on Military Affairs.

By Mr. McCORMICK:

A bill (S. 4124) for the relief of Mary Davis; to the Committee on Claims.

By Mr. WATSON:

A bill (S. 4125) to regulate the interstate transportation of black bass, and for other purposes; to the Committee on Interstate Commerce.

By Mr. WILLIS:

A bill (S. 4126) legalizing certain taxes imposed by the Philippine Legislature; to the Committee on Territories and Insular Possessions.

By Mr. KING:

A joint resolution (S. J. Res. 176) for the creation of a city planning commission for the District of Columbia; to the Committee on the District of Columbia.

AMENDMENT OF AGRICULTURAL CREDITS ACT OF 1923

Mr. McLEAN. Mr. President, I introduce a bill and ask for its reference to the Committee on Banking and Currency.

I want to say with regard to this bill that I introduce it at the instance of the Agricultural Commission recently appointed by the President to investigate agricultural conditions in this country, and report such remedial legislation as they deem to be wise. In view of the importance of this measure I ask that it be printed in the RECORD. It is a very short bill, only one page in length.

The bill (S. 4122) to amend section 202 of the act of Congress approved March 4, 1923, known as the "Agricultural credits act of 1923," was read the first time by its title and the second time at length, and referred to the Committee on Banking and Currency, as follows:

Be it enacted, etc., That paragraph 1 of section 202 of the agricultural credits act of 1923, approved March 4, 1923, be amended by inserting after the word "State," in line 5 of said paragraph, the words "or of the Government of the United States," so that the paragraph as amended will read:

"(1) To discount for or purchase from any national bank and/or any State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, cooperative bank, cooperative credit or marketing association of agricultural producers organized under the laws of any State or of the Government of the United States, and/or any other Federal intermediate credit bank, with its indorsement, any note, draft, bill or exchange, debenture, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose or for the raising, breeding, fattening, or marketing of livestock;"

AMENDMENT TO RIVER AND HARBOR BILL

Mr. SHORTRIDGE submitted an amendment intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

FIREARMS IN THE MAILS

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (H. R. 9093) declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty, which was ordered to lie on the table and to be printed.

LANDS, ETC., FOR NAVAL PURPOSES

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 3863) to authorize the Secretary of the Navy to proceed with the construction of certain public works and to provide for the disposition of lands no longer needed, and the acquisition of other lands required for naval purposes, which was referred to the Committee on Naval Affairs and ordered to be printed.

POSTAL SALARIES AND POSTAL RATES

Mr. STANFIELD submitted an amendment intended to be proposed by him to the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, which was ordered to lie on the table and to be printed.

HOUSE BILL REFERRED

The bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MUSCLE SHOALS

Mr. UNDERWOOD. Mr. President, I ask the Chair to lay before the Senate the action of the House on House bill 518, regarding Muscle Shoals.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam-power plant to be located and constructed at or near Lock and Dam No. 17, on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. No. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. UNDERWOOD. I move that the Senate insist on its amendments and agree to the conference asked by the House.

The motion was agreed to.

Mr. UNDERWOOD. Now, I want to explain the motion that I intend to make. It is rather unusual. I did not include in my previous motion that the Chair appoint the conferees on the part of the Senate. I think in a case of this kind the conferees should reflect the sentiment of the Senate in regard to the bill. In fact, on page 205 of the Senate Manual, in discussing the question, this statement is made:

> Of course, the majority party and the prevailing opinion have the majority of the managers.

Unfortunately the senior members of the committee are not in favor of the bill or the view of the Senate as the bill passed, and as the rules of the Senate authorize or require the election of conferees, except by unanimous consent, and desiring to have conferees to reflect the viewpoint of the Senate with reference to the bill, without in any way intending to reflect on the other members of the committee who have expressed their own views, and solely with the purpose of having Senate conferees respond to the House and see if they can work out a conclusion satisfactory to both Houses, I move that the Senator from New Hampshire [Mr. KEYES], the Senator from Illinois [Mr. MCKINLEY], and the Senator from Mississippi [Mr. HARRISON] be appointed the conferees on the part of the Senate.

Mr. SMOOT. Mr. President, I will say to the Senator that that is rather an unusual move.

Mr. UNDERWOOD. I have just said so.

Mr. SMOOT. What the Senator has said is correct, but it is always understood in the Senate that when the Senate appoints conferees the conferees shall take the judgment expressed by the majority vote in this body. They are to stand for the Senate amendments or, if it is a Senate bill, they are to stand against the House amendments to the bill. It seems to me that it is going outside the usual course, as the Senator admits, to make a motion to appoint conferees rather than to follow the general custom.

Mr. UNDERWOOD. I will say to the Senator that of course my motion is strictly within the rule. It is a rule of the Senate. The custom of the Senate, of course, has been that the proposer of a bill or the chairman of a committee, when it comes to the point where a conference is asked, shall move that the Senate insist on its amendments, agree to a conference, and that the Chair appoint the conferees on the part of the Senate, and the Chair usually says, "Without objection, it is so ordered"; otherwise the Senate would always elect conferees.

It happens in this case that there is a very distinct line of determination in regard to the bill. One side is in favor of a Government corporation operating the plant. There is no dispute about that at all. That side is represented by the chairman of the Committee on Agriculture and Forestry, who very sincerely and earnestly represents that particular view and has not yielded a particle on it. Knowing him as I do, I know full well that he will not yield, because he is earnest and sincere and is going to stand for what he believes. His position is that we should have Government operation of the plant.

Mr. SMOOT. Does the Senator mean to say that if the chairman of the Committee on Agriculture and Forestry was appointed a member of the conference committee and if the House conferees would yield upon the Senate provisions, he would not yield?

Mr. UNDERWOOD. I do not know. The chairman of that committee is sitting just behind the Senator from Utah and if he desires to answer the question I will yield that he may do so.

Mr. SMOOT. I suppose the Senator from Nebraska will have something to say about it, and I shall not ask any more questions now, but will let the chairman of the committee speak for himself.

Mr. UNDERWOOD. In making the motion I am not attempting at all to reflect on the Senator from Nebraska. Such a motion has been made before. The precedents show that under conditions similar to those now existing it has been made previously.

I realize that the chairman of the Committee on Agriculture and Forestry did not make his fight against the bill which I proposed just simply to be fighting a bill that I proposed. He was fighting for an idea and a principle in which he believed, and he so announced many times. He announced it in his concluding speech on the floor of the Senate. It is not necessary for me to go further than his own concluding speech unless the Senator from Nebraska now desires to make a different statement in regard to the measure. I assume that is his position until he announces otherwise himself.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. UNDERWOOD. I yield.

Mr. GLASS. The Senator from Alabama did not conclude his discription of the line of demarkation between those who favor and those who oppose the bill.

Mr. UNDERWOOD. I intend to do so.

Mr. GLASS. He stated that the chairman of the committee, the Senator from Nebraska, is in favor of Government ownership and operation. What is the distinction in the bill of the Senator from Alabama?

Mr. UNDERWOOD. I intended to come to that before, but was interrupted by the Senator from Utah. I will come to that point now.

The bill that I introduced, and which is in accord with the message of the President of the United States, is primarily in favor of leasing the property if a lessee can be obtained. It does provide that if a lease can not be made then there shall be Government operation, and that is solely because this is a national defense plant and must be operated by the Government if it can not be operated by an individual. But the real line of demarkation is that Senators on the other side of the question, as represented by the chairman of the Committee on Agriculture and Forestry, believe primarily that it should be operated by the Government. They have been perfectly sincere in their argument and they have made that argument to the last moment that the question was before the Senate. I do not doubt their sincerity at all.

The position I take is that it is the part of wisdom to attempt to get a lessee to operate the plant on a contract made by the President, and that was the viewpoint expressed by the last vote of the Senate, which was 50 to 30. The House has asked for a conference and I think it is no reflection whatever on Senators who view it the other way that the Senate should send to the conference conferees who believe in the idea of operating the plant under lease rather than under Government ownership and operation as a primary object

Of course, this is not the final vote. The conferees will meet and if they reach a conclusion they must bring it back to the Senate. When it comes back the Senate will then have an opportunity to express its view as to whether it agrees to the report of the conferees. But according to the rules and the precedents I think we are entitled to conferees who reflect the last vote of the Senate in passing the bill. That is all I am asking, that they go to the conference reflecting the viewpoint of the Senate. If I am wrong about the other Senators not reflecting that viewpoint and if they will say so, of course I will withdraw what I have said. I think they were sincere in their attitude with reference to the bill.

Mr. MCKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. UNDERWOOD. Certainly.

Mr. MCKELLAR. The Senator said his motion is in accord with the precedents of the Senate. Does the Senator recall a single incident of this kind during his service in the Senate where conferees were appointed because of their favoring or not favoring the particular bill that had been agreed upon by the Senate?

Mr. UNDERWOOD. There are other incidents. It does not happen very often, I agree, but when the Teller amendment was attached to the declaration of war against Spain a distinguished Senator from my State was about to be left off the committee, although he was the senior Democrat, on the ground that he was not in favor of the Teller amendment. He would

have been left off except that he took the floor and stated that in conference he would support the Teller amendment, as it was the viewpoint of the Senate, and waive his own viewpoint, I recall that very well.

Mr. McKELLAR. Was he the chairman of the committee?

Mr. UNDERWOOD. No; but he was the senior Democrat.

Mr. GLASS. Mr. President, how does the Senator from Alabama know that he would have been left off?

Mr. UNDERWOOD. Because the suggestion had been made in the Senate to leave him off.

Mr. GLASS. Oh! We frequently have suggestions made here which the Senate does not confirm.

Mr. UNDERWOOD. And I think he would have retired if it had not been agreed to unanimously. I do not have to go to the precedents, however. If the Senator will turn to the Senate Manual and look at page 204, in speaking of the conferees it says:

> They are usually three in number, but on important measures the number is sometimes increased. In the selection of the managers the two large political parties are usually represented, and also care is taken that there shall be a representation of the two opinions which almost always exist on subjects of importance.

Here is what I wish to call to your attention:

> Of course, the majority party and the prevailing opinion have the majority of the managers.

"The majority party and the prevailing opinion." That is just exactly what I have moved. I do not care to call names on the Senate floor. The three able gentlemen who are the senior members of this committee are not in accordance with the viewpoint of the bill that was passed. They very candidly said so, and when the question was on the passage of the bill they voted against it. I do not reflect on them. I merely say that we should have conferees meet the House who are in favor of the viewpoint that the Senate voted, and then, when the bill comes back, if you want to renew the fight, you have the right to renew it on the conference report. When we go to the conference, however, I say we are entitled to have conferees who reflect the viewpoint of the Senate, and that is in entire accord with the rules and precedents of the Senate.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. UNDERWOOD. Yes.

Mr. GLASS. Aside from the merits of the issue raised by the Senator's motion, I am not willing now, as I have not been willing heretofore, to have the country understand that one side of this question represents primarily Government ownership and that the other side represents primarily individualism or operation by a private concern. I do not think the Senator's bill represents primarily operation by private contract. It represents that contingently; and unless the Senator or somebody else is sure that under his bill we will get an acceptable bid from a private corporation, we shall have under his bill Government ownership in any event, and Government ownership and operation in the contingency I have cited.

Mr. UNDERWOOD. As far as ownership is concerned, I say there never has been any difference on the floor about that matter. I never have contended that the Government ought to part with title to this property. I do not think it should. It is a matter of war defense, and I do not think anyone here is contending that the title should be parted with. It is a question of operation; but that is not material on this question, I will say to the Senator.

Mr. GLASS. No; it is not.

Mr. UNDERWOOD. It is my viewpoint, however.

Mr. GLASS. I just do not want the country to have a misconception of the differences between the two bills.

Mr. UNDERWOOD. To be sure. I am perfectly willing to have the Senator express his viewpoint. The other was mine. There can be no dispute, however, that there was a battle of six weeks and clearly a distinct difference between the two sides that voted on this bill and sent it to the House; and there can not be any dispute that the Senators I have named in my motion are the first three Senators on the committee who indicated a favorable attitude toward the bill as it passed the Senate.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. UNDERWOOD. I yield.

Mr. SIMMONS. I think the Senator from Alabama is entirely right in his contention that the conferees appointed by the Senate should reflect, in their action as conferees, the action of the Senate upon the matter committed to them; but I think in the first instance the Senator should trust to the good faith of those who, according to our customs, are entitled to expect and to receive designation as conferees.

Mr. UNDERWOOD. That position is entirely contrary to the rule I have just read to the Senate, which says that that is not to be done.

Mr. SIMMONS. It is our rule, heretofore observed, so far as I know, to appoint as conferees the ranking members of the majority and ranking member of the minority. What I desire to say is that the Senate ought in the first instance to rely upon the good faith of those gentlemen, without any regard to their attitude when the matter was before the Senate, to carry out in conference the will of the Senate as expressed in its ultimate action. I know of no precedent against that; but we came very near establishing such a precedent at the last session of Congress, when the situation was, I think, identical with the situation which the Senator now presents to the Senate.

In the consideration of the revenue bill passed during the last session the majority members of the Senate—all of them, I think, except one—had opposed very strenuously the ultimate action of the Senate as to certain very important and vital phases of that bill, just as in the case before the Senate to-day.

The chairman of the committee and some of the other members of the committee, who under the ordinary practice of the Senate would have been entitled to appointment as conferees, strenuously opposed the action which was finally taken by the Senate. The contention of the minority having been adopted by the Senate in the revenue bill, I was concerned then, as ranking member of the minority, as the Senator from Alabama now is concerned, about what might be the attitude of the chairman of the committee, the distinguished Senator from Utah [Mr. SMOOT], and his two associates who would have been entitled under the rules to appointment as conferees with him. I was concerned with the course they might pursue in the conference, because of their strenuous opposition to the action of the Senate; and I considered, together with my colleagues on this side and those on the other side who had acted with us in the incorporation into the bill of these provisions that were so much opposed by the majority on the other side, as to what course we should pursue; whether or not we should do exactly what the Senator proposes to do now, and make a demand that the Senate in the first instance name the conferees, and name only such conferees as were favorable to the bill in the form in which it passed the Senate.

Mr. President, in those conditions we seriously took into consideration the fact that the majority of the conferees who under our rules would be appointed might probably be opposed to the action of the Senate in the conference as they had been upon the floor of the Senate. We finally resolved that by deciding it to be good policy, as well as in the interest of harmony in the Senate, that we should not by our action express distrust of the sincerity and good faith of those gentlemen, but that we should assume, as a matter of course, that they would discharge their obligation to the Senate, and in conference, whatever might have been their attitude when the measure was pending in the Senate, would stand by the final action of the Senate upon those vital matters.

I do not know whether it was expressed openly in the Senate—although it was expressed in conversation among Senators—I know that I expressed it, and I know that it got into the press, and I think probably I was responsible for its getting into the press—that while we would make no objection to appointing in the regular way the chairman and his two ranking associates representing the majority, because we felt bound to assume that they would recognize their obligation to the Senate and would perform their duties with reference to that obligation in conference, still if after their appointment it appeared that they were not faithful and did not carry out the intention of their appointment and support the action and attitude of the Senate, we would either make a motion before the report of the conferees was submitted to remove them and substitute for them other Senators upon that committee who were in sympathy with the Senate's action, or that we would wait until they reported, and then if they had violated their obligation in this regard we might send the measure back to the conference and ask for the appointment of new conferees. That was my attitude then and that would be my feeling now.

I am in sympathy in the pending matter with the position of the chairman of the committee and with the two members of the minority who will likely, under the rule, be appointed as conferees if that rule shall be adhered to; but I have the greatest faith that they will carry out the ultimate action of

the Senate. If they should not, if they should disregard their obligations in that respect, notwithstanding my sympathy with their position on the floor of the Senate and my opposition to the action of the Senate, I would join with the Senator from Alabama in sending the report back to conference and appointing new conferees.

However, I do not think it is wise policy, Mr. President—and I say that frankly to the Senator from Alabama—for us to be asked to assume that because members of the committee opposed here the action that was ultimately taken by this body they will not, if put on the conference committee, honestly and faithfully stand for the action of the Senate as against the counteraction of the House of Representatives. I will not believe that the conferees will not faithfully discharge their duty until such a thing has happened. It did not happen in the case which I have mentioned, because when there was brought up in conference the most vital feature of all the controversy, namely, the substitution of what was known as the Simmons schedule of rates for the Mellon schedule, the conferees on the part of the Senate, those representing the majority as well as those representing the minority of the committee, stood for that position.

There was another vital controversy upon which the alignment in the Senate had been the same, and that was with regard to the publicity of income-tax assessments. Not a member of the conference representing the majority had supported the action of the Senate, but in conference, recognizing the action of the Senate, they stood for it as against their former position in the Senate.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Yes.

Mr. SMOOT. The Senator from North Carolina will also remember that before ever the conferees were appointed I made a statement to the effect that if the time came when I could not as a conferee support the action of the Senate I would ask the Senate itself to make the change.

Mr. SIMMONS. The Senator's statement is correct. While I felt then that we must trust and did trust those Senators, and must rely upon their sense of obligation to the Senate in the first instance, if they should, however, violate that obligation, we could then call in question their action. I think to do it in advance, in violation of the unbroken practice of the Senate, would place a reflection upon those honorable Members which would result in engendering bad feeling in this body. I trust the Senator from Alabama will not insist upon that course.

Mr. UNDERWOOD. Mr. President, I was glad to yield to the Senator from North Carolina.

Of course, I disclaim now, as I disclaimed in the beginning, any desire or intention on my part to reflect on the honor and integrity of the senior members of the committee, but this is a business proposition. I have been a member of conference committees, and many times have sat in conference for many weeks with the distinguished Senator from North Carolina. I know the limitations on conferees, and I know that a conferee has to reflect the sentiment of the body which he represents rather than his own sentiment, and he should do so. That, however, is not the question in this instance. The distinguished senior Senator from Utah [Mr. SMOOT] pointed to the solution of the whole problem when he said, referring to the time the revenue bill went to conference, that before he was appointed a conferee he gave assurances that if he could not agree with the viewpoint expressed by the Senate as represented by the Senator from North Carolina he would resign, and retire from the conference committee. That solved the whole question in that instance; but I have heard no indication from any of the senior members of the committee that they have changed their viewpoint or intend to fight for the viewpoint of the Senate. As a matter of fact so far as I am concerned under similar conditions, it would be embarrassing for me to represent the Senate, and I have not assumed that the senior members of the committee desired to do so. They have not expressed any such desire to me, and my motion certainly does not reflect on the honor or integrity of any of them.

There is, however, a very grave difference between this case and sending to conference a revenue bill, containing many hundreds or thousands of items, and appointing conferees, some of whom may disagree with the action of the Senate on some of the points involved. They may be major points; they may be important points, as they were in the case to which the Senator from North Carolina refers, but those items did not make up the entire revenue bill; there was much more involved in that bill than the provisions contained in any one item. But here is a case where there was a distinct line of demarcation. One side represented the view of the committee, while I represented a viewpoint entirely different. It was a hard fight; six weeks were consumed in the consideration of the measure, and there were many changes, but finally the Senate by the decisive vote of 50 to 30 decided in favor of the bill as it is now going to conference.

As I say, although there are many precedents for the Chair appointing the senior members of the committee as conferees, I am not so sure that that has always been a good rule, and it is not maintained in some of the great committees of the Senate now. The Appropriations Committee takes the newer members that have come to it from other committees rather than the senior members to act as conferees on certain of the appropriation bills.

I have served on conference committees for the Appropriations Committee at times when I was not a senior member. It is true there was no question raised; I was asked to do so; but there ought not to be a hard and fast rule; there ought not to be a rule in the Senate—or a precedent, because it is not a rule—even if it may have grown up in the lapse of time—that because a Senator has grown old with honors and experience in this body he is the only one who can represent the Senate as a conferee and express the viewpoint of the Senate. The rule does not say so; the rule distinctly says that the majority party shall be represented by the majority, and the prevailing sentiment of the Senate shall be represented. That is what the rule is; that is the governing rule.

Of course, these precedents have grown up because nobody raised any question, and in the majority of cases in the future nobody will raise any question. If the bill reported by the Agricultural Committee had prevailed, and I had been a member of the Committee on Agriculture I should not have desired to become a conferee, because that measure did not express my viewpoint and my sentiment, and I should much have preferred to have a member of the committee appointed as conferee whose viewpoint and sentiment were with the committee. It is idle to say that my motion reflects on the honor of any Senator. As a matter of fact, if the conditions were reversed, I would not want to serve, and it would not be any reflection on my honor if I were not appointed to serve. If I were in disagreement with the Senate as evidenced by its final vote on a bill, I should much prefer, so far as I am concerned, to have the Senate represented by a Senator who was in accord with the viewpoint of the Senate. So far as I know the Senators who are opposed to the bill adopted by the Senate are not in disagreement with the views I have expressed. This bill, I think, is entitled to be represented on the conference committee not merely by Senators who are going to vote for it, but by Senators who believe in the theory of the bill which the Senate passed.

They are much more likely to get a satisfactory conference report, and that does not foreclose the opposition. If they still want to make their fight on the question of some other disposition of this property, they can do it when the conference report comes back. But I have made this motion. I would not have moved to send the bill to conference if it had not been the bill I introduced and for which I had made the fight. It was not the committee bill. It was, technically speaking, the bill I had introduced, and that was the only justification I had in making the motion which has been passed. Otherwise I would have yielded to the chairman of the committee. But his bill did not prevail; it was my bill which prevailed, and now I think the Senate's viewpoint should be represented in conference by men who believe in that viewpoint.

I do not understand that the chairman of the committee, or the Senators who would ordinarily go to conference with the bill, are in accord with the bill as it passed the Senate. Their last words were in absolute contravention of it. They stated their opposition candidly. They have been perfectly sincere in what they have said, and I am not asking the Senate to decline to send these gentlemen for any reason in the world that is personal, but as an affirmative proposition I am asking the Senate to send men who represent the viewpoint of the Senate of the United States. Then if anything goes wrong no criticism can come; but if the Senate sends men who do not represent the viewpoint of the Senate of the United States, and admit they do not, and this bill fails of action because of disagreements of the conferees, then the criticism will come right back to the method used in sending the bill to conference, especially as it is in contravention of the real rules of the Senate.

Mr. NORRIS. Mr. President, I want to discuss this question from two aspects. First, I want to discuss the general and

fundamental proposition of parliamentary law which applies to conference reports generally. As far as I know, in a general way there is no exception to the doctrine that in legislative bodies, or other parliamentary assemblies where there is more than one branch, and the concurrence of both branches is necessary for the enactment of a law or for any other action, the fundamental principle underlying the appointment of conferees by either body is that those shall be appointed who represent the action taken by the body from which they are appointed. As a fundamental proposition, I think no one can dispute the justness of that.

When the Senate and the House have taken action on a legislative proposition, and a conference committee is necessary, we ought to appoint conferees who believe in the action the Senate has taken and are in sympathy with it. It may not always be possible to get conferees who fully agree with the measure as it passes, because as a rule various amendments are adopted.

This bill that was passed by the Senate—the Coolidge-Underwood bill—was opposed by me almost in its entirety. If we follow what I think we should follow—the right kind of an honest rule—then when the conferees are appointed I should not be on the conference committee from the Senate. The Senator from Alabama should head the conferees from the Senate in this case, it seems to me, instead of myself.

Rumors commenced to fly around the Senate Chamber and the corridors of the Capitol that there was some suspicion that I was not sufficiently honest and candid to represent the Senate in this case; that somebody else ought to be put on the conference committee in my place; and when those rumors started to reach me I thought I would see how far the farce would go; but in order to make my record straight I told several persons, not all of them Members of the Senate, that under no circumstances would I serve as a member of the conference committee from the Senate. I said I did not believe I ought to be on the conference committee, that somebody should be appointed who believed in the action of the Senate, and that I thought the Senator from Alabama, who had led the fight and who, although belonging to the minority party, had represented the President in the action taken more nearly than had anybody else, ought to be on the conference committee. I cautioned those to whom I expressed that opinion that I wanted that to remain confidential until the matter had been disposed of, because I was curious to see how far this would be carried.

I have been a Member of the Senate for several years, and for 10 years before I came to the Senate was a Member of the House, and am somewhat familiar, in a very weak way, with the rules of the House, as well as with the rules of the Senate, and the practice in both bodies. I have seen conference committees come and go. I have seen them appointed, and I think I know how they are appointed as well as anyone else knows how they are appointed.

Now, I want to discuss this proposition as it is related to the custom of the Senate. I knew that if the custom of the Senate prevailed I would be appointed to head the conferees on the part of the Senate on this bill. I was somewhat surprised when I discovered that there was quite a movement on foot to prevent my being appointed. If I had been appointed and had served, I would have done just what the Senator from North Carolina has said another Senator did against whose appointment there was opposition. I would have represented the Senate and would have done all I could honorably to have the action of the Senate prevail in the conference. I would not accept a place on a conference committee with any other idea. But, as I have said, I had determined, even before any suggestions had been made, that I would not accept appointment on the conference committee, because, to my mind, I would almost have to stultify myself. I did not believe in the bill; I had no faith in the action taken by the Senate; I was sincerely bitterly opposed to it, and it seemed to me that I should eliminate myself and ought to stay off the committee.

I would not have accepted appointment on the committee under any other condition than the understanding that I represented not myself, but the Senate, and I would have felt it my duty to back up the action of the Senate, just as an attorney must look after the interests of his client; and if he can not do it, he should not take the case. He has a right in the beginning to refuse to be retained. I had the right to refuse to be appointed, and would exercise it. But I was sent for; I was talked to by leading Senators, I was asked to come to the room of the Presiding Officer of the Senate, and it seemed that there was a movement on foot to eliminate me from the conference committee in some way, and I refused to state my attitude. I wanted to see how far it would go.

This bill passed the Senate on the 5th day of January and went to the House. Under the rules of the House, it would have gone to the Committee on Military Affairs, but it remained on the Speaker's desk until yesterday, 22 days. It was kept there for that length of time, those 22 days, to see if some plan could not be devised by which I could be eliminated from the conference committee without breaking the customs of the Senate, and I suppose, although I do not know—I can not understand why the Presiding Officer sent to me and talked it over with me otherwise—that those who are in charge of this legislation, both in the Senate Chamber and out of it, were trying to have him act as the goat and take the bull by the horns, and, when the motion was passed authorizing him to appoint the conferees, for him to eliminate me. He did not want to do that, evidently, and did not get any assurance from me that that course would be agreeable to me; hence that course was not taken.

I was told of various Senators who had been to see him about it, including the Senator from Alabama. I was talked with by other Senators, and I still maintained an attitude of silence on the subject, so far, at least, as letting the interviewers know what position I was going to take. I wanted to see if the Senate was going to break its custom, never broken before. I wanted to know whether the Senate was going to assume that if I were put on the conference committee I would violate the duty of a conferee and refuse to abide by the action of the Senate. I wanted to see if it could be carried that far.

I knew that if that doctrine had been applied to any other standing committee of the Senate the chairman of that committee would have been insulted. You would not have heard the last of it for years. I knew that those who were trying to eliminate me from this conference committee were afraid that if they did it by the method which they had a perfect right to adopt the chicken some day would come to roost, and the precedent would return to plague them when the rule which they had established by taking that course would not suit them.

Personally I do not believe in that custom of the Senate. I think the fundamental proposition that those friendly to legislation should be appointed on conference committees is correct. I do not believe I ought to be on the conference committee. It did seem to me just a little queer, however, that there should be a Member of this body who had known me as long as I have been here and as long as I have been in the House who would hold the opinion that if I went on this conference committee I would violate my solemn duty as a conferee.

The Senator from North Carolina has told things about the appointment of another conference committee which were new to me; how they debated it in secret and finally decided to follow custom, discovering, after all, that the man was honorable, and stood by the action of the Senate. I could have consistently accepted appointment on the conference committee, because technically this is the proposition which goes to the conference: The House passed the so-called Ford bill, to which I was opposed. The Senate, in place of the Ford bill, passed the Underwood bill. There is a great deal of difference between those bills.

I said very frankly that as between the two—and this is what they would have to do in conference—I preferred the Underwood bill. I think it is better than the bill that passed the House. There we gave a lease for 100 years; in the case of the Underwood bill, for 50 years. In the Ford bill we gave away about 75 per cent of the property of Uncle Sam at Muscle Shoals by an absolute warranty deed passing title forever. That does not occur under the Underwood bill. Much as I dislike it, I think the Underwood bill is better than the House bill.

Technically those are the two bills in dispute between the two Houses. As a matter of fact and as a practical proposition that is not true at all, because the Ford bill is dead. Nobody in the House is going to back up the Ford bill. Everybody knows that there is only one bill, and that is the Senate bill. There is no House bill. There was no action of the House taken except to reject the Underwood bill formally and ask for a conference.

We have this proposition as a matter of real fact: We have a bill passed through the Senate that has never been considered by a standing committee of the Senate. It goes to the House. It has never been considered by a standing committee of the House. It has never even been considered by the House itself, one of the most remarkable occurrences that has ever occurred anywhere in the history of legislation. A law giving away $140,000,000 worth of Government property is going to be put on the statute books without a standing committee of either legislative body ever giving it a moment's consideration and without one House ever reading the bill, without ever giving an opportunity even to the House itself to discuss the

legislation. Technically, that is not true, because, as I said, the House has passed another bill. As a matter of practical application, that is the absolute truth and that is what we are asked to do. I do not want to take any more part in that than I can help.

If we had had here the custom that I think we ought to have of appointing conferees on bills who are in favor of the action of the Senate rather than taking the chairman and the ranking members of the committee and naming them as conferees, it would have gone on and the Chair would probably have selected, and I think ought to have selected in making his appointments, the Senator from Alabama [Mr. UNDERWOOD] as chairman of the conferees and then take two others with him who are favorable to the action of the Senate. That is the way we ought to legislate, but that is the way we never have legislated.

If it had taken its regular course and a suspicion had not been created by quite a large number of the membership of the Senate as to the honesty of myself and the Senator from Oregon [Mr. MCNARY], who would have been the next conferee appointed, and the Senator from South Carolina [Mr. SMITH], who has served longer than any of us in this body on that committee—if it had not happened that our fidelity to the action of the Senate and our honesty as men were brought into question by all these maneuvers that have gone on for 22 days, part of them taking place in the White House, part of them over in the other body, and part of them with Members here, by which this legislation was held up and prevented from taking its regular course—I say, if all that had not happened and we had gone on in the regular way and the matter had come back from the House the next day, as it probably would have done under ordinary circumstances, it would all have been eliminated so far as I am concerned by a statement that I would not go on the conference committee, and we might have gone on in the regular way.

Why has the bill been held up? Why have the Members of the House of Representatives been denied the right to consider the bill that is conceded now by the powers that be is going to be enacted into law? Why is it that the history of a generation is laid aside in order that this bill may be put across and put upon the statute books? Twenty-two days it lay upon the Speaker's desk while between the Capitol and the White House various conferences took place to see how we could get it off of that desk and put on the statute books without permitting it to run its regular legislative course.

Why, Mr. President, the Senator from Alabama [Mr. UNDERWOOD] said in his argument, "If these Senators had expressed themselves that they would not go on the conference committee, then we would have taken the regular course." He said, "They have not made such an expression to me." Does the Senator from Alabama think that it was my duty to hunt him up and say, "I understand you are a party here to trying to keep me off the conference committee, and I want to tell you that I will not go on it, or if I do go on it, I will stand by the Senate"? Why could not we have assumed in this case, like the Senator from North Carolina [Mr. SIMMONS] said, at least that these men were going to do their duty as Senators until the contrary was apparent? That is the reason, it seems to me, why this action, culminating in all kinds of conferences lasting for 22 days, is one that casts reflection upon the members of the Committee on Agriculture and Forestry and never happened to any other committee. But we are used to it. You ride over us whenever the machine feels so disposed, and it does not make much difference with us.

If this was a common occurrence, we would not think anything of it, but it is an uncommon occurrence. Is it true that I and the other two I have mentioned have sunk so low in the confidence and in the estimation of our fellow Senators that we can not be trusted as conferees to carry out the action of this body? Is our reputation such in this body that our reputations are of no avail and that Senators, before we take any action, are suspicious that we are going to do a dishonorable thing; that they must turn the whole Government upside down to prevent us from getting on a conference committee by which we might tear the earth from under the Senate, the House, and the White House? Is this the only committee that lacks the faith and the confidence of the Senate? Can any man recall when it has happened to any other committee? If we have assumed all along during the many years in the past that what the Senator from North Carolina said is true, that "we will assume these men will do their duty until the contrary appears," that is the rule which prevails at all times except in this case, where it is proposed to put on the statute books something that has never run the gantlet of a standing committee of either body of Congress?

Mr. President, I want to call attention now, particularly of the Senator from Alabama [Mr. UNDERWOOD]—I think it must have escaped his attention; I just noticed it myself—to the fact that during the closing hours of the consideration of the bill the Senator from Alabama, the last time he offered his bill as a substitute, included in it one section that was also in the other bill. He put it in as a substitute for his section 4. Originally I called attention to a couple of things that seemed to me were jokers in the Underwood bill. They had been in the Ford bill. It was a provision by which, I believe, if the Ford offer had passed, the Ford corporation would have been able to crawl out and never make any fertilizer. There were two of them. But the Senator from Alabama explained how he got them. He took them from the Ford bill, and therefore it is perfectly excusable, in my judgment, for letting them remain; but I called attention to them, and he himself struck them out. They were not in the bill then; but in the bill as the RECORD shows it passed the Senate one of those jokers still remains, and that joker comprises the words "according to demand."

The Senate will remember that I called attention to it and that it was debated and conceded that those words ought to go out, and they were taken out, but they appear again now as being in the bill that the Senate has passed. The Senate did not think it had passed any bill with those words in it, and it must have been a misprint or something of the kind.

Mr. UNDERWOOD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. UNDERWOOD. The Senator and I have both made a similar mistake. Section 4, as the Senator is reading it, was put in the second bill by me so that it would not be exactly the same bill that I had offered before, and is an amendment offered by the Senator from Tennessee [Mr. MCKELLAR]. I sent the printed form to the desk. The Senator from Nebraska had previously accepted the same amendment as an amendment to his bill.

Mr. NORRIS. No; the Senator is wrong about that.

Mr. UNDERWOOD. I took the printed form.

Mr. NORRIS. In offering his substitute at the time he stated that he had taken the last section in my bill, if you may call it my bill, and put it into his bill.

Mr. UNDERWOOD. It was the amendment of the Senator from Tennessee [Mr. MCKELLAR].

Mr. NORRIS. If the Senator will read the section as it was in my bill, he will find those words stricken out. They were stricken out every time when they appeared in my bill. They never were in there afterwards. They were always stricken out. If the Senator had taken it just as we had it, he would not have had those words in his bill.

I do not want the Senator to think that I am even intimating that he intended to have the words in or that it was done with any intention to deceive, but the Senator did state to the Senate that section 4 was just the same as I had in my bill. Of course, there he was wrong. It was not the same and he did not know it at the time, I suppose, and I know I did not know it and I do not think the Senator knew it. As a matter of fact, it was not the same.

Mr. UNDERWOOD. The reason why I said so was that the Senator from Tennessee [Mr. MCKELLAR] had offered the amendment, and I heard the Senator from Nebraska say he accepted the amendment. I suppose he afterwards or at the time, without my knowledge, struck out those words.

Mr. NORRIS. They were out at the time.

Mr. UNDERWOOD. They were in the printed amendment that I offered.

Mr. NORRIS. Yes; and the Senator took the amendment as it was printed.

Mr. UNDERWOOD. I assumed the words were out. I will say to the Senator, so far as I am concerned, that I was not prepared to defend the punctuation in that clause of the bill, so when he raised the point some weeks ago I yielded to him and had those words stricken out. I think the purpose of some people in having those words in the bill was that it meant on demand of the farmers; but the grammar and punctuation were not such that I was willing to defend, so when the Senator raised the point I struck them out. I had no intention of putting them in, and I have no doubt the conferees will correct the matter.

Mr. NORRIS. I do not think the Senator had any intention of putting them in, but I call attention to the fact that they are there, whether intentionally or unintentionally. The other words were left out. They were in the original print of the amendment of the Senator from Tennessee [Mr. MCKELLAR].

If the Senator had sent that to the desk, and had it read as a part of the substitute unchanged, they would have appeared here also, but they did not appear; they are out; or, at least, from a hasty reading of the bill, I judge they are out. I have not read the measure carefully.

Mr. UNDERWOOD. I will say to the Senator that I took the amendment of the Senator from Tennessee, made it apply to a lessee as well as to a corporation, and sent it to the desk as it was printed. I do not know about it otherwise.

Mr. NORRIS. Mr. President, I wish to say in conclusion, as I practically said in the beginning, if I had been making the motion, and if nothing had happened, as I have narrated, to indicate, as it seems to me, that Members of this body and others out of the body were suspicious that I would not do my duty, I intended when the time came in the very best of faith to urge the appointment of the Senator from Alabama to head the Senate conferees. I think that would be the proper action for the Senate to take. The bill that he championed, with some few modifications, has been passed by the Senate, and while, perhaps, there ought to be conferees on the committee who favor some amendments that were put on the bill, for we desire to make it fair all around, the Senator from Alabama is the man who should head the conferees on the part of the Senate.

Mr. McCORMICK rose.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. NORRIS. I will yield in just a moment. Nobody on the Republican side can object to that. We can not go back to the old custom and say, "Why, he is not on the committee which reported the bill; he is not a Republican, and we must put Republicans on." You followed the Senator from Alabama in this fight; he was your leader. The Senator from Kansas [Mr. CURTIS] was nothing but a lieutenant. The Senator from Alabama led you, and he led you well, and you followed him well and obediently. You won your fight and you ought not to change horses in the middle of the stream. He ought still to be the leader. That would have been the proper course to pursue. I have no objection to the conferees whom the Senator from Alabama has indicated in his motion, but it does not seem to me to be quite right that he himself should not head the conference committee.

I now yield to the Senator from Illinois. For the moment I had forgotten to do so.

Mr. McCORMICK. Do I understand that the Senator from Nebraska, by implication, suggests that if the motion of the Senator from Alabama shall be defeated he will not serve as a conferee?

Mr. NORRIS. I will not.

Mr. McCORMICK. Because, for one, I wish to bear witness to my unbending belief in the integrity of the Senator from Nebraska and his sense of duty. I do not see why the Senator should yield his place as a conferee.

Mr. NORRIS. Of course, I very highly appreciate what the Senator from Illinois has said, but I gave—I do not know whether or not the Senator heard me—at the beginning of my speech the reasons why it seemed to me I ought not to be on the conference committee. I know what my duty as a conferee would be, and if I went on the committee I would perform it to the best of my ability. I felt before the question was raised, that, as a matter of fact, the fundamental theory of a conference committee is more righteous than is our custom, and that I ought not to be placed on the committee. We ought to have Senators on the committee who believe in the bill which was passed, who supported it, and voted for it. However, no matter what I might have thought, when it became apparent that quite a large number of Members of this body, a number of those who are in positions of leadership in the House and the President were all holding conferences, and that one of the objects was to see how they could eliminate me from the conference, I would not then have consented to represent the Senate under any circumstances, because if I had to start in to represent the Senate lacking the faith and confidence of a good share of the Senate, they believing that I was not going to do my duty——

Mr. McKELLAR. Or be called upon in advance to make a promise that you were going to do it.

Mr. NORRIS. Or if I had to go around and hunt Senators up and say, "If you will let me serve on this committee, I will back the Senate up, and here is my resignation; whenever you feel as though I am not doing it, just file it." I would not have consented to serve on the committee of conference under any circumstances. I would not accept a commission with that kind of a string to it.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to the Senator from Illinois?

Mr. NORRIS. I again yield to the Senator from Illinois.

Mr. McCORMICK. Let me ask the Senator from Nebraska how the issue is to be joined? If the motion of the Senator from Alabama does not prevail, or if it shall prevail, is a substitute therefor to be presented?

Mr. McKELLAR. Mr. President, will the Senator from Nebraska yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. Yes.

Mr. McKELLAR. Will the Senator yield to me in order that I may offer a substitute at this time for the motion of the Senator from Alabama?

Mr. NORRIS. I had rather the Senator would wait until I yield the floor.

Mr. McCORMICK. Will not the Senator from Nebraska permit the proposed substitute of the Senator from Tennessee to be read so that we may understand its purport?

Mr. NORRIS. Very well.

Mr. McKELLAR. I offer the following motion: I move, as a substitute for the motion of the Senator from Alabama [Mr. UNDERWOOD], that, in accordance with the usual custom of the Senate, the Chair be requested to appoint as conferees on the part of the Senate on H. R. 518 the chairman of the Committee on Agriculture and Forestry [Mr. NORRIS] and Mr. MCNARY, the next Republican on the committee, and Mr. SMITH, of South Carolina, the ranking Democrat on the committee.

Mr. UNDERWOOD. Mr. President, I make the point of order against the motion of the Senator from Tennessee.

Mr. NORRIS. The motion has not been offered; it has merely been read for the information of the Senate.

The PRESIDING OFFICER. The Chair understands that the motion has merely been read for the information of the Senate.

Mr. UNDERWOOD. I wish to reserve the right to make the point of order against it.

Mr. NORRIS. I want to say to the Senator from Tennessee that if his motion should prevail I could not accept the place of conferee.

Mr. McKELLAR. I understand that; but I think the Senate ought to elect. The question having come up in this way, I think the Senate owes it to the committee to elect its three ranking Members. I understand that a point of order is about to be made against my motion. I do not know whether it can be submitted according to the rules, but, if it can be so submitted, I intend to submit it, and the Senator can afterwards resign if he sees fit so to do.

Mr. UNDERWOOD. I will say to the Senator from Tennessee, if the Senator from Nebraska will allow me——

Mr. NORRIS. I yield.

Mr. UNDERWOOD. That I will make the point of order against the form of his motion, which provides that the Chair shall appoint. That is contrary to the rules, of course. If the Senator wants to propose three other Senators, he can propose in a substitute motion that three other Senators shall be appointed for the conferees proposed by myself.

Mr. NORRIS. Mr. President, unless some Senator desires to ask me a question I have nothing further to say, and I yield the floor.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama.

Mr. UNDERWOOD. Mr. President, it is not necessary for me to say again what I said in the beginning, that my motion is not personal; nor do I for a moment think that the Senator from Nebraska is one who concerns himself about breaking down old laws or old precedents, for, if I remember rightly, some 20 years ago the Senator cooperating with myself and others, or we cooperating with the Senator, broke down a precedent and a rule, thus changing the legislative status of the Congress of the United States. The Senator then thought that action was right; and he has just said that he does not believe in rules that seek to shackle men's hands instead of aiding the representative quality of legislative bodies. The Senator ran true to himself in his statement; he has always occupied that position, and I expected him to do so; but I will say to the Senator that I am not surprised at his statement that he will not serve as a conferee, for I think it comports with his parliamentary career.

In conference with the President pro tempore of the Senate I asked if I, as the author of the bill, would, as usual, be recognized to suggest the conferees, but I received no definite reply from him. Representing the majority opinion of the Senate, I could not afford to take any chance about the matter;

it was up to me to move for conferees friendly to the bill, and it is no reflection to the Senator or his colleagues that I have done so.

The Senator says that he knows of no precedent. In March, 1906, Mr. Teller, of Colorado, a very distinguished Senator and a member of the Republican Party, when a question similar to this was involved, said:

> Mr. President, the right to appoint the members of a conference committee belongs to the Senate. I am not going to find any fault with the withdrawal of the motion made by the Senator from Ohio; I agreed to its withdrawal last night. But I wish to say that it is no reflection upon a committee, nor is it any reflection upon the Chair, because he recognized that without a motion to that effect the Chair has not the right to appoint a committee. The right to appoint the members of a conference committee is with the body that creates the committee. That is not always done, because it is convenient generally—and the custom has grown up to that effect—for the chairman of the committee to designate certain members of the committee having charge of the measure to act at the conference. The conferees of the two Houses are then supposed to represent the Senate or the House, as the case may be. I understand also there is a feeling on the part of some members of the committee that to select anyone off of the committee or to select anyone even on the committee who had not been favorable to the first proposition perhaps would be a reflection on the committee. Whenever a conference committee is created it is created to bring the mind of the other body to that of this body, and to bring them together. It is not to represent the view of the minority but to represent, if possible, the majority. Upon that theory the majority of the proposition that passes this body is entitled by custom and usage and on principle to name the committee. A majority only of this body can pass a bill. If the bill is different from what came from the House, the bill as it leaves this body is supposed to represent the sentiment of this body, and this body then is entitled to have a friendly committee.

I could go on—there is nearly a page more of this—but I shall not take up the time of the Senate with it. That statement is made by one of the most distinguished Republicans who ever served in this body, Senator Teller, of Colorado. It clearly sustains the position I am taking here to-day, and that position is merely that the Senate is entitled to have conferees go to conference who represent the viewpoint of the Senate in the vote it has taken.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. UNDERWOOD. I do.

Mr. NORRIS. The quotation from Senator Teller meets with my most hearty approval. He does not say anything there that I disagree with; but that does not give the Senate an instance where the Senate took action along that line. The Senator does not even claim that the Senate has ever taken such action.

Mr. UNDERWOOD. It only failed to take action in this case because—if the Senator heard the statement read—it was agreed by unanimous consent that what Senator Teller contended for should be carried out.

Mr. NORRIS. Yes; but the Senate did not take action upon which those remarks were based, as I understand. What Senator Teller said I think was fundamentally right, and is just what I have tried to say here to-day.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. UNDERWOOD. I yield.

Mr. CURTIS. In view of the discussion that has been going on, I suggest that the Senator modify his motion and provide that the Chair shall name the conferees.

Mr. UNDERWOOD. Mr. President——

Mr. NORRIS. Mr. President, may I interrupt the Senator again?

Mr. UNDERWOOD. Yes.

Mr. NORRIS. I hope the Senator will not do that. After I have made the statement that I would not go on the committee, and that if I had consented to go on the committee I would do the fair thing, I do not like to see the Senate back up now. It has started on a course. Go ahead with it and finish it.

Mr. CURTIS. The Senate has backed up before in a similar case, and I do not think it would hurt itself any to back up again.

Mr. McKELLAR. I do not think the Senate ought to back up.

Mr. NORRIS. I do not think it is fair that the Senate now should withdraw. Let us "bust" this old custom that we have had here. Let us make a precedent now. Let us not stop, after the man that you are after has eliminated himself, and say that we will not make a precedent of it. Go ahead. Drive on! Let us have something out of the action of the Senate to-day that we can point to to-morrow and next day and say, "Here is this same hen come home to roost; now take your medicine!"

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. UNDERWOOD. I yield.

Mr. McKELLAR. The Senator spoke of Senator Teller being a distinguished Republican. I want to know if he was not also a distinguished Democrat, and if he was not for quite a while on the Democratic side of the Chamber? My recollection is that he can be quoted with equal force both as a Republican and as a Democrat.

Mr. UNDERWOOD. I yield for that suggestion, although I think he called himself a silver Republican at that time.

Mr. McKINLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. UNDERWOOD. I do.

Mr. McKINLEY. When the Senator from Alabama made his motion I was not in the Senate Chamber and I did not know until just now that my name had been mentioned. I desire to say that I should prefer not to serve on this committee.

Mr. UNDERWOOD. Mr. President, I named the Senator from Illinois because he was the second member of the committee who was friendly to the bill. I think the Senator from Nebraska is right. After the Senator's statement I should have been very glad to come to some understanding about this matter, that we might have friendly conferees. I had been unable to find out anything that would have brought it about. I could not have avoided the responsibility of making this motion without knowing that the Chair was going to appoint conferees that were friendly to my bill. Not knowing that, I made the motion. The motion I made was not directed against the Senator from Nebraska. It was directed against the position that the Senator occupied.

The Senator, however, says that he desires to insist on this motion, and that he has a right to insist on it. If I did not make the motion to elect the conferees, somebody else could say that we must have the conferees selected by the Senate. He is right. The motion can not be withdrawn; and, more than that, it is not in order for the Chair to appoint the conferees.

Before I take my seat, as the Senator from Illinois does not desire to serve, it will be necessary for me to amend my motion. I move that the committee consist of the Senator from New Hampshire [Mr. KEYES], the Senator from North Dakota [Mr. LADD], and the Senator from Mississippi [Mr. HARRISON]. I name those Senators in their order because they were the Senators on the committee who favored the bill in the form in which it passed.

Mr. McKELLAR. Mr. President, I move to substitute for the names of Senators KEYES, LADD, and HARRISON the names of Senators NORRIS, McNARY, and SMITH.

Mr. NORRIS. I hope the Senator will not put my name on the committee. I hope he will not do that.

Mr. McKELLAR. Mr. President, it seems to me that we should have a fair, square vote on what is proposed to be done here. The Senator from Nebraska can refuse to serve; he can resign as a member of the committee, and that will end it; but it can not be determined in any other way fairly and squarely except by putting the two ranking Republicans and the one ranking Democrat on the committee.

I want to say to the other three gentlemen whose names have been mentioned that, of course, I have nothing in the world against them in any way. I know that they would make good conferees. That is not the question. The question is whether we are going to stand by the rules of the Senate and the custom of the Senate from time immemorial. My understanding is that there has never been a violation of that rule except when Senators refused to serve, but invariably that custom has been carried out. The statement that Senator Teller may have made about the matter 20 or 30 years ago is not applicable to anything that occurs here. The rule of the Senate has been uniform.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. JOHNSON of California. May I suggest to the Senator from Tennessee that the determination of the particular question can come up upon the motion that is presented by the motion of the Senator from Alabama. The substitute presented by the Senator from Tennessee simply confuses the

issue, because there may be Senators among those whose names he suggests who may not want to serve ultimately; but the whole problem can be settled, I think, by a direct vote upon the proposition presented by the Senator from Alabama. Upon that, of course, I am in accord with the Senator from Tennessee and with the Senator from Nebraska; but the substitute of the Senator from Tennessee is going to confuse the particular issue, and he can not get a real vote upon it.

Mr. HARRIS. Mr. President, I am one of those who voted for the Underwood bill on the last vote, and I voted for the Underwood bill as against the Jones amendment, which would have delayed the whole matter at least a year. Except for the vote of myself and the junior Senator from Florida [Mr. TRAMMELL] and two or three others who had consistenly voted for the Norris bill with the McKellar fertilizer amendment the Underwood bill would not have passed this body. A change of three votes would have defeated it. I discussed the matter with others, who told me they voted for the Underwood bill for the same reason that I did; not that they liked the provisions of that bill any better than the provisions of the Norris bill, because we did not like the provisions of either in their entirety. We liked some things in one and some things in another; but the Jones amendment postponed action for at least a year, and we wanted immediate action on this matter so as to get cheaper fertilizers for the farmers as soon as possible. We voted to get action rather than voting for the Underwood bill as against the Norris bill.

The Senator from Alabama, whom I esteem highly, states that the vote was 50 to 30 on his bill. That was not the deciding vote at all. The real deciding vote was on the Jones amendment, providing for a commission to report to Congress a year from now, which was defeated by five votes, and a change of three votes on the part of those of us who had been voting for the Norris bill made it possible for the Underwood bill to get a majority. It was that vote, rather than the 50 to 30 vote, that brought about the result, and we voted to get action.

I am sorry the Senator from Alabama has offered this amendment. I have not forgotten the time when the Senator from Nebraska [Mr. NORRIS] the Senator from Oregon [Mr. MCNARY] and a few others on the other side of the Chamber, saved Muscle Shoals from being scrapped. I have not forgotten the time when the Senator from South Carolina, in framing this legislation in the beginning, did so much for Muscle Shoals legislation so as to protect the farmers of my section; and I am not going to vote to humiliate those men. As far as the Senator from Oregon [Mr. MCNARY] is concerned, I do not believe there is a man in public life in the United States who will endeavor to do his duty more nearly in accordance with the interests of the people than the Senator from Oregon when he takes action in this body; and I shall vote against the Underwood motion, which changes the long established seniority custom of the Senate in naming conferees.

Mr. SMITH. Mr. President, of course everyone realizes that if we did not know the conditions in the Senate so clearly this motion might be embarrassing, and, in a way, humiliating to some of us whose names, by virtue of the rules of the Senate, are connected with this matter.

I am utterly amazed that the Senator from Alabama, in his zeal to see that the measure for which he stands sponsor shall have an open road, is willing to go to the point of aspersing the integrity and honor of colleagues that he knows are not liable to any such suggestions, or are not guilty or liable to be charged with the implication that goes with his action in this matter. The public does not know, except by custom, what are the rules of the Senate; and when an old custom is broken over, as it is proposed to do here, as a matter of course it carries an implication that those affected thereby are not to be trusted as others have been trusted.

The Senator from Alabama knows that he was not justified in taking the procedure that he has taken.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me, I am perfectly willing for the Senator from South Carolina to state his own position in regard to a matter of this kind; but I must ask the Senator not to say that I know a certain thing, because I think my position is entirely in accord with the rules, and just as much in accord with the rules as when I voted at the beginning of this Congress to elect the Senator chairman of a committee to which position we would have elected, if we had followed the precedents and the custom, the senior Republican member.

Mr. SMITH. Mr. President, the question of whether or not that vote was cast does not carry with it what the Senator from Alabama, with his intelligence, knows that this action on his part carries. He knows that the Senator from Nebraska [Mr. NORRIS] and the Senator from Oregon [Mr. MCNARY] would do as we have always done had they been willing to go on the committee under the circumstances. If they had gone on the committee they would have represented the rule of the majority expressed in that vote.

So far as I am concerned, I had fully made up my mind as to just what course I would take. In this matter, after it took the course it did in the House, as a matter of course I could not have afforded to allow myself to go on the conference committee.

I agree with the Senator from Nebraska that when the majority have expressed themselves touching the principle of any legislation, those in sympathy with it ought, if possible, to go on the conference committee to meet the objections to that principle which come from the other House. But we have not followed that practice. If the Senator from Alabama had had due regard for his colleagues on the other side and on this side he would at least have allowed the precedent to be followed, and then trusted to the feelings and the sentiments of those affected as to what course, as honorable men, they would take.

I rose merely for the purpose of protesting and expressing my disappointment that my colleague from Alabama, in his zeal to have a measure passed, could get the consent of his mind to do this thing. Disrobe it of everything else, his relation to his colleagues here and their good name are worth all the water power in the world. He knows that the Senator from Nebraska would have done his duty and that the Senator from Oregon would likewise have done his duty.

Now, Mr. President, with one word as to the matter at issue I am done. The Senator brought into the Senate a bill containing two features, one covering private operation under Government control, the other Government operation under Government control. The House had previously passed a bill which had provided practically for Government control and private operation, the Ford measure. So that the issue involved was the choice between those two, the House, technically speaking, standing for private operation and Government control, under the Ford plan, duplicating the first part of the Senator's bill. The other was the proposition of Government control. Now, the Senator seeks to put those of us who vote against his measure in the position of being in favor of Government ownership and control, as contradistinguished to private operation and Government control, when he knows that there were those on this side who believed in Government operation and control until the final development of the plant.

With the issue as it now stands, the Senator has practically affirmed that the last proposition in his bill was never in the minds of those who are backing up the legislation which he proposes to put through; that he is willing to go to the extent of indirectly aspersing the integrity of Members of this body and of breaking a precedent of all these years' standing in order that he may force through a provision for leasing the property under the terms of his particular measure.

Of course, I do not know what action the Senate may take upon the monstrous proposition he has brought here to-day, but I had made up my mind, and I still stand on the conclusion, that I would not put myself in a position where, even as the agent of this body, I would be a party to a contract which I did not believe justifiable from any standpoint, and I was not going to put my name to a conference report and put my Government in the attitude of giving to private individuals the means by which 110,000,000 people have hoped to solve one of the great economic problems of this country.

Mr. UNDERWOOD. Mr. President, I do not want to occupy the time of the Senate unduly, but I can not let the remarks of the Senator from South Carolina [Mr. SMITH] go by without expressing myself on the record.

I have served in this body for a great many years. I have always endeavored to attribute proper motives to my colleagues, and I think I have done so. I have endeavored to treat them with courtesy, and I think I have done so. I realize that there may be an appeal to other Senators when a Senator tries to put himself in the position of having been abused by somebody, but if anything has been said in this debate which might leave a yellow streak across the back of the Senator from South Carolina, I have not said it; it has not come from me. I have said from the beginning that I attributed no improper motives to the men who may be senior on the committee, but that I did not desire to have them serve on a conference committee considering a bill in which I was interested, because they were not friendly to the bill. The Senator from South Carolina has just reasserted his position.

The rules of the Senate stating that conferees must be chosen from Senators friendly to the legislation, and giving me the right, as a Senator, to move the election of conferees, I think that others, in reach of my voice clearly understand, even if the Senator from South Carolina can not, that I have not made this motion for the purpose of making personal reflections or attributing to men improper conduct. I have only said that I wanted conferees on this bill whose attitude was friendly to its becoming a law. Senators whose names I have not mentioned, and especially the Senator from South Carolina, have distinctly said that they were opposed to the legislation. The Senator from South Carolina has gone so far as to say that he would not sign a conference report on the bill. How, under those circumstances, he can attribute to me an effort to besmirch his private personal character is beyond my comprehension, when I merely owe it to those whose views I represent to try to have conferees appointed who reflect a legislative view, and have nothing to do with the personal characters of these men.

Mr. SMITH. Mr. President, if the Senator had listened carefully to what I said, he knows that I did not attribute to him any belief that the conferees who would normally have been appointed were other than men of integrity—the Senator from Oregon and the Senator from Nebraska—that they were other than what he knew them to be; but that in order to put through his bill and take no chances he was willing to invoke a rule which had never been invoked, and by the very invoking of the rule he did the thing to which I have taken exception.

Mr. UNDERWOOD. Mr. President, I differ with the Senator from South Carolina and with those others who have said that this rule has never been invoked before. It has been, though I concede it is rarely invoked. I read from statements in regard to it.

That rule is the law of the Senate, and it is a proper law. It is perfectly proper and right that when the Senate reaches a conclusion and is about to send a bill to conference, in all honesty to itself, without any reflection whatever on the men who hold the other viewpoint, it is entitled to have men who desire to have the legislation passed to which the Senate has agreed as its ambassadors to the conference committee. I recognize that in the matter of great supply bills and revenue bills that is often impossible as to many items, but it is not impossible with regard to this bill. The only thing I have attributed to the Senator from South Carolina or to the Senator from Nebraska in this matter is that they were in entire disagreement with the viewpoint as expressed by the vote of the Senate itself.

More than that, I am perfectly willing to say that, whether the rule is invoked now or not, in the interest of the American people, in the interest of legislation which reflects the viewpoint of their representatives, the rule is perfectly right; and it is the proper position for any legislative body to take; it is in accord with the fundamental principles of the American Government that men who go on a committee to represent a viewpoint should be men selected who actually at heart believe in the position they go to represent, and there would be far less misrepresentation in the Government if that rule were observed all the time instead of merely being observed by its breach.

Mr. EDGE. Mr. President, this situation appeals to me as being a very contradictory one. Practically all of the Senators who have spoken have agreed with the sentiments expressed by the Senator from Nebraska, and also those expressed by the Senator from Alabama, that in the very nature of things conferees should be friendly to the legislation they are supposed to represent; but Senators at the same time are opposing the motion of the Senator from Alabama.

So far as I am concerned, speaking entirely apart from the legislation at issue, it appeals to me that the rule of seniority, so far as it applies to the naming of conferees, is a very unfortunate one. It means, generally speaking, that the same Senators on either side are always chosen as conferees. I do not question at all their knowledge or ability to carry out their work and to do it without being influenced by their personal viewpoints.

I believe conferees appointed on any measure should be Senators convinced that the measure they are to consider in conference is correct and is right. They know it represents necessarily the will of the majority, or it would not have been passed, and they should go into conference with the enthusiasm of believing the measure should become a law. This view is not a reflection on the desire of any Senator to represent the majority, even though he may have disagreed with them during the debate or the consideration of the measure.

But this particular situation, with the Senator from Nebraska, the Senator from South Carolina, and the Senator from Georgia all taking the position that the conferees should be friendly to the legislation as passed and then assailing the Senator from Alabama because he is endeavoring to put through that very motion, is unusual. Any time such a motion is made, if a Senator desires to so take it, it will be a possible reflection on the senior Senator who might not be named. Any time the effort is made the same explanations will be necessary.

I am speaking, as I said at the outset, from the general standpoint. I believe in the rule of seniority within reasonable limits. I disagree with it absolutely as a definite commitment that certain members of committees are supposed to represent the Senate in conferences on legislation that is passed. For that reason, when the matter comes to a vote on the motion made by the Senator from Alabama, without in any way considering it the slightest reflection on any Member who may be senior to those he has suggested, I shall consider that it simply establishes a precedent, a precedent which should be established, a precedent which perhaps never has been established, but which we agree should be established. The mill will not run with water that has passed, and we will never establish a precedent unless by a vote of the Senate. It seems to me this is a good opportunity to meet a modern condition and to have Members of the Senate represent it who are selected primarily with the thought that they believe in the measure and that they can argue for the measure in a conference of representatives of the two Houses.

Mr. McNARY. Mr. President, I have never had any intention of permitting myself to serve as a conferee in this particular conference, but not by being disqualified; indeed, I am sure that I could render service such as is required by the rules of the Senate. I am conscious of the fact that the chairman of the committee and the ranking Democrat and even myself would have conformed to the rules of the Senate and the precedents to which reference has been made.

I have had enough of Muscle Shoals. I think it was in 1918, when a very dear friend now passed beyond these limits, former Senator Gronna, was chairman of the Committee on Agriculture and Forestry, that I as one of the members of the committee started to hold hearings on Muscle Shoals. I have been wedded to it with fidelity. At this particular juncture, while I have no particular complaint against the Underwood bill, I do not think it is the best species of legislation that could be fashioned. I do not feel under the circumstances that it would be a pleasure for me to serve as a member of the conference committee. I see nothing personal in the whole situation.

Entertaining that view I am wondering how I can get out from this tremendous honor that has been thrust upon me by the Senator from Tennessee [Mr. McKELLAR] including my name in his motion. Heretofore I have had to seek my honors and the task has not always been an easy one. Now, as a serious parliamentary situation, this is one honor that I want to escape. I decline to serve. I decline to be a candidate. What I need is some little help and assistance to get out from under the situation, and I appeal to the Chair.

Mr. President, a parliamentary inquiry. I want to have my name taken off of the list which has been presented.

The PRESIDING OFFICER (Mr. Fess in the chair). The Chair is helpless in the matter. It is a matter for the Senate to decide.

Mr. McNARY. Then I move, if the amendment is not in the third degree, that the name of the senior Senator from Oregon be eliminated from the amendment offered by the Senator from Tennessee.

Mr. HEFLIN. The Senator from Tennessee is not present, but so far as I am concerned I will accept the amendment of the Senator from Oregon.

Mr. McNARY. I thank the Senator from Alabama. I understand the motion has been unanimously agreed to.

The PRESIDING OFFICER. The question is on agreeing to the substitute offered by the Senator from Tennessee [Mr. McKELLAR].

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Bruce	Cummins	Fernald
Ball	Bursum	Curtis	Ferris
Bayard	Cameron	Dale	Fess
Bingham	Capper	Dill	Fletcher
Borah	Caraway	Edge	Frazier
Brookhart	Copeland	Edwards	George
Broussard	Couzens	Ernst	Glass

Gooding	McKellar	Pittman	Stanfield
Hale	McKinley	Ralston	Stanley
Harreld	McLean	Ransdell	Sterling
Harris	McNary	Reed, Mo.	Swanson
Heflin	Means	Reed, Pa.	Trammell
Howell	Moses	Sheppard	Underwood
Johnson, Calif.	Neely	Shields	Wadsworth
Johnson, Minn.	Norris	Shipstead	Walsh, Mass.
Jones, N. Mex.	Oddie	Shortridge	Walsh, Mont.
Jones, Wash.	Overman	Simmons	Warren
Kendrick	Owen	Smith	Weller
Keyes	Pepper	Smoot	Wheeler
King	Phipps	Spencer	Willis

The PRESIDING OFFICER. Eighty Senators have answered to their names. A quorum is present.

Mr. HEFLIN. Mr. President, I merely want to say a word. I do not regard the motion of my colleague as any reflection upon the Senators who are the ranking members of the Committee on Agriculture and Forestry. I am a member of that committee. I am personally very fond of all three of the Senators who are the ranking members, the ranking Democrat on our side, the Senator from South Carolina [Mr. SMITH], the ranking Republican, the chairman of the committee [Mr. NORRIS], and the Senator from Oregon [Mr. MCNARY]. But there is no doubt that the dominant thought of the Senate is entitled to be represented on the conference committee, and when we seek to get Senators who represent that thought and have to disregard Senators who are bitterly antagonistic to the view of the Senate we make no reflection upon those latter Senators. There is nothing of that sort involved here, because I know that the Senator from South Carolina [Mr. SMITH], able and strong man that he is, man of deep convictions, is earnestly and honestly against the Underwood bill. I am sincerely for the bill, which has the Ford fertilizer provision in it, and I would rather have somebody on the conference committee who is for the bill, who will represent the thought and action of the Senate on the bill. That is all that we are trying to get. I hope the Senator from South Carolina and the other Senators mentioned will not feel that they are reflected upon in the matter.

Mr. UNDERWOOD. On the substitute of the Senator from Tennessee, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MCNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MCNARY. The Chair did not rule upon my motion of a few moments ago, nor did the Chair answer the parliamentary inquiry I propounded; namely, if, under the rules, I am forced to be an unwilling candidate. I now desire to withdraw my name.

The PRESIDING OFFICER. The Chair would state that it is within the power of the Senate to permit the withdrawal of a Senator's name, and not in the power of the Senator himself to withdraw his name. The only thing the Chair could suggest would be cooperation with the Senator who offered the motion. If the Senator from Oregon could persuade him to withdraw the Senator's name, it would be all right. The Chair is helpless in the matter.

Mr. WALSH of Massachusetts. Can not the Senator ask unanimous consent to have his name withdrawn?

The PRESIDING OFFICER. Yes; the Senator's name may be withdrawn by unanimous consent.

Mr. MCKELLAR. I hope the Senator will not do that. Let us have a fair and square vote on the proposition. The Senator can resign his place on the committee, but I hope he will not do so.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.

Mr. MCNARY. Mr. President, my resignation is to take effect immediately following the vote. [Laughter.]

Mr. HEFLIN. I wish to make this inquiry: What use is there to take up the time of the Senate to go through the form of voting for a candidate who has stated that he does not desire to be voted for and will not serve if elected?

The PRESIDING OFFICER. That is not a parliamentary inquiry. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], but on this vote I am at liberty to vote, and I vote "nay."

Mr. MCNARY (when his name was called). On this motion I am paired with another candidate for the position of conferee, the Senator from Mississippi [Mr. HARRISON]. Not knowing how he would vote, I withhold my vote.

Mr. OWEN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. TRAMMELL (when his name was called). On this vote I am paired with the junior Senator from Massachusetts [Mr. BUTLER]. I understand that if he were present he would vote "nay," and if I were at liberty to vote I should vote "yea."

The roll call was concluded.

Mr. PHIPPS. On this vote I am paired with the junior Senator from South Carolina [Mr. DIAL]. I am informed that if he were present he would vote as I intend to vote. Therefore I am at liberty to vote. I vote "nay."

Mr. FERNALD (after having voted in the negative). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I had supposed he was in the Chamber, but I find that he has not voted. I transfer my pair to the junior Senator from Rhode Island [Mr. METCALF] and will let my vote stand.

The result was announced—yeas 35, nays 33, as follows:

YEAS—35

Borah	George	Kendrick	Simmons
Brookhart	Glass	McKellar	Smoot
Broussard	Gooding	McLean	Stanfield
Capper	Harreld	Neely	Swanson
Copeland	Harris	Overman	Wadsworth
Couzens	Howell	Ralston	Walsh, Mass.
Dale	Johnson, Calif.	Ransdell	Walsh, Mont.
Dill	Johnson, Minn.	Sheppard	Wheeler
Frazier	Jones, Wash.	Shipstead	

NAYS—33

Ball	Edwards	Moses	Stanley
Bayard	Ernst	Oddie	Sterling
Bingham	Fernald	Owen	Underwood
Bruce	Ferris	Pepper	Warren
Bursum	Fess	Phipps	Weller
Caraway	Fletcher	Pittman	Willis
Cummins	Hale	Reed, Pa.	
Curtis	Heflin	Shields	
Edge	Means	Spencer	

NOT VOTING—28

Ashurst	Harrison	McCormick	Reed, Mo.
Butler	Jones, N. Mex.	McKinley	Robinson
Cameron	Keyes	McNary	Shortridge
Dial	King	Mayfield	Smith
Elkins	Ladd	Metcalf	Stephens
Gerry	La Follette	Norbeck	Trammell
Greene	Lenroot	Norris	Watson

So Mr. MCKELLAR's motion was agreed to.

Mr. CURTIS and Mr. UNDERWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. CURTIS. Has the vote been completed on the alternative proposition? As I understood, the vote was taken only on the substitute amendment of the Senator from Tennessee [Mr. MCKELLAR].

The PRESIDING OFFICER. The Chair wishes to state that on inquiry of the parliamentarian the Chair was informed that there was but one vote necessary. The occupant of the Chair would think that the vote was simply a preference of the substitute over the original motion, but the practice of the Senate, the Chair understands, requires only a vote on one motion. Therefore the Chair has ruled that the substitute having been agreed to, the appointment of the conference committee is already made.

Mr. SMOOT. Is it not a fact that there could be another amendment offered at this time? Suppose a Senator wished to offer an amendment?

Mr. NORRIS. Mr. President, it seems to me that some one has misinformed the Chair in reference to the practice of the Senate.

The PRESIDING OFFICER. The present occupant of the chair is very willing to leave the matter open. It is his judgment that there ought to have been another vote. However, the Chair has been informed that such is not the practice of the Senate.

Mr. NORRIS. Mr. President, I was called out of the Chamber for a moment——

The PRESIDING OFFICER. The Chair will make short work of it and will regard the adoption of the substitute as being only a preference over the original motion made by the Senator from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. We had a record vote; the Senate decided the question; and I accept the decision of the Chair. There are no technicalities to be raised. There were 33 votes one way and 35 votes the other way, and there is no use to waste time about the matter.

Mr. NORRIS. Mr. President, I was called out of the Chamber during the debate and came back while the calling of the roll was taking place. Was the motion of the Senator from Tennessee [Mr. MCKELLAR] modified in any way during my absence?

The PRESIDING OFFICER. It was not.

Mr. NORRIS. Who are the conferees on the part of the Senate.

The PRESIDING OFFICER. The conferees on the part of the Senate are the Senator from Nebraska [Mr. NORRIS], the

Senator from Oregon [Mr. McNARY], and the Senator from South Carolina [Mr. SMITH].

Mr. NORRIS. Mr. President, for the reasons which I previously gave during the debate, I must decline to act as one of the conferees on the part of the Senate.

Mr. BRUCE. Mr. President, may I express the hope that the Senator from Nebraska will not decline?

Mr. NORRIS. I do decline.

Mr. BRUCE. I desire to say that if we are to have as conferees Members of the Senate who were originally opposed to the bill, I do not know any Member of the Senate whom I had rather see one of the conferees than the Senator from Nebraska, because it is my opinion, from what I have seen of him in parliamentary action, that as a conferee he will discharge his full duty to the bill and present the case of the Senate as effectively as it could be expected to be presented.

Mr. McNARY. Mr. President, agreeably to my statement while an unwilling candidate, I, too, must decline to serve as a conferee, and I am serious in my refusal so to act.

The PRESIDING OFFICER. The statements of the two Senators are before the Senate.

Mr. McNARY. I ask unanimous consent to be relieved from service as a conferee on the matter now pending before the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none, and the Senator is relieved.

Mr. NORRIS. A parliamentary inquiry. Does not the declination of a Senator relieve him from service?

The PRESIDING OFFICER. The Chair thinks not.

Mr. NORRIS. Then, if that be the ruling of the Chair, I ask unanimous consent that I also may be relieved from service on the conference committee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is granted.

Mr. UNDERWOOD. Mr. President, I recognize the decision of the Senate. I compliment the Senators on the position they have taken. It is playing true to form.

I desire to move the election of Senators KEYES and LADD to fill the vacancies on the conference committee.

Mr. WADSWORTH. Mr. President, will the Senator yield for a question?

Mr. UNDERWOOD. Yes.

Mr. WADSWORTH. In examining the list of the members of the Committee on Agriculture and Forestry it would seem that Senator CAPPER and Senator KEYES are the next in the order of seniority, following Senators NORRIS and McNARY. Is there any objection to following the rule and selecting Senator CAPPER and Senator KEYES?

Mr. UNDERWOOD. I will say to the Senator that my motion was to have, and I still think we ought to have, on the committee Senators who voted for the bill. The Senate by one vote has taken the other position; and, as that is the viewpoint of the Senate I will simply conclude the matter by asking unanimous consent that Senator KEYES and Senator CAPPER be elected to fill the vacancies on the conference committee.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. McKELLAR. Mr. President, as I understand, it is Senators CAPPER and KEYES, Senator CAPPER being first in order on the list.

Mr. UNDERWOOD. Whichever is the senior Senator.

Mr. McKELLAR. That is entirely satisfactory to me.

Mr. SIMMONS. Mr. President, I simply want to inquire of the Senator from Alabama if he is proposing to appoint two or three conferees, Senator SMITH not having signified his acceptance or rejection of the designation?

Mr. UNDERWOOD. Senator SMITH stated a while ago that he would not sign the conference report; but he is elected, and it is up to him to decline if he wants to.

Mr. SIMMONS. Then the Senator has named only two?

Mr. UNDERWOOD. Two; that is all.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and the conferees are elected accordingly.

Mr. CAPPER. Mr. President, I shall have to decline to serve as a conferee on this matter.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to be relieved from service on the committee. Is there objection? The Chair hears none.

Mr. UNDERWOOD. Mr. President, it has been called to my attention that Senator LADD is out of the city. Senator McKINLEY a while ago declined to serve. Is he in the Chamber? I think he is the next member. I ask unanimous consent that Senator McKINLEY be put on the committee to fill the vacancy.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and the conferees are Senators KEYES, McKINLEY, and SMITH.

Mr. MOSES obtained the floor.

Mr. SMITH. Mr. President, will the Senator yield to me? I want to keep up the connection between the various actions of the Senate in reference to the famous Muscle Shoals proposition, so that there will not be a break which might lead to some misunderstanding.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. MOSES. I yield to the Senator from South Carolina for that purpose only.

Mr. SMITH. Mr. President, all of us know that the action of the Senate in passing the Underwood bill in its present form is practically the only thing that is going to be before the conference committee. In view of the action of the Senate in its vote a moment ago, which I felt sure would take place, and in its majority expression, in which it has reaffirmed, as it had a right to reaffirm, its confidence in its Members, I ask unanimous consent that my name be withdrawn as one of the conferees.

The PRESIDING OFFICER. Is there objection to this request? The Chair hears none.

Mr. UNDERWOOD. Mr. President, will the Senator from New Hampshire yield to me for just a moment?

Mr. MOSES. I yield.

Mr. UNDERWOOD. I ask unanimous consent that Mr. HARRISON be appointed to fill the vacancy.

Mr. MOSES. Mr. President, I can not yield the floor for that purpose, because I wish to ask unanimous consent that the senior Senator from Alabama [Mr. UNDERWOOD] be named as the third conferee.

Mr. UNDERWOOD. I would rather not. I will state to the Senator that I prefer to have Senator HARRISON chosen.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. MOSES. Mr. President, having listened to the argument presented by the senior Senator from Alabama in favor of the proposal that friends of the measure should constitute the conferees, I do not think I can yield for that purpose.

Mr. UNDERWOOD. I will ask the Senator to yield. I should be glad to serve, of course; but, while I do not like to say so, I really have been half sick and half well for the past two or three weeks, half the time in bed, and I should very much prefer to have Senator HARRISON chosen.

Mr. MOSES. Mr. President, I am so well advised by one of the conferees just chosen by the Senate with reference to this matter that I can not yield to the Senator for that purpose, and therefore I must insist upon presenting my own unanimous-consent request. Of course, if the Senator from Alabama wishes to object, he can prevent himself from being a conferee.

Mr. UNDERWOOD. I shall have to object on that account, Mr. President.

Mr. MOSES. Very well.

Mr. UNDERWOOD. I now ask unanimous consent that Mr. HARRISON be appointed to fill the vacancy.

The PRESIDING OFFICER. Is there objection to that request?

Mr. McKELLAR. Mr. President, the Senate has just decided that these conferees should be chosen in the regular order of their standing on the committee. Mr. HARRISON is one of the most devoted and splendid friends I have or ever have had. There is no man in this body that I like any better than PAT HARRISON; but in view of the action taken by me in standing by the rules of the Senate and in view of the action of the Senate I shall object, and I ask unanimous consent that JOSEPH E. RANSDELL, of Louisiana, the next man on the committee, be made one of the conferees.

The PRESIDING OFFICER. Objection is heard to the request of the Senator from Alabama.

Mr. UNDERWOOD. Mr. President, this is a very disputed question. The vote of the Senate was 35 one way and 33 the other. Senator RANSDELL is a man of eminent ability. I suggested Senator HARRISON because I had originally moved Senator HARRISON's appointment. If Senator RANSDELL is willing to serve and carry out the purpose of the Senate, of course I raise no objection to him.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. NORRIS. Mr. President——

Mr. MOSES. I yield to the Senator from Nebraska.

Mr. NORRIS. Why does the Senator from Alabama first propound to the Senator from Louisiana a question that he did not propound to the other Senators who were to be appointed? He did not ask them to testify.

Mr. UNDERWOOD. I correct myself. The Senator is probably right. I should not have expressed myself in that way. I should have said, being assured, as I know Senator RANSDELL, that he will carry out the viewpoint of the Senate, I do not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and Senator RANSDELL is chosen a member of the conference committee.

Mr. RANSDELL. Mr. President——

Mr. MOSES. I yield to the Senator from Louisiana.

Mr. RANSDELL. I do not believe any Member of this body would conceive that I would fail to obey any law adopted by Congress; but I am not in sympathy with the principles of the Underwood bill as it was passed here by a very small majority, and it has not yet become a law, and I respectfully ask to be excused from serving on this committee.

The PRESIDING OFFICER. Is there objection to this request? The Chair hears none.

Mr. MOSES. Mr. President——

Mr. McKELLAR. Will the Senator yield to me?

Mr. MOSES. No, Mr. President, I can not yield to anybody, because in view of all the circumstances I now renew my request for unanimous consent that the senior Senator from Alabama [Mr. UNDERWOOD] shall be the remaining conferee on this committee.

The PRESIDING OFFICER. Is there objection to this request?

Mr. UNDERWOOD. Mr. President——

Mr. MOSES. I implore the senior Senator from Alabama not to object.

Mr. UNDERWOOD. I do not care to serve, and do not wish to serve, and had no intention of serving; but as the Senate is going around in a circle some solution will have to be made of this question, and if every man in the Senate desires me to go to conference and represent my viewpoint on it I shall not object.

Mr. NORRIS. Mr. President——

Mr. MOSES. I yield to the Senator.

Mr. NORRIS. I think the Senator from Alabama ought to be on the conference committee. The only objection I could have to the procedure is that the Senator from New Hampshire in putting him on did not first put him on the stand and ask him whether, if he was appointed, he would follow out the wishes of the Senate.

Mr. MOSES. Mr. President, that being a perfectly pertinent question, I now ask the Senator from Alabama if he will stand by the decision of the Senate as recorded in its vote on the Muscle Shoals measure?

Mr. UNDERWOOD. Although not desiring to go on the conference committee, I can give the Senator from New Hampshire my assurance that I will stand by it as long as there is any standing to be done.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Tennessee?

Mr. MOSES. I yield to the Senator.

Mr. McKELLAR. I desire to request unanimous consent that the next man on the committee, Senator JOHN B. KENDRICK, be selected as a conferee.

Mr. MOSES. I can not yield for that purpose, Mr. President. Therefore I now press my request for unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. I object.

Mr. MOSES. Very well; I still maintain the floor, and I yield to the Senator from Tennessee.

Mr. McKELLAR. I now ask unanimous consent that the next man on the committee, Senator KENDRICK, of Wyoming, be selected as a conferee.

The PRESIDING OFFICER. The Senate has heard the request. Is there objection? The Chair hears none.

THE FRENCH DEBT

Mr. McKELLAR. Mr. President, just a few moments ago I had to object to a unanimous-consent request in reference to the Senator from Mississippi [Mr. HARRISON]. Last night, Mr. President, the Senator from Mississippi delivered one of the most eloquent and one of the best speeches I have read in a long time; and I now ask unanimous consent that part of it be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none.

The matter referred to is here printed, as follows:

SENATOR HARRISON'S SPEECH, IN PART, BEFORE NATIONAL FOOD PRODUCERS' ASSOCIATION AT CINCINNATI, OHIO, JANUARY 27, 1925

There is no foreign country the happiness and welfare of which calls for our sympathy more than France. Her long and continued friendship, evidenced in her graciousness during the dark days of the Revolution by loaning to America her immortal Lafayette, and rendering substantial assistance to us in a thousand other ways, has drawn the two peoples into the closest friendship. Those incidents that have emblazoned our history and redounded to our credit should not be forgotten, and the more recent common cause, in which the boys of France and those of America fought side by side for humanity and civilization, should retain that mutual sympathy and elicit always a common admiration. But the heart of a nation is not always reflected in the movements of its leaders.

No people sympathized with France, not only in her struggle during the dark days of the recent great World War but in the many complex problems resulting from that war, more than did our own. With the attitude of Germany written in the destruction of her cities and the loss of her splendid manhood, it was natural that immediately following the war France should have felt some anxiety about her future and to have exercised proper caution—to have seen proper guaranties for her protection maintained. But six years have now passed since the signing of the armistice—quite a sufficient time for war convalescence and economic readjustment. Without minimizing in the least the high price paid by France in that great struggle, the sacrifices made by her allies must be considered.

What is the situation to-day? True, every other allied country following that feverish condition of militarism, adopted a policy of readjustment, finding relief in the cutting down of large standing armies and the curtailment of naval construction. Not so with France. From the armistice up to this good hour she has expended lavishly in the maintenance of large armies and in the preparation of other war activities. No other country has adopted or pursued a like policy. It is not the province of one government to criticize the domestic policies of another. It might not be in good taste for a citizen of one country to voice strictures upon the domestic program of another government; but when the domestic policies of France are so interwoven with the domestic welfare of this country, the cause justifies the means.

It can not be forgotten that in the prosecution of the great World War not only did we send our boys to France to fight and die and render substantial assistance in every way but when the finances of the world were shot to pieces and the interest rates upon the loans to France, Great Britain, Italy, and the other allied countries ranged from 7 to 8 per cent, and often could not be obtained even at those rates, it was this Government that loaned to those countries in fixed terms billions of dollars to prosecute the war and make victory certain. At the time these loans were made for which the American taxpayer was obligated, there was not a man or woman in this country who did not believe that if victory crowned the efforts of the Allies, that every farthing would be paid. What is the result? To-day the American people are being taxed at the rate of 4¼ per cent annually, or approximately $11,000,000,000, with no payments yet being made by France, Italy, Belgium, and other of the smaller allied countries.

Great Britain, acting with the usual promptness that has marked the progress of her history, and zealous of her credit and the maintenance of her national integrity, has in high faith funded her debt to us. There can be little doubt that her financiers and statesmen represented well and creditably that great Government in the negotiations with our commissioners. They did not pay all that the promise exacted, but what they have agreed to pay and what they are annually paying met the approval not only of our commissioners but of our Government as well. Instead of the 5 per cent interest rate obligated, it is quite true that we are only receiving 3 per cent until 1932 and for 50 years thereafter 3½ per cent. But every year, because of the promptness of Great Britain in funding that debt, the American taxpayer is being relieved from taxes of approximately $175,000,000.

France to-day owes this Government upward of three and three-fourths billions of dollars. Italy owes us approximately $2,000,000,000, and other European countries totaling approximately $2,000,000,000. With the exception of Great Britain and four other small countries, none of these governments has made a move or exhibited any inclination toward funding its debts.

Of all the questions to-day confronting the American people, none is more important than that of tax reduction. That being true, the early funding of the European debt, bringing with it the beneficial results of reduced taxes to the American people, is a question in which the American people should feel deeply interested and one which this administration should exert its every effort to promote.

I would not say that the failure of these Governments to fund their debts is the failure of our Government to prosecute the matter. I have great confidence in the high statesmanship and practical business qualities of the State Department and the commissioners appointed by this Government to carry on its negotiations. They may have done everything possible. No doubt they have; but the

more they have done and the greater the efforts extended to adjust the matter makes the guilt the greater of those Governments that have failed to act. The publication recently of the French budget and the failure to disclose therein any mention of its debt to the United States, as well as the speech of Louis Marin in the French House of Deputies recently, has made it an issue legitimate for discussion, not only here, but abroad. The interest that the publication of the budget aroused in America and the strong criticisms that it called forth from practically every source has brought to the front the remarkable statement that the Minister of Finance has made a tentative proposal that France was willing to fund the debt, but only upon an 80-year time limit with an interest at the expiration of 10 years of one-half of 1 per cent. It seems there is in France another element bent upon repudiation and total cancellation. If I should express to you my feelings, and I am sure your feelings, over the ungrateful sentiments and unwise statements of Marin, you would think me encroaching upon the proprieties of the occasion, and indulging too freely in unparliamentary language. Suffice it to say the speech was unwise, imprudent, and unworthy of a Frenchman.

It must not be forgotten in the consideration of these questions that the national wealth of Great Britain is only about twelve billions greater than that of France, while the per capita tax in Great Britain in 1923 was approximately three times as great as that in France. The average tax borne by the citizenship of Great Britain in 1923 was $76.32 and the per capita tax in France in 1923 was $28.23.

It will be seen, therefore, that the burden of taxation in France to-day is not near so heavy as it is in Great Britain, and no country in all the world at this time is blessed with a higher degree of prosperity than is France. In these circumstances, what reason can be advanced why greater partiality and better treatment should be extended to her than was extended by our Government to Great Britain and four other smaller countries in the funding of their debts?

What reason could be advanced why the interest rate upon the loan to Great Britain should be 3½ per cent and that to France one-half of 1 per cent? What reason should there be that the time of making payments by France should be extended to 80 years while Great Britain, Finland, Poland, Lithuania, and Hungary are granted 62 years?

From the reparations settlement no country fared quite as well as France, and the long delay in the final settlement of that question is due to France more than any other country. If I interpret correctly the feelings of the American Congress, and understand the sentiments and heart throbs of the American people, I am quite sure that it is not only against the cancellation of one cent of the European debt to us but that the terms of payment should be the same to all European countries, and no better treatment accorded to France and Italy and Belgium than to Great Britain, Poland, Finland, Lithuania, and Hungary.

It must not be forgotten that if the people of America had exacted every cent that was due by the promise—upward of three billions of dollars—more than the amount finally agreed upon would have been paid by Great Britain alone. And if, upon the same terms that the debt was funded to Great Britain, the debts should be funded by the other European countries, we will have then surrendered approximately $7,000,000,000 less than there would be due us.

I have discussed these matters for the reason that the question of taxation is all important, and if we are ever able to relieve business and the overburdened taxpayer of America it must come in large measure from the prompt funding of our European indebtedness. The time was, and it was only a few years ago, when in one of the national campaigns the issue was made that the party in power had made possible a billion-dollar Congress. In this great and growing country of ours we have reached in normal times the place where it is necessary for approximately a three-and-one-half-billion-dollar budget. The Government to-day is doing everything it can to reduce these large expenditures, but we all must realize that, because of the many agencies created by the Federal Government and the obligations incurred, the Budget is about cut to the quick. It, of course, must be conceded that it will be reduced as our national debts are redeemed and the interest charges are removed.

If the national debt is to be reduced and the interest eliminated and taxes correspondingly reduced, then the most practical and appropriate means is through the immediate funding of the European indebtedness. How great would be the restrictions on business removed and the burdens of the American taxpayer lifted if under similar terms written in our agreement with Great Britain we could fund the balance of the European indebtedness and receive every year from that source upwards of $400,000,000. By such a policy not only would a part of the interest annually collected from the American taxpayer upon our Government's bonded indebtedness be paid, but the amount annually being received applied to the redemption of our bonds would bring an era of debt payments increasing annually until a bright day of economic freedom and social contentment would shine upon us.

If upwards of $400,000,000 a year could be received by this Government from the funding of the whole European indebtedness, the American Congress on that item alone would be able immediately to reduce income and corporation taxes practically one-third. And in the succeeding years, due to less requirements of interest charges, these taxes could be reduced until within a very reasonable time they could be negligible. The crystalized public opinion of America should let those who control the affairs of this Government know, and they in turn should let our foreign debtors know that immediate action should be taken touching this very important question, that good understanding shall not be marred and international financial stability and world economic understanding may be promoted.

Under the growing tendencies of the times the American people have forgotten the philosophy of the fathers and the theories upon which this Government was founded. For everything and in every way the Federal Government is petitioned and expected and too often assumes responsibilities and performs duties for which it was never contemplated. The old philosophy that those least governed are the best governed is as true to-day as when it was enunciated 125 years ago.

Instead of permitting honest business to follow its natural course, unshackled by unnecessary regulations and restrictions, the Federal Government in late years has constituted itself the wet nurse to every legitimate business in America. Of course, there are times when illegitimate and dishonest business becomes so tyrannical and selfish that it must be shown and the way must be pointed out in which it must travel, with signs posted against trespass under penalties against encroachments upon the rights of others. But too often are laws so radically written that in order to detect the dishonest we unnecessarily destroy the legitimate rights of the honest. It is not the spirit of our institutions that honest endeavor should be checked, that legitimate enterprise should be shackled, or that business freedom should be molested. The constant growth of American industries and their dominant position in the economic affairs of the Nation came not through favors granted by the Government nor policies adopted by it. Of course, some interests and some industries profit by certain governmental policies that permit inequitable advantage over other interests and other industries, but in a broad sense the growth of industries in this country and their present dominant position came through the genius and efficient management of those who direct them. No enterprise can possibly succeed unless it is managed by those who are familiar with that business and understand its difficult and many perplexing operations. No Government employee, working upon a small salary, such as our Federal Government pays, is competent to tell those of large affairs, who have made a success of their business, the wisest manner in which to conduct it. There was never a more auspicious time than now to follow that practice proclaimed by a former President, of "Less government in business and more business in government."

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia [Mr. GEORGE].

Mr. WALSH of Massachusetts. Let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 39, it is proposed to strike out from line 5 to line 14, both inclusive, of the committee amendment, and in lieu thereof to insert the following:

In the case of the portion of such publications devoted to advertisements the rates per pound or fraction thereof for delivery within the several zones applicable to fourth-class matter shall be as follows (but where the space devoted to advertisements does not exceed 5 per cent of the total space, the rate of postage shall be the same as if the whole of such publication was devoted to matter other than advertisements): For the first and second zones, 1½ cents; for the third zone, 2 cents; for the fourth zone, 3 cents; for the fifth zone, 3½ cents; for the sixth zone, 4 cents; for the seventh zone, 5 cents; for the eighth zone, 5½ cents.

Mr. MOSES. Mr. President, the pending question being the amendment presented by the Senator from Georgia [Mr. GEORGE] to section 203 of the pending bill, I simply wish to call the attention of the Senate to certain facts.

The average rate per pound through all the zones on advertising matter subject to the second-class privilege in postal rates is 5½ cents. The bill as it came to us, with the recommendations of the Post Office Department, provided for an average rate through all the zones of 6.625 cents per pound. The recommendations of the subcommittee and of the full com-

mittee present a rate of 5.625 cents per pound; in other words, a reduction of 1 cent per pound from the rates proposed by the Post Office Department. The rates proposed in the pending amendment are 3.25 cents per pound, on an average, for the eight zones, or 3 cents per pound less than the rates proposed by the department, 2½ cents less than the rates now existing, and 2 cents per pound less than the rates proposed by the committee. Therefore, upon any consideration, it is manifest that the adoption of the pending amendment would most seriously curtail the increase in revenue which this bill looks to bringing about.

It is my own opinion that the argument of the Senator from Georgia is fallacious in that it reduces the average rate per pound through the whole of the eight zones to a point where it can not possibly produce the result which the Senator thinks will be produced. To my mind it is not possible to reduce the rates to so low a point as that proposed by the Senator from Georgia without seriously diminishing the revenue from this class of postal matter.

It will be observed that the rates reported by the subcommittee, and contained in the amendment which the committee proposes, and which is found on page 39 of the printed bill, represent a mean between the higher rates now existing and the rates which the Senator from Georgia would now institute, and it is my opinion, and I think it must be the opinion of Senators generally, that in dealing with a question of this sort it is much better to strike a mean of the rates than to take either extreme, whether high or low.

The argument presented by the Senator from Georgia yesterday was one which carried a considerable personal appeal to me, first of all because I was one of the Senators who once voted for these rates as an amendment to a tax bill; but I voted for those rates at a time when we were not confronted by the necessity of producing $68,000,000, or as near to that amount as we could approximate, in postal revenue.

The Senator from Georgia fortified his general argument with many specific instances of newspapers and periodicals which would suffer, in some degree at least, if the proposed rates should be applied. With that phase of the argument I sympathize thoroughly, because I happen to have passed the greater portion of my years in connection with small daily newspapers, which probably are affected by the proposed rates. If I may take the one newspaper upon which the Senator from Georgia seemed to lay the greatest emphasis, I hope I may be permitted to speak out of my own experience and say that any newspaper with a circulation of 30,000 which can not earn more than $6,300 a year must be very badly managed. I chance to know of many daily newspapers with circulations of no more than a third of 30,000 which earn much more than $6,300 a year.

The point is, however, that if we wait for the change in postal rates until every publication has reached a place where it can submit to the increase, we will never have legislation. It must be that somebody will bear a burden whenever increases in the rates of taxation or of postage or of anything else take place. Consequently I can not think that if we wish to deal sincerely with the subject matter of this legislation we shall undertake to write our rates about any one newspaper or about any class of newspapers.

We have already adopted a proviso to this measure which strikes out, as I believe, certainly $2,000,000 from the revenue which we hope to derive. I can not but believe that the amendment proposed by the Senator from Georgia would strike out at least $3,000,000 more, and because I do not wish to see these rates so mutilated that we can not go forward with the good purpose which we had in mind when, by an overwhelming majority, seven months ago we voted for these increases in postal salaries—because of my firm conviction on that point, I urge the Senate to disagree to the amendment proposed by the Senator from Georgia.

Mr. EDGE. Mr. President, supplementing the viewpoint presented by the Senator from New Hampshire [Mr. MOSES], this legislation was inaugurated for the purpose of righting an admitted wrong by increasing the salaries of postal employees throughout the country. I served on the committee preparing the bill which was vetoed by the President, whose veto was sustained by the Senate.

The amendment offered by the Senator from Georgia on its own merits may be in every way justified. I have contended many times, on the floor of the Senate and elsewhere, that the question of postal rates was not necessarily related to the question of salaries; that the men were entitled to fair salaries; that it was generally admitted, almost universally admitted, that the postal employees were not receiving fair salaries, and that therefore those salaries should be adjusted, irrespective of the revenue.

Mr. STANFIELD. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Oregon?

Mr. EDGE. I yield.

Mr. STANFIELD. I am heartily in accord with the Senator's remarks, may I say. But I rose to ask the Senator if he would yield to me to propose an amendment, which I want to have printed and to lie on the table.

Mr. EDGE. I yield for that purpose.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 49, line 16, the Senator from Oregon proposes to insert the following: "(b) The pay for collect-on-delivery service shall be 10 cents for collections not to exceed $10; 15 cents for collections not to exceed $25; 25 cents for collections not to exceed $50; and 35 cents for collections not to exceed $100." Also strike out all of lines 16, 17, 18, and 19 on page 49.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. EDGE. Mr. President, I was about to observe that either the employees in this great branch of the Government service are entitled to the raises in salaries purposed under the pending measure, and which are exactly the same as were provided in the measure vetoed, or they are not entitled to such raises. By an overwhelming vote the Senate decided that they were entitled to the increase. The President took exception to the failure of the Senate to provide the revenue necessary to meet the raises, and the pending bill is presented for the purpose of endeavoring to meet his objections.

I see considerable merit, from my viewpoint, in the amendment offered by the Senator from Georgia. I do not believe in high postal rates. I believe that more can be accomplished for the country, generally speaking, by giving the people low rates of postage on all classes of matter—on parcel post, on newspapers, magazines, periodicals, even on first-class matter, developing, as it does, the business of the country. I believe we could well afford to meet deficits in the Post Office Department through other forms of taxation, because of the great encouragement, the great contribution to business development, made possible through reasonable postal charges.

In this case, however, if we are sincerely interested in raising the salaries of the postal employees, we must meet the condition which is presented to us. We have already had the experience of passing a bill without providing for raising the revenue necessary to carry out the purposes of the bill. The Senate passed upon that matter, and the veto of the President has been sustained. If we are to raise the salaries of postal employees we must make an effort to meet the objections of the President, as evidenced by the recorded vote of this body.

I am so much interested in seeing this wrong righted, in seeing the postal employees given what I consider to be a fair wage in comparison with the wages in other industries, that I am ready to accept, in great part at least, the suggestions of the committee for raising revenue, hoping that such a bill will pass and receive the approval of the President, and that the salaries of the postal employees will be raised. Therefore, fundamentally agreeing in principle that postal rates should be low, especially on periodicals disseminating information, and because of the educational value accruing, yet I believe it is a mistake at this time to deliberately invite another reversal and thus put that much further off an advance in wages in favor of which the Senate has overwhelmingly gone on record.

For that reason, under existing conditions, facing the situation we all know we are facing, I must oppose at this time at least the pending amendment.

PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. LATTA, one of his secretaries, announced that the President had approved and signed acts and a joint resolution of the following titles:

On January 26, 1925:

S. 625. An act to extend the time for the construction of a bridge across the White River at or near Batesville, Ark.;

S. 3292. An act granting the consent of Congress to the city of Hannibal, Mo., to construct a bridge across the Mississippi River at or near the city of Hannibal, Marion County, Mo.;

S. 3428. An act authorizing the construction of a bridge across the Ohio River to connect the city of Portsmouth, Ohio, and the village of Fullerton, Ky.;

S. 3610. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 3611. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 3621. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La.;

S. 3642. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Kettle Falls, Wash.;

S. 3643. An act authorizing the construction of a bridge across the Ohio River between the municipalities of Ambridge and Woodlawn, Beaver County, Pa.; and

S. J. Res. 61. Joint resolution authorizing the Director of the United States Veterans' Bureau to grant a right of way over United States Veterans' Bureau hospital reservation at Knoxville, Iowa.

On January 27, 1925:

S. 3636. An act to amend the law relating to timber operations on the Menominee Reservation in Wisconsin; and

S. 3416. An act to authorize the appointment of Thomas James Camp as a major of Infantry, Regular Army.

On January 28, 1925:

S. 698. An act for the relief of the Great Lakes Engineering Works;

S. 2689. An act for the relief of the First International Bank of Sweetgrass, Mont.;

S. 3733. An act to enlarge the powers of the Washington Hospital for Foundlings and to enable it to accept the devise and bequest contained in the will of Randolph T. Warwick; and

S. 3792. An act to amend section 81 of the Judicial Code.

THE OWNBEY CASE

Mr. BAYARD. Mr. President, on yesterday the junior Senator from Alabama [Mr. HEFLIN], in his personal explanation on the criticism made of him in the papers, took occasion—and, I am sure, mistakenly, because he was misinformed—to say several things about the Delaware courts and Delaware justice. I desire to call attention to those and to correct the errors.

On page 2509 of this morning's RECORD, beginning at the fifth paragraph in the last column, the Senator is reported as having said:

> What do you suppose occurred in Delaware when appeal was taken from the lower court to the supreme court of Delaware? The same judges who tried the case in the court below and who denied him the right to be heard went up and sat with the other judges and helped to write the judgment against him for the second time.

As I stated a moment ago, the Senator from Alabama has been hopelessly misinformed. That is a physical and legal impossibility. No judge in the Delaware courts who sits in the court below can or may sit in the court above. I have talked with the Senator from Alabama; I have seen the sources of his information, and there has been a mistaken statement on the part of his informant, and while it is quite true that the Senator from Alabama would not make a mistake in regard to Delaware justice, nevertheless it is a matter of public record that he has made this statement, and on behalf of my State and of the people of my State I desire to correct that error.

Again, in the same speech in the second column, page 2594, after referring to the fact that the statute in question under which Colonel Ownbey had claimed that he was aggrieved and had suffered hardships was repealed, the Senator from Alabama went on to say:

> Then what happened? This man went before the same court under that amended statute and tried to have the judgment opened in order that he might then tell the truth and produce his testimony and be permitted to answer the complaint filed against him. But the same court again denied him the right to be heard, upon the ground that the retroactive amendment affected a judgment which had been already rendered by the court, and again they refused to hear him.

Any lay person reading that language, and most of the good people of this country are laymen, would think that justice had been denied Colonel Ownbey at the hands of the courts of Delaware. What I want to call attention to is that that was a retroactive, amendatory statute to the so-called court of London custom, which had theretofore been the law of Delaware by statute and practice. It was amended, I think, in 1916, and the amendment was made to be retroactive. But when Colonel Ownbey went back to the Delaware court to obtain what right he might have, as he conceived his right, he was met by the statement of the court that "there was a judgment rendered in this court, and no matter how retroactive the terms of the amendatory statute might be the judgment stands, and this court has no power to afford you relief."

I would also state the fact, the patent fact to all lawyers, that the Constitution of the United States forbids any State to pass an ex post facto law, so in that event the Legislature of Delaware, while it might pass a retroactive statute, could not pass an ex post facto statute impinging upon or in any way interfering with the judgment of a court of law.

PRELIMINARY REPORT OF THE AGRICULTURAL CONFERENCE (S. DOC. NO. 190)

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Agriculture and Forestry and ordered to be printed:

To the Congress of the United States:

Transmitted herewith is a preliminary report of the agricultural conference. It embraces such recommendations as the conference wishes to make at this time. I am advised that while it does not refer to some legislation which is already pending, that the conference reserves the privilege of making further suggestions at some future time. As I have great confidence in the personnel of the conference, and know that they are representative of a very large part of agriculture, and that they have given very thoughtful study to the entire situation, I recommend that their report be embraced in suitable legislation at the earliest possible date.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 28, 1925.*

CHILD LABOR

Mr. BAYARD. Mr. President, on the 8th day of this month the senior Senator from Montana [Mr. WALSH] delivered a very interesting address upon the so-called child labor amendment to the Federal Constitution. I have been reading that speech over in the last few days and several things in it have struck me as worthy of comment, and I desire to submit to the Senate some views thereon. I shall give the substance of the points on which I want to comment without reading at large from the Senator's speech.

On page 1440 of the RECORD he said:

> The only basis I can find in the voluminous literature put out to discredit the amendment for the assertion that it has been discovered that the policy it proclaims comes from Russia, aside from the essential nature of that policy, lies in the fact that Mrs. Florence Kelley was an active advocate of the amendment, as she was of the legislation the failure of which forced the attempt to revise the Constitution.

That is the beginning of a paragraph of scouting the so-called socialistic or communistic backing of the amendment. If it were merely Mrs. Kelley I would have little to say about it; but the suggestion, as I take it from the Senator's speech, is that we need fear nothing whatever about the relationship between Mrs. Kelley and socialistic or communistic societies or associations. That might be true up to a certain point. It might be further true because further on in his speech the Senator said that the movement in itself for child labor should not be criticized even if it came out of communistic and Soviet Russia. But when I find in this connection publications of societies, communistic or sovietistic or socialistic, then I think we should take notice of what is going on here in this country. If, as the Senator seems to insinuate, this movement did start as a Russian proposition, let us take it up in this country and see what the people who were back of it originally still have to say in regard to the movement.

The Daily Worker is a communist paper published in this country, I am sorry to say, published in Chicago, and I only read one or two extracts from the number of December 1, 1924, touching the question of the advocacy of the child labor amendment, so called. This paper necessarily and naturally advocates the adoption of that amendment. I read from it because I will have to remark on it from time to time; otherwise I would merely ask to have it spread in the RECORD:

> The Workers Party has issued a call for a united front of all workers' organizations to combat the exploitation of children.
>
> It is planned to immediately enlist all labor organizations, unions, cooperatives, women's organizations, fraternal organizations, and similar bodies in this campaign.
>
> DOUBLE-EDGED DRIVE
>
> The object of this drive is twofold, as follows:
>
> 1. Compel the State legislatures to immediately ratify the child labor amendment to the Constitution.
>
> 2. Compel the State and Federal legislatures to pass a law providing for full Government maintenance of all school children of

workers and poor farmers, without which, the Workers Party declares, a child labor law is useless.

The statement on policy, organization, and propaganda for this drive, sent out by the central executive committee of the Workers Party to all the party's district organizers, foreign language federation secretaries, the communist and labor press, is as follows:

STATEMENT OF POLICY

1. To immediately begin intensive agitation in all labor organizations, unions, cooperatives, women's organizations, youth organizations, fraternal organizations, cultural organizations, etc., for a united-front campaign to fight for the following demands: (a) Compel the State legislatures to immediately ratify the child labor amendment to the Constitution; (b) compel the State and Federal legislatures to pass a law providing for full Government maintenance of all school children of workers and poor farmers. The funds for this purpose to come from special taxes on high incomes.

2. To begin similar agitation in all organizations of poor farmers.

3. The following slogans should serve as initial slogans in the campaign, to be supplemented with more and wider political slogans as the campaign progresses and gains in intensity: (a) Save from degeneration the youth of the workers and poor farmers. (b) Save the physical and moral well-being of the future generations of the workers and poor farmers. (c) Protect your wages, your unions, and your standard of living by stopping the exploitation of child labor. (d) Unionize the working class youth. Every labor union, local and national, city and State, must establish special youth departments to organize the young workers and educate them in the class struggle.

Please note there, and before I get through with this thing I will show that the whole movement so far as communists are concerned is building up a policy for class struggle alone, and in the conception of these writers, whom I shall read from, their whole theory in advocating the child-labor movement is a class movement pure and simple. It is not only a class movement, but a so-called financial movement. It is a movement against wealth—not that I am trying to stand up for wealth in what I have to say.

(g) Don't rely upon the C. P. P. A. and La Follette; (h) organize your own strength in a united front of workers and poor farmers and fight for your demands; (i) join and support the Workers Party; (j) the child-labor amendment is meaningless without Government maintenance of the school children of workers and poor farmers.

ORGANIZING THE UNITED FRONT

1. Local united front conferences to combat exploitation of child labor, these conferences to consist of organizations of labor and poor farmers.

2. Special effort should be made to draw into these conferences organizations of working-class women, youth organizations, and especially organizations of poor farmers.

Then again in the same paper, in the issue of December 15, 1924, I quote from a double-leaded statement opposing the statement of Vice President Marshall of this country, entitled "An ex-President peddles more hokum for his capitalistic class."

The article goes on to say:

Marshall fears that the protection of the children heralds the coming of socialism. He stands petrified in the grip of a fear that any government might concern itself with the welfare of growing boys and girls.

Marshall may rest easy, in so far as his capitalist state is concerned. It will never lift the burden of toil from the shoulders of the young. No cannibal was ever born who devoured his human meal with greater relish than the joy with which capitalism feeds upon its youth. Capitalism will always fight for the right to send children into the maw of the great industrial machine, as competitors with their fathers and mothers, their grown brothers and sisters, in the slave market of the wage workers.

The problem of child labor, like the problem of unemployment and other ills inherent in the present social system, will endure as long as capitalism lasts. The struggle against child labor, the struggle against unemployment is fundamentally the struggle to end the capitalist system and all the evils it spawns.

That is the struggle of the Workers (Communist) Party and the Young Workers (Communist) League in their joint war against child labor. Labor must learn that the fight against child labor is a fight to abolish the capitalist state; an effort to establish soviet rule for the suppression of the last remnant of capitalism and the ushering in of the Communist social order under which children will become the heirs of their childhood for the first time since human history began.

Mr. President, what I have been trying to bring out is: The senior Senator from Montana [Mr. WALSH] said that the advocacy of this movement by the communists and socialists is a perfectly meaningless and harmless one; that the movement is strong enough to stand by itself. The point I am trying to make is that with this communist and socialist backing goes other propaganda which I think we can well take account of. That propaganda shows what is their conception of the movement and what it means.

I hope the Senate has not misconceived one thing that is in my mind as to the stand I am taking in this matter. I am in favor of State regulation of child labor and always have been. That I am not opposed to in any way, shape, or manner. But the national operation I am opposed to, and it is national operation particularly that these people are backing, as I see it, through these articles for a totally different purpose, or rather a further purpose, as I see it; and for that reason I think their association with the national movement portends no good.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Tennessee?

Mr. BAYARD. I yield.

Mr. McKELLAR. The Senator has stated that he is in favor of State regulation of child labor. The Senator knows that for many years, ever since I was a boy—and that has been now some time—there has been an agitation in reference to child labor laws. First it was started in the States. The Senator says that he is in favor of child labor laws in the States. Does the Senator now say that the socialists and the communists make a distinction between State child-labor restriction measures and national child-labor measures?

Mr. BAYARD. I did not pretend to say that, and I do not perceive how the Senator could imagine I did, and for this reason——

Mr. McKELLAR. I judged so from what the Senator stated, and I am glad to be corrected about it.

Mr. BAYARD. I will say, in response to the Senator, that if the Senator had followed this movement in Congress during the last few months he would have realized from what has been said upon the floor in both Houses what is the present condition of the State laws regarding child labor; so that anybody who was for the movement would not have made a suggestion of that kind. Every State in the Union has child labor laws of the kind he has suggested—every one of them.

Mr. McKELLAR. Every one of them.

Mr. BAYARD. And it will be found, I am quite sure, that not only are the socialists and the communists back of these laws but back of the movement seeking to bring such laws about, and they are doubtless aiding the movement to make such laws even more stringent than they are to-day. The point I am trying to make is that they want a national law passed for the purpose of following up that national law with the very things referred to in the publications from which I am reading. That is the purpose for which they are asking a national law; not that they have not got State operation; they have, and everybody knows it; but they want to use a national operation for further, ulterior purposes.

Mr. McKELLAR. Mr. President, I merely wish to say to the Senator that I think he must be mistaken, for when the first national child labor law was enacted by Congress in 1914, as I recall, when it was a real question before the Congress, and after that act was declared unconstitutional when a second measure was before the Congress in 1918 or 1919, I literally received, I might say, tens of thousands of letters from Tennessee in favor of those acts; and if there are over a half dozen communists or socialists in my State I never have heard of them. We virtually have no socialism or communism in my State; that State is perfectly free from either; and yet there was a tremendous sentiment there in favor of the proposed action.

Mr. KING. Mr. President, will the Senator yield?

Mr. BAYARD. I yield to the Senator from Utah.

Mr. KING. Mr. President, as I understand the Senator from Delaware, I think his position is correct, namely, that the socialists and communists are favorable to the aggrandizing of power in the Federal Government. It will be found that some of the extreme socialists are in favor of belittling and destroying the States and of centralizing all authority in a central government, for the reason that they believe that the transition then from what we denominate democracy or representative government to pure socialism will be more easily effectuated.

Mr. BAYARD. And this is merely a step on the way; that is all it is.

Mr. KING. The change can more easily be made from a monarchy to socialism than from a democracy to socialism.

Therefore we find the paradox in Germany to-day of the monarchists and communists affiliating in their political activities. I was told by monarchists and by communists, when I was in Germany a few months ago, that the communists would coop-

erate with the monarchists continually. Mr. Trotzki and other leading communists when I was in Russia stated to me that they had given advice to the committee which had come from the communists of Germany to Russia for the purpose of obtaining aid in their contest against the Republic of Germany to join with the monarchists wherever the monarchists were in the ascendancy for the purpose of destroying the democratic spirit and the democratic movement in Germany; and Trotski very frankly stated——

Mr. BAYARD. Mr. President, I should like to continue my remarks without having their continuity broken by a long speech, although I am glad to yield to the Senator for a question.

Mr. KING. I beg the Senator's pardon.

Mr. BAYARD. I quite agree with the proposition the Senator advances, that this is merely a step in the work of the communists and socialists in this and every other country to get control of the state, and they want to get control of the children, as they say in some of their publications, as one of the steps in that direction.

Mr. President, I have here a copy of the Young Worker of the issue of December 15, 1924. It is published in Chicago, and rather than read it at large I ask permission to have printed in the RECORD the article entitled "Fight child labor."

The PRESIDING OFFICER. Without objection, the request is granted.

The matter referred to is as follows:

FIGHT CHILD LABOR!

One of the most important duties of the workers of America to-day is a united struggle against the conditions of slavery under which American working class children toil. Millions of children under the age of 16 give the best years of their life under the yoke of the most brutal exploitation imaginable. Under the burning sun of Michigan's beet fields, the cotton fields of the South, the farms of the West and South, in the factories of the East, in every industry in the country, little children are sucked dry for the profits of the profit-thirsty capitalist class.

These very bosses, who contribute thousands to reactionary organizations whose aim is to fight communism on the ground that it will break up the home, are the most active in breaking up the working-class family, already well shattered by capitalism. Due to the miserable wages that the average worker is now getting, children are being forced into industry and agriculture by the thousands. They are tasting the bitter poison of capitalist exploitation while yet in their teens. They feel the goading lash of the boss because they have not happened to be born the sons or daughters of bloated millionaires.

Numerous organizations exist, maintaining that they are opposed to child labor. But they are really opposed to it for enlightened capitalist reasons. They want to conserve the energy of the child in order that he may make a more efficient wage slave when he grows older. They oppose child labor for this reason or for sentimental reasons. And it is these organizations that have been instrumental in putting through the child-labor amendment in the Houses of Congress. But, as we have already pointed out, this alleged amendment means very little. It does not in itself abolish child labor, but merely gives Congress the right to regulate or limit it. It is now going the rounds of the various State legislatures, and it has already been downed in four States. If nine more kill it, the amendment is dead. And every indication points to the swift end of the amendment.

The liberals and fakers will plead that there is a long road to be traversed before anything can be done, and that in the meantime all that is necessary is that lobbies be maintained in the various capitals to influence legislatures.

From the experience of the workers, however, we can safely say that nothing will be done until the workers make use of their organized might to force the Government and the industries to relieve the conditions of the child toilers. We say "relieve" because child exploitation will be abolished only with the abolition of its cause—capitalism.

In this struggle against child labor the call for the united front issued by the Workers Party and actively supported by the Young Workers League, must have the support of every working class organization and body in this country. The workers of America must show that they are not willing to wait until the benevolence of the capitalists acts through their kept legislatures. By their militant action they must force the capitalist tools to recognize the demands of the workers.

The Young Workers League and the junior groups must take a most active part in this campaign. The young workers and the children must be drawn into this struggle. Let every factory resound with our slogans. Let every school be drawn into support for the drive. Together with the Workers Party the entire communist movement will be mobilized for an energetic drive that will not only rally the workers to the leadership of the communist in this urgent drive, but will show to labor who is actually interested in doing something for the child slaves, will expose those fakers who, like Gompers, are at all times more ready to talk about support to the workers than give them actual support.

Get the youth into activity against this stain upon the shield of the working class of America!

Mr. BAYARD. I hold in my hand, Mr. President, a copy of a magazine which is called The Workers Monthly, a consolidation of the Labor Herald, the Liberator, and the Soviet Russia Pictorial. From that I will not read but ask that there may be incorporated in my remarks in the RECORD the article entitled "Fight against child labor."

The PRESIDING OFFICER. May the Chair ask are there illustrations which the Senator requests may be printed with the article?

Mr. BAYARD. I have marked the reading matter and I merely ask that the reading matter may be inserted in the RECORD. The article is on page 140, and I have marked it and will give it to the reporter.

The PRESIDING OFFICER. Without objection, the article will be printed as requested.

The article referred to is as follows:

FIGHT AGAINST CHILD LABOR

Every militant and progressive unionist, and every revolutionary worker, will join in the demand for the ratification of the child labor amendment to the Constitution. But there should be no illusions about this amendment. It will not protect the children of the workers. In the first place, it only gives power to Congress to pass legislation; it remains for such legislation to be forced through the legislative bodies by the pressure of working-class demands. Secondly, the prohibition of child labor, unless it is accompanied by governmental maintenance of the children, is absolutely ineffective.

It is only when the working class has itself taken over the political power, when the capitalist dictatorship has been overthrown by the dictatorship of the working class, that child labor and other evils afflicting the toiling masses can be abolished. What will happen under a proletarian régime is strikingly illustrated by the story in this issue by Anna Louise Strong, formerly of Seattle and now in Russia. Anna Louise Strong tells about the one spot on the globe where the life problems of the working class are being solved in a comprehensive manner. It is only when the workers of the United States have similar power to control, through their own government of workers' councils, the social and economic life of the country that child labor will cease its destructive work.

While capitalism remains, legislation on the child-labor question will only give such slight relief as the workers force through by their political and economic power, by demands and demonstrations. And such pressure upon the capitalist government, in order to have any effect whatever, must be given point and substance by demands for governmental maintenance of all children of school age, such maintenance to be paid for by special taxes upon large incomes. The rich who appropriate the wealth produced by the working class must be made to disgorge a part of it for this purpose as one of the first steps toward making them disgorge all their ill-gotten gains to make way for the new system of society, wherein the working class will rule.

Mr. BAYARD. Mr. President, I quote from these publications in this particular part of my speech merely to emphasize the point I have in mind, that while the Senator from Montana belittled the association of these persons with the movement, I think it is a very serious thing. I speak at length of it and make these quotations in order that the Senate may see what is going on and that those who read the RECORD may see what is going on; that there is underneath all of this a direct and positive movement to realize what is being advocated by a great many people in this country, to wit, the so-called child labor amendment, a movement for ulterior purposes, and one of the ulterior purposes is the breaking down of our democratic form of government and the establishment of a soviet, socialistic, or communistic government, as the case may be, in place of it.

The Senator from Montana spoke of one phase of the question, and that was as to whether or not there was a fair presentation regarding the fear of the farmer in regard to the proposed constitutional amendment which had been submitted to the States. I think the farmer may well be afraid of it, because, as I conceive the amendment, it offers an opportunity, which undoubtedly will be made use of, to handicap the farmer in more ways than one.

Of the million and sixty-odd thousand children between the ages of 10 and 15 years, as shown by the last census, who were engaged in gainful occupations about 600,000 were upon the farms and engaged in some form of work or another. So the farmer has the bigger stake after all.

There are two phases of it: One as to whether or not the actual labor of children upon the farm should be infringed

upon, and the other is the phase, which I shall not go into at all, but in regard to which I dwelt upon in my speech last May, and that is how far or in what form will the laws which may hereafter be passed regulating the labor of persons under the age of 18 years make that labor dependent upon educational and other opportunities.

The Senator from Montana said no fear need be had; and, perhaps, that might have been true six months ago. Certainly it was true so far as the greatest public advocate of this measure, the Child Labor Bulletin, of New York, published by the National Child Labor Bureau, was concerned, for they said in their April number:

> The National Child Labor Committee has no intention of trying to secure any Federal action to regulate the work of children in agriculture under the direction of their own parents on their own farms.

That was in the April, 1924, number, but after the issue of that number, and when the House of Representatives adopted the amendment, and it came into this body, and while it was pending here, their June number came out, and in their June number they made this statement:

> The National Child Labor Committee seeks to protect the interests of the child, and it can not remain true to its past traditions without recognition of the fact that thousands of children are now, and are likely to be in the future, exploited by an industrialized agriculture.

Again, in the same June number, it is said:

> It is now clearly evident that where children are forced to work under contract in industrialized forms of agriculture some form of legislation is needed to protect their interests.

In other words, there is fair warning to the farmer exactly to what extent this movement is intended to go.

I might state that the farmer is on his guard. I do not know how many thousand local granges there are throughout this country, subordinate to the State granges, and therefore to the National Grange, but I imagine there are many thousands; and I venture the statement, without fear of contradiction, that there is not a single grange in this country that has gone on record in favor of this so-called child labor amendment.

If any action of any kind has been taken I think it will be found to be very much the reverse. I know in Delaware the State grange and all the individual granges are absolutely opposed to it. So I think that the farmer need not be very much warned about it; I think he is "on his toes" in regard to it. I think he knows what is going on, and, for his own sake, I hope he does.

The Senator from Montana also touched upon the question of congressional legislation on the child labor amendment, and intimated that Congress would not be foolish or careless or improvident—I am not using his own words; those are my words—in regard to the matter, but that whatever it did do under any circumstances would be controlled, in the last analysis, by the United States Supreme Court.

I wish again to read, Mr. President, the wording of the proposed amendment to the Constitution.

It provides that—

> The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age—

That is section 1. That "The Congress shall have power."

I have forgotten the exact wording of the eighteenth amendment—and I refer to it merely for the purpose of illustration; I am not passing any criticism upon the eighteenth amendment or upon the Volstead Act, or upon any other act passed by Congress to make it effective—but my recollection is that the first section of the eighteenth amendment made provision to prevent the manufacture, transportation, and sale of alcohol to be used as a beverage, and the second section provided that Congress and the States could enact the necessary legislative provisions in regard thereto in order to make the first section effective.

Words are meaningless if the so-called child labor amendment is not as potent as the eighteenth amendment to enable Congress to enact any legislation which Congress may deem necessary to make effective the proposed child labor amendment. The clause I read a moment ago reads that "Congress shall have power."

It is perfectly absurd to say that Congress will not do things when we all know that Congress not only will do things but will be importuned to do a great many things which people now say it will not do, particularly the proponents of this measure.

When the eighteenth amendment was adopted I think no one supposed that Congress would pass the Volstead law in its present form. While it was known that some act would be passed which would make the constitutional provision operative, it was sincerely hoped that at least it would not be in a form which would provoke the resentment and the ridicule of the people of this country, but that it would present some operative form under which the law could be administered, I submit that that was not accomplished, and I further submit that in the passage of that law provision was made for the promulgation of regulations by the unit established in the Treasury for the administration of the law; and under the administration of that law we find not only our general laws but the Constitution of the United States flouted right and left. The whole theory of our Constitution guarding us in our persons and property from search and seizure except under proper conditions is thrown to the winds; and under the guise of the regulations issued under the terms of the Volstead Act we all know what goes on from day to day, and practically every day.

If that be true under the eighteenth amendment and the laws passed thereunder, what can we expect under this proposition when they are going to interfere directly in the family life between parent and child?

You say they are going to be reasonable. Let me read to the Senate a few extracts.

Some years ago the representatives of the Children's Bureau were going around asking for information. The Children's Bureau thought they had a moral power, although they did not even have a legal power, to make inquiry in regard to the welfare of children; and before the House Committee on Education, on January 12, 1921, Mr. Douglas L. Edmonds, of Los Angeles, testifying on behalf of the Public School Protective Leagues of California, Oregon, and Washington, stated:

> Some two or three years ago the Children's Bureau undertook a campaign for the weighing and measuring of children, at least under 6 years of age. There was no legal authority for that; that is, it was not undertaken in pursuance of anything except the general authority of the bureau.

Now, mark you, there was a bureau that had no legal authority for such actions.

> Yet I know that in my own State the most extravagant claims were made in the course of that campaign. People who went out to secure the examination of these children threatened individual parents with arrest if they failed to comply.

Again, Mrs. A. M. McManamy, of Oregon, at the maternity act hearing before the Senate Committee on Education and Labor on April 27, 1921, testified that one of these baby inspectors actually pushed by her when told at the door that the baby was perfectly healthy and having its bath, saying:

> Well, I must come in and see the baby and see that it is perfectly healthy, and I must be admitted.

Of course, if you please, you will say those are extreme cases; but they are not extreme cases in exemplifying what I have in mind. If people, without any semblance of authority, merely going around representing a United States bureau, could imagine that they were clothed with the power to thrust themselves into the family life of the people of this country, much more would people take that position under an amendment to the Constitution and acts of Congress authorizing them to do thus and so, with the regulations which naturally follow under the circumstances. We would have our whole family life torn up by this operation; and yet my good friend the Senator from Montana says that this thing is absurd, that the Supreme Court would guard us from the administration of any law that would be so foolish!

The Supreme Court has spoken on that subject as to what laws may be passed by Congress. The Supreme Court has recently recapitulated the decisions and summed up in a very clear and terse way what the powers of Congress are and what the powers of the Supreme Court are in interpreting the powers of Congress. On the 9th day of June, 1924, the Supreme Court of the United States handed down a decision in the case of Everard's Breweries against Day, prohibition director, and others. Mr. Justice Sanford delivered the opinion of the court. I am reading now from part of Mr. Justice Sanford's decision:

> We come, then, to the question whether this act is within the power conferred upon Congress by the eighteenth amendment. By its terms the amendment prohibits the manufacture, sale, or transportation of intoxicating liquors for beverage purposes and grants to Congress the power to enforce this prohibition "by appropriate legislation."

Now, I ask you to note that the proposed amendment, the so-called child labor amendment, says "the Congress shall have power"; so the words are practically the same. Certainly the intended meaning is the same.

Mr. Justice Sanford goes on:

Its purpose is to suppress the entire traffic in intoxicating liquor as a beverage.

Then he quotes from cases, which I will not recite.

And it must be respected and given effect in the same manner as other provisions of the Constitution.

Again he quotes cases. Going on—

The Constitution confers upon Congress the power to make all laws necessary and proper for carrying into execution all powers that are vested in it.

That means vested in Congress.

In the exercise of such nonenumerated or "implied" powers it has long been settled that Congress is not limited to such measures as are indispensably necessary to give effect to its express powers, but, in the exercise of its discretion as to the means of carrying them into execution, may adopt any means appearing to it most eligible and appropriate, which are adapted to the end to be accomplished and consistent with the letter and spirit of the Constitution.

In other words, the Supreme Court again lays down the rule that not only is Congress fully clothed with every power when the Constitution so says it shall have power on a definite subject but by the implied clause of the Constitution it still has that power, and the court will sustain it in the exercise of that power.

Then the justice quotes a number of cases and, going on, says:

Furthermore, aside from this fundamental rule, the eighteenth amendment specifically confers upon Congress the power to enforce "by appropriate legislation" the constitutional prohibition of the traffic in intoxicating liquors for beverage purposes. This enables Congress to enforce the prohibition "by appropriate means."

* * * * * * *

It is likewise well settled that where the means adopted by Congress are not prohibited, and are calculated to effect the object intrusted to it, this court may not inquire into the degree of their necessity, as this would be to pass the line which circumscribes the judicial department and to tread upon legislative ground.

In other words, Mr. President, I dispute the attitude taken by my good friend from Montana, and say that the Supreme Court would say, "Whatever you pass in Congress to enforce the so-called child labor amendment, the twentieth amendment to the Constitution—no matter how silly, no matter how foolish it may seem—just so long as it comes within the power conferred by the Constitution upon Congress to pass laws touching upon the regulation, the prohibition, or the limitation of the employment of persons under 18 years of age, this court is powerless to step in and will not do so."

So I say we have proof positive here that if Congress were to pass such laws, the Supreme Court would do no more than say: "Those laws are within the purview of the Constitution. Those laws are perfectly proper, inasmuch as they are enabling acts under that phase of the Constitution."

The good Senator, in part of his speech, gave a certain tabulation of figures, and gave a recapitulation of the general history and sequence of the movement; but in it he has so worked around and so tossed from one end to the other the figures that I think he has confused himself. At this point I should like to place in the RECORD two tables, both of which were published by the majority committee in the House last year when it advocated the measure now known as the child labor amendment. One is a recapitulation of the figures taken from the Twentieth Census showing the number and per cent distribution, by occupations, of children 10 to 15 years of age, and the other is a tabulation of State laws relative to the employment of children in factories. I ask that those be spread upon the RECORD rather than having them read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Number and per cent distribution, by occupation, of children 10 to 15 years of age, inclusive, engaged in selected nonagricultural pursuits, for the United States, 1920 [1]

Occupation	Number	Per cent distribution
All nonagricultural pursuits	413,549	100.0
Messenger, bundle, and office boys and girls [2]	48,028	11.6
Servants and waiters	41,586	10.1
Salesmen and saleswomen (stores) [3]	30,370	7.3
Clerks (except clerks in stores)	22,521	5.4
Cotton-mill operatives	21,875	5.3
Newsboys	20,706	5.0
Iron and steel industry operatives	12,904	3.1
Clothing-industry operatives	11,757	2.8
Lumber and furniture industry operatives	10,585	2.6
Silk-mill operatives	10,023	2.4
Shoe-factory operatives	7,545	1.8
Woolen and worsted mill operatives	7,077	1.7
Coal-mine operatives	5,850	1.4
All other occupations	162,722	39.3

[1] Fourteenth Census of the United States, 1920: Children in gainful occupations (not yet published; figures furnished by courtesy of the United States Bureau of the Census).

[2] Except telegraph messengers.

[3] Includes clerks in stores.

Number and per cent distribution, by occupation, of children 10 to 15 years of age, inclusive, engaged in selected nonagricultural pursuits, for the United States, 1920—Continued.

STATE LAWS RELATIVE TO EMPLOYMENT OF CHILDREN IN FACTORIES

Alabama, prohibited under 14.

Arizona, prohibited under 14. (Exception, boy 10 to 14 may, upon license, outside school hours, work at labor not harmful.)

Arkansas, prohibited under 14.

California, prohibited under 15. (Exception, child 12 during school vacation.)

Colorado, prohibited under 14. (Exception, child 12 during summer vacation.)

Connecticut, prohibited under 14.

Delaware, prohibited under 14. (Exception, child 12 outside school term on special permit.)

Florida, prohibited under 14.

Georgia, prohibited under 14. (Exception, child 12 on permit if orphan or has widowed dependent mother.)

Idaho, prohibited under 14.

Illinois, prohibited under 14.

Indiana, prohibited under 14.

Iowa, prohibited under 14.

Kansas, prohibited under 14.

Kentucky, prohibited under 14.

Louisiana, prohibited under 14.

Maine, prohibited under 15.

Maryland, prohibited under 14.

Massachusetts, prohibited under 14.

Michigan, prohibited under 15.

Minnesota, prohibited under 14.

Mississippi, girl prohibited under 14, boy 12.

Missouri, prohibited under 14.

Montana, prohibited under 16.

Nebraska, prohibited under 14.

Nevada, prohibited under 14.

New Hampshire, prohibited under 14.

New Jersey, prohibited under 14.

New Mexico, prohibited under 14.

New York, prohibited under 14.

North Carolina, prohibited under 14. (Exception, boy 12 on special permit outside school hours. Only 66 so employed during 1923.)

North Dakota, prohibited under 14.

Ohio, prohibited under 16. (Exception, child 14 outside school term.)

Oklahoma, prohibited under 14.

Oregon, prohibited under 14. (Exception, child 12 outside of school term.)

Pennsylvania, prohibited under 14.

Rhode Island, prohibited under 14.

South Carolina, prohibited under 14.

South Dakota, prohibited under 15.

Tennessee, prohibited under 14.

Texas, prohibited under 15.

Utah, prohibited under 14.

Vermont, prohibited under 14.

Virginia, prohibited under 14.

Washington, prohibited under 14. (Exception, child 12 on permit of superior court judge in case of poverty.)

West Virginia, prohibited under 14.

Wisconsin, prohibited under 14. (Exception, child 12 during school vacation.)

Wyoming, prohibited under 14.

Mr. BAYARD. I would only say in passing, to exemplify what I mean, that the Senator from Montana spoke about there being 175,000 children employed in the factories. If he will but read the figures, he will find that he is something like 100,000 too large in that figure alone.

Now, Mr. President, one more point and I am through.

The Senator from Montana, toward the end of his speech, said:

At every turn in the road the sordid nature of the organized opposition to the amendment is revoltingly made manifest.

I have the honor to represent in part a sovereign State. My State, I think, in its senate will refuse to ratify this amendment by the votes of all save one. The house has voted unanimously against it. I do not think there will be any change. I think the senate may be unanimous in its refusal to ratify it. Whether or not the Senator from Montana meant to refer to the good people of my State when he said that, or the movement among the good people of my State, I do not know; but if he did, I certainly resent it, and I think the vote of the people of my State expresses to him what they think about this movement. I do not consider the people of my State, and I do not know anybody who does consider them, either, of a sordid nature, nor is their action to be considered revolting action.

I have in my hand a long list of organizations opposed to the twentieth amendment. It is too long for reading, and I ask unanimous consent that it may be spread in the RECORD at this portion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

THE 116 ORGANIZATIONS OPPOSED TO TWENTIETH AMENDMENT

The following is a partial list of organizations and prominent persons who have expressed opposition to ratification of the proposed twentieth amendment to the Constitution of the United States, commonly, though inaccurately, referred to as the "child-labor" amendment.

This list is compiled from various sources and is believed to be entirely correct. All of the organizations listed are reported as having taken official action on this matter. In addition, there are numerous organizations whose officers, in their individual capacities, have declared against ratification:

CONSTITUTIONAL AND PATRIOTIC ORGANIZATIONS

Advocates of the Constitution, Philadelphia, Pa.
American Constitutional League, 27 William Street, New York City.
Daughters of the American Revolution Executive Board, 15 West Thirty-seventh Street, New York City.
George Junior Republic, Freeville, N. Y.
Good Government Club, Topeka, Kans.
Maryland Bar Association, Baltimore, Md.
Maryland League for State Defense, 701 Maryland Trust Building, Baltimore, Md.
Maryland Women's Constitutional League, 1209 St. Paul Street, Baltimore, Md.
Massachusetts Citizens' Committee to Protect Our Homes and Children, 210 Newbury Street, Boston, Mass.
Massachusetts Public Interests League, 210 Newbury Street, Boston, Mass.
New York Committee to Protect Our Homes and Children, Syracuse, N. Y.
Sentinels of the Republic, Home Life Building, Washington, D. C.
Tennessee Society, Sons of the American Revolution.
West Virginia Bar Association, Wheeling, W. Va.
Virginia Women's Constitutional League, rural route 4, Hampton, Va.

AGRICULTURAL ORGANIZATIONS

American Farm Bureau Federation and 38 State farm bureaus, 58 North Washington Street, Chicago, Ill.; also additional special resolutions have been passed by:
Kentucky Farm Bureau Federation.
Minnesota Farm Bureau Federation.
Missouri Farm Bureau Federation.
Nebraska Farm Bureau Federation.
Ohio Farm Bureau Federation.
New York State Farm Bureau Federation.
National Grange, Patrons of Husbandry.
California State Grange.
Connecticut State Grange.
Cleveland Fruit Growers' Association.
Delaware State Grange.
Idaho State Grange.
Illinois State Grange.
Indiana State Grange.
Iowa State Grange.
Kansas State Grange.
Maine State Grange.
Maryland State Grange.
Massachusetts State Grange.
Michigan State Grange.
Michigan State Horticultural Society.
Nebraska State Grange.
New Hampshire State Grange.
New Jersey State Grange.
New York State Grange.
Ohio State Grange.
Oklahoma State Grange.
Pennsylvania State Grange.
Rhode Island State Grange.
South Dakota State Grange.
Vermont State Grange.
West Virginia State Grange.
Wisconsin State Grange.
Farmers' State Rights League, Troy, N. C.
Lehigh County Agricultural Extension Association, Allentown, Pa.

LOCAL RELIEF ORGANIZATIONS

Orphan Asylum Society of the City of Brooklyn, N. Y.
Women's Health Protective Association of Brooklyn, Brooklyn, N. Y.
Brooklyn Home for Consumptives, Brooklyn, N. Y.

INDUSTRIAL AND COMMERCIAL ORGANIZATIONS

National Association of Manufacturers, New York City.
National Industrial Council, New York City.
National Committee for Rejection of Twentieth Amendment, 913 Union Trust Building, Washington, D. C.
Laundry Owners National Association, box 202, La Salle, Ill.
American Mining Congress, Munsey Building, Washington, D. C.
American Cotton Manufacturers Association.
New England Shoe and Leather Association.
American Association of Flint and Lime Glass Manufacturers.
Chamber of Commerce of State of New York, New York City.
Rochester (N. Y.) Chamber of Commerce, Rochester, N. Y.
Wilmington (Del.) Chamber of Commerce, Wilmington, Del.
American Paper and Pulp Association, 18 East Forty-first Street, New York City.
Associated Industries of Alabama, 1215 American Trust Building, Birmingham, Ala.
California Manufacturers Association, First National Bank Building, Oakland, Calif.
Colorado Manufacturers and Merchants Association, City Auditorium Building, Denver, Colo.
The Manufacturers Association of Connecticut (Inc.), 50 Lewis Street, Hartford, Conn.
Manufacturers Association of Wilmington, 4 West Ninth Street, Wilmington, Del.
Georgia Manufacturers Association, 1127 Candler Building, Atlanta, Ga.
Associated Industries of the Inland Empire, Ehlers Building, Spokane, Wash.
Illinois Manufacturers Association, 231 South La Salle Street, Chicago, Ill.
Indiana Manufacturers Association, Consolidated Building, Indianapolis, Ind.
Iowa Manufacturers Association, Crocker Building, Des Moines, Iowa.
Associated Industries of Kansas, 407 Mulvane Building, Topeka, Kans.
Associated Industries of Kentucky, 76 Kenyon Building, Louisville, Ky.
Louisiana Manufacturers Association, 1407 Whitney Bank Building, New Orleans, La.
Associated Industries of Maine, 178 Middle Street, Portland, Me.
Baltimore Association of Commerce, 20 Light Street, Baltimore, Md.
Associated Industries of Massachusetts, 950 Park Square Building, Boston, Mass.
Minnesota Employers Association, Builders Exchange Building, St. Paul, Minn.
Associated Industries of Missouri, 1306 Boatmen's Bank Building, St. Louis, Mo.
Associated Industries of Montana, 305 Lewisohn Building, Butte, Mont.
Nebraska Manufacturers Association, 212 North Eleventh Street, Lincoln, Nebr.
New Hampshire Manufacturers Association, 83 Hanover Street, Manchester, N. H.
Manufacturers Association of New Jersey, 175 West State Street, Trenton, N. J.
Associated Industries of New York State (Inc.), Iroquois Building, Buffalo, N. Y.
Ohio Manufacturers Association, 66 South Third Street, Columbus, Ohio.
Oklahoma Employers' Association, 1004 Oil Exchange Building, Oklahoma City, Okla.
Manufacturers and Merchants' Association of Oregon, 510 Oregon Building, Portland, Oreg.
Pennsylvania Manufacturers' Association, 2001 Finance Building, Philadelphia, Pa.
Employers' Association of Rhode Island, 420 Butler Exchange, Providence, R. I.
Manufacturers and Employers' Association of South Dakota, Sioux Falls, S. Dak.

Tennessee Manufacturers' Association, Stahlman Building, Nashville, Tenn.

Utah Associated Industries, 215 Kearns Building, Salt Lake City, Utah.

Associated Industries of Vermont, Willard Block, 72 Main Street, Montpelier, Vt.

Virginia Manufacturers' Association, 722 American National Bank Building, Richmond, Va.

Federated Industries of Washington, American Bank Building, Seattle, Wash.

West Virginia Manufacturers' Association, Fairmont, W. Va.

Wisconsin Manufacturers' Association, 705 First Central Building, Madison, Wis.

MISCELLANEOUS ORGANIZATIONS

County Commissioners' Association of Idaho.

Mothers' National Council, Washington, D. C.

State Child Welfare Commission of North Carolina, statehouse, Raleigh, N. C.

State Labor Commission of Georgia, statehouse, Atlanta, Ga.

Women's Republican Club (Inc.), New York City.

Federation of Democratic Women, Baltimore, Md.

Philadelphia Federation of Women's Clubs.

Moderation League of New York, New York City.

Republican Women of Pennsylvania.

National Commercial Teachers' Federation.

Kentucky city and county school superintendents and teachers.

Playground Association of America, New York City.

St. Joseph (Mich.) Federation of Women's Clubs.

ONE HUNDRED AND THIRTY-FOUR PROMINENT CLERGYMEN, EDUCATORS, AND OTHERS OPPOSED TO THE AMENDMENT

CLERGYMEN

Rev. Anson P. Atterbury, D. D., New York City.

Bishop William Burt, Methodist Episcopal Church, Clifton Springs, N. Y

Bishop Warren A. Candler, Methodist Episcopal Church, Atlanta, Ga.

Dr. A. Z. Conrad, Congregationalist, Boston, Mass.

Rev. Howard Duffield, D. D., New York City.

Rev. Edward H. Griffin, D. D., dean emeritus, Johns Hopkins University, Baltimore, Md.

Rabbi Nathan Krass, Temple Emanu-El, New York City.

Bishop William Lawrence, Episcopal Bishop of Massachusetts.

Rev. Arthur S. Lloyd, Episcopal Suffragan Bishop of New York.

Dr. E. Y. Mullins, Louisville, president Baptist Theological Seminary; president Baptist World Alliance (Doctor Mullins is said to hold the two highest offices in the gift of the Baptist Church).

William Cardinal O'Connell, Catholic Archbishop of Boston. (Cardinal O'Connell is the ranking Roman Catholic prelate in the United States.)

Archdeacon B. M. Spurr, Moundsville, W. Va.

Right Rev. C. E. Woodcock, Episcopal Bishop of Kentucky, Louisville,

The Presbyterian, Philadelphia, was one of the first religious organs to oppose the twentieth amendment. It undoubtedly represents the views of hundreds of clergymen of that faith. This publication would welcome additional names of prominent clergymen opposing the amendment.

EDUCATORS

Dr. Homer Albers, dean Boston University Law School.

Dr. Nicholas Murray Butler, president Columbia University.

Rev. William Devlin, president Boston College.

Dr. Livingston Farrand, president Cornell University.

Dr. Arthur T. Hadley, president emeritus Yale University.

Joseph Lee, president Playground and Recreation Association, Boston.

Dr. A. Lawrence Lowell, president Harvard University.

Prof. J. Gresham Machen, Princeton Theological Seminary.

Sidney E. Mezes, president College of the City of New York.

Dr. Henry S Pritchett, president Carnegie Foundation for Advancement of Teaching.

Dr. Samuel Wesley Stratton, president Massachusetts Institute of Technology.

Dr. Josiah Penniman, president University of Pennsylvania.

William M. Salter, former lecturer on philosophy, University of Chicago; member from the start of National Child Labor Committee.

Dr. Henry Van Dyke, Princeton University, former minister to the Netherlands.

JUDGES AND LAWYERS

Willard J. Banyon, St. Joseph, Mich.

Former United States Senator Joseph W. Bailey of Texas, Dallas, Tex.

Hon. George Stewart Brown, United States Court of Customs, New York City.

Judge Frederick B. Cabot, juvenile court, Boston, Mass.

Thomas F. Cadwalader, secretary Maryland League for State Defense.

Sampson R. Child, Minneapolis, Minn.

Justice Vernon M. Davis, New York Supreme Court.

Judge Watson T. Dunmore, Utica, N. Y.

Senator George Arnold Frick, chairman judiciary committee, Maryland Senate.

William W. Grant, jr., president Colorado Bar Association.

Judge George Henderson, orphans' court, Philadelphia, Pa.

Judge Frank P. Irvine, professor of law, Cornell University.

Willis R. Jones, assistant attorney general of Maryland.

Hon. George E. Judge, judge children's court, Buffalo, N. Y.

Judge Oscar Leser, Maryland State Tax Commission, Baltimore, Md.

Alexander Lincoln, assistant attorney general of Massachusetts.

Hon. William Caleb Loring, former justice, Supreme Judicial Court of Massachusetts; speaker Massachusetts House of Representatives.

William L. Marbury, Baltimore, Md.

Louis Marshall, New York City.

Thomas R. Marshall, former Vice President of the United States.

Hon. Clarence E. Martin, president West Virginia Bar Association.

Iridell Meares, Washington, D. C.

Judge Edgar S. Mosher, Auburn, N. Y.

Hon. Morgan J. O'Brien, New York, former justice, New York Supreme Court.

Judge Alton B. Parker, president National Civic Federation, New York.

Herbert Parker, former attorney general of Massachusetts.

Frank L. Peckham, commander District of Columbia Department, American Legion, and vice chairman Sentinels of the Republic.

William L. Rawls, Baltimore, Md.

Fred W. Reed.

Former United States Senator Hoke Smith, of Georgia, Washington, D. C.

Former United States Senator Charles S. Thomas, of Colorado, Washington, D. C.

Frederick W. Wadhams, Albany, N. Y.

Hon. Henry Galbraith Ward, New York, United States circuit judge.

Everett P. Wheeler, president American Constitutional League, chairman committee on jurisprudence and law reform, American Bar Association.

George W. Wickersham, former Attorney General of the United States.

Ira Jewell Williams, Philadelphia, Pa.

Hon. Munroe Smith, professor of jurisprudence, Columbia University.

NOTE.—Members of Congress opposing the amendment were listed in this publication July 1, 1924.

SOME WOMEN OPPONENTS

Miss Nila F. Allen, former chief, child labor tax division, Bureau of Internal Revenue. (Miss Allen administered the second Federal child labor law and is the country's greatest expert on child labor conditions.)

Miss Eliza D. Armstrong, Pittsburgh, Pa., former president Pennsylvania Consumers' League, former member national child labor committee.

Mrs. John Balch, secretary Sentinels of the Republic, chairman home service section, American Red Cross for New England during the war, also chairman relief for European children during the war.

Mrs. B. W. Bayless, president Kentucky Federation of Women's Clubs, Louisville.

Mrs. Henry W. Burnett, president Louisville Women's Club, Louisville, Ky.

Miss Sarah Schuyler Butler, vice chairman Republican State central committee of New York.

Mrs. August Dreyer, president Orphan Asylum Society of the city of Brooklyn, oldest organization caring for children in Brooklyn, established 1833.

Mrs. A. E. Fraser, president Women's Health Protective Association, of Brooklyn.

Mrs. Randolph Frothingham, donor and head of Emanuel Memorial House Settlement, Boston.

Gov. Miram A. Ferguson, of Texas.

Mrs. Rufus M. Gibbs, legislative chairman Maryland Federation of Democratic Women.

Anna Katherine Green, novelist, Buffalo, N. Y.

Mrs. E. R. Hanford, Boise, Idaho.

Mrs. Reuben Ross Holloway, Baltimore, president Women's Constitutional League of Maryland.

Mrs. Charles I. Martin, president Military Sisterhood of the World War, also president Kansas Women Lawyers' Association, and assistant attorney general of Kansas.

Mrs. George Madden Martin, writer, Louisville, Ky.

Dr. Anna Moon Randolph, Hampton, Va., secretary Women's Constitutional League of Virginia.

Mrs. Lila Day Monroe, editor Kansas Woman's Journal, Topeka.

Mrs. B. L. Robinson, president Massachusetts Public Interests League.

Mrs. William A. Putnam, Brooklyn, noted leader in child-welfare activities.

Mrs. William Lowell Putnam, pioneer in child-welfare work, initiated the earliest scientifically conducted prenatal care in the world; president American Child Hygiene Association, 1918, and for many years on board of directors of this association; national chairman Women's Coolidge-Dawes Clubs.

Mrs. Charles H. Sabin, member executive committee, Republican National Committee, Republican national committeewoman for New York State.

Mrs. Francis E. Slattery, president Massachusetts League of Catholic Women.

Mrs. Allyn Williams, author, Washington, D. C.

Mrs. Constance Williams, daughter of former Senator Lodge.

HEADS OF NATIONAL ORGANIZATIONS

Oscar E. Bradfute, president American Farm Bureau Federation, Chicago.

Louis A. Coolidge, president Sentinels of the Republic, Boston.

Martin H. Lewis, president National Society of the Sons of the American Revolution, Louisville.

S. Stanwood Menken, president National Security League, New York.

Alton B. Parker, president National Civic Federation, New York.

Louis J. Taber, master National Grange, Patrons of Husbandry, Columbus.

Everett P. Wheeler, chairman American Constitutional League, New York.

MISCELLANEOUS INDIVIDUALS

Prof. Wilbur C. Abbott, professor of history at Harvard University, author of Conflict with Oblivion and the New Barbarians.

Mrs. F. Lothrop Ames, legislative chairman Massachusetts branch of the National Civic Federation, woman's department.

Mrs. LeBaron Briggs, wife of the former president of Radcliffe College.

Henry B. Cabot, lawyer; treasurer of the Family Welfare Society.

Russell Sturgis Codman, lawyer; trustee, Harvard Loan Fund; trustee for the Society for Relief of Widows and Orphans of Clergymen of the Protestant Episcopal Church.

Louis A. Coolidge, Assistant Secretary of the United States Treasury 1908–9; chairman welfare department National Civic Federation; member Federal Shipbuilding Wage Adjustment Board; director Community Service of Boston; delegate at large to Massachusetts Constitutional Convention of 1917; founder, vice president, and director of Bunker Hill Boys' Club; author of Life of U. S. Grant and other books.

Ralph Adams Cram, architect and author; ex-president Boston Society of Architects; member of American Academy of Arts and Sciences, etc.; Litt. D. Princeton, 1910; LL. D. Yale, 1915.

Mrs. Frederick Cunningham, for years manager of the Church Home for Children (Episcopalian); former district officer Family Welfare Society; director Anti-Tuberculosis Association, Brookline.

Mrs. George R. Fearing, former president League of Women Voters.

L. Carteret Fenno, National Civic Federation; member surgical dressings committee.

William A. Gaston, lawyer and prominent Democrat.

Miss Hope Gray, president of the Overseas League.

Prof. Edwin N. Hall, professor of physics at Harvard University; author of scientific works; fellow American Academy Arts and Sciences.

Miss Heloise E. Hersey, author, educator, and lecturer.

Arthur D. Little, chemical engineer and inventor; founder of the School of Chemical Engineering of Massachusetts Institute of Technology; member of National Research Council.

Mrs. Harold Murdock, many years president Bethesda Society for Rescue Work among girls, and at present member of its executive board; chairman patriotism committee of the N. E. Branch of National Civic Federation; member Society of Colonial Wars.

Harold Murdock, historian, Massachusetts Historical Society; Bostonian Society, etc.; fellow, American Academy Arts and Sciences.

Frederick W. Willspaugh, vice president general National Society, Sons of the American Revolution.

Dr. William J. Mixter, surgeon, consulting surgeon Massachusetts General Hospital and the Massachusetts Charitable Eye and Ear Infirmary; lieutenant colonel Medical Reserve Corps, 1919.

Herbert Myrick, editor in chief of Farm and Home (Springfield, Mass., and Chicago) and of the New England Homestead, Springfield, Mass.; author of works on agriculture and on education.

Herbert Parker, lawyer; former attorney general of Massachusetts; vice president Boston Bar Association.

Thomas W. Proctor, lawyer; president Massachusetts Bar Association; vice president Boston Bar Association.

Dr. Benjamin E. Robinson, physician, representing the colored residents of Massachusetts.

Henry L. Shattuck, lawyer; member of Massachusetts Legislature; former member of Massachusetts child labor committee.

Leslie R. Smith, director of the division of reclamation, soil survey, and fairs for Massachusetts agricultural department.

George F. Swain, consulting engineer; professor, Massachusetts Institute of Technology; professor, Harvard Engineering School; member, advisory delegation of American engineers sent to France in 1918.

Hon. Charles D. Washburn, lawyer; Member of Congress 1906–11; member of Massachusetts constitutional convention of 1917.

Moorfield Storey, lawyer; former president Boston Bar Association; president Civil Service Reform Club; president of National Association for the Advancement of Colored People; honorary president Indian Rights Association; ex-president American Bar Association.

Mrs. Nathaniel Thayer, director Immigration and Americanization for Massachusetts.

Elihu Thomson, electrical engineer and inventor; member of National Research Council.

Bentley W. Warren, lawyer; member of Massachusetts civil service committee; trustee of Williams College.

Mrs. John W. Weeks, wife of Secretary Weeks, of War Department.

George Bramwell Baker, president Bunker Hill Boys' Club.

Dr. Morton Prince, physician, neurologist, author.

Caroline Ticknor, author and journalist.

Dr. George G. Sears, clinical professor, Howard Medical School; consulting physician, Boston City Hospital.

George A. Sweetser, lawyer; counsel for the town of Wellesley 1907–1911; director, Wellesley Cooperative Bank; director, Florence Crittenton League of Compassion (a rescue society for wayward girls).

Right Rev. William Lawrence, advisory board Massachusetts child labor committee; bishop of Protestant Episcopal churches in Massachusetts.

D. Chauncey Brewer, president Massachusetts Society for Protection of the Immigrant.

Howard W. Brown, former member Massachusetts child labor committee.

KENTUCKY TEACHERS OPPOSE TWENTIETH AMENDMENT

The city and county school superintendents and teachers of Kentucky in conference at Frankfort, Ky., December 18, 1924, adopted the following resolution:

"Whereas we, the superintendents and teachers of the counties and cities of Kentucky, in Frankfort assembled, believe in the sovereignty of the individual and in the right of each State of this Union to regulate its internal affairs; and

"Whereas all States now have some form of child labor laws that are being improved from time to time to meet the demands peculiar to each State: Therefore be it

"Resolved by the superintendents and teachers here assembled, That we go on record as opposed to the twentieth (child labor) amendment to our Federal Constitution, which provides that Congress shall have power to limit, regulate, and prohibit the labor of persons of the United States under 18 years of age."

KENTUCKY FARM BUREAU OPPOSED

The Kentucky Farm Bureau Federation, meeting in Louisville December 19, 1924, adopted a resolution calling upon all of its 6,000 members to bring pressure to bear on their representatives in the Kentucky Legislature to the end that ratification of the amendment be prevented.

Mr. BAYARD. In addition to this, I mentioned a moment ago the fact that the granges throughout the country are also opposed to this movement. Of course, I have not a list of them. There are some thousands of them. I am quite sure that upon reflection the Senator from Montana would not accuse the individual granges, the State granges, or the National Grange of this country of having a membership which, merely because it is opposed to the movement which he advocates, is either sordid or revolting; and yet he has allowed himself to express himself in those terms, which I can not understand he should apply to people of such standing in our community as members of the grange or the people appearing on the list which I have given here.

I do not know exactly what the purpose of the Senator from Montana was when he delivered that speech. He did not speak at large on the question when it was up last spring, perhaps because he felt that the movement would prevail so far as Congress was concerned. But he has seen fit, when the campaign is opened by the meeting of the legislatures of the several States, or so many of them, since the first of this year for the ratification or rejection of the proposed amendment, to come out at this time and to deliver what I submit, with due courtesy to him, to be a very impassioned speech against all those who advocate the rejection of the amendment. His speech, of course, has gone broadcast throughout the land.

I may say, in closing, that I think the Senator is mistaken in his views. I say that with all good nature and courtesy toward him. Another thing, I think the agitation of this question perhaps has been a wise one, and in a way I am very thankful to the Senator, and I have so expressed myself. He has given me an opportunity to bring before the Members of

the Senate and before the country, if I can, in my small way, a knowledge of the movement that is going on under the guise of the so-called child labor amendment, so that the people of this country may realize just exactly what will result if we concentrate in the Federal Government the control of the family life up to the time the children arrive at their eighteenth birthdays.

O Mr. President, so many people have said to me, regardless of party, within and without my own State, since the passage of this amendment, "Can not something be done to prevent the United States Government coming between parent and child?"

I believe that the legislatures of the States now in session will answer that question in no uncertain way.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

Mr. COPELAND. Mr. President, I am obliged to leave the Chamber in a few moments, and will be away to-morrow; so, out of order, I want to ask the chairman of the subcommittee, the Senator from New Hampshire, about the provisions of the bill covering fourth-class mail matter. There are in my State a great many seed-growing concerns, which send out elaborate catalogues, which are carried at the rate of 2 ounces for a cent. They send a 6-ounce catalogue for 3 cents.

Under the terms of the bill proposed, any catalogue mail parcel weighing more than 4 ounces will be thrown into the fourth class and will there be charged for at 5 cents per pound or any fraction thereof, plus a service charge of 2 cents, which would mean that the charge on a 6-ounce package would be about 7 cents, instead of 3 cents, as at present. Of course, that would bring down the income of the Government, in my judgment, because instead of sending out a 6-ounce package, getting the new rate of 7 cents, there would be three 2-ounce pamphlets sent out at 1 cent each. So we would still get but 3 cents, the present rate, and not the 7 cents contemplated by the committee. I hope there may be some revision of thought as regards that proposal on the part of the committee.

Mr. MOSES. Mr. President, in view of the fact, as I understand, that the Senator from New York has engagements which it is necessary for him to keep and he will not be able to follow this debate if it is unduly prolonged, I will anticipate with reference to section 207 and say that, so far as paragraph (a) of section 207 is concerned, the committee sought merely to make uniform packages up to 4 ounces in both the third and fourth classes. There have been many recommendations from Postmasters General ever since the fourth-class mail matter was instituted looking toward the consolidation of the two classes of mail, and the committee, knowing these rates to be only temporary and experimental, had in mind to make a classification which would, in effect, consolidate the fourth and the third classes up to 4 ounces.

That, however, is not the point upon which the Senator from New York has placed his emphasis. The emphasis which he makes, as I understand it, is with reference to paragraph (b), on page 43. I will say frankly to the Senator that this is one of the two places in the bill as now before the Senate wherein an error has arisen in the printing, the error not being due to the printer, but due to the fact that the subcommittee in making its amendments were using an imperfect print of a portion of the bill. It is the purpose of the subcommittee, when paragraph (b) of section 207, on page 43, is reached, to perfect the amendment by striking out the word "four" and inserting the word "eight," so that there will be an 8-ounce maximum for books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants.

That, as I understand it, was the chief point to which the Senator from New York was directing his criticism. That will be cared for by a committee amendment when we reach it.

Mr. COPELAND. Mr. President, I thank the Senator for his explanation.

Mr. MOSES. I ought to add that the attention of the chairman of the subcommittee was most emphatically called to this prior to the remarks of the Senator from New York by a member of the subcommittee, the Senator from Georgia [Mr. GEORGE], who left the city at the time of the hearings under the impression that the figure was to be left at 8 ounces instead of 4.

Mr. COPELAND. I am very glad that this change is to be made. The Senator from New Hampshire said that there had been a mistake in the committee print. Perhaps he will give us the satisfaction of hoping that perhaps there have been mistakes with reference to other features of the bill, so that we can have a more perfect bill before we get through.

Mr. MOSES. I am glad to have the great intellectual cooperation of the Senator from New York on any matter.

Mr. COPELAND. I thank the Senator.

THE OWNBEY CASE

Mr. HEFLIN. Mr. President, a little while ago, while I was out of the Chamber at lunch, my good friend the Senator from Delaware [Mr. BAYARD] made a statement regarding a reference I made on yesterday to the courts in his State. I stated that the judges who considered the Ownbey case in the lower court also sat in the supreme court when the final decision was rendered. I was in error in stating that the judges who sat in the lower court sat in the supreme court when final action was taken. I got my impression from the argument made by Colonel Ownbey's lawyer before the supreme court, in which he said:

> There was an opinion by the court sitting in banc in the superior court, the judges being the same judges who sat also in the supreme court.

As I understand it, the suit was instituted in the superior court, where there were two judges, and the case was referred by those two judges to the court in banc, where other judges were invited to sit. This court sitting in banc determined the issue at stake and certified it, with their judgment, back to the two judges who sat originally. Mind you, Mr. President, the two judges sat with these other judges concerning this case and with them rendered a judgment about the case and referred it back to themselves with the judgment which they had helped to render. Sitting in that court in banc were judges who did finally sit on the supreme court determining the case. So there is not very much difference between that situation and what I said originally. But the fact is, as I understand, that the two judges who sat when the case was first instituted did not sit finally on the supreme bench when the action was finally had by the court in Delaware. I am glad that my good friend has called attention to that, because I had no desire whatever to mislead the Senate or the country about it.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Delaware?

Mr. HEFLIN. I yield.

Mr. BAYARD. I do not know whether the Senator from Alabama was here a little while ago when I rose and made an explanation.

Mr. HEFLIN. I have just referred to my absence at lunch at the time.

Mr. BAYARD. I said that the Senator was entirely innocent of any intent to make a misstatement, that he had been misinformed from beginning to end, and that that was the reason why he made the statement.

Mr. HEFLIN. I was just referring to that. I was out at lunch when the Senator made his statement. I am glad he did make that statement, although a part of my contention is correct, that the judges who sat in banc determining this matter in the outset, who denied Colonel Ownbey the right to be heard, were also some of the judges who sat on the supreme court, acting again on the very question that was involved at the outset.

As to the other matter, I can not agree with my good friend from Delaware about the judges not being able to do other than they did in sustaining a statute of his State, called the "custom of London." I stated on yesterday, and I desire to state again, that if I had been one of the judges, when I saw that that statute denied the defendant the right to come in and plead and be heard, I would have held it unconstitutional. I would have said that it ran counter to amendments 5 and 14 of the Constitution, which provide for due process of law. Then if those who instituted the suit had not liked my ruling, I would have permitted them to take the case to the Supreme Court, as I said on yesterday, and that court could have decided whether my ruling was right when I held that any act ought to be set aside which would deny an American citizen the right to come in and be heard.

Mr. BAYARD. Mr. President, may I suggest to the Senator that he is referring now to the petition of Colonel Ownbey to to come into court after the act had been amended? Is that right?

Mr. HEFLIN. Yes.

Mr. BAYARD. The Senator has forgotten, I think, the fact that the judgment, in the first place, was taken in the superior court, which was affirmed by the Delaware Supreme Court,

and that, in turn, upon a writ of certiorari, was affirmed by the United States Supreme Court. The judgment stood. Then, when Colonel Ownbey sought to come in and obtain advantage of the amendment which had been made, which was retroactive, he was met by the Superior Court of Delaware with the statement, "This is a judgment, and a judgment can not be impinged upon in any way, shape, or form by any retroactive act, for two reasons: In the first place, the Federal Constitution forbids the passage of any ex post facto law; in the second place, a solemn act of the court can not be impinged upon by the legislature."

Those were two outstanding, universally known principles of legal practice the court was bound to recognize. It was not for the court, on its humanitarian side, to say, "Oh, well, we will give Colonel Ownbey a chance and let him take the case up." They knew ab initio, by the simplest canons of construction that this was a solemn judgment and could not be impinged upon by that act. I think, if I may say so to the Senator, that it would have been unfair and unjust for them to lead Colonel Ownbey astray by undertaking to say something was constitutional when they must have known, if they were competent to sit on a court, that it was wholly unconstitutional.

Mr. HEFLIN. I am contending that in the outset the two judges who sat on the court below, when they certified the case up to the court in banc, should have declared it unconstitutional, for it denied that man the right to come in and be heard because he could not put up a bond of $200,000. I think the Senator is in error when he says that the supreme court had acted on this case before they made an effort to reopen it, because the case was up here in 1920, and the amendment was adopted in Delaware, I think, in 1919.

Mr. BAYARD. It was after the supreme court of our State had spoken.

Mr. HEFLIN. I am talking about the supreme court of the Senator's State, but not the Supreme Court here.

Mr. BAYARD. That is true.

Mr. HEFLIN. After the legislature of the Senator's State acted, as I am informed, and acted for the purpose of opening this particular case, Mr. Neely, one of the lawyers for Colonel Ownbey, appeared before the legislature and told them that this man had not been treated fairly, and so forth—that is the substance of the statement to me—and the legislature passed that act, or rather amended the statute striking out the part which required him to make the bond of $200,000 and giving him the right to come in. When they went before the court for Colonel Ownbey and moved to reopen the case and permit him to come in, the court could have determined then, because of the fundamental principles of right and justice involved, that they would permit the case to be opened and allow the Supreme Court to decide whether that act was in conflict with the fifth and fourteenth amendments to the Constitution.

Mr. BAYARD. May I interrupt the Senator to say that I think he disregards this fact? It is the regular practice in an inferior or nisi prius court in all States to bow to the determination of a superior court or court of last resort in all those States when the court of last resort has determined the specific question. This specific question had been determined by the Supreme Court of Delaware, the court of last resort.

So when, after the amendment of this particular statute was had, Colonel Ownbey came back again in court he was met with two things. One was that the Legislature of the State of Delaware could not pass a law impinging on a judgment, and the second was that the judgment had been confirmed by the court of last resort in the State of Delaware. I do not see how the nisi prius court of Delaware is subject—and I say it with greatest respect to the Senator—to criticism at the hands of the Senator from Alabama or anybody else. It was doing alone what it should do. It would have been a stupid, foolish thing for the superior court in this case to say the act was unconstitutional, because it would only have resulted in putting Colonel Ownbey to the expense of again going over the same thing, when it knew and everybody knew the result would be the same.

Mr. HEFLIN. The Senator and I can not agree about the constitutionality of the statute. I think it is unconstitutional, and I believe it ought to be repealed.

Mr. BAYARD. I am not going to pass upon that question. That is a question for the courts alone.

Mr. HEFLIN. I am going back to the fundamental principle. I do not care what kind of a statute it is or whose State it is; it is a wrong statute which denies a citizen of the United States the right to come in and plead and make answer and testify because he can not put up a money consideration. Any citizen ought to be able, without money and without price, to come into court when he is proceeded against and called into court to answer, and ought to be able to answer when he arrives. When he does arrive and the court says, "Unless you can put up so much money you can not answer," he is denied due process of law. That is my contention in this case.

The two judges in Delaware in the lower court, as I said before, sat in the court in banc with the other judges, invited in to help render the decision. Finally, when the case went up to the supreme court some of the judges who had already acted on the case before—and I am correct about that—sat in final judgment in the supreme court and rendered a decision backing up the decision they had rendered at another sitting of the court in banc.

I am glad to make the statement correcting that part where I said the judges who sat in the court below also sat on the supreme court bench. Those two judges did not do that, but they did sit in the court in banc, and the judges who sat with them in the court in banc did sit with the supreme court on the final determination of the case.

CHILD LABOR

Mr. BRUCE. Mr. President, I desire to engage the attention of the Senate only for a few moments. I can not allow the speech delivered to-day by the Senator from Delaware [Mr. BAYARD] on the child labor amendment to pass without expressing my deep gratification that he should have made another most timely, instructive, and interesting contribution to the literature of that subject. As we all know, one of the most valuable of the contributions that have been made to the child-labor discussion at all was that of the Senator at the last session of Congress. Fortunately this address was distributed throughout the country, and has had, it is safe to say, a very decided effect in producing the adverse popular verdict which would now seem certain to befall the child labor amendment. Practically some 13 States of the Union have rejected it, and it is as plain as anything can be that the sardonic grin of death is settling upon its countenance.

I had intended to answer the Senator from Montana [Mr. WALSH] myself, but it is so obvious that the child labor amendment is doomed to a sure if not ignominious death that I no longer think it worth while to carry out my intention. But there is just one thing that I desire to say before I dismiss the subject from my further consideration.

I recollect that a great many years ago a distinguished Presbyterian divine said to me, just after he had made a tour of the State of Georgia—this was not long after the Civil War—that he had been curious to obtain an opinion from both Robert Toombs and Alexander H. Stephens, of that State, as to the probable result of the race conflict in the South which was then so menacing. "What," he asked Toombs, "will be the final issue of this conflict?" Toombs, in his blunt, dogmatic way, replied, "Extermination."

Later, when he asked Stephens the same question, he answered: "Miscegenation." Happily, we now know that there is no reasonable prospect of either of those laconic and gloomy prophecies ever being fulfilled. Whatever may be the final settlement of the race issue in the Southern States, it is at least not likely to take the form of either of those conclusions.

But for many years, of course, the South has adopted and by every means in its power kept in effect as a proper solution of the southern race problem the policy of carrying along the two races on parallel but never converging lines. I shall not stop to ask whether that is a wise or an unwise policy; nor shall I stop to ask whether it is a generous or a harsh policy. Everybody who knows me knows that I am no sectionalist. I never hear the term "North and South" used in any controversial sense that I do not feel like going off and smashing a compass. I have not the least patience with any form of narrow-minded, sectional, or local bigotry, and I am in favor of extending to the Negro everywhere in the country the fullest measure of just and friendly and helpful treatment. But we know that there are special race conditions in the South, and that they must be taken into account. As John Randolph once said, with reference to the struggle over slavery, you might as well try to cover up an earthquake with a carpet as to ignore them.

So I pause just a moment to ask my southern brothers to inquire of themselves what is likely to take place in the Southern States if the steady process of centralization which is now going on in the sphere of the National Government is not in some way or other checked? Personally, I am not opposed to the child labor amendment on mere sectional grounds. I should shrink from resting my conclusions or convictions in relation to any subject upon such a limited foundation as that. But

the fact is that no less than nine Senators from the Southern States voted in favor of the child labor amendment at the last session of Congress. It is safe to say that 25 or 30 years ago such a thing would have been impossible.

It would have savored of the rankest party heterodoxy or heresy. But now, I repeat, no less than nine Senators from the Southern States have voted in favor of an amendment to the Constitution which penetrates to the very core, to the very sanctum sanctorum of the principle of State sovereignty.

There is not one of us who does not know that the next step will be by constitutional amendment to have the Federal Government assume complete control over the general education of the country. Already there is a proposed amendment that contemplates the creation of a national department of education.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. BRUCE. I yield.

Mr. WALSH of Massachusetts. There is a bill reported here by the committee on reclassification of the departments of the Government providing for a department of education and relief.

Mr. BRUCE. And there is the Sterling-Towner bill, which goes a long step, I believe, in the direction of conferring upon the Federal Government authority in educational matters.

Mr. STERLING. If the Senator from Maryland will pardon me, I want to refer to the statement made by the Senator from Massachusetts. He refers not to the reclassification bill, but to the reorganization bill, I think, which provides for the reorganizing of the departments of the Government.

Mr. WALSH of Massachusetts. I refer to the bill reported by the Senator from Utah [Mr. SMOOT] creating a department of education.

Mr. BRUCE. The difference, under the circumstances, between reorganization and reclassification is the difference between tweedledum and tweedledee. Such an attenuated distinction need not be pursued.

Mr. STERLING. If it were just confined to a department of education, I would have no objection to the bill; but when it seeks to bring in, under the heading "Department of education and relief," the War Veterans' Bureau, the Pension Bureau, Vocational Education, and a number of other Government activities, then I think it is time to take notice and object.

Mr. McKELLAR. Mr. President, will the Senator from Maryland yield?

Mr. BRUCE. I yield for a question.

Mr. McKELLAR. Does the Senator recall from history that in 1802 or 1803, none other than Thomas Jefferson, who was then President of the United States, the head of the party to which the Senator from Maryland and I profess to belong, sent a message to Congress recommending such an amendment to the Constitution?

Mr. BRUCE. Well, of course, that great man had a very bold, original, and speculative mind, that was always projecting itself beyond the horizo of daily political needs; but the fact is that if he made such a proposition it met with no real favor at the hands of the Democratic Party.

As I have stated, already a movement is springing up, just as the child-labor movement sprang up, to have the Federal Government take over the complete control of popular education.

Mr. STERLING. Mr. President, I wish to say that no such proposition was involved in what was known as the Sterling-Towner department of education bill.

Mr. BRUCE. Well, as the French say, it is the first step that costs. That bill, and other pending bills, are simply the initial stages in a general movement, which, as I have stated, is looking to the complete regulation of education by the Federal Government throughout the United States. The very speech delivered by the Senator from Montana [Mr. WALSH], if my memory is not at fault, shows that he was in sympathy with this movement as well as with the child-labor movement itself. Let me ask my friends from the Southern States in this Chamber just one question: Are you prepared to see general control of popular education in the United States lodged in the hands of the Federal Government? We know that the Democratic Party is the minority party in this country; and that it is only under very special conditions that it is ever able to elect a President. Is there any Democrat who doubts that if an amendment to the Federal Constitution were adopted vesting control over education in this country in Congress, the Republican Party would exercise that power to the extent of riveting upon the South its own ideas as to the proper relations between the races in the schools of the South?

Mr. WALSH of Massachusetts. Mr. President, will the Senator permit an interruption?

Mr. BRUCE. Yes.

Mr. WALSH of Massachusetts. I simply desire to make an inquiry. Does the Senator think it would require a constitutional amendment in order to have the Federal Government take over the educational system of the country?

Mr. BRUCE. I do not know that it would. Federal aggression has pushed forward so stealthily and so successfully that the old need for constitutional changes seems, in great measure, to have passed away.

Mr. WALSH of Massachusetts. The bills which are pending to which the Senator has referred have all been introduced on the assumption that the Constitution permitted the creation of a Federal department of education.

Mr. BRUCE. They have.

Mr. President, in no State of the United States are these gradual encroachments of Federal authority over education more distrusted and feared than in the State that I have the honor in part to represent.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Maryland yield to the Senator from South Dakota?

Mr. BRUCE. I yield.

Mr. STERLING. I wish to say with reference to the principles of the bill, indeed, the language of the bill to which reference has been made, the educational department bill, that it expressly disclaims any intention on the part of Congress to interfere with the State authorities in the matter of education, with the courses of study, the methods, plans, and so on, with reference to education adopted by the State authorities.

Mr. BRUCE. I am not limiting my scrutiny in the slightest degree to particular educational measures. What I have been speaking of is the general trend in the direction of the control by the Federal Government over popular education in this country.

Mr. WALSH of Massachusetts. Of course if we create a Federal department of education it will want some money to spend.

Mr. BRUCE. Of course.

Mr. WALSH of Massachusetts. And will have to spend it for the promotion of education.

Mr. BRUCE. Certainly. Love grows by what it feeds on, and so would education.

Mr. WALSH of Massachusetts. It is bound to expand, to be a very important and very influential department, if once we take the step.

Mr. BRUCE. Precisely.

Mr. President, as I was saying, nowhere in the United States is the idea of subjecting popular education to Federal authority more disliked—I may say more abhorred—than in the State of Maryland. That State, I am happy to say, is a land of tolerance; its finest tradition is tolerance. No matter what difficulty religious sects in other communities in the United States may find in living together in peace and amity, its people experience no such difficulty. We want no system of education that will interfere in any way with any reasonable sectarian privileges that any religious sect has ever enjoyed in Maryland in the matter of education; and as long as that State retains its present power over the education of its children there will be no such interference.

Mr. McKELLAR. Mr. President, can the Senator give me the figures——

Mr. BRUCE. I am sorry I can not yield to the Senator, because it simply breaks up what I am saying into fragments to answer any and every interruption, unless it shall assume the form of a question.

Mr. McKELLAR. I wish to ask the Senator a question.

Mr. BRUCE. Then I yield to the Senator.

Mr. McKELLAR. Can the Senator state how many white and how many colored illiterates there are in his State?

Mr. BRUCE. I can not. I can only say that there are not enough illiterates to prevent the State from being one of the most intelligent in the United States, as it is one of the most conservative and one of the sanest.

I spoke of tolerance. It may interest the Senate to know that for some years we have elected three men as judges of our probate court in Baltimore, one a Catholic, one a Protestant, and one a Jew, and that they have run right along together at elections, except that the Jew receives perhaps rather a larger vote than the other two because he had been most usefully connected with the business of the court before he and his associates became judges.

We wish no interference with our parochial schools or other private schools of any sort. Our State government has been

wholly competent to endow our people with a rich measure of tolerance, peace, and mutual consideration and understanding, which we are not disposed to risk in any Federal experiment.

Now, to get back to the line of comment that I was pursuing, let me ask, Is there a single Senator here from the Southern States who is prepared to deny that if popular education in this country were to pass under the control of Congress there would be mixed schools in the South and that black and white children would be found sitting side by side on the public school benches in that section? The Republican majority in Congress might not do that as a mere matter of tyranny or simply because they had the power to do it, but because the representatives of that party in Congress would be accustomed to deal with entirely different social conditions from those that prevail at the South and naturally would be disposed to take an entirely different veiw of educational requirements and rights from that taken by the representatives in Congress of the South itself.

As I understand it, there are no separate schools for the races anywhere in the United States except at the South. The certain result of the extension of Federal authority over popular education throughout the country would, therefore, I say, be to bring about mixed schools in the South. Already more than one advocate of the child labor amendment has to my knowledge been proclaiming the fact that when it shall have been adopted the next step would be likewise to vest the regulation of education throughout the country in the Federal Government.

Furthermore, one of the amendments to the Federal Constitution that is now pending or agitated is designed to give to the Federal Government the power to establish a uniform system of marriage and divorce throughout the United States. Does anyone believe that if such a power were bestowed a Republican Congress would refrain from wiping off the statute books of the Southern States all laws prohibiting the intermarriage of blacks and whites? If the representatives of the Southern States in Congress should raise an outcry against that act, it would doubtless receive as little heed as the protest that they made here at the last session of Congress against the confirmation of the colored man, Walter Cohen, as collector of customs for the city of New Orleans. Once deprive the South of the shield of local autonomy in the matter of education and intermarriage and by many powerful influences of one sort or another, political and social, the leaders of the Republican Party could be compelled, whether they wished to do so or not, to pass laws breaking down all barriers of every sort between the two races in the South.

Rudyard Kipling once predicted that the future American will have a slight kink in his hair. If he does, it will be because the race reservations of the South shall have been effaced by processes of centralization which brought about the subjection of her peculiar social prejudices and prepossessions to the will of an external authority which had no real sympathy with them.

Now that the child labor amendment is coming to grief, I might add that I hope that the fate which has befallen it is merely the setting in of a reverse current of popular feeling, which may in time bring to an end the steady aggrandizement of Federal authority that is such an alarming phenomenon at the present hour.

Certainly the various child-labor systems that prevail in the different States of the Union do not differ more widely from each other than do the various educational systems in these States. With the proper amendment to the Constitution, the temptation and opportunity to establish a uniform educational system throughout the United States would be just as marked as the temptation and opportunity to establish a uniform system of child labor.

Let this process of increasing Federal power go on, and we will have other illustrations of the bitter experience that we have had with the eighteenth amendment to the Constitution—an amendment that paid no heed whatever to the diverse social habits, usages, and manners of the different communities, rural and urban, in the Union; and which consequently has resulted in widespread popular demoralization and entirely ineffectual efforts upon the part of the Federal Government to arrest the steady ruin that is being worked in the character and habits of the American people by general disrespect for law.

So I take this occasion once more to blow the trumpet to sound the tocsin, and to beg my Democratic comrades at least to stand shoulder to shoulder for the purpose of resisting any further usurpations of authority by the Federal Government, or any further and even more deadly violations of the fundamental principles upon which the free institutions of America were originally based.

THE FRENCH DEBT

Mr. BORAH. Mr. President, I ask permission to insert in the RECORD a letter and memorandum from the Secretary of the Treasury. I will state briefly that the letter refers to a memorandum which was furnished me some months ago on the question of the French debt, concerning which the Secretary of the Treasury desires to make a correction. I am inserting the letter and the memorandum so as to make the record complete according to his view of the matter at the present time.

The PRESIDING OFFICER. Without objection, the letter and memorandum will be printed in the RECORD.

The matter referred to is as follows:

TREASURY DEPARTMENT,
Washington, January 27, 1925.

Hon. WILLIAM E. BORAH,
United States Senate.

MY DEAR SENATOR: I note that in the course of your remarks on interallied debts you inserted in the CONGRESSIONAL RECORD of January 22, 1925, page 2284, a memorandum on the loans made by France to the United States during and immediately following the Revolutionary War. This memorandum was prepared by the Treasury Department and sent to you on October 24, 1923. Shortly after that date a revision was made, and I am sending you herewith a copy of the revised form and call your attention to the additional paragraph marked on page 2. This additional paragraph simply calls attention to the fact that in the settlement of 1782 France remitted certain arrears of interest. With this modification the statement that the loans were ultimately settled in full is correct.

I regret that a copy of the revised statement was not sent to you as soon as it was prepared.

Very truly yours,

GARRARD B. WINSTON,
Undersecretary of the Treasury.

LOANS AND SUBSIDIES GRANTED BY FRANCE TO THE UNITED STATES DURING AND IMMEDIATELY FOLLOWING THE REVOLUTIONARY WAR

TREASURY DEPARTMENT, *November 8, 1923.*

France made four loans to the United States during and immediately following the Revolution, all of which were negotiated by the Continental Congress. The details of these loans are as follows:

Date	Loan	When due	Amount	Interest rate
1777	1,000,000 livres from farmers-general of France under authority of resolution Dec. 23, 1776. (Secret Journals of Congress, "Foreign Affairs," Vol. II, p. 36.)	Indefinite. (Contract dated Mar. 2d, 1777. House Misc. Doc. No. 603, pt. 2, 50th Cong., 1st sess., serial No. 2585, p. 300, Revolutionary Diplomatic Correspondence of the United States—Wharton.)	$181,500	*Per cent* 5
1778–1782	18,000,000 livres from French Government under authority of resolution Dec. 3, 1777. (Journals of Congress, Vol. II, p. 359.)	12 annual installments from the third year after conclusion of peace. (Contract dated July 16, 1782. Journals of Congress, Vol. IV, Appendix, p. 20—Way and Gideon Washington, 1823.)	3,267,000	5
1781–82	10,000,000 livres from French Government under authority of resolution Oct. 28, 1779. (Secret Journals of Congress, Vol. II, p. 283.)	10 annual installments from Nov. 5, 1787. (Contract drawn July 16, 1782. Journals of Congress, Vol. IV, Appendix, p. 20.)	1,815,000	4
1783	6,000,000 livres from French Government under authority resolution Sept. 14, 1782. (Journals of Congress, Vol. IV, p. 78.)	6 annual installments from Jan. 1, 1785. (Contract drawn Feb. 25, 1783. Journals of Congress, Vol. I V, Appendix, p. 23.)	1,089,000	[1] 5

[1] Beginning Jan. 1, 1784.

The 18,000,000 livre loan was made in installments ranging over the period of 1778–1782, the advances in the latter year amounting to 6,000,000 livres. In the contract of July 16, 1782, France remitted the arrears of interest on this loan to that date "* * * and from thence to the date of the treaty of peace * * *." In this same contract France also agreed to bear the commissions and bank charges incident to the 10,000,000-livre loan, which was in fact borrowed from Holland by France for the account of the United States. Franklin in transmitting this contract said in part: "In reading the contract

you will discover several fresh marks of the King's goodness to us, amounting to the value of near two millions [livres]."

Due to the condition of the finances of the new Government interest payments on these loans as well as the installments on the principal were not always made promptly, but the account, both principal and interest, with the exception of the interest remitted, as shown above, was ultimately settled in full. All amounts still unpaid in 1795 were converted into domestic stock bearing interest at 4½ and 5½ per cent per annum. Oliver Wolcott, jr., the Secretary of the Treasury at that time, said that "* * * by this operation the debt as due under former contracts to the Republic of France may be considered as discharged." The details pertaining to repayments on the principal and refunding operations of the various loans are as follows:

Date	Loan	Repayments	Merged into 5½ per cent stock	Merged into 4½ per cent stock	Total
1778–1779	First loan	[1]$27,811.11	(2)		$27,811.11
1791	Second loan	544,500.00			544,500.00
1792	Second loan	1,089,000.00			1,089,000.00
	Third loan	726,000.00			726,000.00
1793	First loan	153,888.89			153,888.89
	Second loan	272,250.00			272,250.00
	Third loan	544,500.00			544,500.00
1794	Second loan	329,100.00			329,100.00
	Third loan	186,983.96			186,983.96
1795	Second loan	272,250.00	$759,900.00		1,032,150.00
	Third loan	181,516.04		$176,000.00	377,516.04
	Fourth loan		1,089,000.00		1,089,000.00
	Total	4,327,600.00	1,848,900.00	176,000.00	6,352,500.00

[1] In tobacco.
[2] American State Papers, Finance, vol. 1, p. 360.

There is attached a photostat copy of a statement prepared by the Register of the United States Treasury, dated April 28, 1800 (American State Papers, Finance, v. 1, p. 671), which shows the French debt at the beginning of the Government and its ultimate extinguishment, both principal and interest. Thus, of the total amount of $6,352,500 borrowed, the sum of $4,327,600 was repaid by 1795, and the balance, or $2,024,900, was refunded into 4½ per cent and 5½ per cent domestic stock. The 4½ per cent stock was all repaid in due course between 1807 and 1808, while the final payment was made on the 5½ per cent stock in 1815.

In addition to the loans described above, there were certain aids and subsidies granted by the French King to the American colonies. In these subsidies Spain participated to the extent of 1,000,000 livres. The amounts and dates of these subsidies are as follows:

	Livres
In 1776, from France	2,000,000
In 1776, from Spain	1,000,000
In 1777, from France	2,000,000
In 1781, from France	6,000,000
Total (equal to $1,996,500)	11,000,000

Thus the gifts from France amounted to $1,815,000.

The first subsidy from France of 2,000,000 livres and the subsidy of 1,000,000 from Spain were handled by M. Caron de Beaumarchais, who carried on his work under the guise of a Spanish trading company by the name of Roderique Hortales & Co. The others were negotiated through Benjamin Franklin. So far as the Treasury has been able to determine the facts, there was never any misunderstanding over the gratuities granted by the French King to the United States through Benjamin Franklin, in amount 8,000,000 livres. The adjustment of 1795 seems conclusive in this respect. Moreover, the mutual claims of France and the United States have been the subject of several treaties between the parties, but no reference is found to any supposed debt to France originating in the support given by France to the United States in the Revolutionary War. The earliest of these treaties was the one of September 30, 1800, followed by that of April 30, 1803, ceding Louisiana to the United States.

A dispute, however, arose between Beaumarchais and Congress over the claims of the former. He made large shipments of munitions and supplies to this country for the use of the Revolutionary Army, aggregating over 6,000,000 livres, according to Bayley's history of national loans of the United States. These were afterwards the subject of claims presented by Beaumarchais and his heirs. Settlement was finally made in 1835 by the payment of 810,000 livres to his heirs. Mr. Bayley made a careful investigation of the claims of Beaumarchais against the United States, and in stating the amount in the volume referred to shows an overpayment by the United States of 1,426,787 livres (about $250,000).

No. 6

Statement of the French debt at the commencement of the present Government, and of its ultimate extinguishment

		Amount						Amount		
		Livres	*Sols.*	*Den.*	*Dollars*			*Livres*	*Sols.*	*Den.*
To general account of foreign receipts and expenditures remitted to Paris, from Amsterdam and Antwerp:						*Capital on the 1st January, 1790, viz:*				
Guilders 10,080,419, 1 produced		24,193,005	14	04	4,032,167.62	Loan of 18,000,000 livres	18,000,000			
To account of expenditures of the United States:						Loan of 10,000,000 livres	10,000,000			
Paid at the Treasury	$2,751,904.00	15,162,005	09	10	2,751,904.00	Loan of 6,000,000 livres	6,000,000	34,000,000		
To the War Department:						Balance of account of supplies settled at the Treasury		134,065	07	06
For supplies of military stores	8,962.00	49,377	08	02	8,962.00	Contract with the farmers-general	1,000,000			
To loan of foreign debt:						Deduct so much paid by the late Government	153,229 05 07			
Amount of 5½ per cent stock	1,848,900.00						846,770 14 05			
Amount of 4½ per cent stock	176,000.00					Deduct supplies furnished the French consul, by the late Government	448,471 14 08			
		11,156,473	16	07	2,024,900.00			398,298	19	00
To profit and loss account:										*Dollars*
For a gain arising from the exchange between Amsterdam and Antwerp, and Paris, viz:						Principal		34,532,364	07	03	6,267,624.15
The remittances from Amsterdam and Antwerp, on account of the principal of the French debt, were livres 24,193,005 14 4 18 15/100	4,391,030.53					*Interest on 1st of January, 1790*				
The value of guilders, 10,080,419 01 40	4,032,167.62					Arrearages of interest on the capital	8,800,000			
						Arrearages of interest on supplies	41,895 08 07			
Difference to the credit of this account from exchange					358,862.91	Contract with farmers-general	126,017 15 04			
							8,967,913 08 11				1,627,676.24
						Interest which accrued in 1790	1,600,000			
						Interest on supplies and farmers-general contract	26,618 14 04			
							1,626,618 14 04				295,231.29
						Interest		10,594,531	18	03	
								45,126,896	05	06	8,190,531.68
						Interest in 1791, 1792, 1793, 1794, and 1795, until paid off		5,433,966	03	05	986,264.85
		50,560,862	08	11	9,176,796.53			50,560,862	03	11	9,176,796.53

TREASURY DEPARTMENT, REGISTER'S OFFICE, *April 28, 1800.*

JOSEPH NOURSE, *Register.*

EXECUTIVE SESSION

Mr. MOSES obtained the floor.

Mr. McKELLAR. Mr. President——

Mr. MOSES. I yield to the Senator from Tennessee.

Mr. McKELLAR. If the Senator is going to press for a vote to-night, I desire to suggest the absence of a quorum.

Mr. MOSES. It is perfectly evident, with the attendance in the Chamber at this hour, that it will be impossible to have a vote upon the pending amendment to-day, and I do not intend to press for one.

Mr. McKELLAR. Then I withdraw my suggestion.

Mr. MOSES. I intend presently to move that the Senate proceed to the consideration of executive business, and then I shall ask the Senate to take a recess until to-morrow. I want to take this occasion, however, to give notice that unless we are able to make material progress with the pending bill to-morrow I shall ask the Senate to sit to-morrow evening for the purpose of considering some of the pending amendments.

Mr. McKELLAR. I want to say, so far as I am concerned, that I shall be perfectly willing to sit to-morrow night and expedite the consideration of this matter as much as possible.

Mr. MOSES. Then, Mr. President, I give formal notice that to-morrow I shall expect the Senate to sit during the evening in pursuance of the consideration of this bill.

Mr. BORAH. I hope that expectation is not too earnest.

Mr. MOSES. Oh, of course any Senator can ask for a quorum, and if one is not available we will send out for it and bring it in in evening attire.

Mr. McKELLAR. I hope we shall get through with the bill to-morrow. I see no reason why we should not do so. Unless something interferes, as it did to-day, I see no reason why we should not finish this bill to-morrow.

Mr. BORAH. I think, unless something interferes, it will be finished to-morrow.

Mr. MOSES. I have had that notion every day—unless something interferes with the bill.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session, the doors were reopened.

COMMERCIAL UNION ASSURANCE CO. (LTD.), ETC.

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1975) for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queens Insurance Co. of America, Firemen's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co., which were on page 1, line 4, to strike out "thirteen" and insert "twelve"; on page 1, line 7, to strike out "12039"; on page 2, line 6, to strike out "$2,600" and insert "$2,400"; on page 2, line 7, to strike out "$2,600" and insert "$2,400"; on page 2, line 8, to strike out "$1,950" and insert "$1,800"; on page 2, line 9, to strike out "$1,950" and insert "$1,800"; on page 2, line 9, to strike out "$1,820" and insert "$1,680"; on page 2, line 10, to strike out "$1,560" and insert "$1,440"; on page 2, line 11, to strike out "$520" and insert "$480"; and on page 2, line 11, to strike out "$13,000" and insert "$12,000."

Mr. WADSWORTH. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

RECESS

Mr. MOSES. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 47 minutes p. m.) the Senate took a recess until to-morrow, Thursday, January 29, 1925, at 12 o'clock meridian.

CONVENTION FOR ESTABLISHMENT OF INTERNATIONAL COMMISSIONS OF INQUIRY

In executive session this day, the following convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification I transmit, with an accompanying report by the Secretary of State, a convention between the United States and the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, for the establishment of international commissions of inquiry, signed at Washington on February 7, 1923.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 13, 1924.

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, for the establishment of international commission of inquiry, signed at Washington on February 7, 1923.

The convention provides that it shall take effect for the parties which ratify it immediately after the day on which at least three of the contracting Governments deposit their ratifications with the Government of the United States. The convention has been approved by Costa Rica and Guatemala, and also by Nicaragua with the reservation that the ratification shall not take place until the approval of the convention by the Senate of the United States. A sufficient number of the Central American Governments to give it effect having approved the convention, if approved by the Senate, the submission of the convention to the Senate is recommended.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, December 11, 1924.

CONVENTION FOR THE ESTABLISHMENT OF INTERNATIONAL COMMISSIONS OF INQUIRY

The Government of the United States of America and the Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, desiring to unify and recast in one single convention, the conventions which the Government of the United States concluded with the Government of Guatemala on September 20, 1913, with the Government of El Salvador on August 7, 1913, with the Government of Honduras on November 3, 1913, with the Government of Nicaragua on December 17, 1913, and with the Government of Costa Rica on February 13, 1914, all relating to the establishment of International Commissions of Inquiry, have for that purpose named as their plenipotentiaries:

The President of the United States of America:

The Honorable Charles E. Hughes, Secretary of State of the United States of America.

The Honorable Sumner Welles, envoy extraordinary and minister plenipotentiary.

The President of the Republic of Guatemala:

Señor Don Francisco Sánchez Latour, envoy extraordinary and minister plenipotentiary to the United States of America.

The President of the Republic of El Salvador:

Señor Doctor Don Francisco Martinez Suárez, President of the Supreme Court.

Señor Doctor Don J. Gustavo, Guerrero, envoy extraordinary and minister plenipotentiary to Italy and Spain.

The President of the Republic of Honduras:

Señor Doctor Don Alberto Uclés, Ex-Minister for Foreign Affairs.

Señor Doctor Don Salvador Córdova, ex-minister resident in El Salvador.

Señor Don Rafil Toledo López, chargé d'affaires in France.

The President of the Republic of Nicaragua:

Señor General Don Emiliano Chamorro, Ex-President of the Republic and envoy extraordinary and minister plenipotentiary to the United States of America.

Señor Don Adolfo Cárdenas, Minister of Finance.

Señor Doctor Don Maximo H. Zépeda, Ex-Minister for Foreign Affairs.

The President of the Republic of Costa Rica:

Señor Licenciado Don Alfredo Gonzáles Flores, Ex-President of the Republic.

Señor Licenciado Don J. Rafael Oreamuno, envoy extraordinary and minister plenipotentiary to the United States of America.

Who, after having exhibited to one another their respective full powers which were found to be in good and proper form, have agreed upon the following articles:

ARTICLE I

When two or more of the contracting parties shall have failed to adjust satisfactorily through diplomatic channels a controversy originating in some divergence or difference of

opinion regarding questions of fact, relative to failure to comply with the provisions of any of the treaties or conventions existing between them and which affect neither the sovereign and independent existence of any of the signatory Republics, nor their honor or vital interests, the parties bind themselves to institute a commission of inquiry with the object of facilitating the settlement of the dispute by means of an impartial inquiry into the facts.

This obligation ceases if the parties in dispute should agree by common accord to submit the question to arbitration or to the decision of another tribunal.

A commission of inquiry shall not be formed except at the request of one of the parties directly interested in the investigation of the facts which it is sought to elucidate.

ARTICLE II

Once the case contemplated in the preceding article has arisen, the parties shall by common accord draw up a protocol in which shall be stated the question or questions of fact which it is desired to elucidate.

When, in the judgment of one of the interested Governments, it has been impossible to reach an agreement upon the terms of the protocol, the commission will proceed with the investigation, taking as a basis the diplomatic correspondence upon the matter which has passed between the parties.

ARTICLE III

Within the period of 30 days subsequent to the date on which the exchange of ratifications of the present treaty has been completed each of the parties which have ratified it shall proceed to nominate five of its nationals to form a permanent list of commissioners. The Governments shall have the right to change their respective nominations whenever they should deem it advisable, notifying the other contracting parties.

ARTICLE IV

When the formation of a commission of inquiry may be in order, each of the parties directly interested in the dispute shall be represented on the commission by one of its nationals, selected from the permanent list. The commisisoners selected by the parties shall by common accord choose a president, who shall be one of the persons included in the permanent list by any of the Governments which has no interest in the dispute.

In default of said common agreement the president shall be designated by lot, but in this case each of the parties shall have the right to challenge no more than two of the persons selected in the drawing.

Whenever there shall be more than two Governments directly interested in a dispute, and the interests of two or more of them be identical, the Government or Governments, which may be parties to the dispute, shall have the right to increase the number of their commissioners from among the members of the permanent list nominated by said government or governments, as far as it may be necessary, so that both sides in the dispute may always have equal representation on the commission.

In case of a tie the president of the commission shall have two votes.

If for any reason any one of the members appointed to form the commission should fail to appear, the procedure for his replacement shall be the same as that followed for his appointment. While they may be members of a commission of inquiry, the commissioners shall enjoy the immunities which the laws of the country, where the commission meets, may confer on Members of the National Congress.

The diplomatic representatives of any of the contracting parties accredited to any of the governments which may have an interest in the questions which it is desired to elucidate shall not be members of a commission.

ARTICLE V

The commission shall be empowered to examine all the facts, antecedents, and circumstances relating to the question or questions which may be the object of the investigation, and when it renders its report it shall elucidate said facts, antecedents, and circumstances, and shall have the right to recommend any solutions or adjustments which, in its opinion, may be pertinent, just, and advisable.

ARTICLE VI

The findings of the commission will be considered as reports upon the disputes which were the objects of the investigation, but will not have the value or force of judicial decisions or arbitral awards.

ARTICLE VII

In the case of arbitration or complaint before the tribunal created by a convention signed by the five Republics of Central America, on the same date as this convention, the reports of the commission of inquiry may be presented as evidence by any of the litigant parties.

ARTICLE VIII

The commission of inquiry shall meet on the day and in the place designated in the respective protocol, and failing this, in the place to be determined by the same commission, and once installed it shall have the right to go to any localities which it shall deem proper for the discharge of its duties. The contracting parties pledge themselves to place at the disposal of the commission, or of its agents, all the means and facilities necessary for the fulfillment of its mission.

ARTICLE IX

The signatory Governments grant to all the commissions which may be constituted the power to summon and swear in witnesses and to receive evidence and testimony.

ARTICLE X

During the investigation the parties shall be heard and may have the right to be represented by one or more agents and counsel.

ARTICLE XI

All members of the commission shall take oath before the highest judicial authority of the place where it may meet duly and faithfully to discharge their duties.

ARTICLE XII

The inquiry shall be conducted so that both parties must be heard. Consequently the commission shall notify each party of the statements of fact submitted by the other and shall fix periods of time in which to receive evidence.

Once the parties are notified, the commission shall proceed to the investigation, even though they fail to appear.

ARTICLE XIII

As soon as the commission of inquiry is organized, it shall, at the request of any of the parties to the dispute, have the right to fix the status in which the parties must remain, in order that the conditions may not be aggravated and matters may remain in the same state pending the rendering of the report by the commission.

ARTICLE XIV

The report of the commission shall be published within three months, to be reckoned from the date of its inauguration, unless the parties directly interested decrease or increase the time by mutual consent.

The report shall be signed by all the members of the commission. Should one or more of them refuse to sign it, note shall be taken of the fact, and the report shall always be valid provided it obtains a majority vote.

In every case the vote of the minority, if any, shall be published with the report of the commission.

One copy of the report of the commission and of the vote of the minority, if any, shall be sent to each of the ministers of foreign affairs of the contracting parties.

ARTICLE XV

Each party shall bear its own expenses and a proportionate share of the general expenses of the commission.

The president of the commission shall receive a monthly compensation of not less than $500, American gold, in addition to his traveling expenses.

ARTICLE XVI

The present convention, signed in one original, shall be deposited with the Government of the United States of America, which Government shall furnish to each of the other signatory Governments an authenticated copy thereof. It shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the executive and legislative powers of the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, in conformity with their constitutions and laws.

The ratifications shall be deposited with the Government of the United States of America, which will furnish to each of the other Governments an authenticated copy of the procés verbal of the deposit of ratification. It shall take effect for the parties which ratify it immediately after the day on which at least three of the contracting Governments deposit their ratifications with the Government of the United States of America. It will continue in force for a period of 10 years, and shall remain in force thereafter for a period of 12 months from the date on which any one of the contracting Governments shall have given notification to the others, in proper form, of its desire to denounce it.

The denunciation of this convention by one or more of the said contracting parties shall leave it in force for the parties which have ratified it but have not denounced it, provided that these be no less than three in number. Should any Central American States bound by this convention form a single political entity, this convention shall be considered in force as between the new entity and the contracting Republics which may have remained separate, provided that these be no less than two in number. Any of the signatory Republics which should fail to ratify this convention shall have the right to adhere to it while it is in force.

In witness whereof the above-named plenipotentiaries have signed the present convention and affixed thereto their respective seals.

Done at the city of Washington, the seventh day of February, one thousand nine hundred and twenty-three.

CHARLES E. HUGHES.	[SEAL.]
SUMNER WELLES.	[SEAL.]
FRANCISCO SÁNCHEZ LATOUR.	[SEAL.]
F. MARTINEZ SUÁREZ.	[SEAL.]
J. GUSTAVO GUERRERO.	[SEAL.]
ALBERTO UCLES.	[SEAL.]
SALVADOR CÓRDOVA.	[SEAL.]
RAÚL TOLEDO LÓPEZ.	[SEAL.]
EMILIANO CHAMORRO.	[SEAL.]
ADOLFO CÁRDENAS.	[SEAL.]
MAXIMO H. ZEPEDA.	[SEAL.]
ALFREDO GONZÁLEZ.	[SEAL.]
J. RAFAEL OREAMUNO.	[SEAL.]

NOMINATIONS

Executive nominations received by the Senate January 28 (legislative day of January 26), 1925

GOVERNOR OF HAWAII

Wallace R. Farrington, of Honolulu, Hawaii, to be Governor of Hawaii. A reappointment.

UNITED STATES ATTORNEY

Samuel W. McNabb, of California, to be United States attorney, southern district of California, vice Joseph C. Burke, resigned.

POSTMASTERS

ALASKA

Grace Brook to be postmaster at Fort Yukon, Alaska, in place of W. L. Harber, resigned.

CALIFORNIA

Michael G. Callaghan to be postmaster at Livermore, Calif., in place of M. G. Callaghan. Incumbent's commission expired June 4, 1924.

FLORIDA

Wilber C. Russell to be postmaster at Fort Pierce, Fla., in place of Thomas Roden, removed.

GEORGIA

Clarence W. Bazemore to be postmaster at Butler, Ga., in place of M. N. Riley. Incumbent's commission expired June 4, 1924.

IDAHO

William C. Quarles to be postmaster at Gibbs, Idaho. Office became presidential January 1, 1925.

ILLINOIS

Jesse E. Meharry to be postmaster at Tolono, Ill., in place of J. P. Crawford, deceased.

Paul R. Beebe to be postmaster at Forreston, Ill., in place of C. C. Fonken. Incumbent's commission expired August 29, 1923.

INDIANA

Floyd Coomler to be postmaster at Lagro, Ind. Office became presidential January 1, 1925.

IOWA

Finley E. Dutton to be postmaster at Manchester, Iowa, in place of D. A. Preussner, resigned.

LOUISIANA

Louise L. Bass to be postmaster at Willetts, La. Office became presidential January 1, 1925.

MASSACHUSETTS

Charles C. Starratt to be postmaster at Ocean Bluff, Mass. Office became presidential January 1, 1925.

MICHIGAN

Asher B. Merritt to be postmaster at Leonidas, Mich. Office became presidential January 1, 1925.

Claude B. Hoffmaster to be postmaster at Hopkins, Mich., in place of M. R. Gordon, resigned.

MINNESOTA

Albert Groenke to be postmaster at New Germany, Minn. Office became presidential January 1, 1925.

Ora M. Goodfellow to be postmaster at Kenyon, Minn., in place of O. M. Goodfellow. Incumbent's commission expired June 5, 1924.

Joseph F. John to be postmaster at Browerville, Minn., in place of Lambert Irsfeld. Incumbent's commission expired June 5, 1924.

MISSOURI

Martha T. Russell to be postmaster at Bertrand, Mo. Office became presidential July 1, 1924.

NEBRASKA

Harry A. Moore to be postmaster at DuBois, Nebr. Office became presidential January 1, 1925.

NEW YORK

Rosella M. Palmeter to be postmaster at Purling, N. Y. Office became presidential January 1, 1925.

William C. Meade to be postmaster at Hall, N. Y. Office became presidential January 1, 1925.

Celia D. White to be postmaster at Fishkill, N. Y., in place of J. P. Dugan. Incumbent's commission expired August 5, 1923.

NORTH CAROLINA

James V. Benfield to be postmaster at Valdese, N. C. Office became presidential January 1, 1925.

Ike R. Forbes to be postmaster at Cramerton, N. C. Office became presidential January 1, 1924.

Joseph C. McAdams to be postmaster at Elon College, N. C., in place of C. A. Hughes, resigned.

OHIO

Earl F. Liebtag to be postmaster at East Canton, Ohio. Office became presidential January 1, 1925.

OREGON

Elizabeth M. Ward to be postmaster at Philomath, Oreg., in place of J. A. Watkins. Incumbent's commission expired June 4, 1924.

PENNSYLVANIA

David R. Whitehill to be postmaster at Strattanville, Pa. Office became presidential January 1, 1925.

SOUTH CAROLINA

Angus L. Campbell to be postmaster at Patrick, S. C. Office became presidential April 1, 1924.

VIRGINIA

Mary O. Pumphrey to be postmaster at West Point, Va., in place of F. A. Taylor, removed.

WYOMING

Henry H. Loucks to be postmaster at Sheridan, Wyo., in place of J. W. Morgareidge, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 28 (legislative day of January 26), 1925

MEMBER OF THE FARM LOAN BOARD

Robert A. Cooper to be a member of the Farm Loan Board.

POSTMASTERS

ALABAMA

Perry W. Caraway, Fayette.

GEORGIA

Nellie B. Brimberry, Albany.
John F. Charles, Chatsworth.
Louis S. Marlin, Doerun
Robert L. O'Kelley, Grantville.
William M. McElroy, Norcross.
Allie D. Griffin, Quitman.

ILLINOIS

Mildred E. Wright, Murrayville.
John M. Yolton, Fort Byron.
Olga M. Streetz, River Grove.

MINNESOTA

Marvin R. Christensen, Arco.
Zenas V. Johnston, Atwater.
Willie W. Bunday, Dennison.
Henry B. Young, Holt.
Ernst A. Lofstrom, Litchfield.

MONTANA

Eliza J. Davis, Kevin.

NORTH DAKOTA

John D. Greene, Edgeley.

WEST VIRGINIA

Earl Morris, Pursglove.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 28, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou in whose presence our souls find rest, on whom in affliction we call, at the doorway of our labors we would ask that Thou wouldst make us worthier of Thy care and confidence. Great and holy is the Lord, and we thank Thee that Thou wilt be our guide and refuge all along life's way. All our paths of love and mercy spring from Thy throne. Thou hast put the music of hope in the world and set its bright light in the skies of Thy earthly children. Reveal unto us, O Lord, the things that are wise, prudent, and helpful, and may all our labors be rooted in intelligent conviction. Bless us all with the freedom of a large charity, and give us definite understanding of all immediate problems. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELLEN B. WALKER

Mr. UNDERHILL. Mr. Speaker, I present a conference report upon the bill (S. 365) for the relief of Ellen B. Walker, for printing under the rules.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 365) for the relief of Ellen B. Walker, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, and agree to the same.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

ARTHUR CAPPER,
SELDEN P. SPENCER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 365) for the relief of Ellen B. Walker submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amount is reduced from $5,000 to $1,500.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

HEIRS OF AGNES INGELS, DECEASED

Mr. UNDERHILL. Mr. Speaker, I present a conference report upon the bill (S. 1765) for the relief of the heirs of Agnes Ingels, deceased, for printing under the rules:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1765) for the relief of the heirs of Agnes Ingels, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

ARTHUR CAPPER,
SELDEN P. SPENCER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1765) for the relief of the heirs of Agnes Ingels, deceased, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amount is reduced from $5,000 to $1,000.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 7064) to encourage commercial aviation and to authorize the Postmaster General to contract for air mail service.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the joint resolution (S. J. Res. 107) entitled joint resolution declaring agriculture to be the basic industry of the country, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bills of the Senate of the following titles:

S. 703. An act making an adjustment of certain accounts between the United States and the District of Columbia; and

S. 1179. An act to authorize the commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes.

The message also announced that the President pro tempore had appointed Mr. SHORTRIDGE, Mr. SWANSON, Mr. METCALF, and Mr. COPELAND, members of the Board of Visitors to the Naval Academy for the year 1925 on behalf of the Senate, pursuant to the provisions of the act of Congress of August 29, 1916, relative to the appointment of the Board of Visitors to the Naval Academy.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 24, 1925:

H. R. 3847. An act granting a certain right of way, with authority to improve the same, across the old canal right of way between Lakes Union and Washington, King County, Wash.

On January 26, 1925:

H. R. 10467. An act granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio.

On January 28, 1925:

H. R. 8235. An act for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway; and

H. R. 4168. An act to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipment, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district

of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37th Stat. L. p. 670).

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 10152. An act granting the consent of Congress to the Huntley-Richardson Lumber Co., a corporation of the State of South Carolina, doing business in the said State, to construct a railroad bridge across Bull Creek at or near Eddy Lake, in the State of South Carolina.

CALENDAR WEDNESDAY

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

IMPROVEMENT OF THE SYSTEM OF OVERLAND COMMUNICATIONS ON THE SEWARD PENINSULA, ALASKA

Mr. DOWELL (when the Committee on the Territories was called). Mr. Speaker, I desire to call up H. J. Res. 60, authorizing the improvement of the system of overland communications on the Seward Peninsula, Alaska.

The SPEAKER. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the resolution, and the gentleman from New York [Mr. SNELL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SNELL in the chair.

The CHAIRMAN. The Clerk will report the joint resolution.

The Clerk read as follows:

House Joint Resolution 60

Resolved, etc., That the following work of improvement is hereby adopted and authorized, to be prosecuted under the direction of the Board of Road Commissioners for Alaska, in accordance with the plans recommended in the report hereinafter designated.

Nome-Shelton-Kugruk River-Keewalik, Alaska, in accordance with the report submitted in House Document No. 514, Sixty-seventh Congress, fourth session, and subject to the conditions set forth in said document.

Mr. DOWELL. Mr. Chairman, I yield to the Delegate from Alaska [Mr. SUTHERLAND] such time as he may desire to explain the resolution.

Mr. SUTHERLAND. Mr. Chairman, this is a joint resolution authorizing the improvement of the transportation system on the Seward Peninsula, Alaska. The map will serve to call your attention to just the particular section of the Territory to which this applies.

The improvement would be authorized for the Seward Peninsula, the western extremity of the Territory of Alaska, the peninsula of land extending almost to the Russian possessions, and separated from the Russian possession only by Bering Strait.

About 25 years ago, when the great Nome placer excitement broke out, a railroad was constructed from the port of Nome to the mines, a distance of about 8 or 9 miles, a little narrow-gauge railroad. As the mining sections northward developed, the road was gradually extended through the years until to-day it reaches for a distance of 87 miles. For a number of years the owners of the railroad permitted its use by the public; that is, any man who had supplies to carry to northern points could place them on the track and carry them without expense. The motive power is usually dogs, and any man who has a little truck that he can place on this railroad and hitch his dogs up to may carry supplies as far north as he cares to go, or as far as the railroad extends.

About four years ago the Territory of Alaska purchased this railroad or purchased certain rights that existed, and made it a public road, generally called a tramway, so that it is now used solely by the public, and is a splendid means of transportation. They have learned that the cost of maintenance of this tramroad or narrow-gauge railroad, whichever you wish to call it, is much less than the maintenance of a gravel wagon road, and therefore the Secretary of War has believed it advisable to continue this method of transportation to a certain extent.

The act authorizing the construction of roads and trails in Alaska has no provision for railroads or tramroads or anything of that sort, and that is one reason why this authorization is asked for. They ask to continue this railroad for a distance of 12 miles, and beyond that, through a country with plenty of gravel in it that is suitable for road building, for a distance of 65 miles, and then for a distance of 30 miles by railroad or tram.

The reason for this division of the different methods of transportation is that it is cheaper to build wagon roads through a gravel or dirt country, but in these last 30 miles you come to a great level tundra, the sort of land that would be called steppes in Russia or Siberia, frozen land that when the sun shines on it in summer becomes very soft so that it can not be traversed; in fact, it is virtually morass. They find that they may lay planks, which correspond to railroad ties; lay the rails on those planks and they have a splendid method of transportation thereafter.

What the Secretary of War is asking is authorization to complete this system. The provisions of the report are that the Territory shall contribute toward the project to the extent of 20 per cent, and with this 20 per cent the Territory shall maintain the tramways and the gravel roads as provided in the resolution.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. SUTHERLAND. I yield.

Mr. BLACK of Texas. I was under the impression that the report only required the Territory of Alaska to contribute 20 per cent toward the maintenance after its construction.

Mr. SUTHERLAND. After its construction they would, but in the days of construction the 20 per cent would, I think, more than maintain the existing road.

Mr. BLACK of Texas. I want to understand the situation correctly, if I do not understand it correctly now. If this authorization is made which involves an ultimate expenditure of $750,000, will the Territory of Alaska contribute 20 per cent of that $750,000 toward the construction of the project?

Mr. SUTHERLAND. That is provided for in the report, as the gentleman has stated. This, in effect, carries out the principle of the Federal road aid that you have in the States. I have introduced bills asking that that act be extended to Alaska, but they could never get an agreement in the Committee on Roads as to how it should be extended. As a matter of fact, the Territory of Alaska does not have the money to contribute any such proportion as do the States under the Federal aid act. In this project you would have the principle of Federal aid whereby the Territory contributes 20 per cent.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. COLE of Iowa. What is to be the cost of this?

Mr. SUTHERLAND. The ultimate cost would be $750,000, extended over a period of years.

Mr. WATSON. Will the gentleman yield?

Mr. SUTHERLAND. I will.

Mr. WATSON. Under the new management would the tramway be continued by dog power?

Mr. SUTHERLAND. Yes.

Mr. WATSON. It would be dog power after the completion of the road?

Mr. SUTHERLAND. It could be gasoline power or horse power or dog power, but dog power is the approved method now.

Mr. WATSON. What will be the length of the road when completed?

Mr. SUTHERLAND. One hundred and twenty-nine miles.

Mr. WATSON. How many pounds can a dog draw over the tramway?

Mr. SUTHERLAND. I can only say that a man will load 1,000 pounds on a little car and make 87 miles in two days with seven dogs, and in some cases, perhaps, with only five dogs.

Mr. WATSON. How does the cost of operation by dog power compare with the operation by horse power?

Mr. SUTHERLAND. It would be a great deal less by dog power.

Mr. WATSON. How many months in the year can the tramway be operated?

Mr. SUTHERLAND. Five months.

Mr. WATSON. It would be open longer under dog power?

Mr. SUTHERLAND. They would use dogs summer and winter.

Mr. DOWELL. Will the gentleman yield?

Mr. SUTHERLAND. Certainly.

Mr. DOWELL. The Territory of Alaska does not have the advantage of the highway act of the States and Territories?

Mr. SUTHERLAND. No, sir.

Mr. DOWELL. As I understand it, this bill simply provides that so far as this one project is concerned, it shall have the same advantages as the Territories.

Mr. SUTHERLAND. Yes. Take the State of Nevada. In that case they contribute 10 per cent, but they also maintain an organization which makes their real contribution to the roads about 31 per cent.

Mr. CLARKE of New York. Will the gentleman yield?

Mr SUTHERLAND. I will yield to the gentleman.

Mr. CLARKE of New York. What is the population to be benefited by this improvement?

Mr. SUTHERLAND. The population of that section of Alaska is about 11,000, natives and whites. The white population is approximately 2,000. It is probable that about 1,500 people would participate in the use of this road, but probably only about 500 operators would utilize it for carrying freight.

Mr. MICHENER. Will the gentleman yield?

Mr. SUTHERLAND. I will.

Mr. MICHENER. What is the industry of this region?

Mr. SUTHERLAND. Placer mining.

Mr. MICHENER. What has been the output for the last few years—what has been the value of the output?

Mr. SUTHERLAND. The gentleman will find that in the report, I think. It is difficult to tell the value from that particular section, because the output is given from the Seward Peninsula, and this is not segregated.

Mr. MICHENER. What is the tonnage to be carried over the road in a year?

Mr. SUTHERLAND. That I would have to get from the report. The gentleman will find the report states that last summer 350 tons of supplies were landed at Deering, of which 200 will go to the Inmachuk; 400 tons were landed at Keewalik, all of which will go to Candle, and 100 tons of which will go to Candle Creek. The freight charges on this 600 tons of general supplies, after being landed, will be as follows: Deering, $5,000; Keewalik, $2,080; Candle, $600, making in all $7,680.

Mr. MICHENER. The gentleman said 100 tons would go to this particular place over this road?

Mr. SUTHERLAND. Yes.

Mr. MICHENER. But all the tonnage you have named would not go over this road.

Mr. SUTHERLAND. Possibly not, not all of it.

Mr. MICHENER. What is the prospective development there: is there going to be any more in the future than there is now?

Mr. SUTHERLAND. The report further states that as high as 500 tons of coal has been shipped during the winter in spite of the prohibitive transportation charges—$42 a ton to the Inmachuk or $28 to Candle Creek. That would be over this road.

Mr. MICHENER. That was when?

Mr. SUTHERLAND. Probably in 1921 or 1922, when this report was written.

Mr. MICHENER. And we are starting on a program to expend $750,000?

Mr. SUTHERLAND. Yes.

Mr. MICHENER. How much will be expended this year?

Mr. SUTHERLAND. They advise an appropriation of $250,000.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. COLE of Iowa. After this road is constructed, will it be maintained by the Territory?

Mr. SUTHERLAND. That is the plan.

Mr. COLE of Iowa. Entirely so?

Mr. SUTHERLAND Yes; the Territory will maintain the road.

Mr. COLE of Iowa. And the United States Government will furnish no further money?

Mr. SUTHERLAND. Not after its completion. Ships go around into the Arctic coast where these places are located, but after the landing of freight there is quite a distance back into the interior, into the mining camps, that would be covered by this railroad. They can not, of course, land all the supplies that they require to carry over to the next summer, so, if this road is constructed, they may bring in from Nome, over this railroad, the very early shipments of vegetables and meats and stuff they require to start operations. On the other hand, ships could not get in there until some time in July, and sometimes it is hazardous going in there at any time.

Mr. SCHNEIDER. What do they bring out of these mines? What is the value of the product?

Mr. SUTHERLAND. It is all based on placer gold mining.

Mr. SCHNEIDER. About what is the value of the product brought out from the mines in the course of a year?

Mr. SUTHERLAND. Just at the present time I would say that the product of that particular section would be about a quarter of a million dollars. They anticipate great increase through the operation of dredges. Everything in the mining way in Alaska now tends to dredging. They are now operating dredges on a large scale.

Mr. SCHNEIDER. Do they bring furs out of there also to any large extent?

Mr. SUTHERLAND. Yes; the valuation of the furs from the Territory this year I think will be about a million and a half dollars. Of course, in almost every case the furs are sent through the mail.

Mr. MICHENER. Will there never be any heavy traffic on this railroad?

Mr. SUTHERLAND. Heavy traffic to the extent of carrying in dredge supplies.

Mr. MICHENER. In other words, if a man succeeds up there he goes in with a grip and comes out with a dress-suit case.

Mr. SUTHERLAND. That is the idea.

Mr. MICHENER. And that is about all the accommodation you need, so far as getting in and out is concerned.

Mr. SUTHERLAND. They must get their supplies. To-day a man walks in there. He does not have any conveyance. He has to walk.

Mr. MICHENER. And it is never thought that you will put anything up there excepting dog power on this railroad.

Mr. SUTHERLAND. No. I believe, however, there will be dredging operations in there for a century to come.

Mr. RANKIN. Mr. Chairman, it seems to me that the time has come for the American Congress, in legislating for the Territory of Alaska, to begin to understand just what they are legislating on. For that reason I avail myself of this opportunity to tell Congress of some things that I observed on my trip to that great Territory more than a year ago.

As is well known, arrangements were made for the members of the Committees on Territories, Appropriations, and Military Affairs to visit the Territory of Alaska during the vacation of 1923. I happened to be a member of the Committee on Territories and took the trip, and made such investigations as I was able to make under the circumstances; and I will try to give you briefly the result of my observations.

The Territory of Alaska, as we all know, was ceded to the United States by the Russian Empire in 1867 for a consideration of $7,200,000. It comprises an area of about 580,000 square miles, or about twelve times the size of the State of Mississippi or Pennsylvania.

In 1896 some gold prospectors found traces of gold in the frozen ground in what is known as the Klondike region, over on the Canadian side near the present town of Dawson. There followed a mad rush for the gold fields of the Klondike. Later, possibly three or four years afterwards, placer gold—that is, gold that is imbedded in the sand and gravel as distinguished from that found in solid rock—was found near what is now the town of Fairbanks, the present northern terminus of the Alaskan Railroad. Then there was a mad rush for the gold fields of Alaska. The newspapers carried in flaming headlines stories of vast wealth to be found there. They have continued to carry some of those stories to this day, some of which are very deceptive indeed.

We entered Alaska at Seward, the southern terminus of the Government railroad and went over it to Fairbanks. This road was built at the expense of the American people. It is 467 miles long and was built at a cost of $57,000,000. It begins at the town of Seward on Resurrection Bay, which is a small arm of the Gulf of Alaska, passing on over to the town of Anchorage, at the head of Cook Inlet, then going on through the town of Nenana, which has a population of about 600, and is situated at the confluence of the Nenana and the Tanana Rivers, and then on up to the town of Fairbanks. Fairbanks has a population variously estimated at from fifteen hundred to two thousand people.

As I have just stated, this railroad is 467 miles long, and yet there are not 10,000 people living within 300 miles of it in every direction. That is a very conservative statement, but I make it in order that those who are interested may understand just what we have to deal with hereafter when we come to legislate for the Alaskan Railroad.

There are about 54,000 people in the Alaskan Territory, 27,000 of whom are Indians and Eskimos, and 27,000 white people, scattered over an area twelve times the size of the State of Mississippi or Pennsylvania. A vast majority of those people live either along the seacoast or in Fairbanks or in other towns along this Alaskan Railroad. I am giving the population in round numbers, according to the census of 1920. In 1910, there were 64,000 people there, according to the census of that date. The population decreased 10,000 between 1910 and 1920.

We have been told a great deal about the inexhaustible resources of Alaska and what they have meant to the American people in dollars and cents. I am going to tell you of those resources as I saw them.

There may be the great stores of wealth, which some enthusiastic people picture, hidden beneath those towering mountains, or imbedded in those frozen valleys, but so far they have not been revealed. There may be untold natural resources in this country that will yet be revealed—just as the great bauxite field in northeastern Mississippi has recently been discovered—but I wish to deal with the tangible, visible, available resources of the Territory as I saw them.

The salmon fisheries of Alaska constitute by far the greatest and most valuable resource of the Territory. They have been greatly depleted in the last few years by what I consider our iniquitous policy with reference to them. Now, pardon me if I go into detail for just a moment to explain to you how that is brought about.

All salmon are hatched in fresh water. When the old salmon get ready to lay their eggs, they go up one of those fresh-water streams and deposit them up near the head, above the flow of glacial water. The old salmon die, both male and female. Their bodies are washed down those streams in great cargoes. The little salmon are hatched by the millions. They go down the stream and out into salt water, and are gone three or four years, until the time comes for them to spawn, when they come back to the identical stream in which they were hatched, go back to headwaters, deposit their eggs, the old salmon die and a new generation is born. Now, if you place a trap across one of these streams and catch every salmon that goes up it for four or five years, you entirely deplete it of its salmon supply, for, although the next stream may be literally teeming with them, they will never go from one stream to another. We had on that trip a gentleman who is said to be one of the greatest fish experts in the world, and I was told by him that this was a scientifically proved fact.

For the last few years the American Government, through the Department of Commerce, has farmed out the areas around the mouths of those streams and the canneries have placed their nets and traps there and for a long time caught practically every salmon that came up, until when we were there the supply had been depleted to such an extent that some of those canneries ran only one-quarter capacity.

If that practice continues for a few years, it will be only a matter of time until the Alaskan fisheries will be destroyed, and the greatest resource we have in the Territory will be a thing of the past. Fortunately last year we passed some legislation that remedied that situation to some extent, but in my opinion we did not go far enough.

The Indians in Alaska live up and down those streams and depend for their food supply on fish and wild animals. The wild animals are nearly all gone. In the wintertime they are able to kill a few snowshoe rabbits; but, as I said, they depend largely on the salmon fish for their food supply. I remember one day when we were going down the Copper River Railroad I looked down on the little cabins of some of these Indians. This was in the early days of June. They were even then catching and drying their winter supply of salmon. They had them split open and were hanging them upon poles, somewhat as they dry tobacco in Kentucky and Tennessee. They dry those fish, pack them away, and live on them during the dark, cold winter months.

When President Harding was in Alaska, a couple of weeks after we left, an old Indian chief went to him down at Ketchikan and said, "Mr. President, we like to fish, but we must now beg fish from the canneries." When that statement was carried through the press, I knew what that old Indian chief meant. He realized that if this practice continued much longer their salmon supply would be exhausted and they would have nothing on which to live.

It is wintertime there now. The sun has gone down; only a few hours' light in the middle of the day. The ground is frozen as hard as a rock. Those beautiful streams are now nothing but threads of ice. The snowy blasts of winter are sweeping down those mountain gorges with terrific fury. The thermometer is below zero. Those Indians are in their little dark huts, depending on those dried fish to keep them alive until spring. They know that whenever the salmon supply is exhausted in those streams they are going to face starvation, or else be dependent on the cold charity of an indifferent world.

It was a protest against that possibility, that horrible contingency, that this old Indian chief was bringing to the President of the United States—the court of last resort. If President Harding had lived to return to Washington, no doubt he would have recommended the passage of laws that would have relieved the situation.

Some time ago we had before the Committee on Territories a man who kept telling about the marvelous timber supply of Alaska. It had been cruised, he said, which showed the amount to be about 70,000,000,000 feet. I asked him, "Will you please tell me which scale you use?" He said, "We use the Scribner scale." I shall not go into the distinction between the standard scales, the Doyle and the Scribner. Every man who is informed on that subject knows that when timber is measured by the Scribner rule it will not turn out according to the measurements, where the trees are as small as they are in Alaska. From the cursory investigation that I made, I believe there can not be more than 30,000,000,000 or 35,000,000,000 feet of merchantable timber in Alaska. Besides, it is all soft. It is spruce, fir, and hemlock, and is nearly all low and scrubby. It is so soft that it can be used in this country only for the manufacture of paper, and we have so much paper material in this country already that it will be a long time before a great deal of this timber can be profitably shipped into the United States.

Then they have been telling us of the wonderful gold resources of Alaska. I think if you will investigate the history of mankind with reference to the gold production of the world you will find that, except in rare instances, gold mines have not paid. I stood beside a gold mine near Fairbanks and saw them bringing up the frozen gravel and taking the gold out of it, and I was informed that it was not paying expenses at that time.

I want to talk to you also about agriculture up there, in connection with the climate and the frozen state of the ground just beneath the soil. At one time Alaska was evidently a tropical country. Mastodons once roamed through the wilds of Alaska, larger perhaps than the largest elephants to be found in Africa to-day. By some mysterious interworld change that I do not understand, and which scientists have not sufficiently explained to me, that tropical era was followed by a cold period known as the ice age. The ground was frozen as hard as a rock, we do not know how deep. There are often found in that frozen ground to-day the bodies of those old mastodons, some of them in such a high state of preservation that when thawed out their bodies are said to be eaten by dogs, cats, and other carnivorous animals. Their tusks are used to make ivory articles. They are somewhat darker than the tusks of the elephant or walrus, but they are said to be very valuable.

That ground up there above a certain line never thaws out more than 2½ feet deep. Two and a half feet below the surface at Fairbanks it is frozen as hard as a rock. It is so hard that you can not drive a pick into it. It must be mined with an acetylene torch or steam pipe. I saw them going down into that frozen ground and thawing it out and washing the loose dirt and gravel in order to get out this gold.

Now while I am on that subject, let me say that in that far country all the streams are frozen up in winter. The rivers become solid masses of ice, possibly 8 or 10 feet thick. I was told at Fairbanks that when spring comes, after the long, cold, dark winter, those people are so anxious for a change—just as some of us southern people are now after this hard winter—that they can hardly wait for spring to come, which is heralded by the breaking and moving out of the ice. They even speculate as to when the ice will go. They place a large clock on the bank of the stream, and to it they fasten a long wire, the other end of which is attached to the ice; so that when the ice moves it stops the clock. Then they sell guesses as to the exact day, hour, and minute the ice will break. Whoever guesses the correct time, or comes the nearest to it, gets all the money paid in for the privilege of guessing. You may guess as many times as you wish; provided you pay a dollar for each guess. They call this the ice pool.

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. No; I regret I can not at this time. I will say to the gentleman, however, that I do not suppose the guessing season has opened there yet. [Laughter.]

In 1923, the ice pool at Fairbanks amounted to more than $11,000. The ice broke at 2.13 on the afternoon of May 9. When the ice breaks, I am told that those people rush out of their houses and crowd along the banks of the stream and fairly shout for joy, as that raging, roaring, rushing torrent of ice moves out into the Yukon and on down to Bering Sea.

Then they have several months of the most delightful weather, except for the intolerable swarms of mosquitoes that infest that part of the country during the summer months. As we went through Seattle, Washington, a gentleman took my friend from Georgia [Mr. LEE] and myself out riding. He

told us he had lived in Alaska. He said the mosquitoes would almost eat us up. But he said they bit only in the daytime, that when night came they would light on the trees and on the grass, and so forth, and remain there until morning. That was a great consolation to me. I thought we could at least sleep at night.

But after we got into Alaska I saw the joke. There was no night; it was daylight all the time, and those mosquitoes worked 24 hours a day. [Laughter.]

They tell a great many interesting stories, or incidents, of the gold-rush days. I recall one in particular. They said there arrived in Fairbanks, one cold winter night back in the old days, an ignorant Swede who had managed by the hardest to make his way to that place across the country from the Klondike field. He had a large quantity of gold dust he had saved up and was trying to get passage to the sea coast, so he could return home and enjoy it. A couple of gamblers got hold of him, made him drunk, and robbed him of everything he had. In order to give their conduct the color of common honesty they executed a deed to a worthless claim they owned near Fairbanks and stuck it in his pocket, to make it appear that they had sold it to him for the identical amount of gold dust they had taken out of his pockets.

When he came to himself he was penniless, friendless, and among strangers, with nothing to eat and no place to live. At that time there was a firm doing business at Fairbanks that would furnish food and supplies to anyone who had a claim and was working on it. So, in order to get something to eat, this Swede went out on his claim which he had "purchased" from those gamblers, and began sinking a shaft. To the surprise of himself and everybody else he struck a rich vein of gold. He sold his claim for $400,000. He then hunted up his gambler "friends" and gave them $10,000 apiece for their "kindness" to him, when he came to them a stranger and they took him in. [Laughter.]

As to the agricultural possibilities, I desire to say that, in my opinion, Alaska, from an agricultural standpoint, can never be developed except to the extent of raising the vegetables, and possibly a little grain, that those people may need for their own use. It will never be worth anything so far as shipping agricultural products out is concerned.

They grow possibly the largest rhubarb in Alaska to be found in the world; they grow some of the largest Irish potatoes. Because, in the first place, in the summer time they have continuous sunlight, so that foliage of a certain kind grows very rapidly. Besides, the ground is full of water.

Two and a half feet underground it is frozen so hard that the surplus water can not escape. Therefore it soaks into these vegetables, causing them to grow to be very large. One lady told me they had found it impossible to develop an ear of corn there. She said she even wrote back to the States and got some sweet corn—what we call 60-day corn—but that they had never been able to develop a roasting ear, even under glass. A great many vegetables are grown there in hothouses, such as cucumbers and tomatoes.

They grow a little wheat around Fairbanks, but, I am told, it is so hard it has to be mixed with American wheat in order to grind it. In the year 1922 the ground froze in August and killed every stalk of it. So I can assure you gentlemen from the wheat-growing States that you need have no fear about Alaska adversely affecting the wheat market in America by shipping their wheat into the United States. But they use that wheat there. They mix it with American wheat and grind it for their own use and it makes most delightful bread.

I might say in passing, that they have developed the reindeer industry there to some extent, but not to the extent that some people would have you believe. They will never be able to drive American beef from our markets, or anything of that kind. They have, I am told, possibly 200,000 or 300,000 reindeer in Alaska. They are little animals weighing about 160 pounds. We saw about 1,000 of them in the McKinley National Park, and we had reindeer meat at several places, which we found very good. It did not compare, of course, with American beef or American pork, but in far-away Alaska it was very fine.

I remember while coming down on the train with one distinguished lawyer from that Territory we were looking at some old porcupines that ran away from the road as the train passed. I asked him what they were good for, and he said, "Well, nothing. But," he went on, "there is an unwritten law in Alaska never to kill one of them except in self-defense, for," he said, "they sometimes save a human life." I could not understand how that could happen, but he said that a prospector, hunter, or fisherman who had lost his way and run out of food and was about to starve would sometimes run across an old porcupine, and he would kill and eat it, and that would save his life. Then he said, "he would either find his way out or prefer to starve to death before he would eat another one. [Laughter.] So when you get that hungry you find reindeer meat very, very fine, indeed. It will be raised for the benefit of the people in Alaska, as it should be raised, and it will redound greatly to their benefit if properly cared for.

When I went into Alaska I thought we would find very rough, uncivilized people, but I must say that I never found a more highly developed civilization in all my rounds than we found in the Territory of Alaska. Strong men, courageous, intelligent, honest, and struggling there in that ungentle climate for a livelihood. Noble women, with their children around them, trying to make homes in Alaska. They say that the timid never start to Alaska and that the weak die on the way, and I am inclined to believe that is true.

There is another industry in Alaska that can be developed, and should be developed and encouraged in every possible way, and that is fur raising. The wild fur-bearing animals are being destroyed rapidly throughout the world, but in Alaska the people have managed to develop a few fur farms, where they raise foxes and other fur-bearing animals.

They are able to make a comfortable livelihood out of it, and the United States Government, instead of pandering to those men who go there to plunder the resources of Alaska, to mine its gold and its coal, and exploit its fishing industry for their own benefit—the American Congress and the American Government should exert every effort to take care of the resources of Alaska and see that they are developed for the benefit of those people who live in Alaska, and encourage those small industries, upon which the future prosperity of that great Territory must depend. In that way we can do infinitely more good than we can by listening to the volumes of testimony poured into the ears of committees by those elements and individuals who want to exploit Alaska for their own private gain. [Applause.]

And let me say in this connection, regardless of politics, that I am on the committee with the Delegate from Alaska [Mr. SUTHERLAND], and I have found him generally striving for the very end I mention here, namely, to develop that Territory and save it for the people of Alaska, in order that in the years to come, in the long stretch that is ahead of us, when the children and children's children of those pioneers of Alaska come into their own, they may live and enjoy the happiness, peace, and prosperity which are enjoyed by the people in other sections of the United States. [Applause.]

There is one resource in Alaska that has never been touched, and that is the water power. We legislated yesterday with regard to the greatest water power possibly in continental America—Muscle Shoals.

But there are water powers in Alaska, in my opinion, equal to that of Niagara Falls or Muscle Shoals. They are most abundant. I remember down at Skagway, the old gateway into the Klondike field, a place which, by the way, will become the mecca for those tourists who want to learn something, who want to find out and see what there is in the world of interest to see, instead of going to Europe to exhibit their fine clothes—those people, the brains of America, who go to seek out the great things of the world to see and investigate, when they realize what there is in Alaska to look at—Skagway will become the mecca of that far country. While walking the streets of that town, I heard a terrific roaring. I looked up on the side of the mountain, and I saw a waterfall plunging from one lake down to another, and I was told that the fall between those two lakes was 2,500 feet. This water was coming from a great melting glacier on top of that plateau, and all during the summer months it poured over there sufficient water power to turn the wheels of any machinery, almost, in the world. There we found those raging streams, such as the Nenana and the Tanana Rivers, the Susitna River, and all the other great rivers in Alaska, furnishing sufficient water power to run any kind of machinery that might be placed there during the summer months after the ice has disappeared.

In the far distant future these water powers will be developed, and then will Alaska become, as it were, the Norway of the American Continent. Not only that, but every man who has the money, who is able to take a trip to another country for pleasure or to look at the scenery of the world, can find no place on earth where his ambition in that regard can be more highly gratified than to go to the Territory of Alaska.

I stood on a hilltop near Fairbanks and looked upon the midnight sun, breaking through a mist of clouds that skirted the northern horizon, its tender rays fell upon those ice-crowned, snow-capped mountains and lighted them up with a

mellow glow of burnished gold that presented a picture no painter can ever reproduce and human language can not describe. It was the most weirdly fascinating experience I have ever had. I felt as if I had been transported to another world.

At this point there is established a college for the education of the Alaskan boys and girls, and I dare say it is about the best mining and engineering college, especially from the mining standpoint, on the American Continent. They have only 61 or 62 students there, it is true, but they maintain a very high standard. It may be interesting to you to know that Fairbanks is the farthest north a college was ever established; the farthest north a railroad iron was ever laid, and the farthest north a Masonic lodge was ever opened. It is at the end of the iron trail.

As we came back down the railroad one night, we swept around a bend of the Susitna River when Mount McKinley, the highest mountain on the Western Hemisphere, loomed into view—one compact pyramid of snow and ice from its base to its top, rising to an altitude of approximately 21,000 feet above the sea. It was 11 o'clock in the afternoon. The sun had just passed beyond it, and blazing out from behind that glittering mass of snow and ice, lighting up that northern segment of the sky with an amber hue, it presented the most overwhelming picture I think it has ever been my privilege to see.

I sat on the rear of the train after all the others had retired, gazing upon that strange apparition, as it gradually disappeared behind the rising fogs of the Susitna.

Suddenly I was aroused by some one touching me on the arm. I looked around and saw the conductor pointing toward a little hut we were passing, and exclaiming, "There is where old Two-step John lives." I asked him who "Two-step John" was. He said he was an old fellow who went up into the Klondike field during the gold-rush days and became rich. He said he spent $52,000 trying to learn to dance the two-step, from which adventure he acquired the name of "Two-step John." In that and similar ways he squandered all his money, and is now, in his old days, living out there on the bank of a little stream, possibly a hundred miles from any other dwelling house, fishing and trapping for a living and searching those mountains and valleys in the hope of striking gold and again becoming independent.

No doubt the people back in his old home State think he is fabulously wealthy, owning gold mines and skyscrapers in Alaska. And he might say, in the words of Alexander Selkirk, that, with the exception of the railroad, he is "monarch of all he surveys."

After we left Seward, we moved down the coast line to Cordova, and went out to the Copper River to look at a living or working glacier. We left the train at the bridge and walked down the east bank of the river for perhaps a half mile, until we were directly opposite the Child's Glacier—one of the greatest working glaciers in the world. That is one that is moving and breaking. It formed the west bank of the river for about 3 miles, and extended back for at least 35 or 40 miles into the mountains. It was moving down toward the river several feet each day, so we were informed, and was constantly breaking and falling into the stream. It was one continuous pop, and crash, and roar, and thunder, and echo. It was 380 feet from the edge of the water to the top of the ice, or about as high as from the street to the top of this Capitol. When a piece as large as your head would fall, it would sound like thunder. Yet we saw pieces fall as large as a small dwelling house. When they would break and roll and plunge into that cold water 380 feet below, they would seem to fairly shake the universe, as their sound would echo and reverberate through those frozen mountain gorges.

I had stood on deck of a ship at sea and watched a raging storm, where angry waves seemed to combine with furious winds to mingle heaven and sea in one implacable chaos. I thought it was the most terrible, the most sublime, the most awe-inspiring spectacle that ever came under my observations.

I had stood before the Panama Canal and looked upon that manifestation of American genius, in the construction of one of the greatest engineering projects of all time, and felt a thrill of national pride as I contemplated my country's position of preeminence among the nations of the earth.

From the sky line boulevard above Berkeley, California, I had looked down upon the Golden Gate, guarding the city of San Francisco, as the sun gradually sank beneath the troubled waters of the Pacific, literally turning the "ocean's blue to gold," and I thought it was one of the most serenely inspiring pictures I had ever seen.

I had stood "on top of the world" at Fairbanks and watched the sun swing north at midnight, and gazed upon Mount McKinley silhouetted against its amber glow, which resembled the light of an eternal morning, breaking over the peaks of time.

But of all the experiences I yet have had, I believe I have the greatest desire to stand again on the banks of Copper River and watch that gigantic pile of glacial architecture breaking and falling into that cold stream, as it has been doing for hundreds of years, and will be, perhaps, for hundreds of years to come.

After we left Cordova, and while sailing down the coast toward Skagway, I sat on deck and watched the sun go down. We were far enough south by that time that it remained out of sight for several hours every night, although I can not say that it ever grew dark. It sank from sight in the northwest, and I could trace its course by the change in the color of the clouds near the sky line as it moved along just beneath the horizon, until it came up in the northeast and started on its daily course.

The next morning, or I should say later in the day, I heard a great commotion on deck, and hurried up to see what it was about. I found the other members of the party leaning over the rail and looking at the coast line, which presented one of the most gorgeous pictures to be found in all the natural scenery of the world. In front of us was a range of snow-capped mountains about 350 miles long, curved back inland, in a bow shape, with the course of our ship making the string. At the end of the bow, which we had just passed or were then passing, was Mount St. Elias, which is 18,000 feet high. It is the point where Bering, a Danish explorer in the Russian service, first sighted the coast of Alaska on July 16, 1741, and claimed possession of it for the Russian Crown. He described it as a "most inhospitable land." At the other end of this bow is situated Mount Fairweather, 14,500 feet in height. Every inch of ground between those two points was covered with snow and ice which glittered and sparkled in the summer sun. While in front of Mount St. Elias and extending into the water's edge was a dead glacier more than 100 miles long.

It took almost an entire day to pass those two points. As long as we were in sight of those mountains people leaned over the rail and almost gazed themselves blind. I believe a majority of our party were of the opinion that from a standpoint of natural scenery it was the most glorious picture it had ever been their pleasure to see. Men and women who had been all over Europe said there was nothing in the Alps to compare with it.

We arrived the next day at Haines, sometimes called Fort Seward, and known to the War Department as Chilkoot Barracks. The place is called by all three of these names. It is situated on a narrow inland passage called the Lynn Canal, a very beautiful location, indeed. There we have an Army post, where several companies of United States troops are stationed.

The next morning we went up to Skagway, which is situated at the head of the Lynn Canal. At one time it had a population of perhaps 3,000 people or more. That was during the gold-rush days, when this was the gateway to the Klondike—a gateway through which many a deluded gold seeker passed, never to return. Here the gold hunters debarked and struggled up the White Pass Canyon or the Chilkoot Pass to Lake Bennett, where they built boats in which they rowed down through the perilous White Horse Rapids out into the Yukon River, and on down to the fabled fields of the Klondike. At that time the distinguished gentleman from Washington [Mr. MILLER], who was with us on this trip, was a much younger man than he is now. He was one of the first gold seekers to enter Alaska. He told us of his experiences in the Klondike on that trip, and it was one of the most interesting stories I have listened to since I have been a Member of this House.

There has been a railroad built from Skagway up to Lake Bennett and on into British Columbia. In going the 17 miles from Skagway to the watershed this road climbs to an altitude of 2,916 feet. This watershed constitutes the dividing line between the United States and the Dominion of Canada. At this point on the road the British and American flags face each other, and are the only visible evidences of a dividing line between the two great English-speaking nations of the world.

As your train climbs and loops and winds its way along the cliffs of this canyon you can look down on the old stone trail over which the gold seekers struggled on their way to the Klondike more than a quarter of a century ago. There are the old rotting bridges, the wrecks of a few decayed cabins, the fading wagon trail, to mark the path along which they trudged, in the hope of finding gold.

You can almost imagine you see them tramping over the frozen ground, toiling up the trail leading to the Klondike.

Some of them were killed by falling from those cliffs and being dashed to death on the rocks beneath. They are all gone now, and the Klondike field has been exhausted; but this old stone trail which witnessed their sorrows, their hardships, and their sufferings will ever hold a charm of romantic fascination for the countless thousands who visit that far country to look upon its wonderful scenery in the years to come.

Skagway has dwindled to where she now has a population of only about 300, whereas she once had about 3,000. Their houses are still standing and still intact. I walked down street after street of vacant houses, both business houses and dwelling houses, and I must say it was about the most lonesome feeling I have ever experienced. I can truly say that—

I felt like one
Who treads alone
Some banquet hall deserted,
Whose lights are fled,
Whose garlands dead
And all but he departed.

But Skagway will come again. When the American people realize what wonderful scenery we have in that country, and how easily accessible it is, Skagway will become the Mecca for the intelligent tourists of the New World.

Permit me to say just a word now about the wild-animal life of Alaska. You understand we did not go far enough to reach the seal fisheries around the Pribilof Islands, and I shall therefore not take the time of the House to discuss that phase of Alaska.

But I will take the time to say just a word about the wild-animal life in the Territory proper. We voted the other day for a bill to protect the wild-animal life of Alaska, because it is rapidly disappearing. I will not go into details as to the various kinds of wild animals there, but will only mention the caribou and the moose, which furnish the people of a large portion of Alaska with a part of their supply of food. These animals come down in August or September and the inhabitants kill their supply of wild meat, or a large part of it, at that time. It is frozen and kept frozen during the entire winter. That is in the interior of Alaska.

I make these statements, and some of them may seem a good deal different from what you would expect; but I am only trying to tell of Alaska as I saw it.

My opinion is that the coal fields of Alaska have been greatly overrated. There is probably a sufficient supply of coal to take care of all her people and all the industries that will ever be placed there. But I doubt if the time will ever come, especially in your day and mine, when this coal can be profitably transported to and profitably utilized in the United States.

Now, let me make one final appeal to you. Congress should learn the facts and then develop a policy of common sense and sound judgment in dealing with Alaskan problems. I should like for us to encourage those people who have gone there to make their homes by helping them to develop that Territory. I should like to encourage those people who have gone there, just as 100 years ago our people blazed the way in the agricultural development of the Western and Southern States. I should like to see those people encouraged who are building homes for themselves, and not so much the ones who go there to exploit Alaska and come away.

In my opinion, we should give them more control over their resources in order that they may reap the benefit, raise their own taxes to carry on the work of the Territory. Let them select their own governor and other officials, if they wish, and let them know that we regard Alaska just as much their home as we regard Mississippi, Pennsylvania, and Arkansas the homes of the people who live in those States. I should like to see Congress take the hands of the Salmon Canning Trust entirely off the fisheries of Alaska. [Applause.]

I should like to encourage the men who go there and endure the rigorous and extreme climate in that country and let them know that we are protecting them, and not putting them at the mercy of a few salmon canners who go there simply to exploit the country. [Applause.]

I saw a large number of little fishing smacks off the coast of British Columbia. Those men were catching fish for a living. They were protected by the law of British Columbia. There were no traps, no large nets, but they could go there and catch all the fish they pleased and sell them to the canners or ship them to any part of the world. But when we got into Alaska we found, as the Delegate from Alaska says, that even our ex-service men were driven from the fishing grounds by the canners, some of the very people who had been prosecuted for selling spoiled salmon to our soldiers during the war. Congress should force them to take their traps out and let the small men, the individuals who work for their living, enjoy the fruits of their labor, as the American worker does, or should do, in the continental United States. I believe that we should give those people as much authority as possible over the Territory, and that we should protect them in the enjoyment of life and the pursuits of happiness to the same extent that we do our people here in the States—that the wealth up there may not be used to fill the coffers of a few trusts and combinations, but that the resources of that great Territory, with its wonderful scenery, big game, and long distances, its strong men, noble women, and lovely children—that those resources may be utilized in the building of happy homes and the making of a greater and better American citizenship in the Territory of Alaska. [Applause.]

Mr. MACLAFFERTY. Mr. Chairman, I had mixed emotions as my colleague from Mississippi [Mr. RANKIN] took his seat. I did not expect to speak on this subject, but the first half of his speech I could interpret in no other way than being a desire to paint a most gloomy view of Alaska and her interests. However, I am highly delighted with the last half of his speech, and I want to commend him in all sincerity for standing before this House and portraying as he has done the wonders of that great country. I seldom take the floor here, because I never like to, unless it is to speak on a subject that I know something about that is under discussion. Oftentimes, therefore, I am content to listen, but as a western man, as a man who has lived in the far West all his life, I want to say that when I hear a Member from the Southern States make the plea that he has made for that last frontier that we own, that wonderful Territory, that almost continent, Alaska, I am more pleased than I can say.

During the first part of my colleague's speech I could not help but think that his was the language that was being used in this House about the year 1867, when the great battle raged in this country over what was called Seward's Folly, when, for $7,250,000, this Government purchased Alaska from Russia. We realize now the wisdom of that act, and it should be forever a lesson to all of us never to try to be too sure what the future may contain. To-day we have in Alaska a country that is so large that if the map of Alaska were superimposed upon the map of the United States, southeastern Alaska would rest at about Charleston, S. C., and southwestern Alaska would rest near San Diego, Calif. This is the last great frontier, and in our hands are left the interests of this immense Territory.

I want now to correct what I think is a misapprehension that some Members have received from what my colleague said, because he painted in wonderful picture language the terrible storms sweeping down those canyons onto the seacoast. I wish I had been endowed with his wonderful gift of language. I want you to know that because of the Japanese current in the Pacific all the coast of southern Alaska clear from Bering Sea down to Ketchikan has as mild a winter as the city of Washington, D. C., or even milder. Get that thoroughly in your minds. Activity all along that coast can be just as brisk in the wintertime as it is in the summer. I think what my colleague referred to when he spoke of that icebound coast was some of the wonderful glaciers that come down to the Pacific along that coast. One of the dead glaciers, I think we were told, is 70 miles wide, but that is not any distance at all when you compare it to the total length of that coast line. The tribute that my colleague paid to the men and women in Alaska who are making Alaska went clear to the bottom of my heart, because we must depend for the future development of Alaska upon the people who are Alaskans and not upon the people who go there and simply seek a profit. [Applause.]

I do not condemn those latter people at all. They go there seeking a profit, and when they get it they go away. I am merely reminding you of the fact that there are such people. My colleagues who were on that trip remember that we did not get within more than about 7 miles of Fairbanks with our train because the railroad was not quite completed. The Chamber of Commerce of Fairbanks sent automobiles out to get us, and took us into town in that way. As I sat here this morning I thought of the young man in whose machine I and two or three others rode into the town of Fairbanks. He was as bright and as up-to-date a young man as I have ever seen. I remember he wore nose glasses and had a little gold chain back of his ear. He looked like one of our regular boys in this country. As we left the train he turned around, I thought at the risk of our lives, to take a look at the train. I said, "What are you doing that for?" He replied, "That is the first sleeping car I ever saw in my life." I asked him if he had never been "outside," and he said no, that he was born right up in that country. I then asked him how far he had

ever been away from there and he said that he was born over in Dawson, that then his folks came down the Yukon to Fairbanks when he was a little boy, and that he had been there all of his life. I then asked him how far he had ever been away from Fairbanks and he said that he had been in Nenana, which is about 52 miles from there. I said, "Young man, do you love Alaska?" and he said, "I'll say I do." I then said, "Listen, you may get 'outside' to perfect your education, but for God's sake stick by Alaska. Young man, Alaska has to depend on fellows like you, whose country it is, who love it, who feel the call of the soil because it is the soil that gave them their birth." [Applause.] He replied that he was going to stick by Alaska.

My colleague spoke about the reindeer herd there. I wonder if he gave you just the impression he meant to give about that industry, because it was started only a comparatively few years ago. One of the ideas was to make the Eskimo economically independent, to hold before him the lure of doing something, of building an industry. Whereas that herd was started with about 16 reindeer in 1891, to-day it is said it numbers over 300,000, and there have been countless thousands of them slaughtered for meat in that country. It is to be one of the great industries of the country. We saw a great reindeer herd which they said had from 1,000 to 1,500 reindeer in it when we were there. When they are dressed for butchering they weigh about 150 pounds. They have found that the reindeer can be crossed with the native caribou, of which there are countless thousands in Alaska, and when dressed for the butcher the cross weighs about 250 pounds.

Gentlemen, this is an appeal to you that is being made to-day for the benefit of that country, because that country's future lies in your hands, and I wish that every Member of Congress could do what he really ought to do; that is, go to Alaska and see for himself, and come away with the picture that my colleague from Mississippi has, who has just addressed you.

My friends, the only danger is ignorance. The only place where we are apt to be unwise in our legislation on any subject is on account of ignorance concerning that subject. I remember in 1898 that President McKinley went to Minneapolis to be present when the Minnesota boys came home from the Spanish-American War in the Philippines, and he cited the fact to them that at the time the Louisiana Purchase was up for consideration in the Houses of Congress that it was fought tooth and nail, that it was fought with all possible eloquence and energy. What were some of the reasons given? Well, one of the reasons given was this, that eventually that vast territory west of the Mississippi would become populated and be so far from the beneficent influences of the home Government at Washington that the people would form alliances with other peoples and drift away from us.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STRONG of Kansas. I yield the gentleman five additional minutes.

Mr. MacLAFFERTY. I am making a plea for all the West, for those sections of our country that are not represented here to such an extent they can make themselves felt by their preponderance of representation. I am asking you gentlemen, who have given this wonderful attention this morning, to keep the interests of the great empire of Alaska close to your heart. We do not know, even the most optimistic of us, what is contained there as to the future in the way of the development of mines, and so forth. My friend spoke rather disparagingly, or at least I thought he spoke that way, in the first part of his speech. How do we know what vast mineral deposits are there and what the future prospects are for the wood-pulp business; what the future prospects are for agriculture? I will say this: If you go into Alaska, the greatest booster you will ever find is there. He has the booster of Los Angeles excelled. I refer to the person who is born and raised in Alaska. He loves Alaska, and he has all the faith in the world in the future of Alaska. Gentlemen, that is all I want to say. As for this bill, it does not seem to be under discussion. I hope that this House will pass it, because one of the things that is absolutely necessary in Alaska is some form of transportation over the territory covered by this proposed route, and I hope this House will cheerfully vote for it.

Mr. LINEBERGER. Will the gentleman yield?

Mr. MacLAFFERTY. I will.

Mr. LINEBERGER. How does the Alaska booster compare with the Oakland booster?

Mr. MacLAFFERTY. Well, there are a few Oakland boosters.

Mr. LOWREY. Would the gentleman dare to compare him with the Florida booster, especially of Miami?

Mr. MacLAFFERTY. I will tell you one thing. I have made 73 trips across this country, and I want to say this is all my country, whether it is Florida, California, or Alaska. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to speak out of order. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Chairman and gentleman of the committee: I do not often ask the attention of the House and I never do unless I have something to say or do which I think might be helpful. On this occasion I would not ask the indulgence of the committee or the House if I did not think that some things that are transpiring in this Government should be called to the attention not only of the House but of the Senate of the United States, which is the confirming body of Presidential appointees.

It matters not whether we believe in bipartisan boards in Government or not, Congress, in its wisdom, has provided many of them. Many commissions, the law provides, shall contain not more than a certain number of people of the same political party.

Having been a member of the Committee on Interstate and Foreign Commerce of this House for many years, of course, I look with rather a careful eye upon the people who are appointed to serve upon the Interstate Commerce Commission. The law with reference to the men who shall serve on the commission provides that there shall be 11 members and that not more than 6 of them shall be members of the same political party. I claim that this law has been violated by the executive department of the Government in spirit if not in letter. I call your attention to the fact that there are two, and certainly not more than three, political parties in this country, and it is usually assumed that when the President appoints a man to a bipartisan board he shall be a member of some party, and if he is an independent it shall be so stated. There are at present, according to my calculation, seven Republicans on the Interstate Commerce Commission. They are as follows: Mr. Cox, Mr. Lewis, Mr. Campbell, Mr. Esch, Mr. Aitchison, and Mr. Meyer. There are four members of the commission who are Democrats: Mr. Hall, Mr. McChord, Mr. Potter, and Mr. McManamy. The eleventh member of the commission is Mr. Eastman, appointed December 26, 1922. Is he a Democrat or is he anything but a Republican? He says he used to be a Republican but that he is not now a member of any party, which specifically says to me that he is not a Democrat. That is one thing certain.

Mr. UNDERHILL. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. UNDERHILL. Mr. Eastman was commonly supposed to be the mouthpiece of Justice Brandeis, when he was in Massachusetts.

Mr. RAYBURN. Mr. Eastman says he was a Republican as long as he was a member of any political party.

Mr. UNDERHILL. We never looked upon him as such.

Mr. RAYBURN. That is what he told me. Yesterday, or day before, it developed that Mr. Potter, a Democrat, on this commission, was going to resign. Of course, anybody would have thought that there would be somebody who even looked like a Democrat appointed to that position, but a Mr. Woodlock, from New York, has been appointed to succeed him. Now, he may be a Democrat or he may not be a Republican, but he voted for Mr. Hughes for President, and he voted for Mr. Coolidge for President—so the papers say. Another qualification which he may have is that I understand he now is or was a director in two railroads and that he is otherwise qualified by having been a writer on a New York paper.

Now, my friends, it matters not to me whether Mr. Coolidge, or anybody else who is President of the United States, believes in nonpartisan boards, but as long as that is the law of the country it should be followed, at least, by the Chief Executive. [Applause.]

I cast no insinuations, I make no charges, but it is interesting at all times to know who are the main indorsers of men who are appointed to office. The Washington Star of January 27 says that Mr. Woodlock was indorsed by New York business men and names only two, they being Frank A. Munsey, publisher, and Matthew C. Brush. It is interesting also to note

that Mr. Brush, who seems to be the main backer of Mr. Woodlock, has connections as reported in the Directory of Directors, as follows:

Chairman of the executive committee and division of American International Corporation, 120 Broadway.
Allied Machinery Co., chairman of the board of directors.
American Balsa Co. (Inc.), chairman of the board of directors.
American International Shipbuilding Corporation, president and chairman of the board of directors.
Atlas Tax Corporation, director.
Baker, Kellogg & Co. (Inc.), chairman of the board of directors.
Ballard Oil-Burning Equipment Co., chairman of the board of directors.
Balsa Refrigerator Corporation, director.
Boston Elevated R. R. Co., chairman of the board of directors.
Brooklyn-Manhattan Transit Corporation, director.
Carter, Macy & Co. (Inc.), chairman of the board of directors.
China Corporation, The, director.
European Textile Corporation, director.
G. Amsinck & Co. of Mexico, chairman of the board of directors.
General American Tank Car Corporation, director.
Horne Co., director.
International Acceptance Bank (Inc.), director.
International Mercantile Marine, The, director.
International Products Co., chairman of executive committee and director.
International Steel Corporation, director.
Massachusetts Realty Commercial Co., director.
Missouri Pacific Railroad Co., director.
New York Rapid Transit Corporation, director.
New York Shipbuilding Corporation, director.
Pacific Mail Steamship Co., chairman of the board of directors.
Poldi Steel Corporation, director.
Quezada & Co., chairman of the board of directors.
Republic Iron & Steel Co., director.
Rosin & Turpentine Export Co., chairman of the board of directors.
Second National Bank of Boston, director.
Siems-Carey Railway & Canal Co., director.
Simms Petroleum Co., director.
Submarine Signal Co., director.
Texas & Pacific Railroad, director.
Ulen & Co., director.

Further than that, in the short time I shall take I desire to say this: It is strange to the people in the great section of the country from which I come, the great Southwest—Texas, with its 15,000 miles of railroads, presenting a transportation problem of its own, and all of the country south of Kentucky and all the way west to California, that great, rich, and fast-developing country—that every time a vacancy occurs upon the Interstate Commerce Commission that many States in that section come to the President of the United States—and this is applicable to all of the administrations in the last 12 years—asking and pleading that that great South and great Southwest be recognized at some time upon this commission, but it has never yet been done. We wonder sometimes, with our great problems of transportation, whether we are yet considered a part of the Federal Union. The last time a splendid man from Alabama was presented. Republicans and Democrats alike in Kansas presented the name of a Kansan for this place, and all the people in Texas were there advocating the appointment of the chairman of our railroad commission or the retiring governor of our State.

They are men who know the transportation problems of that great section, yet it seems it is impossible for us to have any participation whatever, as far as membership is concerned, upon this commission that so vitally affects us in all of its regulations, in all of its rates, and all of its acts.

Mr. MOORE of Virginia. Will the gentleman from Texas permit a question?

Mr. RAYBURN. Yes.

Mr. MOORE of Virginia. And is it not true that in the great section to which the gentleman refers, the transportation problem has aspects that are altogether dissimilar from the aspects that the transportation problem has in other sections?

Mr. RAYBURN. I thank the gentleman. I said the great Southwest, even the State of Texas of that great Southwest, with its 15,000 miles of railroads, many thousands more than any other State in the Union, presents a transportation problem within itself that should be registered in the Interstate Commerce Commission and in its proceedings and its decisions. I thought it not amiss to call attention to the fact that in this commission and the appointments made upon it, the law, the spirit of it at least, is not being followed and it can be stated with as much emphasis and with as much fact that it is not being obeyed in its spirit or in its letter with reference to other nonpartisan commissions of this Government.

I think it serious enough that the Senate may look well into the matter and exercise its lawful functions.

Mr. STRONG of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. RANKIN. And I yield the gentleman from Massachusetts [Mr. UNDERHILL] five minutes.

Mr. UNDERHILL. Mr. Chairman, I doubt if I shall take up the time that has been so courteously yielded to me. Many of those who took the trip to Alaska a year ago last summer have registered their impressions, and as I was a member of that party I, too, may add a little something to the general information.

I think if I had only been accorded one minute's time I could have summed it all up in the statement that there is too much Government and too few Guggenheims in Alaska. Guggenheim in this instance means private development.

I do not mean to say there should not be conservation of the fish in Alaska. This is a valuable industry, well established, which may be ruined by the greed of those engaged in the canning industry; but I do not believe the Government should take the attitude it has taken with regard to coal, oil, water power, gold, copper, and timber in this great possession of ours.

If we give the pioneer a gambler's chance, with a free rein, we need not bother ourselves with the development or the future of Alaska. Those hardy, courageous individuals, if given a square deal and a fair chance, will take advantage of it; but they are not going to endure the hardships and the chances of failure which come usually to a pioneer industry or a pioneer himself unless the Government is willing to give at least a 50–50 break, and the Government does not do it at the present time.

There is that great mining plant at Juneau, known as the Juneau-Alaska Gold Mining Co. This is a quartz-mining proposition. It goes into the middle of a great rocky mountain. The tramcars go in through an electric system which they have developed and by gravitation mining take out this ore, bring it to a mill on the side of the mountain, which has 12 or 15 stories, and again by gravitation they bring it down, and in each story they crush and wash this quartz until at last on the bottom floor they take out about 50 cents to 70 cents worth of gold for every ton of quartz mined. This industry required an expenditure of over $7,000,000 before "they saw the color," as it is called up there. Seven million dollars of private capital was expended in this venture with a chance that it might prove absolutely worthless, which is now giving employment to a large number of men and adding to the wealth of the Nation. Under the present law that mine never would have been started.

Then you can go, if you please, farther back into the interior. The time was when prospectors were very ready to start out into the unexplored regions. There were hundreds of them willing to go out and take a chance on finding some rich mineral or metal deposit. The prospector has just about been driven out of Alaska. Why, about the only thing there is left in Alaska to-day that can be developed successfully without interference on the part of the Government is the tourist business. You have hedged around all the timberlands, you have hedged around all the coal deposits, you have hedged around all the mining and oil propositions with such restrictions that no sensible man is going to go in there and take the chance, and consequently the population of Alaska is leaving Alaska.

Mr. RANKIN. Will the gentleman yield for a question?

Mr. UNDERHILL. I will.

Mr. RANKIN. Does not the gentleman think, in that connection, that if we would give the people of Alaska more voice in the supervision of their own resources it would tend to encourage development there and encourage people to come there and live and encourage those who are there to remain?

Mr. UNDERHILL. Absolutely. That is the solution of this problem. This paternalism on the part of the Government through the medium of Congress, largely, is to blame for the lack of development, or, rather, the further development of Alaska.

Let me quote you one other instance of private endeavor in Alaska: We have established a railroad there that shows quite a deficit every year in its running operations, but the Guggenheims—to some Members of Congress those men are devils with hoof, horn, and tail, because they represent capital, because they represent property, because they represent the interests, whatever that may be—the Guggenheims went into Alaska and developed a mine some 60 to 80 miles away from the coast.

They built a railroad up through there, and they run it on schedule. They bring down tons and tons and tons of copper to a little seacoast village; that is, it was a little seacoast village when it started, but it is quite a thriving little seaport town now, called Cordova. They have a line of steamers running up there, and they bring the ore down to the States and have it smelted. They run this railroad without Government assistance, and I assume they run it at a profit. It is true they charge more per mile for passengers than they do on the Government railroad. It is true they charge more per ton for freight than they do on the Government railroad, but it is strictly a business proposition, and you can not expect them or anybody else to put their money into a proposition unless they see a possible profit. In time these people would have developed a water power and smelted the ore in Alaska, but they will not do so under present Government restrictions and requirements.

Under the rules and regulations of the department the Guggenheims could not and would not develop another mine. What happened when a lot of men went up there and took holdings in the coal district? Not one had capital enough to properly develop the small holding that he had, but they all got together on the proposition to develop this coal-mining industry in Alaska. They were haled before the court, charged with fraud and collusion, and for years and years that case has dragged on, and there never has been a conviction on that account. Yet you would think, to have read the papers a few years ago, that when Mr. Ballinger and Mr. Pinchot were having their controversy, that there was only one side to it; that posterity and the future were to have all there is in Alaska. Well, if that is the theory on which we are going to work, we might as well drop all idea of development; we might as well drop all idea of improvement and tell the people in Alaska that are looking hopefully forward that the best thing they can do is buy a return ticket to Seattle and wait for posterity for whom you are holding the land to develop that country. Let the timber rot on the stump; let the oil seep down to the wells in British Columbia, and the gold be washed down into the sea. Tell me what good will it be to posterity. By that time the Government will have learned a lesson, will have learned that private ambition and private capital will develop and grow and increase much faster than Government operation with money dragged from the pockets of the taxpayers from other sections of the country. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. RANKIN. I yield to the gentleman two minutes more.

Mr. UNDERHILL. I have neglected to say something on this bill. This particular piece of paternalism might be justified because, as I say, the Government has eliminated all chances for growth in other directions. If this will assist the one thing they have left untouched—that is, the tourist business—let us put it over for the brave and hardy souls back there who want us to do something in their behalf.

It is the most wonderful country from a scenic point of view that there is in the world. People who have been to Alaska have told me that they have been all around the world and that the Swiss Alps or the great mountains in Japan can not compare with the mountains of Alaska. People have told me that the lakes of Alaska and the rivers and the scenery which surrounds them are the most wonderful and beautiful in the world; that the Yellowstone and Glacier Park and all the great reservations which the United States has made, and rightfully so for posterity, can not compare in grandeur and beauty with the scenic wonders of Alaska.

If we can induce the people to go there, if we can open up trade, if we can open up roads, if we can open means of communication beyond the harbors which, as the gentleman from Washington [Mr. MILLER] has said, are open all the year round, if we can open up lines of communication and transportation we are doing a kindness by Alaska. I hope the Members of the House will put back in the recesses of their minds this one thought, that if we are going to do something constructive for Alaska let us later take hold of the conservation program, rip it apart, and give everybody or anybody who will a chance to do something worth while without the attending, pampering, restricting Government red tape. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield the two minutes I have remaining to the gentleman from Kansas [Mr. STRONG].

The CHAIRMAN. The gentleman from Kansas has 8 minutes left, and is recognized for 10 minutes.

Mr. STRONG of Kansas. Mr. Chairman and gentlemen of the committee, I was very much pleased with the address of the gentleman from Mississippi [Mr. RANKIN], especially that part of it in which he paid tribute to the great scenic beauty of Alaska. It was my pleasure to be a member on that trip to Alaska and I can indorse all that the gentleman said about the great beauties of that country. I would advise every man and woman who wants to see the most beautiful things in nature to make that trip to Alaska.

But I did not just see the resources of Alaska as my friend did. To my mind Alaska is the greatest storehouse of wealth that this Nation possesses. To my mind we have only scratched the surface of the great resources of that immense Territory. Take the proposition of the fisheries; it is true that through lack of protection of the salmon that great industry was slowly being depleted, but in the last session of this Congress we passed a bill to protect the salmon, and I am advised that they are being protected, because that law is being enforced.

Mr. RANKIN. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. RANKIN. The gentleman heard the statement of the gentleman from Washington [Mr. MILLER] to the effect that they are taking out more salmon now than they did before?

Mr. STRONG of Kansas. I did hear that statement, and the gentleman from Washington said that he did not have the time to go into that. The fact of the matter is they are permitting the taking of salmon where they are plentiful, but where the salmon needed protection they are getting the protection that we gave them in the legislation passed last year.

Mr. RANKIN. The traps of the canners are at the same place as when we went up there.

Mr. STRONG of Kansas. But they are not being used to the same extent.

Mr. RANKIN. They are taking out more fish now than they did before.

Mr. STRONG of Kansas. Not at the places where the fish need protection. The department is exercising its discretion in allowing the fish to be taken where they are plentiful, but protecting them where they are in danger of being depleted. That, I understand, is the answer.

The Delegate from Alaska [Mr. SUTHERLAND] informs me that the law passed is being used for the protection of the salmon.

Let us next take timber; there is in Alaska enough spruce timber to keep this country supplied with paper perhaps for all its history. This spruce grows very rapidly and reproduces itself every few years. There are areas of it almost as large as States. Next, gold; we have taken $100,000,000 worth of gold from Alaska, and I think we have only scratched the surface. We have up to the present mostly confined our efforts to the placer mines and taken out the free gold. We have not the necessary roads to go back into those great mountain chains where there is quartz ore and mine it and haul it out. Consequently we need roads and these tramways, the very things this bill is seeking to provide in order to develop those great mines that now can not be developed because of the lack of transportation.

Take the fur industry. As I saw it on that trip it was growing rapidly. Men were going there and opening fox farms, breeding and raising those animals from which we secure such valuable furs. I was also told that the game in Alaska is just about as plentiful as it was 10 years ago. At least that is the information that I got when I was in Alaska.

Take the coal of Alaska. I saw coal veins up there 10, 20, and 25 feet thick, just a few feet apart, 25 or 50 feet, occupying one above the other the entire face of a mountain. There are immense quantities of coal there.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman give us some opinion about the coal. Is it lignite, bituminous, or anthracite?

Mr. STRONG of Kansas. The coal I have just referred to is not hard coal, but it is suitable to keep those people warm up there. They can use it in their houses. In the Matinuska coal fields, however, there is steam coal, which has been approved by the Government engineers for steam purposes. That field has not been fully developed.

Mr. MOORE of Virginia. I understand the gentleman's opinion is that there can not be a proper and sufficient development of Alaska without the construction of new roads.

Mr. STRONG of Kansas. That is the conclusion of this committee and that is the reason we reported this bill.

Mr. MOORE of Virginia. I understand, further, that the current appropriations for road work in Alaska are not more than sufficient to maintain the present roads.

Mr. STRONG of Kansas. That is true.

Mr. MOORE of Virginia. And therefore the necessity for this bill.

Mr. STRONG of Kansas. Yes. These roads can not be constructed unless this bill passes.

Mr. LEATHERWOOD. Mr. Chairman, complaint is frequently made that Government regulations restrict the development of Alaska, particularly with reference to the development of its coal fields. Does the gentleman believe that it would be to the interest of Alaska to change the regulations and make it possible for an individual or a corporation to acquire large areas of the coal fields of Alaska?

Mr. STRONG of Kansas. No; and I do not think that is necessary. I think any individual can go up there now and secure the rights necessary to encourage him to invest capital in any of these industries. The trouble, to my mind, is that there are too many departments working in Alaska, too much trouble and delay for men to get their contracts. Too much departmental government.

Mr. DOWELL. Is not the question of transportation one that is very vital, especially to the coal business in Alaska?

Mr. STRONG of Kansas. To the coal business and to the gold business and to copper and zinc and lead mines and gas and oil.

Mr. DOWELL. Is not that one of the necessary things to do in order to develop that great country?

Mr. STRONG of Kansas. Certainly. I think our committee all agree on that proposition.

Mr. LEATHERWOOD. Will the gentleman explain whether or not the coal in the fields that have already been opened is of such character that it can be shipped for any distance after being exposed to the air?

Mr. STRONG of Kansas. It was being shipped from these fields to Seward, the most southern point on the railroad, and is being used there. I heard no claim that it could not be used throughout the Territory for heating purposes.

Mr. LEATHERWOOD. I think perhaps the gentleman did not get my question. That is a comparatively short distance. What does the gentleman say about whether or not it is of a character that would permit it to be shipped, say, to San Francisco or to Seattle?

Mr. STRONG of Kansas. I am not a chemist and have no personal experience and I do not know. But I saw this coal delivered to Seward. It was good coal, to my mind. When I got over to the Government port I saw a thousand tons of coal that had been purchased and brought up by ship from Seattle, and it was not, to my mind, as good coal as the Government had in Alaska, yet it must have cost much more, as it was imported into Alaska from the States.

Mr. DOWELL. Is it not a fact that the Navy Department made an investigation up there and selected some of these mines as suitable for Navy coal?

Mr. STRONG of Kansas. Yes, and are holding them as Navy reserves, but the trouble is that after the Navy reserved the steam coal for their purposes they found out that they wanted to burn oil.

Mr. COLE of Iowa. Is it not true that after they tested the coal down at Chickaloon the Navy practically surrendered those lands and had no further use for them?

Mr. STRONG of Kansas. No, I do not think that is the fact.

Mr. RANKIN. The gentleman is not speaking with reference to the Healy coal.

Mr. STRONG of Kansas. No, I am talking about the Matanuska fields.

Mr. RANKIN. The gentleman will not contend that the Healy coal is fit for steam purposes?

Mr. STRONG of Kansas. No, I said that was coal for heating purposes, but the Matanuska coal is good coal for steam purposes.

Now you take the reindeer industry. A few years ago they bought and imported into Alaska 1,200 reindeer. They have since slaughtered and sold them for food purposes and you can buy throughout northwest Alaska reindeer meat. It was served on the train that carried our party to Fairbanks and yet the increase has been such that 300,000 reindeer now remain in Alaska.

Now take agriculture; I agree with the gentleman from Washington [Mr. MILLER] that I do not think there will ever be a production of agricultural products in Alaska more than they need, but from my observation on our Alaskan trip I believe they can produce sufficient for their own use. Up at Fairbanks there is a Government farm, and when we reached there I found it was being managed by a gentleman who had graduated from the State agricultural school of my district, and everyone who visited that farm realized they were making a success of agriculture. It is a great Territory, a rich one, it will support a great population. It should be developed and roads are necessary to its development, and this bill is a step in the right direction and should be passed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the Clerk will read.

The Clerk read as follows:

Resolved, etc., That the following work of improvement is hereby adopted and authorized, to be prosecuted under the direction of the Board of Road Commissioners for Alaska, in accordance with the plans recommended in the report hereinafter designated.

Nome-Shelton-Kugruk River-Keewalik, Alaska, in accordance with the report submitted in House Document No. 514, Sixty-seventh Congress, fourth session, and subject to the conditions set forth in said document.

Mr. BANKHEAD. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Line 10, after the word "document," strike out the period, insert a colon, and add the following: "*Provided,* That the sum authorized to be so expended shall not exceed the sum of $750,000."

Mr. BANKHEAD. Mr. Chairman, I imagine the amendment will not meet with any objection on the part of the committee for the reason that the House document and the report referred to by the joint resolution fixed the sum of $750,000 as the amount which the Road Commission of Alaska and the Chief of Engineers of the Army assert is the maximum amount that will be required for this improvement.

Mr. STRONG of Kansas. Ultimately it will cost $750,000, but only $250,000 are to be immediately available.

Mr. BANKHEAD. I know; but in this resolution you are making whatever sum may be necessary in that report authorized by law to be appropriated, and I think, as a matter of protection to the Treasury, that the maximum amount should be asserted here as a proviso to the joint resolution. I want to say in addition to that, Mr. Chairman, that I think the form this resolution is written in is a very unfortunate method of legislating. I am not going to make any objection to it, because I am not on the committee and have given this matter no special consideration, but I do not think that legislation in the form in which this legislation is presented should certainly be adopted as a precedent for the future. It merely asserts—

That the following work of improvements is hereby adopted and authorized, to be prosecuted under the direction of the Board of Road Commissioners for Alaska, in accordance with the plans recommended in the report hereinafter designated.

And then it describes certain places in Alaska between which roads are to be constructed—

In accordance with the report submitted in House Document No. 514, Sixty-seventh Congress, fourth session, and subject to the conditions set forth in said document.

It seems to me that is very indefinite, and really a very undesirable way to frame legislation, but I have no criticism of the committee, because there has been probably preceding legislation in that form, but it certainly ought to be set out, Mr. Chairman, exactly what is contemplated as far as it affects public improvements and what effect it might have upon the Treasury of the United States. I just merely want to voice my protest against legislation assuming this vague and indefinite form if it comes up in the future, and if it does, I shall undertake to make it more specific in phraseology.

Mr. MOORE of Virginia. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. DOWELL. Mr. Chairman, in reference to the criticism of the form of this resolution, I want heartily to concur with my friend who has made that criticism; and if this joint resolution did not merely provide for an authorization for this one specific project, I would join the gentleman in insisting upon an amendment to more clearly specify in the resolution itself what is to be done. But as this only provides for a specific project, I think there can be no harm in this instance in the resolution being passed——

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. DOWELL. I will.

Mr. MOORE of Virginia. The resolution as it stands, without adopting the amendment, does not carry an authorization to appropriate.

Mr. DOWELL. I was going to say that the amendment as suggested is a very proper one, and I have no objection.

Mr. MOORE of Virginia. But the amendment simply says "authorized to be expended," while the resolution does not contain the usual authorization of an appropriation.

Mr. DOWELL. Well, it amounts to that, I think.

Mr. BANKHEAD. I call the attention of the gentleman to these words:

That the following work of improvement is hereby adopted and authorized.

Mr. DOWELL. I think there is a clear authorization, and I think with the amendment suggested that there can be no question both of the authorization and the limitation, and the report of the committee referred to and the resolution itself makes it sufficiently specific.

The question was taken, and the amendment was agreed to.

Mr. STRONG of Kansas. Mr. Chairman, I move that the committee do now rise and report the resolution with the amendment, with the recommendation that the amendment be agreed to and the resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration H. J. Res. 60 had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STRONG of Kansas, a motion to reconsider the vote by which the resolution was passed was laid on the table.

The SPEAKER. Has the Committee on the Territories any further legislation?

Mr. STRONG of Kansas. It has no more.

The SPEAKER. The Clerk will call the roll of committees.

The Committee on Insular Affairs was called.

SALES TAX, PHILIPPINE ISLANDS

Mr. FAIRFIELD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11956) to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11956, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11956) to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. The gentleman from Indiana moved that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering this bill.

The SPEAKER. The Chair does not understand the gentleman.

Mr. BLANTON. I insist that this bill should be on the Union Calendar. It is No. 289 on the House Calendar. I insist it should be considered in the Committee of the Whole House on the state of the Union, because it affects the Treasury of the United States, as it is an amendment of a deficiency appropriation bill. It affects appropriations from the Treasury of the United States. The gentleman from Indiana [Mr. FAIRFIELD] should move that the House resolve itself into Committee of the Whole House on the state of the Union. The bill seeks to amend a deficiency act.

The SPEAKER. That does not necessarily make it an appropriation bill.

Mr. BLANTON. I know, but it affects the appropriations in question.

Mr. FAIRFIELD. Mr. Speaker, the gentleman from Texas [Mr. BLANTON] is under a misapprehension. The bill seeks to amend an act of Congress passed some years ago regarding a statute passed by the Philippine Legislature, and it does not in any way affect the Treasury of the United States.

The SPEAKER. The Chair thinks it would be best to look into the matter.

Mr. BLANTON. Note the title of the bill, Mr. Speaker; it is a bill "To amend the act entitled 'An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909.'" That bill had to be considered in Committee of the Whole House on the state of the Union.

The SPEAKER. There are many legislative provisions on appropriation bills. This was legislation that happened to be on an appropriation bill.

Mr. BLANTON. It affects the Treasury in making the changes proposed.

The SPEAKER. That is what the Chair is endeavoring to discover.

Mr. HUDSON. Mr. Speaker, if the gentleman will yield——

Mr. FAIRFIELD. Certainly——

Mr. HUDSON. The Speaker will notice particularly the second paragraph of the report.

The SPEAKER. The Chair is reading the report.

Mr. BANKHEAD. Has the gentleman from Indiana the act of February 9, 1909?

Mr. FAIRFIELD. No; I have not.

Mr. GARRETT of Tennessee. Mr. Speaker, as I understand the situation, the Philippine Legislature passed an act levying a sales tax back in 1909, and for some reason, under the organic act of the Philippines as then existing, it was necessary that the tax feature be validated by act of Congress; and so in the deficiency bill referred to in this measure there was inserted a provision—I do not remember the history of it—a legislative provision validating that act of the Philippine Legislature, and this act does not in any way carry a charge upon the Treasury of the United States. I suppose the rule of the House requiring all bills carrying a charge on the Treasury to be considered in Committee of the Whole House on the state of the Union—I have forgotten the exact language—applies and has reference only to the Treasury of the United States. This will affect the Treasury of the Philippine Islands, of course.

Mr. RAGON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. RAGON. That act of 1909 was an act that levied a 1 per cent sales tax. The Legislature of the Philippine Islands passed and the Governor General approved an act last year increasing this tax to 1½ per cent; and so now, in order to follow out the same thing which they did in 1909, they have passed this act to validate that.

Mr. GARRETT of Tennessee. All these matters are administered entirely by the insular government. The Treasury of the United States has nothing to do with them.

Mr. HUDSON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I do.

Mr. HUDSON. I think the reason for the validation of this tax law is that the sales tax covers exports. The former law has been validated, and now we come to validating the act of the Philippine Legislature in increasing the sales tax.

Mr. GARRETT of Tennessee. The question here is whether or not it is one of those bills that has to be considered in Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair will state that, although this act was passed by Congress, because of the organic law of the Philippines compelling such action, the Chair does not see why that would require that this bill should be considered in the Committee of the Whole House on the state of the Union. The Chair will overrule the point of order.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909, is amended by adding after the end of the first paragraph under the title "War Department" a new paragraph to read as follows:

That the taxes imposed by the Philippine Legislature in act No. 3065, approved March 16, 1923, and act No. 3183, approved November 27, 1924, are hereby legalized and ratified, and the collection of all such taxes made under or by authority of said acts of the Philippine Legislature is hereby legalized, ratified, and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed.

Mr. FAIRFIELD. Mr. Speaker, I have an hour under this. I wanted two hours.

The SPEAKER. The gentleman has an hour.

Mr. BLANTON. The gentleman has only five minutes now.

The SPEAKER. The gentleman has an hour.

Mr. SNELL. The bill has just been read the first time. It has not been read for amendment.

Mr. FAIRFIELD. Mr. Speaker, in the discussion had thus far an explanation has been made as to the purpose of this bill.

In the year 1904 they levied a sales tax in the Philippine Islands of one-third of 1 per cent of all sales. Then in 1909 the Philippine Legislature passed a law levying a tax of 1 per cent on all sales. There were suits brought in the courts by mercantile interests on the ground that that act violated the organic act. In 1909 Congress validated those acts. The Philippine Legislature last year increased that sales tax to 1½ per cent.

The Secretary of War sent a letter to the committee stating that the legislature and General Wood were in harmony upon this proposition and desired that Congress, following the precedent before, should validate the acts of the legislature of last year. That, I think, clearly sets forth the purpose in mind.

It is well, perhaps, for the House to remember that there is no contention with regard to this bill. The Legislature of the Philippine Islands passed it, General Wood signed it, and the Secretary of War, who is in charge of insular affairs, urges the necessity of it in order to clarify and to make definite the provisions of the acts, so that there shall be no occasion for interfering with the collection of the taxes. The bill is of considerable importance to the Philippine people. I think they raise about ₱40,000,000 yearly for the conduct of their government; of that amount about ₱13,000,000 are raised by this sales tax. It is easily collected, there are no objections to it, and the committee unanimously reported the bill.

Mr. Speaker, I now yield 10 minutes to the Commissioner of the Philippine Islands [Mr. GUEVARA].

Mr. GUEVARA. Mr. Speaker and gentlemen of the House: I rise to support the bill now before you for consideration, not because I believe the Philippine Legislature has no power to enact the law which you are now called upon to convalidate but because I believe that the passage of this bill will give our government a more stable life.

The bill that you are called upon to convalidate, enacted by the Philippine Legislature, does not impose any export tax but imposes a tax on the gross sales of merchandise. Therefore, according to our organic law, the Philippine Legislature has a perfect right to enact and pass such a law. But our merchants in the islands who are all the time claiming that we have not sufficient revenue to meet the needs of our government, and people are now contesting before the courts the validity of that revenue law as approved by the Philippine Legislature, to meet those needs, because this tax affects their business, even in the last analysis, the people are paying them.

The bill now before the House for consideration will show to the American people that the time has come for a definite settlement of our political status, and that it is our right to live under and follow a constitution formulated by ourselves. I do not deny the wisdom of the principles of the constitution enacted by the Congress of the United States for the Philippine Islands, but I believe it will be more wise and more in harmony with the principles of this Government to allow the people of the Philippine Islands to formulate and adopt their own constitution in order that they may adopt measures more in conformity with the needs of the people of the islands.

I am supporting this bill, gentlemen of the House, as a practical question for the Philippine government. Our taxpayers are suing the government through the courts, claiming that this tax is illegally collected from them, but I wish to call the attention of the House to the fact that the act passed by the Philippine Legislature, increasing to 1½ per cent the tax on gross sales of general merchandise, is not a permanent law; it is an emergency law that has no effect but for one year. This law is now being contested before the courts, and this will show that something must be done and that the Congress of the United States must settle, once and for all, the political situation of the Philippine Islands. We can not run a good government if we are always compelled to come to the United States, which is 10,000 miles away from the Philippine Islands, for every piece of constructive legislation we want to pass in favor of the progress of our people.

The government we now have in the Philippine Islands is not beneficial either for the American Government or for the Philippine Islands. If it is true that the Government of the United States in the Philippine Islands is for the good of the people, then the time has come when it must allow the people of the Philippine Islands to run their own business and not be compelled to come to the United States, which is, as I said, 10,000 miles away, to do something constructive for the people. I ask the House to approve this bill because it will be beneficial to my people and will give more stability to the government of the Philippine Islands. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. How can I get some time?

The SPEAKER. The gentleman from Indiana [Mr. FAIRFIELD] has 52 minutes remaining.

Mr. FAIRFIELD. Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, in considering legislation for the Philippine people the Insular Affairs Committee finds itself in a somewhat anomalous situation. Not a single member of that committee has ever visited the islands; our information must necessarily, therefore, come from others. How much of the information that is given to the committee is inspired by selfish reasons we are never in a position to know, but, Mr. Speaker, I can assure the gentleman who has just taken his seat, the Commissioner from the Philippines, that the Insular Committee of the House is actuated by but one motive when legislating for the Filipino people, and that is for the welfare of the 11,000,000 inhabitants of the Philippine Islands.

I believe that every American is willing to transfer to the Filipino people full measure of government when the American people feel that the Filipinos are ready for it. We have no desire to hold any people to us through force or against their will, but I think my distinguished friend will agree that there are certain obligations resting upon the American people that we must fulfill, and when the Filipino people have demonstrated that they are fully capable of managing their own affairs the American Government will withdraw from the islands. To withdraw before that time, Mr. Speaker, would be a mistake and also a breach of faith on the part of the American people.

It is the hope of the Insular Committee of the House to visit the islands this summer. The chairman of the Insular Committee has introduced a resolution which will permit the Insular Committee to make a visit to the islands for the purpose of securing first-hand information as to the needs of the islands in the way of legislation.

We hope to look into the situation that now exists over there from every angle and upon our return to be in position to present to this House a comprehensive plan or program. Every member of the Committee on Insular Affairs realizes that the present situation is unsatisfactory. American business interests in the islands are entitled to know what our plans for the future are with reference to the Filipino people. The Filipinos themselves are entitled to know just what we propose and what we have in mind, and a declaration on the part of Congress as to what may be expected in the future will have a quieting effect upon the Filipino people and a steadying effect upon American business interests in the islands.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. KNUTSON. I yield to the gentleman.

Mr. BLANTON. There are 21 members on the committee?

Mr. KNUTSON. Twenty-one members; yes.

Mr. BLANTON. And they have voted unanimously to take this trip, I suppose?

Mr. KNUTSON. No——

Mr. BLANTON. I wanted to see how unanimous it was.

Mr. KNUTSON. I do not think the gentleman from Texas will take issue with the statement that it is necessary that Congress have first-hand information with reference to the Philippine Islands. All the information we get now is open to suspicion.

Mr. BLANTON. I would be delighted if all of us could go over there at our own expense.

Mr. KNUTSON. We will be glad to have the gentleman from Texas go with the committee; in fact, we perhaps would feel at a decided disadvantage if the gentleman were not along.

Mr. Speaker, I yield back the balance of my time.

Mr. WINGO. Mr. Speaker, I rise in opposition.

The SPEAKER. The gentleman from Indiana has the right to use his time first.

Mr. FAIRFIELD. I yield to the gentleman from Arkansas.

Mr. WINGO. Mr. Speaker, the speech we have just listened to is an interesting one. It is like most of the arguments that are made against the independence of the Filipinos; nothing new; and rings the changes on the old, old philosophy of those who seek to govern others without their consent.

There is but one true philosophy with reference to this question, and it was expressed by the very lovable and wise man who said "that no man is wise enough to govern another man without his consent." The Philippine people may be a backward people. It may be that they are not capable of maintaining that peculiar form of government which the American people in their wisdom have set up here in cont-

nental United States. It also may be true that that peculiar form of government would not be best for the Philippines, but if gentlemen want to see how stale are their arguments, or if these newspaper writers, who evidently are not writing without remuneration—those of us who have been here and have gone through the fight for Philippine independence know that there are just three things that prevent the United States granting independence to the Philippines, and a tender consideration for the welfare of the Filipinos is not one of these three things. But, I say these gentlemen who preach about the wonderful Government and the pure motives we have when we seek to provide for the government of the Philippines, and these newspaper writers who talk about how it would be a tragedy to give them their independence now, they think they are original, but if they would just go back they would find back in the days when the American colonies were struggling for their independence and asserting their right to govern themselves, men stood on the floor of the British Parliament and preached the same doctrines about the uncouth people of the colonies and their inability to govern themselves that these people to-day preach about the Filipinos.

Gentlemen, I believe in the right of self-government because I believe in the capacity of self-government. Every people who inhabit the earth, however low the form of their civilization, have a capacity to set up and maintain a system of government that meets their peculiar needs. It may be that they need a strong government with a strong leader. Well, they can get it, but it ought to be one of their own choosing, one of their own creation. I do not like for my Government to hold a people who are alien in their history, in their habits, and in their customs in political bondage over their protest. That is all it is; and nations are just like men, gentlemen, you can not escape it. Oh, legislative bodies can write their little statutes and they are evaded. They are nothing but legal cobwebs frequently, but there are certain forces that never miscarry. There are certain laws of life that are exact and never fail to operate.

There never was a people yet that held another people in bondage that did not pay the price of that curse, and this Nation has got to pay the price for holding the Filipinos in bondage against their will.

Mr. BLANTON. Will the gentleman yield?

Mr. WINGO. I yield.

Mr. BLANTON. Will not the gentleman tell us the three reasons?

Mr. WINGO. If I thought the gentleman was asking for information, I would give it to him.

Mr. BLANTON. I would like for it to go in the RECORD.

Mr. WINGO. It has been put in the RECORD a good many times and I do not want to be drawn off on that. I am trying to confine myself to thinking out loud and relieving myself so far as I can of the odium of holding another people in bondage.

Mr. BLANTON. Will the gentleman yield further?

Mr. WINGO. Yes.

Mr. BLANTON. It was for information, because every day I am getting requests from school-teachers and school children just now in different portions of my State saying that this is a live question with them and to please send them data on just why the American Government refuses to give them independence. I thought if the gentleman would put the three main reasons in the RECORD I could send them a copy of the RECORD and show them why.

Mr. WINGO. The gentleman can refer to the debate, the very lengthy one, on the Clark amendment. It was discussed very fully at that time.

One of them is the bondholders, the other is the sugar interests, and another is the question of church property. We do not gain anything by hoodwinking ourselves. Those are the three interests. I do not blame any of those interests for being alarmed. I am not talking about the merits of their contention, but, gentlemen, you can sugar coat it as you will, if it were not for those three causes we would not keep the Philippine Islands in political subjection three months. [Applause.]

It is not a light question. I come back to the thought I expressed a while ago. It is not a light question, because history shows that nations, like individuals, pay the price of every misdeed.

This Nation has got to answer for the curse. This Nation which first sprang into existence asserting the right of self-government; this Nation whose whole philosophy of government is founded on the inalienable rights of men to life, liberty, and pursuit of happiness, unfettered by any other will except their own, can not violate the fundamental philosophy of its existence and prosper. It has got to pay the price. [Applause.]

Gentlemen talk about going to the Philippines. Does the gentleman from Minnesota have to reach beneath the tropical skies of the Philippines to find the true philosophy of government that should guide the American people? All he has to do is to go to the Declaration of Independence and the Constitution of the United States to find the philosophy that should guide him.

Mr. BLANTON. That would be too short a junket. [Laughter.]

Mr. WINGO. Talking about a junket, I am going to make a statement, and it is no reflection upon any Members of Congress. If every Member of Congress could go over all the 48 States and come in contact with all the different activities it would be money well spent by the taxpayers, because we would have a broader vision and a wiser insight into the actual necessities of the country. [Applause.] For that reason I always respond to the call anywhere in the United States to talk to any group of men, because I feel that I always get more than I take. I like to meet men from other parts of the Nation. I like to talk with people who make up the different parts of the Nation, and every time I go I come back more firmly impressed than ever that the true philosophy of government is that of local self-government. Let each people determine for themselves their peculiar habits, how they will handle their own little local problems, and when you come to that philosophy you find the Filipino bobbing up and saying, "Yes; what about these people over there?" Look at the Commissioner of the Philippine Islands and tell me that a race of people that has produced a Quezon and this gentleman can not evolve from themselves a system of government. [Applause.] Go and read the story of the development of the school system of the Philippines. You may say that we gave it to them machine made. I deny that. You may have given them the mechanics, but I have talked to men who have been over there and they say it is one of the most remarkable public-school systems on the face of the earth. They are learning to grasp things worth while. These people who come up from a lower state and grasp the things worth while, assimilate culture and refinement and education, respond to a flame that is in every breast to be independent. You may suppress that flame and smother it, but sooner or later it will burst beyond the confines of your restraint, and the thing I fear is that you will postpone the day so long that it will become interwoven with internatoinal questions, and my boy and your boy, possibly, will be called on to go down on the red field of battle and fight for the abstract honor of the Government involving the control of the Philippines. Your boy and my boy will have to go to maintain that war that you assert is a benevolent war against people who protest against its very benevolence.

I am not going to pursue the matter any further. I did not want the opportunity to pass without registering my protest as a citizen of this Republic against my Nation holding another people in political bondage. That blood guilt ought not to be on the Nation's soul. We ought to let the Filipino people go their way and order their life to suit themselves. If we want to protect them in a benevolent way, we can—though I do not advocate it—arrange an agreement with other nations that will maintain their stability and independence. But let them work out their own destiny, and let us show them that we believe that no man is wise enough to govern another man against that man's consent. [Applause.]

I reserve the balance of my time.

Mr. FAIRFIELD. Mr. Speaker, I could not keep still and have a man assert on the floor of this House that the only reasons for maintaining our government in the Philippines are sugar, the bondholders, and church property. Personally, I have never been more deeply interested in any subject than I have in the subject of the government of the Philippine Islands. It is easy to speak in general terms; it is easy to question motives and assert reasons. It is easy to talk about self-determination. Both the fool and the wise man are self-determined. The fool follows his impulses and the wise man follows his reason. If it be true that no people anywhere at any time under any circumstances should control any other country, then to buy wholesale even a little island, populated by a black people, 90 per cent of them, and put them under military rule is contrary to the basic principles enunciated by the gentleman who just preceded me.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. FAIRFIELD. Yes.

Mr. RANKIN. Is the gentleman referring to the Filipinos as a black people?

Mr. FAIRFIELD. I refer to the islands purchased not very long ago in the Caribbean Sea, having a population of forty-five or fifty thousand people. We purchased them from Denmark. What about self-determination for those people?

Mr. RANKIN. But when we took them we did not promise them independence.

Mr. FAIRFIELD. Certainly not.

Mr. RANKIN. And we promised the Filipinos independence.

Mr. FAIRFIELD. Certainly, and we will fulfill our promise.

Mr. RANKIN. It does not look very much like it now.

Mr. FAIRFIELD. No public man, no administration since the acquisition of the Philippine Islands but has reaffirmed the purpose of the United States to ultimately give the Philippine Islands their independence.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. FAIRFIELD. Yes.

Mr. WINGO. Will the gentleman lay down a rule which will determine just when we will do that?

Mr. FAIRFIELD. No man is wise enough; but I may say for the information of the gentleman that we have a bill reported out of the committee that would grant that independence in 30 years, amended subsequently by the members of the committee to grant it in 20 years—a definite statement.

Mr. WINGO. Will the gentleman explain what is the particular virtue in deferring it for 20 years over deferring it for 20 months? Why will they have rights 20 years from now that are not inherent at this hour?

Mr. KNUTSON. Mr. Speaker, if the gentleman will yield, would it not be just as logical to ask why not confer the power to vote upon a babe at the moment it is born?

Mr. WILLIAMS of Texas. Mr. Speaker, will the gentleman yield?

Mr. FAIRFIELD. Yes.

Mr. WILLIAMS of Texas. Is it not a fact that before this bill was voted out that committee went on record 11 to 5 for immediate independence and that that bill was never able to get out of the committee?

Mr. FAIRFIELD. That is a fact; but the committee after further hearing and thorough discussion and further knowledge of the subject made up their minds that they had been mistaken and voted out another bill.

Mr. WINGO. Does the gentleman mean the committee was mistaken as to the expediency or as to inherent principles of liberty?

Mr. FAIRFIELD. I think the committee was mistaken both as to the protection of the inherent rights of the large submerged population in the Philippine Islands, and they were wrong as to the expediency. Both questions were involved in that.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. FAIRFIELD. I can not now. Men who are at all acquainted with history will understand that the evolution of a people is a slow process. It has been stated, without contradiction, and I think believed in by the Filipino people themselves, that more progress has been made in 25 years under the American Government than in 300 years under Spanish rule. [Applause.] They came to us accidentally. They came unsought. They have not been exploited. To-day under American rule their natural resources, their agricultural lands, are still controlled by the Filipinos. They have gradually been given larger and larger opportunities for self-government. Under the League of Nations treaty we have mandates, and my friends on the Democratic side of the House have anathematized the Republican side because we did not enter the League of Nations.

Under the League of Nations we have mandated territory, and I have had men and women say to me at home that we ought to go in and take the mandate for Armenia! Strange is it not, that we should be so solicitous about mandated territory all over the world, when we have an obligation of a dependent people whom we have treated rightly, whom we have never wronged, to whom we are giving gradual emancipation, intellectual and political—strange that people should say that we are holding them in political bondage!

I want to register now a protest here personally. I am no bondholder. I have no sugar interests. Personally I have no antipathy toward any great church, although I think it ought to be controlled and subordinated, so far as political questions are concerned, to the Government itself. As a man studies the whole proposition more and more, he is convinced that with a people of 11,000,000—800,000 speaking Spanish, 1,200,000 speaking English, and the other 9,000,000 speaking 87 different dialects—we should go on with the school system, and perhaps in another generation sufficient numbers will have been taught a common language and have been so developed that they can build and maintain a representative government. Economically it would be a crime to now throw them into self-government and to withdraw. The gentleman from Arkansas [Mr. WINGO] says that we might call the nations of the world together and guarantee their integrity. That is a difficult proposition. Possibly upon the floor of this House it would receive as much opposition as the present situation calls forth, or perhaps more. No, no. We have undertaken in this country what has never been undertaken before. A great government has undertaken to be a benefactor to a dependent people, and for a quarter of a century steadily, earnestly, honestly, successfully, we have wrought, and we are going on in that steady course.

Unfortunately at the very beginning it was made a political question, and imperialism became one of the slogans in that political campaign, but after a quarter of a century of studious application more and more men are taking the position of their own judgment as to what course should be followed——

Mr. RAGON. Will the gentleman yield?

Mr. FAIRFIELD. I will.

Mr. RAGON. I noticed the gentleman a while ago, in saying these were not homogeneous people, said that in their language they had 87 dialects. I am sure the gentleman will agree with me that no better authority on the Philippine Islands can be found than General McIntyre at the head of insular affairs, and I notice that in his report as far back as 1914 he said that the people usually say that there are 17 dialects, but generally speaking there are about 5 that are quite distinct, and I can not understand, when here is the direct statement, the gentleman's authority for saying——

Mr. FAIRFIELD. Oh, I have talked with the Filipino people in regard to that and they have stated that there are as many dialects.

Mr. RAGON. But here is a man that knows more about it than anybody else, and he says there are only five distinct dialects, and that is back in 1914. Now, since 1914 it is generally agreed by everybody that the progress in education has been exceedingly marked, such as it was prior to 1914. Is not that the fact?

Mr. FAIRFIELD. I have quoted my understanding; I am quoting only from what I have heard.

Mr. RAGON. If the gentleman will yield for another question right there, is it not a fact that in all of the older educational institutions and, in fact, in lots of the parochial schools, which are few compared with the other schools in the universities and colleges, that they require the English language there as the main language, and it has been adopted in measure by the Government in every way?

Mr. FAIRFIELD. That is true; and quite generally you will find people in all parts of the island who can speak English, but the older and middle-aged people can not speak it at all, and I am right in saying there are many dialects where they can not understand each other, and it is not an uncommon thing for a man to travel from one part to another who can not understand the language of the people among whom he travels.

Mr. GUEVARA. Will the gentleman yield for just one statement?

Mr. FAIRFIELD. I will.

Mr. GUEVARA. I just want to make a statement that the yearly enrollment of our public schools conducted in English is 1,200,000, and there are American public schools established in the Philippine Islands since 1901 and up to the present time. According to the most conservative estimate, the people who speak English is over 4,000,000. [Applause.]

Mr. KNUTSON. If the doctrine enunciated by the distinguished gentleman from Arkansas [Mr. WINGO] had been accepted by the American people in 1861, we would to-day have two Republics instead of one. Is not that true?

Mr. WINGO. Will the gentleman please explain why he agrees with that strange contradictory philosophy. I am speaking of the philosophy that won the Civil War and the gentleman is speaking of the philosophy of the slaveholder.

Mr. FAIRFIELD. That is by the way, of course. It is an interjection that is perhaps not pertinent to this discussion. This is true, men, that there never was a time more opportune than now to study the whole Philippine question. Economically it would spell ruin, in my judgment. Politically it would not give to each individual man any greater freedom than he now enjoys, and if after another quarter of a century the United States conducts the beneficent work that it has been carrying on, then I think we might very easily withdraw; but

to stop before the work is done, to stop in the middle of an experiment, if you please, an experiment of a strong, virile nation, rugged, an Anglo-Saxon, liberty-loving country, undertaking to take hold of another people, worthy, strong, of high capability, and give to them enough education, enough experience, and enough opportunity for organizing an economic condition so that when they let loose the Filipinos shall be able to stand alone, when for years we have fostered them and cared for them. It is not true that lust and greed and religious prejudices are the only things which stand in the way. The self-respect of this great country demands that we shall finish the task that is ours, and I hope that our study of this problem will be with an idea of some measure of the responsibility that is now ours, whatever the past may have been.

Mr. MOORE of Virginia. I find that the bill reported by the gentleman from Indiana [Mr. FAIRFIELD], as chairman of the Committee on Insular Affairs, to the House last spring, gives some estimation by the committee of our responsibility. That bill is H. R. 8856, reported May 10, 1924, and is entitled "A bill to enable the people of the Philippine Islands to adopt a constitution and form of government for the Philippine Islands, and to provide for the future political status of the same." Its two main provisions are, first, to enable the people of the islands to adopt a constitution and submit the same to Congress for ratification; and, second, that "the commonwealth thus created shall, on the expiration of 20 years after its inauguration, be recognized by the United States of America as independent." Why does not the gentleman call up that bill to-day?

Mr. FAIRFIELD. That is a very pertinent question. The reason why I do not call that bill up is that I feel very certain that that bill at this session would not receive adequate time for discussion and consideration, and I think it would be futile to call it up here.

Mr. MOORE of Virginia. Is the gentleman in favor of its provisions?

Mr. FAIRFIELD. Absolutely I am in favor of them, except that I reluctantly, of course, thought I had to obey the decision of the committee to make it 20 years instead of 30 years. I still think it ought to be another generation. [Applause.]

Mr. WINGO. Mr. Speaker, I will use a few moments. I feel myself constrained to say a word, especially concerning the suggestion interjected by the gentleman from Minnesota [Mr. KNUTSON]. He suggested that the philosophy involved in my contention is similar to that involved in the struggle of 1861, by which, if it had been successful, he says we would now have two nations. Since the gentleman touches upon political history, it might be well for him to find out who was the authority of the statement that I made the basis of my remarks. It was none other than Abraham Lincoln. I am speaking the philosophy of Abraham Lincoln when I say that no man is wise enough to govern another man without that other man's consent. The gentlemen who contend for our direction and control of the government of the Philippine Islands preaches the logic of the slaveholder of the South and of the carpetbagger after the Civil War. In my humble way I raised my voice a while ago expressing the hope that the entire Nation would escape that curse, and expressing the conviction that it could not do it unless we did our duty to the Philippines.

What is our duty to the Philippines? Why, the gentleman says it is the duty of this great, strong, benevolent Government to protect those people from their own sins and stupidity and confusion of tongues. Why, if you were to follow the gentleman's philosophy, you would challenge the right of the people of the United States to govern themselves, because there are more dialects spoken in a great majority of the congressional districts that are represented on this floor than are spoken in the Philippine Islands. I have the honor to represent a district that has very few foreign-born in it, but I have 17 different languages spoken in my district. When the gentleman was describing the Philippine Islands and talking about the confusion of tongues, I thought, with all due respect to our honored Members from the city of New York, that it was a doubtful question whether he referred to the island of Luzon or spoke of the island of Manhattan or Brooklyn or the Bronx. He would challenge the right of the city of New York to have self-government because a confusion of tongues is recognized as a detriment and handicap to the exercise of liberty. You can not escape the logic of the old philosophy of the inalienable right of man to govern himself. It justifies itself by its mere expression, and all the subterfuges and all the sophistry and all the make-believe of 2.75 per cent statesmen can not escape it. You can not justify carpetbag government.

Gentlemen, you can not play with the independence of a great group of people. The gentleman from Minnesota [Mr. KNUTSON] talked of prejudices. I do not speak of prejudices. I speak of fears. I did not debate the question whether the bondholders were wise in their fears. I did not debate the question whether the sugar interests were wise in their fears. I did not debate the question as to whether the fears of religious organizations are wise or unwise. I sought to avoid those things and simply to point out the fact that everyone knows here, that when the battles for Philippine independence were fought a few years ago all three of those interests expressed fear.

Gentlemen, I am afraid of the future on this question. The tragedy of it is that these people assume a hypocritical air and say that the God of nations has called us to rule benevolently over another people. I know it is not beneficent; it is fear on the part of these interests. There is no justification for their attitude. There is no interest of church or state or countinghouse or anything else that justifies a nation, which boasts that it believes in liberty, in holding any other people in bondage. [Applause.] Mark my words, I repeat the warning of a moment ago, I predict that you will pay the price. You will pay the price, I fear, in my day and generation. You will pay it in bloodshed and treasure wasted and in the loss of that thing to which you appeal. I say to the gentleman from Indiana [Mr. FAIRFIELD], adopting the closing part of his speech, you will pay it in the loss of self-respect, because no man can maintain a consciousness of self-respect and at the same time assume an air of superiority and say that he will be the master of any other man and make him do your will and make him bow down before you and kiss your shoes and say, "I kneel to you, O, master." That is the creed of the carpetbagger.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield there?

Mr. WINGO. If the gentleman will not inject any 1861 stuff in my remarks and keep partisan politics out I will yield.

Mr. KNUTSON. Does the gentleman approve the course this Government took in 1915 in landing marines at Port au Prince and dissolving the Haitian Congress?

Mr. WINGO. Mr. Speaker, an unsophisticated country boy like myself has frequent occasion to realize that possibly he can not express himself clearly, but if I have been so clouded in the expression of the fundamental principles upon which I have bottomed my remarks on this occasion that the gentleman himself is in doubt as to my convictions on that, then I am unfortunate, indeed. I say to the gentleman, that I stand on the proposition that no people have a right to govern another people contrary to and against their consent. I say when did it become the province of any country to tell another country how to govern itself or what government it should have? I say let the Hottentot have his own little tribal government, and let the Filipino have his in his own way. Let us forget politics, and give these people their freedom.

Mr. WINTER. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. WINTER. Does the gentleman extend his principle to the American Indian?

Mr. WINGO. Yes, sir; I do. Never in all my life have I denied the philosophy I preach to-day. I have gone into court without money and without price to try to make recompense for what I have regarded as a mistake of my people by helping the weaklings who have suffered from that mistake escape the just penalty of their own weakness, recognizing that certain forces, over a period of 200 years, have sapped the moral fiber of the unfortunate offenders.

I stand for the independence of the individual; for the independence of every community to govern itself; and it certainly is the right of every people segregated away from us, as are the Filipino people, to govern themselves as they see fit. Let us rise above partisan politics and recognize their right. If they want to wallow in the mire, is not that their right? If they want a king, is not that their right? If they want to worship a totem pole, is not that their right? If they want to speak 1,000 different tongues, is not that their right? Since when did the God of creation select this Nation to go out and govern those people across the seas, speaking an alien tongue?

Mr. MACLAFFERTY. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. MACLAFFERTY. Does not the gentleman think that our Government, having destroyed the government they then

had in the Philippines, that we owed a duty to the Philippine people and to the world to establish a stable form of government among them?

Mr. WINGO. Suppose that principle had been followed a little over a hundred years ago. The territory that I come from, measured by that test, would still be the colony of a foreign nation.

Mr. MACLAFFERTY. And I will say to the gentleman that the territory from which I come would also be in the same position; but I would like an answer to my question.

Mr. WINGO. My answer to the gentleman's question is the Declaration of Independence and the philosophy of Lincoln, as well as the inherent rights of man everywhere.

Mr. MACLAFFERTY. Can not the gentleman make it more specific with yes or no?

Mr. WINGO. What was the gentleman's question?

Mr. MACLAFFERTY. My question was, that the United States Government having in 1898 destroyed the government in the Philippines—I refer to the Spanish Government—was it not our duty to the Filipino people and to the world to establish a stable form of government among the Filipino people?

Mr. WINGO. Why, certainly. But how long does it take us to do it? If we had used the capacity and the genuis of the American people, it could have been done within a reasonable time. But that has not been done. Having destroyed the Spanish Government, which act was a blessing to the Filipino people, we assumed the right to govern them. We said, "We took you from under the dominion of a cruel master and we are beneficent masters. You have no right to complain, because are we not good to you? We have destroyed that corrupt government and have brought about stability," which we did within a few years. But having done that, then it was our duty to permit the Filipino people to govern themselves and go onward, at the same time standing by them for a while and steadying them as they go onward.

Gentlemen speak about exploitation, but you can not escape the logic of the very philosophy of our own Government and that is that we have the right to govern ourselves, and that no other government has the right to govern us. The doctrine you gentlemen now preach was preached in the British House of Commons when the American Colonies were protesting and insisting upon their independence, and for which the ancestors of the gentleman from Virginia were willing to fight. They referred to Virginians as barbarians; they said they were incapable of self-government; they talked about the beneficence of the government and about bringing them out of the wilderness and protecting them from the Indians' tomahawks. Ah, gentlemen, in every age the effort to govern a people without their consent has always found an argument to justify it and to show the benevolence of the master.

Mr. MACLAFFERTY. Will the gentleman yield for a question?

Mr. WINGO. I yield to the gentleman.

Mr. MACLAFFERTY. The gentleman spoke about the Filipino people having enjoyed the blessings of the Spanish Government.

Mr. WINGO. No.

Mr. MACLAFFERTY. I would like to have the gentleman's statement read.

Mr. WINGO. I said we destroyed the Spanish Government, which act was a blessing to them and upon that we predicate our present right to govern; but, Mr. Speaker, I promised not to take up too much time. I want to commend, though, to the gentleman from Minnesota [Mr. KNUTSON] a reading of the philosophy of Lincoln, and I want to tell him I would do for the Philippines what Lincoln would do to-day if he were here. He would say, "Rise above partisan politics and set these people free."

Mr. KNUTSON. Will the gentleman yield?

Mr. WINGO. I yield.

Mr. KNUTSON. Does the gentleman believe in enforcing the fourteenth amendment? I assume he does.

Mr. WINGO. Certainly; and the gentleman can not point to one single State which violates the fourteenth amendment. The trouble with the gentleman is he is not a lawyer, or he would know that the fourteenth amendment is not violated. If it is violated, why does not the gentleman keep his oath and see that the State that violates it is brought to book? Will the gentleman tell me what the fourteenth amendment is? I want to see if the gentleman knows what the fourteenth amendment is. Stand up and tell us what the fourteenth amendment is. Ah, the gentleman does not know. The gentleman can not even repeat the letter of it and he does not know the spirit of it. [Laughter and applause.]

Mr. UPSHAW. Will the gentleman from Arkansas tell me how much time he can grant me? I would like to have 8 or 10 minutes.

Mr. WINGO. I will say to the gentleman I have already transgressed on my agreement, I believe, in occupying so much time. I promised the Speaker if he would recognize me out of order I would not use too much time, and I fear I have already violated the spirit of my agreement.

Mr. UPSHAW. The Speaker referred me to you.

Mr. WINGO. Then I yield to the gentleman from Georgia five minutes.

Mr. UPSHAW. Mr. Speaker, recently there appeared in the Brooklyn Eagle an interview with me, which that paper sought through its Washington representative, which reflected unfairly upon the vast majority of my honored colleagues. Especially was this true of the headlines of the story which referred to "the gentleman from Georgia" as "the lone dry in the House."

I was shocked beyond measure by such a reference, and my colleagues whose personal friendship and whose daily fellowship I so much treasure will bear me out in the statement that in making my occasional pleas for sober officials—a position by which I still stand with deepening conviction—I have always declared that Congress is overwhelmingly dry, and that because of the high place which national lawmakers hold in the thought of the Nation the few who do drink the liquor outlawed by the Constitution of their country ought to be ashamed of themselves and quit drinking or quit Congress. While this position seems to me incontestable as a proper example to our youth, I have never wished to be harsh to my colleagues who make this grave mistake; and in view of many press quotations from me concerning this matter, I feel that it is only fair to my friends and to myself to say what the genial and gentlemanly members of the press gallery will testify—that during my nearly six years in Congress I have never one time sought an interview with any press representative on this or any other question not holding local interest for my district.

And whenever a newspaper or magazine has sought an interview with me I have had one supreme desire—to serve my country best by helping humanity most. In this spirit, under leave granted me by the House to extend my remarks, I print the following letter from me to the Brooklyn Eagle of January 16, with the headlines carried in that paper:

UPSHAW DECLINES HONOR OF BEING "LONE DRY M. C."; SAYS THERE'S LOTS MORE

EDITOR BROOKLYN DAILY EAGLE:

In thorough good humor, but none the less definitely, I must enter a disclaimer, partly against the story and especially against the headline of the article by your Washington correspondent, John Billings, jr., in your issue of January 8.

The headlines of which I complain are as follows: "'Offered Me $100 to Take a Drink, But I Refused,' Says Upshaw, Lone Dry M. C."

In the first place, I did not say it, and, in the next place, it is very unjust to the overwhelming majority of my colleagues who are dry, in precept and practice, to refer to me as the "Lone dry Member of Congress."

I am not indicting your genial and gifted correspondent with intentional error, but simply with misunderstanding in the rush of a hurried interview a story playfully told him. The story, which was "off the reel" and not intended at all as a part of the interview which he sought, was as follows:

TARGET FOR MUCH BANTER

One day as I walked out of the House Chamber into the cloakroom a good-natured "wet" colleague playfully said to me, "UPSHAW, come on and have a drink with me." It was simply a good-humored banter such as a number of my wet colleagues rag me with occasionally on account of my well-known dry activities. But when the Congressman said this, a mischievous member of the press gallery, representing a "damp" paper, said on the side, "I would give $100 to see him take one."

This was not said to me, but for the amusement of several others who heard it. It was simply understood to mean that it would be a great story for the "wets" if they could catch a superdry Member of Congress taking a drink.

I am asking you to give this the prominence that the other story had, for I am too fond of my colleagues and too much interested in the reputation of the overwhelming majority who are dry to wish to arrogate such a position to myself, or allow a metropolitan newspaper like The Brooklyn Eagle to carry such a story without the explanation which I am sure you will gladly make.

One other little mistake I think calls for attention. I am quoted as having said, "I made a speech—a great speech—on 'The majesty of the law and national sobriety.'"

Somebody would justly count me a pluperfect "phule" to thus refer to my own utterances in Congress. Mr. Billings says that he made that interjection himself, having heard the speech when I delivered it a year ago at the opening of Congress, and that the proverbial "printer's devil" made the mistake.

Neither did I refer to myself as "a good, active Christian layman." Certainly, as a Christian man, I wish to be both good and active, but remembering the Bible declaration, "there is none good—no, not one," I would neither offend scripture nor modesty by calling myself "good."

WANTS TO SHARE GLORY

Usually I am too busy a man to attempt to correct mistakes in newspaper stories that come to me from all parts of the Nation; but having been really fond of the Brooklyn Eagle for more than a quarter of a century, and being even more anxious to be fair and square with my sober colleagues in Congress, I felt that I could not let your otherwise splendid story stand without correction.

Please, therefore, give this the prominence which you gave to the other story, and accept my thanks, not only to the Brooklyn Eagle but to your very gifted and promising correspondent in Washington, Mr. Billings, for your every courtesy.

Hoping you will drop in on me some time when you come to Washington and give an old newspaper man the benefit of some luncheon fellowship, with ice water, Coca-Cola, Nugrape, or buttermilk as a proper editorial or congressional tonic, I am,

Cordially yours,

W. D. UPSHAW.

Mr. FAIRFIELD. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Speaker, I thank the chairman of the committee. I do not know that I care to take five minutes, but I am interested in the statement of a Member of the House that he throws out to the world that we as a Nation exercise tyranny and are a Nation guilty of enslavement. He can not mean that. The gentleman who has just left the floor says he wants to prove to the world that we do not want to hold any people in bondage. Has this Nation got to prove to the world, after these years of history, that it is not a Nation of conquest. The world needs no proof, sir, of that. There has never been a battle fought by the American people for conquest, and there never will be.

Mr. UPSHAW. Will the gentleman yield?

Mr. HUDSON. I can not just now because I want to follow this further.

I can not quite believe the sincerity of my distinguished colleague, the gentleman from Arkansas [Mr. WINGO], who speaks here with his gifted tongue for the poor, down trodden, tyrannized Filipinos, that they should have immediate independence and they should have the right of self-government. Why, in the name of all common sense, did not he, a Member of this body when his party was in power, urge his argument to the end that they authorize the independence that he speaks of now. [Applause.]

On the other hand, is it not a matter of record that because of the administration of those years the Filipino independence has been turned back a decade or two? That is the history that confronts us here to-day. It is easy enough to talk about bondholders and to talk about sugar interests and the other interests. Do not you know and do not I know that the Filipinos to-day are asking for outside capital to come there in order that, by further development of their natural resources, they may have bread to eat, clothes to wear, and increased incomes. There is no interest considered but theirs. I charge anyone to show one time in all these years that have gone by when we have departed from the determination at the proper time to give these people their independence. My colleague from Arkansas says that he dreads the day when our sons shall pay with their blood for the thing that we are now doing. Members of this House, I say to you that if you turn the Filipinos loose to-day you will but invite the blood of our sons being shed for the defense of that people.

Now, the other point that I want to emphasize is that not only do we ask that this period of development may go on in order that they may come into a more complete disenfranchisent of the old régime of Spanish rule, but we want them to have an opportunity—and that is the duty of the administration to-day—that they may have the opportunity to come more surely, step by step, in the process of self-government, and when they have done that then they will be ready for the complete enfranchisement that shall be theirs. [Applause.]

Mr. FAIRFIELD. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. MACLAFFERTY].

Mr. MACLAFFERTY. Mr. Speaker and gentlemen, I live where we almost look across to the Philippines, and although I have never been in the Philippine Islands—and I state that because I do not wish to be misunderstood—I have known considerable about them from people who have gone back and forth. That condition existed a few years ago more than it does now.

However, I do object to the inference being made, and almost a statement to the world, that this Nation ever abused any people on the face of the earth. [Applause.] I call your attention to the fact that the Philippine Islands have cost this Government of ours millions upon millions of dollars, and that the greatest act of altruism ever manifested by any government since history began has been manifested by our Government toward the Philippine Islands. There is one other thing I want to get into the RECORD right here because of what has been said, and that is that in my belief there are millions of people in the Philippine Islands who are praying to God that our control will not be removed over those islands. [Applause.] Another thing I will say to my friend from Arkansas is that I am not a lawyer, but I have friends who are lawyers, and I have often paid money for their advice; but I am advised that there is a grave question whether or not the United States of America can alienate any territory which now belongs to it.

Mr. BLANTON. Will the gentleman yield?

Mr. MACLAFFERTY. I will.

Mr. BLANTON. The gentleman spoke eloquently this morning on the great Territory of Alaska. Those people in the last election nominated their own governor. Does not the gentleman think that the President ought to appoint their selection and not his?

Mr. MACLAFFERTY. That is interesting but not important at the present moment.

Mr. DOWELL. If the gentleman from California will pardon me, the gentleman from Texas is mistaken. They did not nominate a governor.

Mr. BLANTON. The Delegate from Alaska [Mr. SUTHERLAND] is here, and I will leave it to him. They did nominate him in the last election.

Mr. MACLAFFERTY. As I say, that is an interesting question, but has nothing to do with this. Gentlemen, let us not make a political question out of the interests of the Filipino people. There are 11,000,000 people over there. Let us not make it a question of politics. I believe in the past that it has been made a question of politics. I believe for a few years we set ourselves back 10 or 15 years by holding out to those people false hopes. I do not believe this Government has ever made a definite promise to the Filipino people as to the time for independence. I am inclined to favor the Fairfield bill, which expresses the idea that after a few years—it may be 20 or 25 years—it should be left to the vote of the Filipino people. I do not believe the time has come now, and the time is not up for discussion. I believe that the friends of Filipino independence are injuring their prospects by discussing the question in the way that it has been discussed here to-day.

Mr. UPSHAW. Mr. Speaker, will the gentleman yield?

Mr. MACLAFFERTY. Yes.

Mr. UPSHAW. I have a perfectly friendly question that I desire to ask. I quite agree with the gentleman that America has never treated any people unjustly; but granting that ultimate independence is to come, as the gentleman says, does he not think it would be a fine handshake of confidence if we were to grant these people the privilege of electing their governor?

Mr. MACLAFFERTY. I shall take a Yankee way of answering the gentleman's question. I take it that the gentleman has grandchildren, as I have—five of them. Simply because I like his grandchildren, does the gentleman think that I would be doing them a favor to let them play with razors and things of that kind?

Mr. UPSHAW. I hardly think that enters the question of fundamental democracy.

The SPEAKER. The time of the gentleman from California has expired.

Mr. WINGO. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Speaker, but for fairness to all I would much preferred not to have taken the floor in this discussion. I regret very much, for the sake of our Philippine relations, to have heard any of the speeches made here to-day involving partisan politics, and I say that with all due respect to my friends on both sides who have spoken. If there is anything, as I see it, that means detriment to the Philippine Islands at this particular time, it is for the destiny of those islands to become embroiled in partisan politics. We can make careless statements on both sides of the House, but we ought to be very careful about our remarks on this delicate question that we are discussing. I have been on the Insular Affairs Committee ever since I came to Congress, which was at the last session. I have discussed the matter there rather heatedly with members on

both sides; but I have never yet opened my mouth in criticism of the administration of anyone, either Democrat or Republican, and I do not expect to, because in the interest of those people and the tender interest with which the United States has to deal I do not think we should make it a matter of partisan politics.

I am just as liable to err as anybody on either side, but, as I view the question from all angles, we must realize at some time in the immediate future the Philippine Islands should have their independence. I would not stand here and say that they ought to have it this year or next year, nor am I willing to take the other side and say that they never shall have it or to project their complete independence into the distant future. I can only benefit you gentlemen by giving you the facts as I get them from testimony, not from newspaper propaganda or from the words of some irresponsible propagandist verbally given.

I get them over the table in the committee room, and from these it is my opinion that the Philippine Islands in the immediate future should have independence. First, I say that from the standpo nt of the interest of the Filipino people. In making Cuba an independent Republic we set down exactly our idea of what constituted a self-governing people. In defining the status that Cuba had reached we set an international precedent, and I think to all intents and purposes in that definition, which was set down by Mr. Root, the Filipino people have progressed to exactly that extent. It is idle to stand back and say that the Filipinos must become a great nation with a standing like this Nation before they shall have independence. That would be absolutely wrong. To say that they must have a status, an international influence greater than we possessed at the time that we were first recognized as an independent Republic, would likewise be un-American. The proposition comes down finally not to what sized navy they have, what standing army they have, the fullness of their treasury, or their liability to attack by another nation—because at the time we were given our independence in the territory that is now incorporated within Alaska and the 48 States there were at least the flags of four hostile nations—but have they qualified as a people, under our own definition, to maintain a stable government? We ought to take into consideration their present government and its ability to serve the best interest of the Filipino. As one gentleman suggested—I think the gentleman from Michigan [Mr. HUDSON]—we have undertaken a task and we ought to complete it. When the Filipino has learned to walk as best he can, and to walk where he wants to go, to walk in the way he should walk, what is the use of us keeping longer a guide rail for him to walk by?

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. RAGON. Every American has the right to pat himself on the shoulder and thank God that he is an American, if for nothing else than the great progress that has been made in the Philippine Islands within the time since we took them away from Spain. The most marvelous thing that I have ever read in the way of advancement of human culture is the advancement these people have made along educational lines. [Applause.] I can not agree with my friend from Michigan [Mr. HUDSON] when he takes a crack at a retiring administration and says that the Philippine Islands should have been given independence during the Wilson administration, or that they did not progress as rapidly during that administration as they did before and have since. No fact coming out in the hearings will bear him out at all in that. I challenge anyone, I care not whether he be Republican or a Democrat, to search the record and find any confirmation of that in the statement of a single man who appeared before the committee. It is not quite fair.

Mr. MANLOVE. Mr. Speaker, if the gentleman will yield, in all fairness I do not think the gentleman from Arkansas understood the statement of the gentleman from Michigan. He simply asked the gentleman from Arkansas [Mr. WINGO] why the Philippines had not been granted their independence when his party was in power.

Mr. RAGON. I do not know that would have been the best thing to do at that time, but when the gentleman says the development of the Philippine Islands from 1913 to the time that the Wilson administration went out was not the best in their history, then he says something that he can not prove.

Mr. HUDSON. Will the gentleman yield?

Mr. RAGON. Yes, sir.

Mr. HUDSON. If the gentleman will look back to the record, he will find my statement was the administration of that period set them back for the reason that it encouraged in the breasts of those people at that time a desire for independence which was premature, and instead of going on with the period of development now they are simply wasting time, hoping that some man be elected president of that country——

Mr. RAGON. I can not agree with the gentleman upon that point. I can not yield further. I yield to those gentlemen who have spoken where I take issue with them, but I can not yield to anybody else, because gentlemen divert me from my line of thought. I can not agree with the gentleman at all. The gentleman spoke absolutely his attitude on——

Mr. HUDSON. If the gentleman will yield in that connection, I meant simply that we have two different views; that is all.

Mr. RAGON. Now, if the gentleman wants me to answer the question, I have nothing personal nor political in this. I have absolutely nothing for the Filipinos here that I would not have for any other nation, and there is no use of any man taking it either personally or politically to himself. This is a great national task, and it ought to be solved by Americans, not Democrats or Republicans. [Applause.]

Mr. GUEVARA. Will the gentleman submit to a short statement. I wish to call to the attention of the House that we are willing to sacrifice our political fortunes, our personal ambitions, to any office in the Philippine Islands that may be created if we can get our independence right now. We who lead the fight for Philippine independence will be more than glad to withdraw from public life and to retire to our private business as soon as we get our independence.

Mr. RAGON. I might say here, gentlemen, I know—and I know men on the Committee on Insular Affairs who know—exactly what within recent months brought about the acute feeling in the Philippine Islands——

The SPEAKER. The time of the gentleman has again expired.

Mr. RAGON. Will the gentleman yield me some more time?

Mr. WINGO. How much more time?

Mr. RAGON. Five minutes.

Mr. WINGO. I will yield the gentleman five additional minutes.

Mr. RAGON. I do not think it is fair to discuss the reasons here, and therefore I shall not indulge in a defense or accusation of either side. Now, I can not help but agree with the principle laid down by some gentleman, I do not know which side he was on, that when people have themselves the right of self-government, I believe they naturally develop more rapidly, making mistakes, of course, but they will naturally decline more rapidly if they are under the rule of somebody else. That is the natural trend of a people as you give or take from them an ambitious purpose. My friend from California, who has just spoken here, has frequently in the committee and upon this floor stated the fear that the Philippine Islands may be overrun by Japan or some oriental nation at some time.

Mr. MACLAFFERTY. Will the gentleman yield. I made no reference to Japan in my remarks.

Mr. RAGON. The gentleman is accustomed to make it in committee, and I thought he made it here.

Mr. MACLAFERTY. I wish in the RECORD to state that I made no reference to that on the floor.

Mr. RAGON. Why, gentlemen, stop and think that the Philippine Islands were in the shadow of the oriental nations for 300 years, protected by nothing more substantial than the ramshackle power of the Spanish rule. Yet they were not molested. The Philippine Islands are in a climate that does not suit either the Japanese immigrant or the Chinese immigrant, if I am properly advised, and for three or four hundred years they have stayed there in close proximity to those islands, and there have been comparatively few immigrants either from China or from Japan. But, gentlemen, let us suppose just for a moment, that the people who seem to conjure up a fear that some day in the future we will have to go to war with Japan are right, where do you think that battle ground would be set if we own the Philippines at that time. The Philippine Islands would be the battle ground. I say as a matter of national defense, leaving everything else aside for the moment—as a matter of national defense it is better to cut loose from the Philippine Islands and do it at once. [Applause.] Now, my friend from California stated a moment ago, and I know he said this, that he doubts the constitutional authority of the Congress to pass any such act thereby alienating the Philippine Islands, because, according to the old theory, we have no right to alienate a part of our territory.

Gentlemen, I do not care to discuss that for a moment with anyone here who has had much experience as a lawyer or who

has had occasion to think upon this question. I just leave it, with the statement that the Committee on Insular Affairs has before them a communication from the Attorney General of the United States, Mr. Stone, in which Mr. Stone says unqualifiedly and unequivocally that the Congress of the United States can, at any time they desire, cut loose from the Philippine Islands, and that we have no constitutional restrictions whatever in so doing.

So I say, from the standpoint of the Philippine Islands, for their own good, for the sustained glory of the work we have done there, and also from the standpoint of better national defense for the United States, I think it is time for the Congress of the United States to begin to think seriously of a program in the immediate future, when we will give these people the unrestrained right of self-government.

Mr. KETCHAM. Mr. Speaker, will the gentleman yield?

Mr. RAGON. Yes.

Mr. KETCHAM. I think perhaps something not intended was injected into the debate by the distinguished gentleman from Arkansas [Mr. WINGO] when he used three words——

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. RAGON. May I have three minutes more?

Mr. FAIRFIELD. I yield to the gentleman three minutes more.

The SPEAKER. The gentleman from Arkansas is recognized for three minutes more.

Mr. KETCHAM. During the course of the remarks of the distinguished gentleman from Arkansas [Mr. WINGO] he used three words relating to our occupancy of the Philippines—the words "scourge," "tyranny," and "bondage." Will the gentleman give us the benefit of his experience on the committee and his knowledge of our relations with the Philippines by stating whether in his judgment those words could be used accurately or descriptively in regard to or in connection with our treatment of the Filipinos?

Mr. RAGON. I will say to the gentleman that sometimes statements are made that might just as well not have been made.

The SPEAKER. The time of the gentleman from Arkansas has again expired.

Mr. WINGO. Mr. Speaker, I will yield to my colleague three minutes more.

The SPEAKER. The gentleman from Arkansas is recognized for three minutes more.

Mr. RAGON. I will state to the gentleman frankly that I do not think in all the history of the world you can find a more beautiful relationship—that is, since the first three or four years after the uprising occurred over there. He will not find in history a more beautiful attitude maintained than that of the United States toward the Philippines. Except for some little unpleasant trifles that you could not expect to prevent occurring in this period of time, our relations will stand out in all time as exemplary.

Mr. WINTER. The gentleman would not compare our occupation of the Philippine Islands with slavery?

Mr. RAGON. No; I do not think anyone intended to say that this afternoon.

Gentlemen, I want to read to you two short extracts. I said this was a nonpartisan question, which should be considered from a nonpartisan standpoint. I say their progress is a matter of pride set deep in the hearts of the Filipino people, and in view of the responsibilities that we have had and still have, we should not approach this question from such a partisan standpoint as apparently it has been discussed from this afternoon. Let me read what Theodore Roosevelt said about Philippine independence in an article published in Everybody's Magazine of January, 1915. In the course of that article he said:

> The present administration—

That is, the Wilson administration—

> has promised explicitly to let them (Philippines) go, and by its action has rendered it difficult to hold them against any serious foreign foe. These being the circumstances, the islands should at an early moment be given their independence, without any guaranty whatever by us and without our retaining any foothold in them.

In the same article, in speaking of the mutual advantage the Philippine Islands and the United States had derived from our associations, he further commented on our promise as follows:

> But we can not taint it with bad faith. If we act so that the natives understand us to have made a definite promise, then we should live up to that promise.

Who is that speaking? That is surely one of the most outstanding Americans in our time, Theodore Roosevelt, who certainly understood the Philippine people as well as anybody here, or anybody that has appeared before our committee.

The other extract I wish to read is from Woodrow Wilson, in December, 1920, in his message to Congress, when he said:

> Allow me to call your attention to the fact that the people of the Philippine Islands have succeeded in maintaining a stable government since the last action of the Congress in their behalf, and, having thus fulfilled the conditions set by the Congress as precedent to a consideration of granting independence to the islands.
>
> I respectfully submit that these conditions precedent have been fulfilled, it is now our liberty and our duty to keep our promise to the people of those islands to grant them the independence they so honorably covet.

There is the utterance of Roosevelt in 1915 in a magazine, written under no weight of passion or prejudice, and there is the well considered statement in President Wilson's message in 1920. Dare you point the finger of blame at the high and exalted ambition for self-government of these people in view of the expression and message of those two world famed American characters. Should we deny them at least, at this time, a part realization of their hopes and ambitions by the passage of the Fairfield bill, properly amended, a step to more complete autonomy than they have had in the past and in the future, when negotiations can properly be conducted to give those people the independence that they deserve and which they honorably and worthily crave? Our future conduct of them is now important. Neither pains nor funds should be spared in arriving at a proper solution. It is important that we get the exact facts, and then act definitely and courageously in such way that "bought and paid for" propagandists can not prevail against our high and holy purpose toward this helpless people. [Applause.]

Mr. FAIRFIELD. Mr. Speaker, I want to call the attention of the House to the bill itself and have a vote. I just want to say that the bill is to validate a statute passed by the Filipino Legislature concerning their taxes. Governor Wood signed it, the Secretary of War recommends it, and the committee reported it unanimously.

Mr. Speaker, I move the previous question on the bill to its final passage.

Mr. WILLIAMS of Texas. Before that I want to ask the Members of the House for five minutes to speak on the Filipino question. I am the ranking Member on this side and this is the first time I ever knew all the time to be controlled by one side.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] has controlled one side.

Mr. WILLIAMS of Texas. But the gentleman from Arkansas took his authority from the gentleman from Indiana [Mr. FAIRFIELD].

The SPEAKER. No; the gentleman from Arkansas was recognized by the Chair in his own right.

Mr. FAIRFIELD. Mr. Speaker, I will be very glad to comply with the gentleman's request, if it is in order, and I withhold my motion.

Mr. WINGO. Mr. Speaker, I will yield the gentleman five minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS of Texas. Mr. Speaker and gentlemen of the House: I happen to be a member of the Committee on Insular Affairs, but I have not seen fit to address this House touching the Filipino question for the reason that I felt the occasion would arise that has arisen this afternoon.

We talk about legislating for the Filipinos, and yet every time a Member on either side of this House takes the floor he immediately begins talking and playing politics, and the trouble with Filipino independence to-day is that we get up here and try to make a record to send back home or to make a record for our parties, and the Filipino people are the ones who are suffering from that. [Applause.] If you could take politics out of the Filipino question, you would get action for the Filipino people.

Of course, we differ as to the time to give them independence. We differ as to whether it should be now or 10, 20, or 30 years from now, but every member of the Insular Affairs Committee—and I want to say I have confidence in every one of them having the welfare of the Filipinos at heart—is sincere, but the trouble, I say to you, is that it is politics, and

as long as the political question is to be considered just that long will the Filipino people suffer by it.

I do not believe it was ever intended for this people to control the people across the water. I myself will not say I am capable of overseeing and controlling the freedom of a foreign people, and I am willing at any time to say to them, "If you can work out your salvation, we are as a nation ready to assist you, but we are willing to free you at this time." [Applause.] I may be wrong, and I have every regard and respect for the man who feels the time should be 20 years from now. But I say to you that in discussing the Filipino question we on both sides of this House should, as much as possible, take all political questions out of it and not play politics so that our chances may be enhanced at the next election. Let us try to act for the benefit of the Filipinos and not for the benefit of the Democratic or Republican Parties. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Indiana for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FAIRFIELD, a motion to reconsider the vote by which the resolution was passed was laid on the table.

The SPEAKER. Has the Committee on Territories any further business?

Mr. FAIRFIELD. No, Mr. Speaker.

The SPEAKER. The Clerk will call the roll of committees.

The Clerk called the committees.

ASSESSMENT WORK ON MINING CLAIMS

When the Committee on Mines and Mining was reached,

Mr. ROBSION of Kentucky. Mr. Speaker, I call up the joint resolution (H. J. Res. 142) to suspend the requirements of annual assessment work on certain mining claims for a period of three years.

The Clerk read the title of the resolution.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent that this resolution may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the provision of section 2324 of the Revised Statutes of the United States, as amended, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount be made during each year, be, and the same is hereby, suspended for a period of three years beginning at 12 o'clock meridian on the 1st day of July, 1923, as to all such valid claims located and held on discovery of carnotite or other radium-bearing ore: *Provided*, That every claimant of any such mining claim, in order to obtain the benefits of this resolution, shall file or cause to be filed in the office where the location notice or certificate is recorded, before 12 o'clock meridian July 1, 1924, a notice of his desire to hold said mining claim under this resolution.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, I understand there is some opposition to this bill.

The SPEAKER. When no one rose, the Chair assumed there was no opposition.

Mr. WINGO. I am against the bill, Mr. Speaker.

Mr. ROBSION of Kentucky. Mr. Speaker and gentlemen of the House, if I may have your attention, this resolution seeks to suspend the assessments on carnotite ores for a period of three years. As many of you know, radium is taken from carnotite ores. Our country was the pioneer in the development of this mineral and this industry. Many millions of dollars have been expended, but about two years ago or a year and a half ago this ore was found in the Congo country of South Africa. The ore which contains this radium as found in that country is twenty-five times as rich in radium as the ore that is found in this country. Up to that time and now it costs about $70 per milligram to produce it, or something like $70,000 to produce a gram of this metal, not counting the cost of sale.

Until this discovery in the Congo country radium sold in this country for from $115,000 to $125,000 per gram, and now it sells at $70 per milligram, or $70,000 per gram. The drop in the price has been such as to completely put the American producers out of the market, and every radium mine and factory in America has closed down and has been closed down for a period of nearly two years.

The purpose of this joint resolution, as you will understand, is to relieve the holders of these claims from doing the $100 of assessment work for a period of three years, in the hope that a cheaper process may be found so that our people can produce radium at a price at which they can sell it without a loss; and, gentlemen, without such a process being found the radium industry of this country must die.

Mr. CONNALLY of Texas and Mr. WINGO rose.

Mr. ROBSION of Kentucky. I yield to the gentleman from Texas.

Mr. CONNALLY of Texas. I would like to ask the gentleman why it is provided in the bill that the period of suspension shall begin on the 1st day of July, 1923, which is long past. Is it the purpose of the bill to validate claims that have already lapsed?

Mr. ROBSION of Kentucky. No; but the resolution was reported in the spring, and when we come to that we can amend it.

Mr. CONNALLY of Texas. It was reported in March, 1924. Why should it refer back to the 1st of July, 1923?

Mr. ROBSION of Kentucky. It is to cover assessment work for three years, beginning July 1, 1923.

Mr. MANLOVE. If the gentleman from Kentucky will yield, my understanding is that the period of one year would begin at that time, so we are just extending it from the time when it would naturally begin to the three years instead of one year.

Mr. CONNALLY of Texas. I understand that, but at the same time that would have the effect of validating a lot of claims that had already lapsed.

Mr. MANLOVE. No.

Mr. CONNALLY of Texas. Yes; it would.

Mr. ROBSION of Kentucky. Yes; but, of course, the gentleman understands that every claim must have $100 of assessment work done each year for a period of five years.

Mr. CONNALLY of Texas. But under this bill if that had not been done in 1923 and then it had not been done in 1924, under this bill it would be validated and claims that were invalid would become good; is not that true?

Mr. ROBSION of Kentucky. Yes; the gentleman is right. That is true if no one had entered these claims in the meantime.

Mr. CONNALLY of Texas. Now, why the necessity of doing that?

Mr. ROBSION of Kentucky. This discovery of rich carnotite ore or radium in the Belgian Congo simply flattened out every one of our industries in this country and paralyzed and killed the business, and there has been no inducement or hope for anybody to continue in the business. Many of the mining operations have been dismantled.

Mr. CONNALLY of Texas. That is true; but being true, should these men who let their claims lapse have them validated? Should they not be opened up now so as to give everybody a chance?

Mr. ROBSION of Kentucky. But, as Doctor Hess, of the Geological Survey, and Professor Lynn say, if we can offer anything to this industry and to these men who were pioneers and who have spent so much money and received so little, and whose business is now paralyzed—if we can offer anything to them, we ought to do it, and this is the least thing and only thing we can offer, unless we would put a protective tariff on radium.

Mr. WINTER. Will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. WINTER. With respect to the suggestion of the gentleman from Texas [Mr. CONNALLY] about invalidated claims, the gentleman will recall that failure to do the assessment work does not invalidate a claim unless some one else has initiated a right. The mere absence of annual assessment work in no wise affects the title.

Mr. ROBSION of Kentucky. That is correct.

Mr. CONNALLY of Texas. The new claimant ought to have an equal break with the rest.

Mr. ROBSION of Kentucky. Doctor Hess and others testified that no one would suffer any loss because no one will undertake to improve the claims.

Mr. CONNALLY of Texas. Those are arguments that we have heard before on this question of claims. But the gentleman's bill is drawn so that nobody could get the benefit of the validation unless he filed his claim on the 1st of July, 1924, and that date has passed. In other words, the effect of the bill is to validate the claims of these persons who have let their claims lapse. Why does not the gentleman change the date?

Mr. ROBSION of Kentucky. The Government requires the assessment work to be done. Had it been done it would not have accomplished anything. It would not have been to any purpose except to furnish some one some work. The condition of the industry was such that no one could afford to do it. No new person has entered on the claims and no one is seeking to reenter them; they are valid claims to-day.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. LEATHERWOOD. I am wondering if the locaters find it burdensome to do the assessment work why they do not patent the claims and relieve themselves.

Mr. ROBSION of Kentucky. Well, the gentleman knows it takes five years, or at least $500 of assessment work.

Mr. LEATHERWOOD. I know that a specified amount of work has to be done and then they are eligible for patent. Why do not they patent them?

Mr. ROBSION of Kentucky. For the reason that I have indicated already—a great deal of money has been expended to develop these interests. In the Congo Free State they have discovered this carnotite and it has killed the market for radium. There is no market, and America can not produce it. One suggestion was that we put a protective tariff on radium to equalize the difference between the cost of production here and abroad, but inasmuch as it is used for the purpose of healing it has been recommended that there be no protective tariff. This is the least that you can do for these men who have spent so much and stand to lose so much.

Mr. LEATHERWOOD. Is not this the fact, that the entrymen on these claims have filed upon a large number of claims and thereby removed a large area of mineral-bearing territory from further entry so long as they comply with the law? The law requires that there shall be $500 worth of work done on each claim before it can be patented. I suspect that the requisite amount of work has not been done and they still seek to keep the territory tied up and not comply with the law in doing the annual assessment work.

Mr. ROBSION of Kentucky. These claims have not been patented, that is true. If you will permit me, I want to say that the place where we find radium in this country is in the canyons of Colorado and Utah. They take a ton of metal, and after working with it what do they get? They get a little piece of radium not as large as a pinhead. Carnotite ore in this country is about 1.75 per cent radium compared with the Congo carnotite, and Congo carnotite is more than twenty-five times as rich in radium as American ore.

Mr. BRUMM. It will take 1,200 tons to make 1 gram.

Mr. ROBSION of Kentucky. It takes 600 tons of ore and 600 tons of water to make 1 gram of radium.

Mr. LEATHERWOOD. If the few holders of claims find it unprofitable and they be excused for not doing the assessment work upon those claims, why should not the Government relieve some of the rest of us who are in distress in trying to develop claims bearing other minerals.

Mr. ROBSION of Kentucky. Well, let us first pass this bill. This House has relieved in one or two cases a large number of claimants of assessments. These concerns have gone up there far from any railroad. They must go up 6,000 or 7,000 feet into the ledge and remove this ore. Then they put it on little burros and carry it 15 miles before they can find a place where there is a wagon road; then they haul it 50 or 60 miles to a railroad. Now, these men with spirit and energy have gone in there and expended thousands and thousands of dollars upon these various mining claims.

This trouble has now come upon us. What will it mean to these men; what will it mean to the country, or to anybody, with their plants prostrate, their business paralyzed, to require them to go there and do $100 worth of work every year which would not amount to a copper of value to anybody?

Mr. GARRETT of Tennessee. There is an unlimited demand for this product, is there not?

Mr. ROBSION of Kentucky. There is this much of a demand: There are 6 ounces of radium in all the world. Four of those ounces are in the United States. Each ounce costs, to produce it, about $1,000,000. There is an unlimited demand for it; but the expense of it is so great, who can use it? Before you can use it you must have some doctor who can invest about $100,000 in radium, and that doctor must have some sort of a receptacle in which to keep it, and he must employ an expert to apply it, because when he applies it to the wound he must be such an expert that he can recover from that wound every particle of that radium and put it back into the receptacle, to be used again.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. ROBSION of Kentucky. I understood that I have an hour.

The SPEAKER. No; the gentleman had but five minutes.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. We are proceeding in the House as in Committee of the Whole?

The SPEAKER. That is correct.

Mr. CONNALLY of Texas. Does that mean that no one can speak for more than five minutes?

The SPEAKER. It does.

Mr. CONNALLY of Texas. That also means that he can get an extension of time by unanimous consent?

The SPEAKER. Of course.

Mr. ROBSION of Kentucky. I ask unanimous consent that my time be extended for five minutes, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEATHERWOOD. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. LEATHERWOOD. I am wondering why there is so much scope under the provisions of this bill. As I interpret the bill, if it should be enacted into law, it would be possible to locate and tie up all of the uranium and potassium bearing ores in every State in the West under these locations that are exempt from assessment.

Mr. ROBSION of Kentucky. That is not the purpose of the bill, and if that is what it does I would want an amendment to it. It would apply only to those claims that had been taken.

Mr. LEATHERWOOD. I call attention to the language of the bill, calling attention to carnotite ores, and that includes all uranium and potassium bearing ores.

Mr. ROBSION of Kentucky. We questioned Doctor Hess and also officials of the Bureau of Mines very carefully. There are only 1,500 or 1,800 of these claims, and there are 20 acres to the claim. There can not be any more than 20 acres. We questioned Doctor Hess carefully as to whether anybody would be prejudiced, and he said no. He said that nobody would go and locate a claim with the market under these conditions, and with these plants that men have expended thousands of dollars on going to pieces.

Mr. TAYLOR of Colorado. Were any extended hearings held on this bill?

Mr. ROBSION of Kentucky. Yes.

Mr. TAYLOR of Colorado. Whom did the gentleman's committee have before it?

Mr. ROBSION of Kentucky. We had Doctor Hess.

Mr. TAYLOR of Colorado. And who is Doctor Hess?

Mr. ROBSION of Kentucky. He is a geologist of the Geological Survey, and Mr. Lynn, the chemist for the Department of the Interior.

Mr. TAYLOR of Colorado. Who asked for this bill? Who appeared before your committee?

Mr. ROBSION of Kentucky. There was a number of persons who appeared.

Mr. TAYLOR of Colorado. Was there anyone from Colorado or Utah where these carnotite claims are located who represented the local people and taxpayers? Does anybody else, except Pittsburgh people, want this legislation? I am simply asking for information.

Mr. ROBSION of Kentucky. I do not know that there were any others who held claims. I think there were some from St. Louis.

Mr. TAYLOR of Colorado. I do not say that I am opposed to this bill. I have not heard anything about it from the people in that community. But these claims are nearly all in Montrose County, adjoining my home in Colorado, and my impression is that the Pittsburgh Standard Chemical Co. owns a large number of these claims. I would like to learn the sentiment of the taxpayers of Montrose County on this subject before I vote on it.

Mr. ROBSION of Kentucky. That is not the record.

Mr. BRUMM. They testified to 75 claims.

Mr. TAYLOR of Colorado. If you limit this bill to 75 or 100 claims there would not be any question about it. But if they are holding and not working several hundred or a thousand of them, I doubt the wisdom or advisability of this bill.

Mr. ROBSION of Kentucky. But there are quite a number of claimants.

Mr. TAYLOR of Colorado. Sentiment in Colorado is very sharply divided on this subject of the suspension of annual assessment work. I do not think the application for this law comes from the people generally in that country. The gentle-

man from Utah [Mr. COLTON] represents the adjoining county over there in Utah, and he and I represent, I think, pretty nearly all the carnotite public land in the United States.

Mr. BRUMM. He was at the hearings.

Mr. TAYLOR of Colorado. Yes; and I think he feels about the same as I do. I know the mining business generally as well as the carnotite industry is at a very low ebb, and those people are having hard times and they are very much discouraged. And I know those Pittsburgh people have expended a large amount of money. I have no idea how much they have taken out, and I would not want to say or do anything to injure them. If the bill is not finally acted upon to-day I will inquire into the matter and when the bill comes up again I may actively support it. However, we have been granting these extensions for several years and many people feel that we never will have any more mining development if the mining-claim owners are every year relieved from doing any work or making any expenditure. I wish we had a law requiring every claim owner to pay into the county treasury $50 on a claim a year instead of the assessment work, and that would help the county at least, and the expenditure would not be wasted as it generally is. But I doubt if the people out there want this bill. I will try at once to learn. If these carnotite companies would go ahead and patent this land at $2.50 an acre, then it would go on the tax rolls, and the local people and the counties would get some money out of it. When the carnotite is taken out, the mineral has left the State, and that land is utterly worthless. How much the carnotite people will have left behind in the way of permanent improvements I do not know.

Mr. ROBSION of Kentucky. Every one of those who has these claims and has undertaken to develop them is asking for this relief. Of course, the people from Pittsburgh and other places have spent several million dollars in developing this.

The SPEAKER. The time of the gentleman has expired.

Mr. BRUMM. Mr. Speaker, I move to strike out the last word. This bill was presented by me simply because I am the only member of the Mines and Mining Committee from Pennsylvania, several of the interested parties being citizens of my State.

Radium was unknown before, perhaps, 1913, and at the expense of the Government certain experiments were made running into hundreds of thousands of dollars. Those experiments resulted in producing the first gram of radium, and relying upon those experiments these companies went out to Colorado, and at elevations of from 4,000 to 6,000 feet put their bore holes down, that is, made core drillings, which are very expensive. They invested a great deal of money in this industry. It requires the reduction of 1,200 tons of mineral to produce 1 gram of this metal. They invested all this money and were selling at a profit. They made 75 per cent of the radium of the world, and then all of a sudden new ores were discovered in the Belgian Congo.

I want to say in passing that it seems to me that after the years of having a tariff in this country, some of the questions which have been asked were entirely unnecessary. We did not make any tin in this country and we did not make any glass until those industries were built up by the money invested in Pennsylvania, the same State from which the money is being invested very largely now. Now, this industry was pretty well established. These men went out there and developed it and were making a profit when in the Congo Free State were discovered ores which, instead of bearing 1¾ per cent bear 50 per cent. Any child can answer that. We can not compete with them, and why would not a tariff help? But who wants to put a tariff on a blessing that has saved the suffering of the children and the wounded and afflicted in the hospitals? For that reason these men did not ask for a tariff, nor does the committee, but we do ask for this remedy, and we have no more interest in it than you have.

Now, then, this business has been practically paralyzed, and who disputes it? Can anybody in the House dispute it? They can not, because it is a fact that it is paralyzed.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. BRUMM. Yes.

Mr. UNDERWOOD. Is it not a fact that the only interested parties who appeared before the committee were the Pittsburgh concerns, that own practically all of these claims?

Mr. BRUMM. If the gentleman means those who appeared before the committee, he is practically correct, although I think there was one gentleman from St. Louis, or from somewhere in the West, I do not remember just now. But those who signed the petition to have this bill passed represent all of the radium companies in the United States that are now known. That is the testimony, but they would be glad to include anybody else who is interested, and said so. There is no doubt about that at all. Does the gentleman know of any who are not in this?

Mr. UNDERWOOD. If I remember correctly, the brief hearings we had upon this bill, the concerns named in the report, the Keystone Metals Reduction Co., of Pittsburgh; Arthur Roeder, president of the United States Radium Co.; and Frank L. Hess, geologist of the Geological Survey, were practically the only parties hear in favor of this legislation. Is not that true?

Mr. BRUMM. That is practically true.

Mr. UNDERWOOD. Will the gentleman yield further?

Mr. BRUMM. Yes.

Mr. UNDERWOOD. Does not the gentleman think this is a very dangerous precedent to set, that of relieving the holders of these claims from doing the necessary amount of work now required by law and by the passage of this legislation relieve them of what is now required under the general statutes? Does not the gentleman also think that if these claims are so valuable, as has been alleged upon this floor, that the owners of the claim should perform the necessary work under the law?

Mr. BRUMM. Is that the gentleman's question?

Mr. UNDERWOOD. Yes.

Mr. BRUMM. The gentleman made that very argument before the committee and I understood he had later withdrawn his objection to this bill.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. BRUMM. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BRUMM. The only reason I am speaking is to try to emphasize to the House the fact that this business is peculiar.

It is most peculiar in its nature, in its infancy, and peculiar in its wonderful necessity, and for that reason I do not care what has been done in the past, so far as I am personally concerned; this is a necessity. Are you going to destroy the business or are you going to maintain it? That is what we are up against to-day.

Mr. MANLOVE. Will the gentleman yield?

Mr. BRUMM. Yes.

Mr. MANLOVE. Is there anybody else that the gentleman has ever heard of or who came before the committee, who showed any inclination to want to take up or even intimated he would take up the working of these claims if they went back to the Government?

Mr. BRUMM. Not at all, and there is not any doubt there will be nothing done because as long as this carnotite is found in the Congo there will be no business here, and I will explain in a moment why.

Mr. LAGUARDIA. If the gentleman will yield, what I can not understand is this: If it requires such a large outlay of capital to produce the radium, why will the waiving of the requirements of the law of $100 worth of labor a year give these people any relief? It seems to me it is out of all proportion.

Mr. BRUMM. They have already spent their money, I will say to the gentleman.

Mr. LAGUARDIA. I understand that.

Mr. BRUMM. Their mony is gone and you are asking them to pay for a bugaboo.

Mr. ROBSION of Kentucky. If the gentleman will yield, they invested this money when they could make some profit on the production of radium, but this new discovery in the Congo has killed the business.

Mr. LAGUARDIA. How will $100 a year help them?

Mr. ROBSION of Kentucky. It would amount to $500, and will be that much help. They feel like it is still a burden to put more money into it when they can see no future for the business.

Mr. BRUMM. And if you multiply that by 50 or 60 for one company it amounts to quite a sum of money.

The information the scientists on this side have been able to get up to the present moment is that the ore in the Congo is simply a pocket, and their belief is it will simply be confined to ore that will peter out in a very short time. If it does, there will be no necessity for help and we will move on in this country.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. BRUMM. Yes.

Mr. GARNER of Texas. The gentleman does not share in that hope, I am sure.

Mr. BRUMM. I am simply giving the information which they presented to the committee.

Mr. GARNER of Texas. I am sure the gentleman does not share in the hope that this pocket of ore in the Congo will be eliminated, and they will not be able to produce radium in the Congo as cheap as they now do.

Mr. BRUMM. Let me answer the gentleman in this way——

Mr. ROBSION of Kentucky. Doctor Hess and the other experts in the bureau expressed that view.

Mr. GARNER of Texas. In other words, they hope that this very beneficial thing may give out in the Congo?

Mr. ROBSION of Kentucky. No; they do not hope it.

Mr. BRUMM. Let me answer that question. Do you know what they are getting for this?

Mr. GARNER of Texas. I have not the slightest idea.

Mr. BRUMM. They are getting $70, the same price that it costs to produce it in this country, and this notwithstanding that they have a monopoly. So that if we want cheaper radium we must rely upon America as usual.

Mr. GARNER of Texas. Would not the gentleman like to see it developed all over the world so it could be sold cheaper, and therefore does not the gentleman hope it will not give out in the Congo so the people may have the benefit of it?

Mr. BRUMM. We believe we shall make it cheaper, but you do not give these people a chance. For instance, take tin. We make more tin and cheaper than they make the world over. But it was not so in the beginning.

Mr. GARNER of Texas. I am speaking about the selfishness of the corporation you speak of here in hoping that the radium will give out somewhere else in order that they may produce it over here.

Mr. MANLOVE. Will the gentleman yield?

Mr. BRUMM. Let me answer the question first. If the gentleman or any man in this House had $600,000 in a business, the gentleman would not be so magnanimous and would not look at it from that standpoint.

Mr. GARNER of Texas. No; and I would not argue from a humanitarian standpoint, as the gentleman did a while ago.

Mr. BRUMM. I am not interested in the company, but I am interested in the United States making radium, for in time I believe we shall make it cheaper than any other. That is what I am interested in. I am interested in the United States making radium, just like we have made all the other things that are blessings to the world as well as to this country.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. BRUMM. Yes.

Mr. LEATHERWOOD. What assurance have we that these claims which it is sought to hold do not bear valuable deposits of lead, silver, and gold?

Mr. BRUMM. We had evidence before the committee from the experts who were consulted, and they stated that there were no other appreciable ore values in these particular areas.

Mr. ROBSION of Kentucky. That was the statement of Doctor Hess.

Mr. LEATHERWOOD. What was the source of Doctor Hess's knowledge?

Mr. BRUMM. Doctor Hess is the geological expert in the bureau and ought to know.

Mr. LEATHERWOOD. Has he gone over this ground?

Mr. ROBSION of Kentucky. They had core drills drilling all over the land.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

Mr. LONGWORTH. Mr. Speaker, I see it is quite evident that the conclusion of the consideration of this bill can not be reached within a reasonable time, and, as I understand, the bill will be in order next Monday for further consideration.

The SPEAKER. Yes.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 25. An act providing for a per capita payment of $50 to each enrolled member of the Chippewa Tribe of Minnesota, from the funds standing to their credit in the Treasury of the United States;

H. R. 7064. An act to encourage commercial aviation and to authorize the Postmaster General to contract for air mail service;

H. R. 8308. An act authorizing the Coast and Geodetic Survey to make seismological investigations, and for other purposes;

S. 703. An act making an adjustment of certain accounts between the United States and the District of Columbia.

S. 1179. An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes; and

S. J. Res. 107. Joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam-power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.); including power stations when constructed as provided herein, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEYES, Mr. MCKINLEY, and Mr. KENDRICK as the conferees on the part of the Senate.

AGRICULTURAL CONFERENCE REPORT (S. DOC. NO. 190)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, was referred to the Committee on Agriculture:

To the Congress of the United States:

Transmitted herewith is a preliminary report of the agricultural conference. It embraces such recommendations as the conference wishes to make at this time. I am advised that while it does not refer to some legislation which is already pending that the conference reserves the privilege of making further suggestions at some future time. As I have great confidence in the personnel of the conference, and know that they are representatives of a very large part of agriculture, and that they have given very thoughtful study to the entire situation, I recommend that their report be embraced in suitable legislation at the earliest possible date.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 28, 1925.*

LEAVE OF ABSENCE

Mr. CLARKE of New York, by unanimous consent, was given leave of absence for three days on account of work for reforestation.

SPECIAL COMMITTEE TO INVESTIGATE THE SHIPPING BOARD AND THE EMERGENCY FLEET CORPORATION

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that the select committee appointed by the Speaker of the House under authority of House Resolution 186, Sixty-eighth Congress, first session, shall have the right to file the report of its inquiries, with such recommendations as it may deem advisable, with the Clerk of the House on or before the second Monday of December next; and that the same right shall be accorded to any member or members of said committee, it being expressly understood that this request and consent thereto shall not extend the power and authority of said committee or of any member thereof in any other respect beyond the adjournment of the present Congress.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

Mr. HOWARD of Nebraska. Reserving the right to object, what is it?

Mr. WHITE of Maine. This request is made by the direction of the committee designated by the Speaker to inquire into the Shipping Board and Emergency Fleet Corporation and its activities. I may say that the committee has conducted most

exhaustive inquiries, but it is very much delayed in the printing of the record. Apparently we are not to have the printed record before the 15th of February at the best. If it means that we are forced to make a report before Congress adjourns it will have to be a very perfunctory report. The merchant marine is to be under consideration in the House at the next Congress, and if we can get the report in it will be available to Members at that time, and we ask to be permitted to do it.

Mr. HOWARD of Nebraska. Does not the gentleman feel that we could?

Mr. WHITE of Maine. I should be most happy if I felt that it could be gotten out; but the truth of the matter is that on account of the congestion in the Printing Office we can not get the printed record, and my best information is that that printed record will not be available before the 15th of February at the best, and then it will be without an index.

Mr. HOWARD of Nebraska. We allowed a bill of $7,000 for printing outside of the Printing Office for somebody the other day. Can we not do that in this case?

Mr. WHITE of Maine. This request contemplates that this committee shall have absolutely no authority beyond the 4th of March other than to write and file the report.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. LAGUARDIA. The request is to file the report in December, and in the meantime when will the report be completed?

Mr. WHITE of Maine. I can not answer that definitely, but I think it is the purpose of some members of the committee to stay here after adjournment of Congress and work on this report, and if we are able to get it in shape we will file it at the earliest possible moment.

Mr. LAGUARDIA. It would not be available to Members before the meeting of Congress?

Mr. WHITE of Maine. Not until Congress convenes, but I think it would then be accessible.

Mr. LEHLBACH. It would make no difference how soon the report was completed after the 4th of March, there would be nobody to make the report to and it would not be available to the membership generally.

Mr. BLANTON. Reserving the right to object—and I do not think I shall object—I understand from the gentleman's request that there will be no action taken by the committee whatever; that there will be no money spent and that the committee will take no trips?

Mr. WHITE of Maine. We do not ask that the authority of the committee shall be extended beyond the 4th of March in any other respect than the completion and the filing of the report.

Mr. CHINDBLOM. Well, it may be necessary to have some clerical assistance in preparing the report.

Mr. BLANTON. The report is practically written now, but it is not printed.

Mr. WHITE of Maine. Oh, no.

Mr. UPSHAW. Clerical assistance would be incident to the filing of a report, I should think.

The SPEAKER. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, reserving the right to object, I ask the gentleman from Maine to tell me if this committee will perform any other function than the filing of this report?

Mr. WHITE of Maine. We have to prepare it and write it. The life of the committee will die with the 4th of March, except for that one particular.

Mr. HOWARD of Nebraska. The dead committee will do the writing?

Mr. WHITE of Maine. Yes; but it will be a live report.

Mr. BLANTON. Mr. Speaker, reserving the right to object, there are 36 days between now and the adjournment of Congress. Surely there is plenty of time between now and adjournment of Congress to prepare this report ready for printing; but with the understanding that no money is to be spent after the adjournment of Congress, I shall not object.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

OUR DEBT TO ITALY

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein some remarks of Mr. Charles E. Fairman on our debt to Italy, and that does not involve any international question.

The SPEAKER. Is there objection?

There was no objection.

Mr. KING. Mr. Speaker, under leave granted me, I submit the following address delivered by Mr. Charles E. Fairman before the young people of the Church of the Redeemer (Italian Baptist Church), Sunday, May 18, 1924:

St. Paul said in the first chapter of Romans, in the fourteenth verse, "I am debtor both to Greeks and to barbarians, both to the wise and to the unwise." I want to talk to you a little while this evening about our debt to Italy. We all understand what a debt means. We have all of us either had some one owe us, or we owed some one. We have debts to our country, debts to our family, debts to our city, debts to our neighbors; and the city, the country, the neighbors, and the families have their debts to us. Of course, you will probably think that I am referring to the great debt that we owe to the Italian people on account of the discovery of this continent by an Italian, but I wish to make a more specific statement. I wish to get nearer to the debt which we who have this beautiful Capitol building upon the hill, who look at that building as an emblem, as a symbol, as a representative place where laws are made and which brings to us, under the flag which floats there, freedom, that we who have that building are indebted largely to the Italian people, to Italy.

When Thomas Jefferson was elected President of the United States he was the second President to serve as a President in Washington. The Capitol was then not completed. There was just a plain building. Let us suppose [holding up a book] that this is the area of the building and that this is one side of it. It was as plain as that, as plain as a box, and in that building, probably not more than 120 feet wide by 128 feet long, were gathered the House of Representatives, the Senate of the United States, the Library of Congress, and the Supreme Court, and not only that but the courts of the District used to meet in that building at such times as the Supreme Court was not in session.

That was practically the condition when Mr. Jefferson became President of the United States. He was one of the most learned men that have ever occupied the position of President. He had a wide knowledge, not what you might call a specialized knowledge but a general knowledge of many things. He was a very good architect, so good, indeed, that he knew better than to try to be his own architect for that building, and for this reason he appointed as architect a man by the name of Latrobe. Mr. Jefferson and Mr. Latrobe talked the matter over and they had an idea that they must erect a building to the south for the House of Representatives. Mr. Jefferson said to Mr. Latrobe, we must have some fine architectural embellishments to this building; we must have some sculptural work. The question is where can we find decorative sculptors in the United States in the year 1804. Mr. Jefferson thought of an Italian by the name of Philip Mazzei who had been at one time an agent or representative of the Italian Government in the State of Virginia and who had also represented the State of Virginia in a commercial way before the Revolution. Mr. Jefferson suggested writing to Mr. Mazzei, who was then in Italy, and asking him to select for them a sculptor or sculptors to come here to work upon the Capitol Building. So, accordingly, a letter was written, and in this letter a general outline of the plan for the development of this new building was stated. This letter was written in March, 1805, and unfortunately we have none of the letters that passed between Mr. Mazzei and Mr. Latrobe after that time. But some time in February, as near as I can find, in the year 1806, two Italian sculptors from Cararra, Italy, and their wives arrived in Baltimore and from Baltimore came by stage to Washington. Mr. Latrobe had some slight knowledge of Italian. Twenty years before that he had spoken Italian fluently. He was absent from the city, and the clerk in the office of the supervisor of the works, or surveyor, wrote of the arrival of these two Italian sculptors, Giovanni Andrei and Giuseppe Franzoni. The Franzoni name is well known here in Washington at the present time. So they were given a house where they could have their own housekeeping apartments, and they commenced work.

I want to cite this as an instance of the simple way in which people lived here in Washington in the year 1806. If some man from Italy should come here to be employed as sculptor and called on the President at the White House, we would be very much surprised, but this is exactly what Giuseppe Franzoni did. He called on President Jefferson, and the way we know it is because we have a letter from Mr. Jefferson written to Giuseppe Franzoni, in which he says:

> "I did not understand when you called yesterday that you left some articles in marble for me. I am obliged to return them * * *."

So we know that very soon after the arrival of Giovanni Andrei and Giuseppe Franzoni they called upon the President, and a little later we have another evidence of the friendly relations which existed between the President and Giuseppe Franzoni. Giuseppe Franzoni was a prize scholar at a school in Florence. He had taken a prize in Florence. His father was the president of the Art Academy at Cararra. An uncle was a cardinal of the Church of Rome. They came from good stock, and Giuseppe Franzoni had a reputation that was excellent as a sculptor before he ever came to this country. So soon after he came to this country he conceived the idea of importing some of his sculptural works, and we find on the 5th of March, 1807, a letter from President Jefferson to Giuseppe Franzoni, saying:

"I have inquired about the appraisal of value upon those statues and find that it will be necessary for you to appoint some person to appraise the value, and for the collector at Baltimore to appoint some person, and they will have to fix the price, and you ought to take action in this before the 12th of this month or the statues will be sold."

We do not know what the statues were, whether they were sold, or the duty paid on them, and the statues turned over to Mr. Franzoni.

Mr. Latrobe was to have in this new building, which was to be a counterpart in size of the building that existed when Latrobe came here, a room for the meeting place of the House of Representatives, and in that room they wished to have a frieze supported by 20 Corinthian columns. They also wanted upon the frieze a representation of the American eagle, with wings extended, the extended wings of the eagle to be something like 12 feet. It seems that Giuseppe Franzoni, who was to do this sculptural work, did not understand very well about the American eagle, and we find a letter from Latrobe in which he asks Charles Willson Peale, a noted painter of that day, who had a son, Rembrandt Peale, if he would not sketch or have his son sketch an eagle, so that Mr. Franzoni might have this as a pattern. This sketch was furnished, and later, in writing concerning this, Mr. Latrobe said:

"I do not feel that there has been carved in stone or in any other medium an eagle of such noble proportions and so well defining an American eagle as this work of Giuseppe Franzoni."

The man only needed an idea; he could then execute it. There was also executed for this Hall of the House of Representatives a seated statue of Liberty. This was to be a seated statue 9 feet high and was to be back of the Speaker's chair. The frieze opposite was to have four statues representing commerce, agriculture, art, and science.

Slowly the work proceeded. In 1807 they were able to use this new building which had been erected as a meeting place for the House of Representatives. In the meanwhile it was difficult to get appropriations, and the work seemed to drag and the enthusiasm of the people seemed to suffer, and finally it was decided that they would suspend work and furnish these two Italian sculptors transportation back to their homes.

Unfortunately at this time a war with Great Britain was impending and travel upon the seas was not considered safe, so that these sculptors, Andrei and Franzoni, remained here and were here during the War of 1812, which terminated disastrously for Washington, for on the 24th of August, 1814, the British took possession of the city, entered the Capitol, took the books from the library, the furniture from the different rooms, two paintings, which were the only paintings then owned by the Government—portraits of Marie Antoinette and Louis XVI—and made a great bonfire in the Hall of the House of Representatives. This Hall I should say is now known as Statuary Hall. It has been rebuilt since that fire. Of course, everything which had been carved from the Aquia Creek sandstone crumbled under the fire. All of the sculpture of Giuseppe Franzoni was destroyed. All of the Corinthian capitals which had been carved by Giovanni Andrei crumbled away, and it is to Andrei that we owe a debt for the only representation or pencil sketch of the Hall as it was after the fire. Then, of course, the question was to rebuild. Congress could not meet in the Capitol because of the devastation caused by the fire. They met in a building on the corner of Seventh and E Streets, where the Post Office Department Building now stands. That building was then Blodgett's Hotel. They met there for one session of Congress, and by the time Congress was ready to convene again a building had been erected on Capitol Hill in that section of the row of buildings which was used during the Civil War as the Capitol prison and where is now located the headquarters of the National Women's Party.

During the rebuilding of the Capitol they had found that it cost a great deal, owing to the different scale of prices—and there was a different scale of prices in those days as well as now—to carve these Corinthian capitals. It had been talked of before the fire that they could get them carved cheaper in Italy than here. Things dragged along slowly.

Giuseppe Franzoni died in April, 1815, and is buried in Oak Hill Cemetery, and that left the Capitol without a sculptor who could carve statues. Giovanni Andrei was a decorative sculptor, who carved decorations in stone for buildings. So Mr. Andrei proposed that he should go back to Italy and have the columns of the new House of Representatives carved there—24 in number there were to be; so in August, 1815, Giovanni Andrei and his wife went back to Italy. He remained there some time and at Cararra established a shop, and the 24 capitals of the columns which are now in the Hall known as Statuary Hall were carved in Cararra and brought over to this country in full completed condition. It is interesting to read from an Italian paper published in Florence that the Duchess Marie Beatrice had visited the studio and was very much pleased with the beautiful Corinthian capitals that were being carved there for the Capitol at Washington. Then in that account we find that Mr. Andrei had a leave of absence for nine months, but he must have been away longer, for he sailed in August of 1815 and this was in July of 1816 that the notice in this Italian newspaper is dated.

He finally came back and brought with him two sculptors, Francisco Iardella and Carlo Franzoni. Carlo Franzoni was a younger brother of Giuseppe Franzoni, who had died here in 1815. He was a sculptor of merit and had achieved a reputation as a prominent sculptor before leaving Cararra. There was another brother, Emanuele Franzoni, also a sculptor, who had worked in connection with Carlo Franzoni. Emanuele would not come to this country, although at Carlo's death he was offered a position. So that with these two sculptors work commenced again in the same way. The most that we have of the work of Carlo Franzoni is a group or a figure piece known as The Car of History and as Franzoni's Clock. It stands upon the gallery front of the old gallery of Statuary Hall, formerly the House of Representatives. This clock represents a winged car, one wheel of which forms the dial of the clock, and a female figure, the Goddess of History, stands there with a tablet upon which, as the car moves over the world, she records the events as they occur. It must have been of importance to the House of Representatives to have before them that symbol that showed them from day to day that history was recording the different events transpiring in the House of Representatives.

Carlo Franzoni died in this city on May 12, 1819, the year of the completion of that wonderful masterpiece. He left several children, and from those children we have most of the Franzonis now residents of Washington.

Just before the coming of Carlo Franzoni and Francisco Iardella, who, by the way, was a cousin of the Franzonis, other sculptors appeared. A sculptor by the name of Antonio Capellano made his appearance in 1815 in Baltimore. He had been sent for by an architect by the name of Godefrol, of Baltimore. He arrived there while Mr. Godefrol was away on a sketching expedition, and this poor Italian, who could speak no English, found himself in an embarrassing position. Rembrandt Peale found him in some way, and he established him in Mr. Godefrol's house and instructed the cook to provide meals for him and in the meanwhile secured by subscription a commission for the carving in relief upon a church in Baltimore "Moses giving the law" and the parable of the "Miracle of the loaves and fishes." He afterwards came to the Capitol and did some of the bas-relief work in the rotunda that is high up above the historical paintings.

There was also another sculptor by the name of Giuseppi Valaperti. I have never been able to find through the records how he happened to come here. He had been a prominent sculptor and at some time executed commissions for the King of Spain. He had a family, a wife and three children. He lived near Genoa, and it was some time before he was able to get any commissions. He finally got a commission to carve another eagle, and that eagle still can be seen on the frieze in Statuary Hall, the only piece of work, so far as is known, that Valaperti executed in this country. He had been ill much of the time, and his illness seemed to leave his mind in an unsettled condition. He seemed to feel that people were not true, not sincere, and that when they praised his work they were just telling him that although they didn't believe it. It seemed to prey on his mind, and he felt that his ability as a sculptor had gone.

One day, after he had written out his will and named his executor, he left his boarding place March 4, 1817, and was never heard of after that date. It was supposed that he committed suicide by drowning in the Potomac River, but what that supposition is based upon I have never been able to find. His will was admitted to probate, and his wife and children received the proceeds of the money that was due him, his effects having been sold at auction, so that the money could be turned over to his heirs.

There was another Italian, who came here about 1825, by the name of Luigi Persico. He had been painting miniatures and teaching drawing in Philadelphia. He did not seem to be able to get any sculptural commissions, and finally Rembrandt Peale, serving as one of the jurors at an exhibition of the Art Academy, discovered the merit of the work of Persico. Shortly after he came here to this city and was able before long to secure some very important commissions, which brought him well in the neighborhood of $40,000. He made the statues of Peace and War that are in niches on the east front of the Capitol as you go in at the rotunda. He also made the Discovery Group, on the south blocking of the east front of the Capitol. The face of Columbus is said to be carved from a life portrait bust in one of the cities of Spain.

We are fortunate in having the portrait in oil of Carlo Franzoni. It has been given to the Capitol by Dr. Charles H. Franzoni and it now hangs in the office of the architect. It was painted by an Italian artist who also came from Cararra, an artist by the name of Pietro Bonanni. He was a prize scholar at the Academy of Fine Arts in Cararra. From there he went to Paris and studied under David, and then went to Rome and painted some portraits while there, and also some in Paris and Cararra before coming to this country. Bonanni was given the commission to decorate the half-dome ceiling of the new hall of the House of Representatives, now Statuary Hall, and he painted it in light and shade so that it appeared to be a half dome in

actual relief divided into spaces, and is copied from the dome of the Pantheon in Rome. That painted dome remained there until 1901, when it was taken down and a fireproof ceiling put in its place, but this fireproof ceiling is a copy of the ceiling painted by Bonanni, so the present ceiling is an exact copy of the ceiling that was placed there by Bonanni with this exception: This ceiling is now in actual relief, while the other was painted so that it had all of the appearance of relief. Bonanni also died in this city in the year 1821. A peculiar occurrence is connected with his last illness and death. There was in Washington an Italian by the name of Mariano, who was attempting to secure a clerkship for one of the territorial commissions, and he called on Bonanni on the 10th of June, 1821, Sunday, and at Bonanni's request he wrote out his will and left him, and proceeded to the hotel where he was living and dropped dead at the door of the hotel. Bonanni lived until the following Friday, the 15th of June, 1821; so that Italy has given to us some very celebrated artists who have died and who remain here.

Giovanni Andrei died in 1824 after he had completed the carvings of the capitals in the east portico. Francisco Iardella died in 1831. Of the wives who came here, the only one to go back was the wife of Giovanni Andrei. Camilla Franzoni, the wife of Giuseppe Franzoni, married her old sweetheart, Francisco Iardella. There is a story in the Iardella family to the effect that they had been sweethearts in Italy, but that the Franzoni family thought, or the mother of Camilla thought, that Giuseppe Franzoni was a far better match than Francisco Iardella, and so when Camilla Franzoni was a widow Iardella came to this country, secured employment upon the Capitol, and after the death of Andrei took Andrei's place as the head decorative sculptor. So that the wife of Giovanni Andrei seemed to be the only one that went back to Florence.

This is in brief some of the reasons why I think there is a great debt due to Italy, and as you go out to-night and look up at the dome of the Capitol you will see that white dome and above it a bronze statue of Freedom, the work of an American sculptor, Thomas Crawford, whose home for many years was in Italy. He did not die in Rome where his home was. He died while temporarily in London. But we want to count Thomas Crawford as one of the contributions that we have made from this country to Italy.

There is another one that I might refer to, Sir Moses Ezekiel, who carved the bust of Thomas Jefferson in the Senate Chamber. He was given the title of nobility by the Italian Government. He is best known in this country by his statue group to the women of the Confederacy, which is over in Arlington Cemetery.

Another was Richard S. Greenough, a younger brother of the sculptor, Horatio Greenough. He is represented in Statuary Hall by the statue of Governor Winthrop, of Massachusetts. Greenough died in Rome, Italy, in 1904.

And still another, Chauncey B. Ives, of the State of Connecticut, who is represented in Statuary Hall by the statutes of Jonathan Trumbull and Roger Sherman. He died in Rome in 1894.

And another, Larkin G. Mead, a citizen of the State of New Hampshire, the sculptor of the heroic statue of Ethan Allen in Statuary Hall in the Capitol, also the sculptor for that wonderful memorial to Abraham Lincoln at Springfield, Ill. He died in Florence, Italy, in 1910.

Another was Hiram Powers, who is probably best known throughout the art world by his statue of the Greek slave, and who is represented in the Capitol by his statues of Jefferson and Franklin. He died in Florence in 1883.

Another, William H. Rinehart, the sculptor of the bronze doors at the House entrance to the Capitol, died in Rome in 1874.

Another prominent sculptor was Randolph Rogers, the sculptor of the Rogers doors that stand at the eastern opening of the Capitol to the rotunda. He died in Rome in 1892.

Another sculptor in the list, Franklin Simmons, a native of Maine, who executed four statues that are in Statuary Hall, three busts that are in the Senate wing, died in Rome in 1913.

And last, Horatio Stone, the sculptor of the statues of Hancock, Baker, and Hamilton, died in Cararra, Italy, in 1875.

Thus in some measure we have paid our debt by giving to Italy so many of the sons of the United States, but for the artistic inspiration, for the leadership in art directions, for the influence of Italian art found in all portions of the Capitol Building, we still are and ever will be in debt to Italy.

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. Mr. Speaker, several gentlemen are interested in the order of business to-morrow. I suppose it will be the consideration of the independent offices appropriation bill?

Mr. LONGWORTH. Yes; and we will continue that until it is finished.

SURPLUS GOVERNMENT EMPLOYEES

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to print therewith a short excerpt from the address of the President delivered on Monday evening last.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I was gratified to hear over the radio and to note in the headlines of the morning papers the whole-hearted indorsement by the President in his address on the Budget at Memorial Continental Hall last evening of the views expressed in my speech urging a reduction of surplus Government employees printed in the CONGRESSIONAL RECORD in the first session of this Congress.

At that time my assertion that surplus employees were being carried on the Government pay rolls met with flat contradiction by officials of the National Federation of Federal Employees, who replied to the speech through the Washington newspapers, and it was also the subject of bitter partisan criticism in the campaign in Missouri last fall.

The following excerpt from the President's address effectually disposes of the contention of those who took issue, both on the number of surplus employees and the need for retrenchment in that important item of Government expenditure:

At our meeting last June I called your attention to the necessity of reducing the Government pay roll. The matter of personnel should be kept constantly in mind. It is the heaviest single item of our expenditures. In 1913 the average salary of Government employees in the District of Columbia was $1,134. On July 1, 1924, the average salary was $1,749. This shows an increase in the average salary of $615 within this period. I do not think anyone can claim that the cost of living has increased $615 in the same time. This is more than a 54 per cent advance. Should the salaries of all employees in each class reach the average rate authorized for the class, the average salary would be $1,809 per year. We can not look to a reduction in pay to effect a reduction in the Government pay roll. What we are looking for is a reduction in the number of employees. Let me remind you that the Government pay roll for 1924 reached the staggering total of $1,650,000,000. This includes the active personnel of the Federal service, the several retired lists, the pensioners, and other beneficiaries of the Government. This staggering total should cause concern, not only to us but to every thinking citizen. While there can not be and should not be parsimonious withholding from deserving pensioners who have a just lien on our gratitude and purse, and while inadequate compensation for necessary and worthy employees should not be advocated, not a dollar should be asked from the taxpayers for superfluous personnel. We have superfluous employees. It is an unpleasant and difficult task to separate people from the Federal service. But it can be done. It will be done. I advise Federal administrators to plan to operate with a smaller personnel than is now employed.

Mr. Speaker, it is an old adage that great minds run in the same channels, and I am most happy to have such distinguished company in approval of the views which I expressed on this subject more than six months ago.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Thursday, January 29, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

823. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, reports on preliminary examination and survey of Bronx (Harlem) Kills, N. Y., from the lower end of Harlem River to Long Island Sound; to the Committee on Rivers and Harbors.

824. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Department of Justice for the fiscal year 1924 and prior years, amounting to $328,544.40, and supplemental estimates of appropriations for the fiscal year ending June 30, 1925, amounting to $1,131,500; in all, $1,460,044.40; also drafts of proposed legislation affecting existing appropriations (H. Doc. No. 579); to the Committee on Appropriations and ordered to be printed.

825. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1925, to remain available until expended, to enable the Chief Executive to continue such action as may be required for the purpose of insuring enforcement of either civil or criminal liability pertaining to oil leases made on the naval reserves and the protection of the interests of the United States in such reserves (H. Doc. No. 580); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 374. A bill to increase the limit of cost of public building at Decatur, Ala.; without amendment (Rept. No. 1294). Referred to the Committee of the Whole House on the state of the Union.

Mr. VAILE: Committee on the Public Lands. H. R. 11952. A bill to authorize the exchange of certain patented lands in the Rocky Mountain National Park for Government lands in the park; without amendment (Rept. No. 1297). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. H. R. 11644. A bill granting certain public lands to the city of Phoenix, Ariz., for municipal park and other purposes; without amendment (Rept. No. 1298). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on Irrigation and Reclamation. S. 2397. An act to provide for refunds to veterans of the World War of certain amounts paid by them under Federal irrigation projects; without amendment (Rept. No. 1299). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. H. R. 11077. A bill authorizing the issuance of patents to the State of South Dakota for park purposes of certain lands within Custer State Park, now claimed under the United States general mining laws, and for other purposes; without amendment (Rept. No. 1300). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 11886. A bill to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911 (36 Stat. L. p. 961); without amendment (Rept. No. 1301). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 335. A joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge"; without amendment (Rept. No. 1302). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. H. R. 10472. A bill to provide for restoration of the Old Fort Vancouver Stockade; with amendments (Rept. No. 1303). Referred to the Committee of the Whole House on the state of the Union.

Mr. PARKS of Arkansas: Committee on Interstate and Foreign Commerce. S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River at or near the city of Batesville, in the county of Independence, in the State of Arkansas; with amendments (Rept. No. 1305). Referred to the House Calendar.

Mr. PARKS of Arkansas: Committee on Interstate and Foreign Commerce. S. 3885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas; with amendments (Rept. No. 1306). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SMITH: Committee on the Public Lands. H. R. 919. A bill for the relief of Frank Norton; without amendment (Rept No. 1304). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 10347. A bill for the relief of Robert B. Sanford; with an amendment (Rept. No. 1307). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11835) granting an increase of pension to Bridget Kelly; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11993) granting a pension to Amelia A. Keith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WILLIAMS of Michigan: A bill (H. R. 11997) creating a Federal cooperative marketing board to encourage and aid, upon application, in the formation of cooperative marketing associations, cooperative clearing-house associations, and terminal market associations handling agricultural products; to correlate the activities of such associations; to develop efficient and economical methods of distributing and marketing such products; to bring to the aid of such associations the resources of the departments of the Federal Government; and for other purposes; to the Committee on Agriculture.

By Mr. SNYDER: A bill (H. R. 11998) to amend the act of June 30, 1919, relating to per capita cost of Indian schools; to the Committee on Indian Affairs.

By Mr. LAZARO: A bill (H. R. 11999) to promote the production of sulphur upon the public domain; to the Committee on the Public Lands.

By Mr. STRONG of Kansas: A bill (H. R. 12000) to amend the agricultural credits act of 1923, approved March 4, 1923; to the Committee on Banking and Currency.

By Mr. REED of West Virginia: A bill (H. R. 12001) to provide for the elimination of Lamond grade crossings in the District of Columbia, and for the extension of Van Buren Street; to the Committee on the District of Columbia.

By Mr. KELLER: A bill (H. R. 12002) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes; to the Committee on the District of Columbia.

By Mr. THOMAS of Oklahoma: A bill (H. R. 12003) authorizing the Secretary of the Interior to issue patent to the city of Lawton to certain lands in the Mount Scott subagency; to the Committee on the Public Lands.

By Mr. WILSON of Louisiana: A bill (H. R. 12004) authorizing an investigation, examination, and survey for the control of excess flood waters of the Mississippi River below Red River Landing in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes; to the Committee on Flood Control.

By Mr. WILLIAMSON: A bill (H. R. 12005) authorizing an appropriation for the payment of certain claims due certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses; to the Committee on Indians Affairs.

By Mr. HAUGEN: Joint resolution (H. J. Res. 335) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge"; to the Committee on Agriculture.

By Mr. TEMPLE: Joint resolution (H. J. Res. 336) to provide for the expenses of delegates of the United States to the Pan American Congress of Highways; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 337) providing for an immigration and naturalization commission, and for other purposes; to the Committee on Rules.

By Mr. FISH: Resolution (H. Res. 419) authorizing payment out of the contingent fund of the House of the expenses of the select committee to investigate the National Disabled Soldiers' League (Inc.); to the Committee on Accounts.

Also, resolution (H. Res. 420) establishing a permanent international court of justice at The Hague; to the Committee on Foreign Affairs.

By the SPEAKER (by request): Memorial of the Legislature of the State of Oregon, urging Congress to provide the funds to build a new hospital in Portland, Oreg.; to the Committee on World War Veterans' Legislation.

By Mr. SMITH: Memorial of the Legislature of the State of Idaho, favoring the passage of Senate bill 2327, introduced by Hon. FRANK R. GOODING, Senator of the United States from the State of Idaho, now pending before the Committee on Interstate and Foreign Commerce; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 12006) granting a pension to Myrtle Blanche Wicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12007) granting an increase of pension to Nancy E. F. Baker; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 12008) for the relief of Ester I. Fisher; to the Committee on Claims.

By Mr. DICKINSON of Iowa: A bill (H. R. 12009) granting a pension to Caroline Thie; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 12010) granting an increase of pension to Mary Igert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12011) granting an increase of pension to Livona E. Miner; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 12012) granting an increase of pension to Anna M. Scofield; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 12013) granting an increase of pension to John Q. Adams; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 12014) granting a pension to Karl H. Lange; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 12015) granting an increase of pension to Charles H. Ferguson; to the Committee on Pensions.

Also, a bill (H. R. 12016) granting an increase of pension to Rebecca Richmond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12017) granting an increase of pension to Helen Vaughan; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 12018) granting a relinquishing title to certain lands in the State of Washington to the American Board of Commissioners for Foreign Missions, and for other purposes; to the Committee on the Public Lands.

By Mr. UNDERWOOD: A bill (H. R. 12019) granting an increase of pension to Lavina Smith; to the Committee on Invalid Pensions.

By Mr. WARD of New York: A bill (H. R. 12020) for the relief of Lieut. Col. Henry C. Davis; to the Committee on Naval Affairs.

By Mr. WATKINS: A bill (H. R. 12021) authorizing payment of reward due Frank M. Snow for the arrest of J. K. Giles, alias John C. Laird; to the Committee on Claims.

By Mr. WILLIAMSON: A bill (H. R. 12022) granting an increase of pension to Eliza J. Benedict; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12023) granting an increase of pension to Elizabeth J. Holliday; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12024) granting an increase of pension to Marah A. Pinkerton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3579. By the SPEAKER (by request): Petition of citizens of Michigan and Williams County, N. Dak., opposing compulsory Sunday legislation; to the Committee on the District of Columbia.

3580. Also (by request), petition of Park Manor Congregational Church, Chicago, Ill., indorsing the Capper-Hull measures (S. 2532 and H. R. 7038); to the Committee on Military Affairs.

3581. Also (by request), petition of Emilio Farisa, general organizer, United Brotherhood of Carpenters and Joiners of America, asking for an investigation of the economic, social, and industrial conditions in Porto Rico; to the Committee on Insular Affairs.

3582. By Mr. CONNERY: Petition of the Boston First Austrian-Hungarian Association, urging a revision of the Johnson immigration bill to take care of stranded immigrants; to the Committee on Immigration and Naturalization.

3583. By Mr. CULLEN: Petition of New York Chapter, Military Order of the World War, indorsing the bill for the retirement of disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

3584. By Mr. LAGUARDIA: Petition of New York Chapter, Military Order of the World War, urging the passage of legislation respecting the retirement of disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

3585. By Mr. MOONEY: Petition of Cleveland Bar Association, indorsing House bills 7785 and 7786, for increase in salaries to all Federal judges; to the Committee on the Judiciary.

3586. By Mr. O'CONNELL of New York: Petition of the New York Chapter, Military Order of the World War, favoring House bill 6484 and Senate bill 33, for the retirement of disabled emergency Army officers; to the Committee on Military Affairs.

3587. Also, petition of New York Chapter, Military Order of the World War, irrevocably against the consideration of any attempt to recognize the Soviet Russia until such time as the government may be established and shall give unmistakable proof that its activities conform in general to the ideals of the United States and its Constitution; to the Committee on Foreign Affairs.

3588. By Mr. RAKER: Petition of the Vallejo Chamber of Commerce, Vallejo, Calif., urging completion of the lower Sacramento River control works project; to the Committee on Appropriations.

3589. Also, petition of Blanche A. Bellak, national chairman Gold Star Department of the American War Mothers, Philadelphia, Pa., urging passage of House bill 9095, to incorporate the American War Mothers; to the Committee on the Judiciary.

3590. Also, petition of Thomas Donlan, San Francisco, Calif.; G. M. Wilson, San Francisco; Rose Brennan, San Francisco; Mary A. Burns, San Francisco; Mabel Murray, Oakland; Louise Heaney, San Francisco; Mrs. Daisy Reiel, San Francisco; Annie M. McEnaney, San Francisco; Blanche G. Fletcher, San Francisco; Mrs. J. Sims, San Francisco; Frances L. Bludson, San Francisco; James Moore, Oakland, Calif., all urging support and passage of the Shreve bill (H. R. 8352); to the Committee on the Civil Service.

3591. Also, petition of the Holmes Investment Co., San Francisco, Calif., and the West Hollywood Realty Board, Hollywood, Calif., protesting against the establishment of a rent commission in the District of Columbia; to the Committee on the District of Columbia.

3592. Also, petitions of Curt Teich & Co., of Chicago, Ill., and Pacific Novelty Co., of San Francisco, Calif., protesting against increased rates on souvenir post cards; to the Committee on the Post Office and Post Roads.

3593. Also, petitions of E. D. Wichels, of Vallejo, urging early consideration and passage of civil service retirement bill (S. 3011), and Katherine Goodwin, Mrs. M. Gimenes, and Mamie Logan, all of San Francisco, urging support of the Shreve bill (H. R. 8352); to the Committee on the Civil Service.

3594. By Mr. ROBINSON of Iowa: Petition of Dubuque Chapter of the Reserve Officers' Association of the United States, approving Senate bill 2532 and House bill 7036; to the Committee on Military Affairs.

3595. Also, petition of Fairbank Tourist Club, favoring entrance of the United States in the World Court of International Justice on the basis of the Harding-Hughes reservations; to the Committee on Foreign Affairs.

3596. By Mr. SEGER: Petition of the Board of Commerce and Navigation of New Jersey, approving the rivers and harbors bill and urging its speedy enactment into law; to the Committee on Rivers and Harbors.

3597. By Mr. SITES: Petition of the general executive committee of the Woman's Foreign Missionary Society of the Methodist Episcopal Church in annual meeting, October 29, 1924, requesting a reconsideration of the Japanese exclusion section in the immigration act of 1924, with a view to elimination of race discrimination and to reestablishment of the bonds of friendship that will make possible cooperation in works of peace throughout the world; to the Committee on Immigration and Naturalization.

SENATE

THURSDAY, *January 29, 1925*

(Legislative day of Monday, January 26, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, one of its clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 11956. An act to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909" approved February 9, 1909; and

H. J. Res. 60. Joint resolution authorizing the improvement of the system of overland communications on the Seward Peninsula, Alaska.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 703. An act making an adjustment of certain accounts between the United States and the District of Columbia;

S. 1179. An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes;

H. R. 25. An act providing for a per capita payment of $50 to each enrolled member of the Chippewa Tribe of Minnesota, from the funds standing to their credit in the Treasury of the United States;

H. R. 7064. An act to encourage commercial aviation and to authorize the Postmaster General to contract for air-mail service;

H. R. 8308. An act authorizing the Coast and Geodetic Survey to make seismological investigations, and for other purposes; and

S. J. Res. 107. Joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 51. An act for the relief of the owner of the schooner *Itasca;*

S. 1199. An act authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army;

S. 1665. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.; and

S. 2148. An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. The Chair asks the Clerk to read the following order, which was entered many years ago by the Senate.

The reading clerk read as follows:

Ordered, That, unless otherwise directed, on the 22d day of February in each year, or if that day shall be on Sunday, then on the day following, immediately after the reading of the Journal, Washington's Farewell Address shall be read to the Senate by a Senator to be designated for the purpose by the Presiding Officer; and that thereafter the Senate will proceed with its ordinary business.

The PRESIDENT pro tempore. In accordance with this order, which is still in force, the Chair designates the Senator from Arizona, Mr. ASHURST, to read the Farewell Address upon the 23d of February.

REPORT OF CHESAPEAKE & POTOMAC TELEPHONE CO.

The PRESIDENT pro tempore laid before the Senate the report of the Chesapeake & Potomac Telephone Co., submitted pursuant to law, to be substituted for the incomplete report heretofore submitted, which was referred to the Committee on the District of Columbia.

DOCUMENTS RECEIVED AND DISTRIBUTED BY THE TREASURY

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report showing the number of documents in the Treasury Department received and distributed during the calendar year ended December 31, 1924, together with the number remaining on hand January 1, 1925, which was referred to the Committee on Printing.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Borah	Bursum	Caraway
Ball	Brookhart	Butler	Couzens
Bayard	Broussard	Cameron	Cummins
Bingham	Bruce	Capper	Curtis
Dale	Harris	Neely	Smoot
Dial	Heflin	Norbeck	Spencer
Dill	Howell	Norris	Stanfield
Edge	Johnson, Calif.	Oddie	Stanley
Edwards	Johnson, Minn.	Overman	Sterling
Ernst	Jones, N. Mex.	Owen	Swanson
Fernald	Jones, Wash.	Pepper	Trammell
Ferris	Kendrick	Phipps	Wadsworth
Fess	Keyes	Ralston	Walsh, Mass.
Fletcher	King	Ransdell	Walsh, Mont.
Frazier	McKellar	Reed, Mo.	Warren
George	McKinley	Reed, Pa.	Watson
Gerry	McLean	Sheppard	Weller
Glass	McNary	Shields	Wheeler
Gooding	Mayfield	Shipstead	Willis
Greene	Means	Shortridge	
Hale	Metcalf	Simmons	
Harreld	Moses	Smith	

The PRESIDENT pro tempore. Eighty-five Senators have answered to the roll call. There is a quorum present.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Agriculture and Forestry:

STATE OF MINNESOTA,
DEPARTMENT OF STATE.

I, Mike Holm, Secretary of State of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original instrument in my office of senate file No. 97, being a concurrent resolution memorializing Congress of the United States to enact legislation to restore equality to agriculture, and that said copy is a true and correct transcript of said instrument and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State at the capitol, in St. Paul, this 26th day of January, A. D. 1925.

[SEAL.] MIKE HOLM,
Secretary of State.

A concurrent resolution memorializing Congress of the United States to enact legislation to restore equality to agriculture

Whereas the American farmer is forced to sell the major portion of what he produces on a world market and purchase all of his necessities on a highly protected stabilized domestic market; and

Whereas to encourage, create, develop, and maintain a stable, prosperous, and permanent system of agriculture in the United States it becomes necessary that agriculture should enjoy the same protection; and

Whereas such protective system does not operate to protect the farmer when there is an exportable surplus of agricultural products, thereby resulting in the world price being paid on not only the exportable surplus of such agricultural products but on that consumed domestically as well; and

Whereas the existence of an exportable surplus of a vitally important food crop is a national necessity, and from the consumer's standpoint nothing could be more dangerous than to urge deliberate curtailment of the potential supply of the essential food products; and

Whereas the result of the American protective system has been to create a great disparity in prices in what the farmer receives for what he sells and that which he has to pay for what he buys, thereby causing such severe loss, despair, and ruin in our basic industry, that a real crisis has for a long time and does still exist in the Nation's agriculture; and

Whereas to remove such disparity in prices and to guarantee equality to agriculture with the other classes in this country it is wholly essential and absolutely necessary that the American farmer should receive an American price based on American standard for his product consumed domestically and a world price only for the exportable surplus consumed abroad: Therefore be it

Resolved by the House of Representatives of the State of Minnesota (the Senate concurring), That Congress of the United States, at its present sitting, be, and the same is, urgently petitioned and requested to enact such legislation to meet this agricultural crisis that will extend the protective system and the benefits thereunder to the farmer whereby he will receive an American price for what is consumed domestically, independent of the world price for the surplus, thereby restoring equality to agriculture.

That to attain this end provision should be made for the creation of an export corporation to purchase and dispose of the surplus of agricultural products as will guarantee to the producer an American price based on the cost of production and in the future assure consumers of an ample supply of American-grown farm products; be it further

Resolved, That a duly authenticated copy of this resolution be transmitted to the President of the United States, the President's Agricul-

tural Commission, the Speaker of the House of Representatives, the President of the Senate, and to each Senator and Representative of the State of Minnesota in Congress.

W. I. NOLAN,
President of the Senate.
JOHN A. JOHNSON,
Speaker of the House of Representatives.

Passed the senate the 20th day of January, 1925.

GEO. W. PEACHEY,
Secretary of the Senate.

Passed the house of representatives the 20th day of January, 1925.

OSCAR ARNESON,
Chief Clerk of the House of Representatives.

Approved January 22, 1925.

THEODORE CHRISTIANSON,
Governor of the State of Minnesota.

Filed January 23, 1925.

MIKE HOLM, *Secretary of State.*

The PRESIDENT pro tempore also laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Interstate Commerce:

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, F. A. Jeter, secretary of state of the State of Idaho and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 1 with the original thereof adopted by the Senate and House of Representatives of the Eighteenth Legislative Assembly of the State of Idaho and filed in the office of the secretary of state of the State of Idaho January 23, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the capital of Idaho, this 24th day of January, A. D. 1925.

[SEAL.]

F. A. JETER,
Secretary of State.

Senate joint memorial (Senator Crooks)

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Idaho, respectfully represent that—

Whereas the people of the State of Idaho have long suffered under an unjust and oppressive discrimination in the matter of transcontinental freight rates in that the transcontinental railroads have been permitted to charge higher rates upon freight traffic originating in the eastern portion of the United States and consigned to Idaho than were charged upon freight traffic originating in the same territory and consigned to more distant points on the Pacific coast, and have also been permitted to charge higher freight rates upon freight traffic originating in Idaho and consigned to eastern points than were charged on similar shipments from more distant points on the Pacific coast;

Whereas the effect of such practice has been to retard the growth and development of Idaho, and can not be defended upon any principle of just or fair dealing;

Whereas the methods now provided by law for obtaining relief from such unjust rates are slow, expensive, and unsatisfactory; and

Whereas an adequate method of obtaining such relief is afforded by a bill now pending in the Congress of the United States designated as Senate bill No. 2327, introduced by Senator FRANK R. GOODING, a Senator of the United States from the State of Idaho, which has recently passed the Senate and is now pending for consideration in the House of Representatives.

Now, therefore, we, the Senate of the State of Idaho, the House of Representatives concurring, do earnestly request and recommend that speedy and favorable action be taken on said bill in the House of Representatives, to the end that the people of the State of Idaho may obtain speedy relief from tthe injustice above mentioned:

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States of America and to the Senators and Representatives in Congress from this State.

This senate joint memorial passed the senate on the 14th day of January, 1925.

H. C. BALDRIDGE,
President of the Senate.

This senate joint memorial passed the house of representatives on the 20th day of January, 1925.

W. D. GILLIS,
Speaker of the House of Representatives.

I hereby certify that the within senate joint memorial No. 1 originated in the senate during the eighteenth session of the Legislature of the State of Idaho.

A. L. FLETCHER,
Secretary of the Senate.

The PRESIDENT pro tempore also laid before the Senate a telegram embodying joint resolution No. 2 of the Legislature of the State of Nevada, which was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

CARSON, NEV., *January 26, 1925.*

PRESIDENT OF UNITED STATES SENATE,
Washington, D. C.:

In accordance with demand upon this office I am telegraphing senate joint resolution No. 2, which reads as follows:

Senate joint resolution, approved January 26, 1925

Whereas there is pending in the United States House of Representatives an appropriation of $500,000 for the construction of the Spanish Springs extension of the Newlands project, which has already received the approval of the United States Senate; and

Whereas such project extension will place the Newlands project upon a sound economic basis, provide necessary winter feed for the livestock industry of the State of Nevada, and by the storage of flood waters now running to waste, prevent destructive water shortages upon a large area of said project; therefore be it

Resolved by the Senate and the Assembly of the State of Nevada, That this body hereby memorialize the Congress of the United States to give its approval to such Spanish Springs appropriation; and be it further

Resolved, That the secretary of state of the State of Nevada is hereby directed to forward certified copies of this resolution by telegraph to each of our Senators and to our Representative in Congress, to the Speaker of the House of Representatives, and to the President of the Senate of the United States.

A. S. HENDERSON,
Speaker of the Assembly.
MAURICE J. SULLIVAN,
President of the Senate.
H. WISE,
Chief Clerk of the Assembly.
R. W. BEAMAN,
Secretary of the Senate.
W. G. GREATHOUSE,
Secretary of State.

Mr. WILLIS. Mr. President, I present resolutions adopted by the Akron, Ohio, Chamber of Commerce relative to the supply of helium gas in this country and the necessity for its conservation. I ask unanimous consent to have the resolutions printed in the RECORD and that they may be referred to the Committee on Military Affairs, who have charge of the proposed legislation on this subject.

There being no objections, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD as follows:

AKRON CHAMBER OF COMMERCE,
Akron, Ohio, January 28, 1925.

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

DEAR SIR: The board of directors of the Akron Chamber of Commerce, at a meeting on January 23, unanimously adopted the following resolution, with the request that it be given your most careful consideration:

"Whereas the United States has the only known supply of helium gas, which is noninflammable, and thus has a wider opportunity than any other country for developing a safe means of transport by airships; and

"Whereas, according to Government estimates, enough of this valuable gas is now going to waste annually to fill a fleet of airships of the size of the *Shenandoah* or the *Los Angeles;* and

"Whereas legislation is now pending in Congress to provide, first, for the conservation of this helium gas as a valuable natural resource and the stopping of its waste through dissipation in the air, and, second, for the sale or lease of such supplies of helium gas as are not needed by the Army or Navy, to commercial interests in this country for the development of lighter-than-air craft transportation; and

"Whereas the commercial use of helium gas in airship operation will open the way to the building and operating of commercial airships, and consequently provide for the training of flying and ground crews, the laying out of flying fields, the building of hangars and mooring masts and the establishing of manufacturing plants and facilities, all of which would be available for the national defense in case of emergency, and which could quickly be expanded in such an event to meet the needs of the United States Government: Therefore be it

"*Resolved*, That the Akron Chamber of Commerce recommends to the Congress of the United States the passage of such legislation during the present session of Congress to provide for stopping the waste of helium gas, and also for developing this supply and thus assist in the development of lighter-than-air aeronautics, and the interesting of capital in the development of this industry, and creating of aviation fields throughout the United States; and be it further

"*Resolved*, That copies of this resolution be sent to Senators FRANK B. WILLIS and SIMEON D. FESS, Congressman MARTIN L. DAVEY, and to the Ohio Members of the House of Representatives."

Respectfully submitted in behalf of the directors.

VINCENT S. STEVENS, *Secretary*.

Mr. BROOKHART presented the petition of the Literary Circle of Rock Valley, Iowa, praying for the adherence of the United States to the World Court under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

He also presented resolutions of the American Forestry Association, favoring the passage of the so-called migratory bird refuge and public shooting ground bill, which were referred to the Committee on Agriculture and Forestry.

Mr. BINGHAM presented resolutions of the Hartford (Conn.) section, National Council of Jewish Women, favoring the participation of the United States in the World Court under the terms of the so-called Harding-Hughes plan, which were referred to the Committee on Foreign Relations.

He also presented the petition of the Connecticut Nurserymen's Association, praying for the passage of legislation providing for a national botanical garden and arboretum, which was referred to the Committee on Agriculture and Forestry.

Mr. GOODING presented a joint memorial of the Legislature of the State of Idaho, favoring the passage of the so-called Gooding bill, being the bill (S. 2327) to amend section 4 of the interstate commerce act, which was referred to the Committee on Interstate Commerce. (See the joint memorial printed in full when presented to-day by the President pro tempore.)

REPORTS OF COMMITTEE ON NAVAL AFFAIRS

Mr. ODDIE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 6755) granting six months' pay to Maude Morrow Fechteler, reported it without amendment and submitted a report (No. 932) thereon.

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the joint resolution (S. J. Res. 125) granting permission to Fred F. Rogers, commander, United States Navy, to accept certain decorations bestowed upon him by the Venezuelan Government, reported it without amendment and submitted a report (No. 933) thereon.

Mr. NORBECK, from the Committee on Naval Affairs, to which was referred the bill (H. R. 8263) to authorize the accounting officers of the Treasury to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds, reported it with amendments and submitted a report (No. 934) thereon.

Mr. BALL, from the Committee on Naval Affairs, to which was referred the bill (S. 122) for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps, reported it with amendments and submitted a report (No. 935) thereon.

Mr. BROUSSARD, from the Committee on Naval Affairs, to which was referred the bill (S. 3202) for the relief of Lieut. (junior grade) Thomas J. Ryan, United States Navy, reported it with amendments and submitted a report (No. 936) thereon.

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 5061) for the relief of Russell Wilmer Johnson, reported it without amendment and submitted a report (No. 937) thereon.

Mr. KING, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9308) to authorize the appointment of Machinist Henry F. Mulloy, United States Navy, as an ensign in the regular Navy, reported it without amendment and submitted a report (No. 938) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORBECK:

A bill (S. 4127) granting an increase of pension to George W. Kingsbury (with accompanying papers); to the Committee on Pensions.

By Mr. BALL:

A bill (S. 4128) to change the name of Sixteenth Street to President's Avenue; to the Committee on the District of Columbia.

By Mr. CARAWAY:

A bill (S. 4129) for the relief of W. B. de Yampert; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 4130) authorizing an investigation, examination, and survey for the control of excess flood waters of the Mississippi River below Red River Landing in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes; to the Committee on Commerce.

By Mr. HARRISON:

A bill (S. 4131) for the relief of Harry C. Ford; to the Committee on Claims.

By Mr. PHIPPS:

A bill (S. 4132) to authorize the exchange of certain patented lands in the Rocky Mountain National Park for Government lands in the park; to the Committee on Public Lands and Surveys.

By Mr. JONES of Washington:

A bill (S. 4133) authorizing the Secretary of War to award the congressional medal of honor to Theophile A. Dauphin; and

A joint resolution (S. J. Res. 177) to amend section 2 of the public resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved April 14, 1922; to the Committee on Commerce.

AMENDMENT TO CAPE COD CANAL BILL

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 3933) for the purchase of the Cape Cod Canal property, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS TO RIVERS AND HARBORS BILL

Mr. EDGE, Mr. SMITH, and Mr. SHORTRIDGE each submitted an amendment intended to be proposed to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were severally referred to the Committee on Commerce and ordered to be printed.

ASSISTANT CLERK TO NAVAL AFFAIRS COMMITTEE

Mr. HALE submitted the following resolution (S. Res. 318), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 52, agreed to December 10, 1923, authorizing the Committee on Naval Affairs to employ an assistant clerk to be paid out of the contingent fund of the Senate, is hereby continued in full force and effect during the Sixty-ninth Congress.

CLAIMS AGAINST ARMENIA

Mr. KING. I submit a resolution which, because of its importance, I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolution (S. Res. 319), was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas the Armenians participated in the war with the allied powers and the United States against the Central Empires; and

Whereas in the treaty of Versailles settling the terms of peace, and in the negotiations leading up to said treaty, the Armenian Republic was recognized by the allied powers and the Government of the United States as an independent state; and

Whereas the United States Grain Corporation in the years 1919 and 1920 advanced to the Armenian Republic 35,000 tons of wheat and wheat flour of the value of $13,000,000, which advancement was made necessary in part because the Turkish Government had arbitrarily seized and transferred to the Turkish Treasury all bank accounts, both current and deposit, belonging to Armenians by which Armenian gold in the sum of 5,000,000 Turkish pounds, amounting to $22,450,000 was transferred to the Turkish Treasury which gold was afterwards deposited by the Turkish Government in the Reichsbank at Berlin; and

Whereas said deposit of Armenian gold in the Reichsbank at Berlin was by article 259 of the treaty of Versailles transferred and surrendered to the principal allied and associated powers, including the United States, whereby the United States has an interest in said deposit which has not been renounced or otherwise disposed of by the Government of the United States; and

Whereas said deposit in equity and right belongs to the Armenians from whom the same was seized, or to their legal representatives; and

Whereas if said fund be regarded as property of Turkey which by the treaty of Versailles was transferred by Germany to the allied and associated powers, including the United States, and if said deposit in pursuance to the treaty of Lausanne of July 24, 1923, or otherwise is to be applied to the payment of claims, the nationals of the United States can not rightfully be excluded therefrom; and

Whereas the United States Grain Corporation has a valid claim in the sum of $13,000,000 against said deposit whether the same be regarded as of Turkish or Armenian derivation: Now, therefore, be it

Resolved, That the President of the United States is requested to make representations to the allied powers that the United States has an interest in said deposit and has a right to be consulted in respect to any allocation, distribution, or disposition of the same; that said deposit should be set aside in trust to be hereafter paid over to the persons from whom said gold was seized or to their lawful representatives, and that in the event that said deposit be subjected to the payment of claims, that the Government of the United States for the account of the United States Grain Corporation, has a valid claim against said deposit in the sum of $13,000,000 and is entitled to share in the distribution of the same.

COMPULSORY SCHOOL ATTENDANCE IN THE DISTRICT

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2842) to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, which was, on page 4, line 23, after the word "employer," to insert "if any."

Mr. CAPPER. I move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE JOINT RESOLUTION AND BILL REFERRED

The following joint resolution and bill were each read twice by title and referred as indicated below:

H. J. Res. 60. Joint resolution authorizing the improvement of the system of overland communications on the Seward Peninsula, Alaska; to the Committee on Territories and Insular Possessions.

H. R. 11956. An act to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909.

The PRESIDENT pro tempore. The Chair desires to ask the Senator from Wyoming [Mr. WARREN] whether the House bill should be referred to the Committee on Appropriations or to some other committee? The Chair is informed that it was reported by the Committee on Territories in the House; therefore, if there be no objection, it will be referred to the Committee on Territories and Insular Possessions in the Senate.

Mr. OVERMAN. If it is an amendment to the urgent deficiency act it ought to go to the Committee on Appropriations.

The PRESIDENT pro tempore. It relates to taxes levied in the Philippine Islands.

Mr. WARREN. Then it should go to the Committee on Appropriations.

The PRESIDENT pro tempore. Without objection, the reference will be changed and the bill will be referred to the Committee on Appropriations.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

The PRESIDENT pro tempore. The pending question is upon the amendment proposed by the Senator from Georgia [Mr. GEORGE].

SEVERAL SENATORS. Let the amendment be read.

The PRESIDENT pro tempore. The clerk will read the amendment.

The READING CLERK. On page 39 it is proposed to strike out from line 5 to line 14, both inclusive, of the committee amendment and in lieu thereof to insert:

In the case of the portion of such publications devoted to advertisements the rates per pound or fraction thereof for delivery within the several zones applicable to fourth-class matter shall be as follows (but where the space devoted to advertisements does not exceed 5 per cent of the total space the rate of postage shall be the same as if the whole of such publication was devoted to matter other than advertisements): For the first and second zones, 1½ cents; for the third zone, 2 cents; for the fourth zone, 3 cents; for the fifth zone, 3½ cents; for the sixth zone, 4 cents; for the seventh zone, 5 cents; for the eighth zone, 5½ cents.

Mr. GEORGE. On my amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. McKINLEY (when Mr. MCCORMICK's name was called). If my colleague [Mr. MCCORMICK] were present, he would vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. HARRELD]. I do not see him in the Chamber, so I transfer that pair to the junior Senator from New York [Mr. COPELAND] and vote "yea." The junior Senator from New York would vote "yea" if present.

The roll call was concluded.

Mr. MCNARY. Upon this subject I am paired with the senior Senator from Mississippi [Mr. HARRISON]. I am advised, however, that if present he would vote as I am about to vote, and I vote "yea."

Mr. McLEAN. Has the junior Senator from Virginia [Mr. GLASS] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. McLEAN. Having a pair with him, in his absence, I withhold my vote

Mr. CURTIS (after having voted in the negative). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the junior Senator from Wisconsin [Mr. LENROOT], and will let my vote stand.

Mr. ASHURST. On this question, I am paired with the senior Senator from Illinois [Mr. MCCORMICK], but I transfer that pair to the junior Senator from Mississippi [Mr. STEPHENS], and vote "yea."

Mr. JONES of Washington. I am requested to announce the general pair of the senior Senator from West Virginia [Mr. ELKINS] with the senior Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 36, nays 43, as follows:

YEAS—36

Ashurst	George	Neely	Simmons
Bayard	Harris	Norbeck	Smith
Broussard	Heflin	Overman	Stanfield
Bruce	Howell	Pollston	Stanley
Caraway	Johnson, Calif.	Ransdell	Swanson
Dial	Jones, N. Mex.	Reed, Mo.	Trammell
Edwards	McKellar	Sheppard	Walsh, Mass.
Ferris	McNary	Shields	Walsh, Mont.
Fletcher	Mayfield	Shortridge	Wheeler

NAYS—43

Ball	Dill	Jones, Wash.	Phipps
Bingham	Edge	Kendrick	Reed, Pa.
Borah	Ernst	Keyes	Shipstead
Brookhart	Fernald	King	Smoot
Bursum	Fess	McKinley	Spencer
Butler	Frazier	Means	Sterling
Cameron	Gooding	Metcalf	Wadsworth
Couzens	Greene	Moses	Warren
Cummins	Hale	Norris	Watson
Curtis	Harreld	Oddie	Willis
Dale	Johnson, Minn.	Pepper	

NOT VOTING—17

Capper	Harrison	McLean	Underwood
Copeland	Ladd	Owen	Weller
Elkins	La Follette	Pittman	
Gerry	Lenroot	Robinson	
Glass	McCormick	Stephens	

So Mr. GEORGE's amendment was rejected.

Mr. McKELLAR. I offer the amendment which I send to the desk, and I ask that the Secretary may read it.

The PRESIDENT pro tempore. The Senator from Tennessee offers an amendment, which the Secretary will state.

The READING CLERK. On page 39, after line 8, it is proposed to insert the following:

For newspapers in first and second zones, 1½ cents; for the third zone, 2 cents; for the fourth zone, 3 cents; for the fifth zone, 3½ cents; for the sixth zone, 4 cents; for the seventh zone, 5 cents; for the eighth zone, 5½ cents; and on page 39, line 9, after the word "For," insert "second-class matter other than newspapers."

Mr. McKELLAR. I hope the Senator from New Hampshire will accept the amendment.

Mr. MOSES. Mr. President, in view of the vote which the Senate has just taken on the amendment offered by the Senator from Georgia [Mr. GEORGE], I can not accept the amendment proposed by the Senator from Tennessee. I could not accept the amendment, anyway, Mr. President. I wish to point out to the Senate that the rates proposed by the amendment just offered by the Senator from Tennessee are exactly the rates which have just been rejected by the Senate, except that they are made to apply to newspapers only and do not affect periodicals. If the amendment proposed by the Senator from Tennessee should be agreed to by the Senate, it would mean that we were again setting up another specially preferred class; that is to say, the newspapers would be getting a rate which would be more than 2 cents a pound less than is applied to periodicals under the amendment which the

committee has reported; a rate of more than 3 cents below that now paid by all publications, newspapers, and periodicals alike; and considerably less than the existing rates which all of these various amendments are attempting to amend. The loss in revenue would be difficult to estimate, because the Senator from Tennessee makes his amendment apply only to newspapers.

I have said to the Senator from Tennessee and to the Senator from Georgia that if they had been able to strike some kind of a mean between the average rates which were proposed, the rates being alike in both amendments, I would not combat it seriously, although, it being my duty to protect the integrity of the bill, I could not accept it. As it stands, Mr. President, I can not accept the amendment, and, after the vote which the Senate has just taken, I can not conceive that the Senate either can accept it.

Mr. McKELLAR. Mr. President, I hope the Senate will bear with me for just a moment or two while I explain this amendment, which is of great importance, and I know Senators are or will be interested in it.

The amendment applies solely to newspapers. Some several years ago, while a matter similar to this was before the Senate, I took occasion to examine very carefully into the cost of the transportation of newspapers. I came to the conclusion that, as a rule, newspapers paid their own way under the then existing rates. Those rates were subsequently raised to a higher figure, and they have been increased a number of times since I examined the matter.

Mr. President, the same rule does not apply, in my judgment, to other periodicals. There is a great loss on second-class mail matter. The department has reported that there is a loss of $74,000,000. I do not believe that loss is attributable to newspaper transportation. It is possible that there is some loss on the large Sunday newspapers, but on the general run of newspapers, and even including the Sunday newspapers, my judgment is that they now pay their way and even more than pay their way.

I wish to give the Senate an illustration. Take a newspaper published in my own State, say in Nashville, Tenn. Most of its circulation is within the first and second zones. In the afternoon publishers of the newspapers themselves undertake to haul copies of that day's issue down to the railroad station and put them on the train, so that all the mail clerks have to do is to throw those newspapers off at the stations to which they are consigned. They also have to weigh the newspapers. For that service the Government receives a cent and a quarter a pound for the news portion of the newspaper and a cent and a half a pound for the advertising portion. Senators, that more than pays for that service. The greater number of newspapers are circulated in that way. Those that are not circulated in that way are kept out of the post office entirely and are circulated by means of trucks or by means of freight shipments. Reducing the rates to the figures I have mentioned will cause the department, in my judgment, to earn more money. I am quite confident that the rates proposed are fair and equitable and will pay for the cost of the transportation. They affect every newspaper in the country.

We all know that the newspapers are using the mails less and less every day because of these high rates. This amendment will increase the use of the postal system by the newspapers, and increase the amount of pay coming from that source. The rates, it is true, are exactly the same as those embodied in the amendment offered by the Senator from Georgia [Mr. GEORGE], the only difference being that his amendment applies to all second-class matter—trade journals, magazines, and every other part of second-class matter. This amendment applies only to newspapers, and they pay their way and will pay their way under this amendment if it is adopted.

I hope, Mr. President, that the amendment will be adopted; and I ask for the yeas and nays on it.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Tennessee [Mr. McKELLAR]. On that question the yeas and nays are demanded.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON], which I transfer to the Senator from Wisconsin [Mr. LENROOT], and will vote. I vote "nay."

Mr. McKINLEY (when Mr. McCORMICK's name was called). If my colleague [Mr. McCORMICK] were present, he would vote "nay."

Mr. McNARY (when his name was called). Announcing my pair as before, I vote "yea."

Mr. SIMMONS (when his name was called). Making the same announcement as on the former vote with regard to my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. McNARY. The senior Senator from California [Mr. JOHNSON] is absent from the Chamber on account of official business. If he were present he would vote "yea."

The result was announced—yeas 31, nays 45, as follows:

YEAS—31

Ashurst	Fletcher	McNary	Shields
Bayard	George	Mayfield	Simmons
Broussard	Glass	Neely	Smith
Bruce	Harris	Norbeck	Stanley
Caraway	Heflin	Overman	Swanson
Dial	Howell	Ralston	Walsh, Mont.
Dill	Jones, N. Mex.	Ransdell	Wheeler
Edwards	McKellar	Sheppard	

NAYS—45

Ball	Ernst	Keyes	Shipstead
Bingham	Fernald	King	Shortridge
Borah	Ferris	McKinley	Smoot
Brookhart	Fess	McLean	Spencer
Bursum	Frazier	Means	Sterling
Butler	Gooding	Metcalf	Wadsworth
Cameron	Greene	Moses	Warren
Couzens	Hale	Norris	Watson
Cummins	Harreld	Oddie	Willis
Curtis	Johnson, Minn.	Pepper	
Dale	Jones, Wash.	Phipps	
Edge	Kendrick	Reed, Pa.	

NOT VOTING—20

Capper	Johnson, Calif.	Owen	Stephens
Copeland	Ladd	Pittman	Trammell
Elkins	La Follette	Reed, Mo.	Underwood
Gerry	Lenroot	Robinson	Walsh, Mass.
Harrison	McCormick	Stanfield	Weller

So Mr. McKELLAR's amendment was rejected.

PROPOSED INVESTIGATION OF POWER COMPANIES

Mr. SMITH. Mr. President, I have been instructed by unanimous vote of the Interstate Commerce Committee to ask that the time for reporting the Norris resolution (S. Res. 286) be not later than February 5. I recognize the position that I am in and the committee is in in the view of the Senate; but we have given this matter all the attention that was possible, and by the unanimous vote of the committee this morning they asked for an extension of time to not later than February 5. I therefore ask that that be granted.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina?

Mr. NORRIS. Mr. President, of course, the matter is in such shape that I can not object, although I want to voice my protest. I want to call the attention of the Senate to the position in which this resolution is now being placed.

One extension has already been granted. Now another one is asked for. That indicates that the committee are taking up this resolution and doing something with it that never has been done, as far as I know, with a similar resolution simply asking for an investigation, after extended debate in the Senate, covering many weeks, when the probability of the existence of the kind of trust that is outlined in that resolution was debated at length, and facts and figures given, without a single Member of the Senate contesting them or denying any of the statements that were made. It simply means that because Senators expressed the opinion, when the resolution came before the Senate, that this "t" was not crossed or that "i" was not dotted it ought to go to a committee, not, I think, for the purpose of having an investigation such as the resolution provided the Federal Trade Commission should make, but to see whether the resolution was too broad, and, if it was, to bring it back in a modified form.

I do not want to take up the time of the Senate in the closing hours that are coming; but, Mr. President, weeks of time can be consumed on the subject involved in this resolution. I do not want to be put in an attitude, during the closing hours of this session, where some one can say that I am filibustering against legislation or unduly taking up the time of the Senate. I have been acting in good faith on it. I can not myself understand even why the Senate should want to refer it to a committee. It became evident, however, when I had the resolution up, that it was going to be an impossibility to pass it at that time on account of various technicalities that arose that can be brought up in connection with any resolution or any bill; and it now seems to me as though since it has gotten into committee somebody there is dragging it out, and time is going to be taken and the report to the Senate is going to be delayed so as to get it as near the 4th of March as possible, and then, by a filibuster or something of that kind, when other matters are demanding attention, prevent action by the Senate altogether.

I can not help thinking that even though it is entirely unintentional, the result is going to be as I have stated, and I notify the Senate now that if that is undertaken with this resolution there is more than one Member of the Senate who can play at the same game.

I do not believe in asking for anything that is not fair; but I say now that when that resolution comes back, no matter whether the committee reports it favorably or unfavorably, I am going to insist on a vote. I have no right to insist that the resolution be agreed to, but I shall insist on a roll call. If the resolution is defeated, that will be the end of it, so far as I am concerned, and I will have nothing further to say; but I am not going to see that resolution smothered without doing all I can to smother something else. It may be something I do not want to smother, but I will do the best I can to see that progress on some other things is not made as rapidly as it would be made if a fair attitude were taken on this matter.

Mr. SMITH. Mr. President, just a word——

The PRESIDENT pro tempore. This matter is not subject to debate; and if there is no objection, the order will be entered extending the time as requested.

Mr. SMITH. Mr. President, permit me to make just this statement, that as soon as I may get the floor on this matter I may have something to say in justification of the action of the committee.

SPEECH BY SENATOR HARRISON AT COLUMBUS, OHIO

Mr. RALSTON. Mr. President, the distinguished senior Senator from Mississippi [Mr. HARRISON] delivered last night a very able speech at Columbus, Ohio. I ask unanimous consent that it be inserted in the RECORD.

Mr. SMOOT. Is that the same speech which was published yesterday in the RECORD?

Mr. RALSTON. No; the one published yesterday was delivered in Cincinnati. This is an additional speech.

Mr. WALSH of Massachusetts. The Senator from Indiana simply asks that the speech be printed as an appendix in the RECORD?

Mr. RALSTON. That is all.

Mr. MOSES. It is a speech delivered by a Senator?

Mr. RALSTON. It is a speech delivered by the senior Senator from Mississippi.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

Mr. HARRISON's speech is as follows:

SPEECH, IN PART, OF SENATOR PAT HARRISON, OF MISSISSIPPI, DELIVERED AT THE JACKSON DAY BANQUET OF OHIO DEMOCRATS IN THE CITY OF COLUMBUS, OHIO, WEDNESDAY EVENING, JANUARY 28, 1925

What political organization is comparable to the Democratic Party, either in the length of its history or its sensitiveness to speedy restoration? For more than a century and a quarter it has sailed the quadrennial storms of political strife—at times tempest tossed and weather beaten—but never yet have its sails been furled or its hull impaired. During its long existence it has witnessed the rise and fall of many political parties; the Federalist and the Whig have come and gone. The Republican Party to-day, conceived in sectionalism and sustained through governmental favoritism, is but the receiver of these two bankrupt political organizations. Special privilege is the corner stone upon which these organizations were builded. They were sustained through unjust permits issued on the selfishness of their principles and the sordidness of their policies. What poignant reasons exist for the lasting life of the Democratic Party?

To our opponents who assert that we are the party of destruction—the party the principles of which would restrain material development of the Nation and the results of which spell economic unrest and business depression—we say you are but indicting the statesmanship of some of the greatest men whose names adorn the pages of American history. We say that such an assertion is a reflection upon the millions of men and women who for 125 years have championed Democratic principles and kept the Democratic faith. Such a suggestion assumes that during that long period every man and woman who followed the banner of Democracy was either a fool or a knave. Wise and patriotic men and women do not and could not lend assistance to promote any cause the results of which retarded the country's natural development and robbed themselves of the fruits of their own labor. It is impossible to imagine that sensible men and women would pull down upon themselves the pillars upon which rest their own prosperity and happiness. If such assumptions were true, what possible influence prompted the incomparable Jefferson, the brainy Madison, the courageous Jackson, and thousands of others whose names have enriched our history to advocate successfully Democratic principles from 1801 to 1860? During that period—nine years more than half a century—the Democratic Party, with but a lapse of eight years, controlled the destinies of the Republic. If such a statement were true, what influences kept the fires of Democracy burning through the tragic days of reconstruction, and up until this good hour has possessed such militant power as to make every national election uncertain, and throughout the life of the Government sharing with our ancient political antagonists periodic changes of the national administration?

No; the Democratic Party is not dead. Those who believe that a party's defeat one year portends disaster for its future need only remember that in 1872, when our party became temporarily insane, and to meet the exigencies of the hour, nominated a Republican for President and went before the country without a platform of its own, resulting in Grant's election by an unprecedented majority, that it was just four years thereafter we nominated Tilden and carried the country by a tremendous popular vote. They need only remember that following the defeat of Cleveland by Harrison in 1888 Cleveland came back strong four years later and won. In its long and eventful history the Democratic Party has "never crooked the pregnant hinges of its knee that thrift might follow fawning." It has never bartered away the rights of the people to win temporary advantage. It has never allied itself with any class, section, or interest to gain temporary success. It has never relied upon providential occurrences and transient incidents to expound its principles. They are just the same to-day as when conceived by Jefferson, practiced by Madison, executed by Jackson, proclaimed by Cleveland, and revived by Wilson. And to-night, viewing from this vantage point the battle fields, strewn with the wreck and lighted by the flickering campfires of the last campaign, I want to join with you and the Democracy of the country in blazing the road for our next journey. If we are to reach the promised land of to-morrow, we must see to it first that all differences within our own ranks are discarded and a common understanding promoted among Democrats of every kind. It is not necessary that we offer apology for the character of our leaders or excuse for the record of our party. Neither need we make amends for having championed such attractive and progressive measures as to win support from the independent elements of the opposition party. If carrying out the principles of our party draws to our support the cooperation of the independent and progressive forces of America, then well and good. Their coming to us assuredly is no justification for our forsaking those principles or modifying our efforts in their behalf. The Democratic Party is and always has been the party of progressive thought. We welcome to our camps all who subscribe to that theory and believe in those principles.

In a great government like ours, so interwoven with the affairs of the world, new conditions make new problems. They naturally invite new issues. It has been the history of national campaigns that, while parties divide along certain fundamentals, the verdict is very often decided upon irrelevant issues. These questions as they arise must be met and will be met in that broad spirit of statesmanship that has ever characterized our party's leadership. In making plans for the future we can not close our eyes to the fact that the Republican Party to-day is well entrenched and strongly fortified. Every modern weapon of attack is employed by them and the most perfect camouflage raised to cover up their movements. Weak and defenseless as is the Republican Party in cherished principles, that is not true respecting the character of its leadership in the arts of political warfare. We must know that not only are their guns ever loaded with the most poisonous munitions of misrepresentation, but that every avenue through which information travels is laid with bombs of dangerous propaganda. Their long years of training and their subserviency to special interests have given to them decided points of advantage. In these nefarious schemes they have a complete understanding and the ready organizations upon which they can call to perform are many and efficient.

The protective tariff is to the Republican Party what flowing locks were to Samson. It is the source from which most of the iniquities of Republicanism flow, the keystone upon which rests a moneyed aristocracy that gauges the unsuspecting public. It is a disease that destroys national virtue; a cancerous sore that eats away commercial and industrial freedom. It has been the license by which a favored few have been permitted to extort from the unfavored many. The means of amassing aggregated wealth in the hands of a few and the pitiful pauperization of the many. It has dislocated the economic machinery of the people and created castes and classes through the derangement of a parity amongst industries and peoples. We must combat that oft-repeated Republican fallacy that the policies of the Democratic Party have created panics and caused economic depression. Not only must we show that the depression during the first years of Cleveland's second administration was due in no degree from Democratic ascendancy, was unrelated to tariff legislation at that time, by pointing to the fact that the panic took root in the last year of Harrison's administration and was in full blast before either Cleveland was inaugurated or the Wilson tariff was enacted into law. We must recall the Roosevelt panic of 1907, as well as the economic depression during this administration, and visualize the beneficent results flowing in unsurpassed prosperity from the Democratic tariff of 1913.

Political history tells the startling story that during more than the last half century whenever the Democratic Party has waged relentless

war in sharp and aggressive manner against the citadel of special privilege it has triumphed. It is only when the membership of our party have become enmeshed in family quarrels, drawn into the momentary whirlpools of conflicting opinions, or permitted our opponents to dictate the issues of the campaign that we have lost. Our trouble to-day is not that the majority of the American people believe in the principles of a protective tariff, in subsidies to special interests, or in tax reform that relieves wealth disproportionately of its fair burden of taxation, but the Republican Party has sold its materialistic theories to the country and the public is at this time deluded and deceived. Those theories, being founded upon injustice and inequality, exact from their advocates efficient organization and modernized propagation. Because of the enormous benefits that have accrued to a very few through such special favored treatment, these interests have been able, and certainly quite willing, to make a division with their beneficiaries that such unfair policies be maintained and such unjust practices be continued. And so it is that the Republican Party has been able, without difficulty, to finance campaigns and employ, without embarrassment, all the modern arts of propaganda to accomplish their ends. These beneficiaries possess no scruples against obtaining control of every agency, whether of news or education—every avenue that might lead them to their desired end and make certain the success of their purposes. While at times they have become brazen in the openness of their actions, they have for the most part employed every subtle means to mislead. Powerful newspapers and great periodicals, organized to inform and educate the public, have sometimes permitted their high purposes to be desecrated in a sordid endeavor to promote their own selfish interest. Organizations and agencies of every kind have been drawn by the contaminating influences of these special interests and their satellites into the maelstrom of the sordid conspiracy.

When Samuel Tilden carried the popular vote in 1876 tariff was the dominant issue. When Hancock lost in 1880 it was because of his weak and vacillating position touching the tariff question. When Cleveland swept the country in 1884 it was on the tariff question. When he was reelected in 1892 it was on the tariff question. When Wilson was elected in 1912 it was largely due to the American people's repudiation of the Payne-Aldrich tariff law and an indorsement of the Democratic House of Representatives in the writing of a Democratic tariff measure.

When the Democratic Party carried the House of Representatives by over 100 majority in 1890 and defeated William McKinley as a candidate for reelection to the National House of Representatives, it was because of his authorship and the enactment of the McKinley tariff law. Two years ago, when our party reduced the Republican majority in the House from 169 to 13 and the Republican majority in the Senate from 20 to 9, it was following the enactment of the present indefensible Fordney-McCumber tariff law. And it will not be forgotten that its author in the House of Representatives refused to stand for reelection and its author in the Senate was ingloriously defeated.

One of the baneful effects of a protective tariff is, being indefensible in principle, when practiced by a political organization or sanctioned by an individual it destroys in that individual and political organization those high ideals of government that should guarantee, at all times and under all circumstances, "equal rights, equal justice, and equal opportunity" to all men. It is like sin—it grows upon you, and when the first offense is committed, no matter what may be the provocation, it establishes a precedent which grows until it becomes malignant, destroying the high purpose and fine virtues of a just government.

"Oh, what a tangled web we weave,
When first we practice to deceive."

We can not hope to enlist in our cause those pets and puppets of Republicanism that grow fat and sleek from the large profits they are permitted to exact through such a policy of special privilege. We have a right to expect and shall employ every agency at our command from now until the next election to acquaint the people with those startling inequalities, that indefensible unfairness, the injustices and wrongs inflicted upon the many through such policies. We must dissipate those erroneous impressions upon which the first inflictions were imposed and impress by the logic of facts that whatever excuse may have once been offered for protecting infant industries, it no longer exists. That such a suggestion is repudiated to-day, not only by the monopolistic tendency of the times, but the very fact that practically every protective interest in America, and certainly those efficiently managed, have established selling agencies abroad and in thousands of instances in foreign countries have located branch manufacturing establishments. They not only control the domestic market here and exact higher prices for their manufactured products under a protective tariff, but they are able to do business and dominate trade upon profitable terms against foreign competition—aye, even into the markets of their competitors.

We must impress upon the American farmer that his prosperity is dependent upon the markets of the world and that any policy proposed by this Government that will add to the cost of his needs and at the same time restrict those markets for the sale of his products, is inimical to his interests. We must show to the American farmer and indelibly impress on his mind that a protective tariff, so far as he is concerned, is but a delusion and a snare. We must show him what he needs is international stability, a readjustment of world conditions, and the restoration of good feelings and common understanding among all peoples, that world markets with ability to buy may be found for his surplus products. We must cite him to the fact that with a 42-cent tariff rate upon every bushel of wheat imported into this country to-day, the price of wheat ranges from 7 to 10 cents more in Winnipeg than it does either in Chicago or Minneapolis. We must show to the American farmer that what he needs is not protection on the products he raises but a removal of the high rates upon the things, whether necessary to his business or not, made by other industries so that the purchasing power of his dollar may be placed upon a parity with the purchasing power of the dollar of every other industry. We must show the inequalities resulting from such a system, and the disastrous results that must inevitably flow from such a policy to the great agricultural interests of America.

We must carry the battle into the ranks of labor and drive from his mind that seductive impression left there by Republican propaganda that a protective tariff protects the wages of the American laboring man. Refresh his memory as to that fact with which he must be already familiar that it was the highly protected interests of this country that have brought and sought to bring to America more of the cheap foreign labor of the world, and to employ it in competition with, or as a means of driving down the wages of American labor. We must present to them the indubitable facts that they may see that the profits derived from the protection accorded to their employers go into the accumulation of larger profits, distributed in larger dividends, and seen in greater amalgamation of wealth and not in the justice of increased wages.

We must show to the American consumers that $216,000,000 annually are being exacted from them because of the protective duty upon sugar alone. We must show to the American consumers that they are paying $187,000,000 annually in increased cost of living upon wool and woolen products alone. We must show to the American consumers that the cost of living, by virtue of the protective features of the present tariff law, is over $2,000,000,000 annually?

We must appeal to the patriotic business men of America who believe in the high principles of "equal rights to all and special privileges to none," those business men who might, through the protective tariff, exact higher prices upon their manufactured goods, sold at home, but which at the same time restricts their markets abroad and shackles honest endeavor. We must appeal to the heart of the Nation upon the high principles of justice and right. We must drive forever from cover that false impression that the Democratic Party is a free trade party, and cite to them the long and unvarying Democratic doctrine of a tariff that relieves the consuming masses of unreasonable exactions and places tariff rates in such an amount only "that will promote effective competition, protect against monopoly, and at the same time produce revenue to support the Government."

In the present abnormal condition of the world, the baneful effects of the present exorbitant tariff are lost amid the cross currents of international economic upheaval. But normal times will return and with them under the operations of the present tariff law still higher prices will be exacted from the consuming masses—more pronounced retaliation will ensue from the countries of the world—a corresponding restriction of commercial and trade freedom, together with a far reduced revenue resulting therefrom. In the strongest possible way and through every avenue of approach we must combat every suggestion of special privilege. If it be a protective tariff enriching a few at the expense of the many, we must fight for its immediate repeal. If it is a subsidy taxing the many for the benefit of the few, we must strangle it. If it be in the inequitable imposition of taxes releasing unfairly the wealth at the expense of the many, we must defeat it. The Democratic Party was, in the days of Jefferson, the party that fought for the liberties of the people. In the days of Jackson, it was the party that fought for the rights of men. It can not to-day, if it be true to the teachings of those great men, be false to the American people. It is as true to-day as in the days of our fathers that there is room in this country but for two political parties. One as expressed by Jefferson "fears the ignorance of the people; the other, the selfishness of rulers independent of them."

The Democratic Party has taken its stand; its long history is written in its service for the people, in its warfare for their rights and against the encroachments of selfish predatory interests. It has never and never will be for the destruction of or injury to legitimate business. It believes not only in the guarantee of personal liberty, but in the protection of property, whether possessed by the powerful or the weak. We can not become "mollycoddles" either in the assertion or in the aggressive advocacy of every Democratic principle. We can not in waging warfare for the rights of humanity be deterred by the opposition, it matters not what exceptional influence it may wield or what tremendous power it may exert.

Jeffersonian justice is Democracy's demand. The purchase of special favored legislation, either through protective tariff duties or class legislation in the form of subsidies, is just as repugnant to Democratic principles as governmental strictures upon the liberties and freedom of men and the unreasonable regulation of private business. The tendency of vesting the National Government with powers never contemplated by the Constitution reveals the fact that Jefferson was right when he said that "our country is too large to have all of its affairs directed by a single Government" and that after all "the encroachments of a State government tend toward liberty, while those of a general government tend toward monarchy." That "it is far better to be exposed to the inconvenience attending too much liberty than those attending too small a degree of it." "The least governed are the best governed."

We must return to governmental simplicity, economy, and straight dealing. We must put a stop to moneyed aristocracy through the instrumentality of political organizations and through agencies poisoning the minds and prejudicing the hearts of the public through the sordid and profligate use of money. We must deport ourselves through steadfastness to the Democratic faith and the espousal of wise Democratic policies, so as to regain and hold the confidence of honest business. We must consult more often the statesmanship of Jefferson and revive the courage reflected in the administrative acts of Jackson. In our dealings with all nations we should shirk no responsibility and welcome every opportunity that will draw to us in more cordial and friendly relationship all peoples of the world. If we can forget the differences of the recent past and inspired by the spirit of toleration, rededicate ourselves to the progressive principles of right, justice, and equality, we will soon wrest this Government from the sordid hands that now grip it and the selfish influences that direct it.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

Mr. ODDIE. Mr. President, on page 39, line 9, after the word "first," I move that the word "and" be added; after the word "second" I move that the words "zones, 2 cents," be added; and on the same page and line, after the word "third," I move that the word "zones" be stricken out and the word "zone" inserted.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Nevada.

The READING CLERK. On page 39, line 9, after the word "first," it is proposed to insert the word "and"; after the word "second" it is proposed to insert the words "zones, 2 cents"; and on the same page and line, after the word "third," it is proposed to strike out the word "zones" and insert the word "zone."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada to the amendment of the committee.

Mr. ODDIE. Mr. President, I ask serious consideration by the Senate of the amendment I have sent to the desk. This amendment leaves the rates on the advertising portions of second-class matter in the first and second zones where they are to-day. During the last two days much valuable information has been given the Senate by the able Senator from Georgia [Mr. GEORGE], and I agree with him that in many ways the rates on second-class mail matter are too high. I believe that if the rates can be studied carefully and scientifically there may be found a method of adjusting them at some time in the future in such a manner that more money will be brought in, because more business will be given the post office because of such adjustment.

I believe this amendment of mine, leaving the rates on the advertising matter in second-class mail in the first and second zones where they are, will prevent further loss to the Post Office Department on second-class matter, and I feel that if we raise these rates from where they are many publications, including large numbers of small publications, will be caused serious loss, and numbers of them will be put completely out of business.

I believe the point of saturation has been reached in regard to second-class mail matter, and that if these rates which I have suggested are adopted by the Senate satisfactory results will be obtained, and if the other suggestions of our subcommittee are carried through, with possibly some minor amendments, we will have this bill in such shape that the necessary revenue will be raised and the post office salary increase bill, which is Title I of this bill, will be passed. I hope it will be.

Mr. MOSES. Mr. President, my conception of my duty in connection with this bill does not lead me to accept the amendment proposed by the Senator from Nevada, but the amendment represents a middle ground of opinion which developed in the subcommittee which heard the question. It is an amendment which is limited in its effect both as to the revenue to be derived under the bill and upon the publishing industry in general, but while limited in the latter regard, it is my opinion that the amendment of the Senator from Nevada will prove extremely helpful to certain elements in the publishing industry, which I freely concede can not bear any radical increase in the burden which they now have.

If the amendment had been drawn in the terms of the amendment of the Senator from Tennessee, to include newspapers only, I could have no objection to it at all. As it stands, while I can not accept it, it is an amendment of such a nature that I can not feel it my duty to offer prolonged or strenuous resistance to it, and I hope it will not lead to debate and that it may be decided by a vive voce vote.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Nevada to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MOSES. Mr. President, are there other amendments to be offered to this section?

Mr. STERLING. Mr. President, I feel constrained now to ask that the Senate disagree to the amendments on page 39. We have, I think, reached a very important, not to say serious, matter in the discussion of this bill.

I think Senators have indicated by some votes cast that they are losing sight of one very important feature in connection with this bill, and that is that the bill must raise some revenue over and beyond the revenue derived from present rates on postal matter. The amendments proposed by the committee would change altogether the present zone system, making three zones out of the eight zones now existing, and the whole effect of this system of three zones provided for in the committee amendments, together with the rates provided for the three zones, will be to decrease the revenue now derived under the present law and under the present zone system. The zones and rates are as follows:

For zones 1 and 2 the present rate is 2 cents. The proposed amendment would make it 3 cents in the first and second zones, there being an increase of 1 cent.

In the third zone the rates are the same. The present rate is 3 cents, and the proposed amendment would give 3 cents to the third zone.

In the fourth zone there is an increase of 1 cent under the committee amendment.

In the fifth zone the rates remain the same as they are now.

In the sixth zone, however, there is a decrease of 1 cent, in the seventh a decrease of 1 cent, and in the eighth zone a decrease of 2 cents from present rates. On the whole, therefore, there will be a decrease in present rates.

How much is expected to be realized from the proposed increases in the original bill? The yield from present zone matter it is estimated is $1,130,997.68. If we should put scientific, religious, and educational journals in the zone system, and have them pay a rate on advertising matter, it is estimated that the revenue yielded would be $1,355,369.36. But by a vote of the Senate on the amendment of the Senator from Massachusetts [Mr. BUTLER] scientific, agricultural, and religious matter was taken out of the zone system altogether and restored to the present 1¼-cent flat rate. So that by that process we will lose $1,355,369.36, according to the estimate of the Post Office Department.

What has been urged here as a reason for the reduction in rates? That more matter will be taken from express and from freight and go into the mails, and thereby become a source of revenue. The Post Office Department say in regard to that as follows:

> It has been stated that the reductions in rates are suggested for the purpose of inducing publishers who now ship publications by freight for reentry at another point to return such publications to the mails for transportation the entire distance. No information was submitted at the hearings indicating to what extent the publications now shipped by freight would be returned to the mails should the rates be reduced, or how much reduction would be necessary in order to induce such a return.

The Post Office Department further say, and I hope I may have the attention of Senators in regard to it, because I think the conclusions of the department are based on careful study and estimates:

> It might be assumed that this matter when reentered is carried into the first and second zones and into the third zone in equal quantity. The present rate to the first and second zones is 2 cents and to the

third zone 3 cents. Therefore the rate on all would be on the average 2½ cents, which is the basis for present revenue. Assuming that it all comes back to the mails and that the haul would be as far as the sixth zone, the new rate would be 6 cents. Therefore the additional revenue would be approximately 3½ cents a pound on the advertising matter. This would yield a revenue of $1,567,529. The rate on the reading matter would be reduced one-fourth cent, which would amount to $90,161, leaving a difference of $1,477,368. As against this possible revenue we must set off the probable additional cost for transportation.

These periodicals would be carried on the heavy lines, where there is no considerable surplus space available in the cars, and where space is purchased on the emergency basis to carry all considerable additions from day to day. It is estimated that the probable cost of the additional space necessary to carry this amount would be $1,487,661. This is on the theory that these mails are now carried the average distance of the second and third zones and would be carried under the new arrangement the average distance to the fifth zone. If this be correct, there would be no revenue derived, but a slight loss.

So that is the situation in regard to the new proposed zone system offered by the committee, with the rates imposed by the terms of the amendment.

I have already referred to what we lose—over $1,350,000—by the adoption of the amendment offered by the Senator from Massachusetts [Mr. BUTLER]. I think there will be a loss of several million dollars under amendments that have already been adopted by the Senate in regard to second and first class mail. So I hope, in the interest of the bill and its success, that the committee amendment in regard to the zone system, making three instead of eight zones, with the rates imposed, may be disagreed to and that the original provisions of the bill may in this respect be allowed to stand.

Mr. FRAZIER. Mr. President, it seems to me that if any class of people using the mails can afford to pay for that use, it is the advertiser. The cost of the advertising is undoubtedly in practically every case charged up to the cost of selling the product which is advertised. The committee amendment reduces the rates on papers carrying advertising and increases the cost of the parcel post. The zones are the same for the parcel post and for newspapers carrying advertising. It seems to me the rates should be practically the same. I wish to compare briefly the difference in the rates.

Under the proposed committee amendment, the first, second, and third zones are 3 cents for papers containing advertising matter. The parcel-post rate in the first and second zone is 5 cents and in the third zone 6 cents. Under the committee amendment, for newspapers carrying advertising the rate in the fourth, fifth, and sixth zones is 6 cents, and for parcel post in the fourth zone 7 cents, in the fifth zone 8 cents, and in the sixth zone 9 cents. The rate on newspapers carrying advertising in the seventh and eighth zones is 8 cents, while on parcel post in the seventh zone it is 11 cents and in the eighth zone 12 cents per pound, with an increase for additional pounds.

It seems to me, even if there is any excuse for raising revenue in this bill, there is absolutely no excuse for cutting down the regular rate proposed by the department in the bill on papers carrying advertisements to the basis of the committee amendment.

I agree with the Senator from South Dakota [Mr. STERLING] that the provision of the original bill should be retained and the committee amendment defeated. The Senator from New Hampshire [Mr. MOSES], who has charge of the bill, made a statement day before yesterday on the floor that if we are going to legislate we should legislate for everybody alike. Let us do it.

Mr. MOSES. Mr. President, I am quite sure the Senator from North Dakota will find, when the section of the bill dealing with fourth-class matter comes before us, that the rates he has been quoting as the rates proposed by the committee are erroneous. The Senator from North Dakota, however, is not so blamable for that, because the bill as now before the Senate does not represent what the subcommittee had in mind to accomplish. The reason for that is that we were using a print of only a portion of the bill which had been made for committee use.

Without wishing to anticipate any debate with reference to fourth-class matter, I will say to the Senator from North Dakota that we leave the rate structure on parcel post entirely unchanged from where it now is. If the Senator wishes, when we come to that section of the bill we can take it up in detail and show that exactly. The Senator, as I have said, is quite within his rights in every way in offering the observations he has. He is justified in making them because of the print of the bill that he has in his hand.

Mr. FRAZIER. Then the proposed rates on parcel post are higher than the proposed rates for newspapers carrying advertising?

Mr. MOSES. That is quite true. Mr. President, may we have a vote on the amendment?

Mr. STERLING. I ask for the yeas and nays on this question.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	McKellar	Sheppard
Ball	Fernald	McKinley	Shields
Bayard	Ferris	McLean	Shipstead
Bingham	Fess	McNary	Shortridge
Borah	Fletcher	Mayfield	Simmons
Brookhart	Frazier	Means	Smith
Broussard	George	Metcalf	Smoot
Bruce	Glass	Moses	Spencer
Bursum	Gooding	Neely	Stanfield
Butler	Greene	Norbeck	Stanley
Cameron	Hale	Norris	Sterling
Capper	Harreld	Oddie	Swanson
Caraway	Harris	Overman	Trammell
Couzens	Heflin	Owen	Wadsworth
Cummins	Howell	Pepper	Walsh, Mass.
Curtis	Johnson, Minn.	Phipps	Walsh, Mont.
Dale	Jones, N. Mex.	Pittman	Warren
Dial	Jones, Wash.	Ralston	Watson
Dill	Kendrick	Ransdell	Weller
Edge	Keyes	Reed, Mo.	Wheeler
Edwards	King	Reed, Pa.	Willis

The PRESIDENT pro tempore. Eighty-four Senators have answered to the roll call. There is a quorum present. The yeas and nays have been demanded upon the amendment and the question is whether the demand is seconded?

The yeas and nays were ordered.

Mr. McKELLAR. May we have the amendment stated?

The PRESIDENT pro tempore. Does the Senator want the amendment read?

Mr. McKELLAR. Is it a long amendment?

The PRESIDENT pro tempore. It is the amendment proposed by the committee as amended by the amendment proposed by the Senator from Massachusetts [Mr. BUTLER] and the amendment proposed by the Senator from Nevada [Mr. ODDIE]. I think the Chair ought to state the exact situation.

Mr. McKELLAR. I hope the Chair will do so.

The PRESIDENT pro tempore. If the amendment be agreed to it would strike out lines 1 to 4, on page 39, and for the matter stricken out will be substituted the committee amendment as amended by the two amendments to which the Chair has referred. Upon that question the Clerk will call the roll.

The reading clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). Making the same announcement of the transfer of my pair with the Senator from Arkansas [Mr. ROBINSON] to the Senator from Wisconsin [Mr. LENROOT], which I previously made, I vote "yea."

The roll call was concluded.

Mr. McNARY. Upon this vote, I am paired with the senior Senator from Mississippi [Mr. HARRISON]. I am advised, however, that if the Senator from Mississippi were present he would vote as I am about to vote. I vote "yea."

I also wish to announce that the senior Senator from California [Mr. JOHNSON], if present, would vote "yea."

Mr. FRAZIER. I wish to announce that my colleague, the senior Senator from North Dakota [Mr. LADD] is unavoidably absent. If present, he would vote "nay."

The result was announced—yeas 66, nays 14, as follows:

YEAS—66

Ashurst	Fernald	Mayfield	Shortridge
Bayard	Fletcher	Means	Simmons
Bingham	George	Metcalf	Smith
Borah	Glass	Moses	Smoot
Brookhart	Hale	Neely	Spencer
Broussard	Harreld	Norris	Stanfield
Bursum	Harris	Oddie	Stanley
Butler	Heflin	Overman	Swanson
Cameron	Jones, N. Mex.	Pepper	Trammell
Couzens	Jones, Wash.	Phipps	Wadsworth
Cummins	Kendrick	Pittman	Walsh, Mass.
Curtis	Keyes	Ralston	Walsh, Mont.
Dale	King	Ransdell	Watson
Dial	McKellar	Reed, Mo.	Weller
Dill	McKinley	Reed, Pa.	Wheeler
Edge	McLean	Sheppard	
Ernst	McNary	Shields	

NAYS—14

Ball	Ferris	Howell	Warren
Bruce	Fess	Johnson, Minn.	Willis
Caraway	Frazier	Shipstead	
Edwards	Gooding	Sterling	

NOT VOTING—16

Capper	Greene	La Follette	Owen
Copeland	Harrison	Lenroot	Robinson
Elkins	Johnson, Calif.	McCormick	Stephens
Gerry	Ladd	Norbeck	Underwood

So the amendment of the committee as amended was agreed to, which was, on page 39, to strike out lines 1 to 4, inclusive, and insert:

(2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

For the first and second zones, 2 cents; and third zone, 3 cents.

For the fourth, fifth, and sixth zones, 6 cents.

For the seventh and eighth zones, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 8 cents: *Provided*, That the rate of postage on newspapers or periodicals maintained by and in the interests of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be 1¼ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

Mr. HEFLIN obtained the floor.

Mr. MOSES. Mr. President, will the Senator from Alabama be willing to yield before taking the floor in order that we may dispose of the other amendments under this section, which are purely formal and can be disposed of very rapidly, inasmuch as they merely propose to strike out those portions of the section which it is necessary to strike out because of the rates which have been agreed to by the Senate, and also to change the lettering of the section?

Mr. HEFLIN. If that can be done immediately, I have no objection.

Mr. MOSES. It probably can be done within 60 seconds.

The PRESIDING OFFICER. The Secretary will state the proposed committee amendments.

The next committee amendment was, on page 39, after line 14, to strike out down to and including line 14, on page 40, as follows:

(3) The rate of postage on that portion, devoted to matter other than advertisements, of newspapers or periodicals maintained by and in the interests of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be 1¼ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual;

(4) On that portion of any such publication (including newspapers) devoted to advertisements, the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

(1) For the first and second zones, 4 cents;
(2) For the third zone, 5 cents;
(3) For the fourth zone, 6 cents;
(4) For the fifth zone, 7 cents;
(5) For the sixth zone, 8 cents;
(6) For the seventh zone, 9 cents;
(7) For the eighth zone, 10 cents.

The amendment was agreed to.

The next amendment was, on page 40, line 20, after the word "newspapers," to strike out "described in paragraph (3) of subdivision (a) of" and to insert "provided for in," so as to read:

(c) The rate of postage on daily newspapers and on the periodicals and newspapers provided for in this section, when deposited in a letter-carrier office for delivery by its carriers, shall be the same as now provided by law.

The amendment was agreed to.

The next amendment was, on page 41, after line 11, to strike out from lines 12 to 25, both inclusive, as follows:

(e) For the purpose of this section the term "newspaper" shall include only such publications as are issued weekly or more frequently than weekly, and having the ordinary characteristics of a newspaper; that is, devoted mainly to the current events of the day or week immediately preceding the date which the publication bears and which contains matter of interest to the general public and not restricted to a particular trade, industry, occupation, religion, or profession, and before being entitled to transmission in the mails as a newspaper under the rates herein provided the Postmaster General shall require the submission by the publisher thereof at such times and under such conditions as the Postmaster General shall prescribe satisfactory evidence as to the character of such publication.

The amendment was agreed to.

The next amendment was, on page 42, at the beginning of line 1, to strike out "(f)" and to insert "(e)," so as to make the clause read:

(e) With the first mailing of each issue of each such publication, the publisher shall file with the postmaster a copy of such issue.

The amendment was agreed to.

The next amendment was, in section 204, page 42, line 8, before the word "cents," to strike out "1½" and to insert "2," so as to make the section read:

SEC. 204. The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 2 cents for each 2 ounces or fraction thereof, for weights not exceeding 8 ounces, and for weights of such matter exceeding 8 ounces the rates of postage prescribed for fourth-class matter shall be applicable thereto.

The amendment was agreed to.

The next amendment was, on page 42, under the subhead "Third-class matter," in section 207, line 21, before the word "ounces," to strike out the word "eight" and to insert the word "four," so as to read:

THIRD-CLASS MATTER

SEC. 207. (a) Mail matter of the third class shall weigh not in excess of 4 ounces.

The amendment was agreed to.

Mr. MOSES. Mr. President, if the next amendment may be stated, so that there will be a question before the Senate, I will not ask that we proceed with the consideration of the bill further until the Senator from Alabama [Mr. HEFLIN] shall have completed his remarks.

The PRESIDENT pro tempore. The next committee amendment will be stated.

The next committee amendment was, on page 42, line 25, after the word "same," to strike out "merchandise, and all other matter not included in the first and second classes," and to insert "merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 208," so as to read:

and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 208.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. GEORGE. Mr. President, may I inquire what amendment is that?

Mr. MOSES. I did not intend to ask that any of the amendments in section 207 should be pressed, because I had an understanding with the Senator from Alabama that he was to make a statement at the conclusion of our consideration of the bill down to section 207.

Mr. GEORGE. So I understood; and it was for that reason I asked the question.

Mr. MOSES. But if action has been taken by the Senate other than under that understanding I had with the Senator from Alabama, I ask that that action may be reconsidered and that the question before the Senate now shall be the amendment proposed by the committee on page 42, in line 21.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection to the request of the Senator from New Hampshire?

Mr. MOSES. I will not ask for action or discussion on the amendments in section 207, Mr. President, until after the Senator from Alabama shall have made the statement which he wishes to make to the Senate.

Mr. McKELLAR. Let the Chair rule, so that the action agreeing to the amendments in section 207 may be formally reconsidered.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from New Hampshire, and the pending amendment is that on page 42, in line 21, to strike out "8" and insert "4" before "ounces."

REPLYING TO ATTACK OF WASHINGTON POST REGARDING ATTORNEY GENERAL STONE

Mr. HEFLIN. Mr. President, the Washington Post of to-day contains an attack upon me for discussing a matter of record regarding the Attorney General of the United States. I have in my hands the arguments made in the Supreme Court in the case of the J. Pierpont Morgan heirs *v.* Colonel Ownbey. The whole proceedings are of record. The newspapers have had a great deal to say about this case. The whole story has been printed in the press.

When I learned what had transpired in the case originating in Delaware, in view of the fact that the Attorney General of the United States appeared in that case and urged the Supreme Court to sustain what was done in the lower court, I felt that I owed it as a United States Senator to the Constitution of my country and to the people whom I in part represent, and to the citizen who was deprived of his property without due process of law, to make the statement which I did make.

Before I read the article printed in the Washington Post this morning I wish to read a very fair statement from the New York World, which tells the truth about the case. It is as follows:

HEFLIN started the trouble with a speech, which he had been prevented from delivering by President pro tempore CUMMINS's ruling that it belonged to the camera proceedings. CUMMINS later announced that his ruling was an error, so HEFLIN lit into the Attorney General on the record of his appearance on behalf of J. Pierpont Morgan and others in a case against Colonel Ownbey.

"My criticism"—

The paper quotes me as saying—

"is because he insisted that the Supreme Court sustain a decision in a Delaware court where I feel a citizen was denied his rights and robbed of his property without due process of law."

Mr. President, I contend that if a Senator feels that way about a question he has a right to discuss it. The fact that a man happens to be Attorney General or Secretary of State or holds any other office in the Cabinet does not preclude a Senator from discussing his record as a lawyer before he came into the Cabinet nor his record as a Cabinet officer before he goes on the Supreme Court, nor even after he goes upon the Supreme Court.

A Supreme Court justice is made by the President and the Senate. The Senate can reject the appointment made by the President. A grave responsibility rests upon the Senate, and Senators have the right to inquire into the conduct of a man aspiring to that high place; and if a Senator who is to pass on him finally in this Chamber wants to call attention to some act of his that he believes runs counter to a proper construction of the Constitution and does not show sufficient regard for the rights of the American citizen, that Senator who must finally pass upon the judge before he goes on the bench ought to have a right to say how he feels about him, and the country, whose Government this is, ought to know all about the person who goes upon that bench to exercise the great power vested in a judge for the remainder of his lifetime.

This attack made upon me by the Post is a compliment to me. I regard it so. Whenever one of these hirelings of the corrupt interests of the country assails me, I know that I am right and that I am doing my duty. I know the purpose of this editorial attack. It is to intimidate Senators. It is to create an atmosphere about this Capitol that will chill and frighten and drive away from their solemn duty Senators who feel that they owe something to the country they represent and who have due regard for the oaths they took when they came into this Chamber. I want to notify those who indulge in this sort of thing that they can not intimidate me—they ought to have learned that long before this—and there are other Senators here whom they can not intimidate.

Of course I know that there are men in public life who fear the lash of a powerful newspaper. I know there are those who move along the lines of least resistance. I know there are those who will shape their creed by their cravings and swallow their convictions in order to have themselves played up and praised in the press for the people back home to read. But, Senators, what of the final record in the years to come, when, little by little and bit by bit, corrupt interests encroach upon the constitutional rights of the people and put things over while Senators remain silent until so many things have been put over that the whole thing tumbles down? It is too late then, Mr. President. I owe a duty to myself and I owe it to the people who sent me here; I owe it to the people of this Nation, because, by reason of the position I hold in this body as a Senator, I am responsible in part for those who go upon the Supreme Bench while I am a Member of this body.

This inspired article, coming from the same paper that defended Daugherty and Fall and all the scandals and crimes committed against the Government last year and the year before, says:

We hold no brief for Mr. Stone, nor do we prejudge him.

That is unfortunate for Mr. Stone. As I said before, Mr. Stone is personally a very clever gentleman, so far as I know; but it is unfortunate for him that this paper comes out in this fashion for him, because the presumption is that there is something wrong whenever that paper espouses the cause of a man. [Laughter.]

Continuing, the Post said:

If Mr. Stone is unfit to be an Associate Justice of the Supreme Court it is for the Senate to ascertain the facts and act accordingly; but it is a disgrace verging on indecency, and brings the Senate into disrepute, for a Senator to use Mr. Stone's nomination as a political football and to hit over Mr. Stone's shoulder at the President.

Mr. President, I do not know of any Senator who is doing that. I have not mentioned the President's name. I never thought that the President knew anything about this Delaware case. I did not until it was brought to my attention, and I do not know yet that the President knows about it in detail. I have said nothing about the President. It is not a matter of politics with me. Mr. Taft was appointed and confirmed by this Chamber, and there was no opposition to him, and I congratulated him myself. He is a Republican. Mr. Sanford, an excellent, able, and clean judge from Tennessee, was confirmed by this body. No fight was made upon him. He is a Republican. I made no objection to him; so it is not a matter of politics with me. I know that the President has the right to name a Republican, and I am not complaining about that. In my judgment, there are many Republicans who never would have urged the Supreme Court to sustain the action of the lower court in Delaware, as Mr. Stone did.

This article goes on to say:

Mr. HEFLIN was condemning Mr. Stone unheard, a sorry performance.

Mr. President, this paper was unfortunate in using that expression. I was condemning him for failing to permit an American citizen to be heard when all that he had accumulated in a lifetime was at stake. I was condemning him for standing and pleading in the highest court in the land, from which there was no appeal, asking it to sustain the judgment of the lower court where an American citizen was denied the right to answer, to plead, to have counsel, or to testify in any way whatever.

Mr. President, the sad part of it all is that this case has been closed in the Supreme Court. This American citizen, Colonel Owenby, has never yet been heard. He walks the streets of Washington to-day practically bankrupt. His property, which he accumulated in the West when in partnership with the Morgans, has been taken away from him by courts without, in my judgment, due process of law. His property is gone. Now, you may say, "Could that happen in a free country like ours?" It did happen. This man was called over there to court to answer, as I have stated, and he went there with the facts to refute the allegations against him, and because he could not put up $200,000 he was turned away and not allowed to testify. He has not testified yet, but his property has been taken, sold upon the block by an order of that court, and the heirs of the Morgan estate bought it in. The old fellow said he would not have taken a million dollars for his holdings prior to that suit, so you can tell what happened to him by using a court to accomplish something that highwaymen would accomplish on the roadside with clubs and guns. So this man has been dragged into court, he has been deprived of his property, he has never yet been permitted to be heard, and I am criticized by this unworthy and discreditable sheet for daring to come into this presence and talk to the country about conduct of that kind because they happen to favor the appointment of a certain man who has represented certain big interests.

I have not criticized Mr. Stone for representing Pierpont Morgan in the past. I do not criticize any lawyer for representing a big client if he chooses to do so; but I watch his conduct in the case, and it makes no difference whether it is for a big client or a little client when he comes to construe the Constitution, and he argues it so that he shows a disregard for the Constitution itself and the rights of the citizen under it, then I have a right to come in and make my objection known to him, and I shall continue to do it. I have a re-

sponsibility; I am trying to live up to it; and I want Senators not to be intimidated by this onslaught made by this paper in the Capital which is trying to drive to cover Senators who dare to advocate open executive sessions so that the country may know who men are, how they are selected, and what their records are, before they go upon the Supreme Bench to hold that great office for a lifetime.

That is the solemn duty that we have, Senators; and those who do not want the light turned on, and who do not want the truth discussed, are like those spoken of in the Bible; they love darkness rather than light, because their deeds are evil.

To show that the heirs of Morgan thought they had done Ownbey an injury, and that he might come back in some way, here is a telegram sent yesterday by Chief Justice Teller of the Supreme Court of Colorado to a Senator in this Chamber. He says, in part:

I saw Satterlee and Stone in obtaining option for Ownbey on the Morgan interests in Wootton Coal Co. I refused their request to include in option contract release of all claims for damages growing out of the Delaware suit.

Does not that seem to support me in what I am doing here? I have already stated that the State of Delaware tried to amend that statute in order to give this man Ownbey an opportunity to open the judgment, to come back and plead, to make his answer. I have already stated that the Senate of Colorado passed a resolution condemning the heirs of the Morgans for what they were doing and trying to do to Colonel Ownbey. Now, here is a telegram from the chief justice of the court out there who says that he saw Satterlee and Stone and refused their request to tie into this option a provision waiving this man's right to sue them for damages growing out of the suit in Delaware.

That shows that they knew Ownbey had been unjustly treated. Senators, it will be a sad day for this Nation when Senators in this body, for want of backbone and courage or for love of publicity by these hired sheets, will fail and refuse to get up here and contend for the rights of the citizen, for the proper construction of the Constitution, for the preservation of the Supreme Court as it should be preserved for the people in all its integrity.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

Mr. STERLING. Mr. President, I shall not take very much time, or insist upon a record vote upon this proposition, but it will be noted that this is a radical change not only in regard to rates, but in regard to the weights of packages which will be included in third-class matter.

It was proposed in the original bill that mail matter of the third class should weigh not to exceed 8 ounces. The subcommittee proposed that "8" be changed to "4," so that mail matter of the third class should weigh not in excess of 4 ounces, and should include "books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 208."

Without arguing the matter further, I send to the desk and ask to have read a portion of a letter of the National Cloak & Suit Co., beginning with next to the last paragraph on the first page, and reading to the star in the margin on the next page.

The PRESIDING OFFICER (Mr. FESS in the chair). The Secretary will read:

The principal legislative clerk read as follows:

None of the reasons, however, which influenced us in refraining from appearing before the subcommittee to seek to obtain any modification of the bill in the form upon which hearings were held are present in the bill which has been introduced into the Senate. We desire, therefore, to protest strongly against certain of the provisions of the bill.

First, the details in which the provisions of the original bill relating to third-class matter have been changed create a condition which is absolutely destructive so far as a very considerable volume of business hitherto handled by the Post Office Department is concerned, and which is even more destructive in its effect upon a large number of concerns doing business through the medium of small-sized catalogues. A catalogue of, say, 6 ounces could be mailed under the present provisions covering third-class matter at a cost of 3 cents regardless of zone, and this rate was not affected in the bill as originally considered by the subcommittee. Under the bill as now introduced, however, the cost of mailing such a catalogue would be 6 cents up to the second zone, 7 cents in the third zone, 8 cents in the fourth zone, 9 cents in the fifth zone, 10 cents in the sixth zone, 12 cents in the seventh zone, and 13 cents in the eighth zone. It would cost as much to mail such a catalogue to the seventh zone by parcel post as it would to mail it as first-class matter, and it would cost more by parcel post than first-class mail to the eighth zone; it would cost as much to mail a 5-ounce catalogue in the sixth zone by parcel post as it would to mail it as first-class matter, and it would cost more by parcel post than first-class mail to the seventh and eighth zones.

These inconsistencies in themselves would appear to be sufficient to condemn the proposed changes. Their effect upon business, however, is so serious that the necessity for their amendment is obvious. As we have pointed out in the preceding paragraph, the additional cost of mailing, for example, a 6-ounce booklet varies from 3 cents, or 100 per cent, in the first and second zones up to 10 cents, or 333 per cent, in the eighth zone—an average, let us say, of 6 cents. The volume of business which can be counted upon from a catalogue of this size is ordinarily insufficient to permit of its absorbing any such additional cost. On the other hand, the volume of business from a catalogue reduced in weight from, say, 6 ounces to 4 ounces, in order to bring it within the limits now proposed for third-class matter, would be so seriously diminished as to compel an entire readjustment of the business of a house depending upon a catalogue of this size as its chief selling agency. This condition is, of course, even accentuated in the case of a house accustomed to do business with a 7 or 8 ounce catalogue.

We respectfully urge that the rates at present in force for third-class matter and the provision of the present law for treating as third-class matter catalogues, books, seeds, bulbs, etc., up to 8 ounces are fair and equitable and productive of the maximum amount of revenue to the Post Office Department, and are a vital factor in the affairs of many business undertakings in this country. We desire, therefore, to protest against the changes made in this class of postal matter in the bill as reported out of committee.

Mr. STERLING. I also send to the desk a telegram received from Mr. D. B. Gurney, of Yankton, S. Dak., of the Gurney Seed Co., an old and very reputable institution in my State. I ask that the telegram be read as bearing upon this very question.

Mr. GEORGE. A parliamentary inquiry, Mr. President. May I ask what amendment is now being considered?

The PRESIDING OFFICER. The amendment now under consideration is that found on page 42, line 21. The Secretary will read the telegram sent to the desk by the Senator from South Dakota.

The principal legislative clerk read as follows:

YANKTON, S. DAK., *January 21, 1925.*

Hon. THOMAS STERLING,
Washington, D. C.:

My opinion mighty bad policy to limit third-class matter to 4 ounces. Present limit should not be changed. In our own case it would cost us additional ten thousand per year, and this penalty would be unbearable and should be borne by other classifications that are not self-supporting.

D. B. GURNEY.

Mr. MOSES. Mr. President, this is one of the two places in the bill, as I indicated in the colloquy had with the Senator from North Dakota a short time ago, where, by reason of an imperfect print with which the subcommittee was working, the subcommittee fell into error in the manuscript of the bill as it went to the printer and as it now comes before the Senate. The Senator from Georgia, who is a member of the subcommittee, has, however, and is about to offer, an amendment covering paragraphs (a) and (b) of section 207, which amendment contains the opinion of the subcommittee in dealing with this subject, and which meets the objection which has just been raised by the Senator from South Dakota through the telegram from his constituent. I now yield to the Senator from Georgia to offer his amendment, and on behalf of the committee I accept the amendment.

Mr. GEORGE. I offer the amendment which I sent to the desk.

The PRESIDING OFFICER. The Secretary will read.

The READING CLERK. On page 42, line 20, and on page 43, section 207, the Senator from Georgia [Mr. GEORGE] moves to strike out paragraphs (a) and (b), and to insert:

SEC. 207. (a) Mail matter of the third class shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets and manuscript copy accompanying same, merchan-

dise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 208.

(b) The rate of postage thereon shall be 1 cent for each ounce or fraction thereof up to and including 4 ounces in weight, except that the rate of postage on books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants, not exceeding 8 ounces in weight, shall be 1 cent for each 2 ounces or fraction thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia. May I ask the Senator from New Hampshire whether that is now the committee amendment?

Mr. MOSES. It is.

Mr. STERLING. Do I understand that it in effect provides that mail matter in the first class shall weigh not in excess of 8 ounces?

Mr. MOSES. Four ounces, except as provided in paragraph (b)—catalogues, seeds, bulbs, roots, scions, and so forth.

Mr. STERLING. That would not meet the objections suggested in the letter from the National Cloak & Suit Co. which I had read.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MOSES. Section 208 is another section in which, as I have already pointed out, an error occurs, and I send to the desk, in behalf of the committee, the following, to be substituted for all of section 208 as it appears in the print. May I say before it is read that it was the purpose of the subcommittee to make no change whatever in the rate structure affecting fourth-class matter. The rates on fourth-class matter remain, under the amendment which I have just sent to the desk, exactly where they are now. The only change in the cost to users of fourth-class matter is the application of a 2-cent service charge upon each package.

Mr. McKELLAR. How much revenue will that produce?

Mr. MOSES. Inasmuch as the Post Office Department itself varies in its estimates and in the number of packages carried in fourth-class mail matter, and inasmuch as Postmaster Generals in their reports, and even the present Postmaster General, in a striking address on the Postal Service which he made in Philadelphia the other evening, seem to be at variance, nobody can at the moment say with accuracy.

Assuming, however, that the change we have just made with reference to third-class matter by taking the small packages of merchandise out of the fourth class and putting them into the third class, where there will be no service charge, will be approved, and assuming that the diminution in the number of packages will be as much as 30 per cent, I would unhesitatingly say that this charge ought to produce from $15,000,000 to $18,000,000 at least.

Mr. McKELLAR. That will be very much more than the loss on the fourth-class matter.

Mr. MOSES. Of course, if the Senator agrees with the cost-ascertainment report that more than 60 per cent of the weight of the mail and more than 50 per cent of the bulk of the mail paying less than 25 per cent of the postal revenue is carried at such a loss, that is correct; but I am in marked divergence from the cost-ascertainment report on that particular point.

Mr. McKELLAR. As I remember the report, it stated that the loss on the parcel post was between six and seven million dollars.

Mr. MOSES. That is correct—that is, the report said so.

Mr. McKELLAR. I do not think the parcel post ought to be made to bear more than the cost thereof. I do not think it is the purpose of the Government to make profit on the parcel post, and for that reason I think the amendment ought to be changed so as to reduce the amount, surely so that it would not bring in a greater revenue than the amount of the loss as reported by the department.

Mr. MOSES. To that I can make but one rejoinder, and that is in two parts. First, if the Senator is as eager to procure the postal salaries increases as his correspondence would indicate, he should agree to the amendment.

Mr. McKELLAR. I indicated my attitude on the salary increase question not only by voting for the bill in the first instance, but by voting to pass the bill over the President's veto, and I am going further to indicate it by voting for the Senator's bill, much as I dislike some provisions in it; which would indicate that I am fairly well interested in this matter.

Mr. MOSES. I am glad to have the Senator's cooperation, and I hope he will cooperate with me now in making this amendment.

The PRESIDING OFFICER. May the Chair suggest that the Secretary read the corrected amendment?

Mr. McKELLAR. Will not the Chair permit us just a moment, so that the Senator can conclude his reply?

Mr. MOSES. The second part of my rejoinder is that since the inception of the parcel post, in 1913, it has had an actual reduction in rates applied to it, of money paid for its transportation; and, second, has had the weight and the cubic contents of the packages handled by parcel post greatly increased. The Senator, who I think was a Member of the other House when the parcel post legislation was enacted, will remember that the limit was then 11 pounds.

Mr. McKELLAR. Yes.

Mr. MOSES. And the cubic contents of a package were very much less than now permitted. The package now may measure 72 inches in circumference, and they may carry a package weighing 69 pounds. So that the parcel post having gone through all the periods of this novelty in postal legislation whereby the Finance Committee, in a tax bill, undertook to apply postal rates, having gone free through that, and having prior to that enjoyed an absolute reduction first of all in its money rate and second through the weight and size of the package carried, we feel justified in asking for a service charge on every parcel-post package, and we feel further justified in it because the subcommittee could not share the views of the cost ascertainment committee with reference to the loss sustained in the handling of parcel-post business.

Mr. McKELLAR. So far as I am concerned, I believe the report of the commission is fairly accurate. I think the loss on parcel post is about what the department has reported. I think it would injure the system of parcel post to add this great cost to it. I think it would be an imposition upon the country people of the United States, which people have so generously used the system and made it a success, a very much greater success than we thought it could be when we established it. The loss is very much less than it was expected to be by almost anyone, so much less than the Senator from New Hampshire thought it would be that he now doubts the accuracy of the report of the committee. It seems to me that we certainly ought not to put a greater burden on fourth-class matter than would make it pay for its own carriage.

Mr. GEORGE. Mr. President, I propose to offer an amendment which I think the Senator from New Hampshire will accept, providing that no service charge shall be imposed upon any package originating on rural free delivery routes.

Mr. MOSES. I was about to advert to that proposal, which was discussed in the subcommittee and I believe by a very narrow vote in the committee was not agreed to there.

In the first place, replying to or informing the Senator from Tennessee, the use of the parcel post by the farmer has been most disappointing to the friends of the parcel-post system and friends of the Post Office Department. Out of the entire number of packages carried in the parcel post, and aggregating something like 4,000,000,000 pounds out of 7,000,000,000 pounds of total mail matter, and out of something like 1,200,000,000 individual packages comprising the parcel post, only about 1.5 per cent originated on rural free delivery routes or on star routes, and only about 9 per cent of the total number of packages are delivered on those two routes.

However, inasmuch as there is in the amendment now pending a paragraph contained in the bill as printed and before the Senate, providing for an expedition charge on certain parcel-post packages, which charge we expect to be highly productive of revenue and inducive to increasing the number of packages carried on parcel-post routes especially from rural sections by bringing perishable articles into the parcel-post mail, I am entirely willing to accept the proviso which the Senator from Georgia has just stated and which I understand he formally will offer.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. MOSES. Certainly.

Mr. SMOOT. May I ask the Senator what the loss of revenue would be as a result of adopting the amendment?

Mr. MOSES. The amendment proposed by the Senator from Georgia?

Mr. SMOOT. Yes.

Mr. MOSES. The Senator from Utah, being a much better mathematician than all the rest of us put together, can estimate what 1½ per cent of 1,200,000,000 packages would be at 2 cents apiece.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Will the Senator from New Hampshire indicate how far beyond page 44 the amendment goes?

Mr. MOSES. The amendment which I am proposing, and which I have sent to the desk and which will presently be read,

is a substitute for entire section 208. The committee amendment now is to begin on line 16, page 43, and strike out down to and including line 9, on page 47, and insert the amendment now at the desk. There is another amendment which the senior Senator from Georgia [Mr. HARRIS] is about to offer, and I will ask that he withhold it until we have dealt with the amendment as it now stands, because I intend to accept his amendment also.

The PRESIDING OFFICER. The Clerk will now read the amendment.

The READING CLERK. In lieu of section 208 as printed, insert the following:

SEC. 208. (a) Mail matter of the fourth class shall weigh in excess of 4 ounces, and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the third class as defined in section 207.

(b) That on fourth-class matter the rate of postage shall be by the pound as established by, and in conformity with, the act of August 24, 1912, and in addition thereto there shall be a service charge of 2 cents for each parcel, except upon parcels or packages collected on rural delivery routes, to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by the regulations of the Postmaster General.

Whenever, in addition to the postage as hereinbefore provided, there shall be affixed to any parcel of mail matter of the fourth-class postage of the value of 25 cents with the words "Special handling" written or printed upon the wrapper, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class.

The classification of articles mailable as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this section if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby directed, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classifications, weight limit, rates, zone or zones or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

(c) That during the 12 months next succeeding the approval of this act the Postmaster General be, and he is hereby, authorized to conduct experiments in the operation of not more than 50 rural routes, in localities to be selected by him; said experiments shall be designed primarily to develop and to encourage the transportation of food products directly from producers to consumers or vendors, and, if the Postmaster General shall deem it necessary or advisable during the progress of said experiments, he is hereby authorized, in his discretion, on such number or all of said routes as he may desire, to reduce to such an extent as he may deem advisable the rate of postage on food products mailed directly on such routes for delivery at the post offices from which such routes start, and to allow the rural carriers thereon a commission on the postage so received at such rate as the Postmaster General may prescribe, which commission shall be in addition to the carriers' regular salaries. The amounts due the carriers for commissions shall be determined under rules and regulations to be prescribed by the Postmaster General directly from the postal revenues: *Provided*, That the amount so paid shall in no case exceed the actual amount of revenue derived from this experimental service.

A report on the progress of this experiment shall be made to Congress at the next regular session.

Mr. McKELLAR. Mr. President, in view of the statement of the Senator from New Hampshire that the service charge will bring about $16,000,000 or $17,000,000, and in view of the fact that the amendment offered by the Senator from Georgia [Mr. GEORGE] will only reduce the amount, according to the mathematics of the Senator from Utah [Mr. SMOOT], about $24,000, I am wondering if he would not accept——

Mr. MOSES. It is $240,000.

Mr. McKELLAR. The Senator from Utah, who is a great mathematician, said it is $24,000.

Mr. MOSES. I bow to his mathematical ability.

Mr. McKELLAR. Would not the Senator from New Hampshire be willing to accept an amendment providing for a 1-cent service charge, which would then bring the amount of revenue from parcel post to more than it cost, according to the report of the commission?

Mr. MOSES. Great as is my regard and affection for the Senator from Tennessee, I can not accept the amendment. The proposal as it first came before the committee was to make the service charge 5 cents, and we discussed all sums from 1 cent up to 10 cents, and finally decided upon 2 cents as being productive, as being equitable, and as being easy to administer, because one can buy a 2-cent stamp anywhere.

Mr. McKELLAR. Inasmuch as the Senate has shown this morning on two votes that a majority is going to carry out the wishes of the Senator from New Hampshire in the matter, I will not formally offer the amendment. I think it is unnecessary to do it. I know what the view of the Senate is on the situation. I am led to take this course for another reason, that the rates will only exist until February 15, 1926, and they can be tried out. I hope, however, it will not be the policy of the Government to make money out of the parcel post. We ought not to go any further than to have that great system made to pay its own way. We ought not to go any further than that, in my judgment.

Mr. MOSES. I yield now to the Senator from South Dakota who, I believe, desires to offer an amendment.

The PRESIDING OFFICER. The Chair would like to inquire of the Senator from New Hampshire the parliamentary status. Is the amendment which he just suggested to be considered the committee amendment?

Mr. MOSES. Yes.

Mr. STERLING. I hardly know where the amendment will come in after the reading of the new proposal offered by the Senator from New Hampshire, but it refers to that part of the amendment relating to the 25-cent charge for special handling. If the Clerk will follow my reading, as I think I have the language here, we can determine that point. I read:

Whenever in addition to the postage as hereinbefore provided there shall be affixed to any parcel of mail matter of the fourth-class postage of the value of 25 cents with the words "special handling" written or printed upon the wrapper, such parcel shall receive the same expedition of routing, dispatching, working, and delivery as is accorded mail matter of the first class.

I wish to offer this amendment to that language: Strike out all after the words "the same," as far as I read, and insert in lieu thereof the words "expeditious handling, transportation, and delivery accorded to mail matter of the first class."

Mr. MOSES. To my mind there is very slight difference in the language contained in the committee amendment and in that proposed by the Senator from South Dakota. My understanding is that under the language employed by the committee in its amendment it would be imperative upon the Postal Service to handle these special packages in closed pouches, which, of course, is one of the purposes of the amendment. However, inasmuch as the whole matter of the 25-cent expedition charge is experimental I am not inclined to be captious about the language in which the department is instructed to institute this new service, and I accept the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from South Dakota to the committee amendment is agreed to. The Senator from Georgia [Mr. GEORGE] has offered an amendment to the committee amendment, which will be stated.

Mr. GEORGE. I have sent my amendment to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 44, beginning in line 5, the language now reads:

(b) That on fourth-class matter the rate of postage shall be by the pound, as established by and in conformity with the act of August 24, 1912, and in addition thereto there shall be a service charge of 2 cents for each parcel—

At which point the Senator from Georgia [Mr. GEORGE] offers the following amendment:

Except upon parcels or packages collected on rural-delivery routes.

Mr. MOSES. I accept that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The question now is on agreeing to the amendment as amended.

Mr. GEORGE. Mr. President, with reference to the 25 cents special charge for the expeditious handling, and so forth, of parcel-post packages, I merely wish to suggest to the Senator from New Hampshire this thought: I ask the Senator from New Hampshire if this amendment, in his judgment, will not create a large class of preferred parcel-post matter and thereby further defer the handling and delivery of that class of parcel post that the system was really established to handle? I think the Senator will get my idea.

Mr. MOSES. The Senator's idea, if I caught it correctly, is that the application of the expedition fee to a large number of parcel-post packages will delay the accumulation of a

sufficient number of ordinary parcel-post packages to fill a storage car, and to that extent a considerable portion of the parcel-post matter will be still further thrown back into the grade of high-class freight; in other words, the bulk of parcels-post matter of which we are speaking would then be dealt with here exactly as parcel post is dealt with in Europe, for example. I wish to be entirely frank with my colleague from Georgia, who rendered the subcommittee such distinct service in the course of the trying days when we were attempting to get this bill together, and I will say that there is a chance that such will be the result. I can not tell how great a chance that will be; I can not tell how far it will detrimentally affect a large bulk of parcel post; but may I point out to the Senator and to the Senate that this is an entirely new Postal Service, and nobody can forecast with accuracy what its effect will be? I believe it will be widely made use of; I believe it will be highly productive of revenue; but I think that, in some degree, it will produce the result of which the Senator from Georgia is apprehensive.

However, let me say to the Senator that we can determine that result during the test period in which these rates are applicable. I think we can readily find out in the course of the investigation which is to take place during the recess exactly what the effect of the expedition fee will be.

Mr. GEORGE. Mr. President, it is upon that theory that I am not going to offer any objection to this special charge, although I apprehend that precisely what I fear will take place; that the Parcel Post System, in so far as it benefits those people for whom it was specially designed—farmers—will be practically destroyed by virtue of the creation of this special class of preferential matter.

Mr. MOSES. I do not think it will go so far as that, Mr. President, though in some degree it might result in the manner suggested by the Senator from Georgia.

Mr. GEORGE. Inasmuch as it is a test I am not going to make a formal objection to it.

Mr. WADSWORTH. Mr. President, may I ask if the Senator from New Hampshire will now describe to the Senate the exact situation in connection with this amendment and what condition it is in? As I understand, there have been some amendments accepted to the amendment.

Mr. MOSES. Mr. President, we are now dealing with the entire subject matter of the bill so far as it relates to fourth-class mail. There is no change whatever in the bill as the committee intended to report it, except that the proviso of the junior Senator from Georgia [Mr. GEORGE] exempting certain packages from the service charge has been agreed to. Other than that and certain changes in language offered by the Senator from South Dakota, which, in my opinion, do not at all change the intent or the effect of the measure, the amendment now pending is exactly what the subcommittee intended to report except, as I have stated, for the verbal change offered by the Senator from South Dakota and the proviso which has been presented by the junior Senator from Georgia.

Mr. WADSWORTH. Does the service charge apply to packages down to a certain weight?

Mr. MOSES. It applies to all packages in the parcel post except those covered by the proviso offered by the Senator from Georgia.

Mr. WADSWORTH. Then, with that one exception, there is a blanket service charge of 2 cents?

Mr. MOSES. Yes.

Mr. WADSWORTH. Mr. President, I imagine that exception will be adopted, although the entire amendment as amended has not as yet been adopted, but I can not help making the observation that the proviso suggested by the Senator from Georgia singles out one class of citizens for preferential treatment.

Mr. GEORGE. It does, Mr. President.

Mr. MOSES. It does.

Mr. GEORGE. And the parcel-post system was created largely to serve that particular class, and we justify it upon that basis alone.

Mr. WADSWORTH. I should like to make this further observation: As I understand it, under the amendment a patron of the Rural Free Delivery Service may ship through the mails a package in the parcel-post system without paying the service charge, but if another person living in a village in which there is a house-to-house delivery but no rural free delivery ships exactly the same kind of package through the parcel post he must pay a 2-cent service charge.

Mr. JOHNSON of California. Why not also include the latter in the exemption?

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. MOSES. I yield.

Mr. FRAZIER. On that point I wish to state that it is my understanding that the parcel post law was passed originally for the benefit of the people living in the rural communities. Since it passed it has grown in magnitude, so that only about 11 per cent of the parcel-post packages originate on or go to rural routes, and practically the bulk of the loss, or at least a proportionate percentage of the loss, chargeable to the Parcel Post System is due to the parcel-post service in the cities and villages. For that reason I am in favor of this amendment and believe it should be adopted, and that there should be further provisions made for the benefit of the farmers and those living on rural routes.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. MOSES. I yield.

Mr. WADSWORTH. I recollect the circumstances surrounding the inception of the Parcel Post System, and I think the Senator from North Dakota is correct, or substantially correct, when he says that it was inaugurated for the benefit of those who live in the open country, as it were; but, after all, it has brought that benefit to those people already, and in the rates thus far imposed on parcel-post packages there has been no distinction or discrimination made as between the users, whether they live on a country road or a village street or a city street. I can not see how we can say that the citizen who lives on Main Street, where the inhabitants are not dependent upon a rural route, shall be called upon to pay more to send his packages through the mails than the man must pay who lives a mile out of town.

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from California?

Mr. MOSES. Yes.

Mr. JOHNSON of California. I quite agree with what the Senator from New York says. I am perfectly willing that the exemption shall be made in favor of those suggested by the Senator from North Dakota; but why does not the Senator from New York present an amendment which will exempt all the other patrons of the Parcel Post System?

Mr. WADSWORTH. If such an amendment were adopted, there would be no 2-cent service charge at all.

Mr. JOHNSON of California. What of it? What difference does it make if accommodation is given, and, if our people are to be put upon a parity, why should it not be so? The Senator from New Hampshire is correct in saying that yesterday we established the precedent of creating class exemptions.

Mr. WADSWORTH. We did.

Mr. JOHNSON of California. And one of the reasons why I voted against the amendment then presented was because I thought that would be the ultimate result of the amendment, and I wished to prevent discrimination and partiality in the execution and administration of the proposed law. Let us try to make it just as equal in administration as we can. If the Senator from New York will present an amendment providing that the exemption shall be applied equally to all, I shall be delighted then to vote in favor of it.

Mr. WADSWORTH. The Senator from California is endeavoring to entice the Senator from New York to wipe out what little revenue there is left in this bill.

Mr. JOHNSON of California. Oh, no. I do not want to entice the Senator from New York into wiping out any revenue in the bill; I want the Senator from New York to pursue a course that the Senator from California always likes to pursue, that of making all people equal before the law in any measures that we pass. I know the Senator from New York is sympathetic with that view from the expression that he has just used, and, inasmuch as he broached the subject, I wanted to assure him of my hearty support in the views that he expressed.

Mr. WADSWORTH. I am glad to know that I have the support of the Senator from California. I hope he will support me in whichever alternative I will finally make up my mind to adopt. So far as my own conduct is concerned, if I had my way about it—and I suspect I am not going to have my way——

Mr. JOHNSON of California. Does the Senator have such a suspicion?

Mr. WADSWORTH. Yes. I would impose 2 cents on all customers.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended by the amendment of the Senator from South Dakota [Mr. STERLING] and the amendment of the Senator from Georgia [Mr. GEORGE].

Mr. WADSWORTH. Mr. President, I do not mean to impede the orderly and expeditious progress of this bill, but would the Senator from Georgia permit, without a record vote, a reconsideration of the vote by which his amendment to the committee amendment was adopted?

Mr. MOSES. There was no vote, may I say, Mr. President, but I accepted the amendment of the Senator from Georgia as perfecting the committee amendment.

Mr. WADSWORTH. I am glad to hear the Senator use the word "perfecting."

Mr. MOSES. That is the term ordinarily employed, but I am not using it in its dictionary sense.

Mr. President, if the Senator from New York wishes a separate vote upon the proviso presented by the Senator from Georgia, I am quite sure he can get it.

Mr. WADSWORTH. It may not be important, but possibly it might be interesting for me to state that I myself am a patron of the rural free delivery, and were the amendment of the Senator from Georgia to be embedded finally in the act I would save 2 cents on every package which I mailed, compared to my neighbors living in the neighboring villages.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to reconsider the vote by which the amendment of the Senator from Georgia was adopted. Is there objection? The Chair hears none, and the amendment of the Senator from Georgia is now before the Senate.

Mr. FRAZIER. Mr. President, what is the question?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia to the amendment of the committee.

Mr. FRAZIER. Mr. President, I certainly object.

The PRESIDING OFFICER. Does the Senator object to a reconsideration of the vote?

Mr. FRAZIER. I object to a reconsideration of the vote by which the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota objects to the reconsideration of the vote by which the amendment to the amendment was adopted. The question, therefore, is on the committee amendment as amended by the two amendments indicated.

Mr. WADSWORTH. Do I understand that there was a vote upon the amendment of the Senator from Georgia?

Mr. MOSES. No.

The PRESIDING OFFICER. The Chair stated, "Without objection, the amendment is agreed to," after the Senator from New Hampshire had accepted it.

Mr. WADSWORTH. Then, I suppose in the parliamentary sense a motion to reconsider is the only recourse I have.

The PRESIDING OFFICER. That is correct.

Mr. WADSWORTH. I do not desire a roll call on this question, Mr. President; I will be content, may I say, with a rising vote. I move to reconsider the vote by which the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Chair would rule that the Senator from New York may make a motion to reconsider.

Mr. WADSWORTH. I have made such a motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York to reconsider the vote by which the amendment of the Senator from Georgia [Mr. GEORGE] to the amendment reported by the committee was agreed to.

Mr. FRAZIER. Mr. President, can there not be discussion of that question?

The PRESIDING OFFICER. The question is open for debate.

Mr. FRAZIER. Mr. President, I wish to say that I think there will be nothing to prevent the Senator from New York, on his rural-route packages, from putting on the extra 2 cents if he wishes to do so, regardless of whether the law provides for it or not, so I can see no reason why he should object on personal grounds.

Mr. WADSWORTH. I call for a rising vote, Mr. President.

The PRESIDING OFFICER. The question is on the reconsideration of the vote by which the amendment of the Senator from Georgia [Mr. GEORGE] was adopted.

On a division, the motion to reconsider was rejected.

Mr. MOSES. Now may we have a vote upon the committee amendment?

The PRESIDING OFFICER. The question now is upon the committee amendment as amended by the two amendments that were agreed to.

The amendment as amended was agreed to.

Mr. HARRIS. Mr. President, I offer the amendment which I send to the desk, and which, I understand, will be accepted by the committee.

The PRESIDING OFFICER. The Chair inquires whether the amendment of the Senator from Georgia is a committee amendment?

Mr. MOSES. No; this amendment is offered by the Senator from Georgia to provide a new paragraph in section 208; but on behalf of the committee I intend to accept it, because, I may say at this stage, if the Senator from Georgia will permit me, that the language is the language of a bill which has already received the approval of the Senate Committee on Post Offices and Post Roads and has already passed the Senate and is awaiting action in the House of Representatives. It is perfectly germane to this legislation, and if put on here will enable its more prompt consideration at the other end of the Capitol. I accept the amendment proposed by the Senator from Georgia, which is to add a new paragraph, paragraph (c), to section 208.

The PRESIDING OFFICER. Without objection, the Secretary will state the amendment offered by the Senator from Georgia.

The READING CLERK. It is proposed to add, as a new paragraph, the following:

(c) That during the 12 months next succeeding the approval of this act the Postmaster General be, and he is hereby, authorized to conduct experiments in the operation of not more than 50 rural routes, in localities to be selected by him said experiments shall be designed primarily to develop and to encourage the transportation of food products directly from producers to consumers or vendors; and if the Postmaster General shall deem it necessary or advisable during the progress of said experiments, he is hereby authorized, in his discretion, on such number or all of said routes as he may desire, to reduce to such an extent as he may deem advisable the rate of postage on food products mailed directly on such routes for delivery at the post offices from which such routes start, and to allow the rural carriers thereon a commission on the postage so received at such rate as the Postmaster General may prescribe, which commission shall be in addition to the carriers' regular salaries. The amounts due the carriers for commissions shall be determined under rules and regulations to be prescribed by the Postmaster General directly from the postal revenues: *Provided*, That the amount so paid shall in no case exceed the actual amount of revenue derived from this experimental service.

A report on the progress of this experiment shall be made to Congress at the next regular session.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. MOSES. May we go on now with the other amendments?

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The next amendment of the Committee on Post Offices and Post Roads was, on page 49, line 20, after the word "provisions," to insert "of the act entitled 'An act to extend the insurance and collect-on-delivery service to third-class mail, and for other purposes,' approved June 7, 1924, and," so as to make the paragraph read:

(c) The provisions of the act entitled "An act to extend the insurance and collect-on-delivery service to third-class mail, and for other purposes," approved June 7, 1924, and of section 8 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, with respect to the insurance and collect-on-delivery services, are hereby continued in force.

The amendment was agreed to.

The next amendment was, on page 51, line 24, after the word "title," to insert "except section 217," and in line 25, after the word "on," to strike out "July 1, 1925," and insert "April 15, 1925; and the rates and fees herein provided shall not apply beyond February 15, 1926, at which date the rates and fees in force next prior to the passage of this act shall become again operative unless Congress in the meantime shall otherwise determine," so as to make the paragraph read:

EFFECTIVE DATE

SEC. 216. This title, except section 217, shall become effective on April 15, 1925; and the rates and fees herein provided shall not apply beyond February 15, 1926, at which date the rates and fees in force next prior to the passage of this act shall become again operative unless Congress in the meantime shall otherwise determine.

The amendment was agreed to.

The next amendment was, on page 52, after line 4, to insert a new section, as follows:

SEC. 217. A special joint subcommittee is hereby created to consist of three members of the Committee on Post Offices and Post Roads of the Senate and three members of the Committee on the Post Office and Post Roads of the House, to be appointed by the respective chairmen of said committees. The said special joint subcommittee is authorized and directed to hold hearings prior to the beginning of the first regular session of the Sixty-ninth Congress, to sit in Washington or at any other convenient place, and to report during the first week of the first regular session of the Sixty-ninth Congress, by bill, its recommendations for a permanent schedule of postal rates. Said special joint subcommittee is hereby authorized to administer oaths, to send for persons or papers, to employ necessary clerks, accountants, experts, and stenographers, the latter to be paid at a cost not exceeding 25 cents per 100 words; and the expense attendant upon the work of said special joint subcommittee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon voucher of its chairman. This section shall become effective upon the enactment of this act.

The amendment was agreed to.

The PRESIDING OFFICER. The committee amendments are completed.

Mr. MOSES. Mr. President, I ask unanimous consent that we may return to a consideration of section 207, relating to third-class matter, in order that the junior Senator from Nebraska [Mr. HOWELL] may present an amendment which he has in mind.

The PRESIDING OFFICER. Is there objection to the return? The Chair hears none. The Senator from Nebraska [Mr. HOWELL] offers an amendment, which will be stated by the Secretary.

The READING CLERK. It is proposed to add, at the end of the so-called George amendment, the following proviso:

Provided, That in the case of any third-class matter issued by individuals or committees respecting candidates and questions to be voted upon at any primary, general election, or special election the rate of postage shall remain as heretofore in effect.

Mr. MOSES. Mr. President, may I say to the Senator from Nebraska what I probably should have said at the time he was discussing this amendment of his with me—that in my opinion the amendments to this section presented by the Senator from Georgia effectively takes care of that situation. I will ask the Senator from Georgia if that is his understanding?

Mr. GEORGE. That is my understanding, Mr. President.

Mr. HOWELL. Is it the Senator's understanding that the rate on third-class matter used for political purposes will be the same as heretofore?

Mr. GEORGE. I think so; yes. That is my understanding.

Mr. HOWELL. Very well. I withdraw the amendment.

Mr. MOSES. And I beg pardon of the Senator from Nebraska for not having been intelligent enough to inform him of that at our earlier conversation.

Mr. WALSH of Massachusetts. Mr. President, I wish to announce for the purposes of the RECORD that I proposed an amendment giving a discriminatory postage rate in favor of daily and weekly newspapers with a circulation of less than 5,000, which it is unnecessary for me to offer now in view of the adoption of the Oddie amendment; but I do offer the amendment which I send to the desk, adding a new title to the bill.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I do not think it will be necessary to read the amendment in full. It is the amendment that was attached to the postal salaries increase bill when it was before Congress at the last session. It is the same corrupt practices act that was reported by the Committee on Elections of the House on May 13, 1924, and adopted later by the House and the Senate and presented to the President when the postal salaries bill was considered in the last session of the Congress.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to consider the amendment without reading. Is there objection?

Mr. MOSES. I shall not interpose any objection to that request. We are all thoroughly familiar with the amendment, but I deemed it bad legislation at the time to put a corrupt practices act upon a measure of this kind. I still deem it a bad practice in legislation, and I certainly hope the amendment will not be agreed to.

The PRESIDING OFFICER. Is there objection to dispensing with the reading of the amendment?

Mr. MOSES. I make no objection to that request. I am simply asking that the Senate do not agree to the amendment. I think it is bad legislative practice.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from Massachusetts, which is now before the Senate.

The amendment was, on page 52, after line 25, to insert a new title, as follows:

TITLE III—FEDERAL CORRUPT PRACTICES ACT, 1925

SEC. 301. This title may be cited as the "Federal Corrupt Practices Act, 1925."

SEC. 302. When used in this title—

(a) The term "election" includes a general or special election, and, in the case of a resident commissioner from the Philippine Islands, an election by the Philippine Legislature, but does not include a primary election or convention of a political party;

(b) The term "candidate" means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

(c) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

(d) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution;

(e) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

(f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

(g) The term "Clerk" means the Clerk of the House of Representatives of the United States;

(h) The term "Secretary" means the Secretary of the Senate of the United States;

(i) The term "State" includes Territory and possession of the United States.

SEC. 303. (a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted and no expenditure made by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.

(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) All contributions made to or for such committee;

(2) The name and address of every person making any such contribution and the date thereof;

(3) All expenditures made by or on behalf of such committee; and

(4) The name and address of every person to whom any such expenditure is made and the date thereof.

(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding $10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

SEC. 304. Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received.

SEC. 305. (a) The treasurer of a political committee shall file with the Clerk between the 1st and 10th days of March, June, and September, in each year, and also between the tenth and fifteenth days and on the fifth day next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing—

(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the items of the aggregate amount or value, within the calendar year, of $100 or more, together with the amount and date of such contribution;

(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

(3) The total sum of all contributions made to or for such committee during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

(6) The total sum of expenditures made by or on behalf of such committee during the calendar year.

(b) The statements required to be filed by subdivision (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(c) The statement filed on the 1st day of January shall cover the preceding calendar year.

SEC. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305.

SEC. 307. (a) Every candidate for Senator shall file with the Secretary, and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk, not less than 10 nor more than 15 days before, and also within 30 days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made, except that only the total sum of expenditures for items specified in subdivision (c) of section 109 need be stated;

(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(c) Every candidate shall inclose with his first statement a report, based upon the records of the proper State official, stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election the next preceding the election at which he is a candidate.

SEC. 308. A statement required by this title to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

(a) Shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths;

(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, D. C., but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

(c) Shall be preserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection.

SEC. 309. (a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title.

(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

(1) The sum of $10,000 if a candidate for Senator or the sum of $2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

(2) An amount equal to the amount obtained by multiplying 3 cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding $25,000 if a candidate for Senator or $5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate.

SEC. 310. It is unlawful for any candidate to directly or indirectly promise or pledge the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy.

SEC. 311. It is unlawful for any person to make or offer to make an expenditure, or to cause an expenditure to be made or offered, to any person, either to vote or withhold his vote, or to vote for or against any candidate, and it is unlawful for any person to solicit, accept, or receive any such expenditure in consideration of his vote or the withholding of his vote.

SEC. 312. Section 118 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, is amended to read as follows:

"SEC. 118. It is unlawful for any Senator or Representative in, or Delegate or Resident Commissioner to, Congress, or any candidate for, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or any officer or employee of the United States, or any person receiving any salary or compensation for services from money derived from the Treasury of the United States, to directly or indirectly solicit, receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person."

SEC. 313. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any election to any political office, or for any corporation whatever to make a contribution in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation which makes any contribution in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation who consents to any contribution by the corporation in violation of this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 314. (a) Any person who violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) Any person who willfully violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than $10,000 and imprisoned not more than two years.

SEC. 315. This title shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election.

SEC. 316. This title shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this title, or to exempt any candidate from complying with such State laws.

SEC. 317. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 318. The following acts and parts of acts are hereby repealed: The act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910 (ch. 392, 36 Stat. 822), and the acts amendatory thereof, approved August 19, 1911 (ch. 33, 37 Stat. 25), and August 23, 1912 (ch. 349, 37 Stat. 360); the act entitled "An act to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress," ap-

proved October 16, 1918 (ch. 187, 40 Stat. 1013); and section 83 of the Criminal Code of the United States, approved March 4, 1909 (ch. 321, 35 Stat. 1088).

SEC. 319. This title shall take effect 30 days after its enactment.

Mr. WALSH of Massachusetts. Mr. President, the amendment now proposed by me was attached to the postal salaries bill which passed the Congress at the last session and went to the President; and when the bill was vetoed the President stated that had this portion of the bill—the title which established a corrupt practices act—been presented to him alone, he would have approved it. It is a measure that has been given a great deal of study and thought by an important committee of the House. It was fully discussed by myself and other Senators in the last session of the Congress, and therefore a detailed analysis now of the proposed provisions of the amendment is unnecessary.

I may say that the origin of the idea of such legislation as a rider to other legislation was due to the fact that when the postal salaries increase bill was before the Senate a year ago the Senator from Idaho [Mr. BORAH] proposed an amendment wherein he sought to provide for more publicity of campaign contributions. That amendment was voted upon the bill by the Senate. When the bill went with that amendment to the House the conferees struck out the Borah amendment and added a new title, which is the amendment which I now present—a measure which seeks to provide for a strong and up-to-date corrupt practices act. When the bill came back from the conferees this title was accepted by the Senate, and the bill went to the President containing this identical corrupt practices act.

Mr. MOSES. Mr. President, will the Senator permit an interruption at that point?

Mr. WALSH of Massachusetts. I yield.

Mr. MOSES. May I say that the conferees on the part of the Senate, of whom I was one, believed, as I believed then and believe now, that this is bad legislative practice; but we were confronted by a vote of instructions on the part of the House, instructing their conferees to agree to no postal salaries bill that did not carry the Cable corrupt practices act. The conferees on the part of the Senate were powerless, and yet we came in an presented a report saying that "after a full and free conference" we had agreed to so-and-so, when, as a matter of fact, the conferees on the part of the Senate were shackled and muzzled from the beginning by the action of the House.

Mr. WALSH of Massachusetts. In any event, the Senator can not deny that attached to that bill was a corrupt practices act, and that the President in his veto message said that had that portion of the bill stood alone he would have signed it.

Mr. MOSES. No.

Mr. WALSH of Massachusetts. And everybody who is familiar with legislation here knows that there is no chance whatever to get a corrupt practices act through at this session except by attaching it to some such bill, and we have a good precedent—the very identical bill which went to the President, and which the President said he would have signed if it had stood alone.

What is the situation with regard to corrupt practices acts? There are six piecemeal statutes—the acts of 1907, 1909, 1911, 1912, and 1918—seeking to prevent corrupt practices in elections. They are all obsolete. Some of them have been held to be unconstitutional. The Newberry case held one of these acts to be unconstitutional. It is a serious question if they are not all unconstitutional, in view of the fact that the amendment providing for the election of Senators by popular vote was adopted after the present corrupt practices acts were adopted. It is a doubtful question, to put it mildly, if there is any statute whatever controlling the collection of funds and the expenditure of funds in elections of Members of the Senate and Members of the House; and I want to say here, from my own experience in public life, that if something is not done to regulate the raising of money and the expenditure of money in elections, a seat in this body or a seat in the House will be denied candidates of limited financial resources.

The costs of being elected to public office have multiplied tremendously, and it takes the wealth of a wealthy man to make an effective campaign. A poor man must put himself in the hands of wealthy men or moneyed influences in order to make a thorough campaign. Yet we have allowed year after year to pass without protest, and if I do not say anything else in the Senate before I leave my seat on the 4th day of March, I want to give warning that this body and the body at the other end of the Capitol will be delivered over to those who can raise the money to make effective and successful campaigns for public offices.

I ask that a poor man be given a chance to be elected United States Senator, or to be elected a Member of the House, and he can not be given a chance unless some steps are taken to regulate the contributions and the collection of money for election to public office. There is now no Federal statutes whatever affecting it that may be considered constitutional.

Do Senators realize what it takes merely to send a circular to every voter in a State like the State of Massachusetts? It takes about $30,000. That is the least presentation of a candidate's case which ought to be permitted, the sending of a circular to every voter to show where the candidate stands upon public questions. In 10 years I have seen the costs of being elected to public office multiply and multiply and multiply, so that a poor man can not get the money necessary unless he is willing to accept contributions from men of wealth, and from other sources of wealth.

I am going to put up to the Senate a very clear question: Do you want a corrupt practices act? I am going to have a roll call on that. There is no such act on the statute books now, there is no prospect of any being adopted during this session of the Congress except as a rider on legislation of this kind. What justification is there for any Senator voting against it now, except that it is bad practice to attach such an amendment to a bill of this kind and character? We have a precedent. It was actually attached to the last bill of this character and kind passed by the Congress, and it was attached here in this body, on a roll call, on a motion made by the senior Senator from Idaho [Mr. BORAH], and the principle of that amendment was agreed to upon the part of the House by attaching this very amendment I now propose.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. WALSH of Massachusetts. I yield.

Mr. FLETCHER. According to the Senator from New Hampshire, it was attached at the demand of the House, so that it is presumable now that if it is put on in the Senate, the House will agree to it.

Mr. WALSH of Massachusetts. Exactly. The House on its own demand insisted in conference that this identical amendment should be attached to the bill, word for word and letter for letter, and the Senate accepted that upon the demand of the House. So it is not a new measure; it is not an unstudied measure. Let me say that the amendment has been prepared with very great care, and after a very great deal of study by the Committee on Elections, and reported by a very capable Republican Member of the House of Representatives, Mr. CABLE, who has given the subject a great deal of thought and a great deal of study.

It was the insistence upon the part of both the Senate and House, on the eve of the last national election, that we go before the country with some pretense of belief in a corrupt practices act, which resulted in it being adopted. We have no such act now on the statute books, nor are we likely to have one unless we can secure it in some such way as this. Here is an immediate opportunity; here is a chance at this time for this important legislation.

This amendment is not perfect. If I had my way I would limit the amount that could be expended by committees. The measure limits the total amount that may be expended by any individual candidate, but it does not limit the amount that any committee may expend. It is the curse of our election system, that a committee can expend a million dollars to elect a Senator, but the candidate for Senator himself is limited in the amount he may expend.

Mr. ASHURST. Mr. President, is this the same measure, in identical language, that was attached to the other bill?

Mr. WALSH of Massachusetts. Exactly; and deliberately and purposely it was not changed, because the House accepted it; the Senate accepted it, and the President accepted it, so far as he could. So it is fair to assume that if the rest of the bill is acceptable to the President, he will accept this provision. But there is no assurance, no promise of any action along this line at this session except through the adoption of this amendment.

On April 24, 1924, I offered a sweeping resolution, which was adopted, asking the Committee on Privileges and Elections to report a corrupt practices act, calling attention to conditions in this country, to the fact that there was no law whatever controlling the use of money in elections of Senators and Representatives and no legal method of requiring proper publicity of the use of money in elections.

Mr. President, due, I ought to say, to the efforts of the Senator from Idaho [Mr. BORAH], who proposed the first amendment which led to the attachment of a corrupt practices provision to the postal salaries increase bill a year ago, we have the precedent for attaching this amendment to this very bill. Therefore I shall ask for a record vote; I shall ask that the Members of this body declare where they stand, whether they wish to continue to have no statute regulating corrupt practices in elections of Members of the House and of Members of the Senate.

I again want to emphasize the thing that has come home to me in my short public career more than anything else, that the day is coming and coming soon when no man of limited financial means can be elected to office in a state-wide campaign in any of the great States of this Union; that he can not afford the necessary money; that he can not compete with the wealth that can be accumulated by committees and spent; that the office of governor, the office of Senator, and other offices for which state-wide campaigns are conducted are to go to the rich, to those who are well to do, or to the poor man who is willing to make a campaign upon funds that are subscribed by the well to do. I ask is that not a serious outlook for a great country like ours?

When I ran for governor of my State in 1913 a modest sum of money was sufficient to make a campaign. That day is gone. One hundred thousand dollars is insignificant in making a thorough state-wide campaign in competition with a wealthy candidate in this country to-day. What is the alternative? When committees can spend all the money they can raise, what is the alternative except that poor men who do not want to put themselves under the domination and influence and control and direction of those who have wealth must surrender their right to hold important public office.

I protest against that, and if I were to remain in this body I would urge, and so far as I have influence I am going to continue to urge, fixing an exact limit on the total sum of money that may be raised and the total sum of money that may be spent, so that all candidates shall be on an equal basis in presenting their cases to the electorates of their respective constituencies.

So sincerely and deeply do I feel upon this subject that I think a vote ought to be taken upon this question and a record be made of whether or not this body wants to have incorporated an amendment of this kind, which seeks, for the first time, to put a corrupt practices act upon the statute books that will have some meaning, that will be up to date, that will be constitutional, and that will remove the present obsolete laws and the unconstitutional statutes that are now not respected or obeyed.

I would prefer to have this subject matter dealt with in a separate bill, but the inaction of committees of the Senate that have had bills and resolutions before them on this subject prompts the presentation of this amendment to prevent in part at least corrupt practices in our national elections.

Mr. HEFLIN. Mr. President, I am heartily in favor of the amendment offered by the Senator from Massachusetts. We have no corrupt practices act on the statute books now, as the Senator has said. We did have a law upon the subject, but it was declared to be null and void, in effect, by the Supreme Court. There ought to be some effective statute on this subject. The Senate should at this session do something to safeguard the ballot. It should not be left as a matter of barter, sale, and traffic to the highest bidder.

It ought to be so that a poor man could run for any office in this country and not be embarrassed at all financially. We have reached a time in some sections, as the Senator from Massachusetts has said, when a poor man can not become a candidate for the Senate. That is a sad situation in our country. It should not exist in any State in the Union. Yet we know that in some of the States a man can not become governor, he can not become a United States Senator, he can not become a Member of the House, unless he is a man of wealth, or, as the Senator has said, unless he is a man who is ready to pay the price; that is, go to the corrupt interests and tell them that he will be their agent and tool in this body or in the other body, and if he will do that, they will see in some instances that a poor man is elected, they will buy the office for him, and if he will then do what they want him to do, they would as soon have him as to have a man of wealth here.

I think we ought to do everything we can in a legislative way to keep the corrupt influences away from the ballot box and to remove restraints from honest, meritorious men and women who desire to run for office. They should not be handicapped because of a situation which exists in which large sums of money are required to enable them to run.

Mr. President, I hope the Senate will pardon a personal allusion. When I became a candidate for the Senate in 1920 in a state-wide primary, I had a number of friends who were also friends of some of the gentlemen who were running against me, and they came and talked to me seriously, privately, and told me that I could not make the race because I did not have the money necessary, asking me if I had any idea how much money it would cost. I said "No." They said, "You can not go up against it. It costs a tremendous sum." I said, "It is not going to cost me any tremendous sum, because I have not got it, but I am going to become a candidate, and the matter you state with regard to money has no terrors whatever for me. I believe that if the people can be reached with a cause that is just, they will vote right." I said, "So far as my candidacy is concerned, I will rest it upon the record I made in the House for 16 years, and I am going to try to lay it before the people before the primary election."

I did that, and I am happy to say that I was nominated. At the last election I had no opposition at all, and my election did not cost me one cent. But there are places where thousands and hundreds of thousands were expended, and I think wrongfully and corruptly expended.

I do not know how much was spent in the last national campaign. I have an idea that it was somewhere between twenty and thirty million dollars. I have been told that a gentleman last summer, speaking about Mr. McAdoo, said—

> If McAdoo is nominated, we will spend as much money to defeat him as we did to defeat Bryan in 1896.

The gentleman said, "How much did you expend then?" He said, "$60,000,000." Those of us who can remember that far back remember that it looked like everybody on the face of the earth was for Mr. Bryan, but somehow or other he did not get elected.

I think that instead of yielding to the encroachment of wealth and corruption in politics we ought to stand with drawn sword and combat it at every step of its approach. Here is an opportunity in this bill and it ought to be amended as is suggested by the senior Senator from Massachusetts [Mr. WALSH]. We ought to have this much of law to take the place of the corrupt practices act that we once had upon the statute books. I do not see why there should be any objection to an enactment of this kind and I hope it will be adopted.

Mr. BUTLER. Mr. President, I presume it is somewhat unusual to add to a piece of legislation like that which we really have here under consideration a bill of another character taking up a widely different subject, but my colleague, the senior Senator from Massachusetts, has offered the amendment for our consideration. It presents an interesting subject and one to which allusion has been made many times.

I have not had the time nor the opportunity carefully to examine the amendment proposed by my colleague, but I agree with its purpose and its object. Such examination as I have been able to give it indicates to me that the amendment is a fair and reasonable proposition. I believe that the people of the country are interested in the subject. I have had some experience more recently in the matter of managing a nation-wide campaign and it is no particular pleasure to expend a large amount of money upon a political campaign.

Perhaps it ought not to be required, although we have to consider, in taking into account a national campaign that it covers 48 States, and in taking into account the different conditions and the exigencies of the campaign extending over many months, it does require a large amount of money to cover the matter of publishing to the people of the country the facts and conditions relating to the campaign and informing and educating the people of the country in relation to the issues involved in the campaign.

It seems to me, without going into detail, that the proposition is a reasonable one. Standing by itself it is one which I should support by my vote. It may be somewhat out of order to consider it in connection with the main proposition which we now have under consideration. I should not vote against it on that account, however. Notwithstanding that the proposal is offered as an amendment and though it does not relate to the subject of the bill now before the Senate, yet taking everything into consideration I think it is an amendment which should be supported.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Massachusetts [Mr. WALSH].

Mr. WALSH of Massachusetts. I ask for the yeas and nays.

The yeas and nays were ordered and the reading clerk proceeded to call the roll.

Mr. OWEN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. ELKINS] to the junior Senator from Mississippi [Mr. STEPHENS], and vote "yea."

The roll call was concluded.

Mr. SIMMONS. The junior Senator from New York [Mr. COPELAND] is unavoidably absent. If he were present he would vote "yea."

Mr. CURTIS (after having voted in the affirmative). I am paired with the senior Senator from Arkansas [Mr. ROBINSON], but I am at liberty to vote on this question, and therefore allow my vote to stand.

I desire to announce that the Senator from Nebraska [Mr. HOWELL], the Senator from Pennsylvania [Mr. PEPPER], the Senator from Michigan [Mr. FERRIS], and the Senator from Rhode Island [Mr. METCALF] are engaged in a hearing before the Judiciary Committee.

Mr. FRAZIER. My colleague, the senior Senator from North Dakota [Mr. LADD], is unavoidably absent. If he were present he would vote "yea."

Mr. GERRY. I desire to announce that the Senator from Arkansas [Mr. ROBINSON] if present would vote "yea." His pair has already been announced.

Mr. HARRISON. I wish to announce that my colleague, the junior Senator from Mississippi [Mr. STEPHENS], who is necessarily absent, has a pair on this question with the senior Senator from West Virginia [Mr. ELKINS]. If present my colleague would vote "yea."

The result was announced—yeas 71, nays 3, as follows:

YEAS—71

Ashurst	Edge	Jones, Wash.	Ransdell
Ball	Ernst	Kendrick	Reed, Pa.
Bayard	Fernald	Keyes	Sheppard
Bingham	Fess	King	Shipstead
Borah	Fletcher	McKellar	Shortridge
Brookhart	Frazier	McKinley	Simmons
Broussard	George	McLean	Smith
Bruce	Gerry	McNary	Smoot
Butler	Glass	Mayfield	Sterling
Cameron	Gooding	Means	Swanson
Capper	Hale	Neely	Trammell
Caraway	Harreld	Norris	Underwood
Couzens	Harris	Oddie	Wadsworth
Cummins	Harrison	Overman	Walsh, Mass.
Curtis	Heflin	Owen	Walsh, Mont.
Dale	Johnson, Calif.	Phipps	Wheeler
Dial	Johnson, Minn.	Pittman	Willis
Dill	Jones, N. Mex.	Ralston	

NAYS—3

Moses	Spencer	Warren

NOT VOTING—22

Bursum	Howell	Norbeck	Stanley
Copeland	Ladd	Pepper	Stephens
Edwards	La Follette	Reed, Mo.	Watson
Elkins	Lenroot	Robinson	Weller
Ferris	McCormick	Shields	
Greene	Metcalf	Stanfield	

So the amendment of Mr. WALSH of Massachusetts was agreed to.

Mr. CURTIS. Mr. President, on page 1, line 5, of the bill I move to strike out the words "July 1, 1924," and to insert in lieu thereof "January 1, 1925."

The PRESIDENT pro tempore. The question is upon agreeing to the amendment. [Putting the question.] The Chair is in doubt.

Mr. DILL and Mr. CURTIS asked for a division.

The PRESIDENT pro tempore. Senators in favor of the amendment will rise and stand until they are counted.

Mr. HARRISON. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. HARRISON. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state the inquiry.

Mr. HARRISON. I ask that the amendment may be restated.

The PRESIDENT pro tempore. The Secretary will restate the amendment proposed by the Senator from Kansas [Mr. CURTIS].

The READING CLERK. On page 1, section 1, under the heading "Reclassification of salaries of postal employees," the bill reads:

SECTION 1. That on and after July 1, 1924, postmasters and employees of the Postal Service shall be reclassified and their salaries and compensation readjusted—

In line 5 the Senator from Kansas proposes to strike out "July 1, 1924," and to insert "January 1, 1925."

Mr. DILL. Mr. President, I wish to ask the Senator from Kansas would not such an amendment, if adopted, be in violation of the pledge which was made here in the debate when the veto message was under consideration, that the new bill would carry exactly the same terms as to the payment of postal employees as were contained in the old bill which was vetoed by the President?

Mr. CURTIS. I did not understand that the bill was to carry the retroactive feature at all. I think it would be a dangerous and unwise precedent to make the salary provisions of the bill retroactive. I believe it would be in the interest of the employees themselves if the amendment which I have offered should be adopted.

Mr. DILL. The Senator will recall that when the Senator from New Hampshire [Mr. MOSES] introduced and discussed the bill which he said he would attempt to have passed, he particularly pointed out that the language as to the salaries was identical with the language of the bill on which we were about to vote and which had been vetoed. Now, near the end of the discussion of the pending bill, it is proposed to reverse the position on that question by striking out six months of the years' pay which would have been given under the other bill.

Mr. CURTIS. I never pledged myself to the retroactive feature of the measure, and I would not do so. I think it would be a mistake to make it retroactive.

Mr. SPENCER. Mr. President, I should like to say that to make the bill retroactive from July 1 last would involve the expenditure of $38,000,000. Now, it is perfectly manifest to those of us who have the interest of the postal employees at heart that if we increase the burden of the bill by $38,000,000 without the corresponding revenue we jeopardize the prospect of the bill ever becoming a law. That is why I had much rather have the date fixed as January 1, 1925, than July 1 of last year. If we agree on July 1 of last year, as it is now in the bill, the measure will be jeopardized, for, as I have stated, it will require $38,000,000 more revenue to meet its terms. It is much better to take a half loaf than none.

Mr. DIAL. Mr. President, as a rule I deem all laws which have a retroactive effect to be on a wrong basis, and I think that such laws should not be enacted. One reason why I voted to sustain the President's veto was that this act would have had a retroactive effect to last July. The Government would never know where it stood financially if such action were taken.

I am willing to vote for an increase of compensation, but I object to the bill having retroactive effect to July 1, 1924. If such a provision should remain in the bill, it jeopardizes its passage and would establish a bad precedent.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Kansas [Mr. CURTIS]. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the Senator from Wisconsin [Mr. LENROOT], and vote "yea."

The roll call was concluded.

Mr. ERNST. I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Illinois [Mr. MCCORMICK], and vote "yea."

Mr. FRAZIER. My colleague, the senior Senator from North Dakota [Mr. LADD], is absent unavoidably. If he were present, he would vote "nay."

Mr. SIMMONS. I desire to announce that the junior Senator from New York [Mr. COPELAND] is necessarily detained from the Chamber. If present, he would vote "nay."

Mr. OWEN. I transfer my pair to the Senator from Mississippi [Mr. STEPHENS], and vote "nay."

Mr. CARAWAY. My colleague [Mr. ROBINSON] is unavoidably absent. If present, he would vote "nay."

The result was announced—yeas 30, nays 51, as follows:

YEAS—30

Ball	Fernald	McLean	Spencer
Bingham	Fess	Means	Sterling
Borah	Gooding	Metcalf	Wadsworth
Bursum	Hale	Norbeck	Warren
Butler	Harreld	Oddie	Watson
Curtis	Jones, Wash.	Phipps	Willis
Dial	Keyes	Reed, Pa.	
Ernst	King	Smoot	

NAYS—51

Ashurst	Caraway	Fletcher	Heflin
Bayard	Couzens	Frazier	Howell
Brookhart	Cummins	George	Johnson, Calif.
Broussard	Dale	Gerry	Johnson, Minn.
Bruce	Dill	Glass	Jones, N. Mex.
Cameron	Edge	Harris	McKellar
Capper	Ferris	Harrison	McKinley

McNary	Owen	Shipstead	Underwood
Mayfield	Pepper	Simmons	Walsh, Mass.
Moses	Pittman	Smith	Walsh, Mont.
Neely	Ralston	Stanfield	Weller
Norris	Ransdell	Swanson	Wheeler
Overman	Sheppard	Trammell	

NOT VOTING—15

Copeland	Kendrick	McCormick	Shortridge
Edwards	Ladd	Reed, Mo.	Stanley
Elkins	La Follette	Robinson	Stephens
Greene	Lenroot	Shields	

So the amendment of Mr. CURTIS was rejected.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole and open to further amendment.

Mr. SWANSON. Mr. President, I gave notice that after the bill had been perfected I should move to strike out all of its provisions providing for an increase of postal rates.

I move to strike out, on page 37, commencing on line 11 with the word "Title," down to the end of line 4, on page 52.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Virginia.

The READING CLERK. The Senator from Virginia proposes to strike out, on page 37, lines 11 to 25, both inclusive, being Title II, "Postal rates, first-class matter, drop letters, postal cards," and so forth, and the remainder of the bill down to and including line 4, page 52.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Virginia.

Mr. SWANSON. Mr. President, I shall not detain the Senate long.

I do not think this is the right way to go about granting a just increase of salaries to postal employees. I do not think we should require these increases in rates to be made before their salaries shall be increased. I do not favor the increases contained in the bill. They have not been sufficiently examined, and, in addition, I do not think they ought to remain in a bill originating in the Senate. Consequently I gave notice that I should move to strike out all that portion of the bill when it had been completed.

I shall not detain the Senate by arguing the matter. We have heard what these increases are. Most efforts to modify and change the increases made were defeated. I believe they impose upon certain people a burden that ought not to be imposed upon them in order to do justice to the postal employees.

I voted to increase the salaries of the postal employees. I think the increases are just; I think they are proper; I think they are reasonable; and I do not think relief to this deserving class of citizens should be conditioned upon the certainty or uncertainty of raising additional revenue.

Mr. TRAMMELL. Mr. President, I have supported salary increases for postal employees on all occasions and in every instance since this matter has been before the Senate. I believe that they are entitled to a reasonable increase; but I am not in sympathy with the double-barreled legislation that we have before us at the present time. I know of no instance where we have provided for an increase in salaries to any other class of Government employees when there has been an effort to provide for the additional revenue in the same legislation, as is true in the measure we are now considering.

I am in sympathy with the amendment offered by the Senator from Virginia. I believe that the question of the increase of the salaries should stand upon its own merits, and that we should not have forced upon us the necessity for providing increases in this particular legislation. I am going to vote for the amendment proposed by him, and in doing so I wish it distinctly understood upon the other hand that my sympathies are with the idea of increasing the salaries of postal employees. I think, unquestionably, we should pass legislation providing for an increase, but I do not think we should be forced to accept some increases in postal rates to which we very strenuously object.

I hope the amendment of the Senator from Virginia will be adopted.

Mr. MOSES obtained the floor.

Mr. HARRISON. Mr. President, before the Senator proceeds will he answer some questions which I should like to put to him?

Mr. MOSES. I will try to do so.

Mr. HARRISON. The Senator can, I am sure.

There has been a great deal of confusion about the consideration of this bill, some amendments having been rejected and some having been adopted. With the amendments that have been adopted, how much revenue will the bill raise, in the opinion of the Senator?

Mr. MOSES. My impression is that the bill will raise well upward of $50,000,000.

Mr. HARRISON. And the amount it would take to give the increased salaries to the employees would be some sixty-odd millions?

Mr. MOSES. Yes.

Mr. HARRISON. How much does the Senator estimate the charge on parcel post will amount to?

Mr. MOSES. Both charges, something rising twenty millions.

Mr. HARRISON. It is an increase, then, to the extent of twenty millions on parcel post?

Mr. MOSES. I think so.

Mr. President, the effect of the motion made by the Senator from Virginia will be exactly such as he attempted to bring about by a point of order, which the Senate, by a decisive vote, refused to sustain. I am glad to hear him once more make a statement of his beliefs. His faith is constant and shining and always interesting in its declaration. But, Mr. President, we have already tried once to increase postal salaries in a naked measure, and we know it has failed. If there are Senators here who wish to increase postal salaries, they will reject the motion of the Senator from Virginia and they will vote to enact this bill.

Mr. HARRISON. I call for the yeas and nays on the amendment.

Mr. NORRIS. Mr. President, it seems to me it is evident that all that part of this bill included in the motion of the Senator from Virginia [Mr. SWANSON] is an attempt to legislate without proper and fair consideration of the subject upon which we are legislating. There is a great difference of opinion as to just what the effect of nearly every item is going to be, a difference of opinion as to the amount of money that will be raised, a difference of opinion as to what effect it will have upon the Postal Service.

I am not averse to a revision of the part of the postal laws that is attempted to be revised in this bill. I agree, so far as my limited knowledge goes, with many of the things that the Senator from New Hampshire has said; but I think it must be conceded that we are legislating on a subject of vast importance—in which all the people of the United States have more or less a direct interest—without sufficient information.

That is borne out by the fact that this very legislation shows on its face that we are not able to legislate intelligently by one of the provisions of the bill proposed to be stricken out by the pending motion.

Mr. President, I call attention to page 51, commencing with line 24, section 216:

This title—

That applies only to that part of the bill which the Senator is trying to strike out, Title II—

This title, except section 217, shall become effective on April 15, 1925; and the rates and fees herein provided shall not apply beyond February 15, 1926, at which date the rates and fees in force next prior to the passage of this act shall become again operative unless Congress in the meantime shall otherwise determine.

So that if we pass this bill as we have now amended it, all of Title II will not go into effect until the 15th day of April next, and on the 15th day of February, 1926, it will all pass out of existence.

Section 217 of Title II, which is exempted from the motion of the Senator from Virginia, provides for a joint committee to investigate and report to Congress next December a proposed law that we could pass at that time and put into effect, the theory is, before the 15th of February following.

Mr. President, is not that a demonstration that those who have proposed this legislation are themselves admitting by their action that it is only "half-baked" legislation, and that they are not even proposing to put permanent legislation on the statute books? They are proposing only to put a temporary statute on the books; and while it is provided—and against that I have no objection whatever—by section 217 that a joint commission shall be appointed to investigate and get the facts and figures so that we can legislate intelligently, while that is true and while we undoubtedly ought to do that, and then act intelligently and efficiently, everybody knows that the way things are done in the House and the Senate on a mighty important proposition of this kind, if that joint commission reports by the 1st of December Congress will not have enacted the law by the 15th of February.

I know, Mr. President, and you know, and every Member of the Senate knows, and God knows, that that is a practical impossibility, and never will take place. Why, then, are we going through this sham? It seems to me it is a sham. Why are we going through this operation of enacting a law that is going to be in to-day and out to-morrow? Why are we going

to put upon the statute books, with all the solemnity of grown men, a statute that we know is going to be in force but a few days, and then pass out?

The Post Office Department is perhaps the greatest of any department of the Government as far as coming in contact with the people is concerned. It reaches into every business institution; it reaches into every religious organization, every fraternal lodge; yes, Mr. President, it goes into every home and every fireside. Yet we are going to revolutionize the fees of this great department and change them all about without knowing what the result is going to be, and that change is going to be in force for 10 months, and then it will pass out and the department will go back to the old rates. Is that economy? How much is it going to cost the Post Office Department to make all the necessary changes when they know they are going to be only temporary?

In the first place, it is a demonstration, it is an admission on our part that we have not the information to legislate intelligently. In the next place, those who know how business is done here know that between the 1st of December, when a new Congress convenes, and the 15th of February we can not enact a new postal system. It is perfectly absurd. In the first place, as I said, that will be a new Congress, unorganized, with no committees in the House or the Senate. They will not be organized before the holidays. Even if we were organized we would not get down to business in a new Congress before the holiday recess. It will be after the 1st of January before business is really commenced either by the House or by the Senate. Perhaps that is wrong, Mr. President. Perhaps we ought to do differently. Perhaps we ought to meet in October. Perhaps we ought to meet on the first Monday in December and have this bill on the skids on the next day; but you know we will not. That is not the question involved. We know practically now that we are enacting legislation here that is expecting, if it is to be successful, an absolute impossibility. Is it not foolish, then, for us to do it?

Are we to go through the foolish procedure of enacting a new system of rates for the greatest department in the Government, which will affect everybody, every business, and make it only temporary, enacted upon information that is not sufficient to enable us to act intelligently?

Why should we do that? Let Senators ask themselves the question. We want to be frank with each other and with the country; it is done for the purpose of avoiding a veto by the President. Does the President expect us to do such a foolish, silly thing? Does the President expect us to act like a lot of schoolboys in legislating here, to pass legislation back of which we have not sufficient information, and as to which he can not give us information sufficient to give us a reasonable belief and expectancy that these new rates, these temporary rates, will be fair and just and reasonable? I do not believe he expects us to be so foolish.

Has he a right to expect it? Has he a right to say, "I vetoed a bill which I believe was right, except that it did not contain a provision for raising revenue"? Should we provide a means for raising revenue that is unscientific, which may be unjust, so far as we know; which may be unfair, so far as we can tell? Are we to do that? If this motion prevails there will still be left in the bill—and that ought to be sufficient for the President to ask, it seems to me—provision for the appointment of a joint committee, whose duty it shall be to report to Congress as soon as possible information upon which we can act intelligently. The President should not ask more than that. He has no right to ask more than that.

On the other hand, the Senator from South Dakota has said in the debate on this bill that if this committee amendment were adopted, he feared the bill would be vetoed by the President. We have adopted the committee amendment. So, if you are afraid of a presidential veto, you are scared now. I suppose nobody will contend that the Senator from South Dakota, the chairman of the committee, who was opposed to this amendment, and who has been working in conjunction with the Post Office Department, and who is in dead earnest about it, is not able to tell us, as nearly as anybody can, the attitude of the Post Office Department and of the administration.

Outside of that, however, why should we, when we legislate, legislate through fear? Why should we, acting on a good bill, or an indefinite bill, or no bill, have our official actions controlled by fear of what some other official may do? That is said without criticism of any other legislative body,, or any other official. I assume that all officers of the Government will do their duty as they see it, and far be it from me to criticize any of them when they do their duty. But why is not that rule good here in the Senate? Why should we not do our duty as we see it?

I think it can be fairly stated here, without any successful contradiction, that if we pass this bill with the language in it which is found in it now we will be passing a bill upon information which is confessedly incomplete. What would that mean to business? Some men publishing newspapers, let us say, are afraid of the rates in this bill. They say they will destroy them, will put them out of business.

Mr. McLEAN. Mr. President, does not the Senator think that perhaps the best way and the only way to find out what these rates will do would be to try them on for 9 or 10 months?

Mr. NORRIS. No. If we had a dog to try them on I would not object, but we do not have. We are going to try them on the people.

Mr. McLEAN. There are estimates now; the rates have been carefully considered. How are we ever to know what these rates will bring until we try them?

Mr. NORRIS. It is true that we will never know to a penny what they will bring until we enact a law embodying them, and try them.

Mr. McLEAN. We will have more reliable information as a result of the experience. We will not be in the dark to the same degree we are now.

Mr. NORRIS. Perhaps. That is one way of getting experience, to put a law on the books which we say we pass on insufficient evidence, and see how it will work. If the Senator is right, then we ought to strike out of this bill the provision that makes it temporary. If we think it is correct legislation, let us make it permanent. If we have now sufficiently reliable information upon which to legislate intelligently and properly, let us not make a 10 months' plan out of it, but let us make it permanent.

Mr. McLEAN. Make it for a year. That will give us sufficient time.

Mr. NORRIS. Let it stand like any other law, until it is repealed by a subsequent law. Make it for all eternity.

Mr. McLEAN. That is going further than I think I can accompany the Senator.

Mr. NORRIS. The Senator is on that road. He is going, and I expect to go, too, and I would enjoy his company.

Mr. McLEAN. We will not vote on postal revenue bills when we do go.

Mr. NORRIS. I am afraid our paths may diverge.

Mr. McLEAN. I hope so. [Laughter.]

Mr. NORRIS. I do, too. I agree with the Senator, I would not like to travel on his road, not that I would not enjoy his company—I like him—but I do not like the place where he is going. [Laughter.]

If we mean what we say——

Mr. BORAH. We do not.

Mr. NORRIS. As the Senator says, and as everybody knows, we do not mean what we say. Everybody in this body knows we do not mean it. If we were in earnest about it we would strike out that limitation.

Mr. BORAH. When the Senator from Idaho said that the Senator did not mean what he said, I meant that when he was talking to the Senator from Connecticut as to where he was going he did not mean what he said. [Laughter.]

Mr. NORRIS. I do not want to discuss where the Senator from Connecticut is going. That might be embarrassing, and I do not want to hold up any bad picture here before anyone of any other location. [Laughter.] Not only that, but no matter where he is going or how fast he is going it is never too late to repent. [Laughter.]

To begin with, Mr. President, we ought to fix no limitation, if we are in earnest, if we have the information. If we do fix a limitation we ought to fix one that will carry us to a time when we could reasonably expect that this joint commission will be ready to report, and, in addition to that, when Congress will have sufficient time to enact legislation carrying out the commission's recommendations.

I repeat, I think we ought to legislate on this subject. I think there are a lot of inaccuracies in this bill, but Senators have not taken the interest in this matter they would have taken if they had thought we meant it in dead earnest, and that it was not a temporary matter. I know from conversations with Senators how they feel about it. A good many of us have felt that we were wasting time considering this matter. We did not dispute anybody else's earnestness in the matter, but we felt we were enacting a law that was going to last only a few days after it was put on the statute books.

If no evil consequences were likely to follow in the wake of it, I would not care much about it, but it will practically revolutionize the post-office business of this country for 10 months, and then we will go back to the old law.

It seems to me, Mr. President, that there is no reason why these changes in postal rates should remain in this bill. The reason for that, it seems to me, is apparent. When we do change the rates of postage we ought to have the very best and the most scientific information we can get before we make the changes.

Mr. BORAH. Mr. President, I ask the indulgence of the Senate for a moment. When this proposition was raised by a point of order on the ground of the unconstitutionality of this portion of the bill it seemed to me, on the first presentation of it, that it was vulnerable to the objection made. I confess that after listening to the arguments of the Senator from Pennsylvania [Mr. PEPPER], the Senator from Montana [Mr. WALSH], and the Senator from Missouri [Mr. REED] I permitted myself to believe that it was constitutional, and I voted against the point of order.

I think the principles announced by those able Senators the correct ones, but upon a reexamination of the authorities I do not believe that they apply to this bill; that is to say, I believe that this amendment is in violation of the principles announced by the decisions upon which they relied and the rules which they announced.

Of course, where a tax or a burden is purely incidental the rule which they announced may be, and undoubtedly is, the correct one, but this is not incidental, in my opinion, and I am very much of the opinion that this bill will in all probability come back here to us upon this proposition. After an examination of the matter on my own account I have concluded that I must vote against the bill upon that ground.

There is another reason why I shall vote against it. The Senate, by an overwhelming vote, have kept in the bill a retroactive clause which is not only pernicious as a form of legislation but controverts the principle upon which I was willing to support the bill.

I desired to say this much for the reason that I should have supported the measure had it originated in the House and had it conformed to the ordinary rules of legislation and been free from the retroactive clause which is now in it.

Mr. FESS. Mr. President, I had intended to vote for the increases, provided the measure would carry into law means by which the deficit could be cared for. However, when it was introduced in this body instead of the other I took the position that the tax feature originating here would make the bill nugatory, for it certainly will be sent back to this body if it carries with it the tax feature; and while I had intended voting for the increases in a bill which would carry the means to pay for them, I could not do it when the means are introduced in this body. Consequently I shall be compelled to vote to strike out this provision, in the hope that when the bill is considered in the other body and the tax feature is there put in and it comes here I shall vote for it.

Mr. SIMMONS. Mr. President, I shall vote for the amendment offered by the Senator from Virginia because I believe the increases in rates unwarranted and unfair, because I doubt whether these increases will add to the postal revenues, and because I fear the unconstitutional assumption of jurisdiction by the Senate to originate the legislation will imperil the measure if passed. I agree with the Senator from Idaho [Mr. BORAH] that the decisions relied upon in support of the right of the Senate to originate the legislation did not apply to the facts of this case. His statement to this effect is in line with my contention in the remarks I submitted in support of the point of order against this section of the bill.

I agree also with the Senator from Ohio [Mr. FESS] that we are about to do a vain and useless thing. I have no question, as I did not have when the point of order was under consideration, about the action of the House with reference to this matter. I am quite sure it will send the bill back to us without action upon it. This phase of the matter embarrasses me in the vote I desire to cast. I am anxious to support that part of the bill which provides for an increase in the salaries of the postal employees. Theirs is such a just demand and there seems to be such a crystallization of sentiment in Congress and throughout the country in favor of granting the appeal of these underpaid employees of the Government that I dislike to cast any vote or to do anything that will tend to either defeat or delay them in getting what they want and are entitled to receive.

I am opposed to the section the motion of the Senator from Virginia proposes to eliminate from the bill for several reasons. In the first place, it is illogical in theory and unjust and unfair in application. It is not right to vote taxes upon one class of the people regardless of whether the tax is fair and just, per se, to meet the obligations of the Government to another class. That is just what the bill does.

In order to give the postal employees what we all concede they are entitled to, it is proposed in a spirit bordering on recklessness to lay heavy burdens upon the users of the mails without proper investigation and determination of fairness and justice of the new impositions. We have not been in the habit heretofore and I hope we will never fall into the habit of imposing taxes upon the illogical basis upon which this section of the bill is predicated.

Again, Mr. President, to increase the postal rates when it is plausibly contended and claimed that those rates are so high that in effect they are diverting business from the mails should at least admonish us to be careful and not to act without full and satisfactory investigation. It is admitted by the committee which made the investigation that they did not have sufficient time to make it either thorough or satisfactory, and for that reason they provide that the rates shall be of temporary application. We are, therefore, under such circumstances about to impose heavy taxes—for these rates are taxes—upon certain publications and upon the patrons of those publications. They are just as real taxes as those imposed in our revenue law. We are proposing to impose those taxes without proper investigation and to impose them without due regard to the justice of the rates for the purpose of raising money to pay increased salaries of certain Government employees when we have a huge surplus in the Treasury.

If there was a deficit; if we did not have the money in the Treasury, some such makeshift as that proposed might be justified or at least furnish a plausible excuse. But I call the attention of Senators that we now have in the Treasury, according to the latest reports I have been able to ascertain, a surplus raised by taxation upon all the people of the country, quite, I believe, as large as the surplus we had when we felt that we were justified in reducing the taxes to the extent of the accumulated surplus in the Treasury—and there seems to be no reason why so much of this money as may be needed could not be applied to the payment of these increases in salaries.

The President wants economy in Government—we all want economy—but it is not economy to impose an additional tax on the people to accomplish a purpose, however meritorious or urgent, when we have already ample moneys raised by general taxation in the Treasury to accomplish that very purpose.

There is another reason why I am going to support the motion of the Senator from Virginia. It has not been made clear to my mind that the proposed increases in rates will accomplish the purpose which the committee proposing the bill have in mind. It is not every increase in taxes that results in an increase in revenue. It is an axiomatic principle in the imposition of taxes that there is a point beyond which, if you go, instead of increasing revenue by increasing rates you will diminish them. I think the facts that have been developed in this controversy, especially the facts that were put in evidence by the distinguished Senator from Georgia [Mr. GEORGE], tend powerfully to support the contention that, under the higher rates of the present law, the revenues of the Postal Service have been less than under the lower rates they superseded; in other words, that the increases which we made the last time we raised the rates, instead of resulting in an increase in revenue, resulted in a decrease because on account of these higher rates other methods were devised or resorted to to secure cheaper distribution of newspapers and magazines, and so forth. The fact that only a small per cent of the great metropolitan papers and magazines, according to the testimony presented to the Senate by the Senator from Georgia, are now distributed through the mails ought to cause us to halt. Especially ought that to be so when the publishers or representatives of papers and periodicals tell us that they are not using the mails because the rates we have imposed upon their publications are so high that they can distribute them more economically by the use of trucks and by freight cars and express.

If the last increases resulted in driving these publications out of the mail, thereby decreasing the revenues which the Government might have derived from that source, is it not logical to conclude that a further increase in those rates will result in a further diversion of the publications from the mails, and instead of accomplishing the purpose which the movers of the legislation have, it will defeat that purpose they have in mind?

Again, I am going to vote to strike out this section of the bill because I fear if it is permitted to remain in the bill, on account of its unconstitutionality, for the reason heretofore assigned, it will jeopardize that part of the bill which all of us, or most of us at least, earnestly favor. It does not make any difference whether the House sends it back to us or not. The House may, for the purpose of helping out a situation, not send it back, although I think they will send it back; but if the House approves of our action and does not send it back, clearly if the case should ever get into the courts, and it will get into the courts, if that happens and the courts should find that the measure was essentially a measure to raise revenue, the courts would hold that the act was unconstitutional because it originated in the Senate in violation of the constitutional provision with respect to where legislation raising revenue should originate.

That has been decided in many of the cases. There is no dispute about it as a legal proposition; there can be no dispute about it as a legal proposition. So, Mr. President, I say that if no question should be made in the other House, and the bill should become a law, the very fact that these provisions are left in the bill and that the bill originated in the Senate will imperil the whole legislation in the courts; and that it will get into the courts there can be no question whatsoever.

I do not wish to jeopardize this legislation so far as it relates to the salaries of postal employees. I do not wish it to go upon the statute books in such form that will make it easy, in my judgment, for any objector to overthrow the whole legislation and deprive these employees of the benefits it proposes to confer upon them. For that reason, Mr. President, I think the Title II should be stricken out. Let it go to the other House with these eliminated, and if the House desires to put in these provisions it can put them in. That body will have the right to do that if it so wishes, and the question of constitutionality by reason of origination in the wrong branch of Congress will be eliminated.

In the interest of the legislation, and to make certain that these meritorious employees of the Government will get the benefit that we intend to confer upon them, why should we not pursue that course instead of having the bill enacted in a way that would leave it open to this constitutional objection?

For that reason, Mr. President, I am going to vote for the amendment offered by the Senator from Virginia [Mr. SWANSON], and I trust it will prevail. Should it be adopted, it would not finally defeat Title II. It only provides a course by which Title II may hereafter be incorporated in the measure, without delaying the legislation, in a way that it will be safe, so far as the accomplishment of the primary purpose that we have in its enactment is concerned, against any constitutional objection.

Mr. WALSH of Massachusetts. Mr. President, I intend to vote against the amendment offered by the Senator from Virginia [Mr. SWANSON]. I voted in the last session for the bill providing increased salaries for the postal employees, and later to override the President's veto, because I believed that those employees were grossly underpaid; because I believed that an injustice was long operating against them, and that the way to remove that injustice was to increase their salaries. The President of the United States does not agree that those employees are grossly underpaid, but he is willing, as I understand it, to accept the judgment of Congress, providing Congress increases postage rates in order that the revenue may be provided to pay the increased salaries proposed to be given to the postal employees.

I am so thoroughly convinced that the postal employees of this country are suffering as the result of their present inadequate salaries that I am willing reluctantly to vote for a bill which does provide increased postal rates.

Mr. HARRISON. Mr. President, may I ask the Senator a question in that connection?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. WALSH of Massachusetts. I will yield in a moment.

When I know that in the city of Washington a negro family can not hire a tenement for less than $60 a month, aggregating $720 a year, and the minimum salary for a postal employee is $1,400, I am going as far as I possibly can to see that a postal employee is given more than $700 with which to feed and clothe, pay doctor bills, send to school and raise an American family. Now I yield to the Senator from Mississippi.

Mr. HARRISON. Of course, Mr. President, the Senate knows and the country knows that the Senator from Massachusetts has been one of the greatest advocates of increased salaries for postal employees; hardly anyone has worked harder than has he to bring that increase about. The Senator, however, has stated that he is going to vote for this bill even if increased rates are imposed on parcel post and other classes of mail matter. The Senator recalls that the President vetoed the previous bill in relation to this matter on the theory that we must raise a sufficient amount of revenue to pay for the increase of the postal employees' salaries. The Senator from New Hampshire [Mr. MOSES], who has this bill in charge, has stated that it will cost $68,000,000, as I understand, to pay the increased salaries to postal employees. He admits that under the terms of the bill we shall only derive $50,000,000 of revenue, thus leaving a deficit of $18,000,000. I understand that the Senator from South Dakota, who has given great study to this question and who is close to the administration, and ought to be close to the administration, and I hope he will be still closer to the administration——

Mr. STERLING. I thank the Senator.

Mr. HARRISON. Estimates that we will get about $30,000,000, or something like that, from the increased rates. I will be very glad if the Senator from Massachusetts will yield in order that the Senator from South Dakota may state for the RECORD just how much revenue, in his opinion, will be raised by this bill.

Mr. WALSH of Massachusetts. I will be glad to yield to the Senator from South Dakota for that purpose.

Mr. STERLING. I suggest to the Senator from Mississippi that from $29,000,000 to $30,000,000 was the estimate before some changes were made in the bill.

Mr. HARRISON. What estimate does the Senator now place on it, with all the changes having been made?

Mr. STERLING. The Senator from New Hampshire [Mr. MOSES] has been asked for his estimate in regard to the result of these changes, and has stated that, with those changes, according to his estimate, there will be $50,000,000 raised, instead of from $29,000,000 to $30,000,000; and I am willing to concede that I think, perhaps, he is right in that estimate.

Mr. HARRISON. If the Senator from Massachusetts will permit me further, I hope the Senator from South Dakota will give us the benefit—because it is very important in voting upon this question as to what the President might do in signing or rejecting the bill—of what is his estimate, in view of all the changes which have now been embodied in the bill through the various amendments that have been adopted, as to the amount of revenue which will be derived, and what is the estimate made by the Post Office Department.

Mr. STERLING. Mr. President, I do not think we have the estimate of the Post Office Department in regard to the latest changes which have been made. Changes have been made this day, and there has been no opportunity to submit them to the Post Office Department. I think the statement of the Senator from New Hampshire can be relied upon as to the amount that will be raised and the increased revenue that will come from the changes that have been made, and I accept his statement that the bill as now framed will increase the revenue by $50,000,000.

Mr. MOSES. Mr. President——

Mr. HARRISON. I am glad to get that much in the RECORD, but the question which I was going to ask the Senator, in view of the statement contained in the veto message of the President, was how could the President sign this bill, if the Congress should pass it, with an $18,000,000 deficit between the increased salaries provided for and the revenue which may be derived from the changes in postal rates?

Mr. MOSES. Mr. President, with the courtesy of the Senator from Massachusetts——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. WALSH of Massachusetts. I will extend the courtesy to the Senator from New Hampshire.

Mr. MOSES. The language of the President's message, Mr. President, was "approximately." This bill provides, as I believe, not only "approximately" but actually for the increased expenditure made necessary by salary increases, when we consider the normal annual increase in the postal revenues, regardless of any changes which the bill makes. We can not disregard that normal increase, because it has been going on in a constant curve year by year. So it is my opinion that the direct increase in revenue to be derived from this bill plus the anticipated normal increase in postal revenues will bring the postal revenues up substantially to the point where the salary increase necessitates their coming.

Mr. WALSH of Massachusetts. Mr. President, the Senator from Mississippi [Mr. HARRISON] and myself are agreed that this is a political bill, and discreditable to the legislative branch

of the Government. I have much sympathy with what the Senator from Nebraska [Mr. NORRIS] has said and with what the Senator from California [Mr. JOHNSON] has said. The bill has elements of sham and pretense in it; it is simply put forward here to save the faces of men who voted to sustain the President's veto. That is the whole truth. It would not be here otherwise.

But what is the other alternative? Four years of poverty and of suffering and of want on the part of as faithful Government employees as may be found in any department of the Government; notice from the President that for four more years these employees must live on inadequate salaries, must live in cities where the rent item alone consumes from one-half to two-thirds of their income—four years of want, four years of injustice, four years of denial of relief to men who are denied the right to strike and protest against their Government's action.

If the postal service were a private organization who would doubt, in view of what has been asserted in this Chamber for the last year, that there would be now a strike of these employees? I saw a strike of city employees—the policemen of the city of Boston. I saw men strike and commit a very serious offense by striking, but who were obliged to strike in order to awaken public officials to the knowledge of their demand and necessity for an increased wage, for the very untrained and inexperienced men who took their places were given higher wages than the men who had been in the police service for years.

I am not going to wait until the postal employees strike; I am going to vote to place the responsibility of increased rates where it belongs, upon the executive department of this Government; I am going to vote against the amendment to strike out the rate section of the bill as the only present practical way to remove the injustice and the denial of a living wage to men and women who are in the Postal Service, men of whom we exact intelligence, of whom we exact honesty, of whom we exact character; whom we trust with the secrets of our homes and of our business; as faithful employees, I repeat, as ever served any government in a civil capacity.

I am going to vote to put the responsibility for the second injustice, if there is one in this bill, upon the Chief Executive. If it is unfair to increase these postage rates, it is not as cruel as to deny a living wage to faithful employees.

I would say more, but it is all summed up in this:

I will vote for this political bill, for this sham and pretense, linking together these two propositions, but I will justify my vote on the ground that I am removing discontent and unhappiness and suffering and the pinch of poverty from honest, decent Government officials who can not speak for themselves, who must rely upon our sense of justice to give them what they are entitled to. If those who have to pay the increased postage complain, I shall point to the responsibility. The responsibility is on the Chief Executive, who has notified us that what we consider to be a grave injustice can not be removed except by increasing the postal rates.

Mr. HEFLIN. I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Virginia [Mr. SWANSON]. Upon that question the yeas and nays have been demanded and ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). Repeating the announcement heretofore made of the transfer of my pair with the Senator from Arkansas [Mr. ROBINSON] to the Senator from Wisconsin [Mr. LENROOT], I vote "nay."

Mr. SIMMONS (when his name was called). I desire again to announce that if the junior Senator from New York [Mr. COPELAND] were able to be present he would vote "yea" on this question.

The roll call was concluded.

Mr. HARRISON. My colleague [Mr. STEPHENS] has a pair with the senior Senator from West Virginia [Mr. ELKINS]. If my colleague were present and at liberty to vote, he would vote "yea."

The result was announced—yeas 34, nays 49, as follows:

YEAS—34

Ashurst	George	Neely	Simmons
Borah	Glass	Norbeck	Smith
Brookhart	Harris	Norris	Stanley
Broussard	Harrison	Overman	Swanson
Bruce	Heflin	Pittman	Trammell
Caraway	Howell	Ralston	Underwood
Ferris	Jones, N. Mex.	Ransdell	Walsh, Mont.
Fess	McKellar	Sheppard	
Frazier	Mayfield	Shields	

NAYS—49

Ball	Ernst	McKinley	Smoot
Bayard	Fernald	McLean	Spencer
Bingham	Fletcher	McNary	Stanfield
Bursum	Gerry	Means	Sterling
Butler	Gooding	Metcalf	Wadsworth
Cameron	Hale	Moses	Walsh, Mass.
Couzens	Harreld	Oddie	Warren
Cummins	Johnson, Calif.	Owen	Watson
Curtis	Johnson, Minn.	Pepper	Weller
Dale	Jones, Wash.	Phipps	Willis
Dial	Kendrick	Reed, Pa.	
Dill	Keyes	Shipstead	
Edge	King	Shortridge	

NOT VOTING—13

Capper	Greene	McCormick	Wheeler
Copeland	Ladd	Reed, Mo.	
Edwards	La Follette	Robinson	
Elkins	Lenroot	Stephens	

So Mr. SWANSON'S amendment was rejected.

Mr. HOWELL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Nebraska.

The PRINCIPAL LEGISLATIVE CLERK. It is proposed to strike out all of the bill following line 11, page 37, and to substitute therefor the following:

SEC. 13. The forms and character of service now in effect and performed by the Post Office Department shall be hereafter continued with such modifications and extensions as the usefulness and efficiency of the service shall dictate in the judgment of the Postmaster General.

SEC. 14. The rates for each form or classification of Postal Service shall be based on the actual cost thereof, but no existing rate shall be reduced; and, subject to the foregoing limitations, said rates shall be fixed and determined from time to time by the Interstate Commerce Commission, subject to the same legal provisions, rules, and regulations now in effect respecting the determination of railroad and express rates: *Provided, however,* That where Congress shall from time to time make special appropriations to the end of reducing the charge for any particular service, then and in such case said Interstate Commerce Commission shall take into consideration such special appropriation or appropriations in determining such rate or rates, as though the same were derived from payments for such service.

SEC. 15. The Postmaster General shall be, and he is hereby, authorized and directed to provide an additional form and series of postage stamps to be known as franking stamps which shall hereafter be affixed to all official and other mail now entitled to the franking privilege, and in the same amount or amounts as in the case of mail matter not entitled to free delivery. Such stamps shall be delivered, upon proper receipt therefor, to officials and others entitled to the franking privilege; and the Interstate Commerce Commission shall take into consideration the amount of such stamps used in lieu of regular stamps as postal income from the various classes of postal services.

SEC. 16. The following acts, parts of acts, and all other acts inconsistent or in conflict with Title II of this act are hereby amended or repealed:

"(a) Sections 1101 to 1106, inclusive, of the revenue act of 1917;

"(b) The act entitled 'An act fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent,' approved June 9, 1884; and

"(c) The act entitled 'An act to amend an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes," approved March 9, 1914,' approved April 24, 1914."

SEC. 17. This title shall become effective April 15, 1925.

Mr. MOSES. Mr. President, not wishing at all to deprive the Senator from Nebraska of the privilege of explaining his amendment—and he will correct me if my interpretation of the amendment is wrong—this amendment is a third effort made to strike out Title II of the bill, once by a point of order which was not sustained, once by the motion we have just voted upon and by a sufficient majority have defeated, and now by the amendment which the Senator from Nebraska proposes, whereby he would provide no rates whatever in this bill, but would send the whole question to the Interstate Commerce Commission for determination, with the exception that a new franking stamp is provided. If I am wrong in my summary of the effect of the amendment, the Senator from Nebraska will correct me.

Mr. HOWELL. Mr. President, so far as the Senator from New Hampshire has gone, he has made a correct statement of the purpose of this amendment.

The Post Office Department and service is a public utility, and as a public utility it ought to be treated exactly as other public utilities engaged in interstate commerce are treated by Congress. For instance, the rates of the express companies are fixed by the Interstate Commerce Commission, and the express

companies are in competition with the Post Office Department. The rates for telephone service are fixed by the Interstate Commerce Commission, so far as interstate business is concerned, and the same is true with reference to telegraphs. In other words, all forms of communication carried on in this country are regarded as public utilities, and the rates are referred to a commission which can judicially and properly determine what those rates should be.

Why, then, should we give different treatment to this public utility? Why should we deviate from the general policy of Congress? It may be urged that it is because this public utility is owned by the Government of the United States. But we own the Alaskan Railway, we own the railway crossing the Isthmus of Panama, and we refer the determination of the rates of these two public utilities to the Interstate Commerce Commission.

We should not attempt, and we are not in a position, to determine in a judicial and careful manner what the rates of the Postal Service should be. We are not in a position to do that for the same reason that we are not in a position to determine what the rates on the Alaskan Railway should be, or what the rates on the railroad across the Isthmus should be. We recognize the necessities in relation to these latter utilities, and we refer the matter of rates to a body created to perform just this kind of work. Why, then, should we make an exception of the Post Office Department?

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. HOWELL. Certainly.

Mr. HARRISON. Would the Senator be willing to give to the Interstate Commerce Commission the power to decrease the rates on letters from 2 cents to 1 cent, and to increase the rates on the parcel-post packages 50 per cent?

Mr. HOWELL. I wish to state that the description of the amendment given by the Senator from New Hampshire was not complete, and I propose to go into that matter, and to show the Senator that that is not my intention.

I will state my purpose. The Committee on Post Offices and Post Roads came before this body, quoted certain statistics afforded by the Post Office Department, and stated that they did not believe that those statistics were correct; they could not believe they were correct. Therefore they assumed certain premises and proceeded to fix rates. It must be recognized that that is not a scientific way of arriving at so important a conclusion as postal rates. We have created a body, the Interstate Commerce Commission, to do that sort of thing. Why should we not refer these rates to the Interstate Commerce Commission?

Now, with the consent of the Senate, I will take up the various features of this bill to show that the suggestion made by the Senator from Mississippi is not correct. The first section of this amendment provides:

> The forms and character of service now in effect and performed by the Post Office Department shall be hereafter continued with such modifications and extensions as the usefulness and efficiency of the service shall dictate, in the judgment of the Postmaster General.

This section merely recognizes the Postmaster General as the general manager of the Post Office Department and places him in a position to exercise initiative.

The next section provides:

> The rates for each form or classification of postal service shall be based on the actual cost thereof.

I would say to the Senator from Mississippi that here is where we provide against what he fears. My amendment provides—

> But no existing rate shall be reduced.

The Senator will recall that there is just one rate that is affording a surplus, and that is the first-class mail rate. That affords a surplus of about $80,000,000 a year. It is proposed that that shall be maintained where it is. Every other form of service results in a deficit. Therefore the Interstate Commerce Commission would start out with the advantage of this surplus, but would be in a position to raise these other rates to meet the situation.

It is further provided that Congress shall from time to time make appropriations, if it sees fit, to reduce the burdens of these other classes of rates by direct action. That is the correct method from a business point of view. We will know just what this service costs. We will know just how much we want to bonus second-class postal rates, because in order to bonus them we will have to pass an appropriation through Congress. We can bonus each class of rates just as we see fit, just as we do now, only we do not know how we do it. That is no way to carry on a business. I am simply proposing that the Post Office Department shall be conducted as a business enterprise, Congress knowing exactly what it is doing.

Furthermore, section 15 of the bill provides that a special series of stamps shall be afforded for franking purposes. Congress should know exactly what the mail that is sent out under franks would cost if charged for at the usual rates, and when it knows, Congress ought to be willing to contribute that amount to the postal revenues of this country. We should not go about it in a blind way, but we should provide that the cost of the franking privilege for each department should be known to Congress.

Prior to 1907 the officials of the District of Columbia enjoyed the franking privilege. It was then taken away, and what was the result? There was marked economy in the use of postage facilities by the District officials. If the War Department, the Navy Department, the Agriculture Department, and other departments knew that there were to be charged up to them certain amounts for postage, that is, that Congress would know exactly how much the franking privilege cost in each case, there would be a reduction in the cost of the carrying of the mails from those departments.

We ought to treat this matter in a businesslike manner, and if we do, and adopt such an amendment as the one proposed, it will give Congress every opportunity to bonus the various classes of service, as it does now, only Congress will know just when they are bonused and just how much. This is purely a business proposition and it ought to be treated as a business proposition, and that is the purpose of this amendment.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Nebraska [Mr. HOWELL].

Mr. HOWELL. I ask for the yeas and nays.

The yeas and nays were not ordered, and the amendment was rejected.

Mr. PITTMAN. Mr. President, I understand that the Senators in charge of this bill think they can get a vote this afternoon, and I want only a few minutes, in order to explain what my vote will be upon the bill.

The chairman of the subcommittee having this bill in charge has stated that all of those who favor these raises voted against the Swanson amendment. I voted for the Swanson amendment, and yet every act of mine in this body has shown I have favored the raises in the salaries of the postal employees. I voted for the Swanson amendment because I could not vote for this bill unless the Swanson amendment was carried. I took the position on the floor, and I still maintain it, that the provision which the Swanson amendment proposes to strike out is unconstitutional. I have argued that fully, and I do not care to argue it any more.

I am not in a position to vote for any bill which I believe is unconstitutional. I think it has been urged upon the friends of postal raises sufficiently for them to understand that. There are quite a number of Senators who voted for the point of order, and gave it as their opinion that this bill was unconstitutional. I do not see how any of those Senators, unless they have changed their minds on the subject, can vote for the bill.

There has been some inference that those who were opposed to the raise of the postal rates were opposed to the raises of salaries of postal employees. It could just as readily be charged that some of those who voted against the postal raises in an independent bill, and have since voted for this bill, are doing it for the purpose of killing the raises for postal employees. I am not charging that.

It is said here that unless this bill, in the form in which it is, goes through, the President will veto it. It is well known in this body that the President's veto before was sustained by only one vote. It is also generally known that there were four or five Senators who had to seek an excuse for not keeping their pledges with the postal employees, and what was that excuse? That excuse was that, "We will vote to sustain the veto of the President because we are going to have another bill later on."

Those Senators who were sincerely in favor of the raises for the postal employees hope that this revenue bill will carry the whole matter through. It is possible that there are other Senators who will not be sorry to see the whole bill defeated. As a matter of fact, I am firmly convinced, and I now unhesitatingly prophesy, that if this bill passes with that revenue provision attached to it, it will not become a law at this session of Congress.

There is no question at all that the injustice of this method of legislation is understood and recognized in this body and

throughout the country. There is no doubt that if we should pass the bill it would be an outrage upon a far greater number of people in the country who are dependent upon the Postal Service than even the outrage that is being committed against the postal employees.

This provision was added to the bill knowing that it was unpopular. It was added to the bill knowing that there had been no consideration of the matter whatever. It is going to kill the bill. I know that the postal employees of the country have been urging us to support the bill with the revenue provision contained in it as the only hope of getting it passed. Of course, with their personal interests at stake, they would urge us to vote for it even though they knew it was unconstitutional. They would urge us to support the bill if the cost of mailing a letter or parcel-post package was trebled. There is no doubt about that. It is human nature.

I do not believe for one moment that some of the Senators who have supported the amendment care whether the bill passes or does not pass. I do not think they are interested in the matter whatever. My record has demonstrated that I am interested in the matter. When I fought the unconstitutionality of the provision I did it because if it were retained in the bill I could not conscientiously vote for it. I voted to strike out the proposition for the same reason, and for the further reason that I know that the Congress of the United States is not going finally to pass any such bill. They are not going to impose upon the farmers of the country and the other great users of the Postal Service this unnecessary burden in this form. I venture to say that no matter what action this body finally takes on the bill it will never become a law. I think that is the judgment of a great many in this body who have had parliamentary experience.

Mr. TRAMMELL. Mr. President, the sentiments expressed by the Senator from Nevada [Mr. PITTMAN] are similar to the sentiments entertained by me upon this measure. I am very desirous of seeing the salaries of the postal employees increased. I think they are deserving of some reasonable increase in their compensation. I have been consistently advocating and standing for such justice being given to them ever since the question has been before the Congress.

We have to consider not only the interests of the postal employees, but we have to consider the interests of the general public of the country and of the patrons of the Postal Service. There has been a tendency on the part of some ever since the inauguration of the parcel-post system to endeavor to increase parcel-post rates. Of course, many believe—whether true or not it is a common idea throughout the country—that the express companies, and those who are in sympathy with these corporations, are desirous of seeing the parcel-post rates increased in order that there may be less competition on the part of the parcel-post system with express transportation. Express rates are excessively high throughout the entire country. I am favorable to any plan to reduce them. I regard the increase of the rates in the pending measure as but an entering wedge toward a further increase of parcel-post rates. If we once permit an entering wedge toward such an increase we can not forecast where the end will be.

I am opposed to writing into the bill an increase of $20,000,000 for parcel-post rates, and that is what it means according to statements made here. There are other increases affecting second and fourth class mail matter which will run into millions of dollars. Those increases, in my opinion, are not justified. We have no information and no data upon which we can justify ourselves in voting for such increases.

For these reasons, while I very reluctantly vote against any measure that would give the postal employees an increase of salary, which I believe they deserve, I do not propose to stultify myself by supporting an increase of $20,000,000 in parcel-post rates and an increase on periodicals and newspapers running into millions of dollars. In my opinion the patrons of the Postal Service should not be subjected to this additional burden. For these reasons I will have to vote against the bill in its present form. Had the increased rates in the bill been eliminated, then I would have cheerfully voted for the measure.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one his secretaries, announced that on January 29, 1925, the President had approved and signed acts of the following titles:

S. 369. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

S. 2526. An act providing for an allotment of land from the Kiowa, Comanche, and Apache Indian Reservation, Okla., to James F. Rowell, an intermarried and enrolled member of the Kiowa Tribe; and

S. 3073. An act for the relief of George A. Berry.

COLLECTION OF TAXES IN THE PHILIPPINES

Mr. WARREN. I report back favorably without amendment from the Committee on Appropriations the bill (H. R. 11956) to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909, and I ask for its immediate consideration.

Mr. KING. What is the measure, may I ask the Senator?

Mr. WARREN. It is a measure to correct an old act relating to licenses in the Philippines. While nothing has happened under the old legislation yet, it might happen if we did not correct it.

Mr. KING. Has the bill been approved by the committee?

Mr. WARREN. It has. It is a House bill and has the approval of the committee.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909, is amended by adding after the end of the first paragraph under the title "War Department" a new paragraph to read as follows:

That the taxes imposed by the Philippine Legislature in Act No. 3065, approved March 16, 1923, and Act No. 3183, approved November 27, 1924, are hereby legalized and ratified, and the collection of all such taxes made under or by authority of said acts of the Philippine Legislature is hereby legalized, ratified, and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROCEEDINGS UNDER THE TRADING WITH THE ENEMY ACT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Printing:

To the Congress of the United States:

In accordance with the requirements of section 6 of the trading with the enemy act, I transmit herewith for the information of the Congress a communication from the Alien Property Custodian, submitting his annual report of the proceedings had under the trading with the enemy act for the year ended December 31, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 29, 1925.*

BRIDGE ACROSS BAYOU BARTHOLOMEW

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring), (S. Con. Res. 27) passed January 27, 1925, I return herewith the bill S. 3622 entitled "An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry."

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 29, 1925.*

Mr. BROUSSARD. I ask that the message may lie on the table.

The PRESIDENT pro tempore. The message will lie on the table for the present.

EXECUTIVE SESSION

Mr. MOSES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate took a recess until to-morrow, Friday, January 30, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 29 (legislative day of January 26), 1925

APPOINTMENT IN THE REGULAR ARMY

INFANTRY

To be Chief of Infantry with the rank of major general for a period of four years from date of acceptance, with rank from March 28, 1925

Col. Robert Henry Allen, Infantry, vice Maj. Gen. Charles S. Farnsworth, Chief of Infantry, whose four-year term of office expires March 27, 1925, and who will retire on that date after 40 years' service.

REAPPOINTMENT IN THE REGULAR ARMY

CHEMICAL WARFARE SERVICE

Brig. Gen. Amos Alfred Fries, Chief of Chemical Warfare Service, to be Chief of Chemical Warfare Service with the rank of brigadier general, for the period of four years beginning March 28, 1925, with rank from July 1, 1920. His present term of office expires March 27, 1925.

CHAPLAINS

Col. John Thomas Axton, Chief of Chaplains, to be Chief of Chaplains with the rank of colonel for a period of four years beginning March 18, 1925, with rank from July 15, 1920. His present term of office expires March 17, 1925.

FIELD ARTILLERY

Maj. Gen. William Josiah Snow, Chief of Field Artillery, to be Chief of Field Artillery with the rank of major general for a period of four years beginning March 28, 1925, with rank from July 1, 1920. His present term of office expires March 27, 1925.

QUARTERMASTER CORPS

To be assistant to the Quartermaster General for a period of four years from date of acceptance, with rank of brigadier general from April 19, 1925

Col. Moses Gray Zalinski, Quartermaster Corps, vice Brig. Gen. John T. Knight, assistant to the Quartermaster General, who retires by operation of law April 18, 1925.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 29 (legislative day of January 26), 1925

ASSISTANT SECRETARY OF THE NAVY

Theodore Douglas Robinson to be Assistant Secretary of the Navy.

PROMOTIONS IN THE NAVY

To be admirals

Henry H. Hough.
Harley H. Christy.
Arthur L. Willard.

To be captains

Edward J. Marquart.
Frank R. McCrary.
George F. Neal.
Robert T. Menner.
Merlyn G. Cook.
John P. Jackson.
Wallace Bertholf.
William H. Allen.
John Downes.
Jesse B. Gay.
William W. Galbraith.
Joseph L. Hileman.
Charles T. Hutchins, jr.
John V. Babcock.
James O. Richardson.
Harry A. Baldridge.
George J. Meyers.
Donald C. Bingham.

To be commanders

Ralph B. Horner.
Elmer W. Tod.
Herbert B. Riebe.
Stuart W. Cake.
Richard S. Galloway.
Ralph C. Parker.
Thaddeus A. Thomson, jr.
William F. Amsden.
Reuben R. Smith.
Samuel L. Henderson.
Homer H. Norton.
Alfred H. Miles.
Charles S. Keller.
Harold H. Ritter.
Joseph Baer.
Carl C. Krakow.
John F. Cox.
George N. Barker.
Harry A. McClure.
Louis J. Gulliver.
Newton L. Nichols.
Francis A. L. Vossler.
Cortlandt C. Baughman.
Richard B. Coffman.
Jonas H. Ingram.
Emory F. Clement.
Schuyler F. Heim.
Herndon B. Kelly.
James Parker, jr.
Patrick N. L. Bellinger.
William T. Mallison.
Jere H. Brooks.
Samuel A. Clement.

To be lieutenant commanders

William H. Burtis.
Walter O. Henry.
Carl T. Hull.
Thomas G. Berrien.
Hamilton V. Bryan.
Wilbur J. Ruble.
John R. Palmer.
John L. Hill.
Hartwell C. Davis.
Robert H. Grayson.
Terry B. Thompson.
John L. Hall, jr.
Laurance T. DuBose.
James H. Strong.
Arthur G. Robinson.
Walter E. Doyle.
Hardy B. Page.
Karl E. Hintze.
William W. Meek.
Justin M. Miller.
Ellsworth Davis.
Charles J. Parrish.
Oliver L. Downes
Paulus P. Powell.
Roy Pfaff.
Benjamin H. Lingo.
Earle H. Quinlan.
Lloyd H. Lewis.
Clark Withers.
Samuel N. Moore.
Tunis A. M. Craven.
Stuart E. Bray.
William G. B. Hatch.
Arthur W. Dunn, jr.
Valentine Wood.
Philip C. Ransom.
Leo H. Thebaud.
Jerome A. Lee.
Leman L. Babbitt.
Henry A. Sellier.
Alfred H. Donahue.
Horace W. Pillsbury.
John D. Jones.
Walker Cochran.
William Masek.
Julian B. Timberlake, jr.
Gordon Hutchins.
Franklin B. Conger, jr.
Henry F. Floyd.
Robert D. Kirkpatrick.
David R. Lee.
Rawson J. Valentine.
August Schultz.
Ralph Martin.
Maxwell Case.
Carl H. Jones.
Charles B. C. Carey.
Henry P. Samson.
Carleton F. Bryant.
William J. Larson.
Alfred P. H. Tawresey.
John H. Buchanan.
Herman A. Spanagel.
Frank L. Lowe.
Theodore D. Westfall.
Zeno W. Wicks.
Andrew H. Addoms.
Frank G. Kutz.
Theodore D. Ruddock, jr.
Joseph R. Redman.
Laurence Wild.
Herbert K. Fenn.
George D. Hull.
Harry P. Curley.
Paul Hendren.
Henry M. Briggs.
Paul Cassard.
Joseph Y. Dreisonstok.
Eric F. Zemke.
Samuel S. Thurston.
Albert G. Berry, jr.
John M. Creighton.

To be lieutenants

George F. Mentz.
Rony Snyder.
John B. Cooke.
Andrew L. Hass.
Guy B. Hoover.

To be lieutenants (junior grade)

Guy B. Hoover.
Harold F. Hale.
Walter F. Hinckley.
Joseph B. Tomelty.
Herman B. R. Jorgensen.
Emil Pohli.
Leonard LeB. Lyons, jr.
Willis N. Rogers.
John M. Eggleston.
Joe E. Rucker.
William L. Drybread.
Dashiell L. Madeira.
David W. Roberts.
Elmer A. Tarbutton.
Silas B. Moore.
Harry L. Bixby.
Nicholas B. Van Bergen.
Irving D. Wiltsie.
Elwood D. Poole.
George D. Martin.
Frank R. Talbot.
Boynton L. Braun.
Joseph C. Cronin.
Everett E. Pettee.
Wyatt Craig.
Walter S. Dufton.
Keith R. Belch.
Franklin O. Johnson.
George M. Brooke.
William G. Forbes.
Paul E. Howell.
Walfrid Nyquist.
David E. Carlson.
Fort H. Callahan.
Hezekiah W. Carroll, jr.
Rogers S. Ransehousen.
Herbert W. Taylor, jr.
George D. Lyon.
Carl S. Drischler.
Herbert A. Tellman.
Charles F. M. S. Quinby.
Charles O. Glisson.
Walter R. Jones.
Everard M. Heim.
Edmund Kirby-Smith, jr.
James S. Freeman.
George C. Miller.
Harlow M. Pino.
Stephen B. Cooke.
William V. Hamilton.
George H. Lyttle.
Dewey G. Porter.
Wakeman B. Thorp.
Charles W. Gray, jr.
Charles W. Roland.
George C. Crawford.
Robert W. Berry.
Lorenzo S. Sabin, jr.
William S. Price.
Thomas P. Kucera.
Joseph A. Connolly.
August J. Detzer, jr.
William R. Cooke, jr.
Marion C. Thompson.
Francis H. Stubbs, jr.
Elmer P. Abernethy.
Edward C. Ewen.
Eugene B. Oliver.
Robert L. Pickens.
John E. Rezner.
Edward I. McQuiston.
James B. Volt.

Frederick S. Steinbauer.
Robert E. Canty.
Thomas M. Dell, jr.
Casper H. Elcks.
Julius A. McNamar.
Joel Newsom.
Apollo Soucek.
Ralph E. Hanson.
Thomas Lee McCann.
Willard R. Gaines.
Edmund C. Mahoney.
Angus M. Cohan.
Geoffrey E. Sage.
Harold A. Carlisle.
Delwyn Hyatt.
Herman Barter.
Clarence E. Aldrich.
Charles F. Greber.
Michael H. Kernodle.
Donald T. Giles.
Charles H. Judson.
Donald F. Smith.
Charles F. Macklin, jr.
Campbell D. Emory.
Robert P. Lewis.
Ralston B. Vanzant.
Jasper T. Acuff.
Francis J. Firth.
Hugh Peters.
Arthur H. McCollum.
Lawrence E. Divoll.
Lawrence C. Grannis.
John F. Madden.
Bernard J. Skahill.
Louis G. McGlone.
Melville E. Eaton.
John W. Rice.
Walter G. Schindler.
William A. Griswold.
Howard N. Coulter.
George G. Herring, jr.
Edward P. Moore.
Morris J. Westfall.
Donald L. Erwin.
Gale C. Morgan.
George L. Russell.
John S. Crenshaw
Lawrence F. Connolly.
Walton B. Pendleton.
Kent H. Power.
Leo B. Farrell.
Charles J. Marshall.
George C. Stevens.
Walter S. Keller.
William B. Cranston.
John R. Kivlen.
William C. Gray.
Peter M. Moncewicz.
Frederick L. Entwistle.
Walter F. Weidner.
Clement R. Baume.
Burtnett K. Culver.
Lamar M. Wise.
Clinton A. Misson.
Thomas L. Lewis.
Thomas A. Parfitt.
William D. Johnson, jr.
Joseph R. Barbaro.
Leslie K. Pollard.
Charles R. Lamdin.
Robert T. Kain.
Charles S. Alexander.
Henry T. Wray.
Horace L. de Rivera.
Philip G. Nichols.
Alex M. Loker.
Edward A. Maher.
Robert E. Jasperson.
Walter J. Lee.
Daniel A. Frost.
Joseph M. Began.
William D. Hoover.
Blair M. Fuller.
Edwin M. Crouch.
Hal C. Jones.
Richard R. Dennett.
Stuart S. Purves.
Robert C. Brown.
John K. Lynch.
John M. Campbell, jr.
Oral R. Swigart.
Dallas Grover, jr.
Buell F. Brandt.
Lester R. Reiter.
Robert G. Willis.
Harold A. Houser.
Leo J. McGowan.
Julius L. Thompson.
John P. Heath.
Francis J. Bridget.
Robert F. Hickey.
Albert B. Cook.
Theodore R. Wirth.
James A. Roberts, jr.
Charles Bell.
James H. McWilliams.
Charles R. Brown.
John M. Hoskins.
Frederick H. W. Jackson.
Lowden Jessup, jr.
Joseph P. Rockwell.
Myron E. Thomas.
James R. Hughes.
Lionel I. Rowe.
Jennings Courts.
Floyd F. Ferris.
Frank S. McCrory.
George W. Snyder, 3d.
Raymond D. Edwards.
Francis D. A. Ford.
George I. Richmire.
Carl H. Sanders.
John J. Lenhart.
Justin H. Dickins.
James V. Carney.
Sterling T. Dibrell.
Ruthledge B. Tompkins.

To be ensigns

Williford M. Hyman.
Leon W. Johnson.
Ted C. Marshall.
Neville L. McDowell.
Ralph V. Baldwin.

To be medical directors

Henry E. Odell.
Joseph A. Murphy.

To be medical inspectors

William J. Zalesky.
William D. Owens.
Curtis B. Munger.
John B. Mears.
William N. McDonell.
George S. Hathaway.

To be surgeons

Franklin F. Murdoch.
Harold L. Jensen.
James A. Halpin.
Russell J. Trout.
Aubrey M. Larsen.
Louis H. Williams.
Ogden D. King.
Irving W. Jacobs.
Lockhart D. Arbuckle.
Robert L. Nattkemper.
George P. Shields.
John P. Owen.
George B. Tyler.
Arthur Freeman.
Jack H. Harris.
Thomas C. Anderson.
Leon W. McGrath.
William H. Whitmore.
Kenneth E. Lowman.
Earl C. Carr.
Melville J. Aston.
Leo C. Thyson.
Alma C. Smith.
John T. Bennett.
Paul W. Wilson.
Erik G. Hakansson.
Rolland R. Gasser.
Ellis A. Stephens.
William J. C. Agnew.
Rudolph D. Joldersma.
Jesse W. Allen.
Alanson L. Bryan.
Ross T. McIntire.
John R. White.
Mortimer T. Clement.
Edward Allan Brown.

To be assistant surgeons

Alfred L. Aldrich.
Harry L. Reinhart.
George R. Murray.
James C. Gladney.
Thomas H. Hayes.
Richard H. Gallagher.
Everett H. Dickinson.
Battey B. Coker.
Walter G. Kilbury.
John M. Woodard.

To be dental surgeons

George M. Frazier.
Frank S. Tichy.
Rufus A. Ferguson.
Alfred W. Chandler.
Albert Knox.
Everett K. Patton.
Cedric T. Lynes.
Richard C. Green.

To be assistant dental surgeons

Virgil H. Traxler.
Francis W. Lepeska.
Wadsworth C. C. Trojakowski.
Alfred R. Harris.
Otto W. Rogstad.
George H. Rice.
Gunnar N. Wennerberg.

To be pay directors

Frank T. Arms.
Charles W. Eliason.

To be paymasters

Charles G. Holland.
George C. Simmons.

To be assistant paymaster

Charles E. Beatty.

To be chaplains

Thomas B. Thompson.
John J. Brady.
Thornton C. Miller.
George G. Murdock.
Joseph H. Brooks.
Stanton W. Salisbury.

To be naval constructors

Earl F. Enright.
Frederick G. Crisp.
Everett LeR. Gayhart.

To be assistant naval constructors

Clement F. Cotton.
William H. Magruder.
William J. Murphy.
Joseph Huske.

To be chief boatswains

Earl Swisher.
Roy J. Jennings.
Garrison Payne.
Robin Southern.
Joseph K. Konieczny.
Frank Jurgensen.
Walter W. Hedges.
John W. Collier.
Carl Axelson
John C. Baldwin.
Gustave B. Martinson.
James F. Tracy.
Ernest R. Belbourne.
Henry Meyers.
Albert Speaker.
Archie O. Mundale.
George B. Kessack.
John H. Kevers.
Earl E. Reber.
John L. McDonald.
Richard Monks.
Frans O. Anderson.
Harry H. Fennerty.
James C. Legg.
Roy C. Hampton.
Ashley D. Holland.
Edward J. Heil.
William P. Arrowsmith.
Harry B. Romberg.
William W. Dyer.
Oscar Leo.
Frederick P. Uhlig.
Raymond A. Calkins.
Harry J. Kupbens.
George Gregan.
George O. Augustine.
Harry W. Weinberg.
James Wallace.
Owen J. Maloney.
Peter S. Nystrom.
William H. Justice.
Harry E. Montgomery.
Lucius H. Truman.
Oscar Eng.
James F. Dillard.
John H. Anderson.
John B. Manghan.
Clarence E. McBride.
John B. Carroll.
Grover C. Gittens.
Victor H. Kyllberg.
George F. Kahle.
Harry J. De Voto.
Herman Ruhle.
Edward Burnett.
Frederick J. Davis.
Fred H. Stewart.
George E. Henning.

To be chief gunners

John A. Lemanski.
Benjamin F. Blume.
Roy Childs.
Walter F. H. Nolte.
John Bjorling.
Elmer E. Callen.
Stanley B. McLaughlin.
Richard L. Reuling.
Leo E. Orvis.
Thomas H. Murphy.
Caesar Cooper.
Leslie W. Beattie.

Charles R. Brown.
Fred B. Chilson.
James Clancy.
Bernhardt E. Blossi.
William Wilkinson.
Frederick P. Graziani.
Jacob S. Parker.
Del L. Young.
Joseph Pranis.
John J. Jesso.
Charles E. Keptner.
Oscar E. Dannegger.
William H. Recksiek.
Leroy H. Ripley.
Ellis H. Roach.
Thomas F. Cullen.
Chester C. Culp.
Henry L. Bixbee.
Harry T. Dodd.
Frank B. Finney.
Warren S. MacKay.
Joseph L. Marshall.
Christian W. Manegold.
Frederick C. Nantz.
John H. Hart.
William J. Volkman.
John P. Richardson.
Edward A. Wintermute.
Grover Williams.
John Gordon.
William A. Gerdts.
Frank C. Szehner.
William P. Montz.
Harold Osborne.
Joseph S. Welgand.
Thomas A. Marshall.
Mars W. Palmer.
Jesse E. Jocoy.
William E. Perschbach.
Ernest R. Frakes.
Robert F. J. Connolly.
John Brenner.
William R. Dillow.
Arthur F. Murphy.
Nat B. Frey.
Richard J. Ostrander.
Lawrence Fasano.
Edgar W. Mallory.
Charles M. Cunneen.
William M. Fitzgerald.
William H. Hughes.
Samuel A. Klish.
Robert S. Hazlett.
John C. Waldau.
Einar Bjorhus.
Frederick E. McCoy.
Charles W. Piper.
Milton Bergman.
Joseph R. Choate.
William H. Cady.
Thomas L. McCann.
Lloyd M. Harmon.
Charles E. Smitherman.
Raymond Cole.
Linwood C. Gray.
Christian Ohlschlager.
Hugh M. Norton.
Biven M. Prewett.
Wilber J. Meade.
Isaac L. Glenn.
George J. Byrne.
William F. Loughman.
John L. Hood.
Donald H. Bradley.
William Jamieson.
Clarence E. Delp.

To be chief machinists

Ellis L. Robinson.
Wilfred G. Lebegue.
James D. Goff.
Valers G. Savage.
Benjamin F. Strawbridge.
Robert E. Simon.
Leo Kampman.
Robert E. Sammons.
Walter F. Marriner.
Herman G. Mecklenburg.
John L. Kershaw.
Alexander B. Provost.
Edward A. O'Neil.
Albert A. Elliott.
Clyde W. Jordan.
John A. Peckham.
Henry F. Mulloy.
Martin J. Moore.
Thomas M. Arrowsmith.
Henry J. Behrends.
Earle S. Nason.
Wade Lash.
Louis J. Miller.
Lawrence E. Boyer.
Oscar F. Bandura.
Ray S. Jones.
Frank Carter.
Archie M. Bushnell.
Franklin P. Early.
George W. Weaver.
Denis J. Kiely.
Forest H. Howe.
Charles M. Leslie.
Henry Bullmer.
Edward L. Gench.
Roscoe C. Noland.
Stephen M. Henagan.
Thomas Downs.
Albert Adams.
Eustace G. Wilson.

To be chief carpenters

Nicholas Mazzarella.
John Conboy.
William G. Scott.
William G. McIntyre.
Edourd Desormeaux.
Frank Jackson.
James J. O'Donnell.
Joseph A. McDonough.
Eugene F. Smith.
Elias G. Williams.
John F. O'Brien.
Harry W. Shomaker.
William J. Waterworth.
William E. Redfern.
George D. Forsyth.
Basil N. Procter.
George J. Schindele.

To be chief pharmacists

William C. Van Norden.
Caleb C. Petrey.
Neil H. McLean.
Matthew Birtwistle.

To be pay inspectors

Lewis W. Jennings, jr.
Brantz Mayer.

To be chief pay clerks

Henry G. Conrad.
Rufus J. Harrell.
Peter E. Brusky.
Bennie C. Smith.
William H. Misch.
Joseph A. Cossairt.
John R. Terry.
George W. Knoll.
Seymour Delong.
John R. Wallace.
Barr K. Parker.
Edward E. Sleet.
Carl M. Eysinger.
John W. Luce.
George R. Heissel.
George G. Jordan.
Charles T. Stanworth.
Harry S. MacKan.
Albert Fender.
William J. Murphy.
John W. Nichols.
Maurice A. Herrlich.
Elmer A. Chatham.
Theodore J. Vincent.
Herbert N. Dinsmore.
Carl W. Dunlap.
Robert D. Pace.
Charles P. Doughty.
John J. Shea.
William H. Hopkins.
Oscar B. Bennett.

MARINE CORPS

John A. Lejeune to be Major General Commandant.
John L. Doxey to be major.
Alton A. Gladden to be captain.
Dudley S. Brown to be captain.
Otto B. Osmondson to be first lieutenant.
Joseph L. Moody to be first lieutenant.
Walter A. Wachtler to be first lieutenant.

POSTMASTERS

NEW JERSEY

Joseph B. Kronenberg, Bernardsville.
William Griffin, Cresskill.

PENNSYLVANIA

Charles O. Smith, Black Lick.

VIRGINIA

Samuel W. Collie, Danville.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 29, 1925*

The House met at 12 o'clock noon.

Dr. Abram Simon offered the following prayer:

O Thou, whom we revere as Father, be with us as we begin our deliberations! May we direct our souls to Thee that Thou mayest fill them with Thy grace. We feel stronger in the consciousness of Thy presence. The thought of Thee hallows our words. Touch us with the wand of consecrated duty. Speak to us as that Thou didst to Thy inspired prophets that what Thou askest of us is to do justice, to love mercy, and to walk humbly before Thee. Help us to write these great virtues into our works and into our legislation, and to realize them for our Nation's well-being. Take under Thy special care the President of our country and those whom the people have set in authority, and shine with a radiant beneficence upon the Nation and its free institutions. Help us to repeat and feel in every fiber of our being the serenity and spiritual vigor of the psalm: "The Lord is my Shepherd. I shall not want. He maketh me to lie down in green pastures. He leadeth me beside still waters. He restoreth my soul. He guideth me in paths of righteousness for His name's sake. Though I walk through the valley of the shadow of death, I fear no evil. Thy rod and Thy staff, they comfort me. Thou preparest a table for me in the light of my adversaries. Thou anointest my head with oil. My cup runneth over. Surely goodness and mercy shall follow me all the days of my life, and I shall dwell in the House of the Lord forever and ever." Amen.

The Journal of the proceedings of yesterday was read and approved.

MINORITY VIEWS, H. R. 11796

Mr. SABATH. Mr. Speaker, I ask unanimous consent that I may have five days in which to file minority views on the bill H. R. 11796.

The SPEAKER. The gentleman from Illinois asks unanimous consent that he may have five days in which to file minority views. Is there objection? [After a pause.] The Chair hears none.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11505.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11505, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11505) making appropriations for the Executive office and sundry independent executive bureaus, commissions, and offices, for the fiscal year ending June 30, 1926, and for other purposes.

The CHAIRMAN. When the committee rose time had been consumed so there is still remaining 2 hours and 10 minutes to the gentleman from Indiana and 2 hours to the gentleman from Louisiana.

Mr. WOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman, I thank the chairman of the subcommittee for extending me the time to make a statement, which may be due from me individually, possibly from others, but I am acting simply in my own capacity and on my own responsibility.

The press of January 10 quotes a statement of House Majority Leader LONGWORTH to the effect that 15 or more Members of Congress are to be punished because of so-called political indiscretions. Similar public statements at other times have been attributed to the present majority leader and to other leaders. As a member of the Wisconsin delegation and one who may be so threatened, a protest is made against frequent public threats which from their nature can not well be answered excepting in this forum. My protest is voiced in no spirit of controversy.

Let me say at the outset that no one has been authorized to speak for those who would thus be threatened; they are all eminently qualified to speak for themselves.

Last session in this place I commended the majority leader's ability in securing passage of the best tax reduction law ever enacted by Congress. When the bill, substantially the present law, passed the House with only eight dissenting votes, attention was called by me to criticisms lodged against the Republican leader in the House of his friends, and he was supported and defended for his course. Legislative tax reduction was then brought about only through the efforts of all Republicans to get together on a just bill, far better than as originally introduced, resulting in a definite performance of Republican tax reduction platform pledges.

WHAT WAS DONE OR NOT DONE

The alleged offense of 15 or more Members, according to frequent speeches and press statements, is for failing to support the Republican presidential nominee at the recent election and alleged efforts to defeat Republican Members of the House. Unwillingness to support an administration program hereafter to be presented is also alleged to be involved. In other words, it is proposed without a hearing to assume to read out of the Republican Party all duly elected Republican Representatives of a great State in which the Republican Party had its birth.

At this time I will only say that lifelong Republicans who sometimes differ from my own views have frequently in my State and other States opposed the regularly nominated Republican candidates for governor, for Congress, and for other positions as late as 1924, under a plea of differences in brands of Republicanism of one or the other. Are they to be excommunicated from the party for so doing? Chastisement of Republican Members through exclusion from a Republican conference, whether for that purpose or not, it is charged, may affect the speakership contest, for they would thus be deprived of expressing any choice for Speaker or other officials. So, too, object lessons of dire punishment inflicted on alleged irregular Republicans, when placed before the House, may deter others from acting independently. The right or power to punish either by a party leader or by any number of party colleagues is challenged but will not be here discussed, although unprecedented in the House. By such precedent, however, if once established, future party organization and legislative performance may well become involved. However, I desire only to offer a brief personal statement, based on facts and political history, where silence may otherwise be mistaken for fear or for acquiescence in vague or untrue allegations.

TEN MEMBERS ELECTED BY AGGREGATE REPUBLICAN MAJORITY OF 333,518

For 30 years with one Member and for many years with others the 10 Republican Members of the present delegation from Wisconsin have invariably participated in and supported every Republican organization of the House at every session. During that period, I believe, they have all supported Republican platform pledges. I leave it for them to say if this is challenged. In every political campaign these 10 Republican Representatives of Wisconsin have stood for election in their respective districts as Republicans. Last election they received majorities over their Democratic opponents aggregating 333,518 votes, or an average of over 33,000 Republican majority in each district. That record is a certificate of membership in the party that can not well be impeached.

To the first charge affecting campaign support I speak only for myself when saying that over 20 years ago many hard-fought battles occurred in the old Badger State under the leadership of Gov. ROBERT M. LA FOLLETTE. During that early period some of us were closely associated when pioneer laws affecting primaries, taxation, railroad legislation, and general welfare were first enacted in Wisconsin. During the last 20 years his long service as Senator enlarged the field of labor and identified him with much valuable national legislation. Few men, if any, have an equally large personal following in my State or many other States throughout the country.

No postelection autopsy is here proposed, nor do I care to offer any excuses or explanations. Although not present at any conventions that were held, when requested personally to say what has been done by Senator LA FOLLETTE in Wisconsin and to support his candidacy for President, I did not hesitate to do so.

I never heard at any time of any so-called black list of Congressmen, nor was reference made by me to congressional or State candidates or State issues at any time. This is not offered by way of excuse, but to state a fact and to deny frequent general charges that have been made.

I have no apologies to make here or elsewhere, irrespective of what action may be urged by those whom I submit are not authorized to speak for my Republicanism.

POLITICAL IRREGULARITY OF A GREAT AMERICAN

One of the greatest Republicans known to this generation in recent times unsparingly denounced the Republican Party, by which he had been previously elected President. He bitterly denounced the party's standard bearer, whom Roosevelt claimed represented malefactors of wealth. Roosevelt fought particularly against his own party and tore it asunder. After repudiating his party and party leaders he was welcomed back with outstretched arms more like a prince than a prodigal son and would have been seated again on the highest throne but for his untimely death. At no time did he renounce his views nor apologize for the wreck of the Republican Party. His fight against party leaders ousted the Republican Party from power for eight years. He followed his own judgment and the country believed conscience guided Theodore Roosevelt in his attempt to resurrect party standards and individual responsibility that had reached low ebb.

I much doubt if at any time then or thereafter present Majority Leader LONGWORTH, or Republicans generally, would have voted to excommunicate Theodore Roosevelt from the Republican Party. Countless examples of political independence in both parties are familiar to every Member, but speakership contests and other local considerations have never heretofore been involved, nor an important factor when testing party regularity.

A GRIST OF EMINENT IRREGULAR REPUBLICANS

The last election brought an apparently safe majority of Republicans to serve in the next House, although a loss of over 100 Republican Members compared with four years ago is not to be ignored. Whatever the situation may be two years or four years hence, when other elections shall have rolled around, the majority leader now, if supported by party colleagues, may be placed in a position to impose political penalties under any new flexible code needed to fit the exigencies of the case. No constitutional right belonging to any Member, however, will be infringed nor the right to participate freely in legislation, so with that knowledge I am undisturbed over any action taken toward unnamed Members whom Mr. Harvey, the new Republican censor, calls "renegades." He ought to know what that term implies, for in 1912 Mr. Harvey denounced Republicans like Roosevelt and Taft until finally silenced by Wilson, whom he was then actively supporting against Wilson's own published protest. Roosevelt, Hiram Johnson, Garfield, Beveridge, Pinchot, Cummins, McCormick, and other eminent Republicans like General Wood in the Philippines, Senator Poindexter in Peru, and I may add Kellogg, Senator, ambassador, now Secretary of State and high in party councils, all I believe were once engaged jointly in politically wrecking or reconstructing the Republican Party.

I measure Republicanism largely as I have interpreted the principles voiced by Frémont and Lincoln, first and foremost standard bearers of a great party, organized at Ripon, in my own State of Wisconsin, about 70 years ago.

A CERTIFICATE OF ELECTION SUBMITTED

Over a quarter of a century continuously elected by the Republican Party has been my length of official service. Last fall a home constituency gave me the Republican primary nomination without opposition by over 32,000 votes; at the November election a majority of more than 36,000 was received on the Republican ticket over an active Democratic opponent and of 44,000 majority over another candidate who ran as a

"Progressive Republican." I mention this specifically to show faith of a highly intelligent constituency in their representative and I believe I have maintained complete faith with Republican principles.

My father, now living, voted for Frémont, served three and one-half years in a blue uniform under Lincoln from 1861 to 1865, and he voted at the last election. A lifelong Republican, so voting for 68 years, his party record few men have equaled. No conclusions or comparisons with critics are drawn—the record speaks for itself.

It has been publicly stated that committee assignments may be taken away from 15 Members whose Republicanism is under consideration. If so, it would advance many worthy Members on different committees, but if 15 Members are ousted now, why would not that precedent justify 50 or more committee vacancies, if desired in the future?

COMMITTEE POSITIONS PROVIDE LEGISLATIVE WORK

If committee places or so-called key positions depend upon the legislative views of Republican Members, then proposed legislation will govern any threatened punishment rather than abstract principles in politics. Based on precedence, Members have generally held former committee positions when reelected; but personally I offer no claims and make no request here beyond saying that on every committee of which I have been a member I voted with my party colleagues in reporting bills supported by them, reserving, however, on two or three occasions the right thereafter to offer amendments in the House. Would any Member of either party do less?

Without prophesying as to future legislation it is probable no fair-minded Representative of either the Republican or Democratic Party will obstruct needful legislation, but Members of neither party, I apprehend, will concede that results of the recent election demand a surrender of our constitutional rights or individual opinions in all matters of legislation.

Party platform pledges, if definite, of course should govern those serving under any party banner, but a new doctrine is announced if this principle extends to everything advocated under color of party regularity. Whenever Article I of the Constitution is abrogated so that Congress voices alone the views of administrative public officials or other outside influences then representative government will become a farce.

CONGRESS LEGISLATES AS A CONSTITUTIONAL BODY

During the last four years personal letters or utterances were procured from Executives and presented to the House supporting measures not mentioned in party platforms, including a general consumption tax for financing a bonus bill; a ship subsidy; a dye embargo; a retroactive repeal of the excess-profits tax for 1921 involving $450,000,000; a Treasury bill carrying 50 per cent tax reduction to some 6,000 wealthy taxpayers, with only 25 per cent cut for 3,500,000 small income taxpayers. In like manner Executives opposed the soldiers' compensation and affirmative tax-cut legislation subsequently passed by Congress that is now law. In every case the action of Congress based on its own judgment, I believe, was a political asset instead of party liability and of benefit to the country, yet if any mistake or series of mistakes occurred Congress is the representative constitutional body empowered to enact or repeal laws.

This much has been said in a general way. I would be remiss in duty, however, if I failed to state a further situation in no way personal nor suggested to me by any Member, but which has moved me to voice this protest against misstatements and frequent public threats.

During the Sixty-ninth Congress the dean and oldest Republican Member of the House of Representatives will be HENRY ALLEN COOPER, of Wisconsin. For 32 years in 16 elections he has been returned to this body, an evidence of the love and loyalty felt for him by the people of our State. I offer no eulogy for his long, valuable service here. Because of his ability, experience, and sterling Republicanism, Wisconsin sent him back to Congress for the sixteenth time last election with 37,000 majority over his Democratic opponent.

INJUSTICE TO AN HONORED MEMBER

At the last Republican National Convention Congressman COOPER was asked to offer a substitute platform. This he did with parliamentary fairness, eminent ability, and rare good nature, so as to command the respect of political friends and opponents alike. Thereafter he was prevented from outside speaking during the campaign because of illness and active contests in his own district. I do not know that he took any part in the national campaign. Whether he might have done so under different circumstances I can not say. This much is certain, if COOPER for 32 years a Republican Member and dean of the House is to be humiliated for no overt political act, then support of a substitute platform in a Republican Convention is for the first time in America's history to be held a political crime. If independence at a political convention is held improper or legislative independence merits punishment, then let him without political sin cast the first stone.

Nothing could be more unjust unless found in the action of those who refused to permit Lodge, Republican Senate leader and keynoter of the 1920 Republican National Convention from actively participating at Cleveland, because it was reported, pursuant to a pledge, he voted to pass a soldiers' compensation bill over the presidential veto. To transport the steam roller, however, of a political convention down to the Halls of Congress where legislation depends on fairness and justice to colleagues, irrespective of party, is without precedent. Consistency is a desired virtue when Republicans in another legislative body "disciplined" Republican legislators for alleged party irregularity, yet themselves were first to vote to override the President's veto on the post office bill during this session.

A moment's reflection will disclose that few men are always "regular" or never independent, and in that fact rests the safety and security of our constitutional government and of the Republic.

Other members of the delegation, I believe, were not actively engaged in the last national campaign, which was their right, I assume, if so, but I am not authorized to speak for them nor to ask any favors. They are all able to speak for themselves when occasion requires.

From the days when Lincoln in this House opposed President Polk and the Mexican War during the war's progress down to the days when, as President, he led the fight against human slavery, independent thinking and uncontrolled legislation have been the best safeguards of human rights.

From recent days, when Roosevelt and scores of men now in public life denounced the corrupt influence of big business when found in politics and legislation, down to the day of Roosevelt's death the country honored him for his course. No new standards, I submit, should be raised wherein Senators or Representatives would be elected only to serve as rubber stamps rather than as representatives of their constituents.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FREAR. I will; certainly.

Mr. LONGWORTH. I want to preface my question by stating that no man in this House has a higher regard or a warmer friendship for the gentleman from Wisconsin [Mr. COOPER] than I have. I want to ask the gentleman this question, founded on his statement that Mr. COOPER did not leave the district during the campaign. I want to ask the gentleman if, to his knowledge, any members of the Wisconsin delegation went into other States and advocated the election of Democratic candidates for Congress?

Mr. FREAR. I do not know; I speak only for myself; I know I did not. It was never suggested to me at any time, nor I am quite sure in the case of Mr. COOPER, and the reason I speak from positive knowledge in his case is that I spent one week at his request in his district at the time of the primary, and I know that he was ill.

Mr. LONGWORTH. The gentleman himself did not leave the State?

Mr. FREAR. Yes, I did; but not to discuss congressional or State issues in any way. The subject of my discussion was along the lines I have heretofore stated—the Presidency.

Mr. LONGWORTH. The gentleman, however, spoke against the interest of the Republican ticket?

Mr. FREAR. I spoke for the candidacy of Senator LA FOLLETTE; but I believe I can fairly say I never reflected on the highest officer of the administration.

Mr. LONGWORTH. Did the gentleman advocate the election of Senator WHEELER?

Mr. FREAR. I assume he was on the ticket; I do not know that his name was ever mentioned.

Mr. LONGWORTH. The gentleman can not state, of his own knowledge, whether any member of the Wisconsin delegation advocated the election of Members of Congress other than Republicans?

Mr. FREAR. No; I do not know as to that. They can speak for themselves.

Mr. LONGWORTH. I hold in my hand a newspaper clipping from the Providence Bulletin of October 29 referring to a speech delivered at Pawtucket, R. I. Referring to a speech delivered in Pawtucket, R. I.——

Mr. FREAR. May I have a little more time, if questioned?

Mr. LONGWORTH. Yes; I will yield to the gentleman additional time.

Mr. FREAR. I have no objection to the interruption, but I will be glad to have two or three minutes additional.

Mr. LONGWORTH. I hold in my hand a newspaper clipping referring to a speech delivered in Pawtucket, R. I., in which a gentleman from Wisconsin, the gentleman's colleague, Mr. BROWNE, was alleged to have said this, after having delivered a very strong indictment of the Republican Party generally from its leader down, speaking of candidates, Democratic candidates for office in the State of Rhode Island, and particularly for the Democratic Member of Congress, who was seated with him on the platform. I read this sentence:

Speaking briefly on the men running on the Democratic ticket in this State, Mr. BROWNE said O'CONNELL is a hard worker and has "voted just the way I did." "Your lieutenant governor is an independent and should be elected governor, for he has a big amount of backbone," the speaker added. "If I were a Republican in this State, I would vote for Mr. Flynn for Senator."

Mr. FREAR. I will say, if the gentleman wishes me to, that I never heard anything about it, but it shows the danger or the unfairness of putting all Members from Wisconsin together with anyone who has that view, if correctly quoted—with the dean of the Republicans of the House of Representatives, who was ill and unable to leave his district. I know nothing about the Rhode Island meeting.

Mr. LONGWORTH. I want to ask the gentleman if he will state if in his opinion the gentleman who made those remarks can be called a Republican?

Mr. FREAR. I will, with this reservation: If the gentleman from Ohio [Mr. LONGWORTH] will insist that a man who was very close to him and one of the most prominent in all America and who came out and demanded as he did the destruction of the Republican Party—Theodore Roosevelt—if Roosevelt was a Republican, the rule should apply to both. The people did not say Colonel Roosevelt was not a Republican, because he came back to the Republican fold. I assume both men named were Republicans after their election as such.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LONGWORTH. I yield to the gentleman two minutes.

The CHAIRMAN. The gentleman had 20 minutes. He now has 2 minutes.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

LET ACCUSERS BE MET FACE TO FACE

Mr. FREAR. I will in a moment.

Briefly in no spirit of controversy I have sought to submit facts entitled to be considered on their merits. As a Republican who has continuously represented the same constituency in this body for many years, I expect to work as heretofore with my party, and in so doing recognize the necessity of party leadership, yet of highest importance I believe is intelligent, independent, and wise legislation by Congress, a coordinate branch of government equally responsible with the Executive for the welfare of the State.

If Republicanism is to be tested by an unbroken record of elections on the Republican ticket or by support of party platform pledges theretofore given to the people, then the test should be welcomed. My contention is that every Member of this great body now and hereafter is entitled to meet accusers face to face before any tribunal of his party colleagues that assumes to be empowered to act. If challenged, that right is asked at the hands of my Republican colleagues, on behalf of any Member elected as a Republican, not as a matter of favor, but as the inherent right of every Member, that he be heard in his own defense.

ARE THESE MEN REPUBLICANS?

I have already quoted the names of eminent Republicans who joined Roosevelt in 1912 in an effort to reelect him President. Others of equal note may be added.

The Progressive Roosevelt platform adopted at Chicago, June 22, 1912, contained among other things these planks:

Political parties exist to secure responsible government and to execute the will of the people. From these great tasks both of the old parties have turned aside.

Instead of instruments to promote the general welfare they have become the tools of corrupt interests, which use them impartially to serve their selfish purposes. Behind the ostensible government sits enthroned an invisible government, owing no allegiance and acknowledging no responsibility to the people.

The deliberate betrayal of trust by the Republican Party, the fatal incapacity of the Democratic Party to deal with the new issues of the time, have compelled the people to forge a new instrument of government through which to give effect to their will in laws and institutions.

Thereafter followed many planks in the Roosevelt platform of sizzling character on inheritance taxes, the courts, corrupt practices, and so forth. Equally blistering denunciation of President Taft and the Republican Party appear in speeches of many well-known men.

To this effort in overturning the Republican Party was given the active aggressive support of men like Frank A. Munsey, a great publisher, who contributed $70,000, according to published reports, and whose countenance is photographed among many irreconcilable anti-Republicans as "one of the strongest supporters of the new party." From an editorial, September 4, 1912, in the St. Paul Pioneer Press of Minnesota, conservative of the conservatives, I quote as follows:

Senator CUMMINS announces he will vote for Colonel Roosevelt, although he does not approve all the planks in the Progressive platform.

The highest position in the Senate to-day is held by this distinguished supporter of Roosevelt in 1912.

Some of the strongest utterances against the Republican Party and vigorous condemnation of President Taft and others came from men who are active in public life to-day. Among those names appear Hon. Medill McCormick; Gov. Hiram Johnson; Senator Miles Poindexter, then Senator, now American Ambassador to Peru; Senator Beveridge; Senator Moses Clapp; and others notably active in another great legislative body. Alexander P. Moore, Ambassador to Spain; Frank B. Kellogg, Senator, then Ambassador to the Court of St. James, and recently promoted to the position of Secretary of State, appointed by President Coolidge, are also among those whose names and photographs appear in the reports as supporters of the Roosevelt campaign.

This record is submitted, lest we forget, with a score of other names still conspicuous in American affairs. They are all highly honorable men whose independence in 1912 was no disgrace. If punishment, if banishment, if ouster or other chastisement was ever proposed or given to one of these men I have been unable to find the record.

Men highest in the present Republican Cabinet, men highest in the present United States Senate and others of note who represent our Government to-day in foreign countries. All these are still honored notwithstanding they supported a movement that bitterly opposed and condemned President Taft, then a candidate for reelection and further declared the Republican party had "become the tool of corrupt interests" and had betrayed a great trust.

This record is submitted without further comment than to say that the most exalted places in administrative and legislative positions in America to-day are held by men who in the past, based on the record, joined a movement to wreck the Republican Party and defeat its Chief Executive. It is well again to add "let him without sin cast the first stone," when standards of party regularity are to be fixed.

SENATOR LADD'S SPEECH

Members of both Houses of Congress of both political parties are indebted to Senator LADD, of North Dakota, for his exposition on the subject of political independence and party regularity which appeared in his speech in the Senate of January 6, 1925.

I am quoting from several prominent men whose opinions have been collated by the distinguished Senator from North Dakota and who expressed definite views that very largely will be subscribed to by the average man in public life. The record of Roosevelt and those who rallied under his standard in 1912 has been alluded to. He was never punished for party irregularity, but would probably have been the unanimous Republican choice for President in 1920 had he lived. The following eulogy was expressed by one of the most conspicuous men in public life since 1912, a Republican Senator and President, and a man whose judgment dictated the policy of his party in recent years. I quote from Senator Harding, who said of Roosevelt:

He was one of the foremost citizens of the world in a most extraordinary era, as he was the most vigorous and courageous American of his time. In spite of conflicts in which he was critic or the subject of criticism, he was respected as no other American. There is no direct legatee of his vast political estate.

That sounds far removed from political punishment for irregularity.

I quote again, this time from Senator NORRIS on political independence, and with this sentiment most men find an echo in their hearts. He said:

I have been opposed to political machines, to boss control, and to caucus rule, and it seemed to me it was my duty to proclaim what I

believed to be right and to expose what I believed to be wrong just as quickly when I find it in my party as though I found it in some other party. * * * I must stand with anybody who stands right—stand with him when he is right and part from him when he goes wrong.

Again quoting from Senator LADD's speech, I find therein a quotation from another distinguished Senator which is equally forceful and full of meaning. Senator BORAH is quoted as having said during the last campaign:

I claim the right as your Senator to oppose any measure, by whomsoever proposed, which I believe to be injurious to the public interest or unwise in government. I claim the right to support any measure, by whomsoever proposed, which I believe to be in the public good and in the interest of sound government. This states the whole thing. I would rather have the people of my State believe that I have the courage to vote as I think I ought to vote, regardless of passion or party, than to have any office they can give me. * * * Republicanism, as I understand it, is clean government. It is economic government. It is progressive government. No greater progressive ever lived than Lincoln. Republicanism is government free from monopolistic control at home and equally free from domination and political entanglements abroad.

And still another gentleman of distinction in the same great body of independent Republicans comes to us in Senator COUZENS, of Michigan, who said:

If complete adherence to the proposals and policies of President Coolidge is the test of Republicanism, there are no Republicans in the National Congress. I do not believe it to be the desire of my constituents that I abjectly promise to follow some one and do his bidding. * * * I believe in party government, but so long as I am a member of the party I propose to have a voice in it and not to be controlled by party "bosses" or leaders.

Another sentiment to which we may all subscribe is that also found in Senator LADD's speech, originally expressed by Secretary of State Hughes, wherein he said:

Party loyalty and patriotism should coincide. But if they are antagonistic, patriotism must ever be supreme. The party is not the Nation or State. When the attitude of party threatens the interest of the community, when ill-chosen policy invites general disaster, when party success means the debasement of standards of honor and decency, the party man should recognize the superior obligation of his citizenship.

I conclude with one more brief statement from a man whose fairness, ability, and political and personal cleanliness of mind are beyond criticism. I refer to the distinguished Senator who comes under the ban of his party associates, but whom I have known intimately through several months' close association on a European trip and found him to be in all things a square and just man. Senator LADD made the following statement of his position in the same speech:

If the judgment of the majority members of the caucus is to prevail in the councils of the party, I am sure that in 1926 the party will be figuring on how to get somebody into it harder than the arrogant would-be leaders are now scheming to get certain Senators out of it. * * * Let no one think I am making any personal appeal. I do not acknowledge any default for myself, nor do I recognize any jurisdiction that can hold me to account except that of my constituents.

AN EDITORIAL SERMON WITH A MORAL

An editorial last Monday in the Washington Star on the subject of party regularity is timely. Intolerance leads to ridiculous conclusions. The Iowa Republican State committee asks the Senate to oust a Senator because he is not loyal to the State committee's standard of party loyalty. Ousting any duly elected official from office in a slightly less degree applies to ousting from legislative committees. Duly elected Congressmen have been patient while critics have noisily and based on incorrect reports discussed "party loyalty" as applied to everything from President down to justice of the peace. By the Star's test 90 per cent of the members of both parties would find themselves disqualified. It is well to act not only with justice but may I say without being misunderstood also with good judgment.

Legislation depends on many things that are not determined behind closed doors of caucuses or committees. Legislative work, however, if confined to the Committee of the Whole, would even then offer many compensations. Good judgment should prevail with both critics and those criticized, and I submit herewith the editorial for prayerful consideration by ousting advocates.

An episode entitled, When is a Republican not a Republican?

[Editorial from the Washington Star, January 26]

The old saying that there is nothing new under the sun is considerably discredited by the demand of the Iowa Republican central committee that SMITH W. BROOKHART be denied the seat in the United States Senate to which he was elected last November. Certainly the demand raises a new issue in American politics, and one that is full to the brim of interesting possibilities.

Demand that Senator BROOKHART be debarred is not based on allegation that he did not receive a requisite number of legal votes, but it is charged that he was guilty of "fraud and deceit" in that he obtained the senatorial nomination as a Republican and continued to pose as a Republican "until the time for filing independent candidacies had expired, and until it was no longer possible for him to be removed from the Republican ticket," whereupon he repudiated the national candidates and platform of the Republican Party and supported the candidacies of LA FOLLETTE and WHEELER and the platform upon which they stood. "Members of the Republican Party were thereby deprived of having a candidate for United States Senator," the Iowa committee asserts.

Senator BROOKHART already has been "punished" for his disaffection by the Senate Republican caucus, which read him out of the party. But to undertake to read him out of the Senate for the same offense is something very different. The Constitution takes no account of political parties or of party nominations. Party loyalty is nowhere made a test of fitness for office. It is true the Constitution makes the Senate the sole judge of the election and qualification of its Members, but never in the past has it been proposed to unseat a Senator on the ground that he was disqualified by disloyalty to his party, or that such disloyalty constituted fraud of a character to invalidate his election. If the Senate once started making party loyalty a test of fitness for membership in that body, one can not help but wonder where the experiment would end.

Would, for instance, refusal of a candidate for the Senate to support a nominee for his party for justice of the peace constitute a disqualifying breach of party loyalty? Absurd, you say. Well, then, would refusal to support his party's nominee for governor constitute such a breach? Or refusal to support the candidate in his district for the House of Representatives? Unless the loyalty test was to be confined to presidential candidates it would be difficult to find a stopping place down the scale of consequential office.

And how about a Senator who, after attaining office, refused to support the President upon some vital question of national policy which had been made an issue in the campaign and had influenced the casting of votes by which they both had been elected? Unless he had declared himself in advance upon that issue would not he, too, be chargeable with "fraud and deceit"? How many Senators are there of either party who would be willing to have the Iowa theory of party discipline carried to its logical conclusion? Contents of the box Pandora opened would seem tame and commonplace compared with the things which would be likely to escape once the Senate undertook to comply with the Iowa demand that Senator BROOKHART be denied the seat to which Iowa voters elected him.

Mr. Chairman, I have offered this brief reply to repeated threats and some misstatements given wide publicity. As stated at the outset, I have no favors to ask, but my Republican colleagues from Wisconsin reelected by unprecedented majorities are not required by any precedent to submit their Republicanism to any man or group of men for judgment, but to their constituents alone. No legislative rights of any Member nor of any constituency will be taken away, for the Constitution protects all alike without reference to party, partisanship, or official pronouncement, however high.

Now, I shall be glad to yield to the gentleman from New York.

Mr. MILLS. I will ask the gentleman whether during the last campaign the gentleman attended a meeting in the forty-third congressional district of New York advocating the election of the candidate opposed to the Republican, Mr. REED?

Mr. FREAR. I spoke on the presidential candidacy. I never spoke on the subject of any congressional candidacy. I have talked with Mr. REED about it. He understands it. There was not one there who spoke in opposition to Congressman REED. I certainly did not.

Mr. MILLS. Was not his opponent there, and the gentleman was on the platform?

Mr. FREAR. I was on the platform. But Mr. REED knows that no statement of that kind was made. I did not oppose the election of anyone on the congressional or State ticket.

Mr. MILLS. Did not the gentleman favor the candidacy of the gentleman opposed to Mr. REED?

Mr. FREAR. In no way at any time. I assumed it was a meeting on the subject of the Presidency. I was there to speak for Senator LA FOLLETTE's candidacy, and I did so.

Mr. MILLS. And at the same meeting the candidacy of the gentleman opposing Mr. REED was advocated? He was on the platform?

Mr. FREAR. He advocated his own candidacy, and he never said anything against Mr. REED, but I knew nothing about arrangements and have stated the facts.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. TREADWAY. Will my colleague be kind enough to give me some information with regard to the nature of the speech he himself made at Boston?

Mr. FREAR. Undoubtedly; yes. The Secretary of War had made an attack, which, as I believe, was without foundation, on the State of Wisconsin. He went on to describe the conditions existing there on taxation and other subjects. I was asked if I would go there and answer that, which I did briefly as one of the speakers present. At the same time I mentioned the candidacy of Senator LA FOLLETTE.

Mr. TREADWAY. Did my colleague make any reference in that speech to the congressional election in that district?

Mr. FREAR. Not, to my recollection, at any time.

Mr. BERGER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. BERGER. Is it not a fact that our leader in the last campaign, Senator LA FOLLETTE, said that both the Democratic and Republican Parties were corrupt beyond help and beyond redemption? Did he not say repeatedly that we needed a new political alignment, and this new movement was inaugurated at that time?

Mr. FREAR. I do not know that Senator LA FOLLETTE said that, but I have frequently heard the gentleman who is now talking say that. While every member of the Republican Party in the congressional delegation from Wisconsin had about an average of 33,000 majority, the gentleman who is now interrupting me, the gentleman from Wisconsin, had less than 1,000 if I remember correctly.

Mr. BERGER. I ran on the straight Socialist ticket, not camouflaged as a Republican. May I ask the gentleman another question?

Mr. FREAR. I do not care to yield further. I thank the gentleman from Indiana for yielding me more time.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman from South Carolina [Mr. BYRNES] 10 minutes.

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, as I understand it, this is a meeting of the Committee of the Whole House and not a Republican caucus. [Laughter.]

Mr. SNELL. The Committee of the Whole House on the state of the Union. [Laughter.]

Mr. BYRNES of South Carolina. This bill appropriates $452,000,000, not for the regular establishments of the Government but for independent offices. The expenditure of half a billion dollars for independent offices shows the trend of government toward bureaus and commissions. Ten years ago there were listed in the Congressional Directory 20 commissions, boards, and bureaus under the Government of the United States. To-day we have 39 independent establishments, whether called commissions, bureaus, or boards, operating under the Government of the United States. And that does not tell the whole story, because unfortunately the various States of the Union have followed the example of the Government of the United States and have proceeded to establish commissions and bureaus, covering all kinds of activities, greatly increasing the cost of government by the States.

The creation by Congress of these commissions and bureaus necessarily increases the expense of government. As late as 1916 there were 27,243 employees in the Government service outside of the 10 established departments presided over by members of the Cabinet. Eight years later, in 1924, the number of employees of commissions and bureaus had increased from 27,000 to 51,643.

Mr. MADDEN. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MADDEN. I would suggest that 30,000 of those employees were in the Veterans' Bureau to take care of the disabled soldiers of the late war.

Mr. BYRNES of South Carolina. On June 30, 1924, there were 27,035 employees in the Veterans' Bureau, a service growing out of the war. But on the other hand, in 1916 there were 19,291 persons employed on the Panama Canal who were included in the total of 27,035. That number has been reduced to 8,890.

I know that some of these commissions must remain independent of the 10 established departments of the Government, but I know, too, that some of them ought to be merged with existing departments and that others ought to be abolished. We have boards exercising powers which ought to be exercised by individuals, whose work should be supervised by members of the Cabinet. There are some activities which would be discharged with greater efficiency if placed in charge of an individual who would be held responsible. I contend that commission government encourages extravagance. For instance, this bill carries appropriations for the Shipping Board, whose chairman tells us that he has an assistant at a salary of $10,000 a year.

The salary of a Member of Congress is $7,500; the salary of a United States Senator is $7,500; but an assistant to a member of the Shipping Board draws $10,000 a year, almost as much as the salary of a member of the Cabinet. Until two years ago the Assistant Secretaries in the various departments received a salary of $5,000; under the reclassification act they receive a salary of $7,500. The Assistant Secretary of War and the Assistant Secretary of the Navy receive $7,500 a year, but the chairman of the Shipping Board appoints an assistant who draws $10,000 a year. I have no doubt that an investigation will prove similar extravagance under other commissions.

I call attention to another evil growing out of government by commission, namely, the demands made upon citizens for reports. The commissions and bureaus empowered to call upon citizens for information vie with each other in their efforts to annoy the citizens of this country with requests for information until the average business man's life is just one blamed report after another. The printing bill of the departments of the Government during 1924 amounted to more than $850,000. Even with this enormous expenditure for printing bulletins and reports, the statistics printed by the departments are often so long out of date as to have no value other than historical value. As an instance of it, ask the Bureau of Labor Statistics to-day for information as to the wages paid in the industries of this country. I remember making that experiment about two years ago in order to ascertain the wages paid in the textile industry of the South and compare them with the wages paid in New England. I was advised that the latest statistics compiled were two or three years old, which were of absolutely no value except as a matter of history, because in two or three years conditions greatly change. They collect so much information that they can not print it and much of it is of no value. Let me illustrate. One of the activities provided for in this bill is the Federal Board for Vocational Education. Some one has sent me one of the bulletins issued by that board. It is entitled "Diary of Homemaking Activities," in which the women of America are told that they should carefully note all of their activities during the day, and in order that they might be fully advised a sample is furnished of what information should be jotted down, from which I read:

Saturday, November 5: 6.30–7, dressed self; waked husband; opened doors and windows downstairs; prepared breakfast. 7–7.30, ate breakfast; planned evening party with husband; called children.

Telling a woman in Idaho, Maine, or South Carolina that at 7 o'clock in the morning she should begin planning an evening party for her husband while she dressed her children. That she should record such activities and report to that board.

7.30 to 8: Dressed baby, combed Alice's hair, helped Billy put on his overalls, gave children breakfast. 8.30 to 9: Put kitchen and dining room in order. 9 to 9.30: Gave baby his bath—

He did not get his bath until 9 o'clock—

planned luncheon and dinner. 9.30 to 10: Put house in order. 10 to 10.30: Gathered peas out of the garden. 10.30 to 12: Minded baby, mended husband's shirt, hunted his tie, washed and ironed waist. 12 to 1: Gave children luncheon. 1 to 1.30: Inquired about sick neighbor, planned the afternoon for the children, punished Billy for hurting Alice.

[Laughter.]

And so on through the day until finally at the evening hour, when all of these pages are filled, the women of America are told that they should furnish this information:

Name all the different kinds of planning jobs which you must do and which were not listed in the day's work. For example, planned to spend month's income so as to save for a new rug; planned a new coat for Jane out of my old skirt; planned to store winter clothes; store vegetables for the winter.

As if any woman on earth would ever have time to do anything if she stopped to jot down all the information that these people in the department want them to jot down and report. And I ask you, if they sent back that information, what in the world would the board do with it?

Mr. WINGO. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. WINGO. I notice that one of the entries in that model diary is that the woman punished Billy. Does the diary disclose the proper method to use, whether it is the old method or the modern method?

Mr. BYRNES of South Carolina. No; that is one of the oversights, but I am sorry my friend has suggested it, because I fear the department will note the suggestion and issue a new bulletin next week.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I would like to have 10 additional minutes.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. BYRNES of South Carolina. If not restrained by Congress, there is absolutely no limit to the investigations which enthusiastic department officials would conduct. In the departments are many able men, interested in their work but unmindful of the burden of taxation.

I remember that a most enthusiastic official in one of the departments came before a subcommittee of the Appropriations Committee on which I was serving and wanted an additional appropriation in order that he might conduct an investigation as to how many hours a day a woman might work without being fatigued, and although I suggested it might be of little value, that it might depend entirely on the kind of a woman she might be—whether she was a big woman or a little woman, a strong woman or a weak woman—his enthusiasm for his cause never waned, and his earnestness increased as he pleaded his cause.

I know that no man can be a success in a department unless he is enthusiastic about his work. He must be zealous, but at the same time the Congress must have common sense enough to restrain the desires of these gentlemen who would investigate everything on earth and who apparently believe that the people are so helpless they can do nothing for themselves.

Mr. BOYCE. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield.

Mr. BOYCE. What division of the Government is responsible for the creation of these boards and commissions and the like?

Mr. BYRNES of South Carolina. I am glad the gentleman asked me that question, because I intended to come to it later. The Congress, and the Congress alone, is responsible for it.

Mr. BOYCE. Is it not time that the Congress of the United States stopped it?

Mr. BYRNES of South Carolina. My only hope in making these remarks at this time is that some Members of the House would take the view that I infer the gentleman from Delaware entertains, that it is time Congress stopped it.

The presumption that States can do nothing for themselves, and the constant interference with the rights of the individual citizen have, in my opinion, resulted in the growing sentiment against the extension of governmental activities which is fairly reflected in the action of the legislatures of the States to-day in rejecting the child labor amendment. It was submitted to them just at a time when the people had come to realize the extent to which the Government of the United States is encroaching upon the rights of the States. In my own State of South Carolina, within the last few days, this amendment has been unanimously rejected, not a vote being cast in favor of its ratification, either in the Senate or in the House, and in every other section of the country States are rejecting it. So that whereas when it was submitted to the States I predicted it would not be ratified by a majority of the States, I now confidently believe it will not be ratified by one-third, instead of the necessary three-fourths of the States.

Mr. BLANTON. It is 15 to 2, now.

Mr. BYRNES of South Carolina. Well, I am in favor of the score.

Those who defend the extension of governmental activities have been urging, especially in the last six months, that State taxation has increased more than taxation of the United States Government. Figures do not justify this statement.

In the year 1922 the total cost of national, State, and local governments was $7,425,045,000, or an average cost of $68.29 for each person in this country. Of this total, $3,204,133,000 represents the cost of the National Government for the fiscal year ending June 30, 1923, according to the statistics published by the Bureau of the Census, the last available statistics, while $4,220,912,000 was the cost of government by States, counties, municipalities, and other subdivisions of the States. The figures show, however, that between 1912 and 1922 the cost of government in the States and subdivisions of States increased 115 per cent, while the cost of the National Government in 1922 showed an increase of 380 per cent as compared with the cost of the National Government in 1912. Some statisticians have figured five persons to the family. If this is fair, and the average tax per person of the National Government is what the Bureau of the Census has figured it to be, $68.29, then the tax bill of the average family of five is $341.25 per year, and it seems that when the head of a family of five earns only $1,200 a year, he spends more than one-fourth of his time working to pay his taxes.

Mr. SMITH. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield.

Mr. SMITH. Is it not true that this 300 per cent increase in the expenditures of the Federal Government was due entirely to the war?

Mr. BYRNES of South Carolina. Oh, no.

Mr. SMITH. And the comparison should be made with last year?

Mr. BYRNES of South Carolina. Oh, no. If we compared taxes in 1912 with taxes for the years 1917 and 1918, the percentage instead of being 380 per cent would be much greater. In 1922 we were four years removed from the war, and the expenses of the National Government were 380 per cent more than in 1912. Of course, the gentleman may say that in 1922 there were some activities that were brought about by the war, and of course that is true. As I said just a moment ago in discussing the question of employees, there are many employees in the Veterans' Bureau, which is a new bureau established since the war, but on the other hand there were employees who were at the Panama Canal in 1912 who are not now employed. The increased expense of government can not be charged entirely to the war and activities growing out of the war.

Mr. SMITH. Why not make the comparison between 1924 and 1912?

Mr. BYRNES of South Carolina. I have been making the comparison of 1922 with 1912 in expenditures because 1922 is the latest year for which the Census Bureau has prepared statistics.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. GARNER of Texas. I think the gentleman's statistics should go a little further and should show a higher percentage because the gentleman does not include the postal receipts as taxes of the Government, and yet they are taxes.

Mr. BYRNES of South Carolina. I know that; but I purposely excluded them because the Bureau of the Census did so, and I wanted to use their figures and not cause confusion. But what the gentleman from Texas says is true. The postal revenues are taxes.

Mr. GARNER of Texas. And they go into the Treasury?

Mr. BYRNES of South Carolina. They go into the Treasury and ought to be counted.

I want to call attention to another item. This bill carries appropriations for a new organization of government, the Board of Tax Appeals. I had hoped that with its establishment we would hasten the day when the Government would settle finally its claims against citizens for back taxes. Already 900 appeals have been filed with the board. I am advised, however, that as a result of the investigation conducted by a Senate committee the Bureau of Internal Revenue has concluded that some settlements were based upon erroneous interpretations of the law, and as a result citizens who thought they had finally secured a release from taxes due in 1917 and 1918 are now receiving little notes advising them that their cases had been reopened and that they must appear and pay. This means the employment of lawyers and additional accountants.

The interests of the Government should be protected, but at the same time the citizen is entitled to some protection, and I believe that there ought to come a time in the life of the taxpayer when, having paid the amount determined by the Government to be due, he can finally secure a release for the payment of taxes due to his Government six or seven years ago.

Mr. GARNER of Texas. May I ask the gentleman a question there?

Mr. BYRNES of South Carolina. Yes.

Mr. GARNER of Texas. Does the gentleman mean to say that as a result of the investigation of the Couzens investigation the policy of the department is being changed with reference to the collection of revenue?

Mr. BYRNES of South Carolina. I mean to say that they have changed their view as to certain provisions of the law, which affects many cases heretofore settled.

Mr. GARNER of Texas. That is very illuminating and is a very interesting statement.

Mr. BYRNES of South Carolina. My own inference from what has occurred is that criticisms have been voiced as to the settlement of certain cases, and gentlemen have gone back to the department and, having changed their views, have reopened cases, and I understand that already a number of taxpayers in this country have received notices that their cases have been reopened. The Government has a right at any time to reopen a case, and the only recourse a taxpayer has is to appear, and if he can not induce them to again change their views he can appeal to the Board of Tax Appeals.

Mr. GARNER of Texas. As I understand the gentleman, he says the investigation of the department has changed the decision of the board as to what the law authorizes.

Mr. BYRNES of South Carolina. Not the Board of Tax Appeals, but officials of the bureau.

Mr. GARNER of Texas. The Commissioner of Internal Revenue told the Ways and Means Committee that they would be current within 12 months if we would give them the relief which they got.

Mr. BYRNES of South Carolina. Since that time they have changed as to the time within which they will complete the settlements for the year 1917. Officials have told the Appropriations Committee that the investigation has cost the department $100,000, because 200 employees have been engaged in furnishing information to the Senate investigation.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. SANDLIN. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. BYRNES of South Carolina. Now I will yield to the gentleman from Washington.

Mr. SUMMERS of Washington. Under what authority of law were the bulletins referred to by the gentleman furnished or printed?

Mr. BYRNES of South Carolina. The Vocational Education Board. I have called it to the attention of the committee, because somewhere there ought to be a censorship of bulletins sent out by departments so that it would not be possible for subordinate officials to send out such silly and absurd documents, asking mothers to make a note of when Johnny had his breakfast in the morning, that Alice had her hair combed at 10 o'clock, and Billy was whipped at 10.30 a. m.

Mr. SUMMERS of Washington. When was that law passed?

Mr. BYRNES of South Carolina. When Congress established the bureau they secured the power to print.

Mr. STEVENSON. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. STEVENSON. Is it not likely that the Revenue Bureau reopened the cases of prominent people in an attempt to set up a backfire and stop the criticisms of the bureau?

Mr. BYRNES of South Carolina. Well the taxpayer who has to pay the taxes thinks it is a pretty expensive backfire to him. I believe that a taxpayer is entitled to have finally determined how much he owes and by payment be able to secure a final release from the Commissioner of Internal Revenue. [Applause.]

I am convinced that Congress should discontinue the practice of creating independent offices; that it might with profit abolish some of the commissions now existing and merge others with the regular departments of the Government; that restrictions should be placed upon the power of departments, commissions, and bureaus to demand all kinds of reports from citizens, thus causing them expense as well as annoyance; that the cost of the National Government should be reduced, and that the taxpayer should at some time during his life be definitely advised of the amount he owes the Government, and when he pays that amount be finally released from liability to the Government. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The committee informally rose; and Mr. MCLAUGHLIN of Michigan having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. Latta, one of his secretaries, was read.

INDEPENDENT OFFICES APPROPRIATION BILL

The committee resumed its session.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. BROWNING].

Mr. WASON. Mr. Chairman, I yield 10 minutes also to the gentleman from Tennessee [Mr. BROWNING].

The CHAIRMAN. The gentleman from Tennessee is recognized for 20 minutes.

Mr. BROWNING. Mr. Chairman and gentlemen, in my opinion the Veterans' Committee of the House has done an earnest, faithful, honest, and sympathetice work in providing for the disabled veterans of America, as much so as any committee could have done. We have taken but very little time of the House for this entire Congress. As one member of that committee I believe that we have approached closely to the point where we will not have to come to the House any more and ask for legislation which will involve the outlay of expenditure over and above what we have already done.

There are a few matters, however, in connection with the law which experience has taught me could be improved. I am speaking as one member of the committee, and I want to discuss one phase of that legislation now pending in the committee which interests me very much. That is the proposition of the permanent minimum rate of pay for arrested tubercular patients.

Practically every Member of the House knows that many men from among his constituents have been sent to Veterans' Bureau hospitals with tuberculosis; that after being there for a while some of them have reached the point where apparently there is an arrested condition. In most of these cases they are discharged with 10 per cent or less rating. I take the position that the man who has had any amount of involvement of the lungs by tuberculosis has just as definite a physical handicap as a man who has had his leg amputated. It may not be to the same degree but the nature of the disease is such that it consumes any area of the lungs it attacks. The position I take is based upon the medical authority which we have in the RECORD by some of the most prominent tuberculosis practitioners and specialists in the country. Among them are Dr. W. L. Dunn, of Asheville, N. C.; Col. Walter C. Klotz, medical officer in charge of the National Soldiers' Home at Johnson City, Tenn.; Dr. Kennon Dunham, of the University of Cincinnati; Dr. V. F. Cullen, superintendent of State Sanatorium of Maryland, and others. They practically agree that any man who has had involvement by tuberculosis has a definite permanent physical handicap.

What I want to do is to give these men a rating of 50 per cent permanent pay on arrested development on discharge from the hospital, because the great problem with arrested tubercular patients is the fact that the disease does recur, or tends to recur, periodically and come back, brought about because he undertakes to carry the load of an ordinary man in the way of effort forced upon him in his weakened condition by the urge of economic needs for himself and family. No red-blooded man can, for his own preservation, sit by and see those he loves and feels both legal and moral responsibility for suffer without making an effort to relieve their want. So he is simply forced into attempting a man's load under present conditions, after six months elapse under the present law, and it amounts to forced suicide, nothing short of it. The urge of duty to one's family is even stronger than life.

Mr. MCKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. MCKEOWN. A person having been once afflicted with tuberculosis, is it not the fact that one of the things that helps him live is to have ample time to rest, in order to prevent its recurrence?

Mr. BROWNING. That is a vital element if life is to continue. Another element is this: Some of the physicians tell us that at least 80 per cent of the patient's chances of recovery depend upon his mental contentment. To prevent a recurrence of the disease is a thing which the Government owes to a man in whom it has invested so much money in undertaking to bring him to a state of arrest, even if there was no human element in it. The first consideration should be for the man himself, to give him a chance to recover and live. While on that point I might say that the word "cured" has no place in the parlance affecting a tuberculosis patient. There is no such thing as his being cured. That is why the medical profession uses the terms "arrested" or "apparently arrested." Doctor Dunn uses the illustration of a rebuilt motor to describe the condition of these tuberculosis-arrested patients and says that a machine rebuilt might for a short time carry the ordinary weight of the machine, its ordinary capacity when new, but sooner or later it is going to break under the strain, and any man who takes a position in our economic system is sure to be called on at times to perform an overload of work, if he retains his position, because those times come in every human activity. If this tuberculosis-arrested patient is forced to shoulder an ordinary load, sooner or later the strain is going to overcome him, and he is going to become reactivated. There is no such thing as regeneration of the areas of the lungs. When part of the lung is gone it is gone, and the man who has part of that vital

organ on which the whole system depends taken away from him naturally does not have the capacity to stand up under the load as he did before the disease attacked him.

The first consideration is for the man himself. In my personal experience I can think of nothing better to describe this man than the illustration of a Ford car undertaking to pull a hill with only two or three cylinders working, and most of us who have had that experience know what it means to the machine. That is the condition confronting this man. The Government takes him at a tremendous expense and brings him to a state of arrest. To maintain that condition, he must have improvement in food, in its cleanliness, its nutrition. He must have an improvement in the quality of his food, in the comforts of his residence, in the warmth of the clothing he wears, and in the lack of exposure to which he is subjected, and then he must have the privilege of laying down the burden which he has resting upon him to maintain himself and family when he sees that burden is going to crush him and bring him back to a reactivated condition. He not only has the actual, permanent, definite, physical disability by having part of his lung areas taken away, never to be restored, but he has ever present that potential disability which comes with the nature of tuberculosis to recur periodically, and that dread eternally hangs over his head. Not only the definite, but the potential. He does not dare follow the ordinary pursuits of life with any degree of satisfaction or regularity. He does not dare go out and cope with other men in the ordinary activities, because this sword of Damocles hangs over him. If he walks across the line of exertion, which his condition will permit only temporarily, then this grim specter with blazing eyes is crouching ready to spring at the vital organs of his existence. Add to this the wolf howling at his door. No wonder these men have nightmares, no wonder their mental attitude is different from that of the ordinary sick man, because they are forever conscious of the fact that at any time when they overreach the limits of strength and capacity of their impaired existence after this disease attacks them, this reactivated condition must come about.

To show you that these physicians are not alone in their attitude toward the permanent disability these men suffer, I call attention to the fact that the insurance companies of America treat an arrested tuberculosis patient as a substandard risk, and definitely so, and as Colonel Klotz points out in one place, Mr. Picken, one of the insurance actuaries of England, in discussing the insurability of arrested tuberculosis patients, says that while the expectancy of life for an ordinary man of that age is 30 years, for the arrested tuberculosis patient it is 14 years. Therefore, he is less than a 50 per cent risk. It is very interesting to run down some of the scattering statistics which we have available to show how the insurance companies of America consider these men. I find that Hunter and Rogers, the actuaries for the Equitable Life, in examining 4,000 cases of arrested tuberculosis patients, insured by their company, found that of those patients whose last attack had been within five years, and whose ages ranged from 15 to 39 years, the death rate was 233 per cent ratio to that expected by the company's experience on standard risks, and by the medico actuarial tables, it was 260 per cent. That table can be found in the Mortality Study of Impaired Lives, 1922.

In 1920, in the eleventh district under the Veterans' Bureau, of those arrested tuberculosis patients placed on training, after they had been arrested more than 30 per cent became reactivated that year. This is comparatively light work always. In 1921 of all the cases that were discharged from the Veterans' Bureau hospitals in America as arrested, 31 per cent became reactivated that year and reentered the hospitals. Under those conditions, if the best medical authority of America points out the only way in which we can aid these men in maintaining their condition of arrest, then why not follow that course? The first consideration is the condition of the man himself and what is best for him. In discussing this question of discharging men as arrested and stopping their pay, on page 325 of part 2, hearings before our committee last session, I asked Doctor Dunham his opinion, and he answered as follows:

> Mr. BROWNING. Doctor, do you think from a medical standpoint it is a sensible thing, then, to reduce a man's compensation to practically a nominal amount, just because his case is arrested?
>
> Doctor DUNHAM. I think it is a crime, sir. I think it is a perfect crime.

I am speaking, of course, of men who have been connected with the service with their disability. The consensus of opinion is that 50 per cent of permanent disability will be reasonable. In some cases a man may not have been disabled to 50 per cent physically, but he certainly would be handicapped with that disability $40 a month industrially if he had any noticeable amount of involvement. Some would be more than that, those far advanced before it became arrested. We can not treat these men all alike, of course, without doing more for one man than we do for another in proportion to his handicap. We must strike an average. But the difficulty of the matter we have confronting us is the proposition of determining just what the disability is. I want to read a paragraph of what Doctor Dunn says about that:

> It would require the very finest sort of judgment based upon a tremendous experience and a very accurate knowledge of the whole course of the individual case to rate these properly. This is manifestly impossible of accomplishment with so many cases and with so many necessarily inexperienced men to do the rating.

In this connection Colonel Klotz says:

> It is obviously difficult to arrive at any quantitative estimate of this permanent potential disability. It will naturally differ widely. This makes it difficult also to arrive at any exact amount of compensation that ought to be granted to offset this potential disability. In the case of disabled veterans there must necessarily be one standard for all. Previous social or financial condition can not be considered. It follows necessarily that no matter what amount is determined on that it will be more than adequate for some, who may be accustomed to a lower scale of living and who may be permanently arrested, while it must necessarily be too low for others whose demands are higher and who at the same time may not reach the same proportion of working capacity or productivity. However, there are a number of statistical data that might offer a basis for a permanent rating that would be adaptable to the average. It has been estimated by different authorities that the average value of the arrested sanatorium patient is about 50 per cent in the labor market. In other words, his productive capacity is about half of what it was before he developed his disability.

We naturally have to strike an average, and I am convinced that 50 per cent is just and equitable.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. BROWNING. I will.

Mr. LAZARO. I have listened to the gentleman with great interest, and I can say as one who has practiced medicine for 19 years that I fully agree with everything he has said in connection with tuberculosis patients. Now, in connection with what the gentleman has just stated here, I will say there would not be so much difference between those men because, as a rule, it is the patient who is beginning tuberculosis from whom they get such good results. The advanced cases, as a rule, are not arrested. There would not be much difference between those men. I would like to ask the gentleman to bring out this fact, that aside from the interest that people should have in the ex-service man whose case has been arrested, the public is also interested in this man not becoming affected a second time, because then he would become a menace to his family and the community.

Mr. BROWNING. That is true, and I thank the gentleman for his contribution. Now, from the commercial standpoint to the Government. I believe it is estimated that it takes, in round numbers, three years to bring a man to the quiescent or arrested state, on the average. To hospitalize him during that length of time, as the last report of the Veterans' Bureau shows, the per capita cost for the tuberculosis man for the fiscal year 1924 was $5.20. That is not counting the capital investment in the hospital and the major improvements. For the three years it would cost $5,694 to hospitalize that man who has become reactivated, because the Government did not give him the pittance to save him from this exposure. During that length of time the average of $100 a month, hospital pay, would be $3,600, making a total cost of $9,294. At $50 a month that would pay him for fifteen and a half years, and if you save one man out of five from becoming reactivated by giving him this allowance, you have saved the Government money. The director, a few days ago, in testifying about what the cost would be to the Government by giving this man a permanent rating of 50 per cent, said it would cost $217,485 per year more than the present expenses of these tuberculosis patients. I asked him if he took into consideration the fact that the Government would be saved the expense of hospitalizing these men that became reactivated, and he said he did not. And if the figures I have just quoted are correct, and I think they are, to hospitalize 70 men for a year would cost as much money as this cost would be, it is certain we would save more than that number. Do you not think, if the doctors tell us this is the best remedy we can get, give them permanent pay, lighten the economic pressure, satisfy their minds, keep them alive by not forcing them to be exposed and exert themselves—in other words, give them a slight chance—

do you not think we are only doing belated justice by providing proper means for them to fight this predacious enemy of mankind?

There is no outlay to the Government on this proposition. In fact, it is going to save the Government money if we place this provision in the law; and if it is best for the man, if it is best for the Government itself, if we protect the public, if it gives the man a longer life and the privilege while living it to have the comfort necessary for himself and his family, why should we hesitate to place any such proposition in the laws of this Government?

Mr. BLANTON. Will the gentleman yield?

Mr. BROWNING. I will.

Mr. BLANTON. Take, for instance, the present situation: A man who served in the trenches in France, was gassed, and has tuberculosis and has not been to a doctor until this present day. The presumption is that it was not of service origin under the present law. Why do we not wipe away that negative presumption and make it an affirmative presumption in their favor, and not just let it run until the 1st of January, 1925, but let it run on for several years yet? As to the man who served abroad and now has tuberculosis, the presumption ought to be that it was of service origin. Why does not the gentleman think of that?

Mr. BROWNING. That is a debatable question. The medical authorities have not all agreed that we were justified in the last extension, but they could not give any reason why it should not be done, and we just did it. There is no presumption against him now, but the conclusive presumption does not run after January 1, 1925.

Mr. BLANTON. Why not extend it to the men who need the attention?

Mr. BROWNING. I will say to the gentleman that there are many considerations justifying the gentleman's position. But he is reaching the field of invalid pensions for World War men, and the Congress has not yet embarked on that policy.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. CROWTHER. In the original law the period was two years, was it not?

Mr. BROWNING. Yes.

Mr. CROWTHER. I afterwards suggested that that be extended three years, and then the bill made it six years finally. I remember the evidence given at the time was that it was considered by the best medical authorities that five years would be the proper limit. They made it six years. Have those six years expired now?

Mr. BROWNING. They expired January 1, 1925.

Mr. BLANTON. They will not even let him go to a hospital.

Mr. BROWNING. Oh, yes. He will have hospitalization. All soldiers get that, regardless of disability, under the law as it now is, with preference to those unable to pay.

Mr. SNELL. Every member of the foreign expeditionary force will have hospitalization.

Mr. BLANTON. But they do not pay him anything.

Mr. SNELL. They do not pay him anything, but he has the right of hospitalization.

Mr. BROWNING. Mr. Chairman, this is not an attempt to raid the Public Treasury. It is a matter which appeals to me as being based on common sense and justice. It is no effort to favor one class as against another of disabled ex-service men, because this disease, known as the white plague, is not self-determinative as most diseases are. It is an inflammatory scourge that thrives on the poverty of the victim, and has its best chance to work havoc when he is forced to struggle in a cruel world without assistance. We are only asking that we be allowed to strike an average of 50 per cent for these men. If it is done, this will be a great line of defense behind which they can protect themselves from ravages far more dreaded than the carnage of battle.

My visits to the tuberculosis hospitals the past year opened my eyes to the fact that no more desperate battle was ever fought by these men than the one they are now making. "Eternal vigilance" and patience indescribable constitute the essential elements of their fight. They are enduring this and more. They are hopeful beyond belief that they can win as they did in 1918. God sustain them in this effort. I for one am not willing that the hospital should be held out as their only hope of financial help for them and their families. I want them to be offered as a privilege and benefit to the men and not as a place of confinement before the Government will assist them. I am not willing that they should be forced to lie with their eyes on the clock or calendar to know when they must fight alone. The American people do not want it either. A failure to grant this relief will be a decree by us that they must know the foreboding of sorrow's return henceforth, and that they must watch the candle of life prematurely burn low, wane, and flicker.

Mr. Chairman, I greatly thank the House for this privilege. [Applause.]

Mr. WOOD. Mr. Chairman, about 15 minutes before my time finally expires will the Chair call my attention to it?

The CHAIRMAN. The gentleman under the rules is entitled to one hour. The Chair will call the gentleman's attention to the fact when he has consumed 15 minutes less than one hour.

Mr. GARNER of Texas. Mr. Chairman, the time is equally divided in the House, and the gentleman from Indiana [Mr. WOOD] and the gentleman from Louisiana [Mr. SANDLIN] are each to control one hour. I did not know that the rules provided that each one personally should have an hour.

The CHAIRMAN. Under the rules of the House it is provided that no man can speak more than an hour unless by unanimus consent. If it is desired to speak longer, the unanimous consent of the House must be obtained.

ANSWER TO REPRESENTATIVE FREAR ON WISCONSIN REPUBLICANS

Mr. WOOD. Mr. Chairman and gentlemen of the committee, before discussing the merits of this bill I desire, very briefly, to answer some of the propositions advanced by the gentleman from Wisconsin [Mr. FREAR], and in answering what he has submitted I do not wish to be understood as casting any reflection upon the personal character or the honest intention of a single man involved either in his discussion or in mine. But I believe I am in a position to know something of the trouble that these gentlemen not only afforded the Republican Party during the last campaign, but the perturbation of mind in which they placed the voters of the United States.

The gentleman from Wisconsin adverted to the fact that for more than a quarter of a century Wisconsin has stood by the principles of the Republican Party. In a measure he is correct; in a measure he is very greatly incorrect. I can remember a time when all the United States was wavering in the balance politically and when uncertainty was felt with reference to the result of the election everywhere else, there was no uncertainty in Wisconsin. It was as solid as the Rock of Gibraltar in the Republican ranks. That was in the days of Matt Carpenter and John C. Spooner.

The time came, however, when a new prophet entered Wisconsin, who was not content with the existing order of things; and if you will mark the progress of that State from its admission into the Union down to the time of its advent into this new land of prophecy you will find it was one of the most progressive States in the Union. They had everything given them by the endowment of the Creator to make one of the greatest States of the Union. But a new theory of political environment and enforcement was injected into its political being that seemed to find a majority for its support and in consequence that State which had for those long years been one of the great Republican States of the Union began to diverge from Republican principles until finally it was no longer a Republican State. Nor was it a Democratic State. It was a one-man State.

In the discussion that I am making here to-day and in the remarks I may make with reference to what the gentleman from Wisconsin has said, I mean to reflect nothing upon those who have followed Mr. LA FOLLETTE in his school of thought except to express my regret. That State is still one of the great potential States of the Union, and whenever they get away from the vagaries to which they have submitted themselves, and from under the spell of this false leader, it will again be one of the great States of the Union.

Now, in passing I want to say this: I believe that political parties are just as essential to the perpetuity of our Government as any other fundamental. I believe that there is no place in this country for more than two dominant political parties. I believe that they should be so strongly constituted that whenever one goes very far wrong the other will checkmate it. [Applause.]

From the beginning of this Government of ours down to this time, like cankerous growths on the human body or on the vegetable body, so-called independent political parties have appeared, and then disappeared just as suddenly as they came. It may be that in revolutionary times where there is necessity for the overthrow of political parties, there should be a reorganization. Such was true at the advent of the Republican Party. Such was true with the advent of the Democratic Party. It may be again. But under existing circumstances there is no use for a La Follette party; there is no use for a socialistic party; because the Democratic and Republican

Parties are now so constituted and so equally divided that neither of them can go very far astray without the one checkmating the other; and I believe that the salvation of this country and its future success depends upon the progressive conservatism of the Democratic Party and the conservative progressivism of the Republican Party. [Applause.]

Now, there is no room for a political party representing the thought of the gentleman from Wisconsin, who spoke this morning. He was mistaken when in the last campaign he thought that the time was ripe to disrupt not only the Republican Party but the Democratic Party, and over their remains build a new political party. The verdict of the people, which is, after all, the balance of power and the best prediction of what is best for the future, prevailed against the efforts of these gentlemen, and they met the defeat they so righteously deserved.

A year ago to-day you gentlemen upon the Democratic side would not have given 15 cents to have insured the election of a Democratic President and a Democratic majority in Congress, and I confess that I had some doubts in my own mind as to what the result of the election would be, but after the catastrophe that occurred in New York at the Democratic convention there was not much doubt as to what would transpire at the November election, so far as the choice of a President was concerned. But there was much doubt for a long time after that, and until the election period had almost half transpired, as to what the result would be in so far as the selection of a Congress was concerned. I remember coming down here about five weeks before the election and with a little bit of trepidation, yet with an assurance founded on hope, I submitted to the President of the United States and to those who were interested in the election of a Republican Congress what I thought was a conservative figure concerning the next House of Representatives. I am frank and honest enough to confess that I was not quite sure about the figures I gave at that time. The gentleman then representing the Democratic Congressional Committee, for whom I have the highest regard, believing I did not know what I was talking about, gave out an interview in which he said I was using my hat for a megaphone. I then submitted the proposition that we would have a majority of 10 over all, not counting the so-called La Follette Republicans and those who had been affiliating with them. I remember that the gentleman who writes the editorials in the first column of the Post said, after submitting the figures given by the gentleman in charge of the Democratic Congressional Committee, that if I were using my hat for a megaphone he was using his for an amplifier. The final result disclosed that we have a majority of 25 over and above all, and it was due to this fact: That the American people, the voters, who determine the future welfare of this country, realizing how futile it would be to elect a President of the United States and then handicap him with an opposition congressional majority that would thwart every attempt he made to carry out any policy, by their ballots made this Republican majority possible.

Now, then, the gentleman from Wisconsin [Mr. FREAR] has emphasized the fact that consistently, and for lo these many years, they have supported the Republican Party and its principles. I remember that when we convened at the beginning of this Congress the so-called Republicans from Wisconsin were not content to abide by what was thought by a majority of the Republican elect to be for the best interests of the Republican Party, in so far as the organization of this House was concerned, and for two or three days—three, I think—they kept us unorganized. It took some six or seven ballots to decide who should be the officers of this Congress, and it was more than a month, if my memory serves me right, before we adopted the rules, and that long delay was caused by reason of contention on the part of these so-called La Follette Republicans. Had I had my way then, they would have been contesting the organization of this House until now, and they would have had no voice, in so far as changing the rules to meet their whims are concerned, for, after all, the only rule they changed of concern has proven an abortion. Had this course been pursued the public would have soon said to these gentlemen that they were occupying an untenable position and that they were just simply throwing a monkey wrench into the machinery of government, without any good purpose, and demand that they desist their obstruction. So these gentlemen who are now professing their Republicanism have no sufficient ground in the past upon which to stand, and certainly nothing in this last campaign that justifies their professions of fealty.

At the Republican convention in Cleveland the gentleman from Wisconsin [Mr. COOPER], whose high and commanding qualities have been so admirably extolled by his colleague [Mr. FREAR], appeared as a Republican delegate from the State of Wisconsin. That entire convention was in accord, in so far as the adoption of a platform was concerned, with the exception of Mr. COOPER and one or two other delegates. He presented a minority report from the committee on resolutions; was tendered every courtesy that a well-ordered convention could render. He had his day in court, and at the end of his presentation was overwhelmingly overruled. Had he been a Republican, following the traditions of the Republican Party and the law of majority rule, he would have submitted to the will of that convention; but he did not do it. He joined with his rebellious leader, who has never been content with the existing order of things, and followed him as one of his abject supporters in his so-called "progressive candidacy" for President. So, while we may admire all the sterling qualities of mind and heart that have been accredited to him, these are not sufficient to wipe out his breach of faith to the Republican Party.

I wish to submit to the gentlemen upon both sides of the aisle that if the fundamentals of this country are to be preserved we must mind well and be critical of all those who would destroy it. Read the returns of this last election and they afford an argument stronger than I can make, stronger than anyone can make, as to why the American people returned Calvin Coolidge as President of the United States. Good man, as he is, ever conservative, as he is, there was something beyond all that which appealed to the people. It was the attempt of these gentlemen who are professing to be Republicans at the destruction of the very foundation of this Government of ours.

I have a very high regard for John W. Davis. I know him personally and have great respect not only for his integrity but for his ability. I have a very high regard for the party he represents, and if I were not a Republican I would be a Democrat. But I want to say to you gentlemen that his campaign was the most pitiable thing that was ever presented by the Democratic Party. Why? Because you were depending too much on a false prophet who you thought would be a helpful agency in elevating to power the Democratic Party through a rending in twain of the Republican Party, but you found you had been nursing a snake that in the end stung you to death. The time may come, if this sort of political expediency is pursued, when you gentlemen upon the Democratic side, conservative as you always are and have been so far as the Constitution of the United States is concerned, will unite with the conservatives upon this side in order to perpetuate the fundamental principles of this Government, against which the gentleman who appeared here to-day, and those of like associations, were fighting and trying to destroy. It was this assault upon the Constitution that aroused the American people to action, and you can depend upon it whenever the clarion call goes forth that there is an attempt upon that Constitution—which has been said to be the greatest guaranty for the liberty of men ever inaugurated by mortals—that those who are making the attack will be defeated.

So I say to you that the gentlemen who are now professing that they are Republicans have but little foundation upon which to stand. It may be that by reason of the chastisement that has been administered, and it may be that heeding the voice of the people, which is the law of the land, these gentlemen, erring in their ways, will come back to the path laid out by Carpenter, by Spooner, and that galaxy of Republican patriots in the formative days of Wisconsin. If that time comes, the doors of the Republican Party are open to them; if it does not come, they are shut; and if you gentlemen on the Democratic side want them, until then they are yours. [Laughter and applause.]

Mr. GARNER of Texas. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. GARNER of Texas. Has the time arrived now?

Mr. WOOD. On our side it has passed. Has it arrived with you?

Mr. GARNER of Texas. Not yet. Do you expect to take them in at your next conference?

Mr. WOOD. I want to say it is always meet to repent. If these gentlemen will come back and ask for admittance into our door, after due time for repentence, they will be admitted. [Laughter and applause.]

Mr. BANKHEAD. Will the gentleman yield for a question in that connection?

Mr. WOOD. Yes.

Mr. BANKHEAD. Before they come back into the fold, though, they will have to occupy a reasonable period of time on the mourners' bench, as I understand the gentleman.

Mr. WOOD. That is a matter for future determination; but I wish to say to the gentleman that when we were in the throes

back at the beginning of this Congress, and when you gentlemen on the Democratic side were flirting with them, trying your best to get their support, you little knew of the agony they were so soon to cause you.

Mr. KINCHELOE. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. KINCHELOE. The gentleman stated they could come back after due repentance or after due time for repentance. Does the gentleman think there will be time enough between now and your Republican caucus to let them in?

Mr. WOOD. So far as I am concerned, no; and I will tell you why. [Applause.] Under the present peculiar organization, it appears that I am the only one who has authority to call a meeting for the organization of the next Congress on the Republican side. I have issued that call as chairman of the National Republican Congressional Committee. Gentlemen will receive their notices I expect before night, and I have called it a caucus, not a conference, but in this list the so-called La Follette Republicans will not appear. [Applause.]

Mr. GARNER of Texas. I congratulate you.

Mr. WOOD. And to the gentlemen from Wisconsin and one or two others, who are not included in this invitation, I wish to say now that I hope the verdict of the people of the United States will convince them of the error of their ways and that if contrite in heart they will come back to the fold where they should belong, then I will say, admit them. Oh, I tell you, that story of the Magdalene is a beautiful story. [Laughter.]

Mr. ROMJUE. Will the gentleman yield for just one short question?

Mr. WOOD. Yes.

Mr. ROMJUE. I understand from the gentleman's discourse that these progressive fellows, so called, are read out until after the caucus. Does that also apply to the voters who supported those fellows in the recent campaign?

Mr. WOOD. Every man's conscience is his own judge. Those gentlemen must determine for themselves. We have no jurisdiction over them. [Laughter and applause.]

Mr. ROMJUE. My inquiry is really serious. I want to know whether the leadership of the party on the other side puts the voters following the progressive group in the same category that those progressives are in. I want to know what their situation is.

Mr. WOOD. I am not speaking for anybody but myself, but I do believe—and you Democrats ought to believe, for there is greater warning in the last election to you than to anybody else in this world—the average voter of this country is no longer throttled by party ties. He respects party principles, and when you gentlemen give to the country a better set of principles, appealing to their conscience so far as the good conduct of this country is concerned, than we on the Republican side give them, you will succeed, and never until then, and the voter is going to determine that for himself.

Mr. KING. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. KING. I would like to ask the gentleman from Indiana by what authority or where he gets his authority or by what deduction he comes to the conclusion that he has the right to refuse an invitation to any Republican Member of this House to the caucus?

Mr. WOOD. I have no right whatever to refuse an invitation to any Republican Member of this Congress, but I have the right to conclude who are Republicans by their acts and not by their professions.

Mr. KING. Upon what basis does the gentleman make a distinction?

Mr. WOOD. I will tell you upon what I base my decision. There are 12 gentlemen who are now Members of this House who went out over this country advocating the election of Mr. LA FOLLETTE for President of the United States, and doing everything they could to defeat a Republican majority in this House. Do you say they are Republicans? Or that they should be treated as Republicans in the organization of the next House?

Mr. KING. There are many Members sitting in this House to-day who went out and supported a third-party movement in 1912; why are they invited to the caucus?

Mr. WOOD. I will tell the gentleman exactly. The gentleman this morning adverted to Colonel Roosevelt—and I was not with him in that movement either—I think if he could have made a confession upon his death bed, he would have said that the great mistake of his life was in doing what he did at that time in view of what happened to this country in consequence; and I will tell you what he did. Instead of trying to butt in to the Republican organization he waited until the hour struck, and it was apparent that he should again reassert himself for the principles for which the Republican Party stands and has ever stood. [Applause.]

Mr. KING. Will the gentleman yield further?

Mr. WOOD. In a moment. And so I say now that for these gentlemen I have a high regard; there is no bitterness in my heart against any of them individually, but when I look back upon this past campaign, through which I spent many an anxious hour trying to circumvent the operations of these gentlemen who were trying to defeat Republicans in various districts, among them some of the most reputable and valuable Members of this House, in order to supplant them with Democrats; to tell me that those gentlemen should come in here and sit down at the feast board and enjoy the results of the victory is ridiculous and beyond any justification.

Mr. KING. Will the gentleman yield further?

Mr. WOOD. Yes.

Mr. KING. I simply asked the gentleman a question, which he has failed yet to answer. Where does the gentleman get his authority to read anybody out of the Republican caucus—by virtue of his office or elsewhere—where does it come from, in the House or outside?

Mr. WOOD. I have no authority except that which is given me by a reasonable amount of common sense and judgment. [Laughter.]

Mr. KING. I think in this case the gentleman has overrated the amount.

Mr. SPEAKS. Will the gentleman yield?

Mr. WOOD. I will.

Mr. SPEAKS. I want to inquire to what extent that sublime principle enunciated in the story of the Magdalene is to apply here, or whether it is the intention to let him without sin cast the first stone? [Applause.]

Mr. WOOD. I expect that with the generally acknowledged disposition of the Republican Party to give those a chance to come within the fold that they would be at least as generous as they of old were with the Magdalene.

Mr. HAWLEY. Let me say that the injunction as to casting the first stone has no connection in the Scripture with the incident of the Magdalene.

Mr. WOOD. No; it has nothing to do with it.

Mr. BLANTON. Will the gentleman yield?

Mr. WOOD. I will.

Mr. BLANTON. I want to ask the gentleman from Indiana if it were not for the fact that you have 25 majority over and above all defections, would not the gentleman be flirting with these gentlemen instead of casting the first stone?

Mr. WOOD. No; I would not. I want to say to you that if I had had my way about it at the beginning of this Congress, instead of bending the knee to these gentlemen I would have let you gentlemen take them over.

Mr. BLANTON. Then the Republicans did bend the knee?

Mr. WOOD. Oh, you tried the best you could to get them; but we seemed to have had the last bid and got them, to our lasting regret. [Laughter.]

Now, gentlemen, with this little digression I want to present as briefly as I can something that is of more interest to the country than what has been transpiring here in the last half hour.

By the way, before I go into this I want to say to the gentlemen of this House that I think one of the best dissertations that has been made, within a recent period at least, upon the duties of party loyalty and upon the essentials of party loyalty and patriotic citizenship was delivered by the Senator from Massachusetts, Mr. BUTLER, in Boston the other night. I commend it not only to Republicans, but to the Democrats, because of the meat there is in it. It is going to be worth while for your consideration, and in order that you may see it I am going to make it a part of my remarks, as follows:

NATIONAL PARTY ORGANIZATION, BY SENATOR WILLIAM M. BUTLER, BOSTON, MASS., JANUARY 27, 1925

We have passed through the experiences of a national election. Our thoughts have been alive to the great principles of Government, and we have been impressed as never before in recent years by the inestimable value of party Government. The last campaign was an example of the dangers of a prominent third party. We were forced to consider, with no little concern, the different and disappointing conditions which would have arisen by reason of a result on election day which would have given to no party a majority of the electoral votes. Such an outcome would have been a calamity. The people would have lost their opportunity to elect a President. And all this experience leads us to a consideration anew of the fundamentals of our political methods and practices and of the Government itself.

The greatest nationalizing influence which has made our Federal Government virile and enduring is the two party system. The two great political parties are the sole agencies for formulating national policies and carrying them into effect. Moreover, they are the two great agencies which bring into one organization, and under a common leadership the diverse elements of the country.

An eminent writer on this subject says:

"The party unquestionably functions as a nationalizing agency of great importance. In the early period of our history, the national party system aided materially in the formation of bonds of contact, sympathy and eventually tradition. The Federalists, the Jeffersonians, and later the Whigs and the Democrats, were national parties when the nature of the Union was a subject of serious controversy. Even those who defended the rights of the States most insistently, were obliged to make a national appeal for the election of a party President and a party Congress to carry out their ideas. The parties used the language of nationalism, and their problems and leaders made their appeals to the entire nation rather than to any section exclusively. * * * The party convention, the party caucus and conference, the great party demonstrations brought together men of all sections on occasions that were essentially nationalistic in their character. It is a notable fact that the last bond to snap in the days before the Civil War was the party tie.

"Since the Civil War and the beginning of the more recent tide of immigration the parties have aided in the nationalization of the newly acquired citizens of the Republic. They have assisted nationalization of the immigrant, and encouraged them to affiliate with the political parties. Teuton and Celt, Latin and Slav, have been welcomed into the party, have attended the meetings, served upon party committees, marched in the party parades, acted as party candidates, functioned as party leaders. Party allegiance has been one of the easiest to acquire in the new country. There was no barrier, economic or social or religious, to prevent their membership. In no other organization or association, save that of labor, was the mingling of people so common and so easy as in the political party."

The two-party system of government has played an important part in holding the Union together. Under our Federal Constitution there was purposely left a wide chasm between the State and Federal Governments. Particular pains were taken by the framers of the Constitution to see to it that the Federal Government did not encroach upon the functions of the States, or the States usurp the functions of the Federal Government. Under our form of government each State is a political entity. Due to the diverse character of those who pioneered and settled the various sections of our country, the inhabitants of some States had but little in common with those of other States. As the Nation grew in territory this dissimilarity was accentuated.

The party system which has been with us since the establishment of our Government was the one bond of unity which held the various sections, the various States, and the various interests of our country together. The great political parties played an incalculable part in harmonizing these differences, in furnishing opportunity for interchange of ideas, and for emphasizing and cementing common purposes.

The work of unity performed by our two-party system of government is exemplified in another direction. It unifies the machinery of our Federal Government itself. The framers of the Constitution, fearing autocracy on the one hand and the unregulated rule of the people on the other, provided a system of checks and balances in the Federal Government which made the legislative, executive, and judicial branches completely independent of each other. It has been largely due to our system of party government that the legislative and executive branches have been not only able but willing to work together harmoniously. This is because the electorate has sought to secure executive and legislative branches of the same complexion politically. They were able to bring about this harmony through the party system. One can readily imagine the antagonism and chaos which might easily ensue in the conduct of our Federal Government if it were not for this harmonizing fact and the recognition of its value by an intelligent citizenship.

This brings us again to the realization of the need and value of party solidarity and party responsibility in the conduct of public affairs. Where the executive and the legislative control is in the hands of adherents of the same political party, we have complete party responsibility. But where the legislative branch is dominated by one party and the executive by another, we have no one party responsible for the conduct of the Government. Under these conditions, despite the fact they fully comply with the provisions of the Federal Constitution, there is always a lack of progress in public affairs and most frequently retrogression. In other words, our system of party government is essentially a supplement to the Federal Constitution if we are to have responsible and effective government.

Again, it is said by the author I have before quoted:

"Our system illustrates the principle found in every form of biparty government. Machinery is reduced to a minimum. The party is seen to govern, because its members are both party officers and officers of state. An essential characteristic of any sort of biparty government is the fusion of political and party office. The President of the United States is an officer in his party by virtue of the executive office to which he has been elected. In accepting the nomination he consents to become the leader and, to a considerable extent, the chief spokesman of his party. Having secured the election, he not only does not lay down his party office but he bears increased party responsibility.

"But the Chief Magistrate of our country is a servant of the whole people! Yes. The President can serve the entire country only by faithfulness in the fulfillment of all reasonable party pledges, by a diligence in the discovery of the policies which his party ought to adopt, and, most of all, by his skill and effectiveness in persuading his party to assume and advance the enlightened views which his position as leader has enabled him to form. Probably no public man was ever more opposed to party government than was George Washington, yet Washington's sense of duty to the whole country led him to consent to hold the position of leadership in the Federal Party.

"As with the President, so with the Members of the Congress. They are all party leaders. In accepting a party nomination they assume leadership in district or State; and, what is more important still, every Congressman who accepts a party nomination becomes responsible to the entire country for the fulfillment of certain party pledges."

This author enumerates a multiplicity of social, racial, and economic interests which divide the people, naturally. He sets forth the lack of acquaintance between various classes with consequent lack of understanding and sympathy and proceeds in his analysis, stating:

"The peculiar motion of the biparty system has been to harmonize all these discordant political elements in the body politic. In England the rival forces in government, the Crown, the Lords, the Commons, and the democracy, have been brought into harmonious working relations by means of the party system of government, and in America a vast and varied area of local institutions and prejudices which threatened to divide the people and preclude the formation of a united nation have been coordinated. The party system has undoubtedly been most effective and most obvious of the influences which have worked to overcome the effect of these divisive forces. The use of party system for the election of a President has clearly served to draw together the people of the whole country and to promote harmony of feeling and action, and like results have attended the application of party machinery to the governmental business of the States and to the political local divisions."

Unless I have misread the signs of the times we have now open to us an opportunity not only to increase the strength and influence of our party throughout the Nation but also to secure from citizens in general a greater participation than ever in political activities, an opportunity not only to increase the total of our votes but to keep the confidence and support of those who have aided in the great result of November 4.

The way has been opened by reason of the character of the issues raised and the methods pursued in the recently closed national campaign and election. The totals of votes cast for the different candidates indicate the possibilities.

There are millions of voters to-day, and I am speaking advisedly, who have no fixed political home and recognize no party control.

Aroused by their experiences in the campaign to a realization that right political thinking is as important as right living, they are standing at the political crossroads.

Overnight they have been awakened to the great underlying significance of political manifestations, which in the past they had regarded as being of minor or no importance.

Inclined to the belief, common even within our own party, that campaigns and elections are primarily the creations of politicians, who conduct them chiefly for their own advancement, and that political platforms are interesting merely as graceful arrangements of meaningless phrases, they have been suddenly brought to a realization that these happenings are of vital importance, not only to the life of our Nation but even their own personal fortunes.

Fixed in the belief that the foundation stones of our liberties were so deep that they could not be disturbed, much less destroyed, their reaction when they saw plans being laid, not only for the uprooting of the foundations but the destruction of the entire structure, we can now appreciate.

With affiliations nominal rather than actual with parties which stood indifferently by, they turned to our standards and severed old party ties by voting direct for Calvin Coolidge. These are the people who I believe can be brought into formal affiliation with us. But we can not ignore the fact their votes in the main were cast for Coolidge the man rather than for Coolidge the Republican. We must prove to them that our party is worthy of the President and that the President is typically a product of our party.

The campaign gave us not only converts, but it quickened and strengthened the respect and confidence in Republican principles among a great number of our own people who were Republicans in thought rather than deed.

We are all familiar with voters of this type—persons who rather scoff at campaigns as an unfortunate by-product of our Governmental existence and who secretly nourish, if they do not openly proclaim, a sentiment that there is something unholy, unclean, in political canvasses. Their obligations of citizenship, they believe, are paid in full by their quadrennial appearance at the polls, and many fail to pay even this poor tribute.

They have also been aroused, and to such an extent, that we can hope to count on them as militant members in the future.

The campaign of 1924 worked a veritable revolution in the political thinking processes of the people. It was the greatest "thinking election" which we have had since the Civil War, the campaign of '96 alone standing comparison.

The man who thinks before he votes—votes right.

It was as if a mammoth "Stop, look, and listen" sign had been erected on the national highway. The issues were so great that they purified even the methods of campaigning. They banished the pettiness, the selfishness, the intriguing which has so often marred political contests.

Some of our Democratic journalistic friends have argued that success came because we herded a frightened, worried people to the polls. The voters were more than worried; they were aghast at what the other parties proposed; but their worries and their dismay was not over their own fate but the fate of the Nation.

An electorate which rises in its wrath against such issues and with such a spirit is worthy of respect, and breeds confidence in the future safety of our Republic.

This is the situation in brief throughout the country as I see it. I believe we have an opportunity to attach permanently to our standard the great body of men and women who, while they have voted for Calvin Coolidge, are yet in doubt as to their future political affiliations, and to fortify the confidence and enthusiasm of the past time indifferent members of our own party, so they will become aggressive coworkers and militant party associates.

It can be done. But we must develop a program so broad and effective that they will naturally turn to us.

I have no delusions that this is an undertaking which can be accomplished overnight or which will be free of sacrifices, important personally, perhaps, but trivial in reality; but it will be worth while.

To be successful nationally we must be ready for house cleaning at home, each in his own section, and show courage and wisdom abroad. We must acquire the power to view all issues and problems from a nation-wide standpoint. We must develop a sympathetic understanding of the problems of our citizens in all sections and a willingness to cooperate.

There must be a shelving of petty and personal ambitions and the adoption of an attitude of unswerving loyalty to the principles of the party and an ambition to serve and a generous submission to discipline.

One of the important readjustments must be a more general understanding that after all we are only members, not the owners, of the Republican Party.

We must emphasize that we offer membership in a going and growing concern; that we invite comparison with other parties and await the verdict with confidence; that we know neither class nor creed nor nationality.

That we stand for equal opportunities for all and will fight those who seek to destroy that right.

That membership in the party and the party councils is free to all who pledge their willingness to uphold the ideals for which we stand.

That the open door is an actuality and not a mere figure of speech.

Holding steadfastly to the principles which Abraham Lincoln and the founders of our party first laid down, we must make it known to the people that we have no fixed and restricted formula, but one which always will be responsive to the needs of our Nation and its peoples as occasions arise.

The problems of the world are man made and can only be solved by man-made organizations. Such problems shall always have our ears, our lips, and our hearts. No party deserves to live or should live which seeks to hold itself aloof from these responsibilities.

The country to-day calls for a leadership practical in its manifestations but idealistic in its ambitions. We can not ignore this even if we would.

We must recognize that while our party is not relieved of any of its obligations to persist in its demand for the reduction of national expenditures and the development of efficiency in government, it must be ready to forward and sustain with equal enthusiasm sound humanitarian movements for the betterment of all the people in the country.

On the tariff, for example, we stand pledged to the people. But important as that issue is to the American workman, we must develop a strength of political resources so that without abating one jot of our loyalty to that plank of our platform we will be able to give generous recognition and aid to those measures which touch our people spiritually. Our party is too big to be dominated by any one plank, and that thought must be driven home and by definite action on our part if we are to win to our side those whom we are seeking.

The people look to us and expect us at all times to make certain as to the economic soundness of such projects as we propose, such movements as we indorse, but for our part we must remember there are certain moral issues which can never be determined through a cash register.

We have already before us certain movements of such magnitude, importance, and justice that we should be ready to throw all our strength behind them.

The demand for the outlawry of war is not only country-wide but world-wide. It is just, and to the accomplishment of that ideal we should bring all our ability and resolution.

The cry of the womanhood of America for the inauguration of a policy which, while not affecting our integrity as a sovereign State or involving us in foreign alliances, or affecting our purpose at all times to be first of all American, devoted to the maintenance of our own national strength and independence, will yet make for harmony among the nations of the earth, is not only impressive but right, and should have our sympathetic consideration and support.

I know that the adoption of a course of action such as I am trying to outline will make for a greater, more powerful, and more effective party. Yet I am not asking you to undertake this merely to increase our partisan strength, but because the greater our party, the greater will be the quality and quantity of the service which we can give to our country. Ours is a government of parties, and it is only through such organizations we can really aid.

The time is ripe for a great consolidation within one party, provided we are able to build a framework, national in its scope, economically sound, and also humanitarian, of the men and women who think in reasonable harmony with one another.

The people want it. After years of political experimentation with blocs and factions, which, for all of the good intentions of the promoters or participants, have only worked to increase the general confusion and delay the application of real remedies, the people are inclined to a sober and saner line of thinking. I know from interviews and conferences with men of all parts of the country there is a general disposition to support a unified Republican organization. They appreciate that the house divided against itself must fall, and this applies to political organizations.

All our efforts—and I am speaking plainly—will come to naught unless we succeed in developing, not only among the rank and file but among the leaders and our duly elected officials, an appreciation of the necessity of party loyalty. No progress can be made without a program, and no progress can be made effective without loyalty.

In Washington a man is either with a party or against it. There is no middle course. There is an absolute necessity for loyalty; for the control of Congress is regulated by party lines and conditions. It was in recognition of this situation, and not because of any feeling of personal bias, that certain gentlemen were lately stricken from the Republican rolls.

Discipline and the power to discipline are as necessary for a political organization as for a labor union or a legislative body. We all know there has been a weakening in recent years in this direction. I believe it must be restored, based on the simple thought that the majority must rule.

I have no thought of a system of discipline which seeks to encroach on the rights of any man or woman to aspire or stand for office or to limit their rights to propose or advance legislative or party programs.

But a man who is elected to office on a Republican platform must stand on that platform. If he does not like the platform, he is justified and entitled to seek to make any correction or amendments which he desires, but once the majority of the party formally rejects his suggestion, his obligation is to accept that decision.

It would, indeed, be wonderful if we had an organization so elastic in its principles, that each new thought as presented, could be incorporated in the canon of beliefs without prejudice or loss of effectiveness, but until this millenium arrives, we must continue on the old lines.

It is not that we do not want new thoughts, ideas, and inspirations, for they properly furnish the new currents of life which every party needs; all we ask is to be given the time in the party to prove the truth, the soundness of the offerings. A political party whose platform is subject like a weather chart to daily corrections will soon vanish from the face of the earth.

Political leadership—political participation at the best is a wearing task, one in which the rebuffs too often outweigh the rewards. The very term politician has been made a reproach, and a willingness to serve has too often been interpreted as concealing merely a selfish motive on the part of the volunteer. Our Government is founded on political theories, and political functions are essential to its continuance. It is time to seek, each on his own account, to remove the slur which many cast on those who become interested in this all-important feature of our life.

There is no service more important and essential to our well-being in government than a sane, wholesome understanding participation in politics.

We have in recent years changed the form of our party machinery for the selection of candidates for public office. We have very generally substituted the primary for the representative convention. We have substituted the primary for the legislative election of United States Senators. This change has brought about its problems. The old convention system of nominations fixed the responsibility upon the party and exerted a definite party influence upon the candidate. He realized his accountability to his party, and he knew definitely where his loyalty and allegiance belonged.

The primary system has given an opportunity for cunning men to use the party label in the primary, and thereby attract to their support the loyal members of the party. And it has enabled such men to gain a party nomination and, with the support of the party, an election to important office, and in some instances only to repudiate the platform of the party and the nominees of the national convention. Such conduct is reprehensible. It is obtaining office by false pretense. And such practices should be condemned not only by the party organization but by the people whose confidence has been betrayed.

But whatever the machinery—in order to preserve party government, which is so indispensable to efficient administration—men and women in their party affiliations must be honest to the party and must be loyal.

March 4 will be a red-letter day for all of us in a striking sense.

When on March 4 Calvin Coolidge will take the oath he will be following the leadership set just 100 years ago, for it was on March 4, 1825, that John Quincy Adams, of Massachusetts, took the oath of office as President.

There is always, as now, great interest in the inauguration ceremonies. Although we have at times given away to elaborate plans and programs, we have more often followed the example of simplicity set by the fathers. It is interesting to note the events of the inauguration of 100 years ago.

John Quincy Adams records in his diary that after two sleepless nights he was ready for his inauguration March 4, 1825, and was waited on by the marshal of the District of Columbia, with other members of local committees, to arrange for the ceremony at the Capitol. Escorted by a small detachment of local militia, he drove in his own carriage to the Capitol, followed by President Monroe and other officials. The inaugural ceremony was in the Hall of the House of Representatives (now Statuary Hall), where Vice President John C. Calhoun, who had already taken the oath of office, was presiding.

The oath of office was administered by the Chief Justice; the new President delivered his inaugural address, and was then escorted back to his own home, 1333 F Street NW., because Mrs. Monroe was ill at the White House, and President Adams insisted that she should not be removed until fully recovered. He had his dinner at his own home, and then called to bid farewell to President Monroe in company with other citizens.

At the inauguration, local papers said the President was dressed in a black all-wool suit of clothes of domestic manufacture; the cloth made in Massachusetts.

I have no hesitancy in predicting that the satisfaction over Calvin Coolidge, of Northampton, when on March 4 he takes the office as President of these United States, will know no partisan bounds or barriers. It will be nation-wide, and without distinction as to race or creed or political affiliations.

And if here in New England the tide of rejoicing will run a little higher, a little broader, a little deeper, than in other portions of our Nation, there will be none to say us nay, for all will understand that we are celebrating, not merely a political victory, but something finer and greater, a victory of the ideals which are inbred in all of us.

New England from the very beginning has been a great reservoir of vitality, of life, of thought, and of spiritual impulse. From our shores and from our hills, for 300 years, a great migration has been constantly making its way into the virgin country of the West.

While perhaps some of our New England children and great grandchildren who have been thus transplanted have outgrown our sober town meeting methods and the respect for selectmen which is a part of the inheritance of all of us, they still feel the bonds of kinship. Their inclination is to think as we do. They have notwithstanding all our temporary disagreements a considerable understanding and, it may be said, admiration of our temperament. Therefore, I know they will be tolerant of our joy.

New England can not be described or defined by geographic phrases. Statistical tables, no matter how carefully arranged, setting forth with exactness the area of land and water and the location of hills, plains, rivers, and lakes, do not meet the requirements.

New England typifies first of all to the world an ideal and the persistence of an ideal, one which is personified in the person of the President whom we honor.

New England means probity of character, honesty in mental as well as physical demonstrations.

It signifies thrift without penury, generosity without wastefulness, firmness without obstinacy, dignity without ostentation, and service without servility.

But though our hills are high, and our valleys run deeply, we have never lost our vision of the great world outside or an appreciation of our responsibilities in and to that great world.

No crop garnered has ever been so scant that we have felt justified in ignoring the call for those in distress, no matter in what part of the world they were located.

It has been our privilege in New England, one for which we have fought and suffered at times, to cherish the great ideals which have given an impetus to the Nation.

The sea at our door, the hard-soiled hills have bred in us a sense of initiative without which no people nor country can progress. The very character of our life, the district school, the town meeting have educated us, not only to an appreciation of the necessity of fair play, but also that each and every one of us is entitled to a fair start in the race of life, and that equality of opportunity is a precious possession.

To us has been given the privilege of seeing at first hand these gifts blossom to fruition in the person of the President, not by virtue of sacrifices which we have made, but through a long line of sacrifices made from the first settlement of the State.

And it is because in our President, we see a recognition of those fundamentals of character, our applause will be a little louder and deeper on inauguration day.

It will rise, not merely in recognition of the fact that your neighbor and my neighbor, and our neighbor whom we have known familiarly has been elevated to a high estate, but rather because of our general realization that in so elevating Calvin Coolidge, the people of the Nation have given recognition to that something which is a heritage of all of us, which is a part of all of us—the New England spirit.

INDEPENDENT OFFICES BILL, 1926

In presenting the independent offices' appropriation bill for the fiscal year 1926, I shall endeavor to explain some of the more important features of the bill, taking up first the appropriations and Budget estimates.

The total appropriations for the independent offices provided for in this bill for the fiscal year 1925 amounted to $533,424,147.46. This sum includes the total of the appropriations carried in the act to adjust the compensation of the field forces, amounting to $1,370,180; the sum of $126,900 transferred from the Treasury Department to the Superintendent of the State, War, and Navy Department Buildings for care of buildings; and $133,150,327.30 carried in the deficiency act approved December 5, 1924, the greater portion of which was necessary because of the World War adjusted compensation act of May 19, 1924. The total of the estimates for regular annual appropriations submitted for consideration in connection with this bill is $450,314,295. In several instances the committee was of the opinion that the estimates for the efficient conduct of the business of the Government establishments was too low and recommends appropriations in excess of the Budget estimates, which I shall explain more in detail in connection with the bureau or office to which they relate. The amount recommended to be appropriated in this bill is $452,349,617. This sum, compared with the regular annual appropriations for 1925 and the estimates for 1926, is as follows:

It is $81,074,530.46 less than the total of the 1925 appropriations, and it is $2,035,322 more than the amount requested in the Budget estimates for 1926.

SALARIES UNDER THE CLASSIFICATION ACT

The restrictive provision carried in the appropriation bills already considered by the House relating to expenditures for personal services in the District of Columbia in accordance with the classification act of 1923 is recommended in this bill as section 2. It is essentially the same as the limitation carried in the appropriation acts for the current year restricting the average of all salaries paid under any grade under the classification act of 1923 to the average of the compensation rates for the grade, modified so that the limitation shall apply specifically to those grades in which only one position is allocated, and permits an employee to pass from one grade to a higher grade without suffering a reduction in compensation because of such advance.

EXECUTIVE OFFICE

Only one change of importance is recommended in this bill relating to the Executive Office. Heretofore several small appropriations have been made for the care and repair of the Executive Mansion and grounds, which for the current fiscal year amounted to $112,760. In lieu of the several separate appropriations we recommend in this bill the following paragraph:

For the care, maintenance, repair, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Mansion, the Executive Mansion greenhouses, including reconstruction, and the Executive Mansion

grounds, to be expended by contract or otherwise as the President may determine, $110,000.

By this consolidation a reduction of $2,760 in the appropriation has been made possible.

ALIEN PROPERTY CUSTODIAN

I wish to call particular attention to the office of the Alien Property Custodian. Under the Winslow Act, which provided for the return of property not exceeding $10,000 in value, there had been returned as of November 1, 1924, property aggregating $26,000,000, of which $10,000,000 was paid out during the past year. There is, however, now held in trust by the Alien Property Custodian property valued at approximately $300,000,000, and in my opinion the time is not far distant when final disposition of this property should be made.

Since adopting the Dawes plan, whereby there is a scheme to settle all controversial questions between Germany and the United States, there is no reason for the continuance of the office of Alien Property Custodian. The committee having jurisdiction of the proper legislation ought to see to it that at the beginning of the next Congress, or as soon thereafter as may be, there should be something done for the winding up of this activity. It will result in the saving of hundreds of thousands of dollars to the United States. We are getting nothing out of it and incurring responsibility all the time we are engaged in it.

AMERICAN BATTLE MONUMENTS COMMISSION

This bill provides for the reappropriation of unexpended balances of appropriations heretofore made for the American Battle Monuments Commission, approximating $575,000. A year ago it was proposed to erect monuments and markers to perpetuate the battle operations of the American Expeditionary Forces in Europe, at an estimated cost of approximately $550,000. However, during the past summer the commission visited the battle fields and cemeteries of France, and are now of the opinion that the original plan should be abandoned, and propose in lieu thereof to erect commemorative memorials to the Expeditionary Forces, erect naval memorials, and beautify the cemeteries. The total estimated cost for construction work under the new project is $3,000,000, divided as follows: For the erection of chapels and the construction of walls about the eight cemeteries abroad, $1,200,000. For the erection of naval memorials it is proposed to expend $300,000, and the cost of commemorative monuments is estimated at $1,500,000. However, as the act creating the American Battle Monuments Commission places no limitation upon the ultimate cost of any complete plan, it is recommended in this bill that no part of the appropriations available shall be expended on a program of construction work under the act of March 4, 1923, the complete cost of which shall exceed $3,000,000.

I confess that your committee was somewhat disappointed when we learned that the original plan, which only contemplated an expenditure of $550,000, had been done away with and another plan adopted that would cost $3,000,000. But there is a pretty good answer to that. At the time the original plan was adopted it was proposed to erect tablets hither and yon where the battles were fought and where our expeditionary forces had participated. But when the commission went over there and found these fields had been converted into farming lands and that it would necessitate the purchase of the ground and that that would be inexpedient, we felt they were right in their judgment, but we have submitted a recommendation that no plan for the erection of these memorials shall be adopted that shall in any event exceed an expenditure of $3,000,000.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BYRNS of Tennessee. I understand the original idea was $550,000?

Mr. WOOD. Yes.

Mr. BYRNS of Tennessee. And it is now increased to $3,000,000?

Mr. WOOD. Yes.

Mr. BYRNS of Tennessee. The extra money is not represented by the replacing of these tablets with monuments?

Mr. WOOD. No; they have abandoned the placing of markers entirely, but they do expect to build a certain number of chapels in the eight cemeteries abroad. Other countries have built these chapels, where people who are visiting these battle grounds and cemeteries may rest and where they may hold whatever ceremony they think appropriate.

Mr. BYRNS of Tennessee. Do I understand the gentleman to say that the present plan provides for $3,000,000 and that that completes it?

Mr. WOOD. Yes. That is their proposal.

Mr. BYRNS of Tennessee. And the committee limits it in this bill to that amount?

Mr. WOOD. Yes. We did that for this reason: That proposal was arrived at after some consideration by the commission, of which General Pershing is chairman. After they went abroad and came back and consulted some one who is supposed to know something about this business; but the gentleman knows how these things keep growing unless a limitation is placed upon them, and we thought it wise to place a limitation upon this project.

I next direct attention to the Board of Tax Appeals.

BOARD OF TAX APPEALS

The revenue act of 1924 created the Board of Tax Appeals as an independent establishment of the Government. For the current fiscal year this board is operating on an allotment of $500,000 made from appropriations for the Bureau of Internal Revenue. The board was organized on July 16, 1924, and because it is such a new organization it is difficult to determine what its actual needs will be. However, the appropriation of $354,320 recommended in this bill is believed to be ample for the efficient operation of this organization. The board has no jurisdiction over refund cases, but considers deficiency cases only. The jurisdiction of the board was fixed in the revenue act, and the fundamental fact determining the jurisdiction of the board is the determination of a deficiency by the Commissioner of Internal Revenue. If the commissioner finds a deficiency in the tax, the act provides that the taxpayer may within 60 days from the date of the mailing of the letter fixing the deficiency take an appeal to the Board of Tax Appeals. The act also provides that the board shall make findings of fact in all cases, and if an opinion is necessary the opinion is written. An opinion is required in all cases involving over $10,000 and in such other cases as the board may determine. Since its creation and by the 1st of December the board had docketed 868 appeals, of which there had been decided, dismissed, or under consideration on December 1 approximately 200 cases, and it is estimated that by January 1 of this year this number will have increased to 400 cases.

Mr. KING. Mr. Chairman, will the gentleman yield there for an interrogatory with reference to the Fine Arts Commission?

Mr. WOOD. I have not yet reached the Fine Arts Commission.

Mr. KING. I have long regarded that as one of the greatest incubus institutions we have in the District of Columbia.

Mr. WOOD. I shall call attention to it when we come to it.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. GARNER of Texas. Before the gentleman leaves the subject of the Board of Tax Appeals, the gentleman calls attention to the fact that the board has no jurisdiction of refund cases? Did the gentleman's subcommittee form any opinion as to the advisability of giving this board additional jurisdiction in refund cases?

Mr. WOOD. We could not do that.

Mr. GARNER of Texas. I know the gentleman's committee could not; but did the gentleman from Indiana [Mr. WOOD] himself form any opinion as to the advisability of giving this board additional duties in determining the question of refund cases?

Mr. WOOD. I was much surprised when I found out they did not have that jurisdiction.

Mr. GARNER of Texas. And I am surprised to have the gentleman say that they have not. I do not recall the discussion of the provision with reference to that feature, but it was my impression, as a member of the committee that helped to frame that law, that they had entire jurisdiction of questions of dispute between the taxpayer and the Treasury Department.

Mr. SANDLIN. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. SANDLIN. We mentioned that to the gentlemen who appeared before the committee, coming from the Board of Tax Appeals. It was said they thought very likely that the officials in the bureau of the Treasury would follow to a great extent the rulings of the Board of Tax Appeals. In other words, they would accept their interpretation of the law.

Mr. GARNER of Texas. I am glad to hear that; but this proposition comes up at this time, and there are being refunded, I believe, about a hundred million dollars a year. That represents quite a controversy as between the Treasury and the taxpayers, and it occurs to me it would be better to have this board pass on all those cases where there is a difference of

opinion as between the Treasury and the taxpayer. I am glad the gentleman has called attention to it, because if the Committee on Ways and Means undertakes to rewrite the law at the next session of Congress, as I understand it is contemplated they will do, this information will be of some value to us.

Mr. BYRNS of Tennessee. May I ask this question: Do I understand that the taxpayer who files his claim for refund and has it adjudicated by the commissioner has no right of appeal to the board?

Mr. WOOD. He has not.

Mr. GARNER of Texas. That is the statement of the gentleman from Indiana.

Mr. BYRNS of Tennessee. I may be individually in error, but my recollection is that the acting commissioner stated sometime ago that that was one thing that was holding up the whole proposition.

Mr. WOOD. I call the attention of the gentleman from Tennessee to what occurred in the hearings. Mr. SANDLIN asked the gentleman who appeared before the committee, from the Board of Tax Appeals—

> You have no jurisdiction of refund cases, I believe?

And that gentleman replied:

> No, sir. We decided very early that we had none.

Then he went on to expatiate. To my mind it is one or should be one of the most important functions of this appeal board, for the reason that there are millions and millions of dollars down here in the Treasury Department that ought to be refunded to the taxpayers of the country, and they are delayed in getting it by this reason and that reason, without any final board to whom they can appeal.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BYRNES of South Carolina. The gentleman will recall that the representatives of the board who appeared before us stated that on the floor of the House there was added a provision that would have given them jurisdiction, but that it was rejected by the Senate.

Mr. WOOD. Yes.

Mr. BYRNES of South Carolina. And that in rejecting it the Senate feared it would put too much work upon the board and that that is the only reason he knew why it was rejected.

Mr. GARNER of Texas. Let me suggest, in this connection, that my information is from a member of the board, and they can only take jurisdiction of cases when the commission has acted; that at the present time the commissioner and his office are very much behind in the question of determining whether any taxes are due, and we were informed at the last session of Congress that the office of the commissioner would be current in the next 12 or 14 months, but it seems from the information I have that the office is very much behind in reference to the determination of how much the taxpayers, according to the commissioner's office, may owe the Government.

Mr. WOOD. That is correct, and I think the Ways and Means Committee should take cognizance of this condition of affairs. And as the chairman of the board has said, they have already determined they have not the jurisdiction over these refund cases, and there should be some constructive legislation to remedy this situation.

Mr. BYRNS of Tennessee. If the gentleman will yield, is it not true the commissioner's bureau says they are from 12 to 18 months behind on account of the provisions of the 1924 act which extended the time?

Mr. GARNER of Texas. That was at the request of the department itself, but at the time they made the request they expressed the hope that within 12 or 14 months the work of the office would be current. But now the information is they will still be far behind, which I can not understand. I think the commissioner's office ought to help and if this matter is considered at the next session of Congress they should give some reason why they are continuously behind with this work.

Mr. WOOD. Now, if I may proceed.

FEDERAL BOARD FOR VOCATIONAL EDUCATION

The act of March 10, 1924, extended the provisions of the vocational education and vocational rehabilitation acts to the Territory of Hawaii, and appropriations aggregating $35,000 for these purposes are recommended in this bill.

Appropriations for continuing vocational rehabilitation of persons disabled in industry and for administration of the act are carried in this bill. In this connection, I wish to invite the attention of the Members to the splendid results being obtained in rehabilitation work and cite the State of Illinois for an example. The average age of 319 persons rehabilitated and placed in remunerative employment was 33 years. The average cost per capita for rehabilitation was $380. The average yearly earning of these persons was $720 before sustaining injury and $418 while in a disabled condition. After rehabilitation, however, the average yearly income had increased to $1,292, or an increase of $874 per year over the earning capacity while in the handicapped condition. At the present time there are only 36 States cooperating in this work.

And in passing I wish to say that the comparison between the rehabilitation work made by this Vocational Board, as contrasted with that made by the Vocational Rehabilitation, Veterans' Bureau, shows a net saving to the Government of $9 out of every $10.

Mr. STENGLE. Will the gentleman yield there?

Mr. WOOD. Yes; I will.

Mr. STENGLE. The gentleman did not intentionally skip over two of these bureaus or departments in referring immediately to the Federal board. I noticed in the bill the gentleman skipped over the Bureau of Efficiency and the Civil Service Commission.

Mr. WOOD. No; all the bureaus and commissions will be considered in their proper order under the five-minute rule. Next I want to call attention to the Federal Trade Commission.

FEDERAL TRADE COMMISSION

The appropriation of $940,000 recommended in this bill for general expenses of the Federal Trade Commission is the first important increase your committee recommends over the estimate submitted in the Budget. After careful examination it was developed during the hearings that on December 1, 1924, there were pending 568 applications for the issuance of complaints; that is, 568 cases under investigation in which there was shown some prima facie violation of law. In addition there were 271 formal complaints pending. Cases are disposed of at the rate of approximately 30 or 35 per month, but new cases accumulate at about the same rate, so that a reduction in the appropriation would considerably reduce the possibility of disposing of these cases. Therefore, in order that the work of the commission might proceed with the same organization as for the current year, the committee restored the appropriation to the amount available for the present fiscal year.

A new limitation is recommended by the committee on this appropriation, which provides that no part of the appropriation shall be expended for investigations requested by either House of Congress except those requested by concurrent resolution of Congress, but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation. The act of September 26, 1914, provides that upon the direction of the President or either House of Congress, the Federal Trade Commission shall have power to investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation. The restrictive provisions recommended by the committee specifically excludes this class of investigation, and does not deprive either House of Congress of any right heretofore enjoyed under that act. However, a year ago attention was called to the fact that the Federal Trade Commission has been requested by simple resolution of either House to investigate matters which did not relate to violations of the antitrust acts and which under the law the commission was not directed to undertake. Investigations of this character frequently require the expenditure of considerable sums granted for the regularly prescribed work of the commission.

In proposing this restrictive provision the committee does not recommend that Congress be precluded from requesting investigations of a character which the commission is not specifically authorized by law to undertake upon resolution of either House. The purpose of the new language is to require concurrent action of the two Houses to request the commission to make any investigation other than one involving alleged violations of the antitrust acts. Certainly if the proposed investigation is of sufficient importance, both Houses, which approved of the funds for the regular work of the commission, should be called upon to determine whether the necessary funds should be diverted to the proposed investigation.

I desire to say in passing that it strikes me this ought to appeal to every Member of this House. There is nothing in this restriction that will prevent the Trade Commission from complying with all the original provisions of the act, but there has been an abuse of it, I am happy to say not frequently resorted to by this House, but frequently resorted to in the other House when there are not more than three men present.

One man, for the purpose of getting up some facts for himself, introduces a resolution and has it passed without any debate, requiring an investigation by this commission concerning this, that, or the other, involving thousands and thousands of dollars. Now, if it is of sufficient importance, if it is not provided by law, for the Senate to know about these things, it ought to be of sufficient importance for the House to know about it, and it ought to be of sufficient importance that the country know about it, and the commission should be given authority to make that investigation by joint action of the two Houses.

Mr. HUDSPETH. Will the gentleman yield? In the hearings the gentleman suggested that to Mr. Van Fleet. Has there been any concurrent resolution offered to that effect?

Mr. WOOD. No.

Mr. HUDSPETH. Why not, I will ask the gentleman?

Mr. WOOD. It is one of those things that simply occurs. When we asked these gentlemen how we might economize and try to keep within the Budget provisions, and if they could not curtail their operations, they said that one of the greatest items of expense was due to the fact that they had to take their men away from regular business in which they were engaged in connection with their work to comply with the resolutions coming from the House or Senate.

Now, I wish to call attention to the Housing Corporation.

HOUSING CORPORATION

In discussing appropriations for the Housing Corporation I wish to invite the attention of the Members to the efficient administration of that organization. Aside from the revenues derived from the operation of the Government hotels, there was covered into the Treasury for the fiscal year 1924 the sum of $4,056,115.06, obtained from the sale of property and the operation of industrial projects. The total expense incident to handling this volume of business was $108,942.68, or 2.68 per cent of the amounts collected. The operation of the Norfolk Ferries, Norfolk County, Va., is perhaps the outstanding achievement of the Housing Corporation. This transportation system was operated at a loss prior to control by the present administration of the Housing Corporation, and by reducing operating costs and effecting other economies a profit in operation was shown which for the past several years is as follows:

1921	$81,626.93
1922	115,918.67
1923	152,697.94
1924	183,969.38

Under the efficient management of Mrs. Summers receipts from the Government hotels during the fiscal year 1924 aggregated $697,743.17 and operating expenses totaled $676,762.22, showing an excess in operating receipts over expenditures of $20,980.95. In addition to her duties in operating the hotels Mrs. Summers manages a laundry which was originally intended to perform the necessary laundry work in connection with the hotels. A year ago the committee went into this matter and discovered that the laundry had capacity sufficient to do extra work, and to-day practically all of the Government establishments are having their work done in this establishment. Towels are laundered at a cost of 45 cents a hundred, as compared with prices ranging from 75 cents to $2 per hundred, according to size, when this work was performed by public laundries.

I also wish to call attention to the fact that several of the dormitories are located on property belonging to the Baltimore & Ohio Railroad, for which an annual rental of $74,315 is paid. These dormitories are not used for the accommodation of guests, and one of them is occupied by the offices of the Bureau of Home Economics of the Department of Agriculture. This bureau does not pay rent to the Housing Corporation, for the use of the building and the rent is absorbed in the charges made the guests of the hotels, amounting to about $5 per capita annually. The Agricultural appropriation bill has already passed the Senate, and I realize it is too late to take any action now, but we propose to correct this inequity next year.

Mr. BOYLAN. Will the gentleman yield?

Mr. WOOD. I will.

Mr. BOYLAN. Does not the gentleman think that inasmuch as these hotels are now showing a profit that the rate charged these girls should be reduced? The Government ought not to be in the business of making money from the stenographers and clerks employed by the Government.

Mr. WOOD. I am glad the gentleman asked that question. This thing has transpired, too. One of these buildings has been abandoned, so far as accommodating guests is concerned. There are about 1,300 girls down there at this time, and they have consolidated the dining rooms and it permitted the closing of one group of these buildings in so far as the activities of the Government hotel are concerned. It is now occupied by the Agricultural Department from one end to the other and another part occupied for storage purposes.

The CHAIRMAN. The gentleman has consumed one hour and has control of 35 minutes.

Mr. WOOD. I ask consent for the 35 minutes.

Mr. SANDLIN. I ask unanimous consent that the gentleman be permitted to proceed within his time.

The CHAIRMAN. Without objection, the gentleman yields himself such time as he uses within the time which he controls.

Mr. WOOD. In consequence the Housing Corporation is now paying approximately $7,500 ground rent for space in buildings that are not occupied by guests of the hotels.

Now, how that can best be worked out I do not know. If that rent is added to the present cost of maintenance down there a surplus probably would not be indicated.

HOUSING IN THE CITY OF WASHINGTON

Here is a thing that I want to call to the attention of the committee at this time. There is a constant and incessant demand upon this committee—perhaps many of you gentlemen have received correspondence to the same effect—a demand that these buildings should be abandoned. I do not know who primarily is responsible for this propaganda, but I do know that if these 1,300 girls were turned loose in this town to-day to find places in which to live the profiteers would be doing a bigger business than they are doing now. I am opposed generally to Government ownership of property. I am in favor of private initiative whenever it is possible. But I am also in favor of having the Government protect itself. I have been reading a whole lot of propaganda that is going on throughout the country concerning so-called rent legislation, to provide for a maximum of rent to be charged in the city of Washington. A great many people contend that it is unconstitutional. If the Government has not the right to protect itself, then it is the weakest government that was ever organized. One of the primary principles of life is self-defense, and whenever a government can not protect itself, then that government ought to fall.

These gentlemen who are sending out their propaganda and carrying on the agitation throughout the United States are sending letters here, and I am getting such letters every day, one of which I submit herewith as an illustration:

GARY BOARD OF REALTORS,
Gary, Ind., January 26, 1925.

Hon. WILL R. WOOD,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN: Our attention has been called to Senate bill 3764 and House bill 11078 by the Washington Real Estate Board, whereby it is proposed to enact legislation to control rents in the District of Columbia.

We, the Gary Board of Realtors, an association consisting of 71 realtors in the city of Gary, do believe that any legislation of this character is very detrimental, will eventually interfere with property rights and private contracts, a right that has been held sacred by the American people; and we further believe that by the enactment of such legislation by our Congress that it will create a very dangerous precedent in legislation by our State legislatures.

We therefore ask of you, as our Representative in Congress, to cast your vote in the negative, and by doing so you will do justice to all property owners, large and small, throughout our entire Nation.

Thanking you in advance, I remain, in behalf of the Gary Board of Realtors,

Sincerely yours,

A. EARL UNGER, *Secretary.*

No doubt you gentlemen are getting the same kind from real-estate men throughout the country, advising us that we should be very careful about adopting a principle that will be a detriment to private initiative and ownership throughout the United States.

I have advised these gentlemen that the best service they can render their country and the best service they can render to those engaged in the real-estate business in Washington is to bring to the knowledge of the gentlemen here with whom they are in communication this fact, that they had better take and reform themselves. [Applause.]

There seems to be a misconception about the city of Washington. This city is not to be compared with any other city in the United States. This city is the seat of the Federal Government, and if the primary plan had been carried out there would have been no occasion for profiteering in the city of Washington. The original design was to make this city, as

distinguished from all other capitals of government in the world, purely a seat of government, where the business of the Government would be transacted; where, untrammeled, those who are necessary for the transaction of the business of the Government would live at the lowest possible expense. It was provided that instead of having a lot of ramshackle buildings between the Capitol and the White House, there should be nothing but official buildings. What a picture that would be if it were a fact to-day! It never was intended that there should be manufacturing here. It never was intended that there should be commercial houses here, except those that were permitted by the Government to supply the demands of those who are engaged in performing the functions of this Government. In an evil hour somebody proposed, for the purpose of raising revenues, that they sell town lots in the city of Washington. That is where our troubles began.

But these gentlemen, instead of understanding that they are here at the sufferance of the Government, labor under the misconception that those who are employed by the Government to transact the business of the Government are here at the sufferance of these business interests. These gentlemen should be reminded of the fact that all those who are here outside of the Government itself, outside of those connected with the administration of the Government, are here merely at the sufferance of the Government. [Applause.]

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. McKEOWN. I have been informed, or I have read somewhere, that the first lots disposed of in the District of Columbia were disposed of under a lottery system. Has the gentleman heard about that?

Mr. WOOD. Yes; I have heard of it. And I have also been told that our old friend Andrew Jackson in his time, when informed that the Government needed revenue, inaugurated auctions to secure it. It has also been said that he is responsible for placing the Treasury Building where it now stands, right across the Avenue, obstructing the Avenue.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BOYLAN. I said a few moments ago that something ought to be done to reduce the amount of money that these girls have to pay, instead of the Government making a profit.

Mr. WOOD. That is a matter that is now under inquiry, but you must bear in mind that in arriving at this so-called profit depreciation and a fair return upon an investment of approximately $3,000,000 are not taken into consideration. I want to say in passing that there are constitutional lawyers and constitutional lawyers, and we have many of them in this body. Some of them contend that it is an infringement on the rights of property owners under the Constitution for Congress to regulate rents in this town. If that thing were carried to its logical conclusion, no matter how high they might pyramid rents in this city, this Congress, which is primarily responsible for all legislation here, would be powerless to act. Fortunately, that is not true. One of the greatest powers that has been granted, and which has resulted many times in the preservation of this country, is the police power, and under the police power of this Government, which must be considered with reference to the rights of property, we have this right.

And I want to say to you that unless something of that character is done we shall have to begin and appropriate more money for the expenses of the Government. We have been increasing the salaries of these employees here ever since the World War began, and it has not done them a bit of good. Why? Because every dollar of increase given to these employees is taken away from them by these profiteers.

That is what has been happening. I happen to know, by reason of my acquaintance and association with the citizens of this town, of two or three concrete cases which disclose to me what is going on here. There have been many new buildings erected here since the war. The population of Washington has nearly doubled since the war began, and of course you and I know that the cost of materials and the cost of labor and everything else has gone higher and higher; but there are many buildings that were constructed before the war, and a lot of their owners are taking advantage of these increased prices. I know of a building where the rent was $50 for a five-room apartment before the war. The owner first raised the rent to $55 per month, then to $60, which increases were paid.

Then when, under the provisions of the rent act, the tenants refused to pay further increases the owners refused to furnish them with any of the needed repairs. The paper was hanging from the wall and there were all sorts of defects in the floors, while immediately under those very apartments a like apartment had been increased more than 100 per cent, and being paid by a new tenant.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. CONNALLY of Texas. All the gentleman has said is very fine, but has the gentleman any assurance or can the gentleman give us any assurance that we shall get any legislation at this Congress to remedy that situation?

Mr. WOOD. No; I can not give that assurance to the gentleman although I wish I could. I wish I had the power to remedy that situation, and there would not be any question about my doing it. I am amazed at gentlemen, who have the best interests of this country at heart, who believe in economy in Government and who know of these things, who try to obstruct the character of legislation that would bring about this relief.

Mr. BLANTON. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BLANTON. I think that matter will be attended to without passing any bolshevik remedy by requiring all realtors to be licensed under regulations, by requiring the true consideration to be placed in deeds and deeds of trust, and by preventing a concert of action among realtors in the matter of raising rents. But I want to ask the gentleman this question: Suppose the gentleman owned a residence here before the War began and it cost him $10,000, and for him to replace that residence now it would cost $20,000, because of the increase in labor and materials, and the gentleman can sell it for $20,000, would the gentleman say that residence was worth $20,000 or $10,000?

Mr. WOOD. I would consider it worth $20,000.

Mr. BLANTON. Of course, and the gentleman would want a return on his money.

Mr. WOOD. But I want to say that if I were renting a room in that house for which I was getting $10 before the War, based on the original cost, I would think I was a thief if I were trying to get $40 a month for it.

Mr. BLANTON. Suppose the gentleman asked $15 for it?

Mr. WOOD. Well, that is a matter of gradation. I want to say to you in passing—and it is a little digression—that we shall make a very great mistake if we remove these Government hotels until such time as these 1,300 girls can be absorbed in the apartment houses of this city at a reasonable rental.

Mr. BLANTON. Will the gentleman yield right there?

Mr. WOOD. Yes.

Mr. BLANTON. Does not the gentleman know that on the 1st of January there were over 100 vacancies in the Government hotels and that on the 1st of January last year there were 100 vacancies?

Mr. WOOD. There are 1,300 girls down there now. It is the policy of this committee, and I think it is the policy of this Government that as soon as the necessity ceases that all these buildings should be abandoned. I now wish to direct attention to the Interstate Commerce Commission.

INTERSTATE COMMERCE COMMISSION

In discussing the appropriations recommended for the Interstate Commerce Commission for 1926, I wish to say that the recommendations of the committee were arrived at only after very careful and conscientious consideration of the needs of the commission. The bill provides for appropriations in excess of the estimates submitted in the Budget in several instances, which I shall later explain more in detail, but which are submitted herewith for the information of the House:

Object	Estimated for 1926	Recommended for 1925
General expenses	$2,100,000	$2,318,660
Bureau of Accounts	600,000	1,189,250
Bureau of Safety	500,000	650,000
Locomotive inspection	450,000	450,000
Valuation of property	1,000,000	1,946,552
Printing and binding	124,000	160,000

GENERAL EXPENSES

In order to show the necessity for the increased appropriation recommended for general expenses in this bill I wish to call attention to the increase in work of the commission. The number of formal proceedings that were filed as complaints and subcomplaints is as follows:

1906	74
1920	1,040
1923	1,160
1924	1,322

In connection with investigations instituted on motion of the Interstate Commerce Commission there were in—

1906	8
1920	31
1923	28
1924	11

The decrease in the number of these proceedings in 1924, as compared with the preceding year, were made necessary because of the inability of the commission to continue their regular work, and at the same time provide funds for this class of investigations.

I should also like to call attention to the number of reports that have been issued by the Interstate Commerce Commission, which is as follows:

1906	32
1920	510
1923	938
1924	1,663

These reports cover rate, valuation, and finance cases, and I should like to show the increase by the number of pages issued in connection with these reports, which follows:

1906	251
1920	2,870
1923	4,391
1924	7,760

In addition to the regular work of the commission and the activities of its various bureaus, the Supreme Court decision in the Wolfe case, which was to the effect that the statute of limitations of two years on claims for overcharges must be specifically adhered to, and that when the two years' limitation expired it destroyed not merely the liability but also the remedy, greatly increased the duties imposed upon the Interstate Commerce Commission. As a result of the decision of the court Congress passed an amendment to the law which granted an extension of time in which to file overcharge claims, and during November and December these claims aggregated approximately 40,000.

As I have indicated the increase in the volume of business, there are at the present time some 49,000 informal docket cases pending, over 3,000 special docket cases, and approximately 2,100 undisposed-of formal cases now before the commission. In view of the importance of the work of the commission and the number of cases pending, your committee is of the opinion that the sum recommended to be appropriated is necessary.

I wish to say in passing that it was perfectly patent to your committee that if the railroads of this country are to function all the increases asked by the commission and which have been allowed in this bill are absolutely essential. If there is an appeal by the railroads to this commission whereby they ask an increase of a rate, it must be determined within 120 days, unless the commission itself takes action and grants an extension of that time, but it must finally be determined within 150 days, whereas if there is a shipper throughout the country who has some fault to find by reason of the fact that an overcharge has been made against him it will be two years before he can get a determination of his complaint, and maybe longer. It has been thought not to be the best practice with respect to these matters to require these people to come from a distance to Washington when they are prosecuting their appeals, but that the machinery of this Government can be more cheaply taken to them.

Within the last year there have been more than 1,000 men and women here who should not have been put to the expense of coming here at all, and but for the lack of a proper appropriation their troubles would have been heard at home. Now, it is well known that the railroads have ample means and splendid ability to come here whenever called upon. On the other hand, we well know it is irksome for business men and those who are dependent upon their daily exertions to leave their vocations in life and come here, and we also know it is one of the primary principles of the law of this country that we should take justice to the men and women and not require them to go in search of it. So we have increased this appropriation in the belief that it would not only be an economy, so far as the Government itself is concerned, but it certainly would be a great economy in so far as those who are vitally interested are concerned.

BUREAU OF ACCOUNTS

The appropriation of $1,189,250 recommended for the Bureau of Accounts for 1926 represents a substantial increase over the sum now available and the estimates, but inasmuch as this bureau is called upon to perform all accounting work in connection with the recapture of excess earnings under section 15a of the transportation act, and is charged with the duty of policing the accounts of carriers, it is believed that the increase is justified. It is estimated that the recapturable surplus for the past several years will aggregate $94,060,000. There has been covered into the Treasury the sum of $5,021,894.97 as excess earnings of the carriers, the major portion of which was paid under protest pending final valuation of the carriers' property, and this contingent fund, therefore, has not been available for the uses contemplated by law.

There are approximately 564 cases on the docket awaiting consideration, and it is estimated that with the present force not more than 405 can be taken care of by June 30, 1925. In order, therefore, that the work may be kept current during the ensuing fiscal year, and that the work in arrears may be brought up to date, the sum recommended is believed essential, and can be divided as follows:

To bring work in arrears up to date	$471,585
To keep current work originating in 1926	717,665
Total	1,189,250

As I stated just a moment ago, the Bureau of Accounts is charged with the policing of carriers' accounts, and the sum of $317,604.46 was under consideration by the committee for this work. However, we were of the opinion that this work could be postponed safely until the more urgent work of the commission was brought current, and the total appropriation recommended in this paragraph, therefore, is to be used for the recapture of excess profits under section 15a of the transportation act.

THE BUREAU OF SAFETY

Section 26 of the transportation act greatly increased the duties of the Bureau of Safety by authorizing the commission to require carriers to install automatic train control upon any part or the whole of any railroad, and also to apply other safety devices. In response to this law, an order was issued in June, 1922, requiring 49 of the Class I roads to install some form of automatic train stop or train control device upon a locomotive passenger division between specified terminals, and a subsequent order effective in February, 1924, required 45 additional Class I carriers to install train-control devices upon one locomotive passenger division.

Due to insufficient personnel in the inspection force the latter order was suspended pending the completion of the installations required by the order of June, 1922. We believe that the safety work is of primary importance and should be proceeded with as rapidly as is consistent with good administration, and consequently recommend an appropriation of $650,000 for the Bureau of Safety for 1926. This is an increase of $275,000 over the amount available for the current year, but the increase is to provide for supervision of new installations and to keep up the current inspection of installations previously made. I also wish to call attention to that portion of the annual report of the Interstate Commerce Commission which shows that of 100 collisions and derailments investigated during 1924, 50 of them were preventable, and that if they had been prevented 113 lives would have been saved and 780 persons protected from unnecessary injury. I do not claim that the increase in the appropriation we recommend here will prevent these accidents, but I do wish to do all in my power to reduce the possibility of such accidents, and I am of the opinion that the Bureau of Safety of the Interstate Commerce Commission is the proper organization to assist in this work.

LOCOMOTIVE INSPECTION

This bill provides for an appropriation of $450,000 for 1926 for the Bureau of Locomotive Inspection. The act of June 7, 1924, provided for the employment of 15 additional inspectors, and this accounts for the increase of $150,000 in the sum recommended as compared with the appropriation made for the current year. To better illustrate the increasing volume of work in this bureau, I wish to call attention to the following:

	1920	1924
Number of locomotives inspected	49,471	67,507
Number found defective	25,529	36,098
Number ordered out of service	3,774	5,764
Total number of defects found	95,066	146,121

It is impossible at this time to determine what the expenses will amount to incident to the employment of 15 additional inspectors but it is estimated that the sum recommended will be sufficient.

BUREAU OF VALUATION

Careful investigation by the committee developed the fact that to finish the primary valuations of the steam, telegraph, and sleeping car carriers of the country, under the present

rate of appropriations, would take from 6 to 13 years, during which time much of the information already obtained would be useless. We thereupon asked Commissioner Lewis, of the Interstate Commerce Commission, who is in charge of this work, how much it would take to complete primary valuation in two years, and also an estimate of the cost if completed in three years. In order that an organization could be built up to handle this work and make use of the available data, the committee recommends that the three-year program be adopted, which calls for appropriations to be used in valuation work only, as follows:

1926	$1,555,602
1927	1,037,010
1928	915,264

Order No. 3 of the Bureau of Valuation provides for bringing up to date the primary valuations for the purpose of determining recapturable excess earnings under section 15a of the transportation act. To provide for the engineering forces engaged in this work, additional appropriations must be granted for the ensuing fiscal year, and for this purpose the committee recommends the sum of $137,350. To assist the Bureau of Accounts in determining amounts to be recaptured an additional apropriation of $253,600 is recommended in this bill, making a total amount available for the Bureau of Valuation for 1926 of $1,946,552. I wish to call attention to the hearings on this appropriation, with particular reference to a résumé of statements of estimates of cost and time for completion of valuation work, from its inception. (Page 347 of the hearing.)

I have set out in the report the figures that were given us by the gentlemen who are in charge of this work. To my mind this has been one of the great disappointments in our legislation. In 1913, when it was proposed that we fix a valuation on the railroads of this country, it was represented by Mr. LA FOLLETTE, who was the author of the bill or had much to do with its passage, that the whole thing could be accomplished for $4,000,000. Gentlemen testified it would be just as easy to fix the valuation of railroads as it would be to go into your farm yard as an assessor and fix a valuation on your personal property. We have spent more than $27,000,000 and it is going to take more than $3,000,000 more, according to these experts, to complete the work; but we are in it and it must be completed because these recaptures, about which we have heard so much and which are so essential in these reorganizations under the Esch-Cummins Act, can be intelligently arrived at. It is necessary that this primary valuation be made. We have initiated a policy whereby we will appropriate this year a certain amount for primary valuation, so much next year, and so much the third year, when those in charge promise us it will be finally completed. Let us hope this may be true.

Mr. GARNER of Texas. Will the gentleman yield for a question?

Mr. WOOD. Yes.

Mr. GARNER of Texas. Does the gentleman have the data there which he intends to insert in the RECORD as to the amounts now in existence under the recapture clause?

Mr. WOOD. Yes. The total collections up to December 18, 1924, are as follows:

Number of carriers paying	64
Amount paid for 1920	$929,078.93
Amount paid for 1921	171,221.80
Amount paid for 1922	736,476.01
Amount paid for 1923	3,185,118.21
Total paid to December 18, 1924	5,021,894.97

Mr. GARNER of Texas. Where is that money located?

Mr. WOOD. This is what becomes of the money. Under the Esch-Cummins Act, this money is deposited in the Treasury of the United States, not for the general use of the Government of the United States, but for the purpose of lending it back to the railroads that are not making the 5 per cent that is spoken of in the Esch-Cummins Act. They must give a first mortgage or give security of some kind which will guarantee its final payment back into the Treasury of the United States.

Mr. GARNER of Texas. What is the total amount of that?

Mr. SANDLIN. Something over $5,000,000, I will say to the gentleman.

Mr. WOOD. It is approximately $5,000,000.

Mr. GARNER of Texas. And you will not be able to handle this fund as the Congress may direct until you have had this primary valuation?

Mr. WOOD. No, sir.

Mr. GARNER of Texas. Can they not make that in two years? Does not the commission say they can make it in two years if you give them sufficient money?

Mr. WOOD. They said they could do it, but it would require a much larger appropriation this year, and by reason of past transactions we thought we had better give them three years in which to do the work.

Mr. GARNER of Texas. In other words, you do not believe the commission can do in two years what they say they can do if you give them the money?

Mr. WOOD. I do not think they can.

Mr. MOORE of Virginia. Has the gentleman's attention been drawn to the fact that since his bill was written the conferees on the Hoch resolution have filed a report here showing that if the conference report is adopted—at least I infer that is a fair statement—there will be very heavy additional work imposed on the Interstate Commerce Commission? I am not talking now about valuation, but in justification of the increased appropriation.

Mr. WOOD. I suspect that is true, and that is another place wherein the Congress of the United States, both the House and the Senate, unconsciously, are eternally throwing additional duties upon the Interstate Commerce Commission without additional appropriations. We are passing resolutions with reference to this, that, or the other thing; we are passing laws with reference to rates, and so forth, without taking into account what it is going to cost the Interstate Commerce Commission. The Interstate Commerce Commission today is the only agency between the people of the United States and the operator.

Mr. GARNER of Texas. Since the recapture clause is in the interest of the people——

Mr. WOOD. Of course it is.

Mr. GARNER of Texas. Why do you not give the Interstate Commerce Commission sufficient money to do this work within the two years and let them protect the people, as against the railroads having it for three years?

Mr. WOOD. I wish the gentleman would read the hearings on this matter, and perhaps he will find my reasons for the position we have taken. We had this appropriation when I was chairman of the legislative, executive, and judicial bill before the Budget law was enacted. They were coming here then and telling us when they were going to complete this work. It ought to have been completed. I am not criticizing them because of various things which developed that they were not cognizant of and which made it impossible for them to judge, but we ought to have had this work completed four years ago. I do not believe they will do the work in two years, and I want to give them the benefit of the doubt and make it three years.

Mr. GARNER of Texas. In the meantime the railroad has one year additional advantage under the recapture clause.

Mr. WOOD. No; they have not got that. They are going on with this work and they are making these gentlemen contribute on their estimate of what the valuation is, but the trouble arises in this way: These railroads pay, according to that valuation, under protest and the money is deposited in the Treasury, but if we have to pay it back we will have to pay them interest, and that is the disadvantage about it.

Mr. HUDSPETH. Will the gentleman yield for a question?

Mr. WOOD. Yes.

Mr. HUDSPETH. I noticed in the hearings that Mr. Fulbright, of Houston, Tex., appeared before the committee.

Mr. WOOD. Yes.

Mr. HUDSPETH. And he stated there were 100 or more cases brought here to Washington by those who had claims against the railroads, costing the people thousands of dollars, and that those cases could have been handled by five examiners and the examiners could have taken these matters to the people and saved them this great expense. Did the gentleman provide in the bill for the five additional examiners asked by Mr. Fulbright?

Mr. WOOD. That is what I tried to tell the gentleman a while ago, and I want to say that Mr. Fulbright and the gentlemen who appeared with him were the most elucidating lot of men I have ever had before any committee that I have had anything to do with.

Mr. HUDSPETH. I do not know the gentleman, but I read his statement in the hearings.

Mr. WOOD. I now want to call your attention briefly to the National Advisory Committee for Aeronautics.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

I want to say that I believe the National Advisory Committee for Aeronautics is rendering one of the greatest services to the

United States Government that it has ever had. It is composed of gentlemen eminent because of their scientific and practical ability who are serving the country without compensation. The committee has demonstrated that it is not only possible but that the United States is actually excelling in aeronautics everything in the world except as to the number of airplanes. It has also demonstrated, to the benefit of the Treasury of the United States, that we ought to look before we leap. They have been instrumental as far as the Army and the Navy are concerned in giving them practical advice that has saved the country millions of dollars. Had we had their services prior to and during the war, we would have saved not only millions of dollars but a great deal of unnecessary labor.

They have discovered that you can not build a flying machine and put an engine in it after you have built the machine. You first must have your engine and then build the flying machine about it.

Acting upon the recent discovery that a vessel can go as well and faster without sails than can a full rigged ship, by using a revolving cylinder to propel the vessel, this organization is applying this principle to the flying machines, so it will have the same propelling power that it has on the sailing vessel. All this is without compensation to the members of the committee. And let me say that if we are wise we will never allow the War Department or the Navy Department or any other department to assume all control of aeronautics of this country.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. LaGUARDIA. I agree with what the gentleman says, and I want to call attention to the fact that with reference to Langley Field I tried to point out when the Army appropriation bill was before the House that the appropriation for Dayton was an absolute duplication of what you have provided for here, although the work will not be as scientifically carried on at Dayton.

Mr. WOOD. We recommend an appropriation of $522,000 for the National Advisory Committee, and of this sum it is proposed to use $40,000 for the construction of an additional laboratory building to house the shops and drawing rooms, and to provide space for storage. The purpose of this committee is to secure technical information on aeronautics, and at the present time there is much agitation to establish a single Air Service, and it is proposed to incorporate this organization in such a service. In my opinion this would be a grave error, for the membership of the committee is at present made up of the very best scientific talent in America, serving without compensation, and devoting a great amount of time to the study of aerodynamics. To place a scientific organization such as this under the control of any department might result in a loss of the services of these distinguished gentlemen. Nor am I alone in this belief, for I wish to quote for the information of the Members, a portion of the President's letter of transmittal when sending the annual report of this organization to Congress:

> When the National Advisory Committee for Aeronautics was established by Congress in 1915 there was a deplorable lack of technical information on aeronautics in this country. In submitting this, the tenth annual report of the committee, I feel that it is appropriate to say a word of appreciation of the high-minded and patriotic services of the men who have faithfully served their country without compensation as members of this committee and of its subcommittees. Through this committee the talent of America has been marshaled in the scientific study of the problems of flight, with the result that to-day America occupies a position in the forefront of progressive nations in the technical development of aeronautics. The status of the committee as an independent Government establishment has largely made possible its success.

SMITHSONIAN INSTITUTION

In several instances the committee recommends appropriations in excess of the Budget estimates for the Smithsonian Institution for the fiscal year 1926. They may be enumerated briefly as follows: An increase of $11,082 to enable the Regents of the Smithsonian Institution to keep museum buildings open on Sunday. This sum will provide for the additional necessary watchmen. For the Bureau of American Ethnology it is recommended that an appropriation of $4,200 in excess of the Budget estimate be made. This is to be used in continuing archaeological investigations in the Southern States, particularly in the vicinity of Muscle Shoals, which area will be inundated with the completion of the Wilson Dam. There is also an increase of $4,260 over the Budget estimate recommended in the appropriation for international exchanges.

For the Astrophysical Observatory an appropriation of $31,180 is recommended for 1926. This sum is $9,600 more than the amount available for the current year and is $9,560 more than the estimate. It was developed during the hearings that for a number of years past Mr. John A. Roebling, of New Jersey, has been contributing approximately $8,000 annually for scientific research by the Astrophysical Observatory, and now that investigations of the radiation of the sun have passed through the experimental stage and it is possible to predict weather conditions for substantial periods in advance, he has withdrawn his support, and the committee is of the opinion that sufficient funds should be provided to carry on this work. To reduce the amount recommended would necessitate the abandonment of the station at Montezuma, near Calama, Chile, South America, which is particularly adapted to this kind of work, because of the absence of rain and where the days of good observation average 260 a year.

UNITED STATES SHIPPING BOARD

The committee recommends appropriations for the United States Shipping Board and the Emergency Fleet Corporation in accordance with the estimates submitted in the Budget. With one exception, the restrictive paragraphs relating to the board and the Fleet Corporation are continued in this bill without change. The paragraph which provided that no part of the appropriations available be expended for preparation of newspapers, magazines, and so forth, has been eliminated, because of the necessity of preparing newspapers and maintaining a library for use of the passengers on vessels under the control of the United States. All competing lines furnish this service to their passengers, and similar service must be given to people using Government ships.

Last year we reduced the appropriations for the Fleet Corporation some $14,000,000, which, according to Admiral Palmer, was the wisest thing Congress has done. This reduction made it necessary to introduce more efficient methods of operation, consolidate existing lines, and reduce overhead expenses. I can not commend too highly Mr. Palmer's administration of the Fleet Corporation, for, although all existing trade routes are being maintained, the operating losses are not so great as heretofore, and his conscientious efforts are bearing fruit. I am including in my remarks at this point a statement showing operating revenues and expenses, the number of ships operated, the amounts received from liquidation, expenditures on account of liquidation and cost of tie-up, and the status of the construction loan fund, from which loans are made for the Dieselization of ships.

UNITED STATES SHIPPING BOARD EMERGENCY FLEET CORPORATION

Comparison of estimated revenue and expense, including appropriations

	Fiscal year 1924, monthly financial statement	Fiscal year 1925, Budget	Fiscal year 1926,[1] tentative Budget
OPERATIONS			
Estimated receipts:			
(A) Amount on hand at beginning of year	$69,706,467.63	$33,576,384.48	$30,000,000.00
Unpaid obligations of prior years	32,146,207.11	33,811,501.91	30,000,000.00
Amount returned or to be returned to United States Treasury	37,560,260.52		
(B) Appropriations	50,000,000.00	30,000,000.00	24,000,000.00
(C) From operation of ships and miscellaneous income	104,317,791.00	95,500,000.00	89,500,000.00
Total	154,317,791.00	125,500,000.00	113,500,000.00
Estimated expenditures:			
Voyage expenses and adjustments	112,412,146.00	99,580,000.00	92,180,000.00
Insurance	7,460,330.00	4,700,000.00	4,000,000.00
Repairs	12,239,543.00	9,540,000.00	9,000,000.00
Administration	7,223,254.00	5,765,000.00	5,300,000.00
Advertising	1,488,726.00	1,235,000.00	1,000,000.00
Capital charges and unusual obligations	5,790,685.00	120,000.00	20,000.00
Expenses of inactive vessels	4,467,570.00	2,000,000.00	2,000,000.00
Reserve		2,560,000.00	
Total	151,082,284.00	125,500,000.00	113,500,000.00
Balance	3,235,536.00		

[1] Estimates for fiscal year 1926 made this far in advance (Jan. 14, 1925) and with the limited time allowed for their preparation must of necessity be very general, and the figures used here may be materially changed in future estimates

Comparison of estimated revenue and expense, including appropriations—Continued

	Fiscal year 1924, monthly financial statement	Fiscal year 1925, Budget	Fiscal year 1926, tentative Budget
LIQUIDATION			
Estimated receipts:			
Miscellaneous liquidation income	$674,295.00	$600,000.00	$300,000.00
Proceeds of sales (direct to construction loan fund during 1924)		8,000,000.00	6,000,000.00
Total available for liquidation expense and construction loan fund	3,909,831.00	8,600,000.00	6,500,000.00
Estimated expenditures:			
Expenses of laid up fleet	2,915,814.00	3,000,000.00	2,500,000.00
Administration	1,308,777.00	1,440,000.00	1,130,000.00
Expenses of dry-docking and overhauling laid-up ships		2,000,000.00	
Miscellaneous liquidation expense	94,848.00	40,000.00	40,000.00
	4,319,439.00	6,480,000.00	3,670,000.00
Deficit or balance to construction loan fund or miscellaneous receipts	409,608.00	2,120,000.00	2,830,000.00
Estimated number of ships in operation:			
Cargo	338	297	(1)
All others	50	50	(1)

[1] Due to lack of details on the 1926 estimate, it is not possible at this time to give an estimate of the number of vessels to be operated during the fiscal year 1926.

CONSTRUCTION LOAN FUND

Estimate of possible increases and decreases to June 30, 1926

	Fiscal year 1924	Fiscal year 1925	Fiscal year 1926
Amount of fund at beginning of fiscal year	$50,000,000	$60,880,000	$47,800,000
Estimated net proceeds available for credit to fund	[1] 11,280,000	2,120,000	
	61,280,000	63,000,000	47,800,000
Loans made or estimated to be made	400,000	7,700,000	5,000,000
	60,880,000	55,300,000	42,800,000
Estimated disbursements account Dieselization program		7,500,000	10,000,000
Estimated balance at end of fiscal year	60,880,000	47,800,000	32,800,000

[1] Actual amount credited to fund, $11,281,931.62.

Aside from the matters mentioned which pertain to the bill, I wish to call attention to the statements of Mr. O'Connor, chairman of the Shipping Board, and Mr. Palmer, president of the Fleet Corporation, relating to a complete separation of the activities of the board and the Fleet Corporation. The shipping act of 1916 did not contemplate that the board should be called upon to operate ships, yet because of the war, and subsequent legislation that is what happened, and to-day the operation of the fleet is hampered by the control of the Shipping Board. Friction between the board and the Fleet Corporation will continue until there is a complete separation of the two activities. There is no question in my mind but that if the Fleet Corporation was released from legal restrictions now imposed upon it, and given free hand in the operation of the fleet, instead of an operating loss, we would derive some revenue.

If the policy of the Shipping Board is to continue, and not enter the tramp-ship business, the Fleet Corporation will always operate at a loss. Tramp cargoes constitute 30 per cent of our commerce, consisting of grain, nitrates, coal, and so forth. If this class of cargo is eliminated, and the corporation compelled to compete with other highly organized lines in the high-class passenger and cargo freight service, a profit will never be realized. I am of the opinion that a trading service might be established which would enable the operators to pick up cargo wherever it might be, transport it to its destination, and then if return cargo can be secured, say 500 miles distant, permit the operator to contract for other cargo to be transported to the place where he expects to get cargo for the return trip. This is in the nature of a tramp service, but might be operated along some form of trade route, and certainly without injuring existing routes.

I wish at this time to say a word with reference to the claims pending before the Shipping Board Emergency Fleet Corporation. During the consideration of this bill under the five-minute rule I will offer an amendment making certain moneys available, and at that time will be glad to make a detailed explantion of the status of these various claims. I can state briefly at this time, however, that the Fleet Corporation has claims pending in their favor amounting to approximately $137,000,000, as against claims of contractors and others totaling about $196,000,000.

VETERANS' BUREAU

The committee recommends appropriations for the United States Veterans' Bureau in accordance with the estimates submitted in the Budget. The total recommended is $76,258,272.30 less than the total of the appropriations for the current fiscal year. Increases over the amounts available for this year are recommended in the appropriations for military and naval compensation and military and naval insurance, made necessary by the new legislation enacted during the last session of Congress, better known as the World War veterans' act, of June 7, 1924.

I wish to call particular attention to the cost of this new legislation which greatly liberalized hospital treatment and provided for two months' additional pay to rehabilitated trainees. The increased expenditures under the various services of the Veterans' Bureau may be itemized as follows:

Medical and hospital services	$8,000,000
Vocational rehabilitation	8,000,000
Military and naval insurance	2,000,000
Military and naval compensation	16,000,000
	34,000,000

SALARIES AND EXPENSES

Reductions in personnel, economies in the business administration of the field offices, and decentralization will enable the Veterans' Bureau to operate under an appropriation which is $3,703,874.30 less than the sum available for administration for the current year. I can not commend too highly General Hines's splendid efforts and cooperation in bringing the administration of the Veterans' Bureau to a business basis. His straightforward presentation of the work and needs of the bureau is appreciated by the committee, and we are endeavoring to assist him in every way.

MILITARY AND NAVAL COMPENSATION

It is estimated that the sum of $127,000,000 recommended to be appropriated in this bill will be necessary during the fiscal year 1926. While this amount appears as an increase of $44,000,000 over the appropriations available for the current year, I want to make clear that beginning with the fiscal year 1926 we propose to make appropriations for military and naval compensation on an annual basis in order that the Congress may better know the cost of this service. Heretofore the unexpended balances of appropriations previously made were available for military and naval compensation, and under the new scheme it is estimated that approximately $30,000,000 will be covered into the Treasury at the close of this fiscal year.

I wish to direct the attention of the Members to the increase in the number of active claims before this bureau. On June 30, 1924, there were 179,037 active claims, and on September 30, 1924, this number had increased to 186,281. This was due to the liberalizing features of the World War veterans' act of 1924, and the increased cost of compensation of approximately $16,000,000 to which I referred a moment ago is due particularly in the class of beneficiaries that could receive compensation in cases of tuberculosis and neuropsychiatric diseases where the presumption clause was extended until January 1, 1925.

MEDICAL AND HOSPITAL SERVICES

We recommend an appropriation of $35,000,000 for medical and hospital services for 1926. Of this sum approximately $13,500,000 is allotted to other Government services that afford facilities to the Veterans' Bureau and services on the fee basis and under contract service. In June, 1924, there were 22,457 patients of the Veterans' Bureau in various hospitals. This number increased to 27,626 by December, 1924, due to the liberalization of hospital treatment as provided in the World War veterans' act.

VOCATIONAL REHABILITATION

The present plan of rehabilitating the trainee and placing him in employment as quickly as he has reached the point of employability has resulted in a decrease in the amount of funds required for vocational rehabilitation for the ensuing fiscal year. The committee recommends an appropriation of $38,000,000, in accordance with the Budget estimates. On July 1, 1923, there were 80,359 men in training, and at the close of the fiscal year there were 45,347 men in training. The rehabilitation of these men has been made possible

through the assistance of large corporations in placing men in employment when they have been rehabilitated. To provide for two months' additional pay to rehabilitated trainees as authorized in the new World War veterans' act, an additional expenditure of $8,000,000 will be necessary.

WORLD WAR ADJUSTED COMPENSATION

The committee recommends appropriations in accordance with the Budget estimates for carrying out the provisions of the World War adjusted compensation act. A total of 1,439,696 claims have been filed with the Veterans' Bureau, and certificates valued at $729,241,478 issued. In connection with this appropriation, I desire to call attention of the Members to the cost of the so-called "soldiers' bonus," and I shall enumerate the sums already made available, and those proposed, as follows:

Appropriations made to carry out the provisions of the World War adjusted compensation act

General Accounting Office, administrative expenses	$75,240
Navy Department, administrative expenses	450,000
War Department, administrative expenses	3,600,000
United States Veterans' Bureau:	
Administrative expenses	1,188,500
Adjusted service and dependent pay	26,629,398
Adjusted service certificate fund	100,000,000
Total appropriations to date	131,943,138
Recommended in the accompanying bill:	
United States Veterans' Bureau—	
Adjusted service and dependent pay	12,000,000
Adjusted service certificate fund	50,000,000
Total of appropriations made and recommended	193,943,138

Mr. SANDLIN. Mr. Chairman and gentlemen of the House, I realize that after the detailed information that has been given you by the chairman of the subcommittee, the gentleman from Indiana [Mr. WOOD], that a further discussion of this bill will probably be rather uninteresting to you. I want to say at the outset that practically every item that is written into the bill was so written with the full agreement of the subcommittee. There is very little difference of opinion between the members of the committee on any item. I want to say that notwithstanding the fact that it has been stated by some Members of the House who probably believe it that since the Budget law has been written on the statute books of this Nation the power of appropriation has been taken from the Congress. I want to call your attention to the fact that in several items of this bill the Subcommittee on Appropriations has materially changed the figures submitted to the Congress by the Bureau of the Budget. That is a concrete evidence that this House and Congress still have the right to appropriate as it sees fit.

After a study of the hearings held when the Budget law was under consideration, after reading the debates that occurred in this forum and in another body, and reading the testimony of the witnesses that appeared at the hearings before the committee, which was nonpartisan in its formation, which was composed of some of the ablest and most patriotic men in the Congress, I am free to say that the Members of Congress who were responsible for that law being written on the statute books should have no apologies to make for the faith they had in them at that time with reference to the merits of that measure. I think legitimate criticism of men and bodies is helpful at all times, and I have no quarrel to pick with those who criticize the action of the Budget because the committee itself is in disagreement with the Bureau of the Budget in several items of this bill, but I call your attention especially to the fact that the Congress still has the power to change the finding of the Budget when they think a mistake has been made by that bureau. In my humble opinion there is no piece of legislation which has been written on the statute books of this country within the past 15 or 20 years, or longer, that has saved as many dollars to the taxpayers of the country as that law which created the Bureau of the Budget. [Applause.] We are disposed to fall into the habit of criticizing carelessly. This Congress itself has been the subject of criticism which was unjust. When men make mistakes and when bodies make mistakes, there is apt to be criticism and they are subject to criticism and they should be criticized, but the Members of this body especially know that during the past few years criticisms which have been hurled at the members of the Budget Bureau and at the Congress itself have not always been justified. Therefore, I think that we should be careful when it comes to our using that weapon ourselves.

This bill now under consideration by the committee carries appropriation for 22 independent offices of the Government.

A comparative statement of the amounts appropriated for 1925, the Budget estimates for 1926, and the amounts recommended in the accompanying bill for 1926 are as follows:

Independent offices appropriation bill, 1926.—A comparative statement of the amounts appropriated for 1925, the Budget estimates for 1926, and amounts recommended in the accompanying bill for 1926

Object	Appropriations for 1925 in the independent offices deficiency and other acts	Budget estimates for 1926, regular annual and supplemental	Amount recommended in the bill for 1926	Increase (+) or decrease (−), bill compared with 1925 appropriation	Increase (+) or decrease (−), bill compared with 1926 Budget estimates
Executive Office	$440,767.50	$439,960.00	$439,960.00	−$807.50	
Alien Property Custodian	225,000.00	189,220.00	189,220.00	−35,780.00	
American Battle Monuments Commission	500,000.00	(1)	(1)	−500,000.00	
Board of Tax Appeals	[2] 500,000.00	854,320.00	854,320.00	+354,320.00	
Bureau of Efficiency	155,150.00	150,350.00	150,350.00	−5,800.00	
Civil Service Commission	1,012,035.00	997,375.00	999,375.00	−12,660.00	+$2,000.00
Commission of Fine Arts	5,350.00	6,500.00	6,500.00	+1,150.00	
Employees' Compensation Commission	2,650,600.00	2,301,500.00	2,301,500.00	−349,100.00	
Federal Board for Vocational Education	944,000.00	855,270.00	860,000.00	−84,000.00	+4,730.00
Federal Power Commission	11,000.00	26,800.00	26,800.00	+15,800.00	
Federal Trade Commission	1,010,000.00	950,000.00	1,008,000.00	−2,000.00	+58,000.00
General Accounting Office	3,799,852.00	3,701,960.00	3,701,960.00	−97,892.00	
Housing Corporation	882,415.00	743,915.00	743,915.00	−138,500.00	
Interstate Commerce Commission	4,641,864.00	4,913,500.00	6,853,962.00	+2,212,098.00	+1,940,462.00
National Advisory Committee for Aeronautics	470,000.00	534,000.00	534,000.00	+64,000.00	
Perry's Victory Memorial Commission	99,185.00			−99,185.00	
Railroad Labor Board	322,200.00	296,805.00	296,805.00	−25,395.00	
Smithsonian Institution	809,161.66	757,890.00	788,020.00	−21,081.66	+30,130.00
State, War, and Navy Department Buildings	2,458,115.00	2,342,880.00	2,342,880.00	−115,235.00	
Tariff Commission	663,240.00	721,500.00	721,500.00	+58,260.00	
United States Geographic Board	1,000.00	550.00	550.00	−450.00	
United States Shipping Board	30,344,000.00	24,330,000.00	24,330,000.00	−6,014,000.00	
United States Veterans' Bureau	481,958,272.30	405,700,000.00	405,700,000.00	−76,258,272.30	
Grand total regular annual appropriations	533,424,147.46	450,314,295.00	452,349,617.00	−81,074,530.46	+2,035,322.00

[1] Use of unexpended balances.
[2] This sum was allotted to the Board of Tax Appeals from appropriations made for 1925 for the Bureau of Internal Revenue.

While the total amount carried in this bill is $81,000,000 less than in 1925, $50,000,000 of this amount is deducted from the $100,000,000 which is estimated would be necessary each year for the purpose of taking care of the adjusted certificate fund. This $50,000,000 will, of course, have to be appropriated later, and can only be looked upon as a deferring of the matter.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. SANDLIN. Yes.

Mr. BYRNS of Tennessee. As I understood the figures of the actuary which were submitted to the House when the so-called adjusted compensation act was passed, it was stated that in order to provide a fund that would be sufficient to take care of the certificates at the end of the 20 years, and also to take care of the cash payments for the first three years, there would have to be appropriated $155,000,000 for the year 1926.

Mr. SANDLIN. Yes.

Mr. BYRNS of Tennessee. I understand this bill carries $62,000,000 for that purpose.

Mr. SANDLIN. That is true.

Mr. BYRNS of Tennessee. So that really there is a discrepancy of $93,000,000 between the figures carried in this bill and the figures of the actuary which were presented to the House and upon which the House acted when the adjusted compensation bill was passed.

Mr. SANDLIN. As I understand it, the gentleman agrees with me that this is just a deferring of the appropriation.

Mr. BYRNS of Tennessee. Absolutely; and I wanted to emphasize the fact that there are $93,000,000 that have to be taken care of at some time in the future.

Mr. STEPHENS. And why is not that provided for now?

Mr. BYRNS of Tennessee. I think that is a very pertinent inquiry.

Mr. SANDLIN. It is not provided for now because there has not been that number of applications received for certificates that was estimated would be received by this time, although it is felt by all that they will finally come in. They are merely deferred, and after these first certificates go out it is expected that that would stir the matter up in the various districts and that veterans will then begin to file their applications.

Mr. BYRNS of Tennessee. Is there not another answer to the question, and that is that if the $93,000,000 had been appropriated in this bill it would have increased the appropriations for 1926 over those of 1925?

Mr. SANDLIN. I shall let the gentleman and those in the House who are interested draw their own conclusions in respect to that.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. SANDLIN. Yes.

Mr. SUMMERS of Washington. The gentleman would not see any good reason for making an appropriation before it was required by the bureau.

Mr. SANDLIN. I am not criticising this. I am just giving the House the information and letting the House know that this appropriation will have to come later.

Mr. SUMMERS of Washington. I understand the gentleman is not, but I understood the gentleman from Tennessee——

Mr. BYRNS of Tennessee. Mr. Chairman, if the gentleman will permit, the gentleman from Washington voted for the adjusted compensation act, I believe?

Mr. SUMMERS of Washington. Yes.

Mr. BYRNS of Tennessee. I did not. The gentleman voted for it on the assumption that a certificate fund was going to be provided which the gentleman no doubt boasted back in his district——

Mr. SUMMERS of Washington. Oh, I never boast about anything.

Mr. SANDLIN. I hope the gentlemen will not take up too much of my time.

Mr. BYRNS of Tennessee. And which other gentlemen over the country claimed would take care of the bonus for a little over two billion dollars. I ask the gentleman, if he wants to meet the actuary's figures and to appropriate from year to year the amount necessary to provide that fund, whether he is keeping faith with the people of this country, and will it not in the end cost the Treasury more money than was contemplated when the bill was passed?

Mr. SUMMERS of Washington. We are keeping faith because we have made the appropriation that has been estimated.

Mr. BYRNS of Tennessee. You are not making the appropriation in accordance with the actuary's figures. The gentleman knows the excuse that only 50 per cent have applied for certificates now will not answer because they have three more years from now in which to make application.

Mr. SUMMERS of Washington. But we do not want to make the appropriation two years in advance.

Mr. SANDLIN. Mr. Chairman, I would ask that I be not interrupted until I get along further with my remarks.

The CHAIRMAN. The gentleman from Louisiana asks that he be not interrupted for the present.

Mr. SANDLIN. Under the head of vocational rehabilitation there is a decrease of $51,000,000 from the amount carried in the bill for 1925. The law provides that application for vocational training had to be made prior to June 30, 1923, hence the number of trainees are fast declining.

Gentlemen of the committee, if there are any people in this country who are disposed to criticize Congress for not meeting that responsibility which they as representatives of the American people should meet in not fully meeting the expectations of the soldiers and those who are interested in them, I think that a reading of this bill and the appropriation bills which have gone before will be a full answer to any such criticism. I do not know that this Congress has ever refused yet to consider favorably any legislation looking especially to the rehabilitation and compensation of disabled soldiers, and it was, of course, their duty, and I am sure the representatives of the people here have tried to do so faithfully and cheerfully.

In reference to the Interstate Commerce Commission let me say that the appropriation for 1925 was $4,641,804. The Budget estimate for 1926, regular, annual, and supplemental, was $4,913,500. The amount recommended in the bill is $6,853,903, or an increase of $1,940,462 over the estimate of the Budget.

Gentlemen of the committee, the transportation act of 1920 placed many additional burdens upon this commission. If you will read the hearings you will see in detail there presented in a very forceful manner by the officials of the National Industrial League, who represented the shippers of this country, who had the facts and figures and the faculty of presenting them to the committee, the needs of the shippers of this country with reference to the activities of the Interstate Commerce Commission. As far as I know, there was no demand from any of the railroads of the country for an increase for this commission. Of course you readily understand that the activities of the Interstate Commerce Commission are to deal directly with individuals from all sections of the country. We have given them the power under different acts here to regulate the freight rates of the country, to value the railroads, and numerous other duties; and if there is any one thing that the people of this country demand and ask for and which they do not get in many instances it is that the transactions they have with the Government are done in a businesslike and prompt manner. I will say that notwithstanding the fact that the income tax law was, of course, not popular—no tax law is popular—but in my district I heard more complaints from the people about the manner in which their taxes were handled than about the amount of tax they had to pay. If this Congress can do anything in reference to the Interstate Commerce Commission or any department or activity of this Government that would bring about a more prompt action in the dealings of the various Government departments with the people, why I think that should be done. It matters not whether we are in favor of the transportation act and all its provisions. It is a law. Some of the Members of the House do not believe it was wise for that law to carry many of the provisions, such as the recapture and valuation clauses, but, gentlemen, it is a law, and now if you want that law carried into effect there is no way to do it except to give this commission sufficient funds to administer it properly, and after a full hearing it was decided by the committee to raise the estimate of the Budget in the amount that I have indicated.

In reference to the recapture clause, which was under discussion a few minutes ago, there has been paid into the Treasury under protest $5,021,897.97. A major portion of this has been paid under protest, and this contingent fund has not been available for the uses contemplated in the statute. It is estimated that the recapture service for the several past years is as follows: 1920, $5,568,000; 1921, $12,500,000; 1922, $15,000,000; 1923, $36,000,000; 1924, $25,000,000.

The Interstate Commerce Commission will necessarily have to have the final figures on valuation before these matters are definitely settled. It is for the Congress to determine whether they want to finish this work or let it stop right here. The commission tells us that if the appropriation is not increased they do not know when they can finish it, and guessed at 6, 8, or 9, or 10 years in which they could probably complete it. In connection with the appropriation for the Veterans' Bureau I will say that the applications for adjusted compensation can be filed up to January 1, 1928, and on the 1st of January there had been received in the Veterans' Bureau a total of 1,439,698 claims, with an aggregate value of certificates issued of $739,241,498. It is my opinion, and I agree with the gentleman from Indiana [Mr. WOOD], that the National Advisory Committee for Aeronautics are doing a splendid work. This board is composed of experts serving without pay. A gentleman from John Hopkins University is at the head of it. I think he holds the chair of economics there, and the President said in submitting the tenth annual report to the committee, speaking of the national advisory committee:

> Through this committee the talent of America have been marshalled in a scientific study of the problems of flight with the result that today America occupies a position in the forefront of progressive nations in the technical development of aeronautics.

I believe that if any Member of this House will read the hearings on this bill he will become convinced that this country is well abreast and probably ahead of all other nations with respect to the progress it has made in technical development of aeronautics. Although we know that we can not compare in numbers with certain other countries, in the number of airships that they have, yet in technical development I think we are well abreast of them or probably ahead of all of them.

Mr. STENGLE. Mr. Chairman, will the gentleman yield there for a question?

Mr. SANDLIN. Yes.

Mr. STENGLE. I have carefully read over the report of the hearings of the gentleman's committee, and I have discovered nothing in the report by way of explanation of the so-called Bureau of Efficiency. When the distinguished chairman of the committee was on the floor I asked of him why he skipped over that in his descriptions. Will the gentleman, as the ranking Member of the minority side, try to explain to us, if possible, why we should waste $150,000 on that so-called Bureau of Efficiency?

Mr. SANDLIN. Well, of course in all legislative bodies we have experts of different kinds, men who are more or less familiar with different questions; and the gentleman who has just asked the question, which is a legitimate one, is an expert on the matter about which he is talking. He has, of course, made a study of those questions. I can say that I do not believe that there is any board of governmental activity that could be of more benefit than the Bureau of Efficiency.

Mr. STENGLE. If properly operated.

Mr. SANDLIN. Yes; if properly operated. But that is a matter of administration. I want to say this to the gentleman from New York, who is well qualified to discuss this question, probably better than any other Member of this House, that it is only through the Bureau of Efficiency, or the Bureau of the Budget, that we can hope to secure the degree of efficiency that we desire. I asked the head of the Bureau of Efficiency if he was called on by the Bureau of the Budget to go into those particular departments and see their workings and see if changes could be made for the better, or in other words, to bring about a greater efficiency, and he replied that they were doing that, and that they were doing more and more to promote efficiency. That is what this body is doing.

Mr. STENGLE. Why has not the gentleman's committee made some report here in detail to give some excuse to this House for the continuation of a bureau which in actuality has only been doing theoretical work with respect to efficiency?

Mr. SANDLIN. The gentleman can ask the gentleman who prepared the report. So far as I am concerned, I hope the Bureau of Efficiency will not be abolished. If it is not performing the functions for which it was created there should be somebody put at the head of it that will perform so that Members of this House can know what is going on in the departments.

Mr. STENGLE. To all of which I say "Amen!"

Mr. SANDLIN. Gentlemen, with reference to the Shipping Board I will say that I think it is fortunate, indeed, that this matter is being given a study and that hearings are being held upon it before a committee of this House, a committee composed of gentlemen who have made a study of this matter and who will be prepared to report to this House some proposed legislation that may be beneficial.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. SANDLIN. Yes.

Mr. OLIVER of Alabama. There has been some apprehension expressed that a reduction in the appropriation carried for this service may result in a discontinuance of many of the trade routes. Is it the purpose of the Shipping Board to discontinue particular routes which Congress by legislation has directed to be kept up?

Mr. SANDLIN. Well, Admiral Palmer stated that where some ships had been going out of Boston or New York, for example, or different ports, the routes would be so rearranged that the same ships would touch at different ports, and the routes would not be seriously diminished.

Mr. OLIVER of Alabama. The points referred to, of course, are supplied with ships, and many independent lines are running there. But there are some ports on the Gulf that would be very seriously crippled in the handling of business if trade routes starting from there were to be discontinued, notably the city of New Orleans and the city of Mobile, nearby. Does the gentleman fear that the trade routes that we now maintain out of those ports will be seriously crippled by the reorganization?

Mr. SANDLIN. I am not altogether without fear, but I will say this, that the amount appropriated for this purpose under the Shipping Board was the amount recommended by the Budget and by the Shipping Board and Admiral Palmer. I do not know whether the House should make it any larger.

Mr. OLIVER of Alabama. You take the Middle West, and the Mississippi Valley Association; I think they have some fear that this cutting of the appropriation will result seriously in the reduction of some very important trade routes that are now maintained.

Mr. SANDLIN. I hope it will not be so.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. SANDLIN. Yes.

Mr. McDUFFIE. May I ask the gentleman how many ships Admiral Palmer thinks he can keep in operation under the amount you authorize?

Mr. SANDLIN. Something like 275.

Mr. McDUFFIE. What is the number of ships operating now? Is it 325?

Mr. SANDLIN. Not quite so many now, I think.

Mr. McDUFFIE. As a matter of fact, has not the ship service been more or less curtailed as the House has decreased the appropriations?

Mr. SANDLIN. That is true; yes, sir.

Mr. McDUFFIE. Now, did Admiral Palmer suggest to the committee that he might be able to reduce the expenditures in the way of making radical reductions in the personnel, or did he intimate or suggest that he would necessarily have to curtail the actual number of ships that are in the service?

Mr. SANDLIN. He said both. He expected to reduce the appropriation by curtailing the personnel and also by a rearrangement of the routes.

I want to say to the committee that there is no Member of this body who is more interested in this subject than myself. When I first came here I could not see how Congress was justified in spending forty or fifty million dollars for the merchant marine over and above what they were getting. But especially to these Representatives of the West and South is this a very important question. As I said a moment ago, I am glad a study of it is being made by such an able committee as is studying it at this time. A large steel corporation is looking after its exports with its own fleet.

The great oil companies of this country are looking after their exports with their fleets. Henry Ford is going into the shipping business. He has already built two ships and, I understand, is going to build more, but there is nobody to look after the great sections of the country in the West and South or the exporters from all over the country except the Congress of the United States. I will say to the Members from the cotton-growing States that last year 50 per cent of the cotton of this country was exported in ships belonging to the United States and over 30 per cent of the wheat was exported in those ships. Think what it would mean in case of a war here or a war across the water, where the ships of other countries would be taken away. We know what it would mean, as we had an opportunity to know what it meant during the war, when, notwithstanding the price of cotton in Europe was high, we could not sell a bale in this country, but we had to go around peddling one bale at a time because we had no ships available.

Mr. McDUFFIE. Will the gentleman yield?

Mr. SANDLIN. Yes.

Mr. McDUFFIE. The gentleman, then, feels, as many do, that the Government is justified in making an appropriation such as is made for the operation of a merchant marine in spite of the fact that it may not bring a return in dollars and cents in the actual operation? In other words, the return comes from the putting of American goods upon foreign markets by our ships and in getting them there as quickly as a foreigner gets his goods to those markets.

Mr. SANDLIN. Surely. I think that if it is rendering a proper and valuable service to the people of this country it is not necessary that it be put on a self-sustaining basis, any more than that we should expect the Department of Agriculture to be put on a self-sustaining basis. That is the way I feel about the postal bill that is now under discussion. I do not believe the services of the postal employees ought to be based on what is received from the revenues of the Post Office Department.

Mr. LOZIER. Will the gentleman yield?

Mr. SANDLIN. Yes.

Mr. LOZIER. Is not the importance of building up and maintaining a merchant marine accentuated by the fact that last year the American people, according to the best statistics,

paid foreign steamship companies more than $73,000,000 for handling American freight?

Mr. SANDLIN. That is true. And let me say to the gentleman that if the American shippers were as patriotic as the shippers of foreign countries we could build up a merchant marine here very rapidly, because when a foreign purchaser purchases from our people he does so with the understanding that those goods must come to Europe in ships that belong to his country. We have testimony to the effect that six months ago there was no cooperation at all by the American shippers with the Shipping Board, but that within the last six months there has been a little cooperation. I think that probably the lack of cooperation, or some of it, is due to the fact that the big shippers of the country really have not known or felt what was going to be the final determination of this matter by Congress. I think that one thing Congress should do, above all others, is to establish some definite policy with respect to the merchant-marine situation. You can readily see that those who are engaged in shipping and have been shipping over certain lines for a number of years would hesitate to change when some Congress might come and cut off the appropriation entirely for this operation. I will say to the gentlemen from Alabama [Mr. McDUFFIE and Mr. OLIVER], with respect to the appropriation having been cut, that personally I felt this way about it; That there has been suggested by the President some legislation that should be written upon this question.

There is a committee which at this time is studying the question and that committee held hearings all of last summer. They were very interesting hearings and I have read them. That committee is composed of able men who have the interest of this country at heart and who understand the question under investigation. There ought to be some law written so that the American people will know that we will have a policy with reference to shipping in this country which will last over a period of at least 5, 10, or 15 years.

Mr. OLIVER of Alabama. I agree fully with the statement made by the gentleman, but pending action by Congress surely Congress should not by indirection encourage the Shipping Board or the Emergency Fleet Corporation to discontinue some of these trade routes which Congress has directed should be established, and a diminution in the appropriation, as I understand the gentleman, is not to be construed in any way as a direction to the Emergency Fleet Corporation or to the Shipping Board to discontinue these routes.

Mr. SANDLIN. That is my understanding.

Mr. McDUFFIE. May I interrupt to suggest this: Would it not be well for the Congress to write into this bill, if possible, its intention in that regard, so that the Shipping Board may well understand the position of Congress in that respect?

Mr. LOZIER. Will the gentleman yield?

Mr. SANDLIN. Yes.

Mr. LOZIER. Is it not a fact that much more of our tonnage would be carried in American bottoms if it were not for the fact that a great many of the railroads have pooling and traffic agreements with British steamship companies by which the tonnage originating on their lines is diverted to foreign steamships?

Mr. SANDLIN. The statement made by the gentleman from Missouri, I think, is entirely correct and it is borne out by the hearings held on this bill.

Mr. BANKHEAD. I would like very much to have the gentleman give an expression of his opinion as to the suggestion made by the gentleman from Alabama [Mr. McDUFFIE], because I regard that as of very extreme importance.

Mr. SANDLIN. Well, speaking for myself, I would be willing to write into this bill some expression carrying out the views suggested by the gentleman from Alabama [Mr. McDUFFIE]. You understand, however, that the board said this: "This is all we need; we can operate this year by a rearrangement of routes and by the disposition of certain vessels." Then the committee, I believe, would be in this position: We would say, "Gentlemen, take $2,000,000 or more, or $3,000,000 or $4,000,000" whatever the amount might be, "and do what you think best with it." That is the position the committee was in.

Mr. BANKHEAD. I want to say to my friend I did not wish to intimate any criticism whatever of the committee, because I think the action of the committee was thoroughly in accord with its duty. When the executive officers or the administrative officers of this Shipping Board or Emergency Fleet Corporation come and say they can get along with that amount, of course, it is not the duty of the committee to suggest an increase in it.

Mr. SANDLIN. I understand that, I will say to the gentleman from Alabama.

With reference to the appropriation for the Civil Service Commission, I wish to put in the RECORD some figures, and special attention is invited to the fact that on November 11, 1918, Armistice Day, the Civil Service Commission had 917,760 employees in the service. Since that date reduction has brought this service down to approximately 554,986 of date June 30, 1924, a reduction amounting to 39.5 per cent. The employees in the commission were reduced between the two dates above mentioned from $896,000 to $476,000, a reduction of 46.1 per cent. I would like to put in the RECORD, and I will ask leave to do so before I close, the number of employees in each branch of the civil service in Washington, D. C., on December 31, 1924, on June 30, 1924, and June 30, 1916, and also the total on other dates as indicated.

Number of employees in each branch of the Federal executive civil service in Washington, D. C., and outside on December 31, 1924 (estimated); on June 30, 1924, and June 30, 1916; and also totals on other dates as indicated.[1]

Department or office	Dec. 31, 1924 (estimated)			Total, June 30, 1924	Total, June 30, 1916
	In District of Columbia	Outside District of Columbia	Total		
State	806	3,616	4,212	4,697	2,783
Treasury	16,587	36,502	53,089	52,202	30,629
War	6,594	42,201	48,795	50,360	37,695
Justice	631	3,000	3,631	3,631	2,610
Post Office	3,704	296,874	[2]300,578	[2]296,481	250,885
Navy	5,524	37,343	42,867	41,971	35,722
Interior	6,014	11,627	17,641	17,849	19,347
Agriculture	4,887	15,724	20,611	20,665	18,736
Commerce (Oct. 31, 1924)	2,775	9,002	11,777	11,699	9,908
Labor	532	3,302	3,834	3,746	2,504
Government Printing Office	4,300		4,300	4,094	4,028
Smithsonian Institution	485		485	468	784
Interstate Commerce Commission	1,158	255	1,413	1,542	2,243
Civil Service Commission	343	132	475	498	250
Bureau of Efficiency	47		47	49	27
Federal Trade Commission	282	36	318	315	238
Shipping Board	[3] 1,142	2,505	3,647	3,115	
Railroad Administration	371	17	388	577	
Alien Property Custodian	97		97	114	
Tariff Commission	203	11	214	200	
Employees' Compensation Commission	72		72	73	
Federal Board for Vocational Education	71		71	74	
Panama Canal (June 30, 1924)	73	8,817	8,890	8,890	10,291
Superintendent State, War, and Navy Building	1,600		1,600	1,520	217
Railroad Labor Board (June 30, 1924)		67	67	67	
General Accounting Office	1,990		1,990	2,042	
Veterans' Bureau	5,346	22,640	27,986	[4] 27,035	
Miscellaneous	[4] 700	250	[4] 950	[4] 950	165
Total	66,224	493,754	559,978	554,980	438,057

[1] Does not include legislative, judicial, military, or naval services, or the District of Columbia.

[2] Includes 13,200 clerks at third-class offices, 203 screen-wagon contractors, 175 carriers for offices having special supply, 5,315 clerks in charge of contract stations, 10,927 star route contractors, 285 steamboat contractors, and 138 clerks in charge of rural stations. Does not include 36,100 clerks at fourth-class offices, because not paid by the Government, and 21,100 mail messengers, because not included in previous computations.

[3] Includes administrative office of Emergency Fleet Corporation, but not workmen at shipyards or in warehouses or employees on vessels.

[4] Approximate.

With reference to the Federal Trade Commission, we increased the recommendation of the Budget $58,000. This activity of the Government, gentlemen of the committee, I believe is one in which the great majority of the people of this country should be interested, if they are not.

The effect of the order issued by the Federal Trade Commission on July 21, 1924, in what was known as the Pittsburgh Plus case, was brought out in the hearings, and it was shown that the steel industries in Chicago or in that section of the country had been adding to the price of steel $7.50 to cover the freight from Pittsburgh to that section of the country. It was testified by Judge Van Fleet, who is now at the head of this bureau, and an excellent gentleman, I believe, who seems to be very much interested in his work, that that order alone saved the purchasers of steel in this country $30,000,000. Another member of the commission stated that in the building of the Federal Reserve Bank Building at Chicago it cost the Government, by reason of this addition to the freight rates, $60,000 because the building was built before this order to desist went into effect.

There are some other matters I would like to discuss, but I do not care to take up any more time of the committee. Let me say in conclusion that I am thoroughly in accord with the gentleman from South Carolina [Mr. BYRNES], when he

discusses the necessity for a cessation in the creation of any more governmental activities. Some Member speaks about this nearly every day. I have heard this nearly every day that Congress has been in session for the last four years, which covers the time I have had the pleasure and honor of serving with you here. We will never get anywhere, gentlemen of the committee, by talking about it. Do you know what we are doing? We are simply pursuing the course of least resistance. We have a demand from this class of people or from this section of the country to give them a certain activity, and rather than explain to them that they should not have that activity or that it is not good for them or the country, we simply go ahead and say nothing, and when the matter comes up in nine cases out of ten we vote for it.

I think probably what is required is just a little more courage and a little more energy. But we do not like to explain to these people that they are asking for something that will put additional burdens on the taxpayers. It is a hard job to do this, and we usually just go ahead and vote for such measures. Anyone who serves on this committee which handles the appropriations for independent offices has only to look back a few years and see what large amounts have grown from such small beginnings. These establishments will start out probably with one bureau head and one or two stenographers and will probably have an appropriation of $10,000 or $15,000 or $20,000, and then in a few years, gentlemen of the committee, it will run into the millions.

Mr. GREEN. Will the gentleman yield?

Mr. SANDLIN. Yes.

Mr. GREEN. I entirely agree with what the gentleman has said, and I presume the gentleman has also observed that when they get a bureau created they not only use their own efforts to magnify its importance and increase the number of employees, but they do their best to start a backfire behind Members of Congress sometimes in order to have some additional employees granted them and more work referred to them.

Mr. SANDLIN. I think the gentleman has stated the matter correctly. We have all known of such backfires and have felt the effect of them, no doubt, at different times.

Mr. OLIVER of Alabama. Referring back to a subject which I know the gentleman is very much interested in, and I am sure the Members of the House also, in view of a recent decision by the Shipping Board, which is most important, whereby a serious handicap which heretofore has existed against the Gulf ports in the matter of overseas rates, it is of supreme importance that now those same Gulf ports be allowed to continue these trade routes, because with this handicap removed, as a recent ruling of the Shipping Board requires, that shipping can be greatly expedited and enlarged, and I think it is of supreme importance that inquiry be made anew whether with these funds the Shipping Board will be able to continue these important trade routes.

Mr. SANDLIN. I think the matter is very important and should be investigated with the idea in view which the gentleman has just stated. I want to say in that connection before I close that last year there was a condition existing in this country whereby thousands of tons of wheat were congested at the southern ports of this country, and had it not been for the fact that they could call on the Emergency Fleet Corporation and merchant marine vessels were sent to those ports, it would have meant a loss of untold thousands of dollars to the owners of that wheat. Such conditions are liable to arise at any time, and in closing I want to again say that I do not believe there is a more important question to be settled, and settled promptly, especially for the representatives of people who are engaged in large exports, than that of the proper settlement and adjustment of the merchant-marine question.

Mr. WILSON of Louisiana. Before my colleague closes I would like to recur to a statement about the Bureau of the Budget. After the recommendation for any department of the Government has been sent to your committee by the Bureau of the Budget, is there anything that precludes the officials in that department from testifying freely before the committee and giving them any information they desire?

Mr. SANDLIN. In answer to the gentleman's question I will read section 206, which is as follows:

> No estimate or request for an appropriation and no estimate for an increase in an item of any such estimate or request and no recommendation as to how the revenue needs of the Government should be met shall be submitted to the Congress or any committee thereof by any officer or employee of any department or establishment unless at the request of either House of Congress.

Mr. WILSON of Louisiana. I understand that, but does that preclude the committee from bringing the heads of that department before the committee and getting freely all the information which the committee may want before they act?

Mr. SANDLIN. My answer to the question is that it has not done so, and the hearings will show conclusively that we have brought the heads of all the departments before us that are affected by this bill.

Mr. WILSON of Louisiana. Then under the Budget law the Committee on Appropriations is able to get all the information it wants from the various departments and to pursue its own course as to whether or not it increases or decreases the appropriation.

Mr. SANDLIN. Of course, the heads of the department do not ask for an increase, but I will say to the gentleman that the committee can get full information in regard to the needs of the different departments.

Mr. WILSON of Louisiana. But under the Budget law there is nothing to keep the Committee on Appropriations from pursuing its own course?

Mr. SANDLIN. The law provides not only that the officials of the Budget but heads of departments shall come before the committee by request and the committee can question them.

Mr. WILSON of Louisiana. Now, relative to the rehabilitation of the World War veterans. Has the committee in all instances made provision for the amount necessary for building, construction, and maintenance of hospitals?

Mr. SANDLIN. We have allowed for all requests made. I have a letter from General Hines in response to a question I asked him, and he says that they have all the money needed for each and all hospitals.

Mr. WASON. Mr. Chairman, I yield to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, my attention has been called to the activities and results obtained by the shippers' regional advisory boards, of which there are now 10, covering all sections of the country except the New England territory and the States of Washington and Oregon, where boards are to be organized in the near future. These boards are composed of approximately 6,600 representatives of the Department of Agriculture, leading farmers, and industrial organizations, as related to transportation, production, distribution, and consumption of agricultural and industrial commodities. These boards were organized by the car service division of the American Railway Association for the purpose of bringing the shippers and carriers together to function for their territory on all matters which come within the jurisdiction of the car service division, namely, car supply and car service matters. Briefly summarized are the following seven basic points on which the boards are organized as set forth in the blue book of the car service division, and also an outline of the principal duties of the commodity committees of the boards:

(1) To form a common meeting ground between shippers and railroads and the carriers as a whole as represented by the car service division of the American Railway Association for the better mutual understanding of local transportation requirements, to analyze transportation needs in its territory, and to assist in anticipating car requirements.

(2) To study production, markets, distribution, and trade channels of the commodities produced in its territory, with a view to effecting improvements in trade practices as related to transportation and to promoting a more even distribution of commodities where practicable.

(3) To promote car and operating efficiency in connection with maximum loading, and in the proper handling of cars by shippers and railroads.

(4) To secure a proper understanding by the railroads of the transportation needs of shippers, that their regulations may fit shippers' requirements, and to secure understanding by shippers and their cooperation in carrying out necessary rules governing car handling and distribution.

(5) To acquaint shippers and railroads in each section of the country with seasonal requirements in this section in order to promote intelligent cooperation in the handling of equipment between the different districts of the country.

(6) To adjust informally car difficulties which may arise in its territory between carriers and shippers.

(7) To give the shipping public a direct voice in an advisory way in the activities of the car service division of the American Railway Association in all matters of mutual concern.

PRINCIPAL DUTIES OF THE COMMODITY COMMITTEES OF THE REGIONAL ADVISORY BOARD (EXCLUSIVE OF CHAMBER OF COMMERCE COMMITTEES)

1. To analyze and keep currently informed as to the relation and adequacy of transportation service to their industry.

2. To keep abreast with the economic conditions confronting their industry, with a view of determining periodically the approximate volume of production, consumption, and shipping within the board territory.

3. To represent the shippers and consumers of the particular commodity with the railroads as a whole in each board territory on all questions of transportation service and car supply.

4. To study trade channels and distribution practices in their relation to transportation service and car supply, with a view of effecting improvements in the methods of distribution and marketing and the elimination of economic and transportation waste between producer and consumer.

5. To informally adjust all questions or complaints between the carriers and their industry.

6. To deal jointly with other board committees on service questions of mutual interest.

7. To bring about a better understanding of service requirements and regulations and to give the railroads a clear conception of the shippers' or public viewpoint relative to the needs of their industry—to serve as a definite channel through which the American Railway Association will handle questions of service pertaining to each industry—and it is expected that each commodity committee will not only keep the car service division adequately informed regarding the different factors of its business and its transportation requirements, but will undertake to aid in the enforcement of all car service and operating regulations necessary to bring about the service demanded.

8. The car service division will file all of its current reports with board members, who are requested to analyze them carefully and make such criticism and suggestions from their viewpoint as they believe will more clearly demonstrate the needs of their particular industry. Orders of the car service division affecting service and car supply will be filed with the members of the board, and in cases where a condition arises necessitating the withdrawal or increase of car supply in any one district through orders of the car service division, this condition and necessity will be submitted to board members and their advice and suggestions solicited in order that the activities of the car service division will conform to public need in each district.

Each commodity committee through its chairman or vice chairman, who are members of the regional advisory board, is required to present a written report at each board meeting covering:

A. General business conditions affecting their industry in as much detail as practicable, including status of their production; stocks, if any; consumption as indicated by orders, etc. It is not expected that this information is to be given for individual concerns, but that it will be consolidated into one report covering the entire district by the commodity committee. Uniform report blanks, or questionnaires, which may be decided as appropriate by the committee will be furnished in as large a quantity as desired by the district manager.

B. Prospective transportation needs for the next 90 days by giving the approximate number of cars required to move the products, or by giving the relation in volume of the prospective movement as compared with the previous 90 days, and the similar period previous year.

C. Activities in detail of the committee, or its individual members, in their dealings with the carriers since the last board meeting, including the disposition made of questions which may have arisen.

D. Whether railroad service and car supply has been satisfactory since last board meeting.

E. What, if anything, the railroads can do, as related to service, to aid in solving any distribution problems confronting the industry.

F. Steps taken by the committee to insure efficient use of railroad equipment and facilities especially as related to—

1. Heaviest practicable loading per car.
2. Prompt loading and unloading.
3. Limiting use of order bills of lading to practical necessities.
4. Avoiding practice of placing cars "in transit" without definite destination wherever possible.
5. Limiting practices which prompt misuse of reconsigning.

DUTIES OF THE CHAMBER OF COMMERCE COMMITTEES OF THE REGIONAL ADVISORY BOARD

(a) Terminal service questions—movement in terminals less than carload arrangements—adequacy of car supply.

(b) Adoption and enforcement of necessary transportation regulations as they apply to terminal movements and urban loading. The most important of these regulations is the car service rules.

(c) Analysis of the trend of general business conditions in the cities, including in their reports at board meetings the relative condition of business in each of the important centers of the board territory as contrasted with a year ago and with the previous three months.

(d) General point of contact between all industries and the car service division, both as regards service questions and, more important at the present time, to acquaint all shippers and receivers in every one of the communities with the functions, organization, and the purposes of the regional advisory boards.

(e) To aid any of the commodity committees thus to obtain the support of individual units of their industry located in the different specific centers.

Although these boards are of recent origin, the service they have rendered has undoubtedly been of great value to the shippers as a whole and more especially to that of agriculture. One of the outstanding complaints in the past has been the inadequate car supply available in times of peak movement, particularly as related to the movement of livestock and grain where considerable loss was sustained by the grower.

Aside from the efforts of the railroads to improve transportation conditions by putting into service more than 6,000 new locomotives and more than 346,000 new freight cars during the past two years; amongst the principal factors to bring about the present improved conditions are the following instances of constructive actions taken by the boards resulting from the reports and studies made by the commodity committees by anticipating their car requirements for 60 to 90 days in advance of the movement:

1. UNIFORM RULES FOR DISTRIBUTION OF GRAIN CARS

At country points in the Northwest there are three interests which maintain elevators at which farmers may dispose of their grain. First, is the "line" elevator whose ownership is in the larger terminal grain interests who own a chain or line of elevators at country points; second, the independent elevator, which is owned by an individual or company for profit; and third, the cooperative elevator, which is a nonprofit elevator cooperatively owned by producing farmers in the territory from which the elevator draws its grain. Prior to 1923 a large grain crop and a car shortage were more or less coincident. At such times there developed a diversity of opinion as to the basis for distribution of cars between the three types of elevators. The matter had been before the State regulatory bodies in the West, before the legislative branches of the Government, and had even been brought before the Federal body, the Interstate Commerce Commission at Washington, D. C., for solution. However, none of the solutions offered by any of these tribunals had been entirely satisfactory to all interests so it was only natural that upon formation of the northwest regional advisory board that the grain-car distribution rule should be placed before that body for solution. Here, however, a different procedure was followed. Instead of the entire board of disinterested industries passing judgment on the question it was referred to the grain committee composed of representatives of the line, independent, and cooperative elevators, who were instructed to write their own rules. This procedure soon developed the fact that the contention was not between the carriers and the grain interests but between the different grain interests. After two months of conference and consideration the grain committee brought forth a set of rules in which the three interests were in agreement. These rules were then put into effect with the approval of the Interstate Commerce Commission and have since worked without complaint against "blocked" elevators.

[NOTE.—Blocked elevators are elevators which are filled to their capacity and can not receive additional grains until relieved of the congestion by shipments.]

2. UNIFORM RATING FOR SAWMILLS

This matter was disposed of by the southeast regional advisory board. As in the grain distribution rule above cited, there was here, too, a diversity of opinion. The basis on which such ratings were prepared is as follows: That the rating of all sawmills, large or small, on all railroads, including short lines, for car supply shall be as nearly uniform as practicable, and production from November, 1922, to April, 1923, inclusive, is recommended as the basis; 20,000 feet shall uniformly be used as an arbitrary estimate for yellow-pine loading per car; hardwood, 15,000 feet per car.

Where mills are located at competitive points, the aggregate production thereof shall be subdivided, based on percentage of business ordinarily given the respective roads by such mills in times of car plenty.

The reference made here to the feetage basis is to be used where a particular mill did not operate during the entire time from November, 1922, to April, 1923, or to be used as a basis when rating mills commencing operation since that time.

3. FORCING LUMBER LOADERS TO "BULKHEAD" OPEN-TOP CARS

When carriers were unable to furnish closed cars for lumber shipments it had been customary to furnish open-top or flat cars for such shipments requiring the loader to bulkhead the car to prevent shifting of the load. This, lumber shippers contended, was unnecessary, and upon complaint to the southeast board the practice of requiring bulkheading of open cars was discontinued.

4. TERMINAL PERISHABLE COMMITTEES

Through the perishable committees on the various boards there were organized in 65 of the largest cities a subcommittee of dealers in fruits and vegetables, in an endeavor to accomplish a more speedy release of equipment from load, in order that the equipment could be returned to origin territory. This has resulted in a 100 per cent car supply in California for the first time.

5. RELOCATION OF EQUIPMENT

Through the voluntary cooperation of shippers in observance of the car service rules there has been a more general movement of equipment to the territory where it is needed than was the case under mandatory orders. This in itself is of benefit to industry by having equipment built by the carriers for its industries located on home rails.

6. RACK CARS FOR PULP-WOOD SERVICE

In the territory of the Atlantic States board complaint was made by one of the large users of pulp wood that due to the carrier serving them substituting open-top cars for rack cars, as had been customarily furnished, they were put to extra expense in unloading and inconvenience in plant operations. This case was submitted to the paper committee of the Atlantic States board and in conference with the carrier involved arranged to have sufficient box cars converted to rack cars for this service.

7. HANDLING OF COMPRESS TICKETS

Cotton is floated on a cotton bill of lading, which lading is taken up by the cotton dealer's banker at concentration point and is held by the banker as collateral. When the carriers deliver the cotton to the compress they take up a compress receipt or ticket for each bale of cotton delivered, and deliver such tickets to the banker and take up the country bill of lading. The banker now holds the compress receipts or tickets as collateral. In the meantime the dealer, who has been kept advised, proceeds to select into even running grades the cotton for the market, and then directs the compress to press and mark and load into cars the number of bales called for in the spinner's order. When the loading is complete, on a certificate to this effect issued by the carrier's inspector in charge at the compress, the railroad issues the forwarding bill of lading to the dealer, who takes same to the banker, who in turn delivers to him an equal number of compress tickets as there are bales of cotton covered by the bills of lading, and the dealer delivers these tickets back to the compress for cancellation and the satisfying of records. The banker makes draft on the spinner or his agent, the dealer is credited with the proceeds, and all records are closed at the compress point.

Delay to cotton and equipment at compress points due to cotton arriving in advance of the cotton bill and refusal of carriers to give to compress in exchange for compress ticket until arrival of bill was causing some dissatisfaction in Oklahoma. Upon submission to the southwest board an arrangement was worked out whereby cotton was delivered to compress and tickets taken and held by carrier in lieu of cotton or billing.

8. LOADING WET SAND IN BOX CARS

At certain sand-loading points in the Southeast it was the practice of some loaders to load sand into box cars by hydraulic methods. This washing of sand into cars was very destructive to the equipment, due to deterioration. Some carriers permitted such loading, while other carriers forbid the practice. Upon recommendation of the Southeast regional board the practice of refusing box cars for such loading was made uniform.

9. USE OF HARLEM RIVER FACILITIES OF DELAWARE, LACKAWANNA & WESTERN EXTENDED TO BALTIMORE & OHIO RAILWAY

For some years the Baltimore & Ohio Railway had enjoyed the use of the Harlem River facilities of the Delaware, Lackawanna & Western. Owing to the increasing use of the facilities by the Delaware, Lackawanna & Western, the contractual agreement with the Baltimore & Ohio having expired, it was necessary for the latter line to withdraw its service from this station. Unable to immediately secure other facilities, the Atlantic States board was successful in consummating an agreement with the Delaware, Lackawanna & Western whereby the use of the Harlem transfer was extended to the Baltimore & Ohio for a period of 90 days, and in the interim the Baltimore & Ohio provided the necessary facilities.

As an indication of the results of these organizations the following report from the first vice chairman of the Northwest Regional Advisory Board, rendered as a summary of conditions in North Dakota since the organization of that body, represents the feeling on the part of farmers and agricultural shippers who have been intimately associated with the board:

NORTHWEST REGIONAL ADVISORY BOARD,
January 19, 1925.

* * * * * * *

At our first meeting, two years ago, North Dakota shippers had just gone through one of the worst transportation tie-ups in the State's history. In fact, the very fact that such an unprecedented shortage of cars and general tie-up of transportation had taken place was a direct cause for the formation of the regional advisory board. The shippers of North Dakota have seen a steady improvement in the transportation situation since the formation of the board and have seen the railroads serving North Dakota move in the past months without a car shortage or without any serious complaint one of the largest crops the State has ever grown.

Last July, when the board had its meeting at Fargo and when Mr. Betts told those present at that meeting that cars would be provided to move the crop regardless of how large it might be, there was considerable doubt expressed as to the ability of the railroads, even though they had the full cooperation of the American Railway Association and the regional advisory board, to move the crop without serious delays at times.

* * * * * * *

I could burden you with many figures to substantiate the fact that North Dakota's crop per farm was worth more in 1924 than the crop in any other agricultural State. These figures, however, are readily available to all through our Department of Agriculture.

* * * * * * *

Respectfully submitted.

_____,
Vice Chairman, North Dakota.

As shown in the minutes of the proceedings of the meetings everyone interested in transportation matters affecting the car supply of the country are afforded an opportunity to have their transportation difficulties given due consideration and a remedy suggested. As an example of the eighth formal meeting of the Northwest Regional Advisory Board, held at Fargo July 22, 1924, the following members are reported present:

Mr. Frank Milhollan, acting chairman, Bismarck, N. Dak., North Dakota Railroad Commission.
Mr. W. P. Chestnut, Fargo, N. Dak., Fargo Commercial Club.
Mr. P. J. Coleman, Minneapolis, Minn., car service division, A. R. A.
Mr. H. S. Davies, Minot, N. Dak., Minot Daily News.
Mr. H. E. Daley, representing Mr. J. R. Beggs, St. Paul, Minn., J. R. Beggs Co.
Mr. F. R. Durant, Minneapolis, Minn., the Grain Bulletin.
Mr. J. L. Enright, Wilton, N. Dak., Washburn Lignite Coal Co.
Mr. H. A. Feltus, Minneapolis, Minn., the Van Dusen Harrington Co.
Mr. F. L. French, representing J. F. Reed, St. Paul, Minn., Minnesota Farm Bureau Federation.
Mr. Edward J. Fisher, Minneapolis, Minn., Northern Pine Manufacturers' Association.
Mr. R. F. Gunkelman, Fargo, N. Dak., North Dakota Farmers' Grain Dealers' Association.
Mr. G. O. Hage, Crookston, Minn., Red River Development Association.
Mr. Fay Harding, Bismarck, N. Dak., North Dakota Railroad Commission.
Mr. G. A. Heinze, Minneapolis, Minn., De Soto Creamery & Produce Co.
Mr. Paul H. Kirk, St. Paul, Minn., United States Department of Agriculture.
Mr. L. W. Kube, South St. Paul, Minn., St. Paul Union Stock Yards Co.
Mr. S. M. Low, St. Paul, Minn., Minnesota By-Products Coke Co.
Mr. C. W. McDonnell, Bismarck, N. Dak., North Dakota Railroad Commission.
Mr. J. C. O'Connell, Minneapolis, Minn., assistant secretary.
Mr. H. C. Possehl, Baker, Minn., Minnesota Potato Growers' Exchange.
Mr. W. H. Ferry, Minneapolis, Minn., Pillsbury Flour Mills Co.
Mr. A. B. Pratt, Minneapolis, Minn., Northern States Power Co.
Mr. A. A. D. Rahn, Minneapolis, Minn., Shevlin-Carpenter & Clarke Co.
Mr. J. W. Raish, Pierre, S. Dak., South Dakota Railroad Commission.
Mr. Walter R. Reed, Fargo, N. Dak., North Dakota Farm Bureau Federation.
Mr. M. H. Strothman, Minneapolis, Minn., Washburn-Crosby Co.
Mr. C. T. Vandenover, Minneapolis, Minn., Southern Minnesota Mills.
Mr. Alva H. Benton, Fargo, N. Dak., Department of Marketing and Rural Finance, Agricultural College.
Mr. Louis Bender, Wheaton, Minn., Farmers' Elevator Co.
Mr. F. E. Carmack, Grandin, N. Dak., Farmers' Elevator Co.
Mr. J. G. Diamond, Grand Forks, N. Dak., United States Department of Agriculture.
Mr. J. M. Etiman, Mapleton, N. Dak., Farmer-Inventor.
Mr. S. A. Eddy, Minneapolis, Minn., Cunard Steamship Co. (Ltd.).
Mr. R. E. Esthagen, Fargo, N. Dak.
Mr. Charles E. Gage, Washington, D. C., Department of Agriculture.
Mr. H. W. Gearey, Fargo, N. Dak., mayor of Fargo and representing Merchants' National Bank.

Mr. T. Haggen, Wheaton, Minn., Farmers' Elevator Co.
Mr. P. Johansen, Wheaton, Minn., Wheaton Farmers' Cooperative Elevator Co.
Mr. J. J. Kelley, Grand Forks, N. Dak., The Kelly Co., East Grand Forks.
Mr. W. G. Knowles, Moorhead, Minn., Leonard Crosset & Riley.
Mr. E. J. McGrath, Grand Forks, N. Dak., The Kelly Co., East Grand Forks.
Mr. W. C. Macfadden, Fargo, N. Dak., North Dakota Bankers Association.
Mr. James S. Milloy, Minot, N. Dak., Association of Commerce.
Mr. G. E. Peterson, Fargo, N. Dak., the Commercial Club of Fargo.
Mr. Harry E. Reynolds, Fargo, N. Dak., McGrann-Reynolds Fruit Co., Fargo Commercial Club.
Mr. Fred Sudensticker, Wheaton, Minn., Farmers Elevator Co.
Mr. S. O. Winge, Wheaton, Minn., Farmers Elevator Co.

RAILROAD REPRESENTATIVES PRESENT

BALTIMORE & OHIO RAILWAY

Mr. George A. Upton, northwestern freight agent, Minneapolis, Minn.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY

Mr. James L. Brown, superintendent of transportation, Chicago, Ill.
Mr. Thomas J. Strapp, traveling freight agent, Minneapolis, Minn.
Mr. J. H. Degnan, agent, Fargo, N. Dak.

CHICAGO, ST. PAUL, MINNEAPOLIS & OMAHA RAILWAY

Mr. G. L. Ossmann, car-service agent, St. Paul, Minn.
Mr. D. J. Shea, traveling freight agent, St. Paul, Minn.

CHICAGO & NORTH WESTERN RAILWAY

Mr. D. J. Shea, traveling freight agent, St. Paul, Minn.

CHICAGO GREAT WESTERN RAILWAY

Mr. R. B. Croll, superintendent car service, Chicago, Ill.
Mr. M. E. Johnson, traveling freight agent, St. Paul, Minn.

CHICAGO, ROCK ISLAND & PACIFIC RAILWAY

Mr. T. A. Matthews, jr., assistant general freight agent, Minneapolis, Minn.
Mr. W. W. Cameron, trainmaster, Esterville, Iowa.
Mr. D. C. Barrows, traveling freight agent, Minneapolis, Minn.

CHICAGO, INDIANAPOLIS & LOUISVILLE RAILWAY

Mr. J. O. Shortall, general agent, Minneapolis, Minn.

CHICAGO, BURLINGTON & QUINCY RAILWAY

Mr. E. M. Frank, traveling freight agent, St. Paul, Minn.

ERIE RAILROAD

Mr. W. R. Sibley, general agent, Minneapolis, Minn.
Mr. L. T. Coulston, commercial agent, Minneapolis, Minn.

GREAT NORTHERN RAILWAY

Mr. John C. Roth, general superintendent transportation, St. Paul, Minn.
Mr. James Robinson, assistant general freight agent, St. Paul, Minn.
Mr. J. A. Nelson, chief freight claim agent, St. Paul, Minn.
Mr. W. D. O'Brien, general agent, St. Paul, Minn.
Mr. J. L. Rohan, general agent, Fargo, N. Dak.
Mr. D. J. McCarthy, agent, Fargo, N. Dak.

LEHIGH VALLEY RAILROAD

Mr. A. P. Vanstrom, commercial agent, Minneapolis, Minn.

MINNEAPOLIS & ST. LOUIS RAILROAD

Mr. E. J. Sturdevant, superintendent of transportation, Minneapolis, Minn.
Mr. E. A. Healey, traveling freight agent, Minneapolis, Minn.
Mr. T. E. Smith, car distributor, Minneapolis, Minn.

NORTHERN PACIFIC RAILWAY

Mr. P. H. McCauley, general superintendent of transportation, St. Paul, Minn.
Mr. A. Tinling, assistant freight traffic manager, St. Paul, Minn.
Mr. J. C. Simonton, assistant general freight agent, St. Paul, Minn.
Mr. J. M. Mooney, assistant freight claim agent, St. Paul, Minn.
Mr. Fred Brastrup, superintendent, Dilworth, Minn.
Mr. J. L. Dullea, car distributor, Dilworth, Minn.
Mr. Edwin M. Grime, supervisor buildings and bridges, Fargo, N. Dak.
Mr. J. W. Haw, agriculture development agent, St. Paul, Minn.
Mr. H. H. Ellsworth, traveling freight agent, Jamestown, N. Dak.
Mr. L. P. Gellerman, traveling passenger agent, St. Paul, Minn.
Mr. L. R. Challoner, freight agent, Fargo, N. Dak.
Mr. L. T. Stodder, freight agent, Moorhead, Minn.
Mr. M. L. Mikkelsen, passenger agent, Fargo, N. Dak.
Mr. H. A. Aberg, traveling car service agent, St. Paul, Minn.

NEW YORK CENTRAL LINES

Mr. A. L. Evans, general agent freight department, Minneapolis, Minn.
Mr. D. S. Carriel, traveling freight agent, Minneapolis, Minn.

SOO LINE

Mr. W. C. Ranous, superintendent transportation, Minneapolis, Minn.
Mr. G. W. Hawes, general agent, Minneapolis, Minn.

WESTERN WEIGHING AND INSPECTION BUREAU

Mr. C. M. Boyce, district manager, Minneapolis, Minn.
Mr. H. E. Helwig, assistant district manager, Minneapolis, Minn.
Mr. H. W. Nissen, agent, Fargo, N. Dak.

AMERICAN RAILWAY ASSOCIATION

Mr. Donald D. Conn, manager public relations section, car service division, Washington, D. C.
Mr. L. M. Betts, manager closed car section, car service division, Washington, D. C.
Mr. C. Treat Spear, freight station section operating commission, St. Paul, Minn.
Mr. R. H. Grant, car service agent, Minneapolis, Minn.
Mr. B. T. O'Neill, car service agent, Minneapolis, Minn.

I believe all familiar with past and present transportation conditions will agree that through these organizations the producers and shippers of the country, especially the farmers, have been afforded channels through which they can assemble and adjust many of their problems of distribution when related to transportation service. Appreciating the service rendered and the object sought, I felt warranted in asking for time to bring what appears to me to be a valuable service to the attention of the public. They represent a valuable contribution to the success of agriculture and the most forward step in bringing about a harmonious understanding of the problems of agriculture on the part of the railroads and other industries of the country, and are worthy of encouragement and deserving of commendation.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. McDUFFIE].

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, while I am in nowise an expert on the operation of the merchant marine, I belong to that class who are deeply interested in its success.

SHIPPING BOARD

Much criticism has been lodged against the operation of the merchant marine and the Shipping Board during the past few years. We must understand that the problem is a stupenduous one. Doubtless mistakes have been made. It is probably the biggest business in the world that our Government has undertaken to establish. It takes time, and often a long time, to get such a business as this—the competition on the seven seas for our share of the commerce of the world—in operation in an orderly and successful manner. It is not so much the showing in actual money returns to the Treasury from actual activities, though this phase must be considered with reference to some of the activities of the board. The greater service, after all, and the one you and I are deeply interested in is the return to our manufacturers and producers, in the reduction of freight rates, and in finding and establishing markets for our products of field and factory. Stop our merchant marine and we will not only be at the mercy of the foreign shipper in the matter of rates, but our goods will reach foreign markets too late and, indeed, after the goods of our neighbors, the other great nations, have already been placed upon those markets. Commissioner Hill on December 8, in Chicago, made an excellent address to the American Bureau Federation, in which he very aptly cited the business of the United States Steel Corporation and Standard Oil Corporation to prove that commerce follows the flag. This was referred to a moment ago by the distinguished gentleman Mr. SANDLIN. Commissioner Hill said:

> If we depend upon foreign ships to carry our exports, our products will not be the first to these markets. We should have our own merchant marine for this work. It should be galvanized into life, so that it would have the energy and enterprise of our carrying trade of the nineteenth century. Then we could depend on our products being early in the foreign ports to claim their share of good prices. Also our ships would open new markets and make good their claim to preference in these markets by precedence and efficiency of service. An American merchant marine, ably supported and equipped, is necessary to do this.

I believe, gentlemen, that the merchant marine justifies its existence and the money we appropriate from the Treasury for this purpose is a wise and necessary investment. I would direct your attention to a single instance where the Gulf ports were congested with grain and the Shipping Board allocated about 27 additional vessels to the Gulf trade with the result that the producers found a ready market for millions of bushels of grain.

It is most probable that this action of the Shipping Board played an important part in the rise in the price of grain and

added hundreds and countless thousands of dollars to the wealth of the people of the West.

We make no money on the Alaskan Railroad. The Navy brings no money returns nor does our standing Army and its auxiliary forces. The Panama Canal has never until most recent years showed a good money investment. For the present we must consider our merchant marine in the same light—as that of a necessity for the general welfare of the Nation. I am prepared to believe that after all, our investment in ships, if properly managed, will return to our Nation many times in wealth the actual dollars and cents now out of pocket to the American people in their efforts to put the Stars and Stripes upon the high seas and bring our producers in touch with all the busy markets of the world.

May I say just here that the Shipping Board has recently handed down a decision that meets or should meet with the approval of the entire country. It is probably the biggest accomplishment of the board in all its history. The decree or decision destroys a rate differential that existed between north and south Atlantic and Gulf ports on tonnage to Europe. This question has been agitated for some time by various Members of Congress, the committee investigating the Shipping Board, Senator FLETCHER and others. The Gulf section in which I am primarily interested is elated over the decision, and let me say, just here, that while I have had very sharp personal and political differences with Commissioner Thompson—these differences may exist in the future—yet in view of the importance of this decision to the Gulf territory as well as the entire country, I accord to the Gulf commissioner full credit for the part he played in the accomplishment of the desired result. [Applause.]

Mr. LINTHICUM. Will the gentleman tell us what the decision was?

Mr. McDUFFIE. The decision destroys a differential that has existed between ports on the North and South Atlantic seaboard and Gulf of Mexico to Europe, whereby certain ports handled tonnage, by virtue of advantageous rates, which under natural conditions or equal rates would have been handled through the natural outlets for that tonnage. The decision should mean much to our South Atlantic and Gulf ports.

Mr. LINTHICUM. They cut down the differential which had been created by conferences of the steamship companies.

Mr. McDUFFIE. Referring to the appropriation of $24,000,000 for the Shipping Board, I can not let this opportunity pass without calling the attention of the House to this item. The gentleman from Alabama [Mr. OLIVER] has already referred to it. One might read the hearings and note the gradual decrease in number of ships operated each year, and be led to the conclusion that the elimination of our ships from the high seas is not far in the future. You gentlemen of the West are interested in it because these ships are operated as much for the advantage of the West as they are for the seaboard.

If it takes thirty millions or more to keep ships on the established trade routes for a year, I am wondering how the service maintained to-day will be continued everywhere with a decreased appropriation of $24,000,000. It would seem that some service somewhere is bound to suffer. Where this will be is important, and, of course, I am primarily interested in the Gulf ports. I am one of those, however, who believe that it is most important to continue in its fullest vigor our merchant marine from every port possible, because every section of the country is vitally interested. Our investment in these ships is the investment of the whole country.

The question now presents itself:

Where is the curtailment in our service, as a result of this cut in the amount appropriated, going to be made? Will it be ship service, or will Admiral Palmer be able to make radical reduction in the personnel and overhead expenses of the corporation? It occurs to me since the change in the contract under which we now operate our ships, the personnel can be greatly reduced. It would seem that more than 3,000 employees at an expense of more than $7,000,000 is a great overhead and administrative expense and a great problem that must address itself to Admiral Palmer. Indeed, he must make additional reduction in personnel if the service as it stands to-day is to be continued or enlarged. He is to be congratulated on the reduction he has already made. I would not cripple or tie the hands of anyone charged with so much responsibility, but I would like to see this House adopt a provision to this appropriation bill to the effect that any curtailment of the service must be in personnel rather than in the number of ships to be operated. It is so essential, gentlemen, that we continue the operation of these ships, I think Admiral Palmer and the board should have the expression of the House in this regard. No people in the country could be more interested in this question than you gentlemen from the great midwestern sections. The operation of these ships will mean that your surplus wheat and corn can always find a ready market.

I have no desire to perpetuate the Government in the shipping business, nor do I wish to see it compete with private enterprise; I do not like Government operation of any business as a rule. Like many others I hope the day will soon come when private capital will take over our ships and operate them under the American flag. Until, however, we can permanently establish these trade routes and foreign connections for the movement and marketing of our tonnage, private capital will not rush into such an investment. Those who have given this subject the greatest study know that it is most important and essential to our national commerce that we continue the Government operation of our ships to that end. Let me say then, that in our wildest desire for economy we should not fail to provide ample funds for this governmental activity which so vitally affects every section of the Nation.

Many who are interested primarily in the success of the merchant marine have been somewhat alarmed over a resolution which was adopted by the Shipping Board on December 22 seeking to separate the functions and responsibilities of the Emergency Fleet Corporation from those of the Shipping Board and delegating certain powers to the president of the Emergency Fleet Corporation. I here set out the resolution in full, because I think every Member of Congress should be fully advised as to its provisions:

RESOLUTION ADOPTED BY THE UNITED STATES SHIPPING BOARD DECEMBER 22, 1924

Whereas it is the desire of the United States Shipping Board, as far as possible, to place the conduct of its shipping business on a basis approximating commercial precedent and practices; and

Whereas it is the declared purpose of the board that in the operation of ships and handling of Government property by the Emergency Fleet Corporation that the Emergency Fleet Corporation shall report to the Shipping Board as to a board of directors exercising the usual advisory capacity in the determination of broad policies and holding the management responsible for results, in the same manner as large business organizations function; and in order more clearly to define this relationship between the Shipping Board and the Emergency Fleet Corporation in line with the board's desire as above expressed: Therefore be it

Resolved, That the resolution of the United States Shipping Board passed September 30, 1921, as amended January 10, 1924, be, and the same is hereby, amended to read as follows:

Whereas the merchant marine act, 1920, provides that the power and authority thereby vested in the United States Shipping Board may be exercised either directly by the board or by it through the United States Shipping Board Emergency Fleet Corporation, except as therein otherwise specifically provided; and

Whereas in the opinion of the Shipping Board the executive and personnel organization of the Emergency Fleet Corporation is equipped to efficiently exercise through the United States Shipping Board Emergency Fleet Corporation various administrative powers and functions, thus making it possible for the United States Shipping Board to devote its attention to study and determination of the broad and constructive questions of policy relating to the maintenance, development, and encouragement of the American merchant marine under the powers and duties imposed upon the United States Shipping Board by law: Therefore be it

Resolved, That it is the sense of the United States Shipping Board that neither its chairman nor any member of the board should hold any office of the Emergency Fleet Corporation, and that no member of any department of the Shipping Board should hold any office of the Emergency Fleet Corporation unless the Shipping Board and the board of trustees of the Emergency Fleet Corporation concur; be it further

Resolved, That the power and authority vested in the Shipping Board by the merchant marine act, 1920, shall be exercised by it through the Emergency Fleet Corporation in the following matters and to the extent and in the manner hereinafter provided:

1. The selection, employment, or removal of all officers and employees of the Emergency Fleet Corporation and their compensation shall be under the control of the board of trustees and/or officers of that corporation in the manner provided for in the by-laws of said corporation: *Provided, however*, That the salaries and other compensation of the officers and of the trustees shall be subject to the approval of the board: *And provided further*, That the selection, employment, or removal of such attorneys as are engaged in handling construction claims or litigation arising from the same shall be subject to the approval of the board.

2. The management, operation, maintenance, and repair of vessels.

3. In accordance with the provisions of section 7 of the merchant marine act, 1920, the Shipping Board will determine the trade routes to be served. The Emergency Fleet Corporation will make such disposition and allocation of the vessels to serve these routes as will insure efficient and economical operations.

4. The completion or conclusion of any construction, or reconditioning work upon vessels which has heretofore been or may be authorized by the United States Shipping Board.

5. The sale of vessels on terms and conditions laid down by the board and at such prices as the board approves.

6. The operation and sale of housing projects, real estate, railroad, and other similar property, as approved by the board.

7. The operation and sale of dry docks as approved by the board.

8. The custody and sale of all other property and materials.

9. All accounting for the Emergency Fleet Corporation.

10. The insurance of vessels and other property in its custody; and matters pertaining to such insurance.

11. The management and physical operation of piers, and pier warehouses, and terminal facilities owned by or assigned to the Shipping Board.

12. The leasing and rental of offices, warehouses, docks, and storage facilities deemed essential by it for its business and for its terminal facilities.

13. The disbursement and expenditure of all moneys arising out of operations, or otherwise, in connection with the delegated powers; also moneys arising from appropriations heretofore or hereafter made by Congress for the use and expense of the Emergency Fleet Corporation, as allotted by the Shipping Board, subject to the limitations of any or all acts of Congress pertaining thereto.

14. The settlement, including payments or collections, of all matters arising out of the above-mentioned powers before or after the date of this resolution.

15. All matters incidental to any of the foregoing powers, including the negotiation, preparation, and execution of contracts, charters, bills of sale, leases, operating agreements, and other instruments necessary or convenient to the exercise of such powers are hereby conferred upon the Emergency Fleet Corporation; be it further

Resolved, That an accurate record shall be made of the proceedings of every meeting of the trustees of the Emergency Fleet Corporation and a summary thereof be transmitted to the chairman and each commissioner of the Shipping Board; be it further

Resolved, That the voting power upon the stock and the control of the United States Shipping Board Emergency Fleet Corporation shall remain with the United States Shipping Board, according to law; and the president and each of the trustees of the Emergency Fleet Corporation shall deliver to the secretary of the Shipping Board their several qualifying shares of stock in the United States Shipping Board Emergency Fleet Corporation, duly indorsed in blank for transfer; and the officers of the Emergency Fleet Corporation shall deliver to the president of the Emergency Fleet Corporation their several resignations for acceptance at his pleasure; and the president and trustees of the Emergency Fleet Corporation shall deliver to the secretary of the Shipping Board their several resignations for acceptance at the pleasure of the Shipping Board; be it further

Resolved, That in passing this resolution the United States Shipping Board declares that it is its policy to delegate to the Emergency Fleet Corporation all power, authority, and control essential to the full and efficient operation by it of all lines at present operated or which may be hereafter authorized, and the full performance of all powers and authority hereby delegated. All vessels, whether active or inactive, are hereby placed in the custody and care of the Emergency Fleet Corporation; be it further

Resolved, That nothing herein contained shall be construed as a transfer of title or ownership of vessels, docks, or other property, real or personal, belonging to the United States; the possession and control by the Emergency Fleet Corporation of any vessels or other property delivered to it under this resolution shall be solely that of an agent with limited powers. All contracts and agreements made by the United States Shipping Board Emergency Fleet Corporation shall clearly show that the same are contracts and agreements of the United States Shipping Board, acting through the United States Shipping Board Emergency Fleet Corporation as its authorized agent; be it further

Resolved, The right and duty of the Shipping Board to exercise any and all powers of supervision and control vested in or imposed upon it by law remain in full force and effect; be it further

Resolved, That all resolutions, general or special orders, or office memoranda of the United States Shipping Board heretofore passed, inconsistent with the resolution of January 10, 1924, as amended hereby, are repealed, in so far as they conflict with the provisions of this resolution.

There is now pending a bill which seeks to put into law substantially these same provisions. Whether it will be made a part of the program for this session I am not advised, but it occurs to me that no law should be passed by the Congress touching upon the operation of the merchant marine until we receive a report of the special investigating committee created to inquire into the subject. This committee has not completed its investigation and will doubtless not make its report at an early date.

While this resolution may contain some wise provisions, and while all agree that the actual operation of the ships should be done under the exclusive supervision of the Emergency Fleet Corporation, yet there are some provisions of policy in the resolution which I fear will ultimately endanger the success of the merchant marine. In short, some of the objections to the resolution may be set forth as follows:

1. It is legally impossible, in fact, because it attempts to delegate to an agent the duty of performing a judicial function which is clearly an impossibility.

2. In so far as the operation of the fleet is concerned, it delegates all of the power of the board to one man and in view of the record made at the time of the conferences between the board and President Palmer, of the Fleet Corporation, it is quite apparent that such delegation was meant to be unlimited.

3. The right of the board to determine the trade routes or areas is meaningless in view of the understanding between the board and President Palmer at the time wherein it appears clearly that the right to determine what American ports to and from which an operation should be maintained was delegated to the president of the Fleet Corporation. If such power is vested in the president of the Fleet Corporation, it makes little difference what language is used in the resolution with respect to areas or routes. Keeping in mind always that the merchant marine act provides that—

> the board is authorized and directed to investigate and determine * * * what steamship lines should be established and put in operation from ports in the United States * * * and to determine the type * * * and other requirements of the vessels * * * and the frequency and regularity of their sailings, with a view to furnishing adequate * * * service.

The resolution attempts to vest in the president of the Fleet Corporation the custody, direction, and control of all vessels in and out of service, which carries with it the determination of what vessels and how many vessels shall be kept in operation.

4. It is true that the board may claim to have reserved the right to settle all unsettled "construction claims"—certainly all other claims are placed in the hands of the Fleet Corporation for settlement, including claims running as high as a million and a half dollars growing out of charters executed and performed during and immediately succeeding the war period, all of which arose long prior to the advent of President Palmer, and concerning which it can not be fairly said that his judgment is better than the judgment of commissioners who have spent one or even two years working with and upon the same.

5. With only $24,000,000 to expend and the Emergency Fleet Corporation using about $1,000,000 per month for overhead, it necessarily follows there must be a radical reduction in the overhead of the Fleet Corporation or a curtailment in the number of ships continued in the service.

The original of this resolution contained in section 3 this provision—

> In accordance with the provisions of section 7 of the merchant marine act of 1920 the Shipping Board will determine the trade areas to be served. The Emergency Fleet Corporation will make such disposition and allocation of the vessels to serve these areas as will insure efficient and economical operation.

I am advised that Commissioners Plummer, Haney, and Benson were opposed to the resolution in this form while Chairman O'Connor, Hill, and Lisner favored it. On motion of Commissioner Plummer, who had been urged to support the resolution, it was amended by inserting the words "trade routes" in lieu of "trade areas." This being done, the resolution was passed.

The passage of this resolution and the cutting down of the amount appropriated for the operation of our merchant marine, which appears to have the indorsement and sanction of the White House and the leadership of this administration, I fear is a bad omen. One of the reasons why I would trespass upon your time to-day is to call the attention of the Congress and the country to the fact that the Congress never intended that certain powers of the Shipping Board as to policy should be delegated to any other authority, and certainly not to one man. I believe Admiral Palmer is a most excellent gentleman and most capable, but we may not have Admiral Palmer with us always, and, gentlemen, this resolution, passed on December 22,

places too much responsibility and too much power in the hands of one man, I do not care how good a man he may be. I do not see how Admiral Palmer could really care to have all the responsibility with which the board has clothed him. We at least hope the admiral will make the best job he can of it; and in meeting the reduced appropriation let us hope the curtailment or reduction in service will be in personnel rather than in ship service.

We recognize there should be a line of demarcation between the authority of the Shipping Board and the function of the Emergency Fleet Corporation. The actual operation of ships should be the exclusive function of the Emergency Fleet Corporation. Divided responsibility and friction can bring no good results to the service. There are certain fundamentals of policy, however, that should be left entirely in the hands of the Shipping Board. The Congress directed the board to do certain things—establish trade routes, and so forth. A resolution that certainly divides the responsibility of the board in this respect is against the intention and will of Congress, in my judgment.

Again, the board is a creature of Congress, and it is for Congress to say what powers that board may delegate to other authority, the administration and even the White House notwithstanding.

Let us not forget that every time we eliminate an American vessel from the service a foreign vessel takes its place. It is not a lack of tonnage that makes it necessary to take a vessel out of service. The tonnage is here. I beg you, gentlemen, to adopt a provision to this section expressing the will or intent of the Congress, so as to make it clear that the Congress by this reduction in appropriation does not desire that our service, in number of ships operated, shall be diminished or reduced.

My information is that the Shipping Board has a personnel now of more than 3,000, at an expense of more than $7,000,000 per annum.

The operation for December resulted in a loss of $2,119,488.72. The administrative cost during that month was $412,576.02. That is rather a high administrative cost—20 per cent of total operating loss. I know Admiral Palmer is anxious to make some radical reductions, and he has already made some, but I fear he contemplates making further reduction in ship service. That is a matter in which every Member of the House is interested. This House should either give more money for the operation of our merchant marine or should in a proper way express itself specifically to the effect that we do not wish the ship service curtailed. I understand that under recent and better arrangements possibly these ships may be operated at a less cost than ever before.

According to the statements in the hearings my recollection is that during 1924 we operated 338 ships; that number has been reduced under the $30,000,000 appropriation to 297 ships; and under the $24,000,000 appropriation, if you will figure it at more than $2,000,000 a month loss on the freighters alone, to say nothing of the passenger vessels, the admiral can not hope to operate these ships. This committee is not chargeable with this amount of $24,000,000. You gave all that was asked by the board and Admiral Palmer. That is what troubles me. All those in authority seem to approve of this reduction. I can not believe that the members of the Shipping Board would curtail the number of ships to be operated. Is the responsible leadership of this administration desirous of getting our ships off the seas entirely, and so anxious that they are willing to curtail the service of the merchant marine to the detriment of the country as a whole? I warn you, gentlemen, that the signs point that way. If we continue to reduce the appropriation year after year, and put the destiny of the merchant marine in the hands of any one man, no matter how good he may be, the time may not be distant when we will have our ships taken from the seas, and that will be a sad day in the history of the American people. In our wildest desire for economy let us not cripple our merchant marine. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman and gentlemen of the House, in reading the history of the Democratic Party I used to wonder why it was that the patron saint of the Democratic Party, Mr. Jefferson, opposed internal improvements by the Federal Government. I never could understand just why he took that position, and never realized what he evidently had in mind until this session of Congress. When I looked at the river and harbor bill, which has changed its form so materially, making appropriations without designating the amount in the act itself, I thought I could then see danger, but that bill is a splendid bill as compared to the recent bill introduced and reported, known as the public buildings bill, for this session of Congress. The Elliott bill absolutely surrenders all of your constitutional functions, and I now know why Mr. Jefferson opposed the policy of internal improvements by the Federal Government.

It surrenders your right to legislate. And I say now that although its author, the gentleman from Indiana [Mr. ELLIOTT], for whom I have as high regard as any man in this House, disclaims any political intention, I say without fear of successful contradiction that it is the greatest political scheme that has ever been proposed in this House. And I will show you why. In the first place, if you pass the bill in the form in which it is now, it gives blanket authority to the Secretary of the Treasury and combined authority with the Postmaster General, and you will have no trouble in passing the Mellon plan or any other kind of plan that comes from the Treasury Department. In the first place, it is going to be a most potent factor. Another thing, if the Democrats were in power and they should pass a bill of that kind, I would not give you a cent to guarantee a Democratic House and Senate. Why? Because if you pass that bill in the form it is now, every Republican candidate for the Senate and for the House can promise the world and be justified in it under this act. Why, gentlemen, look at what this act does. It does not even confine the expenditure of this money to any particular place. It is a blanket bill, of course.

I say, gentlemen, I hate to come here constantly on the floor and oppose legislation, because it is not my disposition, although I have some disposition to be combative, but it is not my real disposition to try to thwart real legislation. But, gentlemen, this is a monstrosity. My good friend from New York [Mr. DEMPSEY] who so successfully put through this House the greatest river and harbor legislation that has been passed in a half century, he himself would not dare to offer this House, from his committee, such a bill as is brought in here as a public buildings bill. Why, gentlemen, just look at that thing. Who is going to get anything after they pass it? You think you get something but do not fool yourselves. Only men on two committees will get anything, and that is on the Committee on Appropriations and the Ways and Means Committee. Now, you think you are going to get something, but you will find yourself disappointed when you get this bill through. Now, they tell me——

Mr. WILLIAMSON. Will the gentleman yield?

Mr. McKEOWN. For a question.

Mr. WILLIAMSON. The Ways and Means Committee and the Appropriations Committee will not alone pass the Mellon plan in any event.

Mr. McKEOWN. They will be the only members who will get anything out of this bill if we pass it.

Mr. CARTER. But we could not pass the Mellon bill without the Ways and Means Committee.

Mr. McKEOWN. No. Let me call your attention to something else. I believe that in the District of Columbia there ought to be some buildings. I can not understand why it is that they ever let these buildings be builded along down this grand Pennsylvania Avenue, which should have been set aside and the public offices of the United States ought to be put down there. Why some of the people out in the interior actually believe that all the Government functions are housed up here in the Capitol Building. That is what they believe about it. They think that all you have to do is to step around like in a State capitol, and you will find the offices there. They do not realize we have to go 3 or 4 miles after information for them when they request it. But there ought to be buildings along down this avenue, and if the committee will specify how much they will expend in the city of Washington I am one Member who is willing to vote for it, and I am not afraid to do it. But I will never surrender as long as I am here, my rights as a Member of the great House of Representatives, in the performance of my duty as a Congressman.

I say to you you have no constitutional right to delegate your power to some department of the Government. There is no safeguard given here. You can not say how much shall be spent in the District of Columbia. Why, after this bill is through, instead of voting for a bill that picks out the towns, they say that they know more about it; let us pick out the towns. It is a right and responsibility that you want to exercise in designating the city and say how much shall go to that particular city.

Mr. STEVENSON. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. STEVENSON. Is there any limitation at all as to how much they can spend on any one building?

Mr. McKEOWN. There is no limitation at all that safeguards the amount to be spent.

Mr. STEVENSON. Does the gentleman remember the history of the Federal reserve bank in New York, which shocked the country so that we had to put a limit on the amount that they could spend on the building?

Mr. McKEOWN. Well, I have enough confidence in the good judgment of men on that side of the House to believe that they will force this committee to go out and bring in a bill here designating the amount of money needed in the city of Washington and different places in the United States, and we will vote for it. I will go further and say I am willing to vote for public buildings needed wherever they may be, even if Oklahoma does not get a single building.

Mr. TEMPLE. If the gentleman will permit, the gentleman stated a while ago that he had confidence in the judgment of the Members on this side of the House. He does not limit his confidence to this side of the House, does he?

Mr. McKEOWN. No; but this bill was offered on this side of the House and——

Mr. CARTER. Would the gentleman limit it on this side of the House?

Mr. McKEOWN. Not at all.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLANTON. Would not the fair way be to arrange this bill so as to distribute these buildings through the folding room? [Laughter.]

Mr. McKEOWN. That would be justice as compared with the proposed bill.

I am going to tell you what is the matter. When you come to ask the committee to designate the place and amount the reply is that that is "pork barrel legislation." The difference between that, gentlemen, and the present bill which is offered to the present Members of the House is, "Who is going to hand out the pork?" You are going to let the Treasury and the Postmaster General distribute the "pork," whereas under the old form of bill you reserve to Congress itself the right to hand it out.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. LINTHICUM. Why does the gentleman express such a lack of confidence in the executive officers of the Government when Congress has given to the President of the United States the power to equalize tariff duties?

Mr. McKEOWN. That is done so that there may be equality and in order that no particular injury may be done to any particular importer.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BYRNES of South Carolina. I will ask the gentleman if in the river and harbor bill the execution of the different items was not intrusted to the Army engineers?

Mr. McKEOWN. I will say to the gentleman from South Carolina that I was one of the men who opposed the river and harbor bill on the principle that the bill as passed does not conform to the form heretofore employed, in that it did not designate particularly the specific projects and fix the specific amount. I am not opposing the public building bill on the ground of public economy, but the proposition I am opposed to is to surrender the power of Congress to legislate upon the locations and amount of authorizations and to invest that power in some bureau where we do not know how the power is going to be used. That is such a departure from the usual form of legislation that I can not see how gentlemen of the House can bring themselves to vote for a measure of that kind.

Now, gentlemen, we surely are not ready to surrender this $150,000,000 of authorizations and repeal all the safeguards as to the contracts. This measure has no safeguard as to the amount of architectural fees that are to be paid to outside architects. It has no protection as to the amount of estimates of the contracts. It repeals the law that provides that an estimate must be made, and that the building must be constructed within the limit of cost that is fixed. It is against the law to build a building costing beyond the estimate fixed by Congress. Yet we put this all in one bill and say we will give that power entirely to the Secretary of the Treasury.

Gentlemen, I want to say here and now that we have surrendered from time to time our functions and our power as Congressmen to the departments. We have been tending toward centralization until the time has come when we are going to have to go and decentralize the Government and send it back to the several States, where it naturally belongs, and does belong.

Talk about a "pork barrel!" I once defined on this floor what "pork" is. It is simply nothing more than a case where one man has a public building and does not need another, and another man needs one, and that is "pork" in the estimation of the man who has one already.

The term "pork barrel" was initiated or inaugurated by some facetious newspaper or magazine writer. Are we to be swept off our feet and afraid to be criticised by some newspaper or magazine writer somewhere who cries "Pork!" "Pork!"? Why not divide the country into districts, and say how much of the appropriation shall be spent in each district? Under the proposed bill a Member from Oklahoma would not have half a chance to get a building. [Laughter.]

Send this bill back to the committee and let them bring in what is needed immediately for the District with a provision for the Secretary of the Treasury and the Postmaster General to make a survey and report to the next Congres as to the needs of the country.

Mr. HILL of Maryland. Mr. Chairman, the Committee on the Judiciary, to which was referred the bill known as H. R. 5083, providing for the appointment of an additional judge for the district of Maryland, on December 11 last, through the chairman, Mr. GRAHAM, reported the bill to the House with a unanimous favorable recommendation. Mr. GRAHAM, in his report, stated that the appointment of this additional judge was greatly needed in that district and was necessary for the proper administration of justice there, and that such a provision had been recommended by the council of judges. That bill was on the Union Calendar and yesterday it was transferred to the Consent Calendar. There are in the House a number of gentlemen who have rendered a great public service by carefully scrutinizing the Consent Calendar, and——

Mr. BLANTON. Mr. Chairman, rising to a point of order, how did the distinguished white-charger rider from Baltimore get the floor?

Mr. HILL of Maryland. I was yielded to.

The CHAIRMAN. How did the gentleman from Texas get the floor? [Laughter.]

Mr. BLANTON. I am making a point of order. If the gentleman from Maryland is going to discuss his bill, time should be yielded to him.

Mr. HILL of Maryland. The floor was yielded to me informally by the chairman of the committee.

Mr. BLANTON. The chairman of the committee has not any time to yield.

The CHAIRMAN. The gentleman from Texas is not recognized.

Mr. BLANTON. I make the point of order, Mr. Chairman——

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. SANDLIN].

Mr. BLANTON. I make a point of order, Mr. Chairman. The time of the gentleman from Indiana [Mr. WOOD], chairman of the committee, has expired, and the acting chairman, Mr. WASON, has no right to yield time on the bill.

The CHAIRMAN. The Chair is recognizing the gentleman from Louisiana, the only gentleman who has time.

Mr. SANDLIN. What is the status as to time, Mr. Chairman?

The CHAIRMAN. The gentleman from Louisiana has four and three-quarter minutes remaining. The Chair understood that the gentleman was permitting the gentleman from Maryland to proceed.

Mr. SANDLIN. I promised him time.

Mr. HILL of Maryland. Mr. Chairman, I asked for recognition to put in two or three brief letters.

Mr. SANDLIN. If the gentleman would ask it, it would be all right.

Mr. HILL of Maryland. I am almost through.

Mr. Chairman, this bill being on the Consent Calendar, I would like to ask unanimous consent——

Mr. BLANTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The Chair understands it. The gentleman from Texas need not inform the Chair.

Mr. BLANTON. I am exercising my rights, and the Chair can exercise his.

Mr. SANDLIN. I yield to the gentleman from Maryland 15 seconds.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. HILL of Maryland. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD by putting in a brief

letter from the Attorney General and a letter from the chairman and committee of the Bar Association of Baltimore on this question. This bill is unanimously favored by the Judiciary Committee, urged by the Attorney General, and needed in Maryland. I make this statement now and insert these letters in the RECORD in the hope that no gentleman will object to the consideration of the bill when the Consent Calendar is called next Thursday.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The letters referred to follow:

DEPARTMENT OF JUSTICE,
Washington, D. C., January 15, 1925.

Hon. JOHN PHILIP HILL,
United States House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN HILL: Permit me to thank you for your letter of January 2 and to advise that you are correctly informed as to the attitude of this department regarding an additional judge for the district of Maryland.

Under date of December 24, 1924, we advised Judge Soper as follows: "The statistics now available, and which were not available in January of this year, indicate that congestion has doubled in the district of Maryland, nothwithstanding your own very commendable efforts. I think you are to be congratulated upon the number of cases disposed of in the last fiscal year, and I fully appreciate that you can not be expected to work indefinitely at the rate you have been working. In view of the number of cases disposed of, the increase in congestion, and the certainty that there is very little prospect of there being a reduction in the number of cases filed, I believe that this department can consistently advise Congress that the situation in Maryland has now become more urgent."

We also assured him that the Attorney General agreed with the judicial conference as to the need for an additional judge and would gladly so recommend.

With kindest regards and best wishes, I am,

Very truly yours,

RUSH L. HOLLAND,
Assistant Attorney General.

BALTIMORE, *January 8, 1925.*

Hon. JOHN PHILIP HILL,
House of Representatives, Washington, D. C.

DEAR COLONEL HILL: The Bar Association of Baltimore City has appointed the undersigned a committee for the purpose of furthering the enactment of your bill, known as H. R. 5083, providing for the appointment of an additional judge for the district of Maryland, which, through your efforts, was favorably reported unanimously by the Committee on the Judiciary.

The urgency of the need for the appointment of an additional district judge in Maryland has been recognized by the Chief Justice; Judge Woods, senior circuit judge of the fourth circuit; Circuit Judge Rose, formerly district judge of Maryland; the present District Judge Soper; and by Maryland lawyers generally.

The volume of business has been and is increasing very rapidly. Exclusive of bankruptcy cases, which require considerable time and attention from the court, the number of cases docketed was 1,043, 1,473, and 1,997 for the years 1922, 1923, and 1924, respectively; that is to say, was increasing at the rate of 45 per cent per year. The number of cases disposed of for the same years respectively was 1,033, 1,347, and 1,652, with the result that at the end of 1924 the cases pending numbered 692.

The 127 district judges for the whole of the United States disposed in 1923 of 97,068 cases, exclusive of bankruptcy cases, or an average of 764 cases for each judge (report of Attorney General for 1923, p. 114), which was less than one-half the number of cases disposed of during 1924 by the present district judge for the district of Maryland. The disposal of the very large number of cases during 1924 was made possible only through the holding of court for unusually long hours and by almost continuous work at night by the judge, with resultant mental and physical demands which can not conceivably be permanently continued. It is obvious, therefore, that the limit for disposition of cases by the present judge has approximately been reached, and that unless an additional judge is immediately appointed the end of the current year will witness our dockets congested, with cases undisposed of exceeding 1,000.

Not alone is the volume of business growing, but the importance of the civil litigation is of increasing magnitude and requires longer periods of time for their trial. The situation is acute and is unjust alike to the court, to litigants, and to the attorneys practicing before the court, and unless relief is afforded promptly it will not be long before the "law's delay" in our local District Court may often defeat justice.

Our committee, both individually and as a group, are willing to cooperate with you in any way in which you may desire to make manifest to the responsible leaders of the House the imperativeness of immediate enactment of your H. R. 5083.

Very truly yours,

Clarence K. Bowie, chairman; Charles H. Knapp; Randolph Barton, jr.; Charles P. Coady; A. W. W. Woodcock; S. K. Dennis; George Weems Williams; J. Kemp Bartlett; Jesse N. Bowen, president Baltimore City Bar Association.

Mr. SANDLIN. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND of Georgia. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting part of an editorial from the Manufacturers' Record, entitled "The so-called child labor amendment."

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. BRAND of Georgia. Mr. Chairman, I made the request for leave to extend and revise my remarks for the purpose of including in the RECORD an editorial from the Manufacturers Record, first, because this editorial contains a copy of a letter material to the subject matter as related to Georgia from Hon. S. G. McLendon, secretary of state of the State of Georgia, which refers to the last report of Hon. H. M. Stanley, the commissioner of commerce and labor of the State of Georgia, and in the second place and particularly for the reason that the State of Georgia has been misrepresented throughout the United States upon its action on the child labor amendment, and likewise misrepresented not only by persons in public addresses but by newspapers, which misrepresentation broadcasted throughout the land charges that Georgia not only has no child labor laws but tolerates the working in cotton mills children of tender years.

The Georgia law upon this subject is found in Parks Code of Georgia, sections 3149 (a), (e), and (g), the substance of which provides that no child under the age of 14 years shall be employed by or be permitted to work in or about any mill, factory, laundry, manufacturing establishment, or place of amusement, except that children over 12 years of age who have widowed mothers dependent upon them for support, or orphan children over 12 years of age dependent upon their own labor for support, may work in such places. There is also provided in the Georgia law a penalty for violation of this statute.

Notwithstanding this, it appears in a speech by Mrs. Carrie Chapman Catt recently delivered in New York in which she said "there is no child-labor prohibition in Georgia"; and that the Cincinnati Times-Star in a recent issue in defense of the child labor amendment made a similar statement, and that one woman in California, describing child-labor conditions, charged that she had seen many children 4 years of age working in southern cotton mills.

The editor of this editorial has done the State of Georgia a great favor by exposing such silly misstatements:

THE SO-CALLED CHILD LABOR AMENDMENT

When Massachusetts, long noted for its devotion to the welfare of children and to their amplest protection, after a full discussion of the proposed child labor amendment voted overwhelmingly against the amendment, the advocates of this amendment were so startled that ever since then they have been trying to put forth with the utmost unblushing effrontery false arguments of every kind to show why Massachusetts had changed its position. Some of them claimed, with utter absurdity, that because some Massachusetts people were interested in some southern cotton mills they used their power to persuade the people of Massachusetts to vote against the amendment. A more ridiculous proposition was never put forward. * * *

As a matter of fact, leading educators at the head of great institutions of learning in Massachusetts, and women almost without number devoted to the welfare of children, but realizing the danger of the amendment, presented the matter through the press, through pamphlets, and in public addresses, showing how dangerous would be such an amendment and how it would utterly ruin the childhood of all coming generations.

Many proponents of this scheme have said that it was "absurd" to suppose that Congress would pass a law, for the enforcement of the amendment, which would be dangerous to the country. But they overlook the fact, or ignore it, that the Congress which passed such a bill would have no compunctions of conscience against passing a law for the strict enforcement of this amendment.

Congress, some said, is elected by the American people and, therefore, we would never have a Congress which would go directly contrary

to the views of the public at large in the passing of a bill for the enforcement of the amendment. * * * Neither Congress nor the Federal bureaus established in Washington ever fail to go to the very limit of their power. Every bureau created continues to expand its activities, to demand more and more for carrying out its projects, and grows constantly by what it feeds upon in its autocratic activities.

This proposed amendment would take from the States and from parents the entire control of all children until they had passed their eighteenth year. It is a direct and terrific attack upon home life, as well as upon the rights of individual States. * * * Thousands of honest-minded men and women, misled by the propaganda in its favor, and thinking only of the humanitarian point of view which they believe it is intended to carry out, are innocently at work for this amendment. * * *

The kind of stuff which is unblushingly put forward in behalf of this amendment is illustrated in a speech by Mrs. Carrie Chapman Catt, president of the National League of Women Voters, recently delivered in New York, in which she said:

> "Massachusetts defeated the child labor measure, because the Massachusetts mill owners control factories in Georgia where there is no child labor prohibition."

It would be mild to say that this is a falsehood so glaring that anyone who is misled thereby must, indeed, be very poorly informed or else very weak minded. Georgia has most excellent child labor laws. It protects its children in all lines of employment. And yet it has been maligned, and maligned time and again, as other Southern States have been, by just such wild, untruthful statements as those credited in a quoted paragraph in the New York Herald-Tribune from an address by Mrs. Catt.

W. M. McCormick, a leading business man of Baltimore, and president of the Baptist Children's Aid Society of Maryland, in a letter to the Manufacturers Record, called attention to a statement which he had heard in a recent address by a prominent religious leader, and said:

> "I could not believe this, and so wrote to the secretary of state asking for the facts, and am to-day in receipt of a letter from him, a copy of which I am inclosing. I can not help believing that this propaganda against the South originated with those interested in the mills in the North, and I earnestly hope you will find space in your paper to deny these statements, because they are doing our country harm.
>
> "The child-labor amendment is a vicious measure, and I am going to fight it when it comes up in our State. I am interested in children, being, as you know, president of the Baptist Children's Aid Society of Maryland."

The following letter from Judge McLendon, secretary of state of Georgia, in reply to the question raised by Mr. McCormick, shows how absolutely false is the address heard by Mr. McCormick in a Baltimore church.

Judge McLendon's letter is as follows:

DEPARTMENT OF STATE,
Atlanta, Ga., December 2.

Mr. WILLOUGHBY M. MCCORMICK,
Baltimore, Md.

MY DEAR SIR: I am just in receipt of your favor of November 28, in which you say: "Last evening I heard a prominent speaker state that there are 60,000 children in the State of Georgia employed in the mills, not on farms, their ages ranging from 10 to 14 years." You express doubt as to the accuracy of this statement and ask me for the facts. The facts are these:

In Georgia there are 190 textile mills, employing a capital of something over $150,000,000. According to the last report of the commissioner of commerce and labor, Hon. H. M. Stanley, who is an officer and a man of the very highest character, there were in Georgia during the year 1923, 49,432 white persons employed in these 190 mills. In addition to these, there were 4,758 colored employees, not as operatives, but as porters, truck drivers, warehousemen, etc.

Of the white employees there were 44 males under 14½ years of age and 27 females, making in all 71 out of nearly 50,000.

The Georgia law prohibits the employment of persons under 14½, the only exception being orphans over 12 and under 14½ who may be earning their own living, or son or daughter of a widowed mother to whose support the children contribute.

There were in Georgia over 14½ and up to 16, 574 males and 526 females, making 1,100. Of all persons over 16 there were 28,925 white males and 19,400 females, making a total of 48,325. These are actual facts as nearly as they can be told in figures. I inclose copy of Commissioner Stanley's report for 1923, that for 1924 not yet being published, and refer you to page 16. I inclose copy of the Georgia child labor law, in which you will observe that the education of children in factories is well guarded, and this law is rigidly enforced by mill owners in Georgia.

Not only is this true, but the mill village is a new chapter in the industrial life of working people, which, I believe, is peculiar to the South. Not over a dozen of Georgia's textile mills are located in large cities. The great majority of them are located either in or near the smaller towns of the State, and the mill settlement is the property of the company owning and operating the mill. This company furnishes shelter, fuel, and light at rates below those paid by any mill operatives elsewhere, I dare say, on this continent. For instance, in these mill villages the rents charged run from 12½ cents per room per week up to $1 per room per week. The cottages occupied by operatives vary in size, so that families of different numbers may be accommodated in perfectly clean, sanitary buildings with clean, sanitary surroundings.

To go a trifle more into detail, in 1921 there were 188 operatives paying 12½ cents per room per week. There were 8,315 paying 25 cents per room per week. There were 890 paying 50 cents per room per week, and 1,496 paying $1 per room per week. There were many, of course, paying intermediate sums, but none more than $1 per room per week.

The mill owners provide nurseries, kindergartens, schools, swimming pools, libraries, hospitals, Y. M. C. A. halls, churches, playgrounds, doctors, nurses, and teachers for the children of their operatives.

I am sending you, under separate cover, "Industrial Georgia," recently published by the Georgia Railway & Power Co., beautifully illustrated. In so far as that company furnishes power for about a dozen mills, pictures in this booklet can be duplicated from all the other mill villages in Georgia.

It is amazing that Georgia seems to have been picked out as the special target for all the venom and misrepresentation which characterizes this propaganda in support of an amendment the adoption of which would overturn the civilization of this continent, because it would destroy the homes of the people.

Very truly yours, S. G. MCLENDON,
Secretary of State.

* * * The man who stands before the public as a supposed leader, whether in politics or in religious work; who utters statements which are not absolutely provable and which he has not taken the trouble to prove before uttering them, is a false leader and to the utmost extent of his influence is injuring the religious life of the country, for he is making thinking people feel that nothing that such men say is worthy of confidence.

What such men have said about the child labor amendment, however, is only indicative of the kind of falsehood that is being spread broadcast throughout the land by those who are favoring that amendment. For instance, the Cincinnati Times-Star, in a recent issue in defense of the child labor amendment, says:

> "In Ohio we have child labor laws. In Georgia they have not. The Ohio factory owner's products compete with the Georgia factory owner's products, but at the disadvantage caused by the comparatively humanitarian laws of Ohio."

Here is another deliberate falsehood. If the Times-Star did not seek to learn the facts, it was false to its responsibility to its readers, for no paper has a right to make such a deliberate assertion without knowing whereof it speaks. Instead of having no child labor law, Georgia, as shown by Judge McLendon, has a very excellent child labor law, as have all other Southern States.

Moreover, especial consideration should be given in discussions of this kind to the interesting facts set forth in regard to the mill villages of Georgia in Judge McLendon's letter, and these mill villages are typical of the industry in all parts of the South. They furnish superior accommodations and cheaper rents than can be found in any other line of industry in the United States, and instead of being criticized the cotton-mill operators of the South should receive unbounded credit throughout the land for their helpful work in building up the morale, the education, and the religious advancement of their employees.

In the wildest political campaigns in which the utmost bitterness has been developed, sometimes with no regard whatever for the truth, we have never, we think, seen anything quite equal to the untruths, to the misrepresentations, to the half truths, that have been put forward by the advocates of the twentieth amendment. Some of these advocates doubtless intended to be perfectly honest and truthful in their statements, but many of them unquestionably have no desire whatever for truth if they can, by telling an untruth, convert somebody to their way of thinking.

One woman in California, in painting a fearful picture of child-labor conditions, charged that she had seen many children four years of age working in southern cotton mills. That is so unpardonably false that it is difficult to find words in which to characterize it. And yet there are some simple-minded people who swallow it bodily, so gullible are they. The very suggestion of working four-year-old children in a cotton mill is on its face asinine. It is a lie out of the whole cloth. Such a child could no more work in a cotton mill than it could fly; and no cotton manufacturer would under any human condition, even if he had no regard for children, permit children of such an age to fool with costly machinery.

Mr. SANDLIN. Mr. Chairman, I yield two minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and also to include an article on "Why we prohibit."

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I would like to know what the article is.

Mr. SUMMERS of Washington. It is an article on "Why we prohibit." It is from Good Housekeeping and I would like to have it printed in 8-point type.

Mr. LINTHICUM. The gentleman is not asking much, but I shall not object.

Mr. STEVENSON. Reserving the right to object, I want to call the gentleman's attention to the fact that unanimous consent does not permit the insertion of anything in 8-point type which is the extension of a gentleman's remarks, and the Committee on Printing has made up its mind to insist upon that.

The CHAIRMAN. The gentleman from South Carolina states the rule accurately. The committee can not give permission for that. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection? [After a pause.] The Chair hears none.

Mr. SUMMERS of Washington. Mr. Chairman, a wise observer has said:

Prohibition may not prohibit, but it does make liquor hard to get, wrong to sell, bad to drink, dangerous to make, and expensive to buy.

After all, is prohibition a success? And why do we prohibit? Let me introduce Mabel Potter Daggett, who answers these questions in Good Housekeeping in a very convincing manner:

They were speaking of personal liberty. Whose? Why theirs, of course. And their right to the pursuit of a drink. Hadn't it been guaranteed by the Declaration of Independence? And now by a Volstead Act it had been violated! Then in the name of freedom—and while there is any left in the cellar—lift the glasses higher!

Which they are doing, these gentlemen in evening clothes. Sometimes ladies, too, you will find in the glow of the candle-lit dinner table similarly stirred to the defiant defense of principle.

And, of course, ours is a land of liberty, where the very flag waves for freedom. No real American would wish to feel that we are losing ground that way. So the editor of Good Housekeeping said to me, "Suppose you go out and see."

Well, I found Mrs. Collins. And Mrs. Collins tells me that since the enactment of the eighteenth amendment for her and her children it has been a different world.

"How is it different, Mrs. Collins?" I asked.

"Why, look," she exclaimed with an inclusive gesture that swept the room in which we were seated.

There were the green-painted walls of a tenement kitchen. Bright linoleum covered the floor. The tubs were hung with a fresh white valance. The stove shone as if polished with black varnish. A blue-framed mirror over the kitchen sink reflected a picture of the rest of the room—the table, the straight-backed chairs, the little girl at the window with her doll, and the gingham-aproned woman standing with arms akimbo.

Mrs. Collins interpolated: "Maybe you don't know the ways of a man when he's drunk. For 10 years of married life I never before had any furniture that wasn't broke or in pawn."

She swung open a cupboard door. "See my dishes. There ain't so much as a saucer gone from that set. And it used to be I couldn't keep plates enough to set the table.

"That's what I'm tellin' you," she replied. "Mike smashed 'em. Men always will when they're that way. An' there was worse than that he smashed. They will when they're that way. 'Twas the whisky in Mike always made him crazy. But, will you believe it, there's not so much as a black and blue spot on any of my children to-day, praise be to God!

"Of course, there's Johnnie. There's nothing else broke in the house. But there's Johnnie."

The woman before me lifted one corner of her apron to her eyes. At length she managed to tell me.

Johnie is 11. He still has that stiff leg. She had him operated on again last summer at the Hospital for Crippled Children. He walks a great deal better. What was it happened to Johnnie's leg? Why, you see, Johnnie's father broke it.

Then Mrs. Collins hastened to add, "But Mike's not lifted a finger against any of us, not once since the Tub o' Blood was closed."

The saloon with this descriptive title was one of one hundred and seventy-seven that in the wide-open days dotted an area of about eighty city blocks in this particular section of New York lying between Eighth Avenue and the river. Over the bars of these places of public refreshment there passed annually some $3,350,000 from the wages of the workingmen. It made an enormous deficit in what the homes hereabouts had left to pass over the counters of the grocer and the butcher.

Michael Collins, his wife says, never could get by the Tub of Blood on his way to and from the wharves without stopping for a drink Saturday nights, when the big ships were in and he'd have maybe thirty or forty dollars in his pocket. Sometimes he'd stay right through Sunday and come home Monday to go to bed with a whisky bottle for a week.

"Times like that," Mrs. Collins said, "a man's a beast. You don't know the things a woman has to do. It's the women that has done 'em knows. A man just lies there for days, an' you have to wait on him. It's no use to say you won't. It has to be done.

"Sometimes it's not so stupid drunk as that they are, but ugly, an' then they're dangerous. Either way they lose a lot o' time layin' off work. So often like that with Mike, there was nothin' at all comin' in. Any money he had, God knows I needed. I had to go through his pockets to get it.

"One night I hadn't waited until he was deep enough in his sleep. He heard me. 'Twas only 50 cents I found. But he cursed me and said he'd have it back. My children needed milk. I wouldn't give it to him. But he got me down in a corner. Then he put me out in the snow in my nightgown and bare feet. When I came back, he only threw me downstairs again. Before I could get the cop on the beat he was smashin' everythin' that night. It was the stove lid he threw at Johnnie broke Johnnie's leg.

"The judge gave him six months on the island that time. The children had to be sent to the Welfare Home while I was in the hospital. The baby that was born there died. The doctor said, you see, it hadn't been good for me bein' thrown downstairs like that when my time was so near.

"After that, Mike swore he'd never touch another drop. But it just wasn't no use. In no time he was back in the Tub again. When he'd beat us the worst, I could have him arrested. But it was gettin' bad for Eddie, too, in other ways. Eddie was 10 then. He wouldn't stay in any more when his father was drunk. He'd sleep on a cellar gratin' or under a stair or anywhere so's not to be kicked. An' out that way so much Eddie was beginnin' to get in with the gang. When I'd be worryin' the most about Eddie, I'd have his father put away again for nonsupport.

"But what could I do then? There was always the children to feed an' the rent to pay. I went washin' as much as I could. Katie was 7 an' could mind the younger ones. But all I could do was never enough. There was never shoes to go 'round. I put mine on Eddie once when his father was entirely gone. The children at school laughed an' called him 'High-Heeled Annie.' He stayed out of school for a week, hangin' round with the Gattlin' Gang. I didn't know till the truant officer came. The officer said he'd see about the shoes. He fixed it so we got them from the society. From the society, too, we had to have orders for coal when we was freezin', orders for groceries when we was starvin'.

"Sure, now, you see what I mean; it's a different world since the Tub o' Blood is closed. Maybe there's other ways he could find it. But Mike says: 'Fifty cents the drink. Why, all I could get 'ud be only an annoyance. An' you never can tell when it's poison.'

"No," she affirmed, "Mike's off the stuff entirely. See that full coal hod?" Mrs. Collins picked it up joyfully and mended her fire. "Feel that linoleum?" She walked across it with pride. "It's the best quality from the Star Department Emporium." Seating the little girl on her lap, she extended one small foot. "There's my Mamie's shoes. I paid $5.65 for them at the new store that's moved in right where the Tub used to be.

"You see, now on Saturday nights when Mike comes in, he just throws his envelope into my lap an' says: 'That's for you, Mother. I ain't got no use for it any more.' That way now I've always enough to do with. I'm not goin' scrubbin' any more. I'm keepin' my own house clean an' my children off the street as any woman should. Eddie ain't runnin' with the gang any more. He's 14. But there's nights he'll just sit around the table with the others a listenin' to the tales of the sea his father tells 'em.

"Nor we ain't the only ones to whom luck has come. Mike had us all to the movin' picture show on Christmas Eve. Next day the cop says to him: 'I seen you an' the missus an' the kids at the show last night. An' there was at least 10 more of the boys went in like that with their families. The more power to you,' he says. 'For it was the bunch of you in the old days we'd have had in the lock-up by Christmas mornin'.'"

Mrs. Collins was setting her table for dinner. She had spread it with a gay red cloth. On it she had placed the sliced meat left from Sunday. I looked to see. It was a roast of lamb.

And I went down the tenement stairs reflecting on new liberties established, the assurance for Mrs. Collins and her children of the right to personal safety of life and limb, and to roast lamb, and a number of things.

The butcher down the street told me: "Yes; that's right. Roast lamb's the regular Sunday order around here. The trade picked up right after prohibition. But lately," he added, "I don't like the looks of things. The roast lamb orders, I notice, are falling off a little. You see, the saloons are creeping back. That's bad for the women and kids."

There was a boy who thought that, too. And he wrote a letter to the governor of New York State. This was how it read:

"Dear Governor Smith:

"I heard my father say you might sign your name to a beer bill. And my mother is afraid that there may be beer again and may be whisky. Please, Governor Smith, do not sign it. Because then, you see, my father may be drunk again. And when he is drunk there is never enough to eat or anything. And he is always hitting us and making mother cry all the time. And he hasn't been drunk now in a long time, because the saloons are closed. Yours very truly, Charlie Davis."

At the dining-room table at his home in Brooklyn Charlie one night had sat copying something over and over. When he went to bed his mother had picked up from the floor the scrap of paper that she now took from her bureau drawer and passed to me to read. On it was scrawled in a school-boy hand the first draft of this letter that went to a governor.

"We've had three years of heaven, my husband and the children and I," Mrs. Davis said. "Now," and she beckoned me to the window, "see that saloon down the street. I don't know what they're selling there. But men go in and come out reelin'. And," she ended with a sob, "it's been three times already with my husband."

Charlie himself had come in from school and walked with me as I went away. "Do you think the governor got my letter?" he asked. "Anyhow it didn't do any good about the saloons. Isn't there any one can do something, don't you think, about father? You see, my father don't want to drink. He's so sorry when he's sober. He kisses mother and says he'll never do it again. Father'd be all right, you see, if somebody'd only help. Don't you think that somebody will be able to do something?"

"I hope so," I tried to reply encouragingly. But it wasn't enough. "It surely must be that somebody will do something," I had to add very earnestly before the beseeching young eyes let me go.

Up in Boston there is another exhibit that I want to present. Mr. Easton used to be a barn man in charge of the delivery wagons for one of the large department stores. But because he was almost always at least a glass of beer drunk, he was continually getting stepped on or kicked or otherwise injured. And so he was often laid up out of work. Besides, there were the periodical sprees that now and then landed him in jail. Somebody had to supplement the family income. Mrs. Easton used to put the children to bed at seven o'clock and go out scrubbing office buildings until one in the morning. As Mr. Easton got worse, Robert, the eldest boy, had to leave school with his "working papers" and go to a factory. Then there was sickness and high prices, and the family had to have other aid.

But now, to-day, the Eastons are among those who, like the Collins family, have dropped out of the charity records. And they had moved so far away out of their poverty and up in the scale of comfort that I had difficulty in locating them.

Mrs. Easton, wiping up the floor in her neat four-room apartment, rose from her knees and dried her hands. "It's me that knows the misery there is in drink," she said. "All he earned, my man used to leave at the saloon. Oh, the tears I wept and the prayers I said! And nothing at all did any good until the places closed so it wasn't right within his easy reach. Now I don't have to go scrubbin' any more. He brings his pay envelope home every week. And we're livin' like folks. And I put by $5 every month in a bank account. And Robert, since his father stopped drinkin', I was able to put back in school. In another year he'll be ready for the printer's trade."

Mrs. Easton stopped for a moment. Then, "My man ain't spendin' anything for drink," she said slowly, "but," she added, "still there's times it's given to him that we once in awhile have the trouble. You see, he works in a garage now. He's the kind that pleases the fine people, an' they pass him a bottle for a tip. I say to him, 'Why don't you tell them you don't want the stuff that's only made misery for you and your family?' But he says he has to be obligin'. So once in awhile there's trouble. An' it's so hard for my girl that's a Girl Scout, and the other children, to have folks think their father's a drunkard."

The shadow on Mrs. Easton's face deepened. "My heart's in my mouth now because he didn't show up for dinner to-day. An' I'm watchin' the door to see. I'm so fearful he'll have somethin' on him to-night. I'll know before he opens the door. For he'll stumble a little on the stairs. An' the first look in his eyes, I'll see."

With a sigh of resignation, she added: "But, praise be to God, it's so much better than it once was! It's only now and then. And it used to be all the while."

I left Mrs. Easton straining for the sound of the stumbling step on the stair. And in another quarter of the city I found the Burke family. They live in a little house in a back court. You might not think the house so fine. But Mrs. Burke is quite happy about it. There were more children at school. But three or four were tumbling over the doorsill. And one of these Mrs. Burke picked up for me to see.

"This," she said, "I call my prohibition baby. It's the only one of my eight that was born above ground. Always, before we came here, we had to live in some dark basement. Now I buy six quarts of milk a day for my children. And Willie always gets an extra portion."

Willie, who is five, is twenty pounds underweight. The doctor thinks he is tuberculous. The family used to lead a miserable existence. Mrs. Burke went out washing, and the father went on periodical sprees. But it's not happened since the Bunker Hill went out of business. Mr. Burke is working steadily now at a brush factory.

In Providence, R. I., in the outskirts of the city, and set a little back from the street on which it stands, is a trim gray and white cottage. There are marigolds and larkspur abloom in the front yard in summer. In the rear is a fine large garage with a sign above the door, "Patrick Kelly, Electric Trucking." You'll find the name listed, too, in the telephone directory. Patrick Kelly is a business man now. Once he was a drunken teamster usually out of a job. And if he earned $15 a week, his family was lucky to get $5. There were seven children. The family lived anyway they could in back alleys and side courts. Charitable organizations furnished some of their food. The eldest little girl gathered what wood and coal they had from the dumps. When there was no money for shoes, the cinders cut her feet cruelly. Mrs. Kelly went washing, of course. A good deal of his time Patrick Kelly spent in jail. Once, after lying out drunk in a storm, he contracted pneumonia, and from the prison hospital ward word was sent that he wouldn't live. Mrs. Kelly "washed the curtains for a funeral." But Patrick Kelly didn't die. He lived to be drunk many times more. Once, in a murderous frenzy, he attacked his wife and daughters with a carving knife. Two policemen overpowered him and carried him away to a cell.

That was his record over and over, until prohibition arrived and the lights went out in Murphy's saloon. The next day Kelly came home. He'd been away for a week drinking. Somehow now he was sober.

"Maggie," he said, going down on his knees beside his wife where she sat in the kitchen peeling potatoes, "if you take me back just once more, I'll never touch another drop. I mean it, Maggie. Murphy's is closed."

Well, that promise, by the help of God—and also by the help of the Volstead act—Patrick Kelly has been able to keep. The little parlor where I heard about it has a Brussels rug on the floor and green plush upholstered furniture and a polished new piano. A girl came tripping down the stairs in the hall.

"This is my daughter, Eileen," Mrs. Kelly said.

She was a pretty girl ready for the evening in a party dress. Hoops of green, that looked like jade, swung from her small ears, and on her feet were satin slippers. And this was the girl who had gathered coal from the dumps. Such is the fairy magic that was wrought by the pen that signed the new amendment.

But Eileen isn't all. Mrs. Kelly's eyes are the eyes of a happy woman. The short sleeves and the round-cut neck of her blue house-gown revealed plump arms and a white throat. It caught the gleam of a gold necklace.

Mrs. Kelly blushed like a girl. "It's my prohibition present," she admitted. "I got it the Christmas after Murphy's closed.

"'Will ye give me a good dinner if I give ye somethin', Maggie? Pat says to me.

"'Oh, go 'long wid ye,' I says. 'There's always a good dinner for ye when there's the makin's of one in the house.'

"'But Maggie,' he says awkward like, 'I got somethin' fer ye.' An' he pushed a little white box in my hand, an' there the necklace lay in blue velvet. Pat took it out. I couldn't. An' he clasped it on my neck. I ain't never had it off. An' I never shall.

"It seemed like," she said it very softly, "it seemed like when he put the ring on my finger."

She reached in her dress for the locket. As she opened it for me to see, she said defensively: "It was only the drink in my man made him not himself. There's not a better man anywhere than Patrick sober."

And I looked with interest at the handsome Irish face that has managed to hold a woman's love for better, for worse, through so many years of the worst of it.

That can't always be done. In a Pennsylvania factory town, I talked with Mrs. Parker, to whom also "the luck has come." But there's a note of hardness in her voice that hides a broken heart. "The only way you can be sure of a man," she says, "is when he can't get it. I scrubbed eight children through school while their father's money went for whisky. The works kept back the rent from his wages, and the Society helped. Now Frank Parker hasn't been drunk for seven years, not since our town went dry locally. He's got $1,100 in the bank." She brought the bank book for me to see.

"He gives me half the pay envelope," she continued. "I said I'd take mine where I could see it. And I have. The player piano, there,

cost $250. There's a full coal-bin in the cellar. This house I paid $4,000 for. I bought it in war time, and there was some thought the price was too high. But, you see, I've wanted a home all my life. I couldn't wait. Then the location, too, counted. But I said I'd lived all my married life in back alleys. Now I'd have my house right on Main Street."

We sat talking like this in the comfortable sitting room. Suddenly, as I looked into the eyes of the woman before me, I knew. The voice had trailed away in an echo that rang from all the homes through which I had passed.

"So the last time the judge's wife sent for me to wash, I told her I wasn't doing any washing now but my own—"

And it was not alone Mrs. Parker and Mrs. Collins and the rest who spoke. But I had found one whom all of us have missed, our Long Lost Washerwoman. The shadow of her was outlined against the tenement and all the miserable little homes across the railroad tracks in all the small towns. She flashed for an instant before me with her bent shoulders and her bedraggled skirts and her slouching step. Then she was gone. Something tells me we shall not see her again. Women don't wash for other women when they don't have to. When their husband's don't drink, they don't have to.

Oh, I know it's not so good for us—for you and me and the judge's wife. But see what it is for the washerwoman's children.

There's this to remember, too, that when boys and girls go wrong, there are taxes to pay for arresting them. Since the coming of prohibition Chicago has about 1,500, and New York 3,000 fewer arrests per year for juvenile delinquency than was the average for the wet years. In some of the districts of the large cities, there are now fewer calls in a year than formerly in a month, for the services of the Society for the Prevention of Cruelty to Children. School departments everywhere report that where children were once getting working papers, they are now remaining in school to get an education. Philadelphia has some interesting records showing that where formerly between 100 and 200 children a month were withdrawn from school to supplement a family income depleted by a drunken father, the average now is about 15.

Sociologists have pronounced the Volstead Act the greatest child welfare measure ever invented. It is going far also to eliminate poverty. The partial prohibition enforcement that now prevails has already lifted above the ranks of the submerged so many Collinses and Kellys, and Davises, and thousands of others, that statistics give us a startled pause as we read them. In Detroit, poorhouse admissions dropped from 2,214 before, to 800 after prohibition. The Boston Family Welfare Society in 1917 had drink a factor in 27 per cent of its cases, and in 1920 in but 2½ per cent. In some of the smaller towns like Fitchburg, Mass., the number of families requiring assistance has been cut 50 per cent. And 21 of the large cities of the United States, including New York and Chicago, show an average drop of 74 per cent in cases in which drink is a factor in the family breakdown.

Beyond these publicly tabulated figures are other thousands who have found freedom from poverty. There are even homes that never experienced privation, which nevertheless before the coming of the new order were missing much that they might have had. In Philadelphia, in one of the little red brick houses that stand all in a row, an excited and happy woman exclaimed to me:

"For 20 years we've paid rent here, now we've just bought the house."

Like this all through the country, you find people buying and building houses. There is one other striking evidence of what has occured. It's the automobiles that are being purchased. Up in the little town of Ipswich in Massachusetts, the chairman of the board of selectmen said to me:

"Before prohibition we used to have the automobile agency in this town. Now we have five automobile salesrooms. And folks own cars who never before had the money to buy a wheelbarrow."

The factories, too, tell the same story. Packingtown, the dwelling section back of Chicago's stockyards, has a line of automobiles to rival a millionaire's row. It is an industrial district that most vividly reflects the prohibition panorama.

Let's look at Coatesville. This is a Pennsylvania town of about 15,000 population. And Coatesville got a good running start on some of the rest of us by going dry locally about 1912. Of course, they had some wets who were as resentful about it as were those in New York State who have secured the repeal of the enforcement law. In Coatesville, too, they got the bars back. Then a drunken man killed a policeman, and a drunken mob lynched the murderer. And the evidence was at hand that banished booze once and for all. In 1916 Coatesville was permanently dry.

To-day they show you the results. Poverty has practically disappeared. Some families went right off the relief lists on to the banking lists. When only four months of prohibition, the Coatesville savings deposits had jumped by $257,000. Now, on Saturday nights at the banks, you may see the long lines of workingmen slipping over the counter through the teller's window the pay envelopes that used to go over the bar. At the great steel plant 500 workingmen come to their daily labor in their own cars. With employees entirely sober, accidents from careless handling of machinery have dropped 54 per cent, and absences from work, with the elimination of Saturday night sprees, have decreased 80 per cent. Prosperity is everywhere apparent. Three new churches have been built, and homes for which women have waited. Out on the edge of the city, a whole colony of them has been erected since the owners changed the place of deposit for their savings from the saloon to the bank. Many of the colony are foreigners, who formerly had deemed it as necessary to "drink" as to eat.

Ludock came from some place in what is now Czechoslovakia, 27 years ago. He was a good workingman. But when Coatesville went dry, he went in despair to the superintendent of the mill.

"No beer, no whisky, me no kin work," he protested in all seriousness.

He was told that these were inexorable conditions. A few weeks passed. Ludock returned with a radiant face and a bright idea.

"No beer, no whisky, me buy a house," he declared.

Others of the employees became converts to Ludock's plan, and the colony grew. To-day Ludock owns his own house and two more besides that rent for $30 a month each. All have bath rooms, steam heat, and electric lights. Ludock has now retired from the steel mill to run a jitney that meets the trains at the station. There is also another car in his garage at home.

"What for?" I ask in some bewilderment.

"Why, for my family to use when they come into town," explained Ludock.

No; his property is not quite clear. There is a small mortgage on it. "It costs so much to send a boy to college," says Ludock.

"What?" I asked, thinking I had not heard aright.

But it is so. Ludock's eldest son is studying medicine and is going to be a doctor.

Homes like Ludock's now dot the hillsides hereabout. Even before they could be completed the standard of living in Coatesville had begun to rise. Where the bars went out these stores at once moved in—a 5-cent store, a 10-cent store, a lunch room, a bakery, a fish store, a general market, two clothing stores, and a shoe store. Within four months, after the town went dry, one butcher's sales had jumped by $500 per month, a baker's by $600, and a furniture store reported June and July sales $3,500 a month ahead of those for the corresponding period in the previous year.

With the coming of national prohibition what happened in Coatesville was repeated in America at large. Business began at once to expand. Merchants everywhere made ready. A national drink bill formerly amounting to over $2,000,000,000 yearly had been largely wiped out. It was easy to see how there was going to be money to shop with now. In New York the Bowery turned 44 saloons into 63 stores, and Sixth Avenue 46 saloons into 142 stores. Over on Eighth Avenue, where there used to be three saloons and a pool room to every four corners, you can now count the stores that have come instead. Not so long ago the Star Department Emporium, where Mrs. Collins bought her linoleum, was selling just notions and hosiery and aprons. But with the pay envelope tossed into their laps, the tenement women began to demand much more. And the little store spread into an "emporium," with four great plate-glass windows. There are a good many jewelry stores; men are buying trinkets. There are crockery stores, candy stores, but most of all there are shoe stores. The Tub of Blood isn't the only saloon that has given way to that purpose. It is often so. Two new stores in Denver hung out the sign, "Buy shoes where you used to buy booze." Seattle opened five retail shoe stores in place of five saloons.

Next after shoes, wages that once bought whisky now buy milk. Sales throughout the United States have increased by 26 per cent. When Denver went dry one milk route found its sales had jumped by $150, another by $160, and a third by $450 a month. And in Boston, where the Burke family are getting their six quarts a day, the city's consumption in 1920, in spite of the advance in price, was the highest in a decade.

Like this, conditions everywhere have registered prosperity. Savings bank deposits have risen an average of about 33 per cent. And throughout the country it is families like the Eastons and the Parkers and the Ludocks who are back of this financial phenomenon. It is quite evident that a great many people, perhaps even millions, have been set free for the enjoyment of comfort they never knew before. You really can't count all the new rights that have arrived. But there is one that's unmistakable. Practically the Volstead Act has amounted to an amnesty proclamation for thousands of men previously periodically in jail. In Coatesville the patrol wagon has entirely gone out of business. In New York City, where arrests for intoxication for nine years before prohibition averaged 18,373 yearly, the average for the three years following prohibition dropped to 6,917. Everywhere you find similar statistics. The Chicago workhouse in 1922 had hundreds of empty cells. Within 60 days after Lafayette, Ind., went dry the jail there was without a prisoner, a hitherto unheard of experience in

Tippecanoe County. Now you can't begin to count the places that are through with their jails. The county jail at Newburgh, N. Y., is closed. Ipswich and Newburyport, Mass., have sold theirs. Birmingham, Ala., has turned a $100,000 jail into a school. Surely one of the clearest results of the eighteenth amendment is that a good deal of personal liberty formerly behind the bars has been released.

Even there are gentlemen who never have gone to jail who are not without benefit of prohibition to-day. I know a man who is a commuter and makes his garden and mows his lawn in a charming suburb. Nowadays he no longer comes wavering up the walk from the station. And his wife can go to church on Sunday and look the neighbors in the face without feeling a cringing apology to the community.

There is a woman who spent the night on her knees before a satin quilted bed praying that the Volstead bill might pass next day. After it became a law she notified her lawyer that she had decided not to go on with her divorce.

"If anything should happen that my husband begins drinking again," she told me, "I'm going out with a hatchet, as Mrs. Nation did, and smash the saloons."

"Tell her there's a better way," another woman said to me. "We've got prohibition. What we need is men in office to enforce it. Votes by women can put them there."

And she told me of the save American crusade. Through your Sunday school class or your missionary circle or your woman's club you will hear of it in your town. Organizations representing ten million women are enlisted for next November. Any political candidate, from mayor to President, who gets these votes must pledge himself to the enforcement of the United States Constitution down to the eighteenth amendment.

"There's an Army and Navy to do it with," concluded the lady.

She bears a name that is written into our country's history. Some of her ancestors who wrote it there looked from their framed portraits on the wall of the room in which we sat before an open fire. She wore a lovely dinner gown of old Chinese blue.

"I've dedicated my life to the movement to wipe out alcohol," she said. And the necklace at her throat gleamed and flushed as she leaned forward in the firelight's glow. "You see," she mused, "I know the hell it makes for men and women."

She looked steadily into the fire. "I'm not speaking academically," she added. "I mean Dick. Nothing has ever helped at all until prohibition came. Then for the first time in the terrible years, when the hotels and the clubs went dry, Dick became sober. Only once has he slipped. 'Eleanor,' he said to me, 'the only way I'll ever be safe is when the cursed stuff is out of my reach.'"

Some day it may happen like that, as it did in Kansas. Prohibition began to prohibit out there when there arose a brave man. He was the district attorney who, with a menacing mob at his heels, padlocked every saloon in Kansas City. Then the State of Kansas, showing 40 counties without a prisoner for the penitentiary in 10 years, made its banner record.

The United States is not yet dry like that. But already Mrs. Collins hasn't been thrown downstairs in three years. A great many people have roast lamb for dinner. See all the little children drinking milk. And the shoes on people's feet. And the money in the bank and the coal in the bin. One little old liberty was canceled, the right of a man to the pursuit of a drink. Balance it, if you please, with a world set free for the pursuit of happiness instead.

The great American principle is unimpaired. Let the flag still wave. And next November, please remember Charlie Davis's father. Surely you're going to help.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1926, namely:

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON offers the following amendment: Page 1, line 3, strike out the words "the following sums are appropriated."

Mr. BLANTON. Mr. Chairman, this bill, which is providing funds merely for the executive and independent offices, seeks to appropriate $452,349,617. This bill does not embrace appropriations for any of the 10 departments of Government, the 10 departments of Government and their respective bureaus all being provided for in other bills. I want to call attention to the fact that this one bill alone appropriates more money than all of the departments of Government and all their bureaus received during many Congresses, embracing them all up to and including the Fiftieth Congress, the total appropriations for all expenses of the entire Government for the year 1890 being only $385,522,367.61.

I will go back to the Forty third Congress, 1875, and begin with that year, as there is still living and a Member of this House one who was here then. Our distinguished friend from Ohio, General SHERWOOD, was here in 1875 in the Forty-third Congress.

Now, let me show you the total annual appropriations for all of the expenses of the Government in the Forty-third Congress, when our distinguished colleague from Ohio, General SHERWOOD, was then a Member sitting here. There was in the year 1875, covering all of our expenses and for all of the departments and bureaus of Government, only $325,666,791.89 appropriated. The next year in that Congress, 1876, there was $328,128,199.32 appropriated as total governmental expenses for all of the departments. In the Forty-fourth Congress, for the year 1877, there was $299,591,138.70 appropriated, covering all governmental expenses and for all of the departments and bureaus of the Government. In the next year, 1878, there was $296,006,694.21 appropriated, covering all governmental expenses. In the Forty-fifth Congress, for the year 1879, there was $332,407,776.68 appropriated, covering all governmental expenses and for all departments and bureaus. In 1880 there was appropriated for all governmental expenses and for all departments and bureaus only $372,119,629.30. In the Forty-sixth Congress, in 1881, there was for all governmental expenses only $361,572,204.39 appropriated for all the departments and bureaus.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I understood that the gentleman from Louisiana had promised me 15 minutes in general debate, but he did not so understand it and was unable to give me the time, hence I would like to ask for a little more time.

Mr. SANDLIN. Mr. Chairman, I would like to say that I never definitely promised the gentleman 15 minutes, but I told him I would try to take care of him the best I could. As the gentleman stands on that statement, I want to make the RECORD correct.

Mr. BLANTON. Well, Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Chairman, the total appropriations covering all expenses of Government for the year 1882 amounted to only $365,905,479.83. In the Forty-seventh Congress the total appropriations covering all expenses of the Government for the year 1883 amounted to only $422,138,073.31 for all departments and bureaus. The total appropriations for all expenses of Government for the year 1884 amounted to only $355,297,875.23. In the Forty-eighth Congress for the year 1885 the total appropriations covering all expenses of the Government amounted to only $318,829,489.13, while for the year 1886 the total appropriations covering all expenses of the Government amounted to only $336,439,913.20. In the Forty-ninth Congress for the year 1887 the total appropriations for all expenses of the Government amounted to only $387,330,971.90, while for the year 1888 the total appropriations for all expenses of the Government amounted to only $359,011,523.52. In the Fiftieth Congress for the year 1889 the total appropriations for all expenses of the Government amounted to only $408,624,037.37, while for the year 1890 the total appropriations covering all expenses of the Government amounted to only $385,522,367.61, against which compare the present bill now before us, which provides only for the executive and independent offices and does not provide one cent of any of the 10 departments of the Government or any of their many bureaus, yet it appropriates the enormous sum of $452,349,617, which is $66,827,250 more than all of our total governmental expenses were in the year 1890.

Now, remember that I began with the year 1875 in the Forty-third Congress, when our colleague here, General SHERWOOD, began his distinguished service, and then our distinguished colleague from Virginia, Mr. ST. GEORGE TUCKER, also began a distinguished service.

Mr. STEVENSON. Will the gentleman yield to me.

Mr. BLANTON. I yield to the gentleman.

Mr. STEVENSON. The gentleman made a mistake historically. Judge HENRY ST. GEORGE TUCKER was not here in the Forty-third Congress, but his father, Judge John Randolph Tucker, a famous constitutional lawyer, was a Member in 1875. The gentleman from Virginia [Mr. TUCKER] was not here until the Fifty-first Congress. I did not want the

gentleman from Virginia classed as an antediluvian in his absence. [Laughter.]

Mr. BLANTON. I made that mistake by looking at an old RECORD. I thank my friend for correcting it.

Mr. STEVENSON. But his father, John Randolph Tucker, a famous constitutional lawyer, was a Member of this House in the Forty-third Congress.

Mr. BLANTON. But General SHERWOOD was here in the Forty-third Congress; there is no doubt about that, and there is no doubt about the fact that when our distinguished colleague from Ohio, General SHERWOOD, began his service here in 1875 the total appropriations that year for all governmental expenses amounted to only $325,666,791.89; and that in the Fiftieth Congress the total appropriations for all governmental expenses for the year 1890 amounted to only $385,522,367.61, while this bill now before us, providing only for the executive and independent offices alone appropriates $452,349,617, and all of the 10 departments of the Government and their many bureaus get their supply money from other bills.

Mr. CHINDBLOM. Will the gentleman yield? Did the gentleman need for his own support as much 30 years ago as he needs now?

Mr. BLANTON. I will answer that in a moment.

Mr. CHINDBLOM. The gentleman has grown and so has the country.

Mr. BLANTON. Now let us consider the total appropriations in the Fifty-third Congress. In that Congress the distinguished gentleman from Wisconsin [Mr. COOPER] was here. The Speaker, the gentleman from Massachusetts [Mr. GILLETT] was here. In the next Congress, which was the Fifty-fourth Congress, our colleague from New York [Mr. FAIRCHILD] was here, and our friend the gentleman from Georgia [Mr. CRISP], was here.

Mr. LINTHICUM. That was his father.

Mr. BLANTON. Not according to the directory.

Mr. LINTHICUM. That was the father of the present Mr. CRISP from Georgia.

Mr. BLANTON. No; the gentleman is mistaken. In the Congressional Directory opposite his name it says that our present colleague from Georgia [Mr. CRISP] was here representing his father's old district for the unexpired term in the Fifty-fourth Congress.

Mr. LINTHICUM. The gentleman did not come here until the Sixty-third Congress.

Mr. BLANTON. The distinguished gentleman from Maryland is mistaken. The RECORD shows differently.

Mr. STENGLE. I think the gentleman from Texas is accurate. I think the gentleman from Georgia succeeded his father at that time.

Mr. BLANTON. The gentleman from Georgia [Mr. CRISP], our present colleague, was here as a Congressman filling out the unexpired term of his father from the State of Georgia in the Fifty-fourth Congress, according to the directory. But in the preceding Fifty-third Congress, when our distinguished colleague from Wisconsin [Mr. COOPER] and our present Speaker of the House [Mr. GILLETT] began their service here, the total appropriations for all governmental expenses for the year 1895 were only $459,925,178.62, and for the year 1896 the total appropriations for all governmental expenses were only $457,088,344.72, which that year was just a little over four million more than the appropriations provided in this one bill now before us amount to, and which bill does not provide for any of the 10 departments of the Government or any of their many bureaus. I now yield to the gentleman from Illinois.

Mr. CHINDBLOM. I simply wanted to state that the country has grown just as the gentleman has grown.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask for one more minute in order to answer that.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. CHINDBLOM. The gentleman is not complaining about the growth of the country.

Mr. BLANTON. Do not take up my one minute, because I want that to answer the gentleman. These independent offices and special commissions of the Government are growing faster than all the membership of the entire Congress put together, and I am in favor of stopping it. It ought to be stopped, and there must be a stop put to it. When during many Congresses in the life of some of the present Members appropriated annually for all of the departments of Government and for our total governmental expenses nearly $100,000,000 less than this one bill spends simply for the Executive Office and the independent establishments of this Government, and for none of the 10 departments, it is time for the American people to take note of it and to cause steps to be taken through their Congress to stop it. It is growing all the time.

Mr. SNELL. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SNELL. Ninety per cent of this bill is for the Veterans' Bureau; would the gentleman cut that out?

Mr. BLANTON. No; of course, I would not.

Mr. SNELL. Then what are you complaining about?

Mr. BLANTON. But 90 per cent of it is not for the Veterans' Bureau, because the Shipping Board covers more than 10 per cent of the bill alone.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to put in a full table I have prepared covering the remainder of these years.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the manner indicated? Is there objection?

Mr. CHINDBLOM. Mr. Chairman, reserving the right to object, is the gentleman going back to the beginning of the history of this country?

Mr. BLANTON. No; only from the Forty-third Congress down.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, for the Executive Office alone in this bill we are appropriating $75,000 for the President's salary; $7,500 for the President's Secretary; $85,260 for personal services in the office of the President; $35,000 for his contingent expenses, to be expended in the discretion of the President; $2,800 for his printing and binding; $25,000 for traveling and official entertainment expenses of the President, to be accounted for on his certificate solely; $110,000 for the Executive Mansion and grounds; $83,400 for the White House police, which are entirely separate from the other 1,100 policemen of Washington; and $4,000 for uniforming and equipping the White House police.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For printing and binding, $2,800.

Mr. SNELL. Mr. Chairman, I move to strike out the last word.

I simply do this for the purpose of making clear and correcting the figures given by the gentleman from Texas. The gentleman said over 10 per cent of this bill was for the Shipping Board alone. According to the report which I have in my hand the total of this bill is $452,000,000 and the appropriation for the Shipping Board is $24,330,000. The appropriation for the Veterans' Bureau alone is $405,000,000, which is practically 90 per cent of the full amount of the bill, and therefore the statement of the gentleman is not correct according to this report.

Mr. BLANTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. BLANTON. I rise in opposition to the pro forma amendment, Mr. Chairman, just to ask the gentleman a question. I want to ask the distinguished gentleman from New York, who is chairman of the Committee on Rules, and is well posted, if it is not a fact that in addition to this $24,000,000 this bill permits the Shipping Board to expend large sums of unexpended balances and revolving funds?

Mr. SNELL. I am talking about the figures that are carried in this bill, and that is what I supposed the gentleman was discussing. That was the information the gentleman gave to the House.

Mr. BLANTON. I am talking about what this bill authorizes the Shipping Board to spend.

Mr. SNELL. I am talking about the amount that is appropriated here.

Mr. BLANTON. Is it not a fact that they have large amounts which they are authorized to expend from unexpended balances and revolving funds?

Mr. WOOD. There are no unexpended balances that they are authorized to spend.

Mr. BLANTON. They have revolving funds from which they are authorized to spend money.

Mr. CHINDBLOM. Mr. Chairman, I want to suggest as a point of order that we have not reached that item of appropriation in the bill.

The Clerk read as follows:

INDEPENDENT ESTABLISHMENTS

ALIEN PROPERTY CUSTODIAN

For expenses of the Alien Property Custodian authorized by the act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, including personal and other services and rental of quarters in the District of Columbia and elsewhere, per diem allowances in lieu of subsistence not exceeding $4, traveling expenses, law books, books of reference and periodicals, supplies and equipment, and maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, $188,420, of which amount not to exceed $176,040 may be expended for personal services in the District of Columbia: *Provided*, That this appropriation shall not be available for rent of buildings in the District of Columbia if suitable space is provided by the Public Buildings Commission.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the last word.

I want to ask the gentleman in charge of the bill a question. I would like to ask the gentleman from Indiana [Mr. WOOD] what, if any, steps are being taken to discontinue and wind up the business of the Alien Property Custodian.

Mr. WOOD. There are certainly no steps that have been taken except the reports of the Alien Property Custodian, and there can not be any winding up of it until there is some affirmative action by this Congress.

Mr. CONNALLY of Texas. I am interested in that for this reason: It has always been stated heretofore that we could not surrender this property of aliens which the Government has custody of until some arrangement was made with Germany for the payment of American claims. We have a treaty with Germany negotiated regularly between this country and Germany, and recently in the financial conference at Paris it was provided that a certain part of the German reparations, a certain percentage, should be turned over to the United States for the payment of these claims. These sums will not be paid to the United States until the expiration of a long period of years. I am wondering if it is the policy of the administration and those who are in control of the Government—and I am not trying to make it a burden on the administration—to wait until we get that money; or should we go on and do what we are going to do about this alien property and turn it back to the claimants if they are entitled to it? Six years have already passed since the close of the war.

Mr. WOOD. My theory is, and I so advocated and expressed myself this afternoon, assuming a basis has been made for the settlement of these claims, the United States Government, relying upon the good faith of the German Government, ought to immediately take some steps to send this property back to the people to whom it belongs and get rid of this activity, which is costing the Government a whole lot of money.

Mr. CONNALLY of Texas. I thoroughly agree with the gentleman from Indiana and I am glad to see that during the colloquy the gentleman from Ohio [Mr. LONGWORTH], the leader on the majority side, has come in, because I really think this is one place where the Government can economize. We could get rid of this expensive bureau and we could do justice to these aliens because if we intend to turn their property back to them we ought to do it, and if we are not going to turn it back to them but are going to appropriate it for the payment of American claims, we ought to do that.

Mr. WOOD. To my mind there is absolutely no use for the continuation of the Alien Property Custodian, but there has to be some affirmative and constructive legislation before it can be disposed of, and the committee that has that in charge ought to take immediate cognizance of it.

Mr. RAYBURN. If the gentleman will yield——

Mr. CONNALLY of Texas. Yes.

Mr. RAYBURN. I will state to the gentleman from Indiana that an amendment to that effect was offered to the last Alien Property Custodian bill, which was up in the House and the amendment was voted down. I offered an amendment that steps be taken immediately to return all of this property and get out of this business, and that amendment was voted down the last time the committee had that matter up.

Mr. WOOD. I will state, in all fairness, and I think the gentleman will admit, that at that time there had been no definite settlement made with reference to American claims. That has now been done, and as I have said there is no further excuse for a delay in this matter. That was the only excuse for it at that time.

Mr. RAYBURN. Of course, that was not an excuse under the international law that had been in operation between the nations of the earth before that time.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. I was wondering if the gentleman from Ohio [Mr. LONGWORTH], who is present, could give the House any assurance that there is anybody looking forward to taking some action to return or to dispose of this question of alien property?

Mr. LONGWORTH. I was not in the Chamber when the gentleman asked the question and I am not aware of what the subject under discussion has been.

Mr. CONNALLY of Texas. The subject is the disposition of alien property and the dicontinuance of the Alien Property Custodian and the return of this property to the alien claimants or its appropriation to the payment of American claims.

Mr. LONGWORTH. If I recollect correctly we passed a bill some time ago providing for taking care of and returning claims less than $10,000 and, as I understand, that took care of 90 per cent of all outstanding claims.

Mr. CONNALLY of Texas. Ninety per cent in number. Now this is an important matter and something ought to be done.

Mr. LONGWORTH. I think it is an important matter and I will be glad to look into it.

Mr. WOOD. I will say that it was the consensus of the committee that had this under consideration that inasmuch as there had been a scheme provided in the Dawes plan as to the settlement of claims between German citizens and the United States that there is no reason or excuse for continuing this bureau. There are $300,000,000 that ought to be sent back to the people to whom it belongs.

Mr. RAYBURN. Mr. Chairman, I move to strike out the last word. I hope the statement of the gentleman from Indiana will not be taken as an expression of the will or wish of the people of this Government; that our return of the property to individuals in Germany was dependent upon any claims that the United States might have against the German people, for the reason that it has never been held that private property of individuals could have been taken to satisfy public obligations.

Mr. WOOD. I agree with the gentleman in principle, but he will admit that that was one of the excuses.

Mr. RAYBURN. But it was only an excuse.

Mr. WOOD. I never agreed to it then and I do not agree to it now.

The Clerk read as follows:

AMERICAN BATTLE MONUMENTS COMMISSION

The unexpended balances of the appropriations made for the expenses of the American Battle Monuments Commission by the first deficiency act, fiscal year 1924, approved April 2, 1924, and by the act making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1925, and for other purposes, approved June 7, 1924, are extended and made available until June 30, 1926, for the purposes set forth in said acts, including the employment of necessary technical and professional services, and in addition for the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles since June 1, 1924, furnished by the Secretary of War or other departments of the Government for the official use of said commission and its personnel in foreign countries: *Provided*, That no part of this sum shall be expended on a program of construction work under the act of March 4, 1923, the complete cost of which shall exceed $3,000,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I want to call the attention of the gentleman from New York to this appropriation. I know he wants to be fair. Here is what the bill provides for the Shipping Board, page 28. Here is the appropriation: "(a) Amount on hand July 1, 1925, but not in excess of the fund sufficient to cover all obligations incurred prior to July 1, 1925, and then unpaid." If that should be $100,000,000, it would be whatever they have on hand.

Mr. SNELL. Was not the gentleman talking about the appropriations made in this bill?

Mr. BLANTON. No; I was talking about what they had access to from the authorizations in this bill.

Mr. SNELL. I understood the gentleman to be talking about the appropriation made in this bill.

Mr. BLANTON. I am talking about what the bill permits them to spend.

Mr. SNELL. Well, let us find out what the gentleman is talking about.

Mr. BLANTON. Then it goes on: "(b) $24,000,000." That was what the chairman of the Committee on Rules referred to. Then "(c) amounts received during the fiscal year ending June 30, 1926, from the operation of ships." That may or may not be a big sum, but if it is $100,000,000 they have the right to expend it under the provisions of this bill. Such receipts for 1924 were $104,000,000 and for 1925 are estimated at $95,500,000. And for the year ending June 30, 1926, these receipts may aggregate $100,000,000. Now listen, here is another item: "(d) so much of the total proceeds of all sales pertaining to liquidation received during the fiscal year 1926, but not exceeding $4,000,000," and so on.

Now, all of these four items, (a), (b), (c), and (d), make funds available in this bill. The chairman ought to be fair. The gentleman limited the authorization under the bill to $24,000,000, which is only item (b), while the total appropriation means all the sums under (a), (b), (c), and (d), and he only mentioned the one under (a), $24,000,000. Did not I have a right to say that under this bill the Shipping Board could expend as much as 10 per cent of the authorization under the bill?

If they did not expend it from these various funds it would go in the Treasury to the credit of the general fund. But this is a reappropriation in this bill, and when it is reappropriated it takes it from the general fund and makes it accessible to their order and responsive to their order. There is no difference between us except that the gentleman said $24,000,000 when the bill authorizes the expenditure of very large sums in addition.

Mr. CHINDBLOM. But after all the gentleman is guessing on how much it will be.

Mr. BLANTON. Yes; but can the gentleman from Illinois guess how much it will be?

Mr. CHINDBLOM. No.

Mr. BLANTON. Can the gentleman guess within $50,000,000?

Mr. CHINDBLOM. That is what I said, the gentleman from Texas is arguing on what he surmises.

Mr. BLANTON. I said these may be large sums. I know they have received large sums from receipts and sales of ships in the past, and if receipts are large for 1926 they could expend that.

The CHAIRMAN. The time of the gentleman from Texas has expired. The pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

BOARD OF TAX APPEALS

For every expenditure requisite for and incident to the work of the Board of Tax Appeals as authorized under Title IX, section 900, of the revenue act of 1924, approved June 2, 1924, including personal services and rent at the seat of government and elsewhere, traveling expenses, necessary expenses for subsistence or per diem in lieu of subsistence, car fare, stationery, furniture, office equipment, purchase and exchange of typewriters, law books and books of reference, periodicals, and all other necessary supplies, $345,320, of which amount not to exceed $267,520 may be expended for personal services in the District of Columbia.

Mr. BLACK of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 5, line 11, after the word "subsistence," add "not exceeding $4."

Mr. WOOD. Mr. Chairman, that is already taken care of by law in the sundry civil act of August 1, 1914.

Mr. BLACK of Texas. I notice in most of the paragraphs dealing with the per diem in lieu of subsistence that this language is used.

Mr. WOOD. I understand so, but we left it out of this because it is already permanent law.

Mr. BLACK of Texas. If the gentleman feels sure that that is the case, I shall not press it, and I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 5, line 16, after the word "Columbia," insert: "*Provided*, That this appropriation shall not be available for rent of buildings in the District of Columbia if suitable space is provided by the Public Buildings Commission.

Mr. WOOD. The committee has no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For all printing and binding for the Board of Tax Appeals, $9,000.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11505, the independent offices appropriation bill, and had come to no resolution thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. DAVIS of Minnesota, by direction of the Committee on Appropriations, reported the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, which was read a first and second time and, together with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve all points of order on the bill.

ENROLLED BILL SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

S. 1975. An act for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreigin Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co.

TRADING WITH THE ENEMY ACT

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

In accordance with the requirements of section 6 of the trading with the enemy act, I transmit herewith for the information of the Congress a communication from the Alien Property Custodian, submitting his annual report of the proceedings had under the trading with the enemy act for the year ended December 31, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 29, 1925.*

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks upon the independent offices appropriation bill.

The SPEAKER. Is there objection to the requests of the gentlemen from New Jersey?

There was no objection.

Mr. ACKERMAN. Mr. Speaker and gentlemen of the committee, it will be pleasing news to the million stamp collectors in the United States to learn that the Congress has made the usual annual appropriation for the upkeep of the collection in the Smithsonian Institution this year. That the interest in philately is increasing is evidenced by the fact that the revenue to the United States by reason of the sales through the agency established by the post office for the sale of stamps to collectors has increased 600 per cent since it commenced to do business in 1922, and the department informs me that this year the profit accruing to the Government will run well above the $100,000 mark!

Now that the bill has passed both Houses of Congress permitting the use of precanceled envelopes, and that the department has given orders that unused current envelopes shall be sold over its counter at the Philatelic Agency, and that the new envelopes are to bear the 1925 watermark, an additional stimulus will be imparted to stamp collecting, which has proved of such great educational benefit to the thousands of its devotees. Combining as it does the pleasure of quest as well as attainment, the knowledge of history, geography, and the fine arts, the strong probability of an increase in value of the purchases made and the delightful relaxation afforded to jaded minds because of the intense interest manifested by those who become its devotees, it can be truly considered as

the "king of hobbies" as well as the "hobby of kings" in no mere technical sense. The King of England and the King of Egypt count it one of their pleasures to own fine collections, and the President of France is loaning his influence and may exhibit some of his treasures at the exposition to be held in Paris next May.

In 1876, for our own centennial, the United States Government recognized the desirability of having two special envelope stamps commemorating the event prepared and issued, and millions of them were sold. In 1892 there was a set issued for the Columbian Exposition at Chicago, the Jamestown Exposition was also honored by a set of three values, the landing of the Pilgrams likewise, the Panama-Pacific Exposition was not forgotten, the Tercentenary of the Landing of the Huguenot-Walloons was remembered. Now the word has gone forth for a set to commemorate the landing of the Norsemen several hundreds of years ago, and likewise we are to have in April next a set of three values to commemorate the stirring scenes of the sesquicentennial of events in the Commonwealth of Massachusetts. Already it has been suggested that official notice be taken of the forthcoming one hundred and fiftieth anniversary of the Declaration of Independence, and if no time is lost in getting out a comprehensive set sufficient funds could be raised by the sale thereof to collectors throughout the world to go a long way, if not to completely compensate, for any expense that the National Treasury might be called upon to contribute for its participation therein. By those whose memories can run back for a score of years or more it will be recalled that the display of stamps of a certain Central American country during the discussion of the Isthmian Canal caused its location to be decided at the Isthmus of Panama rather than at another point.

EVENING SESSION

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that on Wednesday evening next, February 4, 1925, it shall be in order to consider bills unobjected to on the Private Calendar, between the hours of 8 and 11 o'clock, beginning where we left off.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, it has been suggested that the calendar has now been gone through with once, except as to some bills, perhaps, that have been put on the calendar since the last evening session, and that it might be well now to start with the beginning of the calendar again.

Mr. TILSON. We have now reached the place in the calendar where all of the bills on the calendar have been reported since the holiday recess. Query, Whether the bills previously reported and that have been passed over should not at some time have an opportunity to have a second trial? Would the gentleman from Tennessee have any objection to adopting the same rule that we now use on public bills, so far as these bills are concerned; that is, on those bills that have had one trial and have been objected to; that three objections be required just as on the Consent Calendar? Of course, that could only be done by unanimous consent.

Mr. GARRETT of Tennessee. I do not think I should object to that but I would not want to agree to it now.

Mr. LONGWORTH. Mr. Speaker, I think I shall defer my request until to-morrow morning, when the gentleman can look up these matters.

Mr. GARRETT of Tennessee. Very well.

LEAVE TO ADDRESS THE HOUSE

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that after the reading and approval of the Journal to-morrow morning I be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Friday, January 30, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

826. A letter from the Secretary of the Treasury, transmitting report showing the number of documents received and distributed by the Treasury Department during the calendar year ended December 31, 1924, together with the number remaining on hand January 1, 1925; to the Committee on Printing.

827. A letter from the President of the Chesapeake & Potomac Telephone Co., transmitting supplemental report of the Chesapeake & Potomac Telephone Co., for the year 1924; to the Committee on the District of Columbia.

828. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Fresh Kills, Staten Island, N. Y.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 11280. A bill authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin; with an amendment (Rept. No. 1312). Referred to the House Calendar.

Mr. LAMPERT: Committee on the District of Columbia. S. 2803. An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes; with an amendment (Rept. No. 1313). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on the Public Lands. H. R. 10687. A bill granting to the county authorities of San Juan County, State of Washington, certain described tracts of land on the abandoned military reservations on Lopez and Shaw Islands as a right of way for county roads, and for other purposes; with amendments (Rept. No. 1314). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHERWOOD: Committee on Military Affairs. H. R. 10771. A bill authorizing the acquisition of land and suitably marking the site of the Battle of Franklin, Tenn.; with amendments (Rept. No. 1315). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. S 3760. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; without amendment (Rept. No. 1316). Referred to the Committee of the Whole House on the state of the Union.

Mr. KNUTSON: Committee on Indian Affairs. S. 3080. An act for the relief of the Uintah and White River Tribes of Ute Indians of Utah; with amendments (Rept. No. 1317). Referred to the Committee of the whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11752. A bill to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes; with amendments (Rept. No. 1318). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee on Indian Affairs. H. R. 11998. A bill to amend the act of June 30, 1919, relative to per capita cost of Indian schools; without amendment (Rept. No. 1319). Referred to the Committee of the Whole House on the state of the Union.

Mr. ABERNETHY: Committee on the Public Lands. H. R. 11980. A bill to provide for the securing of lands in the southern Appalachian Mountains for perpetual preservation as national parks; with amendments (Rept. No. 1320). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. J. Res. 318. A joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Bunker Hill, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; without amendment (Rept. No. 1321). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 11799. A bill to secure a replica of the Houdon bust of Washington for lodgment in the Pan American Building; without amendment (Rept. No. 1322). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Commitete on the Library. S. J. Res. 95. A joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, Washington, D. C.; with amendments (Rept. No. 1323). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 4848. A bill to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace"; with an amend-

ment (Rept. No. 1324). Referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIS of Minnesota: Committee on Appropriations. H. R. 12033. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes; without amendment (Rept. No. 1326). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. S. 1016. An act for the relief of Augusta Reiter; without amendment (Rept. No. 1308). Referred to the Committee of the Whole House.

Mr. McREYNOLDS: Committee on Claims. S. 1323. An act for the relief of Eugene K. Stoudemire; with an amendment (Rept. No. 1309). Referred to the Committee of the Whole House.

Mr. SWING: Committee on Naval Affairs. H. R. 4410. A bill for the relief of Arthur L. Heckell; with an amendment (Rept. No. 1310). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 11871. A bill for the relief of Stephen A. Farrell; with an amendment (Rept. No. 1311). Referred to the Committee of the Whole House.

Mr. HUDSON: Committee on Indian Affairs. S. 1897. An act for the relief of Mrs. Benjamin Gauthier; with an amendment (Rept. No. 1325). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LARSON of Minnesota: A bill (H. R. 12025) to authorize the construction, maintenance, and operation of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. McSWEENEY: A bill (H. R. 12026) for the erection of a public building at New Philadelphia, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12027) for the erection of a public building at Millersburg, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. GARBER: A bill (H. R. 12028) to amend the tariff act of 1922 in order to provide for a tariff on hides of cattle; to the Committee on Ways and Means.

By Mr. McKENZIE: A bill (H. R. 12029) for the relief of sufferers from the fire at New Bern, N. C., in December, 1922; to the Committee on Military Affairs.

Also, a bill (H. R. 12030) for the relief of sufferers from cyclone in northwestern Mississippi in March, 1923; to the Committee on Military Affairs.

By Mr. STALKER: A bill (H. R. 12031) to erect a post-office building in the village of Bath, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. THOMAS of Oklahoma: A bill (H. R. 12032) making appropriations for the Wichita and Affiliated Bands of Indians in Oklahoma; to the Committee on Appropriations.

By Mr. DAVIS of Minnesota: A bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. KELLER: Memorial of the Legislature of the State of Minnesota with reference to agricultural relief; to the Committee on Agriculture.

By Mr. DAVIS of Minnesota: Memorial of the Legislature of the State of Minnesota asking for agricultural relief; to the Committee on Agriculture.

By the SPEAKER (by request): Memorial of the Legislature of the State of Idaho asking the House of Representatives for favorable action on S. 2327; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the State of Minnesota urging Congress to enact legislation to restore equality to agriculture; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 12034) granting an increase of pension to Melinda Cannon; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 12035) granting an increase of pension to Mary A. McKay; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 12036) granting an increase of pension to Nancy A. Brunsteter; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 12037) granting an increase of pension to Mary A. Morrow; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 12038) granting an increase of pension to Mary C. Dill; to the Committee on Pensions.

By Mr. HERSEY: A bill (H. R. 12039) granting an increase of pension to Catherine Nelligan; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 12040) for the relief of Levi Rodenberger; to the Committee on Military Affairs.

By Mr. LOZIER: A bill (H. R. 12041) granting an increase of pension to Elisabeth Everhart; to the Committee on Invalid Pensions.

By Mr. MICHENER: A bill (H. R. 12042) granting a pension to Joseph H. Cote; to the Committee on Pensions.

By Mr. MILLIGAN: A bill (H. R. 12043) granting an increase of pension to Susan Tolbert; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 12044) granting an increase of pension to Elizabeth Dennis; to the Committee on Invalid Pensions.

By Mr. REED of West Virginia: A bill (H. R. 12045) for the relief of the estate of R. B. Cuthbert; to the Committee on Claims.

By Mr. ROBINSON of Iowa: A bill (H. R. 12046) granting an increase of pension to Fannie Dunham; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12047) granting an increase of pension to Frances L. Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12048) granting an increase of pension to Celestia F. Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12049) granting an increase of pension to Martha B. Fisher; to the committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 12050) granting an increase of pension to Deborah E. Bowling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12051) granting an increase of pension to Dorothea E. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12052) granting an increase of pension to Elijah Skeaton; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 12053) granting an increase of pension to Caroline Bunnell; to the Committee on Invalid Pensions.

By Mr. TYDINGS: A bill (H. R. 12054) granting a pension to Friederich W. Rohrs; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 12055) granting an increase of pension to Mary E. Dawley; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Michigan: A bill (H. R. 12056) granting an increase of pension to Georgiana Kilby; to the Committee on Invalid Pensions.

By Mr. WINSLOW: A bill (H. R. 12057) granting an increase of pension to Augusta A. Rich; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3598. By Mr. CAREW: Petition of city council of the city of Chicago, Ill., calling attention to the necessity of an increased diversion of water from Lake Michigan through the Chicago River by the sanitary district of Chicago; to the Committee on Military Affairs.

3599. By Mr. CLARKE of New York: Petition of citizens of the thirty-fourth congressional district, State of New York, not to concur in the passage of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3600. By Mr. DAVEY: Petition of 70 residents of Ravenna, Ohio, protesting against the proposed compulsory Sunday observance bill (S. 3218) or any other religious legislation which may be pending in Congress; to the Committee on the District of Columbia.

3601. By Mr. KETCHAM: Petition of citizens of Allegan, protesting against Senate bill 3218, a bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

3602. By Mr. LINDSAY: Petition of the Jewish Veterans of the Wars of the Republic, 15 Park Row, New York, N. Y., that the joint resolution be passed which has been introduced in Congress providing for admission for approximately 8,000 immigrants now stranded at European ports, these having passports duly viséed by the United States consuls prior to last July and being prevented from sailing because of exhaustion of quotas and new immigration law; this petition is presented in effort to undo grave injustice and to favor humanitarian measures; to the Committee on Immigration and Naturalization.

3603. Also, petition of John H. McCandless, secretary courts committee, organized to promote the interest of the interior criminal courts, headquarters 69 Schermerhorn Street, Brooklyn, N. Y., care Brooklyn Bureau of Charities, that House bill 5195, by Congressman GRAHAM, be accorded favorable consideration by reason of the great good to be derived from the extending of the probation system to the Federal courts, which do not now have the power of placing offenders on probation. There has been ample opportunity to observe the workings of probation, especially for first offenders, and the courts committee of which Mr. McCandless is secretary are convinced that it is highly desirable that the Federal courts should have this same power. When consideration is given to the high type of Federal judges, we believe that we can count upon a wise choice of the cases to be placed on probation, and that the appointment of well-qualified probation officers to administer the system could be safely counted upon. The Brooklyn courts committee earnestly petitions support for this measure when it comes up for passage; to the Committee on the Judiciary.

3604. By Mr. McDUFFIE: Petition of 40 residents of Mobile, Ala., opposing the proposed Sunday observance law (S. 3218); to the Committee on the District of Columbia.

3605. By Mr. WELLER: Petition of the Rotary Club, of New York, urging that subtreasury building in New York City be converted into a national memorial and historic headquarters and to provide a permanent museum to contain specimens of all the coinage from the outset of this country; to the Committee on Public Buildings and Grounds.

SENATE

FRIDAY, *January 30, 1925*

(Legislative day of Monday, January 26, 1295)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ball	Ferris	Kendrick	Reed, Mo.
Bayard	Fess	Keyes	Reed, Pa.
Bingham	Fletcher	King	Sheppard
Borah	Frazier	McKellar	Shields
Brookhart	George	McKinley	Shipstead
Broussard	Gerry	McLean	Shortridge
Bruce	Glass	McNary	Simmons
Butler	Gooding	Mayfield	Smoot
Cameron	Greene	Means	Spencer
Capper	Hale	Metcalf	Stanley
Caraway	Harreld	Moses	Sterling
Copeland	Harris	Neely	Swanson
Couzens	Harrison	Norbeck	Trammell
Cummins	Heflin	Norris	Wadsworth
Curtis	Howell	Oddie	Walsh, Mass.
Dale	Johnson, Calif.	Overman	Warren
Dial	Johnson, Minn.	Pepper	Watson
Dill	Jones, N. Mex.	Phipps	Wheeler
Fernald	Jones, Wash.	Ralston	Willis

The PRESIDENT pro tempore. Seventy-six Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Farrell, one of its clerks, announced that the Speaker of the House had affixed his signature to the enrolled bill (S. 1975) for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American and Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co., and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a communication from the general organizer, United Brotherhood of Carpenters and Joiners of America (Federacion Libre), of Santurce, Porto Rico, relative to industrial conditions in Porto Rico and transmitting certain exhibits in regard to the wages of carpenters, joiners, and auxiliaries in the island of Porto Rico, which was referred to the Committee on Territories and Insular Possessions.

Mr. FRAZIER presented the memorial of Henry Schrenk and 32 other citizens of Logan and McIntosh Counties, in the State of North Dakota, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Home Economic Club, of Ryder, N. Dak., favoring the adoption of the child labor amendment to the Constitution, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a resolution adopted by the Kansas State Board of Agriculture, favoring the permanent improvement of the Missouri River to Kansas City, Mo., which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Galena, Kans., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them severally without amendment:

H. R. 7821. An act to convey to the city of Astoria, Oreg., a certain strip of land in said city;

H. R. 7911. An act to authorize the Secretary of the Treasury to sell the appraisers' stores property in Providence, R. I.; and

H. R. 11501. An act for the exchange of land in El Dorado, Ark.

Mr. COPELAND, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3676. An act for the relief of Harry Newton (Rept. No. 939); and

H. R. 1717. An act authorizing the payment of an amount equal to six months' pay to Joseph J. Martin (Rept. No. 940).

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (H. R. 9535) authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes, reported it with an amendment and submitted a report (No. 941) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (H. R. 8329) for the relief of Albert S. Matlock, reported it without amendment and submitted a report (No. 942) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon:

H. R. 5752. An act for the relief of George A. Petrie (Rept. No. 943);

H. R. 8727. An act for the relief of Roger Sherman Hoar (Rept. No. 944); and

H. R. 8741. An act for the relief of Flora M. Herrick (Rept. No. 945).

Mr. METCALF, from the Committee on Naval Affairs, to which was referred the bill (H. R. 6436) for the relief of Isidor Steger, reported it without amendment and submitted a report (No. 946) thereon.

CHANGES OF REFERENCE

Mr. PEPPER, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 164) to provide payment for additional work on the Grant Memorial, Washington, D. C., moved that that committee be discharged from its further consideration and that the joint resolution be referred to the Committee on Claims, which was agreed to.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 917) for the relief of Ernest F. Church, formerly boatswain, United States Naval Reserve,

moved that that committee be discharged from its further consideration and that the bill be referred to the Committee on Claims, which was agreed to.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that January 30, 1925, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 51. An act for the relief of the owner of the schooner *Itasca;*

S. 703. An act making an adjustment of certain accounts between the United States and the District of Columbia;

S. 1179. An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes;

S. 1199. An act authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army;

S. 1665. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.;

S. 2148. An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes; and

S. J. Res. 107. Joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 4134) to define, regulate, and license real-estate brokers and real-estate salesmen; to create a real-estate commission; and to provide a penalty for a violation of the provisions hereof; to the Committee on the District of Columbia.

By Mr. HALE:

A bill (S. 4135) granting an increase of pension to Leotia L. Coombs (with accompanying papers); to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 4136) for the purchase of a site and the erection of a post-office building thereon at Fort Lauderdale, Fla.;

A bill (S. 4137) for the purchase of a site and the erection of a post-office building thereon at Plant City, Fla.;

A bill (S. 4138) for the purchase of a site and erection of a post-office building thereon at Winter Haven, Fla.;

A bill (S. 4139) for the purchase of a site and the erection of a post-office building thereon at Bradenton, Fla.;

A bill (S. 4140) for the purchase of a site and the erection of a post-office building thereon at Arcadia, Fla.;

A bill (S. 4141) to enlarge, extend, and remodel the public building at Tampa, Fla.;

A bill (S. 4142) to enlarge, extend, remodel, etc., public building at Lakeland, Fla.;

A bill (S. 4143) for the erection of a public building for a post office and other purposes at Lake City, Fla.; and

A bill (S. 4144) for the erection of a public building for a post office and other purposes at Key West, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. HARRIS:

A bill (S. 4145) for the relief of J. C. Peixotto; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 4146) granting a pension to Mary L. Stevens; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 4147) granting an increase of pension to George F. Hathaway (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4148) to provide a complete code of insurance law for the District of Columbia (excepting marine insurance as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the act of March 3, 1901), and for other purposes; to the Committee on the District of Columbia.

A bill (S. 4149) granting an increase of pension to Sarah S. Vaughan (with accompanying papers); and

A bill (S. 4150) granting an increase of pension to Mary A. Van Buskirk (with accompanying papers); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 4151) to provide for aided and directed settlement on Government land in irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. FLETCHER:

A bill (S. 4152) to authorize the Secretary of War to grant a perpetual easement for railroad right of way over and upon a portion of the military reservation on Anastasia Island, in the State of Florida; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 4153) creating a Federal cooperative marketing board to encourage and aid, upon application, in the formation of cooperative marketing associations, cooperative clearing-house associations, and terminal market associations handling agricultural products; to correlate the activities of such associations; to develop efficient and economical methods of distributing and marketing such products; to bring to the aid of such associations the resources of the departments of the Federal Government; and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. COUZENS:

A bill (S. 4154) to provide for the reincorporation of the National Daughters of the Grand Army of the Republic; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

A bill (S. 4155) to provide cooperation to safeguard endangered agricultural and municipal interests and to protect the forest cover on the Santa Barbara, Angeles, San Bernardino, and Cleveland National Forests from destruction by fire, and for other purposes; and

A bill (S. 4156) to authorize the establishment and maintenance of a forest experiment station in California and the surrounding States; to the Committee on Agriculture and Forestry.

By Mr. PEPPER:

A joint resolution (S. J. Res. 178) to provide for the loaning to the Pennsylvania Academy of the Fine Arts of the portraits of Daniel Webster and Henry Clay; to the Committee on the Library.

UPPER MISSISSIPPI WILD LIFE AND FISH REFUGE

Mr. REED of Missouri. I introduce a joint resolution, which I ask may be read at length and referred to the Committee on Agriculture and Forestry.

The joint resolution (S. J. Res. 179) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge" was read the first time by its title, the second time at length, and referred to the Committee on Agriculture and Forestry, as follows:

Resolved, etc., That section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924 (43 Stat. L. p. 650), be, and the same hereby is, amended by striking out that part of said section which reads: "but no money shall be available for the acquisition of any area until the Secretary of Agriculture has ascertained that all of the areas to be acquired under this act will be acquired within the amounts appropriated or authorized to be appropriated therefor and at an average price not in excess of $5 per acre, and not in excess of the average selling price, during the years 1921, 1922, and 1923, of comparable lands within the vicinity of such areas," and by substituting in lieu thereof the following: "*Provided,* That the Secretary of Agriculture shall not pay for any land or land and water a price which, when added to the price of land or land and water theretofore purchased, shall exceed an average cost of $5 per acre."

JEREMIAH JOSEPH MURPHY

Mr. HARRIS introduced a bill (S. 4157) authorizing the appointment of Jeremiah Joseph Murphy a captain in the Infantry of the United States Army, which was read the first time by its title, the second time at length, and referred to the Committee on Military Affairs, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Jeremiah Joseph Murphy, now a warrant officer of the Regular Army of the United States, to the position and rank of captain of Infantry in said Army, to rank from July 1, 1920.

The accompanying statement was ordered to be printed in the RECORD, as follows:

BRIEF STATEMENT OF THE MILITARY RECORD OF JEREMIAH JOSEPH MURPHY

Born in Ireland June 6, 1885.

EDUCATION

Equivalent of high school and two years at college.

MILITARY EXPERIENCE

May 21, 1911, to April 18, 1917, in the First Battalion of Engineers and the First Engineers, as private, corporal, sergeant, and first sergeant.

April 19, 1917, to October 25, 1919, in the Sixth Engineers, as first sergeant, master engineer, second lieutenant, first lieutenant, and captain.

October 27, 1919, to August, 1921, First Engineers, as master engineer.

August, 1921, to date, warrant officer, United States Army.

Now holds a commission as captain in the Engineer Officers' Reserve Corps.

In France and Germany from December, 1917, to August, 1919.

During the World War he participated with his regiment in the following engagements: Somme defensive, Marne defensive and offensive, St. Mihiel, and the Argonne.

In Greece on relief work with the American Red Cross from January, 1923, to July, 1923.

August, 1923, to February, 1924, on duty in Governors Island, N. Y., in the Adjutant General's Department.

February, 1924, to date, in the United States district engineer's office, Pittsburgh, Pa.

PREFERENCE IN THE CONSTRUCTION OF PUBLIC BUILDINGS

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 11791) to provide for the construction of certain public buildings, and for other purposes; to the Committee on Public Buildings and Grounds.

THE COLORADO RIVER BASIN

Mr. McNARY submitted the following resolution (S. Res. 320), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Irrigation and Reclamation, or a duly authorized subcommittee thereof, is authorized to make a complete investigation with respect to proposed legislation relating to the protection and development of the Colorado River Basin. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings prior to the beginning of the first regular session of the Sixty-ninth Congress, to sit and act at such times and places within the United States, and to employ such clerical and stenographic assistants as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The committee or subcommittee is further authorized to send for persons and papers, to administer oaths, and to take testimony; and the expense attendant upon the work of the committee or subcommittee shall be paid from the contingent fund of the Senate.

SPECIAL ASSISTANT TO THE DISTRICT COMMITTEE

Mr. CAPPER submitted the following resolution (S. Res. 321), which was referred to the Committee on Appropriations:

Resolved, That there be, and hereby is, appointed a special assistant to the Senate Committee on the District of Columbia who shall be a stenographer and who shall be paid a salary not to exceed $2,000 per annum, in regular monthly installments, from and after the date of the passage of this resolution.

INVESTIGATION OF FOREST PRODUCTS LABORATORY AT MADISON, WIS.

Mr. BROOKHART submitted the following resolution (S. Res. 322), which was referred to the Committee on Agriculture and Forestry:

Whereas Arthur Arent, president of the Arthur Arent Laboratories (Inc.), of Des Moines, Iowa, has submitted to the Committee on Agriculture and Forestry of the Senate a sworn statement in which he alleges that unfair methods have been used and untrue statements have been made by officials in the Forest Products Laboratory of the United States Department of Agriculture at Madison, Wis., and that these officials are acting in conjunction with certain creosote interests to destroy the sale of his products; and

Whereas Arthur Arent has requested the Committee on Agriculture and Forestry to examine the evidence submitted by him and to afford him a hearing concerning the methods, statements, and practices of the Forest Products Laboratory at Madison, Wis., and of such creosote interests: Therefore be it

Resolved, That the Committee on Agriculture and Forestry, or duly authorized subcommittee thereof, is authorized to make a full and complete investigation into the accuracy of such charges and allegations, to ascertain the facts concerning such practices, statements, and methods, and to report thereon to the Senate.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

Mr. HARRISON. Mr. President, I ask unanimous consent that the vote by which the amendment in section 208, the first paragraph of subsection (b), was agreed to may be reconsidered that I may offer an amendment to it.

Mr. MOSES. Inasmuch as the Senator can offer his amendment when the bill is in the Senate, will he not wait until then?

Mr. HARRISON. I prefer to offer it in this way.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi?

Mr. MOSES. I shall not object. Of course, the Senator can offer the amendment when the bill gets into the Senate and in any event he is merely anticipating.

The PRESIDENT pro tempore. The Chair hears no objection and the vote by which the part of the amendment indicated was agreed to will be reconsidered.

Mr. HARRISON. Now, I offer the admendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Mississippi offers an amendment to the first paragraph, which the clerk will report.

The READING CLERK. Strike out the first paragraph of subsection (b) of section 208 as amended, reading as follows:

(b) That on fourth-class matter the rate of postage shall be by the pound as established by, and in conformity with, the act of August 24, 1912, and in addition thereto there shall be a service charge of 2 cents for each parcel, except upon parcels or packages collected on rural delivery routes, to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by the regulations of the Postmaster General.

And insert in lieu thereof:

(b) That on fourth-class matter the rate of postage shall be by the pound, the postage in all cases to be prepaid by postage stamps affixed thereto or as otherwise prescribed by regulations of the Postmaster General.

Mr. HARRISON. Mr. President, the amendment I have offered, if it should be adopted, would leave the postal rate on parcel-post matter the same as it is at the present time. In other words, it would eliminate the 2-cent flat postage rate that has been adopted upon all parcels and would eliminate the exception that was incorporated in the amendment proposed by the Senator from Georgia [Mr. GEORGE]. The question is whether we propose to take care of the estimated deficit to the extent of $20,000,000 from the parcel-post mail or whether we will leave the old rate intact.

From the report of the Post Office Department we find that on first-class mail matter the revenues were $271,000,000 and the expenditures $191,000,000, leaving quite a balance in favor of the Government. On second-class matter the revenues were $31,000,000 and the expenditures $105,000,000, a loss to the Government of $74,000,000. We all know and the country knows that that deficit is caused by the advertising matter in the newspapers and periodicals carried through the mails. There is $74,000,000 lost to the Government every year from that source. My amendment does not propose to disturb what has been done by the Senate respecting that matter. But when we come to the fourth class we find that the revenue to the Government was $120,000,000 and the expenditures were $127,000,000, leaving a net loss of only $6,916,000. So we find that while on parcel post the Government has lost approximately $7,000,000 and on second-class matter—namely, newspapers and periodicals—has lost $74,000,000, yet when we come to raise the revenue on this measure we find that through the amendments that have been adopted by the action of the Senate we have incurred a still greater deficit of $600,000 to $900,000 on the newspapers and periodicals, while we attempt to raise $20,000,000 additional revenue from the parcel post.

Why should we place a further burden on the farmers of the country by increasing the rates on parcel-post packages in order to raise 40 per cent of the deficit which would be incurred in paying the increased salaries to the postal employees? That is what is proposed to be done. The committee bill does not attempt to equalize the rates in order that the various classes of mail matter shall share their proportion, but it places the burden on the parcel post service to the amount of 40 per cent.

Mr. President, there is no justification for making the farmers of the country pay $20,000,000 and reducing the amount to be paid by the newspapers and periodicals of the country to the extent of $640,000 below what they now pay. Although

such publications alone are carried at a deficit of $74,000,000, as is shown by the report of the Post Office Department, and there is created by the parcel post service a deficit of only $7,000,000, yet it is now proposed to raise from the parcel post $20,000,000, and, I repeat, to give to the newspapers and the periodicals a decrease in their rates from $600,000 to $900,000. So I submit that we should not increase the parcel-post rates. If the amendment which I have offered shall be adopted, it will leave the parcel-post rates just as they are to-day.

Now let us consider the 2-cent flat rate which is placed upon the parcel post service. The Senator from New Hampshire [Mr. MOSES] on yesterday stated that there would be derived from that item $20,000,000. It is shown, I believe, by the hearings, as I have read them, that about 1,000,000,000 parcels are shipped through the mails every year. A 2-cent rate will amount to $20,000,000. Mr. Stewart, in his testimony before the committee, stated that about 1½ per cent of the total amount of parcels shipped by parcel post originate on rural routes. Consequently, the exception which is made by the so-called George amendment which has been adopted that the 2-cent flat rate shall not apply upon parcels which originate in rural routes would take care of 1½ per cent of all the parcels that enter into the parcel post—an almost infinitesimally small number—and yet there would be gentlemen who would go back to the farmers and say we released them from this increase of 2 cents. Senators, you will not be able to deceive them through any such course.

The hearings disclosed the further fact that Mr. Stewart, who, perhaps, knows more than anyone else in the whole department about the operation of postal matters, stated that about 35 per cent of all the parcels that go into the parcel post service are delivered through the third and fourth class post offices.

We all know that the third and fourth class post offices supply the farmer, supply the man in the little village, and that a great proportion of the 35 per cent of the 1,000,000,000 packages that go into that service concern the farmers of the country.

Mr. Stewart further testified that the farmers on the rural routes receive about 10½ per cent of the parcels that enter into the parcel post. If that be true, such parcels are not excepted under the amendment offered by the Senator from Georgia, but the 2-cent increase which is proposed in the bill is imposed upon them. So, Mr. President, we have here the remarkable situation that it is proposed to raise from the farmers of the country 40 per cent of the $50,000,000 which is expected to be raised in the bill. It is unjust; it is unfair; it is indefensible from any angle.

Not only is it proposed to put the 2 cents charge upon all packages that enter into the parcel post, which would cost the farmers approximately $20,000,000, but it is proposed to go beyond that, so that when the farmer buys merchandise or something else in the little village or the town or the far-away city and has to buy a money order at the third or fourth class post office, he will have to pay an increase from the present rate of 3 cents to 5 cents on the smaller amounts. It is not a big item, but it is an item of expense, and the farmer will have to pay that additional burden.

However, the framers of this bill do not stop there. It seems as though they picked out the farmer as the one from whom the additional revenue should be raised and paid no attention to anyone else. Indeed, in writing the provisions of the bill, in the beginning it was proposed to compel the newspapers and periodicals to pay a part of this sum, but when the proprietors of those publications, with all their power and influence, sent word to the committee to cease their efforts in that direction, they got off, and they got off very quickly. Instead of leaving those provisions of the bill as they were, we find that through reductions brought about by the various amendments the publishers now receive a greater benefit than they formerly did. I have no quarrel about that matter; my amendment does not affect that situation at all; but I say it is unjust, when, as a result of the rates which are imposed on second-class matter, there is a deficit of $74,000,000, and on the fourth-class matter, covering the parcel-post service, there is a deficit of only $7,000,000, to attempt in this bill to raise $20,000,000 from the Parcel Post System and make the deficit for carrying newspapers and periodicals greater than it is to-day.

If Senators can defend that, well and good.

But those sponsoring this bill did not stop at putting the 2-cent additional rate upon packages which enter the Parcel Post System; they did not stop at the increase of the rate upon the little money orders which the farmers have to purchase from the post office in order to buy at a distance goods or merchandise; but it is proposed to increase the rate upon the insurance that is taken out at the post office in order to mail packages of goods to the farmer living away out in the woods. So when the farmer on a rural route desires to buy something in Chicago or in New York or in Baltimore or in Washington he is burdened by the increased rates on money orders, and then he must pay the increased rates for insurance which are imposed on the goods shipped to him.

So, Senators, I submit this amendment in utter good faith. I say it is not fair to burden the farmers to this extent. Let us leave the matter, so far as they are concerned, as it is in the present law. Let us not cripple the parcel-post service of this country. There was a long and a tedious fight before we could write into the law provisions establishing the Parcel Post System. It is working well; it is bringing benefits to those living on the rural routes and at the small post offices of the country. It is carrying some relief to the consumers of America through the elimination of the middleman. Let us do nothing by our action here that will destroy or injure the system. We ought not to cripple that service; and if my amendment shall be adopted, as I hope it will be, we will leave the present law intact and will at least restrain ourselves in this instance from imposing greater burdens on the farmers of the country.

Mr. TRAMMELL. Mr. President, will the Senator yield to a question?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Florida?

Mr. HARRISON. I yield.

Mr. TRAMMELL. Is it not the opinion of Senators that the money-order facilities are used to a greater extent by the farmers and poorer people of the country who do not carry banking accounts than by others?

Mr. HARRISON. There is no question about that.

Mr. TRAMMELL. And, therefore, in increasing the charges on that service the burden is shifted to the farmers and poorer classes of people throughout the country?

Mr. HARRISON. The Senator, of course, is right in that contention.

Mr. MOSES. Mr. President, if the Senator from Mississippi had been present during the past few days in order to be enlightened by the debate on this question, instead of being absent elsewhere enlightening other people on their political duties, he would have learned the reason why these amendments were proposed by the committee. I can not refrain, however, Mr. President, from congratulating the Senator from Mississippi upon the ardent return to his former manner of oratory, although the speech which he has just made is one which I would have expected him to make prior to his re-election instead of afterwards.

Mr. President, the parcel post comprises more than 64 per cent of the weight of the mails and more than 50 per cent of the bulk of the mails. I instance these facts because the Post Office Department sells postage by weight and transports mail matter by the cubic foot. The parcel post, comprising more than 60 per cent of the weight of the mail and more than 50 per cent of the bulk of the mail, pays less than 25 per cent of the mail revenue. The parcel post alone among all classes of mail matter has enjoyed an absolute reduction in its money rates during the period when the rates on all other classes of mail matter have been increased. It has received a further favor in that the weight of the package to be carried has been multiplied and the cubic contents of the package to be carried have been multiplied.

Under these circumstances the subcommittee rejected utterly the figures of the cost-ascertainment committee so far as they relate to the parcel post. The committee viewed with skepticism, to say the least, another conclusion of the cost-ascertainment committee, and even considering the burden which the Senator describes so pathetically as being about to be imposed on the 1½ per cent of the parcel-post business originating on rural routes and on only 10½ per cent, taking the item of packages delivered on rural routes into the calculation, as compared with the entire parcel-post business of the department, came unanimously to the conclusion that the service charge should be added; and for another reason, too, than for the revenue which would be derived. The increase in parcel-post revenue will give us a more accurate understanding of the volume of the parcel post, because it is very easy to divide the added revenue by 2 cents and ascertain the number of packages.

I do not question the Senator's good faith in presenting this amendment. The Senator's good faith, Mr. President, would proceed to the point where he would destroy this bill in its practical effect; and if the Senator's amendment taking $18,000,000 out of the sum proposed to be raised by these rates shall be adopted it will destroy the bill. The question of voting on the Senator's amendment comes, therefore, in the last analysis, Mr. President, to the question which has constantly

confronted us as we have been voting on the amendments offered by the committee and those offered from the floor, namely, whether we really want to carry out the purpose which Congress so overwhelmingly expressed last June.

Mr. HARRISON. I ask for the yeas and nays on my amendment.

The PRESIDENT pro tempore. The yeas and nays are demanded. Is there a second?

Mr. CARAWAY. Mr. President——

The PRESIDENT pro tempore. The demand for the yeas and nays does not seem to be sufficiently seconded.

Mr. HARRISON. Mr. President, I thought the Chair was about to recognize another Senator. I think there were a sufficient number to second the demand. I make the point of no quorum, if there is not a sufficient number to second the demand now present.

Mr. NORRIS. I hope the Senator will not do that.

Mr. MOSES. If the Senator wishes to delay the passage of the bill, he can do so.

Mr. HARRISON. I withdraw the point of no quorum.

Mr. NORRIS. I wish to say a few words, and there are other Senators who wish to speak to the amendment. Otherwise I should be willing to have the vote now.

The PRESIDENT pro tempore. Does the Senator from Mississippi make the point of no quorum?

Mr. HARRISON. I withdraw that suggestion, but I do not want to be deprived of the yeas and nays on the amendment.

The PRESIDENT pro tempore. The demand for the yeas and nays now appears to be sufficiently seconded, and the yeas and nays are ordered.

Mr. COPELAND. Mr. President, I have in my hand an estimate of the additional revenue which will be derived from this bill. I find that the estimate as given here is $29,142,000; and, of course, with the amendments which have been accepted by the Senate the amount of revenue will be materially less than this.

I have the feeling, Mr. President, that the measure before us is a sham bill. I doubt if the country will be satisfied either by the passage of the bill or by the defeat of postal legislation which, to my mind, is imminent.

Mr. SIMMONS. Mr. President, the statement just made by the Senator is very interesting. I understood him to say that he held in his hand a statement showing that the amount of revenue estimated to be derived from this bill is $29,000,000. That is so in conflict with the statement made by the Senator from New Hampshire [Mr. MOSES] as to what it would yield that I should like to ask the Senator who made that estimate.

Mr. COPELAND. It was exactly because I had the feeling that is apparently in the mind of the Senator from North Carolina that I spoke of this matter. I have here an analysis of the Sterling bill, which was handed me by one of the Senators now on the floor, sent to him, as I understand, by the Senator from South Dakota [Mr. STERLING], with this particular memorandum attached, which I hand to the Senator, showing an estimated increase of revenue of $29,000,000.

Mr. NORRIS. Mr. President, may I ask the Senator a question on that point?

Mr. COPELAND. I yield to the Senator.

Mr. NORRIS. Was that estimate of $29,000,000 made after the adoption of the committee amendments, or before?

Mr. COPELAND. Before, as I understand.

Mr. NORRIS. Of course, it is conceded that the adoption of the committee amendments reduces the amount very materially below that.

Mr. MOSES. Oh, no; oh, no, Mr. President.

Mr. STERLING. Mr. President, I think the Senator from New York made a misstatement with regard to that. He referred to the Sterling bill as the bill analyzed and of which he has the analysis there; but that is not the Sterling bill. The estimate on the Sterling bill, I think, was about $66,000,000 instead of $29,000,000.

Mr. MOSES. That is correct, Mr. President. The estimate of $29,000,000 was made by the Post Office Department upon the erroneous print of the bill, which I explained to the Senate yesterday, the Senator from New York being then absent. He probably has not taken time to read the RECORD this morning. The estimate of $29,000,000 arose from the erroneous print of the bill which was in the hands of Senators. The errors were pointed out in the course of the discussion yesterday, and were corrected in the amendments which were offered either by me or by the Senator from Georgia [Mr. GEORGE]; so that the sum total to be raised in this bill is substantially what I stated to the Senator from Mississippi [Mr. HARRISON] in the short colloquy which he and I had toward the close of the day.

Mr. COPELAND. Mr. President, in spite of this I wish to say I regard this bill as a bill intended to save the face of the President because of his veto, and I doubt exceedingly if it will be enacted into law. I have no doubt that when it is all over the postal employees will still be cheated out of the increases to which they are clearly entitled.

Mr. MOSES. Mr. President, may I ask the Senator a question?

Mr. COPELAND. I yield to the Senator.

Mr. MOSES. Does the Senator intend to vote for this bill when it comes up for passage?

Mr. COPELAND. I am very glad, Mr. President, to answer that question. I want to say before doing so that it would be impossible to plan another bill so violative of senatorial freedom in voting. I doubt if a dozen Members of this body are satisfied with the measure. A large majority favors increased pay for the postal employees. I venture to say that a majority opposes the increased rate on newspapers. There can be no doubt that the parcel-post increases would be defeated by an overwhelming vote if that particular item of the bill could be considered separate and apart from the other features. The measure is unfair to the Senate; it is unfair to the newspaper owners; it is unfair to the farmers and the small merchants of this country; it is unfair to the postal employees, because for what is their just desert it is proposed to barter a distasteful and unnecessary revenue bill.

The newspapers which most loudly advocated the election of "Coolidge to avoid chaos" will be hardest hit. In spite of the fact that they deserve the medicine they must take, I am regretful of their plight. We need the educational work so ably done by the press of the country.

Mr. STERLING. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator.

Mr. STERLING. Will the Senator point out wherein there has been any increase in rates on newspapers in the bill so far?

Mr. COPELAND. Is there any doubt in the mind of the Senator that there is an increase?

Mr. STERLING. I think there is some doubt. The flat rate goes back to 1¼ cents per pound.

Mr. COPELAND. And yet, Mr. President, Senators on the other side of the aisle contend that there is going to be an increase of $50,000,000. I think that was the amount mentioned by the Senator from New Hampshire. Where is it to come from?

Mr. STERLING. According to the present estimate of the Senator from New Hampshire, $50,000,000 will be produced by this bill after the adoption of the amendments which were adopted.

Mr. COPELAND. I hope, if it becomes necessary to pass this revenue bill, that there may be, from some proper source, the increased income which the Senator suggests.

Mr. STERLING. I will say to the Senator from New York that neither in the flat rate on the reading matter of newspapers nor in the rate on the advertising portions of newspapers is there an increase of rates over the bill as first presented or over the rates as they now exist under the law.

Mr. COPELAND. The Senator from South Dakota, I think, will have some difficulty in satisfying the newspapers of this country as to the accuracy of that particular statement, certainly as it relates to the ultimate effect of the bill upon the postal rates they will pay in the future.

Mr. ODDIE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nevada?

Mr. COPELAND. I yield to the Senator.

Mr. ODDIE. I refer the Senator from New York to the proceedings of the Senate on yesterday in regard to this matter.

Mr. COPELAND. Mr. President, if we listened to the Senators on the other side of the aisle we would conclude pretty soon that nobody is hurt by the bill; that there is no increase from any source. It strikes me there is a very marked inconsistency between the statement of the chairman of the committee that there is going to be an increase of $50,000,000 in revenue and these repeated statements from Senators on the other side that nobody is going to be hurt because there is to be no increase in the rate of postage charged on any class of mail service.

After a while, I think, particularly after they hear about the effect on the parcel post, the farmers of America will find out that they never get any consideration from the Republican Party. All that the leaders of the "Grand Old

Party" care about the farmers is their votes. This blow at the Parcel Post System may break the back of the patient agriculturist.

I am glad that we were able to save the religious and fraternal organizations from the wreck. They alone stand unscathed in the general smash.

In the face of the Treasury returns, showing a vast surplus, this revenue bill is unnecessary. It is an outrage upon legislative decency. I am ashamed of it, and stand amazed at the effrontery of the party presenting it.

The Senator from New Hampshire [Mr. MOSES] asked if I should vote for the bill. I am forced to vote for it because of the kernels of goodness it contains. Whatever virtues it possesses were made possible by Democratic votes. Whatever evils it has—and they are legion—are the gift to the country of the administration and the Republican Party in an effort to save the President's face because of his veto.

A famous Republican Governor of Michigan once said that he "held his nose and voted the Republican ticket." I shall hold my nose and vote for this bill, because in no other way than by its passage can the faithful employees of the Government be rewarded. The corrupt practices amendment, put upon the bill by the Senator from Massachusetts [Mr. WALSH], is essential to the purity of our elections. I trust it may result in breaking the strangle hold opulent Republicans have on the electorate in certain sections.

It is a shame to think that senatorial freedom in voting is destroyed by the present methods of controlling legislation. In Senate hall and committee rooms our legislative acts should be determined. I shall be glad, Mr. President, when the *Mayflower* is used exclusively for the pleasure and executive duties of the President. When it is so employed, fewer public officials will use nautical language and respond: "Aye, aye, sir!" to the commands of the White House.

I speak strongly because I feel strongly. This bill is outrageous, and I feel outraged that I must vote for it, as I shall.

Mr. ODDIE. Mr. President, will the Senator from New York answer a question that I should like to propound to him?

Mr. COPELAND. I shall be glad to answer the question.

Mr. ODDIE. In view of what took place in the Senate yesterday, does not the Senator think it would be better to correct the statement he has just made regarding the rates on newspapers?

Mr. COPELAND. Does the amendment which was adopted yesterday, as the Senator from Nevada understands it, return all newspaper rates to the old rates in all the zones?

Mr. ODDIE. No, Mr. President; there are several changes. The rates as they are now in the bill which is before us are not exactly as they were before.

Mr. COPELAND. Does the Senator mean by that that there are some raises in the newspaper rates?

Mr. ODDIE. No; I do not mean by that, Mr. President, that there are any raises, because there are no raises. The rates are slightly below the existing rates.

Mr. COPELAND. Oh! Then, so far as the newspapers are concerned, the rate is to be less, is it, than the present rate?

Mr. ODDIE. Yes; but that is not the point I have raised. I have not raised the point of the advisability or the inadvisability, as some may say, of the change in rates; but I have raised the point that the Senator from New York has made a statement which can not be borne out by the facts—that the rates adopted yesterday by the Senate were above the existing rates, when as a matter of fact they are below.

Mr. McKELLAR. Mr. President, for information I should like to ask the Senator a question. I may have made a mistake. As I understand, the rates were lowered on reading matter in newspapers. They were left exactly the same in the first and second zones on advertising matter under the amendment of the Senator from Nevada, were they not?

Mr. ODDIE. They were, but below the existing rates on reading matter.

Mr. McKELLAR. In other zones they were increased. Unless that is true, I misunderstand the situation. They were lowered on reading matter to 1¼ cents and on advertising matter they were left the same in the first and second zones and in the farther zones they were increased. Is that the Senator's understanding of the situation?

Mr. MOSES. Mr. President, if the Senators will permit me, the average rate for all zones now is 5½ cents. The rate proposed in the bill as originally introduced, under the rates formulated by the Post Office Department, was 6.625 cents. The average rate for all zones as now standing is 5.625 cents, or 1 cent less than that proposed by the Post Office Department and three-fourths of a cent above existing rates. That is the average for all zones.

Mr. McKELLAR. That was my understanding of it.

Mr. NORRIS. Mr. President, I wish the Senator from New York would have the Senator from New Hampshire elucidate this matter just a little further. I think it is very misleading to say that the average in all zones is raised just a little on advertising matter. It is decreased in the first zone, the second zone, and perhaps the third zone, is it not?

Mr. MOSES. No.

Mr. NORRIS. Just in the first two zones?

Mr. MOSES. It remains exactly the same in the first and second zones.

Mr. NORRIS. I think it is fair to state, and I will be corrected by the Senator from New Hampshire if it is wrong, that the average rate is increased by reason of an increase in the far zones. Newspapers do not circulate in those zones.

Mr. GOODING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. Just one moment. I want to ask the Senator from New Hampshire if, according to his estimates of this morning, there will be any increase in revenue because of the change in law relating to the postal rates on newspapers?

Mr. MOSES. I do.

Mr. COPELAND. How much does he estimate it will be?

Mr. MOSES. I think it will be between three and four million dollars.

Mr. COPELAND. Very well, then. Mr. President, how can any Senator on the other side of the aisle say that there is to be the same rate upon newspapers, when the Senator from New Hampshire states that there is to be an increase of three or four millions in the revenue from postage upon newspapers? It is absurd, and in this matter, as in all others relating to this particular bill, the Senators on the other side are throwing dust in the air.

Mr. MOSES. Mr. President, will the Senator yield to me?

Mr. COPELAND. I yield.

Mr. MOSES. "A little learning is a dangerous thing," Mr. President. The Senator from New York, if he understood the postal-rate structure at all, would know that in second-class postal rates there are two classifications; and I am not now speaking of newspapers and periodicals. I am speaking of the second-class matter deposited in the mails by the publishers. There is, in addition, Mr. President, a very large volume of second-class mail carried by the Postal Service which is known as the transient second class—individual periodicals and newspapers deposited in the mails by persons who, having read a magazine, for example, want to send it to a friend. Those rates carry $1,000,000.

Mr. GOODING. Mr. President——

Mr. COPELAND. I yield to the Senator.

Mr. GOODING. I would like to ask the Senator from New Hampshire, who has had this bill in charge, how much of a decrease the Oddie amendment makes in the revenue derived from second-class matter in the first zone beyond that produced by the amendment of the subcommittee which has been adopted?

Mr. MOSES. It is absolutely impossible to answer that question.

Mr. GOODING. How much, approximately?

Mr. MOSES. I would think that the effect of the Oddie amendment, as compared first with the proposals of the subcommittee, might be to reduce the total increase in revenue on that class of periodicals by something like $1,000,000.

Mr. GOODING. How much less would it be than the revenue now collected by the Government on that class?

Mr. MOSES. I should think about a million and a half.

Mr. GOODING. Less than what is now collected?

Mr. MOSES. Yes. But, of course, Mr. President, the Senator from Idaho must understand that when you undertake to separate second-class matter into any one of the eight zones you are coming to a point where it is a mere rule of thumb for estimating, and I am giving the Senator from Idaho the best judgment I possess about it.

Mr. GOODING. I am sure the Senator is; but it is an actual reduction from the present rate now being paid?

Mr. MOSES. I so regard it.

Mr. COPELAND. I suppose, Mr. President, that it is impossible to tell, because the bill, to use a word which I hope the Senator from New Hampshire will not consider a wrong word to use in view of his statement the other day, is so unscientific that he has to use "a rule of thumb" to determine what will happen.

Mr. MOSES. I want to assure the Senator from New York now that I have become quite accustomed to the eccentricities of his vocabulary, and no word he can use will irritate me.

Mr. COPELAND. I am very happy that the Senator from New Hampshire is so yielding and kind. I find him so in personal contacts as well as on the floor of the Senate. But I want to discuss further with the Senator from New Hampshire the revenues to be derived under this bill. We have now discovered that the Oddie amendment saves a million, but that still the newspapers will have to pay $3,000,000 more than they are paying at present. Will the Senator from New Hampshire assure us now that on the parcel post there will be no additional burden upon the people?

Mr. MOSES. Oh, Mr. President, I suppose a hundred times in the course of the discussion on this bill I have undertaken to say, and I probably have been unintelligent in saying it, since I have not conveyed the idea to the Senator from New York, that we have undertaken in this bill to allocate, so far as possible, the amount of money we seek to derive to all the classes of mail matter, and necessarily the parcel post will have to take a portion of it.

Mr. COPELAND. How much?

Mr. MOSES. The Senator might have read that in the RECORD this morning, inasmuch as he was not here yesterday, but I estimate that it will be something like $20,000,000. The Senator from Mississippi [Mr. HARRISON] stated it this morning, and he was accurate about it. I did not deny his figures. The Senator from New York heard that. He could have grasped it then.

Mr. COPELAND. Mr. President, the Senator from New Hampshire need not worry about whether the Senator from New York knows it or not. I want the Senator from New Hampshire to repeat this frequently, so that the country may know that $20,000,000 is going to be put upon them to pay for the advances proposed in this bill for the parcel post, $20,000,000 upon the farmers and the small merchants of this country.

Mr. MOSES. If the Senator from New York will be patient, as I am, and will wait until after he has held his nose and voted for the bill, I purpose to state on the floor of the Senate, and to put into the RECORD, of course, my opinion of what the bill will produce and from what classes of mail matter. I have no intention of keeping from the Senate or from the country any facts essential with reference to the rates which we propose. I intend that the country shall know, and from me, what the effect of this bill will be upon all classes of mail matter.

Mr. COPELAND. Mr. President, I realize the discomfiture of the Senator from New Hampshire. He is just as anxious to have these postal salaries increased as I am. He has shown his bravery by presenting to the Senate and to the country an outrageous bill, which was entirely unnecessary in view of the state of the Treasury. In order that others in high place may not suffer criticism for the defeat of the postal employees' salaries, the Senator from New Hampshire, in his kindness of heart, fathers a bill proposing a "slight increase," as he says, "which does not amount to very much," only "a few millions," in order that we may be spared the pain of another presidential veto. I congratulate the Senator from New Hampshire!

Mr. MOSES. Mr. President——

Mr. OVERMAN. Mr. President, may I interrupt the Senator a moment?

Mr. COPELAND. I yield.

Mr. OVERMAN. I want to ask the Senator from New Hampshire a question. He says he expects to make a statement after the bill passes showing how the revenue is raised and from what sources. Why can he not make that statement now? I have to vote for or against the bill, and I would like to know what I am doing.

Mr. MOSES. Mr. President, this bill has not yet passed its amendment stage. I do not know in what form it will emerge, and I can not possibly make an estimate until the amendments are all in and I know what the bill is to be.

Mr. OVERMAN. I know the Senator has made an extensive study of this question, and I want to ask him whether he can not, as far as we have gone, state from what source the revenue will come?

Mr. MOSES. I have stated that. I stated that yesterday in the course of the debate. I think this bill will raise something like $50,000,000. I stated yesterday that I thought it would raise $20,000,000 from parcel post. I have said that I thought it would raise $3,000,000 from second-class matter, and twelve and a half millions from first class.

Mr. OVERMAN. I was out of the Chamber all day attending a committee meeting, and I beg the Senator's pardon.

Mr. MOSES. I understand that. Once more the eccentric vocabulary of the Senator from New York has led him astray. I am not at all discomfited by any situation that will arise in connection with this bill.

Mr. COPELAND. Mr. President, may I interrupt the Senator?

Mr. MOSES. Yes.

Mr. COPELAND. Is the Senator ever embarrassed?

Mr. MOSES. Oh, yes; frequently. All men of conscience are. [Laughter.]

I am sure that I am quite as anxious to grant postal-salary increases as the Senator from New York is. In fact, Mr. President, I think I am a little more desirous of granting them than he is, because I am not impeding the passage of the only measure that will grant them.

Mr. NORRIS obtained the floor.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. COPELAND. The Senator from New Hampshire asked if the Senator from New York would vote for the bill. I think he was not in the Chamber when I said that I would vote for the bill, and that I remembered a famous Republican Governor of Michigan saying that he voted the Republican ticket but held his nose while he did so. I am going to hold my nose and vote for the bill, because I want to see brought about what the Senator from New Hampshire is so anxious to have done—increases given the postal employees.

Mr. MOSES. Then let us get to it. If the Senator has such a poor opinion of the bill as he is evidently trying to express one more element of disfavor in the bill certainly can not make it any worse for him. So let us get to it.

Mr. HARRISON. Mr. President, will the Senator from Nebraska allow me to ask the Senator from New Hampshire one question before he starts his remarks?

Mr. NORRIS. I yield to the Senator.

Mr. HARRISON. I understood the Senator from New Hampshire to say that on the second-class matter there would probably be $3,000,000 additional revenue raised, after the amendments had been adopted, and so on.

Mr. MOSES. Yes.

Mr. HARRISON. How much does the Senator believe would be raised from the transient second-class matter?

Mr. MOSES. One million dollars.

Mr. HARRISON. Does he think there would be a loss or an increase in revenue in connection with the publisher's second-class matter?

Mr. MOSES. My impression is, as I have said more than once, that these rates will bring back into the mail a considerable portion of second-class matter which has been withdrawn from the mail, and the total revenue will be increased.

Mr. HARRISON. The Senator does not think there will be a loss of a million six hundred thousand dollars?

Mr. MOSES. I do not.

Mr. HARRISON. Will the Senator from Nebraska allow me to have read and placed in the RECORD in this connection, because it touches this matter, a letter I have just received from the Postmaster General in answer to a request on my part that he give me the facts touching this question?

Mr. NORRIS. I yield for that purpose.

The PRESIDENT pro tempore. The Secretary will read.

The reading clerk read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., January 30, 1925.

Hon. PAT HARRISON,
United States Senate.

MY DEAR SENATOR HARRISON: Replying to the inquiry from your office received over the phone, requesting information as to the amount of additional revenue, if any, which will be raised by the postage rates for second-class mail matter provided for in the bill S. 3674, as it now stands before the Senate with the changes that were adopted, I have to inform you as follows:

The additional revenue which would be raised on transient second-class matter; that is, publications entered as second class but mailed by the public would be approximately $1,000,000 a year. The rates as provided for in the bill on publishers' second-class matter would result in a loss of revenues of approximately $1,644,000.

This estimate does not include additional revenue which might be received if second-class matter now carried by freight should be diverted back to the mails. It is not believed that under the rates

stated there would be any considerable diversion. However, if there should be such a diversion, it is believed that the additional cost of transportation which would become necessary to provide for the carriage would be as much or greater than the additional revenue at the rates stated in the bill.

In reply to your further inquiry, I will say that the present rates on second-class matter do not make any distinction between newspapers and magazines, excepting that under present rates any publication maintained by and in the interest of any religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organization or association not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, the rate is 1¼ cents a pound for both reading and advertising matter carried any distance. As I understand, the bill as it now stands in the Senate continues this rate.

Sincerely yours, HARRY S. NEW,
Postmaster General.

Mr. MOSES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield to the Senator.

Mr. MOSES. During the years when the present Postmaster General and I served together in this Chamber I valued him highly as a friend and a colleague, but I did not always agree with his conclusions. Since he has become Postmaster General, I value him no less highly as a friend and an associate in the Government, and in this instance, I do not agree with his conclusions.

Mr. NORRIS. Mr. President, I would like to ask the Senator from Mississippi if the letter of the Postmaster General was written with a knowledge of the so-called Oddie amendment having been adopted?

Mr. HARRISON. The letter came to me this morning, following a request at about 11 o'clock for this information. So I have no doubt that it is up to date, and that is what I wanted.

Mr. NORRIS. Then he took the Oddie amendment into consideration when writing that letter?

Mr. HARRISON. Yes; the Oddie amendment was a matter which came before the Senate yesterday.

Mr. NORRIS. Mr. President, it seems to me that what is happening now in the Senate on this very important measure illustrates so well the condition I tried to explain yesterday which exists in regard to the legislation that I can not refrain from again calling the attention of the Senate to it. We are seeking by the proposed bill to make a change in the perhaps greatest department of the Government, one at least that comes more intimately in connection with the life of the people of the country than any other department, one that enters into the business of all the people of the United States, one that goes into the homes of all the people, that has a close connection with their cost of living, with their method of living, with their business affairs, their social affairs, their religious affairs—everything connected with human life. When we undertake to make a change that shall go into all those things directly pertaining to the life of the people of the country we ought to be careful that we are doing it on the right kind of information. We ought to hesitate lest we make a mistake that would interfere with and turn over the method of living, the method of business, the method of society, and everything. It is a serious proposition, it seems to me.

I called attention yesterday to the fact that on the face of it it seems to me that we are doing it without sufficient information, because the bill that we are considering, if it is enacted into law, is only temporary and goes out of existence after 10 months' operation by its own terms. We are going to turn it upside down and have it upside down for 10 months and then turn it back again. We are going to interfere with everything for that length of time. It may be that it will turn out from experiment that it is all right, but I do not believe it will. It is at least a guess. Nobody knows. The experts do not agree.

The committee and the representatives of the committee who have the legislation in charge do not agree with the Postmaster General. They do not agree with the fact finding commission. They do not agree with anybody but themselves. They may be right. I do not know. I am not in a position to judge. I ought to be before I am called upon to cast my vote. I ought to have an opportunity fairly and conscientiously to vote upon the question. It is the same with every other Senator. We can not get away from that proposition. We are going into something blindly. If it were a little thing, I would not care much about it, but it is a great thing that enters, as I said, into the very existence of all the people of the country, of every farmer, and of every business institution.

It seems that yesterday the Senate adopted the so-called Oddie amendment. There seems to be a dispute here as to just what effect that will have. Outside of the more distant zones the author of the amendment, it seems to me, thinks it is going to reduce present rates on newspapers. I understood at the beginning of the consideration of the proposed legislation that the great reason why there was such a great deficit in the Post Office Department was because of second-class matter, the deficit being between $70,000,000 and $80,000,000, and now we are going to raise the amount of that deficit not from the class that causes the deficit, if the statements of the Senator from New Hampshire are true, not from the class of mail matter that brings about the deficit, but we are going to still further decrease the cost of that class of mail and thus increase the deficit from that portion of the mail business, and then we must raise the amount of the deficit from something else. We must increase the rates some other place.

I may be wrong, but I have the conviction in my mind and fairly well established that it was second-class mail matter that was to blame for the large deficit in the Post Office Department. I am not one of those who believe that in operating the Post Office Department we should make a profit or that it should even pay its own way. There are a good many reasons why on second-class mail matter we should stand a deficit. But if there is any place in it where, without injury to legitimate business, we could increase the rates I want to do it. If there is any other place where we can legitimately increase the rates without injuiry I would like to do that, too. But I have not and no other Senator has evidence, except some very conflicting statements that lead us nowhere except in a hole, upon which to base an intelligent judgment or an intelligent decision.

Why should we do this? It is proposed here to increase the rates on parcel post. Before the George amendment was adopted I think it was conceded that the rates in the bill would bring in an additional revenue of about $20,000,000. I am not sure that upon a full hearing of the case I would not be in favor of increasing the parcel-post rates, but I am not willing to increase them unless I have formed an opinion upon reliable evidence that we are justified in doing it.

We had a great fight in Congress, running over many years, in the matter of the establishment of the parcel post. It was a contested question that was bitterly fought in one Congress after another. There was bitter opposition to it. I was in the House of Representatives during that fight, and I remember the arguments that were made against it, the wonderful propaganda that went out over the country against it; but after due consideration it was established. I think it is conceded now that the objections made to it were to a great extent fanciful and did not in reality exist, though honestly made by many classes of people, for instance, small storekeepers, who themselves are utilizing it now in their own business. It is not the terrible thing they thought it was going to be. It has done a wonderful amount of good. I do not want to cripple it. If we are going to raise the bulk of this revenue on the parcel post and reduce still further in the near-by zones the cost of second-class mail matter that brings about at least a very large proportion of the deficit, it seems to me that is unfair. I do not believe we are justified in doing that.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. NORRIS. Certainly.

Mr. SIMMONS. I want to ask the Senator from Nebraska about a phase of the parcel-post question that has just suggested itself to my mind. The chief increase, almost the whole increase, on parcel-post matter is the requirement that upon every parcel, without reference to its weight or its value, there shall be placed a 2-cent stamp. A parcel that weighs 1 pound now pays within the first 50 miles 5 cents. A parcel that weighs 70 pounds now pays within the first 50 miles 74 cents. The same increase is made under the bill on a parcel which only weighs 1 pound and now pays 5 cents that is made on a parcel which weighs 70 pounds and now pays 74 cents.

Mr. NORRIS. The object of the pending amendment is to strike out that 2-cent charge.

Mr. SIMMONS. I wanted to ask the Senator if that was not a very discriminatory increase?

Mr. NORRIS. When we figure it out on a percentage basis, it would be. I have not heard this argued, but I want to be entirely fair with those who propose such a tax. I suppose that it is levied on the theory that there is always an initial

charge that is about the same on a package regardless of its size or weight. I think it might be described as akin to the terminal charge on a package of freight.

Mr. MOSES. The Senator from Nebraska may remember the statement which I made when I reported the bill four weeks ago to-day. I pointed out that this service charge was in the same nature as the so-called pick-up charge authorized by the Interstate Commerce Commission on all express packages, the pick-up charge being 35 cents on all packages.

Mr. COPELAND. Mr. President, we would be glad to hear the conversation on this side of the Chamber.

Mr. MOSES. Oh, it will all be in the RECORD.

Mr. NORRIS. The Senator from New York has a right to hear it. The conversation was not very audible. The Senator from New Hampshire called attention to a statement he made——

Mr. SIMMONS. Mr. President——

Mr. NORRIS. Just let me make this statement. The conversation was low and other Senators are entitled to know what it was about. I remember distinctly that when the Senator from New Hampshire said it, he made an impression on me that there is some reason behind it. I am not saying that there should not be some charge of this kind, but the 2-cent charge put on every parcel that goes into the Post Office Department was akin, the Senator from New Hampshire very well said, to what is called the pick-up charge of the express companies that they put on all packages. The pick-up charge is 35 cents.

Mr. MOSES. Yes; and is authorized by the Interstate Commerce Commission.

Mr. NORRIS. Of course, there is a difference between the pickup charge and this charge because the express company goes after the package and gets it, as I understand it. The Post Office Department does not do that. We have to deliver a parcel-post package to the Post Office Department.

Mr. MOSES. If I may interject at that point, we have to deliver it to the Post Office Department at some point, not necessarily at the central post office.

Mr. NORRIS. No; I did not mean that.

Mr. MOSES. If it is delivered in this city, for example, at a postal station near the Senator's residence in Cleveland Park, it is there picked up by a Post Office Department wagon and taken to the city post office which, as the Senator knows, is adjacent to the railroad station.

Mr. SIMMONS. If the Senator will pardon me, by whatever name we may call this additional 2-cent charge, it is in effect increasing the rate that the sender pays upon his package. If the package takes the lowest or minimum charge, being of minimum size and weight, the sender has to pay an increase that amounts to nearly 100 per cent.

Mr. NORRIS. It would not be that much, but it would be a large percentage.

Mr. MOSES. Is not the Senator losing sight of the fact that we have transferred all packages of less than four ounces to the third class, where the rate is exactly the same and where there is no service charge?

Mr. SIMMONS. The point I am making is that when we imposed this charge we regulated it by weight. Now, when we go to increase the charge we do not consider weight at all; we impose the same amount of increase upon a 1-pound package that we do upon a 70-pound package.

Mr. MOSES. That is true.

Mr. SIMMONS. That is out of harmony with the law as it now stands, which was based upon weight.

Mr. MOSES. Would the Senator favor making a service charge of $1.40 on a 70-pound package?

Mr. SIMMONS. No; Mr. President. I am simply objecting to this increase being based upon a theory so utterly at variance with the principle of the original parcel post act.

Mr. MOSES. Mr. President, of course, the service charge is supposed to be for the service rendered on a package, and it is just the same for a 4-ounce package as it is for one of 70 pounds.

Mr. SIMMONS. Call it service, or whatever it may be called, it is an additional charge.

Mr. NORRIS. Mr. President, there are provisions in this bill which practically every Senator very earnestly favors. We have added an amendment which, while to my mind it is entirely foreign so far as the subject matter is concerned to the title of the bill, would put on the statute books a law that we ought to have there. So there are a good many reasons why Senators are attracted to the bill and intend to vote for it. Nearly everybody has felt, it is conceded even by the President who vetoed the former bill, that the wage increases provided for in the vetoed bill and likewise in the pending bill are just and that they ought to be enacted into law.

The amendment submitted by the Senator from Massachusetts [Mr. WALSH] providing for publicity of campaign expenses, I think, would meet with unanimous approval of this body. Those are good provisions; we should all like to have them enacted into law; but, Mr. President, are we justified in singling out, for instance, the people of the country who patronize the parcel post and saying to them, "You must bear the burden"? In order to give somebody else what they are entitled to, are we going to do an injustice to somebody else? Are we going to say to those who send parcels through the mail, "You must pay for the deficit caused by the carriage of second-class mail matter"? Are we going to say that though second-class mail matter is to blame for a large part of the deficit, we will decrease the rates that must be paid by second-class matter in some of the zones still lower than those they now pay, which are admitted already to be less than the cost to the Government to carry mail matter? Can we justify ourselves in adding a burden of $20,000,000 upon those who patronize the parcel post in order to accomplish some good to those who are employed in the Post Office Department, and at the same time still further liberate second-class mail matter from the payment of the charges which they should contribute in keeping in operation the great Post Office Department?

Mr. President, I do not understand why we should take that view of it. I can not, for the life of me, understand why we should take that class of mail matter carried by the Post Office Department which causes the largest deficit and still further lower the rates on such matter, thus making the deficit larger, and then push it over on to somebody else.

Again, Mr. President, are we going to get the increased amount of revenue from second-class matter which has been prophesied here? The Postmaster General's letter, which was just read from the desk, discloses that, according to his estimate, there will be a decrease in revenue from a large portion of the second-class mail matter. The estimate of the Senator from New Hampshire is based, I take it, in part on his theory that some of the second-class mail matter which has been driven from the Post Office Department will return and make use of the department's facilities. I have great faith in the Senator's judgment, and if he were passing upon a case and had all the evidence before him, both pro and con, and I had to follow his judgment as to his conclusions, I would not very much fear that I should go wrong; but as he said about the Postmaster General's estimate, I can not follow him in his estimate. I do not believe that any of this class of mail matter will return to the Post Office Department, and I am not anxious that it should. If it can only be transported by the Post Office Department at a loss, and the publishers can transport it cheaper in some other way, bid them God speed and let them use the cheapest method of transportation possible. I do not understand why we should be anxious to get more business of a particular kind when we are losing money on it, anyway; or even if we were making money, if those who are publishing the newspapers and the periodicals can transport their publications more cheaply by some other method, we ought not to put a straw in their way. Let them carry on their business as cheaply as possible.

Mr. President, in my humble judgment, there will be no return to the Post Office Department of second-class mail matter. The periodicals that now go by freight across the country to be deposited in the post offices at various places will still continue to do so; it is the most economical way to do it; when it can be hauled in a freight train at a much less rate that is the way it will be hauled and that is the way it ought to be hauled. So we shall get no increase in that respect, as the Postmater General has stated, and even if we should the increased cost of handling would absorb any increase of revenue which might thereby be obtained.

If we shall obliterate that item, omit it from our calculation, then we shall have a revenue coming from the second-class mail matter less than we now have. No Senator can justify himself in voting for a bill that will have that kind of result. Instead of increasing the revenue from second-class matter, I think, so far as the evidence which we have is concerned, it discloses the fact that we are going to get less revenue under the bill as it now stands than we get under the existing law; and hence that the deficit is going to be greater.

Can we justify ourselves now in putting the burden of making up the deficit on to the parcel post? I do not believe we ought to take any action in regard to the parcel post in the dark. That service is something which, as I said a while ago, came about from a long contest, a contest for years. It was established after that contest. No one denies the justifica-

tion for it now, and I would not want to take any action that would cripple it, although, as I previously stated, if upon a full and fair hearing it should be disclosed that the revenues ought to be increased or could be increased or the method of handling the service changed so as to make its administration more economical, I would favor such action. However, we have not light enough now to enable us to vote intelligently upon this proposition.

Senators, that being the condition, as is practically admitted by everybody, why should we not take that part of the bill which, after all, ought to have no connection with any other part—the part dealing with the increase of salaries—and act upon that intelligently? Put with it section 217, as I recall, which provides for an investigation of this whole question by a joint committee of the two Houses, and then, when the report of that joint committee shall come in, we can act intelligently upon all these other matters about which we are now groping in the dark.

Such a course ought to satisfy President Coolidge, believing as he does and as he has said he does, in increased salaries for the postal employees. The first step is to pass the bill and provide in it for the appointment of a joint committee to look into this matter and to ascertain the facts and figures so that we may legislate logically and intelligently. We can not enact good legislation unless we do that. Either we must make such an investigation or somebody else must discharge that duty. We must have the facts before we can legislate intelligently. That is conceded by those who are behind this bill, because they incorporated the provision for a joint committee in the bill and because they have provided that the new rates which are proposed shall be only temporary; that they shall last only for 10 months. That being conceded, why not proceed as we ordinarily would? Could anybody find fault with us? Is the President going to be so arbitrary with those who follow him blindly in this body as to require them to do an illogical and perhaps an unjust thing to millions of our people merely to satisfy an opinion or a whim?

In order merely to do justice to which it is conceded the employees of the Post Office Department are entitled, are we going to be compelled by presidential edict to do an injustice to a larger number of our people in the country by compelling them to pay the great bulk of the cost of the increased salaries? I do not believe that is reasonable; I do not believe that any President would demand it; and it seems to me Senators are very illogical when they say we must take such action in order to obviate a presidential veto.

If I believed that to be true, Mr. President, I would still follow the course I have suggested; but I can not believe that the President of the United States would be so unreasonable, even assuming that he has the power to do all that anybody has ever said that he could do, as to say we must jump in the dark here and impose a burden on Tom, Dick, or Harry without knowing whether or not it should be so imposed, and make them bear it in order to give certain Government employees just salaries. The first step which is conceded to be necessary in order to get the facts is to investigate the Post Office Department and ascertain where we can and where we ought to increase the postal revenues; to find out where the deficit really occurs, for even that is not a question in agreement here. That is what we must do. If we put that much in this bill, it seems to me it should be satisfactory to any reasonable mind or to any fair man. No man, whether he be President or not, has a right to ask any more. That much he has a right to ask, and when that is done we have performed our duty.

If a joint committee is not the proper instrumentality to secure this information, I have no objection to any other method or to any other method in addition to that, but we have not the information now and we have to have it in order logically and intelligently to legislate on this great question. We ought not to legislate until we do have it. Therefore, it seems to me this amendment ought to be agreed to.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The question is on the amendment of the Senator from Mississippi [Mr. HARRISON].

Mr. MOSES. I suggest the absence of a quorum.

Mr. OVERMAN. I was about to make the same suggestion.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Butler	Curtis	Fletcher
Bayard	Cameron	Dale	Frazier
Bingham	Capper	Dial	George
Borah	Caraway	Dill	Gerry
Brookhart	Copeland	Edge	Glass
Broussard	Couzens	Ferris	Gooding
Bruce	Cummins	Fess	Hale
Harreld	McKellar	Pepper	Sterling
Harris	McKinley	Phipps	Swanson
Harrison	McLean	Ralston	Trammell
Heflin	McNary	Reed, Pa.	Wadsworth
Howell	Mayfield	Sheppard	Walsh, Mass.
Johnson, Calif.	Means	Shields	Warren
Johnson, Minn.	Metcalf	Shipstead	Watson
Jones, N. Mex.	Moses	Shortridge	Weller
Jones, Wash.	Neely	Simmons	Wheeler
Kendrick	Norbeck	Smoot	Willis
Keyes	Norris	Spencer	
King	Oddie	Stanfield	
McCormick	Overman	Stanley	

The PRESIDING OFFICER. Seventy-seven Senators have answered to their names. A quorum is present. The question is on the amendment proposed by the Senator from Mississippi [Mr. HARRISON], on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. ROBINSON] to the Senator from Wisconsin [Mr. LENROOT] and will vote. I vote "nay."

Mr. NORRIS (when Mr. LA FOLLETTE'S name was called). I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate on account of illness.

Mr. STERLING (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Vermont [Mr. GREENE], and will vote. I vote "nay."

The roll call was concluded.

Mr. FRAZIER. I wish to announce that my colleague [Mr. LADD] is unavoidably detained. If he were present he would vote "yea."

Mr. BROUSSARD. I wish to anounce the absence of my colleague [Mr. RANSDELL] on official business. This announcement may stand for the day.

Mr. GERRY. I desire to announce that if the Senator from Arkansas [Mr. ROBINSON], the Senator from South Carolina [Mr. SMITH,] and the Senator from Mississippi [Mr. STEPHENS] were present, they would all vote "yea."

Mr. JONES of New Mexico (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. FERNALD]. I believe he has not voted. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL], and will allow my vote to stand.

Mr. STANLEY (after having voted in the affirmative). I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. I transfer that pair to the Senator from Mississippi [Mr. STEPHENS], and will let my vote stand.

The result was announced—yeas 36, nays 39, as follows:

YEAS—36

Brookhart	Gerry	Jones, N. Mex.	Sheppard
Broussard	Glass	Kendrick	Shields
Bruce	Gooding	McKellar	Shipstead
Caraway	Harris	Mayfield	Simmons
Copeland	Harrison	Neely	Stanley
Dial	Heflin	Norbeck	Swanson
Fletcher	Howell	Norris	Trammell
Frazier	Johnson, Calif.	Overman	Walsh, Mass.
George	Johnson, Minn.	Ralston	Wheeler

NAYS—39

Ball	Dill	McKinley	Shortridge
Bayard	Edge	McLean	Smoot
Bingham	Ferris	McNary	Spencer
Borah	Fess	Means	Stanfield
Butler	Hale	Metcalf	Sterling
Cameron	Harreld	Moses	Wadsworth
Couzens	Jones, Wash.	Oddie	Warren
Cummins	Keyes	Pepper	Watson
Curtis	King	Phipps	Willis
Dale	McCormick	Reed, Pa.	

NOT VOTING—21

Ashurst	Fernald	Pittman	Underwood
Bursum	Greene	Ransdell	Walsh, Mont.
Capper	Ladd	Reed, Mo.	Weller
Edwards	La Follette	Robinson	
Elkins	Lenroot	Smith	
Ernst	Owen	Stephens	

So Mr. HARRISON'S amendment was rejected.

Mr. SWANSON. Mr. President, after the action of the Senate on this amendment Senators can see exactly what the purpose of this bill is. Everybody concedes that these employees ought to have an increase of salary. The President has relented on that and recognized the justice of it, and all that he has required is that we shall provide a means of furnishing the money to pay the increase. What has the Senate decided as to where most of this money shall come from? That it shall come from fourth-class matter, parcel post. In other words, the Senate is willing to increase the salaries of the

postal clerks and postal employees provided the farmers of the country will furnish more than one-third of the money through increased rates on parcel post.

That is a gross injustice. Why stay here to try to get legislation to relieve the farmer, why call an extra session to relieve the farmer, when we put additional burdens on him every time we try to give something to some one else?

I was on the joint commission of the House and Senate which stayed here all summer to provide the means of establishing a parcel post. As the senior Senator from Nebraska [Mr. NORRIS] has well said, it was fought from beginning to end. The express companies and the railroad companies and the special interests fought the parcel post from start to finish. The Senate was represented on that joint commission by Senator Bourne, who at that time was chairman of the Post Office Committee, Senator Bristow, of Kansas, and myself. After six months of hearings we brought to the Senate a provision for the establishment of a parcel post as now provided. Every effort to increase its usefulness has been fought in this body.

Mr. KING. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. KING. The Senator states, as I understand him, that one-third of the increases will be borne by the farmers.

Mr. SWANSON. More than one-third.

Mr. KING. My recollection of statements repeatedly made on the floor of the Senate during the debate, now and in the past, is that only a small percentage, one and a fraction per cent, of parcel post, originated with the farmers, and about 7 or 8 per cent was delivered to the farmers.

Mr. SWANSON. That is true; but who pays it?

Mr. KING. So that the farmer would not be paying it all, as the Senator has said.

Mr. SWANSON. If a farmer, instead of taking a day to go to a little town in his county, will order what he wants by postal card, and the merchant sends it over by parcel post and saves the farmer a day in going to the town to buy what he wants, he gets the advantage of having his purchases sent to him instead of losing a day's work in going to get them.

Mr. NORBECK and Mr. GEORGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Virginia yield, and if so, to whom?

Mr. SWANSON. I yield to the Senator from South Dakota, as he rose first.

Mr. NORBECK. Mr. President, I wish to ask the distinguished Senator from Virginia whether he does not believe that these costs are carried on to the ultimate consumer; that business will pass them on to customers?

Mr. SWANSON. Everybody knows that is so.

Mr. NORBECK. Then, why say that $20,000,000 goes to the farmers? Does not practically all of it ultimately reach them?

Mr. SWANSON. Twenty million dollars is a special burden on the parcel post. The farmers are not all the people in the country, but the farmers are practically the only people who use the parcel post and rural delivery.

Mr. NORBECK. But the others can protect themselves by passing the costs on. It is the customer who pays. If the laboring man can get some salary increase to protect him, he is taken care of, but if the farmer can not get an increase in the price of his products, then he is carrying the whole load, is he not?

Mr. SWANSON. Of course.

Mr. NORBECK. One more matter. Perhaps I misunderstood the attitude of the President. As I recall, the President's veto message addressed to the Congress stated that an investigation had been made by the Post Office Department that covered cities and towns of all sizes in the United States, and it was found that postal employees received higher salaries than others in like employment. I have seen no evidence that he has changed his opinion in that matter.

I suggest to the Senator from Virginia that the way to keep this burden from falling upon the farmer is to vote against the bill, and then he will be sure that the farmer will not get the burden. I had a good deal of pressure put on me from one of the cities in my State, a county seat, my correspondents insisting that seventeen or eighteen hundred dollars was not a living wage. So I telegraphed the county clerk up there to see what salaries were being paid to employees in the courthouse—and that is one of the largest counties in South Dakota. The reply came back that on an average they are paying $1,056; and the highest salary paid is $100 a month. Still they are asking us to raise the salaries of these seventeen or eighteen hundred dollar clerks about $300 a year and to put the increases on the farmers, of course.

Mr. SWANSON. Now I yield to the Senator from Georgia.

Mr. GEORGE. Mr. President, I just wanted to say, in answer to the statement made by the Senator from Utah [Mr. KING], who has left the Chamber, that it has been often repeated here that only 1½ per cent of parcel post originates on rural routes. That is true according to the fact found in commission's report, and I take it that that is an accurate statement. It has been often stated that only about 9 per cent of the parcel-post packages were delivered on rural routes. But I have called attention once before, and I want to emphasize it now, to the fact that those two percentages combined do not represent the total service of parcel post to the farmers, because, as I stated—a statement which is borne out by the cost ascertainment report—44 per cent of all the money orders in the United States are sold at third and fourth class post offices, and the Post Office Department itself indicates its settled conviction that the majority of those money orders are purchased by farmers, men living on the rural routes and in the country, and represent business finally going through the postal system as parcel post. In other words, the mere number of packages actually collected on the rural routes and the mere number of packages actually delivered on the rural routes do not indicate, either separately or combined, the total service of parcel post to the American farmer. Mr. Stewart, of the Post Office Department, stated that it is the opinion of the best informed men in the service that approximately 35 per cent of all parcel post originates with or is delivered to the farmer.

Mr. SWANSON. Mr. President, what does that disclose? It is well for us to face the issue. People buy where they can buy the cheapest, and fourth-class matter, which has had a deficiency, in round numbers, of only $7,000,000, will have it increased to twenty millions. In other words, fourth-class matter, in which parcel post is included, half of it originating with country people—farmers—and practically the other half of it with the laboring masses of the people, pays more than one-third of the salary increases provided under this bill for postal employees.

If the letter read by the Senator from Mississippi is correct, there is a reduction of rates on second-class matter. We hear no clamor from users of that class of mail. I would like to ask the Senator in charge of this bill if that statement by the Postmaster General is true, if there will be a reduction of rates rather than an increase on second-class matter?

Mr. MOSES. If the Senator from Virginia had been a little more constant in attendance, he would have learned that I have already twice said "no" in answer to that very question.

Mr. SWANSON. The Postmaster General is wrong?

Mr. MOSES. I have expressed that opinion.

Mr. SWANSON. In other words, then, you want to increase about $3,000,000 the revenue on second-class matter. Now you want to pass a bill, in this situation, without investigation to find who would pay these increases of salaries to the postal employees, who, I think, are clearly entitled to the increases. As the Senator from Nebraska well said, in order to meet a political situation, in order to give the President an excuse for signing a bill to increase the salaries of these postal employees this ill-digested, ill-considered bill is to be passed and remain on the statute books for eight months. It would unsettle business. A great many businesses would be hurt and some destroyed in trying to readjust themselves to it. It is nothing in the world but a subterfuge to give an excuse for failing to pass a bill over the President's veto.

It can not be disputed that on fourth-class matter, the chief part of which is parcel post, from a deficit of seven millions you go to a surplus of thirteen millions, increasing $20,000,000 on that class of business. The masses of the people, one-half the country people, one-half the laboring people in the cities, who use parcel post instead of special delivery, will bear the burden.

I say, the bill affects business enterprises which have been created under the present system, and it is not just to make those people pay more than one-third of the increases provided by this bill, which are to go to pay the salaries of the postal employees.

Mr. NORBECK. Mr. President, will the Senator allow me to interrupt him?

Mr. SWANSON. I yield.

Mr. NORBECK. What percentage of Virginia farmers would the Senator estimate get as good salaries as do the post office employees, even allowing for the advantage of living on a farm?

Mr. SWANSON. I am not prepared to say; but I think the average Virginia farmer would not get as much. Most of these postal employees live in cities, and consequently they have rent to pay, and have other expenses, different from those the farmer would have, and I have not heard any protest from

farmers against a proper increase in salaries. What I object to on behalf of the farmer is this, when you pay these salaries, a large proportion of which go to those who live in the cities, you tax the country people to raise the increased revenue, as usual, even conceding it is a just increase. Why should parcel post, why should fourth-class mail matter be taxed, and the burden ultimately put on that class of people?

Mr. NORBECK. In other words, we are giving one class $300 a year at the expense of another class that is getting less.

Mr. SWANSON. Of course, they might be getting less, but in the city folks have to pay rent and incur other expenses, and I am not prepared to say——

Mr. NORBECK. The Senator is familiar with the report made of an extensive investigation by the Agricultural Department of pre-war conditions, which showed that the average farmer of the United States had an income of $600 a year, of which $200 was cash, and $400 was the advantage of living on a farm. We will all agree that conditions have become worse since. Still, they propose to put this burden on the farmers.

Mr. SWANSON. The second objection to this increase is that it is put on a class of mail matter that is mostly used by the farmers.

Senators may vote for this bill. I know it is scheduled to go through. I can tell from the votes recorded on every issue which has come up that the bill will pass the Senate.

There is little clamor on account of it, because the people who will bear the burden can not be heard here. They have few papers representing them. They can not create sentiment here. But if this bill passes the Senate and the House, and these burdens are put where this bill attempts to place them, the injustice of it will be so glaring that it will not appeal to the spirit of fairness and justice of the American people; it will not be an act of legislation which will meet their approval.

I want simply to say in conclusion that I shall vote against the passage of this bill. First, I believe it was improper to originate a tax measure like this in the Senate. I believe it is unconstitutional. I believe it is contrary to the very principles of our Government to originate in the Senate a bill the main feature of which is to raise $63,000,000 of revenue. I do not believe the House of Representatives will acquiesce in that practice. I believe it will send the bill back. If such a policy is to exist between the House and the Senate it will mean that in the future the taxing power of the Government will be transferred from the House of Representatives, as fixed by the Contstitution, to the Senate of the United States.

The main purpose of this bill is to provide revenue to answer an objection presented by the President. It can not be defended. It is a subterfuge. The issue was precipitated because the President would not consent to increases of salaries unless the revenue were provided.

I believe we can devise better methods of raising the revenue than by putting one-third of the increase on fourth-class mail matter. I believe it can more justly be raised from other sources than by an imposition of these burdens on that class of matter.

I shall vote against the bill because I believe it jeopardizes parcel post, because it is an effort in behalf of those who have for years fought parcel post, with its advantages to the rural sections and the other sections, and people who have been blessed by it against extortionate express rates.

Under these circumstances I believe the right thing to do is to defeat this bill, or eliminate that provision of it which provides for an increase of postal rates, and if taxation must be provided to take care of these salaries, let the House of Representatives, which, under the Constitution, has the taxing power of the Government, amend it and send it back to us.

That is the constitutional way to do it. That is the fair way to do it. That is the just way to do it. Consequently when the bill comes to its final passage I shall vote against it.

Mr. MOSES. Mr. President, the discussion of this measure has at last reached the political or filibustering or silly stage. All the questions of constitutionality of one sort and another which the Senator from Virginia brings forward have been passed upon, and by an adequate majority the Senate has made its decision. I can not forbear, however, from calling the Senator's attention to the tremendous burden which he assumes the bill will lay upon the farmers of the country.

There are 30,000,000 people served by the rural free delivery routes in the United States. With the transfer of 4-ounce packages from the fourth to the third class, as provided by the bill as it now stands, the number of packages passing through the parcel post will be approximately 900,000,000 a year. The amount of business originating on the rural free delivery routes and delivered on the rural free delivery routes is something like 10 per cent; in other words, 90,000,000 packages a year, upon which the burden will be 2 cents a package, or $1,800,000 per year, which, divided among the 30,000,000 people living on the rural free delivery routes, means that the bowed back of each of the farmers of the country will be pressed down by the tremendous burden of 6 cents per year.

Mr. SWANSON. Did the Senator from New Hampshire hear the statement of the Senator from Georgia [Mr. GEORGE]?

Mr. McKELLAR. Mr. President, may I make a parliamentary inquiry? As I understand it, the section we are now considering has been reconsidered and is now before the Senate?

The PRESIDING OFFICER. The Chair understands the committee amendment is now before the Senate on reconsideration.

Mr. McKELLAR. Then I move, on page 44, line 8, to strike out "2 cents" and insert in lieu thereof "1 cent."

The PRESIDING OFFICER. The Senator from Tennessee moves an amendment, which will be stated.

The READING CLERK. On page 44, line 8, the Senator from Tennessee moves to strike out "2 cents" and insert "1 cent," making the service charge for each parcel of fourth-class matter 1 cent.

Mr. McKELLAR. Mr. President, I wish to state briefly my reason for proposing the amendment. According to the figures just given by the Senator from New Hampshire, there being 900,000,000 packages, at 1 cent each under the proposed amendment they would bring in $9,000,000 per year. There is a loss, according to the report of the commission, of only $7,000,000 per year. If that report is correct, and I believe it is substantially correct, then, if we adopt the amendment I have offered, the parcel post will pay its way and $2,000,000 besides. I do not think we ought to burden the parcel post with any greater tax than is necessary to make it pay its own way.

Why should we put an additional burden upon the parcel post? We do not do it on any other class of mail matter, I believe, except first class. Letters are the only thing. There may be one other inconsequential class that brings more than it costs, but if my amendment is adopted and the charge is made 1 cent per package, instead of 2 cents, it will make the parcel post more than pay its own way. It seems to me that in the interest of fairness and equity and good legislation we ought to adopt the amendment and make the charge 1 cent instead of 2 cents.

Mr. SIMMONS. Mr. President, I want to ask the Senator from New Hampshire [Mr. MOSES] a question. Is the Senator's committee in possession of any estimate made by the Post Office Department as to the amount of revenue that will be derived from these several increases?

Mr. MOSES. Oh, yes.

Mr. SIMMONS. I do not recall that the Senator has filed that estimate.

Mr. MOSES. No. As I said earlier in the day, the bill is still in its amended stage, and until we know whether these amendments designed to emasculate the measure and defeat it are adopted I shall decline to make any estimate of the total amount of revenue to be raised.

Mr. SIMMONS. Yes; but the question I asked the Senator did not relate to the amount that would be raised by the amended bill. I ask if he had any estimate from the Post Office Department showing the amount of revenue that would be raised by reason of each one of the several increases proposed by the committee.

Mr. MOSES. The Senator wants to know if there is any estimate from the Post Office Department regarding the amount of revenue to be raised by the bill as amended by the subcommittee.

Mr. SIMMONS. Yes; and as reported to the Senate.

Mr. MOSES. That has been put in the RECORD several times, showing in round numbers about $30,000,000.

Mr. SIMMONS. Does that estimate show what will be derived from each one of the increases?

Mr. MOSES. Yes; and that has been stated in a speech by the Senator from South Dakota [Mr. STERLING].

Mr. SIMMONS. Has the estimate itself been placed in the RECORD?

Mr. MOSES. It was contained in a speech of the Senator from South Dakota, and the table, I think, appears in his speech.

Mr. SWANSON. I understood the Senator had discarded the estimates made by the Post Office Department except where they agree with him.

Mr. MOSES. I would not say that. I am skeptical about a great many of them. I am glad to see the Senator from Tennessee is now so heartily in accord with what the Post Office Department said. He rarely has been during my service with him on the committee.

Mr. McKELLAR. Sometimes I am and sometimes I am not.

Mr. SIMMONS. I understood the Senator from New Hampshire, in his first very illuminating statement on this matter, to indicate that his committee had received some estimates based upon the fact finding commission's report, but that the committee discarded their estimates and proceeded upon estimates which they themselves made. Am I correct about that?

Mr. MOSES. Speaking generally the Senator made a correct statement. However, what I said was this: I think that the Post Office Department brought in a detailed estimate of the amount of revenue to be raised by the increases in rates carried in the bill as originally introduced. In some of those cases the committee made no changes. Of course, where we made changes we had to make our own estimates because, the Senator will remember, the bill was reported on the 2d day of January. If the Senator from North Carolina is trying to get from the Senator from New Hampshire an indorsement of all the figures produced by the Post Office Department, let me say to him that his labor will be in vain.

Mr. SIMMONS. I am not trying to do anything except to get information. I understood that this morning a letter had come to the Senate from the Postmaster General.

Mr. MOSES. That is true.

Mr. SIMMONS. In which he expressed the opinion that the bill as now amended as to second-class mail matter would not increase the revenue from that source, but would diminish the revenue from that source.

Mr. MOSES. The Postmaster General said that.

Mr. SIMMONS. I understood from the Senator's first speech that the fact finding commission, which has addressed itself to the consideration of the very matter we are now discussing and the committee had differed. I was trying to find out and only trying to find out whether there was an authoritative statement from the Post Office Department giving the Senate information as to the amount of revenue estimated by them which would be realized from each of the several items which have been increased. If any such has been filed I have not been able to find it, and I would be thankful to the Senator if he would now refer me to it, because in the present state of the discussion that becomes exceedingly important.

Mr. MOSES. I do not see how it does become important to the Senator, since he said yesterday that he did not intend to vote for the bill, anyway.

Mr. SIMMONS. I did not say so.

Mr. MOSES. I beg the Senator's pardon, but I understood him to say so.

Mr. SIMMONS. I said that whether I would vote for the bill would depend upon the adoption of amendments that had not been acted upon at that time.

Mr. MOSES. In answer to the Senator's inquiry, the only statement that has come from the Post Office Department, so far as I know, was contained in the letter of the Postmaster General which was read at the desk this morning at the request of the Senator from Mississippi [Mr. HARRISON]. As to whether that is an authoritative statement I decline to pass judgment.

Mr. SIMMONS. The Senator is not referring to the letter of the Postmaster General?

Mr. MOSES. Yes; I am.

Mr. SIMMONS. Does the Senator question his competency and authority to make a statement with reference to a matter connected with the department of which he is the head?

Mr. MOSES. Oh, no; not his authority to make a statement, but I question the validity of some of the conclusions which he reaches, and I said so when the letter was read.

Mr. SIMMONS. I want to ask the Senator if he or his committee have made any investigations outside of the report of the fact finding commission and the report of the Post Office Department which would enable him or the committee to reach a satisfactory conclusion as to the effect upon postal revenues of these increases?

Mr. MOSES. Satisfactory to whom—to me?

Mr. SIMMONS. To the committee.

Mr. MOSES. Satisfactory to me, at any rate.

Mr. SIMMONS. And the Senator simply says to the Senate that according to his estimate and the estimate of his associates upon the subcommittee, the amount of revenue from the different increases proposed by the committee was placed at about $50,000,000?

Mr. MOSES. No; it can not be stated quite as compactly as that.

The Post Office Department estimated that the bill as sent here from the department would raise about $66,000,000. The subcommittee made certain changes in the rates, and the subcommittee, from such information as they possessed—and the committee had some information—estimated that the bill as amended by them would produce approximately $50,000,000, though it might be a few millions more or it might be a few million dollars less. The Postmaster General in the letter to the Senator from Mississippi said that the bill as amended will produce, in round numbers, $30,000,000. That is all the information I have, and I place it freely at the disposal of the Senator from North Carolina.

Mr. SIMMONS. I thank the Senator; but I think that we have reached a point in the discussion of the bill which makes it very important that the Senate should have some definite estimate by some source that is qualified to make an estimate as to what amount of revenue will probably be realized by the Government from each of the four classes of mail matter from the increased rates in these several classes. The Senator from New Hampshire suggests to me, in an aside, that I had questioned his capability. I do not mean to say that the Senator is not entirely capable of making such an estimate provided he were in possession of the facts upon which a reliable estimate could be made.

Mr. SWANSON. The Senator from New Hampshire has audaciously claimed that he is just that person.

Mr. SIMMONS. I rather think so. At any rate, the minds of Senators, if I understand the situation, are in a state of confusion and uncertainty and doubt as to what would probably be the amount of revenue reasonably to be expected, either under the bill as reported by the committee or under the bill as amended by the Senate.

Mr. MOSES. May I make an appeal to the Senator from North Carolina?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. I wish to say, if the Senator will pardon me for just a minute, that we have never, since I have been here, entered upon the consideration of any tariff measure or of any revenue measure or any measure levying taxes without the committee in charge of the measure presenting to the Senate at the time a detailed statement made, not by itself but by the Treasury Department, of the amount of revenue that might be expected from the various and sundry taxes and increases proposed. And again, after action on the various amendments and before final action on the bill, it has been the custom to file the revised estimates made by the experts of the department, showing what would be the effect upon the original estimate of the amendments made by the Senate. The Senator says there was a general estimate in this instance presented by the Senator from South Dakota in his opening speech. I assume that is true, though it escaped me, but no specific estimate from the Post Office Department in reference to this bill as reported or as amended has been made to the Senate, and none is on file; neither have we been able to get any information from the committee than such as is manifestly nothing more than a mere guess.

Mr. SWANSON. Mr. President, will the Senator from North Carolina yield to me for a moment?

Mr. SIMMONS. Yes.

Mr. SWANSON. As I understood from the statement of the Senator from New Hampshire [Mr. MOSES], the estimate of the Post Office Department is that the bill which is now before the Senate would yield about $30,000,000.

Mr. SIMMONS. That is what I thought; but the Senator from New Hamphire now says $50,000,000.

Mr. SWANSON. Of course, that is merely the opinion, that is the guess, of the Senator from New Hampshire.

Mr. SIMMONS. Now, the Senator from Virginia says the estimate of the Post Office Department is that the yield would be $30,000,000. The Senator from New Hampshire at one time said the Post Office Department estimated that the bill would yield $66,000,000.

Mr. SWANSON. That was the bill as originally introduced by the Senator from South Dakota [Mr. STERLING]. I should like to have the Senator from New Hampshire say whether or not I quoted him correctly. I understood the Senator from New Hampshire to say a short while ago that the Post Office Department estimated that this bill as it now stands would yield an increase of about $30,000,000 in revenue?

Mr. MOSES. Yes.

Mr. SWANSON. But then, as I understand further, if the Senator from North Carolina [Mr. SIMMONS] will indulge me for a moment, he also stated that $20,000,000 of that $30,000,000 will come from fourth-class mail matter?

Mr. MOSES. Oh, no, Mr. President.

Mr. SWANSON. How much is expected to be raised from fourth-class mail matter if the bill shall become a law as it is framed up to this time?

Mr. MOSES. About $20,000,000.

Mr. SWANSON. That is on fourth-class mail matter?

Mr. MOSES. Yes.

Mr. SWANSON. That statement being true, if the Post Office Department is correct that the increase of revenue will be $30,000,000——

Mr. MOSES. No.

Mr. SWANSON. Then the Senator was mistaken in his estimate?

Mr. MOSES. No. The estimate of the Post Office Department was made before the adoption on yesterday of the amendment with reference to fourth-class mail matter. As I explained to the Senate yesterday afternoon, the printed bill was erroneous and an amendment was submitted which corrected the error. Now, as the bill stands for the consideration of the Senate, I do not know what it would raise, for I have never figured it out. The Post Office Department originally figured that we would get something like a million dollars——

Mr. SWANSON. A million dollars out of what?

Mr. MOSES. Out of fourth-class mail matter under the erroneous rates as printed in the bill. As the committee intended to introduce them and under the rates which the Senate adopted yesterday, I will say again, although I suppose the Senator from Virginia, like the Senator from New York, wants me to say it over and over again, $20,000,000 a year, in round numbers, is the estimate.

Mr. SWANSON. That is from fourth-class matter?

Mr. MOSES. Yes; from fourth-class matter.

Mr. SWANSON. Then, if $20,000,000 is to be obtained from that source, what is the estimate of the department for the residue?

Mr. MOSES. I do not understand the Senator's question.

Mr. SWANSON. I say, if the department estimated a total increase of $30,000,000, but did not estimate that the rates on fourth-class mail matter would yield $20,000,000, what would be the present estimate of the department of the aggregate?

Mr. MOSES. What would the department's figures for the entire bill be?

Mr. SWANSON. The Senator said the department figured that about a million dollars would be derived from the parcel-post rates.

Mr. MOSES. As I remember; yes.

Mr. SWANSON. On fourth-class mail matter?

Mr. MOSES. Yes.

Mr. SWANSON. And $30,000,000 for the entire bill?

Mr. MOSES. Yes.

Mr. SWANSON. Then, if $20,000,000 will be derived from the increased rates on fourth-class mail matter, the aggregate would be nearly $50,000,000 under the department's own figures, would it not?

Mr. MOSES. That is what I have said.

Mr. SWANSON. I did not hear the Senator say it.

Mr. MOSES. I did not say that was the department's estimate.

Mr. SWANSON. The Senator has a way of talking to himself.

Mr. MOSES. I did not say they were the department's own figures, because that did not make much difference to me. I said I estimated that this bill would produce something like $50,000,000—a few million dollars one way or the other; I can not say.

Mr. SWANSON. From what item, as the bill now stands, does the Senator get the other $30,000,000?

Mr. MOSES. From all the other items.

Mr. SWANSON. Could the Senator give the Senate an idea as to that?

Mr. MOSES. I intend to do so when the bill shall have passed the amendment stage, but I do not intend now to try to make any detailed estimate of what the bill will produce until the amendment stage has been passed. For instance, if the amendment now proposed should be agreed to, it would take $9,000,000 out of the revenue; and the taking of $9,000,000 out of the revenue, I want to say to any Senator interested in the bill, will be fatal to the bill.

Mr. SIMMONS. That is exactly what I wanted to ascertain—whether it was the purpose of the Senator in charge of this bill before we finally vote upon it to file an estimate of the amount of revenue that will be realized from the bill as amended before we are required to act upon it. I understand the Senator now to say that that is his purpose, but the Senator said he could not do that until after we have passed the amendment stage.

Mr. MOSES. If the amendment now proposed shall not be agreed to, if the Senate will refrain from biting this juicy morsel out of the body of this bill, it is my opinion that the bill will raise approximately $50,000,000.

Mr. SIMMONS. Oh, the Senator is not giving us anything except a general statement based upon his own opinion.

Mr. MOSES. I am afraid the Senator will have to be content with that for the present.

Mr. SIMMONS. He is not giving us an estimate made by experts or official authority of the Post Office Department and based on official data or experience in dealing with these matters.

Mr. President, the only rate that is imposed in this bill that will yield a definitely certain revenue the amount of which can be easily calculated by a layman is that upon parcel-post packages.

Mr. MOSES. And first-class mail.

Mr. SIMMONS. And perhaps first-class mail, as the Senator says. Given the number of parcel-post packages that pass through the mail, it is a mere mathematical calculation as to what the increased rates upon fourth-class mail matter will produce. If there are 1,000,000,000 packages, and 2 cents is added to the cost of transmitting each package, we know that the bill will raise from that source $20,000,000.

Mr. MOSES. Oh, no.

Mr. SIMMONS. Well, I am giving the statement of the Senator from Mississippi [Mr. HARRISON], and I suppose he probably had the information as to the number of parcels handled and had made the calculation before he made the statement.

Mr. MOSES. I will not attempt to correct the Senator from Mississippi.

Mr. SIMMONS. The Senator has trouble when he does undertake to do so sometimes.

Mr. MOSES. Not in dealing with facts.

Mr. SIMMONS. As he also has trouble in dealing with some other Senators. The Senator from Mississippi is generally fairly accurate in his statements.

But whether the amount is $20,000,000 or $18,000,000, the point I am making is that we know as a mathematical calculation, because the number of parcel-post packages passing through the mails can be readily, I assume, ascertained, and there is, I presume, no serious dispute as to the approximate number of these parcels.

Mr. MOSES. Oh, yes, there is.

Mr. SIMMONS. The Senator a little while ago said the number was something like 900,000,000.

Mr. MOSES. Approximately.

Mr. SIMMONS. Very well, approximately. The Senator from Mississippi estimated the number to be 1,000,000,000. That is the only difference between them. It is the difference probably between $18,000,000 and $20,000,000, but we know with fair accuracy about the amount of revenue that would be realized from this additional tax placed upon the parcels post. We do not, however, know that with reference to many other increases made in this bill, with possible exception of first-class matter.

Mr. MOSES. If the Senator will pardon me——

Mr. SIMMONS. It is a very real controversy here to-day as to whether the amount of revenue that will be realized from second-class matter is increased as a result of the Senate amendment or whether it is reduced; that is to say, whether we will raise more money under the rates proposed by this bill as now amended on second-class mail matter than we are now raising under the present law on second-class postal matter. The Senator from New Hampshire estimates that we will raise about $3,000,000 more. That is merely his estimate or guess. The Post Office Department, as I understand it, estimates that the bill as amended will not raise as much from fourth-class mail matter, but that so raised will be between $600,000 and $700,000 less than under the present law. So, Mr. President, the Senate is absolutely in the dark as to the effect of the rates in this bill as now amended upon second-class mail matter.

I think the same situation of uncertainty exists as to other rates, but it is definitely certain that as to the parcel post the users of that great service will have to pay, if this bill shall be passed, between eighteen and twenty million dollars, which is three times as great as the deficit in the postal revenues on account of the Parcel Post Service.

So we are confronted with this situation: According to the testimony that has been adduced, it is doubtful whether that class of mail which the Government is now carrying professedly at a loss of $74,000,000 will under this bill as now written contribute a single, solitary cent toward the payment of the increased salaries of postal employees, while the patrons of the Parcel Post Service, who are generally poor people, who are, generally speaking, the common people of the country, will have to pay three times as much as the deficit estimated to result from that service under the present law.

Mr. MOSES rose.

Mr. SIMMONS. If the Senator from New Hampshire wishes to interrupt me, I yield to him.

Mr. MOSES. I wish to ask the Senator how he voted yesterday on the various proposals to reduce the rates?

Mr. SIMMONS. I voted to reduce the rates; I am in favor of the postal rates staying exactly where they are to-day so far as this bill is concerned. If a proper bill is presented and it is shown any of these rates are too low, I will vote to increase them. But I am opposed, Mr. President, to taxing one class of the people of this country for the service that they receive from a department of the Government for the purpose of paying increased salaries of the employees in that department. I insist that if we are not paying the employees in any department of the Government a sufficient salary the remedy for that is not to impose a tax upon the people who are the beneficiaries of that service, but it is the clear duty of the Government to pay those increased salaries in that department, as it pays increased salaries in any other department and in every other department of the Government, out of the general funds of the Treasury.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SIMMONS. Yes.

Mr. McKELLAR. The Senator will recall that it is the theory of those who are in charge of the bill that this is not a tax bill, but a bill providing a charge for a service.

Mr. SIMMONS. Oh, I know that. We thrashed that out a day or so ago.

Mr. McKELLAR. The charge that would pay for the service of parcel post would be well taken care of by an additional $7,000,000; but, according to the Senator from New Hampshire, he is putting on a tax of an additional $13,000,000 over and above what it costs for the charge. It is a tax bill and not a service bill at all.

Mr. SIMMONS. That is exactly the point I have been making. I shall vote for the amendment offered by the Senator from Tennessee, because, while it does not do full justice, it mitigates the wrong which this bill will inflict upon the users of the parcel post.

Mr. President, I rose simply for the purpose of trying to see if there was not some way by which we could get, before we vote, some definite and reliable information as to how much each one of the increases proposed in the bill as amended will yield, so that we may see whether there is equality in the allocation and distribution of these increases. All that is made certain here now is that one service is going to pay three times as much as the deficit in that service, while another service which is a bigger service, probably is going to pay less, and not only less, but it is going to pay practically nothing to offset the big deficit in that branch of the service. According to one estimate, it will pay only $3,000,000 out of a deficit of $74,000,000. According to another estimate, instead of paying more than under the present law that branch will pay less, and the deficit instead of being less will be more than now.

With those examples before us, I think it behooves us before we vote upon this matter to ask the committee to furnish the Senate, according to the usual custom in such matters, some definite, reliable, official information, and not the mere statement of the committee or some of its members.

Whenever I was managing a revenue bill or a tariff bill while I was chairman of the Finance Committee, I never asked the Senate to accept my estimate with regard to those matters, or to accept the committee's estimate with regard to them. I realized then, as I do now, that the Treasury Department is the depository of the data, and that in it are the experts that are trained in making estimates of that sort; and I suppose the same thing is true in the Post Office Department. The data upon which estimates can be made are there. The Post Office Department necessarily, dealing as it does with these large matters, must have a corps of experts able to estimate the amount likely to be realized from the imposition of a tax; and we are entitled to an estimate from that department—not only a general blanket estimate, but we are entitled to a specific estimate, so before we take final action we may know what the result any emendation will make upon the amount of revenue expected to be realized therefrom.

So far as I am concerned, I am not willing in a matter of this sort to take the statement of the distinguished Senator from New Hampshire [Mr. MOSES], as much as I esteem him. I think he is ordinarily accurate in reference to matters that are within his knowledge, but this is outside and beyond the scope of the knowledge and experience of the Senator. In order to aid us and guide us in legislating with reference to a matter of such vital importance to the people of this country and to the Nation we need information of a verified character, carrying with it such weight as to accuracy as to insure its reliability. We are entitled to have that information come from the original sources of information, and from men who, by reason of their training and their experience in these matters, are able to make a fair and reasonably accurate estimate.

To legislate, Mr. President, in the state of uncertainty disclosed by the admissions made upon this floor with reference to this whole matter is dangerous. Right upon the threshold of our discussion of the matter in this body the chairman of the subcommittee admitted upon the floor of the Senate that the committee's investigations had been superficial; that they were not satisfactory. He admitted that the subcommittee had thrown overboard the estimates of the cost-ascertainment commission, a commission composed of experts, supposedly, and created for the distinct purpose of investigating this matter. Their report and their findings were summarily thrown overboard, and for these findings were substituted the impressions—and they amount to nothing more than the impressions—of members of the committee or its subcommittee.

Those were the first two things that threw doubt upon the statements or so-called estimates of the Senators in charge of the bill and made the basis upon which we are about to legislate so uncertain and nebulous. Moreover, Mr. President, this uncertainty is apparent in the very language of the bill, in the section of the bill which provides that it shall be of temporary duration, that it shall expire in February of next year, that it shall live only one year at best. This manifest confession of uncertainty and doubt as to its justice of these increased charges against the users of the mails is accentuated by the section of the bill providing for a commission to begin investigations into postal rates immediately after this session of Congress adjourns, and make its report with appropriate recommendations to the next session of Congress with the view of advising as to whether the rates now about to be actually imposed are just and fair and should be made permanent. In other words, we are asked to pass a temporary bill and have it go into effect, however wrongful it may be; however unjust and oppressive to certain interests it may be; and while it is in effect we provide for an official investigation to ascertain and decide whether it is a just and wise legislation.

Mr. BORAH. Mr. President——

Mr. SIMMONS. I yield to the Senator from Idaho.

Mr. BORAH. There is no particular uncertainty about the expenditure, the cost which will be incurred under the bill.

Mr. SIMMONS. No; not the expenditure of the amount that will be realized from the rates.

Mr. BORAH. That is what the bill is for.

Mr. SIMMONS. That is what the bill is for, but we do not know whether it will raise too much or too little. But the main thing is, if the Senator will pardon me, that we do not know now whether or not the bill allocates these increases to overcome the alleged deficits in the four branches of the Postal Service in a just and fair way. We do know that as to the parcel post it allocates them so as to require that service to pay three times as much as the Government now loses. We know that.

Mr. BORAH. Mr. President, as the situation presents itself to me, it looks as if there had been imposed upon this committee an almost impossible task. At the last session we passed a bill providing for the increase of salaries of the postal employees, and it became largely a political proposition. Therefore when we came back here we were called upon out of the political exigency which seemed to exist to pay these men, and we were called on also to raise the funds with which to pay them. The committee was required to go to work and in a few weeks deal with one of the most complex and complicated subjects possible and bring out a bill here which in a measure would get by the situation in which we found ourselves. I think that in all probability the committee has done as well as it could have done under the circumstances, but it is just one of those things in which we are legislating concerning a very difficult matter under the political lash.

Mr. SIMMONS. Yes, Mr. President. I want to say to the Senator from Idaho that one of the first things they seem to have done was to scrap most of the data furnished them by the cost-ascertainment commission and act upon their own judgment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Tennessee [Mr. McKELLAR] to the committee amendment.

Mr. MOSES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Ernst	Keyes	Reed, Pa.
Bayard	Fernald	King	Sheppard
Bingham	Ferris	McCormick	Shields
Borah	Fess	McKellar	Shipstead
Brookhart	Fletcher	McKinley	Simmons
Broussard	Frazier	McLean	Smoot
Bruce	Gerry	McNary	Spencer
Bursum	Glass	Mayfield	Stanfield
Butler	Gooding	Means	Stanley
Cameron	Hale	Metcalf	Sterling
Capper	Harreld	Moses	Swanson
Caraway	Harris	Neely	Trammell
Copeland	Harrison	Norbeck	Underwood
Couzens	Heflin	Norris	Wadsworth
Cummins	Howell	Oddie	Walsh, Mass.
Curtis	Johnson, Calif.	Overman	Warren
Dale	Johnson, Minn.	Pepper	Watson
Dial	Jones, N. Mex.	Phipps	Wheeler
Dill	Jones, Wash.	Ralston	Willis
Edge	Kendrick	Reed, Mo.	

Mr. CURTIS. I was requested to announce the unavoidable absence of the Senator from Georgia [Mr. GEORGE].

The PRESIDENT pro tempore. Seventy-nine Senators have answered to the roll call. There is a quorum present.

Mr. McKELLAR. I ask for the yeas and nays on my amendment to the amendment of the committee.

The yeas and nays were ordered.

Mr. WALSH of Massachusetts. Before the vote is taken, Mr. President, I should like to ask the Senator from Tennessee, the maker of the pending motion, some questions. They may have been answered during the debate, but I think all Senators now present have not heard the debate and do not possess the information sought by these questions.

First, I should like to know the present annual deficit sustained by the Government by reason of its engagement in the parcel-post business.

Mr. McKELLAR. It is a trifle less than $7,000,000 per year.

Mr. WALSH of Massachusetts. Next, I should like to know the estimated increase in revenue to the Government if the rate provisions of the pending bill are enacted into law?

Mr. McKELLAR. From eighteen to twenty million dollars upon parcel post.

Mr. WALSH of Massachusetts. What will be the estimated increase in income to the Government from the amendment modifying the parcel-post rates now in the bill and offered by the Senator from Tennessee?

Mr. McKELLAR. From nine to ten million dollars, so that the parcel post will bring in more than the cost of carrying it if my amendment shall be adopted.

Mr. WALSH of Massachusetts. In other words, it is agreed by all estimates that if the Senator's amendment is adopted there will be $2,000,000 more revenue from the parcel post than is necessary to meet the cost to the Government of its parcel-post business.

Mr. McKELLAR. At least $2,000,000 more.

Mr. WALSH of Massachusetts. I shall refuse to vote for higher rates upon parcel-post postal business than are necessary to meet the present deficit to the Government in this branch of the postal business. Therefore I shall vote for the lower rate named in the amendment of the Senator from Tennessee.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Tennessee to the committee amendment, upon which the yeas and nays have been ordered.

The reading clerk proceeded to call the roll.

Mr. JONES of New Mexico (when his name was called). Making the same transfer of my pair as on the previous vote, I vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Vermont [Mr. GREENE] and vote "nay."

The roll call was concluded.

Mr. GERRY. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] and the senior Senator from South Carolina [Mr. SMITH] are necessarily absent. If present, they would vote "yea."

Mr. CURTIS (after having voted in the negative). I transfer my general pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Wisconsin [Mr. LENROOT] and permit my vote to stand.

Mr. HARRIS. My colleague [Mr. GEORGE] is absent on business of the Senate.

The result was announced—yeas 40, nays 39, as follows:

YEAS—40

Brookhart	Gerry	Kendrick	Shields
Broussard	Glass	McKellar	Shipstead
Bruce	Gooding	Mayfield	Simmons
Caraway	Harris	Neely	Stanfield
Copeland	Harrison	Norbeck	Stanley
Couzens	Heflin	Norris	Swanson
Dial	Howell	Overman	Trammell
Ferris	Johnson, Calif.	Ralston	Underwood
Fletcher	Johnson, Minn.	Reed, Mo.	Walsh, Mass.
Frazier	Jones, N. Mex.	Sheppard	Wheeler

NAYS—39

Ball	Dill	McCormick	Reed, Pa.
Bayard	Edge	McKinley	Shortridge
Bingham	Ernst	McLean	Smoot
Borah	Fernald	McNary	Spencer
Bursum	Fess	Means	Sterling
Butler	Hale	Metcalf	Wadsworth
Cameron	Harreld	Moses	Warren
Cummins	Jones, Wash.	Oddie	Watson
Curtis	Keyes	Pepper	Willis
Dale	King	Phipps	

NOT VOTING—17

Ashurst	Greene	Pittman	Walsh, Mont.
Capper	Ladd	Ransdell	Weller
Edwards	La Follette	Robinson	
Elkins	Lenroot	Smith	
George	Owen	Stephens	

So Mr. McKELLAR's amendment to the amendment was agreed to.

Mr. MOSES. I wish to give notice that I shall ask for a separate vote on this amendment in the Senate.

The PRESIDENT pro tempore. The question now is, Shall the committee amendment as amended be agreed to?

The amendment as amended was agreed to.

Mr. FRAZIER. Mr. President, I wish to offer an amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. In section 209, on page 47, the Senator from North Dakota proposes to strike out all of lines 19, 20, 21, and 22, and in line 18 to strike out "$2.50" and insert "$10."

Mr. FRAZIER. Mr. President, this would make the provision of the bill as to money orders read:

For orders not exceeding $10, 5 cents.

This would undoubtedly mean quite an increase in the revenue from the sale of money orders over what the present rate would bring. Under the present system the rate on money orders not exceeding $2.50 is 3 cents; on money orders not exceeding $5, 5 cents, and so on. But in third and fourth class post offices the postmasters are allowed 3 cents for each money order they issue, that being a part of their salaries. Under that system, of course, there is no revenue to the Government in the third and fourth class post offices from the sale of money orders costing 3 cents. This would provide a rate of 5 cents for all money orders up to $10.

It seems to me that as it stands the bill would drive the buyers of money orders away from the post offices and would influence people to go to the banks and buy bank drafts, thereby decreasing the revenue from the sale of money orders.

It is another case where the farmers, especially the people living in the rural districts, will have an additional burden placed upon them by an increase in the cost of money orders, especially in the lower amounts. It is the farmers who send the bulk of the money orders in the lesser amounts, under $10, I believe. It seems to me it will be only fair to have a minimum charge of 5 cents for any amount up to $10.

Mr. STERLING. Mr. President, the amendment proposed by the Senator from North Dakota would bring the rates on money orders down much lower than they are at the present time, and that, too, in a bill by which we propose to increase somewhat the revenue. Under the present law and regulations, on money orders not exceeding $2.50, the rate is 3 cents. On money orders exceeding $2.50 and not exceeding $5, the rate is 5 cents; and the bill proposes an increase to 7 cents. On money orders exceeding $5, but not exceeding $10, the present rate is 8 cents, and the proposed rate is 10 cents, and so on in proportion throughout the money orders up to the sum of $100.

In the interest of the success of the bill I hope that the amendment will not prevail. It is estimated by the Post Office Department that something over $13,000,000 will be realized

out of the charges for money orders, out of collect on delivery charges, out of registered mail, and so forth, by some increase in rates. The bill does not increase these rates over the estimate of the Post Office Department, leaving them exactly the same as estimated by that department for the purpose of raising the necessary amount with which to pay the increased salaries of the employees.

I do not think that the rates are excessive at all, and I do not believe they will bear hard upon the particular class to which the Senator from North Dakota refers. I think on investigation it will be found that most of the money orders in the smaller amounts even are purchased by the larger enterprises, and comparatively few of them, rather than by farmers and individuals scattered throughout the country. I hope the rates will be allowed to stand.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from North Dakota [Mr. FRAZIER].

The amendment was rejected.

Mr. HARRISON. I desire to serve notice that when the bill is in the Senate I shall move to strike out subsection (b) of section 208 on page 44.

Mr. HOWELL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment, which will be stated.

The READING CLERK. Add a new section, as follows:

SEC. 217(b). The Postmaster General shall be, and he is hereby, authorized and directed to provide an additional form and series of postage stamps to be known as franking stamps, which shall hereafter be affixed to all official and other mail now entitled to the franking privilege, and in the same amount or amounts as in the case of mail matter not entitled to free delivery. Such stamps shall be delivered, upon proper receipt therefor, to officials and others entitled to the franking privilege, without charge.

Mr. HOWELL. Mr. President, it is important that Congress and the Government should know exactly what are the expenses of the franking privilege in order that there may be economy in its use. By taking such a course the various departments will economize as far as possible in the use of the stamps. This was found to be true in the case of the District of Columbia, which prior to 1907, I believe, was entitled to the franking privilege. That privilege was then rescinded and the result has been that the mail sent out by the District of Columbia as official has much decreased.

This is a public utility, and if everybody pays what is proper and right no one will pay too much. The Government should contribute for the service rendered to the Government just the same as any other interest. At the present time we have no positive means of knowing what is the cost of the carrying of the mails due to the franking privilege. If we had the information it would enable the Government to recognize its liability, and, as I have pointed out, would result in economy in the use of the franking privilege. Therefore it seems to me that it is important, if we want to conduct the post office as a business enterprise—and we should look upon it in that light only—that we should know what the transactions are in detail, and this is one method that will make clear the cost of certain privileges that are of importance so far as the cost of carrying the mail is concerned.

Mr. MOSES. Mr. President, the question of the franking stamp is one that has often been before the Committee on Post Offices and Post Roads. It has been discussed at length and in detail and the committee has never thought it expedient to institute that service in the Post Office Department. The whole question of penalty and franked mail, however, does present a very grave problem in the Postal Service and one to which attention should be given. Necessarily it is one of the problems which the special subcommittee of investigation must take up and upon which that committee must reach some conclusion.

The feeling in the Committee on Post Offices and Post Roads when the matter has been under discussion has been that a preferable method of dealing with the question is to establish some system of bookkeeping entries whereby the Post Office Department should be able to receive proper credit for the service which is rendered to various other executive departments of the Government. In principle I can enter no serious objection to the amendment proposed by the Senator from Nebraska, but in view of the fact that the whole question will be taken up, and very soon, by the special joint subcommittee which is to be created under the terms of the bill, I hope the amendment will be disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. HOWELL].

The amendment was rejected.

The PRESIDENT pro tempore. The bill is still in Committee of the Whole and open to further amendment. If no further amendment is proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Two amendments are to receive a separate vote in the Senate, one reservation made by the Senator from New Hampshire [Mr. MOSES] and the other the amendment which the Senator from Mississippi [Mr. HARRISON] proposed to amend.

Mr. MOSES. I withdraw my request for a separate vote on the amendment of the Senator from Tennessee [Mr. MCKELLAR] to the committee amendment.

The PRESIDENT pro tempore. The Senator from Mississippi gave notice that he would renew his amendment in the Senate. Without objection, all the amendments made as in Committee of the Whole with the exception of the amendment which the Senator from Tennessee proposes to amend, will be concurred in in the Senate. The question now is upon agreeing to the amendment of the Senator from Mississippi [Mr. HARRISON] to the amendment made as in Committee of the Whole, which will be stated.

The READING CLERK. Strike out the first paragraph of subsection (b) of section 208 as amended, reading as follows:

(b) That on fourth-class matter the rate of postage shall be by the pound as established by, and in conformity with, the act of August 24, 1912, and in addition thereto there shall be a service charge of 2 cents for each parcel, except upon parcels or packages collected on rural-delivery routes, to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by the regulations of the Postmaster General.

And insert in lieu thereof:

(b) That on fourth-class matter the rate of postage shall be by the pound, the postage in all cases to be prepaid by postage stamps affixed thereto or as otherwise prescribed by regulations of the Postmaster General.

Mr. HARRISON. Mr. President, does the Senator from New Hampshire expect to get a final vote on the bill to-day?

Mr. MOSES. It all depends on how talkative Senators are on the other side of the Chamber.

Mr. HARRISON. I was just wondering if the Senator would not allow the bill to go over under an agreement that we should vote at a certain time to-morrow?

Mr. MOSES. We are so near a final vote on the bill that I think we had better go on and dispose of it.

Mr. HARRISON. The reason why I make the suggestion is that the vote has been very close on the proposition. There was a difference of only 3 votes on my amendment, and there are several Senators who are absent who probably will be here to-morrow. It is a very important matter, and I hope the Senator will let it go over.

Mr. MOSES. No; I can not do so. Even if the bill is further mutilated I can not agreed to that course. I think we should have a vote.

Mr. HARRISON. I desire to occupy the Senate only for a short time. The Senator from New Hampshire [Mr. MOSES], in a speech while the bill was in Committee of the Whole, said that we had reached the "political, filibustering, and silly stage." I do not know what prompted the Senator from New Hampshire to say that. There has been no politics in this matter that I have seen. I am sure no one else except the Senator from New Hampshire has. I had been in hopes that I could vote for the bill. I shall not vote for it, however, if the $10,000,000 revenue is provided for as it is now proposed to be raised from the parcel post. To say that it is silly is merely because some of us propose to try to keep the burden from being placed on the farmers and to have it placed somewhere else. If that is the Senator's idea, all right! I am glad to know the Senator's definition of it. I am glad I can be classed among the silly ones of the Senate.

There has been no filibustering about it, and there will not be any. Senators on this side of the aisle have cooperated with Senators on the other side of the aisle in trying to expedite public business and pass the general supply bills. We have delayed in no respect, but, on the contrary, have cooperated with you even with this legislative monstrosity that nobody believes in. There is no Senator here who believes that it will ever become a law.

It is commonly rumored that as soon as the bill shall have passed the Senate and reached the House of Representatives one of the influential Members of that body will move that it be rejected, and will then introduce a similar bill in the House, at the same time calling attention to the fact that the Senate has passed an unconstitutional measure. That fact has come to the attention of Senators on the other side; it has been published in the press. The House would be acting very properly if it should take that course. Its Members would be raising themselves in the estimation of the people by refusing to put through a proposition like this, which shows upon the part of the Senators who are trying to foist it on the country a lack of courage.

Senators are talking here of raising $68,000,000 in revenue, but although there is a deficit of $74,000,000 created by the handling of second-class mail matter those who favor the pending measure refuse to provide for reducing any of that deficit from the second-class mail matter. On the contrary, the proposal is to reduce rates for second-class mail matter still further to the extent of $640,000. Of course, the Senator from New Hampshire says that that is not true, that the provisions of the bill would increase revenue derived from second-class mail matter by $3,000,000; but I answered him by producing and having read, as it was read, a letter from the Postmaster General of his own party, which states that there will be a further deficit created of $640,000.

If Senators on the other side of the Chamber wish to admit that their own department is so inefficient that they would rather believe the Senator from New Hampshire than to believe the head of the Post Office Department, then, well and good, but their own Postmaster General makes the statement which I have just quoted.

I have great respect not only for the ability and integrity of the Postmaster General but I also have great respect for the character and ability of the men under him and who are furnishing the facts on which he writes this letter. That is what the Senator's own Postmaster General has stated in this letter, which was written as late as noon to-day; that this proposed legislation will reduce the rates on second-class mail matter, namely, the great newspapers and periodicals of the country, to the extent of $640,000. According to the report, there is a deficit of $74,000,000 from second-class mail matter alone, and yet when that might be the source from which some of this revenue could be raised, the proponents of this measure refuse to do it. Whether or not there is justification for that law, can there be any justification for further increasing the deficit on second-class matter?

The Sterling bill originally proposed an increase, but as soon as the representatives of the newspapers came here and said, "Soft pedal," what did Senators who favor the bill do? They turned a somersault backward in order to get away from it just as quickly as they could. Now more favorable rates are proposed, and the amount they have to pay is to be reduced $640,000, to be added to the $74,000,000 deficit which is carried in the bill.

Then the framers of this measure go to the fourth-class mail matter and say to the farmers of the country, who strove for years to get the Parcel Post System and only obtained it after a long struggle, "You have got to pay out of the $50,000,000 that we are going to raise $20,000,000."

Oh, the Senator from New Hampshire shakes his head at me.

Mr. MOSES. O Mr. President——

Mr. HARRISON. As shown from the RECORD on yesterday, in answer to a question which I propounded to him, "How much do you expect to raise from the 2 cents which is imposed on parcel post," he said, "There are a billion packages which go through the parcel post, and if each of them carries a charge of 2 cents, the amount raised will be about $20,000,000." That was the Senator's answer.

Mr. MOSES. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. Yes; I yield.

Mr. MOSES. The Senate has just adopted an amendment cutting that squarely in two.

Mr. HARRISON. Yes; over the protest and objection of the Senator who is leading in this fight and over the objection of many other Senators the amount has been reduced $10,000,000, but as the bill is now constituted it is proposed to raise $10,000,000 from the source. So what is the present situation? When we originally passed the postal salary increase bill it involved an expenditure of $68,000,000, and the President vetoed the bill. In his message he said, "I will not stand for it; I will not consent to this increase unless you raise the revenue with which to pay it." The Senator from New Hampshire admitted that the bill would only raise $50,000,000. That was on yesterday. The bill has been cut $10,000,000 more, so there now remains only $40,000,000 of revenue in the bill. There will be $68,000,000 required. There is a difference now of $28,000,000. How can Senators on the other side of the Chamber expect their President, if he lives up to his word in his veto message, to sign the bill?

Mr. EDGE. Mr. President——

Mr. HARRISON. I yield to the Senator from New Jersey.

Mr. EDGE. How did the Senator from Mississippi vote on the amendment which was offered by the Senator from Georgia [Mr. GEORGE] still further to reduce the rates?

Mr. HARRISON. I am delighted that the Senator has asked me that question. Unfortunately for me, I was not here when the vote was taken. I was in favor of that provision, however, and I am going to discuss it in a moment. That was the little sugar-coated pill that the Senator from New Jersey and the Senator from New Hampshire would give to the farmers of the country. What was it?

Mr. Stewart, representing the Post Office Department, stated that of the billion packages which enter into the parcel-post service but 1½ per cent originate on the rural routes of the country, in other words, 1½ per cent of all the packages that enter the parcel post come from the farmers. Those will be excluded from this charge. Were the packages that go to the farmers on the rural routes excluded from the operation of this 2-cent burden or 1-cent burden, as it is now fixed in the bill, or were the parcel-post packages that go to the little third and fourth class post offices of the country so excluded?

The Senator from Minnesota knows that the farmers in his State get their parcel-post packages nine times out of ten in the little third or fourth class post offices and not out on the rural routes. There is not a Senator here who represents an agricultural community but knows that when he sends the farmer down in his State a package he addresses it to the post office in the little town and not out on the rural routes. Many of us refuse to send packages to the rural routes for the reason that we want to save some cost in the addressing of the envelopes, and many of us—I would say all of us—do so because we know when we send it to a little town having a third class or fourth class post office that the farmer living on a rural route near by will get it.

So Mr. Stewart, representing the Post Office Department, has stated that 35 per cent of all the parcel-post packages go into the third and fourth class post offices of the country. Those are the people who are affected; those are the ones upon whom it is attempted to place the $20,000,000, but which a majority of the Senate has reduced to $10,000,000.

Mr. MOSES. Mr. President——

Mr. HARRISON. I yield to the Senator from New Hampshire.

Mr. MOSES. The Senator from Mississippi has made an impassioned defense of the George amendment, but it is not the George amendment to which the Senator from New Jersey [Mr. EDGE] referred. The Senator from New Jersey was referring to the amendment proposed by the junior Senator from Georgia [Mr. GEORGE], which still further reduced the rates to be paid on second-class mail matter.

Mr. HARRISON. I do not recall that amendment; I am not familiar with that proposition, I am sorry to say.

Mr. MOSES. The Senator was not present and did not vote for it, so his skirts are clear in the matter. I assume that had he been present he would have voted for that as well as the other amendment proposed by the Senator from Georgia.

Mr. HARRISON. I do not know what it was, and so I can not discuss the proposition. If the amendment is what I now gather it to be, I should have supported it.

Mr. MOSES. I have just told the Senator what it was, and the great majority of the Senators on his side of the Chamber voted for it.

Mr. HARRISON. Well, I presume they did so conscientiously, and I assume that those on the other side who voted for it did the same thing.

Mr. MOSES. Does the Senator mean that those who voted against it did not do so conscientiously?

Mr. HARRISON. Of course, they voted conscientiously. I never ascribe bad motives to Senators. If I should do so, I would pick the Senator from New Hampshire out and say he is playing peanut politics in bringing this bill in here now, when he knows it will never become a law. [Laughter.] However, I will not do that, for I hold the Senator in too high regard to place him in any such attitude as that.

Mr. President, I look into the faces of Senators around me; and while I do not want to bring any politics into the discussion, I wish to say that, in my opinion, the farmer to-day has about reached the lowest ebb, so far as being organized is

concerned, or having anyone to represent him here before the Congress of the United States.

I see representatives of every other business interest here, but I have not seen a representative of a farmers' organization around the Capitol who has said anything about this bill, nor have I had any letters from any farmers in the country protesting against the outrageous inequality of imposing a burden of $20,000,000 upon them and destroying the Parcel Post System. The farmers of the country had better get busy or they will gradually have taken from them whatever rights they still have left.

If Senators want to grant increased pay to the postal employees, well and good; I am for it; I have been for giving them an increase of salary. I care nothing about the theory of making the Post Office Department pay as it goes. I can not see any justice in the contention that that department has got to do that, when all the other departments of the Government pay nothing as they run.

I think the postal employees are entitled to an increase in their wages. I have voted, as I say, for the bill increasing their salaries every time it has come before the Senate. I voted to override the President's veto. Yet the Senator from New Hampshire says that we have reached the silly stage here. He voted to override the President's veto, but his colleague on the committee who is helping to force this measure through the Senate, the Senator from South Dakota [Mr. STERLING], voted to sustain the President's veto. If we had had about one more vote we would have given the postal employees their increased salaries.

Was the Senator from Nevada [Mr. ODDIE], who, it is said, wrote the provision imposing a 2-cent additional charge upon parcel-post packages, a friend of the postal employees? He was one of those who voted to sustain the President's veto; and so most of the Senators who are now championing this measure were not friends of the postal employees' bill when they might have lifted their voices here and given them the increased salary which they need. A little help at that time would have gone a long way.

I was opposed when we tried to give to the soldiers a bonus to raising the revenue by adopting the bill of the Senator from Utah [Mr. SMOOT] imposing a sales tax. A sales tax! Under such a tax every time one paid the tax he would say "that is going to pay the soldier's bonus." It was wrong in principle; that was one of the reasons I was against it; and I am against giving to the postal employees an increase of salary by saying to the farmer "You have got to pay an additional tax on your parcel-post packages." It is not fair to the postal employees for them to be told any such thing as that. I hope that the $10,000,000 will be eliminated from this bill.

I appeal to the Senator from Arizona [Mr. CAMERON], who comes up for reelection next year, not to be placed in such a position that when he goes back to the farmers in his State he will have to say, "I voted to impose a $10,000,000 additional burden on you in order to give the postal employees of the country an increase in salary." I appeal to my friend from Oregon [Mr. STANFIELD], who also comes up for reelection next year, not to put himself in such a position by voting against this proposition that when he goes back to his State he will have to say, "I voted to levy a $10,000,000 tax upon you farmers of Oregon in order to give the postal employees an increased salary." I appeal to every Senator on the other side of the Chamber and every Senator on this side, who comes up for reelection two years from now as well as four years from now, not to put themselves in the position of imposing $10,000,000 of taxes on the farmers in order to give a salary increase to the postal employees.

If we are going to raise the revenue, let us raise it from some other source. Senators may think that to vote down my amendment will give strength to the bill, but there are Senators on this side who will not vote for the bill on final passage if the bill proposes to raise this revenue out of the farmers of the country. I want to vote for the bill; I will vote for the bill if there may be eliminated this additional charge on parcel-post packages; but if the proposal to eliminate that charge shall be defeated, I will face the postal employees of the country. I have been their friend; and if they think that they can fall out with me because I refuse to add burdens on the farmers in order to give them increased salaries, then, let them go. I want my action to be prompted by what I conceive to be justice. I know it is not just, I know it is not fair, to impose this $10,000,000 of taxes on the farmers of the country and at the same time provide the entering wedge which will destroy the Parcel Post System.

Let me repeat that those pushing this bill do not stop there. As I said while the bill was being considered as in Committee of the Whole, the rates on the money orders which the farmers have to buy have been increased. They are the ones who go into the little fourth-class and third-class post offices and buy money orders with which to buy something from Montgomery Ward & Co. or Sears, Roebuck & Co. or some other big mail-order house. The advocates of this measure propose to raise the rate upon them, and they do not stop there. When that man's little package of merchandise starts on its road to the purchaser, they say to the concern from which he bought: "You will have to insure it, but the rate shall be increased in this bill," and consequently the farmer gets it in three different ways. They increase the rate by making him buy this 2-cent stamp and put it on parcel-post packages; they make him pay more through the money-order increase; and they make him pay more for the insurance policy that insures his goods in transit.

The little housewife who lives in the town, whose husband is just eking out a miserable existence, who has been in the habit of buying a dozen eggs from the farmer, calls him up and says to him:

> Send me a dozen eggs this morning.

She has to pay 2 cents additional for those eggs.

Mr. MOSES. Mr. President——

Mr. HARRISON. The same thing is true with reference to any pound of stuff that they may buy to go upon their breakfast table or their supper table.

I yield to the Senator from New Hampshire.

Mr. MOSES. We have already adopted a proviso which exempts all packages originating on rural free-delivery routes from the service charge for hauling.

Mr. HARRISON. Then I will eliminate the rural routes. Let us take the star routes. She would have to pay an increase there. Let us eliminate the star route, and say that the little woman lives on the outskirts of a town and asks the merchant in the town to send out, through parcel post, this package. She would have to pay an increase then. Instead of paying the 5-cent rate on her pound of food she would have to pay 7 cents—an increase of 40 per cent in that transaction.

Senators, if you want to do that, go ahead; go your way; but every Senator who votes against this amendment that seeks to put the parcel-post rates on the same basis as they are to-day will have to answer to his constituents when he comes up for reelection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. HARRISON] to the amendment made as in Commitee of the Whole.

Mr. HARRISON. I call for the yeas and nays.

Mr. HEFLIN. Mr. President, I am not in sympathy with the procedure forced upon us here, which requires the raising of certain revenue before we can grant to the postal employees the increase in salary to which they are justly entitled. My point is that the postal employees should be treated with the same consideration that other Government employees receive—that when their efficient service and increased duties entitle them to more pay it ought to be paid to them as a matter of right, without requiring them and their friends to devise some scheme of taxation in order to provide the funds necessary to grant the increase to which they are entitled.

Mr. President, I recall that just a few days ago Congress appropriated several millions of dollars to turn over to Mr. Mellon to enable him to refund taxes that had been paid in to the Government, but that Mr. Mellon had seen fit to order returned to certain big taxpayers. In many instances I think those refunds are being made where they ought not to be made, but you have not complained about that. If he decides to return the tax he does so, and Congress has appropriated millions upon millions for Mr. Mellon to use for that purpose, and not once has a single Republican lifted his voice and proposed that before that money should be refunded taxes should be raised in a certain way, or in any way, to supply the amount refunded. When it comes to raising the salaries of the postal employees, why do you require in this particular case that somebody who uses the mails shall be taxed in order that they may have the increase to which their service entitles them?

I desire to enter my protest now, so that the record of these proceedings will show that quite a number of Senators here do not wish that this method of procedure shall by common consent become a precedent to rise up in the future to haunt postal employees when they ask for deserved increases at the hands of Congress.

Mr. President, I am going to vote for the amendment of the Senator from Mississippi, as I did vote a little while ago. I do not want to see the Parcel Post System handicapped or destroyed. I am for the increase in salaries asked for by the postal employees. I voted for the bill which passed Congress last year, and when the President vetoed that bill I voted to pass it over his veto. I am anxious for the postal employees to have that increase at the earliest day possible, but I have not been able to agree that those who are pressing this measure here now are entirely sincere in their efforts to really bring about an increase in the salaries of the postal employees. It is true that this bill has been improved by amendments, but I would much prefer to vote for a bill which did the fair and square thing by the postal employees, as the bill did which we tried to pass over the President's veto.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. HARRISON] to the amendment made as in Committee of the Whole.

Mr. HEFLIN. The yeas and nays were asked for on the amendment, Mr. President.

The PRESIDENT pro tempore. The yeas and nays are demanded. Is the demand seconded?

Mr. MOSES. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Fernald	Keyes	Sheppard
Bayard	Ferris	King	Shields
Bingham	Fess	McCormick	Shipstead
Borah	Fletcher	McKellar	Shortridge
Brookhart	Frazier	McKinley	Simmons
Broussard	George	McLean	Smoot
Bruce	Gerry	McNary	Spencer
Bursum	Glass	Mayfield	Stanfield
Butler	Gooding	Means	Sterling
Cameron	Hale	Metcalf	Swanson
Capper	Harreld	Moses	Trammell
Caraway	Harris	Neely	Underwood
Copeland	Harrison	Norbeck	Wadsworth
Couzens	Heflin	Norris	Walsh, Mass.
Cummins	Howell	Oddie	Warren
Dale	Johnson, Calif.	Overman	Watson
Dial	Johnson, Minn.	Pepper	Weller
Dill	Jones, N. Mex.	Phipps	Wheeler
Edge	Jones, Wash.	Reed, Mo.	Willis
Ernst	Kendrick	Reed, Pa.	

The PRESIDENT pro tempore. Seventy-nine Senators have answered to the roll call. There is a quorum present. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. HARRISON. I ask that my amendment be read again before we vote on it.

The PRESIDENT pro tempore. The Secretary will state the amendment upon which we are about to vote.

The READING CLERK. The amendment offered by the Senator from Mississippi is to strike out the first paragraph of subdivision (b), section 208, as amended, and insert in lieu thereof:

(b) That on fourth-class matter the rate of postage shall be by the pound, the postage in all cases to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by regulations of the Postmaster General.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Mississippi to the amendment made as in Committee of the Whole, on which the yeas and nays have been ordered.

The reading clerk proceeded to call the roll.

Mr. WATSON (when Mr. CURTIS's name was called). The senior Senator from Kansas [Mr. CURTIS] is absent on account of illness. He is paired with the senior Senator from Arkansas [Mr. ROBINSON].

Mr. WATSON (when his name was called). I have a pair with my colleague, the junior Senator from Indiana [Mr. RALSTON], which I transfer to the junior Senator from Wisconsin [Mr. LENROOT], and vote "nay."

The roll call was concluded.

Mr. STERLING. Making the same announcement as to my pair and its transfer as on the last vote, I vote "nay."

Mr. FRAZIER. I wish to announce that my colleague [Mr. LADD] would vote "yea" if he were present.

Mr. ERNST (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY], and I am advised that he has not voted. I therefore withdraw my vote.

The result was announced—yeas 34, nays 41, as follows:

YEAS—34

Brookhart	Gerry	McKellar	Shipstead
Broussard	Glass	Mayfield	Simmons
Bruce	Gooding	Neely	Swanson
Caraway	Harris	Norbeck	Trammell
Copeland	Harrison	Norris	Underwood
Dial	Heflin	Overman	Walsh, Mass.
Fletcher	Johnson, Calif.	Reed, Mo.	Wheeler
Frazier	Johnson, Minn.	Sheppard	
George	Jones, N. Mex.	Shields	

NAYS—41

Ball	Fernald	McKinley	Smoot
Bayard	Ferris	McLean	Spencer
Bingham	Fess	McNary	Stanfield
Bursum	Hale	Means	Sterling
Butler	Harreld	Metcalf	Wadsworth
Cameron	Howell	Moses	Warren
Couzens	Jones, Wash.	Oddie	Watson
Cummins	Kendrick	Pepper	Willis
Dale	Keyes	Phipps	
Dill	King	Reed, Pa.	
Edge	McCormick	Shortridge	

NOT VOTING—21

Ashurst	Ernst	Pittman	Stephens
Borah	Greene	Ralston	Walsh, Mont.
Capper	Ladd	Ransdell	Weller
Curtis	La Follette	Robinson	
Edwards	Lenroot	Smith	
Elkins	Owen	Stanley	

So Mr. HARRISON's amendment to the amendment made as in Committee of the Whole was rejected.

The amendment made as in Committee of the Whole was concurred in.

Mr. McKELLAR. Mr. President, the clerks at the desk inform me that an error has crept into the proceedings. It will be recalled that when I offered the amendment a while ago to change the numeral "2" to "1," and the word "cents" to "cent" in the parcel post amendment, the amendment made as in Committee of the Whole had not been concurred in, so that the Senator from Mississippi [Mr. HARRISON] could offer an amendment to it. After his amendment failed, then I offered the amendment made as in Committee of the Whole. Now the clerk tells me that when the amendment was voted on afterwards, as a matter of course it did not read "1 cent," but read "2 cents." I ask unanimous consent that that error be corrected, and that the language "1 cent" be inserted in the bill in place of "2 cents."

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the correction will be made. The bill is in the Senate and open to further amendment. If there be no further amendments to be proposed, the question is, Shall the bill be engrossed and read a third time?

The bill was ordered to be engrossed, and was read the third time.

The PRESIDENT pro tempore. The question now is, Shall the bill pass?

Mr. MOSES. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BRUCE (when his name was called). I am paired on this question with the junior Senator from Indiana [Mr. RALSTON], who is absent. If he were present and voting, he would vote "yea," and I would vote "nay."

Mr. JONES of Washington (when Mr. LENROOT's name was called). The Senator from Wisconsin [Mr. LENROOT] is absent on account of illness in his family. If he were present, he would vote "yea."

Mr. STERLING (when his name was called). On this vote I understand that my pair, the Senator from South Carolina [Mr. SMITH], would vote the same way I intend to vote, and I therefore am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. DALE. My colleague, the senior Senator from Vermont [Mr. GREENE], is unavoidably detained. If he were present, he would vote "yea."

Mr. FRAZIER. My colleague, the senior Senator from North Dakota [Mr. LADD], is unavoidably absent. If present, he would vote "yea."

Mr. WATSON. The senior Senator from Kansas [Mr. CURTIS] is absent from the Chamber on account of illness. He has a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. If the Senator from Kansas were present, he would vote "yea" on the passage of this measure.

Mr. WHEELER. My colleague, the senior Senator from Montana [Mr. WALSH] is unavoidably absent from the Senate. If present, he would vote "yea."

Mr. GERRY. I desire to announce that the Senator from Arkansas [Mr. ROBINSON], the Senator from Arizona [Mr.

ASHURST], the Senator from New Jersey [Mr. EDWARDS], the Senator from Louisiana [Mr. RANSDELL], and the Senator from South Carolina [Mr. SMITH], if present, would each vote "yea."

Mr. ERNST. Has my colleague, the senior Senator from Kentucky [Mr. STANLEY] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. ERNST. I desire to transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Vermont [Mr. GREENE] and vote "yea."

The result was announced—yeas 70, nays 8, as follows:

YEAS—70

Ball	Ferris	King	Shields
Bayard	Fess	McCormick	Shipstead
Bingham	Fletcher	McKellar	Shortridge
Broussard	Frazier	McKinley	Simmons
Bursum	George	McLean	Smoot
Butler	Gerry	McNary	Spencer
Cameron	Gooding	Mayfield	Stanfield
Capper	Hale	Means	Sterling
Caraway	Harreld	Metcalf	Trammell
Copeland	Harris	Moses	Wadsworth
Couzens	Heflin	Neely	Walsh, Mass.
Cummins	Howell	Oddie	Warren
Dale	Johnson, Calif.	Overman	Watson
Dial	Johnson, Minn.	Pepper	Weller
Dill	Jones, N. Mex.	Phipps	Wheeler
Edge	Jones, Wash.	Reed, Mo.	Willis
Ernst	Kendrick	Reed, Pa.	
Fernald	Keyes	Sheppard	

NAYS—8

Borah	Glass	Norbeck	Swanson
Brookhart	Harrison	Norris	Underwood

NOT VOTING—18

Ashurst	Greene	Pittman	Stanley
Bruce	Ladd	Ralston	Stephens
Curtis	La Follette	Ransdell	Walsh, Mont.
Edwards	Lenroot	Robinson	
Elkins	Owen	Smith	

So the bill was passed.

CAPE COD CANAL

Mr. FERNALD. Mr. President, I had intended to ask unanimous consent to take from the calendar the bill (H. R. 3933) for the purchase of the Cape Cod Canal property, and for other purposes, but there are several Senators interested in the bill who are absent. I wish to announce that on Wednesday next, at the close of the morning hour, I shall ask unanimous consent to have the bill considered.

THE ISLE OF PINES TREATY

Mr. PEPPER. Mr. President, I wish to announce that on Monday at the first opportunity I shall request that the Senate go into open executive session for the consideration of the Isle of Pines treaty in order that I may address a few remarks to the Senate upon that subject.

REORGANIZATION OF EXECUTIVE BRANCH

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 3445) to provide for the reorganization and more effective coordination of the executive branch of the Government, to create the department of education and relief, and for other purposes.

Mr. KING. Does my colleague intend to continue the discussion of the bill this afternoon if it is taken up?

Mr. SMOOT. I will say to the Senator that if we take it up and it thus becomes the unfinished business I shall then move to proceed to the consideration of executive business. I also wish to state that unless there is some objection on the part of the Senate, to-morrow will be devoted to the consideration of bills on the calendar. I wish to state further that I shall move that the Senate adjourn after the executive session this afternoon.

Mr. KING. I ask my colleague whether there were hearings on the bill which he is seeking to have made the unfinished business and whether the hearings have been published?

Mr. SMOOT. Yes; there were hearings, which have been printed, and there is quite a volume of them.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I yield.

Mr. BORAH. I observe that the special order on Senate bill 33 is to begin on Monday at 2 o'clock. The Senator from Utah is requesting to make the reorganization bill the unfinished business. Then on Wednesday we are to have the Cape Cod Canal bill. I would like to ask those who are in charge of the program for the next 29 days in which we have to work, what particular place in that program the carrying out of the recommendations of the President and the special commission with reference to agriculture is going to have?

Mr. SMOOT. So far as I am concerned, I can not answer the Senator. I can not state what course the legislation will take.

Mr. BORAH. I notice that the majority leader is absent.

Mr. SMOOT. Yes; he is not well to-day.

Mr. BORAH. If the Senator from Utah does not know anything about it, does the Senator from Indiana [Mr. WATSON] know?

Mr. WATSON. I do not know; but I can conjecture. I think that the measure proposed by the Senator from Utah, as I understand it, is not to displace the special order on Monday. Am I right about that?

Mr. SMOOT. As far as I am concerned, I shall ask the Senate to temporarily lay aside the unfinished business whenever it is desired to have the Isle of Pines treaty come before the Senate.

Mr. BORAH. I am not concerned about the Isle of Pines. Any time is soon enough to give away territory. I am concerned about whether there is to be any place in the program to carry out the recommendations which have been made by the fact finding commission with reference to agriculture.

Mr. WATSON. My understanding is that that is to be done, I will say to the Senator from Idaho, though, so far as I am informed, a definite time has not yet been fixed.

Mr. SMOOT. So far as I am concerned I will assist in bringing that legislation before the Senate.

Mr. BORAH. I ask the Senators to bear in mind that we have, I think, but 29 more working days.

Mr. WATSON. But we have a good many nights.

Mr. BORAH. Yes; but we do not work at night very much. We have 29 working days including the nights. By the time we get through with the Cape Cod Canal bill and the special order, and the bill which the Senator from Utah is endeavoring to have made the unfinished business, there will be much less than 29 days. There will have to be an understanding that the other program is not to be interfered with or else we will not do anything at all upon the subject. I give notice now that if those who have charge of the program do not upon Monday provide for a program in regard to the matter, I shall undertake to do it myself.

Mr. MOSES. Through a unanimous-consent agreement?

Mr. GLASS. Mr. President——

Mr. SMOOT. I yield to the Senator from Virginia.

Mr. GLASS. I ask the Senator from Utah whether he is requesting unanimous consent to take up the bill or whether he is moving that it be taken up?

Mr. SMOOT. I have moved to take it up.

Mr. GLASS. I was going to suggest if the Senator was asking unanimous consent that I propose to object. I imagine that the Senator knows he can not hope to enact the legislation at this session of Congress and it seems to me to take it up is to waste the time of the Senate when other matters might be taken up that could be consummated.

Mr. SMOOT. The Senator is in hope of passing the bill at this session of Congress.

Mr. STERLING. Mr. President, may I interrupt the Senator?

Mr. SMOOT. I yield to the Senator from South Dakota.

Mr. STERLING. I appreciate what has been said by the Senator from Idaho in regard to other important legislation. In addition to that which he has mentioned I could mention several other bills that are important and are waiting the consideration and action of the Senate upon them.

I think, Mr. President, that the very short time we shall have for the remainder of the session might be more profitably used than in the discussion of the bill consideration for which is asked by the Senator from Utah.

I am free to say, Mr. President, that I am opposed to the bill and that I am opposed to the pending motion. I shall not delay action upon the motion at all by calling for a record vote upon it or anything of that kind, but I simply wish to emphasize the fact that there is all this important business waiting to be considered and that we may well use to better advantage in the consideration of that business the long time which I think will be required in the consideration of the bill which the Senator from Utah proposes shall now be taken up.

Mr. SMOOT. I wish to advise the Senator from South Dakota, whose objection to the bill is in relation to the establishment of a department of education, that I have letters from Doctor Fairchild, from the Commissioner of Education, and I have been visited by Miss Williams, who appeared before the committee in favor of the establishment of a department of education alone, who all express the hope that the bill will pass as it now stands.

Mr. GLASS. Mr. President, however much controverted that provision may prove to be, there are other provisions of the bill

that are very bitterly contested. Within the last two days I have had letters from some of the most eminent physicians in the United States very bitterly objecting to the proposition practically to dismantle and wreck the Public Health Service and put it into the Veterans' Bureau, where we have had interminable difficulties for years and years. So the Senator from Utah may be well assured that if he is going to make this bill the unfinished business of the Senate it is going to consume considerable time that might better be devoted to some measures that we may hope to pass.

Mr. SMOOT. Mr. President, again I wish to say to the Senate that many leading men of the country who are interested in the public health of the Nation are opposed to this measure because of the fact that they have never taken into consideration what the bill proposes to do in relation to the Public Health Service. I have received letters similar to those which have been received by the Senator from Virginia; I have answered those letters and stated just what the bill provides, and then I have received answers that those who had written to me had no objection to the bill.

Mr. OVERMAN. Why is consideration asked for this bill right now? What great measure is it?

Mr. SMOOT. I am perfectly aware that there are some people who do not want any change at all in the present structure of the Government departments.

Mr. OVERMAN. What is the character of the bill for which the Senator from Utah asks consideration? Can he explain it? It proposes to reorganize the entire Government, does it not?

Mr. SMOOT. It proposes a reorganization which should have taken place a great many years ago.

Mr. OVERMAN. But can it not take place as well next year?

Mr. SMOOT. This proposed legislation has been under consideration now during four years.

Mr. WATSON. Mr. President, will the Senator from Utah yield to me for a question?

Mr. SMOOT. Yes.

Mr. WATSON. Are we right in assuming that the Senator does not intend to exclude appropriation bills?

Mr. SMOOT. It is not intended to exclude any appropriation bills whatever.

Mr. WATSON. Or any bill carrying out the President's program?

Mr. SMOOT. I do not expect to do so and do not intend to do so.

Mr. WATSON. Precisely.

Mr. BAYARD. Mr. President, may I suggest to the Senator from Indiana that if we amalgamate one or more of the departments, why would not that infringe upon the appropriation bills as a result? In other words, if the appropriations bills have already been passed and one or more departments of the Government are reconstructed, will not the appropriations for those departments have to be made over again?

Mr. SMOOT. No; because of the fact that the bill provides that transfers of the appropriation shall be made.

Mr. BAYARD. Can that be done as a revenue measure in this House?

Mr. SMOOT. The bill is not a revenue measure; there is not a dollar to be raised by the bill. It provides for transferring appropriations which may already have been made to the departments for which they have been provided in case of the transfer of one department to another department; but that has nothing to do with the raising of revenue. That has been done by this body time and time again; in fact, whole departments have been created by bills originating in the Senate.

The PRESIDENT pro tempore. Will the Senate be in order? The Chair thinks the debate ought to proceed in the regular way. The Senator from Utah has the floor to say whatever he desires to submit to the Senate.

Mr. SMOOT. I ask for a vote upon the motion, Mr. President.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield the floor?

Mr. SMOOT. Yes; I yield the floor.

Mr. OVERMAN. Does the Senator from Utah think the country will go to the bow wows if the reorganization bill shall not be passed?

Mr. SMOOT. No; but a good many activities in some of the departments might, more or less, go to the bow wows.

Mr. HEFLIN. Mr. President, I wish to suggest to the Senator from Utah and to others on both sides of the Chamber that the bill providing appropriations for Federal aid to roads in the various States is now upon the calendar. It is a very important measure and ought to be passed. I think we ought to take that bill up and pass it, and I ask the Senator from Utah to permit us to do that before he makes any motion with reference to the bill to which he has referred.

Mr. SMOOT. My attention was distracted for the moment. I did not hear what the Senator said.

Mr. HEFLIN. I will say to the Senator from Utah that I hold in my hand a very short bill providing appropriations for Federal aid to roads in the States. I suggest that we pass that bill before the Senator presses the bill in which he is interested.

Mr. SMOOT. No; I have made my motion and I want the Senate to act upon it. There will be plenty of time, so far as that is concerned, for the Senator to bring up the good roads bill.

Mr. HEFLIN. And there will also be plenty of time for the consideration of the bill of the Senator from Utah.

Mr. SWANSON. Mr. President, the Senator from South Dakota is present and wishes to ask unanimous consent to consider and pass the good roads bill. That bill simply proposes to carry out existing law. A Senator who had some objection is now willing that the bill shall be considered.

Mr. HEFLIN. It will take but a little while.

Mr. SWANSON. The Senator from South Dakota, who has charge of the good roads bill, desires to ask unanimous consent to consider that bill. It is, I repeat, a very important one, and I hope the Senator will make his request.

Mr. STERLING. I should like to ask unanimous consent now to that effect, but there is a motion pending made by the Senator from Utah. When that shall have been disposed of I will make the request.

Mr. SMOOT. When the Senate shall have voted upon the motion I have made, then I will have no objection to the Senator from South Dakota making his request for unanimous consent; in fact, I will ask unanimous consent that the reorganization bill be temporarily laid aside so that other business may be transacted.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized to debate this question.

Mr. STERLING. Mr. President, I have nothing further to say in regard to the motion made by the Senator from Utah, except to state that under the reorganization bill there is included in the proposed department of education and relief provided for in that bill these activities of the Government: Education, Public Health Service, Veterans' Bureau, Pension Bureau, and, I think, two or three other services, which I do not now recall. The report made by the joint commission says in terms that the War Veterans' Bureau itself is larger than some of the departments of the Government; and yet it is proposed to put that bureau in with the Department of Education as well as the Public Health Service and the Pension Bureau, all under the name of a department of education and relief.

Mr. OVERMAN. Is it not proposed to put insane institutions in also?

Mr. STERLING. Yes; St. Elizabeths Hospital is to be included.

Mr. OVERMAN. And Howard University?

Mr. SMOOT. Mr. President, in answer to what the Senator said, I wish to say it seems to me that the St. Elizabeths Hospital ought to be under a relief head rather than under the Secretary of the Interior, where it is to-day. I can explain all of the transfers; and if any Senator wants to know why any transfer has been made, good reason can be shown for every such transfer.

Mr. BORAH. Mr. President, after we have passed the bill creating the department of education and relief, after those two elements of human life shall have been taken care of, what else will there be for the Government to do?

Mr. SMOOT. There will always be a necessity for appropriations.

Mr. SWANSON. Mr. President, one of the most important measures pending before the Senate is the House good roads bill, which has been here now for a long time. If the reorganization bill should be taken up by the Senate, during the time when it may remain the unfinished business it will require practically unanimous consent, unless it shall be superseded by some other measure, to secure consideration for the bill making appropriations for good roads. That bill, as I have said, simply carries out existing law.

Mr. SMOOT. Mr. President, if the Senator will yield, I do not intend to ask that the reorganization bill shall be considered to-night. I am going to ask unanimous consent, if my motion shall be agreed to by the Senate, temporarily to lay the

bill aside, so that if the Senate wishes to take up the bill referred to by the Senator from Virginia it may do so.

Mr. SWANSON. All I ask is that the Senator from South Dakota shall be granted unanimous consent to have the roads bill considered. There is no objection to it except on the part of two or three. When that bill gets in front of the bill of the Senator from Utah I will feel better satisfied that the reorganization bill will not interfere with the good roads legislation and defeat it at this session of Congress. I can not consent, so far as my vote is concerned, that the bill proposed by the Senator from Utah shall go ahead of the good roads bill.

Mr. SMOOT. That is all right.

Mr. SWANSON. The good roads bill does not change the law at all; it makes no increase in appropriations; it merely carries out authorizations that have been made this year and provides the amount carried by the law for the last four or five years. It involves no increase or decreases.

Mr. BORAH. It is not necessary for the Senator to mention that the bill makes no decreases in appropriations.

Mr. SWANSON. We do not want to decrease appropriations for a project like good roads. I do not see why the Senator from Utah should object to acting on the good roads bill before his bill shall be made the unfinished business. I can not consent that his bill shall be made the unfinished business while this other great measure is pending here.

SEVERAL SENATORS. Vote!

Mr. STERLING. Then, Mr. President, I ask unanimous consent that the Senate——

Mr. SMOOT. There is no need of the Senator asking unanimous consent at this time, for I want a vote on my motion, and if it shall be agreed to I am going to ask that the bill be laid aside. If the Senator can then secure unanimous consent for the consideration of his bill, very well.

Mr. STERLING. Very well, I withhhold the request.

Mr. SWANSON. Mr. President, the pending motion is subject to debate, being made after 2 o'clock.

The PRESIDENT pro tempore. The Senator from Virginia.

Mr. SWANSON. I hope that every Senator who is in favor of good roads and does not want to have the bill making provision for them jeopardized by making as the unfinished business a measure which might interfere with it will see that no bill shall be made the unfinished business until the good roads bill shall have been disposed of in some way.

Mr. SMOOT. It is for the Senate to decide as to that.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Utah. [Putting the question.] By the sound the noes seem to have it.

Mr. SMOOT. I ask for the yeas and nays.

Mr. McNARY. Let us have the yeas and nays.

The PRESIDENT pro tempore. The Senator from Utah demands the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. WATSON (when his name was called). I transfer my pair with my colleague [Mr. RALSTON] to the senior Senator from Vermont [Mr. GREENE], and will vote. I vote "nay."

The roll call was concluded.

Mr. STERLING (after having voted in the negative). Mr. President, I voted without thinking about my pair. I have since been informed, however, that my pair, if present, would vote the same way that I have voted. Therefore I will let my vote stand.

Mr. BALL (after having voted in the negative). I understand that my pair, the senior Senator from Florida [Mr. FLETCHER], has not voted and is not present. I have just been informed, however, that if present the Senator from Florida would vote as I have voted, so I will let my vote stand.

Mr. JONES of Washington. I desire to announce the necessary absence of the Senator from Kansas [Mr. CURTIS]. He has a general pair with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 25, nays 41, as follows:

YEAS—25

Bingham	Harreld	McKinley	Smoot
Bursum	Harrison	McLean	Spencer
Cameron	Johnson, Calif.	McNary	Wadsworth
Cummins	Jones, Wash.	Means	Willis
Edge	Kendrick	Pepper	
Fess	Keyes	Phipps	
Hale	McKellar	Reed, Pa.	

NAYS—41

Ball	Bruce	Couzens	Frazier
Bayard	Butler	Dial	George
Borah	Capper	Dill	Gerry
Brookhart	Caraway	Ernst	Glass
Broussard	Copeland	Ferris	Gooding
Harris	Metcalf	Shipstead	Walsh, Mass.
Heflin	Moses	Simmons	Watson
Howell	Neely	Sterling	Wheeler
Johnson, Minn.	Oddie	Swanson	
Jones, N. Mex.	Overman	Trammell	
King	Sheppard	Underwood	

NOT VOTING—30

Ashurst	Ladd	Pittman	Stanfield
Curtis	La Follette	Ralston	Stanley
Dale	Lenroot	Ransdell	Stephens
Edwards	McCormick	Reed, Mo.	Walsh, Mont.
Elkins	Mayfield	Robinson	Warren
Fernald	Norbeck	Shields	Weller
Fletcher	Norris	Shortridge	
Greene	Owen	Smith	

So Mr. SMOOT's motion was rejected.

GOOD ROADS

Mr. STERLING. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order of Business 872, House bill 4971, known as the good roads bill.

Mr. BORAH. Mr. President, does the Senator plan to go ahead with the bill this afternoon?

Mr. STERLING. I had expected to go ahead with it.

Mr. BORAH. I object.

Mr. STERLING. Then, Mr. President, I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from South Dakota moves that the Senate proceed to the consideration of House bill 4971, to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. BALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Delaware?

Mr. BALL. I do not want to discuss the motion. I want the Senator to yield while I have a Senate joint resolution passed.

Mr. STERLING. I should like to have a vote on this motion first.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Idaho?

Mr. STERLING. I yield to the Senator from Idaho.

Mr. BORAH. I want to ask the Senator again if he is going to proceed with the bill this afternoon. If he is, I desire to debate this motion a while, in order that we may have a little time to look into the bill.

Mr. SMOOT. It carries only $75,000,000; that is all.

Mr. REED of Pennsylvania. The Senator is wrong about that. The bill carries $75,000,000 a year.

Mr. STERLING. To accommodate the Senator from Idaho, if the bill is made the unfinished business by the Senate, I will ask to have it temporarily laid aside. That will give the Senator from Idaho or any other Senator an opportunity to look into it.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from South Dakota.

Mr. SMOOT. Mr. President, I should like to call the attention of the Senate to the fact that this bill involves an expenditure of $75,000,000 a year.

Mr. STERLING. Yes; just the amount that we appropriated for last year.

Mr. SMOOT. Yes. It is a splendid thing to take $75,000,000 a year out of the Treasury by unanimous consent. We have just tried to secure the consideration of a bill that would save the Government some money, but I observe that efforts of that kind always fail. If, however, the bill takes money out of the Treasury of the United States, it is all right.

Mr. STERLING. This bill is simply in pursuance of a policy of the Government ever since 1916, when the first good roads bill was passed. People have been demanding that an appropriation much greater than $75,000,000 a year be authorized. They have asked for $100,000,000; but the House has passed a bill, and it is before us, authorizing the appropriation of $75,000,000 a year for the next two years for good roads.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from South Dakota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as

amended and supplemented, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads, with an amendment.

Mr. STERLING. Mr. President, I now ask that the unfinished business be temporarily laid aside.

Mr. SMOOT. I object to laying aside the unfinished business.

The PRESIDENT pro tempore. Objection is made.

Mr. BALL. Mr. President——

Mr. STERLING. I yield to the Senator from Delaware.

Mr. HEFLIN. Mr. President, what was the request?

The PRESIDENT pro tempore. The Senator from South Dakota asked unanimous consent that the bill just laid before the Senate be temporarily laid aside. There was objection to that request, so the bill is before the Senate.

Mr. REED of Pennsylvania. Mr. President, out of order, I report back favorably from the Committee on Finance a bill, and ask unanimous consent for its immediate consideration. It will not take half a minute.

Mr. HEFLIN. Let it be read.

Mr. SMOOT. Let us see what it is.

The PRESIDENT pro tempore. The Secretary will state the title of the bill.

The READING CLERK. From the Committee on Finance the Senator from Pennsylvania reports back favorably, without amendment, House bill 7918, to diminish the number of appraisers at the port of Baltimore, and for other purposes, and he submits a report (No. 947) thereon.

Mr. SMOOT. That bill will save some money.

The PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. BRUCE. I object.

Mr. REED of Pennsylvania. Mr. President, will not the Senator from Maryland withdraw his objection?

Mr. BRUCE. I will not. It affects Baltimore. I suppose the Senator wants me not to make any objection, but he has not spoken to me about it before.

Mr. BALL. Mr. President——

The PRESIDENT pro tempore. The Chair now recognizes the Senator from Delaware.

Mr. BALL. I ask unanimous consent for the immediate consideration of Senate Joint Resolution 174, Order of Business 996.

Mr. SMOOT. I object, Mr. President.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent for the immediate consideration of Senate Joint Resolution 174.

Mr. SMOOT. I object.

Mr. BALL. Mr. President, this joint resolution authorizes——

Mr. SMOOT. It does not make any difference what it authorizes; I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HARRISON. Mr. President, I merely want to call to the attention of the Senate what has just happened.

In May, 1921, the then President of the United States, President Harding, recommended, through a message to Congress, that a joint commission on reorganization of all the Government departments should be appointed and that the question of reorganization should be considered. Since the present President has come in, he has delivered a message to Congress asking for the adoption of the recommendations of this commission. On the motion of the Senator from Utah to take up and consider that bill, which comes within about five or six weeks of the time when this Congress will come to an end, we find some very distinguished administration Senators refusing to comply not only with the request of President Coolidge but with the request of the lamented President Harding.

In looking over the roll call, the motion having had only 25 votes cast for it and 41 votes cast against it, I find that such administration leaders voted against taking up for consideration this administration measure as Senators BALL, BORAH—who has lately become an administration leader—BROOKHART [laughter], BUTLER, the chairman of the Republican National Committee——

Mr. EDGE. Mr. President, is the Senator reading those names in classes?

Mr. HARRISON. They may be classified through a policy of Executive elimination later on—CAPPER, COUZENS, ERNST, GOODING, HOWELL, METCALF, MOSES (chairman senatorial campaign committee), ODDIE, STERLING, and WATSON. These are some of the administration Senators who refused to comply with the request of the President to take up the administration reorganization bill. What do you mean by giving this jolt to the administration?

Mr. BORAH. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. WATSON. Will not the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Idaho withhold the motion?

Mr. BORAH. I do. I yield to the Senator from Indiana.

Mr. WATSON. I want to plead with the Senator from Utah to withdraw his objection to the consideration of Senate Joint Resolution 174. It is a joint resolution introduced by the Senator from Kansas [Mr. CURTIS], authorizing the granting of permits to the committee on inaugural ceremonies, and if it is not passed now it may not be passed at all.

Mr. SMOOT. I object, Mr. President.

Mr. BORAH. I yield to the Senator from Tennessee.

Mr. McKELLAR. I ask unanimous consent that when the Senate meets to-morrow it will consider only unobjected bills on the Private Calendar.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. HARRISON. I would like to amend my remarks further by saying that the other administration leader, Mr. SMOOT, objects even to paying out any money for the inauguration of President Coolidge.

Mr. SMOOT. It will come in time. There is plenty of time.

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

Mr. REED of Pennsylvania. Will the Senator withhold that request for a moment?

Mr. BORAH. I withhold the request.

Mr. REED of Pennsylvania. Will the Senator yield to me to renew my request for a unanimous consent?

Mr. HARRELD. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. HARRELD. I would like to know what became of the request of the Senator from Tennessee.

The PRESIDENT pro tempore. The Senator from Tennessee has asked that when the Senate convenes to-morrow it proceed to the consideration of unobjected bills on the calendar. Is there objection?

Mr. WATSON. At the present time I am constrained to object. I may not do so to-morrow.

Mr. BORAH. I yield now to the Senator from Pennsylvania.

APPRAISERS OF MERCHANDISE AT BALTIMORE

Mr. REED of Pennsylvania. I renew my request for unanimous consent for the consideration of the bill which I reported from the Committee on Finance a few minutes ago.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent for the immediate consideration of the bill which he reported a few moments ago.

Mr. BRUCE. I withdraw my objection. The Senator has explained the bill to me.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7918) to diminish the number of appraisers at the port of Baltimore, and for other purposes.

Mr. MOSES. What is the measure?

The PRESIDENT pro tempore. The Secretary will read the bill.

The reading clerk read the bill, as follows:

Be it enacted, etc., That there shall be at the port of Baltimore one appraiser of merchandise instead of two as now provided, and the said appraiser at Baltimore shall receive a salary of $4,500 per annum, payable out of the appropriation for expenses of collecting the revenue from customs.

Such parts of the act of August 24, 1912 (ch. 355, sec. 1, 37 Stat. 434), and the reorganization of the customs service made by the President thereunder as are inconsistent with the provisions of this act and all other laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. KING. Mr. President——

Mr. REED of Pennsylvania. In explanation of the bill, I will state that under the present law there are two appraisers authorized for Baltimore. One of those positions is now vacant and the Treasury Department wants to abolish it. At present the authorized salary is $3,000 for each appraiser, but under the reclassification bill all three assistants receive more than the appraisers themselves receive. What the Treasury wants to do

is to consolidate the two positions into one and pay $4,500, which will result in a saving of $1,500 to the Government.

Mr. KING. What would be the average salary paid to the appraisers in ports where the work is substantially of the same character as the work in the port of Baltimore?

Mr. REED of Pennsylvania. Around four or five thousand dollars.

Mr. McKELLAR. Was there a unanimous report from the committee on the bill?

Mr. REED of Pennsylvania. The report of the committee on the bill was unanimous.

Mr. KING. It seems that this individual has been working for $3,000, and now it is proposed to give him $4,500.

Mr. REED of Pennsylvania. We save $1,500 by making him do two men's work.

Mr. KING. By abolishing a useless office. It does not indicate very much economy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES

Mr. STANFIELD. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. STANFIELD. I ask unanimous consent that at 2 o'clock on Thursday, February 5, Senate bill 3011, to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, be made the unfinished business.

Mr. SWANSON. I would not object to that, provided it did not interfere with the bill which has been made the unfinished business—the good roads bill. If that bill shall be disposed of by the time the Senator has fixed, I will have no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

Mr. SMOOT. We can not make a bill the unfinished business for some future day.

Mr. BORAH. The Senator can have it made a special order.

Mr. SMOOT. I have told the Senator from Oregon that just as soon as we can agree upon some amendments to the bill there will be no objection to taking it up. But there is no use trying to get it up to-night.

Mr. STANFIELD. I do not ask that the bill be taken up now.

EXECUTIVE SESSION

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 31, 1925, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 30 (legislative day of January 26), 1925

PROMOTION IN THE ARMY

Moses Gray Zalinski to be assistant to the Quartermaster General for a period of four years, with rank of brigadier general.

POSTMASTERS

KENTUCKY

George P. Ginn, Ashland.
Lloyd F. Williams, Bagdad.
Walker Jameson, Beattyville.
William T. Isaacs, Benham.
Dewitt O. Burke, Bradfordsville.
Robert H. Middleton, Buffalo.
Henry T. Short, Calhoun.
Vera Baird, Crab Orchard.
Virgil A. Matthews, Fordsville.
Egbert V. Taylor, Greensburg.
Eugene F. Stuart, Hardyville.
Allen D. Thomson, Kuttawa.
Mack R. Huston, Lakeland.
William Rice, Manchester.
York Hatfield, McVeigh.
Allen E. Bell, Moreland.
Wallace D. Jones, Mortons Gap.
John P. Graham, New Haven.
John H. Meyer, Newport.
Garrett H. Lawrence, Poor Fork.
Cameron F. Dunbar, Russell Springs.
Stace W. Poole, Sebree.
Mabelle Sharp, Sharpsburg.
Squire P. Willis, Stamping Ground.
Samuel H. McMurray, Stearns.
Rex A. O'Flynn, Utica.
Mack M. Noel, Veterans' Hospital.

NEW MEXICO

Cristobal J. Quintana, Taos.

NEW YORK

Celia D. White, Fishkill.
William C. Meade, Hall.
Rosella M. Palmeter, Purling.

TEXAS

Charles P. J. Ledwidge, Beaumont.

HOUSE OF REPRESENTATIVES

FRIDAY, *January 30, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, again we are waiting for the presence of Thy Spirit. The impulse that we have to offer Thee our homage is inspired by our Creator's voice within. Always may we covet and seek the best things—treasure them up, love them, and cheerfully follow their precepts. Toward the day's work may we set ourselves with happy hearts and new desires. In every relationship which we bear to our country and to society help us to be beneficent servants and wise men. With us, O Lord, things are so often partial and uncertain. Do Thou forgive our delays and omissions. Increase our faith in Thee as our God and whatever betides may we not fail. Amen.

The Journal of the proceedings of yesterday was read and approved.

CORRECTION OF RECORD

Mr. BROWNING. Mr. Speaker, I desire to correct the RECORD. On page 2727, line 10, first column, after the words "should be" insert "held out."

The SPEAKER. Without objection the correction will be made.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. JONES. Mr. Speaker, I ask unanimous consent that after the gentleman from Ohio shall have concluded, I may be permitted to address the House for 15 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that after the conclusion of the remarks of the gentleman from Ohio that he may address the House for 15 minutes. Is there objection?

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, upon what subject?

Mr. JONES. On the Agricultural Commission report.

Mr. LINTHICUM. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CALL OF THE ROLL

Mr. SNELL. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. It is clear there is no quorum present.

Mr. SNELL. I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 42]

Barkley	Curry	Hull, Tenn.	Michaelson
Bell	Dallinger	Johnson, W. Va.	Miller, Ill.
Boylan	Dickstein	Johnson, S. Dak.	Mills
Brand, Ohio	Dominick	Kent	Montague
Briggs	Doughton	Kiess	Moore, Ill.
Britten	Drewry	Kindred	Morin
Buckley	Eagan	Langley	Nelson, Wis.
Burdick	Edmonds	Larson, Minn.	Newton, Mo.
Carew	Evans, Iowa	Lea, Calif.	Newton, Minn.
Casey	Freeman	Lee, Ga.	Nolan
Celler	Fulmer	Lindsay	O'Brien
Clark, Fla.	Goldsborough	Logan	O'Connell, N. Y.
Clarke, N. Y.	Graham	McFadden	O'Connell, R. I.
Connolly, Pa.	Griffin	McKenzie	O'Connor, La.
Cooper, Ohio	Hall	McNulty	O'Connor, N. Y.
Croll	Haugen	MacLafferty	O'Sullivan
Cummings	Hawley	Mead	Oliver, N. Y.

Paige	Roach	Taber	Weller
Peavey	Rogers, Mass.	Tague	Wertz
Perlman	Rouse	Taylor, Colo.	Wilson, Miss.
Porter	Sanders, N. Y.	Tincher	Winslow
Prall	Schafer	Tinkham	Wolff
Quayle	Schall	Tucker	Yates
Rathbone	Sherwood	Upshaw	Zihlman
Reed, N. Y.	Smithwick	Voigt	
Reed, W. Va.	Sullivan	Ward, N. Y.	
Reid, Ill.	Swoope	Ward, N. C.	

The SPEAKER. On this call 326 Members have answered to their names—a quorum is present.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

PARTY REGULARITY

The SPEAKER. By special order of the House the gentleman from Ohio [Mr. LONGWORTH] is entitled to address the House for 20 minutes. [Applause.]

Mr. LONGWORTH. Mr. Speaker, in an address yesterday the gentleman from Wisconsin [Mr. FREAR] made the following opening statement:

> The press of January 10 quotes a statement of House Majority Leader LONGWORTH to the effect that 15 or more Members of Congress are to be punished.

And later on he said:

> My protest is voiced in no spirit of controversy, but against repeated warnings of prospective torture rather than against their eventual execution and right to be heard before the execution.

I want at the outset to correct the impression that I or anyone I know of has any intention of torturing or punishing anybody, much less of executing them. Punishment and torture imply a hostility, a feeling of rancor, and execution, legal execution at least, is expiation for a crime committed. Now, I have no feeling of hostility toward any Member of this House from Wisconsin or anywhere else who supported the La Follette-Wheeler ticket in the last campaign. On the contrary, I admire many of them very greatly. I have a feeling of most profound respect and liking for the gentleman from Wisconsin [Mr. COOPER]. I consider him a most admirable character in every way. He has been in the past a valuable member of the Republican Party. I wish he were a Republican to-day. I wish he would come back and join our party, and we will welcome him when he does. [Applause]. I served for many years on the Committee on Ways and Means with the gentleman from Wisconsin [Mr. FREAR], for whose ability and character I have the highest regard. He was a valuable Republican in the past. I wish he were a Republican to-day. I wish he would come back to our party and we will welcome him with open arms. [Applause]. No crime has been committed for which execution could be justified. On the contrary, these gentlemen merely exercised the right any American citizen has to support a cause that he believes to be for the best interests of the country. These gentlemen believed evidently that the election of President Coolidge and the carrying forward of the Republican program and of Republican principles was injurious to the country, and they therefore supported Senator LA FOLLETTE for President, and did all they could to defeat President Coolidge and to elect their candidate. In a large number of cases they did their utmost to defeat at the same time Republican candidates for Congress in other States.

They had a perfect right to do this. They did it with the utmost deliberation. But while they expected and hoped, no doubt, for victory, they must at the same time been prepared to take the consequences of defeat. [Applause].

Surely no sane man could have believed that the consequences of defeat should have involved anything less than divorce, temporarily at least, from any advantages to be gained by membership in the victorious Republican Party.

In meeting the conditions here in the House of Representatives which have eventuated as the result of the last election, I and others who think as I do have no thought of punishment, or torture, or execution of any of the gentlemen who deliberately parted with us in the last campaign. We are merely meeting the conditions as we find them and are doing so without the slightest feeling of rancor or hostility.

The gentleman from Wisconsin [Mr. FREAR] based his remarks on the newspaper report of a speech delivered by me in New York on January 10 before the Ohio Society, and in order that there may be no misconception as to exactly what I said on that occasion, I am going to read portions of that speech which dealt with conditions in the last Congress and conditions in the new Congress to come. I said—

> The present Congress was not popular during the last session. No one will concede that more readily than I. The reasons for its unpopularity were various. First among them, probably, was that it was upon a number of occasions at odds with the policies of a very popular President. This was only natural, because it was composed of a greater variety of conflicting elements than any Congress in the last quarter of a century. At no time was there in it a responsible majority united in principle which could function in all matters of contested legislation. Frequently the actual majority was composed of utterly distinct elements united temporarily for expediency's sake only. In other words, we were experiencing for the first time in my knowledge the baneful effect of bloc government.
>
> The House was organized by the Republicans with a majority of 15, but this was a paper rather than an actual majority. A group had been formed even before the Congress convened consisting of about 20 men, elected as Republicans, but styling themselves "Progressives," having a chairman, a secretary, and I have heard, a treasurer, and meeting daily as an entity, entirely separate and apart from the Republican organization. Frequently it dealt through authorized representatives directly with the Democratic organization. It was in fact a bloc, just as much as the Radical-Socialist bloc in the French Chamber of Deputies. I have not time to point out the evils of bloc government in the Congress of the United States. Such a system was not contemplated by the framers of the American Constitution. It simply will not work here. Under our system there must be an actual and reasonably cohesive majority in the House which must assume responsibility for success or failure and be answerable to the people every two years. In no other way can party platforms and pledges be redeemed. In America, at least, legislation ought to be the result of deliberation and debate in the open and not of whispering among groups and back-alley trading. There must be teamwork, too, between Congress and the Executive, certainly if the Executive be a member of the majority party in Congress.
>
> I am by no means advocating that Congress should be a rubber stamp for the execution of the Executive will. I am utterly opposed to Executive domination of the legislative branch of the Government, just as I would be opposed to legislative domination of the Executive, but that does not mean that a just balance between these two great constitutional branches can not be preserved with both functioning in friendly cooperation.
>
> I am confident that this situation will exist in the next Congress. I firmly believe that the tremendous majority polled by my party in the last election was in great part a protest against the bloc system and in favor of responsible majority government.
>
> In all that I have said I do not want to be construed as admitting the justice of all the criticism leveled at the present Congress during the last session. Rather, I have been detailing the difficulties attending the making of what, in my opinion, was an extremely creditable record as regards quantity and quality of performance.

I then went on to enumerate some of those things that were accomplished in the last Congress. Later, I said:

> I look forward to the next Congress in confident belief that it will be one of the most efficient legislative bodies in history. We will have a clear working majority in both branches. The House will be composed of 247 Republicans, as against 183 Democrats and 5 third-party Members. Of the 247 Republicans at least 12 openly supported the third-party candidate and opposed the election of the Republican candidate. Some of them even went so far as to leave their States and campaign against Republican candidates for Congress and in favor of Democratic candidates.
>
> These men can not and ought not to be classed as Republicans in the next Congress. They left the Republican Party deliberately and did everything possible toward its undoing. Their leaders admit that from the first they carried the fight to the Republican ticket in the campaign. They assert now that the fight has just begun. What shall we do with these gentlemen in the next Congress? Shall we take them to our bosoms and keep them in the inner chambers of our party councils? To do so, in my opinion, would be to deliberately ignore the mandate of the last election, by which the Republican Party was commissioned to carry out a definite legislative program and to adhere to certain fundamental governmental policies. As I interpret that mandate, it imposes upon us the duty of seeing that the machinery to execute it shall be made as efficient as possible, and surely that could not be done if we were to put in key positions in the next Congress men who have opposed and are opposing that progress, and who have sought and are seeking the destruction of the very foundations upon which, as we hold, our governmental structure is based.

I have said that in a number of cases these gentlemen not only advocated the election of their leader for President and of Senator WHEELER, a Democrat, so-called, for Vice President, but went into other States campaigning not only vigorously for the election of their national ticket, but opposing the election of Republican candidates in other States for the Senate and for the House.

In the remarks of the gentleman from Wisconsin [Mr. FREAR] you will find interjected a quotation from the speech of the gentleman from Wisconsin [Mr. BROWNE], delivered in Pawtucket on October 29. I want to make that a part of my speech too. [Laughter.] I read:

Directing a series of charges against both major political parties for their alleged failure in the past six years to purge the Government of wealth-seeking officials, to restore millions of dollars to the Treasury that had been stolen by "political bootleggers and high-toned robbers" and to maintain any consistent policies of economy, Congressman EDWARD BROWNE of Wisconsin pleaded last night before an audience of more than 350 people in Veteran Firemen's Hall, School Street, Pawtucket, for undivided support of the national ticket of LA FOLLETTE and WHEELER and the State ticket of Flynn, Toupin, and O'CONNELL.

I quote only a part of this article. I read further:

Speaking briefly on the men running on the Democratic ticket in this State, Mr. BROWNE said O'CONNELL is a hard worker and has "voted just the way I did."

"Your lieutenant governor is an independent and should be elected governor, for he has a big amount of backbone," the speaker added. "If I were a Republican in this State I would vote for Mr. Flynn for senator."

Mr. TREADWAY. Mr. Speaker, will the gentleman yield for a moment?

Mr. LONGWORTH. I yield to the gentleman.

Mr. TREADWAY. The gentleman from Ohio referred to the remarks of the gentleman from Wisconsin [Mr. FREAR] yesterday, and at that time there was a reference made to a meeting which he addressed in Boston.

Mr. LONGWORTH. I recall it.

Mr. TREADWAY. I asked the gentleman from Wisconsin if he had any recollection of that incident in the congressional campaign, and he said not to his recollection. He has told me since making the address that his recollection of the meeting is contrary to the press accounts of that meeting. I wish to quote from three Boston newspapers, if the gentleman will allow me.

Mr. LONGWORTH. Certainly.

Mr. TREADWAY. The Boston Transcript contained these remarks:

The speaker attacked the administration in Washington and lauded LA FOLLETTE as the man who "is bringing the Government back to the people." During his speech he praised Congressman PETER F. TAGUE, who is running for reelection on stickers.

The Boston Herald, in its account of the same meeting, quotes Mr. FREAR as saying:

You have here in Boston a man, PETER TAGUE, who stands right on everything. I'm a Republican and he's a Democrat, but on these things we think alike.

The Boston Globe carries in large headlines this:

FREAR gives TAGUE a boost.

And in the course of the "boost" it says:

He indorsed the candidacy of Congressman PETER F. TAGUE, "my old friend PETER TAGUE. He was a Democrat and I a Republican, but we thought alike, and fought alike, and licked the Mellon bill together."

[Laughter.]

If I may be permitted, Mr. Speaker, I have the very highest admiration for my colleague from Massachusetts, PETER F. TAGUE; but I should not expect to indorse him running for reelection any more than I would expect him to indorse me. [Laughter.]

Mr. FREAR. Mr. Speaker, will the gentleman yield?

Mr. GALLIVAN. Mr. Speaker, will the gentleman yield right there?

Mr. LONGWORTH. I will yield first to the gentleman from Wisconsin.

Mr. FREAR. I desire to say that at that meeting held on the Boston Common there was no discussion of Congressman PETER TAGUE, and although I was with PETER TAGUE that day, it must be that some one told the newspapers, because the three accounts are alike. I never made such statements. They are impossible. I never made them at any place, and I challenge anyone to contravert that.

Mr. GALLIVAN. I just want to ask my colleague from Massachusetts, through the distinguished leader who now has the floor, whether or not there is any Republican Party in the district so ably represented by Congressman TAGUE. [Laughter.]

Mr. KING. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. KING. I want to ask the gentleman from Ohio whether, after all, he does not think the proper place and proper tribunal to try these alleged regicides is in the Republican caucus and not on the floor of this House?

Mr. LONGWORTH. I will call the gentleman's attention to the fact that I have not started this. [Laughter.]

Mr. KING. But the gentleman is engaging in it, and he is engaged in using the House as a political laundry.

Mr. LONGWORTH. The gentleman from Ohio was induced to make these remarks by the remarks made by the gentleman from Wisconsin [Mr. FREAR].

Mr. KING. What does the gentleman think about the Republican caucus taking up this matter?

Mr. LONGWORTH. I do not yield further.

Mr. KING. All right, but the gentleman has not answered my question.

Mr. LONGWORTH. Of course, I accept the statement of the gentleman from Wisconsin [Mr. FREAR]. This much, however, is true, that the La Follette organizations in Massachusetts had indorsed the Democratic candidate for Senator, and the gentleman from Wisconsin [Mr. FREAR], by his presence on the platforms with such candidates, was putting himself on record as being opposed to the election of the Speaker of this House to the Senate of the United States. There can be no question about that.

Mr. FREAR. There was no candidate on the platform at this meeting, and it was not a political meeting of that character. It was a labor meeting held on the Boston Common.

Mr. LONGWORTH. Of course, as I say, I accept the statement made by the gentleman, but the gentleman may not realize the extent to which other people thought he was involving himself by attending such a meeting. But there were other gentlemen from Wisconsin who went around the country urging the election of Democratic candidates and the defeat of Republican candidates. I hold in my hand a telegram addressed to the gentleman from Pennsylvania [Mr. SHREVE], signed by Thomas M. Finn, who is a conciliator of labor operating between New York and Chicago and whose home is in Erie, Pa. He was present at a meeting which was addressed by the gentleman from Wisconsin [Mr. SCHAFER], and in this telegram to Mr. SHREVE he said:

SCHAFER viciously attacked party at Erie meeting. He urged election of LA FOLLETTE and belittled Congressmen, urging voters to elect candidates who had received that indorsement.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. LONGWORTH. I can not yield at present.

Mr. SCHNEIDER. I would like to correct the gentleman's statement——

The SPEAKER. The gentleman declines to yield, and the gentleman can not interrupt him.

Mr. LONGWORTH. I will yield to the gentleman later, but I can not at this moment because I want to proceed with an orderly discussion of this matter. What the gentleman from Wisconsin [Mr. SCHAFER] said was this. Some one in the audience said:

How about the Republican Congressman from this district, Mr. SHREVE?

The gentleman from Wisconsin [Mr. SCHAFER] said:

I have never seen him and I never heard of him.

[Laughter.]

Now, as we all know, the gentleman from Pennsylvania [Mr. SHREVE] is one of the most active and able Members of this House. [Applause.] He has charge upon the floor of one of the very great appropriation bills, and for a man not to know or not to have heard of Mr. SHREVE argues, to put it charitably, that he himself does not attend the sessions of this House. [Laughter.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to continue for 10 minutes more.

The SPEAKER. The gentleman from Ohio asks unanimous consent to continue for 10 additional minutes. Is there objection.

There was no objection.

Mr. THOMAS of Kentucky. Will the gentleman yield?

Mr. LONGWORTH. I yield to the gentleman from Kentucky.

Mr. THOMAS of Kentucky. I would suggest to the gentleman from Ohio that this seems to be a Republican caucus, and properly Democrats ought not to be present. [Laughter and applause.]

Mr. LONGWORTH. Mr. Speaker, my reply to the gentleman from Kentucky is that if this is a Republican caucus others than Democrats also ought not to be present. [Laughter.]

I now quote from an interview with the gentleman from Wisconsin [Mr. NELSON], which appeared in the Boston Herald of October 3. Mr. NELSON said:

> But if Coolidge is elected the progressive bloc will be so strong that it will absolutely dominate both Houses. We can hamstring the President. We can impeach him if we like and if he displeases us enough. We can put through or prevent legislation as we please. We will be kingpin.

The article continues:

> Mr. NELSON drew an imaginary string around the neck of an imaginary bag in which Mr. Coolidge was figuratively placed.
>
> "And in 1928?" the writer asked.
>
> "In 1928," Mr. NELSON laughingly replied, "We'll have both the Presidency and Congress, thanks to the mess we will make of the Coolidge administration."

That is the statement made by the leader of those gentlemen who want to be received back and enjoy the highest honors that can be accorded to members of the Republican Party.

Mr. SCHNEIDER. I think the gentleman ought to yield to me now.

Mr. LONGWORTH. I now yield to the gentleman from Wisconsin.

Mr. SCHNEIDER. With reference to a visit by a Wisconsin Member to the district of the gentleman from Pennsylvania [Mr. SHREVE], the gentleman's statement is entirely incorrect, and in justice to the gentleman from Wisconsin [Mr. SHAFER], I think I should state the fact that he was not in the district at all or in the State. It happened to be I who was there.

Mr. LONGWORTH. Oh.

Mr. SCHNEIDER. Yes; and the whole statement is a fabrication. Neither in the district of the gentleman from Pennsylvania [Mr SHREVE] nor in any other district in Pennsylvania where I spoke, did I mention any of the Congressmen or discuss that question. [Applause.]

Mr. LONGWORTH. I am delighted to hear it.

Mr. LINEBERGER. Will the gentleman yield?

Mr. LONGWORTH. I yield to the gentleman from California.

Mr. LINEBERGER. I want to say to the gentleman that politically the same situation which he has defined here existed in my district. The vice presidential candidate on the La Follette ticket came to my district at the request of independents and so-called La Follette Republicans and made a speech, and on the platform was the perennial chameleon Democratic-Prohibitionist-Socialist candidate, who sat with him on the platform. He (Mr. WHEELER) denounced me and all other local Republican candidates by name. [Laughter and applause.] He also viciously attacked the Republican presidential and vice presidential candidates, and these radical La Follette Republicans led the applause.

I want to observe that if the gentlemen on the Democratic side had been there they would not have approved of what this so-called Democrat said.

Mr. GARRETT of Tennessee and Mr. KING rose.

Mr. LONGWORTH. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Do I understand, then, it is the thought of the gentleman from California that the candidate for Vice President should be excluded from the Republican caucus? [Laughter and applause.]

Mr. LINEBERGER. If I might be permitted to suggest it to the gentleman, I would say he should be excluded from the Democratic caucus.

Mr. LONGWORTH. I think the gentleman from Tennessee will agree to that. [Laughter.]

Mr. KING. Will the gentleman yield?

Mr. LONGWORTH. I yield.

Mr. KING. I want to present in support of the gentleman's testimony some testimony of my own to the effect that in 1912 I was denounced in my home town by Theodore Roosevelt for being a hidebound, regular Republican supporting William Howard Taft. [Laughter and applause.]

Mr. LONGWORTH. The situations are not at all parallel. In 1912 the progressives separated entirely from the Republican Party. They formed a party of their own. They nominated candidates not only for President and Vice President but for the Senate and the House. None sought the advantage, if they believed it to be an advantage, of running under the Republican emblem. They did no masquerading. They ran frankly and avowedly as members of a third party. They made no attempt to sell their goods under a misleading label. In this recent third-party movement, however, there was no avowed separation from the Republican Party except only in the case of the candidates for President and Vice President. The 10 gentlemen from Wisconsin, the gentleman from Minnesota, Mr. KELLER, and the gentleman from North Dakota, Mr. SINCLAIR, used the Republican emblem to forward their cause, although they were opposing the Republican candidates for President and Vice President and Republican candidates generally. As I have just observed, no possible parallel can be drawn between the situation to-day and the situation at the time of the progressive movement.

The gentlemen all have before them precisely the opportunity that members of the progressive movement in 1912 had to come back to the Republican Party where Theodore Roosevelt would be if he were alive to-day as an earnest and sincere supporter of Calvin Coolidge. [Applause.]

It seems to me with such a record very recent in history, these gentlemen can not properly demand recognition in the councils of the Republican Party and the enjoyment of honors and distinctions conferred on men who have been sincere and loyal in their support of the Republican Party. Indeed, my only surprise is that they should want to, much less ask to, yet they are asking it and express indignation that I and others have intimated they ought not to be given key positions on committees in the next Congress.

But some may say that Senator LA FOLLETTE and his followers have experienced a change of heart or of mind since the election. The fact is that their leader certainly is now, if anything, more aggressively anti-Republican than he was before the election. I hold in my hand a newspaper clipping reading as follows:

> MADISON, WIS., *November 23.*
>
> "The progressives will not be dismayed by the result of the election" is part of a declaration over the signature of Senator ROBERT M. LA FOLLETTE which is run across the top of the first page of the November issue of La Follette's Magazine, published here. The Senator goes on:
>
> "We have just begun to fight. There can be no compromise on the fundamental issues for which we stand."
>
> Under the caption, "Forward, progressives, for the campaign of 1926," Senator LA FOLLETTE proceeds in a signed editorial appeal to explain the defeat of his forces in the November election as follows:
>
> "The American people have returned to power the Republican Party, with its record of corruption and subservience to the dictates of special privilege."

It goes on to enumerate a number of things of this sort and then says:

> "And yet I am wholly unable to believe that the election of Mr. Coolidge can be accepted as an indorsement of the Harding-Coolidge record by the American people. I have too much faith in the integrity of the plain people of our country. I believe that the Republican landslide resulted wholly from other causes.
>
> "From the first the progressives carried the fight to the Republican ticket in the campaign."

There is the milk in the coconut, gentlemen. [Applause.] That is the statement of the third-party leader in reference to the past, and what does he say of the future?

> The progressives will close ranks for the next battle. We are enlisted for life in the struggle to bring government back to the people. We will not quit and we will not compromise. Five million strong, we are determined to break the power of the private monopoly system. Without money and with little organization, we have shaken the mighty in their seats. We have two years in which to rally and consolidate our forces, perfect every detail of organization, and be fully prepared to face and overthrow the enemy of free government.
>
> Our task is great, but our cause is greater.
>
> Forward, progressives, for the campaign of 1926!

Mr. WEFALD. Will the gentleman yield?

Mr. LONGWORTH. I yield.

Mr. WEFALD. I am glad the gentleman has sounded the battle cry for 1926.

Mr. LONGWORTH. Our battle cry for 1926 is the return of the Republican Party to the control of Congress with even a greater majority than now [applause]; but the La Follette battle cry voiced with approval by the gentleman is to oust the Republican Party from control of this House in 1926. That is the vital and compelling reason why we can not afford, why we would not be true to our consciences, to our constituents, to the verdict of the American people, to put these men in key positions, where their sole object would be to do everything they could to defeat and to ruin us. That is the entire question involved here.

Speaking of reading people out of parties——

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. WINGO. Mr. Speaker, I ask that the gentleman may have 10 minutes more.

Mr. LONGWORTH. I thank the gentleman.

Mr. WEFALD. I ask that the gentleman may have an hour. [Laughter.]

Mr. LAGUARDIA. Reserving the right to object.

Mr. LONGWORTH. I am about to refer to the gentleman now. [Laughter.] I want to say something complimentary to the gentleman.

Mr. LAGUARDIA. Mr. Speaker, at the completion of the gentleman's remarks I am going to ask unanimous consent to address the House for 10 minutes.

Mr. BROWNE of Wisconsin. Reserving the right to object, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Texas [Mr. JONES] has the right to address the House at the conclusion of the remarks of the gentleman from Ohio.

Mr. BROWNE of Wisconsin. Then I will ask for 10 minutes at the conclusion of the remarks of the gentleman from Texas.

The SPEAKER. Is there objection to the request of the gentleman from Ohio that his time be extended 10 minutes?

There was no objection.

Mr. LONGWORTH. I have said that my only surprise at this situation is that these gentlemen should have any desire to participate in a Republican conference, for the time being at least, or occupy positions on committees which involve certain party obligations.

I read from an article published in the Star-Eagle of Newark, N. J., of December 12, 1924:

Members of the La Follette bloc in the House intend to cling to their Republican labels and to resist any attempt to remove them from their present committee assignments.

This is indicated by the reaction of Representative JOHN NELSON, of Wisconsin, to the declaration of Representative NICHOLAS LONGWORTH, the majority leader, that just that should be done. NELSON was Senator LA FOLLETTE'S campaign manager in the late presidential contest. With his Wisconsin colleagues he bolted the Coolidge-Dawes ticket, repudiated the Republican platform, and tried to wreck the G. O. P.

LONGWORTH asserted that NELSON and his followers had read themselves out of the Republican Party and, no doubt, would no longer wish to humiliate themselves by accepting favors from it, but that isn't the way NELSON sees it.

"I do not believe when the time comes to organize the new House they will do such a thing as LONGWORTH indicates," he said. In the first place, I think they will reach the conclusion that it would not be wise. In the second place, I do not believe they will have the power to carry out their threat. In the third place, if they do it they will arouse our constituencies to the fighting point and will send every one of us whom they are trying to persecute back to Congress with increased majorities.

"From what source, I would like to know, does Mr. LONGWORTH derive his right to pass on the Republicanism of other Members of Congress? He doesn't like my kind of Republicanism, and I'll tell the world that I don't like his brand. Still, if his brand is the brand that Cincinnati wants, what business have I to interfere?"

Our brands are not the same, I rejoice to say, because Cincinnati wants a Republican who will stand by the President. [Applause.]

The article continues:

"Mr. LONGWORTH intimates that I am not a Republican and that I ought to be disciplined for not being regular. Well, if he punishes me, he punishes my constituents, and there is not the least doubt in the world what they will say about it. What is true of me is true of the others in our group. All of us came back here as Republicans except Representative LAGUARDIA, of New York, who was elected as a Socialist."

[Laughter.]

Here is a gentleman who criticizes my right to read men out of my party and at the same time picks on the gentleman from New York [Mr. LAGUARDIA] and reads him out of his party. [Laughter and applause.]

Gentlemen, the situation is simple. The Republicans will have an effective majority in the next House. We are commissioned by the people to do certain things and refrain from doing certain other things. We are intrusted by the people to uphold the Constitution of the United States, to maintain the dignity of the courts, and men who do not think with us ought not to attempt to net with us. [Applause.]

Now, that is all I care to say about this situation. To me it is perfectly simple. We are not punishing anybody; we are not torturing anybody; we have the highest regard for these gentlemen who read themselves deliberately out of our party. We will welcome them back at the first opportunity when they evince any desire to come back and qualify as Republicans. In the meantime it is our duty to carry out the mandate of the people in the last election—to carry forward the Republican program and Republican principles unimpeded by men who are for the time being at least our enemies. [Applause.]

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes, and I ask the gentleman from Texas if he is willing to give way?

Mr. JONES. I am.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. LOWREY. Mr. Speaker, reserving the right to object, I think gentlemen on this side of the aisle have thoroughly enjoyed the entertainment furnished by gentlemen on the other side of the aisle and we are willing for its continuance. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker and gentlemen of the House, I listened yesterday to the address of my colleague from Wisconsin [Mr. FREAR], and I have listened to-day to the address of our floor leader—I may still call him my leader until next March——

Mr. LONGWORTH. Whom will the gentleman call his leader after the 4th of March?

Mr. LAGUARDIA. I do not know, we have not "caucused" yet. [Laughter.] Mr. Speaker, now that everybody seems to want to make a record, I want to say that as far as I am concerned that in the month of October, 1924, I did not give the Republicans any quarter, and I shall not ask for any quarter in January, 1925. [Applause.] I know exactly where and how I stand, I knew how I would stand when I declared myself before the primaries. Nothing that is now happening is of any surprise to me. I supported and voted for Senator LA FOLLETTE for President, and I have no apology to make. What I can not understand is this: If my colleagues from Wisconsin are going to be excommunicated from the party, what are you going to do with the Republican candidates for Congress in New York who plastered their districts with posters announcing that they had been indorsed by the "Progressives"? The gentleman from the fourteenth [Mr. PERLMAN] on the eve of election day caused to be sent out a letter that he was indorsed by the progressives. The Republican candidate in the district just below mine, the eighteenth district, had posters announcing that he was a Republican and the progressive candidate. The Republican candidate for sheriff in New York County filed petitions under the emblem of the Liberty Bell as a progressive, and finally public opinion became so strong that he withdrew them. [Laughter.] And was defeated afterwards—now laugh!

Gentlemen, I am not going to cause you any embarrassment. You can put me on any committee you desire or take me off any committee you desire, but you can not take me out of the Committee of the Whole. [Applause and laughter.] In order to cause my own committee and its chairman no embarrassment as to my position on the committee, before this Congress adjourns I shall resign from it, so there shall be no question as to my place on any committee. I am not speaking for anyone else, but I can not for the life of me see how anybody would want to break into the Republican caucus.

I really can understand the theory of punishment for irregularity, but my first experience of party punishment was for regularity. Let me tell you what happened to me in New York. They have a perfect right to bar me and read me out of the party now, but my fight with the Republican Party started when I carried the Republican ticket in New York City in 1919. They were then very much disappointed. When I was elected president of the board of aldermen, Mr. Floor Leader, carrying the straight Republican ticket and without fusion in a municipal election for the first time, the party was so surprised that they started a fight on me. The Republican legislature, in keeping with the chagrin of the city Republicans, was so embarrassed that I should have carried the city of New York—and the distinguished speaker of the assembly is here now—that they raised the salaries of every Democratic member of the board of estimates, but did not raise mine. [Laughter and applause.] Do not for a moment think that I am going to lie down, but I am not going to fight here with my colleagues from the West. They have nothing to do with our local fight. I am going to conduct my fight in my home town, where the Republican vote

is steadily fading away, where in the county of the Bronx the party can not possibly carry the ticket—and loses it every year by 5 to 1—and where in the great county of Kings you have not a single Republican Congressman.

My fight is not with you Republicans of the West. We have our fight in New York City. I serve notice now that I shall fight in New York City, and they can keep me out of their caucus, but I can keep them out of the city hall in New York City. [Laughter and applause.] We have our own conditions there, Mr. Floor Leader, and we will fight it out there. As to standing by President Calvin Coolidge, I invite my Republican colleagues to stand by him on the Coolidge rent law. Are you going to do that? If you want to stand by your President, you gentlemen from Massachusetts, why did you not stand by him in his fight for the child labor amendment? Answer that, if you can. You will have plenty of opportunity to stand by him, if you want to stand by him. Why do you not stand by him in his recommendation to take the political bums out of the prohibition service and put in good men under civil service? Why do you not stand by Coolidge there?

Mr. BACON. We have passed such a law.

Mr. LAGUARDIA. No; you did not pass any such law, and you are not going to pass such a law. You will have plenty of opportunity to stand by the President; and, speaking for myself, I shall stand by him on those measures, and wherever I think he is right. Not being bound by caucus rules, I hope to be able to legislate intelligently.

I hope that my progressive friends will not worry unduly. If these Republicans will not invite us to their conference or caucus we will not invite them to ours. [Laughter.] There is nothing to worry about. Either contender for the Speakership, I am sure, will make an impartial Speaker; but whoever it is he will have to go some to come up to the record for impartiality established by the present Speaker [Mr. GILLETT] and his predecessor, Champ Clark. [Applause.] Talking about party candidates, Mr. Speaker, I did all I could with my friends in Massachusetts, and I did it openly. I supported Speaker GILLETT for the Senate, and I do not hesitate to say it. We had no candidate there for the Senatorship.

Mr. VAILE. Oh, you will be read out of the La Follette party soon, if you do not watch out.

Mr. LAGUARDIA. Nobody can read me out of any party. [Laughter.]

Now, just a moment, please. Let us understand each other. By refusing to permit my colleagues from Wisconsin and some of us to confer with you in conference or caucus you have recognized our entity as a party. You can not get away from that. Therefore in the assignment of committees you must necessarily give us our proportion of places on all major committees.

Mr. VAILE. Whom does the gentleman mean by "us" and "our"?

Mr. LAGUARDIA. Oh, I refer to the farmer-labor Members from Minnesota, the gentlemen from Wisconsin, and your humble and inconspicuous servant from New York, and all those who think as we do and are not invited to your conference.

Mr. VAILE. Then why do not these gentlemen from Wisconsin recognize the gentleman?

Mr. LAGUARDIA. Oh, give me a chance; give me a chance. I hope then that you gentlemen of the majority will give the minor minority proper accommodation for offices and a party clerk. Surely we are here, belong somewhere, and should have the privileges as well as the disadvantages of a minority. You can not simply wipe us off the map. If we are no part of you, then we have some standing on this floor, and all I ask is that when the time comes for fixing the proportion of committee assignments the minor minority shall be recognized as such, and I assure you we will take our small and humble part in the activities of the House. [Applause.]

Mr. JONES. Mr. Speaker, in view of the interest that is being manifested in the matter under discussion, and the desire of some other Members to speak upon the subject, I ask unanimous consent that my time be transferred from to-day to to-morrow, and that to-morrow, after the reading and approval of the Journal, I be permitted to address the House for 20 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that he have 20 minutes to-morrow after the reading of the Journal instead of to-day. Is there objection?

There was no objection.

Mr. BROWNE of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROWNE of Wisconsin. Mr. Speaker and gentlemen, the distinguished gentleman from Indiana [Mr. WOOD] proposed yesterday to not only read the Republican Representatives of Wisconsin out of the Republican Party, but made the statement that there had not been any Republican Party in Wisconsin for a great many years. He seems to differ very materially with a distinguished citizen of Indiana, a great historian, an impartial student, a man who occupies a high position in his own State, in the State University of Indiana. I refer to James A. Woodburn, who pays a high tribute to the men who have not been afraid to bolt a party nomination when they thought it was for the best interest of their country to do so.

I read from James A. Woodburn, a writer and historian of national reputation, who, in his work on Political Parties and Party Problems in the United States, which has been so popular that three editions have been published, makes the following observations on independents and party loyalty:

> A party is not a mere club, with tests of membership apart from, or above its principles. It can not exact pledges to obey orders or to vote for all nominees that an obedient party machine may offer.

This distinguished man further says in his late edition:

> It is urged in behalf of party loyalty that parties are necessary to popular government; that they are expensive to organize and maintain, and that they should not be weakened and disorganized for transient and trivial reasons; that the "united wisdom" of the party is a safer guide than the individual judgment of any man, since "everybody knows more than anybody"; that, though the party may be temporarily wrong, the loyal party man should think of it as the party of his fathers that has rendered the country great services in the past, and the plea is made that its strength should be conserved for the sake of greater services in the future; that if men desert the party they weaken their influence for good government by weakening or destroying their influence with the party, thereby injuring their future usefulness; that men should not expect to keep "running in and out of a party"; that they should belong to a party completely, with loyalty and devotion, and not merely with spasmodic loyalty, giving no certainty of reliance or support; that if men bolt to a minor party it is but to "vote in the air" or "to throw away your vote" or to give a half vote to the enemy; and that to vote with the opposite party is, of course, "to turn the government over to its enemies." All that is bad in one party is urged by the advocates of the other as reasons against independent voting.

But this distinguished historian says, by way of commendation to the man who dares oppose the party leaders when he thinks they are wrong:

> These are the usual party pleas, and many of them have weight. The natural party disposition of most men is to give them full force and effect. But sensible party men who make these pleas do not themselves surrender the "divine right to bolt." They know the need of a reasonable measure of personal independence, and they recognize that, throughout our party history, such political independence has been a constant and powerful influence in determining the course of political events. The history of American parties is full of illustrations: Salmon P. Chase, Charles Sumner, George F. Hoar, George A. Boutwell, Henry Wilson, and others who, as young men, left their party for their cause in 1848; Lincoln, Seward, Trumbull, Colfax, and all who were in at the making of the Republican Party in 1854 and 1856, and who, for their cause, were ready to see their old parties defeated and shattered; Horace Greeley, Charles Francis Adams, John M. Palmer, Whitelaw Reid, Murat Halstead, who, later in the history of the Republican Party, sought to bring it to defeat in 1872; Martin Van Buren, Samuel J. Tilden, David Dudley Field, William Cullen Bryant, among Democrats in 1848; Breckinridge in 1860; Cleveland, and Hill, and Henry Watterson, and others in 1896—all these renowned leaders and party managers among both the great parties have at times asserted their independence of party authority and have sought to compass their partly's defeat. If party men by withstanding party authority are likely to lose influence with their party or weight in its councils—which is not always the case—it by no means follows that they weaken their influence over the course of events, or receive a more unfavorable judgment from history.

Gentlemen, this is what a disinterested historian of national reputation states, and I think his statement ought to have more weight, at least with people who are not hidebound partisans, than my distinguished friend from Indiana who is one of the extremists on party solidarity and believes in the slogan, "May my party always be right, but right or wrong, my party." [Applause.]

Now in regard to the acid test of party loyalty.

PARTY REGULARITY

What is the test of party regularity? Who has a right to determine what the test of party regularity shall be?

I have been unable to find any authority given to any class or group of men to make an acid test of party regularity or to define what party loyalty consists of.

The majority floor leader, Mr. NICHOLAS LONGWORTH, has been quoted by the press, and has verified it in his speech to-day, in effect, that every Republican who supported Senator LA FOLLETTE in the recent presidential campaign should be excommunicated from the party. This threat leads to the inquiry: What is the test of party regularity, and who is authorized to make the test?

The 10 Republicans who represent the State of Wisconsin received a total majority over their opponents of 322,749 votes. Every one of the 10 Republican Congressmen were nominated upon the Republican ticket. The almost unprecedented indorsement of the 10 Republican Congressmen, as shown by their large majorities, not only proves conclusively that they represent the principles of the Republican voters of Wisconsin, but the entire electorate of the State regardless of party.

Wisconsin, with its 10 Republican representatives, is now and has been in the past, one of the banner Republican States.

You can not read the 10 Republican representatives from Wisconsin out of the Republican Party without reading nearly half a million Republican voters who elected these Representatives by a majority of over 320,000 votes, out of the party.

Mr. HOWARD of Nebraska. Mr. Speaker, I regard this matter of exceedingly great importance, and I think we ought to have a quorum here, and I make the point of no quorum.

Mr. BROWNE of Wisconsin. I wish the gentleman would withdraw that.

The SPEAKER pro tempore. The Chair will count.

Mr. HOWARD of Nebraska. I am asking this out of compliment to the speaker; not otherwise.

Mr. BROWNE of Wisconsin. I wish the gentleman would withdraw that.

Mr. HOWARD of Nebraska. I will by request of the speaker.

Mr. BROWNE of Wisconsin. I would ask the gentleman to do so.

Mr. HOWARD of Nebraska. All right; I withdraw it.

The SPEAKER pro tempore. The gentleman from Nebraska withdraws his point of order.

REPUBLICAN PARTY OF WISCONSIN RECOGNIZED BY THE NATIONAL COMMITTEE AND BY PRESIDENT COOLIDGE

Mr. BROWNE of Wisconsin. The Republican Party of Wisconsin has a member on the National Republican Committee and is therefore recognized by the National Republican Committee. President Coolidge and Vice President Dawes ran in Wisconsin on the same Republican ticket as the governor, State officers, and Congressmen. The Coolidge and Dawes electors were selected at a State convention that adopted a platform that the Wisconsin delegation in Congress stood upon and spoke for. Senator LA FOLLETTE ran for President as an independent. The fact that Wisconsin Republican Congressmen, one or all, voted for the independent candidate for President can not and should not affect their status as Republicans.

If a group of Republican Congressmen, representing a majority at a Republican conference, claim the right to disregard or overrule the official expression of the Republican voters of a whole sovereign State because the Representatives of the Republican Party in that State have failed to vote for the presidential candidate of the Republican Party, or have failed to support certain measures advocated by the Republican President, then the same group could, in the same way, read out of the party the Republican Representatives of a dozen States.

I have looked over the legislative procedure in past Congresses, but I have failed to find, even in the palmiest days of bossism, any attempt to read out of the party the Republicans of an entire State. On the contrary, the precedents of both parties were against it. In the Bryan campaign a number of very prominent Democrats held a convention and supported the candidacy of Palmer and Buckner. Was there any attempt to read the supporters of Palmer out of the Democratic Party? Certainly not.

Now, my friend from Indiana [Mr. WOOD] chances to be a member of the congressional committee and calls this conference; this one man alone from the State of Indiana assumes the right to invite to that Republican conference just those Republicans that he thinks are Republicans. He could have left out two dozen or three dozen or four dozen Republican Members of Congress who held just as good credentials as his own. If he has a right to withhold invitations from a dozen Republicans, he could do it indefinitely without even giving a hearing. If the membership to the Republican Party depends upon the caprice of one or even three or four men, the foundation of the party is on very shaky ground. Some of the most distinguished Democrats in the United States bolted Bryan and supported Palmer and Buckner, and they did not lose their standing at all in the Democratic Party. This was the same in the Roosevelt campaign. A distinguished man recently appointed as Secretary of State, Mr. Kellogg, was a strong supporter of Theodore Roosevelt. There are a great many men to-day in public life and many in this Chamber who supported Colonel Roosevelt for President. If you had applied the same acid test to the followers of Roosevelt, what would have been the result? The result would have been you would have read out of the Republican Party the Republicans of every State in the Union except two, Utah and Vermont. Those were the only States which supported Taft and the regular Republican Party.

Mr. LINEBERGER. Will the gentleman yield for a brief question?

Mr. BROWNE of Wisconsin. I will.

Mr. LINEBERGER. Is it not a fact, however, those men who were elected as progressives when Roosevelt ran for President came down here and took their seats as progressives and did not sit in the Republican caucus or have any part whatever in the organization of the House as Republicans?

Mr. BROWNE of Wisconsin. They formed a third party.

Mr. LINEBERGER. The gentleman has the same avenue open to him and his party.

Mr. BROWNE of Wisconsin. They organized a third party immediately. A third party in this case was not organized.

Mr. LINEBERGER. The La Follette party.

Mr. BROWNE of Wisconsin. Senator LA FOLLETTE ran as an independent.

Mr. LINEBERGER. An independent party, then.

Mr. BROWNE of Wisconsin. He did not allow his name to go under any of the different political parties; he ran as an independent. Another thing I want to call attention to is that after that one Congress and as soon as the Roosevelt followers were elected on the Republican ticket, they came to the Republican conferences and were treated like other Republicans. They did not go through any sackcloth and ashes and repentence period and did not change their views on political questions.

Mr. LINEBERGER. The gentleman and his associates can come back into the Republican Party.

Mr. BROWNE of Wisconsin. The gentleman says, "We can come back into the Republican Party." We claim that we are in the Republican Party, and we have our credentials from the Republican Party in Wisconsin, and if you or any group can read out of the Republican Party the Republicans of one State, then you can read out the duly elected Republican Representatives from 10 States, or as many as you care to.

Mr. FREAR. Mr. Speaker, will the gentleman yield?

Mr. BROWNE of Wisconsin. Yes.

Mr. FREAR. In the RECORD yesterday I showed that the man who sits at the head of the United States Senate had stated that he voted for Theodore Roosevelt for President. He is there to-day, and is continued in that other branch.

Mr. BROWNE of Wisconsin. Yes.

LA FOLLETTE RAN FOR PRESIDENT AS AN INDEPENDENT CANDIDATE

Senator LA FOLLETTE did not run for President as a third party candidate. He expressly stated that he was an independent candidate, using the following language:

> I shall submit my name as an independent progressive candidate for President. If the hour is at hand for the birth of a new political party, the American people next November will register their will and their united purpose by a vote of such magnitude that a new political party will be inevitable.

The Wisconsin Representatives in Congress, so far as I know, supported the independent candidacy of Senator LA FOLLETTE for President. They supported the rest of the Republican ticket. They supported an independent candidate for President who received 696,299 votes more than Colonel Roosevelt received in his campaign of 1912 when he headed a third ticket.

In the 1912 campaign President Taft did not receive as many electorate votes as Senator LA FOLLETTE did in the 1924 campaign, Taft only receiving 8 electorate votes.

EFFECT OF SAME ACID TEST BEING APPLIED TO ROOSEVELT FOLLOWERS

If a group in the Republican Party, controlling a Republican conference, had applied the same acid test to the followers of Colonel Roosevelt in the campaign of 1912 that the gentlemen from Ohio and Indiana desire to apply to the supporters of LA FOLLETTE in 1924, they would have turned out of the Republican Party a majority of the voters of that party in all the States of the Union, with the exception of the States of Utah and Vermont. The Republicans of the States of Utah and Vermont were the only ones who could have passed the acid test of party regularity, because they were the only ones who voted for the regular presidential nominee of the Republican Party.

COERCION WILL NOT BUILD UP A PARTY

A large group of Congressmen representing strong Republican constituencies in a number of States believed that the rules that governed the House of Representatives should be amended. From experiences in the past, they had learned that if the House was organized, it was absolutely impossible to have an opportunity to discuss and amend the rules. A number of these Congressmen voted for HENRY ALLEN COOPER, a Republican from Wisconsin, who had been a Member of the House of Representatives for over 30 years and who was in every way highly qualified for Speaker, which caused a deadlock and prevented the organization of the House until the leaders agreed to set aside a time for the discussion of amendments to the rules. This group of Republicans then voted for the nominee of the Republican conference for Speaker and the House was organized and the rules were amended.

Many of this same group of Republicans voted against the revenue bill reported by a majority of the Ways and Means Committee. The compromised revenue bill that was passed by reason of the overturning of the majority report of the committee, passed the House of Representatives on the 26th day of May, 1924, by a vote of 376 to 9, and was constantly referred to by the Republican speakers in the campaign and in Republican literature as one of the great achievements of the Republican administration.

PRAISES CONGRESS

Our distinguished floor leader, at the time of the passage, felicitated himself and his Republican colleagues in the following language:

I am ready to vote on this proposition. I think it is a fair and just tax bill. It may have some defects that I would prefer to have remedied, but the general proposition to reduce the tax by 50 per cent on the little fellow and 25 per cent on the big fellow can be justified anywhere in America. (Page 9788—CONGRESSIONAL RECORD, May 26, 1924.)

Our floor leader further said:

I am proud to say the House of Representatives is the dominant body in the Congress of the United States. We have not only legislated, but we have known how to legislate and how to carry out a program, and we have carried our legislative program so far and so consistently that this House will be ready to adjourn June 7, 1924.

If I may be pardoned another personal allusion, during the process of the consideration of this bill and afterwards, I was considerably criticized for what was termed "spineless leadership," because I did not insist that we were to have the Treasury tax bill or nothing. I thought then, and I think now, that it would have been mighty poor leadership to have taken that position. It seemed to me that no one who had in mind the experience of Congress in the last session in tax reduction could think it possible, even if desirable, to reduce the high surtaxes 50 per cent at one fell swoop. It could not be done, gentlemen, particularly if you only reduced the normal taxes 25 per cent.

Out of approximately 175 Members upon this side of the House who had voted last year for 32 per cent there was a nucleus of only 100 men returned to the House who could be confidently relied upon to vote for 32 per cent, or possibly 25 per cent. I felt it my duty, in so far as my party leadership was concerned, to try if at all possible, to unite my party on this question, and I think that course is justified by what we have seen. We had to go ahead on this side and write a sensible tax bill that would raise the necessary revenue. We did so without inviting any assistance from that side of the House.

PATRONAGE

These two acts of insurgency, which were sanctioned by a large majority of the Republicans in the House, brought down upon the heads of part of the Republicans who assisted the wrath of the present administration, and it proceeded to withhold the small amount of patronage a Republican Congressman is given.

The right of a Member of Congress to recommend one of the three-named persons placed on the eligible list for the position of postmaster or rural carrier by the United States Civil Service Commission was denied the Wisconsin Republican Congressmen. The recommendation for these positions was considered a matter of such tremendous and transcending importance by the administration that the fact that a Member of Congress had voted for a 40 per cent surtax instead of a 25 per cent surtax, as advocated by the Secretary of the Treasury, utterly disqualified such Congressman from assuming the awful responsibility of recommending one of the three candidates for the position of postmaster or rural carrier. No Wisconsin Congressman since his vote upon the revenue bill, which our distinguished floor leader characterized as a fair and just tax bill, has been granted the consummate honor of telling the Postmaster General which of the three of his constituents on the eligible list would make the best postmaster or rural carrier.

COLONEL ROOSEVELT IN HIS PLATFORM OF 1912 SPOKE VERY EMPHATICALLY UPON THE MATTER OF WITHHOLDING PATRONAGE

His words were as follows:

We condemn the violations of the civil service law under the present administration. * * * His, the President's, distribution of patronage among subservient Congressmen while withholding it from those who refused support of the administration measures; his withdrawal of nominations from the Senate until political support for himself was secured, and his open use of the offices to reward those who voted for his nomination.

WHENCE DOES THIS DEMAND TO PUNISH CONGRESSMEN COME?

I can not believe that this intolerant spirit to seek revenge upon Republican Congressmen who, perchance, may differ with a majority of the Republicans on certain matters of legislation comes from any of the Members of Congress themselves, because a very large number of Members, even among those who pride themselves on their party regularity, would find that they could not qualify under their own acid test. The intolerant and vindictive spirit, in my opinion, comes from the outside, from people who do not know the real workings of Congress nor respect the dignity of this great parliamentary body. This demand comes from certain business men who would like to have the same rules in Congress that govern in their stockholders' and directors' meetings, where a majority can run roughshod over a minority and where minorities have no rights. If you will read some of the speeches of these Napoleons of finance and the editorials of the newspapers they control, you will see that these people wonder why the majority of the party do not whip in line or punish the minority. You hear them talk of "spineless leadership" for the purpose of prodding our leaders. They do not seem to understand that it was through the efforts of all the Republicans that the Republicans were able to organize the House, elect a Speaker and a floor leader. From some of the speeches of our financiers one would think that they really believed that a Member of Congress could be unseated because he failed to vote the way the party leaders directed, and have suggested that the country would be better off without Congress and that we ought to have a Mussolini in every State in the Union, presumably to do what Mussolini is doing in Italy, making a mere debating society out of the Italian Parliament.

CERTAIN MEN WOULD STAMP OUT ALL INDEPENDENT THINKING AND VOTING IN CONGRESS

The Literary Digest of May 10, 1924, in an article entitled "Leading Americans attack and defend Congress," sent out to its million and a half subscribers, the most brutal and savage attack ever made on the American Congress, and which, if made on either of the other departments of Government, would have met with an avalanche of rebuke from the press of the country.

I herewith quote from two noted financiers:

Bolshevism and Congress were coupled as menaces to the American Nation at a conference of the American Bankers' Association in New York last week. "With such agencies at work in the country as Bolshevism and the present United States Congress, we have some job on our hands to maintain the integrity of the Nation and the security of her institutions," said the speaker, Mr. Orrin Lester, of the Bowery Savings Bank. "The worst thing we have is our American Congress," declared Elbert H. Gary, chairman of the United States Steel Corporation, addressing the annual meeting of stockholders a few days earlier.

The editor then observes:

From presidents of chambers of commerce all over the country comes a sharp fire of criticism against our national legislators. Failure to enact the Mellon tax reduction bill is a heavy count against Congress, in the opinion of many of the chambers of commerce presidents.

These men do not want a Congress that does its own thinking. That is why they do not like the Sixty-eighth Congress. The Sixty-eighth Congress, however, fared better with the people than the one that preceded it, where nearly one hundred and fifty Republican Members were defeated.

WHITELAW REID

Whitelaw Reid, at one time editor of the New York Tribune, ambassador to the Court of St. James, a friend of Lincoln, Grant, and Roosevelt, speaking of the tyranny of party, said:

No person can do a higher duty than to resist the majority when he believes it wrong—to assist the right of individual judgment and maintain it; to cherish liberty of thought and action against the tyranny of his own or any other party.

The main obect of an old party becomes more and more the retention or the regaining of power. The great curse of our present politics is that your heated partisan never knows the other side. It seems to him that it is disloyal to be on the other side. The element now so sadly needed in our politics is consideration of every question on its individual merits and willingness always to hear the other side:

WHO HAS THE RIGHT TO MAKE AN ACID TEST OF PARTY LOYALTY? AND WHERE DO THEY GET THAT RIGHT?

I challenge the right of any group of Republicans to read a duly elected Republican out of the Republican Party because he votes according to his own conscience and best judgment, either in Congress or out of Congress.

If a majority of any party can meet in conference or secret caucus and excommunicate the entire delegation of the Republican Party of a sovereign State because the Republican delegation of that State have voted according to the wishes and instructions of people of their own State and failed to vote the way the majority of their party in Congress deem they should have voted, then the only recourse for a representative in the greatest legislative body in the world, if he does not agree with the majority of his party, would be to absent himself and dodge the vote, or stultify himself by voting against his own conscience. [Applause.]

The SPEAKER pro tempore (Mr. LEHLBACH). The time of the gentleman from Wisconsin has expired.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505.

The SPEAKER pro tempore. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. TILSON] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

Mr. FISH. Mr. Chairman, I ask unanimous consent to offer an amendment to the preceding paragraph at the end of page 5. There was some confusion in the House last night when we reached that point.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to the paragraph indicated for the purpose of offering an amendment. Is there objection?

Mr. BLANTON. First we want to know what the paragraph is, and what the gentleman's amendment is.

Mr. FISH. It is the last paragraph on the page.

The CHAIRMAN. Without objection, the amendment will be reported for the information of the House.

Mr. FISH. It is at the end of the paragraph on line 4, page 5.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 5, line 4, after the figures "$3,000,000," insert: "Such program shall include not less than $25,000 for the erection of a historical monument to commemorate the services of the colored regiments of the American Expeditionary Forces attached to the French Army."

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that that is legislation.

The CHAIRMAN. The amendment has not been offered at this time for adoption. There was a request in connection with it to return to the paragraph passed over last evening.

Mr. CONNALLY of Texas. Reserving the right to object, Mr. Chairman, why did not the gentleman offer it last night when the point was reached?

Mr. FISH. There was some confusion here at that time. We had not finished the next paragraph. In fact we had not even taken it up for amendment.

Mr. CONNALLY of Texas. I dislike very much to object, but I think that gentlemen having amendments should offer them at the right time.

Mr. BLANTON. I will ask the gentleman where it is intended to place this monument, whether in France or in this country?

Mr. FISH. In France. My whole heart and soul is in this amendment. It involves a regiment that I was serving with.

Mr. BLANTON. How many of the race of people that this seeks to benefit would ever get a chance to see it in France?

Mr. FISH. Very few; but there would not be one in this country who would not be inspired by the grateful action of Congress in recognizing their service abroad.

Mr. BLANTON. Some of them stayed over there, and they have relatives living in this country. If it is going to commemorate anything at all, why should it not be in this country, as was done in the case of the unknown soldier?

Mr. FISH. I am talking now about that particular colored division which served only with the French, not with the American Army. In the first place they were the only American troops that served permanently with the French, and in the next place they were the only colored division that had such service.

Mr. BLANTON. Would the gentleman be willing to have it placed in this country?

Mr. FISH. I do not think the Battle Monument Commission would have that power nor is it the purpose of my amendment.

Mr. BLANTON. I know. But the grave of the unknown soldier commemorates a soldier who was fighting abroad. Still it is located over here in Arlington, where the people who visit the National Capital can go and visit that shrine. I would not object to it if the gentleman locates it in this country.

But this is a race of people very few of whom ever have the privilege of going across the water. It is a rare instance when they do have that privilege, and when you attempt to erect a monument commemorating something for their race it ought to be located in this country.

Mr. FISH. I see what the gentleman means; but the purpose of this monument is not to commemorate the colored people or colored soldiers who were in this country, but those colored regiments that served with the French; and the only place to put the monument would be in France, where they served efficiently and gallantly.

Mr. BLANTON. Unless it is to be located in this country I think I shall object.

Mr. FISH. I hope the gentleman will not object. I have never offered an amendment in which I was more interested than in this one, and I hope the gentleman will at least permit me to explain it.

Mr. BLANTON. With that understanding, I will withhold my objection.

The CHAIRMAN. Does the gentleman from Texas withhold his objection or withdraw it?

Mr. BLANTON. I withhold it, Mr. Chairman.

Mr. STEVENSON. Will the gentleman yield?

Mr. FISH. Yes.

Mr. STEVENSON. I was not here in the beginning, but is this a proposition to commemorate the services of the soldiers in a colored regiment from New York?

Mr. FISH. No. I will explain it fully if I have the time.

Mr. CONNALLY of Texas. Mr. Chairman, further reserving the right to object, I want to ask the gentleman if under the present law the commission of which the gentleman is a member, as I understand it—the gentleman from New York is a member of the commission, is he not?

Mr. FISH. No.

Mr. CONNALLY of Texas. But he was at one time?

Mr. FISH. No.

Mr. CONNALLY of Texas. I thought he was. I want to ask the gentleman if it is not true that under the law this commission has ample authority to establish monuments and markers in Europe to commemorate the valor and courage of our troops?

Mr. FISH. I think the gentleman is correct; but the commission has failed to provide for such a monument, although at the present time I think the commission rather favors it. Since they drew up their plans I have talked with the gentleman from Maryland [Mr. HILL], who is a Member of this House and a member of the Battle Monument Commission, and he is favorable to this amendment.

Mr. CONNALLY of Texas. I want to say this: We passed an act which gave the Battle Monuments Commission authority to establish markers and monuments in France with respect to any or all regiments. It is not my purpose and not my

desire to object to the commemoration of the services of colored troops in France, but the gentleman has not followed the law and allowed this commission to establish monuments and markers for all regiments it may determine proper to commemorate. Not being satisfied with the action of the commission, it is the purpose of the gentleman from New York to pick out a particular regiment, because it happened to be composed of colored troops, and extend the law and have a monument set up in commemoration of certain colored troops. When the gentleman picks out this particular regiment is he not creating a distinction? The commission now has authority to commemorate the services of all American divisions, not white, not black, but as a division. I do not want to object to the gentleman's amendment, but I think he ought to go to this commission and let this commission pass upon this question. I think it would be striking at the orderly processes of this commission to offer an amendment changing the general law and say that, contrary to the judgment of this commission, we will erect a monument to some particular division commanded by some particular gentleman and thereby build up the greatness of them all.

Mr. FISH. I will say to the gentleman that there is a member on that commission who is a Member of this House, the gentleman from Maryland [Mr. HILL], and that he is in favor of this amendment. Mr. Chairman, may I proceed?

The CHAIRMAN. The gentleman is proceeding by unanimous consent under the reservation of an objection.

Mr. BLANTON. Mr. Chairman, I think it ought to be objected to, but I do not feel like making the objection.

The CHAIRMAN. Does the gentleman from Texas withdraw his objection.

Mr. BLANTON. I withdraw the objection; yes.

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, does this matter come up on a point of order or by unanimous consent?

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to a paragraph that had been passed in order to offer a certain amendment, which amendment has been reported to the House for its information.

Mr. BANKHEAD. Mr. Chairman, I object.

Mr. BYRNES of South Carolina. Does the gentleman from Alabama object to returning to the paragraph, or does he want to make a point of order against the amendment when it is offered?

Mr. BANKHEAD. What I want to do is to be in a position to object to this amendment as not being in order, and if it may be understood that such a point of order may be reserved I will withhold my objection.

Mr. CONNALLY of Texas. The point of order may not be good; and if the gentleman wants to object, he had better object now.

Mr. BANKHEAD. Mr. Chairman, I object.

The Clerk read as follows:

BUREAU OF EFFICIENCY

For chief of bureau and other personal services in the District of Columbia in accordance with the classification act of 1923; contingent expenses, including traveling expenses; per diem in lieu of subsistence; supplies; stationery; purchase and exchange of equipment; not to exceed $100 for law books, books of reference, and periodicals; and not to exceed $150 for street-car fare; in all, $150,000, of which amount not to exceed $146,460 may be expended for personal services in the District of Columbia.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina: Page 5, line 20, strike out the paragraph.

Mr. BYRNES of South Carolina. Mr. Chairman, when the subcommittee was considering this bill I did not offer an amendment to it of this character, but the fact is that since that time, in investigating the duplication of activities of the Government, I have come to the conclusion that this is one bureau which can well be abolished.

I want to call the attention of the committee to the situation with reference to this Bureau of Efficiency. One of the duties of the Bureau of Efficiency is to ascertain duplications in activities of the Government. Under the Budget law the Bureau of the Budget is directed to make a detailed study of the departments and establishments for the purpose of enabling the President to determine "what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made." The Budget law goes on to specify other duties, which are exactly similar to the duties of the Bureau of Efficiency.

In addition to that the law creating the Bureau of the Budget contains a section directing the Comptroller General to make investigations and report to Congress at the beginning of every regular session recommendations looking to greater economy or efficiency in public expenditures. So that the Bureau of Efficiency is engaged in doing that which the Congress directed the Bureau of the Budget to do and which the Congress also directed the Comptroller General to do. If it does not report this duplication, it should not report other duplications.

If you will turn to the hearings, you will find that the Director of the Bureau of Efficiency said in response to the question of the chairman that the Bureau of Efficiency is continuing, as in former years, to investigate in order to ascertain what activities of the Government are being duplicated in several bureaus. As the gentleman from Louisiana [Mr. SANDLIN] said yesterday, we have made many speeches on the floor of the House about abolishing unnecessary bureaus, but whenever it comes to a specific item, a specific appropriation, there is always some argument used which will induce the Congress to continue an activity. The fact is that once an activity is established, a bureau created, it matters not if thereafter the necessity for that organization shall disappear, the bureau continues to exist, and that is the situation now with respect to the Bureau of Efficiency, notwithstanding the fact that the Budget Bureau and the Classification Board have been created to discharge the duties heretofore performed by this bureau.

Under this section $150,000 is appropriated. You have directed the Bureau of the Budget to make a report to the Congress and to do exactly that which the Bureau of Efficiency says it is doing. You have directed the Comptroller General to do the same thing. I call your attention to the announcement of General Lord, of the Bureau of the Budget, on yesterday morning, wherein he announced that he was going to cause a survey to be made of all the departments of the Government in order to see if there could not be further economies effected in the administration of the departments. That proves that the Budget Bureau has the power. The Director of the Budget Bureau is performing that duty, and at the same time we propose to appropriate $150,000 to continue the Bureau of Efficiency in the city of Washington for the same purpose.

I have nothing to say about the gentleman who is in charge of that bureau. So far as my information goes, he has performed a valuable service for the Government, but I know that when we establish the Civil Service Commission to secure employees, when we establish the Bureau of the Budget to pass upon the necessity of appropriations and thereafter direct the Director of the Budget Bureau to investigate to see if the appropriation is being economically administered, and then direct the Comptroller General to make a similar investigation, it is an utter waste of time and a waste of money to direct the Bureau of Efficiency to perform the same service.

Mr. LEHLBACH. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. LEHLBACH. Do the hearings disclose, in the last three or four years, what proportion of the $150,000 was spent by the Bureau of Efficiency in activities which it was not authorized by law to engage in?

Mr. BYRNES of South Carolina. No. But I know that the gentleman in charge of this bureau has, in the opinion of many Members of the House, performed a very valuable service. If that is true, then he ought to be taken into the organization of the Bureau of the Budget. The Director of the Bureau of the Budget, so far as I know, has not made such a report as is required of him by this section of the law. Certainly, the Comptroller General has not made a report at any regular session of Congress making recommendations looking to greater economy or efficiency in public expenditures. But their failure to comply with the law is no excuse for continuing the Bureau of Efficiency. There is no reason on earth for having three different bureaus of the Government performing the same service, or supposed to perform the same service, and the Director of the Budget ought to take into his organization such of the

employees of the Bureau of Efficiency as he believes are necessary to carry out the duties of that bureau, and having taken them in, perform the service required of the Budget Bureau by the law.

Army officers and naval officers are detailed to serve with the Bureau of the Budget. If you look at the grade of the naval officers who are assigned to the Bureau of the Budget you will see that the compensation which the Government of the United States is paying them will average about $6,000 a year. We say we need officers in the Navy. The Secretary of the Navy and the Chief of Operations say that the necessity is so great we ought to increase the number of appointments to the Naval Academy. If this be true, why should we be assigning naval officers to the Bureau of the Budget to perform purely civilian functions? Instead of doing that, those gentlemen ought to be directed to go back to their respective services to perform the duties expected of them by the law, and the Bureau of the Budget ought to take over such of these civilian employees of the Bureau of Efficiency as are necessary to carry out the Budget law.

There is absolutely no argument for it except that we once established this bureau, before the Bureau of the Budget was established and before the Comptroller General was directed to carry out this duty, and now that it has been established these employees are going to stay on the pay roll because that which has been must always be.

Mr. STENGLE. Mr. Chairman, I hope that no colleague of mine on this floor will believe that what I am about to say is being said either in a personal or partisan spirit. What I have to say concerning this so-called Bureau of Efficiency has to do with public office and public duty. For two long years, since I have been a Member of this House, I have been sincerely endeavoring to discover some excuse for the existence or continuation of this particular bureau in the scheme of our Government. As I looked for the cause of its creation I found its inception to be in a desire to keep a check on the great army of employees of the Government, to avoid duplication in service, and to equalize as far as possible the responsibilities, the duties, and compensations of various employees of the Government. Later on, by the creation of a board by the act of classification of 1923, an additional duty was added, to wit, that a representative of this particular board should be a part and parcel of another board, to be known as the Reclassification Board, for the reclassification of various departments and the field service of our Government.

I have tried religiously, without any feeling whatever, in the sincerest way, really leaning in the opposite direction frequently, to find some excuse in law and in fact why we should continue this particular board in its activities in our Government.

I was so firmly convinced a year ago that there was no necessity for it that I introduced a bill in this House, and it was referred to the Committee on the Civil Service to act upon, and I have heard of no result. I dare say, if you poll that committee to-day, you would not find a vote that would sustain the continuation of this board. The gentleman who is chairman of that committee asked a significant question of the gentleman who just preceded me on the floor when he asked this question: "Has the gentleman any knowledge or information as to the activities that have been conducted by the Bureau of Efficiency other than those required by law?" I would be very glad, indeed, if the distinguished chairman of this committee would put in the RECORD for the edification of my colleagues here, only a few, if you please of the activities that he and I know have been going on under the direction of this bureau that are not provided for in law.

If I had no other excuse for supporting this amendment than the mere fact that this board has failed, badly failed—I wish I had the language strong enough to express my feelings—has failed utterly to perform its function in the reclassification right here in the city, to say nothing of the field service.

I hold in my hand absolute proof—some one said the other day when I was speaking on reclassification that I was not definite enough, did not go into details enough—I hold in my hand a complete survey of the bureau of draftsmen in the office of Acting Superintendent of Architects of this city, a department presided over, if I am reliably informed, and I believe I am, by a member of the bar, not by an architect at all.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STENGLE. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STENGLE. I can show you if I had the time that one man there got 72 per cent increase within the last year. Four others get about 50 per cent; five others get about 43 per cent; six others get about 32 per cent, and the men who do the actual work are getting only 6 per cent increase. I say, Mr. Chairman, that a board established as this board was for the purpose of stopping duplication and giving equity in the public service which does not, can not, and will not function under fairer conditions than that ought not to continue in existence.

I favor this amendment not because of personal feeling, not because of hatred toward any individual, but because I believe if I do not support this amendment I shall be voting for the continuation of a board that has been and promises to continue to be simply a job to furnish somebody an easy living in this city. [Applause.]

Mr. WOOD. Mr. Chairman, to follow out the logic of the distinguished gentleman from New York, not only would the Bureau of Efficiency be abolished but also the Bureau of the Budget and the Civil Service Commission. The gentleman seems to lay all of the blame for whatever fault he finds to the Bureau of Efficiency. The Bureau of Efficiency furnishes one member of the Reclassification Board; one member was furnished by the Civil Service Commission and the other by the Bureau of the Budget. I can not see how the gentleman can lay all of the blame for whatever grievances he may have on the Bureau of Efficiency.

Mr. STENGLE. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. STENGLE. Does the gentleman deny, or can he deny, that the representative of this particular bureau is and has been the controlling spirit in the Classification Board?

Mr. WOOD. I do not know whether he has or has not been. Possibly he was better prepared than any of the rest, for the reason that under the organic act creating the Bureau of Efficiency one of the prime functions of that body is to investigate the efficiency of Government employees, and by reason of that fact he may possibly be better equipped to be its controlling spirit. I say now that the most efficient man on this Classification Board, in my opinion, is Mr. Graves, who is connected with the Bureau of Efficiency.

I have had very many heads of bureaus before me, from first to last, in the various committees of which I have been a member, and never have I found a man who can maintain himself better, who seems to have better grasp of the details of his office and the duties incumbent upon him to discharge, than Mr. Graves.

Gentlemen on the other side have asked how much of this $150,000 was expended for the benefit of the Government. Most of this money has been expended by reason of the extraordinary duties thrown upon the Bureau of Efficiency during the classification period. I know that the classification does not meet with the approval of everybody. It never will. I know that there is complaint made about it. It comes to me and to every other Member of the House. Complaint is made that there is discrimination here and discrimination there, and that will come no matter what kind of a classification board we may have.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. LEHLBACH. Does the gentleman from Indiana know that when the joint commission authorized by this Congress to recommend classification here reported and its report was under consideration by the legislative committee of this House and of the Senate that the Bureau of Efficiency made a classification of its own, and can the gentleman tell me under authority of what law it proceeded to do that work?

Mr. WOOD. It proceeded under the Executive order of the President of the United States.

Mr. LEHLBACH. Will not the gentleman concede that he had in his possession the classification made by the Bureau of Efficiency before the Executive order was issued, and the Executive order was an ex post facto order, procured by influence, in order to protect the bureau for having done work that it was not authorized to do?

Mr. WOOD. The gentleman is asking me to concede a whole lot of things. He is asking me to concede, in the first place, that this scheme had been constructed and placed in the hands of the President, and that by influence President Harding, of sacred memory—shame on the gentleman for casting such an aspersion—adopted it.

Mr. LEHLBACH. I have not said anything derogatory to the President at all.

Mr. WOOD. Then the gentleman better withdraw his remark. The gentleman has been entirely too partial on the other side. I have no brief here for the head of this Bureau of Efficiency. It was established for a good purpose. Whether it has been managed as best it might be is a controversial ques-

tion. It has met with all sorts of opposition. It was created for the purpose of endeavoring to put efficiency into the various departments. I believe that gentlemen here who have taken time to investigate and know something of the conduct of the business of this Government——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STENGLE. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. STENGLE. I hope the gentleman will not think that I am personally after him?

Mr. WOOD. I do not think so.

Mr. STENGLE. Will the gentleman kindly explain to this committee why, if this work has been so important, the gentleman's committee did not make a more detailed statement in the hearings than have been printed in his report, so that we as Members could get some crumb of comfort in order to support his program.

Mr. WOOD. The report made by this committee of necessity had to be short. There is a report, however, of which the gentleman can avail himself, submitted by the Bureau of Efficiency, which will afford him all the information he desires with reference to what they have been doing.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BLANTON. Is it not a fact that this Bureau of Efficiency has had the unqualified, 100 per cent indorsement of both President Harding and President Coolidge for its work?

Mr. WOOD. It has; and also the indorsement of President Wilson. There has never been a President since the creation of this bureau who has not depended on the Bureau of Efficiency to furnish him with information respecting what is going on in these departments. I believe, and you gentlemen believe, if you are acquainted with the details of the operation of this Government, that if this Government of ours were a private concern we could run it with less than one-half the man and woman power that is now employed, with greater efficiency. For the very purpose of rooting out this dead wood, this bureau was created. It has been resisted by the heads of these departments because they have ever rebelled against any interference with the established order of things, and in consequence this Bureau of Efficiency has always been unpopular and will be unpopular, but that it has rendered a splendid service is attested by every department that has admitted it within its doors.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. MOORE of Virginia. I would not for a moment take issue with the gentleman upon the point that the work is a valuable work, and ought to be continued, but does not the gentleman think, in view of what was developed in the hearings, that the work ought to be more closely coordinated with the work of the Bureau of the Budget?

Mr. WOOD. I agree with the gentleman on that proposition. A lot of bureaus here ought to be united. That there is duplication to a certain extent there can be no manner of doubt. I know that as well as anybody, but it must be done in an orderly way, and it ought not to be done in a haphazard way. There should be a consolidation.

Now let me make a statement in reference to the Budget. The gentleman from South Carolina stated a while ago in his speech in reference to the survey that is being made by order of the Bureau of the Budget. Now, who is going to make it? It will be made by the Bureau of Efficiency. They have no agency other than that. It is true that the Bureau of the Budget, for the purpose of ascertaining what want of efficiency there is, can employ any agency it wants to, but the Bureau of Efficiency is directly created for this very purpose, and consequently and necessarily they will apply to it.

Mr. BYRNES of South Carolina. Now, in reference to the statement of the gentleman from Indiana, because he and I are in accord, the Bureau of the Budget has to make a survey and ascertain whether or not the funds are being economically administered. The Bureau of the Budget is charged by law with the duty of conducting that survey, and instead of doing so they are going to ask another bureau of the Government to do it for them.

Mr. WOOD. No; if the Bureau of the Budget wants to make a survey it has to do it with some human agency. Now, what is that human agency? It is the agency that was established under the law and prescribed under the law to do this very thing.

Mr. BYRNES of South Carolina. If the gentleman will yield again. The gentleman from Indiana will agree that under the law the agency established to conduct that investigation is the Bureau of the Budget, as set forth in the Budget law, on page 3, when the law says:

> The bureau when directed by the President shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes shall be made in the interest of economy and efficiency.

The Bureau of the Budget will do that and not ask another bureau to make the survey.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WOOD. I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD. If this survey was to be made by them, true it is directly under the control of the Bureau of the Budget, there must of necessity be created some force to do it. Now, then, I will admit that I think the Bureau of the Budget and the Bureau of Efficiency must be combined. It ought to be done orderly and ought not to be done by striking out this paragraph. This debate is worth while and of good suggestion.

Mr. BYRNES of South Carolina. I agree that the gentleman and myself are in accord, but I will say this, the only reason I did not offer an amendment to combine them is because it will be subject to a point of order, and if it is stricken out I know that the Committee on Appropriations will draft it on a deficiency bill, and it would be provided for, and properly provided for, and the only way the House could get an expression——

Mr. WOOD. It would be subject to a point of order there. If I had the time I could take and point out the saving of millions of dollars traceable directly to this Bureau of Efficiency, and I have before me one concrete example where the job description of this reclassification, concerning which so much criticism has been made against the Bureau of Efficiency, wherein the head of the department classified a clerk and placed that clerk within a grade where the maximum salary was $2,400. Under the survey made by the Bureau of Efficiency that employee by reason of the services rendered was placed in a grade where the maximum salary rate was $1,860. That is only one of a thousand cases, and most of the trouble that is occurring now and urged for the abolishment of the Bureau of Efficiency comes from clerks who are not properly classified.

Mr. BYRNES of South Carolina. The gentleman knows he has never heard me express a view upon that subject because I have not followed it closely enough, but the gentleman from Indiana says these two bureaus ought to be combined. There is no doubt about it. The classification law is being administered with one man detailed from the Bureau of Efficiency. If that one man should die, certainly we do not want the bureau not to continue, because we have a very able man to relieve that one who is dead. Regardless of what may happen in reference to the classification law, those bureaus ought to be combined.

Mr. WOOD. There will be somebody else to take the place, because under the law creating the Reclassification Bureau it requires one from the Bureau of Efficiency and one from the civil service and one from the Bureau of the Budget. Now, it strikes me that the proper and orderly thing is that the legislative committee should take this matter in charge, and we should take cognizance of the opinions of gentlemen who have given this thing some study, and there should be presented to Congress a bill combining these two activities.

Mr. BYRNES of South Carolina. Will the gentleman agree to this? So far as the combination is concerned, because the Budget law provides the Budget Bureau in almost the exact language creating the Bureau of Efficiency to perform certain duties, the Budget Bureau to-morrow could take into its organization Mr. Brown. If that is what it wants to do, they would take him in and Mr. Graves, and the organization could continue to perform the duty. If the gentleman will read the hearings he has in his hand, the gentleman from Indiana asked the representative of the Bureau of Efficiency as to this combination, and he said that his bureau was endeavoring to check up expenditures instead of estimates and that the bureau would check on expenditures as well as prepare the estimates——

Mr. WOOD. If the gentleman will permit, I will call attention to what Mr. Brown says on this proposition.

I asked him this question:

Would it not be necessary to conduct an inquiry into the methods in order to determine whether an appropriation asked for should be increased or decreased?

One of the prime purposes of the Budget is to determine what the appropriation shall be. That is the question I submitted to Mr. Brown. In answer he said:

Mr. BROWN. That would govern somewhat; but I think that the Director of the Budget's office, perhaps, looks more directly into the question of whether the work should be done at all or not. He would do that as the President's adviser. As a matter of policy, he determines whether the work ought to be done, but his investigation, I think, is not usually extended to the manner of doing it.

That is quite a nice distinction there, and is it a distinction worth while?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SEARS of Florida. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana may be permitted to speak for five minutes more.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that the gentleman from Indiana may proceed for five minutes more. Is there objection?

There was no objection.

Mr. WOOD. I read further from the answer of Mr. Brown:

Our investigation is generally not with respect to the question of whether the work should be done, but with respect to the question of how the work is done.

I understand and I will admit that that distinction there is so fine that I can not appreciate it.

Mr. BYRNES of South Carolina. I think the gentleman is right. The gentleman was right in asking the question, and the head of the Bureau of Efficiency said that the Budget Bureau was using the Bureau of Efficiency as an excuse for not doing what the law required them to do, and that is carrying out investigations to determine whether or not the appropriations are wisely expended.

Mr. WOOD. If there could be a working consolidation effected between the Bureau of the Budget and the Bureau of Efficiency, the Bureau of Efficiency could be used by the Budget Bureau to make surveys of these different activities and report back to them their opinions of what the needs are. But I think it would be a very unwise policy simply to wipe them out until some scheme is evolved by which one can be made the handmaid of the other.

Mr. BYRNES of South Carolina. If this is wiped out here, we can get action at this session by means of the other bill.

Mr. WOOD. We could not have it on the legislative bill, because it would be subject to a point of order, and somebody would be sure to raise the point of order.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. MOORE of Virginia. As to the contention of the gentleman that there should be cooperation between these bureaus, he asked Mr. Brown this question:

Mr. WOOD. There is cooperation between your office and the Bureau of the Budget, is there not?

Mr. BROWN. Yes, sir; we aid the Bureau of the Budget whenever they call on us.

Mr. WOOD. They do call on you, do they not?

Mr. BROWN. Yes, sir; but not as much as I should like to have them.

Mr. SANDLIN. They do not call on you as much as you think they should?

Mr. BROWN. I think we should get more calls.

Now, that indicates that there is some sort of confusion or duplication of activities, so far as the Bureau of Efficiency and the Bureau of the Budget are concerned. Something should be done to avoid that.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. GARNER of Texas. Suppose you wiped out the Bureau of Efficiency. Could not the Bureau of the Budget take over that work?

Mr. WOOD. They would not do it without authority.

Mr. GARNER of Texas. If you gave them an additional appropriation, they have the authority now. The law directs them to do that now. The Director of the Budget is directed by law to do the very things the Bureau of Efficiency is now doing. If you do not appropriate for the Bureau of Efficiency and leave it to the Bureau of the Budget, they would perform this function which is required of them by law.

Mr. WOOD. They have to have some money to do that.

Mr. BYRNES of South Carolina. Suppose we appropriated $150,000 for the Bureau of the Budget for this purpose and directed them to do it. Would they not do it? The law now directs them to do it.

Mr. WOOD. The gentleman is under a misapprehension when he thinks that the appropriation for the Bureau of the Budget is carried on this bill. It is not.

Mr. STENGLE. Let me make this statement, so that the matter may not be ambiguous. I want to make this observation: That under the civil service law persons holding positions identical in character, even though their titles be not identical, are transferable from one bureau or department to another having similar work to perform; so that under the existing law, if we were to wipe out this appropriation and provision is made in the Budget Bureau for the additional work there to be done, every one of these men could under the existing law be transferred into that bureau.

Mr. WOOD. It is not a matter of positions for these men and women. It is a matter of the orderly conduct of business. This ought to be done in an orderly way if it is done at all. We do too many things now when actuated by impulse.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BYRNS of Tennessee. The gentleman has referred to the fact that the work of the Bureau of Efficiency could be performed by the Budget Bureau. That would be true under certain conditions. A year or two ago I felt that way, and so stated on the floor. But since that time I have understood the Director of the Budget regards this Bureau of Efficiency as a very essential branch of the Government. But even granting that this work could be referred to the Bureau of the Budget, what are we going to do with the reclassification law until the committee over which the gentleman from New Jersey [Mr. LEHLBACH] so ably presides presents an amendment and changes the law which requires the Bureau of Efficiency to function as one of three on the Board of Classification of Employees? Will we not get into confusion if we do as is suggested, and will we not be really repealing the reclassification law as regards methods of classification?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. STENGLE. Mr. Chairman, I ask that the gentleman be given five additional minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Indiana may proceed for five additional minutes. Is there objection?

Mr. BYRNES of South Carolina. Mr. Chairman, reserving the right to object, will the gentleman permit me to state, in reply to the gentleman from Tennessee [Mr. BYRNS] that a bill has already passed the House placing the Personnel Classification Board under the Civil Service Commission. That bill is now in the Senate, and it can easily be changed so as to provide for some other official of the Government. If this official is the only official who can maintain the Government we are in a terrible fix indeed.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD. This discussion demonstrates this fact, gentlemen: That if we are going to do business in an orderly way, there should be some excuse for our action. We ought not to frame legislation upon the floor as a side issue in the discussion of a proposition. I believe I am as much interested in economy as anybody here, and I try to practice it so far as my conduct is concerned. But I think it would be very poor economy to abolish an activity that has been recognized as rendering a service—either good or bad—for years until some scheme is evolved whereby it can be taken over and its work performed by some other agency. The suggestion made by the gentleman from Tennessee [Mr. BYRNS] was attempted to be answered by the gentleman from South Carolina [Mr. BYRNES] by saying that a bill is now pending in the Senate, but we do not know what may become of that bill. We are getting near the end of this session, and we had better follow the paths that are beaten until we can find a better path to follow in the future.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. SEARS of Florida. I have refrained from asking the gentleman any questions, because I did not want to divert the gentleman's mind from the question we are discussing; but a few moments ago the gentleman stated that there was a large number of employees that were not necessary, and I agree with the gentleman. I would like to know whether the gentleman

can give the House approximately the number of employees that have been separated from the Government service since the peak in about 1920 and the present time? I do that because I know the gentleman from Indiana has made a very close study of it.

Mr. WOOD. Well, we reached the peak during 1918 or 1919. There were 117,000 employees in the city of Washington at that time. We have been cutting them down and cutting them down until there are now about 35,000.

Mr. BLANTON. The gentleman is mistaken about that. There are 64,120, according to the last report from the Civil Service Commission, which I have here.

Mr. WOOD. In the District of Columbia?

Mr. BLANTON. Yes; 64,120, according to the last report of the Civil Service Commission, which I have here.

Mr. SEARS of Florida. Will the gentleman yield further?

Mr. WOOD. Yes.

Mr. SEARS of Florida. Then the statement contained in last night's press to the effect that the number had been reduced 100,000 is not correct, according to the gentleman's own figures?

Mr. WOOD. I know we reached the peak in 1917. When I was chairman of the Legislative, Executive, and Judicial Appropriation Subcommittee we had to appropriate for all the clerks, and then I knew exactly what the number was. I may be mistaken by reason of not having been in close touch with it, and I thought the number here ran about 35,000; but I may be mistaken.

Mr. SEARS of Florida. The peak was in 1919, when we had the war employees, and then we established the Veterans' Bureau.

Mr. WOOD. Yes; we had 117,000 at that time.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. COLE of Iowa. Did we not have 137,000 employees in the District of Columbia at one time?

Mr. WOOD. No; 117,000 in the District of Columbia was the most we ever had.

Mr. COLTON. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. COLTON. If this amendment should prevail and this bureau were wiped out, then it would entirely depend upon the contingency of an appropriation in the future as to whether any of this activity would be carried on?

Mr. WOOD. Absolutely; and it would simply mean chaos so far as this business is concerned. You might as well say that a large wholesale house should close its doors upon the assumption that it could transfer its business to somebody else, with all its clerks, and without making any provision for doing it. It is not a sensible thing; it is not a logical thing, and no matter what your opinion might be with reference to the inefficiency or efficiency of the Bureau of Efficiency, we ought to dispose of it in an orderly manner, in order that the business it now has in its hands may be properly disposed of.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not care to take up the time of the committee, but I do want to make just a few observations with regard to this matter. This bureau has been established by law and has been in existence for a number of years. I am sure there is no gentleman who would care to take the position that this great Government of ours, spending, as it does, millions and billions of dollars, should not have a bureau—carried here at a cost of $150,000—whose direct duty, whose real fundamental duty under the law is to see that efficiency is practiced in the departments by Government employees. Certainly we do not want to put ourselves in a position where we will not have any bureau charged with this important duty of seeing that the employees of this Government, consisting of more than 100,000 in the District, perform their duties efficiently.

Now, whether or not this bureau is doing that duty to the fullest extent I do not know. I think the Chief of the Bureau of Efficiency is a very capable, earnest man and I think his assistant is a very capable, earnest man; but that is not the proposition, it seems to me, that concerns us in the consideration of this amendment. If the chief of this bureau is not doing his duty, he is the direct appointee of the President of the United States, and I assume that the President of the United States, who, through his Director of the Budget, is in close touch with all the departments and in close touch with what this bureau is doing, would quickly remove him and put somebody in his place who will do what the law contemplates.

I do not think we ought to permit our objection to the classification that has been made or our opposition to what this Personnel Classification Board has done to cause us to destroy the law and deny an appropriation which is necessary to see that efficiency is practiced in departments here in the District of Columbia; and that is what you will do if you adopt this amendment.

Mr. SANDLIN. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. SANDLIN. If you carried out that practice, if you disagreed with the action of the Secretary of War or the Secretary of the Treasury or the President, you would simply refuse to appropriate for the office and abolish it in that way.

Mr. BYRNS of Tennessee. That is not the way to get at this proposition. This bureau has been created by law; and if gentlemen desire to abolish the bureau, then we ought to do it in an orderly way and not by the process of starving it to death or rather denying it any funds whatsoever.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. BYRNES of South Carolina. Would the gentleman vote to abolish it?

Mr. BYRNS of Tennessee. No; I will not vote to abolish this bureau unless I am satisfied that there is another agency fully vested and authorized to do what this agency was created to do, and that is to make investigations with reference to efficiency and how work is done in the departments. I will stand for this bureau until some other agency is created in its stead, and if this bureau is not being properly administered—and I think it is—I trust the President of the United States to see that a man is put in charge of it who will properly administer it.

This bureau did not ask, so far as I know, to be put upon the Personnel Classification Board. This Congress passed that law. It was fathered and sponsored by the gentleman from New Jersey, and it was at his instance, if I am correct, and if not he will correct me, that this Bureau of Efficiency was made one of the three members of the Personnel Classification Board to classify the employees of the District of Columbia.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Now, some gentlemen who are opposed to the classification which was made by the board seem to hold this bureau chiefly responsible and seem to want to change the personnel of the board by taking every dollar the bureau has and abolishing the bureau in this indirect way. Gentlemen, that is not the way to do it.

Mr. STENGLE. Will the gentleman yield right there?

Mr. BYRNS of Tennessee. I yield for a brief question.

Mr. STENGLE. Does the gentleman mean, in all seriousness, to make that charge?

Mr. BYRNS of Tennessee. What charge?

Mr. STENGLE. The charge which he has just made, that in order to get at a certain personality we are arguing for the abolishment of this bureau.

Mr. BYRNS of Tennessee. No; I do not charge the gentleman or anybody else with any personal motives in this matter. I have great admiration for the gentleman and regard him as one of the ablest and most useful Members of the House. But I do say that the chief argument, with the exception of the one made by the gentleman from South Carolina [Mr. BYRNES], the author of this amendment, has been a criticism of this bureau because of its action as a member of the Personnel Classification Board, and I can see no other reason for denying this appropriation, my friends, except to destroy the bureau itself because, of course, that is necessarily the effect of the amendment.

I think we ought to proceed with this matter in an orderly way. They say that this bureau duplicates the work of the Budget. I do not know whether it does or not. If it does, it ought not to do so. If it does, there ought to be some law passed to prevent it, but until that is done I am not willing to put myself in a position, so far as my vote is concerned, of cutting out the bureau specially designated by law to see that the work of the departments here is efficiently managed.

The Bureau of the Budget, as Mr. Brown has said in his hearing, has to do with expenditures. It investigates a department with respect to seeing whether certain work is necessary or what work is necessary, following, of course, the

policy of the President in that respect. This bureau has nothing to do with that. This bureau is charged with the duty of seeing how the work is done, whether the work is being done efficiently or not by the individual employees, and putting in efficiency ratings. That is the difference between the work of the two establishments.

I concede all that my good and able friend from South Carolina has said about the Bureau of the Budget being able to do this work, but I say, my friends, until some arrangement is made, until some steps are taken to see that that duty is vested in the Bureau of the Budget, we ought not to put ourselves in the position of denying this $150,000 to a bureau specially framed and specially formed and organized to carry out and promote efficiency in the departments. There is not a business concern in the world that would do it.

Mr. LOZIER. Will the gentleman yield for one question?

Mr. BYRNS of Tennessee. I yield.

Mr. LOZIER. As long as Congress continues to make appropriations for these various bureaus, will there ever be an elimination of duplication or a consolidation of bureaus? Will we ever have any legislative relief as long as Congress, session after session, makes these appropriations?

Mr. BYRNS of Tennessee. Let me ask a question, since the gentleman has asked me one. Does the gentleman think that when Congress has passed a law providing for certain duties that the proper, orderly, and correct way to repeal that law is by denying an appropriation? We have responsible legislative committees in this House. The gentleman from New Jersey [Mr. LEHLBACH], who is opposed to this bureau, I take it from the questions he has asked on the floor, is the chairman of the committee having jurisdiction in this case. Why can not these committees function and present legislation which would cut out duplication, if it exists, and to which I am as much opposed as the gentleman or anyone else? Why can they not cut out some of these useless commissions referred to on yesterday and get us down as nearly as possible to a peace-time basis of economy, because that is what the people expect and demand?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. LEHLBACH. Mr. Chairman, I had not intended to take any part in this discussion, nor did I suggest the pending amendment, but I take the floor for the purpose of refuting the statement or insinuation of the gentleman from Indiana, the chairman of the subcommittee, that I in any way had said anything that could be remotely construed as being derogatory to the memory of the late President Harding. I said, and the gentleman knows it to be a fact, that the Bureau of Efficiency had proceeded to make a classification of employees in this District before any Executive order employing them to do the work was issued; that when the work was substantially done some one secured from the President an Executive order directing the Bureau of Efficiency to do that work. As a matter of fact, some one suggested to the President that it would be a wise thing to have the bureau do that, and secured authority from him for the bureau to make the classification when the Bureau of Efficiency, without authority, on its own motion, had already spent the money to make it. It is no reflection on the President; he had nothing to do with the Bureau of Efficiency usurping the authority which they did not have. There is no reason to believe that the President knew that the work he was ordering to be done had been done.

Now, the Bureau of Efficiency was created for two principal functions. One was to see that the departments were carrying on their work and in the employment of their personnel functioned efficiently and economically, that they did not duplicate each other in so far as duplication was able to be eliminated under the statutes in existence, and that the value for the money spent in the hiring of labor should be received by the Government.

As to the other function of the bureau, it was supposed to establish in the various establishments systems of efficiency, with individual records of efficiency, so that merit might be rewarded and the inefficient might be separated from the service. Nobody has any objection to this work being done that the gentleman from Indiana and the gentleman from Tennessee have described as valuable. Of course, we all want it done. Since the Bureau of Efficiency was created, Congress, presumably with the knowledge of the functions it had bestowed on the Bureau of Efficiency, created the Bureau of the Budget and the Comptroller General, and has directed that these agencies do in a large part the work that they previously had intrusted to the Bureau of Efficiency.

As far as establishing the efficiency of the individual employee is concerned, that is taken care of by the classification act, and that function vested in the classifying agency, whatever that agency may be.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. BLACK of Texas. I notice that Mr. Brown in his testimony gives as one of the activities of the Bureau of Efficiency during the past year the revision of the efficiency ratings and the extension of the system to employees of all grades of classification in the classified departmental service. So I presume the Bureau of Efficiency is actually doing this efficiency rating, or rather preparing the rules and regulations under which it is to be done.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. LEHLBACH. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEHLBACH. I assume that the employees of the Bureau of Efficiency are doing this work, but as has been suggested, if they are experts in that line and the bureau itself is abolished and its work is carried on by the Bureau of the Budget or some other agency of the Government, these employees who are expert can be transferred to such other agency.

Now, as to classification.

Mr. WOOD. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. WOOD. I will ask the gentleman if he does not know that there are many complaints and that there is work devolving upon this bureau for the purpose of taking up and making a survey of these matters.

Mr. LEHLBACH. Will the gentleman tell me under what authority the Bureau of Efficiency has to revise any rate or allocation?

Mr. WOOD. The law provides that—

the Bureau of Efficiency shall investigate the methods of transacting the public business in the Civil Service Commission and report to Congress, through the President, at the next regular session of Congress. The officers and employees of the Civil Service Commission are hereby directed to furnish said bureau with such information as it may require to carry out this provision.

Mr. LEHLBACH. What is the date of that statute?

Mr. WOOD. That is the statute creating the bureau—1917.

Mr. LEHLBACH. But since that time Congress has enacted a different statute, which prescribes who shall look after the classification of the employees and revise the classification of employees in the first instance, and it is not the Bureau of Efficiency. That is another function of the Bureau of Efficiency that has been abolished by a later enactment.

Mr. WOOD. I call the gentleman's attention to this, talking about this classification board:

That the board shall review and may revise uniform systems of efficiency rating established or to be established for the various grades or classes thereof, which shall set forth the degree of efficiency which shall constitute grounds for (a) increase in the rate of compensation for employees who have not attained the maximum rate of the class to which their positions are allocated——

Mr. LEHLBACH. Is the gentleman reading from the classification act?

Mr. WOOD. Yes.

Mr. LEHLBACH. That board does not mean the Bureau of Efficiency. It means the Personnel Classification Board.

Mr. WOOD. Yes; but the gentleman, as a lawyer, knows that laws are construed together and that the very efficiency now spoken of in the classification act devolves upon this Bureau of Efficiency in order that the classification act may be enforced.

Mr. LEHLBACH. Absolutely not. It devolves upon the Personnel Classification Board and if the Bureau of Efficiency is abolished it does not mean that the classification act fails, because it can function with two of the three members.

Mr. BLANTON. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 6, lines 2 and 3, strike out the words "personal service in the District of Columbia."

Mr. BLANTON. Mr. Chairman, I am going to support the committee, although yesterday I could not support the operating surgeon of the Republican Congressional Committee [Mr.

WOOD of Indiana] when, with his eyes shut and his neck bowed, he arrogantly took his operating knife and ripped open the bowels of Republican offenders, and left open to public gaze the gaping maw of the avaricious Republican Party, and then ran off and left them bleeding without tying the throbbing arteries. I could not follow him then, nor could I follow this morning the floor leader [Mr. LONGWORTH], who is the acting chief surgeon of the Republican organization, when, without administering anesthetics, he attempted to sew up the painful wounds inflicted by his associate, but negligently left inside his operating knife, his scissors, and his sponge, which in my judgment, are going to cause more gangrenous pus to form than all of the medicated gauze in the universe could drain off in the next 10 years.

I could not follow the gentleman from Indiana yesterday, when he was actuated by the arrogance of power, but I follow him now as the chairman of this subcommittee, in seeking to retain the Bureau of Efficiency. He says that he thought there were 35,000 civil-service employees in the District of Columbia at the present time. That shows you how little do men in high place think about this subject when they talk as erratically as that. This gentleman is one of the best posted men on appropriations in the House, and yet he said that, in his judgment, there were now only 35,000 people employed in this city.

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WOOD. I just want to say——

Mr. BLANTON. Oh, I know the gentleman will say that he spoke without thinking.

Mr. WOOD. Oh, no; 35,000 was the number we had at the commencement of the war.

Mr. BLANTON. No; we did not.

Mr. WOOD. Yes; we did.

Mr. BLANTON. Here is what we had, because I have just gotten the figures from the assistant chief of the appointment division. On July 1, 1916, which was just before the war, we had 39,442 civil-service employees in the District of Columbia. On June 30 of last year, 1924, by actual count, we had 64,120. The assistant chief of the appointment division, Mr. Brobst, told me a few moments ago over the telephone that they have estimated the number we had on December 31, 1924, which was the beginning of this year, and he said their estimate of the number was 66,224, which is 2,104 more than we had on June 30 of last year.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes; if the gentleman seeks to correct me.

Mr. MADDEN. I do not want to correct the gentleman. I just want to say that we added quite a few for the operation under the bonus act. They are temporary.

Mr. BLANTON. I know; but they are on the Government pay roll, and that is why the distinguished chairman of the Committee on Appropriations [Mr. MADDEN] on the 28th day of last April got up on this floor in his official capacity as the ringleader of the Republican Party on appropriations and said that there were 30,000 surplus employees here in Washington who ought to be sent home. He said that we had appropriated the money to pay their way home but that they would not take it. He said that they ought to be sent home, and that is why the President said what he did last Monday night over the radio. He was heard in Cuba. He was heard from one side of the United States to the other. Here is what he said, as reported in the Washington Post, his mouthpiece, last Tuesday morning:

> We have superfluous employees. It is an unpleasant and difficult task to separate people from the Federal service. But it can be done. It will be done. I advise Federal administrators to plan to operate with a smaller personnel than is now employed.

Those are the words of President Coolidge. Did he mean it? Until he shows me that he did not mean it by not reducing these surplus employees I am going to assume that he intends to make good that promise to the American taxpayers.

And Brigadier General Lord, the Director of the Budget, the President's personal representative on finances, said over the radio from the same platform to the people of the world:

> If we are not in full sympathy with the program of the Chief Executive, if we are not prepared to sacrifice our personal wishes, plans, and opinions to the general administrative policy, if we are not willing to make our part of the performance subsidiary to the welfare of the Government as a whole, if we are not ready to march loyally with the President along the highroad of economy, we should enlist under another flag.

Mr. SEARS of Florida. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SEARS of Florida. That was before taking; read after taking.

Mr. BLANTON. I am going to read it now. I have it here. The Washington News this afternoon carries the following:

LORD DENIES SURVEY OF PERSONNEL—BUDGET BUREAU NOT SCANNING EMPLOYEES' JOBS TO ELIMINATE SOME

> Brig. Gen. H. M. Lord, Budget Bureau Director, to-day denied that the bureau is making a survey of Government departments to determine what, if any, employees may be dismissed in line with President Coolidge's economy speech.
>
> NO SPECIAL WORK
>
> Lord has not appointed special assistants to investigate Government personnel, he said, but the work of the bureau is going on exactly as usual.
>
> Published reports that Lord was conducting such a survey brought a vigorous response from President Steward, of the National Federation of Federal Employees.

Now, what is General Lord, the Director of the Budget, going to say about that? Was he merely entertaining the anxious American taxpayers with a subject of economy which he knew would interest them? Was he creating false hopes? He now has the stage to answer. Was the gentleman right and was the President right when they said we had surplus employees, and that they would be gotten rid of, and when he said that we had 30,000 surplus employees was the distinguished chairman of the Committee on Appropriations right? He is always right on these questions. [Applause.] Because I am going to read now from this main, new generalissimo of the Republican Party [Mr. WOOD], who has the authority to read out of their party every Republican whom he thinks ought not to participate in their caucuses. You know there is not a living Democrat on earth who has that much authority. There is not a Democrat on earth who would get on this floor and say that he assumed the authority to read out of the Democratic Party any Democrat sent here by Democrats. Why, if he did the Democrats would attend to him as soon as he got home. I will tell you the difference between Democrats and Republicans. We have in our Democratic caucus rules that when the Democrats of America in any district elect a man and send him to Congress ipso facto he becomes a Member of the Democratic caucus. That is the difference between us and you. Here is what the new Republican generalissimo said a few minutes ago and I took it down. Mr. WOOD, of Indiana, said, and I read his exact language:

> If this Government were a private concern, we could take and run—

That is the expression he used—

> we could take and run it with one-half the man power and one-half the woman power that it now takes to run it.

I want to say to you Republicans the people of the United States expect you to run this Government just as economically as if it were a private concern. So, undoubtedly, one-half of the employees here are surplus. Now, listen. Here is what appears in the Evening Star of Tuesday.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I will ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. The Washington Star came out and said:

> The President is represented as being of the opinion that a frequent reminder such as he made in his speech last night will serve a good purpose. He believes that there should be surveys made by the departments frequently, to see if it is not possible for them to cooperate with him in the desire to economize in governmental expense. His opinion on a reduction in the Government force was taken by those close to him to be more of a suggestion to departmental heads than a warning that a specific plan for wholesale dismissals is being worked out by the President. It was stated that he has no such plan and that he has no idea of making such a plan. It is a matter to be dealt with by each department individually.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BLANTON. Let me first read what the Post says, and then I will yield. Here is what the mouthpiece of the administration says the next morning, Wednesday. The President's program is a "gentle admonition," it is explained:

Department heads accepted the President's speech as "a gentle admonition." Some of the sting of the address was removed, however, by a White House spokesman who explained that Mr. Coolidge's remarks should not be interpreted to mean that the official ax must be used ruthlessly.

The President, it was said at the White House, did not intend that his address should be construed as a command for immediate wholesale dismissals, but rather a reminder that surplus employees should be separated from the pay roll.

Mr. MADDEN. Who wrote it?

Mr. BLANTON. It does not state, but it is on the front page of the Washington Post. Tell me the Republicans or any mouthpiece to the President can stand here and tell the American people that the President of the United States did not mean what he said Monday night over the radio, when he is heard from Cuba to San Francisco, when he said we had surplus employees who should be sent home and that that could be done, and he said it would be done, that he did not mean it? You tell me that these 30,000 surplus employees which Chairman MADDEN said should be sent home, and which the President said would be sent home, are going to be left here after all? Is it from the White House that so powerful a spokesman for the President exists that he can say to the American people the President was talking to the United States, outside of Washington, about surplus employees, but that he has a special message for Washington. "Be still, Washingtonians; do not be uneasy; the President was talking for outside consumption only, and not for the National Capital." [Applause.]

I am going to defend the President. I do not believe he was simulating; I do not believe he was pussyfooting. I do not believe that he was misleading the people, but I believe that if Mr. WOOD can bring his message to him that he delivered here this morning, that if he would run this Government as efficiently as private concerns in my friend's [Mr. UNDERHILL] district in Massachusetts run their private businesses, that he could send half of the men and half of the women employees on the Government pay roll in Washington back to their homes. I now yield to my friend from Texas if he wants me to.

Mr. BANKHEAD. Would the gentleman allow me to substitute myself?

Mr. BLANTON. All right.

Mr. BANKHEAD. I assume, of course, from the gentleman's argument he is in favor of the amendment offered by the gentleman from South Carolina.

Mr. BLANTON. Not at all. I think that Mr. Brown, at the head of this Bureau of Efficiency, next to General McCarl, is doing the best work in Washington for the American people that is being done by anyone toward reducing expenditures. I checked it up personally and I found out that he is trying to get employees to be efficient, and he was here long before the Republicans went in power.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I regret the gentleman from Texas can not join me. I think the President made an accurate statement when he said that it was an exceedingly difficult thing to separate anyone from the pay roll. If he was correctly reported in the radio speech, I agree with him, and the best proof of it is that when an earnest effort is made to separate some employees from the pay roll even the gentleman from Texas will oppose an amendment.

The gentleman from Tennessee [Mr. BYRNS] has suggested that the opposition to the Bureau of Efficiency was based in a measure on the activity of the representatives of that bureau in reclassifying salaries. He did not refer to me in making that statement. I think it exceedingly unfortunate that the merits of my amendment should be affected by the opinion of Members of the House as to the action of a single individual in this Bureau of Efficiency who happens to serve on the Reclassification Board.

I call the attention of the committee to this fact: That the Bureau of Efficiency was established, as its director says in the hearing, to investigate the expenditures of Government officials and report where economies can be effected. Since that time the Bureau of the Budget has been established, and I want the House to listen to me just for a few minutes while I read to you the duties that Congress placed upon the Bureau of the Budget. I read:

SEC. 209. The bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments; (2) the appropriations therefor; (3) the assignment of particular activities to particular services; or (4) the regrouping of services. The result of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports, or any part thereof, with his recommendation on the matters covered thereby.

The Director of the Efficiency Bureau says that the Bureau of the Budget has not carried out the functions therein devolved upon the Bureau of the Budget. They have neglected to do it, and have confined their activities to ascertaining the amount of money they will recommend to be appropriated. But is the failure of the Bureau of the Budget to comply with the law any excuse for continuing the Bureau of Efficiency? Is not the proper remedy to call this neglect to the attention of the Budget Bureau and require them to perform this duty?

I submit that logically this duty should be performed by the Budget Bureau. That bureau has a representative assigned to the work of a department. That representative studies the needs of that particular department. A bureau submits a request for funds for a certain activity and presents reasons to justify the appropriation. The Budget representative recommends it. Thereafter, during that year, that same officer should check up the expenditure of that fund, instead of having it checked up by a representative of the Bureau of Efficiency, who knows nothing about the representations upon which the recommendation for the appropriation was based.

With two bureaus charged with the performance of the same duties, the chances are that neither will function, each relying upon the other to do it. If both function, there will be a conflict of authority.

Some gentlemen say, "I am willing to abolish this bureau if you will confer upon another department of the Government the duty now lodged with the Bureau of Efficiency." The law now charges the Bureau of the Budget with the duty of carrying out the very functions of the Bureau of Efficiency, functions which it was required to perform prior to the establishment of the Bureau of the Budget.

Here is what will happen: You vote the appropriation out of this bill. The law now authorizes the Bureau of the Budget, an agency of the Government, to discharge every function that the Bureau of Efficiency discharges, and all you have to do is to give the Budget Bureau more money with which it can perform this function. A deficiency bill will be reported and you can provide such additional funds as you think necessary to enable the Budget Bureau to perform this duty. You need no legislation. There would be no excuse for legislation. If you attempted to legislate you could only duplicate what is already the law.

When the deficiency bill comes in we can appropriate more money for the Director of the Budget, as much, as in his wisdom it will take, and you can rest assured it will not be $150,000. The Budget Bureau will discharge these functions and the Government will not be hurt. On the contrary, you will be able to render a service by abolishing one of the many commissions in Washington that are merely duplicating the activities of the departments of the Government.

Now, I yield to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. Is it not a fact that the Bureau of Efficiency under the express provisions of the law has nothing absolutely to do with the expenditure of money, and that the Bureau of the Budget is not charged with the question of efficiency?

Mr. BYRNES of South Carolina. Let me read the law. My friend from Tennessee would be right in his contention if that was the law. I read again:

The bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made—

And so forth. The question of securing greater efficiency is exactly what the Budget Bureau is charged with.

Mr. BYRNS of Tennessee. The gentleman read about the Bureau of the Budget. Let me now read what the Bureau of Efficiency is charged with.

Mr. BYRNES of South Carolina. Yes; and if you do not read it, I will read it.

Mr. BYRNS of Tennessee. The law provides:

The Bureau of Efficiency shall investigate the classification, salary, and efficiency of the employees of the departments and independent establishments of the Government in the District of Columbia and report fully or partially to Congress by January 1, 1918, as to needed

equalization or reclassification, and if a partial report be submitted then a full report shall be submitted as soon thereafter as possible with such recommendations as the bureau may deem proper.

The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized, after such report shall have been made to him, wherever he finds such duplications to exist, to abolish the same. Report of the action taken hereunder shall be made to Congress at its next regular session.

Mr. BYRNES of South Carolina. I submit to the committee that the language read confers the same authority conferred by the law on the Budget Bureau. That is, the latter part of it. The first paragraph read is a duplication of the authority conferred upon the Reclassification Board. The second paragraph is a duplication of the authority conferred upon the Budget Bureau. Having heard the powers and duties of the Efficiency Bureau, listen again to this:

The Budget Bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services.

It covers everything. The best proof of it is that after the President's speech last Monday, in which he stated additional funds must be saved, he did not call upon the Efficiency Bureau to make a survey. The Director of the Budget was called upon and announced he would make a survey to ascertain if greater economies could be effected. The gentleman from Indiana says the Budget Director will make the survey by calling upon the Efficiency Bureau for assistance. His own bureau should make it without asking another bureau to make the survey. When the Budget law was passed in the House it was thought that the Efficiency Bureau would be abolished, and the gentleman from Tennessee knows that if it were not for the influence of a distinguished gentleman in another body the Bureau of Efficiency would have been abolished at that time. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WOOD. The gentleman from South Carolina [Mr. BYRNES] has made the best possible argument against the prevalence of his motion when he cites, amongst other things, what are the purposes and duties of the Budget Bureau. I call your attention to the fact that under the law they shall make surveys of the various operations of the Government with reference to the abolishment of certain bureaus and commissions that are duplications, and so forth.

The Bureau of the Budget has not recommended the abolishment of the Bureau of Efficiency. They have made no report whereby the Congress of the United States or the President of the United States would be justified in abolishing the Bureau of Efficiency. One of the fundamental duties of the Bureau of the Budget is to do that thing, and it is assumed they are doing their duty. It is assumed that if there was any reason for abolishing the Bureau of Efficiency that the Bureau of the Budget, whose duty it is to make investigations and recommendations, would report the fact that it should be abolished.

Mr. McKEOWN. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. McKEOWN. I am inclined to be in favor of abolishing boards, but I want to ask the gentleman whether in his opinion, if this amendment prevails, there would be sufficient power under the law read by the gentleman from South Carolina [Mr. BYRNES] by which the efficiency of the workers in this District of Columbia and other workers in the departments of this Government could be looked into? In other words, would we turn them loose or would we hold a check over them?

Mr. WOOD. What would happen would be that you would simply scrap all the machinery of the Bureau of Efficiency. If there was some affirmative legislation it is possible that machinery might be used by the Bureau of the Budget but it should take affirmative legislation to do that thing. I do not know why gentlemen want to produce a chaotic condition by trying to do a thing in this way which, if it is commendable, can be done in an orderly manner. It is not the sensible thing to do. If we were conducting a private business, we would not do anything of that character.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. MOORE of Virginia. Is it not a fact, supporting the gentleman's argument, that the Bureau of the Budget deals with the general situation and takes into view the matter of duplications and the necessity of regroupings, and so forth, which the duties of the Bureau of Efficiency extend to a consideration of the individual employees and their efficiency?

Mr. WOOD. Yes; I think the gentleman is exactly right about that. Until the Bureau of the Budget, upon which the gentleman from South Carolina [Mr. BYRNES] relies as being the agency to do this work and whose business it is to examine into the Bureau of Efficiency as well as the Treasury and as well as other activities, makes some suggestion to the Congress of the United States that this bureau should be abolished or combined with something else, we are not justified in doing this thing.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BYRNES of South Carolina. Will not the gentleman admit that General Lord has made the statement that he is going to do exactly what the gentleman from Virginia says, make a survey at this time into the activities of the various departments and bureaus, in order to see whether the President's wish can not be carried out and greater efficiency be effected?

Mr. WOOD. Absolutely; and I do not think I am betraying any confidence when I say that the agency—or until there is a new agency established—which the Bureau of the Budget expects to use in doing that thing is the Bureau of Efficiency. Do not let us hamstring the very thing we are trying to enter upon, and we would be hamstringing the Bureau of the Budget unless we did something which would give them an agency whereby this work could be done.

Mr. WINGO. I can not agree with the conclusion just reached by the gentleman from Indiana [Mr. WOOD]. He says you are going to hamstring the Budget by permitting it exclusively to do those things which the law has already required it to do. The gentleman will not deny that almost word for word the language of the statute in the Budget act with reference to this authority is identical with the language that is in the Bureau of Efficiency law.

Mr. WOOD. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. WOOD. How will the Bureau of the Budget make the survey that is contemplated and as suggested by General Lord unless it has somebody to make it?

Mr. WINGO. All right. As a matter of fact, when you passed the Budget bill, it was contemplated that the work the Bureau of Efficiency was doing should be done by the Bureau of the Budget, and for that very reason we took the identical language, as I understand it, of the act of 1918 covering the Bureau of Efficiency and we embodied it in the act of a later year describing the duties of the Bureau of the Budget and giving powers to the Budget. Does anybody contradict that? Do we not know what the history of it was? Do we not know that one man at the other end of the Capitol hamstrung the Budget to that extent. That is true. Now, the question of economy, the question of making a more businesslike and more efficient machine out of the mechanics of our executive departments is one upon which both parties agree and in which we can join heartily. It is a cause that is worthy of the best efforts of men on both sides of the aisle.

Now, the President in his speech the other night announced what he wanted to do, and I want to submit to you: Are you going to hamstring that effort by having two bureaus charged with the same identical duty, charged to do the same identical thing and work at the same time? And yet that is what you propose to do. Why, gentlemen, the history of all legislation and its administration in this country has shown that whenever you put two identical duties upon two different courts you tend to weaken the enforcement of that law by either court, and whenever you require two different agencies of the Government to do the same thing you diffuse the responsibility and slacken the efforts of each. Gentlemen, I agree with the President's position upon this question.

It is said I criticize the Budget, but I do not criticize the Budget when it performs the duties it was intended it should perform. What were they? The major duty of the Budget was to do the very thing that is set out in the duties of the Bureau of Efficiency. To do what? To make surveys; be the right eye and the right ear of the President of the United States in order to determine where it is possible to bring about economies in administration, efficiency in administration; recommend consolidations of bureaus that are duplicating each other's efforts; recommend the abolishment of useless bureaus; and make recommendations that meet not the desires of bureau chiefs but the absolute necessities of the service, so that the President could make such recommendations to the lawmaking

body—the appropriating body. Then after having done that, and after Congress has made the appropriations, let the Bureau of the Budget continue to be the eye of the President, the ear of the President, and be the responsible head of the Executive in watching and seeing that the money appropriated is being expended in a wise and economical manner. That is the philosophy of your Budget act.

The gentleman from Indiana [Mr. WOOD] asked me just now how would the Bureau of the Budget do so and so? I am sure that the Bureau of the Budget has authority now, and I am sure the gentleman can not contradict it, to set up the machinery that is necessary to carry out the strict mandate and the letter of the law. Can the gentleman challenge that? The gentleman knows that when points of order have been made here against appropriations where there was not a specific provision of law to do certain things, time and again it has been held that it went with the implied powers of a department to set up the machinery necessary to execute the law; but here we have given specific direction to the Budget Bureau to do certain things, and the only possible change this amendment might make is that it might increase the appropriation for the Bureau of the Budget, but you would consolidate there two functions, wipe out one, and put those duties under the responsible accounting head of this Government, the right arm of the President, the Bureau of the Budget, and you would get greater efficiency and less waste.

Mr. WOOD. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close in 15 minutes.

Mr. BLACK of Texas. Mr. Chairman, I hope the gentleman will not insist upon that.

Mr. MOORE of Virginia. Mr. Chairman, I would like for the gentleman to give me about five minutes.

Mr. WOOD. Then I ask that the debate close in 15 minutes.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto close in 15 minutes.

The motion was agreed to.

Mr. BLACK of Texas. Mr. Chairman, I do not rise in special defense of the Bureau of Efficiency, but I have observed that it has been chiefly criticized by those who are dissatisfied with the results of the reclassification under the reclassification act of 1923. I happen to have been a member of the committee that had that bill in charge on the floor of the House, and I remember when we were asked on the floor of the House as to what would be the actual result of the law in practice so far as expenditures were concerned, we told the House Members that it would result in continuing the basic salaries of the employees, plus the increase of $240 per annum during the war, and probably about a 5 per cent increase in addition to these.

It was not expected that every single employee should receive the same increase because it was recognized there were many inequalities and one of the purposes of the bill was to try to correct these.

The gentleman from New York [Mr. STENGLE] who frequently debates this proposition, in the remarks he made this afternoon cited one of the Government bureaus, I believe the Supervising Architect's office, in the Treasury Department. If I understood him correctly he said that the employees generally received an average increase of 6 per cent over their basic salaries, plus the $240 temporary increase during the war. I submit that increase harmonizes with what the Congress expected when the reclassification law was passed. Of course, if certain individuals have received more increase than they were entitled to, that is an abuse of the law.

There is one advantage of this law that these gentlemen never make any mention of, and that is that when an employee is classified he has the opportunity for continuous advancement upon efficiency showing to the top of his grade. This opportunity for promotion given to deserving employees was considered to be one of the best features of the law. At the time this bill was under consideration we also stated to the House that this 5 per cent increase would add about $4,000,000 to the Government pay roll in the District of Columbia. Many Members of the House wanted to be very cautious and not add any undue burden to the Treasury in passing that bill. I was one of them. Let me read what Mr. Graves, of the Bureau of Efficiency, says and, I think, you will see the Reclassification Board has carried out this law substantially as Congress intended it should be carried out, so far as aggregate increase in expenditures were concerned. There are 64,000 employees in the District of Columbia, and I would not undertake to say that each and every one has been correctly classified. I would not undertake to say that there has not been here and there some employee who has been classified in a lower grade than he ought to have been placed.

I would not undertake to say there have not been some put in a higher grade than they ought to have been placed. Whenever that has occurred, I do not approve it; I condemn it. But the net result of the whole thing, so far as aggregate costs are concerned, has been what we told the House it would be, and what the witnesses who appeared before our committee told us it would be, and here it is. Mr. WOOD, in the hearings, asked Mr. Graves this question:

> Mr. Graves, has that reclassification gone far enough now so that you can say with any degree of certainty what has been the increase on account of reclassification so far as salaries are concerned or what the increased percentage of cost has been?

Now, here is Mr. Graves's answer:

> Yes, sir; the classification has cost about 4½ per cent on the basis of salaries as they stood before July 1.

That is, if a clerk was getting a basic salary of $1,200 and $240 temporary increase during the war, that made $1,440, and in addition to that there has been an increase of about 4½ per cent. Mr. Graves says:

> In round figures that is something less than $4,500,000.

Now, gentlemen, I am not here to hold any brief for the Bureau of Efficiency, but I do say that the most vigorous fight, the most persistent fight, against it has been by many Government employees in the city of Washington, who seem to think they should have received increases of salaries considerably larger than those which they did in fact receive. In a matter of this kind somebody has to be made the "goat," and it seems the Government employees, or at least some of them, think the Bureau of Efficiency should be made the "goat."

I guess that is perfectly natural, but I do not regard it as sufficient cause to abolish the bureau.

Mr. MOORE of Virginia. Mr. Chairman, until a little while ago there was no notice that a matter of this character would be taken up. I think the debate has developed the fact that it is a matter that ought not to be dealt with now. Whatever one may think about several general questions that have been discussed, it strikes me there is now before us a legislative proposal that deserves more deliberate and careful consideration than can be given it at this moment.

Now, what is proposed? Practically to wipe out the Bureau of Efficiency. Altogether aside from the merits of that proposition, and without regard to whether the bureau is functioning satisfactorily or not, in the first place it is necessary to determine whether the law creating the Bureau of the Budget and the law creating the Bureau of Efficiency are coextensive or not; or to put it in another way, whether all of the important duties that rest upon the Bureau of Efficiency are also by law imposed upon the Bureau of the Budget.

Since the debate began I have looked at both laws, and I am prepared to say that from such a superficial examination there is no one who can be sure that if the Bureau of Efficiency is eliminated the Bureau of the Budget could proceed to discharge all of the duties now performed by the Bureau of Efficiency.

Mr. McKEOWN. Will the gentleman yield?

Mr. MOORE of Virginia. I will.

Mr. McKEOWN. The thing I am interested in knowing is the gentleman's opinion as to whether or not if you do away with the Bureau of Efficiency you will lose more money on account of the inefficiency of employees by having no one to supervise them than you would in the other way.

Mr. MOORE of Virginia. There would be no such supervision as is now had. The Bureau of the Budget would not supervise individual employees as they are supposed to be supervised now. I have no doubt that a legislative committee considering this matter would determine that there is some duplication, and that the Bureau of Efficiency might be identified, might be combined, with the Bureau of the Budget. I think what is in the mind of my distinguished friend from South Carolina, what he is aiming to accomplish, should be done in that way and not done by the adoption of his amendment; that it can not safely be done in that way.

Mr. LEHLBACH. Will the gentleman yield?

Mr. MOORE of Virginia. I will.

Mr. LEHLBACH. I would like to say that the duties of the Bureau of Efficiency that are not embraced by the Bureau of the Budget are those that deal with the efficiency of the individuals and that these functions of the Bureau of Efficiency have been completely taken care of by the classification act, and the supervision of the individual is being done by the

classified agency created by the classification act, so that that function is no longer necessary.

Mr. MOORE of Virginia. I should like to examine all of the laws that apply before reaching a definite conclusion.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BLACK of Texas. I ask that the gentleman's time be extended one minute in order to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLACK of Texas. Under the reclassification law the classification board is composed of the Civil Service Commission, the Bureau of the Budget, and the Bureau of Efficiency. Until the law is amended the bureau is a proper member of that agency, and if we abolish it the board will be incomplete. Does the gentleman think it would be wise to handle the matter in that way?

Mr. MOORE of Virginia. I think the matter ought to go to the committee of which the gentleman from New Jersey is chairman, the Civil Service Committee, so that we may have legislation brought in instead of dealing with the matter hastily and summarily, as now suggested.

The CHAIRMAN. Without objection the pro forma amendment of the gentleman from Texas is withdrawn. The question is on the amendment offered by the gentleman from South Carolina [Mr. BYRNES] to strike out the paragraph.

The question was taken, and on a division (demanded by Mr. BYRNES of South Carolina) there were 25 ayes and 58 noes.

So the amendment was rejected.

Mr. JOHNSON of South Dakota. Mr. Chairman, I move to strike out the last word. I ask unanimous consent that I may be allowed to speak out of order for five minutes on the question of the conscription of industry and labor in time of war.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to speak out of order for five minutes. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Chairman, I ask unanimous consent to be allowed to extend my remarks by inserting parts of President Harding's inaugural address on March 4, 1921, and portions of his address to the joint session of Congress on December 8, 1922, his address at Arlington, Declaration Day, 1923, and his address at Helena, Mont., in 1923; a part of the platforms of both the Republican and Democratic Parties referring to universal conscription; short resolutions adopted by leading service organizations in the United States referring to the conscription of industry and men in time of war and short statements of their leaders.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota as stated?

Mr. HOWARD of Nebraska. Reserving the right to object, I do not object to the gentleman's own remarks but I should want some opportunity of knowing what these other things are.

Mr. JOHNSON of South Dakota. I will say that I simply want to insert short statements by President Harding in his addresses to Congress and at the Arlington Cemetery at the time of the burial of the unknown soldier, at Helena, Mont., and some resolutions and statements by service organizations which indorse the principle of universal conscription of men and property.

Mr. BANKHEAD. What purpose does the gentleman hope will be effected by this?

Mr. JOHNSON of South Dakota. I have had for many years before the Military Committee a bill providing for universal conscription, and I want to speak in advocacy of my measure. I was unable to get time under general debate.

Mr. BLANTON. Reserving the right to object, and I shall not object if these excerpts are what I think they are—the excerpts of the various addresses which the gentleman intends to put in are those wherein the President agrees in principle to the recent resolution that has been adopted by the American Legion in support of the conscription of everything the Government needs in time of war?

Mr. JOHNSON of South Dakota. The gentleman is correct.

Mr. HOWARD of Nebraska. Then I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota.

There was no objection.

The CHAIRMAN. The gentleman from South Dakota is recognized for five minutes.

Mr. JOHNSON of South Dakota. Mr. Chairman, for several years I have had a proposed constitutional amendment before the Committee on the Judiciary of this House providing for the conscription of men and money in time of war. It is House Joint Resolution 76, which I ask unanimous consent to insert in the RECORD as a part of my remarks, together with H. R. 4841, which is a bill I introduced on January 7, 1924, and which is now before the Committee on Military Affairs.

The CHAIRMAN. Is there objection to the additional request of the gentleman from South Dakota?

There was no objection.

The matter referred to is as follows:

Joint resolution (H. J. Res. 76) proposing an amendment to the Constitution of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the several States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"That in the event of a declaration of war by the United States of America against any foreign government or other common enemy the Congress shall provide for the conscription of every citizen and of all money, industries, and property of whatsoever nature necessary to the prosecution thereof and shall limit the profits for the use of such moneys, industries, and property."

A bill (H. R. 4841) to provide further for the national security and defense

Be it enacted, etc., That in the event of a national emergency declared by Congress to exist, which in the judgment of the President demands the immediate increase of the Military Establishment, the President be, and he hereby is, authorized to draft into the service of the United States such members of the unorganized militia as he may deem necessary: *Provided*, That all persons drafted into service between the ages of 21 and 30, or such other limits as the President may fix, shall be drafted without exemption on account of industrial occupation.

SEC. 2. That in case of war, or when the President shall judge the same to be imminent, he is authorized and it shall be his duty when, in his opinion, such emergency requires it—

(a) To determine, proclaim, and conscript the material resources, industrial organizations, and services over which Government control is necessary to the successful termination of such emergency, and such control shall be exercised by him through agencies then existing or which he may create for such purposes;

(b) To take such steps as may be necessary to stabilize prices of services and of all commodities declared to be essential, whether such services and commodities are required by the Government or by the civilian population.

Mr. JOHNSON of South Dakota. Mr. Chairman, we are in a rather unique situation in respect to this particular form of legislation. Immediately after the war there was a great deal of agitation, a great deal of thought given to this particular question of universal conscription. Many speeches were made on the floor of the House and the Senate and the matter was considered in different party platforms. All of the service organizations became convinced that in the event of another war we should have universal conscription, and further consolidating that sentiment in 1919, 1920, and 1921 I prepared these resolutions, and they have been pending before the Committee on Military Affairs and this House. Since that time the different parties—Republican and Democratic—have had their national conventions at Cleveland and New York, and they have specifically indorsed this legislation, almost going so far as to indorse the specific bill to which I have referred, and clearly have indorsed the principles of the legislation. Every service men's organization, the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars have taken the same action, and yet with every party for the legislation, with no opposition to it in the United States, with all of us pledged to carry it out by the different political platforms, it is absolutely impossible for me to get the bill reported out of the Committee on Military Affairs.

Mr. McSWAIN. Has the gentleman ever appeared before the committee urging the passage of his bills?

Mr. JOHNSON of South Dakota. I was the last witness before the gentleman's committee, as shown by the hearings.

Mr. McSWAIN. That was investigating the resolution of which I was the author?

Mr. JOHNSON of South Dakota. Yes; but appearing in behalf of my resolution and urging its passage by the Committee on Military Affairs.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. HULL of Iowa. Has the gentleman ever studied the constitutionality of that bill?

Mr. JOHNSON of South Dakota. I have, and I have no doubt but that we can anticipate the war powers given by the Constitution and pass such legislation, even when there is no state of war. At least we will have laid down the rule, and no one could test the constitutionality except in time of war. If it should be tested by an action brought by an individual, the Congress could speedily reenact the law in time of war, and there would be no profiteering.

Mr. BLANTON. Is it not a fact that every service men's organization in the United States has approved of just such a measure?

Mr. JOHNSON of South Dakota. That is a fact. We are in this peculiar situation. The Military Affairs Committee of the House has reported out a resolution known as the McSwain resolution, to which that gentleman has given a great deal of time and thought, and has considered the Ramseyer resolution providing for further investigation of the subject. My thought is this, that it is rather a confession of weakness on the part of the Committee on Military Affairs if it proceeds to further investigate, when it has already had three years to consider the matter. This is a question that apparently everyone in the United States unanimously favors. The political parties indorse it. I believe that if any one member of the Committee on Military Affairs will move the adoption in that committee of a universal conscription law every member of the committee will immediately vote for it, because he is pledged to vote for it by his own party platform, whether he be a Democrat or a Republican, and that that would secure action at this session of Congress upon a matter that has been made a party matter by each political party. It is only necessary for any member of the Committee on Military Affairs on either side of the House to make that motion in the committee, and then the bill would go on the calendar and it would be ready for action.

We have a Rules Committee in the House. That committee carries out the wishes of the dominant party, and both parties are pledged to this legislation specifically. If one member of the Committee on Military Affairs would make this motion and then secure the reporting of this universal conscription bill to the House, it is unthinkable to me that any member of the Committee on Rules would violate his party platform and not vote for a rule which would bring the matter of universal conscription before the House for action.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. JOHNSON of South Dakota. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARNER of Texas. I believe the gentleman is a member of the Committee on Rules.

Mr. JOHNSON of South Dakota. Yes.

Mr. GARNER of Texas. The gentleman realizes that the Rules Committee has the power now to discharge by rule the Committee on Military Affairs and bring the bill before the House without any report from that committee. Why does not the gentleman take that matter before the Rules Commitee and make the motion, it being a unanimous party measure?

Mr. JOHNSON of South Dakota. The situation being such as it is in the Committee on Military Affairs, I did not take that drastic action, because I have thought perhaps some member of the Committee on Military Affairs—now that the matter is again called to their attention, and each and every one is committed to such legislation by party platforms—would take the initiative and make that motion which within two or three days would bring the matter before the House.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. LAGUARDIA. There seems to be a preponderence of the membership in favor of either one of the gentleman's measures, and yet in the closing days of the last session when the McSwain resolution was before us for a study of this proposition, it was impossible to get consideration. I agree with what the gentleman from Texas says. I suggest that the gentleman from South Dakota bring what pressure he can on his own Committee on Rules and give us a chance to vote upon it.

Mr. JOHNSON of South Dakota. I am endeavoring to bring a little pressure upon the Committee on Military Affairs to-day by calling attention to the fact that all anyone on the committee has to do is to make the motion and we will get a chance to vote upon the bill.

Mr. WAINWRIGHT. Is not the gentleman aware that when the McSwain resolution came up on the Consent Calendar the other day there were several objections to it?

Mr. JOHNSON of South Dakota. Yes; but when both parties and the people of the country are specifically committed to this principle, I think such legislation ought not to come up on the Unanimous Consent Calendar in such a manner that one Member of Congress can block it.

Mr. WAINWRIGHT. I desire to ask the question as one who is heartily in sympathy with the proposition involved.

Mr. JOHNSON of South Dakota. I know the gentleman is in hearty sympathy with us.

Mr. WAINWRIGHT. Every military man in this House is in sympathy with it.

Mr. MANSFIELD. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will.

Mr. MANSFIELD. Does this authorize the conscription of labor as well as men and money?

Mr. JOHNSON of South Dakota. It authorizes the conscription of industry and man power.

Mr. LOZIER. Why not capital?

Mr. JOHNSON of South Dakota. It includes capital.

Mr. LOZIER. How far does the gentleman think we would get if we undertake to conscript capital?

Mr. JOHNSON of South Dakota. I will say to the gentleman whenever you can conscript men, take them from their pursuits, throw them in the front-line trenches, let them be wounded, gassed, and killed, this Government has the power to conscript money. Perhaps we should give a reasonable interest on it, but you can conscript capital.

Mr. LOZIER. If the gentleman will yield further, is not it a shame and disgrace of the World War the profits that capital made out of it?

Mr. JOHNSON of South Dakota. Absolutely. And I would say, gentlemen, that is one reason I am trying to get some action in reference to this matter.

Mr. WAINWRIGHT. May I suggest to the gentleman that I would commend the distinguished gentleman from Missouri, who is a pretty good lawyer, to a reading of the text of the resolution and apply his own judgment as to whether it would not be pretty effective to conscript capital as well as any other elements that enter into warfare?

Mr. BLANTON. If the gentleman will yield for one more question. I will say to the gentleman that whenever he passes such a bill that conscripts both capital and labor there is not going to be any more war. You are going to take out the object of most of the wars that have occurred.

Mr. JOHNSON of South Dakota. Mr. Chairman, in closing I do not desire to in any way intimate that there would be any influence, intangible or otherwise, that would so arrange matters in this Congress that we can not secure the passage of this legislation, but it is a most unique thing that these parties in their party platforms are directly advocating this legislation, and yet we can not secure action by the committees composed of members of those parties, and as little as I like this rule with reference to the discharge of committees, the one that was adopted some time ago, yet as this is a party matter, as the President of the United States and the Republican Party are committed to it, as the Democratic nominee [Mr. Davis] would have been committed to it, I feel it will be my duty to file with the Clerk of the House a resolution asking that the Military Affairs Committee be discharged——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JOHNSON of South Dakota. I ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Dakota. Asking that the Military Affairs Committee of the House be discharged and that this matter be brought before the House, because I know no Member of the House of either the Democratic or Republican Party can oppose it.

Mr. GARNER of Texas. If the gentleman will yield, why go through with all of that matter of signing up this petition when the gentleman belongs to the dominant party? You have eight members of the Committee on Rules, and the gentleman is a member of that committee, and why not introduce a resolution to discharge the Committee on Military Affairs and take it to the Rules Committee, and there you have a hearing and then they can report it, and it can be brought before the House?

Mr. JOHNSON of South Dakota. The gentleman from Texas is one of the great leaders of the Democratic Party. He has asked me why I do not. Will the Democratic members of the Rules Committee vote with me on that?

Mr. BANKHEAD. The gentleman from Texas is not a member of the Committee on Rules, but I happen to be a member, and I want to say to the gentleman right now that I do not

propose to commit myself to vote for any rule with reference to a bill until I see what is in the bill.

Mr. JOHNSON of South Dakota. I think the gentleman is correct in that.

Mr. BANKHEAD. The gentleman seems to be complaining about the nonaction in reference to his measure; and in addition to what my friend from Texas has said in reference to the legislation he has in mind, I wish to remind the gentleman that his party absolutely controls the majority of the Committee on Military Affairs, and if what the gentleman says is true, if one member of that committee would make the motion to report the bill, we would get action. I trust my friend from South Dakota has enough influence at least with one member on his side of the Committee on Military Affairs to have that motion made, and that would accomplish what he has in mind.

Mr. JOHNSON of South Dakota. I will say to my distinguished friend from Alabama that what little influence I have is being used right on the floor now trying to get just one member of the Republican side of the Military Affairs Committee to make that motion which I say must be adopted, because every member is committed——

Mr. WAINWRIGHT. If the gentleman will give way, I think it is but fair to the Military Affairs Committee to state that the committee in general—and I think I spoke to every member on that committee—is very much in sympathy with the proposition involved in the resolution.

His resolution would carry this into effect. The resolution reported by the committee and introduced by the gentleman from South Carolina [Mr. McSWAIN] called for an investigation of the subject with a view to framing a resolution.

Now possibly the reason why the committee adopted that course was that it was in the interest of a little conservatism concerning a pretty radical proposition.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BANKHEAD. Is the gentleman from New York [Mr. WAINWRIGHT] in favor of the bill of the gentleman from South Carolina?

Mr. WAINWRIGHT. I am not.

Mr. BANKHEAD. Why not accept the invitation of his friend now, and bring this in?

Mr. WAINWRIGHT. There is a very slight probability that I will accept the invitation.

Mr. JOHNSON of South Dakota. Mr. Chairman, I want to say to the gentleman, for whom I have the greatest respect, that I know he is in sympathy with this matter, but we are to a place where the legislation needs a little more than sympathy. I hope we will have the gentleman's enthusiastic support.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. RAMSEYER. Did we not, before the close of the last session, report out a resolution introduced by the gentleman from South Carolina [Mr. McSWAIN]? Where is that resolution now? It was reported.

Mr. JOHNSON of South Dakota. There was not time to call it up.

Mr. RAMSEYER. It was called up.

Mr. JOHNSON of South Dakota. No. But let me call the attention of the gentleman from Iowa to this fact, that since that adjournment of Congress the Republican Party met at Cleveland and the Democratic Party met at New York, and both of them made declarations in favor of this legislation. The time is now ripe for action.

In his inaugural address, March 4, 1921, President Harding indorsed the bill as follows:

If, despite this attitude, war is again forced upon us I earnestly hope a way may be found which will unify our individual and collective strength and consecrate all America, materially and spiritually, body and soul, to national defense. I can vision the ideal Republic, where every man and woman is called under the flag for assignment to duty for whatever service, military or civil, the individual is best fitted; where we may call to universal service every plant, agency, or facility, all in the sublime sacrifice for country, and not one penny of war profit shall inure to the benefit of private individual, corporation, or combination; but all above the normal shall flow into the defense chest of the Nation. There is something inherently wrong, something out of accord with the ideals of representative democracy, when one portion of our citizenship turns its activities to private gain amid defensive war while another is fighting, sacrificing, or dying for national preservation.

Out of such universal service will come a new unity of spirit and purpose, a new confidence and consecration, which would make our defense impregnable, our triumph assured. Then we should have little or no disorganization of our economic, industrial, and commercial systems at home, no staggering war debts, no swollen fortunes to flout the sacrifice of our soldiers, no excuse for sedition, no pitiable slackerism, no outrage of treason. Envy and jealousy would have no soil for their menacing development and revolution would be without the passion which engenders it.

Before a joint session of the House and Senate on December 8, 1922, he said:

The proposed survey of a plan to draft all the resources of the Republic, human and material, for national defense may well have your approval. I commended such a program in case of future war in the inaugural address of March 4, 1921, and every experience in the adjustment and liquidation of war claims and the settlement of war obligations persuades me we ought to be prepared for such universal call to armed defense.

In his address at Arlington Cemetery on Decoration Day, May 30, 1923, he said:

The arguing veterans, 50 years after Gettysburg, on the scene of the world-famed combat, were thinking of industrial greed in the North and slave-owning greed in the South. But in reality their prejudices had been inspired by the hateful profiteering incident to war.

In all the wars of all time the conscienceless profiteer has put the black blot of greed upon righteous sacrifice and highly purposed conflict. In our fuller understanding of to-day, in that exalted consciousness that every citizen has his duty to perform and that his means, his honor, and his life are his country's in a time of national peril, in the next war, if conflict ever comes again, we will not alone call to service the youth of the land, which has in the main fought all our wars, but we will draft every resource, every activity, all of wealth, and make common cause of the Nation's preservation. God grant that no conflict will come again, but if it does it shall be without profit to the noncombatant participants, except as they share in the triumphs of the Nation.

It will be a more grateful Nation which consecrates all to a common cause, and there will be more to share the gratitude bestowed. More, there will be a finer conscience in our war commitments and that sublimity of spirit which makes a people invincible.

President Harding, on his fateful journey from which he never returned, at Helena, Mont., on June 29, 1923, said:

I have said before, and I choose to repeat it very deliberately now, that if war must come again—God grant that it shall not—then we must draft all of the Nation in carrying it on. It is not enough to draft the young manhood. It is not enough to accept the voluntary service of both women and men whose patriotic devotion impels their enlistment. It will be righteous and just, it will be more effective in war and marked by less regret in the aftermath if we draft all of capital, all of industry, all of agriculture, all of commerce, all of talent and capacity and energy of every description to make the supreme and united and unselfish fight for the national triumph. When we do that there will be less of war. When we do that the contest will be aglow with unsullied patriotism, untouched by profiteering in any service.

Of course, we are striving to make condition of foreign relations and so fashion our policies that we may never be involved in war again. If we are committed to universal service—that is, the universal commitment of every American resource and activity—without compensation except the consciousness of service and the exultations in victory we will be slower to make war and more swift in bringing it to a triumphant close. Let us never again make draft of our manhood without as exacting a draft of all we possess in the making of the industrial, financial, commercial, and spiritual life of the Republic.

The Republican platform—1924—contained the following:

We believe that in time of war the Nation should draft for its defense not only its citizens but also every resource which may contribute to success. The country demands that should the United States ever again be called upon to defend itself by arms, the President be empowered to draft such material resources and such service as may be required, and to stabilize the prices of services and essential commodities, whether used in actual warfare or private activities.

The Democratic platform—1924—contained the following:

War is a relic of barbarism, and it is justifiable only as a measure of defense.

In the event of war, in which the man power of the Nation is drafted, all other resources should likewise be drafted. This will tend to discourage war by depriving it of its profits.

That great service organization, the American Legion, at its third annual convention at Kansas City, Mo., October 31, November 1 and 2, 1921, had indorsed the law as follows:

The report recommended the appointment of a committee by the national organization of the Legion to study the question of universal draft in time of national emergency, of all persons capable of military and industrial service, together with the universal draft of land, ma-

terial, plants, and capital suitable for preparation and prosecution of war, and report the result of the study to the next national convention.

The American Legion resolution adopted at its fourth annual convention, New Orleans, La., October 16–20, 1922:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled—

1. That, in the event of a national emergency declared by Congress to exist, which, in the judgment of the President, demands the immediate increase of the Military Establishment, the President be, and he is hereby, authorized to draft into the service of the United States such members of the unorganized militia as he may deem necessary: *Provided*, That all persons drafted into service between the ages of 21 and 30, or such other limits as the President may fix, shall be drafted without exemption on account of industrial occupation.

2. That in case of war, or when the President shall judge the same to be imminent, he is authorized, and it shall be his duty, when, in his opinion, such emergency requires it:

A. To determine and proclaim the material resources, industrial organizations, and services over which Government control is necessary to the successful termination of such emergency, and such control shall be exercised by him through agencies then existing or which he may create for such purpose.

B. To take such steps as may be necessary to stabilize prices of services and of all commodities declared to be essential, whether such services and commodities are required by the Government or by the civilian population.

Resolution adopted by the American Legion at its fifth annual convention, San Francisco, Calif., October 15–19, 1923:

Whereas a special committee was appointed by resolution of the third national convention of the Legion to draft legislation which would provide for the conscripting in time of war of all the resources of the Nation, including capital, labor, industry, and transportation, as well as man power, so that the sacrifices of war in the future may be as nearly equalized as possible among all elements of our population and the profit taken out of war so far as is humanly possible; and

Whereas the Legion believes that a law of this character would not only be a bulwark of national defense in time of emergency but would also lessen the enthusiasm for war among certain elements of our population; and

Whereas this special committee, after a year of study, reported its findings to the fourth national convention of the Legion in the form of proposed legislation, which received the approval of the convention and of the General Staff of the Army; and

Whereas, in accordance with this action, legislation was introduced in the House during the last session of the Congress by Representatives JOHN J. MCSWAIN, of South Carolina, and ROYAL C. JOHNSON, of South Dakota, both Legionnaires; and

Whereas this legislation was submitted to the late President Harding and received his unqualified indorsement, which he voiced in his address on last Memorial Day before the tomb of the Unknown Soldier at Arlington; and

Whereas this legislation was referred to the Committee on the Judiciary of the House, but this committee failed to report it to the House for action: Therefore be it

Resolved, That the fifth national convention of the Legion reaffirms its indorsement of this constructive and equitable principle and instructs the legislative committee to secure the introduction in the Congress of measures designed to accomplish this end and to press for their enactment by Congress.

Resolution adopted by the American Legion at its sixth national convention, St. Paul, Minn., September 15–19, 1924:

Whereas the fourth annual convention of the American Legion at New Orleans unanimously adopted the following universal service act, which has been prepared by the military policy committee of the American Legion, and which reads as follows:

An act to provide further for the national security and defense

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled—

(1) That in the event of a national emergency declared by Congress to exist, which in the judgment of the President demands the immediate increase of the Military Establishment, the President be, and he hereby is, authorized to draft into the service of the United States such members of the unorganized militia as he may deem necessary: *Provided*, That all persons drafted into service between the ages of 21 and 30 or such other limit as the President may fix shall be drafted without exemption on account of industrial occupation.

(2) That in case of war or when the President shall judge the same to be imminent, he is authorized and it shall be his duty when, in his opinion, such emergency requires it—

(a) To determine and proclaim the material resources, industrial organizations, and services over which Government control is necessary to the successful termination of such emergency, and such control shall be exercised by him through agencies then existing or which he may create for such purposes;

(b) To take such steps as may be necessary to stabilize prices of services and of all commodities declared to be essential, whether such services and commodities are required by the Government or by the civilian population; and

Whereas this universal service act is now embodied in specific legislation introduced in Congress during the past session by Representative ROYAL C. JOHNSON in the House of Representatives and Senator ARTHUR C. CAPPER in the Senate;

Therefore, our committee recommends to this national convention that the passage of this important legislation be made one of the major activities of the American Legion during the coming year, and that the full influence and support of our organization be used to make effective as soon as possible this legislation which the Legion believes will help insure our country against war and provide that in any future emergency there shall be no more slackers or profiteers, and that we shall have in the future equal service for all and special profit for none.

One of the great leaders of the Legion, Marquis James, said:

THE LEGION'S CAMPAIGN FOR A UNIVERSAL DRAFT LAW

1. THE OBJECTIVE

For three years the American Legion has been clearing the way for one of the most striking pieces of legislation of a generation. The proposed Johnson law is a peace measure. It is a preparedness measure. It is a measure of common justice and equity. It is a measure calculated to make war and the prospect of war more remote. But in the event war does come, despite these safeguards, this measure proposes the means whereby the war shall be fought more rigorously, more efficiently, more effectively, more honestly, and more cheaply than ever a war was fought before. It proposes that war shall be waged on a basis of equal service for all and special favors and profits for none.

The proposed law is the so-called universal draft, which would put capital, labor, and manpower—the three great concomitants of a national war effort—on the same identical nonprofit-taking basis of universal service.

Universal service in war time—the selective draft as applicable to the manpower of the nation which is of age and physical fitness for military service—is an established principle of the country. The eligible manhood of the Nation, the rich and the poor, the high and the low, must serve in the armed forces without discrimination or distinction. They must serve for pay which is purely nominal.

So far, so good. But soldiers do not wage a war alone. The experiences of the late war are so recent and so clearly in mind as to make this assertion a truism recognized by all. For every man who reached the firing line in the last war we had 15 men not in uniform working at home to keep him supplied with what a man on the front must have in order to transact his business there. We sent 2,000,000 men to France. More than 3,000,000 men labored at home in the ordnance factories alone, and the provision of ordnance was only a part—and in the aggregate a small part—of our war endeavor in the great services of supply.

These toilers in the home services of supply fall into two lots. These go by the common terms of labor and capital. The workers who man the factories and mills, the shipyards and mines, the farms, the forests, the railroads, and the hundred other theaters of endeavor where are produced the raw materials and the finished products which are required to carry on a war—these workers comprise labor. They are quite as essential to the prosecution of a war as the soldiers are. The men who own and build and run the factories and mills, who provide with their money and their brains the facilities and the organization, who give labor its job and pay it its pay on Saturday nights to work and produce the wherewithal which keeps the soldiers in the field—this is capital, the third indispensable requisite to the waging of war. Soldiers, labor, capital. No one of them can get along without the other two. They are the real comrades in arms.

Now, as we have seen, we draft soldiers and pay them a dollar a day. We do not draft labor. We do not draft capital. We taxpayers go into the open competitive market and engage them on a commercial basis. We pay laborers $15 a day and capitalists $15,000 a day to help the dollar-a-day soldier win the war. The laborer sleeps at home, safe and secure. The capitalist sleeps at home, safe and secure. The soldier dodges shrapnel on the front. He forgets what a good sleep feels like.

This sort of thing is not right. It is a shabby way to treat the soldier, who has the most dangerous and disagreeable part of the war's chores to do. It is equally bad for the laborer and the capitalist. It tends to weaken the moral fiber. It creates false values. It inflates prices. It changes a familiar world into a strange, unreal one, and at a time of stress when the accustomed landmarks are needed most. This is all especially rough on John Taxpayer, who foots the bill in the

end. It is an affront to any civilized conception of fairness and justice. It is bad all around for the country—a bad thing at a bad time, for war at its best has little enough to recommend it.

Everyone admits the situation is as wrong as wrong can be. No one has ever undertaken to defend it.

The American Legion is not content merely to assail this order of things and to call it hard names. The Legion undertakes to change it.

The Legion has a personal acquaintance with the soldier side of war. By diligent study it has informed itself of the capital and labor sides. It proposes a remedy for the condition which confronts us. This remedy is based on the elimination of the economic distinctions between militarized man power, militarized labor, and militarized capital in war time.

The Legion has had this matter under close, careful, and continuous consideration for three years. It has devised the universal draft bill, which some of the outstanding experts of the country say is the best bill that can be devised.

In a resolution the Disabled American Veterans said:

Whereas each successive war in which our country has been forced to engage has found the Nation, inadequately prepared, thereby causing unnecessary additional loss in men and material; and

Whereas, while we are a peace-loving people, it is reasonable to suppose, based upon the experience of mankind since time immemorial, that war will again come at some uncertain date; and

Whereas the time has now passed when men have been sent to the field to give battle and war to-day means the mobilization of not only armies but the whole nation, if a war is to be carried to a successful termination; and

Whereas the men who still bear the scars of service are, in a particular way, qualified to discuss war from its most real angles: Therefore be it

Resolved, That the Disabled American Veterans of the World War in national convention assembled, at Salt Lake City, in June, 1924, condemn the pernicious activities of groups prowling around the country attempting to undermine the national conscience by pernicious pacifist propaganda that would Chinafy America; and be it further

Resolved, That Congress be urged to maintain thoroughly adequate military and naval establishments sufficient to not only furnish a proper first line of defense, but capable of emergency expansion and the training of the citizens who are to bear arms should America again be threatened; and be it further

Resolved, That in the future American capital and labor be conscripted on the same basis as the man power of the Republic was conscripted in 1917 and 1918.

An editorial appeared in The Christian Science Monitor on November 15, 1923, advocating universal mobilization in time of war and since that time the newspaper has been conducting a nation-wide campaign in favor of the proposal. The Monitor does not claim originality in this proposition but has merely tried to give voice to what is a widespread public demand. The Monitor has been flooded with expressions of approval of this peace plan. Newspapers in every State of the Union have given favorable comment to it. Individuals and organizations have united their indorsement. There appears to be no definite opposition from any source to the main outlines of the proposition that the paper has encountered.

As originally proposed, the peace plan advocated by The Christian Science Monitor was as follows:

In the event of a declaration of war, the property, equally with the persons, lives, and liberties of all citizens, shall be subject to conscription for the defense of the Nation, and it shall be the duty of the President to propose, and of Congress to enact, the legislation necessary to give effect to this amendment.

Two aspects of the plan have been emphasized by editorial writers of this newspaper. The first is that universal conscription in the event of war, as proposed under the plan, carries military preparedness through to a 100 per cent effectiveness. With the whole country in khaki, serving at $30 a month like ordinary soldiers, with no resources for anyone and all resources turned over to the Government—the United States would be invulnerable. It would be such a fighting unit as the world has never before seen and such as no other nation would dare to attack.

In the second place, the universal mobilization bill would make money talk for peace. As described by editorial writers in the Monitor:

At the present time we don't find the big moneyed interests of the country, in any very definite way, working for peace. Peace movements are not run from Wall Street. Why should they be? If war comes on, why, let it come. The prospects are that with war or rumor of war prices will soar. Men in steel and oil and munitions plants seem to have everything to gain and nothing to lose in a fight.

But let this plan be adopted. Let it be known that from this day profits will cease when war begins. Let the industrialists and those who direct the policies of the country—policies that are often war provocative—realize that dividends depend upon peace, and instead of indifference to peace or actual propaganda for war dividend holders will put their money to work for peace. Economic rivalries that now are war provocative will become the provocators of peace.

The Christian Science Monitor, with its circulation of from 90,000 to 100,000 daily copies in churches, libraries, and clubs over the whole country, distributing as many copies of its paper on the Pacific coast as it does in the New England territory, where it is published, has performed a great work in giving publicity to this plan for preserving peace by taking the profits out of war. The approval that has rewarded its efforts, both from readers and those whom it has interviewed, shows the extent of the demand for legislation of this character.

I have so fully presented the matter to Congress because I believe it is vital to the future of the country and is a peace measure. We want no wars, but if we have them let us see to it that all citizens give equally of service and suffering.

I again urge action by the Military Committee.

The CHAIRMAN. The time of the gentleman from South Dakota has expired. Does the gentleman from Indiana [Mr. WOOD] claim the floor?

Mr. WOOD. No; I ask that the Clerk read. The gentleman was speaking out of order.

Mr. GARNER of Texas. Mr. Chairman, the gentleman from South Carolina [Mr. McSWAIN] is the author of the resolution that has been reported. He would like to have five minutes in order to discuss this matter from his angle. I think it would be fair to give him that five minutes.

Mr. WOOD. Mr. Chairman, I move that all debate on this paragraph or on any amendment, foreign to this bill, not dealing with it, be closed in five minutes.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto be closed in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. McSWAIN rose.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. McSWAIN. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to speak out of order. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, I am as much in favor of the principle as advocated by former President Harding and as enunciated by the Republican and Democratic platforms as anybody in the world can be, and I think I have manifested my interest by reason of the fact that I conducted hearings before the Committee on Military Affairs that filled a volume of 250 pages. I think I can modestly say I have studied the subject somewhat, and I want to say to you, in all frankness, that while I am sincerely in favor of the general principle involved here—a principle that can be so glibly shot off in terms of justice and humanity, and so on—the more I have studied it the greater difficulty I have seen in framing legislation which will accomplish that result with impartial and exact justice to all interests concerned in the future. For that reason, gentlemen, I have asked that a commission be created along the line of the general proposition included in the resolution introduced by the gentleman from Iowa [Mr. RAMSEYER]; that a commission representing the House and the Senate be appointed; and my resolution contemplates also bringing from the outside representatives of the three great interests of the Nation, to wit, capital, industry, and labor, and also bringing representatives from the Cabinet, to wit, the Departments of War, Navy, and Commerce, so that when this report comes in here there will be the combined and resultant judgment of all these factors in American life.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield there?

Mr. McSWAIN. Yes.

Mr. JOHNSON of South Dakota. When the gentleman conducted the hearings, did not the Secretary of War and the Secretary of Commerce, and the Secretary of the Navy appear before him, and have not all of them given the Committee on Military Affairs the benefit of their judgment?

Mr. McSWAIN. Exactly so, but in general terms. But, gentlemen, as I have stated time and time again before the com-

mittee, although I have my views about this matter, I am not so very cocksure of my judgment in a matter of such vast importance as this as not to want to sit around a table with men who have contrary views as to the details of it. My idea is that we should consider one matter in connection with other matters. We should consider that legislation word by word, and paragraph by paragraph, and frame it in such a way as that it will last not only for a day but for the future, in the event there should be another war.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. LAGUARDIA. Does not the gentleman think that after the substantive law has been passed by us it would then be time enough to consider administrative features and details, as suggested by the gentleman's resolution?

Mr. McSWAIN. Yes; probably so. But the proposition in the Johnson bill virtually is this, To give the President alone absolute power to take every human being and every particle of property in this whole Nation, to be used at his own absolute, uncontrolled discretion; and I say now that while the matter is now fresh in our minds, while the experiences of the last war are still fresh in our minds, and we retain vivid memories of recent incidents and events, while we are still cognizant of the mistakes as well as the successes with which we conducted that great war, we, in our wisdom, should define the manner in which the President shall exercise that power, because I am not willing to create a despot unless I know who that despot is to be. [Applause.]

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. McKEOWN. I want to say to the gentleman that that is one of the great questions which have occupied our thoughts, and I agree with my friend that we should be very careful in framing the legislation.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Certainly.

Mr. JOHNSON of South Dakota. Does not the gentleman understand that under the Constitution of the United States there is no place where we can vest this war power except in the hands of the President, and we have placed that power in the hands of the President in every war that we have conducted?

Mr. McSWAIN. No. Congress possesses the duty and the power, and Congress alone can declare how the war powers shall be exercised; and when we declare war, and only then, do we place the conduct of the war in the hands of the President, a power that the Constitution gives him, a power to be exercised according to law enacted by Congress. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired. The Clerk will read.

The Clerk read as follows:

For all printing and binding for the Bureau of Efficiency, $350.

Mr. STENGLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. STENGLE. Mr. Chairman, it is not my purpose at this time to undertake to make any extended remarks, but rather to continue a part of the speech made by me on January 17 last, under the head of general debate on this particular appropriation bill. On that date those of you who have had interest enough to read my remarks will remember that I set forth certain indictments and at the same time recommended certain cures. Subsequent to that speech on reclassification a number of my colleagues have said to me that they like the ideas I have promulgated, but that I am not specific enough as to details in order to convince those who are in doubt as to whether or not my indictments would lie in the premises were they brought to judgment.

It shall be my purpose from this hour on as specifications come into my possession—and they are coming in by every mail—to submit them for the RECORD in order that he who runs may read and understand whether or not the indictments I have laid at the door of the Personnel Reclassification Board are based upon facts or upon fiction, upon real orderly procedure or upon frivolity, personal feeling, or animosity.

In connection therewith, as specification No. 1, I call the attention of the House to page 343 of the hearings by the subcommittee of the House Committee on Appropriations in charge of the Treasury Department appropriation bill. On that page Mr. Wetmore—James A. Wetmore, Supervising Architect—was on the stand and being catechized by members of that committee. In answer to a question by the gentleman from Pennsylvania [Mr. VARE] Mr. Wetmore, among other things, declared:

I would like to say that we have but three people in the entire office who are above the minimum of the grade in which they are, and those three persons average only about $100, possibly, above the minimum.

That seemed to satisfy the committee having charge of appropriations for the division under the supervision of Mr. Wetmore.

Now, my colleagues, I hold in my hand a survey made of only one bureau under the supervision of the said Mr. Wetmore. I likewise have here, and later on will submit as addenda, the history and facts concerning every other bureau under his direct supervision, but at this time I shall read from a blueprint prepared by an expert. I say prepared by an expert because I have known this man for the last 10 years and I know his expert ability. I know he is an expert and I know he knows what he is talking about.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STENGLE. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. STENGLE. That man has been fair enough and honest enough to acknowledge that in all my work along the lines I have been pursuing here I have had only one object in view, namely, the elevation of the service and not to pander to the whim or caprice of either men in high authority or those in low estate. I want to read into the RECORD for your edification a copy of the last July 1 allocation. Mr. Simon, superintendent of the drafting divison, was $3,000; under the allocation he is now $5,200, an increase of 72 per cent. Mr. Stone, assistant superintendent, was $2,750; he is now $3,800, an increase of 40 per cent. Mr. Elliott, head draftsman, was $2,500; he is now $3,800, an increase of more than 50 per cent.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. STENGLE. I will yield if the gentleman will not take up all of my time.

Mr. BLACK of Texas. I do not want the gentleman to create an erroneous impression. When the reclassification act was passed the Chief of the Bureau of Standards, for example, was getting $5,000 and the law now classifies his position in such a way that, I suppose, he will get $7,500. Now, where is that the fault of the classification agency? I called attention to these large increases in some of the higher grades when we had the bill up and I offered amendments seeking to correct them. The amendments were adopted by the House but the items of excessive rates were restored in the Senate.

Mr. STENGLE. If the gentleman is sincerely desirous of seeking honest information he can help me obtain it if he will get an explanation from somebody as to why a lawyer has been made Supervising Architect in the Treasury Department.

Mr. BLACK of Texas. Well, Mr. Wetmore has been acting as executive officer in that department, to my certain knowledge, for seven or eight years, and seems to be a very capable man.

Mr. STENGLE. Under the title of Acting Supervising Architect, which is a misnomer and a violation of the civil service law. Now, I will go further, and I hope gentlemen will not disturb me, because my time will be gone. There are here next following five, and I ask permission to extend my remarks by putting the names and figures in the RECORD, in which there is an increase of 40 per cent, and then there appear five more with an increase of 39 per cent. Then we come to that great working army, that army referred to by some here as the "kickers in the departments—the ones who are always complaining." Whenever we undertake to criticize a higher-up there is always somebody on this floor, on one side or the other, who points with "snivelng eye" to the poor little employee who happens, perchance, to be getting a very humble wage. Let me say to those who attack the poor underdogs in the departments in this city that the humblest man or woman in any of the departments is an American citizen and entitled to your protection and mine as well as the higher ups. Now, I want to say that this great department, this bureau, has 12 colonels and 22 privates; the 12 colonels have taken over most of the money we voted and the 22 privates have gotten only about 6 per cent.

My colleagues, listen to the following and then inform me as to what you think of such a situation:

	On July 1 last	Final allocation
Superintendent Simon	$3,000	$5,200
Assistant Superintendent Stone	2,750	3,800
Head Draftsman Elliot	2,500	3,800
Foreman Noll	2,740	3,800
Foreman Balch	2,740	3,800
Foreman Morris	2,740	3,800
Foreman Foerster	2,740	3,800
Foreman Blakeslee	2,640	3,800
Assistant Foreman Whiton	2,440	3,000
Assistant Foreman Lane	2,440	3,000
Assistant Foreman Litzau	2,440	3,000
Assistant Foreman Muldny	2,240	3,000

These all belong to the coterie of bosses, and, of course, were well cared for. What was left of the lump-sum appropriation was then divided among those who do the real work in that office. Scan the following list and see whether the instructions of this Congress have been carried out, either in letter or spirit:

Draftsmen	Salary July 1 last	Final allocation
Crane	$2,440	$2,500
Bachschmid	2,240	2,400
McClelland	2,240	2,400
Brody	1,840	2,400
Burgess	2,240	2,400
Scott	2,240	2,400
Walther	2,040	2,400
Mason	2,040	2,400
Lamster	2,240	2,400
Krauss	2,040	2,160
Jones	1,640	1,680
Buckingham	2,240	2,400
Woodward	2,240	2,400
Williamson	2,040	2,400
Evans	2,040	2,400
Simpson	1,640	1,680
Wischusen	2,040	2,400
Palcho	1,840	2,400
Bausch	2,040	2,400
Brown	2,040	2,400
Welsh	2,440	2,500
Keene	1,740	2,400

Crane, Bachschmid, McClelland, Burgess, Scott, Lamster, Buckingham, Woodward, and Welsh are all "charge men"; that is to say, they are qualified both by experience and education to take charge of important work and are put in charge of important work for the Government. And yet, the total increase granted these men is only $1,240, or an actual increase of only 6 per cent. Compare, if you please, the treatment of these with that of those among the "bosses" and you will find one of the reasons why complaints are pouring into our offices about the reclassification.

I wish to announce through you, Mr. Chairman, that until the midday shall strike on March 4; yes, further than that, even after I have left the sacred confines of this glorious Chamber, I will dedicate my life and my feeble efforts to the running down of the last one who grabbed the money for the higher-ups and kept it from those for whom it was intended.

Mr. BLACK of Texas. Mr. Chairman, I rise to oppose the pro forma amendment.

The gentleman from New York [Mr. STENGLE] seems to think that every time a Member of the House gets up and calls his attention to the provisions of the reclassification law he is showing some lack of sympathy for the lower-paid Government employees.

As I stated when we were discussing the Bureau of Efficiency, there are 64,000 employees of the Federal Government in the District of Columbia, and able man as the gentleman from New York is, it will be impossible for him to sit as a judge as to the classifications that have been made under the reclassification law; but I do submit that when that bill was before the House of Representatives for legislative consideration—and we did not have the honor of the gentleman's presence; I wish he had been here—there were Members of the House who demanded to know how much it was going to cost the Government, and in answer to that very proper and pertinent inquiry we gave them information from the witnesses who came before us, and we said it will cost this. It will continue the basic salaries plus the $240 increase during the war, and will give an average increase over these two items of about 5 per cent.

Mr. STENGLE. Will the gentleman yield?

Mr. BLACK of Texas. I will be glad to yield.

Mr. STENGLE. I submit the gentleman made the statement a moment ago that he regretted I was not here when you passed that bill.

Mr. BLACK of Texas. I do.

Mr. STENGLE. May I not inquire whether the gentleman does not think a man who has come later and who observes facts that are outstanding is entitled to and ought to show them to his colleagues?

Mr. BLACK of Texas. Yes; and I am always glad to hear the gentleman; but I would like to ask him this question: Does the gentleman contend that in this process of reclassification the Government employees, speaking of them as a body, have not received their basic salary plus the $240 temporary increase paid during the war, plus an average increase of something like 5 per cent?

Mr. STENGLE. My answer to that will be this, and you will find it confirmed by the chairman of the Committee on Appropriations this year. If you will read the hearings of the various departments before the Committee on Appropriations this year, you will discover by admissions made that the vast majority of the funds that this House voted in lump sum last year were allocated to "higher ups," who did not need the money so much, and the "lower downs" were left out in the cold.

Mr. BLACK of Texas. Well, that is perhaps a good speech to make, and I am not defending any erroneous, much less any wrongful classifications that have been made; but I do call attention to the fact that the professional services, for example, were given a maximum of $7,500. The executive officers in the clerical service were given a maximum of $7,500, and therefore the head of a bureau like the Bureau of Standards, for example, or the head of a bureau like the Bureau of Chemistry, was classified in the professional services, and by very force of the law was given the salary of his grade.

Mr. STENGLE. Now, will the gentleman yield?

Mr. BLACK of Texas. Just one minute, and then I will yield.

I am not defending these higher salary scales. I sought to lower them. My amendments were adopted, but the Senate restored them, and some of the very gentlemen that I have heard say most about this matter on the floor of the House were the ones who did nothing at all to prevent that high salary scale which I called attention to on the floor of the House and sought to correct.

Mr. LEHLBACH. Will the gentleman yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. LEHLBACH. The gentleman will remember that the amendments of which he speaks and which he offered on the floor of the House had been previously agreed to by the committee and had the backing of the committee.

Mr. BLACK of Texas. Yes; the gentleman from New Jersey supported them, I am glad to say.

Mr. STENGLE. Will the gentleman permit an observation there?

Mr. BLACK of Texas. Yes.

Mr. STENGLE. I do not want to be understood on this floor or elsewhere as being opposed to paying a fair wage for honest service. A "higher up," if we want to call him that, who occupies a position of responsibility, who is doing great work of initiation, whose thoughts are original, whose activities are productive, ought to be recognized and recognized well, but the point I make is that you and others and myself last year by lump-sum appropriations determined to distribute over this vast army of Government servants a certain amount of money with the understanding that it should be apportioned in accordance with the reclassification law, and when the results are brought back this year to the Committee on Appropriations—and I ask any Member to deny it if I misstate the facts——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask that the gentleman may have three more minutes. I want to ask him a question.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] asks that the time of the gentleman be extended three minutes. Is there objection?

There was no objection.

Mr. STENGLE. I submit my only spirit of fault finding is with the violation of the spirit and of the very letter of our instructions of last year, to wit, that only $60 is given to hundreds and thousands as an increase in their wage, while others are getting increases from $2,000 to $3,000, and I ask

the gentleman, in all fairness, is that his conception of an allocation under the law?

Mr. BLACK of Texas. It is not. I have no desire and no purpose to defend any wrongful act in administering the law, but I do want to call attention to the law, and I do not believe any gentleman who remembers the discussion will dispute it, that it was understood that the general body of Government employees would receive their basic salaries plus the $240 temporary increase during the war, plus about 5 per cent increase, and I think that has been done; and if it has not been done——

Mr. STENGLE. Did they get that?

Mr. BLACK of Texas. I think so. That is my understanding. I do not contend that every individual Government employee got it, but I think most of them did.

Mr. STENGLE. I submit that I know a member of the committee here who thinks not.

Mr. BLACK of Texas. Well, I will be glad to hear from them during the discussion at some time. It has been my understanding they have received it.

Mr. BYRNS of Tennessee. I will state, since the gentleman has referred to me, that I know of a number of bureaus and divisions in some of the departments—one I have in mind particularly, in the Department of the Treasury, where two, the chief and the assistant chief, were given the maximum salaries and not a single clerk in the bureau given a single cent of increase.

Mr. BLACK of Texas. Does the gentleman mean to say that they do not get the basic salary plus the $240, commonly referred to as the bonus?

Mr. BYRNS of Tennessee. Oh, yes; they got the bonus.

Mr. BLACK of Texas. And the pay of the grade in which they are classified.

Mr. BYRNS of Tennessee. I do not know about that; they are put in a different class. I do know they were not given any increase while the chief and the assistant chief were given the maximum.

Mr. BLANTON. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. BLANTON. The gentleman mentions some amendments which he offered and which the House adopted. I want to say that some of the most salutory amendments that the House has passed have been offered by my colleague from Texas, and when he works on a proposition and gets the House to adopt his view and the bill goes to another body, and that body without any consideration at all sets it aside, I am glad that gentleman is letting the country know about it.

Mr. BLACK of Texas. I think a real mistake was made by the Senate when they did not accept and adopt my amendments.

Mr. BLANTON. Another body did make a mistake when they set that aside.

Mr. BLACK of Texas. I think so, and in order to change it we will have to amend the law. I again say it is not my purpose to defend an excessive increase in salary which any bureau chief may have received. But we might as well understand one time as another that the main fault is with the law.

I heard a song not long ago running something like this:

Give a man a boat, he will sail;
Give a man a horse, he will ride.

Quite so.

Also it may be said, "Give these bureau chiefs high-salary scales and they will use them."

Gentlemen need not think they will cure that condition by heaping abuse on the Bureau of Efficiency. Whatever remedy is needed will have to come through amending the law along the lines which I sought to amend it when it was before the House in 1923.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

CIVIL SERVICE COMMISSION

Salaries: For three commissioners and other personal services in the District of Columbia in accordance with the classification act of 1923, $470,000.

Mr. WOODRUM. Mr. Chairman, I move to strike out the last word. I want to consume two or three minutes of time, and I do it reluctantly because I know the distinguished chairman of the committee is chafing under the time that has been so far consumed in the consideration of the bill, but I think that what I am to say is apropos at this point. It is under the Civil Service Commission. About three or four hundred thousand employees of the Government have been very much interested in a liberalization of the Federal retirement law. In the beginning of the sixty-eighth session of Congress the Civil Service Committee, of which I am a member, under the very able and efficient leadership of the gentleman from New Jersey [Mr. LEHLBACH], started a series of hearings on a retirement bill. We got the benefit of very elaborate and comprehensive reports from actuaries, and heard many witnesses, and reported out March 24 the bill H. R. 8202, the purpose of which is to liberalize the Federal retirement act. Right away our committee, through its chairman—and I will say that the committee rendered a unanimous report on the bill—went to the Rules Committee of this House and asked to be permitted to bring the legislation on the floor of the House.

At that time the attention of the House was being directed to the McNary-Haugen bill. A jam of legislation was looming on the horizon, and we could not get a hearing. The Civil Service Committee has been standing on the doorstep of the Rules Committee since the bill was reported out 10 months ago asking for its consideration.

Now, Mr. Chairman, on the 26th of January the distinguished Secretary of the Interior wrote a letter to the chairman of the Senate Committee on Civil Service in which he made this statement—

I am authorized to state that the members of the President's Cabinet favor an increase in annuities for the Government employees and hope that Congress at the present session will come to an early decision on the retired Federal salaries by increasing their annuities under the present law.

Mr. Chairman, I agree heartily in that opinion of the President's Cabinet and which, of course, has the sanction of the President. The letter of the Secretary of the Interior was speaking for the Cabinet of President Coolidge.

Again, on January 28 the Secretary of Labor wrote a letter to the Secretary of the Interior and concluded it in this way:

Now my dear Mr. Secretary, don't you think, in all fairness, we should combine to insist that Congress raise the retirement amount so that the Government will be able to pay these retired employees out of the employees' own money an amount at least equal in purchasing power to the sums named in the bill?

The situation is a peculiar one. The bill was reported to the House 10 months ago. The Committee on Civil Service unanimously reported it. Every man on the committee favored it and wants it enacted into law. The distinguished chairman of the committee has done everything here to get it before the House. In a few weeks we will adjourn and the legislation will not be enacted into law.

These increased annuities are to be paid out of their own money. The employees have made a fund of over $35,000,000 plus, and Congress is not called upon to appropriate a nickel. They simply ask you that they may take it out of their own money. The President is for it, the Cabinet is for it, and it is being opposed by no one. Yet, we can not get it out on the floor of the House. Now it looks to me like the country and these employees are being led to believe that the administration wants the legislation passed, but Congress will not do it. Gentlemen, the responsibility might as well go where it belongs. Whenever the Rules Committee of the House, composed of eight Republicans and four Democrats, under the leadership of the gentleman from New York, will allow us to come on the floor with this bill and give you gentlemen an opportunity to pass upon it, I predict there will be no substantial objection to it. I believe it can be passed in an afternoon, and if the President and his Cabinet are honestly, sincerely in favor of liberalizing the retirement law so that this vast army of workers can be taken care of out of their own funds, then I ask them to knock at the doors of the Rules Committee and speak the magic word that will give us an opportunity to bring the legislation here for your consideration. The country might as well know that it is within the power of administration leaders, and they alone, to give the House a chance to do the thing that the President's Cabinet so eloquently proclaims is needed.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

The Clerk read as follows:

Except for one person detailed for part-time duty in the district office at New York City, no details from any executive department or independent establishment in the District of Columbia or elsewhere to the commission's central office in Washington or to any of its district offices shall be made during the fiscal year ending June 30, 1926; but this shall not affect the making of details for service as members of boards of examiners outside the immediate offices of the district secre-

taries. The Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office or field force.

Mr. LEHLBACH. Mr. Chairman, I make the point of order against the paragraph. It is clearly legislation.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard?

Mr. WOOD. Mr. Chairman, I do not think the point of order is well taken. We are making a direct appropriation instead of an indirect appropriation. We have the right primarily to make the appropriation. It is merely a matter of whether it shall be made for services outside or inside the District of Columbia. It is a matter of expediency, a matter of saving money to the Treasury.

The CHAIRMAN. What does the gentleman's point of order cover?

Mr. LEHLBACH. Mr. Chairman, in line 11, beginning with the words "except for one person detailed," and so forth, down to and including the words "field force," in line 22. This is clearly legislation. It prohibits the transfer or detail from any departments or independent establishments of the Government of employees to perform services under the direction of the Civil Service Commission.

Mr. WOOD. Mr. Chairman, this same provision has been carried in the last three appropriation bills, as I recall.

Mr. LEHLBACH. The paragraph went out on a point of order last year.

Mr. WOOD. Oh, I beg the gentleman's pardon, it did not.

Mr. LEHLBACH. I think I made the point of order and it was conceded, and I think it went out. It may have been carried in the bill, because it was restored in the Senate.

Mr. BLANTON. Mr. Chairman, the gentleman from New Jersey has been regular all of the time and the gentleman from Indiana ought not to read him out of the party.

Mr. LEHLBACH. If I may reserve my objection for a moment, I shall tell the gentleman from Indiana why I press the point of order. I understand that the Civil Service Commission has received ample funds to proceed. It does not need these assignments from other quarters, and as far as the practice is concerned, this prohibition is not necessary; but if this is carried in the bill, and the bill pending in the Senate should become a law which abolishes the Personnel Classification Board and vests its functions in the Civil Service Commission, then the Civil Service Commission will have to function as the Personnel Classification Board is now functioning, by having details made to it, and this might prevent it. It is to prevent a deadlock, in the case of pending legislation being adopted.

Mr. WOOD. The gentleman is trying to anticipate legislation.

Mr. LEHLBACH. I am trying to prevent improper legislation, that might cause trouble in the future, particularly as that legislation is not necessary, as the Civil Service Commission does not think of asking for details, except it becomes necessary when the situation changes, if the bill I have referred to is passed.

Mr. WOOD. Mr. Chairman, I call the attention of the Chair to the fact that this is a restriction upon details. They could detail, and it used to be the practice, and they did detail from half a dozen other governmental agencies for the service that they are now asking only one from. It is a restriction upon legislation and consequently a restriction upon expenditure.

Mr. LEHLBACH. It is not a restriction upon this appropriation.

Mr. WOOD. It does not have to be a restriction upon this appropriation. If it is a restriction and results in a limitation of expenditures, it comes within the rule.

The CHAIRMAN. The Chair is ready to rule. This paragraph is not in the form of a limitation, and does not seem to the Chair to contain the substance of a strict limitation on an appropriation carried in the bill. It does not purport to retrench expenditures or to reduce the amount carried in the bill, so that it is not in order under the Holman rule. The whole force of the paragraph, if it has any, is to affect the law as it now stands. It seems to be clear that it is legislation, and, therefore, the Chair sustains the point of order.

The Clerk read as follows:

For employment of expert examiners not in the Federal service to prepare questions and rate papers in examinations on special subjects for which examiners within the service are not available, $2,000.

Mr. TAYLOR of West Virginia. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to speak for five minutes out of order.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to speak for five minutes out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of West Virginia. Mr. Chairman, some very interesting figures have recently been brought to light as a result of the election held on November 4.

As a West Virginian I am proud to say that at the recent election West Virginia cast 72 per cent of its eligible vote—a percentage greater than that of any other State in the Union—and we can no longer be looked upon as being a "slacker State" in the exercise of the right of franchise.

Mr. WOOD. Mr. Chairman, I wish to correct the gentleman right there. The State of Indiana cast more than 82 per cent.

Mr. TAYLOR of West Virginia. I am going to get to Indiana; and I want to say for the benefit of the gentleman from Indiana that I accepted these figures from the Associated Press at that time, which gave West Virginia as having 72 per cent and Indiana as having 71½ per cent. This is the first intimation I have had that West Virginia does not claim first honors in the aggregate of eligible votes cast in the recent election, and unless some other figures are brought forward to my attention—not doubting, of course, the gentleman from Indiana—I shall still claim West Virginia as coming first in the total eligible votes cast at the recent election.

These remarks are in favor of West Virginia and not directed against any other State where the vote was not so great and while comparisons are said to be odious, in justice to the great State that I have the honor to represent in part, a few comparisons should be made that will more clearly set forth the great achievement of West Virginia.

Ranking next to West Virginia is the State of Indiana, where a total of 71½ per cent of her eligible vote was cast, while Wyoming was next with 69 per cent.

Turning our gaze to the eastward we find that Pennsylvania cast 42 per cent of its eligible vote, New York 50 per cent, and New Jersey 57 per cent. Looking southward we find that South Carolina cast only 6 per cent of its eligible vote, Georgia and Mississippi ranking next with 12 per cent, and Louisiana having a total of 13 per cent.

Mr. BYRNES of South Carolina. If the gentleman will permit, the votes cast in South Carolina were wisely cast, and I do not know I can say the same of all the votes cast in West Virginia——

Mr. TAYLOR of West Virginia. It is only fair, however, to state that in these Southern States the political contests are decided in the primary elections of spring or summer and it is reasonable to suppose that at these elections a much greater percentage of the eligible vote is cast.

The heaviest general voting took place in the West. North Central States of Minnesota, Iowa, Missouri, North and South Dakota, Nebraska, and Kansas maintained a general average of 62 per cent.

Mr. COLE of Iowa. Has the gentleman any figures as to the cities?

Mr. TAYLOR of West Virginia. No, sir; I have not.

Mr. COLE of Iowa. I will call the attention of my friend that my home city of Cedar Rapids, Iowa, cast 98½ per cent of the total eligible vote.

Mr. TAYLOR of West Virginia. That is a very splendid showing, and I am very glad to hear it.

The heavy voting in West Virginia is particularly gratifying in that it shows an awakened public conscience and a desire on the part of mountaineers to participate in the conduct of their Government. This happy condition was largely brought about by the splendid daily and weekly newspapers of the State which entered upon a campaign of education in an effort to induce citizens to exercise the right of suffrage and the further fact that in the main splendid tickets were in the field.

It is with a sense of pride and pleasure that I call to the attention of the House and to the country at large the achievement of West Virginia, first among many other things, as also first in the percentage of eligible votes cast at a general election. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Employees' compensation fund: For the payment of compensation provided by "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, including medical, surgical, and hospital services, and supplies provided by section 9, and the transportation and burial expenses provided by sections 9 and 11 and advancement of costs for the enforcement of recoveries

provided in sections 26 and 27 where necessary, accruing during the fiscal year 1926 or in prior fiscal years, $2,150,000.

Mr. ALLGOOD. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman why the employees' compensation fund has been reduced from $2,350,000 to $2,150,000?

Mr. WOOD. I will state to the gentleman from Alabama that I asked that question myself of the man in charge, and this reduction is due to the fact that there are unexpended balances, so that they have as much for their use for this activity as they had before. I asked the question as to why this was, and the answer was:

In 1925 we estimated it would be $2,475,000. We estimate that we will spend pretty nearly that much in 1926. We are only asking for $2,150,000, but we estimate we are going to have a balance of $200,000 at the end of 1925 which we can use in 1926.

Mr. ALLGOOD. Does the gentleman refer to page 54 of the report?

Mr. WOOD. Page 59 of the hearings.

Mr. ALLGOOD. On page 54, Mr. Verrill, a member of this commission, states:

I have no general statement. The work is running about the same as it has in the past, except that we have noted for the first five months of the fiscal year an increase in injuries and claims. I can hardly say it was an expected increase. It has appeared in every month of the present fiscal year.

INCREASE IN INJURIES

The increase in injuries has been about 18 per cent in those five months as compared with the corresponding five months of last year. The increase in the number of claims has been about 8½ per cent.

Mr. WOOD. You can not depend on the number of claimants as a criterion of the amount of expenditure. In some years there may be few claims in large amounts and in another year there may be a great many more claims, but they may not involve as much money as do a few claims.

Mr. ALLGOOD. If you will look at page 62 of the hearings you will find the statement that out of 8,479 claims submitted to the commission last year 908 were rejected.

Again, if you will refer to page 61, you will find the statement of Doctor Ernst to the effect that the burden of proof rests upon the claimant. When a Government employee is injured or stricken with disease while in line of duty and while in a weakened and sick condition and while he is not able to work to keep the wolf from the door, it does not seem charitable or just to say to him that the "burden of proof rests on him," which expression was made by Doctor Ernst on page 61 of the hearings before the committee. I favor reducing expenditures; but if you are going to reduce them, I am not in favor of reducing them by making the sick people and the people who have been injured while in the service of this Government of ours in civil life pay for it. I do not understand that that is true economy. It is as the gentleman from Tennessee [Mr. BROWNING] said yesterday, in addressing the House, when he referred to the Veterans' Bureau, where the Veterans' Bureau had spent as much as $10,000 in rehabilitating tuberculous patients and then left them without any compensation at all, out in the cold, cruel world, and in a short time they were down on their backs again, possibly in worse condition than when they first went into the hospital; whereas if the Government had given them, as the gentleman from Tennessee suggested, 50 per cent of compensation, they could have buffeted the waves and they would not again place the Government to heavy hospitalization expenses. The Employers' Compensation Commission turned down 908 cases last year, and these sick and injured people evidently believed their claims were just. I believe every Member of this House had rather see them given the benefit of every doubt rather than have the commission report a surplus of $200,000. Where it is a question of cold, sordid dollars as against rehabilitation and compensation to human beings I do not think all the burden of proof should rest upon poor, sick, weakened humanity. I understand this committee states that those in charge of this bureau did not ask for the same appropriation that they had last year. Yet their report shows that 10 per cent or 12½ per cent of those who applied for compensation failed to receive it. Mighty efforts have been put forth for increased pay of postal employees or other Government servants, and some relief along this line has been accomplished. Last year I spoke in behalf of increased appropriations for compensation in the Veterans' Bureau for those brave men whose physical powers were torn and shattered in defense of our flag, and I am glad to see that this bill has increased this item from eighty-three millions to one hundred twenty-seven millions. Those whose lives are broken in Government service during times of peace should also receive better treatment.

The CHAIRMAN. The time of the gentleman from Alabama has expired. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Contingent expenses: For contingent and miscellaneous expenses of the offices at Washington, D. C., including purchase of blank books, maps, stationery, file cases, towels, ice, brooms, soap, freight and express charges; telegraph and telephone service; and all other miscellaneous items and necessary expenses not included in the foregoing, and necessary to collect moneys and loans due the corporation, $5,500.

Mr. DEAL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word.

Mr. DEAL. Mr. Chairman, I desire to call attention to another bureau or commission of the Government, the Housing Corporation. This is a joint-stock company, I believe, the stock of which has been subscribed to and paid for by the Federal Government. Its purposes are threefold: First, it is in the real estate business; secondly, in the hotel business; and, thirdly, in the transportation business.

It is to the third item that I desire to call attention. This transportation consists in operating ferries within my own district, connecting the cities of Norfolk and Portsmouth, Va. It is the only means of ingress and egress from our city to the mainland.

We are surrounded by water in every direction. I said that the only possible means of outlet was this ferry, but there is one other outlet across Hampton Roads, a distance of 15 miles by ferry. However, this is our principal outlet and it is the only physical connection for vehicular and passenger traffic between the cities of Norfolk and Portsmouth.

The Government commandeered this property, which is owned by the city of Portsmouth and the county of Norfolk, during the war and proceeded to make improvements, at an expenditure of $1,300,000. I think those are about the figures. These figures were swelled by mistakes made in the engineering department, which resulted in the building of a ferry slip so narrow that the boats could not enter, and so they had to remove the slip and rebuild it, thus increasing the cost of the improvements and betterments.

The Government is still operating the ferry, although it is some five years or more since the war, according to the date at which we place the closing of the war, and they have increased the ferry charges to our people for passenger traffic 100 per cent, and for vehicular traffic about 300 per cent, thus placing the burden of paying for the mistakes of the Government during the war entirely upon the people of my district when it should be distributed among the entire people of the United States.

I felt it was time that we should know the facts in this case; that it should be called to the attention of the House, and that some steps should be taken when the next appropriation bill has been brought in to see that the activities of this business corporation shall be closed out.

Mr. BLANTON. Will the gentleman yield?

Mr. DEAL. Certainly.

Mr. BLANTON. The distinguished gentleman from Indiana [Mr. WOOD], who is controlling this bill, and who is in control of the Congress and the Government and the United States just now, says that he is going to keep this corporation in existence; that he is going to keep on furnishing these facilities to the people who enjoy them, and that it is a part of the governmental functions. It is a new policy, and it is a new doctrine for him to preach, but he is preaching it, and the afternoon papers have about a column or a column and a half on the front page——

Mr. DEAL. I can not yield any further. I am sorry to learn that the gentleman from Indiana insists on continuing these activities, because if that is true then we are due to pay a 100 per cent increase in our passenger and vehicular service until eternity, but I hope the gentleman really does not intend to do that.

Mr. WOOD. Will the gentleman yield?

Mr. DEAL. Yes.

Mr. WOOD. The gentleman from Texas is inclined to be facetious. There was nothing in my remarks yesterday that would warrant the statement he has now made. The only part of this housing corporation that I said I felt should be continued for the time being was the Government hotels.

Mr. BLANTON. That was what I was referring to.

Mr. WOOD. And that we should continue them only until such time as the insatiable maws of the profiteers here could be satisfied and some provision made to take care of these girls. In so far as the transportation part of this housing corporation is concerned, that is rapidly being disposed of, the one now being talked about being one of the few that has resulted in being operated at a profit.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. DEAL. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. WOOD. I will state that negotiations are now going on, we are informed by those who have charge of the housing corporation, for the disposition of this very property.

Mr. DEAL. I am much obliged to the gentleman from Indiana for that information, but I would like to say for his information that I have been in contact or in touch with this department for the past four years, and they are always getting ready to clean up, but they have not cleaned up. They have taken no decided steps, so far as I have been able to determine, to correct this condition and cease the operation of these ferries.

Now, the president of the housing corporation points with a great deal of pride to the fact that these ferries represent the one activity in which he has engaged that is profitable. Of course it is profitable. His figures show that during the past five years these ferries have made for the Government $534,000, a gradually increasing net revenue each year. During the past year, 1924, the net revenues were $184,000. This he points to as a reason for the continued operation of these ferries. I do not intend to say that he has said that is the reason, but that is one of the things that he prides himself upon.

Now, what we want to do is to get rid of paying that $184,000 a year for the privilege of having the Government operate this business. Prior to the war these ferries were operated not only to Norfolk and Portsmouth, and Portsmouth to Berkley, but from Norfolk to Portsmouth, Portsmouth to Berkley, and Berkley to Norfolk, with two additional ferryboats that are not operated now, the two having been taken off, and our connection between Berkley and Norfolk has ceased to exist. Then we charged only 2½ cents for passenger ferriage and 10 cents for a vehicle, while to-day we are paying 5 cents for passengers and from 25 to 35 cents, or about 30 cents for a vehicle.

Under these conditions, of course, the housing corporation can make money. We of Norfolk are compelled to accept this service. It is absolutely the only means by which we can get out of our city with vehicles, and if they charged us 10 cents fare for a passenger and $1 for a vehicle we would have to pay it, and under those circumstances the president of the housing corporation could just as easily show a profit of $1,000,000 as he shows a profit of $184,000. He also takes the position now that the Government could capitalize the value of its equity in these ferries on the basis of the revenue they yield, and under those conditions, when they are turned back, he could require the city of Portsmouth and the county of Norfolk to pay him something like $5,000,000 for a property on which they have spent $1,300,000, at least one-third of which was thrown away by the mistakes of their engineers, and these improvements were placed there at the peak of high prices.

It is against these conditions that I protest. I am also opposed, Mr. Chairman, to the operation, notwithstanding the opinion of our good friend, the gentleman from Indiana, of the hotel business. It does not seem to me that the Government ought to be operating hotels for the convenience of a part of our citizens. These hotels are operated practically at cost. I believe Mr. Watson, the president of the housing corporation, claims that he earned $20,000, and finding he was earning too much money he remitted in rentals or charges to the patrons of these hotels $2.50 a month.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BLANTON. Mr. Chairman, I make the point of no quorum.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 11505, the independent offices appropriation bill, had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 25. An act providing for a per capita payment of $50 to each enrolled member of the Chippewa Tribe, of Minnesota, from the funds standing to their credit in the Treasury of the United States;

H. R. 7064. An act to encourage commercial aviation and to authorize the Postmaster General to contract for air-mail service; and

H. R. 8308. An act authorizing the Coast and Geodetic Survey to make seismological investigations, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 11956) to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1975. An act for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Firemen's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co.; and

S. 2842. An act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes.

PERMISSION TO ADDRESS THE HOUSE

Mr. BERGER. Mr. Speaker, I ask unanimous consent to address the House to-morrow morning for 30 minutes out of the regular order after the reading of the Journal and following the gentleman from Texas [Mr. JONES].

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to address the House to-morrow for 30 minutes after the reading of the Journal and following the gentleman from Texas [Mr. JONES]. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. CABLE, for four days, on account of business.

Mr. BLACK of New York, indefinitely, on account of death in his family.

Mr. GALLIVAN, for three days, on account of important business.

HOUR OF MEETING TO-MORROW

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it shall adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Ohio asks unanimous consent that when the House adjourns to-night it shall adjourn to meet to-morrow morning at 11 o'clock. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. LONGWORTH. Mr. Speaker, I also ask unanimous consent, renewing the request I made last evening, that on Wednesday, between the hours of 8 and 11 o'clock in the evening, it shall be in order to consider bills on the Private Calendar, unobjected to, beginning with the first bill. I will say for the information of gentlemen there are about one hundred and sixty-odd bills on this calendar, and there are about 35 bills which precede the star.

Mr. BLACK of Texas. Reserving the right to object, and I shall not object, because I do not want to interpose an arbitrary objection, but it seems to me a fairer way to do it would be to take up the calendar where we left off and then go back.

Mr. LONGWORTH. There are some bills I know that have been objected to—something like the first 35. I hope we will be enabled to complete the calendar before the session is over.

Mr. BLACK of Texas. I think the gentleman's statement is correct, and I shall not interpose any arbitrary objection; but I think the fairer thing to do is to begin where we left off and then go back.

Mr. LONGWORTH. I made the request in this form after a conference with the minority leader, who thought it would be wise to try to complete the whole calendar.

Mr. BLACK of Texas. But that does not give the other bills a show. We may not get clear through the calendar, and the bills at the foot of the calendar will not have any chance at all.

Mr. LONGWORTH. My only desire is to accommodate the membership of the House.

Mr. GARRETT of Tennessee. I think we might adopt the suggestion of the gentleman.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that when the calendar is taken up we shall begin at the consideration of the first starred bill, No. 298, on the calendar.

The SPEAKER. The gentleman from Ohio asks unanimous consent that there shall be a session next Wednesday evening between the hours of 8 and 11 o'clock for the consideration of unobjected bills on the calendar, beginning at Calendar No. 298. Is there objection?

Mr. BARBOUR. Reserving the right to object, can the gentleman give us any assurance when we will take up bills that are objected to?

Mr. LONGWORTH. I should hope that we might have consideration of the entire calendar before adjournment.

Mr. BARBOUR. At the last night session there was a certain class of bills that were objected to—no reason given, but they were all objected to.

Mr. LONGWORTH. I shall be very glad to suit the convenience of Members as to this calendar, but it must be understood that it will be at night sessions, for we do not have time in the daytime.

Mr. CHINDBLOM. Will the gentleman yield for a suggestion? It is not at all likely that we are going to get through the calendar twice. I have no bill on the calendar; but why not follow the suggestion made by the gentleman from Texas, to begin where we left off? That seems to be eminently fair and will give an opportunity from now on to go through the entire calendar once.

Mr. LONGWORTH. I think I had better leave the request as I have made it.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROTECTION FROM FOREST FIRES

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the protection of forests from fires.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker, the protection of our forests is one of the vital duties of the Nation. The Forest Service of the United States, under the guidance of the Chief Forester, has built up a wonderful system of fire control and protection. The great bulk of our forest fires are due to carelessness and to human agencies, campers and tourists, who are afforded the opportunity of the fine shade and pleasure of the forest and then fail to put out their camp fires. The result is that each year there is a loss of millions of dollars in timber and the further loss of the protection that the timber affords in preserving the moisture for the summer supply of water for irrigation and for holding the snows and rain.

The American custom of cigarette smoking also contributes its disastrous results, through personal carelessness, to the loss of the Nation. This habit of careless smoking during droughty periods or in the autumn, when the grass and vegetation is dry, and by the throwing of a lighted match or a burning cigarette into the dry vegetation, has caused the loss of much timber and other vegetation not only of great value but also very necessary for the protection of the arid part of the United States. And the same is not entirely confined to the arid part of the country. During the period of dry vegetation the loss by these careless habits affects every part of the country.

The district forester in New Mexico reports the area burned in 1924 to be double that burned in 1923, and reports 800 forest fires in the national forests of New Mexico and Arizona. He reports that under their excellent system of alarms and supervision that only one fire in ten exceeded 10 acres in size. The forester further says that the fire-control organization functioned with the success of a well-organized body during the period of danger; of the total 808 forest fires which occurred within the 14 national forests in Arizona and New Mexico, 60 per cent were reached and extinguished before they became as large as one-fourth of an acre and 10 acres.

The total area burned over in these States—New Mexico and Arizona—amounted to 11,096 acres; value of the timber upon this at the usual valuation and you have the loss of thousands of dollars to the Government, besides the loss in these States of this vast timber area for reservoir purposes in conserving the snow and rain for the next several generations unless reforested. This the Government is not doing as promptly and as systematically as the needs of the Nation require.

When the Nation can realize the vastness of the forest areas in these two States, in their several reserves, the importance of fire protection can be seen. In New Mexico the area covered by national forests is 9,500,000 acres, containing 15,000,000,000 feet of timber. In Arizona the area covered by national forests is 11,204,304 acres.

Colorado seems to be one of the States that has gotten its fire system, for the protection of its forests and State lands, to such a system that the losses by fire for the past seven years have been at a minimum. It might be well for the other States in the mountain districts to profit by Colorado's system of forest-fire control. In 1922 Colorado had a total of 158 fires; in 1923 it had 59 fires; in 1924, 207 fires. Most of this land burned over was in small tracts, the great bulk of it less than 10 acres. The classification of the Colorado forest fires follows:

Forest fires in Colorado in 1924

Caused by—	
Lightning	33
Railroads	31
Campers	47
Smokers	66
Brush burning	9
Incendiary	2
Lumbering	3
Miscellaneous	16

The timbered land burned over in 1924 in Colorado was 1,671 acres; nontimber land 326 acres. Total damage was $12,457. The private lands burned over in Colorado in 1924 were: Timber land, 478 acres; nontimber lands, 487 acres; total 965 acres; damage to private land $11,872. The cost of fighting fires in Colorado during the same year was $12,749. This State made an excellent showing in 1924.

The State of Oregon, containing one-fifth of all the standing timber in the Nation, lost by forest fires in 1910 a total of six lives and timber valued at two and one-fourth million dollars, and one-fourth million dollars to other property. In 1912 to to 1924, inclusive, the loss of standing timber has been 1,393,531,000 board feet, valued at $1,798,206. Other losses by fire in that State are placed at $2,000,000. Oregon now seems to be cooperating with the National Government in the protection of its timber.

In California, for 10 years ending in 1920, an area of 415,000 acres was burned over by forest fires caused by lightning alone.

The 1922 table of forest fires for the following States is:

	Acres
Washington	451,534
Oregon	208,958
Colorado	1,809
New Mexico	10,034
Arizona	2,735
Utah	327

In quoting from Chief Forester Greeley's report under date of June 30, 1923, we find this:

> The importance of such research is realized when we recall that our annual forest fire loss amounts to over $16,000,000; that we have 81,000,000 acres of denuded and nonrestocking forest lands, a large part of which will require planting; that by managing our forests intelligently we can increase their growth of wood four and one-half times; and that the primary industries which depend upon forests for their raw material have an annual product of $2,500,000,000.

It is important to realize that the United States contains 469,000,000 acres of forest lands with all sorts of timber cut over and burned; of this the great bulk should always be forest land.

The great States of Michigan and Wisconsin, also Minnesota, once had one-eighth of the entire forests of the United States, or 112,000,000 acres. Over 20,000,000 acres in the Lake States, suitable for the growing of timber, are now fire-damaged regions, devastated plains, and swamps.

In dealing with the State of Minnesota and quoting from the report of the chief forester, he says, the lack of reforestation in this State must be attributed to the fact that fire protection is still inadequately provided for. Whenever ample funds are furnished by the State to make possible a more complete protection system the need for artificial reforestation will be

greatly reduced. Natural seeding will follow in most cases, if fires are kept out. Probably 80 per cent of the reforestation problem is keeping fires out of the woods. People of Minnesota are still concerned with the utilization of the present timber crop and are paying little attention to the growing of a new one. And yet, of all our great resources, timber is the most easily renewable.

The classification of forest fires in Minnesota is as follows:

For the year 1921:

Total number of fires		888
Area burned over	acres	112,000
Fire damage:		
Mature timber		$49,259.60
Immature timber		60,499.86
Other damages		148,964.20
Total		258,723.66

For the year 1922:

Total number of fires			1,255
Area burned over:			
Highland	acres	244,426	
Peat land	do	265,643	
			510,069
Fire damage:			
Mature timber			$328,709.00
Immature timber			480,730.00
Other damage			322,837.00
Total			1,132,276.00

For the year 1923:

Total number of fires			1,600
Total area burned over—			
Peat land	acres	109,842	
Highland	do	381,000	
			490,842
Fire damage:			
Mature timber			$1,175,137.25
Immature timber			744,477.69
Other damage			216,035.66
Total			2,135,650.60

The Government report says:

Of the total of nearly 1,500,000 acres cut over in the pine region of California, 564,000 acres are estimated to be in a nonproductive condition, mainly because of fire. These 564,000 acres are either completely denuded of tree growth, or are depleted to the extent that less than a third of the stand has survived. Table 18 shows by classes of owners the amount of cut-over land and the amount of nonproductive land. The figures are approximate, being based on extensive field examination of the larger areas and representative samples of the smaller.

TABLE 18.—*Proportion of denuded areas on cut-over land in private ownership to 1922*

Class of ownership	Number	Total cut-over land	Area denuded	
			Acres	Per cent
Large operators	24	636,430	271,970	34
Small operators	270	100,000	20,000	20
Large nonoperators	34	121,050	46,550	38
Small nonoperators	76	75,000	25,000	33
Water and powers companies	5	34,800	8,900	26
Graziers	2	81,000	12,000	30
Railroads	2	94,000	32,300	34
Pulp and paper companies	1	14,300	4,300	30
Mining companies	9	6,470	2,870	44
Others	2,982	355,950	140,110	39
Total	3,405	1,409,000	564,000	38.4

The same bulletin, No. 1294, United States Department of Agriculture, says:

Fires on cut-over lands destroy the great bulk of advance reproduction, even though seed trees may survive. Where minimum damage occurs, however, as is the case with uncontrolled spring or fall slash fires, the slash itself is incompletely consumed, and the dead reproduction adds to the fuel for another fire.

The bulletin further adds:

One major result of past fires has been the stripping of the merchantable timber from nearly 1 acre out of every 7 of timber-producing land. At a very conservative estimate this represents a loss of 86,000,000,000 board feet of timber, or at the present rate of cutting in the pine region, enough to run all of the mills in the region for nearly half a century.

In a comprehensive survey of the pine region of California, perhaps the most striking feature is the vast area of land within the timber belt proper that brush occupies. Disregarding entirely the chaparral, still no careful observer can fail to be impressed with the unproductiveness of what was once timber-producing land. Out of a total area of 13,625,000 acres in 10 of the important national forests in the central and northern parts of California, there are estimated to be 1,862,000 acres of brush fields. This total area, comprising the Sierra Nevada, the coast ranges north of Clear Lake, and the cross ranges of northern California, embraces by far the largest part of the California pine region. Table 19 shows both the total extent and the relative importance of the brush fields in the different parts of this region.

TABLE 19.—*Brush-field areas in 10 of the national forests in California*

National forest	Total area, acres	Area of brush fields	
		Acres	Per cent
Klamath	1,734,665	254,530	14.7
Trinity	1,724,125	246,200	14.3
Shasta	1,630,000	318,000	19.5
California	1,062,572	201,000	18.9
Lassen	1,306,287	154,490	11.8
Plumas	1,458,140	170,000	11.7
Tahoe	1,105,137	95,000	8.6
Eldorado	835,800	58,200	7.0
Stanislaus	1,104,412	179,230	16.2
Sierra	1,662,560	185,000	11.1
Total	13,624,698	1,861,670	13.7

DAMAGE TO WATERSHEDS

In some of the older countries, where the effect of destructive agencies is most thoroughly understood, the secondary or indirect influence of the forest are given as much consideration as its value in producing a wood crop.

In California, Munn's investigations have shown clearly the influence of fire, not only on the site itself but on erosion and run-off. Fires seriously reduce the mechanical interference with erosion afforded by the forest or brush cover and also destroy the fertile vegetable mold or humus of the top layers of soil. This reduction is in itself a lowering of site quality, since the nitrogenous material derived from humus is essential for a vigorous growth of forests. It also adversely affects the moisture-holding capacity of the soil, so that less water is held per cubic foot of soil after the fire than before. Experiments over a period of years show that run-off is more rapid on burned than on unburned areas and that erosion is more likely to start and to reach more disastrous proportions, and that the flow during the dry period is much less in streams heading in burned watersheds than in those in the forested areas.

In so far as a single fire is concerned, even a very intense or destructive one, the period of heavy erosion does not continue indefinitely; but particularly on brush fields and cut-over areas, where fires are ordinarily severe, site deterioration and erosion after fires have been shown to follow most readily. These secondary forms of damage—site deterioration, erosion, and changes in stream flow—have proved to be very difficult to evaluate, since their effects are not so immediate or so readily discernible as direct damage to virgin timber.

Serious as are the results of fire and subsequent erosion on the forested lands of the mountains, it is at least an open question whether the tributary valley lands are not in the long run affected equally. As a change from extensive grain growing to intensive agriculture develops further in the great California valleys, the importance of an adequate and sustained supply of water for irrigation becomes more and more imperative.

In fire protection the Air Service of the Government is bound to become an important factor for the future, and this should be considered in our efforts in developing our aerial service—how invaluable this might become in forest protection of the future!

Forest fires covered a total of 56,488,207 acres of forest land in 45 States and caused damages amounting to $85,715,747 from 1916 to 1920, inclusive.

It naturally follows from the data that I have attempted to give you that one of the great agencies in the destruction of our forests is the careless and uncontrolled fires that are permitted in and about forest land; the loss to the Nation is so great that it is staggering to our intelligence when we stop to figure the same out and then be compelled to admit that, outside of natural causes, the greater part of these fires can be prevented if our American traveler would but use care and judgment.

This Government can assist and render efficient encouragement to the Forest Service, that certainly is functioning in the

western part of the United States in a manner worthy of especial notice, in protecting our great vital resource, the timber of the Nation.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Saturday, January 31, 1925, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

829. A letter from the Attorney General and the Secretaries of the Interior and Labor, transmitting report of a selection of a site at Alderson, W. Va., for the establishment of a Federal industrial institution for women; to the Committee on the Judiciary.

830. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the fiscal year ending June 30, 1924, $7,700, a supplemental estimate of appropriation for the fiscal year ending June 30, 1925, $1,335,000, for the Department of Agriculture, amounting in all to $1,342,700; also drafts of proposed legislation affecting existing appropriations (H. Doc. No. 592); to the Committee on Appropriations and ordered to be printed.

831. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal year ending June 30, 1925, for the War Department, amounting to $43,552.43; also drafts of proposed legislation affecting existing appropriations (H. Doc. No. 593); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 11703. A bill granting the consent of Congress to G. B. Deane, of St. Charles, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of St. Charles, in the county of Arkansas, in the State of Arkansas; with amendments (Rept. No. 1327). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 11706. A bill to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Road crossing, Idaho; without amendment (Rept. No. 1328). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 11255. A bill granting the consent of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.; with an amendment (Rept. No. 1329). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 11367. A bill granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania; without amendment (Rept. No. 1330). Referred to the House Calendar.

Mr. VESTAL: Committee on Coinage, Weights, and Measures. S. 3895. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont; without amendment (Rept. No. 1342). Referred to the House Calendar.

Mr. WRIGHT: Committee on Military Affairs. H. R. 204. A bill to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army mine-planter service; with an amendment (Rept. No. 1343). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 11923. A bill to relieve persons in the military service of the United States during the war emergency period from claims for overpayment at that time not involving fraud; without amendment (Rept. No. 1344). Referred to the Committee of the Whole House on the state of the Union.

Mr. FREE: Committee on the Merchant Marine and Fisheries. H. J. Res. 334. A joint resolution to amend section 2 of the public resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved April 14, 1922; without amendment (Rept. No. 1345). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WURZBACH: Committee on Military Affairs. H. R. 2514. A bill for the relief of John Doyle, alias John Geary; with an amendment (Rept. No. 1331). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 9036. A bill for the relief of Henry Simons; without amendment (Rept. No. 1332). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 10537. A bill to remove the charge of desertion from the record of Benjamin S. McHenry, known as Henry Benjamin; without amendment (Rept. No. 1333). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. S. 2950. An act to define and determine the character of the service represented by the honorable discharge issued to John McNickle, of Company L, Seventh Regiment New York Volunteer Heavy Artillery, under date of September 27, 1865; without amendment (Rept. No. 1334). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 106. An act for the relief of Robert F. Hamilton; without amendment (Rept. No. 1335). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 245. An act for the relief of Henry P. Collins, alias Patrick Collins; without amendment (Rept. No. 1336). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 513. An act for the relief of Eustacio B. Davison; without amendment (Rept. No. 1337). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 1011. An act for the relief of Michael Sweeney; without amendment (Rept. No. 1338). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 1543. An act for the relief of George E. Harpham; without amendment (Rept. No. 1339). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 2035. An act for the relief of Albert O. Tucker; without amendment (Rept. No. 1340). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 3534. An act to correct the military record of Thomas C. Johnson, deceased; without amendment (Rept. No. 1341). Referred to the Committee of the Whole House.

Mr. FREDERICKS: Committee on Claims. H. R. 2979. A bill for the relief of Louie June; with an amendment (Rept. No. 1346). Referred to the Committee of the Whole House.

Mr. FREDERICKS: Committee on Claims. H. R. 4013. A bill for the relief of Rear Admiral Joseph L. Jayne, United States Navy, retired; without amendment (Rept. No. 1347). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 8423. A bill for the relief of Ann Margaret Mann; without amendment (Rept. No. 1348). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 9299. A bill for the relief of John W. King; with an amendment (Rept. No. 1349). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 11830. A bill for the relief of the Royal Holland Lloyd, a Netherlands corporation of Amsterdam, the Netherlands; without amendment (Rept. No. 1350). Referred to the Committee of the Whole House.

Mr. McREYNOLDS: Committee on Claims. S. 1664. An act for the relief of Dr. C. LeRoy Brock; with an amendment (Rept. No. 1351). Referred to the Committe of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9140. A bill for the relief of Ocean Steamship Co. (Ltd.); with an amendment (Rept. No. 1352). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (S. 3576) for the relief of Margarethe Murphy, and the same was referred to the Committee on Foreign Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MORIN: A bill (H. R. 12058) to authorize the appointment as a colonel on the retired list of the Army, with retired pay, of the person now holding a commission as colonel in the Officers' Reserve Corps who has served more than 45 years in the military forces of the United States and State of Pennsylvania and has had certain military service; to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 12059) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes; to the Committee on the District of Columbia.

By Mr. TAYLOR of Colorado: A bill (H. R. 12060) to establish a free guide service for the Capitol Building; to the Committee on Accounts.

By Mr. MOONEY: A bill (H. R. 12061) to authorize the sale of lighthouse property and keepers' dwellings thereon at Cleveland, Ohio, and providing more suitable quarters for the lighthouse keepers at Cleveland, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. LINEBERGER: A bill (H. R. 12062) to provide cooperation to safeguard endangered agricultural and municipal interest and to protect the forest cover on the Santa Barbara, Angeles, San Bernardino, and Cleveland National Forests from destruction by fire, and for other purposes; to the Committee on Agriculture.

By Mr. SEARS of Florida (by request): A bill (H. R. 12063) to authorize the Secretary of War to grant a perpetual easement for railroad right of way over and upon a portion of the military reservation on Anastasia Island, in the State of Florida; to the Committee on Military Affairs.

By Mr. HILL of Maryland: A bill (H. R. 12064) to recognize and reward the accomplishment of the world flyers; to the Committee on Military Affairs.

By Mr. KVALE: Memorial of the Legislature of the State of Minnesota, urging the Congress of the United States to enact legislation restoring equality to agriculture through creation of an export corporation; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of Ohio: A bill (H. R. 12065) granting an increase of pension to Susan Williams; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 12066) granting a pension to Agnes V. Kready; to the Committee on Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 12067) granting an increase of pension to Nancy H. Berry; to the Committee on Invalid Pensions.

By Mr. PERLMAN: A bill (H. R. 12068) for the relief of R. S. Howard Co.; to the Committee on War Claims.

By Mr. SEARS of Nebraska: A bill (H. R. 12069) granting an increase of pension to Lydia A. Raynor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12070) granting a pension to Louise J. Eller; to the Committee on Invalid Pensions.

By Mr. STEAGALL: A bill (H. R. 12071) permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black; to the Committee on the Public Lands.

By Mr. SWOOPE: A bill (H. R. 12072) granting an increase of pension to Elizabeth Longenecker; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 12073) granting a pension to Maggie E. Anderson; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 12074) granting a pension to Mary E. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12075) granting a pension to Susan A. Drake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12076) granting a pension to Mary J. Edwards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12077) granting a pension to Clara J. Horner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12078) granting a pension to Mary Ann Sinclair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12079) granting a pension to Elizabeth Thomas; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 12080) granting a pension to Mary E. Voorheis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12081) granting an increase of pension to Sewell C. Rose; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 12082) granting an increase of pension to Martha J. McLaughlin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3606. By the SPEAKER (by request): Petition of Woman's Republican Club (Inc.), New York City, N. Y., urging Congress to enact House bill 9225, providing punishment for sending propaganda against the Government through the mails; to the Committee on the Post Office and Post Roads.

3607. By Mr. BIXLER: Petition of citizens of North Warren, Warren County, Pa., opposing Sunday observance legislation; to the Committee on the Judiciary.

3608. Also, petition of Oil City Rotary Club, Oil City, Pa., favoring increase of appropriations to Bureau of Fisheries, Department of Commerce; to the Committee on Appropriations.

3609. By Mr. HOWARD of Nebraska: Petition of citizens of Tekamah, Nebr., opposing the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3610. By Mr. MORROW: Petition of the Chaves County (N. Mex.) Game Protective Association, in favor of the game refuge bill; to the Committee on Agriculture.

3611. By Mr. O'CONNELL of New York: Petition of the City Club of New York, favoring the passage of House bill 7014 and Senate bill 2287; to the Committee on Military Affairs.

3612. Also, petition of the Chamber of Commerce of the State of New York, favoring the passage of House bill 7014; to the Committee on Military Affairs.

3613. Also, petition of the New York Life Insurance Co. opposing the passage of House bill 11078 and Senate bill 3764, known as "the District of Columbia rent act"; to the Committee on the District of Columbia.

3614. Also, petition of the Eberhard Faber Pencil Co. of Brooklyn, N. Y., favoring the passage of House bill 9629, "reorganization bill"; to the Committee on the Civil Service.

3615. By Mr. SWING: Petition of citizens of Anaheim, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

SENATE

SATURDAY, *January 31, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, always remembering our needs and seeking our highest good, we humbly beseech of Thee to accept our thanks this morning, and grant unto us constantly a realization of Thy nearness, so that whatever we may do, or say, or think may be agreeable to Thy good pleasure. Help us in matters of deepest moment, and when perplexities multiply may we find for ourselves that Thou hast opened a pathway toward which righteousness tends and that the highest excellencies of Government shall be realized in and through us. Hear us, help us, be with us always. We ask in Jesus' name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, January 26, 1925, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM TENNESSEE

The PRESIDENT pro tempore laid before the Senate the credentials of L. D. TYSON, elected a Senator from the State of Tennessee for the term beginning on the 4th day of March, 1925, which were read and ordered to be filed, as follows:

STATE OF TENNESSEE,
DEPARTMENT OF STATE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1924, L. D. TYSON was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1925.

Witness: His excellency our governor, Austin Peay, and our seal hereto affixed at Nashville, this 14th day of January, in the year of our Lord 1925.

AUSTIN PEAY, *Governor.*

In witness whereof, I have hereto affixed my signature and the great seal of the State, at Nashville, this 14th day of January, in the year of our Lord 1925.

[SEAL.] E. N. HASTON,
Secretary of State.

FEDERAL INDUSTRIAL INSTITUTION FOR WOMEN

The PRESIDENT pro tempore laid before the Senate a letter signed by the Attorney General, the Secretary of the Interior, and the Secretary of Labor, reporting, in compliance with law, upon the selection of a site for the Federal Industrial Institution for Women, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., January 29, 1925.

Hon. A. B. CUMMINS,
President of the Senate, Washington, D. C.

MY DEAR MR. PRESIDENT: In compliance with section 2 of the act of June 7, 1924, "For the establishment of a Federal Industrial Institution for Women," we have the honor to report that we have selected Alderson, W. Va., as the site for the institution in question.

We have examined into the merits of the respective sites offered, and have fixed upon Alderson, W. Va., not only because the natural advantages of the location are equal to those found at any other site available, but because (1) a tract of land comprising 202 acres, known as the "Rose farm," situated in Monroe and Summers Counties, W. Va., is to be donated free of cost to the United States Government, (2) 300 acres of adjoining farm land comprised in the "Nash farm" can be purchased for $48,000, (3) the town of Alderson has agreed to cooperate with the Government in securing an adequate water supply for the institution, and (4) necessary terminal facilities will be provided by the railroad companies.

Respectfully,

HARLAN F. STONE,
Attorney General.
HUBERT WORK,
Secretary of the Interior.
JAMES J. DAVIS,
Secretary of Labor.

REPORT OF THE CAPITAL TRACTION CO.

The PRESIDENT pro tempore laid before the Senate the report of the Capital Traction Co., submitted pursuant to law, for the year ended December 31, 1924, which was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

Mr. FESS presented resolutions of the East Cleveland (Ohio) Chamber of Commerce, favoring the participation of the United States in the World Court under the terms of the so-called Harding-Hughes plan, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented resolutions of the Kansas State Board of Agriculture, favoring the imposition of a sales tax on luxuries and a tariff duty on hides, which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Eldorado, Kans., remonstrating against the passage of the so-called compulsory Sunday observance bill for the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BROOKHART presented the petition of Mrs. J. M. Williams and sundry other members of the Lowell Club, of Boone, Iowa, praying for the adherence of the United States to the World Court under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

He also presented the memorial of B. F. Carviness and sundry other citizens of Warren County, Iowa, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. PEPPER, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 178) to provide for the loaning to the Pennsylvania Academy of the Fine Arts of the portraits of Daniel Webster and Henry Clay, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 3899) to create a Library of Congress Trust Fund Board, and for other purposes, reported it with amendments.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3824) to provide for the appointment of a leader of the Army band (Rept. No. 948); and

A bill (S. 4010) to amend the national defense act of 1916, as amended (Rept. No. 949).

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 4825) for the establishment of industrial schools for Alaskan native children, and for other purposes, reported it without amendment and submitted a report (No. 954) thereon.

Mr. KENDRICK, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 4151) to provide for aided and directed settlement on Government land in irrigation projects, reported it without amendment and submitted a report (No. 955) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (S. 2941) authorizing the President of the United States to appoint Philip T. Coffey to the position and rank of captain in the United States Army and immediately retire him with the rank and pay held by him at the time of his discharge, reported it with amendments and submitted a report (No. 956) thereon.

Mr. BROOKHART, from the Committee on Claims, to which was referred the bill (H. R. 6695) authorizing the owners of the steamship *Malta Maru* to bring suit against the United States of America, reported it without amendment and submitted a report (No. 960) thereon.

COLUMBIA RIVER BRIDGE

Mr. JONES of Washington. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 10533) granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River, and I submit a report (No. 950) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, on page 1, line 4, to strike out the words "its successors," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Washington, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River, at a point suitable to the interests of navigation, approximately 1 mile south of the town of Chelan Falls, in the State of Washington, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RIO GRANDE RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10645) granting consent of Congress to the Valley Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex., and I submit a report (No. 951) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress be, and is hereby, granted to the Valley Bridge Co., a corporation organized under the laws of Texas, to construct, maintain, and operate a bridge and approaches thereto, at a point suitable to the interests of navigation across the Rio Grande near Hidalgo, Tex., in accordance with the pro-

visions of an act entitled "An act to regulate the construction of bridges across navigable waters," approved March 23, 1906: *Provided*, That the consent of the proper authorities of the Republic of Mexico to the construction, maintenance, and operation of the bridge shall also be obtained.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10150) to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.," approved November 19, 1919, and I submit a report (No. 952) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That the act approved November 19, 1919, authorizing the Limestone-Morgan Bridge Co. to construct, maintain, and operate a highway and interurban railway bridge and approaches thereto across the Tennessee River at or near the city of Decatur, Ala., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge hereby authorized be commenced within one year and completed within three years from the date of approval hereof.

SEC. 2. The State of Alabama shall have the right and power at any time after such authorization is granted to acquire said bridge and approaches thereto constructed under the authority of this act at a reasonable price, such price not to exceed in any event the actual necessary cost thereof, less reasonable depreciation: *Provided*, That the said State of Alabama shall operate and maintain the same as a free bridge, either immediately upon acquiring it or after collecting tolls thereon for such period as may be necessary to reimburse the State the cost of its acquisition and to meet the necessary repair, maintenance, and operation costs during such period.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEARL RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 3782) granting the consent of Congress to the Great Southern Lumber Co., a corporation of the State of Pennsylvania, doing business in the State of Mississippi, to construct a railroad bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi, and I submit a report (No. 953) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 3, to strike out all after the word "the," where it occurs the first time, down to the word "approximately," on page 2, line 1, and insert "times for commencing and completing the construction of a bridge authorized by act of Congress approved January 31, 1923, to be built by the Great Southern Lumber Co. across the Pearl River at"; and in line 2, page 2, to strike out after the word "Mississippi" and the comma, the remainder of the bill down to and including the figures "1906," on page 2, line 5, and insert "are hereby extended one and three years, respectively, from the date of approval hereof," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved January 31, 1923, to be built by the Great Southern Lumber Co. across the Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for the construction of a bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi."

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 4158) to prevent a recurrence of agricultural depression; to place agricultural commodities upon an equality under the tariff laws with other commodities; to place agriculture upon an equality with industry and labor; and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. MOSES:

A bill (S. 4159) granting a pension to William H. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. BUTLER:

A bill (S. 4160) granting an increase of pension to Richard F. Murphy (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 4161) authorizing the transfer of abandoned and unused lighthouse-reservation lands and buildings to States, counties, or municipalities for public-park purposes, and authorizing the transfer of lighthouse-reservation lands and buildings in exchange for other real property, and for other purposes; to the Committee on Commerce.

By Mr. JONES of Washington:

A bill (S. 4162) to establish home ports of vessels of the United States, to validate documents relating to such vessels, and for other purposes; to the Committee on Commerce.

A bill (S. 4163) for the relief of Heimo Sarkkinen; to the Committee on Claims.

By Mr. TRAMMELL:

A bill (S. 4164) for the purchase of a site and the erection of a post-office building thereon at West Palm Beach, Fla.;

A bill (S. 4165) for the erection of a public building for a post office and other purposes at Key West, Fla.;

A bill (S. 4166) for the purchase of a site and the erection of a post-office building thereon at Monticello, Fla.;

A bill (S. 4167) to enlarge, extend, remodel, etc., public building at Miami, Fla.;

A bill (S. 4168) for the purchase of a site and the erection of a post-office building thereon at Daytona, Fla.;

A bill (S. 4169) for the purchase of a site and the erection of a post-office building thereon at Fort Myers, Fla.;

A bill (S. 4170) for the purchase of a site and the erection of a post-office building thereon at Madison, Fla.;

A bill (S. 4171) for the purchase of a site and the erection of a post-office building thereon at Quincy, Fla.;

A bill (S. 4172) for the purchase of a site and the erection of a post-office building thereon at De Funiak Springs, Fla.;

A bill (S. 4173) for the purchase of a site and the erection of a post-office building thereon at Milton, Fla.;

A bill (S. 4174) for the purchase of a site and the erection of a post-office building thereon at Clearwater, Fla.;

A bill (S. 4175) for the purchase of a site and the erection of a post-office building thereon at Fort Pierce, Fla.;

A bill (S. 4176) for the purchase of a site and the erection of a post-office building thereon at Starke, Fla.; and

A bill (S. 4177) for the purchase of a site and the erection of a post-office building thereon at Perry, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. EDGE:

A bill (S. 4178) to authorize the Port of New York Authority to construct, operate, maintain, and own a bridge across the Hudson River between the States of New York and New Jersey; and

A bill (S. 4179) to authorize the Port of New York Authority to construct, operate, maintain, and own bridges across the Arthur Kill between the States of New York and New Jersey; to the Committee on Commerce.

By Mr. FLETCHER:

A bill (S. 4180) for the relief of H. C. Magoon; to the Committee on Claims.

By Mr. WALSH of Massachusetts:

A bill (S. 4181) granting a pension to Anastasia Carroll (with accompanying papers); to the Committee on Pensions.

By Mr. PHIPPS:

A bill (S. 4182) granting a pension to Ulysses G. Jones; to the Committee on Pensions.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 180) authorizing and requesting the Postmaster General to design and issue a special postage stamp to commemorate the one hundredth anniversary of the founding of Fort Vancouver, Wash.; and in recognition of

the Fort Vancouver centennial celebration in 1925 (with accompanying papers); to the Committee on Post Offices and Post Roads.

AMENDMENT TO GOOD ROADS BILL

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT TO RIVERS AND HARBORS BILL

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce, and ordered to be printed.

CHANGES OF REFERENCE

Mr. JONES of Washington. Mr. President, Senate bill 4133, authorizing the Secretary of War to award the congressional medal of honor to Theophile A. Dauphin, was referred to the Committee on Commerce by mistake. The bill should go to the Committee on Military Affairs, and I ask unanimous consent that the Committee on Commerce be discharged from its further consideration, and that the bill may be referred to the Committee on Military Affairs.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

Mr. STERLING. Mr. President, the statement of the Senator from Washington in regard to another bill reminds me that House bill 646, to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations, is identical with Senate bill 1005. The House bill came to the Senate and inadvertently was referred to the Committee on Commerce, instead of the Committee on the Judiciary. I ask that the Committee on Commerce be discharged from the further consideration of that bill and that it may be referred to the Committee on the Judiciary.

Mr. JONES of Washington. I have no objection to that.

The PRESIDING OFFICER. Without objection the change of reference will be made. The Chair hears no objection.

REUBEN R. HUNTER

Mr. CAPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 353) for the relief of Reuben R. Hunter, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1; and agree to the same.

ARTHUR CAPPER,
SELDEN P. SPENCER,
THOMAS F. BAYARD,
Managers on the part of the Senate.

GEORGE W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

Mr. FLETCHER. May I ask the Senator from Kansas to explain the report.

Mr. CAPPER. The beneficiary was an employee of the Government who had a claim against the Government for personal injuries. The House reduced the allowance to $3,000. The Senate conferees have agreed to the reduction made by the House.

The report was agreed to.

PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that the President had approved and signed acts and a joint resolution of the following titles:

On January 29, 1925:

S. 1656. An act granting the consent and approval of Congress to the La Plata River compact;

S. 1976. An act for the relief of the Commercial Union Assurance C. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Lloyds; and

S. 2764. An act authorizing the President to order Leo P. Quinn before a retiring board for a rehearing of his case and upon the findings of such board either confirm his discharge or place him on the retired list with the rank and pay held by him at the time of his discharge.

On January 30, 1925:

S. 387. An act to prescribe the method of capital punishment in the District of Columbia;

S. 1179. An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes;

S. 1665. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.;

S. 3509. An act to change the time for the holding of terms of court in the eastern district of South Carolina; and

S. J. Res. 107. Joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges.

On January 31, 1925:

S. 51. An act for the relief of the owner of the schooner *Itasca*.

PAN AMERICAN EDUCATIONAL CONFERENCE (S. DOC. NO. 191)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State concerning participation by the Government of the United States in the Pan American Educational Conference, which, in pursuance of a resolution of the Fifth International Conference of American States, will be held at Santiago, Chile, in September, 1925. A copy of the proposed agenda of the conference is annexed to the report.

I request of Congress legislation authorizing and providing an appropriation of $24,230 for the expenses of delegates of the United States and their clerical and other assistants to the said conference, in accordance with the budget incorporated in the Secretary of State's report.

The attention of Congress is invited to the interest shown in this conference by educators in the United States, as illustrated in the memorandum accompanying the Secretary of State's report.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 31, 1925.

The PRESIDENT pro tempore. Morning business is closed.

POSTAL SALARIES AND POSTAL RATES

Mr. MOSES. Mr. President, yesterday in the course of the discussion of the postal rates bill, which the Senate passed during the afternoon, I promised to present my estimate of the sums to be raised by the measure under the different classifications of rates and mail matter, and I now wish to present the data. I shall ask to have the table which I hold in my hand printed in the RECORD as a part of my remarks, but before I submit it I wish to make certain observations regarding the figures which it contains.

From the first-class mail matter my estimate is that we shall derive $12,500,000. This is based upon the estimate of the Post Office Department of 12,500,000,000 private mailing cards and post cards.

From second-class mail matter, namely, periodical and newspapers, I estimate that we shall derive $2,000,000 additional revenue. In connection with this I should state that the greater part of this added revenue will be derived, as I view it, from the increase in the volume of second-class mail which will be drawn back into the Postal Service.

From the second-class transient mail my estimate is that we shall derive $1,000,000 added revenue, and that is based upon the figures of the Post Office Department showing the volume of that class of mail, which is readily ascertainable.

I estimate that from the third-class mail, by the transfer of all packages less than 4 ounces in weight from fourth class to third class, we will increase the revenue by $3,000,000.

I estimate that in the fourth class, under the service charge of 1 cent as voted by the Senate in adopting the amendment proposed by the Senator from Tennessee [Mr. MCKELLAR], we shall derive $9,000,000.

I estimate that from the use of the expedition stamp, which is the 25-cent charge for special handling of parcels-post packages, we shall derive $6,750,000. This estimate is based upon the assumption that no more than 3 per cent of the parcel-post packages will make use of this special service. It is my personal opinion that a much larger percentage than 3 per cent of the parcel post will carry this charge.

From the added fees for insurance of packages in the third and fourth class mail I estimate that we shall receive $3,000,000 additional, and that is the figure stated by the Post Office Department.

From the increased fees for money orders I estimate that we shall receive $3,500,000, and this is also the estimate of the Post Office Department.

From the increase in fees for registration I estimate we shall procure $4,000,000 additional revenue, and this, too, is the estimate of the Post Office Department.

From the increase of fees on C. O. D. packages in the third and fourth classes I estimate an added revenue of $1,000,000, and this, too, is the estimate of the Post Office Department.

From the increase in fees for special delivery I estimate an additional revenue of $900,000, and this also bears the sacrosanct stamp of approval of the Post Office Department.

The total which I estimate the bill as passed by the Senate will add to the postal revenues is $46,650,000.

I ask that the table which I send to the desk may be inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection it is so ordered.

The table is as follows:

First class	$12,500,000
Second class	2,000,000
Second class, transient	1,000,000
Third class, by transfer from fourth class	3,000,000
Fourth class, service charge	9,000,000
Expedition stamp	6,750,000
Insurance	3,000,000
Money orders	3,500,000
Registry	4,000,000
C. O. D.	1,000,000
Special delivery	900,000
Total	46,650,000

Mr. NORRIS. Mr. President, may I ask the Senator a question before he surrenders the floor?

Mr. MOSES. Certainly.

Mr. NORRIS. A part of the estimates at least, it seems to me, would bring about an increase of expenses. For instance, the 25-cent stamp to be put on parcels that will enable them to travel as first-class mail would increase the amount of the space necessary to be hired, would it not?

Mr. MOSES. I do not think so, to any material extent, because, except on fast through trains, the parcel-post packages go along with the first-class matter, and in many of the closed pouches that are put off at intermediate stations they go in the same way.

Mr. NORRIS. Has the Senator deducted anything from any estimates on account of any increase in expense to the Government that it might bring about or would bring about?

Mr. MOSES. No; I have not, Mr. President, except with reference to the transfer of the 4-ounce packages from fourth to third class. I estimate a very great reduction in the volume of parcel-post mail.

Mr. WILLIS subsequently said: Mr. President, this morning the Senator from New Hampshire [Mr. MOSES] submitted a very interesting analysis of and some statements relative to the amount of revenue to be produced by the bill which passed the Senate yesterday increasing postal salaries and postal rates. I got into communication with the Post Office Department and have secured from that source the estimate made by the department. I think it is useful as public information, and I ask to have it printed in the RECORD.

Mr. CARAWAY. Mr. President, I understand that in an hour or two we will have the bill back here, so that if the Senator had waited——

Mr. WILLIS. I thought it desirable to get this information in the RECORD before the bill came back.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection to the request of the Senator from Ohio?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., January 31, 1925.

Hon. FRANK B. WILLIS,
United States Senate.

MY DEAR SENATOR: In response to your telephone request for a statement as to the effect of Senate bill 3674 as it relates to postal rates as passed by the Senate yesterday, I have to inform you as follows:

It is estimated that under the bill as passed by the Senate the following increase and decrease of revenues will result:

	Decrease	Increase
First class		$6,250,000.00
Second class:		
Transient		1,000,000.00
Publishers	$1,644,560.47	
Third class		3,000,000.00
Fourth class		10,000,000.00
Insured mail		3,058,147.94
Collect-on-delivery		1,103,879.19
Money-order service		3,582,490.29
Registry service		3,980,000.00
Special-delivery service		900,000.00
Total	1,644,560.47	32,874,517.42
		1,644,560.47
Net gain		31,229,956.95

These rates, according to the bill, will go into effect April 15 and produce for the present fiscal year about $6,506,000, whereas the salary increases, as the bill now stands, will go into effect last July 1st and entail an expenditure for the fiscal year of approximately $68,000,000.

Sincerely yours,

HARRY S. NEW,
Postmaster General.

THE CALENDAR

Mr. CURTIS. Mr. President, I wish to submit a unanimous-consent agreement. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII until 2 o'clock; that at 2 o'clock the unfinished business be temporarily laid aside; that the remainder of the afternoon be devoted to unobjected bills on the calendar; and that debate be limited after 2 o'clock to five minutes.

Mr. MOSES. Should the unanimous-consent request be granted the remainder of the day will be consumed in the consideration of the calendar?

Mr. CURTIS. Yes.

The PRESIDENT pro tempore. Is there objection to the request for unanimous consent which has been preferred by the Senator from Kansas?

Mr. HEFLIN. Mr. President, I should like to secure an agreement for the consideration and passage of the roads bill, which has been made the unfinished business. I do not think it will take long; probably it will not consume over 10 minutes.

Mr. MOSES. I think it will.

Mr. CURTIS. There are some amendments to be offered to that bill, and we shall take it up on Monday. As I understand, the Senator from South Dakota [Mr. STERLING], who is in charge of the bill, is perfectly willing to have that done. So I hope the Senator from Alabama will not object to the unanimous-consent agreement which I have asked.

Mr. HEFLIN. With that understanding, I shall not object.

The PRESIDENT pro tempore. Is there objection?

Mr. FESS. Mr. President, I should like to ask the Senator from Kansas [Mr. CURTIS] a question. Is it proposed that we shall proceed with unobjected bills on the calendar until 2 o'clock?

Mr. CURTIS. No; my request is that we shall proceed with the calendar under Rule VIII until 2 o'clock.

Mr. FESS. That is satisfactory to me.

Mr. FLETCHER. Would there me an objection to beginning the consideration of the calendar where we left off the last time the calendar was before the Senate?

Mr. CURTIS. I should have no objection to that, but I understand that the Senator from Maryland [Mr. BRUCE] has one bill on the calendar that he should like to have reached, which is before the point where the calendar was left off. I therefore ask that we begin the consideration of the calendar with the first bill.

The PRESIDENT pro tempore. The Chair did not understand the modification of the unanimous-consent request suggested by the Senator from Florida.

Mr. FLETCHER. I merely inquired whether we might not begin the consideration of the calendar where we left off when it was last before the Senate, but there seems to be a question about that, and so I withdraw the suggestion.

Mr. BRUCE. I thank the Senator.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. Does the Senator from Utah desire that a quorum shall be present before the unanimous-consent agreement shall be made? Without objection, the

unanimous-consent agreement is entered into. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Edge	Jones, N. Mex.	Reed, Pa.
Ball	Ernst	Jones, Wash.	Sheppard
Bayard	Ferris	Kendrick	Shipstead
Bingham	Fess	McKellar	Shortridge
Borah	Fletcher	McKinley	Simmons
Brookhart	Frazier	McLean	Smoot
Bruce	George	McNary	Spencer
Bursum	Glass	Means	Stanfield
Butler	Gooding	Metcalf	Sterling
Cameron	Greene	Moses	Swanson
Capper	Hale	Neely	Trammell
Caraway	Harreld	Norbeck	Wadsworth
Copeland	Harris	Norris	Walsh, Mass.
Couzens	Harrison	Oddie	Walsh, Mont.
Cummins	Heflin	Overman	Warren
Curtis	Howell	Pepper	Watson
Dial	Johnson, Calif.	Phipps	Wheeler
Dill	Johnson, Minn.	Reed, Mo.	Willis

Mr. HARRISON. Mr. President, I desire to announce that the junior Senator from Utah [Mr. KING] is necessarily absent on account of illness.

The PRESIDENT pro tempore. Seventy-two Senators have answered to the roll call. There is a quorum present. The Secretary will state the first bill on the calendar.

The bill (S. 55) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session, was announced as first in order.

Mr. DIAL. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1181) naming the seat of government of the United States was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 60) to stimulate crop reduction in the United States was announced as next in order.

Mr. SMOOT. Let that resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The resolution (S. Res. 124) directing the Interstate Commerce Commission to secure information relative to amount of money expended for the purpose of creating public interest favorable to railroad sentiment was announced as next in order.

Mr. BRUCE. I ask that the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 185) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. REED of Pennsylvania. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2401) providing for the compensation of retired warrant officers and enlisted men of the Army, Navy, and Marine Corps, or any other service or department created by or under the jurisdiction of the United States Government, and warrant officers and enlisted men of the Reserve Corps of the Army and Navy was announced as next in order.

Mr. SMOOT. I think that bill has been made a special order for February 2.

The PRESIDING OFFICER (Mr. FESS in the chair). The present occupant of the chair is advised that this is not the bill which has been made a special order.

Mr. SMOOT. I stand corrected. The bill which has been made a special order is Senate bill 33. I ask, however, that Senate bill 2401 may be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2299) to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922, was announced as next in order.

Mr. SMOOT. Let that bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2149) to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation, was announced as next in order.

Mr. SMOOT. The Senator from Nebraska [Mr. NORRIS], the chairman of the Committee on Agriculture and Forestry, who introduced the bill, is not present at the moment, and I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2150) to authorize arrests by officers and employees of the Department of Agriculture in certain cases and to amend section 62 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," was announced as next in order.

Mr. SMOOT. That bill also had better go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2151) to increase the subsistence and per diem allowances of certain officers and employees of the Department of Agriculture, was announced as next in order.

Mr. SMOOT. That bill also had better go over.

The PRESIDING OFFICER. The bill will be passed over.

EMELUS S. TOZIER

The bill (S. 1809) for the relief of Emelus S. Tozier, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged men of the United States Navy, Emelus S. Tozier, formerly a seaman in the United States Navy, shall hereafter be held and considered to have been honorably discharged on the 31st day of January, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURT REPORTERS IN UNITED STATES DISTRICT COURTS

The bill (S. 1639) to provide for the appointment of a court reporter by each judge of the United States district court, fixing their salaries and fees, defining their duties, and repealing all laws and parts of laws inconsistent herewith was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the district court of the United States in each district shall, for the purpose of perpetuating the testimony and proceedings therein, appoint one or more competent stenographic reporters, as the business to be done may require, who shall be known as the official reporters of said courts and who shall hold office during the pleasure of the judges appointing them, or of the successors of said judges. Such reporters as may be appointed from time to time shall attend all sessions of or hearings before the said district courts, and shall, upon the direction of the court in any civil or criminal action or proceedings, take in shorthand the testimony and all proceedings had upon the trial or hearing, except the arguments of counsel, and shall, when directed by the court or a party to the proceedings, transcribe the same within such time as the court may designate and preserve the original stenographic notes for a period of not less than five years.

SEC. 2. Such reporters before entering upon the duties of the office shall be sworn to the faithful performance thereof.

SEC. 3. The transcript of the testimony and proceedings in any case when duly certified by such reporters shall be deemed prima facie a correct statement of such testimony and proceedings.

SEC. 4. The compensation of such stenographers for services and transcripts and their duties, and the rules and regulations relating thereto, shall be prescribed by rules to be adopted by the district court in each district. The compensation shall not exceed such as is now or may be hereafter provided by law in the State courts in the State in which such district court is held, if such law there be. Such compensation for services shall be paid to the stenographers herein authorized in the same manner as the salaries of the judicial office are paid. The fees to be paid to such stenographers by the parties to actions or proceedings in said courts shall be prescribed by rules to be adopted by said court in each district. They shall not exceed such as are now or may be hereafter required to be paid to the State stenographers in the respective States in which said district courts are held, if any such there be.

In addition to the salary hereinbefore provided for, each reporter shall be entitled to receive his railroad fare and other traveling expenses, including subsistence, not exceeding $5 per day while absent from the place of his residence in the discharge of his official duties.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation."

BILL PASSED OVER

The bill (S. 1387) to provide for payment of the amount of a war-risk insurance policy to a beneficiary designated by Capt. John W. Loveland, jr., deceased, was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

JURISDICTION OF CIRCUIT COURTS OF APPEALS AND SUPREME COURT

The bill (S. 2060) to amend the Judicial Code, further to define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes, was announced as next in order.

Mr. CUMMINS. Mr. President, I have no intention of asking for the consideration of this bill under Rule VIII, but I rise for the purpose of directing the attention of Senators to it and asking them to become familiar with it, for it is a bill of very great importance. I shall endeavor at some appropriate time in the very near future to ask the Senate to take it up for consideration, and I am hoping that Senators who are interested in the administration of the law in the circuit courts of appeals and in the Supreme Court of the United States will become as familiar with it in the meantime as their convenience will permit. I hope to be able to secure the passage of the bill at this session of Congress.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. Certainly.

Mr. REED of Pennsylvania. I think the attention of every lawyer in the Senate has been called to this bill long ago by the members of the committee which prepared the original bill. Most of us have read it over carefully and studied it as far as time permits; and it was my impression, when the bill was last reached on the call of the calendar, that it would have been passed under the five-minute rule if the Senator himself had not asked that it go over. I think we are all familiar with it, and I do not see why the Senator does not permit it to be passed and go to the House.

Mr. CUMMINS. That is better than I had hoped, that Senators are all familiar with it; and if there is no opposition to it I shall be very glad to have it pass now.

Mr. COPELAND. Mr. President, I am sorry to say that there is opposition to this bill from certain of the leading attorneys of the city of New York; and I should not want action taken at this time, until the objections raised by these attorneys have been presented to the Senate in a proper way.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

Mr. FLETCHER. Mr. President, while one objection would carry the bill over, I think it is in order for the Senator to move to take it up if he desires to do so. We are now considering bills under Rule VIII, which permits a motion to take it up.

The PRESIDING OFFICER. That is the situation. The Senator can move to take up the bill if he so desires.

Mr. FLETCHER. I think the bill is an important one and ought to be passed.

Mr. CUMMINS. Mr. President, I move that the Senate proceed to the consideration of this bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2060) to amend the Judicial Code, further to define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes, which had been reported from the Committee on the Judiciary with an amendment, on page 15, line 2, after the word "Congress," to insert a colon and the following proviso:

Provided, That this section shall not apply to any suit, action, or proceeding brought by or against a corporation incorporated by or under an act of Congress wherein the Government of the United States is the owner of more than one-half its capital stock.

So as to make the bill read:

Be it enacted, etc., That sections 128, 129, 237, 238, 239, and 240 of the Judicial Code as now existing be, and they are severally, amended and reenacted to read as follows:

"SEC. 128. (a) The circuit courts of appeal shall have appellate jurisdiction to review by appeal or writ of error final decisions—

"First. In the district courts, in all cases save where a direct review of the decision may be had in the Supreme Court under section 238.

"Second. In the United States district courts for Hawaii and for Porto Rico in all cases.

"Third. In the district courts for Alaska or any division thereof, for the Virgin Islands, and for the Canal Zone, in all cases, civil and criminal, wherein the Constitution or a statute or treaty of the United States or any authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds $1,000; in all other criminal cases where the offense charged is punishable by imprisonment for a term exceeding one year or by death, and in all habeas corpus proceedings.

"Fourth. In the Supreme Courts of the Territory of Hawaii and of Porto Rico, in all civil cases, civil or criminal, wherein the Constitution or a statute or treaty of the United States, or any authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds $5,000, and in all habeas corpus proceedings.

"Fifth. In the United States Court for China, in all cases.

"(b) The circuit court of appeals shall also have appellate jurisdiction—

"First. To review the interlocutory orders or decrees of the district courts which are specified in section 129.

"Second. To review decisions of the district courts sustaining or overruling exceptions to awards in arbitrations, as provided in section 8 of an act entitled 'An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees,' approved July 15, 1913.

"(c) The circuit courts of appeal shall also have an appellate and supervisory jurisdiction under sections 24 and 25 of the bankruptcy act of July 1, 1898, over all proceedings, controversies, and cases had or brought in the district courts under that act or any of its amendments, and shall exercise the same in the manner prescribed in those sections; and the jurisdiction of the Circuit Court of Appeals for the Ninth Circuit in this regard shall cover the courts of bankruptcy in Alaska and Hawaii, and that of the Circuit Court of Appeals for the First Circuit shall cover the court of bankruptcy in Porto Rico.

"(d) The review under this section shall be in the following circuit courts of appeal: The decisions of a district court of the United States within a State in the circuit court of appeals for the circuit embracing such State; those of the District Court of Alaska or any division thereof, the United States district court and the Supreme Court of Hawaii, and the United States Court for China, in the Circuit Court of Appeals for the Ninth Circuit; those of the United States district court and the Supreme Court of Porto Rico in the Circuit Court of Appeals for the First Circuit; those of the District Court of the Virgin Islands in the Circuit Court of Appeals for the Third Circuit; and those of the District Court of the Canal Zone in the Circuit Court of Appeals for the Fifth Circuit.

"(e) The circuit courts of appeal are further empowered to enforce, set aside, or modify orders of the Federal Trade Commission, as provided in section 5 of 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914; and orders of the Interstate Commerce Commission, the Federal Reserve Board, and the Federal Trade Commission, as provided in section 11 of 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914.

"SEC. 129. Where, upon a hearing in a district court, or by a judge thereof in vacation, an injunction is granted, continued, modified, refused, or dissolved by an interlocutory order of decree, or an application to dissolve or modify an injunction is refused, or an interlocutory order or decree is made appointing a receiver, or refusing an order to wind up a pending receivership or to take the appropriate steps to accomplish the purposes thereof, such as directing a sale or other disposal of property held thereunder, an appeal may be taken from such interlocutory order or decree to the circuit court of appeals; and sections 239 and 240 shall apply to such cases in the circuit courts of appeals as to other cases therein: *Provided*, That the appeal to the circuit court of appeals must be taken within 30 days from the entry of such order or decree and shall take precedence in the appellate court; and the proceedings in other respects in the district court shall not be stayed during the pendency of such appeal unless otherwise ordered by the court, or the appellate court, or a judge thereof: *Provided, however*, That the district court may, in its discretion, require an additional bond as a condition of the appeal."

"SEC. 237. (a) A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of the United States, and the decision is against its validity; or where is drawn in question the validity of a statute of any State on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of its validity, may be reviewed by the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court and may, in its discretion, award execution or remand the cause to the court from which it was removed by the writ.

"(b) It shall be competent for the Supreme Court, by certiorari, to require that there be certified to it for review and determination, with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgment or decree has been rendered or passed by the highest court of a State in which a decision could be had where is drawn in question the validity of a treaty or statute of the United States; or where is drawn in question the validity of a statute of any State on the ground of its being repugnant to the Constitution, treaties, or laws of the United States; or where any title, right, privilege, or immunity is specially set up or claimed by either party under the Constitution or any treaty or statute of, or commission held or authority exercised under, the United States; and the power to review under this paragraph may be exercised as well where the Federal claim is sustained as where it is denied.

"(c) If a writ of error be improvidently sought and allowed under this section in a case where the proper mode of invoking a review is by a petition for certiorari, this alone shall not be a ground for dismissal; but the papers whereon the writ of error was allowed shall be regarded and acted on as a petition for certiorari and as if duly presented to the Supreme Court at the time they were presented to the court or judge by whom the writ of error was allowed: *Provided*, That where in such a case there appears to be no reasonable ground for granting a petition for certiorari it shall be competent for the Supreme Court to adjudge to the respondent reasonable damages for his delay and single or double costs, as provided in section 1010 of the Revised Statutes."

"SEC. 238. A direct review by the Supreme Court of an interlocutory or final judgment or decree of a district court may be had where it is so provided in the following acts or parts of acts, and not otherwise:

"(1) Section 2 of the act of February 11, 1903, 'to expedite the hearing and determination' of certain suits brought by the United States under the antitrust or interstate commerce laws, etc.

"(2) The act of March 2, 1907, 'providing for writs of error in certain instances in criminal cases' where the decision of the district court is adverse to the United States.

"(3) An act restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State, approved March 4, 1913.

"(4) So much of 'An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes,' approved October 22, 1913, as relates to the review of interlocutory and final judgments and decrees in suits to enforce, suspend, or set aside orders of the Interstate Commerce Commission other than for the payment of money."

"SEC. 239. In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, the court at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which instructions are desired for the proper decision of the cause; and thereupon the Supreme Court may either give binding instructions on the questions and propositions certified or may require that the entire record in the cause be sent up for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there by writ of error or appeal."

"SEC. 240. (a) In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, it shall be competent for the Supreme Court of the United States, upon the petition of any party thereto, whether Government or other litigant, to require by certiorari, either before or after a judgment or decree by such lower court, that the cause be certified to the Supreme Court for determination by it with the same power and authority, and with like effect, as if the cause had been brought there by writ of error or appeal.

"(b) All judgments and decrees of the circuit courts of appeal and of the Court of Appeals of the District of Columbia shall be subject to review as provided in this section, and not otherwise."

SEC. 2. That cases in a circuit court of appeals under section 8 of "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July 15, 1913; under section 5 of "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; and under section 11 of "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, are included among the cases to which sections 239 and 240 of the Judicial Code shall apply.

SEC. 3. (a) That in any case in the Court of Claims, including those begun under section 180 of the Judicial Code, that court at any time may certify to the Supreme Court any definite and distinct questions of law concerning which instructions are desired for the proper disposition of the cause; and thereupon the Supreme Court may give appropriate instructions on the questions certified and transmit the same to the Court of Claims for its guidance in the further progress of the cause.

(b) In any case in the Court of Claims, including those begun under section 180 of the Judicial Code, it shall be competent for the Supreme Court, upon the petition of either party, whether Government or claimant, to require, by certiorari, that the cause, including the findings of fact and the judgment or decree, but omitting the evidence, be certified to it for review and determination with the same power and authority and with like effect as if the cause had been brought there by writ of error or appeal.

(c) All judgments and decrees of the Court of Claims shall be subject to review by the Supreme Court as provided in this section, and not otherwise.

SEC. 4. That in cases in the district courts wherein they exercise concurrent jurisdiction with the Court of Claims or adjudicate claims against the United States the judgments shall be subject to review in the circuit courts of appeals like other judgments in the district courts; and sections 239 and 240 of the Judicial Code shall apply to such cases in the circuit courts of appeals as to other cases therein.

SEC. 5. That the Court of Appeals of the District of Columbia shall have the same appellate and supervisory jurisdiction over proceedings, controversies, and cases in bankruptcy in the District of Columbia that a circuit court of appeals has over such proceedings, controversies, and cases within its circuit, and shall exercise that jurisdiction in the same manner as a circuit court of appeals is required to exercise it.

SEC. 6. (a) In a proceeding in habeas corpus in a district court, or before a district judge or a circuit judge, the final order shall be subject to review, on appeal, by the circuit court of appeals of the circuit wherein the proceeding is had.

(b) In such a proceeding in the Supreme Court of the District of Columbia, or before a justice thereof, the final order shall be subject to review, on appeal, by the court of appeals of that district.

(c) Sections 239 and 240 of the Judicial Code shall apply to habeas corpus cases in the circuit courts of appeals and in the Court of Appeals of the District of Columbia as to other cases therein.

(d) The provisions of sections 765 and 766 of the Revised Statutes, and the provisions of an act entitled "An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings," approved March 10, 1908, shall apply to appellate proceedings under this section as they heretofore have applied to direct appeals to the Supreme Court.

SEC. 7. That in any case in the Supreme Court of the Philippine Islands wherein the Constitution, or any statute or treaty of the United States is involved, or wherein the value in controversy exceeds $25,000, or wherein the title or possession of real estate exceeding in value the sum of $25,000 is involved or brought in question, it shall be competent for the Supreme Court of the United States, upon the petition of a party aggrieved by the final judgment or decree, to require, by certiorari, that the cause be certified to it for review and determination with the same power and authority, and with like effect, as if the cause had been brought before it on writ of error or appeal; and, except as provided in this section, the judgments and decrees of the Supreme Court of the Philippine Islands shall not be subject to appellate review.

SEC. 8. (a) That no writ of error, appeal, or writ of certiorari, intended to bring any judgment or decree before the Supreme Court for review shall be allowed or entertained unless application therefor be duly made within three months after the entry of such judgment or decree, excepting that writs of certiorari to the Supreme Court of the Philippine Islands may be granted where application therefor is made within six months: *Provided*, That for good cause shown either of such periods for applying for a writ of certiorari may be extended not exceeding 60 days by a justice of the Supreme Court.

(b) Where an application for a writ of certiorari is made with the purpose of securing a removal of the case to the Supreme Court before the court wherein the same is pending has given a judgment or decree the application may be made at any time prior to the hearing and submission in that court.

SEC. 9. That in any case where the power to review, whether in the circuit courts of appeals or in the Supreme Court, depends upon the amount or value in controversy, such amount or value, if not otherwise satisfactorily disclosed upon the record, may be shown and ascertained by the oath of a party to the cause or by other competent evidence.

SEC. 10. That no court having power to review a judgment or decree of another shall dismiss a writ of error solely because an appeal should have been taken, or dismiss an appeal solely because a writ of error should have been sued out; but where such error occurs the same shall be disregarded and the court shall proceed as if in that regard its power to review were properly invoked.

SEC. 11. (a) That where, during the pendency of an action, suit, or other proceeding brought by or against an officer of the United States, or of the District of Columbia, or the Canal Zone, or of a Territory, or an insular possession of the United States, or of a county, city, or other governmental agency of such Territory or insular

possession, and relating to the present or future discharge of his official duties, such officer dies, resigns, or otherwise ceases to hold such office, it shall be competent for the court wherein the action, suit, or proceeding is pending, whether the court be one of first instance or an appellate tribunal, to permit the cause to be continued and maintained by or against the successor in office of such officer, if within six months after his death or separation from the office it be satisfactorily shown to the court that there is a substantial need for so continuing and maintaining the cause and obtaining an adjudication of the questions involved.

(b) Similar proceedings may be had and taken where an action, suit, or proceeding brought by or against an officer of a State, or of a county, city, or other governmental agency of a State, is pending in a court of the United States at the time of the officer's death or separation from the office.

(c) Before a substitution under this section is made, the party or officer to be affected, unless expressly consenting thereto, must be given reasonable notice of the application therefor and accorded an opportunity to present any objection which he may have.

SEC. 12. That no district court shall have jurisdiction of any action or suit by or against any corporation upon the ground that it was incorporated by or under an act of Congress: *Provided*, That this section shall not apply to any suit, action, or proceeding brought by or against a corporation incorporated by or under an act of Congress wherein the Government of the United States is the owner of more than one-half its capital stock.

SEC. 13. That the following statutes and parts of statutes be, and they are, repealed:

Sections 130, 131, 183, 134, 181, 182, 236, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, and 252 of the Judicial Code.

Sections 2, 4, and 5 of "An act to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," approved January 28, 1915.

Sections 2, 3, 4, 5, and 6 of "An act to amend the Judicial Code, to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court," approved September 6, 1916.

Section 27 of "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916.

So much of sections 4, 9, and 10 of "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, as provides for a review by the Supreme Court on writ of error or appeal in the cases therein named.

So much of "An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings," approved March 10, 1908, as permits a direct appeal to the Supreme Court.

So much of sections 24 and 25 of the bankruptcy act of July 1, 1898, as regulates the mode of review by the Supreme Court in the proceedings, controversies, and cases therein named.

So much of "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as permits a direct review by the Supreme Court of cases in the courts in Porto Rico.

So much of the Hawaiian organic act, as amended by the act of July 9, 1921, as permits a direct review by the Supreme Court of cases in the courts in Hawaii.

So much of section 9 of the act of August 24, 1912, relating to the government of the Canal Zone, as designates the cases in which, and the courts by which, the judgments and decrees of the district court of the Canal Zone may be reviewed.

Sections 768 and 764 of the Revise[illegible]s.

An act entitled "An act amending [illegible]4 of the Revised Statutes," approved March 3, 1885.

An act entitled "An act to prevent the abatement of certain actions," approved February 8, 1899.

All other acts and parts of acts in so far as they are embraced within and superseded by this act or are inconsistent therewith.

SEC. 14. That this act shall take effect three months after its approval; but it shall not affect cases then pending in the Supreme Court, nor shall it affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, the first purpose of this bill is to collect in a single statute the provisions of the law relating to the appellate jurisdiction of the Supreme Court of the United States and the circuit courts of appeals. Its second purpose is to restrict or reduce the appellate jurisdiction of the Supreme Court of the United States in order to enable it fairly to meet the demands that are made upon it.

The Supreme Court is now 15 or 18 months behind in its work. It is a denial of justice to permit a system to continue that enables those who are interested in the delay of decisions by a court to bring about a delay for such a length of time. It is a denial of justice to those who desire their cases promptly submitted and decided to oblige them to wait for a period of anywhere from 15 to 18 months before reaching the case for argument and submission.

The substance of the bill is:

In the first place, with regard to the appellate jurisdiction of the Supreme Court, as all lawyers know, there are at the present time four ways of reaching the Supreme Court of the United States. One is by writ of error. That is a writ of right. The second is by appeal. That is also a matter of right. The third is by a certificate of the inferior court in which the case is tried, presenting questions to be answered by the Supreme Court which are material to the decision of the case. The fourth is by the writ of certiorari, which is in the discretion of the Supreme Court of the United States.

This bill does not materially affect the writs of error that may as a matter of right issue to the courts of last resort in the several States. It broadens, however, the jurisdiction of the Supreme Court in issuing writs of certiorari which may bring up the record in the State courts.

With regard to the circuit courts of appeals, the bill substantially provides that all the cases which have been heard by the circuit courts of appeals shall come to the Supreme Court of the United States by certiorari, and abolishes, in substance, the obligatory appellate jurisdiction of the Supreme Court over decrees and judgments rendered in the circuit courts of appeals.

It will be remembered that any case that reaches the circuit court of appeals has already been tried in the district court of the United States, and when it is decided by the circuit court of appeals the litigant has had one trial in the district court. He has had a second trial in the circuit court of appeals. These courts of appeals, as you all know, are composed of from three to five judges; and it is believed, I think, by most people who have examined the subject, that when a litigant has had an opportunity to try his case in two courts, one of them being a court of appeals composed of lawyers of the highest standing and highest ability in the country, any further appeal or review of the case ought to be in the discretion of the Supreme Court of the United States, and not a matter of right with the litigant.

Mr. HARRELD. Mr. President——

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. I yield to the Senator from Oklahoma.

Mr. HARRELD. I have not had an opportunity to study this bill, but does it simplify the law so as to make it clear whether, in a given case, the lawyer should proceed to the court to procure a writ of certiorari or a writ of error?

The lawyers in my State complain that very frequently they have to proceed by both methods, because the present law is so ambiguous that they can not tell whether they should come to the Supreme Court by writ of error or whether they should come by certiorari, and frequently they have to bring the matter here in both ways in order to preserve their rights. Does this bill clarify that matter so that there will be no dispute about it?

Mr. CUMMINS. I did not enlarge upon that. It was the first point I mentioned.

The object of the bill is to collect in one statute and to clarify the methods of reaching either the circuit court of appeals in the first instance or the Supreme Court of the United States. These statutes are so inconsistent—they have accumulated during years—that it puzzles the most accomplished lawyer to determine just how he is to secure his review. This bill brings all these statutes into one, making the changes that I have suggested, and under the bill, if any lawyer makes a mistake with regard to the way of reaching the Supreme Court—that is to say, if he believes that a writ of error is the proper way, and he should be found mistaken in that and applies for a writ of certiorari, or if he applies for a writ of certiorari and it is found that the proper method is by writ of error or appeal—this proposed statute provides that the appellate court shall consider either as sufficient, and use it either as a writ of error or a petition for a writ of certiorari, as the circumstances may require.

Mr. HARRELD. Mr. President, that seems to me a very great improvement.

Another complaint that I have from lawyers in my State is that when they come to the Supreme Court of the United States by writ of certiorari under the present law the matter is passed on by one judge only. Some one of the judges simply marks it "Denied," and they can not get it before the other judges or before the court. Will that condition continue if the bill is passed in its present form?

Mr. CUMMINS. The bill does not change or direct the manner in which the Supreme Court shall pass upon the merits of a writ of certiorari, but the Senator from Oklahoma or the lawyers who have represented that matter to him are mistaken in regard to the manner in which the Supreme Court passes upon a petition for a writ of certiorari. It is not passed upon by a single judge. On the contrary, it is passed upon by a majority of the members of the Supreme Court. The hearings so show. There were extensive hearings upon this bill in which it is fully explained, and that is one of the subjects considered in the hearings.

Mr. HARRELD. It is generally understood among the lawyers of that State that the only way in which you can get a hearing before the Supreme Court is by coming here on a writ of error. Therefore they all try to come on a writ of error.

Mr. CUMMINS. The writ of error, as the Senator knows, is a writ sued out of right, and the Supreme Court has nothing to say about the merits of a writ of error until a motion is made to dismiss the writ of error because it is not within the statute, or for some other reason, or until the court reaches the final decision of the case.

The writ of certiorari, when it applies, is a writ addressed to the discretion of the Supreme Court, and when a petition for such a writ is presented it is considered, not by a single member of the Supreme Court but by the whole court.

Mr. HARRELD. It is not considered in open court, though.

Mr. CUMMINS. There is no hearing provided for. There is no fixed method for presenting petitions for writs of certiorari. The court takes the petition and considers it, and if it believes it presents a case which ought to be reviewed in the Supreme Court, it grants the writ of certiorari.

Mr. GEORGE. Mr. President, the reference of the Senator from Oklahoma undoubtedly is to the practice which the court itself adopts of having one of its members examine the petition for the writ. That is done by all reviewing courts, but finally the writ is either granted or refused by the court itself.

Mr. HARRELD. The point I am driving at is this, naturally the Supreme Court prefers to pass on these matters without having them argued before the court. Consequently they want to increase the use of the writ of certiorari, and decrease the use of the writ of error. That is perfectly natural. Are we not likely to fall into a fault here in following their advice on that point in enacting this bill? Will they not want to go too far, and put too many cases in that class which is brought to the Supreme Court by a writ of certiorari, rather than those that are brought there by writ of error, because it is less trouble for them to handle them? I have had that complaint of the Supreme Court presented to me pretty strongly.

Mr. CUMMINS. I do not know the merits of a complaint which may have been suggested to the Senator from Oklahoma, but a petition for a writ of certiorari is originally presented to a single judge, and then is laid before the court itself for consideration, and if the court believes that the case ought to be reviewed, the writ is granted.

Mr. HARRELD. The complaint that comes to me is that the petitioner has no chance to argue the petition orally, or present the petition for the writ of certiorari at all.

Mr. CUMMINS. A petition for a writ of certiorari is not ordinarily argued before the court. The petition itself is supposed to present the reasons for the exercise of the jurisdiction by the Supreme Court.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. In just a moment, when I have completed this answer. If the court were to permit every petition for a writ of certiorari to be argued orally, instead of being 20 months behind, or 18 months behind, in its work, it would be 40 months behind in a very short period.

Mr. HARRELD. On the other hand, are we not likely to let them put too many cases into the class that come to the court under writ of certiorari, because they do not have to hear argument, and will not some men's rights be prejudiced thereby?

Mr. CUMMINS. I reply to that that no case reaches the Supreme Court upon a petition for a writ of certiorari—with rare exceptions, because there are some cases of direct jurisdiction over the district courts in certain matters—until it has been tried by two courts, and it is the view of the proponents of this bill that any further review ought to be in the discretion of the Supreme Court.

I now yield to the Senator from Pennsylvania.

Mr. PEPPER. Mr. President, I was merely going to suggest to the Senator, with reference to the point made by the Senator from Oklahoma, that a good deal of light can be thrown on this question by referring to the experience in actual practice that is found in the State of Ohio, where a practice such as is proposed in this measure is actually in operation with respect to the appellate jurisdiction of the court of last resort in that State.

I have found to my own satisfaction that while the apprehension of the Senator from Oklahoma is a perfectly natural one—and such an apprehension was entertained in Ohio—in point of fact the system has worked so well there that all such apprehension has been removed, and the court is finding it possible to satisfy the bar, and at the same time keep up with its docket. I have a most illuminating communication from the chief justice of Ohio on the subject, and as this is an attempt to do for the Supreme Court of the United States what has been successfully done in that great jurisdiction, I thought it was worth mentioning their successful experience as bearing upon this question.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I yield.

Mr. COPELAND. I want to ask a question of the Senator in order that at some time in the debate he may cover the point I have in mind.

The criticism which is made by the attorneys of my State is that apparently this bill would result in the circuit courts of appeals becoming courts of last resort on constitutional questions.

Mr. CUMMINS. That is true unless one of two methods of reviewing the decisions of the circuit courts of appeals is pursued. One is through the writ of certiorari; the other is through a certificate issued by a circuit court of appeals presenting to the Supreme Court questions for answer. Of course, it is the invariable practice of the Supreme Court, in cases which have been differently decided by circuit courts of appeals, to allow a writ of certiorari. The effort is to bring the law of the United States into uniformity. It is quite true that not every case which is alleged to involve a constitutional question is permitted to reach the Supreme Court as a matter of right, under this bill.

Mr. COPELAND. If this bill were to go into effect in its present form would there not be considerable surprise and dissatisfaction over the fact that the circuit courts had become courts of last resort?

Mr. CUMMINS. The circuit court of appeals is now a court of last resort in many cases.

Mr. COPELAND. I mean on constitutional questions.

Mr. CUMMINS. No; I answer the Senator from New York rather certainly on that point. The Supreme Court of the United States can not pass on every question that may arise in a lawsuit. I think we will have to depend upon the patriotism and the intelligence of the Supreme Court in determining whether a particular case decided by a circuit court of appeals is one which ought to be reviewed by the Supreme Court. It may, of course, refuse to grant a petition for a writ of certiorari. I am not familiar with the exact proportion of cases that are brought to the Supreme Court by the writ of right as compared with the cases that are brought there upon a writ of discretion.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. McNARY. I think in common with all Senators present I am enjoying the remarks of the Senator from Iowa. I am in favor of the bill, and I think we all are. I suggest to the Senator that if he would abide by Rule VIII he might get his bill through.

My parliamentary inquiry is this: Under Rule VIII, during the morning hour may a Member of this body speak more than once or longer than five minutes on the subject matter before the Senate?

Mr. WILLIS. I remind the Senator that this bill was brought up by motion.

Mr. CUMMINS. The five-minute rule does not apply when a bill is taken up on motion.

Mr. McNARY. I am very sorry, because we all feel somewhat interested in the morning hour devoted to the calendar.

Mr. FLETCHER. Mr. President, may I suggest to the Senator from Iowa that what seems to disturb the Senator from New York is the thought that the jurisdiction of the Supreme Court on all constitutional questions should be obligatory.

The PRESIDENT pro tempore. The Chair will answer the parliamentary inquiry of the Senator from Oregon.

The rule under which we are operating, Rule VIII, at the close of the first paragraph, provides:

But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

So the Senator from Iowa is in order.

Mr. COPELAND. Mr. President, if the Senator will yield, it is absurd for me to attempt any discussion of this matter with the Senator from Iowa, but I had intended to place in the hands of somebody who has knowledge of these matters the correspondence I have had with certain attorneys in New York. But in view of the parliamentary situation, I do feel it my duty, if the Senator will bear with me for a moment, to state what the objection is from the standpoint of these attorneys.

Mr. CUMMINS. I certainly will bear with the Senator for any length of time.

Mr. COPELAND. Under present law, when the validity of a statute is attacked in a State court, the constitutional question may be taken as a matter of right to the Supreme Court from the State court of last resort in the manner and under the limitations prescribed in section 237 of the Judicial Code. If the same question arises in a case brought in the Federal court, it may likewise be taken as matter of right to the Supreme Court under the Judicial Code, section 238. Under the proposed law, the question if arising in the Federal court could be taken as of right only to the circuit court of appeals, whose decision would be final and reviewable only by certiorari. In other words, the bill gives the circuit court of appeals jurisdiction and makes it the court of last resort in an important class of cases in which a State supreme court is in effect only an intermediate tribunal.

With regard to the suggestion that cases from the State courts like those from the circuit courts of appeals be subjected to review only on writ of certiorari, there is reason for doubting the desirability of such a change. If any question should go to the Supreme Court as matter of right it is the question of the validity of a statute under the Federal Constitution.

Would it not be better to meet the situation by retaining in section 238 as amended by the bill the provision of the present section giving a direct review by the Supreme Court of a judgment or decree of a district court "in any case that involves the construction or application of the Constitution of the United States; in any case in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question; and in any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States."

Mr. CUMMINS. I understand perfectly that part of his objection. I do not understand his reference to the court of last resort in a State. This bill provides for a review upon a writ of error, a judgment, or decree of court of last resort in any State in any case in which there is drawn in question the validity of a Federal statute or treaty and the decision of the State court is against its validity, or where there is drawn in question the validity of a State statute on the ground that it is repugnant to the Constitution, treaties, or laws of the United States and the decision is in favor of its validity. I do not understand how any case can go from a court of last resort in a State to the circuit court of appeals. There is no such provision in the law now nor is any such provision contemplated in the bill that I have presented.

Whether a constitutional question that may arise in circuit courts of appeals should, as a matter of right, go to the Supreme Court of the United States is quite a different proposition and it is one upon which lawyers may differ. I do not impeach the view of lawyers who hold a contrary opinion. In my judgment the country can well repose enough confidence in the Supreme Court of the United States to assume that in any important matter concerning the Constitution of the United States upon which there is difference of opinion the Supreme Court will issue its writ of certiorari and review the decision of the circuit court of appeals. It depends upon the confidence one may have in the desire of the Supreme Court of the United States to maintain uniformity of decisions with respect to the interpretation of the Constitution.

Mr. COPELAND. One last remark and then I shall close. I have simply been acting as the shock troops until the big guns could be moved up. I am not competent, of course, to discuss the question. But it has been stated to me that the amendment suggested would be of real service, because it is believed that if the bill should go through in its present form when it went into operation and lawyers discovered that the circuit court of appeals had become a court of last resort on constitutional questions there would be surprise and dissatisfaction.

Mr. CUMMINS. Does the Senator interpret the letter he has read as suggesting that every constitutional question or every question that concerns the Constitution which arises in the circuit court of appeals shall as a matter of right be reviewed by the Supreme Court of the United States?

Mr. COPELAND. No; I do not. I understand from the criticisms presented to me that in certain cases involving the Constitution the circuit court of appeals becomes a court of last resort and that the matter ends there. That is the criticism.

Mr. CUMMINS. It is now a court of last resort.

Mr. COPELAND. Upon constitutional questions?

Mr. CUMMINS. Upon some constitutional questions.

Mr. COPELAND. I take it that it would mean under the terms of the bill that in all matters involving constitutional questions the action of the circuit court of appeals would be final.

Mr. CUMMINS. No; because the Supreme Court has the right to review any decision of the circuit court of appeals upon a writ of certiorari.

Mr. COPELAND. But it would be a discretionary power?

Mr. CUMMINS. It would be at the discretion of the Supreme Court.

Mr. COPELAND. I assume that is the objection to this particular clause of the bill.

Mr. CUMMINS. I ought to have stated originally probably that the bill was prepared by the justices of the Supreme Court of the United States. The work was done principally by a committee appointed from the membership of the Supreme Court. It is a bill which was most carefully studied, and I think is the result of many months of consideration by that tribunal. The members of that court feel that they can not do justice under the law as it now is, not only because of the very many and often repeated mistakes made by counsel in endeavoring to interpret a perfect maze of statutes in the way of reaching the Supreme Court, but because they can not reach these cases after they are properly within its jurisdiction for so long a period of time that it becomes a denial of justice in two aspects: First, a man against whom a decree or a judgment is rendered may prosecute an appeal or a writ of error purely for delay, and if the execution of the judgment or decree is delayed for a period of anywhere from 15 to 20 months, it sometimes and oftentimes results in the loss of the advantages which the decree or the judgment gave to the successful litigant.

Mr. SWANSON. Mr. President, will the Senator yield for a moment?

Mr. CUMMINS. Certainly.

Mr. SWANSON. How did the Judiciary Committee stand with reference to the passage of the bill? How many favored it and how many opposed it when it was reported to the Senate?

Mr. CUMMINS. When the bill was submitted to the Judiciary Committee there was not a vote against it. All of the members of the Judiciary Committee were not present when the bill was ordered to be reported to the Senate. It is a little invidious to mention individual members of the Judiciary Committee, and I do not intend to do it.

Mr. WALSH of Montana. Mr. President——

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. WALSH of Montana. Will the Senator tell us what members of the committee were present?

Mr. CUMMINS. I do not remember. A quorum of the committee was present.

Mr. WALSH of Montana. Will the Senator be able to tell us how long the committee took to consider the bill?

Mr. CUMMINS. This is the history of the bill. I introduced the bill at the suggestion of the members of the Supreme Court. The bill was referred to a subcommittee, of which I was chairman, I believe, and the Senator from Missouri [Mr. SPENCER] and the Senator from North Carolina [Mr. OVERMAN] were members. We called three members of the Supreme Court to explain the bill. They were Justices Van Devanter, McReynolds, and Sutherland. Each of these justices expressed his view with respect to the character, the results, and the merits of the measure. The members of the subcommittee then met in executive session and considered the bill with very great care, and reported it to the full committee in a written report.

Mr. SWANSON. Was that report signed by all three members of the subcommittee

Mr. CUMMINS. Yes; by all of them. There was no dissent. That report was submitted to the full committee and the committee voted to report the bill favorably.

Mr. REED of Missouri. How much time was taken on the bill by the full committee?

Mr. CUMMINS. Oh, I do not remember. It was in the last days of the last session or toward the end of the last session, and I can not remember how much time was devoted in the committee to a consideration of the bill. All I know is that there seemed to be no opposition to it among the members who were present.

Mr. REED of Missouri. If the Senator will pardon me——

Mr. CUMMINS. Certainly.

Mr. REED of Missouri. My recollection in regard to the bill is that it was called up one day and opposition at once appeared. There was some slight discussion of the bill, but no attempt at a real analysis, because it would take many hours to analyze the bill, for it involves an examination of many statutes and no one can tell its meaning without first laying down and having before him the statutes that are changed. My recollection is that the bill then went over. I was not present at the meeting when the bill was reported out and had no idea that it was here on the calendar.

I want to ask the Senator from Iowa if he expects to press for the passage of the bill to-day? I think it is a bill of such importance that it ought to have a full discussion on the floor. Speaking for myself, I want time really to study it. It is a very important bill to be passed on lightly. With all the respect in the world for the judges of the Supreme Court—and I entertain the very highest respect for them—I am not unmindful of the fact that it is our duty here to enact the statutes just as it is their duty to construe them. We must exercise our judgment.

Mr. CUMMINS. I realize the force of all that the Senator from Missouri has said, and I agree that it is the duty of the Senate to give careful consideration to the bill, because it is of great importance. I stated when the bill was reached on the calendar that I did not feel that it could be considered under the 5-minute rule, for it is manifest that it takes longer than that even very briefly to explain the bill. But the Senator from Missouri will remember that when the subcommittee made its favorable report it presented a brief but comprehensive, after all, analysis of the bill. That analysis of the bill has been in print for nearly a year and open to the examination of every Senator who is interested in the subject. The full committee heard an explanation of the analysis of the bill. While it is an important bill, it is not a difficult bill for lawyers to understand.

I do not blame the Senator from New York [Mr. COPELAND] for hesitating to enter upon an argument with regard to the merits of the bill. He is a very modest as well as a very useful Senator, and I am very glad that he has presented the matter which he laid before the Senate, because that matter really touches the only point about which there can be fair controversy respecting the bill. I do not mean the constitutional question altogether, but whether there should be any obligatory appellate jurisdiction by the Supreme Court of the United States over the decisions and decrees of the circuit courts of appeals. I do not think there will be any question with regard to the other portions of the bill.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. CUMMINS. Certainly.

Mr. BRUCE. Was there any division of sentiment with reference to the bill among the lawyers who are members of the committee?

Mr. CUMMINS. I have already stated that every member of the committee who was present when the bill was ordered reported was in favor of it. There was no dissent.

Mr. BRUCE. I have listened to the Senator's entire argument, except that I was called out of the Chamber to the telephone for two or three minutes, and it may have been he made that statement while I was at the telephone.

Mr. CUMMINS. I stated at the same time that all of the members of the committee were not present when the bill was acted upon.

Mr. COPELAND. Mr. President, may I ask the Senator a question?

Mr. CUMMINS. Certainly.

Mr. COPELAND. Would the Senator consider that the amendment which I have suggested would damage the bill?

Mr. CUMMINS. I think it would go very far toward neutralizing the relief which the Supreme Court seems to consider necessary in order that it may do its work with reasonable promptitude.

Mr. COPELAND. I desire to have the Senator know that my friends who have raised these objections tell me that they are in sympathy with the general objects of the bill. They have long been of the opinion that many cases of interest only to the particular litigants involved have been permitted to be carried to the Supreme Court which should have been finally determined by either the highest court of the States in which they arose or by the circuit court of appeals in the circuits in which they arose. The United States Supreme Court is one of the three great coordinate branches of the Government, and its time and labor should, generally speaking, be devoted to matters of general interest and importance and not to deciding private controversies between citizens involving no questions of general public importance. So my friends are in great sympathy with the bill, but they are very insistent that this particular proposition will not be kindly received by the bar when it is fully understood.

I dislike to be in this position, as the Senator from Iowa knows, yet I do feel that, in justice to my friends, I must present the matter so that it may be considered by the Senate, and those who are competent to discuss the question may do so in detail.

It is said that under the present law there is an absolute right of appeal to the Supreme Court from certain classes of decisions on constitutional questions, whether made by a State court or a Federal court. Under the proposed law the decision of the highest court of the State holding a Federal statute invalid or sustaining the validity of a State statute would be reviewable as a matter of right, whereas the identical decision, if made by a circuit court of appeals, would be final and reviewable only by certiorari.

Mr. CUMMINS. That is fairly correct, but this proposed statute does not make a material difference in the review of cases arising in or coming from the court of last resort of a State. It does make a very great change in the law with respect to the review of decisions of circuit courts of appeal. The reason for that is, as I have already stated, that it is to be assumed, I think, that when a man has had two trials—I am speaking now of a private litigant—one in the district court and one in the circuit court of appeals, a further review and delay in a case of that character ought to be discretionary. That is the view that I have taken and that the Supreme Court takes in regard to this bill.

With respect to the constitutional question, I only repeat that those who have confidence in the desire of the Supreme Court of the United States to maintain a correct interpretation of the Constitution, and not only to maintain a correct interpretation but to make that interpretation uniform or fairly uniform throughout the country, see no objection to making these reviews through the writ of certiorari instead of by appeal or writ of error.

Mr. REED of Missouri. Mr. President, I do not wish to debate this question now. I am not prepared to express myself in that thoughtful and deliberate way that I should like to, touching certain phases of the bill. So far, however, as the observation of the Senator from Iowa is concerned, to the effect that a man who has had one trial in the district court and a rehearing in a circuit court of appeals having had all that he is entitled to, I offer the observation that the Supreme Court of the United States has very frequently reversed the decisions of various courts of appeal, and when it did reverse them it, of course, held that the litigants had not received justice in the court of appeals.

Mr. CURTIS. Mr. President, will the Senator from Missouri yield to me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED of Missouri. I yield.

Mr. CURTIS. I was going to suggest that it would be impossible to pass this bill before 2 o'clock, and that it ought to be laid aside in order that we might go on with some other business, for the calendar is only to be considered until 2 o'clock under Rule VIII.

Mr. REED of Missouri. Of course, that remark is not to be addressed to me but to the Senator from Iowa [Mr. CUMMINS].

Mr. CURTIS. I understand that.

The PRESIDING OFFICER. Is there objection to laying the bill aside?

Mr. REED of Missouri. I have some further observations which I desire to make on the bill, and I shall make them later.

Mr. CUMMINS. I repeat what I said in the beginning when the bill was reached on the calendar, and which I stated on a former day when this bill was reached upon the calendar, that I thought it deserved full consideration at the hands of the Senate, but such consideration could not be given to it within a half hour or an hour. My only purpose is to get a consideration for the bill at this session and in time so that the other House may consider it before the 4th of March.

Mr. WALSH of Montana. If the Senator from Iowa will permit an interruption, I desire to say that I feel a very keen interest in this measure, and I very much regret that I never had any opportunity to join in any consideration of it by the Committee on the Judiciary. I had no kind of idea that the bill was going to be reported to this body. I am not at all unsympathetic with the measure; I think it an extremely wise thing to have something in the nature of a codification, as I understand this bill to provide, of the statutes affecting the jurisdiction of the Supreme Court of the United States and the method of reaching that court.

I am also in entire harmony with the view expressed by the chairman of the committee, that in those cases in which the jurisdiction of the Federal courts is appealed to upon the ground of the existence of a Federal question, the right of appeal should end with the circuit court of appeals, except in so far as the Federal question is concerned. I think after a man has had a trial of a case on the merits of it in a district court, in an equity case, for instance, and then a trial on the merits of the case in the circuit court of appeals, a trial on the merits of the case in the Supreme Court of the United States is quite unjustifiable. I say so, Mr. President, because since I have been in the Senate I have traveled that course.

I was defeated in the district court, I was defeated in the circuit court of appeals. I went to the Supreme Court of the United States and tried the case there all over again and prevailed, but although I prevailed I recognize that that is intolerable.

However, in cases in which the jurisdiction is appealed to on the ground of diversity of citizenship, the right of appeal ends with the circuit court of appeals, except as the Supreme Court of the United States may issue a writ of certiorari. I think that it should also end in the cases where the jurisdiction is invoked upon the ground of the presence of a Federal question, except in so far as that Federal question is concerned.

Under a writ of error from a State court to the Supreme Court of the United States a review is not had upon the entire merits of the whole case, but there is a review simply of the Federal question involved, and ordinarily that is relatively direct and simple. I believe that the same rule ought to prevail in respect to the cases that go to the circuit court of appeals, and, in my judgment, it would relieve the Supreme Court to a very large extent, and really not be to the disadvantage of justice at all; but, Mr. President, I find it difficult to yield to the idea that the Supreme Court of the United States ought to have the right in every case to say whether their jurisdiction shall be appealed to or not.

Mr. CUMMINS. That is, the Senator means, in a case coming from the circuit court of appeals.

Mr. WALSH of Montana. In a case coming from the circuit court of appeals, where a Federal question is presented for review, or coming from a State court where a Federal question is presented for review, I do not believe that the Supreme Court of the United States ought to have the right to say whether they will or will not review it. I believe that jurisdiction ought to be made imperative.

Mr. CUMMINS. The obligatory jurisdiction in cases that come from the courts of last resort is still retained substantially as it is in the present statute.

Mr. WALSH of Montana. That is a matter about which I desired to speak and upon which I should like to have a rather full and fair discussion. I understand that one of the prime purposes of this bill is to take away the obligatory jurisdiction of the Supreme Court of the United States in cases brought by writ of error from the State courts, and to repose in the Supreme Court the right to pass in advance upon the question; but I observe that the bill does not express that idea. I find the bill as it reads quite beyond my understanding in that respect. The first paragraph of section 237 would seem to make the jurisdiction of the Supreme Court obligatory; but the second paragraph would seem to make it entirely permissive or discretionary on the part of the Supreme Court.

Mr. CUMMINS. The second paragraph of that section is a substantial reproduction of existing law.

Mr. WALSH of Moutana. Exactly.

The PRESIDING OFFICER. Will the Senators suspend until the Chair puts the request of the Senator from Kansas that the bill be laid aside? Is there objection to that?

Mr. WALSH of Montana. Mr. President, I hope that will be deferred for a few moments.

The PRESIDING OFFICER. Objection is made.

Mr. WALSH of Montana. I shall be glad to yield to the suggestion after a few moments.

Mr. CURTIS. I thank the Senator.

Mr. CUMMINS. I desire to say in reference to the suggestion of the Senator from Kansas that I am entirely willing to lay this bill aside, but I should like to have an understanding in respect to the time at which we may take it up and dispose of it. I am just as anxious to hear the argument that may be made in behalf of any amendment as is the Senator who may offer the amendment.

Mr. WALSH of Montana. I was going to suggest to the Senator that, in my judgment, we would make very much better progress if this bill went back to the committee. I feel certain that the bill can be so framed there and such explanation may be made of its purport and its tenor as that probably there will be no objection from the members of the committee, or, at least, the objections will be confined to some specific matter. But I wish to call the attention of the Senate before I close to paragraph (a) and paragraph (b) of section 237. Paragraph (a) seems to be the old statute in relation to writs of error to the Supreme Court of the United States. It provides:

SEC. 237. (a) A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of the United States, and the decision is against its validity; or where is drawn in question the validity of a statute of any State, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of its validity, may be reviewed by the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, in its discretion, award execution or remand the cause to the court from which it was removed by the writ.

That seems to be the old statute, the provision of the judiciary act of 1789.

Mr. CUMMINS. No; the latter part of the provision the Senator read is not in the judiciary act of 1789.

Mr. WALSH of Montana. That the Supreme Court may reverse, modify, and so forth?

Mr. CUMMINS. Paragraph (b) was passed five or six years ago in connection with other matters relating to the jurisdiction of the Supreme Court. That is my understanding.

Mr. WALSH of Montana. I think the Senator must refer to subdivision (b). That would seem to make the jurisdiction obligatory, that a man had a perfect right to go from the supreme court of the State to the Supreme Court of the United States without asking leave of anybody; but when you take subdivision (b) in connection with it, it puts quite a different aspect upon it, because that reads:

It shall be competent for the Supreme Court, by certiorari, to require that there be certified to it for review and determination, with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgment or decree has been rendered or passed by the highest court of a State in which a decision could be had where is drawn in question the validity of a treaty or statute of the United States; or where is drawn in question the validity of a statute of any State on the ground of its being repugnant to the Constitution, treaties, or laws of the United States; or where any title, right, privilege, or immunity is specially set up or claimed by either party under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States; and the power to review under this paragraph may be exercised as well where the Federal claim is sustained as where it is denied.

I remember when we passed that statute; but it seems to me that subdivision (b) certainly overlaps subdivision (a).

Mr. CUMMINS. If there is a conflict it is in the law now.

Mr. WALSH of Montana. But when we revise the law and codify it we ought to simplify it and not leave a conflict.

Mr. CUMMINS. This bill provides, as already read by the Senator from Montana, in paragraph (b) of that section, which is an amendment, of course, to section 237 of the Judicial Code:

It shall be competent for the Supreme Court, by certiorari, to require that there be certified to it for review and determination, with the same power and authority—

And so forth. Then follows the substance of the existing law. I do not understand that there is any material difference between this bill and the present law so far as the review of the decision of the State courts of last resort is concerned. I confess my inability clearly to understand the law that was passed four or five years ago in its application to the writ of error which is provided for in the early part of section 237.

Mr. WALSH of Montana. That is the point I am making. Here is a man who has a case in a State court. He makes the point that a certain statute violates the Constitution of the United States. The court decides against him and says it does not. Does he get into the Supreme Court by absolute writ of error, obligatory jurisdiction upon the part of the Supreme Court of the United States, under subdivision (a), or must he go to subdivision (b) and go to the Supreme Court for leave to come into the Supreme Court?

Mr. CUMMINS. I think he would exercise the writ of right, the writ of error, in such a case and reach the Supreme Court through its obligatory jurisdiction.

Mr. WALSH of Montana. I think it ought to be made clear what cases he may take there as of right and what cases he must go and ask permission to take there.

Mr. CUMMINS. I agree to the necessity of making it clear.

Mr. REED of Missouri. Mr. President, I think the language is so obscure that upon reading it now hastily I am sure I would not know which course to pursue.

Mr. CUMMINS. As Senators know, the effort has been to change the present law as little as possible, and I assume that that was the reason for retaining substantially the language of the law as it now is.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I yield.

Mr. SWANSON. I am satisfied that we possibly can get this bill through if we will definitely provide that where a State statute or constitution is declared null and void as contrary to a treaty or the Constitution of the United States, or where an act of Congress is declared null and void as repugnant to the Constitution of the United States, there shall be an appeal as of right to the Supreme Court of the United States. It seems to me that if there is any class of cases in the world upon which a Supreme Court ought to exercise its judgment in uniformity, it is cases of that character.

Mr. CUMMINS. That jurisdiction is obligatory in the present bill.

Mr. SWANSON. In all cases?

Mr. CUMMINS. Certainly.

Mr. SWANSON. In all cases from the circuit court? Let me ask the Senator a specific question. As I understand, there have been two decisions in connection with the Volstead Act limiting the amount of whisky that a doctor may prescribe.

Mr. CUMMINS. I hope we will not get the Volstead Act into this law.

Mr. SWANSON. No; but let us take this case: One circuit court decides one way and another circuit court decides another way. If this bill passes, can that come as a matter of right imperatively to the Supreme Court for decision?

Mr. CUMMINS. In such a case as that the jurisdiction of the Supreme Court is discretionary under this bill.

Mr. SWANSON. What I want to do, first, is to make it imperative as a matter of right that the Supreme Court shall pass upon acts of Congress, as to whether they shall be declared constitutional or unconstitutional, and the next thing is not to have a State constitution or law nullified except by the Supreme Court. Instead of passing on the amount of money involved in cases, I believe that the best work the Supreme Court can do is in connection with far-reaching questions like that which go to the very structure of our Government and ought to be passed on by the Supreme Court. I have an idea that if we will amend this bill so as to provide for a writ of error in all cases where those issues are involved there will be very little difficulty in passing this bill.

Mr. CUMMINS. Mr. President, may I read the first paragraph of section 237 as proposed in this bill?

Mr. SWANSON. Before that is done let me ask the Senator whether this bill can be amended so as to accomplish that without impairing its usefulness as to giving the court relief from overwork?

Mr. CUMMINS. Of course it impairs its usefulness just to that extent—that is, its usefulness as viewed from the standpoint of the prompt decision of the various cases that are brought to the Supreme Court.

Mr. SWANSON. Does the Senator think that an act of Congress or the constitution of a State ought to be declared unconstitutional, without having an opportunity to have uniform decisions in the various courts?

Mr. CUMMINS. When it comes to the comparative value of deciding cases promptly and the value of having the opinion of the Supreme Court in such cases as are suggested by the Senator from Virginia, that is a matter that may very well be carefully considered.

Mr. SWANSON. I was going to suggest to the Senator who has urged these objections to the bill as not giving the right of appeal in these cases and to the Senator who has charge of this bill that if an agreement were reached by which the court could have jurisdiction without question in cases of that character I have an idea that the bill would pass very promptly; but I doubt if it could pass at this session without the right of appeal in cases like that being fixed.

Mr. CUMMINS. I understand.

Mr. President, I am inclined to ask unanimous consent that at the close of the routine morning business on Monday this bill may be taken up.

Mr. CURTIS. I understand there is a special order for Monday. I have no objection to going on with this bill and having it disposed of, if possible.

Mr. BRUCE. Mr. President, is the Senator asking for unanimous consent?

Mr. CUMMINS. I am.

Mr. BRUCE. I am very sorry, but my interest in the calendar is such that I am unable to acquiesce. I object, Mr. President. Monday is the regular calendar day.

Mr. WALSH of Montana. Then I renew the suggestion made a while ago, that the chairman of the committee allow the bill to be recommitted, and let us take it up in the committee and see if we can not work it out in a satisfactory way.

Mr. SWANSON. I suggest that that be done, with the idea that it will be reported back within a week.

Mr. CUMMINS. No; I can not agree to that. Does the Senator from Maryland object to the request for unanimous consent?

The PRESIDING OFFICER. There was objection.

Mr. CUMMINS. Then we will go on until 2 o'clock. I yield the floor.

The PRESIDING OFFICER. The question is on the bill as amended.

Mr. BRUCE. Mr. President, would Tuesday suit the convenience of the Senator as well? I should not make any objection to that.

Mr. CUMMINS. I asked unanimous consent that at the conclusion of to-day's business the Senate adjourn, instead of taking a recess, and that at the close of the routine business on Monday morning this bill be taken up.

Mr. BRUCE. My suggestion was, would not Tuesday suit the Senator's convenience just as well? I should not object to that.

Mr. CUMMINS. Tuesday would suit me just as well. I have no objection to that.

Mr. SWANSON. Mr. President, I shall have to object to that if it interferes with the unfinished business. If the Senator will take it up after the routine morning business and continue its consideration until 2 o'clock, I have not objection.

Mr. CUMMINS. That was my request—to continue its consideration until it is displaced by the unfinished business.

Mr. SWANSON. At 2 o'clock.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that at the close of morning business on Monday——

SEVERAL SENATORS. No; on Tuesday.

The PRESIDING OFFICER. The Chair is trying to get out of a tangle in order to insure that when the Senate ends its session on Monday it will be by adjournment instead of recess, so that there will be morning business on Tuesday.

Mr. SMOOT. The latter part of the request should be changed, because the Senator requested that we adjourn to-day.

Mr. CUMMINS. That, of course, would be modified.

The PRESIDING OFFICER. That is the obstacle the Chair is trying to avoid.

Mr. BRUCE. Mr. President, so far as I am concerned, the situation is just this: I am deeply interested in the next number on the calendar.

Mr. CUMMINS. I ask unanimous consent that at the close of routine morning business on Tuesday this bill be taken up.

The PRESIDING OFFICER. The Senator from Iowa makes the request that at the conclusion of the routine morning business on Tuesday this bill be taken up.

Mr. SWANSON. Until 2 o'clock.

The PRESIDING OFFICER. Until 2 o'clock. Is there objection?

Mr. SWANSON. I should like to supplement that with this: I suggest to the Senator that we adjourn on Monday, at the conclusion of the day's business, so that there will be routine morning business on Tuesday. If a recess were taken, we would not have it.

Mr. CURTIS. The Senator need not worry about that. I will see that the Senate adjourns.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

The Secretary will call the next bill on the calendar.

Mr. SMOOT. If we are to go on with the calendar now, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Dill	Kendrick	Shipstead
Bayard	Ferris	McKellar	Shortridge
Bingham	Fess	McKinley	Simmons
Brookhart	Fletcher	McNary	Smoot
Bruce	Frazier	Means	Stanfield
Butler	George	Metcalf	Sterling
Cameron	Hale	Moses	Swanson
Capper	Harris	Neely	Trammell
Caraway	Harrison	Norbeck	Wadsworth
Copeland	Heflin	Oddie	Walsh, Mont.
Couzens	Howell	Overman	Watson
Cummins	Johnson, Calif.	Pepper	Willis
Curtis	Johnson, Minn.	Phipps	
Dale	Jones, N. Mex.	Reed, Pa.	
Dial	Jones, Wash.	Sheppard	

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present. The Secretary will call the next bill on the calendar.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 56) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 246) for the relief of Margaret I. Varnum, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3001) declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7111) to promote American agriculture by making more extensively available and by expanding the service now rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, competition, and demand in foreign countries in promoting the sale of farm products abroad, and in other ways, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1638) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patened inventions, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3011) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 626) to prevent the sale of cotton and grain in future markets, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1230) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. SMOOT. There will be an amendment offered to this bill, and the Senator having it in charge not being here, I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1642) to provide for the purchase and sale of farm products was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2370) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I will ask that that bill may go over. We could not dispose of it now.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 47) establishing a congressional committee to consider ways and means through legislation to lighten the responsibilities of the President was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. That joint resolution will be passed over.

The bill (S. 2155) to amend and modify the war risk insurance act was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 87) authorizing the erection of a flagstaff at Fort Sumter, and for other purposes, was announced as next in order.

Mr. PEPPER. On account of the absence from the Chamber of the senior Senator from South Carolina [Mr. SMITH], I will ask that the joint resolution may go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

CONSTRUCTION OF PUBLIC BUILDINGS

The bill (S. 2284) to provide for the construction of certain public buildings in the District of Columbia was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. FLETCHER. I would like to have a vote on the amendment which I have proposed.

Mr. SMOOT. I do not want to have a vote on it now. We have not very many Senators here, and I will ask that the bill go over.

Mr. FLETCHER. I will ask for a yea and nay vote on it, and that will bring Senators in.

Mr. SMOOT. A great many of them are not in the city this afternoon.

Mr. FLETCHER. I move that the bill be taken up.

Mr. SMOOT. That can not be done under the unanimous-consent agreement.

Mr. FLETCHER. We have not reached the hour of 2 o'clock yet.

Mr. SMOOT. Its consideration would take the time between now and 2 o'clock, anyway.

Mr. FLETCHER. I move that we take the bill up.

The PRESIDING OFFICER. The Senator from Florida moves that the Senate proceed to the consideration of Senate bill 2284, to provide for the construction of certain public buildings in the District of Columbia.

Mr. SMOOT. That motion is debatable, and it will take the time between now and 2 o'clock to debate it.

Mr. FLETCHER. The motion is not debatable before 2 o'clock.

Mr. SMOOT. Oh, yes, it is.

Mr. FLETCHER. It is not debatable, and I ask for a vote on my motion.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Fess	Kendrick	Sheppard
Bayard	Fletcher	McKellar	Shields
Bingham	Frazier	McKinley	Shipstead
Brookhart	George	McLean	Shortridge
Bruce	Glass	McNary	Simmons
Bursum	Gooding	Means	Smoot
Butler	Hale	Metcalf	Stanfield
Capper	Harreld	Moses	Sterling
Caraway	Harrison	Neely	Swanson
Copeland	Heflin	Norbeck	Trammell
Curtis	Howell	Oddie	Wadsworth
Dale	Johnson, Calif.	Overman	Warren
Dial	Johnson, Minn.	Pepper	Watson
Dill	Jones, N. Mex.	Phipps	Willis
Ferris	Jones, Wash.	Reed, Pa.	

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The PRESIDING OFFICER. By virtue of the previous order, the unfinished business is temporarily laid aside, and the Senate proceeds to the consideration of unobjected bills on the calendar. The Clerk will report the next bill on the calendar.

Mr. FLETCHER. I understand that the bill (S. 2284) to provide for the construction of certain public buildings in the District of Columbia has gone over on the objection of the Senator from Utah?

The PRESIDING OFFICER. It has.

ROBERT JUNE

The bill (S. 2586) for the relief of Robert June was announced as next in order.

Mr. SMOOT. Is there any member of the Committee on Claims present who can answer a question in relation to the bill? There seems to be none, and I shall ask that it go over, although I have no objection to paying the amount under the law to which the claimant is entitled.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF TRADING WITH THE ENEMY ACT

The bill (S. 1548) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved March 4, 1923, as amended, was considered as in Committee of the Whole.

The bill has been reported from the Committee on the Judiciary with an amendment, on page 1, line 5, to strike out "March 4, 1923," and insert in lieu thereof "October 6, 1917," so as to read:

Be it enacted, etc., That section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, be, and hereby is, amended to read as follows:

Amend subdivision (a) of section 9 by adding thereto the following words:

"That as to any claim or claims filed with the Alien Property Custodian under the provisions of this act against any insurance partnership, association, or corporation for unpaid amounts for losses or damages caused directly or indirectly by the great San Francisco conflagration of April 18, 1906, the right to plead the statute of limitations as a defense is hereby suspended. Any number of claimants against any such insurance partnership, association, or corporation for unpaid amounts for losses or damages caused directly or indirectly by the great San Francisco conflagration of April, 1906, may join in the same action."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 9 of an act entitled 'An act to define, regulate, and punish trading with the enemy, and for other purposes,' approved October 6, 1917, as amended."

BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 3010) to amend the classification act of 1923, approved March 4, 1923, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill goes over.

The joint resolution (S. J. Res. 121) to create a body corporate by the name of the Alien Property Trade Investment Corporation was announced as next in order.

Mr. McKELLAR. At the request of another Senator, I ask that the joint resolution may go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

STEPHEN A. WINCHELL

The bill (S. 1232) for the relief of Stephen A. Winchell was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Stephen A. Winchell, late of Company K, Sixth Regiment Maine Volunteer Infantry, and of Second Company, Second Battalion Veteran Reserve Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Second Company, Second Battalion Veteran Reserve Corps, on the 5th day of September, 1865: *Provided*, That no pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF CLASSIFICATION ACT OF 1923

The bill (H. R. 6896) to amend an act entitled "The classification act of 1923," approved March 4, 1923, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PALESTINE TROUP

The bill (S. 3090) for the relief of Palestine Troup was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 8, after the word "been," to strike out "honorably discharged from," and to insert in lieu thereof "mustered into," and in line 10, after the word "organization," to insert "on the 12th day of April, 1864, and to have been honorably discharged," so as to read:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Palestine Troup, formerly a private of Company E, Fortieth Regiment Indiana Volunteer Infantry, shall be held and considered to have been mustered into the military service of the United States as a member of said organization on the 12th day of April, 1864, and to have been honorably discharged on the 20th day of July, 1864: *Provided*, That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIMAN GEOGRAPHIC CODE SYSTEM

The joint resolution (S. J. Res. 41) authorizing a joint committee of both Houses to investigate the Harriman geographic code system, now in use by the War Department, with a view to ascertaining the adaptability and application of said system in the several executive departments and administrative branches of the Government and to rendering a just compensation to the owner thereof was announced as next in order.

Mr. SMOOT. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

ARBITRATION OF DISPUTES

The bill (S. 1005) to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 6, after the word "foreign" to strike out "or interstate"; on page 2, line 11, after the word "or" to insert "a contract evidencing a"; on page 2, line 13, after the word "arising" to strike out "between the parties"; on page 3, line 22, after the word "agreement" to insert "*Provided*, That the hearing and proceedings under such agreement shall be within the district in which the petition for an order directing such arbitration is filed"; on page 6, after line 10, to strike out:

SEC. 8. That if the basis of jurisdiction be diversity of citizenship between citizens of several States or one of the parties be a foreign State, citizen, or subject the district court or courts which would have jurisdiction if the matter in controversy exceeded, exclusive of interests and costs, the sum or value of $3,000, shall have jurisdiction to proceed hereunder, notwithstanding the amount in controversy is unascertained, or is to be determined by arbitration.

On page 6, line 19, strike out the numeral "9" and insert the numeral "8"; on page 7, line 3, after the word "Sec." to strike out the numeral "10" and insert the numeral "9," and to strike out "That the award in any case must be in writing and acknowledged or proved in like manner as a deed for the conveyance of real estate in the State or district where the award is made and delivered to the parties or their attorneys"; on page 8, line 4, to strike out the numeral "11" and insert the numeral "10"; on page 9, line 1, strike out the numeral "12" and insert the numeral "11"; on page 9, line 18, strike out the numeral "13" and insert the numeral "12"; page 10, strike out:

SEC. 14. That upon the granting of an order confirming, modifying, or correcting an award judgment may be entered in conformity therewith, no exception shall be taken, but an appeal may be taken from such order or judgment as hereinafter set forth.

On page 10, line 14, strike out the numeral "15" and insert "13"; on page 11, line 8, strike out:

SEC. 16. That an appeal may be taken from an order vacating an award or from a judgment entered upon an award, as from an order or judgment in an action.

On page 11, line 11, strike out the numeral "17" and insert "14"; page 11, line 13, strike out the numeral "18" and insert "15," so as to make the bill read:

Be it enacted, etc., That "maritime transactions," as herein defined, means charter parties, bills of lading of water carriers, agreements relating to wharfage, supplies furnished vessels or repairs to vessels, collisions, or any other matters in foreign commerce which, if the subject of controversy, would be embraced within admiralty jurisdiction; "commerce," as herein defined, means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation, but nothing herein contained shall apply to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce.

SEC. 2. That a written provision in any maritime transaction or a contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof, or an agreement in writing to submit to arbitration an existing controversy arising out of such a contract, transaction, or refusal, shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.

SEC. 3. That if any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

SEC. 4. That a party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition any court of the United States which, save for such agreement, would have jurisdiction under the judicial code at law, in equity, or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of summons in the jurisdiction in which the proceeding is brought. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement: *Provided*, That the hearing and proceedings under such agreement shall be within the district in which the petition for an order directing such arbitration is filed. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by law for referring to a jury issues in an equity action, or may specially call a jury for that purpose. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

SEC. 5. That if in the agreement provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of either party to the controversy the court shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided in the agreement the arbitration shall be by a single arbitrator.

SEC. 6. That any application to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided.

SEC. 7. That the arbitrators selected either as prescribed in this act or otherwise, or a majority of them, may summon in writing any person to attend before them or any of them as a witness and in a proper case to bring with him or them any book, record, document, or paper which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses before masters of the United States courts. Said summons shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrators, or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpœnas to appear and testify before the court; if any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon petition the United States court in and for the district in which such arbitrators, or a majority of them, are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner now provided for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the United States.

SEC. 8. That if the basis of jurisdiction be a cause of action otherwise justiciable in admiralty, then, notwithstanding anything herein to the contrary, the party claiming to be aggrieved may begin his proceeding hereunder by libel and seizure of the vessel or other property of the other party according to the usual course of admiralty proceedings, and the court shall then have jurisdiction to direct the parties to proceed with the arbitration and shall retain jurisdiction to enter its decree upon the award.

SEC. 9. If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in the next two sections. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.

SEC. 10. That in either of the following cases the United States court in and for the district wherein the award was made may make an order vacating the award upon the application of any party to the arbitration—

(a) Where the award was procured by corruption, fraud, or undue means.

(b) Where there was evident partiality or corruption in the arbitrators, or either of them.

(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

(e) Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators.

SEC. 11. That in either of the following cases the United States court in and for the district wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration—

(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matters submitted.

(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

The order may modify and correct the award so as to effect the intent thereof and promote justice between the parties.

SEC. 12. That notice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within

three months after the award is filed or delivered. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

SEC. 13. That the party moving for an order confirming, modifying, or correcting an award shall, at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

(a) The agreement; the selection or appointment, if any, of an additional arbitrator or umpire; and each written extension of the time, if any, within which to make the award.

(b) The award.

(c) Each notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award, and a copy of each order of the court upon such an application.

The judgment shall be docketed as if it was rendered in an action.

The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action; and it may be enforced as if it had been rendered in an action in the court in which it is entered.

SEC. 14. That this act may be referred to as "the United States arbitration act."

SEC. 15. That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect on and after the 1st day of January next after its enactment, but shall not apply to contracts made prior to the taking effect of this act.

The amendments were agreed to.

Mr. STERLING. Mr. President, an order was made a while ago by the Presiding Officer relative to House bill 646, which is identical with Senate bill 1005 now under consideration. On my own suggestion the Committee on Commerce, to which House bill 646 had been inadvertently referred, was discharged from the further consideration of the bill, and the bill was referred to the Committee on the Judiciary. I now ask unanimous consent that that part of the order referring the bill to the Committee on the Judiciary be rescinded and that the bill lie on the table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. JONES of Washington. As I understand it, the House bill is just the same as the Senate bill as now amended?

Mr. STERLING. It is.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered. The Chair now lays before the Senate House bill 646.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 646) to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories, or with foreign nations."

Mr. STERLING. I ask that the amendments just adopted to Senate bill 1005 be inserted in the House bill now before the Senate.

Mr. SMOOT. I understood the Senator to state that the House bill is exactly the same as the Senate bill as amended.

Mr. STERLING. Oh, no.

Mr. SMOOT. Then the Senator can not make a motion in that form.

The PRESIDING OFFICER. The Senator from South Dakota should move to strike out all after the enacting clause in House bill 646 and insert the text of Senate bill 1005.

Mr. STERLING. Very well; that is my motion.

Mr. CARAWAY. Reserving the right to object, the Senator from North Carolina [Mr. OVERMAN] was opposed to the measure. Such an amendment was suggested in the committee.

Mr. STERLING. That amendment is in the bill. They were all included in the bill.

Mr. CARAWAY. The one touching the question as to where the arbitration shall take place?

Mr. STERLING. Yes.

Mr. CARAWAY. So it is not possible to drag a man across the country to arbitrate?

Mr. STERLING. That amendment is still in the bill.

Mr. CARAWAY. And no other amendments were agreed to except those that went into the bill in the Judiciary Committee?

Mr. STERLING. No other amendment than those that went into the bill in the committee. The committee amendments alone were agreed to, and it involves the last amendment suggested by the Senator from Arkansas.

Mr. CARAWAY. The Senator will recall that there was considerable discussion about the language with respect to section 2 of the bill. I was going to suggest to the Senator that the language, "a written provision in any maritime transaction or a contract evidencing a transaction," would seem to be rather remarkable. I wonder if the Senator, for the sake of saying what we mean, would not be willing to strike out "maritime transaction," and after the word "evidencing," in line 11, page 2, insert "a contract evidencing a maritime transaction." I take it that a transaction is something we do and I do not see how there could be such a thing as "a written provision in an act" that we do. A contract discloses what the transaction is or is to be. Therefore, "a written provision in a contract evidencing a maritime transaction," it strikes me, is hardly a proper term. It seems to me it would not be well to say "a written provision in a maritime transaction." I am curious to know just what the language means as now in the section.

Mr. STERLING. I will say to the Senator from Arkansas that that particular language was the subject of some discussion in the subcommittee, as the Senator will recall.

Mr. CARAWAY. Yes; I recall it.

Mr. STERLING. This phraseology is really phraseology suggested by the Senator from Montana [Mr. WALSH]. I do not think there is any ambiguity about the language "that a written provision in any maritime transaction or a contract evidencing a transaction involving commerce," and so forth. I do not believe the language will be misunderstood. It is a little different phraseology, but the purport is just the same as the language in the original bill.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. CARAWAY. I have been opposed to the provisions of the bill. I have decided that I shall not press my opposition to the extent of objecting to its consideration, but I do believe we ought to have a little pride of expression in the use of language that would be passable and that we should say the thing we intend to say. I do not consider that anybody could seriously contend that the expression "a written provision in any maritime transaction" is clear. A transaction is an act. It is not a written contract evidencing that act at all. It is the act itself. If the Senator would see fit to consent—I will not press it to the point of offering it as an amendment—to let it read "that a provision in any written contract evidencing a maritime transaction involving commerce," and so forth, I would be glad to have him do so.

Mr. STERLING. I fear that would limit the provisions of the bill very much. That would be the effect of the amendment. The Senator suggests the words "a written provision in any contract evidencing a maritime transaction involving commerce." Then it would be confined to maritime transactions, and the purpose of the bill is that it shall not only extend to maritime transactions but also to transactions involving interstate commerce as well.

Mr. CARAWAY. I seem wholly unable to make myself clear. The thing I am trying to say is that a transaction is an act, it is something people do, and it is not a written contract. The contract may evidence what the transaction has been or what it is to be. That is what we say we have agreed to do, but now to say that a written provision in a transaction would be such a novel thing that I can not agree to it.

Mr. STERLING. Mr. President, let me ask the Senator from Arkansas a question.

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from South Dakota?

Mr. CARAWAY. Yes.

Mr. STERLING. I will ask the Senator will he consent to restore the original act?

Mr. CARAWAY. I want to say to the Senator, inasmuch as I am not very much in favor of the measure, I am not trying to change it; I am merely trying to appeal to the Senator. I think if the Senator would consider the question for a minute or so he could so transpose those expressions that the bill would say what he intends to say. However, if the Senator desires to go ahead and say that a transaction is not a transaction, but is merely an evidence of what the transaction was, I am not going very seriously to contend with him.

Mr. STERLING. Mr. President, I think I am quite content to leave the language stand as it is in the amendment.

Mr. CARAWAY. Should that be done, it would certainly be a monument to the Senator. I am perfectly willing for him to erect it.

The PRESIDING OFFICER. The question is on the amendment to strike out all after the enacting clause of the House bill and to insert in lieu thereof the Senate bill as amended.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDENT pro tempore. Without objection Senate bill 1005 will be indefinitely postponed. The Chair hears none.

RETIREMENT FOR ARMY AND NAVY NURSE CORPS

The bill (S. 3285) to provide retirement for the Nurse Corps of the Army and Navy, was announced as next in order and was read, as follows:

Be it enacted, etc., That when a member of the Army Nurse Corps or the Navy Nurse Corps shall have served 30 years, or shall have reached the age of 50 years, having served 20 years, she may, in the discretion of the Secretary of War or the Secretary of the Navy, respectively, be retired from active service and placed on a list, hereby created in each of the aforementioned services and designated the "Nurse Corps Retired List," in the grade to which she belonged at the time of her retirement.

SEC. 2. That the annual pay of a retired member of the Army Nurse Corps or the Navy Nurse Corps shall be 3 per cent of the annual active base pay which she is receiving at the time of retirement multiplied by the number of complete years of service rendered prior to retirement, but not exceeding 75 per cent of such annual active base pay; and, in addition, supplemental annual retired pay for each complete year of active service rendered prior to retirement in each of the grades hereafter named, as follows: Chief nurse, $18; assistant superintendent, $45; director, $45; assistant director, $45; superintendent, $75: *Provided*, That in computing the period of service in any grade for such supplemental retired pay any period less than a year served in any higher grade may be included.

SEC. 3. That for the purpose of computing eligibility for retirement and retired pay, there shall be credited active service in the Army Nurse Corps and in the Navy Nurse Corps active service as contract nurse prior to February 2, 1901, and service as a reserve nurse on active duty since February 2, 1901.

SEC. 4. That retired nurses shall be authorized to bear the title and may, under such regulations as may be prescribed by the Secretary of War or the Secretary of the Navy, wear the uniform of the grade held at the time of retirement, and, in time of war or national emergency, may be employed on active duty, in the discretion of the Secretary of War or the Secretary of the Navy, and when so employed shall receive the full active pay and allowances of their respective grades.

Mr. SMOOT. Let that bill go over, Mr. President.

Mr. WADSWORTH. Mr. President, will the Senator withhold his objection, in order to give me an opportunity to make a very brief statement in connection with that bill?

Mr. SMOOT. Yes.

Mr. WADSWORTH. Mr. President, this bill was reported from the Committee on Military Affairs on May 16, 1924. It has been continuously on the calendar since that date. Its purpose is to extend to the Army and Navy nurses the retirement privilege. The entire personnel of the Army and of the Navy enjoys the privilege of retirement, either after incurring disability in the line of service or upon reaching a certain age limit. All the civil employees of the United States Government, or nearly all of them, by statute enacted by Congress enjoy the retirement privilege. The only important group of which I know which does not enjoy any retirement privilege whatsoever is that embracing the Army and Navy nurses. In the judgment of the Military Affairs Committee it is a matter of simple justice to a group of women who serve their country in the military service in time of peace and in time of war, very often under most trying and bitter conditions. This bill provides that when an Army nurse or a Navy nurse shall have completed 30 years' service she may be retired, just as an enlisted man in the regular service in either the Army or the Navy may be retired, or upon reaching the age of 50 years and having served 20 years that she may be retired.

An objection has been raised against this bill every time it has been reached upon the calendar, and I should like to know the basis of the objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. I desire to ask the Senator from New York if the Army and Navy nurses do not receive compensation that is equal to that received by any nurses in the United States?

Mr. WADSWORTH. No. The pay of the Army and Navy nurses is about 20 per cent less than is the pay of trained nurses working in outside hospitals.

Mr. SMOOT. To just what hospitals does the Senator have reference? There may be a particular hospital as to which that is true.

Mr. WADSWORTH. I refer to municipal hospitals and to private and public hospitals.

Mr. SMOOT. I think the Senator is wrong as to that.

Mr. WADSWORTH. The recollection of the Senator from New York is fairly distinct about the matter, because he happened to be chairman of the joint committee of Congress which was charged with the revision of the pay schedules of the Army and Navy and Marine Corps and other related services. The question of the pay of nurses was examined into very carefully at that time. They were then given increase in pay, but the increase did not bring their pay up to the point of that which is enjoyed by nurses working here in Washington outside of the Army or the Navy.

Mr. SMOOT. Mr. President, I had a list of the salaries which were paid nurses in all parts of the United States.

Mr. WADSWORTH. So did we.

Mr. SMOOT. I wish to say that there are only a few hospitals, according to the report to which I refer, if it is correct, which pay their nurses higher salaries than those which are paid to nurses in the Army and Navy, and in those cases the compensation is only slightly higher, but the report shows as to the majority of hospitals in the United States that the salary of nurses is no higher than that which is paid to nurses of the Army and the Navy.

Mr. WADSWORTH. That is exactly and absolutely contrary to the finding of the joint pay committee. A nurse here in Washington in private practice is paid on the average $35 a week.

Mr. COPELAND. They are paid more than that.

Mr. WADSWORTH. That is the minimum sum, but frequently it reaches $40 and sometimes $50 a week. The Army nurses at Walter Reed Hospital get about $25 a week, and they are the only people in the military service of the United States who do not enjoy the retirement privilege. They give their lives and their health to the service, just as does a soldier, and they are entitled to the retirement privilege.

Mr. SMOOT. Mr. President, they are entitled to it if they are not receiving the same compensation which is paid for the same work outside in private life, but merely because of the fact that they are nurses in the Army and Navy, if they are receiving the same salary as those who are paid outside are receiving, does not entitle them to longevity pay and quarters and the retirement privilege and everything else.

Mr. WADSWORTH. They already get commutation of quarters.

Mr. SMOOT. Then they are getting more than nurses outside get.

Mr. WADSWORTH. No; they are not at all. I do not mean to be abrupt with the Senator, but I desire to state that the committee has studied this question, and the Senator is wrong.

The PRESIDING OFFICER. The Chair understands the objection is urged, and the bill will be passed over.

Mr. COPELAND. Mr. President, I hope the objection will not be pressed.

The PRESIDING OFFICER. Objection has already been made.

Mr. WADSWORTH. I move that the bill be taken up.

Mr. SWANSON. I should like to make a statement to the Senator from Utah.

The PRESIDING OFFICER. The motion of the Senator from New York [Mr. WADSWORTH] is not in order.

Mr. WADSWORTH. Am I to understand that I can not make the motion under the unanimous-consent agreement which has been entered into?

The PRESIDING OFFICER. That is correct.

Mr. COPELAND. I hope the objection will not be persisted in. Anybody who knows the situation as to the nurses knows that nurses in private practice get not only from $35 to $50 a week but they also get commutation of quarters, and they get their board at the same time. Is there any doubt about that?

Mr. SMOOT. No; they do not.

The PRESIDING OFFICER. Does the Senator from Utah withdraw his objection to the consideration of the bill?

Mr. SMOOT. Well, Mr. President——

Mr. SWANSON. I should like to say that, so far as the Navy nurses are concerned, and others in the service of the Navy, they work for less pay than is received by others engaged in similar employment on the outside.

Mr. SMOOT. Who is it that is working for less?

Mr. SWANSON. I have known naval officers to resign from the Navy because they could get three times as much on the outside.

Mr. SMOOT. Perhaps they might get four times as much.

Mr. SWANSON. It is the fact that they are insured for life, because of the retirement privilege, which enables them to continue in the service, notwithstanding they have flattering offers on the outside. Take the nurses, for instance. I know what they do, and I know they do not receive the average pay.

Mr. SMOOT. I likewise know what they do. I know that the Senator from Virginia, of course, would give everybody in the Navy the retirement privilege or anything else they might ask; I have not any doubt about that; but I wish to be perfectly fair in this matter. If the service nurses are not receiving as much as are nurses outside, I would not object to the passage of this bill; but I say that the information which I have is that they are receiving more than a majority of nurses in the United States are receiving; and if that is the case there is no justification for the passage of the bill.

Mr. COPELAND. Mr. President, I am sure the Senator wants to be just about this matter, but he is mistaken.

Mr. SMOOT. How does the Senator know that I am mistaken? Has the Senator made any investigation of this question?

Mr. COPELAND. If my colleague the senior Senator from New York [Mr. WADSWORTH] is right in saying that the Army and Navy nurses receive $25 a month——

Mr. SMOOT. He said $25 a week.

Mr. COPELAND. Very well; $25 a week——

Mr. SMOOT. But they receive more than that, I will say to the Senator.

Mr. COPELAND. What more than that do they receive?

Mr. WADSWORTH. I can not think what more they receive.

Mr. SMOOT. They receive commutation of quarters; they receive longevity pay; they receive every advantage to-day, outside of the retirement privilege, that anyone else connected with the Army or Navy receives.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. SMOOT. Yes.

Mr. WADSWORTH. The Senator from Utah certainly knows that a nurse in private practice gets her board and lodging, which is the equivalent of commutation of quarters, heat, light, and subsistence.

Mr. SMOOT. When she is engaged she does perhaps receive subsistence to the extent of two meals a day; I have no doubt of that.

Mr. WADSWORTH. Yes; and the Army nurses provide their own uniforms.

Mr. SMOOT. So do the nurses in private practice supply their own uniforms.

Mr. COPELAND. Mr. President, I know the Senator wants to be fair; but there is another point to be taken into consideration. The nurse in private practice—and I do not want to disparage her work, because she is a very important member of society—can choose the case that she is to take; while the nurses in the Army or Navy, when they are brought into a case of smallpox or diphtheria or measles or some other ailment, have no choice whatever.

Mr. SMOOT. I do not think there is any nurse in private practice who, when asked by a physician with whom she is closely connected, has ever refused to take a case.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. SMOOT. I understand my time has expired.

Mr. COPELAND obtained the floor.

Mr. WADSWORTH. Mr. President, will my colleague yield to me?

Mr. COPELAND. I yield.

Mr. WADSWORTH. Speaking of the matter of pay, in the committee report the Senator can see the schedules of pay for the Army and Navy nurses.

Mr. SMOOT. I have that before me, and have read it.

Mr. WADSWORTH. And the Senator will notice that a nurse who has had less than three years' service gets $840 a year. Now, I ask the Senator to think over the matter.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. Well, Mr. President, I shall not object any further to the bill, but I think it is unjust.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NORWEGIAN STEAMSHIP "HASSEL"

The bill (S. 2718) to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable*, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 8, after the name "*Hassel*," to insert "or any other parties pecuniarily interested," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be paid to the Government of Norway, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners of the Norwegian steamship *Hassel*, or any other parties pecuniarily interested, as the result of a collision on August 24, 1918, between that steamship and the American steamship *Ausable*, operated by the War Department, the sum of $164,169.23, as recommended by the President in his message to Congress of February 25, 1924, printed as Senate Document No. 52, Sixty-eighth Congress, first session.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEPUTY RECORDER OF DEEDS, DISTRICT OF COLUMBIA

The bill (S. 1934) to amend, revise, and reenact section 540 of subchapter 4 of the Code of the District of Columbia, relating to the appointment of deputy recorder of deeds, and fixing compensation therefor, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, line 4, after the word "all," to strike out "act necessary in the administration of his office, and the certification of the records of said office," and insert "acts"; in line 6, after the word "which," to strike out "he himself," and insert "the recorder"; in line 7, after the word "all," to strike out "written instruments required to be filed as recorded and all copies of instruments of record and certificates authorized by law filed, recorded, made, and certified," and insert "such acts," so as to make the bill read:

Be it enacted, etc., That the recorder of deeds is authorized to appoint a second deputy recorder, who may do and perform any and all acts which the recorder is authorized to do, and all such acts by the said second deputy recorder shall have the same legality, force, and effect as if performed by the recorder; the compensation of said second deputy recorder to be at the rate of $2,000 per annum, to be paid out of the fees and emoluments of the office of the recorder of deeds. And with the approval of the Attorney General of the United States, the recorder of deeds may from time to time fix the number and compensation of all other employees of his office: *Provided*, That any expenditure incurred by him in so doing shall not be a charge upon the Public Treasury, but shall be paid out of the fees and emoluments of said office: *And provided further*, That the employees of said office shall not be in excess of the number actually necessary for the proper conduct of said office of the recorder of deeds: *Provided, however*, That the compensation of the first deputy recorder of deeds and that of the second deputy recorder of deeds shall not be changed except by act of Congress.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEEDS OF CHATTELS IN THE DISTRICT OF COLUMBIA

The bill (S. 1935) to amend, revise, and reenact subchapter 3, sections 546 and 547, of the Code of Law of the District of Columbia, relating to the recording of deeds and chattels, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc.—

SEC. 546. That no bill of sale, mortgage, or deed of trust to secure a debt of any personal chattels whereof the vendor, mortgagor, or donor shall remain in possession, shall be valid or effectual to pass the title therein, except as between the parties to such instruments and as to other persons having actual notice of it, unless the same be executed, acknowledged, and within 10 days from the date of such acknowledgment filed in the office of the Recorder of Deeds and the said filing of such instrument therein as aforesaid as to third persons not having notice of it as aforesaid shall be operative only from the time within the said 10 days when it is delivered to said recorder.

And it shall not be necessary for the Recorder of Deeds to spread such instruments upon the records of his office, but the same shall be indexed in the manner as deeds to real estate are indexed, and said instruments shall be kept on file and shall be open to inspection by the public, and shall have the same force and legal effect as if they were actually recorded in the books of said office. For filing and indexing such aforesaid instruments the Recorder of Deeds shall collect $1 each.

SEC. 547. Conditional sales: No conditional sale of chattels in virtue of which the property is delivered to the purchaser, but by the terms of which the title is not to pass until the price of said chattels is fully paid, where the purchase price exceeds $100, shall be valid as against third persons acquiring title to said property from said purchaser without notice of the terms of said sale, unless the terms of said sale are reduced to writing and signed by the parties thereto and acknowledged by the purchaser and filed in the office of the Recorder of Deeds of the District of Columbia, and said writing shall be indexed as if the purchaser were a mortgagor and the seller a mortgagee of such chattels, and shall be operative as to third persons without actual notice of it from the time of being filed. And for filing and indexing such an instrument, the Recorder of Deeds shall collect $1. These acts shall take effect 30 days after approval.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3280) to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes, was announced as next in order.

Mr. DIAL. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1535) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. DIAL. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF BENJAMIN BRAZNELL

The bill (S. 1202) for the relief of the estate of Benjamin Braznell, was considered as in Committee of the Whole. It directs the Commissioner of Internal Revenue to reopen and allow the claim of the Braddock Trust Co., executor of the estate of Benjamin Braznell, late of Pittsburgh, Pa., and refund $2,323.47, being the balance of taxes illegally collected under existing laws and decisions.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GREENPORT BASIN & CONSTRUCTION CO.

The bill (H. R. 3348) authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $559.98 to the Greenport Basin & Construction Co., of Greenport, N. Y., as compensation for damage to their marine railway caused by the United States Coast Guard cutter *Pequot*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNIE M. HIGGINS

The bill (H. R. 1860) for the relief of Fannie M. Higgins, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fannie M. Higgins the sum of $3,000 for all damages suffered by reason of her husband, John H. Higgins, being struck and fatally injured by a Government automobile which was driven by a regularly enlisted soldier of the United States Army: *Provided*, That no part of the amount of any item appropriated in this bill in excess of 5 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim: *Provided further*, That it shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 5 per cent of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than $300 nor more than $2,000.

Mr. SMOOT. Mr. President, I do not think the Congress ought to provide for the payment of attorneys' fees in cases of this kind. This is the first bill which I have noticed allowing the payment of attorneys' fees.

Mr. SWANSON. I think it is merely a limitation.

Mr. SMOOT. I quote from the bill:

Provided, That no part of the amount of any item appropriated in this bill in excess of 5 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim.

That is a new thing in legislation of this character.

Mr. CARAWAY. Mr. President, will the Senator pardon me for just a moment?

Mr. SMOOT. I yield.

Mr. CARAWAY. I am sure the Senator is just in error, because frequently Congress has undertaken to limit the amount that may be paid to attorneys. Because it has been discovered that attorneys have contracted with those who seek to have their claims paid for a very much larger percentage, the Congress has tried to provide that they shall receive only a certain percentage. It is really for the benefit of the claimant and not for the attorney, because possibly the attorney has a contract with the claimant calling for 40 per cent or 50 per cent of the amount that the Government shall pay; and Congress, in order to keep them from getting such exorbitant fees, proposes to provide that no more than 5 per cent shall be paid. In some cases the limit has been as high as 20 per cent.

Mr. SMOOT. I should like to have the people having claims against the United States understand that they can bring them here without any attorneys.

Mr. CARAWAY. Without doubt that ought to be true; but sometimes a person has a claim and puts it in the hands of an attorney and agrees that he will pay a certain part of the amount recovered, and the attorney gathers the evidence and presents the claim. Then Congress, in order to keep the attorney from getting what would be thought, possibly, an unconscionable amount, has undertaken to limit the amount that the attorney might receive by putting in a proviso of this kind. It is really in the interest of the person whose claim is going through.

Mr. SMOOT. This is the first item of the kind I have ever seen.

Mr. SWANSON. Mr. President, when we paid $25,000,000 to the Republic of Colombia there was a report around here that certain counsel was to get a vast sum of money, and we limited it.

Mr. SMOOT. That was a different thing entirely.

Mr. CARAWAY. If the Senator will pardon me, since I have been upon the Claims Committee I know that that is not an unusual thing. It has simply escaped the Senator's attention.

Mr. SMOOT. I have never noticed it before, and I have watched these things pretty closely.

Mr. CARAWAY. I know that is true, but they have gone through; and it is in the interest of the claimant, and not in the interest of the attorney, that that sort of provision is put on.

Mr. SWANSON. They can not get in excess of 5 per cent. It is very frequently done.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVY DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. HALE. Mr. President, I ask unanimous consent for permission to present a conference report and to move for its immediate consideration.

Mr. SMOOT. The Senator can not do that under the unanimous-consent agreement.

Mr. HALE. I do not think there is any opposition to the report. I think it will go through immediately if I can get unanimous consent, and I ask unanimous consent.

The PRESIDING OFFICER. The Chair will notify the Senator that we are operating under one unanimous-consent agreement, which continues the consideration of the calendar. If there is no objection——

Mr. HALE. If there is no objection I should like to go ahead with this conference report.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine? The Chair hears none. The Secretary will read the conference report.

The reading clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference

have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 6, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 10, 13, 16, 19, 20, 21, 22, and 24, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "towns of St. Thomas, Christiansted, and Fredericksted, $125,000; in all, $395,150"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$96,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$105,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$64.000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,375,250"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Submarine base, Key West, Fla.: Toward completion of piers, $100,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 8, 15, 23, and 25.

FREDERICK HALE,
LAWRENCE C. PHIPPS,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
JAMES F. BYRNES,
W. B. OLIVER,
Managers on the part of the House.

Mr. HALE. I move the adoption of the conference report.

The motion was agreed to.

MINERAL LANDS IN INDIAN RESERVATIONS

Mr. HARRELD. Mr. President, I ask unanimous consent, out of order, to move to concur in the amendments made by the House to Senate bill 876, with amendments.

The PRESIDING OFFICER. Is there objection to the request?

Mr. McKELLAR. Let it be read, or let a statement be made about it.

Mr. CURTIS. Mr. President, I am not going to object to this one, but I do hope we will carry out the unanimous-consent agreement and go on with the calendar. As I say, I will not object to this one.

Mr. McKELLAR. I simply want an explanation of the matter.

Mr. HARRELD. I think the amendments that have been made had better be read.

The PRESIDING OFFICER. Is there objection? If not, the Secretary will state the amendments.

Mr. McKELLAR. Let them be read, so that we can see whether we desire to object or not. I do not know whether to object or not until I hear the amendments. I imagine that they are all right, but I want to hear what they are.

The READING CLERK. The Senator from Oklahoma moves that the Senate concur in the amendments of the House to Senate bill 876, with the following amendments:

Amend the bill, in line 3, page 2, after the words "shall be," by inserting the words "disposed of as follows, 37½ per cent shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State, or subdivisions thereof, for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct and 62½ per cent shall be."

Amend the first paragraph of the amendment of the House by inserting the words "Executive order" after the word "within," and by striking out the words "except that such lands may only be leased and patents shall be issued for the same."

Strike out all of the second paragraph of the amendment of the House.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Utah to the motion he entered to reconsider.

Mr. SMOOT. And to have the bill brought before the Senate. The House has messaged the bill over here now, and the Senator asked that it be laid before the Senate. When laid before the Senate, the Senator, as I understood him, moved to concur in the amendments of the House, with amendments. The House made amendments to the Senate bill.

Mr. McKELLAR. Before I agree to it I want to know what it is about. If the Senator from Utah or the Senator from Oklahoma will tell us what the bill is about, we may agree to it in a moment.

Mr. HARRELD. This is what it is about: It affects only Executive-order Indian lands on which recently oil has been discovered, and they are collecting royalties. The question is, How shall these royalties be disposed of? This bill provides how they shall be disposed of. That is all there is to it; but, as a matter of parliamentary procedure, the motion of the Senator from Utah will have to be voted on first—the motion to reconsider.

Mr. SMOOT. Yes; I understood that that would be done.

Mr. HARRELD. This bill just disposes of the money that accumulates on these royalty interests.

Mr. CURTIS. Mr. President, I ask that the matter go over until Monday.

Mr. HARRELD. Mr. President, just a minute. We are almost through with it.

The PRESIDING OFFICER. The Chair will state that there is a parliamentary tangle here. The motion to reconsider would have to be acted on first.

Mr. HARRELD. Yes; that is true.

Mr. CURTIS. I ask that the matter go over until Monday.

The PRESIDING OFFICER. Objection is made, and the matter will go over. The Secretary will state the next bill on the calendar.

SALE AND USE OF MILK BOTTLES AND CONTAINERS IN THE DISTRICT OF COLUMBIA

Mr. COPELAND. Mr. President, I was out of the Chamber a moment ago when Senate bill 3280, Order of Business 632, was passed over on the objection of the Senator from South Carolina [Mr. DIAL]. He understands about it now, and withdraws his objection.

Mr. DIAL. I withdraw the objection.

Mr. COPELAND. I ask unanimous consent to return to that bill.

The PRESIDING OFFICER. Is there objection to returning to Senate bill 3280? The Chair hears none, and the Secretary will read the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3280) to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes, which had been reported from the Committee on the District of Columbia, with amendments.

The amendments were, on page 3, line 2, after the words "traffic in," to strike out "or transport out of the District of Columbia"; in line 5, after the word "buy," to insert "or"; in the same line, after the words "traffic in," to strike out "or transport out of the District of Columbia"; in line 8, after the word "person," to insert "or who shall transport any such registered milk bottle or bottles, can or cans, crate or crates, or other containers out of the District of Columbia, with intent to deprive the registrant of such bottle or bottles, can or cans, crate or crates, or containers," so as to make the bill read:

Be it enacted, etc., That 30 days from and after the passage of this act all bottles, cans, crates, or other containers in which milk or cream is sold or offered for sale within the District of Columbia shall have plainly and legibly branded, blown, cut, carved, embossed, or impressed thereon the name of the distributer of said milk or cream.

SEC. 2. All persons, firms, partnerships, or corporations engaged in the bottling, selling, or distributing of milk or cream in bottles, cans, crates, or other containers within the District of Columbia, on which the name, trade mark, or other device designating the owner is branded, blown, cut, carved, embossed, or impressed, shall file with the clerk of the Supreme Court of the District of Columbia a description of the name or names, marks, or devices so used by them, the said description to be a statement under oath by the owner of said name, mark, or device. The said owner of said name, mark, or device shall, after filing the description as above required, cause the same to be published at least once a week for two consecutive weeks in a newspaper of general circulation in the District of Columbia. The said owner of said name, mark, or device shall thereafter file with the clerk of the Supreme Court of the District of Columbia an affidavit made by himself or any other competent person stating that said description has been published as herein provided.

The registration of any such name, mark, or device shall be complete upon the filing of said affidavit of publication and thereafter the name, mark, or device shall be considered as registered in accordance with this act, and any bottle, can, crate, or other container on which said name, mark, or device shall be or shall be placed shall be considered as registered in accordance with this act.

SEC. 3. Whoever shall by himself or his agent fill, use, sell, offer for sale, give, offer to give, buy, traffic in, or shall have in his possession with intent to fill, use, sell, offer for sale, give, offer to give, buy, or traffic in any registered milk bottle or bottles, can or cans, crate or crates, or other containers on which appears the name, mark, or device registered by another person, or who shall transport any such registered milk bottle or bottles, can or cans, crate or crates, or other containers out of the District of Columbia, with intent to deprive the registrant of such bottle or bottles, can or cans, crate or crates, or containers shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties prescribed in this act: *Provided*, That the provisions of this section shall not apply to any person having the written consent of the person whose registered name, mark, or device shall have been in or upon said bottles, cans, crates, or other containers.

SEC. 4. Whoever shall by himself or his agent willfully deface, erase, alter, obliterate, cover up, or otherwise remove or conceal any registered name, mark, or device registered by another and being on any milk bottle, can, crate, or other container, or shall willfully break, destroy, or otherwise injure any registered milk bottle, can, crate, or other container which has been registered by another shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties prescribed in this act: *Provided*, That the provisions of this section shall not apply to any person having the written consent of the person whose registered name, mark, or device shall have been in or upon said bottles, cans, crates, or other containers.

SEC. 5. In any prosecution under this act, the possession of any registered milk bottle, can, crate, or other container by any person other than the person whose registered name, mark, or device shall be or shall have been upon the same shall be prima facie evidence of the unlawful use or traffic in the same, contrary to the provisions of this act: *Provided*, That the provisions of this section shall not apply to any person having the written consent of the person by whom said bottles, cans, crates, or other containers were registered.

SEC. 6. Whenever any person who has registered milk bottles, cans, crates, or other containers in accordance with the provisions of this act shall by himself or his agent make oath before the clerk of the police court of the District of Columbia that he has reason to believe, and does believe, that any of his registered milk bottles, cans, crates, or other containers are being filled, used, bought, trafficked in, held, sold, offered for sale, broken, injured, or destroyed within the District of Columbia contrary to the provisions of this act by any person without the written consent of the owner, the judge of the police court to whom said complaint under oath is made may forthwith issue a search warrant directed to any police officer or other proper officer to search the premises whereon or wherein said registered milk bottles, cans, crates, or other containers are held and may issue a warrant for the arrest of the person complained against; and if any one or more of such registered milk bottles, cans, crates, or other containers, or any parts of the same, shall be found upon the premises by the officer executing the said search warrant he shall seize and take possession of all such registered milk bottles, cans, crates, or other containers, or parts thereof, and shall cause the same to be brought before the judge of the police court, who shall award the said registered milk bottles, cans, crates, and other containers to the person entitled to the same.

SEC. 7. The requiring, taking, or accepting of any sum of money for security for the safe-keeping and the return of any registered milk bottles, cans, crates, or other containers shall not constitute a sale of such property either conditional, optional, or otherwise in any proceeding under this act. No title may be acquired to any mark, name, or device, or any milk bottle, can, crate, or other container registered in accordance with this act except by the consent in writing of the person who registered the same.

SEC. 8. All persons who have heretofore registered any milk bottles, cans, crates, or other containers in accordance with the laws existing at the time of said registration shall be exempted from filing a new description in accordance with the terms of this act and shall be entitled to the rights and benefits accruing under this act in the same manner as if said registration was made after the passage of and in accordance with this act.

SEC. 9. Whenever the word "person" is used herein it shall apply equally as well to one or more persons, copartnerships, and corporations.

SEC. 10. The provisions of this act shall apply to all bottles, cans, crates, and other containers in which milk or cream of any grade, quality, or character is sold or offered for sale, and shall include bottles, cans, crates, and other containers in which skimmed milk, buttermilk, double cream, and sour milk are sold.

SEC. 11. The violation of any of the provisions of this act shall be a misdemeanor, and prosecutions for violations of this act shall be in the police court of the District of Columbia. Upon conviction of a violation of the provisions of this act the penalty shall be a fine of not more than $50 for the first offense and a fine of not more than $100 for the second and each subsequent offense.

SEC. 12. Whenever any person who has registered milk bottles, cans, crates, or other containers as herein provided shall have, upon complaint under oath, prosecuted any other person for violation of the provisions of this act in the use, handling, holding, filling, selling, offering for sale, buying, trafficking in, breaking, destroying, or transporting out of the District of Columbia of such registered milk bottles, cans, crates, or other containers, and said other person shall have been convicted on three occasions at least for the said unlawful use, handling, holding, filling, selling, offering for sale, buying, trafficking in, breaking, destroying, or transporting out of the District of Columbia of said registered milk bottles, cans, crates, or other containers, then the said registrant of said milk bottles, cans, crates, or other containers shall be entitled, upon making complaint to a justice of the Supreme Court of the District of Columbia, holding an equity court, to have issued an injunction directed to said violator enjoining him from further illegal use, handling, holding, filling, selling, offering for sale, buying, trafficking in, breaking, destroying, or transporting out of the District of Columbia of said registered milk bottles, cans, crates, or other containers.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRACE BUXTON

The bill (H. R. 5967) for the relief of Grace Buxton was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL AND RESOLUTION PASSED OVER

The resolution (S. Res. 234) advising the adherence of the United States to the existing Permanent Court of International Justice, with certain amendments, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 2913) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. NORBECK. Mr. President, I hope we can have that bill considered at this time. I hope the Senator from Utah will withdraw his objection.

Mr. SMOOT. No; Mr. President, I have a proposition from an organization in New York suggesting a certain amendment to this bill. I have submitted that amendment to a number of the organizations in the West interested in this measure to see if they were willing to accept it and allow the bill to pass. I have not yet received an answer, however. I have hardly had time to receive an answer. If that amendment is agreed to, I have no objection to the passage of the bill.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

R. E. SWARTZ, W. J. COLLIER, AND OTHERS

The bill (S. 2778) for the relief of R. E. Swartz, W. J. Collier, and others was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treas-

ury to pay, out of any moneys in the Treasury not otherwise appropriated, certain sums to certain parties named for remaining compensation due them for losses sustained during the year 1918 by reason of being prevented from planting cotton in the so-called noncotton zones Nos. 2 and 3 in Texas, said zones having been established to combat the menace to the entire cotton section of the United States of the pink bollworm which had entered the United States from Mexico.

The bill had been reported from the Committee on Claims, with amendments, on page 1, line 12, after the word "Mexico," to insert: "*Provided, however*, That no claimant shall be paid an amount in excess of one-half the amount paid on his claim by the State of Texas"; and on page 41, line 22, after "$150," to insert "Total amount appropriated by this act, $235,025."

Mr. SHEPPARD. Mr. President, it will not be necessary to read the list of the payees in the bill. There is quite a number of them. The average is about $143 for each one. I ask that the reading may be dispensed with.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. OLIVER MANUFACTURING CO. ET AL.

The bill (S. 443) for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn., was announced as next in order.

Mr. McKELLAR. Mr. President, the House has passed an exactly similar bill, and I move that House bill 3132 be substituted for the Senate bill.

Mr. SMOOT. What is the calendar number of the House bill?

Mr. McKELLAR. The House bill has not been acted on by the Senate committee. The House recently passed it, and the bill is on the Vice President's desk. It is exactly the same bill.

The PRESIDING OFFICER. Is there objection to substituting the House bill for the Senate bill?

Mr. SMOOT. What is the amount carried in the House bill?

Mr. McKELLAR. It is $170,757.86.

The PRESIDING OFFICER. Is there objection to substituting the House bill for the Senate bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3132) for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 443 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 3050) for the relief of the Turner Construction Co., of New York City, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CHAMBER OF COMMERCE OF NORTHAMPTON, MASS.

The bill (S. 2731) for the relief of the Chamber of Commerce of the city of Northampton, Mass., was announced as next in order.

Mr. BUTLER. Mr. President, this bill, appearing under Order No. 660, is identically like the bill appearing under Order No. 802, House bill 4280. I ask that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Is there objection to the request that the House bill be substituted for the Senate bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4280) for the relief of the Chamber of Commerce of the city of Northampton, Mass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2731 will be indefinitely postponed.

JULIUS JONAS

The bill (H. R. 5762) for the relief of Julius Jonas was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSÉ LOUZAU

The bill (S. 1648) for the relief of José Louzau was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to José Louzau the sum of $5,000 for personal injuries caused by being struck by a United States Army truck in San Juan, P. R., August 27, 1920.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read the third time, and passed.

EMIL L. FLATEN

The bill (H. R. 2806) for the relief of Emil L. Flaten, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Emil L. Flaten, postmaster at Moorhead, Minn., in the sum of $16,391.99, due to the United States on account of postage stamps, key-deposit funds, war-savings and thrift-stamp funds, and war-tax revenue stamp funds which were lost as the result of burglary on October 27, 1920.

The bill was reported to the Senate without amendment, ordered to a third reading, was read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2935) for the publication of official papers of the Territories of the United States now in the national archives was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 300) to provide for election contests in the Senate of the United States was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3300) to fix the salaries of officers and employees of the Court of Appeals of the District of Columbia, the Supreme Court of the District of Columbia, the United States Court of Claims, and the United States Court of Customs Appeals was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

NATIONAL SOCIETY, SONS OF THE AMERICAN REVOLUTION

The bill (H. R. 7399) to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906, is amended to read as follows:

"SEC. 4. That the property and affairs of said corporation shall be managed by not less than 40 trustees, who shall be elected annually at such time as shall be fixed by the by-laws, and at least one trustee shall be elected annually from a list of nominees to be made by each of the State societies and submitted in this society at least 30 days before the annual meeting, in accordance with the general provisions regulating such nominations as may be adopted by this society."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRAFFIC IN CLINICAL THERMOMETERS

The bill (S. 1671) to provide for regulating traffic in certain clinical thermometers, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purposes of this act a clinical thermometer shall be understood and construed to mean a maximum self-registering thermometer intended, designed, or suitable for use in determining the temperature of the body of man or other animal.

SEC. 2. That for the purposes of this act a clinical thermometer which is defined as correct shall be understood and construed to mean one which conforms to the standard within the tolerance established in accordance with the provisions of this act, and which in addition complies with the specifications similarly established.

SEC. 3. That the Bureau of Standards of the Department of Commerce shall inspect and test all clinical thermometers submitted for this purpose and all clinical thermometers which are being imported or offered for importation into the United States, to determine whether such clinical thermometers are correct, and shall mark or otherwise certify, or mark and certify, all those which are found to be correct. For all such inspections, tests, or certifications, except those performed for the Government of the United States, or State governments within the United States, a reasonable fee designed to make the work self-sustaining shall be charged according to a schedule promulgated by the Secretary of Commerce.

SEC. 4. That the Secretary of Commerce shall make and promulgate rules and regulations not inconsistent with this act for carry-

ing out the provisions of this act, and these rules and regulations shall include specifications, reasonable tolerances, or permissible variations which may be allowed, and also requirements for such designating marks to be placed upon thermometers as may be deemed necessary.

SEC. 5. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, except in accordance with the provisions of section 6 of this act, or shipment to any foreign country of any clinical thermometer which has not been marked or certified, or marked and certified in accordance with the provisions of section 3 of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any clinical thermometer which has not been marked or certified or marked and certified in accordance with the provisions of section 3 of this act, or any person who shall sell or offer for sale in the District of Columbia or in any Territory or in any place under the jurisdiction of the United States any such unmarked or uncertified clinical thermometer, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense, and upon conviction for each subsequent offense not exceeding $500: *Provided, however*, That any bona fide shipment of a clinical thermometer which has not been marked or certified or marked and certified in accordance with the provisions of section 3 of this act, when made to any laboratory of the Bureau of Standards of the Department of Commerce established or maintained for the purpose of inspection and testing clinical thermometers, in accordance with the provisions of section 3 of this act, for such inspection and test, or the return shipment of any such thermometer to the person so submitting it, shall not be deemed to be a violation of the provisions of this act, and any person so shipping or reshipping a clinical thermometer shall not be deemed to be guilty of violating the provisions of this act.

SEC. 6. That the importation into the United States, without a permit from the Secretary of Commerce, of any clinical thermometer, and the importation of any clinical thermometer which is not correct, are hereby prohibited, if any such clinical thermometer is found incorrect, the same shall be denied entry or returned at the expense of the owner or importer. The Secretary of Commerce is hereby authorized to issue permits for the importation into the United States of clinical thermometers which are found to be correct and to suspend or revoke any such permit when he is satisfied that such permit is being used to effect the importation into the United States of any clinical thermometers which are not correct.

SEC. 7. That it shall be unlawful for any person to counterfeit, duplicate, or copy or to make any false, fraudulent, or unauthorized use of any mark or certificate placed upon or issued in connection with any thermometer in accordance with the provisions of section 3 of this act, or to use or have in his possession any stamp, plate, templet, or other means specifically adapted or designed for producing any such mark or certificate required in accordance with the provisions of section 3 of this act, or to counterfeit, duplicate, or copy or to make any false, fraudulent, or unauthorized use of any designating mark required under the provisions of section 4 of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and for each offense shall, upon conviction thereof, be fined not to exceed $500 or shall be sentenced to one year's imprisonment or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not to exceed $1,000 or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

SEC. 8. That it shall be the duty of each district attorney to whom the Secretary of Commerce shall report any violation of this act, or to whom any weights or measure officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 9. That the term "Territory" as used in this act shall include the insular possessions of the United States. The word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 10. That for the purpose of carrying out the provisions of this act there is hereby appropriated the sum of $200,000 from any money in the Treasury not otherwise appropriated, to become available immediately upon the approval of this act.

SEC. 11. That this act shall go into force and effect from and after a date six months after the date of approval of the act.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3316) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved Nov. 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

A. V. YEARSLEY

The bill (S. 1056) for the relief of A. V. Yearsley, was considered as in the Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay A. V. Yearsley, of Port Penn, Del., out of any money in the Treasury not otherwise appropriated, the sum of $87.22, said sum being due A. V. Yearsley for merchandise furnished to the Reedy Island naval station mess during the year 1919.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

IDA SMITH

The bill (S. 3034) for the relief of Ida Smith was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 5, to strike out "$20,000" and to insert in lieu thereof "$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Ida Smith, the widow of Harris Smith, the sum of $2,500, out of any money in the Treasury not otherwise appropriated. Said Harris Smith was struck and killed August 1, 1921, by a United States mail truck.

The amendment was agreed to.

Mr. DIAL. Mr. President, I would like to ask the committee whether or not the deceased left minor children. In other words, if we pass this kind of a bill some other heirs may come in and ask for a further amount in order to reimburse them.

Mr. COPELAND. If the Senator will withhold his objection and let the bill pass I will ascertain the facts, and if the Government is not properly safeguarded I will promise to have the bill reconsidered.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAM ACROSS THE MISSOURI RIVER, MONT.

The bill (S. 2085) to authorize the Broadwater Irrigation District, a Montana organization, to construct a dam across the Missouri River was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, to add a new section to be known as section 2, and on page 3, a new section to be known as section 3, so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Broadwater Irrigation District, a Montana organization, its successors or assigns, to construct, maintain, and operate a dam across the Missouri River at a point suitable to the interests of navigation in section 6, township 4 north, range 3 east, Montana meridian, or in section 1, township 4 north, range 2 east, Montana meridian: *Provided*, That the work shall not be commenced until the plans therefor have

been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That this act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy.

SEC. 2. That the authority granted by this act shall cease and be null and void unless the actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act: *Provided*, That from and after 30 days' notice from the Federal Power Commission or other authorized agency of the United States to said district or its successors that desirable water-power development will be interfered with by the existence of said dam, the authority hereby granted to construct, maintain, and operate said dam shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near said dam shall have authority to remove, submerge, or utilize said dam under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of said dam.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1187) to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN WALAPAI INDIAN RESERVATION, ARIZ.

The bill (S. 877) to provide for exchanges of Government and privately owned lands in the Walapai Indian Reservation, Ariz., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, under rules and regulations to be prescribed by him, to accept reconveyances to the Government of privately owned and State school lands and relinquishments of any valid filings, under the homestead laws, or of other valid claims within the Walapai Indian Reservation in Mohave and Coconino Counties, Ariz., and to permit lieu selections within the boundaries of the said reservation by those surrendering their rights, so that the lands retained for Indian purposes may be consolidated and held in a solid area so far as may be possible: *Provided*, That the title or claim of any person or company who refuses to reconvey to the Government shall not be hereby affected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDEMNITY FOR DAMAGES CAUSED BY THE A. E. F.

The bill (S. 3408) to amend an act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918, and for other purposes, was announced as next in order.

Mr. WILLIS. I do not desire to object to the consideration of the bill, but it seems to me from the reading of it that it is a measure of a good deal of importance. I think we ought to have some explanation of it from some member of the Committee on Military Affairs. Let it go over temporarily without prejudice.

The PRESIDING OFFICER. The bill will be passed over.

TRANSFER OF CERTAIN MATERIALS TO THE DEPARTMENT OF AGRICULTURE

The bill (H. R. 7209) to authorize and direct the Secretary of War to transfer certain materials, machinery, and equipment to the Department of Agriculture was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 2, line 2, to strike out the words "thousand five."

The amendment was agreed to.

The next amendment of the committee was, on line 3, page 2, to strike out the word "four" and insert in lieu thereof the word "one."

The amendment was agreed to.

Mr. NORBECK. I suggest that we pass the bill over without prejudice, and I will ask that it be called up later in the day.

The PRESIDING OFFICER. The bill will be passed over.

SALE OF LANDS AT CORDOVA BAY, ALASKA

The bill (H. R. 2811) to amend section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes," was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes," be amended to read as follows:

"SEC. 7. That the corporation named in section 1 of this act, or its assigns, shall, within six months from the approval of the plan mentioned in the preceding section, pay to the proper receiver the full purchase price of the lands applied for; and within five years after the issuance of patent said corporation shall do all things necessary to render 320 acres of the land purchased suitable and available for wharfage and town-site purposes in accordance with the plan thereof submitted as required in section 6 of this act, and shall within one year from the receipt of written notice from the Secretary of the Interior construct within said wharfage and dock area a public dock, wharf, or pier, with suitable approaches on the land side and with not less than 34 feet of water at mean low tide leading to and surrounding the same, so as to enable ocean steamers to approach, dock, discharge, and take on cargoes thereat; that patent for said lands shall recite that they are issued under the provisions of this act and are subject to cancellation and the land therein granted to forfeiture as herein provided; and if said corporation or its assigns shall fail to comply with any of the terms and conditions of this act, either before or after the issuance of patent, all interests, rights, or title which may have accrued or vested under this act shall be forfeited to the United States, and the application under which they accrued, or the patent under which they vested, shall be canceled: *Provided*, That the Secretary of the Interior may, on satisfactory showing, reasonably extend the time within which any of the acts enumerated in this act may be performed."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. E. KUCA AND V. J. KOUPAL

The bill (H. R. 2977) for the relief of H. E. Kuca and V. J. Koupal was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay out of any moneys in the Treasury, not otherwise appropriated, the sum of $2,960 to H. E. Kuca and V. J. Koupal, in settlement of their claim against the Government for land on the Yankton Indian Reservation, S. Dak., purchased by them through the Secretary of the Interior, title to which land now being declared by judicial decree to be in a previous purchaser: *Provided*, That the Secretary of the Interior shall reimburse the Government, in whole or in part, out of any Indian trust property now or hereafter owned by Amos Henry and Mary Sky Necklace, the grantors, or either of them, the amount appropriated by this act, being the sum received by the said Amos Henry and Mary Sky Necklace, paid by said H. E. Kuca and V. J. Koupal as consideration for the land.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS AGAINST CHIPPEWA INDIANS OF MINNESOTA

The bill (H. R. 4461) to provide for the payment of certain claims against the Chippewa Indians of Minnesota was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized to pay out of any money in the Treasury of the United States to the credit of the Chippewa Indians of the State of Minnesota, proceeds of the final judgment obtained in the court of claims against the United States in case No. 30447 entitled "The Mille Lac Band of Chippewa Indians in the State of Minnesota against the United States," the following sums: To Wah-we-yea-cumig and Ain-dus-o-geshig, Mille Lac chiefs, $5,000 each; to Me-ge-zee, a Mille Lac chief, $500; to the heirs of Go-gee, a Mille Lac chief, $500; to the heirs of Nay-gwa-nay-be-ke-wain-see, a Mille Lac chief, $500; upon the execution by each, or their legal representative, of a receipt in full for all claims and demands against the Chippewa Indians of Minnesota, or any band thereof, for services rendered and money expended in connection with the preparation or prosecution of the said case.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORREST J. KRAMER

The bill (H. R. 7249) for the relief of Forrest J. Kramer, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Forrest J. Kramer, out of any money in the Treasury not otherwise appropriated, the sum of $104.90, being the amount due him on account of the cancellation of sale to him of land allotted to Mary Marshall, Creek Indian, roll No. 3774.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WISCONSIN-POTTAWATOMI INDIANS

The bill (H. R. 7239) authorizing the Secretary of the Interior to pay certain funds to various Wisconsin-Pottawatomi Indians, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the unexpended balance of approximately $2,978.05 of the appropriation in the act of March 2, 1917 (39th Stat. L. p. 991), for the support and civilization of the Wisconsin Band of Pottawatomi Indians residing in the States of Wisconsin and Michigan, as reappropriated by the act of February 14, 1920 (41st Stat. L. p. 432), may, in the discretion of the Secretary of the Interior, be paid proportionately to such of said Indians as have not received their full shares of the benefits of the appropriation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL F. HEALY

The bill (H. R. 3595) for the relief of Daniel F. Healy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $344.60, in full settlement against the Government to Daniel F. Healy for injuries sustained as a result of being struck by a Government-owned truck in Manchester, N. H., on May 4, 1922.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN SURETY CO. OF NEW YORK

The bill (H. R. 4374) for the relief of the American Surety Co. of New York was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the American Surety Co. of New York the sum of $2,000, the principal amount of two certificates of indebtedness of the United States of America, Nos. 15346 and 15347, issued in bearer form in the denominations of $1,000 each, dated July 15, 1919, and matured March 15, 1920, designated series T-8, without interest, such payment to be made without presentation of the certificates, which have been lost: *Provided*, That the said American Surety Co. of New York, N. Y., shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said certificates of indebtedness of the United States of America in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost certificates of indebtedness hereinbefore described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3372) to provide safeguards for future Federal irrigation development and an equitable adjustment of existing accounts on Federal irrigation projects, and for other purposes, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LONGEVITY PAY TO OFFICERS OF ARMY

The bill (S. 4) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Court of Claims shall certify to the proper accounting officers of the United States the findings of fact heretofore made for claimants in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States in United States *v.* Morton (vol. 112, U. S. Repts., p. 1) and United States *v.* Watson (vol. 130, U. S. Repts., p. 80), and of the Court of Claims in Stewart *v.* United States (vol. 34, C. Cl. Repts., p. 553).

And that the proper accounting officers of the United States shall proceed to settle the claims so certified and all other claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, in accordance with the decisions of the courts of the United States in all cases in which heretofore, namely, between 1890 and 1908, such claims were disallowed by any accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall prevent a settlement under the terms of this act of any such disallowed claim. Every such claim be payable to the claimant or to his widow or to his legal representative: *Provided*, That no claim hereunder shall be allowed if made by any person who is an assignee of such claim nor to a legal representative without proof of the existence of blood relations to whom the fund would be distributed: *Provided further*, That it shall be unlawful for any agent or attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting any claim under this act to charge or receive more than 20 per cent of any amount appropriated in satisfaction of the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL CIRCUIT JUDGES, EIGHTH CIRCUIT

The bill (S. 99) authorizing the President to appoint two additional circuit judges for the eighth circuit was announced as next in order.

Mr. DIAL. I would like to have the Senator explain the necessity of having two judges in one circuit at one time.

Mr. HARRELD. I hope the Senator will withhold his objection.

Mr. DIAL. I have not objected, but I would like to have the bill explained.

Mr. HARRELD. This is a bill to provide for two additional circuit judges in the eighth circuit. This was recommended by the council of judges of the circuit courts of appeals and the Supreme Court for two years. It was recommended in their meeting in December, 1923, and again recommended in their meeting in 1924. It has the approval of the Department of Justice, it has the approval of the Chief Justice of the United States, and there is a crying need for more judges in that district. Recently one of the judges died, and there was no provision for appointing a successor. The condition is deplorable in the eighth circuit, and there is need for another judge. The junior Senator from Missouri [Mr. SPENCER], who lives in that district, had intended to be here and assist me in pushing this measure, because he recognizes the need.

Mr. DIAL. I understand the bill is not to create new positions, but to fill one position now vacant.

Mr. HARRELD. This applies to the circuit judgeship.

Mr. HEFLIN. Does the Senator mean to say that a circuit judge died and that the President could not fill his place by appointing another?

Mr. HARRELD. For some reason, there was no provision for the appointment of a successor.

Mr. CARAWAY. In the eighth circuit, which is the largest circuit in the United States, the judges have been behind in their dockets. One of the judges died, and there was no provision for the appointment of a successor. I happen to know that the courts are behind in their dockets in the eighth circuit, the hardest worked circuit in the United States. It is almost as large as any other three circuits.

Mr. HEFLIN. That explanation is satisfactory to me. I know that as a rule, of course, the President can appoint circuit judges anywhere a vacancy occurs, but if this is due to a special statute which provided that this judge should not be succeeded, that he was to serve for a certain length of time, until the work was finished, and then that the judgeship was to die out, I can understand why the President has not made an appointment.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. SHIELDS. Mr. President, about two years ago we created 24 new judgeships, and this matter was very exhaustively investigated at that time. If my recollection is correct, the Senator from Arkansas is wrong about the extent of the circuit. My recollection is that the ninth is the largest circuit. As far as the work is concerned, at the time of our investigation the three judges in the eighth circuit were doing about five times as much as the three judges in the first circuit. They had several hundred cases to try, and were trying them every year, and traveled over an immense territory, over

four States, I believe. In the first circuit the three judges were trying only 54 cases a year. Each of the judges in the eighth circuit tried about twice as many cases as were tried by all the judges in the first circuit. The ninth and eighth circuits were really the only two overworked circuits of the nine. I do not know what the condition is now.

Mr. HARRELD. It is worse now.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint two additional circuit judges for the eighth circuit, who shall receive the same salary as other circuit judges now receive, and shall reside within the said eighth circuit.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS OF INTERPLEADER BY INSURANCE ORGANIZATIONS

The bill (S. 2835) to amend an act entitled "An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 2, line 9, to strike out the words "or may claim"; in line 10, to strike out the word "tenders" and insert in lieu thereof the words "has paid"; in line 11, after the word "thereof," to strike out "and will pay the amount so tendered, on order," and insert in lieu thereof the words "into the registry"; in line 12, after the word "court," to strike out "to the clerk of said court"; on page 2, line 15, to strike out the words "any of such claimants," and insert in lieu thereof "the beneficiary or his administrator, or, in the case of an assignment, the assignee"; and on page 3, line 6, after the word "liability," strike out "upon the payment, as directed by the court, of said insurance, indemnity, or benefits as tendered, less complainant's court costs," so as to make the bill read:

Be it enacted, etc., That an act approved February 22, 1917, authorizing insurance companies and fraternal societies to file bills of interpleader be amended to read as follows:

"SECTION 1. That the district courts of the United States shall have original jurisdiction to entertain and determine suits in equity begun by bills of interpleader, duly verified, filed by any insurance company or association or fraternal or beneficial society, and averring that one or more persons who are bona fide claimants against such company, association, or society resides or reside within the territorial jurisdiction of said court; that such company, association, or society has issued a policy of insurance or certificate of membership providing for the payment of $500 or more as insurance, indemnity, or benefits to a beneficiary, beneficiaries, or the heirs, next of kin, legal representatives, or assignee of the person insured or member; that two or more adverse claimants, citizens of different States, are claiming to be entitled to such insurance, indemnity, or benefits; that such company, association, or society has paid the amount thereof into the registry of the court, there to abide the judgment of the court.

"SEC. 2. In all such cases the district court of the district in which the beneficiary or his administrator, or, in case of an assignment, the assignee resides shall have jurisdiction of such suit, and notwithstanding any provision of the judicial code to the contrary shall have power to issue its process for all such claimants and to issue an order of injunction against each of them enjoining them from instituting or prosecuting any suit or proceeding in any State court or in any other Federal court on such policy or certificate of membership until the further order of the court, which process and order of injunction shall be returnable at such time as the said court or a judge thereof shall determine, and shall be addressed to the United States marshals for the respective districts wherein said claimants reside or may be found.

"SEC. 3. Said court shall hear and determine the cause and shall discharge the complainant from further liability, and shall make the injunction permanent and enter all such other orders and decrees as may be suitable and proper, and issue all such customary writs as may be necessary or convenient to carry out and enforce the same."

The amendments were agreed to.

Mr. PEPPER. Mr. President, I desire to propose an amendment to the bill. The amendment I think goes far to remove objections that anyone may have to the measure, and while the amendment has not been formally before the Committee on the Judiciary I think I may say in the presence of the chairman of the committee that the amendment is acceptable to those members of the committee who have dealt with the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Pennsylvania will be stated.

The READING CLERK. Strike out, on page 2, lines 14 to 25, inclusive, and on page 3, lines 1 to 3, inclusive, being all of section 2, and insert in lieu thereof the following:

SEC. 2. In all such cases if the policy or certificate is drawn payable to the estate of the insured, and has not been assigned in accordance with the terms of the policy or certificate, the district court of the district of the residence of the personal representative of the insured shall have jurisdiction of such suit. In case the policy or certificate has been assigned during the life of the insured in accordance with the terms of the policy or certificate, the district court of the district of the residence of the assignee or of his personal representative shall have jurisdiction. In case the policy or certificate is drawn payable to a beneficiary or beneficiaries and there has been no such assignment as aforesaid, the jurisdiction shall be in the district court of the district in which the beneficiary or beneficiaries or their personal representatives reside. In case there are beneficiaries resident in more districts than one, then jurisdiction shall be in the district court in any district in which a beneficiary or the personal representative of a deceased beneficiary resides.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF FEDERAL FARM LOAN SYSTEM AND BOARD

The resolution (S. Res. 223) authorizing the appointment of a special committee to investigate the Federal farm loan system and the Federal Farm Loan Board was announced as next in order.

Mr. DIAL. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

ELLA H. SMITH

The bill (S. 1885) for the relief of Ella H. Smith was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ella H. Smith, postmistress at Wynne, Ark., an office of the second class, the sum of $3,700, which amount was lost by burglary without fault of hers, and which she repaid to the Government.

The PRESIDING OFFICER. The amendment in line 4, inserting the words "out of any money in the Treasury not otherwise appropriated," has been previously agreed to. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LESLIE WARNICK BRENNAN

The bill (S. 2552) for the relief of Leslie Warnick Brennan was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leslie Warnick Brennan the sum of $16,419.97, being the amount expended by him in taking and distributing motion pictures used by the War Department in instruction during the World War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JOHN P. HOPKINS

The bill (H. R. 3411) for the relief of Mrs. John P. Hopkins was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. John P. Hopkins the sum of $5,000 for damages suffered by the death of her husband, John P. Hopkins, who was struck and fatally injured by a beef bone negligently thrown from the kitchen of a troop train by a United States soldier, who was then and there in the service of the United States and who was then and there regularly enlisted as a soldier of the United States Army and officially performing duty on such train.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. F. PAYNE

The bill (H. R. 4290) for the relief of W. F. Payne was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. F. Payne, a citizen of El Paso, Tex., the sum of $250 for damages to an automobile belonging to said W. F. Payne, which was damaged by a collision with a truck belonging to the United States Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUANA F. GAMBOA

The bill (H. R. 8893) for the relief of Juana F. Gamboa was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Juana F. Gamboa, of El Paso, Tex., mother and sole surviving parent of Francisco Gamboa, deceased, the sum of $1,593 for the death, hospital, and funeral expenses of the said Francisco Gamboa, who was killed by being struck by a Government truck driven by a soldier of the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF COTTON FUTURES ACT

The bill (S. 386) to amend section 5 of the United States cotton futures act, approved August 11, 1916, as amended, was announced as next in order.

Mr. DIAL. I ask that the bill may go over. I hope early next week to bring up this bill and the next bill on the calendar, and to bring them to a vote.

The PRESIDING OFFICER. The bill will be passed over.

Mr. DIAL. I make the same request with reference to Senate bill 3197, Order of Business 772.

The PRESIDING OFFICER. That bill will also be passed over.

BILLS PASSED OVER

The bill (H. R. 2745) for the relief of J. M. Farrell was announced as next in order.

Mr. JONES of Washington. Mr. President, on the last call of the calendar this bill was passed over at the request of the senior Senator from Arkansas [Mr. ROBINSON]. He is not here to-day and I will have to ask that it may go over until he returns.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 141) providing for the appointment of a commission to consolidate, codify, and revise and reenact the general and permanent laws of the United States in force December 2, 1923, was announced as next in order.

Mr. SHORTRIDGE and Mr. ERNST. Let it go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 3445) to provide for the reorganization and more effective coordination of the executive branch of the Government, to create the department of education and relief, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CHARLES F. PEIRCE AND OTHERS

The bill (H. R. 6328) for the relief of Charles F. Peirce, Frank T. Mann, and Mollie V. Gaither was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts for the quarter ending March 31, 1920, of Charles F. Peirce, as superintendent and special disbursing agent of the Flandreau Indian School at Flandreau, S. Dak., for payment of $1,110; Frank T. Mann, as superintendent and special disbursing agent of the Pipestone Indian School at Pipestone, Minn., for payment of $674.50; and Mollie V. Gaither, as superintendent and special disbursing agent of the Hope Indian School at Springfield, S. Dak., for payment of $266.40; all for payment to Frank L. Van Tassel, of Yankton, S. Dak.; said sum being the difference in each instance between the original contract price of flour purchased from said Frank L. Van Tassel and the price specified in a modified contract approved by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLIFFORD W. SEIBEL AND FRANK A. VESTAL

The bill (H. R. 5448) for the relief of Clifford W. Seibel and Frank A. Vestal was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized to credit the accounts of Clifford W. Seibel, chemist and special disbursing agent for the Bureau of Mines, in the sum of $1,418.89, and Frank A. Vestal, special disbursing agent for the Bureau of Mines, in the sum of $546.42, with payments made by them for the maintenance, repair, and operation of certain motor-propelled, passenger-carrying vehicles.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BEATRICE J. KETTLEWELL

The bill (H. R. 5774) for the relief of Beatrice J. Kettlewell was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Beatrice J. Kettlewell in compensation for injuries sustained on June 29, 1922, as the result of an accident in the Stanislaus National Forest.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

YVONNE THERRIEN

The bill (S. 54) for the relief of Yvonne Therrien was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out "$2,500" and insert in lieu thereof "$300," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Yvonne Therrien, of Lynn, Mass., out of any money in the Treasury not otherwise appropriated, the sum of $300 in full settlement for injuries received by being struck by a United States mail truck in the city of Boston, April 29, 1921.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 594) for the relief of Wynona A. Dixon was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4280) for the relief of the Chamber of Commerce of the City of Northampton, Mass., was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2033) for the relief of Philip T. Post was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2656) to permit the correction of the general account of Robert G. Hilton, former Assistant Treasurer of the United States, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1539) for the relief of Caleb Aber was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 21) to amend the patent and trade-mark laws, and for other purposes, was announced as next in order.

Mr. ERNST. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

J. W. NEIL

The bill (S. 1221) for the relief of J. W. Neil was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$8,537.48" and insert in lieu thereof "$7,947.53," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. W. Neil, of Ogden, Utah, the sum of $7,947.53 as compensation for and in full satisfaction of any claim

such J. W. Neil may have for losses suffered by reason of the libel of a carload of sugar belonging to him on May 21, 1920, by a United States marshal under color of the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, as amended.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA T. BLACK

The bill (H. R. 1326) for the relief of Clara T. Black was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Clara T. Black, formerly acting postmaster at Taylorsville, Ky., in the sum of $10,578.28, due the United States on account of postal stamps, war-saving certificate stamps, United States Government thrift stamps, and war-tax revenue stamps which were lost as the result of bank burglary on January 13, 1920.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL RESERVE AND MARINE CORPS RESERVE

The bill (S. 1807) to provide for the creation, organization, and administration and maintenance of a naval reserve and a Marine Corps reserve was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF CAPT. D. H. TRIBOU

The bill (H. R. 5819) for the relief of the estate of the late Capt. D. H. Tribou, chaplain, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the estate of the late Capt. D. H. Tribou, chaplain, United States Navy, out of any funds in the Treasury not otherwise appropriated, the sum of $2,667, said sum being the amount of restitution made by the said chaplain out of his private funds on account of Victory loan notes and other funds stolen from the safe in the said chaplain's quarters at the naval home, Philadelphia, Pa., without collusion on the part of said chaplain, which notes and other funds had been deposited in said safe by beneficiaries of said home and others for safe-keeping.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. FRANK GEERE

The bill (H. R. 8258) for the relief of Capt. Frank Geere was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Capt. Frank Geere, Quartermaster Corps (now major, Coast Artillery Corps), the sum of $127.86 now standing as a disallowance in his accounts on the books of the General Accounting Office.

SEC. 2. That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Capt. Frank Geere, Quartermaster Corps (now major, Coast Artillery Corps), the sum of $29, being the amount found by him to be deficient in a shipment of $116,000 received on or about August 26, 1916, from the subtreasury at New Orleans, La., for which the said Captain Geere was accountable, and which amount of $29 he has refunded to the United States to make good the shortage in these public funds.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. RICHARD EVELYN BYRD, JR.

The bill (S. 3433) for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy, was considered as in Committee of the Whole.

Mr. SWANSON. Mr. President, the House has passed a bill exactly similar to this in every respect, the bill H. R. 9461, and I ask to have the House bill substituted for the Senate bill.

Mr. REED of Pennsylvania. I call the Senator's attention to the fact that the bill authorizes the Secretary of the Navy to appoint a naval officer. I do not think under the Constitution he has any power to do that. It is the first time I ever saw a bill worded in that way.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia to substitute the House bill? The Chair hears none, and the House bill is before the Senate for consideration.

Mr. SWANSON. I move to amend the House bill by striking out "Secretary of the Navy" and inserting in lieu thereof "President."

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 1, line 3, in the House bill strike out "Secretary of the Navy" and insert "President," so as to read:

Be it enacted etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, Lieut. Richard Evelyn Byrd, jr., United States Navy, a lieutenant commander on the retired list of the Navy: *Provided*, That nothing contained herein shall entitle Lieut. Richard Evelyn Byrd, jr., to any back pay or allowances.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. Senate bill 3433 will be indefinitely postponed.

BILLS PASSED OVER

The bill (S. 708) for the relief of various owners of vessels and cargoes damaged by the U. S. S. *Lamberton* was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 615) for the relief of Grover Ashley was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1469) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898," and acts amendatory thereof, and supplementary thereto was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3327) to provide for the cooperative marketing of agricultural commodities was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2646) to provide for the expeditious and prompt settlement, mediation, and conciliation, and arbitration of disputes between carriers and their employees and subordinate officials, and for other purposes was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7588) to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian Steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable* was announced as next in order.

Mr. MOSES. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GRAZING FEES ON NATIONAL FORESTS

The bill (S. 2424) to reduce the fees for grazing livestock on national forests was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with an amendment.

Mr. McNARY. Mr. President, to this bill I desire to propose two amendments which I send to the desk.

The PRESIDING OFFICER. The first amendment proposed by the Senator from Oregon will be stated.

The READING CLERK. In the committee amendment, on page 3, line 9, after the word "public," insert "and such appointment shall be subject to the approval of the Secretary of Agriculture."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the Senator from Oregon will be stated.

The READING CLERK. On page 5, line 7, strike out the words "decisions of the board on any such appeal shall be final," and insert the following——

Mr. SMOOT. Upon reading the bill a little more carefully I would like to ask the Senator from Oregon if he does not think the amendment just agreed to is unwise?

Mr. McNARY. I certainly would not be here proposing it if I thought it were unwise.

Mr. SMOOT. It seems to me if we are going to allow the Secretary of Agriculture to approve of the appointment we might as well allow these men to be appointed direct from the public. He will have the say-so. He will control the whole thing. Why not let him make the appointment of all five men?

Mr. McNARY. It is thought that it would not be wise entirely to remove from the jurisdiction of the Secretary of Agriculture whatever he might want in the way of personnel on the appeal board. He does not want a board that can take entirely out of his jurisdiction a matter which now resides exclusively in his department. This is thought to cover situations to which he objected. The Secretary of Agriculture and the Secretary of the Interior have reached a common agreement on these bills, both relative to the grazing in national forests and on the public domain.

Mr. SMOOT. Under the bill the Secretary of Agriculture has the selection of two men now: If he has the selection of a third man, he might just as well control the board, and might just as well have the whole matter in his hands.

Mr. McNARY. He has now, of course.

The Secretary of Agriculture, Mr. Gore, the Secretary of the Interior, the Senator from Colorado [Mr. PHIPPS] and myself have discussed this matter, together with the livestock associations, and all have agreed that this amendment would take away the objections which have heretofore been interposed by the secretaries regarding the pasturing of the national forests and the public domain, and the Senator from Utah is the first one who has raised an objection.

Mr. SMOOT. I wish the Senator to understand that so far as the legislation is concerned I am heartily in favor of it, but I thought if we were going to have a board to pass upon this matter that the Department of Agriculture should not have the appointment of three out of the five members, or else it should have the appointment of all. I am perfectly willing to leave the appointment of all of the members of the board to the Secretary of Agriculture, because the practical result would be exactly the same as if he were permitted to appoint three.

Mr. PHIPPS. Mr. President, if I may make a suggestion, I will say that the intent is to allow the Secretary of Agriculture to pass upon the capabilities and qualifications of the fifth man who may be suggested to him as a member of the board by the other four members who have already been appointed. Otherwise those four men may select some one who is not competent to pass upon these questions of jurisdiction which may arise in the national forests.

Mr. SMOOT. Under the bill as it is now framed the Secretary of Agriculture has the appointment of four members. That being so, why not give him the appointment of all of them, as this practically proposes to do? I do not think there is anything in the whole proposition but the Secretary of Agriculture.

Mr. PHIPPS. The two members of the board whom he appoints of his own motion, of course, are members of his department. The other two are suggested to him for nomination by the livestock associations or by the men who are using the forests for grazing purposes. He is given a veto power in that respect, and it is suggested that he should have the same power with reference to the fifth member. We believe the matter could be worked out properly in practice.

Mr. SMOOT. To accomplish the intent of the legislation, it seems to me the only thing to do would be to provide that the Secretary may appoint all five members.

Mr. JONES of Washington. Mr. President, we have about 20,000,000 acres of forest reserves in my State, and I think I shall object to the consideration of the bill at the present time with this amendment in it.

The PRESIDING OFFICER. There being objection, the bill goes over.

Mr. PHIPPS. Mr. President, if the Senator from Washington will permit me one minute, while he may be fully justified in entering the objection to the consideration of the bill at the present time, I want to take this occasion to say that this is a bill that is being urged by the people who are vitally interested in grazing on the national forest reserves. It has had the support of all of the livestock associations that have held meetings in the last year or so. It has also been recommended by the conference on agriculture which was appointed by the President.

Mr. JONES of Washington. Mr. President, I appreciate what the Senator from Colorado has stated, but I desire to ask, Have these people to whom he has referred approved this amendment? I take it the amendment has not been presented to them for consideration.

Mr. McNARY. Mr. President, I think I might well advise the Senator from Washington that the western grazers have usually approved of the measure, but I think it is unimportant. I only offered it at the suggestion of the Secretary of Agriculture. I do not think it is very important.

Mr. JONES of Washington. If the Senator does not think it very important, let the Senator withdraw it.

Mr. McNARY. I hope the Senator from Washington will not anticipate me. I will reach that point in my own way. In view of the expression of antagonism by the distinguished Senator from Washington and the very great indifference of the Senator from Oregon, and in order that it may not impede the passage of this great measure, I withdraw the amendment.

Mr. JONES of Washington. Very good.

The PRESIDENT pro tempore. The amendment is withdrawn. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2844) to place the agricultural industry on a sound commercial basis, to encourage agricultural cooperative associations, and for other purposes, was announced as next in order.

Mr. CURTIS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3278) to establish a council on universities and colleges in the District of Columbia, and for other purposes, was announced as next in order.

Mr. CARAWAY. Let that bill go over.

Mr. COPELAND. I hope the Senator from Arkansas will permit this bill to be considered and passed. The Committee on Education held long hearings on it. The object of the enactment of the bill is to wipe out the scandal of the diploma mills from which we have had to suffer.

Mr. CARAWAY. If the Senator will yield to me, I desire to say that the bill goes very much further than that. I have just sent for a copy of the bill and looked at it, and I should not like for the bill to be considered in the brief time we now have, because it is very sweeping.

Mr. COPELAND. It relates only to the District of Columbia.

Mr. CARAWAY. No; it goes very much beyond the District of Columbia. I hope the Senator from New York will not press the bill now.

Mr. COPELAND. Of course I shall not press the measure; but I repeat that it relates only to the District of Columbia.

Mr. CARAWAY. But it undertakes to exert pressure all over the whole United States.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3459) to encourage and promote the sale and export of agricultural products grown within the United States was announced as next in order.

Mr. BURSUM. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

INVESTIGATION OF VETERANS' BUREAU

The resolution (S. Res. 253) to continue the Select Committee on the Veterans' Bureau was announced as next in order.

Mr. WALSH of Massachusetts. Mr. President, I suppose that resolution is of but little value now, since we are approaching the end of the Sixty-eighth Congress. I suggest that it be passed over.

The PRESIDENT pro tempore. The resolution will be passed over.

Mr. REED of Pennsylvania subsequently said: Mr. President, I was called from the Chamber just as Calendar No. 859, being Senate Resolution 253, to continue the Select Committee on the Veterans' Bureau, was reached, and was unable to make a motion that I meant to make. I ask unanimous consent now to be allowed to move that the resolution go to the calendar under Rule IX and to appear on the calendar under that heading.

Mr. WALSH of Massachusetts. That disposition is agreeable to me.

The PRESIDENT pro tempore. Without objection, the resolution will be placed on the calendar under Rule IX.

FEES OF DISTRICT COURT CLERKS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5420) to provide fees to be charged by clerks of the district courts of the United States, which was read as follows:

Be it enacted, etc., That the fees hereinafter provided for, and no other, shall be charged and collected by clerks of the district courts of the United States for services performed by them or their assistants: *Provided*, That all laws or parts of laws inconsistent or repugnant to the provisions of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge or modify the provisions of the act of July 20, 1892 (27 U. S. Stat. L. p. 252), as amended by the act of June 25, 1910 (36 U. S. Stat. L. p. 866), and the act of June 27, 1922 (42 U. S. Stat. L. p. 666): *Provided further*, That the United States shall not be required to pay any sum or fee herein provided for.

SEC. 2. Upon the institution of any suit or proceeding, whether by original process, removal, indictment, information, or otherwise, there shall be paid by the party or parties so instituting such suit or proceeding, as fees of the clerk for all services to be performed by him in such case or proceeding, except as hereinafter provided, the sum of $5.

SEC. 3. Upon the filing of any answer or paper joining issue, or the entering of an order for trial, there shall be charged and collected by the clerk, from the party or parties filing any such answer or paper, for services performed and to be performed by said clerk in said case or proceeding, the further sum of $5: *Provided*, That after one fee, as hereinbefore provided in this section, has been paid by any defendant, cross-petitioner, intervenor, or party, other defendants, cross-petitioners, intervenors, or parties, separately appearing or filing any answer or paper in said suit or proceeding, shall pay a further fee of $2, for each answer or paper so filed: *And provided further*, That in any criminal case, upon the entering of a plea of not guilty by any defendant, there shall be charged and taxed in the costs of said case, a fee of $5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him.

SEC. 4. Upon the entry of any judgment, decree, or final order of the court in any suit or proceeding there shall be charged and collected by the clerk, from the prevailing party or parties, as an additional fee for services performed and to be performed in said suit or proceeding, the further sum of $5: *Provided, however*, That in any criminal case the clerk shall not be required to account for any such fee not collected by him.

SEC. 5. Upon the filing of any petition for appeal or writ of error to any Circuit Court of Appeals or the Supreme Court of the United States there shall be charged and collected by the clerk, from the party or parties prosecuting such appeal or writ of error, an additional fee in said suit or proceeding of $5.

SEC. 6. Upon the filing of any petition or application for a writ of habeas corpus, or appeal from a deportation order of a United States commissioner, there shall be charged and collected by the clerk, from the petitioner or applicant, as full payment for all services performed or to be performed by him in said proceeding, the sum of $5: *Provided*, That if an appeal is prosecuted from the order of the district court in said proceeding, then and in that event the additional sum of $5, as provided in section 4 of this act, shall be charged and collected by the clerk.

SEC. 7. For each additional trial or final hearing, upon a reversal by a Circuit Court of Appeals or the Supreme Court of the United States, or following a disagreement by a jury or the granting of a new trial or rehearing by the court, there shall be charged and collected by the clerk, from the party or parties securing such reversal, new trial, or rehearing, or from the plaintiff or plaintiffs in the event of a disagreement, the further sum of $5: *Provided, however*, That the clerk shall not be required to account for any such fee not collected by him in any criminal case: *Provided further*, That nothing herein contained shall prohibit the court from directing by rule or standing order, the collection at the time the services are rendered of the fees herein enumerated, from either party, but all such fees shall be taxed as costs in the respective cases.

SEC. 8. That in addition to the fees for services rendered in cases, hereinbefore enumerated, the clerk shall charge and collect, for miscellaneous services performed by him, and his assistants, except when on behalf of the United States, the following fees:

1. For issuing any writ or a subpœna for a witness, not in a case instituted or pending in the court from which it is issued, and filing and entering the return of the marshal thereon, 50 cents.

2. For filing and indexing any paper, not in a case or proceeding, 25 cents.

3. For administering an oath or affirmation, not in a case or proceeding pending in the court where the oath is administered, 10 cents.

4. For an acknowledgement, certificate, affidavit, or countersignature, with seal, 50 cents.

5. For taking and certifying depositions to file, 20 cents for each folio of 100 words, and if taken stenographically, 15 cents per folio additional, for the stenographer.

6. For a copy of any record, entry, or other paper, and the comparison thereof, 15 cents for each folio of 100 words.

7. For filing præcipe or requisition and searching the records of the court for judgments, decrees, or other instruments or suits pending, or bankruptcy proceedings, including the certifying of the results of such search, 60 cents for the first name and 25 cents for each additional name embraced in the certificate.

8. For receiving, keeping, and paying out money in pursuance of any statute or order of court, including cash bail or bonds or securities authorized by law to be deposited in lieu of other security, 1 per cent of the amount so received, kept and paid out, or of the face value of such bonds or securities.

9. For keeping a record of surety companies and bonds thereof, 15 cents for each folio of 100 words.

10. For preparation and mailing notices in bankruptcy, 10 cents each for the first 20 notices and 5 cents for each additional notice: *Provided*, That this fee shall cover and include all services and expenses in connection therewith: *And provided further*, That such fee shall not be deemed to be included in any other fee for services in bankruptcy proceedings.

11. For making and comparing a transcript of record on appeal or writ of error when required or requested, 15 cents for each folio of 100 words.

12. For comparing any transcript copy of record, or other paper not made by the clerk with the original thereof, 5 cents for each folio of 100 words.

13. For making a final record in any case at the request of either party or upon order of court in a particular case, 15 cents for each folio of 100 words: *Provided, however*, That when any such final record is made upon order of court the fees therefor shall be taxed in the costs of the case.

14. For admission of attorneys to practice, $1 each; for certificate of admission to be furnished upon request, $2 additional.

15. For making any record not in a case and not provided for in this act, 15 cents for each folio of 100 words.

SEC. 9. That this act shall become and be in force and effect on and after July 1, 1924.

Mr. PEPPER. Mr. President, I move an amendment to the measure by substituting the date "1925" for "1924" on line 5, page 7. The bill is identical with the bill previously passed by the Senate, but in both the Senate bill and the House bill the effective date by mistake was made 1924 instead of 1925. The amendment which I propose is merely to correct the effective date of the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Pennsylvania will be stated.

The READING CLERK. In section 9, page 7, line 5, after the words "July 1," it is proposed to strike out the figures "1924" and to insert "1925," so as to make the section read:

SEC. 9. That this act shall become and be in force and effect on and after July 1, 1925.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INDICES OF JUDGMENT DEBTORS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5423) to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357). It proposes to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357), so as to read as follows:

The clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices of all judgment debtors under decrees, judgments, or orders of said courts, and such indices and judgments shall at all times be open to the inspection and examination of the public.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIM OF NEW YORK CITY AGAINST THE GOVERNMENT

The resolution (S. Res. 227) to authorize an adjustment of the claim of the city of New York for expenses incurred on behalf of the United States during the Civil War was announced as next in order.

Mr. DIAL. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will go over.

INSTRUCTION OF CHIPPEWA INDIAN CHILDREN, MINNESOTA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8086) to amend the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914, which was read as follows:

Be it enacted, etc., That section 8 of the act of August 1, 1914 (38 Stat. L. 582, 590), be, and the same is hereby, amended by adding after the word "reimbursable" occurring in the thirteenth line of said section 8 the words "from tribal funds of the Chippewa Indians," so that said act shall read in part: "For the payment of high-school teachers at the White Earth Indian School, Minnesota, for instruction of children of the Chippewa Indians in the State of Minnesota, $4,000, or so much thereof as may be necessary, said sum to be reimbursable from tribal funds of the Chippewa Indians, to be used under rules prescribed by the Secretary of the Interior."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3394) to amend section 26 of the interstate commerce act, as amended, was announced as next in order.

Mr. BRUCE. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3035) to provide for the appointment of a commissioner of reclamation, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

RETIREMENT IN LIGHTHOUSE SERVICE

The bill (S. 3613) to provide for retirement for disability in the Lighthouse Service was announced as next in order.

Mr. DIAL. I ask that the bill go over.

Mr. JONES of Washington. I hope the Senator will not object to that bill. It went over on a previous occasion at the suggestion of the Senator from Utah. He has looked into it since and I think is entirely satisfied with the bill. I will read a few lines from the report, which will explain the situation:

The employees of the field service of the Lighthouse Service now may be retired for age under the lighthouse retirement act of June 20, 1918, but these provisions should be extended to cover cases of disability before the retirement age is reached. The general civil service retirement act of May 22, 1920, contains such a provision, as do the laws applying to the Coast Guard, the Coast and Geodetic Survey, and the Army and Navy—

I especially call the Senator's attention to this sentence—

and the result is that the field employees of the Lighthouse Service are now the only persons in the Government service who can not be retired for disability.

All that this bill does is to retire those persons when they become disabled. They have hazardous duties to perform, as the Senator knows, and I hope he will withdraw his objection.

Mr. DIAL. Mr. President, I do not favor retiring anybody except for disability. I am not in favor of retiring employees for age.

Mr. JONES of Washington. This bill merely provides for their retirement on account of disability.

Mr. DIAL. Only in case of disability?

Mr. JONES of Washington. Yes.

Mr. DIAL. I withdraw my objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That hereafter any officer or employee to whom section 6 of the act entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved June 20, 1918, as amended, applies, who has been in the active service of the Government 15 years or more and who is found, after examination by a medical officer of the United States, to be disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall be retired under rules to be prescribed by the Secretary of Commerce on an annuity computed in the manner provided in such act.

SEC. 2. Any such officer or employee may, upon recovery, be restored to active duty, and shall from time to time, before reaching the age at which he may be retired under such act, be reexamined by a medical officer of the United States upon the request of the Secretary of Commerce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESOLUTIONS PASSED OVER

The joint resolution (S. J. Res. 118) to authorize the United States Shipping Board to adjust the claim of the Near East Relief was announced as next in order.

Mr. JONES of Washington. That joint resolution may go over, Mr. President.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The resolution (S. Res. 271) authorizing preparation of compilation of Indian laws and treaties was announced as next in order.

Mr. SMOOT. I ask that the resolution go over.

Mr. HARRELD. Will the Senator withhold his objection for a moment?

Mr. SMOOT. I understand thoroughly what the resolution provides; I am entirely familiar with it.

Mr. HARRELD. The Senator understands, then, that there are already three volumes of this compilation, and the resolution proposes to provide for the fourth volume, bringing it down to date?

Mr. SMOOT. Yes; I understand; but I object to the consideration of the resolution.

The PRESIDENT pro tempore. The resolution will be passed over.

COMPENSATION TO CHIPPEWA INDIANS OF MINNESOTA

The bill (H. R. 26) to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act was announced as next in order, and the bill was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $1,787,731.36, with interest thereon at the rate of 5 per cent per annum from December 31, 1922, to the date of settlement, said total amount to be credited to the general fund of the Chippewa Indians of Minnesota arising under the provisions of section 7 of the act of January 14, 1889.

Mr. CURTIS. I should like to ask the Senator from Oklahoma, the chairman of the Committee on Indian Affairs, a question. I understood the free homestead act only applied to lands that had been already acquired and paid for by the Government. How does it happen that this bill provides for the payment for lands taken under the homestead act?

Mr. HARRELD. There were certain lands that were set apart for homestead on condition that the Indians would be paid $1.25 an acre for them, and the money proposed to be paid under this bill is that which the Government owes to the Chippewa Indians at the rate of $1.25 an acre for lands that were homesteaded by the whites who paid the $1.25.

Mr. CURTIS. Then it does not come under the free homestead act, as indicated?

Mr. HARRELD. Not at all. These lands on the Chippewa Indian Reservation were opened to settlement by the whites upon terms and conditions that the Indians would be paid $1.25 an acre. The whites paid the $1.25 an acre for the land, and this bill is intended to provide that that money shall be placed to the credit of the Chippewa Tribe, with interest from the date the Government received the money up to the present time.

Mr. CURTIS. I have no objection to the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 283) favoring the allotment of sufficient funds to the Interstate Commerce Commission to enable it to carry on the work of valuation of common carriers was announced as next in order.

The PRESIDENT pro tempore. Let that go over.

SUSQUEHANNA RIVER BRIDGE

The bill (S. 3639) granting the consent of Congress to the Harrisburg Bridge Co. and its successors to reconstruct its bridge across the Susquehanna River at a point opposite Market Street, Harrisburg, Pa., was announced as next in order.

Mr. SHEPPARD. Mr. President, a similar bill has passed the House. It will save time if, in lieu of the Senate bill, the Senate Committee on Commerce be permitted to report this bill.

I ask unanimous consent to report back favorably without amendment, from the Committee on Commerce, House bill 10030, granting the consent of Congress to the Harrisburg Bridge Co. and its successors to reconstruct its bridge across the Susquehanna River at a point opposite Market Street, Harrisburg, Pa., and I submit a report (No. 957) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. SHEPPARD. I ask unanimous consent for the present consideration of that bill and that it be substituted for the Senate bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 3639 will be indefinitely postponed.

MISSISSIPPI RIVER BRIDGE

The bill (S. 3649) to extend the time of the Chicago, Milwaukee & St. Paul Railroad for completion of bridge across the Mississippi River was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 3, after the words "That the," to strike out "time" and insert "times"; in the same line, after the word "for," to insert "commencing and"; in line 7, after "1924," to strike out "is" and insert "are"; in the same line, after the word "extended," to strike out "for two years from" and insert "one year and three years, respectively, from"; and in line 8, after the word "February," to strike out "18" and insert "16," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mississippi River between the city of St. Paul and the city of Minneapolis, authorized by section 1 of the act of Congress approved February 16, 1924, are hereby extended one year and three years, respectively, from February 16, 1925.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time of the Chicago, Milwaukee & St. Paul Railroad for construction of bridge across the Mississippi River."

JUNEAU, ALASKA, BOND ISSUE

The bill (H. R. 5558) to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding $200,000 for the purpose of improving the street and sewerage system of the town was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories and Insular Possessions, with amendments, on page 1, line 5, after the word "exceeding," to strike out "$200,000" and insert "$60,000"; and in line 7, before the word "sewerage," to strike out "street and," so as to make the bill read:

Be it enacted, etc., That the incorporated town of Juneau, Alaska, is hereby authorized and empowered to issue bonds in any sum not exceeding $60,000 for the purpose of improving the sewerage system of the town.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Juneau, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of said town of Juneau whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as near as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon condition that 60 per cent of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate to be fixed by the common council of Juneau, not to exceed 6 per cent per annum, payable semiannually, and shall not be sold for less than their par value, with accrued interest, and shall be in denominations not exceeding $1,000 each, the principal to be due in 20 years from date thereof: *Provided, however,* That the common council of the said town of Juneau may reserve the right to pay off such bonds in their numerical order at the rate of $10,000 thereof per annum from and after the expiration of four years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Juneau, the place of payment to be mentioned in the bonds: *And provided further,* That each and every bond shall have the written signature of the mayor and clerk of the said town of Juneau and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the order and direction of said common council from time to time as the same may be required for said purpose.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding $60,000 for the purpose of improving the sewerage system of the town."

COOPERATIVE AGREEMENTS BETWEEN HEADS OF EXECUTIVE DEPARTMENTS AND GOVERNOR OF ALASKA

The bill (S. 3714) to authorize cooperative agreements between the heads of the executive departments and the Governor of the Territory of Alaska was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories and Insular Possessions, with amendments.

The amendments were, on page 1, line 3, after the words "That the," to strike out "head of any executive department" and insert "Secretary of the Interior"; on page 2, line 2, after the word "Territory," to strike out "or his services shall have been dispensed with"; in line 3, after the words "employee of," to insert "the Department of the Interior of"; and in line 6, after the words "sanction of the," to strike out "head of his department or independent establishment" and insert "Secretary of the Interior," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior of the United States may, at his discretion, enter into agreements with the Governor of the Territory of Alaska under which any officer or employee in his department shall perform any or all of the duties of any office created by the laws of said Territory at any time when there shall be a vacancy in such office, or when the person holding the same is incapacitated or absent from the Territory.

SEC. 2. Any officer or employee of the Department of the Interior of the United States may, upon the written request of the Governor of the Territory of Alaska and with the sanction of the Secretary of the Interior, assist or cooperate with any officer of said Territory in the performance and discharge of any of the duties of such Territorial officer: *Provided,* That no officer or other employee of the United States shall receive any compensation from the Territory of Alaska for any services performed by him under this act, except such as may be reasonably necessary to reimburse his actual expenditures for necessary clerical and other assistance, and for travel and subsistence while in the performance of such service.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize cooperative agreements between the Secretary of the Department of the Interior of the United States and the Governor of the Territory of Alaska."

SITKA, ALASKA, BOND ISSUE

The bill (H. R. 5006) to authorize the incorporated town of Sitka, Alaska, to issue bonds in any sum not exceeding $25,000

for the purpose of constructing a public-school building in the town of Sitka, Alaska, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN TRIBES RESIDING IN THE STATE OF WASHINGTON

The bill (H. R. 2694) authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 7, after the words "determination and," to strike out "jurisdiction" and insert 'adjudication"; and on page 3, line 1, after the word "contract," to insert "or contracts," so as to make the bill read:

Be it enacted, etc., That all claims, of whatsoever nature, both legal and equitable, of the tribes and bands of Indians, or any of them, except the S'Klallams, commonly known as the Clallams, with whom were made any of the treaties of Medicine Creek, dated December 26, 1854; Point Elliott, dated January 22, 1855; Point-no-Point, dated January 26, 1855; the Quin-al-elts, dated May 8, 1859, growing out of said treaties, or any of them, and that all claims, of whatever nature, both legal and equitable, which the Muckelshoot, San Juan Islands Indians, Nook-Sack, Suattle, Chinook, Upper Chehalis, Lower Chehalis, and Humptulip Tribes or Bands of Indians, or any of them (with whom no treaty has been made), may have against the United States shall be submitted to the Court of Claims, with right of appeal by either party to the Supreme Court of the United States for determination and adjudication, both legal and equitable, and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all suits brought hereunder and to render final judgment therein: *Provided*, That the court shall also consider and determine any legal or equitable defenses, set-offs, or counterclaims, including gratuities, which the United States may have against any of said tribes or bands.

SEC. 2. That the Court of Claims shall advance the cause or causes upon its docket for hearing, and shall have authority to determine and adjudge all rights and claims, both legal and equitable, of said tribes or bands of Indians, or any of them, and of the United States in the premises, notwithstanding lapse of time or statutes of limitation.

SEC. 3. That suit or suits instituted hereunder shall be begun within five years from the date of the passage of this act by such tribes or bands of Indians, as parties plaintiff, and the United States as the party defendant. The petition or petitions may be verified by attorney or attorneys employed by such tribes of Indians under contract or contracts approved in accordance with existing law upon information and belief as to the facts therein alleged, and no other verification shall be necessary. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, and in no event shall such fee amount in the aggregate under one attorneyship for each tribe to more than $25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by the said tribes or bands of Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 2532) to amend in certain particulars the national refense act of June 3, 1916, as amended, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 7, after the word "every," to strike out "eight" and insert "twelve," so as to make the bill read:

Be it enacted, etc., That said national defense act, as amended, be, and the same is hereby, further amended by striking out section 15 of said act and inserting the following in lieu thereof:

"SEC. 15. Chaplains: There shall be one chaplain for every 1,200 officers and enlisted men of the Regular Army, exclusive of the Philippine Scouts and the unassigned recruits, authorized from time to time in accordance with law and within the peace strength permitted by this act. Chaplains shall hereafter have rank, pay, and allowances according to length of active commissioned service in the Army, or, since April 6, 1917, in the National Guard while in active service under a call by the President, as follows: Less than 3 years, first lieutenant; 3 to 12 years, captain; 12 to 20 years, major; 20 to 26 years, lieutenant colonel; over 26 years, colonel. One chaplain, of rank not below that of major, may be appointed by the President, by and with the advice and consent of the Senate, to be chief of chaplains. He shall serve as such for 4 years, and shall have the rank, pay, and allowances of brigadier general while so serving. His duties shall include investigation into the qualifications of candidates for appointment as chaplain, and general coordination and supervision of the work of chaplains. Of the vacancies existing on July 1, 1920, such number as the President may direct shall be filled by appointment on that date of persons under the age of 58 years, other than chaplains of the Regular Army who served as chaplains in the Army at some time between April 6, 1917, and the date of the passage of this act. Such appointments may be made in grades above the lowest under the same restrictions as to age and rank as are hereinafter prescribed for original appointments in other branches of the service, and in accordance with the recommendation of the board of officers provided for in section 24. For purposes of future promotion, persons so appointed shall be considered as having had, on the date of appointment, sufficient prior service to bring them to their respective grades under the rules of promotion established in this section."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3631) for the relief of Augustus Sipple, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CONSTANCIO MIERA AND OTHERS

The bill (S. 3830) to authorize and direct the Secretary of the Interior to issue patents upon the small holding claims of Constancio Miera, Juan N. Baca, and Filomeno N. Miera, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue patents for the following small holding claims, to wit: No. 4245, embracing the southeast quarter northwest quarter, northeast quarter southwest quarter, north half southeast quarter, section 7, township 4 south, range 4 east, New Mexico principal meridian, containing 160 acres, to Constancio Miera, his heirs and assigns; No. 5411, embracing the southeast quarter southeast quarter, section 31, township 3 south, range 4 east, and lot 1, section 6, township 4 south, range 4 east, New Mexico principal meridian, containing 81.98 acres, to Juan N. Baca, his heirs and assigns; and No. 5159, embracing the south half southeast quarter, section 7, and east half northeast quarter, section 18, township 4 south, range 4 east, New Mexico principal meridian, containing 160 acres, to Filomeno N. Miera, his heirs and assigns.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN PLUMAS NATIONAL FOREST, CALIF.

The bill (H. R. 103) for the inclusion of certain lands in the Plumas National Forest, Calif., and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, to strike out all after the enacting clause and to insert:

That within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes may be offered in exchange under the provisions of the act of March 20, 1922 (Public, 173, 42 U. S. Stat. L. p. 465), upon notice as therein provided and upon acceptance of title shall become parts of the Plumas National Forest, the Eldorado National Forest, the Stanislaus National Forest, the Shasta National Forest, and the Tahoe National Forest, respectively, and any of such described areas in Government ownership, chiefly valuable for national forest purposes and not now parts of any national forest may be added to said national forests, as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: (1) To the Plumas National Forest, Calif.: Township 22 north, range 4 east, sections 1, 12, and 13; township 23 north, range 4 east; township 20 north, range 6 east, east half of township; township 26 north, range 6 east; township 27 north, range 6 east; township 20 north, range 7 east; township 21 north, range 7 east; township 26 north, range 7 east; township 27 north, range 7 east; township 21 north, range 8 east, sections 4, 5, 6, 7, 8, 9, and 18; township 27 north, range 8 east; township 24 north, range 9 east, sections 10, 11, 16, 22, 23, and 24; township 27 north, range 9 east, sections 34, 35, and 36; township 23 north, range 10 east, north half of section 1; township 24

north, range 10 east, sections 19, 28, 29, and 36; township 20 north, range 10 east, sections 31, 32, and 33; township 22 north, range 11 east, sections 1 and 2; township 23 north, range 11 east; township 24 north, range 11 east, sections 31, 32, and 33; township 29 north, range 11 east, sections 25 to 36; township 22 north, range 12 east; township 28 north, range 12 east, sections 1, 2, 3, and 12; township 29 north, range 12 east, sections 26 to 35, inclusive; township 21 north, range 13 east, north half of township; township 22 north, range 13 east; township 23 north, range 13 east; township 21 north, range 14 east, sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32; township 22 north, range 14 east, sections 29, 30, 31, and 32; township 23 north, range 14 east, sections 7, 16, 17, 18, 19, 20, 21, 28, 29, 30, and 33; township 25 north, range 16 east, sections 15 and 16; all Mount Diablo base and meridian, California.

(2) To the Eldorado National Forest, Calif.: Township 11 north, range 12 east, sections 25 to 29, inclusive, and 32 to 36, inclusive; township 10 north, range 12 east, sections 1 to 3, inclusive, 10 to 15, inclusive, 22 to 29, inclusive, 32 to 36, inclusive; township 11 north, range 13 east, sections 31 to 33, inclusive; township 10 north, range 13 east; township 9 north, range 13 east; township 8 north, range 13 east, sections 1 to 3, inclusive, 10 to 15, inclusive, 23 to 27, inclusive, 34 to 36, inclusive; township 8 north, range 14 east; township 7 north, range 14 east, sections 1 to 13, inclusive, 16 to 20, inclusive; township 13 north, range 18 east, sections 31 and 32; township 12 north, range 18 east, sections 3 to 11, inclusive, 14 to 23, inclusive, 26 to 34, inclusive; all in Mount Diablo base and meridian.

(3) To the Stanislaus National Forest, Calif.: Township 1 south, range 16 east, sections 1 to 5, inclusive, 8 to 15, inclusive, 22 to 27, inclusive, and 34 to 36, inclusive; township 2 north, range 15 east, sections 1 to 12, inclusive; township 2 north, range 16 east, sections 2 to 10, inclusive, 15, 16, and 21; township 4 north, range 14 east, sections 1, 2, 11 to 14, inclusive, and 23 to 26, inclusive; township 5 north, range 14 east, sections 1, 2, 11 to 14, inclusive, 23 to 26, inclusive, 35 and 36; township 6 north, range 14 east, sections 1 to 4, inclusive, 9 to 16, inclusive, 21 to 28, inclusive, 33 to 36, inclusive; township 7 north, range 14 east, sections 9 to 17, inclusive, and 19 to 36, inclusive; all in Mount Diablo base and meridian.

(4) To the Shasta National Forest, Calif.: Township 36 north, range 5 west, sections 1 to 11, inclusive, and 15 to 17, inclusive; township 37 north, range 1 east, section 1; township 37 north, range 2 east, sections 9 to 16, inclusive; township 37 north, range 3 east, north quarter section 1, sections 3 to 6, inclusive, sections 9 and 10, 15 and 16; township 37 north, range 4 east, north half section 6; township 37 north, range 4 west, sections 4 to 9, inclusive, and 16 to 21, inclusive; township 37 north, range 5 west, sections 1, 11 to 14, inclusive, 23 to 26, inclusive, and 31 to 36, inclusive; township 38 north, range 1 east, sections 11, 12, 13, 14, 23, 24, 25, 26, and 36; township 38 north, range 2 east, sections 1, 2, 3, 5, 7 to 17, inclusive, 19 to 36, inclusive; township 38 north, range 3 east, all; township 38 north, range 4 east, sections 6, 7, 8; township 38 north, range 4 west, sections 1, 2, 3, 10 to 17, inclusive, 20, 21, 22, 27, 28, 29, 31, 32, 33; township 38 north, range 5 west, section 36; township 39 north, range 1 east; township 39 north, range 2 east; township 39 north, range 3 east; township 39 north, range 4 east, sections 30, 31; township 39 north, range 1 west; township 39 north, range 2 west; township 39 north, range 3 west; township 39 north, range 4 west; township 39 north, range 5 west, sections 1 to 12; township 40 north, range 1 east; township 40 north, range 2 east; township 40, range 3 east; township 40 north, range 4 east; township 40 north, range 1 west; township 40 north, range 2 west; township 40 north, range 3 west; township 40 north, range 4 west, sections 2 to 6, inclusive, 10 to 15, inclusive, 19, 22 to 36, inclusive; township 40 north, range 5 west; township 40 north, range 9 west, sections 4 and 5; township 41 north, range 1 east; township 41 north, range 2 east; township 41 north, range 4 east, sections 34, 35, 36; township 41 north, range 1 west; township 41 north, range 2 west; township 41 north, range 4 west; township 41 north, range 5 west, sections 1, 9 to 16, inclusive, and 21 to 28, inclusive, 33 to 36, inclusive; township 41 north, range 7 west, sections 28 and 29; township 42 north, range 1 east; township 42 north, range 2 east, sections 19 to 30, and 31; township 42 north, range 1 west; township 42 north, range 4 west, sections 19 to 30, and 31; township 42 north, range 5 west, section 36; township 43 north, range 1 east; township 43 north, range 1 west; township 43 north, range 2 west; township 43 north, range 3 west, sections 1 and 2, 13 to 16, inclusive, 20 to 24, inclusive; township 44 north, range 1 east; township 44 north, range 1 west; township 44 north, range 2 west; township 45 north, range 1 east, sections 19, 20, 29, 30; township 45 north, range 1 west, sections 19 to 36, inclusive. All Mount Diablo base and meridian, California.

(5) To the Tahoe National Forest, Calif. and Nev.: Township 18 north, range 9 east, sections 26 and 29; township 18 north, range 10 east, sections 28, 29, 30, 31, and 32; township 17 north, range 9 east, sections 13, 24, 25, and 36; township 17 north, range 10 east; township 17 north, range 11 east; township 16 north, range 10 east, sections 1, 2, 11, 13, 23 to 27, inclusive, and 29; township 16 north, range 11 east; township 15 north, range 10 east, sections 13, 24, 25, and 36; township 14 north, range 10 east, sections 1, 12, 13, 24, and 25; township 14 north, range 11 east; township 21 north, range 14 east, sections 17, 18, 19, 20, and 29 to 32, inclusive; township 20 north, range 14 east, sections 9, 16, 21 to 24, inclusive; township 20 north, range 15 east; township 20 north, range 16 east; township 20 north, range 17 east; township 19 north, range 15 east; township 19 north, range 16 east; township 19 north, range 17 east; township 18 north, range 15 east; township 18, north, range 16 east; township 18 north, range 17 east; township 18 north, range 18 east; township 17 north, range 18 east; township 15 north, range 18 east; township 15 north, range 19 east, sections 4 to 9, inclusive, 16 to 21, inclusive, 28 to 33, inclusive; township 14 north, range 18 east; township 14 north, range 19 east, sections 4, 5, 6, 7, 8, 9, 16 to 21, inclusive, 28 to 33, inclusive; township 13 north, range 18 east, sections 1, 2, 3, 9 to 16, inclusive, 21 to 28, inclusive, 33 to 36, inclusive; township 13 north, range 19 east, sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32; all in Mount Diablo base and meridian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

WILLIAM BROWN

The bill (H. R. 2313) authorizing the issuance of a patent to William Brown was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISLANDS IN KALAMAZOO RIVER, MICH.

The bill (H. R. 7144) to relinquish to the city of Battle Creek, Mich., all right, title, and interest of the United States in two unsurveyed islands in the Kalamazoo River, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 3, after the word "That," to insert "upon payment of $1.25 per acre"; in line 8, after the word "township," to strike out "be, and the same is hereby," and insert "shall be"; and on page 2, line 2, after the word "act," to insert "*Provided, however*, In case said islands are not used or held by said city for public purposes, title to the same shall revert to the United States upon a finding and declaration by the Secretary of the Interior, that they are not used or held," so as to make the bill read:

Be it enacted, etc., That upon the payment of $1.25 per acre whatever right, title, or interest the United States may have in or to the two unsurveyed islands shown upon the official plat of the survey of township 2 south, range 8 west, Michigan, approved July 14, 1826, as being in the Kalamazoo River in section 2 of said township, shall be relinquished unto the city of Battle Creek, in the said State of Michigan, for public purposes, and the Secretary of the Interior is hereby authorized and directed by appropriate conveyance to carry out the purposes of this act: *Provided, however*, In case said islands are not used or held by said city for public purposes, title to the same shall revert to the United States upon a finding and declaration by the Secretary of the Interior, that they are not used or held.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MINING POTASH ON PUBLIC DOMAIN

The bill (S. 3005) to promote the mining of potash on the public domain was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium, in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall not exceed 2,560 acres of land in reasonably compact form: *Provided further*, That the provisions of this act shall not apply to lands or deposits in or adjacent to Searles Lake, Calif., which lands and deposits may be operated by the United States or may be leased by the Secretary of the Interior under the terms and provisions of this act.

SEC. 2. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in this act have been discovered by the permittee within the area covered by his permit, and that such land is chiefly valuable therefor,

the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit, at a royalty of not less than 2 per cent of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market, such lease to be taken in compact form by legal subdivisions of the public land surveys, or if the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior.

SEC. 3. That lands known to contain valuable deposits enumerated in this act and not covered by permits or leases shall be held subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding 2,560 acres; all leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, not less than 2 per cent of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market, and the payment in advance of a rental of 25 cents per acre for the first calendar year or fraction thereof; 50 cents per acre for the second, third, fourth, and fifth years, respectively; and $1 per acre per annum thereafter during the continuance of the lease. In the discretion of the Secretary of the Interior the area involved in any lease resulting from a prospecting permit may be exempt from any rental in excess of 25 cents per acre for 20 years succeeding its issue, and the production of potassium compounds under such a lease may be exempt from any royalty in excess of the minimum prescribed in this act for the same period.

SEC. 4. That prospecting permits or leases may be issued under the provisions of this act for deposits of potassium in public lands, also containing deposits of coal or other minerals, on condition that such other deposits be reserved to the United States for disposal under appropriate laws: *Provided*, That if the interests of the Government and of the lessee will be subserved thereby, potassium leases may include covenants providing for the development by the lessee of chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium, magnesium, or calcium, associated with the potassium deposits leased, on terms and conditions not inconsistent with the sodium provisions of the act of February 25, 1920 (41 Stat. p. 437).

SEC. 5. That the general provisions of sections 1 and 26 to 38, inclusive, of the act of February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," are made applicable to permits and leases under this act, the first and thirty-seventh sections thereof being amended to include deposits of potassium, and section 27 being amended so as to prohibit any person, association, or corporation from taking or holding more than one potassium permit or lease in any one State during the life of such permit or lease.

SEC. 6. That the act of October 2, 1917 (40 Stat. p. 297), entitled "An act to authorize exploration for and disposition of potassium," is hereby repealed, but this repeal shall not affect valid claims initiated under the provisions of said act of October 2, 1917, so long as the permittee or lessee complies with the law under which his claim was initiated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF ENTRY

The bill (S. 3839) to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act of Congress approved January 27, 1922, entitled "An act to amend section 2372 of the Revised Statutes," be, and the same is hereby, repealed: *Provided*, That any applications heretofore filed under the provisions of said act may be perfected and patents issue therefor the same as though this act had not been passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESTORATION OF NATIONAL MONUMENTS TO PUBLIC DOMAIN

The bill (S. 3840) authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That whenever, in the opinion of the President of the United States, any lands heretofore or hereafter reserved as national monuments by public proclamation as provided by the act of June 8, 1906 (34 Stat. L. p. 225), are not needed for such purpose, he is authorized to restore same to the public domain by Executive order: *Provided*, That any such restorations heretofore so made are hereby validated and confirmed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UTAH NATIONAL PARK

The bill (S. 3494) to amend an act entitled "An act to establish the Utah National Park in the State of Utah" was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the second paragraph of the first section of the act entitled "An act to establish the Utah National Park in the State of Utah," approved June 7, 1924, is amended by striking out the word "southwest" where it appears the second time in the paragraph and inserting in lieu thereof the word "southeast," so as to read:

"Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southeast quarter of partially surveyed section 8, partially surveyed section 17 and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian, in the State of Utah: *Provided*, That all the land within the exterior boundaries of the aforesaid tract shall first become the property of the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN WASHINGTON

The bill (S. 3648) granting to the county authorities of San Juan County, State of Washington, certain described tracts of land on the abandoned military reservations on Lopez and Shaw Islands as a right of way for county roads, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments on page 1, line 2, after the enacting clause, to strike out: "That the following described tracts of land on the abandoned military reservations on Lopez and Shaw Islands be, and the same are hereby, granted to the county authorities of San Juan County, State of Washington, as a right of way for county roads," and insert: "That a right of way for the construction of highways over the following-described tracts of land on the abandoned military reservations on Lopez and Shaw Islands, county of San Juan, State of Washington, is hereby granted"; and on page 3, line 15, after the words "section 34," to insert "township 36 north of range 2 west, Willamette meridian," so as to make the bill read:

Be it enacted, etc., That a right of way for the construction of highways over the following-described tracts of land on the abandoned military reservations on Lopez and Shaw Islands, county of San Juan, State of Washington, is hereby granted:

Beginning at a point on the military reservation on north end of Lopez Island 566.52 feet north of corner to sections 1, 2, 11, and 12, township 35 north of range 2, west Willamette meridian, being the south boundary of reserve; thence north 3,355.85 feet; thence north 28° 25' east 346.3 feet; thence north 39° 51' east 499.3 feet; thence north 20° 5' west 434 feet; thence north 0° 19' east 244.4 feet; thence north 26° 41' east 862 feet; thence north 29° 15' east 213.5 feet; thence north 14° 23' east 241 feet; thence north 29° 34' east 466.5 feet; thence north 13° 49' east 133.9 feet; thence north 6° 55' east 116.7 feet; thence north 24° 20' west 59 feet; thence north 5° 12' west 187 feet; thence north 53° 30' east 23.5 feet; thence south 63° 59' east 65 feet to the approach to ferry landing.

Also beginning at a point 1,045.09 feet north of south boundary of reserve on section line between sections 1 and 2; thence north 57° 21' west 806.4 feet; thence north 4° 30' east 265.5 feet to a point on the shore of Mails Bay.

Also beginning at a point on the west one-sixteenth line of section 34, township 36 north of range 2 west, Willamette meridian, 970 feet south of west one-sixteenth corner at intersection of the north boundary of the military reservation on Shaw Island; thence south 2,615 feet; thence south 30° 50' west 436.77 feet; thence west on the south one-sixteenth line 1,550 feet to the west boundary of the military reservation.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUSTER NATIONAL FOREST, MONT.

The bill (S. 3666) for the exchange of lands in the Custer National Forest, Mont., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That lands of the United States within the Custer National Forest, Mont., which have been withdrawn or classified as coal lands or are valuable for coal, may be exchanged under the provisions of the act of March 20, 1922 (42 Stat. L. p. 465), with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYEES OF BETHLEHEM STEEL CO.

The bill (H. R. 5481) to provide for the carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa., was announced as next in order.

Mr. DIAL. Let that go over.

Mr. PEPPER. Mr. President, will the Senator withhold his objection to permit me to make a statement on that case?

Mr. DIAL. Very well.

Mr. PEPPER. Mr. President, that is a bill unanimously reported by the Committee on Claims of the House, favorably acted on in the House, and reported out here by our Committee on Claims by unanimous vote. It is a bill to carry out, in favor of employees of the Bethlehem Steel Co. in Pennsylvania, an award of the War Labor Board made in 1918 under the following circumstances:

It appeared at that time that the wages that were being paid to the electrical workers, the machinists, and some miscellaneous employees in the Bethlehem Steel Works doing work for the Government under war contracts were lower in scale than the wages for similar work paid at Hog Island and in other adjacent places under Government operation and contract. The employees asked for an increase which would put them upon a level with other Government workers who were working overtime on war contracts. The War Labor Board took up the matter and by unanimous award increased the wages of the men so that they would reach the Government standard—no higher than the Government standard, but up to the Government standard.

The award was made upon the supposition that the contract for work with the Bethlehem Steel Co. was a cost-plus contract, and therefore that the increase of wages would be chargeable against the Government; and petitions were filed under the Dent Act in order that, that procedure having been followed to the end, the additional pay could be awarded.

It was then discovered by the War Department, after they had drawn the checks for the payment of these increases, that the contracts with the Bethlehem Steel Co. were contracts for fixed sums, and therefore that the case was one not for an award under the Dent Act but for a claim against the Government to carry out the provisions of the Labor Board's award.

This bill is the outcome of years of effort to get before Congress for favorable consideration the rights of these men in whose favor the award was made by the Government board. In most of the cases the checks were drawn when the opinion came down from the adviser of the War Department that the case was one for congressional legislation and not for payment under the Dent Act. The case was so clear that both committees in both Houses of Congress have yielded to its equity, and the House has passed the bill, I understand, without dissent.

I should not have made so long a statement if it had not seemed to me to be one of those cases which, if fully understood by Senators, would receive their approval. I very much hope the Senator will withdraw his objection.

Mr. DIAL. I shall have to insist on the objection.

Mr. CARAWAY. Mr. President, I happen to have been present in the committee when this matter was considered. It involves a great number of men who relied upon a promise of compensation and worked. It does not call for a very large sum to any one of the men, but there are a large number of them, and it is an attempt by Congress, after thoroughly going over the facts, to pay those parties, so that they will know that the Government kept faith with them. I think it would be unfortunate not to take this action, and I hope the Senator from South Carolina, if he has no particular objection, will not insist on his objection.

Mr. DIAL. Other Senators are interested in this matter, and they asked me to object and have it go over; but we can take it up again on Monday.

Mr. CARAWAY. I hope the Senator will not object to it on Monday.

The PRESIDENT pro tempore. The bill will be passed over.

NEW JERSEY SHIPBUILDING & DREDGING CO.

The bill (S. 3684) for the relief of the New Jersey Shipbuilding & Dredging Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, to strike out "$114,917.25" and to insert in lieu thereof "$41,320.25"; and in line 9, after the word "City," to insert a comma and the words "said sum to be in full and final settlement of the claim," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $41,320.25 to reimburse the New Jersey Shipbuilding & Dredging Co. for extraordinary work required by the War Department in connection with deepening the channel in East River, New York City, said sum to be in full and final settlement of the claim.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF TAXES TO THE CITY OF PHILADELPHIA

The bill (S. 2171) for the relief of the city of Philadelphia was announced as next in order.

Mr. DIAL. Let that go over.

Mr. PEPPER. May I ask the Senator to permit me to make a statement, briefly, upon the measure?

Mr. DIAL. I shall be glad to hear the Senator's explanation of the bill.

Mr. PEPPER. This is a case in which taxes were assessed by the Federal Government against the city of Philadelphia in respect of the income received by the city from the operation of gas works. It has been ascertained by a finding of the Court of Claims that the gas works were municipally owned and that, though organized in corporate form, the stock ownership was in the city, and that therefore, instead of being the case of an assessment of taxes against a private corporation, it was the case of an assessment of taxes against the municipality carrying on its gas operation through corporate organization.

Those portions of the tax which were assessed against municipal operations for the benefit of consumers have been treated by the committee as outside the scope of the duty of the Government to make refund, but in the case of the gas furnished by the municipality to its own municipal departments, and for the purpose of the discharge of its municipal duties in lighting the streets and thoroughfares of the city, it was decided that those taxes were not properly assessable against the municipality, and it is for a refund of those only that the committee has made its favorable report.

Mr. SMOOT. Perhaps the Senator will remember that when the last revenue bill was up for consideration in the Senate there was an amendment made to the bill to take care of this company in Philadelphia as to the taxes which might be imposed hereafter, and gains made by the company that went directly to the State of Pennsylvania, as they were the owners of a great deal of the stock, were hereafter not to be assessable. This grows out of the same question, and it will not happen again, under the existing revenue law.

Mr. BRUCE. Mr. President, I want to say a word seconding what the Senator from Pennsylvania has said.

The report in this case was prepared by the Senator from Missouri [Mr. SPENCER] and myself, and I think I can truly say that we gave to its preparation the closest and most exhaustive attention. We read every legal decision bearing on the question, and in every respect I think we discharged our duty as fully as we could possibly be expected to discharge it. The whole matter was discussed at length before the full committee, and the result was entire unanimity on the part of the members of the committee respecting the merits of the claim.

It amounted to some $2,000,000, but we thought that the Government was not responsible for certain of its elements, for the reasons which have been given by the Senator from Pennsylvania, so far as the gas furnished to private consumers was concerned, but a part of the tax that was collected by the Government, the Senator from Pennsylvania will recollect, was income on securities held by the city of Philadelphia. Of course, the exemption of the income from those securities from taxation is too clear to be argued. The Federal Government has no power to tax securities held by a city.

Mr. DIAL. Why did they wait this long? Why was not this adjusted long ago?

Mr. BRUCE. I have been a member of the Committee on Claims for some time, and some claims have come up for consideration of much longer standing than this, and have received the approval of the Congress. Take, for instance, the French spoliation claims, involving some three or four million dollars. Many of those claims have been paid after the lapse of all the time that has passed since the beginning of the last century.

Mr. PEPPER. Mr. President, will the Senator yield a moment?

Mr. BRUCE. Certainly.

Mr. PEPPER. May I suggest, in answer to the question just asked by the Senator from South Carolina, that the delay has not been due to any lack of diligence on the part of the claimant, but owing to the fact that there was, first, litigation to determine whether or not these gas works were municipally owned within the meaning of the law; in the second place, there was a reference of the matter to the Court of Claims, which took a long time in the ordinary course of its procedure to handle the case and to make the award.

Subsequent to the making of the award by the Court of Claims the case came to Congress in the usual way, and the matter has been pending in the two Houses of Congress, without lack of diligence upon the part of the claimants, but only because after the most careful consideration we, time after time, reached the kind of situation we are in to-day, where, after the thing has been considered by all those whose duty it is to consider it, we reach the point where we are up against an objection, made in entire good faith but, I can not help feeling, proceeding from a lack of familiarity with the claim which is before the Senate.

We feel so strongly that this is a meritorious claim that we venture to ask the Senator not to press his objection.

Mr. BRUCE. I call the attention of the Senator from South Carolina to the fact that nobody has objected to this claim. If any Member of the Senate to whose knowledge the circumstances surrounding it has been brought has objected to it, I have not heard of it.

Mr. DIAL. I confess I am not very familiar with it, but I also confess I do not feel kindly to a claim 60 years old. There ought to be a day in court, and the statute of limitations ought to run against it. Has the Court of Claims passed upon this claim?

Mr. BRUCE. The case was referred to the Court of Claims for findings of fact.

Mr. DIAL. They found the facts?

Mr. BRUCE. They did.

Mr. DIAL. They did not adjust the amount?

Mr. BRUCE. As I told the Senator, the amount fixed by this bill was some $2,000,000, and we cut it down to some $535,000, because we thought that some of the elements that entered into the claim were not entitled to recognition.

Mr. DIAL. I see they claim two million and something.

Mr. BRUCE. We cut it down to about $535,000 for the reasons that I have given. The claim was partly for the refund of taxes that had been levied on incomes derived by the city of Philadelphia from securities held by that city. To any lawyer, of course, it is hardly necessary to say that the Government had no constitutional power whatever to levy a tax on securities held by the city of Philadelphia. When we came to the question of a tax levied on income from the sale of gas we drew a distinction between gas that the city had supplied to consumers in its ordinary proprietary character and gas which it had supplied to its own municipal departments. In other words, we allowed the claim so far as it related to gas supplied by the city to its own municipal departments and disallowed it so far as it applied to gas which had been furnished to ordinary consumers.

All I have to say to the Senator, in conclusion, is that if he proposes to give this matter adequate consideration he will have to give it about two full weeks' consideration. That is about the length of time that the Senator from Missouri and I gave to it when we were considering it in all its aspects. The final result was, as I have said, that after the closest consideration the committee with entire unanimity approved this bill with the reduction. Therefore I do hope that the Senator will withdraw his objection.

Mr. DIAL. I have the highest regard in the world for the committee and for the subcommittee and for the proponent of this bill, but I must say that there should be a time when we should stop going back to these claims. There should be some date when such claims would be barred, so that the Government would know what taxes to levy on the people for current expenses. I will withdraw my objection, but I do not favor this kind of legislation.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on line 5, to strike out "$2,019,472.87" and to insert in lieu thereof "$535,716.22," so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of Philadelphia, Pa., the sum of $535,716.22, out of any moneys in the Treasury not otherwise appropriated, in settlement in full of the claims of the said city against the United States for internal revenue taxes collected under the act of June 30, 1864, and other acts, on dividends upon railroad stocks and interest upon railroad bonds owned by said city, and for other internal revenue taxes wrongfully collected from the said city.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGES, NORTH DAKOTA

The bill (S. 3890) granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak., was announced as next in order.

Mr. SHEPPARD. Mr. President, from the Committee on Commerce I report favorably House bill 10688, granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak., and I submit a report (No. 958) thereon. I ask for the immediate consideration of this House bill, in lieu of Senate bill 3890.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 10688, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of North Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation, at or near Williston, in the county of Williams, in the State of North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The Senate bill 3890 will be indefinitely postponed.

MISSOURI RIVER BRIDGE, NORTH DAKOTA

The bill (S. 3891) granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak., was announced as next in order.

Mr. SHEPPARD. I report favorably from the Committee on Commerce House bill 10689, granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak., and I submit a report (No. 959) thereon. I ask for the immediate consideration of this bill, in lieu of Senate bill 3891.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 10689, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of North Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near Sanish, in the county of Mountrail, in the State of North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate bill 3891 will be indefinitely postponed.

AMENDMENT OF FEDERAL FARM LOAN ACT

The bill (S. 3632) to amend the Federal farm loan act and the agricultural credits act of 1923 was considered as in Committee of the Whole.

Mr. FLETCHER. I desire to submit an amendment to the bill, which is an important bill, submitted by the Farm Loan Board.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The READING CLERK. On page 3, in line 4, after the word "Board," the Senator from Florida proposes to strike out the words "and appropriated as a special fund and made available for expenditure under the appropriation entitled 'Salaries and expenses, Federal Farm Loan Board, special fund,'" and to insert in lieu thereof the words "to be disbursed in payment of such salaries and expenses on appropriations duly made by Congress."

Mr. WATSON. Will the Senator tell us something about the bill, and then about the amendment, briefly?

Mr. FLETCHER. The bill is intended to carry out the purpose of Congress in apportioning the expenditures of this system. The Senator will recall that under this system there are Federal land banks, joint-stock land banks, and intermediate-credit banks. The board is authorized to apportion expenses in connection with these three bodies.

Under the laws as they have been passed, those organizations being taxed together as they have been, there is difficulty in carrying out those laws without these amendments, so as to apportion the expenses properly. For instance, the expense in connection with the Federal land banks would come under the Federal land bank act, and the expenses of the intermediate-credit banks under the intermediate credit act, and so on.

Mr. WATSON. I have no objection to the bill.

Mr. FLETCHER. It is favored by the board. This amendment does away with any special fund, and brings the whole appropriation under the Budget Director, and is proposed by the Budget Director. I have offered it in that connection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Committee on Banking and Currency.

The READING CLERK. On page 2, line 7, after the word "Board," the committee proposes to insert the words "officers and employees," so as to make the bill read:

Be it enacted, etc., That paragraph "a" of section 206 of the agricultural credits act of 1923, as amended, be amended to read as follows:

"SEC. 206. (a) That the Federal Farm Loan Board shall equitably apportion the joint expenses incurred in behalf of the Federal land banks, joint-stock land banks, and Federal intermediate credit banks, and shall assess against each Federal intermediate credit bank its proportionate share of the expenses of the Federal Farm Loan Bureau made necessary in connection with the operation of this provision."

SEC. 2. The eighth paragraph of section 3 of the Federal farm loan act, as amended, be further amended to read as follows:

"The salaries and expenses of the Federal Farm Loan Board, its officers and employees, farm-loan registrars, deputy registrars, examiners, and reviewing appraisers authorized under this act, or any subsequent amendments thereof, shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks, as follows:

"The Federal Farm Loan Board shall, prior to the 1st days of January and July of each year, estimate the expenses and salaries of the Federal Farm Loan Board, its officers and employees, farm-loan registrars and deputy registrars, examiners, and reviewing appraisers, and apportion the same among the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks on such equitable basis as the Farm Loan Board shall determine, giving due consideration to time and expense necessarily incident to the supervision of the operation of each type of bank, and make an assessment upon each of such banks pursuant to such apportionment, payable on the 1st days of January and July next ensuing. The funds collected pursuant to such assessments shall be deposited with the Treasurer of the United States under the miscellaneous receipts title 'Assessments on Federal and joint-stock land banks and Federal intermediate credit banks, salaries and expenses Federal Farm Loan Board,' to be disbursed in payment of such salaries and expenses on appropriations duly made by Congress.

"If any deficiency shall occur in such fund during the half-year period for which it was estimated, the Federal Farm Loan Board shall have authority to make immediate assessment covering such deficiency against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks upon the same basis as the original assessment. If at the end of the six months' period there shall remain a surplus in such fund, it shall be deducted from the estimated expenses of the next six months' period when assessment is made for such period.

"Land bank appraisers and appraisers or inspectors of Federal intermediate credit banks shall receive such compensation as the Federal Farm Loan Board shall fix and shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks they serve, in such proportion and in such manner as the Federal Farm Loan Board shall order."

SEC. 3. The last two paragraphs of section 16 of the farm loan act as amended be stricken out and the following inserted in lieu thereof:

"For the purpose of assisting in any such liquidation authorized as in the preceding paragraph, provided any Federal land bank or joint-stock land bank may, with the approval of the Federal Farm Loan Board, acquire the assets and assume the liabilities of any joint-stock land bank, and in such transaction any Federal land bank may waive the provisions of this act requiring such bank to acquire its loans only through national farm loan associations or agents, and those relating to status of borrower, purposes of loan, and also the limitation as to the amount of individual loans. No Federal land bank shall assume the obligations of any joint-stock land bank in such manner as to make its outstanding obligations more than 20 times its capital stock except by creation of a special reserve equal to one-twentieth of the amount of such additional obligations assumed. No joint-stock land bank shall assume the obligations of any other joint-stock land bank in such manner as to make its outstanding obligations more than 15 times the amount of its capital and surplus, except by creation of a special reserve equal to one-fifteenth of the amount of such additional obligations assumed."

SEC. 4. Paragraph 9 of section 21 of the farm loan act as amended be further amended to read as follows:

"Each Federal land bank on whose behalf consolidated bonds shall be issued under this provision shall in all respects be bound by the act of the farm loan commissioner and the secretary of the farm loan board."

SEC. 5. All acts, or parts of acts, inconsistent with this act are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TOWN SITE OF SANISH, N. DAK.

The bill (H. R. 3387) authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Sanish, formerly Fort Berthold Indian Reservation, N. Dak., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to certify to the Secretary of the Treasury the difference between the amounts paid by purchasers of the lots in the town site of Sanish, within the former Fort Berthold Indian Reservation, N. Dak., and the price fixed as result of reappraisal by the Secretary of the Interior of August 11, 1922, in all cases whether patents had or had not issued at the time of the reappraisal of the lots: *Provided*, That the purchasers or their legal representatives apply for repayment of such amounts within two years from the passage of this act.

SEC. 2. Upon receipt of the certificate from the Secretary of the Interior, the Secretary of the Treasury is hereby authorized and directed to make payment to such purchasers out of the funds held in trust for the Fort Berthold Indians under the act of Congress approved June 1, 1910, and issue his warrant in settlement thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE A. BERRY

The bill (H. R. 7167) for the relief of George A. Berry was announced as next in order.

Mr. SHORTRIDGE. Mr. President, that bill has been disposed of. A similar bill was passed.

Mr. SMOOT. The bill ought to have been indefinitely postponed.

Mr. SHORTRIDGE. An identical bill to this was passed by the House and the Senate.

The PRESIDENT pro tempore. The bill on the calendar is a House bill.

Mr. SHORTRIDGE. The House bill was substituted for the Senate bill and was identical with the Senate bill. The House bill was passed, so the bill now on the Senate Calendar should be indefinitely postponed.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

NAVAL RESERVE AND MARINE CORPS RESERVE

The bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. ODDIE. Mr. President, may I ask the Senator what his objections are to the bill?

Mr. SMOOT. It can not be passed within the limited time at our disposal this afternoon. The bill may be all right, but I desire to make a little further investigation. I have written a letter to ask a certain question and as soon as I get a reply to that letter I will let the Senator know.

Mr. ODDIE. Has the Senator written to the Navy Department?

Mr. SMOOT. I have written to a party in the Navy Department.

Mr. ODDIE. The bill has been considered very carefully by the committee.

Mr. SMOOT. I know that, but a bill of such importance can not be passed at this time.

Mr. ODDIE. The bill was up at the last session, but owing to the congestion of business it was impossible to get it passed. Members of the Naval Reserve all over the country have been particularly anxious to get the bill through and I am sure it is in good shape to be passed. The committee have gone over it very carefully and I would appreciate it if the Senator would withdraw his objection.

The PRESIDENT pro tempore. Is the objection withdrawn?

Mr. SMOOT. No.

The PRESIDENT pro tempore. The bill will be passed over.

NONMAILABILITY OF FIREARMS

The bill (H. R. 9093) declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty was announced as next in order.

Mr. STERLING. Let the bill go over.

Mr. WALSH of Massachusetts. I request that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

QUARTERLY MONEY-ORDER ACCOUNTS

The bill (H. R. 4441) to provide for quarterly money-order accounts to be rendered by district postmasters at third and fourth class post offices was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with amendments, to strike out on page 1, lines 3, 4, 5, and 6 in the following words:

That the act entitled "An act to improve the methods of accounting in the Post Office Department, and for other purposes, approved January 27, 1894, be, and the same is hereby, amended to read as follows:"

And to insert in lieu thereof—

That section 4044 of the Revised Statutes, as amended, is amended to read as follows:

And on page 1, line 10, after the word "render," to insert the words "to the comptroller, Bureau of Accounts, Post Office Department," so as to make the bill read:

Be it enacted, etc., That section 4044 of the Revised Statutes, as amended, is amended to read as follows:

"It shall be the duty of postmasters at post offices authorized to issue money orders to render to the comptroller, Bureau of Accounts, Post Office Department, quarterly, monthly, semimonthly, weekly, semiweekly, or daily accounts of all money orders issued and paid, of all fees received for issuing them, of all transfers and payments made from money-order funds, and of all money received to be used for the payment of money orders or on account of money-order business."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read "A bill to amend section 4044 of the Revised Statutes, as amended."

TRANSFER OF CERTAIN MATERIALS TO AGRICULTURAL DEPARTMENT

Mr. NORBECK. Mr. President, sometime ago I asked that we pass over Calendar No. 733, House bill 7269, without prejudice. I would like to ask now that the bill be taken up.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the Senate return to Calendar No. 733. Is there objection? The Chair hears none.

The bill (H. R. 7269) to authorize and direct the Secretary of War to transfer certain materials, machinery, and equipment to the Department of Agriculture was considered as in Committee of the Whole.

Mr. NORBECK. Mr. President, I desire to offer an amendment to the bill. On page 2, line 2, I move to strike out "$1,500," and insert in lieu thereof "$750." That relates to tractors as surplus material to be distributed from the War Department. On page 2, line 3, I move to strike out "$4,000," and insert "$2,000." That relates to trucks to be distributed.

The PRESIDENT pro tempore. Is there objection to the reconsideration of the votes by which certain amendments to the bill were agreed to?

Mr. BRUCE. The bill received the consideration of the Committee on Military Affairs, and it seems to me, in view of the absence of the chairman of that committee, that it ought not to be amended without some notice to him.

Mr. CURTIS. Mr. President, I suggest that the amendments be considered as pending, and that the bill go over until the chairman of the Committee on Military Affairs is here.

The PRESIDENT pro tempore. The bill will go over as suggested.

LAND IN SAN JUAN, P. R.

The bill (S. 3630) authorizing the Secretary of War to convey to the Federal Land Bank of Baltimore certain land in the city of San Juan, P. R., was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with amendments.

Mr. REED of Pennsylvania. Before the committee amendments are considered, I desire to offer the amendment which I send to the desk, to correct a printer's error in the description of the land to be conveyed.

The PRESIDENT pro tempore. The Senator from Pennsylvania offers an amendment to the committee amendment, which will be stated.

The READING CLERK. In the committee amendment, on page 3, line 19, after the word "degrees," insert "11 minutes west, a distance of," so as to read "thence along the south line of Tetuan Street south 77 degrees 11 minutes west, a distance of 28.10 meters to the point of beginning."

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is now on the committee amendment, which will be stated.

The READING CLERK. On page 1, line 5, after the word "Maryland," strike out "upon such terms as he may consider advisable" and insert in lieu thereof "for the sum of $6,000, which is hereby made available for the construction of a double set of noncommissioned officers' quarters on the main reservation of San Juan, P. R., which will replace the double set of noncommissioned officers' quarters on the land to be conveyed," so as to read:

That the Secretary of War be, and he is hereby, authorized to convey by appropriate quitclaim deed to the Federal Land Bank of Baltimore, Md., for the sum of $6,000, which is hereby made available for the construction of a double set of noncommissioned officers' quarters on the main reservation of San Juan, P. R., which will replace the double set of noncommissioned officers' quarters on the land to be conveyed, the tract of land situated in the city of San Juan, in the island of Porto Rico, and described as follows:

The amendment was agreed to.

The next amendment was, on page 2, after line 3, to strike out: "Beginning at the southwest intersection of Tetuan Street and an unnamed street in said city of San Juan, which said unnamed street has a general bearing to the south and southeast from said point of intersection with said Tetuan Street and is located between Cruz and San José Streets in said city, and running from said point of beginning in an eastwardly direction along the south side of said Tetuan Street a distance of 100 feet, thence south a distance of 70 feet, more or less, to the sea wall, thence east along said sea wall 108 feet, more or less, to the west line of said unnamed street, thence along the west line of said unnamed street 90 feet, more or less, to the place of beginning. Said above-described tract includes the lot on which is situated a small brick-and-mortar one-story building known as Army building No. 108," and insert:

Being the easterly part of La Palma Bastion Military Reservation, San Juan, Porto Rico, located and described as follows: Beginning at the northwesterly corner of this parcel located at the southerly side of Tetuan Street, in line with the north wall of a masonry building on this parcel at distance five and sixty-one one-hundredths meters from the northwest corner of same building; thence bounding with La Palma Bastion bearing south 12 degrees 49 minutes east, a distance of twenty and seventy-four one-hundredths meters to the city wall; thence along the inside of this wall north 83 degrees 38 minutes east, a distance of twenty-four and four one-hundredths meters; thence north 5 degrees 26 minutes west, a distance of ninety-four one-hundredths meters; thence north 83 degrees 38 minutes east, a distance of five and ninety-one one-hundredths meters; thence north 12 degrees 24 minutes east, a distance of ten and six one-hundredths meters to the Recinto Sur Street; thence along the westerly side of the Recinto Sur

Street north 25 degrees one one-hundredth minute west, a distance of eleven and eighty one-hundredths meters; thence along a curve radius about 10 feet to its intersection with Tetuan Street, bounding with a small parcel conveyed to the people of Porto Rico; thence along the south line of Tetuan Street south 77 degrees 11 minutes west, a distance of twenty-eight and ten one-hundredths meters to the point of beginning. The above-described parcel contains an area of seven hundred and nineteen and sixty-eight one-hundredths square meters.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM W. DANENHOWER

The bill (S. 1193) to carry into effect the findings of the Court of Claims in the case of William W. Danenhower was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$42,260" and insert "$34,260," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William W. Danenhower, out of any money in the Treasury not otherwise appropriated, the sum of $34,260 for damages caused by the depreciation in value of his property situate in square 737 of the city of Washington, D. C., which said damages were caused by the elimination of the grade crossings of railroads in pursuance to the act of Congress approved February 12, 1901 (31 Stat. L. p. 774), and acts supplemental thereto, as found by the Court of Claims and reported in Senate Document No. 2, Sixty-seventh Congress, first session.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN NEWSPAPERS

The bill (S. 3896) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of section 3828 of the Revised Statutes of the United States, to settle, adjust, and certify the following claims for advertising services rendered the Public Health Service, Treasury Department, namely, the claims of certain Chicago newspapers for advertising services rendered October 3, 1918, amounting in all to $2,894, under the appropriation "Suppressing Spanish influenza and other communicable diseases, 1919;" the claim of a Houston, Tex., newspaper, $65.17; and the claim of a New York newspaper, $30, for advertising services rendered between June and October, 1920, under the appropriations "Pay of personnel and maintenance of hospitals, Public Health Service, 1920," and "Maintenance, marine hospitals, 1921."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND PATENTS IN WAIAKEA, HAWAII

The bill (H. R. 6303) to authorize the Governor and Commissioner of Public Lands of the Territory of Hawaii to issue patents to certain persons who purchased government lots in the district of Waiakea, island of Hawaii, in accordance with act 33, session laws of 1915, Legislature of Hawaii, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the governor and commissioner of public lands of the Territory of Hawaii are hereby authorized to issue patents to the following-named persons, their successors or permitted assigns, occupiers of lots in the Waiakea house lot tract, district of Waiakea, island of Hawaii, which lots were sold by the Territorial government in accordance with act 33, session laws of 1915, Legislature of Hawaii: *Provided, however*, That no patents be issued until all conditions imposed by the Territorial government at the time of sale have been complied with.

Name	No.	Area
IN BLOCK 12		Sq. ft.
Chuichi Kimura	1	20,000
Kanekichi Yanagihara	2	20,000
Isojiro Kitagawa	3	20,000
Komatsu Sakamoto	4	20,000
Hideichi Nishimura	5	20,000
Sukataro Maruo	6	20,000
Heitaro Egawa	7	20,000
Kenichi Tanaka	8	20,000
Usaburo Segawa	9	20,000
Mary Keaweopala	10	20,000
Sabjiro Abe	11	20,000
Wm. Edmonds	12	20,000
Jukichi Okino	13	20,000
Jas. S. Kekela	14	20,000
Shimado Kitagawa	15	20,000
Masaichi Nakamura	16	20,000
IN BLOCK 13		
Rev. Koo Ishikawa	1	22,500
Esther Kekoa	2	22,500
Mary J. Kekela	3	22,500
Pihana Kaiawe	4	22,500
Wm. Kuikuipua	5	22,500
Mrs. Hatsuyo Thompson	6	22,500
Mary Lau On	7	22,500
Thomas Pedro, jr	8	22,500
Mrs. Isuneyo Tanaka	9	22,500
Katsuichi Hashimoto	10	22,500
Shoze Murakami	11	22,500
K. Wakimoto	12	22,500
Junnosuki Ishizu	13	22,500
Hirokichi Nishimura	14	22,500
Taichiro Seto	16	22,500
IN BLOCK 19		
Nobujiro Yoshino	1	20,000
Mrs. Annie K. Low	2	20,000
Giemon Sakumoto	3	20,000
Yoshio Koshimoto	4	20,000
Kinichiro Kobayashi	5	20,000
Nobuchi Nakao	6	20,000
Kinzo Izumi	7	20,000
Hatsue Yamamoto	8	20,000
Tsunekichi Kanai	9	20,000
Umekichi Kanai	10	20,000
Manuel de Coito	11	20,000
Shizuma Houda Ota	12	20,000
Kalamsu Kaanaana	13	20,000
Louisa K. Apu	14	20,000
Mary Kaaumoana	15	20,000
Mary Ann Akana	16	20,000
IN BLOCK 20		
Joaquin Lopes	1	22,500
Kakutaro Masaka	2	22,500
Chun C. Tong	3	22,500
Nobuichi Kimata	4	22,500
Otto K. Reinhardt	5	22,500
Uyeno Yoshimatsu	6	22,500
Emma Reinhardt	7	22,500
Nikichi Yanagihara	8	22,500
John A. Lee	9	22,500
Mrs. Hana Watanabe	10	22,500
Daniel Namahoe	11	22,500
K. Ikeda	12	22,500
Maria de Gloria Martin	13	22,500
Keoahu Kelilnui	14	22,500
Joseph de Costa	15	22,500
En Kong Wung	16	22,500
IN BLOCK 25		
T. Hirokane	13	27,116
Masajiro Yamamoto	14	27,116
Hector Plymer Morton	15	27,116
Jessie Cecilia Swanston	16	27,116
IN BLOCK 26		
Stella Kaiminaauao	1	20,000
Hattie Kalani	2	20,000
Albert Correia	3	20,000
Florence M. Like	4	20,000
Alfred Tavares	5	20,000
Mary K. Peterson	6	20,000
Mary G. Pereira	7	20,000
Emma Smith	8	20,000
Izume Kainchi	9	20,000
Mrs. Isabella Martin	10	20,000
Itaro Nakao	11	20,000
Herman N. Kamai	12	20,000
Sanuske Onishi	13	20,000
Jose P. Amaral	14	20,000
Takichi Homma	15	20,000
Esther Kahawai	16	20,000
Futoshi Arakawa	1	22,500
Kenjiro Kodama	2	22,500
Kitaro Takahashi	3	22,500
Kametaro Fujimoto	4	22,500
Eikichi Nakamoto	5	22,500
Sentaro Kojima	6	22,500
Sidney Masao Hamada	7	22,500
Ichitaro Hora	8	22,500
Edith Carol Arioli	9	22,500
Carrie Sharratt	10	22,500
Hafli Kuamoo	11	22,500
Annabelle Ruddle	12	22,500
Heulu Namahoe	13	22,500
Sarah H. Cahill	14	22,500
Lui Kwan	15	22,500
Waahia Kalilikane	16	22,500

Name	No.	Area
		Sq. ft.
IN BLOCK 33		
Mrs. Nisu Akiyama	1	20,000
Gabriel Manning	2	20,000
Ting Sam Ching	3	20,000
Fung Lau	5	20,000
Young Lau	7	20,000
Chock Pung	8	20,000
Kamesuke Higa	9	20,000
Elizabeth W. Macomber	10	20,000
Kim Lung Sup	11	20,000
Joe Freitas Braz	12	20,000
John Puha Hale	13	20,000
Louise I. Wright	14	20,000
John K. Akau	15	20,000
Mrs. Kaniho Wond	16	20,000
IN BLOCK 34		
Katsuyo Degawa	1	20,000
Herbert Lai Hip	2	20,000
Richard L. Kekoa	3	20,000
Alexander K. Nawahi	4	20,000
Robert J. McKeague	6	20,000
Fred Olepau Benjamin	7	20,000
Mrs. Lillian Yataro James	8	20,000
Manuel Cabral	9	20,000
Lizzie K. Watson	10	20,000
Marie Martins	11	20,000
Annie K. Heen	12	20,000
Anna K. Victor	13	20,000
Stephen L. Desha, jr	14	20,000
Anthony Markiewitch	15	20,000
Duke Gomes Jardine	16	20,000
IN BLOCK 35		
Elizabeth K. Victor	1	22,500
George T. Muraoka	2	22,500
John K. Kimi	3	22,500
Antone Kini	5	22,500
Mary Duarte	6	22,500
Joseph C. Botelho	7	22,500
Mrs. Antonia Jesus Andrade	8	22,500
Sidney Smith	9	22,500
Maria J. Rufino	10	22,500
Emmaline K. Lyman	11	22,500
Mrs. Marie Cootie	12	22,500
Helen K. Kaina	13	22,500
Mary Ann H Holi	14	22,500
John C. Botelho	15	22,500
Alice Pia Manuel	16	22,500
IN BLOCK 42		
William J. Bell	1	20,000
John Raposa	2	20,000
Sarah Hapai	3	20,000
Harry S. Hapai	4	20,000
IN BLOCK 43		
Mary Kahana	1	20,000
Mary da Silva Medeiros	2	20,000
Conceisio Aiona	3	20,000
Elizabeth Desha Brown	4	20,000
IN BLOCK 44		
Amos & Sarah da Costa	1	22,500
W. H. Barringer	2	22,500
Manuel L. Andrade, jr	3	22,500
Sonny S. White	4	22,500

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTRIC SERVICE IN DISTRICT OF HAMAKUA, HAWAII

The bill (H. R. 6070) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, on the island and county of Hawaii, Territory of Hawaii, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories and Insular Possessions with amendments.

The first amendment was, on page 5, line 10, after the word "property," to strike out "not to exceed 60 per cent of the actual value thereof," and in line 18, page 5, after the word "security," to insert "*And provided further*, That no mortgage or deed of trust shall be made by such association for an amount exceeding 60 per cent of the actual value of the physical property of such association as determined by appraisal of the Public Utilities Commission of Hawaii."

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to strike out section 12, in the following words:

SEC. 12. All property of every kind and nature forming or used as a part of such electric system, including this franchise, shall be exempt from any and all taxes under the Territory of Hawaii until the expiration of five years from and after the commencement of the construction or buildings or other works for manufacturing and supplying electricity.

The amendment was agreed to.

The next amendment was, on page 8, line 15, after the word "act," to strike out the words "by the Congress of the United States."

The amendment was agreed to.

The next amendment was, on page 9, line 10, after the word "exceed," to strike out the words "The actual cost or the" and insert the word "the," and in line 11, after the word "property," to strike out "or the actual cost of reproducing or replacing, less depreciation and less the charges thereon," and insert "at the time of the taking."

The amendment was agreed to.

The next amendment was, on page 10, line 4, after the word "party," to insert "and the said court shall have power to confirm, decree, or increase the said award," and in line 6, after the word "the," to insert the word "final."

The amendment was agreed to.

The next amendment was, on page 10, line 15, after the words "States," to strike out the words "or the Legislature of the Territory of Hawaii."

The amendment was agreed to.

The next amendment was, on page 10, after line 17, to strike out section 18, in the following words:

SEC. 18. This act shall take effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval of Congress to be secured within two years from the date of such approval by the Governor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RELIEF OF OWNERS OF STEAMSHIP "ALMIRANTE"

The bill (S. 2126) for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claims of all owners of certain shipments of merchandise which were laden on board of the American steamship *Almirante*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by collision between the U. S. S. *Hisko* and said American steamship *Almirante* on the 6th day of September, 1918, off the coast of the State of New Jersey, may be sued for by the said owners of cargo, in the District Court of the United States for the Southern District of New York sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages, including interest and costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo or against the owners of said cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTABLISHMENT OF RURAL ROUTES

The bill (H. R. 4448) authorizing the establishment of rural routes of from 36 to 75 miles in length was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 8, to strike out "$2,160" and insert "$2,610."

Mr. STERLING. I will ask that the bill go over on account of the amendments proposed to be made to it.

The PRESIDENT pro tempore. The bill will be passed over.

ADALINE WHITE

The bill (H. R. 1671) for the relief of Adaline White was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

HEIRS OF CASIMIRA MENDOZA

The bill (H. R. 4294) for the relief of Casimira Mendoza was considered as in Committee of the Whole.

Mr. SHEPPARD. I move that the bill be amended by inserting, in line 5, after the word "to" the words "the heirs of."

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 1, line 5, after the word "to" insert the words "the heirs of," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Casimira Mendoza, of Shafter, Presidio County, Tex., the sum of $1,500, as compensation for the death of her son, Jesus Menodza, which resulted when an Army Motor Transport truck struck the wagon in which said son was riding.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the heirs of Casimira Mendoza."

JOHN A. BINGHAM

The bill (H. R. 5803) for the relief of John A. Bingham was announced as next in order.

Mr. SMOOT. I would like to ask that this bill be passed over. There is no report accompanying it. How did the robbery happen? Was the man knocked down and was the money taken away from him on the street or how did it happen? No one knows. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

COAST TRANSIT DIVISION BARGE "NO. 4"

The bill (S. 2042) for the relief of the owner of the coast transit division barge *No. 4*, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of The Barrett Co., owner of the coast transit division barge *No. 4*, against the United States of America, for damages and loss alleged to have been caused by collision between said barge and the United States steamship *Bali*, on the 17th day of April, 1920, near Pennsylvania Railroad Pier F, Jersey City, N. J., may be sued for by The Barrett Co. in the District Court of the United States for the District of New Jersey, sitting as a court of admiralty, and acting under the rules governing such court; and the said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found to be due against the United States in favor of the owner of the said coast transit division barge *No. 4*, or against the owner of the said coast transit barge *No. 4*, in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMSHIP "TRINIDADIAN"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2077) for the relief of the owner of the steamship *Trinidadian*, which had been reported from the Committee on Claims with an amendment on page 2, line 3, after the word "damages," to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of the Gulf Refining Co., owner of the steamship *Trinidadian*, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States Coast Guard cutter *Vaughan* on the 15th day of May, 1920, near B cut, in Tampa Bay, Fla., may be sued for by said Gulf Refining Co. in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found to be due against the United States in favor of the owner of said steamship *Trinidadian*, or against the owner of said steamship *Trinidadian* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BARGE "NO. 62"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2080) for the relief of the owner of the barge *No. 62*, which had been reported from the Committee on Claims with an amendment on page 2, line 2, after the word "damages," to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of The Texas Co., owner of the barge *No. 62*, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States Coast Guard cutter *Acushnet* on or about the 16th day of July, 1920, off Stapleton, Staten Island, N. Y., may be sued for by the said The Texas Co. in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of said barge *No. 62*, or against the owner of said barge *No. 62* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAMSHIP "BRITISH ISLES"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2128) for the relief of the owner of the steamship *British Isles*, which had been reported from the Committee on Claims, with an amendment on page 2, line 3, after the word "damages," to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of the British Petroleum Co. (Ltd.), owner of the steamship *British Isles*, against the United States of America, for damages and loss alleged to have been caused by collision between said vessel and the United States steamship *Western Maid* on the 10th day of January, 1919, upon the anchorage ground off Stapleton, Staten Island, in the harbor of New York, may be sued for by said British Petroleum Co. (Ltd.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said steamship *British Isles* or against the owner of said steamship in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HAROLD LUND

The bill (S. 2467) for the relief of Harold Lund was announced as next in order.

Mr. REED of Pennsylvania. I ask that that bill may be recommitted to the Committee on Claims.

The PRESIDENT pro tempore. Without objection the bill is recommitted to the Committee on Claims.

ARTHUR E. COLGATE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1615) for the relief of Arthur E. Colgate, administrator of Clinton G. Colgate, deceased. It proposes to pay to Arthur E. Colgate, administrator of Clinton G. Colgate, deceased, $50,000, the amount due him as shown by findings of the Court of Claims in the case of Arthur E. Colgate, administrator of Clinton G. Colgate, deceased, *v.* The United States, Congressional No. 6063, Senate Document No. 703, Sixty-fourth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT OF FIRE INSURANCE COMPANIES

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3673) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing bubonic plague in the Territory of Hawaii in the years 1899 and 1900. It proposes to appropriate $85,975 to pay to the Royal Insurance Co., $25,100; the Trans-Atlantic Fire Insurance Co., $9,500; Prussian National Fire Insurance Co., $2,850; North German Fire Insurance Co., $8,000; Hamburg-Bremen Fire Insurance Co., $10,450; Liverpool and London and Globe Insurance Co., $6,900; New Zealand Insurance Co., $6,025; Fireman's Fund Insurance Co., $9,250; National Fire Insurance Co. of Hartford, Conn., $4,150; Caledonian Insurance Co., of Edinburgh, Scotland, $750; North British Mercantile Insurance Co., $3,000, the aforesaid sums being the amounts paid by each of the said companies on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in said Territory in the years 1899 and 1900.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF HALLER NUTT, DECEASED

The bill (S. 2603) for the relief of the legal representatives of the estate of Haller Nutt, deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CHARLES S. COOK

The bill (S. 2720) for the relief of Charles S. Cook was announced as next in order.

The PRESIDENT pro tempore. Being adversely reported, the bill will be indefinitely postponed.

BARKENTINE "MONTEREY"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3310) for the relief of the owners of the barkentine *Monterey*, which was read, as follows:

Be it enacted, etc., That the claim of the Charles Nelson Co., a corporation, owner of the barkentine *Monterey*, arising out of a collision between said barkentine and the United States steamship *Henderson* in the Straits of Juan de Fuca on or about July 28, 1923, for and on account of the losses alleged to have been suffered in said collision by the owners of said barkentine by reason of damages to said barkentine, may be submitted to the United States District Court for the Northern District of California under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States of America, upon the same principle and measure of liability with interest and costs as in like cases in admiralty between private parties, with the same right of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTER "EASTMAN NO. 14"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 79) for the relief of the owner of the lighter *Eastman No. 14*, which has been reported from the Committee on Claims with an amendment, on page 2, line 4, after the word "damages," to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of Franklin P. Eastman, owner of the lighter *Eastman No. 14*, against the United States of America for damages alleged to have been caused by a collision on November 26, 1918, between the said lighter *Eastman No. 14* and the United States steamship *Wakulla*, at the Thirty-first Street Pier, Brooklyn, N. Y., while the said steamship *Wakulla* was owned by the United States of America and was being operated in its naval transport service, may be sued for by the said Franklin P. Eastman in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found to be due against the United States in favor of Franklin P. Eastman, or against Franklin P. Eastman in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court; and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FURNITURE AND FURNISHINGS FOR THE WHITE HOUSE

The joint resolution (S. J. Res. 163) to accept donations of historical furniture and furnishings of the correct period for use in the White House was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Library with amendments. The first amendment was, in section 1, page 1, line 9, before the word "furniture," to strike out the word "historical"; and in the same line, after the word "furnishings," to strike out the words "of the correct period," so as to make the section read:

That with a view to conserving in the White House the best specimens of the early American furniture and furnishings, and for the purpose of maintaining the interior of the White House in keeping with its original design the officer in charge of public buildings and grounds is hereby authorized and directed, with the approval of the President, to accept donations of furniture and furnishings for use in the White House. All such articles thus donated to become the property of the United States and to be accounted for as such.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 7, after the words "National Academy of Design," to strike out "and two members representing the public at large, the said committee to have full power to collect and pass on the articles in question and to recommend the same for acceptance"; and to insert "one member of the American Institute of Architects and five members representing the public at large, the said committee to have full power to select and pass on the articles in question and to recommend the same for acceptance," so as to make the section read:

SEC. 2. The said officer in charge of public buildings and grounds is further authorized and directed, with the approval of the President, to appoint a temporary committee composed of one representative of the American Federation of Arts, one representative of the National Commission of Fine Arts, one representative of the National Academy of Design, one member of the American Institute of Architects, and five members representing the public at large; the said committee to have full power to select and pass on the articles in question and to recommend the same for acceptance.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. PEPPER the title was amended so as to read: "Joint resolution to accept donations of furniture and furnishings for use in the White House."

MEMORIAL TO DEAD OF AVIATION SERVICE

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 167) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to those who died in the Aviation Service of the Army, Navy, and Marine Corps in the World War, which had been reported from the Committee on the Library with an amendment, on page 2, line 1, before the name "Bennett," to strike out the initial "M," so as to make the joint resolution read:

Resolved, etc., That the Chief of Engineers, United States Army, after procuring the advice of the Commission of Fine Arts, be, and he is hereby, authorized and directed to approve a design of a memorial, to select a suitable site therefor on public grounds of the United States in the city of Washington, D. C., other than the Capitol, the Library of Congress, Potomac Park, the White House, and the grounds south of the White House, and to grant permission for its erection, when in his opinion sufficient funds are in hand for the purpose, to Mrs. Louis Bennett, the said memorial to be a gift to the people of the United States in memory of her son, Lieut. Louis Bennett, who was shot down in action on August 24, 1918, after destroying two German balloons: *Provided*, That the site chosen and the design of the memorial shall be approved by the Joint Committee on the Library, and that the said memorial shall be erected under the supervision of the Chief of Engineers, United States Army, without expense to the United States in or by reason of the erection of the said memorial.

SEC. 2. The authority granted by this act shall cease and terminate if the erection of the said memorial shall not have been commenced at the termination of three years after the date of the approval of this act.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to those who gave their lives to their country in the Aviation Service of the Army, Navy, and Marine Corps in the World War."

AMERICAN BAR ASSOCIATION

The bill (S. 292) to incorporate the American Bar Association was announced as next in order.

Mr. WALSH of Montana. Mr. President, I did not know that that bill had been reported from the committee. I understood that it had been recommitted to the Committee on the Judiciary.

The PRESIDENT pro tempore. The Chair is able to state that, while the bill was recommitted to the Judiciary Committee, it has again been reported.

Mr. WALSH of Montana. Will the Chair advise us when the bill was rereported?

The PRESIDENT pro tempore. The bill was again reported on January 17, by the junior Senator from Missouri [Mr. SPENCER].

Mr. WALSH of Montana. I am sure that must have been an error. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

FRANK H. WALKER AND FRANK E. SMITH

The bill (S. 3109) for the relief of Frank H. Walker and Frank E. Smith, was announced as next in order.

Mr. SMOOT. I ask that that bill be recommitted to the Committee on Claims.

The PRESIDENT pro tempore. Without objection, the bill will be recommitted to the Committee on Claims.

LANDS AND FUNDS OF THE OSAGE INDIANS IN OKLAHOMA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, page 1, in section 1, line 7, after the word "heir," to insert the words "or devisee"; on page 2, line 16, after the word "age," to insert the words "and above 18 years of age"; in line 17, after the word "minors," to insert "and out of the income of minors under 18 years of age, $500 quarterly"; on page 3, line 3, after the word "investments," to strike out "not exceeding $500 a quarter"; in line 9, after the word "shall," to insert "in case the Commissioner of Indian Affairs finds that such adults are wasting or squandering said income"; in line 13, after the word "Agency," to insert, "*Provided*, That if an adult member, not having a certificate of competency so desires, his entire income accumulating in the future from the sources herein specified shall be paid to him without supervision, unless the Commissioner of Indian Affairs shall find, after notice and hearing, that such member is wasting or squandering his income, in which event the Secretary of the Interior shall pay to such member only the amounts hereinbefore specified to be paid to adult members not having certificates of competency"; in line 22, after the word "invest," to strike out "or deposit the remainder, after paying all of the taxes of those members whose funds are subject to his supervision, as provided by existing law: *Provided*, That any part of such remainder, including minor's funds, not to exceed $10,000, may be expended for the benefit of such member of the tribe for the specific purpose of purchasing or improving a home, and any additional amount may be expended in the prevention of or cure of any member or minor afflicted with tuberculosis or by any lingering or dangerous disease, when authorized by the Commissioner of Indian Affairs and expended under his direction and supervision"; and to insert "the remainder, after paying the taxes of such members, in United States bonds, Oklahoma State bonds, real estate, first mortgage real estate loans not to exceed 50 per cent of the appraised value of such real estate, and where the member is a resident of Oklahoma such investment shall be in loans on Oklahoma real estate, stock in Oklahoma building and loan associations, livestock, or deposit the same in banks in Oklahoma, or expend the same for the benefit of such member, such expenditures, investments, and deposits to be made under such restrictions, rules, and regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall not make any investment for an adult member without first securing the approval of such member of such investment"; and on page 5, line 1, after the word "application," to insert "or approval," so as to read:

Be it enacted, etc., That the Secretary of the Interior shall cause to be paid at the end of each fiscal quarter to each adult member of the Osage Tribe of Indians in Oklahoma having a certificate of competency, his or her pro rata share, either as a member of the tribe or heir or devisee of a deceased member, of the interest on trust funds, the bonus received from the sale of oil or gas leases, the royalties therefrom, and any other moneys due such Indian received during each fiscal quarter, including all moneys received prior to the passage of this act and remaining unpaid; and so long as the accumulated income is sufficient the Secretary of the Interior shall cause to be paid to the adult members of said tribe not having a certificate of competency $1,000 quarterly, except where such adult members have legal guardians, in which case the amounts provided for herein may be paid to the legal guardian or direct to such Indian in the discretion of the Secretary of the Interior, the total amounts of such payments, however, shall not exceed $1,000 quarterly except as hereinafter provided; and shall cause to be paid for the maintenance and education, to either one of the parents or legal guardians actually having personally in charge, enrolled or unenrolled, minor member under 21 years of age and above 18 years of age, $1,000 quarterly out of the income of each of said minors, and out of the income of minors under 18 years of age, $500 quarterly, and so long as the accumulated income of the parent or parents of a minor who has no income or whose income is less than $500 per quarter is sufficient, shall cause to be paid to either of said parents having the care and custody of such minor $500 quarterly, or such proportion thereof as the income of such minor may be less than $500, in addition to the allowances above provided for such parents. Rentals due such adult members from their lands and their minor children's lands and all income from such adults' investments shall be paid to them in addition to the allowance above provided. All payments to legal guardians of Osage Indians shall be expended subject to the joint approval in writing of the court and the superintendent of the Osage Agency. All payments to adults not having certificates of competency, including amounts paid for each minor, shall, in case the Commissioner of Indian Affairs finds that such adults are wasting or squandering said income, be subject to the supervision of the superintendent of the Osage Agency: *Provided*, That if an adult member, not having a certificate of competency so desires, his entire income accumulating in the future from the sources herein specified shall be paid to him without supervision, unless the Commissioner of Indian Affairs shall find, after notice and hearing, that such member is wasting or squandering his income, in which event the Secretary of the Interior shall pay to such member only the amounts hereinbefore specified to be paid to adult members not having certificates of competency. The Secretary of the Interior shall invest the remainder, after paying the taxes of such members, in United States bonds, Oklahoma State bonds, real

estate, first mortgage real estate loans not to exceed 50 per cent of the appraised value of such real estate, and where the member is a resident of Oklahoma such investment shall be in loans on Oklahoma real estate, stock in Oklahoma building and loan associations, livestock, or deposit the same in banks in Oklahoma, or expend the same for the benefit of such member, such expenditures, investments, and deposits to be made under such restrictions, rules, and regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall not make any investment for an adult member without first securing the approval of such member of such investment: *Provided further*, That at the beginning of each fiscal year there shall first be reserved and set aside, out of Osage tribal funds available for that purpose, a sufficient amount of money for the expenditures authorized by Congress out of Osage funds for that fiscal year. No guardian shall be appointed except on the written application or approval of the Secretary of the Interior for the estate of a member of the Osage Tribe of Indians who does not have a certificate of competency or who is of one-half or more Indian blood.

The amendment was agreed to.

The next amendment was, on page 5, after line 4, to insert:

All moneys now in the possession or control of legal guardians heretofore paid to them through mistake of law and which should have been reserved by the Secretary of the Interior under the act of Congress of March 3, 1921, relating to the Osage Tribe of Indians shall be returned by such guardians to the Secretary of the Interior, and all property, bonds, securities, and stock purchased, or investments made by such guardians out of said moneys paid them shall be delivered to the Secretary of the Interior by them, to be held by him or disposed of by him as he shall deem to be for the best interest of the members to whom the same belongs. Such purchases and investments made by legal guardians are hereby declared to be legal when approved by the Secretary of the Interior. The expenditure of any part of such funds so paid which have been made by such guardians in accordance with the laws of Oklahoma are hereby declared to be legal when approved by the Secretary of the Interior. Moneys used in investments and expenditures by legal guardians which are not approved by the Secretary of the Interior shall be accounted for by such legal guardians to him under such rules and regulations as he may prescribe. All bonds, securities, stocks, and property purchased and other investments made by legal guardians shall not be subject to alienation, sale, disposal, or assignment without the approval of the Secretary of the Interior. Any indebtedness lawfully incurred by guardians may be paid out of the funds of the members for whom such indebtedness was incurred by the Secretary of the Interior when approved by him.

Mr. OWEN. On page 5, line 16, after the word "legal," I move to amend the committee amendment by striking out the words "when approved by the Secretary of the Interior," and in lieu thereof to insert "in accordance with the laws of the State of Oklahoma."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Oklahoma to the amendment of the committee will be stated.

The READING CLERK. On page 5, line 16, after the word "legal," it is proposed to strike out the words "when approved by the Secretary of the Interior" and in lieu thereof to insert the words "in accordance with the laws of Oklahoma."

Mr. HARRELD. Mr. President, will the Senator explain his amendment. It is not a committee amendment, and I want to know what it is.

Mr. OWEN. The suggestion which I have made by the amendment relates to the purchases and investments made by legal guardians which were made in accordance with the laws of the State of Oklahoma. The words "in accordance with the laws of the State of Oklahoma" are inserted instead of the words "when approved by the Secretary of the Interior." As the bill reads it would require the previous acts of such guardians to be subject to the approval of the Secretary of the Interior, when in point of fact it is only proper that they should have been in accordance with the laws of the State of Oklahoma.

Mr. HARRELD. I am not in a position to accept amendments of that kind, because I can only uphold the amendments which have been reported by the committee.

Mr. MOSES. Let the bill go over.

Mr. CURTIS. Mr. President, let the bill go over if there is going to be any debate on it. We desire to finish the calendar if we can this evening and I think the bill should go over if there is going to be a debate on it.

Mr. OWEN. It is necessary that it go over then, for I can not consent that the guardians who have made their purchases and investments in accordance with the laws of Oklahoma shall then be required to come to the Interior Department after years have elapsed to have their acts approved by some of the clerks of that department. If they have made their disbursements and made their purchases under the laws of the State of Oklahoma their actions ought not to be declared illegal by the Congress, and I can not consent to that being done.

Mr. HARRELD. Mr. President, I will say——

The PRESIDENT pro tempore. The bill will be passed over.

Mr. HARRELD. Mr. President, if I may be permitted to make a brief statement, I will say that personally I have no objection to what the Senator suggests, but, as chairman of the committee, I am not in a position to agree to the amendment.

Mr. OWEN. The mater could be, of course, adjusted in conference afterwards, but I do not want it to go into conference in such form as to commit the Senate against the proposal which I am making.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF JUDICIAL CODE

The bill (S. 3913) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment at the top of page 2, to insert the following new section:

SEC. 2. That the last paragraph of the act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922, is amended to read as follows:

"This amendment shall be effective for a period of six years after September 19, 1922, after which section 876 as it exists in the present law shall be and remain in full force and effect"

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. SHORTRIDGE, the title was amended so as to read: "A bill to extend for an additional period of three years the effective period of the act entitled 'An act to amend section 51 of chapter 4 of the Judicial Code,' approved September 19, 1922; and an act entitled 'An act to amend section 876 of the Revised Statutes,' approved September 19, 1922."

JUDGES OF DISTRICT COURT OF HAWAII

The bill (H. R. 6860) to authorize each of the judges of the United States District Court for the District of Hawaii to hold sessions of said court separately at the same time, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That subdivision (a) of section 86 of the Hawaiian organic act, as amended, is amended to read as follows:

"SEC. 86. (a) That there shall be established in the said Territory a district court, to consist of two judges, who shall reside therein and be called district judges, and who shall each receive an annual salary of $7,500. The two judges shall from time to time, either by order or rules of the court, prescribe at what times and in what classes of cases each of them shall preside.

"The two judges may each hold separately and at the same time a session of the court (whether at the same or different terms of court, regular or special) and may preside alone over such session. The said two judges shall have the same powers in all matters coming before the court; and in case two sessions of the court are held at the same time, the judgments, orders, verdicts, and all proceedings of a session of the court, held by either of the judges, shall be as effective as if one session only were being held at a time."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ACCOUNTS OF DISBURSING OFFICERS

The bill (H. R. 8369) to extend the period in which relief may be granted accountable officers of the War and Navy Departments, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I ask that the bill go over.

Mr. SHORTRIDGE. I ask the Senator to withdraw the objection. The bill was very carefully considered by the committee.

Mr. JONES of Washington. May I ask the Senator if he thinks that "four years from the passage of this act" are necessary? The House made it "four years from the passage of the act of April 21, 1922," which would make the period run

up to 1926. It would seem as if that would afford sufficient time. If later that should be found not to be the case we could extend the period.

Mr. SHORTRIDGE. It was thought that extending the time would do no harm and might protect the rights of the Government and of its citizens.

Mr. JONES of Washington. This bill is for the adjustment of claims between April 6, 1917, and November 18, 1921. It would seem that extending the time up to 1926 would afford ample opportunity to adjust those matters. I suggest to the Senator that he let the bill go through without that amendment and let it become a law in that way.

Mr. SHORTRIDGE. I can not consent to that. The amendment has been reported by the committee in the form suggested.

Mr. JONES of Washington. Was the committee unanimous?

Mr. SHORTRIDGE. I think so.

Mr. JONES of Washington. Very well, I will withdraw the objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment on page 1, at the beginning of line 9, to strike out "the act of April 21, 1922," and insert "this act," so as to make the bill read:

Be it enacted, etc., That the act approved April 21, 1922 (42 Stat. L., p. 497, ch. 136), be, and is hereby, amended to read as follows:

"That the Comptroller General of the United States be, and hereby is, authorized, through such officers as he may designate, and within four years from the passage of this act: (a) to relieve disbursing officers or special disbursing agents of the War and Navy Departments from accountability or responsibility for losses occurring between April 6, 1917, and November 18, 1921, of funds, or of accounts, papers, records, vouchers, or data pertaining to said funds, for which said officers or agents were accountable or responsible; and (b) to allow credits, in the settlement of accounts of said officers or agents, for payments made in good faith on public account during said period, notwithstanding failure to comply with requirements of existing law or regulations pursuant thereto: *Provided*, That in cases of losses or payments involving more than $1,000, the Comptroller General shall exercise the authority herein only upon the written recommendation of the Secretary of War or the Secretary of the Navy, which recommendation shall also set forth the facts relative to such loss or payment: *Provided further*, That the Comptroller General in all cases shall certify that the transactions, expenditures, losses, or payments appear to be free from fraud or collusion.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HUNTER-BROWN CO.

The bill (S. 1829) for the relief of the Hunter-Brown Co. was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Hunter-Brown Co., Chattanooga, Tenn., the sum of $1,198.08 as settlement in full for loss incurred through failure of the War Department to receive 192 cords of wood delivered by the Hunter-Brown Co. at Camp Forest, Ga., under the terms of a contract with the War Department entitled "Quartermaster Corps Contract," which represents the sum of the amount agreed to be paid for the wood so delivered and expenses incurred by the Hunter-Brown Co. by reason of delayed delivery occasioned by the refusal of the agents of the War Department to receive the shipments of wood and in prosecuting its claim for the payment of the contract price, the War Department having since refused to approve or settle such claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES J. M'ALLISTER

The bill (H. R. 2258) for the relief of James J. McAllister was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to compensate James J. McAllister, a Bannock Indian, residing near Boise, Idaho, for water rights lost by him incident to the acquiring by the War Department of a water supply for Fort Boise Barracks, Idaho: *Provided*, That this sum shall not be paid to the said James J. McAllister until he shall have executed a release in full satisfaction of all claims against the Government for or by reason of the loss of said water rights.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FILER M'CLOUD

The bill (H. R. 4610) for the relief of the estate of Filer McCloud was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "McCloud," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of the estate of Filer McCloud, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 in full compensation for property on Parris Island, S. C., belonging to such estate, which was destroyed by the United States Marine Corps for military reasons.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PICTON STEAMSHIP CO. (LTD.)

The bill (H. R. 6660) for the relief of Picton Steamship Co. (Ltd.), owner of the British steamship *Picton*, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLUMBUS HOSPITAL, GREAT FALLS, MONT.

The bill (S. 332) authorizing the Secretary of the Treasury to pay the Columbus Hospital, Great Falls, Mont., for the treatment of disabled Government employees was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "$608.44" and insert "$397.44," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, the sum of $397.44 to the superintendent of the Columbus Hospital, Great Falls, Mont., for services rendered and medical attendance from March 13 to June 1, 1919, in the cases of Arthur A. Higgins, William A. Niles, and Floyd Kerr, employees of the War Department, at the nitro general ordnance bureau, Nitro, W. Va., said amount being due the hospital for the care and treatment of the said employees.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF PENAL CODE

The bill (S. 3180) to amend section 194 of the Penal Code of the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 194 of the penal laws of the United States be amended so that it shall read as follows:

"SEC. 194. Whoever shall steal, take, or abstract, or by fraud or deception obtain, from or out of any mail, post office, or station thereof, or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or whoever shall steal, take, or abstract, or by fraud or deception obtain any letter, postal card, package, bag, or mail, which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter; or whoever shall buy, receive, or conceal, or aid in buying, receiving, or concealing, or shall unlawfully have in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been so stolen, taken, embezzled, or abstracted; or whoever shall take any letter, postal card, or package out of any post office or station thereof, or out of any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any

post office or station thereof, or other authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall open, secrete, embezzle, or destroy the same, shall be fined not more than $2,000 or imprisoned not more than five years, or both."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF JUDICIAL CODE

The bill (H. R. 9162) to amend section 128 of the Judicial Code, relating to appeals in admiralty cases, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PER CAPITA COST OF INDIAN SCHOOLS

The bill (S. 4014) to amend the act of June 30, 1919, relative to per capita cost of Indian schools, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the second paragraph of the act of June 30, 1919, page 6 (41 Stat. L. p. 6), entitled "Per capita cost," be, and the same is hereby, amended by inserting in the third line thereof the amount "$270" in lieu of "$225" and in the eighth line thereof the amount "$300" in lieu of "$250," so that the same shall read:

"That hereafter, except for pay of superintendents and for transportation of goods and supplies and transportation of pupils, not more than $270 shall be expended from appropriations made in this act, or any other act, for the annual support and education of any one pupil in any Indian school, unless the attendance in any school shall be less than 200 pupils, in which case the Secretary of the Interior may authorize a per capita expenditure of not to exceed $300."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN CALIFORNIA

The bill (S. 4015) to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion to sell and to convey title on behalf of the United States of America, to the city of Los Angeles, certain lands in California heretofore purchased by the Government for the relief of homeless Indians, namely: Lot 55 of the Owens Valley Improvement Co.'s subdivision No. 1, as shown on a map filed in book No. 1, page 41, of the map records of Inyo County, containing approximately 16.61 acres; and the northerly 425 feet of lot 141 of the Owens Valley Improvement Co.'s subdivision No. 2, as shown on a map filed in book No. 1, page 42, of the map records of Inyo County, containing approximately 13 acres: *Provided*, That the consideration to be received for the lands shall be determined by the Secretary of the Interior and the amount for which the entire area may be sold shall not be less than the total cost of the lands and of the improvements to the Government: *Provided further*, That the sum of $1,060.75 shall be segregated from the proceeds of this sale and deposited in the Treasury to the credit of the reimbursable appropriation by the act of May 24, 1922 (42 Stat. L. p. 560), for irrigation work on miscellaneous projects in district No. 4: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized to use the remainder of the proceeds, exclusive of the sum of $1,060.75 expended for irrigation improvements, in purchasing other land in California, with such improvements as may be appurtenant thereto, for the relief of homeless Indians of that State, and the money when deposited in the Treasury shall be set apart and reserved for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF DELAWARE INDIANS

The bill (H. R. 3913) to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OMAHA INDIANS OF NEBRASKA

The bill (H. R. 8965) for the relief of the Omaha Indians of Nebraska was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF ARMY APPROPRIATION ACT OF JULY 9, 1918

The bill (S. 1931) amending the Army appropriation act approved July 9, 1918, providing for appointment and retirement of officers of the Medical Reserve Corps, or contract surgeons, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SHORTRIDGE. Mr. President, this bill I introduced at the request of those familiar with the subject matter. It was referred to the Committee on Military Affairs and, I happen to know, was very carefully considered by the Senator from Indiana [Mr. RALSTON], who reports it favorably from the committee. The printed report accompanying the bill as amended contains a letter from the Secretary of War, addressed to the Senator from New York, which explains the measure. In a word, those entirely familiar with the subject matter of the bill agree; and I quite earnestly ask that the matter may be disposed of to-day.

Mr. SMOOT. I ask that it go over for the day.

Mr. SHORTRIDGE. Does the Senator wish any information in regard to it, or does he simply object?

Mr. SMOOT. I object, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

WARRANT OFFICERS OF ARMY MINE PLANTER SERVICE

The bill (S. 3977) to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to reappoint and immediately discharge or retire, as hereinafter directed, all warrant officers, Army Mine Planter Service, discharged from such service pursuant to the act entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 30, 1922: *Provided*, That warrant officers of the Army Mine Planter Service of less than 10 years' service be discharged with payment of one year's pay or those of more than 10 years' and less than 20 years' service be placed on the unlimited retired list with pay at the rate of 2½ per cent of their active pay, multiplied by the number of complete years of such service or those of more than 20 years' service be placed on the unlimited retired list with pay at the rate of 3 per cent of their active pay, multiplied by the number of complete years of such service, not exceeding 75 per cent of their active pay: *Provided further*, That in computing length of service for retirement and in computing longevity pay under the provision of this act service on boats in the service of the Quartermaster Department as well as service in the Regular Army shall be counted: *And provided further*, That this act shall not apply to any discharged warrant officer, Army Mine Planter Service, who has been reappointed a warrant officer, Army Mine Planter Service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REDUCTION OF RATE OF INTEREST ON NOTES ISSUED UNDER THE TRANSPORTATION ACT, 1920

The bill (S. 3772) to authorize the reduction of and to fix the rate of interest to be paid by carriers upon notes or other evidences of indebtedness heretofore issued under the provisions of section 207 of the transportation act, 1920, or section 210 of said act, as amended by an act approved June 5, 1920, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Interstate Commerce with an amendment to strike out all after the enacting clause and to insert:

Be it enacted, etc., That if the Interstate Commerce Commission, upon application of any carrier indebted to the United States after hearing and investigation upon public notice, actual or constructive, as it may direct, finds that it is necessary that the rate of interest payable upon notes or other evidences of indebtedness heretofore issued by a carrier under the provisions of section 207 of the transportation act, 1920, or section 210 of said act as amended by an act approved June 5, 1920, held by the United States (whether such notes or other evidences of indebtedness are payable to the United States, to the Director General of Railroads, or to the Secretary of the Treasury), should be reduced in order to enable any such carrier to carry out any refunding or other financial operation to prevent the impairment of such service that would be caused by the appointment of a receiver to take possession of and manage its property, thereupon the said commission shall certify to the Secretary of the Treasury its finding of such necessity. Upon the receipt of any such certificate the Secretary of the Treasury shall ascertain the average price paid for money by the United States during the last preceding year, and thereafter the rate of interest to be

paid by any such carrier in whose behalf such certificate has been so filed with the Secretary shall be one-fourth of 1 per cent above the average price so ascertained: *Provided, however,* That in no event shall the rate of interest be less than 4½ per cent per annum, and the payment of the interest at the time stated in such notes or other evidences of indebtedness at the rate so established shall be in full payment and discharge of the interest stated in such notes or other evidences of indebtedness accruing after such certificate is filed with the Secretary of the Treasury.

The amendment was agreed to.

Mr. SHIPSTEAD. Mr. President, it seems to me that bill should go over.

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator ask that the bill be passed over?

Mr. SHIPSTEAD. I do.

Mr. WATSON. Mr. President, may I ask the Senator, on account of the very great importance of the bill, to permit it to be considered if it does not lead to long debate? It is unanimously reported from the Committee on Interstate Commerce after very earnest and very careful consideration and after the appearance before the committee of the presidents of the railroads involved, and also the Secretary of the Treasury. It involves no loss of revenue whatever to the Government. It simply provides that the money that is now owing by the railroads to the Government shall be provided by the Government at what it costs the Government to get the money, plus a small increment.

Mr. SHIPSTEAD. Mr. President, it strikes me that this bill involves a change of the policy of the Government and ought to be discussed briefly.

The PRESIDING OFFICER. Does the Senator object to the immediate consideration of the bill?

Mr. SHIPSTEAD. I do.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 3682) for the relief of M. Barde & Sons (Inc.), Portland, Oreg., was announced as next in order.

Mr. JONES of Washington. I am very sorry, but I shall have to ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PURCHASE OF UNAPPROPRIATED PUBLIC LANDS

The bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 10, after the word "That," to insert "any owner in good faith of land shown by the official public land surveys to be bounded in whole or in part by such erroneously meandered area and who acquired title to such land prior to this enactment"; on page 2, line 17, after the word "claimant," to insert "under the public land laws"; on the same page, after line 18, to insert:

SEC. 3. In event such erroneously meandered land is bounded by two or more tracts of land held in private ownership with apparent riparian rights indicated by the official township plat of survey at date of disposal of title by the United States, the Commissioner of the General Land Office shall have discretionary power to cause such meandered area, when surveyed, to be divided into such tracts or lots as will permit a fair division of such meandered area among the owners of such surrounding or adjacent tracts under the provisions of this act. In administering the provisions of this act, where there shall exist a conflict of claims falling within its operation, if any claimant shall have placed valuable improvements upon the land involved, or shall have reduced the same to cultivation, then to the extent of such improvements or cultivation such claimant shall be given preference in adjustment of such conflict: *Provided,* That no preference right of entry under this act shall be recognized for a greater area than 160 acres, in one body, to any one applicant, whether an individual, an association, or a corporation.

On page 3, line 14, to change the number of the section from "3" to "4"; on page 4, line 1, to change the number of the section from "4" to "5"; and on page 4, line 14, to change the number of the section from "5" to "6."

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, any of those lands situated in the State of Wisconsin which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

SEC. 2. That any owner in good faith of land shown by the official public land surveys to be bounded in whole or in part by such erroneously meandered area, and who acquired title to such land prior to this enactment, or any citizen of the United States who in good faith under color of title or claiming as a riparian owner has, prior to this act, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this act, shall have a preferred right to file in the office of the register and receiver of the United States land office of the district in which the lands are situated an application to purchase the lands thus improved by them at any time within 90 days from the date of the passage of this act if the lands have been surveyed and plats filed in the United States land office; otherwise within 90 days from the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant under the public land laws.

SEC. 3. In event such erroneously meandered land is bounded by two or more tracts of land held in private ownership with apparent riparian rights indicated by the official township plat of survey at date of disposal of title by the United States, the Commissioner of the General Land Office shall have discretionary power to cause such meandered area, when surveyed, to be divided into such tracts or lots as will permit a fair division of such meandered area among the owners of such surrounding or adjacent tracts under the provisions of this act. In administering the provisions of this act, where there shall exist a conflict of claims falling within its operation, if any claimant shall have placed valuable improvements upon the land involved, or shall have reduced the same to cultivation, then to the extent of such improvements or cultivation such claimant shall be given preference in adjustment of such conflict: *Provided,* That no preference right of entry under this act shall be recognized for a greater area than 160 acres, in one body, to any one applicant, whether an individual, an association, or a corporation.

SEC. 4. That upon the filing of an application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

SEC. 5. That an applicant who applies to purchase lands under the provisions of this act, in order to be entitled to receive a patent, must within 30 days from receipt of notice of appraisal by the Secretary of the Interior pay to the receiver of the United States land office of the district in which the lands are situated the appraisal price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this act. The proceeds derived by the Government from the sale of lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

SEC. 6. That the Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this act and determining conflicting claims arising hereunder.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WALTER REED GENERAL HOSPITAL, DISTRICT OF COLUMBIA

The bill (S. 3818) authorizing the construction of additional facilities at Walter Reed General Hospital, in the District of Columbia, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in order to continue the construction of additional facilities at Walter Reed General Hospital, in the District of Columbia, there is hereby authorized to be appropriated a sum of not exceeding $2,000,000, to be expended by the Secretary of War, for the construction of the following improvements and buildings, including roads leading thereto, necessary furniture, equipment, and accessories: (a) Completing two wings to the main hospital building, containing wards; (b) a rear addition to the main hospital building, containing dining rooms, kitchens, wards, and a library; (c) a laboratory and morgue building, and tuberculosis, observation, infectious disease, and semi-isolation wards.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3400) for the purchase of the tract of land adjoining the militia target range at Auburn, Me., was announced as next in order.

Mr. MOSES. Mr. President, may I ask if there is any member of the Military Affairs Committee present? Is not this the bill the provisions of which were carried in an amendment to the War Department appropriation bill, which was passed the other day?

Mr. CURTIS. Let it go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over, under objection.

BATTLE FIELDS OF THE SIEGE OF PETERSBURG, VA.

The bill (H. R. 3669) to provide for the inspection of the battle fields of the siege of Petersburg, Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 12, after the words "December 1," to strike out "1924" and insert "1925," so as to make the bill read:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War, who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War, who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle fields of the siege of Petersburg, Va., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle fields of the siege of Petersburg, Va., in order to ascertain the feasibility of preserving and marking for historical and professional military study such fields. The commission shall submit a report of its findings to the Secretary of War not later than December 1, 1925.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 in order to carry out the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

REGAUGE OF DISTILLED SPIRITS IN BONDED WAREHOUSES

The bill (H. R. 9138) to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC J. REESE

The bill (H. R. 2958) for the relief of Isaac J. Reese was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. HARRY WALTER STEPHENSON, UNITED STATES ARMY (RETIRED)

The bill (S. 1534) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. OVERMAN. I move that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

COMMISSIONERS OF COURT OF CLAIMS

The bill (S. 3793) to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, page 1, line 5, after the word "appoint," to strike out "ten" and insert "seven," so as to make the section read:

Be it enacted, etc., That to afford the Court of Claims needed facilities for the disposition of suits brought therein said court is hereby authorized and empowered to appoint seven competent persons, to be known as commissioners, who shall attend the taking of or take evidence in cases that may be assigned to them severally by the court and make report of the facts in the case to the court. Any commissioner shall proceed under such rules and regulations as may be promulgated by the court and such orders as the court may make in the particular case, and may have and perform the general duties that pertain to special masters in suits in equity. He may fix the times for hearings, administer oaths, examine witnesses, and receive evidence. Parties to the suit may appear before the commissioner in person or by attorney, produce evidence, and examine witnesses. Subpœnas for witnesses or for the production of testimony before the commissioner may issue out of the court by the clerk thereof and shall be served by a United States marshal in any judicial district to whom they are directed. The rules of the court shall provide for a finding and report of facts by a commissioner, to be filed in court with the testimony upon which the same is based, and for exceptions thereto, in whole or in part, by the parties to the suit, and a hearing thereon within such reasonable time as the court's rules or order may prescribe. Nothing in this section shall be so construed as to prevent the court from passing upon all questions and findings without regard to whether exceptions were or were not taken at the hearings before the commissioner. Any person appointed as commissioner may be removed at the pleasure of the court.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 22, after the word "shall," to insert "devote all of his time to the duties of his office, and," so as to read:

SEC. 2. Each of said commissioners shall devote all of his time to the duties of his office, and receive a salary of $5,000 per annum, payable monthly out of the Treasury.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 5, after the words "commissioners and," to strike out "$4" and insert "$5," so as to make the remainder of section 2 read:

The commissioners and stenographers authorized by the court shall also receive their necessary traveling expenses and their actual expenses incurred for subsistence while traveling on duty and away from Washington in an amount not to exceed $7 per day in the case of commissioners and $5 per day in the case of stenographers. The expenses of travel and subsistence herein authorized shall be paid upon the order of the court.

Mr. SMOOT. Mr. President, I want to appeal to the Senator from Iowa to let that stand at $4. In all of the other departments it is $4, and if we undertake to make that change in this particular item it will be unfair to all of the other departments. I will say to the Senator that $4 has been the rule heretofore, and that is the rate that was in the bill as it was introduced.

Mr. CUMMINS. Mr. President, I know that what the Senator from Utah says is true; but the cost of living has increased very greatly since most of these statutes were passed.

Mr. SMOOT. It used to be $3, and then we increased it to $4.

Mr CUMMINS. However, I am willing that the amendment shall be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, on page 3, after line 7, to insert a new section, as follows:

SEC. 3. This act and all appointments made thereunder shall cease and determine three years after the date of its approval by the President.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHIPPEWA INDIANS OF MINNESOTA

The bill (H. R. 9343) authorizing the adjudication of claims of the Chippewa Indians of Minnesota was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and to insert:

That all claims of whatsoever nature which the Chippewa Indians of Minnesota may have against the United States, which have not heretofore been determined by a court of competent jurisdiction, may be submitted to the Court of Claims for determination of the amount, if any,

due or claimed to be due said Indians from the United States under any treaty or agreement or law of Congress, or for the misappropriation of any of the property or funds of said Indians, or for the failure of the United States to administer the same in conformity with any treaty or agreement with the said Indians: *Provided*, That if in any claim submitted hereunder a treaty or an agreement with the Indians be involved, and it be shown that the same has been amended or superseded by an act or acts of Congress, the court shall have authority to determine whether such act or acts have violated any property rights of the claimants; and if so, to render judgment for the damages resulting therefrom; and jurisdiction is hereby conferred upon said Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, to hear and determine all legal and equitable claims of whatsoever nature which said Indians may have against the United States; it being the intent of this act to allow the said Court of Claims full and complete authority to adjust and determine all claims submitted hereunder so that the rights, legal and equitable, both of the United States and of said Indians may be fully considered and determined, and to render judgment thereon accordingly.

SEC. 2. That if any claim or claims be submitted to said court it shall determine the rights of the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been lawfully made by the United States upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as a set-off in any suit; and the United States shall be allowed credit subsequent to the date of any law, treaty, or agreement under which the claim arises for any sum or sums heretofore paid or expended for the benefit of said Indians, if legally chargeable against that claim. The claim or claims of the Chippewa Indians of Minnesota shall be presented by petition, subject, however, to amendment at any time, suit or suits to be filed within three years after the approval of this act; and such suit shall make the Chippewa Indians of Minnesota party plaintiff and the United States party defendant. Such petition shall set forth the facts on which the claims for recovery are based and shall be verified by the attorney or attorneys employed as herein authorized, and no other verification shall be necessary. Letters, papers, documents, and public records, or certified copies thereof, bearing upon the claims presented may be used in evidence, and the departments of the Government shall give the attorney or attorneys of said Indians access to any such letters, papers, documents, or public records and shall furnish certified copies of any such letters, papers, documents, or public records as may be deemed material.

SEC. 3. That if it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, or agreement, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Chippewa Indians in and to such money or other property.

SEC. 4. That if in any suit by all the Chippewas of Minnesota against the United States it appears to the court that any bands or parts of bands of said Indians are, or claim to be, the exclusive legal or equitable owners, or are entitled to, or claim, a legal or equitable interest greater than an equal distributive share with all the Chippewa Indians of Minnesota, in the proceeds of any judgment or decree that may be entered or passed in settlement of any claims submitted hereunder, the court may permit, or of its own motion compel said bands or parts of bands to be made parties to any such suit, so that their rights may be fully and finally determined: *Provided, however*, That nothing herein contained shall be construed as conferring jurisdiction on the court to entertain and hear complaints or claims of a purely individual nature. In the event that any bands or parts of bands of said Indians are made parties to any suit herein authorized, the Secretary of the Interior shall ascertain, in such manner as he may deem best, the attorney desired by a majority of said Indians and shall permit the employment of an attorney under contract to represent them as provided by existing law, the compensation to be paid said attorney to be fixed by the Secretary of the Interior, and paid out of any money that may be adjudged or decreed to be due said bands or parts of bands of said Indians.

SEC. 5. Authority is hereby given for the employment of not to exceed two attorneys or firms of attorneys to represent the Chippewa Indians of Minnesota in the prosecution of any such suit. Under the direction of the Secretary of the Interior the Indians belonging on the White Earth Reservation are authorized to select a committee consisting of five of their members, and all the other Chippewa Indians in Minnesota are authorized to select a like committee from their members. Each committee, so selected, is authorized to designate an attorney or firm of attorneys and to execute a tribal contract with such attorney or firm of attorneys in accordance with existing law.

SEC. 6. That the two attorneys or firms of attorneys authorized to be employed under section 5 shall each receive during their employment compensation at the rate of $6,000 per annum, payable in monthly installments as the same become due, and the Secretary of the Treasury is hereby authorized and directed to pay said amounts or installments out of the trust funds standing to the credit of said Indians in the Treasury of the United States, and upon the final determination of said suit the Court of Claims may separately allow said attorneys, or firms of attorneys, such additional compensation as it may deem just and proper considering the nature, extent, character, and value of all services rendered, but in no event shall said additional allowance for the two attorneys or firms of attorneys, including the salaries paid said attorneys or firms of attorneys, be in excess of 5 per cent of the total amount recovered: *Provided*, That any additional compensation allowed by said court shall be paid by the Secretary of the Treasury as herein authorized from the trust funds of said Indians standing to their credit in the Treasury of the United States.

SEC. 7. All actual and necessary expenses incurred in the prosecution of said suit by the attorney or attorneys so employed to represent the Chippewa Indians of Minnesota shall be paid by the Secretary of the Treasury as herein authorized as they arise out of the funds standing to the credit of said Indians in the Treasury of the United States upon first being allowed by said court and certified to the Secretary of the Interior.

SEC. 8. Should either of the Indian committees referred to in section 5 hereof be unable or unwilling within six months from the approval of this act to designate an attorney or firm of attorneys, the Commissioner of Indian Affairs and the Secretary of the Interior, on behalf of the Indians, are hereby authorized and directed to execute a contract with such attorney or firm of attorneys under such terms and conditions as they may deem advisable.

SEC. 9. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims."

BILLS PASSED OVER

The bill (S. 3314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, and to certain Spanish war soldiers and widows, and certain maimed soldiers, and for other purposes, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 11354) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3017) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes, was announced as next in order.

Mr. HEFLIN. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3933) for the purchase of the Cape Cod Canal, and for other purposes, was announced as next in order.

Mr. JONES of Washington and Mr. JONES of New Mexico. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

COMMITTEE ON INAUGURAL CEREMONIES

The joint resolution (S. J. Res. 174) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in March,

1925, etc., was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the Committee on Inaugural Ceremonies for the use of any reservations or other public spaces in the city of Washington under his control on the occasion of the inauguration of the President elect in March, 1925: *Provided*, That in his opinion no serious or permanent injuries will be thereby inflicted upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington under their control as they may deem proper and necessary: *Provided however*, That all stands or platforms that may be erected on the public spaces aforesaid, including such as may be erected in connection with the display of fireworks, shall be under the supervision of the said inaugural committee and in accordance with the plans and designs to be approved by the Engineer Commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the Architect of the United States Capitol: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall after the inauguration be promptly restored to their condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage of any kind whatsoever upon such reservations or spaces by reason of such use.

SEC. 2. The Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for said inaugural ceremonies to stretch suitable overhead conductors, with sufficient supports wherever necessary, for the purpose of connecting with the present supply of light for the purpose of effecting the said illumination: *Provided*, That if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further*, That the said conductors shall not be used for conveying electrical current after March 8, 1925, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1925: *And provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removal of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 3. The Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the Committee on Inaugural Ceremonies such ensigns, flags, and signal numbers, and so forth, belonging to the Government of the United States (except battle flags) that are not now in use and may be suitable and proper for decoration, and which may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided*, That the loan of the said ensigns, flags, signal numbers, and so forth, to said committee shall not take place prior to the 24th day of February, and they shall be returned by the 10th day of March, 1925: *Provided further*, That the said committee shall indemnify the said departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee for the purpose of caring for the sick, injured, and infirm on the occasion of said inauguration, such hospital tents and camp appliances, and other necessaries, hospital furniture and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *And provided further*, That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances, as aforesaid, not necessarily incident to such use.

SEC. 4. The Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Co. and the Postal Telegraph Co. to extend overhead wires to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within 10 days after the conclusion of the ceremonies.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF THE JUDICIAL CODE

The bill (H. R. 64) to amend section 101 of the Judicial Code as amended, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That section 101 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and it hereby is, amended to read as follows:

"SEC. 101. The State of Oklahoma is divided into three judicial districts, to be known as the northern, the eastern, and the western districts of Oklahoma. The territory embraced on January 1, 1925, in the counties of Craig, Creek, Delaware, Hughes, Mayes, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Rogers, Seminole, Tulsa, and Washington, as they existed on said date, shall constitute the northern district of Oklahoma. Terms of the United States District Court for the northern district of Oklahoma shall be held at Tulsa on the first Monday in January, at Vinita on the first Monday in March, at Okmulgee on the first Monday in April, at Pawhuska on the first Monday in May, and at Bartlesville on the first Monday in June in each year: *Provided*, That suitable rooms and accommodations for holding court at Okmulgee, Pawhuska, and Bartlesville are furnished free of expense to the United States. The eastern district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Carter, Garvin, Grady, Haskell, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Muskogee, McIntosh, McCurtain, Murray, Marshall, Pittsburg, Pushmataha, Pontotoc, Stephens, Sequoyah, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January, at Hugo on the second Monday in May, at South McAlester on the first Monday in June, at Ardmore on the first Monday in October, at Chickasha on the first Monday in November, at Poteau on the first Monday in December in each year, and annually at Pauls Valley at such times as may be fixed by the judge of the eastern district: *Provided*, That suitable rooms and accommodations for holding said court at Hugo, Poteau, and Pauls Valley are furnished free of expense to the United States. The western district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, on the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. The terms of the district court for the western district shall be held at Guthrie on the first Monday in January, at Oklahoma City on the first Monday in March, at Enid on the first Monday in June, at Lawton, on the first Monday in September, and at Woodward on the first Monday in November in each year: *Provided*, That suitable rooms and accommodations for holding court at Woodward are furnished free of expense to the United States. The clerk of the district court for the northern district shall keep his office at Tulsa, the clerk of the district court for the eastern district shall keep his office at Muskogee and shall maintain an office in charge of a deputy at Ardmore, the clerk for the western district shall keep his office at Guthrie and shall maintain an office in charge of himself or his deputy at Oklahoma City."

SEC. 2. The present senior judge of the eastern district of Oklahoma be, and he is hereby, assigned to hold said court in the said eastern district, and shall exercise the same jurisdiction and perform the same duties within the said district as he exercised and performed within his district prior to the passage of this act. That the present judge of the western district of Oklahoma be, and he is hereby, assigned to hold said court in the western district of Oklahoma, and shall exercise the same jurisdiction and perform the same duties as he exercised and performed within his district prior to the passage of this act. That the present junior judge of the eastern district of Oklahoma be, and he is hereby, assigned to hold said court in the said northern district, and shall exercise the same jurisdiction and perform the same duties within the said district as he exercised and performed within his district prior to the passage of this act. Each of said judges and courts shall in other respects have all the power and authority, civil, criminal, equitable, or otherwise, which is conferred by law generally upon the district courts of the United States and the judges thereof.

SEC. 3. The President, by and with the advice and consent of the Senate, shall appoint for said northern district of Oklahoma a district judge upon the death, disability, or retirement of the district judge who is hereby assigned to said northern district.

SEC. 4. The President, by and with the advice and consent of the Senate, shall appoint for said northern district of Oklahoma a marshal and a district attorney. A clerk and deputy clerks shall be appointed and may be removed in the manner provided by law.

SEC. 5. The jurisdiction and authority of the courts and officers of the western district of Oklahoma, and of the courts and officers of the eastern district of Oklahoma as heretofore divided between them by the order of the senior judge of the Circuit Court of Appeals for the Eighth Circuit of the United States over the territory embraced within said northern district of Oklahoma, shall continue as heretofore until the organization of the district court of said northern district, and thereupon shall cease and determine, save and except in so far as the authority of the junior judge of said eastern district is continued in him as judge of said northern district, and save and except as to the authority expressly conferred by law on said courts, judges or officers, or any of them, to commence and proceed with the prosecution of crimes and offenses committed therein prior to the establishment of the said northern district, and save and except as to any other authority expressly reserved to them or any of them under any law applicable in the case of the creation or change of the divisions or districts of district courts of the United States.

SEC. 6. Any party to any civil action, suit, or proceeding, including proceedings in bankruptcy, which is pending in the said eastern or western district and the prescribed venue of which would have been in said northern district had such district been constituted at the time such action, suit, or proceeding was instituted, may, by filing notice of such desire in the office of the clerk of such eastern or western district as the case may be, cause such action, suit, or proceeding to be transferred to said northern district, and upon the filing of such notice the cause shall proceed in the said northern district as though originally brought therein. The clerk in whose office such notice may be filed shall forthwith transmit all the papers and documents in his court pertaining to such cause to the clerk of said northern district and he shall also, with all reasonable dispatch, prepare and transmit to such last-named clerk a certified transcript of the record of all orders, interlocutory decrees, or other entries in such cause, with his certificate under the seal of the court that the papers sent are all that were on file in said court belonging to the cause. For the performance of his duties under this section the clerk so transmitting and certifying such papers and records shall receive the same fees as are now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs in the cause; and such transcript, when so certified and received, shall henceforth constitute a part of the record in the cause in the court to which the transfer shall be made. With such transcript shall be remitted all deposits in the hands of the clerk to the credit or account of such cause. The clerk receiving such transcript and original papers shall file the same. In case the permissible prescribed venue of any such action, suit, or proceeding would, at the option of the plaintiff, have been in either the said eastern district or in the said western district, though said northern district had then been constituted, then such suit, action, or proceeding shall not be removed to said northern district except upon consent of all of the parties thereto which consent shall be filed with the clerk in lieu of the notice of transfer above specified and shall have the same effect.

Mr. CARAWAY. Mr. President, I offer an amendment to the committee amendment, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Arkansas to the amendment of the committee.

The READING CLERK. The Senator from Arkansas offers the following amendment:

Page 3, line 24, strike out the word "Hughes" and the comma.

Page 3, line 25, strike out the word "Okmulgee" and the comma, and the word "Seminole" and the comma.

Page 4, lines 5 and 6, strike out the words "at Okmulgee on the first Monday in April" and the comma.

Page 4, line 9, strike out the word "Okmulgee" and the comma.

Amend by inserting on page 4, line 14, after the word "Haskell," the word "Hughes" and a comma.

Page 4, line 16, after the word "Marshall," insert the word "Okmulgee" and a comma.

Page 4, line 16, after the word "Pontotoc," insert the word "Seminole" and a comma.

Page 4, line 19, after the word "January," insert the words "at Okmulgee on the first Monday in April" and a comma.

Page 5, line 1, after the word "Hugo," insert the word "Okmulgee" and a comma.

Line 12, page 5, after the word "March" add "at Mangum on the first Monday in April."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment will be agreed to.

Mr. HARRELD. Mr. President, I am not in position to agree to that amendment if it embraces four counties. I should be perfectly willing to let it go as to two of those counties.

Mr. CARAWAY. The amendment embraces only three counties.

Mr. HARRELD. It embraces Okmulgee County, and I am not in a position to agree to that. I am willing for it to go to a vote, however.

Mr. SMOOT. Let it go over.

Mr. CURTIS. Mr. President, if there is going to be any trouble over it or time taken, I ask that it go over.

Mr. HARRELD. There is simply one dispute, and that is as to Okmulgee County. I should like to see the matter go to a vote, if possible.

The PRESIDENT pro tempore. The bill will be passed over.

MAUDE MORROW FECHTELER

The bill (H. R. 6755) granting six months' pay to Maude Morrow Fechteler was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUPPLY OFFICERS OF REGULAR NAVY AND NAVAL RESERVE FORCE

The bill (H. R. 8263) to authorize the accounting officers of the Treasury to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 3, after the word "That," to strike out "accounting officers of the Treasury are" and insert "General Accounting Office is," so as to make the bill read:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to pay to all supply officers, or former supply officers, of the regular Navy or United States Naval Reserve Force the pay and allowances of their respective ranks for active duty performed by such officers during the period from April 6, 1917, to March 3, 1921, inclusive, prior to the approval of their bonds by the Secretary of the Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize the General Accounting Office to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds."

JOINT RESOLUTION AND BILL PASSED OVER

The joint resolution (S. J. Res. 125) granting permission to Fred F. Rogers, commander, United States Navy, to accept certain decorations bestowed upon him by the Venezuelan Government, was announced as next in order.

Mr. MOSES. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 5061) for the relief of Russell Wilmer Johnson was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

LIEUT. THOMAS J. RYAN

The bill (S. 3202) for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with amendments, on page 1, to strike out lines 3 and 4, to and including the words "pay to," and to insert the words "That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,221.65, to reimburse"; and in line 8, to strike out the words "the sum of $1,372.80 as reimbursement," so as to make the bill read:

That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,221.65, to reimburse Lieut. (Junior Grade) Thomas J. Ryan, United States Navy, for the loss of uniforms, equipment, clothing, and personal effects of himself, as a result of the earthquake and fire disaster in Japan on September 1, 1923.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES D. BAYLIS

The bill (S. 122) for the relief of Charles D. Baylis, first lieutenant, United State Marine Corps, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with amendments, on page 1, line 4, to strike out "to be paid to" and to insert "the sum of $1,732.14 to reimburse," and, in line 7, to strike out "$2,569.14, to compensate him," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,732.14, to reimburse Charles D. Baylis, first lieutenant, United States Marine Corps, for loss and damage of household goods, clothing, and other personal effects while the same were being transported on the United States naval tug *Genesee* from Olongapo to Cavite, P. I., during the summer of 1922.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY F. MULLOY

The bill (H. R. 9308) to authorize the appointment of Machinist Henry F. Mulloy, United States Navy, as an ensign in the Regular Navy, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

EXCHANGE OF LAND IN EL DORADO, ARK.

The bill (H. R. 11501) for the exchange of land in El Dorado, Ark., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to convey by the usual quitclaim deed to the city of El Dorado, Ark., for street purposes and for no other purpose, all the right, title, and interest of the United States of America in and to a strip of land off the easterly side of the Federal building site in said city, 30 feet in width: *Provided*, That the city of El Dorado, Ark., shall vacate and convey to the United States of America in lieu thereof a strip of land 30 feet in width along the entire 140-foot frontage of the westerly side of said Federal building site: *Provided further*, That the city of El Dorado, Ark., shall not have the right to sell or convey the land herein authorized to be granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described, and in the event that the said land shall not be used for street purposes it shall revert to the United States of America.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY NEWTON

The bill (S. 3676) for the relief of Harry Newton, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to accept for enlistment in the Navy, without regard to physical or other qualifications, Harry Newton, formerly chief machinist's mate, United States Navy, in the rating held by him when last discharged therefrom, and to transfer him immediately to the Fleet Naval Reserve in that rating and with all the benefits and emoluments thereof which he would have been entitled to receive had he been transferred thereto under the provisions of the act of July 1, 1922 (vol. 42, Stat. L. p. 786), immediately after the passage of said act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INQUIRY CONCERNING REMAINING BILLS ON THE CALENDAR

Mr. DIAL. Mr. President, following Order of Business 1006 on the calendar, which has just been passed, I do not see any reports in connection with the bills on the calendar.

Mr. CARAWAY. I hope the Senator will not raise an objection on that ground. There are two or three more bills on the calendar, and I do not know whether the reports in regard thereto have been printed. They were recently reported. I hope the Senator will not object.

Mr. DIAL. The calendar may be proceeded with, as far as I am concerned, and we will see what the bills are.

JOSEPH J. MARTIN

The bill (H. R. 1717) authorizing the payment of an amount equal to six months' pay to Joseph J. Martin was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Paymaster General of the Navy shall cause to be paid to Joseph J. Martin, father of the late George Russell Martin, gunnery sergeant, United States Marine Corps, an amount equal to six months' pay at the rate received by Martin at the date of his death.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT S. MATLOCK

The bill (H. R. 8329) for the relief of Albert S. Matlock was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Albert S. Matlock, formerly acting postmaster at Van Buren, Ark., in the sum of $18,906.91, due to the United States on account of postal funds (including war savings certificates for which the postmaster had given interim receipts), postage stamps, money-order funds, war savings and thrift stamps, and war tax revenue funds which were lost as the result of burglary on February 13, 1919, and the sum of $18,906.91 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of said claim.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 9535) authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

GEORGE A. PETRIE

The bill (H. R. 5752) for the relief of George A. Petrie was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to George A. Petrie, of Alexandria, La., the sum of $53.30 out of any money in the Treasury not otherwise appropriated. Such sum is the value of the services rendered by the said George A. Petrie while acting as United States commissioner for the western judicial district of Louisiana from February 18, 1923, to June 30, 1923.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROGER SHERMAN HOAR

The bill (H. R. 8727) for the relief of Roger Sherman Hoar was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roger Sherman Hoar, 715 Hawthorne Avenue, South Milwaukee, of the county of Milwaukee and the State of Wisconsin, the sum of $150.93 in full compensation for moneys actually expended by him under the direction of his commanding officer during the late World War for the protection of the Government in the matter of patent serial No. 208605.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 8741) for the relief of Flora M. Herrick was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7911) to authorize the Secretary of the Treasury to sell the appraisers' stores property in Providence, R. I., was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7821) to convey to the city of Astoria, Oreg., a certain strip of land in said city was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6436) for the relief of Isidor Steger was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over. This completes the Calendar of General Orders.

INVESTIGATION AS TO PRICE OF WHEAT

Mr. NORBECK. I ask unanimous consent that an extension of time to March 1 be given to the Committee on Agriculture and Forestry to report on Senate Resolution 249.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the time for report upon Senate Resolution 249 be extended to March 1.

Mr. SWANSON. What is that resolution?

Mr. NORBECK. It is a resolution providing for an investigation as to the price of wheat.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

MINERAL LANDS IN INDIAN RESERVATIONS

Mr. HARRELD. Mr. President, I desire to make a motion for a reconsideration of a vote taken in the Senate to-day in connection with Senate bill 876.

Mr. SHORTRIDGE. To what does the bill relate?

Mr. HARRELD. It affects the oil royalties accruing on Executive order Indian lands. I desire to move that the Senate concur in the amendments of the House, with an amendment which I shall offer.

Mr. SMOOT. I want to say to the Senate that a few days ago this bill passed the Senate and went to the House, and in the meantime the Commissioner on Indian Affairs called me on the telephone and asked me to have an order entered for the return of the bill to the Senate, as there were certain amendments he desired to have made to the bill. That order was entered, and the bill has been returned to the Senate from the House. The motion now is that we reconsider the vote by which the House amendments were concurred in, so that the Senator from Oklahoma can offer an amendment to a House amendment.

Mr. JONES of New Mexico. The parliamentary situation, as I understand it, is that the House passed the bill with amendments. The bill then came to the Senate, and the Senate concurred in the amendments, and after concurring in the amendments, the Senate ordered the bill returned to it. Now, the proper procedure is for the Senator from Oklahoma to move that we concur in the House amendments, with an amendment which he desires to offer.

Mr. HARRELD. That is the motion I have made.

The PRESIDENT pro tempore. Without objection the vote concurring in the House amendments will be reconsidered. The Senator from Oklahoma moves that the Senate concur in the House amendments, with an amendment which the Secretary will report.

The READING CLERK. The Senator from Oklahoma offers the following amendment: Amend the bill, in line 3, page 2, after the words "shall be," by inserting the words "disposed of as follows, 37½ per cent shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State, or subdivisions thereof, for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct, and 62½ per cent shall be."

Amend the first paragraph of the amendment of the House by inserting the words "Executive order" after the word "within," and by striking out the words "except that such lands may only be leased and patents shall be issued for the same."

Strike out all of the second paragraph of the amendment of the House.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oklahoma to the amendments of the House.

The amendment to the amendments was agreed to.

The PRESIDENT pro tempore. The question is upon concurring in the House amendments as amended.

The amendments as amended were concurred in.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until Monday, February 2, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 31, 1925

PROMOTIONS IN THE COAST AND GEODETIC SURVEY

For appointment as aid, with relative rank of ensign in the Navy, by promotion from junior engineer

Riley Jacob Sipe, of Ohio, vice Isador Rittenburg, promoted.

By promotion from deck officer

Allen Ames Parker, of Massachusetts, vice H. A. Karo, promoted.

Samuel Barker Grenell, of New York, vice J. C. Sammons, promoted.

Philip Randall Hathorne, of Maine, vice G. L. Anderson, promoted.

John Mahlon Neal, of Indiana, vice J. H. Service, promoted.

UNITED STATES DISTRICT JUDGE

Benson W. Hough, of Ohio, to be United States district judge, southern district of Ohio, vice John E. Sater, resigned.

UNITED STATES ATTORNEY

Emory R. Buckner, of New York, to be United States attorney, southern district of New York, vice William Hayward, resigned, effective March 1, 1925.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

ORDNANCE DEPARTMENT

Capt. Thomas William Conrad, Coast Artillery Corps (detailed in Ordnance Department), with rank from July 1, 1920.

FIELD ARTILLERY

Second Lieut. Everett Clement Meriwether, Infantry, with rank from June 12, 1923.

Second Lieut. Emory Clayton Cushing, Air Service, with rank from July 3, 1923.

COAST ARTILLERY CORPS

Maj. George Frederick Humbert, Finance Department, with rank from July 1, 1920.

PROMOTION IN THE REGULAR ARMY

Chaplain Frank Burton Bonner to be chaplain with the rank of captain from January 25, 1925.

POSTMASTERS

CALIFORNIA

Irma J. Gallmann to be postmaster at Pinedale, Calif., in place of I. J. Gallmann. Office became third class January 1, 1925.

Pliny M. Arnold to be postmaster at Carlsbad, Calif., in place of P. M. Arnold. Office became third class January 1, 1925.

GEORGIA

William M. Hollis to be postmaster at Reynolds, Ga., in place of J. G. Hicks. Incumbent's commission expired June 4, 1924.

Glossie A. Dunford to be postmaster at Helena, Ga., in place of J. W. English, removed.

L. Bertie Rushing to be postmaster at Glennville, Ga., in place of A. C. Aldridge. Incumbent's commission expired February 4, 1924.

Fannie L. Mills to be postmaster at Folkston, Ga., in place of T. W. Vickery, resigned.

Mattie M. Lewis to be postmaster at Fayetteville, Ga., in place of S. B. Lewis. Incumbent's commission expired August 7, 1921.

IDAHO

Eudora D. Blood to be postmaster at Dover, Idaho, in place of E. D. Blood. Office became third class January 1, 1925.

ILLINOIS

Frank Z. Carstens to be postmaster at Woodriver, Ill., in place of F. Z. Carstens. Incumbent's commission expired May 28, 1924.

John L. Lewandowski to be postmaster at Calumet City, Ill., in place of J. L. Lewandowski. Office became third class July 1, 1924.

IOWA

Guy C. Wilhelm to be postmaster at Modale, Iowa, in place of C. A. Riggs, resigned.

KANSAS

Ella E. Moreland to be postmaster at Overland Park, Kans., in place of E. E. Moreland. Office became third class January 1, 1925.

James Rae to be postmaster at Franklin, Kans., in place of James Rae. Office became third class October 1, 1924.

LOUISIANA

Nellie M. Landrum to be postmaster at Woodsworth, La., in place of N. M. Landrum. Office became third class January 1, 1925.

MISSOURI

William L. Jenkins to be postmaster at North Kansas City, Mo., in place of J. C. Frazier. Incumbent's commission expired June 5, 1924.

NEBRASKA

Helen L. Churda to be postmaster at Weston, Nebr., in place of H. L. Churda. Office became third class January 1, 1925.

NEW JERSEY

Joseph Kish to be postmaster at Nixon, N. J., in place of Joseph Kish. Office became third class October 1, 1924.

Charles Carter to be postmaster at Mount Ephraim, N. J., in place of Charles Carter. Office became third class October 1, 1924.

OREGON

Mildred M. Pitcher to be postmaster at Valsetz, Oreg., in place of G. B. Lappe, resigned.

Andrew L. Clark to be postmaster at Rainier, Oreg., in place of L. F. Clark, resigned.

PENNSYLVANIA

Kathryn McCann to be postmaster at Crabtree, Pa., in place of Kathryn McCann. Office became third class January 1, 1925.

RHODE ISLAND

Albert J. Rene to be postmaster at Arctic, R. I., in place of J. E. Noel, resigned.

TENNESSEE

Minna M. Carson to be postmaster at Old Hickory, Tenn., in place of V. H. Williams. Incumbent's commission expired January 23, 1924.

TEXAS

Charles E. Belvin to be postmaster at Zephyr, Tex., in place of C. E. Belvin. Office became third class January 1, 1925.

John A. Noland to be postmaster at Crawford, Tex., in place of J. A. Noland. Incumbent's commission expired December 20, 1920.

VIRGINIA

William P. Gilbert to be postmaster at Cleveland, Va., in place of W. E. Fraley, resigned.

Ella P. White to be postmaster at Austinville, Va., in place of E. P. White. Office became third class January 1, 1925.

WEST VIRGINIA

Lutie Vicars to be postmaster at Fort Gay, W. Va., in place of Oscar Sipple, resigned.

Leonard S. Echols to be postmaster at Charleston, W. Va., in place of J. A. deGruyter. Incumbent's commission expired February 11, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 31, 1925

PROMOTIONS IN THE ARMY

Robert Henry Allen to be Chief of Infantry with rank of major general.

Amos Alfred Fries to be Chief of Chemical Warfare Service with rank of brigadier general.

John Thomas Axton to be Chief of Chaplains with rank of colonel.

Gen. William Josiah Snow to be Chief of Field Artillery with rank of major general.

Alfred William Bjornstad to be brigadier general, Infantry.

Henry Dozier Russell to be brigadier general, Officers' Reserve Corps.

Ernest Eugene Hodgson to be second lieutenant, Veterinary Corps.

Alfred Marston Shearer to be captain (detailed in Signal Corps).

John Lawrence Bond to be colonel, Infantry.

Edward Raymond Stone to be colonel, Infantry.

William Francis Morrison to be lieutenant colonel, Field Artillery.

Victor Sidney Foster to be lieutenant colonel, Cavalry.

Michael Frank Davis to be major, Air Service.

John Fuller Davis to be major, Cavalry.

Christopher William Ford to be captain, Air Service.

James Eugene Smith to be captain, Quartermaster Corps.

Biglow Beaver Barbee to be captain, Finance Department.

Frank Joseph Vida to be first lieutenant, Infantry.

Harold Patrick Henry to be first lieutenant, Infantry.

Harry Woldren French to be first lieutenant, Infantry.

Dwight Joseph Canfield to be first lieutenant, Air Service.

POSTMASTERS

MICHIGAN

Harvey W. Raymond, Baraga.

William J. Newton, Marysville.

MINNESOTA

Joseph F. John, Browerville.

Ora M. Goodfellow, Kenyon.

Albert Groenke, New Germany.

NORTH CAROLINA

James P. Turnley, Cameron.

James V. Benfield, Valdese.

OHIO

Earl F. Liebtag, East Canton.

SOUTH CAROLINA

Angus L. Campbell, Patrick.

WITHDRAWAL

Executive nomination withdrawn from the Senate January 31, 1925

J. Sam Weddington to be postmaster at Fort Gay, in the State of West Virginia.

HOUSE OF REPRESENTATIVES

SATURDAY, *January 31, 1925*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

With gentle compulsion, O Lord, lure us to acknowledge Thee to be our Heavenly Father. Make it easy for us to be upright, true, and faithful and difficult to do wrong. We bless Thee that Thy goodness is round about us like the morning light. Spare us from the weakness of impatience and hasty deliberations, and in all legislation may our labors be worthy of our country and the place of responsibility to which we have been called. Teach us that strength is never so helpful as when it stoops to the weak; that purity is never so divine as when it stretches a hand to succor the impure; and that we are never so useful and acceptable to Thee as when we obey the precepts of the Man of Galilee and have the spirit that led Him to become a ransom for the world. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE REPRESENTATIVE WILLIAM S. GREENE

Mr. LEACH. Mr. Speaker, to-morrow exercises are to be held in memory of the late Hon. SYDNEY E. MUDD and the late Hon. EDWARD C. LITTLE. I rise to announce at this time that there will be no exercises in memory of my predecessor, Hon. WILLIAM S. GREENE, of Massachusetts, his family having requested that no such exercises be held.

CALL OF THE HOUSE

Mr. BANKHEAD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. Evidently there is not.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 43]

Abernethy	Browne, N. J.	Cooper, Ohio	Dickstein
Allen	Brumm	Corning	Dominick
Allgood	Buckley	Croll	Doughton
Almon	Bulwinkle	Crosser	Drane
Anthony	Burdick	Crowther	Drewry
Ayres	Butler	Cullen	Eagan
Bacharach	Cable	Cummings	Edmonds
Barkley	Carew	Curry	Evans, Iowa
Bell	Celler	Dallinger	Fairchild
Black, N. Y.	Clancy	Davey	Favrot
Bland	Clark, Fla.	Davis, Minn.	Fish
Boylan	Clarke, N. Y.	Deal	Fitzgerald
Brand, Ohio	Collier	Dempsey	Foster
Briggs	Connery	Dickinson, Mo.	Freeman
Britten	Connolly, Pa.	Dickinson, Iowa	Frothingham

Fulmer	Kindred	O'Brien	Sullivan
Funk	Knutson	O'Connell, N. Y.	Sweet
Gallivan	Kunz	O'Connell, R. I.	Swing
Gambrill	Langley	O'Connor, La.	Taber
Garber	Larson, Minn.	O'Connor, N. Y.	Tague
Garrett, Tenn.	Leatherwood	O'Sullivan	Taylor, Colo.
Garrett, Tex.	Lee, Ga.	Oliver, N. Y.	Taylor, Tenn.
Gilbert	Lindsay	Paige	Thatcher
Glatfelter	Lineberger	Park, Ga.	Thomas, Okla.
Goldsborough	Linthicum	Peavey	Tillman
Graham	Logan	Perlman	Timberlake
Green	McDuffie	Porter	Tinkham
Greenwood	McFadden	Pou	Tucker
Griffin	McKenzie	Prall	Upshaw
Hall	McLeod	Quayle	Vinson, Ga.
Harrison	McNulty	Rainey	Volgt
Hastings	McSwain	Ransley	Ward, N. Y.
Hawley	MacGregor	Rathbone	Ward, N. C.
Hill, Wash.	Major, Mo.	Reed, Ark.	Watres
Holaday	Mapes	Reed, N. Y.	Wefald
Hooker	Mead	Reed, W. Va.	Weller
Howard, Nebr.	Merritt	Reid, Ill.	Welsh
Howard, Okla.	Michaelson	Roach	Wertz
Huddleston	Miller, Ill.	Rogers, Mass.	White, Kans.
Hull, Tenn.	Milligan	Rouse	White, Me.
Hull, William E.	Mills	Sanders, Ind.	Williams, Ill.
Jacobstein	Minahan	Sanders, N. Y.	Wingo
James	Montague	Schafer	Winslow
Johnson, Wash.	Moore, Ill.	Schall	Wolff
Johnson, Ky.	Morin	Sherwood	Wurzbach
Johnson, S. Dak.	Murphy	Snyder	Yates
Jost	Nelson, Wis.	Sproul, Kans.	
Kent	Newton, Mo.	Steagall	
Kiess	Nolan	Strong, Pa.	

The SPEAKER pro tempore (Mr. BEGG). Two hundred and thirty-eight Members have answered to their names, a quorum.

Mr. LONGWORTH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its secretaries, announced that the Senate had passed without amendment the bill (H. R. 7918) to diminish the number of appraisers at the port of Baltimore, and for other purposes.

The message also announced that the Senate had passed the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, in which the concurrence of the House of Representatives was requested.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved bills of the following titles:

On January 30, 1925:

H. R. 5417. An act authorizing and directing the Secretary of War to investigate the feasibility, and to ascertain and report the cost, of establishing a national military park in and about Kansas City, Mo., commemorative of the Battle of Westport, October 23, 1864; and

H. R. 25. An act providing for a per capita payment of $50 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7918. An act to diminish the number of appraisers at the port of Baltimore, and for other purposes;

H. R. 11956. An act to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909; and

S. 2842. An act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes.

REPORT OF FARM COMMISSION

The SPEAKER pro tempore. By special order the gentleman from Texas, Mr. JONES, is recognized for 20 minutes.

Mr. JONES. Mr. Speaker, I shall not go into the family row that was going on in the House yesterday. I did not want to do so, and therefore I deferred my speech until this morning. I shall leave it to the Republicans to take care of their truant children in any way they see fit, merely making the observation that I do not understand why some of them seem to be so uneasy, because I can not conceive that any man should consider it a punishment to be read out of the Republican Party.

I rise this morning to speak about the President's famous Farm Commission, which has just reported. Curiously enough the report suggests nothing new, nothing original. It is simply a polished essay on farming. We have paid $50,000 for 22 pages of mimeographed rehash of what is already pending before the Congress. Perhaps that is in keeping with the general record of the administration. The President poses as a great friend of the farmer. In fact he seems fond of having his picture taken while doing bits of farm work, particularly during campaign time. I have here some clippings taken from country newspapers showing pictures of the President pitching hay. I call attention to the fact that in this particular photograph, which was sent all over the country, the President has on a pair of brand new overalls, drawn over a pair of black dress trousers. He also has on a white shirt and is without a hat. Fancy a man making hay in the burning sunshine without a hat! Shades of the pioneer farmers on the prairies of the great West, the men upon whose brave shoulders rests the commerce of this country. Without any hat!

Mr. MacLAFFERTY. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. MacLAFFERTY. Is the gentleman's criticism directed to the fact that the President had on a white shirt or that he had on a shirt?

Mr. JONES. I am not criticising; I am just commenting.

Mr. MacLAFFERTY. What is the date of that newspaper?

Mr. JONES. August 27, 1924, during the last campaign—right in the heat of it.

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. JONES. In just a moment. I want to say a few things and then I shall be glad to yield. According to the text which accompanies the picture, the President rode to the hayfield in a limousine, which was all right, and the account goes on to say also that there was not much work to be done because most of the hay had been garnered, but they had thoughtfully left a small amount, which I assume was for the benefit of the picture.

It seems that the horses got scared at the click of the camera—or was it the President's style of pitching hay? Anyway they had that uneasy feeling. For 26 years the President of the United States has continuously held office, and so far as I have been able to find——

Mr. ROSENBLOOM. Will the gentleman yield?

Mr. JONES. I can not just now; perhaps later. So far as I have been able to ascertain he has never been notified of a nomination, except when pitching hay or milking a cow, mending a farm wagon, fixing the fence, cutting cockleburs, or digging up Jimson weeds. I have a high regard for the President. He has some admirable qualities, but it seems passing strange that in all these years of service he could never be caught at his desk on such occasions.

Mr. MacLAFFERTY. Will the gentleman yield?

Mr. JONES. I will yield if I have an opportunity before I finish. It seems this way. It may be just a fad of the President, and that is all right, but that ought not to be formed into a habit.

I do not object to a man wearing this garb and having his picture taken. I do not object to his performing any kind of labor which he desires, clothed in any way he sees fit. Of course, anybody with any degree of intelligence knows that he was simply acting a part, that is all. But while some others are getting what they want he sends the farmers pictures. In view of this background it would seem appropriate that the commission appointed by him to relieve the farmers' distress should submit a report of generalizations without a new or original idea, or combination of ideas, and should wind up with expressions of sympathy for the farmer. I say that the commission should either have recommended actual remedial legislation, or they should have said outright and frankly that no legislation can be effective. One or the other position, in all fairness, should have been taken. [Applause.] But they do not pursue that course. They start out with the statement that they do not lend themselves to any one remedy or any specific piece of legislation through which there may be found a complete cure for the many ills of agriculture, and then they proceed to discuss, in a general way, some bills that are already on the calendar. The commission presented its report and now its members are scattered to the four winds. The Agricultural Committee this morning passed a resolution to wire every one of these commissioners an invitation to come back and testify and tell us what they want. They simply filed their report. Then most of them left town. [Applause.]

The first thing recommended is that the American farmer, through the application of the protective-tariff system, be given the full benefit of the American markets, and yet later on in the same report the commission recognizes that there is a surplus of practically all substantial farm commodities, and thus they meet themselves coming back. They say nothing about reducing the outrageous tariff schedules upon harness, baling wire, shingles, aluminum, household and kitchen utensils, and practically everything the farmer uses.

They refuse to recognize that the tariff on all these articles is a great deal higher than it should be, and that if the rates were greatly reduced and put on a revenue basis they would still far more than carry the difference of labor costs and the difference in the cost of production at home and abroad.

They do not strike at the real problem. During the campaign a newspaper man handed me this thimble, made of aluminum, and on it is "Coolidge and Dawes." There is a 71 per cent duty on aluminum. I do not think anybody believes the tariff should be that high on aluminum, but it means much money to Mr. Mellon and those who are interested with him. It is all right for those excessively high duties to be left on kitchen utensils, hospital utensils, and the hundreds of articles aluminum goes into, so long as they can satisfy the farmer with pictures and with reports.

The commission next indulges in a hazy discussion of cooperative marketing. After a wilderness of words and phrases they wind up with a recommendation that, if carried out, would have the Government interfering with cooperative organizations just enough to hamper them, without being of any benefit whatever. It would create a host of additional Federal inspectors to haunt the offices of the cooperative organizations, which would probably tend to break down the achievements which these organizations have already made.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. MORGAN. You state you are from a cattle country. You are indicting the tariff on agricultural products. I would like to inquire whether you are willing to remove the tariff on livestock, meats, dairy products, and wool.

Mr. JONES. The gentleman misunderstands my position. I believe in a tariff—a revenue tariff. I believe that a tariff should be levied on every product that comes into the custom house from which revenue may be derived, whether a finished article or a raw product. This would take care of all the articles to which the gentleman refers. What I am complaining about is the excessively high tariff rates on some other articles which enrich a few at the expense of the many. [Applause.]

That is Democratic doctrine, and has been Democratic doctrine for lo, these many years; and in that I believe, and on that principle I vote.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. BARBOUR. Is it not a fact that the American Live Stock Association at its last annual convention passed resolutions recommending legislation along the lines that this conference recommends?

Mr. JONES. Oh, I want to state that every bill—without any exception, I believe I can say—every bill that is mentioned in this report by name has already either been recommended, or is on the calendar, or has already been enacted into law. That is the point I am making. This commission offers nothing specific that is not already in the legislative mill.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. KINCHELOE. Is it not true that the Purnell bill, to which they referred, has been unanimously reported by the Committee on Agriculture, and has been on the calendar for a long time, and the same is true with respect to the truth in fabrics bill?

Mr. JONES. Yes; both of these measures have been reported and are on the calendar.

Another recommendation is that some changes be made in the credit system so as to give additional credit to agriculture. Of course no commission seems to consider its work complete without some recommendation along these lines, yet this phase of the discussion wholely ignores the fact that a great many farmers have already borrowed more than they wish they ever had, and more in some instances than they can ever pay, and ignores the fact that it is not a question of credits but of better marketing facilities and better prices that is troubling agriculture.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. BLANTON. Is it not a fact that the Republicans refused to levy a tariff on hides when the farmers have not been able to get enough for the hides to pay for the skinning of the cow?

Mr. JONES. I do not know what the vote was, but I am sure that is a correct statement of the record.

Mr. MORGAN. Mr. Speaker, will the gentleman yield there?

Mr. JONES. No; I have not time enough. If the gentleman will get me more time I will yield.

One recommendation is that the Interstate Commerce Commission should be directed to take steps to relieve the raw products of agriculture and livestock from their disproportionate share of transportation costs. As a matter of fact, the House and Senate at the last session passed this legislation, and the day before the commission made its report the conference report on the same was adopted, so that this recommendation means nothing, as the legislation has already been passed.

Mr. TINCHER. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. TINCHER. The gentleman wants to be accurate, I know.

Mr. JONES. Yes.

Mr. TINCHER. As a matter of fact, the conferees agreed on the report, and a Democratic Senator withheld the report and would not submit it.

Mr. JONES. The measure passed both Houses at the last session of Congress, and the conference report was agreed to on the day that the commission made its report.

Mr. TINCHER. After the chairman had been told to call it up in the Senate.

Mr. JONES. I do not know what the facts are in connection with that. The gentleman can get time to make his statement. But I say that the commission in all instances has simply been reviewing things on which there have been not only committee hearings but committee reports.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield for another question?

Mr. JONES. I am sorry I have not the time. If I could get more time, I would be glad to yield.

They refer to State agricultural experiment stations. That is another matter that the Committee on Agriculture reported out at the last session of Congress and which has been pending on the calendar and not yet reached simply because of the congested condition of the calendar. Why, for men who are supposed to represent the great interests of agriculture, what a farce for them simply to comment on legislation that has already been reported by committees!

The truth in fabrics bill they mention, without indorsing any specific bill; but a bill of that kind had been reported prior to the commission's report; it has been reported out by the Committee on Interstate and Foreign Commerce of the House. And so on throughout the entire report.

The report is full of generalizations and at the only point where it gets down to real substantive matters it bristles with recommendations, the principal effect of which would be to create new Federal jobs and add additional expense and additional bureaus and additional divisions of bureaus to the already overburdened taxpayers and the already overgoverned country. It recognizes that special privileges are being given to certain classes in this country, and instead of offering something to cure the situation, tends to widen the circle which receives special privilege so as to include another class. The sad part of it is that these recommendations, if followed, would not extend the privileges but would only seem to, and would still leave the farmer at the mercy of those who would exploit him.

This is but one of the many commissions that has been appointed, which, like all the rest, fails to offer a solution for the real problems, to wit, the establishment of a better system of marketing, so that the farmer may secure a larger portion of the price for which his product ultimately sells and the removal of special privileges now allowed to those who exploit the farmer.

I do not want to be unfair to the commission. I realize the tremendous difficulties with which they are confronted. Theirs is not an easy task. I hope they will devote their best energies and thought to a real solution of the great problems of agriculture. And I want to assure them that I shall gladly cooperate in the support of any legitimate legislation that may give reasonable promise of relief. I am not sure that they should make a hurried report, but now that they have been authorized, I think they should study the matter until they are thoroughly satisfied of their recommendations, whether it takes a long or a short period of time.

In the past the farmer has been the victim of all kinds of political slush and demagogy. He will see through any thin

veil of subterfuge and will see the truth about this matter. I want to see legitimate legislation passed that will aid him in solving his problems. I want them solved on a permanent, lasting, and enduring basis, on a basis that means fairness to every citizen and every class of citizens within the broad confines of this great country. I will vote for any legislation that is recommended which is calculated to serve that purpose. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

THE LA FOLLETTE CAMPAIGN FOR PRESIDENT

The SPEAKER. By special order of the House the gentleman from Wisconsin [Mr. BERGER] is entitled to 20 minutes.

Mr. BERGER. Mr. Speaker and gentlemen of the House, Æsop tells a fable of the bat, who in the war between the quadrupeds and the birds posed as a quadruped or as a bird, according to which side was victorious. But the bat was found out and shunned by both sides ever after.

My colleague from Wisconsin [Mr. FREAR] reminded me of that fable and of that bat when he made his speech on last Thursday, January 29.

Mr. FREAR posed as a great La Follette man last summer when the more or less socialistic La Follette campaign loomed up big on the political horizon. Mr. FREAR in his speech also admitted that he sat on the platform at a campaign meeting when the Republican Congressmen were denounced as enemies of the people and voters were advised to vote for the Democrats. He did not protest.

And lo, a day before yesterday—January 29—Mr. FREAR humbly kissed the flag—no; kissed the elephant's tail [laughter and applause]—and begged for permission to crawl into the hole and to pull the hole in after him. Not in so many words, but that was the gist of the performance. [Laughter.]

Mr. Speaker, it is absolutely necessary that we should have two trends of public opinion in this country, the conservative and the progressive.

This country would soon come to wreck and ruin if we stood absolutely still, if there were no progress. And progress unhampered and unlimited by conservative tendencies would turn everything topsy-turvy. The Russia of the Czar and Russia since is a fair example.

Only we must demand of these forces that their expression be honest. But wherever the struggle between the forces of progress and of conservatism is honest and logical, then just give both of them full play. Do not hamper them. They will work for the best of humanity, of society, of the country.

I say this as an earnest progressive, as a lifelong socialist.

When the progressive and radical groups got together last summer and nominated or indorsed ROBERT M. LA FOLLETTE and BURTON K. WHEELER, the Socialist Party of the United States whole-heartedly joined the movement.

The new progressive alignment had no organization outside of the Socialist Party, the unions, and the railroad brotherhoods. The brotherhoods and the trade-unions, however, are not at all trained or equipped to carry on a political campaign. Therefore the bulk of the work everywhere was really done by the Socialist Party. [Laughter.]

I may also state that every socialist in the country—whether card member or unaffiliated—voted for ROBERT M. LA FOLLETTE for President. And every cent the socialists everywhere, including my home State, Wisconsin, and my home city, Milwaukee, could possibly scrape up for campaign purposes was thrown into the La Follette campaign.

I say all this, not for the benefit of my progressive friends, who probably know it, but for the information of the Republican and the Democratic members.

We socialists know that political parties must be based upon economic interests. We have always felt—and I have said so repeatedly in this House—that the Republican and the Democratic Parties do not represent the interests of the working farmers and of the city workingmen, because both old parties are under the domination of the capitalist class.

Moreover, it has been known for more than a generation that the campaign expenses of both old parties—in national, State, and municipal elections—are paid largely by the capitalist class; and that the capitalists of our country, while as a rule preferring the Republican Party because as a party it is more intelligent [laughter and applause], are just as willing to deal with the Democrats. This was shown during the administration of Grover Cleveland and of Woodrow Wilson, and was shown again by the indorsement of John W. Davis.

There is no difference in principle between the two old parties.

The producers of the country—the people who work with brain and brawn—the workingmen in the cities, and the farmers have no political organization of their own to express their economic interests.

And that is also the reason why we have various "blocs" in our Congress. We have heard of the "farmer bloc," the "railroad bloc," the soldiers' bloc," and of several other blocs. They were denounced in the newspapers. It is nonsensical, however, to denounce "blocs" in the papers so long as these economic interests have no other way of expressing themselves on the political field.

But while the interests of the workingman and of the farmers are thus not represented at all, it really seems a waste of energy, and also of money, that the capitalist class supports two capitalist parties. To drive the two parties together into one political body would not only be an advantage to the country at large, but also a financial saving for our "big interests" [laughter], "especially when we consider that the contributions they must give at national elections reach millions of dollars.

I have seen only one plausible excuse for the existence of two capitalist parties. It was made by Arthur Brisbane when he said:

> While the Republican Party is dominated by crooked "big business," the people also know that the Democratic Party is the "spare tire" of crooked big business. That Democratic "spare tire" is carried on the back of the big business band wagon, to be used in case a Republican tire should accidentally blow out.
>
> [Laughter.]
>
> And some voters conclude that they would rather have Republican crookedness with some efficiency than Democratic crookedness without any efficiency.
>
> [Laughter.]

This "explanation" may satisfy some people, but it will not make many contented with the condition.

In Great Britain, France, Germany, and in every other civilized country the leading parties differ materially in political and economic principles. Not so in our country.

And I consider that a misfortune. Here our capitalist press, after both of the big political parties had made their nominations for President and Vice President, had the following to say:

> As between Mr. Davis and President Coolidge, it is hard to discern much difference. Essentially the Democratic and the Republican nominees for the Presidency stand for the same thing. (Chicago Journal of Commerce editorial, July 10, 1924.)

And why should not "big business" have been satisfied with the nomination of Mr. Davis?

According to the pamphlet issued by the La Follette-Wheeler progressive headquarters, and entitled "The Wall Street Twins":

> J. W. Davis, Democratic nominee for the Presidency, has been attorney for J. P. Morgan & Co., Erie Railroad, Guaranty Trust Co., Standard Oil Co., New York Telephone Co., Coffee Trust.
>
> At the time of his nomination he was director of National Bank of Commerce, United States Rubber Co., Santa Fe Railroad. (This road obtained an injunction during the recent shopmen's strike and resisted to the bitter end the Baltimore & Ohio settlement.) He appeared as attorney in the Coronado case against the United Mine Workers.

This identity of the two old parties has always been recognized by the socialists of the United States.

And that is one reason why the socialists so whole-heartedly supported the progressive movement and the nomination of ROBERT M. LA FOLLETTE, especially since in his statement and platform, presented on July 4, 1924, to the progressive conference at Cleveland, to which conference I was a delegate, Senator LA FOLLETTE said the following:

> After long experience in public life and painstaking consideration of the present state of public affairs I am convinced that the time has come for a militant political movement, independent of the two old party organizations and responsive to the needs and sentiments of the common people.
>
> The rank and file of the membership of both old parties is progressive. But through a vicious and undemocratic convention system and under the evil influences which have been permitted to thrive at Washington, both party organizations have fallen under the domination and control of corrupt wealth, devoting the powers of government exclusively to selfish special interests.
>
> An analysis of the platforms adopted by the two old parties will show that the real issues have been ignored and that the candidate of either party, if elected, will go into office with no specific pledges whatsoever binding him to the people, while he will be under the most

immediate necessity and obligation of serving the party bosses and predatory interests to whom he owes his nomination and upon whom he must rely for election.

From 1912 until the present time no honest or continuous effort has been made by a single administration, either Republican or Democratic, to protect the American people from the exactions of private monopoly by enforcement of the criminal sections of the antitrust laws. These sections should and must be enforced if the power of corrupt business is to be broken.

While the Democratic party went into office pledged to destroy monopoly by civil and criminal prosecutions, it withdrew or compromised even the pending civil prosecutions against the trusts during the war and left the American people at the mercy of the greatest profiteers in all history. In the last years of the Democratic administration, under the notorious régime of Attorney General Palmer, monopoly was recognized as beyond the reach of the law, while labor unions, farmers' organizations, and individual citizens daring to assert their constitutional rights against this tyrannical power were singled out for attack and destruction.

In 1920 the people expressed their resentment at their betrayal at the hands of the Democratic Party by defeating it with the greatest popular majority ever cast against a political party in the history of this country.

The hypocrisy of the old parties was never more forcibly illustrated than by a comparison of their platform declarations with the actual records of their representatives in the session of Congress just closed. Professing deep concern for the farmer, reactionary Republicans and Democrats failed to produce a single constructive measure for the relief of agriculture and rejected the only bills which were introduced for this purpose.

Popular government can not long endure in this country without an aggressively progressive party.

I stand for an honest realignment in American politics, confident that the people in November will take such action as will insure the creation of a new party in which all progressives may unite.

If the hour is at hand for the birth of a new political party, the American people next November will register their will and their united purpose by a vote of such magnitude that a new political party will be inevitable.

All this is quoted from the statement and platform of ROBERT M. LA FOLLETTE, independent progressive candidate for President of the United States, and presented on July 4, 1924, to the progressive conference at Cleveland, Ohio. It was printed and distributed by the La Follette progressive headquarters in Chicago, and called A New Declaration of Independence. [Laughter.]

I hope that my colleague from Wisconsin [Mr. FREAR], who in his speech delivered on Thursday, January 29, claimed that he had never heard ROBERT M. LA FOLLETTE denounce the two old parties as hopeless, will know better now.

But Senator LA FOLLETTE did not stop there.

Speaking in Madison Square Garden, in New York, September 25, in the opening speech of the campaign, Senator LA FOLLETTE denounced both "the corrupt and decadent old parties."

He said that it—

has taken years of betrayal and a long line of shameful abuses on the part of the Democratic and Republican Parties to convince the people that they must organize for political action outside both old parties in order to find relief from intolerable political and economic conditions.

He continued:

Millions of men and women of widely different occupations have reached the deliberate conclusion that both Republican and Democratic Parties as now controlled are the servants and representatives not of the people but of the vast aggregations of corporate wealth which dominate both the politics and business of the country.

The policies and the candidates of the Republican and Democratic Parties are as like as two peas in a pod, and for that reason I shall hereafter refer to them in this address as "our opponents."

Again:

The best that the Republican Party, for example, can offer with its present candidate is four years more of misgovernment such as we have witnessed during the last four years—the same control by powerful private interests, the same cynical bestowal of special privileges on the favored few, the same shameful betrayals of the public trust.

The policies, appointments, and actions of that administration during its last year, as during its first three, were dictated not by the individuals who happened to occupy the White House but by the forces that control them and dominate the Republican as well as the Democratic Party. The Presidents were merely the servants of the system.

And again:

But I reiterate that the question of personal honesty is entirely aside from the main issue. Vote the Republican ticket and you vote to enthrone the system that controls it for another four years. Vote the Democratic ticket and you vote to enthrone the same system with a different representative in the White House. In either case you vote for four more years of government by the private monopoly system.

Mr. BROWNE of Wisconsin. Will the gentleman yield?

Mr. BERGER. I will yield to the gentleman after I get through, but I do not want to be interrupted now. I will give the gentleman all the time he wants. He can ask me questions for an hour, if he cares to, either publicly or privately. [Laughter.]

Speaking in Newark, N. J., October 9, Senator LA FOLLETTE said:

Every thoughtful man and woman has completely lost faith in the Republican and Democratic Parties.

Answering the question as to why there should be a new political alignment instead of a continuation of the fight for reform within both parties, Senator LA FOLLETTE declared he had fought 30 years within the Republican Party—

to restore it to its original principles—

but he had been unsuccessful, and the party had become—

year by year more and more a private thing, the creature of big business—

and—

to-day it is the vest-pocket possession of Wall Street, a mere chattel, which, in the last analysis, half a dozen men dispose of as they wish.

The Democratic Party came off no better. By 1861 it had become, he stated, the—

vest-pocket possession of the slave-owning, plantation-owning aristocracy of the South, and has remained such ever since.

The Democratic Party—

He said—

lost its last vestige of democracy. The Republican Party lost its last semblance of freedom. Both the old parties became private things, palsied agencies of the popular will.

To-day the American people, the millions of American people who generously made their sacrifices in the war, are rising as they did in 1776 to repudiate the two cynical masks behind which monopoly, privilege, and economic power seek to hide themselves. * * * The people demand a new political alignment and new instruments through which they may express their will.

Senator LA FOLLETTE, speaking in Boston on October 30, said:

The policy of imperialism which is now dominating the American Government is not due to the control of any particular party. It is not a question of politics. Both parties, Democratic and Republican alike, have been used in subverting the Government and turning it away from the traditional policies of genuine Americanism.

Financial imperialism is the natural and inevitable product of the control of government by the private monopoly system. With the system in power, it has made no difference whether the administration was nominally Republican or nominally Democratic.

Speaking in Minneapolis, Minn., on October 16, Senator LA FOLLETTE said President Coolidge was nominated for Vice President in 1920 at Chicago because of false propaganda "relative to his actions during the Boston police strike." Also that Coolidge, as Presiding Officer of the Senate, always sided with special privilege, and at one time gave the gavel to an old guardsman "when an especially raw job was to be put over."

He accused Coolidge of being the protector of Fall, Denby, and Daugherty and of not lifting a protesting voice "during the orgy of corruption at Washington."

When I presented to the Senate evidence demonstrating that naval oil reserves were being leased in violation of law and in betrayal of the public trust Calvin Coolidge sat, as President of the Senate, 50 feet away. He heard every word.

I could extend these quotations ad infinitum.

However, some of my progressive friends—now so busy crawling into holes and trying to hang onto the Republican Party—may claim that while Senator LA FOLLETTE attacked both old parties, and especially the Republican Party, the other "progressives" are innocent.

Now, I do not know how innocent they all are. Most of the members from Wisconsin made speeches attacking both old parties. So did I.

And they were proud of it at the time. So was I.

But I am still proud of the fact that I was invited to speak in eight different States, and spoke to capacity houses, for ROBERT M. LA FOLLETTE and the prograssive ticket, while most of the other gentlemen are now crestfallen.

Why?

Because they are afraid of losing their positions on certain committees. [Applause.] Some Members even claim that they "did not know" that the Republican Party has been attacked by the progressives.

But surely these gentlemen have seen the La Follette-Wheeler campaign textbook called "The Facts."

It was the textbook which speakers for the progressive candidates used, to which they were to refer in outlining the issues of the campaign. It quotes many of LA FOLLETTE'S speeches. It takes up the promises of the Republican Party and relates its betrayals.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHINDBLOM. The Chair announced that the gentleman had 20 minutes, but the order last evening was for 30 minutes.

The SPEAKER. The calendar says 20 minutes.

Mr. CHINDBLOM. But the RECORD says 30 minutes, and I distinctly heard that request made last evening.

The SPEAKER. If the Chair is mistaken, the Chair will recognize the gentleman for 10 additional minutes.

Mr. BERGER. Referring to the Republican platform promise to bring back balance in the condition between agriculture, commerce, and labor, the textbook says:

The Republican Party has been in complete control of every branch of the Government during the greatest disaster that has ever fallen on American agriculture. Its leaders have done nothing except to devise schemes to plunge the farmers deeper in debt.

Coolidge has not lifted a finger to help agriculture, except to encourage a syndicate of Wall Street bankers to take charge of insolvent banks in the West, thus increasing the power of the money power.

Dawes is one of the Morgan banking group that is primarily responsible for the present distress of the farmers.

Referring to the Republican plank for higher and better labor standards, the textbook declares:

The hypocritical "labor plank" in the Republican platform will not deceive any American workingman.

The workers will not forget Coolidge, the strike breaker; Daugherty, the labor baiter; and Dawes, the outspoken foe of organized labor.

Here also is a pamphlet published by the La Follette-Wheeler progressive headquarters and distributed in about a million copies. It is called "The Wall Street Twins," and has a wonderful cartoon on its title page, showing Morgan's hands balancing both Coolidge and Davis while Morgan is pulling the strings.

We are asked "Why does Wall Street regard Coolidge as safe"?

This is why:

Because in his brief term he has done these things—

He vetoed the soldiers' bonus and the old soldiers' pension bill.

He vetoed a bill increasing the wages of postal employees.

He upheld the Esch-Cummins law.

He shielded Daugherty and the oil grafters.

He supported the Mellon tax bill, which attempted to shift taxes from "big business" to the people.

He reappointed Mellon as Secretary of the Treasury. Mellon is one of the richest men in America. Mellon is or was at one time connected with the Pennsylvania Railroad Co., the Aluminum Co. of America, the Gulf Oil Co., and about 60 other large corporations. Among these Mellon controls a large number of banks.

He reappointed Weeks as Secretary of War. Weeks is a thoroughgoing reactionary and spokesman of big business. He was formerly connected with the firm Hornblower & Weeks, prominent bankers and brokers.

He appointed as Attorney General Harlan F. Stone, a Wall Street lawyer and director in many large corporations. Mr. Stone was formerly a member of the law firm Satterlee, Canfield & Stone, and Mr. Satterlee, of this firm, happens to be a brother-in-law of J. Pierpont Morgan.

He appointed as special counsel in the prosecution of the oil grafters two men—Gregory and Strawn—both of whom had to be withdrawn because of their oil affiliations.

He has appointed to offices of trust men known to be in the employ of the worst trusts and combinations in this country. The financial support of Mr. Coolidge in this campaign will come from the same sources as in the last campaign—from those who profit by special favor of government. He is safe, sane, silent, cool, and calculating for the benefit of those who exploit the people through their Government. This, in brief, is the record of our President in his short term of office. It gives no promise of improvement.

Watch whom Wall Street is supporting for President.

* * * * * * * *

NOW LOOK AT THE RECORD OF DAWES, HIS RUNNING MATE

Mr. Dawes is the handyman of the international bankers of Wall Street. He is the man they sent to Europe. Morgan is kept in the background as the advisory man.

He is chairman of the board of directors of the Central Trust Co. of Illinois and connected with other large corporations.

He is for the open shop.

He has attacked the Sherman antitrust law.

He has viciously attacked Congress, when the latter was investigating his activities as purchasing agent for the American Army in France.

He has upheld the issuance of injunctions against labor.

He helped make it possible for Mr. Lorimer to defraud thousands of people in the famous La Salle Street Trust & Savings Bank. This bank was started by Mr. Lorimer in 1910 as a national bank with a capital of $1,000,000 and a surplus of $250,000. The bank engaged in a number of frauds and met with criticism from officers of the Comptroller of the Currency. To escape liquidation Mr. Lorimer decided to make his bank a State bank. The Illinois law, however, demands that before any State bank may commence business, its capital and surplus must be in cash and must be counted by the State auditor. Mr. Lorimer appealed to Charles G. Dawes, then president of the Central Trust Co., for the necessary sum of $1,250,000 for the above purpose. Dawes furnished that amount to Lorimer, which was counted by the State auditor. After this Lorimer returned the money to Dawes. Lorimer's bank was thus enabled to begin business, but two years later it went bankrupt. Over 4,000 depositors lost about $2,000,000 through the fraudulent organization and operation of the bank. The Illinois Supreme Court has just rendered a verdict against Dawes's bank.

Now, I will ask my progressive friends from Wisconsin whether they still hold the same opinion of Coolidge and Dawes that they proclaimed up to November 4, 1924?

And if they do—what business have they in the Republican Party? [Applause.]

The Republicans elected Mr. Coolidge and Mr. Dawes with the unprecedented majority of 7,000,000 votes over their Democratic opponents; and with a majority of about 11,000,000 votes over LA FOLLETTE and WHEELER.

And has anything happened since November 4, last year, to make my colleagues change their opinion about Coolidge and Dawes?

And what is it that has happened?

Are Coolidge and Dawes more radical to-day than they were on November 4, 1924? Do they support any of the measures advocated by the progressives in the Cleveland platform?

Are Coolidge and Dawes less under Wall Street domination than they were last summer and up to November 4, 1924, according to my "Progress-if" friends?

But even on November 5, the distinguished national chairman of the La Follette-Wheeler campaign committee, Mr. NELSON of Wisconsin, issued the folowing statement:

President Coolidge was elected, but the victory of the campaign goes to the progressives.

We couldn't lose in this campaign. We have everything to win and we won.

We brought a new spirit, a new life stream, into American politics. We have made glorious history.

The progressive movement will go on unabated and ever more successful.

Two years from now we will have not only the balance of power in Congress but the actual numerical control.

The day of straddling the fence is over as far as national issues are concerned.

The next battle will be two years hence in the congressional election. Gird your loins, friends!

We won this time. We will clean house next time.

The fight is just begun. November 4 was the first battle of the struggle for progress which, though long it may appear, was yet won.

I am sorry that I must admit that our peerless leader, my distinguished friend, Mr. NELSON, has wobbled considerably at times—since that strong pronunciamento of November 5. Nevertheless, with the kind help of the vigorous push on the part of the stalwart Republicans, Mr. NELSON stayed on the firing line and remained a progressive. Let us hope he will stay for good.

That story of Magdalene is a beautiful story—I agree with the gentleman from Indiana [Mr. WOOD].

But the rôle of a Magdalene fits badly a champion of progress—a fighter for a new idea. Now, I do not want to throw any stones, but we have a plain English word for that kind of girl.

Now, do not misunderstand me, gentlemen. I do not say all this because I want to take away these warriors from the Republican Party—or from the Democratic Party, for that matter—and add them to the socialist hosts. Not at all.

After the experiences we had with some of these gentlemen this year we will have to look them over individually and examine them closely before we would admit them to membership in the Socialist Party [laughter]—even if they should apply, which I do not believe they will—because there are no flesh pots in the socialist political desert. [Laughter.]

I am not a Republican nor a Democrat. I have never belonged to either of the two old political parties. I have always been a political protestant, and a member of the Socialist Party ever since there was one.

And we socialists have never sailed under false colors. Everyone always knew where we stood politically. I have also paid the price in full of pioneering for a new idea.

Any man who claims to be a progressive, who claims to stand for reforms and progress, ought to be willing to pay the price. If not, then he is a weakling.

Especially in this case, the price these gentlemen are asked to pay is insignificant as to be almost ridiculous—the loss of position on committees.

The Republicans have a right to control their own organization. The Republicans have a right to decide who is to represent their views on committees.

The SPEAKER. The time of the gentleman from Wisconsin has again expired.

Mr. BERGER. Mr. Speaker, may I have two more minutes?

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that the gentleman be granted four additional minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the gentleman from Wisconsin may have four additional minutes. Is there objection?

There was no objection.

Mr. BERGER. Now, let me ask my progressive friends in all candor: What would have happened to the gentleman from Ohio [Mr. LONGWORTH], or to the gentleman from New York [Mr. SNELL], or to the gentleman from Indiana [Mr. WOOD], if ROBERT M. LA FOLLETTE had been elected President and the progressives would have had control of the House?

Would the progressive party have taken the gentlemen I have named to its political bosom, put them on important committees, and told them they were good boys and all was forgiven?

How much reward would even the gentleman from Texas [Mr. GARNER] expect for having been a trusted friend and ally in the tax reduction battle? Why, I believe that they would not even think of rewarding the gentleman from Texas [Mr. BLANTON].

The excerpts you have heard could be multiplied a hundredfold. They plainly prove that these gentlemen are no more Republicans than I am.

As a matter of fact, we stood on the same platform at the last national election. We preached the same rebellion in the last national campaign.

Only with this difference: I still stand where I stood last summer. If I ever would change my political faith, I would do it without "ifs" and "ands."

I do not intend to sneak into the Republican Party. I ask no favors from the Republican Party. [Applause.]

I am satisfied with the recognition to which I am entitled as a spokesman of a party and of a movement that polled 5,000,000 votes last November. [Applause.]

However, much more important is the fact that the common people, the workers, the farmers, the small business men, can expect no relief whatsoever as long as the progressive movement is the tail end of either of the two capitalistic parties and receives, in the last analysis, its inspiration and dictation from "big business."

Notwithstanding my sympathy with some of the efforts of my progressive friends, I am free to say that their position always was inconsistent—and that it always was politically dishonest.

They were sailing under a false flag and were using false labels. And they need not be surprised if they lose the confidence and the respect of the voters of both sides—of the conservatives and of the progressives.

These gentlemen should remember Æsop's fable of the bat. Especially my colleague from Wisconsin [Mr. FREAR] ought also to remember what the farmers of his district do to the bat. [Applause.]

I thank you one and all. [Applause.] I still have two minutes, I believe, and will be glad to answer any questions.

Mr. TINCHER. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. BERGER. Mr. Speaker, I have not yielded the floor because I believe I have two more minutes.

The SPEAKER. The Chair thought the gentleman had yielded the floor.

Mr. BERGER. No, sir.

Mr. FREAR. Mr. Speaker, I ask unanimous consent to speak for five minutes.

The SPEAKER. The gentleman from Wisconsin still has the floor.

Mr. UNDERHILL. Will the gentleman from Wisconsin yield to me?

Mr. BERGER. Yes; for a question.

Mr. UNDERHILL. We might sum up the whole speech of the gentleman in the refrain of the popular song of the day, "Big Bad Bill Is Sweet William Now."

Mr. BERGER. Well, that was not a question. [Laughter.]

Mr. TINCHER. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Kansas asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

FARM RELIEF LEGISLATION

Mr. TINCHER. Mr. Speaker and gentlemen of the House, it is not my purpose to take any part in the discussion between the gentleman who has just left the floor and his associates in the recent campaign. I propose to talk about something that will be before the Congress, I hope, at this session, something that affords us an opportunity, at least, to do something in a constructive way for a class of people that needs some help.

The President appointed a commission on agriculture. I had hoped by reason of the fact that that commission was bipartisan and was not a partisan commission, that its work would not be treated in a political way, and I still have confidence that the leadership on this side of the House will not permit the work of the agricultural commission, which has been working here, to be treated, and will not treat it, in a partisan way.

I am disappointed, it is true, that certain members of the great Committee on Agriculture have from the start seemed to deem it their duty to speak with the utmost disrespect and to cast every slur and aspersion they could on the work of the commission.

The commission has reported to the Congress. They have recommended that we enact into law certain measures, and before we adjourn and in time for these measures to be considered, certain committees of the Congress will report them back to the Congress for a vote. I shall not attempt to answer certain portions of the speech that was made this morning because I do not believe that certain remarks that were made on this floor this morning are parliamentary, and I doubt whether they are within the rules of the House. I might say that if anyone was charged last fall with attempting to make hay, the hay was made and the effort was a success; but we are confronted now with definite recommendations, and one of them particularly appeals to me.

The industry of livestock is on its back and the Agricultural Commission has made a recommendation that will put it on its feet. They have asked for action on the part of Congress that will relieve it, and I want the membership on the Democratic side of the House before they conclude to follow my ambitious friend from Texas [Mr. JONES] to consult with such men as GARNER and HUDSPETH on the subject of whether or not we should carry the recommendation of this commission into the form of legislation or treat it as a political football. [Applause.]

Mr. JONES. Will the gentleman yield?

Mr. TINCHER. Yes; I will yield, always.

* Mr. JONES. I just want to suggest that on the main thing the commission discusses, cooperative marketing, if that commission will really say what it is for, if it is constitutional, I will be glad to support it.

Mr. TINCHER. A commission appointed by the President or by anyone else can not give understanding to men. I submit

that any man who wants to study the subject of cooperative marketing for one hour can understand exactly what the commission has asked Congress to enact.

Mr. JONES. What bill does it recommend on that?

The SPEAKER. The gentleman can not interrupt without first getting permission of the gentleman having the floor.

Mr. TINCHER. I will say to my friend I can not convey to him understanding.

Mr. JONES. I ask the gentleman then to convey it to the House. This House has to act on it.

Mr. TINCHER. The Committee on Agriculture, perhaps, with the sanction of my friend, the gentleman from Texas, will bring before Congress at the proper time the bill recommended by the agricultural conference, and I submit again that I hope before any Member on this side is led into being carried off by political prejudice against the President by the unwarranted attack on him this morning, he will read the report for himself and will not let my friend construe it for him; and if you are not competent to read it yourself, I hope you will ask your distinguished colleague, the gentleman from Texas [Mr. HUDSPETH], who has read it, who worked with the commission, who is interested in the industry, and who will tell you what it means. [Applause.]

Mr. JONES. Now will the gentleman yield?

Mr. TINCHER. I am like some of the other men who have spoken here. Our campaign is over, and it is up to this Congress, without any partisan politics, to do the best it can. I believe, and I believe I speak the sentiment of 90 per cent of the people of the United States when I say that the President of the United States has not assembled any commission or made any recommendation to Congress for legislation for the American farmer for political effect, and this is the first time a member of the great Committee on Agriculture of this House, when an important matter was referred to it, has rushed in to the floor of the House and tried to give it a political angle before taking any action itself. We have set next Monday morning as the time to hear witnesses on the recommendations of the commission, and I hope between now and that time my distinguished friend who condemns any man wearing overalls and a white shirt and still puts into his speech a little story about Pete and Mike will see the light and attend the hearing.

If I were technical, I should say that he had no right to mention Pete and Mike with a white shirt on. I do not care what kind of a shirt he wears. I hope he will attend the hearings, and if not able to understand what the commission wants he will comprehend it before we bring it here for legislation and that we may act on the commission's report without any politics being considered. Already as a result of the commission's action we have had some legislation. Since last June the only chairman of the other body of the political party of my friend from Texas has held up the recommendation of the President of the United States, has held up the recommendation of the Congress, has held a conference report without presenting it. On the recommendation of this commission, on the recommendation of the President of the United States again calling it to his attention, the day that he read the commission's report he took that resolution from the Vice President's table and had it adopted, and perhaps it is law by this time.

That one thing alone to the American farmer is worth the paltry $50,000 that Congress appropriated for the commission. If we do not have to give but one excuse for Coolidge's commission, the fact that we got into law one bill while Congress was held up by one Democratic United States Senator, the money will be well expended.

I do not want Congress to treat the report in a partisan way. I shall not go into any details concerning the attack on our President. I have for our President the highest regard that one man can have for another, but out of deference to the rules of this House, which, in my judgment, were trampled under foot this morning, I decline to mention the insinuations cast upon him in the speech of the gentleman from Texas. [Applause on the Republican side.]

PAN AMERICAN EDUCATIONAL CONFERENCE (S. DOC. NO. 191)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State, concerning participation by the Government of the United States in the Pan American educational conference which, in pursuance of a resolution of the Fifth International Conference of American States, will be held at Santiago, Chile, in September, 1925. A copy of the proposed agenda of the conference is annexed to the report.

I request of Congress legislation authorizing and providing an appropriation of $24,230 for the expenses of delegates of the United States, and their clerical and other assistants, to the said conference, in accordance with the budget incorporated in the Secretary of State's report.

The attention of Congress is invited to the interest shown in this conference by educators in the United States as illustrated in the memorandum accompanying the Secretary of State's report.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 31, 1925.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, the independent offices appropriation bill.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Collections: For the collection of money due from the sale of real and other property under the provision of the act approved July 19, 1919, the collection of rentals from unsold properties, including necessary office and travel expenses outside of the District of Columbia, $32,000.

Mr. DEAL. Mr. Chairman, I move to strike out the last word. On yesterday afternoon I was speaking to the question of the Housing Corporation. I dwelt at that time upon its activities in transportation. I desire this morning to refer to its activities in real estate. During the war there were authorized several projects known as the building projects of the Housing Corporation. Two of these projects were located in the district that I have the honor to represent. One was for housing of the white help employed in Government activities and the other to provide housing for the colored people. These houses were built by the Government, hastily constructed, and without due care or provision for their permanency. They were sold to the workmen in our navy yards principally at a time when they could not secure housing facilities in any other way. It was a case of compulsion, so to speak, on the part of the laborers and mechanics to purchase these houses because they could not otherwise find accommodations.

The prices fixed on the property were in accordance with the cost of erection. When the war was over we discharged in large numbers the help that was employed in the Government activities. There was no other employment which could be secured by these people and they found themselves in the position of having paid in part for their houses and without employment or means to continue the payments on the deferred plan. Relief was needed for these people, and these projects, like many other war projects, should have in part been written off as profit and loss. Eventually that is what the Government will have to do.

To protect the people in my district I introduced a bill for their relief which authorized the Secretary of Labor to reappraise these properties and make concessions in the prices that would enable the purchasers to continue their payments and not lose all they had already invested. The committee held hearings and considered the bill.

However, like all other committees of this House—and I say it with the utmost respect and deference—this committee still waited for the particular department of the Government to which these projects were allocated to tell them what to do, and my friend from Oklahoma [Mr. MCKEOWN] will tell you how much chance we had of getting that bill out of the committee, because no department of our Government or bureau seems ever willing to close up its activities and thereby find itself without a job. The Secretary of Labor called in the president of the Housing Corporation, and the Housing

Corporation wrote down to my district to the man in charge of this particular project, or one of these projects, and asked him what he must do.

The CHAIRMAN (Mr. TILSON). The time of the gentleman from Virginia has expired.

Mr. DEAL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD. Mr. Chairman, I move that at the end of five minutes debate on the paragraph and all amendments thereto shall close.

The motion was agreed to.

Mr. DEAL. Mr. Chairman, the report made to the committee as a result of this reference to the party in charge in my district the Secretary of Labor disapproved the bill that I had introduced. The party who made the report to the Secretary of Labor within six months defaulted and absconded. His report contradicted every statement that I had made with reference to this housing project. Time went on, and the project that was set apart for the colored help proved a failure to such an extent that the housing corporation decided to sell it. Therefore they advertised for bids. A firm in my district made a bid for the property, and it was agreed to accept the offer, but for some reason it was held up and was not confirmed. These people sent their attorney to Washington, who requested me to go with him to see the Secretary. We laid the matter before the Secretary of Labor. He called in the president of the Housing Corporation and ordered him to comply with the contract he had made. My friend felt that he had accomplished all he desired and so expressed himself. I reminded him, however, that that order might be rescinded before sunset. It was rescinded within two hours and an order issued to readvertise and sell, with the result that some other firm bidding on the judgment of those who had previously bid raised the price a few thousand dollars and secured the property. It was sold and liquidated, and the Government is relieved of that project.

There is no reason why the other project should not have been disposed of in some way, but every effort that has been made for the relief of my people has been thwarted until I am constrained to believe that it is the purpose of the Housing Corporation to hold onto these projects as long as possible in order to continue the life of the corporation. The president says in his report that he can not do anything, that he is restricted by the rulings of the Attorney General and the Comptroller General. If he were really desirous of liquidating the project and giving relief to the purchasers, I have a bill before the Committee on Public Buildings and Grounds which would authorize him to make concessions and close the whole matter in a short time. I can not get a report from that committee because the Housing Corporation will not recommend the passage of the bill. I would move an amendment to dispose of this property arbitrarily, but I do not think that could be done with due regard to the interest of the unfortunate purchasers. It must be done in a business-like manner. I merely want to bring this matter to the attention of the House, because I have been unable to get any action from the committee after four years of effort, nor have I been able to get any satisfaction from the Housing Corporation.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DEAL. Yes.

Mr. BYRNS of Tennessee. As I understand, it requires legislation before the Housing Corporation can sell? In other words, they have to have authorization of law?

Mr. DEAL. I think they have that authorization, because they sold one of the projects.

Mr. BYRNS of Tennessee. Why the necessity for your bill?

Mr. DEAL. Because they refused to act, and my purpose was not to authorize them to sell it but to make reasonable concessions to those who have purchased homes which are not now worth the war-time prices agreed and they would rather lose the amounts paid up than to pay the residue. Many of them can not pay, but they are holding on in the hope that some relief may be afforded.

Mr. BYRNS of Tennessee. Do I understand the gentleman to say that a majority of the committee refuses to act merely because the Housing Corporation objects?

Mr. DEAL. They have objected, but the gentleman knows as well as I do that when a department of the Government reports adversely on a bill to a committee it is a very difficult matter to overcome that adverse report.

Mr. BYRNS of Tennessee. I appreciate that, and I know that the gentleman, who is one of the most useful and influential Members of the House, has done everything he could to get his bill through. I am merely wondering why a committee is controlled in that way, if there are not other facts justifying its action.

Mr. DEAL. We are all wondering why a committee is controlled in that way.

The CHAIRMAN. The time of the gentleman from Virginia has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

No part of the appropriations heretofore made and available for expenditure by the United States Housing Corporation shall be expended for the purposes for which appropriations are made herein.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word for the purpose of getting some information about this item. On page 15, line 17, we appropriate $74,315 for rent of the ground on which these Government hotels stand. Is the $74,315 taken into consideration in fixing the boarding charges at these hotels?

Mr. WOOD. It is.

Mr. BLANTON. Is that paid out of the income of the hotels?

Mr. WOOD. Yes.

Mr. BLANTON. Is that a loss to the Government?

Mr. WOOD. It is a partial loss. The charges against the individual occupants for the purpose of raising this amount were increased and the revenue thus received applied to the payment of this ground rent.

Mr. BLANTON. I take this occasion to remind the gentleman that, after all, the facilities that we offer in these Government hotels are not altogether appreciated, because on the 1st of January there were over 100 vacancies which could not be filled where Government workers could go and occupy the rooms if they wanted to do so. However, they prefer private accommodations. The same situation existed on the 1st day of January, 1924, a year ago.

There were over 100 vacancies. I think the time ought to come soon when we get out of this hotel business. I hope that this will be the last year that we will furnish hotels by the Government to anybody.

Mr. WOOD. If the gentleman from Texas will join with a desire, I think, of a majority of this Congress in trying to induce those who can supply and whose duty ought to be to supply for these people, we will that much sooner get rid of these hotels.

Mr. BLANTON. I think before the House adjourns the problem is going to be met by passing a law licensing every real-estate agent and realtor in the District of Columbia, providing that if they go outside of the ethics of the business profession here the license can be taken away from them; and we will stop, I hope, the pyramiding of loans on real estate beyond their proper value, and that we will cause the real consideration to be placed in deeds and deeds of trust, and where we will cause each instrument of that kind to state what prior liens exist, and where we can prevent a concert of action among two or more persons for the purpose of trying to raise the rents. I think that by passing such legislation we will meet the situation and remedy it by getting back to supply and demand here.

Mr. WOOD. I hope that is true, and I am glad the gentleman from Texas has mentioned the fact that some relief is needed.

Mr. BLANTON. I have just such bills pending before the joint session of the House and Senate committees now, and I am pushing them with all my might and main, but the trouble is that the parties who want a Bolshevik rent law passed are not considering constructive measures. They are preferring a Bolshevik remedy.

Mr. WOOD. And upon the other hand, the gentlemen who are inclined to still pursue their desire and endeavor are taking advantage of the gentleman's attitude and doing the very thing he wishes to prevent.

Mr. BLANTON. They are taking advantage, but I am hopeful before the year rolls around that a stable condition will exist here again and we can get away from this Government hotel business.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. MORTON D. HULL. Could the gentleman inform us how many individual lessees there are receiving accommodation in the Government hotels?

Mr. BLANTON. I think between 1,300 and 1,400.

Mr. WOOD. About 1,300.

Mr. BLANTON. My impression was that it was a larger number; but if the gentleman says it is 1,300, I am sure he is correct.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

To enable the Interstate Commerce Commission to enforce compliance with section 20 and other sections of the act to regulate commerce as amended by the act approved June 29, 1906, and as amended by the transportation act, 1920, including the employment of necessary special accounting agents or examiners, and including per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, $1,189,250, of which amount not to exceed $200,000 may be expended for personal service in the District of Columbia.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph that it is legislation unauthorized by law.

Mr. WOOD. Mr. Chairman, the paragraph to which the gentleman refers is authorized by law, and it is only by virtue of the law that this appropriation is made. It sets forth upon the face of the paragraph that it is authorized by law, the act of June 29, 1906.

The CHAIRMAN (Mr. SNELL). Has the gentleman from Texas anything further in reply to what the gentleman from Indiana has stated, that this appropriation is in pursuance of the fundamental law?

Mr. BLANTON. Mr. Chairman, I submit to the Chairman there are provisions in this paragraph which—I am sorry the regular Chairman of the committee is not now occupying the Chair, because he is familiar with this whole proposition—but, of course, there is no law which permits this $1,189,250 to be thus expended. It does not permit the special accounting agents and examiners to be appointed.

The CHAIRMAN. The Chair thinks under the circumstances the gentleman better ask unanimous consent to pass it over for the present until the regular Chairman resumes the chair.

Mr. WOOD. There is no occasion for passing it over. The law authorized the creation——

Mr. BLANTON. I submit it to the Chair, and if the Chair agrees with the gentleman from Indiana, that is all right.

The CHAIRMAN. Has the gentleman from Indiana a copy of the law?

Mr. WOOD. It is set out in forming this bill.

Mr. NEWTON of Minnesota. Mr. Chairman, I do not see where there is anything to the point of order. Here is an appropriation that refers specifically to the Hepburn Act, which was the original act, and then later to the amendment to the Hepburn Act, which was the transportation act, and refers to the employment of necessary special accounting agents or examiners. Well, of course, accountants and examiners are necessary for the carrying out of the duties of the act. They comprise a considerable portion of the officers and employees of the Interstate Commerce Commission, and it does not appear to me right, upon the face of the appropriation, that there is anything to the point of order.

The CHAIRMAN. The Chair is ready to rule. The point of order is overruled.

Mr. WHITE of Kansas. Mr. Chairman, I move to strike out the last line. Mr. Chairman and gentlemen of the committee, I make this pro forma motion to call the attention of the committee to the words in the report found on page 9:

Under the law the railroads may file a tariff, which may be suspended by the commission on its own initiative or upon the complaint of any shipper. The law requires that this suspension be for a period of 120 days (with a possible extension of 30 days), and of necessity the commission must postpone other matters to investigate the proposed rates. This has resulted in such a congestion of the formal docket that it now takes almost 600 days to dispose of a complaint and answer case, which is a hardship upon the shipper. It has also been the custom in previous years to send examiners out to handle rate cases near the home of the shipper, but lately it has been necessary to hold many of these hearings in Washington, and since July 1, 1924, more than a hundred such hearings have been held here. Shipper representatives numbering more than 1,200 attended, and this expense could be eliminated by providing additional examiners. After careful consideration the committee believes that the appropriation of $2,318,660 recommended in the accompanying bill is necessary to enable the Interstate Commerce Commission to bring its general work current and give the character of service to which the shippers are entitled.

And, I take it that the chairman of the committee intended to convey the idea that the $2,318,660 would facilitate the prompt hearing of these complaints, these rate questions. I think he makes that clear in the concluding paragraph or sentence of the statement:

It would enable the Interstate Commerce Commission to bring its general work current.

I would like now to call the attention of this committee to the situation developed subsequent to the return of the transportation systems to their owners.

I refer to Ex parte 74, increasing the rates approximately 35 per cent on all classes of traffic handled by the carriers in the United States was made a very short time thereafter. Now, there is an old idea prevalent among the carriers, a rule simply that the rate should be all that the traffic would bear and move. A member of the Interstate Commerce Commission has interpreted the present attitude of the commission to be, ascertain what the traffic will bear and continue to prosper.

Now I want to call the attention of the committee to an instance with which I am familiar, having given it careful investigation. It was found, subsequent to the assessment of that rate granting 35 per cent additional, that——

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WHITE of Kansas. Mr. Chairman, I ask unanimous consent to proceed for five minutes additional.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five minutes additional. Is there objection?

There was no objection.

Mr. WHITE of Kansas. It was shown in the hearings and in the evidence filed by the Western States, the chairman of the utilities commission of the State of Kansas and other States intervening, that the rate on hay was a rate that absolutely paralyzed and extinguished the business; that 46,000 cars of hay passed through Kansas City the year immediately previous to the time this rate was enforced, and immediately the year following but 19,000 cars of hay were handled through the markets of Kansas City.

Now the situation was such, the effect upon that traffic was so apparent, it was so clearly shown to the Interstate Commerce Commission by the evidence produced in that case that the rate assessed was unfair, that they promptly reduced that rate on that and some other basic commodities in order to bring them into a proper relation to other traffic.

The effect of that was to some extent to stimulate the transportation of hay and, of course, of grain and grain products.

But what I want to call to the attention of the committee is the fact that this reduction was made on the basis of the proposition that it would bring the rates on those products into line with the rates on other traffic; that the rates were out of line. In a speech I made in the last session of this Congress I drew my citations from the records of the Interstate Commerce Commission to establish that statement. But that is not so much the line I am arguing as this proposition concretely, that after that rate was made the only general rate reduction which has been ordered since the return of the transportation companies to their owners is a 10 per cent reduction, and from that general reduction grain and grain products and hay were excepted. That rate was not made applicable to those products.

Now the proposition here is this: The chairman of the subcommittee has recommended this increase in the appropriation. I know how difficult it is to get an increase over the recommendation of the Budget Bureau. I do not know what opposition has developed against this increase, if there be any. But I want to say, Mr. Chairman and gentlemen, that another complaint was filed subsequently, in which all the States west of the Missouri River joined, asking that this 10 per cent reduction be made to apply to these products.

Now, gentlemen of the committee, I want to call your attention to what the chairman of the subcommittee had made allusion to in his report. That question was argued here in Washington for many, many weeks, and——

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. WHITE of Kansas. Mr. Chairman, I ask unanimous consent for five minutes additional, if I may.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent for five minutes additional. Is there objection?

There was no objection.

Mr. WHITE of Kansas. As the chairman stated, more than 1,200 witnesses attended those hearings. Those hearings dragged their slow length along; examiners were sent to Kansas City on that important case, and although it was

finally decided adversely, it affected some of the greatest articles of commerce in this country, grain and grain products and hay. It was not decided until almost two years from the time and the date on which the complaints were filed with the Interstate Commerce Commission.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Kansas. Yes.

Mr. McKEOWN. The delay in that case is in keeping with the delay in taking off this iniquitous surcharge for Pullman service.

Mr. WHITE of Kansas. I have thought a great deal about that, but I did not rise to discuss it. I agree with the gentleman. But I am not here to criticise the Interstate Commerce Commission. I have insisted, and I now insist, that the rates on grain products and hay are discriminatory, unreasonable, and out of line with the rates on all other traffic. The rates on grain and grain products and hay compared are as 190 to 143 compared with all the traffic carried by the transportation companies of this country.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Kansas. Yes.

Mr. HUDSPETH. I do not know whether the gentleman would like to discuss it or not, but does not the gentleman also think that the rates on livestock are out of line?

Mr. WHITE of Kansas. Yes; I think so.

I hope this committee will give the increase that the chairman of the subcommittee has asked for, notwithstanding the Budget recommendation. I believe, gentlemen of the committee, that this is the first time in my experience of six years in this House that I ever stood on this floor and asked for an increase above the recommendations of the Budget. I might say further, in one single word, gentlemen, that if there is any product of American industry that may come with justification and ask for special consideration at the hands of the American Congress or at the hands of the Interstate Commerce Commission it would be the products of agriculture upon which our lives actually depend. But I do not so ask. I ask only that they may have a square deal in comparison with the other traffic carried by the transportation companies of this country. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads; the act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test block-signal and train-control systems and appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906, and the provision of the sundry civil act approved May 27, 1908, including the employment of a chief inspector at $6,000 per annum, and two assistant chief inspectors at $5,000 each per annum, and such other inspectors as may be necessary, and for per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, $650,000, of which amount not to exceed $200,000 may be expended for personal services in the District of Columbia.

Mr. WOOD. Mr. Chairman, on page 18 I move to strike out the word "chief" in line 5, and the word "inspector" in line 6, and insert in lieu thereof the word "director," and in line 7 strike out the word "inspectors" and insert in lieu thereof the word "directors."

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 18, line 5, strike out the word "chief," and in line 6 strike out the word "inspector" and insert in lieu thereof the word "director"; and in line 6, at the end of the line, strike out the word "chief"; and in line 7 strike out the word "inspectors" and insert in lieu thereof the word "directors."

Mr. BLANTON. Mr. Chairman, I make the point of order that that is legislation upon an appropriation bill unauthorized by law and that it creates new positions not authorized by law. If you make these inspectors directors their salaries, under the classification act, could be quite different from the salaries provided in this bill.

Mr. WOOD. No; the only purpose in asking for this change is to correct the titles of these positions in the appropriation act.

Mr. BLANTON. I know, but there are no such directors now provided for by law.

Mr. WOOD. Yes; there are.

The CHAIRMAN. Will the gentleman read the law?

Mr. WOOD. They have heretofore been designated as directors and the law creating them provides——

Mr. BLANTON. What law is that? There is no such law.

Mr. WOOD. I am referring to section 8065 of the Federal Code, the act of May 27, 1908.

Mr. BLANTON. That is some appropriation act, if it provides for any directors.

Mr. WOOD. No; it is in the organic law. The law provides:

And for this purpose the commission is authorized to employ persons familiar with the subject to be investigated and tested, and also may make use of its other employees for such purpose.

They have been designated as directors, and it makes no difference whether they are called inspectors or directors. The only purpose in offering this amendment is to avoid any question that might occur before the comptroller as to the allowance of these salaries.

Mr. BYRNES of South Carolina. Will the gentleman yield for a question?

Mr. WOOD. Yes.

Mr. BYRNES of South Carolina. In the current law are they not designated as inspectors?

Mr. WOOD. I am not sure.

Mr. BYRNES of South Carolina. If the gentleman from Indiana will permit, in the bill I have before me it reads, "including the employment of inspectors and per diem," and there is no mention of directors.

Mr. BLANTON. The organic law merely provides for employees; it does not provide for a position designated as director, and the estimate that was sent to this committee by the Budget, and from which our friend from South Carolina has just read, calls for inspectors; it does not call for directors, and there is no law providing for directors, and if you were to change the word from "inspectors" to "directors" there would be quite a difference in the salaries, and that is the sole purpose, I take it, in making the proposed change.

Mr. WOOD. I will say, in order that there may be no confusion, that so far as I am concerned I do not think it would make a bit of difference one way or the other. This suggestion came to me a moment ago, but, Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. If the gentleman from Indiana will permit, the current law which the Chair has before him provides for the employment of inspectors.

Mr. WOOD. I withdraw the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

The Clerk read as follows:

For all authorized expenditures under the provisions of the act of February 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," as amended by the act of March 4, 1915, extending "the same powers and duties with respect to all parts and appurtenances of the locomotive and tender," and amendment of June 7, 1924, providing for the appointment from time to time by the Interstate Commerce Commission of not more than 15 inspectors in addition to the number authorized in the first paragraph of section 4 of the act of 1911, including such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his two assistants may require, and for per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, $450,000, of which amount not to exceed $65,820 may be expended for personal services in the District of Columbia.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I will not trespass on the time of the committee for any great length of time. I merely want to take a moment to refer to what the gentleman from Kansas [Mr. WHITE] had to say about the rates on grain and feedstuff, and what the gentleman from Texas had to say with reference to rates on livestock, all coming along after the speech made by the gentleman from Texas [Mr. JONES] relating to the report made by the commission appointed to consider the question of agriculture.

I simply want to call the attention of the House to the fact that the lowering of rates on livestock, on grain, and other products of the farm will materially help the farming conditions in the country and will help the farmer in a way that will make him help himself. When it comes to livestock rates they are pretty nearly as high as they used to be in the Indian Territory before we had statehood and any control over the rates in that country.

A story is told of a farmer who, prior to statehood, lived in a town named Mill Creek, Okla., and shipped four carloads of horses to East St. Louis, Mo. They were sold in East St. Louis, Mo., and the price received applied on the freight. The price received lacked $136 of paying the freight on the four carloads of horses, and the railroad company sent this farmer a bill for $136. He was an uneducated man and could not read, so he had his little daughter read the letter to him. After she had finished reading the letter in which they asked him to send them $136 more, after having sold his four carloads of horses, he said to her, "Write them this letter:"

DEAR RAILROAD COMPANY: I haven't got any money, but I can ship you some more horses.

The present freight rates are exorbitant, according to my way of thinking, and if it is necessary to carry on the freight business with the present freight rates that is a very unfortunate thing for the American people.

I understand the policy of the law and the policy of Congress is to give the railroads a fair return on their investment and they are entitled to a fair return.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. WHITE of Kansas. If the gentleman will allow me, is it not a fact, recognized by all rate-making bodies, that a rate which the traffic will bear and live and prosper is more remunerative to the railroad companies than a rate that will extinguish the business?

Mr. McKEOWN. There is no question about that, because in the future the business is so decreased that they have not any business at all.

The proposition before the country now is to settle the question of rates fairly to the carriers and at the same time let the fellows live who produce the products to be transported. It is a very difficult problem. We can not settle it in just a few days or in a few months, and I will say that the man who can go to work and readjust the transportation problem of America, fair to the stockholders and fair to all the people interested, will be the most versatile man this country has known in many years. It is a tremendous job. It is a real man's job and at the same time the railroads are overlooking the fact that they are killing the goose that lays the golden egg when they maintain these rates.

Mr. HUDSPETH. Mr. Chairman, I rise in opposition to the pro forma amendment.

I listened with a great deal of interest to the discussion of my good friend "from the short-grass region of Kansas" [Mr. WHITE] and I was wondering if he had the time, and I am sure the House would give him the time, why he did not touch upon the freight rates on livestock. I know he feels that the freight rate on livestock is excessively high. The gentleman from Kansas represents a livestock region, and I know he will agree with me that it takes just one-third of the price you obtain for a steer to ship him to market; that is, the freight rate is just one-third of what you get for the steer to-day on the market.

I do not know whether we can reduce the freight rates on livestock or grain. The railroads say we can not, because they say they can not reduce the wages of labor. That is what they tell me.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. HUDSPETH. I yield to my colleague.

Mr. GARNER of Texas. Has the gentleman from Texas any hope of relief in behalf of the agriculturalist or the stock raiser when the personnel of the commission is being made up of men who are admitted railroad advocates?

Mr. HUDSPETH. It does not look like we are getting a great deal of relief. Of course, gentlemen, there are a lot of good, patriotic men on that commission.

Mr. GARNER of Texas. You do not feel very much encouraged?

Mr. HUDSPETH. No; we do not, "down in the settlement" that I come from, I will state to my friend.

I do not want to take up too much of your time, I will state to the gentleman from Indiana, but I noticed my good friend the gentleman from South Carolina [Mr. BYRNES], when they had Mr. Walter, general counsel of the National Industrial Traffic League, upon the stand, and also a very able gentleman from Houston, Tex., Mr. Fulbright, who were thoroughly posted, made this statement to the gentleman in regard to freight rates, and this will apply almost exactly to the rates on cattle:

Mr. BYRNES of South Carolina. Take the farmer who grows melons in my section of the country. Last summer I saw bill after bill for shipping carloads of watermelons to New York City and New York State. When the railroad called on the farmer to pay the freight he did not get enough for his product to pay the freight.

That is a condition which prevails with the farmers throughout the country and likewise the livestock producer to a considerable extent.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. HUDSPETH. Yes; I yield.

Mr. BYRNES of South Carolina. The gentleman knows that while the railroads are saying they are unable to make money, the stocks of all the railroads have been increasing very rapidly in value and they have been declaring dividends right along.

Mr. HUDSPETH. Yes; they are declaring dividends, I will state to my frined, and they are merging with other railroads, like the merger of the Southern Pacific with the El Paso & Southwestern and the Rock Island in my State. They are two long trunk lines of railroad and they recently merged, cutting down expenses and preparing to declare dividends, so they state.

Mr. BYRNES of South Carolina. I may state also that the stock of the Southern Railway, which operates through the South, sold for about $25 twelve months ago, and now it is somewhere in the eighties. The stock of the Atlantic Coast Line sold for about $75, and now it is from $150 to $155, and this is true of most of the railroads. I do not think they are really being impoverished, and I think it is time they should give some relief to the agriculturists of the country.

Mr. HUDSPETH. The signs of the times do not indicate they are being impoverished, but, gentlemen, whenever you meet them with a proposition about reducing rates they say they can not do it because they can not reduce the labor scale.

Mr. BLANTON. Will the gentleman yield?

Mr. HUDSPETH. I yield.

Mr. BLANTON. Our friends over there ought to take notice about the excessive freight rate on shipping watermelons to the northeast because quite a large membership of the Republican Party must have watermelons.

Mr. HUDSPETH. You mean they must cut their political melons and pass them around and give each one a slice just before elections?

Mr. BLANTON. The gentleman knows what I am referring to.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. HUDSPETH. I yield to the gentleman from Kansas.

Mr. WHITE of Kansas. I saw in the newspapers, probably in the Kansas City Daily Market Report, that a Mr. Cowan, president of your State livestock association——

Mr. HUDSPETH. No; Mr. Cowan is general attorney for the National Live Stock Association.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent that I may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. HUDSPETH. And Mr. Cowan is one of the best-posted rate men in the United States.

Mr. WHITE of Kansas. I want to say to the gentleman from Texas I did not enter this discussion to make any analytical examination, especially of the justice or injustice of the prevailing rates, but this is the concrete proposition: Mr. Cowan has filed this complaint, and I understand that the subject will be reopened and a hearing will be had. My proposition is, we ought to vote the amount asked by the committee in order that these hearings may be had by examiners near the homes of the shippers. The gentleman recognizes the enormous expense of prosecuting the hearings here and also the inconvenience.

Mr. HUDSPETH. That is what prompted the gentleman from Texas to rise. I wanted to ask my friend, the gentleman from Indiana [Mr. WOOD] if the gentleman had given the amount asked by the Interstate Commerce Commission for examiners in order to send them down to where the people can file these claims at their homes and avoid the great expense of coming here to Washington. If every time a man has a polled Angus bull killed on a railroad he has to come up here to file his claim; of course, he is not going to do it. He will suffer the loss of his animal rather than incur a greater expense coming here.

Mr. WOOD. I will say to the gentleman, in answer to his query, we gave them exactly what they asked and the amount

with which they think they will be able to meet the emergency to which the gentleman refers.

Mr. HUDSPETH. I am glad to hear it. I want to ask the gentleman how much was the total the commission asked for? I know the committee has given more than the Budget, but how much is the difference between what the committee allowed and what the commission asked for.

Mr. WOOD. We gave them every item of increase. I want to say this in fairness to this commission. Some criticism has been had because members of the commission came to us and asked for the increase. They did not ask for the increase, they told us of the necessity, and believing it was the function of Congress to supply the needs of the Government, we took the responsibility of making the increase, and it is the first time that the committee has made an increase over the amount recommended by the Budget. We felt that it was not only fair to the transportation but it was fair to the humanitarian interests of the country that the increase should be made.

Mr. HUDSPETH. I congratulate the gentleman and his committee. I rose for the purpose of stating that if we could not reduce the rates we could make it so that it will not be so expensive for the claimant to have his case litigated by sending the examiner where the claimant resides and where the claims originate.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. HUDSPETH. Certainly.

Mr. GARNER of Texas. The gentleman does not mean when he says that if we can not reduce the freight rates that he has any doubt but that they ought to be reduced?

Mr. HUDSPETH. Oh, no; not the slightest, but this is a character of assistance that can be given the producer and shipper if we give them sufficient money to send out examiners.

Mr. GARNER of Texas. I have no doubt that 95 per cent of the agricultural and stock-raising interests believe that they are being mistreated by the freight rates and discriminated against in favor of higher freight rates.

Mr. HUDSPETH. There is no question about that. As the gentleman from Kansas [Mr. TINCHER] to-day said, the high freight rates is one thing that is keeping the livestock grower on his back. That certainly is one thing that is "keeping the livestock grower on his back," and I do not see any encouragement at the present time of getting freight rates reduced.

Mr. GARNER of Texas. Especially when one-quarter of the United States is not represented on the commission. Instead of a representative from the stock-growing portion of the United States being given a place on the commission where he might be in sympathy, they appoint a railroad advocate in the city of New York.

Mr. HUDSPETH. I entirely agree with the gentleman that the great producing country down there seems to be discriminated against when commissioners are appointed. If we had a representative on the commission we would have some hope of getting the freight rates reduced.

The CHAIRMAN (Mr. TILSON). The time of the gentleman from Texas has again expired.

Mr. HUDSPETH. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALLEN. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. ALLEN. Has it not been the history generally that the Interstate Commerce Commission has raised rates instead of reducing them?

Mr. HUDSPETH. It has not been reducing rates in recent years on farm products very materially. And still I do not impugn the motives of a great majority of the good men comprising the commission.

Mr. ALLEN. In regard to other materials except farm products and livestock—the coal interests, for instance; coal is laid down at the mine in West Virginia at $1.45 a ton, and it costs $3.38 to get it to Washington and Baltimore. I notice that it sold recently for $8.50 a ton. I take it, my friend's statement is absolutely correct.

Mr. HUDSPETH. Mr. Chairman, again I want to congratulate the committee on making sufficient appropriation to send these examiners down where the claimants reside. That was my prime motive in rising, to find out whether or not they had made sufficient appropriation to send the examiner down there and relieve the overburdened shipper of the expense of coming to Washington and presenting his claim. [Applause.]

The Clerk read as follows:

For all printing and binding for the Interstate Commerce Commission, including not to exceed $10,000 to print and furnish to the States at cost report-form blanks, $160,000.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 20, line 4, after the figures insert a new paragraph to read as follows:

"No part of the appropriation herein made for the Interstate Commerce Commission shall be expended for investigation requested by either House of Congress except those authorized and directed by the concurrent resolution of both Houses."

Mr. CONNALLY of Texas. Mr. Chairman, I reserve the point of order on the amendment.

Mr. NEWTON of Minnesota. Mr. Chairman, we have had some discussion in reference to appropriations for the Interstate Commerce Commission and the lack of sufficient money in order to enable the commission to do its work. The commission has certain functions which are required by law and it has been unable to do this work because of insufficient funds. That insufficiency arises in two ways. The major proposition interfering with the work of the commission was the failure of the Director of the Budget to recommend a sufficient amount of money for the work of the commission. That has been cared for by the Committee on Appropriations in providing an adequate sum for this year. But further examination will prove that from time to time during the last two or three years one of the two branches of Congress passed a number of resolutions requiring the commission to make certain investigations of various situations connected with the work of the Interstate Commerce Commission on rate structure, transportation conditions of the country, and so on.

The commission felt that a request from either branch of Congress was in the nature of a mandate, and so when a request of that kind is made they drop the ordinary work of the commission, that Congress provides by law for it to do, and transfer the men who are at work on that to these general investigations that have been requested by one or the other branch of Congress.

The result of all this has been that with about 9 or 10 investigations that have been so requested during the past two or three years the time of the employees and the officers has been devoted to them instead of being applied to specific cases and requiring the elimination of the examiners in the field, also necessitating constituents of the gentleman from Texas, the gentleman from Kansas, the gentleman from Minnesota, and others to come down here and litigate their cases. The effect of this amendment will be to prevent the commission being diverted from its regular work unless the request comes by a concurrent action of Congress. If Congress sets aside certain moneys for a specific purpose, the work that Congress intends this to be used for ought not to be diverted and interfered with merely by the request of one of the branches of Congress.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. CONNALLY of Texas. Does the law at present require the commission to make investigations when requested by either branch of Congress or is that merely within the discretion of the commission?

Mr. NEWTON of Minnesota. I do not know of any provision in the law requiring the commission to conduct an investigation upon the request of either branch of Congress. Of course, the commission is the agent of Congress. Congressional powers have been delegated to that commission, and it feels that a request from one branch of Congress is something that ought to be promptly attended to.

Mr. CONNALLY of Texas. If that be true, if there is no law requiring the commission to act when requested by one branch of Congress, ought the gentleman to prohibit the commission from doing that? Ought not the commission to have discretion to do it or not to do it, as it feels it is best for the interest of the public?

Mr. NEWTON of Minnesota. I do not think the commission is required to do so under the law, but I do feel that the commission being an agency of Congress, it feels that if a request is made by one of the two branches of Congress, it ought to grant that request, and it is exceedingly embarrassing for the commission, regardless of the request, to refuse it.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. MOORE of Virginia. Has the gentleman made an examination that will enable him to tell us within a given period, say five years, how many resolutions asking for information the House has sent to the commission?

Mr. NEWTON of Minnesota. So far as I can ascertain the House has not requested any information of that character, but let me say that a resolution was passed by the other body a day or so ago that was never even considered by any one of the committees of that body. Action was taken upon it immediately upon the floor.

Mr. MOORE of Virginia. It does not seem to me from my recollection that the House has offended in this particular.

Mr. NEWTON of Minnesota. In no sense; but the House, and the constituents of Members of the House, have suffered a great deal because of diverting the commission's work in this manner.

Mr. McKEOWN. I take it, however, that being a creature of the Congress, we might be doing a wrong thing to say that we will not let it make an investigation when asked by either branch of Congress.

Mr. NEWTON of Minnesota. We have a similar provision in reference to investigations by the Federal Trade Commission.

Mr. McKEOWN. Yes; and I do not agree with that.

Mr. NEWTON of Minnesota. It was required because of the fact that so many investigations were being requested that the regular work of the Federal Trade Commission was being neglected.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. WHITE of Kansas. I want to ask a question which has nothing whatever to do with the gentleman's amendment. I have thought a great many times that every order of the commission having to do with freight rates in general, and every brief of the complainant and every brief of the carrier ought to be available to every commercial body in the United States, and to every board of trade and every official of any industrial organization that may desire it. Those briefs are short documents and I have found great difficulty in securing copies of the general orders applying to general reductions or advances in freight rates. There is no trouble about getting the information in relation to special orders applying to certain points and terminals, but to get those orders applying to the general reductions ordered by the commission, even since the railroads have been turned back to the owners, is impossible. They are out of print.

Mr. NEWTON of Minnesota. The gentleman is now talking about something that is in no way covered by the amendment.

Mr. WHITE of Kansas. I admit that.

Mr. NEWTON of Minnesota. But if this committee had not raised the appropriation from $125,000 to $160,000 nobody would have been able to get these opinions in time to ever make use of them.

Mr. WHITE of Kansas. Does not the gentleman believe that these general orders ought to be available to every person who wants them. They are not expensive.

Mr. NEWTON of Minnesota. Yes; but I think that the people wanting them ought to be willing to pay for their actual cost.

Mr. WHITE of Kansas. Certainly; but you can not get them at all now.

Mr. NEWTON of Minnesota. This committee increased the figure from $125,000 to $160,000 and made these available to the general public. These different investigations will be found in the annual report of the commission. In 1922 there were four of them requested, in 1923 three were requested, and an additional number is still pending. It seems to me that we ought to adopt the same principle with reference to the Interstate Commerce Commission and these investigations on the request of a single branch of Congress that we have adopted in respect to the Federal Trade Commission. I hope the committee will agree to the amendment.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minneston. Yes.

Mr. BYRNES of South Carolina. Is the amendment identical in language with the provision in respect to the Federal Trade Commission?

Mr. NEWTON of Minnesota. Substantially so. A word had to be changed here and there.

Mr. BYRNES of South Carolina. That an investigation can be ordered only by concurrent resolution of the Congress?

Mr. NEWTON of Minnesota. Yes.

Mr. BYRNES of South Carolina. I am in favor of the gentleman's amendment.

Mr. WOOD. Mr. Chairman, as far as the committee is concerned we accept the amendment.

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order against the amendment, that it is not germane to the part of the bill where it is offered and, furthermore, that it changes existing law in that it is legislation.

I make the point of order that it is not germane to where it is offered. I make the other point, too, but I insist on that point.

Mr. LaGUARDIA. Did the gentleman make the point of order it is also legislation?

Mr. CONNALLY of Texas. Oh, yes.

Mr. NEWTON of Minnesota. Does the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas wish to be heard further?

Mr. CONNALLY of Texas. Mr. Chairman, as far as the germaneness is concerned I call the attention of the Chair to the fact it is offered on page 20, line 4. Now, that portion of the bill to which it is offered provides for the printing and binding for the Interstate Commerce Commission, including not to exceed $10,000 to print and furnish to the States at cost report-form blanks, $160,000. That is the point in the bill to which the amendment is offered. The amendment reads as follows:

> No appropriation herein made for the Interstate Commerce Commission shall be expended for investigations requested by either House of Congress, except those authorized and directed by a concurrent resolution by both Houses of Congress.

Mr. NEWTON of Minnesota. Mr. Chairman, on the point of germaneness this is offered as a new paragraph, and the Chair will note in the language of the amendment it is a limitation upon the appropriations of this bill going to the Interstate Commerce Commission. It refers to the appropriations hereinbefore named. The only place that you could put the limitation upon all appropriations going to the Interstate Commerce Commission would be at the place to which this amendment is offered. The funds available will include not only the first item which was referred to, but will also include the last item, the printing item, so it is the only place to which it could be offered. So far as germaneness is concerned it is a limitation upon the use of the funds appropriated in this measure. If germaneness is the only point——

Mr. CONNALLY of Texas. It is not the only point.

The CHAIRMAN. As the Chair undestands the two points, one is that the amendment is offered to the wrong place in the bill and the other is it is new legislation?

Mr. NEWTON of Minnesota. So far as being legislation is concerned let me say simply this. Here is an appropriation bill, and here is a limitation placed upon the funds that are provided, and the precedent for it will be found in the Federal trade proviso which is in the present bill and is in existing law, put in one or two years ago.

Mr. CONNALLY of Texas. Mr. Chairman, I want to call the attention of the Chair to the fact that the gentleman from Minnesota evidently intended this to be in order on the ground that it is a limitation of an appropriation. I want to call the attention of the Chair that it is not offered as to any particular appropriation, but it is offered as a new section, and the Chair requires no argument, I am sure, on the point of its being legislation. The only way it can be in order, if it is legislation, is by being a limitation on an appropriation bill, because the gentleman from Minnesota himself admits that under the law at present the Interstate Commerce Commission has discretion to make such investigations or not as it sees fit, and the effect of this amendment, if adopted, will be to deprive the commission of this discretion and prevent it from investigating any matter as to which either House requests, except a question asked for by concurrent legislation of the Congress.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. CONNALLY of Texas. I will.

Mr. NEWTON of Minnesota. The Interstate Commerce Commission under the law can conduct investigations upon its own initiative.

Mr. CONNALLY of Texas. That is true.

Mr. NEWTON of Minnesota. And it does not depend upon a request of either House of Congress.

Mr. CONNALLY of Texas. Let us see if that be true under this amendment. That is true now, but the gentleman provides that if either House of Congress asks for an investigation then the commission can not do it. Even though the commission might have already made up its mind independently to conduct the investigation if either House of Congress asks for such investigation, unless the other body agrees to it, the jurisdiction of the commission is ousted under the gentleman's amendment.

Mr. NEWTON of Minnesota. If the gentleman will yield further. Does the gentleman deny the right of Congress to limit an appropriation within the authorization?

Mr. CONNALLY of Texas. Within a proper manner, no; but I do not think the gentleman has offered it in a proper manner.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Texas [Mr. CONNALLY] makes the point of order against the amendment offered by the gentleman from Minnesota [Mr. NEWTON]. First, upon the ground that it is offered at the wrong place. The Chair understands the amendment offered seeks to place a limitation upon all of the appropriations carried in this bill under the heading of the Interstate Commerce Commission. The Chair thinks this is the only proper place for it, the limitation coming as it does after an enumeration of all the purposes for which appropriations are made. Therefore the Chair overrules this point of order.

As to the point of order raised by the gentleman from Texas whether or not it is legislation it is sufficient to say that by the admission of the gentleman from Texas it is now authorized by law for the commission to investigate either upon the request of either House or upon a concurrent resolution of both Houses. This being admitted, then it must follow that Congress may appropriate for one object authorized by law and refuse to appropriate for another object authorized by law. It seems to the Chair to be the purpose of this amendment to refuse to appropriate for any other purpose now authorized by law except the one designated in the amendment, to wit, an investigation authorized or directed by concurrent resolution of both Houses. Therefore the Chair overrules the second point of order. An amendment is pending. Does the gentleman from Minnesota [Mr. NEWTON] claim recognition in behalf of his amendment?

Mr. NEWTON of Minnesota. No; the gentleman from Minnesota has spoken.

The CHAIRMAN. The gentleman from Texas [Mr. CONNALLY] is accorded recognition.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, I realize that my protest against this amendment may be unavailing. But at the same time I feel that the whole policy of the Interstate Commerce Commission, or, rather, a large part of the philosophy of the organization of that body, rests in its inquisitorial power. It is given the power to go into these large matters of transportation and allied questions and to furnish information to the Congress and to the country regarding them. I believe investigations of the public business, aside from their purely utilitarian purposes, as to the enactment of legislation that may be based upon those findings, are wholesome in the public interest. In this instance, under the law at present, the Interstate Commerce Commission is a quasi judicial body. It is not required under the present law to investigate a question when one House of Congress alone requests it, but it may do so if that question appeals to the judgment and the conviction of the members of the Interstate Commerce Commission. But the gentleman from Minnesota [Mr. NEWTON] by his amendment will prohibit, will take away from the Interstate Commerce Commission, that discretion that it now possesses. He will deny that authority which is now its own to investigate those questions. He will permit the Interstate Commerce Commission to investigate only in such a case when both Houses of Congress have requested it.

Does not the gentleman know how slow are the processes of such a course? Does not the gentleman realize that if one branch of the Congress—and we must yield to the Senate, the other branch, the same respect for its conscientious discharge of its duties as we claim for ourselves—does not the gentleman believe that when one House of the American Congress feels that some traffic question is of sufficient importance as to solemnly ask in a resolution passed here, after it has run the long gantlet of all the rules and objections and steering committees—does he not believe that when such a resolution emerges, representing at least the concrete judgment of one body, to ask a body like the Interstate Commerce Commission to investigate a traffic question—does he not believe that that commission, in the exercise of its functions, if it finds that that question ought to be investigated, that that commission should investigate that question and report its findings?

Mr. WHITE of Maine. I concede that under the law the Interstate Commerce Commission may make investigations of its own respecting various matters.

Mr. CONNALLY of Texas. Yes.

Mr. WHITE of Maine. Does not the gentleman fear this, that if we adopt a resolution, either House by a request for a specific investigation automatically takes from the commission the authority to initiate an investigation?

Mr. CONNALLY of Texas. I have never believed that technicalities in the law ought to be invoked to defeat the substance, but I will say to the gentleman that under the language of the gentleman's amendment that very result might be possible, because he provides that no part of the funds of the Interstate Commerce Commission shall be used in an investigation requested by either branch of Congress alone, but only when requested by both branches in a concurrent resolution.

Mr. WHITE of Maine. In other words, if the commission thought an investigation advisable, and either House thought it inadvisable, that would be a technical prohibition?

Mr. CONNALLY of Texas. Yes. I do not think the gentleman from Minnesota intended any such thing. But the philosophy of the gentleman from Minnesota is to lessen the power of the commission to inquire. His theory is to turn on less light, not more light. My theory is more light and not less light; that whenever the commission feels that it ought to investigate a question, and whenever that feeling is concurred in by either branch of Congress, it certainly is a question of sufficient dignity to call for an investigation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Now, of course, gentlemen, you want to be economical, and we all want to be economical. But here is a great institution, an institution that is vital to every man, woman, and child in the United States, vital to every person who wears clothes and eats food; they are all interested in this transportation subject; and are we so concerned with economy that we want to close the doors and windows of our minds to facts and information pertinent to this great problem? Do gentlemen so much value a seeming economy—not a real one—do gentlemen value it so greatly as to say, "We will hamper the activities of this inquisitorial body that acts, when it acts, as the representative of the people of the United States"? It is quasi judicial. Ought we to limit it by legislative direction when one branch of the Congress feels that a question ought to be investigated?

Why, my friends, let us suppose a case. Suppose that one of the bodies of Congress is elected for long periods and the other body is elected for short periods; suppose there is some question vitally affecting transportation; one body is controlled by one party, and the other body is controlled by another party. That question could not be looked into by this nonpartisan, this quasi judicial body, unless you could secure the consent and agreement of both bodies.

Gentlemen, I do not believe that this is a sound amendment. It is bottomed on the plea of economy, of course; it is bottomed on the plea of efficiency. But we can save money by wholly abolishing the Interstate Commerce Commission. You can save money in the Treasury of the United States by wiping out the Interstate Commerce Commission. But when you wipe it out, you may by so doing keep money in the Treasury, but at the same time you will take a great deal more money out of the pockets of the people of the United States, from whose purses must come the sums that are levied in the form of transportation charges.

I believe in investigations. I do not believe in star-chamber proceedings. I believe in turning the light on these problems.

Suppose one branch of this Congress should be reactionary, hard-boiled, and then we had to wait until it agreed to a request for the investigation of such a subject? We would wait, my friends, a long, long, long time. Why, the gentleman from Kansas [Mr. HOCH] introduced a resolution, as I recall, calling upon the Interstate Commerce Commission to investigate a certain question. I would like to ask the gentleman what became of that resolution. Did it pass both Houses, or was it simply a request on the part of this House?

Mr. HOCH. It was a concurrent resolution. The conference report was adopted by the House last June and has just been adopted by the Senate, and, I presume, it has gone to the President.

Mr. CONNALLY of Texas. But the commission has not yet acted.

Mr. HOCH. There has not been legislation until just now.

Mr. CONNALLY of Texas. It was not the law, but the commission——

Mr. HOCH. It has the effect of law.

Mr. CONNALLY of Texas. It will be the law when it is finally passed and signed. When did the gentleman introduce it? About two years ago, did he not?

Mr. HOCH. I think the first resolution was introduced in December, 1923.

Mr. CONNALLY of Texas. The gentleman has furnished me with an illuminating example. Here was this question of agricultural products. The gentleman introduced his resolution in December, 1923——

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask for two more minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. And here in January, 1925, after the corn out in Kansas, that was in existence in 1923 and concerning which the gentleman from Kansas wanted the freight rates adjusted, has already gone to market and after the cattle to which it was fed have been sent to Chicago and then slaughtered and the beef has been put upon the tables of the Members of this House—after all that corn is gone and all the beef is gone, we are going to investigate the question.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. WHITE of Kansas. I do not want to be facetious——

Mr. CONNALLY of Texas. The gentleman can not be facetious.

Mr. WHITE of Kansas. But I do not think we ever get any of that good beef in Washington.

Mr. CONNALLY of Texas. But a year and a half after those questions—which the gentleman from Kansas thought were burning questions that ought to be investigated—were first submitted the investigation is ordered, and probably it will be another year and a half after the investigation begins before we get a result. Yet the gentleman from Minnesota——

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. NEWTON of Minnesota. Can the gentleman name a single beneficial result that has ever come from the adoption of any one of these resolutions introduced in either branch of Congress?

Mr. CONNALLY of Texas. I will say to the gentleman that no human mind can trace through all of its ramifications a piece of information that starts somewhere and percolates down through the complexities of modern life and legislation. But that is no argument against information. These investigations will produce the facts, we hope; they will bring to light the data and the considerations upon which Congress will act. The gentleman's question does not meet the situation. We can not go through all of this complex life of ours and trace definitely any concrete act of one individual or of one thought or of one report. But I am standing for the broad proposition of not hampering the Interstate Commerce Commission in carrying on its investigations.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. WOOD. Mr. Chairman, I believe that if the gentleman from Texas who has been arguing against the adoption of this amendment had heard the gentleman who represents the Interstate Commerce Commission, that instead of opposing it he would have spoken in favor of it. Among the last things the gentleman said was that we should not hamper the Interstate Commerce Commission in trying to do the best it could for the people of this country. The Intertsate Commerce Commission is now greatly hampered because there is not an amendment such as is now proposed.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. CONNALLY of Texas. Does the gentleman mean to say that the Interstate Commerce Commission is not now required under the law to make these investigations, but is coerced into doing so because one branch of Congress requests it? That is the effect of the gentleman's language and I want to know whether he means it?

Mr. WOOD. Absolutely.

Mr. CONNALLY of Texas. It is a mighty poor judicial body that will be coerced if it does not mean or does not believe in the investigation it undertakes.

Mr. WOOD. I do not want the gentleman to misunderstand me and I do not want him to misunderstand the Interstate Commerce Commission, but he ought to know something about the operations of this commission. The Interstate Commerce Commission is now authorized by law to make certain investigations; they are also commissioned, by reason of resolutions passed by this body or the other body, to make other investigations. A great portion of the time of the Interstate Commerce Commission is occupied and the great machinery of that body—and it is one of the biggest we have in this Government—is deflected from the original purpose for which it was organized. That is true because the commission is called upon to investigate what purports to be the desire of some resolution—not many of them passed by this body, very few of them, but quite a number by the other body—and that results in taking away from them the very function for which they were originally created, and it hampers the commission in rendering the services which it desires to render to the Government.

Now, I do not think the gentleman wants to hamper the Interstate Commerce Commission, and it ought not to be hampered. It ought to be left to exercise its own discretion unless these is some resolution passed concurrently by both branches of the Congress. I say you should hesitate before you put these activities on the commission. That statement is not only true as to the Interstate Commerce Commission but it is true as to the Tariff Commission and the Federal Trade Commission. You should hesitate to put these activities on those commissions upon the mere whim of some one desiring an investigation, as has occurred many times, involving the expenditure of thousands and thousands and hundreds of thousands of dollars.

If these bodies were left to exercise their own discretion and their better judgment, they would prove better judges than we, because that is their business. They are organized for the purpose of doing certain specific things, and they calculate on doing those things according to their own judgment, but a resolution is passed through some spasmodic demand and without reason, and it changes the whole course of their conduct and requires the employment of all their men in an investigation with reference to shipping or with reference to rates just to satisfy a demand either of this House or the other body, and that ought not to be.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. HUDDLESTON. The gentleman remembers the cost-plus investigation carried on by the commission?

Mr. WOOD. Yes; that was made by the Federal Trade Commission.

Mr. HUDDLESTON. No; by the Interstate Commerce Commission—an investigation into the practice of the railroads of farming out repairs.

Mr. WOOD. Yes.

Mr. HUDDLESTON. That investigation was started under a resolution adopted in the Senate. The investigation disclosed that the railroads had let cost-plus contracts for repairs which had been made at a cost of from two to five times what it would have cost the railroads to do the work in their own shops, and that there was no reason why the work should not have been done in the railroad shops, and the gentleman remembers that as a result of that practice vast millions had been expended which the Government of the United States had to reimburse under the guaranty and other vast millions was charged to the consumers in increased railroad rates.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HUDDLESTON. I hope the gentleman will get some more time.

Mr. WOOD. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. HUDDLESTON. So that disclosure to the public resulted in the correction of this serious abuse and the practice of farming out repairs on cost-plus contracts, thereby saving not only to the railroads but to the consumers, who finally have to pay all these costs, many, many millions of dollars. This good work was done under a resolution adopted by the Senate. It would have been impossible had this provision that is embodied in this amendment been in force.

Mr. WOOD. No; it would not have been impossible.

Mr. HUDDLESTON. Does not the gentleman think that was a good work and well done?

Mr. WOOD. It would not have been impossible, for the reason that if there was virtue in the resolution offered in the Senate it could have been taken up here and we could have passed a concurrent resolution.

Mr. HUDDLESTON. We could have done it, but the gentleman must remember that partisan considerations are much more influential in the House than they are in the Senate, and that the House responds more slowly to public sentiment than the Senate, and, furthermore, that the small handful in control of whichever side happens to be in the majority here can do whatever they want to do, and that that small group would not have permitted the investigation I refer to.

Mr. WOOD. So far as I am concerned, I do not propose to subscribe to the sentiment expressed with reference to this body not responding to the will of the people as readily as the Senate. The time once was, perhaps, when the Senate was looked upon as being the conservative body, but I think demonstrations of the past few years have shown that the House is equally cognizant of the will of the people, and if there was any virtue in the resolution referred to by the gentleman it would have been recognized and acted upon more quickly here than it would have been over there.

Mr. CONNALLY of Texas. But did the House resolute on it at all?

Mr. WOOD. No; because it was not referred here.

Mr. CONNALLY of Texas. Why does the gentleman say it would have been acted on more quickly here? The gentleman could have introduced one if he had felt like it.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. WOOD. No. I first wish to say that there are always exceptions to any rule, and if the gentleman had had charge of this investigation as this subcommittee has had charge of it and could have seen, as the investigation discloses, abuse after abuse, I do not think the gentleman would be taking the position he does.

Mr. HUDDLESTON. Will the gentleman yield so I may call his attention to the fact that the disclosure of this iniquitous practice of the railroads was first made in the House. The House first had it, for I made the disclosure myself and printed the facts in the CONGRESSIONAL RECORD. Later there was a resolution introduced in the Senate which caused the investigation, something which could not have gone through in the House.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. NEWTON of Minnesota. Did the gentleman from Alabama introduce any such resolution?

Mr. HUDDLESTON. No. Does not the gentleman know that I have too much sense to introduce such a resolution, to have it referred to the Committee on Interstate and Foreign Commerce as now constituted, of which the gentleman happens to be a member, to investigate vicious practices of the railroads? [Laughter and applause.]

Mr. WOOD. Now that the gentleman from Alabama has gotten before this body the great service he has rendered, I wish again to appeal to this body and say that if this great Interstate Commerce Commission, which conducts one of the most important functions of this Government, is to do what it ought to do under its limitations and under its appropriations, it should not be handicapped by resolutions that are not of sufficient importance and benefit to have the approval of both bodies, and I believe gentlemen will agree with me that if the transportation system of this country is to be developed and is to progress as we would have it, and if the shippers of this country who are dependent entirely upon this commission are to have the relief they are demanding and to which they are entitled, the commission ought not to be handicapped by reason of resolutions that are not of sufficient importance to have the concurrence of both Houses.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. WOOD. I yield to the gentleman from South Carolina.

Mr. BYRNES of South Carolina. Is not this the situation? The Interstate Commerce Commission will present an estimate for funds to carry out the investigations demanded or required of it by law, many of them in the interest of the shippers of this country, and if thereafter one body in the Congress can present resolution after resolution to investigate all kinds of subjects, that money is diverted to the investigations and the shippers receive no relief through the conduct of the investigations required by law of the Interstate Commerce Commission.

Mr. WOOD. That is absolutely correct and that is the practice now.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word.

This amendment deals with the appropriation for the Interstate Commerce Commission for the fiscal year, and forbids the commission from doing certain things during that year. Now, if that is a proper thing to do for a single year, it is proper to do it permanently. If that is a right action, it ought to be of permanent application. I do not think anybody can controvert the logic of that proposition.

Now, what do we find? There are only four members of the Committee on Interstate and Foreign Commerce now on the floor. That committee is particularly charged with the duty of considering railroad legislation. Yet no bill having to do with what is now proposed by this amendment has been introduced or has ever been presented to the committee. Not a word on the subject has ever been said in the committee.

The gentleman from Minnesota [Mr. NEWTON], a member of the committee, without having introduced a bill or brought the subject before his own committee comes here and undertakes to have adopted an amendment with only about 40 Members on the floor, without any hearing having been held, undertakes to get something put into the law that he has not tried to get considered in his committee.

Such a method of legislation is ridiculous. It is calculated to bring the House into contempt that we should jump up on the impulse of the moment and adopt a measure of this far-reaching import. Why does not the gentleman introduce a bill if it is well to do this? Why does not he have the boldness to present a bill dealing with the subject in the committee? He does not know what will be the effect of his amendment; neither do I, nor does any Member here. He proposes to lead us in a leap into the dark, that may produce consequences that we do not dream of.

Mr. MOORE of Virginia. Mr. Chairman, I rise in opposition to the amendment. It seems to me that we are in danger of setting a very bad precedent if we adopt the amendment offered by the gentleman from Minnesota. The House heretofore has exercised its undoubted right to pass such resolutions as are now being discussed. House resolutions calling for information from bureaus, commissions, the heads of the departments, and even the President himself have been common. Nobody can say that it is not usually done or that it is done whimsically. It is a historical and valuable method of throwing the light of publicity upon transactions that involve the duties of the legislative branch of the Government. If a House resolution designed to obtain information is offered, what happens? It goes to a legislative committee. It is dealt with by that committee, and if reported favorably by the committee it has to be considered and passed by the House. It is not an extraordinary or impulsive proceeding.

If only the Interstate Commerce Commission were concerned, I might not antagonize what has been proposed by my friend from Minnesota, because my experience is that almost anyone who wishes to obtain data from that commission or wants information of the commission can get it by individually calling at the office of the commission. But we must look beyond the Interstate Commerce Commission. If the principle suggested is a wise one, it ought not to be confined to the commission but applied to all of the Government agencies. Where is any limit to be found?

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. NEWTON of Minnesota. Let me remind the gentleman that it is applied to the Federal Trade Commission and, my impression is, to the Shipping Board.

Mr. MOORE of Virginia. I have just looked at the statute creating the Federal Trade Commission and find it provides that the Federal Trade Commission must act in response to a resolution passed by either branch of Congress.

Mr. NEWTON of Minnesota. Let me say to my friend that this very appropriation measure that we are considering contains a limitation substantially in the same words as the amendment proposed for the Interstate Commerce Commission and the existing appropriation law for the Federal Trade Commission contains a similar limitation.

Mr. MOORE of Virginia. I regret to hear it. I think the House when it approves the theory in question is surrendering its power—a surrender that is not justified by a slight saving of expense.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. HUDDLESTON. The proviso merely illustrates that there is an effort to hamstring the Federal Trade Commission in its effort to secure competitive trade and honest commercial practices in this country.

Mr. MOORE of Virginia. I will not assume that there is any effort of that sort, nor will I assume the existence of any such effort relative to the Interstate Commerce Commission. All that it is necessary for me to say is that we are back

tracking. We are doing something that has never been suggested before and in my humble judgment we ought not to think of doing it now. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. NEWTON of Minnesota) there were—ayes 17, noes 20.

So the amendment was rejected.

The Clerk read as follows:

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

For scientific research, technical investigations, and special reports in the field of aeronautics, including the necessary laboratory and technical assistants; traveling expenses of members and employees; office supplies and other miscellaneous expenses, including technical periodicals and books of reference; equipment, maintenance, and operation of a research laboratory, known as the Langley Memorial Aeronautical Laboratory; maintenance, operation, and exchange of one motor-propelled passenger-carrying vehicle; personal services in the field and in the District of Columbia; in all, $522,000, of which amount not to exceed $52,680 may be expended for personal services in the District of Columbia: *Provided*, That of the amount appropriated herein $40,000 shall be available only for the construction of an additional laboratory building in connection with the research laboratory at Langley Field, Va.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 20, line 15, strike out the language "one motor-propelled passenger-carrying vehicle."

Mr. BLANTON. Mr. Chairman, Washington is noted internationally for being a city of beauty. Next Monday they are going to start what is known as a double-deck bus up and down Sixteenth Street, which, I take it, will soon be named the Avenue of the Presidents. I came down Sixteenth Street this morning and my mind and my heart have been disturbed ever since. I saw one of those double-deck busses that has not begun to run yet with a bunch of laborers on top of it going down the space right next to the sidewalk cutting all of the limbs off of the trees so that it would have a clear way of going down the street without being interfered with by the trees. That is a desecration that ought to stop. If the commissioners of this city were responsible to the people here instead of to politics for their office, they would not permit that. In some cities if you were to let a corporation for a commercial reason destroy the beautiful trees of the city, you would find the property owners there with shotguns to stop them.

I can not understand why the commissioners of the city will let a business enterprise of that kind go up and down that beautiful Sixteenth Street and destroy these trees. I happened to be in the company this morning of our friend the Doorkeeper of the House, Mr. Kennedy, who lives out where I do and we were together and that was the subject of our conversation all the way down to the Capitol. It hurt us both to see that action taken.

Mr. LAGUARDIA. Was not something said on the floor of this House to the effect that they would not be permitted to cut the trees?

Mr. BLANTON. I do not remember. They do as they please. They go and get an order from the commissioners, and what do these greedy corporations care about trees? It is the money that they are after.

Mr. LAGUARDIA. My recollection is that it was expressly provided when the matter came up here.

Mr. BLANTON. I hope the newspapers of this city will make it so hot for these commissioners that they will take a stand and stop it. They ought not to be permitted to cut a limb off of a tree. They ought not to be permitted to destroy a single tree on any street in Washington.

Mr. WEFALD. Does not the gentleman remember the Bible story about Absalom and what happened to him? It might happen here if they did not trim the trees.

Mr. BLANTON. I remember, and if we could hang them up like Absalom was attended to possibly it would not——

Mr. WEFALD. The gentleman would not object?

Mr. BLANTON. I will not object. The gentleman will find out they are acting more wisely than did the distinguished gentleman to whom the gentleman has referred. They are taking obstacles out of the way and they are going to have an open path down that street.

Mr. WEFALD. The gentleman referred to had not acted very wisely and did not abide by the caucus.

Mr. BLANTON. Yes. But the gentleman is getting partisan and now I will yield the floor.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

TARIFF COMMISSION

For salaries and expenses of the United States Tariff Commission, including purchase and exchange of labor-saving devices, the purchase of professional and scientific books, law books, books of reference, newspapers and periodicals as may be necessary, as authorized under Title VII of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, and under sections 315, 316, 317, and 318 of the act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922, $712,000, of which amount not to exceed $569,980 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

Mr. CHINDBLOM. Mr. Chairman, I make a point of order against the proviso beginning with the word "provided" in line 19, on page 25, and extending to the end of the paragraph, including the word "representative," on page 26, line 2, on the ground that it is legislation upon an appropriation bill and is not a limitation nor an exception coming within the Holman rule for retrenchment of expenditures.

Mr. BYRNES of South Carolina. Mr. Chairman, I submit this amendment was offered last year and the point of order was argued at length and the Chair decided this very question, and I cite the Chair to page 5529 of the RECORD of April 3, 1924, wherein the Chair ruled as follows:

The CHAIRMAN (Mr. REECE). The Chair is ready to rule. It seems to the Chair that this amendment is similar to other amendments which have been offered to appropriation bills. It appears to him that it is a limitation and that the amendment does not change organic law. He has listened with interest to what the gentleman from Indiana has said in connection with the phrase "Who shall hereafter participate in any proceeding under said section," and the Chair thinks that it does not change existing law but refers particularly to the appropriation carried in this bill. If some expression similar to the word "hereafter" should not be inserted, it might be considered to be retroactive; that is, prevent some one who has already served under such conditions from receiving his salary. The Chair has examined a number of precedents, and they seem to substantiate his view. The Chair, therefore, overrules the point of order.

An identical point of order was made by the gentleman from Indiana [Mr. WOOD] and it was overruled by the Chair, and I submit that the question has been decided.

Mr. BLANTON. Mr. Chairman, I make the further point of order that the point of order made by the gentleman is not well taken because that very word "hereafter" was put into this same appropriation bill last year and that the word "hereafter" made this permanent law, and the gentleman can not raise the point of order against it now because it was carried in the last appropriation bill with the word "hereafter" in it. It has been held time and time again that if you use the word "hereafter" that makes it permanent law, and that if you leave it out it does not.

The CHAIRMAN. The Chair understands the contention of the gentleman from Texas is that it is now the permanent law and it is not necessary to carry the language here.

Mr. BLANTON. It is merely surplusage, as it is the law. The word "hereafter" was put in the last bill.

Mr. GREEN. If the gentleman will permit one observation. As far as the word "hereafter" is concerned as used in the preceding law, it simply stated that no part of that appropriation shall hereafter be used. The appropriation act of last year said that no part of that appropriation shall hereafter be used. It is not in the sense in which the gentleman from Texas uses the term.

Mr. CHINDBLOM. Mr. Chairman, I am entirely familiar with the action taken upon the consideration of this bill last year. The distinguished General Butler once appeared before the Supreme Court of the United States and offered a second motion for a rehearing. The court asked General Butler whether he was not aware that the rules of the court prohibited a motion for a second rehearing. He replied that he would not have had the temerity to appear before the court if he had not known what the rules of the court contained. One

of the Justices of the Supreme Court then asked him how many times he thought that court should rehear a case. He replied, "With all deference, as many times as might be needed in order to assure justice." That was the reply of a distinguished counselor, and the court listened to him and upon its own motion took the case again under advisement and reversed its former opinion. Now, I submit to the Chair that this matter was not so conclusively disposed of a year ago that it can not now be considered again. The gentleman from Texas [Mr. BLANTON] has fallen into apparently the same error that some gentlemen fell into in the discussion at that time, conceiving that the word "hereafter" had any effect in the way of making this permanent legislation. The distinguished gentleman who was presiding in the Committee of the Whole House on the state of the Union at that time disposed of that question, because he said in his opinion and in his ruling that the word "hereafter" did not refer to the permanency of the legislation but referred to the use of the appropriation contained in the bill under consideration.

I submit, with all due deference, that this matter was not as thoroughly considered a year ago as the gentleman from South Carolina [Mr. BYRNES] has suggested. I find that the gentleman from Kansas [Mr. HOCH], who proposed this amendment, used an argument on this point of order which I think is beside the question. I call particular attention to the language on page 5729 in the RECORD of the Sixty-eighth Congress, first session, on April 3, 1924, where he said:

> In order to answer that question, we must ask ourselves this question: Is it required of a member of the Tariff Commission that he shall sit in every hearing regardless of whether he has a personal interest or not? Certainly it is not. A member of the Tariff Commission can step aside in any particular hearing wherein he has a direct personal and pecuniary interest, and not only would not violate any law but would be following out the common practice of all other commissions similar in character, as well as all judicial and quasi judicial bodies.
>
> Let me call the Chair's attention to the fact that the situation of the Interstate Commerce Commission is exactly parallel. There is no law compelling members of the Interstate Commerce Commission or of the Tariff Commission to sit in any hearing in which they have a direct personal interest or no law denying their right to do so.

And further, on page 5730, the gentleman said with reference to another case:

> Certainly if that amendment was in order this one is in order, because this does not change any substantive law in any respect. It simply directs the members of the United States Tariff Commission that when a case comes up under the flexible tariff provisions in that case he shall step aside.

I will concede that that was the effect of the amendment then pending, and that is the only effect of this proviso—to prevent members of the Tariff Commission from taking part in certain cases. I submit that it does not limit the expenditure of the money or is designed to limit the expenditure of the money. The purpose is to prevent members of the Tariff Commission from sitting in certain cases; and that, I submit, is a change in the existing substantive law relative to the duties and powers of the members of the Tariff Commission.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. BYRNES of South Carolina. The gentleman does not contend that a member could not sit during the consideration of a schedule. There is nothing in this amendment which prevents him from serving. It simply says he can not be paid if he does do it.

Mr. CHINDBLOM. I am quoting the language of the gentleman who submitted it a year ago, and I am quoting the argument made in behalf of the amendment, which induced the gentleman then occupying the chair to hold the amendment in order.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. COLTON. Does not this lay down a rule that is tantamount to a statutory disqualification of a member of the commission?

Mr. CHINDBLOM. Yes. Further, as to limiting expenditures, I will say that this amendment involves further enormous expenditures. It will be necessary for the Comptroller General, if he carries out this proviso, each month when he vouches for the payment of a salary to go back into the record of the Tariff Commission to ascertain whether a particular member has sat on the cases enumerated here; to ascertain whether he has disqualified himself from obtaining the compensation herein provided.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. BLANTON. Is the gentleman in favor of one of these members sitting in a matter in which he has a financial interest?

Mr. CHINDBLOM. The gentleman is talking about the merits of the substantive law.

Mr. BLANTON. If it is meritorious, why not let it go through?

Mr. CHINDBLOM. I do not think we should permit legislation to be enacted in that way, within our parliamentary rights.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. CROWTHER. Does not this destroy one of the fundamentals in the original law by making this commission not nonpartisan, but partisan, for one is set aside?

Mr. CHINDBLOM. If I were discussing the merits I would agree entirely with the gentleman.

Furthermore it might be said that it makes it impossible for members to sit on the commission unless they have no business experience and no substantial interests whatever. I submit to the Chair that while the proviso was held to be in order a year ago, it appeared by the language of the Chair at that time that he had been particularly impressed with the argument that this word "hereafter" made it permanent law, and he was deciding that it did not have that effect, and in that regard I think he was correct.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. GREEN. I did not read the previous law with exact correctness, although it does not change the argument I made. It applied only to last year's appropriation.

The CHAIRMAN. Does the gentleman from Illinois yield the floor to the gentleman from Iowa?

Mr. CHINDBLOM. Yes.

Mr. GREEN. The proviso says:

> *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceeding under sections 315, 316, 317, and 318 of said act approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney, or legislative agent, or special representative.

Mr. GARRETT of Tennessee. Mr. Chairman, whatever the opinion of one may be as to the propriety of a limitation on an appropriation, so far as merit is concerned, it seems to me that there can be but little question about the precedents. While I do not have them here at my finger tips I feel quite sure that one could find in the legislation passed during the last quarter of a century innumerable cases that would be exactly on all-fours with the proposition contained in the limitation that is here to be made. The question was decided once on this very proposition. Of course I shall not refer to the merits of the proposition. Some things gentlemen have said under guise of argument on the point of order go to the merits, but I shall not go into them. It seems to me under the precedents, well established precedents, there can be no doubt about this being in order.

The CHAIRMAN. The Chair is ready to rule. Having been informed in advance that a point of order would probably be made on this paragraph, the Chair took occasion to examine such of the precedents as he could find readily, and found only one that was directly in point, and that was the one last year, when this provision was the subject of a point of order.

The Chair has taken occasion to read all the arguments pro and con in that case, and has come to the conclusion that the ruling of last year was made without opportunity for a thorough consideration of all the points that should have been covered in the discussion of the matter.

The first point that appeals to the Chair is that this is not a limitation upon an appropriation touching the qualifications of the members of the Tariff Commission, but is a restrictive limitation upon their participation in the proceedings of that commission.

If the limitation were simply as to the qualifications of the members of the commission providing that no member who owned any stock in any corporation which was being investigated could be a member of the commission it would be in accord with a long line of precedents in this House, but it is not directed to the qualifications of those who are to receive the appropriation. It says:

That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections—

enumerating them—

* * * wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

It seems to the Chair, that instead of being a limitation of the appropriation it in effect limits the participation of a commissioner in the lawful proceedings of the commission, under the penalty of losing his salary.

There is this additional point that appeals to the Chair, namely, the additional duties that are imposed upon an executive officer, the Comptroller General. As was pointed out by the gentleman from Illinois [Mr. CHINDBLOM], the Comptroller General, before he can safely pay the salary of any one of these commissioners, must find out and satisfy himself that such member has no interest and that no member of his family has any special, direct, and pecuniary interest in, or that he has acted as attorney or special representative for any of the corporations investigated. The imposition of additional duties upon an executive is in effect legislation.

The Chair expresses no opinion as to the legislation itself. The legislative committees of this House are open at all times for the consideration of proper legislation in regard to these matters. It seems to the Chair that it would be a dangerous precedent, and one that would tend to involve us in the mazes of rider legislation on appropriation bills, to admit over a point of order language of this kind on an appropriation bill. Therefore, the Chair sustains the point of order.

Mr. WOOD. Mr. Chairman and gentlemen of the committee, in some respects I agree heartily with the gentleman from Texas [Mr. GARNER] with reference to this Tariff Commission law, but I want to admonish the Democrats. This is your creation, not ours. If I were framing a law for a tariff commission, it would be a partisan commission. Every member on it under a Republican administration would be a Republican believing in a protective tariff policy, and you gentlemen believing in your ideas should have the same right to have your kind of a commission; and I shall tell you why it would be eminently more fair than as it is now constituted. If these gentlemen are evenly divided, three of them believing in a protective tariff, three of them believing in a free-trade policy, you can see that they just lock horns immediately. That is what happens. If they were all Democrats, then the judicial temperament would be appealed to rather than the political.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BYRNS of Tennessee. I know the gentleman is fair, partisan though he be. If the gentleman were making the appointment, and the law specifically and emphatically provided for three Republicans and three Democrats, would the gentleman obey the law and appoint three Republicans and three Democrats, or would he place a half-baked Democrat on this side of the commission?

Mr. WOOD. I would try to obey the law.

Mr. BYRNS of Tennessee. I am sure the gentleman would.

Mr. WOOD. But we have had examples, not only in the past but perhaps in the present, of where gentlemen who have the appointing power have been fooled. I never thought that Mr. Wilson should have appointed Mr. Kent on this board, because we all knew, who were Members of this Congress, that every dollar he had made was by reason of a protective tariff on the industries in which he was interested, and he advocated a free-trade policy, particularly on wool. Yet knowing that fact, Mr. Wilson appointed him a member of this board as a Republican.

Mr. BYRNS of Tennessee. Does the gentleman indorse that conduct?

Mr. WOOD. I do not.

Mr. BYRNS of Tennessee. Is the gentleman going to have his President do that?

Mr. WOOD. I am not justifying that; but I say that you gentlemen are inveighing against the present administration or the administration of Mr. Harding for appointing Mr. Glassie. I do not know Mr. Glassie, and I would not know him if he were to come in here this minute. I understand that he is a Democrat, but that he is a protective-tariff Democrat, because he comes from a section of the country that is interested in protection on sugar. Suppose my good friend from Texas [Mr. GARNER] were a member of this board and that the question involved was whether there should be a tariff on the fleece of goats; where would he be?

Mr. GARNER of Texas. I would render a verdict, just as every other Democrat would do, that you could not have a tariff on goat hair any higher than a competitive tariff. That is the verdict that I would render, just as every Democrat ought to.

Mr. STEVENSON. Was the Mr. Kent to whom the gentleman from Indiana refers permitted to attend the Republican conferences or caucuses?

Mr. WOOD. He was not here in the days when we had caucuses——

Mr. STEVENSON. Whatever you had, did you invite him to them?

Mr. WOOD. But I say to you that if he had the same predilection now that he had then, I would not invite him.

Mr. STEVENSON. Was he invited in those days?

Mr. WOOD. Well, we had no caucuses in those days.

Mr. STEVENSON. The gentleman's party had conferences, did you not?

Mr. WOOD. Oh, yes. Of course, anybody can be admitted to a conference, but nobody is bound by a conference.

Mr. STEVENSON. And if they are invited to your conferences does not the gentleman think that President Wilson had a right to assume that they were Republicans and therefore complied with the law?

Mr. WOOD. That is a subterfuge. President Wilson kept pretty close tab on what was going on in Congress and he knew the exact position the men occupied upon the question. But this is far afield.

Mr. BYRNES of South Carolina. I desire to ask the gentleman in regard to Mr. Kent. I ask whether the gentleman from Indiana or any other Republican Member of the House protested against the appointment of Mr. Kent as a Republican, or whether they did not indorse him as a Republican, many Republican members of the Ways and Means Committee?

Mr. WOOD. I do not know whether they did or not. I do not think it would have done any good if they had, because of the fact that if there ever was a President in the United States who just simply had cowed the Senate in his administration it was President Wilson.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOOD. I ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD. Now, gentlemen, we can inveigh here against this question as much as we will, but after all let us understand what this law is. The law does not provide that the member of this commission shall have any deciding power, and I think that the Chairman was exactly right in striking that out on the point of order because no matter what they might be, all partisans of one or the other, they are simply a fact finding commission, and if they report back to the President of the United States and if he finds them to be the facts he can act upon those or not as he sees fit. Now, suppose three of those gentlemen find a certain set of facts which in their opinion should be controlling, and the other three find the other way. Then after all it is left to the President the best he can to determine what is best for the country upon the opinion he has. Suppose it is very confusing as it is now confusing by reason of this bipartisan condition where there is a contest of minds in reference to a policy instead of in reference to a finding of facts, and that is the reason why I say it is infinitely better if they were all of the same opinion, and if they were all of the same opinion they would be fair in trying to ascertain the facts.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WOOD. I will.

Mr. GARRETT of Tennessee. The gentleman stated at the outset that the Tariff Commission was of Democratic origin. That is, of course, correct. But the flexible provision of the tariff law was of Republican origin.

Mr. WOOD. That is correct.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. WOOD. I will.

Mr. CHINDBLOM. Since the President might act or not as he sees fit upon representations of the Tariff Commission, he could also act when he sees fit to act, could he not?

Mr. WOOD. Absolutely.

Mr. CHINDBLOM. Then why complain of not acting at a particular time?

Mr. WOOD. Gentlemen, I will tell you where the whole mistake is, in my opinion. The tariff proposition ought to be an economic and not a political proposition. The time once was when it was a shibboleth of the Democratic Party to inveigh against the protective tariff, and it even went so far as to declare it unconstitutional, and our good old friend Champ Clark,

for whose memory I shall ever have the greatest reverence, said that if he had his way about it he would raze every custom-house in the United States. Now, then, you gentlemen upon that side have gone far away from that position. You gentlemen from Texas, you gentlemen from Florida, you gentlemen from the undeveloped South are more interested in a high protective policy to-day than manufacturing is, and it means the development of your country, and you know that there is not a day that passes but what your people are becoming more adherent to the policy of a protective tariff on account of the undeveloped interests of the South.

Mr. GARNER of Texas. Will the gentleman yield there?

Mr. WOOD. I will.

Mr. GARNER of Texas. I understood the gentleman to say, and that was the argument of those who supported the flexible tariff, that we should take the question out of politics and that it should become an economic question, and therefore we should have a Tariff Commission for the purpose of doing that identical thing; but how can you do that unless you have a bipartisan commission instead of a partisan commission, such as the gentleman wants?

Mr. WOOD. You will never do it in the world, in my opinion, with a so-called bipartisan board.

Mr. GARNER of Texas. How are you going to take it out of politics and make it an economic question if you make it a partisan question at the same time?

Mr. WOOD. I will tell you how to take it out of politics. When your convention in your next presidential campaign comes along declare that it is an economic and not a political question. The Republican Party has taken that position long ago, and it was the cornerstone upon which it has made itself great and by which it has established itself in the confidence of the people of this country.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GREEN. Mr. Chairman, there is no necessity that I should enter into any defense of the President of the United States, but I would say that exactly what I thought would happen has come about since this provision called the "flexible tariff" has become part of our laws. In other words, the Tariff Commission has been drawn into political controversies. Difficulties have ensued with reference to the appointment of members of the Tariff Commission. That commission has lost credit in various quarters. It no longer has the standing that it once had; and, as I believe, its usefulness has been seriously impaired.

Some reference has been made to the appointment by President Harding of Mr. Glassie as a Democrat, and it has been said that nobody on this side knew anything about Mr. Glassie and his Democracy. I know nothing whatever about it myself, but I will venture this assertion beyond all danger of contradiction that Mr. Glassie's Democracy is as well established as the Republicanism of Mr. Kent or the Republicanism of Mr. Culbertson. None of those gentlemen have been very prominent in partisan matters, with the exception, possibly, of Mr. Kent, who was prominent enough to lead a large number of gentlemen on this side of the House to consider him as not a Republican at all. Nevertheless, he was appointed on that commission by President Wilson as a Republican.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. GREEN. Yes; I yield to the gentleman from South Carolina.

Mr. STEVENSON. From which side of the House did Mr. Kent get his committee assignments when he was in the House?

Mr. GREEN. He got them from the prevailing, the majority, side of the House, on the request, possibly, of the Republican organization. But I am talking of a period when he had left the House.

Mr. WEFALD. Was he from Wisconsin?

Mr. GARNER of Texas. Mr. Chairman, I think my friend from Iowa ought to say that while Mr. Culbertson might not have been an outstanding Republican, yet Mr. Harding reaffirmed Mr. Wilson's judgment of him by reappointing him as a member of this commission as a Republican.

Mr. GREEN. I do not care to go into that. But I want to say that when an attack is made on the President with reference to the appointment of Mr. Lewis we can know nothing about another matter that enters strongly into that question. The President reappointed Mr. Lewis, but he has not sent his name to the Senate for confirmation for the reason that political matters enter into consideration as to whether or not the appointment will be accepted by the Senate; and while I have had no communication from the President on the subject, I think that is the reason why Mr. Lewis's appointment has not been sent to the Senate.

Now, let me go further: The Tariff Commission was appointed in the first instance by President Taft in 1911. This board was bipartisan in its membership. Subsequently, a new law was passed by a Democratic Congress retaining the bipartisan feature. As long as the Tariff Commission had nothing to do except to report facts, nobody ever rose in this House attacking any member of the commission, nor was there any trouble about the appointments on that board. It was sufficient that we should understand and believe that the members were honest enough and fair enough to report facts as they found them; and, consequently, as the reports came over from the Tariff Commission to the Committee on Ways and Means, both Democrats and Republicans on that committee accepted them.

Mr. GARNER of Texas. Will the gentleman yield there for one suggestion as to Mr. Lewis?

Mr. GREEN. Yes.

Mr. GARNER of Texas. The gentleman, perhaps, fears that the Senate may not confirm Mr. Lewis. If the President sends his name to the Senate as a Democrat, no Democrat there will object to his confirmation.

Mr. GREEN. I do not know anything about that; but I do know that political matters have become involved in the make-up of the Tariff Commission, and that is exactly what we ought to have expected.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa that he may proceed for two minutes more?

There was no objection.

Mr. GREEN. What we want is a Tariff Commission whose findings will be accepted by the Members of this House and by the country at large. We shall never have it as long as we have this so-called "flexible tariff" provision in the law, which throws the whole matter into politics. The findings and reports they make to the President are now made a subject of political controversy. The usefulness of the commission is greatly impaired, and I hope before long that that provision will be taken entirely out of our law.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. GREEN. Yes.

Mr. CROWTHER. If it had been possible for us to establish the American valuation, we never would have had to bother with this flexible clause, would we?

Mr. GREEN. I do not want to go into that. I think the Tariff Commission shoul be a fact finding commission, and a fact finding commission alone. Then its findings would be accepted by the House as conclusive, as the reports of the Tariff Commission heretofore were always received.

Mr. OLDFIELD rose.

Mr. WOOD. Mr. Chairman, I move that all debate on this paragraph shall close in 10 minutes.

Mr. BANKHEAD. Mr. Chairman, we have been in session since 11 o'clock this morning, and there are several important provisions in the bill that will require considerable discussion. Would it not be expedient, after the conclusion of the speech of the gentleman from Arkansas [Mr. OLDFIELD], that the committee should rise? It will hold us very late if we wait for the full and complete consideration of this bill.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto close in 10 minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Arkansas [Mr. OLDFIELD] is recognized for five minutes.

Mr. OLDFIELD. Mr. Chairman, I thoroughly agree with the gentleman from Iowa, Judge GREEN, in regard to the flexible clause of the tariff law. I remember quite well that he and I agreed upon that proposition in the committee. I think that provision ought to be repealed; and in addition to that, gentlemen, if we are going to have a partisan tariff board, then the whole Tariff Commission provision ought to be stricken from this bill now.

Therefore, I want to indorse and speak for the amendment offered by the gentleman from Texas [Mr. GARNER] striking out the whole provision with regard to the Tariff Commission. The gentleman from Indiana [Mr. WOOD] said—and I have great respect for him—that he does not see how three Democrats and three Republicans can agree upon any tariff proposition. Well, we can not agree very well upon that, but I can take the gentleman from Indiana—and he is a Republican and I am a Democrat—and I know we can take a certain set of facts and agree that they are facts. And that is all the Tariff

Commission is supposed to do. Many times the members of the Ways and Means Committee have asked the opinion of the Tariff Board when they would come there about certain things, but the members of the board would invariably answer, "We did not come here to express an opinion with regard to a policy; we came here to give you the facts as we have been able to find them." That is what they have always done and that is the purpose of this law.

I remember quite well when the Tariff Commission was proposed. I was in favor of it, and I was in favor of it because I thought it was wise for the Congress to have all the facts from every source. I felt then and I feel now that if the Tariff Commission was a bipartisan commission, so that three of them could watch the other three as to the facts and then bring those facts and lay them before us, there would be no disagreement as to the facts. However, it seems it is not only a question of a disagreement as to the facts which have gone to the President, but that there is a disagreement with regard to policy. Now, gentlemen, if we are going to have that situation—and it looks very much as though we are going to have that situation—it will not bring about the best results for the American people.

I want to say that there was a provision in the law that was left out which would have enabled the President of the United States, if he had so desired, to appoint as members of the Tariff Commission the representatives of particular interests. Think of the dangerous practice of appointing a man as a member of this commission who represented the sugar interests here for years. Think of the dangerous practice of appointing as a member of this commission a man who has represented the lumber interests here for years, and yet I am afraid the President has already made one of those mistakes. I do not want to say that is true until I have had an opportunity to investigate, but I have reason to believe the President has made that very mistake and that he has appointed as a member of a certain commission a man who has been here for years acting as a lobbyist for special interests. I say that is not fair to the American people, and it is not fair if we intend to keep the commission a bipartisan commission.

Mr. CROWTHER. Will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. CROWTHER. The gentleman made the statement that there would be no divergence of opinion among the members of this commission as to facts, but I call the gentleman's attention to the fact that on two or three of the propositions that have been presented to them under the flexible clause there have been both majority and minority reports and a great divergence of opinion as to facts.

Mr. OLDFIELD. As to facts?

Mr. CROWTHER. Well, at least, as to the conclusions they draw from the facts.

Mr. OLDFIELD. There might be a difference as to the conclusions drawn from the facts, but it was the intention to have the members of the Tariff Commission avoid conclusions and let us draw the conclusions. Let them give us the facts. Of course, the gentleman and I will not quite agree, and we never do on tariff questions. That is all right and that is perfectly proper. But the gentleman and I can sit down and agree on the facts if they will give us the facts.

Gentlemen, if this commission is going to find the facts and then draw their own conclusions from them it is a detriment to the American people and to the country instead of helping in thrashing out this great question of the tariff. Therefore, I want to vote on the question of abolishing, so far as this law is concerned, the Tariff Commission. [Applause.]

Mr. BEGG. Mr. Chairman, I move to strike out the last word. I do this for the purpose of relieving the mind of my genial friend from Texas [Mr. GARNER], who complains because a certain gentleman having been appointed to the Tariff Commission by President Harding did not ring true as a Democrat, namely, Mr. Glassie. I do not know whether Mr. Glassie is a Democrat or not, but I believe I can go far enough to say that I know he was represented as a Democrat to President Harding, else he would not have been named.

Now, great stress is laid on the fact that Mr. Glassie has resisted the reduction of the tariff on a certain commodity. It may be refreshing to the gentleman from Texas to learn, or, rather, recall to memory the fact that the first tariff board appointed was appointed by a Democratic President, Mr. Wilson. I happen to have a little information regarding the personnel of that board, and up to this good hour you have never heard a Republican complain because any one of his appointments of Republicans failed in any respect to ring true on that particular thing, the protective tariff.

One of the first commissioners was Mr. Taussig, a Democrat without any question or doubt. The next man on the list was Mr. Kent, a former Member of this House. When the passage of the Underwood bill was before the House and on a motion by Mr. Payne, of New York, to recommit it to the committee, Mr. Kent voted as a Democrat, and on the passage of the bill Mr. Kent voted as a Democrat on the tariff. Now, I do not believe you would go so far as to say that Mr. Wilson had violated the law and had failed to name a Republican when he named Mr. Kent. If you are going to say that Mr. Harding violated the law when he named Mr. Glassie because he was not an outstanding antitariff man in the Democratic Party, I will call the gentleman's attention to the fact that both Senators from Louisiana, and I believe I am correct when I say some of the House Members from Louisiana, when the passage of the Fordney-McCumber tariff bill was before the House, voted affirmatively. Yet the gentleman from Texas would not question for a moment their Democracy.

Mr. GARNER of Texas. Yes; I would. Will the gentleman yield, because I do not think he wants to place me in an incorrect position?

Mr. BEGG. Yes; I yield to the gentleman from Texas.

Mr. GARNER of Texas. I would question the Democracy of either the Senators from Louisiana or any Member of the House from Louisiana when it came to functioning on the Tariff Commission as Democrats, who favored a high protective tariff.

Mr. BEGG. Would the gentleman question the Democracy of a man who made a speech on the emergency tariff and never printed it?

Mr. GARNER of Texas. Oh, well, I think I can get by with mine. [Laughter.]

Mr. RAINEY. Will the gentleman yield?

Mr. BEGG. I would like to call attention to the rest of the personnel and then I will yield.

The next appointment was that of Mr. Roper, and nobody questioned his Democracy. The next appointment was of Mr. Culbertson, of Kansas, and nobody outside of Kansas, perhaps, ever heard of Mr. Culbertson's Republicanism, and even though he has differed from the policy of some of us on the tariff, down to date I have failed to hear a Republican criticize Mr. Wilson for violating the law in naming Mr. Culbertson.

Mr. GARNER of Texas. He certainly did not violate it, because President Harding confirmed his judgment when he appointed Mr. Culbertson.

Mr. BEGG. Then we come to Mr. Lewis, who is the next man on the list, and nobody questions his Democracy; but the sixth man on the list, in addition to the appointment of Mr. Kent, who never did vote the Republican ticket on the tariff bill, was Mr. Costigan, of Colorado, who voted the Democratic national ticket both times that Mr. Wilson was a candidate for office, and yet you did not hear any Republican come up here and cry over the fact that Mr. Wilson had violated the law. It seems to me it is going a long, long way to find something to find fault with when you bring up the fact that Mr. Glassie, perhaps, was not the leading Democrat in Louisiana when he was appointed.

Now, I want to take the same position that my colleague, the gentleman from Indiana [Mr. WOOD] takes. A tariff commission with any authority to make a recommendation is a joke if it is made up of three protective-tariff Republicans and three free-trade Democrats, because there is not a possible chance for an agreement ever.

Mr. RAINEY. Will the gentleman yield to me now?

Mr. BEGG. I yield to the gentleman for a brief question.

Mr. RAINEY. I want to call attention to the fact that the former leader of this House, Mr. James R. Mann, voted against the Payne-Aldrich tariff bill. Was Mr. Mann a Democrat?

Mr. BEGG. That was his privilege, if he wanted to do it, but I want to call the gentleman's attention to something else, if you are talking about the tariff. The gentleman in the other branch of the Government on whose shoulders seems to have fallen the mantle of leadership of the Democratic Party since the fatal disaster of November 4, last Monday or Tuesday night—I have forgotten which—in Columbus spent a whole hour trying to tell the people of Ohio that the Democratic Party had renounced its position on free trade and now stood for a protective tariff; and this morning the gentleman from Texas [Mr. JONES] evidently speaking for that side of the House because not a man raised his voice in protest, said the Democratic Party stood for a tariff for revenue only.

In conclusion I want to cite you to history. Beginning in 1816 you had your first financial panic in the history of the country, and every panic that has followed from that day to

this has followed a lowering and a removal of the tariff, and following upon that a restoration of the tariff has ended the panic every time.

Mr. GARRETT of Tennessee. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARRETT of Tennessee. The panic of 1907—what tariff was that under? [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired; all time has expired. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and the Chair being in doubt, the committee divided; and there were—ayes 47, noes 42.

Mr. WOOD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Indiana, Mr. WOOD, and the gentleman from Texas, Mr. GARNER.

The committee again divided; and the tellers reported that there were—ayes 63, noes 58.

So the amendment was agreed to.

The Clerk read as follows:

For all other expenditures authorized by the act approved September 7, 1916, as amended, and by the act approved June 5, 1920, including the compensation of a secretary to the board, attorneys, officers, naval architects, special experts, examiners, and clerks, including one admiralty counsel at $10,000 per annum, and one special expert at $8,000 per annum, and other employees in the District of Columbia and elsewhere; and for all other expenses of the board, including the rental of quarters outside the District of Columbia, law books, books of reference, periodicals, and actual and necessary expenses of members of the board, its special experts, and other employees, or per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, while upon official business away from their designated posts of duty, and for the employment by contract or otherwise of expert stenographic reporters for its official reporting work, and including the investigation of foreign discrimination against vessels and shippers of the United States and for the investigation of transportation of immigrants in vessels of the United States Shipping Board, $238,000.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina: On page 27, line 6, after the figures "$238,000," insert "*Provided*, That no part of the moneys made available by this act for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be used to pay to an assistant to a member of the Shipping Board a salary in excess of $6,500 per annum."

Mr. BYRNES of South Carolina. Mr. Chairman, the hearings show that the chairman of the Shipping Board has an assistant who receives a salary of $10,000. The hearings show that he entered the service in 1918, and between then and 1923 he was raised to $7,500, then to $8,000 in 1924, and again from $8,000 to $10,000 in 1924. A Member of the Congress receives $7,500 a year. This assistant to a member of the Shipping Board receives more compensation for his services than a Member of the Senate or of the House; he receives compensation almost as great as the compensation of a member of the Cabinet, and the duties he performs are very vague and indefinite. He is assigned as an assistant to the chairman of the board.

Mr. SNELL. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. SNELL. To just what person or position does the gentleman's amendment apply?

Mr. BYRNES of South Carolina. It applies to any assistant to a member of the Shipping Board. It provides that no assistant shall receive more than $6,500. An Assistant Secretary of the Navy up to last year received $5,000. Under the reclassification law he receives $7,500 this year. This is true of the Assistant Secretary of War and of the assistant secretaries in all the other departments of the Government; but when it comes to a commissioner of the Shipping Board, he has to have a $10,000 assistant in order to perform his duties.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. LAGUARDIA. Had this man ever had any experience in the shipping business?

Mr. BYRNES of South Carolina. I do not think so. He was in the service of the Government in an $1,800 position. I have no criticism to make of a man's advancing rapidly in life, but I contend that the position of assistant to a member of the Shipping Board does not justify a salary of $10,000. I have no criticism to make of the gentleman. If his services are so essential the President might remove some member and appoint him.

Mr. LAGUARDIA. It might be a good investment if we had somebody on the board who knew something about shipping.

Mr. BYRNES of South Carolina. That would be a justification, but this gentleman, prior to his service with the Shipping Board, was an employee of the Federal Trade Commission and later of the Court of Customs. He is also a lawyer but I understand has never practiced.

Mr. SNELL. Does the gentleman from South Carolina maintain that this man is not worth the salary of $10,000?

Mr. BYRNES of South Carolina. He may be a man of ability. I have had no opportunity to pass upon his qualifications. But Congress never intended to establish the position of assistant to a member of the Shipping Board and fix his compensation at $10,000 a year. There is no such position established by law. This man is employed by the Fleet Corporation and then assigned to the chairman of the Shipping Board.

Mr. SNELL. What salary does a member of the Shipping Board get?

Mr. BYRNES of South Carolina. He gets $12,000. The bureau chiefs in all of the departments get $6,500, and that is why I put the amount at $6,500 in the amendment. Certainly an assistant to a member of the board or a commission ought not to get a greater compensation than is paid to the chiefs of bureaus. The law never contemplated that a member of the board should have an assistant at even $6,500 per year.

Mr. SNELL. To a certain extent I agree with the gentleman, but on the other hand I do not think we want to fix the salary of a man at less than he is worth in the service of the Government.

Mr. BYRNES of South Carolina. It would be exceedingly difficult for us to pass on the mental qualifications of every employee and fix his compensation. The Assistant Secretary of the Navy and the Assistant Secretary of War and the Assistant Secretary of Commerce do not get over $7,500. I think $6,500 is a liberal compensation to provide for an assistant to a member of the Shipping Board. The gentleman knows we have seven commissioners, who are drawing salaries of $12,000 each, and I do not see why they need any assistants at all.

Mr. SNELL. That may be true, but if we have an assistant, we ought to pay him the value of the services rendered. That is a general proposition.

Mr. BYRNES of South Carolina. You would not pay an assistant more than you paid the commissioner?

Mr. SNELL. Perhaps so; perhaps he might be worth more.

Mr. WOOD. Mr. Chairman, I hope the amendment proposed by the gentleman from South Carolina will not prevail, on account of the very dangers indicated by the gentleman from New York. It might be possible that the evidence referred to by the gentleman from South Carolina in the hearings indicated that this man was not worth $10,000. On the other hand, this amendment is so broad in its scope that it is striking down some of those who are perhaps worth the $10,000. I am not here to say that the gentleman to whom he refers may not be worth $10,000. I confess he did not make as good a showing before the committee as he might have made, but he was not expecting to be examined as to his peculiar qualifications. True, he rose from a $1,800 position to this $10,000 place, but he is not to be criticized for that; he may be worth it. But we should not condemn those who have had no hearing and no chance to state their qualifications. We should not include in the same category a number of others by reason of the wide scope of the amendment.

I have long contended that there are some gentlemen on this board that are not worth $12,000, because they do not pay any attention to the business at all, but the organic act fixed their salaries. I expect it would be a good deal better for the country if they had some assistant who was qualified by reason of his experience in the line of discharging the duties of that office. Men who are placed on the commission receive $12,000 a year, seven of them, without any reference whatever to their fitness.

They would not have been selected for that business by the head of any private enterprise.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BYRNS of Tennessee. We have seven members on the board, all of whom are drawing a salary of $12,000 each—the Shipping Board separate from the Emergency Fleet Corpora-

tion. I would like to ask what these seven men do and why any of them need an assistant? Why do we want more than seven commissioners?

Mr. WOOD. He must have an assistant, because he does not know much about the business. [Laughter.]

Mr. BYRNS of Tennessee. Then, I think the President should call for their resignations and put some one in who does know about the business.

Mr. WOOD. The organic act provides that if these men do not devote their entire time to the business they are subject to removal, and yet from the very inception, under Mr. Wilson, there have been men on the commission who do not pay any attention to the business at all.

Mr. BYRNS of Tennessee. I agree with the gentleman, and that is one reason why I say if they are not capable the President should ask for their resignations and get some one who can attend to the business and not pay an assistant $10,000 a year and pay the man $12,000 a year.

Mr. BARKLEY. Is not there some way by which these positions could be reversed, so that the assistant may be made the commissioner and the commissioner the assistant?

Mr. WOOD. I think that would be better. That is one of the handicaps, and has been, with reference to the efficient operation of the Shipping Board and the Emergency Fleet Corporation. I have thought for a long time, and still think, that these two activities should be separated. That there is conflict in authority there anyone who has investigated the facts well knows, and it can not operate to the best advantage of the Government or to the best advantage of itself until that conflict ceases. I know that men have been appointed from the time of the creation of the Shipping Board to the Emergency Fleet Corporation who knew no more about shipping than I know about conducting the business of any great commercial enterprise in this country.

I have the utmost faith in the man who is now at the head of the Emergency Fleet Corporation, Admiral Palmer. The evidence adduced before the committee shows that he has reduced the expenditures within the last year and up to the 1st day of January by more than $700,000, and they have been reduced since that time by $100,000. That can only be done by keeping an organization that knows something about the business. I am not going to say that the gentleman who has been referred to here by the gentleman from South Carolina [Mr. BYRNES] is not qualified. I do not know. These gentlemen who are responsible for the conduct of this business ought to know. I know that Admiral Palmer is getting rid of some of the deadwood in that organization which should have been ousted long ago.

Mr. STEVENSON. Are any of those gentlemen who have been on this commission at $12,000 a year and who have paid no attention to it, still there?

Mr. WOOD. I have not heard of any of them resigning.

Mr. STEVENSON. I understood the gentleman to say that the power was in the President to remove them. Why has he not removed them?

Mr. WOOD. The gentlemen that I have in mind were appointed by President Wilson, and they are there yet.

Mr. STEVENSON. But you have had a President for four years, and that is about time enough to get a fellow out.

Mr. CLEARY. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. CLEARY. I have never heard attention called to it that we have hundreds of old vessels lying up around the country, that we have millions of dollars tied up in them, that they are costing millions of dollars to take care of, and are not doing a darn thing except rusting out. Why does not the Shipping Board dispose of those old vessels. Right opposite the town of Peekskill, on the Hudson, a fleet has laid ever since the war.

Mr. WOOD. The reason that these vessels have not been disposed of is because of the fact they can not get anybody to buy them. Many of these vessels were built without regard to their seaworthiness, many of them are so badly built that they are not seaworthy, and some of them might be of use in the coastwise trade except for the fact that they draw too much water, and I believe it would be economy to burn them and get rid of them—to scrap them.

Mr. McDUFFIE. They have already disposed of the wooden fleet.

Mr. WOOD. Yes; the greater portion of it; and they were criticized for doing that, yet they saved this Government hundreds of thousands of dollars a year by disposing of them. Gentlemen who know something about ships tell me that they deteriorate faster when lying idle than when in operation.

Mr. STENGLE. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. STENGLE. I have listened with considerable interest to the refreshing confession of the gentleman concerning the activities of the present Shipping Board. Will the gentleman support an amendment or offer one that will wipe out this appropriation as we did in the case of the Tariff Commission?

Mr. WOOD. Oh, we could not afford to do that. The merchant marine of this country means much to its future. Whenever the American flag is floating to-day it is an insigna of United States operation, and by reason of your merchant marine it may be seen to-day upon every sea, where it was not appearing at all before the starting of the present merchant marine. Would we wipe it out simply because we are not content with the present conduct of its management? Would we disgrace the flag we all have honored? Would we put in the discard the possibility of America's future as can best be guaranteed by the establishment of a merchant marine? No. What we ought to do is to stand shoulder to shoulder, endeavoring as best we can to establish a merchant marine not only worthy of the country that we here represent, but worthy of the traditions of the past, worthy of that history that was made when we were the kings of the sea, and when we were acknowledged as the greatest maritime power on the face of the earth.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. RAKER. On page 27 of the bill in respect to the question of the merchant marine, would the gentleman advise the committee whether he means by merchant marine the employment of Americans or those who may become American citizens on Shipping Board vessels?

Mr. WOOD. We can not employ anybody except Americans upon our vessels.

Mr. RAKER. Will the gentleman tell the committee why it is that whole crews on the Shipping Board ships to-day are alien, inadmissible to citizenship in the United States?

Mr. WOOD. I think the gentleman is mistaken.

Mr. RAKER. I am not mistaken. We heard the testimony of the Shipping Board the day before yesterday in the committee.

Mr. WOOD. If that is true——

Mr. RAKER. It is absolutely true.

Mr. WOOD. Then I am under a misapprehension. My understanding is that under the seaman's act we must employ Americans on American vessels.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LaGUARDIA. Mr. Chairman, I have an amendment to the amendment offered by the gentleman from Tennessee.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "annum" in the amendment offered by the gentleman from South Carolina [Mr. BYRNES] insert "*Provided further*, That such assistant shall have had at least five years' previous experience in the business of steamboat transportation of freight and passengers."

Mr. WOOD. Mr. Chairman, I make a point of order it is legislation upon an appropriation bill that is not warranted.

Mr. LaGUARDIA. Will the gentleman reserve his point of order? I do not think I could argue very well against the point of order.

The CHAIRMAN. The gentleman reserves the point of order.

Mr. LaGUARDIA. Mr. Chairman, the purpose of introducing this amendment, which I fear is subject to the point of order, is to call the attention of the committee to the fact that the Shipping Board is not suffering from too little salaries or too big salaries. The trouble is we have not the right kind of personnel. No salary would be too big if we could get the right kind of men to run the ships belonging to the Government. You can not make a shipping man overnight and, unlike the Tariff Commission we have just been discussing, political affiliations do not necessarily make him able, competent, or experienced to run a big shipping business in competition with the shipping interests of other countries. And as I observe the operations of the Shipping Board and its difficulties I conclude that we have not the right kind of men at the head of it.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. LaGUARDIA. I will

Mr. BYRNES of South Carolina. The gentleman will get the distinction that in the Emergency Fleet Corporation we have Admiral Palmer, who has a number of assistants who are paid such salaries as are fixed by him as may be allowed by the Congress. This man is an assistant to the chairman of the Shipping Board, and does not profess to have had any shipping experience. He has been in the department for 21 years and

in the Federal Trade Commission and then in the Customs Appeals and is now with the Shipping Board and is receiving $10,000 as an assistant to a member of the Shipping Board.

Mr. LAGUARDIA. I agree this man is not qualified to do the work, but if we get the right kind of a man to assist the commissioner possibly the salary would not be too much. That is exactly the point I am trying to make. With all due respect and deference to any admiral of the Navy, the training and experience and background of a naval officer is not such as to prepare him to manage and operate a steamship company engaged in competitive business. That is the point I am trying to make.

Mr. LOZIER. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. LOZIER. We have heard on the floor of this House the amazing statement that some of the members of the Shipping Board are grossly inefficient. Has this great Government no power to relieve itself of these inefficient officials?

Mr. LAGUARDIA. I believe it is common knowledge the way British and German shipping interests are putting it over on us, and I do not believe a statement on the floor of this House is necessary to establish that fact. What we should do is to go out into the market and get the best available man or men and pay the salary commensurate with the duties and conduct this shipping business in a businesslike way, and until we do that we will get nowhere. We are paying too big salaries for the little men we have and too little salaries to get big men we need.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I rise in opposition.

The CHAIRMAN. There is a point of order pending.

Mr. RAKER. It has been reserved.

The CHAIRMAN. The gentleman asks unanimous consent to proceed under the reservation.

Mr. RAKER. I will speak to the bill directly.

Mr. WOOD. I make the point of order.

The CHAIRMAN. The gentleman from Indiana insists upon the point of order. The gentleman from South Carolina [Mr. BYRNES] offered an amendment by way of a limitation to the paragraph. To this amendment the gentleman from New York [Mr. LAGUARDIA] offers an amendment in the following language:

Provided further, That such assistant shall have at least five years' previous experience in the business of steamship transportation of freight and passengers.

This amendment is clearly an affirmative, positive declaration and is legislation on an appropriation bill. The Chair, therefore, sustains the point of order.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. The gentleman from Indiana [Mr. WOOD] has said that to constitute the American merchant marine all on board, from the steward's department, crew, firemen, deckhands to officers, should be Americans. In this we heartily agree. The chairman of the Shipping Board day before yesterday appeared before our committee and stated that he hoped the day would come when we would have on American ships American crews 100 per cent, but the facts are that on the vessels now plying between eastern coasts and Europe many aliens are employed on American ships in place of American citizens when American citizens are applying for work and can not get it in preference to the aliens employed. On the Pacific coast there are some, my recollection is, 10 vessels. On some of the vessels all the crew in the steward's department are aliens inadmissible to land in the United States, inadmissible to become citizens, and they constitute the crew on American ships now running under the control of the Shipping Board and under our flag.

Mr. STEVENSON. Will the gentleman yield?

Mr. RAKER. I do.

Mr. STEVENSON. Of what prevailing nationality are those crews?

Mr. RAKER. Chinese, Hindus, Malays, Laskars, some Japanese, and many Filipinos.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield right there?

Mr. RAKER. Let me just complete this, and then I will yield. The representative of the Shipping Board mentioned a vessel on which the crew was composed in the way I have stated. We shall have a bill eventually under consideration to exclude these pepole. I ask the House to think whether or not we should permit such parties to be on American ships at the present time. The counsel for the Shipping Board, Colonel Griffith, said that one crew, I think, embracing some 60 or 70, were all Chinese save and except 10, who held the higher positions.

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. ALLGOOD. How does the gentleman account for this preference given to foreigners? Is it on account of low wages?

Mr. RAKER. Well, they are said to be more amenable to orders. They endure more knocking and bucking around. They work for cheaper wages. And these orientals, from testimony that is undisputed and indisputable, are engaging in the nefarious art of smuggling opium, heroin, and other narcotics into the United States, and they are willing to pay for permission to work on the vessels and get these jobs.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MOORE of Virginia. Is the gentleman quite certain that the existing statute requires that the crew shall be Americans?

Mr. RAKER. I have not stated that the law requires it, but I may say that while we are running American vessels under the American flag, aliens inadmissible to citizenship in the United States are permitted to be employed on these vessels, for the reason named, in preference to Americans.

I want to call attention to an order made last month. The order is that in the employment of crews on American ships the order shall be as follows: First, American citizens; second, Filipinos; third, those who have taken out their first papers to become citizens of the United States; and fourth, those who have not yet attempted to become citizens of the United States but who are eligible. So the second on our vessels is the Filipino, who can not be naturalized, and those who have taken out their first papers or who can eventually become citizens of the United States are excluded in preference to the Filipino, when, for our own protection, they should all be American citizens. There is no possible excuse for it being otherwise, and in particular as it is to-day. There should be no mixed crews.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. BYRNES of South Carolina. Mr. Chairman, I demand a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 58, noes 65.

The CHAIRMAN. The committee refuses to rise.

Mr. WOOD. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Indiana demands tellers.

Tellers were ordered; and the Chairman appointed Mr. WOOD and Mr. BYRNES of South Carolina to act as tellers.

The committee again divided; and the tellers reported—ayes 59, noes 70.

The CHAIRMAN. So the committee declines to rise. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. BYRNES].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. WOOD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 87, noes 58.

Mr. WOOD. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chairman appointed Mr. WOOD and Mr. BYRNES of South Carolina to act as tellers.

The committee again divided; and the tellers reported—ayes 93, noes 59.

So the amendment was agreed to.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11505) making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1926, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. FISHER, for an indefinite period, on account of sickness.

To Mr. ALMON (at the request of Mr. OLIVER of Alabama), for one week, on account of the death of his son-in-law, Mr. Johnson, a distinguished and honored citizen of Atlanta.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates to preside to-morrow at the memorial exercises for our former colleague, Mr. LITTLE, the gentleman from Kansas, Mr. TINCHER.

OCEAN-TO-OCEAN HIGHWAY

Mr. SWING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an invitation addressed to the Speaker and to the Members of the House to attend the celebration commemorating the completion and opening of the ocean-to-ocean highway.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

Mr. SWING. Mr. Speaker, I desire to avail myself of the privilege granted me of extending my remarks in the RECORD by inserting the invitation of Col. Benjamin F. Fly, the authorized representative of the Associated Chambers of Commerce of Imperial County, Calif., and the Yuma (Ariz.) Chamber of Commerce to the Speaker and Members of the House to attend the celebration to be held at Yuma, Ariz., February 28, 1925, commemorating the completion and opening of the Ocean-to-Ocean Highway:

WASHINGTON, D. C., *January 31, 1925.*

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: In presenting you and the Members of the House this invitation to attend our "good roads" celebration in Yuma, Ariz., I probably can best express myself by quoting the invitation I had the honor of extending President Coolidge this morning. I hope you and the House will accept this in the same hearty spirit in which it is extended. Here is what I said to the President:

"Mr. President: On February 28, 1925, an historical event will take place in Yuma, Ariz., no less important than was the driving of the 'golden spike' at that same point fifty-odd years ago when the great Southern Pacific Railway was declared completed from 'coast to coast.'

"This coming event is in commemoration of the completion of the open-all-the-year highway from the zero milestone in the Ellipse to the zero milestone in San Diego, and thence on to Los Angeles and San Francisco. It is fraught with more real importance to the average man of to-day than was the girdling of our continent with bands of steel, for this new completed automobile highway affords the everyday man an opportunity to start in his 'Tin Lizzie' from the icebound shores of the Atlantic and traverse a perfectly good highway to the sun-kissed shores of San Diego. He can take his own time, and see something new along every mile of the route.

"And, Mr. President, when the eastern auto tourist reaches 'my beloved Yuma Mesa,' and the great Imperial Valley of California, he will then view the real 'wonderland' of America, where the sun shines every day in the year, where old Jack Frost never lays his icy hand, and where at his own sweet will he can pluck the fragrant desert flowers of wondrous hues, or smack his lips over the most luscious grapefruit the world has ever known.

"The good people of Yuma and Imperial Valley, through their combined chambers of commerce, have delegated this pleasing task to me. I now have the great honor of presenting to you this formal invitation to be their guest on this auspicious occasion. It would be a joy forever if you could be there. Let me express the hope, at least, that on that day your thoughts will be with those sturdy old pioneers who are not only making the desert blossom like the proverbial rose in the springtime, but who with their own hard-earned cash have made this ocean-to-ocean highway possible. * * *"

BEN FRANKLIN FLY,
Representing the Associated Chambers of Commerce of Imperial County, Calif.; Yuma Chamber of Commerce; Yuma Water Users' Association; Yuma Mesa Unit Holders' Association; Arizona Good Roads Association.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p. m.) the House, under the order previously made, adjourned until Sunday, February 1, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

832. A letter from the president of the Capital Traction Co., transmitting report of the receipts and disbursements of the Capital Traction Co. for the year ending December 31, 1924; to the Committee on the District of Columbia.

833. A letter from the Secretary of Commerce, transmitting statement of expenditures in the Coast and Geodetic Survey for the fiscal year ended June 30, 1924; to the Committee on Expenditures in the Department of Commerce.

834. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the fiscal year 1924 and prior years amounting to $5,250, and supplemental estimates of appropriations for the fiscal year ending June 30, 1925, amounting to $291,824, for the Department of the Interior, in all, $297,083; also a draft of proposed legislation affecting existing appropriations (H. Doc. No. 594); to the Committee on Appropriations and ordered to be printed.

835. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1925, $2,422,941.84; and for the fiscal year 1926, $5,000; in all, $2,427,941.84; also proposed legislation affecting the use of existing appropriations (H. Doc. No. 595); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on the Merchant Marine and Fisheries. H. R. 11884. A bill to establish home ports of vessels of the United States, to validate documents relating to such vessels, and for other purposes; without amendment (Rept. No. 1355). Referred to the House Calendar.

Mr. GILBERT: Committee on the Library. H. R. 9724. A bill to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and of the memorial shaft erected to his memory; with amendments (Rept. No. 1354). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISH: Committee on Foreign Affairs. H. R. 11957. A bill to authorize the President in certain cases to modify visé fees; without amendment (Rept. No. 1359). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 12004. A bill authorizing an investigation, examination, and survey for the control of excess flood waters of the Mississippi River below Red River Landing in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes; without amendment (Rept. No. 1360). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. STEPHENS: Committee on Naval Affairs. H. R. 4277. A bill for the relief of Frederick D. W. Baldwin; with an amendment (Rept. No. 1356). Referred to the Committee of the Whole House.

Mr. STEPHENS: Committee on Naval Affairs. H. R. 7712. A bill for the relief of Charles Wall; with an amendment (Rept. No. 1357). Referred to the Committee of the Whole House.

Mr. STEPHENS: Committee on Naval Affairs. S. 1569. An act to compensate Lieut. L. D. Webb, United States Navy, for damages to household effects while being transported by Government conveyance; with an amendment (Rept. No. 1358). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WINTER: A bill (H. R. 12083) to provide for aided and directed settlements on Government land in irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. RAGON: A bill (H. R. 12084) for the appropriation of an additional $75,000 for the purpose of the erection of a public building at Russellville, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. THOMAS of Oklahoma: A bill (H. R. 12085) amending section 169 of chapter 335, Seventeenth Statute Laws, and relating to the printing of stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. HUDSON: A bill (H. R. 12086) to authorize the transfer of the United States Weather Bureau site and building at East Lansing, Mich., to the State of Michigan in exchange

for another Weather Bureau site on the grounds of the Michigan State Board of Agriculture and other considerations; to the Committee on Agriculture.

By Mr. ZIHLMAN: A bill (H. R. 12087) to permit the merger of street railway corporations operating in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 12088) to amend the Code of Law for the District of Columbia with respect to the police court; to the Committee on the District of Columbia.

By Mr. FISH: A bill (H. R. 12089) authorizing the erection of a monument at Sechault, France, to commemorate the valiant services of the colored American troops attached to the French Army; to the Committee on Foreign Affairs.

By Mr. SUMNERS of Texas: Joint resolution (H. J. Res. 339) to create a joint committee from the Senate and House of Representatives to investigate and report as to how the Federal Government may get relief from the overburden of its governmental responsibility; to the Committee on Rules.

By Mr. DYER: Resolution (H. Res. 421) authorizing and directing the Committee on the Judiciary of the House of Representatives, or a subcommittee thereof, to investigate the operations of the Sanitary District of Chicago, and for other purposes; to the Committee on Rules.

By Mr. DAVIS of Minnesota: Memorial of the Legislature of the State of Minnesota, favoring an amendment to the packers and stockyards act so as to prohibit States furnishing stockyards service from being discriminated against in favor of private agencies; to the Committee on Agriculture.

By the SPEAKER (by request): Memorial of the Legislature of the State of Utah, favoring the passage of S. 2327, a bill to regulate interstate rates; to the Committee on Interstate and Foreign Commerce.

By Mr. KVALE: Memorial of the Legislature of the State of Minnesota asking that the Congress of the United States so amend the packers and stockyards act as to prohibit States furnishing stockyards service from being discriminated against in favor of private agencies; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLGOOD: A bill (H. R. 12090) granting a pension to Susie Weathenington; to the Committee on Invalid Pensions.

By Mr. BROWNE of Wisconsin: A bill (H. R. 12091) granting an increase of pension to Charles Head; to the Committee on Invalid Pensions.

By Mr. DREWRY: A bill (H. R. 12092) granting an increase of pension to Mabel D. Rose; to the Committee on Pensions.

By Mr. FENN: A bill (H. R. 12093) granting an increase of pension to Margaret Horey; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 12094) granting an increase of pension to Laura Moore; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 12095) granting an increase of pension to Lydia M. Hail; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 12096) granting a pension to Cora A. Hunter; to the Committee on Pensions.

Also, a bill (H. R. 12097) granting a pension to Charlotte S. Fink; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12098) granting a pension to Phoebe W. Hooper; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Texas: A bill (H. R. 12099) granting the consent of Congress to H. E. Bovay, of Vernon, Tex., to construct a toll bridge across Red River in the vicinity of Oklaunion, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Indiana: A bill (H. R. 12100) granting an increase of pension to Martha Perry; to the Committee on Invalid Pensions.

By Mr. PERLMAN: Joint resolution (H. J. Res. 338) for the relief of R. S. Howard Co.; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3616. By Mr. BOYCE: Petition of J. A. Lynam and J. C. Hutchison, Townsend, Del.; to the Committee on Pensions.

3617. By Mr. DAVEY: Petition of various citizens of Lorain County, Ohio, protesting against the compulsory Sunday observance bill (S. 3218), or any other religious legislation now pending; to the Committee on the District of Columbia.

3618. By Mr. FENN: Petition of the highway department of the State of Connecticut for the improvement of Jonathan Trumbull Highway; to the Committee on Roads.

3619. By Mr. GARRETT of Tennessee: Petition of various citizens of Memphis, Tenn., opposing the enactment of Senate bill 3218, compulsory Sunday observance bill, or any similar religious legislation that may be pending; to the Committee on the District of Columbia.

3620. By Mr. HICKEY: Petition of 18 adult residents of Elkhart, Ind., against the passage of the compulsory Sunday observance bill (S. 3218), or any other religious legislation; to the Committee on the District of Columbia.

3621. By Mr. HUDSON: Petition opposing the passage of the compulsory Sunday observance bill (S. 3218), or any other religious legislation which may be pending; to the Committee on the District of Columbia.

3622. By Mr. KING: Petition of Halcyon L. Stuart and other citizens of Abingdon, Ill., favoring the passage of the Sterling-Reed bill; to the Committee on Education.

3623. Also, petition of M. E. Roland, G. G. Gilbert, and other residents of Quincy, Ill., with reference to the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3624. By Mr. RAKER: Petition of San Francisco Chamber of Commerce, by Lewis E. Haas, Washington representative, urging the continuation by the Government of the development of Crescent City Harbor, Calif.; to the Committee on Military Affairs.

3625. Also, petition of Thomas Magee & Sons, of San Francisco, Calif., protesting against Senate bill 3764, making the District of Columbia Rent Commission permanent; also Yolo County Realty Board, of Woodland, Calif., protesting against making the District of Columbia Rent Commission permanent; to the Committee on the District of Columbia.

3626. Also, petitions of Canners League of California, San Francisco, Calif., protesting against the Howell-Barkley bills (H. R. 7358 and S. 2646); San Francisco Chamber of Commerce, San Francisco, Calif., protesting against the passage of the Howell-Barkley bill; San Francisco Chamber of Commerce, San Francisco, Calif., indorsing House bill 8842, to amend section 206 of the transportation act of 1920; Canners League of California, San Francisco, Calif., protesting against any general revision of the rate structure by legislation; to the Committee on Interstate and Foreign Commerce.

3627. Also, petition of Lodi Camp, No. 82, Spanish War Veterans, Lodi, Calif., urging passage of the Knutson bill at this session of Congress; to the Committee on Pensions.

3628. Also, petition of V. Sucotre, of San Francisco, Calif., urging the passage of the Shreve bill (H. R. 8352), and Federal Employees Union No. 76, Vallejo, Calif., urging support and passage of the bill (H. R. 8202) amending the present retirement act; to the Committee on the Civil Service.

3629. By Mr. SEARS of Nebraska: Petition of citizens of Blair, Nebr., and surrounding territory, relating to the subject of the separation of church and state; to the Committee on the District of Columbia.

3630. By Mr. SWING: Petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

HOUSE OF REPRESENTATIVES

SUNDAY, *February 1, 1925*

The House met at 12 o'clock noon and was called to order by Mr. TINCHER, Speaker pro tempore.

The Rev. William B. Waller, of Washington, D. C., offered the following prayer:

O Thou in whom we live and move and have our being, we draw nigh to Thee reverently.

We thank Thee for the blessings of Thy providence and of Thy grace; for life with its opportunities for service and joy; for the measure of health and strength whereby we are permitted to appear before Thee this morning.

Command Thy blessing upon us we humbly beseech Thee. Comfort those who mourn. Enable each one of us to say: "For me to live is Christ and to die is gain."

Bless our President and all with him in authority. Grant Thy blessing upon this Congress in its widely reaching influence.

Enable us all so to live in this life that in the world to come we may have life everlasting, through Jesus Christ, our Advocate and Redeemer. Amen.

By unanimous consent the reading of the Journal was deferred until to-morrow.

THE LATE REPRESENTATIVE MUDD

The SPEAKER pro tempore. The Clerk will read the order for to-day.

The Clerk read as follows:

On motion of Mr. ZIHLMAN, by unanimous consent—

Ordered, That Sunday, February 1, 1925, be set apart for memorial addresses on the life, character, and public services of the Hon. SYDNEY E. MUDD, late a Representative from the State of Maryland.

Mr. ZIHLMAN. Mr. Speaker, I offer the following resolutions.

The Clerk read as follows:

House Resolution 422

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. SYDNEY E. MUDD, late a member of this House from the State of Maryland.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. ZIHLMAN. Mr. Speaker, we meet here to-day to pay a tribute of respect and esteem to the memory of our distinguished colleague the late Hon. SYDNEY E. MUDD, a Representative in Congress from the State of Maryland.

Those who served with our former friend and colleague like to visualize him as he was in life—strong, active, filled with hope and enthusiasm, and not the wasted figure that was laid away in the churchyard in southern Maryland last October.

Ah, not that face! You were our friend—
Too close to be so silent now!
The love, the laughter, at an end
In austere lips and brow.

We loved you, but we went our ways,
Undreaming in our rash content
That you were dropping numbered days
Along the road we went.

We loved you, but we never guessed
Your ardors and your shining powers
Were aiming for a farther quest
Than any quest of ours.

Good night, dear comrade! As we part,
Not idle praise nor tears we bring!
But see! Our hearts stand round your heart
Like warriors round a king.

When he came into the House, he was the youngest member of this body and all through his life he was known throughout Maryland as "Young SYDNEY." This, because he bore his father's Christian name—Sydney Emanuel—who was a long and prominent outstanding figure in Maryland politics, and was for many years a distinguished Member of this House. Because he was forced to retire from service on account of a deadly malady which sapped his strength and ended his career of usefulness, he did not die while serving in Congress, and the customary eulogies were not pronounced upon him. I therefore take this opportunity to link together in death father and son, senior and junior, for between them was a deep devotion.

In many respects their characteristics were similar, yet in temperament there was a wide dissimilarity.

It is seldom in the annals of the Republic that two men, father and son, have left so marked a page in the history of their native State, as these two. Both born and reared in one of the original thirteen Colonies—a State founded by those who came to our shores seeking political and religious freedom—men and women who were prepared for the hardships and sacrifices that followed their emigration to the new world. They cherished and preserved those high ideals and attributes which have made southern Maryland unique and different from many other sections of the country.

They both loved and both knew their people. They understood their weaknesses and shortcomings, and they recognized those splendid traits of character which have marked the development of that section of our State, from the day of the *Ark* and *Dove*, bearing the pioneers, first dropped anchor upon the shores of a new world, a land which was destined to become a great free republic, the envy of civilized peoples everywhere.

Sydney E. Mudd, sr., was a man of great strength and character, who won his reputation by the hardest kind of practical experience in the courts of law and in the political forum. He came to Congress and left the imprints of his useful activity upon the history of his State and Nation. He was a debater of tremendous force—a parliamentarian of skill and learning, and was at his best when discussing the rules of the House, especially when in connection with the initial appropriations for the construction of the magnificent buildings of the Naval Academy at Annapolis, which may be said to be a monument to his life and work. At the time these appropriations were sought a determined effort was made to have the Naval Academy moved to New England, either to Portsmouth, N. H., or Newport, R. I. At both of these places the Navy already had various activities, and desired more. The Secretary of the Navy was the Hon. John D. Long, of Massachusetts, who naturally listened sympathetically to the proposal to remove the academy to that section of the country.

A former Secretary of the Navy and former United States Senator, William E. Chandler, of New Hampshire, was insistent upon the removal of the academy to Portsmouth, and on the House Naval Affairs Committee was Representative Bull, of Newport, R. I., where already was located the Naval War College and other naval plants.

Against these strong antagonists, and powerful influences, Mr. Mudd entered, undaunted by the forces against him, and the splendid contest he waged will long be remembered by those who followed with interest the clashing of wits and parliamentary procedure. That he was successful in his great effort should be a source of pride and gratification to the people of his native State, and the great academy will ever remain a monument of his ability, courage, and persistency.

When he passed from the stage of action, and his great public career came to a close, his son, SYDNEY E. MUDD, Jr., took up the reins of political leadership in his section of the State, and before he had reached his thirtieth year took his seat in this body.

So, for more than three decades, the name of Mudd was a household word in the fifth congressional district of Maryland. In its politics, that district has a unique history—known to have been Democratic, and represented heretofore almost entirely by that party—yet, with the advent into politics of the senior Mudd, the district became Republican, with few exceptions, throughout the lifetime of both of these men. This was not so much for the reason that the people of the district had changed their party affiliation fundamentally, but was due largely to the compelling personal influence of the father and son, whose personal friendships were not confined to members of their own party.

It was axiomatic of the politics of these men that they held the district with a firm grasp. The secret was not alone in the personal following they commanded, but resulted in part from their ability to organize and keep intact their forces and to depend wholly upon their own resources in the district, rather than to seek or permit the introduction there of outside influences.

Young SYDNEY inherited his father's love for southern Maryland. Its teachings, its history, its institutions, and its traditions were his very life and constant pride. The fame of this favored land has traveled far, and the cordial hospitality of southern Maryland, its people's loyalty to their State and Government, are traditional, and the affection and loyalty of its people, one for the other, has come down through generations.

Many the lands that the true-hearted honor,
Many the banners that blow on the sea.
Ah, but one country—God's blessing upon her!
Ah, but one only is precious to me.

* * * * * *

Land of promise, by one hearth kneeling,
Long for thy peace may thy sons agree!
May dews of health and shadows of healing
Fall from the leaves of thy Liberty Tree!

In this land of sentiment and loyal friendships, the personality of young SYDNEY MUDD fitted like a glove. He gathered around him a band of friends and faithful followers who labored in and out of season for his success and advancement.

He, on his part, was devoted to them, and sought to recognize in a fitting way those who demonstrated their ability for political leadership.

His district and its needs, and the great naval institution at Annapolis were his constant thoughts—accepting it as an heirloom from his father, he felt it to be his particular duty to provide properly and adequately for its maintenance. Natu-

rally he sought and obtained membership on the Naval Affairs Committee, and during his long incumbency the Naval Academy had a friend in court, and lacked for nothing that would make for its progress and increase its efficiency.

SYDNEY E. MUDD was a useful member of this body, and before ill health checked his enthusiasm and sapped his vitality, his efforts in behalf of his people was a source of pleasure to him, and the results he obtained were as gratifying to him as to his friends.

During the World War, the Railroad Administration planned to discontinue the one railroad line extending into southern Maryland, and I remember with pride his efforts to prevent its abandonment. In all other matters he was diligent and attentive and his friendly counsel and help will be missed by those who were wont to call upon him during his 10 busy years of service.

He was extremely popular with his colleagues in this body and because of this fact he was able time and again to secure appropriations for streets and roads leading from the District of Columbia into his congressional district—when the committees were opposed to the items being retained.

While he took great pleasure in these victories, he accepted defeat philosophically, and his unfailing cheerfulness and sense of humor lightened many of his burdens.

During the last year of his service, the deadly illness which was creeping upon him made his work doubly hard, but he never failed to make cheerful those about him with his optimism and humor.

His service here was the height of his ambition. Many spoke to him of other and greater honors, but he was content to serve the people of his section of the State and to be their champion at all times.

It has been said that leaders in public thought can only go as far or as fast as the people behind them. Representing, as he did, the sentiment and policy of his constituency at all times, it can be said of him, that close behind him in everything he did were the people of southern Maryland, who had confidence in his wisdom and judgment and accepted, without question, his position on matters of public interest and concern.

Beside the father and mother he loved so well, in a little country church yard in southern Maryland, overlooking the waters he loved, this young, splendid public servant sleeps his last sleep.

In the land of his birth—among people who knew and loved him—he is resting, his day's work done.

There is no setting sun,
The one when his day's work is done,
The red west lights with fire,
Is in skies radiant, rising higher!

There is no boundless sea,
No waters wide save in degree.
The ship that starts from nearer shore
Finds landing place forevermore!

There is no distant star;
Such only seems to shine afar;
The soul doth distance great deny,
The soul reaches within the sky!

There is no mountain height,
Distance is but a thing of sight,
To no cliff or climb declare,
Is to be already there!

There are no toil and pain,
Difficulty is but a narrow lane!
He who defies the night,
Has walked far within the light!

There is no such thing as death,
Only stopping of the human breath,
Only ending of pain and strife,
Death is pathway short to life!

LEAVE TO EXTEND REMARKS

By unanimous consent at the request of Mr. ZIHLMAN leave was granted to Members to extend remarks in the RECORD on the life and character of the late SYDNEY E. MUDD.

Mr. ZIHLMAN was called to the chair as Speaker pro tempore.

Mr. LINTHICUM. Mr. Speaker, SYDNEY E. MUDD was born at Gallant Green, Charles County, Md., on June 20, 1885. He was the son of Sydney E. Mudd, who for more than 20 years represented the same district in the House of Representatives. His early education was received in the public schools of his county, and in the District of Columbia. He received his A. B. and LL. B. degrees from Georgetown University, and later became a member of that faculty. He was admitted to the bar of Maryland and District of Columbia in 1910, and from that time on was actively engaged in the practice of law until he was elected to the Sixty-fourth Congress, from the fifth congressional district of Maryland, serving during part of that time as assistant district attorney for the District of Columbia. He was reelected from time to time and served as a member of this body until the date of his death, October 11, 1924.

As a member of the Naval Affairs Committee, to which he was elected when he first came to Congress, he was always in favor of a large Navy, and it was his desire that the American Navy should equal in prowess and personnel any navy in the world. As a son of a father whose services had been so great upon the same committee for so many years, he enjoyed that ripe experience which made him a most useful and practical member thereof. If father and son were subject to any fetish worship, I should say the United States Navy and the Naval Academy at Annapolis were the objects of this devotion.

To his friends and acquaintances he was lovingly spoken of as "Young SYDNEY" and his father as "Marse Sydney," and he was always a particular friend of those employed by the Navy Department, and a very large part of his time was taken up in looking after the interests of that large body of men who were employed in various naval activities within his congressional district. He was a visitor by appointment of the Speaker of this House to the Naval Academy, of which his father was such an ardent supporter, and always displayed great interest in that institution and in the student and educational staff thereof, as well as the vast number of employees. Much of his political strength came through his friendships at the Naval Academy and Indianhead—another naval activity within his district.

His services in support of the great Commander in Chief of the Army and Navy, Woodrow Wilson, in the prosecution of the World War, were characterized by never a ripple of partisanship but always a desire to serve his country.

As a man he was highly esteemed, and his friendship cherished by those who knew him. In demeanor he was modest, his manner gentle, and he was always most considerate of the feelings of others. He was always willing and anxious to serve those who needed his assistance, both in public and private life. While a staunch Republican, his politics never controlled him except upon matters political; his friendship extended not alone to those of his own party but to the opposition party as well. He never considered a question of politics when a friend or constituent sought his services. He did not seek the limelight nor force himself to the front, but was always desirous of serving his people well and performing the duties of his office to the best of his ability.

Mr. MUDD did not enjoy very good health during the last few years of his life. When I last saw him in his office prior to adjournment of the first session of this Congress, soon after his return from the West, he had lost that robust appearance which characterized him during his early service in this body. He still retained, however, his cheerful, friendly disposition, which he maintained until the time of his death. On October 9 of last year, while fraternizing with his friends and political associates at the Hotel Rennert in Baltimore, he was taken ill, removed to the Johns Hopkins Hospital for observation, where he died two days later. While he had not been well, the sudden ending was not alone a great surprise but a distinct shock to the people, who had supposed the vacation of Congress would grant him an opportunity to recover his health.

The vacation could not give him relief from work while he remained in the State, because his district, surrounding Washington as it does, brought to him a continuous number of people seeking his advice and assistance to such an extent that much labor and attention was required—far more in fact than is usually the case with Members farther removed from the great center of legislative activities and governmental employment. Our friend SYDNEY passed from us as the star falls, so sudden and yet so startling—

A flash of the lightning, a break in the wave,
Man passes from life to his rest in the grave.

I was one of those to attend his funeral on that beautiful autumn day. As we rode along, the sublimity of death was heightened by the autumnal demonstrations afforded us in the brilliant colorings—scarlet, crimson, and gold of the gum and maple, softened by the rich, dark tone of the pine. In the churchyard of St. Thomas at Chapel Point, overlooking the beautiful waters of Port Tobacco Creek, an arm of the ma-

jestic Potomac, and not far from St. Marys City where religious freedom was first enunciated rests the body of SYDNEY MUDD beside those of his family who had gone before. A more beautiful spot can not be found anywhere, and many who attend this church in the years to come will pause beside the graves of SYDNEY E. MUDD and his illustrious father.

From life to death!
An eager breath,
A battle for the true and good,
An agony upon the rood;
A dark'ning of the light—
And night!

From death to life!
A peace from strife;
A voyage o'er an ocean wide
That moves from shore to shore its tide;
A passing of the night—
And light!

Mr. HILL of Maryland. Mr. Speaker and gentlemen of the House, I think that the character and record of our colleague SYDNEY E. MUDD has been faithfully expressed and very appreciatively expressed in what has been said by his colleagues, the gentleman from Maryland, Mr. ZIHLMAN, and the gentleman from Maryland, Mr. LINTHICUM. There was a peculiar element of strength and force about SYDNEY MUDD that set him apart from a great many of the men about him. I think when SYDNEY MUDD came into the Chamber one always felt his presence.

There are several things about his life and that of his father which stand out in my recollection. They were both strong men. They were men who had in them that strength and that inspiration and that type of mind and attitude toward their Government that came from their family inheritance and from that portion of the State of Maryland in which they lived.

Nothing is more beautiful, nothing is more impressive than to stand at the door of the chapel on Chapel Point, where SYDNEY MUDD lies buried in the cemetery of the church, and look over the rolling hills of southern Maryland to the Potomac. These two men, Sydney Mudd, sr., and SYDNEY MUDD, Jr., were identified by every family tie and every interest with one of the most picturesque portions of the country. Southern Maryland was settled by men who stood for religious tolerance, by men who brought with them the best and most sacred traditions from the old country. I think in the lives of the elder Mudd and the younger MUDD those traditions were most practically and energetically carried out.

The last time I saw the father was in the oval Executive room of the White House in 1908. There was a question being considered by President Taft and the Maryland Republican Members of Congress, and those who had been candidates at the previous election representing the remaining congressional districts were presenting certain matters to Mr. Taft.

I remember very well a statement that was made by the elder Sydney Mudd which so clarified the situation, which was so fully temperate and yet thoroughly appreciative of the question, that it finally so decided the matter in the mind of the President as to impel him to do what the delegation wished. So it was always with the elder Sydney Mudd. He had deep convictions on political matters. He had deep enthusiasms which came from those deep convictions, and no man could have worked more strenuously or more successfully for the people of his district, the people of his State, and the people of his Nation in the broader way for the military defense of his country.

The first recollection I have of young SYDNEY was when I was United States attorney and he came to me asking my advice about going into the office of the local district attorney in Washington. I had known his father intimately in politics for many years. I never shall forget the impression that that tall, handsome, clear-cut, able, strong young man made upon me in the old post office in Baltimore, in the dingy office of the United States attorney. He gave me the same impression that I got when he would come in through the door here to answer a roll call, an impression of intense virility, and to me he was the personification of a gentleman.

I served with him in this House in the latter days of his legislative career when he was stricken by the sickness which finally caused his death. He was not able to be here on the floor of the House as much as he had been, and I have never been able to understand how it was possible for him to be on the floor of the House and do the work he did on the floor with the demands that were made upon him by his constituents. He was always at their service, and he was not at their service merely as a personal thing, although his relations were always of the most friendly nature; he was there as their representative, working for the things for which his district stood and in which his district believed.

Mr. Speaker, I think to-day as we memorialize the work that he has done we can feel that, carrying on the work of his father and strangely like his father both in thought and appearance, he was perhaps a most unusual representative of the district from which he came. Perhaps most of us come from districts which have no special characteristics, and we are different merely because of our own characteristics, but to me always SYDNEY MUDD has been typical of the spirit and the people of southern Maryland—a very proud country, a very glorious country, a country of great traditions and of great personality, if a country may have personality. I never have known a man who served more fittingly in public life the people whom he represented, or who served them more in accordance with the traditions of the locality, and I feel that always in the annals of Maryland the name of SYDNEY MUDD will be held in the highest esteem as a man who deserved well of his State, and well of his Nation.

Mr. JOHNSON of South Dakota. Mr. Speaker, as we meet here to-day, Members of Congress, to reverently remember the memory of SYDNEY E. MUDD, one of his friends and a friend of many of us is placing upon his tomb in the little ancient cemetery at Chapel Point, Md., a wreath of flowers. This service, together with that act, will close our official association with our late friend and respected colleague. Nothing, however, will close the book of our association with him. I happened to be one of the Members of Congress who 10 years ago became a member of this body with him, and those of us who have had the pleasure and opportunity of serving with him for 10 years can never forget his strong personality, his ability, or his friendliness.

He was a man of the most wonderful native ability, and yet his duties were such that he did not take the part in debate upon the floor that I know he would have cared to take otherwise. He represented a peculiar district, surrounding the city of Washington. For several years my office in the House Office Building was in close proximity to his, and unless one could see the continuous demands that are made on a Member of Congress from that district he can not appreciate what personal service to one's constituents means. Where the average Member of Congress would have one person call upon him for some personal service in his department, Mr. MUDD and other Members of Congress so situated would have 20, who asked for something that could only be obtained by personal service, by personal work. Yet all of us remember when he did take the floor, with his wonderful ability in debate, that time after time he secured things for his district in which he believed and perhaps which few Members of this body could have secured in similar circumstances. It was because of his great friendliness and his affection for men. You could step on the Democratic side of the aisle and there you would find the same friendship existing for him that you found on the Republican side. There was no partisanship in his make-up or in his mind, and that, perhaps, is one of the reasons that there was so little partisanship in the vote that was always given him in his district. In other words, he rendered the best that he could of service to all the people he represented, not to the people of any particular party or class. The people of his district had a profound affection for him.

It was not my good fortune to know his father, as many of you here to-day did, and who, I know, are here to honor and respect the memory of both Sydney senior and SYDNEY junior. However, for a time in the Army I served with men who were acquainted with both those gentlemen, and I have listened to those men discuss their personalities, their traits, their abilities and characteristics, and I have heard time after time from some soldier, officer, or man, who knew both of them, expressions that any individual might be proud to have said of him by one whom he represented in this body.

There was perhaps one characteristic of SYDNEY MUDD that was not universally recognized, and that was his inherent modesty. Many times I know he would have taken this floor in the running debate that we have, but for the fact that he was so modest. He never desired to attack any individual, and I think if he could be with us to-day he would say that the thing that he learned in his legislative life was that the petty personalities that are sometimes indulged in never repay the individual who indulges in them, and he would say that much of his success as a Member of this body, and much of the affection that goes out to him to-day was because of the fact

that he never said an evil thing of another. His friendship, his affection for mankind, his modesty, his desire to do everything that he could to assist in any way those whom he represented, were to me his marked characteristics, and I do not believe that in many generations will there be another congressional district in the United States which will have the impress of one family so placed upon it as has been the case with the district of southern Maryland which was represented by these SYDNEY MUDDS.

In speaking of SYDNEY MUDD to one of his friends since this ceremony has been considered, one of them said, "I wonder if we shall ever meet SYDNEY again," and he quoted to me one thing that I am going to quote to you as he did to me.

He said:

I have asked that dreadful question of the hills that seem eternal, and of the flowing streams that lucid flow forever, and of the stars amid whose azure fields my raised spirit has walked in glory. All, all were dumb—but as I gaze into thy living face I feel there is a love which mantles through its beauty which can not wholly perish. We shall meet again, Clementhe, meet again.

Mr. TYDINGS. Mr. Speaker, I want to add to what has been said, by my colleagues from Maryland and elsewhere, a word of tribute and reverence for SYDNEY E. MUDD. Although his health was generally known to have been very bad for quite a period of time, the shock of his sudden illness and death quickly following thereafter was something which affected everyone in the State of Maryland with profound sympathy, sorrow, and regret. Those who lived in the northern part of Maryland, through the press, even though not through personal contact, had grown to know SYDNEY MUDD, and his illustrious father before him, as a part of southern Maryland. I could not recall, sitting here listening to the eulogies which were being heaped upon his memory, of ever having heard anyone in my State having said an unkind word about SYDNEY E. MUDD. When he came to this House it was but natural he should seek a place upon the Committee on Naval Affairs.

I know that he was intensely interested in the Naval Academy at Annapolis. In mingling with the people of the capital of our State many times I have heard his praises sung for his untiring efforts, his unfailing energy, and his loyalty to the upbuilding of that great United States institution. For that reason, when he became a candidate for office political lines were always forgotten. No Democrat who is active in politics in Maryland ever fought SYDNEY MUDD with any great amount of vehemence. In fact he was what I would call a Democratic Republican or a Republican Democrat, for he was not partisan in the narrow sense of the word, but represented his entire district and all its people, black and white, high and low, rich and poor, along the broad lines of tolerance that characterized the happenings and lives of the people of our State. SYDNEY MUDD came from those old English settlers who came to our shores in 1634 and founded the State of Maryland. It was that old English stock which gave to the world its first legislative act of religious tolerance. In such a broad atmosphere of mentality he lived and grew to manhood. Those people, those old English settlers lived in southern Maryland and many people reside there to-day who have the same name as those who came over in the *Ark* and *Dove* in 1634. That expanse of land embraced between the Potomac and Chesapeake Bay, which runs to the southern confines of Baltimore City, and which we fondly refer to as southern Maryland, and which in song and story is called the "land of the fiddle and the flask," has a personality that is unique in the history of this country. Its people there are not interested in massing great heaps of rock and stone in the form of skyscrapers. They are not people who are actuated in their everyday pursuits by the mere desire to accumulate great fortunes. They are not empire builders in the sense they would band the world with rails of steel. They are a soft people, they are a gentle people, they are a goodly people, and they are the kind of people who in the last analysis contribute the best that can be contributed to the welfare of mankind. And as I attended the funeral and imbibed something of the atmosphere of southern Maryland, I understood where SYDNEY MUDD got his breadth of view, his gentle qualities, his moderateness, his friendships, his loyalty, the things that characterized him and made him stand apart among the men and women of our State. As I went down to Chapel Point where his body was to be interred and looked down from that hill to the blue Potomac, with the green hills rolling from it, with picturesque undulation over the horizon; through fields touched by autumn with a wealth of color all about us, I somehow envied him such a resting place. I felt that the bell of the old church would ring a little sweeter in that atmosphere than elsewhere; I felt that the song of the lark would sound softer and dearer in such a setting, and I felt after years of service in this environment, with the strong friendships all about him, with a life filled with activity in the public service, that with his end coming soon, it was an end in such a setting as he would have liked to have.

Friends pass softly, he was one
Morning shed her gold upon.

Mr. MILLIGAN. Mr. Speaker, leaving to other colleagues the story of his official life and service to his State—Maryland—and to the Nation, I will speak of the personal side of my late colleague and friend, SYDNEY E. MUDD. I feel honored in calling him friend, with all that the word implies to our close, but too brief, friendship.

There was no pretense in his makeup. He was honest and plain. He met every issue, big or small, squarely and acted without reservation. He was loyalty personified to his friends. That this trait was known and admired by many is evidenced by the fact that for four successive terms he represented in this body, as a Republican, a district that is nominally Democratic.

To those of us who knew him well his failing health was an unending sorrow. Day by day for the past three years, with a smile on his face, concealing as best he could the never-ceasing pain from which he suffered, SYDNEY MUDD marked off his days. We knew that his case was hopeless, and that good health was not to be for him. He knew it too, of this I am convinced. Never once did he decry his fate, but went forward to the end, true to himself, his friends, and his trusts, meeting all with a smile that spoke the great courage that was within him.

SYDNEY E. MUDD died young in years but rich in a useful life and a host of friendships of his own making. He was in the high-noon of a splendid intellect, still in full flow and vigor of a perfect manhood. Stricken in mid-career with his work yet scarcely begun, and the laurels bound thick about his brow as green as when they were gathered in the early morning of his first success, and as his most precious victories.

One had to know SYDNEY E. MUDD well to sound to its uttermost depths the virile force and power of his many-sided character.

His friendship was marvelously true. It was the ruling trait of his character. With him, to be once a friend was to be always such; to him, the voice of distressed friendship was as the voice of God.

A noble heart pulsing with the love for all humanity has been laid to rest where—

Love shall stand guard for thee,
Friends without number,
Bereaved and disconsolate, over thee weep;
Sweet be thy dreams,
Untroubled thy slumbers;
Tranquilly, peacefully, restfully sleep.

Mr. STEPHENS. Mr. Speaker, the death of SYDNEY E. MUDD, of Maryland, leaves a vacant place in the State of his nativity and in the hearts of his friends that will take a long time to fill.

I want to add a few words to the many beautiful words already spoken in memory of our departed friend. He was a young man of strong character and sturdy manhood. He represented in Congress his district and his country with that sterling Americanism and integrity that came to him, no doubt, through inheritance from his distinguished father, who represented this district before him.

He devoted his time most assiduously to the work in his district, which kept him from great activity on the floor of the House.

I served with him on the Naval Affairs Committee of the House and worked with him in the affairs of his district, where I learned to know him well. A strong personal attachment seemed to draw us together, which continued until the time of his death.

I joined with him in work which involved the affairs of Indianhead, Md., where the great Government activity in the production of powder is located and where the work of proving guns and armor plate was then being conducted.

He was thoroughly interested in the success and continuation of this Government activity and in the happiness and prosperity of its people.

Through this association I came to know of his earnestness and his faithful devotion to the people he represented, and

the true and staunch character that gave the best that was in him to the service of his country.

He passes to the Great Beyond, a young man full of promise, full of hope. He leaves a name that will live in the memory of his friends and in their hearts for years to come. It is a consolation to know that life, after all, is only hopeful anticipations of the future and sad and tender recollections of the past.

Mr. BACHARACH. Mr. Speaker, SYDNEY MUDD is dead. That virile young man whom we remember as the "baby" of the House in the Sixty-fourth Congress is no more. He has been called to reap the eternal reward of his good deeds upon earth, and he leaves us among his friends to mourn him.

We both came to Congress in the same year and there grew up between us a delightful friendship which I shall always count among my pleasant experiences in public life.

An able and efficient legislator, possessed of a keen, analytical mind; a tireless worker in the interests of his constituents; his death is a distinct loss not alone to his district and his State but to the whole country.

Possessed of a genial personality, a splendid physique, and a striking countenance, he was ever modest and charming in contact with his fellow men, and he never did a deed or said a word that would hurt the feelings or disturb the sensibilities of any person of either high or low estate. He died beloved by every man, woman, and child in the State of Maryland without regard to race, creed, or station in life.

I think his philosophy in life must have been—

Let me live in a house by the side of the road,
Where the race of men goes by;
Some are wise, foolish, strong, weak;
But so am I.
So why should I sit in the mourner's bench,
Or hurl the cynic's ban;
Let me live in a house by the side of the road
And be a friend to man.

Yes, SYDNEY MUDD is dead; but his memory will ever be preserved in the minds and hearts of those who had the real pleasure of knowing him.

Mr. DYER. Mr. Speaker, I wish to join with my colleagues in expressing my sincere grief in the death of Hon. SYDNEY E. MUDD, of Maryland. I knew him intimately and well. He was one of the noblest and most honorable Members that ever served in this House. He comes from a family long respected and honored, not only in the State of Maryland, his home State, but in the State of Missouri, my home State. He was devoted to the people that sent him to Congress. Likewise he was a public servant of the whole people. His genial smile we miss. The Republic loses a splendid servant. With his family and intimate friends, as well as the American people, I join in sincere sorrow at the loss of so splendid and worthy a Member of the House.

Life is a great mystery. We can not understand why one so splendidly equipped to serve his fellows should be cut down in the very prime of life and others less fitted to fight life's battles are allowed to remain. We can only say "The Lord giveth and the Lord taketh away; blessed be the name of the Lord." We can only be sorry for his going. We wish he could have remained with us for many years to come. His geniality and lovable disposition will be sorely missed from amongst us.

The Ruler of the Universe knows best. We must bow to his will. Those of us left behind can benefit by emulating his good deeds. By so doing, we will be better citizens and better servants of the people.

SYDNEY E. MUDD'S patriotism and love of country will inspire us to work the harder for our country. Such men as he and such service as he rendered have made our country great. With this evidence and sentiment before us we can unite in the words of Longfellow in saying:

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee—are all with thee!

Mr. PURNELL. Mr. Speaker, when I came to Congress as a new Member in 1917, SYDNEY E. MUDD was one of the first Members I met. I was attracted to him by his friendliness and willingness to recognize and assist me—a characteristic very dear to the heart of a new Member. This courtesy was not extended to me alone but to other new Members as well. He seemed to be able to sense the difficulties of a new Member and took a seeming delight in making those early burdens lighter. If I remember correctly, SYDNEY MUDD was the youngest Member of the House when I came, and I stood next to him. This may have been another reason for his particular interest in me. This acquaintance formed at the beginning of my service here ripened into a personal friendship that grew with each succeeding year. SYDNEY MUDD had many lovable qualities, but none more pronounced than his loyalty to his friends. From the beginning of my service here until his death my office was near his, so that I had that personal and daily contact with him which gave me unlimited opportunity to see and know him. He was always the same. Whether in ill health or besieged by constituents or friends, who had too easy access to him, because of the close proximity of his district, he never lost that friendly geniality which made him one of the most popular Members of the House.

As I look back over his years of service, it seems to me that he was constantly engaged in trying to do something for others. He never seemed to have time to give thought to himself. It was this constant application to duty and his earnest effort to take care of the multitude of demands made upon him that eventually undermined his health and brought about his untimely death. SYDNEY MUDD died in the service of his country just as much as if he had fallen upon the field of battle. He was not only devoted to the people and the interests of his district and State, but was in like measure and with equal fidelity devoted to his country. His example of patriotism and devotion to the public service will serve to inspire those of us who mourn his loss and knew him best. I join with my colleagues to-day in expressing the sorrow which prevails in this House because of the loss of this faithful public servant. I join with his colleagues in expressing to his family the sorrow and sympathy which we feel. They can take comfort in the fact that he performed with fidelity and honor that which it was given him to do, and thus added additional glory to a name already made famous by a distinguished father whom he succeeded.

THE LATE REPRESENTATIVE LITTLE

Mr. TINCHER took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will read the remaining order for the day.

The Clerk read as follows:

On motion of Mr. GUYER, by unanimous consent—

Ordered, That Sunday, February 1, 1925, be set apart for memorial addresses on the life, character, and public services of the Hon. EDWARD C. LITTLE, late a Representative from the State of Kansas.

Mr. HOCH. Mr. Speaker, I offer the following resolutions.

The Clerk read as follows:

House Resolution 423

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. EDWARD C. LITTLE, late a Member of this House from the State of Kansas.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. MADDEN. Mr. Speaker and gentlemen of the House, it was my privilege to know EDWARD C. LITTLE both as a diplomat, as a soldier, and as a statesman, for he was all three. He represented his Government in the Diplomatic Service with much distinction, and in the Spanish American War no man displayed more valor or bravery than he. He and Fred Funston were the representatives of Kansas in the Philippines, one as colonel and the other as lieutenant colonel of a great regiment, which gave more distinction to the American arms than any other organization in the Spanish American War. Funston afterwards became a major general in the Army and LITTLE became a Member of this House. They were really representative men of their Nation and of their State. I presume that Kansas attained more distinction as the result of the services of these two men than any other two men of their time, and it had great men in many other places, in the legislative halls, in the executive branch of the Government, and in the Diplomatic Service.

EDWARD C. LITTLE came here after his diplomatic service and after his services as a soldier. He had the spirit of a soldier when he entered this House. He was restless, he wanted to forge ahead, he was not satisfied to wait until experience gave him the right of forward movement. He had been leading the charge in war and he wanted to lead the charge in peace. He soon impressed himself on the membership of the House as a strong character. He loved his State, he was devoted to his people, he loved his country, and there was no service too hard for him, no work too arduous, no day too long, to do the work of the office to which he had been called. He was devoted to the advancement of the country's interest. He had no object in life except to serve his country. I would not call him a diplomat in his services here, but there was no more earnest man who served his country anywhere than EDWARD C. LITTLE.

He was interested in everything that made for the advancement of the Nation. He had ideas, he had opinions, and the courage to express them. The frequently dropped on fertile soil and often resulted in the framing of legislation that was advantageous to the country. And so, no matter whether he was diplomatic or otherwise in the relationship with his associates, his sole object in the service was the advancement of his country. It does not matter whether you agree with one's opinions in the services here you soon learn whether he is earnest, whether he is honest in the opinions he has to express, and as you learn to trust the integrity and depend on the honesty of the Member you begin to respect the opinions he may express, regardless of whether you believe in them or not.

So it was with EDWARD C. LITTLE. He impressed his personality on the membership of this House. It was he who in the discharge of his duties persuaded the House to carry the improvements of the Missouri River into the confines of Kansas, when they had no intention of going that far. He was able to persuade as well as to instruct. He had an integrity all his own. He stood foursquare to the world, he stood foursquare to every wind that blew, he never trimmed his sails to meet the passing breeze, he was an American in every particular to which that term can be applied. He used his Americanism for the advancement of the interests of America and for the betterment of the American people. He had no other client except the Nation. Whether you agreed with him or not you would have to agree that his purpose was right, and that, although his opinions might not conform in many cases to the mass of opinions of the House, he nevertheless expressed those opinions and impressed everybody in the House with his sincerity and his honesty, in the formulation and expression of those opinions. That kind of membership in the House is more valuable than one may suppose; it is far better to have a man in the House who does not agree with everybody—who everybody does not agree with—than to have a Member who is complacent and willing to cooperate, no matter whether the things in which cooperation is desired is correct or not. The character of his membership led frequently to compromising on problems that confronted the House, whereas there would have been no compromise if some man like Mr. LITTLE was not here to object to the complacency which might have affected the result. So I say that the critic with the courage that Mr. LITTLE had is invaluable in this body.

He calls the attention of the country to the need for scrutiny of the subject that may be pending before us, and makes every Member of the House a little more inclined to study the problem with greater care in order that results which may be beneficial to the Nation as a whole may be the outcome of the consideration of the problem.

He left a record behind him of which we are all proud, of which his district, his State have a right to be proud, and of which the Nation might well too be proud. We do not come here to mourn his death. Death is just as natural as life. We come and pass through the scene of action, whatever it may be, and pass on, and if, by any chance, we have been fortunate to leave behind us some thought that some one else, with benefit to the Nation, may take up and carry forward, then we have been successful in the life to which we have been called. If by any chance we have done that which calls the attention of the coming generations to the worthiness of our action, we have not lived in vain. If those who follow us can with benefit to the country emulate our example, we have lived a life worth living, and when we pass on, although we may be forgotten soon by those who are in active service and have other things to think of than us, still the work that we did, the views we expressed and the acts that we performed, if they were worthy, will leave an impress upon the Nation such as will enable it to move forward, to become better, to make friends dearer, homes brighter than they ever had been before. If we can have enough men of this class, and Mr. LITTLE was one of that class, in the active service of the Government, dealing only with the problems that are best from their standpoint for the people, we will have a Nation that will live and lead in the advancement of humanity.

I am one of those who believe that we are to meet again. I do not think that we have passed away from contact with Mr. LITTLE. I believe there is another life in which we will appear, and that we will have contact with those who have gone before, where none of the struggles and strifes and trials and tribulations which confront us here will disturb the happiness which we are to enjoy in the life of the great future.

EDWARD C. LITTLE was my friend; I was his; I admired his courage and fidelity, his ability, his integrity, his patriotism; I revere his memory. I congratulate the country on the record of his achievements. He has gone to his reward. He is at rest from his labors; may he rest in the peace to which his life record entitles him.

Mr. GUYER. Mr. Speaker, at a meeting of the Wyandotte Bar Association, of which Colonel LITTLE was a distinguished and honored member, a memorial meeting was held and certain eulogies were pronounced and at the funeral of Colonel LITTLE at the Scottish Rite Temple on the 30th of June, Col. A. M. Harvey, a brother soldier of his, delivered a eulogy. I ask unanimous consent that these eulogies may be printed in the RECORD and made a part of the volume which will contain the addresses delivered in honor of his life and public services.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the eulogies to which he has referred be made a part of the RECORD and published with the addresses delivered to-day. Is there objection?

There was no objection.

Mr. GUYER. Mr. Speaker, and gentlemen of the House, my predecessor, Col. EDWARD C. LITTLE, was born three years prior to the beginning of the Civil War. His lifetime embraced all the great and stirring crises of the past three-quarters of a century.

Drawn by the magnet of the western sea, his parents joined that endless caravan that swept toward the frontier just at the close of the Civil War. That colossal conflict had set in motion energies we did not suspect we possessed, and created giants in both armies that have challenged the admiration of all the world. Those mighty energies that filtered out of the wreck and stress of that war, like electricity generated by some huge dynamo, had to be diverted into some adequate and engrossing channel to absorb the shock of the restless and reckless spirits born of that tumult of elemental passions.

Fortunately, at that time we had the richest and greatest frontier on earth, and the brawny arms that contended in that mighty struggle were bared to the shoulder to fling back the frontier toward the western sunset. At that time blue grass, the symbol and signal of civilization, had then only timidly invaded the valleys of the Kaw and Marais des Cygnes. The embers of Lawrence were hardly cold, and its hatred still glowed with white-hot rage, when EDWARD C. LITTLE, then a lad of seven summers, came to live in the district which he afterwards represented with signal distinction for nearly a decade.

The soil of that historic district was stained with the first blood that was sacrificed in the great conflict, when the scenes of that struggle were shifted from the forensic battles in these halls to the plains and primeval forests of virgin Kansas. As

far as Kansas and that district were concerned, the issues of the war were decided before the thunders of Sumter had awakened the smoldering fires of 1861. The question of nationality was settled there long before the guns of Gettysburg had justified the faith of Washington and Hamilton, and of Webster and John Marshall, in the indissoluble integrity of the Federal Union. The names of Lawrence, Lecompton, and Osawatomie were on the lips of the Nation when Shiloh and Chickamauga slumbered in the repose of obscurity.

The father of EDWARD C. LITTLE, himself a Union soldier, settled on the very soil made historic in that brutal border warfare, at the juncture and blending of the Oregon and the old Santa Fe trails—the two most historic and romantic trails that ever mapped the frontiers of the earth. And thus it was that Colonel LITTLE, then a child, saw the pageantry of the plains. With his childish eyes he beheld that winding, white-crowned caravan, under the protection of whose panoply the embryo of an empire was borne out upon the great plains. With his boyish feet he walked upon that dusty path over which Anglo-Saxon genius staggered out onto the great American desert to build an unshackled civilization. Here in the twilight he saw the blue camp-fire smoke rise like the sky in solution, and heard the paean of the prairies—the hymn of the plains:

To the West! To the West! To the land of the free,
Where the mighty Missouri rolls down to the sea;
Where a man is a man if he's willing to toil,
And the humble may gather the fruit of the soil.

At that time Kansas City was a guard at the gates of the wilderness, a sentinel on the fringe of the desert. Wichita had not yet surprised the desert, nor Dodge invaded the wilderness. The great wheat fields of the Kansas of to-day were the habitat of countless buffalo and the hunting ground of the savage. While eastern Kansas wore the aspect of organized society, just over the horizon to the west was the virgin prairie sea.

To that frontier, besides the Kaw, came James Butler Hickock, better known in the unwritten epic of the prairies as "Wild Bill." He settled near the Little homestead. He was a Scotchman whose ancestors came to Vermont a century and a half ago and fought by the side of Ethan Allen. He had been a Union scout in the Civil War; and so soon after Appomattox there was not that cordial relation between those who wore the blue and those who wore the gray which exists to-day between the gentleman from Ohio, General SHERWOOD, and the gentleman from North Carolina, Major STEDMAN. His Missouri neighbors burned his habitation twice, when he decided that farming was not a congenial occupation. So, finally, in after years, he settled down to the gentle art of keeping the peace when Wichita, Abilene, Hays, and Dodge City were engaged in a contest to decide which was the toughest town on earth—each in its turn deserved the title.

Colonel LITTLE wrote a number of historical sketches concerning frontier life on the border in Kansas. One of these sketches, written about 20 years ago, was entitled "A Son of the Border." It is a spirited recital of that great frontiersman's career, and illustrates the skill of Colonel LITTLE as an author. Permit me to quote the closing paragraph:

Homer sang Achilles into 80 centuries of renown. The deeds of many frontiersmen excel the Greek's. David did his own singing and came out with a great reputation. Yet I doubt not that the McKandlas gang would have made Goliath look like an amateur. Ivanhoe in his iron kettle with his long lance killing the neighbors for love of God and lady never surpassed the courage and sacrifice of Wild Bill and his comrades. But the dime novelist has been their biographer and cheap notoriety their reward. They deserve a statelier history and a sweeter requiem. With all their faults they were brave and gallant gentlemen and made it possible for quiet men to bring decent women and establish American homes on the plains and in the mountains. Wild Bill's adventures should have come to the knowledge of that fine old Scotchman who delighted in the blare of bugles, the clash of arms, and the tale of chivalry. Walter Scott would have made this great scout and peace officer a hero of romance and a prince of the border.

This demonstrates that Colonel LITTLE was really a gifted writer, and had he confined his efforts to literature he would no doubt have achieved a high place in the literary world. He was a traveler of note. His activities took him to the ends of the earth—as consul general to Cairo, Egypt, in 1892; to the Philippine Islands in the Spanish-American War; and over the American continent in later life. Had he reduced to writing his varied experiences and published his literary endeavors, I have no doubt that he would have immortalized his name in the world of letters. And what lives longer than a book? A Kansas bard, "Ironquill," expressed that thought better than anyone else:

With granite once a genius bridged a stream;
A builder once a rugged temple wrought;
On canvas once a painter fixed a thought,
A sculptor once in marble carved a dream;
A queen once built a tomb, and in the scheme
Of gold and bronze the quivering sunbeams caught;
Then came oblivion, unseen, unsought—
Contemptuous of thinker and of theme.

And some one wrote a book. Palace and hall
Are gone. Marble and bronze are dust. The fanes
Are fallen which the sungold sought. The rook,
At morn, caws garrulously over all.
All! All are gone. The book alone remains.
Man builds no structure which outlives a book.

Colonel LITTLE's literary efforts were not confined to prose, for in his earlier life he wrote much superior verse. At the University of Kansas he was a leader in Greek-letter circles, being a member of one of the Greek-letter fraternities, and one of his poems of college days celebrates the fraternal ties of those college orders.

THE GREEKS

O college days that speed on wing so strong,
O college joys that last not long, not long,
O college friends from whom we soon shall sever,
O college friendships made for aye and ever,
O dreams of youth so sweet, so frail, so fleeting,
'Neath touch of time and care so swift retreating—

To you the goblets clink,
Greek pledged to Greek we drink;
Eternal be the link
That binds our hearts in one.
Long mystic flames shall dance
'Neath warm fraternal glance,
Till life's last set of sun.

From where the sunshine glistens
On mantle fair of snow,
To where old Ætna listens
To sullen depths below;
From where the morn's fair fingers
Throw ope the gates of day,
To where the daylight lingers
No more on crested spray;
O'er man and stream and hillside,
O'er all the shadows fall:
But the sunlight softly lingers
Round the dear old chapter hall.

Aside our foes we fling,
Greek pledged to Greek we sing,
Till wall and rafter ring,
"Nor time nor space shall sever."
The sparkling wine we quaff,
At fate and hate we laugh,
God bless the Greeks forever!

Traveling in old Mexico he found an old temple in ruins over whose moss-covered portal was written,

Haec est Domus Dei
Et Porta Coeli.

From this suggestion he wrote a most beautiful poem, entitled "Domus et Porta," which I will here quote:

With moss and ivy grown,
It marks the sacred stone,
Let it stand.
It was carved by men of old,
Who have long been still and cold,
'Neath Mexic sand.

For, you see, it's my belief
That the Domus is a reef
In the sea;
That the Porta is a dream,
Like the lights I thought did gleam
Through to me.

I long had hope and faith,
Yet my hope was just a wraith—
For the hour;
And my prayers have gone to seed,
As a withered, ragged weed
Without flower.

Yet still I feel the need
Of Domus, port and creed,
And a friend;
For I've neither fear nor hope,
While I sadly, blindly grope
Towards the end.

When sinners throng the aisle,
I see them read and smile
At the shrine,
But each carries in his heart,
In a secret place, apart,
That old line:

"This is the house of God,
This, where sinners' feet have trod
O'er the floor,
And praise Him, 'tis Heaven's Gate,
Oh, weak one, be not too late,
At the door."

Though I do not enter in,
I dislike the scoffer's grin
At the scroll.
For perhaps the priest was right,
With his home and gate, so trite,
For a goal.

Nor you nor I should sneer
At what is written here
In ancient bookish tongue.
Who knows, not I nor you,
If perchance the tale be true
That priest and martyr sung?

What is graven on the stone,
Let us leave it, lads, alone
With its dead.
It, on souls that toil and grieve,
If they only can believe,
Hope doth shed.

Once there came a learned priest,
Holy man from Spanish east—
With all uncovered head
Bore the cross of Christ as far
Through the smoke and flame of war,
As Cortez dared to tread.

Laughed at famine, laughed in scorn,
At the fears from danger born,
His garments gray
Led the boldest in the fight—
To armed soldier, plumed knight
Showed the way.

He might have broken lances under beauty's witching glances,
Where, on an army's banners, the laughing sunshine dances,
O'er the plain.
He might have been the counselor of Castile's proudest king,
Or won the cloak of cardinal where ten thousand anthems ring,
In distant Spain.

But he chose the sacred service
Of the Child of Nazareth,
Risked for Him his manhood's prime,
Poverty and death.
Here he built the great cathedral,
This his tomb:
His princely soul was crowned here—
Beyond the gate there's room.

Here he rests, his task is done,
Here he lies, his peace is won;
Let him rest.
Who knows but 'tis of God's own,
And he's close beside the throne,
A welcome guest?

Then bow low your Saxon head,
Softly speak and lightly tread,
'Neath words so grand.
To carve the line that stands above,
He gave up life and fame and love.
He believed it—let it stand.

Haec est Domus Dei:
This is the House of God;
Et Porta Coeli:
This the gate His martyrs trod.

I am sure that all will agree that this poem displays no ordinary poetic gift. I regret that time does not permit me to speak of his gift of oratory, but Members of the House are familiar with that. Few men have had such a wide diversity of talent, and few have excelled in such varied lines. He was diplomat, poet, orator, soldier, lawyer, and statesman—preeminent in all. He drained life's brimming cup to its dregs in living his great and purposeful career, and is now gone to join that vast majority where the question of quorum is never raised.

Colonel LITTLE had his faults, "Even as you and I," but his friends wrote them on the shifting, inconstant sands, where the forgiveness of wind and wave has washed them all away. He always retained something of the brutal frankness of the frontier, something of the brusqueness of the old border; softened only slightly by university training and masked but thinly by a highly cultivated mind. This abruptness of manner often withheld from him the credit that was due. Here in Congress he raveled out his life like a prodigal spendthrift in the service of his country, which a none too grateful Republic may never properly appreciate.

No eulogy of Colonel LITTLE would be complete without a parenthesis including the heroic devotion of Edna Steele Little, the partner of all his triumphs, the comrade of his struggles, and the colleague of his labors. He has left to her and their son the priceless heritage of a good name and the record of a life full of devotion to his country, his family, and his friends.

What a pitiable little span is human life! When viewed from its troubled surface, what a strange and pathetic tragedy! Yesterday, the warm, sweet current of life; to-day, still in the chill of death. Yesterday, the thrill of preeminence and superiority; to-day, the democratic equality of the dust. For death, like love, "levels all rank." There is no caste in the dominion of the sepulcher. Death is the universal decree. The earth itself is but one vast mausoleum. We touch it not without desecrating a myriad sepulcher. The very rocks that wall us in are but the archives of life that throbbed in long-forgotten ages. All that lives must die.

The hand of the king that the scepter hath borne,
The brow of the priest that the miter hath worn,
The eye of the sage and the heart of the brave,
Are hiddent at last in the depths of the grave.

But it is said that there is no life without death and that in nature death is the prophecy of life.

Plato, thou reasonest well!
Else whence this pleasing hope, this fond desire,
This longing after immortality?

Bryant says of the migratory bird:

There is a Power whose care
Teaches thy way along that pathless coast—
The desert and illimitable air—
Lone wandering, but not lost.

* * * * *

He who from zone to zone,
Guides through the boundless sky thy certain flight,
In the long way that I must tread alone,
Will lead my steps aright.

The bird that sunward guides its flight does not know that eternal summer smiles beneath the tropic sun, but when the bird arrives there the summer is. The instinct with which we cling to life and which inheres in us is like the cosmic urge of the bird, and nature does not deceive her children.

I know of no better manner of closing this faltering eulogy of your friend and mine than by quoting a little poem by that great dramatic critic, the late William Winter. Several years ago Mr. Winter was very ill and close to the gates of death. After his recovery he wrote this little poem, and in my humble opinion no sweeter honey of its kind has dripped from the hive of genius since Tennyson wrote, The Crossing of the Bar. In the calm philosophy of Him who walked by the tideless sea, I can well imagine Colonel LITTLE facing death echoing the thought of William Winter as expressed in this little poem:

One other bitter drop to drink,
And then—no more!
One little pause upon the brink,
And then—go o'er!
One sigh—and then the lib'rant morn
Of perfect day,
When my free spirit, newly born,
Shall soar away!

One pang—and I shall rend the thrall
Where grief abides,
And generous death shall show me all
That now he hides;
And, lucid in that second birth,
I shall discern
What all the sages of the earth
Have died to learn.

One motion—and the stream is crost,
So dark, so deep!
And I shall triumph, or be lost
In endless sleep.
Then onward, whatsoe'er my fate,
I shall not care!
Nor sin nor sorrow, love nor hate
Can touch me there.

And, finally, if I were to mark his last resting place out there beneath the sod of the prairies he loved so well, I would mark it as another great Kansan's grave is marked—with a granite bowlder inscribed with a classic from his own pen.

Upon that rugged boulder I would let Colonel LITTLE write his own epitaph, a stanza from his poem which I have just quoted:

Here he rests, his task is done,
Here he lies, his peace is won;—
Let him rest.
Who knows but 'tis of God's own,
And he's close beside the throne,
A welcome guest?

Mr. Speaker, pursuant to the leave granted, I append herewith the eulogies to which I referred:

MEMORIAL SERVICES FOR COL. EDWARD CAMPBELL LITTLE, HELD SATURDAY, JULY 12, 1924, BY THE WYANDOTTE COUNTY BAR ASSOCIATION, PRESIDENT U. S. GUYER, PRESIDING

Mr. GUYER. We meet this morning, gentlemen, to honor the life and memory of one who was not only a distinguished member of this bar but also a Member of the House of Representatives from the second district of Kansas.

At the last meeting of the bar association a resolution was adopted, at the president's suggestion, that in the future when memorial services were observed for a member of the bar, that a stenographer be employed to take the eulogies delivered, in order that they might be preserved as a part of the records of the bar association and more particularly that they might be presented to the family of the deceased member for preservation. This will for the first time be done this morning.

Pursuant to the call of this meeting, I appointed a committee on resolutions, consisting of Judge Edward L. Fischer, Judge Frank D. Hutchings and Hon. J. O. Emerson, and if they have their report ready we will listen to it. Judge Fischer is the chairman.

Judge E. L. FISCHER. Mr. President——

The PRESIDENT. Judge Fischer.

Judge E. L. FISCHER. And members of the association and the bar, we, the committee appointed by the president of the Wyandotte County Bar Association to prepare resolutions of condolence on the death of Col. EDWARD CAMPBELL LITTLE, beg leave to submit the following report:

EDWARD CAMPBELL LITTLE graduated from the high school in Abilene, Kans., and entered the University of Kansas about the year 1879, graduating therefrom in 1883 with the degree of bachelor of arts. As a student he was way above the average; painstaking and accurate, he approached any task that might be assigned him with a determination to master it. He was not satisfied with being able to go into class and make a good recitation, but he wanted to know the why and wherefore and be able to intelligently interpret or explain the points involved. His professors always gave what he had to say the most respectful consideration, and his fellow students admitted and admired his ability. He took great interest in all athletic sports, was captain of the college baseball nine, and in his freshman year won the 100-yard race on field day.

Both as a student and after graduation he was quite a voluminous writer and author. Soon after graduation he was employed by the Santa Fe Railroad to investigate and put into shape some of the old Spanish legends that cluster about the monasteries, ruins, and other historic places in New Mexico and other parts of the southwestern portion of the United States ceded to this country by Mexico after the war with that country. Many of his descriptions and accounts of these old traditions were quoted by the daily press and other publications interested in such things all over the country. He also wrote quite extensively for the magazines until the pressing demands on his time by his political and professional activities caused him to give up this work.

He was married November 29, 1899, in the chapel of Bethany College, Topeka, to Miss Edna Margaret Steele, a very talented young lady of Revolutionary ancestry, and formerly a student in that institution. Mr. and Mrs. LITTLE lived in Abilene until they removed to Kansas City, Kans., in 1908. Mr. and Mrs. LITTLE's home life was very happy, and Mrs. Little was a true helpmate to her husband. One son, Donald Little, was born to them January 29, 1901. He was attending George Washington University, Washington, D. C., when his father died and expected to graduate therefrom this year.

In the days of his young manhood he was a teacher in the public schools of Leavenworth, Kans., and there demonstrated considerable ability as an educator. His bent toward athletics enabled him to maintain discipline without difficulty and also won the admiration and loyalty of his pupils.

As a lawyer he was able, resourceful, fearless, and successful. He was admitted to the Bar of this State immediately after graduating from the Kansas University Law School in the year of 1886, with the degree of LL. B. As a law student, under the revered dean, James Woods Green, he mastered the fundamental principles of the law, and he always took pride in classing himself as one of "Uncle Jimmy's boys." He practiced law at Abilene, Kans., until 1908, when he removed to Kansas City, Kans., where he was actively engaged in the practice until 1916, when he was elected as a Member of the House of Representatives from the second congressional district of Kansas. When he entered Congress he had built up a large and lucrative practice, which by reason of his arduous official duties he was compelled to gradually relinquish.

Under appointment of President Benjamin Harrison he served his country with distinction and honor as diplomatic agent and consul general to Egypt. As a mark of the esteem in which he was regarded as a diplomat he was decorated by the then Sultan of Turkey.

Colonel LITTLE organized the famous Twentieth Kansas Volunteer Infantry, in April, 1898, and was appointed lieutenant colonel. He served with this regiment in the Spanish-American War in the Philippines. He was in command of his battalion in 10 engagements, and in command of the regiment in five others in the Philippine insurrection. He was mustered out in San Francisco, October 28, 1899, with the remainder of the regiment.

Colonel LITTLE was an orator of ability. He was in demand as a commencement speaker and on every Fourth of July, and never escaped being called on in political campaigns for the past 40 years. He was good at repartee, and a very superior extemporaneous speaker.

He served nearly eight years in Congress. His greatest work in Washington was a compilation of the United States Statutes into a code, a labor so strenuous and exacting as to have contributed largely to his final breakdown. During all the colonel's service as Congressman he was a true friend of the ex-soldiers, their widows, and orphans. He was tireless in efforts to assist them, and was unusually prompt and diligent in his attention to letters and requests from his constituents. He took every opportunity to speak words of praise for the Civil War veterans, whose valor he highly respected. While at the commencement of his campaigns for Congress he was compelled to fight every inch of the way, yet at the last election he carried every county in his district and was elected by the largest majority ever given a Congressman in his district.

As a private citizen and in the public service, the colonel loved justice and walked uprightly. The breath of scandal or suspicion never turned toward him, either as a private citizen or public servant.

Colonel LITTLE was a Scottish Rite Mason of the thirty-second degree, and a member of the Benevolent and Protective Order of Elks and Knights of Pythias.

Colonel LITTLE died in Washington, D. C., on the 27th day of June, 1924. His funeral was held in Kansas City, Kans., on June 30, 1924, and he was buried in Abilene, Kans., July 1, 1924, with military honors.

To the members of Colonel LITTLE's family we extend our most sincere sympathy and condolences. While we recognize the futility of words to heal the wounds made by grief and sorrow, we trust that the magic processes of time will bring that consolation which we are unable to give, and which only comes as a compensation and sequence of an honorable, well spent life.

Respectfully submitted.

E. L. FISCHER,
F. D. HUTCHINGS,
J. O. EMERSON,
Committee.

The PRESIDENT. I will entertain a motion to adopt this report.

Mr. C. A. BOWMAN. Mr. President——

The PRESIDENT. Mr. Bowman.

Mr. C. A. BOWMAN. I move that the report be adopted and ordered printed by the bar association and an appropriate number of copies to be sent to the family of the deceased; and that the judges of

the district court of Wyandotte County, Kans., be requested to have it entered on the journal of the court.

The PRESIDENT. You have heard the motion. Those in favor signify by saying "aye." [Cries of "aye."] The resolution is carried. I had my stenographer transcribe the record of Colonel LITTLE from "Who's Who in America." You have that, Mr. Koehler. Will you read it?

Mr. J. S. KOEHLER. "LITTLE, EDWARD CAMPBELL, Congressman; born Newark, Ohio, December 14, 1858; son Theophilus, jr., and Sarah Elliott Taylor L.; A. B., U. of Kansas, 1883, LL. B., A. M., 1886; admitted to bar 1886; married Edna M. Steele, of Topeka, Kans., November 29, 1899; city attorney, Ness City, Kans., 1888; county attorney Dickinson County, 1895; removed to Kansas City, Kans., 1908; was secretary to Governor of Kansas; diplomatic agent and consul general at Cario, Egypt, 1892–93; lieutenant colonel, Twentieth Kansas Volunteers in Philippine Islands, 1898–99; congressional medal for services in Philippines; delegate at large Republican National Convention, 1892; defeated by narrow margin for United States Senator, 1897, and for justice supreme court, 1914; Member Sixty-fifth, Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses (1917–1924), second Kansas district; chairman Revision of Laws Committee; Grand Cordon of the Medjidien, from Sultan of Turkey, for diplomatic service. Home: 618 Freeman Street, Kansas City, Kans."

The PRESIDENT. You will observe it has been probably 45 years since Colonel LITTLE first entered the University of Kansas. There are no other associations in life probably that are dearer to a man than his old association in college, and Colonel LITTLE is fortunate this morning in having two men, at least two men, at this bar who were students at the time that he was in the University of Kansas. One of them was his close friend, Judge Frank D. Hutchings. I will ask Judge Hutchings to address us relative to Colonel LITTLE'S university life and as to such other matters as he sees fit.

Judge F. D. HUTCHINGS. Colonel LITTLE and myself were in the same class at the University of Kansas, the class of 1883. I met him his first year in college. He came from Abilene, and had had the usual experience of a Kansas boy in that part of the State. He was aggressive, and was ready to accept the gauge of battle at any time and on any occasion. He was a good student. He always took a great deal of pride in taking up a subject and mastering it. He was liked by most of the professors and respected by all of the students. Of course, a man or boy of his characteristics had very strong friends and very strong opponents; but he was always able to hold his own in any contest in which he entered. We were at school together in the collegiate department four years, and part of the time we were roommates. We belonged to the same fraternity and were interested in the same side in college politics. There were a good many contests that were very interesting to us at the time, and to those who engaged in them, but, of course, would not be of any particular interest now. He was editor and editor in chief of the Kansas Review, for I think two years, and succeeded in making it one of the best college papers published in the country. Some of his editorials and contributions that were published in the paper were quoted and approved by other college papers published in the different colleges of the United States. He was also editor in chief of The Shield, the national organ of the Phi Kappa Psi Fraternity, and during the time The Shield was published by the Kansas chapter it got on its feet and became a prosperous magazine. It had not been so very successful prior to that time, owing to the fact that the people who had charge of it had been undergraduates and could not devote the time to it that was necessary. LITTLE devoted a great deal of time to this, I expect on a good many occasions at the expense of some of his collegiate work, but succeeded in making it a success, which it always has been since.

He graduated in 1883 with the degree of bachelor of arts. On commencement he was chosen to speak for the school of arts and sciences. In those days classes were much smaller than they are now. The class of 1883 had 20 members, and that was the largest class that had graduated from the collegiate department of the University at that time. The faculty in those days usually chose a member from each school, the school of law, the school of medicine, and the school of arts and sciences, and he was chosen as the representative of the school of arts and sciences. On class day he also represented the graduating class, chosen by the class, and gained an enviable reputation.

After graduation he was connected, as was stated in the resolutions, with the Santa Fe Railroad for quite a time. It was about this time that the old Atlantic & Pacific had been incorporated in the Santa Fe system, and the railroad was interested in calling attention to the country traversed by this new line through New Mexico, Arizona, and southern California. LITTLE did a great amount of work in looking up and putting in readable form some of the old Spanish traditions and folk lore of that part of the country. Subsequent to that he graduated from the school of law, in 1886. He began the practice of his profession in Ness City, Kans., and subsequently removed to Abilene. He was quite successful from the beginning. Of course, a man of his temperament would be attracted by the contest of trial, and gave it special attention, and he was more than averagely successful in trying cases to a jury.

John P. Usher, general counsel for the Kansas Pacific Railway, was a good friend of LITTLE'S, and he was for a time in his office at Lawrence, Kans. Judge Usher had been Secretary of the Interior in President Lincoln's cabinet, and was one of the great lawyers of this country, but withal was always pleasant and genial to the young men who were studying law or were just starting out in practice. N. H. Loomis, now general counsel for the Union Pacific system at Omaha, was in Judge Usher's office, and some of the discussions between LITTLE and Loomis on disputed law points were certainly animated and interesting.

His life, since he came to Kansas City, in 1908, is well known to all members of the bar. I can say that he was a good and true friend, and a man who always wanted to do what was right, and risked his own advancement and success ofttimes in refusing to do what would seem to be the most politic, but what he did not believe was the right and proper thing to do.

He lived to a ripe old age, ever active and progressive, meeting with the courage of a brave heart the obstacles that confronted him in life's path, and whether successful or vanquished in the combat he never sulked in his tent, but in the next onset could always be found on the advance line, seeking and doing what he thought was right.

As he lived, he died, and when summoned by the messenger to whom no man born of woman can say nay, sustained by the knowledge of a life well and honorably spent, and in the Christian faith, uncomplaining and unflinching he followed the messenger and passed from among us.

The PRESIDENT. As most of you know, my association with Colonel LITTLE was that of a political opponent, within the Republican Party. Colonel LITTLE took politics, as he did most matters, seriously. When he did anything he did it with energy. He took politics seriously. In this he rather differed from me. I have often said that I got more fun out of politics and less votes than any other man in Kansas. I remember in the campaign of 1916 that it was from the 1st of August to the 20th of August before we knew who won. Then he had one vote more than I had. He told me that he lost 15 pounds in that time worrying about that one vote. I told him that I always lost my flesh after I won. You know, I never lost a great deal of flesh.

In a subsequent campaign some personal bitterness developed between us. The occasion is unimportant, for both of us long ago wiped that from our slate. But there was an estrangement. But Colonel LITTLE came to my office and offered his hand, suggesting that life was too short for us to waste any of it in personal animosity, with which I agreed, and ever since we have had only the most cordial relations. It illustrates that however hasty he may have been at times, he did the generous and magnanimous thing in the end.

During the time that Colonel LITTLE was in school, Mr. I. F. Bradley, a member of this bar, came to the university, and he became acquainted with Colonel LITTLE, and we would like to hear a few words from Mr. Bradley.

Mr. I. F. BRADLEY. Mr. Chairman, it is a more than passing formality to me to have something to say about Colonel LITTLE. Perhaps I have known him as long as anyone here, save and except the judge of this court, and I think he was the first man in the State of Kansas with whom I had any real transaction, and surely the first one who spoke kindly to me. He was clerk of the university. When I glanced up to him and started to hand up my $25 as an entrance fee, his first look at me was that of supreme kindness. I remember how he looked down and said, "You don't have to pay all that now," and I now remember, and afterwards also, he did not say when I would have to pay the rest. "You can pay $12.50 now." He did not say any more. He explained afterwards why he did not tell me I would have to pay the rest. And my relations with him, with two others, were always the best. And the three that impressed me at that time as men of the finest qualities, were known as Fred, Frank, and ED; Fred Funston, Frank Hutchings, and ED LITTLE. Incidents and circumstances brought me nearer first one, then the other at times. I always studied them and learned something from each. I observed Fred; he always dreamed of fame, fortune, and empire. He strayed away from school at the end of the term before finishing, to the surprise of his many friends. I noticed in the other a studiousness and an acquaintance with study, and in the third, a solemn, militant, aggressive spirit and nature; and I observed them afterwards. Each waxed well in the line of life that he chose. And ED always was moved by the same interest and kindness to me that he showed from the first.

I remember when he was in Africa how regularly he wrote me and what a study he was making of that far-away land and of matters that would be of special interest to me; how he wrote about the tribes of that land, their history and their actions, what they were doing, and so on; how regularly he wrote me concerning them; and that corre-

spondence I returned with the same amount of interest, and I am sure it would be interesting to you to study those peoples and their customs, showing a great deal that the world does not know. And he has sat down and gone over with me what he knows about these different tribes and their governments and their institutions and their cities, often describing a city that he had gone into of 100,000 population in which there was manufactured some of the finest goods sold in such cities as Paris, saddle goods and leather goods, and all things of that sort. Many years after I had left the university I met him in the office of Judge Fischer and he explained to me why he did not take the $12.50 from me as my entrance fee at the university. I did not know why he did that, and I did not suppose he knew what a convenience it was to me, under the circumstances, as I had prepared to enter school at that time, and at the time I got there, after getting my books and supplies, I had probably about $30, and if I had paid the $25 I would have $5 left, and I explained to him that made me $17.50 to start in with instead of $5. He explained to me, as he looked down at me, I looked rather seedy, and he figured out I would freeze out in a few weeks and it was a pity to take $25 from me under the circumstances when $12.50 would last as long as I would stay.

Coming down to the life of Colonel LITTLE, and the things he has done, suggests to me that he did not take perhaps as much time living as he ought. When we shuffle off this mortal coil we leave it just the same as it was when we came; whatever we have accumulated in all the years, we take no more away than we bring. That which we leave that is most lasting is that which calls for the exercises that we are here gathered to do—the memory of the man and his deeds. He lives in the minds of his friends, not so much the height to which he attained or the scope through which his operations passed, but his life was such as to impress us along the line as I have said, not so much what you have, but how you impress your fellows, how they think of you after you are gone. I shall always think of him with respect, deep and impressive.

The PRESIDENT. In conversation with Colonel LITTLE in regard to the Spanish-American War, he told me, and it is common knowledge to those who knew him, that Governor Leedy wished to appoint him colonel of the Twentieth Kansas; but, in the most magnanimous spirit, he insisted upon the appointment of Colonel Funston, from the fact, he said, that Funston had had some military training and he had not.

Among the associations of life I think those that soldiers have are the closest in after life. We have this morning a comrade in arms of Colonel LITTLE, himself a most distinguished soldier, who bears a medal, the highest which the Congress of the United States gives, for valor in the field. I will call on Hon. William B. Trembley this morning to speak briefly upon the line of Colonel LITTLE's military career.

Hon. WILLIAM B. TREMBLEY. Mr. President and members of the bar association, I am here to tell you a few things about my good friend, Colonel LITTLE. He was in the hospital four weeks before he died. At the end of three weeks he had improved sufficiently so that arrangements had been completed for his removal from the hospital, and then he suffered a slight stroke of paralysis, which left him in a semiconscious condition for about 36 hours, when he regained consciousness and could move his hands and legs, but could not speak and was unable to turn over. He remained in that condition until the end, recovering his voice slightly, but weakened very fast, and while he was conscious to the last he suffered no bodily pain and died very peaceably.

Colonel LITTLE during his life was a very successful and honest politician and statesman. He was very careful to never permit his campaign expenses to exceed the amount allowed by law. He never permitted any man or organization of men to pay his campaign expenses. He always held himself in a position to vote on all measures according to the dictates of his own conscience and the way a majority of his constituents wished.

The really influential men in Washington were always anxious for his opinion on current events and measures pending in the House and Senate.

He held many responsible positions and offices, but I believe he really considered the "high spot" in his career was his services in the Army. He was lieutenant colonel of the Twentieth Kansas Volunteer Infantry during the Spanish-American War, and was in direct command of the First Battalion, of which I was a private. During and after the war I saw a great deal of him and learned to love and appreciate him as only one comrade can another. You have heard how officers looked after the welfare of the men in their organization, but with the colonel this welfare went so far that it was an obsession with him, and when in battle lines or the trenches he was the last man to lie down for the night.

He never went into a fight without his plans were made. He was unfortunate enough to get a bullet in his leg, which he carried until his death and which prevented him from being in command of his battalion a part of the time, but he was in command of the battalion in 10 engagements and in command of the regiment in 5 others; and by reason of the fact that his plans were well made, his organization never retreated or gave up a foot of captured ground.

His care and interest in his comrades did not end when we were mustered out of the service, but it seemed to me that his love for a man who had seen service in any war increased as he grew older and was second in his regards only to the love and esteem in which he held his wife and son. In this connection I will add that he recommended to the Postmaster General, and had appointed to post offices in his congressional district, four men who were privates in his battalion in the Twentieth Kansas Infantry, and of the twenty-odd recommendations that he made for postmasters, all but four were ex-service men, and one of these was the widow of an ex-service man, and then he died—just passed very quietly away, still in love with his family and all the men who fought for his country.

The PRESIDENT. Among those members of this bar who were more or less intimate with Colonel LITTLE is Mr. H. E. Dean. I will ask Mr. Dean to say a few words.

Mr. H. E. DEAN. Mr. President, and brethern of the bar, I have learned more about Colonel LITTLE's life this morning than I had ever known before. My acquaintance with him, that is, the acquaintance that might be termed intimate, covered only the later years of his life, not to exceed 8 or 10. I met him first, as I now recall, in Judge Hutchings' office, perhaps 20 years ago; and from that time until he became a Member of Congress I knew little of him. It would be useless, after these men who have been his friends in college life and in the Army, for me to say anything about that, and I will say but a few words about some of the things that impressed me about Colonel LITTLE in the years that I knew him well. And the one thing, outside of the fact that all of us know, of his intense patriotism and his response to the call of his country, the one thing that impressed me most was his attitude toward the youth of his country, the hopes that he had as to their preserving its institutions and the things that he gave of his official life toward directing at least some of the youth toward the goal which was to him the greatest of all, that of preserving the free institutions of his native land.

And I recall one instance now where some friends of a boy who lived in Kansas City, Kans., an orphan who was without influential friends, who was without money, and when his natural ability as a student was presented to Colonel LITTLE he gladly did the things that were necessary to place this boy in a position where he might achieve the hopes that he had for a future for himself. One of the things that the Colonel was looking forward to at the time he died was that in September of this coming year, when the boy had his vacation, he expected, along with the other friends of this young fellow, to assist in his entertainment here in Kansas City, Kans.; and this was the thing to me, perhaps above all else, appealed as indicating the splendid qualities in Colonel LITTLE's character. He will not be here to help entertain this boy, but we think probably that he is some place where he will have some knowledge of the fruits of his endeavor to make this boy's life a success, together with other influences that he has wielded in the lives of many others. To-day, as we gather here to pay some tribute to the memory of one who has worked with us, and look out to that great future life in which we believe, we do not know where this land is, geographically, but as we are met here this morning to talk something about Colonel LITTLE's life here, and yet to be yonder, we feel that this land is indeed close to us and that the friends who have gone to it are only passed beyond, and that when memory stirs up the dreams about the life of him who has gone, we feel that just by reaching out the hand, the waiting hand will clasp ours once more across the silence in the same old way.

The PRESIDENT. I am sure that these kind and eloquent words will be a great solace and comfort to Colonel LITTLE's widow and his son as well as a great heritage.

This concludes the exercises, and, if there is nothing further, we will consider our meeting adjourned.

U. S. GUYER, *President.*
JEROME S. KOEHLER, *Secretary.*

EULOGY TO COL. EDWARD C. LITTLE—A TRIBUTE BY COL. A. M. HARVEY, AT SCOTTISH RITE TEMPLE, KANSAS CITY, KANS., JUNE 30, 1924

As you journey through life you here and there meet some one of whom you can say, "He is my friend"; and at the same time know that he regards you as his friend. To such an one you open up your heart and stand ready with service and sympathy, and you feel and know that he opens up his heart to you. It was this kind of a friendship that was formed between Colonel LITTLE and myself many years ago, and although many times we have differed in our views and contended in sharp conflict, and though much of the time we have been separated, there never has been a moment when I did not feel the genuineness of his friendship, nor when I did not know that he knew that my friendship was quite as genuine for him. This will be the explanation of my appearance here to-day and my attempt to recall something of the life and character of Colonel LITTLE, and my estimate of the heritage which his life and character has given to those who may follow him.

To-day, as the great mystery of life is crowded out of consideration by the mystery of death, we feel something of the weakness of the untaught man whose first mental activity is to wonder. The great forests and the never-ending plains, terrible storms and beautiful days, mighty rivers and boundless oceans, the matchless firmament and the splendid accuracy with which great worlds travel in space, together with the fact of life and the certainty of death, brings the consciousness to man that he occupies a small place in the great universe of things, fills him with awe and causes him to wonder, and this is the beginning of intelligence and of wisdom. Let us hope that, to-day, as we gather about the body of our dead friend and are again brought back to primitive thought and primitive consideration, that we may gather wisdom and strength, and if wonder brings fear, let us understand that it also brings hope and that with it comes faith and love, which is the greatest thing in the world.

So I ask you to bear with me while I recall with you some of the splendid memories of our friend—some of the rich endowment he has left for his wife and child, and for all mankind. In this connection, it must be remembered that virtues never die. The stream of life carries with it all that man has contributed to it and flows on and on forever, just as Father Ryan said:

The river flows on and on,
Day and night, and night and day,
Going and going and never gone,
Staying and staying, and never still.
Going and staying, as if one will said,
"Beautiful river, go to the sea,"
And another will whispered, "Stay with me";
And the river made answer, soft and low,
"I go and I stay, I stay and I go."

Colonel LITTLE'S life was marked with genius, faithfulness, and goodness of heart. About the time he finished college some of his friends collected poems written by students and teachers and published them in a little volume; among the names of the authors were those of Arthur Graves Canfield, William Herbert Carruth, and other members of the faculty and student body, but the one poem that stands above all the others in genius and beauty was written by Colonel LITTLE. It is entitled "Domus et Porta," and was inspired by a Latin inscription which he found over the doorway of a cathedral in Mexico, interpreted, "This is the house of God; this is the gate His martyrs trod." After a number of stanzas full of beauty and imagery he finished with this:

"Then bow low your Saxon head,
Softly speak and lightly tread.
'Neath words so grand.
To carve the line that stand above,
He gave up life and fame and love.
He believed it—let it stand.
Haec est Domus Dei:
This is the house of God;
Et Porta Coeli:
This the gate His martyrs trod."

In this same publication another of his poems in the first stanza reflects something of the love of his university and of the friendships he had made there:

"O college days that speed on wings so strong;
O college joys that last not long, not long;
O college friends from whom we soon shall sever;
O college friendships made for aye and ever;
O dreams of youth so sweet, so frail, so fleeting,
'Neath touch of time and care so swift retreating"—

He was always faithful to his university and throughout his life maintained an acquaintance with a host of its graduates and students, all of whom testify to his goodness of heart and his willingness to help them and each of them at any time that help was needed.

He wrote a number of books, articles, and poems, all in fine style and distinguished by thought, philosophy, and beauty. It is no wonder that a great author with whom he became acquainted when he was United States consul to Egypt regarded him with affection and dedicated one of his books to him.

He was a great reader and had a retentive memory. He not only searched the Scriptures and read the classics, but he could tell you everything that had been written about Wild Bill and other frontier people, and he did not despise the literature of David Crockett, California Joe, and others in their class. At times when he was making a public address it seemed that he was inspired and that everything that he had read was present in his mind for immediate use. Once, upon the organization of a new political movement, he was called upon for a speech in a convention, and, as he pledged his faith to his associates, he aptly quoted the following from the Book of Ruth—

"And Ruth said, 'Intreat me not to leave thee, or to return from following after thee; for whither thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God my God.'"

On another occasion in Congress he finished a philippic against an Army inspector with a quotation from Shakespeare's King Henry the Fourth where Hotspur is made to say—

"But I remember, when the fight was done,
When I was dry with rage and extreme toil,
Breathless and faint, leaning upon my sword,
Came there a certain lord, neat and trimly dress'd,
Fresh as a bridegroom, and his chin new reap'd
Show'd like a stubble-land at harvest-home.
He was perfumed like a milliner.
And 'twixt his finger and his thumb he held a pouncet-box, which ever and anon
He gave his nose and took't away again,
Who, therewith angry, when it next came there
Took it in snuff; and still he smil'd and talk'd
And, as the soldiers bore dead bodies by,
He call'd them untaught knaves, unmannerly,
To bring a slovenly unhandsome corpse
Betwixt the wind and his nobility.
* * * * * * *
And telling me the sovereign'st thing on earth
Was parmeti for an inward bruise;
And that it was a great pity, so it was,
This villanous salt-petre should be digg'd
Out of the bowels of the harmless earth,
Which many a good tall fellow had destroy'd
So cowardly; and but for these vile guns,
He would himself have been a soldier."

Those who knew him well always read speeches he made in Congress, with the idea of picking up the touches of genius with which every one was marked.

Early in his political career he took cognizance of the everlasting conflict which holds forth in every civilized community between the financial power and the man power of the country. He was not one who would confiscate or destroy property, but he held close to the American doctrine that where there was a conflict between man and money, man should have the first consideration. In many of his political addresses he presented this subject with all the force of a Jefferson or a Lincoln, and over and over said that property rights were more secure in that country where humanity was protected and men, women, and children given the first consideration. He was fond of saying: "I stand for those who labor and for humanity."

As consul to Egypt, he helped break up practices that had for their purpose the robbing of the poor. As a soldier, his first consideration was for the welfare of enlisted men. As a Member of Congress, his greatest concern was always to be on the people's side. One of his last speeches in Congress was made in behalf of a bill intended to better the opportunities and conditions of those engaged in agriculture, and during late years much of his time was given to the compiling of the statutes of the United States. His last vote in Congress was for the bonus for soldiers of the World War. These soldiers had learned to love him and to count upon him as a friend who never failed them.

He was brilliant as a lawyer, and during his practice delighted in espousing the cause of a client who had little or no money but a righteous claim. Their trust was all in him, and he never failed them.

He was a fierce debater and a hard fighter, and anyone who contended with him soon learned that they must have a sharpened blade and be ready to use it, because he was sure to go the limit in contending for what he thought was right. At the same time he could cheerfully lay off his armor when the battle was done.

Colonel LITTLE'S career as a soldier was characteristic of him. He was a student of history and of conditions, and well knew that the time was at hand for the remnant of the once proud Empire of Spain to give up its pretentions to government in the western world. Frederick A Funston, who had been serving as a soldier of fortune with the insurgents of Cuba, came through our State on a lecturing tour. Colonel LITTLE entertained him, as he always did any of his old university friends. Afterwards he told some of his acquaintances that he believed that we were sure to have a war with Spain on account of conditions in Cuba. He thought of it by day and dreamed of it by night, and the first of all his plans was to use his utmost influence, if war should come, in securing the appointment of his friend Funston to be the colonel of one of the Kansas regiments. In the Senate a speech was made by Senator Proctor setting forth the horrors and inhumanities of the situation in Cuba. In a few days that matchless orator, John M. Thurston, stood in his place in the Senate and made his unanswerable argument in favor of intervention. Among other things, he denounced the whole history of Spanish colonization in America, and charged that its principal record had been to set up crosses and commit atrocities.

These speeches fired the colonel, and when out battleship in Habana Harbor was blown up under circumstances that indicated it had been torpedoed, he was ready for war, and, with the consent of the governor, wired Funston to come to the State capitol, scarcely waiting for a declaration of war. It was just the kind of a struggle to inspire Colonel LITTLE, because there was no prospect in it for gain, but only a fight for humanity. He secured the appointment of his friend as colonel and took a position under him. It soon developed that the Philippines were involved and that 400 years of misrule in those islands were to be considered upon the same basis as that in Cuba. His regiment was sent to the Philippines and it was there that he had his soldier experience. The records testify as to his capacity, courage and valor as a soldier; but in all that tour of duty, in a tropical climate, under hard conditions and against a treacherous and almost barbarous foe, the finest tribute that comes to Colonel LITTLE is from the enlisted men of his command, who testify to his personal consideration of them. No day was too long or night too dark, nor situation too hazardous, for Colonel LITTLE to fail to give personal aid and help to individual soldiers who might need it.

At one of the reunions of the Twentieth Kansas, a sturdy youngster told of his experience one torrid day when he, as a member of Colonel LITTLE's command, together with the others, fought and skirmished for hours before they were relieved and ordered to march to another location. Their canteens were empty and there was no water fit to drink. The colonel advised them that there was a spring several miles ahead and they marched toward it. "And," said the youngster, "when we reached the spring there stood the old colonel, seeing to it that every soldier got water to drink and with which to fill his canteen, and, although his lips were swollen and parched, and he was weary and worn with the march, he refused to touch a drop himself until every soldier had been supplied."

One can hear hundreds of stories like this from the survivors of the Twentieth Kansas. After the war he treated these soldiers as though they were members of his family and took a personal interest in them, wherever they might be. It is no wonder that those who are left from this famous command always speak of him with affection, and we can easily believe that just as sure as there is life beyond the grave and men who have lived here know and greet one another over there—just that sure was Colonel LITTLE greeted by outstretched hands and strong arms to be placed in his when he crossed the great river of death and took his place on the other side.

Colonel LITTLE was fond of his father and mother and saw to it that their old age was made comfortable and happy, and he was proud beyond limit of his wife and son.

He was hampered not by creeds nor doctrines nor dogmas, but fashioned his life by the teachings of Him who came out of the hills of Nazareth and taught men that there is no Jew nor Greek, nor bond nor free—that all men are brothers.

May his wife and son have comfort, strength, and peace, and may his life and character be an inspiration to them and to all men always.

Mr. JOST. Mr. Speaker, this life of ours as we know it is a very small wick in creation's lamp. The oil that it feeds upon is soon consumed. The flame burns but a brief moment in one long dark night of mystery. As one who pauses in his labor to note the hour of the fleeting day, so do we on occasions such as this assemble and reflect upon the years we have lived and the friends who have helped live them. ED LITTLE's life touched mine frequently and intimately during the last decade. He was my good, warm, loyal, friend. Paradoxically as it may seem, we sat in this House together representing different districts from different States, and yet resided in the same city, greater Kansas City being divided by the state line; he lived on the Kansas side and I on the Missouri. I found him a delightful official companion. We represented, as you will readily see, a common constituency and our local problems were naturally common and so we worked together. He was a splendid official associate. He played the game of life square. Mr. Speaker, when I took his hand last spring just before I went home, I observed the pain which twitched his face and I knew he was ill—seriously ill—but I did not realize that it was the last handclasp, and that he was so soon to pass on and through the gates and into a realm like unto that from which dreams come. I know that when his soul took wing and flew to the mercy seat for judgment, it carried the credentials of a just career. ED LITTLE was remarkable in many respects. He was not brilliant, none will claim so. He was substantial. He did not live his life in the clouds of imagination and fancy; he kept his feet on earth, and knew and appreciated the character and nature of his talents and employed them in a practical, sensible, and useful way. There was no bluster or pretense about him. He was always natural, never artificial. He never shirked a duty, he was morally brave. A devotee to principle, he would under no circumstances compromise with wrong. Of that the victories and defeats that marked the progress of his life furnish abundant proof.

Defeat was never a disappointment to him, for his was a mind so finely attuned and charged that it gloried in a defeat sustained in a cause conceived to be righteous, and would have counted itself disgraced in a victory won at the cost of honor. His mental make-up was humanitarian, essentially so. I know of no act or vote of his by which he ever assailed or offered violence to the lawful rights of property, yet he always and everywhere espoused the cause of the weak, and preached the political gospel that dollars and property should be instrumentalities to spread happiness among lives and never applied to the oppression of mankind. He intuitively sensed and practiced justice. His life was consecrated to and lived in the service of his fellows. Mr. Speaker, if the eclat of the world is the test of greatness, then my friend was not great, because he was never in the center of popular acclaim. But if greatness can be found in the quality of deeds quietly done, by a heart and mind bent to the limit of ability in the service of mankind, then I can claim for my friend a kind of greatness, a kind in which I imagine the Lord delighteth.

There is nothing, Mr. Speaker, on this earth that surpasses a real, live, alert, thinking, dynamic man. The Biblical account of creation makes him the crowning achievement of the Divine labor. If I were an artist I would paint men, not things. If I were a poet I would sing the song of human achievement, and let nature argue her own cause. If I were an orator and could fashion speech and send it from my lips garbed in beauty and winged with eloquence, I would not marry the tips of the hills to the sun's rays, nor turn babbling brooks and whispering forests into nature's orchestra, but I would single out, and tell in all the splendor of verbal expression, the story of some plain, ordinary life, lived by one who had found his place among his fellows and did a man's job toward lessening the amount of human misery and increasing the sum total of human happiness in this world. I would take some such life lived as cleanly and usefully as that of my friend, ED LITTLE.

As the spark of life flickered and left his body, and he heard the last clear call from across the sea, I know that he could and did step with light foot and assured heart upon the invisible ship of an invisible destiny.

Mr. HOCH. Mr. Speaker and Members of the House, I do not rise to speak at any length on the life and character of Colonel LITTLE. The gentleman from Kansas [Mr. GUYER], who represents the second Kansas district, which Colonel LITTLE represented with such distinction for a number of years in this House, has spoken in eloquent words of the dramatic setting of his early life and in a splendid way of the characteristics of the man. The gentleman from Illinois [Mr. MADDEN], and the gentleman from Missouri [Mr. JOST], have given us a very accurate analysis of the life and character of Colonel LITTLE. I rise merely to add a word of personal tribute to the memory of our departed colleague and friend.

I remember very well the first time I saw Colonel LITTLE. It was perhaps 30 years ago when he was delivering a political speech in my home town, and the picture of the man on that day has remained in my mind as a vivid recollection during all of these years.

He was a striking figure. He had a military bearing; he had a very impressive platform presence, he had a keen eye, and then he had that indefinable something which we may call personal magnetism. For more than a third of a century he was one of the most striking and picturesque figures in the life of our State.

He was a man of very strong and fine mental equipment. He had read widely and he remembered well; his knowledge covered a wide range of subjects. As one of the speakers has already said, he was something of a fighter. The scent of battle was sweet to him and because that was so and because he had a certain brusqueness of manner in contest, it was often true, doubtless, that many who did not know him well did not altogether understand him. But every man who knew Colonel LITTLE well knew that back of this brusqueness of manner was a very deep and essential tenderness of spirit.

The last great work to which he devoted himself in this House was in connection with the revision and codification of the laws. That work has not yet come to a final enactment and I shall not here attempt to appraise whatever reasons there may have been for the delay. It may be that if Colonel LITTLE had had a little more patience with criticism and if others had had more consideration the work would have by this time been placed on the statute books. However that

may be, that work will some of these days be put on the books and then it will become one of the enduring monuments to Colonel LITTLE's great energy, to his marked ability, and to his prodigious industry.

Upon occasions like this our minds inevitably turn to thoughts of the mystery of human life. We live and die in a world which has so much in it that we do not understand. Life hurries on apace through childhood, youth and maturity, and old age, with its lights and shadows, with its tragedies and its loves, and its unfulfilled possibilities.

Whatever may be the crown of achievement of any man, no man in these fleeting years ever finds full fruition for the potential powers which lie deep in human personality. And that very incompleteness of this mortality is high argument for immortality. Somewhere there must be a forum where these human powers which are so imperfectly developed here will find full play and opportunity for development. The voice of faith must ever speak to those who mourn, to give assurance of a better day, a place where life's injustices shall be corrected, where life's inequalities shall be leveled, and life's incompleteness made whole. It must be so in some land of far horizons and cloudless skies. Now, we see through a glass darkly; but then, face to face.

Mr. BULWINKLE. Mr. Speaker, at the beginning of the first session of the Sixty-seventh Congress one of the first Members on the Republican side that I became acquainted with was Hon. EDWARD CAMPBELL LITTLE, the Representative from the second district of Kansas and chairman of the Committee on Revision of Laws. Immediately we formed a strong attachment for each other. This friendship lasted until he died on the 27th day of June, 1924.

According to custom the House convenes to-day out of respect to his memory and in order that his colleagues may pay their tribute to those sterling qualities and attainments which caused him to be admired and respected by his many friends.

Colonel LITTLE was descended from famous ancestry, for he was a great grandnephew of Colonel Campbell, of Revolutionary War fame, who aided in defeating Ferguson at Kings Mountain on October 7, 1781. The death of Ferguson and the defeat at Kings Mountain of his army aided the colonial army in those latter days of the war and brought on the surrender at Yorktown. Some distant relatives of Colonel LITTLE now live in North Carolina.

I doubt if any Member of the present Congress has had such a varied experience in life as had Colonel LITTLE.

An A. B. graduate of Kansas University.

A graduate in law of the same university.

The United States diplomatic agent and consul general to Egypt during the Harrison administration.

The lieutenant colonel of the Twentieth Kansas Infantry during the Spanish-American War. This was the same regiment that Funston commanded. Colonel LITTLE participated in over 20 engagements with Filipinos.

An author of stories and sketches of western life.

An active participant in political life. Many times the nominee of the Republican Party.

A lawyer of marked ability for 37 years.

And elected to the Sixty-fifth, Sixty-sixth, Sixty-seventh, and the Sixty-eighth Congresses, where his ability was recognized as a debater and an efficient Congressman by his colleagues.

Such in brief has been the life of our friend. I shall not speak of his home life which was happy. Nor shall I say anything of his personal characteristics which caused him to be loved by his friends, save this, that his character was devoid of all deceit; he hated and despised sham and deceit in others. Honest himself, he could not tolerate dishonesty in others. With a kind heart he would go the limit to aid a friend. And he was always true to a friend. These are but a few of the many sterling qualities that he possessed which endeared him to those of us who knew him so well.

To-day I wish to speak of that monumental service that he rendered his country while a Member of this House. For nearly four years I served as a minority member on the Committee of Revision of Laws with him. And the work that he did, while chairman of that committee, in compiling the United States Statutes, in my opinion, shortened his useful life.

Every practicing lawyer before the Federal courts, every member of the Federal bench, and every United States district attorney realizes the absolute necessity of having the Federal statutes codified. Colonel LITTLE having been in the active practice of his chosen profession so long realized this necessity, and in the Sixty-sixth Congress commenced the work of compiling the statutes. No existing law was to be amended. The work was to be a compilation and nothing more. It was to be printed in one volume and was to be sold at a minimum price to the members of the bar. Experts were employed, and under the active supervision of the chairman the work was commenced. Proofs were furnished to the various governmental departments and bureaus. The work continued, and shortly after the convening of the Sixty-seventh Congress the bill was introduced in the House; this was H. R. 1. The Sixty-seventh Congress passed into history; the Senate had not acted on the bill; the Senate Committee on Revision of the Laws had not during the Sixty-seventh Congress even considered the measure. The work was then continued in bringing the bill up to the end of the Sixty-seventh Congress. Criticisms were again invited of the entire work. All this work was done for little cost. And upon the convening of the Sixty-eighth Congress the new bill H. R. 12, was unanimously passed in the House. The Sixty-eighth Congress is growing to a close and the bill rests in the Senate committee. But we have hopes that before the convening of the next Congress H. R. 12, under a new title number, will be completed and both Houses will pass the same upon the convening of Congress.

There are those who have criticized this work for its errors. There may be a few errors in print. But the mistakes if any are those made in passing the laws. There may be duplications of law in the volume; this is the fault of Congress. Chairman LITTLE presented a compilation of laws to the bar of the country.

He realized that Congress would never pass a bill which changed existing law. The last attempt to compile and codify the laws of the United States cost $365,000, and very few around the Capitol can tell what has become of the work which for 10 years the commission worked on. Chairman LITTLE with little cost to the Government has already given to the country a compilation of statutes. The work has been praised by the Justices of the Supreme Court of the United States, judges of the Federal courts, deans of law schools, members of the bar, and law textbook writers. Space does not permit me to put any of these letters in the RECORD.

To this work Colonel LITTLE gave his life. His heart and soul were wrapped up in the idea. For five years he labored, day after day, night after night, reviewing, correcting the errors made by those under him, until at last H. R. 12 was passed. When finally the United States Statutes are compiled, indexed, and bound it will be a monument to our deceased colleague and should be dedicated to his memory, to his tireless energy and perseverance, for I believe that the bar of America and the Members of this Congress will then fully appreciate the work of our colleague whose memory we honor to-day.

Mr. FITZGERALD. Mr. Speaker, but for the fact that I served with Colonel LITTLE on the Revision of the Laws Committee, and in some degree the great responsibility of finishing that great task which he almost completed has devolved upon me, I would think it presumptuous of me to speak. Yet I greatly desire to do so and to add a tribute of affection and admiration to the memory of my good friend, EDWARD C. LITTLE. We had many points of contact. He was born in my State of Ohio, and we often discussed the trend of the country westward. He loved Kansas and the West, yet there was affection for the old birthplace which he used to talk about reminiscently and lovingly. My former law partner, when I came into the Sixty-seventh Congress, was our consul-general to Egypt, the diplomatic post which Colonel LITTLE had held in his younger days, and my friend and fellow townsman, Dr. J. Morton Howell, was, and is now, our minister to Egypt. Colonel LITTLE gave a little dinner to Doctor Howell and our former minister to Persia, and I reveled in his reminiscences of the diplomacy of the older days.

My good friend from North Carolina [Mr. BULWINKLE] has spoken of the monumental work of the codification of the laws of the United States. It seems to me that there is no more important measure before the Congress than that. When I first met Colonel LITTLE I was awed by the vehemence of his manner and expression, and unconsciously I felt some slight opposition until I saw, as was so easy to see, that there was no malice in the man, no hatred of another, no ill will. His brusqueness of expression was the husk that surrounded a most kindly heart. Colonel LITTLE, if there ever was a man who did so, wore all of his faults on the surface. This wonderful work of his, the magnitude of which is scarcely appreciated even by Members of the House, exacted the greatest patience and care. It required not only his application during the daytime hours, but he worked night after night in his office upon it.

He was a master in securing the cooperation of the members of the committee, many of whom had other matters absorbing their attention and were apt and anxious to rely upon the

colonel for the very tedious and arduous work that he had undertaken. He brought one after another, each one of the members of the committee, into consultation. He probed their abilities and aptitude, and he used them to the last degree, and woe to a member of the Revision of the Laws Committee who manifested any interest and showed any capacity to assist in that work and then tried to shirk. Immediately the Colonel became insistent and persistent. He exacted from him the utmost of that ability and that capacity. It was not with some vague, "I'll look into this," or "I will see about this," that the colonel could be put off. I never knew a man who took to heart so literally the Latin maxim, carpe diem, as did Colonel LITTLE. He wanted things done *now*. If you had any information which was likely to assist in the perfection of the Federal Code (H. R. 12) or in the chance of getting that bill forward in the Senate, he wanted that information and that service immediately, not the next day.

I was astonished when I read in the RECORD, as I had not had the good fortune to hear it, Colonel LITTLE'S wonderful eulogy of the Kansas troops in the late war. It is a masterpiece, and I commend it for perusal to every young man not only in the States of Kansas and Missouri, but in the Nation. The opportunity was offered by objection in the Senate to the promotion of an officer who had aspersed the character or criticized the lack of discipline of the Kansas and Missouri National Guard troops when as part of the shock troops they came out of battle on the western front in France. It is the greatest masterpiece of invective, of irony and sarcasm that I have ever read, and the most apt quotation of Shakespeare that it has been my good fortune to observe. I compared it with the effort of great masters of such oratory in the Senate and found it was as the performance of a giant to that of a pigmy. Yet you can not read this wonderful production of Colonel LITTLE without being impressed by the fact, that though clothed in irony and sarcasm, the whole purpose was not to attack the character or the ability of the officer who had been so unfortunate as to unfairly criticize the Kansas and Missouri troops, but to pay the most deserving tribute to the wonderful performance in battle of the soldiers from his home State. This and the compilation of the laws of the United States will constitute a monument to Colonel LITTLE if there were nothing else in his life.

I have understood that up to the World War we had no man living who had commanded more troops in action than Colonel LITTLE.

He knew the great need of the codification. To bring together in one volume the laws of the United States scattered through 25 volumes was the great task which he set about. He accomplished it after years of the most exacting labor and the great achievement of riper years is embodied in H. R. 12 of the Sixty-eighth Congress. Whether this bill ever passes the Senate or not, it is and will remain the greatest and most authoritative source in reasonable compass of the Federal laws.

This was his child and he fought for it. He fought joyously and fearlessly as one conscious of right.

I could speak of no greater tribute to Colonel LITTLE than the fact that this great code involving all the laws of the United States twice passed the House of Representatives without a dissenting voice or the suggestion of amendment. I recall no other instance when the House of Representatives has manifested such absolute faith and confidence as it did in the capacity and the honor of Colonel LITTLE when he said:

> These are the laws of the United States. No changes have been made.

With all his seeming impatience, how painstaking and careful he was in the execution of this great service.

Physically and morally courageous, with a heart full of sympathy for every unfortunate, he battled to the last, a steam engine in clothes.

We miss him, we shall continue to miss him, and in sadness I quote:

> As life runs on the way grows strange,
> With faces new,
> And near its end
> The milestones into headstones change,
> 'Neath everyone, a friend.

Mr. RANKIN. Mr. Speaker, last night, at a meeting of the Ex-Service Men of All Wars, who occupy seats in the House and the Senate, the committee on arrangements did me the signal honor of selecting me to say a few words in memory of our late distinguished colleague, Hon. EDWARD C. LITTLE, of Kansas.

As I looked around I observed those two distinguished patriarchs, General SHERWOOD, of Ohio, a gallant ex-soldier in the Federal Army, and Major STEDMAN, of North Carolina, a gallant ex-soldier in the Confederate Army during the Civil War. As I looked upon these sage and venerable men, who have "come down to us from a former generation," sitting side by side, I said I should love to gaze upon that spectacle indefinitely, because it was a most profound exemplification of a reunited country; which was reflected also, in a small way, by what might formerly have been considered the anomalous situation of a committee having selected me, a Democrat from the home State of Jefferson Davis, to pay an humble tribute of respect to the memory of our late lamented colleague, Colonel LITTLE, a Republican from the home State of John Brown.

Some one has referred to these friendships which spring up between Members of different political parties in the House as the flowers that overhang the walls of party politics. Some of those flowers wither and die of neglect, some of them are blighted and seared in the consuming fires of bitter partisan debate, while others live to shed their fragrance even beyond the tomb.

The flowers of friendship that existed between Colonel LITTLE and myself are just as fresh and fragrant to-day as they were during the days of his active services on the floor of this House.

Those who served with him longer, and who knew him best, have eulogized him in the highest and most appropriate terms, while I, who might be classed as one of his newly made friends, come in all humility to pluck one of the flowers which his generous nature caused to grow over the party wall and reverently place it upon his grave.

When the war clouds of 1898 hung low upon the horizon, and it seemed as if we would likely be plunged into a world conflict, he was one of the first to volunteer his services in his country's cause. No soldiery ever deserved more completely the undying gratitude of their country than do the soldiers of the Spanish-American war, who offered their services in that impending conflict. For in addition to all the dangers and hardships of modern warfare, they were exposed to the many additional dangers and adversities of a tropical climate at a time when that section of the world was suffering from the deadly ravages of yellow fever, typhoid, malaria, and other kindred maladies.

He served with distinction throughout that conflict, and wrote his name high among the military leaders of his time. And after peace had been restored and he had returned to private life, he was called into the diplomatic corps, where he rendered the same high quality of service as a representative of the American people in international affairs. As a writer, he stood among the first, and as a Representative he labored incessantly for what he deemed best for the advancement of the masses of mankind.

Some one has said:

> I wrote my name upon the sand and trusted it would stand for aye,
> But soon, alas, the refluent sea had washed my feeble lines away.
> I carved my name upon the wood and after years returned again,
> I missed the shadow of the tree that stretched of old upon the plain.
> The solid marble next my name I gave as a perpetual trust,
> An earthquake rent it to its base and now it lies o'erlaid with dust.
> All these had failed, I was perplexed. I turned and asked myself what then,
> If I would have my name endure, I'll write it on the hearts of men.

He wrote his name indelibly upon the hearts of his fellowmen.

He poured his life into his work and burned his candle late into the night, until his failing health compelled him to abandon the contest. He never complained, but accepted his fate with a philosophical indifference to consequences that should be an inspiration to us all.

And, when finally the summons came to join the innumerable caravan which moves,

> To that mysterious realm where each shall take
> His chamber in the silent halls of death,
> He went, not like the quarry slave at night,
> Scourged to his dungeon, but sustained and soothed
> By an unfaltering trust, approached his grave
> Like one who wraps the drapery of his couch
> About him and lies down to pleasant dreams.

Peace to his ashes.

Mr. STRONG of Kansas. Mr. Speaker, Col. EDWARD C. LITTLE was one of the men who helped to build the State of Kansas and to weave into its history those principles which have made it stand out as a great unit of this Nation. Coming with his father to our State when a boy in 1866, the father being a veteran of the war just closed, he passed through the public schools, and in 1886 graduated from our State University with degrees both in science and in law.

He entered at once into the practice of law and the politics of the State. Within two years he had been unanimously selected as chairman of the Republican State Convention. In 1892 he was elected as a delegate at large from our State to the National Republican Convention, and later in that year was appointed by President Harrison as diplomatic agent and consul general to Egypt, a position he held with such ability and honor that after his return home he was given the Grand Cordon of the Medjidieh by the Sultan of Turkey.

In 1897 he was the secretary to the Governor of Kansas, and in 1898 he enlisted in the Spanish-American War and became lieutenant colonel of that great Twentieth Kansas Regiment, and was with it and let it in many of the battles in which it engaged and won honor and fame in the Philippines.

Coming home again in 1899 he married Edna Steele, whom we all know and revere for her sweet, womanly qualities and for the character and ability with which she proved herself an unusual helpmate to our distinguished colleague. She came with him as a bride to Abilene, Kans., in the district I have the honor to represent in this House.

Mr. LITTLE was city attorney of Abilene and county attorney of Dickinson County. He was one of the men that took part in everything that related to the public interest and he always stood on the side that he believed and which eventually proved to be right. He was a strong advocate of prohibition and of woman's suffrage, two of the cardinal principles of the State of Kansas. In 1916 he was elected to Congress from the district in which he had first lived when coming into the State in 1866. He soon became chairman of the Committee on the Revision of Laws and at once brought that committee into prominence by entering upon a work for the revision and codification of our Nation's laws. With his usual energy he crowded the work to completion. The bill has not yet passed the Congress, but when it does it will be known to all of us who appreciate the great work and splendid ability with which he made possible the revision of our laws as "The Little Code." He was elected a second, third, and fourth time to this House by increased majorities.

Colonel LITTLE was a scholar, a lawyer, an author, a soldier, and a statesman and with all a good husband and father. He sleeps in the beautiful cemetery at Abilene, Kans., in my district, a credit to my district, our State, and the Nation. I was proud to call him my friend.

Mr. WHITE of Kansas. Mr. Speaker, following these splendid eulogies to which we have just listened, I feel that whatever I may say will be commonplace, if not insipid. I shall speak of Mr. LITTLE, the man, as I knew him. The soul of EDWARD C. LITTLE has gone to grapple in the forum of eternity with its mysterious problems. A farmer boy, in the many conferences and visits we have had in the last six years, he told me many incidents of the troubles and experiences of his childhood. I have thought, as another great Kansan has said, that the soft, cool grass upon which he trod as a little barefoot boy will soon "heal the scar that his descent into the earth has made," and thus the carpet of the living become the blanket of the dead.

On the morning of that fateful day in March when the friends and colleagues of Cæsar tried to dissuade him from attendance on the Senate, he turned and said to them, "Of all the things that I have heard, the strangest is that men should fear." I believe that ED LITTLE without vanity could have appropriated that sentiment and applied it to himself. He did not always agree with his colleagues, but he never quarreled with them.

I am compelled to differ from those who may think that Mr. LITTLE was not a brilliant man on the platform. I have heard him speak in this House, apparently on many occasions without preparation, but his vast fund of information, his intuition was such, his great knowledge of literature and history, and especially on the subject of legislation, was such that it made him always an interesting speaker and many times a most fascinating one.

But, gentlemen, there were times when his subject was to him an inspiration, when he was eloquent in a high degree—not like the eloquence of a Brougham, that rises step by step by well-organized periods until it reaches a climax, but an eloquence that swept all before it and left the arguments of the luckless contender without a landmark in its wake of desolation.

Lord Macaulay said of the Earl of Halifax, "His was a subtle, a fertile, and a capacious intellect." I think that may be truly said of Mr. LITTLE, and no man who was not closely familiar with Colonel LITTLE could have a proper appreciation of the wonderful intellectual quality of the man.

I spent many hours with him. It is the little things of life that furnish the key to a man's character. A few days before coming up here I had a letter from Colonel LITTLE. I had not known him so well, although I had met him a few times, until I came here. He asked me to call at his office. I did so upon my arrival. He always called me HAYS and I called him ED. He said, "I know where there is a couple of vacant offices, and it may be that I can help a bit." This was the kind of things Colonel LITTLE was always doing.

Gentlemen, there never was a little 4 or 5 year old girl or boy that would not climb up on ED LITTLE's knee and in a few minutes have its arms around his neck. He told me a little story that speaks to me of the soul of LITTLE more than his great public service that won him high distinction. It is of the man that I am speaking. There was a little boy down in Congress Hall Hotel, I think, the son of a Member from Oklahoma. He climber up on the colonel's knee one day and said, "Mr. LITTLE, I want to go home." Said the colonel, "My little boy, why do you want to go home?" The boy replied, "There are pretty things down there in Oklahoma." Those were the things that spoke the soul of LITTLE.

The colonel met me here in the rear of this Hall a few weeks before the last adjournment and he said, "HAYS, I have got to rest, and I want you to get me a place like you have out there on the hills where there are trees and grass and birds, for I am so tired and I must rest." But on the face of my friend at that time and on his eyelids there rested the shadow of death, and I knew that the spectral hand was beckoning him. I need not speculate to-day, do not have to convince myself that there is another world beyond this. If there ever lived a man who appreciated the faithfulness, untiring devotion, and helpfulness of a wonderful companion, it was ED LITTLE. I used to hear him quote from that great poem of Locke's, that distinguished him more than all of his prose writings. He said that was a parallel of his own career, when Locke pictured step by step the struggles of a young lawyer as he rose from obscurity to distinction and finally became a Member of this, the greatest legislative body in the world, and LITTLE so viewed it. He quoted to me many times that last line of that poem, entitled "Hannah Jane":

> When the Great One, who made us two, shall balance up again,
> I'll fare the worst, for God is just, and He knows Hannah Jane.

I knew him well, and I came to love him well. He had the brusqueness of manner that was almost at times repellant to those who did not know him so well, but beneath there was as tender and loyal a heart as ever beat in human bosom; and while he did not display it prominently, he had an abiding, absolute faith in the goodness and mercy of God. He believed, as I have heard him quote from the words of the patriarch—

> For now, though Thou numberest my steps, dost Thou not watch over me? Thou shalt call, and I will answer. Thou wilt have a desire to the work of Thy hands.

He loved poetry; he loved literature. He had a vast fund of information. He was familiar with every class of literature. He was a great admirer of our Kansas poet, Ware, who in 50 years from now will be esteemed one of the great and illustrious writers of this period, but who is not so far removed as yet to be appreciated. It seemed one of those poems had escaped his notice, as few of them had, and I read it to him one day in the office. He said, "HAYS, that is wonderful—the sweep of that language and that faith." It was a poem entitled "Violet Star," and it is said that there is a star, the farthest of all stars from the earth, that has a violet cast. The poem tells of a sergeant in the Civil War who was wounded in battle and who was in that delirium which always succeeds the mortal wound and precedes the last long sleep of death. The sergeant imagined in his delirium that he had come from that star and was soon to return to it again.

> "I have always lived and I always must,"
> The sergeant said when the fever came;
> From his burning brow we washed the dust,
> And we held his hand, and we spoke his name.
>
> "Millions of ages have come and gone,"
> The sergeant said as we held his hand;
> "They have passed like the mist of the early dawn
> Since I left my home in that far-off land."

We bade him hush, but he gave no heed—
"Millions of orbits I crossed from far,
Drifted as drifts the cottonwood seed;
I came," said he, "from the Violet Star.

"Drifting in cycles from place to place—
I'm tired," said he, "and I'm going home
To the Violet Star, in the realms of space
Where I loved to live, and I will not roam.

"For I've always lived, and I always must,
And the soul in roaming may roam too far;
I have reached the verge that I dare not trust,
And I'm going back to the Violet Star."

The sergeant was still, and we fanned his cheek;
There came no word from that soul so tired;
And the bugle rang from the distant peak
As the morning dawned and the pickets fired.

The sergeant was buried as soldiers are;
And we thought all day as we marked through the dust,
"His spirit has gone to the Violet Star—
He always has lived, and he always must."

Mr. AYRES. Mr. Speaker, over 30 years ago I became acquainted with Col. EDWARD C. LITTLE. For over a quarter of a century we were close personal friends. At times we were politically friends, while at other times we differed politically, but we never ceased to be personal friends.

I admired his ability and independence. He was independent in thought and action. He was unfaltering in his devotion to a principle. When it came to a question of what he considered was right he pursued just one course, and that was to champion that cause regardless of the consequences. Because of his supreme courage and fighting qualities he disliked to compromise. Compromise was foreign to his nature, and often he would grow impatient with those advocating such a course and would frequently leave a wrong impression because of his brusqueness in expressing that impatience.

Many times it seemed difficult for him to understand it was necessary to compromise in order to procure legislation. His thought was to stand by the guns and fight it out even though you lost rather than surrender a principle. While this is the brave and courageous stand to take, it has not always proved to be the successful course to pursue on questions of legislation. I do not consider it a fault for a man to fight for a cause, even though he loses, when he may have won by making concessions.

This is solely a matter of judgment of the individual who has to make the decision. This was the idea and policy of our late colleague, Colonel LITTLE. This was manifested by him in his labors as chairman of the Committee on the Revision of the Laws. Had he been willing to surrender in a measure what he felt should not be surrendered, had he felt inclined to compromise on questions he felt could not be compromised, it would have made his burdens as chairman of that committee much lighter. However, it would have been giving up a cherished hope on his part; it would have been surrendering a principle according to his way of looking at these questions. Therefore, rather than compromise he fought it to a finish, which, without doubt, hastened his death.

With the vigor and tenacity of old he entered upon the immense undertaking of revising and codifying of the law. He could not realize, nor could he be persuaded to realize, that notwithstanding his great mind was as strong as ever, he had physically grown weaker. As a close friend, more than once I urged him to let up, to seek rest from his labors and worry, to find the sunshine and pure air, but he could not be induced to think of himself or of his condition. The thought uppermost in his mind was to complete the task he had undertaken. His life had always been a busy one and he determined it should continue to be to the last.

All through life he had been an active, useful citizen in this State, having filled many prominent positions. When a young man he was chosen as a delegate at large from the State of Kansas to the Republican National Convention. He was also appointed diplomatic agent and consul general to Egypt by President Harrison. In this position he rendered a great service to his Nation. I remember when in 1896 the political party of which I was at that time a member held its State convention in Colonel LITTLE's home city, Abilene, Kans., I endeavored to have him nominated by that convention as a candidate for Congressman at large from the State of Kansas, but failed by a small margin. If he had received this nomination, he would have been elected, as the Hon. Jerry Botkin, who was the successful candidate, was elected.

In that campaign Colonel LITTLE and I supported the same candidate for President and also the same candidate for Governor of the State of Kansas. Our candidate for President, Hon. William J. Bryan, who was at that time a young man, was defeated. Our candidate for governor, Hon. John W. Leedy, was elected. Governor Leedy realized that it was necessary to have as his close and confidential adviser a man of clear vision, of sterling qualities, and one upon whom he could depend for support in trials incident to such an office; a man whose integrity was above reproach and in whom he must have an abiding faith and confidence. He turned to our friend and late colleague as the man who possessed all these qualities and essentials and made him his private secretary and confidential adviser, and at no time during that service was he in the least disappointed.

While serving as private secretary to Governor Leedy this Nation declared war against Spain. Colonel LITTLE entered the service in that war as lieutenant colonel, commanding the regiment. He took the Twentieth Kansas Volunteers to San Francisco in 1898 and embarked for the Philippines in command. He took part in many engagements in that war and rendered a service for his Nation of which his friends have always been very proud.

Later I had the pleasure of again supporting Mr. LITTLE and doing all I could to secure his nomination and election to the Supreme Court of the State of Kansas, but failed by a small margin.

Having preceded him in Congress, I welcomed him to the National Capital. It was the welcome of one friend to another, for we were friends of long standing and remained friends to the day of his death. I have always been proud of that friendship, for he was a loyal and constant friend. He fought a good fight.

He has left his family the greatest heritage that man can bestow—the record of a good, clean, and wholesome life, and that of an honorable and useful citizen. Nowhere on that record can be found written the word "failure." What more could mortal man do?

Mr. SWING. Mr. Speaker, I am unwilling that this occasion should pass without adding my tribute to those that have already been spoken here in memory of the life and character of our late colleague EDWARD C. LITTLE. His was an active life, rich in unselfish devotion to this country. To whatever duty he was called he responded with the best that was in him, and in the short span of years allotted to him he won recognition for conspicuous accomplishments in half a dozen fields of human endeavor. As a diplomat, he walked with kings "without losing the common touch"; as a soldier, he was found worthy to fight beside Funston; as a jurist, he revised and codified the laws of our country; as an orator, he possessed fire, eloquence, and logic that carried conviction; as a litterateur, he created both prose and poetry that was at once forceful and entertaining; and as a statesman he was the champion of whatever cause he thought to be right and just. Many of us would rest content to wear the laurels he won and lightly tossed aside in any one of these varied walks of life.

LITTLE's vision reached beyond the confines of his own State. He knew and loved the West. Raised in a country that was still pioneering when he was young, he grew up along the western trails while the caravans of prairie schooners were still following the course of Westward ho! He knew and appreciated the perils, hardships, and sacrifices of the sturdy frontiersmen that won for this Nation a western empire, and during his service in Congress he was the constant friend of the western pioneers. The people of my district feel very grateful to him for his sympathetic understanding of their problems and his sincere and conscientious endeavors to aid in solving them.

EXTENSION OF REMARKS

The SPEAKER, pro tempore. Without objection, leave will be granted to all Members to extend in the RECORD their remarks upon the life, character, and public services of the late Mr. LITTLE.

There was no objection.

ADJOURNMENT

The SPEAKER, pro tempore. Pursuant to the order heretofore adopted, the House now stands adjourned.

Accordingly (at 2 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Monday, February 2, 1925, at 12 o'clock noon.

SENATE

MONDAY, *February 2, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Gracious Father, Thou hast permitted us to see the beginning of another month. While we recognize the swiftness of time, we desire to recognize also the great importance of responsibility, meeting every trust promptly and fulfilling every obligation to the best and highest interests of the country and to the glory of Thy name. Guide all the deliberations this day. We ask for Christ's sake. Amen.

The reading clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CURTIS and, by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILLS

A message from the House of Representatives by Mr. Farrell, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills:

S. 2842. An act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes;

H. R. 3132. An act for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn.;

H. R. 7918. An act to diminish the number of appraisers at the port of Baltimore, and for other purposes; and

H. R. 11956. An act to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909.

SENATOR FROM MINNESOTA

The PRESIDENT pro tempore. The Chair lays before the Senate a notice of contest filed by the Senator from Minnesota, MAGNUS JOHNSON, and addressed to THOMAS D. SCHALL, relative to the right of Mr. SCHALL to a seat in the Senate for the term beginning March 4, 1925, which will be filed with the Secretary of the Senate.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution of the Legislature of the State of Utah, favoring the passage of legislation to reduce the fees for grazing livestock on national forests, which was referred to the Committee on Agriculture and Forestry. [Duplicate presented by Mr. SMOOT and printed in the RECORD.]

The PRESIDENT pro tempore also laid before the Senate the following joint memorial of the Legislature of Oregon, which was referred to the Committee on Commerce:

Senate joint memorial No. 2

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Legislative Assembly of the State of Oregon, respectfully submit that—

Whereas at a conference of representatives of the north Pacific coast ports—Crescent City, Chetco Cove, Port Orford, Bandon, Coquille, Coos Bay, Umpqua, Siuslaw, Alsea, Yaquina, Tillamook, Nehalem, Grays Harbor, and Port Angeles—called by Hon. Walter M. Pierce, Governor of the State of Oregon, and held in the city of Portland, Oreg., January 16 and 17, 1925, it was disclosed from responsible and authoritative sources that the United States Government has a preponderant proprietary interest in the territory adjacent and tributary to the ports represented at said conference and equally large interests in the natural resources thereof; and

Whereas at said conference the following conditions having a definite bearing on the true conservation of the Government's holdings in the districts named and upon the upbuilding of commerce and the development of wholesome industry in the great area affected were disclosed:

That the greatest natural resource common to the districts represented is timber, aggregating a grand total in excess of 300,000,000,000 board feet;

That title to said timber in Oregon counties is vested approximately 50 per cent of the total in the Federal Government and 50 per cent thereof in private ownership, and in Washington counties in slightly lesser rates as regards Government holdings;

That neither the timber nor the land in which title rests in the Federal Government is taxable by the States;

That these timbered areas extend into the lowlands and valleys which, because of mild climate and abundant moisture, are peculiarly adapted to dairying and related livestock husbandry;

That the dense timber growth in these areas is mainly Douglas fir;

That the loss on Douglas fir through overmaturity at time of cutting ranges from 20 to 50 per cent;

That the great bulk of the timber in the north Pacific coast counties is ripe and unless marketed in the near future will sustain vast loss in value;

That 80 per cent of the timber in this area is of grades requiring low rates in order to move it to a distant market;

That the only practicable transportation to these markets is by means of deep-sea vessels, drawing from 25 to 27 feet;

That the markets reached by small coasting vessels are abundantly supplied by producers more conveniently located;

That some of the ports to which this timber is tributary have not sufficient depth of water to permit the entry of the larger lumber carriers, that others of them need greater channel and harbor depths, and that none of them has yet had the practicable improvement which would make possible the accommodation of the potential commerce of this area;

That these ports have taxed and bonded themselves to the amount of several millions of dollars for cooperative work on equal share of the cost of their harbor development with the Federal Government;

That because the great proportion of area is owned by the Federal Government and therefore nontaxable these ports are peculiarly at a disadvantage in proceeding with harbor development on a 50-50 basis with the Federal Government;

That some of these ports have already bonded themselves to the extent possibly of their ability to pay, and certainly to the extent of the constitutional restrictions placed upon them;

That there is an actual receptive market for this timber in such quantities as it would be possible to remove it under intensive cutting;

That availability of transportation facilities would immediately enhance its stumpage value many times the entire cost of the harbor improvement needed to promote such transportation, while to await railway transportation would entail the total loss of a material part of the Government's holdings in this area;

That in Del Norte County, Calif., there are in Government ownership 106,700 acres;

That the timber stand upon Government-owned property is estimated to be 3,201,000,000 board feet;

That in Siskiyou County, Calif., there are in Government ownership 566,100 acres; that the timber stand upon Government-owned land is estimated to be 5,700,000,000 board feet;

That in the coast counties of Oregon there are in Government ownership 6,130,580 acres, and in private ownership 6,272,620 acres; that the timber stand upon Government-owned land is 100,101,577,000 board feet, and upon private holdings 96,820,000,000 board feet;

That in the counties of Clallam, Jefferson, and Grays Harbor, Wash., there are in Government ownership 788,443 acres, and in private ownership 1,065,925 acres; that the timber stand upon Government-owned lands is 24,000,000,000 board feet, and upon privately owned lands 50,400,000,000 board feet; and 5,600,000,000 board feet on Indian reserves;

That the several counties referred to in Oregon expend annually for purposes of State and 'ocal government in excess of $5,000,000, no part of which is contributed as taxes by the lands owned by the United States Government; and

Whereas in view of the foregoing-recited facts it appears that a Government asset is menaced by depreciation, but can be saved and its value multiplied by constructive investment by the Federal Government, and that the communities whose interests would also be served by this investment are not financially able to cooperate with the Federal Government in furtherance of the project: Therefore be it

Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring therein), That we memorialize the Congress of the United States to direct the board of survey of the United States engineers to report on the cost of developing the harbors mentioned herein to their greatest feasible depth for accommodating the lumber commerce that awaits their improvement and the potential commerce that awaits the agricultural development of the cut-over lands; that it instruct the Interior Department and the Forestry Bureau to report in detail upon the Government holdings and interests in these port districts and upon the conditions of the national forests therein as regards overripeness of timber in order that Congress may take such further action as the reports herein petitioned for shall seem to require.

Passed by the senate January 21, 1925.

GUS C. MOSER,
President of the Senate.

Concurred in by the house January 22, 1925.

DENTON G. BURDICK,
Speaker of the House.

[Indorsed: Senate joint memorial No. 2. Introduced by members Oregon State Senate. Jno. P. Hunt, chief clerk. Filed January 23, 1925. Sam A. Kozer, secretary of state.]

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 2 with the original thereof, adopted by the Senate and House of Representatives of the Thirty-third Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon January 23, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of January, A. D. 1925.

[SEAL.] SAM A. KOZER,
Secretary of State.

The PRESIDENT pro tempore also laid before the Senate the following concurrent resolution of the Legislature of Kansas, which was referred to the Committee on the Judiciary:

House concurrent resolution 5. In relation to rejecting the proposed child labor amendment to the Constitution of the United States

Whereas the Congress of the United States has proposed an amendment to the Constitution of the United States of America, in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE —

"SECTION 1. That Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. That power of the several States is unimpaired by this article, except that the operation of the State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Therefore be it resolved by the House of Representatives of the State of Kansas (the senate concurring therein)—

SECTION 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, rejected by the Legislature of the State of Kansas.

SEC. 2. That certified copies of this concurrent resolution be forwarded by the governor of this State to the Secretary of State at Washington, D. C., to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

I hereby certify that the above concurrent resolution originated in the house, and passed that body January 21, 1925.

CLIFFORD R. HOPE,
Speaker of the House.

ORA H. HATFIELD,
Chief Clerk of the House.

Passed the senate January 27, 1925.

D. A. N. CHASE,
President of the Senate.

ARTHUR S. MCNAY,
Secretary of the Senate.

Approved January 30, 1925.

[SEAL.] BEN S. PAULEN,
Governor.

The PRESIDENT pro tempore also laid before the Senate resolutions adopted by the Northern Baptist Convention, at Milwaukee, Wis., favoring the participation of the United States in the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

Mr. SMOOT presented the following resolution of the Legislature of Utah, which was referred to the Committee on Interstate Commerce:

STATE OF UTAH,
EXECUTIVE DEPARTMENT,
SECRETARY OF STATE'S OFFICE.

I, H. E. Crockett, secretary of state of the State of Utah, do hereby certify that the attached is a full, true, and correct copy of house concurrent memorial No. 2, by Mr. Stark, memorializing the Congress of the United States, favoring Senate bill No. 2327, An act to regulate commerce, as appears on file in my office.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State of Utah this 27th day of January, 1925.

[SEAL.] H. E. CROCKETT, *Secretary of State.*

House concurrent memorial No. 2

Memorializing the Congress of the United States, favoring Senate bill No. 2327, an act to regulate commerce

To the Senate and the House of Representatives of the United States in Congress assembled:

Your memorialists, the Governor and Legislature of the State of Utah, respectfully represent;

That in natural resources the great intermediate territory lying between the twenty-third and forty-eighth parallels of longitude, of which the State of Utah is a part, is one of the richest sections of the United States;

That given proper opportunity to develop, it will provide profitable employment and comfortable homes for a largely increased population, promote local industry, provide for our railroads an ever-increasing tonnage, not subject to water competition, and add enormously to the wealth and strength of the Nation;

That transcontinental railroads, dissatisfied with decisions of the Interstate Commerce Commission denying their applications for fourth-section relief in connection with transcontinental rates, continually and persistently renew such pleas, and thereby keep commercial and business conditions in the intermountain country in a constant state of unrest and uncertainty;

That because of that unrest and uncertainty the legitimate growth and expansion of existing manufacturing and distributing industries is hampered, the establishment of new enterprises prevented, and the prosperity, growth, and development of the territory affected seriously retarded;

That through no fault in its administration by the Interstate Commerce Commission, but because of a defect in the law which admits of such injustice, the people of the said intermediate country are hampered in their business activities, harassed by continuous efforts under the pretext of meeting water competition of transcontinental railroads, to impose unjust, unreasonable, and discriminatory rates upon them, and are constantly required at great expense in money, time, and energy to defend their interests; and now, therefore,

Your memorialists, the Governor and the Legislature of the State of Utah, respectfully petition your honorable body, during your present session, to correct the evil herein complained of by the passage of Senate bill No. 2327; be it further

Resolved, That a copy of this memorial be forwarded to each Member of the congressional delegation from this State.

The foregoing house concurrent memorial No. 2 was publicly read by title and immediately thereafter signed by the president of the senate, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 26th day of January, 1925.

A. B. IRVINE, *President of the Senate.*

Attest:

H. L. CUMMINGS,
Secretary of the Senate.

The foregoing memorial was publicly read by title and immediately thereafter signed by the speaker of the house, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 26th day of January, 1925.

WM. E. MCKELL, *Speaker of the House.*

Attest:

E. L. CROPPER,
Chief Clerk of House.

Received from the house of representatives this 26th day of January, 1925.

Approved January 27, 1925.

GEO. H. DERN, *Governor.*

Mr. SMOOT also presented the following resolution of the Legislature of Utah, which was referred to the Committee on Agriculture and Forestry:

STATE OF UTAH,
EXECUTIVE DEPARTMENT,
SECRETARY OF STATE'S OFFICE.

I, H. E. Crockett, secretary of state of the State of Utah, do hereby certify that the attached is a full, true, and correct copy of house concurrent memorial No. 1, by Mr. Hunt, memorializing the Congress of the United States, asking favorable action on Senate Joint Resolution 147, and Senate bill 2424, relating to grazing fees on national forests, as appears on file in my office.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State of Utah this 28th day of January, 1925.

[SEAL.] H. E. CROCKETT,
Secretary of State.

House concurrent memorial No. 1, by Mr. Hunt, memorializing the Congress of the United States, asking favorable action on Senate Joint Resolution 147, and Senate bill 2424, relating to grazing fees on national forests.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Governor and Legislature of the State of Utah, respectfully represent that:

Whereas from the time of the early settlement of this State until the organization of the national forests, a large and thriving livestock industry had become established on the free use of the annual forage crop growing on said national forest areas; that a tacit admission of established rights by such use and occupancy has been given these said early users by the United States Forestry Service as evidenced by the issuance of preferential grazing permits on national forests; that such established rights by use and occupancy are similar to and acquired in the same manner as the recognized riparian water rights of early users of springs and streams on national forest areas; and

Whereas the organization of said livestock industry and the communities dependent upon it have grown through long years on the belief that they would be protected in such rights; and

Whereas in recent years there has been a gradual increase in the fees charged stock raisers owning grazing permits on the national forests, and moreover it is the declared intention of the United States Forestry Service to double these fees and to continue to increase them until the money return is equal to the money return from similar privately owned lands (testimony of Colonel Greeley before the House Committee on the Agricultural bill, December 7, 1924); and

Whereas stock raisers in recent years are suffering from greatly increased costs for labor, hay, and forage, with little, if any, increase in the value of their products, and are facing the uncertainty of greatly increased grazing fees, the amount of such increase being fixed entirely by the United States Department of Agriculture: Now, therefore,

Your memorialists respectfully ask that the Congress of the United States take favorable action on Senate Joint Resolution 147, and Senate bill 2424. It is our belief that such action is a just recognition of the rights of those owning grazing permits on the national forests, that it will greatly assist in stabilizing the stock-raising industry, and will effect a saving to the people of the United States in the costs of the products of the ranges; and be it further

Resolved, That a copy of this memorial be sent to each member of the congressional delegation from the State of Utah.

The foregoing House Concurrent Memorial No. 1 was publicly read by title and immediately thereafter signed by the president of the senate, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 27th day of January, 1925.

A. B. IRVINE,
President of the Senate.

Attest:

H. L. CUMMINS,
Secretary of the Senate.

The foregoing house concurrent memorial was publicly read by title and immediately thereafter signed by the speaker of the house, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 27th day of January, 1925.

WM. E. MCKELL,
Speaker of the House.

Attest:

E. L. CROPPER,
Chief Clerk of House.

Received from the house of representatives this 27th day of January, 1925.

Approved January 28, 1925.

GEO. H. DERN,
Governor.

Received from governor and filed in the office of the secretary of state this 28th day of January, 1925.

H. E. CROCKETT,
Secretary of State.

Mr. WILLIS presented a petition of the military affairs committee of the Columbus (Ohio) Chamber of Commerce, favoring the passage of legislation providing for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, which was referred to the Committee on Naval Affairs.

Mr. FERRIS presented memorials of sundry citizens of Battle Creek, Hillsdale, Allen, Pittsford, Camden, Allegan, and Scottville, all in the State of Michigan, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. FRAZIER presented a resolution of the Civic League, of Aneta, N. Dak., favoring the participation of the United States in the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented the petition of the Civic Improvement and Study Club of Lidgerwood, N. Dak., praying that the United States adhere to the World Court under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

MISSISSIPPI RIVER BRIDGES

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11036) extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway Co., and I submit a report (No. 961) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by act of Congress, approved February 16, 1924, to be built by the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, across the Mississippi River within or near the city limits of St. Paul, Ramsey County, and Minneapolis, Hennepin County, Minn., are hereby extended one year and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. From the same committee I report back favorably without amendment the bill (H. R. 9380) granting the consent of Congress to Board of County Commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River, and I submit a report (No. 962) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Board of County Commissioners of Aitkin County, Minn., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, at or near section 9, township 52 north, range 23 west, in the county of Aitkin, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROCK RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9827) to extend the time for the construction of a bridge across the Rock River in the State of Illinois, and I submit a report (No. 963) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved January 31, 1923, to be built by the county of Winnebago, the town of Rockford, and the city of Rockford, in the State of Illinois, across the Rock River, on the extension of Auburn Street in said city of Rockford, and in section 18, township 44 north, range 1 east, of the third principal meridian, in the county of Winnebago and State of Illinois, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES

Mr. MEANS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2780) for the relief of William Wooster (Rept. No. 964); and

A bill (S. 2895) for the relief of W. P. Dalton (Rept. No. 965).

Mr. BURSUM, from the Committee on Pensions, to which was referred the bill (H. R. 11749) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 966) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 339) for the relief of Harry Scott, reported it without amendment and submitted a report (No. 967) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 3303) for the relief of Frederick MacMonnies (Rept. No. 968); and

A bill (S. 3377) for the relief of George E. Taylor (Rept. No. 969).

Mr. STERLING, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3162) authorizing the Postmaster General to make monthly payment of rental for post-office premises under lease (Rept. No. 970); and

A bill (H. R. 6581) authorizing the Postmaster General to provide emergency mail service in Alaska (Rept. No. 971).

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 2419) for the relief of Michael Curran, reported it without amendment and submitted a report (No. 972) thereon.

DESTRUCTION OF USELESS PAPERS

Mr. SMOOT. Mr. President, the Chair the other day laid before the Senate a letter from the Secretary of the Treasury, asking permission to destroy certain obsolete papers and documents in the files of the Treasury Department. The Chair appointed the Senator from Utah [Mr. SMOOT] and the Senator from North Carolina [Mr. SIMMONS] as a committee to consider on the part of the Senate the advisability of granting the request. I wish to report that the Senators named have made an examination of the papers and recommend the granting of the request of the Secretary of the Treasury for permission to destroy the papers.

The PRESIDENT pro tempore. Without objection, the report will be agreed to.

SENATOR FROM TEXAS (REPT. NO. 973)

Mr. SPENCER. Mr. President, on behalf of the Committee on Privileges and Elections I present a unanimous report in connection with the senatorial contest from the State of Texas. The report will probably be printed and upon the desks of Senators this afternoon, and I give notice that to-morrow morning I shall call it up for the consideration of the Senate.

The PRESIDENT pro tempore. The report (No. 973) will lie on the table for the present, and be printed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 4183) to amend paragraph 11, section 20, of the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. TRAMMELL:

A bill (S. 4184) providing that the members of the Interstate Commerce Commission shall be appointed from different sections of the United States, and that not more than one member shall be appointed from any one State; to the Committee on Interstate Commerce.

By Mr. BURSUM:

A bill (S. 4185) to authorize the Secretary of the Interior to conduct investigations and tests to locate underground supplies of water for agricultural purposes in the State of New Mexico; to the Committee on Agriculture and Forestry.

By Mr. WELLER:

A bill (S. 4186) granting six months' pay to Lucy B. Knox; to the Committee on Naval Affairs.

By Mr. COPELAND:

A bill (S. 4187) to define the status of retired officers of the Regular Army who have been or may be detailed as professors and assistant professors of military science and tactics at educational institutions; to the Committee on Military Affairs.

By Mr. ERNST:

A bill (S. 4188) granting an increase of pension to Mary E. Dobyns; to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 4189) to authorize the creation of a national memorial in the Harney National Forest; and

A bill (S. 4190) authorizing the issuance of patents to the State of South Dakota for park purposes of certain lands within Custer State Park, now claimed under the United States general mining laws, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. BALL:

A bill (S. 4191) to permit the merger of street railway corporations operating in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CURTIS:

A bill (S. 4192) authorizing the appointment of William H. Armstrong as captain of Infantry, United States Army; to the Committee on Military Affairs.

A bill (S. 4193) granting an increase of pension to Annie E. Cade (with accompanying papers);

A bill (S. 4194) granting an increase of pension to Mary E. Hinckley (with accompanying papers);

A bill (S. 4195) granting an increase of pension to Rebecca C. Burwell (with accompanying papers); and

A bill (S. 4196) granting a pension to Eva Hood S. Watson (with accompanying papers); to the Committee on Pensions.

By Mr. HEFLIN:

A bill (S. 4197) to amend the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton"; to the Committee on Agriculture and Forestry.

By Mr. MOSES:

A joint resolution (S. J. Res. 181) for the relief of George Horton; to the Committee on Foreign Relations.

CONSOLIDATION OF NATIONAL BANKING ASSOCIATIONS

Mr. WALSH of Massachusetts. I submit an amendment to House bill 8887, the so-called McFadden bill, to amend the act to provide for the consolidation of national banking associations, and so forth, and also a letter explaining the amendment, which I ask to have treated as in the nature of a petition, printed in the RECORD, and to have both the amendment and the petition referred to the Committee on Banking and Currency.

The PRESIDENT pro tempore. Without objection, the amendment and the accompanying letter will be referred to the Committee on Banking and Currency, and the letter will be printed in the RECORD.

The letter is as follows:

FEDERAL NATIONAL BANK BUILDING,
Boston, Mass., January 30, 1925.

Senator DAVID I. WALSH,
Washington, D. C.

MY DEAR SENATOR: I left you yesterday a copy of H. R. 8887 with request that you amend line 9 on page 25 by striking out the word "one-third" and inserting in place thereof the word "one-half."

The reason for this change is in substance as follows: National banks are required in the very nature of things to compete not only with the trust companies which are chartered by the State, but with savings banks, and in some instances with State banks. Under the laws, national banks are therefore required in Massachusetts to compete with not only trust companies, but with savings banks, and while I think there is one State bank in Massachusetts, I am not exactly familiar with the limitations upon its loaning ability upon real estate.

The savings banks of Massachusetts are allowed to loan upon real estate 70 per cent of their total deposits, and trust companies having savings departments are given the same privileges as are allowed to savings banks, so that trust companies in Massachusetts are allowed to loan 70 per cent of their time deposits. With these trust companies and in their savings deposits, therefore, national banks are required to compete.

This bill allows only the following: It permits national banks to loan an amount equal to only one-third of their time deposits. The limitation, therefore, is obviously drastic. It will be exceptional to find a national bank when its time deposits equal one-half its total deposits.

In other words, it will be an exceptional instance where of the total deposits held by a national bank an amount equal to 50 per cent of it is deposited on time. To therefore allow a national bank to loan on real estate, assuming that it has time deposits equal to one-half of its total deposits, but one-third of the time deposits, would permit a national bank to loan on real estate only one-sixth of its total deposits.

With the privilege which Massachusetts gives to its savings banks and trust companies having savings deposits, i. e., the privilege of

loaning 70 per cent of its time money while this drastic limitation is placed upon national banks, puts the national banks at an obvious disadvantage. This obvious disadvantage we would like to have removed, and we would like to have reinserted in the bill the privilege which was originally recommended by the Comptroller of the Currency, who, in fact, drafted the original McFadden bill, namely, the authority to loan 50 per cent of the time deposits.

The basic thought in the McFadden bill is to help national banks compete with trust companies. My proposal is not only in harmony with this thought, but is for the good of the public as it will make it easier for the small depositor to obtain mortgage money.

Very truly yours,

EDWARD L. LOGAN.

AMENDMENTS TO RIVERS AND HARBORS BILL

Mr. REED of Pennsylvania submitted an amendment, and Mr. HARRISON submitted two amendments intended to be proposed to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

CHANGE OF REFERENCE—PERCY S. RANSOM

On motion of Mr. PEPPER, the Committee on Claims was discharged from the further consideration of the bill (S. 3697) for the relief of Percy S. Ransom, and it was referred to the Committee on Naval Affairs.

CHANGE OF PUBLIC LAND ENTRIES

Mr. LADD. Mr. President, I ask unanimous consent that the votes by which the bill (S. 3839) to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes, was ordered to a third reading and passed upon Saturday be reconsidered and the bill returned to the Committee on Public Lands and Surveys for further consideration. It is a bill repealing a clause of a measure which we were to take up in the committee on Wednesday of this week, and the bill was passed on Saturday without anyone noticing it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota, which is that the votes by which Senate bill 3839 was ordered to a third reading and passed be reconsidered and that the bill be recommitted to the Committee on Public Lands and Surveys? The Chair hears no objection, and it is so ordered.

RETIREMENT IN LIGHTHOUSE SERVICE

Mr. KING. Mr. President, I desire to enter a motion to reconsider the vote by which the bill (S. 3613) to provide for retirement for disability in the Lighthouse Service was passed on Saturday last, and request that if it has been transmitted to the House a recall of the bill may be made.

The PRESIDENT pro tempore. The Chair is informed that the bill has not yet been messaged to the House of Representatives.

Mr. JONES of Washington. Will the Senator from Utah state what the bill is?

Mr. KING. It is a bill reported by the Senator from Washington himself. I shall be very glad to confer with the Senator during the day, and if I find there is no validity in my motion I shall withdraw it.

The PRESIDENT pro tempore. The Senator from Utah enters a motion to reconsider the votes by which the bill was ordered to a third reading and passed.

COMMISSION OF GOLD AND SILVER INQUIRY

Mr. ODDIE submitted the following resolution (S. Res. 323), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the provisions of Senate Resolution 469, Sixty-seventh Congress, agreed to March 3, 1923, creating the Senate Commission of Gold and Silver Inquiry, be, and the same hereby are, made applicable to the Sixty-ninth Congress.

THE CALENDAR

The PRESIDENT pro tempore. Morning business is closed, and the calendar is in order. The Clerk will state the first bill on the calendar.

The bill (S. 55) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session, was announced as first in order.

Mr. OVERMAN. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1181) naming the seat of government of the United States was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 60) to stimulate crop production in the United States was announced as next in order.

Mr. KING. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The resolution (S. Res. 124) directing the Interstate Commerce Commission to secure information relative to amount of money expended for the purpose of creating public interest favorable to railroad sentiment was announced as next in order.

Mr. SMOOT. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 185) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. SMOOT. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2401) providing for the compensation of retired warrant officers and enlisted men of the Army, Navy, and Marine Corps, or any other service or department created by or under the jurisdiction of the United States Government, and warrant officers and enlisted men of the Reserve Corps of the Army and Navy was announced as next in order.

Mr. KING. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2299) to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922, was announced as next in order.

Mr. KING. Let the bill be read.

The reading clerk read the bill.

Mr. HOWELL. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. FLETCHER. I understand that the bill has passed and that the question now is on reconsidering the vote by which it was passed.

Mr. SMOOT. The bill should go over anyway.

The PRESIDENT pro tempore. The Chair is informed that the present status of the bill is upon the motion of the Senator from Utah [Mr. KING] to reconsider the vote by which the bill was passed.

Mr. SMOOT. Let the bill go over for the day.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2149) to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2150) to authorize arrests by officers and employees of the Department of Agriculture in certain cases and to amend section 62 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," was announced as next in order.

Mr. KING and Mr. SMOOT asked that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2151) to increase the subsistence and per diem allowance of certain officers and employees of the Department of Agriculture was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1387) to provide for payment of the amount of the war-risk insurance policy to a beneficiary designated by Capt. John W. Loveland, jr., deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. EDGE. Mr. President, will the Senator from Utah withhold the objection for a moment?

Mr. SMOOT. Mr. President, I can say to the Senator from New Jersey that there are two or three bills on the calendar of the same nature as this bill. The whole subject matter is now before the Finance Committee, with a subcommittee considering it, with instructions to report just how far these bills should go. So I do not think we ought to make a precedent now so long as the subject is before the committee for consideration.

Mr. EDGE. Very well; I will not press the matter.

Mr. SMOOT. I will say to the Senator from New Jersey that the Senator from Pennsylvania [Mr. REED] is the chairman of the subcommittee which is considering the subject.

The PRESIDENT pro tempore. Being objected to, the bill goes over.

FRENCH SPOLIATION CLAIMS

The bill (S. 56) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, was announced as next in order.

Mr. REED of Pennsylvania. Let that bill go over.

Mr. SPENCER. Mr. President, I move that the Senate proceed to the consideration of the bill. It has been before the country for 120 years, and we certainly ought to determine the matter one way or the other.

Mr. KING. A parliamentary inquiry. As I understand the rule, if the Senate votes to take up the bill, and it shall be taken up for consideration, unlimited debate will be permitted; that is, the restriction of debate under the five-minute rule will not apply.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. SPENCER] has moved that the Senate proceed to the consideration of the bill.

Mr. KING. I am not objecting to that, but I am making a parliamentary inquiry whether if the motion of the Senator from Missouri shall be agreed to, the bill may be discussed free from the restrictions of the five-minute rule?

The PRESIDENT pro tempore. In the judgment of the Chair, the restrictions of the five-minute rule in the discussion of the bill will not apply.

Mr. KING. I think the Chair is right.

The PRESIDENT pro tempore. The motion to proceed to the consideration of the bill must be decided without debate before 1 o'clock. The question is upon the motion of the Senator from Missouri. [Putting the question.] The "ayes" seem to have it.

Mr. OVERMAN. I call for a division.

Mr. REED of Pennsylvania and Mr. HOWELL called for the yeas and nays, and they were ordered.

The reading clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). Mr. President, I am inclined to think that I have an interest under this bill, and, therefore, I withhold my vote.

Mr. CURTIS (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He not being present, I withhold my vote.

Mr. WATSON (when his name was called). I have a pair with my colleague [Mr. RALSTON], who is absent on account of illness in his family. Being unable to secure a transfer of that pair, I withhold my vote.

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that the junior Senator from Kentucky [Mr. ERNST] is paired with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 45, nays 24, as follows:

YEAS—45

Ashurst	Cummins	Keyes	Sheppard
Ball	Edge	Ladd	Simmons
Bingham	Edwards	McKinley	Smith
Brookhart	Fernald	McNary	Spencer
Bruce	Ferris	Means	Sterling
Bursum	George	Metcalf	Wadsworth
Butler	Gerry	Moses	Walsh, Mass.
Cameron	Gooding	Oddie	Weller
Capper	Hale	Pepper	Willis
Caraway	Harrison	Phipps	
Copeland	Johnson, Minn.	Ransdell	
Couzens	Jones, N. Mex.	Reed, Pa.	

NAYS—24

Borah	Frazier	Howell	Neely
Dale	Glass	Jones, Wash.	Norris
Dial	Greene	Kendrick	Reed, Mo.
Dill	Harreld	King	Shipstead
Fess	Harris	McCormick	Smoot
Fletcher	Heflin	McKellar	Swanson

NOT VOTING—27

Bayard	Lenroot	Ralston	Trammell
Broussard	McLean	Robinson	Underwood
Curtis	Mayfield	Shields	Walsh, Mont.
Elkins	Norbeck	Shortridge	Warren
Ernst	Overman	Stanfield	Watson
Johnson, Calif.	Owen	Stanley	Wheeler
La Follette	Pittman	Stephens	

So Mr. SPENCER's motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 56) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, which had been reported from the Committee on Claims with amendments.

Mr. SPENCER obtained the floor.

Mr. KING. Mr. President, will the Senator yield?

Mr. SPENCER. Certainly.

Mr. KING. I suggest to the Senator the propriety of having the bill read, so that we may be fully advised of the number of claimants who would receive benefits under the bill and be fully advised textually of the contents of the measure.

Mr. SPENCER. The bill is rather extensive——

Mr. KING. I am aware of that fact.

Mr. SPENCER. And perhaps when a statement is made it may not be necessary to read it. Any inquiry about the measure could perhaps be answered without a reading of the bill.

Mr. OVERMAN. Mr. President, we had better have the bill read, in order that we may know what it contains.

Mr. SPENCER. Mr. President, I want briefly——

Mr. OVERMAN. Mr. President, the bill has not been read?

The PRESIDING OFFICER (Mr. ODDIE in the chair). The bill has not been read.

Mr. OVERMAN. I ask that the bill may be read.

The PRESIDING OFFICER. The bill will be read.

The principal legislative clerk proceeded to read the bill.

Mr. OVERMAN Mr. President, I will withdraw the request. I will demand that the bill be read when it is on its passage.

Mr. NORRIS. Then it will never be read.

Mr. HOWELL. Mr. President, I ask that the bill be read.

Mr. KING. In full, textually.

The PRESIDING OFFICER. The Secretary will read the bill.

The principal legislative clerk continued the reading of the bill and read to the bottom of page 2.

Mr. SPENCER. Mr. President, I call the attention of the Chair, and particularly the attention of my colleague the Senator from Nebraska, to the fact that that completes the reading of the bill, except for the last paragraph, with the other exception that there now follow 138 pages of individual names and amounts. There is no other legislation in the bill. I quite understand that the Senator from Nebraska has the right to insist that those 138 pages shall be read, if he is so advised to do; but the legislative provisions of the bill having been read, except for the last clause on page 142, I wondered if, with the reading of the last clause, the Senator might not agree to the elimination from the reading of the individual items.

Mr. HOWELL. I have not read the bill, Mr. President, and therefore I request that it be read in full.

Mr. FLETCHER. May I suggest that it would be more important to read the report.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The principal legislative clerk resumed the reading of the bill and read to the top of page 31.

Mr. HOWELL. Mr. President, certain items have been skipped by the clerk in the reading of the bill. I request that the clerk read the bill entire; that he go back to where he skipped and read again. Are we to understand that when the bill is ordered to be read the clerk proposes to use his judgment and skip parts of it?

The PRESIDING OFFICER. The Chair understands that the clerk is to read the bill.

Mr. HOWELL. And he is to read it entire. Now, I want to know if the clerk is going to assume the responsibility of skipping certain items?

The PRESIDING OFFICER. The clerk was directed by the Chair to read the bill in its entirety.

Mr. BRUCE. Mr. President, we all know that if the clerk did skip he did no more than every clerk that I have ever known to be connected with any legislative assembly at any time has done occasionally. I am sure he has been guilty of a very venial offense.

Mr. KING. The request was made that the bill be read in its entirety. I agree with the Senator that, except where the request is made to dispense with the reading, the bill shall be read in its entirety.

Mr. BRUCE. Of course, the clerk in the first instance found it impossible to determine how far the requirement that the bill should be read was made merely for the purpose of obstruction or merely for the purpose of enlightenment.

Mr. SWANSON. Mr. President, the rule of the Senate is that when a Senator insists that a bill shall be read in its entirety it shall be so read. Very frequently Senators do not get unanimous consent to dispense with the formal reading of a bill and then there is certain latitude permitted in connection with the reading, but if anyone objects the clerk can go back and read the bill in its entirety. However, when in-

struction is given that the bill must be read in its entirety the rule of the Senate is that it must be so read, and the clerk has no discretion.

Mr. SPENCER. There can be no doubt about that question. To my regret, I must say, I think the clerk is faithfully following the rule and reading every word of the bill. If there has been any omission of a word or two, it doubtless has been an inadvertence.

Mr. HOWELL. There were several items missed and I would be glad to give a list of the items. I insist upon the reading of the bill and I am not doing so solely for the purpose of taking up time. I want to have the bill read so that the RECORD may show that insurance companies, claimants who have received enormous premiums for the repayment of losses which they have sustained, are now coming to the Government of the United States and asking the Government to pay those losses again.

Mr. SPENCER. That may solve our difficulty if that is the reason of the Senator from Nebraska, and it is a very proper reason. I therefore ask unanimous consent that the bill may be printed in its entirety in the RECORD, so that that fact may appear in the RECORD without the reading of the bill.

Mr. HOWELL. I insist upon the bill being read in its entirety.

Mr. SWANSON. The clerk can not say anything and has not the privilege of defending himself or offering any justification. He has very substantially complied with the rule. I have no doubt that he will read exactly what is in the bill.

The PRESIDING OFFICER. The clerk will proceed with the reading of the bill.

The reading of the bill was resumed and continued to line 4, page 76, the portion of the bill read being as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants named in this act the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, namely:

FRENCH SPOLIATION CLAIMS

To pay the findings of the Court of Claims on the following claims for indemnity for spoliation by the French prior to July 31, 1801, under the act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1885: *Provided*, That in all cases where the original sufferers were adjudicated bankrupts the awards shall be made on behalf of the next of kin instead of to assignees in bankruptcy, and that awards in the cases of individual claimants shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the personal representatives on whose behalf the awards are made represent the next of kin, and the courts which granted the administrations, respectively, shall have certified that the legal representatives have given adequate security for the legal disbursements of the awards: *And further provided*, That in all cases of receivers of or trustees for companies, adequate security for the legal disbursement of the award must be given to the Secretary of the Treasury, or the courts by whom such receivers or trustees may have been appointed shall certify to the Secretary of the Treasury that said receivers or trustees have given adequate security for the legal disbursement of the awards before the sums appropriated in said cases shall be paid, namely:

On the vessel ship *Eliza*, John Borrowdale, master, namely:

The president and directors of the Insurance Co. of North America, $4,900.

On the vessel schooner *Industry*, Benjamin Hawkes, master, namely:

T. B. Bleecker, jr., and Charles C. Leary, receivers of the New York Insurance Co., $7,000.

On the vessel brig *Anna*, Capt. Peter Bingham, master, namely:

The Insurance Co. of the State of Pennsylvania, $14,700.

On the vessel brig *Dolly*, Arnold Higgins, master, namely:

The Insurance Co. of the State of Pennsylvania, $6,031.51.

On the vessel schooner *The Helena Plumsted*, Thomas Corry, master, namely:

The Insurance Co. of the State of Pennsylvania, $9,506.

On the vessel schooner *Expedite*, Samuel Clapp, master, namely:

The Insurance Co. of the State of Pennsylvania, $7,519.66.

On the vessel brig *Mary*, John Choate, master, namely:

The president and directors of the Insurance Co. of North America, $9,310.

On the vessel schooner *James*, Hugh Gemmill, master, namely:

The Insurance Co. of the State of Pennsylvania, $11,760.

On the vessel schooner *Bethia*, John Lanier, master, namely:

The president and directors of the Insurance Co. of North America, $3,920.

On the vessel ship *Catharine*, John Farraday, master, namely:

The Insurance Co. of the State of Pennsylvania, $14,373.34.

On the vessel ship *Joanna*, Philip Fosdick at first, afterwards Zebdiel Coffin, master, namely:

T. B. Bleecker, jr., and Charles C. Leary, receivers of the New York Insurance Co., $2,940.

On the vessel brig *Amelia*, Benjamin Houston, master, namely:

The president and directors of the Insurance Co. of North America, $12,740.

The Insurance Co. of the State of Pennsylvania, $2,450.

On the vessel brig *Betsey*, John Cushing, master, namely:

The president and directors of the Insurance Co. of North America, $28,420.

The Insurance Co. of the State of Pennsylvania, $19,600.

On the vessel brig *Susan*, Major Lines, master, namely:

The New Haven Insurance Co., $3,822.

On the vessel brig *Hope*, Richard Toppan, master, namely:

James G. Freeman, receiver of the Boston Marine Insurance Co., $3,465.

On the vessel brig *George Washington*, John Devereux, master, namely:

The Insurance Co. of the State of Pennsylvania, $7,840.

On the vessel brig *Anthony*, John Garrett, master, namely:

The president and directors of the Insurance Co. of North America, $15,461.

On the vessel ship *The Arethusa*, Robert McKown, master, namely:

The president and directors of the Insurance Co. of North America, $10,780.

The Insurance Co. of the State of Pennsylvania, $1,764.

On the vessel brig *Clarissa*, Alexander Thomas, master, namely:

The Insurance Co. of the State of Pennsylvania, $11,363.13.

On the vessel ship *Confederacy*, Capt. Scott Jenckes, master, namely:

T. B. Bleecker, jr., and Charles C. Leary, receivers of the New York Insurance Co., $12,000.

On the vessel schooner *Isabella*, Robert Mercer, master, namely:

The president and directors of the Insurance Co. of North America, $9,900.

On the vessel brig *The Maria*, Samuel Taylor, master, namely:

The president and directors of the Insurance Co. of North America, $5,880.

On the vessel snow *Polly*, Anthony Sankey, master, namely:

The president and directors of the Insurance Co. of North America, $23,228.94.

On the vessel ship *William*, Richard Barker, master, namely:

The president and directors of the Insurance Co. of North America, $2,940.

On the vessel ship *Friendship*, John Rodgers, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $24,566.

On the vessel ship *Port Mary*, Thomas Hewitt, master, namely:

John N. A. Griswold, trustee of the United Insurance Co. of New York, $35,280.

On the vessel schooner *Eutaw*, William Smith, master, namely:

The president and directors of the Insurance Co. of North America, $11,760.

David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $10,000.

On the vessel schooner *Sisters*, John Bradish, master, namely:

David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $4,410.

On the vessel brig *Two Sisters*, Joseph Hubbert, master, namely:

David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $10,000.

On the vessel schooner *Lucretia*, John Grant, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $8,000.

On the vessel sloop *Cicero*, Thomas Taggart, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $20,000.

On the vessel schooner *Commerce*, John W. Russell, master, namely:

The Newport Insurance Co., $4,000.

On the vessel brig *Ranger*, Benedict Peckham, master, namely:

The Rhode Island Hospital Trust Co., trustee for the Providence Washington Insurance Co., $1,980.

On the vessel brigantine *Polly*, Hugh Smith, master, namely:

The Insurance Co. of the State of Pennsylvania, $2,331.

On the vessel brig *Little Sam*, William Hacquin, master, namely:

The Insurance Co. of the State of Pennsylvania, $25,029.80.

The president and directors of the Insurance Co. of North America, $4,494.78.

On the vessel brig *The American*, Thomas Towne, jr., master, namely:

The president and directors of the Insurance Co. of North America, $6,840.

On the vessel ship *The Bacchus*, Richard George, master, namely:

The Insurance Co. of the State of Pennsylvania, $4,410.

On the vessel schooner *Ballahoo*, Joseph Ripley, master, namely:

The president and directors of the Insurance Co. of North America, $12,463.34.

On the vessel snow *Boston*, Martin D. Dougherty, master, namely:

The president and directors of the Insurance Co. of North America, $1,819.90.

The Insurance Co. of the State of Pennsylvania, $3,332.

On the vessel brig *Confidence*, Thomas Manning, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $19,100.

On the vessel brig *Currier*, Nehemiah Burr, master, namely:

The president and directors of the Insurance Co. of North America, $19,600.

The Insurance Co. of the State of Pennsylvania, $9,800.

On the vessel brig *Diana*, Richard Kirkbride, master, namely:

The president and directors of the Insurance Co. of North America, $986.

On the vessel brig *Eleanor*, James Treat, master, namely:

The president and directors of the Insurance Co. of North America, $831.04.

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $5,950.

On the vessel snow *Fanny*, Garrett Barry, master, namely:

The president and directors of the Insurance Co. of North America, $9,808.

On the vessel brig *Hope*, Horace Church, master, namely:

The New Haven Insurance Co., $2,744.

On the vessel brig *Lady Washington*, Stephen Selleck, master, namely:

The president and directors of the Insurance Co. of North America, $5,061.93.

On the vessel ship *Patapsco*, Joshua W. Hill, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $28,000.

On the vessel brig *Sally*, William Hampton, master, namely:

The president and directors of the Insurance Co. of North America, $19,600.

On the vessel ship *Two Sisters*, Jacob Henery, master, namely:

The president and directors of the Insurance Co. of North America, $10,339.

The Insurance Co. of the State of Pennsylvania, $12,163.77.

On the vessel brig *William*, William Goe, master, namely:

The president and directors of the Insurance Co. of North America, $7,252.

On the vessel ship *Jane*, John Wallace, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $19,502.

On the vessel brig *The Georgia Packet*, John McKever, master, namely:

The Insurance Co. of the State of Pennsylvania, $833.

The president and directors of the Insurance Co. of North America, $1,960.

On the vessel schooner *Hannah*, Joseph Bright, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $4,666.66.

On the vessel ship *Juliana*, Thomas Hayward, master, namely:

David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $1,400.

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $8,820.

On the vessel schooner *Betsey and Nancy*, Samuel Eells, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $3,550.

On the vessel schooner *Victor*, Samuel Thrasher, master, namely:

The Insurance Co. of the State of Pennsylvania, $2,450.

John N. A. Griswold, trustee of the Columbian Insurance Co., of the city of New York, $13,720.

On the vessel brig *Rosetta*, Isaac Isaacs, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $11,760.

On the vessel snow *Charlotte*, Cornelius Low, master, namely:

David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $10,600.

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $12,200.

On the vessel brig *Hiram*, J. Humphreys, master, namely:

The Insurance Co. of the State of Pennsylvania, $3,528.

The New Haven Insurance Co., $980.

T. B. Bleecker, jr., and Charles C. Leary, receivers of the New York Insurance Co., $1,764.

On the vessel brig *Friendship*, Noah Wheeden, master, namely:

The New Haven Insurance Co., $4,704.

On the vessel schooner *Neutrality*, Elnathan Atwater, master, namely:

The New Haven Insurance Co., $4,114.50.

On the vessel schooner *Orange*, Samuel Wheaton, master, namely:

The Rhode Island Hospital Trust Co., trustee for the Providence Washington Insurance Co., $5,000.

On the vessel brig *Lady Walterstorff*, John Gutterson, master, namely:

The Insurance Co. of the State of Pennsylvania, $4,900.

The president and directors of the Insurance Co. of North America, $18,058.20.

On the vessel snow *Isabella*, James Helm, master, namely:

David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $6,860.

On the vessel brig *Harriet*, Joseph Campbell, master, namely:

The president and directors of the Insurance Co. of North America, $15,680.

On the vessel brig *Thetis*, William Peterkin, master, namely:

The president and directors of the Insurance Co. of North America, $17,150.

The Insurance Co. of the State of Pennsylvania, $9,800.

On the vessel brig *Hannah*, John Blakeley, master, namely:

The president and directors of the Insurance Co. of North America, $2,940.

On the vessel sloop *Farmer*, George Kiler, master, namely:

The president and directors of the Insurance Co. of North America, $3,283.

On the vessel sloop *Sidney*, Jared Bartholomew, master, namely:

The New Haven Insurance Co., $2,809.

On the vessel brig *Clio*, Richard M. Ball, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $12,000.

On the vessel sloop *Betsey*, Benjamin Rhodes, master, namely:

The Rhode Island Hospital Trust Co., trustee for the Providence Washington Insurance Co., $3,600.

On the vessel ship *Concord*, John Thompson, master, namely:

The Insurance Co. of the State of Pennsylvania, $25,823.

The president and directors of the Insurance Co. of North America, $27,507.74.

On the vessel schooner *Olive*, George Smith, master, namely:

The president and directors of the Insurance Co. of North America, $2,940.

On the vessel snow *Jenny*, Hugh Lyle, master, namely:

The Insurance Co. of the State of Pennsylvania, $2,500.

On the vessel brig *Hannah*, Samuel Cox, master, namely:

The president and directors of the Insurance Co. of North America, $2,940.

The Insurance Co. of the State of Pennsylvania, $14,700.

On the vessel brig *North Carolina*, Richard West, master, namely:

John N. A. Griswold, trustee of the United Insurance Co. of the City of New York, $1,568.

On the vessel sloop *Cygnet*, James Hunt, master, namely:

The New Haven Insurance Co., $1,960.

On the vessel sloop *Henrietta*, Samuel Wasson, master, namely:

The New Haven Insurance Co., $2,450.

On the vessel brig *Polly*, Henry Nicoll, master, namely:

The president and directors of the Insurance Co. of North America, $4,410.

On the vessel schooner *Polly*, Charles Elms, master, namely:

James G. Freeman, receiver of the Boston Marine Insurance Co., $944.23.

On the vessel schooner *Ariel*, John Compton, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $17,512.

On the vessel brig *Industry*, James Very, master, namely:

James G. Freeman, receiver of the Boston Marine Insurance Co., $5,200.

On the vessel brig *Mercury*, George Lee, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $19,906.18.

On the vessel ship *Glasgow*, Michael Alcorn, master, namely:

The Insurance Co. of the State of Pennsylvania, $19,110.

The president and directors of the Insurance Co. of North America, $24,069.90.

On the vessel schooner *George and Jane*, Clark Elliott, master, namely:

The New Haven Insurance Co., $4,878.68.

On the vessel sloop *Polly*, William D. Wilson, master, namely:

The Insurance Co. of the State of Pennsylvania, $6,646.97.

On the vessel schooner *Midget*, Lewis Hudgins, master, namely:

The Insurance Co. of the State of Pennsylvania, $2,363.55.

On the vessel schooner *Nymph*, Thomas Corbett, master, namely:

The president and directors of the Insurance Co. of North America, $10,045.

On the vessel schooner *Ulalia*, James Clifton, master, namely:
The president and directors of the Insurance Co. of North America, $5,266.

On the vessel schooner *Success*, Jonathan Glover, master, namely:
James G. Freeman, receiver of the Boston Marine Insurance Co., $195.

On the vessel schooner *John Eason*, John Cowper, master, namely:
David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $3,000.

The president and directors of the Insurance Co. of North America, $3,968.15.

On the vessel schooner *Eagle*, Thomas Gray, master, namely:
James G. Freeman, receiver of the Boston Marine Insurance Co., $496.10.

On the vessel schooner *Juno*, Jonathan Thompson, master, namely:
John N. A. Griswold, trustee of the United Insurance Co. of New York, $1,950.

T. B. Bleecker, jr., and Charles C. Leary, receivers of the New York Insurance Co., $1,470.

On the vessel brig *Success*, Robert Clark, master, namely:
The president and directors of the Insurance Co. of North America, $14,674.

On the vessel schooner *Conrad*, John Osborn, master, namely:
David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $17,118.50.

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $11,393.60.

On the vessel sloop *Sally Mariah*, John Sells, master, namely:
John N. A. Griswold, trustee of the Columbian Insurance Co. of the City of New York, $1,960.

On the vessel brig *Patriot*, Richard Bishop, master, namely:
David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $18,620.

On the vessel brig *Pomona*, Reuben Coffin and Moses Bunker, masters, namely:
David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $3,920.

On the vessel ship *Seymour*, Paul Gould, master, namely:
David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $19,600.

On the vessel schooner *Betsey and Patsey*, James Curtis, master, namely:
David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $13,457.81.

On the vessel brig *Resolution*, Alpheus Billings, master, namely:
The Rhode Island Hospital Trust Co., trustee for the Providence Washington Insurance Co., $5,000.

On the vessel sloop *Venus*, Comfort Bird, master, namely:
David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $1,960.

On the vessel schooner *Thomas*, Joseph Sanford, master, namely:
The president and directors of the Insurance Co. of North America, $4,871.44.

The Marine Insurance Co. of Alexandria, $1,736.75.

On the vessel schooner *Lucy*, Henry Brightman, master, namely:
James G. Freeman, receiver of the Boston Marine Insurance Co., $375.

On the vessel brig *Leonard*, Samuel C. Hills, master, namely:
The president and directors of the Insurance Co. of North America, $9,800.

On the vessel brig *Orion*, Frederick Hopkins, master, namely:
The president and directors of the Insurance Co. of North America, $937.72.

On the vessel brig *Fly*, James Merrihew, master, namely:
The president and directors of the Insurance Co. of North America, $5,684.

On the vessel ship *Tom*, John Bailey, master, namely:
James G. Freeman, receiver of the Boston Marine Insurance Co., $5,590.68.

On the vessel brig *Ann*, Robert Lord, master, namely:
James G. Freeman, receiver of the Boston Marine Insurance Co., $26,730.

On the vessel schooner *Hetty*, William Manson, master, namely:
Payton S. Coles and David Stewart, administrators of John Stricker, $1,905.

On the vessel schooner *Spartan*, Thomas C. Howe, master, namely:
David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $11,000.

On the vessel ship *Washington*, Aaron Foster, master, namely:
Lucy Franklin Read McDonnell, executrix, etc., of George Pollock, surviving partner of Hugh Pollock & Co., $980.

On the vessel sloop *Two Friends*, Peter Pond, master, namely:
George G. Sill, administrator of Peter Pond, $925.25.
Charles F. Adams, administrator of Peter C. Brooks, $1,800.
Seth P. Snow, administrator of Crowell Hatch, $1,000.
George G. Sill, administrator of William Leavenworth, $1,199.25.
The New Haven Insurance Co., $1,919.25.

On the vessel ship *Sally Butler*, Alexander Chisolm, master, namely:
Archibald Smith, administrator de bonis non of the estate of James Seagrove, deceased, $6,311.41.

On the vessel brig *Neptune*, Hezekiah Flint, master, namely:
David Pingree, administrator of Thomas Perkins, deceased, $409.34.
Francis M. Boutwell, administrator of John McLean, deceased, $500.
Arthur D. Hill, administrator of Benjamin Homer, deceased, $1,000.
Thomas N. Perkins, administrator of John C. Jones, deceased, $1,000.

On the vessel schooner *Lucy*, Eliakim Benham, master, namely:
Frederick R. Sherman, executor of Roger Sherman, surviving partner of the firm of Prescott & Sherman, $551.44.
Julius C. Cable, administrator of William Walter, $275.72.

On the vessel ketch *John*, Henry Tibbetts, master, namely:
Hasket Derby, administrator of Elias Hasket Derby, $12,962.92.

On the vessel ship *Ceres*, Roswell Roath, master, namely:
Donald G. Perkins, administrator of Daniel Dunham, $7,522.82.
Donald G. Perkins, administrator of Alpheus Dunham, $6,003.84.
Edmund D. Roath, administrator of Roswell Roath, $1,518.98.
Asahel Willet, administrator of Jedediah Willet, $1,518.98.
Charles Francis Adams, administrator of Peter C. Brooks, $700.
A. Lawrence Lowell, administrator of Nathaniel Fellowes, $800.
H. Burr Crandall, administrator of Thomas Dickason, $1,000.
William P. Perkins, executor, etc., of Thomas Perkins, $500.

On the vessel brig *Eliza*, Thomas Woodbury, jr., master, namely:
Arthur L. Huntington, administrator of William Orne, $29,792.46.
Bayard Tuckerman, administrator of Walter Channing, surviving partner of Gibbs & Channing, $750.
Arthur L. Huntington, administrator of James Dunlap, $500.
William Ropes Trask, administrator of Thomas Amory, $1,000.
Archibald M. Howe, administrator of Francis Green, $500.
Harriet E. Sebor, administratrix of Jacob Sebor, $250.
Sarah L. Farnum, administratrix of Leffert Lefferts, $500.
Louisa A. Starkweather, administratrix of Richard S. Hallett, $625.
Walter Bowne, administrator of Walter Bowne, $625.
Robert B. Lawrence, administrator of John B. Bowne, $125.
Walter S. Church and Walter S. Church, administrators of John Barker Church, $2,000.
Thomas W. Ludlow, administrator of Thomas Ludlow, $500.
Francis R. Shaw, administrator of J. C. Shaw, $250.

On the vessel brig *General Warren*, Issachar Stowell, master, namely:
Charles F. Adams, administrator of Peter C. Brooks, $6,406.68.
Edmond D. Codman, administrator of William Gray, jr., $1,850.
George G. King, administrator of Crowell Hatch, $960.

On the vessel ship *Cincinnatus*, William Martin, master, namely:
Richard H. Pleasants, administrator of Aquila Brown, jr., $2,486.75.
William A. Glasgow, jr., administrator of William P. Tebbs, $2,560.20.
David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $9,800.

On the vessel brig *Pilgrim*, Priam Pease, master, namely:
Nathaniel H. Stone, administrator of John M. Forbes, surviving partner of the firm of J. M. & R. B. Forbes, $20,692.20.
Russell Bradford, administrator of Joseph Russell, $2,774.44.

On the vessel ship *Venus*, Henry Dashiell, master, namely:
David Stewart, administrator of William P. Stewart, surviving partner of the firm of David Stewart & Sons, $6,766.50.
Elizabeth Campbell Murdock, administratrix of Archibald Campbell, $6,766.50.
Elizabeth H. Penn, administratrix of Thomas Higinbotham, $3,800.
Nicholas L. Dashiell, administrator of Henry Dashiell, $1,570.
David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $19,600.

On the vessel sloop *Geneva*, Giles Savage, master, namely:
Charles F. Adams, administrator, etc., of Peter C. Brooks, $1,300.
George G. King, administrator, etc., of Crowell Hatch, $800.
Thomas N. Perkins, administrator, etc., of John C. Jones, $700.
Francis M. Boutwell, administrator, etc., of Benjamin Cobb, $500.
Margaret R. Riley, administratrix, etc., of Luther Savage, surviving partner of the firm of Riley, Savage & Co., $4,850.

On the vessel ship *Aurora*, Stephen Butman, master, namely:
Charles Francis Adams, administrator of Peter C. Brooks, $2,500.
Frank Dabney, administrator of Samuel W. Pomeroy, $400.
Henry Parkman, administrator of John Duballet, $1,000.
George G. King, administrator of Crowell Hatch, $600.
William S. Perry, administrator of Nicholas Gilman, $1,000.
John W. Apthorp, administrator of Caleb Hopkins, $1,500.
Edward I. Browne, administrator of Moses Brown, $400.
Walter Hunnewell, administrator of Arnold Welles, jr., $300.
Nathan Matthews, administrator of Daniel Sargent, $500.
A. Lawrence Lowell, administrator of Nathaniel Fellowes, $500.
Daniel D. Slade, administrator of Daniel D. Rogers, $500.
Walter Hunnewell, administrator of John Welles, $300.
William S. Carter, administrator of William Smith, $500.

William I. Monroe, administrator of John Brazer, $400.
A. H. Loring, administrator of William Boardman, $105.
Lawrence Bond, administrator of Nathan Bond, $400.
On the vessel ship *Jane*, James Barron, master, namely:
James L. Hubard, administrator of the estate of William Pennock, $4,601.67.
David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $13,001.33.
On the vessel schooner *Amelia*, Timothy Hall, master, namely:
Julius C. Cable, administrator of William Walter, $1,160.
The New Haven Insurance Co., $200.
On the vessel brig *Isabella and Ann*, William Duer, master, namely:
Alexander Proudfit, administrator of Robert Ralston, $2,716.50.
The president and directors of the Inusrance Co. of North America, $12,314.59.
On the vessel schooner *Zilpha*, Samuel Briard, master, namely:
Sarah N. Burleigh, administratrix, and so forth, estate of Samuel Briard, $5,236.24.
Joseph H. Thatcher, administrator, estate of John Wardrobe, $5,236.24.
On the vessel sloop *Abigail*, Silas Jones, master, namely:
Brooks Adams, administrator of Peter C. Brooks, $700.
A Lawrence Lowell, administrator of Nathaniel Fellowes, $800.
On the vessel schooner *Active*, Patrick Drummond, master, namely:
William D. Hill, administrator of Mark L. Hill, $1,640.02.
On the vessel ship *Bristol*, Edward Smith, master, namely:
Caroline A. Woodard and Frank Woodard, administrators of Thomas Smith, $6,590.
On the vessel schooner *Brothers*, James Vinson, master, namely:
David Stewart, administrator of James Jaffray, $6,488.
Mary Jane Thurston, administratrix of John Hollins, $490.
Edward C. Noyes and David Stewart, administrators of James Clarke, $490.
Cumberland Dugan, administrator of Cumberland Dugan, $490.
David Stewart, administrator of William Wood, jr., $735.
Charles J. Bonaparte, administrator of Benjamin Williams, $490.
J. Savage Williams, administrator of Samuel Williams, $490.
James Lawson, administrator of Richard Lawson, $367.50.
On the vessel ship *Chace*, Thomas Johnston, master, namely:
George G. King, administrator of James Tisdale, $18,947.
On the vessel brig *Delaware*, James Dunphy, master, namely:
C. D. Vasse, administrator of Ambrose Vasse, $814.62.
William D. Squires, administrator of Henry Pratt, surviving partner of Pratt & Kintzing, $191.65.
J. Bayard Henry, administrator of Andrew Pettit, surviving partner of Pettit & Bayard, $182.10.
George W. Guthrie, administrator of Alexander Murray, surviving partner of Miller & Murray, $182.10.
J. Bayard Henry, administrator of George Rundle and Thomas Leech, $222.33.
Francis A. Lewis, administrator of John Miller, jr., $182.10.
J. Albert Smyth, administrator of Jacob Baker, surviving partner of Baker & Comegys, $182.10.
Craig D. Ritchie, administrator of Joseph Summerl, surviving partner of Summerl & Brown, $153.44.
Charles Prager, administrator of Mark Prager, jr., surviving partner of Prager & Co., $191.64.
William Brooke Waln, administrator of Jesse Waln, $182.09.
Sara Leaming, administratrix of Thomas Murgatroyd, $182.09.
D. Fitzhugh Savage, administrator of John Savage, $141.86.
Francis R. Pemberton, administrator of John Clifford, surviving partner of Thomas and John Clifford, $153.44.
The Pennsylvania Co. for Insurance on Lives, etc., administrator of Thomas M. Willing, surviving partner of Willing & Francis, $283.70.
Robert W. Smith, administrator of Robert Smith, surviving partner of Robert Smith & Co., $182.09.
John Lyman Cox and Howard Wurts Page, administrators of James Cox, $120.72.
Henry Pettit, administrator of Charles Pettit, $111.17.
George Harrison Fisher, administrator of Jacob Ridgway, $92.07.
George McCall, administrator of William McMurtrie, $92.07.
The city of Philadelphia, administrator of Stephen Girard, $28.65.
The president and directors of the Insurance Co. of North America, $771.47.
The Insurance Co. of the State of Pennsylvania, $2,102.77.
On the vessel brig *Eleanor*, George Price, master, namely:
David Stewart, administrator of Francis Johonnet, $133.60.
James Lawson, administrator of Richard Lawson, $133.60.
J. Savage Williams, administrator of Samuel Williams, $204.31.
Charles J. Bonaparte, administrator of Benjamin Williams, $204.31.
The president and directors of the Insurance Co. of North America, $2,852.25.
On the vessel brig *Eliza*, Benjamin English, master, namely:
George P. Marvin, administrator of Ebenezer Peck, $952.82.
George P. Marvin, administrator of Stephen Alling, $476.42.
Elihu L. Mix, administrator of Thomas Atwater, $476.42.
John C. Hollister, administrator of Austin Denison, $238.21.
The New Haven Insurance Co., $4,900.
On the vessel brig *Fair Columbian*, Joseph Myrick, master, namely:
Sarah C. Tilghman, administratrix of Joseph Forman, $5,157.33.
Gustav W. Lurman, administrator of John Donnell, $1,470.
Mary Jane Thurston, administratrix of John Hollins, $980.
Cumberland Dugan, administrator of Cumberland Dungan, $980.
Susan R. Groverman, administratrix of Anthony Groverman for and on behalf of the firm of D'Werhagen & Groverman, $980.
David Stewart, administrator of Edward Johnson, $980.
David Stewart, administrator of Robert C. Boislandry, $490.
Charles J. Bonaparte, administrator of Benjamin Williams, $490.
David Stewart and Isabella Rutter, administrators of Thomas Rutter, $980.
Nathaniel Morton, administrator of Nathaniel Morton, for and on behalf of the firm of Bedford & Morton, $980.
Katharine S. Montell, administratrix of Robert McKim, $980.
David Stewart, administrator of William Lorman, $980.
Louisa T. Carroll, administratrix of William Van Wyck, $320.
On the vessel schooner *Farmer*, Nathan S. Thompson, master, namely:
David Stewart and John E. Semmes, receivers of the Baltimore Insurance Co., $2,000.
On the vessel sloop *Flora*, Francis Bourn, master, namely:
George F. Chace, administrator of James Chace, $662.04.
The Rhode Island Hospital Trust Co., trustee for the Providence Washington Insurance Co., $3,032.92.
On the vessel schooner *Huldah*, Robert Strong, master, namely:
Edmond D. Codman, administrator, etc., of William Gray, jr., $2,000.
Brooks Adams, administrator, etc., of Peter C. Brooks, $700.
A. Lawrence Lowell, administrator, etc., of Nathaniel Fellowes, $800.
On the vessel brig *Jane*, Robert Knox, master, namely:
Crawford D. Hening, administrator of James Crawford, surviving partner of James Crawford & Co., $3,866.
The president and directors of the Insurance Co. of North America, $6,860.
On the vessel brig *Jason*, Edward Smith, master, namely:
James Emerton, administrator of Benjamin West, $2,374.88.
James Emerton, administrator of Benjamin West, jr., $2,374.89.
Ferdnand C. Latrobe, receiver of Aquila Brown, John Sherlock, and George Grundy, representing all the partners underwriting in the Marine Insurance Office, $5,850.
On the vessel brig *John*, James Scott, jr., master, namely:
James F. Adams, administrator of Seth Adams, $11,439.12.
James F. Adams, administrator of Seth Adams, assignee of Thomas Dickason, jr., William C. Martin, James Scott, William Boardman, Arnold Welles, Arnold Welles, jr., and John Brazier, $10,275.83, the same not being an assigned claim within the meaning of this act, but an asset transferred by the assignors hereinbefore named to Seth Adams prior to the ratification of the treaty of September 30, 1800.
Brooks Adams, administrator of Peter C. Brooks, $1,500.
On the vessel ship *Liberty*, William Caldwell, master, namely:
Crawford Dawes Henning, administrator of James Crawford, $8,990.
On the vessel brig *Little John Butler*, James Smith, jr., master, namely:
John W. Claghorn, administrator of John Reed, surviving partner of Reed & Forde, $6,551.70.
Samuel A. Custer, administrator of Joseph Ball, $588.
Sarah Leaming, administratrix of Thomas Murgatroyd, for and on behalf of the firm of Thomas Murgatroyd & Sons, $980.
Henry Pettit, administrator of Andrew Pettit, surviving partner of Pettit & Bayard, $588.
William D. Squires, administrator of Henry Pratt, surviving partner of Pratt & Kintzing, $588.
Francis Brooke Rawle, administrator of Jesse Waln, $980.
James Crawford Dawes, administrator of Abijah Dawes, $490.
Cyrus T. Smith, administrator of William Jones, surviving partner of Jones & Clarke, $588.
Augustus J. Pleasanton, administrator of Joseph Dugan, surviving partner of Savage & Dugan, $490.
Francis A. Lewis, administrator of Peter Blight, $980.
Richard Delafield, administrator of John Delafield, $980.
Benjamin M. Hartshorne and Charles N. Black, executors of Richard Hartshorne, surviving partner of Rhinelander, Hartshorne & Co., $2,450.
John A. Foley, administrator of John Shaw, $980.
George W. Guthrie, administrator of Alexander Murray, surviving partner of Miller & Murray, $588.
Thomas W. Ludlow, administrator of Thomas Ludlow, $490.
Walter S. Church, administrator of John B. Church, $1,960.

John L. Rutgers, surviving executor of Nicholas G. Rutgers, surviving partner of Benjamin Seaman & Co., $490.

Frances R. Shaw, administratrix of John C. Shaw, for and on behalf of the firm of George Knox and John C. Shaw, $490.

Henry E. Young, administrator of William Craig, surviving partner of Henry Sadler & Co., $490.

Elijah K. Hubbard, administrator of Jacob Sebor, $490.

Walter Bowne, administrator of Walter Bowne, $245.

Louisa A. Starkweather, administratrix of Richard S. Hallett, $245.

Julia Battersby, administratrix of John B. Desdoity, $490.

George F. Scriba, administrator of George Scriba, for and on behalf of the firm of George Scriba and William Henderson, $490.

The president and directors of the Insurance Co. of North America, $3,654.10.

On the vessel schooner *Lovely Lass*, William Moore, master, namely:

George H. Barrett, administrator of John Foster, $4,630.

C. Whittle Sams, administrator of Conway Whittle, deceased, $300.

C. Whittle Sams, administrator of Francis Whittle, deceased, $300.

R. Manson Smith, administrator of Francis Smith, deceased, $300.

James L. Hubard, administrator of William Pennock, deceased, $300.

Barton Myers, administrator of Moses Myers, deceased, $200.

Bassett A. Marsden, administrator of Benjamin Pollard, deceased, $200.

On the vessel ship *Madison*, Samuel Hancock, master, namely:

Richard S. Whitney, administrator of John Skinner, jr., $9,274.

On the vessel schooner *Nancy*, James Stephenson, master, namely:

John N. A. Griswold, trustee of the United Insurance Co. of the City of New York, $5,390.

On the vessel brig *Neutrality*, William Clark, master, namely:

The president and directors of the Insurance Co. of North America, $12,358.16.

On the vessel brig *Pamela*, Samuel Colby, master, namely:

Harry R. Virgin, administrator of Josiah Cox, $1,483.48.

Henry B. Cleaves, administrator of William Chadwick, $1,883.48.

Bassett A. Marsden, administrator of Benjamin Pollard, $405.42.

Joseph S. Webster, administrator of Thomas Webster, $200.

Sarah H. Southwick, administratrix of Samuel F. Hussey, surviving partner of the firm of Hussey, Tabor & Co., $600.

Harry R. Virgin, administrator of Arthur McLellan, $500.

Harry R. Virgin, administrator of Jonathan Stevens and Thomas Hovey, composing the firm of Stevens & Hovey, $200.

Harry R. Virgin, administrator of David Smith, $300.

Stephen Thacher, administrator of Woodbury Storer, $400.

Harry R. Virgin, administrator of Robert Boyd, $450.

Harry R. Virgin, administrator of Hugh McLellan, surviving partner of the firm of Joseph McLellan & Son, $600.

Edmund D. Codman, administrator of William Gray, $500.

On the vessel brig *Polly*, Joseph Clements, master, namely:

Harry R. Virgin, administrator of Thomas Cross, $3,640.

Harry R. Virgin, administrator of Greeley Hannaford, $3,347.

On the vessel brig *Rebecca*, John B. Thurston, master, namely:

Sarah N. Haines and B. F. Haywood Shreve, administrators of William Bowne, $12,880.

On the vessel brig *Ruby*, Luke Keefe, master, namely:

Arthur P. Cushing, administrator of Marston Watson, $1,596.30.

Frederic Dodge, administrator of Matthew Bridge, $9,240.34.

Thomas H. Perkins, surving executor of Thomas H. Perkins, for and on behalf of the firm of James & Thomas H. Perkins, $117.25.

George G. King, administrator of James Scott, $1,064.20.

Edward I. Browne, administrator of Israel Thorndike, $532.10.

William Ropes Trask, administrator of Thomas Amory, $1,704.70.

Charles G. Davis, administrator of Isaac P. Davis, $532.10.

Francis M. Boutwell, administrator of Charles Sigourney, $425.68.

Julia A. Cotting, administratrix of Uriah Cotting, $532.10.

William G. Perry, administrator of Nicholas Gilman, $532.10.

John Lowell, administrator of Tuthill Hubbart, $532.10.

Frank Dabney, administrator of Samuel W. Pomeroy, $2,128.40.

Charles A. Welch, administrator of William Stackpole, $640.50.

Brooks Adams, administrator of Peter C. Brooks, $15,856.60.

Walter Hunnewell, administrator of John Welles, $532.10.

James S. English, administrator of Thomas English, $319.26.

Nathan Matthews, jr., administrator of Daniel Sargent, $638.52.

Francis M. Boutwell, administrator of Eben Preble, $532.10.

Thomas N. Perkins, administrator of John C. Jones, $1,596.30.

Charles A. Davis, administrator of Samuel Brown, $3,192.60.

Robert Grant, administrator of Will Powell, $1,064.20.

Morton Prince, administrator of James Prince, $532.10.

Gordon Dexter, administrator of Samuel Dexter, $532.10.

George C. King, administrator of Crowell Hatch, $1,064.20.

Chandler Robbins, administrator of Joseph Russell, for and on behalf of the firm of Jeffrey & Russell, $1,064.20.

Daniel W. Waldron, administrator of Jacob Sheafe, $532.10.

Edmund D. Codman, administrator of William Gray, $2,128.40.

Francis M. Boutwell, administrator of Benjamin Cobb, $1,064.20.

Archibald M. Howe, administrator of Francis Green, $1,064.20.

James G. Freeman, receiver of the Boston Marine Insurance Co., $2,675.52.

On the vessel brig *Sally*, John V. Villett, master, namely:

Henry Audley Clark, administrator de bonis non of Peleg Clark, $6,600.

On the vessel brig *Sally*, Eden Wadsworth, master, namely:

James F. Adams, administrator of Seth Adams, $17,624.46.

On the vessel schooner *Thetis*, Russell Kilbourn, master, namely:

David Stewart and John E. Semmes, receivers of the Maryland Insurance Co., $6,246.

On the vessel schooner *Union*, Micajah Lunt, master, namely:

Nathaniel Moody, administrator of John Moody, $1,868.25.

Frances E. Andrews, administratrix of Stephen Tilton, $1,868.25.

Amos Noyes, administrator of Zebedee Cook, $250.

Amos Noyes, administrator of William Cook, $100.

Joseph A. Titcomb, administrator of John Wells, $200.

Franklin A. Wilson, administrator of John Pearson, jr., $200.

Edmund D. Codman, administrator of William Gray, jr., $1,000.

Charles C. Donnell, administrator of Joseph Toppan, $200.

On the vessel schooner *Whim*, John Boyd, master, namely:

Frances Hleskell Ridout, administratrix de bonis non of William Wilson, deceased, $10,443.

On the vessel brig *William*, David Smith, master, namely:

Fritz H. Jordan, administrator of Leonard Smith, $3,343.66.

Joseph A. Titcomb, administrator of John Wells, $90.

Francis A. Jewett, administrator of James Prince, $300.

William A. Hayes, 2d, administrator of Nathaniel A. Haven, $200.

Franklin A. Wilson, administrator of John Pearson, $45.

Benjamin F. Peach, administrator of Moses Savory, $45.

Jeremiah Nelson, administrator of Jeremiah Nelson, $90.

Charles E. Plummer, administrator of William Cook, $45.

Arthur A. Noyes, administrator of Zebedee Cook, $90.

Jane S. Gerrish, administratrix of Edward Tappan, $45.

Helen A. Pike, administratrix of John Pettingell, $135.

Lawrence H. H. Johnson, administrator of William Bartlet, $1,000.

Eben F. Stone, administrator of Nathan Hoyt, $45.

Augusta H. Chapman, administratrix of Reuben Shapley, $200.

Henry B. Reed, administrator of Andrew Frothingham, $50.

On the vessel brig *Abigail*, Jeremiah Tibbetts, jr., master, namely:

William H. Sise, administrator of Ebenezer Tibbetts, $3,115.

On the vessel sloop *Anna Corbin*, Thomas Justice, master, namely:

John J. Wise, administrator of John Cropper, $3,300.75.

Henry G. White, administrator of Thomas Cropper, $375.

On the vessel brig *Aurora*, James Phillips, jr., master, namely:

Henry E. Young, administrator of William Craig, surviving partner of Henry Sadler & Co., $490.

George F. Scriba, administrator of George Scriba, surviving partner of the firm of George Scriba & William Henderson, $980.

John L. Rutgers, surviving executor of Nicholas G. Rutgers, surviving partner of the firm of Benjamin Seaman & Co., $490.

Union Trust Co. of New York, administrator of William Ogden, $490.

D. Fitzhugh Savage, administrator of John Savage, $590.68.

Charlotte F. Smith, administratrix of William Jones, surviving partner of Jones & Clarke, $738.36.

Francis D. Lewis, administrator of John Miller, jr., $738.36.

Sarah Leaming, administratrix of Thomas Murgatroyd, surviving partner of Thomas Murgatroyd & Sons, $738.36.

Charles Prager, administrator of Mark Prager, jr., surviving partner of Pragers & Co., $738.35.

William D. Squires, administrator of Henry Pratt, surviving partner of Pratt & Kintzing, $738.35.

Francis D. Lewis, administrator of Peter Blight, $738.35.

A. Louis Eakin, administrator of Chandler Price, surviving partner of Morgan & Price, $738.35.

William Brooke-Rawle, administrator of Jesse Waln, $738.35.

Frederick W. Meeker, administrator of Samuel Meeker, $590.68.

Charles D. Vasse, administrator of Ambrose Vasse, $738.35.

Craig D. Ritchie, administrator of Joseph Summerl, surviving partner of Summerl & Brown, $531.62.

The Insurance Co. of the State of Pennsylvania, $7,383.52.

On the vessel schooner *Benja*, Samuel O. Row, master, namely:

Charles F. Adams, administrator of Peter C. Brooks, $700.

George G. King, administrator of Crowell Hatch, $600.

Thomas N. Perkins, administrator of John C. Jones, $500.

John Lowell, jr., administrator of Tuthill Hubbart, $500.

Chandler Robbins, administrator of Joseph Russell, surviving partner of Jeffrey & Russell, $500.

Nathan Matthews, jr., administrator of Daniel Sargent, $500.

William G. Perry, administrator of Nicholas Gilman, $400.

On the vessel brig *Betsey*, Daniel Boyer, master, namely:

Samuel Abbott Fowle, administrator of the estate of George Makepeace, deceased, assignee of Samuel Dowse, $11,250.75, the same not being an assigned claim within the meaning of this act, but an asset transferred by Samuel Dowse to George Makepeace on the 17th day of

May, 1798, for the sum of $11,400, and prior to the ratification of the treaty of September 30, 1800.

On the vessel schooner *Betsie*, George Hastie, master, namely:

Frederick W. Meeker, administrator of Samuel Meeker, $440.96.

Charles D. Vasse, administrator of Ambrose Vasse, $735.

A. Louis Eakin, administrator of Chandler Price, surviving partner of Morgan & Price, $735.

George W. Guthrie, administrator of Alexander Murray, surviving partner of Miller & Murray, $887.55.

William Mifflin, administrator of Ebenezer Large, $443.78.

Henry Pettit, administrator of Andrew Pettit, surviving partner of Pettit & Bayard, $710.04.

Richard C. McMurtrie, administrator of Daniel W. Coxe, $443.77.

William R. Fisher, administrator of William Read, surviving partner of William Read & Co., $621.29.

The president and directors of the Insurance Co. of North America, $4,219.84.

The Insurance Co. of the State of Pennsylvania, $718.59.

On the vessel brig *Brothers*, George Parsons, master, namely:

Brooks Adams, administrator of Peter C. Brooks, $2,100.

Chandler Robbins, administrator of Joseph Russell, surviving partner of Jeffrey & Russell, $500.

Thomas N. Perkins, administrator of John C. Jones, $1,136.70.

David G. Haskins, administrator of David Greene, $1,048.

On the vessel schooner *Centurian*, Philip Greely, master, namely:

Stuyvesant T. V. Jackson, administrator of Levi Cutter, $777.14.

Mabel Sargent, administratrix of Jacob Mitchell, surviving partner of Buxton & Mitchell, $777.14.

On the vessel schooner *Colly*, William Mariner, master, namely:

Brooks Adams, administrator of Peter C. Brooks, $4,516.06.

George G. King, administrator of Crowell Hatch, $752.68.

A. Lawrence Lowell, administrator of Nathaniel Fellowes, $1,505.36.

George G. King, administrator of James Scott, $376.34.

William P. Perkins, administrator of Thomas Perkins, $376.34.

Charles A. Welsh, administrator of William Stackpole, $376.34.

Walter Hunnewell, administrator of John Wells, $376.34.

Walter Hunnewell, administrator of Arnold Wells, jr., $376.34.

Frank Dabney, administrator of Samuel W. Pomeroy, $376.33.

David G. Haskins, administrator of David Greene, $752.67.

On the vessel schooner *Columbus*, Benjamin Mason, master, namely:

Samuel M. Came, administrator of John Low, $1,583.

Brooks Adams, administrator of Peter C. Brooks, $425.

George G. King, administrator of Crowell Hatch, $250.

On the vessel brig *Diana*, John Walker, master, namely:

Francis M. Boutwell, administrator of Thomas Geyer, $2,285.70.

Edmund D. Codman, administrator of William Gray, $2,000.

Thomas N. Perkins, administrator of John C. Jones, $500.

Frank Dabney, administrator of Samuel W. Pomeroy, $500.

William Ropes Trask, administrator of Thomas Amory, $250.

William G. Perry, administrator of Nicholas Gilman, $250.

On the vessel brig *Dove*, William McN. Watts, master, namely:

George G. King, administrator of Crowell Hatch, $1,000.

Brooks Adams, administrator of Peter C. Brooks, $3,000.

A. Lawrence Lowell, administrator of Nathaniel Fellowes, $1,000.

William R. Trask, administrator of Thomas Amory, $500.

William G. Perry, administrator of Nicholas Gilman, $500.

On the vessel brig *Eliza*, Christopher O'Conner, master, namely:

Samuel Bell, administrator, etc., of John Godfrey Wachsmuth, $2,793.

The president and directors of the Insurance Co. of North America, $6,860.

The Insurance Co. of the State of Pennsylvania, $17,719.83.

On the vessel brig *Fanny*, John Gould, master, namely:

Mary Wise Moody, administratrix of Daniel Wise, $788.18.

Albert M. Welch, administrator of Thomas Perkins, third, $1,845.

Edmund D. Codman, administrator of William Gray, $1,883.33.

On the vessel sloop *Farmer*, John Grow, master, namely:

Francis M. Boutwell, administrator of William Marshall, jr., $2,418.32.

Francis M. Boutwell, administrator of Benjamin Cobb, $465.

William G. Perry, administrator of Nicholas Gilman, $930.

Nathan Matthews, jr., administrator of Daniel Sargent, $465.

Thomas N. Perkins, administrator of John C. Jones, $465.

Frank Dabney, administrator of Samuel W. Pomeroy, $465.

James C. Davis, administrator of Cornelius Durant, $465.

Arthur D. Hill, administrator of Benjamin Homer, $465.

William R. Trask, administrator of Thomas Amory, $651.

George G. King, administrator of James Scott, $465.

Charles K. Cobb, administrator of Stephen Codman, $465.

On the vessel schooner *Fortune*, William Hubbard, master, namely:

Mary W. Moody, administratrix of Daniel Wise, $108.

Edmund D. Codman, administrator of William Gray, $600.

On the vessel sloop *Fox*, Nathaniel Dennis, master, namely:

Edmund D. Codman, administrator of William Gray, jr., $600.

Brooks Adams, administrator of Peter C. Brooks, $1,000.

George G. King, administrator of Crowell Hatch, $400.

On the vessel brig *Franklin*, Andrew Morris, master, namely:

The Insurance Co. of the State of Pennsylvania, $5,880.

On the vessel schooner *Friendship*, William Blanchard, master, namely:

Charles F. Adams, administrator of Peter C. Brooks, $2,100.

Daniel W. Waldron, administrator of Jacob Sheafe, $500.

Thomas N. Perkins, administrator of John C. Jones, $700.

Arthur D. Hill, administrator of Benjamin Homer, $500.

James C. Davis, administrator of Cornelius Durant, $500.

Frank Dabney, administrator of Samuel W. Pomeroy, $800.

George G. King, administrator of James Scott, $500.

William G. Perry, administrator of Nicholas Gilman, $500.

On the vessel brig *George*, Jacob Greenleaf, master, namely:

Helen N. Pike, administratrix of John Pettengil, $5,153.03.

Joseph W. Thompson, administrator of David Coffin, $100.

Joseph L. Wheelwright, administrator of Moses Savory, $200.

James S. Gerrish, administrator of Edward Toppan, $300.

George Otis, administrator of Joseph Marquand, $100.

Amos Noyes, administrator of Zebedee Cook, $200.

Amos Noyes, administrator of William Cook, $100.

Eben F. Stone, administrator of Nathan Hoyt, $100.

Henry B. Reed, administrator of Andrew Frothingham, $100.

Luther R. Moore, administrator of William Boardman, $100.

Charles C. Donnelly, administrator of Joseph Toppan, $100.

Francis A. Jewett, administrator of James Prince, $500.

Fritz H. Jordan, administrator of Leonard Smith, $500.

Franklin A. Wilson, administrator of John Pearson, jr., $300.

Jeremiah Nelson, administrator of Jeremiah Nelson, $200.

Henry P. Toppan, administrator of Joshua Toppan, $100.

Brooks Adams, administrator of Peter C. Brooks, $2,000.

William Ropes Trask, administrator of Thomas Amory, $1,000.

Thomas N. Perkins, administrator of John C. Jones, $1,000.

On the vessel brig *George*, Charles Taylor, master, namely:

The Marine Insurance Co. of Alexandria, $7,735.

On the vessel schooner *Greyhound*, Sylvanus Snow, master, namely:

George G. King, administrator of Crowell Hatch, $700.

A. Lawrence Lowell, administrator of Nathaniel Fellowes, $750.

On the vessel schooner *Hannah*, James H. Voax, master, namely:

Charles U. Cotting, administrator of David W. Child, $309.27.

Francis M. Boutwell, administrator of William Marshall, jr., $309.28.

Brooks Adams, administrator of Peter C. Brooks, $2,000.

Morton Prince, administrator of James Prince, $500.

A. Lawrence Lowell, administrator of Nathaniel Fellowes, $1,000.

Chandler Robbins, administrator of Joseph Russell, for and on behalf of the firm of Jeffrey & Russell, $1,000.

Thomas N. Perkins, administrator of John C. Jones, $1,000.

George G. King, administrator of Crowell Hatch, $1,000.

Nathan Matthews, jr., administrator of Daniel Sargent, $416.67.

Edward I. Browne, administrator of Israel Thorndike, $583.33.

Henry Parkman, administrator of John Lovett, $250.

On the vessel schooner *Hazard*, Barnabus Young, master, namely:

Joshua D. Upton, administrator of Eben Parsons, $7,218.59.

On the vessel schooner *Hero*, Convers Lilly, master, namely:

Walter L. Hall, administrator of Samuel Davis, $2,858.50.

Ann W. Davis, administratrix of Jonathan Davis, $2,858.50.

William G. Perry, administrator of Nicholas Gilman, $250.

Daniel W. Waldron, administrator of Jacob Sheafe, $125.

Elisha Whitney, administrator of Thomas Stevens, for and on behalf of the firm of John and Thomas Stevens, $150.

Thomas H. Perkins, administrator of John C. Jones, $150.

William Ropes Trask, administrator of Thomas Amory, $250.

George G. King, administrator of James Scott, $125.

Nathan Matthews, administrator of Daniel Sargent, $125.

Henry B. Cabot, administrator of Daniel D. Rogers, $125.

James C. Davis, administrator of Cornelius Durant, $250.

Edward I. Browne, administrator of Israel Thorndike, $125.

A. Lawrence Lowell, administrator of Tuthill Hubbart, $150.

On the vessel schooner *Hiram*, Ebenezer Barker, master, namely:

Moses Sherwood, administrator for the estate of David Coley, jr., $2,000.

On the vessel sloop *Hiram*, Pardon Sheldon, master, namely:

The Rhode Island Hospital Trust Co., trustee for the Providence Washington Insurance Co., $3,500.

On the vessel sloop *Honor*, William Kimball, master, namely:

Charles F. Adams, administrator of Peter C. Brooks, $2,090.

A. Lawrence Lowell, administrator of Nathaniel Fellowes, $475.

George G. King, administrator of James Tisdale, $380.

Francis M. Boutwell, administrator of Joseph Cordis, $380.

George G. King, administrator of Crowell Hatch, $475.

On the vessel brig *Hope*, Joseph Bright, master, namely:

E. Francis Riggs, administrator of James Lawrason, deceased, surviving partner of Shreve & Lawrason, $749.50.

Lawrence Stabler, administrator of William Hartshorne, deceased, remaining partner of William Hartshorne & Sons, $3,345.

D. Fitzhugh Savage, administrator of John Savage, $490.
Francis A. Lewis, administrator of Peter Blight, $490.
Charles McCafferty, administrator of Samuel Blodgett, $490.
Sarah Leaming, administratrix of Thomas Murgatroyd, $490.
J. Bayard Henry, administrator of John Leamy, $490.
Francis R. Pemberton, administrator of John Clifford, surviving partner of Thomas & John Clifford, $490.
Samuel Bell, administrator of John G. Wachsmuth, $490.
Crawford D. Hening, administrator of James Crawford, surviving partner of James Crawford & Co., $490.
Crawford D. Hening, administrator of Abijah Dawes, $392.
Henry Pettit, administrator of Charles Pettit, $833.
The president and directors of the Insurance Co. of North America, $5,917.52.
On the vessel ship *Hope*, Sylvester Bill, master, namely:
Brooks Adams, administrator of Peter C. Brooks, $7,000.
Chandler Robbins, administrator of Joseph Russell, surviving partner of Jeffrey & Russell, $1,000.
Thomas N. Perkins, administrator of John C. Jones, $1,000.
George G. King, administrator of Crowell Hatch, $1,000.
On the vessel schooner *Isabella*, Lewis Lombard, master, namely:
Charles L. De Normandie, administrator of Benjamin Smith, $1,760.25.
Nathan Matthews, administrator of Daniel Sargent, $338.06.
Thomas N. Perkins, administrator of John C. Jones, $1,000.
George G. King, administrator of James Scott, $600.
William G. Perry, administrator of Nicholas Gilman, $600.
Jonathan I. Bowditch, administrator of Benjamin Pickman, $500.
Edward I. Browne, administrator of Israel Thorndike, $500.
Augustus P. Loring, administrator of William H. Boardman, $400.
David G. Haskins, administrator of David Greene, $500.
Charles K. Cobb, administrator of Stephen Codman, $400.
A. Lawrence Lowell, administrator of Tuthill Hubbart, $500.
James G. Freeman, receiver of the Boston Marine Insurance Co., $1,500.
On the vessel sloop *James*, Robert Palmer, master, namely:
George Meade, administrator of the estate of Anthony Butler, $4,533.
On the vessel schooner *Jenny*, George Walker, master, namely:
Brooks Adams, administrator of Peter C. Brooks, $500.
George G. King, administrator of Crowell Hatch, $500.
Alice S. Wheeler, administratrix of Abiel Winship, $3,670.06.
On the vessel sloop *Julia*, William Green, master, namely:
Silas R. Holmes, administrator of Ebenezer Holmes, $851.50.
Wilbur S. Comstock, administrator of Phineas Parmalee, $851.50.
Stephen L. Selden, administrator of Richard E. Selden, $851.50.
Franklin Little, executor of Noah Bulkley, $851.50.
On the vessel schooner *Juno*, William Burgess, master, namely:
Cazenove G. Lee, administrator of James Patton, surviving partner of the firm of Patton & Dykes, $7,066.66.
John W. Apthorp, administrator of William Foster, $1,000.
William I. Monroe, administrator of John Brazer, $1,000.
William S. Carter, administrator of William Smith, $800.
H. Burr Crandall, administrator of Thomas Dickason, jr., $500.
Nathan Matthews, administrator of Daniel Sargent, $500.
Augustus P. Loring, administrator of William Boardman, $1,000.
Lawrence Bond, administrator of Nathan Bond, $500.
David Greene Haskins, administrator of David Greene, $500.
William G. Perry, administrator of Nicholas Gilman, $500.
William A. Hayes, 2d, administrator of Eliphalet Ladd, $500.
Montgomery Fletcher, administrator of John Walter Fletcher, for and on behalf of the firm of Fletcher & Otway, $333.33.
On the vessel schooner *Kitty*, Jacob Singleton, master, namely:
Ormes B. Keith, surviving executor of Samuel Keith, surviving partner of the firm of William & Samuel Keith, $1,461.76.
The president and directors of the Insurance Co. of North America, $5,858.
On the vessel schooner *Lewis*, George Ropes, master, namely:
John N. A. Griswold, trustee of the United Insurance Co. of the City of New York, $5,540.
On the vessel schooner *Liberty*, Asa Williams, master, namely:
Brooks Adams, administrator of the estate of Peter Chardon Brooks, deceased, $2,500.
George G. King, administrator of the estate of Crowell Hatch, deceased, $500.
David Greene Haskins, administrator of the estate of David Greene, deceased, $1,960.
On the vessel schooner *Little Fanny*, Peter Fosdick, master, namely:
Samuel J. Randall, administrator of Matthew Randall, $2,260.
Charles D. Vasse, administrator of Ambrose Vasse, $490.
Charles Prager, administrator of Mark Prager, jr., for and on behalf of Pragers & Co., $980.
Francis A. Lewis, administrator of Peter Blight, $980.
On the vessel brig *Lucy*, Christopher Grant, master, namely:
Daniel W. Salisbury, surviving executor of Samuel Salisbury, $2,089.83.
Louis Higginson, administrator of Stephen Higginson, $2,089.83.
Charles F. Adams, administrator of Peter C. Brooks, $4,500.
Robert Codman, administrator of William Gray, $1,000.
George G. King, administrator of Crowell Hatch, $1,000.
A. Lawrence Lowell, administrator of Nathaniel Fellowes, $1,000.
On the vessel brig *Mary*, Robert Holmes, master, namely:
Edmund D. Codman, administrator of the estate of William Gray, deceased, $3,960.
William I. Monroe, administrator of the estate of John Brazer, deceased, $115.
On the vessel schooner *Neptune*, Comfort Bird, master, namely:
Brooks Adams, administrator of Peter C. Brooks, $2,129.08.
George G. King, administrator of Crowell Hatch, $851.63.
A. Lawrence Lowell, administrator of Nathaniel Fellowes, $425.82.
Thomas N. Perkins, administrator of John C. Jones, $600.
Frank Dabney, administrator of Samuel W. Pomeroy, $600.
William S. Carter, administrator of William Smith, $532.
John Lowell, administrator of Tuthill Hubbart, $532.
Francis M. Boutwell, administrator of John McLean, $266.
Samuel Abbott Fowle, administrator of George Makepeace, $489.86.
James G. Freeman, receiver of the Boston Marine Insurance Co., $1,300.
On the vessel brig *Peggy*, John Hourston, master, namely:
Charles F. Mayer, administrator of Henry Konig, $3,797.87.
Charles F. Mayer, surviving executor of Frederick Konig, $3,797.87.
The Insurance Co. of the State of Pennsylvania, $23,498.21.
The president and directors of the Insurance Co. of North America, $5,194.
On the vessel sloop *Prudent*, Matthew Kemp, master, namely:
David Stewart and John E. Semmes, receivers of the Maryland Insurance Co, $4,700.
The president and directors of the Insurance Co. of North America, $490.
On the vessel schooner *Rebecca*, Mildmay Smith, master, namely:
Lewis Christian Mayer, administrator of Christian Mayer, $8,779.77.
Leigh Bonsal, administrator of Adrian Valck, $8,779.77.
On the vessel schooner *Sally*, Timothy Davis, master, namely:
Charles F. Trask, administrator of Samuel Babson, $2,600.
On the vessel ship *Sarah*, Joseph Breck, master, namely:
Brooks Adams, administrator of Peter C. Brooks, $1,174.60.
Thomas N. Perkins, administrator of John C. Jones, $250.80.
Francis M. Boutwell, administrator of Benjamin Cobb, $167.80.
James S. English, administrator of Thomas English, $83.90.
Arthur P. Cushing, administrator of Marston Watson, $167.80.
Walter Hunnewell, administrator of John Welles, $83.90.
Morton Prince, administrator of James Prince, $83.90.
Gordon Dexter, administrator of Samuel Dexter, $83.90.
Nathan Matthews, jr., administrator of Daniel Sargent, $116.20.
Daniel W. Waldron, administrator of Jacob Shenfe, $83.
Charles K. Cobb, administrator of Stephen Codman, $83.
George G. King, administrator of James Scott, $83.
Edward I. Browne, administrator of Israel Thorndike, $83.
Arthur D. Hill, administrator of Benjamin Homer, $83.
Henry W. Edes, administrator of John May, $83.
John O. Shaw, administrator of Josiah Knapp, $83.
William Ropes Trask, administrator of Thomas Amory, $166.
H. Burr Crandall, administrator of Thomas Cushing, $66.40.
Jonathan I. Bowditch, administrator of Benjamin Pickman, $83.
Arthur T. Lyman, administrator of Theodore Lyman, $83.
Charles K. Cobb, administrator of John Codman, $166.
William G. Perry, administrator of Nicholas Gilman, $166.
Elisha Whitney, administrator of Thomas Stephens, for and on behalf of the firm of John & Thomas Stephens, $99.60.
John Lowell, administrator of Tuthill Hubbart, $83.
Frank Dabney, administrator of Samuel W. Pomeroy, $166.
W. Rodman Peabody, administrator of Daniel D. Rogers, $182.80.
On the vessel sloop *Scrub*, John Russell, master, namely:
Newton Dexter, administrator of the estate of Joseph Martin, deceased, $300.
On the vessel brig *Sophia*, Ambrose Shirley, master, namely:
James L. Hubard, administrator of William Pennock, $473.11.
Bassett A. Marsden, administrator of Benjamin Pollard, $294.
John Neely, administrator of John Cowper, surviving partner of John Cowper & Co., $490.
R. Manson Smith, administrator of Francis Smith, $196.
The president and directors of the Insurance Co. of North America, $4,934.32.
On the vessel schooner *Swan*, Samuel Shaw, master, namely:
George G. King, administrator of Crowell Hatch, $500.
Morton Prince, administrator of James Prince, $300.
William P. Dexter, administrator of Samuel Dexter, $300.
Thomas N. Perkins, administrator of John C. Jones, $400.

On the vessel schooner *Sylvanus*, Edward D. Baker, master, namely:
Nathan Matthews, jr., administrator of Daniel Sargent, $600.
Thomas N. Perkins, administrator of John C. Jones, $1,700.
Charles K. Cobb, administrator of Stephen Codman, $700.
William G. Perry, administrator of Nicholas Gilman, $700.
Edward I. Browne, administrator of Israel Thorndike, $600.
Henry Parkman, administrator of John Lovett, $300.
John Lowell, jr., administrator of Tuthill Hubbart, $800.
Arthur D. Hill, administrator of Benjamin Homer, $500.
James C. Davis, administrator of Cornelius Durant, $1,400.
Chandler Robbins, administrator of Joseph Russell, surviving partner of Jeffory & Russell, $800.
George G. King, administrator of Crowell Hatch, $500.
On the vessel schooner *Syren*, Jared Arnold, master, namely:
Charles J. Bonaparte, administrator of Benjamin Williams, $3,064.58.
David Stewart, administrator of William Wood, jr., $3,064.58.
David Stewart, administrator of Henry Payson, $3,064.58.
Henry W. Ellicott, administrator of William McFadon, $532.60.
James Lawson, administrator of Richard Lawson, $532.60.
Richard Dalafield, administrator of John Dalafield, surviving partner of Church & Dalafield, $1,716.80.
On the vessel sloop *Townsend*, Daniel Campbell, master, namely:
William O. McCobb, administrator of the estate of William McCobb, $2,111.11.
William O. McCobb, administrator of the estate of Joseph Campbell, $1,111.11.
Jennie E. McFarland, administratrix of the estate of Ephraim McFarland, $483.96.
Francis M. Boutwell, administrator of the estate of Benjamin Cobb, jr., $500.
Archibald M. Howe, administrator of the estate of Francis Greene, $500.
William Ropes Trask, administrator of the estate of Thomas Amory, $500.
Thomas N. Perkins, administrator of the estate of John C. Jones, $500.
On the vessel schooner *Two Cousins*, Elijah Devall, master, namely:
Horace E. Hayden, administrator of David H. Conyngham, surviving partner of Conyngham, Nesbit & Co., $8,012.13.
The president and directors of the Insurance Co. of North America, $9,800.
On the vessel schooner *Unity*, J. W. Latouche, master, namely:
David Stewart, administrator of Henry Messonnier, $4,467.08.
On the vessel schooner *Venus*, Benjamin Hooper, master, namely:
Brooks Adams, administrator of Peter C. Brooks, $2,000.
James S. English, administrator of Thomas English, $500.
George G. King, administrator of Crowell Hatch, $1,000.
Daniel W. Waldron, administrator of Jacob Sheafe, $500.
Francis M. Boutwell, administrator of Benjamin Cobb, $1,000.

GOOD ROADS

The PRESIDING OFFICER (Mr. FESS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. STERLING. Mr. President, I understand it is the desire to have an open executive session of the Senate in order that the Senator from Pennsylvania [Mr. PEPPER] may proceed with a speech on the Isle of Pines treaty. I therefore ask unanimous consent that the unfinished business be temporarily laid aside for that purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and the unfinished business is temporarily laid aside for the purpose stated.

ISLE OF PINES TREATY

Mr. BORAH. Mr. President, I move that the Senate proceed in open executive session to the consideration of the treaty with Cuba with reference to the Isle of Pines.

The motion was agreed to; and the Senate in open executive session and as in Committee of the Whole, resumed the consideration of the treaty between the United States and Cuba, signed March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Edge	Ladd	Shields
Ball	Edwards	McCormick	Shipstead
Bayard	Fernald	McKellar	Simmons
Bingham	Ferris	McKinley	Smith
Borah	Fess	McLean	Smoot
Brookhart	Fletcher	McNary	Spencer
Broussard	Frazier	Mayfield	Sterling
Bruce	George	Metcalf	Swanson
Bursum	Glass	Moses	Trammell
Butler	Hale	Neely	Underwood
Cameron	Harris	Norbeck	Wadsworth
Capper	Heflin	Norris	Walsh, Mass.
Caraway	Howell	Oddie	Walsh, Mont.
Copeland	Johnson, Calif.	Overman	Watson
Couzens	Johnson, Minn.	Pepper	Weller
Curtis	Jones, N. Mex.	Phipps	Wheeler
Dale	Jones, Wash.	Reed, Mo.	Willis
Dial	Kendrick	Reed, Pa.	
Dill	King	Sheppard	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present. The Senator from Pennsylvania will proceed.

Mr. PEPPER. Mr. President, I desire to make a few remarks respecting the pending treaty between the United States and the Republic of Cuba. Nothing that I shall have to say will have any value for such Senators as have had an opportunity to study for themselves the questions raised by the treaty, but I am informed that a number of Senators have not had that opportunity, and it has occurred to me that it may be of some help to them if I state as briefly and as clearly as I can the considerations which have led me to conclude that my vote should be cast in favor of the ratification. Those considerations are of two sorts—practical and legal.

First, as to the practical questions; because it seems to me that when the pending treaty is considered as a practical measure for the solution of an existing difficulty, many Senators will be enabled to make up their minds to vote for its ratification without concerning themselves with the nicer questions of international law which are involved.

The first question I ask myself in approaching the practical consideration of the matter is, what is the present status of American residents in the Isle of Pines, because most of the opposition to the ratification of the treaty comes from those who in good faith believe that by opposing its ratification they are rendering a substantial service to those of our fellow citizens who are residents in the Isle of Pines. It is not easy to determine just how many of them there are, but I apprehend that a thousand is a fair estimate of the number of Americans resident there, and I believe it also to be a fair statement of the case to say that there are about 10 American residents on the mainland of Cuba for every one on the Isle of Pines.

Now these people, American residents on the mainland of Cuba and American residents on the Isle of Pines, are in precisely the same position as respects rights, governmental privilege, and national protection. All alike are living their lives under the Cuban Government. The Cuban flag flies over all alike. All alike enjoy the same privileges. All of them are entitled to the same degree of protection. American residents in the Isle of Pines, for example, enjoy the privilege of the Cuban differential under the tariff laws and are enabled to export from the island and import into the United States their products upon the same terms as American citizens and others living in the mainland of Cuba. They all get the benefit of the 20 per cent differential. Of course, it is true that the Government of the United States owes the same duty of protection to American citizens in the one place as in the other.

It is also true that the government of the Isle of Pines is theoretically in a different position from the government of the mainland of Cuba. It is said that the Government of Cuba, as respects the mainland, is a de jure government, and that the Government of Cuba as respects the Isle of Pines is a de facto government. But the practical difference is immaterial so far as the citizen is concerned. The difference is one having to do with a difference in international status, a subject with which I shall presently deal. But so far as the citizen is concerned, his position is the same whether the government under which he is living is de facto or de jure.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Illinois?

Mr. PEPPER. I yield to the Senator from Illinois.

Mr. McCORMICK. Will not the Senator speak of the position of the citizen with regard to his relation to the municipal government in the Isle of Pines and the Cuban court sitting in the Isle of Pines?

Mr. PEPPER. I will do that if the Senator will permit me to deal with that phase of the subject when I come to a discussion of its legal aspects. At the moment I wish to make a

few broad observations respecting the purely practical aspects of the matter.

The second observation that I have to make under the head of practical considerations is that if the present treaty is rejected by the Senate, the status of American citizens in the Isle of Pines will be precisely what it is to-day and what it has been from the beginning. I want to lay emphasis upon that, because I find that there are many Senators who imagine that the question at issue before the Senate is whether the treaty shall be rejected and thereby an advantage conferred upon American residents in the Isle of Pines, or whether the treaty shall be ratified and the status which they now have be lost to them by such ratification. I venture to assert with confidence that if the treaty is rejected, the American citizens in the Isle of Pines will have the same status after rejection as they have to-day and as they have had since the beginning.

Perhaps the best way to make that clear is to remind ourselves of the fact that the present treaty which is pending for our consideration was preceded by another treaty negotiated in 1903, identical in terms, but containing a provision that it was effective only if ratified within seven months. That treaty failed of ratification by the Senate within the seven months. The consequence was that the lapse of the former treaty by the terms which it contained produced the status of which the American residents in the Isle of Pines are now complaining. It is precisely the situation that would result if the Senate were to reject the pending treaty by refusal to ratify it.

The American resident would be in the same position as he is to-day until another treaty were negotiated and ratified, precisely opposite in its terms, vesting ultimate title to the Isle of Pines in the United States.

Mr. President, the question is not as between title in the United States and title in Cuba, as I shall presently show, but it is a question between title in Cuba and title in the air. At present the title to the Isle of Pines is in the air; the rejection of this treaty would leave it in the air, and the title can be drawn down on our side of the fence only by a treaty opposite in terms carrying the title into the United States of America.

Mr. President, I beg Senators who desire to consider this as a practical proposition to ask themselves whether this intolerable condition of uncertainty is to remain indefinitely and whether there is any practical way to end the uncertainty except by ratifying this treaty. Some one will say that one way to end the uncertainty is by negotiating another treaty opposite in terms, but I ask anyone who makes that suggestion seriously to consider whether any President of the United States would initiate a negotiation with Cuba of a treaty to carry into our ownership and possession another Caribbean island, and if a President of the United States were to negotiate such a treaty, I ask Senators to inquire of themselves whether Cuba by any possibility could be led to agree to such a cession? Even if one were to suppose that Cuba would consent to the cession, as if one were to suggest ceding Staten Island to a foreign power, and even if a President of the United States were to initiate such a negotiation, I ask Senators to inquire of themselves whether such a treaty would stand the remotest chance of being ratified by the Senate?

Just imagine, Mr. President, that instead of the treaty that we have before us we had a treaty carrying title to the Isle of Pines into the United States of America, negotiated by the President and sent here for our action, is it conceivable that even a majority of Senators in this body would agree to take such action as would carry possession and ownership of another Caribbean island to the United States—an island, by the way, which by competent naval authorities is stated to have no value for naval purposes—with the responsibilities incident to sovereignty and the expense incident to government? Are we going to embark upon a further colonial expansion in this regard? If not, why, in the name of common sense, should we leave the title to this island in the air by rejecting the only treaty which will settle the question in the way in which, it seems to me, it ought to be settled and defer until the indefinite future action which, if it shall ever be put up to us in the form of such a treaty as I have indicated, would undoubtedly lead to adverse action by the Senate, which, if I correctly interpret its temper, has no disposition whatever further to expand the circle of our colonial possessions?

It is not, Mr. President, a question as to whether we shall pull down the American flag where it is now flying. Some of the Senators who have debated this treaty have discussed it as if there were an element of patriotic principle involved; that we should oppose lowering the American flag where it is flying and ceding American territory to a foreign power. Not so. The American flag has not been raised there. It is the Cuban flag that is flying there to-day. The title to the island, I say, is in the air. If a treaty were before us carrying title to us, we would reject the treaty; and so the question is, whether or not we shall yield or relinquish such claim as we may have to that which we do not want, and shall do it, as I believe we ought, in such fashion as not in the least to prejudice the rights of American citizens resident on the Isle of Pines as compared with the ample rights of our fellow citizens who are living their lives on the mainland of Cuba.

Mr. EDGE and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. PEPPER. I yield to the Senator from New Jersey.

Mr. EDGE. The Senator from Pennsylvania is developing his argument from the standpoint of the practical effect, using his own expression, of leaving the situation in the air as it is to-day without the ratification of the treaty. From a practical standpoint, in what condition will the residents of the Isle of Pines be comparatively if the treaty is left in the air or if we ratify the treaty with Cuba? In other words, the residents on the island are the ones who are complaining to the Senate and the country. Upon what premises are they complaining from the practical standpoint?

Mr. PEPPER. Mr. President, I have not seen or heard any very succinct statement of the grounds of their opposition to the present treaty. I can imagine, however, that an American resident of the Isle of Pines would be extremely hopeful that at some time or other the Isle of Pines would be an integral part of the territory of the United States, because in that event he would have the great advantage of the importation of his products into this country without being met by the demand for duty at the boundary line.

I can imagine that any loyal citizen of the United States greatly prefers to live under the American flag rather than to live under any foreign flag, and we all sympathize with that desire; but if the Senator from New Jersey asks me what the practical difference is between the status of a resident of the Isle of Pines with this treaty ratified and unratified, my answer is that there is no discernible difference, so far as I can perceive, except that should the treaty be ratified, Cuba will have a jurisdiction over the island which will be unimpeachable from any source, whereas at present, as a theoretical matter, her sovereignty is subject to impeachment by action of the United States. So, if I correctly apprehend the Senator's question, my answer to it from my own viewpoint is that the American citizen, resident in the Isle of Pines, has nothing to gain from the defeat of this treaty, excepting the fanning of such faint flame of hope as he may have that some day this question will be settled in such fashion that the Isle of Pines will become incorporated into the territory of the United States. I have tried to give my reasons for thinking that if that question were to come before the Senate in the form of a treaty negotiated for the purpose, it would meet with unhesitating rejection not merely by the constitutional majority but by an actual majority of this body.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. PEPPER. I yield to the Senator from New York.

Mr. COPELAND. Does the Senator think that rejection would occur if the Senate were convinced we really own the Isle of Pines?

Mr. PEPPER. Mr. President, it is not a question of whether or not the Senate can be convinced of whether we own it, because by the common consent of those who stand on either side of this proposition we do not own the Isle of Pines. The most that we have is a right to have its ownership settled by treaty, and at the present time, according to the municipal law of both countries, its ownership is in the air.

Mr. COPELAND. Mr. President, I can not speak for anybody else, but my studies have convinced me that the Isle of Pines was ceded with the other Spanish islands under Article II of the treaty with Spain. I concede at once, as I have heretofore done in the Senate, that Cuba has a moral mortgage on the Isle of Pines by reason of the Platt amendment, but I hope that the Senate ultimately may come to appreciate what I believe to be the fact that the Isle of Pines is ours by cession from Spain under Article II of the treaty. In that case, if the Senate were so convinced, I do not quite follow the Senator, because I believe that under such circumstances, even though it might be a bitter pill to take—it would not be so for me—I believe that the Senate might take a different view from the one suggested by the Senator from Pennsylvania.

Mr. PEPPER. I suggest to the Senator from New York, Mr. President, that it would not be sufficient merely to con-

vince the Senate of the United States that the Isle of Pines was ours by cession, but, according to the municipal law of both countries, it would be necessary to persuade Cuba of that fact, because by the act of March 2, 1901, of the Congress of the United States, as well as by the Cuban constitution, and by the treaty between the two countries now in force, it is determined that the title or ultimate ownership of the island is to be settled by treaty. So, if the Senate of the United States were to reject this treaty on the theory suggested by the Senator from New York, it would not be possible for us as a result of such rejection to do anything more than inaugurate a negotiation for a new treaty.

Mr. COPELAND. I agree fully with the Senator that it would be necessary to do that; that is the view I take; but if the Senate were convinced that we actually received title to the Isle of Pines under Article II of the treaty, of course every Senator at once would see that we could not cede it by treaty. The Senate alone could not do it. It could not give possession to Cuba, because, if it is a possession of the United States, it can only be parted with by action of Congress. I am sure the Senator agrees with that.

Mr. PEPPER. I agree with that general proposition, but not in its application to this state of facts.

Mr. COPELAND. No, because the Senator assumes, I take it, that we got the Isle of Pines through Article I.

Mr. PEPPER. Mr. President, if the Senator will permit me I will now undertake, having summarized what I consider to be the practical considerations applicable to the case, to deal with the legal aspects of it, including the aspect to which the Senator calls attention.

Mr. COPELAND. Let me make one more comment to the Senator. If I ask any questions it is simply because I am just as anxious as is the Senator to be enlightened on the subject. I hope I am carrying an open mind on the subject.

Mr. PEPPER. I hope that nothing in my answer led the Senator to think that I was in any way resenting his questions——

Mr. COPELAND. Not at all.

Mr. PEPPER. On the contrary, I welcome them, and shall try to deal with them in the course of my discussion of what one might call the legalities of the case, which I now want to take up.

Mr. COPELAND. I thank the Senator. I wish, however, that we might gain the attention of the whole Senate to this great problem, because I know there are questions involved here, questions of such vital interest that it is important they should be thoroughly discussed and answered before action is taken. So I want the Senator from Pennsylvania to know that any questions I may ask are simply with a view to enlightening fully the Senate and to be enlightened myself on the various questions involved, and not with any idea at all to obstruct or distract the progress of the Senator's argument.

Mr. PEPPER. I should have assumed that, Mr. President, even if the Senator had not made the explanation.

Mr. COPELAND. I thank the Senator.

Mr. PEPPER. Mr. President, I wish to say that I approached the discussion of this question originally with a mind rather biased against ratification, because it so happens that there is a very considerable number of people in my own State who conceive themselves to be in a position where they will suffer injustice if the treaty is not ratified, and I take it that every Senator when he takes up the consideration of a question before this body in which he is urged to take a certain position by his own constituents begins with a strong presumption in favor of their view and with a desire, if he can, to see it as they see it. What I am attempting to do is to present to the Senate the reasons why personally I have found it impossible to adhere to that original view and why I have reached the conclusion that, both for practical reasons such as I have indicated and for the legal reasons which I shall now discuss, I must vote in favor of ratification.

Mr. KING. Mr. President——

Mr. PEPPER. I yield to the Senator from Utah.

Mr. KING. I understood the Senator from New York to make a statement to which I understood the Senator from Pennsylvania to assent, and, in order that I may be clear in my own mind, if the Senator will pardon me, I should like to ask if he did assent to the proposition, namely, that if there were a cession under the treaty with Spain of the Isle of Pines to the United States, then it would be impossible for the Senate, and the Executive of course, to negotiate a treaty which would transfer the title from the United States to Cuba. If the Senator assented to that, I am sure upon reflection he will adopt a different view, for the reason that there are many authorities who hold that the President and the Senate may negotiate a treaty the effect of which would be to transfer title of lands owned by the United States to a foreign country.

Mr. BORAH. I should like to see a list of those authorities.

Mr. COPELAND. Yes; I should, too.

Mr. PEPPER. Mr. President, what I meant to do was to concede, for the purposes of this argument, that if it were once established that title to the Isle of Pines was in the United States of America, then the contention made by several of the Senators—the contention which I think the Senator from Idaho proposes to make—would be applicable, that you could not by treaty cede that territory. For the purposes of the argument, I am conceding that question, although I am aware that there is a great deal to be said on the side of it outlined by the Senator from Utah; but my proposition upon that point is this: That when, by the act of March 2, 1901, and the so-called Platt amendment therein, we provided that the title to the Isle of Pines was to remain in suspense and was thereafter to be determined by treaty, and when, upon our insistence, Cuba included such a provision in her constitution as an appendix thereto, incorporated by reference into the body of the instrument, and when we proceeded to make a treaty with Cuba carrying the municipal law of each country into the form of an international settlement, it then became clear, and is clear to-day, in my judgment, that even if as an original proposition title to the Isle of Pines passed under Article II of the treaty of Paris it was competent for Congress to do what it did in 1901, and that the Senate to-day has the right to ratify an effective treaty for the settlement of that pending question of title.

That is my position. All I can do is to state one side of a debatable proposition, but that is the way it appeals to me.

Mr. COPELAND and Mr. McCORMICK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. PEPPER. I yield to the Senator from New York. Then I will yield to the Senator from Illinois.

Mr. COPELAND. Mr. President, I think we are fully agreed on that matter. As I put it, I say that Cuba, by reason of the Platt amendment, has a moral mortgage. The Senator says that she has a mortgage, but I think her claim is only a moral claim. However, there is not any doubt in my mind that at the present moment America could not have honorable possession of the Isle of Pines without agreement on the part of Cuba by treaty.

Mr. PEPPER. That is correct; and I can only say, with regard to this matter of moral mortgages, that my experience leads me to be very wary about applying metaphorical language to a case which it does not fit. A mortgage is not a moral or an immoral transaction, and there is not any mortgage here; but, excepting that it is not a question of morals or a question of mortgage, I will agree with the Senator from New York.

I yield now to the Senator from Illinois.

Mr. McCORMICK. Mr. President, the Senator from Pennsylvania, before he was interrupted, had said that he had dealt with the practical phases of the question, and was about to proceed to consider its legal phases.

Mr. PEPPER. Yes, sir.

Mr. McCORMICK. Let me suggest to the Senator that there is an intermediate phase at once practical and legal. If the Isle of Pines was ceded to the United States with other islands in the West Indies, that cession included not only the Isle of Pines but the other keys and islands lying off the south of Cuba, including Largo Key and the others; and if that cession be accomplished we shall be called upon to administer the government not only of the Isle of Pines but of a hundred keys and islands off the south of Cuba.

Mr. PEPPER. Mr. President, I think it is true that if the language of the grant from Spain is broad enough to cover the Isle of Pines, there are other territories adjacent to Cuba which would also be covered; but I am not making a point of that, because I take it that the United States is under no obligation to assert title to everything which conceivably might be hers, and the practical question before the Senate concerns the Isle of Pines only.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Idaho?

Mr. PEPPER. I yield to the Senator from Idaho.

Mr. BORAH. I quite agree with the Senator from Pennsylvania that he is discussing the practical feature of the matter; but in answer to the suggestion of the Senator from Illinois, the reverse of the position which he takes is true—that if the Isle of Pines belongs to Cuba then there are 37

islands which we should immediately quitclaim and give to Cuba, because we claim those by virtue of the same clause under which we claim the Isle of Pines.

Mr. PEPPER. The Senator refers to Vieques and Culebra and the other islands adjacent to Porto Rico?

Mr. BORAH. Yes.

Mr. PEPPER. Possibly that is true; but it has not impressed me that the consequence urged by the Senator from Idaho follows. But however that may be, Mr. President, I think if I can do any service to any of my colleagues who themselves have not studied this matter it will be along the line not of taking up every possible aspect of the matter and all the ramifications with which one is tempted to deal, but if I confine myself to certain broad considerations, on the one hand of a practical sort and on the other of a legal sort, in so far as one may deal with delicate legal questions in outline fashion.

Now, Mr. President, coming to the legal aspect of the matter, I want to ask my colleagues to inquire of themselves what was the nature of the relation which the Republic of the United States assumed toward the Republic of Cuba, both before its independence of Spain had been achieved and afterwards. That is not an academic question. We may take toward this transaction either the attitude of a bargainer, construing in his own favor as broadly as he can the language of the grant under which he claims, or we may find ourselves forced to admit that we are in the position of a trustee whose business it is to think not so much of the subject matter of the trust as of the people for whom he is trustee; and it may then become his duty to conceive of himself as entitled to take their view of the thing which he holds, if so be that he is a trustee, even if that view is in some measure opposed to his self-interest.

Mr. President, what was the relation established between the United States and Cuba when we intervened in the interest of Cuban independence? One goes back to a certain famous resolution that was passed by the Congress, which contained among other things the well-known Teller amendment; and I read from Thirtieth Statutes at Large, 739:

> That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island—
>
> "Said island" meaning Cuba, of course—
>
> except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Senators will read that each in his own way, but to my mind it is the clearest declaration of trust by one nation for another that I know of in history. It seems to me to stamp the United States with the character of a trustee, not of particularly described property, not of an enumerated schedule of trust assets nicely determined and delimited and defined, but a general declaration of trusteeship for the Cuban people in respect of the thing for which they were struggling, which was their independence and their sovereignty over that which they claimed to be Cuba. I say it may even be decisive in a discussion of this sort to determine the point of view from which you are going to approach the discussion. Are we bargaining under a treaty where we are to get all we can and give to the Cubans what we please, or are we standing under a voluntary declaration of trust which we made for the people as a people, in which case it may become our duty to hand over to them everything which their aspirations included and over which at the time they were exercising jurisdiction and control, even if a different reading of the treaty might carry it to us?

Mr. COPELAND. Mr. President——

Mr. PEPPER. I yield to the Senator from New York.

Mr. COPELAND. The Senator from Penisylvania has asked a question, and I want to answer that I am in perfect harmony with everything he has said about the Island of Cuba and about its being a sacred trust. I went up and down the country urging our people to intervene in Cuba in exactly that spirit. I would not want the Senator from Pennsylvania to think that there is any Member of the Senate—I have not talked with one, and I know that is not my attitude—who feels differently about it. I feel exactly that way toward the island of Cuba and our obligation to it.

Mr. PEPPER. I felt sure that the Senator would take that view, but I was not sure that the Senator would yield to what seem to me to be the implications of that view. I was not sure that the Senator would see as I do what under the circumstances is the duty of the trustee in the premises, and it is to that proposition that I now want to address myself.

I began by saying that we were trustees—trustees of what? Not of an enumerated trust estate with items catalogued and defined. We said: "Here are people struggling for independence. We will help them achieve it in respect to the territory which they are occupying and to which they lay national claim," and we went in and helped them and took possession of that which they claimed; and the thing which they claimed, and of which we took possession included the Isle of Pines. How do I know that? I do not go into remote history. Senators will do that at their pleasure. There is a great wealth of historical material here not suitable for discussion in a speech, because it involves a nice study of documents and of historical precedents. It is all important, but I pass it by in the interest of making my point as clearly as I can and then relieving the Senate of further discussion.

I go no further back than 1895, and I point out to my colleagues that in that year the Cubans, struggling for independence, established a provisional government and adopted a provisional constitution, and that having failed of becoming effective, two years later they did the same thing. In both those provisional constitutions of the Cuban revolutionists you will find a division of Cuba into States, four of them, by name, the most westerly being Occidente, and a provision that the adjacent islands and keys shall in every case belong to the State to which they are geographically related.

The Isle of Pines under that description was geographically related to Occidente, the westernmost State, and accordingly was administered as it had been by the Spaniards, and administered during the brief period of Cuban control and of our occupation as a part of the municipality of Habana.

It was recognized as an ayuntamiento, a ward or subdivision, for governmental purposes of Habana; and when we took possession under our declaration of trust, the first census we caused to be prepared was reported to the War Department with the statement that it included the population of the Isle of Pines, because that was administered as part of Cuba. So I begin not merely with the proposition that we were trustees for Cuba and the Cuban people, but that we were trustees of that which they claimed; we were trustees of that respecting which their national aspiration was one of ownership and sovereignty, and it little becomes us, it seems to me, Mr. President, now to turn around and undertake to construe the treaty as if it were a narrow bargain in which we were stipulating for national acquisitions on our part, and were right in taking all we could get, and parting with as little as we might choose to part with.

I say we were trustees. We were trustees for the Cuban people, and the measure of our trusteeship is not so much what you find in any document as the claim of independence and sovereignty which those people were putting forward; and by common consent they were claiming the Isle of Pines as part of Cuba, because they had incorporated the adjacent islands and keys in the states which their provisional constitutions recognized.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. PEPPER. I yield to the Senator.

Mr. COPELAND. What the Senator has just said is very interesting, and I am anxious to know more about it, and will discuss the matter with him later privately. But if the Senator is right that it was the attitude of the Cuban people that the Isle of Pines was included in the island of Cuba, why did not President McKinley and his executives take the same view of it when the matter came to their attention?

Mr. PEPPER. Mr. President, the question of what part in our deliberations we should assign to the attitude taken subsequently to these transactions, either by an American President or by the Secretary of War speaking through his assistant, if he did speak through him, or by the Assistant Adjutant General, who was then General Pershing, is something I am coming to presently. My proposition now is that, having regard to the relation between the United States and the Cubans, we were trustees, and that we, somewhat grandiloquently perhaps, announced to the world that we assumed a trust for them, and I say that by the rules of trusteeship, under those circumstances, what you want to inquire about is not how much you can keep for yourself under the trust deed but what the beneficiaries understood you to be the trustee of when you took it over.

Mr. COPELAND. I think even Senators would agree to that.

Mr. PEPPER. I believe it to be clear that when we took possession of Cuba we took possession of it under such a

declaration as I have stated, upon such principles as I have set forth, and that our possession then became the possession of the trustee.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WALSH of Montana. I have been following the line of argument presented by the Senator, and I desire now to make an inquiry. The Senator speaks about the Isle of Pines as being included within the national aspirations of the people of Cuba. Let me inquire, if the Senator may advise us, whether, speaking of the inhabitants of the Isle of Pines as separate from the people of the rest of the territory, they reciprocated in that feeling and whether they in any manner contributed to the revolution in Cuba?

Mr. PEPPER. Mr. President, I can not advise the Senator in detail as to the conduct of the inhabitants of the Isle of Pines.

Mr. WALSH of Montana. What I would like to know is whether the Isle of Pines united with Cuba—or the rest of Cuba, as the one or the other expression may be the correct one—in their revolution and in their national aspirations?

Mr. PEPPER. Mr. President, I should not like to make a confident affirmation of that fact of history—because it is a historical fact for which the Senator asks—but I will say that the description of Cuba as contained in the provisional constitution of 1895, and the ensuing provisional constitution of 1897, was not a description which limited the term "Cuba" to the mainland, but it included the adjacent keys and islands.

Mr. WALSH of Montana. So I understood, and I wanted to understand whether that was done with the cooperation and with the assent and with the sympathy of the people of the Isle of Pines, or whether all that was just simply an expression from the other side. For instance, Porto Rico, I assume, did not join with Cuba in her revolution against Spain. I presume probably the people of the island of Culebra did not join with Cuba in her revolution against Spain. What I want to know is—and the Senator understands it, of course—whether the people of the Isle of Pines united their cause at that time with that of the people of the mainland of Cuba in the revolution and, I may say, in the institution of the constitution of 1895.

Mr. PEPPER. With regard to that, my information is that the inhabitants of the Isle of Pines were represented in those constitutional conventions, but I am not able to tell the Senator, with that kind of certainty which alone would justify a statement in answer to his question, what the general sentiment of the Cuban residents of the Isle of Pines was at that time. I can not undertake to tell the Senator that.

Mr. SIMMONS and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield? And if so, to whom?

Mr. PEPPER. I yield to the Senator from North Carolina, and then I will yield to the Senator from New York.

Mr. SIMMONS. Mr. President, I would like to say to the Senator, in connection with the inquiries made by the Senator from Montana, that I have given some study to both of those questions, and I discovered that the people of the Island of Pines participated in the election of the representatives to the convention of 1897.

Mr. PEPPER. Yes.

Mr. SIMMONS. I think they also participated in electing representatives to the convention held in 1895, to which the Senator has referred.

Mr. PEPPER. That is my impression.

Mr. SIMMONS. Both of those conventions declared that the territory of Cuba included the adjacent islands.

I have also given some study to the question of whether the inhabitants of the Island of Pines participated with the inhabitants of the island of Cuba in the insurrection, and in the campaign which followed in the wake of the insurrection. I think the evidence is very strong that they did. General Weyler, in his history of his administration of Cuba, recites an incident which occurred, I think in 1896, calling for the dispatch by him of a company, or maybe more than a company, of soldiers to the Island of Pines for the purpose of putting down the insurgency which then existed in that island.

Mr. PEPPER. If the Senator will permit me, there is no doubt that there was a large Spanish garrison maintained there, in line with the Senator's remarks, and I have assumed that if at that time, when the Spaniards needed all the forces they could use to put down the rebellion, as they regarded it, they maintained a garrison there, it was for cause.

Mr. SIMMONS. This was in 1896. In his account of that campaign General Weyler gives the history of an engagement between the Spanish forces and the insurgents, which he said lasted an hour and a half, and in which a number of the insurgents were killed.

Again, if the Senator will permit me to pursue the matter a little further, in February, 1899—February 7, I think—just about a month and seven days after General Wood assumed control of Cuba for the United States, he dispatched Gen. Fitzhugh Lee to the Island of Pines for the purpose of making an inspection of conditions there, and to report. Gen. Fitzhugh Lee reported that when he arrived in the Isle of Pines he found a company of insurgents, consisting of 60 men with a captain. Those forces were, of course, drawn from the island. That was a month after we had taken charge. But it is explained that it was a habit which obtained for some little while after we took charge over there, and until we had provided, ourselves, suitable police and patrol arrangements to preserve law and order, for the insurgents in many parts of the island of Cuba to maintain their forces intact for the purpose of preserving order in the island.

I will say again, bearing upon that very question, as showing the sympathy of the people of the Island of Pines with the insurrection, that just before peace was declared a commission, consisting of Maj. William E. Almy, Maj. M. C. Butler, jr., and Capt. J. S. Hart, visited the Island of Pines, and when they reached the capital of the island they were greeted by the entire population of the island, and when Major Almy addressed them they showed great manifestations of enthusiasm. His remarks were greeted by shouts of "Viva la Commision Americana," and "Viva Cuba Libre," and things of that sort. He said the enthusiasm was so great that the people fell into each other's arms and went wild with enthusiasm over the part the United States had played in bringing about Cuban liberty.

Mr. PEPPER. I thank the Senator for this very important contribution to the discussion, and I take it that the Senator from Montana will feel much better satisfied with the answer which the Senator from North Carolina has made than with anything I was able to say.

Mr. COPELAND. Mr. President——

Mr. PEPPER. I yield to the Senator.

Mr. COPELAND. Just one further answer to the question propounded by the Senator from Montana. If I am correctly advised, at the time in question the Isle of Pines was used as a penal colony. Prisoners were being sent there from Porto Rico and Cuba, and a Spanish captain general was in command. When an insurrection broke out he sent the prisoners over to help put down the insurrection.

Mr. PEPPER. Mr. President, with the permission of my colleagues, I will press on to a conclusion of what I have to say without any other interruption except such as Senators think it important and necessary to make.

I wish to suggest that the theory I have indicated of trusteeship for the Cuban people is supported not merely by the original declaration of trust, but by the language of the protocol and of the treaty of Paris. It is well known to Senators who have looked at those documents that there is marked distinction in the language of both documents, as contained in the first and second articles, in the following particular: That as to matter included in the first article Spain was called upon merely to relinquish her claim of sovereignty, while in the second article Spain was called upon to cede to the United States whatever fairly passed within the terms of description of that second article.

If we begin with the proposition that we were trustees, if we carry on with the proposition that we were trustees of that which the Cubans were claiming as their own, I suggest that our call upon Spain to relinquish her title and her claim, without specifying us as the grantee, must be interpreted as a call upon Spain to relinquish in favor of Cuba that for which the Cubans were fighting when we had intervened for the purpose of effectuating their fight. I believe that that becomes all the more clear when we read the fourth article of the peace protocol as it appears on page 2012 of the RECORD, to which attention has been called heretofore by the Senator from Illinois and which makes a clear distinction between the proceedings of the commissioners who within 30 days were to meet at Havana "for the purpose of arranging and carrying out the details of the aforesaid evacuation of Cuba and the adjacent Spanish islands," and the provisions respecting the commissioners who were to meet at a specified date at San Juan in Porto Rico "for the purpose of arranging and carrying out the details of the aforesaid evacuation of Porto Rico and other islands now under Spanish sovereignty in the West Indies."

I have not forgotten that in his very able argument the junior Senator from New York [Mr. COPELAND] finds significance in the fact that in the fourth article of the protocol reference is made in the case of Cuba to "Cuba and the adjacent islands," and that that language was not included in the treaty which was subsequently signed at Paris. But I draw from that circumstance a different inference from his. It seems to me that the important thing that was established by the protocol was the determination that the thing which Spain was to be called upon to relinquish her claim to was the thing which in the estimation of the Cubans constituted Cuba, and that that included the neighboring islands.

It was not necessary, when the trustee came to deal later with Spain, for us to protect the Cubans as between us and themselves. The purpose of the treaty was to settle rights as between the United States and Spain, and when we settled our rights with Spain we were careful to insist that the cession to us of those things which we wanted Spain to cede were things which depleted Spanish possession and not Cuban possession. The purpose of our cession was to pay ourselves, not at the expense of Cuba, but at the expense of Spain, for what the war had cost; and yet it is now gravely suggested that somehow or other we are to include in the language of the cession from Spain an item of possession wrung not from Spain in right of conquest, but taken from the Cubans, as if the trustee were to appropriate a part of the trust estate. I suggest that it is as if the French, instead of exacting by treaty from England payment of their losses in the War of the Revolution incurred in our behalf, had gained the applause of the world by entering the struggle on the side of Liberty and had then demanded Long Island or Staten Island from us to pay for losses inflicted upon them by the English.

It will not do. We are a trustee. The United States is a trustee for the Cubans. We are a trustee of all the things, including the Isle of Pines, which Cuba struggled to make free, and the things we are justified in keeping as the result of a cession as the price of victory are such things only as we took from Spain and not things that were wrung from the beneficiary of our trust.

So I beg Senators to consider it from this point of view when they are seeking to determine their vote in the matter, and I hope they will give due regard to the point that the only justification for cession after our original declaration of trust is that whatever we insisted be ceded to us must beyond all peradventure have been ceded to us by Spain from her possessions outside of Cuba, for as to Cuba we were the trustee and we could not touch a dollar's worth of that which our declaration of trust covered.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. PEPPER. Certainly.

Mr. STERLING. Is there any difference in the situation as between the islands lying off the coast of Porto Rico to the east, like Culebra and Vieques, and the Isle of Pines, as it lies off to the south of the coast of Cuba?

Mr. PEPPER. A very great difference. The Porto Ricans were not struggling for recognition of their independence. The islands to which the Senator refers adjacent to the island of Porto Rico were Spanish possessions not claimed by the Cubans. The Isle of Pines was in the possession of the Cubans, was claimed by them as part of the estate which they were striving to establish as the subject of their sovereignty and their ownership. My proposition is, when we said, "Yes; we will come to your aid, not for ourselves but in your interest, and we will be trustees of whatever we take," that under that trusteeship, if we took the Isle of Pines, we were bound to turn it over to our beneficiaries. The rest we might insist that Spain should cede to us as the price of victory in war.

Mr. STERLING. Very well. There might be a reason, then, in connection with the cession of the island of Porto Rico for saying in that connection "other islands," which would include Culebra and Vieques.

Mr. PEPPER. There is just such a reason as the Senator from South Dakota has suggested. There were other islands which bore to Porto Rico the same relation relatively that the Isle of Pines bore to Cuba. The point I am making is that when we deal with Porto Rico and the adjacent islands we are dealing as a claimant under a deed of cession. When we deal with what the Cubans were insisting upon we are dealing as trustee under a declaration of trust.

Mr. STERLING. Is there not also this difference, may I ask the Senator from Pennsylvania, that between the island of Porto Rico and the other islands to the east of Porto Rico which might come under the description of "other islands" there is deep water that does not exist between Cuba and the Isle of Pines?

Mr. PEPPER. That is true, and if I were attempting to make an exhaustive statement of the subject, if I were attempting to go into the matter with the thoroughness with which one is tempted to go into it even at the cost of wearying one's colleagues, I should attempt to show that the Isle of Pines, not only historically and politically, but geographically and geologically, is part of the island of Cuba. But I pass that over because Senators have their own opinions on those questions and they may not agree with me. They are not questions that I can settle by dogmatic assertion. What I want to do is to lay down some general principles from which it seems to me incontrovertible conclusions can be drawn.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. PEPPER. I yield.

Mr. COPELAND. The Senator from Pennsylvania made reference to the protocol with Spain and to the fourth article. He will recall that in the first article of the protocol Spain was to relinquish all claim of sovereignty over and title to Cuba. That is the language. Then in the second article it was provided that Spain would cede the island of Porto Rico and other islands. It would seem to me very natural that in the composition of the commissions and in their functioning, the commission sent to Habana, provided for by article 4 of the protocol, would naturally supervise the evacuation of such other islands ceded by Spain as happened to be adjacent to Cuba, as suggested in article 4.

If I may suggest it again to the Senator from Pennsylvania, the language of the treaty of Paris is specific. It says, in Article I, "Spain relinquishes all title of sovereignty over and title to Cuba."

If the article stopped there, I perhaps would follow the Senator from Pennsylvania and agree that the Isle of Pines might be included. But in the very next line of Article I it says, "and as the island is upon its evacuation to be occupied by the United States." In Article III, where it speaks of the cession to the United States of the Philippine Islands, it speaks of the "archipelago."

When we consider Cuba and the Isle of Pines and the other islands referred to by the Senator from Illinois [Mr. MCCORMICK], we have an archipelago, but in referring to Cuba the documents always speak of it as an "island." The language used is very specific. So I can not get it out of mind, if the Senator will bear with me a moment, that there was a distinction made and intended that the relinquishment of title to Cuba related to the island of Cuba and not to Cuba and the adjacent islands.

Mr. PEPPER. I had no thought, when I rose to speak, of coercing the judgment or changing the opinion of Senators who have a judgment or opinion upon the question. I was careful to state that what I was attempting to do was to state the considerations that had led me to a certain conclusion, realizing that at every stage of the discussion there is something debatable.

With regard to what the Senator from New York has said, all I can reply is that when the treaty of Paris was made it was a treaty between the United States and Spain. It was not a treaty with Cuba. We were there not to get what we could from Cuba or the Cubans. We were there to protect Cuba against Spain, and the language of that document should be so construed as to secure us in our trustee's possession of everything that by any fair claim we ought to hold for Cuba; that there should be a relinquishment of claim by Spain as to that, and the thing that was important that we should define was the thing which we were going to get by cession from some one with whom we were bargaining at arm's length after a victory in the war with Spain, namely, from whom we were exacting the price of victory.

It is a question, Mr. President, as to one's attitude of mind toward the proposition. If one approaches it from the point of view of trying to make out a claim for the United States and insisting upon reading into the second article of the treaty something which may be injected there by ingenuity and reasoning he might come to one conclusion, but if one approaches it from the viewpoint of the United States itself as victor, standing also as trustee for the achieved independence of the Cubans, and bargaining with Spain for their protection, he will reach another conclusion; and that is the position I assume.

I turn now to another proposition. It has been stated here that some significance is to be attached to the utterances of President McKinley, about which there is a great deal of dispute. The uncontroverted fact is that the Assistant Adju-

tant General at that time, General Pershing, and the Assistant Secretary of War at that time, Mr. Meiklejohn, in August, 1899, and in January, 1900, made statements or wrote letters inducing the belief that the United States had acquired the Isle of Pines by cession. This has been referred to as a reason why we should not now ratify this treaty. I have no doubt at all that those letters, which I believe were mistaken for reasons that I have given, were used by those who had land for sale in the Isle of Pines to make sales of land to American citizens; but I submit, Mr. President, if I am right in the theory that we were actually a trustee for the Cubans, that that can constitute no reason in the world why we should not give Cuba anything that is fairly conceded to be a part of the trust estate.

I wonder if Senators would seriously contend that if I am a trustee and the beneficiary comes to me for an accounting and asks me to hand over to him such and such items of the trust estate, that I should reply, "No; I should like to do as you suggest, but my secretary or my clerk has made so many statements to third persons that I own this property that I am unable to recognize your title"? I apprehend, Mr. President, that such a statement would be looked upon with small favor by any chancellor with jurisdiction over the trustee's account.

If our Government has made an authoritative statement giving rise to a claim, it is a claim against our Government and not a claim against the Cubans. How in the name of common sense a statement, whether well advised or ill advised, by subordinate officials in our Government can constitute the basis of a claim against the Cuban people or a reason why we should not ratify a treaty with Cuba is something which, personally, I am unable to appreciate.

But I pass that by, with the mere suggestion that I believe if these claimants were to assert a claim for damages against the United States, it would be found very difficult to estimate their damage; and I apprehend that the Committee on Claims would be slow to report a bill in their favor. If the claim is not good against the trustee, it certainly ought not to be good against the beneficiary. I pass that by, however, because, in the last analysis, I can not believe but that Senators will cast it aside in their consideration as irrelevant, although I know that many people have been seriously aggrieved because of that transaction.

I come now to a second consideration, namely, the facts which surrounded the execution of the treaty of 1903, and the subsequent treaty of 1904, which is the one now before us.

Mr. President, Senators will remember that there was a great deal of debate upon the floor here respecting the significance of the fact that at that time we got from Cuba the lease of a naval station at Guantanamo, which was a very valuable acquisition. I wish to suggest that what took place at that time tells its own story, and no amount of argument or exhortation by any Senator is likely to affect another Senator's mind. Unless the facts carry their conviction with them there is nothing that a speaker can say which will give them strength.

Let me state the facts. In February, 1903, Mr. President, we negotiated with Cuba a rough agreement that in the future there should be a lease made by Cuba to us of a coaling station or a naval station at a point to be selected. Certain places were named, Guantanamo being one of them. That was in February, 1903. On the 2d of July, 1903, several gentlemen sat down around a table. Some of them were representatives of the United States and some of them were representatives of the Republic of Cuba. Before they got up from that table these two things had happened: The representatives of the Cuban Republic passed across the table to our representatives a lease of a naval station at Guantanamo, and our representatives passed across the table to the Cuban representatives the treaty of cession of the Isle of Pines. We still have the naval station, but we have from that day to this failed to ratify the treaty.

Mr. COPELAND. Mr. President——

Mr. PEPPER. Mr. President, I do not want to be in the position of not yielding to the Senator, but, before he makes any statement, I will observe that the thing that brought him to his feet was no expression of mine respecting the significance of what was done, but a bare statement of facts, the force of which he feels so keenly that he feels impelled to answer. I yield to the Senator.

Mr. COPELAND. It was the implication that I wanted to answer, Mr. President.

Mr. PEPPER. I made no implication, Mr. President. I stated the fact, and stated it barely.

Mr. COPELAND. I can not believe it possible that those at the conference referred to who were appointed to represent our Government entered into such a deal as is suggested by the Senator from Pennsylvania.

Mr. PEPPER. Mr. President, if the Senator will permit me, I have made no suggestion respecting any deal. I have been most careful to confine myself to what is a matter of record. I have said that certain gentlemen sat down at a table; that while they were sitting there two things happened: One was that the Cubans passed over to our representatives the lease and that our representatives passed over to them a treaty; that we hold the lease for the coaling station, but that we have never yet ratified the treaty.

Mr. COPELAND. Mr. President, does the Senator from Pennsylvania happen to have the Platt amendment before him?

Mr. PEPPER. Yes, I think so.

Mr. COPELAND. What is the date of it?

Mr. PEPPER. The Platt amendment was the sixth article of the act of March 2, 1901.

Mr. COPELAND. That was before this treaty was negotiated?

Mr. PEPPER. Yes, sir.

Mr. COPELAND. It was three years before the treaty was negotiated. Did not the Platt amendment provide for the transfer of the naval stations?

Mr. PEPPER. No; not the Platt amendment. The seventh article of the act of March 2, 1901, provides that naval stations shall be made the subject of agreement between the parties.

Mr. COPELAND. Yes.

Mr. PEPPER. But the sixth article, which is the Platt amendment, had nothing to do with naval stations.

Mr. COPELAND. But the point that I wish to bring out is that previous to the signing of these treaties it had been agreed between Cuba and the United States that naval stations should be leased to the United States. That was written into the Cuban constitution, was it not?

Mr. PEPPER. That is perfectly true; and I was at pains to state that in February, 1903, a rough or more or less informal agreement in pursuance of that act of Congress and the Cuban constitution was entered into between the United States and Cuba to the effect that a lease would be made. What I now say, Mr. President, is that a time came in history, to wit, the 2d of July, 1903, when the transaction which I have accurately described took place. I have not asked any Senator in this room to draw any particular inference from it, but the mere statement of the fact is disturbing to the Senator from New York.

Mr. COPELAND. It is disturbing to the Senator from New York, Mr. President, because, if the Senator will permit me to say so, I do not think it is fair to attempt to make the Senate believe that there was a deal made that if we would ratify the treaty giving the Isle of Pines to Cuba they would sign the deed giving us the coaling stations. As a matter of fact, provision had been made two or three years before the signing of the treaty and of the lease for the transfer to the United States of certain coaling stations. That matter was already arranged for by the Platt amendment and written in the constitution of Cuba. So I do not think the Senator's contention is at all right. For my part, if I were ever to vote for this treaty, I would never vote for that section of it which says that it is "in consideration of the grants of coaling and naval stations heretofore made" the Isle of Pines should pass to Cuba.

I do not want to make a speech in the Senator's time, Mr. President, and I wish to apologize to the Senator for occupying so much of his time, but I feel strongly on the subject. At some time I intend to say more regarding it, because we must have the truth as to this whole transaction.

Mr. PEPPER. Mr. President, far be it from me to withhold from the Senate or to attempt to withhold from the Senate any of the facts of the case, because if I am right the facts are more eloquent than any argument that can be based upon them. I want the facts to be known; I want it to be known that in the act of March 2, 1901, the Congress of the United States stipulated as a condition of turning over the control and sovereignty of Cuba to her people that she should at the same time give us coaling stations in the island. In the sixth article of the Platt amendment to the act of March 2, 1901, the same document that provided for the coaling stations which were to be the subject of future lease, it was specifically provided that the question of title to the Isle of Pines was to be made the subject of future adjustment by treaty. So it is as broad as it is long. We were to perfect our stipulated right to acquire a coaling station, and both parties agreed that the

question of title to the Isle of Pines was thereafter to be adjusted by treaty.

I state the barest facts and the simplest facts and I give no implication of a deal, except such implication as each Senator may see in the facts as I state them, that on the 2d of July, 1903, the incident that I have described took place, and that we came away from that meeting with a lease in our pockets, and that the Cuban representatives took away a treaty which failed of ratification because it was not ratified within seven months. The present treaty was negotiated immediately following the lapse of the earlier one and has been the undisposed-of business before the Senate in that regard for the 20 years last past.

Mr. President, I do not say that there was a deal; I do not charge anybody with taking advantage of anybody else, but I merely ask Senators in determining how they shall vote now, in the year of grace 1925, to take into consideration the facts as they occurred in 1903.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. PEPPER. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, to my mind the reference which the Senator has just now made—and it has been made before and is referred to in the treaty itself—that we came away from the conference at the time, as the Senator said, with a lease for Guantanamo in our pockets, is one of the unpleasant features of this dilemma in which it seems to me we are placed. The Senator's argument to me is very persuasive, and I feel very much inclined to follow him, and if I should do so it would be to vote for the ratification of the treaty, but if his argument is what it purports to be on its face, at that very date we had neither title to nor right in the Isle of Pines. It was Cuba's; we had nothing there; we had nothing to give away. If in that deal we made the Cubans believe that we got a coaling station and carried a deed to it away in our pockets—a transaction that did not require any action on the part of Congress to confirm—even in part consideration for signing the treaty at the time, we were practicing a deception upon the representatives of the Cuban Government which it seems to me no American Congress can ever afterwards feel like contemplating without an apology. Now, it may not strike others that way. On the other hand, suppose we did not. Suppose we did have something to give. We either had it or we did not, one or the other. If we did not have it, then it seems to me our representatives at that time would be in the dishonorable position of fooling Cuba.

Let us assume that we did have a right to the Isle of Pines. Then our representatives were agreeing with the Cuban representatives that they should give away something that they had no right under the law to give. In other words, it was not within the province of our representatives to approve a treaty. All they could do would be to make one and let it be passed on by the constitutional authorities.

To my mind, those who favor this treaty—and I may vote for it myself; I am not saying that I will not—those who favor it protest too much. They go too far. The treaty itself gives that incident as one of the reasons why it should be approved. Now, at the time that conference took place, when we got the coaling station, we either had a right to the Isle of Pines or we did not; and in either case, it seems to me if we are going to claim something on it, it puts us in an unenviable position, and one in which the Senate and the country ought not to be placed.

Mr. PEPPER. Mr. President, I have learned by long experience that when in the course of the development of a case you come into the presence of some facts which some people interpret one way and some another, the thing to do if you really want justice to be done in the end is to state the facts baldly, and let their implications be what they may. Let each man put his own interpretation upon the facts. I have not put any interpretation upon them excepting to say that this is one of the things that have led me individually to come to the conclusion that I ought to vote to ratify this treaty; but I have not characterized the conduct of our representatives or of the Senate or of anybody else in terms which I should hesitate to use. I say that these things did happen. Let Senators determine what their duty is in the light of them. I say further that we must not forget, if my analysis of the case is right, that this was a round-table conference between representatives of the guardian and of the ward who had lately come of age. It was a case in which the beneficiary and the trustee at the expiration of the trust were seated at the table; and some Senators may feel that on principles of fair dealing and sportsmanship there devolved upon us a rather higher standard of good faith than otherwise would have been the case.

Mr. STERLING and Mr. GLASS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield, and if so to whom?

Mr. PEPPER. I yield first to the Senator from South Dakota; presently to the Senator from Virginia.

Mr. STERLING. Mr. President, might not it all have happened—this treaty and this lease—without any intentional wrongdoing upon the part of any representative of the United States, considering the uncertainty at the time—the fact that an Assistant Secretary of War, Mr. Melklejohn, had declared that we got the Isle of Pines by the cession of Spain, and granting, too, what is alleged, that President McKinley had directed the Commissioner of the General Land Office to put the Isle of Pines upon the map as a part of the United States, or as belonging to the United States? That was the condition at that time.

Mr. PEPPER. Answering the suggestion of the Senator from South Dakota, it is precisely because what he suggests may be the true explanation that I have refrained from attempting to ask the Senate to take any particular explanation. What I really am trying to do is to state the facts and to leave it to the Senate to determine their significance. The only thing that I have said as respects an interpretation of the facts is that I individually feel that that is one of the circumstances which I ought to take into consideration in trying to vote in favor of the treaty; but I have not said there was a deal, I have not said that anybody acted in bad faith, and I have not meant it. I do feel uncomfortable, however, to think that as a result of the transaction we got what we wanted and they did not.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. PEPPER. The Senator from Virginia desired to interrupt me. I yield to him; then I will yield to the Senator from New York.

Mr. GLASS. Mr. President, my interjection was not important, except to call attention to the fact that at the time of these round-table meetings the title of the island was involved. It had not been determined. Is it not conceivable from the standpoint of those who favor the ratification of this treaty that when one document was handed across the table, followed by the other document across the table, one was in consideration of a clearance of title to the island?

Mr. PEPPER. Mr. President, it is so stated in the treaty of 1903, and the statement is repeated in the treaty which is now before us, which was made in 1904; but I was careful not to lay stress upon that, for the reason that the Senator from New York [Mr. COPELAND] is about to call my attention to, namely, that the grant of the coaling station had previously been made the subject of statutory and constitutional determination.

Mr. GLASS. So had an adjustment of the title.

Mr. NORRIS. Mr. President, I should like to call attention to the suggestion made by the Senator from Virginia. If that is true, if his theory is right——

Mr. GLASS. I do not advance a theory. I say it is conceivable that that is the case.

Mr. NORRIS. All right. If that conception be true, then our representatives, who had no authority to make a treaty that was binding, were either practicing a deception upon the Cubans or were attempting to bring about coercion upon the President and the Senate, one or the other, because they would say, "Here is our coaling station, and we will give you this treaty. That gives you the title to the Isle of Pines." They had no authority, however, to make a binding treaty. If that was the bargain, they ought, to make it honorable, to have said, "This coaling-station agreement will wait; we will hold that up, too, until the President and the Senate pass on the treaty." Then they could come to us and say, "Here is this treaty; we made it, and you must approve it, because we have already paid somebody else for it." That is coercion.

Mr. PEPPER. Mr. President, the Senator from Nebraska will take it in good part if I say that I learned long ago an observation attributed to the great Master of Balliol which I have always tried to remember, that when anybody confronted him with a dilemma he put his hands in his pockets and turned his back upon him. He did this because a dilemma never, except in the rarest instances, represents the real situation. The fact is here that, as the Senator from Nebraska says, since these people were our representatives merely to negotiate a treaty there could not be a bargain by them which would bind us—a bargain that if the Cubans would give us the coaling station we would give them the Isle of Pines. Our representatives had no such authority. Therefore it is not really a dilemma where either we have no right to keep the coaling station or else, if we keep the coaling station, we must give

them the Isle of Pines. It is not that kind of a situation in law; it is not that kind of a situation in logic; but, speaking from my own point of view, it is that kind of a situation in sportsmanship and fair play; and I am not going to be satisfied until I do what I can to see that the Cubans get what they hoped to get when they gave us what we insisted upon.

Mr. NORRIS. Mr. President, if the Senator will permit me again, I agree with that expression entirely. If, as a matter of fact, we rightly conceive that what is suggested by the Senator from Virginia took place, that it was a deal, then we ought to make it right. I concede that. I do not want to keep a coaling station that was obtained from Cuba under false pretenses, regardless of what it may cost to do it; but what I am protesting against is that if that was the understanding, then it is practically coercing the Senate and the President to come around afterwards and say: "You have the coaling station; now you must approve this treaty." If that can be done, and we are obligated then to carry out the deal, we ought to change the Constitution and give representatives of that kind power to make a treaty that will be binding.

Mr. PEPPER. Mr. President, may I suggest to the Senator from Nebraska that it seems to me his observations would be unanswerable if they were applied to such situations as we generally meet with; but this case was special. Here the Congress of the United States had said: "Two things remain to be done—one, negotiate for a coaling station; the other, settle title to the Isle of Pines by treaty." Our act of Congress in 1901 had said those two things were both to be done. They had to be done by negotiation between the two countries. Our commissioners, in the exercise of their valid power—not by Executive direction merely, but because Congress had instructed them—went there to do those two things, and they did both of them.

Mr. NORRIS. Oh, no; they could not do the two things.

Mr. PEPPER. They went there to negotiate a treaty, certainly.

Mr. NORRIS. All right; they could negotiate a treaty.

Mr. PEPPER. And they went there to make the agreement of lease.

Mr. NORRIS. All right. They had no power, of course, to make a binding treaty.

Mr. PEPPER. Of course not, sir.

Mr. NORRIS. If the one act depended upon the other, then to have been honorable and square they ought to have held them both up until they could both become effective and make the contract complete.

Mr. PEPPER. Mr. President, I venture to believe that what is happening now is a thing that has often happened before—that we are troubled by questions which at the time were in the mind of nobody. I venture to suppose that when these gentlemen sat at that table there was no doubt in the mind of either party that effect would be given to both the documents that they negotiated. If anybody had then suggested the possibility of the assertion by the trustee of an adverse title to a part of the trust estate, I do not believe that he would have had any more hearing than a Congressman or a Senator would have had if, when the original declaration by the United States was before the Congress and we had made that grandiloquent declaration that we were entering Cuba to pacify it and hand it over to the people, somebody had risen in his place and said: "Always subject to the proviso that we are entitled to appropriate for ourselves a part of the trust estate when the war is over." Very few votes could have been obtained for that proposition at the time. Nobody would have had much of a hearing if, at the conference where these documents were negotiated, any such suggestion were made; and I venture to believe that what has happened is that we are now suffering the intellectual difficulty that comes from considerations that have crept into the case since the original transaction. It is because we are now under the pressure of subsequent events that we are in doubt. If we could really think ourselves back to the moment of the conference, I believe that our doubts would be resolved.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. PEPPER. I yield to the Senator from New York. If the Senator will permit me, I can finish in a very few moments and yield the floor to him.

Mr. COPELAND. Please do not do that. I want to ask a question, and I shall be glad to have the Senator answer it before he completes his remarks.

The Senator told the Senate a little while ago why the Senator from New York rose to his feet. I do not know anything about the game of poker, but if I did I would not want to sit across the table from the Senator from Pennsylvania, because he would know the cards I had in my hand.

Mr. PEPPER. That game is relatively unknown in Pennsylvania, Mr. President. [Laughter.]

Mr. NORRIS. I think that demonstrates that what the Senator from New York said about the Senator from Pennsylvania is true. [Laughter.]

Mr. COPELAND. Well, the game is utterly unknown in the city of New York. [Laughter.]

Now, Mr. President, for the sake of the RECORD, to make the point I have in mind about Article VII, which the Senator said I would refer to—and he was correct in that—I shall refer first to Article VI of the Platt amendment, which reads:

> That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

That was disposed of. Now comes Article VII:

> That to enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as for its own defense, the Government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

The point I want to make is this: That the consideration for the granting of these coaling stations is named in this Article VII, "to enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as for its own defense." That was the consideration. That was why they were willing to give us the coaling stations, and that was why they wrote this article into their constitution. Then they afterwards granted us possession of those coaling stations. I say, in harmony with the view presented by the Senator from Nebraska, that if Cuba gained possession of the Isle of Pines under Article I of the treaty, we had no business to attempt to trade it for coaling stations, because it already belonged to Cuba. If we got it under Article II of the treaty, the Senate has no right to cede it by treaty. So, for my part, I am not going to impute to these commissioners any sharp practice. I am not going to raise a suspicion that they entered into a deal. If they did, it was the wrong kind of a transaction, and I know the Senator from Pennsylvania would be one of the first to resent it.

But my point is—and I am sure the Senator from Pennsylvania sees it—that the consideration for the granting of the coaling stations in Cuba was to put the United States in position to defend Cuba against any enemy and to guarantee her independence.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. GLASS. That was one of the considerations, but what appears in the section just preceding might have been another consideration; that is, an adjustment of the disputed title to the Isle of Pines.

Mr. PEPPER. Quite so, Mr. President, and personally I share the view implied by the Senator from Virginia. But I believe the way this thing is to be decided finally by the Senate is not as the result of anybody trying to impose his views on the Senate, or insisting that other people shall draw the same inferences he draws. I believe the only thing that is going to influence us finally is an orderly consideration of the facts as they occurred, and if it happen that Senators, after they understand the facts, reach the conclusion that this treaty ought to be ratified, ratified it will be. I for myself have merely attempted to state in this summary fashion what I now put to my colleagues—first, that we originally took possession of whatever we took possession of in and about the island of Cuba in the capacity of trustees; that we were trustees, not so much of defined territory, as trustees for a struggling people; that the thing they were struggling for was independence in respect not only of the mainland, but of what was adjacent to it; that when we took possession of the Isle of Pines our possession was that of a trustee, and that from that time on it ill became us ever to get from Spain any document of title which would have carried that island otherwise than to Cuba; that therefore we should not be astute to stretch the language of cession in such a way as to include it, recognizing, as I do, that there are those with far greater experience and authority than I who think that it can be so stretched. My own view is that it can not be by any fair interpretation of the language. But assuming I am wrong, we should not insist that language in the cession from Spain was broad enough to include that which, if we take it, we take not from Spain, but from Cuba. I say that our conclusion should at least be influenced by the circumstance that whatever was

the nature of the transaction in 1903, they got nothing but an unratified treaty, and we got the thing which we were desirous of having.

Mr. President, the Island of Pines is a small place. The number of people, precious as their rights are, whose rights are involved, is relatively small. Cuba is a small and struggling republic. Cuba, the other high-contracting party to this treaty, is not in a position powerfully to assert her side of the case in such fashion that we must pause to listen. She can not enforce our duty, but we can not sidestep it. We have a duty, if not to Cuba, at least a duty to ourselves, and that is the duty of action. If we longer let this title hang in the air, it will continue to be a cause of irritation—even, shall I say, of indignation—in the minds of all the friendly republics to the south of us.

It is not for me to lecture the Senate on the international implications of this situation, but they are most serious, as every Senator knows, and I am sure that everybody who can see his way clear, without a betrayal of American rights, to vote for the ratification of this treaty, will do it, because he will be aware that if we reject it, the question will still remain as an international irritant, and that nothing can set the question at rest except this treaty, because, for the reasons I tried to give awhile ago, it is not thinkable that Cuba, the President, or the Senate, would ever put into effect a treaty by which we were to acquire sovereignty and jurisdiction over another island possession.

If you do see it as I do, if it does appeal to you that it is a challenge to our sense of fairness and to the spirit of our trusteeship, then, indeed, and then only, of course, will you be likely to conclude that, great as are all our movements and efforts in the direction of peace, well as it may be to adhere to courts and join leagues and to vote to outlaw war, yet there is a simpler, a more direct and practical thing that should be done, not necessarily that we should leave the others undone, but this at least we ought to do—do justice to a friendly neighbor who was at one time our ward; who, while our ward, suffered us to take possession of something that she claimed, and which since the time of evacuation and the removal of the American flag and the American troops we have kept in a state of suspense, so that the question to-day, as I said a while ago, is not a question between title in the United States and title in Cuba but a question between title in Cuba and title in the air.

Mr. CURTIS obtained the floor.

Mr. COPELAND. Mr. President——

Mr. CURTIS. If the Senator wants to address the Senate on the subject of the treaty, I will yield the floor to him. I want to move that the Senate return to the consideration of legislative business in open session when the discussion of this treaty shall have been concluded.

Mr. COPELAND. I desire to take a few minutes only.

Mr. SIMMONS. Mr. President, will the Senator yield to me to ask a question before he commences his statement?

Mr. COPELAND. Certainly.

Mr. SIMMONS. I want to call his attention to a statement he made a little while ago, so that he may have an opportunity, if he desires, to address his remarks to it.

I may have misunderstood the Senator in his remarks in the colloquy he had with the Senator from Pennsylvania and myself with reference to the inhabitants of the Isle of Pines. I did not catch very clearly what he did say, but I think he said, in substance, in reply to my statement that there was abundant evidence showing the cooperation of the inhabitants of the island with those of Cuba in the insurrection against Spain, that they were a mere penal colony. Am I correct in that?

Mr. COPELAND. I said that the island was used as a penal colony. I am well aware of the fact that there were other citizens there than those who were incarcerated in the prisons.

Mr. SIMMONS. In the connection in which the Senator made the observation, the inference, I think, was inevitable that he meant that they were in chief part representative of the class of people who had been banished to that island by Spain for crime.

Mr. COPELAND. No; the Senator is mistaken. What I was seeking to bring out was the fact that the island was being used by Spain, among other purposes, as a penal colony, and that prisoners were sent there, under charge of a captain general, from other islands and from Cuba.

Mr. SIMMONS. I am sure the Senator from New York desires to be fair about this and does not desire to misrepresent the people of the Isle of Pines.

Mr. COPELAND. Certainly not.

Mr. SIMMONS. There was a time when Spain did send some criminals to that island. She continued to do so for some little time, but it was found that the waters between that island and the mainland of Cuba were so shallow at some stages of the tide that those criminals could easily escape from the Island of Pines, and long before the insurrection in Cuba against Spain that custom, I think, had entirely disappeared. At least, from my studies of this matter, the inhabitants of the Island of Pines, at the time of the commencement of the war between Cuba and Spain, were fairly representative of the Cuban people. They were practically all natives of Cuba, or were the descendants of native Cubans.

That matter is not left in doubt, however, because in August, 1899, under the direction of President McKinley, Gen. J. P. Sanger took a census of the Island of Pines, and I discover from the census taken by him that at that time he found a population of 3,199. Of course, a part of those were children not of school age. Probably one-fourth of them were under 10 years of age. General Sanger also found in that census that of these 3,199 people, including children below the school age, there were 954 inhabitants of the island who could both read and write.

Mr. COPELAND. What date was that?

Mr. SIMMONS. August, 1899. That must have been something like two-fifths, at least, of the people of the island of school age who could read and write. He found that of those possessing superior education there were 22.

The figures disclosed by that census indicate that probably as large a percentage of the people of the Island of Pines could read and write, and had a common-school education, as would be found in a number of the States of this Union.

Mr. COPELAND. I am very glad to have had this statement from the Senator from North Carolina. I did not desire to give a wrong impression at all. What I stated was what I found in a printed paragraph from a statement made by the Isle of Pines Chamber of Commerce, in which it is said that—

> Spain used the Isle of Pines for a penal colony, sending prisoners from Porto Rico and Cuba. A Spanish captain general was in command, and when insurrections broke out in Cuba he took his prisoners over to Cuba to help put down the revolt.

But as regards this point we will have more to say at another time. I simply rose to say this—

Mr. SIMMONS. I merely wanted the Senator to be correct in that respect, because he was clearly in error and I know that he did not desire to do himself an injustice.

Mr. COPELAND. No, and I shall be very glad to bring further information on that subject.

Mr. President, I think we were all much impressed by what the Senator from Pennsylvania said, but I think that he founded his remarks upon a false premise, if I may be permitted to say so. He fears that those of us who are opposing the treaty are attempting to stretch the interpretation of the language to make out a claim for the United States regardless of what the plain implication of the language may be. He is mistaken about that. The only interest I have in the Isle of Pines and in this treaty is founded on the fact that there are 1,000 American citizens living in the Isle of Pines and 10,000 American citizens owning property in the Isle of Pines. If I am rightly informed, about 90 to 95 per cent of the Isle of Pines is land owned by American citizens.

Upon the wall of the Senate Chamber is a map showing the United States and its territories and insular possessions, and upon that map is portrayed the Isle of Pines represented as American territory. On the strength of maps like that and on the strength of statements made by those in high authority in the Government of the United States that President McKinley believed the Isle of Pines belonged to the United States, American citizens went to the Isle of Pines and invested their money, and many of them made their homes there. The only interest I have in the subject is to see that justice is done to Americans. I have no intimate acquaintance with any person living in the Isle of Pines or holding property there. I have talked regarding it with two or three persons whom I have met casually. But there has come an appeal from American citizens to the American Government asking that justice shall be done. The only purpose I have in presenting the matter or in prolonging the debate is that it may be made clear to the Senate whether or not those citizens of the United States who have chosen to make their homes there because they believed it to be American territory shall be protected in their claims, if they have any.

Now, on the other hand——

Mr. McCORMICK. Mr. President, will the Senator permit a question?

Mr. COPELAND. Certainly.

Mr. McCORMICK. It would not follow that wherever Americans invested in property in great numbers the flag ought to follow the investment, would it?

Mr. COPELAND. No. I will say to the Senator from Illinois that I think I am one Senator who believes that the purpose of government is to serve the people and not to protect property. I think I have said that before in the Senate. If the Isle of Pines belongs to Cuba and if these American citizens never had any rights, we may owe them something for the mistake they have made. That question we will discuss at a later time; but my conviction at present is that the Isle of Pines was ceded by Article II of the treaty of Paris; that it was included among the "other islands" mentioned there; that it is our property, and we could move in now if it were not for the fact that by the Platt amendment we mortgaged it. In consequence there is a moral obligation upon our part either to ratify the treaty or to reject it and negotiate another one, in order that Americans there may be protected in their possessions and in their homes, which they believed to be American territory. But until we have that release from Cuba we have no moral right there.

Mr. McCORMICK. What would the Senator say with regard to the other islands lying to the south of the coast of Cuba?

Mr. COPELAND. The Senator from Illinois has repeated to me to-day a question which he asked me two weeks ago, and I will answer him in the same way. If we own the Isle of Pines, we own the other islands, too. They are not of much consequence, I assume, but if Article I of the treaty of Paris had spoken of Cuba as an archipelago I would have then believed the Isle of Pines and all those islands belonged to Cuba; but if Spain relinquished title only to the island of Cuba, then the others come to us under the second article of the treaty. The matter suggested by the Senator from Illinois [Mr. McCORMICK] will make us more trouble when we get to it.

In the meantime I simply want to say that my anxiety is to have Senators recall that the rights of American citizens are at stake. These Americans have a moral claim upon the Government by reason of the fact that they went there and purchased property upon the representations of our officials. We may have to deal with them in some other way, but in the meantime let us be fair, let us give consideration to all these matters and not do a hasty thing in ratifying the treaty.

So far as Cuba is concerned, I want to say again—it seems too bad, perhaps, to repeat it, but I do want to say it, because I do not want to be misunderstood—that Cuba never had a better friend than I have been from the beginning. As a young man, as I said the other day, I went about this country and begged our people to influence the Government to intercede in Cuba and stop the outrages there. I spoke many times from the same platform with Mr. Quesada. I would not do a wrong thing to Cuba then, of course, and I do not want to do it now; but much as I respect and admire Cuba I believe it is the duty of Senators to protect the rights of American citizens. When the cry of an American is raised anywhere in the world, if that citizens has a just claim it is the business of the Government to give him protection, and I am sure that is the sentiment of all Senators.

Mr. KING. Mr. President, will the Senator yield?

Mr. COPELAND. Certainly.

Mr. KING. Is not the Senator assuming in the statement which he has been making that Cuba will not deal justly by American citizens who are residing there? If American citizens go into the Isle of Pines or into Cuba and acquire property rights there, have we not done our full duty to American citizens if we negotiate treaties with Cuba by which American citizens are protected, have access to their courts, and enjoy all property rights that are given to other foreigners, and certainly if they give them the same rights that are given to Cubans themselves?

Mr. COPELAND. I will say to the Senator from Utah that I have no desire to give the impression that Americans will not be properly treated. They will be properly treated. They would be properly treated in the island of Cuba or on the Isle of Pines regardless of the ownership of either. But no American of the type of those who went to the Isle of Pines voluntarily leaves his country for permanent residence elsewhere. They went there because they believed it was American territory. They believed they were to be under the Stars and Stripes. It is not that I speak for their legal rights or property rights. I know they will be had anyhow, because Uncle Sam will protect the rights of Americans no matter where they live. But there is a matter of sentiment involved here which no one of us can disregard, because no one of us, whether in Utah or whether in New York, desires to have the American flag pulled down from over his domicile.

Mr. CURTIS. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed legislative session.

WAR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. WADSWORTH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 10, 11, 16, 18, 19, 26, 34, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 27, 28, 33, 35, 36, 38, 39, 43, 44, 45, and 46, and agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$2,293,500"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$400,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$449,300"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 82 of the bill, in line 10, strike out the word "in" and insert in lieu thereof the word "toward"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$275,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 7, 9, 17, 29, and 42.

J. W. WADSWORTH, Jr.,
W. L. JONES,
SELDEN P. SPENCER,
DUNCAN U. FLETCHER,
WM. J. HARRIS,
Managers on the part of the Senate.

D. R. ANTHONY, Jr.,
L. J. DICKINSON,
BEN JOHNSON,
Managers on the part of the House.

Mr. WADSWORTH. I may state in the interest of brevity that the report is complete in its scope with the exception of certain amendments which under the House rules must be voted upon separately in the House. There is no disagreement among the conferees. I ask for the adoption of the report.

The report was agreed to.

LOUISIANA, THE LEADER OF THE SOUTH IN REFORESTATION

Mr. SMITH. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the senior Senator from Louisiana [Mr. RANSDELL] before a joint session of the Legislature of South Carolina last Friday on the subject of reforestation.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LOUISIANA, THE LEADER OF THE SOUTH IN REFORESTATION

[Address of United States Senator JOSEPH E. RANSDELL before a joint session of the Legislature of South Carolina at Columbia, January 30, 1925]

The continued prosperity of a State rests primarily upon the products of the soil made available by our three basic industries: Agriculture, mining, and lumbering. Of these three, agriculture alone promises to perpetuate itself, mining depends upon the discovery and conservative use of existing stores of minerals, while lumbering is rapidly exhausting a resource, which, by proper management of forest lands, can and should last forever.

The problem of the duration of our commercial forests reminds me of perpetual motion. They are always just on the verge of exhaustion, but are never exhausted. That does not discourage the prophets. They keep right on with their predictions and always set the day of doom about 15 to 30 years ahead.

The longevity of the lumber industry depends on—

(1) The number of trees now in existence.

(2) The drain upon the timber supply.

(3) The rate at which forests are restored.

(4) The extent of cooperation in reforestation work.

Worry about our forests began 300 years ago. Some of our early colonial statesmen conceived the idea that the forest area of the colonies was confined to a narrow strip along the Atlantic coast. Observing how the land was being cleared rather extensively for farms, and slightly for lumber manufacture, they became alarmed, and there was a brisk conservation agitation even then. However, the tremendous extent of forest land became so obvious, that the prophets of exhaustion suspended operations until about 1870, when we got our first prediction of only 30 years to ruin.

About 1890 the alarm was sounded again, and although the prediction was misleading, as usual, it had substantial value as a contribution to the enthusiasm for conservation, which led to the setting aside of large parts of timbered public domain as national forests, to be administered on the reproductive principle.

In 1902 the late B. E. Fernow, who was appointed the first Forester of the United States after the creation of the Federal Bureau of Forestry in 1901, estimated that our available timber supply would last only 35 to 50 years. According to his minimum limit, we are now only 12 years from exhaustion, and 27 years according to his maximum.

About 1909 Mr. Gifford Pinchot, now Governor of Pennsylvania, and then Forester of the United States, predicted that the timber resources of the United States would be exhausted in 25 years. He published a map showing that the Lake States pine would be gone in 10 years, southern yellow pine in 14 years, and the Pacific coast's forests in 25 years. Fifteen years have passed, and they are still cutting white pine in the Lake States. The time for the exhaustion of southern pine, according to Mr. Pinchot's prediction, has passed. We are now cutting 12,000,000,000 feet of southern pine a year, with every prospect that we shall be able to continue at the present rate for at least 10 to 15 years more, and the Pacific coast forests will certainly last 70 years longer.

I would not have it appear from the foregoing that there is no danger of or that it is impossible to exhaust our forests. It can be done, and, without certain measures of forest precaution, encouragement, and conservation and of economy in the use of forest products, it will come sooner or later.

LUMBER COMPANIES AID MATERIALLY IN RESTORING OUR FORESTS

To Henry Hardtner, of the Urania Lumber Co., at Urania, La., is mainly due Louisiana's development along lines of reforestation. Mr. Hardtner went into the lumber business at 20 years of age, and through his ability has acquired about 75,000 acres of land. He cuts no timber under 12 inches in diameter on that land, and as a result on every acre which he cuts over a number of trees are left which are sufficiently large to bear seed. The seed is scattered from the trees over the ground and an abundant crop of seedlings springs up. He regards it as unprofitable to cut a tree below 12 inches in diameter, because such timber is more expensive to handle in all stages of the operation from the stump through the saw. Mr. Hardtner operates a sawmill of 50,000 feet daily capacity, and expects to continue operating it indefinitely. He is an enthusiast over the prospects of growing timber in Louisiana. He firmly believes that if timber is taken care of as cotton crops are 40,000 feet can be grown per acre in 50 years, where, if nature is not given some help, only half that amount may be grown. That is, if the land is kept fully stocked with trees, the same as land would be fully planted to cotton, much higher yields can be obtained than if nature is allowed to take her course. He has measured 25-year-old stands of loblolly pine on some of his land and found that it would cut 50 cords of wood per acre. He has never planted any of his land, because it has been unnecessary. He is protecting about 50,000 acres of it, and his losses from fire have been very small. Protection, in his judgment, is possible at a cost of not over 5 cents per acre. At the present time he has about 6,000 acres of land under fence, in order to keep the hogs out, and he feels that the grass on this area will support several hundred head of cattle. At the same time the land is growing up to young trees and the character of the grasses is improving.

Mr. Hardtner, in addition, cooperates with the Yale University Forest School by permitting its graduating class to camp on his lands each year and carry on their studies. The students of this great university have visited Urania regularly for the past 10 years, which fact speaks volumes for the leadership assumed by Louisiana in practical reforestation.

Mr. Hardtner is also cooperating with the Federal Government on an experimental tract of 1,700 acres, which is fenced and on which the Southern Forest Experiment Station of the United States Forest Service will carry on experiments for a long period of years. The contract with Mr. Hardtner gives the Government 40 years' free use of this land, and it is expected that great good to the southern pine-timber industry will result from this cooperation.

WORK OF THE GREAT SOUTHERN LUMBER CO.

Mr. W. H. Sullivan, vice president and general manager of the Great Southern Lumber Co., at Bogalusa, La., is leading his company in a wonderful program of conservation and reforestation. This company is the largest in the South and one of the largest in the world. It has placed under contract with the State of Louisiana 76,000 acres of their cut-over lands for reforestation. Under the terms of the contract the company must do all it can to prevent the area from damage by fire and to cause useful timber trees to grow thereon. About 25,000 acres of this land were cut over at a time when the company was in no way concerned with forestry and hence so thoroughly denuded that another crop of trees could not grow on it unless planted by hand.

At the end of the present season it will have planted 10,000 acres of the 25,000 with little pine trees. A pine nursery is conducted by the company. Farmers are hired to plow the land, one furrow at intervals of 8 feet, and the little tree is planted in this plowed furrow by the use of a wedge-shaped planting iron with an upright staff or handle. One jab with this tool leaves a wedge-shaped hole, usually a small boy with a bundle of seedlings inserts the tree, and another jab by the planter at an angle of 25 to 30 degrees pressing the dirt against the roots of the tree with a final plunge of the shoe heel to stop up the last hole, makes a perfect planting. The man and boy plant an average of 2,000 trees per day.

An annual convention of the Association of State Foresters of America was recently held in Bogalusa. In a speech before the members, Colonel Greeley, Chief Forester of the United States, said, in part, "Bogalusa has become the mecca of the foresters of America, and the entire Nation's forest industries are soon to be modeled on the example the Great Southern Lumber Co. is setting in permanency in continuous growing of timber as the foundation of all development in the utilization of every fact in the industry with the complete elimination of waste." This was a just tribute from as able a judge as there is in America.

The visiting foresters from the North uttered exclamations of amazement as they were shown seedlings which at Bogalusa attain a growth in less than one year that the North can not equal in four years. They saw in front of the city hall at Bogalusa, all compact in one and a third acres of ground, a miniature forest of four and one-half millions of baby pine trees—every one of them with long tenacious roots ready to be taken out and transplanted in the thousands of acres where virgin timber had been cut. They learned with surprise that this reforesting can be done at Bogalusa at a cost of $4 per acre, while the nearest the North can do to compare with this is $20 an acre and with results so far in the future that no living man can hope to see them.

On the remaining part of the company's land under contract, some 51,000 acres, the forest is being naturally restocked. On this area some attention was paid to perpetuating the forest as the logging proceeded, with the result that enough seed trees and saplings were left to restore the tree growth without the necessity of planting young trees by hand.

Fire prevention over the entire 76,000 acres costs the company a large sum annually. They have from 8 to 10 men on the pay roll who constantly patrol the area. These men live at convenient locations on the land and are all connected by 20 or more miles of telephone lines, with a man in an observation tower who can reach them quickly in case of fire.

About 35,000 acres of this land have been fenced against hogs with good woven wire. Hogs destroy many young longleaf-pine seedlings through rooting them up and devouring the roots. They do this at a time when high water drives them out of the swamps to the high land, where there is little else for them to eat. They destroy thousands of seedlings. The Great Southern Lumber Co. finds that if hogs are eliminated and fires prevented natural reseeding and reforestation of the pine lands follow very readily, unless the land is entirely devoid

of old trees which will serve as seed trees. Gates without locks are given to near-by farmers and they are permitted to use the land to graze cattle. The few cattle compared with the extensive area do not seriously interfere with or injure the little trees. Furthermore, these farmers have discovered the fallacy of burning the land for grazing purposes and assist the company in preventing fires.

The work being done at Bogalusa extends to other lands besides the 76,000 acres of contracted area. The patrol district of the Great Southern Lumber Co. in the parish, or county, takes in nearly 200,000 acres of land adjacent to its holdings. This necessarily includes a large area of land owned by people other than the lumber company. The one outstanding feature of fire prevention is that one can not do it alone; it is a common problem and others must be interested. For that reason the publicity department of the lumber company has constantly conducted an advertising or educational campaign in that vicinity.

STATE COOPERATION IN REFORESTATION

The State, by all means, should cooperate in reforestation. I can say without fear of contradiction that Louisiana has developed an outstanding leadership in this work. It ranks among the first in the Union and without a doubt tops the list of the 16 Southern States.

Pardon me if I seem boastful in speaking of my State, but it is my wish to assist the people of South Carolina, and I can do so in no better way than to tell you in plain, simple language what Louisiana has done and is doing in conserving its forests. I wish, therefore, to dwell on the developments of Louisiana's forestry laws and to recite in a general way the gradual steps taken in the achievement of its success in forestry work.

In 1904 a law was passed by the legislature providing for a department of forestry and a fire-warden system. It also fixed penalties for setting fires on lands of another, etc., but carried no appropriations.

In 1908 a temporary commission was appointed to investigate and file a report on forest conditions in the State. During the same year a chair of forestry was provided for at Louisiana State University in Baton Rouge. It was not until 1910 that a permanent department of conservation with a State forester was created. The duties of the forester were to promote forestry education, furnish plans and advice to owners of timberlands, aid materially in the elimination of forest fires, etc. A further development in the law provided that the owner of land assessed at less than $5 per acre could contract with the State to reforest it with valuable trees, to protect and care for the stand for 40 years, in return for which the land would be assessed at only $1 per acre for the period of the contract. Since 1920 the $1 an acre limit on valuation has been eliminated, but it is agreed that the assessment shall not be raised during the life of the contract.

The first party to take advantage of this law was Henry Hardtner, of Urania. He put about 30,000 acres under contract in 1913. The latest report of the department of conservation states that prior to January 1, 1924, 12 contracts had been entered into between landowners and the State, totaling 141,845 acres. Three of the contracts are with large lumber companies and the balance with farmers and small landowners throughout the State. In addition to the above, 15 applications have been passed on and approved by the State division of forestry and will be accepted by the police juries in the parishes in which applications have been made at an early date.

It has been called to my attention that small wood-lot or small-tract reforestation projects are developing to a considerable extent in the South Atlantic States, whereas reforestation on large tracts has so far not made much progress. In the colonial period of this great country, when the Government was practically giving forests away, it profited no man to undertake to regrow them. We are just arriving at a period when reforestation and private forestry is beginning to be profitable. If it is remunerative enough to interest capital, our forestry problem will be settled by the old and unwritten law of supply and demand. If it is not, the forestry problem becomes one of governmental ownership. Private enterprise will give us forests for perpetuity if it pays, and if it does not public action will be necessary. By public action I mean that the State and National Governments will be compelled to acquire large areas of denuded lands and so manage them that they will be reforested and thereafter administered on a sustained yield basis. Forest products are so necessary to the health, happiness, and prosperity of the people and forested lands serve so many purposes in the national economy that State and Nation may well be justified in doing what the individual can not afford to do.

SEVERANCE TAX

The United States Forest Service tells me that the "severance tax" on timber is unique to Louisiana. Arkansas is the only other State in the Union which has a law somewhat similar. This severance tax, which has attained world-wide fame, was devised by Henry Hardtner and adopted by the Louisiana Legislation as Act 196 of 1910. This law is a revenue measure. It provides that a tax shall be levied on natural resources, such as timber, oil, sulphur, salt, gas, etc., when they are severed from the soil, by cutting the timber or mining the mineral. The tax on timber is 2 per cent, figured on the stumpage value of the timber when cut, and this tax on timber now produces about $360,000 a year in Louisiana.

In 1916 further changes were made in the Louisiana forestry laws. One provision was to the effect that one-sixth of the severance tax on forest products should go to the conservation commission for forestry work, beginning with 1918. This appropriation amounted to about $1,000 a month for the first two years. The money was used to pay a State forester, and a small organization was set up. In the year 1920, which evidenced the real turning in Louisiana's forestry work, this amount, which is now the annual appropriation from this source, was increased to $60,000. A force of some 30 rangers were put to work to patrol the districts where most needed and to educate the public relative to the hazards of forest fires. During extremely dangerous periods additional guards work under the district rangers.

SEED-TREE LAW

Formerly logging operations were so conducted that more than enough trees were left standing, which were considered unprofitable to log, to furnish all the needs for reforesting. Within the last 20 years a much closer utilization has been practiced, resulting in clean cutting and the destruction of all seed trees over large areas, especially in long-leaf pine. The seed trees formerly left accidentally should be left purposely; but some trees must be left if pine is to be grown. Operators who formerly left these trees, as they supposed, to waste now remove them to realize a present increase in stumpage value per acre.

Mindful of this fact, in 1920 another law was passed in Louisiana providing that on land not to be cleared for farming at least one seed tree per acre must be left standing. This is often referred to as the "seed-tree law." This is an outstanding and progressive piece of legislation. New Hampshire is the only other State which has adopted a similar measure.

DEFERRED TAXES

The two greatest necessities for the successful development of reforestation work in Louisiana are equitable taxes on second-growth timber and fire prevention. Seventy-five per cent of the Division of Forestry's problems at present is fire prevention.

While nature will regrow forests after a fashion if fires are kept out, the system of taxation largely determines whether it is economically feasible for private owners to administer their lands on forestry principles. Obviously none but the excessively rich can afford to administer extensive areas or land on forestry principles if the annual taxes are more than equivalent to the annual growth.

Louisiana is the first State to develop the so-called "deferred-tax" method. The proper way for forest taxation is to place a reasonable value for assessment on the land, and no tax value should be set on the growing timber for a number of years. At the end of the period, when the timber matures, the total valuation of the crop should be made and placed on the assessment roll for taxation until cut. The deferred-tax method permits Louisianians to place their lands under the forestry contract at a land value of not less than $3 per acre and not more than $8 per acre. At the end of the first 10 years of the contract between the landowner and the department of conservation the timber growth on the contracted land is valuated and an increased value is added to the assessed value, and the total value is carried for five years more from the date on which the said value was refixed, thus making 15 years. At the end of this period the lands are again valuated and increased growth added to the existing value. The lands at the total valuation are carried through for another period of five years, and at the end of this period, or 20 years, the lands are valuated for the growth that has been obtained, and the total value is placed back on the assessment books subject to the taxes in force. Although the law is not ideal, it is a vast improvement over conditions existing in other States.

FIRE PREVENTION

Fire prevention in Louisiana is dependent upon the cooperation of all citizens with the division of forestry of the department of conservation. The forestry employees patrol the virgin forests and cut-over lands throughout the State, irrespective of ownership. The holdings of small landowners are given as much consideration as the lands of large owners.

RANGER ORGANIZATION

As stated, the greatest drawback to reforestation is fire. Fire-prevention organization in Louisiana has been divided as follows: The whole work is under the supervision of a ranger supervisor. The State is divided into two units; each unit is in charge of a chief ranger, who has under his direction all forest rangers, patrolmen, cooperative patrolmen, and wardens. The duties of the rangers are to organize their employees to efficient fire-fighting organizations for keeping down fires. To do this work it necessitates the posting of fire signs stating the forest laws. The men must be capable of appearing before schools and other public gatherings, talking on reforestation work, and enlist the aid of citizens who are interested and willing to help in the work.

FOREST PATROLMEN, COOPERATIVE PATROLMEN, AND WARDENS

Forest patrolmen, cooperative patrolmen, and wardens are all "short-time" employees, their services being required during the fall to the spring months—from October 1 to April 1. The cooperative patrolmen are paid jointly by the forestry division and the landowners, each party contributing half of the salary. In this manner the interest of the landowner is aroused since he pays half of the salary. Under the Weeks law, the Federal Government gives Louisiana about $21,000 annually. This fund is used in paying the short-time employees for the erection of fire towers, telephone lines, etc.

FIRE TOWERS

The Great Southern Lumber Co. at Bogalusa and the Urania Lumber Co. each have a 70-foot steel tower located on the highest hills in their localities. These towers permit the men in charge to locate fires within an 8-mile radius. Both towers are connected with telephone lines to the homes of the various employees. Many fires have been allowed to burn because they were out of the vision of the employees, and the observation towers have made it possible to eliminate such fires and have been very effective. It is the intention of the forestry division to erect more of these towers throughout the State.

Maine was the first State to establish such a look-out system for detecting forest fires. To-day there are about 70 look-out towers scattered over that State, and there will be some additions even to that number. New York has 64, Pennsylvania 111, Michigan 115, Massachusetts 40, etc.

LOGGING-EQUIPMENT INSPECTOR

The division of forestry has an agent who supervises the spark-arrester law. This law provides for the installation of spark arresters on all locomotives, logging engines, portable and stationary engines which burn wood, coke, or coal in their boilers, and which are used or operated within 200 feet of any grass, brush, cut-over or forest lands. When the inspector discovers a violation he reports it to the commissioner of conservation. During the last five years it has not been necessary to file charges against anyone, as they have all been willing to comply with the law and make such improvements as are suggested by the inspector.

STATE FORESTS

The division of forestry, under the general forestry conservation law of 1924, has authority to acquire forests for the State in order to demonstrate the practical utilities of reforestation and at the same time to establish game refuges for the development of wild life. In addition, these forests offer an opportunity to carry on many practical experiments and investigative work necessary for securing statistics for Louisiana.

The division of forestry has purchased 2,200 acres of timber land which had been cut 25 years ago. This tract lies in the lower Rapides Parish, 2 miles south of Woodworth. It is the intention of the division to purchase at least five more tracts of 2,000 to 3,000 acres each located in different parts of the State.

NATIONAL FORESTS IN LOUISIANA

Under the general forest conservation law, Louisiana has authorized purchase by the United States, or the acceptance of gifts by the United States, of such land in Louisiana as in the opinion of the Federal Government may be needed for the establishment of a national forest or forests. The State retains concurrent jurisdiction with the United States in and over such lands so that civil process in all cases and criminal process against a person charged with a crime may be executed in the same manner as before the passage of the act authorizing the purchase of such land by the United States. Up to the present, no national forests have been established in the State.

STATE DISTRIBUTION OF FOREST TREES

Louisiana is now furnishing young trees at a reasonable cost to people in the State for forest planting. Virginia is the only other Southern State which is doing likewise.

NATIONAL SOUTHERN FOREST EXPERIMENT STATION

The headquarters of the national southern forest experiment station are at New Orleans. Exceptional facilities are offered for contact between the forest research staff there and owners of timberland throughout the South—a contact of great importance in encouraging the practice of forestry. New Orleans is well situated for reaching any part of the Southern Pine Belt. Although the headquarters must perforce be in one place, the work of the station extends over every part of the southern pine region.

LOUISIANA SUMMER FOREST CAMP

One of the problems encountered in the organization of forestry forces in Louisiana was the lack of trained men. The final solution of the problem was the establishment in 1921 of the Louisiana summer forest camp. This school was originated and supported by the department of conservation in cooperation with the Louisiana State University at Baton Rouge, where a splendid course in forestry is conducted. The first session of the school was held near Bogalusa. A fee of $3 was charged for registration and a charge of $5 per week was charged for board. Sleeping quarters were furnished, consisting of waterproof tents with wooden floors. All members of the forestry division, ranger supervisors, chief ranger, and rangers must attend the school for a period of three weeks.

BOYS' FORESTRY CLUBS IN LOUISIANA

The farm forester supervises the boys' forestry club work. Each boy selects from 1 to 3 acres of cut-over second-growth timberland. Under the direction of the forester the boys build fire lanes around their plots to protect them from fire and remove all inflammable material from under the trees. The boys' forestry club work is the first of this kind in the United States and was originated by Col. W. H. Sullivan, of Bogalusa. Mr. Sullivan offers $500 in cash as a prize for the boy making the best showing. Several parishes throughout the State also offer prizes amounting to about $50 each for this work. This naturally establishes rivalry among the boys. This club work is one of the greatest factors in establishing interest and cooperation in forestry among the citizens of Louisiana. For every boy registered at least five adults are interested and help him to win the prize. At present there are about 700 boys enrolled in this club throughout the State.

BOY SCOUTS PRACTICE FORESTRY

Another branch of this work is the organization of forested areas for the Boy Scout troops. Twelve such areas are located in the State. Landowners lease for a period of years about 10 acres to each troop with the agreement that the scouts will protect these lands against fire and game violation, also that they will practice forestry.

FORESTRY EDUCATION IN SCHOOLS

The farm forester spends a great deal of his time visiting public schools throughout the State lecturing on the purpose of reforestation and the benefits to be derived therefrom. In addition to this work of the farm forester, the superintendent of the State department of education has been cooperating with the division of forestry and has requested the superintendent to issue elementary textbooks on forestry subjects, which have been included as part of the educational curriculum of public schools since last September. In only one other State, Tennessee, is adequate provision made at the present time by law for the teaching of forestry in all the public schools.

Another means of stimulating interest and also in educating the young people of the high schools, are the boys' forestry essay contest and the girls' forestry essay contest. These two essays were started in 1922. To the three graduating high-school boys who write the best essays on the Louisiana forestry problems scholarships are awarded to the summer forest camp. The scholarship includes all tuition and board. To the three girls who write the best essays on the same subject are given cash prizes of $25, $15, and $10.

ARBOR DAY CELEBRATION

The celebration of Arbor Day, under section 14 of act 90 of 1922, is observed by all public schools on the second Friday in January. This is legislation of a most forward type, in which Louisiana is a pioneer.

SOME FORESTRY DEVELOPMENTS IN OTHER STATES

Forestry development in other States which are perhaps of interest to any State just starting on a program of forestry legislation and effort may be summed up rather briefly. There are 32 States which have inaugurated forestry or forest-fire work, the majority through the establishment by law of forestry departments. Among these Virginia, North Carolina, Kentucky, Tennessee, Alabama, Louisiana, and Texas represent the southern element.

STATE NURSERIES

An activity which is easily understood by the citizens of the States and does much to interest and convince them as to the practicality of forest measures is that of growing and distributing from State-owned nurseries small forest trees, either free or at a cost of production to people within the States, for forest planting purposes. Fourteen States maintain such nurseries and distribute twelve to fifteen million trees annually to private owners within their borders. New York and Pennsylvania are in the forefront of such endeavor and find that even with the nurseries, having a production of several million trees in each case, they are unable to meet the demands for young trees which come from the people. Both States are enlarging their nursery capacity to take care of the demand. It is a line of effort which can be recommended.

STATE FORESTS

Nineteen States have established State forests totaling about 5,500,000 acres and have planted 90,000 to 100,000 acres of these lands with young trees. State forests offer an opportunity for the production of timber by the States on lands which otherwise would be idle and perhaps even revert to the State for taxes. They afford areas where people can go for recreation, such as fishing, bathing, and even hunting, and if desirable, certain portions of them can be maintained as actual game preserves where various species of native game, some of which are all too rapidly passing out of existence, can be

perpetuated and increased in number. New York was one of the first to acquire wild lands, and in 1916 raised funds for the purchase of such lands through an authorized issue of $7,500,000 of State bonds. At the election last fall an additional issue of State bonds of $15,000,000 was authorized by the people for the acquisition and improvement of additional lands for State forests and State parks. Pennsylvania, since 1901, has acquired an area of over 1,000,000 acres, largely through purchase, and these have been organized into State forests. It is interesting to note that on some of the land purchased by the States, usually at a very nominal figure, the value of the timber to-day is sufficient to pay for the land three or four times over. That is a common experience, and it will continue to be a common experience for any State that takes advantage of the opportunity which exists to-day of buying lands bearing a fair quality of second-growth timber, which is available by purchase in many instances at a cost no higher than the bare land value itself.

MUNICIPAL FORESTS

An activity which is very well worth while and which is being urged very vigorously in some sections of the United States is that of the establishment of municipal forests. "Municipal" is used in the same sense of city, village, or township corporate bodies. The really healthy movement in this development is confined very largely to New York, Pennsylvania, New Jersey, and the New England States. New York and Massachusetts are the leaders. Other states have made progress, but the idea has not taken hold in a state-wide way, and it has not been given the impetus of State aid and insistent urge by State authorities in the position to carry on such activities. Such records, admittedly incomplete, as are available, indicate a total area in municipal forests in the United States of 432,000 acres. It is quite likely that the exact total, if known, would be fully a half million acres or more. A total of 193 cities, towns, and counties in the United States have reported such forests. New York has 37 of these, embracing 158,000 acres.

The impelling motive back of these municipal forests has in the majority of instances been that of protecting the sources of the municipal water supplies. The areas surrounding reservoirs have been purchased or otherwise secured, and the timber has then been handled with the idea of keeping the water supply pure. Considerable planting of these forests has been undertaken, amounting in all to about 35,000 acres. New York, Pennsylvania, and Massachusetts encourage such planting by giving away for that purpose small trees grown in State-owned nurseries. In New York 20,000 acres have been planted in municipal forests; in Massachusetts, 6,000 acres; New York City itself leads all municipalities in the planting of 5,000,000 trees on 15,000 acres.

Municipal forests serve other purposes than protection of water supply. They can be and are utilized for recreational purposes. Some of them have fine stands of commercially valuable timber that will return revenue to the municipalities. The prevailing custom in Europe of so handling municipal forests as to make revenue producers of them, even when utilized for recreation, has not yet become a custom in the United States, but this idea is bound to forge to the front in later years. Returns have already been realized in a few cases. New Bedford, Mass., with a forest of 1,400 acres, reported in 1921 returns from the sale of cut timber of $11,000 and from the sale or lease of other resources, $4,700. Keene, N. H., reports returns in 1921 of $15,000; Hartford, Conn., $7,000, etc.

The municipal or, as they are sometimes called, "communal" forests in Europe have long been a source of revenue for their owners. In some cases they have been the means of relieving the municipalities or communes of all taxes. Funds necessary to carry on the local government activities have been realized through the sale of products from these forests. This movement in the United States is bound to develop as the advantages of such forests are more and more realized.

CONCLUSION

Gentlemen, Governor McLeod wrote me that the question of forest preservation is a new one in South Carolina and that only recently has the agitation for reforestation taken such form as to demand state-wide attention. He stated also you were anxious to know something of what other States have done and are doing. I have, to the best of my ability, gone into detail regarding the reforestation program of my State because I am more or less familiar with it. I have also briefly outlined a few important outstanding achievements of other States. I hope my speech has been beneficial to each and every one of you; I hope your wonderful State, which still possesses a vast area of virgin forests, will soon join in reforestation work with her sister Southern States. You love the South—so do I. We like to see the Land of Dixie keeping pace with other sections of the country. Look to your forests. Let one but think of the poverty and backwardness of life without the material that is supplied by the forests. No single one of nature's gifts, after air and water, is more freely offered or readily enjoyed than wood. We live cheaply in wooden houses and burn wood to keep us warm. The forests produce furniture, matches, paper, and innumerable other things. The child mind from very infancy has the inquiring spirit of an investigator. But the direct appeal to the child's attention and fancy is made not by the abstract or the inanimate but by the concrete and external forms of nature. The crystal or the weather, the rocks or the stars, have their strongest attraction for a later time; but for the half dozen years between the ages of 6 or 7 and 13 or 14—the age for nature study—it is the beasts, the birds, the insects, the flowers with their beauties, and assuredly the deep forest in its strength and mystery, the dwelling place of these creatures and the place chosen for adventure by youth, that keep the spell to charm and hold the child discoverer. Every lover of nature can truthfully say with Joyce Kilmer, the American soldier-poet, who died to free the world:

I think that I shall never see
A poem lovely as a tree.
A tree whose hungry mouth is pressed
Against the sweet earth's flowing breast;
A tree that looks at God all day,
And lifts her leafy arm to pray;
A tree that may in summer wear
A nest of robins in her hair;
Upon whose bosom snow has lain;
Who intimately lives with rain.
Poems are made by fools like me,
But only God can make a tree.

GOOD ROADS

The PRESIDING OFFICER. The Senate resumes consideration of the unfinished business, which is House bill 4971.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. STERLING. Mr. President, the pending bill is what may be termed a bill for Federal aid to roads throughout the various States of the Union. It is in pursuance of a policy adopted by the Government and by the Congress in 1916 when the first Federal aid bill was passed. Successive bills have been enacted into law increasing the appropriations first made. It will be remembered that the act of 1916 carried an appropriation of $75,000,000 to be expended over a period of five years—$5,000,000 for the first year, $10,000,000 for the second year, $15,000,000 for the third year, $20,000,000 for the fourth year, and $25,000,000 for the fifth year.

Following that, however, and in 1919 Congress enacted another law which increased the appropriations theretofore given for the years 1919, 1920, and 1921. The appropriations made in 1919 for those three years were in addition to the appropriations made for those three years by the act of 1916. They were as follows:

The sum of $50,000,000 was appropriated for the fiscal year ending June 30, 1919, to be immediately available; the sum of $75,000,000 was appropriated for the fiscal year ending June 30, 1920; and the sum of $75,000,000 was appropriated for the fiscal year ending June 30, 1921. That would have made, with the previous appropriations of 1916, for those three years, for 1921, $100,000,000 all told; for 1920, $95,000,000 all told; and for the year 1919, $65,000,000 all told. For those several years those were the total appropriations made by the acts passed in 1916 to 1919.

Mr. COPELAND. What was the total?

Mr. STERLING. For what period of time?

Mr. COPELAND. For the three years. It was $260,000,000, was it not?

Mr. STERLING. Seventy-five million dollars were appropriated in 1916; and the total would be $275,000,000, embracing the two appropriations—the first made in 1916, the second made in 1919, and covering the years from 1917 to 1921, inclusive.

Mr. KING. What were the appropriations for 1922, 1923, and 1924?

Mr. STERLING. The appropriation for 1922 was $75,000,000.

Mr. SIMMONS. How was the appropriation to be distributed by years?

Mr. STERLING. There was appropriated $75,000,000 for the year 1922. Then there were appropriated, respectively, for the year 1923, $50,000,000, for the year 1924, $65,000,000, and for the year 1925, $75,000,000. The pending bill authorizes an appropriation for each of the years 1926 and 1927 of $75,000,000 for general road purposes, and also an appropriation of $7,500,000 for each of those years for forest roads and trails.

Mr. WILLIS. Mr. President, will the Senator from South Dakota yield to me?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. I yield to the Senator.

Mr. WILLIS. I wish to be sure that I understand the Senator's statement. I desire to ask what is the appropriation for the current year?

Mr. STERLING. For the current year, 1925, the appropriation is $75,000,000 for general road building.

Mr. WILLIS. Is it proposed that this amount shall be additional, making a total of $150,000,000?

Mr. STERLING. The appropriation authorized by the bill for each of the years 1926 and 1927 is $75,000,000.

Mr. WILLIS. In other words, the Senator from South Dakota is, in effect, proposing to double the appropriation?

Mr. STERLING. No.

Mr. WILLIS. Then, I do not understand the proposition.

Mr. STERLING. The appropriation for each year is the same as for the year 1925, which was $75,000,000. For each of the two years 1926 and 1927 the appropriation authorized by the pending bill is $75,000,000.

Mr. WILLIS. I misunderstand either the Senator or the language of his bill. The bill at the bottom of the first page reads:

> There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums—

That would seem to indicate that the amount authorized in the pending bill is to be in addition to the amount already provided for, which makes a very material difference. If it is additional, it, in effect, doubles the appropriation.

Mr. STERLING. Mr. President, I suppose if there is any part of an appropriation previously made which may yet be apportioned to several States, this would be in addition; but, as a matter of fact, I think that each of the several States has been allotted its proportion of the appropriations previously made.

Mr. WILLIS. But what I want to get at is this: I am very much in favor of the good-roads program and of appropriations substantially as we have been making them, which, as I understand, are approximately $75,000,000 a year.

Mr. STERLING. Yes, sir.

Mr. WILLIS. To what extent does the Senator's bill propose to add to that appropriation?

Mr. STERLING. It authorizes appropriations of $75,000,000 for each of the two years 1926 and 1927. If there is anything left of appropriations already made, that may be applied in either of those years. I suppose it would be applied. That may be what is meant by the language of the bill, "the following additional sums."

Mr. WILLIS. But, at any rate, there is an addition of $7,500,000, as is set forth on page 3 of the bill, making the total annual appropriation $82,500,000 instead of $75,000,000?

Mr. SIMMONS. Mr. President, I desire to say that in probably all of the previous bills which we have passed making appropriations for Federal aid in the construction of roads the appropriation has been for $75,000,000 a year for general road purposes, and in addition there has been made a special appropriation for roads in the forest reserves.

Mr. STERLING. That is what I intended to speak of further; I did make mention of it a while ago. I stated that this bill carried $75,000,000 for each of the two years I have named for general road purposes and $7,500,000 for each year for forest roads and trails. There has been an appropriation made every year since 1916 for the latter purpose.

Mr. WILLIS. But, with that exception, it is the contention of the Senator that this appropriation is not, in effect, an increase compared with previous appropriations?

Mr. STERLING. There is a slight increase of the amount for forest roads and trails. I think the appropriation for that purpose for the two preceding years was $6,500,000 for each year, and in this bill an appropriation of $7,500,000 is carried for that purpose.

Mr. WILLIS. I do not desire to have the Senator misunderstand my position; I am in favor of Federal aid for road building; but I believe that the condition of the Treasury is not such as to warrant what seemed to be a doubling of the amount of the appropriation for that purpose in a single year.

Mr. STERLING. It is not a doubling of the appropriation.

Mr. WILLIS. The Senator, then, thinks that substantially we are now proposing to appropriate the same amount which has heretofore been appropriated for this purpose?

Mr. STERLING. Yes; and not so much as we appropriated annually for the years 1919, 1920, and 1921.

Mr. CURTIS rose.

Mr. STERLING. Mr. President, I understand it is desired that an executive session shall be held, and I will yield the floor at this point for that purpose.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, February 3, 1925, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 2, 1925

GOVERNOR OF HAWAII

Wallace R. Farrington to be Governor of Hawaii.

UNITED STATES ATTORNEY

Samuel W. McNabb to be United States attorney, southern district of California, vice Joseph C. Burke, resigned.

POSTMASTERS

MICHIGAN

Claude B. Hoffmaster, Hopkins.
Asher B. Merritt, Leonidas.

NEBRASKA

Harry A. Moore, Du Bois.

NORTH CAROLINA

Ophus L. Robertson, Leaksville-Spray.

PENNSYLVANIA

Daisy W. Shaw, Folcroft.
Bertha N. Stiner, Moylan.

HOUSE OF REPRESENTATIVES

MONDAY, *February 2, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed Father in heaven, our breath is hushed in Thy holy presence, for Thou art altogether identified with all the merciful blessings of our lives. O may these be used for Thy glory and for the good of our fellow men. We thank Thee for material and intellectual progress, but may we know Thee, whom to know is life eternal! Let Thy spirit be a passion in our souls; then the prospect of earth and the great hereafter is sublime. Write Thy law in all our hearts and lead us on. Help us to be gentle without being weak, strong without being coarse, humble without being servile, positive without being intolerant. We pray in the name of Jesus our Savior. Amen.

The Journals of the proceedings of Saturday and Sunday were read and approved.

LEGISLATIVE APPROPRIATION BILL

Mr. DICKINSON of Iowa, by direction of the Committee on Appropriations, reported the bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes, which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado reserved all points of order.

The SPEAKER. The Chair will state for the information of the House that the Chair expects about 1 o'clock to recognize a Member to move to suspend the rules and pass the public buildings bill.

Mr. BLANTON. Mr. Speaker, several Members asked me to make a point of no quorum so they would be notified and could come over.

The SPEAKER. That will be about 1 o'clock.

Mr. BLANTON. I mean now.

The SPEAKER. They will all be over by 1 o'clock, probably. Will the gentleman wait until then?

Mr. BLANTON. Yes; I will wait a while.

OIL POLLUTION OF NAVIGABLE RIVERS

The first bill on the Consent Calendar was the bill (H. R. 9199) to prevent the pollution by oil of navigable rivers of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOWARD of Oklahoma. Mr. Speaker, reserving the right to object——

Mr. WILSON of Louisiana. Mr. Speaker, I hope the gentleman will not object to the consideration of this bill. It is a very important bill and is one that especially appeals to those who wish to protect the fish and game of the country, as well as preserve the public health and conserve our oil resources.

Mr. HOWARD of Oklahoma. Mr. Speaker, I object.

OFFICERS IN CHARGE OF PUBLIC BUILDINGS AND GROUNDS, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 1918) relative to officers in charge of public buildings and grounds in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, through an understanding with the gentleman from Indiana [Mr. ELLIOTT], of the Committee on Public Buildings and Grounds, I ask that this bill may be passed over to-day without prejudice, retaining its place on the calendar.

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed bills and resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3649. An act to extend the time of the Chicago, Milwaukee & St. Paul Railroad for construction of a bridge across the Mississippi River;

S. 4. An act to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes;

S. 2532. An act to amend in certain particulars the national defense act of June 3, 1916, as amended;

S. 2718. An act to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable;*

S. 2778. An act for the relief of R. E. Swartz, W. J. Collier, and others;

S. 2835. An act to amend an act entitled "An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917;

S. 3034. An act for the relief of Ida Smith;

S. 3090. An act for the relief of Palestine Tromp;

S. 3202. An act for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy;

S. 3280. An act to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes;

S. 3630. An act authorizing the Secretary of War to convey to the Federal Land Bank of Baltimore certain land in the city of San Juan, P. R.;

S. 3632. An act to amend the Federal farm loan act and the agricultural credits act, 1923;

S. 3648. An act granting to the county authorities of San Juan County, State of Washington, certain described tracts of land on the abandoned military reservations on Lopez and Shaw Islands as a right of way for country roads, and for other purposes;

S. 3684. An act for the relief of the New Jersey Shipbuilding & Dredging Co.;

S. 3714. An act to authorize cooperative agreements between the Secretary of the Department of the Interior of the United States and the Governor of the Territory of Alaska;

S. 3782. An act to extend the time for the construction of a bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi;

S. 3793. An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation;

S. 3913. An act to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, and an act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922;

S. J. Res. 163. Joint resolution to accept donations of furniture and furnishings for use in the White House;

S. J. Res. 167. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to those who gave their lives to their country in the aviation service of the Army, Navy, and Marine Corps in the World War;

S. 54. An act for the relief of Yvonne Therrien;

S. 79. An act for the relief of the owner of the lighter *Eastman No. 14;*

S. 99. An act authorizing the President to appoint two additional circuit judges for the eighth circuit;

S. 122. An act for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps;

S. 332. An act authorizing the Secretary of the Treasury to pay Columbus Hospital, Great Falls, Mont., for the treatment of disabled Government employees;

S. 877. An act to provide for exchanges of Government and privately owned lands in the Walapai Indian Reservation, Ariz.;

S. 1056. An act for the relief of A. V. Yearsley;

S. 1193. An act to carry into effect the findings of the Court of Claims in the case of William W. Danenhower;

S. 1202. An act for the relief of the estate of Benjamin Braznell;

S. 1221. An act for the relief of J. W. Neil;

S. 1232. An act for the relief of Stephen A. Winchell;

S. 1548. An act to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended;

S. 1615. An act for the relief of Arthur E. Colgate, administrator of Clinton G. Colgate, deceased;

S. 1639. An act to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation;

S. 1648. An act for the relief of José Louzau;

S. 1671. An act to provide for regulating traffic in certain clinical thermometers, and for other purposes;

S. 1809. An act for the relief of Emelus S. Tozier;

S. 1829. An act for the relief of the Hunter-Brown Co.;

S. 1885. An act for the relief of Ella H. Smith;

S. 1934. An act to amend, revise, and reenact section 549 of subchapter 4 of the Code of the District of Columbia, relating to the appointment of deputy recorder of deeds, and fixing the compensation therefor;

S. 1935. An act to amend, revise, and reenact subchapter 3, sections 546 and 547 of the Code of Law of the District of Columbia, relating to the recording of deeds and chattels;

S. 2042. An act for the relief of the owner of the coast transit division barge *No. 4;*

S. 2077. An act for the relief of the owner of the steamship *Trinidadian;*

S. 2080. An act for the relief of the owner of barge *No. 62;*

S. 2085. An act to authorize the Broadwater Irrigation District, a Montana organization, to construct a dam across the Missouri River;

S. 2126. An act for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko;*

S. 2128. An act for the relief of the owner of the steamship *British Isles;*

S. 2171. An act for the relief of the city of Philadelphia;

S. 2424. An act to reduce the fees for grazing livestock on national forests;

S. 2552. An act for the relief of Leslie Warnick Brennan;

S. 3005. An act to promote the mining of potash on the public domain;

S. 3180. An act to amend section 194 of the Penal Code of the United States;

S. 3285. An act to provide retirement for the Nurse Corps of the Army and Navy;

S. 3310. An act for the relief of the owners of the barkentine *Monterey;*

S. 3494. An act to amend an act entitled "An act to establish the Utah National Park in the State of Utah";

S. 3606. An act for the exchange of lands in the Custer National Forest, Mont.;

S. 3673. An act to reimburse certain fire-insurance companies the amounts paid by them for property destroyed by fire in suppressing bubonic plague in the Territory of Hawaii in the years 1899 and 1900;

S. 3676. An act for the relief of Harry Newton;

S. 3818. An act authorizing the construction of additional facilities at Walter Reed General Hospital, in the District of Columbia;

S. 3830. An act to authorize and direct the Secretary of the Interior to issue patents upon the small holding claims of Constancio Miera, Juan N. Baca, and Filomeno N. Miera;

S. 3840. An act authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order;

S. 3896. An act for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department;

S. 3977. An act to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service;

S. 4014. An act to amend the act of June 30, 1919, relative to per capita cost of Indian schools;

S. 4015. An act to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians; and

S. J. Res. 174. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1925, etc.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bill of the following title:

S. 353. An act for the relief of Reuben R. Hunter.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate concur in the amendments of the House of Representatives to the bill (S. 876) entitled "An act to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled 'An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain,' approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes."

Amend the bill, in line 3, page 2, after the words "shall be," by inserting the words "disposed of as follows: 37½ per cent shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State, or subdivisions thereof, for the construction and maintenance of public roads or for the support of public schools or other public institutions, as the legislature of the State may direct, and 62½ per cent shall be."

Amend the first paragraph of the amendment of the House, by inserting the words "Executive order" after the word "within" and by striking out the words "except that such lands may only be leased and patents shall be issued for the same."

Strike out all of the second paragraph of the amendment of the House.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 103. An act for the inclusion of certain lands in the Plumas National Forest, of California, and for other purposes;

H. R. 646. An act to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations;

H. R. 2694. An act authorizing certain Indian tribes or any of them residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties or otherwise;

H. R. 4294. An act for the relief of Casimira Mendoza;

H. R. 3069. An act to provide for the inspection of the battle fields of the siege of Petersburg, Va.;

H. R. 4441. An act to provide for quarterly money-order accounts to be rendered by district postmasters at third and fourth class post offices;

H. R. 4610. An act for the relief of the estate of Filer McCloud;

H. R. 5420. An act to provide fees to be charged by clerks of the district courts of the United States;

H. R. 6070. An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, on the island and county of Hawaii, Territory of Hawaii;

H. R. 6860. An act to authorize each of the judges of the United States District Court for the District of Hawaii to hold sessions of the said court separately at the same time;

H. R. 7144. An act to relinquish to the city of Battle Creek, Mich., all right, title, and interest of the United States in two unsurveyed islands in the Kalamazoo River;

H. R. 8263. An act to authorize the accounting officers of the Treasury to pay to certain supply officers of the Regular Army and Naval Reserve Force the pay and allowances of their ranks for service performed prior to the approval of their bonds;

H. R. 8369. An act to extend the period in which relief may be granted accountable officers of the War and Navy Departments, and for other purposes;

H. R. 8522. An act granting to certain claimants the preference right to purchase unappropriated public lands;

H. R. 9343. An act authorizing the adjudication of claims of the Chippewa Indians of Minnesota;

H. R. 9461. An act for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy; and

H. R. 10533. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 26. An act to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act;

H. R. 1326. An act for the relief of Clara T. Black;

H. R. 1717. An act authorizing the payment of an amount equal to six months' pay to Joseph J. Martin;

H. R. 1860. An act for the relief of Fannie M. Higgins;

H. R. 2258. An act for the relief of James J. McAllister;

H. R. 2313. An act authorizing the issuance of a patent to William Brown;

H. R. 2806. An act for the relief of Emil L. Flaten;

H. R. 2811. An act to amend section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes";

H. R. 2958. An act for the relief of Isaac J. Reese;

H. R. 2977. An act for the relief of H. E. Kuca and V. J. Koupal;

H. R. 3132. An act for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn.;

H. R. 3348. An act authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co.;

H. R. 3387. An act authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Sanish, formerly Fort Berthold Indian Reservation, N. Dak.;

H. R. 3411. An act for the relief of Mrs. John P. Hopkins;

H. R. 3595. An act for the relief of Daniel F. Healy;

H. R. 3913. An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States;

H. R. 4280. An act for the relief of the Chamber of Commerce of the City of Northampton, Mass.;

H. R. 4290. An act for the relief of W. F. Payne;

H. R. 4374. An act for the relief of the American Surety Co. of New York;

H. R. 4461. An act to provide for the payment of certain claims against the Chippewa Indians of Minnesota;

H. R. 5096. An act to authorize the incorporated town of Sitka, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing a public-school building in the town of Sitka, Alaska;

H. R. 5423. An act to amend section 2 of the act of August 1, 1888 (25th Stat. L. p. 357);

H. R. 5448. An act for the relief of Clifford W. Seibel and Frank A. Vestal;

H. R. 5752. An act for the relief of George A. Petrie;

H. R. 5762. An act for the relief of Julius Jonas;

H. R. 5774. An act for the relief of Beatrice J. Kettlewell;

H. R. 5819. An act for the relief of the estate of the late Capt. D. H. Tribou, chaplain, United States Navy;

H. R. 5967. An act for the relief of Grace Buxton.

H. R. 6303. An act to authorize the Governor and Commissioner of Public Lands of the Territory of Hawaii to issue patents to certain persons who purchased Government lots in the district of Waiakea, island of Hawaii, in accordance with act 33, session laws of 1915, Legislature of Hawaii;

H. R. 6328. An act for the relief of Charles F. Peirce, Frank T. Mann, and Mollie V. Gaither;

H. R. 6660. An act for the relief of Picton Steamship Co. (Ltd.), owner of the British steamship *Picton;*

H. R. 6755. An act granting six months' pay to Maude Morrow Fechteler;

H. R. 7239. An act authorizing the Secretary of the Interior to pay certain funds to various Wisconsin Pottawatomie Indians;

H. R. 7249. An act for the relief of Forrest J. Kramer;

H. R. 7399. An act to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906;

H. R. 8086. An act to amend the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914;

H. R. 8258. An act for the relief of Capt. Frank Geere;

H. R. 8329. An act for the relief of Albert S. Matlock;

H. R. 8727. An act for the relief of Roger Sherman Hoar;

H. R. 8893. An act for the relief of Juana F. Gamboa;

H. R. 8965. An act for the relief of the Omaha Indians of Nebraska;

H. R. 9138. An act to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes;

H. R. 9162. An act to amend section 128 of the Judicial Code, relating to appeals in admiralty cases;

H. R. 10030. An act granting the consent of Congress to the Harrisburg Bridge Co., and its successors, to reconstruct its bridge across the Susquehanna River at a point opposite Market Street, Harrisburg, Pa.;

H. R. 10150. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.," approved November 19, 1919;

H. R. 10645. An act granting consent of Congress to the Valley Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.;

H. R. 10688. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak.;

H. R. 10689. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak.;

H. R. 11501. An act for the exchange of land in El Dorado, Ark.;

H. R. 9380. An act granting the consent of Congress to Board of County Commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River;

H. R. 9827. An act to extend the time for the construction of a bridge across the Rock River in the State of Illinois; and

H. R. 11036. An act extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway Co.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 3132. An act for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn.; and

S. 353. An act for the relief of Reuben R. Hunter.

CONSOLIDATION OF GOVERNMENT PURCHASES

The next business on the Consent Calendar was the bill (H. R. 8711) to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I would like to ask the gentleman from Indiana a question. He does not seem to be on the floor, and I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DESIGNATE CROATAN INDIANS OF ROBSON AND ADJOINING COUNTIES OF NORTH CAROLINA AS CHEROKEE INDIANS

The next business on the Consent Calendar was the bill (H. R. 8083) to designate the Croatan Indians of Robson and adjoining counties of North Carolina as Cherokee Indians.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

DAIRYING AND LIVESTOCK EXPERIMENT STATION AT DALHART, TEX.

The next business on the Consent Calendar was the bill (H. R. 9362) to provide for the establishment of a dairying and livestock experiment station at Dalhart, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to establish at Dalhart, Tex., a dairying and livestock experiment station, in connection with the Dalhart experiment station, for investigations and experiments in the dairy and livestock industries and the problems pertaining to the establishment and development of such industries, and for demonstrations, assistance, and service in livestock breeding, growing, and feeding.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of this act, including the acquisition of suitable lands, the construction of buildings, the purchase of livestock and breeders, and the employment of necessary persons.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BLANTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RETIREMENT OF OFFICERS AND FORMER OFFICERS OF THE WORLD WAR

The next business on the Consent Calendar was the bill (H. R. 6484) making eligible for retirement under certain conditions officers and former officers of the World War other than officers of the Regular Army who incurred physical disability in line of duty while in the service of the United States during the World War.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice and retain its place on the calendar. The gentleman from Ohio [Mr. FITZGERALD] is detained and will not be here until later in the day.

Mr. McKENZIE. If that unanimous consent is granted, does that mean that this bill will go over until the next unanimous-consent day?

Mr. LONGWORTH. No; I ask that it be passed over now. The gentleman from Ohio [Mr. FITZGERALD] is detained until later in the afternoon, and he would like to make an explanation.

The SPEAKER. It would go to the foot of the list.

Mr. LONGWORTH. My request is that it retain its place on the calendar.

The SPEAKER. The Chair has ruled that a bill passed over can not be called up again until the list has been gone through with.

Mr. McKENZIE. Mr. Speaker, I object to the consideration of the bill.

ADDING CERTAIN LANDS TO THE NEVADA NATIONAL FOREST IN NEVADA

The next business on the Consent Calendar was the bill (H. R. 9063) to add certain lands to the Nevada National Forest in Nevada.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. UNDERHILL, Mr. BACON, and Mr. TABER objected.

THE CALOOSAHATCHEE RIVER, FLA

The next business on the Consent Calendar was the bill (H. R. 10287) authorizing preliminary examination and survey of the Caloosahatchee River, Fla., with a view to the control of floods.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examination to be made of the Caloosahatchee River, in Florida, with a view to the control of the floods in accordance with the provisions of section 3 of "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," aproved March 1, 1917.

SEC. 2. The sum of $5,000, or so much thereof as may be necessary, is hereby authorized to be expended out of any funds heretofore appropriated for examinations, surveys, and contingencies of rivers and harbors to carry out the provisions of this bill.

The Clerk read the following committee amendment:

Page 2, line 1, strike out $5,000 and insert $1,000.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MARINE HOSPITAL SERVICE

The next business on the Consent Calendar was the bill (S. 2232) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service."

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," as amended February 27, 1921, is hereby amended by inserting at the end of the first paragraph thereof a new paragraph, as follows:

"The provisions of the preceding paragraph shall not apply to vessels operating exclusively in trade between foreign ports on or near the northern frontier of the United States and ports in the United States; but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels."

The bill was ordered to be read a third time, was read the third time, and passed.

TERM OF COURT AT ALEXANDRIA, VA.

The next business on the Consent Calendar was the bill (H. R. 11474) to amend and reenact section 11 of the Judicial Code (36 Stat. L. p. 605), and amended by the act of June 13, 1918 (40 Stat. L. p. 605), and amended by the act of April 30, 1924 (43 Stat. L. p. 114).

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk proceeded to report the bill.

Mr. MOORE of Virginia (interrupting the reading). Mr. Speaker, I ask unanimous consent to dispense with the further reading of the bill in order that I may make an explanation, and offer an amendment.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, the purpose of this bill is simply to change the time for holding the court in one place, in the eastern district of Virginia, the city of Alexandria. This bill as drawn undertakes to amend a lengthy act, and some mistakes have been made. After consultation with the member of the Judiciary Committee, Mr. MONTAGUE, who reported the bill, I move to strike out all after the enacting clause and insert the following as an amendment.

The SPEAKER. The gentlemen from Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: Strike out all after the enacting clause and insert the following: "That the terms of the United States District Court for the Eastern District of Virginia of Alexanderia shall hereafter be held at that city on the first Mondays in June and December of each year instead of on the first Mondays in January and July of each year as heretofore."

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. DYER. Does the gentleman make reference in his amendment to the section that is being changed?

Mr. MOORE of Virginia. No; there is no reference. I have followed precedent in not making any particular reference by simply saying that heretofore the terms of court were held at certain dates, and that now it is proposed that they be held at certain other dates.

Mr. DYER. The gentleman thinks that is satisfactory?

Mr. MOORE of Virginia. That is ample; yes.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill, as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

TO EQUALIZE PAY OF OFFICERS OF ARMY AND NAVY, ETC.

The next business on the Consent Calendar was the bill (H. R. 5097) to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON, Mr. BLACK of Texas, and Mr. BROWNING objected.

The SPEAKER. Three members have objected, and the Clerk will report the next bill.

INTERNATIONAL EXPOSITION, SEVILLE, SPAIN

The next business on the Consent Calendar was the joint resolution (H. J. Res. 268) for the participation of the United States in an international exposition to be held at Seville, Spain, in 1927.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this joint resolution is to appropriate $100,000 for us to participate in an exposition in Spain.

Mr. REED of New York. That is correct.

Mr. BLANTON. Does the gentleman know how many countries there are, not smaller than Spain, that could ask us to participate in such an exposition, and which, if we embarked on this one, we would have no excuse for failing to attend others?

Mr. REED of New York. That has nothing to do with it. We owe Spain certain reciprocal relations. They have participated in every exposition that we have invited them to attend.

Mr. BLANTON. The point I am thinking about more than anything else is the $700,000 which the people are going to have to be taxed to pay.

Mr. REED of New York. Exactly; this is an exposition in which all of the South American countries and Spain and the United States are to participate. Our business with Spain has been growing by leaps and bounds.

Mr. BLANTON. Then it is a commercial proposition?

Mr. REED of New York. Absolutely.

Mr. BLANTON. It is for the benefit of some particular merchants who do business over there?

Mr. REED of New York. It is for the benefit very largely of the cotton business of the South.

Mr. BLANTON. If it is put upon that basis, Mr. Speaker, I object.

JURISDICTION OF CIRCUIT COURT OF APPEALS AND OF THE SUPREME COURT

The next business on the Consent Calendar was the bill (H. R. 8206) to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I think the gentleman from Pennsylvania ought to explain the bill. I reserve the right to object.

Mr. GRAHAM. Mr. Speaker, this is a bill that owes its origin to a suggestion from the American Bar Association two or three years ago.

Mr. BLANTON. Has this bill the approval of the members of the Supreme Court?

Mr. GRAHAM. It has.

Mr. BLANTON. I notice that Mr. Justice Van Devanter approved it, but did the others?

Mr. GRAHAM. The matter was taken up in conference, and a suggestion was then made, originating with the Judiciary Committee of the Senate, that the matter was one of such importance and involved a number of changes, that it ought to be taken up by the Supreme Court, not officially, of course, but by the members of that body, acting as a committee. A committee, consisting of Justices McReynolds, Van Devanter, and three others, was constituted to draft a bill that would accomplish the purpose. After long consideration and careful re-

view they framed a measure which was submitted to every member of the Supreme Court, and this measure now has the approval of the Supreme Court and the unanimous approval of the Judiciary Committee.

Mr. BLANTON. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk began the reading of the bill and read down to page 6, line 3.

Mr. McKEOWN. Mr. Speaker, I desire to offer an amendment to the paragraph.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHINDBLOM. This bill is being read by sections, is it not?

The SPEAKER. This bill is on the House Calendar and really an amendment should not be presented until the entire bill is read.

The Clerk read as follows:

A bill (H. R. 8206) to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes.

Be it enacted, etc., That sections 128, 129, 237, 238, 239, and 240 of the Judicial Code as now existing be, and they are severally, amended and reenacted to read as follows:

"SEC. 128. (a) The circuit courts of appeals shall have appellate jurisdiction to review by appeal or writ of error final decisions—

"First. In the district courts, in all cases, save where a direct review of the decision may be had in the Supreme Court under section 238.

"Second. In the United States district courts for Hawaii and for Porto Rico in all cases.

"Third. In the district courts for Alaska or any division thereof, for the Virgin Islands, and for the Canal Zone, in all cases, civil or criminal, wherein the Constitution, or a statute or treaty of the United States, or an authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds $1,000; in all other criminal cases where the offense charged is punishable by imprisonment for a term exceeding one year or by death, and in all habeas corpus proceedings.

"Fourth. In the supreme courts of the Territory of Hawaii and of Porto Rico, in all cases, civil or criminal, wherein the Constituton, or a statute or treaty of the United States, or an authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds $5,000, and in all habeas corpus proceedings.

"Fifth. In the United States Court for China in all cases.

"(b) The circuit courts of appeals shall also have appellate jurisdiction:

"First. To review the interlocutory orders or decrees of the district courts which are specified in section 129.

"Second. To review decisions of the district courts sustaining or overruling exceptions to awards in arbitrations, as provided in section 8 of 'An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees,' approved July 15, 1913.

"(c) The circuit courts of appeals shall also have an appellate and supervisory jurisdiction under sections 24 and 25 of the bankruptcy act of July 1, 1898, over all proceedings, controversies, and cases had or brought in the district courts under that act or any of its amendments, and shall exercise the same in the manner prescribed in those sections; and the jurisdiction of the Circuit Court of Appeals for the Ninth Circuit in this regard shall cover the courts of bankruptcy in Alaska and Hawaii, and that of the Circuit Court of Appeals for the First Circuit shall cover the court of bankruptcy in Porto Rico.

"(d) The review under this section shall be in the following circuit courts of appeals: The decisions of a district court of the United States within a State in the circuit court of appeals for the circuit embracing such State; those of the district court of Alaska or any division thereof, the United States district court and the Supreme Court of Hawaii, and the United States Court for China, in the Circuit Court of Appeals for the Ninth Circuit; those of the United States district court and the Supreme Court of Porto Rico in the Circuit Court of Appeals for the First Circuit; those of the district court of the Virgin Islands in the Circuit Court of Appeals for the Third Circuit; and those of the district court of the Canal Zone in the Circuit Court of Appeals for the Fifth Circuit.

"(e) The circuit courts of appeals are further empowered to enforce, set aside, or modify orders of the Federal Trade Commission, as provided in section 5 of 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914; and orders of the Interstate Commerce Commission, the Federal Reserve Board, and the Federal Trade Commission, as provided in section 11 of 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914.

"SEC. 129. Where, upon a hearing in a district court, or by a judge thereof in vacation, an injunction is granted, continued, modified, refused, or dissolved by an interlocutory order or decree, or an application to dissolve or modify an injunction is refused, or an interlocutory order or decree is made appointing a receiver, or refusing an order to wind up a pending receivership or to take the appropriate steps to accomplish the purposes thereof, such as directing a sale or other disposal of property held thereunder, an appeal may be taken from such interlocutory order or decree to the circuit court of appeals; and sections 239 and 240 shall apply to such cases in the circuit court of appeals as to other cases therein: *Provided*, That the appeal to the circuit court of appeals must be taken within 30 days from the entry of such order or decree, and shall take precedence in the appellate court; and the proceedings in other respects in the district court shall not be stayed during the pendency of such appeal unless otherwise ordered by the court, or the appellate court, or a judge thereof: *Provided, however*, That the district court may, in its discretion, require an additional bond as a condition of the appeal.

"SEC. 237. (a) A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of the United States, and the decision is against its validity, or where is drawn in question the validity of a statute of any State, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of its validity, may be reviewed by the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, in its discretion, award execution or remand the cause to the court from which it was removed by the writ.

"(b) It shall be competent for the Supreme Court, by certiorari, to require that there be certified to it for review and determination with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgment or decree has been rendered or passed by the highest court of a State in which a decision could be had, where is drawn in question the validity of a treaty or statute of the United States; or where is drawn in question the validity of a statute of any State, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States; or where any title, right, privilege, or immunity is specially set up or claimed by either party under the Constitution, or any treaty or statute of, or commission held, or authority exercised under, the United States; and the power to review under this paragraph may be exercised as well where the Federal claim is sustained as where it is denied.

"(c) If a writ of error be improvidently sought and allowed under this section in a case where the proper mode of invoking a review is by a petition for certiorari, this alone shall not be a ground for dismissal; but the papers whereon the writ of error was allowed shall be regarded and acted on as a petition for certiorari, and as if duly presented to the Supreme Court at the time they were presented to the court or judge by whom the writ of error was allowed: *Provided*, That where in such a case there appears to be no reasonable ground for granting a petition for certiorari, it shall be competent for the Supreme Court to adjudge to the respondent reasonable damages for his delay, and single or double costs, as provided in section 1010 of the Revised Statutes.

"SEC. 238. A direct review by the Supreme Court of an interlocutory or final judgment or decree of a district court may be had where it is so provided in the following acts or parts of acts, and not otherwise:

"(1) Section 2 of the act of February 11, 1903, 'to expedite the hearing and determination' of certain suits brought by the United States under the antitrust or interstate commerce laws, etc.

"(2) The act of March 2, 1907, 'providing for writs of error in certain instances in criminal cases' where the decision of the district court is adverse to the United States.

"(3) 'An act restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State,' approved March 4, 1913.

"(4) So much of 'An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes,' approved October 22, 1913, as relates to the review of interlocutory and final judgments and decrees in suits to enforce, suspend, or set aside orders of the Interstate Commerce Commission other than for the payment of money.

"SEC. 239. In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, the court at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which instructions are desired for the proper decision of the cause; and thereupon the Supreme

Court may either give binding instructions on the questions and propositions certified, or may require that the entire record in the cause be sent up for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there by writ of error or appeal.

"SEC. 240. (a) In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, it shall be competent for the Supreme Court of the United States upon the petition of any party thereto, whether Government or other litigant, to require by certiorari, either before or after a judgment or decree by such lower court, that the cause be certified to the Supreme Court for determination by it with the same power and authority, and with like effect, as if the cause had been brought there by writ of error or appeal.

"(b) All judgments and decrees of the circuit courts of appeals and of the Court of Appeals of the District of Columbia shall be subject to review as provided in this section, and not otherwise."

SEC. 2. That cases in a circuit court of appeals under section 8 of "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July 15, 1913; under section 5 of an "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; and under section 11 of "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, are included among the cases to which sections 239 and 240 of the Judicial Code shall apply.

SEC. 3. (a) That in any case in the Court of Claims, including those begun under section 180 of the Judicial Code, that court at any time may certify to the Supreme Court any definite and distinct question of law concerning which instructions are desired for the proper disposition of the cause; and thereupon the Supreme Court may give appropriate instructions on the questions certified and transmit the same to the Court of Claims for its guidance in the further progress of the cause.

(b) In any case in the Court of Claims, including those begun under section 180 of the Judicial Code, it shall be competent for the Supreme Court, upon the petition of either party, whether Government or claimant, to require, by certiorari, that the cause, including the findings of fact and the judgment or decree, but omitting the evidence, be certified to it for review and determination with the same power and authority, and with like effect, as if the cause had been brought there by writ of error or appeal.

(c) All judgments and decrees of the Court of Claims shall be subject to review by the Supreme Court as provided in this section, and not otherwise.

SEC. 4. That in cases in the district courts wherein they exercise concurrent jurisdiction with the Court of Claims or adjudicate claims against the United States the judgments shall be subject to review in the circuit courts of appeals like other judgments of the district courts; and sections 239 and 240 of the Judicial Code shall apply to such cases in the circuit courts of appeals as to other cases therein.

SEC. 5. That the Court of Appeals of the District of Columbia shall have the same appellate and supervisory jurisdiction over proceedings, controversies, and cases in bankruptcy in the District of Columbia that a circuit court of appeals has over such proceedings, controversies, and cases within its circuit, and shall exercise that jurisdiction in the same manner as a circuit court of appeals is required to exercise it.

SEC. 6. (a) In a proceeding in habeas corpus in a district court, or before a district judge or a circuit judge, the final order shall be subject to review, on appeal, by the circuit court of appeals of the circuit wherein the proceeding is had.

(b) In such a proceeding in the Supreme Court of the District of Columbia, or before a justice thereof, the final order shall be subject to review, on appeal, by the Court of Appeals of that District.

(c) Sections 239 and 240 of the Judicial Code shall apply to habeas corpus cases in the circuit courts of appeals and in the Court of Appeals of the District of Columbia as to other cases therein.

(d) The provisions of sections 765 and 766 of the Revised Statutes, and the provisions of an act entitled "An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings," approved March 10, 1908, shall apply to appellate proceedings under this section as they heretofore have applied to direct appeals to the Supreme Court.

SEC. 7. That in any case in the Supreme Court of the Philippine Islands wherein the Constitution, or any statute or treaty of the United States is involved, or wherein the value in controversy exceeds $25,000, or wherein the title or possession of real estate exceeding in value the sum of $25,000 is involved or brought in question, it shall be competent for the Supreme Court of the United States, upon the petition of a party aggrieved by the final judgment or decree, to require, by certiorari, that the cause be certified to it for review and determination with the same power and authority, and with like effect, as if the cause had been brought before it on writ of error or appeal; and, except as provided in this section, the judgments and decrees of the Supreme Court of the Philippine Islands shall not be subject to appellate review.

SEC. 8. (a) That no writ of error, appeal, or writ of certiorari, intended to bring any judgment or decree before the Supreme Court for review shall be allowed or entertained unless application therefor be duly made within three months after the entry of such judgment or decree, excepting that writs of certiorari to the Supreme Court of the Philippine Islands may be granted where application therefor is made within six months: *Provided*, That for good cause shown either of such periods for applying for a writ of certiorari may be extended not exceeding 60 days by a justice of the Supreme Court.

(b) Where an application for a writ of certiorari is made with the purpose of securing a removal of the case to the Supreme Court before the court wherein the same is pending has given a judgment or decree the application may be made at any time prior to the hearing and submission in that court.

SEC. 9. That in any case where the power to review whether in the circuit courts of appeals or in the Supreme Court, depends upon the amount or value in controversy, such amount or value, if not otherwise satisfactorily disclosed upon the record, may be shown and ascertained by the oath of a party to the cause or by other competent evidence.

SEC. 10. That no court having power to review a judgment or decree of another shall dismiss a writ of error solely because an appeal should have been taken, or dismiss an appeal solely because a writ of error should have been sued out; but where such error occurs the same shall be disregarded and the court shall proceed as if in that regard its power to review were properly invoked.

SEC. 11. (a) That where, during the pendency of an action, suit, or other proceeding, brought by or against an officer of the United States, or of the District of Columbia or the Canal Zone, or of a Territory or an insular possession of the United States, or of a county, city, or other governmental agency of such Territory or insular possession, and relating to the present or future discharge of his official duties, such officer dies, resigns, or otherwise ceases to hold such office, it shall be competent for the court wherein the action, suit, or proceeding, is pending, whether the court be one of first instance or an appellate tribunal, to permit the cause to be continued and maintained by or against the successor in office of such officer, if within six months after his death or separation from the office it be satisfactorily shown to the court that there is a substantial need for so continuing and maintaining the cause and obtaining an adjudication of the questions involved.

(b) Similar proceedings may be had and taken where an action, suit, or proceeding, brought by or against an officer of a State, or of a county, city, or other governmental agency of a State, is pending in a court of the United States at the time of the officer's death or separation from the office.

(c) Before a substitution under this section is made, the party or officer to be affected, unless expressly consenting thereto, must be given reasonable notice of the application therefor and accorded an opportunity to present any objection which he may have.

SEC. 12. That no district court shall have jurisdiction of any action or suit by or against any corporation upon the ground that it was incorporated by or under an act of Congress.

SEC. 13. That the following statutes and parts of statutes be, and they are, repealed:

Sections 130, 131, 133, 134, 181, 182, 236, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, and 252 of the Judicial Code.

Sections 2, 4, and 5 of "An act to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," approved January 28, 1915.

Sections 2, 3, 4, 5, and 6 of "An act to amend the Judicial Code, to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court," approved September 6, 1916.

Section 27 of "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916.

So much of sections 4, 9, and 10 of "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, as provides for a review by the Supreme Court on writ of error or appeal in the cases therein named.

So much of "An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings," approved March 10, 1908, as permits a direct appeal to the Supreme Court.

So much of sections 24 and 25 of the bankruptcy act of July 1, 1898, as regulates the mode of review by the Supreme Court in the proceedings, controversies, and cases therein named.

So much of "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as permits a direct review by the Supreme Court of cases in the courts in Porto Rico.

So much of the Hawaiian organic act, as amended by the act of July 9, 1921, as permits a direct review by the Supreme Court of cases in the courts in Hawaii.

So much of section 9 of the act of August 24, 1912, relating to the government of the Canal Zone as designates the cases in which, and the courts by which, the judgments and decrees of the district court of the Canal Zone may be reviewed.

Sections 763 and 764 of the Revised Statutes.

An act entitled "An act amending section 764 of the Revised Statutes," approved March 3, 1885.

An act entitled "An act to prevent the abatement of certain actions," approved February 8, 1899.

All other acts and parts of acts in so far as they are embraced within and superseded by this act or are inconsistent therewith.

SEC. 14. That this act shall take effect three months after its approval; but it shall not affect cases then pending in the Supreme Court, nor shall it affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

The committee amendments were read, as follows:

Page 2, line 14, correct the spelling of the word "Constitution."

Page 5, line 5, strike out the word "taken" and insert "applied for."

Page 8, after line 5, insert:

"(5) Section 316 of 'An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes,' approved August 15, 1921."

Page 10, line 14, strike out "writ of error or."

Page 11, after line 13, insert: "A circuit judge shall have the same power to grant writs of habeas corpus within his circuit that a district judge has within his district; and the order of the circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had."

Page 13, line 11, after the word "court," insert "from a circuit court of appeals or the Court of Appeals of the District of Columbia."

Page 13, after line 15, insert:

"(c) No writ of error or appeal intended to bring any judgment or decree before a circuit court of appeals for review shall be allowed unless application therefor be duly made within three months after the entry of such judgment or decree.

"(d) In any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to apply for and to obtain a writ of certiorari from the Supreme Court. The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court, and may be conditioned on the giving of good and sufficient security, to be approved by such judge or justice, that if the aggrieved party fails to make application for such writ within the period allotted therefor, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay."

Page 16, line 22, strike out "1916" and insert "1917."

Page 18, after line 2, insert:

"An act entitled 'An act to amend section 237 of the Judicial Code,' approved February 17, 1922.

"An act entitled 'An act to amend the Judicial Code in reference to appeals and writs of error,' approved September 14, 1922."

The question was taken, and the committee amendments were agreed to.

Mr. McKEOWN. Mr. Chairman, I desire to offer the following amendment.

Mr. GRAHAM. I will yield five minutes to the gentleman to make a statement and explain his amendment.

Mr. McKEOWN. Mr. Speaker, I wish to offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 17, after the word "validity," insert the following: "or in which a decision in the suit could be had, where is drawn in question the right or title to any land or proceeds of any land allotted to any Indian under any treaty or act of Congress when the decision is adverse to the allottee or his heirs or assigns."

Mr. McKEOWN. Mr. Speaker and gentlemen, this is one of the most important bills that has been before the House this Congress and should pass, and it is not my purpose in offering this amendment in any way to impede the passage of this bill. It will clarify the manner in which appeals are taken to the Supreme Court of the United States. There has been such a great confusion since 1916, and our best lawyers are in doubt as to when they were in the Supreme Court and when they were not. The purpose of my amendment is simply to do this: To give the Indians who are allotted lands under acts of Congress and under treaty stipulations the right, when their rights are denied them by a decision by the highest courts of a State, to take that case by writ of error to the Supreme Court.

Mr. DYER. Will the gentleman yield for a question?

Mr. McKEOWN. Yes; I will yield to the gentleman.

Mr. DYER. I have very great sympathy for the point the gentleman makes, but the committee has not had an opportunity to hear the gentleman upon it. I do not think that he feels—I am sure I do not—that we ought to agree to something coming into this bill at this time that has not been considered by the committee, and this bill is largely prepared, practically prepared, at the request of the committee by the justices of the court to cover a very needful situation.

Mr. McKEOWN. I agree with the gentleman that it is very needful legislation, and I do not want to impede the legislation; but I am sure that if the gentleman will hear me just a minute he will agree that the amendment is necessary. Here are Indians who are allotted lands by acts of Congress or by treaty stipulation. Their cases are heard in the State courts, and their rights are denied sometimes to a million dollars' worth of property on the construction of the Federal law, and yet that Indian has no right to appeal under the present statute or, in my judgment, under the present bill to the Supreme Court. No longer than a few days ago in a case involving $14,000,000 the jurisdiction was denied to a hearing, and no title is settled in the Indian country until it is settled by the Supreme Court of the United States. It is for that reason I am simply begging here an opportunity for these Indians, of whom the Congress is the guardian, that they may have the right to go into the highest court of the United States and have their cases adjudged. It is not right, it is not fair to the Indian allottee to have the decision of the State courts made final and deprive him of his property, and he can not appeal his case to the Supreme Court. There will be no appeal in any of these cases in which the Indian or the Indian's heirs are denied the rights to their property under the construction of the laws of the State.

Gentlemen of the House, I take it that you would be interested to know that the purpose of my amendment is simply to give to the Indian allottees, who have had lands allotted to them under the statutes of the United States and under the treaties of the United States, the right, whenever a decision by a State court deprives them of their property, to go to the Supreme Court of the United States and have their rights determined, and only in those cases does this amendment apply.

I ask the House to adopt this amendment.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. GRAHAM. Mr. Speaker, I hope the amendment will not prevail.

This is a carefully considered and symmetrical plan with reference to the statutes and everything has been verified by the committee; and the proposition of the gentleman, even though it were meritorious and entitled to consideration, ought to be submitted in the form of a separate bill and referred to the Committee on the Judiciary, when the opportunity could be had for a hearing and the matter discussed understandingly. I am unable to disclose at this moment its effect on the bill, and for that reason I would seriously object to any innovation. Let us pass the bill as the court officials have recommended it and as we have framed it; and if the gentleman's amendment embodies a meritorious proposition, let us consider and act upon it later on.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. McKEOWN].

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, will the gentleman yield me five minutes?

Mr. GRAHAM. I yield to the gentleman.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Mr. Speaker, how on earth may we expect to frame sane legislation under the present surroundings? This is a most important bill, which changes the procedure of the courts of the country from the trial court to the Supreme Court of the United States in many particulars, and yet I dare say there are not five men here who have heard the bill read or have heard any discussion of the amendment offered. And in just about five minutes from now the Speaker is going to recognize one of our colleagues [Mr. ELLIOTT] to call up a $150,000,000 bill to be passed under suspension of the rules,

with only 20 minutes allowed to a side to discuss it. But it will pass.

How sane will the legislation be? That is a matter where the final decision is to be left to the people of the country. How on earth do you expect without debate to pass properly on a bill of that size and dimensions? It embraces $150,000,000. How can you expect to pass upon it in a proper way with only 20 minutes' debate on a side and no opportunity whatever to amend it? I hope that the steering committee of this House will agree to give proper debate to that bill. I hope that there will be an agreement reached here to that effect.

The SPEAKER. The gentleman will confine himself to the bill.

Mr. BLANTON. I am trying, Mr. Speaker, to show that it is impossible to pass sane legislation when we are in a turmoil such as we are now in, with nobody in order, not even the person trying to speak being in order. [Laughter.] We are all out of order. We ought to have an agreement to take up that $150,000,000 bill with at least two hours to a side.

When the Speaker of this House in about five minutes recognizes the gentleman from Indiana [Mr. ELLIOTT] to move to suspend the rules and to pass the proposed $150,000,000 public building bill, no Member of this House will be permitted to offer any amendment whatever to change it in any particular. There will be allowed 20 minutes to the side for debate; only 20 minutes to those of us who oppose this $150,000,000 bill. And then we will all be required to vote for it just as it is printed without changing the "dotting of an i or the crossing of a t," for when such a motion is made to suspend the rules no Member is allowed even to propose a change of the bill. It must be accepted just as it is presented. And, Mr. Speaker, it would be a crime against the people for this $150,000,000 bill to be passed in such a way.

It is said that this is an administration measure. It must be or it would not be called up in this manner. The gentleman from Indiana [Mr. ELLIOTT] could not call it up unless he is recognized by the Speaker for that purpose. The Speaker does not have to recognize the gentleman unless he wants to, and the Speaker will recognize the gentleman because he wants to, and the Speaker wants to because the Republican steering committee wants him to do so, and the Republican steering committee wants such action taken because it believes that the bill will meet with the approval of the President. Hence I am forced to believe just what has been rumored, that this is an administration measure.

How is the President of the United States going to square his approval of this $150,000,000 building bill with his past action in vetoing measures on the alleged grounds of economy? He has been preaching economy for some time. He has been promising economy. On last Monday night he broadcasted his speech by radio to the whole people of the United States and economy was the burden of his song. He vetoed the Bursum bill on the grounds of economy. He vetoed the adjusted compensation bill on the ground of economy. He vetoed the postal salary bill on the ground of economy. Yet it is now rumored that he will approve this bill, which will let him build public buildings over the country to the tune of $150,000,000.

In order to catch votes for this bill many proposed projects scattered over the United States are mentioned in the hearings, leading some Members to believe that such projects will be built in their districts if they vote for this bill. And many Democrats will vote for it under that belief. But they are certainly doomed to disappointment. They will find that they will not even get a mess of pottage for their support. The buildings that will be built with this $150,000,000 will constitute the biggest political club that any administration has ever wielded on the hustings next campaign. You will find Republican aspirants for Congress everywhere saying, "Elect me, and I will be close to the administration and can get you a building." And you will find some people who will believe them and who will give them their support simply upon that ground alone. Of course, we Democrats all know that such Republican aspirants will not be able to deliver the goods, but they may get the votes. I have in mind the claim made during the past two campaigns in the fourteenth congressional district of Texas by the friends of our colleague [Mr. WURZBACH] "that he should be elected in a Democratic district because he is a Republican and would therefore be close to the administration and could get what he wanted," and he has been able to get the votes, but when it came to a distribution of the plums, or the main ones at least, appointments of others than those recommended by him were made by the President. But it gets the votes even if it does not get a distribution of the political pie. And if the leverage given the Republican Party by the passage of this $150,000,000 bill causes the defeat of Democrats in the next election, those Democrats who help to pass the bill by their votes will have no one to blame other than themselves. If the President is consistent, he will veto this bill on the ground of economy.

Mr. DENISON. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Pennsylvania [Mr. GRAHAM] has control of the time.

Mr. DENISON. Will the gentleman yield?

Mr. GRAHAM. I decline to yield.

Mr. DENISON. Mr. Speaker, I want a little information about this bill.

The SPEAKER. The gentleman from Pennsylvania has the floor. He can yield or not, as he prefers.

Mr. GRAHAM. I yield to the gentleman.

Mr. DENISON. On page 2 legislation is provided for appeals from the District Court of the Canal Zone. I want to ask the chairman of the committee if this bill changes the present law with reference to appeals from the District Court of the Canal Zone?

Mr. GRAHAM. No. It is the same as it is now, except that no review of a judgment in the Canal Zone can be had except by petition of certiorari.

Mr. DENISON. What I want to know is to what extent and in what way it changes the existing law with reference to the Canal Zone?

Mr. GRAHAM. It does not change the existing law.

Mr. DENISON. If it does not, that answers the question.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WAR DEPARTMENT APPROPRIATION BILL—CONFERENCE REPORT

Mr. ANTHONY, from the Committee on Appropriations, presented for printing, under the rule, a conference report on the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes.

NAVY DEPARTMENT APPROPRIATION BILL—CONFERENCE REPORT

Mr. FRENCH, from the Committee on Apropriations, presented for printing, under the rule, a conference report on the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and twenty-one Members are present, a quorum.

PUBLIC BUILDINGS BILL

Mr. ELLIOTT. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 11791, as amended, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass, as amended, the bill which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That to enable the Secretary of the Treasury to provide suitable accommodations for the executive departments and independent establishments of the Government not under any executive department in the District of Columbia, and for courthouses, post offices, customhouses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of the Treasury Department in the States, Territories, and possessions of the United States, he is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary, and to cause to be constructed thereon, and upon lands belonging to the Government, suitable and available for the purpose (but exclusive of military or naval reservations), adequate and suitable buildings for any of the foregoing purposes, and to enlarge, remodel, and extend existing public buildings under the control of the Treasury Department: *Provided*, That in carrying out the provisions of this act, in so far as it relates to buildings to be used in whole or in part for post-office purposes, the Secretary of the Treasury and the Postmaster General shall act jointly in the selection of towns or cities in which buildings are to be constructed, the selection of sites therein, determining the dimensions of the building, and the arrangement of space therein.

The Secretary of the Treasury is authorized to carry on the construction work herein authorized by contract or otherwise, as he deems

most advantageous to the United States. In all cases where the construction of buildings in the District of Columbia under the provisions of this act requires the utilization, in the opinion of the Secretary of the Treasury, of contiguous squares as sites thereof, authority is hereby given for closing and vacating such portions of streets as lie between such squares and such alleys as intersect such squares, and the portions of such streets and alleys so closed and vacated shall thereupon become parts of such sites.

SEC. 2. (a) The work of preparing plans, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of this act, shall be performed by the Office of the Supervising Architect, Treasury Department, except as otherwise provided in this act, but that all plans shall as far as practicable provide for the construction of utility rather than monumental buildings.

(b) The Secretary of the Treasury is authorized in his discretion (1) to procure advisory assistance when deemed advantageous in special cases involving design or engineering features, and (2) to employ, to the extent deemed necessary by him, in connection with the construction of buildings for the Departments of Justice, Commerce, Labor, and State, the architects who were successful in competition for a group of three buildings for the Departments of Justice, Commerce and Labor, and State, and to pay reasonable compensation for such services.

(c) The Secretary of the Treasury is authorized to employ such additional technical, scientific, and clerical assistance in or under the Office of the Supervising Architect, both in the District of Columbia and in the field, as he deems necessary, such employment during one year from the date of the enactment of this act to be without regard to civil service laws, rules, and regulations.

SEC. 3. If, in the opinion of the Secretary of the Treasury, any limit of cost heretofore fixed by law for the acquisition of a site for, or for the construction, enlarging, remodeling, or extension of, a building, or both, is inadequate, he may, if such site or building is included in the estimates transmitted by him to the Bureau of the Budget under this act, disregard such limit of cost, and appropriations to the extent of such estimates are (within the limits of the appropriation authorized by section 5) hereby authorized without regard to such limit of cost.

SEC. 4. The Secretary of the Treasury shall submit annually, commencing with the fiscal year 1927, and from time to time thereafter as may be required, estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and accounting act, 1921, showing in complete detail the various amounts it is proposed to expend under the authority of this act during the fiscal year for which said estimates are submitted.

SEC. 5. For the purpose of carrying out the provisions of this act the sum of $150,000,000 is hereby authorized to be appropriated, but under this authorization, and from appropriations (exclusive of appropriations made for "remodeling and enlarging public buildings"), heretofore made, for the acquisition of sites for or the construction, enlarging, remodeling, or extension of, public buildings under the control of the Treasury Department, not more than $25,000,000 in the aggregate shall be expended annually.

SEC. 6. The provisions of section 10 of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1920, approved March 1, 1919, relating to the assignment of space in public buildings in the District of Columbia shall apply to all buildings to be constructed under the provisions of this act in the District of Columbia.

The SPEAKER. Is a second demanded?

Mr. BUSBY. Mr. Speaker, I demand a second.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana what his disposition is toward agreeing to a little more than the usual time for debate on this subject.

Mr. ELLIOTT. Up to this time nobody ever said anything to me about having a longer time for debate.

Mr. GARRETT of Tennessee. I am sorry I did not speak to the gentlemen before about it.

Mr. ELLIOTT. I do not believe we ought to have more than the regular time.

Mr. GARRETT of Tennessee. Mr. Speaker, I hope the gentleman will be agreeable to permitting a little more time for debate. There are a number who wish to express themselves upon this very important matter.

Mr. ELLIOTT. But here is the difficulty. This matter has come up when all of these gentlemen have their other bills on the Consent Calendar and they want them considered, and I do not feel like taking up all the afternoon on this bill to the exclusion of the gentlemen who have other measures on this calendar.

Mr. GARRETT of Tennessee. Mr. Speaker, it is not my desire to delay but to give more time for legitimate debate on this very important matter. I had hoped the gentleman would be willing to agree to one hour on a side.

Mr. ELLIOTT. Objection has already been indicated by a number of Members to any such extension of time.

Mr. GARRETT of Tennessee. It seems to me the gentleman might at least agree to 1 hour, 30 minutes to be controlled by himself and 30 minutes by the gentleman from Mississippi [Mr. BUSBY]. [Cries of "Regular order"!]

The SPEAKER. The regular order is demanded. The regular order is the request of the gentleman from Indiana that a second be considered as ordered.

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects.

Mr. GARRETT of Tennessee. To what?

Mr. BLANTON. To the request of the gentleman from Indiana that a second be considered as ordered.

The SPEAKER appointed Mr. ELLIOTT and Mr. BUSBY to act as tellers.

The House divided; and the tellers reported—ayes 127, noes 80.

So a second was ordered.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point of no quorum.

The SPEAKER. The Chair overrules the point of order.

Mr. BLANTON. But the teller vote shows there is no quorum present.

The SPEAKER. That makes no difference. Obviously there is a quorum in the House.

Mr. BLANTON. I would ask the Chair to count, at least.

The SPEAKER. The Chair does not think that is necessary. The gentleman from Indiana is recognized for 20 minutes and the gentleman from Mississippi for 20 minutes.

Mr. ELLIOTT. Mr. Speaker and gentlemen of the House of Representatives, this is a time when every Member of the House desires to do his part in bringing about the strictest economy in all of our Federal expenditures and limiting the activities of our Government to the things which are necessary for the proper conduct of the public business and the safety and welfare of the Nation. We can not close our eyes, however; to the fact that the need for public buildings is now and has been for some years very acute.

The last general public buildings bill became a law on March 3, 1913, and authorized the construction of buildings and the purchase of sites in various parts of the country and an appropriation of money out of the Treasury for construction purposes of a little more than $40,000,000.

The World War coming on increased the cost of building to such an extent that the Treasury Department was unable to build the buildings within the limit of cost fixed in said bill for the construction of buildings authorized therein, and there are about 130 of these said buildings so authorized that have not been built. It is estimated that it will take an additional authorization of about $15,000,000 to enable the Treasury to construct said buildings as originally planned.

Under the terms of said act of 1913 and previous acts there have been purchased a large number of building sites in various cities and towns of the United States, with the intention of the construction thereon of public buildings, and it has been estimated that it will take the sum of $24,000,000 to build these buildings heretofore contemplated.

There are at this time pending on the calendar of the Committee on Public Buildings and Grounds 869 public buildings bills, the estimated cost of which is a trifle less than $226,000,000, none of which are in the District of Columbia. These demands come from every State in the Union, and ask for expenditures of from $75,000 in towns of less than 1,000 population, as shown by the 1920 census, to eight or ten millions of dollars for some of the great cities.

On December 11, 1922, Hon. Hubert Work, Postmaster General, submitted a statement to the Joint Commission on the Postal Service, giving a list of 140 cities where buildings were badly needed. The report is in the hearings on the bill under consideration and furnishes a vast amount of information which is worthy of the attention of all of the Members of this House.

On February 8, 1923, the Postmaster General and Secretary of the Treasury sent to the Speaker of this House a joint letter, calling attention to 19 other cities where the Government-owned buildings were inadequate to house the Federal service, and suggested relief measures. There is no doubt that these recommendations should receive the serious attention of Con-

gress. It is estimated that it will be necessary to use about $90,000,000 to relieve the congestion in the 159 cities named in said letters.

The President in his message to Congress at the beginning of the present session called attention to the critical situation in the District of Columbia and recommended legislation to take care of it.

Mr. CONNALLY of Texas. Mr. Speaker, may we have order? This speech is costing $7,500,000 a minute, and I think we ought to listen to it.

Mr. BLANTON. Mr. Speaker, I renew the point that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and one Members are present, not a quorum.

Mr. ELLIOTT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 44]

Berger	Favrot	Nelson, Wis.	Sanders, Ind.
Black, N. Y.	Frear	Nolan	Schafer
Browne, N. J.	Gilbert	O'Brien	Schall
Buckley	Goldsborough	O'Connell, R. I.	Snyder
Burdick	Hull, William E.	O'Connor, La.	Sproul, Kans.
Byrnes, S. C.	Keller	O'Connor, N. Y.	Steagall
Cable	Kent	O'Sullivan	Strong, Pa.
Clark, Fla.	Kindred	Paige	Sullivan
Cooper, Ohio	King	Peavey	Sumners, Tex.
Corning	Kunz	Perlman	Tague
Croll	Langley	Phillips	Tinkham
Cummings	Larsen, Ga.	Porter	Upshaw
Curry	Larson, Minn.	Pou	Vare
Dallinger	Logan	Ramseyer	Welsh
Dickstein	McFadden	Ransley	Wertz
Doughton	McLeod	Reed, Ark.	Winslow
Drewry	McNulty	Reed, W. Va.	Wolff
Eagan	McSweeney	Roach	Wood
Edmonds	Michaelson	Rogers, Mass.	Woodruff
Evans, Iowa	Moores, Ind.	Rouse	Zihlman

The SPEAKER. Three hundred and fifty Members have answered to their names; a quorum is present.

Mr. ELLIOTT. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. ELLIOTT. Mr. Winston, the Undersecretary of the Treasury, in a hearing before the Committee on Public Buildings and Grounds, stated that we are paying this year in rentals outside of the District of Columbia about $23,000,000 and about $1,135,000 within the District. He also said that while the need for public buildings was very acute in the District, it was even more so out in the States.

At the present time the Department of Agriculture is located in 45 buildings. The General Accounting Office is in 21 buildings, and the Internal Revenue Bureau is in 10 buildings. At the present time the Bureau of Internal Revenue is using a small two-story frame building, with stucco facing, to store income-tax returns; it is a veritable fire trap, and Mr. Winston stated that if this building was burned the loss to the Government would be several hundred million dollars, because the Government would have no record of what was due from the taxpayers.

It has been apparent for many years to every person who was informed on the subject, that a fireproof archives building, in which to preserve the valuable records of the World War, should be constructed. The records of the Great War, which mean so much to the soldiers who went to the front in that great conflict, should be preserved, so that they or their dependents in future years can be able to show what the people of this Nation owe them for the suffering and the sacrifices they made for our country.

There is no doubt that the amount authorized to be appropriated in this bill—$150,000,000—not more than $25,000,000 to be expended in any one year, is a modest sum when the needs of the country are taken into account. But as the Secretary of the Treasury, Mr. Mellon, has well said, the long period during which the normal rate of construction of Federal buildings has been suspended is responsible for conditions which call for attention. Resumption of building operations must be begun gradually. The department feels that legislation along lines suggested by this bill would afford an opportunity to make reasonable and satisfactory progress in providing additional buildings and enlarging existing Federal buildings, to meet the needs of the Government service and that the bill is not inconsistent with the financial program of the President.

In the consideration of this building question, the committee has had to face, on the one hand, the financial conditions of the Treasury, and the fact that the taxpayers are entitled to and are demanding relief. And on the other, that necessity for War Department and the Navy Department have vacated a public buildings in some quarters can not longer be ignored. The pending bill will give relief gradually and will entail no great burden on the taxpayers, and it should become a law.

Mr. MILLER of Washington. Will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. MILLER of Washington. In view of the fact that the great deal of space in the State, War, and Navy Building, what is the necessity for additional facilities for the State Department?

Mr. ELLIOTT. I am not prepared to say just what is necessary for the State Department. The three departments or bureaus upon which most stress was laid were the General Accounting Office, the Department of Agriculture, and the Bureau of Internal Revenue.

Mr. MILLER of Washington. I agree with the gentleman, and I would therefore suggest that the State Department angle of this bill be stricken——

The SPEAKER pro tempore (Mr. LEHLBACH). The gentleman from Indiana desired to be notified when he had consumed five minutes.

Mr. ELLIOTT. Mr. Speaker, I reserve the balance of my time.

Mr. BUSBY. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, it is generally understood, I think, that upon to-morrow the House of Representatives, with courtesy and with dignity, will preserve its constitutional prerogative and will return to the Senate a bill which has passed that whimsical and mercurial body, on the ground that it is an infringement upon the constitutional duty of the House. That event will have no significance to some, but to the thoughtful students of government I think it will have a profound significance, and I can not keep from thinking of the contrast between that action and what it is proposed to do here to-day, because to-day one of the important committees of the House of Representatives, or a majority of the members thereof, are complacently inviting this legislative body to abdicate its legislative functions. They are proposing to open another avenue through which Members of Congress, the House and the Senate, shall walk as messenger boys of the Republic, hat in hand, asking as a favor that which they have now the power to take as a right. [Applause.]

We talk of bureaucracy and protest against bureaucracy and yet week after week and day after day we continue to build new bureaus or to enhance the powers of bureaus already in existence.

What, sir, do you propose to do by this bill? You propose to authorize the appropriation of a lump sum of $150,000,000 to be expended, I believe, over a period of some six years upon such projects as may be selected by certain members of the Cabinet or by a bureau chief, possibly to be viséed finally by the President of the United States. In what position does that place the Congress? It places it in the position where the efficiency of a Member of the House of Representatives or of the Senate will be measured by the ability with which he can secure favorable action on the part of some bureau chief in the matter of constructing a public building in his district.

What does it mean? Why, those positions are going to continue to be administered through human instrumentalities. Those men have all the passions, all the feelings of friendliness, or of unfriendliness, that mark men everywhere. Some of you gentlemen upon the majority side doubtless will obtain tickets which will admit you at the main door without having to wait in order to present your claims. Most of us, I assume, on this side will have to go in by the back door. You gentlemen from Wisconsin can not even get up in the alley without the dogs being set upon you. [Laughter and applause.]

What have we? Why, Mr. Speaker, we have had an experience quite recently illustrating the situation that will exist. Efforts were being made here to evolve a rivers and harbors bill. Word came down from a bureau chief that there must be no effort in the House of Representatives to increase the appropriation on the Army bill for river and harbor projects. Not only that, but there must be an elimination of certain projects, already agreed upon, from the rivers and harbors bill, before you could ever receive the approval of the Bureau of the Budget, and before they would permit it to be considered in the House of Representatives. The agreement was entered into, and now I am reliably informed because the Congress of the United States saw fit to exercise its legislative discretion and provide that certain of the projects should have the work done upon them within five years, the Chief of the Bureau of the Budget has declared that that is a violation of the agreement, and we are confronted with the proposition that the whole rivers and harbors bill may go to the demnition bowwows.

Mr. Speaker, I was one of those who favored the institution of the Budget. I favor it still, but I am reaching that point very rapidly where I am prepared to say I am fed up on this Bureau of the Budget interfering in matters of policy. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. BUSBY. I yield the gentleman three more minutes.

Mr. GARRETT of Tennessee. They have an important function to perform. They have duties that can be performed, that ought to be performed; but gradually, step by step, they are reaching out for all the functions of government.

You tell me that this great body of Representatives is having to abrogate its functions and powers. Oh, you say the proposition will come back to the Committee on Appropriations and there will be a chance to examine them there. Indeed there will, but since when has it been proposed to make the appropriations committee a legislative committee? Why is it the Public Buildings and Grounds Committee comes here with a proposition proposing to commit suicide? With the passage of this bill we may as well wipe out all the rules of the House of Representatives for it will have no further function to perform. [Laughter.] But the essential error of this thing is that it is another step toward that bureaucracy against which we all vigorously and vehemently protest, against which we all stand, except as we may be controlled by our hopes or our fears or by the hoped-for advantage that our votes here may give that as we hold out the hat it may be filled by the Budget Bureau. [Laughter and applause.]

Mr. BUSBY. Mr. Speaker, I yield to the gentleman from Texas [Mr. LANHAM] five minutes.

Mr. LANHAM. I preface my remarks, gentlemen of the House, with the statement that I am heartily in favor of a proper public building bill. Each year we appropriate two or three hundred millions of dollars for the Army and a similar amount for the Navy and various other departments of the Government. We are properly solicitous about their welfare and adequate maintenance. It seems that more than three-fourths of our expenditures have some relation to war. I have heard the proportion estimated as high as 92 per cent. But when we come to consider the pursuits of peace and the problems of civic improvement, if once in 12 or 15 years a bill is offered for necessary public buildings, aggregating no more than just one of our annual supply bills for the Army or the Navy, some critic is always ready to make the howl of "pork." It is easily conceivable that now and then through the years a wee bit of this so-called "pork" may even creep into these yearly appropriation measures which we seem to pass very largely as a matter of course. And it is likely that a study of the provisions of this bill and a perusal of the hearings may result in the inference that the smell of "pork" in favored places may be inspiring some now to keep approvingly busy on the scent. I believe it is a laudable thing to make proper provision for the necessary construction in our country; but, in my judgment, this bill from many angles and viewpoints is not a proper one.

Personally, I think that the Committee on Public Buildings and Grounds should give careful attention to this matter at the very beginning of the next session of the Congress, and that it should report to the House for its consideration a bill reflecting the results of its patient and deliberate study of the existing conditions in the services affected. But we are told by some that the President would not give his approval to such a measure; that it is this or nothing. I assume that these gentlemen do not speak with authority. The statement smacks more of propaganda to force the passage of this particular bill, which the same gentlemen assure us the President will sign. Pause for a moment and reflect upon the peculiar psychology that is ascribed to the President by such a declaration. He is thus represented to us as saying, "If you will give to the Secretary of the Treasury and the Postmaster General $150,000,000 for Federal construction, I will indorse your action despite the fact that the selection of sites and designation of buildings will be a delegation of your functions, and an investment of authority in these officers which they do not properly possess; but if you intend for the Congress to exercise its normal legislative powers for the very same purposes, and direct the expenditure of $150,000,000 of the people's money through proper constitutional channels, I can not think of assenting to such a bold proposal." In justice to the President I must believe that these gentlemen are mistaken in their understanding of his attitude. Are we asked to indorse such a position in the presentation of this measure?

It seems that criticism of the Congress has recently been a popular pastime of the press in some quarters. Complaint has been made that it is weak and inane and not what it should be. To this charge, if this bill is to be accepted as our pleading, we are entering a plea of confession and avoidance—confession of our inability to function within our just powers, and avoidance of our responsibility to serve the country in which we live. [Applause.] Why, gentlemen of the House, of all those who labor in the Federal Government there is only one man out of each 1,000 who is elected by the people. The Members of this House constitute the vast majority of those so elected. With our duties assigned us under the Constitution, we meet here as the representatives of the people of this Nation. They choose us by the expression of their will at the polls. Members of the Senate and House alone of all the public servants are selected directly by their votes. Only in our representation may their voice be heard. Upon us they must necessarily rely for the perpetuity of popular government and for the observance of the constitutional principles upon which that popular government is founded. How shall we meet this responsibility? To-day it is proposed to us again that we admit our incapacity by delegating our legislative duties to administrative officers and bureaus. We have so many Federal bureaus now that we have not time to supervise them. As a consequence, in utter opposition to the genius of our system, they are performing functions legislative, executive, and judicial. They make their own rules, they enforce their own rules, they construe their own rules. Are we not likely, by continued failure to realize and meet our legislative obligations under the commission of the people, to sacrifice the substance of our Republic and preserve only its outward forms? Is not this the final result which the constant delegation of our powers naturally and necessarily entails?

If the Congress, like the old gray mare, is not what it used to be, the burden is upon us as its Members to make it what it ought to be. For the welfare of the Nation which the fathers founded let us maintain and assert our constitutional prerogatives. [Applause.]

I look with apprehension on these frequent attacks upon the fundamental institutions of our Government. If we are to endure, they must be preserved in their vigor and integrity. Let us seek to beget a wholesome respect for them. We are simply playing into the hands of the radical and iconoclastic reds when we seek through such bills as this to delegate our functions. To whom shall the people look if not to us for their legislative needs? I would not have this body encroach upon the powers of the Executive, and in the same spirit I would not have the Executive encroach upon the powers of Congress. [Applause.] I would have each branch of our system function faithfully and well within its constitutional sphere and thereby insure both the safety and the patriotic approval of the citizens of our land. Let us bear in mind that the Members of the Congress are the only ones in the United States dealing with Federal questions who are elected by the people and directly responsible to the people. It is incumbent upon us as such representatives to preserve their liberties, insure their good will, and maintain our own self-respect.

It may be that we have too many committees in the House. If we pass this bill in this form, we shall certainly relieve any congestion that may exist by reason of one of them. We can write "Ichabod" over the door of the committee which reported this measure, and append a removal sign, "See the Secretary of the Treasury and the Postmaster General and their bureaus, successors to the Committee on Public Buildings and Grounds." With all of its vital functions performed by proxy under this delegation of authority, we should make ourselves appear more foolish by permitting it to pose longer as a legislative entity. We are told that nature finally obliterates organs that fall into disuse, and surely such a hint to the wise will lead us to end the agony of this nonoperative member without unnecessary procrastination.

There is only one theory upon which I can see that this bill should be brought up under suspension of the rules. That is the theory indicated in the observation of Lady Macbeth:

> If it were done when 'tis done, then 'twere well it were done quickly.

[Laughter.]

But will it be done when we pass this bill? Let me bring one prospect to the attention of gentlemen who represent agricultural districts and towns and small cities and some large ones. When this bill will have become a law and those towns and cities, in so far as dispensations of Federal construction are concerned, will have taken their places with Goldsmith's Deserted Village, and your constituents come to you and inquire, "Why didn't you get for us the building we so greatly need and so richly deserve?" are you going to

answer, "Why, I turned over all my authority to an executive branch of the Government; I abdicated and let the administrative officers have control; you will have to go and see them?" If you do, they will probably confront you with your responsibility as a Member elected by them to represent them and their interests in the Congress of the United States. What are you going to say to them in reply? Will you tell them that we are living under a new order of things, that the constitutional régime is altogether wrong, that the executive branch of the Government should exercise all the power, and that, accordingly, you have surrendered that part of it which they intrusted to you? If you do, may they not advise you in reply, by their voices and by their votes, that, inasmuch as you have relinquished the right to speak for them, you can tell your story to the marines? [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. ELLIOTT. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Mr. Speaker, I am in favor of this bill because it is a bill to put public expenditures under a budget system. Both parties in the last campaign and in all campaigns have advocated a budget system of public expenditures.

Mr. DAVEY. Mr. Speaker, will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. DAVEY. I am wondering if this is really a budget proposition or a lump-sum proposition?

Mr. OLIVER of New York. A budget proposition or a lump-sum proposition? It may be one or the other as we make it, and as the Committee on Appropriations makes it in its report to the House, and as the House makes it in its action on the report of the Committee on Appropriations. I am in favor of reducing public expenditures as far as they can be reduced. I believe that planning a public buildings program is nothing but an administrative function and furnishes the only way to reduce expenditures. I think the selection of a post-office site is an administrative function. I do not agree with my honored leader Mr. GARRETT, that it is a constitutional duty for a Member of Congress or for the Congress to select post-office sites.

If he will read the Constitution he will find two clauses in point, first, subdivision 6 of article 8, reading as follows:

> The Congress shall have power to establish post offices and post roads.

Second. The coefficient clause, subdivision 18 of article 8, reading as follows:

> Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or office thereof.

It therefore appears that subdivision 6 of article 8 really means—

> Congress shall have the power to provide by legislation for the establishment of post offices and post roads.

It does not mean that Congress itself is bound to select every post-office site, to fix every post road, and administer the affairs of the Postal Department. It merely means that Congress shall establish the laws under which the Postal Department shall act. This bill authorizes the acquiring of suitable post-office sites and buildings. The adoption of this authority is a legislative act. The selection of a site and the erection of a building is an administrative act. We are well within our constitutional powers. We give up nothing except the traditional performance of administrative functions. I do not agree that a Member of Congress withdraws from any great, big, dignified, and glorified right when he withdraws his personal right to select a postal-building site. I know I have never selected one. I know many Members here who have never selected one and who have never established personally a public building, many of whom have gained great distinction without the aid of this magnified power.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. BLANTON. As to its being an administrative feature, when the gentleman meets his opponent on the hustings next year he will find that that gentleman will tell the gentleman's constituents to send him, because he will be closer to the administration.

Mr. OLIVER of New York. That may all be. But you know this, that when you get into the practical making up of an old-time public building bill you go down to the committee with six bills, and then secretly you tell the committee which one of the six you want, and you give the others the "air," as the boys say. You have got to fool your people and then lay the blame on Congress. It is an administrative function. That is my contention. It is not a legislative function. We ought never to have had it or to have exercised it. I am amazed that the public buildings bill was not the first one to have been put under a budget system. I am in favor of the budget system under any administration, administered by any set of public officials. I believe that the scientific and efficient development of the public-building program is better worked out under those who study it instead of under those who act in a great big mass meeting, and who are going to bargain with each other and roll logs for particular post offices. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. ELLIOTT. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. BRAND].

Mr. BRAND of Ohio. Mr. Speaker, the public-building program of this country was discontinued about 12 years ago, and since that time there have been demands accumulating for public buildings amounting, in the hands of the committee, to about $400,000,000. Can you put a bill through this House and the Senate, and have it become a law appropriating $400,000,000 at this time? It is a condition and not a theory that we confront. Do you want a public-building bill now? How can we arrange to spend $150,000,000 for public buildings and at the same time follow the economy program which the country expects of us?

The President is in sympathy with the bill, yet he is for economy. The Government is paying $24,000,000 a year in rentals, almost $2,000,000 a year in the District of Columbia, and $22,000,000 outside. Those who own these rented quarters insist upon at least 6 per cent interest plus taxes of 2 or 3 per cent. Some secure as much as 20 per cent profit in addition. These figures come from the Treasury Department and are official.

At the same time the Government can borrow money at 4 per cent with no taxes, and no profit to pay.

It should be added that the Government is losing every year large sums of money by not owning city locations for buildings. Such sites are advancing rapidly in value on account of the constant growth of the cities. Millions in land increment have been lost in the last 10 years because we stopped the building program, and the increment is sure to continue in the future.

Again, the administration of business is expensive with a business scattered in many separated buildings. The Internal Revenue Department here in the District is in 10 buildings; the General Accounting Bureau is in 21 buildings; and the Department of Agriculture is in 45 buildings. It is estimated that this scattered condition of Government functions is adding a million dollars a year to administration costs.

My serious objection to this bill is because the bill does not concentrate public building in Washington in a Government center. The beautiful buildings we have created in the past have been scattered all over the city and are now hard to find. You can see them from an airplane, but otherwise their beauty and grace is so scattered that it is lost.

At the same time Pennsylvania Avenue is a disappointment to strangers and a disgrace in appearance as the main Government thoroughfare.

This bill would suit me better if it limited construction in the District to a concentration of buildings for the purposes of beauty, adornment, and convenience. If opportunity offers, I will offer an amendment to line 11, page 3, as follows: "and it is the will of Congress that buildings in the District of Columbia should be concentrated, with sensible exceptions, for the purpose of adornment and convenience." [Applause.]

Mr. BUSBY. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Speaker, I opposed this bill in committee and I am compelled to oppose it here, for several reasons, chief of which have been enunciated in the minority report, which I hope the gentleman from Mississippi [Mr. BUSBY] will insert in the record, and by the minority leader [Mr. GARRETT] and the gentleman from Texas [Mr. LANHAM]. I think it is generally conceded that Mr. Andrew Mellon is to-day the power behind the throne, and if you pass a few more bills of this kind you will make him the power not only behind the throne, but underneath it and on the sides of it and over and above and all around it, and only in front of it will you still behold the face of Calvin Coolidge. I am opposed to such procedure by this Congress. We might as well abdicate our rights.

I am opposed to it, were there no other reason, because of the steam-roller methods employed to pass the bill. You gentlemen can spend hours and sometimes days in discussing matters that are relatively of minor importance, and you have only 40 minutes to discuss a bill that embodies $150,000,000. I do not believe that there are 5 per cent of the voters in my district who would expect or want me to vote for a bill of this kind at this time, with the conditions that still obtain in the district which I represent.

I realize the need for public buildings in the United States. Some of them are needed immediately. I would vote for a reasonable public-building bill, but I can not vote for anything as unreasonable as this, nor will I subscribe to the indefensible steam-roller methods employed by this body in order to put this bill through with only 40 minutes of discussion. [Applause.]

Mr. BUSBY. Mr. Speaker, when I came to Congress I sought a place on the particular committee that has reported this bill—the Committee on Public Buildings and Grounds—because I believed that a public-building program ought to be launched into in a reasonable way by our Government, and I thought that whatever ability I might possess or could acquire could be used in helping that proposition along. The bill which has been reported by the committee, if enacted into law, will have the effect of forever, or at least for a great many years, dispensing with the duties of the Committee on Public Buildings and Grounds, so much so that I informed the committee while we were on the hearings of this bill that if the bill became a law I expected to present a resolution to the House to abolish that committee, and I think it ought to be done. [Applause.]

For almost 12 years the country has had no general building bill enacted, the date of the last omnibus building bill being March 4, 1913. The pressing need for the construction of Federal buildings is felt in every department of the Government. Especially is this true with regard to post-office buildings from one end of the country to the other. During the past 10 years, and since the last building program became a law, the Parcel Post System has been inaugurated, the United States mails have increased in weight almost 600 per cent; the volume of mail from the standpoint of space displacement has increased even greater than that, and still the Post Office Department is forced to get along with the buildings it had 10 years ago or rent, at an exorbitant rental in most instances, additional buildings in which to house and handle the mails.

There is also a pressing need for additional buildings in the District of Columbia to house and furnish working quarters for the various departments of the Government.

There can be no sort of contention that this Government ought to delay longer launching into a reasonable program of constructing buildings in which to house and operate its various branches. This being true, it makes it all the more regretful to me that I am unable to concur in the approval of this bill, which has been reported favorably by the majority of the committee.

There are a number of features about this bill that seem objectionable to me, and I will attempt later to carefully point out some of the most striking objections, but at the present time I will content myself by saying that this bill proposes to change practically all existing law with regard to public buildings which come under the supervision of the Treasury Department.

The work of establishing public buildings, especially post-office buildings, is a legislative function. Clause 7 of section 8 of Article I of the Constitution provides that "The Congress shall have power to establish post offices and post roads," and incident to this power Congress has the power to establish post offices, including the authority to obtain sites therefor even by condemnation proceedings. (Kohl *v.* United States, 91 U. S. 367.)

Responding to this sense of responsibility, Congress has always in every building bill specifically provided by legislation for the places where public buildings were to be constructed and the maximum amount which could be expended in constructing the proposed building at each place designated. The omnibus building bill approved March 4, 1913, provided in the first clause:

That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the acquisition of land for sites or the enlargement thereof and the erection, enlargement, extension, remodeling, or repair of public buildings in the several cities hereinafter enumerated the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows; and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site.

Following this authority are the numerous items describing the places where the buildings are to be constructed and the maximum cost of each.

Sections 33, 34, 35, and 36 of the act of March 4, 1913, which come at the close of the bill, place upon the Secretary of the Treasury certain specific requirements which must be met in each instance where there is a building to be constructed under this law.

Section 33 provides:

That the Secretary of the Treasury shall require all owners or agents of sites in each city mentioned in this act, where sites or additions to sites are to be purchased, to submit offers of sale in writing. And in case a site or addition to a site acquired under the provisions of this act contains a building or buildings, the Secretary of the Treasury is hereby authorized, in his discretion, to rent until their removal becomes necessary such of said buildings as may be purchased by the Government, etc. * * *: *Provided*, That each site selected under the provisions of this act shall be bounded upon at least two sides by streets, unless otherwise specifically provided.

Section 34 provides, among other things:

That proposals for the sale of land suitable for all sites, or additions to sites, provided for in this act, respectively, shall be invited by public advertisement in one of the newspapers of largest circulation of said cities, respectively, for at least 20 days prior to the date specified in said advertisement for the opening of said proposals.

Also—

The Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make a written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

Section 35 provides:

That all buildings authorized to be constructed, enlarged, or extended under the provisions of this act shall, unless otherwise provided herein, be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Section 36 provides:

That a commission composed of the Secretary of the Treasury, the Postmaster General, the Attorney General, two members of the Committee on Public Buildings and Grounds of the Senate to be appointed by the President of the Senate, and two members of the Committee on Public Buildings and Grounds of the House of Representatives to be appointed by the Speaker of the House shall, with the aid of the Supervising Architect of the Treasury, present to Congress a connected scheme, involving annual appropriations for the construction and completion of public buildings heretofore authorized within a reasonable time, and shall frame a standard or standards by which the size and cost of public buildings shall, as far as practicable, be determined, and shall report as to the adaptability in size, accommodations, and cost of buildings hitherto authorized to the requirements of the communities in which they are to be located, and also whether the existing appropriations should be increased or diminished to meet such requirements, and that the sum of $5,000 is hereby appropriated for the expenses of such inquiry.

I have quoted extensively from this statute because it shows with what care, precision, and thoroughness Congress defined its intentions as to what was to be done under the law, the manner in which it was to be done, and the amount of money which was to be expended in each instance. I find from an examination of other building bills that all possible care was exercised by Congress in making the authorization just as it was in the above-mentioned instance. I refer you to act of June 6, 1902 (32 Stat. 310), act of March 3, 1903 (32 Stat. 1203), act of June 30, 1906 (34 Stat. 772), act of March 2, 1907 (34 Stat. 1236), act of May 30, 1908 (35 Stat. 520), and act of June 25, 1910. Each of these several authorizations of public buildings was very specific as to the places where buildings were to be constructed and the amount to be expended in each instance.

Each of these several acts of Congress above mentioned was in strict compliance with a plan of general law which had been built up through long years of legislation governing the con-

struction of public buildings. Act of July 15, 1870 (c. 292, R. S. 3734), provides that—

Hereafter no money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor; and no money shall be expended upon any public building until after sketch plans showing the tentative design and arrangement of such building, together with outline description and detailed estimates of the cost thereof, shall have been made by the Supervising Architect of the Treasury Department (except when otherwise authorized by law) and said sketch plans and estimates shall have been approved by the Secretary of the Treasury and the head of each executive department, who will have officials located in such building; but such approval shall not prevent subsequent changes in the design, arrangement, materials, or methods of construction or cost which may be found necessary or advantageous: *Provided*, That no such changes shall be made involving an expense in excess of the limit of cost fixed or extended by Congress, and all appropriations made for the construction of such building shall be expended within the limit of cost so fixed or extended.

If the bill H. R. 11791, which is reported favorably, becomes the law, this section of the Revised Statutes will be very much emasculated, in that it will not be within the sole province of the Supervising Architect to pass upon the plans for post-office buildings, nor will he be required to keep within any specific appropriation.

Act of February 27, 1877 (R. S. 3663), provides that—

Whenever any estimate submitted to Congress by the head of a department asks an appropriation for any new specific expenditure, such as the erection of a public building or the construction of any public work requiring a plan before the building or work can be properly completed, such estimate shall be accompanied by full plans and detailed estimates of the cost of the whole work.

It might be contended that the authorization provided for in this bill would not interfere with this statute, but as a legislative proposition it would certainly take the matter out of the hands of Congress.

Revised Statutes 3733 provides that—

No contract shall be entered into for the erection, repair, or furnishing of any public building or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose.

In the bill H. R. 11791 no provision is made whereby any particular building is to come within any definite cost; consequently, if it should become the law, this statute would be nullified.

Many other instances might be pointed out where the existing law and the general plan under which public buildings were constructed would be seriously affected by the broad blanket provisions in this bill, H. R. 11791. A representative from the Post Office Department stated during the hearings on this bill that "This bill is entirely different from any bill heretofore enacted in that it does not leave the selection of sites for buildings to the Congress."

I now call particular attention to the provisions of this bill. Section 1 relieves Congress of the legislative duty of determining the sites where buildings are to be placed and takes away any limit of cost, and leaves the determination of these to the unhampered discretion of branches of the executive department of the Government. This bill also provides:

That in carrying out the provisions of this act, in so far as it relates to buildings to be used in whole or in part for post-office purposes, the Secretary of the Treasury and the Postmaster General shall act jointly in the selection of towns or cities in which buildings are to be constructed, the selection of sites therein, determining the dimensions of the buildings, and the arrangement of space therein.

This makes it necessary for the head of the Treasury Department and the head of the Post Office Department to agree on all these details mentioned, and in the event of a disagreement between them a deadlock would result and needed buildings would be held up.

Another provision of section 1 is:

The Secretary of the Treasury is authorized to carry on such work by contract or otherwise, as he deems most advantageous to the United States.

This section wipes out all existing law, in so far as it conflicts with the broad and plenary authority granted to the Secretary of the Treasury. There is no limit on him as to time, place, plans, or cost of buildings to be erected by him. There is no provision where he shall spend the $150,000,000 authorized in this bill. It might all be spent in the District of Columbia, for there is no limit in this bill otherwise. We do know that the President, to whose department of the Government we are proposing in this bill to turn over the building program, has favored spending $50,000,000 for Federal buildings in the District of Columbia, and we know further that he has opposed a general building bill, and that he has never favored or advocated building a single post-office building anywhere else but in the District.

There is no guaranty, in fact no indication, that each State will receive a part of the buildings for which money is authorized herein. Although all the country is in need of post-office buildings, and all the country will bear the expenses of carrying out the program provided in this bill if it becomes a law, yet it is generally considered and admitted that the $100,000,000 which may be spent outside of the District of Columbia will go to the larger cities, leaving the more sparsely settled sections of the country to get along as best they can with what they have. To sum up the provisions of this bill in a few words, it authorizes an appropriation of $150,000,000 without placing any limit as to how it is to be spent, except it is to be spent for public buildings of certain classes, and turns this authority over to the executive department of the Government, and it is to have a free hand, unhampered by any burdensome directions as to when this money is to be spent, except that during the first six years not more than $25,000,000 may be spent in any one year, this provision extending also after the expiration of six years. The executive department is also unhampered by limitations as to places where it shall erect buildings, or amounts which it shall expend on any building, but it is left to fully exercise its "superior" judgment free from anything which Congress might say.

A great many Members hesitate about opposing the bill, although they do not want it. I say to them that there will be other ways in which this bill can be brought up. Next Calendar Wednesday, two days from now, this committee will have a call and the bill can be called up on that day and we will have an hour of debate on each side, and an opportunity to offer an amendment, which you do not have at the present time.

Or if it is not taken up at that time I understand the Rules Committee is very favorably inclined to this bill, and I am sure the chairman of this committee can secure a rule for its immediate consideration at any time. So this is not the last chance you will have to consider this bill. It can be taken up in either of those ways and in a very short period of time. Now, another suggestion. There is a great deal of bait held out in the list inserted in the hearings to catch a number of Members who have had buildings authorized in their districts. I want to call attention to section 3 of this bill which deals with you gentlemen who have some authorization for buildings in your district. Section 3 of this bill provides:

SEC. 3. If, in the opinion of the Secretary of the Treasury, any limit of cost heretofore fixed by law for the acquisition of a site for, or for the construction, enlarging, remodeling, or extension of, a building, or both, is inadequate, he may, if such site or building is included in the estimates transmitted by him to the Bureau of the Budget under this act, disregard such limit of cost—

That is all a farce, it is in his hands absolutely—

and appropriations to the extent of such estimates are (within the limits of the appropriation authorized by section 5) hereby authorized without regard to such limit of cost.

What is necessary? The Secretary of the Treasury has to regard it as necessary and submit an estimate to the Budget for further amounts on that project, and after he has done that appropriations may be made. That is exactly in the same attitude as a new project, no difference in the world, and the additional appropriation is on a parity with a new proposition entirely, and if anyone differs from me on that I would like for him to suggest it.

Mr. MADDEN. I will do so.

The SPEAKER. The time of the gentleman has expired.

Mr. ELLIOTT. Has the gentleman used all of his time?

Mr. BUSBY. I presume I have used all of my time.

The SPEAKER. All of the time of the gentleman has expired.

Mr. ELLIOTT. I yield a half minute to the gentleman from New York [Mr. STENGLE.]

Mr. STENGLE. Mr. Speaker, no Member of this House has a higher regard or greater respect for the minority leader [Mr. GARRETT] than myself, and surely no Democratic Member values more highly his great ability than do I, but in this instance I

find myself on the opposite side to that taken by the distinguished gentleman, for I am firmly convinced that my duty calls upon me to support this bill.

It has been urged that by the passage of this bill, under a suspension of the rules, we are announcing to the country that the House of Representatives is making public confession that it is unable to function and is therefore transferring its powers and privileges to executive hands. I fail to see the logic of the argument. If I have correctly read the intent of this draft now before us, we are not giving up any of our constitutional prerogatives, but are simply saying that we believe, aye, know, that here in Washington and in many other places throughout the Nation there is dire necessity for the construction of public buildings—so great a necessity that one hardly knows just where to begin—hence, in order to be fair to all alike, we direct the Secretary of the Treasury and, in many cases, the Postmaster General, to listen to the arguments in favor of all claims and then to determine which in their judgment should first be cared for. Surely no Member of Congress has the time to devote to so large a proposition and pass judgment fairly. Unless we did give all a fair chance to lay before us the needs of their communities, any bill which we would pass would merely become the result of logrolling and not an honest disposition of this large sum of money about to be expended. I, for one, believe that the passage of this bill will mean the careful expenditure of public funds and every one of us ought to favor that.

For more than 10 years past I have been pointing out to those in authority the great necessity for relieving the congestion in the post offices of our large cities. All over this country you will find men and women working in cramped quarters, void both of air and light. In hundreds of cases this terrible condition has brought on tuberculosis and other dreadful diseases, causing untold hardships upon very faithful public servants. In view of these facts, I can not bring myself to vote against this measure of relief simply because I am not allowed to pick out the cities or towns where post offices are to be built.

For this and many other reasons, which time will not permit me at this time to enumerate, I shall vote for this bill. An old-time legislator once said, "When in doubt, let conscience be your guide." That is what I propose to do in this matter. This is my first and possibly my last chance to help the helpless in our great Postal Service. I therefore stand foursquare for the bill before us.

Mr. ELLIOTT. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

The SPEAKER. The gentleman from Illinois is recognized for four and a half minutes.

Mr. MADDEN. Mr. Speaker and gentlemen of the House, this bill takes no rights away from any Member of Congress or from the whole Congress. It preserves every right now exercised by the Congress and every Member of Congress. Congress will pass, if this bill passes, on every building to be erected. Under the provisions of the bill it will pass on each building to be erected on the merits of the building proposed. That is what we are inclined to do——

Mr. ARNOLD. Will the gentleman yield?

Mr. MADDEN. I have only four and a half minutes—whereas now under the old methods many unworthy projects are included among the worthy ones. Who can say that this bill has no merit? Does it not take away the pork-barrel features of the present policy of public building bills? It does. [Applause.] If a pork barrel bill carried a provision for 50 buildings in places where there was no justification for it and the cost of those 50 buildings was $10,000,000, there would be no chance whatever to eliminate them from the bill.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MADDEN. No; I do not yield, thanking the gentleman—what we propose is to systematize, to modernize, to economize in the expenditure of the public money. We propose to keep faith with the taxpayers of the Nation and to prove to them that we are above logrolling in the passage of building bills. [Applause.] Every bill proposed will be required to be submitted to the Congress for the consideration by the President through the Budget, and it will then be for you to say whether you approve it or not, but if you do approve it it will be on the merits of the question and not because the thing you are proposing to approve, unworthy though it may be, is incorporated in a bill with a large number of meritorious proposals. This takes away every opportunity for logrolling, every opportunity for extravagant waste, and places before the Congress a proposal to put the buildings required for the public service strictly on merit, and if you want to vote against this bill and you do vote against it you go to the American people against merit and in favor of extravagance, against the taxpayer and in favor of plunder. Now is the time to declare whether you are for economy, whether you are for decent expenditure of public money, and whether you are in favor of a reduction of taxes of the already overburdened taxpayers of the country. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, perhaps the gentleman has a little time remaining. Will he yield?

The SPEAKER. The time is all exhausted. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER. Two-thirds have not seemed to vote for it.

Mr. ELLIOTT. Mr. Speaker, I demand a division.

The SPEAKER. A division is demanded.

Mr. ELLIOTT. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Indiana demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is, Shall the rules be suspended and the bill passed?

The question was taken; and there were—yeas 243, nays 114, not voting 74, as follows:

[Roll No. 45]

YEAS—243

Abernethy	Fenn	Leatherwood	Sanders, N. Y.
Ackerman	Fish	Leavitt	Sandlin
Aldrich	Fitzgerald	Lehlbach	Scott
Allen	Fleetwood	Lilly	Sears, Nebr.
Anderson	Foster	Lindsay	Seger
Andrew	Fredericks	Lineberger	Shreve
Arnold	Free	Longworth	Simmons
Ayres	Freeman	Luce	Sinnott
Bacharach	French	Lyon	Smith
Bacon	Frothingham	McLaughlin, Mich.	Smithwick
Barbour	Fulbright	McLaughlin, Nebr.	Snell
Barkley	Fuller	McSweeney	Sproul, Ill.
Beedy	Gallivan	MacGregor	Sproul, Kans.
Beers	Garber	MacLafferty	Stalker
Begg	Gardner, Ind.	Madden	Stedman
Bixler	Garrett, Tex.	Magee, N. Y.	Stengle
Bloom	Gasque	Magee, Pa.	Stephens
Boies	Gibson	Major, Ill.	Strong, Kans.
Boylan	Gifford	Major, Mo.	Summers, Wash.
Brand, Ohio	Graham	Manlove	Sweet
Briggs	Green	Mapes	Swing
Britten	Greenwood	Merritt	Swoope
Browne, Wis.	Griest	Michener	Taber
Brumm	Guyer	Miller, Ill.	Taylor, Colo.
Buchanan	Hadley	Miller, Wash.	Taylor, Tenn.
Burtness	Hall	Mills	Taylor, W. Va.
Burton	Hardy	Minahan	Temple
Butler	Harrison	Montague	Thatcher
Campbell	Haugen	Mooney	Thompson
Canfield	Hawes	Moore, Ill.	Tilson
Celler	Hawley	Moore, Ohio	Timberlake
Chindblom	Hayden	Moore, Va.	Tincher
Christopherson	Hersey	Morehead	Treadway
Clague	Hickey	Morgan	Underhill
Clarke, N. Y.	Hill, Md.	Morrow	Valle
Cole, Iowa	Hoch	Murphy	Vestal
Cole, Ohio	Holaday	Nelson, Me.	Vincent, Mich.
Collier	Hudson	Nelson, Wis.	Voigt
Colton	Hudspeth	Newton, Minn.	Wainwright
Connery	Hull, Morton D.	Newton, Mo.	Ward, N. Y.
Connolly, Pa.	Hull, William E.	O'Connell, N. Y.	Ward, N. C.
Cook	James	Oliver, N. Y.	Wason
Corning	Johnson, Ky.	Parker	Watres
Cramton	Johnson, S. Dak.	Patterson	Watson
Cresser	Johnson, Wash.	Perkins	Weaver
Crowther	Johnson, W. Va.	Pou	Wefald
Cullen	Kearns	Purnell	White, Kans.
Davey	Kelly	Quayle	White, Me.
Davis, Minn.	Kendall	Ragon	Williams, Ill.
Dempsey	Kerr	Ramseyer	Williams, Mich.
Denison	Ketcham	Ransley	Williamson
Dickinson, Iowa	Kiess	Rathbone	Wilson, Ind.
Dowell	Kincheloe	Reece	Wilson, La.
Doyle	King	Reed, N. Y.	Winslow
Drewry	Knutson	Reid, Ill.	Woodruff
Driver	Kopp	Richards	Woodrum
Dyer	Kurtz	Robinson, Iowa	Wurzbach
Elliott	LaGuardia	Robsion, Ky.	Wyant
Fairchild	Lampert	Rogers, N. H.	Yates
Fairfield	Lazaro	Rubey	Zihlman
Faust	Leach	Sanders, Ind.	

NAYS—114

Allgood	Carew	Geran	Jost
Aswell	Carter	Glatfelter	Kvale
Bankhead	Casey	Griffin	Lanham
Beck	Clancy	Hammer	Lankford
Bell	Cleary	Hastings	Larsen, Ga.
Black, Tex.	Collins	Hill, Ala.	Lea, Calif.
Bland	Connally, Tex.	Hill, Wash.	Lee, Ga.
Blanton	Cooper, Wis.	Hooker	Linthicum
Bowling	Crisp	Howard, Nebr.	Lowrey
Box	Davis, Tenn.	Howard, Okla.	Lozier
Boyce	Deal	Huddleston	McClintic
Brand, Ga.	Dickinson, Mo.	Hull, Iowa	McDuffie
Browning	Drane	Hull, Tenn.	McKeown
Bulwinkle	Favrot	Humphreys	McReynolds
Busby	Fulmer	Jacobstein	McSwain
Byrnes, S. C.	Gambrill	Jeffers	Mansfield
Byrns, Tenn.	Garner, Tex.	Johnson, Tex.	Martin
Cannon	Garrett, Tenn.	Jones	Mead

Milligan	Raker	Speaks	Underwood
Moore, Ga.	Rankin	Spearing	Vinson, Ga.
Morris	Rayburn	Steagall	Vinson, Ky.
Oldfield	Romjue	Stevenson	Watkins
Oliver, Ala.	Salmon	Sumners, Tex.	Weller
Park, Ga.	Sanders, Tex.	Swank	Williams, Tex.
Parks, Ark.	Schneider	Thomas, Ky.	Wilson, Miss.
Peery	Sears, Fla.	Thomas, Okla.	Wingo
Prall	Shallenberger	Tillman	Wright
Quin	Sherwood	Tucker	
Rainey	Sites	Tydings	

NOT VOTING—74

Almon	Edmonds	Michaelson	Rouse
Anthony	Evans, Iowa	Moores, Ind.	Sabath
Berger	Evans, Mont.	Morin	Schafer
Black, N. Y.	Fisher	Nolan	Schall
Browne, N. J.	Frear	O'Brien	Sinclair
Buckley	Funk	O'Connell, R. I.	Snyder
Burdick	Gilbert	O'Connor, La.	Strong, Pa.
Cable	Goldsborough	O'Connor, N. Y.	Sullivan
Clark, Fla.	Keller	O'Sullivan	Tague
Cooper, Ohio	Kent	Paige	Tinkham
Croll	Kindred	Peavey	Upshaw
Cummings	Kunz	Perlman	Vare
Curry	Langley	Phillips	Welsh
Dallinger	Larson, Minn.	Porter	Wertz
Darrow	Logan	Reed, Ark.	Winter
Dickstein	McFadden	Reed, W. Va.	Wolff
Dominick	McKenzie	Roach	Wood
Doughton	McLeod	Rogers, Mass.	
Eagan	McNulty	Rosenbloom	

So two-thirds having voted in favor thereof, the rules were suspended and the bill passed.

The Clerk announced the following pairs:

On this vote:

Mr. Wertz and Mr. Darrow (for) with Mr. Dominick (against).
Mr. Snyder and Mr. Kindred (for) with Mr. Peavey (against).

Until further notice:

Mr. Vare with Mr. Fisher.
Mr. Cable with Mr. Rouse.
Mr. Rogers of Massachusetts with Mr. Buckley.
Mr. Curry with Mr. Upshaw.
Mr. Anthony with Mr. Eagan.
Mr. Welsh with Mr. Goldsborough.
Mr. McLeod with Mr. Kunz.
Mr. Wood with Mr. O'Connell of Rhode Island.
Mr. Strong of Pennsylvania with Mr. Kent.
Mr. McFadden with Mr. Sabath.
Mr. Michaelson with Mr. Black of New York.
Mr. Porter with Mr. Croll.
Mr. Winter with Mr. Reed of Arkansas.
Mr. Burdick with Mr. Almon.
Mr. Cooper of Ohio with Mr. Tague.
Mr. Dallinger with Mr. Cummings.
Mr. Edmonds with Mr. Gilbert.
Mr. Funk with Mr. Browne of New Jersey.
Mr. Larson of Minnesota with Mr. Sullivan.
Mr. Morin with Mr. Clark of Florida.
Mr. Tinkham with Mr. Doughton.
Mr. Evans of Iowa with Mr. O'Brien.
Mr. Moores of Indiana with Mr. Evans of Montana.
Mr. Paige with Mr. O'Connor of New York.
Mr. Reed of West Virginia with Mr. Dickstein.
Mr. Phillips with Mr. O'Sullivan.
Mrs. Nolan with Mr. Logan.
Mr. Perlman with Mr. Wolff.
Mr. McKenzie with Mr. Berger.
Mr. Frear with Mr. O'Connor of Louisiana.
Mr. Roach with Mr. McNulty.

Mr. FREE. Mr. Speaker, I desire to announce that if my colleague, Mr. CURRY, had been present, he would have voted "yea."

The result of the vote was announced as above recorded.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the next bill on the Consent Calendar.

UNITED STATES DISTRICT JUDGES

The next business on the Consent Calendar was the bill (H. R. 5421) to relieve United States district judges from signing an order admitting, denying, or dismissing each petition for naturalization.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Pennsylvania a question.

Mr. RAKER, Mr. SEARS of Florida, and Mr. McREYNOLDS objected.

Mr. GRAHAM. Mr. Speaker, may I say a word?

The SPEAKER. That is not in order, three objections having been made.

LIBRARY INFORMATION SERVICE

The next business on the Consent Calendar was the bill (H. R. 633) to provide for a library information service in the Bureau of Education.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLACK of Texas, Mr. BLANTON, and Mr. SEARS of Florida objected.

HOBOKEN MANUFACTURERS' RAILROAD

The next business on the Consent Calendar was the bill (S. 2287) to permit the Secretary of War to dispose of and the Port of New York Authority to acquire the Hoboken Shore Line.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LINEBERGER, Mr. LAGUARDIA, and Mr. McKEOWN objected.

CONTESTED ELECTIONS OF MEMBERS OF THE HOUSE

The next business on the Consent Calendar was the bill (H. R. 9493) to determine proceedings in contested elections of Members of the House of Representatives.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RAINEY. Mr. Speaker, reserving the right to object, I ask permission to address the House for 10 minutes on the United States Tariff Commission.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for 10 minutes on the Tariff Commission. Is there objection?

Mr. BEGG and Mr. BACON objected.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WATKINS, Mr. RAKER, and Mr. BLANTON objected.

NATIONAL DEFENSE ACT

The next business on the Consent Calendar was the bill (H. R. 11445) to amend the national defense act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LINEBERGER. Mr. Speaker, I object.

FEDERAL LAND BANK OF BALTIMORE, MD.

The next business on the Consent Calendar was the bill (H. R. 10535) authorizing the Secretary of War to convey to the Federal Land Bank of Baltimore, Md., the tract of land situated in the city of San Juan, island of Porto Rico.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LINEBERGER. Mr. Speaker, I object.

Mr. HILL of Maryland. I wish the gentleman would withhold his objection for a moment. A Senate bill for this purpose has already been passed and it involves only $6,000. The United States disposes of a small site and gets $6,000 back for it. I hope the gentleman will withdraw his objection.

The SPEAKER. Is there objection?

Mr. LINEBERGER. I object, Mr. Speaker.

BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The next business on the Consent Calendar was joint resolution (S. J. Res. 154) providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. RAINEY. Mr. Speaker, reserving the right to object, I now ask unanimous consent to address the House for 10 minutes on the United States Tariff Commission.

The SPEAKER. The gentleman has just made that request.

Mr. RAINEY. I want to make it again, and I do not think there will be any objection now.

Mr. BACON. Mr. Speaker, I withdraw my objection.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for 10 minutes on the Tariff Commission. Is there objection? [After a pause.] The Chairs hears none.

THE UNITED STATES TARIFF COMMISSION

Mr. RAINEY. Mr. Speaker, the debate Saturday which resulted in the destruction of this useful commission failed to present to the House the facts with reference to it. I regret that the vote which destroyed the commission came from the Democratic side of the Chamber, and for that reason during the time I shall occupy—and this is my first opportunity to speak upon this question—I want to discuss the Tariff Com-

mission and tell something about its origin, its Democratic origin, and to tell something about what it has accomplished.

This Democratic commission resulted from the vision of Woodrow Wilson. At his suggestion the bill was drawn. At his request I drafted the bill and took charge of it on this floor and made the fight for it on the floor, a Democratic fight, at the request of a Democratic President. It resulted in the creation of this commission. In our campaign literature we have always claimed it as one of the achievements of the Wilson administration. Of course, the bill was not what I would like to have had in some particulars. In some particulars it was not what President Wilson wanted.

I was compelled to make many changes in the bill as it was originally conceived in order to meet the objections on both sides of this Chamber. But in its final form it met with the approval of the President of the United States, and I have yet in my files letters from that great leader of the Democracy of this country expressing his interest in that bill just as it passed this House. I recall as I stand here my numerous conferences with him on this subject, and so I propose to follow now not the leadership, the unfortunate leadership, which resulted in the destruction last Saturday of this commission, but I propose to follow the leadership of Wilson, dead, and to appeal to the Democratic side of this House to sustain the greatest leader the Democratic Party has ever had in this country. [Applause.]

Now, may I tell you something about what this commission has accomplished? It is now functioning with a personnel of something like 200 people, including experts on various subjects, economists, and a clerical force. It has a section which operates in the city of New York, another section which operates abroad, and it now occupies a large portion of one floor of the old Land Office Building in the city of Washington. It has built up one of the largest technical libraries in the world on subjects connected with the tariff, and in its studies last year there passed through the hands of the experts and the economists employed by the commission and the commission itself, 45,000 technical books, read and studied by them in their treatment of subjects pertaining to the tariff.

This is the commission and this is the organization which, with ghoulish glee, Democrats struck down in this House as they marched down the middle aisle. Fortunately, not many of you are on record in this matter, and when there is a roll call the time will come for you to clear up the unfortunate record that you made last Saturday.

Mr. BLANTON. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. BLANTON. I noticed last Saturday when this foolish leading was going on that the distinguished gentleman from Illinois was present and did not raise his voice against such action.

Mr. RAINEY. Yes, and I will tell you why. I sat at the table there by the gentleman who made the motion to strike out this section of the bill. I heard him intimate that it was a pro forma motion and that he was going to withdraw it. I understood it was a pro forma motion. I understood the speeches made on this side of the House were merely hot-air speeches, but at the suggestion of other Democrats they were permitted to stand, and so on a pro forma motion, which I understood to be a pro forma motion until the vote was finally taken, this provision was stricken from the bill. There happened to be at that time more Democrats on the floor than Republicans, and nearly every Democrat voted for the motion to strike out the paragraph. I voted against it.

But I am speaking on it now. I want to tell the gentleman from Texas, and I am going to speak on it again. So far as I am concerned, I decline to follow the unfortunate leadership which treads upon the grave of Woodrow Wilson. I am going to stand by him and not by the kind of leadership we had last Saturday in this House.

Mr. BLANTON. I will stand by the leadership we had last Saturday. It made no aspersion upon the leadership of Woodrow Wilson. It eulogized what Woodrow Wilson had done.

Mr. RAINEY. I am referring to the result, and the result of this unfortunate dominant leadership on this question sustains the statement I have just made; I stand by it.

The original bill and the original act made this commission a fact finding commission; that and nothing else. It remains a fact finding commission to this day. The flexible tariff provisions of the bill of 1922 do not remove from it its quality as a fact finding commission. I listened with surprise to gentlemen Saturday on both sides of this Chamber who ought to have known better, and who assumed that this commission was now a judicial commission, authorized to make judicial findings. Nothing of that kind is contained in the act of 1922. Its province as a fact finding commission has not been enlarged in the least. That very question was submitted to the Attorney General of the United States, and I have his report, and he holds—if a reading of the provisions does not satisfy you—and holds expressly that the flexible tariff clauses of the act of 1922 do not change in the least this commission in its character as a fact-finding aspect; that is still a fact finding commission; that and nothing else.

Now, what reason have you to complain on this side as to the unfairness of that commission when we understand now that there is a Republican member of that commission who is functioning with the Democrats. What reason have you to complain on that side that Mr. Kent, favoring the Democratic tariff views, was appointed on that commission? I remember the circumstance of Mr. Kent's appointment. I did not indorse him. He was not indorsed on the Democratic side, although I had then and I have now a friendly feeling and a feeling of respect for Mr. Kent.

Nearly every one of you on the Republican side indorsed him. He was a very rich man and he furnished you with much of your sinews of war. Who did not on your side sign his petition? Some of you stand up who opposed this appointment. None of you did. He was the last to be appointed, and with great reluctance President Wilson did appoint him.

Mr. BEGG. Will the gentleman yield?

Mr. RAINEY. I will.

Mr. BEGG. I think the gentleman is in error. Many of us were not here then and knew nothing about the selection of Mr. Kent or anybody else.

Mr. RAINEY. Well, it goes, as a matter of course, that those who were not here did not indorse him.

Mr. DENISON. Let me say to the gentleman that I was here and I did not indorse him.

Mr. RAINEY. That is the first we have heard of it; we did not know it, and I am glad to know that eight years afterwards my colleague is willing to say that he did not indorse him.

Mr. DENISON. I did not have anything to do with it; I was not asked to indorse him.

Mr. MADDEN. Let me say to the gentleman that I did not indorse him.

Mr. RAINEY. I thank my Republican friends for waiting eight years to make the announcement. Mr. Kent has probably now quit furnishing funds for Republican congressional campaigns.

Mr. MADDEN. We let the President attend to his own responsibilities.

Mr. RAINEY. I am in favor of letting the President take the responsibility now.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. RAINEY. I ask for five minutes more.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, and I shall not object, I want to ask the gentleman from Illinois if he is complaining about the splendid Democratic leadership we had here last Saturday, when we knocked the stuffing out of the Republican Party? [Laughter.]

Mr. RAINEY. I want to say that the leadership that we had here last Saturday did not knock any stuffing out of the Republican Party; it knocked it out of the Democratic Party. That is what it did. [Laughter and applause on the Republican side.]

Mr. DENISON. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. DENISON. It is hardly fair to say that we waited eight years to make the statement.

Mr. RAINEY. Well, I will take it all back if the gentleman will not take up any more of my time.

Mr. DENISON. I did not want that assertion to remain unanswered. I have raised the objection several times.

Mr. RAINEY. Well, it was not very effective. The gentleman has always been an effective member of the Republican Party, and I think his vigorous objection would have been effective then. I am not criticizing the gentleman, and I am not criticizing the President. I do not know that the President has turned down Mr. Lewis. I indorsed Mr. Lewis because of his integrity, his ability, and scientific knowledge. I still have that opinion, and I hope the President will reappoint him. He ought to be appointed, I think, unless, of course, he inspired the attack on the commission of last Saturday. If he did that, he ought not to be reappointed.

Now, this commission during the consideration of the Fordney bill performed an incredible labor, almost, connected with

the preparation of a thousand different reports. At the present time, or at the end of last year, this commission was investigating 107 different articles under 33 complaints.

It is a commission that works. It is one of the Democratic creations which rank along with the Federal reserve system, and I would just as soon destroy the Federal reserve system as this commission. I feel that I am now executing a commission given me by our dead leader, the dead leader of my party, when he asked me to present and defend this bill on the floor. I defended it when he was alive and so help me God I will defend this and all of his policies after he is dead. [Applause.] That is the reason I am making a speech now, and no character or influence on either side of the aisle is going to influence me in the least. I can take care of myself on this floor as against all comers on either side of this Chamber.

Before this bill was enacted in 1916 we had, since 1860, 12 tariff revisions in the United States and 2 attempted tariff revisions. In that period of time in France they had one; in Germany they had one. Every commercial nation in the world except the United States had then and has now a scientific method of revising tariffs and of levying tariffs. The effort under Mr. Wilson's administration was to raise the standards of tariff revision of this country so that they would compare with tariff revisions attempted in a scientific way by the other great commercial nations. From 1807, when we have the first tariff revision, every four years, and sometimes oftener, we have had great tariff convulsions in this country, and it has clogged great industries so that it is a wonder they have been able to function.

It ought to be taken out of politics. I want to say in passing that I have no sympathy with the statements that are frequently made and emphasized on this floor—and I know something about tariff revisions, for I have served on that committee as long as any of you, if not longer—I have no sympathy with the suggestion that the Underwood tariff bill was a competitive tariff, whatever that means. There are men in the House who know that if the original suggestion of Mr. UNDERWOOD had been carried out, the Underwood bill would not have carried much lower rates than the Payne-Aldrich bill.

The SPEAKER. The time of the gentleman from Illinois has again expired.

Mr. RAINEY. I ask for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAINEY. The low tariff rates in the Underwood bill were the result of the influence of Woodrow Wilson.

How can you have a competitive tariff bill of the original Underwood suggestions and a competitive tariff bill out of the suggestions which we finally enacted into law? The Underwood tariff bill ought never to have been called the Underwood tariff bill. It was the Wilson bill in its inception and in its final form; it was a disappointment to some on the Democratic side of the Chamber. There is no such thing as a competitive tariff. We stand for a tariff for revenue. That is what we have always stood for. I deny that Democrats at any time anywhere have stood against the proposition to equalize wage differences between the United States and foreign nations. We might just as well take a sane position on the tariff. We might just as well do what we can to put it out of partisan politics. The Tariff Commission will not take the question out of partisan politics, but it will come nearer doing it than any method yet suggested. It is a long step in that direction. I know something about the tariff. Tariff schedules are too often used by little men who are candidates for Congress from either party to demagogue with before their constituencies. No Democratic leader stands against the proposition that wage differences must be equalized, and the only way you can equalize them is by resorting to the tariff. When you have equalized wage differences and when you have figured out the expense of transportation across the seas then you have given to the industries about as much protection as they can in good conscience ask.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. HASTINGS. Before the gentleman takes his seat, will he tell us what rates have been raised or lowered by the President under the flexible provisions of the tariff law?

Mr. RAINEY. I do not think the President has paid much attention to it. He raised the tariff on wheat. I do not know that he has raised it on anything else. I do know that he now has before him the sugar schedule. Let me tell you about that. You say there is a difference of opinion in the Tariff Commission on that question. There is not any. It is a difference of opinion as to the method to be used in estimating the matter of production costs in fixing a sugar tariff. One section of the Tariff Commission wants to go back six years and the other section wants to go back only three years.

Mr. BEGG. Mr. Speaker, will the gentleman yield.

Mr. RAINEY. Yes.

Mr. BEGG. The gentleman has described about exactly what I deem to be a protective tariff. I ask the gentleman if he agrees with his colleague's statement of last Saturday, when he made the statement that he did not consider a Democrat a good Democrat who voted for a protective tariff? Does the gentleman take the same position?

Mr. RAINEY. I do not know who made that statement, I heard no such statement.

Mr. BEGG. The gentleman from Texas [Mr. GARNER].

Mr. RAINEY. Oh, I never have voted for a protective tariff.

Mr. GARNER of Texas. The gentleman from Ohio is in error. I said I did not consider a man eligible for the Tariff Commission who voted for the Fordney-McCumber bill or who was a high-tariff Democrat, and I still say that. I do not think he was eligible for a place on the Tariff Commission as a Democrat.

Mr. RAINEY. And I agree with the gentleman from Texas absolutely. Of course, all this is unfortunate; but I am compelled to disagree with the leadership on the Democratic side on this question and to put before this side of the House these facts as to this commission, which they so ruthlessly destroyed, and I call on the Democratic side, when the roll call occurs, to vote to sustain the Tariff Commission. You have simply placed yourselves in the position of being compelled now to go on record upon this important matter. You have ruthlessly cut the last anchor to windward we have as your record stands now. During the last campaign we had a national leadership which was deplorable, and our defeat is due to it. In Mr. Davis we sacrificed most splendid Democratic material for the Presidency, but our leadership then was not more deplorable than it was last Saturday in this House.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. BEGG. I quote from the RECORD of last Saturday, January 31, 1925. I said, in referring to these Democrats who voted for the Fordney-McCumber bill:

> Yet the gentleman from Texas [Mr. GARNER] would not question for a moment their Democracy.

Then the gentleman from Texas said:

> Yes; I would. Will the gentleman yield, because I do not think he wants to place me in an incorrect position.

Mr. GARNER of Texas. Let the gentleman read what follows.

Mr. RAINEY. Do not take this out of my time.

Mr. GARNER of Texas. We will get the gentleman more time.

Mr. LONGWORTH. I shall offer no objection to a further extension of the gentleman's time. [Laughter.]

Mr. GARNER of Texas. Read the next sentence.

Mr. BEGG. I want to be fair when it comes to that. In reply Mr. GARNER of Texas said:

> I would question the Democracy of either of the Senators from Louisiana or any Member of the House from Louisiana when it comes to functioning on the Tariff Commission as Democrats, who favored a high protective tariff.

Mr. GARNER of Texas. And I say so now as to those who voted for the Fordney-McCumber tariff bill or who were in favor of a high tariff.

Mr. RAINEY. I have been 11 times elected a Member of this House as a low-tariff Democrat. I believe in taking the graft out of the tariff, and the graft in the tariff is not that part of it which equalizes labor cost differences and maintains the highest standard of American labor. The graft in it is that part of it which yields inordinate profits, unconscionable profits to individuals. This is the part of the tariff which must be removed. We are not a free-trade country. We never will be. There is not a free-trade country in the world. England even will collect this year as much money or more money out of her tariff than we collect. There never has been a free-trade country. There never will be a free-trade country.

I have an advantage here which many of you do not have. After 18 years of strenuous service in the Congress of the United States, 4 years ago I took a vacation for 2 years with the consent of my constituents. If they had not agreed to it by such a large majority I probably would not have taken it at all; but I have been greatly benefited by that experience, and I come here now again fresh from the people. I know what

they are thinking about, and I know better than many of you how they feel on these questions. I have come to the conclusion that every Member of Congress ought to be beaten at least once every 18 years. There is only one Member of this body on this side who was here when I first came here—the distinguished Member from North Carolina [Mr. Pou]—and I want to assure you there are not many on the other side who were here when I came here. I am still in the very prime of life, in the full possession of all my physical and mental powers, and I want to serve notice here that during the remainder of this session and during the life of the next Congress I propose to vigorously oppose, to the very best of my ability, the kind of leadership we had last Saturday. I will follow when you lead along Democratic lines. I will not follow when you attempt to strike down any Democratic achievement of the Wilson administration.

There can be no differences as to a finding of facts, and that is all this commission is authorized to do. At the present time the President has before him in the sugar-schedule matter the cost-of-production facts presented by one section of the Tariff Commission, based upon a three-year period, the three years which have just passed, and another set of facts as to cost of production presented by another section of the Tariff Commission based on production costs in Cuba for the last six years. I might mention in passing that the production cost in Cuba for the first year of the six-year period was greater than the production cost in the United States. It is for the President under the flexible provisions of the tariff act of 1922 to determine under which set of facts he will act. The responsibility is his. Do you think a President who has just been elected by seven million majority is going to be disciplined by your action of last Saturday or influenced in the least, either in his choice of a Democratic member of the commission to fill the vacancy which now exists or in his action on the sugar schedule? His is the responsibility. Wait until he acts, and then if his acts are subject to criticism call the attention of the people of the country to it. My position on the tariff question has been consistent. You all know what it is. I am not a protection Democrat, and I never will be.

The Tariff Commission has built up now a splendid organization. Economists and experts are employed here in Washington. Economists and experts are employed in a division of the commission in New York City. Economists and experts are employed abroad. These gentlemen can obtain employment elsewhere. They are not compelled to accept the employment offered by an unstable commission. You have voted last Saturday to terminate the employment of all of them by the 1st day of next June. It is difficult for the Government to obtain competent men in these various departments. The blow you struck last Saturday may result in the resignation from the personnel established by this commission of qualified economists and scientists. Of course, when the bill gets out of the committee and gets back to the House the action of last Saturday will not be affirmed, but you have already inflicted damage which may be irreparable.

In this connection may I now call attention to the prophetic vision of Woodrow Wilson? What he wanted was a permanent tariff commission to rank with the Interstate Commerce Commission, with a permanent annual appropriation, the commission to serve with salaries equal to the salaries of the members of the Interstate Commerce Commission. I recall now that he called my attention to the danger of the bill as it stood and as it passed the House, making it possible for Congress, under an unfortunate leadership, at any time to discontinue this appropriation and strike down this commission. I could not get a bill through making this Tariff Commission a permanent commission with a permanent annual appropriation, and the thing which Woodrow Wilson said might happen has happened, and with a blush of shame I am compelled to admit that it was Woodrow Wilson's own party which reached out and struck the blow of last Saturday. People of the country will not approve your action, but fortunately you will have a chance when this bill gets back in the House to repudiate the leadership of last Saturday, which resulted in this Democratic disaster.

Some men on this side seem to have peculiar views as to what constitutes a Democratic victory. A defeat of a Woodrow Wilson policy never can be a Democratic victory, even though some Democrats may think they have accomplished it.

May I tell you now how this commission works? Members of the commission are merely executive officers. The experts and the economists they employ find the facts and present them to the commission. I do not know what their politics are. These kind of men usually have no politics, and the facts as they present them are tabulated by the commission and reported by the commission to the President, and I do not know how there can be any disagreement as to facts.

I regret that the speech of my colleague on the Ways and Means Committee from Texas [Mr. Garner] was not published in the Record to-day. It has been held out. I hope it will be published to-morrow so that Members of Congress may know what reasons he assigned for the destruction of this commission. I have the greatest respect for my colleague from Texas [Mr. Garner]. His views as to tariff matters are his own views, and he is entitled to entertain them, and he entertains them honestly and conscientiously; but I can not always agree with him, and I do not regret that I can not agree with him in the position he took last Saturday, and I again venture to express the hope that that position will not be sustained, even on this side of the Chamber, when the record vote is had in the House as to the question of striking out the appropriation for the Tariff Commission.

The SPEAKER. The time of the gentleman from Illinois has expired.

VACANCIES IN BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 154) providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of a class other than Members of Congress.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which will occur on January 6, 1925, by reason of the expiration of the term of Robert S. Brookings, of Missouri, be filled by the reappointment of said Robert S. Brookings for the ensuing term.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 155) providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of a class other than Members of Congress.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which will occur on February 25, 1925, by reason of the expiration of the term of George Gray, of Delaware, be filled by the reappointment of said George Gray for the ensuing term.

Mr. LUCE. Mr. Speaker, this resolution provides for the reappointment to the Board of Regents of the Smithsonian Institution of a man who has served his country long, faithfully, to his own credit, and to the great advantage of his fellow men. The newspapers report that he is seriously ill. I take this opportunity to put upon the Record, with the hope that it may be read so that it may reach his ears, a message of sympathy from the House of Representatives. It was never my privilege to have his acquaintance, but in common with all American citizens who take an interest in the welfare of their own country I have read of his distinguished services, and I am sure I repeat the sentiment of every man here when I express the wish that he may be spared for other years of usefulness. [Applause.]

The question was taken, and the joint resolution was passed.

PROVIDING FOR THE HOLDING OF UNITED STATES DISTRICT COURT AT EL DORADO, ARK.

The next business on the Consent Calendar was the bill (H. R. 5197) to amend section 71 of the Judicial Code, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WINGO. I object.

The SPEAKER. It requires three objections, and there is only one. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 71 of the Judicial Code, as amended, be amended to read as follows:

"Sec. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

"(b) The western district shall include four divisions, constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little

River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; and the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

"(c) The terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the fourth Mondays in January and June; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; and for the Harrison division, at Harrison on the second Mondays in April and October.

"(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open at all times for the transaction of the business of the court.

"(e) This act does not repeal or amend the remainder of section 71 of the Judicial Code as it applies to the eastern district of Arkansas."

Mr. WINGO. Mr. Speaker——

Mr. GRAHAM. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania desire recognition? Does he yield to the gentleman from Arkansas?

Mr. WINGO. Mr. Speaker, I am opposed to the bill. Does the gentleman from Pennsylvania desire to make any argument or present any facts in favor of the bill? I am against it.

Mr. GRAHAM. I am certainly in favor of the bill reported out by our committee. I am sorry Mr. TILLMAN is not here, who has the bill in charge.

Mr. WINGO. Mr. PARKS of Arkansas is here.

Mr. PARKS of Arkansas. I represent the district.

Mr. GRAHAM. I will yield the gentleman from Arkansas five minutes.

Mr. WINGO. Oh, well, the gentleman should not limit me to such an amount of time. It is my district, it is not only my congressional district, but my judicial district, and my judicial division, and my own court.

Mr. GRAHAM. How much time does the gentleman desire?

Mr. WINGO. I want to oppose this bill. The gentleman certainly is not going to take advantage of the fact that he controls the time and not give me time in my own right.

Mr. GRAHAM. Well, tell me how much time the gentleman wants.

Mr. WINGO. I want all the time the rules of the House will give me.

Mr. GRAHAM. Well, an hour?

Mr. WINGO. I may not use that unless——

Mr. GRAHAM. I can not consent to that.

The SPEAKER. The gentleman from Pennsylvania, of course, controls the time. Nobody else has the right to move the previous question within his time.

Mr. WINGO. I think a Member whose district is torn up in this way has some rights upon the floor of the House.

Mr. GRAHAM. Of course——

Mr. WINGO. I could not start an explanation of this bill in five minutes, and the gentleman knows it.

Mr. GRAHAM. How much time does the gentleman desire?

Mr. WINGO. I do not know how much time it will take.

Mr. GRAHAM. Ten minutes?

Mr. WINGO. I do not know.

Mr. GRAHAM. Fifteen minutes?

Mr. WINGO. I will do the best I can.

Mr. GRAHAM. I will yield the gentleman 15 minutes.

Mr. PARKS of Arkansas. Will the gentleman yield me the same amount of time he yields to Mr. Wingo?

Mr. WINGO. Mr. Speaker and gentlemen of the House, I want to preface what I have to say by saying that no one is more surprised than I that this bill was reported by the committee, but the greatest surprise is that the gentleman from Pennsylvania is for the bill.

Mr. GRAHAM. Will the gentleman permit a question?

Mr. WINGO. Yes, sir.

Mr. GRAHAM. The gentleman from Pennsylvania has reported out a bill that has been approved by the Committee on the Judiciary of the House.

Mr. WINGO. Oh, that is obvious, but it does not contradict the statement that I make that I am surprised the gentleman from Pennsylvania is for the bill. Now, gentlemen, let us see. The State of Arkansas—I want you to listen to me—the State of Arkansas is divided into two Federal court districts, the western district of Arkansas and the eastern district of Arkansas. Here are the confines of the western district of Arkansas if you will follow my pointer [indicating on map].

That is now divided into three divisions. The Harrison division, up in the congressional district of my friend TILLMAN, who is on the committee and who reported the bill; the Fort Smith district, which is right here [indicating on map], and this division you will notice right there; then the Texarkana division, the outlines of which are there [indicating].

Now, this bill proposes to create another division by taking these counties right here—Union, Calhoun, Ouachita, and Columbia and take them away from the court right here at Texarkana. El Dorado is 115 miles away from Texarkana. Texarkana is the trunk line headquarters of the railways of the great Southwest. Here is the Iron Mountain Railroad, going on down through here [indicating]. Here is the Cotton Belt Railroad, coming through this proposed district right here [indicating]. Again right here are highways that run out through here [indicating].

Now, what is the justification for the bill? They contend, though the records will not support their contention, that the majority of the business of the Texarkana division originates in the counties embraced within the new division.

Some years ago a new oil field was developed at El Dorado, and naturally the town grew and they have a small city there, of which they are properly proud. As the result of the rush incident to the opening up of the new oil field there was an increase in the criminal business in the Texarkana division coming from the El Dorado territory, and there was also an expected increase in the civil business. However, the major part of both the criminal and civil business that has arisen in the Federal court for the last few years has been occasioned by the efforts of the Government to prosecute the different groups of promoters who have used the mails to defraud in selling units in what the Government contends were fraudulent trust estates set up.

A score or more of these promoters were indicted, and many of them have been tried and convicted.

In addition to that, civil actions involving these trust estates, covering oil acreage and rights, have been instituted, but the major part of these extraordinary criminal transactions and these extraordinary civil actions thus arising have been disposed of, or will be disposed of shortly, and the business of the Federal court will be reduced to a more normal status. Under that status the record shows that there is not more than enough business to maintain the one court at Texarkana.

The oil fields which surround the city of El Dorado are following the usual course of rapid depletion, and some of the wells have already passed out of existence. This has a resultant effect upon the volume of litigation. To illustrate this, we will take the year 1923, during which year there were 80 civil cases from these four counties in the proposed division, but I am advised that during the last 12 months only 40 cases have arisen. As I have already suggested, much of the civil litigation arose out of the criminal prosecution of approximately 100 persons for fraud in connection with the organization of oil companies.

The next reason that is urged by the proponents of this bill for the establishment of a new division is the lack of accessibility of Texarkana to the citizens of those four counties. By reference to the map here it will be seen that there is no basis for this contention. Texarkana is a railway center, out of which trunk lines run to every part of the division. The Cotton Belt Railroad runs through the proposed new division directly into Texarkana, going directly across two of the counties. One of the other counties, in which the city of El Dorado is located, is connected with Texarkana by the Missouri Pacific Railroad, and the other county has very little business in the Federal courts.

Texarkana is only 115 miles from El Dorado, and in addition to the ample railway facilities there improved roads make it accessible to the lawyers and litigants in these four counties.

As a matter of fact, one of these counties is more accessible to Texarkana than it would be to El Dorado, and another one of these counties is just as accessible to Texarkana as it is to El Dorado.

Another thing that you should consider is that the oil field is gradually moving to the northwest, here [indicating on map], and the whole southwestern part of Arkansas is being rapidly developed, and the wise thing to do will be to wait until there is a more complete development of this territory and then rearrange all the court divisions to meet the changed conditions.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. CHINDBLOM. How many congressional districts are there in the western court district?

Mr. WINGO. My friend, Mr. RAGON takes in part of this western district, as well as part of the eastern district of Arkansas. Here is the western district of Arkansas [indicating on map]. The major part of the district of my friend Mr. PARKS is in the western court district. All of Mr. DRIVER'S congressional district is in the eastern court district, and the larger part of Mr. OLDFIELD'S congressional district is in the eastern court district, which is the big district.

Mr. CHINDBLOM. How many are from the western district?

Mr. WINGO. My congressional district takes up most of the western court district. My friend, Judge TILLMAN, has four counties here [indicating]; my friend Mr. PARKS has only eight counties out of the entire western district.

Mr. CHINDBLOM. So there are only two congressional districts involved?

Mr. WINGO. The only two congressional districts involved are mine and Mr. PARKS'S district, because he is in this portion [indicating on map], and mine takes in the western part of the State, here [indicating on map]. Fort Smith and Texarkana are both in my congressional district, but these counties here [indicating on map], while a part of the western district of Arkansas are in the congressional district of Mr. PARKS, so you see there are only two congressional districts affected.

While it is true that the proposed new division is entirely in the district of Mr. PARKS, I insist that the bill affects my district because there is not now any more business than is necessary for the Texarkana court, and if you create this new division you split up the business of my court.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. HUDDLESTON. The proposal is merely to create a new division?

Mr. WINGO. Yes.

Mr. HUDDLESTON. And not a new district?

Mr. WINGO. No.

Mr. HUDDLESTON. That means another place in which to hold court?

Mr. WINGO. Yes; another place, another deputy clerk, another building. I oppose this upon the public grounds involved, not for any selfish reason. Of course, the lawyers of Texarkana are opposed to it, just as the lawyers of El Dorado favor it, and certainly the lawyers of Texarkana can not be accused of selfishness any more than the lawyers at El Dorado. I repeat that I am not fighting it upon selfish or personal grounds. I know many of the good citizens of El Dorado, especially the members of the bar, and am glad to claim many of them as my personal friends, and if this was a personal matter simply to please them and to help them I would be glad to consent, but I think the proposal is injurious to the public interest, and you should not pass it simply on the plea that it is a local bill which my colleague [Mr. PARKS] wants—to create a new division in his own congressional district. The effect it has upon my district and the public interest should outweigh that consideration.

Mr. GRAHAM. Mr. Speaker, I yield the gentleman from Arkansas [Mr. PARKS] 15 minutes.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from Arkansas is recognized for 15 minutes. [Applause.]

Mr. PARKS of Arkansas. Mr. Speaker and gentlemen of the House, I have followed my unselfish friend in what he has said with a great deal of interest. I was surprised that he said he opposed this as a matter of policy. I recall and you recall that at least a half dozen bills establishing courts of this kind have been passed by this House, with less merit, I might say, because of the amount of business transacted, than in this instance, and my distinguished and unselfish friend has never lifted his voice in protest.

Mr. WINGO. Will the gentleman yield?

Mr. PARKS of Arkansas. Yes; with pleasure.

Mr. WINGO. Will the gentleman name a single case where facts were presented that I have presented here?

Mr. PARKS of Arkansas. I could not do that, because there has been none that were so meritorious as this.

Mr. WINGO. The gentleman can not name one to which the objections were urged that I have urged here.

Mr. PARKS of Arkansas. I do not believe there is a man in this House who would interpose the objection that my distinguished colleague has interposed, and I will go further and say to you that I do not believe that outside of a few lawyers who attend the bankruptcy court at Texarkana, and my distinguished colleague, there is a man on earth that would oppose this measure. Every single Member of the Arkansas delegation of the House gives it his hearty support.

But let me show you something for a moment. The south half of the State of Arkansas has not a single, solitary Federal court, save and except the one on the Texas line at Texarkana, 300 and odd miles one way and 150 miles another way in my district [indicating on map]. There is not a division of the Federal court at El Dorado, Ark.

There is only one place off the State line in which there will be a Federal court in the western district of Arkansas if this bill passes, and which is the second city in size in the State, running close to 40,000 inhabitants. It is not a boom town; it is not a town that sprang up overnight, but a town with 25 miles of paved streets and millions of dollars' worth of permanent improvements, all of which have been installed since oil was discovered four years ago.

There is to-day more business in the court at Texarkana that comes from Camden and El Dorado than in the entire western district of Arkansas. There are more law, equity, and criminal cases on the docket in the State court in El Dorado, after four years of the oil boom, than in three-fourths of the courts of the State of Arkansas.

Take Little Rock out of it in the eastern district, and there is more business in the Federal court at Texarkana that comes from the town of El Dorado alone and the county in which it is situated than in every Federal court in the State of Arkansas. One hundred and fifty miles by rail the litigants, the witnesses, the lawyers, and other interested persons are compelled to go to attend the Federal court. I live within 30 miles of Texarkana, and I live 90 miles from the city of El Dorado.

Before oil was discovered and El Dorado became a city, and also before Camden grew up in an oil field to be a city, both were towns more than 100 years old, and were permanent towns. Before that time the court at Texarkana met twice a year. It ordinarily stayed in session three days. Since El Dorado has become a city, with more foreign corporations doing business in that city than in all the cities of the first class in Arkansas combined, the court at Texarkana runs practically all the time that it is not engaged at Fort Smith and a day or two at Harrison. Since that time we have increased the State courts and the two district State courts, and two criminal courts and the two chancery courts are running every single day that they are not engaged at one other point in that district.

Three months ago I was in the city of El Dorado and after the State court had been running continuously for a period of three months there were 850 law cases on the docket.

This does not destroy the court at Texarkana. It does not add a penny of expense to the Government. It reduces the expense because the Government does not have to pay the expense of hundreds of witnesses who are carried down there to court. I say to Congress it is a thing that the people deserve and ought to have. It does not injure a man on earth, except, perhaps, the referee in bankruptcy and a few lodging houses in Texarkana, and I do not believe there is anybody else in Congress that would listen to the persuasion of a selfish people to deny these folks at El Dorado, who furnish practically all the business of that court, an opportunity to have court that is convenient to them.

I do not say this in a spirit of criticism of my energetic, able, and conscientious colleague. Down deep in his heart he appreciates the justice of my situation, and I honestly believe that it grieves him when he feels called on to take the selfish position he takes now, and I hope the House will not encourage him in this kind of selfishness. [Laughter and applause.]

Mr. WINGO. Gentlemen, I wish to notice two contentions of my colleague. First is the charge of selfishness. I have no selfish interest in the matter except that the gentleman's proposal will disrupt and disorganize the Texarkana court, which is in my district. The gentleman is a lawyer and intends to take up the practice of law at Camden, which is a splendid city next door to El Dorado, and if there is any selfish interest upon the part of either of us he is the one that will be affected in a selfish way by this proposal. I am at a loss to understand how he can charge selfishness upon the part of those at Texarkana who protest against this curtailment of the business of their court any more than selfishness could be charged to the lawyers of El Dorado.

The next statement that I wish to note is his contention that there is more business in the court now that comes from El Dorado than in the entire western district of Arkansas. The records show just the contrary. That contention is not only not true as to the whole western district of Arkansas but it is not even true with reference to the Texarkana court, because the gentleman knows that that contention was contradicted at

the hearing before the committee by detailed statement of litigation arising in all the counties of the Texarkana division for the four years prior to the introduction of this bill.

During those four years there was not a single year that the business of these four counties equaled that of the rest of the division, and some years these four counties had less than one-third of the business. Take during the last 12 months; the business has been declining. In the year 1923 approximately 80 civil cases were filed from the four counties in the proposed division, whereas during the last 12 months only 40 cases have been filed.

The facts are and the records show what I have before told you, and that is, the volume of the business in the Texarkana division is not sufficient to justify more than one court. As the Texarkana division is now constituted, 72 cases only arose from the whole division during the year at law and in equity. With all the oil fraud cases out of the way and the civil litigation arising from them being concluded, the business of the entire division as now constituted will not average more than 60 civil cases in law and at equity in any one year. If the Texarkana division is divided as proposed by this bill, and even if the new division should take at least one-half of the business, you would have only about 35 cases per year in each division, and it is a well-known fact to you lawyers that nearly one-third of the cases of this character are either settled or go out of court without being tried on their merits.

There is no provision in this bill for a place to hold the court, nor any discretion vested in the judge should there be no suitable place. Texarkana already has a courthouse; and while the facilities are not what they should be, yet there is no additional expense occasioned by the continuing of the division at Texarkana. But if you set up a new court at El Dorado to take care of the small volume of business that is there, you have the additional expense of headquarters for the court and attendants and outlay for quarters and expenses of travel to and from the court of the United States marshal, the district attorney, and the other attendants.

I repeat, gentlemen, you should not pass this bill simply as a local measure to please my colleague [Mr. PARKS], but you should consider the public interest, which is paramount to the selfish interest of either Texarkana or El Dorado. Now, gentlemen, I leave the matter with you by reading a statement prepared by the Bar Association of Miller County, in which Texarkana is situated. I read as follows:

FEDERAL COURTS

As now situated Arkansas is divided for Federal jurisdiction into the eastern and western districts. The eastern district comprises 46 counties, with a population of 1,182,905, with divisions as follows: Little Rock, Jonesboro, Helena, and Batesville; averaging 12½ counties to the division, and a population of 283,224.

The western district comprises 29 counties, with a population of 621,468, with three divisions, as follows: Fort Smith, Harrison, and Texarkana, each division averaging 9 counties, and a population of 207,156.

PROPOSED NEW DIVISION

The proposed new division would consist of the counties of Columbia, Calhoun, Ouachita, and Union, with a population of only 89,804, which is wholly insufficient under normal or abnormal conditions to justify the establishment and maintenance of a division of the court.

LOCATION

El Dorado is located on two branch-railroad lines, and the only county in the proposed division which could reach the court there without a change of trains is Ouachita, and Union County is wholly without improved roads. To reach El Dorado from Columbia County would be a longer journey and entail a change of trains, and would also require a change of trains to reach the court from Calhoun County. Texarkana, on the other hand, is a railroad center from which radiates trunk lines of railway reaching directly every county in the district. Train service from all portions of the district to Texarkana is such that one may leave his home in the morning or afternoon over one of the main lines of railway and reach Texarkana within a few hours. There is no portion of the district but that is served by two or more daily trains to Texarkana.

FEDERAL LITIGATION

In the eastern district of Arkansas in the year 1923, including bankruptcy cases, there were filed a total of 474 civil suits, and a total of 933 criminal cases, or in all 1,407 cases; an average of 351 for each division.

In the western district in 1923, including bankruptcy, there were filed 270 civil suits, and 378 criminal cases, or a total of 648 suits averaging 214 to each division. A comparison of litigation for the past four years in the western district will shed some light upon the situation, and a tabulation thereof follows, showing cases (excluding criminal cases) arising from the four counties in the proposed new division, and that arising from the eight remaining counties now in the Texarkana division:

	Four counties in El Dorado division	Eight remaining counties
1920	11	56
1921	26	70
1922	36	93
1923	81	89

It is true that a larger proportion of criminal cases has arisen from the two counties, for instance, Ouachita and Union, in which the oil fields are located, but that is due largely to the influx of criminals to newly discovered oil fields and also to high-powered sales by promoters of oil stock.

CONVENIENCE

The Federal court at Texarkana sits now on an average of four times a year for an average period of three weeks each time, thereby making it possible for counsel in advance of the time when the case is set for trial to settle the pleadings and obtain a trial at the next sitting of the court, whereas with another division of the court the time of the judge would be so occupied in traveling to and from his various courts as to render it imperative that he should hold court only twice a year at each place. This would result in long delays in settlement of pleadings, causing dissatisfaction on the part of clients and great annoyance and inconvenience to counsel.

Attorneys now having business in the Texarkana division can always so arrange a setting of their cases as to enable them ordinarily within six months of the time the case is brought to get the case to trial. Moreover, counsel having litigation in the Federal courts would be discommoded and inconvenienced much more in the event that the new division is created, for, instead of having one, they would then have two courts to attend to take care of their business, with the inevitable conflicts likely resulting therefrom.

EXPENSE

At the very time when a persistent hue and cry is being raised to reduce taxation and economize upon governmental expense it is proposed to create a new division which would necessarily require the expenditure for an adequate building and equipment an initial expense of at least $100,000 at El Dorado, together with the additional requirement of upkeep, maintenance, and care. It occurs that this would be a duplication of investment without ultimate benefit to El Dorado, for the reasons hereinafter stated.

OIL BOOM

Practically all the litigation arising from the counties proposed to be placed in the new division come from Ouachita and Union Counties by reason of the discovery of oil in 1921. At that time oil was worth around $3 per barrel, and its subsequent decline to about 30 cents per barrel resulted in a flood of bankruptcy cases among the oil men, and these bankruptcies occurring in 1921, 1922, and 1923 largely account for the cases appearing in the statement to have arisen in the four counties since the discovery of oil.

With oil now upon the increase and with every prospect of higher prices prevailing from now on the bankruptcies probably are at an end and the flood of litigation from that source is over. Moreover, the Government has lately cleaned up (or largely so) the bootleggers, moonshiners, narcotic dealers, and high-powered salesmen of gilded oil stocks. Every condition therefore points to an immense decrease in the litigation arising from these two counties.

The history of these oil fields is such that it can not be hoped they will produce longer than four or five years from now, and at the expiration of that time the litigation would revert to normal. Referring to the tabulation above, it will be seen that in 1920, prior to the discovery of oil, the four counties in the proposed new division had 11 civil cases. The result is that, normalcy prevailing, the Government would find itself equipped with an investment in a Federal court building of at least $100,000, burdened with the necessity of holding court there twice a year, with all the concomitant expenses, in order to take care of possibly seven or eight civil suits at each term.

A statement of these simple facts seems conclusive that it were folly under existing conditions, and in anticipation of what we know is before us within the next four or five years, to incur the enormous initial expense and saddle upon ourselves the further expense of maintenance and care for property for which the Government would have so little use.

Mr. GRAHAM. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. TILLMAN].

Mr. TILLMAN. Mr. Speaker, I have not heard the discussion on this bill so far, but I was a member of the subcommittee, and before that subcommittee appeared the law-

yers and business men of Texarkana and El Dorado. The subcommittee decided that the bill should pass and recommended to the full committee that the bill do pass. El Dorado is an important oil center, the most important town in south Arkansas. The oil field is spreading around El Dorado, filling a radius of 90 miles. Little towns are building up rapidly. One town which had only 3,000 people four years ago now has 15,000. El Dorado a few years ago had 3,500 and has now something like 30,000. We found from the testimony that much Federal business originates in El Dorado and towns close by. It is not unusual in the older States to have more places to hold Federal courts than they do in Arkansas. I was talking to my friend, the gentleman from Alabama [Mr. HUDDLESTON], and he says that in his district there are five courts.

The subcommittee was of the opinion that it would be fair to these people of El Dorado, which furnishes a large amount of business for the Federal court, to give them a court at that place. It will be more convenient for the litigants and the witnesses, and altogether it seems important that the bill should pass.

It is better to bring a Federal judge to a hundred thousand litigants, lawyers, and witnesses than to compel the hundred thousand to journey to the Federal judge.

Mr. GRAHAM. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. TILSON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time; and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. WINGO) there were 70 ayes and 6 noes.

Mr. WINGO. Mr. Speaker, I object to the vote on the ground that there is no quorum.

Mr. LONGWORTH. I hope the gentleman will not insist on that. We have gone very slowly to-day and the gentleman knows what the vote will be.

The SPEAKER pro tempore. Does the gentleman from Arkansas insist on his point of no quorum?

Mr. WINGO. I certainly do.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. All those in favor of the passage of the bill will answer "aye" and those opposed "no," and the Clerk will call the roll.

The question was taken, and there were—yeas 266, nays 18, answered present 1, not voting 146, as follows:

[Roll No. 46]

YEAS—266

Abernethy	Crisp	Hammer	Lehlbach
Ackerman	Crosser	Hardy	Lilly
Aldrich	Crowther	Harrison	Lindsay
Allen	Cullen	Hastings	Lineberger
Allgood	Davey	Hawes	Linthicum
Andrew	Davis, Tenn.	Hawley	Longworth
Arnold	Denison	Hayden	Lowrey
Aswell	Dickinson, Iowa	Hersey	Lozier
Bacharach	Dickinson, Mo.	Hickey	Luce
Bacon	Dowell	Hill, Ala.	Lyon
Bankhead	Doyle	Hill, Wash.	McClintic
Barbour	Drewry	Hoch	McDuffie
Barkley	Driver	Hooker	McKeown
Beedy	Dyer	Howard, Nebr.	McLaughlin, Mich.
Begg	Elliott	Howard, Okla.	McLaughlin, Nebr.
Bell	Evans, Mont.	Huddleston	McReynolds
Bland	Fairchild	Hudson	McSwain
Blanton	Fairfield	Hudspeth	McSweeney
Bowling	Faust	Hull, Iowa	MacLafferty
Boyce	Fitzgerald	Hull, Morton D.	Madden
Boylan	Fleetwood	Humphreys	Magee, N. Y.
Briggs	Foster	Jacobstein	Magee, Pa.
Browne, Wis.	Free	James	Major, Ill.
Browning	Freeman	Jeffers	Major, Mo.
Brumm	French	Johnson, Ky.	Manlove
Bulwinkle	Frothingham	Johnson, Tex.	Mapes
Burtness	Fulbright	Johnson, Wash.	Mead
Busby	Fuller	Johnson, W. Va.	Merritt
Byrnes, S. C.	Fulmer	Jones	Michener
Byrns, Tenn.	Funk	Jost	Miller, Wash.
Campbell	Gambrill	Kelly	Mills
Canfield	Garber	Kerr	Minahan
Carter	Gardner, Ind.	Ketcham	Mooney
Celler	Garner, Tex.	Kiess	Moore, Ga.
Chindblom	Garrett, Tex.	Kincheloe	Moore, Ohio
Christopherson	Garrett, Tenn.	Kurtz	Moore, Va.
Clancy	Gasque	Kvale	Morgan
Cleary	Geran	LaGuardia	Morrow
Cole, Iowa	Gibson	Lampert	Murphy
Cole, Ohio	Gifford	Lanham	Nelson, Me.
Collier	Graham	Lankford	Newton, Minn.
Colton	Green	Lea, Calif.	Newton, Mo.
Connolly, Pa.	Griest	Leach	O'Connell, N. Y.
Cook	Guyer	Leatherwood	Oldfield
Cooper, Wis.	Hadley	Leavitt	Oliver, Ala.
Cramton	Hall	Lehlbach	Oliver, N. Y.
Park, Ga.	Romjue	Sumner, Tex.	Vinson, Ky.
Parks, Ark.	Ruby	Swank	Wainwright
Patterson	Salmon	Sweet	Wason
Peery	Sanders, N. Y.	Swing	Watkins
Perkins	Sanders, Tex.	Taber	Watres
Purnell	Sandlin	Taylor, Tenn.	Watson
Quayle	Sears, Fla.	Taylor, W. Va.	Weaver
Quin	Seger	Temple	Weller
Ragon	Shallenberger	Thatcher	White, Kans.
Raker	Sherwood	Thomas, Okla.	Williams, Ill.
Ramseyer	Shreve	Thompson	Williams, Tex.
Rankin	Simmons	Tillman	Williamson
Ransley	Sinclair	Tilson	Wilson, Ind.
Rathbone	Sinnott	Timberlake	Wilson, La.
Rayburn	Sites	Treadway	Wilson, Miss.
Reece	Smith	Tydings	Winter
Reid, Ill.	Spearing	Underhill	Wood
Richards	Sproul, Ill.	Underwood	Wright
Robinson, Iowa	Stalker	Vaile	Wurzbach
Robsion, Ky.	Stedman	Vincent, Mich.	Wyant
Rogers, N. H.	Summers, Wash.	Vinson, Ga.	

NAYS—18

Beck	Brand, Ga.	Morehead	Strong, Kans.
Black, Tex.	Cannon	Smithwick	Wingo
Bloom	Connally, Tex.	Steagall	Zihlman
Boies	Larsen, Ga.	Stephens	
Box	Milligan	Stevenson	

ANSWERED "PRESENT"—1

Thomas, Ky.

NOT VOTING—146

Almon	Drane	McKenzie	Sanders, Ind.
Anderson	Eagan	McLeod	Schafer
Anthony	Edmonds	McNulty	Schall
Ayres	Evans, Iowa	MacGregor	Schneider
Beers	Favrot	Mansfield	Scott
Berger	Fenn	Martin	Sears, Nebr.
Bixler	Fish	Michaelson	Snell
Black, N. Y.	Fisher	Miller, Ill.	Snyder
Brand, Ohio	Frear	Montague	Speaks
Britten	Fredericks	Moore, Ill.	Sproul, Kans.
Browne, N. J.	Gallivan	Moores, Ind.	Stengle
Buchanan	Gilbert	Morin	Strong, Pa.
Buckley	Glatfelter	Morris	Sullivan
Burdick	Goldsborough	Nelson, Wis.	Swoope
Burton	Greenwood	Nolan	Tague
Butler	Griffin	O'Brien	Taylor, Colo.
Cable	Haugen	O'Connell, R. I.	Tincher
Carew	Hill, Md.	O'Connor, La.	Tinkham
Casey	Holaday	O'Connor, N. Y.	Tucker
Clague	Hull, Tenn.	O'Sullivan	Upshaw
Clark, Fla.	Hull, William E.	Paige	Vare
Clarke, N. Y.	Johnson, S. Dak.	Parker	Vestal
Collins	Kearns	Peavey	Voigt
Connery	Keller	Perlman	Ward, N. Y.
Cooper, Ohio	Kendall	Phillips	Ward, N. C.
Corning	Kent	Porter	Wefald
Croll	Kindred	Pou	Welsh
Cummings	King	Prall	Wertz
Curry	Knutson	Rainey	White, Me.
Dallinger	Kopp	Reed, Ark.	Williams, Mich.
Darrow	Kunz	Reed, N. Y.	Winslow
Davis, Minn.	Langley	Reed, W. Va.	Wolff
Deal	Larson, Minn.	Roach	Woodruff
Dempsey	Lazaro	Rogers, Mass.	Woodrum
Dickstein	Lee, Ga.	Rosenbloom	Yates
Dominick	Logan	Rouse	
Doughton	McFadden	Sabath	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Kendall with Mr. Dominick.
Mr. Fredericks with Mr. Taylor of Colorado.
Mr. Darrow with Mr. Carew.
Mr. Burton with Mr. Prall.
Mr. MacGregor with Mr. Stengle.
Mr. Reed of New York with Mr. Gallivan.
Mr. Sanders of Indiana with Mr. Hull of Tennessee.
Mr. Sears of Nebraska with Mr. Lazaro.
Mr. Tincher with Mr. Montague.
Mr. Snell with Mr. Pou.
Mr. Vestal with Mr. Ayres.
Mr. White of Maine with Mr. Rainey.
Mr. Kearns with Mr. Buchanan.
Mr. Wertz with Mr. Connery.
Mr. Johnson of South Dakota with Mr. Tucker.
Mr. Fenn with Mr. Casey.
Mr. Beers with Mr. Greenwood.
Mr. Woodruff with Mr. Mansfield.
Mr. Yates with Mr. Reed of Arkansas.
Mr. Moore of Illinois with Mr. Collins.
Mr. Bixler with Mr. Griffin.
Mr. Fish with Mr. O'Connell of Rhode Island.
Mr. Hill of Maryland with Mr. Deal.
Mr. Snyder with Mr. Lee of Georgia.
Mr. Peavey with Mr. Corning.
Mr. Scott with Mr. Drane.
Mr. Moores of Indiana with Mr. Kindred.
Mr. Winslow with Mr. Morris.
Mr. Britten with Mr. Glatfelder.
Mr. Parker with Mr. Woodrum.
Mr. Davis of Minnesota with Mr. Favrot.
Mr. Butler with Mr. Ward of North Carolina.
Mr. Dempsey with Mr. Wefald.
Mr. Haugen with Mr. Browne of New Jersey.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

On motion of Mr. TILLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL FACILITIES OF WALTER REED GENERAL HOSPITAL

The next business on the Consent Calendar was the bill (H. R. 11252) authorizing the construction of additional facilities at Walter Reed General Hospital.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LINEBERGER, Mr. RAKER, and Mr. TYDINGS objected.

The SPEAKER pro tempore. Three gentleman have objected, and the Clerk will report the next bill.

VALIDATING CERTAIN PAYMENTS TO ARMY OFFICERS

The next business on the Consent Calendar was the bill (H. R. 6056) authorizing the Secretary of War to validate certain payments made by Army officers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LINEBERGER, Mr. BLACK of Texas, and Mr. BLANTON objected.

The SPEAKER pro tempore. Three Members have objected, and the Clerk will report the next bill.

TRANSPORTING REMAINS OF EMPLOYEES, DEPARTMENT OF AGRICULTURE

The next business on the Consent Calendar was the bill (H. R. 9092) transporting remains of employees of the Department of Agriculture.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Is this proposed policy a general one that we are going to adopt with respect to all of the employees of the Government? If it is we ought to pass this bill, and if we are not going to give this privilege to the employees of every department, then why give it to the employees of one department?

Mr. BEGG rose.

Mr. BLANTON. Is the gentleman in charge of this bill?

Mr. BEGG. The gentleman from Iowa [Mr. HAUGEN] made the flat statement the other day that he thought that this ought to be the policy, and he was favorable to it.

Mr. BLANTON. It is not the policy now. The gentleman from Iowa is not here. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Texas asks that the bill be passed over without prejudice. Is there objection?

Mr. BEGG. Mr. Speaker, I object to that.

Mr. BLANTON. Under my reservation, I would like to say this to the gentleman from Ohio: We have 10 departments of Government, and we have numerous independent commissions and offices. We have approximately 600,000 employees of the Government.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Does the gentleman want to send the remains of every one of those employees home at public expense every time they die?

Mr. BEGG. But that is not this bill. This bill authorizes it only when a man dies away from his place of duty, and it is then that his remains shall be shipped home at Government expense.

Mr. BLANTON. But most of the employees that die come under that category.

Mr. BEGG. I think not.

Mr. BLANTON. This will mean quite a large item of expense.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BEGG. I think the people who would be affected by this more than anyone else are the people who are on field service out in the forestry department, or something like that. A clerk who dies here in the city of Washington certainly would not come under the provisions of this bill, even though he were in the Department of Agriculture.

Mr. BLANTON. Why, he is a long way from home sometimes.

Mr. BEGG. But he is not away from his post of duty. This bill provides that they shall be away from their official station. If the official station is in Washington and the clerk dies, this does not obligate the Government for a nickel, but if the Government sends a man away from Washington to Texas or Oregon and death overtakes him, does not the gentleman think that the Government ought to bring back his remains? The Government would bring back the man if he lived?

Mr. BLANTON. I happen to know that there are a great many officers of both the Army and the Navy who get pleasure trips abroad every year. There are a good many employees of the various departments who get pleasure trips abroad almost every year. Suppose they die across the water; they are away from their post of duty?

Mr. BEGG. I leave it to the gentleman's sense of fairness. If the Army sends an officer to Russia and he dies, does not the gentleman think the Government ought to bring back his remains?

Mr. BLANTON. Under the Army rules we do that at Government expense.

Mr. BEGG. Would not the same be true in any other department?

Mr. BLANTON. But the rule is different in most departments. Many of these trips are pleasure trips. The business is merely incidental.

Mr. Speaker, I object to the bill.

Mr. HUDDLESTON. Mr. Speaker, I object.

Mr. McKEOWN. I object.

The SPEAKER pro tempore. Three Members have objected and the Clerk will call the next bill.

ADDITIONAL LAND, BUREAU OF STANDARDS, WASHINGTON, D. C.

The next business on the Consent Calendar was the bill (H. R. 4548), authorizing the Secretary of Commerce to acquire, by condemnation or otherwise, a certain tract of land in the District of Columbia for the enlargement of the present site of the Bureau of Standards.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

WRITS OF ERROR

The next business on the Consent Calendar was the bill (S. 2693) an act in reference to writs of error.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the writ of error in cases, civil and criminal, is abolished. All relief which heretofore could be obtained by writ of error shall hereafter be obtainable by appeal.

SEC. 2. That in all cases where an appeal may be taken as of right it shall be taken by serving upon the adverse party or his attorney of record, and by filing in the office of the clerk with whom the order appealed from is entered, a written notice to the effect that the appellant appeals from the judgment or order or from a specified part thereof. No petition of appeal or allowance of an appeal shall be required: *Provided, however,* That the review of judgments of State courts of last resort shall be petitioned for and allowed in the same form as now provided by law for writs of error to such courts.

Mr. McKEOWN. Mr. Speaker, I want to ask a question of the gentleman from Pennsylvania about this bill as compared with the one we passed. What effect will this bill have on the one just passed?

Mr. GRAHAM. None whatever. This bill has the indorsement of the American Bar Association, has the indorsement of the courts and of the Chief Justice of the United States. It is to simplify the procedure in the Federal courts by abolishing the writ of error and providing that hereafter all relief heretofore granted by writ of error may be obtainable by appeal.

Mr. McKEOWN. This does not conflict with the other bill?

Mr. GRAHAM. Not at all.

The bill was ordered to be read the third time, was read the third time, and passed.

AGREEMENT BETWEEN THE SECRETARY OF WAR AND THE WASHINGTON GAS LIGHT CO.

The next business on the Consent Calendar was the bill (S. 2848) to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the agreement made between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co., a corporation, for the purpose of effecting an adjustment and settlement of all the matters at issue between the United States and the said company respecting the title and ownership of

certain parcels and lots of land adjacent to the Anacostia River, the terms of which agreement are embodied in a formal instrument on file in the War Department, bearing date of September 8, 1921, and signed by J. M. Wainwright, Assistant Secretary of War, and H. S. Reeside, president of the said Washington Gas Light Co., is hereby approved, and the consent of Congress is hereby given to the carrying out of said agreement in full accordance with the tenor and terms thereof.

The bill was ordered to be read a third time, was read the third time, and passed.

CLAIMS ARISING OUT OF THE OCCUPATION OF VERA CRUZ

The next business on the Consent Calendar was the bill (S. 2506) authorizing an appropriation for the payment of claims arising out of the occupation of Vera Cruz, Mexico, by American forces in 1914.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

PLANS AND DESIGNS FOR ROOSEVELT MEMORIAL

The next business on the Consent Calendar was joint resolution (S. J. Res. 135) granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HUDDLESTON. Mr. Speaker, I would like to ask the gentleman from Massachusetts [Mr. LUCE], in charge of this joint resolution, for some information concerning it.

As I gather from the measure, it is to authorize the Roosevelt Memorial Association, a corporation organized under the laws of the District of Columbia, to select a place for a memorial to Mr. Roosevelt and to adopt plans for the construction of a memorial. Is that correct?

Mr. LUCE. The joint resolution authorizes a study of the facts and goes only to the extent of official permission to survey and examine further a possible location, which is one of those that have been considered. It commits the Government in no way to that site, but it is simply a permission to private individuals to come upon the land of the Government and make the survey.

Mr. HUDDLESTON. From my interpretation of the joint resolution, it authorizes the selection of a site.

Mr. LUCE. They have selected a site which they ask permission to survey, but no power, perquisite, or privilege will result to them beyond the mere opportunity of studying.

Mr. HUDDLESTON. Will the gentleman inform us what funds this organization has in hand and what they expect the cost of this memorial to be?

Mr. LUCE. I have not the information. It is an uncertainty. The amount to be raised is yet to be determined; the nature of the memorial is the very thing these gentlemen representing the association wish to study. There have been different suggestions as to where it should be placed and what its nature should be. Simply preliminary work is now contemplated.

Mr. HUDDLESTON. I think it entirely proper that a memorial to Mr. Roosevelt's memory should be erected, but it occurs to me that if it is to be erected on public grounds, it should be built by Congress out of public funds.

I have in mind the case of the Washington Monument which was authorized by Congress to be erected on public ground by a private organization which assumed the duty of building it. After working at the monument for many years they were finally unable to go forward with the work and Congress was forced to take it over and complete it according to the plans of the organization out of public funds. Thereby we were forced to complete a work under plans which they had adopted. It seems to me that in the present case the result may be to get Congress into a similar situation with reference to this memorial.

Mr. LUCE. I think the gentleman's apprehensions are unfounded. Let me put in homely language what is taking place. Gentlemen come to the Committee on the Library and say, "We want to erect a memorial here to Mr. Roosevelt." We ask them the question, "What do you want to erect and where do you want to put it?" They say, "We do not know exactly, but we want your permission to study the matter." There are those greatly interested in this proposed memorial who are of opinion that the time has not yet come to determine either its site or its character. Others of them would like to proceed at once, but that question does not confront the Committee on the Library, nor is it likely to reach Congress for a long time. The first step, as here contemplated, is to secure a study of the possibilities. Then the result will be laid before us, and we shall be asked to pass judgment on the wisdom of the recommendations.

Mr. HUDDLESTON. Then the gentleman can assure the House that the final consummation will be left to the House to pass upon hereafter and that we are not committing ourselves finally to the proposal?

Mr. LUCE. Precisely.

Mr. HUDDLESTON. Would the gentleman also express himself as to the propriety of giving permission to erect a memorial on public grounds without the organization having funds in hand with which to erect it?

Mr. LUCE. We are not facing that problem yet, and I do not think we should try to anticipate it.

Mr. HUDDLESTON. If we were facing it to-day, I would be constrained to object. I have made up my mind, I will say, not in future to give unanimous consent, so far as I am concerned, to any proposal for the building of any memorial on public grounds to an organization which has not the money to build it when they start.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. HUDDLESTON. For the reason stated, inasmuch as the matter is not now directly in front of us, I will not press an objection.

Mr. LOZIER. Let me say to the gentleman from Alabama that the newspapers last summer carried a feature article to the effect that there were 13 projects already formulated, or in process of formulation for presentation to Congress, for the embellishment and beautification of the city of Washington, of which the proposed Roosevelt memorial was one. This was the only one of the 13 projects that was not proposed to be consummated at the expense of the Government of the United States.

The article to which I have referred carried the further announcement that the organization having charge of the Roosevelt memorial project had already accumulated a fund of approximately $1,000,000 from volunteer subscriptions. I can not vouch for the accuracy of this statement, but I do understand that those behind the Roosevelt memorial are not looking to the Treasury of our Government for funds with which to erect this memorial to this outstanding representative of virile Americanism, but will rely on subscriptions from a generous and appreciative people.

This is indeed refreshing in view of the fact that many other projects for the beautification of Washington look to "Uncle Sam" as paymaster, and if all the projects demanded by the city of Washington were granted, the much boasted genius of Secretary Mellon would be taxed to its limits to keep sufficient funds in the Treasury to meet current Federal expenses.

This bill merely grants permission to the commission to make a survey of the public grounds in the city of Washington, and report later on where they think the memorial should be located. The commission has no power to do more than this. Any choice of a site the commission may make will be subject to the approval of Congress at some subsequent term, and before the commission can do anything whatsoever.

Mr. LUCE. The gentleman is correct in his view.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the Roosevelt Memorial Association, a corporation of the District of Columbia, has petitioned the Congress in relation to the proposal of the association to erect an enduring monument to the memory of Theodore Roosevelt in the city of Washington: Therefore be it

Resolved, etc., That permission is hereby given to the Roosevelt Memorial Association to procure at its own expense plans and designs for the erection of a permanent memorial to Theodore Roosevelt upon a site within the following-described area: That portion of the territory included in the park commission plan of 1901 lying in general between the Washington Monument and the Potomac River and bounded by Fifteenth and Seventeenth Streets projected southward, including the waters of Twining Lake.

SEC. 2. That the plan and design procured or selected by the Roosevelt Memorial Association shall take into account the requirements of traffic circulation and of recreation facilities and shall be submitted to the Congress before the 1st day of January, 1925.

SEC. 3. That no authority to proceed with the execution of such plan or with the erection of the memorial shall be deemed to be conferred upon the Roosevelt Memorial Association unless or until the plan and design shall first have been approved by the Congress.

With a committee amendment, as follows:

On page 2, line 10, strike out "1925," and insert "1926."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

UNITED STATES CUSTOMS COURT

The next business on the Consent Calendar was the bill (H. R. 11638) to amend the tariff act of 1922 and other acts, and to change the official title of Board of United States General Appraisers and members thereof to that of the United States Customs Court, presiding judge, and judges thereof.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice, inasmuch as it will be considered by the Committee on Ways and Means.

Mr. HAWLEY. I would like to ask the gentleman in charge of the bill a question. The entire purpose of the bill reported by the gentleman's committee is to designate the Board of United States General Appraisers as a court and give them that title? It does not change their duties, their personnel or the method of their appointment.

Mr. GRAHAM. It does not.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

BRIDGE ACROSS THE MONONGAHELA RIVER, M'KEESPORT, PA.

The next business on the Consent Calendar was the bill (H. R. 8438) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River from Cliff Street, McKeesport, to a point opposite in the city of Duquesne.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Allegheny, in the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River at a point suitable to the interests of navigation, at or near Cliff Street, in the city of McKeesport, to a point opposite in the city of Duquesne, in the county of Allegheny, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MRS. LOUIS M. BENNETT

The next business on the Consent Calendar was joint resolution (H. J. Res. 319) granting permission to Mrs. Louis M. Bennett to erect a memorial in memory of Lieut. Louis Bennett as a gift to the people of the United States.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. LUCE. Mr. Speaker, I ask unanimous consent that this resolution may be passed over without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the resolution be passed over without prejudice. Is there objection.

There was no objection.

REFUND OF TAXES

The next business on the Consent Calendar was the bill (H. R. 10528) to refund taxes paid on distilled spirits in certain cases.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to know something about this bill. Is this a subsidy to bootleggers, or what is it? I do not understand it.

Mr. JOHNSON of Kentucky. Mr. Speaker, the purpose of this bill is equitable, economical, and in the aid of the enforcement of prohibition. A brief statement of the facts is this: When whisky was being tax paid for beverage purposes the tax was $6.40 a gallon. As soon as beverage whisky was no longer being tax paid, then it was tax paid for medicinal purposes at $2.20 a gallon. That made a difference of $4.20 in the tax paid on whisky. Several distillers paid the tax as a beverage tax because under the law they then had to pay the tax at the expiration of eight years, but following close on to that there was no beverage whisky, and consequently there could be no beverage tax. But whisky could be withdrawn for medicinal purposes, and on which, as I just said, a tax of $2.20 a gallon was paid.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. LAGUARDIA. Is medicinal whisky taken hypodermically?

Mr. JOHNSON of Kentucky. I never heard of its being so taken.

Mr. LAGUARDIA. The gentleman from New York does not know and he was just wondering.

Mr. JOHNSON of Kentucky. Now, then, when this whisky goes upon the market it must go at $4.20 difference in the tax. They have paid the $6.40 tax. The Treasury Department recommends that the difference be refunded; the Prohibition Unit recommends that it be refunded; and, in addition to that, that this whisky be compelled to go into the concentration warehouses. At present it is located at different distilleries and guards are being employed by the Prohibition Unit for the purpose of guarding it. If it goes to the concentration warehouses, as this bill provides, then the guards at the concentration warehouses can guard it, and it can not get into the hands of the bootlegger.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MORTON D. HULL. How much money is involved in this?

Mr. JOHNSON of Kentucky. The report says about $200,000.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. BLANTON. The gentleman represents one of the biggest whisky districts in the United States and yet, in practice, he is one of the strongest prohibitionists in the House.

Mr. JOHNSON of Kentucky. And I will say, in addition, that the first vote I ever cast when I became of age was to close the barrooms in my town, and I have been voting and acting that way ever since. [Applause.]

Mr. BLANTON. Does the gentleman think that his statement, that this is in furtherance of prohibition, is exactly true?

Mr. JOHNSON of Kentucky. The Prohibition Unit says so.

Mr. BLANTON. Does Wayne B. Wheeler say so?

Mr. JOHNSON of Kentucky. I have not asked him about it, but I have heard no protests from him about it.

Mr. BLANTON. Does the gentleman from Michigan approve of this and the gentleman from Georgia [Mr. UPSHAW]?

Mr. JOHNSON of Kentucky. The Ways and Means Committee unanimously reported this bill with some extreme prohibitionists on that committee.

Mr. BLANTON. We can not always trust the Ways and Means Committee on prohibition, though. Has any one who really stands for prohibition, outside of the business of it, approved of this bill?

Mr. JOHNSON of Kentucky. The Prohibition Unit does.

Mr. BLANTON. Well, that is their business. I am talking about men who are pronounced prohibitionists not from a business standpoint, but from a moral standpoint.

Mr. JOHNSON of Kentucky. Let me read what the Prohibition Unit has said about it:

During the period of war-time prohibition many—I think it is safe to say most—of the distillers and liquor dealers having stocks of whisky on hand on which tax had been paid at the rate of $6.40 a gallon, disposed of their stocks contrary to law. A few, a very few, distillers not wishing to sell their spirits contrary to law, held their stocks during the entire period. At the advent of constitutional prohibition all opportunity of disposing of this whisky was gone and the honest distiller was made to suffer for his having scrupulously obeyed the law during war-time prohibition. It appears to me that every consideration is due to this small class of dealers, and in all fairness the distiller who obeyed the law should at least be placed on a parity with those who disregarded the law during war-time prohibition.

Mr. BLANTON. If the gentleman from Kentucky will permit me further, there is an amendment proposed by the committee on this bill purporting to require distillers to remove this liquor into warehouses.

Mr. JOHNSON of Kentucky. Into concentration warehouses.

Mr. BLANTON. I mean into concentration warehouses. That is the law now.

Mr. JOHNSON of Kentucky. No; the gentleman is mistaken. The law is that whisky which is not tax paid must go into the concentration warehouses, but they can not reach this whisky because the law does not provide that tax-paid whisky shall go into concentration warehouses. That is the distinction between the two.

Mr. LINTHICUM. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. LINTHICUM. Would the gentleman mind specifying where this whisky is located at the present time. [Laughter.]

Mr. JOHNSON of Kentucky. I do not know. I do know that some of it is in Kentucky.

Mr. LINTHICUM. I wish some of it was in Maryland.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue may, pursuant to the provisions of section 3220, Revised Statutes, as amended, allow the claim of any distiller for the refund of taxes paid in excess of $2.20 per proof gallon on any distilled spirits produced and now owned by him and stored on the premises of the distillery where produced, but no refund shall be allowed unless such spirits are contained in the distiller's original packages in which they were tax paid, or in regularly stamped bottles and cases in which they were placed when bottled in bond, or in stamped or unstamped bottles into which they have been placed while on and without removal from the distillery premises.

With the following committee amendment:

On page 2, line 8, after the word "premises," insert: "*Provided*, That the Commissioner of Internal Revenue may direct that any spirits on which refund of tax is claimed under this section shall be removed to and stored in a warehouse designated by him."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

The next business on the Consent Calendar was the bill (H. R. 3251) to provide for the appointment of an additional district judge for the middle district of Pennsylvania and fixing his salary.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SUMNERS of Texas. Mr. Speaker, I regret I am compelled to object.

TO AMEND SECTION 558 OF THE DISTRICT OF COLUMBIA CODE

The next business on the Consent Calendar was the bill (S. 3392) to amend section 558 of the Code of Law for the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RAKER. Mr. Speaker, reserving the right to object, would the gentleman tell the House why it is that the people in the District of Columbia living here should now be overburdened with those living outside of the District who desire to come in here and do business?

Mr. GRAHAM. I do not quite understand the inquiry.

Mr. RAKER. The purpose of this bill is to allow notaries public to be appointed who are not residents of the District of Columbia.

Mr. GRAHAM. This is to meet the case that is a very trying one sometimes where men who do all their business in the District of Columbia, except to have their sleeping place or residence outside the District, are not eligible to serve as notaries public as well as those who live within the District.

Mr. BLANTON. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. BLANTON. There are many business men in Washington who for convenience and on account of lower rents live over in Maryland or in Virginia. They are notaries public and are here every day in business, and Washington is their place of business.

Mr. RAKER. Why do you not give these offices to the residents of the District of Columbia who do not have the privilege of living in the other States?

Mr. LaGUARDIA. Will the gentleman yield just a moment?

Mr. RAKER. Yes.

Mr. LaGUARDIA. Then we may take it from what the gentleman from Texas says that there are lower rents immediately outside of Washington?

Mr. BLANTON. Yes; and if some of the Washington people would follow the good judgment, for instance, that was displayed by our former chairman of the Committee on Rules, Mr. Phil Campbell, who maintained his residence over here on the hills in Virginia and walked most of the time to the Capitol and walked back sometimes—not all the time, but sometimes—there would not be as much congestion here.

Mr. RAKER. Mr. Speaker, I would like to get at this in a moment. Here are people living in the District denied the right to vote. They give their time and attention to their business; why should a man living outside come in here and get the few little perquisites that come from notarial fees?

Mr. BLANTON. That would be true if any in the District were denied the right, but I know of no one denied the appointment of notary.

Mr. RAKER. Can you appoint as many notaries as you want to?

Mr. BLANTON. There are a large number appointed.

Mr. RAKER. That does not answer my question. Is the appointment of notaries public unlimited?

Mr. BLANTON. I will turn that question over to the chairman of the Judiciary Committee.

Mr. GRAHAM. This is a Senate bill and was introduced by the Senator from Delaware, Mr. BALL.

Mr. RAKER. What I want to know is whether the appointment of notaries public are limited in the District?

Mr. GRAHAM. I do not think they are, but I can not answer definitely.

Mr. RAKER. I do not like to object, but the point is this: It does seem strange that people living in the District making the District their home should be deprived of appointments of notaries public by those living outside the territory.

Mr. GRAHAM. No one is being deprived. I suppose the Department of Justice would limit those appointed from outside.

Mr. SUMNERS of Texas. The gentleman from California is a lawyer and he knows that there are many young men connected with firms and business that require the services of a notary public, and the necessity is such that they find it more economical to live just outside the District.

Mr. RAKER. Let me call the gentleman's attention to the fact that this bill provides that no notary public shall be authorized to take acknowledgments, administer oaths, certify papers, or perform any official act in connection with matters in which he is employed, and so forth.

Mr. SUMNERS of Texas. I understand that, but the gentleman is a lawyer and he knows that a young fellow connected with a business firm can pick up little sums as fees from business that comes to him and the firm with which he is connected. It helps him, and I hope my friend will not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 558 of the Code of Law for the District of Columbia be amended so that it shall read as follows:

"SEC. 558. NOTARIES: The President shall also have power to appoint such number of notaries public, residents of said District, or whose sole place of business or employment is located within said District, as, in his discretion, the business of the District may require: *Provided*, That the appointment of any person as such notary public, or the acceptance of his commission as such, or the performance of the duties thereunder, shall not disqualify or prevent such person from representing clients before any of the departments of the United States Government in the District of Columbia or elsewhere: *Provided*, That such person so appointed as a notary public who appears to practice or represent clients before any such department is not otherwise engaged in Government employ, and shall be admitted by the heads of such departments to practice therein in accordance with the rules and regulations prescribed for other persons or attorneys who are admitted to practice therein: *And provided further*, That no notary public shall be authorized to take acknowledgments, administer oaths, certify papers, or perform any official acts in connection with matters in which he is employed as counsel, attorney, or agent or in which he may be in any way interested before any of the departments aforesaid."

The bill was ordered to be read the third time, was read the third time, and passed.

CONSIDERATION OF BRIDGE BILLS

Mr. LONGWORTH. Mr. Speaker, it is evident that we can not proceed much further on the calendar. I ask unanimous consent that we take up out of order what bridge bills there are on the calendar, and I give notice at the conclusion of the consideration of those bills I will move to adjourn.

Mr. TILLMAN. Reserving the right to object, the next bill is a very important one to which a number of us are committed. I am not sure whether we are going to get to it——

Mr. LONGWORTH. I am certain that the bill the gentleman refers to will cause some discussion.

Mr. BLANTON. Can not we take up the bridge bills at the beginning of the Wednesday night session?

Mr. LONGWORTH. No.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DENISON. Mr. Speaker, I wish to enter a motion to reconsider the bill H. R. 8206.

BRIDGE ACROSS WHITE RIVER, ARK.

The SPEAKER. The Clerk will report the first bridge bill.

The Clerk read as follows:

A bill (S. 3884) granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Batesville, in the county of Independence, in the State of Arkansas

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Independence, in the State of Arkansas, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, at or near the city of Batesville, in the county of Independence, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendment was read:

Page 2, at the top of the page, insert before line 1 a new section to read as follows:

"SEC. 2. That the State of Arkansas, or any political subdivision or division thereof within or adjoining which said bridge is located, may at any time, by agreement or by condemnation in accordance with the laws of said State, acquire all right, title, and interest in said bridge and the approaches thereto constructed under authority of this act, for the purpose of maintaining and operating such bridge as a free bridge by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or political subdivision or division thereof may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof."

Page 2, line 1, change "2" to "3."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS BLACK RIVER, ARK.

The next bridge bill on the calendar was the bill (S. 3885) granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River, at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Harry E. Bovay, of Stuttgart, Ark., and his successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Black River at a point suitable to the interests of navigation at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendment was read:

Page 2, line 2, after the end of the line, insert a new paragraph reading as follows:

"SEC. 2. That the State of Arkansas, or any political subdivision or division thereof within or adjoining which said bridge is located, may at any time, by agreement or by condemnation according to laws of said State, acquire all right, title, and interest in said bridge, and the approaches thereto, constructed under authority of this act, for the purpose of maintaining and operating such bridge as a free bridge by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or political subdivision or division thereof may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof."

Page 2, line 3, change "2" to "3."

The committee amendment was agreed to.

The bill was ordered to be read the third time, was read the third time, and passed.

BRIDGE ACROSS ROCK RIVER, BELOIT, WIS.

The next bridge bill in order was the bill (H. R. 11280) authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Beloit, county of Rock, in the State of Wisconsin, to construct, maintain, and operate a bridge and approaches thereto across Rock River at Portland Avenue in said city of Beloit, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Line 6, after the word "at," insert the words "a point suitable to the interests of navigation, at or near."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to insert at this point a letter from the mayor of the city of Beloit, Wis., giving the facts which show the necessity for the construction of this bridge.

The SPEAKER. Is there objection?

There was no objection.

The letter referred to is as follows:

CITY OF BELOIT, WIS.,
OFFICE OF THE MAYOR,
December 31, 1924.

Hon. HENRY A. COOPER, M. C.,
Washington, D. C.

MY DEAR MR. COOPER: Referring to our previous correspondence may I ask you to set the machinery in motion to obtain at this session, if possible, an act of Congress enabling us to construct a permanent bridge over Rock River in Beloit. Some facts are the following:

Originally a temporary footbridge was constructed across the Rock River at Portland Avenue, which later was enlarged to accommodate traffic. This structure was on piles and has done service for some 25 years or so, and shows the wear of the years. It is 496 feet long and 30 feet wide. It is necessary to replace presently and the structure will be of a permanent character. The exact dimensions have not been determined as yet, but it will probably be at least as long as the present pile bridge, and the width will be increased to accommodate vehicle and foot traffic.

What is needed is that, inasmuch as Rock River is a navigable stream, an act of Congress be secured permitting the construction of such permanent bridge at what is known as Portland Avenue. In reality, as you well know, Rock River is not a navigable stream in the sense that there is any river traffic. Once at the very beginning of things a flatboat did make its way up the river as far as Beloit, but never since that time has there been any river traffic except small power boats cruising about the river above the dam here. This bridge is located above the dam in slack water, and in only the most remote sense can it in any way affect traffic, of which there is none at the present time nor any prospect of any in the future.

Will you kindly take the matter under your care and obtain the necessary legislation for us.

With my New Year's greeting, I am yours,

E. G. SMITH, *Mayor.*

BRIDGE ACROSS PEND D'OREILLE RIVER, IDAHO

The next bridge bill in order was the bill (H. R. 11706) to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Road crossing, Idaho.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Charles W. Beardmore, of Priest River, Idaho, his legal representatives or assigns, is hereby authorized to construct, maintain, and operate a bridge across the Pend d'Oreille River in Bonner County, Idaho, at a point suitable to the interests of navigation, and at or near the Newport-Priest River Road crossing, Idaho, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The States of Idaho and Washington, or either of them, or any political subdivision or subdivisions thereof, within or adjoining which said bridge is located, may at any time acquire all right, title, and interest in said bridge and the approaches thereto constructed under the authority of this act for the purpose of maintaining and operating such bridge as a free bridge by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or States or political subdivision or divisions may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. FRENCH. Mr. Speaker, on January 20 I moved to reconsider the vote by which the bill (H. R. 11066) providing for a bridge across this river was passed. I now call that motion up and hope the House will vote to reconsider it. Then I shall ask that all action that was taken be vacated. It is a bill similar to the one that we have just passed, but it seemed to me and to the committee that the persons recognized in to-day's bill have certain equities because of service they gave, plans that they had carried forward under a prior agreement.

The SPEAKER. The Chair suggests that the gentleman ask to vacate the proceedings.

Mr. FRENCH. Then, Mr. Speaker, I ask unanimous consent to vacate all proceedings by which the bill H. R. 11066 was passed.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. That does not mean that the bill is to be placed back on the calendar, does it, Mr. Speaker?

The SPEAKER. No; the bill will lie on the table. Is there objection?

There was no objection.

BRIDGE ACROSS KANAWHA RIVER, KANAWHA FALLS, FAYETTE COUNTY, W. VA.

The next bridge bill in order was the bill (H. R. 11253) granting the consent of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Kanawha Falls Bridge Co. (Inc.), a corporation organized and existing under the laws of the State of West Virginia, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Kanawha River at a point suitable to the interests of navigation, at or near the falls of said river, close to the town of Glen Ferris, in the county of Fayette, in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, at the end of line 4, add the following:

"SEC. 2. That the State of West Virginia, or any political subdivision or divisions thereof, within or adjoining which said bridge is located, may at any time, by agreement or by condemnation in accordance with the laws of said State, acquire all right, title, and interest in said bridge and the approaches thereto constructed under authority of this act, for the purpose of maintaining and operating such bridge as a free bridge by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or political subdivision or divisions thereof may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof."

Page 2, line 18, strike out the numeral "2" and insert the numeral "3."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS MONONGAHELA RIVER, PITTSBURGH, PA.

The next bridge bill in order was the bill (H. R. 11367) granting the consent of Congress to the county of Allegheny in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Allegheny in the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge, with approaches thereto, across the Monongahela River at a point suitable to the interests of navigation, at or near its junction with the Allegheny River, in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RECONSIDERATION OF H. R. 8206

Mr. GRAHAM. Mr. Speaker, I move to reconsider the vote by which the bill H. R. 8206 was passed, and move to lay that motion on the table.

The SPEAKER. The motion to reconsider has already been entered.

Mr. BLANTON. The gentleman from Illinois is not here. I do not know what reason he had for making that motion, but I think he ought to be here, and I make the motion that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order of no quorum.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. Was the motion entered this afternoon to reconsider?

The SPEAKER. Certainly.

Mr. LONGWORTH. And that motion will be in order two weeks from to-day?

The SPEAKER. Two weeks from to-day.

Mr. BLANTON. Mr. Speaker, for the purpose of making a unanimous-consent request I will withhold my motion.

Mr. LEHLBACH. Mr. Speaker, I object to the gentleman withholding his point of order; either make the point of order or withdraw it.

Mr BLANTON. I do withhold it; I do not know that the gentleman from New Jersey can control my actions.

Mr. LEHLBACH. The gentleman from Illinois is here and may have something to say.

Mr. DENISON. Mr. Speaker, I have been out of the Chamber——

The SPEAKER. The gentleman from Pennsylvania moves to lay on the table the gentleman's motion to reconsider.

Mr. DENISON. Mr. Speaker, I want to be heard on the motion to lay on the table.

The SPEAKER. It is not debatable. A motion to lay on the table is not debatable.

Mr. DENISON. But I want to be heard on my motion to reconsider.

The SPEAKER. If the gentleman's motion to lay on the table is carried of course he can not be heard, but if defeated he can be heard.

Mr. DENISON. Mr. Speaker, I would like to make this statement——

The SPEAKER. It can only be done by unanimous consent.

Mr. DENISON. Of course, there is nothing left for me to do except to wait the result of the motion to lay on the table.

The SPEAKER. Of course, a motion to lay on the table cuts off all debate.

Mr. DENISON. Mr. Speaker, I want to be heard, I merely want to make a brief statement. I only ask to be heard.

Mr. BLANTON. Mr. Speaker, for the present I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. It is clear there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 47]

Almon	Eagan	Larson, Minn.	Rouse
Anthony	Edmonds	Leach	Sabath
Aswell	Evans, Iowa	Leatherwood	Sanders, Ind.
Ayres	Evans, Mont.	Lee, Ga.	Schafer
Bacharach	Fairfield	Lilly	Schall
Bankhead	Favrot	Lindsay	Schneider
Barkley	Fenn	Logan	Scott
Beers	Fisher	McFadden	Sears, Nebr.
Bell	Frear	McKenzie	Sherwood
Berger	Fredericks	McNulty	Shreve
Bixler	Free	Madden	Sites
Black, N. Y.	Fuller	Magee, Pa.	Smithwick
Bland	Funk	Mansfield	Snyder
Britten	Gallivan	Michaelson	Spearing
Browne, N. J.	Gambrill	Miller, Ill.	Stedman
Browne, Wis.	Garrett, Tex.	Milligan	Stevenson
Buchanan	Gifford	Mills	Strong, Pa.
Buckley	Gilbert	Minahan	Sullivan
Bulwinkle	Glatfelter	Montague	Swing
Burdick	Goldsborough	Moore, Ill.	Swoope
Burtness	Greenwood	Moore, Va.	Tague
Burton	Griffin	Moores, Ind.	Taylor, Tenn.
Butler	Hall	Morgan	Tincher
Byrnes, S. C.	Hardy	Morin	Tinkham
Cable	Harrison	Morrow	Tucker
Carew	Haugen	Nelson, Wis.	Tydings
Casey	Hawley	Nolan	Underhill
Clague	Hayden	O'Brien	Upshaw
Clark, Fla.	Hersey	O'Connell, R. I.	Vare
Clarke, N. Y.	Hill, Md.	O'Connor, La.	Vinson, Ga.
Colton	Holaday	O'Connor, N. Y.	Voigt
Connery	Hooker	O'Sullivan	Ward, N. Y.
Cooper, Ohio	Howard, Okla.	Paige	Ward, N. C.
Corning	Hudson	Park, Ga.	Watson
Crisp	Hull, Tenn.	Parker	Wefald
Croll	Hull, Iowa	Parks, Ark.	Welsh
Crowther	Jacobstein	Peavey	Wertz
Cummings	James	Peery	Williams, Mich.
Curry	Johnson, Wash.	Perlman	Williams, Ill.
Dallinger	Johnson, Ky.	Porter	Williamson
Darrow	Johnson, W. Va.	Pou	Wingo
Davis, Minn.	Jost	Prall	Winslow
Deal	Keller	Quayle	Wolff
Dempsey	Kendall	Ransley	Wood
Dickinson, Mo.	Kent	Reed, Ark.	Woodruff
Dickinson, Iowa.	Kerr	Reed, W. Va.	Woodrum
Dickstein	Kindred	Richards	Wright
Dominick	King	Roach	Wyant
Doughton	Knutson	Robinson, Iowa	Yates
Doyle	Kopp	Robsion, Ky.	Zihlman
Drane	Kunz	Rogers, Mass.	
Drewry	Langley	Rosenbloom	

The SPEAKER. Two hundred and twenty-four Members have answered to their names. A quorum is present.

Mr. GRAHAM. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Pennsylvania moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. DENISON] moves to reconsider the bill which the House passed, H. R. 8206, and the gentleman from Pennsylvania [Mr. GRAHAM] moves that the motion be laid on the table. The question is on the motion to lay on the table.

The motion was agreed to.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to address the House for one minute out of order.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for one minute out of order. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, this motion was made because I discovered after the bill was passed that it modified the law governing appeals from the district court in the Canal Zone. I do not think it was intended by the committee, but I made the motion thinking that that could be corrected. After conferring with the gentleman from Pennsylvania [Mr. GRAHAM], the chairman of the committee, and other members of the Committee on the Judiciary, they have agreed that they will help present the matter to the other legislative body and have it considered by the other body; and with that understanding I will withdraw, with the consent of the House, my motion to reconsider.

The SPEAKER. The gentleman from Illinois asks unanimous consent to withdraw his motion.

Mr. GARRETT of Tennessee. Let it lie on the table.

The SPEAKER. The gentleman from Pennsylvania [Mr. GRAHAM] moves that it be laid on the table. The question is on agreeing to that motion.

The motion was agreed to.

GOVERNMENT PRINTED STAMPED ENVELOPES

Mr. THOMAS of Oklahoma. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the bill H. R. 12085.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. THOMAS of Oklahoma. Mr. Speaker, on January 31 I introduced H. R. 12085, a bill proposing to amend section 169 of chapter 335 of the seventeenth statute laws and relating to printed stamped envelopes as furnished by the Government through the Post Office Department. On December 31, 1924, the Postmaster General, Mr. New, sent a letter to the chairman of the Committee on the Post Office and Post Roads [Mr. GRIEST] in which, among other things, he said:

In order that you may have full information on the subject I beg to advise you that embossed stamped envelopes are manufactured by a private concern under a contract with the Government, which procedure has been followed by 31 Postmasters General for an unbroken period of 70 years. The postage value of all embossed stamped envelopes, both printed and unprinted, represents only about 10 per cent of the postal revenues. They have proved a valuable postal facility, having inaugurated the practice of placing the return address of the sender on mail matter, which practice has new been extended to all parcel-post matter as well as first-class matter in window envelopes and has been most beneficial to the Postal Service.

Stamped envelopes are sold to the public at different prices, according to size, quality of paper, etc. Those bearing printed corner cards are sold at higher prices than the plain stamped envelopes. The law providing for furnishing these envelopes requires that they shall be sold at a price to the public above postage value sufficient to meet every item of expense in connection with their distribution, from transportation to the printing of the smallest requisition blank used in ordering them, including all clerical hire, salaries, rents in post offices, etc. In short, stamped envelopes cost nothing to the Government or to the taxpayers. Every item of expense is paid by the people that buy the envelopes.

* * * * * * *

It may be proper to state further that complaints have been received periodically for more than 50 years that the Government in furnishing these envelopes is invading the field of private endeavor. Concerning these complaints it is proper to state that the department has a monopoly only with respect to letter mail, and it, therefore, competes with private enterprise in conducting the special services such as the Postal Savings System, the postal money-order system, and also in transporting and insuring parcels, which results in complaints from time to time from private interests engaged in performing such services.

* * * * * * *

For your further information I will state that during the present year proposals were made for a new contract to furnish stamped envelopes for a four-year period beginning January 1, 1925. Two bona fide bids were received. The award was made to the lowest bidder, which is the Middle West Supply Co., of Dayton, Ohio, the present contractors.

In view of the foregoing, the department's attitude is that there should be no change in the present procedure with respect to the embossed stamped envelopes.

The present law provides as follows:

Printed stamped envelopes shall be sold, as nearly as may be, at the cost of procuring them, with the addition of the value of the postage stamps impressed thereon; * * *

And the amendment proposed would strike out the above language and insert instead the following:

* * * "Stamped envelopes" shall be sold at a reasonable price to be fixed by the Postmaster General; such price to cover all costs in connection with and incident to procuring such envelopes and all prices charged for stock and printing shall be in harmony with prevailing prices charged for similar stock and printing by reputable institutions for like quantities.

* * * * * * *

The proposed amendment, if adopted, would require the Post Office Department to charge a price for stamped envelopes—

in harmony with prevailing prices charged for similar stock and printing by reputable institutions for like quantities.

The purposes intended to be reached by my amendment are as follows:

(a) The addition of some $3,000,000 annually to the postal receipts, thereby decreasing the annual postal deficit by that figure.

(b) By increasing the postal revenues, thereby making possible an adjustment in the salary and equipment allowance to postal employees.

On January 23, 1925, I sent a letter to the Postmaster General, Mr. New, asking for information, as follows:

In connection with the bill pending before Congress relating to postal rates, will you please give me the following information:

First. The number of printed stamped envelopes and printed wrappers purchased by the Government for the year 1923.

Second. Of the quantity of stamped envelopes and wrappers printed, will you please give me the number of such envelopes and wrappers which were furnished to private concerns?

If information is available, I wish to know the number of envelopes and wrappers furnished to private parties and companies, ordered in bulk and delivered during the year 1923.

To the above the Postmaster General replied as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., January 26, 1925.

Hon. ELMER THOMAS,
House of Representatives.

MY DEAR MR. THOMAS: Receipt is acknowledged of your letter of the 23d instant requesting information concerning Government embossed stamped envelopes.

In answer to your first inquiry, I beg to inform you that the number of printed stamped envelopes furnished during the fiscal year 1923 was 1,434,823,879. Newspaper wrappers are not printed.

In answer to your second inquiry, I beg to state that of the quantity of stamped envelopes printed (wrappers not printed) the number of such envelopes furnished to private concerns was 1,338,243,379.

The total number of stamped envelopes and newspaper wrappers issued during the same year was 2,721,475,103.

The printed envelopes furnished to private concerns are known as "special-request" envelopes; that is, envelopes printed with the name of the sender in the upper left corner. The orders for these envelopes are received by postmasters who make requisition on the department therefor. The other printed envelopes, known as "office-request" envelopes, are those which contain printing in the upper left corner with a blank space for the name of the sender. These envelopes, like the plain envelopes and newspaper wrappers, are sold by postmasters the same as postage stamps are sold.

Very truly yours,
HARRY S. NEW,
Postmaster General.

In order to show the prices at which the Post Office Department furnishes printed envelopes on special order from private concerns I am inserting herein extracts from a bulletin showing prices of printed stamped envelopes so furnished:

POST OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER GENERAL,
DIVISION OF STAMPS.

PRICES OF PRINTED AND UNPRINTED STAMPED ENVELOPES AND NEWSPAPER WRAPPERS, EFFECTIVE JANUARY 1, 1922

(This price list supersedes all previous ones. No other stamped envelopes than those here listed will be furnished)

[Form 3200]

(Postmaster: Post a copy of this schedule conspicuously where it can be read by the public.)

Printed "special-request" and "office-request" envelopes																Description			
1	2	3	4	5	6	7	8	9	10	11	12	25	100	250	500	1,000	Denomination	Quality	Color	Cut
																	Size number (dimensions in inches)			
																	No. 3—3⅝ x 5⅞			
$0.02	$0.03	$0.04	$0.05	$0.06	$0.08	$0.09	$0.10	$0.11	$0.12	$0.14	$0.15	$0.30	$1.19	$2.96	$5.91	$11.82	1-cent	Standard	White or blue	Low back.
.02	.03	.04	.05	.06	.08	.09	.10	.11	.12	.14	.15	.30	1.19	2.97	5.94	11.88	1-cent	Standard	White or blue	High back.
.03	.05	.07	.09	.11	.14	.16	.18	.20	.22	.25	.27	.55	2.19	5.46	10.91	21.82	2-cent	Standard	White or blue	Low back.
.03	.05	.07	.09	.11	.14	.16	.18	.20	.22	.25	.27	.55	2.19	5.47	10.94	21.88	2-cent	Standard	White or blue	High back.
																	No. 5—3½ x 6¼			
.02	.03	.04	.05	.06	.08	.09	.10	.11	.12	.14	.15	.30	1.20	2.98	5.96	11.92	1-cent	Standard	White or blue	Low back.
.02	.03	.04	.05	.06	.08	.09	.10	.11	.12	.14	.15	.30	1.20	3.00	5.99	11.98	1-cent	Standard	White or blue	High back.
.02	.03	.04	.05	.07	.08	.09	.10	.12	.13	.14	.15	.32	1.25	3.12	6.24	12.48	1-cent	Standard	White or blue	Window.
.02	.03	.04	.06	.07	.08	.09	.11	.12	.13	.15	.16	.33	1.29	3.21	6.41	12.82	1-cent	Extra	White only	High back.
.02	.03	.04	.05	.06	.07	.09	.10	.11	.12	.13	.14	.30	1.17	2.91	5.82	11.64	1-cent	Manila	Manila	Low back.
.03	.05	.07	.09	.11	.14	.16	.18	.20	.22	.25	.27	.55	2.20	5.48	10.96	21.92	2-cent	Standard	White or blue	Low back.
.03	.05	.07	.09	.11	.14	.16	.18	.20	.22	.25	.27	.55	2.20	5.50	10.99	21.98	2-cent	Standard	White or blue	High back.
.03	.05	.07	.09	.12	.14	.16	.18	.21	.23	.25	.27	.57	2.25	5.62	11.24	22.48	2-cent	Standard	White or blue	Window.
.03	.05	.07	.10	.12	.14	.16	.19	.21	.23	.26	.28	.56	2.29	5.71	11.41	22.82	2-cent	Extra	White only	High back.
.06	.11	.16	.21	.26	.32	.37	.42	.47	.52	.58	.63	1.30	5.20	12.98	25.96	51.92	5-cent	Standard	White or blue	Low back.
																	No. 7—3½ x 8⅝			
.03	.05	.07	.10	.12	.14	.16	.19	.21	.23	.25	.28	.57	2.27	5.66	11.31	22.62	2-cent	Standard	White or blue	Low back.
.03	.05	.07	.10	.12	.14	.16	.19	.21	.23	.25	.28	.57	2.28	5.68	11.36	22.72	2-cent	Standard	White or blue	High back.
.03	.05	.08	.10	.12	.15	.17	.19	.22	.24	.26	.29	.60	2.37	5.91	11.81	23.62	2-cent	Standard	White or blue	Window.
.03	.05	.08	.10	.12	.15	.17	.20	.22	.24	.27	.29	.60	2.39	5.97	11.94	23.88	2-cent	Extra	White only	High back.
.05	.09	.13	.18	.22	.26	.30	.35	.39	.43	.47	.52	1.07	4.27	10.66	21.31	42.62	4-cent	Standard	White or blue	Low back.
.05	.09	.13	.18	.22	.26	.30	.35	.39	.43	.47	.52	1.07	4.28	10.68	21.36	42.72	4-cent	Standard	White or blue	High back.
.05	.09	.14	.18	.22	.27	.31	.36	.40	.44	.49	.53	1.10	4.39	10.97	21.94	43.88	4-cent	Extra	White only	High back.
																	No. 8—4⅛ x 9½			
.02	.03	.04	.06	.07	.08	.10	.11	.12	.13	.15	.16	.33	1.29	3.22	6.44	12.88	1-cent	Standard	White or blue	Low back.
.02	.03	.04	.06	.07	.08	.10	.11	.12	.14	.15	.16	.33	1.31	3.26	6.51	13.02	1-cent	Standard	White or blue	High back.
.02	.03	.05	.06	.07	.09	.10	.12	.13	.14	.16	.17	.35	1.39	3.47	6.93	13.86	1-cent	Standard	White or blue	Window.
.02	.03	.05	.06	.08	.09	.11	.12	.13	.15	.16	.18	.37	1.45	3.61	7.22	14.44	1-cent	Extra	White only	High back.
.03	.05	.07	.10	.12	.14	.17	.19	.21	.23	.26	.28	.58	2.29	5.72	11.44	22.88	2-cent	Standard	White or blue	Low back.
.03	.05	.07	.10	.12	.14	.17	.19	.21	.24	.26	.28	.58	2.31	5.76	11.51	23.02	2-cent	Standard	White or blue	High back.
.03	.05	.08	.10	.12	.15	.17	.20	.22	.24	.27	.29	.60	2.39	5.97	11.93	23.86	2-cent	Standard	White or blue	Window.
.03	.05	.08	.10	.13	.15	.18	.20	.22	.25	.27	.30	.62	2.45	6.11	12.22	24.44	2-cent	Extra	White only	High back.
.05	.09	.13	.18	.22	.26	.31	.35	.39	.43	.48	.52	1.08	4.29	10.72	21.44	42.88	4-cent	Standard	White or blue	Low back.
.05	.09	.13	.18	.22	.26	.31	.35	.39	.44	.48	.52	1.08	4.31	10.76	21.51	43.02	4-cent	Standard	White or blue	High back.
.05	.09	.14	.18	.23	.27	.32	.36	.40	.45	.49	.54	1.12	4.45	11.11	22.22	44.44	4-cent	Extra	White only	High back.
.06	.11	.16	.22	.27	.32	.38	.43	.48	.54	.59	.64	1.33	5.31	13.26	26.51	53.02	5-cent	Standard	White or blue	High back.

Printed "special-request" and "office-request" envelopes																	Description			
1	2	3	4	5	6	7	8	9	10	11	12	25	100	250	500	1,000	Denomination	Quality	Color	Cut
																	Size number (dimensions in inches)			
																	No. 9—3¾ x 10⅓			
$0.03	$0.05	$0.07	$0.10	$0.12	$0.14	$0.17	$0.19	$0.21	$0.24	$0.26	$0.28	$0.59	$2.34	$5.83	$11.66	$23.32	2-cent	Standard	White or blue	High back.
.03	.05	.08	.10	.13	.15	.18	.20	.23	.25	.28	.30	.62	2.48	6.20	12.40	24.80	2-cent	Extra	White only	High back.
.05	.09	.13	.18	.22	.26	.31	.35	.39	.44	.48	.52	1.09	4.34	10.83	21.66	43.32	4-cent	Standard	White or blue	High back.
.05	.09	.14	.18	.23	.27	.32	.36	.41	.45	.50	.54	1.12	4.48	11.20	22.40	44.80	4-cent	Extra	White only	High back.
																	No. 13—3⅝ x 6¼			
.02	.03	.04	.05	.07	.08	.09	.10	.11	.13	.14	.15	.31	1.21	3.02	6.04	12.08	1-cent	Standard	White or blue	Low back.
.02	.03	.04	.05	.07	.08	.09	.10	.11	.13	.14	.15	.31	1.22	3.04	6.08	12.16	1-cent	Standard	White or blue	High back.
.02	.03	.04	.06	.07	.08	.09	.11	.12	.13	.15	.16	.32	1.28	3.19	6.37	12.74	1-cent	Standard	White or blue	Window.
.02	.03	.04	.06	.07	.08	.10	.11	.12	.14	.15	.16	.33	1.31	3.27	6.53	13.06	1-cent	Extra	White only	High back.
.03	.05	.07	.09	.12	.14	.16	.18	.20	.23	.25	.27	.56	2.21	5.52	11.04	22.08	2-cent	Standard	White or blue	Low back.
.03	.05	.07	.09	.12	.14	.16	.18	.20	.23	.25	.27	.56	2.22	5.54	11.08	22.16	2-cent	Standard	White or blue	High back.
.03	.05	.07	.10	.12	.14	.16	.19	.21	.23	.26	.28	.57	2.28	5.69	11.37	22.74	2-cent	Standard	White or blue	Window.
.03	.05	.07	.10	.12	.14	.17	.19	.21	.24	.26	.28	.58	2.31	5.77	11.53	23.06	2-cent	Extra	White only	High back.
																	No. 12—{1-cent, 5⅛ x 10⅓ / 2-cent, 8 x 12}			
The department has discontinued the manufacture of Nos. 2, 4, 10, 11, and 14 stamped envelopes, and their sale will cease when stocks remaining on hand become exhausted. None of them can be furnished with the printed return cards of the purchasers; the prices listed for these varieties apply only to "office-request" and unprinted envelopes remaining in post-office stock.																	1-cent	Manila	Manila	
																	2-cent	Manila	Manila	
Printed "office-request" envelopes																				
																	No. 2—3½ x 5½			
$0.02	$0.03	$0.04	$0.05	$0.06	$0.08	$0.09	$0.10	$0.11	$0.12	$0.14	$0.15	$0.30	$1.19	$2.96	$5.91	$11.82	1-cent	First	White only	Low back.
.03	.05	.07	.09	.11	.14	.16	.18	.20	.22	.25	.27	.55	2.19	5.46	10.91	21.82	2-cent	First	White only	Low back.
																	No. 4—3⅝ x 5⅞			
.03	.05	.07	.09	.11	.14	.16	.18	.20	.22	.25	.27	.55	2.20	5.50	11.00	22.00	2-cent	First	White only	Low back.
																	No. 10—3⅞ x 4⅛			
.03	.05	.07	.09	.11	.14	.16	.18	.20	.22	.24	.27	.55	2.18	5.44	10.87	21.74	2-cent	First	White only	Low back.
.03	.05	.07	.09	.12	.14	.16	.18	.21	.23	.25	.27	.56	2.24	5.60	11.19	22.38	2-cent	Extra	White only	High back.
																	No. 11—4½ x 5½			
.02	.03	.04	.05	.07	.08	.09	.10	.11	.13	.14	.15	.31	1.21	3.03	6.05	12.10	1-cent	First	White only	Low back.
.02	.03	.04	.06	.07	.08	.10	.11	.12	.13	.15	.16	.33	1.30	3.24	6.48	12.96	1-cent	Extra	White only	High back.
.03	.05	.07	.09	.12	.14	.16	.18	.20	.23	.25	.27	.56	2.21	5.53	11.05	22.10	2-cent	First	White only	Low back.
.03	.05	.07	.10	.12	.14	.17	.19	.21	.23	.26	.28	.58	2.30	5.74	11.48	22.96	2-cent	Extra	White only	High back.
																	No. 14—3¾ x 6¼			
.03	.05	.07	.09	.12	.14	.16	.18	.20	.23	.25	.27	.56	2.22	5.54	11.08	22.16	2-cent	First	White or amber	Low back.

From the above it will be seen that 1,000 No. 5, 2-cent stamped envelopes of standard white or blue stock, printed with a return card, are furnished and delivered to purchaser for the sum of $21.92, or when the value of the stamps are deducted the 1,000 envelopes of standard quality, printed with a return card, cost the purchaser the sum of $1.92.

One thousand No. 8 envelopes cost the purchaser the sum of $2.88.

The best prices on similar stock, printed, per 1,000 are approximately $4 and $6. If the Government furnished printed stamped envelopes at prices "in harmony with prevailing prices charged for similar stock and printing by reputable institutions," it would be able to secure a profit of $1.08 per 1,000 on the No. 5 envelopes and a profit of $3.12 per 1,000 on the No. 8 envelopes, and at the same time the purchaser would be getting his envelopes printed and stamped as at present at a reasonable cost; and no business institution has any just right to ask for more at the hands of the Government.

During the year 1923 the Government printed and delivered upon special orders 1,338,243,379 printed stamped envelopes, or a number equal to 1,338,243 orders of 1,000 each. If my estimates are correct, and such envelopes were furnished at prices below what similar printed stock commands in the open market, then the Government is losing the sum of $1.08 per 1,000 on the No. 5 and the sum of $3.12 on the No. 8, or an average loss of $2.10 per 1,000 on such envelopes sold and delivered. My estimates are purposely made low. Printed envelopes of good quality sell for from $4 to $10 per 1,000. A brief compilation discloses that on the sale of 1,338,243 orders of 1,000 each, and at a loss of an average of $2.10 per 1,000, the Government is losing annually in this one item alone the sum of $2,810,310.30.

Recently we have heard much about the Government's being in business, and if the Government is to continue in the business of printing and selling envelopes in competition with private commercial institutions, then good business would suggest that a reasonable profit be made to offset the many losses sustained in other branches of the postal service.

SAVING THE BLACK BASS

Mr. HAWES. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 10690.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HAWES. Mr. Speaker, the bill H. R. 10690 has become known as the black bass bill.

It is part of a national movement to save from extermination this splendid game fish so highly prized by anglers and epicureans.

It is built upon the same theory and introduced for the same purpose as the Lacey enactment, which was intended to help preserve the animal and bird life of America.

The especial motive back of the Lacey Act was the preservation of our quail.

This law, like the Lacey law, is not intended to supplant State enforcement, but merely to supplement it and enable States to more efficiently enforce their own laws relating to the same subject.

It does not propose a violation or usurpation of State authority. It merely supplements State authority by aiding the enforcement of State opinion already expressed in State legislative enactment.

It will not prevent the transportation of bass caught or carried by individuals for their own use under the limitation made by the State where procured.

It will strengthen the laws of any State wherein the taking of bass commercially is prohibited.

In some States where such law is now upon the statute books its effect is nullified by the fact that black bass are shipped out of the State concealed in barrels or boxes with other varieties of fish more numerous and not requiring protection.

A State which for conservation purposes denies for a limited period the sale of black bass to its own citizens frequently finds that its State enactments are nullified by bass being taken from the waters of this particular State, where commercial use is prohibited to its own citizens, and transported from that State and sold to the citizens of another State, thus destroying the State conservation program and giving to the citizens of another State the benefit of commercial consumption, which is denied to its own citizens.

The bill is indorsed by the Department of Commerce and by Mr. Henry O'Malley, Commissioner of the Bureau of Fisheries. Its constitutionality is unquestioned.

The bill is part of a great national movement, to be supplemented by State enactments, to preserve this fish from extermination.

Without vigorous action the bass, like the passenger pigeon and the wild turkey, will soon become extinct.

The same destruction threatened the quail of America until National and State enactments, cooperating, preserved it from extinction.

THE BLACK BASS

The bass is a native American fish, but has been successfully introduced in England, Scotland, and the Continent of Europe. Climatic influences do not seem to affect it. It is found in all kinds of fresh waters.

Scientists state that the yearly toll of black bass in this country is so great compared with the yearly hatch that this greatest of American game fishes is certain to become extinct within 10 years unless extraordinary efforts are made to protect it.

The Bureau of Fisheries and other scientific bodies declare that black bass would become practically extinct if not protected while on their spawning beds.

Scientific bodies devoted to the study of fish conservation, such as the American Fisheries Society, are so aroused over the danger of extinction of black bass that they have repeatedly within the past few years sent letters to our various State governments setting forth the absolute need of protection.

The black bass is different from any other American fish. It must select its own spawning bed, and the male zealously guards the bed until the spawn is hatched, and then protects the baby fish and teaches them how to live.

The bass undoubtedly is the great American game fish and the favorite fish of millions of the rank and file of American anglers. It is found in all American fresh waters, ponds, lakes, and streams. It comes from under the firs and birches in the St. Lawrence Basin and in the Everglades under the overhanging moss in Florida and Louisiana.

Its principal and natural home is in the Mississippi River Basin. Agile and strong, inch for inch and pound for pound, he is the greatest fighting fish that swims. True to his mate, hard to catch, better to eat, the fresh-water bass is the typical American fish. Pugnacious and aggressive, they are none the less companionable mates, for both build the nest, the female lays the spawn, the male performs his part, and as the family grows the male defends the nest like our frontiersman did his cabin.

In 22 days the tiny eggs are hatched. In a few days little minnows swim, guarded by the circling male. For three weeks they live in a little group, moving together. In one year they weigh 1 pound and in two years 2 pounds, and are ready for the table.

It has been demonstrated by scientists that artificial black-bass hatcheries can not be made profitable for our State and National Governments, the cost of operation being too great when compared with the output.

Black bass can not be artificially propagated the same as trout and other fishes, but must be given protection and permitted to reproduce under natural conditions.

The bass is to be found from Manitoba and the St. Lawrence, the Great Lakes region, through the entire extent of the Mississippi Basin, and in the waters on both sides of the Alleghenies.

DISAPPEARING BASS

The fish hog, the dynamiter, the commercial seiner, the pollution of streams, and the careless building of dams without spillways are contributing causes to the disappearance of the bass.

But, strange to relate, the causes of its disappearance is more largely due to the building of roads and the use of automobiles.

In the last 10 years State and Federal Governments have built approximately 388,000 miles of highways and have spent more than $1,500,000,000 in their construction.

Where formerly to go fishing required sometimes a two and three days' trip in a wagon, the same destination is quickly reached in a few hours by automobile. Formerly the man who felt that he required a whole day for a fishing trip now runs out in his "flivver," has his morning fish, and returns before noon, or he takes a few hours in the evening and does the same thing.

The tourist traveling in any direction—especially if he has a camping outfit—always takes with him fishing tackle and he fishes as he moves.

Last year there were issued 850,000 fishing licenses, bringing to States approximately $10,000,000 in fees, and it may be said without the possibility of dispute that approximately 80 per cent of these licenses and 85 per cent of the fishing paraphernalia—including the fly rod, the bait caster, and the cane pole—are used in the pursuit of bass.

Other fishes fall to the lot of the angler, but the bass is the big prize which he seeks.

The trout has its fastidious inclinations and can only live in waters of a certain temperature. The bass is found everywhere. He is as adaptable as the American citizen and holds his own fairly well under the most adverse conditions.

So, strange as it may seem, the good road, the automobile, and the new national movement for health which is found in the "big outdoors," requires that at least for a period of years this splendid fish must be withdrawn from commercial use.

Mr. Speaker, in the first session of this Congress the House and the Senate passed a great conservation bill embracing 300 miles of upper Mississippi River and 341,000 acres of land to be placed under national control.

One of the strongest arguments made in favor of this bill was that it would increase the output of bass fingerlings for distribution in the various States 300 per cent.

This was the great appeal which caused this bill to be passed unanimously by both Houses, to quickly receive the approval of the President, and just as quickly have the necessary appropriation made for its successful operation.

"THE BIG OUTDOORS"

The Boy Scout movement, the Girl Scout movement, the annual campings of scholars and teachers, the return to the "big outdoors" for health and vigor is stimulating the imagination and means a stronger, a better, healthier America, both physically and morally.

I can only repeat the observations I made on the 24th day of January, 1924, regarding the "big outdoors":

Foremost in the work of outdoor conservation and in the preservation of wild life, we find the Izaak Walton League with approximately 1,200 chapters and a total national membership of over 100,000, distributed throughout the Nation in the patriotic and unselfish work of preserving sanctuaries for wild life.

While it makes its appeal to the bearers of 7,000,000 hunting licenses and to the 15,000,000 amateur fishermen in America, it goes farther than that. It carries its appeal for a better America, through the "big outdoors," to the conscience of the Nation.

When we lose our "pep," when good food tastes bad, when friends do not satisfy, when life becomes a bore, when music seems out of tune, when the old dog annoys, when the doctor fails, and the good wife irritates, there is but one remedy for the "run-down," and it is found in the forests or on the streams in the "big outdoors."

There we go to church and worship God by conversing with the things He made, listening to sermons from rocks and trees, choir music from the birds.

If you need a fresh start and want to lose the "run-down" feeling and get back your "pep," go fishing.

It is a notable fact that of the Twelve Apostles selected by Christ, four were fishermen.

They were natural philosophers, who made their living in the big, wide open; who knew the stars, the tempest, the sea, the sun, the moon, the winds, and the calm.

They were prepared for a campaign for men, because they had first campaigned with the elements of nature.

Study of nature had prepared them for a study of men, and their thoughts and teachings were big, like the "outdoors," from whence they came.

Every great man we have had was an "outdoor" man. Every man with big thoughts is at some time compelled to get away from the little things that cramp and bind, and forced to seek a revitalization, new energy, and a broader perspective by contact with nature.

The city bed and fancy sanitation are luxuries made more attractive by a week on the ground; the camp fire makes the radiator endurable; the flapjack, the bacon, and the browned fish bring the "comeback" after hard work and the hotel menu.

The city and the town have their call, but they have a sameness and a "too sureness" to be palatable for all of the 12 months.

To find rest we must find a change. The same streets, the same roofs, the same faces, the same sights, though of the best, like food of the same kind, pall upon the appetite and tire the brain.

We must find real rest by seeking contrast, by finding the "big outdoors," by not living too much and too long indoors.

The doctor tries his medicine and fails, the friend his companionship and fails; and if they are wise physicians and thoughtful friends they advise a change of scenery, a new environment.

What is becoming of our "big outdoors"? Where are the animals, the birds, and the fishes whose presence renewed the primitive and stronger natural instincts? They are disappearing; now almost gone.

Can individuals stay their departure? Can citizens hold these things for our children? Not by individual action. Only the State and Nation are strong enough to keep these retreats and asylums for the benefit of both the wild things and for men and women.

It can only be done by the intelligent action of the legislatures of States and the Congress of the Nation.

This bill promises to give the "kids" the things that we enjoy and save for them some of our pleasures.

The "four score and ten," the big thoughts, the big conscience, and the big patriotism come from communion with the big "outdoors."

When we lose the big "outdoors," we lose part of our national pride, pluck, and patriotism.

When we keep the big "outdoors," we keep our best thoughts, our best resolutions, and, above all, our best traditions.

When we keep our "outdoors," we make a real, substantial, dividend-paying investment in national prosperity, in national health, in national conscience, and public welfare.

The big "outdoors" saves the strength, saves the nerves, saves the brain, and saves the doctor bill.

The big "outdoors" strengthens the conscience, conscience strengthens religion, religion gave the Ten Commandments, and the Ten Commandments founded laws which make the Christian nation.

The lakes, rivers, and streams where these fish are found are public property, open to the rich and poor alike.

Fishing is the least expensive of all outdoor sports. It gives the youngest boy his first contact with nature; his first feeling of mastery.

Where a State finds it must conserve its black bass and its power to do so is curtailed, Federal assistance in enforcing State determination can be objected to only by those persons who try to violate the laws of their own States.

This is not a sportsman's bill. It is for the rich and poor alike. It is to preserve for those that come after the things we have enjoyed.

THE PUBLIC BUILDINGS BILL

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks on the public-buildings bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker, I desire to indicate my approval of the public-buildings bill H. R. 11791. The grave and urgent need for public buildings, both in the District of Columbia and the country at large, is well known to all those who are at all informed upon the subject. Manifestly it would not be fair to begin the construction of needed buildings in the District and refuse a similar beginning as to buildings just as badly needed in the country outside of the District. The reverse of this proposition is, of course, also true.

It has been about 11 years since there was enacted a public-buildings bill, and the growth of public business, brought about both by the manifold activities of the World War and the increase of population and industrial activities, has rendered the further construction of public buildings imperatively necessary.

The pending measure may not be ideal, but, in my judgment, it will certainly prove superior in its operation to the old so-called "pork barrel" system of dealing with these matters. Should this bill fail to become a law, we shall be without any means whereby new and greatly needed buildings may be constructed. The bill provides a scientific mode for construction, and the annual sum of $25,000,000 a year for six years, in all $150,000,000, authorized by it will be none too much for the needed purpose.

In this connection I desire to submit the suggestion that it might be well for many of our public buildings to be constructed in the future to be more or less memorial in character. Reference is made to buildings both in the District of Columbia and in the country at large. In the construction of public buildings in the future, the inclusion of memorial features, simple in character but peculiarly appropriate in a Nation which has done so much for human liberty and which exists wholly and solely on the basis of the patriotism of its sons and daughters, would prove of great educational and patriotic value. Just now memorials are being constructed in various parts of the country to commemorate the deeds and valor of our soldiers and sailors of the World War. Our people can not do all they would like to do in this regard. The taxes and burdens of that war render their financial ability altogether incommensurate with their patriotic zeal.

If those officials charged with the responsibility of the construction of public buildings might be given the power (if they do not already have the power) to include simple memorial features, I believe that the greatest good would result. These features could be in the form of statues, sculptures, architectural design of the buildings, and the like. Also works of art, patriotic and commemorative in spirit, could be accepted to be placed in these buildings. The supervising officials should have, of course, full power to deal with these matters so that nothing but works of true artistic worth and design would be accepted, and any abuse or mistakes prevented. Such a policy, I believe, would be peculiarly fortunate as regards the post-office structures and other public buildings yet to be erected in the various sections of the country.

I do not deem it necessary to go into further detail. I simply submit the suggestion for what it may be worth. A country without patriotic memorials is a country that will not endure. We have done much in this regard, but not enough. Why not combine patriotic and inspirational features with those of utility in our future public-buildings program? This can be done without substantial added expense, and the benefits which will thus result will be beyond calculation.

CHILD LABOR AMENDMENT

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will report:

The Clerk read as follows:

A communication from the secretary of state of the State of Kansas transmitting a concurrent resolution of the legislature rejecting the proposed child labor amendment to the Constitution of the United States:

STATE OF KANSAS, EXECUTIVE DEPARTMENT,
Topeka, January 30, 1925.

Hon. F. H. GILLETT,
Speaker of the House of Representatives,
Washington, D. C.

DEAR SIR: On behalf of the Governor of the State of Kansas I am transmitting to you herewith house concurrent resolution No. 5, in relation to rejecting the proposed child labor amendment to the Constitution of the United States by the Legislature of the State of Kansas, now in session.

Your acknowledgment of the receipt of this resolution will be appreciated by me.

Cordially yours, FRANK J. RYAN,
Secretary of State.

House concurrent resolution 5 in relation to rejecting the proposed child labor amendment to the Constitution of the United States

Whereas the Congress of the United States has proposed an amendment to the Constitution of the United States of America in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States of America in Congress assembled (two-thirds of each House concurring therein) that the following article is proposed as an amendment to the Constitution of the United States, which when ratified by the legislatures of three-fourths of the several States shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE —

"SECTION 1. That Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. That power of the several States is unimpaired by this article, except that the operation of the State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress"; Therefore be it

Resolved by the House of Representatives of the State of Kansas (the senate concurring therein)—

SECTION 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, rejected by the Legislature of the State of Kansas.

SEC. 2. That certified copies of this concurrent resolution be forwarded by the governor of this State to the Secretary of State at Washington, D. C., to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

I hereby certify that the above concurrent resolution originated in the house and passed that body January 21, 1925.

CLIFFORD R. HOPE,
Speaker of the House.
ORA H. HATFIELD,
Chief Clerk of the House.

Passed the senate January 27, 1925.

D. A. N. CHASE,
President of the Senate.
ARTHUR S. MCNARE,
Secretary of the Senate.

Approved January 30, 1925.

BEN S. PAULEN,
Governor.

RESIGNATION FROM A COMMITTEE

The SPEAKER. The Chair lays before the House the following resignation from a committee, which the Clerk will report.

The Clerk read as follows:

JANUARY 31, 1925.

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives,
Washington, D. C.

DEAR SIR: I hereby resign as a member of the Committee on the Post Office and Post Roads.

Respectfully,

JOHN E. NELSON.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 3, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

836. A letter from the president of the Washington Railway & Electric Co., transmitting report of the Washington Railway & Electric Co. for the year ended December 31, 1924; to the Committee on the District of Columbia.

837. A letter from the president of the Washington Railway & Electric Co., transmitting report of the City & Suburban Railway of Washington for the year ended December 31, 1924; to the Committee on the District of Columbia.

838. A letter from the president of the Washington Railway & Electric Co., transmitting report of the Georgetown & Tennallytown Railway Co. for the year ended December 31, 1924; to the Committee on the District of Columbia.

839. A letter from the President of the Washington Railway & Electric Co., transmitting report of the Washington Interurban Railroad Co. for the year ended December 31, 1924; to the Committee on the District of Columbia.

840. A letter from the president of the Potomac Electric Power Co., transmitting report of the Potomac Electric Power Co. for the year ended December 31, 1924; to the Committee on the District of Columbia.

841. A letter from the president of Georgetown Gas Light Co., transmitting detailed statement of the business of the Georgetown Gas Light Co., together with a list of stockholders, for the year ended December 31, 1924; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. DICKINSON of Iowa: Committee on Appropriations. H. R. 12101. A bill making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes; without amendment (Rept. No. 1361). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 11029. A bill to consolidate the office of public buildings and grounds under the Chief of Engineers, United States Army, and the office of superintendent of the State, War, and Navy Department Buildings; with amendments (Rept. No. 1363). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 11668. A bill granting consent of Congress to the States of Missouri, Illinois, and Kentucky to construct, maintain, and operate bridges over the Mississippi and Ohio Rivers at or near Cairo, Ill., and for other purposes; with amendments (Rept. No. 1364). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. S. 3722. An act to authorize the county of Knox, State of Indiana, and the county of Lawrence, State of Illinois, to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.; without amendment (Rept. No. 1365). Referred to the House Calendar.

Mr. STEPHENS: Committee on Naval Affairs. H. R. 11755. A bill limiting the provisions of the act of August 29, 1916, relating to the retirement of captains in the Navy; with amendments (Rept. No. 1366). Referred to the Committee of the Whole House on the state of the Union.

Mr. REED of New York: Committee on Education. H. Res. 416. A resolution expressing a desire that every educational institution provide a course for the study of the Constitution of the United States; with amendments (Rept. No. 1367). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. S. 49. An act for the relief of Elizabeth H. Rice; with an amendment (Rept. No. 1368). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 1353. An act for the relief of Annie McColgan; with an amendment (Rept. No. 1369). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12038) granting an increase of pension to Mary C. Dill, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DICKINSON of Iowa: A bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. LAGUARDIA: A bill (H. R. 12102) to amend the revenue act of 1924; to the Committee on Ways and Means.

By Mr. PRALL: A bill (H. R. 12103) to authorize the Port of New York Authority to construct, operate, maintain, and own bridges across the Arthur Kill between the States of New

York and New Jersey; to the Committee on Interstate and Foreign Commerce.

By Mr. LINEBERGER: A bill (H. R. 12104) to amend section 202 of the Federal farm loan act as amended; to the Committee on Banking and Currency.

Also, a bill (H. R. 12105) to amend the tariff act of 1922 in order to provide for a tariff on hides of cattle, and for other purposes; to the Committee on Ways and Means.

By Mr. GASQUE: A bill (H. R. 12106) to provide for the election of the Board of Education of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SUTHERLAND: A bill (H. R. 12107) making available the unexpended balance authorized for the construction of a public building at Juneau, Alaska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12108) for the erection of a Federal courthouse and jail at Ketchikan, Alaska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12109) for the establishment of a school of aviation at the Alaska Agricultural College and School of Mines, at Fairbanks, Alaska; to the Committee on Military Affairs.

By Mr. RICHARDS: Joint resolution (H. J. Res. 340) to authorize the United States to participate in the Nevada Transcontinental Highways Exposition, to be held at Reno, Nev., in 1926; to the Committee on Industrial Arts and Expositions.

By Mr. STEVENSON: Concurrent resolution (H. Con. Res. 43) to provide for the printing of a revised edition of the Biographical Congressional Directory; to the Committee on Printing.

By the SPEAKER (by request): Memorial of the Legislature of the State of Oregon, urging Congress to provide the necessary funds at the present session to build a new hospital in Portland, Oreg.; to the Committee on World War Veterans' Legislation.

Also (by request), memorial of the Legislature of the State of Oregon, urging the Congress of the United States to take action in the development of ports of the north Pacific coast for the marketing of the vast timber resources of the adjacent territory; to the Committee on Rivers and Harbors.

Also (by request), memorial of the Legislature of the State of Utah, petitioning Congress for favorable action on Senate Joint Resolution 147 and Senate bill 2424, relating to grazing fees on national forests; to the Committee on Agriculture.

Also (by request), memorial of the Legislature of the State of Nevada, in favor of the passage of the Kendrick bill, known as S. 3779, and to provide for aided and directed settlement of Government land in irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. KELLER: Memorial of the Legislature of the State of Minnesota, urging the amendment of the packers and stockyards act to eliminate discrimination against furnishing stockyards service; to the Committee on Agriculture.

By Mr. LEATHERWOOD: Memorial of the Legislature of the State of Utah, favoring the passage of Senate Joint Resolution 147 and Senate bill 2424, relating to grazing fees on national forests; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Utah, favoring the passage of Senate bill 2327, an act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDS: Memorial of the Legislature of the State of Nevada, petitioning Congress in favor of the passage of the Kendrick bill, known as S. 3779; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROLL: A bill (H. R. 12110) for the relief of Clair A. Koch; to the Committee on World War Veterans' Legislation.

By Mr. GARBER: A bill (H. R. 12111) granting an increase of pension to Sarah Ellen Sunderland; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 12112) granting an increase of pension to Susannah Wyman; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 12113) granting an increase of pension to Benjamin J. Close; to the Committee on Pensions.

Also, a bill (H. R. 12114) for the relief of Jesse Dotts; to the Committee on Military Affairs.

By Mr. HICKEY: A bill (H. R. 12115) granting a pension to Minnie E. Martin; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 12116) granting a pension to Ella G. Brewer; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12117) granting an increase of pension to Violet Bush; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 12118) for the relief of certain officers and former officers of the Army of the United States, and for other purposes; to the Committee on War Claims.

By Mr. VAILE: A bill (H. R. 12119) granting an increase of pension to Anna E. Hanna; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Michigan: A bill (H. R. 12120) granting an increase of pension to Emma Richards; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 12121) granting a pension to Nora M. Howell; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 12122) granting an increase of pension to Joseph Shotts; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3631. By Mr. BARBOUR: Petition of the Hughson (Calif.) Woman's Christian Temperance Union, urging United States adherence to the World Court; to the Committee on Foreign Affairs.

3632. By Mr. BOYCE: Memorial of Exchange Club of Wilmington, Del., urging that the Congress of the United States take action as to whether the United States should participate in the World Court; to the Committee on Foreign Affairs.

3633. By Mr. DAVEY: Petition of 18 residents of Ravenna, Ohio, protesting against the compulsory Sunday observance bill (S. 3218) and any other religious legislation now pending; to the Committee on the District of Columbia.

3634. By Mr. HICKEY: Petition of citizens of Elkhart, Ind., protesting against the passage of the compulsory Sunday observance bill (S. 3218) and against any other religious legislation which may be pending in Congress; to the Committee on the District of Columbia.

3635. By Mr. MacGREGOR: Petition of citizens of Buffalo, N. Y., opposing the enactment of any legislation which would prohibit the manufacture and sale of pistols, revolvers, and ammunition; to the Committee on Interstate and Foreign Commerce.

3636. By Mr. O'CONNELL of New York: Petition of the Citizens Union of the City of New York, favoring the passage of House bill 7014 and Senate bill 2287 to sell the Hoboken Shore Line Railroad to the Port of New York Authority and accept the Port Authority's bonds in payment; to the Committee on Military Affairs.

3637. Also, petition of Frank P. Hill, chief librarian Brooklyn Public Library of Brooklyn, N. Y., favoring the passage of House bill 633; to the Committee on Education.

3638. By Mr. PHILLIPS: Petition of the Twentieth Century of Rochester, Pa., recommending that the bill providing for the creation of a World Court be reported out of the Senate committee to which it was referred, placed upon the Senate calendar, and acted upon during the present session of Congress; to the Committee on Foreign Affairs.

SENATE

TUESDAY, *February 3, 1925*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, we thank Thee for the brightness of the morning. Grant that in every heart the element of good cheer may be dominant, and entering upon the duties of the day it may be with an earnestness of purpose, a largeness of conception, and a strict integrity to duty which will enable each to fulfill his place in the great matters of Government. Hear us, we beseech of Thee. Help us to understand what it is to be true and noble, and give unto us the guidance of Thy Spirit continually. For Christ's sake. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed without amendment the following bills and joint resolutions of the Senate:

S. 2232. An act to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service";

S. 2693. An act in reference to writs of error;

S. 2848. An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.;

S. 3392. An act to amend section 558 of the Code of Law for the District of Columbia;

S. J. Res. 154. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; and

S. J. Res. 155. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the House had passed the joint resolution (S. J. Res. 135) granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River at or near the city of Batesville, in the county of Independence, in the State of Arkansas; and

S. 3885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5197. An act to amend section 71 of the Judicial Code as amended;

H. R. 8206. An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes;

H. R. 8438. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River from Cliff Street, McKeesport, to a point opposite in the city of Duquesne;

H. R. 9362. An act to provide for the establishment of a dairying and livestock experiment station at Dalhart, Tex.;

H. R. 10287. An act authorizing preliminary examination and survey of the Caloosahatchee River, in Florida, with a view to the control of floods;

H. R. 10528. An act to refund taxes paid on distilled spirits in certain cases;

H. R. 11255. An act granting the consent of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.;

H. R. 11280. An act authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin;

H. R. 11367. An act granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania;

H. R. 11474. An act to fix the time for holding the terms of the United States District Court for the Eastern District of Virginia, at Alexandria;

H. R. 11706. An act to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Road crossing, Idaho; and

H. R. 11791. An act to provide for the construction of certain public buildings, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House of Representatives had affixed his signature to the enrolled bill (S. 353) for the relief of Reuben R. Hunter, and it was thereupon signed by the President pro tempore.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had been signed previously by the Speaker of the House of Representatives:

S. 2842. An act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes;

H. R. 3132. An act for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn.;

H. R. 7918. An act to diminish the number of appraisers at the port of Baltimore, and for other purposes; and

H. R. 11956. An act to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909.

REPORTS OF PUBLIC UTILITIES IN THE DISTRICT

The PRESIDENT pro tempore laid before the Senate reports of the following public utility companies in the District of Columbia, submitted pursuant to law, for the year ended December 31, 1924, which were referred to the Committee on the District of Columbia:

The Washington Railway & Electric Co.;
The Potomac Electric Power Co.;
The Washington Interurban Railroad Co.;
The Georgetown & Tennallytown Railway Co.;
The City and Suburban Railway of Washington;
The Georgetown Gas Light Co.; and
The Washington Gas Light Co.

PETITIONS AND MEMORIALS

Mr. SHEPPARD presented petitions of sundry citizens of Gregory, Melon, Marysville, San Antonio, Brownwood, Atascosa, Graham, Coleman, and Fort Sam Houston, all in the State of Texas, praying for the passage of Senate bill 3920, to pension soldiers who were in the military service of the United States during the period of Indian wars, campaigns, and disturbances, and the widows, minors, and helpless children of such soldiers, and to increase the pensions of Indian war survivors and widows, which were referred to the Committee on Pensions.

Mr. CARAWAY presented a resolution of the Arkansas Federation of Women's Clubs, favoring the participation of the United States in the World Court under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution of Union No. 458, United Brotherhood of Carpenters and Joiners of America, of Lawrence, Kans., favoring the passage of legislation to secure Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. LADD presented a resolution of the Civic League of Aneta, N. Dak., favoring the participation of the United States in the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Saturday Lunch Club, of Minneapolis, Minn., favoring the adoption of the concurrent resolution (S. Con. Res. 22) relative to engaging the responsibility of the Government in financial arrangements between its citizens and sovereign foreign governments, which was referred to the Committee on Foreign Relations.

Mr. McLEAN presented petitions of Emerson H. Liscum Camp, No. 12, Department of Connecticut, United Spanish War Veterans, of Waterbury; of Ward Cheney Camp, No. 13, Department of Connecticut, United Spanish War Veterans, of South Manchester; and of Patrick M. McVeigh, Commander of Ward Cheney Camp, United Spanish War Veterans, of Manchester, all in the State of Connecticut, praying for the passage of House bill 5934, the so-called Knutson bill, proposing to grant increased pensions to Spanish War Veterans, etc., which were referred to the Committee on Pensions.

He also presented petitions of the Woman's Christian Temperance Unions of Waterbury and Wethersfield, both in the State of Connecticut, praying for the passage of House bill 6645, the so-called Cramton bill, proposing to amend the national prohibition act; to establish a Bureau of Prohibition in the Treasury Department and to place its personnel under the civil service act, which were referred to the Committee on the Judiciary.

He also presented a resolution of the Hartford (Conn.) section of the National Council of Jewish Women, favoring the participation of the United States in the World Court under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Norwalk (Conn.) Real Estate Board, remonstrating against the passage of legisla-

tion to create a permanent board for the control of rentals in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CAMERON presented the following joint resolution of the Legislature of Arizona, which was referred to the Committee on the Judiciary:

STATE OF ARIZONA,
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA,
State of Arizona, ss:

I, James H. Kerby, secretary of state, do hereby certify that the within is a true, correct, and complete copy of joint house resolution No. 1 of the Seventh Legislature of the State of Arizona, "ratifying the proposed amendment to the Constitution of the United States relating to the limitation, regulation, and prohibition of labor of persons under 18 years of age," all of which is shown by the original resolution on file in this department.

In witness whereof I have hereunto set my hand and affixed my official seal. Done at Phoenix, the capital, this 29th day of January, A. D. 1925.

[SEAL.]

JAMES H. KERBY,
Secretary of State.

HOUSE OF REPRESENTATIVES,
SEVENTH STATE LEGISLATURE, REGULAR SESSION.

House joint resolution 1, introduced by Mr. Provost, of Maricopa, ratifying the proposed amendment to the Constitution of the United States relating to the limitation, regulation, and prohibition of labor of persons under 18 years of age.

Whereas the Senate and the House of Representatives, constituting the Congress of the United States of America, by a constitutional majority of two-thirds thereof, passed the following joint resolution to amend the Constitution of the United States of America, to wit:

Joint resolution proposing an amendment to the Constitution of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE —

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress": Therefore be it

Resolved by the Seventh Legislature of the State of Arizona—

SECTION 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Arizona.

SEC. 2. That certified copies of this preamble and joint resolution be forwarded by the Governor of Arizona to the Secretary of State, Washington, D. C., to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives, and that copies thereof also be forwarded to each of Arizona's Representatives in the Congress.

Passed the house January 19, 1925, by the following vote—41 ayes, 3 noes, 3 not voting.

CHAS. E. MACMILLIN,
Speaker of the House.
BESSE GOLZE,
Chief Clerk of the House.

Passed the senate January 28, 1925, by the following vote—19 ayes, 0 noes, and 0 not voting.

MULFORD WINSOR,
President of the Senate.
W. J. GRAHAM,
Secretary of the Senate.

House concurred in senate amendments January 28, 1925, by the following vote—39 ayes, 4 noes, 4 not voting.

EXECUTIVE DEPARTMENT OF ARIZONA,
OFFICE OF GOVERNOR.

This bill was received by the governor this 29th day of January, 1925, at 1.30 o'clock p. m.

H. S. MCCLUSKEY,
Secretary to the Governor.

Approved this 29th day of January, 1925.

GEO. W. P. HUNT,
Governor of Arizona.

EXECUTIVE DEPARTMENT OF ARIZONA,
OFFICE OF THE SECRETARY OF STATE.

This bill was received by the secretary of state this 29th day of January, 1925, at 2.25 o'clock p. m.

JAMES H. KERBY,
Secretary of State.

ORDER OF BUSINESS

Mr. HARRELD. Mr. President, may I ask unanimous consent at this time to call up a bill that was passed over on last Saturday, on which we have all agreed, and which it will take only a moment to dispose of.

Mr. CURTIS. I think we ought first to have a disposition of the regular routine morning business. Some debate might occur on the bill to which the Senator refers. I ask the Senator to wait until we have concluded the routine morning business.

Mr. HARRELD. Very well. I will wait until the routine business has been concluded.

REPORTS OF COMMITTEES

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 179) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge, reported it without amendment and submitted a report (No. 974) thereon.

Mr. BRUCE, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3645) for the relief of the Monumental Stevedore Co. (Rept. No. 978); and

A bill (S. 2721) for the relief of Levin P. Kelly (Rept. No. 979).

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (H. R. 7631) for the relief of Charles T. Clayton and others, reported it without amendment and submitted a report (No. 980) thereon.

Mr. JOHNSON of Minnesota, from the Committee on Claims, to which was referred the bill (S. 2438) for the relief of Helen M. Peck, reported it without amendment and submitted a report (No. 981) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3850) for the relief of Mark J. White (Rept. No. 982);

A bill (H. R. 7118) for the relief of the Mechanics & Metals National Bank, successor to the New York Produce Exchange Bank (Rept. No. 983); and

A bill (H. R. 8298) for the relief of Byron S. Adams (Rept. No. 984).

Mr. JONES of Washington, from the Committee on Appropriations, to which was referred the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes, reported it with amendments and submitted a report (No. 985) thereon.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 466) to amend section 90 of the Judicial Code of the United States, approved March 3, 1911, so as to change the time of holding certain terms of the District Court of Mississippi, reported it without amendment.

Mr. SHORTRIDGE, from the Committee on Banking and Currency, to which was referred the bill (S. 4024) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the admission of the State of California into the Union, reported without amendment.

ADDITIONAL JUDICIAL DISTRICT FOR NORTH CAROLINA

Mr. OVERMAN. Mr. President, from the Committee on the Judiciary I report back favorably with amendments the bill (S. 4059) to provide for an additional Federal district for North Carolina, and I ask unanimous consent for its present consideration.

Mr. KING. Does it create a new district or a division?

Mr. OVERMAN. It is a new district.

Mr. KING. Calling for new judges?

Mr. OVERMAN. It provides for one more judge. One judge has just died from overwork and another threatens to resign on account of excess of work.

Mr. KING. Of course I am not on the Judiciary Committee, but recently we created new districts and provided for 25 additional judges.

Mr. OVERMAN. At that time the committee was unanimously agreed that North Carolina needed one more judge. I would not consent to it, because it looked like consenting to the appointment of a Republican judge. But now I see the necessity for it, and, although he will be a Republican judge, I think it will have to be done.

Mr. KING. I shall not object to the consideration of the bill, but I should like to hear some further explanation.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments of the Committee on the Judiciary were, on page 2, line 2, to strike out "Columbia" and insert "Columbus"; in the same line, after "Craven," insert "Cumberland"; in line 14, after "September," insert "at Fayetteville on the third Mondays in January and June"; in line 20, after "Washington," to insert "at Fayetteville"; on page 3, line 1, strike out "Cumberland"; in the same line, after "Davie," insert "Durham"; in line 7, strike out "Fayetteville" and insert "Durham"; in line 12, after "Winston-Salem," insert "Durham"; line 17, strike out "Fayetteville" and insert "Durham"; and in the same line, after "Greensboro," insert "Wilkesboro," so as to make the bill read:

Be it enacted, etc., That section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of October 7, 1914, be, and the same is hereby, amended to read as follows:

SEC. 98. The State of North Carolina is divided into three districts to be known as the eastern, the middle, and the western districts of North Carolina.

The eastern district shall include the territory embraced on the 1st day of January, 1925, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Tyrell, Wake, Washington, Warren, Wayne, and Wilson.

Terms of the district court for the eastern district shall be held at Raleigh on the first Mondays in January and June; at Wilson on the first Mondays in February and September; at Elizabeth City on the first Mondays in March and October; at Washington on the first Mondays in April and November; at New Bern on the third Mondays in March and September; at Fayetteville on the third Mondays in January and June; and at Wilmington on the first Mondays in May and December: *Provided*, That the city of Wilson shall provide and furnish at its own expense a suitable and convenient place for holding the district court. The clerk of the court for the eastern district shall maintain an office in charge of himself or deputy at Raleigh, at Wilmington, at New Bern, at Elizabeth City, at Washington, at Fayetteville, and at Wilson which shall be kept open at all times for the transaction of the business of the court.

The middle district shall include the territory embraced on the 1st day of January, 1925, in the counties of Alamance, Alleghany, Ashe, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Guilford, Granville, Hoke, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Surry, Vance, Wataugn, Wilkes, and Yadkin.

Terms of the district court for the middle district shall be held at Laurinburg on the first Mondays in April and October; at Durham on the first Mondays in March and September; at Salisbury on the third Mondays in April and October; at Winston-Salem on the first Mondays in May and November; at Greensboro on the first Mondays in June and December; and at Wilkesboro on the third Mondays in May and November: *Provided*, That the cities of Winston-Salem, Durham, and Laurinburg shall each provide and furnish at its own expense a suitable and convenient place for holding the district court. The clerk of the court for the middle district shall maintain an office in charge of himself or deputy at Durham, Winston-Salem, Greensboro, Wilkesboro, and at Salisbury, which shall be kept open at all times for the transaction of the business of the court.

The western district shall include the territory embraced on the 1st day of January, 1925, in the counties of Alexander, Anson, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, Madison, Macon, McDowell, Mecklenburg, Mitchell, Polk, Rutherford, Swain, Transylvania, Union, and Yancey.

Terms of the district court for the western district shall be held in Charlotte on the first Mondays in April and October; at Shelby on the fourth Mondays in September and third Mondays in March; at Statesville on the fourth Mondays in April and October; and at Asheville on the second Mondays in May and November: *Provided*, That the city of Shelby shall provide and furnish at its own expense a suitable and convenient place for holding the court at Shelby. The clerk of the court for the western district shall maintain an office in charge of himself or deputy at Charlotte, at Asheville, at Statesville, and at Shelby, which shall be kept open at all times for the transaction of the business of the court.

That there shall be a judge and a district attorney appointed for the said middle district in the manner now provided by law, who shall receive the same salaries now provided by law for the judges and district attorneys of the eastern and western districts, and a marshal, clerk, and other officers in the manner and at the salaries now provided by law.

That all causes in the said middle district in equity, bankruptcy, or admiralty, in which orders and decrees have already been made and which are now in process of trial, shall continue and remain subject to the jurisdiction of the judge of that district by whom the same shall have been made and before whom the same shall have been partially tried and determined.

The amendments were agreed to.

Mr. KING. As I indicated a few moments ago, at the last session of Congress the Committee on the Judiciary reported a bill for the appointment of 25 additional Federal judges. I did not believe then, nor do I believe now, that so large a number was required. However, representations were made that the calendars were congested to such a degree that many criminal cases could not be tried, and that civil litigants were unable to have their cases presented.

An examination of some of the reports, submitted in support of the measure, convinced me that extravagant claims were made, and showed that there were carried as active cases thousands that would never be tried, as well as matters which could be disposed of in a very unceremonious manner. I believed from the showing made that there was no necessity for the appointment of so many additional judges. I was also convinced that the creation of a number of new districts provided in the bill was wholly unwarranted. I do not like to criticize the courts, but I was of the opinion when that bill was under consideration—and further inquiry has confirmed that opinion—that the congested condition of some of the calendars was due to the courts, and in other instances to a lack of cooperation between the courts and members of the bar.

It has become axiomatic that our judicial procedure is in need of immediate reforms. There is not that dispatch of public business that there should be. The English judges dispose of many more cases of like character than are disposed of in either our State or Federal courts. I remember that when the bill, to which I refer, was under consideration, reference was made to the work of an eminent judge in the State of Indiana. I recall there was but one Federal judge in that Commonwealth, and notwithstanding the great amount of litigation he was able to keep his calendar current. I am not convinced that a new district should be created in North Carolina, and I am not in possession of sufficient data to justify me in supporting the bill presented by the Senator from that State.

Mr. President, it is worthy of note that notwithstanding the claim made, when the bill creating 25 additional judges was before the committee, that it was imperative that the entire number should be appointed immediately, many of them were not appointed for months after the bill became a law. I have not heard that anyone suffered by reason of the delay in naming the judges to fill the new positions. The long delay in their appointment, coupled with the controversies attending their appointment, led to the belief upon the part of some that the necessity for additional judges was not as great as represented, and that the demands for these new positions were, in some instances, at least, in the interest of individuals who were seeking appointments.

It has been charged that in some cases the failure to promptly fill these new positions arose out of the quarrels and controversies among Republican politicians and Republican Senators. There was ground for the belief that in some instances Republican Senators could not agree among themselves upon the persons to be named for these judicial positions. Certain it is that these appointments became purely political. There was every appearance that there was a scramble for these important offices, but in the end the appointments were dictated by Republican organizations or Republican Senators, or by both.

I am advised that not a single Democrat was appointed to either of the 25 positions provided in the bill which I have mentioned. This is most remarkable, particularly in view of the fact that the judiciary is supposed to be nonpartisan. The President is presumed to be the President of the United States, and not merely the actual as well as the titular head of the party in power. We have claimed as one of the chief vir-

tues of our form of government that the judiciary was independent and separate from the executive and the legislative branches of the Government.

No matter what political controversies have rocked our country, we have contended that the judiciary was above the storms and tempests incident to our political life, and that with serenity and independence it has preserved its high place in the confidence of the people and aided in preserving those checks and balances essential to the perpetuity of this Republic. If the judiciary, and particularly the Federal judiciary, is to be made a mere partisan organization or department, and appointments are to be dictated by politicians and political machines, then there is imminent danger to the Republic. Undoubtedly such a course will shake the confidence of the people in the judiciary and its personnel, as well as in its decisions, and it will be looked upon with suspicion and grave distrust.

I believe that a majority of the lawyers of the United States do not belong to the Republican Party. I believe that a majority of the legal profession are Democrats and support the political philosophy of Jefferson rather than the views of Mr. Hamilton. A profound study of governments and of the philosophy of government and of our political institutions, I believe, incline men and women to the fundamental principles of the Democratic faith. Some have said that the superior training of lawyers and their broader comprehension of constitutional questions, and their better understanding of the principles upon which free governments rest, incline them to the political philosophy of the Democratic Party——

Mr. CARAWAY. And their high character——

Mr. KING. My friend, the Senator from Arkansas, suggests their high character. I shall not interpolate that as a part of my remarks. I can, however, with propriety say that with the greater opportunities which lawyers have to study constitutional questions and the science and problems of government they should be more devoted to freedom and justice, and therefore more inclined to the Democratic faith.

But, Mr. President, it appears that the Federal judiciary is to be regarded as a partisan branch of the Government, and judicial appointments are to be regarded as the spoils and patronage of the party in power. They are to be placed in the same category as positions and places found in the executive branch of the Government. There may be reason for political appointments in the executive departments and agencies of the Government, but, I repeat, in theory at least, there is a wide gulf between judicial appointments and those for service in the other departments and branches of the Government. But it would appear that judicial appointments are to be regarded as political appointments, and judges are to receive their support from politicians, and are to owe their elevation to high judicial positions to partisan influence and support.

Mr. President, I submit that this is a step in the wrong direction and against a wise and enlightened policy. I repeat that I have been advised that all of these 25 judges are Republicans, and their appointment has been dictated by Republican Senators or Republican Party organizations. If the President of the United States desires that the Federal judiciary shall enjoy the confidence of the people and occupy that high station contemplated by the Constitution, then his appointment must not be partisan or controlled by political machines or political leaders.

If the judiciary is to be a partisan organization, undoubtedly it will not enjoy the full confidence of the people. I regret that the Republican administration during the past four years has pursued such a partisan and unsound course in dealing with judicial appointments.

It was charged during the last political campaign that many people of the United States lacked confidence in the judiciary; indeed, one of the issues of the campaign, though a false one, revolved around the proposition that an attack upon the judiciary of our Government was involved in the political utterances of Senator LA FOLLETTE and conspicuous members of the Progressive Party. Republican orators insisted that the progressives were striking at the very foundations of the Government, because they were urging a constitutional amendment permitting further legislative review of legislative enactments.

They seem to have forgotten that Mr. Roosevelt and many Republicans who supported him went very much further in their attack upon the judiciary than did Mr. LA FOLLETTE and the progressives in the last campaign. Mr. Roosevelt advocated the recall of judicial decisions and insisted that there should be a sort of referendum to deal with the decisions of the court. He insisted that without any amendment to the Constitution of the United States the decisions of the courts could be overturned by what he denominated preponderant public opinion. Undoubtedly Mr. Roosevelt and his followers did make an assault upon the Constitution of the United States. Their position was utterly at variance with our theory of government and was a challenge to the independence of the judiciary and to the view that the three branches of our Government are separate and coordinate and independent.

But our good Republican friends, inconsistent and unfair, abused Mr. LA FOLLETTE and the progressives who supported him, while pressing to their bosoms in idolatrous fashion Mr. Roosevelt and the unsound and destructive views which he so stoutly contended for. It is singular, in view of these loud protestations of loyalty to our form of government and professed devotion to the maintenance of an independent judiciary, that our Republican friends should do everything within their power to make it a partisan and political department and rob it of its high esteem and place in the affections of the American people. They are parceling out judicial positions apparently as rewards for partisan and political service. At any rate, political considerations seem to determine appointments and machine politics seem to control judicial appointments as fully as they do the commonest and cheapest offices in the Federal Government.

I regret that my good friend from North Carolina should present this bill. In my opinion there is no need for an additional judge. I shall not oppose the consideration of the bill but I shall record my vote against it.

Mr. BRUCE. Mr. President, may I ask the Senator from North Carolina a question?

Mr. OVERMAN. Certainly.

Mr. BRUCE. I ask him whether the need for the additional judge is due to the increasing difficulties that the Federal Government is experiencing in enforcing prohibition?

Mr. OVERMAN. Of course. There are 1,300 cases pending in one district and 1,400 in another. The judge can not do the work. One judge died recently from overwork and the other is threatening to resign unless he has help. That is our condition.

Mr. BRUCE. My question was prompted partly by the fact that I saw it stated in a recent report of the Prohibition Unit that last year more stills were broken up within 12 of the Southern States than in the 36 other States of the Union.

Mr. OVERMAN. That is true.

The PRESIDING OFFICER (Mr. FESS in the chair). The bill is still in Committee of the Whole and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OVERMAN. I ask that a certain letter from Hon. Edwin Y. Webb, district judge in North Carolina, and the accompanying statistics may be published in the RECORD as part of my remarks in connection with Senate bill 4059, which has just been passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

UNITED STATES COURT CHAMBERS,
Shelby, N. C., January 6, 1925.

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am in receipt of your favor of the 2d instant stating that there is considerable agitation in North Carolina for the establishment of a new Federal district and for the appointment of another judge, and asking whether or not I favor such new district.

I thank you for making this inquiry of me, and I unhesitatingly say that such additional judge is, in my opinion, absolutely necessary, and, with reference to its bearing upon the work in my own district, I feel that it is imperative.

As you recall, the question of an additional judge for North Carolina was much discussed two or three years ago, and I was then asked the question as to whether or not I thought we needed an additional judge; and at that time, feeling that the work, though heavier than one judge should perform, would surely decrease, I did not recommend the creation of an additional judge. But the work since then has not only not decreased but has grown so rapidly and to such a tremendous extent that I am frank to tell you that unless I receive some assistance I will not be able much longer to stand up under the heavy burden and transact the business of the district with that degree of dispatch which it requires.

It is a well-known fact that our State has grown very rapidly in the last few years industrially, and in population and wealth, and with this growth has come a very large increase in both civil and

criminal business in the Federal courts. The State, as you know, had two Federal judges 60 years ago, and now has provision for only two; whereas, in that length of time the superior court judges have increased from 8 to 20, and there is now a widespread demand to increase this number to 30. And in addition thereto a large number of recorder's courts and city courts have been established to relieve the superior court work.

I regret to be personal in stating the necessity for a new judge, but you very kindly ask as to the condition of the work in my district, and, without desiring in the least to make unfair comparisons, I must necessarily show you the amount of work which I have done during the last fiscal year, as shown by the Attorney General's report, in order to demonstrate the very large amount of business done in the district—which exceeds by far the average amount of work that other judges are compelled to do. I do not aver that the other judges have too little to do. They no doubt have time, and should have time, to prepare written opinions in reviews of referee's findings appealed to him, and also in all equity cases which he decides, but I am frank to tell you that I have not had this time, although I feel the necessity of it very much, and am compelled frequently to simply affirm or reverse a finding in a bankruptcy case, or merely find for or against the complainant in an equity suit. I would like to have the time to spend hours in my library preparing opinions in such cases that would reflect some credit upon the bench, which I try to honor.

It will be found from the Attorney General's report of the last fiscal year that the 57 districts with 1 judge in each district disposed of an average of 571 criminal cases, while I disposed of in my district alone, during the same period, 1,037. You will find that these 57 districts averaged 76 jury trials, while I had 203 such trials in my district, and you will further find that the average of purely civil cases for these 57 districts was 73, while I terminated 174.

The Attorney General's report further shows that there are 16 districts in the United States that have 2 judges each, and that in these 16 districts there was a total of 16,832 cases of all kinds terminated during the last fiscal year, making an average number of cases for each 2 judges of 1,052, while I alone in the same period terminated 1,335 cases. It will be seen that in these 16 districts the average total number of cases terminated per judge was 526, as against 1,335 terminated in my district.

The average number of criminal cases terminated by 2 judges in these 16 districts was 735, while I terminated during the same period 1,037 criminal cases, making an average number of criminal cases terminated per judge in these 16 districts 377, as against the 1,037 terminated by me.

The Attorney General's report shows further that in 51 districts in continental United States with 1 judge in each district there were signed upon an average of 41 judgments in civil cases to which the United States was a party and that I signed during the same period 62 judgments of this character.

As you know, jury trials take up considerable time of the court, and it is shown by the Attorney General's report that the 16 districts with 2 judges each referred to above had an average of 69 jury trials in each of said districts, while I alone had during the same period 203 jury trials.

The Attorney General's report shows also that I terminated last year more cases in my one district alone than were terminated in one Southern State with three judges and that I terminated more cases than either of two other Southern States, each of which had two judges.

I again assert that in making these comparisons I am not charging that these other judges do too little. I think they are all busy, but I am giving these figures to show you that I can not stand up much longer under this heavy strain.

You will also find from the figures given in the Attorney General's report that the average number of cases commenced in my district was far larger than the average number commenced in the districts of the United States having one judge, as will be shown by the following figures: The total number of civil cases commenced during the fiscal year 1924 to which the United States was a party was 4,250, making an average of 83 for each district, while there was commenced in my district during the same time 243 such cases. The total number of civil cases commenced in these 51 districts to which the United States was not a party was 5,060, making an average of 99 for each of these 51 districts, while there was commenced in my district alone in the same period 128 of such cases.

The total number of criminal cases commenced during the last fiscal year in these 51 districts was 27,750, making an average of 544 cases per district, while there was commenced in my district alone during this same period a total of 984 criminal cases.

The total number of criminal cases pending July 1, 1924, end of the fiscal year, in the 51 districts was 17,734, making an average number of cases pending per judge of 348, while there were pending in my district alone on the same date 978 criminal cases.

There was pending in these 51 districts on July 1, 1924, a total of 8,511 civil cases to which the United States was a party, making an average number of cases per district or judge of 69, while there was pending in my district on the same date a total of 188 of such cases.

The total number of purely civil cases, to which the United States was not a party, pending in these 51 districts on July 1, 1924, was 8,810, making an average number of cases pending per judge of 173, while there was pending in my district on this date of this kind of cases a total of 217.

The clerk of the court at Greensboro a few days ago informed me that from the 1st day of October to the 5th day of December, a period of two months and five days, I had disposed of 637 criminal cases and 835 defendants and have had 136 jury trials.

I am confident that every lawyer in this State familiar with the work of the Federal court not only favors an additional judge but, I believe, feels like demanding one. The late lamented Judge Connor and I discussed this matter in Raleigh several months before he died, and he told me he regarded another judge and another district as imperative, and expressed the feeling that Raleigh should remain in the eastern district. It is well known that Judge Connor was in somewhat feeble health during the last year, but the Attorney General's report will show that even he terminated more cases in the eastern district of North Carolina than were terminated by the average judge in the United States. I might say that Judge Boyd more than a year ago entered a hospital at Greensboro, and there remained for something like 12 months, and that for something like 14 or 15 months he has not tried a case or heard a cause or signed his name to a court paper, and it is the feeling of his friends that he will never be able to do any more work, if, indeed, his life is spared.

I do not think you or anyone else will accuse me of being a lazy man. I work under high pressure all the time, and I am not now whining, but I am simply answering your question and giving you a frank statement as to the condition in my district, and saying that I feel most sincerely that another judge is needed both for the benefit of the public and to relieve me of the heavy strain under which I constantly work in order to try to keep up with the business of the district. I can not keep up this pace a great while longer, and I do not think that either friend or foe would ask me to do it if they knew the situation.

I shall greatly appreciate anything that you or my other friends in Congress may do that will help to relieve me of some of this burden and make my official duties a little more pleasant.

With great respect, I am,

Most sincerely yours,

E. Y. WEBB.

Statement showing the work accomplished in the two districts of North Carolina, as compared with other districts having two or more district judges, during the year 1923–24

District	State	Criminal cases	Jury trials	Civil	Number judges
Western	North Carolina	1,037	203	266	1
Eastern	do	609	98	181	1
Total		1,646	301	479	
	North Dakota	120	11	139	2
Northern	Ohio	965	97	1,046	2
Southern	do	362	20	330	2
Eastern	Oklahoma	1,110	77	434	2
	Oregon	384	69	241	2
Western	Washington	702	151	436	2
Southern	Florida	528	58	355	2
Eastern	Michigan	979	109	320	2
Minnesota	Minnesota	1,624	151	1,002	2
Eastern	Missouri	892	45	402	2
Western	do	923	18	412	2
Nebraska	Nebraska	835	82	391	2

Cases pending in western district of North Carolina July 1, 1924.

Cases terminated during fiscal year 1920, for western district of North Carolina, by Judges Boyd and Webb, as compared to cases terminated in fiscal year 1924, by Judge Webb alone

	1920	1924	Increase
Criminal cases terminated	475	1,037	562
Civil cases terminated (United States a party)	47	174	127
Civil cases terminated (United States not a party)	66	124	58
Total, all cases	588	1,335	747
Collected in fines	$16,500	$67,000	$50,500

Two hundred and twenty-seven per cent increase.

COOSA RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10887) granting the consent of Congress to the State of Alabama to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala., and I submit a report (No. 976) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Alabama to construct, maintain, and operate a bridge and approaches thereto across the Coosa River at a point suitable to the interests of navigation, at or near Gadsden, in the county of Etowah, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEGHENY RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11035) granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River, at a point approximately 19⅒ miles above the mouth of the river, in the counties of Allegheny and Westmoreland, in the State of Pennsylvania, and I submit a report (No. 977) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, approximately 19.1 miles above the mouth of the river, in the counties of Allegheny and Westmoreland, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10413) to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," approved February 27, 1919, and I submit a report (No. 975) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act approved February 27, 1919, authorizing the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Monongahela River, at or near the borough of Wilson, in the county of Allegheny, in the State of Pennsylvania, be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge hereby authorized be commenced within one year and completed within three years from the date of approval hereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED INVESTIGATION OF POWER COMPANIES

Mr. HOWELL. I report back from the Committee on Interstate Commerce Senate Resolution 286, submitted by the Senator from Nebraska [Mr. NORRIS], with an amendment in the nature of a substitute.

Mr. NORRIS. I ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. MOSES. I prefer to have the resolution first read, withholding an objection until that shall have been done and until we may find out what is in the resolution.

The PRESIDING OFFICER. The Secretary will read the resolution.

The reading clerk proceeded to read the resolution.

Mr. CUMMINS. Mr. President, I think the Senator from New Hampshire [Mr. MOSES] did not ask for the reading of the original resolution.

Mr. MOSES. No; I wish to know what is now in the resolution as it is proposed to be amended.

Mr. CUMMINS. The Senator from New Hampshire asks for the reading of the substitute which has been reported by the Committee on Interstate Commerce?

Mr. MOSES. That is correct, Mr. President.

The PRESIDING OFFICER. The Secretary will read the amendment in the nature of a substitute reported by the committee.

The READING CLERK. It is proposed by the Committee on Interstate Commerce to strike out the preamble and all after the resolving clause and to insert the following:

Whereas it has been alleged on the floor of the Senate during the course of a debate upon a bill relating to the disposition, operation, management, and control of the water power and steam power plant with their incidental lands, equipment, fixtures, and properties, that a corporation known as the General Electric Co. has acquired a monopoly or exercises a control in restraint of trade or commerce in violation of law of or over the production and distribution of electric energy and the manufacture, sale, and distribution of electrical equipment and apparatus: Therefore,

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Co., or the stockholders or other security holders thereof, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power, whether produced by steam, gas, or water power; and to report to the Senate the manner in which the said General Electric Co. has acquired and maintained such monopoly or exercises such control in restraint of trade or commerce and in violation of law.

Resolved further, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury, under such rules and regulations as the Secretary of the Treasury may prescribe, to permit the said Federal Trade Commission to have access to official reports and records pertinent thereto in making such investigation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. DIAL. I ask that the resolution may go over.

The PRESIDING OFFICER. The resolution will go to the calendar.

Mr. NORRIS. Mr. President, before we pass on, I wish to give notice now to the Senate that while the resolution as reported is not nearly so broad as the resolution which I introduced, and does not accomplish what I think should be accomplished, I accept the judgment of the committee, so far as I am personally concerned.

However, I wish to notify the Senate that I shall take occasion to try to get the resolution up for consideration and to have a vote upon its adoption. It is a resolution that requires no action except on the part of the Senate. It was referred to the Committee on Interstate Commerce, it seemed to me unnecessarily, but Members of the Senate who were favorable to the passage of such a resolution requested that it go to that committee, and I acquiesced in that action. The resolution went to that committee and the committee has reported back a substitute for it. I wish to say to the Senate that it seems to me, under these circumstances, we ought either to vote the resolution up or to vote it down; and I may be compelled to take up a great deal of the valuable time of the Senate unless that shall be done. It seems to me that is the only way to get at it. To the very best of my ability, I expect to use every means possible either to secure a vote on the resolution or to see that——

Mr. McKELLAR. Why can we not have a vote on the resolution now?

Mr. NORRIS. An objection has been made to its present consideration.

Mr. REED of Missouri. I suggest to the Senator to move to take up the resolution.

The PRESIDING OFFICER. The resolution will go to the calendar.

PAN AMERICAN EDUCATIONAL CONFERENCE

Mr. WARREN. I ask that the Committee on Appropriations may be discharged from the further consideration of Senate Document No. 191, concerning participation by the Government of the United States in the Pan American Educational Conference to be held at Santiago, Chile, in September, 1925, and that it be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

ENROLLED BILL PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on January 31, 1925, that committee presented to the President of the United States the enrolled bill (S. 1975) for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIS:

A bill (S. 4198) granting an increase of pension to Mary Ellen Hanley (with accompanying papers); to the Committee on Pensions.

By Mr. ERNST:

A bill (S. 4199) granting a pension to Minerva Hill; to the Committee on Pensions.

By Mr. LADD:

A bill (S. 4200) for the relief of surviving scouts of Indian wars; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4201) granting an increase of pension to Alice Wright (with accompanying papers); to the Committee on Pensions.

A bill (S. 4202) creating a Federal cooperative marketing board to encourage and aid, upon application, in the formation of cooperative marketing associations, cooperative clearing-house associations, and terminal market associations handling agricultural products; to correlate the activities of such associations; to develop efficient and economical methods of distributing and marketing such products; to bring to the aid of such associations the resources of the departments of the Federal Government, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. EDGE:

A bill (S. 4203) to authorize the Port of New York Authority to construct, operate, maintain, and own bridges across the Kill Van Kull between the States of New York and New Jersey; to the Committee on Commerce.

By Mr. REED of Pennsylvania:

A bill (S. 4204) amending section 1 of the act of March 3, 1893 (27 Stat. L. 751), providing for the method of selling real estate under an order or decree of any United States court; to the Committee on the Judiciary.

By Mr. SHORTRIDGE:

A bill (S. 4205) to amend the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924; to the Committee on Agriculture and Forestry.

By Mr. McNARY:

A bill (S. 4206) to create a farmers' export corporation; to prevent a recurrence of agricultural depression; to place agricultural commodities upon an equality under the tariff laws with other commodities; to place agriculture upon an equality with industry and labor, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. BALL:

A bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes; to the Committee on the District of Columbia.

By Mr. BURSUM:

A bill (S. 4208) granting a pension to Minnie K. Wood; to the Committee on Pensions.

By Mr. SMITH:

A bill (S. 4209) to authorize the building of a bridge across the Santee River in South Carolina;

A bill (S. 4210) to authorize the building of a bridge across the Congaree River in South Carolina;

A bill (S. 4211) to authorize the building of a bridge across the Catawba River in South Carolina;

A bill (S. 4212) to authorize the building of a bridge across the Broad River in South Carolina;

A bill (S. 4213) to authorize the building of a bridge across the Santee River in South Carolina; and

A bill (S. 4214) to authorize the building of a bridge across the Savannah River, between South Carolina and Georgia; to the Committee on Commerce.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 182) to extend until July 31, 1926, the time of oil and gas permittees under the act of Congress dated February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," within which to begin operations or to drill wells to a depth and within the time prescribed by section 13 of said act of Congress of February 25, 1920, and to extend the time for completion of such drilling; to the Committee on Mines and Mining.

BAYOU BARTHOLOMEW BRIDGES, LOUISIANA

Mr. RANSDELL. Mr. President, I submit a concurrent resolution and ask unanimous consent for its immediate consideration. Its object is merely to correct a mistake in the spelling of one word in a Louisiana bridge bill which has passed both Houses of Congress.

The PRESIDING OFFICER. The Secretary will read the resolution.

The reading clerk read the concurrent resolution (S. Con. Res. 28), and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the enrolled bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry, be rescinded, and that the Secretary of the Senate be, and he is hereby, authorized and directed to reenroll the bill with the following amendments:

In line 3 of the enrolled bill strike out "Polish" and insert "Police."

Amend the title so as to read: "An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State highway commission of Louisiana to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry."

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 9362. An act to provide for the establishment of a dairying and livestock experiment station at Dalhart, Tex.; to the Committee on Agriculture and Forestry.

H. R. 10528. An act to refund taxes paid on distilled spirits in certain cases; to the Committee on Finance.

H. R. 11791. An act to provide for the construction of certain public buildings, and for other purposes; to the Committee on Public Buildings and Grounds.

H. R. 5197. An act to amend section 71 of the Judicial Code, as amended; and

H. R. 11474. An act to fix the time for holding the terms of the United States District Court for the Eastern District of Virginia at Alexandria; to the Committee on the Judiciary.

H. R. 8438. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River from Cliff Street, McKeesport, to a point opposite in the city of Duquesne;

H. R. 10287. An act authorizing preliminary examination and survey of the Caloosahatchee River in Florida with a view to the control of floods;

H. R. 11255. An act granting the consent of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.;

H. R. 11280. An act authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin;

H. R. 11367. An act granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania; and

H. R. 11706. An act to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Road crossing, Idaho; to the Committee on Commerce.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed acts of the following titles:

On January 31, 1925:

S. 2148. An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes.

On February 2, 1925:

S. 703. An act making an adjustment of certain accounts between the United States and the District of Columbia;

S. 831. An act for the relief of H. B. Stout;

S. 2316. An act to allow credit in the accounts of A. W. Smith;

S. 2711. An act for the relief of the Pitt River Power Co.; and

S. 3505. An act for the relief of Canadian Car & Foundry Co. (Ltd.).

On February 3, 1925:

S. 1199. An act authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army; and

S. 1975. An act for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co.

FEDERAL JUDICIAL DISTRICTS IN OKLAHOMA

Mr. HARRELD. Mr. President, I ask unanimous consent for the immediate consideration of Order of Business No. 997, being the bill (H. R. 64) to amend section 101 of the Judicial Code as amended. The bill was considered on Saturday last, but went over before its consideration was completed. An agreement has been reached on the amendments, and it will only take a moment to consider and dispose of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert an amendment in the nature of a substitute.

The PRESIDING OFFICER. This bill was under consideration on Saturday last and the amendment at that time was stated and printed in the RECORD.

Mr. CARAWAY. Mr. President, I ask unanimous consent to withdraw the amendment to the committee amendment which I submitted on Saturday last and to offer in its stead the amendment which I now send to the desk. There is no disagreement about the amendment I now offer.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Arkansas to the amendment of the committee.

The READING CLERK. On page 3, line 24, strike out the word "Hughes" and the comma.

Page 3, line 25, strike out the word "Okmulgee" and the comma and the word "Seminole" and the comma.

Page 4, lines 5 and 6, strike out the words "at Okmulgee on the first Monday in April" and the comma.

Page 4, line 9, strike out the word "Okmulgee" and the comma.

Page 4, line 14, after the word "Haskell," insert the word "Hughes" and a comma.

Page 4, line 16, after the word "Marshall," insert the word "Okmulgee" and a comma.

Page 4, line 16, after the word "Pontotoc," insert the word "Seminole" and a comma.

Page 4, line 19, after the word "January," insert the words "at Ada on the first Monday in March, at Okmulgee on the first Monday in April," and a comma.

Page 5, line 1, after the word "Hugo," insert the words "Ada, Okmulgee" and a comma.

Page 5, line 12, after the word "March," insert the words "at Mangum on the first Monday in April" and a comma.

Page 5, line 16, after the word "At," insert the words "Mangum and."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

WILD-LIFE AND FISH REFUGE

Mr. CUMMINS. Mr. President, is the routine morning business closed?

The PRESIDING OFFICER (Mr. FESS in the chair). The morning business is closed.

Mr. REED of Missouri. Mr. President, I was trying to get the attention of the Chair before he announced that morning business was closed.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. REED of Missouri. I ask unanimous consent for the present consideration of a joint resolution which I think will involve no debate and no dispute. It is Senate Joint Resolution 179.

Mr. CURTIS. Let the joint resolution be reported by title.

The PRESIDING OFFICER. The Secretary will state the resolution by title.

The READING CLERK. A joint resolution (S. J. Res. 179) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. CURTIS. I ask that it be read so that we may see what it provides.

The joint resolution was read, as follows:

Resolved, etc., That section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge," approved June 7, 1924 (43 Stat. L. p. 650), be, and the same hereby is, amended by striking out that part of said section which reads: "but no money shall be available for the acquisition of any area until the Secretary of Agriculture has ascertained that all of the areas to be acquired under this act will be acquired within the amounts appropriated or authorized to be appropriated therefor and at an average price not in excess of $5 per acre, and not in excess of the average selling price, during the years 1921, 1922, and 1923, of comparable lands within the vicinity of such areas," and by substituting in lieu thereof the following: "*Provided*, That the Secretary of Agriculture shall not pay for any land or land and water a price which, when added to the price of land or land and water theretofore purchased, shall exceed an average cost of $5 per acre."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. REED of Missouri. Mr. President, so that the Senate will understand the joint resolution, let me say that we passed a joint resolution authorizing the acquisition of certain lands on the upper Mississippi River for the purpose of establishing a refuge for wild life. It contained a clause that not more than $5 an acre should be paid for any of the land. It has been found on examination that for some of the land they will have to pay a little more, while other portions of it they will get for a great deal less. The joint resolution merely provides that the average shall not exceed $5 an acre instead of putting $5 as an absolute limit on every acre of ground. That is all there is to it. It does not take a dollar more of money or anything of that kind.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JURISDICTION OF CIRCUIT COURTS OF APPEALS AND SUPREME COURT

The PRESIDING OFFICER. The Chair lays before the Senate, under a previous unanimous-consent order, Senate bill 2060.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2060) to amend the Judicial Code, further to define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes.

Mr. CUMMINS. Mr. President, before resuming the discussion upon Senate bill 2060, I desire to say—I hope I may say it without impropriety—that the bill that was originally introduced in the Senate passed the House yesterday. It passed with certain amendments which I have had on the table of the Senate for some weeks; and that will authorize me, I think, to ask the Senate to take up the amendments which I propose to offer before approaching the questions that were discussed on last Saturday, when we had the bill before the Senate.

Mr. President, I offer the amendment which I send to the desk, to be inserted on page 2, line 4. There are two amendments concerning the same subject. The effect of the amend-

ments is to leave untouched the law with regard to appeals or reviews from the Canal Zone.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Iowa.

The READING CLERK. On page 2, line 4, it is proposed to insert the word "and" between the words "thereof" and "for," and to strike out "and for the Canal Zone."

Mr. KING. Mr. President, I should like to understand the object and effect of that amendment.

Mr. CUMMINS. The bill as it is drawn now, if the Senator will notice, on page 2, provides for the appellate jurisdiction of the circuit court of appeals; and the third paragraph, on page 2, provides:

Third. In the district courts for Alaska or any division thereof, for the Virgin Islands, and for the Canal Zone.

This paragraph provides for the jurisdiction of the circuit court of appeals in cases coming from the Canal Zone. We already have a statute which is satisfactory, so it appears; and this amendment is simply to strike out the words "and for the Canal Zone" and leave untouched and unchanged the statute that we now have, so far as review in the circuit court of appeals for the Canal Zone is concerned.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

The READING CLERK. Also, on the same page, line 11, after the words "habeas corpus proceedings" and before the period, it is proposed to insert the following:

And in the district court for the Canal Zone in the cases and mode prescribed in the act approved September 21, 1922, amending prior laws relating to the Canal Zone.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 6, it is proposed to strike out the word "taken" and to insert in lieu thereof the words "applied for."

Mr. BRUCE. Mr. President, may I ask the Senator from Iowa what the effect of that amendment is?

Mr. CUMMINS. The present law provides that an appeal shall be taken within 30 days. This amendment simply says that it shall be applied for within 30 days.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUMMINS. Now, Mr. President, I offer the amendment which I send to the desk. I may say that these amendments have been very carefully considered by the members of the Supreme Court, and most of them were agreed to in the bill as it passed the House.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 7, line 24, after the words "approved March 4, 1913," it is proposed to insert the following:

Which act is hereby amended by adding at the end thereof, "The requirement respecting the presence of three judges shall also apply to the final hearing in such suit in the district court; and a direct appeal to the Supreme Court may be taken from a final decree granting or denying a permanent injunction in such suit."

Mr. CUMMINS. Mr. President, as Senators know, there are certain cases which may be appealed or reviewed by the Supreme Court upon writ of error directly after the judgment of a district court, and which do not pass through the circuit court of appeals. One of these laws provides that when it is sought to interrupt or enjoin any authority exercised under the law of a State, there shall be three judges assembled, one of whom shall be a circuit judge. This law, unfortunately, does not provide that there shall be three judges for rendering a final decision. It is limited to the issuance of interlocutory injunctions. The pending amendment is intended to require the presence of three judges for the final decision of the case, and it is intended to give the right of direct review by the Supreme Court of the United States over the final judgment as well as over the writ of injunction.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. REED of Missouri. Mr. President, before the amendment is agreed to I want to see its language; that is all.

Mr. OVERMAN. Mr. President, I happen to be the author of the statute requiring three judges to sit where a constitutional question is raised. What effect has this amendment on that? Does it amend that statute in any way?

Mr. CUMMINS. It amends the section so that the power of the Supreme Court to review is enlarged so as to include not only the preliminary or interlocutory injunction but the final judgment and disposition of the case by the district court.

Mr. OVERMAN. I think that is right, Mr. President. It is a good amendment.

Mr. KING. Mr. President, that presumes a continuation of the relief granted by the preliminary injuction?

Mr. CUMMINS. Precisely.

Mr. KING. That is to say, it presumes the continuity of the injunction?

Mr. CUMMINS. Precisely. It is an anomaly to require the presence of a circuit judge and two district judges to hear an application for a preliminary injunction and then allow a single district judge to pass upon the case finally. That is the state of the present law, and this amendment is for the purpose of correcting it.

Mr. KING. May I inquire of the Senator whether the bill under consideration limits or restricts in any way the power of the judge in the first instance to grant restraining orders or preliminary injunctions?

Mr. CUMMINS. No; it does not. The law remains just as it is in that respect.

Mr. KING. It does not refer to the present application of the principles of equity?

Mr. CUMMINS. This bill has nothing whatever to do with the jurisdiction of the district courts.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I offer a further amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 8, line 7, it is proposed to strike out the quotation marks at the end of paragraph (4), and to add to the section another paragraph, to be numbered (5), as follows:

(5) Section 316 of "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921.

Mr. CUMMINS. The purpose of this amendment is to add to the number of instances in which direct review of the orders of the district court may be had in the Supreme Court of the United States. We have five such cases as provided by existing law. I have just referred to one of them. Upon carefully looking over this bill, it was found that one of the cases in which there could be a direct review, as provided by the present law, had been omitted from the bill; and therefore I have proposed an amendment so that cases arising under section 316 of the act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes, approved August 15, 1921, shall also be reviewed directly by the Supreme Court, so that we preserve the symmetry and the scope of the present law in that respect.

Mr. KING. Mr. President, I am not sure that I understand the full scope of the amendment. Does it limit the right of appeal to cases arising under what might be called the interstate commerce clause dealing only with livestock and poultry?

Mr. CUMMINS. It does not. This particular amendment deals only with that act of 1921; but it does not limit in any form or fashion the right of review of the judgments, either interlocutory or final, of the district court.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUMMINS. Now, Mr. President, I offer a further amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 10, line 12, it is proposed to strike out the words "writ of error or."

Mr. REED of Missouri. Mr. President, what is the effect of that amendment?

Mr. CUMMINS. That is purely formal.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUMMINS. I now offer an amendment which has substance to it.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Iowa.

The READING CLERK. On page 11, line 10, to insert the following at the end of the sentence:

A circuit judge shall have the same power to grant writs of habeas corpus within his circuit that a district judge has within his district; and the order of the circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.

Mr. CUMMINS. There can be no difference of opinion about the wisdom of giving to circuit judges the power to issue writs of habeas corpus, precisely as the district judges have that right. Unfortunately, in a bill passed by the Congress—I can not remember just when it was passed—inadvertently, I think, the Congress took away that power from the circuit judges, and in a matter in which the Supreme Court recently had occasion to review that matter, they were compelled to hold that circuit judges did not have the power. This is to restore to the circuit judges the power to issue writs of habeas corpus.

Mr. KING. There can be no possible conflict between the exercise of that jurisdiction upon the part of the two courts?

Mr. CUMMINS. Oh, no; every court ought to have the right to issue a writ of habeas corpus.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUMMINS. I offer a further amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 13, line 5, after the words "to the Supreme Court," to insert the words "from a circuit court of appeals or the Court of Appeals of the District of Columbia."

Mr. CUMMINS. In my view that would be the interpretation of the bill as it stands, but in order to remove any possible opportunity for difference of opinion upon that point this amendment is presented.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUMMINS. I offer a further amendment, which I send to the desk.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Virginia?

Mr. CUMMINS. I yield.

Mr. SWANSON. As I understand, these amendments settle the differences which occurred between the members of the Judiciary Committee in connection with this bill?

Mr. CUMMINS. No; not at all.

Mr. SWANSON. I mean these are the amendments to which the Senator from Montana referred?

Mr. CUMMINS. No; I will come to those presently. I am reserving the amendments over which there can be any reasonable difference until the last.

Mr. SWANSON. The amendments which are being adopted now are those as to which there was a concurrence of opinion on the part of the members of the Judiciary Committee?

Mr. CUMMINS. They are amendments which have grown out of correspondence sent to me, and sent to the Chief Justice, and sent to the chairman of the Judiciary Committee of the House with respect to certain formal matters, matters which are really formal.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 13, at the end of section 8, add two new paragraphs, designated "(c)" and "(d)." Paragraph (c) is as follows:

(c) No writ of error or appeal intended to bring any judgment or decree before a circuit court of appeals for review shall be allowed unless application therefor be duly made within three months after the entry of such judgment or decree.

Mr. CUMMINS. That would reduce by three months the time provided in the present statute. The time now is six months. It is simply absurd, it seems to me, to say that a successful litigant must wait six months in order to allow his opponent time to make up his mind whether he will prosecute an appeal or sue out a writ of error.

Mr. KING. Mr. President, I want to ask the Senator whether the right of review must be perfected, the record made up, and everything prepared within three months?

Mr. CUMMINS. No.

Mr. KING. The Senator knows that in many instances, in order to make up a record, get a transcript of testimony, settle the bill of exceptions, and what not, more than three months are consumed. I have known many instances where a much longer time than three months was required, even where the person who sought the appeal or the writ of review acted with the utmost zeal. He could not obtain the record and settle the bill of exceptions within the time.

Mr. CUMMINS. This provides that the application for review shall be made within three months. That is simply the beginning of the process for reviewing the decree. I can not imagine an instance in which the application can not be made within three months if reasonable diligence is exercised, and it is very unfair to leave the matter in suspense.

Mr. OVERMAN. I understand that after a man makes his application, he will have all the time he wants to settle the record.

Mr. KING. We have not the amendments in printed form before us, and I am not familiar with the full text; but if after the application is filed the court has jurisdiction to extend the time within which the record may be perfected, that would be satisfactory.

Mr. CUMMINS. That is the law now, according to the Supreme Court of the United States. This is simply correcting the law with regard to the time for applying for a review from the circuit courts of appeals.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The READING CLERK. It is proposed to add paragraph (d), as follows:

(d) In any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to apply for and to obtain a writ of certiorari from the Supreme Court. The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court, and may be conditioned on the giving of good and sufficient security, to be approved by such judge or justice, that if the aggrieved party fails to make application for such writ within the period allotted therefor, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay.

Mr. REED of Missouri. Mr. President, I am afraid that clause in regard to the payment of all damages, and so forth, is pretty drastic. It provides for the payment of damages if a party fails to get his writ. There is a clause in this bill which provides that the Supreme Court may assess the courts, but this seems to go further and provides for a bond that you will pay all damages.

Mr. CUMMINS. May I ask whether that is not a condition in every appeal bond in every State in the Union?

Mr. REED of Missouri. When you give an appeal bond, you get something; you get a supersedeas of the judgment, and you are certain, under the old appellate practice, of getting your case in the court and getting a hearing. This proposes to deny to the litigant the absolute right of appeal and relegate him to a discretionary writ.

I call the Senator's attention to this in no controversial spirit, of course. Is it not true that under the language of the proposed amendment a man might desire to apply for a writ, and might make his application, and at that time the court might require him, under the amendment, to give a bond conditioned in heavy penalty that he will pay all damages provided the writ is refused?

Mr. CUMMINS. Just a moment, if the Senator will allow me. That is an option on the part of the person who applies for the writ. If the defeated litigant desires a stay of judgment then these consequences may follow, but unless he does ask for what is substantially a supersedeas in the execution of the judgment or decree then these consequences do not follow.

Mr. REED of Missouri. I wish the Senator would kindly read the language of that amendment.

Mr. CUMMINS. It provides that—

In any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to apply for and to obtain a writ of certiorari from the Supreme Court. The stay may be granted by a judge of the court rendering the judgment or decree or by a Justice of the Supreme Court, and may be conditioned on the

giving of good and sufficient security, to be approved by such judge or justice, that if the aggrieved party fails to make application for such writ within the period allotted therefor, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay.

Mr. REED of Missouri. I think it is unobjectionable in that form.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUMMINS. I offer a further amendment. This is purely formal.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 17, after line 5, to insert the following two paragraphs:

An act entitled "An act to amend section 237 of the Judicial Code, approved February 17, 1922."

An act entitled "An act to amend the Judicial Code in reference to appeals and writs of error, approved September 14, 1922."

The amendment was agreed to.

Mr. CUMMINS. Now, I come to the questions which were raised on Saturday with regard to the scope of review over courts of last resort of the several States, and the review of the decrees or judgments of a circuit court of appeals. I take up the question as it relates to the highest courts in the States first, and offer the following amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 6, in line 20, after the word "denied," to insert the following:

Nothing in this paragraph shall be construed to limit or detract from the right to a review on a writ of error in a case where such a right is conferred by the preceding paragraph, nor shall the fact that a review on a writ of error might be obtained under the preceding paragraph be an obstacle to granting a review on certiorari under this paragraph.

Mr. CUMMINS. Mr. President, this amendment to section 237 of the Judicial Code provides, first, for a writ of right to review the judgments or decrees of a court of last resort in a State in certain cases—that is to say, where the State court had decided in favor of the validity of a State statute, or a treaty or other authority of the State, when it was claimed that the statute was repugnant to the Constitution of the United States; and, second, where it was claimed that a certain statute or treaty was in violation of the Constitution of the United States. I think I had better read that language so that Senators will have very clearly in mind what it is. It is found on page 5 of the bill:

A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of the United States, and the decision is against its validity—

Any decision of that character can be brought to the Supreme Court of the United States as a matter of right by writ of error.

Mr. SWANSON. Will the Senator read that language once more?

Mr. CUMMINS. Certainly.

A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of the United States, and the decision is against its validity—

That is, when the decision is against the action that may have been taken by the Federal Government—

or where is drawn in question the validity of a statute of any State, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of its validity, may be reviewed by the Supreme Court upon a writ of error.

Of course it is intended to make the Supreme Court of the United States the final arbiter in cases of that kind.

Paragraph (d) is the paragraph which gives to the Supreme Court, as the present law does, the right to review certain decisions and judgments of the supreme courts of the States upon writs of certiorari. It is a much broader jurisdiction than the jurisdiction conferred by way of writ of error, but it was suggested when the bill was before the Senate for discussion on Saturday last that there was a possibility that the certiorari section might be construed to override the section which gives the review as a matter of right, and therefore, after consultation with my friend the Senator from Montana [Mr. WALSH], who presented the matter originally to the Senate, and with the justices of the Supreme Court, the amendment has been proposed which entirely clears up that question. It does not reach the question presented by the Senator from New York [Mr. COPELAND] at all. I will come to that in a moment.

Mr. REED of Missouri. Let the amendment be reported again.

The PRESIDING OFFICER. Without objection, the amendment will be stated again.

The amendment was again read.

Mr. CUMMINS. I think there can be no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. CUMMINS. I now present an amendment which is intended to reconcile the differences which arose on Saturday with regard to the review of cases that have been determined by the circuit court of appeals. I may say in passing that the writ of review of certiorari exists in all cases that have been determined by circuit courts of appeals or the Court of Appeals of the District of Columbia.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The READING CLERK. On page 9, in line 4, between the words "by" and "writ," insert the word "unrestricted."

Mr. CUMMINS. That can not be understood without reading the next amendment.

The PRESIDING OFFICER. The next amendment will be stated.

The READING CLERK. On page 9, after line 4, insert:

(b) Any case in a circuit court of appeals where is drawn in question the validity of a statute of any State, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is against its validity, may, at the election of the party relying on such State statute, be taken to the Supreme Court for review on writ of error or appeal; but in that event a review on certiorari shall not be allowed at the instance of such party, and the review on such writ of error or appeal shall be restricted to an examination and decision of the Federal questions presented in the case.

Mr. CUMMINS. Senators will observe the significance of the word "unrestricted" as it is found in the amendment read by the clerk. When cases come from circuit courts of appeal they may be reviewed by the Supreme Court of the United States, not only with respect to any Federal question involved, but with respect to the entire merits of the controversy, whatever the controversy may be. The Senator from Montana [Mr. WALSH] suggested that while he thought there ought to be a right to review the Federal questions that might arise in the circuit courts of appeal, that the review of the Supreme Court in such cases ought to be limited to the Federal question, and that it ought not to extend to the entire controversy that may be in the case.

The amendment, which has the approval of the Senator from Montana as well as of the Justices of the Supreme Court, is intended to reach just that situation. It is intended to reach the situation referred to in the letter which the Senator from New York [Mr. COPELAND] read on Saturday.

Mr. COPELAND. But does the Senator feel that the amendment suggested by him satisfies the criticism which was made by my correspondent?

Mr. CUMMINS. I am not able to say that it would fully satisfy that criticism. While I am in favor of the amendment, I do not share the view that was expressed in the letter. I do not think that it is necessary to provide for a review of the decision of the circuit courts of appeals in every case that it might be wise to review the final decisions of the highest courts of the States. The letter read by the Senator from New York indicated that they ought to be put upon the same plane; that it would derogate from the dignity and standing of the respective courts if they were not on the same plane; but there is a very good reason for not putting them upon exactly the same plane. The amendment does put them upon the same plane so far as one phase of obligatory jurisdiction by the courts of last resort is concerned.

Mr. COPELAND. The Senator will recall that my correspondent said:

The desirability of thus lifting the dignity of the circuit court of appeals above that of highest courts of the States would seem questionable. Would it not be feasible to allow writs of error to the circuit court of appeals in the same cases involving constitutional questions in which they are allowed to the highest courts of the States?

Mr. CUMMINS. I do not agree with the Senator's correspondent in that respect. I do agree partially, but the amendment puts them on the same plane, if I may use that term, so far as it goes. It says:

Any case in the circuit court of appeals where is drawn in question the validity of the statute of any State on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is against its validity.

That is, against the validity of the State statute—that in such case a review may be had as a matter of right in the Supreme Court of the United States.

Mr. REED of Missouri. I do not understand the language there. I am unable to understand the latter part of the amendment.

Mr. WALSH of Montana. Mr. President, before the Senator from Missouri goes into that will he permit me to say a word with reference to the matter raised by the Senator from New York?

Mr. REED of Missouri. Certainly.

Mr. WALSH of Montana. I desire to say with reference to the matter presented by the Senator from New York that I am unable to appreciate the position taken by his correspondent to the effect that the State courts are put in a position of greater dignity than the circuit courts of appeals by reason of the fact that certain judgments of the State courts are reviewable in the Supreme Court as a matter of right, while all decisions of the circuit courts of appeals are reviewable by certiorari only. It seems to me that if that were the case it would give a greater dignity to the decisions of the circuit courts of appeals.

Mr. COPELAND. That is the point raised in my correspondence.

Mr. WALSH of Montana. No; the point raised by the Senator's correspondent is that the State courts are given an attitude of dignity greater than the circuit courts of appeals, and he desires to have that situation remedied.

It seems to me this way: If certain decisions of a State court are reviewable in the Supreme Court as a matter of right, and the Supreme Court has nothing to say about it, while in the case of the circuit court of appeals their decisions are not reviewable as a matter of right, it gives to their judgment rather a greater dignity in the eye of the statute than the decisions of the State courts; but if that were the case, I think that inequality, if one may speak of it in that way, is measurably taken care of by the amendment which is now suggested by the chairman of the committee, namely, that in case of a decision of the circuit court of appeals in which a statute of a State is held void because violative of the Constitution of the United States or contrary to treaties or statutes of the United States, that that decision may be reviewed as of right by the Supreme Court——

Mr. COPELAND. Mr. President——

Mr. WALSH of Montana. If the Senator will pardon me—so that the decision of the supreme court of a State is reviewable as of right by the Supreme Court of the United States when it is believed that the State judges appear to be unduly attached to a State statute and not sufficiently considerate of the Federal authority. In the same way, under the amendment, the decisions of the circuit courts of appeal are made reviewable as a matter of right by the Supreme Court of the United States when the Federal authority seems, as it is contended, not to have given sufficient consideration to the State authorities, the two being counterparts.

Mr. COPELAND. It is probable that the Senator from Montana has correctly estimated the criticism of my correspondent, but I fear that he has not quite done so, and in order to make sure I wish to repeat the statement:

Under present law there is an absolute right of appeal to the Supreme Court from certain classes of decisions on constitutional questions, whether made by a State court or a Federal court. Under the proposed law the decision of the highest court of a State holding a Federal statute invalid or sustaining the validity of a State statute would be reviewable as matter of right, whereas the identical decision, if made by a circuit court of appeals, would be final and reviewable only by certiorari. The desirability of thus lifting the dignity of the circuit court of appeals above that of the highest courts of the States would seem questionable.

Mr. WALSH of Montana. That is exactly as I have stated it.

Mr. CUMMINS. This amendment does make the case reviewable as a matter of right.

Mr. WALSH of Montana. But it seems to me that when one comes to consider the matter of dignity, the State court is put in a position of lesser dignity when a review of its decision by the Supreme Court can be had as a matter of right, but in the case of the circuit court of appeals, its decision being so strongly presumptive of being right, a review can not be had except by appealing to the permissive jurisdiction of the Supreme Court.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. COPELAND. Just one minute, Mr. President. I should like to have unanimous consent to insert in the RECORD at this point my correspondence with the Chief Justice.

The PRESIDING OFFICER. Without objection, the request will be granted.

The correspondence referred to is as follows:

SUPREME COURT OF THE UNITED STATES,
Washington, D. C., December 9, 1924.

MY DEAR SENATOR COPELAND: For two years our court has been very anxious to secure the passage of a bill to give us greater power of certiorari, so as to reduce the number of cases which come to us, to simplify the statutes which now contain the procedure of appeal to us, and to furnish some remedial provisions that will make the approach to our court easier. We wish to put into one statute the grounds and method of appeal both to the circuit courts of appeals and to us. Our court appointed a committee that worked a full year on the subject and got together the bill, and the court approved. It was introduced last session by Senator CUMMINS, and was recommended to the Senate by the Judiciary Committee. The bill is opposed by Senator THOMAS WALSH and Senator SHIELDS, on the ground that they do not believe in giving to our court greater jurisdiction in certiorari. They think it vests in us too much discretionary power. I am sorry they think so, but the truth is that there is no other way by which the docket in our court can be reduced so that we can manage it. We are now a year and three months behind. The arrears were increased between the first Monday in October of 1923 and the same Monday in 1924 by 95 cases, which is a considerable percentage of increase in less than 600 cases. We give a great deal of attention to certioraris; we discuss every case and take a vote in every case, and there is frequently much discussion as to whether the case should be let in or not. The theory of our system is a correct one, namely, that the district court and the circuit court of appeals shall furnish all the hearings that any litigant should have, and that the business of the Supreme Court should be to consider and decide for the benefit of the public and for the benefit of uniformity of decision only questions of importance. The appeal to us should not be based on the right of a litigant to have a second appeal. We don't, of course, in hearing an application for certiorari decide the case presented on the merits. We could not do that without a full hearing, but it is entirely possible for us to determine the character of the question and the importance of our taking up the time of the court to hear and decide it. With our experience we are able to do that carefully and with dispatch. I hope that when the question comes up you will give attention to it. It is really quite essential to our playing the part we ought to play in the administration of justice in the country.

I inclose the bill, the report of the committee, and also a résumé of the bill which I made myself.

Sincerely yours,

WM. H. TAFT.

Hon. ROYAL S. COPELAND,
United States Senate.

[P. S.—This method of enabling the courts of final resort to eliminate unimportant cases by certiorari and to catch up with their docket has been worked most successfully in New York, in Ohio, in Georgia, in Illinois, in California, in Indiana, and in other States. I don't see why we should not be permitted the same means of avoiding delay and disposing of the real business that we should dispatch.]

DECEMBER 22, 1924.

Hon. WILLIAM HOWARD TAFT,
Chief Justice United States Supreme Court,
Washington, D. C.

DEAR MR. CHIEF JUSTICE: Your letter of December 9, with inclosures, regarding S. 2060 received. I am in sympathy with the general objects sought to be attained by the bill. A legal adviser with whom I have discussed this matter makes the following comment:

"Under present law there is an absolute right of appeal to the Supreme Court from certain classes of decisions on constitutional questions, whether made by a State court or a Federal court. Under the proposed law the decision of the highest court of a State holding a Federal statute invalid or sustaining the validity of a State statute would be reviewable as matter of right, whereas the identical decision if made by a circuit court of appeals would be final and reviewable only by certiorari. The desirability of thus lifting the dignity of the circuit court of appeals above that of the highest courts of the States would seem questionable.

"Would it not be feasible to allow writs of error to the circuit court of appeals in the same cases involving constitutional questions in which they are allowed to the highest courts of the State?"

I should be very glad to have any comment you may care to make on the above suggestion.

Cordially yours,

ROYAL S. COPELAND.

SUPREME COURT OF THE UNITED STATES,
Washington, D. C., December 31, 1924.

MY DEAR SENATOR: I have your letter expressing your sympathy with the general objects of the judiciary bill, S. 2060, and asking my comment or suggestions on the following statement made to you by an acquaintance with whom you have discussed the bill:

"Under present law there is an absolute right of appeal to the Supreme Court from certain classes of decisions on constitutional questions, whether made by a State or a Federal court. Under the proposed law the decision of the highest court of a State holding a Federal statute invalid or sustaining the validity of a State statute would be reviewable as a matter of right, whereas the identical decision if made by a circuit court of appeals would be final and reviewable only by certiorari. The desirability of thus lifting the dignity of the circuit court of appeals above that of the highest courts of the States would seem questionable.

"Would it not be feasible to allow writs of error to the circuit court of appeals in the same cases involving constitutional questions in which they are allowed to the highest courts of the States?"

First of all, let me say that the bill is not intended to detract in any way from the dignity of the State courts of last resort or to exalt the dignity of the circuit courts of appeals. Neither will it so operate. There is no putting of one above the other. It is merely a matter of dealing with two classes of courts whose relation to the Supreme Court of the United States differs in that they are created by distinct governments.

The statement to which you invite my attention proceeds on a misconception of the present law. Under section 237 of the Judicial Code as amended September 6, 1916 (c. 448, 39 Stat. 726), the decision of a State court of last resort which involves the validity of a treaty or statute of the United States, or of an authority exercised under the United States, may be taken to the Supreme Court for review as a matter of right where the decision is against the validity of the treaty, statute, or authority. Or if the decision involves the validity, under the Constitution of the United States, of a statute of a State, or of an authority exercised under a State, and the decision be in favor of its validity, there may be a like review as of right. But there is no existing law, nor has there been any, which makes such a decision in a circuit court of appeals a basis for taking the case as of right to the Supreme Court for review.

Under section 128 of the Judicial Code as amended by sections 2 and 4 of the act of January 28, 1915 (c. 22, 38 Stat. 803), and by section 4 of the act of September 6, 1916 (c. 448, 39 Stat. 726), the decision of a circuit court of appeals is not subject to a review in the Supreme Court as a matter of right in any case arising under the revenue laws, the criminal laws, the patent laws, the trade-mark laws, the copyright laws, the bankruptcy laws, the employers' liability law, the safety appliance laws, or the admiralty law, or in any case where the jurisdiction of the district court depended entirely upon diverse citizenship of the parties; and this regardless of constitutional questions that may have arisen in the case. Such cases at times present grave constitutional questions, but no matter which way they are resolved by a circuit court of appeals their presence does not under the existing law subject the decision to a review in the Supreme Court. A review may be had only on a writ of certiorari issued in the exercise of a sound discretion. Such cases comprise the major part of the litigation in the circuit courts of appeals.

Other cases in those courts not falling within that enumeration may be taken to the Supreme Court for review as a matter of right under the existing law, if they involve more than $1,000 besides costs. Sometimes they present constitutional questions and sometimes they are free from such questions. It therefore will be seen that under the existing law the positive right to a review of decisions made in the circuit courts of appeals—in so far as there is such a right—stands upon an altogether different basis from the existing positive right in respect of decisions made in State courts of last resort. This has been true for 33 years—ever since the enactment of the circuit court of appeals act of March 3, 1891 (c. 517, 26 Stat. 826).

I invite your attention to the fact that there is a marked difference between cases coming from State courts and those coming from circuit courts of appeals as respects the scope of the review which may be had in the Supreme Court. In cases coming from State courts the power to review is confined to such Federal questions as are involved; while in cases coming from circuit courts of appeals the power to review extends to the whole case and every question presented in it. Therefore, there is greater need for providing that the review of cases from the circuit courts of appeals shall be had only on the discretionary writ of certiorari than exists with respect to cases from the State courts. This has been recognized by Congress in the circuit courts of appeals act of March 3, 1891, in the Judicial Code, and in the acts of January 28, 1915, and September 6, 1916, before mentioned.

If it be thought that cases from the State courts of last resort and those from the circuit courts of appeals should be, as far as may be, on the same plane as respects a review in the Supreme Court, my suggestion would be that those from the State courts, like those from the circuit courts of appeals, be subjected to review only on writ of certiorari. This could be accomplished by a short change in section 237 (a) as now set forth in the bill. No other change would be needed to effect it. I regard this as a much better course than to make the review of any cases from the circuit courts of appeals a matter of right.

Our experience with the existing certiorari statutes has demonstrated that they work well, prevent unreasonable prolongation of litigation, and conserve the real interest of litigants and of the public. The only admissible criticism of them is that they do not cover as many cases as in principle they should. One of the chief purposes of the bill is to give them a wider application.

In support of the provisions of the bill which enlarge the existing positive right of review, I want to say something more. There are many Federal questions, some of them constitutional questions, which are so wanting in merit and substance that they should not be made the basis for a review in the Supreme Court. To treat them as such and to permit them to be used in bringing cases to that court as matter of right is merely to enable defeated litigants to put off compliance with just judgments and decrees and unreasonably to harass and embarrass their adversaries who already have successfully maintained their right in two courts, either State or Federal. Besides to permit such cases to clog the docket of the Supreme Court and to require that they be heard by it necessarily delays the presentation and full consideration of other cases which present debatable and important questions which only that court can settle. The only way in which cases of these differing types can be separated, and those of the first type brought promptly to an end, is through the application of liberal certiorari provisions under which litigants seeking a review in the Supreme Court must petition the court therefor and make such an exposition of their cases and of the decisions below as will enable the court to determine whether there is any real justification for its granting a writ of certiorari and holding the case until it can be heard in its regular order. In this way the court with justice to all who are concerned can eliminate at the outset the many cases which, while involving questions which are Federal in form, present nothing which can be considered debatable or as amounting to a real or substantial question.

I have written at some length because your letter deserves a careful response.

Sincerely yours,

WM. H. TAFT.

HON. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

JANUARY 13, 1925.

DEAR MR. CHIEF JUSTICE: I have your letter of December 31, regarding S. 2060, and thank you for writing me so fully.

As stated in my former letter, I am in sympathy with the objects of the bill, and I feel, moreover, that in a matter of this character the views of yourself and your associates on the Supreme Court bench are entitled to very great weight.

Without intending to prolong discussion about the point raised in my former letter, which perhaps is not of vital consequence, I think it only fair, in view of your observation that it "proceeds on a misconception of the present law," to quote my lawyer friend's comment after reading your letter.

"It is respectfully suggested that the Chief Justice overlooks the point intended to be made, which was briefly this:

"Under present law, when the validity of a statute is attacked in a State court, the constitutional question may be taken as matter of right to the Supreme Court from the State court of last resort in the manner and under the limitations prescribed in section 237 of the Judicial Code. If the same question arises in a case brought in the Federal court, it may likewise be taken as matter of right to the Supreme Court under Judicial Code section 238. Under the proposed law the question, if arising in the Federal court, could be taken as of right only to the circuit court of appeals, whose decision would be final and reviewable only by certiorari. In other words, the bill gives the circuit court of appeals jurisdiction and makes it the court of last resort in an important class of cases in which a State supreme court is in effect only an intermediate tribunal.

"With regard to the suggestion that cases from the State courts like those from the circuit courts of appeal be subjected to review only on writ of certiorari, there is reason for doubting the desirability of such a change. If any question should go to the Supreme Court as

matter of right, it is the question of the validity of a statute under the Federal Constitution.

"Would it not be better to meet the situation by retaining in section 238 as amended by the bill the provision of the present section giving a direct review by the Supreme Court of a judgment or decree of a district court 'in any case that involves the construction or application of the Constitution of the United States; in any case in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question; and in any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States'?"

Cordially yours,

ROYAL S. COPELAND.

Hon. WILLIAM HOWARD TAFT,
Chief Justice, United States Supreme Court,
Washington, D. C.

SUPREME COURT OF THE UNITED STATES,
Washington, D. C., January 16, 1925.

MY DEAR SENATOR COPELAND: I don't know who your correspondent is. If I did know, I might communicate with him directly and relieve you of the burden. As I understand it, the objection of your correspondent to the present bill is that all cases of every kind, constitutional or otherwise, are made final in the circuit court of appeals, except as they are brought up by certiorari to our court, whereas in the present bill there is an obligatory review by our court where in a State supreme court is drawn in question the validity of a treaty or Federal statute, and the decision is against the validity, or where in such a court is drawn in question the validity of a State statute because of its conflict with the Federal Constitution, treaties, or laws, and the decision is in favor of validity. We would have been glad to make the same rule requiring certiorari to permit review of State decisions and would be glad now to have the rule uniform as to the two courts, but we felt that there would be objection if one interested in the validity of a Federal treaty or statute set aside by a State court could not of right come to our court or where against a claim of conflict with the Federal Constitution the State court had affirmed the validity of a State statute. On the other hand, with respect to a decision of a circuit court of appeals on a similar question such a court would be more likely to preserve the Federal view of the issue than the State court, at least to an extent to justify making a review of its decision by our court conditional upon our approval.

What we are striving for is the reduction of cases that are not really important enough to come to us. By looking at the long list of "per curiams" in our reports you will see how many cases do come which do not deserve opinions. We are confident that in neither case would a constitutional question of any real merit or doubt escape our review by the method of certiorari. The restrictions are put on merely to keep out constitutional questions that have really no weight or have been fully decided in previous cases and that have only been projected into the case for the purpose of securing delay or a reconsideration of questions the decision of which has already become settled law.

Sincerely yours,

WM. H. TAFT.

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

JANUARY 27, 1925.

DEAR MR. CHIEF JUSTICE: Thank you for your letter of January 16. My adviser in legal matters is Mr. Clifton P. Williamson, of the firm of Alexander & Green, in New York. He tells me that his partner, Mr. Charles W. Pierson, is the author of the comments on the judiciary bill, which have been quoted in my letters to you. Mr. Pierson will no doubt write you on the subject.

Cordially yours,

ROYAL S. COPELAND.

Hon. WILLIAM HOWARD TAFT,
Chief Justice, U. S. Supreme Court,
Washington, D. C.

SUPREME COURT OF THE UNITED STATES,
Washington, D. C., January 30, 1925.

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

MY DEAR SENATOR COPELAND: I have your very kind letter of January 27, and thank you for it. I shall be very glad to discuss with Mr. Pierson any question about the new jurisdictional bill which we have heretofore discussed.

Sincerely yours,

WM. H. TAFT.

Mr. REED of Missouri obtained the floor.

Mr. COPELAND. Just one question before the Senator from Missouri proceeds.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. REED of Missouri. Yes; if what the Senator desires to say is in connection with what he has been saying.

Mr. COPELAND. Of course, my only thought in this matter is to get clearly before the Senate matters which have been presented by men of recognized authority in my State; and I wish to say once more that my advisers believe that if the bill should go through in its present form when and under its operation the lawyers should discover that the circuit court of appeals had become courts of last resort on constitutional questions there would be considerable surprise and dissatisfaction.

As I understand, the amendment now proposed by the Senator from Iowa corrects, to some extent, at least, the criticism which I have mentioned.

Mr. CUMMINS. I think it entirely corrects the real objection in the mind of the Senator's correspondent.

Mr. REED of Missouri. Mr. President, I wish to call attention to the fact that an appeal seems to lie only in case a statute is declared to be unconstitutional.

Mr. CUMMINS. Or repugnant to a statute of the United States or a treaty.

Mr. REED of Missouri. Yes. If a court sustains the statute, then the appeal does not lie. So a litigant who goes into court contending that a particular statute is unconstitutional, if he is defeated, does not have the right of appeal, but if the person contending for the validity of the statute is defeated he does have the right of appeal. I am unable to see where that is either fair or wise. It is quite as important that a statute actually bad should be reviewed when the court has held it to be good as when the court has held it to be bad.

This proposition and certain other propositions already in the law are jug handled affairs. The effect of them is that whenever there is a decision in favor of a statute, no matter how bad the statute may be, that decision becomes a finality, unless it can be brought before the Supreme Court by a writ of certiorari, but if a court shall lay its hands on a statute and say it is unconstitutional or void for any reason——

Mr. CUMMINS. The Senator is speaking of a State statute.

Mr. REED of Missouri. Yes, or a statute of the United States—then the question can not be brought to the Supreme Court of the United States except as a matter of grace. The result of that is to make for the sustaining of statutes, and to minimize the power to test them out in the one case, or, to state it differently, if the lower court holds a statute unconstitutional or void it must then be tried all over again in the Supreme Court on appeal.

Mr. CUMMINS. No; the Senator is getting it wrong.

Mr. REED of Missouri. I mean if the court holds it bad—I am right as to that—then the case goes to the Supreme Court as a matter of right, but if they hold it good——

Mr. CUMMINS. That is if they hold a State statute good.

Mr. REED of Missouri. Yes—then the case can be brought to the Supreme Court of the United States only as a matter of grace. Why should the litigant who contends that a statute is bad be denied his right of appeal because the lower court has decided against him, while the litigant who contends that it is good is given the right of appeal in that instance. I will say why should a litigant who contends that a statute is bad be denied his right of appeal if the lower court decides against him and decides that the statute is good any more than the man who contends that the statute is good should be relegated to a similar remedy? This is the tendency of that sort of procedure——

Mr. WALSH of Montana. Mr. President, if the Senator will suffer an interruption.

Mr. REED of Missouri. If the Senator will let me finish my sentence, I will then yield to him. This is the effect of that sort of procedure: It makes for the declaration of statutes as constitutional. The moment it is said they impinge upon the Constitution by the lower court, then they can be brought up to the Supreme Court of the United States, and in the event the lower court has been mistaken the Supreme Court sets it right, but if the lower court, against the contention of a litigant, says that a statute is good, then he has no right to bring it to the Supreme Court and have a review in the same court where the review would take place if the statute had been declared to be bad.

One can easily conceive of cases where a statute is very bad, absolutely unconstitutional——

Mr. SWANSON. The Senator means a State statute.

Mr. REED of Missouri. A State statute—but the State supreme court sustains the statute. The litigant desires to be

heard in the Supreme Court of the United States and comes here with a writ of certiorari, which he does not succeed in having granted, whereas, if that case were decided the other way, the other party to the litigation could come to the Supreme Court as a matter of right and have a review. So it seems to me that it is a one-sided arrangement. I can not see when a statute is called in question why either party should not have the same right to come to the Supreme Court of the United States.

Mr. WALSH of Montana. Mr. President, the Senator will remember that the original judiciary act of 1789 was a totally one-sided act.

Mr. REED of Missouri. I have said that this same defect is in other sections of the statute.

Mr. WALSH of Montana. But this is the situation: Under the original judiciary act, if one raised in the course of litigation in a State court the question that a State statute was void as being contrary to the Constitution of the United States or to a law or treaty of the United States and the court decided that his contention was correct, the other party could not get into the Supreme Court of the United States. It was only if the lower court decided against the one who was claiming under the Constitution of the United States that the case was reviewable by the Supreme Court. If the decision in the State court declared the State statute invalid because it violated the Constitution of the United States, the opposing party could not get into the Supreme Court of the United States with that case, and that for this reason: It was feared when the statute was drawn, away back in 1789, that the judges of the State courts might not pay sufficient attention to the Federal Constitution, to Federal statutes and Federal treaties. So if they decided against the party who was claiming under those, that party could get into the Supreme Court of the United States, as there was no ground for fearing that they would be unduly considerate of the Constitution of the United States and the treaties and statutes of the United States. So we went on in that way for 125 years, until 1914, and no one except the losing party could get into the Supreme Court of the United States; that is, the party insisting upon the Federal Constitution and being overruled in that regard.

In 1914 we passed a statute authorizing the other party to controversies to get into the Supreme Court of the United States, but only by certiorari, and that has been the law ever since. Many cases may go to the circuit court of appeals under the existing law in which a right is claimed under the Constitution of the United States or under a statute of the United States or under a treaty of the United States, or even where it is claimed that a State statute is violative of these; that can not get into the Supreme Court of the United States at all. All patent cases, all copyright cases, may involve such questions—usually they do involve statutes of the United States—the employers' liability act, and various other acts; but the whole thing ends with the circuit court of appeals unless you go to the Supreme Court by writ of certiorari. So a case may be brought in the United States district court on the ground that it involves a Federal question, and the decision may not be against it. There the privilege of going to the Supreme Court of the United States exists as of right. Under the proposal before us it is simply intended to put the two on a perfect parity, allowing a writ of error from the circuit court of appeals under conditions exactly the same, except reversed, and allowing a writ of certiorari in the one case as in the other case, so that the two will be entirely harmonious.

Mr. REED of Missouri. But the Senator has not addressed himself to the point I am trying to make.

Mr. WALSH of Montana. I tried to do so.

Mr. REED of Missouri. The Senator has addressed himself very clearly to the question that this section is in harmony with the practice.

Mr. WALSH of Montana. Let me say to the Senator that I think I can follow it further. If you give to the litigant in the circuit court of appeals the privilege of going to the Supreme Court of the United States as of right whenever such a question is involved, you must also then give the same privilege to the litigant in the State court. If you do that, you do not relieve the Supreme Court of the burden which is now cast upon it; you increase its burden. The bill is intended to relieve the Supreme Court from its overburdened condition.

Mr. REED of Missouri. I understand that.

Mr. WALSH of Montana. And if you do that you increase the burden, not diminish it.

Mr. CUMMINS. And to that may be added, if I may say so, that we would then give the Supreme Court greater jurisdiction over the judgments and decrees of the courts of last resort in the several States than we have ever given it.

Mr. REED of Missouri. No; I think not, if I can make myself understood. I seem to be unfortunate in expressing myself. I will limit my statement now to one matter, to make it as plain as I can.

A litigant comes into court. He is confronted by a Federal statute, and he claims that that statute is unconstitutional. The man on the other side claims that it is constitutional.

Mr. FLETCHER. This is a Federal court, now?

Mr. REED of Missouri. Yes.

Mr. SWANSON. A Federal statute or a State statute?

Mr. REED of Missouri. A Federal statute; or, in the case of a State statute, the same proposition. I do not care which way we take it. The contention of one side is that a statute of a State or a statute of the United States is unconstitutional. The other side contends that it is constitutional. If it is decided to be unconstitutional, the right of appeal exists. If it is decided to be constitutional, the right of appeal on the part of the individual who claims it is unconstitutional does not exist, but he is relegated to the grace of the Supreme Court on a writ of certiorari.

I can not understand why the right of appeal should be cut off to the party against whom the lower court has decided, because the decision of the lower court is that the act in question is constitutional. I think that both of them—that is, the litigant who contends for the constitutionality and the litigant who contends against the constitutionality—ought to be put on a parity, and either both of them have a right of appeal or neither of them have a right of appeal.

Mr. WALSH of Montana. Exactly. Then you should do the same thing with the rest of the State courts.

Mr. REED of Missouri. I think so.

Mr. WALSH of Montana. What would the Senator do then? Would he take away the right of review as of right and make them all reviewable by certiorari, or would he make them all reviewable as of right?

Mr. REED of Missouri. Of course, that is another question.

Mr. WALSH of Montana. No, no; that is the same question.

Mr. REED of Missouri. No; we do not get away——

Mr. WALSH of Montana. Of course, if the Senator will pardon me, it is not the same question. As a matter of course, the Senator separates the two.

Mr. REED of Missouri. There is a practical question connected with it.

Mr. WALSH of Montana. But the Senator will observe that if the amendment is made with reference to the circuit court of appeals, every reason which induces that operates equally with reference to the State court.

Mr. REED of Missouri. I think that is true; and the fact that it may or may not increase the work does not go to the merits of the question I am considering at all, because there must be some work done. The question I am discussing is, why it should be done on that side alone which has a tendency to sustain statutes as constitutional, and not work equally to expose statutes that are unconstitutional. I think it has a very bad result. The tendency is toward the sustaining of statutes, and that is only another way of saying that the tendency is to permit impingements on the Constitution, because a court may declare a statute to be absolutely constitutional, the Supreme Court may refuse a review on writ of certiorari, and the statute may stand there sustained by a lower court although it may impinge upon the rights of the citizen under the Constitution of the United States.

If I were going to write this law in the first instance, I would write it so that the man who contended that a statute was unconstitutional would be the one that would be certain to have the right to test that question in the Supreme Court, because it is more important that the Constitution of the United States and all the rights secured under it should be absolutely preserved than it is important to sustain any statute of Congress or any statute of any State. I think the shoe is on absolutely the wrong foot; that the man who challenges the constitutionality of the statute, the man who says, "It impairs my rights or the rights of others under the great charter of our rights, the Constitution," is the man who has the best right to have it determined whether or not he is receiving all of his privileges under the Constitution of the United States. The thing is just turned around, and it is when a court ventures to declare a statute unconstitutional that it is brought up and that decision is reversed, if possible, in the Supreme Court; whereas if it is declared to be constitutional, no matter how much violence it may do to the Consti-

tution, you can secure a review here only by writ of certiorari, which may or may not be granted.

I frankly say that the doctrine of this amendment is not new. It is in accordance with the rule that has heretofore existed. I am challenging the attention of the Senate to the fact that it is a bad rule, no matter how long it has existed, and that it ought to be changed; for, without pausing to weary you at length, I think the most dangerous thing that confronts us to-day in this country is the constant whittling away of the Constitution by the sustaining of statutes which go far beyond constitutional authority.

Take the instance of the so-called child labor act; and I have chosen a very unpopular thing for my illustration. The lower court in that case, according to my recollection—I may be in error—decided the statute to be unconstitutional.

Mr. CUMMINS. The statute of the United States.

Mr. REED of Missouri. The statute of the United States, and therefore it came here as a matter of right. I think that was the process; but, anyway, it will do for purposes of illustration. The Supreme Court overturned the statute; but if the decision below had been that the statute was constitutional it might never have gotten before the Supreme Court at all, for it might have refused a writ of certiorari; and if the Supreme Court is correct in the doctrine laid down in that decision—a very important decision—then the statute was utterly subversive of the rights of the respective States. I use that merely to illustrate my thought.

Mr. CUMMINS. Of course the Senator realizes that this bill does not affect a case of that kind. That is, this particular amendment does not affect cases of that kind.

Mr. FLETCHER. This amendment does not. In that sort of a case there would be involved a constitutional question arising under a statute of the United States. Then either party has the right of appeal.

Mr. CUMMINS. So far as the circuit court of appeals is concerned, it is considering a statute of a State.

Mr. FLETCHER. This amendment is confined to State statutes.

Mr. REED of Missouri. This amendment is, but the other doctrine is in this bill. The question is here in this bill in both phases.

Mr. FLETCHER. It is the same case whether it is a State statute or a Federal statute.

Mr. CUMMINS. Of course the question raised by the Senator from Missouri reverses, in a measure, the policy of the United States for a hundred years. It may be that it ought to be reversed; but I rather appeal to the Senator to take some other course in changing that policy than to attempt to defeat the present bill, because, of course, that would defeat the present bill.

Mr. FLETCHER. Mr. President, may I ask the Senator a question? Suppose that in the case presented by the Senator from Missouri, the last child labor act, the circuit court of appeals had sustained the validity of that act, would that have been the end of it so far as those who were attacking the constitutionality of the act were concerned?

Mr. CUMMINS. The Supreme Court of the United States has a right to review any judgment of a court of appeals by certiorari. We are expressing no want of confidence in the Supreme Court. It can not review all the cases that are tried in the United States; that would be utterly impossible. One of the objects of this bill is to enable it to do with reasonable promptitude the business which comes before it.

Mr. FLETCHER. I realize that it is now some three years behind with its business.

Mr. REED of Missouri. You are evidencing the same lack of confidence in a different way. The pending bill and every bill along this line would give an absolute right of appeal in certain cases. That means that you do not trust entirely to the discretion of the Supreme Court in the issuance of writs. Neither the doctrine I contend for, nor the doctrine of this bill or any of these laws, I think, expresses a lack of confidence in the Supreme Court, because we all have very great confidence in the Supreme Court always trying to do the right thing. But there is a great difference between the right to file your papers and lodge your case and have it heard, and the right to appear with a little, short document stating your grounds, and without the privilege of presenting it to the court.

Without interfering with the rest of the bill, this clause could be changed so that the right of appeal would exist in both instances. It might not be on a parity with the provisions of the bill relating to appeals from circuit courts.

I shall not stand here and undertake to do anything that would prevent the enactment of the bill, but I am opposed to extending by this amendment the doctrine that you can only get into this court on appeal when a statute has been declared to be unconstitutional, and that you must resort to certiorari when it has been declared to be constitutional.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Virginia?

Mr. CUMMINS. I yield.

Mr. SWANSON. It seems to me that in one respect the Senator's criticism is a mistake. I understand, under section 237, if a State court holds a State statute invalid as being contrary to the Constitution or treaties of the United States, there is no appeal in that case to a Federal court.

Mr. CUMMINS. In the case of a State statute?

Mr. SWANSON. A State statute.

Mr. CUMMINS. It could be reviewed by certiorari.

Mr. SWANSON. Since 1914.

Mr. CUMMINS. Yes, since 1914.

Mr. SWANSON. But there is no appeal as a matter of right?

Mr. CUMMINS. There would be no matter of right.

Mr. SWANSON. If there were an appeal as a matter of right it would give the litigant an opportunity to have a Federal judge pass on the question and declare that the statute was constitutional.

Mr. GEORGE. Mr. President, may I make a suggestion?

Mr. CUMMINS. I yield to the Senator.

Mr. GEORGE. The Senator from Missouri is undoubtedly right when he criticizes the tendency of this legislation, and of all prior legislation dealing with the jurisdiction of the courts, but the principle goes even further back than the legislation itself. Of course, there is a general presumption in favor of the validity of every legislative act, and that runs not merely through the legislative body itself, and not merely through the judiciary, but it is present at all stages when there is being prepared the machinery by which the validity of an act may be reviewed and tested.

Under the general scheme contemplated in this act, may I say to the Senator from Missouri, and as it has manifested itself from the time of the enactment of the judiciary act in 1789 to the present, the citizen asserting a right under a State law has preserved to him the right to maintain the dignity of his own constitution. Similarly, the citizen asserting that the Federal Constitution is being undermined has had the right preserved to him to maintain that Constitution. In other words, the whole system of review has kept constantly in mind this principle—that the State could not destroy the Federal Constitution and that the Federal courts could not destroy the State laws. There is a balance there, and there is not an unrestricted right of appeal, and there never has been an unrestricted right of appeal as a matter of right.

Perhaps it would have been wisest and best in the beginning to have left all decisions, either of State courts or of lower Federal courts, to review on writs of certiorari. That was the logical process. But there was the apprehension that the State courts might not be duly regardful of rights under the Federal Constitution, and therefore when there was a decision in a State court sustaining a law which was said to be violative of the Federal Constitution the Supreme Court of the United States had the right to review that decision.

Of course, the Senator's difficulty is the same difficulty that all of us have. In a broad way, we naturally think that a litigant should have the unrestricted right of appeal, whether the decision be for or against the validity of the law, but when we think of it from a practical point of view, since there must be some restriction of the right of appeal, because it is always possible to bring a Federal question into any sort of litigation—since there must be some restrictive growing out of the practical necessities, it seems that these restrictions are justified. They may not be altogether consistent with one's concept of what the rule ought to be, but they seem to me to be justified.

Mr. REED of Missouri. The restriction could very easily be made by providing for writs of certiorari in all cases, and then the contention of the litigant that a statute was unconstitutional having been overruled, it would stand on a parity with the decision in favor of its constitutionality.

I am acquainted to a reasonable degree with the history which has been recited here this morning, as we all are, and it is persuasive to this extent with me, that I realize it is something of a task to overturn it, and in view of the shortness of this session and our nearness to its end I feel justified in not insisting on undertaking to interject it at this time, since it has provoked some discussion already. So I shall not make any further objection; but I insist that my doctrine is sound.

Mr. FLETCHER. I think there is some danger here of underestimating the dignity and the wisdom and strength of the highest courts of the States and of the circuit courts of appeals.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The READING CLERK. The Senator from Iowa proposes to strike out lines 5, 6, 7, and 8, on page 9, and to insert:

(c) No judgment or decree of a circuit court of appeals or of the Court of Appeals of the District of Columbia shall be subject to review by the Supreme Court otherwise than as provided in this section.

Mr. CUMMINS. That simply makes the necessary correction in the text of the bill to accord with the amendment which has just been adopted.

The amendment was agreed to.

Mr. CUMMINS. I ask the Chair to lay House bill 8206 before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 8206) to amend the Judicial Code, and further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes, was read twice by its title.

Mr. CUMMINS. I ask the Senate to proceed to the consideration of House bill 8206.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8206) to amend the Judicial Code, and further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes.

Mr. CUMMINS. I move that all the matter in the House bill after the enacting clause be stricken out, and that the matter in Senate bill 2060, as perfected by the amendments, be inserted in lieu thereof.

The PRESIDING OFFICER. The Senator from Iowa moves to strike out all after the enacting clause and to insert Senate bill 2060, as amended.

The amendment was agreed to.

Mr. WALSH of Montana obtained the floor.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. STERLING. I think there is a prospect of finishing in a very short time the bill which has been under discussion, and I therefore ask unanimous consent that the unfinished business be temporarily laid aside for that purpose.

Mr. WALSH of Montana. I think we can dispose of House bill 8206 very speedily.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside for the specific purpose of continuing the consideration of House bill 8206. Is there objection? The Chair hears none, and it is so ordered. The Senator from Montana will proceed.

Mr. WALSH of Montana. Mr. President, I do not want to delay favorable action by the Senate on this measure, but before final action is taken I should like to address myself to those Senators who have been interested in the measure, and to point out clearly, if I can, the important change which has been made.

Under the old Ellsworth Act, the judiciary act of 1789, there were three classes of cases which could go to the Supreme Court of the United States from the supreme court of the States as a matter of right. Those were, first, a case in which was raised the validity of the statute or treaty of or an authority exercised under the United States.

Second, those in which was drawn in question the validity of a statute of or an authority exercised under a State on the ground that it was repugnant to the Constitution, treaties, or laws of the United States.

Third, those in which was asserted some title, right, privilege, or immunity or authority under such Constitution, laws, or treaty.

I dare say it is recalled by few of the Senators present that in 1915 that statute was amended so as to take away from the litigant the right to have reviewed in the Supreme Court of the United States, as a matter of right, a case in which was asserted some right, title, privilege, or immunity or authority under such Constitution, laws, or treaties. I might say that, as is well known, the right of review did not exist in those cases unless the decision of the State court was against the contention that was made in any one of these three classes.

I can not help but think that it was a very serious mistake thus to restrict the right of review of the decisions of the supreme courts of the States in the Supreme Court of the United States. I discussed this matter at some considerable length before the Virginia Bar Association some two years ago, when a bill quite similar to this was under consideration, and at that time voiced my objections. The amendment offered in 1915 did not take away absolutely the right of review of the third class of cases, but left, by virtue of the language, still a right of review absolutely in the Supreme Court of the United States in one class of cases, which right is now or would be taken away by this proposed statute. If Senators will indulge me, I should like to read briefly from my address at that time in the discussion of this subject:

The right of reexamination existed, however, only in the event that the decision of the State court was against the party thus relying on the Federal Constitution or laws or treaties or asserting the validity of an authority Federal in its origin.

The third class of cases, reviewable as of right since the organization of our Government, was transferred from the obligatory to the permissive jurisdiction of the Supreme Court.

That is, they became reviewable only by writ of certiorari. This act was passed in 1915.

There is, indeed, a basis for the distinction thus made, in that in the first two classes the constitutionality of the statute, treaty, or authority is brought into question, whether it be State or Federal, measured by the limitations in the fundamental law of the Nation. In the third there is presented only a question of the construction of the Constitution, laws, or treaties of the United States.

The act left, however, illogically, subject to review by writ of error or appeal, just such questions if they came to the Supreme Court from the circuit court of appeals, having been the basis of resort to the Federal jurisdiction, except they arose under the specific acts of Congress mentioned, namely, the bankruptcy act and the railroad employees' relief acts. That law is not one in the authorship of which anyone may take a just pride. Why single out those particular acts of Congress as unworthy of the attention of the Supreme Court, to be invoked as in the case of any other law enacted by it? And why shut out a question of the construction of the Constitution, or a law or treaty of the United States, or the validity of an authority exercised by them, except by permission of the court, when it comes from the highest court of a State, but admit it when it comes from the circuit court of appeals; and, finally, why accord one an opportunity to be heard on a claim of being denied by a State court a right guaranteed to him by the Constitution if it is disregarded pursuant to a statute, either of the State or of the Nation, but deny him relief if his rights have been invaded or disregarded without even the justification of a statute?

The bill which gives occasion to these remarks, should it become a law, will remove in some small degree these incongruities. It makes all judgments and decrees of the circuit court of appeals reviewable by certiorari only.

That is changed by the amendment adopted this morning.

It further limits the obligatory and extends the permissive jurisdiction of the Supreme Court by transferring from the one to the other cases in which "is drawn in question the validity of" an authority exercised under the United States, the decision being in favor of its validity, or "an authority exercised under any State on the ground of its being repugnant to the Constitution of the United States." There would remain no obligatory jurisdiction except in cases in which a State court should deny the contention that a State statute is repugnant to the Constitution, laws, or treaties of the United States, or that a Federal statute is violative of the Constitution thereof.

The discretion to be reposed in the Supreme Court by this proposed statute is not fully expressed in the statement just made. It would authorize the Supreme Court, upon the petition of a party, to require to be certified up to it for examination any cause, civil or criminal, pending before any circuit court of appeals, including the Court of Appeals of the District of Columbia, even before judgment or decree has been rendered in such court.

I think the act of 1916 made an unfortunate innovation in limiting the cases in which a review of the decisions of the State courts might be had as of right, and that the bill to which your attention is now directed, imposing, as it does, a further limitation, ought not to command the support of the bar at least in that respect. Let me remind you that by the act just mentioned no error of a State court touching the construction of a Federal statute can come before the Supreme Court for review except by its permission on an application for a writ

of certiorari, nor, for that matter, any question of the construction or application of the Constitution of the United States, except the validity of a statute, State or national, as being repugnant to it is involved.

We have developed in the Western States a wonderful system of mining law, consisting of the acts of Congress of 1866 and 1872, and acts amendatory thereto, providing for the disposition of the mineral lands of the United States, the customs of miners to which the laws referred to give the sanction of statutory enactments, and the decisions of the courts construing and applying them. The whole system of the disposition of the public lands naturally bears a close relationship to that which is concerned exclusively with the mineral lands, and a more or less intimate knowledge of the former is essential to a full comprehension of the intricacies of the latter. So vast is the accumulation of learning with which the subject has been enriched, so prolific are the statutes relating to it in controversial questions, that a late work which must be at the hand of every lawyer in the western mining region consists of three bulky volumes. It need not be said that the amounts involved in the controversies out of which mining law as it is understood in this country has been evolved are often vast. The producing area of the Butte district, the output of which has run into billions, the richest mineral deposit the world has ever known, is not to exceed 2 miles square. As a rule the Justices of the Supreme Court, though always masters so far as the general principles of the law are concerned and often specialists in some branch, have scarcely a lowing acquaintance with mining law, if, indeed, it is not a sealed book to them, or some of them. Moreover, a comprehension of the questions involved frequently, if not invariably, requires some familiarity, and not unusually a rather intimate familiarity, with mining geology, both to comprehend the particular proposition presented and the force and applicability of decisions to which appeal may be made. To deny a litigant a right to present to the Supreme Court a question arising under the laws of Congress touching the disposition of the mineral lands, except by writ of certiorari to be issued upon written application supported by briefs, but without oral argument, is all but to compel him to abide by chance alone, with the odds all against him.

Scarcely less intricate are the problems which arise under the public land laws generally, and while our section may be more fruitful in causes presenting Federal questions than others or than the country generally, there is scarcely any region that does not produce controversies depending for their solution upon Federal statutes. It is not only such that are shut out but, as well, every case involving the denial of a title, right, privilege, or immunity set up or claimed under the Constitution of the United States. There would be included, no statute being involved, a right claimed under the full faith and credit clause, the clause guaranteeing to the citizens of each State the privileges and immunities of citizens of the several States, and those ample rights guaranteed by the fourteenth amendment.

It is understood that it was because of the frequency with which actions were brought to the Supreme Court upon the claim, often shadowy, of the denial of a right under the amendment mentioned that the restriction was asked and, as I think, unreflectingly imposed by Congress. I may say, for whatever of exoneration there may be in it, that the act was passed in my absence. But the prevalence of the evil, if it be such, alluded to, as it seems to me, is a very poor reason for denying to the meritorious classes of cases to which I have referred a right to be heard in the tribunal whose appropriate function is to give an authoritative interpretation to the Federal law.

These considerations are what make me doubt the wisdom of the change. As Senators will perceive, if we have a case that depends upon a Federal statute and the decision is against us, if our construction of the statute is not adopted by the circuit court of appeals, we have no right to go to the Supreme Court of the United States to determine the accuracy of our construction of the statute or of the Constitution or treaty of the United States. We must go to the Supreme Court of the United States and ask permission to have the cause heard in that court. That right was taken away from us in large measure by the statute of 1915, but the present bill still further restricts the cases in which we may go to the Supreme Court as a matter of right from the supreme courts of the States. That depends upon a very close study of the language of the statute.

At the risk of being tedious, inasmuch as some of the Senators seem to be interested in this question, I will follow the discussion of that subject as made in the address referred to—

> As heretofore pointed out, the bill in question not only confirms the departure, the unwisdom of which I have not hesitated to condemn, but it would likewise transfer to the permissive jurisdiction causes in which are involved the validity of an authority exercised under a State, as distinguished from a statute of such State, on the ground that it is repugnant to the Constitution of the United States, or the validity of an authority exercised under as distinguished from a treaty or statute of the United States.

Just what was covered by the word "authority" as used in the judiciary act and continued in the present law and to be continued should the bill under consideration become a law it is somewhat difficult accurately to comprehend. It is not easy to conceive of an authority exercised under a State not founded upon a statute of such State, considering its constitution as a statute, as doubtless it must be regarded, nor to conceive of an authority exercised under the United States not founded upon a statute or treaty thereof, giving the word "statute" a similar significance.

It would seem as though every case involving the validity of an authority exercised under either State or Nation would involve the validity of a statute or treaty. It may be that the word "statute" is to receive a more restricted significance and the class of cases covered by the term "authority" is such as present acts done as within the constitutional grant and independent of statute or treaty. This view would seem to be sustained by Mathews *v.* McStea (20 Wall. 646), where the question was as to the sufficiency of the acts of the President to inaugurate a war which would invalidate the contract upon which suit was brought. The case of Pickering *v.* Lomax (145 U. S. 310) presented the question of the authority of the President to execute a deed of Indian treaty lands, but that obviously was to be determined upon the existence and construction of a treaty or statute or both and involved a claim of title or right under a statute of the United States, elsewhere covered in the appeals act. A long line of cases holds that the failure of a State court to give due consideration to a judgment of or to proceedings had in a Federal court is a denial of the validity of an authority exercised under the United States, but it would seem as though all such cases equally involved the denial of a title or right claimed under the Constitution and statutes of the Union.

Anyway, whatever vestige there was left under the statute of 1915 of the right originally conferred by the Ellsworth Judiciary Act is now gone.

My discussion of the subject and my criticism of the act of 1915 seems to have had no response from the bar in any section of the Union, and I do not feel, against the judgment of the justices of the Supreme Court, like urging it.

I dare say that in any case that ought to be reviewed by the Supreme Court of the United States, the court will be persuaded to issue a writ of certiorari. The court complains about being unable to transact the business that is before it, and we are bound to give them some relief. I do not know where we can resort for any better relief. I address this particularly, however, to my colleagues from the West, who will at once appreciate the importance of the matter to which I have adverted. My esteemed friend, the Senator from New Mexico [Mr. JONES], now has a case pending in the Supreme Court of the United States, as I understand, or on the way there, which involves the construction that is to be given to a statute of the United States. Should this bill become a law, he would no longer have the absolute right to come to the Supreme Court of the United States for an authoritative construction of that statute; he must go there and ask the court if he may be permitted to present the matter to it. This is of immense consequence to the people out in our section of the country; but, as I have stated, I have been accused of standing in the way of a good many of these proposed statutes that are asked for by the Supreme Court of the United States, and I do not feel like standing alone on the matter.

ADMINISTRATION OF PACKERS AND STOCKYARDS ACT OF 1921

Mr. FRAZIER. Mr. President, I wish to make a few brief remarks on a bill that is now pending before the Committee on Agriculture and Forestry.

On January 5 I introduced S. 3841, which provides for the transfer of the administration of the packers and stockyards act of 1921 from the Secretary of Agriculture to the Federal Trade Commission.

The Department of Agriculture has been loaded up with the administration of a number of very important measures. It has undoubtedly been overloaded; at least it is obvious that the Department of Agriculture was not intended to administer a complicated business like the meat-packing industry and, furthermore, that it is not properly equipped to do so.

Livestock growers are still discriminated against; independent meat-packing companies are controlled or forced out of business and retail meat markets are still dominated by the big meat-packing interests. It was charged at the hearing of the House Committee on Expenditures in the Department of Agriculture last May that the livestock men had been cheated out of $22,000,000 in excessive commission rates since this act has been in force.

The spread between the prices producers received for cattle and the prices consumers paid for meat has increased, which adds materially to the cost of living.

The meat-packing industry directly affects every consumer of meat products; also the consumers of meat substitutes, eggs, milk, and dairy products, which the packers handle, and likewise directly affects the producers of all these products. Every man, woman, and child in the Nation is directly affected by this great industry.

The Federal Trade Commission, previous to the passage of the packers and stockyards act, had made some investigations and reports on the meat-packing industry. These reports undoubtedly lead to what was known as the packers' consent decree. This decree was an agreement between the former Attorney General Palmer and the "Big Five Packers" and entered by the court in February, 1920.

Since that time the meat packers have made frequent attempts to have that consent decree modified or set aside so they could enter unrelated lines of business from which they were excluded by the decree.

The most recent instance is the motion made by Armour and Swift to have the decree nullified, made in the Supreme Court in the District of Columbia November 5, 1924. During hearings related to that motion Justice Bailey stated:

It appears to me that the petitioner might have two grounds; for instance, one, that the petitioner, having an interest in a certain matter in litigation, would have, for that very reason, a right to have the consent decree set aside, if he is entitled to it, where there had been no adjudication of facts. It might also be the other ground, that he has such an interest, upon a showing that the decree as a matter of fact should not have been entered, as the facts would not have justified such a decree, even if they had been gone into.

The fact that the packers' consent decree was entered may have been the determining factor in preventing the enactment of legislation by Congress to keep the meat packers out of unrelated lines of business, and in preventing legislation to compel the meat packers to divest themselves of ownership of refrigerator cars.

Mr. A. Mitchell Palmer, then Attorney General, stated to the House Committee on Agriculture on April 3, 1920, while it was considering meat-packing legislation—

What the decree did was this: It entered a perpetual injunction against these defendants—86 corporation defendants, 5 additional companies and their subsidiaries and affiliated concerns, and fifty-odd individuals, the large, powerful, and influential stockholders of these various companies—restraining and perpetually enjoining them from doing any act or thing which amounted to a combination in restraint of trade or tending toward monopoly. It restrains and perpetually enjoins them forever from engaging in any unlawful trade practice, thus making it possible, Mr. Chairman, for the Government at any time, upon any evidence being adduced to show any act in restraint of trade or any violation of the Sherman antitrust law by these defendants, or upon a showing of any improper, unfair, competitive practice, to go into a court of equity in this very case upon the basis of this decree, upon a showing of the facts and holding these defendants, or those of them who might be guilty, guilty of contempt of court when they may be summarily punished for such violation, providing what was in effect a criminal remedy of an expeditious character, easily controlled and capable of carrying out just what it was designed to do.

In addition to that the decree took these defendants out, and forever keeps them out—I do not quote the words—directly and indirectly of the public storage warehouse business, both as corporation defendants and as individual defendants. It takes them out, and forever keeps them out, directly and indirectly, of the public stockyards business. It requires all of these corporation defendants to divest themselves of all their interests of every kind and character in every public storage warehouse and every public stockyards company in America, of every stockyard terminal railroad, and of every market or stockyard journal or publication; it takes them out, and forever keeps them out, directly or indirectly, from every line of retail business whatever, both in the meat line and in every other line. It takes them out, and forever keeps them out, both directly and indirectly, of all the so-called unrelated lines, and particularly of all the lines of wholesale groceries which had been the cause of the most widespread complaint in the country. The number of articles which these defendants are no longer permitted to engage in—production, distribution, and sale of—running into the hundreds, is set forth in the decree itself. It provides that the corporation defendants shall immediately go out of the business and that the individual defendants shall not jointly or collectively ever be interested, to the extent of control, in any corporation or firm or partnership which engages in any of those businesses. It does this far-reaching thing, Mr. Chairman, which could not by any possibility have been accomplished by a decree in adverse litigation, which these defendants would have opposed and which I doubt if it could ever be done by legislation as well.

This decree takes these defendants from all of these unrelated lines and brings them back with a sharp turn to the point where they began. I do not want to appear brutal in using the term, but this decree makes butchers of these five great packers, and nothing else.

That is a part of what the former Attorney General said.

On February 24, 1920, Mr. W. B. Colver, then a member of the Federal Trade Commission, stated to the same House Committee on Agriculture:

Now, gentlemen of the committee, a year ago when these hearings were going on, on this same subject these same gentlemen who are now saying you do not need any legislation were saying then that nothing had been done of guilt. Yet in that year they have expressed their willingness, as I understand it, to go into court and subject themselves to a consent decree. I have not seen the decree, but from the synopsis of it that was made public it would appear to me that all the control and far more, which was suggested in the legislation, has been written into that decree. It is also said by these gentlemen that the decree goes far beyond the law. Well, let us take out of that sentence the word "far" and let it read, goes beyond the law. We do not want in this country, in my opinion, legislation by consent decrees. If legislation is necessary and useful in the public interest I take it that the House and Senate will attend to the matter, and will not let us legislate by consent decrees.

You ask if the decree is good or bad. If the decree is good, and it has had to go beyond the law in order to be good, it would seem to indicate that the law better catch up to the decree. If the decree is not good, why, then, we better have such a state of laws as will make bad decrees impossible, consent or otherwise.

In any event, it seems to me that the very acceptance of this decree which assents to all the things that were pointed out, each of them pointed out by the Federal Trade Commission, and it assents to every one of them as I understand by the synopsis that has been given out, to every one of those suggestions in one form or another, and some in much more detail and in much more severe form than suggested by the commission; I understand this has all been written into the consent decree, which is to be perpetual, it is said, and always open. One of the objections that has been urged constantly to any suggested legislation along this line is that it is class legislation. Now, the consent decree applies only to five in the class, so if the objection to class legislation was good, why then, the application of a perpetual decree, perpetual restraint, amounts really to a perpetual receivership, or perpetual custody at least by the agent of the court; and to apply it to only five concerns in the great industry does not seem to me to meet the situation. What is there to prevent there being another five?

No court can make a consent decree perpetual since it may be vacated by consent of both parties to the decree. An agreement to modify the packers' consent decree was made so as to permit them to distribute some canned goods late in August, 1921, about one month after the packers and stockyards act went into effect. That act vested the administration thereof in the Secretary of Agriculture, and specifically precluded the Federal Trade Commission from making any new investigation of the meat packers except on request of the Secretary of Agriculture. By energetic action of farm organizations this effort to upset the packers' consent decree was blocked and an interdepartmental committee of representatives of the Departments of Justice, Agriculture, and Commerce held hearings on the matter, and stated that it felt that the request—

for a modification of this decree should be presented in the first instance to the court which entered this decree, and not to the Attorney General.

The vacating of the packers' consent decree by the court even temporarily would hardly seem just or wise, until legislation has been enacted to present the meat packers from entering unrelated lines of business, or at least, subjecting them to the same effective investigation by the Federal Trade Commission as their competitors in unrelated lines of business are subject to.

This is contemplated in Senate bill 3841, transferring the administration of the packers and stockyards act from the Department of Agriculture to the Federal Trade Commission.

The statement of Attorney General Palmer, quoted above, that the packers' consent decree "provided what was in effect a criminal remedy of an expeditious character" implies that the meat packers affected thereby had been guilty of commission of crime. The fact that the Big Five Meat Packers—Armour, Morris, Swift, Wilson, and Cudahy—assented to the packers' consent decree after conference with Attorney General Palmer on the matter, is ample evidence that they realized that they were guilty, despite their assertion of innocence.

The statute of limitations has run as to some of the acts of the Big Five Meat Packers, and it would be difficult, if not impossible, to get proof of their guilt, easily available at the time the packers' consent decree was entered. To vacate the consent decree now would be admission that it was intended as an immunity bath, and to defeat the ends of justice. It would be equally indefensible from an economic viewpoint. Proper provision should at least be made by law to handle the meat-packing situation and assure fair protection for producers, consumers, and business interests before the consent decree is set aside.

JURISDICTION OF CIRCUIT COURTS OF APPEALS AND SUPREME COURT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8206) to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HEFLIN. Mr. President, I am opposed to certain features of this bill. I have listened to the discussion here in which the Senator from Iowa [Mr. CUMMINS], the Senator from Missouri [Mr. REED], and the Senator from Montana [Mr. WALSH] have taken part. I do not think it is right to withdraw from the citizen the right to appeal to the highest courts in the land if he wants to appeal. For a Supreme Court judge to say to any citizen, I care not how humble he may be, simply that he can not appeal a case involving his rights, that he can not and will not be heard, it seems to me is wrong.

I understand that out of some 115 cases that came here the Supreme Court decided that a mistake was made in appealing eighty-odd cases. I submit that if one man's rights were preserved and safeguarded the court in that action served a just purpose and it could well afford to consider 100 to 200 cases if necessary, in order to do justice by even one American citizen.

I do not want our Supreme Court judges to be overworked, but I, for one, think more of the rights of the citizen under the organic law of the land than I do of any effort to lessen their work and provide for the comfort and convenience of the Supreme Court judges.

The Bible tells us that it were better that 99 guilty persons go free than that 1 innocent man should suffer. Of the number of cases mentioned here in debate that have gone up to the Supreme Court, some 15 or 20 were held to be cases of merit and property appealed. If I felt in the lower court that I had not had a fair deal I would want the higher court to pass on the questions involved and tell me whether I was right or wrong in my contention.

I am not ready to surrender the average citizen's right to appeal and accept in its stead discretionary power given to judges of the Supreme Court.

This bill has some good provisions in it. I am in favor of simplifying methods of procedure and improving the practice in every safe way that I can, but I can not conscientiously vote for a measure that I think has in it a provision that will deny to the citizen the absolute and unqualified right to appeal to the highest court in the country. This bill, in my judgment, has such a provision in it.

Mr. President, I want to enter my protest against legislation that will vitally affect the citizen's right to appeal. If we are not careful and watchful the day will come when the highest court in this land will be open to nobody but the immensely rich and the great corporate concerns of the country. The humble citizen in the common walks of life will not be able to reach the high court if we are going to permit judges who may be looking for the least work possible and for longer periods of leisure to lay down rules and regulations by which a citizen is to lose his right to carry certain cases from the lower courts to the highest court.

Because of this objectionable and dangerous provision I shall vote against the bill.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. HEFLIN. I ask for the yeas and nays on the passage of the bill; and meanwhile I make the point of no quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Elkins	Keyes	Reed, Pa.
Ball	Ernst	King	Sheppard
Bayard	Fernald	Ladd	Shipstead
Bingham	Ferris	McKellar	Shortridge
Borah	Fess	McKinley	Simmons
Brookhart	Fletcher	McLean	Smith
Broussard	Frazier	McNary	Smoot
Bruce	George	Mayfield	Spencer
Bursum	Glass	Means	Stanfield
Cameron	Gooding	Metcalf	Sterling
Capper	Hale	Moses	Swanson
Caraway	Harreld	Neely	Trammell
Copeland	Harris	Norbeck	Underwood
Couzens	Heflin	Oddie	Wadsworth
Cummins	Howell	Overman	Walsh, Mass.
Curtis	Johnson, Calif.	Pepper	Walsh, Mont.
Dial	Johnson, Minn.	Phipps	Warren
Dill	Jones, N. Mex.	Pittman	Watson
Edge	Jones, Wash.	Ransdell	Wheeler
Edwards	Kendrick	Reed, Mo.	Willis

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present. The Senator from Alabama [Mr. HEFLIN] demands the yeas and nays on the passage of the bill. Is the demand seconded?

The yeas and and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BALL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BALL. Is the vote upon the bill itself, or upon the substitute?

The PRESIDING OFFICER. The vote is taken upon the passage of House bill 8206 as amended in Committee of the Whole. The Secretary will continue the calling of the roll.

The reading clerk resumed the calling of the roll.

Mr. ELKINS (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN], and in his absence withhold my vote.

The roll call was concluded.

Mr. CURTIS (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], who is absent. I understand that if present he would vote the same as I have voted, and therefore I allow my vote to stand.

Mr. ERNST (after having voted in the affirmative). I have a general pair with my colleague [Mr. STANLEY]. I understand that if he were present he would vote as I have voted, and therefore I permit my vote to stand.

Mr. JONES of Washington. I desire to announce that the junior Senator from Massachusetts [Mr. BUTLER] is necessarily absent, and that if present he would vote "yea."

Mr. WATSON (after having voted in the affirmative). I desire to announce that I have a general pair with my colleague [Mr. RALSTON], who is absent, but I am informed that if present and voting he would vote as I have voted. Therefore I allow my vote to stand.

The result was announced—yeas 76, nays 1, as follows:

YEAS—76

Ashurst	Fernald	Ladd	Sheppard
Ball	Ferris	McKellar	Shipstead
Bayard	Fess	McKinley	Shortridge
Bingham	Fletcher	McLean	Simmons
Borah	Frazier	McNary	Smith
Brookhart	George	Mayfield	Smoot
Broussard	Glass	Means	Spencer
Bruce	Gooding	Metcalf	Stanfield
Bursum	Hale	Moses	Sterling
Cameron	Harreld	Neely	Swanson
Capper	Harris	Norbeck	Trammell
Couzens	Howell	Oddie	Underwood
Cummins	Johnson, Calif.	Overman	Wadsworth
Curtis	Johnson, Minn.	Pepper	Walsh, Mass.
Dial	Jones, N. Mex.	Phipps	Walsh, Mont.
Dill	Jones, Wash.	Pittman	Warren
Edge	Kendrick	Ransdell	Watson
Edwards	Keyes	Reed, Mo.	Wheeler
Ernst	King	Reed, Pa.	Willis

NAYS—1

Heflin

NOT VOTING—19

Butler	Gerry	McCormick	Shields
Caraway	Greene	Norris	Stanley
Copeland	Harrison	Owen	Stephens
Dale	La Follette	Ralston	Weller
Elkins	Lenroot	Robinson	

So the bill was passed.

The PRESIDING OFFICER. Without objection, Senate bill 2060 will be indefinitely postponed.

SENATOR FROM TEXAS

Mr. SPENCER. Mr. President, I desire to call up for consideration Report No. 973, which has to do with the right of the junior Senator from Texas [Mr. MAYFIELD] to his seat in the Senate.

Mr. STERLING. I ask that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the unfinished business will be temporarily laid aside for the purpose stated by the Senator from Missouri.

The Chair lays before the Senate Report No. 973, from the Committee on Privileges and Elections, submitted yesterday by the Senator from Missouri [Mr. SPENCER].

Mr. SPENCER. Mr. President, the subcommittee who heard the testimony in this case and who counted the ballots were unanimous in their report. The full committee, who considered the report of the subcommittee, were unanimous in the report which is now before the Senate. The report has been upon the desks of Senators since yesterday. I am quite prepared to answer any questions or to make any statement which any Senator may desire to have made, but unless there is such desire I do not conceive it necessary to take up the time of the Senate. I move the adoption of the report.

Mr. KING. In relation to the report which has just been called up I may feel that I should like to file a supplemental statement in regard to the case. I ask for five days within which I may file a supplemental statement, if I desire to do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none, and leave is granted.

The question is on agreeing to the report submitted by the Senator from Missouri. [Putting the question.] The report is unanimously agreed to.

The report is as follows:

[Senate Report No. 973, Sixty-eighth Congress, second session]

CONTEST AND PROTEST IN CONNECTION WITH THE ELECTION OF UNITED STATES SENATOR FROM THE STATE OF TEXAS, 1922

Mr. SPENCER, chairman of the Committee on Privileges and Elections, submitted the following unanimous report, pursuant to Senate Resolution 97:

The Committee on Privileges and Elections have acted in connection with the contest and protest relating to the primary and general election of 1922 in the State of Texas for United States Senator, under Senate Resolution 97, Sixty-eighth Congress, first session, adopted January 8, 1924, which reads as follows:

"Whereas charges of excessive and illegal expenditures of money and of unlawful practices have been made in connection with the primary nomination and the election of a Senator from the State of Texas, which election was held on the 7th day of November, 1922: Therefore be it

"*Resolved*, That the Committee on Privileges and Elections, or any subcommittee thereof, be, and it is hereby, authorized and directed to investigate the said charges and countercharges, if any, of excessive and illegal expenditures of money and of unlawful practices in connection with the said election of a Senator from the State of Texas, including the proceedings for the nomination of candidates at the primary heretofore held, and to take possession of the ballots, poll lists, registration lists, tally lists, and all other documents and records relating to the said primary nomination and election; and the Sergeant at Arms of the Senate, and his deputies and assistants, be, and they are hereby, instructed to carry out the directions of the said Committee on Privileges and Elections, or any subcommittee thereof, in that behalf; and that the said Committee on Privileges and Elections, or any subcommittee thereof, be, and it is hereby, directed to proceed with all convenient speed to take all necessary steps for the preservation of the said ballots, poll lists, registration lists, tally lists, and other documents, and to recount the said ballots, and to take and preserve all evidence as to the various matters alleged in the said charges and countercharges and any answers hereafter filed, and of any alleged fraud, irregularity, and excessive or illegal expenditures, of money, and of any unlawful practices in the said election and primary, and as to the intimidation of voters or other facts affecting the result of said election.

"*Resolved further*, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to sit during the sessions of the Senate and during any recess of the Senate, or of the Congress, and to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation; and to have full power to subpœna parties and witnesses, and to require the production of all papers, books, and documents, and other evidence relating to the said investigation; and to employ clerks and other necessary assistants, and stenographers (at a cost not to exceed 25 cents per 100 words), to take and make a record of all evidence taken and received by the committee; and to keep a record of its proceedings; and to have such evidence, records, and other matter required by the committee printed.

"*Resolved further*, That the Sergeant at Arms of the Senate and his deputies and assistants are hereby required to attend the said Committee on Privileges and Elections, or any subcommittee thereof, and to execute its directions; that the chairman or any member of the committee be, and is hereby, empowered to administer oaths; that each of the parties to the said contest be entitled to representatives and attorneys at the recount and the taking of evidence; that all disputed ballots and records be preserved so that final action may be had thereon by the full committee and the Senate; that the committee may appoint subcommittees of one or more members to represent the committee at the various places in the making of the recount and the taking of evidence, and the committee may appoint such supervisors of the recount as it may deem best; and that the committee may adopt and enforce such rules and regulations for the conduct of the recount and the taking of evidence as it may deem wise, not inconsistent with this resolution; and that the committee shall report to the Senate as early as may be, and from time to time, if it deems best, submit all the testimony and the result of the recount and of the investigation.

"*Resolved further*, That the expenses incurred in the carrying out of these resolutions shall be paid from the contingent fund of the Senate upon vouchers ordered by the committee, or any subcommittee thereof, and approved by the chairman of the committee."

PETITION, PROTEST, AND ANSWER

George E. B. Peddy (contestant) filed with the Senate February 22, 1923, a petition contesting the election of Earle B. Mayfield (contestee) as Senator from Texas in the general election of November 7, 1922, and a protest both against the election and the qualification of the contestee. A first and second supplemental petition were filed by the contestant and an answer was filed by the contestee.

The charges alleged by the contestant were:

1. That illegal votes were counted for Mayfield and that illegal votes were not counted for contestant.

2. That undue advantage and illegal discrimination in favor of contestee was such as to invalidate his election.

3. That the primary elections, both the first primary election and the second, or "run-off" primary election, were illegally controlled by secret influences, by fraud, by excessive use of money, and by lawlessness in the interests of contestee and against the rights of contestant.

4. That there was a general conspiracy between the Knights of the Ku-Klux Klan and the contestee of a character and result that invalidated the election of contestee.

5. That contestee was disqualified for membership in the Senate of the United States largely because of the alleged "illegal practices that were directly or indirectly connected with his election."

6. Contestant asked for a recount and recanvass of the votes cast at the general election and claimed in his first supplemental petition that he, contestant, was entitled to the office.

The second supplemental petition is in the nature of a reply to the answer filed by the contestee and restates generally the allegations of the original petition and protest.

The answer of the contestant recites the general facts leading up to and incident to the two primaries and to the general election, and refers to the laws of the State of Texas in connection both with the primary and general elections so far as they were applicable to the charges of the contestant and generally makes answer to the allegations of contestee by such statement of facts, but in addition denies generally "all the allegations made against him in said contest and made concerning the irregularity and illegality of his nomination and election, and says that such allegations are untrue, and specifically denies" the several charges made by contestant, and prays that the contest be "disallowed and dismissed."

RECORD OF CASE

The result of the recount and the testimony taken in the case and the briefs filed by the attorneys for contestant and contestee are all printed in parts 1 to 5, inclusive. The result of the recount is set out in part 1-A. All of this printed record is made a part of this report and submitted to the Senate. The hearings were had before a subcommittee consisting of Senators SPENCER (chairman), WATSON, ERNST, KING, NEELY, and began on May 8, 1924, and concluded on May 18, 1924.

EVIDENCE

The contestee introduced but two witnesses—Mr. Van Valkenburg (p. 530) and Mr. Brown Hardwood (p. 547), of the record.

RECOUNT

The ballots were gathered in the State of Texas through the office of the Sergeant at Arms and were transmitted in sealed pouches by the Post Office Department under lock and key, with every safeguard against possible tampering. The recount, conducted in the Senate

Office Building, was begun on February 18, 1924, and was completed on April 8, 1924. The official return from the State of Texas as taken from the county clerks' records shows the following result:

Mayfield	266,307
Peddy	132,529
Total	398,836

The total number of votes which were brought to Washington were 367,513, of which 28,318 were no votes. The result of the recount of these ballots showed that—

Mayfield received	221,596
Peddy received	117,599

There were many irregularities and discrepancies and clear violations of law in connection with the casting of the ballots, as, for example, the laws of Texas provide that the ballots shall be signed by the judge of election.

Thirty thousand two hundred and nine Mayfield ballots were not thus signed.

Fourteen thousand six hundred and nine Peddy ballots were not thus signed.

The law provides that the ballots shall be numbered.

One thousand seven hundred and twenty-three Mayfield ballots were not numbered.

One thousand and twenty-one Peddy ballots were not numbered.

The law provides that the ballots that are cast shall be stamped "voted."

One hundred and eighty-seven thousand three hundred and eighty-seven Mayfield ballots were not thus marked.

Ninety-two thousand one hundred and ninety-two Peddy ballots were not thus marked.

These are illustrations of the irregularities, discrepancies, and violations of law, but no one of them, nor all of them together, in the judgment of your committee, either did or ought to change the result.

LITIGATION TO KEEP MAYFIELD'S NAME OFF THE BALLOT

There was in the State of Texas protracted litigation to prevent the printing of Mayfield's name upon the official ballot. This grew out of proceedings filed in the trial court alleging that in the primary election Mayfield had spent more than was allowed by law; and under the provisions of Texas law, where a candidate in the primary elections is found to have spent more than the amount ($10,000) allowed as a maximum in the first and second primaries together, his name should not appear upon the official ballot.

The trial court in the first case found that an unlawful amount of money had thus been expended by Mayfield and issued an injunction preventing the name of Mayfield appearing on the ballot.

The appellate courts finally decided that, because the county attorney did not appear in the case originally, it was improperly brought, and dismissed the proceedings. Another injunction was obtained from a trial court restraining the placing of Mayfield's name upon the ballot, which came before the civil court of appeals and was dissolved at 11.45 o'clock on Saturday night, November 4, 1922—but three days before the election.

The motion for rehearing was overruled on Sunday, November 5, 1922. It is contended that such action on Sunday was invalid. Immediately a writ of error was filed by the contestant which took the case to the supreme court. The supreme court at once considered the case in acknowledged violation of the statutes, which prohibited such immediate consideration of the matter, and defended their action on the ground that if they had followed the admittedly regular course of procedure and law of Texas, requiring a certain number of days to elapse before decision, the result would have been that because the election was so near, not to definitely and immediately act on the injunction and determine the litigation would have in effect decided the merits of the case, adversely to contestant, when all that was actually before the court was a temporary injunction. If the temporary injunction had been allowed to stand, as would have been the case if the appellate courts had waited the prescribed time before rendering a decision, evidently the name of Mayfield could not have been printed on any ballot in the State of Texas, and that was the main question in the case. The election was so near that summary action was taken in violation of established procedure and law.

The appellate courts of Texas believed that Mayfield's name ought to be printed on the ballot, and therefore, irrespective of the rules in regard to time, they passed upon the question, and their decision was telegraphed to every county, with the result that, except in about 50 counties, Mayfield's name appeared upon the official ballot.

Your committee agree that under the exigencies of the case in regard to time, the appellate court was justified in acting as preemptorily as it did.

PEDDY'S NAME NOT ON THE BALLOT

The name of Peddy was not printed upon a single ballot cast at the general election. The law of Texas provides that candidates for the United States Senate at the general election shall be selected at a preceding primary election. This is an exception to the general rule in Texas that allows any party casting less than 100,000 votes and as many as 10,000 votes to nominate candidates "for State, district, and county offices at a convention."

The Republican Party is not able, because of the small number of its adherents in many counties, to hold primary elections generally throughout the State for any office that requires a general State vote, and have always nominated by convention, and hitherto candidates for United States Senator of the Republican Party have also been nominated by convention and without objection.

In the election of 1922, however, the attorney general ruled on request of the secretary of state of Texas for advice in the matter, that the name of Peddy could not be put upon the official ballot, because he was not nominated at a primary.

The Republican Party of Texas had its convention regularly held in 1922 and nominated Dr. E. P. Wilmot, of Austin, Tex., as its candidate for United States Senator. Thereafter Doctor Wilmot declined, and the Republican State executive committee regularly nominated Peddy to fill the vacancy. There is no dispute about the regularity of Peddy's substitution. The State statute hereinabove referred to and first applied in this case, however, prohibited the printing of any candidate's name on the ticket at the general election who had not been nominated at a primary.

Your committee is of the opinion that the State had the authority to enact such a provision, and the mere fact that it had not been enforced before did not prevent its enforcement if the State authorities saw fit to enforce it as they did in the election of 1922.

PRIMARY ELECTIONS

The contestant complained of the law and practice in Texas which prevented any member of a party from voting at a primary election who had not voted, if he voted at all, for the regular party ticket at the last preceding general election.

It was claimed by the contestant that except for this rule Mayfield would not have been nominated at the primary. Similar regulations are in force in other States, and your committee has no doubt as to the power of a party or of a State to make such regulations if they see fit so to do.

KU-KLUX KLAN

The contestant alleged that there was a general conspiracy between the Knights of the Ku-Klux Klan and the contestee in order to bring about the election of the contestee, and that pursuant to this conspiracy unlawful sums of money were spent in favor of contestee, and that the Knights of the Ku-Klux Klan, a corporation, were prohibited by law from contributing to or interfering in their corporate capacity with elections, and also that intimidation was resorted to in the interest of the contestee.

The evidence does not, in the opinion of your committee, show that excessive and unlawful amounts of money were spent, and certainly not with the knowledge or consent of Senator Mayfield, nor do they find from the evidence that there was any such lawlessness or conspiracy in connection with the Ku-Klux Klan or otherwise as would in their judgment warrant the sustaining of the contest.

The evidence does show that there were acts tending to intimidate voters in different parts of Texas. Such acts were in connection with the primary election and had most to do with local offices, and had little, if anything, to do with the election of a Senator.

Undoubtedly there were, particularly in the primary election, and in the general election as well, acts of omission and commission in violation of express statutes, and some of them doubtless were intended to unlawfully produce a desired result in the election, but the evidence from the beginning to the end of it does not show either a knowledge or a consent of Senator Mayfield in these matters, nor are they of a character or extent which in the judgment of your committee warrant either the sustaining of the contest or the protest against the seating of Senator Mayfield.

Your committee therefore unanimously recommend that the contest in this case be dismissed and the protests against the seating of Senator Mayfield be overruled.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

Mr. McNARY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 12, 14, 21, 22, 23, 24, 25, 30, 31, 32, 33, and 40.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 11, 13, 17, 26, 27, 28, 29, 34, 37, and 41, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15,

and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,868,912"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,193,915"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,138,980"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,502,188"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$719,748"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,390,600"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,738,056"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,792,498"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$124,774,441"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 42.

CHAS. L. MCNARY,
W. L. JONES,
ARTHUR CAPPER,
E. D. SMITH,
LEE S. OVERMAN,
Managers on the part of the Senate.

MARTIN B. MADDEN,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

Mr. MCNARY. I ask for the immediate consideration of the report.

Mr. SHERLING. Does the Senator think it will lead to any discussion?

Mr. MCNARY. I think the Senator from Ohio [Mr. WILLIS] and the Senator from New York [Mr. COPELAND] will briefly discuss one item in the conference report. I do not believe it will delay the unfinished business materially.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

There being no objection, the Senate proceeded to consider the report.

Mr. WILLIS. Mr. President, I desire to submit an interrogatory to the Senator from Oregon having this bill in charge. Will he not state to the Senate what agreement was reached by the conferees relative to the market news service item, in which many of us are very greatly interested?

Mr. MCNARY. Mr. President, on that matter the House bill carried an appropriation of $709,000. The Senate increased the item by $80,000, making available practically $800,000. After a considerable conference the Senate conferees felt the necessity of yielding on that item. Consequently, the item now is $709,748, precisely as it was recommended by the Director of the Bureau of the Budget.

Mr. WILLIS. I do not desire to delay final action upon this conference report, but I do wish to make an observation now about this particular item. I do not criticize the Senate conferees, for I think they did all they could honorably to carry into effect the expressed wishes of the Senate; but I may be permitted, I trust, to express a very deep regret that they were not successful in holding in the bill the increase that was inserted by the Senate. I refer particularly to the appropriation proposed to be made for the maintenance of the livestock marketing news service. This is an appropriation applicable especially in the Central West, and the situation touching the request is as follows:

We hear a good deal of talk in the country about the desirability of encouraging cooperative marketing amongst the farmers. Indeed, one of the recommendations made by the agricultural conference, as I recall, is for the enlargement of cooperative marketing and the providing of better facilities for that purpose. Here is a situation in which, without creating any additional machinery, we could have given very great encouragement to this idea of cooperative marketing.

It might interest Senators to know that already in the area proposed to be served, namely, the cities of Indianapolis, Detroit, Cincinnati, Cleveland, Buffalo, and Pittsburgh, more than 25 per cent of the livestock that is marketed is in the control already of these farmers' cooperative organizations. But the difficulty about the matter is that they do not have a news service. The department would be prepared, with a slight additional appropriation, to have at each one of these marketing centers a specialist who could send out information which would be of the very greatest value to these cooperative concerns and which I believe would go a long way toward the solution of our agricultural problem.

For this reason I think the action taken by the Senate in providing a slight increase in this appropriation was abundantly justified. As I have said before, I am sure that the Senate conferees, being in sympathy with our action, did all they honorably could to hold the item in the bill, and I venture to express the fond hope that when we are called upon again to vote upon this service a way may be found to take care of these cooperative marketing organizations.

At page 64 of the hearing on the agricultural appropriation bill there is a very concise and informative statement by Mr. Tenny relative to the work of the department in this particular. I ask to have that embodied in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the request is granted.

The statement is as follows:

Mr. TENNY. The information that is collected and the information that these Ohio shippers want is timely information. They want to know by 9 o'clock to-day what the arrivals are in Buffalo. We can not get that from New York or from Albany. We can only get that by putting an expert livestock man in Buffalo who not only knows the prices but who knows the grades, because the prices are based entirely upon the grades. So we must have a specialist, and he must be in Buffalo, because of the fact of the timeliness of the information. The same thing is true with Detroit and Cincinnati. In each of those places, if it is a livestock service, we would have an expert livestock man who is on the market at 6 o'clock in the morning and stays there until the market is closed; and over our leased wire opening at 6 o'clock we give between 6 and 7 o'clock, for instance, a flash of the amount of cattle at each one of these markets. Cincinnati, Cleveland, Buffalo, Detroit, and these other cities are not included now, because we have not the man there. It is not my intention to present an estimate for more than the amount allowed by the Budget. We plan to give the most service possible on the funds which are available.

Mr. COPELAND. Mr. President, I share with the Senator from Ohio a feeling of deep regret that this item was not included in the appropriation bill as it was agreed to by the conferees. It is a matter of the greatest importance, not alone to the farmers, but to the consumers in the great centers of this country, that every facility should be afforded in the marketing of the products of the farm, not alone livestock, but vegetables as well, and I think it is of a great misfortune that this item has not been retained in the bill.

I suppose it is natural for Senators, because the great city of New York is located within the boundaries of the State of New York, to forget that there is a great agricultural section in that State. That section should be served by this marketing system. I want to say, if I may have the attention of the Senator having this matter in charge, that next year I am going to join with the Senator from Ohio in very serious oppo-

sition to some other activities, if we can not have this particular protection which is needed in our section.

I ask the Senator from Oregon if he considers it utterly hopeless this year to include the item of $80,000 in order that we may go on with this plan?

Mr. McNARY. I am in entire accord with the remarks of the Senator from New York as well as those of the Senator from Ohio. I believe in the extension of this service.

Mr. COPELAND. I know the Senator does.

Mr. McNARY. I labored hard last year and the year before and this year to extend the service. I labored hard both in the committee and as a conferee. I think I can well assure the Senator from New York and the Senator from Ohio that next year the House will permit the increase in this item and the service will be extended into Ohio, New York, Indiana, and as far out as Kansas.

Answering directly the Senator's question, I think it is hopeless further to attempt to increase the item in conference this year. It is getting so dangerously near the period of adjournment that I thought it wise and best to bring the conference report before the Senate omitting that item, and I have the sanction of the Secretary of Agriculture in so doing.

Mr. WATSON. Mr. President, will the Senator from New York permit me to ask the Senator from Oregon a question?

Mr. COPELAND. Certainly.

Mr. WATSON. Has the Senator some assurance that the item will be accepted next year?

Mr. McNARY. I have not anything in writing, of course. I have not a direct promise. But having had some experience as a conferee I believe I can see the trend of feeling on the part of the House conferees pointing that way.

Mr. WATSON. How rapidly?

Mr. McNARY. I have every reason to believe that next year the item will be increased in the bill.

Mr. SMITH. Mr. President, if the Senator from New York will allow me, I think the Senator from Indiana and the Senator from New York, who seem to be so greatly interested in this marketing provision, together with the Senator from Ohio, might do well between now and the presentation of another appropriation bill for the Department of Agriculture to bring their matters before the Budget crowd that we now have to deal with. I will state that as to matters of merit of this kind, unless brought to the particular attention of the Budget and provided for by them, they will have difficulty in getting them incorporated in any appropriation measure. I think the chairman of the committee is right in stating that Members of the House and Senate were in sympathy with it, but there is a power higher than the representatives of the people now to pass upon the needs of the people. I think we might very well consider whether we should reduce the expenditures of our departments here. Everything now must go through the Budget, regardless of what we think about it.

Mr. COPELAND. Mr. President, the Senator from Oregon has created a hope in my heart that we may have this item in the bill next year, but I want to remind the Senator from Oregon that "hope deferred maketh the heart sick," and I hope there will be no relaxation of vigilance and endeavor on his part to bring the item into the next appropriation bill. I am sure there will not be, because I know the Senator from Oregon has done his part. It is a matter of importance, and I know the Senator realizes it. I hope he will bring to us word if any aid is needed because, as the Senator from South Carolina has intimated, we now have the Budget to deal with and it makes it more difficult to get these appropriations; but it is very important both for those who raise stock and for the marketing institutions and for the consumers that this service should be rendered.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

PAYMENT OF REPARATIONS BY GERMANY (S. DOC. NO. 192)

The PRESIDING OFFICER (Mr. McNARY in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith a report by the Secretary of State, in response to the Senate resolution of January 20 (calendar day January 21), 1925, requesting him, "if not incompatible with the public interest, to transmit to the Senate copy of the agreement signed by Messrs. Kellogg, Herrick, and Logan at the conference of the allied and associated powers in the World War relating to the Dawes plan and the payment of reparations by Germany, together with such information respecting the circumstances surrounding the negotiation and execution of the agreement as may be relevant to a full understanding of its terms."

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, February 3, 1925.

GOOD ROADS

The PRESIDING OFFICER. The unfinished business, House bill 4971, will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. STERLING. Mr. President, I must say that I welcome the opportunity, if I have it, to spend a little time on the good roads bill.

On yesterday I made some statement relative to the various appropriations since 1916 in aid of the building of roads in the several States of the Union. I simply want to supplement that statement now by calling attention to some change in the policy of the law with reference to Federal aid to the different States.

The old idea seemed to be "from farm to market" roads, with little attention to the question whether they were intercounty roads or whether they were interstate roads. I think perhaps the Secretary of Agriculture would more readily approve a road project if it were intercounty or if it were an interstate road project; nevertheless he would not be required to do it under the law.

He might approve any reasonable project that led through a farming community to a market. But in 1921 it was provided by the act of that year that the highway authorities of the several States should designate a system of highways not to exceed 7 per cent of the total highway mileage of the State, and provided that upon that system all Federal-aid appropriations should be apportioned. It further provided that the highways should be divided into two classes, three-sevenths of the designated system to be devoted to interstate highways or roads, and the balance of four-sevenths designated by the highway authorities should be intercounty roads connecting with or correlating with the interstate roads. The appropriation act for that year was made upon that basis, and appropriations since have been made upon that basis. With every apportionment of Federal appropriations to the several States three-sevenths of the apportionment to the State must be devoted to interstate roads and four-sevenths devoted to the intercounty roads connecting with interstate roads. I think the change was a most wholesome one.

The interstate and intercounty roads are nevertheless "farm-to-market" roads and are made to serve the agricultural communities of the country as well perhaps for the most part as the distinctively farm-to-market roads.

I want now briefly to call attention to the apportionment thus far of all appropriations made by Congress for aid in building roads. The information is furnished me by the Bureau of Public Roads under the Department of Agriculture. Practically all the funds so far appropriated or authorized to be appropriated have been apportioned to the several States.

The total apportionment to States up to December 31, 1924, was $525,125,000. The balance of apportionment as yet unallotted to projects in the several States is $55,626,523. The total so far allotted to projects is $469,498,476.

Now, as to the number of miles that have been constructed and the number of miles of projects for which allotments have been made, the total is 57,263.2 miles, of which there are completed projects amounting to 41,667.8 miles, and projects are under construction amounting to 13,286.8 miles and projects approved by the Department of Agriculture for construction amounting to 2,308.6 miles, or a grand total of 57,263.2 miles.

Mr. COPELAND and Mr. EDGE addressed the Chair.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from South Dakota yield; and if so, to whom?

Mr. STERLING. I yield first to the Senator from New York.

Mr. COPELAND. I assume the chairman of the committee at some time will insert in the RECORD the distribution by States of the sums expended on new roads?

Mr. STERLING. Yes; I have that and will submit it for the RECORD. I now yield to the Senator from New Jersey.

Mr. EDGE. I was going to ask the same question.

Mr. STERLING. Projects completed have involved expenditures amounting to $324,933,647 and embrace, as I have given it before, 41,667.8 miles. Projects now under construction involve the payment of $127,946,664, and projects approved for construction, $16,618,135. The balance of the apportionment not yet placed under construction is $72,244,658. The total payments to the various States of the Union made up to December 31 last were $380,528,813. There was paid to the States during last month—the month of January, 1925—the sum of $8,272,369, leaving cash on hand February 1, 1925, $16,691,317.

I have here a statement showing the percentage paid by the Government per mile in the construction of roads in the States as compared with the proportion paid by the several States themselves.

Mr. COPELAND. May I ask the Senator from South Dakota when he would prefer to have questions asked of him? There are a number of questions which I have to ask.

Mr. STERLING. I should like to complete this statement and to submit two or three small amendments first, if the Senator from New York will indulge me.

Mr. COPELAND. Very well.

Mr. STERLING. For the 57,263 miles the average allotment of Federal funds is $8,200 per mile, the average total cost is $19,000 per mile, and the average percentage of cost paid out of the Federal funds for the construction of highways in the various States is 43 per cent of the cost of the highways.

Here is a statement from the bureau which I think is of importance in this connection:

> The Federal funds are all expended on the main roads which have been connected into a national system, which totaled on January 1, 1925, 174,350 miles.

Of course, they are necessarily a part of the national system under the law of 1921, which provides distinctly that three-sevenths of the 7 per cent of total highway mileage in a State must be interstate roads and that the other roads included in the four-sevenths of that 7 per cent must be intercounty roads correlated with the interstate roads. So it is apparent that since that law was passed we are under this legislation creating a great system of national highways.

Mr. KING. Mr. President, did the Senator from South Dakota accurately state the mileage? I find from the document which I hold in my hand that 45 of the States have reported 183,776 miles as the total mileage upon which Federal aid and State aid had been given under the operations of the Federal legislation.

Mr. STERLING. No; I think not. I shall be able later to say positively as to whether or not the statement here is correct, because I have the table showing the mileage in each State completed and the mileage of projects in each State that have not yet been completed. The figures that I shall submit for the RECORD, I will say to the Senator from Utah, I think will cover every phase of appropriations and expenditures and allotment in each and every State of the Union.

Mr. KING. I do not know that it is important; and yet I find on page 4 of the hearings a statement—and I merely wanted to have the RECORD accurate—under the head of "Status of road construction Federal aid highway system, January 1, 1924," "Reports from 45 of the 48 States; total mileage, 183,776"; miles with Federal aid, 46,047.55; miles without Federal aid, 48,999.96. That is a little different from the statement made by the Senator, and I was not sure which was correct.

Mr. STERLING. When were those hearings had, may I ask the Senator from Utah? The estimates and figures which I have given are up to December 31, 1924.

Mr. KING. As I recall the Senator's statement, it showed a less amount than is found in the table in the hearings which were held from March 10 to March 31, 1924, inclusive. The statement from which I have just quoted was given on March 10.

Mr. STERLING. Mr. President, I think I shall not take up further time except to call attention to two or three slight amendments.

Mr. CURTIS. Mr. President, I have been unable to hear the entire statement of the Senator from South Dakota; and before he proceeds I wish to ask, Did he answer the question which was raised yesterday in reference to the appropriation of $75,000,000 which is carried in the Agricultural bill and the $75,000,000 which is authorized in this bill for 1926?

Mr. STERLING. I did not, but I shall do so.

Mr. CURTIS. I wish the Senator would do that.

Mr. STERLING. I am glad the Senator from Kansas has called my attention to that matter.

Mr. President, as suggested by the Senator from Kansas, it appears that on yesterday some question was raised as to the matter to which he has referred. I did not understand the particular question until I learned this morning that it related to the amount carried in the present Agricultural appropriation bill. Some Senators seemed to be under the impression that we were adding to the provisions of the present Agricultural bill.

Mr. President, let me say, in a word, that the Agricultural appropriation bill carries appropriations for previous years which had been already authorized by the Congress, and those appropriations have no bearing on the appropriation provided for in the pending measure, which relates to the construction of roads in the years 1926 and 1927.

Mr. WILLIS. Mr. President——

Mr. STERLING. I yield to the Senator from Ohio.

Mr. WILLIS. I was very anxious to get the financial side of this transaction straightened out in my mind.

Mr. STERLING. Will the Senator let me merely conclude this part of my statement in reference to the provision carried in the Agricultural appropriation bill?

Mr. WILLIS. Very well, I will defer my interruption.

Mr. STERLING. If the Senator will do so, I shall thank him. The situation is apparent from the very reading of the item in the Agricultural appropriation bill. Let me call the attention of Senators to page 8 of the Agricultural appropriation bill. Under the head of "Federal Aid, Highway System," the provision is as follows:

> FEDERAL AID HIGHWAY SYSTEM
>
> For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, $76,000,000, to remain available until expended, of which amount not to exceed $454,971 may be expended for departmental personal services in the District of Columbia, being $25,000,000, the remainder of the sum of $50,000,000 authorized to be appropriated for the fiscal year ending June 30, 1923; $35,700,000, the remainder of the sum of $65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924; and $15,300,000, being part of the sum of $75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922.

So the several States, until this appropriation act was passed, had not drawn to that extent upon the amount originally authorized to be appropriated; it had never been taken out of the Treasury at all, and now the Congress comes along and appropriates enough to cover those years which are specifically mentioned in this appropriation bill.

I myself was a little startled, I will say to the Senator, from Ohio, when the matter was first called to my attention. I felt that it must be known that this good roads bill was pending here, and that I ought to have been informed whether or not the Appropriations Committee was contemplating the making of appropriations for 1926 and 1927.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. STERLING. I yield to the Senator from Connecticut, if the Senator from Ohio [Mr. WILLIS] will pardon me for a moment, and then I will yield to him.

Mr. WILLIS. Certainly.

Mr. BINGHAM. Do I understand from what the Senator has just read that the sum authorized to be appropriated for Federal aid for the year ending June 30, 1923, was only $50,000,000?

Mr. STERLING. Yes; it was $50,000,000.

Mr. BINGHAM. And that the sum authorized to be appropriated for the fiscal year ending June 30, 1924, was $65,000,000?

Mr. STERLING. Yes.

Mr. BINGHAM. And that the sum authorized to be appropriated for the fiscal year ending June 30, 1925, was $75,000,000?

Mr. STERLING. For that year it was $75,000,000. The amounts for the respective years were, as the Senator has stated, $50,000,000, $65,000,000, and $75,000,000.

Mr. BINGHAM. In other words, in the course of two years the sum to be appropriated has increased 50 per cent?

Mr. STERLING. It has for those two years, although it is less, I will say to the Senator, than for the years 1920 and 1921. I explained yesterday that the first good roads bill appropriated $75,000,000 covering a period of five years; $5,000,000 for the first year, $10,000,000 for the second year, $15,000,000 for the third year, $20,000,000 for the fourth year, and $25,000,000 for the fifth year. In 1919 another appropriation was authorized which covered the years 1919, 1920, and 1921, and made appropriations in addition to the amounts provided in 1916, so that for the year 1921 there was a total of $100,000,000; for the year 1920, $95,000,000, and for the year 1919, $65,000,000. So the appropriations for two years, especially 1920 and 1921, exceeded any appropriation that has since been made or authorized to be made.

Mr. WILLIS. Mr. President——

Mr. STERLING. I yield to the Senator.

Mr. WILLIS. Recurring now to the explanation given by the Senator for this year's appropriation, as I understand him, the $76,000,000 is made up of the several items that he has read?

Mr. STERLING. Yes.

Mr. WILLIS. There being $25,000,000, the remainder of one sum, $35,700,000 the remainder of another sum, and $15,300,000 additional, making a total of $76,000,000 for the one year?

Mr. STERLING. Yes.

Mr. WILLIS. Now, following that up, I do not know whether the Senator has the hearings before him, but I refer him to a table on page 100, and I want to know what becomes of the sums of money therein mentioned. For example, the department reports that in 1921 there was available for new construction $162,825,000 and there was put under construction during that fiscal year $81,366,057. There is in that item a surplus of $81,000,000. Under the practice prevailing what became of that?

Mr. STERLING. I think that can be easily explained. It is yet available for apportionment to the States if it has not already been apportioned. If it has been apportioned or may be apportioned, then it is available for allotment to such projects in the States as the Department of Agriculture may have approved

Mr. WILLIS. So that the total amount available for new construction remains available from year to year until it is covered by State action?

Mr. STERLING. Yes.

Mr. WILLIS. That leads to this question: The Senator has just stated we have appropriated here $76,000,000. The table to which I have referred and which I shall place in the RECORD, shows that there is a surplus this year of $20,000,000; so that, as a matter of fact, the amount that will be available for use next year will be $96,000,000 instead of $76,000,000. Is that correct?

Mr. STERLING. It will probably be actually expended upon the roads.

Mr. WILLIS. It can not be expended unless it is appropriated and made available.

Mr. STERLING. Certainly; it will be appropriated and available for expenditure upon the roads, but under the apportionment to which the States are entitled, because so much has been authorized for that previous year.

Mr. WILLIS. I hand the Senator a table which was prepared by Mr. MacDonald and which appears in the hearings on this bill at page 100. I ask him to examine that table and then answer this question: Is the $20,000,000 shown in the table the total amount of the various surpluses that still are available? I so understand by the table.

Mr. STERLING. I think that is correct.

Mr. WILLIS. In the year 1923 there was available for construction $146,000,000 and used $77,000,000. What has become of that difference?

Mr. STERLING. It represents an amount to which the States are as yet entitled under the appropriation made for that specific year, although it may have included appropriations for previous years. They may not have been prepared to do the work during that particular fiscal year, or projects which would require allotments may not have been approved, and yet the State will be entitled to it and it must be apportioned to the State under the very terms of the law.

Mr. BURSUM. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Mexico?

Mr. STERLING. I yield to the Senator from New Mexico.

Mr. BURSUM. I was going to ask, Is it not true of all appropriations that, unless there is specific and special authority to the contrary, any surplus will go into the general funds of the Treasury and can not be used? That is the usual rule with all appropriations in case of a surplus.

Mr. STERLING. It may go into the Treasury, but yet subject to appropriation, Mr. President, and subject to the duty of Congress to appropriate this money to the several States under the authorization made by Congress.

Mr. COPELAND. Mr. President, I suppose that might mean that the contracts were let, but the money had not yet been advanced.

Mr. STERLING. Yes. Often apportionments are made to the several States before the contracts are let. Apportionments always are. A project being approved, then an allotment may be made to the State for the project.

Mr. WILLIS. Two more questions and I shall not interrupt the Senator further. Then are we to understand that according to the table which I have just presented to the Senator and which was furnished by the department, showing that there is now a surplus of $20,563,000, that amount, together with the amount appropriated, $76,000,000, making a total of $96,000,000, is the total amount that will be available for use next year? Is that correct?

Mr. STERLING. It probably will be available next year, yes, sir; but in all amounts over the $75,000,000 the various States are entitled to it because of the previous authorizations and get them under those authorizations and appropriations made in pursuance of the authorizations.

Mr. WILLIS. And does the Senator state to the Senate that the bill which he is discussing does not increase the annual appropriation, but is a continuation of the policy which has heretofore been followed?

Mr. STERLING. Exactly so; just a continuation of that policy. We appropriated last year $75,000,000, the year before $65,000,000, and the year before that $50,000,000; but, as I stated in answer to the Senator from Connecticut [Mr. BINGHAM], before that even greater sums, $100,000,000 for 1921.

Mr. WILLIS. I know from conversation that some Senators have been misled by this language at the bottom of the page.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. STERLING. Let me call attention in this connection to a matter which has relation to what the Senator from Ohio has referred to. He refers to an apparent surplus of $20,000,000 at the time of these hearings; but the cash on hand February 1, 1925—and I suppose that is the only amount that could be called "surplus," if anything—was $16,691,317; so that there have been allotments since that time, evidently, so as to take up something over $4,000,000 of the $20,000,000 that then appeared to be surplus.

Mr. KING. Mr. President, in view of the statement made by the Senator from Ohio I want to call attention to the fact that there is an apparent discrepancy of $131,064,128. That is to say, for the years stated upon page 100 of the hearings, appropriations were made aggregating $393,557,000, and the amount actually expended was only $262,492,872, leaving, as I stated, a difference there of $131,641,000 plus.

The system of bookkeeping here is not very clear. I should like to know what became of that $131,000,000. The Senator from South Dakota stated to the Senator from Ohio that doubtless it is held suspended, like Mahomet's coffin, in the air somewhere, to be allocated to the States whenever they are ready to receive this stupendous sum. I do not think, as stated by the Senator from New Mexico, that that amount has been covered back into the Treasury. If it has, it certainly would need another appropriation to take it out of the Treasury. So that it is held somewhere in the Treasury, subject to the order of the Bureau of Public Roads, or in some other department of the Government, available or nonavailable, depending upon the construction of the law, and with no clear record made for the guidance of the Senate.

Mr. STERLING. It is evident, I will say to the Senator from Utah, that appropriations of the full amount authorized to be appropriated have not been made from time to time by Congress. It is apparent from the present Agricultural appropriation bill that they have not. They have appropriated some of the amount. Now, they have come in and appropriated the balance of the $75,000,000 required for the year 1925. The same thing is true in this same Agricultural bill in regard to the appropriation of $6,500,000 for forest roads and trails. They had theretofore made an appropriation, evidently, of $2,500,000, but by this Agricultural appropriation bill they come in now and appropriate $4,000,000, which was the balance of the $6,500,000 that was authorized to be appropriated.

Mr. WILLIS. As I understand the contention of the Senator in response to the inquiry made by the Senator from Utah, it is

that this $131,000,000 has already been used in that way. Is that a correct inference? The Senator from Utah suggested that he thought that must be still in the control of the department. I understand it to be the contention of the Senator that that has already been paid to the States.

Mr. STERLING. No; I gave the figures here a while ago from this statement furnished by the Bureau of Public Roads, showing just how much has been apportioned to the States, how much has been allotted to the projects, what projects have been completed and their cost, the projects now under construction and their cost, and the projects approved for construction. A balance is on hand in cash, they say, of $16,691,317. All the rest has been apportioned to the several States, and the whole apportionment is $469,498,476; and when I say "the whole apportionment" I mean that that has been allotted to the several projects put under way in the several States of the Union.

Mr. WILLIS. Then, Mr. President, we are to understand that this is the situation—that there is left as a surplus, if we may call it such, $16,691,000. That is all there is of these several amounts that is now available?

Mr. STERLING. Yes; to be sure.

Mr. WILLIS. And we are appropriating $76,000,000 more. That will make the total amount available for the next year $92,691,000. Is that correct?

Mr. STERLING. No; not $76,000,000 for the next year—$75,000,000 for each of the years 1926 and 1927.

Mr. WILLIS. Then it would be $91,000,000 instead of $92,000,000. I stand corrected.

Mr. SIMMONS. Mr. President, if the Senator will permit me, is not this the situation? A certain amount of money is allotted to the several States—$75,000,000, we will say—and at the end of the fiscal year, while all of that $75,000,000 has been allotted to the States, a part of it has not been called for, and is still held in reserve in the Treasury, to be turned over to them when it is called for.

Mr. STERLING. To be sure.

Mr. SIMMONS. And that is what the $16,000,000 now in the Treasury represents.

Mr. STERLING. That is the proper interpretation of it.

Mr. SIMMONS. I do not think there has been a year since we began this system when at the end of the year there was not some part of the allotment that had not been called for and paid over; and that, of course, represents what appears to be a surplus.

Mr. STERLING. Yes.

Mr. SIMMONS. But it is a surplus as to which the Government has already committed itself to certain States.

Mr. STERLING. To be sure; yes. It belongs to these States by virtue of the appropriations for a particular year.

Mr. SIMMONS. Yes.

Mr. STERLING. First the authorization and then the appropriation for a particular year.

Mr. SIMMONS. It has been allocated for some other year, some previous year. And what we are now appropriating is to be allocated in the years to come, the next two years.

Mr. STERLING. Certainly; or apportioned.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. STERLING. I yield to the Senator.

Mr. BINGHAM. We have just passed an appropriation bill for the Agricultural Department for the fiscal year ending 1926 which carries $76,000,000 for roads. The bill now before us proposes to authorize the appropriation of $75,000,000 more for the same purpose. I appreciate that it does not carry that appropriation; but we have just appropriated $76,000,000 for the year ending 1926, and now we are asked to authorize the appropriation of $75,000,000 more.

Mr. STERLING. No; I beg the Senator's pardon—not for the year 1926. The pending bill carries appropriations for the years 1926 and 1927.

Mr. BINGHAM. I beg the Senator's pardon. On page 2 of the bill now before us, lines 3 and 4, it reads:

> The sum of $75,000,000 for the fiscal year ending June 30, 1926.

Mr. STERLING. Page 2 of the bill?

Mr. BINGHAM. Page 2 of House bill 4971.

Mr. STERLING. Oh, yes—the bill before us, but not the Agricultural appropriation bill. The Agricultural appropriation bill appropriates for the year 1925 what was due to be appropriated before this under the authorization given by Congress for the building of roads. The Senator will see, if he will turn to page 79 of the Agricultural appropriation bill, that the appropriation of $76,000,000 refers particularly to appropriations for specific years, appropriations which had been authorized by Congress before this time. The Senator will see this language:

> Twenty-five million dollars, the remainder of the sum of $50,000,000 authorized to be appropriated for the fiscal year ending June 30, 1923.

That means that of the $50,000,000 authorized by Congress for the year 1923, Congress had appropriated theretofor only $25,000,000, and hence they appropriate now $25,000,000 more to make up what had been authorized.

Take it for the next year:

> Thirty-five million seven hundred thousand dollars, the remainder of the sum of $65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924.

If the Senator will turn to the appropriation act for the fiscal year 1924 he will find, with reference to the year 1924, that $65,000,000 was authorized.

Now, take the next item, just to emphasize it:

> Fifteen million three hundred thousand dollars, being part of the sum of $75,000,000.

If the Senator will turn to the appropriation act of last year he will find that $75,000,000 was authorized for 1925 for road building. Congress had appropriated a part only. It lacked $15,300,000 of appropriating as much as it had been authorized to appropriate; so now Congress comes along and makes the appropriation of that $15,300,000 for that year, 1925; and we are going on, now, under the terms of this bill to make $75,000,000 appropriations for each of the two subsequent years—1926 and 1927.

Mr. BINGHAM. I am sorry that I failed to make my position clear to the Senator. On page 1 of the agricultural appropriation bill which we have just passed, in lines 5 and 6, it says that this money is appropriated "for the fiscal year ending June 30, 1926."

Mr. STERLING. Yes; but what would govern—the general statement that this is the agricultural appropriation bill for the year 1926, or the specific language found on page 79 of the bill, where it states in terms for what years the sums are now appropriated? All that it can be construed to mean, I think, I will say to the Senator from Connecticut, is that they deem it necessary here now, in 1926, to make this appropriation that had been authorized by Congress theretofore for the construction of good roads.

Mr. BINGHAM. In view of the fact that we have just appropriated $76,000,000 for the year ending June 30, 1926, will the Senator tell me why it is now necessary to authorize the appropriation of $75,000,000 more for the same period?

Mr. STERLING. We have not appropriated for 1926.

Mr. WILLIS. O Mr. President, I beg the Senator's pardon. It so states in the bill.

Mr. STERLING. We have not appropriated for 1926. We are proposing to authorize appropriations here for 1926 and 1927. Do not the Senators understand that? I have stated it again and again. The appropriation made in the agricultural appropriation bill, let me say once for all, is to make up for appropriations lacking for the years 1923, 1924, and 1925. Congress had not appropriated what had been authorized before, and now we come in and appropriate for those very purposes. The appropriations have been authorized, and the States now will get what they were authorized to get under the previous acts authorizing the appropriations.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. STERLING. I yield.

Mr. REED of Pennsylvania. I confess I am very dull on this subject, but I can not yet understand why it is that, having saved $25,000,000 in 1923 and $37,000,000 in some other year, we are now asked to appropriate $75,000,000 by this bill. In the agricultural appropriation bill we authorized the appropriation of $76,000,000. That much I can understand. That is available for expenditure during the coming fiscal year, and it was authorized for appropriation at the various times which the Senator has mentioned. Is that right?

Mr. STERLING. I think the Senator is mistaken in saying we have saved it. We have not saved it.

Mr. REED of Pennsylvania. We have not saved it, but we have refrained from spending it.

Mr. STERLING. I will say to the Senator from Pennsylvania that the States have been laying out their projects for road building relying, since the authorizations were made, on the appropriations which were authorized.

Mr. REED of Pennsylvania. That I understand; but will the Senator enlighten me as to this: Did either the States or

the National Government commit themselves to the expenditure of that money before the appropriation was actually made in the appropriation bill recently passed?

Mr. STERLING. Yes. I think that ever since 1916, I will say to the Senator from Pennsylvania, Congress has been committed to the policy of aiding the States in road building.

Mr. REED of Pennsylvania. I quite understand that. But had the contracts actually been made for the expenditure of that money prior to the time when, in January, 1925, we passed the agricultural appropriation bill?

Mr. STERLING. I can not say that, quite. I can not say that the contracts have actually been made.

The question may be asked, Why at the beginning of the year 1925, we are attempting to pass this bill authorizing appropriations for 1926 and 1927? It is in order that the several State authorities may make the proper surveys and estimates with reference to their projects. It is with reference to this, too, that the legislatures of the several States, most of which are now in session, may take cognizance of what Congress has authorized in the way of appropriations for road building, and govern themselve accordingly; because they will not be meeting again within the next two years. It will be 1927 before the legislatures of most of the States will meet again. Meanwhile, of course, one-half of the time for which these appropriations are authorized will have passed before the States will know what to do, or upon what to depend.

Mr. REED of Pennsylvania. When does the Senator expect that Congress will be asked to make the appropriations which are authorized in the bill which is now before the Senate?

Mr. STERLING. I expect at the next session of Congress.

Mr. REED of Pennsylvania. The Senator does not expect to ask for any appropriations at the present session?

Mr. STERLING. Oh, no. These are simply authorized, and I will say this to the Senator, that I think Congress will do as it has done in the past, it will not appropriate $75,000,000 at one time for next year, but Congress will probably make two different appropriations, just as they have done heretofore, when they followed the course which has made necessary the appropriation in the Agricultural appropriation bill this year.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. I yield to the Senator from Ohio.

Mr. KING. Mr. President, will the Senator from Ohio permit me to ask a question?

Mr. STERLING. If the Senator from Ohio will permit, I will yield to the Senator from Utah.

Mr. WILLIS. I will yield to the Senator from Utah for a question.

Mr. KING. Mr. President, I would like to ask both of the able Senators if the aggregate appropriations already actually made and drawn from the Treasury do not exceed the amounts which have been stated as having been authorized and not appropriated?

Mr. WILLIS. Mr. President, that is exactly the suggestion I was about to make, and I follow that with a further inquiry of the Senator from South Dakota. With great respect, it seems to me that the Senator has not responded to the inquiry of the Senator from Connecticut. At any rate, I do not understand his explanation.

Mr. STERLING. I can not understand the English language if I have not answered the Senator from Connecticut, if I understood him.

Mr. WILLIS. I have before me a copy of the appropriation bill, which states:

> That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture for the fiscal year ending June 30, 1926.

Then it goes on to the last clause, which the Senator has already read, making the appropriation of $76,000,000. That is for the fiscal year ending June 30, 1926.

The Senator's bill provides, at the top of page 2:

> The sum of $75,000,000 for the fiscal year ending June 30, 1926.

The Senator has just said to the Senator from Pennsylvania that he does not expect to ask an appropriation thereunder. Then what is the purpose of it? It seems to me that we have made an appropriation, as pointed out by the Senator from Connecticut, of $76,000,000 for the year ending June 30, 1926, and the Senator is now proposing to authorize an appropriation of $75,000,000 more. If that is not the situation, what is it?

Mr. STERLING. Can not the Senator understand what the appropriation on page 79 is for?

Mr. WILLIS. I understand that perfectly, Mr. President; but what I do not understand is why the Senator then seeks to have an authorization for the appropriation of $75,000,000 more, as he does by the provision on page 2 of his bill.

Mr. STERLING. Because the appropriation of $76,000,000 is simply an appropriation authorized for certain years before 1926.

Mr. WILLIS. But it is made for this year.

Mr. STERLING. For 1923, 1924, and 1925.

Mr. BINGHAM. Mr. President——

Mr. STERLING. I yield to the Senator from Connecticut.

Mr. BINGHAM. Would the Senator be willing to accept an amendment striking out lines 3 and 4 on page 2? Let us admit that we must have a certain amount of money for Federal aid in building roads each year. As the Senator has stated, in previous Congresses we authorized appropriations of different amounts of money, which have not been spent and which still remain as the obligations of this Government. We have just appropriated, for the 12 months from June, 1925, to June, 1926, the sum of $76,000,000 to meet those obligations. The object of my amendment is to eliminate any further obligation for the year ending June 30, 1926, since we have just appropriated $76,000,000 to be spent in that period. The President, in transmitting the Budget to the Congress on the 2d of December, used these words:

> For Federal aid to States the estimates provide in excess of $100,000,000. These subsidies are prescribed by law.

I assume that that word "prescribed" refers to the bills to which the Senator has just referred, which authorized the appropriation of Federal aid to roads. The President continues:

> I am convinced that the broadening of this field of activity is detrimental both to Federal and State Governments. Efficiency of Federal operations is impaired as their scope is unduly enlarged. Efficiency of State governments is impaired as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs. I am opposed to any expansion of these subsidies.

He ends with these most significant words:

> My conviction is they can be curtailed with benefit to both the Federal and State Governments.

Having just appropriated $76,000,000 to be actually spent on roads during the coming fiscal year, could we not fall in line with the President's suggestion with regard to "curtailment" very admirably by accepting the amendment which I have just offered? I offer an amendment to strike out lines 3 and 4 on page 2.

Mr. REED of Pennsylvania. Does the Senator propose to insert anything in place of those two lines?

Mr. BINGHAM. I will say to the Senator that it is not necessary to insert anything. If that provision is stricken out, and we do not authorize the appropriation of any more money for the building of roads for the fiscal year ending June 30, 1926, we have nevertheless already actually appropriated $76,000,000 for that period.

Mr. STERLING. Let me say, in answer to the Senator from Connecticut, that nearly every dollar of that money has been apportioned to the several States already. It was apportioned upon the authorization made by Congress for the appropriation. It did not have to wait for the actual appropriation, but the appropriation being authorized, these apportionments have been made. As I stated in the outset, there are just $16,691,317 left. That in itself is but little more than enough, I might say, to cover what was authorized for the year 1925, not taking into account the $25,000,000 more that is due for the year 1923, and a further large sum for the year 1924.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New York?

Mr. STERLING. I yield to the Senator from New York.

Mr. COPELAND. I assume the Senator from Connecticut has in mind that if appropriations have been made and the money not all used by the various States, we can well afford to wait before making another $75,000,000 appropriation. For myself I speak feelingly, because if the measure proposed by the Senator from South Dakota should be enacted into law, carrying an appropriation of around $80,000,000, my State would have to pay $20,000,000 or $25,000,000 of it and would receive back perhaps $3,000,000 or $4,000,000 only. That is a matter of considerable concern to us.

Mr. STERLING. I will put some figures in the RECORD a little later, which will show how much the people of the State

of New York have paid in this matter. I have not the figures at hand just now or I would refer to them.

Mr. COPELAND. I hope they will be figures of some comfort, but I am quite convinced that my statement is correct.

Mr. McNARY. Mr. President, I have some figures covering the suggestion made by the Senator from New York, if the Senator from South Dakota will permit me to give them.

Mr. STERLING. Certainly.

Mr. McNARY. The State of New York received out of Federal funds from 1917 to 1925, $26,700,000, during which period the State of New York contributed only $10,000,000.

Mr. COPELAND. That is very interesting, but I am aware of the fact that New York paid $690,000,000 in income taxes and received back in subsidies $4,000,000, so I think the Senator from Oregon had better consult the figures again.

Mr. SWANSON. In what paper is that information published? Is it a New York paper?

Mr. COPELAND. It is a Republican paper.

Mr. SWANSON. That is what I suspected.

Mr. McNARY. The Senator from New York was speaking about direct contributions which the citizens of New York make to the Federal Treasury in the way of income taxes, but the basis is threefold when it comes to the apportionment of money and taking the money for the States. It is based upon population, wherein New York does receive a great favor. New York sustains itself by reason of its great population. The second theory upon which it is based is area of the State in relation to area of the country, and the third theory is in relation to the post roads of the State. Consequently, while New York does not receive exactly the proportion which it contributes, it does under the threefold plan of appropriation receive nearly the same that it contributes to the fund.

Mr. COPELAND. I would be very glad to be comforted with the thought that we do not pay any taxes, but, as a matter of fact, if this bill carries, as I assume it does, $82,500,000, is it not true that of that amount New York will have to pay its proportion, which will be about $25,000,000 or $30,000,000?

Mr. STERLING. But let me ask the Senator from New York this question: Where do the citizens of New York do the business out of which they make the money on which to pay their taxes? The greater part of it is found throughout the United States in different places and in corporations situated in different parts of the United States who, for convenience, have their offices in the city of New York. Their dividends come from business outside of the State of New York in large part or from incomes derived from securities of corporations outside of the State of New York.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Virginia?

Mr. STERLING. I yield.

Mr. SWANSON. I would like to say to the Senator from New York that I was a member of the conference committee that adopted the plan of apportionment.

Mr. COPELAND. I knew that some artist had had a hand in it.

Mr. SWANSON. It is difficult to get some people to recognize justice where their own interests are involved, but some men who had an idea of justice had a hand in the adoption of that plan. It is hard to get that idea to penetrate the minds of some New York people.

Now let us see what was the spirit that animated the conference report. New York City and the large populous cities wanted it based on population, so they would get the money in proportion to their population. States like Montana, with small population and large territory, wanted it based on mileage. Everybody knew then that money would pour into those States where there was very little population. The Federal Government had to pay for the carriage of mail over the rural free-delivery routes and over the star routes and for the delivery of mail around the small towns, and so wanted the distribution confined entirely to territory where the rural free-delivery and star routes were. If that idea had prevailed, the communities immediately around the large cities would get very little.

The commission decided that the right way to divide the money was one-third on the basis of population, and then, in order to develop the West, where they had large territory and very small population, one-third of the apportionment on the basis of territory. Then, in order to take care of the interests of the Government in the matter of good roads for rural free delivery, star routes, and various other governmental functions, we decided to base one-third on the mileage of roads used for those purposes. When the matter was reported to the Senate its justice was so fully recognized that the plan was adopted, and this is the first time I have ever heard it criticized.

Travel on the roads for which we are appropriating is largely interstate. It is not local. Over the various roads of the States there are many people coming from other States, almost as many as there are who reside in the particular States. Who are to pay for the upkeep of those roads? The traffic that goes over them ought to pay for it, and as the traffic that goes over them is interstate and State and local, the plan was so adopted as to include that idea in the good roads appropriation bill.

Mr. REED of Pennsylvania. Mr. President, will the Senator from South Dakota permit me to ask the Senator from Virginia a question?

Mr. STERLING. I yield for that purpose.

Mr. REED of Pennsylvania. It seems to me the Senator's logic leads to the conclusion that all expenses connected with roads ought to be borne by the Federal Government. Does the Senator mean to carry it to that conclusion?

Mr. SWANSON. Not at all. My conclusion is based on the Federal aid law which I helped to prepare. I introduced the bill in the House and a similar bill was introduced in the Senate, providing that the States must furnish an amount equal to that contributed by the Federal Government. The States furnish an equal amount and the apportionment is conditioned on the States doing so.

If they do not do that, they do not get any of the Federal money. That accounts for the portion of the fund that is unapportioned. The amount unexpended results from some of the States not having met the conditions provided by the Federal law in order to obtain the money to construct roads.

The law goes further than that. In order to secure the money to spend on roads that people travel from State to State in interstate traffic all projects must have the approval of the Federal Highway Commission. That provision was put in the law so that money could not be spent entirely for mere local purposes. No project has any Federal money spent on it until it has been approved by the Good Roads Bureau or the Federal Highway Commission.

Mr. REED of Pennsylvania. Does the Senator think it is consistent with the doctrine of State rights that the building of roads in a State should be subject to any extent to the dictation of a Federal official?

Mr. SWANSON. It is not subject to his dictation. The proposal for expenditure must originate there. If the Federal Government spends money, it ought to have a right to see whether it is wisely spent or not and whether the roads are constructed so as to be of real value. They have no control and no dictation, except to approve or disapprove of the projects where they furnish half of the money.

Mr. McKELLAR. If the Senator will permit me just a word in reply to the Senator from Pennsylvania, the first Federal aid law, or the first law under which the Federal Government undertook to get into road building, was recommended by none other than Thomas Jefferson, the founder of the Democratic Party, so those of us who believe in Jefferson and in State rights have the very highest authority for the position we now take.

Mr. REED of Pennsylvania. If I remember correctly, it was a road designed to lead across the mountains to the public territory of the United States which was not yet incorporated into a State.

Mr. McKELLAR. But it was an interstate road, and Mr. Jefferson recommended it in his message to Congress in 1802, as I recollect.

Mr. REED of Pennsylvania. As a measure of military necessity.

Mr. SWANSON. I feel a little suspicious of a Senator who belongs to a school of politics known as the Hamiltonian school who thinks that because his State spends more than it gets back in Federal aid, it should invoke Federal aid to carry the proper and just burden that his State ought to bear to have good roads for the citizens to travel over.

Mr. REED of Pennsylvania. I am not at all bothered about my apparent inconsistency, but the fact is that in this and other things I am very much disturbed about the apparent disappearance of authority of the State. I think the President is exactly right in his warning to us that by this system we are gradually breaking down the self-reliance of the several States.

Mr. SWANSON. No; the Federal Government ought to bear its part of the burden and discharge its part of the duty. The Federal Government has its mails going over the roads and has limited those mail routes. It ought to bear its just share of the burden of maintaining those roads. There is no reason why the rich Federal Government should tax the States to keep in order at all times the highways over which its

mails go and over which citizens from the various States are constantly traveling.

Mr. REED of Pennsylvania. The Senator will pardon me, but there is no highway in the land over which the mails pass with greater frequency than over the streets of New York City, and yet he and I would join in fighting an appropriation to repave those streets.

Mr. SWANSON. When this act was originally passed, it was limited to rural sections.

Mr. REED of Pennsylvania. Why is that fair?

Mr. SWANSON. Because the rural sections needed it. They had star routes and rural free delivery. It was not effective in the cities, but applied only to roads used for rural free delivery and star routes. In addition to that, there is no way by which the country people can have a just apportionment made to them as compared with the people in the cities. The people in the rural sections have to bear their local burdens in the way of keeping up roads, keeping them in good condition, macadamized and concreted, and they can not do it unless the reservoirs of wealth in the country are touched and made to pay their part of the burden.

Mr. REED of Pennsylvania. In the State of Pennsylvania we manage to touch those reservoirs, and we make the owners of the automobiles pay that expense.

Mr. SWANSON. It is curious that this fight is always made by the large cities and the Senators from the large cities, where they have the great wealth of the country, where they have a large majority of the automobiles that travel through the rural sections of the country, using the roads, and yet not wishing to pay their part of the burden. I think it is a just law, passed with a desire that the Federal Government should pay its part of the burden. It is just and it is right.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. STERLING. I yield.

Mr. ODDIE. I think a very important question in relation to this problem has been overlooked, and that is the proportion of Federal land in various of the Western States through which these highways pass. In my State, Nevada, the mileage from east to west of the coast-to-coast highways is practically 15 per cent of the mileage from the Atlantic to the Pacific, and yet the Federal Government owns over 90 per cent of the territory.

I wish to call the attention of some of the eastern Senators to the fact that their States receive in dividends and other financial returns vastly more than those highways cost such States, and when these transcontinental roads are completed the Eastern States will receive much more from this source than they are receiving to-day.

Mr. President, if Senators from the East would just reverse the proposition and think of the automobile tourist and freight traffic that will come to them from the West when these highways are completed, they will readily see that their States will receive benefits to a much larger extent from them.

Mr. STERLING. Let me ask the Senator from Nevada if they are not now receiving the benefits to a very large extent of highways which have been already constructed under Federal aid?

Mr. ODDIE. Mr. President, they are receiving benefits right now, but these are nothing like what they will receive in the next few years when the highways shall have been completed.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. ODDIE. I will yield.

Mr. REED of Pennsylvania. I can understand why the stockholders of the mining companies in Nevada are getting benefits in the shape of dividends from that State, but it is a safe statement that not one citizen of Pennsylvania out of every thousand is receiving dividends of that kind. Why tax the other 999 when the State of Nevada, having control of the mines and mining companies, can tax them directly, if that is the theory of this legislation?

Mr. ODDIE. The theory of this legislation, Mr. President, is that the Government shall cooperate with the States in the building of through roads, in completing a system which has been laid out, and which has been under construction for many years. It involves many thousands of miles, and I will say that in over 30 States these public highways pass by or through over 900 cities out of something like over a thousand cities. The Government has an obligation to see that this work is completed.

I will say to the Senator from Pennsylvania, referring to the mining industries of Nevada that he has just mentioned, that people of the State of Pennsylvania have received many millions of dollars in dividends from the mines of the State of Nevada from relatively very small investments.

Mr. President, referring again to the State of Pennsylvania, I will say to the Senator from Pennsylvania that the State of Nevada is very glad to have the good citizens of Pennsylvania come within her borders and to have them help us in many ways, as they have done in the past.

Mr. REED of Pennsylvania. Will the Senator yield to me for a moment?

Mr. ODDIE. Yes.

Mr. REED of Pennsylvania. I desire that my position shall be understood. I am not here objecting because the States of the East are paying the largest part of the Federal taxation. That is inevitable, because there seem to be more large fortunes in the East than in the West, and it is a fundamental principle of taxation that the man who has the money must bear the tax. I do not object to proper Federal activities being financed largely by the richer States; that is bound to be so; but what I say is that this is not a proper Federal activity. I do not object to the harbors of the Southern States being dredged with northern money; I am not basing my claim on any such narrow sectionalism as that——

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER (Mr. MOSES in the chair). The Senator from Nevada has the floor and he has yielded to the Senator from Pennsylvania.

Mr. STERLING. The Senator from South Dakota has the floor and yielded to the Senator from Nevada.

Mr. REED of Pennsylvania. What I say is you can not justify this constant invasion of State power merely because it is easier to spread the expense in that way. I say that that is the reason for my objection and not because most of the money comes from my section of the country.

Mr. SWANSON. Mr. President, will the Senator permit me just a moment?

Mr. REED of Pennsylvania. I yield to the Senator from Virginia, with the permission of the Senator from Nevada, who yielded to me.

The PRESIDING OFFICER. The Senator from South Dakota has the floor. To whom does he yield?

Mr. STERLING. I yield to the Senator from Virginia to ask a question.

Mr. SWANSON. If that is what is bothering the mind of the Senator from Pennsylvania, I can relieve him very quickly. Under the law the Federal Government has no jurisdiction over State roads, no control over them, and no police power over them. All that is done is in agreement with the various States that when the Government shall put up the money the State shall maintain the roads, with the power in the Federal Government to approve or disapprove of contracts. If the Senator objects to the legislation on that account, because of the Federal Government having police power and taking over the rights of the State, I can relieve his mind and say that that is not done—the Federal Government simply furnishes the money.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. STERLING. I have yielded to the Senator from Nevada. When he shall have concluded I will yield to the Senator from Connecticut.

Mr. ODDIE. Mr. President, just one more observation. We should also consider this problem from the standpoint of national defense and military preparedness, because the transcontinental highways are as important factors in our system of military defense as are the railroads; and in case of trouble, which we all hope will never come to us, these highways will insure us against any possible breakdown of the railroad systems of the country.

Mr. COPELAND. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New York?

Mr. STERLING. I yield for a question.

Mr. COPELAND. I desire to ask a question of the Senator from Nevada. I wish to ask him—and I am quoting from a Republican newspaper, so that he will recognize that it is authoritative—if he is aware that Nevada last year paid $761,499 in Federal taxes and got back in subsidies $885,759? This newspaper says Nevada actually receives from the Federal Government in subsidies more than it pays in taxes.

Mr. ODDIE. Mr. President, I know that the Senator has read the article correctly, but it is a very misleading statement, because the State of Nevada pays back very much more than that in many ways to the Federal Government. That

statement is taken from a technical report which overlooks many important items. The fact that the State of Nevada has a small population, smaller than that of the other States, should not be considered in this argument at all.

Mr. STERLING. Now, Mr. President, to continue——

Mr. BINGHAM and Mr. PITTMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Dakota yield; and, if so, to whom?

Mr. STERLING. I yield to the Senator from Connecticut for a question.

Mr. BINGHAM. I desire to answer a remark of the Senator from Virginia [Mr. SWANSON]. It will take me but a moment, if the Senator from South Dakota will allow me.

Mr. STERLING. I yield for that purpose.

Mr. BINGHAM. The Senator from Virginia stated that the only objection raised was the economic objection that the States of the East, paying a great burden of taxation, were asked to provide money to be expended in other portions of the country. I have raised no such objection. My objection, Mr. President, to this proposed legislation is based on the question of State sovereignty. The Senator from Virginia stated that there was no Federal interference with the building of roads in the States where Federal aid was involved, but my own observation leads me to believe that the Senator from Virginia has been misinformed. In the State of Connecticut we have been enjoying the benefits of Federal-aid roads for some time; but during the past year or two questions have arisen repeatedly on account of the fact that Federal engineers, with their office here in Washington, were dictating to us as to how our roads should be built, and where they should go; they were interfering with the wishes of the citizens of our State. For instance, in one of the most historic and beautiful of our towns a Federal-aid road going through it had to turn at a right angle in order to enter a famous old street. The Federal engineer insisted that the direction of the road be changed; and that the corner be cut off, and the road made to run through a very attractive property. To this plan all the local people were opposed. This is interference with local rights.

Mr. BURSUM. May I ask just one question?

Mr. STERLING. Very well.

Mr. BURSUM. I desire to ask the Senator from Connecticut if that be his only objection, would the Senator favor that the appropriations be given direct to the States and made subject to disposition and control and approval of the State authorities? That would remove any interference by the Federal Government, if that is the only objection which the Senator from Connecticut has.

Mr. BINGHAM. Mr. President, it has always been considered a good policy when money is provided for any project to say how it shall be expended and to reserve the right of approval as to the manner in which it shall be expended.

Mr. BURSUM. Then, as a matter of fact, the reason the Senator from Connecticut objects is because of the expenditure?

Mr. BINGHAM. No; but because it is an interference with State sovereignty.

Mr. REED of Pennsylvania. If the Senator does not object on the other ground, I believe the Constitution does, for I do not believe we have constitutional power to raise money by taxation and give it to the States.

Mr. BURSUM. The objection of the Senator from Pennsylvania, then, is to the principle, and necessarily applies to all appropriations of money by the General Government to the States?

Mr. STERLING. Mr. President, I think I shall have to decline to yield further.

The PRESIDING OFFICER. The Senator from South Dakota declines to yield.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota declines to yield further.

Mr. STERLING. Mr. President, it is quite relevant——

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. STERLING. Mr. President, it is quite relevant to this discussion as to what the East——

Mr. PITTMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The Senator from Nevada rises to a question of personal privilege, which he will state.

Mr. STERLING. I suppose I must yield for that question.

Mr. PITTMAN. I will take just a moment of the Senator's time, for I think the bill would pass more quickly if Senators would consume less time in debate. I think that two-thirds of the body are now ready to vote in favor of the bill. But in the time of the Senator let me say that a few moments ago a distinguished Senator read an article attempting to reflect upon my State, stating that more Federal money went into the State than came out of it. I will simply call his attention to the fact that some of the distinguished citizens of his State are deriving practically all of their income from the mines of my State. As a matter of fact, I think possibly the incomes that come out of the mining States go in large part to the State of New York, and consequently the amount of Federal taxes that are paid by large corporations operating in those States are paid in New York and in other States where they are incorporated or where they have their offices, rather than in the State where their operations are actually conducted. So such a statement as that alluded to is no indication at all of what has actually taken place.

Mr. STERLING. Mr. President, I merely wish to quote a few figures in conclusion showing what some of the States have derived from Federal aid. It will take me but a moment. To the State of New York $26,708,148 has been apportioned. The balance of apportionment not allotted to projects for New York is $4,814,623.47. The amount allotted to projects in the State of New York is $21,893,524.53. And so on.

I have other figures showing the mileage, and so forth, which I will not take the time to read.

Mr. ODDIE. Mr. President, will the Senator yield for just a moment?

Mr. STERLING. I yield to the Senator from Nevada.

Mr. ODDIE. I desire to read a statement that bears on the argument we have heard in the last few minutes on the question of States' rights as applied to Federal aid. This statement was made by the late President Harding in July, 1923, on the occasion of the dedication of the zero milestone in Washington. He said in his speech:

> Our highway system has been laid down on lines which we recognize as presenting a parallel to our political institutions. For in our scheme of communications we have carefully adhered to the general plan of national unification with local control and responsibility for local elements. Our highways are built by and under the States, with such Federal participation as is calculated to assure continuity and articulation, precisely as our political system seeks to work out the local control of interests that are essentially local, while maintaining a national sovereignty over national concerns. We have all come to realize, with the growth of motor transport in the open country, that a broad plan must be kept always in mind aiming to make the improved rural highways complementary to the railways.

MESSAGE FROM THE HOUSE—POSTAL SALARIES AND POSTAL RATES

Mr. FARRELL, the enrolling clerk of the House of Representatives appeared and said:

Mr. President, I am directed by the House of Representatives respectfully to return to the Senate the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, which in the opinion of the House contravenes the first clause of the seventh section of the first article of the Constitution, and is an infringement of the privileges of the House.

The PRESIDING OFFICER (Mr. MOSES in the chair). The message with the accompanying bill will be referred to the Committee on Post Offices and Post Roads.

COURT REPORTERS IN UNITED STATES DISTRICT COURTS

Mr. KING. I desire to give notice that I shall move to reconsider the votes by which the bill (S. 1639) to provide for the appointment of a court reporter for each judge of the United States district courts, fixing their salaries and fees, defining their duties, and repealing all laws and parts of laws inconsistent herewith, was ordered to a third reading and passed. I will accompany that notice with a motion that the House of Representatives be requested to return the bill.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent, out of order, to move that the House of Representatives be requested to return to the Senate Senate bill 1639. Is there objection? The Chair hears none. The question is on the motion of the Senator from Utah.

The motion was agreed to.

The PRESIDING OFFICER. The motion to reconsider will be entered.

WHITE RIVER BRIDGE, ARKANSAS

The PRESIDING OFFICER (Mr. MOSES in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3884) granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of

Batesville, in the county of Independence, in the State of Arkansas, which were, on page 1, after line 11, to insert a new section to read as follows:

SEC. 2. That the State of Arkansas, or any political subdivision or division thereof, within or adjoining which said bridge is located, may at any time, by agreement or by condemnation in accordance with the laws of said State, acquire all right, title, and interest in said bridge and the approaches thereto constructed under authority of this act, for the purpose of maintaining and operating such bridge as a free bridge, by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or political subdivision or division thereof may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof.

And on page 2, line 1, to strike out "2" and insert "3."

Mr. CARAWAY. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

BLACK RIVER BRIDGE, ARKANSAS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3885) granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River, at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas, which were, on page 1, after line 11, to insert a new section to read as follows:

SEC. 2. That the State of Arkansas or any political subdivision or division thereof, within or adjoining which said bridge is located, may at any time, by agreement or by condemnation according to laws of said State, acquire all right, title, and interest in said bridge and the approaches thereto constructed under authority of this act, for the purpose of maintaining and operating such bridge as a free bridge by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or political subdivision or division thereof may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof.

And on page 1, line 12, to strike out "2" and insert "3."

Mr. CARAWAY. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EXECUTIVE SESSION

The PRESIDING OFFICER. The Senator from South Dakota [Mr. STERLING] is entitled to the floor on the unfinished business.

Mr. CURTIS. Mr. President, if the Senator will yield——

Mr. STERLING. I yield to the Senator from Kansas.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 4, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 3, 1925

DIRECTOR OF THE UNITED STATES COAST AND GEODETIC SURVEY

Ernest Lester Jones, of Virginia, for a term of four years as Director of the United States Coast and Geodetic Survey, with the relative rank of captain in the Navy. Effective March 16, 1925.

UNITED STATES ATTORNEY

F. Edward Mitchell, of the District of Columbia, to be United States attorney, district of the Canal Zone, vice Guy H. Martin, appointed district judge.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 3, 1925

POSTMASTERS

HAWAII

Frederick W. Carter, Waialua.

RHODE ISLAND

Albert J. Rene, Arctic.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 3, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

All Thy works shall praise Thy name, O God, and shall speak of Thy glory. As the mountains are round about Jerusalem, so the Lord is round about His people from this time forth and even forever more. Thy mercy is fresh every morning and breaks upon us with every new-born day. Help us to contribute our full share to the common tasks of all men; to repress all desires which reach to the frontier of our rights; to know both wisdom and virtue and dwell in happiness. Save us from sin and the fruits of weakness and persuade us of its emptiness and its early collapses. Our heavenly Father, do Thou enrich us with the serious, durable, and the high conceptions of life. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes.

REFERENCE OF HOUSE RESOLUTION 402

Mr. SNELL. Mr. Speaker, I ask unanimous consent that House Resolution 402, now before the Rules Committee, be taken from that committee and rereferred to the Committee on the Judiciary. I make that request for this reason: This is a resolution to investigate a Federal judge in the eastern district of Illinois. Certain people residing in that district have made specific charges to the Speaker of the House, and the Speaker has rightfully referred those charges to the Judiciary Committee, and in order that the whole matter may be before the Judiciary Committee I ask that this resolution be rereferred to that committee. I may say also that I ask that this rereference be made at the request of the Rules Committee, the introducer of the resolution, and I understand it is agreeable to the Judiciary Committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the rereference will be made.

CALL OF THE HOUSE

Mr. SNELL. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. It is evident there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 48]

Abernethy	Dallinger	Leavitt	Rouse
Aldrich	Darrow	McFadden	Sanders, Ind.
Almon	Deal	McNulty	Schafer
Andrew	Dominick	Miller, Ill.	Schall
Berger	Eagan	Moores, Ind.	Sherwood
Bixler	Edmonds	Nolan	Smithwick
Black, N. Y.	Evans, Iowa	O'Connell, R. I.	Strong, Pa.
Boies	Fisher	O'Connor, La.	Sullivan
Buckley	Gilbert	O'Sullivan	Sweet
Cable	Haugen	Paige	Tague
Clark, Fla.	Jones	Peavey	Tinkham
Clarke, N. Y.	Kent	Porter	Upshaw
Cole, Ohio	Kindred	Reed, Ark.	Vare
Cook	Knutson	Reed, W. Va.	Wertz
Croll	Kunz	Roach	Wolff
Cummings	Langley	Rogers, Mass.	Zihlman
Curry	Larson, Minn.	Rosenbloom	

The SPEAKER. Three hundred and sixty-four Members have answered to their names; a quorum is present.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

CONTESTED ELECTION CASE—FRANK V. LAGUARDIA

Mr. NELSON of Wisconsin. Mr. Speaker, I call up the contested-election case of Frank against LaGuardia, from the twentieth congressional district of New York.

The SPEAKER. The gentleman from Wisconsin moves the adoption of a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 423

Resolved, That the Committee on Elections No. 2 shall be, and is hereby, discharged from further consideration of the contested-election case of Henry Frank v. Fiorello H. LaGuardia from the twentieth congressional district of New York.

Mr. NELSON of Wisconsin. Mr. Speaker, there being no contest, I move the adoption of the resolution.

The resolution was agreed to.

POSTAL PAY BILL

Mr. GREEN. Mr. Speaker, I rise to a question of the highest privilege, the privileges of the House, and offer a resolution which has been sent to the Clerk's desk.

The SPEAKER. The gentleman from Iowa offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the bill S. 3674, in the opinion of the House, contravenes the first clause of the seventh section of the first article of the Constitution and is an infringement of the privileges of this House, and that the said bill be taken from the Speaker's table and be respectfully returned to the Senate with a message communicating this resolution.

Mr. GREEN. Mr. Speaker, there is great pressure for time. Of course I could limit the time on this to one hour, but it has been suggested that that would be quite too short, so I ask unanimous consent that the time for debate on this resolution—and it presents a matter which, of course, has been debated almost interminably already—be limited to one hour and a half, to be divided equally between those who are in favor of the resolution and those who are opposed to the resolution; that the time in favor of the resolution be controlled by myself, and I do not want to suggest anyone to control the time in opposition.

Mr. GARNER of Texas. May I make a suggestion to the gentleman from Iowa?

Mr. GREEN. Yes.

Mr. GARNER of Texas. Let me suggest that general debate be limited to two hours, one hour to be controlled on this side of the Chamber, 30 minutes of that hour to be in the control of the gentleman from Georgia [Mr. CRISP] and 30 minutes in the control of the gentleman from New York [Mr. CAREW] and one hour to be controlled on your side as the gentleman may suggest.

Mr. LONGWORTH. Are the two gentlemen which the gentleman has mentioned on opposite sides?

Mr. GARNER of Texas. Yes; the gentleman from New York [Mr. CAREW] is a member of the Ways and Means Committee and is opposed to this resolution. The gentleman from Georgia [Mr. CRISP] is on the subcommittee of the Ways and Means Committee and is in favor of the resolution. I would like for the gentleman from Georgia to control 30 minutes in favor of the resolution and for the gentleman from New York [Mr. CAREW] to control 30 minutes against it.

Mr. GREEN. Mr. Speaker, I accept the suggestion of the gentleman from Texas [Mr. GARNER] and accordingly ask unanimous consent that the time for debate on this resolution be limited to two hours, one-half of the time to be controlled by myself and 30 minutes by the gentleman from Georgia [Mr. CRISP] and 30 minutes by the gentleman from New York [Mr. CAREW].

Mr. LUCE and Mr. LAGUARDIA rose.

Mr. LUCE. Mr. Speaker, reserving the right to object, this gives no assurance to gentlemen on this side of the House that they will have an hour or half an hour in opposition to the measure. Will the gentleman arrange for that?

Mr. RAMSEYER. Will the gentleman yield?

Mr. GREEN. Yes.

Mr. RAMSEYER. The Post Office Committee has not taken any action on this matter, but personally I have given it a great deal of thought, and I am opposed to the resolution. Judging from the preliminary conversations, before the House convened, I supposed I was to control half of the time, but apparently a different arrangement has been made. Can the gentleman assure us that under this arrangement 30 minutes will be given to me to control in opposition to the resolution?

Mr. GREEN. I think under the arrangement it would be only fair to yield 30 minutes to the gentlemen on this side who are opposed to the resolution. I do not know just how it should be divided.

Mr. LUCE. It is satisfactory to me that the gentleman who is a member of the Post Office Committee should have charge.

Mr. GREEN. Does the gentleman desire that my colleague, the gentleman from Iowa [Mr. RAMSEYER], shall control the 30 minutes?

Mr. LUCE. That is quite satisfactory.

Mr. LAGUARDIA. That is satisfactory to me.

Mr. GREEN. Then I will modify my request accordingly, Mr. Speaker.

The SPEAKER. The gentleman from Iowa asks unanimous consent that debate be limited to 2 hours, 30 minutes to be controlled by himself, 30 minutes by the gentleman from Iowa [Mr. RAMSEYER], 30 minutes to be controlled by the gentleman from Georgia [Mr. CRISP], and 30 minutes by the gentleman from New York [Mr. CAREW], and at the end of that time the previous question shall be considered as ordered.

Mr. GREEN. Yes; and at the end of that time that the previous question shall be considered ordered.

Mr. WINGO. Mr. Speaker, reserving the right to object, how does the gentleman expect a matter of this importance to be discussed in that short length of time?

Mr. GREEN. I can only say that it could not probably be discussed properly in a week, but we can not take up time indefinitely. It has already been discussed at prior times beginning more than 50 years ago and at great length, and we will have to trust somewhat to former debates.

Mr. WINGO. The gentleman admits we could not even discuss the precedents covering a period of more than 50 years in a 30-minute discussion, and yet the gentleman is only going to distribute to those of us on this side opposed to the resolution 30 minutes, and we have no assurance we can get any time under that arrangement. The gentleman ought to have more liberal debate on the resolution.

Mr. GREEN. I endeavored to arrange it as nearly satisfactory to the opposition as I could, and I am giving the opposition as much time as will be taken by the supporters of the resolution, which is somewhat unusual in a case of this kind.

Mr. WINGO. The gentleman recognizes that no one man can discuss the decisions of the courts in less than 30 minutes' time, and it is a legal constitutional question.

Mr. GREEN. I realize that.

Mr. WINGO. While this House has a great many able lawyers, including the gentleman from Iowa, I doubt if he can do justice to the constitutional questions involved and discuss the precedents in 30 minutes, and yet you are only giving 30 minutes on this side to those opposed to the bill.

Mr. MADDEN. Mr. Speaker, regular order!

The SPEAKER. Is there objection?

Mr. WINGO. I object.

Mr. GREEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GREEN. Would it be in order to move to limit the time of debate in this way?

The SPEAKER. The Chair thinks not. The gentleman has the power to move the previous question any time he wishes.

Mr. CRISP. Will the gentleman yield to me for a suggestion?

Mr. GREEN. I yield to the gentleman from Georgia.

Mr. CRISP. I do not think under the precedents of the House it would be in order to move to make this limitation, but here is a practical way that the same thing can be accomplished, if it is the wish of the House: The gentleman will be recognized and will have an hour. The gentleman can yield 30 minutes of his time to any gentleman he sees fit on that side. After the gentleman has been recognized, I am sure the Speaker will recognize some one on this side of the House who will have an hour, and, if I should be recognized, I would at once yield 30 minutes of my hour to the gentleman from New York [Mr. CAREW], and just before the two hours is up the gentleman from Iowa could demand the previous question, and, if the House sustained it, that would accomplish the same thing as this proposed agreement.

Mr. WINGO. The gentleman overlooks this basic fact in parliamentary law: Under the rules the gentleman would not be entitled to recognition in opposition to the resolution.

Mr. CRISP. Then to obviate that the Speaker could recognize the gentleman from New York [Mr. CAREW], who is opposed to the resolution, and I am sure the gentleman will yield me 30 minutes of his time as I offered to yield to him.

Mr. WINGO. I have not the slightest doubt, Mr. Speaker, that the same ingenuity by which it is intended to "pass the buck" and kill this postal pay bill can be resorted to to prevent discussion by those who are opposed to such methods.

Mr. LONGWORTH. The gentleman from Arkansas does not make a fair statement.

Mr. WINGO. I think I have made a most fair statement; in fact, it is very temperate to what I shall make.

Mr. LONGWORTH. The gentleman has made a very decidedly unfair statement.

Mr. WINGO. Nobody is being deceived. My amiable friend may be deceived, but we all understand this game of "passing the buck" and playing "pussy wants a corner" with the postal salary bill.

Mr. LONGWORTH. The House will understand, I am sure, that this has no effect whatever on the bill; in fact, it will tend to forward its consideration.

Mr. WINGO. You knew this measure was coming up; why did you not bring it up at the beginning, why delay it so long?

Several Members demanded the regular order.

The SPEAKER. The regular order is demanded and the gentleman from Iowa is recognized for one hour.

Mr. GREEN. Mr. Speaker, it is with no purpose of obstructing any bill which will bring relief to the post-office employees that I present this resolution. My purpose, on the contrary, is to prevent the passage of a bill which I believe to be invalid and unconstitutional and so far as the post-office employees are concerned a delusion and a snare.

I suppose that everyone understands that the resolution which has just been read is directed to that portion of the Senate bill which establishes rates of postage, which I believe to be unconstitutional when introduced for the first time in the Senate, and to be absolutely void if it should be passed by the House as a Senate bill.

This question is not by any means a new one. Away back in 1859, Mr. Galusha Grow, a very prominent Member of Congress from Pennsylvania and at one time Speaker of the House, when a similar bill came over from the Senate with provisions in it fixing rates on postal matter, offered a resolution returning the bill to the Senate, which was carried by a very large majority. On a subsequent occasion another bill was presented to the House, but the bill at that time was not objected to until the stage of conference was reached. At that point the House refused to proceed further with the provision and it was withdrawn.

At another time the Senate having added a revenue amendment to a nonrevenue House bill, the House on the motion of Mr. Cannon ordered the bill to be returned to the Senate.

In all of these instances the Senate has finally yielded to and virtually acknowledged the principle that amendments which fix the rate of postage can not be introduced for the first time in the Senate. The practice in the House is fixed that with one or two important exceptions which might possibly be mentioned, such as the instance when a bill authorizing the Postmaster General to fix the rates on air mail, which might be considered in the same category as this bill, came from the Senate; and when a bill raising fees in the Patent Office was passed by that body, a similar bill having been introduced in the House—with these exceptions, when the matter involved was so insignificant as to be unnoticed—the House has always insisted on its privilege and the Senate has always yielded.

I need not remind the House how great and high a privilege this prerogative is. It is one claimed originally by the House of Commons, fought over and settled on the field of battle. We adopted a similar policy in the Constitution of the United States. The House of Representatives is nearer to the people, being elected every two years, than the Senate; it is more representative than the Senate, and it ought to have the privilege of originating every bill that produces revenue. If it surrenders it now, it can never recover its strength and prestige.

In considering the Senate measure let me say at the outset that I do not see how it can be claimed by anyone that the controlling purpose of the rate provisions in this bill are not for the purpose of raising revenue. They never would have been introduced except for that purpose. They rest on that ground entirely. In fact the fate of the bill depends on the question of the revenue it will raise.

Now, there is a well-settled principle agreed to by the Senate, over and above the Supreme Court cases on the subject, that the House of Representatives is the final judge and arbiter as to whether its privileges have been infringed. This principle was agreed to away back in Webster's time. He may not have been the first one to make this point in the Halls of the House or Senate, but it was made by him. It has been admitted and conceded by the Senate that such was the fact and that after all, in the final analysis, it is this House that must determine whether its prerogatives have been infringed upon.

I shall not at this time enter into a discussion in detail as to this principle. Gentlemen can find it in the debates that have gone before, and others in the debate to-day will refer to it.

There seems to be some anxiety on the part of some for fear that the position set forth in the pending resolution is in conflict with the court decisions, and after all they would like to be in harmony with the decisions of the court on this subject. At this time I want to as briefly as I may call your attention to some of the salient features of the principal court decisions, for I can only call your attention to some of the most important.

The first case, probably, in which this matter was brought up was the case in the Twelfth Howard, United States against Bromley. I will read briefly from that case:

> Under the act of 1836, the revenue of the Post Office Department is paid into the Treasury. Revenue is the income of a State, and the revenue of the Post Office Department being raised by a tax on mailable matter conveyed in the mail, and which is disbursed in the public service, is as much a part of the income of the Government as moneys collected for duties on imports.

It will be said on the other side, and it will be conceded of course by me, that this case and the case which I shall read following it were not cases that directly involved the construction of the phrase "revenue bills," as used in the Constitution. That much is admitted, but I call the attention of the House at this time to the fact that neither of these cases decided the question involved from the standpoint of the language used in the statute then under consideration, but both considered it on the broad question of what is meant by "revenue" generally, and both of them decided that the post-office charge for carrying the mail was in fact a tax. The language used in the opinions in both cases is applicable to the word "revenue" in a constitutional sense.

Mr. CAREW. Mr. Speaker, if I give the gentleman a minute of my time will he yield to me for a question there?

Mr. GREEN. Will not the gentleman wait until I get through? I would be obliged to my friend if he would.

Another case is in Fourth Blatchford, and it proceeds along the same line. I refer to the case of Warner against Fowler, page 311. I read from the decision:

> The duty paid for the carriage of letters by the agency of Government is at times a most important branch of the public revenue, and the laws relating to the same are of the greatest importance to the revenue. From this duty the Government, in time of war, or at any other time when, from any cause, the income from customs is materially impaired and can not be increased, derives an essential part of its revenue.

Let me here pause in reading from this case to call attention to the fact that in time of war we did raise revenue from this source, that we did add to the postage on letters, newspapers, and parcels for the purpose of obtaining means to carry on the war.

Mr. LONGWORTH. If the gentleman will permit, that was a very important part of the 1917 revenue bill. Various taxes were put on the postal charges, raising a very large amount of revenue.

Mr. GREEN. The gentleman is correct. Will any gentleman sitting here say that the rates that we put on in that war act did not raise revenue, and, conceding that they did raise revenue, as it seems to me every one must concede, would any gentleman say now that the money to be raised by this bill will not be revenue?

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. GREEN. Not now.

Mr. CELLER. Merely to correct a statement made by the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. And the Ways and Means Committee took jurisdiction in that case?

Mr. GREEN. Yes.

Mr. MADDEN. Jurisdiction, however, after the Post Office Committee voted to allow them to do it.

Mr. CELLER. And were not those revenues credited to the general revenue and not to the Post Office Department?

Mr. GREEN. Of course. That is one reason why they are income of the Government, revenue within the meaning of the word "revenue" as used in the Constitution. The gentleman should know that all the receipts for carrying the mails goes into the general fund of the Treasury. That fixes its place as revenue.

Mr. CELLER. Mr. Speaker, will the gentleman yield further?

Mr. GREEN. I can not yield further. Will gentlemen say, as they must say, that the rates levied by this war-time bill

produced revenue and the rate now established does not produce revenue? Is it possible that the post-office receipts are at one time revenue and at another time not revenue? I can hardly conceive of such a thing. Let us see what this case says further:

Duties or taxes collected under the tariff laws of the United States upon the importation of foreign goods into the country are the revenue of the State; and the laws regulating the collection of such duties or taxes, and prescribing rules to officials employed in such collection, are laws relating to the revenue. This is conceded. But such duties or taxes are no more the revenue of the State than are the duties or taxes collected under the post-office laws of the United States for the carriage of letters in the public mails the revenues of the State.

These cases were decided on the broad principles which apply to the Constitution, not upon the narrow question of the particular act which they were considering. It is true they did not mention the Constitution in the case, but every argument which is presented in the case is controlling as to whether postal receipts are revenue as the word is used in the Constitution.

It will be said that the cases of the United States v. James, being a case in which post-office receipts were directly involved, is conclusive of the question as holding that they are not in fact revenues of the Government. I have endeavored to be fair with reference to these cases which I have presented, and I shall admit that this case is directly in point, and that if it were to be followed and considered as authority, it would be adverse to the contention which I have made. But I say to the House at this time that the holding in that case was based on a statement of fact so unfounded, and the argument made in support of it is so fallacious, that I believe if it were ever presented to another court it would not and could not be followed, and I shall later call attention to a case which practically, without mentioning this case, overrules it.

Mr. BRAND of Georgia. What State does that case come from?

Mr. GREEN. New York.

Mr. CELLER. Will the gentleman state that the House objected at that time?

Mr. GREEN. That was not involved in the case. Here is what the opinion in the case states:

Certain legislative measures are unmistakably bills for raising revenue. These impose taxes upon the people, either directly or indirectly, or lay duties, imposts, or excises for the use of the Government, and give to the persons from whom the money is exacted no equivalent in return unless in the enjoyment in common with the rest of the citizens of the benefit of good government. It is this feature which characterizes bills for raising revenue. They draw money from the citizen; they give no direct equivalent in return. In respect to such bills it was reasonable that the immediate representatives of the taxpayers should alone have the power to originate them. Their immediate responsibility to their constituents and their jealous regard for the pecuniary interests of the people, it was supposed, would render them especially watchful in the protection of those whom they represented. But the reason fails in respect to bills of a different class.

And this is the part that will be relied upon:

A bill regulating postal rates for Postal Service provides an equivalent for the money which the citizen may choose voluntarily to pay. He gets the fixed service for the fixed rate, or he lets it alone, as he pleases and as his own interests dictate.

Why, Mr. Speaker, what a statement to make! The Post Office Department is a monopoly created by the Constitution and our laws. A man can not refrain from using it if he wishes to perform his ordinary part in ordinary social functions or business life any more than he can refrain from eating. It might just as well be said that a man is not obliged to eat. He could take his choice, he could eat or starve.

Mr. RAMSEYER. But the monopoly applies only to first-class mail.

Mr. GREEN. It is true. Anyone can have his choice. If he wants to send a letter to San Francisco he can walk and carry the message. These big mercantile houses with all their mail business can have their choice. They can suspend business and they would have to do so. Our whole business life and social organization depends upon the post office as the matter stands, and yet this case says that where the Government has a monopoly of carrying the first-class mail that the taxpayer can use it or leave it alone if he pleases. Not only that, but we do not always return an equivalent or measure of cost of the service by the nature of it. We charge more for first-class mail than it costs to transport it. We charge less for reading matter and newspapers than it costs to transport it. The rate is often arbitrary.

Mr. Speaker, the real fact is that the post-office service at this day is one of the most important functions which the Government carries on, and in this connection I wish to read a brief citation from the case of Public Clearing House against Coyne, 104 United States, 497, a much later case than the one I have just read upon which gentlemen from the other side rely, and let us see how it agrees. This is what it says in reference to the post-office function:

It is not, however, a necessary part of the civil life in the same sense in which the protection of life, liberty, and property, the defense of the Government against insurrection and foreign invasion, and the administration of public justice are, but as a public function assumed and established by Congress for the general welfare, and in most countries its expenses are paid solely by the persons making use of its facilities, and it returns, or is presumed to return, a revenue to the Government, and really operates as a popular and most efficient method of taxation.

Mr. NEWTON of Missouri. Will the gentleman yield there?

Mr. GREEN. I must——

Mr. NEWTON of Missouri. I am wondering if the gentleman thinks that has any point on this question, on this case?

Mr. GREEN. If the gentleman can explain it away he will have the opportunity. How much time have I used?

The SPEAKER pro tempore (Mr. TILSON). The gentleman has used 20 minutes.

Mr. GREEN. I reserve the remainder of my time.

Mr. BRAND of Georgia. Will the gentleman cite a single case where there was a revenue within the meaning of the Constitution?

Mr. GREEN. I cited a case that applied to that.

Mr. BRAND of Georgia. Was it within the meaning of the Constitution?

Mr. GREEN. I have cited no case referring to the Constitution, but I have cited cases applicable to the Constitution.

Mr. RAMSEYER. Mr. Speaker, I ask for recognition in opposition to the motion.

Mr. CAREW. Mr. Speaker, I ask recognition as a member of the committee.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York first.

Mr. RAMSEYER. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAMSEYER. I presume the Chair does it under the theory that the gentleman from New York is a member of the Committee on Ways and Means. Although members of the Committee on Ways and Means agreed to report out a resolution like this, I contend it is not a resolution from that committee. Any Member would have the right to rise here to a question of privilege of the House and present such a resolution as my colleague presents this morning whether he has the concurrence or consent of any committee or any other Member of the House. I contend, in view of the fact this is a postal bill and I being the ranking member of that committee present, I should be entitled to recognition.

The SPEAKER pro tempore. The gentleman will be recognized in due time; but this resolution comes from the Ways and Means Committee. The gentleman from Iowa has had the floor for 20 minutes in support of the resolution. It seems to be fair, and it is a matter within the province of the Chair to determine the matter, that recognition should now go to the other side and to some one in opposition to the resolution.

Mr. RAMSEYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAMSEYER. Was the Chair's decision based on the theory the gentleman was a member of the Ways and Means Committee or is it that he is a member of the other side in opposition to the resolution? I take it on the latter the Chair's decision might be more logical than the former.

The SPEAKER pro tempore. It has been usual for Presiding Officers—though it is not decisive at all—it has been the usual custom to recognize some member of the opposition on the committee that presents the resolution. At any rate, it is a matter for the Chair to determine. But it is also entirely within the province of the Chair, as the present occupant of the chair believes, to give such recognition as seems to be fair. Therefore the Chair recognizes the gentleman from New York [Mr. CAREW].

Mr. CAREW. I yield 20 minutes to the gentleman from Georgia [Mr. CRISP], and reserve the balance of my time.

Mr. WARD of North Carolina. Mr. Speaker, I would like to have an answer to a question from some member of the Committee on Ways and Means. I want to be advised why the Committee on Ways and Means of the House have waited until this hour to present this question in this form, when it

was known to every Member of Congress that this measure was pending in the Senate. Why was not such a bill presented before, from the Committee on Ways and Means?

Mr. GREEN. I do not know that it could have been presented in any other way.

Mr. RAMSEYER rose.

Mr. CRISP. Mr. Speaker, I was yielded 20 minutes by the gentleman from New York.

Mr. RAMSEYER. Did not the gentleman from Iowa [Mr. GREEN] yield me 10 minutes?

The SPEAKER. The gentleman from New York [Mr. CAREW] has the floor, and he yielded 20 minutes to the gentleman from Georgia [Mr. CRISP]. It is presumed that the time can be arranged amicably.

Mr. CRISP. I supposed I was to follow the gentleman from New York [Mr. CAREW], but it is immaterial to me whether the gentleman from Iowa occupies the floor now or not.

Mr. GREEN. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker and gentlemen of the House, the resolution offered by my colleague, Mr. GREEN, proposes to return S. 3674 because it is an infringement of the privileges of the House in that it contravenes the first clause of the seventh section of the first article of the Constitution. The Senate bill before us undertakes to revise postage rates, in most cases increasing such rates and in a few cases decreasing them. Article I, section 7, clause 1, of the Constitution, reads:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Is the Senate bill which undertakes to readjust postage rates a bill "for raising revenue" within the meaning of the Constitution?

We must distinguish between the meaning of the word "revenue" as popularly used and sometimes employed in the statutes, and the meaning of the word "revenue" as used in Article I, section 7, clause 1, of the Constitution. It is the meaning of the word "revenue," as used in the Constitution, which ought to determine our action upon the resolution before us.

My interest was first aroused in the question before us at the very beginning of this session of Congress. Some representatives of the postal employees and also a few members of my own committee asked for my opinion as to whether this bill, if enacted into law, would be in violation of the Constitution because of its having originated in the Senate.

I realize that the House can arbitrarily place its own interpretation upon Article I, section 7, clause 1, of the Constitution. It can send this bill back for any reason or for no reason, and the Senate has no appeal from the action of the House.

The real issue before us is, Would the bill S. 3674, which the pending resolution undertakes to return to the Senate, if enacted into law, be unconstitutional because it originated in the Senate? The way each individual Member answers this question ought to determine the way he will vote on the resolution before the House.

Would a bill to establish the Post Office Department, with postage rates incidental thereto, be constitutional if it originated in the Senate? Both the Nebeker case and the Roberts case involve bills which by action originating in the Senate imposed taxes incidental to the main purposes of the acts. In both cases the acts were held not repugnant to the constitutional provision which we are discussing. I shall refer to these cases later in my argument.

Now, following these cases, if a bill to establish the Post Office Department could originate in the Senate, with postage rates incidental thereto, without violating this constitutional provision, could a bill subsequently originate in the Senate to increase or decrease or repeal the postage rates which were originally in order in the Senate?

Another query: If a bill for postal rates originating in the House is in fact a revenue bill within the meaning of Article I, section 7, clause 1, of the Constitution, will it be in order in the Senate to attach by way of an amendment to such postal rates bill, originating in the House, a proposal or proposals affecting the tariff rates, the income-tax rates, the estate-tax rates, or any other proposals which are usually regarded as being strictly revenue measures? The propounding of this question suggests its own answer.

First, let me dispose briefly of the cases on which the Ways and Means Committee, backing this resolution, chiefly relies to sustain its contention that the Senate bill would be unconstitutional. The Ways and Means Committee has had printed a brief and the cases that the committee claims are directly in point and sustain its contention are United States *v.* Bromley (12 How. 88), Warner *v.* Fowler (4 Blatch. 311), and Public Clearing House *v.* Coyne (194 U. S. 479). The first two cases will receive consideration later in my argument.

The committee in its brief especially stresses the Coyne case, saying this case is directly in point, and holding that the operation of the Post Office Department returns "a revenue to the Government and really operates as a public and efficient method of taxation." In neither one of these cases is Article I, section 7, clause 1, of the Constitution involved. The issue in the Coyne case was the constitutionality of a statute pertaining to lotteries and frauds in the mail. The Supreme Court, in discussing the functions of the Post Office Department in the Coyne case and pointing out that that department was not a necessary part of the civil government, used this language on page 506:

> It (Postal Service) is not, however, a necessary part of the civil government in the same sense in which the protection of life, liberty, and property, the defense of the Government against insurrection and foreign invasion, and the administration of public justice are, but a public function assumed and established by Congress for the general welfare, and in most countries are paid solely by the persons making use of its facilities; and it returns, or is presumed to return, a revenue to the Government, and really operates as a popular and efficient method of taxation. Indeed, this seems to have been originally the purpose of Congress. The legislative body in thus establishing a Postal Service may annex such conditions to it as it chooses.

The case covers 20 pages and the following language in the paragraph I have just quoted "a revenue to the Government, and really operates as a popular and efficient method of taxation" is the only place in the lengthy decision where the words "revenue" or "taxation" are used. Article I, section 7, clause 1, of the Constitution, is nowhere mentioned or referred to. The decision of the court is in nowise based on this constitutional provision. The quotation on which the committee relies is a side remark of the court which does not rise to the dignity of obiter dictum. The learned members of the Ways and Means Committee in running through the 20 pages of this court decision discovered the word "revenue." They accidentally found a needle in the haystack and immediately jumped at the conclusion that the whole haystack was needles. The Coyne case has no possible bearing upon the question before us and therefore can have no weight with this learned body.

There are only a very few cases that have come before the Federal courts in which the constitutionality of acts of Congress were questioned as repugnant to Article I, section 7, clause 1, of the Constitution.

The first case I shall cite is Twin City Bank *v.* Nebeker (167 U. S. 196). This is a case involving the constitutionality of a tax upon national banks. The provision relating to the tax was inserted by way of an amendment in the Senate. The position of the plaintiff was that this tax was in violation of Article I, section 7, clause 1, of the Constitution, which provides, "all bills for raising revenue shall originate in the House of Representatives." Here is what the court says (p. 202):

> The contention in this case is that the section of the act of June 8, 1864, providing a national currency secured by a pledge of United States bonds, and for the circulation and redemption thereof, so far as it imposed a tax upon the average amount of the notes of a national banking association in circulation, was a revenue bill within the clause of the Constitution declaring that "all bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills" (Art. I, sec. 7); that it appeared from the official journals of the two Houses of Congress that while the act of 1864 originated in the House of Representatives, the provision imposing this tax was not in the bill as it passed that body, but originated in the Senate by amendment, and, being accepted by the House, became a part of the statute; that such tax was, therefore, unconstitutional and void; and that, consequently, the statute did not justify the action of the defendant.
>
> The case is not one that requires either an extended examination of precedents or a full discussion as to the meaning of the words in the Constitution, "bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt by any general statement to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency secured by a pledge of bonds of the United States, and which, in the furtherance of that object, and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a

revenue bill which the Constitution declares must originate in the House of Representatives. Mr. Justice Story has well said that the practical construction of the Constitution and "the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue. (1 Story on Const., sec. 880.) The main purpose that Congress had in view was to provide a national currency based upon United States bonds, and to that end it was deemed wise to impose the tax in question. The tax was a means for effectually accomplishing the great object of giving to the people a currency that would rest primarily upon the honor of the United States and be available in every part of the country. There was no purpose by the act or by any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the Government.

No lawyer who reads this case will have any doubt that it is in point and should have weight with Members of this body in determining their action on the resolution before us.

Another case in point and that should have weight with Members of this body is Millard v. Roberts (202 U. S. 429). This is an act of Congress passed February 12, 1901, for eliminating grade crossings of railways and the erection of a union station in the District of Columbia and providing for part of the cost thereof by appropriations to be levied and assessed on the property in the District of Columbia. This bill originated in the Senate. The question raised was whether this was a revenue bill in violation of Article I, section 7, of the Constitution.

Quoting the court (p. 436):

The first contention of appellant is that the acts of Congress are revenue measures, and therefore should have originated in the House of Representatives and not in the Senate, and to sustain the contention appellant submits an elaborate argument. In answer to the contention the case of Twin City Bank v. Nebeker (167 U. S. 196) need only be cited. It was observed there that it was a part of wisdom not to attempt to cover by a general statement what bills shall be said to be "bills for raising revenue" within the meaning of those words in the Constitution, but it was said, quoting Mr. Justice Story, "that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word and are not bills for other purposes which may incidentally create revenue." (1 Story on Constitution, sec. 880.) And the act of Congress which was there passed on illustrates the meaning of the language used. The act involved was one providing a national currency and imposed a tax upon the average amount of the notes of a national banking association in circulation. The provision was assailed for unconstitutionality because it originated in the Senate. The provision was sustained, this court saying:

> "The tax was a means for effectually accomplishing the great object of giving to the people a currency that would rest, primarily, upon the honor of the United States and be available in every part of the country. There was no purpose by the act or by any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the Government."

This language is applicable to the acts of Congress in the case at bar. Whatever taxes are imposed are but means to the purposes provided by the act.

I now come to the case of Michels v. James, and, by the way, you do not find that case cited in the brief presented by the Committee on Ways and Means. For some reason that committee omitted this case from its brief. Certainly the committee knew about it.

I have called your attention to the three main cases the committee relies on in its brief. I have shown you that the Coyne case has absolutely nothing in common with the question before us. The case of Michels v. James, which you will find in Thirteenth United States Courts Reports, page 207, is on all fours with the proposition before this House. It involves a law for raising postage rates and the bill for this law originated in the Senate. I shall first read you two paragraphs on page 209, which distinguish United States against Bromley and Warner against Fowler, two of the committee's three cases on which it relies to sustain its position. I think these two paragraphs conclusively dispose of the other two of the three cases so confidently relied on by the Ways and Means Committee. The paragraphs read:

Another question has arisen which has some similarity with that under discussion and which, unless adverted to, might give rise to misapprehension. Thus in United States v. Bromley (12 How. 88) the question was whether an act of Congress which gave a writ of error in any civil action brought by the United States for the enforcement of the revenue laws of the United States embraced within its meaning an act to reduce rates of postage and to prevent frauds on the revenue of the Post Office Department. It was held that the latter act was within the meaning of the former, a revenue law of the United States, and that the writ of error could be sustained. The court says: "Revenue is the income of a State, and the revenue of the Post Office Department, being raised by a tax on mailable matter conveyed in the mail, and which is disbursed in the public service, is as much a part of the income of the Government as moneys collected for duties on imports." All this may be conceded without involving the conclusion that such a law is an act for raising revenue.

The case of Warner v. Fowler (4 Blatchf. C. C. R. 311), though involving other statutes, was put substantially upon the same ground as the preceding case. It was an action against a postmaster for not delivering certain letters. The defendant claimed that in detaining them he acted under the laws in relation to the Post Office Department, and that he was entitled to have the suit removed to the United States Circuit Court, under the statute, as being for an act done under the revenue laws of the United States. This claim was sustained by Judge Ingersoll, holding the circuit court in this district. The decision was, in my opinion, correct, upon the ground that, while the post-office laws are revenue laws within the meaning of the statutes cited, they are not laws for raising revenue within the provision of the Constitution.

Further to show to you that the case of Michels v. James is on all fours, as lawyers say, with the case at bar, and conclusively demonstrates the untenable and illogical position of the Ways and Means Committee, I will quote you the first two paragraphs of the decision. The first paragraph sets out the facts, and the second paragraph states the law and the reasons for the law. The paragraphs read:

The question upon the merits presented in this case is whether a clause of the act of Congress, approved March 3, 1875 (18 Stat. L. 377), entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," is or is not constitutional. The clause referred to increases the rate of postage upon third-class matter from 1 cent for 2 ounces to 1 cent an ounce. The ground of fact on which it is claimed that this clause was not constitutionally enacted is that the clause originated in the Senate, and was not an amendment to a bill for raising revenue originating in the House of Representatives. The provision of the Constitution which is claimed to render invalid the clause in question is this: "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills." (Const., Art. I, sec. 7, subd. 1.)

Certain legislative measures are unmistakably bills for raising revenue. These impose taxes upon the people, either directly or indirectly, or lay duties, imposts, or excises, for the use of the Government, and give to the persons from whom the money is exacted no equivalent in return, unless in the enjoyment, in common with the rest of the citizens, of the benefit of good government. It is this feature which characterizes bills for raising revenue. They draw money from the citizen; they give no direct equivalent in return. In respect to such bills it was reasonable that the immediate representatives of the taxpayers should alone have the power to originate them. Their immediate responsibility to their constituents and their jealous regard for the pecuniary interests of the people, it was supposed, would render them especially watchful in the protection of those whom they represented. But the reason fails in respect to bills of a different class. A bill regulating postal rates for Postal Service provides an equivalent for the money which the citizen may choose voluntarily to pay. He gets the fixed service for the fixed rate, or he lets it alone, as he pleases and as his own interests dictate. Revenue, beyond its cost, may or may not be derived from the service and the pay received for it, but it is only a very strained construction which would regard a bill establishing rates of postage as a bill for raising revenue within the meaning of the Constitution. This broad distinction existing in fact between the two kinds of bills, it is obviously a just construction to confine the terms of the Constitution to the case which they plainly designate. To strain those terms beyond their primary and obvious meaning, and thus to introduce a precedent for that sort of construction, would work a great public mischief.

Now, let me try in the few minutes I have remaining to point out a way to guide you in determining your action on this resolution. The Government, as sovereign, levies taxes to maintain itself, to protect life, liberty, and property, to defend itself against insurrection and foreign invasion, and to administer public justice. These taxes are imposed on all alike and can not be evaded without violating the law. These taxes are imposed upon the people for the use of government—

and give to the persons from whom the money is exacted no equivalent in return, unless in enjoyment, in common with the rest of the citizens, of the benefit of good government. It is this feature which characterizes bills for raising revenue. They draw money from the citizen; they give no direct equivalent in return.

Such taxes come within the meaning "all bills for raising revenue."

Then, on the other hand, the Government acts in a proprietary capacity. The Government owns public lands, it sells the public lands. The moneys derived from the sale of public lands become a part of the public funds in the Treasury. The Government establishes public land offices and collects fees through these offices. The Government, furthermore, derives fees from the Patent Office. Through these offices the Government sells its services. If Muscle Shoals should be operated by the Government for the manufacture of nitrate and by law fix the price of such nitrates to the farmers, that money would be turned into the Treasury. The moneys derived from the sale of public lands, the sale of nitrates, from fees collected by the land offices and the Patent Office, in a loose sense, are revenue, but they are not revenue in the sense in which the Constitution contemplates in Article I, section 7, clause 1.

The Government, through the Post Office Department, sells services. It has certain fixed charges for the different classes of mail and postal services. In the sale of public lands and of nitrates and in the sale of services through the Land Office, the Patent Office, and the Post Office Department, the Government acts in a proprietary capacity, and bills to fix the prices of Government property and to fix the fees or charges of services which the Government renders are not bills for the raising of revenue in the sense that "all bills for raising revenue shall originate in the House of Representatives."

In this contention I am sustained by common sense and reason, by the best law writers, and by all the court decisions which have undertaken to interpret Article I, section 7, clause 1, of the Constitution. Therefore, in my judgment, the bill (S. 3674) is a bill to fix the fees and charges for which the Post Office Department shall sell its services, and is not a bill "for raising revenue."

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. CRISP. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. TUCKER]. [Applause.]

Mr. TUCKER. Mr. Speaker and gentlemen of the House, I had hoped to have the privilege of discussing before you in detail the cases which have been referred to by gentlemen who have preceded me, but I will not have the time. It is sufficient to say that the constitutional provision that all bills for raising revenue must originate in this House is the basis for our support of the pending resolution. Three decisions of the Supreme Court making limitations upon that provision have been cited. They are the cases of United States *v.* Norton (91 U. S. 566), Twin City Bank *v.* Nebeker (167 U. S.), and Millard *v.* Roberts (202 U. S.).

What are they? They hold that where the Government seeks by a bill to establish an agency and allows a fee to an officer to carry it out that that is not such a revenue bill contemplated by the Constitution which must originate in the House. This line of cases is the only exception I can find, except cases involving the sale of public lands and the like.

Here is the Post Office Department. You desire to send a post-office order. The Government has established that agency and allows either by law or by order of the Postmaster General the man who issues it to you to charge 10 cents. This fee of 10 cents goes into the Treasury of the United States, but it is dedicated as it goes. When it goes there it has a quasi lien on it to pay the man the 10 cents.

The case before us, gentlemen of the House, does not come under that exception, for this is a revenue bill, pure and simple. No new agency is established but $68,000,000 are sought to be raised to carry out agencies already established. The bill itself shows this. *Res ipsa loquitur.*

Mr. STEVENSON. Will the gentleman permit just one question there?

Mr. TUCKER. No; I can not right now. I will yield a little later.

But I desire especially to bring to your attention another phase of this proposition. I appear here to maintain the rights, the duties, and the power of this House [applause], the most powerful agency in the Government for the preservation of American liberty. What does Article I, section 7, clause 1 of the Constitution mean? It means that this House can alone originate tax bills. The Senate may want it, the President may want it, the people of the country may want it; but you are the appointed guardians of the people on this subject, and no tax can be levied that you do not start. So that, if taxes are too heavy we are more responsible for it than the Senate, or the President, for they could not have been imposed except by our initiation.

Where does this great responsibility upon the House of Representatives come from? Ah, gentlemen, follow me for a little while into the history of this relation between you and your people, for I dare venture to say that a people who do not regard their past history will never have a future history worth preserving. [Applause.] Why, from the days of the Norman conquest (1066), when a foreign king came to England, with foreign laws, foreign customs, foreign language, and foreign ecclesiastics to be put upon the Saxon people it aroused in our sturdy ancestors a resentment that was destined, under God, to result in the establishment of a constitutional monarchy in England in which human liberty and property rights were to be made more secure than among any other people of the world, except among the inheritors of those institutions who have founded the American Union and these independent States. From that time until 1688, the date of their triumph, they were gradually building the most splendid constitutional monarchy in all Europe. The fight was long, it was slow, it was delayed, but every step which was gained by those Saxon people was retained by them. It was no Sisyphean stone which they rolled, but what they acquired they retained.

In the fourteenth century, under Edward I, Parliament was first given its proper recognition. The Commons first sat as a separate body, and during that same reign it was first claimed as a principle—often disregarded by the Tudors and the Stuarts—that there could be no tax laid except by Parliament. Before that time those haughty Kings had been coming to Parliament and saying, "Give me supplies"; yes, demanding them as a matter of right; but day by day and year by year and century by century the Commons were resisting this demand, until finally they began to say, "Supplies must come with redress of grievances; we will give Your Royal Majesty supplies with one hand, but we ask for a correction of grievances with the other." The two went hand in hand, and it was in the reign of Charles I, in 1628, that the House of Commons first laid down that splendid doctrine, "The committee of the whole house resolved that grievances and supplies go hand in hand." We will give you what you want, but make secure our liberties.

The defeat of the English at Hastings left William the Conqueror and his barons after a few years in absolute possession of the whole country. William became the richest man in the kingdom; great estates were confiscated; a feudal system was adopted running through all departments of the Government, embracing also the clergy, and but few Englishmen were left in possession of their estates, and none were exempt from the necessity of "aids in money" to the Crown to be made at the royal court upon his required three visitations a year to that court. The hopelessness of the English people can hardly be estimated. A strange language, strange ecclesiastics, an upheaval of the social system, and the establishment of a new régime all added new obstacles to any relief and increased their inability to shake off this foreign dynasty. These people had been accustomed to control their local affairs in their local courts and assemblies, a principle brought with them years ago from the ancient Saxon commonwealth in the forests of Germany, and in the great upheaval, when all seemed lost, the retention by William of the local courts of the hundred and the shire gave a starting point to them in working out their future civilization.

Their struggle lasted for 600 years and was finally rewarded in the establishment of the constitutional monarchy in 1688, where every principle they had fought for on the long and tedious road was recognized and secured. Magna Charta was their first great accomplishment, and this was proclaimed and reproclaimed time and time again in assemblies and meetings of the people called for various purposes. Bills of rights were more than once demanded and obtained from reluctant monarchs, and finally in 1628 the Petition of Right was extorted from the Crown. As their powers increased, their courage increased until their petitions became demands; and once a bloody scaffold was the witness of their power, when a tyrannical and shifting monarch, Charles I, lost his head. Nothing in human history is more interesting and more important to be studied by the American people than this wonderful struggle of our ancestors for the preservation of liberty and property, and which has finally culminated in the Kingdom of Great Britain in the establishment of the House of Commons as the ruler of the kingdom. The insolent demands of the Crown, as made by the Stuarts and the Tudors in early English history, if made to-day would result in the loss of the Crown. And now, thanks to that great struggle, the Crown can no longer make its demands of the Commons, but the Commons, in fact, dictate to the Crown.

The rights *of* property and the right *to* property have been the cause of more dissensions, more strife, and more bloodshed than any other in the history of the world among individuals and nations. And this discussion to-day is another evidence of the truth of this statement.

Here is my friend Mr. YATES, of Illinois, who honors me with his attention, who comes and attempts to take away from me certain property which I possess. I resist him, and under certain circumstances I not only have the right to resist his assault but I have the right to kill him.

This indicates the value which is put upon the right to property, that even human life may be taken to preserve it. But here comes a tax collector for the Government. I throw up my hands. He says, "I demand your money, a part of your property." Why, I say to him, "I have just driven YATES off, who was trying to take my property from me. What right have you greater than he to take my property?" He answers, "This is a tax which the Government has imposed—an enforced contribution by government upon every citizen of a part of his property for public purposes"—"and, moreover," says the tax collector, "this tax was passed by the concurrence of the President, the Senate, and the House of Representatives." But it could never have been passed except that it was started by the House of Representatives, whose Members, under the Constitution of the United States, are charged with the duty of resisting any tax to be put upon the people unless they first sanction it by their act. The concurrence of the Senate and the President is necessary to make it a law; but even their concurrence does not make it valid law unless the House of Representatives first initiates it; and this results from the great struggle of the Saxon people in England, from whom we derive our system, in asserting time and time again, until they finally wrote it into the constitution of "Old England" that the House of Commons was to be regarded as the representatives of the people, and that no taxation could be levied without the initiation of those representatives. Our House of Representatives bears the same relationship to the people of the United States as the House of Commons in England to the English people. They are the agents of the people, created by them, and each Member of the House, when elected, bears with him the specific agency and the specific power of determining when, if at all, a tax is to be laid. So that when my agent, and your agent, in this House has acted on that question and framed a tax bill as the people have specifically delegated that power to them the people have been heard, and they have authorized the tax, and they can not resist it. *Qui facit per alium facit per se.* So that I may have the right to resist the assaults of my friend YATES, but I have no right to resist the tax collector, because he is acting under a law that I have authorized my agent to initiate and pass; but if such a tax law be passed not initiated by my agent, who carries with him his constitutional credentials for that purpose, I may resist the law officer, for it is not law.

At this point I readily expect the inquiry from a hundred throats, Why this sanctity about property? Life and liberty must be defended, but why property? We rejoice in the careful guardianship of human life, of human liberty, and of human happiness; but why should property, material things, be put on the same elevated plane to which we assign life, liberty, and happiness? The reason is both interesting and instructive. Young and old are familiar with the doctrine so often proclaimed, "the right of self-defense." This is a misnomer; it should be "the *duty* of self-defense." Every man, it would seem, should have the right to surrender his life if it is his own to do with as he pleases. He may deed his property to his neighbor; he may enrich his children with his gifts, if he pleases, because he owns his property in fee simple. If he owns his life as he owns his property, therefore, why the duty of self-defense? Why the duty to fight to save his life that he is willing to surrender? It rests upon a principle which our fathers embedded in their earliest constitutions, and it is founded upon a principle which, alas, is too little regarded to-day, that every man is the possessor of one talent, or it may be two, or three, or five—endowments of the Creator—and that he holds his life as *trustee* for his Maker for the development of these talents, for which he must some day give an account; and if the man that has but the one chooses to lay it away in a napkin, awaiting his Lord's coming, he must look for the rebuke that he has failed to develop the one talent given him by adding others to it. In other words, the man holds his life as trustee for these talents, and if trustee, he does not own it in fee simple; and if trustee, he has no more right to waste the talents given him—a trust fund—by the donor of the trust than he would have the right to waste talents of gold and silver given him under a trust in the commercial world for the benefit of his *cestui que trustent*. It is under this theory that when a man's life is assailed, he must defend it or be guilty of a breach of trust. His life is not his own; it has been given him by his Creator for the development of certain powers and certain talents, which are to be in the course of development increased and improved, and if his life be taken these must fail. And, gentlemen, no greater principle can fill the soul of man than that which recognizes the trusteeship of man for the talents which God has given him. It adds a dignity and power to life that can not be found in any other theory of life, and the great men who have achieved the highest honors of our country have been inspired by its holy flame, and "the gates of hell" could not prevail against them.

Now, while this may be true as to human life, let me follow it a little further to show how closely connected are the rights to life, liberty, and happiness and the rights to property. It is a rare thing to hear in these days the doctrine of "inalienable rights" relied upon. In this practical age we are taken up with what we claim are more pressing problems, and yet our forefathers who founded these States were fully imbued with the doctrine of "inalienable rights." In the original constitutions of Pennsylvania and Massachusetts and the bill of rights of Virginia we find this doctrine asserted with tremendous power. And not only is the claim made that the right to life, liberty, and the pursuit of happiness but the possession of property are all equally claimed as "inalienable rights"; rights that can not be given up even if you want to; that you can not give up your life, you can not surrender it, or your liberty, the right of self-use in the development of your powers and the right to happiness that contributes so much to such development. Nor can you surrender the right to acquire and possess property. I give the language of the original constitutions of these States:

Pennsylvania, 1776: That all men * * * have certain inherent and inalienable rights, among which are the enjoying and defending life and liberty, *acquiring, possessing, and protecting property*, and pursuing * * * happiness and safety.

Massachusetts, 1780: All men are born free and equal, and have certain natural, essential, and inalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of *acquiring, possessing, and protecting property*—

And so on.

Bill of rights of Virginia, 1776: That all men * * * have certain inherent rights of which * * * they can not, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty with the means of *acquiring and possessing property*—

And so on.

The language of these constitutions show, if they mean anything, that there are certain rights with which man is endowed for which he is not indebted to government, but which are inherent in him as Man. They come to him from another source; he is born with them, and when these constitutions declare that the right to life, the right to liberty, to the pursuit of happiness, the right to the possession of property are inalienable in man, it clearly follows it is because man has not a fee simple title to his life, liberty, or happiness, for if he owned his life in fee simple he could alien it or give it up, but if he is a trustee of certain talents for his Creator who gave them, as such trustee he must carry out the trust in accordance with the declarations of its creation. And so we come to inquire why our ancestors, in the granitic foundations of principles erected for the States of the Union, they found that the possession of property stood upon the same ground as that of life and liberty.

As man in his personal independence of being has exclusive title to his own faculties of brain, will, and physique, with a title to exclusive self-use, it follows that the products of self-use of these, being the things into which he has transformed or converted natural objects for human use, are as much his own as were the faculties by means of which they were produced. They are, in truth, a part of himself, because he has commingled a part of his real self with the natural objects from which they are made; and since this commixture can not be resolved into its original elements, these transformed objects are recognized as his own, and are what we call property (proprius—a part of self). Labor—which is self-use—added to raw material makes the mass of objects of property among mankind; and the right of property, therefore, is an essential branch of the rights of personal liberty. (Tucker on the Constitution, vol. 1, pp. 32–33.)

It is thus seen that the association of the rights of property with the rights to life and liberty comes from the analysis of the word "property" (Latin, *proprius*; one's own, a part of one's self). It may be illustrated by a picture of Robinson Crusoe and his man Friday wandering in the forests on their lonely

island. They come upon a great coconut tree laden with fruit, high up in the branches. Friday says, "We ought to get that," but does nothing. Robinson Crusoe takes up his ax and goes to the root of the tree, and after hours of toil, in which he alone is engaged, the tree is felled, and Friday rushes forward to get his share of the valued fruit. Crusoe stops him and says, "Friday, when you and I were standing looking at this fruit in the top of this tree, it was as much yours as mine; you had an equal right to it with me; we both discovered it, but since that time I have for several hours with hard labor been devoting my powers of mind and body to bring this tree down to the ground, and have finally succeeded. In that effort I *have put a part of my brain and my muscle into that fruit.* It is really no longer coconut, but it is part coconut and part Crusoe, and those two elements in the fruit are indivisible. Indeed the mixture is not mechanical but a chemical mixture. It is therefore indivisible because it is impossible to ascertain how much of it is coconut and how much is Crusoe, and since, therefore, a part of myself has gone into this fruit and we can not tell which part of it is coconut and which is Crusoe, I have a right to it all, because in it I have put a part of myself."

It is this principle, in the origin of property wherein a part of one's self is merged, that raises property to that plane of importance which has made it the cause of such struggles throughout the history of the world. So that when a revenue tax is laid by Congress which takes a part of the property of a man, in so taking it takes *a part of the man himself.* It touches the most delicate nerve of the human anatomy; and it is this idea that intensifies the duty and the privilege of this House in guarding the rights of the property of the people, for the tax levied takes not only a part of the man's material possessions but it takes a part of the man himself.

These considerations exalt and magnify the position of the House of Representatives in our Government. It gives us a position of more importance and greater responsibility than any other department of it, and calls for the most scrupulous care on our part that we shall not be faithless to our exalted trust. Nor has our responsibility been diminished in relation to that of the Senate by the fact that in late years, under a change in the Constitution, the Senators are elected by the people as well as the House. That was only a change in the mode of their election; not a change in the powers of the Senate, nor a change in the constituency whom it represents. The historic evolution of this question in England conclusively shows that the House of Commons have always represented, and been responsible to, the people; and the discussions in our Constitutional Convention show beyond question that in the struggle between the large and small States a compromise was finally reached that the House was to represent the people and their populations and the Senate was to represent the States as States.

In achieving the lofty heights to which we have attained in America of personal liberty and the protection of property, with filial pride we can point with pride to the heroic struggle of our fathers in England for these principles. Along the highway of progress monuments were erected here and there in that great struggle which have proclaimed the principles of civil liberty throughout the world. Bills of right, Magna Charta, the Petition of Right, are looked to by the civilized world to-day as houses of refuge against the assaults of tyrannical power; and we gladly join the acclaim of the world in acknowledging our debt to the mother country for what she has done for us and for the world. But, as a son of old Virginia, devoted to her history and her ancient traditions, I would be faithless to her to-day if I failed to point out to this House that one of the great landmarks which has done so much for human liberty, and which caused the indignant colonies to rise against the mother country—no taxation without representation—had its origin not in England but on Jamestown Island on the banks of the "noble James."

Among the provisions of the petition of right is the following:

> The lords spiritual and temporal and commons in Parliament assembled, * * * do therefore humbly pray your most excellent majesty that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge without common consent by act of Parliament.

In effect it is "no taxation without representation"—a principle which to-day is so trite and common in America in its acceptance by the people that we wonder that there could ever have been a time when it was not admitted; a principle which, under the fiery eloquence of Patrick Henry, aroused the people to arms and for which George Washington drew his sword, and sheathed it only when the independence of his people was won.

This principle was extorted from Charles I in 1628. But four years before the English people had sent forth this great doctrine, as if by radio throughout the world, the House of Burgesses of Virginia assembled at Jamestown in 1624 (an assembly but 5 years of age, scarcely able to stand alone, in the swaddling clothes of infancy) wrote into the statute law of the Virginia Colony the basic principle of the English act that there could be "no taxation without representation." It is interesting to think that the bold action of the Virginia House of Burgesses was wafted back to the mother country across the seas and so impressed the hearts and minds of the English people as to produce four years later the Petition of right as one of the greatest charts of civil liberty recorded in the organic law of the world.

> Truly out of the mouths of babes and sucklings hast Thou ordained knowledge.

Our duty on the resolution before us is plain. To stand by these inherited muniments of liberty and never to yield on any excuse to their abrogation. To yield on this bill might in itself be harmless, but to allow the action of the Senate to stand might form a precedent which would invite the destruction of the principle which we would preserve. Let us stand fast in the faith once delivered to the fathers, looking to the progress of this great people *under* the Constitution of our country and not *above* it. In this stand we have much to encourage us. Already the day is breaking and over the mountains of bureaucracy and centralized power the beneficent rays of light shed by the Constitution are enlightening the minds and the hearts of the people in the rejection of the child labor amendment and the Sterling-Reed educational bill, and in confirming their belief that in working out the intricate problems of our people our only safety is to adopt the slogan, and live up to it in all respects, "Back to the Constitution."

Mr. CAREW. Mr. Speaker, I yield seven minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, any funds whatsoever which may go into the Public Treasury are "revenue." The proceeds of the sale of property is "revenue." Fees collected by public officers are "revenue." A charge which might be made for electric light current generated at Muscle Shoals, which the Government may sell, is "revenue." Rents collected from Government buildings are "revenue." A charge for postal service rendered is "revenue." The sole question involved in this matter is whether collections of that kind are "revenue" within the meaning of section 7 of the Constitution.

That section reads:

> All bills for raising revenue shall originate in the House of Representatives, etc.

The only question is what is meant by the word "revenue." Let us come back from the realm of sentiment into which we were transported by the eloquence of the gentleman from Virginia [Mr. TUCKER] into the province of reason and decide what that word means as used. That is all that is necessary to settle this argument.

The United States Supreme Court has decided that "revenue" in that section means the incomes mentioned, described by section 8 of the Constitution, which reads as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, * * * but all duties, imposts, and excises shall be uniform throughout the United States.

I refer to the Nebeker case—which is the leading case on the subject—and I do not see how any lawyer can read it and have any doubt as to what the law is. The decision is found in One hundred and sixty-seventh United States, page 196.

> The contention in this case is that the section of the act of June 3, 1864, providing a national curency secured by a pledge of United States bonds, and for the circulation and redemption thereof, so far as it imposed a tax upon the average amount of the notes of a national banking association in circulation was a revenue bill within the clause of the Constitution declaring that "all bills for raising revenue shall originate in the House of Representatives."
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> The case is not one that requires either an extended examination of precedents or a full discussion as to the meaning of the words in the Constitution—"bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt, by any general statement, to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency secured by a pledge of bonds of the United States, and which, in the furtherance of that object, and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a revenue bill

which the Constitution declares must originate in the House of Representatives. Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue.

Mark the expression "revenue bills are those that levy taxes in the strict sense of the word." Upon that I stand.

How any trained lawyer can read this decision and reach any contrary conclusion is more than I can understand. A bill providing for a charge for services rendered by the Government is not a bill that levies taxes "in the strict sense of the word."

The situation in the House to-day must furnish great enjoyment to those who delight in splitting hairs and legal technicalities. With men of a legalistic turn of mine I have some sympathy, for I practiced as a lawyer for many years before I came to Congress. But there is another group that rejoices in the quibbles of this resolution, and that is those who want to defeat the postal employees bill. [Applause.] They are glad, for it is that net result that may come out of it.

The House on every occasion asserts against the Senate its high prerogatives in matters of form, yet in matters of substance we have usually yielded gracefully. To the jeopardy of the postal pay bill, we insist to-day most strenuously upon a legalistic interpretation of our prerogatives, which relate to form alone. To-morrow we will yield to the Senate's dictation in a matter of important substance.

Mr. GREEN. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker and gentlemen, I think most of you who know me and my services here, know that, generally speaking, I am jealous of maintaining the rights of the House in all legislative matters. I approach this question in that attitude. I have not been satisfied with the report of the committee. The authorities cited do not sustain their position. A careful examination will disclose that their authorities are not in point. Certainly the case just presented here by the gentleman from Alabama [Mr. HUDDLESTON] seems to be nearest in point of anything that has been submitted. We are up against a practical proposition. Congress voted last spring for increases in salaries of postal employees. The bill was vetoed. Last fall I told a large group of postal employees that the thing to do was to take the President at his word. That instead of trying to pass it over the veto they had better work for a measure that would bring additional revenue into the Treasury. Many of these employees agreed with me, and so advised their leaders. A joint committee of this Congress commenced on the first Monday in December, or approximately then, to take testimony in order to report that kind of a bill. That committee concluded its labors, and a bill, embodying revenue features, was introduced into the Senate. It remained on the calendar for some days. The Senate then considered it. Inquiry from members of the Committee on the Post Office and Post Roads of the House brought forth this response: "We are going to wait upon the Senate, and when the Senate bill comes over here, then will be the time for us to act." The Senate bill came over, and not until the Senate bill did come was there any suggestion from anyone, anywhere, that the post-office salary bill, putting money into the Treasury to meet the additional expenditures would be claimed by the House to be a revenue measure within the meaning of the Constitution.

Mr. GREEN. Oh, I beg the gentleman's pardon. He does not mean that. The Senators themselves raised the question and came very nearly striking it out.

Mr. NEWTON of Minnesota. There was nothing said in the House, and the debate in the Senate on that question took place about two days before the passage if the bill, and that would mean four or five days ago. It would appear as if the whole matter has been permitted to go unquestioned until now when we are within 25 days of the end of the session. It therefore seems to me that unless it is evident from Supreme Court decisions that this is a revenue bill within the meaning of the Constitution that we ought not at this late date to jeopardize the legislation by sending it back to the Senate. It approaches the point where it can be claimed that we have broken faith.

Mr. SUMNERS of Texas. The gentleman does not mean to leave the floor with the statement indicating that the House is not the judge in the first instance of its own constitutional powers?

Mr. NEWTON of Minnesota. Oh, no; and I hope the gentleman did not get that idea. I do not want to convey that idea. Of course not; I say this, that if this is a revenue measure within the meaning of the Constitution, then the Post Office Committee of the House should have reported to this House immediately following the conclusion of the labors of the joint committee. Then the bill would have been upon the calendar of the House. Apparently it did not so construe this measure, for it took no action. It waited upon the Senate. There is bound to be delay in considering a bill that has not yet been introduced. Therefore, unless we can have an assurance that a salary bill involving revenue increases can be reported out and receive preferential consideration in the immediate future in the House, I do not see how I can sustain the committee in its resolution.

Mr. CRISP. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I wish emphatically to assert at the outset that so far as my attitude upon this question is concerned it is not influenced by any desire whatsoever to prevent consideration of any proper bill granting an increase in salaries to the postal employees. I gave my hearty support to the bill which was passed at the last session of the Congress and I stood ready to vote to pass it over the veto of the President of the United States.

It is suggested by the gentleman from Alabama [Mr. HUDDLESTON], for whose ability I have great respect, that this has turned itself into a legalistic argument and that it is a splitting of hairs. Let us see. Those of us who feel that this is an infringement upon the prerogatives of the House, which carries with it a duty on the part of the House to assert its power, have at least the words of the Constitution behind us. Those words say that "all bills raising revenue shall originate in the House of Representatives," and it seems to me that what may be called fine-spun legalism grows out of the effort to read into the plain words, the plain letter of the Constitution, some difference of spirit. Of course, this is a question that has to be decided somewhere, somehow. It can be decided here or it can be decided finally and officially in the Supreme Court of the United States. Measured by all of the rules of interest to those who would benefit under the bill, it seems to me that it ought to be settled here. I emphasize the fact that it seems to me it is more profoundly to the interest of those who would benefit by this bill to have this placed beyond all constitutional question than it is to any class of people in this Republic. [Applause.]

There are differences of opinion among lawyers and I shall not go into a legal argument now. I have my own convictions about it. I think the vote in the Senate which passed on the question after profound legal argument was pretty close. There are sharp differences of opinion here. What is likely to be the result? This bill proposes to add a large number of millions of dollars to the revenue of the Government. Of course, the President in vetoing that other bill spoke of the necessity for raising revenues. Certain people who will seek to employ the agency of the postal facilities of the United States and who will be affected by this bill—and what more natural—will go, as they would have the right to go, into the courts of the country and tie up this question over a long period of months, until it could finally reach the only place where it can be officially and authoritatively settled, the Supreme Court of the United States, and thus deprive the beneficiaries of these benefits during all those months when it is undergoing trial and stress in the courts of the country.

Mr. WINGO. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. WINGO. The gentleman does not lay down the legal proposition that if a suit were brought in the courts to restrain the collection of this increased charge on mail matter that would tie up and hold up the payment of the salaries provided?

Mr. GARRETT of Tennessee. I can conceive of the pleadings being so arranged that it would do so.

Mr. WINGO. Does the gentleman think he can find a reputable lawyer who would make a special plea, which would be contrary to every decision, by saying that an attack upon a taxing feature would tie up the salary feature of the bill? Can the gentleman cite any decision of the Supreme Court or a single suit where those two were ever connected?

Mr. GREEN. Cotton futures.

Mr. WINGO. Take the national bank note case; it did not tie up the national banking system while they were deciding that case——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CRISP. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen, I shall not read any court decisions, but I desire to call the attention of the House to the exact language of the Constitution. The provision of the Constitution in point is "all bills for raising revenue"; not all bills raising revenue, but "all bills for raising revenue." In other words, any bill which has for its purpose the raising of revenue must originate in this House. Now, let us see what are the purpose or purposes of this bill. Gentlemen who are in favor of the bill—and I voted for the bill before—assert that the primary purpose of this bill is to increase postal salaries. Conceding that that is true, and conceding that the purpose of raising revenue is a secondary purpose, it does not alter the fact that it is in fact one of the purposes of the bill, and if one purpose of the bill be for raising revenue, then the bill falls within the comprehensive constitutional mandate that "all bills for raising revenue" shall originate in this Chamber. Now, the language does not say "all bills raising revenue," for if it did so provide all bills raising revenue, even incidentally, would fall within its scope. For that reason the court decisions which have been quoted in argument, and which held that certain measures were not "revenue laws" as defined in the constitutional requirement, are not decisive of the real question. Why? In the Nebeker case the bill providing for the national banking system and incidentally taxing the circulation of bank notes was held not within the inhibition. Why, because that was not a bill for raising revenue; it was not enacted "for" raising revenue, but "for" the establishment of a banking system. It taxed the circulation of national banks not "for" the purpose of getting money, but for the purpose of giving the Government control of the circulation of bank notes. In the other case cited, the Norton case, the court held and explicitly stated that the Congress had "no other purpose" except providing a money-order system in the Post Office Department. That is what the court said in that case. The court said that the purpose of Congress in that bill was to establish a post-office money-order system, and it further said that it was clear that Congress was animated by "no other purpose." Well, of course, if Congress was animated by "no other purpose" it could not have been animated by a "purpose" to enact a "bill for raising revenue," and the court said that the Congress exhibited an intention of "sinking money," if necessary, in order to provide the post-office money-order system. It could hardly be assumed that Congress regarded a measure that would, if necessary, "sink money" as a bill "for raising revenue."

Now, let us see. Conceding as claimed that postal charges are a charge for service and not a tax. No matter what you call it, is not the real object of increasing it in fact for the purpose of getting more revenue? No matter whether you call it a tax, an excise, impost, or a charge for service, it falls within the comprehensive term of revenue, and all money so derived goes directly into the Treasury, and if the bill has for its purpose or one of its purposes the getting of revenue, whether you call it a charge for service or an impost or a tax or whatever else ingenuity may suggest, the bill is revealed as a bill for raising revenue. Now, what is the purpose? We have got to view this bill in the light of the circumstances which surround it, and we all do know if the title increasing postal rates for raising revenue was not there the bill would not be here. Suppose the bill did not raise the salary of employees; suppose it simply increases the postal rate—increased them to put more money in the Treasury—who is there in this House who would deny it then would be a bill for raising revenue and for nothing else? Now, if it is a bill for raising revenue, when confined to the purpose of increasing the postal rates it still remains a bill for raising revenue even though a provision raising salaries be added thereto. It then becomes a bill to increase salaries and also a bill for raising revenue, because one of its purposes is to raise revenue. The Constitution does not say "whose only purpose is to raise revenue," it does not say "all bills whose primary purpose is to raise revenue," it does not say "some bills for raising revenue," but is says "all bills for raising revenue." What is the intention or intentions of this bill? What is the purpose? Its primary purpose in point of time is first to raise the revenue, because the President has said that until the revenue is raised postal salaries will not be increased, and after the revenue is raised then it will be applied to an increase of postal salaries. But in fact there are two purposes joined together as vitally and as intimately as the Siamese twins. There may be two bodies but only one circulatory system. If either dies, both die. If postal rates are not increased, the salary increase dies by presidential veto. Unless salaries are increased, the revenue-raising portion dies by congressional veto. The life blood of the bill is the revenue provisions, and we can not blind ourselves to that truth. It is the duty of the House to decide this question. Shall we look to the Senate or the courts or the President to protect our prerogatives? It is our duty to meet this bill at the threshold. The courts can only decide at some indefinite time in the future. We must decide it now. The prerogatives and responsibility of the House are involved. Let us refuse to surrender the prerogative and refuse to shirk the responsibility.

Mr. CAREW. I will ask the gentleman from Iowa [Mr. GREEN] if he will not request unanimous consent that any Member may extend his remarks in the RECORD on this measure?

Mr. GREEN. I will ask unanimous consent, Mr. Speaker, that any Member may have—how long?

Mr. CAREW. Five days——

Mr. GREEN. Five legislative days in which to extend his remarks on this bill.

The SPEAKER pro tempore (Mr. CHINDBLOM). The gentleman from Iowa asks unanimous consent that any Member may have leave to extend his remarks upon this resolution within five legislative days. Is there objection?

There was no objection.

Mr. CAREW. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for five minutes.

Mr. GALLIVAN. Mr. Speaker, every Member of the House who has thus far contributed to this debate is a lawyer. I am not a constitutional lawyer, nor am I even a curbstone lawyer. Before I rose, or fell, to the high, or the low estate, of becoming a Member of Congress—you know there are people who look at us from different viewpoints—I was a very ordinary newspaper man. However, I had to read and I had to study, because I wanted to be a good newspaper man, and reading and studying up in the press gallery of the State-house in Massachusetts years ago I learned many things, and some of those things come back to my mind in this hour.

It rather spoils my speech when I find leading legal lights on both sides of the political aisle—they are Democrats, some of them, and the others are Republicans—standing by this resolution, and I am estopped from making any charge that there is an attempt here to prostitute the Constitution so as to conceal what first looked like a most patent piece of political jugglery.

Deny it or not as you please, the men who wear the gray in the service of Uncle Sam will never be persuaded that this charge is not true. Oh, it is a splendid way to run to cover, if one sees fit to do so, by appealing to the Constitution against the underpaid, long waiting, and patiently enduring postal employees of America!

Let me say, hurriedly and briefly, that my view of this whole situation is that you can never consider the Moses pay bill a revenue bill in view of the fact that the United States Government has an absolute monopoly on the postal system throughout the land. All our people must either have recourse to the post or else try out the other means of transportation, either by express or by wire. I respectfully submit that it has ever been the business of Congress to so fix the rates of postage that no part of the service shall ever be supported out of the ordinary revenues of the Government. In this bill it is true there are several provisions to cover the fixed charges for the service rendered; I repeat I have always understood that that power is within the province of either branch of the Congress to originate, and I must insist that the Committee on the Post Office and Post Roads has the right to initiate legislation along those lines.

Oh, I fear that some of those who are weeping and wailing about the "dignity" of the House are attempting to prostitute the Constitution to hide a piece of political jugglery! I have been a member of the Committee on Appropriations for many years. It is part of our business on that committee to learn where our revenues are to come from. Naturally, I have watched the Ways and Means Committee since I have been in Congress, and unless I am hopelessly in error, to the best of my knowledge and belief, I can not recall any time in my 11 years in Congress when the Committee on Ways and Means brought forth any important measure fixing postage rates. Unless I mistake, the Committee on the Post Office and Post Roads in the first instance originated all such legislation, and if the Committee on Ways and Means followed in its wake, my recollection is that it adopted the program brought out by the other committee.

Meanwhile, Mr. Speaker, may I remind the House that the morale of the Post Office Department is shot to pieces while you dicker here and now with the question as to whether or not your prerogatives, so-called, have been invaded? I believe that this is the psychological moment, this very day, to

pass a postal pay bill. It does not need a Sherlock Holmes to deduce the fact that the men in the service need the money, and have lived on hopes and promises just a little bit too long. I close with a fervent appeal to those who agree with what I have just said to stand firmly against this resolution, which will send this bill back to the other Chamber. Do not desert the men in your home districts who have been looking longingly and eagerly for your united support in this hour of their real need! [Applause.]

Mr. CAREW. Mr. Speaker, did the gentleman from Massachusetts yield back any time to me?

The SPEAKER. One minute.

Mr. CAREW. Will the Speaker be kind enough to state how the time stands?

The SPEAKER. The gentleman from Iowa has 25 minutes remaining. The gentleman from Georgia has 10 minutes. The gentleman from New York used nine minutes, and the gentleman from Massachusetts [Mr. GALLIVAN] used four minutes. That leaves to the gentleman from New York 10 minutes.

Mr. CRISP. Mr. Speaker, I yield to myself four minutes.

The SPEAKER. The gentleman from Georgia is recognized for four minutes.

Mr. CRISP. Mr. Speaker and gentlemen of the House, in that time it is impossible to attempt a legal argument, and I shall not do it. I want, however, to appeal to you as a practical man and not as a lawyer.

First, let me answer the statement of the gentleman from Massachusetts [Mr. GALLIVAN], that the Committee on Ways and Means has never levied an increase of post-office rates for the specific purpose of raising revenue. Let me remind him that in the revenue act of 1917, considered and reported by the Ways and Means Committee after our country declared war on Germany, is a provision raising first-class postage from 2 cents to 3 cents, and the rates of postage on newspapers were increased. They were increased for the specific purpose of raising revenue for the prosecution of the war, and in so doing the Congress took the same view as was expressed in the Bromley case, that the Government might find it necessary to raise revenue from postage to help finance a future war. It was estimated by the Treasury Department that the increases on postage so recommended would raise additional revenue to the amount of $89,000,000, and it did raise practically that amount.

Now, gentlemen, you are the judges as to whether or not this is a revenue bill within the meaning of the Constitution. I think it is; but I am not going to attempt to argue it to you. Let us take the practical viewpoint on it. Say you pass this bill, and the President signs it, and it goes on the statute books. What can you expect? You can expect the mail-order houses, like Sears, Roebuck & Co., and other concerns, whose postage is increased, to test the constitutionality of the law in the Supreme Court of the United States, and in my judgment whenever that great court decides the legal question the court will declare it unconstitutional. Those who are so solicitous of the welfare of the post-office employees, in my judgment, would serve them best by removing all question of this doubt. [Applause.] It can easily be done without delaying the passage of a salary increase bill.

Now, that is practical. Each one of us took an oath to support the Constitution of the United States. I have no fault to find with any of my colleagues on their interpretation of the Constitution. They may be right, and I may be wrong; but I believe this is a revenue bill within the meaning of the Constitution, and so believing, in obedience to my oath, I am going to vote to return it to the Senate, which body I do not believe had constitutional authority to originate it. [Applause.]

Now, that is common sense, gentlemen. If you return this bill to the Senate, it does not mean that there can not be legislation on the subject.

The Committee on the Post Office and Post Roads can report out a bill to-morrow; aye, Mr. Speaker, if that committee does not do it the Committee on Rules can bring in a rule providing that the Committee on the Post Office and Post Roads shall be discharged from the further consideration of the bill and make it immediately in order for consideration in the House, and it can come up for consideration immediately upon the adoption of the rule. If you pass the identical bill that the Senate has passed, originating it in the House, there can be no question as to its constitutionality.

Now, what is the practical thing to do? If you have any doubt resolve it in favor of the prerogatives and privileges of this House. May I call your attention to this fact: That at the last session of Congress the Senate originated and passed a bill removing the duties from church bells that were to be imported into the United States. The bill came over here in the closing hours of Congress. The bill was never referred to the Ways and Means Committee, but it was passed under suspension of the rules, and no one can question that that was a revenue bill. [Applause.]

The whole history of this proposed legislation is known to us all, as it will be to any court ever called upon to pass on it. Congress passed a bill increasing salaries of postal employees. President Coolidge vetoed it and said he would not approve a bill granting increased wages unless the bill raised additional revenue to pay the increase. This bill is identical with the one vetoed, except the revenue provision. The revenue provision is inserted to raise additional revenue to meet the President's objection, and for no other purpose except to raise revenue. The revenue collected under it will be paid into the Treasury of the United States like custom duties and income taxes. In my judgment it is clearly a revenue bill and the Senate was without authority of law to originate it. Should we pass it, the law will be void and of no legal effect, for it will be unconstitutional. For these reasons I shall vote to return it to the Senate.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. GREEN. Mr. Speaker, I yield eight minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, the gentleman from Georgia [Mr. CRISP] very wisely reminded us that we had taken an oath to support the Constitution of the United States. Let me remind him that under this oath it is our duty to interpret the Constitution of the United States each according to the dictates of his conscience, and what may be the effect of that interpretation is not for us to consider. I would have wished that my friend from Georgia, my friend from Tennessee, aye, and my friend from Massachusetts, who looks as I do on this question, all had refrained from calling the attention of the House to what might be the effect of the performance of the most solemn duty that ever falls to one of its Members.

In the interpretation of the Constitution in this instance two questions arise. First, is a charge for carrying the mails to be included within the scope of the word "revenue" as found in the Constitution? Personally I do not think it is. I believe it is a charge for service and not revenue within the purpose of the Constitution. But granting it may be—for time does not permit me to pursue both branches of my argument—let us proceed to the second question that arises. The Committee on Ways and Means has brought to our attention the fact and relies upon the fact that when the courts have considered this problem they have implied an exception to the terms of the Constitution. The courts have said that the terms of the Constitution do not mean all revenue; that they do not include incidental revenue.

Sir, let me throw my memory back to a day about four years ago—to be precise, the 18th of December, 1920—when the gentleman from Massachusetts who is now addressing you received an important contribution to his education. On that day I had the opportunity to address the House for something more than an hour in support of the contention that the revival of the War Finance Corporation was included under this clause of the Constitution, and that a bill for such a purpose did not properly arise in the Senate. The argument centered around the very issue now before us, and for an hour I tried to meet the objections thrown at me from every quarter. On that occasion my friend from Texas repeatedly urged that I be stopped from continuing because I was talking too long. The House did not take that view and gave me ample scope to discuss the matter.

At the end of the debate James R. Mann, as able a constitutional authority as he was a parliamentarian, rose and told the House that should revenue be produced by the War Finance Corporation it would be incidental to the purpose of the bill. I had shown to the House that the measure concerned a corporation that in two years had made a profit of $37,000,000; I had shown to the House that its revival would entail an increase in the debt of this country of $385,000,0000; but Mr. Mann told the House that was only incidental, and the House gave me my education in the shape of a vote of five to one that I was wrong; five to one declaring a measure concerning a corporation that in two years made a profit of $37,000,000, and that would bring to this country an increased debt of $385,000,000 involved as to revenue only something simply incidental. That instruction upon the part of what I then thought a stony-hearted House—the proprieties forbid me to call it a stony-headed House—I accepted with due humility. So to-day I remind this House that four years ago that House said measures only incidentally affecting the revenue did not come under the restriction of the Constitution.

There is the nub of this whole question. Is it incidental or not? Every man within the sound of my voice knows that this measure started as one for increasing the salaries of the postal clerks. Nine men out of ten, like myself, desire that result to be accomplished. We began with that purpose. The President vetoed the bill but in vetoing it he recognized such was the purpose of the House. The very heart and soul of this measure is the increasing of salaries. The raising of the revenue is incidental thereto. Its necessity comes about because the President has told us that if we raised salaries we must furnish the means. It is an incident to the main purpose of the House and so on the very ground of the report of the committee itself, on the basis of the precedent of four years ago, upon the interpretation that the courts again and again have put upon the clause as cited to us by the committee, I for one have decided to cast my vote against this resolution. [Applause.]

Mr. CRISP. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. MILLS]. [Applause.]

Mr. MILLS. Mr. Speaker and gentlemen of the House, it seems to me that one thing is very clear, and I fancy it will be made even clearer before the debate is concluded, and that is that the fate of the salary-increase measure is in no way involved or dependent upon the vote that will be taken upon this question; and even if it were, in spite of some of the political speeches that have been made on the floor of the House to-day, I do not believe that that question can and will influence any Member of the House in deciding a question upon which the future power, prestige, and constitutional jurisdiction of the House depends.

Let me state at the outset to those of you who have not taken the trouble to look up the decisions, the diligence of the Senators, the diligence of the members of the Ways and Means Committee of the House, has not been able to unearth a single decision of the Supreme Court directly in point, and I contend that in the absence of a decision of the Supreme Court directly deciding the question, the House of Representatives has complete power and jurisdiction to decide what are its own powers under the Constitution.

This being so, we have to decide the question of whether this is a revenue bill or not, and let us apply to that question the test of common sense. Do we by raising the postal rates mean to increase revenue? Why, of course, we do. We mean to increase revenue because the President of the United States has vetoed the postal salary bill on the ground it would create a deficiency; and therefore in order to meet that deficiency we propose to raise the rates sufficiently to raise additional revenue to go into the general fund of the Treasury out of which to pay increased salaries. [Applause.]

It is not only a conclusion of common sense; it is one based on experience and practice. We do not simply impose postal rates as charges for service. In times of necessity when there is need of increased revenue we use postal charges as a means of raising money for the general purposes of the Government, just as much as we use income taxes. We did it during the recent war, and the bill was reported by the Ways and Means Committee, if you please, the very committee charged with the responsibility of initiating all revenue measures.

I therefore maintain that if you decide this question according to the strict language of the Constitution you must vote in the affirmative. I maintain that if you try to interpret and decide what a revenue bill is according to the test of ordinary common sense you will have to decide that this is very clearly a revenue bill, because we are trying to raise $50,000,000 additional money to pay salaries. And I contend, furthermore, that if you are going to look at it from the standpoint of experience you will find that during the war postal charges were used as a means to raise money for the additional expenses incurred by the Government in carrying out the war.

Therefore, gentlemen, it seems to me this is the situation: The Supreme Court has not decided the question. We are under the obligation, therefore, of deciding it for ourselves, and in my judgment the Committee on Ways and Means is entirely right in advocating that we send this bill back to the Senate. [Applause.]

Mr. CAREW. Mr. Speaker, I yield four minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Speaker, if this is a revenue measure, then how would it be referred if the Speaker were to send it to a committee? The distinguished gentleman from Georgia [Mr. CRISP], who is a parliamentarian above whom there is no other in this House, answered that question a few minutes ago. The gentleman said that if this bill was sent back to the Senate a similar one would be reported from the Committee on the Post Office and Post Roads, and if they did not report it the Rules Committee would bring a rule in here making them report it, and would bring it in here from the Committee on the Post Office and Post Roads. [Applause.]

I desire to call the attention of the House to the fact that if this is a revenue measure, under Rule XI, paragraph 2, it would go not to the Committee on the Post Office and Post Roads but that rule says "to the revenue, and to such measures as purport to raise revenue, to the Committee on Ways and Means"; and therefore we have the acknowledgment of the gentleman from Georgia that this bill should have come from the Post Office and Post Roads Committee, and therefore is not a measure for the raising of revenue under the rules of this House. [Applause.]

Mr. CRISP. Will the gentleman yield?

Mr. STEVENSON. I can not right now. I have only four minutes.

There is another thing I want to call attention to. I wanted to ask my distinguished friend the gentleman from Virginia [Mr. TUCKER] when he was on the floor if it was competent for Congress to tax a State government. The gentleman declined to be interrupted. I say he would have candidly said no. This measure, if it is a tax, is a tax levied upon every State government in this country. If the revenue coming from the Postal Department is revenue within the terms of that clause of the Constitution, then every State in this Union is being taxed on every bit of its business transacted by mail, because when the governor of a State puts an official document in the mail if he fails to put a stamp on it it is returned to him for want of postage, and thereby is a demonstration of the fact that the postal revenue is not a tax and is not levied for tax purposes, but for the service that is rendered.

The gentleman from New York just a moment ago said there was no decision in point.

The Supreme Court of the United States case cited here several times, the Norton case, says expressly that the revenues provided for under the postal act are not within that provision of the Constitution for raising revenue. Here is what it says, and if the gentleman from New York has not seen it I invite him to read it.

Mr. MILLS. I have read it.

Mr. STEVENSON (reading)—

> According to that construction it has been confined to bills to levy taxes in the strict sense of the word and has not been understood to extend to bills for other purposes which incidentally create revenue.

This will never be a revenue law, this is a postal law relating solely to postal employees. The decision goes on to say:

> Bills for raising revenue when enacted into law become revenue laws. Congress was a constitutional body sitting under the Constitution. It was, of course, familiar with the phrase "bills for raising revenue" as used in that instrument and the construction that had been given to it.

That was a bill providing for the rates on postal money orders and the Supreme Court held that it was not a revenue measure.

Mr. Speaker, I yield back the balance of my time.

Mr. CAREW. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. JACOBSTEIN].

Mr. JACOBSTEIN. Mr. Speaker, postal legislation is in a jam. The constitutional issue is only the immediate and temporary cause of the confusion. To my mind there is a deeper reason, which, unless faced courageously, will again lead us hopelessly into a tangled morass.

The trouble arises from the fact that in the administration of this gigantic business we lack a well defined, clearly formulated and declared postal policy. This largest and most splendid service is like a vessel on the high seas without a chart and without a compass.

A careful reading of the annual reports of the Postmaster General over a period of years and an analysis of the debates in Congress reveals the lack of a general postal policy.

One group of people advocate increasing postal salaries, creating a deficit of $68,000,000 on top of the present deficit of $24,000,000, without raising revenues. Manifestly this implies a postal policy under which the postal business is far from self-supporting and would be maintained out of general revenues to the extent of 15 per cent on the dollar of income.

At the other extreme is a group of business men who maintain that not only the Postal Service as a whole, but each branch of the service, should be self-supporting. This is contrary to all practice, and impossible in operation, if the postal department is operated as a service institution. Which branch

of the postal business shall be operated for service and which for profit? Which shall be subsidized by the Government, and which shall not?

Not having answered these fundamental questions, we shall find ourselves, from time to time, face to face with the impasse which has confronted us for the past 14 months. We increase the pay to the transportation companies for carrying the mail without thought of raising postal rates, but when we seek to raise the pay of faithful workers the President invokes the principle of economy and by implication commits us to a "pay-as-you-go" policy.

Let me take concrete illustrations from the bill before us, which has just come to us from the Senate, showing how inequalities and discrepancies inevitably creep into a bill in the absence of a definite policy.

Take the first-class mail. It yields a profit or surplus to the Government of approximately $80,000,000, and yet we pick out of that first-class group one item, the post-card business, and make it yield at increased rates from $6,000,000 to $12,000,000 a year more surplus. The penny post-card material, manufacture and printing paid for at the expense of the Government at a cost of approximately $1,000,000, will continue to be carried under this bill for 1 cent. The private mailing card, that is the souvenir or Christmas and Easter greeting card manufactured at private expense will have to pay 2 cents postage. On what theory can this be justified? Only on the theory of taxing "all the traffic will bear." According to the cost survey figures, the Government loses approximately one-half cent on every card that is carried, but from a cost of service point of view there is no sense in discriminating in favor of the Government card as against the private card.

Or, take the second-class mail as an example of inequality and injustice. Why is it that in the case of a class of mail which yields a deficit of approximately $75,000,000 a year in a bill which seeks to increase revenue rates are so adjusted that the maximum increase would be only $3,000,000, while the deficit might run as high as $600,000. Even allowing for a 50 per cent error in the estimates of the cost ascertainment report, you would have a loss of $37,600,000. According to all the rules of the game and no matter what policy would be declared, the rates on second-class mail should have been increased to yield at least $10,000,000 of the required increased revenues.

Reading portions in newspapers and periodicals will be carried at 1¼ cents per pound flat rate as against 1½ cents at present in a bill which must find $60,000,000 increased revenues. In the zone rates there is no change in the first, second, third, and fifth zones; an increase of 1 cent in the fourth zone; a decrease of 1 cent in the sixth and seventh zones; and a decrease of 2 cents in the eighth zone. The reduction of rates in the sixth, seventh, and eighth zones is intended to bring business back to mail service, but mail of this class is carried at great loss and will therefore further reduce revenues.

Similar discrepancies and inconsistencies and inequalities can be shown to have been injected into the adjustment of rates on third and fourth class matter, but time will not permit, except to call attention to case in fourth class.

On fourth-class mail the parcel-post rate in the Senate bill is more expensive in some instances than first class. For example, a 5-ounce package sent from Washington, D. C., to California would cost 10 cents first class, while under parcel post—in Senate bill—it would cost 12 cents to the seventh zone and 13 cents to the eighth zone.

In the absence of a policy, rates are bound to be made on the basis of political expediency and political compromise, with special powerful interests having the greatest influence in the shaping of legislation. Is there anyone here who will deny that the users of second-class mail have been especially favored in the readjustment of the postal rates in the Senate bill recently passed and now before us.

In the absence of a postal policy it was easy for the White House breakfasts to give moral indigestion to individuals with weak constitutions.

The individual Senator or Representative is at a disadvantage in that he has no principle to refer to in discussing this matter with the President. It becomes then a political bargain, and the postal-pay question became in consequence the football of politics.

In the absence of a postal policy we have lost sight of another fact. I think it will be conceded that the bulk of the revenues to the post-office treasury come from originating directly or indirectly in business. The business interests of the country are more interested in getting good service than they are in getting cheap service. Under our procedure, without a policy, this basic fact is lost sight of or sacrificed because of conflicting selfish economic and political interests. Private business could not be successfully operated without a clearly defined policy with respect to the various articles and various lines of business in a given enterprise. Some articles are sold at a profit, some at bare cost, and some deliberately sold at a loss. But unless the business as a whole had clearly in mind the policy to guide each department, the private enterprise would suffer from the same confusion now experienced by the postal business and by Congress.

And finally, in the absence of a postal policy, the American people, who can always be trusted to be actuated by a sense of justice in matters affecting the welfare of the great mass of the people, are denied the privilege of paying living wages to 330,000 faithful employees. The American people are willing to pay for the service they get, and above all they do not want the benefit of the service at the expense of the postal clerk and the postal carrier.

How difficult our task becomes when we are operating without a postal policy may be clearly visualized in this thought. To my mind, no piece of legislation, not even excepting tax reduction or soldier bonus or immigration, was so overwhelmingly and almost unanimously approved by the American people as this legislation for increase in postal pay; and yet, in spite of this favorable public opinion, we have been battling for 14 months to put it on our statute books, not only in the interests of the efficiency of the service but as an act of justice to faithful employees of the people.

We need a postal policy. We must formulate a postal policy. Congress should declare a postal policy. The House of Representatives is the body to declare such a policy, since it involves revenue policies. But above all let us keep in mind our immediate desire and our immediate duty—to give the faithful postal boys their $300 increase, and give it to them without delay.

My interest in the immediate resolution before us is to see quick, effective action taken which will give the postal boys their merited increase in salaries, and that the revenues to pay these increases shall be raised by the most equitable readjustment of postal rates. I shall vote for the resolution to return the Senate bill because these desired results can best be achieved by this action.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CAREW. I yield a half minute to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, I regret that I am obliged to leave the city at 3 o'clock and will not be able to vote on this measure. I asked for time in order to say that I am convinced that this is not a revenue measure within the meaning of the Constitution, and if I were permitted to vote I would vote against returning the bill to the Senate.

Mr. CAREW. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I heard with great interest the remarks of the gentleman from Texas [Mr. GARRETT] and those of the gentleman from Georgia [Mr. CRISP], wherein they conjured up fears that mail-order houses and others affected adversely by increased rates would by court writs and injunctions tie up this legislation upon constitutional grounds and thus prevent ultimately justice to the postmen in getting a higher wage. I have no such fear nor should you have any. There is no merit to their argument, because I defy any Member of this House to show me any case of the United States Supreme Court or any other court which declared unconstitutional a bill because the Senate in the first instance tacked upon it a rider or an amendment that raised money.

In many of the cases cited this afternoon the court refused to consider whether a clause in the particular bill at hand originated in the Senate or in the House. In the case of Twin City Bank *v.* Nebeker (167 U. S. 196), with Mr. Justice Harlan writing the opinion of the court, we find that the Supreme Court refused to consider whether the particular bill originated in the House or in the Senate. The opinion cites the case of Field *v.* Clark (143 U. S. 649–672), in which the constitutionality of the act of Congress of October 1, 1890 (26 Stat. 567, c. 1244), was questioned upon the ground that a certain provision which was in it upon its final passage was omitted when the bill was signed by the Speaker of the House of Representatives and the President of the Senate. The court said:

> The signing by the Speaker of the House of Representatives and by the President of the Senate, in open session, of an enrolled bill is an official attestation by the two Houses of such bill as one that has passed Congress. It is a declaration by the two Houses, through their presiding officers, to the President that a bill, thus attested, has received, in due form, the sanction of the legislative branch of

the Government, and that it is delivered to him in obedience to the constitutional requirement that all bills which pass Congress shall be presented to him. And when a bill thus attested receives his approval and is deposited in the public archives its authentication as a bill that has passed Congress should be deemed complete and unimpeachable. As the President has no authority to approve a bill not passed by Congress, an enrolled act in the custody of the Secretary of State and having the official attestations of the Speaker of the House of Representatives, of the President of the Senate, and of the President of the United States carries on its face a solemn assurance by the legislative and executive departments of the Government, charged, respectively, with the duty of enacting and executing the laws, that it was passed by Congress. The respect due to coequal and independent departments requires the judicial department to act upon that assurance and to accept, as having passed Congress, all bills authenticated in the manner stated, leaving the courts to determine, when the question properly arises, whether the act, so authenticated, is in conformity with the Constitution.

I also heard with great interest the remarks of the distinguished gentleman of Virginia, HENRY ST. GEORGE TUCKER. Apparently, what he said this afternoon is in utter disaccord with what we find in that splendid work entitled "The Constitution of the United States," by John Randolph Tucker, edited by the said distinguished gentleman from Virginia, Mr. HENRY ST. GEORGE TUCKER, wherein is found in section 212, the following:

It was suggested by an early and able commentator that the term to raise revenue included post-office bills, mint bills, and bills in reference to the sale of public lands. This seems to be a misconception; for such bills do not impose a burden on taxpayers; and this clause historically, and as applied in the English practice, only related to revenue raised by taxation, and was intended to protect taxpayers.

It is said that Senate bill 3674, to raise postal salaries, because it imposed additional postal rates to meet increased salary expenses infringes upon the prerogative of the House, because, it is claimed, Article I, section 7, of the Constitution provides—

all bills for raising revenue shall originate in the House of Representatives.

The essence of the controversy is this: Is this bill a revenue producing bill in the meaning of the word "revenue" as used in the Constitution? I say it is not, and I shall therefore vote against the resolution to refer the bill back to the Senate.

It has been held in the case of United States *v.* Norton (91 U. S. 569) that the term "revenue" has been confined to bills to levy taxes in the strict sense of the word, and has been understood not to extend to bills for other purposes which incidentally create revenue. This principle is laid down by Mr. Story in his book on the Constitution, section 880. The principle is also laid down by Tucker on the Constitution, section 212. See also in this connection Watson on the Constitution, volume 1, pages 351-352; Paschal on the Constitution, section 7, page 91.

The case of Twin City Bank against Nebeker is a case squarely in point. The national banking act originated in the House with no provision for any tax on national banks. The Senate authorized the Treasurer of the United States to collect taxes on circulating notes of national banks. Interested parties declared the act unconstitutional because the tax or revenue features of the bill did not originate in the House. The court held that the act provided for national currency, and in furtherance of that object and to meet the expenses attending the enforcement of the act there was imposed a tax on the notes in circulation of the banking associations. This was held clearly not to be a revenue bill within the inhibition contained in section 7, Article I, of the Constitution, since the levying of the tax was incidental to the main purpose of the bill.

Just so, the levying of increased rates by the Senate is merely incidental to the main provisions of the bill which increases the salaries, and the said tax is made necessary to meet the expenses attending the execution of the main provisions of the bill.

A case squarely in point is that of the United States *v.* James (13 Blatchf. 207; Fed. Cas. 15464). The case involved the question whether the act of Congress approved March 3, 1875, making an appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, was unconstitutional, in so far as the Senate added a clause increasing postal rates. The court held that "revenue bills are those imposing taxes upon the people either directly or indirectly or by duties for the use of the Government and give to the persons from whom the money is exacted no equivalent in return unless in the enjoyment in common with the rest of the citizens of the benefit of good government. A bill regulating postal rates provides an equivalent for the money which the citizen may choose voluntarily to pay. He gets the fixed service for the fixed rate or he lets it alone, as he pleases or as his own interests dictate. Revenue beyond its cost may or may not be derived from the service and the pay received for it, but it is only a very strained construction which would regard a bill establishing rates of postage as a bill for raising revenue within the meaning of the Constitution." This case, therefore, sets down another principle that where a charge is made for a service that charge is not deemed revenue. In the case of a postal charge a man may or may not buy a stamp; at least he is not compelled to do so. For his 2-cent stamp he gets 2 cents worth of services; that surely is not a tax and hence is not "revenue" under the Constitution.

The Government renders a number of different kinds of special service for which fees are charged, and such fees are not regarded as revenue for the Government, but simply compensation for the special service. Therefore, legislation regulating such fees does not come within the constitutional provision relating to Government revenues.

For example, take the case of the United States Patent Office. For a number of years the compensation of patent examiners and other employees of the Patent Office charged with important duties was recognized as being too low. A number of efforts were made to increase their compensation, but for a time without success. Finally, by the act of February 18, 1922, the salaries of Patent Office employees were substantially increased, and the fees for patents were increased $5 to meet the added expense. No question was raised as to how the increase of $400,000 annually produced by the $5 increase in patent fees was to be applied. The law intended that the amount was to be used to increase the pay of Patent Office employees, and it was so used. Both increases were included in the same bill.

In the act of Congress making appropriations for the Postal Service for the fiscal year 1913, a provision was included creating parcel post and fixing temporary rates for same. The act authorized the Postmaster General, with the approval of the Interstate Commerce Commission, to readjust the rates whenever necessary in order to cover the cost of the service. That provision was specific in the bill and established conclusively that postal earnings are not general revenue but are simply intended to cover the cost of the service.

Just because the Government receives money as a result of a bill is no good reason why that bill must be called a revenue bill. An immigration bill might be proposed with an increase in the cost of consular visés; a bankruptcy bill might be introduced providing for a fee to be paid the Government by a bankrupt—you could not call those bills revenue bills, although the revenue of the United States would be increased thereby. By the same token a bill to sell public lands could not be deemed a revenue bill; see Story on the Constitution, section 874.

See in this connection also Thirty-sixth Cyc, page 946, where bills of revenue are deemed those which draw money from the people without giving a direct equivalent in return. Decisions are there quoted from many States upholding this proposition.

The cases read by Mr. GREEN, the gentleman from Iowa, author of the resolution, are mostly beside the point. Nearly all of them involve the construction of a particular statute known as the removal statute, which lays down conditions whereby a civil suit or criminal prosecution commenced in a State court may be removed to the Federal court if there is involved an officer under the revenue law of the United States, and as was stated in Bryant Brothers *v.* Robinson (149 Fed. Rep. 321), quoted by Mr. GREEN, the provisions of this removal statute have been liberally construed; and then the court goes on to say, while the post office laws are "revenue" laws within the meaning of the removal statute, which is section 643 of the Revised Statutes, they are not, however, laws for raising revenue within the provisions of the Constitution.

The Bryant Brothers case refutes almost all the cases quoted by Mr. GREEN and points to a conclusion opposite to that asked for by the distinguished gentleman.

Water never rises above its source. The source of the Constitution is the Constitutional Convention. Three plans concerning revenue were offered, one by Pinckney, one by Gerry, and one by Randolph, all of which were finally merged into section 7, Article I, of the Constitution. Pinckney suggested that "all money bills of every kind shall originate in the House"; Gerry suggested that "all bills for the raising or appropriating of money shall originate in the first branch of

the Legislature"; Randolph proposed, "bills for raising money for the purpose of revenue or for appropriating same shall originate in the House." It is interesting to note that the word "money" is used in all three plans. There was, of course, fresh in the proposers' minds the term "money bills," which term was found in all the colonial constitutions in the sense that all money bills had to originate in the general assembly; see Fisher on the Evolution of the Constitution of the United States, page 133. They were also familiar with the proposition that all "money bills" for the English Government had to originate in the House of Commons.

Madison, however, opposed the three plans, and there was finally the usual compromise; the word "money" was stricken out, and there was substituted the word "revenue." If section 7, Article I, had read "all bills for raising money," instead of "all bills for raising revenue," then surely the present bill for increasing the rates would be the raising of money and would come within the inhibition of the Constitution. The words used are "raising revenue," hence the postal increase of rates does not come within the term "revenue."

However, there is plenty of precedents for the Senate tacking on a postal rate increase clause. The act of May 10, 1918, known as Senate bill 4208, originated in the Senate; it authorized the establishment of air mail service and empowered the Postmaster General to fix postal rates. The House passed this bill without protest. The bill spoken of in the case of United States against James and the bill spoken of in the Twin City Bank against Nebeker passed the House without protest that the Senate was infringing upon our rights.

In this connection I am reminded of what Stephen A. Douglas said in the Senate in 1859 on a similar occasion, namely:

> Public service should not be crippled by a punctillio between the Senate and the House.

That is just what we are doing. Justice to the postmen should no longer be delayed because of a punctillio between the Senate and the House. This resolution involves a minute point of procedure; there is a greater duty before us than the deciding of this idle matter of ceremony as to which body shall go forward in the first instance with this legislation. We strain at a gnat and swallow a camel. Both Houses are anxious to help to increase postal wages.

Unless something is immediately done the postmen will fall between two stools. They might well shout, "Deliver us from our friends." They might also say, "A plague o'both your Houses."

The SPEAKER. The time of the gentleman has expired.

Mr. CAREW. Mr. Speaker, I yield half a minute to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND of Georgia. Mr. Speaker, I do not know of any decision of the Supreme Court directly on this question, but the circuit court of appeals in the case of United States *v.* James, 13 Blatchford, page 207, held as follows:

> A clause of the act of March 3, 1875 (18 U. S. Stat. L. 377) increasing the rate of postage on certain mail matter is not unconstitutional, although it originated in the Senate and was not an amendment to a bill for raising revenue, originating in the House of Representatives, because it is not a bill for raising revenue, within the meaning of Article I, section 7, subdivision 1 of the Constitution, which provides that "all bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills."

A bill establishing rates of postage is not a bill for raising revenue within the meaning of the Constitution.

Post office laws may be revenue laws without being laws for raising revenue.

Mr. CAREW. Mr. Speaker, I yield one minute to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, it seems to me that the revenue part of this bill is merely incidental, and that the House would have a right to amend the bill by striking out the revenue provisions, and I for one am in favor of the House doing its duty in that respect and not side-stepping the issue by sending this bill back to the Senate.

There has been a great rise in legislative dignity here within the last 24 hours. To-day you are straining at a legislative gnat, while on yesterday you swallowed the legislative camel when you surrendered and delegated to the Treasury Department the prerogative of this House of establishing throughout the country the public buildings provided for by the Congress of the United States. [Applause].

Mr. GREEN. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, it is undoubtedly true that the House has the sole power to determine whether its prerogatives under the Constitution have been invaded. Because it has that power, which is not due to any agreement as was suggested by the gentleman from Iowa [Mr. GREEN], but through the force of circumstances, it ought to exercise that power with caution and with due deliberation, and not whimsically or arbitrarily. I agree that the House ought to be jealous of its prerogatives, but I also insist that the House ought to be just in exercising those prerogatives, and not captiously insist that the prerogatives have been invaded when in fact precedents show us that they have not.

The crux of this whole question lies in this. What is the meaning of the term "bills for raising revenue," in the seventh section of Article I of the Constitution? It is generally agreed that the word "revenues" as used in certain decisions of the courts means the income of the Government from different sources derived, whether from taxes, imposts, duties, and so forth, which are levied on the taxpayers as such, or whether they are incidental to some Government activity; but the question is, are such revenues within the meaning of the phrase "bills for raising revenue"? The Supreme Court has answered that question, the commentators on the Constitution have answered that question, and the House of Representatives itself has authoritatively answered that question in the negative. The case of Norton, which has been repeatedly cited here, holds that a bill establishing the money-order service in the Postal Department, charging for such services, is not a bill for raising revenue. Where is there any distinction between that and the bill for charging for the carrying of first, second, third, or fourth class mail?

Story on the Constitution has been cited repeatedly by the Supreme Court itself as an authority, and has the force of authority, and he says that such bills are not bills for raising revenue. I shall read only a sentence or so from Story's Commentaries, section 880:

> What bills are properly "bills for raising revenue," in the sense of the Constitution, has been matter of some discussion. A learned commentator supposes that every bill which indirectly or consequentially may raise revenue is, within the sense of the Constitution, a revenue bill. He therefore thinks that the bills for establishing the post office and the mint, and regulating the value of foreign coin, belong to this class, and ought not to have originated (as in fact they did) in the Senate. But the practical construction of the Constitution has been against his opinion. And, indeed, the history of the origin of the power already suggested abundantly proves that it has been confined to bills to levy taxes in the strict sense of the words, and has not been understood to extend to bills for other purposes, which may incidentally create revenue.

It has been said that this bill undertakes to raise $47,000,000 of revenue. For what purpose? For the general purposes of Government? No; it is to make the charges for the Postal Service square with the cost of rendering such service. We are proposing to increase the cost of service by raising salaries, and we are going to meet that increased cost by charging more for this service. It is a charge for service, and is not for the purpose of raising revenue, but the House precedent ought to govern and bind this House. The original act creating the Post Office Department and creating the office of Postmaster General, installing the system, fixing the rates in the first instance, in 1794, originated in the Senate, and passed this House with James Madison and other members of the Constitutional Convention sitting here, and no question was raised about it being a bill to raise revenues. If a bill to fix the original charges and installing the Postal Service is not a bill for raising revenue, then a bill amending such charges is not a bill for raising revenue. [Applause.]

Mr. GREEN. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, it seems to me that after the concise presentation just made by the gentleman from New Jersey [Mr. LEHLBACH] it is unnecessary for the opponents of this resolution to say any more. The discussion to-day is upon the question of what is revenue within the meaning of the Constitution. I construe revenue to mean not what the term implies as a matter of strict accountancy. It is not a revenue in the bookkeeping sense of the word. Revenue, within the meaning of the Constitution, means taxation, and nothing else.

So that there may be no misapprehension, if I may digress for half a minute, regardless of what action this House takes to-day, as far as I am concerned, I shall do all that I can on my committee to get something out of there so fast that it will make the opponents of salary increase dizzy. As to the limitations placed by the Constitution on the Senate, I believe that we must construe those limitations liberally, in the light of the seventeenth amendment.

The House had knowledge of what was going on on the other side of the Capitol. Members of the Post Office Committee sat with members of the Senate committee on this very measure, and the Supreme Court would not set aside the decision of this House to-day regardless of what that decision may be, and I have no fear of what may happen to the bill in the event that this resolution is defeated. [Applause.]

Let us get action on this postal salary increase. Gentlemen, the wives of our postal employees can not pay rent and the butcher and grocer on promises. An academic question may be interesting to us but of no comfort to over 300,000 families of postal workers.

It is my humble opinion that this discussion, in the face of what has already taken place, is rather academic, but I repeat, whatever happens to this resolution, I assure my colleagues that there will be action and plenty of it.

Mr. GREEN. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Speaker, I confess that I am unable to arouse much enthusiasm within myself on either side of this constitutional question. And after all, it matters little what I think about this revenue proposition, or what the House or the Senate decides. The Supreme Court is going to have this bill, if it should be passed as a Senate measure, and decide whether it is a revenue bill or not. That means a date long distant from to-day. I can arouse a great deal of enthusiasm within myself when it comes to the postal salaries bill. A number of us in the House for more than a year have been spending most of our time trying to get just salary increases for the hardest working and most efficient employees in the Government service, viz., the postal workers of the United States.

We have reached the place where I believe we do not dare delay much longer. Judge Winslow, United States judge in New York, recently had four postal clerks before him who plead guilty when charged with stealing $100 from postal funds. They had 88 years of service, and Judge Winslow in a biting, blistering utterance, which is a denunciation of the Congress in reference to postal pay said, "The pay of postal employees is so scandalous that it virtually impels crime." I consider that that is a terrible denunciation of Congress. I am willing to do anything possible to get postal salaries raised and avoid the present intolerable situation. After a long conference yesterday with those who are in charge of the legislative procedure in this House, I have come to the firm conviction that it will expedite the postal-salary legislation if we send this Senate bill back to the Senate. [Applause.] I believe that delay will follow accepting the Senate bill and it will put us in a position where powerful opposition will be made even to considering it in the House. I have had the assurance which, I believe, will be confirmed during this debate by those in a position to make promises, that we can expedite action on the House bill which will be brought before this body. Our Post Office Committee is planning to meet to-night at 8 o'clock and consider the House measure. We hope to secure provisions to raise more revenue because the Senate bill only has $31,000,000 and that will not be sufficient to assure an effective law. We ought to put more revenue in the House measure, and within the next 24 hours I trust we will have it on the calendar of the House. With all my heart, I believe that these workers deserve the pay increases and that we must not let the 4th of March come without assuring them what they deserve. If we do so it will be a lasting disgrace upon us. In that belief, I feel we should send the Senate bill back and then send our own House bill there for their action. [Applause.]

Mr. GREEN. I yield two minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I just want to say, regardless of the constitutional question involved, we ought to send this bill back. We ought not to take any chances on some court later on deciding a salary bill with a revenue bill attached to it to be unconstitutional. I take it for granted that most of the men in the House want the postal salaries increased. If they do, the best way to get those salaries increased is to sustain this committee and to send the bill back to the Senate because the revenue provision of the bill as passed the Senate does not raise more than half the amount of money it should raise. Now, everybody knows that the President vetoed the salary bill because it did not contain sufficient revenue or any revenue, and you might just as well say now you are not going to get a salary bill unless you raise the revenue; and if you want a salary bill, send it back, send this resolution back to the Senate, and the Post Office Committee and the leaders of the House, I am sure, will expedite the consideration of the salary bill and there will be no delay and no danger in the future. [Applause.]

Mr. GREEN. Mr. Speaker, I yield one minute to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, the gentleman from Pennsylvania [Mr. KELLY] and the gentleman from Illinois [Mr. MADDEN] have made it plain that the passage of this resolution will not endanger legislation on behalf of the postal employees. It was not the purpose in reporting this resolution to delay legislation and, in my judgment, such will not be the effect of its passage. But even if it should prove so, it were far better that we proceed slowly in abandoning any of the rights of this House. In this regard we are in a position of trust for the benefit of posterity. There is a history back of these prerogatives. There is a reason for their existence, and we should not throw them away lightly. The reason goes back to the old question of taxation without representation. The fundamental principle underlying it is that the House represents the people of the country while the Senate represents the States. The membership of this House is apportioned according to population, while the Senate is made up of two Members from each State regardless of population. Under the Constitution the House was given exclusive power to introduce bills raising revenue. The bill originating in the Senate clearly on the face of it raises revenue. This is one of the fundamental purposes of the bill. No case has been cited from the Supreme Court indicating a construction of the revenue provision to the contrary, while there are at least two cases which pass upon the very point at issue, as to whether postal receipts are revenue within this provision. These two cases are United States *v.* Bromley (12 How. 88) and Warner *v.* Fowler (4 Blatchf. 311). If the definition of "revenue" laid down in these cases is accepted, it becomes perfectly clear that this is a revenue bill, and those cases have not been overruled.

The SPEAKER. The time of the gentleman has expired.

Mr. BLACK of Texas. Mr. Speaker, in passing upon this question Members will, of course, vote their convictions upon the precise point involved and not upon the merits or demerits of the proposed legislation in general. If this is a bill for raising revenue within the meaning of section 7, Article I, of the Constitution, then, undoubtedly, we should refuse to consider it and promptly return it to the Senate.

Such a course would need no defense except to cite the plain provisions of the Constitution. On the other hand, if it is not a bill for raising revenue within the meaning of section 7, Article I, of the Constitution, then there is a duty equally as compelling upon Members to vote in favor of retaining jurisdiction of it and go ahead with its consideration in the usual and regular way. Who is to decide that question for us?

Each Member must decide it for himself in the light of the precedents of the House and the decisions of the Supreme Court of the United States. I have great respect for the opinion of many of the gentlemen who urge that this bill be returned to the Senate. My respect for their opinion is especially strong upon subjects of parliamentary law. But this is more than a question of parliamentary law. It is a construction of a constitutional provision, and upon that subject we must necessarily give heed to what the courts have decided. Under our system of government the courts are the final arbiters upon questions of constitutional law, and to their construction Congress, as well as everybody else, should conform. What have the courts said about this question? Gentlemen who argue in favor of returning the bill to the Senate cite the case of United States *v.* Bromley (12 How. p. 88). That case did not involve the construction of section 7, Article I, of the Constitution.

It merely involved the construction of a statute granting an appeal by writ of error to the United States in certain cases. In that case Congress had passed a statute prohibiting the carrying by railroad car, stage coach, steamboat, packet boat, or other vehicle of letters except by mail. In other words, asserting the right of the Government to a monopoly in the transportation of first-class mail matter.

The bill provided a penalty of $100 for each offense by the owner of such railroad car, stage coach, steamboat, or packet boat, and a $50 penalty against the conductor, driver, or captain of such railroad, stage coach, steamboat, or packet boat.

The law provided for the recovery of the penalty in a civil proceeding. In this Bromley case the United States undertook to recover a penalty of $50 from the defendant, Bromley, and failed in the lower court.

The United States brought the case to the Supreme Court by writ of error. The defendant questioned the right of the Government to bring the case to the Supreme Court under a writ of error on account of the small amount of money involved, and in support of its right to this appeal the Government cited a statute which provided that the final judgment in any circuit court of the United States in any civil action brought by the Government in the enforcement of any revenue

law might be appealed to the Supreme Court regardless of the amount involved.

In deciding whether the United States had the right to the appeal the Supreme Court, in construing the words "revenue laws" within the meaning of the statute, did in fact hold that postal receipts were revenue laws within the meaning of the statute, and the opinion of Justice McClean, in delivering the opinion of the court, was in the broad language which has already been cited here in this debate.

But let me again emphasize that the Supreme Court in this Bromley case was only construing a statute with reference to the appellate jurisdiction of the court and there was no constitutional question involved.

The same court in a much later case, decided October, 1875, the case of United States *v.* Norton (91 U. S. 567), makes it plain that the court did not mean to give such a broad meaning to the term "revenue" as was indicated in the Bromley case.

In this Norton case the defendant had been indicted for the embezzlement of postal money-order funds at different times. He pleaded the statute of limitation of two years as a defense, and the Government came back in reply to that plea and cited a statute which provided that any person who violated any of the revenue laws of the United States might be prosecuted within five years from the time of the commission of the offense. The question then arose, Were the fees received from money orders "revenue" within the meaning of the statute of limitation of five years? If they were, then the defendant could be held for trial, for the embezzlement had been committed within less than five years prior to the date of the indictment. If such money-order receipts were not "revenue" within the meaning of the statute of limitation of five years, then the defendant could not be held for trial, because the embezzlement had been committed more than two years prior to the date of the indictment, and the defendant would therefore be released under the two-year statute of limitation. The court held that such money-order receipts were not "revenue" within the meaning of the five-year statute of limitation, and the defendant was accordingly released. Mr. Justice Swayne, in delivering the opinion of the court, said:

> The lexical definition of the term "revenue" is very comprehensive. It is thus given by Webster: The income of a nation derived from its taxes, duties, or other sources, for the payment of the national expenses.

The phrase "other sources" would include the proceeds of the public lands, those arising from the sale of public securities, the receipts of the Patent Office in excess of its expenditures, and those of the Post Office Department, when there should be such excess as there was for a time in the early history of the Government. * * * The precise question before us came under the consideration of Mr. Justice Story, in the United States *v.* Mayo (1. Gall. 396). He held that the phrase "revenue laws," as used in the act of 1804, meant such laws—

> as are made for the direct and avowed purpose of creating revenue or public funds for the service of the Government. The same doctrine was reaffirmed by that eminent judge in the United States *v.* Cushman (426).

These views commend themselves to the approbation of our judgment.

Now, of course, it must be conceded that in this Norton case, as well as the Bromley case, the construction of a statute was involved and the precise constitutional question which we now have under search was not decided.

I have cited it because it is a much later case than the Bromley case and clearly shows that the Supreme Court did not intend that the Bromley case should have the broad application which gentlemen have attempted to give it in this debate to-day.

The precise point involved in this question now before us was decided in the case of United States against James, reported in United States Court Reports, second circuit, volume 13, page 207.

The opinion is not a long one and states the case so clearly and in such plain and simple terms that I crave the permission of the House to read a portion of it.

The opinion was by Judge Johnson, and among other things he said:

> The provision of the Constitution, which is claimed to render invalid the clause in question, is this: "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills."

The court declares:

> A bill regulating postal rates for Postal Service provides an equivalent for the money which the citizen may choose voluntarily to pay. He gets the fixed service for the fixed rate or he lets it alone, as he pleases and as his own interests dictate. Revenue beyond its cost may or may not be derived from the service and the pay received for it; but it is only a very strained construction which would regard a bill establishing rates of postage as a bill for raising revenue, within the meaning of the Constitution. This broad distinction existing, in fact, between the two kinds of bills, it is obviously a just construction to confine the terms of the Constitution to the case which they plainly designate. To strain those terms beyond their primary and obvious meaning and thus to introduce a precedent for that sort of construction would work a great public mischief. Mr. Justice Story, in his Commentaries on the Constitution (sec. 880), puts the same construction upon the language in question and gives his reasons for the views he sustains, which are able and convincing. In Tucker's Blackstone only, so far as authorities have been referred to, is found the opinion that a bill for establishing the post office operates as a revenue law. But this opinion, although put forth at an early day, has never obtained any general approval; but both legislative practice and general consent have concurred in the other view.

Now, I consider the reasoning of the court which I have just read as thoroughly sound and irrefutable.

Moreover, I think this reasoning conforms to the rules and practices of the House.

The House by its rules have provided for certain committees and these committees are given exclusive jurisdiction over certain legislation. Among the most important committees of the House is the Committee on Ways and Means. Rule XI, clause 2, reads:

> All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz, subjects relating "To the revenue and such measures as purport to raise revenue and the bonded debt of the United States; to the Committee on Ways and Means."

Rule XI, clause 14, says:

> To the post office and post roads, to the Committee on the Post Offices and Post Roads.

Now, I have never heard it contended in this House that a bill effecting the revenues of the Post Office Department should go to the Ways and Means Committee for consideration. Yet if it were "revenue" in the strict sense of the word, it would go to that committee. As a matter of fact, we all know that it is the uniform practice of the Speaker to refer bills relating to the salaries of postal employees and to postal rates and charges to the Committee on the Post Office and Post Roads. The language of clause 14, Rule XI, does not confer upon the Committee on the Post Office and Post Roads a particle of jurisdiction to deal with revenue bills.

Therefore, if a bill affecting postal rates and charges is a revenue bill within the meaning of the House Rules, then every reference in the past of such bills to the Committee on the Post Office and Post Roads has been an erroneous reference. But were they? I do not believe that any Member of the House will so contend.

Therefore, to sum up: I believe that both the decisions of the courts and the practice under the Rules of the House of Representatives establish that a bill fixing postal rates and charges for actual service to be performed is not a revenue bill within the meaning of section 7 and clause 2 of the Constitution. It is simply a bill to fix rates for services performed. I shall therefore vote against the resolution to send this bill back to the Senate.

Mr. LOZIER. Mr. Speaker and gentlemen of the House, recently the Senate passed Senate bill 3674, known as the postal salary increase bill. This measure has now reached the House. The usual procedure is to refer it to the House Committee on Post Offices and Post Roads for consideration, after which it would be reported back to the House for consideration. However, the Ways and Means Committee of the House, in a nonpartisan report, have presented a resolution recommending that this bill be returned to the Senate, on the ground that the Senate has no constitutional powers to initiate revenue measures, and the Ways and Means Committee insists that this is a revenue measure, in addition to being a bill to increase salaries.

This resolution proceeds upon the theory that the action of the Senate infringes and ignores the prerogatives of the House, and that in order to maintain the dignity of the House, and its constitutional prerogatives, the House should return this bill to the Senate, after which the House is expected to pass a bill similar to the Senate bill.

I desire to present my views on the pending resolution. The Ways and Means Committee claims that the Senate has transcended its constitutional powers in initiating a bill that not only increases salaries but raises revenue. It is not denied that the Senate may inaugurate legislation for the increase or reduction of salaries, but those who favor this resolution contend that under section 7 of Article I of the Federal Constitution this Senate bill would be invalid, if enacted, because the measure did not originate in the House.

The section referred to provides that—

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

The question now before the House involves a construction of the foregoing section.

Under this section it will be generally admitted that revenue measures should, and in fact do, originate in the House, and if this were purely a revenue measure, the position of the Ways and Means Committee would be well taken. But in essence this is not a revenue bill and only incidentally is the question of revenue involved. Primarily this is a bill to increase and equalize the salaries of postal employees. That is the outstanding purpose of the bill, and the tax provisions in the bill are merely incidental and are in the nature of charges for service. There is a line of cases holding that provisions of this character do not come within the inhibition of the section of the Constitution to which I have referred. The great weight of authority is to the effect that bills which incidentally create revenue or impose service charges are not revenue bills within the meaning of the foregoing constitutional provision. Other Members have discussed the various decisions in detail, and it will serve no useful purpose for me to elaborate further on the legal propositions involved in the pending bill and resolution further than to say that in my opinion the Senate bill in question is not a revenue measure within the meaning of the Constitution, and I believe our Supreme Court will so hold if the question is ever properly presented to that tribunal for decision.

If the House should now proceed to consider the Senate bill and should pass the measure, with or without amendments, I have no doubt as to the validity of the legislation. Entertaining that conviction, I am constrained to vote against the resolution submitted by the Ways and Means Committee, which means that I favor the House considering now, in the usual manner, the Senate bill which has been sent to us from the other end of the Capitol.

If the House should return this bill to the Senate without acting thereon, the House will be placed in a very unenviable position. If the action of the Senate in passing this bill infringes on the prerogatives and constitutional rights of the House, the House is not in a very good position to complain, because it has signally failed to exercise its prerogatives, and has neglected to initiate and enact legislation on the subject matter of this bill.

By supine indifference and inaction, this House has, if you will permit the expression "slept on its rights," and is not in a position to insist on an observance by the Senate of the little niceties on constitutional questions and legislative procedure.

Now, it is a well-known fact and a matter of legislative history that bills for the readjustment of postal salaries have been pending in this and many previous sessions of Congress. The question has been the subject of nation-wide discussion. Newspapers and periodicals have given wide publicity to the arguments for and against this legislation. The proposals have been discussed in detail on the floor of the House and Senate for many years. The situation has become so acute that the public interests and sound public policy demand that the question be settled and settled at once and finally, and whatever is done should be done without further delay.

Now, this House has known since it was organized that it had jurisdiction over the proposed postal legislation. During last session the House and Senate passed a bill relating to this matter, which measure was vetoed by the President. Now, why has not this House exercised its prerogatives and disposed of this legislation?

As soon as we convened in December, or at least after the Senate sustained the presidential veto, why did not this House consider and take action on this proposed legislation? The House then knew what it now knows, that it had jurisdiction of the subject matter, and no reason has been advanced which excuses the House from acting in some way or other on some one or more of the numerous House bills dealing with this subject. Why has not the House Committee on the Post Office and Post Roads faced this emergency and reported out a bill so this House could consider and act on this question?

By this resolution the House complains that the action taken in the Senate should have been taken in the House. Why, then, did the House fail to take such action? The membership of this House has known all along that the Senate Committee on Post Offices and Post Roads was having a hearing on this and other legislation relating to the readjustment of the salaries of postal employees; and during the first session of the present Congress the House and Senate Committees on Post Offices and Post Roads held joint hearings on this proposed legislation.

We have allowed the Senate to consider this legislation, and until this good day and this good hour the House has not objected. But now, when the present session of Congress is drawing rapidly to a close and after the Senate has acted favorably upon this legislation, the House rises in its dignity and charges the Senate with having exceeded its powers and initiated legislation that should have been initiated and first enacted in the House.

Now, why has the House wasted all this time? Why did not the House Committee on the Post Office and Post Roads get busy as soon as the Senate sustained the presidential veto of the former bill?

Why has not this House committee had hearings and reported out a bill so the House and Senate might, in a constitutional manner, legislate on this subject and settle it once and for all time? The House committees have had as much time to consider this legislation as the Senate committees, and the House is alone responsible for this legislative situation, because the House has so far failed and neglected to exercise its prerogatives and has failed to initiate and act on this legislation.

The House having the power to initiate this legislation has not done so but now complains because the legislation was inaugurated in the Senate. The House is complaining because the Senate has done that which the House should have done. But the House has stood mute and with folded arms has done nothing since the presidential veto was sustained in the Senate, and after the Senate has acted the House awakens from its lethargy, rubs its eyes, turns red in the face, and solemnly protests that the action of the Senate infringes on the constitutional prerogatives of the House.

On this legislation, so far, the House has adopted the "dog in the manger" policy; that is, the House has heretofore neglected and refused to act on this legislation and now barks and growls viciously at the Senate because it has acted.

If under our scheme of government this legislation can not legally originate in the Senate but must originate in the House, why in the name of common sense has the House failed and refused to exercise its functions in this particular?

I am convinced that the President and his party do not want any postal legislation at this session or at any other time.

If this resolution is adopted, I believe it will have the effect of killing all postal salary readjustment legislation at this session. I should consider this unfortunate, because the question should be settled, and the sooner it is settled the better it will be for the postal employees and for the country at large.

This subject has been discussed for years and ought to be decided without further delay. The interests of the postal employees, the interests of the people, and the interests of the Government demand that this question be faced fairly, squarely, and definitely disposed of. Why keep pushing this question aside? Why continue this nation-wide agitation, confusion, and unrest? Why not have the courage to meet the question face to face and settle it one way or the other? Why postpone the decision?

The country has been flooded with propaganda for and against a postal salary increase, and for and against an increase in postal rates. The country wants this matter settled. Let us settle it now. If we are going to grant this salary increase, let us grant it and be done with it. If we are not going to grant the salary increase, let us have the courage to say so. I believe a great majority of the postal employees are entitled to an increase in their compensation. If the bill in any respect grants excessive increases, it can be amended when it is considered on the floor of the House. I shall vigorously oppose some of the provisions that increase the postage rates. The Post Office Department is really the only department that comes into intimate contact with the masses and salaries can be increased without increasing postage rates. I am ready here and now to "go to the bat" on this legislation and get rid of it.

Nothing is to be gained by postponing action. If this question is not settled now, it will mean that the agitation and propaganda for and against the proposals will be kept up for another year. The question has been before Congress and the public for years. Why not let the matter come to a vote without further delay?

Mr. TREADWAY. Mr. Speaker, my views of the merits of the pending resolution are naturally those of a layman to whom the technicalities of law are more or less vague. There are two reasons therefore why I voted to return the postal pay bill to the Senate: First, disinterested members of the Ways and Means Committee, in whose opinion I have the utmost confidence, considered this the only practical course open to the House. The defense of the constitutional rights and the prerogatives of the House have a very definite bearing on the question. As said in the debate, the whole question should be conscientiously decided by each Member on the general proposition of the question whether or not payment of postage is a revenue of the Government. I honestly consider it to be so.

The second reason for my vote is that I have been a sincere and consistent friend of the postal employees in their effort to secure a suitable increase in compensation. I am of the opinion that their surest way of securing that increase before the adjournment of this Congress is through return of this bill to the Senate and the introduction of one by the Committee on the Post Office and Post Roads of the House, which can be quickly passed under a special rule.

Those advocating defeat of the Green resolution to-day in order to hasten salary increase are taking tremendous chances. The question of the constitutionality of a bill passed in the manner these advocates propose would undoubtedly be brought before the Supreme Court, which always means delay. It is unfair to argue that because a Member desires legislation to be brought forward in an orderly and proper manner that there is any desire to block the final result.

In order that the postal employees may surely obtain the benefits advocated in the way of increased pay without legal complications or any element of uncertainty, I favored the return of this bill to the Senate and trust that the Committee on the Post Office and Post Roads will promptly introduce a bill which we can all join in speeding into law before March 4.

Mr. HILL of Washington. Mr. Speaker, the resolution under consideration relates to Senate bill 3674, the title of which is—

A bill reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

The bill was passed by the Senate and transmitted to the House for its consideration. The resolution is that the House refuse to consider the bill and return it to the Senate. The basis of the resolution is the claim that the bill is a revenue measure and that such a measure can originate only in the House.

The constitutional provision relied upon as a basis for the resolution is found in section 7, Article I, of the Constitution of the United States, and is as follows:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

The crucial question, therefore, that is involved in the present resolution is whether said bill which originated in the Senate and did not originate in the House is a bill for raising revenue within the contemplation of the said constitutional provision. If it is such a bill the House should guard its prerogative to originate such measures by refusing to consider the bill in question and by returning it to the Senate; if, on the other hand, it is not such a bill, it is the duty of the House to retain it and give it due consideration.

As the first step toward determining whether the bill in question is one for raising of revenue as contemplated in the constitutional provision, we should look to the bill itself to ascertain its provisions and the purposes it seeks to accomplish.

The bill consists of two divisions. The first division is designated "Title I" and the second division is designated "Title II."

Title I deals with the salaries of postmasters and postal employees and reclassifies and readjusts such salaries and compensation on a basis that materially increases the cost of the Postal Service.

Title II deals with postal rates and increases such rates on certain classes of mail matter.

It is plain that the purpose of Title II is to effect an increase of the proceeds or revenue to be derived from the Postal Service.

It is disclosed in the title of the bill that the increase of the postal rates is to provide for the readjustment of the salaries and compensation of postmasters and employees of the Postal Service.

Briefly stated, the bill, taken as a whole, operates to increase the cost of postal service by increasing the salaries and compensation of postmasters and postal employees and it also operates to increase the postal revenues or receipts by increasing the postal rates on certain classes of mail matter for the purpose of meeting in part, at least, the increase of the cost of the Postal Service.

Under the law, revenues or receipts derived from the Postal Service are covered into the Treasury of the United States and the salaries and compensation of postmasters and postal employees are for the most part paid out of the said Treasury. In other words, the identity of such funds as postal receipts is not preserved after the covering thereof into the Treasury and, hence, the payment of such salaries and compensation is not made from the postal revenues but from appropriations for that purpose out of the general funds in the Treasury.

Such are the provisions and purposes of the bill in question, together with a brief general statement of the law governing the disposition of postal receipts and the source of payment of the salaries and compensation of postmasters and postal employees.

Unquestionably one of the objects of the bill is the production of larger revenues from the Postal Service to provide additional funds to meet the proposed enlarged costs of the Postal Service.

Does this interpretation of the bill, which I confidently submit is fairly made, constitute it one for the raising of revenue within the meaning of the constitutional provision requiring that revenue bills originate in the House?

What does the provision of the Constitution mean and what is a bill for raising revenue within the purview of such provision?

Fortunately for our enlightenment in this discussion, the Supreme Court of the United States has had this constitutional provision presented to it for consideration in a number of cases, and in each of them it has construed the words "bills for raising revenue" to mean bills to levy taxes in the strict sense of the words, and that they do not embrace bills for other purposes which incidentally create revenue.

In United States *v.* Norton (91 U. S. 566), an indictment against the defendant for embezzlement of money-order funds was founded upon a section of the "act to establish a postal money-order system," passed May 8, 1864 (13 Stat. 76). Under that act all moneys received from the sale of money orders, all fees received for selling them, and all moneys transferred in administering the act are "to be deemed and taken to be money in the Treasury of the United States." In other words, one of the purposes of the act is to bring revenue to the Treasury of the United States.

The defendant pleaded that the "offenses did not arise, exist, or accrue within two years next before the finding of said indictment." To this plea the United States demurred.

The legal question presented on the pleadings was whether the crime charged was barred by the statute of limitations. Two different statutes of limitations were involved in the determination of the question, one of which—the act of April 30, 1790—prescribed a two-year limitation, and the other—the act of March 26, 1804—imposed a five-year limitation. The latter act was in addition to the former act and provided that as to "crimes arising under the revenue laws of the United States" an information or indictment may be found at any time within five years after the offense was committed.

If the said act establishing a postal money-order system was a revenue law, the five-year statute of limitation applied and defendant's plea would not be good, but if said act was not a revenue law the two-year statute of limitation applied and the action would be barred. The decisive question was whether said postal money order act was a revenue law within the meaning of the constitutional provision of section 7, Article I. The court held that it was not a revenue law, and in that connection said:

There is nothing in the context of the act to warrant the belief that Congress in passing it was animated by any other motive than that avowed in the first section. A willingness is shown to sink money, if necessary, to accomplish that object. In no just view, we think, can the statute in question be deemed a revenue law.

The lexical definition of the term revenue is very comprehensive. It is thus given by Webster: "The income of a nation derived from its taxes, duties, or other sources for the payment of the national expenses."

The phrase "other sources" would include the proceeds of the public lands, those arising from sale of public securities, the receipts of the Patent Office in excess of its expenditures, and those of the Post Office Department when there should be such excess as there was for a time in the early history of the Government. Indeed, the

phrase would apply in all cases of such excess. In some of them the result might fluctuate, there being excess at one time and deficiency at another. It is a matter of common knowledge that the appellative "revenue laws" is never applied to the statutes involved in these classes of cases. The Constitution of the United States, Article I, section 7, provides that "all bills for raising revenue shall originate in the House of Representatives."

The construction of this limitation is practically well settled by the uniform action of Congress. According to that construction, it "has been confined to bills to levy taxes in the strict sense of the words, and has not been understood to extend to bills for other purposes which incidentally create revenue." Story on the Constitution, section 880: "Bills for raising revenue" when enacted into laws become revenue laws. Congress was a constitutional body sitting under the Constitution. It was, of course, familiar with the phrase "bills for raising rvenue," as used in that instrument, and the construction which had been given it.

The precise question before us came under the consideration of Mr. Justice Story in the United States v. Mayo (I Gall. 396). He held that the phrase "revenue laws," as used in that act of 1804, meant such laws "as are made for the direct and avowed purpose of creating revenue or public funds for the service of the Government." The same doctrine was reaffirmed by that eminent judge in the United States v. Cushman, 426.

These views commend themselves to the approbation of our judgment.

In Twin City Bank v. Nebeker (167 U. S. 196) was involved the question of validity of section 41 of the national banking act, which imposed certain taxes upon the average of the notes in circulation of the National Banking Association. Said section provides that in lieu of all existing taxes such association shall pay to the Treasurer of the United States at the times specified in the act certain duties on the average amount of its notes in circulation, and it also provides that all expenses incurred by the Comptroller of the Currency in printing such circulating notes and in executing the provisions of the act shall be paid out of the proceeds of the taxes by said act imposed.

The claim of the invalidity of said section was based on the contention that the act was a revenue bill within the clause of the Constitution declaring that "all bills for raising revenues shall originate in the House of Representatives," and that the tax provision of said act did not so originate. In discussing this question, the court said:

The contention in this case is that the section of the act of June 3, 1864, providing a national currency secured by a pledge of the United States bonds and for the circulation and redemption thereof, so far as it imposed a tax upon the average amount of the notes of a national banking association in circulation, was a revenue bill within the clause of the Constitution declaring that "all bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills" (Article I, section 7); that it appeared from the official journals of the two Houses of Congress while the act of 1864 originated in the House of Representatives, the provision imposing this tax was not in the bill as it passed that body, but originated in the Senate by amendment, and, being accepted by the House, became a part of the statute; that such tax was, therefore, unconstitutional and void; that consequently, the statute did not justify the action of the defendant.

The case is not one that requires either an extended examination of precedents or a full discussion as to the meaning of the words in the Constitution, "bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt, by any general statement, to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency secured by a pledge of bonds of the United States, and which, in the furtherance of that object, and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a revenue bill, which the Constitution declares must originate in the House of Representatives. Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word and are not bills for other purposes which may incidentally create revenue (I, Story on Constitution, section 880). The main purpose that Congress had in view was to provide a national currency based upon United States bonds, and to that end it was deemed wise to impose the tax in question. The tax was a means of effectually accomplishing the great object in giving to the people a currency that would rest, primarily, upon the honor of the United States, and be available in every part of the country. There was no purpose by the act or by any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the Government.

In Millard v. Roberts (202 U. S. 429), a question of the validity of certain acts of Congress was raised on the ground that they were acts for raising revenue and that they originated in the Senate and not in the House of Representatives and were therefore repugnant to Article I, section 7, of the Constitution of the United States. The question was presented by—

a bill in equity to enjoin the Treasurer of the United States from paying to any person any moneys of the District of Columbia under certain acts of Congress (31 Stat. 767, 744; 32 Stat. 909) and to enjoin the other defendants from carrying into effect said acts of Congress.

The court, in stating the case, says:

The principal allegations of the bill are that the railroad defendants are private corporations and all interested in the railway and terminal facilities of the District of Columbia; that the District of Columbia owns no stock in any of the companies nor is otherwise interested in any of them save as useful private enterprises, and yet it is required by said acts, "without any lawful consideration therefor," to pay the Baltimore & Potomac Railroad Co. the sum of $750,000, and a like sum to the Baltimore & Ohio Railroad Co., "to be levied and assessed upon the taxable property and privileges in the District other than the property of the United States and the District of Columbia," and for the exclusive use of said corporations, respectively, "which is a private use and not a governmental use"; that the public moneys of the District of Columbia are raised chiefly by taxation on the lands therein, and that the complainant is obliged to pay, and does pay, district taxes on land owned by him therein. And the bill also alleges that the acts of Congress are "acts which provide for raising revenue and are repugnant to Article I, section 7, Clause I, of the Constitution of the United States, and are, therefore, null and void ab initio, and to their entire extent, because they, and each and every one of them, originated in the Senate and not in the House of Representatives."

And the court, in discussing the case, says:

The first contention of the applicant is that the acts of Congress are revenue measures, and, therefore, should have originated in the House of Representatives and not in the Senate, and to sustain the contention appellant submits an elaborate argument. In answer to the contention the case of Twin City Bank v. Nebeker (167 U. S. 196) need only be cited. It was observed there that it was the part of wisdom not to attempt to cover by a general statement what bills shall be said to be "bills for raising revenue" within the meaning of those words in the Constitution, but it was said, quoting Mr. Justice Story, "that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes, which may incidentally create revenue.

In the light of the Supreme Court decisions cited, it is obvious that the Senate bill in question is not a bill for raising revenue within the meaning of the constitutional provision requiring that bills for raising revenue originate in the House. The principal purpose of that bill is to reclassify and readjust the salaries and compensation of postmasters and postal employees on a basis that will increase such salaries and such compensation and thereby entail an increase in the cost of the Postal Service. And incidental to such main purpose is the further purpose of the bill to increase the postal revenues in order to provide additional funds to carry out the principal object to increase the salaries and compensation of postmasters and postal employees.

The increase in postal rates on certain classes of mail matter proposed in the bill is not a tax in the strict sense of the word, and such proposed increase is not for the general purpose of raising revenue, but for the specific and incidental purpose of providing the additional revenues made necessary by the increase of the salaries and compensation of postmasters and postal employees.

The Senate bill is not in derogation of the rights of the House and the resolution should, therefore, not prevail. I shall vote against the resolution.

Mr. O'CONNOR of New York. Mr. Speaker, the question before the House is whether we shall adopt the resolution of our Ways and Means Committee and send back to the Senate its bill 3674 on the grounds that bill is a "revenue bill" which should have originated in this branch of the National Legislature under the Constitution.

Partly because I am a lawyer I have listened with a great deal of interest to the erudite expositions of the question pro and con. Much legal learning has been displayed and will no doubt add to the accumulations of the legal lore of law libraries and offices. But to-night and to-morrow morning

110,000,000 people will read in the press that the House of Representatives devoted one whole day of the few remaining to a discussion primarily legal and secondarily parliamentary. Those people will inquire whether that debate did not resolve itself into a discussion of the difference between tweedledum and tweedledee. Surely the 300,000 postal employees who have been struggling for years, overworked and underpaid, will be unable to get much satisfaction out of the legalistic learning displayed. Their salary checks will be the same as last month, even though a great principle or a legislative prerogative shall be vindicated.

As a friend of the postal employee, numbered among the 22 Democratic Members from the State of New York who have led the fight in behalf of those deserving servants of the Government, I respectfully submit that this discussion should be decided on the merits and not on technicalities.

One side has told us that all precedents are against the bill and in support of their contention they have cited and quoted from a number of cases decided in the Supreme Court of the United States. The other side says, with equal vehemence, that the precedents are all the other way, and they submerge us with authorities.

I have taken the trouble to examine all the cases mentioned in an effort not to be a party toward advancing a legislative act which may ultimately fail of its purpose by reason of its unconstitutionality. To knowingly do so would be a contemptible way of defeating a meritorious measure. But knowing, as I do, that the plea of "unconstitutionality" is the final resort of the opponents of many a measure, I am never, at first blush, very much impressed with that contention. Rather do I prefer to follow the presumption of constitutionality which is bestowed by the courts themselves on all legislative acts.

It is axiomatic that the courts strain after constitutionality. To hold an act unconstitutional is the great exception, not the rule.

Still other Members in the course of the debate maintained that there was no precedent to guide us, but that we were relegated to the exact language of the Constitution itself, which we are bound under our oaths to interpret and uphold, not as lawyers or scholars, but as representatives of the people.

Since I can find nothing in the cases which convinces me that this act is a "revenue bill," and while I feel that the weight of dicta is against the contentions of the proponents of the resolution, I have come to the conclusion that the source and only authority is the language of the Constitution itself.

Section 7 of Article I provides:

> All bills for raising revenue shall originate in the House of Representatives.

That clause is the nub of this whole question. Is this a "Bill *for* raising revenue,"(?) and I emphasize the word *for*. Everybody in and out of this legislative body knows the purpose of this bill. It is to raise the salaries of the postal employees. True, it does provide a source of increased revenue, as demanded by the President at the cost of its approval by him, but I must concur in the argument that the revenue features are only incidental to the bill. If there are any precedents to guide us at all, there are some which clearly say that because a bill contains revenue-raising features it is not necessarily a "revenue bill," unless the primary purpose of the bill is the raising of revenue.

Furthermore, no one has ever suggested that the proper committee of this House to which this bill should be referred is the Committee on Ways and Means, but everybody has agreed, and the advocates of this resolution intend, that this bill should be referred to our Committee on the Post Offices and Post Roads. Yet in the face of that position, our rules provide that all bills raising revenue shall be referred to and reported by the Committee on Ways and Means. How can those opposite positions be reconciled?

Some of the distinguished gentlemen who have spoken in favor of the resolution have based their arguments on upholding the ancient and honorable prerogatives of the Lower House. And they have carried us back to the days of the Norman conquest and the wrestling from kings of the taxing power and its lodgment in Parliament. I yield to no man in my respect for the traditions and prerogatives of this House, but I respectfully submit that parliamentary history may have to give way in these days of progress and action.

The American people think more of getting a thing done than they care where it starts. The finish and accomplishment is what concerns them. They do not send us here to quibble for a day over our ancient and honorable rights or courtesies, but they want results. And I am confident that from the Atlantic to the Pacific the people as a unit want speedy justice done the postal employees.

The most groundless argument I have heard to-day by the advocates of this resolution is, however, the claim that postal fees are a "tax" or an "impost" on all the people and therefore revenue. Why, if this were so, we would immediately be confronted with the next section 8 of the Constitution, which provides that all taxes and imposts, and so forth, shall be uniform throughout the United States. Are the parcel-post rates, for instance, uniform? The 2-cent stamp a man puts on his letter is, of course, not a "tax" in any sense of the word. It is a charge for the service rendered by the Government in a business monopoly conducted by it. It is based on the cost of service, without any intent to raise revenue for other purposes of the Government, even though the receipts go into the General Treasury. It is there credited to the Post Office Department, and no profit has ever been made in that department.

If anyone believes his postage stamp is a "tax," let him try to deduct it in his next income-tax return. That law permits the deduction of all taxes, with a few specified exceptions, but no one ever dreamed until this hour that postage could be charged off as taxes.

The leaders of the majority are gaining many votes to-day in support of this resolution by constant assurances that if we send this bill back to the Senate, and thus properly chastise that presumptious body, no harm will result to the measure itself; that, in fact, the whole question will be expedited; that immediately our Committee on the Post Office and Post Roads (not the Committee on Ways and Means) will report out practically an identical bill, except possibly the rates of postage will be raised, and that then this bill will be pushed through this House possibly before this week is over. This transformation of a snail into a greyhound is remarkable. If this can all be done this week why could not it have been done before? Why could not our committee have brought in a bill long before this, even while the Senate was debating its bill? It was well known the questions raised here to-day would confront us. Why this eleventh-hour high speed?

Gentlemen, there is a well-defined impression that this whole matter has been handled with insincerity from the first; that last spring many a vote was cast in its behalf in the hope of reward in November; that since December 1, when this session convened, this bill has been handled in such a manner as to lend foundation to the popular belief. The patience of the sincere advocates of the measure has been sorely tried, and I for one propose to take no chance that the bill now, at this late date, reported by our committee, shall be shunted aside in that other body. Rather do I propose to bring this whole matter to an issue as speedily as possible and not further delude the deserving subjects of its provisions. Having arrived at that definite conclusion on its merits, I shall vote against the resolution to send the Senate bill back to that body, and I believe, as sincerely as I believe anything, that the same position will be taken by every real friend of the postal employees.

Mr. McSWAIN. Mr. Speaker, if I thought that the powers and prerogatives of the House of Representatives had in any way been violated or invaded or ignored by the Senate in the adoption by it of the bill (S. 3674) to raise the salaries of the postal employees and to prescribe the postage rates upon certain classes of mail, then I would not hesitate to vote for this resolution returning that bill to the Senate. My first impression, before fully considering and investigating the question, was that the Senate bill did attempt to raise revenue in the sense employed by the Constitution, which reserves to the House of Representatives the exclusive right of originating all bills to raise revenue. But upon very mature consideration, and in view of the history back of that clause in the Constitution, I am persuaded that the Senate bill does not infringe upon the powers and prerogatives of this House. Through centuries of struggle in England the exclusive right of imposing taxes upon the people for the support of the King and of his administrative features of government was finally won for the House of Commons. It was thus established by many bloody and forensic battles that the House of Commons should alone have the power to compel the people to contribute of their substance to the general support of the Government. Thus long before James Otis thundered in Boston, and long before Patrick Henry inveighed in Virginia against British tyranny, it had been established as a fundamental axiom of Anglo-Saxon liberty, that taxation without representation on the part of the taxpayers is tyranny.

Therefore, Mr. Speaker, when that half-hundred of wise and practical men met in Philadelphia in the summer of 1787 and framed our great Federal Constitution, they reproduced the House of Representatives as the counterpart of the House of Commons and the Senate as the counterpart of the House of

Lords, and in a rough way the President as the counterpart of the King. This was the rude outline and framework to which generations of Anglo-Saxon minds had been accustomed. Therefore, to understand what they meant by the words in the Constitution, "bills raising revenue," we must understand English history, and in the light of such history I am convinced that the word "revenue" was used by them in the sense of "tax," and by tax they meant an "involuntary and compulsory contribution by the citizen to the support of the Government." It can not be argued that the Government imposes upon any citizen a tax when it requires that citizen to put a stamp upon a letter as a condition of transportation and delivery of same. The citizen is not compelled to use the postal facilities. If the rates are too high, he can side-step the post office and employ any other agency or none, as he sees fit.

Furthermore, Mr. Speaker, it might be argued in accordance with a fundamental maxim of construction of the common law for the interpretation of statutes—and in this sense the Constitution is a statute—that the reason having ceased, the rule itself also should cease. While there is still much reason to retain the constitutional requirement that bills imposing taxes should originate in the House of Representatives, yet there is not so much reason for this as there was when the Constitution was adopted in 1789, nor nearly so much as there was in England as between the House of Commons and the House of Lords. Now the Senate is, by constitutional amendment, elected by the people in the same way that Members of the House are elected. The Senators no longer represent the States in the peculiar sense that they did prior to the amendment. Certainly there is a far cry between the accountability and the responsibility in a political sense of a United States Senator and a member of the English House of Lords, consisting of an hereditary aristocracy and representing the landed wealth—which was practically the sole wealth of England—in the time of Henry the Eighth, or of Charles the First, or of George the Third.

Being pledged to the proposition that the postal employees are entitled to a reasonable increase in salaries to meet the increased costs of living, and finding no constitutional scruple in my way, I am compelled to vote for the first opportunity presented to carry out my pledge. It is argued by many influential and responsible leaders of this House, including the majority leader from Ohio [Mr. LONGWORTH] and the honored chairman of the Appropriations Committee, from Illinois [Mr. MADDEN], that the most direct and prompt method of getting the desired legislation is to return this bill to the Senate and to let the Committee on the Post Office and Post Roads of the House bring out a similar bill, but providing for the raising of practically twice as much revenue as does the Senate bill. That will mean that these representatives of the administration propose to increase the rates on parcel post and magazines and newspapers and other classes of mailable matter by double the amount proposed in the present bill. That is another reason why I am in favor of the Senate bill. If it is shown at the end of one year that the Senate bill does not raise sufficient revenue to meet the increased appropriations to meet the salary increases, then the deficiency can be paid out of the General Treasury and we can consider what will be our duty as to future sources of revenue. However, these gentlemen tell us that to send the present bill back to the Senate will actually facilitate legislation, and it seems to me that they have pledged their party, which is in control of legislation, to bring out and pass through this Congress and to have signed by the President a bill that will confer long-delayed justice upon these hard-working and faithful servants of the people who deliver every variety of mail, from the message of love to the parcel of merchandise, at the door of practically every home in the Nation, both in city and in country.

Mr. Speaker, we must not forget that the justice of these proposed increases so appealed to the sense of justice of all our people that chambers of commerce in every part of the country three and four years ago were indorsing the proposition to pay postal employees better wages. I remember very well such a resolution that came to my desk even from the Chamber of Commerce of the city of New York. Nobody has denied the justice of their cause. Not even President Coolidge has said that they now get enough. He has merely stated that he thought that the Post Office Establishment ought to more nearly pay its own way. Therefore, being pledged to this relief legislation and finding this the first opportunity to express my desire for such legislation, I can not vote to send this bill back to the Senate and take a chance upon whether another bill originating in a House committee will ever receive consideration by the House and thereafter by the Senate and be thereafter approved by the President within the less than 30 legislative days remaining of this session. When a man goes squirrel hunting he shoots at the first squirrel that he sees and does not reason that it is useless to improve the first opportunity on the ground that there may be plenty of other squirrels in the woods. We individual Members, especially of the minority party, can only vote for the legislation that the steering committee of the Republican Party presents to us in the daily grind of the legislative mill. If we neglect our first chance to vote approval of a certain proposition, we have no guaranty that the opportunity will ever return. But at any rate and whatever the result, I hope that the proper committee will get busy on this bill or another bill and let us all try to redeem our promises to the people.

Mr. O'CONNELL of New York. Mr. Speaker, we are confronted in this resolution from the Ways and Means Committee with an extraordinary situation. For two hours this afternoon I have sat here and listened with all attention to the leading lawyers who are Members of the House discuss from various angles the constitutionality of the action of the Senate in originating this legislation, many of whom contend that it is a revenue measure, which should emanate in this body. I am not a lawyer, Mr. Speaker, so I can draw no fine distinction, or shades of meaning as to the issue that has arisen even after listening to my learned colleagues who still remain so far apart despite their legal training and knowledge. Perhaps there is a grave doubt that the Senate did ignore section 7 and section 8 of the Constitution, but it seems inconceivable to my lay mind that more than 70 Members of the Senate who voted out this bill on last Friday did so with a full and definite knowledge that their action would not only not survive the scrutiny of this House, but that it would not be fully sustained upon review by the members of the Supreme Court to which it will be referred according to the contention of many of my distinguished colleagues in this debate in the event that we should defeat this resolution upon a roll call. I can lend myself to no such conclusion. The question before the House is: Shall or shall not the postal clerks of the country receive an adequate wage with which to live in comfort and decency, bring up their families on a scale commensurate with American citizenship, and be enabled in addition to lay aside sufficient to provide creature comforts for themselves in their old age.

That is my chief concern, and as this bill makes a definite move in that direction, it shall receive my vote.

Our entire population is directly interested in the Post Office Department. We are all dependent upon its ability to function. This branch of the Government service means everything to the convenience, the comfort, and the happiness of our business and social life. We look to the personnel for trustworthiness and the highest efficiency commensurate with the rigid requirements they must meet in order to connect themselves with the service. There is no question in the minds of any of us that they are rendering unto the Union the best that is in them; but are we similarly showing the same degree of service in giving equal and deserved compensation to these faithful public servants?

Mr. Speaker, only on yesterday this House voted $150,000,000 for a new public-building program. We were all led to believe it had the sanction, the approval of the Executive. It surely had the support of the legislative branch, as shown by the vote. No condition as to raising the revenue to meet this tremendous outlay was attached to that bill. Why, then, should we jeopardize the passage of this very urgent measure by insisting upon adding a condition that was not urged in the other instance?

Because I believe that the bill sent to us by the Senate offers a definite plan to increase the compensation of the postal men, it shall have my hearty support.

Mr. CULLEN. Mr. Speaker, I am going to vote against this resolution to send the postal salary increase bill back to the Senate because I do not believe that it violates any of the prerogatives of the House, whose right and duty it is to initiate legislation designed to raise revenue. It is my duty to interpret the Constitution which I have taken an oath to support according to the dictates of my own conscience, and I arrive at the conclusion I have reached conscience clear, as, in my judgment, the constitutional prerogatives of the House are not infringed upon by this bill, though it originated in the Senate. The purpose of the bill which transcends all others is to grant a long-promised increase in pay to postal employees and not to raise revenue. The Constitution states that "all bills for raising revenue" shall originate in the House. Is this a bill for raising revenue or a bill for increasing the salaries of postal employees? It is a bill for increasing the salaries of postal employees. Its primary object was that and

nothing else. Any other provisions in the bill are merely incidental to the main purpose of it, as was stated by the gentleman from Massachusetts [Mr. LUCE]. As to that it seems to me there can be no doubt. Any other provisions, whether they produce revenue or not, were inserted simply to meet the objections raised against the original bill. If that is true—and I believe it is—then we have precedents which establish that such legislation does not violate any rights of the House.

Now is the time to pass this postal bill. It should not be sent back to the Senate. Further delay may endanger its passage at this session and may even defeat the relief that is urgently needed among the postal men and their families. I am going to vote against the resolution in the hope that the Senate bill can be passed now, and if it fails to pass because of the constitutional objections that have been raised against it, I earnestly urge that another bill be brought out without delay so that it can be passed before adjournment of this Congress.

Mr. LINDSAY. Mr. Speaker, it is with considerable disappointment that I contemplate the situation that has developed in connection with the postal salaries situation. I am conscious of the keener disappointment that will be felt in the homes of these Government workers. In this matter I see reflected again that attitude which is current in many quarters to-day, where it is considered splendid public service to relieve the great corporate interests or to reduce the tax of the wealthy, but it is merely petty politics, according to these authorities, when a sincere effort is made in behalf of the humble wage earners.

I am pledged to adequate wage rates based on service, and I deplore the introduction of the question of department earnings in such matters. Let us give each man his just due and exact responsibility for efficiency and service from those in charge. In conclusion I am proud to say that the delay and dilatory tactics did not arise in this House.

Mr. BOYLAN. Mr. Speaker and gentlemen of the House, I have listened to the debate carried on here to-day relative to whether or not we should return to the Senate a bill passed by them to increase the salaries of postal employees.

The distinguished constitutional lawyers have submitted arguments for and against this provision, and the many arguments adduced by them, in view of their respective positions, are at most bewildering.

What I am concerned with is the increased salary question, to help the postal employees receive an increase in their meager salaries. There seems to be practically no difference of opinion among the Members of this House but that they are justly entitled to this increase; that being admitted, there follows but one thing for this body to do and that is to vote for this increase.

Whether or not the Senate has exceeded its powers in usurping the prerogative of the House, seems to me to be nothing more or less than a smoke screen to retard the progress of this bill.

Let us, then, dissipate the fog and smoke screen which this debate has shrouded the question in and vote down the resolution to return this bill to the Senate.

I am proud of the dignity, precedence, and powers of the House, and no one reveres them more than I do, but as the weight of evidence adduced in the debate being, to my mind, about equal, I would give the benefit of the doubt to the long-suffering, ill-nourished, poorly clothed, and underpaid postal employees of this country, and cast my vote against this resolution.

I do not want to in any way impede for one minute the progress of this bill that will bring a measure of consolation and happiness to the splendid, upstanding, and self-sacrificing postal employees of our great country.

Mr. GRIFFIN. Mr. Speaker, listening to the discussion on this bill and noting the opposing interpretations of the Constitution sponsored by distinguished lawyers, I confess, although a lawyer myself, I felt myself slipping into the unfavorable opinion of the learned profession evidently entertained by Peter the Great. After he had served his apprenticeship at shipbuilding in the British Isles he was asked, on the eve of his departure, his opinion of England. He replied: "The country is all right, but it has too many lawyers." His interviewer retorted: "Haven't you any lawyers in Russia?" "Yes," he curtly responded, "two; but I intend to hang one of them when I get home."

The complaint echoed here to-day is that the proposed salary increases in the Senate bill (S. 3674) are jeopardized by the fact that the addition of provisions for increasing the postal rates to meet the proposed salary increases constitute an invasion of the prerogatives of the House. In what way are the rights of the House invaded? We are told that postal rates are revenue, and that since all revenue legislation, under the Constitution, must originate in the House, the attempt of the Senate to provide postal rates in the bill is a usurpation of authority and an affront to the lower House of Congress.

From this it will be seen that the sole question before us is whether or not postal rates charged by the Government for the transportation of mail come within the category of "revenue" as defined in the Constitution.

We have heard precedents and opinions on both sides until the mind falters in dismay, but throughout the argument the crucial determining factor is not grasped—that there is a distinction between "receipts" and "revenues."

The Government receives many fees and exacts many charges, all of which go into the Treasury, and, while as an accounting convenience, they are classified as "revenue," it is only to distinguish them as "credits" in contradistinction to "debits." In this category are the fees for passports, fines, and penalties. Another class of receipts, which as a matter of bookkeeping are put in the column of "revenues of Government," are the fees exacted from patentees in the United States Patent Office for the maintenance of its service. It is recognized that such fees are collected for a definite service.

The Government has assumed control of certain agencies for the general welfare, as the Patent Office and the Postal Service, with the distinct understanding that the services rendered by the Government shall be paid for by those directly benefited. This is as it should be. It would be ridiculous to expect the Federal Government to operate the Patent Office or the Post Office without cost to its beneficiaries and saddle the burden on the public at large.

The Postal Service is a special service to those of our citizens who may care to use it, and those who do use it should pay for running it. There should be no deficits. It should pay its way—no more, no less. Of course, a bill might be brought in here providing rates in excess of the cost of running the service. If that were done, it would be a revenue-raising measure, in so far as the proposed rates exceeded the financial needs of the service, and to that extent it might be deemed repugnant to the Constitution. But there is no danger of such a bill arising either here or in the other House. The people would not look kindly upon the turning of a service agency of the Government into an instrumentality for raising revenue.

The bill before us is far below that mark. If anything it is under rather than over. In my opinion, it does not impose the increased postal rates upon the backs of those who really ought to bear the burden—those, for instance, who are sending 4 pounds of magazines through the mails with 8 ounces of alleged literature and 40 ounces of advertising matter.

However, I do not want to risk a denial of justice to the faithful postal employees by sending the bill back to the Senate. The bill is properly here. There is no invasion of the rights of the House. We ought to hold it here in committee and amend its objectionable features.

Mr. STENGLE. Mr. Speaker, during my membership in this body I have made it an almost infallible rule that when the lawyers disagree as to what is and what is not the true interpretation of any law it is best for me to follow the path of common sense. Such is my position to-day after listening most intently for almost two hours of argument pro and con concerning the right of the Senate to initiate a "revenue" producing measure.

Forgetting, if possible, for the moment, that we all respect the great legal abilities of LUCE, HUDDLESTON, GARRETT, CRISP, TUCKER, and RAMSEYER, and not overlooking many other legal experts who have entertained us, I am led to consider by the rule of reason where I shall stand when the roll is called. Here we have before us a measure which might be called a double-header. First, it provides for increases in the salaries of thousands of faithful and efficient postal employees, and it ought to make such provision, for duty demands it and common decency fully justifies it. Then a second title appears providing for an increase in postal rates all along the line, giving, as some declare, the money with which to meet the aforesaid salary increases. On this last section of the bill the "Gladstones" of this House are widely apart in their interpretation, and here the "bone of contention" is being tossed back and forth with both force and fervor.

The forensic display has been interesting, if not instructive, to the lay members of this body. As a legal debate, it has been most enjoyable, but now, that it reaches an end, where does it leave us? I can not speak for others, but, as for myself, let me say that I am just where I was at the beginning—an ardent supporter of salary increases for all poorly paid postal servants and ready to take the shortest cut to obtain quick results. I

am not looking for a way by which to fool our postal employees into believing that we are giving them a decent pay increase when as a matter of fact they may be the recipients of a lawsuit which would result finally in the declaration by some court that our acts have been unconstitutional. I know and you know that there is some grave doubt as to the constitutionality of any revenue bill which finds its birth in the Senate. We may play the game of tweedledee and tweedledum about the real meaning of the word "revenue" but when we have finished we are still in doubt. Then why, may I ask, should we insist on passing this measure as it now appears before us, when we can send it back to the Senate and then do the thing right, removing all doubt and finally passing a bill which can stand the test in any court. I want to help the postal employees, but I want to do it in a manner which will be beyond question. I want to bring a ray of sunshine into the thousands of postal homes but, for one, I am not ready to make this sunshine so temporary that it shall be obscured by storm clouds even before it has had time to penetrate the innermost recesses of these neglected domiciles. In plain English, I shall not vote to give them a stone when they ask for bread.

Let us be a little practical about this matter. We can vote to return this bill to the Senate to-day, report out an "unquestioned" bill to-morrow, pass it the next day, and then send it over to the Senate for final approval. If the Senate is sincere—and I believe it is—the bill can be passed there almost immediately and rushed to the President for his signature. When this is done, I have no fears as to the real results obtained, for the President will then sign the bill and we will have a law which no court can question and salary increases will be assured facts rather than pipe dreams. For these reasons and because of my deep interest in the welfare of our postal servants, Mr. Speaker, I shall vote to send the measure back to the Senate. Let us do the thing right or not at all.

Mr. GREEN. Mr. Speaker, I yield the remainder of my time to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker and gentlemen of the House, just one word on the constitutional phase of this question. On May 9, 1917, the Ways and Means Committee reported to this House, which it passed shortly after, a bill to raise the amount of money necessary to prosecute the war. It contained 13 titles. Title 12 was an increase in the postal rate, designed to raise about $90,000,000, which it did. Now, that revenue was as much spent in winning the war as was that resulting from the income tax or any other tax.

Mr. STEVENSON. Will the gentleman yield?

Mr. LONGWORTH. I regret I can not yield.

That revenue came into the Treasury. It was reported by the Committee on Ways and Means and passed as a part of a revenue bill. If, as the gentleman from Massachusetts [Mr. LUCE] says, in this bill the raising of revenue is merely incidental to providing the salary, the logic of that would be that the income tax was merely incidental to raising revenue to conduct the war.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. I regret that I can not yield.

Now as to the parliamentary situation, gentlemen seem to overlook the fact that this is not a privileged measure. If it takes the ordinary course, the Speaker will refer it to the Committee on the Post Office and Post Roads. That committee is not in favor of this bill, largely because it does not produce enough revenue. They are to meet to-night, and they will undoubtedly very shortly report a bill providing for these salary increases and the revenues necessary to pay them. Of course, they want, and I want, to be able to pass through both Houses of Congress a bill raising postal salaries that the President will sign. [Applause.] We do not delay for one moment the passage of such a bill by sending this bill back to the Senate. On the contrary, in my deliberate judgment, you will facilitate its passage, because I am in a position to say—at least I say in so far as I can say—that the moment this bill is reported by the committee we will endeavor to procure action through the Committee on Rules to have a rule brought in at the earliest possible date—I hope this week [applause]; a rule by which this bill can be considered speedily. It ought to be passed in a day, and I hope the rule will be such as will enable us to pass it in a day.

The Senate will act upon this bill just exactly as it would if any other bill were reported out of the Committee on the Post Office and Post Roads, and I venture to say that the Committee on Rules will be more apt to act quickly and speedily in this matter if you take the course suggested by sending this bill back to the Senate. I repeat, you are not delaying postal salary increases. You are facilitating the passage of this bill.

It is too important a thing to pass a bill of at least doubtful constitutionality; it is too important a thing to abandon the very fundamental and bedrock prerogatives of this House to raise revenue. I believe that the prestige of this House has been enhanced in the opinion of the American people within the last few years. To abandon our fundamental prerogatives here to-day would be to lose all the advantage we have gained.

I repeat: This bill is of at least doubtful constitutionality. It will have to be tested by the Supreme Court of the United States, and if the Supreme Court should hold that it is unconstitutional your whole bill falls by the wayside and you hurt infinitely the chances of passing a similar bill raising postal salaries in the future.

Now, my friends, do not be deluded by what has been said. This is the way to get action. [Applause.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. GREEN. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Iowa moves the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The affirmative vote was taken.

Mr. CAREW. On that, Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the resolution will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 225, nays 153, answered "present" 1, not voting 52 as follows:

[Roll No. 49]

YEAS—225

Ackerman	Fenn	Leavitt	Seger
Aldrich	Fish	Lineberger	Shreve
Anderson	Fitzgerald	Linthicum	Simmons
Anthony	Fleetwood	Logan	Sinnott
Bacharach	Foster	Longworth	Sites
Bacon	Frear	Lowrey	Smith
Bankhead	Fredericks	McDuffie	Snell
Beedy	Free	McLaughlin, Mich.	Snyder
Begg	Freeman	McLeod	Spearing
Bell	French	McReynolds	Sproul, Ill.
Bixler	Frothingham	McSweeney	Sproul, Kans.
Blanton	Fuller	MacGregor	Stalker
Boies	Funk	MacLafferty	Stengle
Bowling	Garber	Madden	Stephens
Box	Garner, Tex.	Magee, N. Y.	Strong, Kans.
Brand, Ohio	Garrett, Tenn.	Magee, Pa.	Summers, Wash.
Britten	Glatfelter	Manlove	Swoope
Browne, Wis.	Goldsborough	Mapes	Taber
Browning	Green	Martin	Taylor, Colo.
Brumm	Greenwood	Mead	Thompson
Burtness	Griest	Merritt	Tilson
Butler	Guyer	Michener	Timberlake
Byrnes, S. C.	Hadley	Mills	Tincher
Byrns, Tenn.	Hall	Montague	Treadway
Campbell	Harrison	Moore, Ill.	Tucker
Canfield	Haugen	Moore, Va.	Underhill
Cannon	Hawes	Moores, Ind.	Underwood
Chindblom	Hawley	Morgan	Valle
Christopherson	Hersey	Murphy	Vestal
Clague	Hill, Md.	Nelson, Wis.	Vincent, Mich.
Clancy	Hoch	Newton, Mo.	Vinson, Ky.
Clarke, N. Y.	Holaday	Nolan	Walsworth
Cole, Iowa	Hooker	Oldfield	Ward, N. Y.
Collier	Hudson	Parker	Wason
Colton	Hull, Tenn.	Parks, Ark.	Watson
Connally, Tex.	Hull, Morton D.	Patterson	Weaver
Connolly, Pa.	Hull, William E.	Peery	Welsh
Cook	Humphreys	Perkins	White, Kans.
Cooper, Ohio	Jacobstein	Perlman	White, Me.
Cramton	James	Phillips	Williams, Ill.
Crisp	Johnson, Ky.	Pou	Williams, Mich.
Crowther	Johnson, S. Dak.	Purnell	Williamson
Davis, Minn.	Johnson, Tex.	Quin	Wilson, Ind.
Davis, Tenn.	Johnson, Wash.	Rainey	Wilson, La.
Deal	Johnson, W. Va.	Raker	Winslow
Dempsey	Jones	Ransley	Winter
Denison	Kearns	Rayburn	Wood
Dickinson, Iowa	Kelly	Reece	Woodruff
Dickinson, Mo.	Kendall	Reed, N. Y.	Woodrum
Doughton	Kincheloe	Reid, Ill.	Wright
Drane	Knutson	Robinson, Iowa	Wurzbach
Drewry	Kuns	Sanders, Ind.	Wyant
Driver	Kurtz	Sanders, N. Y.	Yates
Dyer	Lampert	Sanders, Tex.	Zihlman
Elliott	Lanham	Schneider	
Fairfield	Leach	Scott	
Faust	Leatherwood	Sears, Fla.	

NAYS—153

Allen	Beck	Briggs	Carew
Allgood	Beers	Browne, N. J.	Carter
Andrew	Black, Tex.	Buchanan	Casey
Arnold	Bloom	Bulwinkle	Celler
Aswell	Boyce	Burdick	Cleary
Ayres	Boylan	Burton	Collins
Barbour	Brand, Ga.	Busby	Connery

Cooper, Wis.	Howard, Nebr.	Miller, Ill.	Sears, Nebr.
Corning	Howard, Okla.	Miller, Wash.	Shallenberger
Crosser	Huddleston	Milligan	Sherwood
Cullen	Hudspeth	Minahan	Sinclair
Davey	Hull, Iowa	Mooney	Smithwick
Dickstein	Jeffers	Moore, Ga.	Speaks
Dominick	Jost	Moore, Ohio	Steagall
Dowell	Keller	Morehead	Stedman
Doyle	Kerr	Morris	Stevenson
Eagan	Kiess	Nelson, Me.	Summers, Tex.
Evans, Mont.	Kopp	Newton, Minn.	Swank
Fairchild	Kvale	O'Brien	Swing
Favrot	LaGuardia	O'Connell, N. Y.	Taylor, Tenn.
Fulbright	Lankford	O'Connor, N. Y.	Taylor, W. Va.
Fulmer	Larsen, Ga.	O'Sullivan	Temple
Gallivan	Lazaro	Oliver, Ala.	Thatcher
Gambrill	Lea, Calif.	Oliver, N. Y.	Thomas, Ky.
Gardner, Ind.	Lee, Ga.	Park, Ga.	Thomas, Okla.
Garrett, Tex.	Lehlbach	Prall	Tillman
Gasque	Lilly	Quayle	Vinson, Ga.
Geran	Lindsay	Ragon	Voigt
Gibson	Lozier	Ramseyer	Ward, N. C.
Gifford	Luce	Rankin	Watkins
Graham	Lyon	Rathbone	Watres
Griffin	McClintic	Richards	Wefald
Hammer	McKeown	Robsion, Ky.	Weller
Hardy	McLaughlin, Nebr.	Rogers, N. H.	Williams, Tex.
Hastings	McSwain	Romjue	Wilson, Miss.
Hayden	Major, Ill.	Rubey	Wingo
Hickey	Major, Mo.	Sabath	
Hill, Ala.	Mansfield	Salmon	
Hill, Wash.	Michaelson	Sandlin	

ANSWERED "PRESENT"—1

Bland

NOT VOTING—52

Abernethy	Darrow	McNulty	Rouse
Almon	Edmonds	Morin	Schafer
Barkley	Evans, Iowa	Morrow	Schall
Berger	Fisher	O'Connell, R. I.	Strong, Pa.
Black, N. Y.	Gilbert	O'Connor, La.	Sullivan
Buckley	Kent	Paige	Sweet
Cable	Ketcham	Peavey	Tague
Clark, Fla.	Kindred	Porter	Tinkham
Cole, Ohio	King	Reed, Ark.	Tydings
Croll	Langley	Reed, W. Va.	Upshaw
Cummings	Larson, Minn.	Roach	Vare
Curry	McFadden	Rogers, Mass.	Wertz
Dallinger	McKenzie	Rosenbloom	Wolff

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Tydings (for) with Mr. Ketcham (against).
Mr. Curry (for) with Mr. Sullivan (against).
Mr. Wertz (for) with Mr. Black of New York (against).
Mr. Vare (for) with Mr. Peavey (against).
Mr. Roach (for) with Mr. Berger (against).
Mr. Bland (for) with Mr. Barkley (against).
Mr. Porter (for) with Mr. Kindred (against).
Mr. Strong of Pennsylvania (for) with Mr. Buckley (against).
Mr. Darrow (for) with Mr. McNulty (against).
Mr. McFadden (for) with Mr. Tague (against).
Mr. Morin (for) with Mr. O'Connell of Rhode Island (against).

Until further notice:

Mr. Cable with Mr. Fisher.
Mr. Larson of Minnesota with Mr. Almon.
Mr. Rogers of Massachusetts with Mr. Croll.
Mr. Sweet with Mr. Abernethy.
Mr. Evans of Iowa with Mr. Gilbert.
Mr. Dallinger with Mr. Rouse.
Mr. Paige with Mr. Upshaw.
Mr. Reed of West Virginia with Mr. Clark of Florida.
Mr. Tinkham with Mr. Kent.
Mr. Schall with Mr. O'Connor of Louisiana.
Mr. McKenzie with Mr. Reed of Arkansas.
Mr. King with Mr. Cummings.
Mr. Edmonds with Mr. Morrow.
Mr. Cole of Ohio with Mr. Wolff.

The result of the vote was announced as above recorded.

On motion of Mr. GREEN, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

WEST VIRGINIA, ITS RESOURCES AND OPPORTUITIES

Mr. LILLY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on West Virginia, its industries and opportunities.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. LILLY. Mr. Speaker and gentlemen of the House, I thank you sincerely for having granted me unanimous consent to address this House upon this subject, especially so at the closing days of the Sixty-eighth Congress, when we are so busily engaged in important legislation; but West Virginia is of such great interest to me and my constituents.

While the State of West Virginia is small in area—only 24,022 square miles—yet we stand second in the production of mineral wealth. Last year we produced coal and coke to the amount of about $372,800,000; we produced this from 1,325 coal mines, in which were employed 100,000 or more persons who received in wages $290,000,000. We have the finest grade of bituminous coal to be found in all the world. Last year we had in operation and producing 27,363 oil and gas wells, with a production of about $99,000,000 in value. Our coal and its by-products are transported to almost every civilized country in the world and we pipe our oil and gas to our neighboring States of Kentucky, Ohio, Maryland, Virginia, and Pennsylvania. Either coal, oil, or gas, and in some cases all three, are to be found in at least 49 counties out of the 55 counties in the State. Our coal area is the greatest of any State in the Union, being 17,280 square miles.

We also rank third in the production of hardwood lumber and its products. While we have been marketing millions of dollars' worth of lumber annually for several years past, and have now in operation several of the largest band mills to be found in the country, yet a number of our beautiful, large mountain ranges are practically covered with virgin forests.

In addition to our natural resources, we have many large factories engaged in the manufacture of steel, iron, glass, paper, dyes and extracts, and other products too numerous to mention, which are needed in the channels of trade and the commerce of the world, and there is still room for many more factories and there are excellent opportunities still open for profitable investment in West Virginia.

Agriculture is also carried on very extensively in West Virginia. Last year we produced 8,320,000 bushels of apples, 526,000 bushels of peaches, and large quantities of smaller fruits. We also grow hay, grain, and vegetables in abundance. In 1923 the total value of our farm products, not including livestock, was $64,057,000. The State as a whole is well adapted to the raising of livestock, but owing to the condition of the livestock market since 1920 the farmers have not engaged very extensively in livestock growing, especially cattle. Most of our agricultural products, except the livestock, are consumed at home by our population of 1,500,000 people.

We have practically 4,000 miles of steam railways in the State, owned and operated by about seven different railway companies, of which the Chesapeake & Ohio, the Baltimore & Ohio, the Norfolk & Western, and the Virginian are the largest. These railways employ annually from 38,000 to 40,000 persons and pay wages to the amount of $55,000,000. To these railroads principally we have to give credit for the development of our State, especially of the coal and timber.

In addition to our other natural resources, we have, we believe, the greatest undeveloped water power east of the Rocky Mountains or of the Continental Divide. It is estimated that we will be able to produce, when this power is fully developed, 1,350,000 horsepower. This water power, it is now anticipated, will be developed within the near future. Large power companies have already purchased sites and are getting ready to start work.

Now my colleagues, after having told you briefly of our industries and operations and what we are producing, I want to say to you that if we had the market to justify it we are able to produce twice the amount, yea, I might say three times what we are now producing, and there are two things that this American Congress can do to help us, and I appeal to you on each side of this House to do it. If you do these things, in my humble opinion, you will solve the market problem for us, and where you help us along this line you also help, I might say, about two-thirds of the other States in the Union which are similarly situated. One of my suggestions is to establish a sane definite foreign policy which will open the markets of the world to our products. Let us quit playing with this foreign question and treating it as a political football and get down to business. It can and should be done, and in justice to the American people, it ought to be done. The other suggestion I want to make is to enact a law adjusting, regulating, and lowering freight rates, especially on hauls from the Eastern and Central States to the coast, so that our bituminous coal fields can meet the competition of the anthracite fields for the Lakes and New England trade. When these two main changes are carried out, you will then see an era of prosperity for which the Nation has been long waiting.

Now, just a few words, if you please, in regard to our State government. There is no State in the Union that has made faster progress along the line of education than West Virginia. We have spared no expense, and in every little lumber or coal town you will find the very best of schools and colleges. And along that line we are only in our infancy. It is now so arranged that 50 per cent of the revenue collected from State taxes goes for educational purposes. We are also launched in

the good-roads movement with all our hearts and souls, and we have now under improvement and construction 3,600 miles of public highway, most of which, when completed, will be hard surfaced. We are now erecting a new State capitol building, and have just completed the first unit at a cost of $1,124,000. When this building is completed it will almost be equal in beauty and grandeur to our National Capitol here in Washington.

So you see, my friends, that in a few years at the rate of progress we are making we will rank with the foremost States of the Union. We have an excellent climate, with dozens of the finest of mineral springs, which pour forth their medicinal waters for the healing of mankind; and notwithstanding the fact that the occupations of many of our citizens are somewhat hazardous, our death rate is as low as any State in the Union, and our citizenship is of the very best, being made up largely of the descendants of our first settlers of 1736, who were Scotch-Irish Presbyterians. I take it that this subject has no further need of recommendation.

Now, Mr. Speaker, in closing I desire to take this opportunity to express my appreciation to my colleagues and to thank the presiding officer and other officials for the excellent treatment accorded me here during the Sixty-eighth Congress, where I have been a new Member. While here I have made the acquaintance of the very best people throughout this Nation from Maine to California in the persons of the Representatives of the congressional districts of the Nation. We soon part, as my term of office expires with this Congress, as I was defeated at last fall's election, in spite of the fact that I ran about 1,200 ahead of my ticket. This defeat was no surprise to me, as my district was strongly Republican, and I can pride myself upon being the only Democrat that has ever been elected from my district. Perhaps I will never have the pleasure of serving in this House again, but I feel glad of the opportunity I have had of serving with you and of representing my State, and in your future legislative deliberations may I kindly ask you to remember me and my State; and I invite you to visit us and enjoy our beautiful scenery and avail yourselves of the opportunities that are to be found in abundance in West Virginia, the home of industry and opportunity. I thank you.

NAVY DEPARTMENT APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I call up the conference report on H. R. 10724, the Navy Department appropriation bill, and ask for its consideration. At this point I ask unanimous consent that the conference report be read, together with the statement.

The SPEAKER. The gentleman from Idaho calls up the conference report on the Navy Department appropriation bill and asks unanimous consent that the report and statement be read. Is there objection?

There was no objection.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10724) "making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 6, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 10, 13, 16, 19, 20, 21, 22, and 24, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "towns of St. Thomas, Christiansted, and Fredericksted, $125,000; in all, $395,150"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$96,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$105,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$64,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,375,250"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Submarine base, Key West, Fla.: Toward completion of piers, $100,000."

And the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 8, 15, 23, and 25.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
JAMES F. BYRNES,
W. B. OLIVER,
Managers on the part of the House.

FREDERICK HALE,
LAWRENCE C. PHIPPS,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On No. 1: Strikes out the language inserted by the Senate authorizing the President in meritorious cases to direct that the salaries of persons paid under the classification act might exceed the average of the compensation rates for the grade in those grades where only one position is allocated.

On No. 2: Strikes out the language inserted by the Senate authorizing the Secretary of the Navy to fix the rates of compensation of field service employees, exclusive of those whose pay is adjusted by wage boards, to conform to the rates established by the classification act of 1923.

On Nos. 3 and 4, relating to the West Indian Islands: Makes a direct appropriation of $270,150, plus an indeterminate amount, not to exceed $29,850, dependent upon the amount of revenue collected in the islands, as proposed by the House, instead of an unconditional direct appropriation of $300,000, as proposed by the Senate, and appropriates $125,000 on account of a water-supply system for the towns of St. Thomas, Christiansted, and Fredericksted, as proposed by the Senate, instead of $45,000 for such a system for the town of St. Thomas only, as proposed by the House.

On No. 5: Qualifies, as proposed by the Senate, the limitation carried in the appropriation "Transportation and recruiting" with respect to reimbursement for travel by Government-owned vessels so as to apply only to such class of vessels on which no transportation fare is charged.

On Nos. 6 and 7, relating to recreation for enlisted men: Appropriates $500,000, as proposed by the House, instead of $350,000, as proposed by the Senate, and excludes temporary services from the limitation on expenditures for personal services, as proposed by the Senate.

On Nos. 9 to 12, inclusive, relating to the Naval War College: Appropriates $96,000 for maintenance expenses instead of $91,800, as proposed by the House, and $106,000, as proposed by the Senate; appropriates $2,000 for services of civilian lecturers, as proposed by the Senate, instead of $1,200, as proposed by the House, and fixes the limitation on expenditures for pay of classified employees at $64,000 instead of $62,500, as proposed by the House, and $70,466, as proposed by the Senate.

On No. 13: Amends the restriction on increasing the pay of employees of the Naval Home so as to make it apply specifically to the fiscal year 1926, as proposed by the Senate.

On No. 14: Appropriates $10,375,250 for "Ordnance and ordnance stores," instead of $10,125,000, as proposed by the House, and $10,500,000, as proposed by the Senate.

On Nos. 16 and 17, relating to public works: Appropriates $20,000 for improvements to building No. 138, navy yard, Portsmouth, N. H., as proposed by the Senate, and appropri-

ates $100,000, as proposed by the Senate, toward the completion of piers at the submarine base Key West, Fla., amended so as to indicate specifically the nature of the extension contemplated by the Senate amendment.

On Nos. 18 to 21, inclusive, relating to the Naval Academy: Strikes out the language inserted by the Senate with respect to civilian instructors; transfers $220 from the appropriation for pay of employees in the department of buildings and grounds to the appropriation for pay of employees in the administrative office, as proposed by the Senate, and appropriates $1,026,500 for maintenance and repairs, Naval Academy, as proposed by the Senate, instead of $1,000,000, as proposed by the House.

On No. 22: Qualifies, as proposed by the Senate, the limitation carried in the appropriation for mileage, Marine Corps, with respect to reimbursement for travel by Government-owned vessels so as to apply only to such class of vessels on which no transportation fare is charged.

On No. 24: Appropriates $7,444,000 for "Increase of the Navy," as proposed by the Senate, instead of $6,944,000, as proposed by the House.

The committee of conference have not agreed to the following amendments of the Senate:

On No. 8, relating to members of the Volunteer Naval Reserve and Naval Militia.

On No. 15, authorizing the construction of additional buildings at certain naval hospitals, to be charged to the naval hospital fund.

On No. 23, relating to pay of officers on leave.

On No. 25, relating to a conference on the reduction of armaments.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
JAMES F. BYRNES,
W. B. OLIVER,
Managers on the part of the House.

Mr. FRENCH. Mr. Speaker, I think a very short statement will indicate to the House the changes that were made in the naval bill and the results of the conference report.

The Senate placed 25 amendments on the bill. Ten of these affected the money items in the bill and the remaining 15 either were textual changes, new legislative provisions, or changes in totals.

With respect to the money items, the aggregate of the Senate additions was $1,146,350. Of these, the House conferees yielded to the extent of $981,750. The Senate reduced the item providing for recreation for enlisted men from $500,000 to $350,000, and the Senate conferees agreed to restore this item to the amount proposed by the House.

The net result, therefore, is as follows:

Amount of bill as passed by House		$286,420,578
Amount of bill as passed by Senate		287,416,928
Total Senate increase		1,146,350
Less reduction on account of recreation proposed by Senate		150,000
Net Senate increase		996,350
Net increase over bill as passed by House as result of conference		981,750
		287,402,328

The increases proposed by the Senate and the action of the conferees with respect thereto follow:

	Proposed	Agreed upon
West India Islands	$109,850	$80,000
Naval War College	15,000	5,000
Ordnance and ordnance stores	375,000	250,250
Navy yard, Portsmouth, N. H	20,000	20,000
Submarine base, Key West	100,000	100,000
Maintenance and repairs, Naval Academy	26,500	26,500
Increase of the Navy	500,000	500,000
	1,146,350	981,750

If, then, the House shall adopt the conference report, the total of the appropriation bill for the fiscal year 1926 will be $287,402,328.

At this point I want to ask the gentleman from South Carolina [Mr. BYRNES] whether he desires to use any time?

Mr. BYRNES of South Carolina. I do not.

Mr. FRENCH. I have requests for just a few minutes of time and I yield 10 minutes to the gentleman from Oklahoma [Mr. MCCLINTIC].

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to talk out of order for 10 minutes on aircraft, as this is the naval affairs appropriation bill.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to talk out of order for 10 minutes. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker and gentlemen of the House, the progress of any country depends, to a certain extent, on its ability to accept and to put into operation new ideas, and while we are discussing the conference report relative to the naval affairs bill I wish to bring to the attention of this House some information relative to the subject of aircraft carriers.

Approximately four years ago I directed an inquiry to Mr. Kelley, who was at that time in charge of the naval affairs appropriation bill, and requested that he ascertain whether the Navy was willing to use planes and allow bombs to be dropped on some of the ships which were allocated to us by the Allies and formerly belonged to Germany for the purpose of securing the information as to whether or not a ship could be sunk using this method. If my memory serves me correctly, Mr. Kelley said on that occasion he was working on the proposition. Later on such a demonstration was made and it was my privilege, as an observer aboard the U. S. S. *Henderson*, to witness the destruction of certain of these ships which were sunk because they were struck by bombs dropped from the air.

Mr. Speaker, on January 24, when the House was considering a bill for the purpose of increasing the cost of airplane carriers, I made the following statement, which is found on page 2425 of the CONGRESSIONAL RECORD:

> Now, Mr. Chairman, I believe that far more efficiency can be secured for the Navy if we will appropriate sufficient money to construct airplane carriers to navigate the air, for it has already been demonstrated that planes can be launched and reattach themselves to ships of this type. Therefore, I believe it will be only a few years until we shall construct great dirigibles sufficiently large to carry just as many planes as these airplane carriers will take care of when completed.

Last Sunday the Washington Post published an editorial on this subject which, to me, is very interesting, and it is as follows:

[From the Washington Post, Sunday, February 1, 1925]

AIRPLANE CARRIERS

The cost of the two airplane carriers now under construction for the United States Navy has been increased to a limit of $34,000,000 each. They will not be completed for several years. Each will have a speed of 30 knots, a radius of action of 7,000 miles, a crew of 1,500, a defensive armament only, and a carrying capacity of 75 airplanes.

The same amount of money, $68,000,000, would build 27 airship carriers of airplanes at a cost of $2,500,000 each. Each of these airship airplane carriers would have a speed of 60 miles an hour, a radius of action of 7,000 miles, a defensive armament, and a carrying capacity of 30 bombing and 150 pursuit airplanes. Each airship would be sustained by 5,000,000 cubic feet of helium gas, constituting a vessel twice the size of the *Los Angeles*.

The naval carriers of airplanes are limited in operations to navigable waters. The carrier airships would not be limited by sea or land. The naval carriers are subject to land, sea, or air attack. The airships would be subject only to air attack.

Three years are required to build the naval airplane carriers. Germany built an airship every two weeks, and it is believed that the United States could build at least one a month.

A naval airplane carrier is subject to danger from storms and rocky coasts. An airship can dodge storms over land or sea. If a naval vessel can ride out a storm, so can an airship.

The total number of airplanes that will be carried by the two naval carriers is 150. The total number of airplanes that could be carried by 27 airships, costing no more than the two naval carriers, would be 4,930.

The naval carriers will accompany the fleet and will be defended by the fleet. They are unable to escape from an air attack, and can be defended only by airplanes against such an attack. The carrier airships could accompany the fleet and then extend their operations over land. They would be better defended against air attack, because they would carry more airplanes. Instead of being subject to bombardment from coast fortifications, they could sail untouched above such fortifications.

The launching of an airplane from a naval vessel's deck and the receiving of a plane upon deck is attended with risk. So is the launching and receiving of an airplane by a mother airship. But both feats have been accomplished. The fact that an airplane's element is the air, while a naval carrier's element is the water, makes it improbable that launching and receiving will be as easy in a heavy sea as the launching and receiving of airplanes by airships, even in strong winds, where both vessels are in their element.

There is no need, of course, for 27 airships carrying 4,900 airplanes. But there is need of economy and efficiency in providing for the national defense. If airships are better than naval vessels for carrying airplanes, they should be used.

Experiments must be made to develop the efficiency of naval carriers in rapidly bringing airplanes from the hold and launching them. Only 10 planes can be handled at a time under present methods. Experiments must also be made to develop the best method of carrying planes by airship and for speedily launching and receiving them.

The superior speed of airships as compared with naval carriers would simplify problems of fuel replenishment. An airship can cross the ocean in one-half the time consumed by a naval carrier. An airship is not stopped by a coast line, but can continue over continents. No objective is inaccessible to it. All of the enemy's lands and waters are subject to its attack. Airplanes carried by a naval carrier, however, are confined to operations within a radius of 200 miles or so from the carrier. They can not cross continents.

Foreign nations will soon have airship carriers for their airplanes, thus bringing any part of the United States within their radius of action. The United States must have means of meeting sudden attacks by airplanes brought by airships across oceans to a point within 200 miles of the point of attack in the interior of this country. No method of meeting such attacks is in sight except by the building of airships capable of carrying airplanes.

At the present time there is a hearing being held by a special committee for the purpose of inquiring into the operations of the United States Air Service. I wish to draw your attention to a statement made by Admiral Moffett, which is found on page 381 of the hearings, in which he says, quoting a part of his statement:

The thing to do is to put aviation on something and carry it to the enemy, and the only way to carry it is on board something that will float—on board a ship, in other words.

I do not agree with all of the statement made by the head of the Aircraft Bureau of our Navy, because I am of the opinion that if we are to keep pace with modern progress it is necessary that we utilize the great amount of helium that is to be found in this country and construct dirigibles sufficiently large to be used as airplane carriers.

I voted for the increased appropriation necessary to construct two ships to be used as airplane carriers, for the reason I believe every branch of our defense should be made as efficient as possible. Therefore when it is taken into consideration that an airship used as an airplane carrier will have twice the speed of any kind of water vessel and you can maneuver the same over land or sea, it does seem to me that it would be wise to construct ships of this type as an additional safeguard to our first line of defense.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. McCLINTIC. I will gladly yield.

Mr. HULL of Iowa. Does the gentleman think the dirigible could defend itself in case of war?

Mr. McCLINTIC. With 150 pursuit planes and a number of bombing planes, a dirigible used as an airplane carrier could take care of itself pretty well.

Mr. HULL of Iowa. Did the gentleman see the landing down here of the *Los Angeles*, when it took 500 men two hours to land it? They could not maneuver it at all.

Mr. McCLINTIC. In answer to the gentleman's question, I will state that by the construction of dirigibles twice as large as the ones we have now it will be possible to sail them back and forth across the ocean without any trouble. When you increase the net carrying capacity to approximately 150,000 or 200,000 pounds there will be no trouble when it comes to a dirigible taking care of itself, because it will never go beyond its known cruising radius.

Mr. HULL of Iowa. Does not the gentleman understand that the larger you make them the more vulnerable they are? You can not maneuver them.

Mr. McCLINTIC. The larger we make them the more buoyancy they will have, the greater their cruising radius, the greater their carrying capacity, and their efficiency is increased along these lines. When you take into consideration that you can build one of these ships for two, three, or four million dollars, and you compare this sum with the amount of money it costs to build a great warship, you are bound to concede that if an airship carrier can be navigated through the air at a speed many times that of a ship, it will not only be an aid to our Navy, but at the same time, will do more to stimulate commercial aviation than anything else.

I want to say further that we hear a great deal about the U. S. S. *Washington*. We are unable to get any authentic report as to what happened out on the ocean. It has been estimated that approximately $100,000 worth of ammunition was used in firing at this ship, and if it had not been for a storm that caused the waves to dash back and forth, which filled the ship, it is possible it would be floating there yet. I am further unofficially informed, that certain bombs when dropped from airplanes at this ship were filled with sand.

Mr. LaGUARDIA. I am glad to hear the gentleman say that.

Mr. McCLINTIC. Evidently they were afraid, if you please, to put T. N. T. in those bombs, and it is no wonder that General Mitchell has said that if they had turned the Army aircraft loose they could have sunk the ship in three or four minutes.

Therefore, Mr. Speaker, I am hoping this House and the heads of our various departments will give attention to the subject of dirigible aircraft carriers.

Mr. FRENCH. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Speaker, it was not my intention to say anything in regard to the use of dirigibles. However, the gentleman from Oklahoma [Mr. McCLINTIC] has brought up the topic. I myself have given some thought and some study to this question. I have been impressed for several years with a fact which I think is generally conceded as true, that every dollar this Government spends for lighter-than-air machines is an absolute waste of money. They are unwieldly, cumbersome, they can not be maneuvered, and the larger you build them the more expensive they are and the more vulnerable they are to airplane attack. If you want to spend money in aircraft, I say spend it for airplanes, because one airplane will destroy all the dirigibles you can build in 10 years. You can not maneuver them and you can not defend them. An airplane will go above them and drop bombs on them, and there is not any question about it.

We have had in the last few days before our committee the high command of both the Army and the Navy, and I have asked them the question, If they believed that there is any use for the lighter-than-air machine in actual warfare, and they admit that they see no practical use at the present time, and they are only hoping to find some use for them which will compensate us for the amount of money already expended. Everything they say is an apology, practically, for the expenditures they have made. Only yesterday, before our committee, Admiral Moffett, when questioned on this very point, said that the reason they were expending the money was because they were trying to find a use for them commercially, not in the Army or in the Navy, because they know they can not find any use for them there. As I have said before, when war comes if you have any dirigibles you will be trying to find large caves in the Rocky Mountains to hide them.

Mr. FRENCH. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LaGUARDIA].

Mr. LaGUARDIA. Mr. Speaker, I simply do not desire to leave the RECORD with the last words spoken by the gentleman from Iowa. The art of flying lighter-than-air machines is in such a stage of infancy that it is ridiculous at this stage of the development to form any definite opinion as to what may be practicable and what may not be practicable.

What I want to say, supplementing the statement made by the gentleman from Oklahoma [Mr. McCLINTIC], is that we are now confronted with the startling situation that we can not obtain accurate information as to the results of the bombing of the U. S. S. *Washington*. It is common knowledge now what happened to the German battleships which were sunk by the United States Army Air Service. I tried for over nine months to get that information, and when I did get it I got it through the published reports of one of the foreign naval attachés to his government.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. LaGUARDIA. I yield.

Mr. SEARS of Florida. Did not Will Rogers say that a storm sank the *Washington*?

Mr. LaGUARDIA. Well, I think that Will Rogers's opinion is about as sound as the opinion given by the Secretary of the Navy to the President when he said that airships could not sink a battleship.

Mr. WINGO. What does the gentleman think about the opinion of "Admiral SEARS"? [Laughter.]

Mr. LaGUARDIA. I only have three minutes.

Mr. STEVENSON. It would take more time than that to express his opinion.

Mr. LaGUARDIA. To return for a moment to the sinking of the U. S. S. *Washington*, I hope that the House or the select committee of this House now investigating aviation shall compel the Navy Department to give to it or to this body all of the facts and information that it has in connection with the sinking of that ship. Have we not a right to know, gentle-

men, all about it? Why do they surround it with so much mystery? I am reliably informed that there is not a naval or Army expert of any foreign government in the whole world but that knows the effect of modern explosives and the resistance of modern armor plates. Are we not entitled to know if the latest-type air bombs were used? Should we not know what instructions were given to the naval aviators? Is it not necessary to know where these bombs were placed, the size and character of the bombs, the nature of the explosive, and just what effect it had on this ship? All of this information is necessary to us as legislators to guide us in legislating and appropriating for the Army and Navy. I now state on my responsibility as a Member of Congress that there were no developments in the sinking of the *Washington* that would warrant a change in the report and opinion of the sinking of other battleships signed by General Pershing, representative of the Army and representative of the Navy, to the effect that any battleship could be sunk by an attack of an enemy air fleet. In other words, we have before us the official information that a battleship of the most modern type is vulnerable to an attack from the air, and I repeat now that it is my firm belief that nothing happened in the sinking of the *Washington* to change the results obtained in the former tests, where modern battleships were sunk by aerial bombs. It is my firm belief that with the present development of aviation explosives and the high stage of perfection and accuracy now attainable by aerial bombing that there is not a battleship afloat but that can be sunk from the air. I believe that the Secretary of the Navy was misinformed when he stated to the Naval Committee of the House that a modern battleship could not be sunk by aerial bombs. Gentlemen, it is our duty to get all of this information, and it is our duty to legislate for the best interests of the country, regardless of the pride of any naval officer or the desire to maintain the old status at the Navy Department.

Mr. FRENCH. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LEHLBACH). The question is on the adoption of the conference report.

The conference report was agreed to.

Mr. FRENCH. Mr. Speaker, there are four amendments that the conferees have no authority to agree upon. On the other hand, we agreed to bring them back to the House with certain recommendations, and at this point I ask that the Clerk report the amendments.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Page 15, line 4, after the word "consent," insert the following: "*Provided further*, That until June 30, 1926, members of the Volunteer Naval Reserve may, in the discretion of the Secretary of the Navy, be issued such articles of uniform as may be required for their drills and training, the value thereof not to exceed that authorized to be issued to other classes of the Naval Reserve Force and to be charged against the clothing and small stores fund: *Provided further*, That until June 30, 1926, of the Organized Militia as provided by law, such part as may be duly prescribed in any State, Territory, or for the District of Columbia shall constitute a Naval Militia; and until June 30, 1926, such of the Naval Militia as now is in existence, and as now organized and prescribed by the Secretary of the Navy under authority of the act of Congress approved February 16, 1914, shall be a part of the Naval Reserve Force, and the Secretary of the Navy is authorized to maintain and provide for said Naval Militia as provided in said act: *Provided further*, That upon their enrollment in the Naval Reserve Force, and not otherwise until June 30, 1926, the members of said Naval Militia shall have all the benefits, gratuities, privileges, and emoluments provided by law for other members of the Naval Reserve Force; and that, with the approval of the Secretary of the Navy, duty performed in the Naval Militia may be counted as active service for the maintenance of efficiency required by law for members of the Naval Reserve Force: *Provided further*."

Mr. FRENCH. Mr. Speaker, I move to recede and concur in the Senate amendment.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. FRENCH. I will be glad to yield.

Mr. BLANTON. Does the gentleman think that we ought to pass legislation of the character, extent, and importance such as is embraced within this amendment as a rider put on in another body without the membership knowing a thing on earth about it?

Mr. FRENCH. I shall be glad to make a short statement.

Mr. BLANTON. That is the way bad legislation is put on. We have no chance to discuss it, and that is the reason so many pieces of bad legislation are passed for which we are held responsible by the country.

Mr. FRENCH. The gentleman's observations, generally speaking, are correct. This, however, is on a little different basis. This is precisely the current law with the exception of the date so that it will be applicable to 1926. We have agreed to use the language so that the Naval Militia of New York may be included as a part of the Naval Reserve Force, the Federal Government receiving the benefit of certain appropriations made by the State Legislature of New York for the support of the militia, in anticipation of the possibility that the naval reserve bill which passed the House some time ago may not come to final passage or become a law during the present session.

Mr. BLANTON. How much is this change in the law going to cost the Treasury?

Mr. FRENCH. It will save the Treasury rather than add to expenditures, because the Government will receive the advantage of certain appropriations made by the Legislature of the State of New York.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. The amendment is incorporated in the reserve bill that passed the House?

Mr. FRENCH. Substantially the same, and if that bill should become a law we would not need this language here.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Idaho to recede and concur.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 34, line 17, after the figures "$375,000" add the following: "*Provided*, That the Secretary of the Navy is hereby authorized to construct necessary additional buildings at the naval hospitals at Pearl Harbor, Hawaii; Chelsea, Mass.; Newport, R. I.; New York, N. Y.; League Island, Pa.; Norfolk, Va.; Great Lakes, Ill.; Pudget Sound, Wash.; Guam; and Canacao, P. I., at a total cost not to exceed $715,500, which total expenditure for the purposes aforesaid shall be made from the naval hospital fund."

Mr. FRENCH. Mr. Speaker, I move to recede and concur in the Senate amendment.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. VINSON of Georgia. I did not understand from the reading of the places where the hospital buildings would be built that reference was made to Mare Island Navy Yard. My understanding was that the House at the last session authorized some two or three hundred thousand dollars to be used for hospital construction at Mare Island.

Mr. FRENCH. I will say that that particular item was not in the Senate amendment and the conferees had no jurisdiction over it.

Mr. VINSON of Georgia. This money does not come out of the Treasury; it comes out of the hospital fund. The measure passed by the House included several items, and also an item for Mare Island Navy Yard. I suggest to the gentleman that ought to be included and the Mare Island Navy Yard taken care of. It was adopted at the last session of Congress, for I offered the amendment myself appropriating some $2,000,000 for various hospitals.

Mr. FRENCH. As I recall, that was taken care of in the last appropriation bill, and I understand the work is now going on.

Mr. WINGO. As I understand the gentleman this item provides for a lot of buildings at different places?

Mr. FRENCH. Different hospital buildings which are indicated in the amendment. The matter came up before the appropriations subcommittee having charge of this bill. As soon as we went into the items we found that we did not have jurisdiction. However, the items had been recommended to Congress by the Bureau of the Budget after an examination made by the bureau. We had no jurisdiction. The legislative committee was so impressed with the desirability of providing for these buildings and additions to buildings, that it recommended a bill a few weeks ago authorizing the work provided for here. When we considered this appropriation bill in the House, the gentleman from Pennsylvania [Mr. BUTLER], as I recall, offered an amendment providing substantially the language added by the Senate. The members of the committee were agreeable to accepting the amendment, but it went out on a point of order.

Mr. WINGO. The gentleman has given me some information that satisfies me entirely. As I understand it, the Bureau of the Budget has approved this.

Mr. FRENCH. Absolutely.

Mr. WINGO. In other words, the distribution of this "pork barrel" is according to the standards of the Bureau of the Budget and is satisfactory to the administration?

Mr. FRENCH. Oh, this is no pork barrel proposition. This is a proposition to take care of certain hospitalization that is necessary.

Mr. WINGO. Oh, just so the pork is distributed according to the new standard of the Bureau of the Budget and the administration I shall not object, but if they are going to bring it in here on the floor and let Congress exercise its constitutional rights, I protest. As far as I am concerned I am inclined to think that the gentleman should have followed the example that was set yesterday, and have brought in just a lump sum authorizing the administration to spend the entire amount for such buildings as it saw fit; but the Senate did have the courtesy to at least name the towns, and I suppose that was to satisfy the jealousies and insure that it would be adopted. However, if the Bureau of the Budget approves this distribution of pork, I am sure it will be an efficient distribution. [Laughter.]

Mr. FRENCH. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, by this amendment specific designation is made by the Senate of numerous hospitals at various places. I agree with the gentleman from Arkansas [Mr. WINGO] in his inference that the House can not be consistent. Yesterday under 20 minutes of debate given to the opposition and under suspended rules, when we could not amend or change a line of the bill, a measure carrying $150,000,000 was passed by the House, giving to the Secretary of the Treasury the exclusive right to place $150,000,000 worth of buildings anywhere he wanted to in the United States when approved of by the President. If the House is going to be consistent, it ought to put these locations of hospitals up to the Secretary of the Navy, to put where he desires these various buildings, and not let the Senate designate the places. Such designation as is now proposed was yesterday denominated "pork" by the majority of the House that passed the bill. Passing that $150,000,000 bill yesterday was a giving away of the prerogatives of the House. It was our duty to designate buildings whenever they should be built, wherever they should be built. That was a prerogative of the House. That was a part of the duty of every Member here, but we shifted it away from the House yesterday to the Secretary of the Treasury; and yet the House was very careful to-day and very jealous of its prerogatives and sent the postal bill back to the Senate; and I voted with the committee because I, too, am a little jealous of our rights and I wanted to help expedite the quick passage of a postal salary increase bill that will be constitutional. But I want the gentlemen here to notice the members of the Committee on Ways and Means who voted away their prerogatives yesterday when they voted for the $150,000,000 bill. There was Mr. GREEN, Mr. HAWLEY, Mr. TREADWAY, Mr. TILSON, Mr. BACHARACH, Mr. HADLEY, Mr. TIMBERLAKE, Mr. WATSON, Mr. MILLS, Mr. MCLAUGHLIN of Michigan, Mr. KEARNS, Mr. CHINDBLOM, Mr. CROWTHER, and Mr. COLLIER. All of them voted away their prerogatives wholesale yesterday to the tune of $150,000,000.

We have no prerogatives as Members of the House any longer. We just sit here like a bunch of rubber stamps and do whatever we are told to do. If six men yesterday had stood up here and changed their vote, that bill would not have passed. They could have stopped that steam-roller proceeding yesterday, and we could have then written a proper bill; we could have written an economical bill; we could have written a constitutional bill, and when written we would have known something about where the buildings were going to be constructed. In the Washington papers yesterday afternoon and this morning there was heralded the fact that of the $150,000,000 one-third of it, $50,000,000, would be planted here within the District of Columbia. They have already arranged that. They are going to see to it that that is done, according to the press reports, and how are you going to stop it?

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. FRENCH. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Idaho to recede and concur in the amendment of the Senate.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 23: Page 46, after line 13, insert: "No officer of the Navy or Marine Corps, while on leave of absence engaged in a service other than that of the Government of the United States, shall be entitled to any pay or allowances for a period in excess of that for which he is entitled to full pay, unless the President otherwise directs."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. CONNALLY of Texas rose.

The SPEAKER pro tempore. The gentleman from Idaho is recognized.

Mr. CONNALLY of Texas. Will the gentleman yield to me?

Mr. FRENCH. I yield to the gentleman.

Mr. CONNALLY of Texas. To ask a question. If this amendment of the Senate should be concurred in, why provide "unless the President otherwise directs"? Why not say that such officers should not receive pay except for the time they would have received it if they had not been on leave? Why give the President power to allow extra compensation?

Mr. FRENCH. The discretion, of course, is on a comparatively small matter. It seemed to the members of the committee that it is a reasonable discretion to permit the President to have. The gentleman should remember that but for this amendment an officer detailed on this other type of work could draw a salary, and if he himself decided not to draw it his heirs could draw it. We tried to prevent that, and at the same time in doing so it occurred to the Members of the Senate and of the House last year that there might be instances where it would not be right, and this is the language that was carried in the law a year ago for the current fiscal year.

Mr. CONNALLY of Texas. Mr. Speaker, I want to claim the floor to make a preferential motion when the gentleman from Idaho has concluded.

Mr. FRENCH. I will be glad to yield the floor now.

Mr. CONNALLY of Texas. Mr. Speaker, I move that the House concur in the Senate amendment with an amendment striking out the provision "unless the President otherwise directs."

Mr. FRENCH. Mr. Speaker, I think the motion of the gentleman is not preferential.

The SPEAKER pro tempore. In the Chair's opinion the motion to recede and concur is a preferential motion over a motion to recede and concur with an amendment. The gentleman's motion will be in order provided the motion of the gentleman from Idaho is defeated.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONNALLY of Texas. Is not the rule that when a matter first comes before the House a motion to recede and concur is preferential, but when it comes back from the conference committee on a question then is it not preferential to make a motion to concur with an amendment, and that motion being divisible the House, if it desires, can vote down the amendment I offer and then concur as the gentleman——

Mr. WINGO. If the gentleman will permit, the gentleman overlooks this, and I want to call it to the attention of the Chair, that the philosophy of the rule is that which has preference is that which brings the two Houses more quickly together. The reason why the motion to recede and concur takes precedence over the motion to recede and concur with an amendment is because the first motion brings the two Houses together more quickly and that same reason would apply against the gentleman's motion.

The SPEAKER pro tempore. The Chair thinks he remembers the rules correctly that a motion to recede and concur at any stage in the discussion of a matter or consideration of a matter in conference has preference over a motion to recede and concur with an amendment.

Mr. CONNALLY of Texas. Mr. Speaker, I ask for a division of the motion so we may vote not to concur.

The SPEAKER pro tempore. The motion may be divided. The question recurs on the motion to recede.

The question was taken, and the motion to recede was agreed to.

The SPEAKER pro tempore. The House recedes from its disagreement to the Senate amendment. The gentleman from Texas is recognized.

Mr. CONNALLY of Texas. Now, gentlemen, I make a motion to concur in the Senate amendment with an amendment striking out the words "unless the President otherwise directs."

The SPEAKER pro tempore. The gentleman from Texas moves that the House concur in the Senate amendment with an amendment striking out the words which the Clerk will report.

The Clerk read as follows:

Mr. CONNALLY of Texas moves that the House concur in the Senate amendment with an amendment striking out the words "unless the President otherwise directs."

Mr. FRENCH. Mr. Speaker and gentlemen of the House, I hope that the motion of the gentleman from Texas will not prevail. Probably I should say a word indicating why this language was put into the bill and became part of the law a year ago. Gentlemen will remember that Philadelphia asked for the services of Gen. Smedley Butler, of the Marine Corps, in connection with law enforcement in the city of Philadelphia. General Butler was granted leave of absence to assume the responsibility of carrying forward that work in Philadelphia and asked the members of the committee, if there were any doubt in the matter of his salary, that language be put into the law so as to provide that he could not draw the salary of an officer of the Marine Corps while serving as an officer of the city of Philadelphia. We found this to be the situation. No matter what the intention of General Butler himself might have been, and even if he had refused to draw his salary as an officer of the Marine Corps, his heirs could have come before the Court of Claims and recovered the amount due him as an officer of the Marine Corps for the period within which he would have served as an officer of the city of Philadelphia. In order that there could be no possible controversy on the question and upon the suggestion of General Butler himself, we inserted the language a year ago that is now in controversy. The language does include the provision "unless the President otherwise directs." So far as that pertains to Gen. Smedley Butler I can not see that the adoption or rejection of the amendment offered by the gentleman from Texas cuts any figure. But we do not know when some occasion might arise in which it would be proper for an officer to continue to draw his salary notwithstanding the fact that he might be performing another service. I can conceive of an officer being called upon, for instance, in the case of an epidemic in some tropical climate, to help carry forward a health program. It might from every humanitarian standpoint be desirable that an officer be permitted to do that work, and yet unless he could draw the salary of an officer it might be that the work could not be performed. We can not tell what exigencies might arise, and I shall not take time to catalogue possible exigencies. But surely, under the circumstances, this House ought to concur in the Senate amendment, and we ought to leave this discretionary authority in the hands of the President of the United States.

Mr. CONNALLY of Texas. This is the parliamentary situation direct: The gentleman from Idaho [Mr. FRENCH] moved to concur in the Senate amendment. The proper motion was to move to recede from the disagreement of the House to the Senate amendment and to concur.

The SPEAKER pro tempore. The gentleman did so move, and the gentleman from Texas called for a division of the question, and the question was divided, and that portion of the motion to recede has been agreed to by the House. To his motion to concur in the Senate amendment the gentleman from Texas who now has the floor offered a preferential motion, to concur with an amendment.

Mr. CONNALLY of Texas. I will say that the gentleman from Texas is perhaps clumsy in his mental processes. Now, as I understand the situation, as I thought I understood it at the beginning, when a motion to recede and concur comes to a division, my motion is preferential. I do not criticize the Chair. I rather apologize for my lack of perspicacity.

Now, gentlemen, I want to say just this: If this is a good provision, to limit these officers in their pay when they are away performing duties for some other government or for some private or municipal corporation, why should we vest the power in the President to give them their pay, irrespective of the law of Congress? As I recall, we have had a naval commission in Brazil for some years. I do not know whether those officers have been drawing pay and emoluments or not, but I understand they have been drawing pay and emoluments from the Government of the United States, just as though they were here rendering services at home, and yet they have been receiving some kind of emoluments and pay from the Government of Brazil.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. KNUTSON. Is it not true that the Governor of the Virgin Islands is a captain in the Navy?

Mr. CONNALLY of Texas. I do not know as to that, or as to his rank.

Mr. KNUTSON. It is true. The same is true with respect to the commissioner to Haiti.

Mr. FRENCH. The gentleman's amendment does not modify the situation at all with respect to the mission at Brazil. The gentleman's amendment would not touch the situation with respect to Brazil.

Mr. CONNALLY of Texas. Whether it does or not, I simply contend that, as I understand it, if a naval officer asks for leave from his Government to accept a private position he ought not to expect nor ask for any compensation for the period of his leave. That is what the committee's bill does. And then it says "unless the President otherwise orders."

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield, there?

Mr. CONNALLY of Texas. Yes.

Mr. SUMMERS of Washington. How about the case where an officer does not seek the position, but is sent there?

Mr. CONNALLY of Texas. He goes there under orders in that case. If he is sent, of course, I will say to the gentleman from Washington, he gets his pay and emoluments and expenses.

Mr. SUMMERS of Washington. But he is detailed outside of the regular service.

Mr. CONNALLY of Texas. He gets his salary just the same. You can not take away his salary from him by detailing him. This bill says, 'when an officer is on leave." How can he be on leave if you detail him by orders to go and perform some duty somewhere? The gentleman from Washington does not mean to reflect on the position of the gentleman from Texas in any such way. If the gentleman had been listening he would know that the language of the bill is "when on leave."

Mr. HILL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY of Texas. I yield.

Mr. HILL of Maryland. I saw a statement in the papers the other day to the effect that a great engineer officer was about to be sought by a city, to be lent to the city, to do a great engineering work for the city. I agree with the gentleman from Texas that officers of the Government ought not to be lent to cities to do work.

Mr. CONNALLY of Texas. If he is loaned, he ought to get his pay from the city government that he is to serve.

Mr. HILL of Maryland. And as I understand, the gentleman's amendment will stop that practice?

Mr. CONNALLY of Texas. Yes. I am not in favor of the House turning over the control of the public purse, which is the prerogative of the legislative branch of the Government, to the President, and allowing the President at his will to allow sums of compensation to be paid to officers of the Government just as he sees fit.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. AYRES. The Engineer Commissioner of the city of Washington gets his Army pay and $2,500 in addition.

Mr. WINGO rose.

Mr. CONNALLY of Texas. Yes. This only affects officers on leave and not those on duty. [Cries of "Vote!"]

Mr. WINGO. Ordinarily the gentleman from Texas [Mr. CONNALLY] is right. I really wish the House had the nerve to do what he wants it to do all the way down the line, which, of course, would be that whenever Members of Congress are away practicing law they should not draw pay and when they are absent from their posts delivering Chautauqua lectures they would not be allowed to draw pay from the Government. Of course we ought not to apply to the Army and Navy officers rules that we are not willing to apply to ourselves. Everybody knows that the job of being a Congressman is sufficient to take all the time of a real Congressman. Of course there are some who can work part of the time and do just about as much good and less harm than if they worked all the time. [Laughter.]

But you can not always settle these questions by abstract rules. Of course the gentleman from Texas is right in theory. We should expect all Army and Navy officers and all Government officials, including Representatives and Senators, to work all the time while they are drawing pay from the Government. [Laughter.] But this question is raised here: The House has decided—and the gentleman from Texas might as well give heed to it——

Mr. CONNALLY of Texas. I do not always heed the gentleman, but I always listen to him.

Mr. WINGO. The House has decided that it is going to enter on a new era under the belief that Congress has neither sufficient intelligence nor character to discharge its duties properly. If the House is sincere, I hope at the next session, I will say to the gentleman from Texas, if they carry out what they evidently intended by their action yesterday in passing the biggest "pork barrel" bill in history with a hypocritical pretense at efficiency and economy, instead of having several appropriation bills they will bring in only one appropriation bill, and that will save a lot of trouble.

It will authorize the Secretary of War and the Postmaster General to spend such sums as they may direct, and then for the Navy, the same kind of a proviso, and so on down the line for each department. It will be a one-page bill. Of course, you must have the Postmaster General and the Secretary of War and the Secretary of the Navy, too, because there is Navy pork to be distributed as well as pork under the Postmaster General and the Secretary of War, and it can not be distributed with due regard to party politics unless the chief political officer of the administration, the Postmaster General, is in charge. So my friend's amendment runs counter to the settled judgment of this House as expressed by more than one vote at this session. The House has determined "the king can do no wrong," and turns over the purse strings to the executive departments. So the very idea of my handsome friend from Texas attempting to provide that an underpaid naval officer shall be required to devote all of his time to his duties runs counter to both custom and settled policy. If he should succeed in doing that he would bring about something new in the public service and bring about chaos. It would be a "terrible" thing if you were to restrict Congressmen and Senators to their duties and keep them off the Chautauqua, and out of the court room. The very idea, I see, shocks some of you who admit you are statesmen. [Laughter.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas to concur with an amendment.

The question was taken; and on a division (demanded by Mr. CONNALLY of Texas) there were—ayes 30, noes 70.

So the motion to concur with an amendment was not agreed to.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Idaho to concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 25: Page 52, after line 7, insert: "That the President is authorized and requested to invite the governments with which the United States has diplomatic relations to send representatives to a conference to be held in the city of Washington, which shall be charged with the duty of formulating and entering into a general international agreement by which armaments for war, either upon land or sea, shall be effectually reduced and limited in the interest of the peace of the world and the relief of all nations from the burdens of inordinate and unnecessary expenditures for the provision of armaments and the preparation for war."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur with an amendment, as follows:

Strike out, in line 8, page 52, the word "that" and the words "authorized and."

The SPEAKER pro tempore. The Clerk will report the motion made by the gentleman from Idaho.

The Clerk read as follows:

Mr. FRENCH moves that the House recede from its disagreement to the amendment of the Senate No. 25, and agree to the same with the following amendment: In lieu of the matter inserted by said amendment insert the following: "The President is requested to invite the governments with which the United States has diplomatic relations to send representatives to a conference to be held in the city of Washington, which shall be charged with the duty of formulating and entering into a general international agreement by which armaments for war, either upon land or sea, shall be effectually reduced and limited in the interest of the peace of the world and the relief of all nations from the burdens of inordinate and unnecessary expenditures for the provision of armaments and the preparation for war."

Mr. FRENCH. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. CONNALLY of Texas. Mr. Speaker, I desire to make a preferential motion.

The SPEAKER pro tempore. The gentleman from Idaho has claimed the floor, to which he is entitled after having made the motion.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONNALLY of Texas. How is it that I can not make a preferential motion to recede and concur, which the Chair ruled a moment ago was preferential?

The SPEAKER pro tempore. For the simple reason that two persons can not occupy the floor at one and the same time. The gentleman from Idaho has the floor, but if he yields the floor for that purpose the Chair will recognize the gentleman from Texas.

Mr. CONNALLY of Texas. If the Chair pleases, when the Chair knows there is a preferential motion it is the Chair's duty to recognize it, and the Chair did recognize it when the gentleman from Texas was on the other side of the question some 10 or 15 minutes ago. I now claim the right to make the preferential motion to recede from the disagreement of the House to the Senate amendment and concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Texas moves to recede from the disagreement of the House to the Senate amendment and concur in the same.

Mr. BURTON. Mr. Speaker, I would like to be heard briefly on that.

Mr. FRENCH. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker and gentlemen of the House, I do not rise to oppose this amendment, but I am not cordially in favor of it. It is an amiable but very futile gesture.

In the first place, it is entirely unnecessary because, whenever the time is opportune this House would vote, with substantial unanimity, for a conference to consider the question of the limitation of armament. More than that, and more important, the President of the United States, with whom rests the responsibility for conducting our foreign relations, has over and over again, by messages to the House and in addresses elsewhere, signified his intention, when the time is ripe, to call such a conference. But let us recognize what the situation is. A plan was proposed at the last meeting of the League of Nations, and submitted for signatures in the form of a protocol on the 2d of October last, which suggests a more advanced step for the assurance of peace than has ever been brought forward in any international official gathering.

It provides for security, it provides for peace and for compulsory arbitration—and security may be said to rest upon that compulsory arbitration. If the dispute is of a legal or juridical nature it is to be left to the permanent court of international justice. If it is on another subject, if the nations do not agree to arbitrate, it goes to the council of the league. The council of the league seek to induce the warring or contending nations to arbitrate. If they do not succeed in that, then the council, by unanimous vote, come to a conclusion that is binding upon the two nations. If the members do not agree unanimously, then the council shall select arbitrators.

This goes further toward outlawing war than any proposition which has been brought forward by the League of Nations or on any other occasion. The United States, it is true, is not expected to sign this protocol. The problem of peace or war is primarily and principally one that pertains to the Old World. If they have peace there the world will be at peace. In the New World, partly by reason of treaties recently framed, there is every assurance that any controversy which may arise will be settled amicably.

These are reasons why the President can not call such a conference at this time. If he were to do so it would mean a forecast that this proposition embodied in the form of a protocol was doomed to certain failure. It would be a reflection on the sincerity of the nations that have joined in this protocol. The Premier of France, the most powerful military nation in Europe, has signed this protocol. The last Prime Minister of England under the labor government also signed it, and it would be little short of an insult for the President of the United States to comply with this request and ask for a peace conference at this time.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. BURTON. Yes.

Mr. BLANTON. Why is it that the proposal which the gentleman is not opposing limits the armament for the prosecution of war to land and sea? Why has not air been included also? They say that the next war is going to be fought in the air.

Mr. BURTON. I did not draw the amendment.

Mr. BLANTON. Armament, if limited at all, should be limited to the air as well as to land and sea.

Mr. BURTON. There is, of course, doubt whether this protocol will be agreed upon. If a sufficient number sign by the 1st of May there is to be a conference on disarmament at Geneva on the 15th of June next.

Having said this much, I think it is only fair that we should understand that the President can not comply with this resolution at this time. I sincerely hope that the body which has shown this interest in international gatherings in the future will also show a quickened interest in some propositions which are pending now, such as the League Court, the proposed treaty with Turkey, and the proposed treaty with Germany. Whether we believe in the League of Nations or not, whatever our ideas are in regard to cooperating with foreign nations, we should consider this movement, initiated in the League of Nations, with the hope that it may result in most substantial progress, looking to peace among the nations.

Mr. SPEAKS. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. SPEAKS. Would it be proper to amend this amendment so as to provide that the President may appoint delegates to meet with any convention which might be called for the purpose set forth in this amendment?

Mr. BURTON. I think not. He has that right already.

Mr. SPEAKS. Why not, sir?

Mr. BURTON. As I have already said, this is really a problem of the Old World. There is not anybody stirring up any quarrel in the New World at this time, and there is no present danger of war between any States of the Western Hemisphere. There may be minor conflicts now and then, but any war of any magnitude is not only exceedingly improbable but is practically impossible. [Applause.]

I am not going to oppose this amendment, Mr. Speaker, I merely point out its futility.

Mr. FRENCH. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. CONNALLY of Texas. Mr. Speaker, I thought this was my motion.

Mr. FRENCH. If the gentleman from Texas wants to be heard at this time——

Mr. CONNALLY of Texas. I do not want to take the gentleman from Arkansas off his feet, but I made the motion and I think I ought to be recognized at some time.

The SPEAKER pro tempore (Mr. LEHLBACH). The Chair will state that notwithstanding the preferential motion offered by the gentleman from Texas, the time remains under the control of the gentleman handling the conference report.

Mr. FRENCH. If the gentleman from Texas would like his time now, I am sure the gentleman from Arkansas will give way.

Mr. CONNALLY of Texas. No; I do not want the gentleman to give way. I want to hear the gentleman from Arkansas and I am not objecting to his having time.

Mr. WINGO. It does not make any difference, what I have to say has nothing to do with this controversy between the two gentlemen. [Laughter.]

But seriously, gentlemen, one gentleman—I do not now recall who it was—interrogated the last gentleman who had the floor, the gentleman from Ohio [Mr. BURTON] and asked why not adopt a certain amendment to the proposed amendment. The answer is obvious, because it is no business of this House to be meddling in the foreign affairs of this Nation except under certain conditions, and such conditions certainly do not exist at this time.

Why should the House continually yell itself hoarse insisting on maintaining its prerogatives and then continually butt in and try to advise the President, the head of our foreign affairs, how to discharge his constitutional duties? [Applause.]

The peace of the world is too delicate a thing to be made the football of politics, and I do not mean partisan politics alone; I mean intergovernmental politics. We have seen that in the past. We have seen the world dragged through the mire of a partisan discussion, and I for one—though I have no authority to speak for my party; I do not ever speak for my party in this Chamber, but for myself—I, for one, shall scrupulously observe the prerogative of the President in foreign affairs. I think the statement of the gentleman from Ohio [Mr. BURTON] is correct that it would be not only unwise, but a piece of impertinence for Congress, in the present state of international relations, to butt in and suggest action to the President, but we should leave him with a free hand to act as conditions may arise. Do you want to prevent a ratification of the protocol of other nations? I think if you do, you will give some nation excuse by saying that there is confusion in the councils of the United States, and they will say, "we want to get the United States into this, let us scrap this and see if we can not get the United States into something." If they have agreed among themselves upon something that tends to restrain them, upon something that tends to stabilize conditions in Europe, for God's sake let us keep quiet and leave to the President and the Secretary of State the discharge of their duties, and they will diplomatically proceed to make further advances at an opportune time. In the meantime, I repeat, let us keep quiet and attend to our own business and they attend to theirs. [Applause.]

SENATE BILLS AND RESOLUTIONS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2778. An act for the relief of R. E. Swartz, W. J. Collier, and others; to the Committee on Claims.

S. 2835. An act to amend an act entitled "An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917; to the Committee on the Judiciary.

S. 3034. An act for the relief of Ida Smith; to the Committee on Military Affairs.

S. 3090. For the relief of Palestine Troup; to the Committee on Military Affairs.

S. 3202. An act for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy; to the Committee on Claims.

S. 3280. An act to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes; to the Committee on the District of Columbia.

S. 3630. An act authorizing the Secretary of War to convey to the Federal Land Bank of Baltimore certain land in the city of San Juan, P. R.; to the Committee on Military Affairs.

S. 3632. An act to amend the Federal farm loan act and the agricultural credits act, 1923; to the Committee on Banking and Currency.

S. 3684. An act for the relief of the New Jersey Shipbuilding & Dredging Co.; to the Committee on Claims.

S. 3714. An act to authorize cooperative agreements between the Secretary of the Department of the Interior of the United States and the Governor of the Territory of Alaska; to the Committee on the Territories.

S. 3793. An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation; to the Committee on the Judiciary.

S. 3913. An act to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, and an act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922; to the Committee on the Judiciary.

S. J. Res. 163. Joint resolution to accept donations of furniture and furnishings for use in the White House; to the Committee on Public Buildings and Grounds.

S. J. Res. 167. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to those who gave their lives to their country in the aviation service of the Army, Navy, and Marine Corps in the World War; to the Committee on the Library.

S. 54. An act for the relief of Yvonne Therrien; to the Committee on Claims.

S. 79. An act for the relief of the owner of the lighter *Eastman No. 14;* to the Committee on Claims.

S. 122. An act for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps; to the Committee on Claims.

S. 332. An act authorizing the Secretary of the Treasury to pay Columbus Hospital, Great Falls, Mont., for the treatment of disabled Government employees; to the Committee on Claims.

S. 877. An act to provide for exchanges of Government and privately owned lands in the Walapai Indian Reservation, Ariz.; to the Committee on Indian Affairs.

S. 1056. An act for the relief of A. V. Yearsley; to the Committee on Claims.

S. 1193. An act to carry into effect the findings of the Court of Claims in the case of William W. Danenhower; to the Committee on Claims.

S. 1202. An act for the relief of the estate of Benjamin Braznell; to the Committee on Claims.

S. 1221. An act for the relief of J. W. Neil; to the Committee on Claims.

S. 1232. An act for the relief of Stephen A. Winchell; to the Committee on Military Affairs.

S. 1548. An act to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

S. 1615. An act for the relief of Arthur E. Colgate, administrator of Clinton G. Colgate, deceased; to the Committee on Claims.

S. 1639. An act to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation; to the Committee on the Judiciary.

S. 1648. An act for the relief of José Louzau; to the Committee on Claims.

S. 1671. An act to provide for regulating traffic in certain clinical thermometers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1809. An act for the relief of Emelus S. Tozier; to the Committee on Naval Affairs.

S. 1829. An act for the relief of the Hunter-Brown Co.; to the Committee on War Claims.

S. 1885. An act for the relief of Ella H. Smith; to the Committee on Claims.

S. 1934. An act to amend, revise, and reenact section 549 of subchapter 4 of the Code of the District of Columbia, relating to the appointment of deputy recorder of deeds, and fixing the compensation therefor; to the Committee on the District of Columbia.

S. 1935. An act to amend, revise, and reenact subchapter 3, sections 546 and 547 of the Code of Law of the District of Columbia, relating to the recording of deeds and chattels; to the Committee on the District of Columbia.

S. 2042. An act for the relief of the owner of the coast transit division barge *No. 4;* to the Committee on Claims.

S. 2077. An act for the relief of the owner of the steamship *Trinidadian;* to the Committee on Claims.

S. 2080. An act for the relief of the owner of barge *No. 62;* to the Committee on Claims.

S. 2085. An act to authorize the Broadwater Irrigation District, a Montana organization, to construct a dam across the Missouri River; to the Committee on Interstate and Foreign Commerce.

S. 2126. An act for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko;* to the Committee on Claims.

S. 2128. An act for the relief of the owner of the steamship *British Isles;* to the Committee on Claims.

S. 2171. An act for the relief of the city of Philadelphia; to the Committee on Claims.

S. 3005. An act to promote the mining of potash on the public domain; to the Committee on the Public Lands.

S. 3180. An act to amend section 194 of the Penal Code of the United States; to the Committee on the Judiciary.

S. 3285. An act to provide retirement for the Nurse Corps of the Army and Navy; to the Committee on Military Affairs.

S. 3310. An act for the relief of the owners of the barkentine *Monterey;* to the Committee on Claims.

S. 3494. An act to amend an act entitled "An act to establish the Utah National Park in the State of Utah"; to the Committee on the Public Lands.

S. 3666. An act for the exchange of lands in the Custer National Forest, Mont.; to the Committee on the Public Lands.

S. 3673. An act to reimburse certain fire-insurance companies the amounts paid by them for property destroyed by fire in suppressing bubonic plague in the Territory of Hawaii in the years 1899 and 1900; to the Committee on Claims.

S. 3676. An act for the relief of Harry Newton; to the Committee on Naval Affairs.

S. 3830. An act to authorize and direct the Secretary of the Interior to issue patents upon the small holding claims of Constancio Miera, Juan N. Baca, and Filomeno N. Miera; to the Committee on the Public Lands.

S. 3840. An act authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order; to the Committee on the Public Lands.

S. 3896. An act for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department; to the Committee on Claims.

S. 4014. An act to amend the act of June 30, 1919, relative to per capita cost of Indian schools; to the Committee on Indian Affairs.

S. 4015. An act to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians; to the Committee on Indian Affairs.

S. J. Res. 174. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1925, etc.; to the Committee on Public Buildings and Grounds.

S. 2532. An act to amend in certain particulars the national defense act of June 3, 1916, as amended; to the Committee on Military Affairs.

S. 2552. An act for the relief of Leslie Warnick Brennan; to the Committee on War Claims.

S. 2718. An act to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable;* to the Committee on Foreign Affairs.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10413. An act to revise and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," approved February 27, 1919;

H. R. 10887. An act granting the consent of Congress to the State of Alabama to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala.; and

H. R. 11035. An act granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River, at a point approximately 19.1 miles above the month of the river, in the counties of Allegheny and Westmoreland, in the State of Pennsylvania.

The message also announced that the Senate had passed the following Senate Concurrent Resolution No. 28:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the enrolled bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry, be rescinded and that the Secretary of the Senate be, and he is hereby, authorized and directed to reenroll the bill with the following amendments:

In line 3 of the enrolled bill strike out "Polish" and insert "Police."

Amend the title so as to read: "An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry."

DISPENSING WITH CALENDAR WEDNESDAY

Mr. FRENCH. I yield to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday to-morrow.

The SPEAKER. The gentleman from Ohio asks unanimous consent to dispense with Calendar Wednesday to-morrow——

Mr. LONGWORTH. And I may say to the gentleman that I have consulted with the gentleman in charge of the bills before the committee which would be in order to-morrow. We are, I am afraid, getting so far behind with our schedule in regard to appropriation bills we are going to have some difficulty in finding time with some important legislation.

Mr. GARRETT of Tennessee. Does the gentleman propose to dispense with it entirely or simply to move it over to some other time? There will be only two more.

Mr. LONGWORTH. No; there are four, I think. I will say to the gentleman that I examined the list of committees following the Committee on Mines and Mining, which has now the day, and I think there are very few bills of any importance at all that are likely to be called up.

The SPEAKER. Is there objection?

There was no objection.

POSTPONEMENT OF EVENING SESSION TO-MORROW

Mr. LONGWORTH. Mr. Speaker, I also desire to prefer another request for unanimous consent. A number of gentlemen have said to me that they have not had sufficient time to look over the bills on the Private Calendar, and they have asked me to postpone its consideration for this week. I ask unanimous consent that instead of to-morrow it shall be in order next Tuesday, between the hours of 8 and 11, to consider bills unobjected

to on the Private Calendar; to vacate the order for to-morrow night.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the arrangements made for to-morrow night be postponed until the following Tuesday night. Is that it?

Mr. LONGWORTH. Yes.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I think I shall not object to that request. I understood this morning that such a request would be made. I hoped that it might be presented with a pretty full attendance. I can not recall who it was who advised me as to his wishes with respect to to-morrow night. I do not think there was any particular insistence on his part, and I do not think there will be imputed to me any lack of good faith in not making an objection.

Mr. LONGWORTH. Four or five gentlemen have asked me to request a postponement.

Mr. LOWREY. Mr. Speaker, reserving the right to object, I do not know that I shall object, but there are some bills on that calendar which are considered important and which should be put through in time to be considered at the other end of the Capitol.

Mr. BLANTON. This will help to do it.

Mr. LOWREY. I shall not object, although I am not sure that it is altogether fair.

The SPEAKER. Is there objection?

There was no objection.

NAVY DEPARTMENT APPROPRIATION BILL

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman from Idaho [Mr. FRENCH] yield to me?

Mr. FRENCH. I yield to the gentleman.

Mr. BYRNES of South Carolina. Mr. Speaker, I hope that the motion of the gentleman from Idaho to concur with an amendment will prevail. The amendment as now contained in the bill reads—

That the President is authorized and requested to invite the Governments to a conference for the limitation of armaments.

The amendment of the gentleman from Idaho proposes to strike from this Senate amendment the word "authorized." It was at my suggestion in conference that the amendment was offered. I think that the President now has authority to invite the nations of the world to a conference, and I do not believe that the Congress should adopt an amendment which attempts to give him authority that he already has. Therefore I hope the amendment of the gentleman from Idaho may be adopted.

As to the amendment itself, as the House knows, in the last session of Congress I offered an amendment requesting the President to call a conference for the limitation of armaments. That amendment was adopted. At this session I did not offer it because I thought this Congress had gone on record in expressing its views. But the Senate saw fit to add this amendment, substantially the same as that carried in the last naval appropriation bill. Confronted with that situation, I believe that the House should concur in the amendment, because I believe its action would be misconstrued if it failed to concur in the amendment.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. CONNALLY of Texas. The gentleman stated a while ago that the President now has authority to call this conference. Is the gentleman aware of a statute—our committee has had it before it many times—which provides that as to international conferences to meet in America the President is not allowed to call them without authority of Congress, on account of the expense?

Mr. BYRNES of South Carolina. I remember that was gone into at great length when we first had an amendment here requesting the President to call a conference. It was generally agreed that under the Constitution the President has the power and authority to negotiate with other governments. I have not the slightest doubt about the authority of the President to call a conference of this character.

But the President, in addressing the Congress this session, made this statement:

But on account of proposals which have already been made by other governments for a European conference, it will be necessary to wait to see what the outcome of their actions may be. I should not wish to propose or have representatives attend a conference which would contemplate commitments opposed to the freedom of action we desire to maintain unimpaired with respect to our purely domestic policies.

From the President's language he may deem it wise not to accept an invitation to attend the conference for the limitation of armament, which conference has been referred to by the gentleman from Ohio [Mr. BURTON]. But my earnest hope is that he will accept such an invitation, because I believe it would be an effective way of disposing of this question. But if he does not see fit to accept it because he comes to the conclusion that in some way it will impair our freedom of action, the gentleman from Ohio is right that the failure of the United States to enter the conference referred to, originating in the League of Nations, would inevitably doom it to failure. And if that situation should arise, then it is all right for us to be on record with this request, expressing the view of the Congress of the United States that the President, on his own initiative, should invite the governments of the world to a conference for the limitation of armament. The conference report that is now being put through shows the necessity of it. It carries $290,000,000. In addition to that, a few days ago we passed here a bill authorizing the expenditure of $22,500,000 additional for aircraft carriers; in addition to that you passed a bill authorizing the construction of cruisers, for which construction the Navy Department is asking the Budget Bureau for $55,000,000. When you add those amounts you will find they make a total of $365,000,000—$365,000,000, after we have had a conference for the limitation of armament, as against $150,000,000, the largest amount ever spent in time of peace for the maintenance of the Navy, back in 1914. In addition, you are spending $250,000,000 for the Army, as against $101,000,000 in 1914; and the time has arrived when this must stop or else the people of this country will be exhausted by the burden of taxation.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

Mr. FRENCH. I hope the gentleman will withdraw his point of no quorum, because this is the last thing in connection with this bill.

Mr. BLANTON. But I think that an important matter like this ought to have a larger membership here.

Mr. LEHLBACH. Mr. Speaker, I move a call of the House.

Mr. BLANTON. I am going to withdraw my point of no quorum if the gentleman from New Jersey will just withhold his call a minute. I would like to have him withhold his call for a minute.

Mr. LEHLBACH. But I can not until the gentleman withdraws his point of no quorum.

Mr. BLANTON. If the gentleman from New Jersey will withdraw his motion for a call of the House, I will probably withdraw my point of no quorum.

Mr. LEHLBACH. All right.

Mr. BLANTON. Mr. Speaker, if the leaders on this matter want to vote on it to-night I am not going to hinder them, and I withdraw the point of no quorum.

Mr. FRENCH. Mr. Speaker, the gentleman from South Carolina indicated the effect of the language of the gentleman from Texas, and because of that I shall not need to discuss the subject. Resting entirely upon the first statement of the gentleman from South Carolina [Mr. BYRNES], I hope the amendment offered by the gentleman from Texas [Mr. CONNALLY] will be defeated.

Mr. CONNALLY of Texas. I have no disposition to press my amendment if the gentleman thinks the other amendment is better.

Mr. FRENCH. I think it is better.

Mr. CONNALLY of Texas. But I want to call the gentleman's attention to the fact that there is now a statute which prohibits the President from calling international conferences without the will of Congress.

Mr. FRENCH. The Congress would undoubtedly make appropriations.

Mr. CONNALLY of Texas. I am not talking about appropriations; I am talking about the consent of the Congress to invite international conferences. The Constitution, in my opinion, gives the President that right above the statute, but there is a statute on the books, and if you pass this act would not somebody say you are simply avoiding that responsibility, and would not the President say, "Oh, well, I have no authority to call it"? I will withdraw my motion if it will comfort the gentleman from Idaho.

Mr. FRENCH. I shall be glad if the gentleman will withdraw his motion.

The SPEAKER. The gentleman from Texas withdraws his motion. The question is on the motion of the gentleman from Idaho to recede and concur with an amendment.

The motion was agreed to.

THE PUBLIC BUILDINGS BILL

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the public buildings bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the public buildings bill. Is there objection?

There was no objection.

Mr. DICKINSON of Missouri. Mr. Speaker, it has been nearly 12 years since the last general public buildings bill was passed and which carried authorizations amounting to about $40,000,000. Since that time the growth of the country in population, in wealth, and in business has largely increased, and also the demand for enlarged and better facilities of public business. The earnings of the Post Office Department have doubled in the last 10 years. The demands for new public Federal buildings have increased until the passage of a public buildings bill has become a necessity. The report of Mr. ELLIOTT, from the Committee on Public Buildings and Grounds, states that the Treasury Department is expending annually for the rental of quarters for different branches of the Government service $1,135,000 in the District of Columbia and $23,000,000 throughout the balance of the country, and that the total amount of rental paid by the Government for property rented by the Post Office Department for postal uses is more than $12,000,000 per annum, which multiplied by 12 for the 12 years, since the passage of the last public buildings bill, would mean $144,000,000, or a sum over three times the amount authorized in the bill passed by Congress and approved on March 4, 1913. The pending bill that passed the House under a special rule in section 5 reads as follows:

SEC. 5. For the purpose of carrying out the provisions of this act the sum of $150,000,000 is hereby authorized to be appropriated, but under this authorization and from appropriations, exclusive of appropriations made for "remodeling and enlarging public buildings," heretofore made, for the acquisition of sites for or the construction, enlarging, remodeling, or extension of public buildings under the control of the Treasury Department, not more than $25,000,000 in the aggregate shall be expended annually.

It will take six years to complete the program under this act, the District of Columbia to have first care and about one-third of the total amount to be expended here in the District, the rest of the country to wait and especially the smaller cities in country districts, if cared for at all under this act. It is also stated under high authority that work under this measure can not commence until the year 1927; if so, it will take nearly eight years to complete the work under this bill. During that eight years, with rentals amounting to nearly $25,000,000 a year, the Government will have paid out nearly $200,000,000 for rents. Better far have a general bill, providing for Federal buildings in all sections of the country and end the enormous rental expenditures, pork for private owners, fattening by enormous rental charges. A public buildings bill 12 years ago, carrying authorizations of about $40,000,000, since that date at $25,000,000 a year, there will have been expended $300,000,000 for rents. Add eight years for the rental expenditure before buildings are completed under this bill, and it will be 20 years, or twenty times $25,000,000, making $500,000,000 for rents for public buildings, reduced in a small way as buildings under this bill may be erected. Far better have a so-called pork barrel general public buildings bill providing for Federal buildings to house Government activities in all sections of the country and end the enormous extravagance for rental payments, and erect at less cost suitable public buildings. But is it just to call a general public buildings bill a pork barrel bill? These public building bills are introduced at the demand of great business communities in all sections of the country to meet the necessities of ever-increasing business activities. Opposition comes from the great cities and from sections already cared for and from those receiving great rentals from the Government, and the press utters their protest against the just demands of the uncared-for sections, when they are as much entitled to erection of Federal buildings for post office and other Government activities as those who have already been cared for and now protest.

I favor the erection of a Federal post-office building in all cities where the net excess revenues above expenditures will amply take care of and pay for the erection of a public building, and thus let that city or community paying into the Federal Treasury this excess revenue by reason of business activities have erected the needed public buildings, and not send these excess revenues to crowded centers of population, centralizing the energies of the Government in large cities and depriving the smaller cities of the benefit of their contribution to the general welfare of the entire country. It is not pork-barrel legislation, it is just legislation to meet the growing needs of all sections of our country, and these bills are introduced to meet the demands of business in their several districts and at the instance of those paying the revenues and demanding the buildings. Those opposed to this pending bill, favored by the administration and being forced through under special rule without opportunity of amendment and only 40 minutes' debate, urge that it is a centralizing of power in the executive branch of the Government and too radically changes existing law relative to public buildings, and that the work of establishing public buildings, especially post offices, is a legislative function, the Constitution providing that "Congress shall have the power to establish post offices and post roads," and Congress heretofore has always provided by legislation for the places where the buildings shall be constructed and the amount that may be expended. This bill is a distinct departure from the uniform course heretofore pursued, and Congress in all the past has proceeded with great care. Under this bill existing law is wiped out and public buildings will be erected at the will of the Secretary of the Treasury, and the communities needing public buildings will be at the mercy of the Treasury Department, with little chance for a public building for many years. I regret that the party in power is unwilling to provide by a general bill for the erection of post-office buildings in cities throughout the country where the demand for such buildings is reasonable, and thereby lessen the enormous rent bills that in the aggregate run into hundreds of millions. It would be more economical and responsive to the needs of the Government as well as the cities where public buildings are sought.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6303. An act to authorize the governor and commissioner of public lands of the Territory of Hawaii to issue patents to certain persons who purchased Government lots in the district of Waiakea, island of Hawaii, in accordance with act 33, session laws of 1915, Legislature of Hawaii;

H. R. 5096. An act to authorize the incorporated town of Sitka, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing a public-school building in the town of Sitka, Alaska;

H. R. 3913. An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States;

H. R. 8965. An act for the relief of the Omaha Indians of Nebraska;

H. R. 10689. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak.;

H. R. 10688. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak.;

H. R. 11036. An act extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway Co.;

H. R. 11501. An act for the exchange of land in El Dorado, Ark.;

H. R. 9380. An act granting the consent of Congress to Board of County Commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River;

H. R. 9827. An act to extend the time for the construction of a bridge across the Rock River in the State of Illinois;

H. R. 10645. An act granting consent of Congress to the Valley Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.;

H. R. 9138. An act to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes;

H. R. 8258. An act for the relief of Capt. Frank Geere;

H. R. 7399. An act to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906;

H. R. 10150. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.," approved November 19, 1919;

H. R. 6660. An act for the relief of Picton Steamship Co. (Ltd.), owner of the British steamship *Picton*;

H. R. 9162. An act to amend section 128 of the Judicial Code, relating to appeals in admiralty cases;

H. R. 7239. An act authorizing the Secretary of the Interior to pay certain funds to various Wisconsin Pottawatomi Indians;

H. R. 6755. An act granting six months' pay to Maude Morrow Fechteler;

H. R. 4461. An act to provide for the payment of certain claims against the Chippewa Indians of Minnesota;

H. R. 8893. An act for the relief of Juana F. Gamboa;

H. R. 10030. An act granting the consent of Congress to the Harrisburg Bridge Co., and its successors, to reconstruct its bridge across the Susquehanna River, at a point opposite Market Street, Harrisburg, Pa.;

H. R. 8329. An act for the relief of Albert S. Matlock;

H. R. 7249. An act for the relief of Forrest J. Kramer;

H. R. 8727. An act for the relief of Roger Sherman Hoar;

H. R. 8086. An act to amend the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914;

H. R. 3387. An act authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Sanish, formerly Fort Berthold Indian Reservation, N. Dak.;

H. R. 1717. An act authorizing the payment of an amount equal to six months' pay to Joseph J. Martin;

H. R. 2258. An act for the relief of James J. McAllister;

H. R. 2806. An act for the relief of Emil L. Flaten;

H. R. 26. An act to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act;

H. R. 1326. An act for the relief of Clara T. Black;

H. R. 1860. An act for the relief of Fannie M. Higgins;

H. R. 2811. An act to amend section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes";

H. R. 3348. An act authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co.;

H. R. 3411. An act for the relief of Mrs. John P. Hopkins;

H. R. 3595. An act for the relief of Daniel F. Healy;

H. R. 5774. An act for the relief of Beatrice J. Kettlewell;

H. R. 5752. An act for the relief of George A. Petrie;

H. R. 4374. An act for the relief of the American Surety Co. of New York;

H. R. 5967. An act for the relief of Grace Buxton;

H. R. 5423. An act to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357);

H. R. 6328. An act for the relief of Charles F. Peirce, Frank T. Mann, and Mollie V. Gaither;

H. R. 2958. An act for the relief of Isaac J. Reese;

H. R. 5448. An act for the relief of Clifford W. Seibel and Frank A. Vestal;

H. R. 2313. An act authorizing the issuance of a patent to William Brown;

H. R. 2977. An act for the relief of H. E. Kuca and V. J. Koupal;

H. R. 5762. An act for the relief of Julius Jonas;

H. R. 5819. An act for the relief of the estate of the late Capt. D. H. Tribou, chaplain, United States Navy; and

H. R. 4280. An act for the relief of the Chamber of Commerce of the City of Northampton, Mass.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. KINDRED, indefinitely, on account of illness in his family.

Mr. KETCHAM, for two days, on account of important business.

Mr. SULLIVAN, indefinitely, on account of illness.

BOARD OF VISITORS—UNITED STATES NAVAL ACADEMY, ANNAPOLIS

The SPEAKER. The Chair appoints as members of the Board of Visitors of the United States Naval Academy at Annapolis, Mr. BEGG, Mr. HILL of Maryland, Mr. BACON, Mr. DREWRY, and Mr. GAMBRILL.

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 4, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

842. A letter from the president of the Washington Gas Light Co., transmitting detailed statement of the business of the Washington Gas Light Co., with a list of its stockholders, for the year ending December 31, 1924; to the Committee on the District of Columbia.

843. A communication from the President of the United States, transmitting a communication from the Secretary of Agriculture submitting an estimate of appropriation in the sum of $516.95 to pay claims of Mrs. Harriet Seaman and three other claimants which have been adjusted and which require an appropriation for their payment (H. Doc. No. 596); to the Committee on Appropriations.

844. A communication from the President of the United States, transmitting a communication from the Secretary of the Treasury submitting an estimate of appropriation in the sum of $20 to pay claim of C. E. Pigeon, which has been adjusted and which requires an appropriation for its payment (H. Doc. No. 597); to the Committee on Appropriations.

845. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment of the United States for the fiscal year 1925, in the sum of $40,000, for contingent expenses, Senate: expenses of inquiries and investigations (H. Doc. No. 598); to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KIESS: Committee on Printing. S. 3633. An act to amend the printing act approved January 12, 1895, by discontinuing the printing of certain Government publications, and for other purposes; without amendment (Rept. No. 1370). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12001. A bill to provide for the elimination of Lamond grade crossing in the District of Columbia, and for the extension of Van Buren Street; without amendment (Rept. No. 1371). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. J. Res. 336. A joint resolution to provide for the expenses of delegates of the United States to the Pan American Congress of Highways; with an amendment (Rept. No. 1372). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. S. 2917. An act directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act; with amendments (Rept. No. 1373). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Illinois: Committee on the Post Office and Post Roads. H. R. 10471. A bill authorizing the Postmaster General to permit the use of precanceled stamped envelopes; without amendment (Rept. No. 1374). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12081) granting an increase of pension to Sewell C. Rose; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10908) for the relief of Mrs. Frank G. Sanford; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A resolution (H. Res. 402) providing that the Committee on the Judiciary of the House be instructed to investigate charges in the St. Louis Post-Dispatch against George W. English, United States judge for the eastern judicial district of Illinois, and Charles B. Thomas, referee in bankruptcy appointed by him, and for other purposes; Committee on Rules discharged, and referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 12123) authorizing any tribe or bands of Indians of California to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. PRALL: A bill (H. R. 12124) to authorize the Port of New York Authority to construct, operate, maintain, and own bridge across the Arthur Kill and the Kill Van Kull River between the States of New York and New Jersey; to the Committee on Interstate and Foreign Commerce.

By Mr. LUCE: A bill (H. R. 12125) to create a Library of Congress trust fund board, and for other purposes; to the Committee on the Library.

By Mr. RATHBONE: A bill (H. R. 12126) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAUGEN: A bill (H. R. 12127) to create a farmers' export corporation to prevent a recurrence of agricultural depression; to place agricultural commodities upon an equality under the tariff laws with other commodities; to place agriculture upon an equality with industry and labor; and for other purposes; to the Committee on Agriculture.

By Mr. BRITTEN: A bill (H. R. 12128) to amend the act of August 29, 1916, providing for the retirement of captains in the Navy; to the Committee on Naval Affairs.

By Mr. LEAVITT: A bill (H. R. 12129) authorizing the Crow Tribe of Indians of Montana to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. GRIEST: A bill (H. R. 12130) granting the consent of Congress to the Susquehanna Bridge Co. and its successors to construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. DEAL: A bill (H. R. 12131) granting the consent of Congress to W. P. and C. M. Jordan, of Norfolk, Va., to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia; to the Committee on Interstate and Foreign Commerce.

By Mr. RAMSEYER: A bill (H. R. 12132) to authorize the Postmaster General to fix postage rates on second-class mail; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 12133) to authorize the Postmaster General to continue the work of ascertaining the revenues from and the cost of handling mail and performing special services; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Joint resolution (H. J. Res. 341) to provide for the expenses of delegates of the United States to the Pan American Educational Conference; to the Committee on Foreign Affairs.

By Mr. BURTON: Resolution (H. Res. 426) favoring membership of the United States in the Permanent Court of International Justice: to the Committee on Foreign Affairs.

By Mr. LINTHICUM: A resolution (H. Res. 427) granting six months' salary and $250 for funeral expenses to Josie A. Cassiday, daughter of Joseph Cassiday, who at the time of his death was an employee of the House of Representatives; to the Committee on Accounts.

By Mr. FAIRFIELD: A resolution (H. Res. 428) authorizing the printing of 1,000 copies of each of the hearings held by the House Committee on Insular Affairs; to the Committee on Printing.

By Mr. TEMPLE: A resolution (H. Res. 429) for the consideration of H. R. 11980, a bill for the securing of lands in the Southern Appalachian Mountains for perpetual preservation as national parks; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 12134) granting an increase of pension to Ellen Godfrey Brandabery; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 12135) for the relief of James K. P. Welch; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 12136) for the relief of Robert Philip Peirce; to the Committee on Naval Affairs.

By Mr. JOHNSON of West Virginia: A bill (H. R. 12137) granting an increase of pension to William M. Cheuvront; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 12138) for the relief of Laura C. Hughes; to the Committee on Claims.

By Mr. PHILLIPS: A bill (H. R. 12139) granting a pension to Maude S. Hays; to the Committee on Invalid Pensions.

By Mr. SALMON: A bill (H. R. 12140) granting an increase of pension to Otey C. Thompson; to the Committee on Invalid Pensions.

By Mr. SANDERS of Texas: A bill (H. R. 12141) for the relief of the heirs of John V. Singer; to the Committee on War Claims.

By Mr. SNELL: A bill (H. R. 12142) granting an increase of pension to Catherine Yerdon; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 12143) granting an increase of pension to Helen M. Axline; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 12144) granting a pension to John H. Riley; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 12145) granting a pension to Anna M. Blanchard; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 12146) granting a pension to Fannie B. Stillman; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12147) granting an increase of pension to Amanda Frothingham; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 12148) granting an increase of pension to Mary M. Bippus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12149) granting an increase of pension to Elizabeth J. Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12150) granting an increase of pension to Anna Ruff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12151) granting a pension to Andrew J. Swiney; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 12152) granting an increase of pension to Roxanna Mellander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12153) granting an increase of pension to Isabel A. Story; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3639. By Mr. CURRY: Petition of the Aviation Club of Superior, Calif., favoring a separate air service; to the Committee on Military Affairs.

3640. By Mr. HOWARD of Nebraska: Petition of Antelope Chapter of the Izaak Walton League of America, indorsing the Federal game refuge public shooting grounds bill; to the Committee on Agriculture.

3641. By Mr. KIESS: Petition of citizens of Potter County, Pa., against the passage of Senate bill 3218; to the Committee on the District of Columbia.

3642. By Mr. RAKER: Petitions of Annie Rvinich, San Francisco; Philip T. Sullivan, secretary Federal Custodian Service Association, San Francisco; Frederic T. Philpott, San Francisco; E. M. Mateas, San Francisco; Mrs. M. Bates, San Francisco; Charles N. Knightwine, San Francisco; James E. Collins, San Francisco; Joseph F. Lyons, San Francisco; S. A. Bliss, San Francisco; Adam Wassell, San Francisco; Oscar Lindeberg, San Francisco; Thomas White, Oakland; John J. Hodges, San Francisco; A. Spaoloni, San Francisco; Peter O. Peterson, Oakland; W. Marston, Mill Valley, Calif., all indorsing House bill 8352; to the Committee on the Civil Service.

3643. Also, petitions of John R. Gittings, San Anselmo; Mellie A. Hodges, San Francisco; Davis P. Sheridan, San Francisco; Joseph Gerardy, San Francisco; Philip T. Sullivan, San Francisco; James N. Stafford, San Francisco; Annie L. Sharkey, San Francisco; W. H. Mal Dade, San Francisco; Miss M. Sheanor, San Francisco; Mabel E. Jones, San Francisco; Larney Boson, Oakland; Antonia Rivera, San Francisco; Anna A. Welch, San Francisco, Calif., all indorsing and urging passage of the Shreve bill (H. R. 8352); to the Committee on the Civil Service.

3644. By Mr. SWING: Petition of residents of Riverside County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3645. By Mr. WILLIAMS of Michigan: Petition of Tobias Hicks and 16 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday ob-

servance bill, so called; to the Committee on the District of Columbia.

3646. Also, petition of George Gowell and 52 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3647. Also, petition of Charles Pritchett and 16 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3648. Also, petition of L. F. Westfall and 22 other residents of Hillsdale County, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *February 4, 1925*

(Legislature day of Tuesday, February 3, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes; that the House has receded from its disagreement to the amendments of the Senate Nos. 8, 15, and 23 to the said bill; and that the House had receded from its disagreement to the amendment of the Senate No. 25 and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message also communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. SIDNEY E. MUDD, late a Representative from the State of Maryland.

The message further communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. EDWARD C. LITTLE, late a Representative from the State of Kansas.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 26. An act to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act;

H. R. 1326. An act for the relief of Clara T. Black;

H.R. 1717. An act authorizing the payment of an amount equal to six months' pay to Joseph J. Martin;

H. R. 1860. An act for the relief of Fannie M. Higgins;

H. R. 2258. An act for the relief of James J. McAllister;

H. R. 2313. An act authorizing the issuance of a patent to William Brown;

H. R. 2806. An act for the relief of Emil L. Flaton;

H. R. 2811. An act to amend section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes";

H. R. 2958. An act for the relief of Isaac J. Reese;

H. R. 2977. An act for the relief of H. E. Kuca and V. J. Konpal;

H. R. 3348. An act authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co.;

H. R. 3387. An act authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Sanish, formerly Fort Berthold Indian Reservation, N. Dak.;

H. R. 3411. An act for the relief of Mrs. John P. Hopkins;

H. R. 3595. An act for the relief of Daniel F. Healy;

H. R. 3918. An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States;

H. R. 4280. An act for the relief of the Chamber of Commerce of the City of Northampton, Mass.;

H. R. 4290. An act for the relief of W. F. Payne;

H. R. 4374. An act for the relief of the American Surety Co. of New York;

H. R. 4461. An act to provide for the payment of certain claims against the Chippewa Indians of Minnesota;

H. R. 5096. An act to authorize the incorporated town of Sitka, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing a public-school building in the town of Sitka, Alaska;

H. R. 5423. An act to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357);

H. R. 5448. An act for the relief of Clifford W. Seibel and Frank A. Vestal;

H. R. 5752. An act for the relief of George A. Petrie;

H. R. 5762. An act for the relief of Julius Jonas;

H. R. 5774. An act for the relief of Beatrice J. Kettlewell;

H. R. 5819. An act for the relief of the estate of the late Capt. D. H. Tribou, chaplain, United States Navy;

H. R. 5967. An act for the relief of Grace Buxton;

H. R. 6303. An act to authorize the governor and commissioner of public lands of the Territory of Hawaii to issue patents to certain persons who purchased Government lots in the district of Waiakea, Island of Hawaii, in accordance with act 38, session laws of 1915, Legislature of Hawaii;

H. R. 6328. An act for the relief of Charles F. Peirce, Frank T. Mann, and Mollie V. Gaither;

H. R. 6660. An act for the relief of Picton Steamship Co. (Ltd.), owner of the British steamship *Picton*;

H. R. 6755. An act granting six months' pay to Maude Morrow Fechteler;

H. R. 7239. An act authorizing the Secretary of the Interior to pay certain funds to various Wisconsin Pottawatomi Indians;

H. R. 7249. An act for the relief of Forrest J. Kramer;

H. R. 7399. An act to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906;

H. R. 8086. An act to amend the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914;

H. R. 8258. An act for the relief of Capt. Frank Geere;

H. R. 8329. An act for the relief of Albert S. Matlock;

H. R. 8727. An act for the relief of Roger Sherman Hoar;

H. R. 8893. An act for the relief of Juana F. Gamboa;

H. R. 8965. An act for the relief of the Omaha Indians of Nebraska;

H. R. 9138. An act to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes;

H. R. 9162. An act to amend section 128 of the Judicial Code relating to appeals in admiralty cases;

H. R. 9380. An act granting the consent of Congress to Board of County Commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River;

H. R. 9827. An act to extend the time for the construction of a bridge across the Rock River in the State of Illinois;

H. R. 10030. An act granting the consent of Congress to the Harrisburg Bridge Co., and its successors, to reconstruct its bridge across the Susquehanna River, at a point opposite Market Street, Harrisburg, Pa.;

H. R. 10150. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.," approved November 19, 1919;

H. R. 10645. An act granting consent of Congress to the Valley Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.;

H. R. 10688. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak.;

H. R. 10689. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak.;

H. R. 11036. An act extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway Co.; and

H. R. 11501. An act for the exchange of land in El Dorado, Ark.

NAVY DEPARTMENT APPROPRIATIONS

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 10724.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives on the bill which the clerk will read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 3, 1925.

Resolved, That the House recedes from its disagreement to the amendments of the Senate Nos. 8, 15, and 23 to the bill (H. R. 10724) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes," and concur therein.

That the House recedes from its disagreement to the amendment of the Senate No. 25, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: "The President is requested to invite the Governments with which the United States has diplomatic relations to send representatives to a conference to be held in the city of Washington, which shall be charged with the duty of formulating and entering into a general international agreement by which armaments for war, either upon land or sea, shall be effectually reduced and limited in the interest of the peace of the world and the relief of all nations from the burdens of inordinate and unnecessary expenditures for the provision of armaments and the preparation for war."

Mr. HALE. I move that the Senate agree to the amendment of the House to Senate amendment numbered 25. It is an amendment agreed on by the conferees, but simply had to be acted on by the House before it came to the Senate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maine that the Senate agree to the amendment of the House to Senate amendment numbered 25.

The motion was agreed to.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McCormick	Shortridge
Ball	Fess	McKellar	Simmons
Bayard	Fletcher	McKinley	Smith
Bingham	Frazier	McLean	Smoot
Borah	George	McNary	Spencer
Brookhart	Gerry	Mayfield	Stanfield
Broussard	Glass	Means	Stanley
Bruce	Gooding	Metcalf	Sterling
Bursum	Greene	Moses	Swanson
Cameron	Hale	Neely	Trammell
Capper	Harreld	Norbeck	Underwood
Caraway	Harris	Norris	Wadsworth
Copeland	Harrison	Oddie	Walsh, Mass.
Couzens	Heflin	Overman	Walsh, Mont.
Cummins	Howell	Pepper	Warren
Curtis	Johnson, Calif.	Phipps	Watson
Dale	Johnson, Minn.	Pittman	Weller
Dial	Jones, N. Mex.	Ransdell	Wheeler
Dill	Jones, Wash.	Reed, Mo.	Willis
Edge	Kendrick	Reed, Pa.	
Edwards	King	Sheppard	
Ernst	Ladd	Shipstead	

The PRESIDENT pro tempore. Eighty-five Senators have answered to the roll call. There is a quorum present.

INCREASED FREIGHT CLASSIFICATIONS (S. DOC. NO. 193)

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, in compliance with Senate Resolution 314 (agreed to January 26, 1925), a statement showing the present and proposed increased ratings on certain canned foods named in the resolution, together with the approximate percentages of increase which would result from the proposed changes, which was ordered to lie on the table and to be printed.

CHILD LABOR

The PRESIDENT pro tempore laid before the Senate a joint resolution of the Legislature of Arizona ratifying the proposed amendment to the Constitution relative to the limitation, regulation, and prohibition of labor of persons under 18 years of age, which was referred to the Committee on the Judiciary.

[Duplicate printed in full in the proceedings of February 3, 1925, when presented by Mr. CAMERON.]

Mr. ASHURST presented a joint resolution of the Legislature of Arizona ratifying the proposed amendment to the Constitution relative to the limitation, regulation, and prohibition of labor of persons under 18 years of age, which was referred to the Committee on the Judiciary.

[Duplicate printed in full in the proceedings of February 3, 1925, when presented by Mr. CAMERON.]

PROPOSED UNIVERSAL DRAFT LAW

Mr. WILLIS presented resolutions adopted by Robert E. Bentley Post, American Legion, Department of Ohio, at Cincinnati, Ohio, favoring the passage of legislation to remedy for the future the condition of those who volunteer or are drafted to bear arms and are returned to civil life handicapped in the effort to reestablish themselves, etc., which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (H. R. 5084) to amend the national defense act approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes, reported it with amendments and submitted a report (No. 986) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3765) to authorize a five-year building program for the public-school system of the District of Columbia which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia, reported it with amendments and submitted a report (No. 987) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 4016) for the relief of the Royal Holland Lloyd, a Netherland corporation of Amsterdam, the Netherlands, reported it without amendment and submitted a report (No. 988) thereon.

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (S. 3618) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols, reported it with an amendment and submitted a report (No. 989) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2441) for the relief of R. Clyde Bennett, reported it with an amendment and submitted a report (No. 990) thereon.

He also, from the same committee, to which was referred the bill (S. 436) making appropriation for payment of claims of John Sevier, sr., and John Sevier, jr., in accordance with report and findings in the Court of Claims as reported in House Documents Nos. 1302 and 131, under the provisions of the act approved March 3, 1883, known as the Bowman Act, submitted an adverse report (No. 991) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 11282) to authorize an increase in the limits of cost of certain naval vessels, reported it without amendment and submitted a report (No. 992) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 449) for the relief of Katherine Southerland, reported it with an amendment and submitted a report (No. 993) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 4191) to permit the merger of street railway corporations operating in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 994) thereon.

Mr. McCORMICK, from the select committee on 9-foot channel from the Great Lakes to the Gulf (pursuant to Senate Resolution 411, Sixty-seventh Congress), appointed to consider the construction of a 9-foot channel in the Illinois River from the terminus of the Illinois waterway near Utica, Ill., to its confluence with the Mississippi River at Grafton, and for the maintenance of the channel of the Mississippi River from the mouth of the Illinois to the mouth of the Ohio at or near Cairo, submitted a report (No. 995) thereon, accompanied by an illustration.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (S. 4045) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg., reported it with amendments and submitted a report (No. 996) thereon.

Mr. SPENCER, from the Committee on the Judiciary, to which was recommitted the bill (S. 3213) to incorporate the American War Mothers, reported it without amendment.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3379) providing for the sale and disposal of public lands within the area heretofore surveyed as Boulder Lake, in the State of Wisconsin, reported it with an amendment and submitted a report (No. 997) thereon.

Mr. COPELAND, from the Committee on the District of Columbia, reported a bill (S. 4227) to extend the provisions of Title II of the food control and District of Columbia rents act as amended; to prevent fraudulent transactions respecting real estate; to create a real estate commission for the District of Columbia; to define, regulate, and license real-estate brokers and real-estate salesmen; to provide a penalty for a violation of the provisions hereof; and for other purposes, which was read twice by its title.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 4215) for the relief of Capt. Douglas E. Dismukes, United States Navy; to the Committee on Naval Affairs.

By Mr. COPELAND:

A bill (S. 4216) to extend to poultry the provisions of the meat inspection act; to the Committee on Agriculture and Forestry.

By Mr. PEPPER:

A bill (S. 4217) granting the consent of Congress to the Susquehanna Bridge Co. and its successors to construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.; to the Committee on Commerce.

By Mr. JONES of Washington:

A bill (S. 4218) relating to contracts dealing with real estate on Indian reservations; to the Committee on Indian Affairs.

By Mr. TRAMMELL:

A bill (S. 4219) for the erection of a public building for a post office and other purposes at Marianna, Fla.;

A bill (S. 4220) for the purchase of a site and the erection of a post-office building thereon at Panama City, Fla.; and

A bill (S. 4221) for the purchase of a site and the erection of a building thereon at Chipley, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. BURSUM:

A bill (S. 4222) granting an increase of pension to Mary Hare Mason; and

A bill (S. 4223) granting an increase of pension to Matilda Miller; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4224) to amend section 2 of the act of June 7, 1924 (Public, No. 270), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes," in order to promote the continuous production of timber on lands chiefly suitable therefor; to the Committee on Agriculture and Forestry.

By Mr. FERRIS:

A bill (S. 4225) to extend the times for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.; to the Committee on Commerce.

By Mr. FERNALD:

A bill (S. 4226) granting an increase of pension to Emma J. Bickford (with accompanying papers); to the Committee on Pensions.

PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA

Mr. SMOOT submitted an amendment intended to be proposed by him to the bill (H. R. 11791) to provide for the construction of certain public buildings, and for other purposes, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

DETAIL OF RETIRED OFFICERS TO EDUCATIONAL INSTITUTIONS

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (H. R. 5084) to amend the national defense act, approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes, which was ordered to lie on the table and to be printed.

INTEREST UPON NOTES OF COMMON CARRIERS

Mr. McLEAN submitted an amendment intended to be proposed by him to the bill (S. 3772) to authorize the reduction of and to fix the rate of interest to be paid by carriers upon notes or other evidences of indebtedness heretofore issued under the provisions of section 207 of the transportation act, 1920, or section 210 of said act, as amended by an act approved June 5, 1920, which was referred to the Committee on Interstate Commerce and ordered to be printed.

AMENDMENTS TO RIVERS AND HARBORS BILL

Mr. JONES of Washington submitted two amendments intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

Mr. EDGE submitted an amendment intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CAMERON (for Mr. LENROOT) submitted an amendment intended to be proposed to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

PROPOSED ISLE OF PINES INVESTIGATION

Mr. COPELAND. I submit a resolution which I ask may be read and referred to the Committee on Foreign Relations.

The resolution (S. Res. 324) was read and referred to the Committee on Foreign Relations, as follows:

Whereas the debate on the Isle of Pines treaty has developed that the national and property rights of American citizens are involved; and

Whereas one article of the pending treaty alleges that relinquishment of title to the Island of Pines is in consideration of the grants of coaling and naval stations in the Island of Cuba; and

Whereas the Virgin Islands may be better situated for the Caribbean coaling and naval stations, as well as for naval maneuvers; and

Whereas the protection of the Panama Canal and our entire national policy as to the Caribbean is involved in the pending treaty and the conditions growing out of its adoption or rejection: Be it

Resolved, That a committee of five Senators be appointed to inquire into all the circumstances connected with the Isle of Pines treaty, its effects upon the national and property rights of American citizens, and to report to the Senate such recommendations as it may determine to be the duty and to the interests of the United States.

Resolved, That this committee be authorized to take testimony and, if need be, to visit the Caribbean, to the end that a detailed report may be made to the Senate on all the subjects mentioned in this resolution, not later than December 15, 1925.

Resolved, That the Secretary of the Navy be requested to assist the committee in every proper way.

OPERATIONS IN WHEAT, FLOUR, AND BREAD

Mr. CAMERON submitted the following resolution (S. Res. 325), which was referred to the Committee on Agriculture and Forestry:

Whereas it appears from the public press that preparations are under way to increase the price of bread to the consumer; and

Whereas the high price of wheat is given as the reason for increasing the price of bread: Now, therefore, be it

Resolved, That for the purpose of providing the Congress with information to serve as a basis for such legislation, as in its opinion may be found necessary for the regulation of improper practices in the manipulation of prices of wheat, flour, and bread, the Federal Trade Commission is authorized and directed to investigate (in pursuance of the powers conferred upon it by subdivision (d) of section 6 of the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, as amended, and in pursuance of any other power conferred upon it by such act) the facts relating to (a) alleged corporate violations of the anti-trust laws in respect of operations in wheat, flour, and bread; and (b) the relation of such anti-trust law violations to the demand for and the supply of wheat, flour, and bread, prices of and profits in wheat, flour, and bread, and the methods of marketing wheat, flour, and bread in interstate and foreign commerce. The commission is directed to report to the Senate as soon as

practicable the results of its investigations in pursuance of this resolution.

The Secretary of Commerce and the Secretary of Agriculture are requested to furnish the Senate, as soon as practicable, such information as they may have concerning the world's supply of wheat.

MEMORIAL TO THEODORE ROOSEVELT

The PRESIDING OFFICER (Mr. JONES of Washington in the chair) laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 135) granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt, which was, on page 2, line 10, to strike out "1925" and insert "1926."

Mr. PEPPER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

VALIDATION OF PUBLIC-LAND ENTRIES, ETC.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2975) validating certain applications for and entries of public lands, and for other purposes, which were on page 3, after line 24, to insert:

Homestead entry, Bismarck, N. Dak., No. 019975, made by Thomas J. Fox on August 15, 1918, for lot 4 of section 6, township 148 north, range 83 west, fifth principal meridian, and lot 1 of section 1, township 148 north, range 84 west, fifth principal meridian.

Homestead entries, Helena, Mont., Nos. 020678 and 021942, made by Charles A. Kranich, for the southeast quarter of the northwest quarter, southwest quarter of the northeast quarter, north half of the southeast quarter and southeast quarter of the southeast quarter, section 30, township 18 north, range 6 west, Montana principal meridian.

Homestead entry, Glasgow, Mont., No. 051366, made by Karl T. Larson on September 21, 1917, for lot 8 of section 29, lots 5 and 6 of section 28, and lot 2 of section 33, township 28 north, range 53 east, Montana principal meridian, such patent to be issued to the heirs of Karl T. Larson, deceased.

Page 7, after line 5, insert the following:

SEC. 10. That Richard Walsh, to whom patent issued on July 10, 1922, for a farm unit under the Klamath irrigation project, be permitted to reconvey the land to the United States and to make entry for a farm unit in another division of the project, the amount of the construction charge already paid by said Walsh to be transferred to the new entry.

SEC. 11. That the Secretary of the Interior is hereby authorized to grant to the Chicago, Milwaukee & St. Paul Railway Co. under the act of March 3, 1875 (18 Stat. L. p. 482), a right of way for its constructed road across the abandoned Post Discovery Bay Military Reservation.

SEC. 12. That existing entries allowed prior to April 1, 1924, under the stock-raising homestead act of December 29, 1916 (39 Stat. L. p. 862), for land withdrawn as valuable for oil or gas, but not otherwise reserved or withdrawn, are hereby validated, if otherwise regular: *Provided*, That at date of entry the land was not within the limits of the geologic structure of a producing oil or gas field.

SEC. 13. That the Central Pacific Railway Co., upon its filing with the Secretary of the Interior a proper relinquishment, disclaiming in favor of the United States all title and interest in or to lot 1 of section 1, township 16 north, range 22 east, Mount Diablo meridian, in the Carson City (Nev.) land district, under its primary selection list No. 10, embracing said tract, shall be entitled to select and receive a patent for other vacant, unreserved, nonmineral public lands of an equal area situate within any State into which the company's grant extends; and, further, that upon the filing of such relinquishment by said railway company the selection of the tract so relinquished by the State of Nevada in the approved list No. 13 be, and the same is hereby, validated.

Mr. LADD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

GOOD ROADS

The PRESIDENT pro tempore. The unfinished business, House bill 4971, will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. JOHNSON of California obtained the floor.

Mr. STERLING. Mr. President, will the Senator yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from South Dakota?

Mr. JOHNSON of California. I yield to the Senator from South Dakota. He tells me that he will take but a moment or two with the presentation of some figures, so I yield for that purpose.

Mr. STERLING. Mr. President, I think I was occupying the floor at the time the recess was taken last evening. I do not propose at present to discuss further the situation, but at this point I desire to submit some figures for the RECORD.

The first is known as Table A, furnished me by the Bureau of Public Roads, and is entitled "Status of Federal highway funds as of December 31, 1924." The second is Table B, entitled "Mileage of Federal aid highway system of the United States." The third is a statement and table showing the excise taxes collected by the Federal Government from motor vehicles, accessories, and so forth, for the years 1917 to 1924, inclusive, and also a statement showing the withdrawals from the Federal Treasury for Federal aid to roads from 1917 to 1924, inclusive. I have also another table which I desire to present, being a comparison of the total license fees and gasoline taxes collected with the Federal aid funds paid to the several States for 1923. I desire that this matter shall go in the RECORD at this point.

The PRESIDENT pro tempore. Without objection the several tables and statements will be printed in the RECORD.

The matter referred to is as follows:

TABLE A.—*Status of Federal highway funds as of December 31, 1924*

State	Apportionment from July 11, 1916, to date	Balances of apportionment not allotted to projects	Amounts allotted to projects		Completed work		Projects under construction		Balance of apportionment not yet placed under construction	Amounts paid to States
			Federal aid	Miles	Federal aid	Miles	Federal aid	Miles		
Alabama	$11,252,963.00	$1,160,401.73	$10,092,561.27	1,399.5	$4,737,541.35	811.0	$5,315,311.85	588.1	$1,200,109.80	$7,343,455.24
Arizona	7,495,701.00	1,185,738.05	6,309,962.95	786.2	4,884,821.01	614.9	874,548.81	100.8	1,736,330.18	5,364,349.65
Arkansas	9,062,400.00	868,423.13	8,193,976.87	1,426.7	5,249,529.37	1,028.8	2,515,017.83	325.3	1,297,852.80	6,713,999.72
California	17,038,305.00	3,042,032.91	14,051,273.09	1,072.1	9,659,109.74	818.8	4,104,351.58	251.4	3,329,844.68	11,628,714.06
Colorado	9,559,881.00	2,112,445.43	7,447,435.58	768.0	6,195,906.00	658.2	1,216,300.24	104.0	2,147,674.76	6,321,250.59
Connecticut	3,381,195.00	967,409.36	2,413,785.64	132.6	1,996,791.40	111.4	416,994.24	21.2	967,409.36	1,833,891.79
Delaware	1,739,530.00	29,758.25	1,709,771.75	119.4	1,205,540.65	85.3	504,231.10	33.1	29,758.25	1,493,255.83
Florida	1,286,887.00	912,412.06	5,374,474.94	320.9	2,610,830.45	194.6	2,592,520.55	116.0	1,083,535.00	3,455,417.38
Georgia	14,449,897.00	227,082.63	14,222,814.37	2,155.1	9,200,998.58	1,430.5	4,641,899.60	685.6	606,998.82	11,542,778.50
Idaho	6,677,712.00	622,052.49	6,055,659.51	727.3	4,476,553.30	576.6	1,286,129.83	120.8	915,028.87	5,091,578.10
Illinois	28,486,492.00	2,644,533.04	20,791,958.96	1,783.9	18,858,089.50	1,247.4	1,907,337.55	136.5	2,671,064.95	19,093,797.53
Indiana	14,312,392.00	2,206,681.09	12,105,710.91	784.6	6,151,343.49	391.4	5,954,367.42	393.2	2,206,681.09	10,213,054.20
Iowa	15,336,137.00	1,034,107.92	14,302,029.08	2,421.4	10,706,679.61	1,892.1	2,694,449.47	450.4	1,935,007.92	12,371,883.34
Kansas	15,299,289.00	7,079.76	15,292,209.24	1,437.1	10,122,008.02	858.7	3,875,132.51	426.9	1,302,148.47	11,656,090.20
Kentucky	10,371,739.00	1,057,698.86	9,314,040.14	827.6	5,997,092.13	565.0	3,163,011.12	249.6	1,211,635.75	7,789,916.09
Louisiana	7,265,442.00	423,336.92	6,842,105.08	1,073.9	4,748,721.10	824.0	1,938,545.95	248.3	578,174.95	5,908,023.59
Maine	5,089,972.00	823,982.72	4,265,989.28	305.8	3,879,016.68	278.6	386,972.60	27.0	823,982.72	3,912,391.60
Maryland	4,648,950.00	4,422.84	4,644,527.16	349.1	3,863,253.41	293.5	728,523.75	51.4	57,172.84	3,750,635.87
Massachusetts	7,919,780.00	1,487,315.53	6,432,466.17	352.9	5,732,304.64	319.9	539,039.50	23.8	1,848,435.86	5,262,935.00
Michigan	16,870,772.00	1,992,986.14	13,886,785.86	1,058.2	8,975,630.35	753.5	4,811,155.51	304.7	1,992,986.14	11,403,706.64
Minnesota	15,318,419.00	2,176.96	15,316,242.04	3,454.1	12,610,642.04	2,713.3	2,605,800.00	640.7	101,976.96	14,436,582.44
Mississippi	9,531,273.00	556,031.13	8,975,241.85	1,296.1	4,566,648.91	754.1	4,038,402.43	481.7	926,221.66	6,850,946.06
Missouri	17,940,188.00	737,000.70	17,203,187.30	1,923.9	7,887,336.99	1,125.0	8,211,850.17	657.1	1,841,000.84	11,136,232.67
Montana	10,966,447.00	3,691,576.48	7,274,840.52	1,200.4	5,142,943.15	902.3	1,541,199.71	180.9	4,282,284.14	5,891,607.68
Nebraska	11,450,946.00	3,241,487.45	8,209,458.55	2,408.1	5,198,560.86	1,765.4	2,552,727.09	533.6	3,699,658.05	6,524,865.29

TABLE A.—*Status of Federal highway funds as of December 31, 1924*—Continued

State	Apportionment from July 11, 1916, to date	Balances of apportionment not allotted to projects	Amounts allotted to projects		Completed work		Projects under construction		Balance of apportionment not yet placed under construction	Amounts paid to States
			Federal aid	Miles	Federal aid	Miles	Federal aid	Miles		
Nevada	$6,890,321.00	$207,325.77	$6,682,995.23	718.9	$3,373,865.73	376.1	$3,276,342.16	340.8	$240,113.11	$5,482,204.64
New Hampshire	2,434,964.00	102,519.25	2,332,444.75	231.1	2,043,940.19	211.7	274,834.56	18.5	116,199.25	1,974,464.97
New Jersey	6,589,247.00	815,074.27	5,774,172.73	238.5	3,699,895.17	211.8	2,074,277.56	26.7	815,074.27	3,711,702.35
New Mexico	8,589,332.00	729,974.94	7,859,357.06	1,481.8	5,410,745.09	1,184.9	2,294,257.20	280.2	884,329.71	5,498,771.91
New York	26,708,148.00	4,814,623.47	21,893,524.53	1,395.9	12,673,311.13	834.4	7,653,008.40	460.0	6,381,828.47	13,727,776.66
North Carolina	12,294,251.00	1,221,071.08	11,073,179.92	1,277.2	8,144,299.33	1,078.5	2,259,082.77	146.6	1,890,868.90	8,858,572.09
North Dakota	8,363,656.00	1,663,559.77	6,700,096.23	2,287.7	5,341,948.94	1,928.0	1,210,610.28	332.5	1,811,096.78	5,707,498.10
Ohio	20,140,164.00	1,680,720.97	18,459,443.03	1,456.2	14,759,880.41	1,149.6	3,170,562.62	266.0	2,209,720.87	15,956,504.22
Oklahoma	12,536,703.00	764,068.52	11,772,634.48	1,076.0	7,341,301.86	630.5	3,401,656.44	299.6	1,793,744.70	9,478,627.18
Oregon	8,506,159.00	205,276.85	8,300,882.15	901.2	7,244,778.58	814.2	945,149.28	77.7	316,231.14	7,448,023.69
Pennsylvania	24,601,616.00	2,770,961.27	21,830,654.73	1,201.7	18,149,909.73	962.1	2,793,170.00	180.8	3,658,536.27	19,285,952.26
Rhode Island	1,933,041.00	472,184.07	1,460,856.93	80.6	1,088,938.69	62.7	371,918.84	18.9	472,184.07	1,140,290.42
South Carolina	7,687,546.00	432,643.07	7,254,902.93	1,614.0	5,009,644.01	1,195.8	2,069,581.64	326.3	608,320.35	6,021,738.00
South Dakota	8,718,680.00	66,525.21	8,652,154.79	2,263.4	6,954,890.67	1,493.4	2,581,250.73	723.9	82,628.60	7,104,783.19
Tennessee	12,024,637.00	474,416.53	11,550,220.47	900.0	6,011,150.81	450.9	4,968,140.34	373.8	1,045,345.85	8,968,944.64
Texas	31,724,213.00	1,615,162.02	30,109,050.98	5,258.9	18,796,184.97	3,553.0	9,139,311.46	1,373.9	3,788,716.57	23,841,117.13
Utah	6,116,473.00	470,491.34	5,645,981.66	615.4	3,585,655.24	426.9	1,838,995.46	161.4	691,822.30	4,387,402.41
Vermont	2,533,979.00	491,179.21	2,042,799.79	133.5	1,131,009.55	87.0	885,107.93	45.1	517,861.52	1,576,417.92
Virginia	10,592,953.00	224,235.56	10,368,717.44	982.3	7,116,771.52	741.5	2,743,210.94	202.2	722,970.54	7,891,314.84
Washington	7,886,678.00	442,480.48	7,444,197.52	646.6	6,255,297.52	536.6	1,056,300.00	97.6	575,080.48	6,645,545.89
West Virginia	5,754,132.00	700,008.17	5,054,123.83	454.7	3,144,941.56	321.8	1,881,734.27	132.5	727,456.17	4,209,114.50
Wisconsin	13,678,451.00	3,607,799.65	10,070,651.35	1,560.5	8,982,529.48	1,446.4	1,020,418.87	106.9	3,675,502.65	9,017,607.93
Wyoming	6,687,351.00	250,424.93	6,436,926.07	1,100.4	4,914,984.92	956.6	1,521,941.15	143.9	250,424.93	5,603,099.23
Hawaii	365,625.00	365,625.00							365,625.00	
Total	525,125,000.00	55,626,523.29	469,498,476.71	57,063.2	324,933,677.23	41,667.7	127,946,664.31	13,286.8	72,244,658.46	380,528,813.43

TABLE B.—*Mileage of Federal aid highway system of the United States, January 1, 1925*

State	Certified total mileage	Mileage of approved systems
Alabama	56,551	3,872.00
Arizona	21,400	1,498.00
Arkansas	71,960	5,007.03
California	70,000	4,467.60
Colorado	48,000	3,270.90
Connecticut	12,000	835.43
Delaware	3,800	308.25
Florida	27,548	1,883.00
Georgia	80,892	5,450.00
Idaho	40,200	2,768.60
Illinois	96,771	5,092.22
Indiana	70,946	3,907.48
Iowa	109,113	7,218.50
Kansas	124,143	7,147.00
Kentucky	53,000	3,300.20
Louisiana	40,000	2,681.00
Maine	23,104	1,393.46
Maryland	14,810	1,420.74
Massachusetts	20,525	1,308.00
Michigan	75,000	4,595.00
Minnesota	103,050	6,849.60
Mississippi	53,000	3,322.00
Missouri	111,510	7,530.00
Montana	67,100	4,366.00
Nebraska	80,272	5,489.00
Nevada	22,000	1,422.00
New Hampshire	14,112	977.30
New Jersey	17,120	1,198.30
New Mexico	47,607	3,134.00
New York	81,873	4,475.30
North Carolina	63,863	3,790.30
North Dakota	106,202	4,555.00
Ohio	84,497	5,697.00
Oklahoma	112,698	5,589.50
Oregon	41,826	2,814.00
Pennsylvania	90,000	3,670.55
Rhode Island	2,368	196.83
South Carolina	52,318	3,047.00
South Dakota	115,390	5,457.00
Tennessee	65,204	3,122.20
Texas	182,816	10,932.00
Utah	24,057	1,388.00
Vermont	14,900	1,043.00
Virginia	53,338	3,068.20
Washington	42,428	2,907.70
West Virginia	31,629	1,918.50
Wisconsin	78,800	5,493.36
Wyoming	46,320	3,012.50
Total	2,866,061	174,350.64

TABLE C.—*Percentages of Federal aid apportionment, 1926*

Alabama	2.11
Arizona	1.44
Arkansas	1.73
California	3.38
Colorado	1.88
Connecticut	.65
Delaware	.50
Florida	1.22
Georgia	2.71
Idaho	1.29
Illinois	4.36
Indiana	2.65
Iowa	2.83
Kansas	2.84
Kentucky	1.93
Louisiana	1.36
Maine	.93
Maryland	.87
Massachusetts	1.49
Michigan	3.04
Minnesota	2.99
Mississippi	1.77
Missouri	3.31
Montana	2.12
Nebraska	2.16
Nevada	1.39
New Hampshire	.50
New Jersey	1.28
New Mexico	1.62
New York	5.00
North Carolina	2.32
North Dakota	1.61
Ohio	3.81
Oklahoma	2.49
Oregon	1.61
Pennsylvania	4.60
Rhode Island	.50
South Carolina	1.44
South Dakota	1.66
Tennessee	2.22
Texas	6.04
Utah	1.16
Vermont	.50
Virginia	1.98
Washington	1.53
West Virginia	1.09
Wisconsin	2.56
Wyoming	1.28
Hawaii	.50
Total (also hold for 1925)	100.00

Year ended June 30—	Excise taxes collected by the Federal Government from motor vehicles, accessories, etc.	Withdrawals from the Federal Treasury for Federal aid to roads
1918	$23,981,268	[1] $609,154
1919	49,341,990	2,915,282
1920	145,963,034	20,340,774
1921	117,322,741	57,462,768
1922	106,219,381	89,946,603
1923	146,183,607	71,604,708
1924	160,028,548	80,447,823
Total	749,040,569	323,327,112

[1] Includes 1917.

Comparison of the total license fees and gasoline taxes collected with the Federal aid funds paid to the several States, 1923

State	License fees	Gasoline tax	Total fees and gasoline tax	Federal aid	Ratio—Federal aid funds to total license fees and gasoline tax
					Per cent
Alabama	$1,541,017	$1,133,085	$2,674,103	$1,487,036	55
Arizona	271,670	474,123	745,793	1,257,481	169
Arkansas	1,435,090	1,219,198	2,654,288	1,128,423	43
California	10,608,544	2,518,893	13,127,437	3,017,511	23
Colorado	1,226,218	846,353	2,072,571	1,035,143	50
Connecticut	4,329,432	880,222	5,209,654	242,150	5
Delaware	516,209	88,579	604,788	379,256	63
Florida	1,963,065	1,641,042	3,604,118	820,064	23
Georgia	2,156,408	1,502,503	3,658,909	2,124,809	58
Idaho	914,014	396,487	1,310,501	804,812	61
Illinois	9,653,796		9,653,796	4,257,276	44
Indiana	3,693,715	2,906,428	6,600,143	2,576,304	39
Iowa	8,827,062		8,827,062	2,269,225	26
Kansas	3,435,606		3,435,606	2,739,170	80
Kentucky	2,678,732	680,435	3,359,168	1,791,506	53
Louisiana	2,191,240	754,437	2,945,678	957,941	33
Maine	1,660,268	285,076	1,945,345	861,029	44
Maryland	3,536,955	688,304	4,225,259	653,741	15
Massachusetts	6,989,633		6,989,633	1,270,764	18
Michigan	10,509,786		10,509,786	1,667,285	16
Minnesota	7,316,772		7,316,772	1,374,922	19
Mississippi	1,077,616	467,855	1,545,471	1,022,257	66
Missouri	4,016,383		4,016,383	3,102,407	78
Montana	729,621	441,249	1,170,870	745,229	64
Nebraska	3,353,175		3,353,175	951,725	28
Nevada	153,888	115,843	269,731	1,449,791	540
New Hampshire	1,571,326	163,004	1,734,391	286,616	17
New Jersey	7,653,780		7,653,780	241,693	32
New Mexico	295,000	165,000	460,000	981,138	21
New York	19,862,441		19,862,441	4,019,844	20
North Carolina	3,728,044	2,909,904	6,637,949	1,380,716	21
North Dakota	760,852	461,081	1,221,934	1,068,940	87
Ohio	9,662,370		9,662,370	4,097,277	42
Oklahoma	3,217,770	599,000	3,816,770	2,085,422	55
Oregon	4,069,609	1,958,141	6,027,750	1,421,811	24
Pennsylvania	15,844,303	5,491,522	21,335,826	1,307,538	6
Rhode Island	1,286,659		1,286,659	228,468	18
South Carolina	902,608	1,511,452	2,414,061	1,169,094	48
South Dakota	1,130,959	624,692	1,755,651	1,496,869	85
Tennessee	2,049,653	812,356	2,862,009	1,471,490	51
Texas	5,441,508	1,215,623	6,657,131	5,985,456	90
Utah	430,104	404,085	834,190	966,365	116
Vermont	938,860	168,172	1,107,033	288,969	26
Virginia	3,200,161	1,556,920	4,757,082	1,952,120	41
Washington	3,898,597	1,225,149	5,123,747	692,751	13
West Virginia	2,608,508	366,490	2,974,998	622,351	21
Wisconsin	4,958,933		4,958,933	1,941,119	39
Wyoming	414,096	140,161	554,258	1,189,499	214
Total	188,613,074	36,813,939	225,427,013	74,883,783	33

Mr. REED of Pennsylvania. Mr. President, will the Senator from California yield to me for a parliamentary inquiry?

Mr. JOHNSON of California. I yield.

Mr. REED of Pennsylvania. A parliamentary inquiry, Mr. President. I understand that the motion of the Senator from Connecticut [Mr. BINGHAM] is to strike out all of lines 3 and 4, on page 2, of the pending bill. Would not an amendment of the part proposed to be stricken out be in order before acting on the amendment to strike out?

The PRESIDENT pro tempore. The Chair is inclined to think that such an amendment to the text must be disposed of before the amendment of the Senator from Connecticut is submitted.

Mr. REED of Pennsylvania. Then, Mr. President, I submit the amendment which I send to the desk, but which I do not propose now to discuss.

The PRESIDENT pro tempore. The amendment will be received and lie on the table.

AMERICAN PARTICIPATION IN PARIS CONFERENCE

Mr. JOHNSON of California. Mr. President, on Saturday, January 17 last, I offered a resolution in the Senate, which was referred to the Foreign Relations Committee, subsequently reported, and then adopted by the Senate on the following Wednesday. The resolution was one merely of inquiry. In its original form it sought to obtain a copy of the document which had been signed at Paris on the 14th day of January last by the representatives of many European powers and by three representatives of the United States of America. The resolution as amended by the Foreign Relations Committee went a bit further, and while it might be more or less hazy in its phraseology, nevertheless the intent of it was to inquire concerning the circumstances surrounding the particular transaction and to elicit the facts relating to what had occurred at Paris in which the United States had participated.

Yesterday the Secretary of State made response to that resolution. His response contains a wealth of information that makes it impossible in the short space of 24 hours either to digest it or to comment intelligently upon it. I do not seek, therefore, to-day to attempt to traverse anything that may have been said by the Secretary of State; nor, indeed, do I seek to do more, in view of the brief period that has elapsed since the response of the Secretary of State, than to present as well as I can what happened at Paris from the various viewpoints of the interested parties, and to ask that the Senate consider, as the Senate ought to consider, the two very grave and important questions which have been presented by what happened and by the reply of the Secretary of State. For, Mr. President, there are two very important questions to-day that come to us, perhaps not for solution in the singular era that now grips the Senate of the United States and the United States itself, but two important questions that some time, some day, by some Senate, and by some American people must be decided, and upon which a definitive determination must ultimately be rendered.

The first of the questions presented by what has happened in the last few weeks relates to the possibilities which may follow the deliberations and action of the Paris conference. The second question presented by the response of the Secretary of State involves the power of the executive branch of the Government to determine without the consent or the ratification of the Congress what shall be done with a liquidated debt of the Nation.

I confess to you, Mr. President, that I am more concerned with the first of these questions. Delicate matters of power appeal little to me; delicate questions upon which the determination may be rendered by our constitutional lawyers here in one fashion and by those who are a part of the office of the Secretary of State in another concern me hardly at all; but, sir, I am deeply concerned with what happened at Paris on the 14th day of January last. I am more than deeply concerned with the possibilities accruing from the action taken in the name of the United States at Paris on the 14th day of January last.

I recognize the position of the Secretary of State. I neither question nor criticize it. I take it that when the Secretary of State says to us and says to our people that the United States is neither legally nor morally bound by what happened at Paris the Secretary of State expresses his present view and his present intention. I quarrel not with either his view or his expressed intention of policy.

I recognize, too, Mr. President, that what may be thus authoritatively and officially uttered by the Secretary of State constitutes the present view and the present intention of the administration of the United States Government. I quarrel not with the administration's view or the administration's present intention, sir; but I recognize that, after all, this is an ephemeral body and that administrations come and go. I recognize that the distinguished Secretary of State will remain in the office which he has adorned for scarcely 30 days more; I recognize, sir, that the administration may change over night by the hand of fate placed heavily upon it; I recognize that this body automatically, permanent as its character may be, will change in personnel as the days go by. So, sir, upon a question of such great import, upon a matter as to which it is asserted not only by our own publicists but by every publicist on the face of the earth outside of America, that the policy of the United States of America has changed, some voice however feeble, some man, however little he may be, some individual with such views as have been expressed by some of us during the last five years, ought upon the floor of the Senate, ought in the Congress of the United States, ought upon the hustings if the power is given him, ought, whenever he is enabled to speak, to call the changes that have been made in the policy of the United States Government; to paint, if he believes they exist, the perils that in the future, due to this change of policy, confront the United States Government, and to render what service he can in the avoidance of those perils.

I recognize, Mr. President, the personal limitations of the individual who speaks to-day. I recognize that his voice carries little weight and has little effect; but, sir, that individual since 1919 has had a single view of a policy for the United States of America. He has traveled the rough road of that view for five years agone; he is on that rough road to-day; and so long as he remains a Member of the United States Senate, so long, indeed, as God gives him the power to stand up and voice his sentiments, the same view that he expressed in company with others five years ago, is the view that to-day, and in the days to come, he shall continue to express, of letting

America live her own life in her own way, unentangled by any political ties with Europe or any of Europe's nations. It is because, sir, I feel that it is the duty of somebody to speak of the possibilities that I rise now.

You, Mr. President, understand how a body such as this changes. Senators will remember that since the last session of the Congress three Senators, who adorned this body a year ago, probably the three most influential figures in it, the three outstanding figures in the United States, indeed, have passed away, and have been succeeded by others. In days to come this body will change, and it is essential when it comes to the construction of a document signed in the present that a present reading of it be had here and throughout this country so that our people, and all peoples, in the days to come, may, at least, have been put on notice and may, at least, understand something of that which has occurred.

Mr. President, permit me to recall the chronology of what has happened concerning this resolution and the reply to it. On Wednesday, January 14, 1925, the agreement was signed at Paris; on Thursday, January 15; Friday, January 16; and Saturday, January 17, there were felicitations by foreign statesmen and articles galore in the foreign press at the cheering news that America had altered her policy and that America once more "was in Europe." During that week these felicitations continued, and not alone did they continue, Mr. President, in the foreign press and among foreign statesmen, but in our own country, in those newspapers that have the international viewpoint, there was glee that finally America had come to realize her responsibilities and that America, realizing her responsibilities, had finally become a party to the collection of money from Germany under the Dawes plan for the payment of reparations. During the week these felicitations and congratulations were numerous in our land and abroad.

On Saturday, January 17, a very innocent resolution, a resolution of inquiry, was presented. On Sunday, January 18, a very distinguished diplomat, a gentleman who has been spokesman for two Republican administrations, published his famous editorial in the Washington Post, "America duped." Of this more hereafter, Mr. President; but its publication was on Sunday, January 18. Up to Monday, January 19, there had not been a single word of explanation or construction from the men who signed the declaration at Paris for the United States. Up to Monday, January 19, there had not been a disclaimer of the utterances of European statesmen by the United States Government in any way, shape, form, or manner.

On January 19 the Secretary of State made the first American utterance upon this question. I congratulate him upon that utterance. I congratulate the country upon that utterance. He then said, with a forthrightness that can not be too highly praised, that we were neither legally nor morally bound by what had been done at Paris.

Mr. President, if we did nothing more by the agitation that had occurred, if Mr. George Harvey never again renders a public service during his life, he rendered by his editorial of Sunday, January 18, a public service that can not be overestimated when he called forth the following day the reply officially made of the Secretary of State of the United States of America, the first response that had been made, that America was neither legally nor morally bound in the future by the signatures of those who had written into the document at Paris for the first time our Nation and our Republic.

So I have naught but praise for the editorial here, and naught but praise for the response of the Secretary of State. It has been a good thing that we have been able to call forth the declaration that we have. I trust it puts the nations of the earth upon notice. If we had done nothing more than that, we would have accomplished sufficient, and all the bludgeoning that has been indulged concerning the individuals who asked for this information will have been indeed fully and amply repaid by the declaration made by our country that we are neither legally nor morally bound. But remember, sir, this is the declaration of a Secretary of State who leaves office in 30 days. Remember, it is the declaration, after all, of one who resides in the city of Washington. Remember, sir, as I shall now proceed to demonstrate to you, it is a declaration at variance with every declaration of every signer of the document at Paris, and at variance with the declaration of every newspaper of note that is published across the sea.

Recall that, sir, because, after all, remember we are speaking for the future now. We are speaking for a time, sir, when we may have passed from this scene. We are speaking now for a time when our children and our grandchildren may sit in our places. We are speaking for a time when we would have this country left to them just as we received it from our forbears. The Dawes plan may work for a year. It may work for two years. Pray God, you Americans to-day, that it will work in its entirety. Pray God to-day, ye who are Americans and believe in the future of this country, that the Dawes plan works out in its entirety and is wholly a success.

If a success, and if in its entirety it works out, then doubtless we may not have the ills which it needs no imagination to conjure can arise from the document that was signed at Paris. If it works ill, if it works but partially, if after all it is essential for those who signed the deed of collection to do the collecting, then there will come a time in this Nation, my friends, there will come a time to those that you love, when you will curse the day that America became a part of a collection document for European debts.

Oh, I know how they seek to allay our fears. I know how persuasive, in this material era, is the idea that we are going to get some money. I read the cynical remarks of one of the members of the press in France, and another in London, that this was the way, by the collection of some money, to allay the fears of the Middle West, and make the Middle West agree to come into Europe, to tell the West: "You are going to get some money out of this thing," and, getting some money out of it, have the men of the West agree to come into Europe.

This is the cynicism of Paris and of London concerning the agreement. I repeat, sir, I know how persuasive is this appeal. I understand, in this era, how when you tell us we are going to get some money out of a transaction all else may be forgotten, and in grasping for the money we may lose the most priceless thing that this country has. I recognize, sir, that appeal, and I recognize the difficulties that we encounter, both in opposition to that appeal and in considering it in other ways.

Now let us see who were at Paris, of the important ones. There were five great nations there. There was the United States, represented by the ambassador to England, the ambassador to France, and a gentleman who was connected with the United States Army; there was Great Britain, represented by Mr. Winston Churchill; France, represented by her Finance Minister, Clementel; Belgium, represented by her minister, Mr. Theunis; and Italy, represented by the Finance Minister of Italy, Mr. de Stefani. These five were the "big five" that were there.

I do not know whether you, who are lawyers, have construed contracts by the declarations, contemporaneously made, of those who executed the contracts. I do not even pretend to say, in this body of astute attorneys, whether or not you should construe a contract or its intent by what might contemporaneously be said—I am referring to the intent being doubtful—by those who executed the contract. Yet, nevertheless, because the time will come when it is essential that this agreement be accurately construed, when it is necessary that it be determined what the United States of America undertook in Paris on the 14th day of last January—because such a time is bound to come in the future, Mr. President, it is essential that we know now, that if we can we put it of record; that if it be possible, the Senate shall authoritatively and officially go upon record as to the possibilities that may come or might arise out of the execution of that contract.

We have the words that were spoken immediately afterwards by those who are parties to it. The representative of Belgium, Mr. Theunis, said immediately what? He said:

> To pay 2¼ per cent to have America's signature in our syndicates is nothing. America might ask 2¼ or 7⅝ per cent to participate in this operation and we would gladly pay, and this would have been a bargain price, too.

Pay? Pay what? Pay merely that the United States of America should collect 2¼ per cent in the indefinite future on a speculation the consummation of which no man can foretell. Is that what was intended then? Sir, even if we receive the 2¼ per cent out of the Dawes collection and out of the reparations paid by Germany, it is too small a price to pay for the possibilities of what may happen in the future between Europe and ourselves.

The Secretary of State may be right. I insist and shall insist he is right. If I remain here, and the question arise, I shall insist that the United States take no part in the collection of the amounts under the Dawes plan. But none can tell when, nor how the matter may arise in the future. These gentlemen who signed for the United States of America have one view or another; but it is indubitable that for 2¼ per cent of an indefinite amount, payable at an indefinite future, we risk the amity and the good will that now exist between the nations of Europe and the United States. We are not so

childlike as to imagine that these diplomats of Europe have designated this bond of ours in a certain fashion and will not insist, if the occasion ever arises, upon the construction they now put upon it. Who so credulous as to believe they will change their view overnight because of an expression of ours? They will be insisting upon their view in the days to come, and when they do we shall have exchanged amity, good will, friendliness, for perplexity, confusion, ill will, and hostility.

That is what we got at Paris for 2¼ per cent of something that may not, and probably never will, be paid. That is the price we got for altering the policy of America, if we did alter it then, as these Europeans claim. That is the price we got for changing the policy of America which had been America's policy ever since the United States have been a nation.

I pass to what Mr. Winston Churchill said of this agreement. After describing it—and to that I shall come again—he said:

> But, taking a long view, there are other and greater advantages which present themselves. The formal participation of the United States in the proceeds of the Dawes scheme had indisputably added an immense moral weight to the authority on which that scheme stands, and once again, after six years, marked by many misunderstandings and divergencies, we find the Allies and the United States working together within the limits of the Dawes scheme in the most complete harmony.
>
> That is to me—

Said Mr. Churchill—

> and I am sure to all our colleagues here, a cause of very real and justifiable satisfaction. It should constitute a definite stage in the march away from the confusion which followed the great victory and toward that general consolidation and reconstitution, not only of allied, but of European affairs, which must ever be our goal.

Who listened to these panegyrics upon the changed attitude of the United States? Our commissioners listened, and acquiesced, by silence, at least, although the response that was made by Ambassador Kellogg was more than acquiescence.

Contemporaneously M. Clementel, of France, said in the Chamber of Deputies:

> We agreed to America's collecting this. We had strong reasons to desire American participation. As M. Theunis has said, "regardless of moral consideration but as assurance, I would have paid even more dearly."

Then he proceeds:

> America's participation in European affairs by sharing in the Dawes annuities is an insurance policy on the payment of reparations.

Then he was interrupted in the chamber. His interrupter shouted, "You paid a high price." Then M. Clementel of France responded:

> American participation is beyond price. It has cost us nothing. We should have been glad to pay highly for it.

I do not need to comment upon language such as this. Indeed, dull would be the intellect that could not understand how these gentlemen abroad regarded our activities.

There is yet another, the Finance Minister of Italy, Mr. Stefani; and it is significant that he made the remarks I am about to read after the declaration of our Secretary of State that we were neither legally nor morally bound. He said:

> We regard the enlistment of America by the side of the Allies in the Dawes plan as a political event of great importance, of much more importance to us and to you than the amount of money involved in the terms of settlement made with the American delegation. It seemed to me then, and it seems now, perfectly plain that in taking part in the Paris agreement, the United States took up its part of the responsibility for Germany's paying, and it was because of that understanding that we welcomed the arrangement.

Doubt abroad of what we did? Not a bit of it! Not a bit of it, sir! No man in responsible position in any nation of Europe doubts for an instant what happened at Paris. We may doubt it, and we may render our decree, through our Secretary of State. Yet during the time of felicitation immediately afterwards, we participated in the felicitations, through the gentlemen who represented us abroad, and we never once, never once during that period, denied what was then being said in felicitation and congratulation by the statesmen over there.

Oh, yes, Mr. President, they believe we are "over there" again. Our return "over there" is what I have been fighting for five years. That is why I am talking here to-day. I do not want to go "over there" again. I do not want to go "over there" politically. I do not want to go "over there" militarily again. That is the struggle that has been on for five long years in the United States.

There sits in the Senate at this moment the man who began the fight—the Senator from Missouri [Mr. REED]. He stood firm as a rock during all that period. I glory in the ability he has displayed, and in the way in which he has battled during all that time.

I do not want to go over to Europe again politically. I do not want to go over there again militarily. I want this Nation to live its own life in friendship and amity and peace with every nation, unfettered by political bonds with any.

When you call us in derision "isolationists" you do not know what you say. Isolationists? Not a bit of it. I would not be isolated from the rest of the world, of course, in any of those contacts which for 140 years we have always had. I would not be isolated from the rest of the world in those contacts with which we have all become familiar during the period we have been a Nation. But, Mr. President, I would keep this country from Europe's politics, from Europe's wars, from Europe's agreements, which European statesmen seem to think make us a part of their collection agencies and make us a part of their political policies that have created the awful maelstrom over there.

That is what I have sought for five years to prevent. That is why I am speaking here. It is not in hostility to any man or any set of men that I raise my voice upon this question. I have raised it, and I care not who may be upon the other side, because, after all, in my opinion, our separation from European entanglements means the future of the country in which I have lived for nearly 60 years. It means the salvation of that country for those we love who are to follow us. I would preserve it as we have had it in the days gone by.

Senators who can think of nothing but the material, who are engrossed in the post office at Grizzly Gulch or the collectorship in Prairie Town, I beg you Senators who are engrossed with these matters you think of deep importance to your constituents, to give a passing thought, just a passing thought, to the future of the Republic and to the things which may occur if this Republic becomes a part of the political mess that is across the sea.

I have read what was said by the four gentlemen who constituted the important signers at Paris. I want to read now one or two references from the foreign press, and then I want to turn to one or two in the press of this country. I want, if it be possible, to make plain just the construction that has been put upon this agreement, to leave with the Senate finally the first question that I presented—whether the Senate should not in some declaration make plain its attitude—and to leave to those who are great constitutional lawyers in this body the second question—as to the power of the Executive to deal with a liquidated debt of the Nation.

I turn to one or two of the foreign newspapers. I have first the earlier editions of the Manchester Guardian dealing with this subject. The Manchester Guardian presents from one aspect, as Senators know, the politics of Great Britain. Other newspapers there, as with us, represent other views. The Manchester Guardian (Liberal) says this:

> The details of the settlement are the merest details of bookkeeping, too intricate to summarize, and of no interest to the general public. The two outstanding facts are the victory of the French and Belgians in the matter of the Ruhr expenses and America's formal entry into the partnership of the Allies interested in working the Dawes plan. Naturally French opinion is almost jubilant. * * * As a result of Mr. Churchill's agreement with the American delegates the United States will come in to take her percentage along with the rest. It will be a minute percentage, it is true, so that from the financial side the event is of little importance. Politically it is regarded as of the greatest importance, indeed. The unity of "the allied and associated powers" is restored that was broken by the American Senate's refusal to ratify the Versailles treaty in 1919. As far as the reparations portion of that treaty is concerned—and, generally speaking, it is the only unfulfilled portion and therefore the only one that matters—the United States now stands alongside the Allies just as much as if she had ratified the treaty. "America," says the Œuvre, "has become officially a contracting party in the Dawes scheme. If ever a day comes when Germany breaks this accepted contract America will be at our side in recalling her to a sense of her duties. In short, we have signed an insurance contract against all Dawes-plan risks—and the premium we have to pay is by no means too high."

What a tribute to our statesmanship abroad! Without comment, I leave that tribute with my brethren.

The Matin, in Paris, immediately after the signing of this agreement, said:

The conference at Paris has revived the old and powerful slogan, "allied and associated powers."

One of our ministers delegated to the financial conference said to me yesterday: 2¼ per cent to America, 2¼ per cent to have in our syndicate of creditors a signature like that, it is very cheap. The Americans could have said to us: "We demand 2¼ for our reparations and 7¾ for participating in the operation." This would only have been just.

Under this pleasing and paradoxical form is a great truth. In the Dawes plan the Americans were up to now the architects, since they had to a large extent conceived it and the controllers, since they supervised its execution. They are henceforth beneficiaries. Thus, in the domain of reparations, although America did not sign the treaty of Versailles, the old and imposing slogan of 1919, "allied and associated powers," has again become a reality.

I do not believe that the matter of between fifteen and forty-five million marks per year modifies the budgetary calculations of Mr. Mellon. It is a drop of water in American finances. But these small sums are a symbol of reestablished solidarity and the American people will be interested in them.

I am trying, sir, to interest the American Senate in them and what they may have done to us at present. There will come a day when the American people will be interested.

I read from the London Times of January 15:

Above all, the United States is now practically interested in the working of the scheme by being admitted to a share in its proceeds. It is, in fact, once more an "associated power."

Mr. President, I think perhaps it is not particularly logical or sequential at this moment; but I want to read what Mr. Winston Churchill said at the time of the agreement about America and exactly what the other parties had to pay, so that we may see that we had a liquidated debt of the United States Government upon which a settlement was made by those representatives in Paris for a very much smaller amount. Now, Senators may believe that through the representatives of the United States of America abroad the Executive has the power to reduce, modify, or to cancel a debt. I do not know what their belief may be. A contrary opinion I venture very timidly to express. But what was done at Paris after all was the settlement of a liquidated claim of the United States of America for less than we had settled that claim for.

Mr. Winston Churchill said—I read from the London Times:

Under the Wadsworth agreement the United States had an unquestioned right to recover the cost of their army of occupation by a series of cash priority payments which could certainly not have been estimated below 87,000,000 gold marks, or, approximately, four and a half millions sterling per annum for 12 years. Owing to the arrears which have accumulated these annual payments might easily have reached 120,000,000 gold marks, or about £6,000,000 a year, through all this anxious period. In place of these important and unchallengeable rights the United States will now receive for Army costs 55,000,000 gold marks, or £2,750,000 per annum, over a period of about 17 years. For the rest, they will draw a 2½ per cent share of the Dawes reparation annuity, taking their chances, for good or ill, with the rest of the Allies. Until and unless these annuities attain their maximum, the yield to the United States, therefore, will be substantially less than the amount by which they have diminished their annual claim under the Wadsworth agreement. I feel, therefore, that, upon a broad view, we shall be helped and not burdened by the new arrangement which has been made.

But taking a long view, there are other and greater advantages which present themselves. The formal participation of the United States in the proceeds of the Dawes scheme had indisputably added an immense moral weight to the authority on which that scheme stands; and once again, after six years marked by many misunderstandings and divergences, we find the Allies and the United States working together within the limits of the Dawes scheme in the most complete harmony. That is to me, and I am sure to all our colleagues here, a cause of very real and justifiable satisfaction. It should constitute a definite stage in the march away from the confusion which followed the great victory and toward that general consolidation and reconstitution not only of allied but of European affairs, which must ever be our goal.

The New Statesman on January 17 said:

The most notable result of the financial conference which was concluded in Paris this week is the fact that America has abandoned the policy of isolation which she has pursued for the last five years. She has returned to Europe in order to assert certain minor financial claims against Germany, and is now definitely and officially a party to the reparations settlement. Her representatives will no longer be mere "observers," but active and voting members of any further conferences which may be necessary. Her claim to be allowed to share in the proceeds of the Dawes plan was not very sound and was opposed by the British Government; but it was eventually accepted and settled on a basis which will not involve a very serious sacrifice on the part of Germany's European creditors. Great Britain, at any rate, might well have been content to pay a substantially bigger price for the sake of securing American cooperation in the solving of the reparations problem. For the participation of America should insure that the achievements of 1924 will not be undone; that is to say, that future negotiations on this subject will remain on a business-like footing, and—whatever changes may take place in France—will not be allowed again to degenerate into the barren political squabbles of 1920–1924." We are bound, therefore, to rejoice over the return of America, even though we may have no very great admiration for its more immediate motives. Moreover, those motives may fairly be regarded as more ostensible than real. Many leading members of the American administration have long desired that their country should resume the responsibilities which it incurred when it helped to frame the treaty of Versailles—

That is the story always—responsibilities which we incurred when we went into the war, responsibilities which we incurred after the war. Every internationalist has punctuated his eloquence in the last six years by telling us how our responsibility to Europe exists and how we evaded that responsibility by not becoming a part of the European mess. Responsibility! Always on the tongue of the international statesman, always on the tongue of those who are looking abroad and seeking to embroil us abroad. Responsibility for the war, for the results of the war; responsibility for upbuilding and stabilizing Europe and the like.

I am not now undertaking to argue whether those statements are correct or not. They have all been argued in the last six years. Responsibility? The United States must return to its responsibility. Can you not hear them echoing now down the corridors of time years hence, when it comes to the collection of reparations from Germany? If Germany shall fail, can you not hear the responsibility that the United States Government owes—responsibility, responsibility, because there is that signature to the document. The responsibility is yours, yours that have been saying to us in the past, without the ghost of an excuse for so saying, that our responsibilities were to go into Europe anyway without our signature, without being a part of the game, to go there and do as Europeans would have us do in their political maelstrom and their political difficulties. We have refused in the last six years and denied the responsibility, although many of our own people have insisted on it. Imagine the insistance if their written agreement for the collection—yes, the collection—shall go wrong, if the time shall come when Germany does not pay.

This article then proceeds:

Many leading members of the American administration have long desired that their country should resume the responsibilities which it incurred when it helped to frame the treaty of Versailles, but it is possible that they could obtain the consent of the Middle West to any fresh interference in the affairs of Europe only by assuming the rôle of debt collectors. They have shown themselves this week, at any rate, to be generous enough in their debt-collecting methods.

Now that the consent of the Middle West has been obtained, because we are in the rôle of debt collector, a different view, as expressed by this paper, will be taken of America's responsibility abroad.

The Statist of January 17 said of this conference:

Besides its swift successes on material questions, the Paris conference has also been remarkable for an exemplary moral accord amongst the Allies. In particular it must be observed that America has displayed an unusual sympathy with European difficulties, while that country's acceptance of the status of a beneficiary under the Dawes scheme means a new and powerful support to the stability of the reparation settlement.

The Spectator of January 17 said:

In spite of Mr. Hughes general doctrine of aloofness America is being gradually and inevitably drawn into the European current. * * * After all, the modern world is too nearly a unity for America to stand apart. The Paris conference has proved that America has come back.

America has come back! It is a sad day when America comes back to the political turmoil abroad, and if these gentlemen who speak as all those have spoken abroad are accurate and America has come back, heavy is the burden that will rest upon every Member of this body, every individual in the Congress of the United States who has the power to speak and

who speaks not. It is that I may arouse the old feeling concerning our country that was present and has been in the past present in this body that I call your attention to what has been happening.

In the Manchester Guardian of January 16 I ran across Mr. Phillip Snowden's view of what he insisted had happened. Mr. Snowden was the predecessor of the present Chancellor of the Exchequer in Great Britain's Government, and his words, I take it, therefore are entitled to more or less weight as the case may be. Concerning our reappearance he said:

The "concession" appears to be appealing to America for her unofficial help in arranging and carrying through the Dawes plan. But America may yet find that she has bought this concession at a big price. It will certainly involve her in any sanctions which may be decided upon by the Allies in case of proved flagrant default by Germany, or which may be taken independently by any of the Allies. The French and Belgians, by sacrificing a very small part of their reparation receipts, have committed America to the military support of the Allies in the enforcement of the Dawes payments. This admission of America to the Dawes scheme appears to modify the London agreement in important respects.

I shall not seek, Mr. President, to put into the RECORD all of the newspaper articles that I have before me. Some of them, however, I desire that I may be given permission to insert as I may identify them. There are, however, one or two articles that have been published in the country to which I desire to call attention. The New York World of January 15, in an editorial entitled "A revolution in policy," said:

[From the New York World, January 15, 1925]

A REVOLUTION IN POLICY

Silently, almost secretly, Mr. Coolidge has revolutionized the European policy of the Republican administration. The White House, to be sure, continues to say that there has been no change. But all Europe knows that the administration has reversed itself, and anybody who will look at the result of the Paris conference must see that Europe is right. We have transformed ourselves from an unofficial observer of the reparation problem into a partner under the Dawes plan.

We have assumed, in the words of Premier Theunis, of Belgium, "a direct interest in the perfect execution of the plan"; in the words of the French minister, Mr. Clementel, we have given "a great guaranty" that Germany will carry out the plan. It will cost the Allies about $25,000,000 worth of German marks a year to keep us "entangled" in the collection of German reparations for 50 years. This is the great victory which the Associated Press correspondent in Paris announces that Ambassador Kellogg and Colonel Logan have won. If Mr. Churchill and M. Clementel can keep a straight face they are great poker players. For a ridiculously insignificant amount of somebody else's money they have placed on the scrap heap four solid years of Republican oratory.

Gone is the pretense that we were disinterested observers of the reparation business. Gone is the pretense that we could enforce a separate treaty with Germany. Gone is the pretense that we were against "involvements." Gone is the pretense that we would take part only privately and unofficially in the European question. Gone is the pretense that we were different and aloof, and all that sort of talk. Gone is the pretense that we were going to collect the last red cent owing to us. For the sake of an annual twenty-five millions of hypothetical cash we have in one vast diplomatic triumph canceled roughly 50 per cent of our claims against Germany and written ourselves into the partnership for collecting German reparations.

We have done the right thing, but we have done it expensively, furtively, and without dignity. When the moral leadership of the world was ours we would not take part officially, as became a great power, in the liquidation of the war and the organization of peace. But for twenty-five millions cash and in the guise of a grasping creditor, with all Europe divided between soreness over our rigidity about money and laughter over the naïveté of our diplomats, we have sidled into the center of the whole tangle. We have done at last covertly and with loss of prestige what we should have done at first openly and with the gratitude of the world. We appear not as a generous creditor but as a creditor whose hard-heartedness has been beaten down. We appear not as a great nation shouldering its responsibilities for a peace in which its armies played the decisive part, but as a nation so bent upon petty bill collecting that it forgets to examine the moral responsibilities it is indirectly assuming.

It is not pleasant to draw attention to these things, but it is necessary to do so. For this settlement of the Army bill and the German damages is only a fraction of the much larger claims still outstanding against Europe. The question is whether we are going to bungle them at the same expense both of money and of prestige or whether we are going to do what a nation skilled in diplomacy would do—wipe off the claims that can not be collected and capitalize the money deficit in a project of international good will.

Having become partners in the European question, are we going to exercise the power which goes with that immense responsibility or are we going to be dragged along deeper and deeper into entanglements which are none the less real, and are much more dangerous, because we won't face them and acknowledge them?

I refer as well to the article on the following day in the New York World, and I read from it so that there may be understood on this side of the water the reasoning of a certain part of the press at least concerning what was signed at Paris.

DEBUNKING THE PARIS VICTORY

A little debunking of the reports of the Paris conference seems to be in order. Let us begin with the great victory won at the eleventh hour by the American delegates. Up to that dramatic eleventh hour the Allies had agreed that America should receive for reparations 2¼ per cent of the German payments annually, provided this did not come to more than $11,250,000. After the eleventh-hour victory we are to have our 2¼ per cent, even if it comes to more than $11,250,000.

Now, why did the Allies grant us this great victory? They granted it because it does not cost them a cent and is pure bunk.

I would not dare say that, Mr. President. I am reading an editorial, I desire it to be known, from the New York World. The editorial continues:

Before the victory we were limited to a sum which is one forty-fourth of $495,000,000. Now, if there is any finance minister in the world who expects Germany to pay $495,000,000 a year, we have yet to hear of him. For he would be arguing that Germany can pay three times as much a year as Britain finds it an effort to pay us. There is nobody who takes the figure seriously. Therefore, when our delegates asked for 2¼ per cent of an even larger figure the Allies said, "Sure! Help yourself. If it gives you any pleasure, it certainly won't cost us anything to let you have a claim to some more nonexistent, noncollectible cash."

In the meantime the truth about the conference was explained by Winston Churchill after the document was signed. He pointed out that the United States had scrapped the Wadsworth agreement about the Army costs in order to sign a new agreement covering in theory both the Army costs and war damages. Mr. Churchill said that "unless and until" Germany pays the Dawes annuities, about which he was not in the least optimistic, we collect under our new agreement less for both bills than we were entitled to collect on the one bill alone. In compensation we have the privilege of lending our moral weight to the business of collecting reparations for the next 50 years.

Then the New York World proceeds:

Now, if the United States is going into the reparation business it ought not to go in by the back door, taking all the moral responsibility and exercising none of the power that such responsibility ought to involve. This thing is not yet understood in America as it is understood abroad.

Those of us who have stood with me in this contest in the last six years have been constant in the view of the policy which this Government ought to pursue, but we have all been of one mind, sir; we never have changed our idea against America's participation in Europe's political affairs. However, I have ever said, and I have ever heard my colleagues who believe as I do say, that if the time ever comes when America is to participate in Europe's affairs, if that time, which God forbid, shall ever arrive when our Republic is to be in the European maelstrom and in European politics, let us go in as Americans should, with our heads up and our flag flying. Let us go in the front door, as we ought to do, avowing our purpose to the American people, and not sneak in the back door or gradually be shoved in in some surreptitious manner. That has been the position which we have maintained concerning our entry into European affairs, and the New York World in expressing the view that that ought to be done by us, although otherwise it is diametrically opposed to what I hold to be the appropriate policy of this country, is entirely right.

If we are to assume responsibility in Europe, if we are to become part of the European system, let us go in and let our people know we are going in. Do not let us do it by this subterfuge or that, by a pretense of this character or a pretense of that character. Let us go in with our heads up, walking in regretfully, but walking in so that all America shall know we are walking in. That is the American way to do, and that is the only way that this Government ought to deal with this problem at all.

The editorial in the New York World concludes in this fashion:

When it is understood, we believe the American people will demand either that we take a direct part in the determination of the whole reparation question or that we disentangle ourselves from it. The

present arrangement makes us, on the basis of an insignificant financial interest, partners in all the vast moral reparation commitments which we do not take part in determining.

The World would be glad to see the United States take its part. But it can see no point in taking responsibility without taking part. That would be a poor bargain morally, politically, and financially. The only thing to be said for the Paris "victory" is that the realization it was a diplomatic defeat may in the end bring home to Congress and the administration some of the realities behind the political fantasies which becloud the whole debt question. The trivial sums of money gained or lost mean nothing. But a lesson in financial diplomacy would mean a lot to us and to all the world.

Mr. President, I shall not quote editorials which I have here from the New York Times and others from the New York World. I do wish, however, to put into the RECORD the article of George Harvey, to which I have referred, in the Washington Post of January 18, 1925, and that a week later by the same distinguished gentleman.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Without objection, it is so ordered.

The articles referred to are as follows:

[From the Washington Post, January 18, 1925]

AMERICA DUPED—TRAPPED BY EUROPEAN DIPLOMATS IN PARIS—ATROCIOUS AGREEMENT—WAIVING INDEPENDENCE—LEAPING INTO COCKPIT OF EUROPE—IS THERE NO WAY OUT

(By George Harvey)

There seems to be a misunderstanding, somewhat more than slight, respecting the precise outcome of last week's International Financial Conference in Paris, so far, at least, as these United States are concerned. Early information conveyed by the Franco-American press tended, greatly to our relief, to dissipate the forebodings set forth in these columns last Sunday; but later, and even more poignantly, the latest news bears an impression of disquietude which falls little short of dismay.

Our sole ostensible reason for participating in the proceedings was financial, and relatively of small importance. There was owing to us $250,000,000, with accumulated interest, for the cost of maintaining an army on the Rhine for several years following the armistice. The troops were kept there by earnest request of the Allies, and most reluctantly, by President Wilson, who bravely heeded the dictate of his conscience, against the manifest wish of the people that having put the finishing touch on the winning of the war their soldiers should return to their homes.

In consideration of this notably helpful, magnanimous, and self-abnegatory act on the part of Mr. Wilson, and as an essential part of the integral arrangement, the Allies definitely agreed in writing that the costs of maintaining the various armies of occupation, with a clear understanding of priority for the disinterested United States, should be paid from the funds earliest obtained from Germany. This was the first compact entered into by the victors following the armistice, and it antedated and took precedence over any subsequent arrangement, although incidentally it was confirmed later by article 251 of the treaty of Versailles.

Years passed and our troops were retained on the Rhine by direction of President Wilson and President Harding, against continual protests from and at the expense of the American people, in the hope of lending aid to the beseeching Allies. Finally they were recalled from natural apprehension that the country might again become involved through some untoward circumstance in European quarrels.

Meanwhile the Allies broke their agreement. Operating through their own commission, which controlled the disposition of the funds first received from Germany, France took her allotment of costs of occupation, Italy hers, Belgium hers, and Great Britain was about to take hers when Secretary Hughes, unwarrantably trustful theretofore, suddenly intervened at the last moment and demanded consideration of the pledge to the United States. Recognition of the rightfulness of his claim was vaguely accorded in ambiguous terms, the meeting was hastily adjourned, within a week Great Britain had her allotment, and the till was empty.

That accounts for the claim for $250,000,000 of "army costs" humbly presented to the conference at Paris by the United States delegates and settled by them upon a basis of nobody can tell how many or how few cents on the dollar, to be derived from hopefully anticipated reparations payments by Germany during an undetermined number of years.

Let us be exact. The text of the agreement relating to the share of annuities allotted to the United States, embodied in Article III of the general agreement, reads as follows:

"A. Out of the amount received from Germany on account of the Dawes annuities there will be paid to the United States of America the following sums in reimbursement of costs to the United States Army of Occupation and for the purpose of satisfying awards to the Mixed Claims Commission established pursuant to an agreement between the United States and Germany of August 10, 1922:

"(1) Fifty-five million gold marks per annum, beginning September 1, 1926, and continuing until the principal sums outstanding on account to the costs of the United States Army of Occupation, as already reported to the Reparation Commission, shall be extinguished. These annual payments to constitute a first charge on cash made available for transfer by the transfer committee out of the Dawes annuities after provision of the sums necessary for service of 800,000,000 gold marks German external loan of 1924 and for costs of the Reparation Commission organization, established pursuant to the Dawes plan, the interallied Rhineland high commission, and payment of the Danube commission provided for in the article below, and for any other prior charges which may hereafter, with the assent of the United States, be admitted. If in any year the total sum of 55,000,000 gold marks be not transferred to the United States, the arrears shall be carried forward to the next succeeding annual installment payable to the United States of America, which shall be pro tanto increased. The arrears shall be cumulative and shall bear simple interest at 4½ per cent from the end of the year in which the said arrears have accumulated until they are satisfied.

"(2) Two and a quarter per cent of all receipts from Germany on account of the Dawes annuities available for distribution as reparations after deductions of the sums allotted for priority charges by this agreement, provided that the annuity resulting from this percentage shall not in any one year exceed the sum of 45,000,000 gold marks."

This provision, as will be noted in Article A, covers our two expenditures, to wit, $250,000,000 plus interest, for Army costs and $350,000,000 awarded by the mixed claims commissions to German citizens as war damages to be paid by the United States—a total of more than $600,000,000.

Computation of the present value of payments on the scale thus provided, if duly made, shows an estimate of about $335,000,000, a reduction of absolutely valid claims of about 45 per cent.

We discussed the position of the war damages last Sunday, and it suffices now merely to recall that under the Berlin treaty the property which they represent must be returned to its owners, despite Mr. Churchill's cynical observation that it might be confiscated.

The financial consequences of the agreement reached in the Paris conference, so far as the United States is concerned, are calculable. We make a minimum sacrifice of between three hundred and four hundred millions of dollars to a certainty, and we add to "doubtful accounts" an indeterminate maximum, for the next generation to reckon with as best it can. That is that.

But that is not all. Indeed, so far as we can judge from views expressed by our foreign friends, and by our own competent traders in other people's savings, it is trifling as compared with the vast advantages to be gained in Europe by enticing into partnership a solvent, prosperous, and hitherto independent concern, to serve theoretically as a "stabilizer" of world affairs, but practically as a bill collector. Whether or not they have now really succeeded, after years of futile striving, is perhaps a question, but one fact is certain. In their own minds there remains no shadow of doubt. With candor worthy of Mr. Loucheur himself, Premier Theunis, of Belgium, did not hesitate to say to the world that "to pay 2¼ per cent to have America's signature in our syndicates is nothing. America might ask 2¼ per cent, or 7¾ per cent, to participate in this operation, and we would gladly pay, and this would have been a bargain price, too."

A like opinion, though less impolitic in expression, was voiced by Chancellor Winston Churchill, the wizard of the conference, who rejoiced at "the immense moral weight" added by the United States to the demands upon Germany to pay up, and the newspapers of both London and Paris could not restrain their enthusiasm over their acquisition of a creditor relentless in pursuit of his own 2¼ per cent, along with 98¾ per cent for his associates.

"You can think what you like about it," wrote the editor of the Paris-Midi, "but to-day my outlook is rosy, for in the avidity of Uncle Sam I now find happiness. Believe me, it is a good thing that Uncle Sam becomes officially a creditor of Germany. As we have reason to know, he is no slouch as a creditor, and the Germans will find it out as well and think twice before they defy that heavy-eyebrowed person."

"America," declared the London Morning Post in the same complimentary vein, "now has to realize that if she is to receive her money Germany must rigidly honor her bond."

And so on, without limitation, showing the faith of all Europe that it may now and will now rely upon the United States to play the shylock for 100 per cent of the spoils in return for her graciously granted 2¼ per cent participation.

"This," says the Democratic World, sneeringly, but not without truth, "is the great victory which the Associated Press correspondent in Paris announces that Ambassador Kellogg and Colonel Logan have won. For twenty-five millions cash and in the guise of a grasping creditor, with all Europe divided between soreness over our rigidity about money and laughter over the naïveté of our diplomats, we have sidled into the center of the whole tangle."

So, too, the Independent Times perceives that "America's new rôle will not be easy, since every effort will be made to induce her to assume greater responsibilities, and in proportion as she dissents from policies strongly advocated by one or other of the leading nations in connection with the reparations problem she will incur bitter displeasure."

Even the leading Republican organ, the Herald-Tribune, is constrained to agree with the European powers that it is "our manifest duty as a sensible creditor to assist our chief debtors in collecting from Germany, so as to enable them the better to pay us."

We have to confess that when instinctively last Sunday we proclaimed to Secretary Hughes a "Call for caution" we had no premonition of our country being decoyed overnight into such a quagmire of disrepute and danger as this. Nor surely had he, or he would not have forsaken his post. True, after hastening home, he did his best to save the situation by saying to the reporters that there was no "entanglement" in the Paris agreement, but "when asked what would be the attitude of the Government in case Germany fell down and the other signers agreed to impose penalties he was silent," although, according to the World, "Washington officials contended that under the Paris agreement the United States is not required to assist officially in the collection of reparations from Germany, but merely to receive its share from the common pot after the funds come in. Reduced to a simple formula, the administration's position seems to be that the only part the United States is called on to play is that of receiver of German gold marks, transmuted into a million dollars, the Allies doing all the work."

But even this faint ray of hope quickly faded. On the same day, Friday, came a dispatch from the Paris correspondent of the Times to the effect that, "as the time came to sign, Ambassador Kellogg, Secretary of State designate," obviously without foreknowledge of the attitude of other delegates, arose and asked the conference to agree to the American delegation signing with the reservation that the Washington Government was bound "only in so far as the rights of the United States were concerned."

The responses were quick and positive. The correspondent continued:

"Winston Churchill, the British Chancellor of the Exchequer, immediately objected that it had been understood throughout the negotiations that the United States would sign the whole agreement, which would thereby make her a contracting party of the Dawes plan.

"Finance Minister Clementel, of France, took the same stand as did Premier Theunis, of Belgium, and Finance Minister Stefani, of Italy, who agreed that the United States could not expect to collect from allied reparations payments and stand absolutely from under all responsibility.

"Before this united stand and evidently fearing embarrassing our complication on the conference, Ambassador Kellogg withdrew his reservation and, together with Ambassador Herrick and Col. James A. Logan, signed the whole agreement.

"This incident," the correspondent added, "is now in the records of the British Foreign Office and the Quai d'Orsay, and it may be expected that if the issue of German default and corresponding responsibilities arises it will be called to the attention either of Secretary of State Kellogg or his successor.

"In French governmental circles the fact that Ambassador Kellogg, who was neither head of the American delegation—Ambassador Herrick holding that titular post—nor the chief negotiator, who was Colonel Logan, made this reservation and then withdrew it on his own responsibility, is taken to mean that it was not made on instructions from Washington, but on his own initiative as the next Secretary of State.

"The French believe that Mr. Kellogg went away to-day from Paris with full realization that the signature of himself and his colleagues had definitely committed the Washington Government to partnership with the Allies in collecting reparations from Germany for the full duration of the Dawes plan."

So here we are, pledged to intervention in the cockpit of Europe, at the instance of others, during the next half century, stalled, if you please, in a corral "horse high and hog tight."

It is inconceivable that a staunch American like President Coolidge could approve an arrangement so utterly opposed to all of our country's traditions, principles, and practices. But how can he reject it without discrediting the Nation and incidentally repudiating his own Secretary of State designate? And how could Mr. Hughes, though now virtually superseded apparently, advise him with propriety to pursue such a course?

A way out may be found in the statute prohibiting commissions appointed by the President from making binding agreements or in the legal view that agreements such as that of Paris constitute treaties in effect and must be ratified by the Senate. But either of these contentions is at least doubtful.

Verily, a predicament, strange, unprecedented, and full of peril!

THE BYSTANDER

May we address ourself, with all respect, to the good and sincere women about to gather in our midst?

They are coming here to try to prevent future war, and as one of the chief means to that end to plead, urge, entreat, coerce, perhaps even to cajole, the Senate into ratifying the protocol which will make the United States a member of the World Court. It is a high and Christian ambition to save future generations from the horrors of war. In honest admiration we share it. Without being a pacifist, we loathe and abominate war—even the thought of it. There is nothing pretty about war. It is horrible in every aspect. In its train is misery, suffering, desolation. Man has fought from time immemorial, perhaps he may continue to fight until the end of time. But that is no proof that war is right or even necessary.

Frankly avowing our detestation of war, we take, we may modestly claim, a practical view of the question. We are not ashamed to admit our idealism, but a man may be an idealist and still not lose his hold on realities. To talk of the outlawry of war is—let us not be harsh, but simply call it bunk. You can no more outlaw war than you can outlaw malice and all uncharitableness. The world has made its progress not by drastic codes any more than it has by dreaming Utopia. Progress is practicality. Lowell's satirical gibe that "civilization rides upon a gun carriage" is not true and never was true. Civilization rides in the car of commerce. Progress is brought about by man discarding unprofitable methods for those that pay. It sounds sordid, but it is the truth. The victor enslaved the vanquished, falsely believing he was getting cheap labor, while slave labor was of all labor the most uneconomical. Let us hold fast to the verities.

The World Court may be made a very useful institution. It is one of the instruments of progress. It is a noble conception. But it will not revolutionize human nature. There is never anything catastrophic about human nature. It is a plant of slow and painful development. It toils with faltering and weary steps ever upward. It has come to its present stage by cautious experiment. It has tested and rejected many nostrums. It has clung to a few fundamentals. When nations are convinced there is no profit in war there will be no war, and not before. That time has not yet come.

What we object to is that ignorance and emotion should run riot. Many good men and women honestly believe that if the United States enters the World Court there will be no more war. That is like offering a quack remedy to the suffering. It raises hopes that can not be realized. It brings disappointment and despair; worse than that, it makes the victim distrust the honest doctor and scoff at his treatment.

What is the World Court? We ask the question because, without being offensive, we believe that the majority of the people who insist the United States must become a member has really little knowledge what the court is or its precise powers and authority. With a more elaborate machinery it is, so far as practical results are concerned, only a magnified tribunal of arbitration. Arbitration of disputes between nations, as between individuals, is as old almost as civilization itself. When there was a trivial war which was not great enough to be cause for war, two nations agreed to submit to a third its contention and to abide by the decision. It was cheaper than fighting. But it was always a voluntary submission.

The World Court stands on a similar basis. We heard a man say in a public meeting if the World Court had been in existence in 1914 there would have been no war, because after Austria had dispatched her ultimatum to Serbia, the latter would have gone to the World Court, which must have decided against Austria. We like to think the man was a fool rather than a knave; that he thought he was telling the truth rather than exposing his ignorance. What this man assumed could be done as a matter of course, Sir Edward Grey, then the British Secretary of State for Foreign Affairs, was so desperately striving for to prevent war and failed. He proposed arbitration; any method that would be satisfactory to Austria and Serbia was agreeable to him. Austria refused; her national honor, she said, was at stake, and she could not discuss it or submit it to the consideration of an outsider. Sir Edward Grey could do nothing more, and Austria attempted to clean the stain from her national honor with the sword.

That is the weakness of the World Court. There is no way by which the defendant can be brought before the bar. He may go there if he is willing, and he will always go there if the question at issue is of minor importance, and he never will go there if the risk of penalty is too great. It is precisely as if you appointed a magistrate and gave him no police to bring the malefactor before him. How much fear would the thief have of the law if the law was given authority to pass sentence and was powerless to enforce it? When two men or two nations have no desire to seek a quarrel they do not have to invoke the assistance of society; it is only when a man or a nation is a bully or dishonest that the weaker man or nation must appeal for protection to the community or the world at large. In what way is the moral tone of society elevated or the innocent victim helped by being piously told: "It is all very wrong and the aggressor is in-

famous, but all we can do about it is to tell him what we think and preach a highly edifying sermon." A man who has knocked you down because he is stronger and stolen your purse has a wholesome respect for an even stronger policeman, or two or a dozen policemen if necessary, but in snug possession of your purse he laughs at sermons and proceeds to enjoy his ill-gotten gains.

If you asked a woman whether she was willing to have the city pay the salary of a police court judge before whom wrongdoers came if they felt like it and stayed away if it was more convenient, her common sense would quickly supply the answer, but when you talk to her about the World Court she allows her emotion to control her reason. We do not discourage the expression of emotion in women; it is their charm, and a woman without emotion is as flabby as a dead fish and as uninviting; but something more than emotion is necessary to quicken a good deed in a naughty world. There are the practical questions of statesmanship and the interests and security of a nation to be protected.

The World Court is an ideal conception in a world that has not yet reached the perfection of idealism, alas!

[From the Washington Post January 25, 1925]

HUGHES TO RESCUE—BOLDLY ATTEMPTS TO SOLVE PROBLEM—NOT YET SUCCESSFUL—SENATE BARS THE WAY—IS THE PARIS AGREEMENT A TREATY?—A POSSIBLE WAY OUT

(By George Harvey)

It is most gratifying to be able to record that the turbid atmosphere which last week enveloped the Paris agreement of the allied and associated powers is in process of clarification. The chief contributor to this highly desirable advance in better understanding was Secretary Hughes who, immediately upon his return from the South, with admirable promptitude and characteristic decisiveness, abandoned his accustomed rôle of anonymous spokesman for himself and issued the following terse statement:

"The portion of the agreement reached at the recent conference in Paris which relates to the participation of the United States in the Dawes annuities has already been published in the newspapers. The full text of the agreement is on its way to this country and will be published as soon as received. In the meantime it may be said:

"(1) The Conference of Finance Ministers held at Paris was for the purpose of reaching an agreement as to the allocation of the payments expected through the operation of the Dawes plan. In view of the inclusive character of these payments it was necessary for the United States to take part in the conference in order to protect its interests.

"(2) The conference at Paris was not a body, agency, or commission provided for either by our treaty with Germany or by the treaty of Versailles. In taking part in this conference there was no violation of the reservation attached by the Senate to the treaty of Berlin.

"(3) The agreement reached at Paris was simply for the allocation of the payments made under the Dawes plan. It does not provide for sanctions or deal with any questions that might arise if the contemplated payments should not be made. With respect to any such contingency the agreement in Paris puts the United States under no obligation, legally or morally, and the United States will be as free as it ever was to take any course of action it may think advisable.

"(4) The agreement at Paris neither surrenders nor modifies any treaty right of the United States."

While this interpretation, thus boldly put forth by the Secretary, of a document, the text of which he had not read, could hardly be regarded as wholly satisfying, it nevertheless served a useful purpose in notifying European governments and peoples that whatever, if any, commitment of the United States had been made by the acquiescence of the Secretary of State designate was thereby annulled by a dictum of the Secretary of State de jure and de facto for the next five weeks.

It was high time. Exultation at having at last inveigled the United States into the discordant concert of Europe, so far from subsiding upon reflection following the first burst of unwarranted enthusiasm, was swelling in volume to a degree likely to prolong misunderstanding indefinitely and dangerously. So late as the very day on which Mr. Hughes was composing his declaration of independence, the powerful British publicist, Mr. James L. Garvin, was acclaiming in the columns of Viscount Astor's Sunday Observer the beginning of "a new era as measured by a responsible witness, no less than Mr. Kellogg, in a few weeks to become the President's right hand at Washington."

"America," he continued, "in consenting to receive a share of the Dawes annuities assumed direct and inevitable responsibility for the working of the scheme."

"Assuming that the Dawes plan should collapse and sanctions become necessary, how could the United States decline to mediate and cooperate without compelling France to occupy the Rhine again? It is vital to the reputation and interest of the United States to make the Dawes plan work, and there is no present need to paint the devil on the wall."

Far better no doubt, from the British viewpoint, to pass the buck from John Bull to Uncle Sam!

"America reenters Europe," was the heading in the London Sunday Times, which, not to be outdone in ecstasy by its rival, spoke even more joyously, as follows:

"The Paris conference will make history, because through it contact has at length been reestablished with America. The representatives of the United States who attended it were there not as observers but as active participants. They had the same official standing and carried the same credentials as Mr. Churchill or M. Clémentel.

"After five years of diplomatic neutrality, if not of diplomatic aloofness, the United States has reentered Europe. She has ranged herself again with the powers by whose side she fought in the Great War.

"The United States now has what she has not had before, a governmental stake in the success of the Dawes plan. To that extent she has ceased to hover on the outskirts and is back again in the center of the arena, a very welcome coadjutor. From that position there can be no retiring, and it may be that events will compel a further advance.

"We are quite content to leave it at that."

"To have contrived the official participation of the United States" (without presumably the consent of the Senate), the Sunday Times gratefully concluded, "is probably the last important act of Mr. Hughes's term as Secretary of State, fruitful and illustrious beyond any in American history."

But it wasn't. Far more important and far more illustrious was the Secretary's dictum, put forth on the very next day, that the great expectations aroused by Ambassador Kellogg's signing on the dotted line were wholly illusory and unrealizable.

A chill followed the fever. Instantly the foreign office announced that "Great Britain does not desire to entangle the United States in European affairs any further than the United States desires to participate in European affairs," without, however, waiving her claim of her right to do so if occasion should arise in the future, and the newspapers promptly soft pedalled all manifestations of jubilance.

France was hardly less dumbfounded by the Hughes pronouncement than by recent hints that financial obligations ought not be be wholly disregarded. Indeed, said Mr. Wilbur Forrest in his cablegram to the Herald-Tribune, "the widely published reports of Senate activity and George Harvey's editorial are astounding to the French, who are utterly unable to understand the political phases of the argument. The French are still of the opinion that the United States signature to the financial agreement is morally worth five army corps on the Rhine and the greatest argument for Germany to carry out her obligations.

"Few Frenchmen with whom I talked considered the United States involved to the extent of sending an ultimatum to Germany in case of a default, but they hoped that the United States would join in a joint allied move against any German attempt to evade the Dawes plan. This phase of the situation, more than the actual hope that the United States is ready to go to war against Germany to collect her 2¼ per cent of the Dawes annuities, led most of the allied delegates at the conclusion of the conference to issue statements tending to say that the United States was finally 'hooked.'

"To-day, however, with JOHNSON, BORAH, and Harvey utterances in the Paris press, the Frenchmen are bewildered and admit it, though they were equally astounded by Secretary Hughes's denial that the United States is even morally concerned over whether Germany pays France or not."

It may be remarked in passing that on the following day, possibly to distract attention from this appearance of obtuseness, Deputy Louis Marin made a remarkably lucid and highly enlightening exposition of the real attitude of France with respect to settlement of her debt to America; but of that, at some length we fear, anon!

Our excuse for refraining from attempt to analyze and discuss the famous agreement on its merits is plain and should suffice. We have not the text. In point of fact, speaking with full candor, we have been and still are as dependent upon the newspapers for information respecting the contents of the document as the State Department itself.

Even the "digest" prepared by Colonel Logan and cabled regardless of expense, according to the Paris correspondents, on the day Mr. Hughes presented his opinions, is not yet as available as income-tax returns.

True, on January 20 the Herald-Tribune, in commendable performance of its organic functions, "obtained by cable, as soon as it learned that the transmission of the text of the agreement through official channels to the State Department would be by mail, and therefore considerably delayed," some articles in full and others in summary, but the context in papers of this character is often too vital to justify explication in part.

But whatever may be the final judgment of the give and take inevitably involved in compromises of this nature, we frankly can not escape a misgiving as to the finality of the Secretary's conclusions which impel the President to regard the transaction as "a closed incident."

Nobody, we imagine, will question Mr. Hughes's assertion that it was "necessary for the United States to take part in the conference

in order to protect its own interests," but when he declares that in so doing "there was no violation of the reservation attached by the Senate to the treaty of Berlin," he surely opened the door for discussion by that somewhat obdurate body which never fails to maintain its prerogatives as a partner in the treaty-making power.

The reservation referred to by Secretary Hughes reads as follows:

"Subject to the understanding, which is hereby made part of the resolution of ratification that the United States shall not be represented or participate in any body, agency, or commission, nor shall any person represent the United States as a member of any body, agency, or commission in which the United States is authorized to participate by this treaty unless and until an act of the Congress of the United States shall provide for such representation or participation."

Inasmuch as both of our claims presumably settled in Paris do unquestionably fall within the compass of the treaty of Berlin, it is presumed that Mr. Hughes upholds the authority of the commission, comprising two ambassadors and an employee holding no official position, upon the technical ground that it does not answer to the definition of one "authorized by this treaty."

Senator BORAH, it is understood, and Senator JOHNSON, it is certain, insist upon a broader interpretation.

Whether the agreement does or does not put the United States under a moral obligation is a matter of opinion and clearly in dispute between Mr. Hughes and many others abroad and at home, including several Senators supposed to be versed in international law. Neither of these points in controversy is likely to be passed over without debate in the upper Chamber.

But the chief contention, if unhappily one should arise, between the Executive and the Senate, will be that which impelled President Washington to leave the Chamber in high dudgeon, never to return, and has raged ever since, over not only the true meaning of "advice and consent," but also what really constitutes a treaty. Mr. Hughes maintains that this particular arrangement does not fall within the category. Mr. BORAH is equally positive that any international agreement entered into by the United States is, in effect, and can be nothing else than a treaty requiring ratification by the Senate.

Oddly enough, Mr. Kellogg seems to agree with Mr. BORAH, since, according to the Paris correspondent of the New York Times, quite contrary to the apparent design of Mr. Hughes to keep the business exclusively in the hands of the Executive, "the Allies are congratulating themselves that they did not accept Ambassador Kellogg's proposal that the agreement should be made subject to ratification by the American Senate"—a truly extraordinary interference in our governmental procedure, induced doubtless by their previous experience with that august body.

Consequently, while, according to Secretary Hughes, high praise for his bold and admirable endeavor to solve the problem should be accredited to his prospective successor, it is impossible to escape the conclusion that what we termed last week "a predicament, strange, unprecedented, and full of peril" still exists.

Meanwhile the portentous document is wending its leisurely way across the ocean, and is due to arrive so short a time before the advent of its author that the President may decide to await the first-hand information which can be obtained by either the Executive or the Committee on Foreign Relations from the Secretary designate himself.

That might prove to be "the way out," perhaps the only way.

God speed it and him!

Mr. JOHNSON of California. Mr. President, there was one significant thing that occurred in Paris as expressed in the newspaper dispatches concerning which we know little or nothing. In order to be fair to the State Department I want to say there was a qualified denial, but, as I understand what has been printed in the press, there was no absolute denial at all of the fact that at Paris when the American delegates came to sign this agreement something occurred in the nature of an attempted reservation by Ambassador Kellogg, something which will be of controlling importance when years hence we come to construe this document to determine what the United States is bound to do under it.

It was stated in the dispatches which I have here—I have some confirmation from a private source, but I do not refer to that and I do not depend upon that in making these remarks—I have here certain statements contained in the dispatches which came across the ocean during the time of the signing of the agreement which, to put the matter very briefly, demonstrated or indicated that Mr. Kellogg asked that he be permitted to sign the agreement with a reservation that America would be bound only in respect to matters in which America was concerned. I do not state it now with absolute exactness, because I am trying to hurry through these remarks, but, in substance, Mr. Kellogg desired a reservation be made by which America could hold herself aloof in the future if it came to the question of the enforcement of the particular agreement. The instant, say the dispatches, that Mr. Kellogg offered this reservation, that very instant Mr. Churchill was on his feet repudiating it; Mr. Clementel was on his feet denying it, and Mr. Theunis, of Belgium, was on his feet saying: "You can not do it; you can not do it"; and Mr. Kellogg, according to the dispatches, pocketed his reservation and signed the agreement without any reservation being made at all.

I do not assume to say that a wholly correct version has been given in the press; I do not assume to say, sir, that what I have stated here is entirely accurate. I am stating what has happened of necessity from newspaper accounts, because, although the reply of the Secretary of State contains a wealth of information that will require weeks for us to digest, I find nothing in it concerning the particular incident of one sort or another. But, sir, assume for a moment that Mr. Kellogg did seek a reservation to the agreement, what does it demonstrate? It shows conclusively what was in that astute lawyer's mind when he was signing the agreement. And the repudiation of it is the complete demonstration of what was in the minds of the other signers of the document when they would not permit a reservation of any character to be appended to the document. That, if it occurred, was a contemporaneous construction of this document that will return to plague us. I repeat again and again, so that I may not be misunderstood, that I am depending upon press dispatches, and upon press dispatches alone I predicate what has been said in this regard.

It is an unfortunate thing, sir, that we should not know everything that happened at Paris. What a strange sort of commentary it is upon the great democracy of the world that we in this Chamber learned from the London Times the terms of the agreement that was signed at Paris! A copy of the agreement taken from that journal was put into the RECORD by the Senator from Minnesota [Mr. SHIPSTEAD] more than a week prior to a response by the Secretary of State to our inquiry. What a strange thing it is, sir, that in this democracy we do not know what we are doing abroad and have not the slightest conception of what our representatives are signing at Paris until advised from Paris by cable dispatches in the newspapers! And generally our information of what happens there is first derived from foreign newspapers, and then American newspapers tell us something of what has occurred. What a strange thing, Mr. President, that during the week of felicitation and congratulation, when all Europe rang with praises and sang this concert of hosannahs because "America had come back into Europe"—what a remarkable thing that during that week of thanksgiving in Europe that "America had come back and was here once more," we never heard a word in the United States of America of what America had done or what America had contemplated or what America's fate might be in the future; and it was only after that distinguished patriot and that great diplomat, George Harvey, in his Sunday article printed what he did concerning what had transpired abroad that we got the forthright and direct statement of the Secretary of State as to the participation and responsibility of the United States. What a strange commentary it is upon this freedom of ours, of which we boast; what a strange commentary it is upon our vaunted knowledge, greater knowledge we insist than exists with the people of any other government on earth, that the French newspapers published on the 14th and 15th of January this agreement and commented upon it; that the London Times printed this agreement on the 15th day of January and commented upon it, and that there was only one country that was a party to it—just one—that did not understand it and know its terms and all about it! I have no doubt the agreement was published in Rumania and in every other country that was a party to the agreement, and many of them were parties to it; I have no doubt it was published in every one of them; but we have it at last; it has been printed in the CONGRESSIONAL RECORD. Congratulate yourselves, Senators, that we got it into the CONGRESSIONAL RECORD through the London Times of January 15. Victory for the Senate! Victory for our democracy! Our people knew the terms of the agreement only when it was put into the RECORD from the London Times, published on the 15th day of January, 1925. It is a glorious thing, perhaps, that some of you take the London Times. I do not know where the Senator from Minnesota obtained his copy of the London Times, but it was of value to us, for it gave us in the CONGRESSIONAL RECORD, the official record of what transpires in Congress, the document we desired. So much for that, sir. I leave the second of these propositions to you, Senators, who are familiar with constitutional law and who may be jealous of the prerogatives of the Senate.

I wonder if there are any Senators now who are jealous of the prerogatives of the Senate? I wonder more, sometimes, whether there are any men in public life who are jealous of

the rights and the future of the American people. But if any of you here are jealous of the prerogatives of the Senate, jealous of the prerogatives of the Congress, if any of you here like to prate about your Congress and what it does, let me commend to you what was done in Paris in taking a liquidated debt of the United States—read Mr. Churchill's statement about it—reducing that debt, and settling it exactly as Mr. Kellogg and Mr. Herrick and Mr. Logan, excellent gentlemen all, desired to settle it at Paris.

Congress? Congress? Congress? Why recall the New Haven speech of the distinguished Secretary of State when he was speaking of debts due the United States, and when he said:

> The administration must also consider the difficulty arising from the fact that the question of these obligations which we hold, and what shall be done with them, is not a question within the province of the Executive. Not only may Congress deal with private property of this sort but it has dealt with it.

He was referring then, I ought in fairness to him to say, to the debts that were due us from the nations of Europe, really other than Germany; and with regard to these debts that were due us from other nations he said it was a matter for Congress to deal with them, and that the Executive had nothing to do with them. In dealing with the debt due from Germany to us Congress has nothing to do with the matter, and the Executive, under the authority of the Boxer rebellion claims, may deal as it sees fit!

These things I leave with you. My purpose, in closing, I say has been this: I have been trying to present the facts as they appear from the publications abroad and those at home. I have been endeavoring, sir, while accepting fully and absolutely the statement of the Secretary of State and the position that I assume to be that of the present Republican administration, to point out what may possibly occur in the future. I have been endeavoring, sir, to arouse, if I am able to arouse, a little of interest in my brethren in a question which may become harassing and most important to the United States in the days to come. I have been endeavoring, sir, if I can, to arouse in them that activity from which expression may be had in order that there may be no mistake among those with whom we are upon terms of amity and friendship as to the action of the United States in the future. I have been endeavoring, sir, in a record here, so far as I could in my feeble fashion, to point the way to put upon notice those who may claim otherwise concerning the responsibility of the United States of America under the agreement which has been signed at Paris.

I deny, sir, the responsibility of the United States of America under that agreement or under any agreement. I deny, sir, the right of any man or any set of men, ambassadors to England or to France, as the case may be, or officers of the Army, to tie the United States into that which is occurring in Europe to-day. I deny, sir, the power even of the Executive of this Nation to take this country into a political turmoil or political entanglement out of which there may come in the days in the future either the treasure of this Nation or out of which there may be a drain upon the blood of America. I deny the right of any and of all to embroil this country in the mysteries abroad and in Europe's difficulties over there. I spurn, sir, with the utmost contempt, the right of anybody, for a 2¼ per cent indefinite part of reparations in an uncertain future, to take this Nation of ours and make it a collector for all Europe of Germany.

I deny that there is any such power in any committee, in any ambassador, in any Secretary of State, or in any President, sir; and denying that power, holding the views that I hold upon this question, hoping in some little degree to arouse something of the spirit that ought to exist in this body; hoping, sir, to arouse a bit of the American people to the perils that they must confront in the future if these European gentlemen are correct in their interpretation, I have risen here, in no spirit of hostility or enmity or politics at all, to speak what is in my heart, and to do what little God gives me the power to do to keep America as America has ever been and as I ever want America to be. [Manifestations of applause in the galleries.]

GOOD ROADS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes, approved July 11, 1916," as amended and supplemented, and for other purposes.

Mr. STERLING. I ask that the pending amendment be stated.

The PRESIDING OFFICER. (Mr. JONES of Washington in the chair). The Secretary will state the amendment.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fernald	Ladd	Shipstead
Ball	Ferris	McCormick	Shortridge
Bayard	Fess	McKellar	Simmons
Bingham	Fletcher	McKinley	Smith
Borah	Frazier	McLean	Smoot
Brookhart	George	McNary	Spencer
Broussard	Gerry	Mayfield	Stanfield
Bruce	Gooding	Means	Stanley
Bursum	Hale	Metcalf	Sterling
Cameron	Harreld	Moses	Swanson
Capper	Harris	Neely	Trammell
Caraway	Harrison	Norris	Underwood
Copeland	Heflin	Oddie	Wadsworth
Couzens	Howell	Overman	Walsh, Mass.
Curtis	Johnson, Calif.	Pepper	Walsh, Mont.
Dale	Johnson, Minn.	Phipps	Warren
Dial	Jones, N. Mex.	Pittman	Watson
Dill	Jones, Wash.	Ransdell	Wheeler
Edge	Kendrick	Reed, Mo.	Willis
Edwards	Keyes	Reed, Pa.	
Ernst	King	Sheppard	

The PRESIDING OFFICER. Eighty-two Senators have answered to their names. A quorum is present.

Mr. REED of Pennsylvania. Mr. President, I ask that the pending amendment be stated from the desk.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The READING CLERK. On page 2, line 3, it is proposed to strike out "$75,000,000" and to insert "$60,000,000."

Mr. REED of Pennsylvania. Mr. President, this amendment and the amendment which follows it will reduce the amount of the authorization for 1926 from $75,000,000 to $60,000,000, and the amount of the authorization for 1927 from $75,000,000 to $50,000,000. The purpose of offering these amendments is to set the Federal Government toward getting out of this business of raising money for expenses of the several States.

It seems to me that the President, in his Budget message, was entirely right when he said that this is in effect breaking down the sovereignty and self-reliance of the separate States of the Union. I do not feel so much compelled by the argument that the larger States of the East are bearing the greater part of this burden. It seems to me necessary that they must bear the greater part of the burden of all Federal expense, because in them is the greatest part of the wealth of the country. I offer these amendments because it seems to me that this is not a proper Federal expense, and that the sooner the Federal Government gets out of this business of State subsidies the better for all concerned.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nevada?

Mr. REED of Pennsylvania. I yield for a question.

Mr. PITTMAN. I agree quite heartily with the Senator in regard to maintaining State sovereignty, and I desire to call his attention to the fact that the West was forced into federalism by reason of the fact that the land upon which the States generally depend is used by the Federal Government for forest reserves, national parks, and Indian reserves, and the public lands are withheld from taxation. I merely call that to the attention of the Senator so that he may see the unfortunate position in which we still find ourselves.

Mr. REED of Pennsylvania. I am glad the Senator called attention to that, because it gives me a chance to qualify what I have just stated. I believe that where the Federal Government preempts, or retains in its control, a large part of the area of a State, it is entirely proper that it, like any other property owner in the State, should join in the burden of constructing the public roads of the State. But there is no excuse, in my judgment, for the Federal Government granting to the State of Pennsylvania any amount for the building of Pennsylvania roads. The State of Pennsylvania contains no Government lands in any appreciable quantity, except an occasional military reservation, or a post-office site. The State of Pennsylvania is perfectly able to build its own roads, and it ought to do so. What is true of my State is equally true of all of the States of the Union in which the Government has not preempted a large part of the area, as it has in Nevada, for public lands or public reservations, or Indian reservations, or other reservations of one sort or another. I draw a sharp distinction between a State like Nevada, in which more than three-fourths of the area is still retained by the Federal Gov-

ernment, and the greater number of States in which that condition does not exist.

It seems to me that getting the Federal Government out of this business of subsidizing the States ought to appeal to every man who has at heart the fundamental doctrine of State rights. It seems to me that at the present time the very independence of the States is being bought away from them by this method. It is only a few days since several of the officials of Pennsylvania who are interested in road construction came to this city to ask the permission, if you please, of a Federal official to improve a road in Pennsylvania. Such a condition of affairs is shocking. Any system that will lead to such a loss of independence as that seems to me to be unfortunate, and the quicker we get out of it the better it will be for the self-reliance of the States and, needless to say, the better it will be for tax reduction and economy on the part of the Federal Government.

Mr. BROOKHART. Mr. President, I have been very deeply interested in the remarks the Senator from Pennsylvania has just made. I myself believe that the States are losing a good deal of their independence, but I do not think they are losing it through Federal aid. I do not say that I am favorable to the Federal-aid proposition, but the independence of these States is lost through the economic situation in the United States.

Every State in the West is paying tribute on everything to Pennsylvania and to New York because of our economic organization. Our transportation system, controlled in the eastern section where the great wealth is accumulated, collects a large tribute from all the States of the Union, and it all goes back to New York, Philadelphia, and Pittsburgh, and those cities are built up by this tribute which they are collecting.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BROOKHART. I yield.

Mr. REED of Pennsylvania. Was not the West very glad to get the money to construct those public utilities?

Mr. BROOKHART. Yes; and I will just give you an instance showing how they got it. Take the Union Pacific Railroad. They got about $30,000 a mile from the Government to start with. They sold about that much more in bonds, and then they sold about $10,000 a mile of stock. They sold nearly all of that to the western people, about $70,000 a mile altogether, and it cost about $30,000 a mile to construct the road. That is the way they got the money from your folks to build our roads. You came out and took 158,000,000 acres of our land—I believe that was the quantity—and donated it to these railroads. One-seventh of the State of Iowa was given to the railroads. Taxes were levied in towns and townships, bonds were issued by counties all over the West, and out of the money which we put up, buying your bonds and paying your taxes, you built roads; but after you built them you owned them back in New York. We did not own them out West. The hindquarters of a railroad may be out in Iowa, but the headquarters are always back in New York. [Laughter.]

Mr. COPELAND. Mr. President, may I ask the Senator if the New Yorkers did not leave the road out there?

Mr. BROOKHART. Yes; and then New York created an Interstate Commerce Commission to charge us all the operating expenses of the road, and then 5¾ per cent return upon a valuation which is at least one-third water to-day—5¾ per cent—which is more of a percentage than it is possible for the American people, for American capital, for the American unearned increment to earn; which is more than the total increase of wealth in the United States as a result of all the work of all the people and of all the earnings of all the capital.

Where I disagree with the Senator from Pennsylvania is in this: I would like to double that appropriation, make it $150,000,000 instead of $75,000,000, and then cut out the State aid. That would do something like justice to these outlying States, and anything short of that is not justice.

Take a farmer out in Iowa to-day. What can he do? What use has he of a hard road which runs right past his own farm? He does not dare turn his pigs or his cattle or his horses out on the road. They would get run over by somebody from Pittsburgh. [Laughter.] If he drives his team on that road, he has to get off to one side to let the big Pierce Arrow cars go by. The hard road is a positive nuisance to him in the use of his farm. It is also a benefit, but not all benefit. Not only that, but we levied an assessment on those farms at 25 per cent of the cost, and practically every farmer on whom the assessment was made has been unable to pay it, and his farm has been sold at tax sale. That is the situation out in the best agricultural spot in all this world.

Mr. President, there is something about this relativity proposition that does not work out in favor of the little fellow. Consider our banking system. I was talking with the vice president of a big New York bank yesterday, and he told me how he had climbed up from a one-mule farmer down in Tennessee to be vice president of that great bank. I asked him where he got the money in his bank. He said he got it from Tennessee, from Iowa, from Illinois, from the Dakotas, and from all over that country out there. Where does he lend it? He lends it to the stock brokers and the stock gamblers down in the Wall Street crowd at from 2 to 3½ per cent. That is our money again, collected and loaned to those people in that way, and while he is doing that our farmers out West are paying 6 per cent, and in some States 10 per cent, and in some even 12 per cent for their bank loans.

Senators will all remember what happened down in Wall Street following the recent election. Stocks and bonds went up. I saw in one estimate that they had gone up over $3,000,000,000, and they went up a billion or so after that, which again means that the producing people of this country—the western people—must pay the dividends and the returns upon that fictitious value which is created down there in that market. That makes another tax and another demand on the people of Ohio, and of Indiana, of Illinois, and of all of the other Western States, as well as the people of the Southern States.

Our economic organization is built up in that way, and our outlying people in every direction are paying tribute to that system. Our banking system is a monopoly of credits. If a farmer wants to organize a cooperative bank, he can not do it under the law of the United States. He can not do it under the law of any State in this Union. He can not organize a purely and truly cooperative bank anywhere. He has no right under the law to organize his own deposits in any cooperative bank system under his own control in the United States. He is tied fast to this competitive system which centers in New York and runs through Pittsburgh.

The same is true all the way through. We have a protective system for the industries of the East. We have a protective system for the railroads, as the result of a law which fixes a valuation for them 50 per cent above their market value at the time that market value was fixed. We have a protective system for the public utilities which fixes a return to them of from 6 to 8 or 10 per cent upon their invested capital, and I want to say again that all the earnings of all capital and all labor and everything else, all the unearned increment, and all increase in property value, and all depreciation of the dollar and everything else that affects it, from 1912 to 1922 only increased the national wealth by 5½ per cent a year. There is something out of balance. There is something taking our independence. It is this economic system, which is built upon these theories, while it leaves the great agricultural population to struggle with the competitive markets of the world.

Mr. President, I want this amendment to be voted down, and if I have a chance, I will offer an amendment to make that appropriation $150,000,000, and we will end the State aid, leaving them entirely independent and let the Government build its roads, as it ought to build them.

Mr. REED of Pennsylvania. Mr. President, I am very glad the Senator from Iowa has spoken just as he has, because he has given me an illustration that is most apt. Should it not be obvious to all of us that if we go on in this way, centralizing power here in Washington, and exposing the States each day, in a new way, to control from Washington, it will not be very long, with all power centralized here, before a majority of the States will tear with their fangs, as the Senator would have them, at any State that for the moment appears to be prosperous? Let your cotton crop sell at a high figure and all of the rest of us, like wolves dashing at a piece of meat, must get together and take from those temporarily fortunate cotton States taxes in one form or another to apply to the wounds of the States that are not at that moment so prosperous. The Senator's argument illustrates as forcibly as any human words could illustrate the wisdom of those ancestors of ours who kept to the separate States a complete measure of independence from such attacks as that.

I remember the time when corn and wheat and the other products of Iowa were selling at a high price, and the products of my State were sternly held down by governmental regulation, and it seemed to me it would be mighty nice if Pennsylvania could in some way get for her people those Iowa products at a lower rate. I can remember when their farm lands in Iowa jumped to three and four times what they had been the year before.

We all remember those days in the time of the war. Mill property and much of the property in the East was not rising in the same way, and it seemed to us that they were the

favored of the earth, just as it seems to them now that we are. What I mean to say is that if we are going to subject each of the States to the unrestrained rapacity of the others our Union can not last, and what the Senator from Iowa has said illustrates the point better than anything I myself could say.

Mr. FLETCHER. May I inquire of the Senator if he does not lose sight entirely of one of the purposes of the roads, the post-road feature, which the Government itself, of course, inaugurated?

Mr. REED of Pennsylvania. I do not forget that the theory on which this is done is the post-roads clause of the Federal Constitution. It seems to me that that is more an excuse than a reason for the appropriation. We might as well argue that the Federal Government should pave the streets of New York City because Federal mail trucks use them. We might as well argue that all the road repairing and road construction should be attended to from Washington, provided that a mail truck or rural delivery carrier used the road to be repaired or constructed. Those are excuses, not reasons.

Mr. STERLING. Mr. President, I hope the amendment of the Senator from Pennsylvania will not prevail. I think the Senator from Pennsylvania, as well, perhaps, as a few other Senators, are inclined to base their objection to the bill on the wrong theory or principle. This is not, as the Senator from Pennsylvania characterizes it, a subsidy of the National Government to the several States of the Union, nor is it destructive of the initiative on the part of the authorities of the several States of the Union. It may invite the exercise of initiative on the part of highway authorities in regard to the construction of roads, but it does not destroy initiative.

Why is this not a subsidy of the Federal Government to the States? It is because every added facility for the transportation of the commerce of the country, the products of the country, to the great markets of the country helps in the building up of the Nation. It means national wealth, it means national welfare, and it means the prosperity and wealth of New York, Philadelphia, Boston, Cincinnati, Chicago, and other great cities of the East and Middle West which are dependent to a great extent upon these commercial facilities. So what we are doing here is in promotion of the national welfare.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. STERLING. Certainly.

Mr. NORRIS. I must apologize to the Senator because I was called out of the Chamber and returned just in time to hear the latter part of the remarks of the Senator from Pennsylvania. I would like to know what the amendment authorizes. What is the amendment, and what does it provide for?

Mr. STERLING. On page 2, the Senator from Pennsylvania would by his amendment strike out in line 3 the figures "$75,000,000," and insert "$60,000,000," and in line 5 he would strike out "$75,000,000," that being the authorized appropriation for 1927, and insert "$50,000,000." It would reduce the authorization to that extent.

Mr. FESS. Mr. President, I appreciate the position taken by the author of the amendment, and have some sympathy with the policy he wants to introduce. I take it the policy means that ultimately in a definite time we shall discontinue Federal aid to road building.

I come from one of the States that would be called wealthy. My State will pay its proportional amount of the additional aid. But I believe that the proper theory of the Government is that the Natioa must be looked upon as a unit and, while recognizing the various States in their individual sovereignty, that we ought not to build the territorial boundaries so high that a citizen in Ohio is not interested in what is done over in Indiana, or a citizen in the northern section is not interested in what is done in the southern section, or a citizen in the East loses his interest in the far West. In other words, the Government must be looked upon as an entity, and the people of Ohio must be interested in the people of the furthest sections of the country. The development of any section that is yet undeveloped is not confined in its interest to the people who live in that section where it is being developed, but extends to all parts of the country, old as well as new.

I think that our policy, inaugurated some time ago, of giving Federal aid to all the States, not only in the way of road building, but also in the way of general improvements, and in the way of education, is a policy that is wise. There is no doubt that it is a definite policy that is not to be abandoned. I should hope that it would not be abandoned. Heretofore the objection to the policy was on the basis of State rights, for fear we would lose the local control.

However, that is avoided in all of our recent legislation looking to Federal aid. There is not, so far as I know, a single bit of legislation for Federal aid that does not write into its terms the full control over the particular matter, outside of the mere application of the money. It is true that on the question of education we extend aid to the various States, but in the extension we write into the law that the application of it as to the courses taught, the subjects taught, the manner of teaching, all the things that appertain to the local interests, are left within the local authorities.

That is written within the law itself, so that I do not fear what many of our legislators fear, that this policy of Federal aid is denying the rights of the States. I think the rights of the States are conserved in the law itself. It is true that the appropriation of money out of the Treasury of the United States will carry with it some control of the money in its application. We all understand that, and in that sense we find it in road building. The thing I rose to state was that when we come to the improvement of roads it is not the interest of the States only through which the roads are being built, but it is the interest of the entire Nation.

To advert to what our friend the Senator from Iowa [Mr. BROOKHART] said a moment ago, I think the Senator left an inference of criticism of the policy of building of the transcontinental railroads. I do not think that policy was unwise. On the other hand, I think it was one of the wisest things the Nation has undertaken, for we all know that had it not been for the building of the transcontinental transportation lines we never would have developed the empire beyond the Mississippi. It was through that method that that wonderful empire was built up and developed; and while it is true that we voted 130,000,000 acres of land and we expended sixty millions of dollars in subsidy, yet what does that amount now mean when compared with what those States have developed since that day? I do not believe they would have developed had it not been for the policy that was inaugurated, and it seems to me that the policy now being criticized is a policy that really ought to be commended.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. FESS. Certainly.

Mr. WADSWORTH. I would ask the Senator, as I assume he has studied the question thoroughly, how long he thinks it will be necessary for the Federal Government to continue to spend $75,000,000 a year for this purpose?

Mr. FESS. That is a matter which must be left to the judgment of the legislators.

Mr. WADSWORTH. Of course, there is no doubt about that.

Mr. FESS. Answering the question specifically, I can not say how long it may be and am not now able to state just how far the Government should go in aiding in the building of lateral roads. I think the Government without a doubt ought to extend Federal aid on all of the great trunk lines, from the interest of the whole people as a unit. When the trunk lines are completed how far we ought to go in the building of lateral roads is a question that I have not studied.

Mr. WADSWORTH. Can the Senator state how far we have gone in the building of trunk lines? Let us see if we can get some basis of common understanding.

Mr. FESS. We have the Lincoln Highway, which is fairly well completed, almost all of it by Federal aid. I do not know how many highways are in the course of construction, but we have not been at it very long in the matter of Federal aid to road building. We really have made wonderful progress. If you confine me to my own State, it is a remarkable achievement, because we have the State intersected with trunk lines in every direction. There is a line from Cincinnati to Cleveland known as the Three C's, and a line which runs through the State from Wheeling through Columbus and Springfield to Indianapolis, known as the National Highway, and these roads are named as Nos. 1, 2, 3, 4, and so on. Our State is intersected in every direction with trunk lines.

Mr. WADSWORTH. So, may I say, is the State of New York; but I notice they are still spending Federal money.

Mr. SWANSON. If the Senator will permit me, I desire to say that three-sevenths of this expenditure is confined to trunk lines by an amendment which was made to the law in 1921.

Mr. COPELAND. Mr. President, we on this side of the Chamber should be happy if we could hear the conversation which is proceeding on the other side of the Chamber.

Mr. SWANSON. I was simply informing the Senator from New York [Mr. WADSWORTH] that under the law three-sevenths of the Federal expenditure is confined to trunk lines by an amendment which was made to the law in 1921.

Mr. WADSWORTH. That is a little different conception of the situation than that which I have just received from the

Senator from Ohio [Mr. FESS], who said he believed it all ought to be expended on trunk lines. How far the Government should go in the construction of lateral lines he intimated he would consider later.

Mr. SWANSON. It depends to some extent on what may be considered trunk lines; but to insure that the money shall be spent on roads over which there is more or less interstate travel and not on roads which are confined to the local use, a provision was incorporated in the law requiring the approval of the Bureau of Roads in Washington of any project which was sought, so as to guarantee that the money would be spent on roads, one-half of the traffic on which, and generally more, was interstate. The States must furnish an amount equal to that provided by the Federal Government, and to insure that the money shall be spent on trunk lines we amended the law and provided that three-sevenths of the expenditure should be confined to such roads.

Then, as to other projects, where the State also furnishes one-half and the Federal Government furnishes one-half, to insure that the money shall be spent where there is a Federal interest involved, either in the way of star routes or the carrying of parcel post, it is required that there shall be the approval of the Federal road department to see that that purpose is accomplished.

Mr. STERLING. And if I may add a word to what the Senator from Virginia has stated, he referred to the fact that three-sevenths of the money which is appropriated must go to the construction of interstate roads; but the other four-sevenths must go to the construction of intercounty roads which are connected with or correlated with the interstate roads. That is according to the law of 1921.

Mr. FESS. Mr. President, probably I was not sufficiently explicit in my statement in reference to the trunk-line roads. I meant to say that I thought there was no doubt the Government should continue its aid until the main trunk lines are built. I do not mean to say that the Government should not aid in the construction of lateral roads, although I think that should be determined in part at least by the character of the territory through which the roads run. I am not saying that the Government should not aid in such construction, but I do not know how far we ought to go.

I will say to my friend from New York [Mr. WADSWORTH] that my position with reference to this legislation is that we are living in a time when we are now, and going to continue to, build roads; when we are never going to abandon them or permit them to be worn out and not be improved, or permit them to get into a worse condition than if they had not been built; in other words, we are establishing a basis of expenditure, and while it is heavy we are going on with it. When the roads shall have been built then it will be a problem as to how they are to be kept up. It seems to me that in road matters maintenance constitutes one of the main features, and that the roads ought to be maintained by the people who use them, which could be done very equitably.

I am, however, thoroughly opposed to the suggestion of the Senator from Iowa [Mr. BROOKHART] that all the work should be done by the Federal Government, and that we should cut out the State appropriations. I would not submit to that at all.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FESS. I yield.

Mr. REED of Pennsylvania. What does the Senator from Ohio think of the other suggestion of the Senator from Iowa that the Federal taxing power should be used as an instrument of revenge by the States that conceive themselves to be injured?

Mr. FESS. I did not understand my friend from Iowa to say that, though it sounded very much that way. I do not think, however, he meant that. I, of course, would not indorse such a conclusion.

Mr. SWANSON. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I yield.

Mr. SWANSON. If the Senator will permit me, in order to show the spirit of justice which is involved in the good roads law, when the Federal Government spends any money on a trunk-line road, as I understand—and I am sure I am right—the State has to agree to assume the obligation of keeping that trunk line in order for all time to come.

Mr. FESS. That is in the statute.

Mr. SWANSON. That is the law.

Mr. WADSWORTH. I am entirely aware of that; I have not criticized it.

Mr. SWANSON. The provision is contained in the law that after a road has been built the State must assume the obligation to keep it in as good order as when turned over to it. The State not only furnishes half the money, but it then agrees to keep the road indefinitely in the same condition in which it was when it was turned over to it. That provision has been in the law from the beginning, in order that we should not have roads built and then that they should be allowed to deteriorate.

It seems to me instead of complaining of the States shirking their duty, in view of the fact that frequently a trunk-line road is ten times more interstate than it is intrastate, the States are assuming a burden largely on account of the people in the large cities who own automobiles and who have the money and leisure to travel, and that, therefore, they ought not to complain. I know that in my State to keep up the roads where the Federal aid has been given requires the imposition of heavy taxes, and a great deal of money is spent for that purpose. When such roads have been built, as I understand the law, should the States fail to keep them up to the condition in which they are when turned over to them, the Federal Government can step in and prevent the expenditure of any more money on them. If we desire to develop this country, I do not know of a system which is better directed to that end than that adopted under the present road policy of the country.

Now let me make another suggestion to Senators who live in the large cities. At the time the road bill was passed we asked the Bureau of Roads in the Agricultural Department to estimate, so far as it could, the cost of transporting agricultural products from the farms to the places where they were shipped abroad, including even the charges to Liverpool. The bureau spent a great deal of time and made accurate estimates, which disclosed that on the average it cost more in the United States at that time to transport products from the farm to the shipping depot than it did to carry them to New York and other exporting points and even to Liverpool.

So it seems to me that this question is of such general interest that it would be unreasonable to expect the people who live along the line of these roads, which cost from thirty to forty thousand dollars and more per mile to build—and it now costs as much to build public roads as it does to build railroads under present conditions—to have their lands taxed in order to supply all road improvements. Such a policy would mean no road construction.

During the World War an estimate was made of the cost to build a road from Washington to Newport News, which was the export place for many of our troops and supplies. It was thought possible that if a road were built from Washington to Newport News the troops and supplies could be sent over that road more promptly than by means of the congested railroads. When the report came in it was ascertained that it would cost as much per mile, if not more, to build that road than it would cost to build a railroad.

Mr. WADSWORTH. Mr. President——

Mr. FESS. I yield to the Senator from New York.

Mr. WADSWORTH. The Senator from Ohio is very generous and courteous in the matter of yielding. I might say that all this colloquy has apparently arisen from the fact that I addressed a question to the Senator from Ohio to this effect: How long did he think it would be necessary for the Federal Government to appropriate money at the present rate? I have not criticized the system or the principle involved in it, but I have not received an answer or anything like an answer to my question. The Senator from Virginia mentioned the immense benefit to the farmer.

Mr. BROOKHART. Mr. President——

Mr. WADSWORTH. Just a moment, please—the Senator from Virginia mentioned the benefit which the farmer received from an improved road which may be built past his farm, enabling him to get his products to the shipping station much more cheaply. That is true, in my judgment; but the Senator from Iowa says that a hard road is a nuisance to the farmer. Now, I should like to have that difference straightened out.

Mr. SWANSON. I think that——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. FESS. I yield to the Senator for a statement.

Mr. SWANSON. I feel that the Federal Government ought to bear its part of the burden, and the State government ought to bear its part of the burden.

Mr. WADSWORTH. I have not denied that.

Mr. SWANSON. I am not in favor of a policy which would invoke the aid of the Federal Government when certain States might be enriched by the use of its power, and then, when it

comes to developing other portions of the country, invoke State rights to prevent the use of funds that ought to be distributed for national development.

Mr. WADSWORTH. I can not see why the Senator from Virginia has addressed those remarks to me with such emphasis. I have not said anything that would evoke such an observation from him. I am merely asking, How long do Senators believe that this series of appropriations shall continue? That is all I have asked.

Mr. SWANSON. So far as I am concerned, I have said they ought to be continued until the road system of this country is developed.

Mr. WADSWORTH. How long will that be?

Mr. SWANSON. I can not tell. It will depend upon how much the Federal Government will give and how far it will go to bear its part of the burden.

Mr. FESS. Mr. President, the question of the Senator from New York [Mr. WADSWORTH] is clear-cut and very difficult to answer satisfactorily to him or to me, for nobody knows how far we are going, and no one knows as yet what is the measure of the necessities of the case.

Mr. WADSWORTH. Then, may I interpose another suggestion or question?

Mr. FESS. I yield to the Senator.

Mr. WADSWORTH. Has anyone in public authority drawn up a map of roads to be improved by Federal aid and by the States which will display to the Congress the plan toward which we are building?

Mr. FESS. There is such a map, but it is not a completed plan so as to indicate that when all the road projects shall be developed there will be nothing more to be done.

Mr. WADSWORTH. Why is it not completed?

Mr. FESS. I presume merely because we have a hit-or-miss policy in road building.

Mr. WADSWORTH. That is just what I was about to complain of. I am glad that that admission has come from the lips of the Senator from Ohio, rather than from mine; otherwise, I would have had addressed to me with considerable emphasis some observations by the Senator from Virginia.

Mr. FESS. I hope the Senator from New York will recognize that whenever he speaks, because of the fact that he never speaks merely to be heard but always says something, he brings a "rise" out of many Senators.

Mr. President, I can state in just a minute my view of the pending legislation. I will not support the amendment of the Senator from Pennsylvania [Mr. REED] because it is contrary to the policy that we have now in vogue. I will support the bill as originally reported and now before the Senate because it is in harmony with that policy, and I will support it with the same interest that I would have in voting a tax upon the rich man to help educate the children of the poor man. In other words, that is the basis of our nationalization to-day. We make the wealthy State, in proportion to its wealth, help do the thing that ought to be done for the welfare of the entire Nation without much regard for State lines. We also require the wealth-producing element that pays the taxes to educate the children of those who do not pay taxes just the same as the children of those who do pay taxes. That is really the penalty that is attached to being a rich man or a rich State.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FESS. I yield to my friend.

Mr. REED of Pennsylvania. If the thought which the Senator has just expressed is to be accepted literally, why does not the Senator propose that all road costs throughout the United States shall be borne by Federal taxation? Why draw the line at $75,000,000? Why not make it ten times that amount?

Mr. FESS. We draw the line on the amount with special reference to the Treasury.

Mr. REED of Pennsylvania. It seems to me that our taxing power could extort more money than we do and devote it to road maintenance.

Mr. FESS. It could, but I think it would be very unwise to do it.

Mr. REED of Pennsylvania. Does the Senator realize that of the taxes on individual incomes which the United States is now levying 10 per cent goes to this particular item of appropriation which the Senate is asked to pass offhand and without very much consideration?

Mr. FESS. The Senator from Ohio was informed a while ago that it was about that proportion, but I doubt whether there is any appropriation that will yield greater benefit than that which goes into the building of good roads.

Mr. REED of Pennsylvania. It has not been observed, perhaps, with regard to this particular Federal expenditure that the efficiency of Federal operation is impaired as its scope is unduly enlarged, and the efficiency of State governments is impaired as the States relinquish and turn over to the Federal Government responsibilities which are rightfully theirs. I am opposed to any expansion of these subsidies. My contention is that they can be curtailed with benefit both to the Federal and State Governments. Does the Senator agree with that?

Mr. FESS. I think it is an unfortunate fact that as the expenditure of money is increased inefficiency creeps in; that ought not to be the case, but it seems to be the rule. I also admit the statement that every encroachment of the Federal Government upon the States will interfere somewhat with State sovereignty; I admit that.

Mr. REED of Pennsylvania. Does the Senator think that these particular appropriations can be curtailed with benefit to both the Federal and the State Governments?

Mr. FESS. The Senator from Ohio believes that road-building is one of the great necessities of our time. The automobile has compelled it; the automobile has entirely changed not only our industrial but our social life, and we have to live in the time in which we are living. We can not live 10 years ago.

Mr. REED of Pennsylvania. Certainly; and we need proper police protection, and we need proper sanitation, and we ought to have our streets swept; but does the Senator think that the Federal Government ought to do those things?

Mr. FESS. The Federal Government should attend to the things which pertain to sanitation, provided the State does not do it. We do that right along. We do it in cases where the health of the country under quarantine requires it.

Mr. REED of Pennsylvania. Would the Senator advocate an extension of these authorizations for more than 2 years? Would the Senator be willing to authorize $82,500,000 for the next 10 years, instead of each of the next 2 years?

Mr. FESS. The Senator is of opinion that the time is to be determined wholly by the amount of work to be done. We are just now talking about a public buildings bill to extend over 10 years. I shall not vote against it because the time is 10 years. If we need it, that is the thing to do.

Mr. REED of Pennsylvania. What plan, what definite outline of the work to be done, has the Senator seen which warrants him, in his judgment, in voting for this bill as it stands?

Mr. FESS. The only basis on which I vote for the bill is my observations on the need of road building, some of it in my own State, others of it in the western sections of the country. I am convinced that we are making no mistake in this particular bill. I know how my friend from Pennsylvania feels about it, and there are many Senators here who take the same view, and I not only have great respect for their judgment but I have considerable sympathy for their view with regard to the thing they want to avoid; but I do not believe that the danger they see in this bill is inevitable. On the other hand the roads will not be built for the sake of the people—and they ought to be built—unless aid is given to the States by the Federal Government.

Mr. WILLIS and Mr. ODDIE addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. FESS. I yield to my colleague.

Mr. WILLIS. Mr. President, I desire to ask my colleague whether, from his long experience in another body, he recalls when the original act for Federal aid was passed?

Mr. FESS. I think it was in 1916—a very brief time ago.

Mr. WILLIS. That is my recollection. Then that policy has been in effect some eight or nine years. I want to suggest to my colleague, then, if it has been found unwise—which I do not agree to at all—but if it has been found unwise, having been established as it has been for some eight or nine years, instead of changing the policy piecemeal, as proposed in the amendment offered by the Senator from Pennsylvania, if we are to change it, we ought to set some time in the future after which this policy would be abandoned. It seems to me it would be unwise to kill it indirectly by reduced appropriations.

Mr. FESS. I am in thorough accord with what my colleague says. As to the time at which we should discontinue this work, that is not now within the province of the Senate. I recall when the original bill was before another body that it did not carry

a large appropriation and there was a terrific storm brewing because of that appropriation, and before I left that body I voted for $140,000,000 for one year for this purpose because it was thought this was a policy that was wise, and why not do it now?

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. FESS. I yield to my friend from Arkansas.

Mr. CARAWAY. I should like to ask the Senator from Ohio if the wisdom of the policy has not been justified by reason of the fact that practically 90 per cent of the construction of hard roads has been had under this policy? It gave such an impetus to the building of roads that we have accomplished in that short time what it had taken all the years before to do.

Mr. FESS. I thank my friend for the statement. I am not aware of the figures. I will say to my friend from Arkansas, however, that I do know that the department here has limited Federal aid in my State to trunk lines and also to hard-surfaced roads.

Mr. CARAWAY. But it has been a tremendous stimulus to the building of roads in other States.

Mr. FESS. It certainly has.

Mr. ODDIE and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield, and if so to whom?

Mr. FESS. I yield to the Senator from Nevada, who was up a moment ago.

Mr. ODDIE. Mr. President, a few minutes ago an observation was made about the possible continuation in years to come of Federal aid, including forest-reserve roads. Yesterday I made some comments on Federal aid, and stated very plainly that I am in favor of this bill going through as it is; but I want to say that, as a matter of good business, it is wise for this Government to continue for many years its policy of building roads in the forests, because in those forests are hundreds of millions of dollars' worth of standing timber. We know that in the last year forest fires did terrific damage in the Western States, and that by the extension of this system of roads through the forests the danger from fires will be constantly lessened.

Here we have hundreds and hundreds of millions of dollars' worth of standing timber in our magnificent forests. The obligation is on us to protect those forests. Those forests control the water in our rivers. If those forests are destroyed the floods will come, and incalculable damage will be done. As a matter of protection, Mr. President, we should continue the policy of building roads in our national forests for a long time to come, and I hope we can also continue the policy of Federal aid as now applied to the highways of the country.

Mr. FESS. I want to say to my friend from Nevada that that is another question, and I am very strongly in favor of it. I should like to remind him that for the last three weeks I have been living in the books of John Muir, who, before he died, made very clear the wonderful richness of the forests of the western country. Anyone who is familiar with that remarkable career does not need any argument as to the preservation of our forests; and I will join the Senator in anything that is reasonable in building roads in the forests, especially in the parks, where they are so much required.

Mr. SIMMONS. Mr. President——

Mr. FESS. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator has very correctly said, as I think, that the automobile has contributed very largely to arousing present interest in highway construction. The two things that, to my mind, have made this an era of good-road building are the advent of the automobile and Government aid in the construction of such highways as are interstate and national in character or coordination.

Mr. FESS. I agree with the Senator.

Mr. SIMMONS. I want to ask the Senator this question: Does he not think that as a result of the Federal aid in this behalf and of the advent of the automobile, the great trunk-line highways of this country have been practically nationalized?

Mr. FESS. That is my idea.

Mr. SIMMONS. They have ceased to be local roads; they have ceased to subserve the interests only of the community or the States through which they run, and they have become as distinctively national in their use and the results of that use as our railroads have become nationalized by reason of the fact that they penetrate more than one State.

Mr. FESS. That is my view precisely; and their value is more than simply profit.

Mr. SIMMONS. No longer, therefore, are State highways of the character of those accorded Government aid mere local or State instrumentalities for communication, travel, and transportation.

The trunk highways that extend from the great cities of the North and East southward as far as Florida are being increasingly patronized not only by those who annually, at certain seasons, change their residence temporarily for reasons of health or pleasure from the northern to the southern section of our country and vice versa, and those who come and go in the line of business and commercial intercourse between these sections.

Mr. FESS. I will say to my friend that a day's stay in any section of Florida to observe the license tags of the automobiles would show any number of Ohio cars there to-day.

Mr. SIMMONS. Undoubtedly. At certain seasons of the year, in many of the States through which these great trunk lines to which I have referred run, you would probably be able, in a given time, to count as many automobiles from the outside as from inside of the State of observation.

Mr. FESS. Without a doubt.

Mr. SIMMONS. This condition of interstate use of these highways is only in its infancy, so to speak. It has just begun. It is rapidly increasing, and the time is not far distant when those great trunk highways will be used as regular lines of long-distance motor bus and truck transportation, running on regular schedules, just as they now are run in and around the larger cities and towns.

Mr. FESS. Mr. President, I am very much obliged to the Senator from North Carolina for his very pertinent remarks, and I yield the floor.

Mr. SIMMONS. Mr. President, that much with reference to the nationalization of our highways. When we adopted as a national policy the principle of Government cooperation in the construction of interstate highways, we justified our action upon the ground of Government need and use of these highways not only for the distribution of the mails but for military purposes as well. At that time the use of those highways by the Government was insignificant in extent as compared with the extent of their use at this time. Then we had little more than a few rural routes, and the old star-route system of distributing the mails outside of the cities and the towns. To-day the uses of those highways by the Government have been multiplied many times.

The parcel-post distribution in rural districts has become a governmental undertaking of enormous proportions. It gives the mails the nature of rural and interurban freight carrier. It includes the distribution by Government of all parcel packages offered to the mails of more than a few ounces and of less than 70 pounds, and it can be truthfully said that to-day as a result of the enormously expanded use by the Government of the public highways in the several States; a use that will continue to grow as the years go by, the Government has become not only one of the most extensive users of these highways but is one of the largest contributors to their annual deterioration; that is, say the costs of maintenance are greatly increased as a result of constant use of the roads by the Government in carrying on the great business of distributing the mails to those who live in the rural districts, and who comprise one-half of the population of this country.

Neither the law nor the pending bill require the Government to contribute to the construction of purely local roads, but to contribute only to the construction of such roads as it uses itself in times of peace for the purpose of carrying and distributing the mails, and in times of war for the purpose of mobilizing its soldiers and instruments of war, and I submit that under existing circumstances there can be no good grounds for the contention that the Government is under no obligation to assist the States in the construction of these trunk highways.

There is no element of invasion of State rights in the principle or application of this law. The Federal Government leaves everything in connection with the construction of these roads under the control and supervision of the States, except as to one matter which is written into the law, namely, question of deciding whether the road about to be constructed by the State conforms to the condition precedent imposed by the Government to the supplying of this money, that condition being that it shall be a part of an interstate system or be coordinated with such a system. That is the only question in the decision of which Government concurrence is necessary, and that is as it should be. That condition to Government aid and contribution does not infringe upon the rights of the States at all.

The very first time this legislation was proposed in the Congress that question was raised, and the same objections now urged were made. The present contention was then thoroughly thrashed out. We adopted the established policy, and it has brought most excellent results. Yet, every time it

becomes necessary to make another appropriation in this behalf, the same alleged constitutional objection is raised against it. The same constitutional objection might be raised against a number of activities of the Government for which we are appropriating the money of the people every year, but it is not done. This is the only appropriation whereby the Government supplies funds in cooperation with the States, in the consideration of which this question is constantly brought up, and Senators, especially from the southern section of the country where the doctrine of State rights has always had lodgment, are taunted with the imputation that in asking and accepting this assistance from the Government we repudiate the theory of State rights as immemorially advocated by the dominant element in that section of country.

Mr. President, that constant reiteration of this objection, that constant thrusting of such argument into the consideration of every appropriation for this purpose, generally comes from a section of the country which insists that because the people there contribute more money to the Federal Treasury, because of their greater wealth, they are required to contribute unduly in the construction of highways in less favored States of the South and West.

The Senator from Ohio [Mr. FESS] has very correctly said that the possession of great wealth in this world carries with it an increased obligation to contribute to those things which make for the betterment of the country in which one lives and of humanity generally. Those sections of the country do not contribute any more than their just proportion, according to their wealth, and their duty to pay their just proportion not only extends to the enterprise concerning which we are now talking, but it extends to all the expenditures of the Government.

We are constantly reminded that one or two enormously rich States pay a larger part of the Federal income from taxation than a number of the States in the West and the South, which enjoy equal benefits under this legislation, and that these poorer States enjoy these benefits at their expense.

Mr. President, the great State of New York is the richest State in this Union. The great city of New York is the richest city in this Union. It is the richest city in the world. Yet a mere fraction of the wealth of that great city comes out of the activities and the resources of the State in which it is located. It is a mighty reservoir of wealth, but the streams that empty into that reservoir have their origin in every part of this Union, flow through every State in this Union, and empty their precious contents into that great national and international metropolis.

New York is the great center of commerce and finance in this country, as well as the great center of wealth. There is no city in the United States that comes as near tapping all the sources of national wealth as does the imperial city of New York. There is therefore no city in this country as much interested in the prosperity, development, and the growth of every section of this Union as is the city of New York, or that owes as much of its prosperity to the other sections of the country as does New York.

The development of the resources of my State, North Carolina, through road construction or other internal improvements, of course benefits our local cities, towns, and communities, but a large part of the benefit of that development and the consequent growth in wealth and prosperity goes also to swell the commercial greatness and the financial supremacy of the city of New York.

Mr. BINGHAM. Mr. President, there are two things which have been brought up within the last few minutes of debate to which I should like to call the Senator's attention. In the first place, I do not represent one of the great, rich States to which he refers. In the second place, I do not happen to represent one of the Southern States, to which he refers as having always maintained the doctrine of State rights. But the State which I represent has always been interested in the doctrine of State rights and State sovereignty, and has maintained it from the beginning until the present time.

In the debate which has been taking place on the floor within the last few minutes one point has been brought out which seems of very great importance, namely, the point brought out by the Senator from Ohio in regard to breaking down State lines.

I would like to call the attention of all those who are interested in State sovereignty to the fact that the Senator from Ohio, in arguing against the amendment presented by the Senator from Pennsylvania, stated that he was opposed to it because he was in favor of breaking down State lines. In regard to anything where the States did not behave themselves he believed that the Federal Government should make them behave themselves, whether it was in road building or in education.

That is totally different from the question in regard to Federal-owned forest roads, to which there is no objection at all.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had concurred in Senate Concurrent Resolution No. 3, providing for the printing of the report of the United States Coal Commission, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in Senate Concurrent Resolution No. 28, providing for the reenrollment of the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry, with amendments.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4294) for the relief of the heirs of Casimira Mendoza.

The message also announced that the House had agreed severally to the amendments of the Senate to the following bills of the House:

H. R. 646. An act to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations;

H. R. 5420. An act to provide fees to be charged by clerks of the district courts of the United States;

H. R. 6860. An act to authorize each of the judges of the United States District Court for the District of Hawaii to hold sessions of the said court separately at the same time;

H. R. 8206. An act to amend the Judicial Code and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes;

H. R. 8369. An act to extend the period in which relief may be granted accountable officers of the War and Navy Departments, and for other purposes; and

H. R. 9461. An act for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy.

The message further announced that the House had adopted the following concurrent resolution (H. Con. Res. 43), in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That there shall be compiled, printed, and bound, as may be directed by the Joint Committee on Printing, 4,000 copies of a revised edition of the Biographical Congressional Directory up to and including the Sixty-eighth Congress, of which 1,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House of Representatives.

EXECUTIVE SESSION

The PRESIDENT pro tempore. The hour of 3 o'clock having arrived, in pursuance of an agreement already entered into, the Senate will proceed to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After two hours spent in executive session the doors were reopened.

NOMINATION OF HARLAN FISKE STONE

During the executive session this day, Mr. OVERMAN having moved that the Senate proceed in open executive session to the consideration of the nomination of Harlan Fiske Stone to be Associate Justice of the Supreme Court of the United States, the Presiding Officer (Mr. MOSES in the chair) ruled that a motion to consider a nomination in open executive session involves such a change in the rules of the Senate as to require a two-thirds vote to sustain it; and Mr. WALSH of Montana having taken an appeal from this ruling, the yeas and nays were ordered, and the roll call resulted—yeas 48, nays 36, as follows:

YEAS—48

Ball	Fess	McCormick	Reed, Pa.
Bingham	Glass	McKinley	Shields
Borah	Gooding	McLean	Shortridge
Bursum	Hale	McNary	Smoot
Cameron	Harreld	Means	Spencer
Capper	Howell	Metcalf	Stanfield
Curtis	Johnson, Calif.	Norbeck	Sterling
Dale	Jones, N. Mex.	Oddie	Wadsworth
Edge	Jones, Wash.	Overman	Warren
Edwards	Keyes	Pepper	Watson
Ernst	King	Phipps	Weller
Fernald	Ladd	Ransdell	Willis

NAYS—36

Ashurst	Dill	Kendrick	Simmons
Bayard	Ferris	McKellar	Smith
Brookhart	Fletcher	Mayfield	Stanley
Broussard	Frazier	Neely	Swanson
Bruce	George	Norris	Trammell
Caraway	Gerry	Pittman	Underwood
Copeland	Harris	Reed, Mo.	Walsh, Mass.
Couzens	Heflin	Sheppard	Walsh, Mont.
Dial	Johnson, Minn.	Shipstead	Wheeler

So the decision of the Chair stood as the judgment of the Senate.

The question was then taken on the motion of Mr. OVERMAN to consider the nomination in open executive session. The yeas and nays having been ordered, the roll call resulted—yeas 60, nays 27, as follows:

YEAS—60

Ashurst	Fernald	Jones, N. Mex.	Reed, Mo.
Ball	Ferris	Jones, Wash.	Sheppard
Bayard	Fletcher	Kendrick	Shields
Borah	Frazier	Ladd	Shipstead
Brookhart	George	McKellar	Simmons
Broussard	Gerry	McKinley	Smith
Capper	Glass	McLean	Stanley
Caraway	Gooding	McNary	Sterling
Copeland	Hale	Mayfield	Swanson
Couzens	Harris	Means	Trammell
Cummins	Harrison	Neely	Underwood
Curtis	Heflin	Norris	Walsh, Mass.
Dial	Howell	Overman	Walsh, Mont.
Dill	Johnson, Calif.	Pittman	Wheeler
Ernst	Johnson, Minn.	Ransdell	Willis

NAYS—27

Bingham	Fess	Norbeck	Spencer
Bruce	Harreld	Oddie	Stanfield
Bursum	Keyes	Pepper	Wadsworth
Cameron	King	Phipps	Warren
Dale	McCormick	Reed, Pa.	Watson
Edge	Metcalf	Shortridge	Weller
Edwards	Moses	Smoot	

So, two-thirds of the Senators present and voting being recorded in the affirmative, Mr. OVERMAN's motion was agreed to.

RECESS

On motion by Mr. CUMMINS, and by unanimous consent, the Senate (at 5 o'clock p. m.) took a recess until to-morrow, Thursday, February 5, 1925, at 12 o'clock meridian, then to proceed to the consideration of Mr. Stone's nomination in open executive session.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 4, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy Spirit, the source of earthly comfort and the unfailing guide of man, hear us as we humbly bow in Thy presence; receive and accept the offerings of our grateful hearts. May we lift up our souls in the light and glow of Thy great heart. We thank Thee that there is a power in the world, not of ourselves, that makes for righteousness and intelligence. Thy wisdom is above price and more to be desired than gold, yea, than much fine gold. Day by day may we have a more perfect revelation of the breadth and the length, of the height and the depth, of that love and knowledge which are beyond the understanding of man. Lead us, O Lord, to labor for the expansion and for the enrichment of our national ideals. Remember the afflicted ones of our homes and bless abundantly the absent members of our firesides. In the name of Jesus, our Saviour and Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS THE BAYOU BARTHOLOMEW, LA.

The SPEAKER laid before the House the following Senate concurrent resolution.

The Clerk read as follows:

Senate Concurrent Resolution 28

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the enrolled bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry, be rescinded, and that the Secretary of the Senate be, and he is hereby, authorized and directed to reenroll the bill with the following amendments:

In line 3 of the enrolled bill strike out "Polish" and insert "Police."

Amend the title so as to read: "An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry."

Attest: GEORGE A. SANDERSON, *Secretary.*

The resolution was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 64. An act to amend section 101 of the Judicial Code as amended; and

H. R. 8206. An act to amend the Judicial Code, and to further define the jurisdiction of the circuit court of appeals and of the Supreme Court, and for other purposes.

The message also announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4059. An act to provide for an additional Federal district for North Carolina; and

S. J. Res. 179. Joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge."

The message also announced that the Senate had passed the following resolution:

Resolved, That the House of Representatives be requested to return to the Senate the bill (S. 1639) entitled "An act to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4059. An act to provide for an additional Federal district for North Carolina; to the Committee on the Judiciary.

S. 2424. An act to reduce fees for grazing livestock on national forests; to the Committee on Agriculture.

S. J. Res. 179. Joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge"; to the Committee on Agriculture.

HYPOCRISY OR "LAW ENFORCEMENT"

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to insert a speech I made at the enlightenment dinner, Hotel Astor, New York City, February 2, 1925.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, under the leave granted to extend my remarks I insert a speech delivered by myself at the enlightenment dinner at the Hotel Astor, New York City, February 2, 1925, which is as follows:

Mr. Toastmaster, distinguished guests, ladies, and gentlemen, this gathering, to my mind, has not only been inspired, but provoked—provoked by a certain gathering recently held in this law-abiding metropolis, at which hypocrisy was served at every course and then poured forth in copious libations under the guise of after-dinner speeches.

The promoters of that much-heralded dinner enjoyed their own concoctions so much that they stayed for breakfast, except that the meal of the morning after the night before was served in a very spacious and lily-white mansion near the Potomac. There they disclosed to official authority the secret formula of their brew—"enforcement." "Enforcement" of what? Of all laws? Oh, no. Of one.

Let us digress to recall who were the distinguished guests who graced that festive board. Does the list not suggest to you a joint meeting of the board of directors of the great "interests" so called? For fear the average reader might not identify the individuals who illuminated the gathering, the press unanimously identified them as "chairman of the board of directors" or "president" or what not of certain gigantic businesses—steel, oil, mines, etc. Were any such overlooked? Does anyone recall, however, it having been recorded that John Jones, the average law-abiding citizen, or Tom Brown, the shopkeeper, or Jim Green, the artisan, or any of their friends or associates were present?

Permit me to inquire, in no facetious manner, whether the spokesmen on that occasion really represented the law-abiding element of our community in the sense of any zeal for the observance of all the

laws which are enacted. Is it not rather the fact that a great portion of the labors of our legislative bodies, State and National, are devoted to the enactment of laws to meet continued violations by those very same interests, to plug up the loopholes in the laws already enacted through which they crawl. And does not the political and judicial history of our country record that countless laws have been persistently violated by just those interests, and only observed, if ever, after resort to every recourse within the power of their wealth and influence? And yet with solemn mien these gentlemen, apparently blotting out the past, preach for the moment, apparently believing that in some far corners of this Nation their words may carry conviction.

The American people, thank the Lord, are blessed with a keen sense of humor, as well as a well-developed memory, but to maintain a sober countenance while imbibing the exhortations from those particular quarters is asking far too much of our people.

Where is the man so bold as to arise in his place and soberly assert that the great fortunes these gentlemen represent were built up on the observance of law? Is it not undisputed that in their amassing, countless legislative enactments were ignored, disrespected, broken, and resisted; that law enforcement only became a reality after all the obstacles of wealth and power had been overthrown by a united sentiment of a nation?

Without greatly straining the memory of any of the distinguished law-abiding people gathered here to-night, within a few seconds each one can recall numbers of instances where the laws of our land were persistently violated by these very same interests.

It is refreshing to note that the outstanding figure at that dinner candidly admitted his disrespect for at least one law—the income tax law. That, of course, is the privilege of any citizen in any free country—to disrespect any law—even if he be a minority of one. But I wonder how far these same interests have expended their time and their influence and their money for the enforcement of that particular law, to take only one instance. Does their patriotic fervor for law enforcement cause them to give the Government the benefit of any doubt on any exemption or claim for deductions? Have they ever, and do they now, observe the immigration laws in respect to contract labor, or the many humanitarian laws in reference to hours of labor or the conditions of men, women, and children in industry? Would they not evade every such law if they could? Was it not one of those interests which, only a short time ago, was fined the huge sum of $29,000,000? Was this for observance of law or the deliberate violation of law?

Was it not the interest represented by one of these distinguished after-dinner and after-breakfast speakers which maintained its own private army in the State of Colorado to shoot down the men, women, and children of the mines and to destroy their property? Was this observance of law?

Were laws respected or observed in the State of West Virginia by the interests represented by some of these very same gentlemen, when all lawful authority was usurped to themselves in the handling of the mining situation in that Commonwealth? I am not unaware, ladies and gentlemen, that it is not considered nice or delicate these days to call a spade a spade, but I know of no greater weapon against insincerity than the frank, naked truth. Within recent years there has grown up in this country of ours a huge monster—hypocrisy—and unless we meet it with the weapons with which we are endowed, it will soon overwhelm and devour us. The whole atmosphere is surcharged with the venom from its nostrils. It has become a fetish to dictate the conduct and the habits of others, while reserving to ourselves, only, all the guarantees which our immortal forefathers bequeathed to us.

With perfect sang-froid we dictate that our employee in the steel foundry, or our man rolling a barrel of oil, or our miner, shall not be permitted to indulge himself in a glass of 2.75 per cent beer with his noonday meal. We have tried to enforce this edict for years. We used to admit that business efficiency prompted us. For that motive we now substitute those sacred words, "law enforcement." Of course we would not have the temerity to command our boards of directors to abstain from the use of their ancient vintages—that would be the grossest interference with the personal liberty of those distinguished gentlemen.

In these days, when professional agitators have overridden all our fundamental concepts of liberty and self-determination, it is at least comforting to read that document called "The Declaration of Independence," in which there is so clearly and so often set forth so many instances of disrespect for certain laws and governmental regulations.

Happy it is for those men who penned that immortal declaration and for those who acted under its precepts that they are not living at this good hour. If they were, they would be classed by certain elements in our community as lawless, disrespectful of laws, opposed to law enforcement, and undesirable. What compliments are unintentionally bestowed upon some of us by the process of elimination!

Can we see any light? I think so. The American people are a tolerant nation, patient to extremity, seemingly willing to permit a self-appointed minority to impose its dictations upon them. But when finally roused from their complacent lethargy no power on earth can repel the force of their greatest weapon—public sentiment.

We people here have been permitted, or condemned, to live in days when a grave issue is in our midst, to my mind as great an issue as slavery. So strong, however, is my faith in the institutions of this country and in the preservation for all time of the fundamental guaranties underlying those institutions that I am not despondent. Rather am I confident that with the crystallization of public opinion, which must surely come, liberty and all it means must triumph over paternalism and despotism.

ENLIGHTENMENT DINNER

Mr. GALLIVAN. Mr. Speaker, I made a speech at the same time and I ask unanimous consent to insert it in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. GALLIVAN. Mr. Speaker, having permission from the House to extend my remarks in the RECORD by printing a speech delivered by me at the "enlightenment dinner" of the Committee of One Hundred, composed of prominent men and women of the city of New York, on the evening of February 2, 1925, at the Hotel Astor, I herewith append said speech:

SPEECH OF HON. JAMES A. GALLIVAN, OF MASSACHUSETTS, AT THE ENLIGHTENMENT DINNER, COMMITTEE OF ONE HUNDRED, HOTEL ASTOR, NEW YORK CITY, MONDAY, FEBRUARY 2, 1925.

Mr. Toastmaster, ladies, and gentlemen, the lateness of the arrival of my colleague, Hon. JOHN PHILIP HILL of Maryland, and myself is due to the unavoidable delay of the train which brought us here from a busy session of Congress on this very day. However, having promised that we would be with you on this occasion, we decided to come, early or late, and as I have just said to your distinguished toastmaster, Mr. Augustus Thomas, I earnestly hope that whatever we may say will be received with less criticism than had the train brought us here on time.

I have been asked to talk to you about the enormous sums of money which Congress has been voting in recent weeks for the enforcement, so called, of the Volstead Act.

Can anyone make an intelligent guess as to what this farcical prohibition enforcement is costing us even now, let alone the cost in the future as one experiment after another fails? We appropriate $11,000,000 direct for the Prohibition Unit, as it is called. It might better be called the prohibition multiplication table. We have appropriated $13,000,000 for new Coast Guard boats and increased the personnel to chase the rum fleet; we provided for 23 new United States district judges to handle the cases brought before the courts by the prohibition agents, and the dockets are more congested than ever. At the present time the outlay of Government funds amounts to probably $30,000,000, and in a few years at the present rate the cost will be $50,000,000. Not even the astute General Lord can make an intelligent budget for prohibition enforcement.

And yet we have a bill before the House of Representatives to make this Prohibition Unit an independent bureau of the Government under the Prohibition Commissioner and responsible to no responsible officer of the Government. That proposal comes from the Anti-Saloon League, the source of all this mischievous legislation. It is easy to understand why Wayne B. Wheeler recommends such legislation. It would give the Anti-Saloon League practically full control of the expenditure of the millions we appropriate annually for this alleged law enforcement. But the Federal judges, headed by the Chief Justice of the United States Supreme Court, have recommended that the whole machinery of law enforcement be turned over to the Department of Justice, where it belongs and should have been placed in the beginning, as it probably would have been but for the influence of Mr. Wheeler, the real author of the Volstead bill, because he did not want a real legal machine to deal with this question. He preferred an independent political machine which he could control in the interest of the Anti-Saloon League and for the purpose of rewarding his friends and punishing his enemies.

Mr. Wheeler boasts that the next Congress will be drier than this and that there is no hope for amending or changing the Volstead bill, which makes it a crime for the city dweller to make malt beverages of more than one-half of 1 per cent, and permits the dweller in the rural districts to make cider and wine for home use of any alcoholic content "not intoxicating in fact." Our friend, Representative HILL, pictured as the "Bad boy at the dyke," has performed a service to his country by demonstrating this discrimination in law by making for home consumption, by himself and his friends, cider of 2.67 per cent alcohol and wine of nearly 12 per cent, and inviting prosecution in a Federal court; and he was acquitted. The judge ruled that it was a question of fact whether the cider and wine made in Mr. HILL's home was intoxicating in fact, not that it contained more than one-half of 1 per cent alcohol. I think it will be conceded here that the judge's ruling was correct, for we, who were in Congress when the Volstead Act was passed, all knew that section 29 providing

that the penalties of sections 1 and 3 should not apply to a person for manufacturing "nonintoxicating cider and fruit juices exclusively for use in his home" was added for the purpose of permitting the farmers and fruit growers to continue to make any kind of home brew regardless of the one-half of 1 per cent. Mr. Wheeler, I am told, helped draft this section 29, because it was necessary to let the farmers out from under the law made to prohibit malt liquors, and because the rural districts are the backbone of the Anti-Saloon League. Prohibition has from the beginning of the Anti-Saloon League been for the cities and not for the rural districts. It has been against malt beverages, against the brewers, but not against hard cider and home-made wine. It has been one law for the supporters of the Anti-Saloon League and another law for those who refused to contribute to Mr. Wheeler's salary and expenses as the most powerful lobbyist in Washington since I came to Congress.

Now, since the Federal court has officially exposed the Janus-faced Volstead Act, Mr. Wheeler says:

> "Well, what are you going to do about it? We have the votes to prevent any change in the law."

It is not with him a question of the injustice and absurdity of the Volstead Act; it is only his ability by threats and cajolery to keep the law on the statute books, to punish the damn rascals of the opposition, and protect the damn rascals who are his partners in crime as he interprets crime.

Mr. HILL has been pictured as the bad boy at the dike, puncturing a hole in the Volstead Act; but he merely tore off the hypocritical putty plaster over the holes that Mr. Volstead and Congress bored through the dike to enable the farmers to escape the penalties of the act. We who were in Congress at the time knew that section 29 was added to the bill with the consent of Mr. Wheeler, if not at his suggestion, because the Representatives from the rural districts demanded this relief for the farmers before they would vote for the bill, and without that hole in the Volstead dike the bill would not have become a law. The first section of the act prohibited the manufacture of any beer, wine, or other intoxicating malt or vinous liquors for beverage purposes which contained one-half of 1 per cent of alcohol by volume. Section 3 fixes severe penalties for violation of this prohibition, and these penalties applied to the makers of cider or fruit juice containing one-half of 1 per cent. Then came the joker in section 29, providing that the penalties in the act "shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home."

In the meantime the Prohibition Commissioner boasts of the increased number of arrests—not convictions—and nobody knows how many of the arrests were on mere suspicion, or to punish those who refused to bribe the prohibition agents in the field; the number of automobiles seized and sold at auction to the bootleggers from whom they were taken and for mere nominal amounts, so that the seizures practically resulted in modest fines. And the commissioner asks for more money to hire more men to engage in this performance, which is worse than farcical and borders on the encouragement of crime in defiance of the law.

Looking over an old magazine a few nights ago I found an article by Mark Twain on "English as she is taught." It professed to be a study of a school examination 40 years ago and largely made up of the pupils' replies to oral questions on various subjects. On political history a Republican is "a sinner mentioned in the Bible"; a "demagogue" a "vessel containing beer and other liquids." "The Capital of the United States is Long Island." "A bill became a law when the President vetoed it." "The first conscientious Congress met in Philadelphia." "Congress is divided into civilized, half civilized, and savage," and "The Constitution of the United States was established to insure domestic hostility."

This was very funny back in 1887, when we had an old-fashioned Democrat in the White House, who enforced the old-fashioned Constitution. I don't know what Mark Twain would say about the Constitution since we adopted the sixteenth and eighteenth amendments and permitted Mr. Volstead, with the aid of the Anti-Saloon League, to interpret the latter. I suspect he would rub his eyes and solemnly admit that he had been a true prophet back there in 1887 as he sees the results of that change in the Constitution. He would count the cost as we consider appropriations to curb this "domestic hostility" created by the eighteenth amendment. He would see the Navy turning over to the Coast Guard many of its vessels and Congress turning that gallant Coast Guard over to the prohibition enforcement commission of the Government. He would hear a New Jersey judge suggesting a call on the President for the Army to aid the police and the prohibition agents to enforce this Volstead law; and he would hear the Federal judiciary appealing to Congress for some relief from the congestion of their dockets with petty prohibition cases and making impossible their disposing of the real and legitimate business before the Federal courts. The definition of Mark Twain's schoolboy 40 years ago that "the United States Constitution was established to insure domestic hostility" is no joke now, and there is not a laugh in it. Nor is there much of a joke in the other boy's reply that "Noah prayed for the waters to subsidize," since we have done what we could to give the water bottlers a monopoly on beverages. Philadelphians can not consider it much of a joke now to say that "the first conscientious Congress met in Philadelphia," since the city of brotherly love has been placed under the command of a United States marine officer, the first surrender of local government to a military representative of the Federal Government, even though the selection was made by the mayor.

I suspect that Mark Twain might find more truth than humor in his old definition of "Congress is divided into civilized, half civilized, and savage," since we have abandoned the two-party responsibility and arranged ourselves into blocs; but I would not care to speculate as to which of us are civilized or savage, nor would I dare, so soon after the election, indorse the definition that a Republican is "a sinner mentioned in the Bible," though I rather think that the definition of "a demagogue is a vessel filled with beer and other liquids" is appropriate when we consider the mental hydrophobia of those people who froth at the mouth whenever beer is mentioned. But I recall Mark Twain's article to remind my friends here that the sixteenth and the eighteenth amendments and the interpretation of the eighteenth amendment in the Volstead law and the troubles over the income tax come dangerously near to justifying the remark that the Constitution has been now established to insure domestic hostility.

I have said in the past, and I say it again, that all this prohibition legislation of the last half dozen years has been through deliberate misrepresentation. We have two conspicuous lobbyists in Washington who proclaim themselves representatives of the churches of America, and they have so impressed this claim upon many Members of Congress that they made many of them believe that they do represent the Christian sentiment of the country. I have too much respect for the churches to accept such presumptuous claims, which are as much justified as that of Judas to be the only true disciple when he betrayed the Master for 30 pieces of silver, and they are of the same character—the 30 pieces of silver being the inspiration for the preposterous misrepresentation of these modern "Christian lobbyists."

In their boastful presumptions they remind me of the Three Tailors of Tooley Street, who began their petition to the British Parliament, "We, the people of England." That is the formula of all the lobbyists I have ever met, and it is the formula of Messrs. Wayne B. Wheeler and Clarence True Wilson.

How long, oh Cataline, wilt thou abuse our patience?

How long, oh legislators of America, will ye permit Wheeler and Wilson to sew up the liberties of American freemen, and how long are you men and women here in the metropolitan city of this great Republic going to stand by and permit their madness to delude us?

You know, good friends, I get very tired occasionally down in Washington at the unheard-of inconsistency of some of these "dry" Congressmen when they inveigh against Federal interference with State rights, so-called.

I remember one day in the closing hours of the Sixty-seventh Congress when the then distinguished Republican leader in the House, Mr. Mondell, of Wyoming, got red in the face shrieking against a bill which had to do with "migratory birds." The bill provided for the creation of a public shooting grounds. He was howling his head off over on the Republican side of the House against such interference, and he said something like this:

> "We have, thank God, up to this good hour in the main escaped the tyranny of petty officials of a centralized government interfering with the rights, the liberties, and the everyday life of the people locally, an interference which by its very character can not well avoid being tyrannical, a control whose source of authority is so far removed from the people locally that against it they feel hopeless, helpless, resentful."

The gentleman from Wyoming then pictured the barefoot boy with the old shotgun potting peewees and being haled before a Federal court a hundred miles away from his home to answer for his ignorance of the term "migratory birds" in the law enacted by Congress. As I listened to the impassioned appeal of the gentleman who was the leader of the majority I could not help thinking of some of the same hardships, hopelessness, helplessness, and resentfulness of the people under the administration of the Volstead law. Here may be a homesteader in the State of Wyoming, where Mondell lived, who has settled on one of the reclaimed farms of that State, and with water from the mountains and sunshine from the good God himself has grown an orchard, harvested a few bushels of apples, which could not be sent to Boston or New York for sale because of the high freight rates, borrowed an old hand press, and turned those apples into cider, which was stored in the cellar with the bung carelessly left out, admitting the air to inspire the apple juice with a spirit of industry and give it a tang most agreeable as a nightcap. There was peace and happiness in that frontier home, if not prosperity, until one day the latent tin-horn prohibition officer, Mr. Asher, dropped in complaining of cramps and begged for something to warm his stomach. The housewife bustled about to make him some boneset tea, but he scorned that brew and appealed for whisky, something never known in the great prohibition State of Wyoming.

The frontiersman is reminded of the warming influence of that cider in the cellar, and he draws off a quart as an offering to suffering humanity. Mr. Asher gulps down a part of it, feels better, and pulls out his hydrometer, drops it into the cup, looks at its register, and immediately becomes an official, with the stern assertion:

"Ten per cent; and you are a felon under the Volstead Act. You are under arrest and will accompany me to Cheyenne, where the nearest Federal court sits. You had better take all the money you have with you, for you will pay your own fare and expenses, as well as a heavy fine for your violation of the most sacred law ever enacted by Congress."

No wonder it takes more than half the time of the United States district attorney of Wyoming to handle prohibition cases, and I suspect that there is as much resentment against the tyranny of petty officials of a centralized government in Wyoming as there is in New York or Massachusetts and as much resentment against the petty tyranny in the enforcement of the Volstead law as there will be against that of arresting barefoot boys with shotguns popping peewees in the garden to be haled to a Federal court 50 miles away.

Men and women of America, do not be fooled. The agitation for the repeal or modification of the Volstead law is not going to stop, but it is going to expand until it makes Congress realize that while honest men and honorable men will make sacrifices to give the law a fair trial and will obey such a law, they will follow the example of Abraham Lincoln in connection with the Dred Scott decision of the Supreme Court. You remember that Lincoln said he did not propose to set Dred Scott free by force, but he did propose to agitate for such political action as would make impossible the conditions that led the court to render such a decision, and history tells us that he did so continue to agitate until slavery was abolished.

AGREEMENT FOR ARBITRATION OF DISPUTES

Mr. GRAHAM. Mr. Speaker, I call up the bill H. R. 646, an act to make valid and enforceable provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations, with a Senate amendment, and move to agree to the Senate amendment.

The Senate amendment was read, as follows:

Strike out all after the enacting clause and in lieu thereof insert the following:

"That 'maritime transactions,' as herein defined, means charter parties, bills of lading of water carriers, agreements relating to wharfage, supplies furnished vessels or repairs to vessels, collisions, or any other matters in foreign commerce which, if the subject of controversy, would be embraced within admiralty jurisdiction; 'commerce,' as herein defined, means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation, but nothing herein contained shall apply to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce.

"SEC. 2. That a written provision in any maritime transaction or a contract evidencing a transaction involving commerce to settle by arbitration a controversy hereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof, or an agreement in writing to submit to arbitration an existing controversy arising out of such a contract, transaction, or refusal, shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.

"SEC. 3. That if any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

"SEC. 4. That a party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition any court of the United States which, save for such agreement, would have jurisdiction under the Judicial Code at law, in equity, or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of summons in the jurisdiction in which the proceeding is brought. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement: *Provided*, That the hearing and proceedings under such agreement shall be within the district in which the petition for an order directing such arbitration is filed. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by law for referring to a jury issues in an equity action, or may specially call a jury for that purpose. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

"SEC. 5. That if in the agreement provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of either party to the controversy the court shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided in the agreement the arbitration shall be by a single arbitrator.

"SEC. 6. That any application to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided.

"SEC. 7. That the arbitrators selected either as prescribed in this act or otherwise, or a majority of them, may summon in writing any person to attend before them or any of them as a witness and in a proper case to bring with him or them any book, record, document, or paper which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses before masters of the United States courts. Said summons shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrators, or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpœnas to appear and testify before the court; if any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon petition the United States court in and for the district in which such arbitrators, or a majority of them, are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner now provided for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the United States.

"SEC. 8. That if the basis of jurisdiction be a cause of action otherwise justiciable in admiralty, then, notwithstanding anything herein to the contrary, the party claiming to be aggrieved may begin his proceeding hereunder by libel and seizure of the vessel or other property of the other party according to the usual course of admiralty proceedings, and the court shall then have jurisdiction to direct the parties to proceed with the arbitration and shall retain jurisdiction to enter its decree upon the award.

"SEC. 9. If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in the next two sections. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.

"SEC. 10. That in either of the following cases the United States court in and for the district wherein the award was made may make an order vacating the award upon the application of any party to the arbitration—

"(a) Where the award was procured by corruption, fraud, or undue means.

"(b) Where there was evident partiality or corruption in the arbitrators, or either of them.

"(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

"(d) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

"(e) Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators.

"SEC. 11. That in either of the following cases the United States court in and for the district wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration—

"(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

"(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matters submitted.

"(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

"The order may modify and correct the award, so as to effect the intent thereof and promote justice between the parties.

"SEC. 12. That notice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within three months after the award is filed or delivered. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

"SEC. 13. That the party moving for an order confirming, modifying, or correcting an award shall, at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

"(a) The agreement; the selection or appointment, if any, of an additional arbitrator or umpire; and each written extension of the time, if any, within which to make the award.

"(b) The award.

"(c) Each notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award, and a copy of each order of the court upon such an application.

"The judgment shall be docketed as if it was rendered in an action.

"The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action, and it may be enforced as if it had been rendered in an action in the court in which it is entered.

"SEC. 14. That this act may be referred to as 'the United States arbitration act.'

"SEC. 15. That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect on and after the 1st day of January next after its enactment, but shall not apply to contracts made prior to the taking effect of this act."

Mr. CHINDBLOM. Mr. Speaker, may I ask the gentleman from Pennsylvania a question? Are there any substantial differences between this amendment passed by the Senate and the bill as passed by the House?

Mr. GRAHAM. There are none. The proponents of the bill are satisfied with the Senate amendment, and the Judiciary Committee has recommended our concurrence in the amendment.

Mr. CHINDBLOM. And among the proponents of the bill are some of the leading admiralty lawyers of the country?

Mr. GRAHAM. Yes.

Mr. MILLER of Washington. Will the gentleman state who are the proponents?

Mr. GRAHAM. There are various organizations. We passed the bill, and this amendment does not change the provisions materially. The result of it is that if you and I agree in the contract to arbitrate we must arbitrate and can not shirk it afterwards.

Mr. MILLER of Washington. Were the proponents legal societies or commercial?

Mr. GRAHAM. Commercial.

Mr. WINGO. If the gentleman will yield, as I understand the effect of the bill, it is, so far as maritime contracts are concerned, that if you and I agree as a part of the contract to arbitrate, in case of a disagreement as to matters covered by the contract, we must live up to that part of the contract as well as other parts of it.

Mr. GRAHAM. Precisely.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate No. 25 to the bill (H. R. 10724) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 135) granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt.

RELIEF FOR ACCOUNTING OFFICERS OF THE WAR AND NAVY DEPARTMENTS

Mr. GRAHAM. Mr. Speaker, I call up from the Speaker's table the bill H. R. 8369, an act to extend the period in which relief may be granted accountable officers of the War and Navy Departments, and for other purposes, with a Senate amendment, and move that the House concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 1, line 9, strike out "the act of April 21, 1922," and insert "this act."

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

UNITED STATES DISTRICT COURT, DISTRICT OF HAWAII

Mr. GRAHAM. Mr. Speaker, I call up from the Speaker's table the bill H. R. 6860, an act to authorize each of the judges of the United States District Court for the District of Hawaii to hold sessions of the said court separately at the same time, with Senate amendments, and I move that the House concur in the Senate amendments.

The Senate amendments were read, as follows:

Strike out all after the enacting clause, and in lieu thereof insert the following: That subdivision (a) of section 86 of the Hawaiian organic act, as amended, is amended to read as follows:

"SEC. 86. (a) That there shall be established in the said Territory a district court, to consist of two judges, who shall reside therein and be called district judges, and who shall each receive an annual salary of $7,500. The two judges shall from time to time, either by order or rules of the court, prescribe at what times and in what classes of cases each of them shall preside.

"The two judges may each hold separately and at the same time a session of the court (whether at the same or different terms of court, regular or special) and may preside alone over such session. The said two judges shall have the same powers in all matters coming before the court; and in case two sessions of the court are held at the same time, the judgments, orders, verdicts, and all proceedings of a session of the court, held by either of the judges, shall be as effective as if one session only were being held at a time."

Mr. BLANTON. Mr. Speaker, I make a point of order against the bill.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. This bill as it passed the House provided only merely for two judges of this court sitting separately. It was not a bill that provided for the establishment of any new court.

Mr. GRAHAM. And this does not provide for a new court.

Mr. BLANTON. Under the language of the Senate amendment, where the Senate struck out of our House bill all after the enacting clause and then wrote a bill of its own, and seemingly provides for two new judges——

Mr. GRAHAM. If the gentleman will permit me to explain, I think he will agree with me that it does not do any such thing. The Senate amendment in the first paragraph which was read simply recites the old law, and the only

change that is made in the bill is that they recite the old law and then add our bill to it. There is not another change in it.

Mr. BLANTON. The gentleman will remember the Virginia court bill which we had up here Monday, which merely changed the time for holding court in one particular place. Yet they came in with a bill reenacting the whole law, and a motion had to be made from the floor to strike out all of that surplus matter and put in the matter that Congress intended to pass. What is the use of reenacting all of the old law when the only purpose here is, as expressed in the House bill, to permit the present two judges to sit separately?

Mr. GRAHAM. They thought the old law ought to be recited when we were adding something to it, and the mere recital of the old law does not change it. The bill as it passed the House did not change the old law.

Mr. BLANTON. Then it is understood definitely that there are no new judges to be appointed?

Mr. GRAHAM. Absolutely.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

JURISDICTION OF THE CIRCUIT COURTS OF APPEALS AND OF THE SUPREME COURT

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 8206) to amend the Judicial Code and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes, with a Senate amendment thereto, and move to concur in the Senate amendment.

The Clerk read the Senate amendment.

Mr. GRAHAM. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, the last bill that was agreed to a moment ago had all after the enacting clause stricken out by the Senate, and then a reenacting of our 19 pages of language with one little change. We still have a 19 page bill, but it has become a Senate instead of a House bill. The Senate has stricken out every word of our bill after the enacting clause and has then put back all of the language of our bill, embracing nearly 20 pages, except two little changes. Why was that necessary? Some of the best lawyers in the Nation are on this Judiciary Committee of the House. Are they not able to write a bill that can be passed into law without its being stricken out? Why is it that every bill we pass in the House and send to another body, regardless of its size and the number of its pages, has to have all of it stricken out after the enacting clause and practically the same language put back into it page after page, with just a few changes? Why do they not insert their amendments in our House bills? I am protesting against their practice. It ought not to be continued. If a bill which we send to the other body is meritorious but needs a little change, the change ought to be made by their amendments; they ought not to rewrite word for word our entire bill, and they ought not to require us to read 19 pages of matter which they insert and which they send back to us to find out the changes they have made. It puts double work on the committee and it puts double work on the membership of the House and I hope that they will stop it. [Applause.]

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. JONES. What changes did the Senate make in the bill?

Mr. GRAHAM. They made one change to meet the objection of the gentleman from Illinois [Mr. DENISON], made at the time we passed the bill. I had given a promise that I would help him introduce any change that might be necessary to properly safeguard what he was seeking. He went to the committee of judges and the matter was agreed on, and two amendments were inserted, and then there was one formal amendment inserted by the Senator from Massachusetts, Mr. WALSH. Otherwise the bill is exactly the same as it passed the House.

Mr. JONES. What was the other amendment?

Mr. GRAHAM. The Judiciary Committee considered it and have authorized concurrence in the amendments of the Senate, unanimously.

Mr. JONES. I understand the amendment that the gentleman from Illinois referred to, in respect to the jurisdiction of the Panama Canal, but what does the other amendment refer to?

Mr. GRAHAM. I can not point it out as I have not the bill before me, but it is a simple change. It does not involve any organic change or even an important change. It was inserted to satisfy the objection of Senator WALSH.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

FEES OF CLERKS OF DISTRICT COURTS

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 5420) to provide for fees to be charged by clerks of district courts of the United States, with a Senate amendment thereto, and move to concur in the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

FEDERAL JUDICIAL DISTRICTS IN OKLAHOMA

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 64) to amend section 101 of the Judicial Code, as amended, with Senate amendments thereto, and move to concur in the Senate amendment.

Mr. CARTER. Mr. Speaker, does the gentleman ask unanimous consent to take this up, or does he undertake to call it up from the Speaker's table?

The SPEAKER. He called it up from the Speaker's table.

Mr. CARTER. Mr. Speaker, I make the point of order that the bill can not be taken from the Speaker's table because the Senate amendment creates several new offices and involves an additional tax on the Treasury.

The SPEAKER. If it does, of course, it can not be taken up.

Mr. CARTER. This bill only passed the Senate late yesterday afternoon, and no print of the Senate amendments are available, of course, except those carried in the enrolled bill, and we have had no opportunity to see the bill, much less closely examine same until right now. It would appear from a mere casual glance that certain portions of the measure are obnoxious to clause 3, rule 23, and clause 2, rule 24. I ask the attention of the Chair to sections 3 and 4, the first of which makes a temporary judge permanent, while the second creates a marshal and United States district attorney, for all of whom salaries are authorized and must be provided.

This bill as passed by the House provided for the establishment of several new places of holding court. Only this and nothing more. The Senate amendment strikes out all after the enacting clause and inserts a provision creating a new judicial district in Oklahoma to be known as the northern district. It makes a temporary judge permanent and creates various offices with which the bill as it passed the House did not even undertake to deal. I repeat, none of us have had opportunity before to examine the bill or to know what is in its provisions. I think we will all agree that this is a dangerous way to legislate, and the bill ought not to be considered at this time, so I must insist upon the point of order.

The SPEAKER. The Chair suggests that the gentleman from Pennsylvania should wait until to-morrow. The Chair can not pass on the point of order without investigating the facts, and it may occupy a good deal of the time of the House unnecessarily.

Mr. GRAHAM. Mr. Speaker, I agree to the suggestion of the Chair and will wait until to-morrow.

LIEUT. RICHARD EVELYN BYRD, JR.

Mr. VINSON of Georgia. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 9461) for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy, with Senate amendment thereto, and move to concur in the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

RETURN OF HOUSE BILL TO SENATE

The SPEAKER. The Chair lays before the House the following resolution from the Senate, which the Clerk will report.

The Clerk read as follows:

Resolved, That the House of Representatives be requested to return to the Senate the bill (S. 1639) entitled "An act to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation."

The SPEAKER. Without objection the Committee on the Judiciary will be discharged from the further consideration of the bill, and the bill will be returned to the Senate in compliance with its request.

There was no objection.

CASIMIRA MENDOZA

Mr. HUDSPETH. Mr. Speaker, I ask to take from the Speaker's table the bill (H. R. 4294) and move that the House concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4294) for the relief of Casimira Mendoza.

The Senate amendment was read.

The Senate amendment was concurred in.

JAPANESE EXCLUSION, ETC.

Mr. KIESS. Mr. Speaker, I present a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman presents a privileged resolution from the Committee on Printing, which the Clerk will report.

The Clerk read as follows:

House Resolution 406

Resolved, That the article entitled "Japanese exclusion * * * a study of the policy and the law," by John B. Trevor, master of arts, be printed as a House document, and that 2,000 additional copies be printed for the use of the House Committee on Immigration and Naturalization.

Mr. BLANTON. If the gentleman will yield, this goes through the folding room under the rules without stipulating that?

Mr. KIESS. Yes.

The question was taken, and the resolution was agreed to.

BIOGRAPHICAL CONGRESSIONAL DIRECTORY

Mr. KIESS. Mr. Speaker, I present another report from the Committee on Printing.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Concurrent Resolution 43

Resolved by the House of Representatives (the Senate concurring), That there shall be compiled, printed, and bound, as may be directed by the Joint Committee on Printing, 2,000 copies of a revised edition of the Biographical Congressional Directory up to and including the Sixty-eighth Congress, of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives.

The committee amendment was read, as follows:

Line 7, strike out the words "one thousand" and insert in lieu thereof "one thousand five hundred."

Mr. KIESS. Mr. Speaker, I move the adoption of the resolution.

Mr. LUCE. Mr. Speaker, I desire recognition. Mr. Speaker, this is a volume that contains the biographical sketches of the Members of Congress from the beginning of the Government. The number which it is contemplated to print could not begin to supply even the more important libraries of the United States. I wonder if the Committee on Printing has given consideration to the fact that as a book of reference this ought to be in all the public libraries of any size throughout the country.

Mr. KIESS. Well, this is the usual number that have been printed in the past, and we thought that would supply the more important libraries at least.

Mr. LUCE. Mr. Speaker, as I understand the amendment, this would give me only three copies.

Mr. KIESS. That is true.

Mr. LUCE. I have in my district at least 15 libraries where this ought to be placed, regardless of my desires and wishes in the matter. This is an important book of reference and ought to be on the shelves of those libraries in my district, and I would be hard put to it to tell which library should receive these copies.

Mr. SEARS of Florida. If the gentleman will yield, as a matter of fact the setting of the type is the principal cost and it does not cost very much to print the additional copies. I am in accord with the gentleman from Massachusetts in his statement that there should be more volumes. I would like to see him make that 3,500 volumes.

Mr. KIESS. Mr. Speaker, I will yield to the gentleman from South Carolina [Mr. STEVENSON], who is a member of the Committee on Printing and who introduced this resolution.

Mr. STEVENSON. Mr. Speaker, the resolution I introduced merely follows the line of the resolution which was passed in the Sixty-first Congress providing for the volume which is now up to date of March 4, 1911, and the number is the same as was prescribed there. Of course, so far as I am concerned, I have no objection to increasing the number. What we apprehended would be an objection in this day of extreme economy in publishing as many as we do, 8 for each Member of Congress and 500 extra for the Superintendent of Documents, where they are sold, the last edition, at $1.50 each; but if the House desires to loosen up and publish 5,000, I have absolutely no objection to an amendment to that effect.

Mr. LUCE. Mr. Speaker, I should doubt if 5,000 would be necessary. As I recall it, on the standard list of public libraries of the country, including the State libraries and the law libraries, there are something like 1,000 addresses.

Mr. STEVENSON. If the gentleman from Massachusetts and the gentleman from Florida can strike an average which will nearly hit, I will offer an amendment fixing the number, and in order to endeavor to do that I will offer an amendment to the committee amendment making it 3,500.

Mr. LUCE. That would be acceptable to me, Mr. Speaker.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STEVENSON to the committee amendment: Strike out the word "fifteen" and insert in lieu thereof the words "thirty-five."

Mr. STEVENSON. Mr. Speaker, will the Clerk please read it as it will appear? We want to get it distributed right.

The SPEAKER. The Clerk will report it as amended.

The Clerk read as follows:

That there shall be compiled, printed, and bound, as may be directed by the Joint Committee on Printing, 2,000 copies of a revised edition of the Biographical Congressional Directory up to and including the Sixty-eighth Congress, of which 500 copies shall be for the use of the Senate and 3,500 copies for the use of the House of Representatives.

Mr. STEVENSON. That would be 4,000. I move to amend.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: Line 4, strike out the word "two" and insert the word "four."

The SPEAKER. The question is on agreeing to the amendment as modified.

Mr. STEVENSON. Mr. Speaker, I am inclined to think we are getting through rather hastily. We had better get this straight. The same proportion ought to go to the Senate. We are providing 4,000 for the House. The Senate should have the same proportion as we have. We should give 1,000 to the Senate and 3,000 to the House. I ask unanimous consent to modify the amendment so that the 4,000 that are authorized to be printed shall be divided 3,000 to the House and 1,000 to the Senate.

The SPEAKER. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

On line 6, strike out "500" and insert "1,000"; and, in line 7, strike out "one" and insert "three."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

REPORT OF THE UNITED STATES COAL COMMISSION

Mr. KIESS. Mr. Speaker, I have another report.

The SPEAKER. The gentleman from Pennsylvania presents another privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the United States Coal Commission relative to the anthracite and bituminous coal industry, with accompanying papers, charts, diagrams, and illustrations (including not to exceed one supplemental volume), be printed as a Senate document, with contents and index, and that 5,000 additional copies be printed, of which 1,100 copies shall be for the use of the Senate Document Room, 100 copies for the use of the Committee on Mines and Mining of the Senate, 3,500 copies for the use of the House Document Room, and 300 copies for the use of the House Committee on Interstate and Foreign Commerce.

With a committee amendment as follows: On lines 9 and 12, strike out the words "Document Room."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

Mr. KIESS rose.

Mr. BLANTON. Mr. Speaker, the gentleman is not going to push this thing through here like greased lightning in that way.

Mr. KIESS. I shall be glad to explain the report of our committee in a few words if the gentleman would like me to do so.

Mr. Speaker, this resolution passed the Senate on June 6 of last year. The House Committee on Printing, on account of the expense, held up action on it until this session of Congress. We held a public hearing a few weeks ago and a member of the United States Coal Commission and other persons who are interested appeared before the committee. The fact is that Congress appropriated altogether $600,000 for the expenses of the United States Coal Commission; $500,000 at one time and later an additional $100,000.

The commission turned back into the Treasury enough money to have paid for the printing of this report, but under the act which created the commission they did not have the authority to print. It does seem to me that it is foolish to spend nearly $600,000 and yet not have the report of the commission available. The report is quite voluminous and the original estimated cost was something over $22,000. Since that time certain sections which could be eliminated without seriously affecting the value of the report have been eliminated at the suggestion of our committee, and the cost has been reduced over $5,000 by that action.

It was only after very serious consideration that the House Committee on Printing authorized a favorable report on this resolution for the printing of the report. I believe it should be printed.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. KIESS. Yes.

Mr. KINCHELOE. Something has been said about the cost of printing this report. In specific language, how much will it cost to print this report?

Mr. KIESS. Seventeen thousand nine hundred and sixty-two dollars and forty-five cents is the revised estimate.

Mr. KINCHELOE. How many copies will be printed?

Mr. KIESS. This will print the usual number, 1,257, and give each Senator 11 copies and each Member of the House 8 copies. We amended the Senate resolution, which provided for the report going to the Document Room, and we provided that these reports shall go to the Folding Room, so that each Member will get his proportion. For instance, in Pennsylvania 8 copies of these reports to each Member will not be very many for Members of Congress from that State, because we have a lot of people there who are interested in the reports of the commission. But taking the average over the country we thought this would be a sufficient number.

Mr. BLANTON. Mr. Speaker, will the gentleman yield me five minutes?

Mr. KIESS. Yes; I yield five minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, this report is not worth a 5-cent piece to the country. The other day, when I was trying to put the text of our supply bills into the RECORD, so that the people of the country will know just how we are spending between three billion and four billion dollars of their money a year, the gentleman from New Jersey [Mr. LEHLBACH] objected on the ground of economy, saying that it would cost anywhere from $6,000 to $9,000 for printing these bills. That was his objection—economy. I was trying to let the people know just how we are spending their money. Yet here is a worthless coal report that not a Member of Congress yet has read half of——

Mr. LEHLBACH. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes. Have you read it?

Mr. LEHLBACH. If you read it——

Mr. BLANTON. You have not read 20 pages of it.

Mr. LEHLBACH. There is no other way of getting this report to the public without printing it. The supply bills, however, are printed separately and they are available.

Mr. BLANTON. There are only 385 of them available for 435 Congressmen.

Mr. LEHLBACH. They are reprinted from time to time.

Mr. BLANTON. It is rarely the case that they are reprinted. When I had my argument with my friend from New Jersey [Mr. LEHLBACH] about his preventing my having the supply bills printed in the RECORD for the information of the taxpayers of the country, I then mentioned the fact that he had voted for many commissions and special committees that had spent many hundreds of thousands of dollars, and that he had voted for letting this Coal Commission spend $600,000, which had been wasted. I just want to print one letter illustrative of many that I have since received indicating that the people of the United States deem that $600,000 of their money wasted.

(A. J. Eimermann, attorney and counsellor, Room 34, Cawker Building, corner Wells and West Water Streets, Milwaukee)

MILWAUKEE, *January 21, 1925.*

Hon. THOMAS L. BLANTON, M. C.,
Washington, D. C.

DEAR MR. BLANTON: I wish that the Democratic Party had a great many more such Representatives in Congress as yourself. I admired your speech that you made on the bill of Mr. MADDEN, of Illinois, appropriating $50,000 as expenses for a committee appointed by the President in recess time. I hope that the people of Texas will keep you in Congress during your entire life.

You well stated that no good has ever come from a commission investigating conditions.

Yes; you were right as to the coal investigation. My last winter's supply of coal cost me $168, $16.50 a ton. I understand from reliable sources that the dealer here makes on an average of $5 a ton profit, from which he defrays the cost of delivery, but the loads that they carry on delivery is always from 5 to 6 tons; but nothing came from investigation; but the worst of it is that almost half of my coal is slate and stone, and to many I have spoken to say the same thing. The administration is hollering economy, reduction of taxes, etc. My letter carrier tells me that the Government could well increase their pay if it did not squander money in other directions; but that is an old saying—the "Horse that deserves the oats never gets it."

We have 70 commissioners in the State of Wisconsin who administer the laws; more than half of them are simply ornaments and chair warmers, but that is the La Follette theory of Government; but it looks to me that a certain element in the Southern States are joining the progressives of the Republican Party to defeat the regulars. I do not think that the Democratic Party can get any glory from joining with Republican insurgents. * * *

Yours truly,

A. J. EIMERMANN.

Mr. KINCHELOE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KINCHELOE. Is it not a fact that the Bureau of Mines can get information, from time to time, which is up-to-date at any time it may want to do so?

Mr. BLANTON. Of course, and they already had the information before this commission ever spent this $600,000.

I call your attention to this fact: That ever since we spent that money coal has been climbing up higher and higher. It has not caused one ton of coal to be decreased in price to the American public, but the American people have been paying more and more for it every month since we wasted that $600,000 of the people's money.

Gentlemen, I want to put this proposition up to you. The gentleman from Pennsylvania has not even got his facts correct. We did not appropriate $500,000 and $100,000. We appropriated $200,000 for this Coal Commission and we appropriated $400,000 making in all the $600,000, and each time when you made those two appropriations I took this floor and tried to stop it, and called the country's attention to the fact that we were wasting $600,000 of the people's money, and we did waste it.

That report is a great big weighty package of papers. It is about a foot and a half one way by about 10 inches the other and about 6 inches tall, and that file is filled solidly with manuscript paper. I dare say there will not be a person in the United States who will read it after you spend this $17,000 to print it.

You may be willing to print this report and you may be willing to waste this $17,000 and send it after the other money we have wasted, to the tune of $600,000 already on this commission, but I am not willing to do it and I am going to ask the House to go on record on it. I will force a roll call, and I am going to ask the membership of this House to put their John Hancock to the expenditure of this $17,000, which I consider will be a useless expenditure.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. KIESS. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, it is quite apparent that the gentleman from Texas himself has not read the report.

Mr. BLANTON. I have read as much of it as the gentleman from Minnesota.

Mr. NEWTON of Minnesota. Maybe the gentleman has, but I will say that I have read a great deal of it. In the gentleman's district they do not burn coal to any great extent, but in my district——

Mr. BLANTON. We have a coal mine in my district.

Mr. NEWTON of Minnesota. But you do not burn it; you mine it. In my district we burn it eight months in the year.

Now, when that bill went through the House in the first instance there was an authorization of $500,000. I do not recall what it was when the bill was finally agreed on. In any event, they came back for more money, making $600,000 in all. As the chairman of the committee has said, they were economical and turned back money into the Treasury, and they had enough money to have printed the report.

Now, here is the situation: There is no coal famine to-day, but the moment we arrive at the same situation we were in two years ago and have a strike, have embargoes, and all that, we shall be up against the same situation. Then the cry will be for Congress to legislate so as to move the coal and stop profiteering. The report would be very helpful. This report has been in demand by universities and by purchasing agents of municipalities who want the privilege of looking it over. Up to the present time, with only these mimeograph copies and the copy on file, the only people who have been able to see the report are the operators, who are down here in Washington with their paid agents. I want to have the report made available to every municipality in the country, and the gentleman from Texas, in order to keep step with his usual position, ought to join me in that.

Mr. BLANTON. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes; I yield with pleasure to the gentleman from Texas.

Mr. BLANTON. The gentleman knows, when he talks about a coal famine, that our Government bureau reports that we have coal in sight right now to last over 1,200 years.

Mr. NEWTON of Minnesota. I am not talking about coal in the ground that can not be burned, but I am talking about coal out of the mine and on the way. In every part of the country, and especially in my part of the country and in New England, which my friend from Massachusetts [Mr. TREADWAY] represents, we have got to have coal. This report is of great importance to us. Do not let a matter of $17,000 stand in the way of putting this information before the people that use the coal and pay the bills.

Mr. KIESS. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON], a member of the committee.

Mr. STEVENSON. Mr. Speaker, I looked pretty carefully at this proposition before I voted in the committee for it. The gentleman from Texas [Mr. BLANTON] intimates that this thing is literature in cubic yards—a yard high and a yard square. This is only a proposition to publish and print the report. Now, why print this report? In every one of these coal controversies the question that always arises is what it costs to produce and market coal. The basic question of any regulation either by State or Nation—and the States can regulate it even better than the Nation—the basic question is always what is it actually costing to produce it, what goes into the cost of production, and what are the conditions of the labor that is producing it. This report contains that information. It shows the condition of the laborers. It shows the conditions under which the coal is mined, it shows what it costs to transport it, it shows what it costs to load it, and it shows all the items for any State, municipality, or the United States Government to know in order to regulate properly the spread between what it costs and what is charged, and that is the reason I voted to publish the report.

We have spent $582,000 getting the information and putting it in the form of a report and getting it in shape so that it can be of service to the public, and then we have put it in a back room in wooden boxes and left it there, subject only to the inspection of people who can employ a large clerical force in order that they may get at it, and the people who need it and the people who have to rely upon it in their controversies with the coal companies and who have no other source of information are denied the use of the report because of its inaccessibility.

Mr. BLANTON. Will the gentleman yield?

Mr. STEVENSON. I yield.

Mr. BLANTON. The gentleman knows that every one of the 435 Congressmen has received a copy of the report and every one of the 96 Senators has received a copy of it. Let us put our copies in the libraries, where the report will be accessible to the people.

Mr. STEVENSON. That is exactly where the gentleman's knowledge is all wrong. [Laughter.] We have not received it.

Mr. BLANTON. I have a copy of it in my office.

Mr. STEVENSON. A copy of the commission's report?

Mr. BLANTON. Yes.

Mr. STEVENSON. You may have one, but you are only one of 435 Members.

Mr. BLANTON. And my colleagues here have copies of it.

Mr. STEVENSON. One minute, I have the floor, Mr. Speaker, I think. If I have not, I am going to ask for it. [Laughter and applause.] The report has not been made available to us. The stuff that was sent us was a transcript of the evidence taken, and none of us has got this report in such shape that it is of any practical benefit, and I will tell you now that in future controversies with the people who produce coal it is going to be of inestimable benefit to the people of this country to be able to lay their hands on the items which go into the cost of producing and transporting and laying down the coal and distributing it. For this reason we thought it was well spent money to put the report in such shape that Congress and the people of this country who need it may have the use of it when occasions arise such as we have had heretofore.

Mr. KIESS. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, the gentleman from Texas [Mr. BLANTON] does not know the difference between economy and parsimony. [Applause.] That is the light he has on this subject when he says we are not economical in printing this report. On the contrary, the fact we do not print it is the worst type of parsimony.

The Government has spent, as the chairman of the committee has told us, nearly $600,000, and the commission has produced a bulky report which is not available in proper form for use and a proper understanding of the recommendations made by the commission. The trouble with the commission's report is that Congress has not known its contents and has not followed the recommendations contained in it. Let a winter such as we experienced two or three years ago come along now or next winter and you will find that the recommendations that the commission has made will be live matter before this Congress, and you will want to have the recommendations in a condition and in a position where you can consult them.

Then, too, the gentleman is mistaken when he says there is no demand for this report by the public. I have had several requests for it, and there has been great astonishment on the part of the people that it is not available for general circulation among those interested in it. I had a request for it within two weeks, and there was very great surprise on the part of my constituent, who wanted it for a perfectly proper use and for information, that it was not available for general distribution.

It is a lengthy report. That is about the only correct statement that the gentleman from Texas made in his entire attack on this report. It is a lengthy document, but a valuable one. This commission was appointed at the solicitation and through the anxious desires of former President Harding. The commission did most excellent work. They made a deep study of the coal situation, and, to my mind, it is one of the neglects of this present Congress that we have not taken up that report and legislated as a result of its recommendations.

Mr. BLANTON. Will the gentleman yield?

Mr. TREADWAY. Yes; the gentleman has the floor most of the time, but I will give him some of my time.

Mr. BLANTON. The gentleman has a copy of the report?

Mr. TREADWAY. I have two copies of the report.

Mr. BLANTON. Did the gentleman read it?

Mr. TREADWAY. I have read the greater part of the report, and I commend its recommendations to the gentleman from Texas if he wants to know more about the coal subject than he does. [Laughter and applause.]

I have an idea that the mine down in Texas in the gentleman's district that he refers to is one of the slate mines such as we bought coal from two years ago during the famine. I do not believe it is a real, simon-pure British thermal unit product such as we want to get into New England when we have a famine like the one that was the cause of the introduction of the resolution for the appointment of the Coal Commission.

The Coal Commission did good work, and Congress and the American people are entitled to have the results of that work in such form that it can be conveniently used.

Mr. BLANTON. The gentleman's state of mind is the general state of the Massachusetts mind.

Mr. TREADWAY. Thank God it is a great deal different from the Texas state of mind. [Laughter.]

Mr. BLANTON. That is true, and I say Amen!

Mr. LOZIER. Mr. Speaker, I shall vote against the proposal to appropriate $17,000 for the publication of the report of the United States Coal Commission. I do not believe the publication of this voluminous report is justified or that very many people will read it after it is published.

Obviously, the details of this report will be studied by so very few people that its publication is not justified. It deals, it is

true, with the coal industry and mining conditions in the United States, but it deals very largely with dry statistics and details incident to the mining industry. These tables and other portions of the report deal with the many sides of the fuel and mining problem, but the report is quite technical and necessarily uninteresting, except to a few statisticians, accountants, and theoretical students of the mining industry. It can not be considered as affording accurate and dependable information as to the cost of production and transportation at the present time, because since the work of this commission was completed there has been a tremendous change in economic conditions and in the cost of production and transportation.

I do not believe that either the coal companies or the miners care to have this voluminous report published at an expense to the Government of $17,000. Like most commissions, this commission has accomplished little, and in fact has done nothing toward a permanent settlement of the fuel and mining problems. The commission did not compose the differences between the miners and the producers. It did not determine what is or is not a living wage, a fair wage, or a reasonable wage. It did not dissolve the hard and fast combination or trust which controls the anthracite-coal industry. It did nothing to remedy the expensive system of marketing and distribution under which frequently a dozen dealers get a profit on the marketing of coal between the time the coal leaves the mine and the time it is dumped into the bin of the consumer.

The commission investigated many things, reviewed many problems, and discussed many theories, but determined little and settled nothing. The American people, the coal companies, and the miners realize that the United States Coal Commission was a great joke and has utterly failed to justify its creation.

It has so far cost the Government nearly $600,000, and here is submitted a proposal to spend $17,000 additional to print the report of this do-nothing, accomplish-nothing commission. Its work will not prevent future disagreements and strikes in the anthracite and bituminous coal fields. Neither the producers nor the miners will pay any attention to the report of the Coal Commission, nor will the publication of this report benefit the American people one penny. Why, then, pay $17,000 more for a "dead mule" that has already cost the Treasury of the United States nearly $600,000?

I am anxious to see a permanent peace established between the producers and the miners—a just peace, founded on the recognition of mutual rights and mutual obligations—a peace that will fairly and equitably settle the question of transportation and distribution of fuel and fairly and justly apportion the proceeds of the sale of the mine products between the producer and miner on a basis fair to one and not unfair to the other; but this problem can not be settled by a coal commission or any other commission constituted as the United States Coal Commission was constituted. The cause of this great industrial disease lies deep and is exceedingly difficult to remove.

The people of my district are vitally interested in a permanent solution of the fuel problem and every detail thereof. Numerous coal mines in my district are not being operated, and others are operated without profit. Because there is a substantial difference in the cost of production and the cost of distribution in the Illinois and Missouri coal fields, many Missouri mines are not being operated and many miners have been forced to sell their homes and go to other fields for employment.

Something is radically wrong when Missouri coal mines can not sell their products at prices that will justify the operation of the mines. Coal from the Illinois and Kansas fields is rapidly displacing Missouri coal in Missouri. I understand that practically all of the great State institutions are using Illinois coal, notwithstanding the distance it has to be shipped. This is, I am convinced, partly due to a manipulation of freight rates which deprives the Missouri mines of the Missouri market and forces Missouri miners to seek employment in other States. A solution of this problem merits the attention of our best minds. I would be glad to vote an appropriation of $17,000 for the expenses of a commission that would settle this problem.

Now we have heard much about economy, and I am in favor of a rigid economy in the expenditure of public funds. But the majority party in this Congress while preaching economy is practicing extravagance. This is also true of the present administration. The appropriation bills passed at the present session of Congress carry many millions dollars that represent waste and prodigality. As a concrete illustration of the President's brand of economy, I call attention to the fact that he and his party are on record as approving the prodigal expenditure of $14,750,000 in the construction of a bridge over the Potomac River at Washington, which structure is not necessary to accommodate the traffic needs of the city.

The Government of the United States is spending millions of dollars annually in printing documents and reports which serve no useful purpose, and many of which are never read or even distributed. During or immediately after the war, a prominent Government official, connected, I believe, with the Government Printing Office, gave out a statement that there was a tremendous stock of unused Government publications, printed at an enormous expense and stored in the Government Printing Office, for most of which publications there was no demand. He further stated that the paper used in these worthless documents cost something like $2,000,000, and he suggested that this paper be sold to paper mills to be macerated and manufactured into new paper. In other words, he recognized that there was no demand for these public documents, and as documents they had no value, and advised that the Government make the old paper into new paper and thereby salvage a portion of the cost of publishing these useless documents.

Now we are publishing every month hundreds of public documents, many of which have no value and which, when distributed, quickly find their way to the waste basket, and these useless publications require many thousand tons of paper, and millions of dollars are annually expended in the preparation, printing, and distribution of these documents for which there is no substantial demand.

Now we should do one of two things: We should either economize on these and other matters, or forever stand mute and quit talking about economy. This report will only be referred to by a few statisticians, a few men who have a propensity for delving into statistics. Here you are appropriating $17,000 for the publication of a report that in the next 10 years not 10 men in the United States will make any practical use of. Here and now is a splendid time and place to practice the economy of which the present administration has been boasting. The way to economize is to economize, and every time I get an opportunity I am going to economize by voting to eliminate every appropriation for which there is no real public need. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 83, noes 7.

Mr. BLANTON. Mr. Speaker, I object to the vote, on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 267, nays 70, not voting 94, as follows:

[Roll No. 50]

YEAS—267

Abernethy	Connally, Tex.	Gifford	Lea, Calif.
Ackerman	Connery	Goldsborough	Leach
Allen	Connolly, Pa.	Green	Leatherwood
Anderson	Cook	Greenwood	Leavitt
Andrew	Cooper, Ohio	Griest	Lehlbach
Anthony	Cooper, Wis.	Griffin	Lilly
Arnold	Crisp	Guyer	Lindsay
Ayres	Crosser	Hadley	Lineberger
Bacharach	Cullen	Hall	Longworth
Bacon	Dallinger	Hastings	Luce
Barbour	Davis, Minn.	Hawes	Lyon
Beck	Davis, Tenn.	Hawley	McDuffie
Beedy	Deal	Hayden	McFadden
Beers	Denison	Hersey	McKenzie
Begg	Dickinson, Iowa	Hill, Ala.	McKeown
Bixler	Dickinson, Mo.	Hill, Md.	McLaughlin, Mich.
Black, N. Y.	Dickstein	Hill, Wash.	McLaughlin, Nebr.
Bland	Doughton	Hoch	McLeod
Boies	Dowell	Holaday	McReynolds
Bowling	Doyle	Huddleston	McSwain
Boyce	Drane	Hudson	McSweeney
Boylan	Elliott	Hull, Iowa	MacGregor
Browne, N. J.	Evans, Mont.	Hull, Tenn.	MacLafferty
Browne, Wis.	Fairchild	Hull, Morton D.	Magee, N. Y.
Bulwinkle	Fairfield	Hull, William E.	Magee, Pa.
Burtness	Faust	Humphreys	Major, Ill.
Burton	Fenn	Jacobstein	Manlove
Butler	Fitzgerald	James	Mansfield
Byrns, Tenn.	Fleetwood	Jeffers	Mapes
Campbell	Foster	Johnson, Ky.	Martin
Canfield	Free	Johnson, Wash.	Mead
Carter	Freeman	Johnson, W. Va.	Michaelson
Celler	Frothingham	Kearns	Miller, Wash.
Chindblom	Fuller	Kelly	Milligan
Christopherson	Funk	Kendall	Minahan
Clague	Gallivan	Kerr	Mooney
Clancy	Gambrill	Kiess	Moore, Ga.
Cleary	Garber	King	Moore, Ohio
Cole, Iowa	Gardner, Ind.	Knutson	Moores, Ind.
Cole, Ohio	Garrett, Tenn.	Kopp	Morgan
Collier	Gasque	Kvale	Morris
Collins	Geran	LaGuardia	Murphy
Colton	Gibson	Lazaro	Nelson, Me.

Newton, Minn.	Reece	Stalker	Vinson, Ga.
Newton, Mo.	Reed, N. Y.	Steagall	Vinson, Ky.
Nolan	Reed, W. Va.	Stedman	Wainwright
O'Connell, N. Y.	Reid, Ill.	Stephens	Ward, N. Y.
O'Connell, R. I.	Robinson, Iowa	Stevenson	Ward, N. C.
O'Connor, N. Y.	Robsion, Ky.	Strong, Kans.	Wason
Oliver, Ala.	Rubey	Swing	Watres
Oliver, N. Y.	Sabath	Swoope	Watson
Parker	Salmon	Taber	Weaver
Patterson	Sanders, Ind.	Taylor, Tenn.	Wefald
Perkins	Sanders, N. Y.	Taylor, W. Va.	Weller
Perlman	Sandlin	Temple	Welsh
Pou	Schneider	Thatcher	White, Kans.
Prall	Seger	Thomas, Ky.	White, Me.
Purnell	Shreve	Thompson	Williams, Mich.
Quayle	Sinclair	Tilson	Williamson
Quin	Sinnott	Timberlake	Wilson, Ind.
Ragon	Smith	Treadway	Wilson, La.
Rainey	Smithwick	Underhill	Wingo
Raker	Snell	Underwood	Winter
Ramseyer	Snyder	Vaile	Wood
Ransley	Speaks	Vare	Wurzbach
Rathbone	Spearing	Vestal	Wyant
Rayburn	Sproul, Kans.	Vincent, Mich.	

NAYS—70

Allgood	Fredericks	Larsen, Ga.	Sanders, Tex.
Aswell	Fulbright	Lowrey	Sears, Fla.
Bankhead	Fulmer	Lozier	Shallenberger
Bell	Garner, Tex.	McClintic	Simmons
Black, Tex.	Garrett, Tex.	Madden	Sites
Blanton	Hammer	Merritt	Stengle
Box	Hardy	Michener	Summers, Wash.
Brand, Ga.	Harrison	Miller, Ill.	Sumners, Tex.
Briggs	Hickey	Montague	Swank
Browning	Hooker	Moore, Va.	Thomas, Okla.
Buchanan	Howard, Nebr.	Morehead	Tucker
Busby	Howard, Okla.	Morrow	Watkins
Byrnes, S. C.	Hudspeth	Oldfield	Williams, Tex.
Cannon	Johnson, Tex.	Park, Ga.	Wilson, Miss.
Casey	Jones	Parks, Ark.	Woodrum
Cramton	Kincheloe	Peery	Wright
Drewry	Lanham	Rankin	
Driver	Lankford	Romjue	

NOT VOTING—94

Aldrich	Eagan	Linthicum	Scott
Almon	Edmonds	Logan	Sears, Nebr.
Barkley	Evans, Iowa	McNulty	Sherwood
Berger	Favrot	Major, Mo.	Sproul, Ill.
Bloom	Fish	Mills	Strong, Pa.
Brand, Ohio	Fisher	Moore, Ill.	Sullivan
Britten	Frear	Morin	Sweet
Brumm	French	Nelson, Wis.	Tague
Buckley	Gilbert	O'Brien	Taylor, Colo.
Burdick	Glatfelter	O'Connor, La.	Tillman
Cable	Graham	O'Sullivan	Tincher
Carew	Haugen	Paige	Tinkham
Clark, Fla.	Johnson, S. Dak.	Peavey	Tydings
Clarke, N. Y.	Jost	Phillips	Upshaw
Corning	Keller	Porter	Voigt
Croll	Kent	Reed, Ark.	Wertz
Crowther	Ketcham	Richards	Williams, Ill.
Cummings	Kindred	Roach	Winslow
Curry	Kunz	Rogers, Mass.	Wolff
Darrow	Kurtz	Rogers, N. H.	Woodruff
Davey	Lampert	Rosenbloom	Yates
Dempsey	Langley	Rouse	Zihlman
Dominick	Larson, Minn.	Schafer.	
Dyer	Lee, Ga.	Schall	

So the resolution was agreed to.

The following pairs were announced:

Until further notice:

Mr. Fish with Mr. Sullivan.
Mr. Scott with Mr. Davey.
Mr. Britten with Mr. Kindred.
Mr. Graham with Mr. Almon.
Mr. Burdick with Mr. Rouse.
Mr. Ketcham with Mr. Dominick.
Mr. Strong of Pennsylvania with Mr. Upshaw.
Mr. Aldrich with Mr. Barkley.
Mr. Winslow with Mr. Croll.
Mr. Darrow with Mr. Reed of Arkansas.
Mr. Porter with Mr. Jost.
Mr. Zihlman with Mr. O'Brien.
Mr. Roach with Mr. Buckley.
Mr. French with Mr. Linthicum.
Mr. Sears of Nebraska with Mr. Tague.
Mr. Curry with Mr. O'Connor of Louisiana.
Mr. Tincher with Mr. Carew.
Mr. Cable with Mr. Favrot.
Mr. Yates with Mr. Sherwood.
Mr. Dyer with Mr. Taylor of Colorado.
Mr. Morin with Mr. O'Sullivan.
Mr. Sproul of Illinois with Mr. Tydings.
Mr. Brand of Ohio with Mr. Clark of Florida.
Mr. Wertz with Mr. Bloom.
Mr. Crowthers with Mr. Kent.
Mr. Woodruff with Mr. Logan.
Mr. Paige with Mr. Gilbert.
Mr. Frear with Mr. Berger.
Mr. Williams of Illinois with Mr. Lee of Georgia.
Mr. Lampert with Mr. Corning.
Mr. Sweet with Mr. Glatfelter.
Mr. Johnson of South Dakota with Mr. Eagan.
Mr. Mills with Mr. Rogers of New Hampshire.
Mr. Dempsey with Mr. McNulty.
Mr. Larson of Minnesota with Mr. Cummings.
Mr. Kurtz with Mr. Fisher.
Mr. Haugen with Mr. Richards.
Mr. Rogers of Massachusetts with Mr. Kunz.
Mr. Moore of Illinois with Mr. Tillman.
Mr. Phillips with Mr. Wolff.
Mr. Brumm with Mr. Major of Missouri.

The result of the vote was announced as above recorded.

The doors were opened.

CHANGE OF REFERENCE

Mr. McFADDEN. Mr. Speaker, by direction of the Committee on Banking and Currency I ask unanimous consent to rerefer from that committee the bill (S. 3221) for the relief of employees of the Bureau of Engraving and Printing who were removed by Executive order of the President dated March 31, 1922, to the Committee on Claims.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CERTIFICATES OF ELECTORS

The SPEAKER laid before the House communications from the Secretary of State, transmitting pursuant to law, certificates of the Governors of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming of the final ascertainment of electors for President and Vice President at the election November 4, 1924.

CHILD LABOR AMENDMENT

The SPEAKER also laid before the House a communication from the Governor of the State of Arizona announcing the ratification by the legislature of that State of the proposed amendment to the Constitution relating to the limitation, regulation, and prohibition of labor of persons under 18 years of age.

WAR DEPARTMENT APPROPRIATION BILL

Mr. ANTHONY. Mr. Speaker, I call up the conference report upon the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes.

The SPEAKER. The gentleman from Kansas calls up a conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of Senate to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 10, 11, 16, 18, 19, 26, 34, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 27, 28, 33, 35, 36, 38, 39, 43, 44, 45, and 46, and agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$2,293,500"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$400,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$449,300"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agreed to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 82 of the bill, in line 10, strike out the word "in" and insert in lieu thereof the word "toward"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following "$275,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 7, 9, 17, 29, and 42.

D. R. ANTHONY, Jr.,
L. J. DICKINSON,
BEN JOHNSON,
Managers on the part of the House.

J. W. WADSWORTH, Jr.,
W. L. JONES,
SELDEN P. SPENCER,
DUNCAN U. FLETCHER,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 2, relating to the appropriation for additional pay for length of service to enlisted men: Appropriates $2,500,000, as proposed by the Senate, instead of $2,400,000, as proposed by the House.

On No. 3, relating to miscellaneous items under the appropriation for Pay of the Army: Strike out the word "miscellaneous," as proposed by the Senate.

On No. 4, relating to the provision carried in the House bill limiting the amounts to be paid as travel expenses to officers, etc., traveling on Government-owned transports to actual and necessary expenses: Changes the provision so as to make it apply to officers traveling on Government-owned vessels on which they are not required to pay transportation fare.

On No. 5, relating to a provision under the appropriation for subsistence of the Army limiting the amount to be expended for supplying meals or furnishing commutation of rations to enlisted men while competitors in the national rifle match: Increases the limitation from $100, as proposed by the House, to $12,000, as proposed by the Senate.

On No. 6, relating to the appropriation for incidental expenses of the Army: Authorizes payment of entrance fees for Army rifle and pistol teams participating in competition, as proposed by the House, instead of payment of entrance fees of authorized participants of the Army, as proposed by the Senate.

On No. 8: Increases the appropriation for Army transportation from $15,774,953, as proposed by the House, to $15,814,000, as proposed by the Senate.

On No. 10, relating to the appropriation for barracks and quarters: Restores House language stricken out by the Senate permitting the use of $3,500 for the purchase of land at Fort Reno, Okla.

On No. 11: Strikes out an appropriation of $3,000 proposed by the Senate for the purchase of land ajoining the militia target range at Auburn, Me.

On No. 12, relating to the appropriation for Air Service: Transfers the authority to designate vessels to be used in bombing experiments from the chief of the Army Air Service, as proposed by the House, to the President, as proposed by the Senate.

On No. 13, relating to the appropriation for Air Service: The authority granted the Air Service of the Army in connection with expenditures for helium gas is made applicable to the Navy Department in the language proposed by the Senate instead of the language proposed by the House; the effect of the Senate language is the same as the intent of the House language, buf it is more definitely expressed.

On No. 14: Increases the appropriation for searchlights and electrical installations in the Hawaiian Islands from $12,000, as proposed by the House, to $24,000, as proposed by the Senate.

On No. 15: Increases the appropriation for searchlights and electrical installations, Panama Canal, from $12,000, as proposed by the House, to $24,000, as proposed by the Senate.

On No. 16: Strikes out language proposed by the Senate giving the rank, pay, and allowances of a brigadier general to the officer of the United States Engineer Corps in charge of public buildings and grounds.

On Nos. 18 and 19, relating to the appropriation for fire control in the Hawaiian Islands: Appropriates $40,000, as proposed by the House, instead of $150,000, as proposed by the Senate, and strikes out Senate language making the appropriation applicable to a general communication system.

On Nos. 20 to 25, inclusive, relating to the appropriation for arming, equipping, and training the National Guard: Increases the amount of the reappropriation from the 1924 unexpended balances from $1,500,000, as proposed by the House, to $1,668,300, as proposed by the Senate, the increase of $168,300 being distributed among the following items of the appropriation:

Procurement of forage, bedding, etc., for animals	$16,000
Expenses, camps of instruction	35,000
Expenses of officers and men at military service schools	15,500
Pay of property and disbursing officers for the United States	1,800
Transportation of equipment and supplies	31,250
Armory drill pay	68,750
Total increase	168,300

On No. 26: Strikes out paragraph, proposed by the Senate, prohibiting the payment of rental allowances to members of the National Guard when called to duty under the provisions of sections 94, 97, or 99 of the national defense act, as amended, for a period of not exceeding 31 days, if quarters for their personal accommodation during such period are provided by the Government.

On No. 27, relating to the appropriation for arms, uniforms, equipment, etc., for field service, National Guard: Increases the amount for this purpose by the reappropriation of $62,500 from the unexpended balance of the appropriation for arming, equipping, and training the National Guard, 1924, as proposed by the Senate.

On No. 28, relating to the appropriation for salaries of civilian employees in the office of the Chief of the Militia Bureau: Increases the amount for this purpose by the reappropriation of $12,000 from the unexpended balances of the appropriation for arming, equipping, and training the National Guard, 1924, as proposed by the Senate.

On Nos. 30 to 33, inclusive, relating to the Organized Reserves: Appropriates $2,293,500 for pay and allowances of members of the Officers' Reserve Corps on active duty for not exceeding 15 days' training, instead of $2,457,900, as proposed by the House, or $2,087,402, as proposed by the Senate; appropriates $400,000 for pay and allowances of members of the Officers' Reserve Corps on active duty for more than 15 days, instead of $300,466, as proposed by the House, or $537,750, as proposed by the Senate; and appropriates $449,300 for mileage, etc., instead of $390,000, as proposed by the House, or $517,648, as proposed by the Senate. The net effect of these changes is to make the total of the appropriations for pay and allowances and mileage of the Officers' Reserve Corps $3,142,800, as proposed by the Senate, instead of $3,148,366, as proposed by the House.

On No. 34: Strikes out paragraph proposed by the Senate prohibiting the payment of rental allowances to members of the Officers' Reserve Corps when called to active duty for a period of not exceeding 31 days, if quarters for their personal accommodations during such period are provided by the Government.

On Nos. 35 and 36, relating to the appropriation for Reserve Officers' Training Corps: Increases the appropriation from $3,818,020, as proposed by the House, to $3,828,020, as proposed by the Senate, and permits the use of $10,000, as proposed by the Senate, instead of $100, as proposed by the House, for the transportation of students who may be competitors in the national rifle match, and to subsist them while traveling to and from said match and while remaining thereat.

On Nos. 37 to 39, inclusive, relating to the appropriation for quartermaster supplies and services for rifle ranges for civilian instruction, under the Board for Promotion of Rifle Practice: Increases the appropriation from $49,560, as proposed by the House, to $85,000, as proposed by the Senate; limits the amount which may be expended for clerical services to $20,000, instead of $15,000, as proposed by the Senate; and authorizes the expenditure of not to exceed $80,000 for the

payment of transportation, for supplying meals, or furnishing commutation of subsistence of civilian rifle teams participating in the national matches, as proposed by the Senate, instead of limiting the amount for this purpose to $100, as proposed by the House.

On No. 40, relating to the appropriation for headstones for graves of soldiers: Appropriates $85,000, as proposed by the House, instead of $70,000, as proposed by the Senate, and restores House language stricken out by the Senate providing that $15,000 of the appropriation shall be expended by the Secretary of War in erecting a fitting marking of the burial place of Lieut. John Fitch, modified by changing the word "in" in the second line of the provision to "toward" in order to permit this appropriation to be supplemented by contributions from other sources if desired.

On No. 41, relating to the appropriation for examinations, surveys, and contingencies of rivers and harbors: Appropriates $275,000 instead of $300,000, as proposed by the House, or $250,000, as proposed by the Senate.

On Nos. 43 to 46, inclusive, relating to the National Home for Disabled Volunteer Soldiers: Appropriates $300,000 for subsistence at the Northwestern Branch, as proposed by the Senate, instead of $400,000, as proposed by the House, making the total for that branch $879,500, as proposed by the Senate, instead of $979,500, as proposed by the House, and making the total for all branches of the National Home for Disabled Volunteer Soldiers $7,581,200, as proposed by the Senate, instead of $7,681,200, as proposed by the House; and strikes out House language providing that no part of the appropriation for clothing shall be expended in furnishing other than the regulation Civil War uniform for members who are veterans of the war for the Union.

On No. 47: Strikes out language proposed by the Senate authorizing the Secretary of War to make a final settlement of all the rights and obligations of the United States in respect of the picric acid plant at Little Rock, Ark.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 1, relating to the pay and allowances of officers of the Army, Navy, or Marine Corps while serving on duty in connection with the coordination of the business of the Government under the supervision of the Director of the Bureau of the Budget.

On No. 7, validating expenditures and obligations heretofore incurred against the appropriation for incidental expenses of the Army for entrance fees of competitors in small-arms competitions.

On No. 9, relating to the sale of the military post at Fort Porter, N. Y., and the appropriation of funds for the construction of barracks and quarters and other buildings to accommodate a battalion of Infantry upon another Government-owned military post.

On No. 17, increasing the appropriation for Chemical Warfare Service by $25,000, and authorizing the use of that amount for completing agricultural experiments in exterminating the cotton boll weevil.

On No. 29, making the 1926 appropriation for arming, equipping, and training the National Guard available until December 31, 1926, and making the 1925 appropriation available until December 31, 1925.

On No. 42, authorizing the use of $40,000 from the appropriation for flood control, Mississippi River, for revetting and protecting the yards of the barge line at Memphis, Tenn.

D. R. ANTHONY, Jr.,
L. J. DICKINSON,
BEN JOHNSON,
Managers on the part of the House.

Mr. ANTHONY. Mr. Speaker, this is the bill carrying the appropriations for the War Department for the next fiscal year, and as it comes back to the House from the Senate it represents an increase of only $102,921 over the figures of the House. There are no important changes in regular items of the bill since it left the House, and it comes back with your conferees in almost complete agreement with the Senate. There is but one provision that is in complete disagreement, and there are four or five other provisions that are in technical disagreement and which will be submitted under the rules of the House to a vote of the House after the conference report is adopted.

Mr. HULL of Iowa. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HULL of Iowa. When the bill passed the House the appropriation for the National Guard, in the opinion of many of us, was deficient. Has the appropriation for the National Guard been changed at all?

Mr. ANTHONY. Yes; as the gentleman knows, the House committee increased this appropriation $1,500,000 over the figures of the Budget, and since the bill has gone to the Senate the Senate has increased some of the other items of the National Guard appropriations by about $250,000 to balance up the increases which were made by the House on the two principal items of camps of instruction and armory drill pay.

Mr. HULL of Iowa. That is over the amount as it passed the House.

Mr. ANTHONY. Yes.

Mr. HULL of Iowa. How many will that permit in the National Guard?

Mr. ANTHONY. Under the figures now in the bill and with the increases made by the Senate, it is hoped to maintain a guard of 196,000 men during the next fiscal year. Under the House figures we thought that we could maintain a force of 190,000 men and perhaps a few more, but under the Senate figures the statisticians think we can maintain 196,000 men.

Mr. HULL of Iowa. Has the pay of officers of the National Guard been changed at all?

Mr. ANTHONY. Not at all. As the gentleman knows, the Senate passed an amendment to the bill which would take away certain rental allowances both to the guard and to the reserve. The amendment was not without merit. In fact, there were valid arguments in justification, but in view of the legislative character of this amendment it was the feeling on the part of the House conferees that any change in this regard should come through the legislative channels, and the Senate amendment is eliminated in this report.

Mr. HULL of Iowa. Has the amount been changed at all that was given to the Officers' Reserve Corps when it passed the House? The gentleman will remember that we increased the amount.

Mr. ANTHONY. Yes, there has been some change. As the gentleman also knows, the Senate planned to take away the rental allowance that now accrues to reserve officers. They proposed to use that amount of money, about $500,000, more or less, in training an increased number of officers, and under the Senate provisions would have trained 21,000 officers; but due to the legislative character of that amendment the House felt itself unable to agree to it, and under the amount for training the reserves as now in the bill, it is figured we will train 16,500 for the 15-day period, and we will train 650 for a longer period than 15 days, which represents an increase of about 1,800 more than would have been trained by the original Budget figures.

Mr. HULL of Iowa. Then the total amount that was given to the guard in the House bill has not been lowered.

Mr. ANTHONY. No; it has been increased about $275,000.

Mr. SPEAKS. It meets the views of the National Guard representatives?

Mr. ANTHONY. It should meet their views. They were heard by the conference committee.

Mr. HULL of Iowa. The civilian military training was increased also in the House and I am wondering whether the amount we gave them has been retained.

Mr. ANTHONY. The House figures have not been changed.

Mr. HULL of Iowa. They are the same?

Mr. ANTHONY. Exactly the same. In the reserve items there is about $5,000 less in money in the conference report than when it left the House.

Mr. HULL of Iowa. We are having before our committee some very interesting hearings in regard to a United Air Service, and the question of bombing ships has come up. I am wondering whether in this bill any provision has been made for any additional tests to be made by the Air Service?

Mr. ANTHONY. The provision that your committee placed in the bill and which was approved by the House, which gives authority to continue the bombing experiments, will provide for a test during the coming year of bombing a ship actually in motion, under full steam. A year or two ago, as the gentleman knows, our committee provided that $50,000 might be used for what was the first test of bombing a ship of war from the air. That test was carried out on ships that were anchored, and it was developed that it was comparatively easy for an airplane to hit one of these ships of war at anchor and to demolish it with large bombs. The question now comes up whether the airplane possesses sufficient accuracy to bomb a ship in motion under full head of steam, and under the provisions of this bill, where we provide the use of $50,000 for

that purpose, it is proposed to take two of the old Shipping Board vessels, now obsolete, and continue those experiments. And in that connection I would say further that we made provision for these experiments last year to prove whether or not General Mitchell's contention before our committee that the airplane could be successfully used for both offense and defense against ships of war was correct, and I think the results of these airplane bombing tests have proven of great value to the country, and have demonstrated that General Mitchell is right in his advocacy of the effectiveness of the airplane against battleships.

In regard to similar testimony before another committee of the House there has been criticism of General Mitchell in some quarters in the last day or two.

I want to say in behalf of the subcommittee that had charge of the War Department appropriation bill that it was General Mitchell who first brought to the attention of our committee in the last two years the fact that it was definitely possible to sink a ship of war by attack from the air, and impressed by his earnestness and enthusiasm we placed the experimental provision in the bill last year, and we have provided for the continuation of the bombing experiments this year. I look upon General Mitchell as a forceful officer who is exceedingly valuable to our military service and one who has been most helpful in the rapid development that has taken place in the last few years in the Army Air Service.

Mr. HULL of Iowa. I am very glad to hear the gentleman say so. I have understood there was some criticism of General Mitchell's testimony before our committee by some of the other committees, and there was some question in regard to it. I think it would be very unfortunate if the War Department should interfere with officers coming before the proper committees and telling the truth as they see it.

Mr. ANTHONY. I agree with the gentleman, and I think the gentleman perhaps knows it is now the policy of perhaps both the Navy Department and War Department to impose some restrictions upon officers giving their views before committees of the House. In other words, they are permitted to give views which have the approval of the department and are in line with approved policies of the department, and we have found it exceedingly difficult at time to get full and free opinion of the officers before us, and our committee feels under the deepest obligations to those officers who have had the courage when requested to give us their real opinion, and General Mitchell is one of them.

Mr. HULL of Iowa. I would like to ask the gentleman one other question. Is there any appropriation in the bill as it is now carried for building large lighter-than-air machines such as the *Shenandoah?*

Mr. ANTHONY. No; there is a restriction on lighter-than-air craft, as the gentleman will find in the bill, and not to exceed $400,000 can be expended for that purpose, and they will use it only to build the smaller types of dirigibles that are used for training work, spotting artillery fire, and things of that kind, and there will be no large ship of the type the gentleman describes constructed with any of the money in this bill.

Mr. HULL of Iowa. I am glad to hear it.

Mr. BEEDY. Will the gentleman yield for a question?

Mr. ANTHONY. I will.

Mr. BEEDY. As the bill comes out of conference is there a limitation depriving men in the summer encampments of their rentals if they have not served more than 15 days?

Mr. ANTHONY. There is no provision in this bill which will do that. The amendment of the Senate to that effect was not agreed to by the conferees.

Mr. BEEDY. I am glad to hear it.

Mr. DEMPSEY. Will the gentleman permit me to ask if there will be an opportunity to discuss Fort Porter when that item is reached? I would like to have five minutes.

Mr. ANTHONY. I would be glad to yield the gentleman time. It will be submitted to the House in regular order.

Mr. BLANTON. Will the gentleman yield for one question?

Mr. ANTHONY. Yes.

Mr. BLANTON. Did the Senate strike out what is known as the Harry Hull amendment, or is that still in the bill?

Mr. ANTHONY. The gentleman from Iowa is the father of so many amendments I am unable to locate the one the gentleman has in mind.

Mr. BLANTON. His pet.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BLACK of Texas. I notice Senate amendment No. 17 increased the appropriation for the Chemical Warfare Service by $25,000 and authorizes the use of that amount for completing the agricultural experiments in exterminating the cotton-boll weevil. The gentleman does not think the War Department ought to enter upon an activity of that kind, does he?

Mr. ANTHONY. We thought so last year and carried an appropriation in the House bill for $25,000 for that purpose. It was eliminated this year and the Senate amended our bill making this provision to which the House has not agreed. I want to say, if the gentleman will permit an explanation, there has undoubtedly been a great deal of valuable work done by the Chemical Warfare Service along this line with the $25,000 given a year ago. The idea is to develop a chemical spray which can be distributed by airplane to aid in the extermination of the boll weevil.

Our information is that the Chemical Warfare Service has experimented with nearly a thousand different chemicals or combinations of chemicals, and out of them they have developed a few they believe will have a very effective result, and with this $25,000 they are going to endeavor to carry on a practical application of this work. As I understand it, the great difficulty is to catch the boll weevil first and get him in a position to put the chemical on him.

Mr. BLACK of Texas. I believe you can kill him all right if you get him in the right place, but the point I have is the Department of Agriculture has a well-developed force that has been conducting experiments for years, and has an annual appropriation for that purpose, with which I am in full sympathy, but we have so much duplication in the departments I think the committee might well be sure as to whether we will not have another duplication which has come in other directions.

Mr. ANTHONY. Our committee thought it had no place in this bill, and that is the reason we leave it for the House to determine.

Mr. BLACK of Texas. If any activities of that kind are to be conducted I think they ought to be in cooperation with the department that is to make them, to-wit the Department of Agriculture.

Mr. HAWLEY. But if the gentleman will permit, the Agricultural Department has no airplanes and no aviators.

Mr. ANTHONY. That is true. They have no great chemical laboratory, while the Army has splendid chemical facilities.

Mr. HAWLEY. And if we turned this work of using spray in airplanes over to the Department of Agriculture we would have to appropriate sufficient money to buy airplanes and train aviators and employ aviators for a service which continues during only a small part of the year.

Mr. WILSON of Louisiana. If the gentleman from Kansas will permit, I would like to make a statement for the information of the House, to the effect that these airplanes which have been used for boll weevil spraying by means of powdered calcium arsenic have proven to be very successful under the auspices of the Department of Agriculture. The department by its work down in Louisiana has furnished very valuable information, showing that they can spray 400 acres or more per hour, as against 40 or 50 acres a day without these airplanes. Where there is a large acreage, as in the case of plantations—it may be over a portion of Texas represented by my friend [Mr. BLACK]—it is found to be a great saving of expense, this dusting of the cotton fields from airplanes with powdered calcium arsenic, and is a saving as compared with the way it is put on by a regular dusting machine.

Mr. BLANTON. Mr. Speaker, will the gentleman from Kansas yield?

Mr. ANTHONY. I yield.

Mr. BLANTON. In reply to the statement of my colleague from Texas [Mr. BLACK], I want to remind him that General Fries, who is at the head of this Chemical Warfare Service, when he comes to our offices every day to ask us to make him a major general, uses that as a stock argument—that he is engaged in destroying the boll weevil—as the basis of getting our votes for his bill.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the conference report.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield for a moment?

Mr. ANTHONY. Yes.

Mr. CONNALLY of Texas. I understand the conference report rejects the Senate amendment which sought to limit the amount for reserve officers attending camp for less than 15 days?

Mr. ANTHONY. That is correct.

Mr. CONNALLY of Texas. So that if they attend the camp for any period of time they get their allowance?

Mr. ANTHONY. Yes.

Mr. CONNALLY of Texas. And it did not limit the allowance for the citizens' training camp?

Mr. ANTHONY. It did not.

The SPEAKER pro tempore (Mr. LEHLBACH). The gentleman from Kansas moves the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first Senate amendment.

The Clerk read as follows:

Senate amendment No. 1: Page 9, after line 13, insert: "Hereafter no commissioned officer of the Army, Navy, or Marine Corps shall be deprived of his right to pay and allowances while serving on such duty as the President may direct in the coordination of the business of the Government, as now being conducted by him under the general supervision of the Director of the Bureau of the Budget."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves that the House recede from its disagreement to the amendment of the Senate No. 1, and agree to the same with an amendment, as follows: At the end of the matter inserted by said amendment change the period to a colon and add the following: "*Provided*, That the number of officers detailed to this duty shall not at any time exceed 26."

Mr. ANTHONY. Mr. Speaker, this amendment is necessary in order to permit the payment of salaries to officers of the Army and Navy and Marine Corps who are now detailed as coordinators with the Budget Bureau, and the amendment that has been offered limits the number of such officers that may be employed to 26, which I understand is the present number.

It is obvious that this will be a saving to the Treasury, because if these officers who are available are not utilized in this work it will be necessary to organize a civilian force in the Budget Bureau, which will cost us approximately $164,000 a year.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield for a question?

Mr. ANTHONY. Yes.

Mr. BANKHEAD. When the Army bill was up in Committee of the Whole I proposed an amendment prohibiting the assignment of officers to these civil duties, an amendment which was defeated. If these 26 Army officers who are assigned to the Budget are put back into their posts of duty in the regular line of military duty, would it not make possible, logically, a reduction in the number of officers in the Army and Navy to that amount?

Mr. ANTHONY. Yes; but it is not probable that Congress will make any reduction, and if these officers can be spared from their military duty we are obviously ahead by using them in this manner.

Mr. BANKHEAD. Is it not a fact that there are more officers commissioned in the Army than are absolutely required to perform military duty, and a considerable number are taken from their line of duty and transferred somewhere else?

Mr. ANTHONY. No. Most of our present force of commissioned officers are necessary for military duties, and our officers are working harder to-day and more efficiently, I believe, than ever before.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BLANTON. The trouble with us now is that our Army is top-heavy with officers. The gentleman from Alabama [Mr. BANKHEAD] struck the keynote of the situation. We have over 1,400 officers right now more than we need, and instead of getting rid of them we are trying to find places for them in civil positions. I am not in favor of placing military men in civilian jobs. The first thing we know this Government will be run by military men. The Army is continually coming to Congress for great big sums of money to spend in peace times, during vacations of Congress, and otherwise.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HUDSPETH. If the gentleman is correct that we have too many officers, would the gentleman be in favor of abolishing some of these unnecessary officers and furnishing to some of those boys in the camps a chaplain where they are now denied one? This committee will not give them a chaplain down there on the Rio Grande border, and they have no religious services down there—down there in a God-forsaken country. If the gentleman is correct, then we ought to abolish some of these useless officers.

Mr. BLANTON. My colleague [Mr. HUDSPETH] offered an amendment to give them a chaplain, but the committee would not adopt it. It should have been adopted. We have one chaplain authorized by law now less than those serving, and my colleague rightly tried to get 24 extra ones.

Mr. HUDSPETH. But a point of order was made.

Mr. BLANTON. They will not let you put in an amendment unless it comes from the committee.

These Army officers are to be detailed from their work to these civilian positions. In four years they have got to go back to the Army. That is the law. Then they displace them with other officers. Instead of getting rid of these 1,400 surplus officers, they are trying to find places for them.

Both the Army and Navy are coming here for millions of dollars to spend idly. They are asking right now for a wasteful bill that comes up next Monday. They admit it takes $44,000,000 from the Treasury, but expert engineers outside of the Army claim it will take $80,000,000 from the Treasury. Yet that bill will come up for you to vote on next Monday. It is a bill which provides for the spending of the people's money to dam up the Potomac above Washington. These Army officers want something to do; they are idle; they want money to spend. They are not satisfied with their salaries; they are not satisfied with their emoluments of office; they are not satisfied with their allowances; they are not satisfied with their prerogatives; they are not satisfied with their retirement pay, but they want huge sums of money to spend during vacation, and they will get it.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. ANTHONY. Mr. Speaker, I move the previous question on my motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Kansas to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 7: On page 22, line 11, after the figures "$4,100,891," insert a colon and add the following: "*Provided*, That expenditures heretofore made from, and obligations incurred against, appropriations for incidental expenses of the Army for entrance fees of authorized participants of the Army in small-arms competitions are hereby authorized and validated."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER pro tempore. The gentleman from Kansas moves to recede and concur with an amendment which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur in the Senate amendment No. 7 with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That expenditures heretofore made from, and obligations incurred against, appropriations for incidental expenses of the Army for entrance fees of Army rifle and pistol teams participating in small-arms competitions are hereby authorized and validated."

Mr. ANTHONY. Mr. Speaker, this amendment is inserted in order to validate payments heretofore made for the entrance fees of these Army rifle and pistol teams and which expenditures have been ruled against by the Comptroller General. So this amendment is necessary in order to validate these payments.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Kansas.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 9: Page 28, after line 15, insert:

"FORT PORTER, N. Y., MILITARY POST OR RESERVATION

"Whenever in the opinion of the President, the lands and improvements or any portion of them of the military post or reservation at Fort Porter, N. Y., are no longer necessary for military purposes, he may, in his discretion, cause to be appraised and sold in one or more parts that portion of such real property to which the United States holds a fee simple title, under such regulations as to public notice and terms and conditions of sale as he may prescribe and the pro-

ceeds to be deposited in the Treasury: *Provided*, That a sum of money, not exceeding the proceeds of such sale or sales is hereby appropriated, out of any money in the Treasury not otherwise appropriated toward the construction of barracks and quarters or other buildings and utilities to accommodate a battalion of Infantry upon another Government-owned military post or reservation: *Provided further*, That the President is authorized to return to the State of New York such portions of the military post at Fort Porter that were originally donated by the State of New York, when in his opinion such land is no longer needed for military purposes."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment.

The SPEAKER pro tempore. The gentleman from Kansas moves to recede and concur in the Senate amendment with an amendment which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur in Senate amendment No. 9, with an amendment as follows: Strike out all of the matter inserted by said amendment after the word "Treasury," on page 27, in line 2, and insert in lieu thereof the following: "*Provided*, That not exceeding $400,000 of the proceeds of such sale or sales is hereby appropriated for the construction of barracks and quarters or other buildings and utilities to accommodate a battalion of Infantry upon another Government-owned military post or reservation within the Second Corps Area: *Provided further*, That the provisions of section 1136 of the Revised Statutes shall not apply to the structures authorized herein: *Provided further*, That the President is authorized to reconvey to the State of New York such portions of the military post at Fort Porter that were originally donated by the State of New York when in his opinion such land is no longer needed for military purposes."

Mr. ANTHONY. Mr. Speaker, this provision is intended to relieve an emergency situation at Buffalo, N. Y. Fort Porter is a military post with a reservation consisting of 28 acres entirely located within the city limits of Buffalo, N. Y. It is desired to erect an international bridge there connecting the city of Buffalo with Canada. It has been decided that the bridge must have a 100-foot clearance above the waters of the river in order to permit the passage of shipping. In order to secure a proper landing place on the American side the only available point is at Fort Porter, where there is high ground which would be available for that purpose. An offer has been made by the city of Buffalo to the War Department of $400,000 for the 8 acres of the reservation which are owned by the United States; the other 18 acres are really owned by the State of New York and were only given to the Federal Government for military purposes, and, of course, when this post is abandoned the land naturally reverts to the State of New York. With the proceeds of the $400,000 which will come to the War Department by the sale of the 8 acres now owned by the Government authority is contained in this act for the Secretary of War to erect quarters for a battalion of Infantry, the same number of men as are now stationed at Fort Porter, at some other place in the Second Corps Area, which means somewhere in the same neighborhood.

Mr. DEMPSEY. Will the gentleman from Kansas yield?

Mr. ANTHONY. Yes; I yield the gentleman from New York five minutes.

Mr. DEMPSEY. Mr. Speaker and gentlemen, this bill is in accord with the policy of the War Department in two respects. First, this post is in the midst of the city of Buffalo; it is not useful for military purposes and it is difficult to maintain order and discipline on account of its location, so that it is peculiarly disqualified from serving a military purpose. Second, the post is so small that it is impossible to have drills for any considerable number of troops, and it is the training of troops in large bodies that is necessary. So this accords entirely with the plan which the War Department has of assembling troops at strategic points where they are needed and also of assembling them in a sufficient body so that drills may be had on a scale commensurate with fitting them for Army service in case of an emergency.

Let us see what is done. Generally speaking, the purpose of the War Department is to sell lands to municipalities at low figures, and that policy would be followed in this case but for the fact that the Army is facing an emergency. They have not sufficient quarters in which to house their men, and some men are under tents at the present time, so it is absolutely essential that the War Department have funds with which to provide quarters elsewhere if they dispose of quarters here. On that account the Secretary of War is insisting that we shall pay $400,000, which is a very large sum and a great deal more than this land is worth, but we are willing to pay it because of this fact: The city of Buffalo needs two things. It needs in the first place, and the country needs, closer contact with its neighbors across the border. We need to cultivate reciprocal and friendly relations, and this will enable us to do that. In the next place, the city of Buffalo needs playgrounds; it needs playgrounds at hand, readily accessible, and this land provides those two merits.

It starts right from the center of the city, and you can reach the open country in the summer time in 15 or 20 minutes. So it is a very unusual and a very remarkable situation, and in view of that the city of Buffalo is willing to pay several times what this land is worth.

Mr. McSWAIN. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. McSWAIN. What evidence is there before the House from disinterested and impartial persons that the 8 acres of land is worth more than the $400,000?

Mr. DEMPSEY. There is no evidence of that kind, but I will say to the gentleman that the land is situated in my district, and I understand, while it is not taxable, it is assessed, because all land is assessed, and I understand that all of the land is assessed only at $156,000. I have not examined the tax-assessment rolls, but that I understand to be the fact.

Mr. McSWAIN. Of course the gentleman does not assume that the assessment represents the market value, and is not this the situation——

Mr. DEMPSEY. Wait just a moment on that question. I am a lawyer, and I am litigating that question right along. Assessments in the State of New York do represent practically normal value—market value. Our assessments in the State of New York were down to about 35 per cent 14 or 15 years ago. We have been increasing them steadily until in all the parts of the State that I know about they run from 90 per cent to 100 per cent, and we are striving through our State tax commission to make them absolutely 100 per cent.

Let me go just a little further and state that this land, as the Chairman said, is 28 acres, but the fee of only 8 acres belongs to the United States Government. They have the temporary use only of the balance. My understanding is that the assessment is on the entire 28 acres as well as the buildings. The buildings are old; they are obsolete; they are not in good condition; they are not the kind of buildings the Government ought to have; and I think that the Government is getting three to four times what this land is worth.

I was present at the negotiation with the Secretary, and let me tell you what governed. The value of the land did not govern at all. What the Secretary said was—

It will cost $500,000 to create new, modern, up-to-date, useful quarters of the kind we need to-day, and we are going to assess you, not what the land is worth, not what this post is worth, but we are going to assess you what it will cost us elsewhere to create an entirely modern, new, and up-to-date, useful fort.

Mr. McSWAIN. Will the gentleman yield further?

Mr. DEMPSEY. Yes.

Mr. McSWAIN. In that I commend the Secretary; but was he not also justified in making the additional argument to you that when the Government parts with its title to the 8 acres it also loses title to the other 18 acres and consequently the Federal Government is losing 26 acres of land? I am satisfied with the explanation of the gentleman.

Mr. DEMPSEY. That is the situation, and I simply want to say in closing that from the Government's standpoint this is highly desirable, and at the same time you are in a position where you are able to confer a great favor on one of the great and growing cities of the country.

Mr. HUDDLESTON. Will the gentleman from Kansas yield?

Mr. ANTHONY. I yield to the gentleman.

Mr. HUDDLESTON. Is this bridge to be built by public authority or by a private corporation?

Mr. ANTHONY. I will ask the gentleman from New York to answer that.

Mr. DEMPSEY. The bridge, if the gentleman from Alabama please, is built by private authority but built under this arrangement. The tolls as they are paid in—and the history of these toll bridges is that they do pay for themselves—are to be applied to obsolescence, and the bridge upon payment of the amount actually expended becomes the property of the State of New York and of the Dominion of Canada, and from that time is to be free from tolls except such as are necessary for maintenance.

Mr. HUDDLESTON. To whom is this land to be conveyed?

Mr. DEMPSEY. To the city of Buffalo.

Mr. HUDDLESTON. One more question, can either of the gentlemen state with a degree of accuracy the defeasible clause in the conveyance by which the State of New York conveyed this land to the United States?

Mr. DEMPSEY. I have not seen it but my understanding is that the conveyance was practically in this language, that it was conveyed to the Government for military purposes, title to revert to the State of New York at such time as it should cease to be used for those purposes.

Mr. HUDDLESTON. Of course, the rights of the Federal Government in the matter depend entirely on the language used in that clause, and no confident action can be taken unless we know accurately what the language is. Everything depends upon the technical language used.

Mr. DEMPSEY. The language is simple——

Mr. HUDDLESTON. Pardon me, we are assuming that as a matter of law the Government has only this right of user with reversion. We are assuming that absolutely. It seems to me that gentlemen who ask us to act on that assumption ought to give us a fair chance to verify it by presenting the identical language used.

Mr. DEMPSEY. Let me suggest to the gentleman that while this was not presented as a question to the Judge Advocate General, there was presented to the Judge Advocate General the question, generally, of what the Secretary of War had the right to do, so that the matter was before him, and it was before him with the understanding that one of the questions involved was that the United States Government had simply a defeasible fee in the 18 acres, and I do not think there is the slightest question or possibility of question about that.

Mr. HUDDLESTON. Has the gentleman from Kansas [Mr. ANTHONY] seen that conveyance?

Mr. ANTHONY. I have not seen the conveyance——

Mr. HUDDLESTON. Has the gentleman read the decision of the Judge Advocate General?

Mr. ANTHONY. I have not seen the conveyance, but I have the personal statement of the Secretary of War, the Senator from New York [Mr. WADSWORTH], and the gentleman from New York [Mr. DEMPSEY] that such is the case.

Mr. HUDDLESTON. Some of us who have some little legal knowledge would feel more competent to form an opinion upon the subject if we could learn the exact language used. It is a highly technical subject. It is one that no lawyer would accept hearsay upon. He would insist, if he had to form an opinion, upon looking at the instrument itself. I confess I am utterly up in the clouds, so far as any action is concerned. If the matter is as stated, one line of action is indicated; but if it should be to the contrary, certainly we would be making a great mistake here to give away 16 acres of land. We are asked to act without any reliable information.

Mr. DEMPSEY. I do not think so.

Mr. HUDDLESTON. The gentleman wants us to take his opinion. Why not give us the language of the conveyance itself. I think my opinion is of some value also, yet I would not ask the House simply to take my say so upon such an important point and let it go at that.

Mr. DEMPSEY. No; but the House, as a rule, would not examine all the documents in any given case.

Mr. HUDDLESTON. The House would make a very serious mistake if it did not rely on first-hand information in forming an opinion upon the proper interpretation of such a contract.

Mr. DEMPSEY. They are getting the very best information they can get.

Mr. HUDDLESTON. Really the gentleman from Kansas [Mr. ANTHONY] can not give us the information.

Mr. DEMPSEY. The gentleman would not discredit any other gentleman.

Mr. HUDDLESTON. The gentleman from Kansas [Mr. ANTHONY] states that he has not seen the conveyance and apparently has seen nobody who has seen it.

Mr. ANTHONY. We relied on the personal statement of the Secretary of War who said that he had investigated it; and of the Senator from New York [Mr. WADSWORTH] who said he had investigated it. In view of the fact that the conveyance is to the city of Buffalo I think it is safe enough.

Mr. HUDDLESTON. I have no doubt that if you will look into it you will find that neither Secretary Weeks nor Senator WADSWORTH has seen the conveyance, and that they like the gentleman from Kansas [Mr. ANTHONY] and the gentleman from New York [Mr. DEMPSEY] are relying on mere hearsay.

Mr. ANTHONY. The Secretary of War has perhaps taken the report of the Judge Advocate General.

Mr. HUDDLESTON. Perhaps so, and if we had the opinion of the Judge Advocate General we would at least have something to rely on. If we had anybody's opinion in a deliberately formed expression quoting the language of the instrument, we would have something to go on, but the gentleman does not expect us to take his decision as final when it is confessedly based upon a remote sort of hearsay.

Mr. DEMPSEY. Let me make a suggestion?

Mr. HUDDLESTON. I do not want suggestions, I want to know the language of the conveyance. If anybody is in a position to give it let him come on, but if he wants merely to give us his opinion on some construction of what a contract, which he has not seen, means that is of no service.

Mr. DEMPSEY. We are paying more than the land is worth anyway.

Mr. ANTHONY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Kansas to concur in the Senate amendment with an amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 17, page 60, line 4, strike out the figures "$882,980" and insert: "$907,980, of which sum not more than $25,000 may be used in completing agricultural experiments in exterminating the cotton boll weevil."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in the Senate amendment. As previously stated, this makes $25,000 available to complete the experiments carried on in the Chemical Warfare Service toward the extermination of the boll weevil.

Mr. BLACK of Texas. Will the gentleman yield me five minutes?

Mr. ANTHONY. I yield five minutes to the gentleman from Texas.

Mr. BLACK of Texas. Mr. Speaker, I want to voice my opposition to the motion of the chairman to concur in this amendment. It provides an appropriation of $25,000 to enable the War Department to make a fight on the boll weevil. I have heard the soldiers of the Spanish-American War say that in that war they fought nobly and valiantly the mosquitoes in the swamps where they were encamped, but I never heard it suggested until to-day that the War Department should turn its mighty artillery on the boll weevil.

I can imagine under this appropriation one of these handsome, well-groomed officers from the War Department going down into the farming sections of the South with his barbless spurs, with his fine equipment, and some of our horny-handed sons of toil saying, "My young friend, what is your business here in the community?" And I can hear him reply, "I have been detailed down here by the Secretary of War to make a fight upon the boll weevil." Just how this warfare is to be conducted, whether by dropping a charge of T. N. T. upon his defenseless head or filling his eyes with tear gas, I do not know. But, whatever the method, I imagine it will be about as successful as the agent's "fly killer."

A man was going through the country pushing a wheelbarrow full of sand. He was selling it at a penny a bag, telling the people that it was a sure fly killer. One purchaser, a stout old lady, asked him how it was to be used. "First catch a fly," said he. "Tickle it under its chin with a straw, and when it opens its mouth to laugh throw a handful of this famous fly killer down his throat. The result is that the fly is choked and instantly dies."

Perhaps the War Department will use this method in fighting the boll weevil. I don't know. I have not seen its plans and specifications, but, speaking seriously, the House ought to reject this motion without a single dissenting vote. We Members of the House sit here from day to day and criticize the duplication of work that is being practiced in the Departments of the Government, and when we come to trace down the real cause of the duplication the chances are that we will find the Congress itself is responsible. The work is being done under laws and appropriations which we ourselves passed.

I do not oppose, of course, the proper departments of the Government undertaking to find a remedy and means for eradicating this pestiferous insect. The Department of Agriculture has been engaged in activities along that line ever since the boll weevil appeared. It is now doing it. Many thousands of dollars have been expended. Some good results here and there have been obtained. Here we undertake to start the War Department out upon such activities. That is going a little too far for me. I live in the South. I live in a cotton-growing section. I am just as much interested in anything that will give the farmer relief from the boll weevil

ravages as any Member on the floor of the House, but I am not willing to start the War Department on an activity of this kind and squander the people's money even though, for this particular item, it is only $25,000, and I oppose the motion to concur.

Mr. ANTHONY. Mr. Speaker, I yield two minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Speaker, I wish to state to my good friend from Texas who describes the Army officer going to cotton fields, that it would be nothing new; that has been going on for a number of years in my State. Demonstrations made in boll-weevil control through the cooperation of the War Department and the Department of Agriculture have been quite successful.

As long as the War Department has the airplane and the flyer, and the Department of Agriculture desires to carry on the experiments, why complain about duplication, when you save the Department of Agriculture the expense of going out and buying the airplane? Why should they not do it, if it saves money and protects the farmer and helps to control the boll weevil?

Mr. BLACK of Texas. Does the gentleman seriously think that the Department of Agriculture is doing a bit of good by the use of these airplanes in trying to eradicate the boll weevil?

Mr. WILSON of Louisiana. I not only think so, but I know it. If the gentleman will visit the Delta Laboratory in my district, I think he would be convinced of that fact.

Mr. ANTHONY. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Speaker, I would favor this for the reason that it is in line with my theory that the military departments of our executive branches of Government ought to be useful wherever they can be made useful in time of peace. If we did not already have a great merchant marine, I, for one, would be in favor of having the Navy carry goods on suitable ships to open up trade routes; and as to the Army engineers, I would use them to survey roads under the guidance of the Good Roads Bureau. In other words, we have them on the pay roll and we have to pay them and why not use them in peace until we need them for war? [Applause.]

Mr. BLACK of Texas. The gentleman knows that notwithstanding we have them on the pay roll, it is proposed now to add $25,000 more to the expense to conduct this experiment.

Mr. McSWAIN. I know that; but if we did not authorize them to scatter these gases over the cotton fields they would pour them over the fields of Maryland. They are going to use the gas some way, and if they can find out some sort of gas to kill that pest it will be money well invested, and it is in line with the practical common sense—American—Benjamin Franklin proposition to try to get 100 cents of value out of every dollar that you spend.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker and gentlemen of the House, as a member of the subcommittee of the Committee on Appropriations that formulated the agricultural appropriation bill, I hope the House will not vote down this motion and will concur in the motion of the gentleman from Kansas [Mr. ANTHONY]. Last year we appropriated $25,000 for the cooperation of the Chemical Division of the War Department with the Agricultural Department in trying to evolve a remedy to destroy or control the boll weevil. This $25,000 will complete that work, and the amendment so reads. It is for the completion of that cooperation between the two departments to try to evolve a remedy out of chemicals or gases to control or destroy the boll weevil. This movement is not to start another independent branch of investigation and research in the War Department. It was merely intended at the commencement, and is intended now for the cooperation of the Chemical Division of the War Department with the Agricultural Department, in evolving a more efficient remedy. When we bear in mind that this insect destroys hundreds and hundreds of millions of dollars worth of cotton every year, what is $25,000 for cooperation of the Chemical Division of War Department with the Agricultural Department, which may result in a more effective remedy than we have now? It is simply business, and while I regret to differ from the generally sound judgment of my colleague, Mr. BLACK, this is one time, in my judgment, when he is mistaken, perhaps, because of not knowing the object of the appropriation and the good to be accomplished. This is the last appropriation that will be brought in for this purpose and will conclude the experiments commenced last year, and I hope the House will agree to the motion of the gentleman from Kansas.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 29: Page 73, after line 2, insert:

"The appropriations herein made for 'arming, equipping, and training the National Guard' shall be available until December 31, 1926.

"The unexpended balances of the appropriations for 'arming, equipping, and training the National Guard' for the fiscal year ending June 30, 1925, are continued and made available until December 31, 1925."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in the Senate amendment. This is necessary because the fiscal year ends on June 30, in the middle of the training period, and it seriously inconveniences the National Guard in the application of the funds we vote for this purpose. We have already given the privilege of continuing the expenditures of funds until the end of the calendar fiscal year to the other training activities carried on by the Army and it should also be given to the guard.

The SPEAKER. The question is on the motion of the gentleman from Kansas to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 42: Page 97, line 5, after the figures "$10,000,000," insert a colon and the following: "*Provided*, That $40,000, or so much thereof as may be necessary, may be expended in revetting and protecting the yards of the barge line at Memphis, Tenn., in accordance with plans of the chief of barge-line service."

Mr. ANTHONY. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment. This provision would take $40,000 of the funds appropriated in the bill for flood control and use it for the purpose of revetting the banks of the Mississippi River to protect the terminals of the barge lines at Memphis. Your committee felt that these funds were appropriated for the specific purpose of flood control on the Mississippi and that they should be diverted for the protection of the barge-line terminals at Memphis, which are owned by the city of Memphis. It occurred to the committee that perhaps it was necessary that the banks there should be protected and that the barge terminals should be properly protected from the inroads of the river, but we feel that the proper funds to use for that purpose are the funds of the barge line itself, for which large appropriations have recently been made.

I yield five minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Speaker and gentlemen of the House, in line with what the gentleman from Kansas [Mr. ANTHONY] has said, I want to ask for a division as an instruction to the conferees on this particular Senate amendment, because it endangers the entire policy of Congress in relation to the laws it has enacted for flood control on the Mississippi River from Rock Island, Ill., all the way down to the Gulf.

Mr. MADDEN. The barge-line corporation has been loaned a lot of money to build terminals, and why take money out of this bill now?

Mr. WILSON of Louisiana. I can not understand, I will say to my good friend from Illinois, how it is that we should be asked to adopt an amendment of this character. As the gentleman from Illinois [Mr. MADDEN] suggests, we have spent large sums on terminals for the barge line and, as I am informed, $450,000 to assist in providing these terminals at Memphis. In enacting the flood control law the Congress said that this money for flood control should be spent upon plans and specifications of the Mississippi River Commission as approved by the Chief of Engineers. Now, this amendment provides that $40,000 shall be taken and spent on terminals at Memphis, not under the authority designated by the Congress to use money for flood control, but upon the recommendation of the chief of the barge-line service, changing absolutely the terms of that law. Another thing, it is a dangerous precedent. If you take $40,000 of this money to improve the terminal at Memphis, upon which we have spent some $450,000 and which is to be owned by the city, they will come from every town and city all the way from Rock Island down asking that we take money that is to be

spent for flood control to improve terminals, build wharves, and so forth, at these various cities and towns. Therefore, Mr. Speaker, I am going to ask that the House vote on this question and that the conferees be instructed further to insist upon the amendment going out.

Mr. ANTHONY. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Kansas further to insist on its disagreement to Senate amendment No. 42.

The question was taken.

Mr. WILSON of Louisiana. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 115, noes none.

So the motion was agreed to.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No part of the moneys appropriated or made available by this act for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall, unless the President shall otherwise direct, be used or expended for the repair or reconditioning of any vessel owned or controlled by the Government if the expense of such repair or reconditioning is in excess of $50,000, until a reasonable opportunity has been given to the available Government navy yards to estimate upon the cost of such repair or reconditioning if performed by such navy yards within the limit of time within which the work is to be done: *Provided*, That this limitation shall only apply to vessels while in the harbors of the United States, and all expenditures in connection with such work are to be considered in estimating the cost.

Mr. BLANTON. Mr. Chairman, I make the point of order.

Mr. BLAND. Mr. Chairman, I make a point of order.

Mr. LEHLBACH. Mr. Chairman, I make the point of order.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is legislation on an appropriation bill unauthorized by law, and that it is an improper interference with the discretion of executive officers that is given them by law.

Mr. BLAND. Mr. Chairman, I desire to concur in the point of order.

The CHAIRMAN. Does any gentleman wish to discuss the point of order?

Mr. BUTLER. Did not the present occupant of the chair rule on this a year ago?

The CHAIRMAN. The present occupant does not remember whether he did or not.

Mr. BLANTON. It is of no consequence whether he did or not; it is never too late to mend.

Mr. BLAND. Mr. Chairman, the present occupant of the chair passed on an amendment on March 28 of last year, 1924, substantially the same as this amendment. Immediately thereafter a similar amendment was passed on by Mr. CHINDBLOM, and substantially a similar amendment was passed on by Chairman McArthur, on February 26, 1923. Now, if the Chair desires a discussion——

Mr. BANKHEAD. What was the decision of the Chair?

Mr. BLAND. The decision of the Chair was to sustain the point of order. On February 26, 1923, there was an amendment substantially in accord with this amendment, and in discussing the point of order Mr. Hicks said that there was a long line of precedents which held that wherever there is a provision in a bill which compels an executive officer to do certain duties which he is not compelled to do by law previously passed it was subject to a point of order on the ground of legislation on an appropriation bill. Mr. Hicks further said:

I claim that under this amendment offered by the gentleman from Massachusetts [Mr. DALLINGER], while I may be in sympathy with its purpose, it provides that to ascertain these things—

Now I call the attention of the Chair in particular to this—

That to ascertain these things the Secretary of the Navy must do certain things.

He must base his action on knowledge obtained, and this requires action and the imposition of new functions and new duties. Therefore, as it imposes upon him certain duties that the law does not now impose upon him, according to the precedents, I think the Chair will have to sustain the point of order.

Chairman McArthur on that occasion said:

This is clearly a limitation as to executive discretion and not a limitation as to an expenditure in the interest of economy. It does not come within the purview of the rule, and the point of order is sustained.

It will be noticed that this particular provision in this bill requires the Shipping Board to do that which under the general law it was not required to do. In other words, it requires them to obtain estimates from the navy yards as to all work costing over $50,000. And just in line with the contention that was made by the gentleman from New York, Mr. Hicks, it imposes new duties and new functions in obtaining, as he said, new knowledge upon which they are to act.

The question came up again on March 28, 1924, on a substantially similar amendment, and it was contended that the amendment would tie up the discretion of the Secretary of War and that it said to him that he could not buy ordnance anywhere in the world, no matter how much more desirable it might be.

Chairman TILSON ruled and said:

The Chair recalls that on one occasion he ruled that this very same paragraph was in order. Somewhat later one of our distinguished parliamentarians, the gentleman from Oregon, Mr. McArthur, after a carefully prepared decision ruled it out of order, and this was the last ruling on the subject.

The present occupant of the chair is now inclined to believe that the gentleman from Oregon was right and that the present occupant of the chair when he made the other ruling was wrong.

Preferring to be right, rather than consistent, the Chair sustains the point of order made by the gentleman from Kentucky.

On that point of order an appeal was taken from the decision of the Chair and was sustained by a vote of 59 ayes to 3 noes. Later in the day a substantially similar amendment was offered to another point in the bill. In the meantime the gentleman from Illinois [Mr. CHINDBLOM] had been called to the chair. He held that the point of order was good and that the paragraph should go out.

This can not be held to be within the Holman rule, because there is nothing about it that shows that there is a saving of expenditure. So I submit that the point of order should be sustained. [Applause.]

Mr. BLANTON. Mr. Chairman, may I be heard for a moment?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLANTON. Supplementing what the gentleman from Virginia [Mr. BLAND] has said concerning this amendment, if the Chair should overrule the point of order, it would absolutely destroy the discretion that should be lodged in an executive officer. For instance, suppose this amendment were retained in the bill and the Shipping Board should determine that, among the 297 different ships they are now operating in all the ports of the country, they would have some of the ships reconditioned at a certain port or at some private shipyard at a certain price, and knowing that they could get certain material of the kind they wanted, knowing they could get the kind of work they wanted, they would not be permitted to make such a contract until they had had an estimate made by one of the navy yards, and if the estimate happened to be as low or lower than the private estimate that they had received, they would have to accept it, notwithstanding the fact that the Shipping Board might have reached the conclusion that they could get the ships into better condition and have better work done and better material put into it in private yards, yet under this law that discretion would be destroyed and they would be compelled to have those ships reconditioned in our navy yards. And, remember, that no reliance may be put in navy-yard estimates, as they always cause us finally to pay double the estimate.

The main purpose is to get efficiency in our Shipping Board. The main purpose is to get efficiency in our merchant marine. It is a question of getting economy and the best results; and I take it, if we expect the best results, we ought to give our Shipping Board the same discretion that the head of a private enterprise would enjoy. That is the kind of discretion that an executive department should have.

I do not care whether there are decisions that do not uphold the point of order. The present chairman, as I understand, maintains that no question is ever decided until it is decided right. We want a right decision on that question.

The CHAIRMAN. The Chair is ready to rule. The paragraph on page 27 having been reached and read, the gentleman from Texas [Mr. BLANTON] and the gentleman from New Jersey [Mr. LEHLBACH] and the gentleman from Virginia [Mr. BLAND] have all made a point of order against it. The question now arises as to whether or not the paragraph in the bill against which the point of order has been made is a proper limitation on the appropriation.

The rules of the House provide that no appropriation shall be carried in a general appropriation bill unless the purposes for which such appropriation is made are authorized by law. In other words, it is provided that a general appropriation bill shall not be made the vehicle for carrying legislation. It is a well-recognized rule that an appropriation may be made or refused for any authorized purpose. In other words, an appropriation may be made for any, all, or none of the purposes authorized by law, but the appropriation or the refusal to appropriate may not be used as a means of changing existing law. A limitation may be placed upon an appropriation, but it must be a limitation only and must not in its effect change existing law.

The reason for such restriction upon the character of limitations is a substantial one and must not be lost sight of. It has been said that the reason of the law is the life of the law. It is equally true that the reason of our rule as to limitations is the life of the rule.

In order that the Government may function it is necessary that the great supply bills be passed. The Government can not go on if they fail. Long years of experience has demonstrated that legislation on a supply bill may endanger its passage or approval. It is not fair to the other branch of Congress or to the Executive to create an alternative, necessitating either the acceptance of objectionable legislation or the rejection of a supply bill.

Another reason has recently been added why these limitations and all other matters carrying legislation should be even more carefully scrutinized. The Budget system has been established. As a part of the Budget system all the appropriating jurisdiction of this House has been conferred upon one committee. It is a committee that has no other jurisdiction except to appropriate, and the House should be careful not to confer any further jurisdiction on that committee.

In the final analysis the question is: Does the paragraph carry matter, the effect of which is to change existing law, to make it unlawful to do that which before was lawful, or to make it lawful to do that which before was unlawful? As so well said by the gentleman from Virginia [Mr. BLAND], this prescribes additional duties and new duties for an executive, because the effect of it is to cause him to do things that he is not required by law to do as a part of his duties. The gentleman from Texas [Mr. CONNALLY] in an argument made to you on either this amendment, or one very similar to it, stated the rule as clearly as the Chair is able to state it, or even more so. I cite from the proceedings of January 19, 1923, page 1979. Mr. CONNALLY said:

> Now, if the Chair please, my understanding of a limitation of an appropriation is as follows: In the face of a point of order Congress can only appropriate in an appropriation bill for purposes already authorized by law. The Congress can appropriate for all purposes authorized by law or appropriate for none of the purposes authorized by law. Within those limits Congress can limit an appropriation. Congress can say that no part of an appropriation shall be expended for a part of the purposes which the law authorizes. But a limitation must be absolutely negative. It must be in the nature simply of a veto. It can not direct an executive officer in the discharge of his duties under existing law. Whenever it does, it ceases to be a limitation and becomes legislation in violation of the rule.

In passing upon a question quite similar in principle on January 18, 1923, 67th Congress, 4th session, the present occupant of the Chair cited a number of decisions applicable to this case and will not cite them again now. They embody the principle set out in the argument of Mr. CONNALLY just cited.

Applying this principle to the paragraph before us we find that no part of the money appropriated, or made available, shall be used for the purposes mentioned if the expense of such repair or conditioning is in excess of $50,000. The executive officer must first determine this fact. Perhaps this would not rise to the dignity of a new duty, but it goes further and says that until a reasonable opportunity has been given. He must determine what is a reasonable opportunity and give this reasonable opportunity to the available Government navy yards. He must find out what navy yards are available, if he is able to find out, and give them a reasonable opportunity to estimate upon the cost of the work to be done. It seems clear to the Chair that this is imposing new duties; that it is legislation on a general appropriation bill and is, therefore, repugnant to our rules. The Chair sustains the point of order.

The Clerk read as follows:

EMERGENCY SHIPPING FUND

For expenses of the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1926, for administrative purposes, miscellaneous adjustments, losses due to the maintenance and operation of ships, for the repair of ships, and for carrying out the provisions of the merchant marine act, 1920, (a) the amount on hand July 1, 1925, but not in excess of the sums sufficient to cover all obligations incurred prior to July 1, 1925, and then unpaid; (b) $24,000,000; (c) the amount received during the fiscal year ending June 30, 1926, from the operation of ships: *Provided*, That no part of these sums shall be used for the payment of claims other than those resulting from current operation and maintenance; (d) so much of the total proceeds of all sales pertaining to liquidation received during the fiscal year 1926, but not exceeding $4,000,000, as is necessary to meet the expenses of liquidation, including also the cost of the tie-up and the salaries and expenses of the personnel directly engaged in liquidation: *Provided*, That no part of this sum shall be used for the payment of claims.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 28, after line 21, insert as a new paragraph:

"That portion of the special claims appropriation contained in the independent offices appropriation act for the fiscal year 1923, committed prior to July 1, 1923, and remaining unexpended on June 30, 1925, shall continue available until June 30, 1926, for the same purposes and under the same conditions."

Mr. BLANTON. Mr. Chairman, I reserve a point of order against the amendment.

Mr. BANKHEAD rose.

The CHAIRMAN. The gentleman from Alabama is recognized under the reservation.

Mr. BANKHEAD. Mr. Chairman, I want to make a suggestion to the Chair. This amendment was offered as a new paragraph, but I have a perfecting amendment which I desire to offer.

The CHAIRMAN. The gentleman is not precluded. The gentleman's amendment will take precedence over this amendment.

Mr. BANKHEAD. I offer it now, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 28, line 10, after the figures "$24,000,000" insert: "*Provided*, That the sum so appropriated shall not be so used or expended as to result in decreasing either the number of ships now operated or the number of trade routes now in existence and maintained."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation in that it interferes with the proper discretion of an executive of the Government under the present law.

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. BANKHEAD. Mr. Chairman, I wish to state very frankly to the Chair that inasmuch as that particular point of order has been made against the amendment, I think I have sufficient knowledge of the rulings on those questions to confess that the point of order should be sustained. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The point of order is sustained. The gentleman from Alabama moves to strike out the last word, and is recognized for five minutes.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, at the last session of Congress a select committee was appointed, under a resolution adopted by the House, by the Speaker, providing for an inquiry into the general operations of the affairs of the United States Shipping Board and the Emergency Fleet Corporation. That committee has been very actively and very constantly engaged in the duties of making that investigation up until this time. It has not as yet concluded its investigation, nor has it as yet had an opportunity to make up its report. I want to say that when this report

is printed I think the Members of this House during the recess might find it of great value to them with reference to securing accurate information upon future legislation that will come before the House, affecting the disposition of our mercantile marine.

What I desire to say in connection with the pending legislation is to call to the attention of the House a matter that has already been quite ably argued to you by my colleague, the gentleman from Alabama [Mr. McDUFFIE]. That is the fact that the Government of the United States owns a very large fleet of very fine cargo-carrying vessels and a great number of these splendid ships are at the present time tied up at the docks. Under the conditions of world trade it has not been found possible or expedient to operate more than about one-third of these vessels.

At the present time there are in operation, I believe, less than 300 vessels on all of the existing trade routes, maintained and operated by the Emergency Fleet Corporation under the existing law. The conditions of American trade and the demand for ships to put into private operation have not justified private purchasers to buy any substantial number of these ships now owned by the Government, and the result has necessarily been, as a practical proposition, that the Government itself has continued the operation of what was regarded as the necessary number of ships to maintain to an adequate degree our merchant marine.

I think all thoughtful men recognize the fact that it would be unthinkable for our Government and for our people ever to be again placed in the position we were in at the beginning of the World War, when we had no adequate merchant marine to carry our own commerce. I believe it is the thought of the American people that at all times in the future it is a matter of the utmost importance that the American merchant marine should be preserved and perpetuated up to the extent where our commerce would be carried, or at least a substantial part of it, by ships bearing the American flag.

As I have said, private capital up to this time has only purchased a very few of these ships. Only a small part of the commerce of America under our flag being carried abroad is being carried by privately operated vessels. A substantial part of it is being carried, but Government-operated ships are performing the necessary functions of meeting the requirements of American expert commerce by carrying a very large bulk of that commerce under Government operation.

The effect of this limitation, this $24,000,000 appropriated for the Emergency Fleet Corporation, will be that strictly construed it is the maximum amount of money that the Fleet Corporation can spend in operating American-owned vessels during the next fiscal year. We would not expect Admiral Palmer, who is in charge of the Emergency Fleet Corporation, under the limitations of the Budget system, to create a deficiency in operation by exceeding the amount of this limitation.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. Mr. Chairman, I ask for five minutes more.

Mr. BLANTON. Mr. Chairman, it is understood I have a reservation against the amendment offered by the gentleman from Indiana [Mr. WOOD].

Mr. BANKHEAD. That is understood, of course.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BANKHEAD. Therefore, if we are to continue the number of existing so-called trade routes now being maintained from the Gulf and the Atlantic and the Pacific coasts to the different sections of the world, and if we are to have a sufficient number of vessels operated by the Government to keep up the requirements of the existing trade routes, that must be done, of course, within the limitations of the appropriation.

What I fear is that we may have for a number of years to continue as a practical and necessary proposition this temporary Government operation of our ships. I think that is inevitable, because there seems to be no disposition on the part of the investing public to buy any substantial number of our vessels to put into private operation. I hope that our foreign trade will expand and continue to increase; and if it does, it certainly will require that we perpetuate the present existing trade routes, because they have, in my opinion, already been reduced to a minimum, and according to all estimates and according to the testimony before our committee it will certainly require at least approximately the number of ships now in operation. I fear that by putting in this limitation of $24,000,000 as the maximum amount that can be expended, if it develops that they can not continue to operate the present number of trade routes and the present number of ships, they will reduce not only the number of existing trade routes but the number of ships now in operation, and to that extent absolutely cripple the absolute necessities of our foreign trade.

Mr. McDUFFIE. Will the gentleman yield?

Mr. BANKHEAD. I will be very glad to yield.

Mr. McDUFFIE. Does the gentleman think that Admiral Palmer could continue the trade routes now established, as they should be continued, with this amount of $24,000,000 by curtailing the personnel rather than the number of ships in service and at the same time provide adequate service?

Mr. BANKHEAD. I think that would be entirely possible. Gentlemen, do you know that at the present time—and these are rather astounding figures—that although we are only operating about 297 cargo vessels, the overhead of the Emergency Fleet Corporation is almost $7,500,000 per year, and this does not include the crew of the ships nor the forces of the operators? This is the overhead, the administrative overhead, of the Emergency Fleet Corporation. To run 300 ships, there are on the Government pay rolls of the Emergency Fleet Corporation, and some of them drawing salaries twice as much as they ought to receive, over 3,000 Government employees as of January 15. I got the figures from the Emergency Fleet Corporation. There were over 3,000 men and women on the pay roll as an absolute overhead burden upon the operation of 300 ships, and along the very lines suggested by my colleague, the gentleman from Alabama [Mr. McDUFFIE], on this theory of retrenchment and economy, I know of no place in the entire Government service—and I think I know something about the shipping situation—where there is such an ample field for the application of the pruning knife as there is in this salary roll of the Emergency Fleet Corporation. [Applause.]

Mr. LEHLBACH. Mr. Chairman, I rise in opposition to the pro forma amendment. Mr. Chairman, with much that the gentleman from Alabama [Mr. BANKHEAD] has said I am in full accord. I think it is greatly desirable and necessary for the commercial welfare of this country that no trade routes shall be abandoned. However, I do not think that the term "trade routes" and the number of ships in operation are interchangeable as the gentleman from Alabama seems to think. I think, and it is the opinion of those in charge of the operation of the ships, that notwithstanding the reduction in the number of ships operated within the last year or so, the trade routes are served as adequately and as well and more economically and more efficiently than they were with a larger number of ships.

Mr. MORTON D. HULL. What has been the reduction in the number of ships in the last year?

Mr. LEHLBACH. During the last fiscal year there were about 338 cargo vessels operated on an average. Those are the ships in commission. There are now 320, and the intention is to cut them down to 297. I do not think, however, that the number of 297 has yet been reached.

Mr. McDUFFIE. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. McDUFFIE. In the 338 vessels mentioned, they were operating additional ships to relieve the congested conditions?

Mr. LEHLBACH. I think they put on additional ships principally for the shipping of wheat from the Gulf regions.

Mr. McDUFFIE. Is it not the intention to cut down the ships to 200?

Mr. LEHLBACH. No; I have heard of no such suggestion and I do not think that would be necessary.

Mr. McDUFFIE. Has not Admiral Palmer said that he has it in mind under the reduction of the appropriation under which he carries on the operation of the 297 vessels, that he hopes to continue to operate as many as 275? It occurs to me that under the amount of money we are providing he is going to be obliged to cut the number of ships in the service below 275.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. WHITE of Maine. Is not the testimony before the select committee to the effect that during the last year they maintained an average of 338 vessels in the cargo trade and now they are operating 330 to spread over the year and hope to have it down to an average of 297.

Mr. LEHLBACH. That is the testimony and there is no need of any very substantial reduction below that figure. That the reduction of the number of ships does not impair the trade routes is shown by the fact that notwithstanding the larger number of ships operating in the fiscal year before the current year and the fiscal year before that, with a less number of

ships we have got substantially the same amount of business, and that is the test as to the quantity of American cargo carried to and from Europe.

The difference between 1923, 1924, and 1925 in gross volume of business done is not 5 per cent, and certainly we can take care of the business more economically, more efficiently by consolidating the routes and having a smaller number of ships calling at a larger number of ports and making a quicker turn around than for these ships to lose a week or 10 days in which to fill up and then sailing with a half cargo.

Mr. McDUFFIE. The gentleman agrees that with operating a smaller number of ships there should be an opportunity to cut down the personnel?

Mr. LEHLBACH. To show the result of Admiral Palmer's action this year I call attention to the statement of the gentleman from Alabama who said that the pay roll of the Emergency Fleet Corporation was in the neighborhood of $7,000,000. I do not know in what period that figure was correct, but as a matter of fact to-day the entire overhead of the Emergency Fleet Corporation, including not only the pay roll but also charges for rents, cables, traveling expenses, telegraph, and so forth, is substantially $5,600,000.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. LEHLBACH. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BANKHEAD. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BANKHEAD. I will state that the figures I gave the committee were of January 15, 1925, and they were furnished me by a very reliable man who holds an official position in the Shipping Board. So, naturally, there is apparent contradiction between the gentleman from New Jersey's figures and mine.

Mr. LEHLBACH. These figures are incorporated in a letter dated January 31, 1925, which shows that the general overhead of the Emergency Fleet Corporation, including pay roll, salaries, rents, cables, traveling expenses, telegrams, and so forth, is $5,600,000. Now, it is a fact, gentlemen, that Admiral Palmer in the short time, less than a year that he has been there, up to the time of the hearings which were held in December, had reduced the pay roll of the organization under him by $700,000 annually, and in the month of January alone made a further reduction of $100,000 in the annual pay roll of that corporation.

This reduction in appropriation from $36,000,000 to $28,000,000 is not going to threaten the efficacy of our fleet at all. The first reduction was from $50,000,000 to $36,000,000, a reduction of $14,000,000, as against the contemplated reduction of $8,000,000. Briefly, what does Admiral Palmer say of the result of the reduction of $14,000,000? I quote from the hearings:

> Our losses are decreasing. We are operating now to approach the reduced Budget figure. Just the fact of naming that definite reduction of $14,000,000 has had great value in bringing down the losses. We have reduced considerably, due to consolidations by which we were able to handle the vessels more flexibly so as to cover a number of ports with a less number of vessels.

In other words, because they were compelled to cut down $14,000,000 they were able to do it without impairing the efficiency of the service, and if they will continue to leave Admiral Palmer alone, they will go down the other $8,000,000. Of course, if they hamper and interfere with him, he can not do what he is capable of doing if he is left alone.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield again?

Mr. LEHLBACH. Yes.

Mr. McDUFFIE. I do not think anyone has any desire to hamper Admiral Palmer. We commend him for his efforts along that line. The thing we feared was that the Admiral might in his efforts to cut down the expenses of running the Fleet Corporation curtail the service or the actual number of ships rather than curtain the personnel. That is the thing that we fear, and we want to help Admiral Palmer in any way possible. We are not criticizing him for his efforts in that regard. We want the Shipping Board and the Emergency Fleet Corporation to understand that it is not the intention of Congress to curtail the trade routes now established.

Mr. LEHLBACH. And it is not the understanding, as I am informed in all the testimony before us, that a further reduction in the expense of operation or in the loss entailed in moving this cargo will impair the efficacy of any trade route that has been established or that will be established. In speaking about cutting down the expenses of overhead, there has been a great deal of loose talk about overhead. The overhead, meaning the salaries and other administrative expenses of the Emergency Fleet Corporation, compared with the entire cost of our ship operations, is but 4½ per cent.

Mr. McDUFFIE. I understood, if the gentleman will permit me to again interrupt him, that 20 per cent of the actual losses of the Shipping Board were chargeable to the administrative expenses of operating.

Mr. LEHLBACH. The administrative expenses are $5,600,000. The entire cost of the operation, of which a good part is returned by the managing operators, runs to such a sum that the $5,600,000 represents but 4½ per cent. It amounts to 4½ per cent of the volume of business done. Five million six hundred thousand dollars subtracted from the $36,000,000 will give you the proportion of the losses entailed due to administrative expenses. Losses by reason of operating of ships during the current year amount to $36,000,000, less $5,600,000, which is chargeable to administration or overhead, so that this talk about the overhead being a vital factor in the situation is not based upon facts and figures.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. SNELL. I saw a statement in the newspaper the other morning that they were going to advertise all of their ships for sale.

Mr. LEHLBACH. That is a perfunctory performance to meet the provisions of the act of 1920.

Mr. SNELL. Then it does not mean anything?

Mr. LEHLBACH. It means that having advertised the ships for sale and not having received bids as a result of the advertisement, they can then proceed to sell them, using other means of obtaining customers.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. WOOD. Mr. Chairman, I move that all debate upon this paragraph do now close.

The motion was agreed to.

The CHAIRMAN. The gentleman from Alabama withdraws the pro forma amendment and the Clerk will again report the amendment offered by the gentleman from Indiana, Mr. WOOD.

The Clerk again reported the Wood amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is legislation unauthorized on an appropriation bill, and also that it is not germane to the preceding paragraph of the bill at the place at which it is offered. I call the attention of the Chair to the fact that in the other appropriation bill which is mentioned it was carried as a rider, unauthorized legislation. There was not any organic law authorizing it, and I think the chairman will agree to that. It has been carried in an appropriation bill, unauthorized by law, but that does not authorize it at this time.

Mr. WOOD. Mr. Chairman, this is not offered as an amendment to the paragraph which precedes it, but it is offered as a separate paragraph. It was thought by the management of the Emergency Fleet Corporation and the Shipping Board that this was continuing the appropriation as the proposed paragraph discloses. It is for the purpose of continuing what remains of the original appropriation of $50,000,000 that was appropriated in 1923 for the purpose of settling claims. Some of those claims are still outstanding, although not many. We have been trying and the Shipping Board has been trying to close them up as rapidly as possible, and this unexpended balance ought to be continued; but that is not germane so far as the argument is concerned. I call the attention of the Chair to section 9, page 527, United States Statutes at Large, volume 41, which reads as follows:

> That the Secretary of any department of the Government of the United States or the United States Shipping Board or the board of trustees of such corporation having control of the possession or operation of any merchant vessel are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suits will lie under the provisions of sections 2, 4, 7, and 10 of this act.

Now, that was the original purpose of this appropriation, and, as I say, all of it has been extended in the compromise, settlement, and arbitration of these claims, to the very great advantage of the United States, except about $4,000,000.

The CHAIRMAN. The Chair understands the gentleman to claim the purpose for which this was originally appropriated was an authorized purpose?

Mr. WOOD. Absolutely.

Mr. BLANTON. Under what law?

The CHAIRMAN. If the Chair can have that matter cleared up——

Mr. BLANTON. I do not agree to that, I do not think the gentleman can show that. This particular language that he read did not authorize the original appropriation.

Mr. WOOD. No; but it did authorize those who were charged with the responsibility of making these settlements to use this money for that purpose, and they have been doing it since 1923.

Mr. BLANTON. But the gentleman will admit, because he is always frank with us, that the original appropriation which he seeks to appropriate, and now make available, had no organic law authorizing it. It did not come under the language the gentleman has read.

Mr. WOOD. My contention is that this appropriation and its continuance is authorized under the very act. The Government said to these people to undertake to arbitrate, compromise, and settle claims. That means that there must be some way of finally effectuating that settlement, and without funds how are you going to do it?

Mr. BLANTON. In regard to the gentleman's contention that this was a new paragraph, I call attention of the Chairman to the precedent cited by the gentleman from Ohio [Mr. LONGWORTH] when he was in the Chair, and several decisions based on his decision, that a paragraph that is offered as a new section to a bill must, for the purpose of debate and all other purposes, be part of the preceding paragraph and germane to it. It must be germane to the preceding paragraph where offered as an amendment from the floor. Where it is brought in from a committee in the bill itself, it comes under a different rule. The committee has a perfect right to put as many unrelated paragraphs as they please in a bill. They need not be related to each other; they may be wholly unrelated if put in the bill under the rules, but the chairman of the committee has no more right from the floor to offer an amendment that is not germane to the preceding paragraph than any other Member. He has the same right after he brings in the bill to offer an amendment from the floor as any Member of the House, but no greater right.

The CHAIRMAN. The Chair is ready to rule. As to the place in the bill to which the new paragraph is offered, it seems to the Chair that this is a proper place to offer this new section. If it is germane to the bill at all, it seems to the Chair that it is germane here, and it is clearly germane to the bill. Being offered as a new paragraph, it is clear to the Chair that it is proper it should be offered here. While a new paragraph is considered in connection with the preceding paragraph for purposes of debate, it does not seem to the Chair that the rule should be carried to the extent of requiring that a new paragraph must be germane to the preceding paragraph. If that were insisted upon, it might be that a paragraph perfectly germane to the purposes of the bill might not be germane to any particular paragraph of the bill. The Chair overrules this point of order.

As to the other point of order, a number of precedents of the House are to the effect that a reappropriation of a sum that is already appropriated for a purpose authorized by law is not subject to a point of order in an appropriation bill; and a reappropriation of a sum required by law to be covered into the Treasury has been held not to be a change of law. The question then resolves itself into whether the original purpose for which this appropriation was made is authorized by law. Turning to subsection C, on page 987 of the Statutes at Large, Sixty-sixth Congress, the merchant marine act, the Chair reads the following:

As soon as practicable after the passage of this act the board shall adjust, settle, and liquidate all matters arising out of or incident to the exercise by or through the President of any of the powers or duties conferred or imposed upon the President by any such act or parts of acts; and for this purpose the board, instead of the President, shall have and exercise any of such powers and duties relating to the determination and payment of just compensation: *Provided*, That any person dissatisfied with any decision of the board shall have the same right to sue the United States as he would have had if the decision had been made by the President of the United States under the acts hereby repealed.

It seems to the Chair that the broad power here conferred for the adjustment and settlement of claims is a sufficient authorization for the original appropriation, and the original appropriation having been authorized, the amendment proposing to reappropriate it is not obnoxious to the rule, and therefore the Chair overrules the point of order.

The question is on the amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman from Indiana tell me how much is involved in this reappropriation?

Mr. WOOD. About $4,000,000.

Mr. BYRNS of Tennessee. About how many of these claims are there to settle?

Mr. WOOD. There is quite a number of them. I have a statement of them, the total number being 1,674, of which admiralty claims aggregate 1,187. Ten are contract litigations. Then there are 358 legal and 5 operating claims, and others relating to traffic and sales.

Mr. BYRNS of Tennessee. Can the gentleman tell us what the total of them is?

Mr. WOOD. The total is a little over $196,000,000.

Mr. BYRNS of Tennessee. Does the gentleman expect them to be settled with this $4,000,000?

Mr. WOOD. We expect to do pretty well. But we have claims pending in our favor aggregating $137,500,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No part of the sums appropriated in this act shall be used to pay the compensation of any attorney, regular or special, for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation unless the contract of employment has been approved by the Attorney General of the United States.

Mr. HULL of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa: Page 29, line 2, after the words "United States," insert "That no part of the moneys appropriated or made available for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be used or expended for the construction, purchase, acquirement, repair, or reconditioning of any vessel or part thereof or the machinery or equipment for such vessel from or by any private contractor that at the time of the proposed construction, purchase, acquirement, repair, or reconditioning can be constructed, produced, repaired, or reconditioned within the limit of time within which the work is to be done, in each or any of the navy yards or arsenals of the United States, at an actual expenditure of a sum less than that for which it can be constructed, produced, acquired, repaired, or reconditioned otherwise."

Mr. BLANTON. Mr. Chairman, I make a point of order against that.

Mr. McDUFFIE. And I make a point of order on that.

Mr. BLAND. Mr. Chairman, I make a point of order on that.

Mr. WOOD. I make a point of order, Mr. Chairman.

The CHAIRMAN. A point of order has been made against the amendment by the gentleman from Texas [Mr. BLANTON], the gentleman from Alabama [Mr. McDUFFIE], the gentleman from Virginia [Mr. BLAND], and the gentleman from Indiana [Mr. WOOD].

Mr. BLANTON. I make a point of order against it on the ground that it is legislation unauthorized on an appropriation bill, in that it changes the discretion that the executive of the Shipping Board has now and enjoys by law. It takes away from him that discretion, and to that extent it is legislation.

Mr. BLAND. Mr. Chairman, I want to concur in the statement of the gentleman from Texas, and call attention to this, that this is more nearly the point of order passed on by the present Chairman on March 28, 1924, and by the gentleman from Illinois [Mr. CHINDBLOM] on the amendment offered by Mr. TAYLOR on the same day than the preceding one.

Mr. WOOD. Mr. Chairman, I want to make the further point of order, in addition to that of the gentleman from Texas and that of the gentleman from Virginia, that it is not germane to the paragraph to which it is offered.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard?

Mr. HULL of Iowa. Yes. It comes in properly at this point, where you are placing limitations on the expenditure of money for the Shipping Board and the Emergency Fleet Corporation. I think anyone will admit that.

A close reading of the amendment by anyone who understands the English language will compel him to admit that if it is carried out as it is written it will reduce the expenditures of this Government. You have to read into that something that is not there, if you rule that out of order.

Mr. BLANTON. Mr. Chairman, will the genial gentleman from Iowa yield?

Mr. HULL of Iowa. Not at present. I will when I get through.

This is not legislation. This is identical with an amendment that was introduced by myself on the Army appropriation bill

on February 18, 1919, when that able parliamentarian, Judge Saunders, of Virginia, was in the chair. It was late at night, and Mr. Stafford, of Wisconsin, raised a point of order. I was so confident that it was in order that I submitted it to the Chair without argument, and he ruled it in order, because it would reduce expenditures on the face of it. It was afterwards put on many bills, and in every case it reduced expenditures. It was on the Army bill until the enactment of the reorganization act, and then it was made permanent law. It is in the Army reorganization act, and it has reduced the expenditures in the War Department many millions of dollars.

Now, speaking directly to the point of order, I want to call the attention of the Chair to an identical motion made by the gentleman from Massachusetts [Mr. DALLINGER] on January 27, 1922. His amendment was as follows:

Page 27, line 19, after the figures "$350,000," insert the following new paragraph:

"No part of the moneys appropriated or made available by this act shall be used or expended for the purchase, acquirement, repair, or reconditioning of any vessel, commodity, article, or thing which at the time of the proposed purchase, acquirement, repair, or reconditioning can be manufactured, produced, repaired, or reconditioned in each or any of the Government navy yards or arsenals of the United States for a sum less than it can be purchased, acquired, repaired, or reconditioned otherwise."

That able parliamentarian from Massachusetts, Mr. Walsh, was in the chair, and a point of order was made against it, and it was argued and ably debated by the gentleman from Indiana [Mr. WOOD] and the gentleman from Virginia [Mr. BLAND]. I want to read to you some of the arguments in regard to this amendment. I want to call the attention of this House to what that great master of all parliamentarians, Mr. Mann, of Illinois, said on this amendment at that time.

At that time Mr. Mann remarked:

Mr. Chairman, the gentleman from Virginia made a very able argument upon the theory that this amendment is offered under the so-called Holman rule. I do not so understand it. The Holman rule, which is a part of paragraph 2, Rule XXI, is only a provision which affects legislation proposed on an appropriation bill, "nor shall any provision in any such bill or amendment thereto changing existing law be in order" unless so-and-so.

Now listen to Mr. Mann:

The right of Congress to make an appropriation and the right to refuse an appropriation is quite evident. There is no power in the Government which can compel them to make an appropriation; and, having the right to refuse an appropriation, it has always been held that you can make an appropriation with the limitation as to its expenditure. We could make an appropriation to the Shipping Board with the provision that no part of it could be paid to any but red-headed men, if we chose to do so. A man would lose his job if his hair turned gray. We can make an appropriation with any limitation which is not an affirmative change of law. As I heard this amendment read, it is a pure limitation, it seems to me, on the appropriation which can not be expended in a certain way.

Then he goes on and says:

It does not change the merchant marine act at all. It has power to let the contract where it pleases, but it can not spend the money we appropriate except under certain limitations and we have the right to make the limitations.

That is Mr. Mann, of Illinois. I want to call attention to the fact that Mr. Mann was not in favor of this, for he said:

In the first place, we could put a limitation in which would require double the amount of expense, and we sometimes do. As a limitation it does not come within the Holman Rule. If it comes within the Holman Rule, the face of the amendment speaks for itself. It says it can not be expended unless it would cost more than it would in a navy yard. Whether it will cost more may be a matter of speculation, but on the face of the amendment it must cost less in the navy yard.

And then he said:

I am not in favor of the amendment.

That is one of the great parliamentarians of this House and he was not in favor of this amendment, but he was broad minded, he was big, and he knew that this was a pure limitation and that it had a right on an appropriation bill. You can not read that amendment and say it is out of order, because on the face of it, it is in order.

Mr. Walsh was in the chair, and I want to read to you what Mr. Walsh said, and I do not think he was in favor of the amendment, but he was big and broad and he ruled as follows:

The gentleman from Massachusetts [Mr. DALLINGER] offers an amendment which he stated was offered as a limitation, which reads as follows:

Then he read word for word the amendment offered by Mr. DALLINGER, which was practically the amendment I have offered to-day. Mr. Walsh then said:

That is offered to a paragraph, beginning in line 6 and ending in line 19, but it applies to the appropriation made available in the pending bill. It raises a question of fact to be determined by those who make the expenditure at the time of the proposed expenditure for the purchase of a vessel, the acquirement of a vessel, the repair of a vessel, or for the reconditioning of a vessel, or at the time of the purchase of a commodity or other thing, namely, whether, as the amendment states, at the time of the purchase, acquirement, and so forth, the same can be manufactured, produced, repaired, or reconditioned at Government navy yards or arsenals for a less sum. As the gentleman from Illinois [Mr. Mann] well stated, the power of making appropriations rests with the Congress, and it is within the power of Congress in making an appropriation to make such limitations there as are within the rules of the House.

In the judgment of the Chair this does not repeal or modify section 12 of the shipping act, which was brought to the attention of the Chair by the gentleman from Virginia and the gentleman from Indiana. That is still the law, but with reference to appropriations in this act they can not be used, nor can any funds made available by this act be used for these purposes if the expenditure for the same purpose would be less than if made in or paid to a Government navy yard or arsenal.

Now, the precedents in Hinds' are numerous and there are several which hold limitations somewhat similar to this as being not in order. But in many instances where the precedents in Hinds' are adverse to this amendment being within the rule, the amendments have imposed additional duties upon certain Government officials or departments, and have required them to perform functions which are not specifically laid down in the law. In the opinion of the Chair this matter raises a question of fact relative to a proposed expenditure to be determined by the authority making the expenditure, and this can be determined without imposing additional duties or in any way amending the law creating the organization which is to have charge of the expenditure. In the opinion of the Chair this amendment, as proposed by the gentleman from Massachusetts [Mr. DALLINGER], is such a limitation as comes within the rules of the House, and many similar amendments have heretofore been permitted under many precedents in Hinds', and therefore the Chair overrules the point of order.

Now, gentlemen, I could take up a great deal of the time of the House, but that is the last word on this amendment, and it incorporates the views of two of the ablest parliamentarians that were ever in this House.

Mr. WOOD. Mr. Chairman, I do not care to take up the time of the House, but it occurs to me, inasmuch as the Chair has already ruled upon substantially the same proposition heretofore, that it is simply a useless waste of time, but here is a point which I want to make: We sometimes make a mistake in thinking that under the Holman rule an amendment which simply results in reducing expenditures will be in order, but it is not in order even then if it seeks to control the operations of an executive officer.

I want to call the Chair's attention to a very substantial ruling by a man for whom I have a high regard, and for whom I think the Members of this House have a high regard, Mr. Cannon. This decision was with reference to an expenditure concerning the improvement of the Panama Canal, when they tried to direct the operations of those who were in charge of expenditures there.

But there is another rule, another phase of that question. If the limitation, whether it be affirmative or negative, operates to change the law or to enact new law in effect, then it is subject to the rule that prohibits legislation upon a general appropriation bill; and the Chair, in view of the fact that the amendment would impose upon officials new duties as to purchasing canal supplies, has no difficulty in arriving at the conclusion that the instructions are subject to the point of order for the reasons stated.

Applying the same principle, here is a vessel operated by the Emergency Fleet Corporation, 10,000 miles away from a navy yard. If the limitation proposed by the amendment offered by the gentleman from Iowa [Mr. HULL] is adopted, that vessel would have to cast anchor or drift on the sea until they could have an estimate made by a navy yard or someone else.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. HULL of Iowa. That is thoroughly covered by the provision, within the time limit, and the gentleman knows that very well.

Mr. WOOD. The gentleman is now speaking with reference to the virtue of his amendment. To my mind this is a direction to an executive officer. Now, who is going to determine this thing? And I want to call the Chair's attention to this fact: That it is not a limitation upon an expenditure; it may be more or it may be less, and to have the work done in a navy yard might cost more. The fact of the business is that it does cost more as a rule, but that is aside from the question. It is a limitation upon the discretion of the executive officer who has charge of the operation of these matters, and is not recognized under the Holman rule and can not be recognized under the Holman rule unless the two operating together mean a reduction of expenditures.

The CHAIRMAN. The gentleman made another point of order as to the place in the bill to which the amendment was offered. The Chair would like to ask the gentleman whether or not the funds provided for in the preceding paragraph are funds that would be used in reconditioning or doing any of the work called for in the amendment offered by the gentleman from Iowa [Mr. HULL]?

Mr. WOOD. That is the reason I supplemented the point of order made by the gentleman from Texas [Mr. BLANTON]. It does not apply to the paragraph at all where it is now offered.

The CHAIRMAN. In what part of the bill are funds carried which are used for the work that is provided for in the gentleman's amendment?

Mr. BLANTON. In the preceding paragraph to the one to which an amendment was offered by the gentleman from Indiana.

The CHAIRMAN. If, in another section which we have passed, funds are carried which would be used for the purpose indicated in the amendment of the gentleman from Iowa, then the point of order of the gentleman from Indiana would be good.

Mr. BLANTON. Mr. Chairman, will the Chair hear me a moment on one feature?

The CHAIRMAN. The Chair would like to be set straight as to the facts.

Mr. DALLINGER. If the Chair will read the first part of this section, at the end of which this amendment is sought to be put, the Chair will see that this is an appropriation for administrative purposes, miscellaneous adjustments, losses due to maintenance and operation of ships, for the repair of ships, carrying out the provisions of the merchant marine act of 1920, and so forth.

Mr. BLAND. But that paragraph has been passed, if the Chair pleases.

Mr. BLANTON. We have passed that paragraph.

Mr. BLAND. We have gone to another paragraph, and then we adopted an amendment offered by the gentleman from Indiana with regard to certain claims.

The CHAIRMAN. The Clerk will be able to settle this point.

Mr. HULL of Iowa. But I call your attention, Mr. Chairman, to the fact that the bill is putting limitations on that paragraph all through page 29 and is reaching back to the other paragraph, and it is ridiculous to claim that a limitation at this point is not in order. Read the limitations that appear in the bill after that.

Mr. BLANTON. Will the Chair permit me to make one suggestion?

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. BLANTON. I hope the Chair will not base his decision on the question of germaneness. It ought to be based on the question of limitation, because we ought to settle that question; and I call the Chair's attention to a decision by the present occupant of the chair where the Chair quoted former Speaker Cannon on the question of limitations, wherein Mr. Speaker Cannon held that whenever you stop an executive from doing something that he could otherwise do by law, or whenever you require an executive to do something which he does not have to do by law, it is not a proper limitation on an appropriation bill.

The CHAIRMAN. The gentleman from Indiana has just referred to the decision of Mr. Speaker Cannon, and the Chair has it in mind. The Chair is now satisfied that so far as the place in the bill is concerned the preceding paragraph is only a limitation of the paragraph preceding it, so that in the judgment of the Chair we have not passed beyond the place where it would be proper to offer this amendment, and therefore overrules this point of order.

As to its coming under the Holman rule, it seems to the Chair that any claim of this kind is based on a contingency entirely too remote or too chimerical to determine whether there will be a saving or a loss under such an arrangement. Therefore, the Chair will not decide the point of order on the ground of the Holman rule.

There is nothing remaining but the question of limitation. The celebrated and oft-repeated argument of the gentleman from Illinois, Mr. Mann, has been referred to, where he said that an appropriation might be limited to red-headed men. It is a well-recognized parliamentary principle that an appropriation may be limited by indicating the qualifications of the recipients of the appropriation, so the Chair will not take issue with that principle.

This amendment goes very much farther than the qualifications of the beneficiary. Its terms would require additional duties on the part of executive officers. It is, in effect, legislation, and being offered as an amendment to an appropriation bill, is not in order. The Chair, therefore, sustains the point of order.

Mr. McSWAIN and Mr. HULL of Iowa rose.

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. HULL of Iowa. Mr. Chairman, I appeal from the decision of the Chair.

Mr. LUCE. Mr. Chairman, I desire to be heard on the appeal.

Mr. BLANTON. Mr. Chairman, I move to lay the appeal on the table.

The CHAIRMAN. That motion is not in order in committee.

Mr. LUCE. Mr. Chairman, I desire to address myself to the appeal.

I have in my hand, Mr. Chairman, a communication that was addressed to all the Members of the House a fortnight ago, on letter paper——

Mr. WINGO. Mr. Chairman, a point of order. Is not an appeal pending?

Mr. LUCE. I am addressing myself to the appeal.

Mr. JONES. Has not a motion to lay that on the table been made?

The CHAIRMAN. That is not in order in committee. The question before the committee is, Shall the decision of the Chair stand as the judgment of the committee? and the gentleman from Iowa has appealed from that decision and the gentleman from Massachusetts is addressing himself to the appeal.

Mr. LUCE. Mr. Chairman, I have in my hand a letter addressed to all the Members of the House on the 19th of January, on the letter paper of the International Association of Machinists, in which I find this paragraph:

> Judging by the position the House has taken during this Congress on this species of legislation, we believe that it is the wish of the House that this clause should be adopted; and since this species of language has been declared in order on a number of occasions, we sincerely trust you can see your way clear to not only support the legislation but to sustain an appeal from the decision of the Chair in the event a point of order should be sustained.

My first impulse upon the receipt of this communication, which went to all the Members of the House, was to rise to the question of the privileges of the House, in which case I have little doubt the author would have been brought before the bar of the House and properly dealt with; but on reflection it occurred to me that in all probability he was not conscious of the affront he had given to the honor and the dignity of the House, was not aware of the penalty to which he was exposing himself, and perhaps acted in complete good faith.

We are sitting here as an appellate court, a court to pass upon the correctness of an interpretation of the parliamentary law made by the Presiding Officer of this the most important legislative assembly in the world. Our body of parliamentary law is to-day of more consequence to the welfare and liberties of mankind than any other body of law in existence. We are so familiar with it that we underrate its value. We forget that only by the development of this system of parliamentary law was the creation of republican institutions made possible. It is said that the first national assembly in France failed of its purpose and brought the disaster culminating in the reign of terror through ignorance of parliamentary law. If it be true that the parliamentary law is all important to the safety of the people, then the man who asks us to pervert parliamentary law for the purpose of special advantage and group or individual benefit can commit no offense with more elements of danger to the public welfare.

This man has asked us to cast our votes on this question of the application of law without regard to our judgment of what the law is, in order to carry out his particular view of what is desirable. Let me hope that when the real meaning of such a request is brought to the knowledge of anyone else who believes the Members of this Congress would for the sake of partisan or

factional advantage, or to benefit any group in the community, pervert or flout the law he will not repeat the offense herein embodied.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BLANTON. I ask that the gentleman's time be extended two minutes. I want to ask him a question.

The CHAIRMAN [Mr. CHINDBLOM]. The gentleman from Texas asks unanimous consent that the time of the gentleman from Massachusetts be extended for two minutes. Is there objection?

Mr. GREEN. Mr. Chairman, is not this debate being addressed to the Chair?

The CHAIRMAN. The Chair will state that Chairman Crisp many years ago laid down the rule that upon an appeal in Committee of the Whole the debate is under the five-minute rule, and the Chair will follow that ruling of Chairman Crisp. Is there objection to the gentleman from Massachusetts proceeding for two minutes?

There was no objection.

Mr. BLANTON. Will the gentleman yield?

Mr. LUCE. I will.

Mr. BLANTON. I am just as strongly against this amendment as is the gentleman or anyone, and I made a point of order against it which the Chair sustained, but that letter which the gentleman has read does not have the effect on me that it seems to on the gentleman. I can not agree with the gentleman that this man has committed such a grave offense. Hardly a day passes that we do not find in our mails just such propaganda. In the last eight years I have received probably a hundred of just such letters from members of organizations telling me how they wanted me to vote on a proposed measure. I do not vote that way unless my judgment warrants it, just because they tell me to; but this man has done no more than other men do; he has asked us to vote a certain way. What crime is there in that?

Mr. LUCE. In my own experience of six years in this House this is the first time I have ever been asked to vote not to sustain the ruling of the Presiding Officer.

Mr. BLANTON. Did not the gentleman during the war get a request to vote against the Cummings work-or-fight amendment, when that was before the country?

Mr. LUCE. I have had numerous requests to vote this way or that on the merits of various matters, but my whole purpose in rising to-day is to point out that here we have a request sent to every Member of the House that he determine his action on an appeal from the ruling of the Chair on the basis of interest and not on the basis of law. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LUCE. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman for five minutes more?

There was no objection.

Mr. LUCE. There is another paragraph in this letter which warrants me, I trust, in calling it to the attention of the House. According to it the supposition that this ruling would be made and an appeal would follow is based on the allegation that in recent years the gentleman who has been presiding over the committee, Mr. TILSON, has sustained points of order raised against amendments favored by organized labor, while other Chairman of the House have overruled the identical points of order under similar circumstances.

This was meant to convey the impression that presiding officers of this body are actuated by personal considerations and by motives of interest. It is an affront to the dignity of the House and it is an insult to the man whom it attacks.

Mr. BLACK of New York. Will the gentleman yield?

Mr. LUCE. Not until I have finished my statement. I feel myself justified in replying to the author of this letter by saying to the House and so through the RECORD to the public that the man who was here attacked has in his services as Chairman of committees invariably shown complete fairness, complete honesty, complete integrity, and complete loyalty to the law of the House of Representatives. [Applause.] I believe I voice the sentiments of Members on each side of the aisle when I say that an imputation of this sort was absolutely unjustified; that in its defense could not be advanced even a shadow of truth; that it impugned the integrity of one of our most earnest, most honest, most conscientious Members; and that we resent its circulation. [Applause.]

Mr. DALLINGER. Mr. Chairman, I yield to no one in my respect for the gentleman from Connecticut, who has been presiding over this committee, both as a man and as a public servant; but it seems to me that when the House, through a long line of precedents, by decisions of Chairmen honored by both sides of this House, including the distinguished gentleman from Illinois, Mr. Mann, who for so many years was the Republican leader, and who had the respect and love of every Member with whom he served, and our present Republican leader, the gentleman from Ohio [Mr. LONGWORTH], has repeatedly held that this amendment in precisely this form is in order as a limitation on an appropriation bill under our rules, Members can, without any reflection on the honor of the Chairman of the Committee of the Whole, vote, on an appeal, to overrule his decision.

The gentleman from Massachusetts [Mr. LUCE], my dear friend and colleague, has just called attention to the great heritage of parliamentary law that has come down to us through the generations that have passed, starting in the English House of Commons, in the great struggle to limit the power of the King over the expenditure of public money. In this great representative body the contest has gone on, and these precedents have grown up by ruling after ruling by Chairmen belonging to both parties, and it seems to me that if we care anything at all for the precedents of parliamentary law in this country, we will pause before we overrule distinguished Chairmen of the past simply because of our affection or respect for the present occupant of the chair.

The gentleman from Illinois, Mr. Mann, admittedly the greatest parliamentarian of his time, went into this very question most exhaustively when a similar point of order was raised against an amendment that I offered, which was word for word the same as the amendment now before the House, and his discussion of the whole question of the admissibility of an amendment of this character occupied a page and a half of the CONGRESSIONAL RECORD. He stated to the House that he was opposed to the substance of the amendment and that he would vote against it, but with his wonderful knowledge of parliamentary law and the precedents of the House he pointed out that it was a clear limitation on an appropriation bill and that the House of Representatives had a right to have it discussed and voted on. While he was opposed to the merits of the amendment, he argued most convincingly that it was in order as a limitation.

We all remember the distinguished gentleman from Virginia, Mr. Saunders, one of the best parliamentarians this House has ever had, and I can remember clearly that when he was in the chair and a point of order was raised against a similar amendment, without any argument being made in favor of its being in order, but with a long argument made against its admissibility by the Committee on Appropriations, Chairman Saunders decided that it was clearly in order as a limitation on an appropriation bill.

Mr. Chairman, it seems to me that if we really care for the maintenance of orderly parliamentary procedure in this House we will not be influenced by our feelings in respect to the merits of the proposed amendment. We must consider the future, for it may be, if we sustain the Chair, that our action to-day will come back to plague many Members on both sides, when in the future they desire to offer amendments limiting the executive departments in the expenditure of public money in the interest of the taxpayers of the country.

Mr. WOOD. Mr. Chairman, I move that all debate upon this motion do now close.

The motion was agreed to.

Mr. MORTON D. HULL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MORTON D. HULL. Will it be in order for a better understanding of the ruling of the Chair to have the amendment again reported?

The CHAIRMAN. That can be done by unanimous consent.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division (demanded by Mr. DALLINGER) there were—ayes 93, noes 64.

So the decision of the Chair stood as the judgment of the committee.

Mr. TILSON resumed the chair.

Mr. McSWAIN. Mr. Chairman, I ask unanimous consent to proceed out of order for half a minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, I have the pleasure to announce that we have with us a distinguished visitor, who is in the Members' gallery, seated with the distinguished gentleman from Texas [Mr. CONNALLY]. This gentleman, to show his valor, served with high distinction as a brigadier general in the British forces during the World War; to show his political courage, he ran as a Liberal candidate during the October elections; and to show that he is a man of good judgment, he married an American girl. I refer to Brig. Gen. E. L. Speer, formerly a member of the British House of Commons. [Applause.]

Mr. BLACK of New York. I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 29, line 2, after the words "United States," insert a new paragraph, to read as follows:

"No part of the moneys appropriated or made available by this act shall be expended in any private shipyard."

Mr. BLAND. Mr. Chairman, I make the point of order.

Mr. BLANTON. Mr. Chairman, I make the point of order it is legislation.

The CHAIRMAN. The point of order is sustained.

Mr. BLACK of New York. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The gentleman from New York can not seriously claim that his amendment is in order?

Mr. BLACK of New York. I seriously claim that I have offered this amendment in all good intention, and I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman, of course.

Mr. BLACK of New York. Mr. Chairman, my amendment proposes that no part of the money made available by this act shall be used in any private shipyard, and I do this because it is a direct negative. There is nothing about it which is conditional; there is nothing about it which interferes with the discretion; it is a pure nonappropriation. We are either appropriating or we are not appropriating, and I come within clause 2 of Rule XXI, because I am reducing the appropriation, and I am very serious in offering this amendment.

Mr. McDUFFIE. If the gentleman will permit, suppose a ship needs reconditioning 10,000 miles away from the navy yard. What would the chairman of the Shipping Board have to do under that amendment?

Mr. BLACK of New York. I want to say to the gentleman at this time that my amendment has more parliamentary value than political or economical or merchant marine value. I am just discussing the parliamentary value of the amendment at this time.

Mr. McDUFFIE. Yes; but the public has a great deal of money invested in our ships and we are not running them parliamentary.

Mr. BLACK of New York. If we could discuss the merits of the proposition I do not believe for a minute that the Chairman would have ruled against the committee amendment. May I say parenthetically I wish the Chairman of the committee had been as silent in the last campaign as he was to-day when the language was attacked by the gentleman from Virginia.

The CHAIRMAN. The Chair had supposed there were ships being repaired or constructed under the law in private shipyards and to provide that no money shall be used to pay for the things already ordered by law would surely be a change or a breach of contract——

Mr. BLACK of New York. May I ask the Chair in respectful fashion what is before the Chair to indicate that? I think we are confined in a parliamentary way, of course implying all respect, to the face of the amendment and the bill.

The CHAIRMAN. The gentleman is right in his contention. The Chair perhaps in assuming that the law was already being carried out was wrong, but that was the Chair's impression.

Mr. BLANTON. The law is they can be conditioned in private shipyards.

The CHAIRMAN. If it is a limitation——

Mr. BLACK of New York. Is it not perfectly possible for this committee not to appropriate at all or to appropriate half enough?

The CHAIRMAN. The committee can appropriate anything it pleases or strike our the whole appropriation if it so desires.

The Clerk read as follows:

No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $10,000, except the following: One at not to exceed $25,000 and five at not to exceed $18,000 each.

Mr. WHITE of Kansas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Kansas: Page 29, line 7, after the word "exceed," strike out "$25,000" and insert "$15,000."

Mr. WOOD. Mr. Chairman, I move to close debate on this paragraph and all amendments thereto in five minutes.

Mr. BLANTON. That is improper now. I make a point of order, Mr. Chairman, against that motion. There has not been any debate yet.

The CHAIRMAN. The gentleman can not make that motion until there is debate. Does the gentleman from Indiana claim the floor?

Mr. WOOD. No.

The CHAIRMAN. An amendment has been offered.

Mr. WHITE of Kansas. Mr. Chairman, so far as I am personally concerned, I would have been pleased to have seen the gentleman's motion agreed to, for in foreclosing opposition there might be some hope of the success of this amendment.

I listened to the gentleman from Indiana [Mr. WOOD] in his speeches concerning this Shipping Board containing the severest indictments that I have ever heard directed against any Government activity something like five years ago, when he called the attention of the House and of the country to the inefficiency, the lack of system, the extravagance of this board, and he made of me there a stronger economist than I ever had previously been. The circumstances of my childhood and the experiences of my later life have made me an economist through necessity. But now we hear the word on every lip and from every voice, "Economy, economy, economy," from Genesis through Deuteronomy. [Laughter.]

Was it Madame Roland in the bloody days of the French Revolution who cried, "O liberty, what crimes are perpetrated in thy name"? I can not understand why we should pay a subaltern, an employee of the Shipping Board, $25,000 a year in the interest of "economy." Do we not pay the Chief Justice of the Supreme Court of this country only $15,000 per annum? We pay the Cabinet members $12,000 per annum; men who through long experience have achieved efficiency in their particular lines.

Gentlemen may say that there comes a recognition, an honor, a distinction in those lines of service. Oh, well, there come honor and credit and distinction in any line of service if it is faithfully performed. [Applause.]

Now, gentlemen, if time permits, let me say a word in the deepest of seriousness. I never indulge in flattery, and I am incapable of sarcasm. I know the power that the chairman of the subcommittee exercises over this great committee. Why, gentlemen, I believe if he would stand before you to-day and say to you that to-morrow morning at a certain hour and minute and second the sun would rise it would be received as an amazing and impressive piece of information. [Laughter.]

I mean what I say. And if he should go further and say to you in that characteristic way of his, "Gentlemen, to-morrow at 12 o'clock noon the sun will reach its zenith," it would fall on our ears like a fire bell at night, and we would start like a guilty thing upon a fearful summons. [Laughter.]

It is disgraceful to pay such extravagant salaries. I do not believe their payment will add to the efficiency of the public service. Nor do I believe it will impair the efficiency of the public service to cut off this $10,000. It is a dangerous and a foolish precedent, and it will grow in the common condemnation of the people when they begin to measure the salaries of other employees of this Government by this precedent. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WOOD. Mr. Chairman, I wish to say just a word with reference to the amendment offered by the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. Was the gentleman's unanimous-consent request conceded or his motion agreed to?

Mr. WOOD. What was it?

Mr. WHITE of Kansas. That the debate close in five minutes. [Laughter and cries of "Vote!"]

The CHAIRMAN. Does the gentleman from Indiana claim the floor?

Mr. WOOD. Yes; for one moment. With all due respect to the gentleman from Kansas, I know he will gracefully admit that I ought to have a few minutes to answer his castigation of me.

Mr. WHITE of Kansas. It was altogether complimentary, and I am serious; I was never more so in all my life. [Laughter.]

Mr. WOOD. Mr. Chairman and gentlemen of the committee, I have the highest possible regard for the gentleman from Kansas. I do not know whether I have done anything to warrant his criticism of me, but I have done some things I know to be of service to him, and why he should make this criticism of me and inveigh against the admiral who is at the head of this great Shipping Board I do not know.

I am not a $25,000 man; I do not think the gentleman from Kansas is a $25,000 man, but there are many $25,000 men——

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. WOOD. I do not yield; no. I did not bother the gentleman. [Laughter.] I suspect there are many men whose services would be considered worth $25,000 a year, and I think the gentleman from Kansas, broad-minded as he is, will agree with me.

I am not here for the purpose of criticizing those who are in favor of limiting these appropriations, but I do think a man is standing in the way of the great advancement of our merchant marine and is standing in the way of the great progress we are making in our trade relations with the world, when he tries to handicap those who have been employed to do this great work by reason of their knowledge, by reason of their services, and by reason of the fact that they are supposed to know what is best to be done with regard to the great shipping interests of this country. Private shipping interests are continually looking for men who can render services that will further the interests they represent, so that they will be worth something to those who are employing them.

The trouble with us has been that because of the fact that we have not long been engaged in the shipping of the world, and knowing not what is involved in that problem or the responsibilities, we have been gauging the responsibilities of the men who are employed in doing that work along the line of our own work and have been comparing their salaries with what we are earning ourselves. I suspect there are many men in this House who could have earned more than $7,500 a year if they had been engaged in commercial and professional pursuits. I do not know what attracts them here, but perhaps because it is worth while to be a part of the Government of the United States. This Government of ours has been made great and grand by reason of the fact that we have had patriotic men to do the things which have been worth while, but now we are arriving at the commercial period, when all the world is bidding for these men. We have had them taken away from us; we have had them taken away from the Shipping Board; we have had them taken away from the Emergency Fleet Corporation; and I am not going to say I am to be the sole arbiter of the value of these men, even though I believe I am in a position to know better than the gentleman from Kansas with reference to the work that is being done and the value of these services by reason of the evidence that has come before our committee. If we have not a $25,000 man, we ought to have one, because there are $50,000 men competing with our $25,000 man.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. WHITE of Kansas), there were—ayes 39, noes 56.

So the amendment was rejected.

Mr. WHITE of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Kansas: On page 29, line 8, strike out "$18,000" and insert in lieu thereof "$12,000."

Mr. WHITE of Kansas. Mr. Chairman, in the obtuseness of my mentality I was not sure whether the gentleman from Indiana [Mr. WOOD] was dealing in compliment or in invective when he made his personal reference to myself, and I am not so sure of it yet. I think, though, the gentleman was merely trying to be polite. [Laughter.]

But that is neither here nor there. I was under the misapprehension I was estopped from asking unanimous consent to continue for five minutes additional, and I know that the gentleman had no purpose to so cut me off; but I now say to you in further emphasis of this proposition that we are here setting and following year by year a dangerous and corrupting precedent. I am following in the footsteps of the chairman of this subcommittee. He was one of the first men to raise his voice against the extravagance, the incompetency, and the waste of this bureau. Gentlemen talk about $25,000 men. I think there are no abler lawyers, as they go, than there are in this House. I have been associated with them here in legislative affairs for six years; but, gentlemen, is it not still, notwithstanding the fine, keen, incisiveness of the chairman of the subcommittee, a ridiculous and foolish thing to pay these men, whose salaries are covered by this amendment, more than we pay the members of the Cabinet, including the greatest diplomat, we believe, of these days and times, the man who has rendered probably the greatest service to the world in the cause of peace. We pay $12,000 to each one of the members of the Cabinet and $15,000, perchance, for all I know, to men who may have graduated, as has often been stated on the floor of this House, from lower positions paying $2,000 or $3,000 or $4,000.

Does the gentleman indicate that these attorneys who are drawing $18,000 are abler men than the judges of the Supreme Court of the United States, serving for a less salary; abler men than the great jurists serving upon the benches of the courts of the States, drawing salaries of from $4,000 to $6,000 or $8,000 a year?

I understand that in the great and opulent State of Illinois—and if I am in error, correct me—the judges draw $6,000, and they are men who have served years in preparation for the high positions they fill. Here we are paying $18,000 a year. Are we going to make it a precedent, are we going to make it the standard to which the observing eyes of all the employees of this Government will be turned? That is the question involved. Besides, it is a direct and inexcusable extravagance, and I hope, gentlemen, that after retaining the great head of this corporation, this $25,000 man, we may have confidence in his administrative ability, and that he will select and under him there will be in service men who at least will render efficient service and will not draw more money from this Government than the members of the Cabinet and the judges of the Supreme Court.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. WHITE of Kansas. I am glad to yield.

Mr. WILLIAMSON. Does not the gentleman think a distinction should be made between a purely commercial position and a political one?

Mr. WHITE of Kansas. Not in this instance, and I say so for this reason: The chairman of the subcommittee has shown you better than I can, for I have not the expressive phrases that the chairman of the subcommittee employs, that these men are rendering a great public service. It would seem that the eyes of the whole world should be upon the man who is drawing twice as much and a thousand dollars more than a Cabinet officer, and the services they render are public services and the positions they hold are positions of great distinction. [Applause.]

Mr. WOOD. Mr. Chairman, I know that we are in favor of economy. The gentleman from Kansas has given me credit for being his patron saint so far as economy is concerned, but he is now criticizing because of the fact we have proposed a salary of more than $12,000 a year to some one who is trying to help conduct one of the greatest businesses in the world.

By way of illustration he refers to the fact that Members of the Cabinet are receiving only $12,000 a year. That is true, there are Members of this House before me now who are paying more for their residence here than their salary amounts to.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. WOOD. No; I did not bother the gentleman. I think that when Mr. Hughes became Secretary of State he made one of the greatest sacrifices for patriotism that was ever made by a man. [Applause.] He yielded a salary, speculative, of course, but somebody stated that it amounted to more than $100,000 a year to accept a salary of $12,000 to aid in making this country what it ought to be.

I think that if we go out into the world and get men that will help make us great on the seas, as great as we once were, no matter what the cost is, no matter whether it is $10,000 or $20,000 or $50,000, the man is worth the price. Take some of our great private concerns; the men at the head are doing things, they make the wheels go round. They are being paid as much as $100,000 a year. Some of the gentlemen on the Emergency Fleet Corporation have surrendered positions higher in salary for the very purpose of trying to help add something to the greatness of this country.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. WOOD. Yes; I will yield to the gentleman.

Mr. WHITE of Kansas. Is it not conceded, and has it not been proclaimed in recent days by the very highest authority, that the Government is a training school for employees in industry?

Mr. WOOD. That is true.

Mr. WHITE of Kansas. And the gentleman's theory is not borne out by the policy of the Executive.

Mr. WOOD. If the gentleman will differentiate, as far as the revenue department and other departments are concerned we are preparing men to go out and do better in private employment. But here you must take into consideration this fact, which Congress has not taken into consideration, that we are in a competitive business in maintaining a merchant marine. We are out to compete with the world, with England, that for 200 years was master of the seas. We are competing with Austria, with Italy, with France, and we commenced without a single ship flying the American flag. Now, in that department of education we are novices; we must have somebody instruct us; we must have somebody who will enable us to compete. I do not know whether these men receiving $18,000 are worth it or not, but we ought to have $18,000 men. [Applause.]

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed, out of order, for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, we are nearing the completion of this bill, and I hope that this afternoon we may arrive at the stage of ordering the previous question so that we may vote upon the bill to-morrow. I arise for the purpose of calling attention to a very important vote that will be had on the bill to-morrow. I allude to the amendment offered by the gentleman from Texas [Mr. GARNER] striking out the appropriation for the Tariff Commission. I have known the gentleman from Texas for many years. I regard him as one of the most astute, resourceful politicians of my acquaintance.

Mr. WEFALD. And a statesman?

Mr. LONGWORTH. And a statesman as well. I was alluding for the moment to his political insight, for I fear that my friend's foot slipped on Saturday. The gentleman made a very forceful speech, and he was followed the next day by another of Democracy's great statesmen, who I see taking his seat [Mr. RAINEY], who disagreed with the leadership of his friend from Texas—a most unfortunate leadership I think he described it—and I think he meant more.

Now, it appears from the statement of the gentleman from Illinois that the reason he did not break into the discussion, which took place on Saturday, was that the gentleman from Texas had informed him his amendment was merely pro forma in order to be able to address the House on that subject. But it appears that the gentleman allowed that amendment to stand, possibly intoxicated by the exuberance of his own verbosity. [Laughter.] At any rate he succeeded in placing most of his colleagues on that side of the aisle on record at least informally of knocking out from the bill the entire structure of the Tariff Commission. I say now to my friend very frankly that I was not at all disappointed at the opportunity which will be afforded to-morrow for placing every man in this House on record permanently on a vote to destroy the Tariff Commission. I look forward to the vision of the gentleman from Texas [Mr. GARNER] and some of his colleagues, at least, placing themselves on the formal record to that effect. A mutual friend of ours, whom we both remember with much affection, the late Augustus P. Gardner, of Massachusetts, used to describe the formal roll call of this House as the cold, gray hillside of the yea-and-nay vote. I look forward with anticipation and pleasure to seeing my friend from Texas [Mr. GARNER] lead his followers up that cold, gray hillside, and the gentleman from Illinois [Mr. RAINEY] lead his down that cold, gray hillside. A separate vote will be demanded, I assure the gentleman.

Mr. GARNER of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Chairman, as to the differences, if any, that may exist between the gentleman from Illinois [Mr. RAINEY] and myself, let me assure the gentleman from Ohio they will not be discussed by me at this time or at this place, and if they ever be discussed it will be at a more appropriate time, when there is not so much company present. [Laughter and applause.] My idea of any discussion that may occur between the gentleman from Illinois [Mr. RAINEY] and myself is that we should have a select audience present, and no bait that the gentleman from Ohio may throw out to me would ever induce me into an argument with the gentleman from Illinois or any other gentleman on this side in the presence of this company. [Laughter.]

With reference to the Tariff Commission and my position upon it, I think many gentlemen are here to-day who were here the other day when I expressed myself on that subject, and they will recall that I then said, and I am going to repeat it now, that I helped to draw the provisions of the Tariff Commission and was on the committee and supported the Tariff Commission against the leadership of both Democrats and Republicans of this House at that time. I believed in it then, and I believe in it now. I am as strong an advocate of the Tariff Commission as the gentleman from Ohio or any other gentleman in this House who stands for protection, and I think much stronger.

Mr. LONGWORTH. If the gentleman will pardon me, he will recall that I was in favor of the Tariff Commission even as far back as 1910.

Mr. GARNER of Texas. Oh, I remember.

Mr. LONGWORTH. And the gentleman was then very much opposed to it.

Mr. GARNER of Texas. Oh, I beg the gentleman's pardon. I have never been opposed to a tariff commission. I have never been opposed to any system, in a Government bureau or otherwise, which sought to get impartial information for the use of Congress or the Executive on the subject of the tariff, and that is my position now. My position now is what it was then, and it will be the same throughout my service here, and that is this: If you have a commission that will get fair, impartial facts and submit them to the Congress, we ought to have it; but I ask you Democrats this question: If you had submitted to you to-day a proposition to appropriate $712,000 for a partisan commission, made up of high protectionists—Democrats or Republicans, I care not which—the President to use that partisan commission to get information with which to execute the flexible tariff law, would you appropriate it? Would you create such a commission? I ask the gentleman from Illinois [Mr. RAINEY] if he would create a partisan tariff commission?

Mr. LONGWORTH. Oh, the gentleman promised us that he would not ask the gentleman from Illinois. [Laughter.]

Mr. GARNER of Texas. I ask the gentleman from Illinois, or I ask any gentleman on the Democratic side. I ask the question, If you had it in your power and there was no Tariff Commission existing, would you create a partisan tariff commission to render partisan testimony before the American people in order that the Congress and the President might use it?

Mr. RAINEY. Certainly not, if the gentleman from Texas is addressing his question to me.

Mr. GARNER of Texas. I knew the gentleman would not, and that is the reason I asked him the question. There will be no controversy between the gentleman from Illinois and myself on that subject, and I shall not ask the gentleman any question that will bring on a controversy.

Mr. RAINEY. Oh, the gentleman from Illinois will answer any question that the gentleman puts, whether there is a controversy or not.

Mr. GARNER of Texas. I understand the gentleman, but I am not going to delight my friends on the Republican side with a controversy between myself and the gentleman from Illinois. Here is what we complain of: Appointing Republicans to Democratic places, or the appointment of protectionist Democrats to represent the Democrats, and I said that it was a protest against executive action in appointing high protection Democrats on the Tariff Commission and calling them Democratic representatives. I ask any Democrat here whether he would have appointed Mr. Glassie on this commission, admitted to be a high protectionist by the gentleman from Indiana [Mr. WOOD].

Would you appropriate money to carry a partisan commission as the gentleman from Ohio [Mr. BEGG] and the gentleman from Indiana [Mr. WOOD] and the Executive, himself, says he wants? I am as much in favor of the Tariff Commission as you are, but I want to protest, make a righteous protest, against the action of the Executive in making it partisan in the face of the law. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARNER of Texas. May I have five minutes additional?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARNER of Texas. When I vote, gentlemen, to strike out this provision on to-morrow, as the gentleman delights to put me on record, I do not vote against the Tariff Commission. I vote against the appropriation for this year to be used by a partisan President to debauch the commission toward a high protective tariff. I am not repealing the law, I am voting a protest, and I will not only vote a protest, but as long as I

am a Member of the House I will protest by my voice and vote against a President who will deliberately violate the letter and spirit of the law, and that is what this President is doing. Why did not he appoint David Lewis? No longer than in this evening's paper we find the sugar question will not be acted upon by the President. Why? Has there been a single, solitary effort made to reduce the tariff? If I were a protectionist, if I believed in high duties as you do, why I would say the President was appointing the right kind of men from your standpoint, but no honest Republican, no conscientious man, can say that he has the moral right to violate both the letter and the spirit of the law.

Mr. MOORE of Virginia. May I interrupt the gentleman for a minute?

Mr. GARNER of Texas. I yield to the gentleman.

Mr. MOORE of Virginia. I did not vote with my friend the other day, but I do think that the gentleman from Ohio ought to say whether he favors the point of order that was successfully made against the provision in the bill which forbids any member of the commission to act in a case where any of his family has any special, direct, and pecuniary interest, or in which he has been attorney or special representative. That, in my opinion, if I may say so without any personal offense, is a disgusting thing to do—to strike from the bill a provision forbidding a member of the commission from acting in a quasi judicial manner in a case where he is involved pecuniarily or some member of his family is so involved.

Mr. GARNER of Texas. O Mr. Speaker, it is known of all men, and if they do not it is because they do not want to know it, that the present Executive is declining to appoint certain Democrats, I will say, for the reason that he says himself that he wants an opportunity for the commission to go the way he wants it to go.

I make that statement! Somebody deny it. It is a pretty hard statement to make, pretty broad. Now if that is so, gentlemen, if the statement I make is true, and nobody denies it, I ask you in all conscience how can you blame me for voting a protest against it now? I do not vote to destroy the Tariff Commission, the law is on the books, but what I do say is, "Mr. President, you can not have the money to run it with my permission as long as you violate both the letter and the spirit of the law." [Applause.] Is there any gentleman favoring the Tariff Commission going to blame me for that position? You admit the premise that the President wants a partisan commission. Mr. WOOD says that is what they ought to do. Mr. BEGG says that is what they ought to do.

I recall, in making up the Tariff Commission, there sits a gentleman who is responsible for there being six members instead of five. It was suggested that we have five tariff commissioners, an uneven number, so that there might be a majority. The argument was made, and it was confessed that this board was to be an impartial board, a nonpartisan board, when JOHN CASEY, who was on the subcommittee, insisted that it should consist of six members, so that neither party would have an advantage. He insisted that it was a wise provision, so that there would be no controversy, there being three "watchers" at the polls, as it were, to ascertain correct facts to give to the country. When you do that, when you administer this board as it was created and intended, I will join you in voting all the money for the board that is necessary; but as long as you admit that you mean to try to make it partisan, that you are going to make it partisan, I will not vote for it, because it is in violation of the spirit of the law.

That is all I care to say. I just want to make it plain that I am not in favor of destroying the commission, but that I am in favor of destroying the opportunity to debauch the commission. [Applause.]

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

Mr. WHITE of Kansas. Lest we forget, if it is in order, I would like to have my amendment read again. It is either pending or not pending.

The CHAIRMAN. The Chair would like to make a statement. Earlier in the afternoon the gentleman from New York [Mr. BLACK] offered an amendment which he had prepared, evidently, in some haste. It was read by the Clerk with even more haste, and I fear the present occupant of the Chair heard it more hastily still. At any rate, without actual inspection of the amendment, the Chair ruled hurriedly upon it. While the amendment as presented is not strictly in the form of a limitation, and probably would not serve the purpose for which the gentleman from New York offered it, nevertheless, after an actual examination of the amendment the Chair finds nothing in it that in fact contravenes the rules. Therefore the Chair would like to recall the ruling he made on the subject earlier and again submit the amendment to the committee.

Mr. BLACK of New York. Mr. Chairman, I wish to say that the amendment was drawn rather hurriedly, and my handwriting is at all times poor. I think the Clerk read it correctly. While I was serious a while ago in discussing the issue before the House, I realize that it might contain dynamite, and I am not serious now, and I withdraw it, inasmuch as the Chair is so fair-minded about it. [Applause.]

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes, had come to no resolution thereon.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10887. An act granting the consent of Congress to the State of Alabama to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala.;

H. R. 11035. An act granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River at a point approximately 19.1 miles above the mouth of the river, in the counties of Allegheny and Westmoreland, in the State of Pennsylvania; and

H. R. 10413. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River, at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," approved February 27, 1919.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 3132. An act for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn.

RECOMMITTAL OF HOUSE JOINT RESOLUTION 319

Mr. LUCE. Mr. Speaker, I ask unanimous consent that H. J. Res. 319—No. 382 on the House Calendar—be recommitted to the Committee on the Library.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Thursday, February 5, 1925, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. YATES: Committee on the Judiciary. H. R. 9811. A bill to amend section 101 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; with an amendment (Rept. No. 1375). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUMPHREYS: Committee on Flood Control. H. R. 11737. A bill authorizing preliminary examinations and surveys of sundry rivers with a view to the control of their floods; with amendments (Rept. No. 1376). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 1042. An act to provide for the establishment of a probation system in

the United States courts, except in the District of Columbia; without amendment (Rept. No. 1377). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 5265. A bill to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation; without amendment (Rept. No. 1380). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 11253. A bill to provide for the appointment of a leader of the Army band; without amendment (Rept. No. 1381). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Washington: Committee on Naval Affairs. S. 483. An act to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920; without amendment (Rept. No. 1382). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 12090. A bill to amend the agricultural credits act of 1923, approved March 4, 1923; without amendment (Rept. No. 1383). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE of Ohio: Committee on the Post Office and Post Roads. H. R. 11444. A bill reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes; with amendments (Rept. No. 1384). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 3221) for the relief of employees of the Bureau of Printing and Engraving, who were removed by Executive order of the President dated March 31, 1922; Committee on Banking and Currency discharged, and referred to the Committee on Claims.

A bill (H. R. 11493) granting a pension to David Colfax Osburn; Committee on Pensions discharged, and referred the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAMPERT: A bill (H. R. 12154) to extend the provisions of Title II of the food control and District of Columbia rents act, as amended; to prevent fraudulent transactions respecting real estate; to create a real-estate commission for the District of Columbia; to define, regulate, and license real-estate brokers and real-estate salesmen; to provide a penalty for violations of the provisions hereof, and for other purposes; to the Committee on the District of Columbia.

By Mr. McLEOD: A bill (H. R. 12155) to extend the time for commencing and completing the construction of a bridge across the Detroit River, within or near the city limits of Detroit, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 12156) extending the time for repayment of the revolving fund for the benefit of the Crow Indians; to the Committee on Indian Affairs.

By Mr. WILLIAMS of Michigan: A bill (H. R. 12157) creating a Federal cooperative marketing board to encourage and aid, upon application, in the formation of cooperative marketing associations, cooperative clearing-house associations, and terminal market associations handling agricultural products; to correlate the activities of such associations; to develop efficient and economical methods of distributing and marketing such products; to bring to the aid of such associations the resources of the departments of the Federal Government; and for other purposes; to the Committee on Agriculture.

By Mr. JACOBSTEIN: A bill (H. R. 12158) to amend the immigration act of 1924 giving equal rights to male and female citizens under the act; to the Committee on Immigration and Naturalization.

By Mr. McKENZIE: A bill (H. R. 12159) authorizing the President to transfer any part or the whole of military reservations authorized by Congress to be sold to the control of the Department of Commerce or to the control of any of the departments of the Government, and for other purposes; to the Committee on Military Affairs.

By Mr. KVALE: A bill (H. R. 12160) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American Centennial; to the Commitee on Coinage, Weights, and Measures.

By Mr. BECK: A bill (H. R. 12161) to incorporate the United States Agricultural Cooperative Marketing Association, to provide for a national cooperative marketing system and for other purposes; to the Committee on Agriculture.

By Mr. BEEDY: A bill (H. R. 12162) to amend the act for the relief of contractors and subcontractors for the post offices and other buildings, approved August 25, 1919; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: A bill (H. R. 12163) to permit meetings of societies—benevolent, educational, etc.—organized under the laws of the District of Columbia, to be held outside of said District; to the Committee on the District of Columbia.

By Mr. BRITTEN: A bill (H. R. 12164) amending the act of August 29, 1916, repealing the third proviso of section 5 of the act approved June 4, 1920, amending section 1505, Revised Statutes, and promoting efficiency in the line of the Navy; to the Committee on Naval Affairs.

By Mr. FISH: A bill (H. R. 12165) authorizing the erection of a monument in France to commemorate the valiant services of colored American infantry regiments attached to the French Army; to the Committee on Foreign Affairs.

By Mr. GILLETT: Joint resolution (H. J. Res. 342) to authorize the appointment of an additional commissioner on the United States Lexington-Concord Sesquicentennial Commission; to the Committee on the Library.

By Mr. SUMNERS of Texas: Joint resolution (H. J. Res. 343) to create a joint committee from the Senate and House of Representatives to investigate and report as to how the Federal Government may get relief from the overburden of its governmental responsibilities; to the Committee on Rules.

By Mr. KIESS: Resolution (H. Res. 430) to print as a House document 2,000 copies of the Digest and Manual of the Rules and Practices of the House of Representatives; to the Committee on Printing.

By the SPEAKER (by request): Memorial of the Legislature of the State of Minnesota, petitioning the President and the Congress of the United States relative to an increase of duties upon dairy and other agricultural products; to the Committee on Ways and Means.

By Mr. CARTER: Memorial of the Legislature of the State of Oklahoma, favoring the passage by Congress of the Gooding bill; to the Committee on Interstate and Foreign Commerce.

By the SPEAKER (by request): Memorial of the Legislature of the State of New Jersey, requesting the Congress of the United States to enact legislation to prevent lynching; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of the State of Nevada, recommending J. F. Shaughnessy for appointment as member of Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. KVALE: Memorial of the Legislature of the State of Minnesota, requesting the President and the Congress of the United States to increase the duty on butter and other dairy products and on other agricultural products which are not now adequately protected, and that such action be taken before adjournment of the present session of the Sixty-eighth Congress; to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Memorial of the Legislature of the State of Minnesota, petitioning the President and Congress relative to an increase of duties upon dairy and other agricultural products; to the Committee on Ways and Means.

By Mr. RICHARDS: Memorial of the Legislature of the State of Nevada, recommending J. F. Shaughnessy for appointment as a member of Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 12166) granting a pension to George Oscar Flowers; to the Committee on Invalid Pensions.

By Mr. COLE of Ohio: A bill (H. R. 12167) granting an increase of pension to Mary E. Chester; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 12168) granting a pension to Denis Ryan; to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 12169) granting an increase of pension to Sarah J. Stanton; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12170) granting an increase of pension to Amelia C. Keck; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 12171) granting an increase of pension to Nancy M. Moore; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 12172) granting an increase of pension to Margaret Hedges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12173) granting a pension to Didama McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12174) granting an increase of pension to Anna Snurpus; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3649. By Mr. GALLIVAN: Petition of United Building Trades Council, Boston, Mass., protesting against Senate bill 3218, known as the "blue law"; to the Committee on the District of Columbia.

3650. By Mr. O'CONNELL of New York: Petition of the New York State Forestry Association (Inc.), Albany, N. Y., favoring the passage of the game refuge-public shooting grounds bill; to the Committee on Agriculture.

3651. Also, petition of the Munson Steamship Line, favoring the passage of House bill 11957; to the Committee on Foreign Affairs.

3652. By Mr. TEMPLE: Petition of evidence in support of House bill 12073, a bill granting a pension to Maggie E. Anderson, widow of John N. Anderson, late of Company K, Sixth Regiment Pennsylvania Heavy Artillery; to the Committee on Invalid Pensions.

SENATE

THURSDAY, *February 5, 1925*

(Legislative day of Tuesday, February 3, 1925)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. As in legislative session, the Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 17 and 29 to the said bill, and had concurred therein; that the House had receded from its disagreement to the amendments of the Senate Nos. 1, 7, and 9, and had concurred therein severally with an amendment, in which it requested the concurrence of the Senate; and that the House insisted upon its disagreement to the amendment of the Senate No. 42.

ENROLLED BILLS

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills:

H. R. 10413. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River, at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," approved February 27, 1919;

H. R. 10887. An act granting the consent of Congress to the State of Alabama to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala.; and

H. R. 11035. An act granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River at a point approximately 19.1 miles above the mouth of the river, in the counties of Allegheny and Westmoreland, in the State of Pennsylvania.

As in legislative session,

PETITIONS AND MEMORIALS

Mr. FESS presented resolutions adopted by Robert E. Bentley Post, American Legion, Department of Ohio, at Cincinnati, Ohio, favoring the passage of legislation to remedy for the future the condition of those who volunteer or are drafted to bear arms and are returned to civil life handicapped in the effort to reestablish themselves, etc., which were referred to the Committee on Military Affairs.

Mr. CAPPER presented a memorial of sundry citizens of Harper County, Kans., remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution adopted by the Sixth Annual Ohio Pastors' Convention at Columbus, Ohio, favoring the adhesion of the United States to the Permanent Court of International Justice under the terms of the so-called Harding-Coolidge-Hughes plan, and the adoption of other measures tending toward the making of a warless world, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Cleveland and Logan Counties, in the State of Ohio, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. BRUCE, from the Committee on Claims, to which was referred the bill (S. 2454) to extend the benefits of the employers' liability act of September 7, 1916, to Gladys L. Brown, a former employee of the Bureau of Engraving and Printing, Washington, D. C., reported it without amendment and submitted a report (No. 998) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 10528) to refund taxes paid on distilled spirits in certain cases, reported it without amendment and submitted a report (No. 999) thereon.

Mr. SHIPSTEAD, from the Committee on Foreign Relations, to which was referred the bill (S. 4107) to authorize the President in certain cases to modify visé fees, reported it without amendment.

Mr. BURSUM, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3883) providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, and Taos Counties, N. Mex., within the Mora Grant, and adjoining one or more national forests, by exchanging therefor timber, within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona, reported it without amendment and submitted a report (No. 1000) thereon.

Mr. BROOKHART, from the Committee on Claims, to which was referred the bill (S. 2013) for the relief of Immaculato Carlino, reported it with an amendment and submitted a report (No. 1001) thereon.

He also, from the same committee, to which was referred the bill (S. 2131) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims, reported it with amendments and submitted a report (No. 1002) thereon.

Mr. STERLING, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3799) authorizing the Postmaster General to permit the use of precanceled stamped envelopes (Rept. No. 1003); and

A bill (S. 3967) to authorize the Postmaster General to rent quarters for postal purposes in certain cases without a formal written contract, and for other purposes (Rept. No. 1004).

Mr. BALL, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2264) to authorize the closing of a part of Thirty-fourth Place NW. and to change the permanent system of highways plan of the District of Columbia, and for other purposes (Rept. No. 1005);

A bill (H. R. 8410) to change the name of Third Place NE. to Abbey Place (Rept. No. 1006); and

A bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes (Rept. No. 1007).

Mr. LADD, from the Committee on Public Lands and Surveys, to which were referred the the following bills, reported

them severally without amendment and submitted reports thereon:

A bill (S. 3998) granting certain lands to the city of Delta, State of Colorado, for public park and recreational grounds, and for other purposes (Rept. No. 1008);

A bill (S. 4109) relative to the acquirement of national parks, to be known as Shenandoah National Park and Smoky Mountain National Park (Rept. No. 1009);

A bill (S. 4132) to authorize the exchange of certain patented lands in the Rocky Mountain National Park for Government lands in the park (Rept. No. 1010);

A bill (H. R. 4522) to provide for the completion of the topographical survey of the United States (Rept. No. 1011); and

A bill (H. R. 10143) to exempt from cancellation certain desert-land entries in Riverside County, Calif. (Rept. No. 1012).

Mr. LADD also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3839) to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes, reported it with an amendment and submitted a report (No. 1013) thereon.

He also, from the same committee, to which was referred the bill (H. R. 9765) granting to certain claimants the preference right to purchase unappropriated public lands, reported it with amendments and submitted a report (No. 1014) thereon.

Mr. EDWARDS, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 9435) to provide for commitments to, maintenance in, and discharges from the District Training School, and for other purposes (Rept. No. 1015); and

A bill (H. R. 10348) authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold, donated to the United States for park purposes (Rept. No. 1016).

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 4004) to amend the act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887, reported it with amendments and submitted a report (No. 1017) thereon.

Mr. LADD, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8438) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River from Cliff Street, McKeesport, to a point opposite in the city of Duquesne (Rept. No. 1018);

A bill (H. R. 11255) granting the consent of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va. (Rept. No. 1019);

A bill (H. R. 11367) granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania (Rept. No. 1020); and

A bill (H. R. 11706) to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Road crossing, Idaho (Rept. No. 1021).

JOHN N. KNAUFF CO. (INC.)

Mr. TRAMMELL, from the Committee on Claims, reported the following resolution (S. Res. 326), which was ordered to be placed on the calendar.

Resolved, That the bill (S. 2588) for the relief of John N. Knauff Co. (Inc.), now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GLASS:

A bill (S. 4228) for the relief of Robert B. Sanford; to the Committee on Naval Affairs.

By Mr. SIMMONS:

A bill (S. 4229) granting the consent of Congress to the State Highway Commission of North Carolina to construct a bridge across the Chowan River at or near the city of Edenton, N. C.; to the Committee on Commerce.

By Mr. NORBECK:

A bill (S. 4230) to authorize the Secretary of the Treasury to prepare a medal, with appropriate emblems and inscriptions commemorative of the Norse-American Centennial; to the Committee on the Library.

By Mr. COPELAND:

A bill (S. 4231) to make a survey of the Saratoga battle fields and adjacent country, to provide for the compilation and preservation of data, showing the various positions and movements of troops at these battles, illustrated by diagrams, and for other purposes; to the Committee on Military Affairs.

By Mr. STERLING:

A bill (S. 4232) to amend section 409, Revised Statutes of the United States, relating to fines, penalties, forfeitures, and liabilities in the Postal Service; to the Committee on Post Offices and Post Roads.

By Mr. McKINLEY:

A bill (S. 4233) granting a pension to Francis S. Haynes; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4234) granting an increase of pension to Frederick Hinkey; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 4235) granting a pension to Elizabeth J. Mills Young; and

A bill (S. 4236) granting an increase of pension to John Mack; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4237) providing that the Government property at Black Point on the St. Johns River in Duval County, Fla., acquired for use as a militia target range, be donated to the State of Florida for military purposes; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 4238) to authorize the appointment of Roy C. Starr as a captain of the Dental Corps of the Medical Department, Regular Army; to the Committee on Military Affairs.

By Mr. BALL:

A bill (S. 4239) to provide for the exchange of certain lands now owned by the United States, in the town of Newark, Del., for other lands; to the Committee on Public Buildings and Grounds.

LANDS IN PROPOSED SMOKY MOUNTAIN NATIONAL PARK

Mr. SIMMONS submitted an amendment intended to be proposed by him to the bill (S. 4109) relative to the acquirement of national parks, to be known as Shenandoah National Park and Smóky Mountain National Park, which was referred to the Committee on Public Lands and Surveys, and ordered to be printed.

AMENDMENTS TO RIVERS AND HARBORS BILL

Mr. BRUCE and Mr. McNARY each submitted an amendment intended to be proposed to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were referred to the Committee on Commerce, and ordered to be printed.

NOMINATION OF HARLAN FISKE STONE

The Senate, pursuant to its order, proceeded to the consideration of executive business in open executive session.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	Kendrick	Reed, Mo.
Ball	Ernst	King	Reed, Pa.
Bayard	Ferris	Ladd	Sheppard
Bingham	Fess	McKellar	Shields
Borah	Fletcher	McKinley	Shipstead
Brookhart	Frazier	McLean	Shortridge
Broussard	George	McNary	Simmons
Bruce	Gerry	Mayfield	Smith
Bursum	Glass	Means	Smoot
Butler	Gooding	Metcalf	Standfield
Cameron	Greene	Moses	Stanley
Capper	Hale	Neely	Sterling
Carraway	Harreld	Norbeck	Swanson
Copeland	Harris	Norris	Trammell
Couzens	Harrison	Oddie	Wadsworth
Cummins	Heflin	Overman	Walsh, Mass.
Curtis	Howell	Owen	Walsh, Mont.
Dale	Johnson, Calif.	Pepper	Warren
Dial	Johnson, Minn.	Phipps	Watson
Dill	Jones, N. Mex.	Pittman	Wheeler
Edge	Jones, Wash.	Ransdell	Willis

The PRESIDING OFFICER (Mr. MOSES in the chair). Eighty-four Senators having answered to their names, a quorum is present. The Senate being in open executive session, the question is, Shall the Senate advise and consent to the nomina-

tion of Harlan Fiske Stone to be Associate Justice of the Supreme Court of the United States. The Senator from Montana [Mr. WALSH] is recognized as entitled to the floor.

Mr. WALSH of Montana. Mr. President, I rise this morning merely for the purpose of calling attention to a number of articles appearing in the press, which I desire to submit for the RECORD, evidencing some of the difficulties under which Senators discharge their duties to their constituents and country.

The first is an editorial appearing in the Washington Post of Thursday, January 29, 1925, the day after the Senate Committee on the Judiciary heard the Attorney General, Harlan F. Stone, after the matter of confirmation of his appointment of associate justice had been recommitted to that committee. In general it is a eulogium of the Attorney General and a castigation of myself, and in about the proportion in which the editorial grows extravagant in the praise of the Attorney General it heaps obloquy upon me. It is entitled "Thank God for a man." I ask that the editorial be inserted at length in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington Post, Thursday, January 29, 1925]

THANK GOD FOR A MAN!

The people of the United States stand aghast at the unprecedented action of the Senate in dealing with the nomination of Attorney General Harlan F. Stone to be an Associate Justice of the Supreme Court.

The Senate has permitted itself to be drawn into a proceeding that constitutes an attack upon the due and orderly administration of justice. This attack can not be continued and its purpose can not be consummated without arousing furious and righteous popular resentment against the Senate.

Attorney General Stone is held responsible by law and by his oath for the initiation of inquiries by grand juries into prima facie cases of crime committed against the United States. In the prosecution of this duty he directed that a set of facts, fortified by documentary evidence, be laid before a Federal grand jury, indicating that a conspiracy to defraud the United States had been entered into and overt acts committed in the District of Columbia.

One of the parties connected with the case to be laid before the grand jury is a United States Senator. Another Senator, his colleague, acts as his counsel. Attorney General Stone, from a sense of full fairness, wrote to the Senator who acts as counsel for the other, and advised him that the grand jury was to consider the case in question, and that the Senator involved could appear and testify before the grand jury if he wished, and to produce witnesses in his own behalf, with the usual waiver of immunity.

Thereupon the Senator acting as counsel for the other interposed his objection as a Senator to the confirmation of Mr. Stone's nomination to the Supreme Court. This Senator based his objection upon the fact that the Attorney General *dared to lay the conspiracy charges before the grand jury.* It was declared that the Department of Justice was engaged in "persecuting" a Senator; that he was to be dragged 2,500 miles from his home to be tried in a foreign jurisdiction; and that before Mr. Stone should be approved as a Justice of the United States Supreme Court he should clear himself of the charge or imputation that he was engaged in an attempt to send an innocent man to jail by misusing his power as head of the Department of Justice.

The Senator acting as counsel also had the audacity to assert that his client *could not expect a fair trial in the Federal courts of the District of Columbia.*

The Senate allowed itself to be drawn into yesterday's astounding proceeding, in which the Attorney General was called to the stand and cross-questioned by the counsel of a man soon to be under grand-jury investigation. *The cross-questioning was done, not by the counsel in his capacity as counsel but in his official capacity as a Senator and a member of the Committee on the Judiciary, passing upon the qualifications of a presidential nominee to the highest court in the land.* The cross-questioning was aided by the Senator who is to be under grand-jury investigation. Questions were propounded to the head of the Department of Justice for the purpose of extorting from him information regarding the nature of the charges, the identity of witnesses, the existence of documentary evidence, etc. Mr. Stone refused to answer these questions. He could not have answered them without violating his oath of office and betraying the United States, which is the prosecutor against all persons indicted by grand juries.

It will be recalled that the Senate, with incomprehensible disregard of its functions, has conducted an inquiry into certain charges against the Senator who is about to be investigated by a grand jury upon another charge and adopted a report which declared that the Senator in question was innocent. *This act by the Senate was a dangerous, indefensible intrusion into the realm of the judicial power. Nothing like it has ever been known. The effect, if not the intent, of the action was to intimidate the courts in the administration of justice.*

Whether or not the Senate has now permitted this still more gross and intolerable proceeding for the purpose of preventing any developments that would make its former action ridiculous, or *whether Senators have merely neglected their duty and allowed the Senate to be used as the instrument of obstruction of justice, does not matter much now. The mistaken step was taken.*

A Senator, acting in the equivocal capacity of counsel for another Senator under judicial investigation, is virtually saying to the Attorney General: *"I have the power to prevent you from becoming a member of the Supreme Court. If you dare to continue the inquiry before the grand jury into charges against my client, I can and shall prevent your confirmation. But if you will violate your oath of office, betray the law, and poison the source of justice, I will withdraw my objections and you can become a Justice of the Supreme Court."*

The people of the United States will pass judgment upon this individual Senator. But the matter has gone beyond the stage of individual misconduct. It has become a question of the fidelity of the Senate itself as a whole.

Is the Senate to interpose its objection to the administration of justice whenever a Senator is involved?

This is a question that goes to the very foundations of government in this country. If the Senate can block justice in one instance, it can block it always in all cases. If it can prevent a judicial investigation, it can provoke one. It can punish the innocent and protect the guilty.

The courts of the United States, the Department of Justice, the United States attorneys, even the Supreme Court itself, can not be held safe and free if the Senate can usurp this power.

This shocking attempt to cloak a plain attempt at intimidation in the guise of "persecution" must fail if the Republic is to survive.

And lest we forget, while light is piercing the darkness of the past, let us thank God for a man at the front backed by the calm courage and indomitable will that spring from the granite hills of the North!

Mr. WALSH of Montana. I call attention at this time only to the following paragraph appearing in the article after the writer has paid his respects unsparingly to me:

The Senator acting as counsel also had the audacity to assert that his client could not expect a fair trial in the Federal courts of the District of Columbia.

I had a rather general idea of the significance of the word "mendacity," but in order to appreciate its full import I went to the dictionary and learned therefrom that "mendacity" is the "quality of being mendacious, a disposition to lie or deceive, habitually lying." So that, Mr. President, I am not only accused in the editorial of lying in connection with the statement made, but of lying because I am an habitual liar. Well, the Washington Post has its own grievances against me, and accordingly it employs the most noted lampoonist in America, who proceeds to take it out of me through its columns.

But, Mr. President, that is a matter of small consequence. The population of the city of Washington is approximately 400,000. Perhaps one-fourth of that whole number are actually engaged in the Government service, employees of the Government. If I am to judge from importunities that are addressed to me and, as I know, to other Senators, I assume that at least 90 per cent of those are constantly looking either for promotion or raises in salary, or both.

I am accused of mendacity, Mr. President, because I express some apprehension that a prosecution conducted by the Government against a man who is a stranger in the community, living 2,500 miles away, in which the administration has shown a special interest, may not be altogether fair to him.

Not only that, Mr. President, but by reason of the fact that the Republican Party has long been in power in this country there has been attracted to this community a large proportion of its population. We can not dispossess our minds of the fact that there is a political factor involved in the prosecution against Senator WHEELER, and, of course, those alleged to have been associated with him.

It will be recalled, as disclosed before the Borah committee, that the case against Mr. WHEELER was worked out by one Coan, who, when before the Borah committee, testified as follows:

The CHAIRMAN. Who employed you to go to Montana?

Mr. COAN. Mr. Lockwood—George B. Lockwood—of the Republican National Committee.

Senator SWANSON. Is he a member of the Republican National Committee?

Mr. COAN. Yes, sir.

Senator SWANSON. And he is also interested in the National Republican?

Mr. COAN. Yes, sir; he is secretary of the Republican National Committee.

Senator SWANSON. At that time were they interwoven?

Mr. COAN. I do not know the connection exactly. I did not ask him when he gave me the job whether they were interwoven or not.

The CHAIRMAN. You may take the witness.

Senator SWANSON. Did he tell you the purpose for which he employed you?

Mr. COAN. Yes; I was sent out to Montana to investigate some of these stories about Senator WHEELER. WHEELER had been attacking the administration and everybody in public life here, and nobody seemed to be willing to get up and answer him, and they thought it was up to somebody to find out who this fellow was and what he had been doing.

Senator SWANSON. Who thought so?

Mr. COAN. The Republican National Committee.

Senator SWANSON. And they sent you there for that purpose?

Mr. COAN. Yes; I went out there, and, of course, I did not want any stories of dead men or train robbers, and I took affidavits where I got the stories.

Senator SWANSON. You went out there for that purpose?

Mr. COAN. I went out there to get this material for the story that I was going to write in the paper, and which I am writing now; and I think it will be interesting.

Mr. Coan said, however, he secured the affidavits; sent them to Mr. Lockwood, and Mr. Lockwood turned them over to the Department of Justice. That was the inception of that proceeding, and I apprehend there is no man in this Chamber who has any kind of an idea that Senator WHEELER ever would have been tried in Montana or that there ever would have been any prosecution against him in the District of Columbia had he not at the time been engaged in conducting the investigation against the Department of Justice.

So, Mr. President, I make no apology whatever for expressing whatever doubt I have expressed concerning the opportunity to get a fair trial of this case before a jury in the District of Columbia. That, of course, is entirely separate and apart from the proposition, which I shall canvass presently, of bringing a man 2,500 miles away from his home to put him upon trial in the District of Columbia when he might as well be tried in the jurisdiction in which he resides, and with perfect safety to all of the interests of the Government of the United States.

This, Mr. President, however, is not the first time that the impartiality of juries in the District of Columbia has been challenged by those who have been brought here or have been attempted to be brought here for trial in the District of Columbia, particularly if the case has any political aspect or political significance. I dare say most of the Senators present will recall a somewhat famous case in which a publisher of a newspaper in the State of Indiana, Mr. Delavan Smith, protested, and, protested vigorously, against being brought from the State of Indiana to the District of Columbia to be tried for an offense which, if committed at all, was as well triable in the State of Indiana as in the District of Columbia.

Mr. Smith was the owner and, as my understanding is, the editor of the Indianapolis News. That newspaper printed an article in relation to the acquisition of the Panama Canal Zone and the treaty with the Republic of Panama which it was charged was a criminal libel against the then President of the United States, Theodore Roosevelt. The newspaper was published in the city of Indianapolis, Ind., but some of its copies passed through the mail and came within the District of Columbia, and it was accordingly contended that the venue might be laid either in the State of Indiana or in the District of Columbia. Accordingly an indictment was found here by a grand jury of the District of Columbia, and the defendant, Mr. Smith, was arrested in the State of Indiana. Before he could be removed to the District of Columbia for trial, however, it became necessary to secure an order from the judge of the United States court for Indiana transferring him to the District for trial.

That application was sought and it was resisted upon the ground that the Supreme Court of the District of Columbia had no jurisdiction; that the crime was committed in the State of Indiana and not in the District of Columbia, and the argument was had upon that question. In the course of the argument it was represented to the court, in addition to the legal question involved, that it would be unfair and unjust to take Mr. Smith out of the State of his residence, away from the people who knew him, and bring him to the District of Columbia for trial, even if the jurisdiction were properly invoked.

The counsel for Mr. Smith on that occasion said things more harsh concerning that proceeding than I have ever uttered on this floor or elsewhere. I am able to give the Senate his language. He said in the course of his remarks, discussing the validity of the indictment, the following:

And in addition to the extreme penalties of that statute he has hanging over him the consequences that if it is claimed that he has violated the law of the District of Columbia he may be dragged from his home, thousands of miles away, from his friends, from those who know him, his character and reputation and standing; from the witnesses of the transaction upon whose testimony he may depend for his acquittance, and be carried to the District of Columbia and there be put upon trial. The ordinary hardships that would result from such a construction of the law as this which I have adverted to it seems to me are comparatively insignificant when you consider the situation; what the defendant in such a case would be confronted with in the District of Columbia; when you consider the character of the population of the District of Columbia. It is the city of the General Government of this country. It is largely inhabited by persons who are occupying official positions under the Government of the United States, persons who are dependent upon the Government of the United States. If there is one place in the United States where official power and prestige and authority have weight and influence it is the District of Columbia. The jurors in the District of Columbia in a case that would involve any question of politics, any question of the character of a public man, would almost inevitably be swayed and influenced by the character of the population in the District and the influences that exist there, official and otherwise.

And he continued:

Now, if you consider what would be the result of the indictment and transportation to the District of Columbia of a newspaper publisher from another part of the country for trial in that district, even in an ordinary case where the person whom it was alleged had been libeled was simply some Member of Congress, some Senator, a comparatively insignificant person, with comparatively little influence, you can see at once that, even in such a case as that, the defendant would be placed at a very serious disadvantage. But when you come to apply this question, as it is now raised here, to a case such as this is, where the prosecutor was the late President of the United States, the source of all power, of all profit, I might say, of all office, whose influence, whose power is greater than that of any crowned king in the world; when you consider that these indictments were brought about as a result of an inflammatory message that he sent to the Congress of the United States; when you consider that in all probability the whole influence of the Executive Department of the United States Government, with the President of the United States at the head of it, was behind the bringing of these indictments; and when you consider that at the time these defendants would be tried upon those indictments if they could be removed into the District of Columbia for trial, the President of the United States, whose influence, whose demands had led to the return of the indictments, might well himself have been in office presiding in the District of Columbia as the President of the United States, with his prestige, with his dominating influence reaching to every nook and corner of the District of Columbia; and these defendants would be put upon their trial in the District of Columbia before a jury made up largely perhaps of employees, officeholders under the Government of the United States, deriving their positions and holding their positions either directly or remotely from the President of the United States; when you consider that if the jury was not made up of that kind of members directly, yet that it would be almost impossible to put into the box in the District of Columbia a jury that would not be connected with persons occupying positions of that kind under the Government of the United States. Now—

* * * * * * *

FRUITS OF REVOLUTION LOST

The situation could not be any more correctly described than it is in the language that is quoted from Cooley on Constitutional Limitations that it would be a remarkable situation, if as the result of a revolution, seven long years of bloody war, one of the causes of which was that the king of Great Britain had asserted the right to take from this country persons accused of pretended crimes in Nova Scotia, or New England, that the Government formed, as the result of that revolution, a revolution which was fought against the assertion of such a proposition as that, had as one of the very first things that was done after its organization, made it the law of its own seat of government, the District of Columbia, that they could reach out from that District to the remotest part of the United States and drag from his home a man charged with the offense of libel, an insignificant crime, a crime which has never been looked upon in this country as a serious one, no matter how in England it has been regarded, and take him to the District of Columbia and there put him upon trial under influences and with surroundings such as would put him at a hopeless disadvantage.

But the attorney in that case, Mr. President, did not content himself with that, but he went on to show that, being put upon trial in the District of Columbia, the defendant would be obliged to bring his own witnesses from a distant part of the country and pay all of the expenses of bringing

them there, or, if he was unable to pay the expense of bringing his witnesses there, it would be necessary for him to go into the court in the District of Columbia, plead the poverty act, and set out at length exactly what it was he expected to establish by his witness. So, Senator WHEELER and the other citizens of my State who are to be put upon trial in the District of Columbia, should indictments be returned against them, will be obliged to bear all the expenses of bringing their witnesses from the State of Montana, or go into court and plead that they are unable to pay the expense of bringing the witnesses here.

In the Smith case, Mr. President, the learned Judge Anderson, before whom it was heard and whom we have lately elevated to a position upon the circuit court of appeals, sustained the contention that the Supreme Court of the District of Columbia had no jurisdiction in the case, that the venue must be laid in the State of Indiana, and not in the District of Columbia. Since that time the Supreme Court of the United States has rendered a decision which to my mind holds quite differently from the decision rendered by Judge Anderson in that case. Indeed, Mr. President, I am constrained to believe that the manifest injustice of the proceeding, the hardship it would entail upon the defendant, the evil which such a precedent would set up, was so great that even that learned judge twisted once the law to his authority to prevent a great wrong, and gave a construction of the law that he would not have given to it under other circumstances.

But, Mr. President, the decision which Judge Anderson rendered in that case was applauded by the press of this country from one end of the Nation to the other. He remarked in his opinion, in the conclusion thereof, as follows:

> The discussion as to the hardship of taking a man away from his home to a distant place, to be tried, and the discussion pro and con as to the desirability of the District of Columbia and the city of Washington as a place for trial, was interesting.
>
> But those considerations, as suggested in one of the decisions of the Supreme Court, are not controlling, and I am not compelled to resort to anything of that kind to satisfy myself about what ought to be done here.
>
> To my mind that man has read the history of our institutions to little purpose who does not look with grave apprehension upon the possibility of the success of a proceeding such as this. If the history of liberty means anything, if constitutional guaranties are worth anything, this proceeding must fail.
>
> If the prosecuting officers have the authority to select the tribunal, if there be more than one tribunal to select from, if the Government has that power, and can drag citizens from distant States to the Capital of the Nation, there to be tried, then, as Judge Cooley says, this is a strange result of a revolution where one of the grievances complained of was the assertion of the right to send parties abroad for trial.
>
> The defendants will be discharged.

I adverted to the comments of the press upon this matter. The Washington Star, published in the city of Washington, commended it unreservedly, and in that connection stated as follows:

[From the Evening Star, Washington, D. C., October 14, 1909]

THE PANAMA CANAL LIBEL CASES

The refusal of the district court in Indianapolis to extradite for removal to Washington the proprietors of the Indianapolis News, against whom indictments for libel have been found here, is in conformity with equity, common sense, and with what is vaguely termed the spirit of our institutions. The first announcement concerning the Panama Canal publications was that they constituted a libel upon the United States Government and that indictments for that offense would be found in the local court and the indicted men brought here for trial from New York and Indianapolis.

Discussing this suggestion the Star said at the time: "Neither national public sentiment nor the courts will, it is believed, permit a partisan National Government to indict in the District of Columbia even its libelous partisan critics in New Orleans or San Francisco and *to extradite them and bring them for trial to a jurisdiction so peculiarly under the control of the National Government as the 10 miles square.*"

The decision at Indianapolis is merely a refusal to remove the indicted men to Washington for trial. If they came here voluntarily, they could be arrested under the indictments. Without being convicted anywhere they are punished by exclusion from the Nation's city. Ostracism from Athens was the severest penalty that could be inflicted upon the sensitive Athenian. Exile from the American National Capital is "cruel and unusual punishment" for the true American.

Mr. President, I suppose that the Washington Post to-morrow morning will publish an editorial accusing the Washington Star, its contemporary, of mendacity in its suggestion that the defendant under these circumstances is at a disadvantage in the District of Columbia.

I want to ask the attention of the Senators to a few of the press comments upon this decision of Judge Anderson.

From the vast number before me, I weary the patience of the Senate with references only to three brief extracts.

From the New Orleans Picayune:

A DELIVERANCE IN CAUSE OF JUSTICE

This was a great deliverance in behalf of justice and the liberties of the citizens of this great Republic. It is frightful to think what might be the consequences if citizens who may have incurred the anger of high public officials at the seat of government could at any time, on the demand of such officials, be seized and dragged from their homes and the States in which they lived to the seat of government, to be tried by a jury of the persons who were dependent upon those officials for a livelihood, and who, from the very circumstances of their condition, were bound to keep in favor with their all-powerful superiors.

From the Wilmington (Del.) Every Evening:

WHEN THE NEWS REACHES AFRICA

When the news reaches Africa that Federal Judge Anderson, in Indianapolis, refused to allow the Panama Canal libel suit against two newspaper editors of that city which was instigated by President Roosevelt to be transferred to Washington for trial there will be a "gnashing of teeth." It was one of the purposes of the instigators of this action to have the defendants taken to Washington for trial, in order to be subjected to all the local influences that could be employed in securing their conviction.

From the Bridgeport Farmer:

PUT A QUIETUS ON ROOSEVELT PLAN

United States District Judge Anderson, by his decision in the Delavan Smith case at Indianapolis, put a quietus upon the Rooseveltian plan of bringing the editors of papers accused of libel to trial wherever copies may be circulated. If it could be done in this case, it would also apply to other alleged offenses under the Federal law, and the result would be the trial of all such cases at Washington, where the influence of the Federal Government is all-pervading.

It is a most righteous decision. Libel trials should be held in the city or district where the alleged offense originated and not in some far-away district. A superabundance of power is now centralized at Washington; there should be less rather than more. It is becoming a significant, if not an ominous, sign of the times.

Mr. President, I desire, if I may, to insert in the RECORD some additional editorial remarks upon this case of like purport.

The PRESIDING OFFICER. Without objection, it is so ordered.

[The matter referred to appears as an appendix to the speech of Mr. WALSH of Montana.]

Mr. WALSH of Montana. I ask that there be inserted in the RECORD another editorial of the same date from the New York Herald-Tribune.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Herald-Tribune of January 29, 1925]

WHEN DID A SENATOR BECOME SACRED?

The appalling impudence of the challenge of the Stone appointment by Messrs. WALSH and WHEELER was central over yesterday's senatorial hearing. The Attorney General lived up to his high reputation. He confirmed every conviction of his rare qualifications for the Supreme Court bench. He displayed clearness, calmness, courage, and, incidentally, a calm contempt for the petty politics being played against him.

Nothing could be fairer than the treatment accorded Senator WHEELER. The attorney in charge is a new appointee of Mr. Stone's, Mr. Donovan, of this State, a man of proved courage and unquestioned integrity. The new charges grow out of different facts from those upon which the original indictment was based. They concern others than Senator WHEELER and are centered in Washington, where an investigation should properly be held.

Instead of welcoming this fair precedence, protected by every safeguard of the law, Senator WHEELER seems to hold that he can do no wrong and is, in effect, above the law. He and his counsel, Senator WALSH, appear to believe that the prosecutor must try his case before them and their fellow Senators. That was exactly what a Senate committee did before, as it happens.

It is good to know that the Nation has an Attorney General with a proper sense of such cheap, browbeating tactics. There is scant sentiment to support the ingenious theory that a Senator of the United States is sacred.

Mr. WALSH of Montana. This editorial goes the Washington Post just a little bit stronger. It speaks of the "appalling impudence" of the challenge of the Stone appointment by Messrs. WALSH and WHEELER. The particular variety of impudence of which I was guilty arose, it seems, out of the fact that I subjected Attorney General Stone, as reported in the press, to a "grueling cross-examination" before the Committee on the Judiciary. Whether I was in any degree disrespectful to the Attorney General, whether I did anything more than my duty as a member of the committee than I ought to have done, I must leave for others to say; but the complaint is not particularly of the manner in which I conducted the cross-examination, but that I examined Mr. Stone at all.

I ought to say, however, before I leave the Washington Post article, that in substance it extols the Attorney General for the "marvelous courage" he displayed in telling the Committee on the Judiciary that the WHEELER proceedings before the grand jury in the District of Columbia would go on.

A François Villon! A new man found of "marvelous courage"! Why, Mr. President, I have the very highest esteem for the Attorney General. The very excellent opinion I formed of him by reason of my connection with him, brief as it was, before this time, was confirmed by his demeanor before the Committee on the Judiciary; but in what respect did he display this "marvelous courage"?

On the 16th of January I received a communication from the Attorney General advising me that it was contemplated to submit to the grand jury in the District of Columbia the case against Senator WHEELER. That was the first intimation I had that the matter was coming on at all. At that time the Attorney General's nomination for Associate Justice of the Supreme Court was pending before the Judiciary Committee, and pending before a subcommittee of which I was a member. I was at that time engaged in looking into the so-called Ownbey case; and I may say in this connection that such investigation as I gave to the matter, and I think I understand the facts fully, led me to the conclusion which I stated before the Judiciary Committee, that there was in that case nothing which, to my mind, ought to militate against his confirmation. But it was while I was engaged in that investigation that the letter from the Attorney General came to me; and the next day, or the day after, the newspapers came to my desk from the State of Montana carrying the information that witnesses from the State of Montana had already been subpœnaed to appear before the grand jury in the District of Columbia, and a list of the witnesses was given.

I trust my colleagues will do me the credit to believe that I never entertained any kind of an idea that the Attorney General, having gone into this matter thus far, having gone so far as to subpœna witnesses from all over the State of Montana so publicly that the matter got into the newspapers, and having advised me that he was going to do so, could possibly be dissuaded from that course. His plan had been mapped out. It was impossible for him to recede.

Something has been said about an effort by the Senate of the United States or some Senators to coerce the Attorney General into dismissing the proceedings against Senator WHEELER. I do my colleagues the credit to believe that none of them ever entertained any such idea at all; but they did believe that the circumstances warranted an inquiry as to whether Mr. Stone's nomination ought to be confirmed by this body.

That is as far as the Senate ever went in the matter, or as far as any Member of the Senate, I undertake to say, entertained any idea concerning it.

I recur to the Herald-Tribune article accusing me of "impudence" in prosecuting the inquiry.

The Attorney General came before us and made his statement—a very plain, straightforward statement—but, as I believe, not stating all the material facts. What was I to do? Being in possession of the information, was I to remain dumb? I may say that the impression is also carried from the newspaper reports to which I have adverted that in some way or other I was instrumental in bringing the Attorney General before the committee and subjecting him to the humiliation of being examined.

I do not remember that any salt or crocodile tears were shed when day after day for a week or more people came before the Judiciary Committee in open session and testified against the confirmation of the nomination of Louis D. Brandeis for a place upon the Supreme Court. I do not remember that there was any great grief exhibited over the humiliation either of Mr. Brandeis or of the Supreme Court in connection with the matter.

The fact about the matter is, as has been heretofore disclosed, that the matter having been recommitted to the Judiciary Committee, some member of the committee—it was not disclosed who—went to Mr. Stone and informed him that he would be invited to appear before the committee. Mr. Stone accordingly prepared a typewritten statement on Tuesday, and came before the committee on Wednesday morning all prepared to submit his statement, when a resolution or motion was adopted by the committee inviting him to appear there, the motion having been adopted without any knowledge whatever of any part of the proceeding upon my part, I not even being present. It was moved by his friends, I undertake to say, and Attorney General Stone came before the committee, either on their solicitation or upon his own motion, and read the statement, which, as I have said, was entirely accurate so far as it went, but did not state all the facts, and left, as I thought, a very mistaken impression.

For instance, among other things the Attorney General told us that the delay in bringing the case against Senator WHEELER pending before the courts in the State of Montana was not in any wise attributable to the Department of Justice or any of its officials, and the letter which was read left the impression, which certainly would have been gained by the public had no explanation been made, that whatever delays have occurred in the trial of the case in Montana are attributable to Senator WHEELER himself. Thus he said in the letter, as follows:

I have inquired as to whether or not there had been any effort on the part of the district attorney to delay the bringing of this case to trial in Montana. I find the contrary to be the fact. The indictment was found on the 8th day of April, 1924. The date of arraignment of your client was set for the 1st day of September. On that day no plea was entered, but instead the demurrer was interposed, and the motion for the transfer of the case to Butte was made. Since that time I am informed no action has been taken by counsel for Senator WHEELER to press the case for trial.

Clearly the implication of that is that Senator WHEELER has been endeavoring to avoid and evade a trial in the State of Montana. Was I, as a member of the committee, or as counsel for Senator WHEELER, to remain silent and not bring out facts in relation to the matter? Let me advise the Senate what are the facts about the matter.

In the preceding month of May Senator WHEELER, within 30 days after the indictment was returned against him, sent a letter to the Attorney General demanding at once a trial of the action in the State of Montana. There was in the files a letter of date April 18, 1924, the indictment having been found on the 8th of April. There was found in the files a copy of a letter addressed by Senator WHEELER to the Attorney General, but the Attorney General was unable to find that letter in his files, but he did find a letter of Senator WHEELER of date May 17, 1924, requesting that the cause be transferred from Great Falls to Butte for trial, where a jury was then in session, and where the case could immediately have been tried. I read that letter to you:

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE COMMERCE,
Washington, D. C., May 17, 1924.

Hon. HARLAN F. STONE,
Attorney General of the United States, Washington, D. C.

DEAR SIR: From newspaper reports I learn that you feel that the case of the United States of America versus myself should be submitted to a trial court. In view of that statement, I take the liberty of requesting that I be given an early trial.

There is a trial jury in attendance, I am informed, at Butte at the present time. I feel that this is the place where the case should be tried, it being my home city. In Montana defendants who are out on bond have generally been accorded the right of being tried at the place nearest their home city where the Federal court is held.

I hope that you can see your way clear to accord me the same courtesy that is extended to other defendants in criminal cases, and that I may have a speedy trial in order that I may be relieved of this very embarrassing situation.

Respectfully,

B. K. WHEELER.

To this the Attorney General replied as follows:

MAY 20, 1924.

Hon. BURTON K. WHEELER,
United States Senate.

DEAR SIR: I beg to acknowledge receipt of your letter of the 17th in which you request an early trial of the indictment now pending against you and in which you suggest the possible transfer of the trial from

Great Falls, where the indictment was found, to Butte, Mont., your home city.

I am forwarding copy of this letter to Mr. Slattery, United States attorney in Montana, to whom in the first instance this request should be made. He will, I am sure, proceed with the matter as speedily as is compatible with the public interest.

Very truly yours,

HARLAN F. STONE,
Attorney General.

I should say in this connection that the jury that was in attendance at Great Falls at the time the indictment was found was speedily thereafter discharged, so that it was impossible to bring the case to trial at that place.

The Attorney General communicated accordingly with the United States attorney for the district of Montana to see whether the case could be transferred to Butte and tried at once. I read the answer of the district attorney to his letter, as follows:

The honorable the ATTORNEY GENERAL,
Washington, D. C.

SIR: I have yours of the 20th instant, inclosing copy of a letter written to you under date of the 17th instant by Senator B. K. WHEELER, in which he requests you that he be given an early trial of the criminal action pending against him in this district in which he is charged with a violation of section 113 of the Penal Code.

In his letter Senator WHEELER states that he is informed that a trial jury is in attendance at Butte at the present time, and that he feels that Butte is the place where the case should be tried, because it is his home city.

He further states that, "In Montana defendants who are out on bond have generally been accorded the right of being tried at the place nearest their home city where the Federal court is held." In making this statement just quoted Senator WHEELER is clearly in error. I have held this office for the past three years, and never before have I heard of such a claim on behalf of any defendant. I have consulted a former United States attorney of Montana, and he advised me that he, likewise, had never heard of such a claim.

There are five divisions in the district of Montana, namely, Billings division, Great Falls division, Helena division, Butte division, and Missoula division. The place of the alleged offense determines in what division the action is filed and shall be tried. If Senator WHEELER'S contention be correct, then a defendant who is able to furnish bail has a decided advantage over one who is unable to furnish bail, because in the former case a defendant could always insure the trial of his case at or near his "home city," while the defendant in the latter case would necessarily be tried away from his "home city," if the same were not situate within the division where the cause was pending.

DELAY IN MONTANA URGED

I am advised by my office at Butte that the Federal jury in attendance there will, undoubtedly, be discharged to-day, and that the next term of court is expected to be held at Billings beginning about the 12th of June. I am informed that Judge Pray does not expect to hold a trial term in the Great Falls division until the month of September.

There are certain phases of the case against Senator WHEELER that are under investigation, and it would not be consistent with the best interests of the Government to proceed to trial until the investigation is completed, provided, of course, it is completed within a reasonable time. I expect that within about 30 days the investigation will be concluded.

In any event, the matter of arranging the trial calendar is one which rests with the court.

Since Senator WHEELER has held office as United States district attorney, it occurs to me that he ought to know that the Attorney General of the United States does not control the matter of setting cases for trial out of their regular and normal order. I mention this because I observe that he has seen fit to publish his letter to you of the 17th inst. and, likewise, your letter to him of the 20th inst.

Naturally, Senator WHEELER feels that it would be to his advantage to press the trial of his case at once, so that it would follow closely upon the heels of the whitewashing given by his colleagues in the Senate, but, in this instance, he is dealing with a tribunal which is provided for by the Constitution and by the laws of our country, and they are just as binding on him as on any other defendant.

Respectfully yours,

JOHN L. SLATTERY,
United States Attorney.

Those are the reasons why Senator Wheeler could not get a trial in the month of May last at Butte. Mr. Slattery stated that there are five divisions of the district court in the State of Montana and that the case must be tried in the division in which the indictment is found.

In the first place, Senators, there are no five divisions, nor any divisions, in the district court of the State of Montana. The court is held in five different places, and the statute expressly provides that causes, civil or criminal, may be transferred from Butte to Great Falls, or from Great Falls to Butte.

Second, he is told that an investigation of Senator WHEELER is in progress, and that it will not be advisable to try the case against Senator WHEELER until that investigation is completed. What does that mean? That means that there was an investigation of Senator WHEELER, of course, before the indictment was found, but they were quite well satisfied that they could not get a conviction against Senator WHEELER upon the testimony which they then had, and they were prosecuting another investigation to see whether they could not get enough to land him, and they did not want to try him until that investigation was completed.

Third, they did not want to try him then, because such a trial would follow rapidly upon the heels of his whitewashing by the Senate of the United States, and he would get some advantage from that fact.

Finally, the home-city proposition is answered, as Senators have heard.

The significant part of this matter is that the Attorney General, having received this answer from the district attorney out in Montana, never communicated to Senator WHEELER upon the subject thereafter.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. If the Senator will pardon me a moment, I will yield to him.

So that Senator WHEELER never got an answer from the Attorney General as to whether he could or could not be tried at Butte. I now yield to the Senator from California.

Mr. SHORTRIDGE. The Senator having read the letter of United States Attorney Slatterly to the Attorney General, would he have the goodness to read into the RECORD the reply of the Attorney General, at this point?

Mr. WALSH of Montana. The reply to whom?

Mr. SHORTRIDGE. The letter addressed to Mr. Slattery, as of date of June 6, 1924.

Mr. WALSH of Montana. I shall be very glad to do so; but that does not change the statement I made, that Senator WHEELER was never advised about the matter.

Mr. SHORTRIDGE. I am not saying that it does; but for the benefit of the RECORD.

Mr. WALSH of Montana. I understand. The letter is as follows:

JUNE 6, 1924.

JOHN L. SLATTERY, Esq.,
United States Attorney, Helena, Mont.

DEAR MR. SLATTERY: I beg to acknowledge receipt of your letter of the 28th. I see no reason for dealing with the Wheeler case in any different manner from that of any other case, except, of course, in view of the defendant's request we should proceed to trial with such reasonable dispatch as is not incompatible with the interests of the Government.

You will understand, of course, that in view of the widespread interests in this case, I am especially anxious that the representatives of the Department of Justice should be punctilious in insuring to the defendant a fair trial and that the action of the Government and its representatives should be, in all respects, beyond any reasonable criticism.

Yours sincerely,

HARLAN F. STONE,
Attorney General.

Now, Mr. President, it just so happens that on the very day when this cause was set down for trial or to be heard before the court at Great Falls, the 2d day of September, Senator WHEELER had an engagement to open his campaign for the vice presidency of the United States in the city of Boston, Mass. Of course, the papers immediately said that Senator WHEELER would not be able to go to trial at that time, and the district attorney immediately answered that of course if Senator WHEELER requested a continuance of the case he would be pleased to grant it.

I might say in this connection for the information of the Senate that Judge Pray, before whom the indictment was found, requested Judge Bourquin to act in the premises, and he, for one reason or another—I think perhaps because of his long association with Senator WHEELER—disqualified himself and declined to act. Judge Pray, for reasons satisfactory to

himself, declined to act, and it was necessary to call Judge Dietrich from the district of Idaho. Judge Dietrich was to be there on December 2, when he was to determine the demurrer and the motion to change the place of trial to Butte, and if they were overruled the statement stood that we were to go to trial before a petit jury on the 15th day of February. We were preparing to go to trial on the 15th of February and wrote out to inquire about the calling of a jury. Feeling some little anxiety about the matter I asked the Attorney General if he would not inquire and find out whether a jury was to be there, and the information came back that the jury would not be called at Great Falls until the 15th of March instead of the 15th of February, leaving just 30 days within which the grand jury in the District of Columbia could get action. Was I to leave these things undeveloped?

Moreover, Mr. President, the Attorney General told us in his letter which he read that the proceedings in the District of Columbia were for an entirely different crime from the one charged against Senator WHEELER in the indictment pending in the court in Montana. I shall refer to that presently. But upon inquiry of the Attorney General with respect to that matter which I conducted, it was disclosed that although the proceedings in the District of Columbia are founded upon another provision of the statute and charge another crime, the two grow out of identically the same transaction.

This is the situation as disclosed by the testimony, or as is necessarily inferable from what was disclosed. Senator WHEELER was charged in the indictment in Montana with having taken compensation from Gordon Campbell for appearing on his behalf before the Department of the Interior in support of applications that Campbell had pending for leases or permits to operate oil lands, or some service in connection with those permits. The charge being prosecuted in the District of Columbia is that Senator WHEELER, together with Gordon Campbell and others, entered into a conspiracy to get those permits fraudulently from the Government of the United States through the corruption of officers in the District of Columbia. That is to say, the first charged no moral turpitude upon the part of Senator WHEELER at all, just merely that he agreed to go in and do this in violation of the statute, and now it is charged that not only that occurred, but that he knew that Campbell was not entitled to those permits, and that they were going to get them by illegal proceedings and by the corruption of officials, and, of course, all those who were concerned in the conspiracy in any wise become also the subjects of investigation as well as Senator WHEELER, although he is the sole defendant in the other proceedings.

That puts the case in this shape, as admitted by the Attorney General under the examination to which he was subjected, that the indictment might be brought properly in the State of Montana as well as in the District of Columbia; in other words, that he had an election to bring it in Montana or to bring it in the District of Columbia, as he saw fit, but for reasons satisfactory to himself he chose to bring it in the District of Columbia. One of those reasons was that it would be necessary to use in evidence documents on file in the Department of the Interior and other departments in the city of Washington. But he was asked whether certified copies of those documents could not be admitted in evidence just as well, and whether upon the trial of the case in the District of Columbia it would not be necessary to submit certified copies as well as in the State of Montana, and he was obliged to say that that was the case, except he said it might be necessary to examine the originals. Of course, it might be necessary to do anything, but nothing that had occurred suggested to him that it would be necessary to examine any of the originals.

I instance these matters for the purpose of making out the defense which I ought to make to the impudence of which I was guilty in interrogating the Attorney General in connection with the statement that he made.

The third editorial I desire to submit is from the New York Times of the same date. I ask leave to have it inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, the request is granted.

The editorial is as follows:

[From New York Times, Thursday, January 29, 1925]

MR. STONE'S PLAIN TALE

The outcry against Attorney General Stone's plan to secure a new indictment of Senator WHEELER and others by a Federal grand jury in the District of Columbia was based mainly on what was asserted to be *an arbitrary change of jurisdiction*. The Senator was already under indictment in Montana. Why deprive him of the benefit of a jury of the vicinage? Mr. Stone *completely disposed of this charge*, which had set some people frothing at the mouth in his statement to the Senate committee yesterday. The case in Montana and the case in Washington are *entirely different*. Mr. WHEELER was indicted in his own State for the illegal taking of a fee as a Senator. He is to be indicted, if at all, in Washington, for having been in a conspiracy to "defraud the United States of its public lands and of the oil and minerals underlying these lands." The crime, if committed, was committed within the District of Columbia, and is properly to be tried there.

So much for that. One plain tale put down a thousand fictions. For Mr. Stone the other reason for charging an "outrage" in his proceeding simply did not exist. That reason was that he had lifted up an audacious hand against the sacred person of a Senator, but all that the Attorney General could see was the law and his sworn duty under it. Whether the man whose prosecution he thought necessary was a Senator or a colored janitor made no difference to him. He quietly informed the Senate committee that the inquiry into the activities of Senator WHEELER "will proceed before the grand jury in the District of Columbia on February 2."

The insinuation that the Attorney General had been actuated by political motives is manifestly absurd. A politician in his shoes would have pigeonholed the entire affair or left it to his successor. Probably Mr. Stone never stopped to ask whether his course would prejudice his confirmation as a judge of the Supreme Court. If anybody had told him that it would, his spurning of the suggestion would have been instant. He has borne himself like a man who thought only of his official duty under the law of the land. All the better judge for that, but the poorer intriguer for place!

Mr. Stone's calm and clear explanations *leave Senator Walsh in a very embarrassing situation*. He is counsel for Senator WHEELER. But he is also the great defender of the oil lands owned by the Government against all depredators. It would be cruel to place him in the position of preventing as a lawyer the fullest inquiry into an oil scandal of the sort which he as Senator had proclaimed to be the crime of the age.

Mr. WALSH of Montana. It fits in with what I was saying. It is headed "Mr. Stone's plain tale." Mr. Stone, the editorial said, came before the committee and told the committee that the proceedings in the District of Columbia were for an entirely different crime. That ended the whole proposition. The whole question, the whole case against Mr. Stone, absolutely fell under the plain statement that it was a different crime. There is no reference in the editorial to the fact, as I have stated, that the transaction is one and the same. I want to call particular attention to the concluding paragraph of the editorial, as follows:

Mr. Stone's calm and clear explanations leave Senator WALSH in a very embarrassing situation. He is counsel for Senator WHEELER. But he is also the great defender of the oil lands owned by the Government against all depredators. It would be cruel to place him in the position of preventing as a lawyer the fullest inquiry into an oil scandal of the sort which he as Senator had proclaimed to be the crime of the age.

Well, Mr. President, the New York Times in its editorial column has never had any sympathy whatever with the inquiry into the leases of the naval oil reserves. It has in that respect been at war constantly as between its editorial page and its news columns, so notably so as to have excited expressions of chagrin, reproach, and regret from members of its own force. But Senator WALSH, notwithstanding the statement of the Times, suffers no embarrassment whatever. Indeed, I feel that I am engaged in this matter in exactly the same work that I was engaged in a year ago. Moreover, Mr. President, I can entertain no doubt that the distrust and suspicion engendered in the public mind concerning the condition of affairs in the official life of Washington that was aroused by the revelations made by the Public Lands Committee in connection with the investigation of the naval oil reserve was responsible for the action of the Senate upon the resolution of my colleague urging an inquiry into the Department of Justice. While he was prosecuting that inquiry and bringing to light the iniquities, the rascalities, that characterized that department—and, I am sure, for the purpose of arresting those proceedings and bringing to bear upon them an adverse public opinion—he was indicted in the District Court of Montana—indicted there and not yet brought to trial there when another indictment against him in the District of Columbia is sought.

Mr. President, my colleague has been well investigated. He must have been investigated before the indictment was found against him in Montana. I have just read a letter showing that thereupon the district attorney in Montana undertook another investigation of him. In the meanwhile he was investigated by a committee of the Senate, the third investigation.

The Attorney General told us that when he went into office he conducted a fourth investigation of Senator WHEELER, and that a report upon that investigation was submitted to him

the 1st of August last. Apparently there was not yet enough evidence gathered together to warrant them in going to trial against Senator WHEELER, and the matter was turned over to his assistant, Mr. Donovan, who conducted a fifth investigation of Senator WHEELER.

It is said that if Senator WHEELER is innocent he has nothing to fear from a jury in the District of Columbia. Well, has he or has he not anything to fear? We all understand the situation. Senator WHEELER agreed to do certain work for Mr. Campbell for which he was to have a fee of $10,000. According to his story, and I have no doubt in the world that it is true, that service was to be rendered exclusively before the courts in the State of Montana before which Mr. Campbell had pending, a large amount of litigation. Senator WHEELER actually entered upon that work, and did the work there, and he asserts that it had nothing whatever to do with anything pending in the District of Columbia or to arise there. Presumably there is something to be said upon the other side of it. Some facts, some circumstances may be adduced in evidence tending to indicate that perhaps it did include work in the District of Columbia, and the question will be as between Senator WHEELER, who devised the matter on the one side, and such facts and circumstances as may be adduced in support of the other theory, and the question is to be determined by a jury as to which theory is to be believed, and that is what we complain about.

We complain that a jury empaneled in the District of Columbia under the circumstances presumably would not be so impartial and fair in the matter as it ought to be. But some facts and circumstances brought to my attention, Mr. President, particularly as five times they have tried to get evidence against Senator WHEELER, lead me to be cautious for perjured testimony in this case. Accordingly a question of veracity may arise as between Senator WHEELER on the one side and a witness or witnesses upon the other side. I want to have that case tried before a jury free from the influences to which I have adverted that obtain here in the District of Columbia.

Mr. President, the Attorney General enjoys a deserved reputation for justice, for probity, and for high character; I would not have anyone understand that I question that in any particular; but it will be observed that the Attorney General does not go out into the State of Montana or into the State of California, or any other places in order to gather the evidence which is laid before him. That is all done by his subordinates.

Mr. President, the investigations bringing forward the testimony which comes before the Attorney General are all conducted by the Bureau of Investigation. The head of the Bureau of Investigation is a man who held that place all through the Burns régime and during the entire term of the Daugherty administration of that office.

More than that, Mr. President, there still remains in the Department of Justice a whole group of appointees brought there by Mr. Daugherty, his friends and political backers. There is Rush L. Holland, who came from the State of Colorado, but who, as I am informed, was a boyhood friend of Daugherty in the State of Ohio. There is a man by the name of Martin there who occupies a position next to the Attorney General. One goes through his office in order to get into the office of the Attorney General. There is a man there by the name of Johnson, brought there by Daugherty. There is another man by the name of Strong, another by the name of Galloway, both of them holding over.

More than that, Mr. President, the newspapers within the last day or two announced that the prosecution before the grand jury in the District of Columbia is to be under the direction of Mr. John T. Pratt, who is special prosecutor in the case. Mr. Pratt is an appointee of Daugherty from Ohio. He is the same Mr. Pratt who came to Montana and presented the case to the grand jury there, and, according to affidavits in the possession of the Attorney General, the grand jury took seven or eight ballots, which was an unprecedented thing to do, before they secured an indictment.

So, Mr. President, whatever may be the disposition of the Attorney General, he has breathed the mephitic atmosphere of the Department of Justice for the last year, permeated, as it is to this very day, with the influence of Daugherty, whose malevolence toward Senator WHEELER was, I think, the occasion for the bringing of this indictment.

Mr. President, I have found ample justification in the facts which I have recited for the small part I had in inducing the Senate to pause before it gave its consent to the confirmation of Harlan F. Stone as Associate Justice of the Supreme Court of the United States. Mr. Stone is to-day engaged in pursuing proceedings in the District of Columbia that have been denounced and roundly denounced by the press of the entire country.

Mr. President, I have spoken especially about Senator WHEELER because not only am I his colleague and his friend of many years but I am his counsel. I am not permitted to speak in that capacity for the other citizens of my State who are to be brought here to the District of Columbia, far from their homes, compelled to go into court and, in order to get witnesses, to plead the poverty act or to pay the expenses of witnesses from distant parts of the country here in order to set up a proper defense, but I speak in their behalf as constituents.

I do not know Mr. Campbell; I never met him; I have no acquaintance with any of his associates. They are, however, constituents of mine, and it is my duty, from which I shall not be deterred by any such effort as is disclosed in the newspaper articles to which I have adverted, to insist and protest that their rights are being invaded and that the proceedings against them ought to go on before the District Court of Montana rather than the Supreme Court of the District of Columbia.

Mr. President, I never have had any part in the movement to shear the great court of which Mr. Stone has been named a member of the power which it has long been believed was reposed in it by the Constitution, nor to hamper it in any degree in the exercise thereof. Some distinguished gentlemen in the last campaign felt called upon to resist that effort by speeches upon the stump, but I am sure that the more efficacious way to restore to the court any prestige it may have lost or to overcome any ill favor into which it may have fallen is never to put a man upon that bench whose career at the bar or upon the bench is not of itself an assurance of a consuming love of justice and a thorough comprehension of the essentials of justice.

Mr. HEFLIN obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Alabama yield to me for a moment in order that I may ask the Senator from Montana a question? I was called out of the Chamber before he concluded, and I wish to make a brief inquiry of him. I will appreciate the Senator's courtesy if he will yield.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. HEFLIN. If the question will not lead to any discussion, I will be glad to yield.

Mr. WALSH of Massachusetts. I should like to ask the Senator from Montana if prior to the reception of the letter from Attorney General Stone on January 16 he or Senator WHEELER had any discussion or conversation, any communication, or any negotiation of any kind or description with reference to the Wheeler case?

Mr. WALSH of Montana. None, so far as I know, after the letters referred, namely, the letter of Senator WHEELER of May 17, 1924, and the letter of the Attorney General replying to it of May 20, 1924.

APPENDIX

[Editorial from the New York World, October 14, 1909]

LAW VERSUS LAWLESSNESS—LIBERTY VERSUS LESE MAJESTY

Judge Anderson's decision against the United States Government in the Panama libel case at Indianapolis is, in effect, a declaration that President Roosevelt instituted an unconstitutional proceeding which involved a distinct menace to the liberties of the American people.

To quote the language of the court:

"To my mind that man has read the history of our institutions to very little purpose who does not look with very grave apprehension upon the possible success of a proceeding such as this—if the history of liberty means anything, if the constitutional guaranties mean anything—if the prosecuting authorities should have the power to select a tribunal, if there be more than one tribunal to select from at the Capital of the United States; that the Government should have that power and drag citizens of distant States there to be tried.

"The defendants will be discharged."

To appreciate the extent to which Mr. Roosevelt prostituted the power of the presidency to the gratification of personal and political malice it is necessary only to compare his own record in the case with this decision of the United States court.

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Even while the sedition law was on the statute books, and the Adams administration was enforcing it against its political enemies, the Government never pretended that it had a right to drag citizens from the various parts of the country to Washington to try them in the National Capital, where the course of justice could be influenced by the President.

Judge Anderson's decision overthrows a revolutionary doctrine which, were it sustained by the courts, would inevitably destroy the freedom of the press in this country. How long would newspapers

dare criticise abuses of government or oppose the will of the Executive if the President could arbitrarily take editors and proprietors to Washington and there prosecute them criminally under what Elihu Root eloquently described as "the same arbitrary and odious law against which Erskine fought in the days of George III"?

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The court has answered Mr. Roosevelt.

[From the New York Evening Mail (Republican)]

THROWN OUT OF COURT

Federal Judge Anderson, sitting in Indianapolis, has some side opinions as to the celebrated Panama libel cases which we do not share, but he is right in summarily dismissing the Government proceedings to hale the proprietors of the Indianapolis News to the District of Columbia in order to try them there for the alleged libel.

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He says: "If the history of liberty means anything, if the Constitution means anything, then the prosecuting authority should not have the power to select the tribunal, if there be more than one to select from at the capital of the Nation, nor should the Government have the power to drag citizens from distant States there for trial."

[From the New York Evening Post (Independent)]

A SEVERE BLOW TO FEDERAL LAW AUTHORITIES

With the dismissal yesterday of the proceedings against the proprietors of the Indianapolis News, another of Mr. Roosevelt's pet crusades comes to an abrupt halt. His indignation with the News and the World, it will be remembered, knew no bounds, and finally found vent in a message to Congress excoriating these newspapers for having grossly libeled his brother-in-law, Douglas Robinson, William Nelson Cromwell, and others in connection with the acquisition of the Panama Canal. He then directed the Attorney General to begin proceedings against the newspapers, and the first step was to endeavor to have their proprietors taken to the District of Columbia for trial there. This attempt has now failed completely, Judge Anderson dismissing the procedure and saying: "That man has read the history of our institutions to little purpose who does not view with apprehension the success of such a proceeding as this, to the end that citizens could be dragged from their homes to the District of Columbia, the seat of government, for trial, under the circumstances of this case." It can not be denied that this is a severe blow to the Federal law authorities. Even if they acted originally in obedience to the orders of the President, they should have perceived where this policy must lead them and how entirely contrary to the spirit of our institutions it is.

[From the New York Globe (Republican)]

AN APPEAL TO HISTORY

A knowledge of American history—elementary history, at that—seems to be all that the United States district court thinks necessary to determine the validity of the proceedings against the proprietors of the Indianapolis News for criminal libel in the Panama Canal case. "That man has read our history to little purpose," says the judge in concluding his decisions, "who does not view with apprehension the success of such a proceeding as this, to the end that citizens could be dragged from their homes to the District of Columbia, the seat of Government, for trial under the circumstances of this case."

The question is one of first principles, principles upon which this Government was established, principles among those most highly valued and most carefully protected in that system of constitutional liberty that we inherited from England. The judge does not befog it by attempting to make it anything else. He sees it as we believe practically all American citizens see it, and he is shocked by the proceedings in the same way that they have been shocked.

[Editorial from the New York World, Friday, October 15, 1909]

A UNANIMOUS PRESS

Not only is there practically a unanimous sentiment among newspapers in regard to Judge Anderson's decision in the Panama libel case, but Republican opinion is no less outspoken than Democratic opinion in upholding the decision of the court.

The stanchly Republican New York Tribune says: "The decision will be generally recognized as conforming to sound law and public policy." Having long maintained that all attempts to deport persons charged with libel to jurisdictions other than that in which the offense is alleged to have been committed "are inconsistent with American traditions of free speech," the Tribune is "gratified to find that argument again emphatically approved by a Federal court."

After quoting from Judge Anderson's decision, the Republican New York Evening Mail remarks: "Thus ends the attempt which President Roosevelt most unwisely and fatuously countenanced to convert an ordinary libel case into a proceeding under the extinct sedition law of John Adams's time." The Republican New York Globe says: "The question is one of first principles, principles upon which this Government was established, principles among those most highly valued and carefully protected in that system of constitutional liberty that we inherited from England. The judge does not befog it by attempting to make it anything else. He sees it as we believe practically all American citizens see it, and he is shocked by the proceedings in the same way that they have been shocked."

The Independent-Republican Evening Sun hopes that this is the "beginning of the end." The Republican Boston Advertiser believes that "Judge Anderson is wholly right in maintaining that it would be unwise to establish a precedent that a man can be arrested in the place where his offense has been committed, or where it is alleged that the offense was committed, and then taken to Washington to stand trial." The Republican Philadelphia Bulletin calls the attempt of the Roosevelt administration "a clearly illegal effort to usurp power which did not belong to the National Government," and adds: "This decision is so manifestly just that it is not likely to be questioned by any reasonable mind. It tends to strengthen still further the bulwarks which the law throws around the rights and the liberty of American citizens."

The thick-and-thin Republican Philadelphia Inquirer says it will be generally recognized that the decision "is not only just, sensible, and fair, but that it is the only view of which an intelligent application of the constitutional provision already cited to the facts exhibited allowed." Discussing Judge Anderson's remarks as to the danger to American liberty involved in such a proceeding as Mr. Roosevelt instituted, the Inquirer makes this impressive comment: "To those sentiments every man with intelligence enough to appreciate the gravity of the issue will say amen."

The Republican Philadelphia Press calls the decision "a sound and sensible disposition of an extraordinary libel suit."

Independent papers like the New York Evening Post, the New York Times, and the Washington Post, all of which supported Mr. Taft for President, discussed the decision in the same spirit as the Republican papers. The Evening Post calls it "a severe blow to the Federal law authorities," and reminds them that "even if they acted originally in obedience to the orders of the President they should have perceived where this policy must lead them and how entirely contrary to the spirit of our institutions it is." The Times declares that while the Roosevelt undertaking "would be plausible and consistent in a despotic land," "that our laws intend or will permit such procedures is a theory that will be maintained only by persons of an absolutist temper." The Washington Post holds that Judge Anderson's decision "will be accepted as a clear statement of the rights of the press in the matter"; but, as the Indianapolis News pertinently says in commenting on its own case, this decision is "a call to the performance of a high and solemn duty," to a duty in a performance of which newspapers will be protected," but protected only on the theory that they will do their duty," and do it without fear or favor or malice.

The world could quote indefinitely from editorial opinions of its contemporaries in praise of Judge Anderson's decision, but enough has already been presented to show the general sentiment of the American press.

Every thoughtful student of public affairs must regard this unanimity of sentiment as a most encouraging sign. It shows that when a great question presents itself which involves a clear, distinct principle of constitutional liberty American newspapers are capable of disregarding all matters of partisan sympathy or commercial rivalry in a united defense of that principle.

[From the New York Tribune (Republican)]

SOUND LAW AND GOOD PUBLIC POLICY

The decision of Judge Anderson of the United States Court for the District of Indiana, that publishers charged with criminal libel must be tried in the jurisdiction in which the libel was most obviously committed—that is, at the place of publication—will be generally recognized as conforming to sound law and good public policy. A United States district attorney had brought proceedings in the Indiana court to secure the removal to the District of Columbia of the proprietors of the Indianapolis News, charged with having circulated printed matter libeling persons alleged to have been connected corruptly with the transfer of French Panama Canal Co.'s plant and rights to the United States. Some copies of the newspaper were sent to Washington, and the Government's contention was that the libel was committed wherever the charges were circulated, and consequently the prosecution could elect in which of many possible jurisdictions it should try the case.

The court held, however, that such a construction of the law would lead to oppression and abuse. Judge Anderson ruled that if any offense was committed it was committed in the city of Indianapolis and should be dealt with there. Why should it not be? To admit a universality of liability would make it possible to remove defendants thousands of miles from their homes—to Alaska or Hawaii—and subject them, even if their innocence should be established, to extortionate annoyance and expense. Such a liability

would naturally operate as a clog on the liberty of the press. The Tribune has long maintained that deportations to jurisdictions other than that in which the libel is primarily committed are inconsistent with American traditions of free speech. It expressed that view in March, 1895, when an attempt was made to take Mr. Charles A. Dana, editor of the New York Sun, to Washington for trial on a charge of criminal libel. Mr. Dana was not removed. We reiterated the opinion last March, when proceedings were begun to secure the removal of the proprietor of the World—charged with circulating libels similar to those appearing in the Indianapolis News—from this jurisdiction to the District of Columbia. We are gratified to find that argument again emphatically approved by a Federal court.

[From the Philadelphia Inquirer (Republican)]

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In concluding, Judge Anderson remarked that "if the history of liberty means anything, if the Constitution means anything, then the prosecuting authority should not have the power to select the tribunal, if there be more than one to choose from, at the Capital of the Nation, nor should the Government have the power to drag citizens from distant States there for trial." To those sentiments every man with intelligence enough to appreciate the gravity of the issue will say amen.

[From the New York Times (Independent)]

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There are but two possible theories of the matter. Either the offense was committed in Indianapolis, where the paper was actually published, and there alone, or it was committed in every State and county of the Union where the newspaper was circulated. The theory that a publisher charged with a libel may be put on trial all over the country before any tribunal the prosecutor may select would be plausible and consistent in a despotic land, where the Government for its own purposes might now and then desire to harass and destroy persons charged even with minor offenses.

That our laws intend or will permit such procedures is a theory that will be maintained only by persons of an absolutist temper.

Judge Anderson puts his view of the law in this way:

"If the history of liberty means anything, if the Constitution means anything, then the prosecuting authority should not have the power to select the tribunal, if there be more than one to select from, at the Capital of the Nation, nor should the Government have the power to drag citizens from distant States there for trial."

So the Indianapolis newspaper men will not go to Washington.

[From the Philadelphia Bulletin (Republican)]

EFFORT TO USURP POWER DEFEATED

Expressing doubt as to whether the publication in question did as a matter of fact fall within the category of libel, the judge explicitly declares that under the Constitution and the statutes Federal authority has no right to take a defendant from the place where his offense is alleged to have been committed and to force him to stand trial either at Washington or in some other jurisdiction that is distant from his home.

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[From the Boston Advertiser (Republican)]

UNWISE PRECEDENT PREVENTED

Judge Anderson is wholly right in maintaining that it would be unwise to establish a precedent that a man can be arrested in the place where his offense has been committed, or where it is alleged that the offense was committed, and then taken to Washington to stand trial—unless under the order of the court for a change of venue on proof that a fair trial is impossible at the place of arrest.

[From the Indianapolis News (Independent)]

A GREAT VICTORY FOR LIBERTY

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In our eagerness to "get things done" we had grown impatient of the restraints which the centuries of struggle for liberty have shown to be absolutely essential. And no principles are more important than freedom of the press or that other principle that men shall be tried by the ordinary courts in the place where the offense, if any, was committed.

So we conclude that the decision of yesterday was no little personal victory, but a great victory for the vital principles of Anglican liberty. It is in line with Magna Charta, the Declaration of Right, the Declaration of Independence, and Constitution of the United States. We think that future Presidents will hesitate long before they attempt any such assault on liberty as that made in this case.

[Editorial comments from the New York World, Sunday, October 17, 1909]

CASE THROWN OUT OF COURT

[From the Jamestown (N. Y.) Morning Post]

It made no difference to Judge Anderson that the men who claim to have been libeled by the Indianapolis News include Charles P. Taft, brother of the President, and Douglas Robinson, brother-in-law of Theodore Roosevelt, a former President. He would not sanction such an indefensible procedure as the removal of his fellow-townsmen to the District of Columbia for trial, because he was asked to do so by a special deputy attorney general appointed to take charge of this prosecution when the United States district attorney for the Indiana district offered his resignation rather than have anything to do with the case.

It is an old principle of the law that a man charged with crime is entitled to a trial by a jury of his peers drawn from the vicinage; that is, from the jurisdiction where the crime is alleged to have been committed.

[From the New Orleans Times-Democrat]

FRAUGHT WITH DANGER

If the Federal administration enjoyed the power to indict for libel all those who criticized or denounced its policies, and to take them on to Washington and make them stand trial there, it would enjoy a power that would seriously endanger the freedom of the press. Criticism would be dangerous under such circumstances with editors from all portions of the country standing trial in the shadow of the White House. We have had too much centralization of late, but nothing quite as bad or as dangerous has been proposed heretofore as this proposition that Judge Anderson has just knocked out.

[From the Wheeling Register]

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If this preposterous idea has been upheld as a principle of law, it is obvious that the Government might proceed similarly against proprietors of papers published in remote sections of the country and put them to such expense in defending themselves in Washington as would spell bankruptcy in hundreds of cases.

[Printed in the New York World, Tuesday, October 19, 1909]

A TYRANNICAL POWER BROKEN

[From the Philadelphia Inquirer (Republican)]

President Roosevelt, in his impetuous way, proclaimed that the United States Government had been libeled, and nothing would do but the arrest of the culprits and the dragging of them to Washington. The Federal court at Indianapolis finds a grave constitutional objection to any such procedure.

Of course, Roosevelt was a great President in many ways, but the Constitution to him was not always sacred. Could he have won his point the Government would have become a tyrannical power continually holding a club over the heads of newspapers.

[From the editorial page of the New York World for October 19, 1909]

(Chicago Inter Ocean, Republican)

To admit that a newspaper committing such an alleged crime could be brought to trial, not where the alleged crime was committed but wherever the head of the Government for the time being might choose, and before such court as he might select, would be to overthrow a plain constitutional guaranty and destroy the liberty of the press.

[From the New York World of October 20, 1909]

(San Francisco Chronicle, Republican)

THE MOST LAWLESS ACT

The prosecution and attempt to drag the defendants to Washington was the most lawless act of the most lawless President we have ever had except Andrew Jackson. It was wholly indefensible. It is improbable that the present administration desires the extradition.

[From the editorial page of the New York World of October 21, 1909]

(Hartford Times)

THE LIBERTY OF THE PRESS PRESERVED

All the machinery of the Department of Justice under the last administration was brought to play for the purpose of compelling these newspaper owners to go to Washington, D. C., and submit to trial there for an alleged criminal libel.

[From the editorial page of the New York World of October 21, 1909]

(St. Louis Globe-Democrat, Republican)

HISTORY MADE AT INDIANAPOLIS

The Constitution of the United States has been vindicated in Indiana. The gist of the opinion is that the Constitution would be obviously and willfully violated in forcing citizens in conduct of newspapers away from their homes to face trial at points remote from their places of publication.

[From the editorial page of the New York World of October 21, 1909]

(Nebraska State Journal, Republican)

A GRATIFYING DECISION

Judge Anderson, holding appointment for life, and with nothing to hope or fear from the attitude of press or public, renders a decision in the Panama Canal case that will be gratifying to the friends of a free press. It is not the fact that the Indianapolis News escapes prosecution that is primarily gratifying. The question whether that paper abused its freedom may be left open. But his denial of the right of the Government to hale the editors to Washington for trial relieves the press, if the higher courts should uphold the doctrine, from a danger of prosecution that might lead to the utmost intimidation by persons in authority.

[From the editorial page of the New York World of October 22, 1909]

(Albany Argus)

NO LAW OF LESE MAJESTY

But the important thing, the vital thing, is that it is now decided for all time, we hope, that newspapers are responsible for their sayings and doings in the place where they are published, and can not be haled to the seat of the Federal Government or to some Government post or reservation many miles away from their homes on the pretext of "libeling the Government."

[From the editorial page of the New York World of October 23, 1909]

(Omaha World-Herald)

Judge Anderson has rendered a service to the free press of the Republic. He has vindicated its right honestly to criticize public officials, no matter how exalted, and the right of the accused to be heard and tried at home by a jury of his peers.

[From the New York Sun, June 26, 1895]

LIBERTY OF THE PRESS PRESERVED—COMMENTS OF THE GREAT NEWSPAPERS ON JUDGE ADDISON BROWN'S DECISION IN THE DANA-NOYES CASE

[From the New York Morning Journal]

The case against Mr. Dana, editor of the Sun, was decided yesterday in his favor, the judgment being against the demand that he be taken to Washington to answer in the courts there for an alleged libel published in the Sun in this city.

This is in accord with common sense, and it is always a pleasure when we find common sense and law coincide in the same conclusion. The Sun is published in this city, and if anything published in its columns does wrong to another, whatever offense is involved in that wrong is committed here, and the offender should be held to answer in the courts here and not elsewhere. The notion that it would be more equitable to try the case where the libeled man is best known is in fact an appeal to prejudice. It is a proposition that in a man's own neighborhood a jury is more likely to view the case as it affects him rather than as it touches the law, and that the plaintiff ought to have the benefit of this difference.

[From the Brooklyn Citizen]

It is perhaps enough to remind our readers that the kind of outrage which the men who put up the scheme against Mr. Dana undertook to perpetrate was among the most serious of grievances of the Colonies against Great Britain. Just as these contemptible defilers of the springs of justice proposed to force an American to travel far from his home to meet an accusation in the District of Columbia, so the ministers of the King not only proposed but did in fact force Americans to cross the ocean and stand trial in London.

[From the Philadelphia Press]

This is a just and righteous decision, since it forbids what in practice might be harsh and oppressive and in principle is clearly unjust. While it leaves open the liability of an editor or publisher to prosecution for libel in another State or in the District of Columbia if he comes voluntarily within the jurisdiction, it is much to know that he can not be taken from his home, where he is known and respected, and forcibly removed for trial before strangers and an unfamiliar and, perhaps, hostile court.

[From the Albany Times-Union]

When he (Mr. Noyes, of Washington) undertook to drag Mr. Dana by judicial process from his home in New York to Washington, there to be tried under the laws of a section of the country other than that to whose laws he was immediately subject, the prosecution at once took on the appearance of persecution, and the love of fair play was aroused in the defendant's behalf.

[From the St. Paul Daily Globe]

All that any scoundrel who had found himself published to the world in his true colors in the columns of a newspaper would have to do would be to bring a charge against the editor, being perhaps a thousand miles away, and put him to the inconvenience and expense of appearing for trial, even if an unfavorable local sentiment did not bring about his conviction and punishment. This is the sort of thing that the people would never tolerate. We are glad that the issue has been raised.

Mr. HEFLIN. Mr. President, I hold in my hand a copy of the Constitution of the United States. I trust that in these days it is not too old-fashioned to refer to that document. In the preamble we find these words:

We, the people of the United States, in order to form a more perfect Union establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The fifth and fourteenth amendments to the Constitution, Mr. President, in effect provide that the citizen shall not be deprived of life, liberty, or property without due process of law.

So, Mr. President, we see in the outset that it was the purpose of the framers of the Constitution to establish a Government here where justice would prevail, where citizens would be safeguarded in their rights under the Constitution and secure in their property. We set up courts of justice under the Constitution in order to protect the law-abiding citizen in his rights and in the enjoyment of his property.

Highwaymen used to go out and hold up the citizen who had accumulated money or property of various kinds, and the courts were quick to go to the rescue of the citizen who had been set upon by outlaws, by those who did not regard law and courts, and they would bring the criminal into court and put severe punishment upon him for daring to deprive a citizen of that which belonged to him.

Under the Constitution no man can be deprived of his property without due process of law; in other words, the principles of justice must enter in, and, if he is deprived of his property, it must be after the essence of justice itself has been invoked and due process of law had.

A few days ago I had occasion to bring to the attention of the Senate and the people of the country the fact that Mr. Stone had to do with a case of great importance affecting an American citizen; that Mr. Stone appeared in the Supreme Court, argued the case, and urged the Supreme Court to sustain the judgment of the lower court. In the lower court Colonel Ownbey was proceeded against under a writ of attachment. That court was in Delaware, and he was a citizen of Colorado. He was ordered by that court to come and answer, and when he came into court to answer and was prepared to show that he did not owe the heirs of Morgan anything, but that they owed him, he was met with the proposition that he must put up a bond of $200,000. He told the judges that he could not provide such a bond; that the attachment had tied up his property, and that he was not able to comply with that request. The record shows, Mr. President, that the attorney for the Morgans suggested that the bond be made $200,000, and the Delaware court fixed the bond in the amount suggested by the Morgan attorneys.

I hold that when this man Ownbey arrived with his testimony to show that that suit in Delaware was without foundation, a procedure for tying him up and getting him in a court where he could not testify and they could take his property from him as a matter of right, he ought to have been heard. He is in the city of Washington. His property was taken from him. He was not allowed to testify. He employed lawyers and paid them fees. They went into the court there and entered their names upon the dockets. The lawyers of Mr. Morgan, lawyers employed by the firm of Satterlee, Canfield, & Stone, moved that their names be stricken from the record. The court permitted that to be done, and Colonel Ownbey's lawyers sat in that court. He sat there himself. They were not permitted to open their mouths for him in the case; he was not allowed to testify himself; and finally, when he did

rise to protest or suggest something to the court, a bailiff escorted him from the court room.

Mr. President, this case may not amount to very much in the eyes of some Senators. I do not know how they feel about it. I take it that some of them do not know the facts in the case as I know them. This man came to me, amongst others that he talked to, when he first arrived in Washington. He told me that he wanted to tell me about this case, and he asked me if I thought the treatment accorded to him was right and just, and if those things could be put over in this land of liberty. I talked with a Republican Congressman in the House, an able lawyer. He used to be a judge himself. He told me that he had read this record, and that the treatment that Ownbey received constituted one of the most outrageous cases that had ever come to his notice. I have talked to other men who have read the record, and they, too, state that it was an outrageous performance.

It is said that Mr. Stone appeared only in the case in the Supreme Court; but, Mr. President, when he did appear he put his construction upon the Constitution. When he did appear, with the record before him showing what had occurred in the lower court, and sat in the Supreme Court himself, after listening to the argument of Mr. Marshall, from New York, who said in his presence that Mr. Ownbey had never yet been permitted to open his mouth in the case or to be heard in any manner whatever, but judgment had been rendered against him and his property taken from him, Mr. Stone closed the argument for the Morgan heirs, and in that argument he urged the Supreme Court to sustain the judgment of the lower court. He took the position that what occurred in the lower court was proper and that no injustice had been done to Colonel Ownbey.

Mr. President, my objection to Mr. Stone is fundamental. It goes to his views as to a proper construction of the Constitution. If he holds that that is a proper interpretation of the Constitution, God help the litigants whose cases shall go up before him in the years that are to come! I know now, before I make this fight, that you are going to confirm him. I am satisfied of that; but I shall not discharge my responsibility as a Senator and my duty to my constituents and to those who may appeal to me for justice, nor comply with my oath to support and sustain the Constitution without making this fight and presenting this cause, that those out in the country who read the RECORD may learn the truth of somebody who has made a fight for a humble citizen who has been outraged and deprived of his property in violation of the Constitution of the United States.

Mr. President, I know that the die is cast so far as this confirmation is concerned. I am one of those who must pass upon him in this body. He does not get upon the Supreme Bench until this body elects him. Democrats and Republicans alike have to cast their votes for him and elect him to a place on the Supreme Bench before he can occupy a place there. The fundamental principles of the Constitution have been violated. An American citizen whose forbears fought in the battle of Kings Mountain has been denied his rights in the Government where he lives, whose institutions he has supported loyally and enthusiastically, a great pioneer helping to develop the great West, a partner with Morgan, making thousands of dollars for himself and for the company in the better and brighter days of his life.

I hold here a paper published out in Colorado. This advertisement, covering two pages, appeared on August 12, 1908. It is an advertisement of the Morgan Co., in which Colonel Ownbey was a partner, and of which he was vice president and general manager. Listen to the headlines:

Immense Wootton estate bought by Colonel Ownbey, J. P. Morgan, Ogden Mills, and B. P. Cheney.

Then down here is a picture of Colonel Ownbey on his horse, and here is a picture of J. Pierpont Morgan. All was well then when this great mining engineer, this splendid genius—and he is such—was out there gathering up property for his company, and developing the mines for this great company that he represented, and making money for its members. Here is what this paper says of Colonel Ownbey:

A splendid thing—a vast and always visible monument to the worth, energy, integrity, and great executive ability, determination, and dauntless courage of a certain man well known to Colorado, and better known to me—has had my consideration and observation during the past 10 days, and I have studied and admired all this during the period mentioned in the company of the builder of his own monument, Col. J. A. Ownbey.

Mr. President, while he was conducting that company in Colorado, he wrote a letter that I have upon my desk to J. Pierpont Morgan, telling him to send money for the conduct of the company, and stipulating in the letter that this money should be paid back to him, not by Ownbey—it was not a personal account—but by the company, out of the first earnings of the company, for money advanced by Morgan to run the company's business. Now, Ownbey never owed Morgan at that time anything at all personally; but, unfortunately for him, Morgan died. He told me that the old man was a straight man, and that he never had any trouble while the old gentleman lived; but when he died the heirs came out there and proceeded in the district court and threw him into the hands of a receiver. He won the case in the court there. They appealed it to the circuit court of appeals out there. Colonel Ownbey won the suit in that court; and while that case was pending, where he could be heard as well as the Morgan heirs, he won the case and the court adjudged that they owed him $53,000; but then what do we find them doing? We find the firm of Satterlee, Canfield & Stone going over to Delaware, employing Saulsbury and another lawyer, who has since been put upon the Federal bench himself, and they proceeded under a statute older than the Government, resorted to but few times in its history, a den of iniquity—that is what that statute is—and they proceeded under writs of foreign attachment, and they suggested a $200,000 bond.

My judgment is, and I assert it as my conviction, that they fixed that bond at a figure that they did not believe he could make. They proceeded under that statute because they did not think he could be heard under it or would be heard; and they brought him over there to Delaware, away from Colorado, and when he arrived with the same facts that he had submitted in Colorado, where he had won the suit against the company, they would not hear him over here. The Bible says, "Know the truth, and the truth shall make you free." Did they know it? They would not hear it—not a bit of it.

Let me read you what occurred out there in the circuit court of appeals. The lawyers of Colonel Ownbey said in their brief to the circuit court of appeals:

On the other hand, if it should be apparent to the court that some unconscionable advantage in being sought by plaintiffs through the instrumentality of a foreign court, or some wrong being done to the defendant which in equity and good conscience he should not be compelled to suffer—

And so forth.

From the record as a whole we think the deduction is fair—in fact, almost unavoidable—to the effect that the Delaware suit was instituted and prosecuted by plaintiffs without any probable or reasonable ground for believing that it was a just or meritorious cause, but with every reason for believing and knowing that such action was wholly unwarranted. Their sole witness in said Delaware suit was Thomas W. Joyce, and the testimony he gave therein, and which was necessary to sustain the action, is testimony that can not be true, as he well knew from his own prior letters and his admitted prior knowledge of other letters written by Ownbey and approved by Morgan, and constituting a contract to the effect that the moneys sued for in the Delaware suit were not the personal obligations of Ownbey at all. For Joyce's testimony in the Delaware suit, see transcript of the record.

It gives the pages.

As showing that at the time he gave his testimony in the Delaware suit he must have known that the sums of money which he then stated to be personal debts due from Ownbey to Morgan were, in fact, not such debts, and that no personal liability on the part of Ownbey existed as to such moneys, we direct the court's attention to the letters and receipts appearing in the record at pages 154 to 163, inclusive.

A careful comparison of the various sums testified to by Joyce in the Delaware litigation with the sums mentioned in said letters and receipts will prove to the court that every dollar embraced in the Delaware claim was money to be repaid to Morgan out of the surplus earnings of The Wootten Land & Fuel Co. These letters are admitted as genuine and authentic and bear the approval of Morgan and Cheney in most instances and also show on the face thereof that Joyce saw the letters and knew their contents, and in one instance at least, in a letter written by himself, he makes the straight admission that said funds were to be repaid from the first earnings of the property.

Mr. President, I do not care what kind of technicalities Senators may resort to here in trying to answer my charge against Mr. Stone. You may say that they have such a statute in Delaware. I concede it. You may say that the court in Delaware declared that such a statute existed and that they must stand by it. They did do that. I do not agree, however, that they should stand by it. No judge ought to stand by an oppressive and tyrannical statute. A statute that denies a citizen due process of law is not law in the true sense. It is a subterfuge and an outeropping of judicial tyranny.

Lawyers may say: "Of course the Supreme Court had to sustain the lower court." That is not true unless it wanted to.

The Supreme Court had the right to declare, and in my judgment should have declared, the statute of Delaware unconstitutional in the face of the fifth and fourteenth amendments of the Constitution. The court should have said, "We set that statute aside, and we hold that this citizen has not had due process of law."

Let us see what the decision of the Supreme Court said. I shall not read all of it. This decision was handed down by Mr. Justice Pitney and stated:

This writ of error brings under review a judgment of the Supreme Court of the State of Delaware affirming a judgment of the superior court in a proceeding brought by defendants in error by foreign attachment against the property of plaintiff in error pursuant to the statutes of the State.

Proceedings were commenced in the superior court December 23, 1917, by the filing of an affidavit entitled "In the cause, made by one Joyce"—

That is the man I read about a little while ago, who had before given out statements to the effect that this debt was not the debt of Ownbey but was the debt of the company, to be paid out of the first earnings of the company to J. Pierpont Morgan, who had advanced the money. Here is the Supreme Court judge saying that this thing was done upon the testimony of one Joyce—

a credible person, and setting forth that Defendant Ownbey resided out of the State, and was justly indebted to plaintiffs in a sum exceeding $50.

Listen to this, Senators:

Thereupon a writ of foreign attachment was issued to the sheriff of New Castle County, which plaintiffs caused to be indorsed with a memorandum to the effect that special bail was required in the sum of $200,000, and under which the sheriff attached 33,324½ shares of stock (par value $5 each), held and owned by defendant in the Wootten Land & Fuel Co., a Delaware corporation, and made a proper return. Plaintiffs filed a declaration demanding recovery of $200,000, counting upon a combination of the common money counts in assumpsit.

Whether such pleading was required or even permitted by the statute is questionable; but this is not material for present purposes. Not long afterwards, defendants, by attorneys, without giving security, went through the form of entering a general appearance and filed pleas of nonassumpsit, the statute of limitations, and payment.

Mr. President, here is the Supreme Court judge himself saying that this man was present with his attorney, filing a statement saying that whatever obligation he had had had been paid, and setting out the fact that he owed nothing whatever, and with the proof to support it; but he was not permitted to be heard.

What happened?

Plaintiff's attorneys moved to strike out the appearance and pleas on the ground that special bail or security as required by the statute in suits instituted by attachment had not been given.

I want to remind Senators that they may resort to technicalities, but what are the cold facts, stripped of all sophistry and cobweb theory? The facts are these, that this man was proceeded against, ordered to come into court and answer, and when he did, with the proof to show that he was right, just as he had done in Colorado, what did they say to him? They said, "Unless you can raise $200,000 and make a bond, we are not going to let your lawyers plead for you; we are not going to hear one scintilla of testimony from you." That is what happened.

I read:

To this motion defendant filed a written response, setting up that the Wootten Land & Fuel Co., although a Delaware corporation, was engaged in coal mining and all its other activities and business in the States of Colorado and New Mexico, where it had large and valuable property; that defendant was a resident of Colorado, and the stock in said company attached in this case constituted substantially all his property; that the company was in the hands of a receiver, and because of this the market value of the shares attached was temporarily destroyed, so that they were unavailable for use in obtaining the required bail or security to procure the discharge of the shares from attachment, and that it was impossible for defendant to secure bail or security in the sum of $200,000, or any adequate sum, for the release of the shares so attached; that defendant had a good defense in that there was no indebtedness upon any count or in any sum due from him to plaintiffs; that by the true construction of the Delaware statutes the entry of bail or security for the discharge of the property attached was not a necessary prerequisite to the entry of defendant's appearance, and such appearance might be made without disturbing the seizure of property under the writ or its security for any judgment finally entered.

That shows that Ownbey was willing to waive anything and everything that would permit him to appear and be heard. He was willing for them to hold his property, but he wanted to appear and have the judges to get the truth, but they would not hear him.

I read:

If the statutes could not be so construed as to permit appearance and defense in a case begun by foreign attachment without the entry of bail or security for the discharge of the property seized, they were unconstitutional under the first section of the fourteenth amendment, in that (a) they abridged the privileges and immunities of citizens of the United States; (b) deprived defendants in cases brought under them of property without due process of law; and (c) denied to such defendants the equal protection of the laws.

There it is, and the statement remains unchallenged by anybody, undisputed by the Morgans or Mr. Stone, that this man was proceeded against; that his property had been taken from him—the Morgans got his property; that the case came up to the Supreme Court, and one of the Morgan lawyers, Mr. Stone, urged the Supreme Court to sustain the judgment of the lower court; and Colonel Ownbey has not been heard yet.

Senators, is that due process of law? Is that right? Is that just? Do Senators indorse that kind of treatment?

If Mr. Stone holds these views about the Constitution, is he a fit person to be put on the Supreme Court bench for life? He is a young man, in the vigor of health. Is he to be put upon the bench to construe the Constitution in the way he has already said it ought to be construed, in the way that he urged the judges already on the bench to construe it?

I am glad that Chief Justice White dissented from the opinion in that case and that Justice Clarke did likewise. Justice McReynolds, I believe, stated that he concurred in the result, whatever that means. We know that Colonel Ownbey lost his property because he was not permitted to submit testimony to the court.

Listen to this:

Upon motion of plaintiffs this response and the attempted appearance and pleas of defendant were struck out upon the ground that special bail or security as required by the statute had not been given by defendant or any person for him; the court in banc holding that in a foreign attachment suit against an individual there could be no appearance without entering "special bail"; that the requirement to that effect was not arbitrary or unreasonable and the statute was not unconstitutional.

Mr. President, what would it take to convince a court that the requirements here were not unreasonable, when Colonel Ownbey sat there in that court and offered to show that he was not financially able to make the bond that Morgan's lawyers had required him to make? If he could not make the bond—and he could not—was it the proper thing for that court to hear Mr. Joyce, whose testimony had already been crippled and broken down in the court in Colorado, and against whose testimony Colonel Ownbey had won the case? Was it right to make him sit in open court and permit these others to testify and take his property from him without ever hearing him at all, or letting the lawyers whom he had already paid stand up and plead his cause in the courts of his country?

Mr. President, I said the other day that a lawyer's anxiety to win a suit for his client should never prompt him to solemnly stand up in a court of justice and put a construction upon the Constitution in which he does not believe. When a lawyer does put a construction upon the Constitution in the Supreme Court it is a matter of record, and we can find out by that act how he feels about this great instrument, and we can learn from the tactics he employs in his practice whether it is right or proper for this great tribunal here to elevate him for life to a position on the Supreme Court bench.

Unless it should escape my mind, I want to refer to some cases which have been in Mr. Stone's charge for more than a year, which have been pending since the war, and in which no steps have been taken yet. One of them is the United Gas Improvement Co. case, in which Mr. Stotesbury is a member; and Mr. Stotesbury is a member of the Morgan interests.

Mr. Stone, in a letter written last year in reply to a Mr. Keenan, dated July 28, 1924, said:

DEAR SIR: I beg to acknowledge receipt of your letter of the 26th instant. I am having an examination made of the entire record in the United Gas Improvement Co. cases. As soon as that examina-

tion is completed and a report thereon made to me, I shall take such action with reference to the matter as seems appropriate and warranted by the facts in the case.

Yours very truly,

HARLAN F. STONE,
Attorney General.

That was in July, 1924. What disposition has been made of that big case? None. Mr. Daugherty dismissed the indictment against this company in which the Morgans are interested. About eight months have passed since Mr. Stone wrote this letter to Mr. Keenan saying that he would investigate this matter and take such action as he thought appropriate. What action has he taken? None whatever. This matter is still pending. I understand that in this case the grand jury unanimously indicted this gas company. After Mr. Daugherty had dismissed the indictment, it seems to me that Mr. Stone should have had the company reindicted, and should have proceeded against them. I understand that Mr. Stotesbury appeared before the committee investigating campaign contributions last fall—which never reported—and testified that he had contributed $5,000 himself to the Coolidge campaign fund, and that he had collected $50,000 for the fund, that he was very much interested in the election, and would do all that he could to raise funds for that purpose. Mr. Stotesbury is one of those interested in the gas company that Mr. Stone wrote last July he would investigate and take such action as he deemed appropriate. I wonder what that appropriate action is? No action has been taken so far as I know.

Again they tell us that Mr. Stone said he did not know Colonel Ownbey. I have here two telegrams that say Colonel Ownbey was a member of the Lawyers' Club in New York in 1915; that he was a nonresident member. Here is another telegram saying:

In answer to your telegram, Mr. J. Ownbey was a member, 1915, Bankers' Club of America, 120 Broadway, New York City.

Mr. President, in a letter which I have read Mr. Stone said that he did not represent Morgan. He had been a partner, however, of Satterlee, Canfield & Stone from 1913 to 1923 and that firm is the firm that proceeded against Ownbey. That firm is the firm that employed lawyers in Colorado. That firm is the firm that employed lawyers in Delaware. That firm is the firm as whose counsel Mr. Stone appeared in the Supreme Court to drive the final tack in the coffin of Colonel Ownbey's rights as a citizen. When he had come away from Delaware, when he said, "I can not get justice here," when he said, "My rights have been denied me, my property taken from me without due process of law. I will go to the city of refuge where any American citizen can go who has a just cause. My cause is just. The judges out in Colorado who heard both sides said I was right in my contention. Out there where both parties were heard I won out, but over here, where only Morgan's agent and sole witness was heard and my lips were sealed, I have been denied my rights and deprived of my property, and I will take the case to the Supreme Court." Whom does he meet when he goes there? He finds Mr. Stone himself, and he sits there and hears Marshall, as I said a moment ago, argue the case. What did Mr. Marshall say in his hearing?

After saying the suit was brought by Morgan's executors to recover $200,000 and the complaint was on the common counts, he said:

Thereupon, the defendant Ownbey, by the firm of Ward, Gray & Neary, proceeding in accordance with the practice of Delaware, entered appearance, by writing their names opposite the name of the defendant, which was the method in vogue in that State for appearance in an action. These attorneys also filed pleas of "nonassumpsit," "statute of limitations," and "payment."

After that had been done a motion was made on behalf of Morgan's executor to strike from the docket this appearance and to strike out the pleas on the ground that the defendant had no right to appear or to interpose pleas to the declarations that had been filed until he had first given bail to the amount of $200,000.

Mr. Stone was sitting there when this argument was made.

Mr. Justice PITNEY. Would that have released the property from the judgment?

Mr. MARSHALL. It is claimed by his opponents that his appearance would have released the attachment. We contend that that did not necessarily follow, and if that was the consequence it nevertheless would not have justified what was done by the court depriving him of his right to be heard in those proceedings, because in those proceedings it was sought to seize and dispose of his property.

Mr. Stone heard that argument in the Supreme Court and after it was all over he rose in his place solemnly and urged the Supreme Court to sustain the judgment of the lower court. Had Colonel Ownbey been heard? Not at all. Had the lawyers he had employed and paid been permitted to present the facts in his case? No. Had the truth been obtained by the judges on the bench? No. Had justice been done to an American citizen? No. That is my contention.

Senators, people out in the country want us to be exceedingly careful about who goes upon that bench. The American citizen who can not speak here himself wants Senators here who do not pass upon these cases merely from the lawyer's standpoint; I am not passing upon it from the lawyer's standpoint merely. I am passing upon it as a servant of the American people, as a representative in this body sworn to protect the institutions of my country against enemies, both foreign and domestic. A man does not have to come with a battle-ax in his hand and a torch to be an enemy of the Constitution. He may be just as sincere in his construction of it as I am, but if his construction is wrong and hurtful to the plain citizen he is not a proper person to be a Supreme Court judge. That great fundamental law gives the citizen the right to come in and be heard against the richest man in the country, whether he is worth a million dollars, or hundreds of millions of dollars, as the Morgans are.

What else? I have here some correspondence which I will not weary the Senate to read, but which shows that Colonel Ownbey was a partner in this Morgan company. Here are notices sent to him as a stockholder to attend meetings; one telling him that a meeting has been postponed and to come in April instead of March.

Here are his letters to Morgan saying how the money he was to obtain should be spent for the company, not by him, and yet the Morgan heirs, when Morgan died, proceeded against Colonel Ownbey. Morgan was a partner in it, Cheney was a partner in it, Ogden Mills was a partner in it, and some one or two others, but they proceeded against Ownbey personally over in Delaware and against the company in Colorado. Senators, you can not escape the conclusion that this was a conspiracy to rob this man, to get him out of that company, to get his property, to break him, and they have done it. One of the letters in this file is a letter where he finally wrote to his lawyer in Delaware that he was stripped of his substance; that he had nothing left for his wife and children; and that he was nearly 70 years old.

Mr. President, if the day comes, and perhaps it will, when a mere citizen will not have his cause presented here at all, it will be a sad day. I said the other day that the danger is that we are going to permit the Supreme Court to make the rules of procedure by which a citizen can appeal his judgment from the lower court until the time will come when only the immensely rich man or the big corporate concern will ever have a case heard by the Supreme Court. Money, money, dollars. "Come into court, Colonel Ownbey, and answer this judgment we are about to render against you for the Morgan heirs." He came in. He said, "I do not owe them a thing. Out yonder the case has been adjudicated and I won the suit. They owe me $53,000. I am here to tell you the truth. Hear me. Do justice by me, I am an American citizen." They said, "Have you got $200,000 about your person?" He said, "No." "Well, you can not be heard here. Have a seat." His lawyers rose and said, "if the court please, we would like to be heard. We would like to enter pleas to the effect that this man does not owe this sum or any part of this sum." They said, "You may sit down, too."

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Alabama yield to the Senator from Delaware?

Mr. HEFLIN. In just a moment. "Sit down. We have stricken all your names off the docket. You have been paid your fees to help him, but you can not talk here until you come in with a $200,000 bond."

I now yield to the Senator from Delaware.

Mr. BAYARD. I would ask the Senator, with his permission, if it at all appears that Colonel Ownbey, in testifying before the Judiciary Committee, said whether or not he had sought his equitable remedy in the State of Delaware, or whether he had pursued, instead, his legal remedy under the statute?

Mr. HEFLIN. I do not know. I have not the time to fool with questions of practice involving a court of equity.

Mr. BAYARD. Does not the Senator think it would be more fair to the people of Delaware and the administration of the courts in Delaware and the administration of justice

in Delaware if he stated the full facts and the full remedy Mr. Ownbey might have exercised?

Mr. HEFLIN. No. I have not the time to go into what he might have exercised. I am speaking of the case that was tried, and telling how he fared in that case and what was done to him there. What he might have done afterwards, or at the time, I do not know, but I do know that he has been tried without a hearing, his property taken from him, and he is broken in his old age and turned away empty handed.

Mr. BAYARD. Let me suggest to the Senator that if Mr. Ownbey, through his counsel, had seen fit to go into a court of equity he might have taken that course for equitable relief. That seems to be omitted entirely from the Senator's argument.

Mr. HEFLIN. I do not know what course he might have pursued, but I come back again to the statement of the fundamental principles of right, which are as eternal as the granite hills; the fundamental principles of justice which permeate, or should permeate, every institution of our Government.

When he appeared and they were proceeding against him and his property, if he wanted to show that there was no foundation for that suit, I do not care whose State it was in, the proceeding was wrong, the judgment of the court was wrong, a citizen was outraged, and the Constitution was raped. There is no getting around that. I have not the time to fool with technicalities. I am getting at the fundamental issue of truth and right and justice in this case. I am willing to take my responsibility for the RECORD that shall go out on to-morrow to 50,000 or 60,000 people who read it in every section of the country. Let them say whether or not we are proceeding properly when we are elevating to the highest bench in the Nation for a lifetime a man who has urged the Supreme Court to sustain an unjust judgment of a lower court, a judgment that outraged a citizen and took his property without due process of law. I am willing to stand on that proposition.

There is no doubt that some here will feel that I should not consume this time just for a mere citizen—one American citizen—but it appealed to me when this man with tears in his eyes told me about this dreadful case. I said, "They may not have heard you out yonder; they may have adhered to some sort of technicality in the Supreme Court which has done you a grave injustice, but I will tell the story of your case to the Senate and to the country."

The RECORD when I am dead can speak for itself. Those who shall come after me from my State to this body, when questions like this arise, will know that there was one here in the years gone by who dared to hear the complaint of the plain citizen and to plead in this presence for the observance of his rights, who proclaimed the doctrine of the Constitution that no citizen should be deprived of his property without due process of law.

Mr. President, I deplore this thing more than I can tell you. I have here a newspaper clipping to show how they went after this man Ownbey. Here is a statement which the Morgan interests printed in a Colorado newspaper on January 28, 1923, after they had broken Colonel Ownbey:

PARTNERSHIP NOTICE

January 26, 1923: Certain advertising having recently appeared wherein it was represented that one Col. J. O. Ownbey—

J. A. Ownbey is the correct name—

was a partner of the late J. Pierpont Morgan, we hereby notify all whom it may concern that the said Col. J. A. Ownbey never was a partner of the late J. Pierpont Morgan, nor of any firm of which the said J. Pierpont Morgan was a member.

J. P. Morgan & Co., New York.
Drexel & Co., Philadelphia.
Morgan, Grenfell & Co., London.
Morgan, Harjes & Co., Paris.

Mr. President, I have already read to you from the Denver Post the paid advertisement of this property of the Morgans and Ownbey and containing their pictures when they first bought that property. In his correspondence he signed his name as vice president and general manager of the company. The Morgan secretary gave him notice of the meetings of the stockholders, and in his letter to J. Pierpont Morgan he says, in substance, "You advance this money, your part so much, so much mine, and for Cheney and the others, and we will pay it back out of the first earnings of the company."

Well, it does look as though they went out to do the old man a nice job, does it not? After they had crippled him, had proceeded against him in Colorado, then over in Delaware they finally obtained a judgment, put his stock upon the block, bought it in themselves, and gave him the final blow by saying he was not a partner and never had been. There it is, Mr. President.

Here is a letter from Colonel Ownbey to his attorney offering to sell his interest in the company or to buy Morgan's interest. The letter was written on April 9, 1915. Listen to this, Senators:

Dear Mr. Anderson—

Anderson was in New York; he was a lawyer there—

I would be willing to settle with the Morgan executors concerning the Wootton contention on either of the lines designated below:

First. Will give them $250,000 in cash, they paying the expense of the litigation they started up to the present date, and their proportion of the indebtedness, which is about $70,000.

Second. If they will not do this, for them to make a give-or-take offer for the entire capital stock of the company; that is to say, that they will take the same price per share for the stock they own that they would give me for mine.

I will not read all of this letter, but I will ask to have it printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, that order is made.

The entire letter is as follows:

THE WOOTTON LAND AND FUEL CO.,
Boulder, Colo., April 9, 1915.

Mr. H. B. ANDERSON,
Fourth Floor, Mills Building,
15 Broad Street, New York City.

DEAR MR. ANDERSON: I would be willing to settle with the Morgan executors concerning the Wootton contention on either of the lines designated below:

First. Will give them $250,000 in cash, they paying the expense of the litigation they started up to the present date and their proportion of the indebtedness, which is about $70,000.

Second. If they will not do this, for them to make a give-or-take offer for the entire capital stock of the company; that is to say, that they will take the same price per share for the stock they own that they would give me for mine, in proportion to our holdings, or sell me their stock at the same price they would give me for mine. If they will do this I will accept one or the other, but all payment to be made in cash within 30 days from date of offer, in either event they to pay all expenses of this litigation to date.

Third. If they will not make this kind of a proposition, I will arbitrate it with them; say that I will accept you as my representative and they to select some one other than a member of the firm of Morgan & Co., or one who has held stock or now holds stock in the company, to represent them, and if they can not agree, that you call to your aid a third man. I will consider a final settlement on that basis, with the understanding that both sides will be bound by the findings of the arbitrators.

Fourth. If they won't do that, I will take $400,000 for my holdings, they paying all debts and obligations of the company, and I will give them a receipt in full for my entire interest in the Wootton property.

Fifth. If they won't do this, I will take $250,000 for my interest in all coal underlying the surface, and the company giving me a deed to the surface rights, including what livestock there is there, excepting, however, the mine mules which are kept exclusively for the operations of the mine. They to fence off all buildings comprising the little town of Wootton for their use, and they to have all buildings, tipples, power houses, etc., all of which should not exceed 200 acres, and to have other facilities; that is to say, the pipe lines necessary to be used in connection with the operations of the camp, excepting the ranch house, fences, corrals, etc., which should go with the surface rights.

If they will not accept any of these offers, we will litigate it out and I will proceed accordingly to protect my interests, not only in this suit but to collect amounts due not only from the Wootton interests but on other transactions.

Sincerely yours,
J. A. OWNBEY.

P. S.: I am sending you under separate cover copies of complaint and answer in the case. Considering our past friendship, I am assuming that you will handle this matter for me in its entirety.
J. A. OWNBEY.

Mr. HEFLIN. Mr. President, that letter, which was written in 1915, shows that Colonel Ownbey was a partner of this Morgan Company, and that he offered to sell out to them and to get out of the company or to buy their part of it and get them out and own it all himself; but I suppose they thought when they finally broke him that that was the end of it and the end of him, but that they would give this notice out yonder in the event that somebody might, after it all was over, start a

suit against the Morgan heirs. So they put this notice in the newspaper stating that they were not in partnership and never had been partners with him. Mr. President, the record speaks for itself, and it shows that they were partners.

Now, let us look a little closer into Mr. Stone's connection with this case. He did not seem to remember this case. Here is a telegram from the Chief Justice of the Supreme Court of Colorado. In it he says:

I saw Satterlee and Stone in obtaining option for Ownbey on the Morgan interests in Wootton Coal Co. I refused their request to include in option contract release of all claims for damages growing out of the Delaware suit.

Was Mr. Stone present when that conversation took place? Mr. Chief Justice Teller says that he was.

Now, let us see. Here is another telegram that followed the next day, to make it more specific:

Stone was present at the interview of which I wired you day before yesterday.

That is all of the telegram I care to read.

Mr. President, Mr. Stone was there; the matter was discussed with him; he was perfectly familiar with this case; the record was given to him of the proceedings in Delaware. He went over those records; he was bound to have done so or he would not have understood the case at all, and could not have argued it before the Supreme Court. My contention is that when he did go over the record and found that this American citizen had been deprived of his rights he ought to have gone to the Morgan heirs and said to them, "Now, let use see if we can not proceed in some other way. This is really an outrage; this kind of procedure ought not to obtain. Let us withdraw this suit; let us go back and proceed against him in another way and let him come in and be heard. If we have not the facts to sustain our case, for God's sake let us abandon it."

That is the kind of material a Supreme Court judge ought to be made of, but a lawyer who thinks enough of his client's cause to ask the Supreme Court to hold a judgment that is fundamentally wrong to be right is not the kind of material out of which to make a just judge—a Supreme Court judge for life.

What is due process of law? A book in the Library of the Senate entitled "Judicial and Statutory Definitions of Words and Phrases" has this to say about due process of law—and I ask Senators to listen to this and see if they think Colonel Ownbey had due process of law—

The constitutional guaranty of due process of law prohibits every arbitrary interference with the property of a person, and protects every person in the possession and the enjoyment and disposition of his property.

Was Colonel Ownbey permitted to possess his property? No; they took it from him. Was he permitted to enjoy it? No; they snatched it out of his grasp. Was he permitted to dispose of it, as he had a right to do since he had acquired it? No; they disposed of it in his presence when he was offering testimony to show that they had no ground upon which to proceed against him.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. I yield for a question.

Mr. CARAWAY. I was just going to suggest that that question was presented to the Supreme Court of the United States, and they decided that the Delaware statute was constitutional. What has the Senator to say about that?

Mr. HEFLIN. Mr. President, I was satisfied that some Senator, some astute and splendid lawyer, would ask me that question. My answer to it is if there are judges already on the bench who hold such a view of the Constitution, for God's sake let us not put another one of the same kind on the bench. I say that in answer to the Senator.

Mr. CARAWAY. Let me ask the Senator another question. If his activities in the case referred to render Mr. Stone unfit to serve on the bench, then ought the others who recognized the constitutionality of the Delaware statute to be impeached?

Mr. HEFLIN. I would not go quite that far, but I will tell my friend that if I were President I would not hesitate to accept their resignations. [Laughter on the floor and in the galleries.]

The PRESIDING OFFICER. The Chair must admonish the galleries that the rules of the Senate do not permit any manifestations of approval or disapproval.

Mr. HEFLIN. O Mr. President, two wrongs never make one right. I am urging now that a different course be pursued. If there were judges on the bench in that particular instance for any cause who failed to interpret the Constitution properly, it should cause me to be more alert at my post here to see to it that another one of that kind does not put on the ermine of the highest court in the country. Of course, I may be offending some Senators now by pleading at length the cause of a plain American citizen and inviting attention to Mr. Stone's fitness or unfitness for a place on the Supreme Court bench.

Mr. President, I should like to try this case anywhere in the country before an audience of American men and women, for they would not be influenced by technicalities. I should like to have their judgment on this case and not upon cobweb technicalities and fine-spun sophistry. Many a man has gone down to his grave, broken hearted and a pauper, because of precedents, which some distinguished lawyer once said are frequently merely errors grown old. That is what the court did. They decided in accordance with decisions in some previous cases, in which some other courts had been wrong; and so Colonel Ownbey's property was taken from him. You ask a man, "Did they take your property from you?" "Yes, sir." "Just robbed you outright?" "Yes, sir." "Threw you down on the roadside and took everything you had?" "Yes, sir." And somebody else comes up and says, "Well, what right has he got to complain; 15 other men were robbed on the same day in like manner? He ought to take his medicine. Other people have been robbed, and I can show it. Bill Jones was robbed once just like that a year ago; so why do you complain, you grouchy wretch? Go!" [Laughter.]

Mr. President, I am one of those old-fashioned individuals who believe that the Supreme Court is a part of the Government of the United States and belongs to the people of this Nation. I still hold that view, and I pray God that I shall never change it. A Supreme Court judge is a human being, and I have a chance to vote on the confirmation of one whom the President has nominated for that position. He can not go on that bench until Senators say by their votes, "In spite of this record of yours, in spite of this dangerous, deadly construction of the Constitution of yours, I am going to vote for you."

Mr. President, in this connection I want to say this:

The Judiciary Committee ought not to be composed entirely of lawyers. Why should it be? The Supreme Court judges are not the judges of lawyers only; but the Judiciary Committee, composed only of lawyers, sit in judgment upon every man who constitutes the Federal judiciary. The people are involved. It is their Government; their rights are at stake; and why should they not have a right to say who shall come through the Judiciary Committee duly O. K'd for a place on the Supreme Court bench.

Of course, I knew I was going to encounter the opposition of technical lawyers from the Judiciary Committee. That is quite natural. That is how I came to think of this very subject that I am discussing right now. Why should we not have somebody else on that committee besides lawyers who may have to appear before the Supreme Court judge whose nomination they feel they must sanction? Why not? We are all human. Thank God, there is a place where we can go into these things fully! They may not permit them to be heard in some courts because of a statute which had its origin under George I of England, employed in a few of the colonies in the days long ago, applied only to the city of London in England, repealed in Great Britain more than 40 years ago, but hidden away and resorted to in this particular instance when it seemed that none of the lawyers up there except the Morgan lawyers knew how to handle this statute at all.

I wonder if they said, "I know where we can take Colonel Ownbey and tie his hands and seal his lips."

Listen, Senators:

What did they do in the case in Colorado? What? You proceeded against Ownbey in the district Federal court.

"Yes. He won the suit."

"Then what? You appealed to the circuit court of appeals out there. Were both sides heard?"

"Oh, yes."

"Was there due process of law?"

"Sure."

"How did the case go?"

"Ownbey won it."

"What did they say?"

"They said the Morgan heirs owed him $53,000."

"Sh-h-h-h-h! Watch us go to Delaware, and we will get him where we can operate on him properly." [Laughter.]

They came over there and said: "Proceed under the old custom of London, born under the rule of a king in the mother country; this custom dead over there nearly half a century. Dig it out, shake its graveclothes off, proceed against this citizen, and shut his mouth. When you fix his bond at $200,000 his lips are sealed, his lawyers are silent, and you have it your own way."

Oh, Senators, God forbid that such an occurrence shall ever happen again! If my fight here shall only serve the purpose to make trial judges and Supreme Court judges stop and investigate just a little, to make them remember that this Government was made for the citizen, that the whole end and aim of constitutional government was the welfare of the citizen, my fight will not have been made in vain. We said in this Constitution that we established it for the purpose of establishing justice and securing the blessings of liberty. Did Colonel Ownbey have that principle meted out to him? Was justice done in that court room? No! No conscientious man can say that justice was done. Did he enjoy the blessings of liberty sitting in that court room? No. Did he have due process of law? No.

Mr. President, let us see. Here is another place in this law on "due process":

That the Constitution is the "law of the land" in the sense that no act of either department of the Government which violates its provisions or exceeds its powers can be enforced to deprive the citizen of his life, liberty, or property is a fundamental truth. To deny it is to assert—

Listen, Senators—

To deny it is to assert that constitutional government is a failure and liberty regulated by law has no abiding place in our political system.

Did you give justice to Colonel Ownbey? No. If I can familiarize every citizen of this country with this particular case I will have rendered a service to my country.

Oh, Mr. President, I know and it pains me to feel that in the eyes of some this case regarding one citizen is a small matter. Colonel Ownbey has not anything left. He is old now. His property has been taken from him. He sheds tears when he tells about how the earnings of a lifetime were swept away by a judgment of a court proceeding under an old statute, the custom of London. He has been robbed. He has been deprived of all that he had. And, Senators, he has not been heard yet; and the lawyer who made the last speech, who had the last say, who urged with his power and his eloquence the Supreme Court judges to sustain the judgment of the lower court in Delaware, was Harlan F. Stone, now coming in this direction, seeking to put on the ermine of the highest court in all the world.

What did one of our Presidents say about our duty, Mr. President? Listen to this. It should sound like a trumpet in the ears of all of us who have been sent here to safeguard American institutions:

The abandonment of our country's watch towers by those who should be on guard and the slumber of the sentinels who should never sleep directly invite the stealthy approach, the pillage, and the loot of selfishness and greed.

Grover Cleveland said that.

Are we asleep? Are we wide-awake sentinels? Are we remembering the people out yonder who must submit their causes to the courts? Are we caring for them? Are we daring—we who create judges on this bench—to speak our views regarding the people and their rights under the Constitution? I do not think we are guilty of any serious offense if we dare to do that, Mr. President.

Again, speaking of due process of law:

But it cuts deeper than this. The law of the land, applying to all persons impartially, might not afford some of the rights which this clause of the Constitution grants and secures to the citizen and compels the State to afford. If, for instance, the State should deprive a person of the benefit of counsel, it would not be due process of law.

What about that, Senators? That is the law. That is a fair and proper interpretation of the Constitution, the fifth and fourteenth amendments, under which the citizen must have his rights protected. It says that the court that deprives a defendant, a citizen, of counsel is not affording due process of law; and yet Mr. Stone urged upon the Supreme Court that it was right and proper, that what was done in the court below was right and proper, and that the Constitution sanctioned that conduct. That is my reason for saying he ought not to go upon the Supreme Court bench.

What else, Mr. President? The other day I quoted what was said about the Supreme Court by Charles Carroll, of Carrollton, one who signed the Declaration of Independence. I want to repeat it:

I consider the Supreme Court of the United States as the strongest guardian of the powers of Congress and the rights of the people.

What am I doing here to-day? I am fighting to preserve the rights of the people. I am condemning a course which denied a citizen his rights. I am denouncing a procedure which took his property without due process of law.

What else? Hon. Horace Binney, of Philadelphia, said this about it in the years long gone:

The Supreme Court judge in administering the law is the representative of the abstract justice of the people.

Was there any justice in the treatment accorded to Colonel Ownbey? Would the people, if the facts were submitted to them, indorse it in a single State in the Union? Then, if that is true, you who vote to confirm him are running counter to a judgment that would be against your course if the people knew the truth and had the opportunity to speak.

Here is what Chief Justice Marshall said:

No other court compares with our Supreme Court in jurisdiction, power, or independence. The peace, the prosperity, and the very existence of the Union are vested in the hands of our Supreme Court judges.

Senators, ought we not to be particular, very watchful, and exceedingly careful as to whom we elevate to places on that bench? I used these quotations in my speech of last week. They are worth repeating.

I am reminded here to mention another matter in regard to Mr. Stone.

I have a right as a Senator to ask what this public servant has done with the cases that were ready to be proceeded against when he became Attorney General? What has he done with the United Gas Improvement Co.? He wrote a letter last July stating that he would look into it and proceed as he thought appropriate. He has done nothing. We have had no report from him, and yet he is about to be rewarded by promotion to a place on the Supreme Court Bench.

"Come in, Mr. Stotesbury, You are a partner in this Morgan concern, the United Gas Improvement Co.?"

"Yes, sir."

"You collected campaign funds for the Coolidge campaign?"

"Yes, sir."

"How much did you give yourself?"

"Five thousand dollars."

"How much did you collect?"

"Fifty thousand dollars in all."

"You are very much interested, are you, Mr. Stotesbury?"

"Yes, sir. I wanted to raise what was necessary"—that in substance.

They asked him some more questions, but I understand that the chairman of the committee ruled that they were not relevant; that they were out of order. I have always been curious to know why that committee never reported. Being of an inquiring mind, that is my attitude. Why has not that committee ever reported? Why was it improper to require Mr. Stotesbury to answer? We ask other witnesses everything imaginable under the sun. Why hold that it is not proper to ask him or anybody else appearing where the rights of the people are at stake and the Government itself is involved?

What about the Bethlehem Shipping Co. or Steel Co.? I do not know what the exact name of that company is.

"Mr. Stone, tell us about it. They owe the Government $13,000,000. They have been owing it since the war. None of you have proceeded against them. Why is it that you do not make them pay that money to help reduce the burden on the taxpayers of America?"

Mr. President, I even heard that the reason the complaint had not been filed against them was that it was not satisfactory to the shipping company's lawyers. They wanted to make some changes in it and strike out certain portions of it, and when that was done and all things arranged, then the Government would be permitted to proceed against this concern, which owes it this money.

I would to God they had shown Colonel Ownbey that consideration. They even let the lawyers of Schwab see the complaint before they filed it, and agreed, I am told, to strike out certain things in it. If anybody here denies that let him rise up and say so. If any Senator can authoritatively speak for the Republican Attorney General and deny that, let him rise in his place and do it. I have been told that the complaint was changed, that the defendants objected to its language, and that when the changes are finally made, suit may be brought. I am

asking why such consideration was not shown to Colonel Ownbey. He objected to what they were doing. They said "Sit down." He said, "I have the proof." They said, "Shut your mouth." He said, "You are taking my property." They said to a bailiff, "Take him out." But not so with the steel company. Oh, no. They said, "Come in, gentleman, have a seat. Put your gloves on the desk and your hat on the rack and your feet on the desk, if you choose." That is a different situation. I am pleading for a common standard of procedure. I want the mighty rich proceeded against with all the ability, courage, and promptness that I would expect you to employ against the humblest citizen in the country.

Am I offending friends of the administration when I say that? Have we reached the time when it is not proper for Senators to thus speak for the people of the United States, whose Government this is? Yet, Senators, you are going to vote to put Mr. Stone on the bench with this record behind him, with these cases unproceeded with, with all this work lying behind him untouched. Nothing has been done with these indictments, and the suits to which I have referred have not been instituted.

Has the Attorney General's office become a stepping stone to the Supreme Court bench? Did Mr. Stone withdraw his connection with Satterlee, Canfield & Stone just a few months before he was made Attorney General for the purpose of being out of that firm, Morgan's lawyers, when he was appointed Attorney General? Was it the plan originally to put him into the Attorney General's office, let him serve for a year, and then promote him to the Supreme Court Bench? I make the prediction now, that if he is confirmed as a justice, and a vacancy occurs in the chief justiceship, he will be Chief Justice inside of four years.

I think I know political trails when I see them. This man has been destined for appointment to the Supreme Court since the day he withdrew membership from the Morgan lawyers' firm, since the day he went into the Attorney General's office. Now he is appointed, and it is up to us to say whether or not we will confirm the nomination.

Mr. President, there were other witnesses who wanted to be heard in the Ownbey case and in other matters, but they were not permitted to be heard by the Judiciary Committee. The Washington Star, yesterday or the day before, said:

> The Judiciary Committee to-day declined to hear James A. Ownbey, of Colorado, who made charges against Mr. Stone in regard to the handling of his case against the executors of the J. Pierpont Morgan estate. The committee also declined to hear another witness from New York in regard to the same case. The committee took the position that Mr. Ownbey had been heard fully by the subcommittee which handled the nomination of the Attorney General, and that there was no need to go into that case further.

I want to say that Mr. Ownbey had additional testimony, and he wanted to be heard about another phase of the matter, but the case was closed, and here it is, and it will soon be forever closed here.

Mr. President, I would that all our judges, and those aspiring to be judges, had the lofty conception of their duty which the judges of France had on one occasion and many of them have. Listen to this story:

Louis XI, proposing to punish his court ministers if they should refuse to publish certain new ordinances which he had made, the masters of the court being informed of the King's intentions, went to him in their robes. The King inquired their business. "Sir," answered the president, "we are come here determined to lose our lives, every one of us, rather than by our connivance permit any unjust ordinances to be made."

O Mr. President, for the spirit that inspired them on that day to walk into the presence of the King willing to die rather than see injustice, oppression, and judicial tyranny practiced upon the people of France. But listen to what the King did. Amazed at this answer, and at the constancy of the Parliament, he gave them gracious entertainment and commanded that the edict which he intended to have published should be immediately canceled in their presence, swearing that henceforth he never would make edicts that should not be just and equitable.

What is the purpose of the action contemplated here? Are you trying to make it easy for men to get on the Supreme Court bench? It ought to be made exceedingly difficult. Should we just pat them on the back and pass them through, or halt them and say, "Who comes here? What is your conception of the Constitution? What is your record as a practicing attorney? Have you dealt justly? Have you been honorable? Have you, as the oath that you took required, sustained the Constitution, or have you sought to pervert it from the ends of its institution? Have you sought to have injustice done, the Constitution violated, the citizen deprived of his rights? If so, go back." That is what we ought to do.

I am afraid some people are coming to look upon the Supreme Court as a sort of political machinery or business exchange to be used to serve certain big interests in the country. I do not think it ought ever to be used for that purpose.

Mr. President, I hold in my hand a memorandum of a case where William Penn was tried before a recorder, the lord mayor who represented the crown in the colonial days. He had been out preaching. They would not let him preach in a church, so he preached in a grove. They haled him before this court, and he came in with his hat on, as was the custom of the Quakers. One of the court officials objected to him having his hat on, and took his hat off. The recorder of the court said, "Put his hat back on," and they put it back on his head. Penn stood, and the recorder asked him what he meant when he came in there with his hat on. He said, "I did not have it on. I was entering, and the officer took it off and you told him to put it back, so if anybody has offended, you have offended." Then, in a little while, he said, "I meant no disrespect to the court."

What do you suppose the court did? It said, "Take him over in the bail dock and assemble a jury." They picked up a jury in a moment, and the recorder told them to retire to a room upstairs and bring back a verdict of guilty. They went upstairs, and eight of them were inclined to convict him, but four refused, and the four said, "We find him guilty of preaching in the grove at Grace Church." The recorder was angry. He said, "Did you not hear my instructions? Go back and obey the court, or you will be punished." When they started to go back, William Penn stood up and said, "Let me appeal to my jury. Remember that you are Englishmen. Beware of your rights. Mine are being arbitrarily taken away from me. I have not been heard. Let me be heard. That is a right an Englishman has, and I appeal to you jurymen." They went up. They came back with a verdict of not guilty, except of preaching in the grove, and the judge punished them. He put them in a room and kept them that night and the next day without water or food or tobacco, the story goes. When they came down again, they stood by their verdict that he was not guilty.

William Penn, by his appeal to the fairness of that jury who would not obey the edict of a tyrant on the bench, made his cry heard. They said, "It is wrong. We are not going to permit him to be deprived of his liberty and an injustice done without his being heard"; and they would not permit it. Would to God that the judge who denied Colonel Ownbey the right to be heard could have had that spirit.

Mr. President, I have here the record of a case which was brought to the attention of Frederick the Great. A miller by the name of John Michael Arnold bought the lease of a mill belonging to the estate of Count Schmettau, situated in the New Marche of Brandenburgh, near the city of Custrin. This mill, at the time when Arnold bought the lease of it, was plentifully supplied with water from a rivulet which emptied itself into the river water. During six years Arnold made several improvements in the mill, and paid the rent regularly; but at the end of that period the proprietor, resolving to enlarge a fish pond contiguous to his seat, caused a canal to be cut from the river, by which means the stream was lessened, and the quantity of water so much diminished that the mill could only work during two or three weeks in the spring and about as many weeks in the autumn.

What occurred? The miller remonstrated, but in vain, and when he sought redress in a court of judicature at Custrin, his lord, being a man of fortune and influence, found means to frustrate his endeavor to obtain justice. Under these circumstances the miller could no longer procure his livelihood and pay his rent. The miller's lease, utensils, goods, and chattels were seized to pay the arrears of rent and the expenses of a most iniquitous lawsuit commenced by the proprietor, and thus poor Arnold and his family were reduced to want and wretchedness.

Let us see what occurred with Frederick the Great. A flagrant injustice like this could not pass unnoticed by some friends to humanity, who well knew the benevolent and equitable intentions of their sovereign, Frederick the Great. They advised and assisted the miller to lay his case before the King, who, struck with the simplicity of the narrative, and the injustice that had apparently been committed, resolved to inquire minutely into the affair, and if the miller's assertions were true to punish in an exemplary manner the authors and promoters of such an unjust sentence.

The most rigid inquiries were immediately instituted, and His Majesty was soon convinced that the sentence against the miller was an act of the most singular injustice and oppression. He then ordered his high chancellor, Baron Furst, and the three counselors who had signed the sentence into his cabinet, and on their arrival he put the following questions to them—

Watch how closely it tracks this case—

1. When a lord takes from a peasant who rents a piece of ground under him his wagon, horse, plow, and other utensils by which he earns his living, and is thereby prevented from paying his rent, can a sentence of distress in justice be pronounced against that peasant?

They all answered in the negative. Then old Frederick the Great said:

2. Can a like sentence be pronounced upon a miller for nonpayment of rent for a mill after the water which used to turn his mill is willfully taken from him by the proprietor of his mill?

They also answered this question in the negative.

"Then," said the King, "you have yourselves acknowledged the injustice you have committed," and he immediately stated the case of the miller, and ordered the sentence, with their respective signatures, to be laid before him. The King ordered his private secretary to read the resolutions which he had dictated to him and signed, in which he declared the sentence against the miller to be an act of singular injustice and one which he was determined to punish. "For," said His Majesty, "the judges are to consider that the meanest peasant—nay, even a beggar—is a man as well as the King, and consequently equally entitled to impartial justice, as in the presence of justice all are equal, whether it be a prince who brings a complaint against a peasant or a peasant who prefers one against a prince; in similar cases justice should act uniformly without any respect to rank or person. This ought to be an universal rule for the conduct of judges, for an unjust magistrate or a court of law guilty of wrong and subservient to oppression is more dangerous than a band of robbers, against whom any man may be on his guard; but bad men entrusted with authority who, under the cloak of justice, practice their iniquities are not so easily guarded against; they are the worst of villians and deserve double punishment."

The King then dismissed his chancellor, and commanded the three counselors who with him had signed the iniquitous sentence to be committed to prison. The president, judges, and counselors at Custrin were also arrested, and a commission appointed to proceed against them according to law. And in consideration of the injustice, the King presented the miller, Arnold, with the sum of $1,506. He also ordered that a sum equal to that produced by the sale of the miller's effects be stopped and paid to him from the salaries due to the respective judges, etc., who had any share in the unjust sentence; and, moreover, condemned the proprietor of the mill to reimburse to the miller all the rent he had received from the time when he first opened the canal.

O Mr. President, what was the reason the miller could not pay the rent? They had cut off the water he had used to turn the wheel, and turned it into a lake for the pleasure of the proprietor. The water ceased to come, the mill ceased to run. The miller had nothing with which to work. The means to earn his rent had been taken from him, and he was deprived of it by action of the proprietor.

What is the situation with regard to Colonel Ownbey? He came into court prepared to deny that there was any justice in the claim against him, but that they had put a $200,000 bond in front of him, and all of his effects were tied up in court by the Morgan heirs, and he could not make the bond with which to appear in court, and was, therefore, denied the right to testify and his lawyers the right to plead. What ought to be done? There ought to be some remedy. This man has lost his property. He has been deprived of his rights. There is no doubt about it. This case is familiar to everybody who reads the newspapers. An outrage has been done a splendid American citizen. He has not yet been heard, and all that he accumulated has been taken from him and taken from him when he had the proof to combat the claim, but was not allowed to offer it. The last word spoken, as I have said, to the Supreme Court was said by Harlan F. Stone in demanding that the judgment of the lower court be sustained. Mr. President, I discussed this case a few days ago more consecutively than I have to-day. I have had a number of letters from people in the country, lawyers among others, who indorse my conclusion and commend me for the course that I have pursued, who express the opinion that this is one of the worst cases ever brought to their attention. Yet I know what is going to happen here just as if it had already happened, but I want a record vote. I want the RECORD to show who votes to elect Mr. Stone to a place on the Supreme Court bench for life and who votes against him.

If I am the only one who shall vote against him, I shall feel justified in taking that stand, knowing, as I do, that right and truth and justice, orderly process, and the Constitution, and the rights of the citizen are on my side.

The procedure in Delaware violates the principles of law laid down by Moses, violates the law given by the Almighty through the hand of the inspired writer when He said:

They shall build houses and inhabit them. They shall plant vineyards and eat the fruit of them. They shall not build and another inhabit. They shall not plant and another eat.

Colonel Ownbey built, but another inhabited. Colonel Ownbey planted, but the Morgan heirs ate, and the Almighty said that should not be. We provide courts of justice to prevent it being done, but into the court with his hands tied, fresh from another court where both sides were heard, he came with a judgment of $53,000 against the Morgans into a court where he is gagged and tied and not permitted to plead; not permitted to testify, where the agent of the Morgan interests, the only witness in the case, destroyed his rights and took his property without due process of law.

There is the case, Senators. I hope I will not offend any of those who do not agree with me if I read the Scripture in this presence:

But if a man be just, and do that which is lawful and right * * * and hath executed true judgment between man and man * * * he shall surely live.

Mr. President, was this true judgment between man and man? Not at all. Colonel Ownbey was not heard at all. What does the Bible say about that?

Exodus, twenty-second chapter, ninth verse. Listen, Senators. This is the law inspired by the Almighty himself:

The cause of both parties shall come before the judges.

This man's cause has not been before the judges. They refused to hear him because he could not make a $200,000 bond.

Mr. President, if a highwayman had met Colonel Ownbey on the road and had tied his hands and gagged him and taken from him $41,000 worth of shares in the Morgan Co.—that is what they forced upon the block and sold—he would upon conviction in all probability serve the balance of his days in the penitentiary.

There is not a jury on earth that would not convict him. But here is a man who was brought into court, lips sealed, lawyers silenced and not permitted to plead, no testimony adduced, judgment rendered, property taken, and the old man kicked out, ruined in his old age. Is that justice between man and man? Is that true judgment? No, Mr. President, that is not justice between man and man according to the Bible. It is not true judgment according to the Scripture. It is not fair and right under the laws and the Constitution. But Senators are going to vote to put a man on the bench of the Supreme Court who has held there was nothing reprehensible, unfair, or unrighteous done that citizen in the courts below.

I know that some Senators do not like to hear this thing discussed so frankly, but I think more of that court and its proper preservation than I do of the conception that any Senator may have about secrecy regarding the promotion of a man to the Supreme Court bench. I shall hereafter oppose the elevation of any man to the Supreme Court behind closed doors. I want the Senate to fix the rule for open executive sessions, so that whoever aspires to that lofty tribunal must come with clean hand and a good record, and say, "Let the world hear my record discussed. I have nothing to hide. Accept me or reject me. It has been my ambition to go upon the bench, which I regard as the highest tribunal in all the world. I want to be accepted or rejected in the open." That is what he ought to do. But some Senators do not want to do that. They want to sit behind closed doors and shut out the public. They want what transpires to take place in star chamber proceedings. The country never knows what is said there.

Mr. President, it will be a sad and sorry day when Senators for any reason think more of certain people and certain interests than they do of the preservation of that bench in all its purity and integrity. A Senator ought to stand here with his eyes open. He ought to be permitted to look into the records of those who are aspiring to a place on that bench; the people whose Government this is ought to have the right to sit in these galleries; the correspondents who represent the press of the country ought to be permitted to tell what has occurred. Why not? Whose Government is it? Why should we shut out the public? I submit to Senators that any man whose record is not so clean and white and fair that it can not stand the searching light of open discussion and country-wide publicity has no place on the Supreme Court Bench.

Mr. President, what this Senate and the country needs is an old-fashioned revival of American patriotism. Just as sure as

you live and I live and God reigns low and groveling commercialism and materialism are grappling at the throat of this Republic. There never was a time in our history when money or great wealth figured so much as it did in the last presidential election. Those representing the party in power went up and down the land with a megaphone, as it were, crying, "Money, money money"; and they got it. If the truth were known, it was the most corrupt election ever held. I repeat, this country needs to be aroused. Whither are we drifting? Are we deserting the standards of right and justice, aye, and the ideals that the fathers and the mothers of the past have so nobly transmitted to us? Are we forgetting our duty to ourselves and our duty to our country in our efforts to crawl and toady to special interests which take such an interest in elections that they literally frighten to death every weak-kneed Senator and Representative in Congress? I do not say that we have any spineless and weak-kneed Senators and Representatives at all, but if we did have. [Laughter.]

Now, Mr. President, we sometimes hear public men—that is as close as I will identify them with this Chamber—saying, "What do you want to do this for? You know you can not win. It is already fixed; they are going to put it over." My answer is, What difference does it make if I am right? I know you are going to put this over; I was satisfied of it in the outset; but I have a duty to perform, and a conscience to satisfy, and my country's Constitution to support and protect.

Mr. President, that is why I have spoken at some length to-day upon this subject. Let me again remind Senators of the Scriptures, if that is permissible here. The treatment of old Colonel Ownbey does not comport very well with the Scriptures, and it does not square with the Constitution of the United States. The rights of the citizen in this Ownbey case have been trampled under foot. The influential Morgans triumphed just as the German nobleman triumphed against Arnold, the miller, in Germany. Just as he broke the miller and destroyed his power to pay his rent and make a living, and left him destitute with a wife and children, this influential concern proceeded in a court in America, where a citizen was denied counsel, was denied the right to be heard. It is one of the most outrageous cases that ever came to my attention, Mr. President.

The Master said, "It were better for him that a millstone were hanged about his neck and he be cast into the sea, than that he should offend one of these little ones." And in another place the Master said, "Suffer the little children to come unto Me, and forbid them not, for of such is the kingdom of God." That is the religion of Jesus Christ, the Saviour of the world. It ought not to be an offense for a Senator, merely an humble Senator, to rise here in his place while there is yet time and plead for the right of a citizen who has been outraged, to bring his case to this judgment bar, to those who in a little while are about to vote as to whether they shall confirm Mr. Stone to a place on the Supreme Court bench for life, for that is what the action of the Senate means. When Senators vote for his confirmation to-day they are voting to seat him on the Supreme Court Bench for life—there can be no mistake about that—and they are doing it in the face of the open record that a citizen, an upright, valuable American citizen, has been deprived of his rights and of his property without due process of law under the Constitution. When Senators vote to seat him on the bench they vote with the knowledge that he did this thing, for he fully indorsed the action and said the lower court did right in doing what it did.

I can see this old man now—Colonel Ownbey—he who had dared to go into that western country in the early days as a pioneer, going out, delving into the mines, bringing out their rich resources to bless and benefit mankind. I can see him on that big horse, Charger, riding over the Wootton property, making money for himself and making money for the Morgans. I can see him, one of the brave spirits who carried the banner of civilization to Colorado and the West, brought away, drawn across the country, haled into a Delaware court, with his property all tied up out yonder and the writ issued against him demanding a $200,000 bond. He said, "I can not supply such a bond, but I have got the truth; I can answer the charges, and you will dismiss the writ; there is no foundation for it; give me a chance to be heard."

"I have won out yonder. Will you not hear me here?" The answer was "Not unless you put up a $200,000 bond." But he says you did not require them to make a bond when they proceeded against my property and all that I possess.

Senators, the average citizen can understand what I am talking about; there will probably be technical arguments made when I am through. There is no getting away from the bed-rock principle in this case. This man was brought from Colorado, was proceeded against, was never heard, his property was taken, and broken in his old age he has not been heard yet. Harlan F. Stone, in the Supreme Court where he now seeks to become a judge, made the last speech that sounded the death knell of his rights.

The Book of Judges—I hope I do not weary the champions of Mr. Stone by my references to the Scripture, and I very much desire that some Republican shall undertake to answer me—says:

> Judges: Patriarchal seniors who administer justice.

Mr. President, am I asking too much when I ask that the law-abiding citizen who refrains from taking the law in his own hands and goes into a court and submits himself to the jurisdiction of that court shall have his rights respected? Colonel Ownbey came in response to a summons; the Delaware writ called him to answer, and when he got there and was ready to answer they declined to hear him. Am I wrong in asking that that precedent be destroyed, and in saying that such conduct is unjust, wrong, and outragious? I do not think so.

Again let us see what the Scripture says in another particular. Get your Bibles out, Senators. I do not see a Bible on the Republican side. [Laughter.] I quote from Deuteronomy, first chapter, sixteenth verse:

> And I charged your judges at that time, saying, Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him.

Did Colonel Ownbey get that kind of treatment? Did they judge between Colonel Ownbey and the Morgans? They sat in that court and proceeded with a farcical hearing for the Morgans, and them only. Colonel Ownbey was not then heard and he has never yet been heard. Was that rendering justice between these parties? Was that rendering a righteous judgment?

I want to read that again:

> Hear the causes between your brethren and judge righteously between every man and his brother, and the stranger that is with him.

Colonel Ownbey, from Colorado, was a stranger in Delaware. It is true the company was organized in Delaware, and they called upon him to answer in Delaware. His lawyer, Mr. Marshall, in his argument before the Supreme Court—here it is [exhibiting] and Mr. Stone's argument, too—said after he came they shut the door in his face and would not hear him. That is what Mr. Marshall said. Mr. Stone heard that argument, and yet after that argument had been made and all the facts reviewed in his presence he rose in his place as an attorney for the Morgans and urged the Supreme Court to stand by the action of the lower court, when he knew that this former partner of Morgan, although haled into that court, was not permitted to be heard, was deprived of his rights, and had lost his property without due process of law. He could not keep from knowing that when he read the record giving the whole history of the case. Yet, Mr. President, Mr. Stone said, "It is all right; the treatment accorded Colonel Ownbey is all right and warranted by the Constitution." There is where my objection to him arises, and it is fundamental. A man who holds that such a proceeding is right and proper, that that kind of treatment of an American citizen by a court is right and proper, has no business on the highest court in the country.

Mr. President, in conclusion I want to say that in the War of the Revolution, in the battle at Kings Mountain, in North Carolina, the ancestors of Colonel Ownbey were there. When General Ferguson dispatched a message to Cornwallis that he was intrenched on the mountain top and that all the rebels out of hell could not drive him out Colonel Ownbey's forbears, with other knights-errant of the wilderness, carrying the flag, baring their breasts to the red coats of England, scaled the jagged rocks, ascended to the mountain top, drove out Ferguson and his men, slew him, and won the day and dispatched a message to Washington that they had won the victory in the battle at Kings Mountain; that the Old North State was saved. Cornwallis surrendered immediately afterwards, and the war was over. The ancestors of this man were among those who accomplished that feat. In his veins courses the blood of men who fought at Kings Mountain. Here he is in his old age, sad and disconsolate, here in his Government, in the morning of the twentieth century, stripped of his substance by what they call forms of law, deprived of his rights in a so-called court of justice; and then he sees the final blow come in the Supreme Court when Harlan F. Stone sanctions the procedure of the lower court which deprived him of his rights and took from him the accumulations of a lifetime without due process of law.

Mr. ASHURST. Mr. President, it is necessary, first, to ascertain what influences led to the indictment of the junior Senator from Montana [Mr. WHEELER]. The Senate on March 1, 1924, adopted a resolution directing an investigation of the charges of bribery and corruption in the Department of Justice under the régime of Mr. Harry M. Daugherty. The membership of that committee was elected by the Senate, and is as follows: Senator BROOKHART, chairman; Senator JONES of Washington, Senator MOSES, Senator WHEELER, and myself.

Membership on that committee was no place for a dilettante; service on that committee required its members to receive and to strike hard blows. Some of the witnesses who testified before the committee were of good character, some were of doubtful, and some were of despicable character. Many of the witnesses aganst whom loudest complaint was made were persons who composed, in part, Mr. Daugherty's circle of close companions.

The very witness against whom Mr. Daugherty inveighed the bitterest is a p rson with whom he broke bread in the house of a President. The person whom Mr. Daugherty by insinuations most furiously attempted to destroy was a witness who related a set of incriminating circumstances which no art could have constructed and no ingenuity could have invented.

If your committee be asked why we did not call witnesses of better character than some of those I have described, we reply that of necessity we called those witnesses with whom Attorney General Daugherty fraternized; hence such question really implies, why did Mr. Daugherty have such doubtful characters around his department?

If Mr. Daugherty had not given his confidence to birds of passage and to birds of ill omen these same birds of passage and birds of ill omen could not have been heard to caw against him later. He who fraternizes with thieves, thugs, bribe givers, and bootleggers, and all that ilk has no right to complain of their treachery.

Mr. Daugherty declined to come before the committee and explain away these damaging circumstances.

The testimony before the committee related how, when Harry M. Daugherty assumed the great office of Attorney General, an obscene and evil brood of harpies flocked about his department; and it was to such men as the Jess Smiths, the Howard Manningtons, the Jap Mumas, the Thomas Felders, the Gaston B. Meanses, the Urions, and their ilk that Mr. Daugherty's confidence and companionship were given.

The testimony before your committee disclosed the sudden and unexplained opulence of Jess Smith, who was the roommate, the messmate, and the constant companion of former Attorney General Daugherty. Jess Smith came to Washington an obscure merchant of modest fortune. He was given a desk and a room in the Department of Justice. No one could ascertain what official relation he had with the Department of Justice, but all knew him to be the "man of influence" who moved the pawns, who gave orders, and saw to it that such orders were obeyed.

The testimony adduced before the Brookhart-Wheeler committee disclosed that during Attorney General Daugherty's régime the Department of Justice connived at the illegal withdrawal and sales of liquor; it disclosed the fact that the man who took charge of the Department of Justice with modest if not small resources suddenly acquired opulence, and refused to explain to the committee in what manner his fortune was so sizably increased. The testimony disclosed that some subordinates in the Department of Justice were promoted for infidelity to the public service and others were demoted for fidelity to their duties. It laid bare in the Department of Justice the cupidity and revenge practiced under the régime of Mr. Dougherty. The testimony laid bare the itching palm of an extended official hand. It discovered that a factotum of the Department of Justice had solicited bribes; it told of the exhibition of prize-fight motion-picture films illegally transported and then exhibited for the delectation of certain officials whose duty it was to prosecute such transporting. Illegal plots, counterplots, espionage, decoys, dictographs, thousand-dollar bills, and spies were employed by Attorney General Daugherty, not only to detect and prosecute crime but were also frequently employed to shield profiteers, bribe takers, and favorites.

It was the stubborn courage and ability of Senators WHEELER and BROOKHART which exposed these iniquities and cleansed the Augean stables of the Department of Justice; hence the rage, resentment, and revenge of Mr. Daugherty and his sycophantic retainers; hence their attempt to destroy WHEELER and BROOKHART. Senator WHEELER would never have been indicted had not he possessed the courage and civic virtue to perform this important duty. The indictment was intended to and did start such a backfire on your committee that its functions were practically destroyed. The indictment was not only an indictment of WHEELER but of the committee as well.

Inasmuch as I was and still am a member of the Brookhart-Wheeler committee, the impropriety of my voting upon this nomination is said by many good lawyers to be manifest, in view of the charges made that the nominee, Attorney General Stone, as Mr. Daugherty's successor, is attempting to oppress and persecute a member of this committee.

But I can not shirk a task simply because it is embarrassing. A warrior is known by his scars.

I find no evidence showing that the nominee, Mr. Stone, has illegally attempted to oppress or to persecute the Senator from Montana [Mr. WHEELER], hence it is entirely consistent with my duty to vote to confirm his nomination.

Senator WHEELER may be acquitted; he may be convicted; he may be immured in a dungeon; if the latter be his fate, I trust and believe he will meet that fate with the same serene courage he exhibited when he purified the people's Temple of Justice.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. ASHURST and Mr. HARRISON called for the yeas and nays, and they were ordered.

Mr. McKELLAR. Mr. President, the Ownbey case does not trouble me in this matter. The courts, including the Supreme Court of the United States, have passed upon the rights of the litigants in that case and have decided in favor of the contention of Mr. Stone. I regard that as final. If Mr. Stone is ineligible on account of what was done in that case, then there are at least six judges on that bench who are just as ineligible to sit further as Mr. Stone is to be appointed there. I am inclined to differ with the majority of the court in their decision in that cause. It seems to me the majority reached a harsh conclusion; but they have decided the case and they had jurisdiction and all the facts before them, and I have not had such facts, and I bow to their decision.

Mr. President, I regard it as very unfortunate that Mr. Stone has taken the course in the Wheeler case disclosed by the evidence. Mr. WHEELER not only prosecuted Mr. Daugherty, Mr. Stone's predecessor in office, but virtually he prosecuted the entire Department of Justice. Many of the officers of that department are the same under Mr. Stone as they were under Mr. Daugherty. I can not believe that these officials under the Daugherty régime have misled Mr. Stone in the position that he has taken about the Wheeler prosecution, and yet it is unfortunate, in my judgment, that Mr. Stone has taken this position.

The real trouble to me in this case is, Mr. President, the second Wheeler indictment. It is quite an unusual course for an Attorney General to pursue. It is quite an unusual thing to indict a man in his own home State and then, apparently with about substantially the same facts propose to indict him again in the District of Columbia, 2,500 miles from his home. It is a most unusual proceeding. Twenty-five hundred miles is a long way to bring a defendant to trial, and a long and costly way to make him bring his witnesses. Such a course is contrary to one of our own cherished contentions in the Declaration of Independence. It is contrary to one of our best established principles of justice. Trial by jury of the vicinage is a principle dear to the heart of every liberty-loving American. Mr. Stone is making a mistake in using his discretion and seeking Mr. WHEELER's indictment here in the District. However, I can not think it is anything else but an honest mistake. It is a mistake that I hope, upon reflection, he will correct. I understand from the evidence that such a proceeding is now under way. In the very nature of things, the Attorney General can not give out the facts before the grand jury has heard them, nor can he give them out before the trial of the case before a trial jury, so it is impossible for us to know what the facts are at this time. I admit it puts the Attorney General in an awkward position. Still, Mr. President, the Attorney General is the chief law officer of the land. He bears an excellent reputation, and I think we must assume that he is acting within the bounds of his duty in taking this apparently unusual course in this case. I sincerely hope when the facts do come out they will justify this unusual course. Should he be acting with improper motives, either political or to vent the spleen of those under him, or otherwise, of course he would be unworthy to sit on any bench and would merit the contempt and opprobrium of all good citizens and no doubt would be subject to impeachment. I can not believe that the Attorney General is acting upon any such motives. In the absence, therefore, of facts showing a violation of his duty—and no such facts have been adduced—I believe Mr. Stone should be confirmed and I shall vote for his confirmation.

Mr. NORRIS. Mr. President, several days ago, when we were considering the treaty relating to the Isle of Pines, I listened to a very forceful and logical argument made by the Senator from Pennsylvania [Mr. PEPPER]. I am satisfied that that address had on other Senators, just as it did on me, a wonderful influence. It seemed to me it was logical in every way; and, whether or not you reach the same conclusion that he did, you must concede that he presented the question in a light that had in it much logic, much reason, and had not been considered in the same way by any other Senator.

The Senator from Pennsylvania demonstrated, I think, that if you took up the question of the Isle of Pines from one viewpoint you must necessarily reach a certain conclusion; that if you approached the question from another point of view you reached just the opposite conclusion. He showed that the decision on an important and vital question where the question is close, where the question is debatable, where there is opportunity for honest difference of opinion, may be entirely determined by the viewpoint of the man who must decide the question.

Mr. President, I desire to apply that reasoning and that logic to the judges on the bench, and particularly to the case of Mr. Stone, who has been nominated for a place on the Supreme Court of the United States.

Cases continually coming before that court, presenting all kinds of questions, necessarily as a rule close questions, where there are two sides, where you can honestly go in either direction—which is the case in most of the litigation—may be determined by the viewpoint of the judge. The man who has spent all his life in an atmosphere of big business, of corporations, of monopolies and trusts, will be unconsciously, perhaps, and honestly, without a doubt, imbued with ideas that are part of the man, part of the make-up of the man; and it is not necessary to charge him with a lack of ability, or with dishonesty, or with a lack of conscientiousness, in order to see that his decisions will lean in the direction of the influences and the atmosphere under which he has lived and grown up. If we fill the bench and high executive offices with men who have the viewpoint of special interests and the corporations, we will soon have put the common citizen under the yoke of monopoly, and will have put our Government in the hands of trusts and corporations.

The man who grows up as a lawyer and does business for corporations and big business is apt to have that viewpoint. The man who devotes a good share of his life as attorney for such institutions and does not come into contact with clients who have felt the sting of poverty or who have had to toil in order to live is apt to have, and ordinarily will have, a different viewpoint from the man who has had a different kind of experience.

After all, the viewpoint that takes possession of the human being and becomes a part of his very life, and if he is intrusted with the decision of questions where the ordinary citizen must come in contact with those who have power of wealth and political influence he is capable, while acting conscientiously and honestly, of more injury to humanity than the man who lacks some of his ability. The viewpoint of the individual goes with him through life. The viewpoint is part of the man, is part of the judge; and the judge does not lose his individuality if he has a certain viewpoint as a citizen, but maintains it after he is on the bench.

Why do we have 5 to 4 decisions, and why is it that the five are usually the same and the four are usually the same? If you will examine, you will find that it is the viewpoint of the individual that they have carried with them, without charging any dishonesty, without charging any intention to do wrong to either side. After all, the close cases, the difficult cases in an appellate court, are often determined by human nature, by the viewpoint of the individual. That is a part of the man and remains as a part of the judge.

A great American poet has expressed in beautiful language the hope that this viewpoint might even survive death itself and go on in its human way through all eternity. When writing of the change that is brought about by death, he said:

> Will death change me so
> That I shall sit among the lazy saints,
> Turning a deaf ear to the sore complaints
> Of souls that suffer?
> Methinks—God pardon if the thought be sin—
> That a world of pain were better, if therein
> One's heart might still be human, and desires
> Of human pity drop upon its fires
> Some cooling tears.

Mr. President, if we were only called upon to decide this one case, I doubt whether I would have ventured to say a word. I probably would have voted for confirmation. But I can not close my eyes to what I believe to be the truth—that going back at least as far as the last election I have been unable to find a single appointee selected for a high executive office in this country except he had the viewpoint of monopoly and of the trust. The people of this country, by an overwhelming majority, refrained from putting an attorney of Morgan & Co. in the White House. They preferred the Vermont farmer. They did not know then, however, that instead of putting in the White House for four years an Executive who represented the Morgan interests, their action meant putting on the Supreme Bench for life another attorney of Morgan & Co.—Morgan & Co., the greatest financial interests in our country; Morgan & Co., that reach out into every hamlet and to every locality in the United States, and have their places of operation all over the civilized world. They did not know, Mr. President, that Mr. Warren, tainted with the Sugar Trust influence, was going to be appointed Attorney General. They did not know that a railroad man, Mr. Woodlock, with his pen still wet and dripping from writing editorials in the Wall Street Journal was going to be put on the Interstate Commerce Commission. They did not know then that one of the greatest reactionaries—and incidentally a fine man, as far as I know—Mr. Humphrey, was going to be put on the Federal Trade Commission—all honorable men, I concede, all able men, but all having the viewpoint of rich men, all men who see the things of this life through the glasses of corporations; all men who see the activities in their vision by the light reflected from the glittering mirrors of luxury and monopoly; all great men, all honest, all men who perhaps will do what in their hearts they believe to be right, but their viewpoint will always carry them away from the man who toils and the man who suffers.

With Morgan & Co.'s attorney on the Supreme Bench, with the Sugar Trust running the Attorney General's office, with the railroads themselves operating the Interstate Commerce Commission, with the greatest reactionary of the country sitting on the Federal Trade Commission, tell me—O God, tell me!—where the toiling millions of the honest, common people of this country are going to be protected in their rights as against big business.

Mr. BORAH. Mr. President, I promise my colleagues to be brief. I am anxious myself to have a vote.

The able Senator from Montana [Mr. WALSH] can well take care of himself in a controversy of this kind, but so much has been said in the way of criticism that I feel constrained to say that I think his conduct in this matter has been above reproach.

It has been intimated that the senior Senator from Montana has been actuated by two motives particularly, one that of a partisan feeling. It may have passed from the observation of the Senate and the country that the Senator from Montana was upon a subcommittee who had to do with the investigation of the Department of Justice when a distinguished Democrat was at the head of that department. I was a member of the subcommittee, and I recall the searching, thorough, courageous investigation which the Senator from Montana made as a member of that committee. I recall the perfectly magnificent report which he wrote after the investigation was made. I think he has been actuated in this matter by the same motives and guided by the same principles which controlled him in that matter, to wit, that he felt he was discharging a public duty in pursuing the course which he has pursued.

I think we are sometimes disregardful of the real value of the service which may be rendered by our associates during the time in which the service is being rendered. The able Senator from Montana has rendered a service to the public during the last year which would be very difficult to overestimate, and in all probability a large portion of the criticism which has come to him has come to him by reason of the fact that he has fearlessly discharged his duty in these matters. He has helped to uncover one of the most corrupt and rotten conditions that ever disgraced a national capital, and he is entitled to the commendation not only of his colleagues but of the entire country for having done so.

With reference to Mr. Stone, I find no difficulty whatever in casting my vote for him for the Supreme Bench. I knew very little about him except his general reputation until he went into the Attorney General's office. I there became pretty well acquainted with him, and I learned many incidents of his life and became acquainted with many of his views which I had not known before. I want to call to the attention of my friend, the Senator from Nebraska [Mr. NORRIS], the fact that in my opinion the Attorney General is one of the most liberal-minded men who has been in the Attorney General's office for many years. He is not only a man of extraordinary ability,

but he is a man of liberal mind and of a high sense of public duty, and the deepest regret I have in seeing him advanced to the Supreme Bench is that he is leaving the Attorney General's office, where I think he has been doing splendid work ever since he has been there. And it was no ordinary task which confronted him when he took up the duties of that office.

I recall an instance in his service to justice which is indicative to me of a great deal. We remember that at the close of the war, and during the aftermath of the war, there were a great many people left in the prisons of this country for purely political offenses. A very determined fight was made by a few people in the country to liberate those men after the war, because it was felt to be in contravention of the fundamental principles of free government that men should remain in prison for political offenses, especially after the war which caused their incarceration had ceased. I know the active, the energetic, the courageous part which the present Attorney General took in that fight, not as a public officer but as a lawyer and as a citizen.

I might enumerate many other things. As I have said, I think Mr. Stone is an able lawyer, and I think he is a man of broad and liberal mind. But there is one matter as to which, while I shall not discuss it at length to-day, I hold a different opinion from that which seems to be the opinion of Mr. Stone, and that is the proposition of transferring the case against Senator WHEELER and other citizens of Montana from the State of Montana to the District of Columbia for trial. Technically undoubtedly he has the right to do so. Technically the venue may be in the District of Columbia as well as in the State of Montana. I must presume, knowing Mr. Stone as I do, that he has acted in good faith, but I very much fear that, able as he is, he has not given sufficient consideration to the evil consequences of the precedent which he is about to establish.

It is, in my opinion, fundamental; indeed, it comes down to us from the old common law—is one of the things about which our ancestors fought and one of the things which entered into our own Revolutionary struggle—that men are entitled to be tried by a jury of the vicinage; tried by their neighbors; tried where their character has been builded; tried where they are known, where it is impossible to oppress by reason of the great costs which accompany a removal to a far distant point. The most subtle and destructive form of oppression has in the past and may in the future consist in removing men charged with offenses great distances for trial. It may all be done in the name of justice, but it is the most flagrant denial of justice.

It may be that the able Senators who sit about us, living in the East, do not at first glance appreciate the importance of this matter. We are all more or less guided in our conclusions by concrete facts which come to us touching upon a particular question before us. When I came to the Senate 79 per cent of my State was withdrawn from public entry. There is scarcely a day that a citizen does not come in contact or in conflict with the rules or the regulations or the laws of the National Government by reason of the fact that we are really living under the Federal Government, although in fact a State.

Instead of this being Senator WHEELER, who is in a much better position to defend himself in this matter and to accede to the precedent, if it is to be established, than the ordinary citizen in the State, let us suppose some one who has taken up, we will say, a 640-acre homestead under the laws of the Government, is charged with a conspiracy to defraud the Government out of the land, to have entered into a conspiracy with some cattle owner who is to receive the homestead as soon as he proves his title; and suppose the case is transferred to Washington. That brings home what the precedent means. It would be intolerable. The fact that Mr. WHEELER is a Senator ought not to blind us to the evil of such a practice or such a precedent.

We need not appeal to the old principles which have guided us so long with reference to trying men in the county where they belong or where they live. We come to the more practical question. Not only do our citizens come in contact with the land laws, but the way the authority of the Government is spreading, taking hold of all kinds of business, reaching out and connecting itself with all business affairs, building up vast departments here which touch every nerve of life, every activity of brain, and every energy of the body, the time could easily come within the next quarter of a century when the vast majority of infractions of the Federal law could be tried in the District of Columbia. Of all forms of centralization, this is the most objectionable. They use to do this thing in other countries, but it should never be countenanced here.

It is not the single fact that a Senator is being brought here for trial, nor has that very much to do with it, so far as I am concerned, because, as I have said, he is in a better position to protect himself than the ordinary citizen. But a precedent which establishes a practice of transferring cases to the District of Columbia, where some overt act has taken place in the District of Columbia, by reason of the fact that the citizen has to connect up with a department, is a precedent which we should not accede to, and which, so far as I am concerned, I can not indorse.

I say, of course, that technically they have a right to bring Senator WHEELER here, but fundamentally it is a wrong policy, and at a proper time, after the Attorney Generalship and the Supreme Court matter have been settled, I shall undertake to find the time to present to the Senate some of the precedents which have heretofore been observed, some of the rules which have been applied, and some of the reasons why this, if it can not be remedied otherwise, ought to be remedied by special legislation.

A great deal has been said to the effect that certain Senators, including myself—because, I presume, I was chairman of the committee which exonerated Mr. WHEELER—have been undertaking to hold up the confirmation of Mr. Stone because we thought he should not proceed against a Senator. That is perfectly absurd. No Senator here, I venture, has ever entertained any such view, much less put it forth. The Department of Justice has a right to seek an indictment of any citizen, high or low, in or out of office, whenever the Department of Justice thinks the facts justify it, and I venture to say that if this indictment had been found in the State of Montana there never would have been a word said in regard to it here, so far as the Senate is concerned. My interest in the case became intense, however, when I learned that it was deliberately proposed to establish the precedent of trying men in the District of Columbia because an overt act connected with some department made it possible to do so.

If Senator WHEELER has any connection with this matter, it is by reason of a contract, a contract which was made in Montana. There was a letter written which they say indicated a purpose to defraud the Government. That letter was written in Montana. The witnesses are in Montana. The property is in Montana. The scene of the transaction, which resulted in a conspiracy, if any conspiracy existed, is in Montana. So I say that that becomes a matter of transcendent importance, and one which the Senate has no right to disregard. To refuse to call attention to it would be a gross disregard of public duty.

Mr. BRUCE. Mr. President, I demand the personal privilege open to every other Member of the Senate of putting on permanent record the reasons which impel me to vote as I shall in the matter of the confirmation of Mr. Stone.

John Randolph of Roanoke once said that every man is of some importance to himself, whether he is to anyone else or not, and in a case of this kind every Member of the Senate has the right, and indeed should exercise the right, of letting the country know exactly why he votes as he does. Even if I had been disposed to vote against the confirmation of Mr. Stone, I should feel that I am compelled to relinquish the intention to do that after listening to the Senator from Montana [Mr. WALSH] himself. He made a very clear, strong, and interesting address. We all realize that, and he even went so far as to hint or suggest that the proper thing for the Senate to do in this case is to refuse to confirm Mr. Stone. But at the same time he admitted in the most unqualified terms that Mr. Stone is a lawyer of the highest professional standing in point of ability—nay, more, that he is a lawyer of the highest professional standing in point of moral character and worth. It seems to me that the plain result of that is to reduce the action of Mr. Stone in selecting Washington rather than Montana as the venue for this second indictment against Senator WHEELER to a mere mistake of judgment; that is all.

In reaching this conclusion I feel fortified, too, by what has been said by the Senator from Idaho [Mr. BORAH], whose views with regard to the personal integrity and professional character of Mr. Stone are entitled, I hardly need say, to as great consideration as those of any Member of this body. I wish to follow for just a moment in the footsteps of the Senator when I declare that while I intend to vote for the confirmation of Mr. Stone I think that he fell into a grave error of judgment in electing to make Washington and not Montana the situs of this second indictment against Senator WHEELER. As the Senator from Idaho has said, the right of the citizen to be tried by a jury of the vicinage is fundamental. It is elementary. It is a precious, priceless right, one that has been handed down to us immemorially as an integral part of our splendid inheritance of Anglo-Saxon liberty.

There are few things that more inflamed the resentment of the American Colonies against the mother country than its attempt to have offenders against the admiralty laws of Eng-

land transported to England and tried there instead of being tried in the Colonies. So, when the Federal Constitution and the first constitutions of the different States of the Union were adopted, the framers of those instruments were all sedulous to insert in them the provision that every man should have the right, when accused of crime, to be tried by a jury of the vicinage. The sixth amendment to the Federal Constitution provides:

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

I venture the assertion, though of course I must not be taken as speaking with absolute exactitude when speaking on the spur of the moment, that a similar provision will be found in the organic law of every State in the Union. Nor is the right to be tried by a jury of the vicinage a mere technical right, a mere legalistic refinement. It is of the essence of personal liberty, the liberty for which our English ancestors and we have striven and fought and died.

So I say that it was a mistake for Mr. Stone to have elected to have Senator WHEELER indicted here instead of in Montana, where the first indictment against him was framed. Without the slightest difficulty anyone of us can place himself in the situation of Senator WHEELER. Suppose I were indicted tomorrow for having committed some violation of the Federal laws and the proposal was to have me indicted here, even though it is only a few miles from my home, instead of in Baltimore, where I have lived all my life, where I am known, where I have won friends and some measure of public respect as an honorable man and a useful citizen, and where perhaps a favorable presumption of innocence would attach to me were I charged with crime. Would I not wish to be tried there rather than in any other place in the world? Would I not be entitled to be tried there, and would not every right-thinking man feel that my claims to just treatment had been denied if I were refused the right to be tried there? And what I say of myself is of course true of every man in this Chamber in his relations to his own place of residence.

It was in the power of Mr. Stone to elect where Senator WHEELER should be tried the second time. In my humble judgment, and I say it with great respect, he should have elected Montana and not Washington.

In the case of Senator WHEELER there were peculiar reasons why the accused should be tried at his own home rather than here. He had been engaged in one of the bitterest investigations ever known to the proceedings of Congress. He had necessarily raised up a host of malignant, if not implacable, enemies against him; and it is only fair to add that he had himself taken up the sword and had no right but to expect that he, too, might perish by the sword. The very fact that he is more combative, antagonistic, and accusatory than the ordinary individual made the likelihood of the lex talionis being applied to him more marked than usual. He was not a Republican. If he ever was a member of the Democratic Party, he had separated himself from it during the last presidential campaign. He was peculiarly in a situation to be exposed to the full force of partisan and personal vindictiveness, to all the arrows and slings of outrageous fortune when the question arose as to whether he should be indicted again in Washington; and therefore there was all the more reason why the fundamental rights of the citizen should be nicely and jealously observed in his case than in that of the average person.

And yet he is to be indicted and tried in Washington, where Mr. Daugherty once sat in the seat of punitive power; where the Department of Justice, of which Mr. Daugherty was once the head, has its headquarters; and where many of the retainers of that department during Mr. Daugherty's time still live and hold office; where there has always been an intensely political atmosphere, indeed such a political atmosphere that Woodrow Wilson used to say that Washington was the last place in the United States where one could feel the pulse of honest public opinion; where political influence and political partisanship and political malevolence are always more or less at work; and where what Shakespeare calls "the chalice of even-handed justice is most likely in any case to be poisoned by political malice."

So I say still again that Mr. Stone made a mistake when he proceeded to have Senator WHEELER indicted here; but I believe that he made an honest mistake. I am proud enough of my profession to think that there are very few Attorneys General who would be willing to select a venue for the trial of an accused person simply for the purpose of making sure of the blood of the accused. Generally speaking, lawyers are no better than other individuals; they admit that; but every human being, whether he be a lawyer or not, is a better man when he owes a special obligation of some kind or other to honorable conduct. The policeman is braver for the uniform that he wears; the priest is purer for his cassock; and, in a case of this kind, a lawyer is more likely to be influenced by honorable and high-minded impulses than another man would be if for no other reason because he takes a vow, as a part of his profession, that he will always be true to the constitutional rights of the citizen, to the claims—the sacred claims—of personal liberty. So, under any circumstances, I should be slow to think that Mr. Stone or any other lawyer could be induced merely by a spirit of persecution or malignity to select a particular venue for the trial of a case; but there is here not an iota of evidence tending to establish the fact that Mr. Stone has been influenced by any sinister or improper motive in proceeding against Senator WHEELER in Washington.

In view of that fact, and in view of his eminent professional qualifications for a seat upon the Supreme Bench, I have come to the conclusion, without any reservations of any kind unfavorable to his character or reputation, that it is my duty as a Member of this body to vote for his confirmation.

Mr. REED of Missouri. Mr. President, I want only a few moments to put on record my reasons for the vote I shall cast.

I examined the Ownbey case; I read the record; the opinion of the Supreme Court; and, as a member of the Judiciary Committee, I asked Mr. Stone some questions touching that case. If I believed that Mr. Stone had helped to lay out a plan of action which contemplated, first, the tying up of the resources of Mr. Ownbey; and, second, the taking of Mr. Ownbey into the courts of Delaware and there demanding security which he could not give because he had been deprived of his resources, I would not vote for Mr. Stone's confirmation, even though every step that he had taken was taken in strict accordance with the law, because conduct of the character I have adverted to would be merely the employment of the processes of the law to accomplish the defeat of the real purposes of the law.

But, Mr. President and Senators, the record fails to disclose that such a scheme was in fact conceived, and especially fails to show any knowledge on the part of Mr. Stone of the scheme if it existed. Upon the contrary, his express declaration to the committee was that he had practically known nothing of the case until he was handed the record on appeal and asked to discuss a constitutional question. That is a very different state of facts than we have heard discussed here by some Senators; and I reach the conclusion that there is nothing in the whole record as it exists before us that so reflects upon the honor and character of Mr. Stone as to warrant casting a vote against him.

We have the other question, the question of a grand jury investigation and possible indictment not alone of Senator WHEELER but of certain other residents and citizens of Montana not in the courts of their State but in the courts of this District. I do not like that situation. I am embarrassed, however, in this discussion by the fact that a Member of this body is directly concerned. There are men in the world contemptible enough to ascribe to the Senate a mere desire to protect one of the Members of the Senate; and therefore all that is said must be said with a full understanding that it will probably be blazoned to the country in large headlines that the Senate or some Senators are trying to protect a fellow Member. So far as I am concerned, I believe that the law ought to be more rigidly enforced against those who are charged with the making of the law or the enforcement of the law than it should be enforced against the ordinary citizen, because those who hold public place have a peculiar obligation toward the laws of their country, and if I believed that any Member of this body had been guilty of felonious conduct I would be the last to defend him. I wish that this case did not have Senator WHEELER'S name connected with it and that I might discuss it merely as a question affecting the average citizen.

Let me say now, Mr. President, knowing Senator WHEELER as I have come to know him, I know that he is the last man to claim any privilege of immunity because he has a seat in this body. Whatever else people may say of him, nobody has ever accused him of having the spirit of a poltroon or as running from attack.

However, Mr. President, while I intend to vote for Mr. Stone's confirmation, I intend at the same time to say that it is, in my judgment, a very wrong thing in any Attorney General to indict citizens far from their homes when the venue of the crime as well and better lies at the place of their homes.

The Senator from Idaho [Mr. BORAH], with his usual clarity of expression and directness of thought, has called attention to

where this practice may lead. We have a law that any man who uses the mails to defraud may be indicted, and under the construction of that law he may be indicted at the place where he mails the letter or he may be indicted at the place to which the letter is directed and where it is received.

We may say that if he commits a fraud it is of little importance where he is tried; that in any event he is a criminal. But, sir, the law does not presume his guilt. It presumes his innocence; and so the question is not whether a guilty man shall be tried in any one of a dozen places or 50 places, but where a citizen presumed to be innocent shall be tried and the question of his guilt or innocence determined.

Accordingly, applying this law, if a man perfectly innocent were to be accused of promoting a particular enterprise and of writing a large number of letters touching the enterprise, he might be, under the construction of the law, indictable in any one of the States and in any district of any State; and a prosecuting officer, overcome by zeal of office, might be found who would seek to pick the particular locality which, because of its remoteness from the habitation of the accused or because of peculiar conditions there existing, would tend most strongly to the destruction of the defendant, of the citizen, regardless of the right of the case.

Such things have been done before; such things will be done again unless, by some form of statute or by some kind of protest, the officers engaged in the enforcement of the law are brought to a different kind of conduct.

Take this case. Some citizens of Montana organized a company. It was a company engaged in the exploitation of oil lands. Some questions had arisen between the owners of the property and citizens of Montana, and some question arose as to the titles of the property.

This company sent out literature which it is claimed was fraudulent literature. This company employed Mr. WHEELER, and it is claimed that one part of his employment was to appear here before a department of the Government. They indicted him in Montana for the latter offense, which was much more peculiarly an offense in the District than is the other branch. They indicted others in Montana in connection with the same general business. They picked their place of trial, and they picked it properly. It was the place where, if there ever was a conspiracy formed, it had been formed. They have held the case there for many months of time, and now, although nearly all of the witnesses live in Montana or in the extreme West, although the venue could be properly laid there and more properly laid there than here if you can consider the question of degree in the matter of venue at all, we find a grand jury assembled in the District of Columbia and men brought here from the Pacific coast clear through the State of Montana to testify, and we find that it is the law that the defendant must pay the expense of bringing here the witnesses who are to testify in his behalf unless he makes an oath in forma pauperis, and then he must expose to the Government all that his witnesses will testify to in order to secure the bringing of them here at Government expense.

It is the law that that can be done, but the Attorney General had the option of imposing that hardship upon these citizens of the United States or of indicting them in the State of Montana, where practically all of these defendants live, and he has chosen to proceed here. He has stated to the Judiciary Committee, in substance and effect, that one reason for bringing the case here was in order that he might closely supervise or in a general way direct it, and so that no injustice would be done. If that were his motive, then of course the feeling of criticism one would have would largely disappear, but I confess that when I am told here to-day by the Senator from Montana [Mr. WALSH] that the man in charge of the prosecution is one of Mr. Daugherty's left overs, it impresses me very badly.

To bring what little I have said to a conclusion, I think the Senate is confronted with the high duty of amending the laws of the United States so that citizens will be given a trial in the vicinage, which means, of course, the district of their habitation or the district where the crime actually is committed, and the stretching of the law by declaring that a man can be tried at any place where a single overt act has occurred, although the principal business connected with the crime occurred in his own home, ought to be terminated by statute.

I have said what I have said on this question because I want my protest, for whatever it is worth, to be recorded against any kind of doctrine that it is proper for the United States to pick out any kind of place it sees fit and to drag citizens far from their homes when it is a wholly unnecessary proceeding.

Mr. HEFLIN. Mr. President, it is growing late and I shall not detain the Senate long.

I read in my speech a little while ago from the brief of the attorneys of Colonel Ownbey in Colorado, in which they set out just what the Senator from Missouri [Mr. REED] did not seem to understand. They set out there that this advantage sought to be taken by resorting to a foreign court against Colonel Ownbey was for the purpose of injuring him, of taking unfair advantage of him—that that was the purpose of the Delaware suit—in effect that it was a conspiracy to rob him.

The facts show—aye, the Supreme Court decision itself, written by Mr. Justice Pitney, shows—that all the steps I referred to were taken to try to get Colonel Ownbey a hearing in the lower court in Delaware and that he was denied a hearing. I want the RECORD to carry to the country the exact truth of this case, and I am going to see that it does if I possibly can.

Nobody denies—Mr. Stone himself can not deny—that Colonel Ownbey was denied a hearing in the lower court. When Mr. Stone read the record of that case and heard the argument of Mr. Marshall, Ownbey's attorney, in the Supreme Court, he knew then all that had transpired in the court below and in that case from its inception. My position again, briefly stated, is that when he found out what had happened in the court below, when he took the position that what had happened below was proper, just, and fair, and constitutional, I said he is not a proper person to go upon the Supreme Court bench.

The Senator from Idaho [Mr. BORAH] points out that in bringing Senator WHEELER from Montana to be tried in the District of Columbia Mr. Stone is setting a bad precedent. He says that technically he is authorized to have Senator WHEELER brought here and tried, but that fundamentally, Mr. President, he is wrong; and if a candidate for a position on the Supreme Court bench—for that is what he is, because we are going to vote here, Democrats and Republicans, as to whether or not we are going to elect him—if he construes the Constitution in such a way as to deny to a citizen fundamental principles of rights and justice, and resorts to technicalities, is he a proper person to go upon the Supreme Court bench? If, after finding out what the statutes provide, and what the principles of right and justice require, he goes over these fundamental rights in the case and relies upon technicalities and demands that a citizen from Montana be brought here to be tried in the District of Columbia, is he fundamentally sound and sufficiently qualified to be a judge for life in a position where his say is the last word in interpreting the Constitution?

The Senator from Idaho talks in a way about how well Mr. Stone has performed since he has been in the Department of Justice. I ask, where are all these big cases for months in his hands for action in which the Government should have proceeded with indictment and prosecution against big interests? They have not been prosecuted under Mr. Stone. He has just dismissed an indictment against a very prominent Republican, Mr. Crowell. He was indicted. The paper says:

Stone drops war fraud case against Crowell. Admits indictment found was faulty.

Mr. President, I say that these big fellows who have been indicted are being let out, but I challenge any of you to cite me the case of one big concern that he has proceeded against with prosecution since he has been in the office of Attorney General.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arizona?

Mr. HEFLIN. I do.

Mr. ASHURST. Let me say to the Senator, whatever he may have against Mr. Stone—and the Senator has made an able speech—I beg him not to hold it against Mr. Stone that he dismissed the Crowell indictment. The Crowell indictment was a part of the reckless and relentless misconduct of Mr. Daugherty.

Mr. HEFLIN. I do not know about that.

Mr. ASHURST. I hope the Senator will take my word for it.

Mr. HEFLIN. I am just recalling the fact that Mr. Crowell is a big and prominent Republican, who has by Mr. Stone just been given a clean bill of health.

Mr. FESS. Mr. President——

Mr. HEFLIN. I am asking where are the big, the immensely wealthy concerns that have been indicted or proceeded against by Mr. Stone? I am asking particularly about the Stotesbury case, the gas company case where Mr. Stone wrote a letter last July saying that he would proceed to look into it and do what was appropriate. I ask, what has he done in these eight months? Nothing.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. HEFLIN. Certainly.

Mr. FESS. Where does the Senator get the information that Mr. Crowell is a Republican? He was appointed Assistant Secretary of War by President Wilson at the suggestion of Mr. Newton D. Baker.

Mr. HEFLIN. That may be true, but he is a Republican.

Mr. FESS. I have understood that he was a very upright Democrat.

Mr. HEFLIN. No; he is a Republican. [Laughter.] President Wilson was nonpartisan in his appointments during the war, and he appointed, I am sorry to say, some dollar-a-year Republicans who played havoc with the people and the Government. [Laughter.]

Yes, Mr. President; Mr. Crowell is a Republican. Mr. Stone, instead of proceeding under the fundamental principles of right and justice in this country to try Senator WHEELER in Montana, sees fit and elects to bring him here and try him here in Washington. Mr. Stone, as a practicing attorney in the Supreme Court, after having read the record and knowing all about what happened to Colonel Ownbey, knowing that he had been denied the right to be heard, and had his property taken from him without due process of law, asked the Supreme Court to stand by the judgment of the lower court.

The Bible tells us that by their fruits ye shall know them. I am judging Mr. Stone, as to his fitness to be on the bench, by his practice in construing the Constitution. I know nothing about him personally, and that does not enter into it. I do not care how clever he is. How did he stand on the fundamental law of the land? Was he in favor of denying to the citizen due process of law? Was he in favor of denying WHEELER the right to be tried among his neighbors where he is known? That is what he has done; he has elected to bring him to the District of Columbia to be tried.

I have said all that I care to say. I rejoice that this matter will at least be a matter of record and the people in the States who read the RECORD can judge for themselves regarding our action here to-day.

The PRESIDING OFFICER. The yeas and nays have been ordered on confirming the nomination of Mr. Stone, and the Secretary will call the roll.

The reading clerk proceeded to call the roll, and Mr. ASHURST responded "yea."

Mr. SHORTRIDGE. For the benefit of the RECORD, I ask unanimous consent that the report of the hearings before the Committee on the Judiciary be incorporated as a part of the proceedings of this day.

Mr. HEFLIN. Mr. President, does that contain the testimony of those who have appeared against Mr. Stone?

Mr. CURTIS. Mr. President, I will have to make a point of order against the request of the Senator from California. The roll call was commenced and there had been a response.

The PRESIDING OFFICER. The Chair sustains the point of order. The Secretary will proceed with the roll call.

The reading clerk resumed the calling of the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], who is absent, but on this vote I understand that were he present he would vote as I shall vote, and I therefore vote "yea."

Mr. NORRIS (when Mr. LA FOLLETTE'S name was called). I was requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness. If he were present, he would vote "nay."

Mr. WALSH of Montana (when his name was called). In view of the fact that I am counsel for Senator WHEELER, I ask to be excused from voting.

Mr. WATSON (when his name was called). I have a pair with my colleague [Mr. RALSTON]. If he were present, he would vote as I intend to vote, and therefore I vote "yea."

Mr. WHEELER (when his name was called). Mr. President, I shall refrain from voting on this question, with the permission of the Senate.

The roll call was concluded.

Mr. CURTIS. I was requested to announce that the Senator from Illinois [Mr. MCCORMICK] is unavoidably detained from the Senate. Were he present, he would vote "yea."

Mr. BROUSSARD (after having voted in the affirmative). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], who, if he had been present, would have voted as I have voted.

Mr. JONES of Washington. I desire to announce that the Senator from New Hampshire [Mr. MOSES], the Senator from Missouri [Mr. SPENCER], and the Senator from West Virginia [Mr. ELKINS] are necessarily absent, and if present they would vote "yea."

Mr. JONES of New Mexico. I was requested to announce that the Senator from Maryland [Mr. BRUCE] is necessarily absent, and that if present, he would vote "yea."

The roll call resulted—yeas 71, nays 6, as follows:

YEAS—71

Ashurst	Edge	Kendrick	Reed, Pa.
Ball	Edwards	Keyes	Sheppard
Bayard	Ernst	Ladd	Shields
Bingham	Fernald	McKellar	Shortridge
Borah	Ferris	McKinley	Simmons
Brookhart	Fess	McLean	Smith
Broussard	Fletcher	McNary	Smoot
Bursum	George	Mayfield	Stanfield
Butler	Glass	Means	Stanley
Cameron	Gooding	Metcalf	Sterling
Capper	Greene	Neely	Swanson
Caraway	Hale	Norbeck	Wadsworth
Copeland	Harreld	Oddie	Walsh, Mass.
Couzens	Harrison	Overman	Warren
Cummins	Howell	Pepper	Watson
Curtis	Johnson, Calif.	Phipps	Weller
Dale	Jones, N. Mex.	Ransdell	Willis
Dial	Jones, Wash.	Reed, Mo.	

NAYS—6

Frazier	Johnson, Minn.	Shipstead	Trammell
Heflin	Norris		

NOT VOTING—19

Bruce	King	Owen	Stephens
Dill	La Follette	Pittman	Underwood
Elkins	Lenroot	Ralston	Walsh, Mont.
Gerry	McCormick	Robinson	Wheeler
Harris	Moses	Spencer	

The PRESIDENT pro tempore. Upon the question, Shall the Senate advise and consent to the nomination of Harlan Fiske Stone to be Associate Justice of the Supreme Court of the United States the yeas are 71 and the nays are 6. So the Senate advises and consents to the nomination.

Mr. CURTIS. I ask that the President be notified of the action of the Senate.

The PRESIDENT pro tempore. The President will be notified.

Mr. CURTIS. I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed legislative session.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3669) to provide for the inspection of the battlefields of the siege of Petersburg, Va.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes; and that the House had receded from its disagreement to the amendment of the Senate numbered 42 to the said bill.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 365) for the relief of Ellen B. Walker.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1765) for the relief of the heirs of Agnes Ingels, deceased.

ENROLLED BILLS AND JOINT RESOLUTIONS

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolutions:

S. 2232. An act to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service";

S. 2848. An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.;

S. 3392. An act to amend section 558 of the Code of Law for the District of Columbia;

S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Batesville, in the county of Independence, in the State of Arkansas;

S. 3885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River, at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas;

S. J. Res. 154. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; and

S. J. Res. 155. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

WAR DEPARTMENT APPROPRIATIONS

Mr. WADSWORTH. Mr. President, I ask that the Chair lay before the Senate the action of the House on the War Department appropriation bill.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House on House bill 11248, which the Secretary will read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 4, 1925.

Resolved, That the House recedes from its disagreement to the amendments of the Senate Nos. 17 and 20 to the bill (H. R. 11248) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes," and concurs therein.

That the House recede from its disagreement to the amendment of the Senate No. 1 and concur therein with an amendment, as follows:

At the end of the matter inserted by said amendment, change the period to a colon and add the following: *Provided*, That the number of officers detailed to this duty shall not at any time exceed 26.

Mr. WADSWORTH. I move that the Senate concur in the House amendment to the Senate amendment.

The motion was agreed to.

The reading clerk continued the reading, as follows:

That the House recede from its disagreement to the amendment of the Senate No. 7 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: *Provided*, That expenditures heretofore made from, and obligations incurred against, appropriations for incidental expenses of the Army for entrance fees of Army rifle and pistol teams participating in small-arms competition are hereby authorized and validated.

Mr. WADSWORTH. I move that the Senate concur in the House amendment to the Senate amendment.

The motion was agreed to.

The reading clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate No. 9, and concur therein with an amendment as follows:

Strike out all of the matter inserted by said amendment after the word "Treasury:" in line 11, and insert in lieu thereof the following: "*Provided*, That not exceeding $400,000 of the proceeds of such sale or sales is hereby appropriated for the construction of barracks and quarters or other buildings and utilities to accommodate a battalion of Infantry upon another Government-owned military post or reservation within the Second Corps Area: *Provided further*, That the provisions of section 1136 of the Revised Statutes shall not apply to the structures authorized herein: *Provided further*, That the President is authorized to reconvey to the State of New York such portions of the military post at Fort Porter that were originally donated by the State of New York, when, in his opinion, such land is no longer needed for military purposes."

Mr. WADSWORTH. In the interest of brevity, I may say that the amendment of the House repeats the Senate language with respect to Fort Porter, in the city of Buffalo, and merely adds a proviso to the effect that the provisions of section 1136 of the Revised Statutes shall not apply to the structures authorized therein. That is the limiting section of the statute, which provides that not more than $20,000 may be spent by the War Department on any one building.

I move that the Senate concur in the House amendment to the Senate amendment.

The motion was agreed to.

The reading clerk read as follows:

That the House insists upon its disagreement to the amendment of the Senate No. 42.

Mr. WADSWORTH. I move that the Senate recede from its amendment No. 42.

Mr. SWANSON. What is the amendment?

Mr. WADSWORTH. It is the amendment in which the Senate provided that $40,000 of the $10,000,000 appropriation for Mississippi River flood control should be appropriated to revet the banks of the Mississippi River at the city of Memphis in protection of the Barge Line Terminal. The House defeated the amendment by a vote of 115 to nothing. I believe it wise for the Senate to recede, and therefore I have made my motion.

The motion was agreed to.

Mr. SMOOT. Mr. President, I want to ask the Senator having the military bill in charge if the Senate receded on amendment No. 34, reading as follows:

Hereafter no money allowance for the rental of quarters shall be paid to members of the Officers' Reserve Corps when called to active duty for a period of not exceeding 31 days, if quarters for their personal accommodation during such period are provided by the Government.

Mr. WADSWORTH. The Senate receded.

Mr. SMOOT. That involves about $750,000?

Mr. WADSWORTH. A little over $800,000 to the best of my knowledge.

Mr. SMOOT. I am very sorry indeed that the Senate conferees were obliged to recede on that item.

Mr. WADSWORTH. So am I.

Mr. SMOOT. In fact, I do not consider that it is anything but petty graft.

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

Mr. JONES of Washington. Mr. President, I desire to give notice that if the opportunity is presented to-morrow I shall ask the Senate to proceed to the consideration of House bill 11753 making appropriations for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes.

COURTS IN ARKANSAS

Mr. CARAWAY. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 5197) to amend section 71 of the Judicial Code, as amended, and I ask for its present consideration.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

Mr. JONES of Washington. May we have a brief statement of what the bill is?

Mr. CARAWAY. The bill simply provides another place in which to hold court in Arkansas.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 71 of the Judicial Code, as amended, be amended to read as follows:

"SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

"(b) The western district shall include four divisions constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; and the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

"(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the fourth Mondays in January and June; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; and for the Harrison division, at Harrison on the second Mondays in April and October.

"(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open at all times for the transaction of the business of the court.

"(e) This act does not repeal or amend the remainder of section 71 of the Judicial Code as it applies to the eastern district of Arkansas."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REFUND OF TAXES ON DISTILLED SPIRITS

Mr. STANLEY. I ask unanimous consent for the present consideration of the bill (H. R. 10528) to refund taxes paid on distilled spirits in certain cases.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue may, pursuant to the provisions of section 3220, Revised Statutes, as amended, allow the claim of any distiller for the refund of taxes paid in excess of $2.20 per proof gallon on any distilled spirits produced and now owned by him and stored on the premises of the distillery where produced, but no refund shall be allowed unless such spirits are contained in the distiller's original packages in which they were taxpaid, or in regularly stamped bottles and cases in which they were placed when bottled in bond, or in stamped or unstamped bottles into which they have been placed while on and without removal from the distillery premises: *Provided*, That the Commissioner of Internal Revenue may direct that any spirits on which refund of tax is claimed under this section shall be removed to and stored in a warehouse designated by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, requested the Senate to return to the House of Representatives the bill S. 2693 in reference to writs of error.

The message announced that the House had agreed to the amendment of the Senate to the bill (H. R. 2694) authorizing certain Indian tribes, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties or otherwise.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8263) to authorize the General Accounting Office to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds.

ENROLLED BILLS

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills:

H. R. 8206. An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes; and

H. R. 10724. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes.

WRITS OF ERROR

The PRESIDENT pro tempore. The Chair lays before the Senate the request of the House of Representatives for the return to that body of the bill (S. 2693) in reference to writs of error. If there be no objection, the request of the House will be complied with.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 6 o'clock and 5 minutes p. m.) took a recess until to-morrow, Friday, February 6, 1925, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 5, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

To Thee eternal and almighty God we come; bless us with ease of mind and calmness of heart at this impressive moment. O Spirit divine, messenger of peace and counselor of wisdom renew our strength. Thou art wiser than any teacher, kindlier than any friend, gentler than any physician, and braver than any leader. O Jehovah, Father exalt the ideals, purify the emotions, and strengthen the wills that shall make for noble and acceptable service. Surely Thou art in the world of men, and there is one God, one law, one element toward which the whole creation moves. Glory and honor, dominion and power be unto Thy excellent name forever and ever. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SUPPLEMENTAL REPORT ON S. 3760

Mr. FROTHINGHAM. Mr. Speaker, I ask unanimous consent to file a supplemental report to the one already filed by me for the Committee on Military Affairs on Senate 3760, an act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to file a supplemental report from the Committee on Military Affairs. Is there objection?

There was no objection.

RELIEF OF ELLEN B. WALKER

Mr. UNDERHILL. Mr. Speaker, I call up for adoption the conference report on Senate 365, for the relief of Ellen B. Walker.

The SPEAKER. The gentleman from Massachusetts calls up a conference report, which the Clerk will report.

The Clerk read as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 365) for the relief of Ellen B. Walker having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, and agree to the same.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

ARTHUR CAPPER,
SELDEN P. SPENCER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 365) for the relief of Ellen B. Walker submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amount is reduced from $5,000 to $1,560.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

The conference report was agreed to.

RELIEF OF THE HEIRS OF AGNES INGELS, DECEASED

Mr. UNDERHILL. Mr. Speaker, I call up for adoption the conference report on S. 1765, for the relief of the heirs of Agnes Ingels, deceased.

The SPEAKER. The gentleman from Massachusetts calls up a conference report, which the Clerk will report.

The Clerk read as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1765) for the relief of the heirs of Agnes Ingels, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

ARTHUR CAPPER,
SELDEN P. SPENCER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1765) for the relief of the heirs of Agnes Ingels, deceased, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amount is reduced from $5,000 to $1,000.

GEO. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

The conference report was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2975) validating certain applications for and entries of public lands, and for other purposes.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 10724. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes;

S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Batesville, in the county of Independence, in the State of Arkansas;

S. 2885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River, at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas;

S. J. Res. 155. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress;

S. J. Res. 154. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress;

S. 3392. An act to amend section 558 of the Code of Law for the District of Columbia.

S. 2848. An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.;

S. 2232. An act to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service"; and

H. R. 8206. An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes.

H. R. 646. An act to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations;

H. R. 4294. An act for the relief of heirs of Casimira Mendoza;

H. R. 5420. An act to provide fees to be charged by clerks of the district courts of the United States;

H. R. 6860. An act to authorize each of the judges of the United States District Court for the District of Hawaii to hold sessions of the said court separately at the same time;

H. R. 8369. An act to extend the period in which relief may be granted accountable officers of the War and Navy Departments, and for other purposes;

H. R. 9461. An act for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy;

S. 2975. An act validating certain applications for and entries of public lands, and for other purposes;

S. 3622. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry; and

S. J. Res. 135. Joint resolution granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that February 4, 1925, they had presented to the President of the United States for his approval the following bills:

H. R. 1717. An act authorizing the payment of an amount equal to six months' pay to Joseph J. Martin;

H. R. 2806. An act for the relief of Emil L. Flaten;

H. R. 2258. An act for the relief of James J. McAllister;

H. R. 26. An act to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act;

H. R. 1326. An act for the relief of Clara T. Black;

H. R. 1860. An act for the relief of Fannie M. Higgins;

H. R. 2811. An act to amend section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes";

H. R. 3348. An act authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co.;

H. R. 3411. An act for the relief of Mrs. John P. Hopkins;

H. R. 2977. An act for the relief of H. E. Kuca and V. J. Koupal;

H. R. 5762. An act for the relief of Julius Jonas;

H. R. 5819. An act for the relief of the estate of the late Capt. D. H. Tribou, chaplain, United States Navy;

H. R. 8893. An act for the relief of Juana F. Gamboa;

H. R. 4461. An act to provide for the payment of certain claims against the Chippewa Indians of Minnesota;

H. R. 6755. An act granting six months' pay to Maude Morrow Fechteler;

H. R. 8329. An act for the relief of Albert S. Matlock;

H. R. 10030. An act granting the consent of Congress to the Harrisburg Bridge Co., and its successors, to reconstruct its bridge across the Susquehanna River, at a point opposite Market Street, Harrisburg, Pa.;

H. R. 9162. An act to amend section 128 of the Judicial Code, relating to appeals in admiralty cases;

H. R. 7239. An act authorizing the Secretary of the Interior to pay certain funds to various Wisconsin Pottawatomie Indians;

H. R. 6660. An act for the relief of Picton Steamship Co. (Ltd.), owner of the British steamship *Picton;*

H. R. 10150. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.," approved November 19, 1919;

H. R. 7399. An act to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906;

H. R. 8258. An act for relief of Capt. Frank Geere;

H. R. 4290. An act for the relief of W. F. Payne;

H. R. 9138. An act to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes;

H. R. 10645. An act granting consent of Congress to the Valley Bridge Co. for construction of a bridge across the Rio Grande, near Hidalgo, Tex.;

H. R. 9827. An act to extend the time for the construction of a bridge across the Rock River in the State of Illinois;

H. R. 9380. An act granting the consent of Congress to Board of County Commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River;

H. R. 11501. An act for the exchange of land in El Dorado, Ark.;

H. R. 10688. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak.;

H. R. 11036. An act extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railroad Co.;

H. R. 8965. An act for the relief of the Omaha Indians of Nebraska;

H. R. 10689. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak.;

H. R. 3913. An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States;

H. R. 5096. An act to authorize the incorporated town of Sitka, Alaska, to issue bonds in any sum not exceeding $25,000, for the purpose of constructing a public school building in the town of Sitka, Alaska;

H. R. 6303. An act to authorize the Governor and Commissioner of Public Lands of the Territory of Hawaii to issue patents to certain persons who purchased Government lots in the District of Waiakea, Island of Hawaii, in accordance with act 33, session laws of 1915, Legislature of Hawaii;

H. R. 11956. An act to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909;

H. R. 7918. An act to diminish the number of appraisers at the port of Baltimore, and for other purposes;

H. R. 3595. An act for the relief of Daniel F. Healy;

H. R. 5774. An act for the relief of Beatrice J. Kettlewell;
H. R. 5752. An act for the relief of George A. Petrie;
H. R. 4374. An act for the relief of the American Surety Co. of New York;
H. R. 4280. An act for the relief of the Chamber of Commerce of the City of Northampton, Mass;
H. R. 5423. An act to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357);
H. R. 5967. An act for the relief of Grace Buxton;
H. R. 6328. An act for the relief of Charles F. Peirce, Frank T. Mann, and Mollie V. Gaither;
H. R. 5448. An act for the relief of Clifford W. Seibel and Frank A. Vestal;
H. R. 2958. An act for the relief of Isaac J. Reese;
H. R. 2313. An act authorizing the issuance of a patent to William Brown;
H. R. 7249. An act for the relief of Forrest J. Kramer;
H. R. 8086. An act to amend the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914;
H. R. 8727. An act for the relief of Roger Sherman Hoar; and
H. R. 3387. An act authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Sanish, formerly Fort Berthold Indian Reservation, N. Dak.

INSPECTION OF BATTLE FIELDS OF THE SIEGE OF PETERSBURG, VA.

Mr. DREWRY. Mr. Speaker, I call up from the Speaker's table H. R. 3669, to provide for the inspection of the battlefields of the siege of Petersburg, Va., and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Virginia calls up a House bill, with a Senate amendment, which the Clerk will report.

The Clerk read the Senate amendment.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

RESIGNATION FROM A COMMITTEE

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read the communication, as follows:

FEBRUARY 4, 1925.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: It is my desire to retire from the Committee on Insular Affairs of the House of Representatives and I herewith tender my resignation, asking that same be immediately effective.

Sincerely,

JAMES H. MACLAFFERTY.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION OF MEMBER TO A COMMITTEE

Mr. LONGWORTH. Mr. Speaker, I move the election of the gentleman from New York, Mr. BACON, to fill the vacancy caused by the resignation of the gentleman from California [Mr. MACLAFFERTY].

The motion was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. WINGO. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. WINGO. Mr. Speaker, on yesterday the Committee on Banking and Currency of the House unanimously reported a bill which will clear up an ambiguity in the intermediate credits act so as to authorize the intermediate credit banks to rediscount paper for all so-called national agricultural credit corporations, and I hope the House will speedily enact that bill, because it is one of the specific recommendations made by the President's agricultural commission. It does not change existing law, but it clears up an ambiguity. It was the intention of Congress that that should be permitted, and it was so intended by the Congress. As you will recall, the provision was written in conference by the conferees creating the intermediate credits act, and it was not written by either House of Congress.

I do not want, though, to hold out any false hope to the cattlemen or to the farmers that this will solve their problems.

Mr. SNELL. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. SNELL. Is the gentleman addressing himself to the bill H. R. 12000?

Mr. WINGO. Yes. As I say, I do not want to hold out any false hope to the farmers. There has not been a single one of these Capper banks organized, and that is what the national agricultural credit corporations are. The excuse now given to the farmers is that Congress failed to authorize this discounting. I contend Congress did not, but we clear up the ambiguity; we add one phrase that will do it. But I contend the farmer is going to face the same difficulty that he has faced in the past under the Capper Act, which, as you recall, was the Republican emergency measure to relieve agriculture a long, long time ago. I said on the floor at that time that the bill simply authorized five "busted" farmers or five bankrupt cattle raisers out West to get together, put up $50,000 each, and organize a bank of their own. They say that is the only thing that prevents these "busted" farmers from organizing these corporations— a little ambiguity in the law—and we are now going to correct that.

And while I am occupying the floor, may I call the attention of my Republican friends to this. It may be unseemly for a Democrat to "butt" into this row that is going on between the Republican Congress and the Republican administration, but my interest in agriculture is so great that I do not want to overlook an opportunity to urge this upon my Republican friends, and you must bear me witness that in handling any of this legislation I have joined with you, and the Democrats stand ready to join with you, as we did in the last Congress, to pass any sane, sensible, practical legislation that will solve the distressing problem of agriculture.

Mr. LUCE. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. LUCE. At that point I am sure the gentleman is willing to add that within the Committee on Banking and Currency there has never been any partisan consideration of these matters.

Mr. WINGO. That is quite true, and while I may twit gentlemen on the Republican side at times, you can not charge me, as a Democrat, or any of my colleagues, with ever having played politics with any legislation that was before our committee. We join, Democrats and Republicans alike, in that committee in considering such legislation.

This editorial from this morning's Washington Post by Col. George Harvey is addressed to the Republican leaders of the House, the steering committee, and I think it is good authority because it is frankly and candidly admitted that the newspapers of the country and the public generally regard the Washington Post as the official organ of the Coolidge administration, as it was of the Harding admin stration. I know some jealous editors have tried to make it appear that Colonel Harvey is in bad at the White House. Of course, those of us who are here on the scene know that is a mistake. Colonel Harvey and the President are as thick as two thieves, and I use that expression respectfully. They have a right to be. Colonel Harvey is a very able man. He is a very shrewd, capable mentor of the President, and we all know that these reports trying to stir up jealousy between them is nothing but the envy of jealous men. We all know here in Washington that whenever these two gentlemen go to bed at night they go to bed together, and to use an old story which I have not the time to tell but just to paraphrase, about the two old negroes who went to bed, when Cal and the colonel lie down in the Republican bed at night together, Cal turns over and to George says, "George, who is sweet," and George says, "Both of us." We all know that is true.

Colonel Harvey gives you Republicans some pretty good advice in the Washington Post this morning, and you had better heed this advice. It is an open letter addressed "To Republicans in Congress," written by the official organ of the administration:

TO REPUBLICANS IN CONGRESS

The Republican President and the Republican majority in Congress were elected largely by farmer votes on the pledge that the Republican Party, if returned to power, would work for the relief of American agriculture. The specific pledge in the Republican platform of 1924 was as follows:

"In dealing with agriculture, the Republican Party recognizes that we are faced with a fundamental national problem, and that the prosperity and welfare of the Nation as a whole is dependent upon the prosperity and welfare of our agricultural population. * * *

"The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industry to insure its prosperity and success."

The Republican President, immediately after his election on this platform, proceeded to work out plans for the relief of agriculture. He appointed a committee of agricultural specialists, who have reported comprehensive and practical recommendations for legislation.

Now the steering committees of Congress, consisting of a majority of Republicans—

Why, as a matter of fact, it consists entirely of Republicans, I will say to Colonel Harvey—

have advised the President that it is "impracticable" to push through farm relief legislation at this session of Congress. They point to many other measures as entitled to priority—such measures as the German commercial treaty, the Isle of Pines treaty, the Bursum measure for the retirement of disabled emergency officers, the $75,000,000 good roads bill, the bill relating to prohibition enforcement, the bill authorizing reduction of interest rates on Government loans to railroads, the civil service retirement bill, the bill for enlarging the Naval Reserve, the national banking bill, the Brookhart game refuge bill, the bill reorganizing Government departments, the French spoliation claims, and the Wadsworth amendment providing that constitutional amendments shall be ratified by the people instead of the legislatures.

The steering committee of the House had advised the President, it is said, that it is "impossible" to enact agricultural relief bills in view of the pressure for the enactment of the foregoing measures and for the passage of the usual appropriation bills.

I take that as official. The great organ says that the steering committee of the House has so advised the President. I continue to read from the editorial:

What are the Republicans in Congress thinking of? Are they anxious to lose the elections in 1926? Are they eager to be thrown out of office to make room for a Democratic majority?

How cruel of the colonel to ask such a question. But let us read on:

They could not adopt a better plan for this purpose than to violate their pledge to the American farmers.

It is not necessary to pass laws embodying all the suggestions of the Agricultural Commission. The commission did not expect such action. But the commission made certain simple and specific recommendations and President Coolidge has approved them and asked Congress to enact them into law.

If Congress at this session turns its back upon the farmers of this country Mr. Coolidge will not be to blame. The record will stand clear. Every Republican in authority in Congress who has ignored the pledge of 1924 will be a marked man in 1926.

Are you anxious to be defeated in 1926, Chairman SNELL of the Rules Committee?

How cruel of Colonel George to put such an embarrassing question to our friend SNELL, when you and I know that the American farmer has not a better friend on the Republican side than the distinguished gentleman from New York, Mr. SNELL [laughter]; in fact, he is the real leader of the farm bloc in this House because he decides what the farmers shall get. [Laughter.]

The editorial continues:

Are you seeking retirement, Members of the steering committees of the House and Senate? Very well; you may be accommodated two years hence if you deliberately flout the farmers of the United States.

The Agricultural Commission recommends that a Government commission be created to facilitate and encourage cooperative marketing in agricultural products. That could be accomplished by Congress in one day.

Thus does Colonel Harvey show you gentlemen how simple are your problems to solve.

It would prove to agriculturists that the Republican majority are in sympathy with agriculture and are trying to keep their pledge to place it upon a basis of economic equality with other industries.

The Agricultural Commission recommends that steps be taken to readjust freight rates on agricultural products. That could be directed by Congress without debate.

Gentlemen, how simple are your problems, your mentor tells you. Why not heed his advice?

It would show that the party in power is not a liar when it makes platform pledges to the farmer.

How credulous is Colonel Harvey, the arbiter elegantiarum of the Republican Party. He is not familiar with the records of the Republicans in dealing with the American farmer or he would not be so unkind as to remind them they are liars.

Do the Republicans in Congress think the farmers of the United States are fools, to be gulled by campaign promises and then to submit to a betrayal of pledges without retaliation?

The President asks Congress to keep faith with agriculture, representing 30,000,000 Americans. The party in power in Congress has an opportunity to keep faith. If it does not do so, it need not expect and will not deserve to remain in power.

Oh, yes, gentlemen; we all remember in the last campaign who led in this species of promises to the farmers, and this agricultural commission evidently must have consulted with the gentleman from Iowa [Mr. GREEN], because we all remember in the closing hours of the last Congress that he told farmers of the West, "You just be easy; we will by tariff subsidies make the great industrial interests of the East prosperous and then you will get the reflected prosperity," and now the Republican Party says to the poor, prostrate, emaciated American farmer, "You will be all right; just wait until we give you another tariff hyperdermic and you will get on your feet."

Gentlemen, Colonel Harvey has put it up to you. The President says, "I have put it on your doorstep. Now, you can adjourn and whittle away your time and fail to give relief to the American farmer," and Colonel Harvey says—I do not say it—if you do they will regard you as liars and they will repudiate you, and he tries to warn you by holding out to you the terrible possibilities, and pictures to you the tragic picture of that great farmer from New York [Mr. SNELL] [laughter] being defeated in the coming election.

The SPEAKER. The time of the gentleman from Arkansas has expired.

AGRICULTURAL APPROPRIATION BILL

Mr. MAGEE of New York. Mr. Speaker, I call up the conference report on H. R. 10404, the Agricultural appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on the Agricultural appropriation bill and asks unanimous consent that the statement be read instead of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 12, 14, 21, 22, 23, 24, 25, 30, 31, 32, 33, and 40.

That the House recede from its disagreements to the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 11, 13, 17, 26, 27, 28, 29, 34, 37, and 41, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,868,912"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,193,915"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,138,980"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu

of the sum proposed insert "$1,502,188"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$719,748"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,390,600"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,738,056"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,792,498"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$124,774,441"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 42.

MARTIN B. MADDEN,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

CHAS. L. MCNARY,
W. L. JONES,
ARTHUR CAPPER,
E. D. SMITH,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: Strikes out the language, inserted by the Senate, authorizing the President in meritorious cases to direct that the salaries of persons paid under the classification act might exceed the average of the compensation rates for the grade in those grades where only one position is allocated.

On No. 2: Strikes out the language, inserted by the Senate, authorizing the Secretary of Agriculture to fix rates of compensation of civilian employees in the field services of the Department of Agriculture in accordance with rates established by the classification act of 1923 for positions in the departmental service in the District of Columbia.

On Nos. 3 and 4, relating to the Bureau of Animal Industry: Appropriates $1,896,110, as proposed by the House, instead of $1,904,420, as proposed by the Senate, for additional expenses in carrying out the provisions of the meat inspection act, and corrects a total in the bill.

On Nos. 5, 6, 7, 8, 9, 10, and 11, relating to the Bureau of Plant Industry: Appropriates $108,095, as proposed by the Senate, instead of $106,000, as proposed by the House, for the investigation of diseases of forest and ornamental trees, and inserts the language proposed by the Senate providing that not more than $10,000 may be expended for the employment of pathologists in connection with forest experiment stations; appropriates $699,340, as proposed by the Senate, instead of $680,000, as proposed by the House, for the investigation and improvement of cereals; appropriates $140,695, as proposed by the Senate, instead of $130,695, as proposed by the House, for sugar-plant investigations; appropriates $154,825, as proposed by the Senate, instead of $149,825, as proposed by the House, for the investigation and improvement of fruits, etc.; and corrects totals in the bill.

On Nos. 12, 13, 14, 15, 16, and 17, relating to the Forest Service: Strikes out the language proposed by the Senate which provided that so much of the appropriation for fighting forest fires as might be necessary should be immediately available; appropriates $50,000 and inserts the language proposed by the Senate for cooperation with the War Department in establishing an airplane patrol to prevent forest fires; appropriates $25,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for the construction of sanitary facilities on public camp grounds in the national forests; corrects totals in the bill; and inserts the word "departmental" as proposed by the Senate in the limitation upon the amount which may be expended for personal services in the District of Columbia.

On Nos. 18, 19, and 20, relating to the Bureau of Chemistry: Appropriates $35,000 instead of $50,000 as proposed by the Senate, and $30,000, as proposed by the House, for the investigation and demonstration of improved methods of preparing naval stores and the enforcement of the naval stores act; and corrects totals in the bill.

On Nos. 21, 22, 23, 24, and 25, relating to the Bureau of Soils: Appropriates $25,640, as proposed by the House, instead of $30,640, as proposed by the Senate, for chemical investigations of soil types; appropriates $13,145, as proposed by the House, instead of $15,145, as proposed by the Senate, for physical investigation of the important properties of soil which determine productivity; and corrects totals in the bill, including the adjustment of the sum which may be expended for personal services in the District of Columbia.

On Nos. 26, 27, 28, and 29, relating to the Bureau of Entomology: Appropriates $75,000, as proposed by the Senate, instead of $73,590, as proposed by the House, for investigations of insects affecting forests, and corrects totals in the bill, including the adjustment of the sum which may be expended for personal services in the District of Columbia.

On Nos. 30, 31, 32, and 33, relating to the Bureau of Biological Survey: Appropriates $58,215, as proposed by the House, instead of $55,000, as proposed by the Senate, for the maintenance of bird and mammal reservations; restores the language proposed to be stricken out by the Senate providing that $12,000 may be used for the construction of a highway through Sullys Hill National Park; and corrects totals in the bill.

On Nos. 34, 35, 36, 37, 38, and 39, relating to the Bureau of Agricultural Economics: Appropriates $550,988, as proposed by the Senate, instead of $542,865, as proposed by the House, for disseminating useful information on subjects connected with the marketing, handling, and distribution of farm products, and inserts the language proposed by the Senate which provides that $25,000, or so much as may be necessary, shall be available for completion of the investigation of the economic costs of retail marketing of meat and meat products; inserts the language proposed by the Senate to make effective agreements made or to be made with cotton associations in foreign countries for the adoption of universal standards of cotton classification, etc.; and corrects totals in the bill, including the adjustment of the sum which may be expended for personal services in the District of Columbia.

On No. 40: Strikes out the language, proposed by the Senate, authorizing the Secretary of Agriculture to apportion the sum of $7,500,000 among the several States and Territories and to enter into contractual obligations upon the part of the Government for the payment of obligations incurred in the construction of forest roads and trails.

On No. 41: Inserts the word "departmental," as proposed by the Senate, in the limitation upon personal services in the District of Columbia in the appropriation for carrying out the provisions of the Federal highway act.

On No. 43: Corrects the total of the bill.

The committee of conference have not agreed to the following amendment of the Senate:

No. 42: Relating to language, proposed by the Senate, authorizing the Secretary of Agriculture to enter into leases for several buildings for a period of not to exceed 10 years.

MARTIN B. MADDEN,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

Mr. MAGEE of New York. Mr. Speaker, I wish to make a brief statement in explanation of the conference report.

There were 43 amendments of the Senate proposing appropriations aggregating $243,315 in excess of the amount carried in the bill passed by the House. The Senate receded in 16 of the amendments and the total of the recessions amounted to

$132,347. The House receded in 16 amendments with a total of recessions amounting to $110,968. The bill passed by the House carried appropriations aggregating $124,663,473, and as finally agreed upon in conference carries $124,774,441, or an increase of $110,968.

The increases which go to make up this sum may be enumerated as follows:

For investigation of diseases of forest and ornamental trees	$2,095
For investigation and improvement of cereals	19,340
For sugar-plant investigations	10,000
Investigation and improvement of fruits, including studies of changes during marketing	5,000
Establishment of airplane patrol to prevent forest fires	50,000

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield right there?

Mr. MAGEE of New York. I will.

Mr. LAGUARDIA. Is that a new service entirely?

Mr. MAGEE of New York. No; this is an additional appropriation.

Mr. LAGUARDIA. Is it their own service or does it hire people to do the work?

Mr. MAGEE of New York. It is in cooperation with the War Department, and this is an additional appropriation for the service.

Improvement of methods of preparing naval stores	$5,000
Investigations of insects affecting forests	1,410
Marketing and distribution of farm products	8,123
Market-news service	10,000
Total	110,968

Does the gentleman from Texas desire any time?

Mr. BUCHANAN. I simply want to put in the RECORD a statement regarding cotton standards.

Mr. MAGEE of New York. I yield two minutes to the gentleman from Texas [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, in order to keep the record straight, I wish to print in the RECORD a statement regarding cotton standards amendments and the universal adoption of the cotton standard prescribed by the United States.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The statement is as follows:

STATEMENT REGARDING COTTON STANDARDS AMENDMENT AND THE UNIVERSAL ADOPTION OF THE COTTON STANDARD PRESCRIBED BY THE UNITED STATES

As a result of the enactment of the United States cotton futures act the official cotton standards of the United States are the sole standards of classification used on all future and spot cotton exchanges in the United States; but this act is not mandatory as to transactions involving sales of cotton off the exchanges or in foreign commerce. Nearly half of our cotton is exported and a large part of it has been sold on the basis of rules established by various foreign cotton associations or exchanges, the principal one of which is the Liverpool Cotton Association, but others of importance are the cotton exchanges at Manchester, England; Havre, France; Bremen, Germany; Rotterdam, Holland; Ghent, Belgium; Milan, Italy; and Barcelona, Spain. The Liverpool Exchange and some of the others have had boards of arbitration and standards of classification different from the official cotton standards of the United States. This is particularly true of Liverpool, which in the past has occupied a dominating position in the world's trade, and a large part of the cotton exported from this country has been sold on the basis of Liverpool cotton standards and Liverpool arbitration of disputes thereunder.

In the past negotiations with Liverpool to bring about an agreement with the United States on the same standards of classification failed because of the insistence of Liverpool on adherence to Liverpool standards, which are not suitable from an American standpoint. This condition has been unsatisfactory to the American cotton trade and has constituted a material factor in sales of cotton in export trade. As a result the United States cotton standards act was enacted on March 4, 1923. This act makes the use of the official cotton standards of the United States mandatory in interstate or foreign commerce wherever any standards of classification are used, thus substituting these standards for the standards of the Liverpool Cotton Association or any other foreign association, and placing in the hands of the Secretary of Agriculture the power to determine disputes regarding the correct application of these standards. With the support of this legislation, the Secretary of Agriculture was able to bring about an agreement by the Liverpool Cotton Association and all the other foreign exchanges to adopt and use the official cotton standards of the United States, determined upon by agreement between all interested parties, as the universal standards, and to base all arbitrations in foreign countries involving American cotton on these standards. This agreement included also the appointment of the boards of arbitration of the Liverpool and other foreign exchanges as cotton examiners under the cotton standards act for the purpose of arbitrating any disputes as to the classification of American cotton sold on the basis of the rules of these foreign exchanges, on condition that such arbitrations should be on the basis of the universal standards as agreed upon.

A large element in the Liverpool Cotton Association has been opposed to any such agreement with the United States because of the feeling that the association was thereby relinquishing its dominating position and control over the classification and arbitration of American cotton in export trade, and sometime subsequent to the making of the agreement a misunderstanding developed in that association as to certain copies of the Official Cotton Standards, which were distributed by the Department of Agriculture, as a result of which the Liverpool Cotton Association gave notice of termination of the contract, effective August 1, 1925. Following this we were advised through the American Embassy at London that the solicitors of the Liverpool Cotton Association and the Manchester Cotton Association had advised their respective exchanges that, in the absence of specific provision in the law for such an agreement with the foreign exchanges, the action of the Secretary of Agriculture was unauthorized, and therefore the agreements were void.

Following the issuance of the notice of the Liverpool Cotton Association new negotiations were had with all of the foreign exchanges, as a result of which all of them, with the exception of the Liverpool Cotton Association, entered into supplemental agreements with the Secretary of Agriculture recognizing the original agreement and providing for more detailed methods satisfactory to all parties involved for carrying the original agreement into effect. However, it is understood that the opinions of the solicitors of the Liverpool and Manchester cotton associations have created a great deal of uncertainty on the foreign exchanges which, from the standpoint of this department, is unnecessary and should be removed by appropriate action by Congress. Consequently it is proposed that in the pending agricultural appropriation bill, H. R. 10404 (Senate print of December 10, 1924), on page 61, in line 2, preceding the sum of the appropriation, there should be inserted substantially the following language:

"including such means as may be necessary for effectuating agreements heretofore or hereafter made with cotton associations, cotton exchanges, and other cotton organizations in foreign countries for the adoption, use, and observance of universal standards of cotton classification, for the arbitration or settlement of disputes with respect thereto, and for the preparation, distribution, inspection, and protection of the practical forms or copies thereof under such agreements."

This will make it clear that Congress has in mind the action that the Secretary of Agriculture has taken in promoting the use of the Official Cotton Standards as universal standards and the agreements with the foreign exchanges, and that Congress recognizes these agreements as having been authorized by the cotton standards act. The Solicitor of the Department of Agriculture has approved from a legal standpoint the agreements that have been entered into between the foreign exchanges and this department and considers them to be within the authority of the Secretary of Agriculture and necessary to the accomplishment of the purposes of the cotton standards act. This act expressly provides that "for the purposes of this act the Secretary of Agriculture shall cause to be promulgated such regulations, may cause such investigations, tests, demonstrations, and publications to be made * * * and may cooperate with any * * * person as he shall find to be necessary," and expressly authorizes the appropriation of such sums as may be necessary for carrying out the provisions of the act.

It is not considered that this additional language constitutes additional legislation in any respect, but merely a recognition of the purposes for which the appropriation may be expended, but it is very desirable in order to reassure the foreign exchanges that have cooperated with this department, and it is believed will remove any doubt in their minds as to the authority of the Secretary of Agriculture. Moreover, it is essential in the interests of the American cotton industry that the universal standards be preserved in full force and that all trading in foreign commerce be done on the basis of these standards.

Mr. MAGEE of New York. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCCLINTIC].

Mr. MCCLINTIC. Mr. Speaker, on Tuesday of this week I made a statement on this floor in which I told the House that I had been unofficially informed that bombs containing sand were dropped from planes on the deck of the U. S. S. *Washington* when the same was sunk during the month of November. The Washington Evening Star, under date of Wednesday, February 4, carried the following statement from the Navy, which denies the authority of my statement, and is as follows:

Statement on the floor of the House yesterday by Representative MCCLINTIC, Democrat, of Oklahoma, that he had been informed unofficially that bombs loaded with sand had been used by the Navy

planes which made the attack on the battleship hull *Washington* last December brought to light in the Navy Department to-day that no bombs of any description had been released from airplanes in flight on the incompleted man-of-war.

Notwithstanding the fact the officials of the Navy state that no bombs were dropped on this ship, the report that bombs loaded with sand or cement has been in general circulation for quite a while, and nearly every person in the country who takes an interest in the subject of aircraft has had this information. There is ample reason for this report, and I respectfully call the House's attention to this newspaper article, which was published in the New York Times under date of November 26, which is as follows:

Admiral Eberle said to-night he is much pleased with results of the tests, which are considered to be very satisfactory. The next stage of the test came on Sunday, when two planes were sent out from Hampton Roads base to test bombs on the decks of the *Washington*. These were not loaded with explosives, but were loaded with armor-piercing bombs.

I think I can be safe in saying that practically every Member of Congress was of the impression that bombs had been dropped from planes on the *Washington* and that aircraft had failed to sink this ship. In other words, some one connected with the Navy caused the impression to go out to the American people that planes were going to be used in the sinking of this ship. Therefore the people gained the idea that the *Washington* had withstood all the efforts put forth to sink it, and that she was of such construction as to be able to resist gunfire and bombs dropped from planes. In view of the statement that has recently been given out by the Navy that no bombs were dropped, then the American people must give credit to the statement made by General Mitchell, which is in effect that if the Army had been allowed to use their bombing planes for this purpose that they could have sunk the *Washington* in three or four minutes. I feel that there is a deliberate intent on the part of certain officials connected with the Navy to libel the efficiency of aircraft, and my only object in presenting this information to the House is to urge every Member to do his duty, so that those who are determined to keep this branch of the service from becoming developed shall not be successful.

I also wish to call attention to the following newspaper articles which were published relating to this subject, all of them calling attention to the fact that bombs dropped from planes were to be used in sinking the *Washington:*

[From the New York American, November 21, 1924]

NORFOLK, VA., November 20.—To-morrow the $30,000,000 ship, to save which a court fight was instituted by W. B. Shearer, of New York, will be subjected to further bombardment with 14-inch shells, and 45 bombs, each weighing 2,000 pounds, may be dropped on her decks by nine bombing airplanes, which will attack her.

The attack to-day was made by the battleship *Texas*, which opened a series of ring tests against the hull of the ship. Although the *Washington* is battered and torn by the terrific bombardment, her hull was reported free of water to-night.

BOMBING PLANES ATTACK

To-morrow nine bombing planes each carrying five bombs will attack the *Washington* at altitudes varying from 2,000 to 4,000 feet. The planes will fly over the *Washington* in battle formation. Each plane will drop two bombs as it passes over the target.

If the *Washington* is still afloat after the last plane has dropped its bombs, a second attack will be made, and if necessary, a third bombardment.

[From the New York American, November 22, 1924]

NORFOLK, VA., November 21.—To-day the bombardment of the hull of the *Washington* was of tremendous proportions. No less than 30,000 pounds of explosive from planes alone were dropped on her.

The *Texas* will try to finish the job with shell firing to-morrow, if she is still afloat after this rain of death.

[From the New York American, November 23, 1924]

NAVAL BASE, HAMPTON ROADS, VA., November 22.—A squadron of six naval bombing planes, each carrying a single 1,600-pound shell, will attempt to-morrow to send the nearly completed superdreadnaught *Washington* to the bottom of the Atlantic Ocean at a point 60 miles off the Virginia capes.

This was the plan decided upon to-day by naval officials after a two-day bombardment by the battleship *Texas* had failed to sink the $30,000,000 hull.

SURE THEY WILL DO IT

The six bombing planes will hop off from Hampton Roads at one-half hour intervals to-morrow morning, the first plane starting at 8 o'clock. The air squadron will be in charge of Lieutenant Commander Montgomery.

Naval officials said to-night there is little doubt the planes will accomplish what the *Texas* failed to do.

If any of the 1,600-pound shells score a good hit, it will be enough to send the already battered hull of the big warship to the bottom.

The plane bombardment was scheduled for to-day but was postponed until Sunday on account of the heavy fog which enveloped the Virginia Capes since early morning.

INVISIBLE 2 MILES OFF

The *Washington*, anchored in 47 fathoms, was invisible to-day to the members of the special Navy board on the *Texas* 2 miles to the westward.

If the weather remains foggy to-morrow the air attacks will be postponed again until the visibility is sufficient to permit the experts on the *Texas* to watch the effect of the bombs on the hull.

Thus it can be seen that some one in the Navy is credited with having given reliable information to the press that bombs containing explosives were being dropped on the hull of the U. S. S. *Washington*, and in view of the further fact that nearly every newspaper in the Nation published articles similar to the ones I have just read, the people of the Nation were deceived into believing that aircraft had played an important part in this connection and had failed to do any damage to this ship. Such deception as this is dishonest. The citizens of our country are entitled to the best protection that Congress can give, and inasmuch as it has been demonstrated that battleships can be sunk by the use of bombs then, in my opinion, it is the duty of every Member of Congress to support those who are willing to help make this branch of our defense as efficient as possible.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. LAGUARDIA. Was it the gentleman's opinion that the *Washington* was actually bombed from the air with bona fide bombs?

Mr. McCLINTIC. I take the word of the naval officials that no bombs were dropped that contained any explosives. Therefore the American people were led to believe by newspaper reports given out by some one in the Navy that bombs were used, that they failed, and that aircraft was of no good when it came to the sinking of this ship.

I was told this morning by a person who stands high in the estimation of the American public that two bombs were dropped on this ship containing no explosives and that they pierced clear down into the second deck of the ship, and I take it that this was the reason that the interview was given by one of the officers of the department that real bombs were dropped on the deck of the *Washington* which contained no explosives, as published in the New York Times.

It seems to me that a deliberate attempt was made by some one to mislead the American public, and I daresay that a majority of Members of Congress on the floor thought that our planes were used in this contest. Now the statement is made that no bombs were dropped on the deck of the *Washington*. In other words, a sort of camouflage was used in this connection when it came to publicity, and those who were in charge of the different functions apparently knew that bombs were not used that contained explosives, and yet they allowed these reports to be circulated in all of the newspapers throughout the Nation until the American public believed that the *Washington* was so constructed that it was impregnable when it came to being sunk by airplanes dropping bombs from the air.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield further?

Mr. McCLINTIC. Yes.

Mr. LAGUARDIA. In all likelihood, then, the Secretary of the Navy has been deceived, because he appeared before the Naval Committee after the bombing of the *Washington* and made the bold statement that modern battleships were invulnerable to sinking from the air.

Mr. McCLINTIC. In that connection I wish to say that there was published an article which reads as follows:

Admiral Wells, commandant of the naval base here, announced shortly after 5 o'clock this afternoon that he had just received a radiogram from the *Texas*, which had been bombarding the *Washington*, that the vessel was sunk at 11 o'clock this morning.

Conflicting statements which had been issued by officials of the Navy Department in Washington and officers attached to the base in Hamp-

ton Roads here had shrouded in mystery the ultimate purpose of the maneuvers directed on the hull of what would have been the most modern and impregnable superdreadnaught afloat.

The announcement from Admirals Hughes and Wells burst like a bombshell in local Navy circles here, following, as they did, the statement by Secretary of the Navy Wilbur that the *Washington* had so far not been subjected to direct attack by either the *Texas* or by bombing planes from the base here.

In other words, it would seem from the reports published in the newspapers that one set of officials of the Navy were giving out one line of information and another set in the Navy were denying the same.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. TILSON. Is it not possible that the gentleman is doing an injustice to the Navy? Is it not possible that they actually practiced the dropping of these bombs of cement so as to test their accuracy in hitting a target, and that in reporting it there was simply a report that they were effective or ineffective? I mean by this, constructively effective; that is, if the cement bomb made a hit, it is assumed that had it been a real bomb it would have been an effective shot. If the cement bomb missed the target, however, it would not have been recorded as effective.

Mr. McCLINTIC. I do not wish to misquote or impugn the motives of any person in the Navy, but there was published in the Washington Star yesterday a statement that no bombs were dropped when this ship was sunk, and I want to keep the record straight.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. MAGEE of New York. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Speaker, I rise to bring to your attention and to the attention of the country the road-building situation of the Nation. You will recall that the House last spring passed a good roads bill carrying $150,000,000 to cooperate with the States in the construction of highways and $13,000,000 for the improvement of roads and trails in the national forests. This contemplated a two-year program. We had it in mind that this bill would be passed by the Senate and become a law before January 1, 1925. Under the present law the Secretary of Agriculture apportions to the States the amount of money due them from the Federal aid appropriation on or before June 30 of each year. This plan did not give the Federal Government and the State highway departments sufficient time to plan for the future, so there is provided in this bill that the Department of Agriculture should apportion to the States the amount of money authorized on January 1 of each year instead of June 30. But the 1st of January has come and gone and this bill still lingers without final action. No doubt you have been observing the proceedings in another body on this bill and the propaganda that is being put out throughout the country. All the friends of good roads should take note of the fact that there is a tremendous fight on not only in the National Capital but throughout the country; there is a determined attack being made on this bill and on Federal aid for the purpose of defeating it. Many alleged reasons are being assigned. Some say that Federal aid is an invasion of State rights, others claim it is opposed by the President, and still others claim that it is a waste of public funds and a burden on the taxpayers of the Nation. In order that there may be no dispute as to the attitude of the President and the Republican Party on this important question, I desire to read a part of the first message that President Coolidge delivered to Congress, and it is as follows:

> Everyone is anxious for good highways. I have made a liberal proposal in the Budget for the continuing payment to the States by the Federal Government of its share for this necessary public improvement. No expenditure of public money contributes so much to the national wealth as for the building of roads.

The Republican National Convention at Cleveland, Ohio, June 11, 1924, put in the platform the following plank:

> The Federal aid road act adopted by the Republican Congress in 1921 has been of inestimable value to the development of the highway system of the several States and of the Nation. We pledge a continuation of this policy of cooperation with States in highway development.
>
> We favor the construction of roads and trails in our national forests necessary to their protection and utilization. In appropriations therefor the taxes which these lands would pay if taxable would be considered as a factor.

This was a solemn declaration to the American people that if the Republican Party should win in November, that Federal aid for roads would be a part of the policy of the Republican administration for four years. The friends of good roads voted for President Coolidge because they wanted a friend of good roads at the head of the Nation. There is no doubt in my mind but what the President is sincerely in favor of the Federal aid roads program, and the Republican Party is in favor of continuation of this program. The Budget approved by the President provided for $85,000,000 a year for a 2-year program, and we feel confident that those who are using the name of the President to defeat the good roads bill and Federal aid roads program are doing so without his approval. Mr. Speaker, some of the big railroads of the country and some of the big interests are behind this movement to defeat Federal aid for roads. The propaganda is being circulated through many of the newspapers that about 75,000 miles of railroads in America have been rendered unprofitable because of the growing use of the public highways for commerce and travel. It is contended by some of the railroads that good roads are killing their business through the very extensive use of the motor vehicle. Some of the railroads are circulating pamphlets and other propaganda among their employees and the traveling public, urging opposition to Federal aid.

It seems all these have been for some time laying the groundwork for effective opposition, and they are now pushing this plan with great vigor. Their plan is to kill Federal aid. The bill is being attacked. These attacks will continue. If the enemies of Federal aid can not defeat the present bill they will try to reduce the amount fixed by this House and thereby render the cooperation with States ineffective, and ultimately destroy cooperation. I think this is an unwise policy for the country. As declared by the President in his message, and as declared by the last Republican National Convention, Federal aid is of very great value to the country as a whole. The President very wisely stated:

> No expenditure of public money contributes so much to the national wealth as the building of roads.

Under the act of 1921 the Federal Government, in cooperation with the States, has laid out a great system of highways, embracing nearly 200,000 miles of roads. This system reaches practically every county seat, populous and industrial center of the Nation, and when completed will bring a good road within at least 2 miles to 85 per cent of the Nation's population. This system not only contemplates the transcontinental lines, but the farm-to-market roads, the intercounty roads, bringing the producers and the consumers of the Nation together. This system is not only of great value to the factory, mine, forest, and farm, but is of inestimable value to the schools, the homes, and the churches. Furthermore, it is a matter of great national defense, as something like 60,000 miles of this system are located so that they will become great military roads in the event of war, enabling our country to mobilize its resources and man power quickly, cheaply, and efficiently. There is a great cry in the Nation against oppressive transportation rates. These higher rates, along with good roads, have taken much of our transportation from the railroads and given it to the motor vehicles, where it can be carried—for short hauls at least—cheaper, quicker, and with less breakage. In many cases the improved highways are affecting the revenues of the railroads, and because of this they are fighting the road program. They are looking out after their own interests. Is it not our duty to look out for the interests of millions who live on the farms, in the villages, and rural communities? I think the time will come when transportation by rail will be largely confined to long hauls and very heavy cargoes, but the lighter cargoes and passengers on short hauls will be taken care of by motor vehicles on the highways. I am anxious to see a great system of good roads, so that the farmer can take his products to market cheaply and quickly, and so that the people in the rural sections may have some of the advantages of the more populous communities.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. HUDSPETH. I have a letter signed by every member of the Texas State Highway Commission to the effect that my State is now ready to inaugurate its program for this year, but they have not a dollar of Federal money with which to match the State money. It is a fact that this bill is now the unfinished business before the Senate and can not be displaced except by unanimous consent.

Mr. ROBSION of Kentucky. I understand that is the status of the road program in the Senate. Because of the delay in the passage of this bill many States are in the same situation as the State of Texas. They have no Federal funds to match their State funds until this bill is passed and becomes a law.

I am calling upon the friends of this bill in the House, and I am calling upon the friends of this legislation in the Nation, to do everything that may be done to bring about speedy action. I furthermore warn you that there is a real effort on to defeat this measure.

Mr. HUDSPETH. I am in hearty accord with the gentleman.

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. ROBSION of Kentucky. I will yield to the gentleman from Washington.

Mr. SUMMERS of Washington. There is a concerted movement on the part of certain big interests to destroy our whole Federal aid for roads program. There is propaganda being distributed by unsuspecting economists and sometimes by unsuspecting newspapers. The gentleman from Kentucky is performing a great public service in bringing this matter before the House and the country.

Mr. ROBSION of Kentucky. I have been trying to say there is a real fight on, gentlemen; some of the big railroads in America and others are attacking the highway program in dead earnest. Some of them have come out openly and others are doing it secretly.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. ROBSION of Kentucky. I will.

Mr. LAZARO. I believe all friends of highway transportation agree with the gentleman. I understand transportation means the development of railroads, highways, and waterways. I wonder why we can not pass the rivers and harbors bill.

Mr. ROBSION of Kentucky. I agree with the gentleman that there ought to be close cooperation between rail, water, and highway transportation. The means of transportation are to the commerce of the country what the arteries are to the body. Through and by our means of transportation we carry the products of food, heat, shelter, light, and clothing to the consumers of these products. Transportation comes to every man's door in the Nation. We should have good roads to carry the products to and from the farm, field, and factory to the railroads and the water lines, so that there might be the closest relation possible maintained between the producers and the consumers of the country. Highway transportation to the average citizen of this country is of more importance than either one of the other agencies. The good roads question touches each and every fireside in America. Perhaps 75 per cent of the travel and commerce is carried over the highways.

Mr. LAZARO. I fully agree with the gentleman, but I want to get the gentleman's views. I am with him on good roads, and I thought maybe he knew why we could not pass a rivers and harbors bill.

Mr. ROBSION of Kentucky. I know that some of the great railroads of the Nation have for years been fighting water transportation, and they are still fighting water transportation. Not long ago some of the great railway executives declared that it would be a great thing for America to fill up the Panama Canal and close it to commerce. Like the gentleman, I am anxious to see our rivers and harbors improved where they are necessary for the service of the people. It would be bad faith on the part of the Government to withdraw Federal aid. Under the Federal highway act and its amendments we required the States to change their laws, and in some instances to change their organic laws, in order to meet the requirements of the Federal Government for Federal aid, and I think every State has changed its laws, and many of them their constitutions, in order to meet the requirements of the Federal Government to secure Federal aid.

The Federal Government, in cooperation with the State, has laid out a great system of highways. Only about 70,000 miles of this system has been completed, and this means that only a part or parts of the system in each particular section of the country have been completed. It would be a breach of good faith if the Federal Government should now withdraw Federal aid, and it would mean the destruction of this great program and you would have patchwork of good roads only throughout the Nation. Good faith and fair dealing, the welfare and the prosperity of the Nation demand that the Federal Government continue Federal aid until this great system is completed. To withdraw Federal aid would greatly discourage the friends of good roads and the spirit of road building everywhere.

Mr. GARRETT of Tennessee. May I ask the gentleman from Kentucky if he has given such thought to the matter as to enable him to say how long Federal participation should continue?

Mr. ROBSION of Kentucky. Some years ago we had a program that contemplated at least $100,000,000 per year of Federal aid. If this program had been adhered to, it would require about 10 or 12 years more to complete the system. If our program should carry $75,000,000 per year of Federal aid it would require something like 15 years to complete the program. There has been some cutting down of the program in one way or another, and I was advised only yesterday by those in authority that if the present plan was adhered to, it might require something like 18 or 20 years to complete this system. It seems to be the policy of the opponents of Federal aid for roads to kill the plan outright, and if they can not kill it outright they want to starve it to death with small appropriations. We need highways more than any other one thing perhaps. The people generally approve money honestly spent for roads. It means much to the development and wealth of the Nation, and more, it adds so much to the farm, to the home, to the church, to the school, and the general uplift and upbuilding of the country. No section of the country can get above its roads. If the roads are in the mud, the farms, villages, schools, churches, homes, and the people are in the mud, but just as soon as good roads come it lifts all of these and places them on the solid foundation of development, progress, prosperity, and happiness. [Applause.]

Mr. MAGEE of New York. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, my papers from my office are not here at this moment, and I shall take time later in the afternoon.

Mr. MAGEE of New York. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will read the amendment in disagreement.

The Clerk read as follows:

Amendment No. 42, page 79 of the printed bill, after line 15, insert: The Secretary of Agriculture is authorized to enter into leases for the Bieber Building, 1358 B Street SW., and the warehouse now under construction at the southeast corner of Linworth Place and C Street SW., for a period not to exceed 10 years, provided in his judgment it is of advantage to the Government of the United States to do so. Such leases shall have the approval of the Public Buildings Commission.

Mr. MAGEE of New York. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

BLATTMANN & CO.

Mr. EDMONDS. Mr. Speaker, I would like to present a conference report for printing under the rule on the bill S. 555.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 555) for the relief of Blattmann & Co.

The SPEAKER. Ordered printed under the rule.

SENATE BILLS REFERRED

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3818. An act authorizing the construction of additional facilities at Walter Reed General Hospital, in the District of Columbia; to the Committee on Military Affairs.

S. 3977. An act to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service; to the Committee on Military Affairs.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11505).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes.

The CHAIRMAN. When the committee rose yesterday an amendment was pending offered by the gentleman from Kansas. The question is on agreeing to that amendment.

The question was taken, and the amendment was rejected.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. JONES: On page 29, line 8, after the word "each," insert the following: *Provided*, That of the sums herein appropriated the amounts to be expended by the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation for attorneys, counselors, and law clerks shall not exceed $200,000.

Mr. WOOD. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. What is the point of order?

Mr. WOOD. That it is legislation pure and simple.

Mr. JONES. Mr. Chairman, this is a limitation, as I understand it, purely and simply limiting the amount to be expended for attorneys, counselors, and law clerks. If that is not a limitation, I do not know one.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard on the point of order?

Mr. WOOD. Yes. This is not a limitation. It is a limitation on the discretion of the executive head of the legal department as to the amount of money he may expend in employing necessary legal talent, but it does not limit expenditures at all as far as the Shipping Board is concerned. A sum of $500,000 might be required for the purposes of paying the expenses of the legal department.

Mr. JONES. The amount shown by the hearings is $200,000, to be expended for this service. That is found on page 466 of the hearings. That is a limitation. It can not be anything but a restriction, that it shall not exceed that amount.

Mr. WOOD. Here is the point, I will say to the gentleman from Texas: It is not a limitation on the total appropriation. It is a limitation on the amount that they may expend for legal services.

The CHAIRMAN. The Chair is ready to rule. Of course, it is proper for the House to limit an appropriation carried in a general appropriation bill to any amount it sees fit. If it wishes to prescribe that no part of this appropriation shall be spent for attorneys and counselors, it may do so. It can certainly indicate within the amount appropriated how much of it may be expended for the particular authorized purpose set out in the amendment. The Chair overrules the point of order.

Mr. JONES. Mr. Chairman and gentlemen of the House, I have no desire to hamper the work of the corporation or either division of it. But two years ago we had this proposition under discussion and were given assurance that with the number of attorneys they had then they would be able to wind up most of the work, except the general legal work that would be required in operation, and we were told that they had certain claims that would be gotten through with within a year, and that thereupon the number of attorneys and law clerks would be very materially reduced.

On page 466 of the hearings it is indicated that they have 34 lawyers at the home office, with salaries ranging from $3,000 to $18,000 each. They have also a great number of law clerks, and in the field they have a great many more, as set out on pages 466 and 467 of the hearings, or a total of about 80 lawyers and law clerks. I will insert the list in the RECORD.

Now, it seems to me that they ought to be able to get along with $200,000 for legal services. Out in the field, where it does not involve a maritime question, the Department of Justice could be used, and with $200,000 available for lawyers it seems to me they should be able to conduct their business efficiently on that basis.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. WATKINS. In many of these cases the testimony discloses that paid attorneys are receiving much more than United States district attorneys.

Mr. JONES. Yes. Their paid attorneys are receiving much more than United States district attorneys, and I think this amendment offers a chance to economize without interfering with the work of the commission. They have a United States Shipping Board, and they have a United States Shipping Board Emergency Fleet Corporation. They have a department of law and a bureau of law, and, as has been suggested, it seems that there would be as much sense in having a bureau of fisheries and a bureau of fish as there is in having a department of law and a bureau of law.

I realize the desire of everyone for economy, and I also realize the great work that falls upon the members of the Committee on Appropriations, and the good work they have done. But there is not anything in the hearings that develops just what all these lawyers are doing. They have now as many lawyers and law clerks as they had four years ago, when their excuse was that they had a great many claims pending that must be adjusted. I believe thoroughly that if the House will vote to cut this appropriation from around $400,000, which it is now, to $200,000 they will be able to do the work without any loss of efficiency.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. EDMONDS. Of course, the gentleman will recognize that new claims are coming up every day?

Mr. JONES. Of course, new claims are coming up every day, but it seems to me that the old organization could take care of the new claims as well as the old claims, and you do not need a $6,500 or a $10,000 lawyer to pass on claims. The great corporations of the country have their legal department and their claim agents, and the claim agents can do a lot of work in the adjustment of claims that do not require the service of a high-priced man. Besides, it has been stated heretofore that most of these claims were old and when they were adjusted the new ones would be much fewer.

Mr. EDMONDS. The gentleman will realize, however, that admiralty cases require high-class men.

Mr. JONES. Yes. There are 34 lawyers in the general office of this corporation, and there are four of them drawing $10,000 a year, and a number of them drawing $6,000 and $7,000 a year, and one of them $18,000. I do not object to the size of the salary, but to the number. It does not seem to me that they ought to have that large number. Does the gentleman think so?

Mr. EDMONDS. There are two services that you must remember; one the service of the Shipping Board, and the other with respect to the legislation that may be enacted in other countries besides ours; legislation covering tariffs and export duties.

Mr. JONES. There are some of these lawyers in New York and some in San Francisco and in Seattle, and then they have 34 lawyers in the home office. Does the gentleman really think they need that many?

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, for the purpose of inserting the list of lawyers and law clerks now employed by the Shipping Board and the Emergency Fleet Corporation.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JONES. Mr. Chairman, under the leave granted to extend my remarks I insert the following:

ATTORNEYS AND LAW CLERKS, HOME OFFICE

	Salary
Chauncey G. Parker, general counsel	$18,000
Stephen Barker, assistant to general counsel	7,500
E. M. Allison, jr., special counsel	10,000
Henry M. Ward, special counsel	10,000
Glen R. Snider, admiralty counsel	10,000
Harold F. Birnbaum, attorney	3,300
Arthur R. Boal, assistant admiralty counsel	7,000
Frederick R. Conway, attorney	6,500
William R. Fitch, attorney	5,000
Jerry C. Massey, attorney	4,500
Willis E. Monty, attorney	4,200
Oliver P. M. Brown, assistant counsel	8,000
A. W. Degoosh, assistant counsel	3,900
James Talbert, assistant counsel	10,000
W. D. Casey, assistant counsel	3,300
Walter D. Davidge, assistant counsel	4,000
Daniel A. Dunning, assistant counsel	6,000
Rowland S. H. Dyer, assistant counsel	6,500
John E. Fetzer, assistant counsel (on home office roll but in New York)	7,500
Geoffrey Goldsmith, assistant counsel	7,500
Ralph H. Hallett, assistant counsel	7,500
Clinton M. Hester, assistant counsel	3,300
Wirt Howe, assistant counsel	6,000
Richard F. Jones, assistant counsel	7,500
Harry Long, assistant counsel	8,500
Joseph McCormack, assistant counsel	6,000
Isaac V. McPherson, assistant counsel	7,000
Thomas H. Madigan, assistant counsel	7,000
John B. Meserve, assistant counsel	9,000
W. W. Nottingham, assistant counsel	6,000
Caleb Powers, assistant counsel	6,500

	Salary
Wade H. Skinner, assistant counsel	$5,000
Clyde Wendelken, assistant counsel	3,300
Paul W. Knox, assistant counsel (on home office roll but in New York)	4,500
LAW CLERKS	
John MacC. Hudson	3,000
Joseph F. McPherson	3,000
Edith L. Archey	2,400
James J. Clark	1,800
Wesley M. Mewer	2,400
Donald C. O'Regan	1,560
SPECIAL EXAMINERS, HOME OFFICE	
F. K. Hill, nautical adviser	6,000
Tilden Adamson, special examiner	10,000
Evelyn B. Baldwin, examiner	2,400
A. L. Lansdale, special examiner	5,000
A. S. Morrison, special examiner	6,000
Richard W. Stuart, examiner	2,700
C. E. Warner, jr., examiner	3,600
H. T. Fielding, special examiner	8,940
J. F. Overend, special examiner	7,000
James E. Vaughan, jr., special examiner	6,460
N. C. Finninger, special examiner	6,440
ATTORNEYS AND LAW CLERKS, DISTRICT OFFICES	
Admiralty:	
NEW YORK	
A. M. Menkel, assistant counsel	6,000
R. B. Roumaine, assistant administrative counsel	6,000
W. Schaffner, assistant counsel	4,700
F. A. Whitney, assistant counsel	4,000
H. M. Gray, administrative attorney	7,500
C. E. Wythe, assistant administrative attorney	6,000
G. A. Washington, assistant to administrative counsel	5,000
W. B. Gray, administrative attorney	3,300
Legal:	
B. G. Wandless, assistant counsel	7,500
G. Biddle, assistant counsel	6,500
J. C. Hawkins, assistant counsel	3,500
A. G. Kirby, assistant counsel	3,000
LAW CLERKS	
C. W. Burrows	2,400
E. W. Rossuck	1,300
F. W. Morton	2,500
N. Randall	1,800
SAN FRANCISCO	
J. J. Dwyer, district counsel	6,000
H. F. Gardner, law clerk	2,700
PORTLAND, OREG.	
M. Snow, district counsel	6,000
SEATTLE, WASH.	
Charles E. Allen, assistant district counsel	5,000
LONDON	
L. E. Anderson, legal adviser	6,000
J. K. White, administrative attorney	6,000
J. A. Gregory, assistant legal adviser	3,900
NORFOLK, VA.	
C. A. MacDonald, administrative counsel	4,000
SPECIAL EXAMINERS	
NEW YORK	
C. R. Anderson, special agent	3,000
W. L. Mabry, special agent	2,800
H. H. Starkey, investigator	1,800
T. X. F. McCarthy, investigator	1,800
PORTLAND, OREG.	
J. L. Kennedy, auditor	6,000
SEATTLE, WASH.	
H. M. Sheerer, senior examiner	4,500

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WASON. Mr. Chairman, I have listened with interest to the remarks of my friend from Texas [Mr. JONES]. I know that he is as sincere as any Member of this House in trying to save the taxpayers' money. But this proposition under which the United States Shipping Board and the Emergency Fleet are operating is an immense proposition. It reaches all over the world to-day. Right here in Washington the Shipping Board is cleaning up and trying to adjust debts and contracts that have been in question for a number of years. At one time the personnel was larger than it is now. Gradually each year the House and the Senate and the board itself have made reductions in the personnel and in costs, so far as the Shipping Board proper is concerned. It is true that there are one or two lawyers that are receiving fair pay for the services they perform.

Mr. McDUFFIE. Mr. Chairman, may I interrupt the gentleman?

Mr. WASON. Certainly.

Mr. McDUFFIE. I think the House is interested mainly in ascertaining whether or not so large a number of attorneys is now really necessary, and whether or not those attorneys who are receiving these high salaries are actually performing valuable service for the salaries being paid. That is what the committee would like to know, if the gentleman can inform us along that line. I will say to the gentleman that I can appreciate the need for very capable attorneys not only here in Washington but throughout the country, and in handling the legal matters involved we can not hope to have the best talent needed if we are not willing to pay. It occurs to me this amendment cutting the amount in half is too radical a reduction without first having more detailed information as to the actual need for the number of attorneys now on the pay roll and the character of the work necessary for them to do. I understand there are some very able lawyers connected with the board and Fleet Corporation.

Mr. WASON. Our understanding is from the men who know about it, the Shipping Board and others, that these attorneys give their entire time and are working earnestly and faithfully. As indicating their work, let me call my friend's attention to the claims which the Shipping Board and the Emergency Fleet Corporation have against other interests. That would be where they are the plaintiffs. They amount to $137,538,000. That was as of November 30, 1924. It includes 515 marine insurance matters. Then on the other side, where the Shipping Board and the Emergency Fleet are defendants, they have $196,187,882.09 pending in claims for losses resulting from collisions at sea, salvage, breaches of contract, personal injuries, wages, and so forth.

Mr. WATKINS. Will the gentleman yield?

Mr. WASON. Yes.

Mr. WATKINS. In either event those amounts could be contained in one lawsuit which would require one, two, or three attorneys. How much litigation have you in the various districts where you have the various lawyers? We on this side are conversant with some of the districts, and I just want to find out how many lawsuits you have which require these various attorneys, not whether they are all giving their time but whether all of their time is necessary. Some fellows could give all of their time and that would not amount to much.

Mr. WASON. I have not the districts in which the litigation is now pending, but the number of admiralty cases as of November 30 last was practically 1,200—1,187.

Mr. WATKINS. In what district?

Mr. WASON. That is the total. They have cases of claims for demurrage, dispatch money, charter hire, and so forth, amounting to $82,000, and there are 10 of those; 358 legal claims arising out of torts, malicious prosecution, and so forth.

Mr. JONES. Will the gentleman yield?

Mr. WASON. Yes.

Mr. JONES. Does the gentleman think that an attorney is necessary in those claims?

Mr. WASON. Many of these are suits.

Mr. JONES. Not all of them; some of them are claims.

Mr. WASON. This is a summary of the claims.

Mr. JONES. But the suits are based on claims. We are appropriating or reappropriating $4,000,000, as I understand, to pay those claims.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. JONES. Mr. Chairman, I ask unanimous consent that the gentleman may have two more minutes, so that I may ask him some questions.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from New Hampshire have two additional minutes. Is there objection?

There was no objection.

Mr. JONES. Does the gentleman think that these claims, or most of them, will be gotten out of the way this year under this reappropriation, and that we will be in a position to cut down the number next year?

Mr. WASON. I think so; and that is what has been happening year after year in the past.

Mr. JONES. But two years ago we had that assurance, and yet there seems to be about the same number of lawyers and law clerks.

Mr. WASON. No; there has been quite a reduction.

Mr. JONES. According to the report, there are 80 lawyers and law clerks, and it seems to me that is about the number we had two years ago.

Mr. WASON. No; we had more than now.

Mr. JONES. That was not my understanding.

Mr. WASON. I will submit the following for the information of the House:

Summary of claims pending against the United States Shipping Board and United States Shipping Board Emergency Fleet Corporation as at November 30, 1924

Number of cases		
1,187	Admiralty: Claims for losses resulting from collisions at sea, salvage, breaches of contract, personal injuries, illness, wages, etc	$27,765,858.85
10	Contract and allocation: Claims for demurrage, dispatch money, charter hire (including off hire), etc	82,052.70

Number of cases		
358	Legal: Claims arising from torts, garnishments, etc., for damages to cargoes; demurrages, personal injuries, deaths, malicious prosecutions, etc., and not covered by insurance; also construction claims being handled by the legal department and claims of various kinds (construction and requisitioned vessels) filed in the United States Court of Claims	$167,995,701.05
5	Operating: Claims that have been presented to the operating department but which have not been adjudicated or presented to the legal department	33,236.40
18	Sales: Commissions arising out of sales of real estate	89,412.68
72	Traffic: Claims arising out of operations	142,017.98
24	Unpaid awards: Awards that have been made by the Shipping Board but which have not been paid to date	79,602.43
1,674	Total claims pending at amounts asked by claimants	196,187,882.09

Summary of claims pending in favor of the United States Shipping Board and United States Shipping Board Emergency Fleet Corporation as at November 30, 1924

	Admiralty:		
213	In litigation	$16,017,784.07	
303	Not in litigation	9,710,468.91	
			$25,728,252.98
1	Contract and allocation		935.50
74	Legal		101,896,831.06
5	Operating		166,264.86
8	Traffic		12,253.71
515	Marine insurance		9,733,777.43
	Total		137,538,315.54

Mr. WOOD. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto do now close.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. JONES].

The question was taken; and there were on a division (demanded by Mr. JONES)—ayes 27, noes 45.

So the amendment was rejected.

Mr. JONES. Mr. Chairman, I now offer an amendment limiting the amount to $300,000 instead of $200,000.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: On page 29, line 8, after the word "each," insert the following: "*Provided*, That of the sums herein appropriated the amounts to be expended by the United States Shipping Board and United States Shipping Board Emergency Fleet Corporation for attorneys, counselors, and law clerks, shall not exceed $300,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and there were on a division (demanded by Mr. JONES)—ayes 31, noes 47.

So the amendment was rejected.

The Clerk read as follows:

No part of the sums appropriated in this act shall be available for the payment of certified public accountants, their agents, or employees, and all auditing of every nature requiring the sevices of outside auditors shall be furnished through the Bureau of Efficiency: *Provided*, That nothing herein contained shall limit the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation from employing outside auditors to audit claims in litigation for or against the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed out of order.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, a few moments ago, when the gentleman from Oklahoma had the floor, I obtained some time from the gentleman from New York [Mr. MAGEE] who then had control, but I did not have the testimony to which I desired to call the attention of the House. The gentleman from Oklahoma [Mr. MCCLINTIC] is exactly correct in the stand he is taking as to the attitude of the Navy Department in failing to give accurate information concerning the vulnerability of battleships against aero bombing.

I want to call the attention of the committee in the hearings before the Committee on Naval Affairs of January 8, 1925, to the statement of the Hon. Curtis D. Wilbur, Secretary of the Navy. The matter is right in point. I want to state the situation briefly.

What is the situation? No one on the floor of this House claims any exclusive information, I am sure, on the present possibilities of aviation as an offensive arm of the Military Establishment or on the subject of the usefulness and strength of the modern battleship. The whole subject is now confused. The confusion which exists is the direct result of the conflicting statements that have been made, not only in newspaper articles as has just been read by the gentleman from Oklahoma [Mr. MCCLINTIC] but official statements made by naval officers and Army officers officially testifying before the various committees of this House. Not only officers, but the Secretary of the Navy, himself, has given testimony which is diametrically contrary to facts testified by officers of the Army.

Why was this confusion brought about? Is it the direct result of a well-planned scheme to create confusion? Or is it simply the result of misunderstanding or difference of opinion? I do not believe that it can be attributed to honest difference of opinion for the sole reason that what I am trying to reconcile is not the opinion of Secretary Wilbur with that of General Mitchell, but what took place at the sinking of the *Washington*. I want the facts. There can be no difference on actual facts. We want to know what took place, just what happened at the sinking of the U. S. S. *Virginia* and U. S. S. *New Jersey*. We ought to have the benefit of the joint report on the sinking of these ships and the German battleships as well.

This conflict of fact and opinion started a few weeks ago. The Select Committee of the House investigating aviation in the course of its hearings took considerable testimony relative to the advisability of a united air service. That committee has been doing excellent work. The gentleman from New Jersey [Mr. PERKINS] has demonstrated a remarkable grasp of the subject and is conducting an investigation that promises to be of a useful, constructive character. At the same time the Committee on Military Affairs of the House has been conducting hearings on the Curry bill which provides for a united air service. This hearing likewise has gone into the subject thoroughly. The press of the country have responded and there seems to be a great deal of public sentiment in favor of a united air service. Just at this time we read inspired statements of the limited use of aviation, of the necessity of the Navy having its own air service, and the repeated old story against a united air service. I recall back in the Sixty-sixth Congress when I was on the Committee of Military Affairs I was acting chairman of a subcommittee considering a like bill also introduced by the gentleman from California [Mr. CURRY] and the same kind of propaganda we now hear was sent out by the Navy and the General Staff of the Army.

General Mitchell says that a fleet of bombing planes can put a battleship out of commission. Secretary of the Navy says that it can do no such thing. Now if we had no experiments, if we had never tried to sink a battleship by an aerial bomb, it would be a simple matter of opinion. We have had tests. Battleships have been actually sunk. Reports on the vulnerability of these ships and the effectiveness and the destructibility of aerial bombs have been made. Let us get those facts. Then the next fact at issue is what happened to the U. S. S. *Washington*? We are entitled to know from the Secretary of the Navy: (1) Were aerial bombs dropped on the U. S. S. *Washington*? (2) If so, how many? What size, and the nature and character of these bombs? (3) What was the effect and result of the aerial bombs?

Now, after the sinking of the U. S. S. *Washington* the Secretary of the Navy testified and was very definite, clear, and positive in the statement that a 2,000-pound T. N. T. bomb could not put a modern battleship out of commission. I will now read his testimony before the Committee on Naval Affairs of the House, given on the 8th day of January, 1925, as I stated a moment ago. On page 203, Mr. MCCLINTIC read a statement from General Mitchell containing this sentence, "One of these great bombs hitting a battleship will completely destroy it," but I want to read to you the complete statement read by the gentleman from Oklahoma to the Secretary, quoting General Mitchell:

The world stands on the threshold of the aeronautical era. During this epoch the destinies of all people will be controlled through the air. Aircraft possess the greatest weapons ever devised by man. They carry not only guns and cannon, but heavy missiles that

utilize the force of gravity for their propulsion and can cause more destruction than any other weapon. One of these great bombs hitting a battleship will completely destroy it. Think of what this means to the future system of national defense. As battleships are the hardest structures to destroy, imagine how much easier it is to sink all other vessels.

Aeronautical siege may be laid against a country now so as to prevent any communications with it, ingress or egress, on the surface of the water or even along railways or roads. In case of an insular power which is entirely dependent on its sea lanes of commerce for existence, an air siege of this kind would starve it into submission in a short time.

Then Mr. McCLINTIC asked the Secretary the following question:

This brings me down to your statement concerning aircraft. You recently stated to the subcommittee of House Committee on Appropriations that "There is little danger that a ship will be sunk by aerial bombs exploded on the deck of a ship above the deck armor, but new armor-piercing bombs have been devised with a view to penetrating into the vitals of a ship." In your opinion, would the explosion of, say, a 2,000-pound bomb dropped at different altitudes jam the turrets?

Secretary WILBUR. I don't think it would.

Mr. McCLINTIC. Some say it will and some say it will not.

Secretary WILBUR. We know it will not.

Mr. McCLINTIC. Some have said that an explosion of 2,000 pounds of T. N. T. on a ship, even if it did not sink the ship, would disarrange the machinery and shell shock a number of men on it and thereby render them incapable of performing service.

Secretary WILBUR. It never has been done.

Mr. McCLINTIC. It never has been tried.

Secretary WILBUR. Yes.

Mr. McCLINTIC. Do you say it has been tried?

Secretary WILBUR. Perhaps that exact experiment has not been tried, but experiments have been made which indicate that the statement is absolutely untenable and ridiculous.

Gentlemen, there you have the statement of the Secretary of the Navy on January 8, 1925.

Mr. LOZIER. Will the gentleman yield?

Mr. LaGUARDIA. I yield to the gentleman.

Mr. LOZIER. Does the gentleman contend that Secretary Wilbur has any expert or technical knowledge on the subjects which he is discussing?

Mr. LaGUARDIA. I am coming to that. I believe the Secretary had been misinformed when he made that statement. He would not have made it otherwise, and what I want and what I think the gentleman from Oklahoma [Mr. McCLINTIC] is trying to get is the accurate information and not the opinion of anyone. We are entitled to that. I am going to put in the RECORD the balance of his testimony, and if it is true, as he says, that 2,000 pounds of T. N. T. dropped on the deck of a ship would cause no damage and would not disarrange the machinery we are entitled to know that. If, on the other hand, his statement is not correct, and I believe it is not correct, because we had the experiment, the quicker we know it the better.

I will now simply read the balance of the testimony which can leave no doubt in the minds of my colleagues that either valuable information is being suppressed or else some high official of the Government is talking without knowing what he is talking about. The testimony continues in this way:

Mr. McCLINTIC. Before the subcommittee of the House Committee on Appropriations, your report states "it will be necessary to construct capital ships in such a way as to resist new forms of attack." Are you of the opinion that it will ever be possible to do this, when you take into consideration that the bombing planes are being increased, which means that the weight of the projectile dropped from these bombs will likely be increased also?

Secretary WILBUR. Let me give you a more general answer. I assume that everybody here understands that I am not a construction engineer and not a naval officer; but the whole question of aircraft as a means of national defense and component part of the fleet has been under investigation by a special board appointed by the Secretary of the Navy by the direct request and authority of the President. That board has been in session since the latter part of September. It has taken the testimony of practically every aircraft expert in the country, including those in the Army and the Navy, and civilians as well. That board is now formulating its report, which we trust will be submitted to the President within a week. The whole matter is gone into in great detail. The questions you are asking me are being considered by the board. They have taken the testimony, as I have said, of practically everybody who is familiar with the subject in the country, and they will be able to exercise their professional judgment on that and present the matter to the President and the Congress. In view of that, for me at this time to attempt to go into details concerning air defense would be a useless thing. I believe it would be a waste of the time of the committee.

Mr. McCLINTIC. With reference to the make-up of this board, is it composed of any Army officers?

Secretary WILBUR. There are no Army members on it, but Army officers have appeared before the board and testified.

Mr. McCLINTIC. If the head of the department of the Army Air Service would make a statement and give it to the public reading like this, "Aeronautical siege may be laid against a country now so as to prevent any communication with it, ingress or egress, on the surface of the water, or even along railways or roads. In case of an insular power which is entirely dependent on its sea lanes of commerce for existence, an air siege of this kind would starve it into submission in a short time"; if that statement was given out from the officer in charge of the Aircraft Bureau of the Army would it first be authorized by the board that has jurisdiction over matters of this kind

Secretary WILBUR. I think you said first the head of the Air Service and then you said the head of the Army.

Mr. McCLINTIC. I mean the officer in the Army at the head of the Air Service in the Army.

Secretary WILBUR. I think you had better get that information from the War Department. You are asking me something concerning another department.

Mr. McCLINTIC. I was calling your attention to the fact that a responsible officer in the Army was giving out information that received great circulation, going into the homes of millions of people, and if this sort of information goes into the homes of millions of people and they are converted to the idea that we are not giving proper attention to aircraft, it is only a question of time until we are going to hear from it. I was merely calling your attention to these articles to ascertain if you had any ideas as to the authenticity.

Secretary WILBUR. I do not think the committee wants me to criticize the War Department or any officer of that department by commenting on it or him, and I do not wish to do so.

Mr. McCLINTIC. I understand your position; and if I ask any question that you do not think you should answer, it will be all right with me for you to not answer. I am interested in the development of aircraft. I do not believe we give proper attention to aircraft and the necessary appropriations that should be made for the development of the air. I think the air is the most important arm of defense for the reason that before any major or minor engagements on the sea can take place I am sure the air will play a very important part, and that the part played by the air will have much to do with the result of the battle.

You have made the statement that the arming of these ships with antiaircraft guns is being carried forward as rapidly as practicable, and the antiaircraft gun is being developed to perform its function in protecting the battleship against attack. I am glad to know that is true, but have you ever taken into consideration that it was said during the World War only one hit was made out of an average of 10,000 shots? If we had a sufficient amount of aircraft or airships, are you of the opinion they would be successful in warding off attacks from flying planes?

Secretary WILBUR. I would like to answer that question very fully, but that would be to anticipate the very matters that have been considered with such great care by the board about which I have just spoken. This board has taken the testimony of the men who designed the aircraft and the guns and those who use them. They have taken the testimony of the men who have used them in target practice firing at a towed target in the air. They have the testimony of men who designed the new sights for the guns and new sights for the bombing planes, and their report will deal with all those matters; and I think it would be a supererogatory for me to try to answer those questions at this time. I have an idea that their report will be so much more enlightening and valuable than any statement I might make that I beg to be excused from attempting to answer the question. * * *

That is the Secretary's statement. Evidently his department is in possession of the very facts we want.

If any of this information is of a confidential nature, it can easily be given to the proper committees in executive session. But let us get the facts, and let us legislate accordingly. I should say let us appropriate accordingly. Why, gentlemen, only a few moments ago in the conference report on the Agriculture appropriation bill there is an item of $50,000 for the agricultural air service. And that is the way it has been going; everybody dabbling in it; every department spending money; each department knowing its own wants, disregarding the needs of other departments, and all costing hundreds of millions of dollars, and the Congress in 1925 is officially unable to tell whether a 2,000-pound T. N. T. bomb will damage a battle-

ship. We may not know officially, but many of us have very strong convictions on the the subject.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Clerk read as follows:

No part of the sums appropriated in this act shall be used to pay any claims of the United States Navy Department against the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation arising prior to July 1, 1921.

Mr. FRENCH. Mr. Chairman, I offer an amendment, which the Clerk has at the desk.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Strike out the matter on page 30, commencing in line 6, and extending through line 10, and in lieu thereof insert the following: "That all claims of the Navy Department against the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation, and all claims of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation against the Navy Department arising prior to July 1, 1921, be canceled; provided, that no claim on the part of the United States Shipping Board Emergency Fleet Corporation, or the Navy Department, as against any private individual, firm, association, or corporation other than the United States Shipping Board Emergency Fleet Corporation, is canceled or otherwise affected in any way by this act."

Mr. BANKHEAD. Mr. Chairman, I reserve a point of order against the amendment.

Mr. FRENCH. Mr. Chairman, does the gentleman intend to make the point of order?

Mr. BANKHEAD. I think it is subject to a point of order.

Mr. FRENCH. I concede it is subject to a point of order.

Mr. BANKHEAD. I made the reservation in order that the gentleman may have an opportunity to explain the purpose he has in mind.

Mr. FRENCH. I hope the gentleman will reserve his point of order so that I may do that.

Mr. BANKHEAD. I reserve it.

Mr. FRENCH. Mr. Chairman, in the first place, I think the paragraph to which I have offered the amendment is subject to a point of order and the same point would lie against the amendment. However, the proposition is this: The language which the committee has reported in the bill provides approximately what my amendment provides as permanent law; in other words, that during the year for which we are making provision these moneys shall not be claimed from the Shipping Board or the Emergency Fleet Corporation.

During the war and for a year or two thereafter ships, under the law and by Executive order, were transferred from the Shipping Board and the Emergency Fleet Corporation to the Navy Department; likewise, ships were transferred from the Navy Department to the Shipping Board. I have here a copy of a letter from Admiral Potter addressed to the Secretary of the Navy reciting that prior to the date I have indicated in the amendment, July 1, 1921, there had been transferred from the Shipping Board to the Navy Department 27 tank steamers, refrigerator vessels, cargo vessels, and so forth, aggregrating in value $51,070,802.44, so far as original cost to the Fleet Corporation and the Shipping Board may be concerned. In addition to that, the Navy Department had been exempted from paying charter hire on Shipping Board vessels from July 1, 1918, to June 30, 1921. These are transfers and values going from the Fleet Corporation and the Shipping Board to the Navy Department. On the other hand, prior to the date indicated there had been transferred from the Navy Department ships of one kind or another to the Shipping Board and Emergency Fleet Corporation aggregating between $27,000,000 and $28,000,000.

The language that is now in the bill as reported by the committee has been reported and carried in the law for at least two years prior to the report on the pending bill, and it is apparently the intention of the Congress that there shall not be any further money settlement between the Shipping Board and the Navy Department.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. FRENCH. In just a moment. More than that, the Navy Department indicates that the accounts must be approximately balanced at this time, and my amendment is for the purpose of making a fact out of what is now a theory, and letting the Navy Department and the Shipping Board have an opportunity to clear their books and end this accounting.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. FRENCH. Yes.

Mr. BANKHEAD. Did I understand the gentleman to say that the current naval appropriation bill carried a similar provision with reference to these claims?

Mr. FRENCH. The current law carried in the independent offices act is to the same effect as the language reported in the pending bill, and my amendment in a general way makes it permanent law. More than that my amendment safeguards the interests of the Shipping Board and the Navy Department as regards any claims that may be collateral, and yet not directly against either of these institutions. As I understand it, there is no opposition on the part of any officer of the Navy Department or of the Shipping Board.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. BANKHEAD. Mr. Chairman, I think I can clear this up if the gentleman will allow me a few moments.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Idaho be extended three minutes in order that I may ask the gentleman a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Idaho be extended three minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. Can the gentleman approximate the relationship of these two sides of the ledger, whether the obligation on the part of the Navy to the Shipping Board and the Emergency Fleet Corporation is much larger or smaller than the obligation of the Shipping Board and the Emergency Fleet Corporation to the Navy?

Mr. FRENCH. The face value of it would give the advantage to the Navy Department. On the the other hand, the real values of the ships turned over to the Navy Department would probably bring it down so that the value would be about the same. Let me say that in the letter of Admiral Potter, following the recital of ships transferred to the Navy and the services received by the Navy Department from the Emergency Fleet Corporation and the Shipping Board, the next sentence is:

It is believed, therefore, that the claims of the Navy Department against the officials of the Shipping Board and the Emergency Fleet Corporation and of those two activities against the Navy Department arising prior to June 30, 1921, should be canceled.

In other words, it is essentially a bookkeeping matter. We have indicated for two or three years that we do not care to have any further settlement made because the amounts involved about balance and any money differences would go into the Treasury. These are both Government activities, and the responsible officers of each, and as well the chairman that reported the bill, think that we ought to bring this matter to an end and wipe out all of the obligations on the books.

Mr. CHINDBLOM. But, as a bookkeeping matter, it occurs to me that there should be no advantage given either one or the other.

Mr. FRENCH. And, generally speaking, there is none.

Mr. BANKHEAD. Mr. Chairman, I reserved the point of order against the amendment because it is clearly legislation mainly for the purpose of giving the gentleman from Idaho an opportunity to explain what he had in mind. I want to say to the gentleman that I am thoroughly in accord with the purpose he is seeking to effect.

I think the thing ought to be settled because it is only a bookkeeping transaction between two branches of the Government, and there is no great balance involved. I therefore withdraw the reservation of the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

UNITED STATES VETERANS' BUREAU

For carrying out the provisions of an act entitled "An act to establish a Veterans' Bureau and to improve the facilities and service of such bureau and to further amend and modify the war risk insurance act approved August 9, 1921," and to carry out the provisions of the act entitled "World War veterans' act, 1924," approved June 7, 1924, and for administrative expenses in carrying out the provisions of the World War adjusted compensation act of May 19, 1924, including salaries of personnel in the District of Columbia and elsewhere in accordance with the classification act of 1923, and expenses of the central office at Washington, D. C., and regional offices and suboffices, and including salaries, stationery, and minor office supplies, furniture, equipment and supplies, rentals and alterations, heat, light, and water, miscellaneous expenses, including telephones, telegrams, freight, express, law books, books of reference, periodicals,

ambulance service, towel service, laundry service, repairs to equipment, storage, ice, taxi service, car fare, stamps and box rent, traveling and subsistence, salaries and expenses of employees engaged in field investigation, passenger-carrying and other motor vehicles, including purchase, maintenance, repairs, and operation of same, salaries and operating expenses of the Arlington Building and annex, including repairs and mechanical equipment, fuel, electric current, ice, ash removal, and miscellaneous items; and including the salaries and allowances, where applicable, wages, travel and subsistence of civil employees at the United States veterans' hospitals, supply depots, dispensaries, clinics, and vocational schools, $45,500,000: *Provided*, That on the first day of each regular session of Congress the Director of the Veterans' Bureau shall transmit to the President of the Senate and the Speaker of the House of Representatives a statement giving in detail (a) the total number of positions at a rate of $2,000 or more per annum, (b) the rate of salary attached to each position, (c) the number of positions at each rate in the central office and in each regional office or suboffice and hospital, and (d) a brief statement of the duties of each position.

Mr. LUCE. Mr. Chairman, I move to strike out the last word. The chance that has made me, as a member of the Committee on World War Veterans' Legislation, the chairman of the subcommittee on hospitals warrants me in calling attention to some phases of this and the following paragraphs, which for convenience I will discuss at the same time. Let me point out that this page and a half appropriates for the running expenses of this branch of the Government more money than the total expense of any one of much the greater part of the States of the Union; and that all these paragraphs together involve an appropriation of more than $400,000,000, a sum beyond the full comprehension of any living being.

As a member of the committee of which I have spoken, I am staggered by the immensity of the task imposed, not only upon that committee but also on the Committee on Appropriations, and, indeed, on the whole Congress.

Furthermore, the fact that two or three days ago two men, one of them formerly at the head of this bureau, were convicted of a dastardly offense. One of the meanest offenses that can be conceived of adds to the warrant for a few minutes of consideration of the present situation.

Fortunately the atmosphere of the bureau has completely changed. Fortunately no suspicion arises as to the present conduct of the bureau. And yet what opportunity my work on this committee has given me to observe the situation, leads me to utter a word of the gravest warning. The subcommittee to which I have referred is now considering a bill to authorize the appropriation of nearly $15,000,000 for new construction of hospitals. In the bill here it finds an appropriation of nearly $4,000,000 for altering, improving, and providing facilities in hospitals. This I do not criticize, nor do I ask that the appropriation be reduced by a penny, even though at this very moment there is before this other committee a bill involving an expenditure of nearly $15,000,000 for new hospitals. If you look at the hearings of the Appropriations Committee you will find that the $4,000,000 item contemplates a total of more than $2,000,000 for new construction. With no violation of any rule this is advised after study by only one committee of this body. It in no essential, however, differs in nature from the $15,000,000 for which you require the approval of two committees. In other words, you have at present a division of responsibility and that always invites trouble.

The need of appropriating $2,000,000 is passed upon by one committee, and that not the specially constituted committee on the subject, which, in fact, has no information about the pending proposal except what it obtains from the report of the hearings by the Appropriations Committee. On the other hand, the $15,000,000 bill will be passed upon twice. This anomaly suggests at once the possibility of confused and divided responsibility, and so of irresponsibility, at some future period. At any rate, it may repeat, or may cause the repetition of such distressing situations as that to which the convictions of which I have spoken relate. In short, my warning is this, that some wiser and more adequate system of supervision must be worked out if we are to have a reasonable degree of safety. When our $15,000,000 bill comes in I expect I shall have to confess frankly to the House that in all matter of detail we have had to rely upon the head of the Veterans' Bureau. Should you read the hearings before the Committee on Appropriations I think you will find that any of its members would be required to make the same admission. The days are not long enough to let any Member of Congress study carefully and thoroughly a proposition of such appalling magnitude as this, and if there should be again scandal in connection with the bureau, let me at this time disclaim responsibility upon the part of Congress because of the physical impossibility of examining all of these details. General Hines has been before the hospital committee, of course, and as a result of observing him I for one am glad to testify that, in my opinion, we now have the affairs of the Veterans' Bureau in charge of an honorable, upright man, zealous, earnest, and an indefatigable worker; and I believe we are warranted in the confidence that we are reposing in him, but to guard against the possibility that in the future such confidence in some other man may prove not to have been warranted, I take this opportunity to urge upon gentlemen to have in mind the very great need of devising some system of examination and supervision which shall save Congress in making these enormous appropriations from having to rely so largely and so blindly on the judgment and good faith of other men.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. HUDSPETH. The gentleman states that General Hines has been before the hospital committee. Does he mean the special committee for the Veterans' Bureau?

Mr. LUCE. That was a slip of the tongue. I have been speaking chiefly of the subcommittee of the Committee on World War Veterans' Legislation concerned with hospital matters.

Mr. HUDSPETH. Then, as I understand the gentleman, that committee is considering a bill authorizing an appropriation of $15,000,000?

Mr. LUCE. Yes; that is now under consideration.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. HUDSPETH. I ask unanimous consent that the gentleman have one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. Then as I understand the gentleman's statement, this appropriation bill likewise carries an appropriation for the building of additional hospitals?

Mr. LUCE. This bill carries an appropriation which in the title in the hearings is headed "New construction, etc.," and totals $2,079,750. That appropriation, I have pointed out, is only incidentally brought to the attention of the subcommittee of the Veterans' Committee, which is supposed to concern itself with new construction.

Mr. HUDSPETH. Could the amount carried in this bill be used for additional hospitals, say, for the care of tubercular ex-service men?

Mr. LUCE. The purposes of that appropriation are set forth in the table in the various items.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. CONNALLY of Texas rose.

Mr. WOOD. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. CONNALLY of Texas. Mr. Chairman, I am very glad indeed that the gentleman from Massachusetts [Mr. LUCE] addressed himself to this subject, and I desire to call attention to some facts in connection with the investigation of the Veterans' Bureau which resulted in prosecutions and convictions in the courts at Chicago. I do not want to involve that court matter, because that is none of our concern, but Members have been talking a great deal recently about the House surrendering its prerogatives to other branches of the Government, and I rise now merely to give due credit to one of our colleagues, the gentleman from Georgia [Mr. LARSEN], to whom I believe the major portion of the credit for initiating the investigation of the Veterans' Bureau belongs.

Last Saturday the Washington Herald carried almost a full-page write up of the senatorial investigation of the Veterans' Bureau, and in doing so took much of the credit for the investigation to itself and awarded to the Senate committee much honor and credit, and the article carries the photographs of the members of the Senate committee.

The facts in connection with the matter are these: If this investigation was not ordered when it should have been ordered, it is the fault of this House and of no one else. The gentleman from Georgia [Mr. LARSEN], as far back as March, 1922, introduced a resolution in this House demanding an investigation of the Veterans' Bureau. Gentlemen who were in charge of the course of legislation paid no attention to it. They knew these millions were being appropriated for veteran purposes, and in the face of serious charges took no action whatever. It was not until December of 1922, after the gentleman from Georgia had initiated this action in March, that the papers took up the matter of pushing the charges. The gentleman from Georgia [Mr. LARSEN] again, on February 6, 1923,

made a speech on the floor of this House and made serious and comprehensive charges against the Veterans' Bureau. Still this House ignored the matter and paid no attention to it, and it was only on the 12th of February, six days after that time, that a resolution was introduced in the Senate proposing to investigate the bureau. On that date the resolution was agreed to, and the RECORD for that day discloses the following:

The resolution was considered by unanimous consent, and agreed to.

Mr. WALSH of Massachusetts. I ask to have printed in the RECORD at this point a letter from Congressman LARSEN, of Georgia, dealing with the subject covered by the resolution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 6, 1923.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Of course your attention has been attracted during the past few weeks by the numerous press items regarding extravagance, mismanagement, and, in some instances, corruption alleged to exist in the Veterans' Bureau, both at its central office and in many of the regional and suboffices.

On March 17 last I introduced House Resolution 306, providing for the appointment of a committee to investigate and report on conditions and operations of the Veterans' Bureau in the management and control of claims for compensation, allotments, insurance, and vocational training, and all other matters over which said bureau has jurisdiction, to determine whether or not said bureau is efficient and economical in the management of its affairs, and also generally to investigate and report on all things affecting the welfare, management, and results obtained by the operations of the said bureau at its central office, regional offices, and suboffices.

This resolution was referred to the Committee on Rules, but notwithstanding many efforts to obtain report on same I have been unable to do so.

I notice that you are a member of a Senate committee which seems to be empowered to make such an investigation as is provided for in the resolution introduced by me, and I therefore wonder if you can obtain through this committee such authentic official information as would completely inform the public as to exact conditions existing in the bureau.

There are now employed in the Veterans' Bureau nearly 30,000 persons, at a cost of more than $425,000,000 per annum to the taxpayers, and such charges of extravagance, corruption, and graft should not, therefore, go unnoticed by the Congress. Certainly to furnish the desired information would not be incompatible with the public welfare.

I trust that you may be in position to obtain definite information not only along the lines referred to in the resolution mentioned above but specifically regarding conditions as to rentals of property at Stockton, Calif.; Richmond, Va.; Nauvoo, Ill.; Livermore, Calif.; Goshen, N. Y.; Aspinwall, Pa.; Tupper Lake, Pa.; and Northampton, Mass.; as well as with reference to the sale of Army supplies at Perryville, Md., all of which has been recently alluded to in press dispatches as aforesaid, and with which, I am sure, you are familiar.

With sentiments of high regard,

Very truly yours, W. W. LARSEN.

So it seems but fair to say the gentleman from Georgia was primarily responsible for this whole investigation, and yet in the public prints it seems an attempt is being made to rob him of the credit for his initiation. The real responsibility, however, rests upon this House. For about a year these charges against the Veterans' Bureau were made in this Chamber by the gentleman from Georgia in the form of a resolution.

He made speeches on the floor detailing the facts, and yet the gentlemen of this House who control it apparently refused to take action and ignored his appeals. Other Members introduced similar resolutions, but the movement that has resulted in such shocking disclosures was begun by the gentleman from Georgia. I am glad the gentleman from Massachusetts has taken the floor and pointed out the responsibility of the Congress; that with an appropriation of $500,000,000, approximately, each year for the maintenance of the Veterans' Bureau the Congress ought to be careful, ought to be diligent, ought to be vigilant in seeing that those funds are expended for the purposes provided by law, and so I want to pay here now a tribute to the initiative and to the industry of the gentleman from Georgia [Mr. LARSEN], who initiated the inquiry that formed the basis of the Senate investigation, which in turn has resulted in these revelations that have shocked the country and the Congress.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Medical and hospital services: For medical, surgical, dental, dispensary, and hospital services and facilities, convalescent care, necessary and reasonable after care, welfare of, nursing, prosthetic appliances, medical examinations, funeral and other incidental expenses (including transportation of remains), traveling expenses, and supplies, and not exceeding $100,000 for library books, magazines, and papers for beneficiaries of the United States Veterans' Bureau, including court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, $35,000,000.

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, I am surprised that some vigilant parliamentarian did not take exception to the proviso to be found on page 13 of this bill reading as follows:

Provided, That no part of this sum shall be expended for investigations requested by either House of Congress except those requested by concurrent resolution of Congress, but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation.

Now, that is obviously new legislation and subject to a point of order. It is visible evidence of the survival of the disposition to knock the Federal Trade Commission—an agency of our Government which was established at a time when we needed it very badly—and no man can point his finger at any want of vigilance or fidelity in the performance of the duties required of it. Under the law the President may send to the Federal Trade Commission a request for an investigation; the Senate may do so, and the House may do so. The pretext for this change is that the power of calling for investigations has been abused. I challenge that statement. I challenged it last year when an attempt was made to cripple the activities of the Federal Trade Commission by lopping off from its appropriation $200,000.

The committee then tried to palliate the reduction by a limitation of the same purport as that contained in the bill now before us—and the same wild statements as to the abuse of the commission's machinery for investigation were bandied about. It was argued then, as it is argued now, that great numbers of investigations were initiated by resolutions of the House and of the Senate and vast sums of money were expended upon useless researches, and so forth. What a horror some people have against investigations! Well, I investigated that and found there was absolutely no foundation whatever for the statements. Instead of running up into hundreds there were just 36 in the entire period of 10 years covered by the activities of the commission.

INVESTIGATIONS CONDUCTED BY THE FEDERAL TRADE COMMISSION SINCE ITS CREATION

I printed in the CONGRESSIONAL RECORD of March 31, 1924 (p. 5312), a summary of investigations up to March 28, 1924. The following are the facts—not self-serving rumors:

(a) The President initiated 6 investigations.
(b) The Senate initiated 23 investigations.
(c) The House initiated 7 investigations.

SUBJECTS INVESTIGATED

By the Federal Trade Commission (at the order of Congress, the President, and the Attorney General) up to March 28, 1924:

1. Petroleum (S. Res. 457, 63d Cong., 2d sess.).
2. Sisal hemp (S. Res. 170, 64th Cong., 1st sess.).
3. Anthracite (S. Res. 217, 64th Cong., 1st sess.).
4. Bituminous coal (H. Res. 352, 64th Cong., 1st sess.).
5. Newsprint paper (S. Res. 177, 64th Cong., 1st sess.).
6. Book paper (S. Res. 269, 64th Cong., 1st sess.).
7. Flags (S. Res. 35, 65th Cong., 1st sess.).
8. Meat-packing profit limitations (S. Res. 177, 66th Cong., 1st sess.).
9. Farm implements (S. Res. 223, 65th Cong., 2d sess.).
10. Milk (S. Res. 431, 65th Cong., 3d sess.).
11. Cotton yarn (H. Res. 451, 66th Cong., 2d sess.).
12. Pacific coast petroleum (S. Res. 138, 66th Cong., 1st sess.).
13. Petroleum prices (H. Res. 501, 66th Cong., 2d sess.).
14. Commercial feeds (S. Res. 140, 66th Cong., 1st sess.).
15. Sugar supply (H. Res. 150, 66th Cong., 1st sess.).
16. Southern livestock prices (S. Res. 133, 66th Cong., 1st sess.).
17. Shoe costs and prices (H. Res. 217, 66th Cong., 1st sess.).
18. Tobacco prices (H. Res. 533, 66th Cong., 2d sess.).
19. Tobacco prices (S. Res. 129, 67th Cong., 1st sess.).
20. Export grain (S. Res. 133, 67th Cong., 2d sess.).
21. House furnishings (S. Res. 127, 67th Cong., 2d sess.).
22. Flour milling (S. Res. 212, 67th Cong., 2d sess.).
23. Cotton trade (S. Res. 262, 67th Cong., 2d sess.).
24. Fertilizer (S. Res. 307, 67th Cong., 2d sess.).

25. Foreign ownership in petroleum industry (S. Res. 311, 67th Cong., 2d sess.).
26. Cotton trade (S. Res. 429, 67th Cong., 4th sess.).
27. National wealth (S. Res. 451, 67th Cong., 4th sess.).
28. Calcium arsenate (S. 417, 67th Cong., 4th sess.).
29. Radio (H. Res. 548, 67th Cong., 4th sess.).
30. Bread (S. Res. 163, 68th Cong., 1st sess.).
31. Food inquiry (direction of President, Feb. 7, 1917).
32. Food inquiry (direction of President, July 25, 1917).
33. Wheat prices (direction of President, Oct. 12, 1920).
34. Gasoline (direction of President, Feb. 7, 1924).
35. Raisin combination (request of Attorney General, Sept. 30, 1919).
36. Lumber industry (request of Attorney General, Sept. 4, 1919).

Since that report was printed last March the following investigations have been initiated:

(1) By the President; subject, gasoline.
(2) By the Senate; subject, patents.
(3) By the Senate; subject, flour milling.
(4) By the Senate; subject, national wealth.
(5) By the Senate; subject, grain transportation.
(6) By the Senate; subject, bread and flour.
(7) By the Senate; subject, packers' consent decree.
(8) By the Senate; subject, cotton.

No inquiries or investigations whatever were initiated by the House.

It is, therefore, quite evident that the proposed amendment to the law is aimed at the other branch of Congress. On this side of the Capitol we have not offended, if offense it be—which I most emphatically deny. But why hit the Senate's penchant for investigations by hamstringing the Federal Trade Commission? And why, it may be asked—though I confess I may have no right to ask it—why curtail the powers of our President to initiate important inquiries, presumably for the welfare of the Nation?

I hold no brief for the commission. I am not personally acquainted with or attached in any way to any of them. My attitude is governed wholly by my adherence to the conviction that the Federal Trade Commission is a very important agency of our Government, and I do not want to see its usefulness or availability impaired. The proviso attached to this bill apparently has the tacit consent of the commission, but, nevertheless, I do not believe that it is good policy to curtail the availability of the commission as an economic mechanism for the performance of useful public service. It is true that the harm to this House is negligible, because it has very rarely trespassed upon the time of the commission by initiating investigations.

But there is no ground for comfort in this reflection, for it is easy to foresee the possibility of this blow aimed at the Senate being reflected to us. The law gives either House the right to initiate such inquiries for the purpose of framing proper legislation, and we ought not to surrender our prerogatives in order to gratify what seems to me to be childish petulance. To paraphrase somewhat the old maxim, we ought not to cut off our own nose to spite some one else's face.

Mr. WOOD. Mr. Chairman, I move that all debate upon the paragraph and all amendments thereto close in five minutes.

Mr. RANKIN. Mr. Chairman——

The CHAIRMAN. Let the Chair state the question. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. RANKIN. Mr. Chairman, I offer an amendment to the motion to make it 10 minutes.

The CHAIRMAN. The gentleman from Mississippi moves to amend the motion by moving that all debate close in 10 minutes. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on the motion as amended.

The question was taken, and the motion as amended was agreed to.

Mr. MOORE of Virginia. Mr. Chairman, I wish to restate, if I can in the five minutes allotted, the case taken up by the gentleman from New York who preceded me. Last Saturday the gentleman from Minnesota [Mr. NEWTON], when we reached the section of the bill dealing with the Interstate Commerce Commission, offered an amendment precluding the House from directing the commission to conduct an investigation by passing a House resolution, and requiring that no such investigations shall hereafter be conducted except under concurrent resolutions. There was considerable debate upon that amendment, and the House and the committee reached the conclusion apparently that to indorse the amendment would be an unprecedented and injurious surrender of the privileges of the House, and that the House ought to retain its right of independent action which has always existed for an investigation by any of the departments or bureaus of the Government. That was the conclusion of the House based upon principle. Now, as the gentleman from New York has just observed, this bill carries, and it went through without a point of order being made, a similar provision relative to the Federal Trade Commission, which, if it is retained in the bill, will prevent that commission from responding to any House resolution directing that it shall make an investigation. That means an abandonment of the right of the House to act independently of the Senate. I think that even upon a superficial view we must agree that is a mistake which should be corrected. I have said this much in order to say further that the gentleman from Texas [Mr. CONNALLY] will deal with the mistake in the only way in which it can be dealt with, and that is by a motion to recommit in order that the provision respecting the Federal Trade Commission may be stricken out, and I hope very much that unless the House is willing to give a right which is of great value to-day, and which may be of more value in the future, it will support the motion that is going to be made by the gentleman from Texas.

Mr. LOZIER. Mr. Chairman, will the gentleman yield to me for one moment?

Mr. MOORE of Virginia. Yes.

Mr. WOOD. The gentleman from Virginia, I think, is laboring under a misapprehension with reference to the limitation concerning which he speaks. There is nothing in this limitation which takes away anything from the House that is provided under the organic law creating this Federal Trade Commission. The only limitation which was adopted provided that outside of the law we could not take and put in motion the activities of the Federal Trade Commission unless there is a concurrent resolution. There is nothing in this limitation that takes away anything from this House that is granted under the law. The purpose of this limitation was to prevent the abuse that has been practiced time and time again, resulting in the expenditure of thousands and thousands of dollars upon some simple resolution originating in somebody's desire to have an investigation made, which only results in the expenditure of money.

Mr. MOORE of Virginia. I will say to my friend there is no such negative in the law creating the Federal Trade Commission as the proviso in question. What I submit to the gentleman and to others is that the House ought not to surrender its privileges. The time may arrive when there will be need for us to call on the Interstate Commerce Commission, the Federal Trade Commission, and other agencies of the Government to make investigations which conceivably the Senate may not care to have made, and will therefore not approve concurrent resolutions.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Chairman, I merely rise to call the attention of the House to what I believe to be a most ridiculous situation with respect to our criminal law. We notice in the newspapers that after years of investigation and months of prosecution a Mr. Forbes, former Director of the Veterans' Bureau, has been convicted, together with one of his codefendants, and that the limit that the judge can give those defendants under the law is two years' imprisonment and a fine of $10,000.

The trial judge expressed his regret that he could not sentence them for a much longer term. If he had been a doughboy in the Army and had been convicted of striking a horse with a bridle, stealing a pair of shoes, or some other petty offense the chances are that he would have been given from 5 to 20 years in the penitentiary. If he had been convicted in the State court of Massachusetts or Mississippi or any other State of stealing a mule, the chances are he would have received a sentence of from one to five years.

But a man charged with official responsibility can steal millions of dollars of the money that is appropriated to take care of the ex-service men and intrusted to his care, and then when he is finally convicted he is let off with a fine of $10,000, which can be paid from a part of the spoils, and a sentence, or an outing, down at Atlanta for two years, at best, with a fourth of that off for "good behavior."

I say that is ridiculous! It seems to me that the Committee on the Judiciary of this House ought to take up the criminal law with reference to those people who filch the public money of the United States, or who rob the Public Treasury, or who

rob the Government in any way, and amend the law so as to enable the court to inflict upon them such penalties as may make them respect the law. [Applause.]

Every man who was in the Army of the United States during the war, every disabled soldier who is suffering disabilities as the result of that war, every father and every mother who sent a son to the war will read that report in the papers with a shudder of disgust that the United States Government does not inflict more punishment on the man who, according to the testimony, has violated a public trust and possibly stolen millions of dollars from the wounded and disabled soldiers of the United States. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I will.

Mr. LAGUARDIA. Right after the declaration of war, in the Sixty-sixth Congress, I introduced a bill providing the death penalty in such cases. I could not even get a hearing on it.

Mr. RANKIN. I am not asking for the infliction of the death penalty in cases of this kind, but I would like to see the punishment for a crime of that character made commensurate with the offense.

The chairman of the Committee on the Judiciary is present, and I hope that committee will bring in an amendment to the present law that will adequately punish those men who violate the law in such cases hereafter. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The Clerk will read.

The Clerk read as follows:

This appropriation shall be disbursed by the United States Veterans' Bureau, and such portion thereof as may be necessary shall be allotted from time to time to the Public Health Service, and the War, Navy, and Interior Departments, and transferred to their credit for disbursement by them for the purposes set forth in the foregoing paragraph; and allotted and transferred to the Board of Managers of the National Home for Disabled Volunteer Soldiers for the purposes set forth in the foregoing paragraph, and such sums as are allotted to the Board of Managers shall be covered into the surplus fund of the Treasury.

Mr LUCE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. LUCE. Mr. Chairman, the significance of this paragraph may be gathered from some figures that I shall read for the purpose of insertion in the RECORD, showing that of the $35,000,000 that it appropriates the following allotments are made:

To the War Department, $2,636,020;

To the Navy Department, $1,496,500;

To Soldiers' Homes, $3,666,550;

To the Interior Department, for St. Elizabeths Hospital, $567,750;

To the Public Health Service, $310,300; a total of $8,677,120, or almost exactly one-quarter of the whole appropriation.

The significance of this lies in the fact that one-quarter of the invalid soldiers now in the care of the Veterans' Bureau and hospitalized in Federal institutions are not directly under the control of that bureau. The inquiry made by the special investigating committee in the course of the summer and fall as to the conduct of hospitals has disclosed a difference in treatment of men under these circumstances that calls for careful consideration.

Of course, there is no Army way of curing a sick man that should be essentially different from the naval way of curing a sick man, nor should his treatment in a soldiers' home be essentially different from that in a Veterans' Bureau hospital. And yet we find marked differences. The figures of the cost per day, for example, for the care of patients suffering from tuberculosis in one of the soldiers' homes show on the face of them that no such diet is being given to those men as they ought to receive, or as they would receive were they in a hospital of the Veterans' Bureau.

Here again is a splitting of responsibility.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. LUCE. Certainly.

Mr. MADDEN. Of course, the gentleman knows that we can not remedy that on one of these appropriations.

Mr. LUCE. I am using the appropriation bill as an opportunity to call to the attention of the House certain facts that have come to the knowledge of the Committee on World War Veterans, and particularly the subcommittee on hospitals.

Mr. MADDEN. This committee has all those facts, and we do what we do in face of the facts.

Mr. LUCE. I appreciate that. I am trying to point out that the division of responsibility between the two is sooner or later going to cause unfortunate trouble, and that some agency of the Government ought to be provided, which shall unify and harmonize the whole treatment of the nearly 30,000 sick veterans of the World War.

Mr. MADDEN. Of course, there is a difference of opinion, if my friend will permit, as to whether or not the World War veterans shall absorb all the activities for all the veterans of other wars, or whether the veterans of other wars shall absorb the activities of the World War veterans. There is a great deal of jealousy between these men, and neither wants to surrender to the control of the other. As long as human frailties enter into the consideration of these problems, I presume we shall find the jealousies which now exist continuing to exist elsewhere.

Mr. LUCE. The gentleman is helping me to bring out precisely the thing I want to call to the attention of the House, namely, that these differences, jealousies, interferences, and overlapping responsibilities create a problem that deserves the attention and consideration of every Member of the House who is willing to give special care and thought to the treatment of the disabled veterans. [Applause.]

The CHAIRMAN (Mr. TILSON). The time of the gentleman from Massachusetts has expired.

The Clerk read as follows:

No part of this appropriation shall be expended for the purchase of any site for a new hospital, for or toward the construction of any new hospital, or for the purchase of any hospital; and not more than $3,837,750 of this appropriation may be used to alter, improve, or provide facilities in the several hospitals under the jurisdiction of the United States Veterans' Bureau so as to furnish adequate accommodations for its beneficiaries either by contract or by the hire of temporary employees and the purchase of materials.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. I read with a great deal of pleasure a few days ago—as I was not fortunate enough to be present—the able and instructive address made by the gentleman from Tennessee [Mr. BROWNING] upon the question of the hospitalization of ex-service men who are afflicted with tuberculosis. I heartily agree with the statements made by the gentleman at that time.

I do not know whether I fully understood the gentleman from Massachusetts [Mr. LUCE] as to whether or not in this bill there is a fund that can be used for the erection of hospitals to exclusively hospitalize ex-service men who are afflicted with tuberculosis. If I am correct in my understanding of his statement there is an appropriation, but if that is not true I should be glad to have the gentleman from Indiana [Mr. WOOD] correct me. Is it a fact that a portion of this appropriation, as alluded to by the gentleman from Massachusetts, can be utilized for the erection of hospitals to be devoted exclusively to the treatment of ex-service men who are afflicted with tuberculosis?

Mr. WOOD. I will say to the gentleman from Texas that in this bill there is an appropriation of three million and some hundred-odd thousand dollars which may be used for the extension of hospitalization. As far as tuberculosis is concerned, I understand the doctors have entirely changed their theory about its treatment. They used to say it was necessary to send persons afflicted with tuberculosis to Mexico or New Mexico, but now they are sending them to Canada or some other place.

Mr. HUDSPETH. I will say to the gentleman that they do not have to send them to Canada; they do not have to send them that far north. There are certain places, of which every man who was raised in the West knows, where the climatic conditions are conducive to the treatment and cure of tuberculosis.

Mr. WOOD. The climatic conditions, under the later determination of the doctors, seem to have nothing to do with it at all.

Mr. HUDSPETH. The doctors may say that, but they have never convinced the old-timers of the West, those of us who have seen persons afflicted with tuberculosis come to such places and be cured if they would stay a sufficient length of time. We are not convinced that these doctors know what they are talking about.

Mr. WOOD. A hospital for the treatment of tuberculosis is being built right across the river from the smoky city of Pittsburgh, and they say that is better than in your country.

Mr. HUDSPETH. They say that; but, as I say, they have never convinced us old-timers, who have seen persons afflicted with the great white plague come into the high altitudes of

the West and there get very beneficial effects and often a cure. Every man in the West who has made any observation of tuberculosis cases and knows anything about the results of going to such a climate knows that many of them have been told by the doctors that they were absolutely cured, and then when they returned to a lower climate the trouble would return again. Now, as I understood the statement made by the gentleman from Tennessee [Mr. BROWNING], such an ex-service man receives no compensation while undergoing hospital treatment—that is, after the doctor discharges him from the hospital. Is that correct?

Mr. BROWNING. I will state to the gentleman that there are a good many cases where the men are cut off because it is claimed they are less than 10 per cent disabled, and there are a few cases where there was a considerable amount of involvement where they still get a portion of the pay. Under the regulations and the law they must pay them for six months and at the end of six months the pay is cut off.

Mr. HUDSPETH. As I understand, if a man is said to be 10 per cent disabled he gets $10 a month.

Mr. BROWNING. He gets $8 a month unless he has a family; if he has a wife he gets one more dollar, and if he has a baby in addition he gets a half dollar more.

Mr. HUDSPETH. That is not enough for the care of the baby, and everybody who knows anything about the cost of living for a family knows that.

I just want to make this observation: Why is it that for many years, I will state to the gentleman from Indiana, people have been flocking to the high altitudes of the West—western Texas, New Mexico, and Arizona—and have been cured of this dread white plague, as it is termed; why is it that they have stayed there instead of going to a low altitude or to the exceedingly cold climate of Canada or the country along the Canadian border? It is because there are certain places there where the climate is conducive to a proper treatment of this disease, and it is an outrage for them to dismiss a man and say he has only a 10 per cent disability, as they did in the case of a young man who came to my ranch about a year ago and whom the doctors had examined immediately before he went into the Army and found to be a healthy man.

I gave him a place where he could have plenty of milk, which was necessary. After he came out of the Army he was examined by a competent physician and was pronounced tubercular. He stayed at my ranch about eight months, led an outdoor life, applied for compensation, was ordered examined again—in fact, twice; each time pronounced a tubercular—but was denied compensation, the board stating his trouble was not of service origin. Gentlemen, is not this an outrageous decision? The young man was well when he went in the Army; a consumptive when he came out. "Not of service origin." I am appealing the case to that just man, General Hines, who has never turned a deaf ear to the cause of justice and right, and he never will.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I ask for two minutes more.

Mr. WOOD. Mr. Chairman, reserving the right to object, I move that all debate upon this paragraph and all amendments thereto close in two minutes.

Mr. HUDSPETH. We are trying to get some information about the gentleman's bill, and I do not see how we are going to get it if he does not give us an opportunity to ask some questions about it.

Mr. CONNALLY of Texas. Mr. Chairman, I will say to the gentleman that I do not want any time, but I think we should let the Members have a little time on this item. It is the biggest item in the bill, and I think the gentleman should let these gentleman talk about it a while.

Mr. KINCHELOE. I will say to the gentleman that I want some information, and I have not taken any of the time of the House on this bill.

Mr. CONNALLY of Texas. Do not irritate Members by shutting off debate.

Mr. WOOD. I will modify my motion and make it seven minutes instead of two minutes.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto close in seven minutes.

The motion was agreed to.

Mr. HUDSPETH. I never got the information from the interrogatory I propounded to my friend, the gentleman from Indiana, as to whether you could use this appropriation or any portion of it for the erection of hospitals exclusively for ex-service men suffering with tuberculosis.

Mr. CONNALLY of Texas. This limitation prohibits them from purchasing any site for a new hospital.

Mr. HUDSPETH. That is the way I read it; but the gentleman from Massachusetts says not. Every day I am receiving letters from men who are housed in these Government hospitals where they do not get a nickel, and they are men afflicted with tuberculosis. They resist the military discipline there, and I say to you that there should be hospitals erected exclusively for veterans of the World War who are afflicted with tuberculosis so they can get their compensation at the same time they are getting treatment.

Mr. O'CONNELL of New York. And be under proper climatic conditions.

Mr. HUDSPETH. Yes; I thank my good friend from New York for his timely suggestion. They should be under proper climatic conditions, and yet I have been unable to get the information from the gentleman who is the chairman of the subcommittee.

Mr. LUCE. Mr. Chairman, I think I can perhaps give the gentleman the information he desires.

Mr. HUDSPETH. I will gladly yield to the gentleman, because the gentleman was very courteous to me, and I will be pleased if he can give me the information.

Mr. LUCE. This bill provides for certain extensions of hospital facilities to the extent of about $2,000,000. The bill coming from the Committee on World War Veterans' Legislation will provide for new construction of about $15,000,000.

Mr. HUDSPETH. When will it come, I would like to ask the gentleman?

Mr. LUCE. It will come within a very few days.

Mr. HUDSPETH. I am very glad to hear that.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, I want to say in reply to the gentleman from Texas [Mr. HUDSPETH] with regard to the treatment of tubercular, it is a fact that the best medical authorities of to-day hold that the place to treat a tubercular is where he expects to live. I will say to the gentleman further that the soldiers' hospital at Dawsonsprings, Ky., is a hospital for the treatment of tuberculosis. They have converted it absolutely into that type of hospital and they are getting fine results, and, by the way, it is one of the best soldiers' hospitals in the United States; and, as I say, they are getting splendid results there.

Mr. HUDSPETH. Will the gentleman yield?

Mr. KINCHELOE. Of course, it is in a good climate.

Mr. HUDSPETH. That is just what I was going to ask the gentleman, if the climate there was not favorable for the treatment of tuberculosis.

Mr. KINCHELOE. Absolutely. It is on a high plateau and is a splendid location.

Mr. HUDSPETH. Does the gentleman think that the country along the Canadian border would be a proper place to locate one of these hospitals?

Mr. KINCHELOE. I do not know about that. I would not think so.

Mr. MADDEN. Let me make this statement. From the information given to us by the Public Health Service, it does not make any difference where they are, if they get the proper treatment.

Mr. HUDSPETH. Yes; they say that, but I do not believe a word of the statement, and there is no man who has had any experience who feels that way about it.

Mr. KINCHELOE. However, the purpose for which I arose is this: Does the gentleman from Indiana hold that out of this amount of $3,837,750 the Veterans' Bureau has the right to construct or improve roads to the hospitals?

Mr. WOOD. I do not think so. I think they would have the right to improve the hospital, but I do not think they would have the right to use the fund for the purpose of constructing roads.

Mr. KINCHELOE. The language is "to alter, improve, or provide facilities in the several hospitals."

Mr. WOOD. That would include facilities upon the grounds, I take it. Under a most liberal construction, I do not think they could use any portion of this money for the purpose of making any road improvements outside of the grounds of the hospital.

Mr. KINCHELOE. I understand that. I am not talking about roads outside of the grounds. I am talking about roads on land that the Government owns.

Mr. WOOD. I think under a reasonable construction of this appropriation they can use it for any purpose that would

be improving their facilities within the grounds or improving the operations of the hospitals.

Mr. KINCHELOE. I ask that question for the purpose of calling special attention to the situation at Dawson Springs. The county had this road and they tore it up in building the hospital. Then the county turned it over to them and told them to improve it. They have been all the summer starting, but I am glad to say they have now about got the road completed, and I was wondering whether they have a revolving fund or an annual fund to maintain the roads that the Government owns to and from these hospitals.

I have got about as much information from the committee as the gentleman from Texas got.

The pro forma amendment was withdrawn.

The Clerk completed the reading of the bill.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executives, bureaus, boards, and offices, for the fiscal year ending June 30, 1926, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. WOOD. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WOOD. I ask for a separate vote on the amendment offered by the gentleman from Texas [Mr. GARNER], abolishing the Tariff Commission.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put others in gross.

There was no demand for a separate vote on any other amendment, and the remaining amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment by Mr. GARNER of Texas: Page 25, line 6, strike out the paragraph.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes had it.

Mr. WOOD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Indiana demands the yeas and nays.

Mr. CONNALLY of Texas. Does the Chair hold that the gentleman from Indiana made his request in time?

The SPEAKER. The Chair had announced that the noes had it, but the gentleman from Indiana was on his feet and demanded the yeas and nays, and the Chair always under those circumstances recognizes the gentleman.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 255, answered "present" 1, not voting 86, as follows:

[Roll No. 51]

YEAS—89

Abernethy	Doughton	Lee, Ga.	Shallenberger
Allgood	Drane	Logan	Sherwood
Aswell	Drewry	Lozier	Spearing
Bell	Driver	Lyon	Steagall
Black, Tex.	Favrot	McDuffie	Stedman
Blanton	Gambrill	Mansfield	Stevenson
Bowling	Garner, Tex.	Milligan	Sumners, Tex.
Box	Garrett, Tenn.	Moore, Ga.	Swank
Boyce	Garrett, Tex.	Morris	Thomas, Ky.
Boylan	Gasque	Morrow	Thomas, Okla.
Brand, Ga.	Hill, Ala.	O'Connor, N. Y.	Tucker
Briggs	Hooker	Oldfield	Upshaw
Browning	Howard, Nebr.	Oliver, Ala.	Vinson, Ga.
Buchanan	Huddleston	Park, Ga.	Vinson, Ky.
Busby	Humphreys	Parks, Ark.	Watkins
Byrnes, S. C.	Jeffers	Quin	Weaver
Cannon	Johnson, Ky.	Ragon	Williams, Tex.
Carter	Johnson, Tex.	Rankin	Wilson, La.
Clancy	Jones	Rayburn	Wingo
Collier	Kerr	Romjue	Wright
Connally, Tex.	Kincheloe	Sanders, Tex.	
Crisp	Lanham	Sandlin	
Deal	Larsen, Ga.	Sears, Fla.	

NAYS—255

Ackerman	Fenn	Leatherwood	Robinson, Iowa
Aldrich	Fish	Leavitt	Robsion, Ky.
Allen	Fitzgerald	Lehlbach	Rubey
Anderson	Fleetwood	Lilly	Sabath
Andrew	Foster	Lineberger	Salmon
Arnold	Frear	Linthicum	Sanders, Ind.
Ayres	Free	Longworth	Sanders, N. Y.
Bacharach	Freeman	Lowrey	Scott
Bacon	French	Luce	Seger
Bankhead	Frothingham	McClintic	Shreve
Barbour	Fulbright	McFadden	Simmons
Beck	Fuller	McKeown	Sinclair
Beedy	Funk	McLaughlin, Mich	Sinnott
Beers	Gallivan	McLaughlin, Nebr.	Sites
Begg	Gardner, Ind.	McLeod	Smith
Bixler	Geran	McReynolds	Snell
Black, N. Y.	Gibson	McSweeney	Snyder
Bland	Gifford	MacGregor	Speaks
Bloom	Glatfelter	MacLafferty	Sproul, Ill.
Boies	Graham	Madden	Sproul, Kans.
Brand, Ohio	Green	Magee, N. Y.	Stalker
Browne, N. J.	Greenwood	Magee, Pa.	Stephens
Browne, Wis.	Griffin	Major, Ill.	Strong, Kans.
Brumm	Hadley	Major, Mo.	Summers, Wash.
Bulwinkle	Hall	Manlove	Swing
Burtness	Hammer	Mapes	Swoope
Burton	Hardy	Martin	Taber
Butler	Harrison	Mead	Taylor, Tenn.
Byrns, Tenn.	Hastings	Merritt	Taylor, W. Va.
Cable	Haugen	Michaelson	Temple
Campbell	Hawes	Michener	Thatcher
Canfield	Hawley	Miller, Ill.	Thompson
Casey	Hayden	Miller, Wash.	Tilson
Chindblom	Hersey	Minahan	Timberlake
Christopherson	Hickey	Mooney	Tincher
Clague	Hill, Md.	Moore, Ill.	Tinkham
Clarke, N. Y.	Hill, Wash.	Moore, Va.	Treadway
Cleary	Hoch	Moores, Ind.	Tydings
Cole, Iowa	Holaday	Morehead	Underhill
Colton	Howard, Okla.	Morgan	Underwood
Connery	Hudson	Morin	Vaile
Connolly, Pa.	Hudspeth	Murphy	Vestal
Cook	Hull, Iowa	Nelson, Me.	Vincent, Mich.
Cooper, Ohio	Hull, Tenn.	Newton, Minn.	Voigt
Cooper, Wis.	Hull, Morton D.	O'Connell, N. Y.	Wainwright
Cramton	Hull, William E.	O'Connell, R. I.	Wason
Crosser	Jacobstein	Oliver, N. Y.	Watson
Crowther	James	Paige	Wefald
Cullen	Johnson, S. Dak.	Parker	Weller
Dallinger	Johnson, Wash.	Patterson	Welsh
Davis, Minn.	Kearns	Peery	White, Kans.
Dempsey	Keller	Perkins	White, Me.
Denison	Kelly	Phillips	Williams, Mich.
Dickinson, Iowa	Kendall	Prall	Williamson
Dickinson, Mo.	King	Purnell	Wilson, Ind.
Dowell	Knutson	Rainey	Winslow
Dyer	Kopp	Raker	Winter
Eagan	Kunz	Ramseyer	Wood
Edmonds	LaGuardia	Ransley	Woodruff
Elliott	Lampert	Rathbone	Wurzbach
Evans, Mont.	Lankford	Reece	Wyant
Fairchild	Lazaro	Reed, N. Y.	Yates
Fairfield	Lea, Calif.	Reid, Ill.	Zihlman
Faust	Leach	Richards	

ANSWERED "PRESENT"—1

Celler

NOT VOTING—86

Almon	Fisher	Mills	Schall
Anthony	Fredericks	Montague	Schneider
Barkley	Fulmer	Moore, Ohio	Sears, Nebr.
Berger	Garber	Nelson, Wis.	Smithwick
Britten	Gilbert	Newton, Mo.	Stengle
Buckley	Goldsborough	Nolan	Strong, Pa.
Burdick	Griest	O'Brien	Sullivan
Carew	Guyer	O'Connor, La.	Sweet
Clark, Fla.	Johnson, W. Va.	O'Sullivan	Tague
Cole, Ohio	Jost	Pearce	Taylor, Colo.
Collins	Kent	Perlman	Tillman
Corning	Ketcham	Porter	Vare
Croll	Kiess	Pou	Ward, N. Y.
Cummings	Kindred	Quayle	Ward, N. C.
Curry	Kurtz	Reed, Ark.	Watres
Darrow	Kvale	Reed, W. Va.	Wertz
Davey	Langley	Roach	Williams, Ill.
Davis, Tenn.	Larson, Minn.	Rogers, Mass.	Wilson, Miss.
Dickstein	Lindsay	Rogers, N. H.	Wolff
Dominick	McKenzie	Rosenbloom	Woodrum
Doyle	McNulty	Rouse	
Evans, Iowa	McSwain	Schafer	

So the amendment was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Jost (for) with Mr. Johnson of West Virginia (against).
Mr. Celler (for) with Mr. Perlman (against).
Mr. Dominick (for) with Mr. Newton of Missouri (against).

General pairs:

Mr. Williams of Illinois with Mr. Fisher.
Mr. Kiess with Mr. Taylor of Colorado.
Mr. Vare with Mr. Quayle.
Mr. Curry with Mr. Almon.
Mr. Griest with Mr. Barkley.
Mr. Mills with Mr. O'Connor of Louisiana.
Mr. Porter with Mr. Rouse.
Mr. Wertz with Mr. Tague.
Mr. Sears of Nebraska with Mr. Davis of Tennessee.

Mr. Anthony with Mr. Croll.
Mr. Rogers of Massachusetts with Mr. Stengle.
Mr. Burdick with Mr. Cummings.
Mr. Sweet with Mr. Woodrum.
Mr. Darrow with Mr. Buckley.
Mr. Fredericks with Mr. O'Sullivan.
Mr. Ward of New York with Mr. Carew.
Mr. Ketcham with Mr. Montague.
Mrs. Nolan with Mr. Collins.
Mr. Roach with Mr. McSwain.
Mr. Watres with Mr. Corning.
Mr. Britten with Mr. Pou.
Mr. Evans of Iowa with Mr. Reed of Arkansas.
Mr. Cole of Ohio with Mr. Smithwick.
Mr. Garber with Mr. Davey.
Mr. Larson of Minnesota with Mr. Sullivan.
Mr. Kurtz with Mr. Doyle.
Mr. Moore of Ohio with Mr. Rogers of New Hampshire.
Mr. Reed of West Virginia with Mr. Fulmer.
Mr. McKenzie with Mr. Goldsborough.
Mr. Guyer with Mr. Kent.
Mr. Strong of Pennsylvania with Mr. Lindsay.
Mr. Rosenbloom with Mr. Wilson of Mississippi.
Mr. Schall with Mr. Kindred.
Mr. Schneider with Mr. Gilbert.
Mr. Peavey with Mr. Dickstein.
Mr. Nelson of Wisconsin with Mr. O'Brien.

Mr. McSWAIN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present, listening, when his name was called?

Mr. McSWAIN. I was present, but I did not understand the parliamentary situation and did not know whether I should vote yea or nay. If I am permitted to vote, I shall vote "nay."

The SPEAKER. The only ground upon which the gentleman is allowed to vote is upon the theory that the name was not called.

Mr. McSWAIN. I heard my name called.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CONNALLY of Texas. Mr. Speaker, I offer the following motion to recommit which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. CONNALLY of Texas moves to recommit the bill to the Committee on Appropriations, with instructions to that committee to report the same back forthwith with the following amendment: On page 13, line 3, relating to the Federal Trade Commission, strike out the entire proviso down to and including line 9.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. CONNALLY of Texas) there were—ayes 54, noes 141.

So the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

The bill was passed.

On motion of Mr. WOON, a motion to reconsider the vote by which the bill was passed was laid on the table.

WRITS OF ERROR

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the following order which I send to the desk.

The Clerk read as follows:

Ordered, That the Clerk of the House be directed to request the Senate to return to the House the bill (S. 2693) entitled "An act in reference to writs of error."

Mr. GRAHAM. Mr. Speaker, this is just in order to correct an error. The Supreme Court procedure bill and this writ of error bill were both passed on last Monday and were on the Consent Calendar. Afterwards in the Senate the Senator from Massachusetts, Mr. WALSH, moved an amendment to the larger bill providing for an appeal as a matter of right from the circuit courts of appeals in cases where a State statute was regarded as impinging on the Constitution of the United States and the validity of the State statute was not sustained. That, of course, would not have been appealable as a matter of right under the old law or under the new one. This amendment was concurred in by the House, and that bill has been finally passed and, I understand, is enrolled and about to reach the President. This writ of error bill has a clause in it which would repeal the necessity for assigning errors in this new case of right to appeal by writ of error, and it is to correct this that I ask for the return of this bill.

Mr. CONNALLY of Texas. Why could it not be amended in the Senate and then let the House concur in it?

Mr. GRAHAM. It has passed the Senate and is in the hands of the enrolling clerk, but has not yet been signed by the Speaker. Therefore it is subject to this order.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the order.

The order was agreed to.

PULLMAN SURCHARGE

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I ask unanimous consent to make an announcement to the House that will require a few moments.

The SPEAKER. The gentleman asks unanimous consent to address the House for half a minute. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker and gentlemen of the House, about 10 days ago I wrote a letter to each Member of the House calling attention to the petition which is at the Clerk's desk providing for the discharge of the Interstate and Foreign Commerce Committee of the House from further consideration of H. R. 2697, which proposes to do away with the Pullman surcharge. The Senate passed the bill in the last session of the present Congress. For about two years both myself and a number of others have repeatedly asked hearings on this matter before the committee, and up to this time we have been unable to get a hearing of any kind at all. The country wants this repealed and the whole traveling public wants it repealed. I hope that the Members who think it should be repealed will sign the petition that is on the Clerk's desk.

The SPEAKER. The time of the gentleman from Nebraska has expired.

PAY OF CERTAIN NAVY AND NAVAL RESERVE FORCE OFFICERS

Mr. BURTNESS. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 8263) to authorize the accounting officers of the Treasury to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their rank for services performed prior to the approval of their bonds, with Senate amendments thereto, and move to concur in the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 1, line 3, strike out the words "accounting officers of the Treasury are" and insert the words "General Accounting Office is."

Amend the title to read: "An act to authorize the General Accounting Office to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their rank for services performed prior to the approval of their bonds."

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

AUTHORIZING CERTAIN INDIAN TRIBES TO SUBMIT CLAIMS TO THE COURT OF CLAIMS

Mr. HADLEY. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 2694 and to concur in the Senate amendment.

The SPEAKER. The gentleman from Washington calls up from the Speaker's table the House bill with Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 2694) authorizing certain Indian tribes or any of them, residing in the State of Washington, to submit to the Court of Claims certain claims growing out of treaties or otherwise.

The Senate amendments were read.

The question was taken, and the Senate amendments were concurred in.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12033, the District of Columbia appropriation bill, and, pending that motion, I would ask the gentleman from Kansas [Mr. AYRES] what, if anything, he desires in regard to general debate?

Mr. AYRES. I should think about three hours.

Mr. DAVIS of Minnesota. That is satisfactory to me.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that general debate be limited to three hours—one-half of that time to be controlled by himself and one-half by the gentleman from Kansas. Is there objection? [After a

pause.] The Chair hears none. The question is on the motion of the gentleman to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12033, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12033, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes.

Mr. DAVIS of Minnesota. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVIS of Minnesota. Mr. Chairman and gentlemen of the House, when my commission as a Representative in this body terminates on the coming 4th of March, simultaneously there will draw to a close my official connection with the affairs of the local government, which has been almost continuous since I came to Congress 22 years ago.

When I look about it is difficult to realize the changes that have been wrought during the course of those years. From a city of some two hundred and seventy-odd thousand souls the population steadily has grown until to-day, or at least according to the last decennial census, the number has climbed to 437,571. To care for these people has meant virtually doubling the housing facilities. The fields and woods which formerly lay to the north and west of us, within the confines of the District, but which yet were country, have answered the city's call, and to-day we find in their stead the newer residential sections. In the space of those years I have witnessed the development of the splendid system of parks with which the city now abounds and which are only the beginning of what will follow. I have seen impressive structures of granite thrown up for the accommodation of the Federal Government's expanding functions. I have witnessed the construction of numerous and splendid schoolhouses, of public libraries, of institutions for the care of the city's sick and needy. I have seen the streets and highways made comparable with any throughout the land. I have seen inaugurated and nearly completed an auxiliary water-supply system which will more than double the capacity of the existing system. Perhaps the most beautiful and impressive improvement that has been made during the whole of these years is that grand and inspiring edifice raised up to the west of us in the shadow of the hills of Arlington to the memory of Abraham Lincoln. In short, my friends, I have witnessed the city's development to the point where it is claimed for it, and I think rightfully so, to be the most beautiful city in the world. That is the goal toward which we have bended our efforts, and if we have attained it, as has been said, I urge you to carry on. That is what the Capital City of this great Republic should be, and it will be your duty to see that it ever remains so. I am proud, indeed, of my part in its accomplishment.

Not the least change that has transpired during my stay here, Mr. Chairman, has had to do with the expenses of the city. Twenty-two years ago, for the fiscal year 1905, the appropriations totaled $11,242,035, which were shared equally by the Federal and District Governments. These have been gradually and steadily going forward, and quite naturally so, until this year I bring you a bill totaling $31,016,957.

You will recall, gentlemen, that up until the fiscal year which ended June 30, 1922, the Federal Government, with a few negligible exceptions, contributed 50 per cent of the appropriations for the expenses of the local municipal government, apart from the water department, which was self-sustaining. For the fiscal year 1923 Congress decided that there was no longer any equity in this arrangement and provided that, commencing with that year, it would reduce its contribution to 40 per cent. That course was followed during the fiscal years 1923 and 1924, and for the current fiscal year, which ends the 30th of next June, we inaugurated the policy of contributing a lump sum.

The reason for this is obvious. While this is the National Capital, the interest of the Federal taxpayer does not extend beyond the Federal buildings and reservations and possibly so much of the city proper as may be said to be incident and solely due to the seat of government being here situated. Their interest, of course, does extend to the city as a whole in so far that they desire to see that it is developed along lines befitting the Nation's Capital; but at the same time they feel that the local residents should not look to them for greater assistance, overburdened as they are with State, county, and municipal taxes, at least until the people of Washington are called upon to pay taxes more nearly commensurate with their own, or the comparable part of their own. In this, Mr. Chairman, I feel that they are right, and I think we would not be true to them if we should fail to harken to this line of reasoning.

That was the situation that confronted us a year ago, gentlemen, and it is the situation that confronts us to-day. The people here are clamoring for larger appropriations, and admittedly they should have them. Building operations constantly going on call for new streets, new sewer, water, and lighting facilities, new schools, and larger police and fire forces, and these extended activities in turn require larger appropriations for their maintenance and support. On the other hand, the Budget system has come into being. The Executive tells us what can be appropriated without involving an increase in taxes or to make possible a reduction in taxes. If we are to keep within the Budget, and if we do not we may as well abandon it, then we have but two courses open to us. One is to deny the needed money for betterments and maintenance or to say here is the limit which we can give you; if you want the other things, you will have to foot the bill. Last year's bill and the bill which I present to you now, Mr. Chairman, were formulated on the latter premise. Last year we gave a lump sum of $9,000,000, plus our share of miscellaneous revenue, which amounted during the fiscal year 1924 to $858,000. We propose the exact same course in this bill.

I do not wish any of you to get the impression that the difference between what we contribute and the face of the bill falls on the local taxpayer. The bill carries a total of $31,016,957. Of this amount $1,222,210 will be charged to the water revenues, $812,000 will be charged to the receipts from the tax on motor-vehicle fuels, and in addition to the Government's share of miscellaneous revenue, which the bill provides shall be credited wholly to the District, the District's own share of such revenue will amount to something like $1,700,000, if the 1924 figures may be considered a criterion. Therefore, Mr. Chairman, deducting these factors from the total of the bill, there remains for the local people to meet through taxation but $17,500,000, and this, my friends, in my judgment, can be met without an advance in the existing tax rate of 14 mills on the dollar.

At this point I desire to read from the committee's report with reference to the local financial situation. Some of you may have read it, but I wish you all to have the picture:

There probably is no municipality in the country in a healthier financial condition than the National Capital. Provision was made in the current appropriation act for completely liquidating the old 3.65 bonds, and the city is not now confronted with any form of indebtedness.

To-day there stands to the credit of the District on the books of the Treasury a cash reserve of $2,251,945.82, accumulated in pursuance of the District of Columbia appropriation act for the fiscal year 1923, and by July 1, 1927, this amount will have been augmented out of current revenues to the extent necessary to permit the District to operate on a cash basis without any advance of public funds awaiting income from taxes, to say nothing of the credit of $4,438,154.92 which has just been voted. In addition to these factors the District is in the enviable position of being assured of generous Federal aid in defraying its expenses and is confronted with no large undertakings which would necessitate a bond issue in the average municipality.

There is now drawing to completion a spendid auxiliary water supply, which will cost above $9,000,000, and in which the Federal Government is participating, and no other sizable projects are on the horizon which would occasion an expense necessitating a tax rate widely different from the relatively low rate now operative, i. e., $1.40 per $100 of assessed valuation on real estate and tangible personal property and five-tenths of 1 per cent on intangible personal property. The present rate also includes the annual sum necessary to build up the cash reserve above referred to, which will be accomplished by July 1, 1927.

The situation should be most gratifying to the local citizenry and stands out in marked contrast with conditions in many of the States and municipalities where reports indicate debts are mounting up, some with accompanying tax increases and some to avoid additional levies.

Do you think, gentlemen, with this picture before you, that we have been unfair to the District? The fact is we are proposing a contribution the equivalent of about 34½ per cent of the total of the expenses which in the past have been shared in by the Government. During the last year the 60–40 plan was in operation, our contribution actually was but 35 per cent, because in that and prior years we got a refund, while this present year we surrendered those refunds and are proposing so to do next year.

Personally, I should like to see the lump sum become permanent law and I am not so sure that that is not the desire of a majority of the local citizens. Their interests would be better served in that the way would be cleared for getting their requirements before Congress. The Burget is required to submit its recommendations in accordance with law. The permanent law at present is that the appropriations shall be made on the 60–40 basis. If the lump sum were permanently established there would then be no reason why the Budget should not present to Congress the estimates of the District of Columbia in such total amount as the citizens are willing to stand for by way of taxation with due consideration being given to the relative importance and merit of the various objects to be appropriated for. The other natural sequence would be to force a determination of what should constitute a fair and just rate of taxation for the people of the District to pay for the benefits and privileges which they enjoy. Both ends, Mr. Chairman, are desirable of accomplishment.

Broadly speaking, the provisions of this bill are not widely different from the current appropriation act, or, perhaps I should say from the current appropriations, because you will recall that it was necessary to supplement the current appropriation act by appropriations totaling $2,436,120 in a deficiency act to provide for the pay increases granted at the last session to school officers and teachers, and to members of the park police, the Metropolitan police force, and the fire department. I do not propose to take up your time with minor changes, but I should like to refer briefly to some of the items which stand out in marked contrast with the current appropriations.

I wish to direct your attention first to the appropriations on account of street and road improvement and repair. For improving specifically designated thoroughfares we appropriated for the present fiscal year $1,530,650. This was the largest annual appropriation ever carried for such purposes, and, of course, was due to the new tax on motor-vehicle fuels, the revenue from which is available solely for paving, grading, and otherwise improving streets. This bill carries $1,110,750 for similar purposes, of which $812,000 is chargeable to this motor-vehicle fuel tax fund. The appropriations proposed, while in excess of the Budget recommendations, fall short of the current appropriations to the extent of $419,900, and the only reason for it is that, being restricted in the total amount of their estimates, the local authorities felt that since this new source of revenue would provide for more street paving than heretofore had been accomplished out of the regular appropriations, and that great strides had already been made by reason thereof, that here was a place where a reduction might be made and the saving applied toward meeting increases under other heads. Before this new fund came into existence the comparable appropriations never exceeded $575,000 in any one year, so it will be seen that the reduced amount we are proposing for next year is about double the largest sum which formerly had been appropriated.

All of these specifically designated street items, I might add, were inspected personally by members of the subcommittee charged with the consideration of this bill, and I can assure you that they all possess merit. During our inspection we were impressed with the need for paving a number of streets not provided for in the Budget, and we have included provision for them. They amount to $60,000. We also made provision for widening and repairing E Street NW. from Fifth Street to Thirteenth Street, stipulating that 40 per cent of the cost should be assessed against abutting property.

For repairing streets, urban and suburban, we are providing $897,500, which is an increase of $22,500 over the current appropriation. This is used for ordinary repairs and is not intended to meet any abnormal condition, such as has been occasioned by the recent snows. While mentioning snows, Mr. Chairman, I wish to direct attention to page 8 of the report on the bill, wherein explanation is made of the procedure with respect to the removal of snow and ice. I suggest that you read it, gentlemen, and you will see where the blame for the conditions which recently confronted us rightly lies.

Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. DAVIS of Minnesota. I will.

Mr. HOWARD of Nebraska. Every place I go in Washington the people tell me Congress is to blame. I understand the gentleman to say that Congress is not to blame.

Mr. DAVIS of Minnesota. It is not, and I will say if the gentleman will read this report, page 8, he will find why it is not.

Mr. HOWARD of Nebraska. I would like permission to say to the gentleman, who has so much to do with the District of Columbia legislation, that there is not an incorporated village in my home State that would permit the shameful condition of the sidewalks that is permitted here.

Mr. BLANTON. Will the gentleman yield?

Mr. DAVIS of Minnesota. I will.

Mr. BLANTON. I was wondering if the gentleman from Minnesota is not rather superstitious in proceeding with only 13 Republicans to hear him on this $31,000,000 bill?

Mr. DAVIS of Minnesota. I will say this to the gentleman, I do not believe partisan politics should enter into it at all and I think the Democrats here will vote appropriations just as well as Republicans will.

Mr. BLANTON. If the gentleman is not superstitious, I am not.

Mr. DAVIS of Minnesota. I am not superstitious at all. I think when this bill is fully explained upon the floor as it is read item by item, when we get through, I do not care whether a Member comes from Louisiana or Minnesota or Maine, it is immaterial, he is going to vote for this bill. That is my opinion.

Mr. BLANTON. I am not superstitious about the number 13 at all.

Mr. RANKIN. If the gentleman will permit, I will say to the gentleman if it is a righteous bill the Democrats will pass it all right, so why make a fuss about the absence of my friends on the other side?

Mr. BLANTON. I would not care if there were just 13 of them here permanently.

Mr. BEGG. If the gentleman will permit, 13 good Republicans are plenty to take care of the Democrats.

Mr. DAVIS of Minnesota. The school question is one in which we are all interested. I believe that this city should have a public-school system which, in all respects, may be pointed to as a model for the entire country. There is nothing of greater importance in this bill, and the requirements had our very careful and sympathetic attention. We are providing for all of the additional school officers and teachers recommended, numbering 87; we have made provision to improve the textbook situation, and we have taken cognizance of the disrepair existing in some of the schoolhouses and added $75,000 to the Budget estimate and made the whole sum immediately available. The schoolhouse situation here still is a problem. The committee will welcome a bill which will prescribe a program by which we may be guided in presenting to you items for the acquirement of sites and for the construction of additional buildings. The facilities are wholly inadequate. Everyone recognizes that, Mr. Chairman, and the haphazard way we have been proceeding in the past to remedy it reflects no credit upon any of us. The question is important and big enough to be studied by a specially constituted agency and a plan evolved by which we may be guided in providing an appropriate measure of relief and having some relation to relative importance. We are providing for new buildings and for new sites $1,215,000.

The buildings provided for will accommodate approximately 3,180 pupils, but, of course, they will not be used wholly to meet the increased attendance. Some of the additional accommodations will go toward eliminating portables, some toward eliminating undesirable rooms and part-time classes, while others will supplant accommodations in existing buildings which are slated to be abandoned as unfit and unsafe for school purposes. We were given to understand, Mr. Chairman, that all of the items we are recommending are embraced by the five-year program which the school authorities are advocating, and I can assure you that, so far as the committee is aware, that program includes no items more urgently needed than those we are presenting.

Another conspicuous change in the current appropriation occurs under the police department. Your committee was impressed with the situation here touching the handling of traffic. The lives of all pedestrians are constantly in jeopardy; and while the fault may not be due entirely to an inadequate police force, the committee felt called upon to provide some measure of relief to the extent that it had jurisdiction. We called in the police authorities and in consequence of our talk with them have included in this bill provision for 128 additional members of the police force. Sixty of these men will be regularly

assigned to the direction and control of traffic at points where there are now no regular details, 25 of them will be assigned to the motor-cycle squad, and the remainder will be employed in the discretion of the superintendent of police for general detail, primarily in connection with traffic. Whether a larger force is required I seriously doubt. I hear that some are proposing a larger number of additional patrolmen. Personally, Mr. Chairman, I feel that if some members of the existing force were prodded a little more and were required to manifest more interest in traffic matters and not leave it all to the fellows on the traffic squad that conditions would be very materially improved.

One of the largest items we are proposing, contrasted with the current act, has to do with the new National Capital Park Commission. The authorized annual appropriation on account of this commission is $1,100,000. The Budget estimate is $600,000, and the committee is proposing an appropriation in that sum. Those responsible for the law creating this commission are to be commended, Mr. Chairman, for their good judgment in selecting and designating the officials who were to compose it. In the hands of such agents I feel that Congress can well rely upon the wise application of such sums as it may place at their disposal. I am unable to acquaint you with the particular parcels or tracts of land which it is proposed to acquire with the money which the bill proposes to make available. The commission has made no more than tentative plans up to this time, but these are of sufficient definiteness, the committee has been given to understand, as to require for their fulfillment considerably more than the appropriation proposed in this bill. It was indicated to the committee that the first objective would be to complete the so-called Fort Drive, encircling the city and touching in its course each of the forts thrown up during the Civil War for the defense of the city. I say complete, because much of the route will be over streets already in existence. The whole project, however, contemplates the acquirement of certain areas both for roadway and park purposes.

One other item remains, I believe, Mr. Chairman, that stands out prominently in contrast with the current appropriation, and that has to do with the new water supply project. That work has progressed to a point now where it can be proceeded with with more dispatch, and consequently it becomes necessary to make a larger amount available. The engineers are prepared now to let contracts for all of the remainder of the work, and the bill provides that this may be done. The appropriation of $2,500,000 proposed brings the total of appropriations on this account up to $7,225,100, leaving but $1,943,900 to be appropriated hereafter.

Probably I should not neglect to refer to the charitable and correctional items. We have not gone under the Budget on any of these items. On the contrary, in a number of cases, I trust with your approval, we felt justified in proposing more than the Budget had recommended.

In connection with these activities I should like to bring out this thought—it is one that has often occurred to me and one which I had planned when time permitted to devote some study to: The average population during the fiscal year 1924 of the institutions for the support and maintenance of which we carry appropriations in this bill numbered in the aggregate 1,675. For the purchase of articles of food for this population there was expended approximately $201,000. At a number of these institutions farms or gardens are conducted, dairy herds are maintained, hog raising is indulged in, and poultry raising is carried on. None of the institutions I have in mind is self-sustaining, and each carries on the activities I have indicated independent of the other. Now I do not see, Mr. Chairman, why, with the exception of sugar, flour, salt, pepper, and possibly one or two other articles, enough products should not be raised at all of these institutions which when pooled would meet the year-around demands of all of them. Considerable acreages exist at a number of these places, and the soil is adaptable for all kinds of farm products indigenous to this climate. Of course, no canning facilities exist to the extent that would be required, and, perhaps, other things would have to be provided, such as farming implements, hothouses, barns, and so forth. How much of an initial outlay would be necessary I would not even attempt to approximate, but I believe the idea is feasible and workable, and that the investment would surely and quickly pay substantial dividends. I hope some of you will be sufficiently interested to follow up the matter. I thank you, gentlemen, for your attention. [Applause.]

Mr. AYRES. Mr. Chairman, I yield myself 30 minutes.

The CHAIRMAN. The gentleman from Kansas is recognized for 30 minutes.

Mr. AYRES. Mr. Chairman and gentlemen, as a member of the subcommittee which drafted the pending measure, I desire to make a few observations as to some of the items contained in the bill, as well as to some other matters relating to the fiscal relations between the District and National Governments.

I want to speak first of the plan known as the "lump sum" or "specific sum," which the present measure carries, and which was adopted last year by Congress in lieu of the former plan of appropriating on the 60–40 basis; that is, where 60 per cent of the expenses of running the District government were borne by the District of Columbia and 40 per cent by the National Government.

One year ago I advocated the lump-sum plan. I felt then it was the best for the District and the National Governments. I never have been able to understand why there should be an arrangement providing for a percentage contribution. No satisfactory reason, to me at least, has ever been advanced why the National Government should bear 50 per cent of the running expenses of the District government and the District 50 per cent, as was the case when I first came to Congress, and afterwards changed to 60 per cent to be borne by the District and 40 per cent by the National Government. At the present time we are operating under the "lump-sum plan," and I am of the belief, if the truth could be had, that this method is much more satisfactory than the percentage plan.

Last year when presenting or advocating the present plan I set forth my reasons fully why, in my opinion, it would be best to change to a specific amount, and therefore will not repeat what I then said.

I am aware of the fact that not all of the residents of the District are satisfied with the change and that there is great pressure being brought to bear on Congress to return to the percentage basis. There are many in Washington so intent on getting back to that old plan that I am confident they would be willing to accept even a 25–75 per cent basis; that is, 75 per cent of the expense to be borne by the District and 25 per cent by the National Government. It is difficult for me to understand the reason for this feeling. I do not know whether it is simply sentiment on the part of those people or whether it is a selfish view, thinking the National Government will bear more than its just share of the burdens of the District and thus save the taxpayers and property owners of the District a higher rate of taxes. I am not prepared to say. I have for years been convinced that the percentage basis was not a fair and just basis or plan for the fiscal relations between the National and District Governments; that it would be far better for both to have the National Government make an appropriation of a specific amount, fixed in the law, as its share, and the District authorities would then know in advance exactly what they would have to raise in the way of revenue to meet the balance necessary for the District, and would know what rate of taxes it would be necessary to levy to raise this revenue. I did say last year when this question was being considered that there should be a thorough investigation made to ascertain what would be just and equitable for the National Government to appropriate as its share of the annual expense of the District of Columbia.

The National Government owns and possesses millions of dollars' worth of property in the District, none of which, of course, is taxed. I am inclined to the belief these holdings have about reached the maximum; that is to say, the National Government will add but little if any more to its holdings in the District that will disturb the existing proportionate value as between Government and private property. Therefore, it seems that it should not be a difficult matter to arrive at a just figure or the amount it ought to bear. However, owing to the fact that no survey of this kind has ever been made, and there appears to be no prospect of one being made soon, at least as long as the question of the fiscal relations between the National and District Governments remains unsettled, the committee has to reach a conclusion as to what would constitute an equitable contribution based on the record of the past as to the amount paid by the National Government under the former percentage plan. That record, beginning with 1915, when I entered Congress, shows that the National Government appropriated $6,590,431.56. In 1916 it was about the same, but gradually increased until the fiscal year 1924, which was the last year under the percentage plan, when it amounted to $8,631,745.20. It must be borne in mind that the National Government received 40 per cent of a great many of the receipts of the District from miscellaneous sources, which amounted to over $850,000 during the fiscal year 1924. Last year, when we adopted the "lump-sum" plan for the present fiscal year of 1925, we allowed the District to retain all current receipts, which will amount to a great deal over $2,000,000, including that portion which formerly reverted to the Gov-

ernment. This bill carries the same provision; so, in addition to the flat sum of $9,000,000 we appropriate for the District, it receives all revenues which heretofore have been divided on a 60–40 per cent basis between the District and National Governments. In other words, we are actually contributing not less than $9,800,000, instead of $9,000,000. Contrasted with contributions in former years under the 60–40 plan it would seem quite apparent that if anything we have leaned too far the District's way.

The plan of a lump-sum appropriation should by all means be made permanent law so that there would be no longer the question of a doubt as to the fiscal relations of the two Governments. If at any time later it develops that the National Government should appropriate a larger amount than $9,000,000, it can be changed; likewise, if it should develop the National Government is bearing more than its just share, then the amount can be reduced. In any event this should be a fixed policy made so by permanent law. I am firmly convinced when this arrangement becomes a fixed policy it will be much more satisfactory than the present annual row. Furthermore, I believe when the property owners of this city and District are required to pay taxes the same as are paid by property owners of other cities of similar size and even much less in population to raise the revenue necessary to meet the expense of improvements running into millions of dollars now demanded by the District and much of which has to be denied, they will have altogether a different view of the question than taken at this time. I can say without doubt Congress will take a different view and will be far more liberal in meeting these demands.

I also feel that when it becomes necessary for the increase of the tax rate from the present rate of $1.40 on the hundred to about three to four and five dollars on the hundred, the tax rate in other growing cities, there will not be so many and urgent demands for unnecessary improvements or projects on the part of so many residents and property owners of the District. In all probability there would not be so much unfavorable comment in certain newspapers against Congress when it sought to save the taxpayers of this city from unreasonable demands. I am exceedingly anxious to try it out anyway before I leave Congress.

On last Friday, the day after this bill was reported out, there appeared in the Washington Post an editorial headed "District appropriations." I wish to quote a few extracts from that editorial. For instance, it relates the following:

By adopting the fixed sum of $9,000,000 Congress has contrived to shift $2,573,098 to the shoulders of local taxpayers in next year's expenditures for the District government.

Just think what an outrage to shift this $2,573,098 to the local taxpayers, who now pay, or are supposed to pay, taxes at the rate of $1.40 on the hundred. There is scarcely a village in the country anywhere but what has a tax rate of anywhere from $1.50 a hundred to $2 a hundred. My own city of Wichita, Kans., a city of a little over 100,000 population, has a tax rate of about $3 a hundred, and the only reason why the property owners of Washington are not paying taxes like other growing cities is because the taxpayers throughout the Nation have been paying them for them, which Congress is now seeking to remedy. Again the writer of this editorial calls attention to the fact:

Congress, in recent years, has responded to that desire by erecting memorials, establishing and embellishing parks, extending streets and avenues, and otherwise building up a city of noble proportions. This work can not go forward, of course, if almost the entire cost is to be borne by local taxpayers. They can pay for municipal upkeep approximately what other taxpayers can pay for the same purpose. No set of municipal taxpayers in the United States would undertake to develop their city as a national capital without proportionate aid from the National Government.

I agree, in part, with the writer. Congress has erected memorials and established parks and has done many other things for the city of Washington, costing hundreds of millions, for which the taxpayers of the Nation as a whole have paid, none of which was taxed to the District of Columbia, and Congress, no doubt, will continue to erect memorials in the city of Washington at the expense of the whole Nation and without any expense to the property owners and taxpayers of Washington, something that it is not doing for any other city in the Nation; but that does not signify that Congress should continue to tax the whole Nation to the extent that the property owners and taxpayers of Washington will not be compelled to bear their just burdens of caring for the needs of their own city.

The National Government takes care of its memorials and Government establishments all at its own expense and at no expense to the District government. The National Government has been paying between 35 and 40 per cent of $9,169,000, the cost of a water system for the people of Washington; the President is asking for a bill to carry $14,750,000 to erect a memorial bridge across the Potomac River connecting Arlington with this city, and the city will not have to pay one penny of the expense, nor for its upkeep in the future. I could mention scores of such projects which no other city or people in the United States enjoy, and let me say there is not a city in the United States but what would gladly appropriate and donate millions of dollars annually for the same privileges as enjoyed by the citizens of this city, and never complain. I quote another extract from that editorial:

Washingtonians are as liberal in their contributions to the National Government as are any set of taxpayers in the country. It may be proved that they are in fact more liberal; for they voluntarily assume the cost of many celebrations and ceremonies incident to a national capital, although such items are properly chargeable to a national government.

Thousands upon thousands of people will be in this city during the inauguration to spend their money with local merchants, hotels, and so forth. I can name 75 or 100 cities in the United States that would pay $500,000 to $1,000,000 for this inauguration and yet Congress has already been called upon to appropriate $40,000 to bear this expense, and it is safe to predict will be called upon for a deficiency appropriation for at least that much more, and the chances are we will see another editorial that Congress was penurious because it did not appropriate $150,000 to begin with.

If there is a class of business men in the United States who have a constant harvest, it is here in Washington. In some localities the retailers and wholesalers alike wonder if the mines will continue to run or will shut down and stop the pay roll, and thereby stop their business. In other localities they worry for fear the factories may shut down or a strike may occur and the pay roll stop. Out in my country, as well as all other agricultural sections, the business men watch with anxious eyes the clouds as they gather, hoping and praying the drouth will be broken, realizing full well if it is not their business is gone, and I could go on with other illustrations.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. AYRES. Yes; I yield to the gentleman.

Mr. BLANTON. I think so much of the distinguished gentleman from Kansas that I am a little uneasy as to what would happen to him in the way of punishment if he expressed himself further in the way in which he has just been talking. Those boys up there in that gallery are liable to punish him.

Mr. AYRES. Just as long as they do not drop any bombs on me it will be all right. [Laughter.]

Mr. BLANTON. They punish me for giving expression to my views.

Mr. AYRES. I am perfectly willing to take the punishment. I am speaking what I think are the facts in this matter, and I am perfectly willing and expect to pursue that course.

I want to call attention to another fact, and I was just about to do so when the gentleman from Texas interrupted me, and that is that here in Washington the business man does not have to worry as to whether or not mines run or whether factories close their doors or whether or not there is a wheat, cotton, or corn crop, or whether it rains or the sun shines, for Uncle Sam never closes his doors nor ceases to do business, nor does he fail to keep up and keep going his pay roll here in Washington of about $100,000,000 each and every year, or over $8,000,000 a month. And if there is anyone outside of the city of Washington who entertains the idea that any Government official or employee escapes from this city with any of his salary, let him come and try it and be convinced of his mistaken idea. And when I speak of business men here in Washington I want it distinctly understood I am including with much emphasis many landlords. The gentleman from Texas may not agree with me in that respect.

Mr. BLANTON. I agree with the gentleman.

Mr. AYRES. That is all I have to say concerning that matter.

CLEANING STREETS.

Mr. Chairman, there has been much said recently about the condition of the streets here in Washington as to the failure to remove the snow, and as usual Congress has been criticized because of failure to make appropriation to care for the streets. It has become such a habit on the part of some to find fault

with Congress for everything that goes wrong they never stop to make inquiry who is at fault. I am making no criticism of anyone because the streets of this city were allowed to get in such a condition during the heavy snow. I shall leave that to others. I do intend, however, to resent the unjustified criticism of Congress and my committee regarding this matter.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. AYRES. Yes.

Mr. WHITE of Kansas. I do not like to interrupt my colleague, but I recall that there was a very animated discussion in another body of this Congress on the Saturday succeeding the big snow we had this winter. No move had been made in this part of the city to remove any of the snow at that time, but after that discussion, when the condition of the streets was called to the attention of Congress the next day, on a holy Sabbath morning, they had out a great many snowplows up and down Pennsylvania Avenue. I want to ask the gentleman whether it is not fair to conclude that Congress having appropriated the money and the authorities having purchased these appliances, the city authorities had forgotten that they owned them until the discussion which took place in the Senate called their attention to the subject?

Mr. AYRES. I will let the gentleman draw his own conclusions as to that.

Mr. WHITE of Kansas. I do not want to be critical, but is not that a fact?

Mr. AYRES. It was not because an appropriation was not made for the purpose, I will say to my colleague.

Mr. WHITE of Kansas. I agree with the statement made by the gentleman at this time absolutely.

Mr. AYRES. I want to call attention to the fact that the subcommittee on the District of Columbia recommended for this fiscal year an appropriation of $410,000 for street-cleaning purposes. I repeat, the subcommittee on appropriations for the District, of which I am a member, proposed and there was appropriated for this fiscal year the sum of $410,000 for street-cleaning purposes; that is, to remove dust and for cleaning snow and ice from the streets, sidewalks, crosswalks, gutters, and so on. At the time of this condition that the gentleman spoke of a few moments ago there was $180,000 of that fund available for that purpose, with a provision in the law that the city authorities could spend as much more as necessary in an emergency such as that and bring in a request for a deficiency appropriation.

So I want to say that Congress is not to blame regarding this matter. If I am mistaken in regard to this provision in the present law, I want to be corrected by the chairman of the committee. My recollection is that the appropriation provided that they could go on and use the appropriation, and, if necessary, as I said, bring in a request for a deficiency appropriation. If those who delight in attacking Congress for all things that go wrong here in the city of Washington can suggest what more Congress could do except to get out and shovel snow, I would like to hear from them. The present bill carries an appropriation of $430,000 for the same purpose of cleaning the streets.

While on the subject of streets, there is another matter which I do not think should be passed unnoticed, and that has to do with paving work required to be performed by the street railway companies. You will recall, gentlemen, that a year ago we provided for repaving Eleventh Street SE. from Pennsylvania Avenue to the Anacostia Bridge. The street was paved with cobblestone and was in a very rough condition, including the portion within and immediately exterior to the car tracks which traverse that thoroughfare. When we were out making our inspection of the street-improvement items embraced by this bill I discovered that Eleventh Street had been repaved but only that portion exterior to the street-car tracks, although the law provides, Mr. Chairman, that the street railway companies shall pave between their tracks and 2 feet on each exterior side thereof; and further provides in the event of their failure to do so that the District shall proceed to do the paving for them and sell certificates of indebtedness bearing 10 per cent interest to the value of the cost of the work performed, and sell property of the delinquent company to the extent necessary to redeem such certificates of indebtedness should they not be redeemed within one year. For my part I object to allowing these companies to defer work, which we provide shall be done, to suit their convenience. I think it is contrary to law and it is not fair to the public, particularly the owners of abutting property, to have the street torn up on two occasions when it all could be accomplished at one and the same time. I protest against such a course and I propose to the extent of my ability to put a stop to it as long as I am a member of the committee.

PUBLIC SCHOOLS

Now, I would like to speak of the public schools, if I have the time to go into the subject.

The CHAIRMAN. The gentleman has 7 minutes remaining of the 30 minutes that he allotted to himself.

Mr. DAVIS of Minnesota. Mr. Chairman, if necessary, I will yield to the gentleman 10 minutes more of my time.

Mr. AYRES. I thank the gentleman.

For all school purposes this bill provides a total appropriation of $9,130,517. This is $545,302 more than appropriated for the present fiscal year, but it is $54,754 less than the Budget recommendation or estimate. This committee has been very liberal with the question of public schools. I feel we were justified in decreasing some of the items and materially increasing others. There is an increase of $404,350 over the present or current appropriation for personnel alone. This is due to an increase in the personnel and to longevity increases. The Budget allowed or proposed $475,000 for the construction of a new junior high school at Fourth and E Streets NE. The committee felt $175,000 toward that construction is all that is necessary to appropriate at this time. The committee also felt there were new items that should be provided for in this bill and accordingly added three, namely, for the purchase of a site for a new school in the vicinity of Rhode Island Avenue and South Dakota Avenue, to cost $25,000; and for the purchase of a site for a new school in the vicinity of Thirteenth and Montague Streets NW., to cost $60,000; and for the construction of an 8-room extensible building on the site at Fifth and Sheridan Streets NW., to cost $140,000. The hearings will furnish sufficient proof that these added items are imperative in order to relieve a very deplorable condition in those sections or localities. There is no question but what a great deal along this same line will have to be done to provide for proper school facilities for this district. If there is any one thing that should not be neglected it is the public schools. For one I am willing to go much further than we have to take care of the situation. I am more concerned about our public schools in this city than I am about spending hundreds of thousands of dollars for additional parks and thousands of dollars for grading streets that will not be used for the next 10 years, or which, at most are not necessary at this time. The hearings will reveal that in many localities in this city children can go to school only a portion of the day and then give away to make room for others; that is, go to school in relays or shifts. A great many heart-breaking facts were related where little children could not be made comfortable because of the deplorable condition of the heating systems in certain school buildings. In some the lighting facilities were not good. The Budget allowed $375,000 to care for these and other conditions I have not mentioned. It is very evident this is not sufficient. The committee could see that it was not, so it added $75,000 more to this particular item and made it immediately available, trying at least to do our part in relieving, to a certain extent, this condition. That is not enough. I have had occasion to make some investigation regarding conditions of the schools of this city. I must say it is humiliating for the Capital of the United States to be placed in such a position or condition as to public schools. It is too much to ask educators of this city to work longer under such conditions. It is unfair to the children and their parents to endure such inconveniences and hardships. Tears came to the eyes of mothers who testified before our committee as they related what had to be suffered by their children and as well what they suffered because of these conditions, only a few of which I have cited. Such a condition should not exist in any community. Again I say the most essential institution for the welfare of the city and the Nation as a whole, the public schools, has been sadly neglected in the District of Columbia. It would seem those with esthetic tastes and notions about parks, memorials, and million-dollar bridges have succeeded in the past in getting the ears of Congress much better than those interested in the education of the youth of the land. In my opinion it will not be so in the future.

That is all I care to say regarding the school situation, although I could say much more. But I do want to call attention to the police situation.

POLICE DEPARTMENT

While I am interested in each item contained in this bill, there are a few in which I am intensely interested, and for that reason will only discuss those. Therefore the next item that appeals to me more than all the others, except those I have already discussed, is the question of the police system of this city. I could take up the time of this House for an hour

on this one topic and then not fully cover the subject. It is not my intention to go into the matter of the deficiency of the police force of this city or to cast reflections or make criticisms. I am convinced the police force or management is doing the best it can with the various handicaps surrounding it. In the first place, the force is altogether inadequate for a city of this size. There seems to be an idea on the part of the joint legislative committee of the District there should be an increase of the present force of anywhere from 300 to 500.

The CHAIRMAN. The gentleman has consumed 30 minutes.

Mr. AYRES. May I ask the gentleman from Minnesota for a little more time?

Mr. DAVIS of Minnesota. Mr. Chairman, I yield to the gentleman 10 minutes more

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield there?

Mr. AYRES. Yes.

Mr. SCHNEIDER. How does the police force here compare with that of other cities of the same size and population?

Mr. AYRES. It is not as large as in other cities of the same size and population; but I do think, as I was just about to say when interrupted by the gentleman, that it is absurd to think of increasing the police force here by 300 or 500.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. AYRES. Yes.

Mr. McKEOWN. Something was carried in the newspapers recently to the effect that some police board or other had reprimanded some policeman because the police officer had arrested an Army officer for a violation of the law. Does the gentleman know what was done with reference to that case? Can the gentleman tell us about it?

Mr. AYRES. No. I think that was afterwards taken up by the commissioners. If I mistake not, they found that the policeman who was censured for making the arrest of an Army officer had only done his duty, and was later exonerated by the board.

Mr. BLANTON. I will say this, that the punishment of reprimand still rests on him that was imposed by the board, but the House committee that investigated the matter exonerated him and claimed that there was no reason for the reprimand at all.

Mr. AYRES. That matter does not come within our jurisdiction. As to the question of increasing the force from 300 to 500, the situation is such that no such increase is needed, and there is no need of overdoing the thing. There is no doubt but what there should be a reasonable increase. Entertaining that idea, we have provided for an increase of 128 additional policemen, all of whom are privates, making an additional item amounting to $230,400 in this bill. This allows for 25 motorcycle cops, 60 traffic cops, and 43 for the regular force. This is ample for the time, and all that could be secured in the next fiscal year. It is useless to appropriate for more.

What is needed more than 300 or 500 additional policemen is at least two additional judges to handle and dispose of the cases now on the docket and being added to the docket at such a rate as to make it hopeless to ever catch up. There is nothing so pleasing to a violator of the law, except his actual discharge, as to know the docket is clogged and his case will not be reached for many moons, and the witnesses may be gone when it is finally called.

There should be some changes made in the District Code providing the mode of procedure in the trial of these violators. I intend to offer an amendment to this bill at the proper place and time, unless some one from the legislative committee desires to offer it, which I feel will give the necessary relief.

The section of the code I have in mind provides—

> In all cases where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be $50 or more, or imprisonment as punishment for the offense may be 30 days or more, the accused shall demand a trial by jury, in which case the trial shall be by jury.

This means for every petty offense the offender can demand a jury trial where the fine exceeds $50 or 30 days in jail. In fact, it says he shall demand a jury trial. As a result of this beneficent provision seemingly for the benefit of the accused, they all demand a jury trial of 12 jurors. As a result of this provision there are at this time, or were a few days ago, on the docket pending 48 cases of fast driving of motor vehicles, 73 collision cases, 14 cases of colliding and running away without making their identity known, and many other cases; but listen to this, 117 cases pending, charged with the crime of driving or operating a vehicle while drunk. These are the criminals who are responsible for more wrecks and cripples than all others combined, and because under this provision of the code allowing them to demand a jury trial there are 117 of them enjoying this delay. They are out on bonds, some of them no doubt again getting drunk and running over people.

The highest courts throughout the Nation have held that where the party is accused of a petty offense he is not, as a matter of right, entitled to a jury trial, and an ordinance providing for the trial of such an offender by the court, denying him right of jury trial, was not unconstitutional.

In view of what I have learned of the situation relative to the handling of such cases, and the cause or causes of the seeming laxity in disposing of such cases, I intend to offer an amendment on page 55 of this bill, unless some one from the legislative committee desires to offer it. It makes no difference who offers it, just so we pass it. The amendment I suggest is as follows:

> Ninety thousand seven hundred and seventy-four dollars, including compensation in accordance with the classification act of 1923 for two additional judges and such other court employees, within the limit of available funds, as the court may determine to be necessary, and of said sum $6,530 shall be available immediately: *Provided*, That in addition to the sums hereinafter appropriated for the expenses of said court and for any of said purposes there is further appropriated the sum of $22,800, of which $12,600 shall be available immediately: *Provided further*, That section 42 of the Code of Law of the District of Columbia hereby is amended so as to provide that the police court in the District shall consist of four judges, and the provisions of other sections of such code as relate to the powers and duties of employees of said court shall apply to such employments as the court may authorize in pursuance hereof, and the said court, sitting in banc, shall have power to make rules affecting the business of the court not inconsistent with law, including the selection of a presiding judge: *Provided further*, That the second paragraph of section 44 of the Code of Law for the District of Columbia hereby is amended to read as follows: "In all cases where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be more than $300, or imprisonment as punishment for the offense may be more than 90 days, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year.

The intention is to increase the fine from $50 to $300 and increase the punishment from 30 days to 90 days. That is the ordinance in practically every city throughout the country, and it enables the police judge to dispose of scores of cases, where now he can not dispose of one.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. SCHNEIDER. What is the penalty generally imposed when one is found guilty of violating the law on account of reckless driving while intoxicated?

Mr. AYRES. Three hundred dollars.

Mr. SCHNEIDER. Is that imposed in the District by the court?

Mr. AYRES. Yes; and the offender can demand a trial by jury, because it is over $50 and the punishment over 30 days, but if this amendment is adopted then he can not demand a trial by jury as a matter of right or under the provisions of the code, simply because the maximum fine is $300 and the maximum penalty 90 days in jail.

The CHAIRMAN. The gentleman from Kansas has used the 10 minutes allotted to him by the gentleman from Minnesota.

Mr. AYRES. Mr. Chairman, I yield myself 10 additional minutes.

The CHAIRMAN. The gentleman from Kansas is recognized for 10 additional minutes.

Mr. SCHNEIDER. Is the maximum fine applied by the courts of the District when the offender is found guilty?

Mr. AYRES. I could not say as to that.

Mr. SCHNEIDER. That is important.

Mr. AYRES. The gentleman means at the present time?

Mr. SCHNEIDER. Yes.

Mr. AYRES. I could not say as to that, whether it is or whether it is not. I have no record showing what the court has done in that particular.

If this amendment should be adopted, the bill will have to carry $90,774 for police-court purposes instead of $58,124.

The figure of $90,774 is arrived at as follows:

Figure in bill		$58,124
Annual compensation of—		
Two additional judges	$10,400	
Other court employees	15,720	
		26,120
One-fourth of appropriation for additional judges and employees, so that they may take office April 1		6,530
Total		90,774

The figure of $22,800 is arrived at as follows:

Additional appropriations necessary for expenses of enlarged court	$13,200
The sum of regular appropriations, $25,200, plus the extra allowance of $13,200, makes $38,400.	
One-fourth of $38,400, so that court may commence functioning on April 1	9,600
Total	22,800

The $12,600 of the latter sum, which it is provided shall be available immediately, is made up of the $9,600 plus $3,000 for court alterations, furniture, and furnishings.

This will be legislation on an appropriation bill, and of course is subject to a point of order. I feel that everyone in the city hopes that something of the kind will be done to relieve the intolerable existing conditions, therefore I hope no one will make the point of order against this amendment.

Mr. BLANTON. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. BLANTON. The Appropriations Committee is anticipating the legislative committee on this item?

Mr. AYRES. Yes; we are; and simply because, I will say to the gentleman from Texas, we have some fear that the bill which the legislative committee is preparing to report out will not be passed during this Congress. I will say to the gentleman from Texas that I consulted some of the members of the legislative committee, he being one I consulted, and we do not want to undertake to usurp the power of the legislative committee. We are perfectly willing, and in fact we would be very glad, indeed, if some member of the legislative committee will see fit to offer this amendment, because we appreciate the fact that it is subject to a point of order because it is legislation on an appropriation bill.

Mr. BLANTON. We have been working practically every day and many nights within the last few weeks.

Mr. AYRES. I know that and I have no complaint or criticism to make of the legislative committee. But the gentleman realizes the difficulties in the way of getting that bill out and passed within the few remaining days of this session of the Congress, and we thought that unless a point of order was made to the proposed amendment we could go ahead and prepare for the emergency and have the money available in case the legislative committee did not succeed in having the bill reported and passed.

I have one more suggestion to make regarding this matter, then I am through. It seems to me that this police court, either as now constituted or as it may be constituted, should we pass the proposed amendment, should be consulted when making traffic regulations. The court at the present is not consulted. This fact was brought out in the hearings, and I must confess there are a few peculiar regulations. I am satisfied if the court had been consulted those regulations I have in mind would not have been made. The court trying the violators of these regulations should at least be consulted and permitted to offer some suggestions as to the nature and kind of regulations that should be adopted.

I believe that is all I have to say, Mr. Chairman, relative to this matter, and I reserve the balance of my time. How much time have I used?

The CHAIRMAN. The gentleman used five minutes.

Mr. AYRES. So that I have 5 minutes remaining of the 10 minutes I allotted to myself?

The CHAIRMAN. Yes.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, whatever arguments may be made, and whatever opinion may be entertained for or against the change that has been made, it may be assumed that the present policy of Congress is to provide for the contribution of the United States toward the expenses of the District of Columbia an annual lump-sum appropriation, instead of providing, as heretofore, for the total expenditures on a percentage basis. A bill introduced by Representative CRAMTON proposes that the sum of $9,000,000—about the same sum carried in the pending appropriation bill—be definitely fixed as the annual appropriation.

If the lump-sum policy is to be maintained, as now seems probable, it may be urged that the Cramton proposal would have the merit of relieving the future of any uncertainty as to the yearly amount of the contribution. But on the other hand, it can, I think, be urged with greater force that a rigid determination in advance of the amount to be contributed is objectionable, because it would inflexibly forbid Congress, unless the legislation should be repealed or amended, from taking into account year by year factors which conceivably might lead to the conclusion that the sum of $9,000,000 should not be taken as a fair measure of the Government's contribution.

The new policy which substitutes a definite amount to be received from the Government instead of 50 per cent or 40 per cent or any other percentage of the total expenditures, should lead to some such further readjustment of the existing fiscal relations between the Government and the District as I shall now take the liberty of outlining.

When the Bureau of the Budget was created it was authorized by the law which is still in effect to include District expenditures in its estimates. It can hardly be doubted that the reason for this was that the percentage basis was then being observed, and there was no suggestion of its abandonment, and the Government was thus presently and prospectively in a sort of partnership with the District with respect to expenditures of every character. Upon the adoption of the lump-sum policy, this reason disappears. Under the former condition, it was, in the judgment of many, altogether reasonable that the bureau should make up the total estimates. But this was never desirable, since the primary function of the bureau is to survey the activities of the departments and estimate for their needs. It was always anomalous and extraordinary that to this primary function should be added the difficult and laborious duty of dealing in a similar manner with a municipal situation, having the same varied and increasing activities as other cities where there is a rapid growth of population and infinite details to be considered. The officials of the bureau have necessarily less information about the municipal situation than the local authorities, who are constantly in touch with its conditions and requirements.

The commissioners, under whose supervision the local government is conducted, are entitled to the confidence of Congress and the Executive. Their appointment is authorized by Congress. They are appointed by the President, who can remove them. The official force which is under their control compares favorably with that of any other city in the country. It is confessedly efficient, and to an extent its efficiency is due to the fact that it is more nonpartisan than in many other cities.

The commissioners are in better position than the bureau to prepare and submit annual estimates to Congress and to be finally passed on in such manner as is now or will be hereafter provided. The final action of Congress would restrain any conceivable injustice to the taxpayers and the people generally which the estimates of the commissioners might at any time involve. But in the absence of any showing of injustice in the way of extravagance or neglect or indifference it may be taken for granted that Congress would approve the estimates, inasmuch as every dollar over and above the lump-sum appropriation would neither directly or indirectly create a call upon the Treasury, but be paid by the people of the District. The situation would simply parallel that which obtains in other cities under the cooperation of the local executive and administrative branches.

The detachment of the bureau from the affairs of the District could be brought about without the slightest burden to the Federal Government by a simple modification of the Budget law to remain effective at least while the lump-sum policy is in effect.

Mr. MADDEN. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. MADDEN. The gentleman does not want the country to understand that if the people of the District of Columbia paid all the expenses, without any contribution whatever from the Federal Treasury, the Congress ought not thereafter to have a restraining hand over the recommendations of any body that might be authorized to make such recommendations?

Mr. MOORE of Virginia. No. I have just said I think Congress ought to retain its control. No question is raised as to that. I am only discussing the very unusual duty that is imposed upon the bureau of looking over the affairs of a municipality, a growing municipality, and making estimates for its needs, a thing that does not happen in any other municipality of the country.

Mr. MADDEN. This is just one additional safeguard to prevent extravagance and waste of the money paid into the Treasury by the taxpayers in submitting the estimates through the Budget.

Mr. MOORE of Virginia. I do not think that, except for the fact that the percentage basis was in effect at the time the

Budget law was enacted, there would have been written anything with reference to the District in that law. I think Congress would have trusted the commissioners to send in the estimates, retaining, of course, authority to examine those estimates over and determine what should be done with them.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. GARNER of Texas. I think the gentleman from Virginia is correct about the philosophy of the Budget. The Budget was intended to take care especially of expenditures out of the Treasury of the United States. The commissioners under the present arrangements make their estimates to the Budget and the Budget then transmit their estimates of District expenditures to the Congress. It seems to me, if the lump-sum appropriation theory is adopted, then it would be nothing but fair that the District Commissioners, representing the people of the District, should submit their estimates direct to the Congress; or, rather, that the Budget, under the present law, ought to send the estimates of the District Commissioners to the Congress and let the Congress pass on the advisability of adopting them.

Mr. MOORE of Virginia. That is what I suggest.

Mr. MADDEN. I would not object to that, but I would object to the acceptance of the Budget estimates either from the Budget or from the commissioners without any right to visé them and reduce them.

Mr. GARNER of Texas. I agree with the gentleman about that absolutely.

Mr. MADDEN. Because, after all, somebody somewhere must be in authority to protect the rights of the man who has nothing to say about the estimates but pays the taxes.

Mr. GARNER of Texas. I think the gentleman is right about that.

Mr. MOORE of Virginia. I may state again to my friend from Illinois [Mr. MADDEN] that if the District were taken out of the Budget system the estimates would be made by the commissioners, the appointees of the President. Those estimates would, of course, be sent to Congress, and then the appropriate committees in Congress would deal with them. That would serve, it seems to me, to amply safeguard the people of the District, and, as I have just said, there would be no need to safeguard the Federal Government, because the new policy is to limit the contribution of the Federal Government to a lump sum. What I am proposing would parallel the situation that exists in Chicago and in other cities.

Mr. MADDEN. This is what happens in Chicago: The controller submits the estimates, which are submitted to him by the heads of the different departments. The finance committee then takes up the estimates and considers them for appropriation, and as they make the appropriations they levy a tax. They make the tax levy at the same time. The finance committee attaches to the appropriation bill a resolution involving a tax levy to cover the amount of the appropriation; that is, such appropriations as are raised from taxation and not from miscellaneous sources; and it never happens that the finance committee approves all the estimates submitted to it for the conduct of the city government.

Mr. MOORE of Virginia. But the point I am making is that in Chicago it is all done by the local authorities.

Mr. MADDEN. That is quite true.

Mr. MOORE of Virginia. Here if the Budget Bureau were not functioning it would be done by the local authorities, but subject to the control of the Congress.

Mr. MADDEN. Yes; certainly.

Mr. MOORE of Virginia. And Congress could be trusted. Therefore, why retain the Budget Bureau in connection with District affairs?

Mr. MADDEN. It can not do any harm.

Mr. GARNER of Texas. Will the gentleman from Virginia yield for a suggestion?

Mr. MOORE of Virginia. Yes.

Mr. GARNER of Texas. I realize that the gentleman from Virginia and his colleague, who is now on his feet, the gentleman from Maryland [Mr. ZIHLMAN], are probably more interested in the District of Columbia and come nearer taking an interest in its general affairs than probably any other two men in the House on account of their proximity and the fact that so many of their constituents probably labor in the District of Columbia.

Mr. MADDEN. I will say to the gentleman from Texas I am as much interested in the District as anybody.

Mr. GARNER of Texas. I know you are, and so am I; but I mean that these gentlemen are here and they are influenced in their actions sometimes by their constituents and the views of their constituents just like the gentleman from Illinois is influenced by his constituency sometimes more than they influence me.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. AYRES. I yield the gentleman from Virginia five minutes more.

Mr. GARNER of Texas. I want to make a suggestion to the gentleman, and that is that the gentleman bring his tremendous influence to bear upon the people of the District and get them if he can to agree to the lump-sum appropriation principle. I will tell the gentleman the reason. You would then do away with the prejudice in Congress against the District people on account of the fact that there is the thought that each year they are trying to get their hooks into the Treasury when it is not authorized by the circumstances. When you once get the lump-sum appropriation established as the policy of Congress, then Congress takes no further interest, in a way, in the expenditures of the District of Columbia.

Mr. MADDEN. But Congress should take an interest.

Mr. GARNER of Texas. Congress will take an interest to the extent they will not permit the commissioners to abuse their power.

Mr. MADDEN. That is the point.

Mr. GARNER of Texas. I agree to that, of course. But they would not constantly be in here demanding a little bit more money——

Mr. MADDEN. They probably would not demand it if they knew they had to pay it themselves.

Mr. GARNER of Texas. That is it exactly.

Mr. MOORE of Virginia. One reason for this discussion, so far as I am concerned, is that, in my opinion, the lump-sum appropriation thereof may be regarded—for how long no one can predict—as the policy of Congress.

Mr. GARNER of Texas. The commissioners ought to say how much the District should spend, and I think the Budget should send it to Congress and let Congress pass on it. I do, however, insist that we ought to have a policy as to how much we are going to contribute to the District of Columbia.

Mr. BLANTON. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BLANTON. The gentleman spoke of the aldermen in Chicago being comparable to the Commissioners of the District.

Mr. MOORE of Virginia. Oh, I did not say anything of that kind.

Mr. BLANTON. The gentleman's remarks tended to indicate that.

Mr. MOORE of Virginia. The gentleman may have inferred that.

Mr. BLANTON. The commissioners are not elected by the people here, they are appointed by political power. There should be some control of the manner in which they spend the taxpayers' money.

Mr. MOORE of Virginia. My friend must not forget that Congress always has had the final authority, and still has it, to decide what shall be expended.

Mr. BLANTON. I am in favor of that, but I am not in favor of accepting the ipse dixit of the commissioners as to the amount of money that shall be spent.

Mr. MOORE of Virginia. I do not think that anybody has ever contended for that.

Mr. BLANTON. I gathered that from the gentleman's remarks.

Mr. MOORE of Virginia. The gentleman misunderstood me. Up to this point I have simply contended that the estimates should be made and submitted by the commissioners to Congress without being increased or diminished by the bureau, and then acted on by Congress.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. ZIHLMAN. I take it from the gentleman's remarks that he is not in favor of the procedure followed in the matter of snow removal by the gentleman from Kansas, where the commissioner charged with the responsibility of cleaning the streets was forced to go to the Director of the Budget?

Mr. MADDEN. Oh, they would not use the money they had.

Mr. ZIHLMAN. As I remember, the chairman of the subcommittee said they had already used more than half of their money.

Mr. MADDEN. They had $180,000 on hand when the snow fell, and they did not use 180 cents. They let the snow stand until it was frozen, and then they had to use dynamite—not exactly, but figuratively speaking—to remove the snow. If they had begun to remove it the night that it fell they could have removed it with brushes or brooms. Let them remove the snow, and then if they do not have enough money let them come to Congress and ask for more.

Mr. ZIHLMAN. But you have not provided any additional amount in this bill.

Mr. MADDEN. They do not know what to do with the money they now have.

Mr. MOORE of Virginia. I do not care to dwell upon the illustration given by the gentleman from Maryland, but I will say this, that in the experience of every government, national, State, or municipal, the time arrives when an emergency exists and when there has to be an expenditure in excess of existing appropriations.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. MADDEN. I ask that the gentleman from Virginia be given two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. A commissioner came to me as chairman of the Committee on Appropriations and asked me if I would agree that an emergency appropriation would be made. I told him I had no authority to agree to anything, but that if I were in his position under the city government I would do my duty and clean the streets, and then I would find out whether I could get the money or not.

Mr. MOORE of Virginia. But the law penalizes him.

Mr. MADDEN. It does not; he had the money and there was an emergency.

Mr. MOORE of Virginia. Of course if he had the money there was no unusual condition. I do not know whether he had the money or not.

Mr. ZIHLMAN. They had the money to spend, but they had spent more than half of the appropriation and there was six months yet to go.

Mr. MOORE of Virginia. Nothing I said prior to the colloquy which has occurred presupposes that there should or could be any limit to the legislative power of Congress over the District, although I concur in the opinion recently expressed on the floor of the House by some of the members of the Committee on the District of Columbia and by others that Congress might wisely rid itself of much of the minor District legislation which it now considers by leaving to the commissioners more fully than now the disposition of many questions of a routine and comparatively trifling character. In that connection it was urged, as I formally proposed some time ago, that District business should be intrusted to a joint committee of the two Houses rather than as at present to two large independent committees. This plan would enable a single committee to frame and report legislation with a view of determining to what extent the commissioners should be enabled to handle matters that might properly be made the subject of ordinances instead of being made the subject of congressional enactments. It is my own view that this committee might also very properly be given authority to report District appropriation bills by transferring to it the authority now exercised by the Committee on Appropriations, whose work is of such great magnitude and which can not, under the rules of the House, write any legislation in an appropriation bill as a joint committee might fairly be permitted to do. But, of course, it should be understood that the question as to whether estimates for the future should be made by the bureau or by the commissioners is not to any extent dependent upon the point which is now being suggested relative to the concentration of District business in a joint committee having full power to act promptly and without undue waste of the time of Congress in transacting District business. The more one thinks of the value that would pertain to such a unification the stronger, I think, becomes the impression of the good results to which it would lead.

I shall barely touch upon changes in the structure of the District government which have been advocated. While I can see good ground for the contention that it would be to the general advantage of the people of the District to be enabled by a constitutional provision to have voting representation in Congress and to participate in the election of the President and Vice President, I do not believe there would be any advantage, but on the contrary believe it would be disadvantageous, to displace the present arrangement by such an arrangement as ordinarily exists in other municipalities.

The appropriation bill which is now being considered has been commended for its liberality to the District. It goes further than any of the District appropriation bills during my time here in taking care of immediate needs. But it does not attempt to provide for a number of permanent improvements which should be made, and which in other municipalities are ordinarily made, not by taxation, but by funds derived from the issue and sale of bonds. I shall append to my remarks a list of such improvements, or some of them, as now seem necessary or desirable, and for this enumeration I am indebted to the able and efficient auditor of the District.

It will be noted that the items listed by the auditor total nearly $55,000,000. Since the list was compiled a bill has been passed which will take care of a small percentage of the improvements indicated.

Of course, a bonded indebtedness is not to be encouraged when it can be dispensed with. It is significant that since 1878 the District has never had a bond issue designed for the direct purpose of applying the proceeds to permanent improvements. The issue of $15,000,000 of 3.65 bonds which was authorized in 1874 was purely a funding loan, to take up various debts incurred under previous forms of government. Those bonds have been recently retired. At this time, with the exception of Washington, I understand, there is no city in the country with a population exceeding 30,000 which has not bonds outstanding which in the main have been issued for the purpose of making permanent improvements which will be enjoyed not only by the people living at the time when the indebtedness was created, but by people of other generations. Should such a survey by Congress be made as has been proposed, in order to decide what authority should be conferred upon the Commissioners of the District, one of the questions that ought to receive consideration is the question just mentioned. It is a question that concerns not only the maintenance of the city as it is, but work that should be carried on to make the city, which is now rapidly growing, what it should be, and what undoubtedly the people of the country desire it to be. Should the conclusion be reached that taxation will meet the requirements and afford a fair and sufficient substitute for the creation of a moderate bonded indebtedness, the District will continue to occupy the fortunate position which it now holds among the almost countless cities or towns of the United States, each of which has a bonded debt.

Necessary improvements

SEWERS		
Urban sewers	$619,495	
Suburban sewers	2,482,020	
Assessment sewers	410,500	
Interceptors	685,000	
		$4,197,015
School buildings and sites necessary to provide full time for all children, permit replacement of buildings recommended for abandonment in 1908, abandonment of five other buildings, to eliminate the use of portables, and to reduce oversize classes		10,000,000
FIRE DEPARTMENT		
New motor apparatus	$213,500	
New house and drill tower	281,000	
		494,500
POLICE DEPARTMENT		
Vehicle-storage space and motor-vehicle repair shop on land adjoining No. 7 police station	54,000	
Central police station, to include accommodations for police headquarters	350,000	
Site and station house in the vicinity of Bennings	65,000	
New building for substation at Tennallytown	50,000	
		519,000
STREETS AND BRIDGES		
Street paving	5,000,000	
Engineer department yards and shops	400,000	
Suburban store yards, five at $20,000	100,000	
Asphalt resurfacing (500,000 square yards at $2.50; 250,000 square yards at $4.50)	2,375,000	
Elimination of grade crossings	600,000	
New Chain Bridge	346,000	
New Pennsylvania Avenue SE. Bridge	651,000	
New Bennings Bridge	470,000	
Prospect Street approach to new Key Bridge	120,000	
Connecticut Avenue Bridge at Klingle Ford	380,000	
		10,462,000
WATER SERVICE		
New third high-service reservoir and additional land (Reno)	320,000	
Anacostia first high-service reservoir on Fort Davis, Government land, with pipe lines	259,000	
Trunk mains	423,400	
Installation of water meters	200,000	
Extension of water distribution system	797,600	
		2,000,000
CITY REFUSE SERVICE		
Purchase of Cherry Hill (Va.) property on which garbage disposal plant is located	30,000	
Reconstructing, etc., buildings, etc., at garbage disposal plant	50,000	
Purchase of property in northeast section of District for the erection of stables and garage	250,000	
Purchase of trash plant, for which District now pays a rental of $11,500 a year	75,000	
Erection of concrete garage at transfer station	30,000	
Electric charging equipment for electric trucks	5,000	
		440,000
High-pressure fire protection for the congested, high-value area, B Street NW. to I Street NW., and First Street NW. to Seventeenth Street NW		2,000,000
New building for the recorder of deeds and the municipal court		750,000

ELECTRICAL DEPARTMENT		
Modernizing the street-lighting system	$1,210,000	
Extension and relocation of the police patrol system	10,000	
Modernizing the police patrol system	25,000	
Extension and relocation of the fire-alarm system	40,000	
Additional cables for the underground system	10,000	
Enlarging the fire-alarm headquarters apparatus	5,000	
		$1,300,000
PARKS		
Now necessary to acquire to preserve natural scenery and prevent private development		11,000,000
(The ultimate cost of the acquisition of land, roughly estimated, by the new National Capital Park Commission, is $40,000,000, of which about $20,000,000 will be needed within the limits of the District of Columbia and an equal amount outside of those limits. The item of $11,000,000, shown above, is the amount that is now said to be necessary to acquire certain tracts of ground within the District of Columbia before the present natural scenery is destroyed by private development.)		
INSTITUTIONS		
Erection and equipment of necessary ward buildings at the Gallinger Municipal Hospital	$850,000	
Building for contagious diseases at the Gallinger Municipal Hospital	350,000	
Necessary buildings beyond those already authorized for the Home and School for Feeble Minded	1,635,000	
		2,835,000
Total, necessary improvements		45,997,515
DESIRABLE IMPROVEMENTS		
SEWERS		
Urban sewers	$550,500	
Suburban sewers	785,750	
Assessment sewers	859,500	
Interceptors	554,000	
		2,749,750
STREETS AND BRIDGES		
Removal of old Aqueduct Bridge	250,000	
New Calvert Street Bridge	1,200,000	
Washington Channel docks (improvement of water front)	1,000,000	
North Plaza, new Key Bridge	200,000	
Widening of streets (20 squares at $20,000 each)	400,000	
		3,050,000
WATER SERVICE		
Replacement of old mains		1,000,000
New armory for the National Guard of the District of Columbia		2,000,000
Total, desirable improvements		8,799,750
Total, necessary and desirable improvements		54,797,265

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. DAVIS of Minnesota. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12033, the District of Columbia appropriation bill, and had come to no resolution thereon.

ADJOURNMENT

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Friday, February 6, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

846. A communication from the President of the United States, transmitting a communication from the Postmaster General, submitting an estimate of appropriation in the sum of $2,514, to pay 66 claims which he has adjusted under the act of December 28, 1922 (H. Doc. No. 601); to the Committee on Appropriations, and ordered to be printed.

847. A letter from the Secretary of the Interior, transmitting report of the Commissioner of Patents for the calender year 1924; to the Committee on Patents.

848. A letter from the Secretary of the Navy, transmitting report of disposition of useless papers in the files of the navy yards, naval stations, etc., during the calender year 1924; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KELLER: Committee on District of Columbia. H. R. 12002. A bill to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes; with amendments (Rept. No. 1386). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. S. 2718. An act to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steampship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable;* without amendment (Rept. No. 1391). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Kansas: Committee on Indian Affairs. S. 3346. An act to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes; with an amendment (Rept. No. 1392). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee on Indian Affairs. S. 4014. An act to amend the act of June 30, 1919, relative to per capita cost of Indian schools; without amendment (Rept. No. 1393). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDSON: Committee on Indian Affairs. H. R. 9062. A bill conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims of whatever nature which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes; with amendments (Rept. No. 1394). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Maryland: Committee on Military Affairs. H. R. 12064. A bill to recognize and reward the accomplishment of the world flyers; without amendment (Rept. No. 1395). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Maryland: Committee on Military Affairs. S. 3630. An act authorizing the Secretary of War to convey to the Federal Land Bank of Baltimore certain land in the city of San Juan, P. R.; without amendment (Rept. No. 1397). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FULLER: Committee on Invalid Pensions. H. R. 12175. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 1385). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 9955. A bill for the relief of Joseph L. Keresey; without amendment (Rept. No. 1388). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 2301. An act for the relief of Thomas G. Patten; without amendment (Rept. No. 1389). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on the Public Lands. S. 3830. An act to authorize and direct the Secretary of the Interior to issue patents upon the small holding claims of Constancio Miera, Juan N. Baca, and Filomeno N. Miera; without amendment (Rept. No. 1390). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 958. A bill for the relief of Mary Davis; without amendment (Rept. No. 1396). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11413) granting an increase of pension to Mary C. Corbett, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FULLER: A bill (H. R. 12175) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House.

By Mr. SNELL: A bill (H. R. 12176) to establish a Federal jail and penitentiary within the first or second judicial circuit of the United States; to the Committee on the Judiciary.

By Mr. MADDEN: A bill (H. R. 12177) to permit the United States of America to be made defendant, and to be bound by decrees and final judgments entered, in land-title registration proceeding in the circuit court of Cook County, Ill., and courts of appeal therefrom, under the provisions of an act concerning land titles in force in the State of Illinois May 1, 1897; to the Committee on the Judiciary.

By Mr. EDMONDS: A bill (H. R. 12178) to relieve Congress from the adjudication of certain claims; to the Committee on Claims.

Also, a bill (H. R. 12179) to create a cause of action for compensation in damages for injuries sustained and death resulting from injuries to any person through the wrongful act or omission by an agent, officer, or employee of the United States Government, and to provide the procedure therefor; to the Committee on Claims.

By Mr. BLOOM: A bill (H. R. 12180) to reduce passport fees and eliminate visé regulations; to the Committee on Foreign Affairs.

By Mr. WELLER: A bill (H. R. 12181) to amend section 722 of the Revised Statutes; to the Committee on the Judiciary.

By Mr. McLEOD: Resolution (H. Res. 431) for the consideration of H. J. Res. 190, to amend section 3 of the joint resolution for the purpose of promoting efficiency for the utilization of the resources and industries of the United States, approved February 8, 1918; to the Committee on Rules.

By Mr. NEWTON of Minnesota: Concurrent resolution by the State Legislature of Minnesota, memorializing the President and the Congress of the United States relative to an increase of duties upon dairy and other agricultural products; to the Committee on Agriculture.

Also, resolution by the Minnesota State Legislature, memorializing the Congress of the United States to enact legislation to restore equality to agriculture; to the Committee on Agriculture.

Also, resolution of the State of Minnesota, memorializing Congress to so amend the act of Congress known as the packers and stockyards act so as to prohibit States furnishing stockyards service from being discriminated against in favor of private agencies; to the Committee on Agriculture.

By the SPEAKER (by request): Concurrent resolution of the State Legislature of the Commonwealth of Pennsylvania memorializing the Congress of the United States to adopt legislation which will provide for retirement privileges for disabled emergency officers of the Army the same as offices of the Regular Army; to the Committee on Military Affairs.

By Mr. KELLER: Memorial of the Legislature of the State of Minnesota, petitioning Congress relative to an increase of duties upon dairy and other agricultural products; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN: A bill (H. R. 12182) granting a pension to Kate S. Johnson; to the Committee on Invalid Pensions.

By Mr. EVANS of Montana: A bill (H. R. 12183) granting an increase of pension to Mary Jane Dillen; to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 12184) granting a pension to Luther Leroy Funkhouser; to the Committe on Invalid Pensions.

By Mr. PRALL: A bill (H. R. 12185) for the relief of Paul Tavetian; to the Committee on Claims.

By Mr. TYDINGS: A bill (H. R. 12186) granting a pension to George W. King; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 12187) granting a pension to Sophie Kahle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12188) granting an increase of pension to Amanda J. Farrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12189) granting an increase of pension to Isabel Williams; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 12190) granting an increase of pension ot Mary L. Craver; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3653. By the SPEAKER (by request): Petition of St. Louis postal clerks urging the passage of the Kelly bill to increase the salaries of the postal employees before adjournment of Congress; also from A. J. Krummenacher, 5001 Delmar Boulevard; also from the Crookston Association of Public Affairs, Olga Bratton, secretary; to the Committee on the Post Office and Post Roads.

3654. By Mr. BARBOUR: Resolution adopted by the California State Board of the National American War Mothers indorsing the bill known as the universal service draft law; to the Committee on Military Affairs.

3655. By Mr. CULLEN: Petition of New York State Forestry Association indorsing the purposes of the game refuge public shooting grounds bill and urging its prompt passage by Congress; to the Committee on Agriculture.

3656. By Mr. GALLIVAN: Petition of R. M. Bradley & Co., Boston, Mass., protesting against Senate bill 3764 and House bill 11078 providing for the establishment of a permanent rent commission for the District of Columbia; to the Committee on the District of Columbia.

3657. By Mr. HICKEY: Petition signed by about 300 citizens of South Bend, Ind., opposing the passage of the Jones Sunday observance bill; to the Committee on the District of Columbia.

3658. By Mr. O'CONNELL of Rhode Island: Petition of Providence Real Estate Exchange protesting against the passage of House bill 11708, "A bill to create and establish a commission as an independent establishment of the Federal Government to regulate rents in the District of Columbia"; to the Committee on the District of Columbia.

3659. By Mr. PATTERSON: Memorial of the Legislature of the State of New Jersey indorsing appropriate legislation for the creation within the State of New Jersey of a Federal institution for the humane care and treatment of disabled and infirm veterans of the World War; to the Committee on World War Veterans' Legislation.

3660. By Mr. PATTERSON: Memorial of the Legislature of the State of New Jersey, indorsing legislation to prevent lynching and to guarantee to the United States the equal protection of the law; to the Committee on the Judiciary.

3661. Also, memorial of New Jersey State Federation of Women's Clubs, indorsing a World Court on the basis of the Harding-Hughes reservations; to the Committee on the Judiciary.

3662. By Mr. RAKER: Petition of the Pacific Traffic Association, of San Francisco, Calif., protesting against a general revision of the freight rate structure of the United States; also protesting against the Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

3663. Also, petition of City Club of New York City, N. Y., indorsing the bills (S. 2287 and H. R. 7014) providing for the sale of the Hoboken Shore Line Railroad; to the Committee on Military Affairs.

3664. Also, petition of Mrs. Jugo Jung and Mrs. David Scott, committee of Woman's Club of Kerman, Calif., urging the entrance of the United States to the World Court; to the Committee on Foreign Affairs.

3665. Also, petition of post office employees of Grass Valley, Calif., urging passage of postal salary increase legislation; also Direct Mail Advertising Association, Detroit, Mich., protesting against increase of postal rates; to the Committee on the Post Office and Post Roads.

3666. Also, petition of San Francisco Chapter, American Institute of Architects, San Francisco, Calif., indorsing the Elliott bill for public buildings; to the Committee on Public Buildings and Grounds.

3667. Also, petition of Joseph F. Coleman, San Francisco, Calif., urging development of aircraft and submarines as necessary factors of defense; N. S. Young, of Roseville, Calif., urging development of aircraft and establishment of airplane factory and airplane flying school; E. K. Howe, of San Francisco, Calif., protesting against the development of aircraft or any other preparedness measure; to the Committee on Military Affairs.

3668. Also, petitions signed by E. G. Wilcoxon, Auburn, Calif.; W. A. Shepard, Auburn, Calif.; Albrecht Lorenz, San Francisco, Calif.; A. P. Ruck, of San Francisco, Calif.; C. R. Kamman, San Francisco, Calif.; Carl E. Mehl, Auburn, Calif.; Alfred Reno, Auburn, Calif.; all indorsing and urging the passage of House bill 11798 and Senate bill 3920, for the relief of veterans, widows, and orphan children of the Indian wars; to the Committee on Pensions.

SENATE

FRIDAY, *February 6, 1925*

(Legislative day of Tuesday, February 3, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 2975. An act validating certain applications for, and entries of public lands, and for other purposes;

S. 3622. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry.

H. R. 646. An act to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations;

H. R. 4294. An act for the relief of heirs of Casimira Mendoza;

H. R. 5420. An act to provide fees to be charged by clerks of the district courts of the United States;

H. R. 6860. An act to authorize each of the judges of the United States District Court for the District of Hawaii to hold sessions of the said court separately at the same time;

H. R. 8369. An act to extend the period in which relief may be granted accountable officers of the War and Navy Departments, and for other purposes;

H. R. 9461. An act for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy; and

S. J. Res. 135. Joint resolution granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt.

The PRESIDENT pro tempore announced his signature to the following enrolled bills and joint resolutions, which had been signed previously by the Speaker of the House of Representatives:

S. 2232. An act to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service";

S. 2848. An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.;

S. 3392. An act to amend section 558 of the Code of Law for the District of Columbia;

S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Batesville, in the county of Independence, in the State of Arkansas;

S. 3885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River, at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas;

H. R. 8206. An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes;

H. R. 10413. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River, at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," approved February 27, 1919;

H. R. 10724. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes;

H. R. 10887. An act granting the consent of Congress to the State of Alabama to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala.;

H. R. 11035. An act granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River at a point approximately 19.1 miles above the mouth of the river in the counties of Allegheny and Westmoreland, in the State of Pennsylvania;

S. J. Res. 154. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; and

S. J. Res. 155. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Kendrick	Ransdell
Ball	Edwards	Keyes	Reed, Pa.
Bayard	Ernst	King	Sheppard
Bingham	Fernald	Ladd	Shipstead
Borah	Ferris	McKellar	Shortridge
Brookhart	Fess	McKinley	Simmons
Broussard	Fletcher	McLean	Smith
Bruce	Frazier	McNary	Smoot
Bursum	George	Mayfield	Spencer
Butler	Glass	Means	Stanfield
Cameron	Gooding	Metcalf	Stanley
Capper	Hale	Neely	Sterling
Caraway	Harreld	Norbeck	Swanson
Copeland	Harris	Norris	Trammell
Couzens	Harrison	Oddie	Wadsworth
Cummins	Heflin	Overman	Walsh, Mass.
Curtis	Howell	Owen	Warren
Dale	Johnson, Calif.	Pepper	Wheeler
Dial	Johnson, Minn.	Phipps	Willis
Dill	Jones, Wash.	Pittman	

The PRESIDENT pro tempore. Seventy-nine Senators have answered to the roll call. There is a quorum present.

REPORT OF THE COMMISSIONER OF PATENTS

The PRESIDENT pro tempore laid before the Senate the report of the Commissioner of Patents, submitted pursuant to law, for the calendar year 1924, which was referred to the Committee on Patents.

CHILD LABOR

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the Legislature of Deleware, refusing to ratify the proposed so-called child labor amendment to the Constitution, which was referred to the Committee on the Judiciary:

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT.

I, Robert P. Robinson, Governor of the State of Delaware, do hereby certify that attached hereto is a certified copy of Senate Joint Resolution No. 2, entitled: "Senate joint resolution ratifying the proposed amendment to the Constitution of the United States giving to Congress the power to limit, regulate, and prohibit the labor of persons under 18 years of age, and suspending the operation of State laws to the extent necessary to give effect to the legislation enacted by the Congress of the United States," the same having been transmitted to me by the Senate of the State of Delaware to be forwarded to the Secretary of State of the United States, Presiding Officer of the United States Senate, and the Speaker of the House of Representatives at Washington, D. C.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State of Delaware to be affixed at Dover this 3d day of February, in the year of our Lord 1925, and of the independence of the United States the one hundred and forty-ninth.

[SEAL.] ROBT. P. ROBINSON.

By the governor:

WM. G. TAYLOR, *Secretary of State.*

Senate joint resolution ratifying the proposed amendment to the Constitution of the United States giving to Congress the power to limit, regulate, and prohibit the labor of persons under 18 years of age, and suspending the operation of State laws to the extent necessary to give effect to the legislation enacted by the Congress of the United States

Whereas the Congress of the United States has by joint resolution proposed an amendment to the Constitution of the United States of America, which joint resolution is as follows:

Joint resolution proposing an amendment to the Constitution of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an

amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE —

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Delaware; and be it further

Resolved, That certified copies of this preamble and joint resolution, together with the action of the legislature therein properly certified, be forwarded to the governor of this State, to be by him sent, one copy to the Secretary of State at Washington, D. C., one copy to the Presiding Officer of the United States Senate at Washington, D. C., and one other copy to the Speaker of the House of Representatives of the United States at Washington, D. C.

I hereby certify that the within is a true and correct copy of the resolution as presented to the Senate of the State of Delaware; and I further certify that the following is a true and correct account of the action of the Senate of the State of Delaware upon the within resolution.

Total members of senate	17
Votes needed to ratify	9
Members voting	17
Votes in favor of ratifying	0
Votes against ratification	17

I therefore certify that the within resolution failed to pass the Senate of the State of Delaware.

Certified to by me as correct this 2d day of February, A. D. 1925.

WILLIAM C. TEUITT,
President pro tempore of Senate of State of Delaware.

Attest:

H. B. JOHNSON,
Chief Clerk of the Senate of the State of Delaware.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of Pennsylvania, which was ordered to lie on the table:

Concurrent Resolution 3

IN THE HOUSE OF REPRESENTATIVES,
COMMONWEALTH OF PENNSYLVANIA,
January 26, 1925.

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania does respectfully request the Congress of the United States to adopt legislation which will provide for retirement privileges for disabled emergency officers of the Army under the same conditions now provided by law for officers of the Regular Army in so far as regards physical disability in line of duty.

Resolved, That the secretary of the Commonwealth forward a copy of this resolution to the President pro tempore of the Senate and the Speaker of the House of Representatives of the United States, and a copy to each Member and Senator from Pennsylvania in Congress of the United States.

The foregoing resolution was adopted by the house of representatives and concurred in by the senate January 26, 1925.

THOMAS H. GARVIN,
Chief Clerk of the House of Representatives.
W. P. GALLAGHER,
Chief Clerk of the Senate.

Approved the 3d day of February, A. D. 1925.

GIFFORD PINCHOT.

I do hereby certify that the foregoing is a true and correct copy of concurrent resolution of the general assembly No. 3.

CLYDE L. KING,
Secretary of the Commonwealth.

The PRESIDENT pro tempore also laid before the Senate the following concurrent resolution of the Legislature of Minnesota, which was referred to the Committee on Finance:

STATE OF MINNESOTA,
DEPARTMENT OF STATE.

I, Mike Holm, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original instrument in my office of concurrent resolution from Minnesota Legislature, and that said copy is a true and correct transcript of said instrument and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in St. Paul, this 2d day of February, A. D. 1925.

[SEAL.]

MIKE HOLM,
Secretary of State.

A concurrent resolution memorializing the President and the Congress of the United States relative to an increase of duties upon dairy and other agricultural products

Whereas large quantities of dairy and other agricultural products have been and are being imported into the United States from foreign countries; and

Whereas agriculture is the basic industry and the success of all other lines of industry and business is dependent upon its prosperity; and

Whereas the financial recovery and the future prosperity of agriculture have been and will be delayed and seriously imperiled by continued large importations of agricultural products produced by labor employed under conditions and for wages lower than the American standard and imported under a rate of exchange which more than offsets the protection of the present duties: Therefore be it

Resolved by the Senate of the State of Minnesota, the House of Representatives concurring, That the President and the Congress be, and they hereby are, most earnestly requested to increase the present duties on butter, cheese, condensed milk, casein, cream, milk powder, skimmilk products, and other agriculture products which are now not adequately protected, and that such action be taken before adjournment of the Congress now sitting; and be it further

Resolved, That a duly authenticated copy of this resolution be transmitted to the President, to the President of the Senate, and to the Speaker of the House of Representatives in the Congress, to the Secretary of Agriculture, to each member of the President's Agricultural Commission, to each member of the Committee on Finance in the Senate, to each member of the Committee on Ways and Means in the House of Representatives, to each member of the Committee on Agriculture in the Senate, to each member of the Committee on Agriculture in the House of Representatives, and to each Senator and Representative from the State of Minnesota in the Congress.

W. I. NOLAN,
President of the Senate.
JOHN A. JOHNSON,
Speaker of the House of Representatives.

Passed the senate the 23d day of January, 1925.

GEO. W. PEACHEY,
Secretary of the Senate.

Passed the house of representatives the 26th day of January, 1925.

OSCAR ARNESON,
Chief Clerk of the House of Representatives.

Approved January 29, 1925.

THEODORE CHRISTIANSON,
Governor of the State of Minnesota.

Filed January 29, 1925.

MIKE HOLM, *Secretary of State.*

Mr. LADD presented the following resolution adopted by the board of directors of the North Dakota Wheat Growers' Association, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolved by the board of directors of the North Dakota Wheat Growers' Association, representing almost 18,000 farmers of North Dakota growing approximately 25,000,000 bushels of wheat—

1. That the present high market price of wheat is due to a fortunate combination of circumstances, among which was the world shortage of bread grains and the strong position of the wheat pools both in this country and in Canada. The wheat pools, with their program of orderly marketing, have enabled the growers of wheat to take advantage of the present high price of wheat, and by virtue of the increased bargaining power which the pool method of sales promote the price level of wheat has been considerably raised.

2. However, we hold that the present world shortage of bread grains may not, and perhaps will not, be permanent, and therefore it is beyond reasonable expectations that the present high level of wheat prices can be permanently maintained so as to net the growers a profitable price, especially in view of the fact that wheat producers are not yet sufficiently organized to control and stabilize the wheat market to the greatest degree possible; and, further, for the reason that the unregulated surplus production of wheat in this country places the growers of this country on a world price basis in competition with a lower standard of living and a lower production cost in other countries, despite the 42-cent per bushel wheat duty.

3. We commend President Coolidge and the agricultural commission appointed by him for public-spirited and far-visioned recommendations to Congress to enact laws to promote and foster cooperative marketing

and to otherwise enact legislation that will aid in placing agriculture on an equal basis with other industries.

4. We particularly urge the passage of the amended form of the McNary-Haugen bill providing for an export corporation, which will make the wheat duty effective.

5. We approve the Smith-Hoch resolution looking to a readjustment of freight rates, believing the present freight rates on agricultural commodities are out of proportion to their value.

6. We urge the early completion of the St. Lawrence deep-waterway project, which would give the farmers of the Northwest greatly reduced transportation rates on grain and other farm products for export to foreign markets.

7. We believe that the passage of the bill introduced in the House of Representatives by Congressman BRAND of Ohio and in the United States Senate by Senator CAPPER, of Kansas, providing for the establishment of standard weights for loaves of bread, will not only protect consumers of bread from unfair weights but will also promote greater bread consumption in this country, and therefore reduce the exportable surplus of wheat to a considerable degree. We believe it to be to the interest of wheat producers and wheat consumers that this bill be enacted into law.

8. The secretary is hereby instructed to give copies of these resolutions to the press, to President Coolidge, to members of the Agricultural Commission, to the Secretary of Agriculture, to the Secretary of Commerce, to the chairman of the Committee on Agriculture of the United States Senate, to the Committee on Agriculture in the House of Representatives, and to the Senators and Congressmen from North Dakota.

Approved unanimously by the board of directors of the North Dakota Wheat Growers' Association, in session assembled, this 31st day of January, 1925.

A. J. SCOTT,
Secretary North Dakota Wheat Growers' Association.

Mr. WADSWORTH presented the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Commerce:

IN SENATE OF STATE OF NEW YORK,
Albany, February 2, 1925.

[By Mr. Gibbs]

Whereas there is pending before Congress a bill known as Senate bill No. 4428 (McCormick bill) which among other things authorized the withdrawal of 10,000 cubic feet per second of water from Lake Michigan by the Sanitary District of Chicago; and there is also pending in the Senate an amendment proposed by Mr. MCKELLAR to H. R. bill No. 3933, which bill provides for the purchase of the Cape Cod Canal property, and which amendment authorizes among other things for some years the withdrawal of 10,000 cubic feet per second of water from Lake Michigan by the Sanitary District of Chicago and thereafter a withdrawal of 7,500 cubic feet per second;

Whereas the withdrawal of 1,000 cubic feet per second of water from Lake Michigan is adequate for the needs of navigation in constructing a waterway from Lake Michigan to ultimately connect with the Mississippi River; and the withdrawal of 10,000 cubic feet per second of water from Lake Michigan at Chicago is damaging navigation interests on the Great Lakes to the extent of approximately $3,000,000 annually in addition to the damage done to other interests:

Resolved (if the assembly concurs), That the Legislature of the State of New York respectfully memorialize the Congress of the United States not to advance to passage the aforesaid bills nor any other measure which would authorize the withdrawal of any quantity of water from Lake Michigan through the Chicago Sanitary Canal in excess of 1,000 cubic feet per second; be it further

Resolved, That a copy of these resolutions be transmitted to the Secretary of War, the Clerk of the Senate, and to the Clerk of the House of Representatives, and to each Senator and Representative in Congress representing the State of New York, and that the latter be urged to do all in their power by voice and vote to prevent the passage of this proposed legislation, which by this memorial is brought to the attention of Congress.

By order of the senate,

ERNEST A. FAY, *Clerk.*

IN ASSEMBLY, *February 3, 1925.*

Concurred in without amendment.
By order of the assembly.

FRED W. HAMMOND, *Clerk.*

Mr. BAYARD. I present a resolution adopted at a meeting of the Washington Heights Century Club, of Wilmington, Del., advocating the entry of this country into the World Court under the terms of the Harding-Hughes plan, and I ask that it be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Foreign Relations.

Mr. CURTIS presented resolutions adopted by the Emporia (Kans.) Chamber of Commerce, favoring the making of an appropriation for the improvement of the Missouri River, which were referred to the Committee on Commerce.

Mr. FERRIS presented memorials of sundry citizens of Benton Harbor, St. Joseph, Oxford, Battle Creek, and Charlotte, all in the State of Michigan, remonstrating against the passage of the so-called Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

Mr. BINGHAM presented the petition of 123 members of the Woman's Christian Temperance Union of Waterbury, Conn., praying for the passage of the so-called Cramton bill, being the bill (H. R. 6645) to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, to define its powers and duties, and to place its personnel under the civil service act, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by members of the Round Table Club, of Bridgeport, Conn., favoring the participation of the United States in the Permanent Court of International Justice under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Howard University Club, of Hartford, Conn., favoring the passage of legislation providing for the federalization of the Howard University at Washington, D. C., and suggesting certain amendments in proposed legislation relative thereto, which were referred to the Committee on the District of Columbia.

Mr. KING. Mr. President, I present a telegram and ask that it be printed in the RECORD and referred to the Committee on Foreign Relations. It relates to the expulsion of the Greek patriarch from Constantinople.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., *February 3, 1925.*

Senator WILLIAM H. KING,
United States Senate, Washington, D. C.:

The brutal expulsion of the most reverend Ecumenical Patriarch of Constantinople by the Turkish authorities, constituting a hard blow against the Holy Orthodox Church of which we are devout communicants, prompts us to appeal most earnestly to the Government of our glorious adopted country and respectfully ask that our protest be transmitted to the Turkish Government. We remember that it was at the instance of the American Government that the patriarch, by the treaty of Lausanne, obtained the right to remain at Constantinople as it has done for the last 17 centuries. We protest against the violation of the Lausanne treaty by Turkey and we express the hope that the American Government will take due notice of this brutal Turkish act which strikes at the very heart of the mother of all churches, and makes a scrap of paper out of a solemn treaty.

Respectfully,

THE CENTRAL COMMITTEE OF THE
GREEK LOYALIST LEAGUE OF AMERICA,
DAZEAS STRATAKOS PATRINAKOS,
1½ Columbus Avenue, New York.

REPORTS OF COMMITTEES

Mr. DILL, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 10770) granting certain lands to the State of Washington for public park and recreational grounds, and for other purposes, reported it with an amendment and submitted a report (No. 1022) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (S. 2663) to standardize the procedure with reference to surety bonds running in favor of the United States, and for other purposes, reported it with amendments and submitted a report (No. 1023) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (H. R. 27) to compensate the Chippewa Indians of Minnesota for timber and interest in connection with the settlement for the Minnesota National Forest, reported it without amendment and submitted a report (No. 1024) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 3264) for the relief of Horace G. Knowles, reported it without amendment and submitted a report (No. 1025) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon:

A bill (S. 2421) for the relief of John J. Beattie (Rept. No. 1026); and

A bill (S. 3311) for the relief of Alden H. Baker (Rept. No. 1027).

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (S. 2865) to define the status of retired officers of the Regular Army who have been detailed as professors and assistant professors of military science and tactics at educational institutions, reported it with amendments and submitted a report (No. 1028) thereon.

Mr. JONES of New Mexico, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9494) to enable the Board of Supervisors of Los Angeles County to maintain public camp grounds within the Angeles National Forest, reported it without amendment.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 6651) to add certain lands to the Umatilla, Wallowa, and Whitman National Forests in Oregon (Rept. No. 1029);

A bill (H. R. 8366) to add certain lands to the Santiam National Forest (Rept. No. 1030); and

A bill (H. R. 9028) to authorize the addition of certain lands to the Whitman National Forest (Rept. No. 1031).

Mr. JOHNSON of Minnesota, from the Committee on Claims, to which was referred the bill (S. 2896) for the relief of Joseph B. Tanner, reported it with an amendment and submitted a report (No. 1032) thereon.

Mr. PEPPER, from the Committee on Banking and Currency, to which was referred the bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, reported it with amendments.

INVESTIGATION OF INTERNAL REVENUE BUREAU

Mr. COUZENS, from the Select Committee on Investigation of the Bureau of Internal Revenue, pursuant to Senate Resolution 168, Sixty-eighth Congress, reported the testimony taken on certain dates included in the committee hearings known as parts 6, 7, and 8, which was ordered to lie on the table.

COTTON MERCHANDISING PRACTICES (S. DOC. NO. 194)

Mr. SMITH. I am directed by the Committee on Agriculture and Forestry to report a resolution which I ask may be read and agreed to.

The resolution (S. Res. 327) was read, as follows:

Resolved, That the report of the Federal Trade Commission on cotton merchandising practices, transmitted to the Senate on January 20, 1925, in response to Senate Resolution No. 252, be printed as a Senate document.

Mr. SMOOT. There never has been printed as a public document a report from any of the commissions of the Government. We make direct appropriations for the printing of their reports. I do not know what the report is.

Mr. NORRIS. It is a report that was referred to the Committee on Agriculture and Forestry.

Mr. SMOOT. It is then made in conformity with a request of the Senate?

Mr. SMITH. The Committee on Agriculture and Forestry instructed me to report the resolution.

Mr. SMOOT. I have no objection if it is in answer to a request made by the Senate. Then there is no rule against it; but if the Federal Trade Commission made the report themselves, there is a rule against it.

Mr. NORRIS. In reality it is a report made by the Committee on Agriculture and Forestry.

The resolution was considered, by unanimous consent, and agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GLASS:

A bill (S. 4240) for the relief of Laura C. Hughes; to the Committee on Claims.

By Mr. EDGE:

A bill (S. 4241) granting an increase of pension to Sarah A. Murray; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 4242) granting a pension to Emily E. Patterson (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 4243) for the relief of the Milwaukee Journal, of Milwaukee, Wis.; to the Committee on Indian Affairs.

By Mr. COPELAND:

A bill (S. 4244) for the relief of C. E. Waite; to the Committee on Claims.

By Mr. BURSUM:

A bill (S. 4245) granting a pension to Martha J. Schaffer; to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 4246) granting a pension to Emery W. Hackett; to the Committee on Pensions.

By Mr. STANFIELD:

A bill (S. 4247) for the relief of George Walthers; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 4248) to amend section 14 of the act approved June 10, 1922, known as the pay readjustment act for the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

By Mr. JOHNSON of Minnesota:

A bill (S. 4249) granting an increase of pension to Mercy J. Harris (with accompanying papers); to the Committee on Pensions.

CHANGES OF REFERENCE

On motion by Mr. PEPPER, and by unanimous consent, the Committee on the Library was discharged from the further consideration of the bill (S. 4230) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American Centennial, and the bill was referred to the Committee on Banking and Currency.

On motion by Mr. BURSUM, and by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 3201) for the relief of Lieut. Col. Charles Burnett, Cavalry; Maj. Philip R. Faymonville, Ordnance Department; First Lieut. Warren J. Clear, Infantry; and Second Lieut. Thomas G. Cranford, jr., Coast Artillery Corps; and the bill was referred to the Committee on Claims.

On motion by Mr. ODDIE, and by unanimous consent, the Committee on the Judiciary was discharged from the further consideration of the bill (S. 3501) to confer jurisdiction upon the Court of Claims to render judgment in the matter of the claim of Addison B. McKinley, of Reno, Nev., and the bill was referred to the Committee on Claims.

BUILDING ACCOMMODATIONS FOR IMMIGRATION STATIONS

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 11791) to provide for the construction of certain public buildings, and for other purposes, which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

OPERATION OF MOTOR BUSSES IN THE DISTRICT

Mr. COPELAND submitted the following resolution (S. Res. 328), which was referred to the Committee on the District of Columbia:

Resolved, That the Public Utilities Commission of the District of Columbia, be, and they are hereby, directed to inform the Senate under what authority of law they have granted or may propose to grant to any street railway corporation in the District of Columbia the right to operate motor busses in connection with its street railway service.

PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that the President had approved and signed acts of the following titles:

On February 3, 1925:

S. 1427. An act for the relief of Rosa L. Yarbrough;

S. 1568. An act for the relief of certain officers in the United States Army;

S. 1605. An act for the relief of Emma Kiener;

S. 1894. An act for the relief of the owners of the steamship *Kin-Dave;* and

S. 2669. An act for the relief of J. R. King.

On February 4, 1925:

S. 2842. An act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes.

THE ITALIAN DEBT

Mr. BORAH. I ask permission to have printed in the RECORD a letter from the Secretary of the Treasury as to the present status of the Italian debt.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, February 5, 1925.

MY DEAR SENATOR: I have your letter of February 2, 1925, requesting to be informed as to the amount of the indebtedness of the Government of Italy to the United States, and as to whether Italy has made any proposition or proposed any plan looking toward an adjustment of its indebtedness.

As regards the amount of the indebtedness, I take pleasure in giving you the following information

PRINCIPAL

Obligations acquired for cash advances prior to Nov. 11, 1918		$1,031,000,000.00
Obligations acquired for cash advances after Nov. 11, 1918	$617,034,050.90	
Less amounts repaid	164,852.94	
		616,869,197.96
Principal amount of obligations now held		1,647,869,197.96

INTEREST

Total interest on obligations evidencing above advances	$507,076,777.48	
Payments made on account (all of which was paid on or prior to May 15, 1919, and largely from Treasury advances)	57,598,852.62	
Accrued and unpaid interest as of Nov. 15, 1924		449,477,924.86
Total indebtedness		2,097,347,122.82

In reply to your further inquiry, I would say that no proposals have been made looking toward an adjustment of this indebtedness.

Sincerely yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. WILLIAM E. BORAH,
United States Senate, Washington, D. C.

WAR-RISK INSURANCE PAYMENTS

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the bill (S. 1387) to provide for payment of the amount of a war-risk insurance policy to a beneficiary designated by Capt. John W. Loveland, jr., deceased, and the bill (H. R. 1671) for the relief of Adaline White be referred to the Committee on Finance. These are bills dealing with war-risk insurance claims, special bills for the payment of the insurance to beneficiaries under two policies. We have 50 or 60 similar bills in the Finance Committee which we are trying to act on in one measure. It is not fair to take up particular cases in this way, but it is much better for everybody concerned that we act on them altogether and in a uniform way.

Mr. SPENCER. Mr. President, I would like to ask the Senator from Pennsylvania, in connection with Senate bill 1387, introduced by the Senator from New Jersey [Mr. EDGE] and reported by me from the Committee on Claims, as to whether the facts involved in that bill are such as may come within any general legislation that the Senator may have in mind?

Mr. REED of Pennsylvania. I do not think we can pass any general legislation, but we hope to report out an omnibus bill that will cover all war-risk insurance cases. There are other cases of the same class as that about which the Senator is inquiring.

Mr. EDGE. As sponsor for the bill referred to by the Senator from Missouri, I am entirely satisfied with this disposition of it in view of the explanation of the Senator from Pennsylvania.

The PRESIDENT pro tempore. Is there objection to referring the two bills to the Committee on Finance? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED

The bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

TOBACCO GROWERS' COOPERATIVE MARKETING ASSOCIATIONS

Mr. ERNST obtained the floor.

Mr. STERLING. Mr. President, will the Senator from Kentucky yield to me for a moment?

Mr. ERNST. Certainly.

Mr. STERLING. A word in regard to the unfinished business. I want it understood that it is before the Senate, of course.

The PRESIDENT pro tempore. The Senator from South Dakota, being in charge of the unfinished business, has a right to arrest the proceedings at any moment he pleases by an objection.

Mr. STERLING. Then, I will yield to the Senator from Kentucky. I ask that the unfinished business may be laid before the Senate and that the amendment be stated. Then I shall yield.

The PRESIDENT pro tempore. For aught the Chair knows, the Senator from Kentucky rises to address himself to the unfinished business. It is not necessary to lay the unfinished business before the Senate; it is before the Senate.

Mr. ERNST. Mr. President, the Tobacco Growers' Cooperative Association has a membership of over 97,000 growers of bright and dark tobacco in the States of Virginia, North Carolina, and South Carolina. The Dark Tobacco Growers' Cooperative Association has a membership of more than 70,000 growers of the various types of dark tobacco in the States of Kentucky, Tennessee, and Indiana. The Burley Tobacco Growers' Cooperative Association has more than 103,000 members growing Burley tobacco in Kentucky, Ohio, Indiana, Tennessee, West Virginia, and Missouri. All of these associations are nonprofit associations; they have no capital stock. They are organized for the purpose of intelligently merchandising their tobacco instead of dumping it upon the open market, without regard to proper grading and without any ability to follow the usual good practice of making supply conform to demand.

These associations, Mr. President, were formed as the result of the widespread dissatisfaction with economic conditions resulting from poor methods of marketing the raw tobacco extending over a term of many years. The object of these associations has been set out very clearly, as follows:

First, to raise the standards of living in the homes of the tobacco farmers throughout the United States and to give them an opportunity for clean, comfortable living and for acquiring modern enlightenment.

Second, to stabilize the raw-tobacco industry by introducing better systems of grading, by pooling tobacco according to grades, and by offering such tobacco at uniform prices for such grades throughout the tobacco territory.

Third, to merchandise raw tobacco intelligently into all normal and proper channels of trade, just as the manufacturers merchandise the finished goods into the consuming channels of trade.

Lastly, to enable the industry to adjust itself to modern financial and commercial progress.

These organizations have been encouraged in every way by the United States Government. There have been loaned to them in part by the Government for the purpose of carrying on their business millions upon millions of dollars.

I desire to read from a letter of President Coolidge, under date of April 8, 1924, addressed to Judge Bingham, who has taken a leading part in the work of the cooperative associations. The President says:

> It has given me much satisfaction to learn that your association is sending to Europe a commission to represent its varied and highly important interests. I am assured that these cooperative tobacco marketing associations represent at least 250,000 tobacco growers, and that your commission is going abroad in behalf of the export business in American tobacco, with the purpose of establishing the most intimate and mutually helpful relations with the tobacco industries of Europe.
>
> Having been for a long time profoundly impressed with the desirability of developing the cooperative marketing movement to its utmost possibilities in this country, I am especially pleased to know of the mission upon which you are going together with Hon. John W. Davis and Mr. Oliver J. Sands. Your mission suggests the possibility of that larger cooperation on an international basis which is the aspiration of all who hope for a better organized, more productive, and more efficient civilization in this world. Happily, nearly all of us have passed the time when we indulge suspicion that the profit of one country through international trade must somehow represent the loss of some other country. We recognize that the prosperity and advancement of every community are to be shared by the other communities with which it maintains relations. For this reason your embassy must be regarded as not only a quest for business and profits but also as an unselfish effort to coordinate in a mutually advantageous way the interests of our own country with other communities.
>
> Feeling as I do profoundly assured that this is the true measure of such movements, I wish to extend assurances of my hope for the most satisfactory results, together with my belief that yours is one

of the enterprises calculated to bring the world into a closer and better understanding neighborship, which will be the most effective guaranty of peace and of the widest expansion of civilization.

CALVIN COOLIDGE.

I wish to quote also a sentence from a letter of Secretary Hoover to a representative of the growers' association, written on April 7, 1924, as follows:

I have been following with much interest the cooperative movement during the past few years in the marketing of the various agricultural products, and it has been a satisfaction to note the able manner in which many of these cooperative associations have achieved successful results in spite of much opposition on the part of certain factors in the industry who did not fully comprehend at first the real purpose of the movement or were not able to see the economies to be effected by the efficient operation of such a marketing agency in lessening the cost of distribution.

These associations, upon which so many thousands of our citizens depend for their living, have been bitterly complaining of the action of the American Tobacco Co. and the Imperial Tobacco Co. of London, saying that those companies, by boycotting and other methods, which they set out in detail, are endeavoring to destroy the cooperative tobacco growers' associations, and that they have not neglected any opportunities to deprive those associations of that support to which they are entitled.

Because of the foregoing, Mr. President, I offer a resolution and ask for immediate action upon it. I will read the resolution, S. Res. 329, as follows:

Whereas it has been stated openly that an agreement exists between the American Tobacco Co. and the Imperial Tobacco Co. of Great Britain whereby the American Tobacco Co. will sell no tobacco in Great Britain and the Imperial Tobacco Co. will sell no tobacco in the United States; and

Whereas such an agreement gives the Imperial Tobacco Co. a practical monoply on certain types of tobacco grown in Virginia, North Carolina, and South Carolina, and special interest in certain types of tobacco grown in Kentucky and purchased in the United States by the local resident agents of the Imperial Tobacco Co. and processed in the United States in its plants, and the same agreement gives the American Tobacco Co. a special interest in other types grown in those States; and

Whereas the growers of leaf tobacco have formed great cooperative organizations, known as the Tobacco Growers' Cooperative Association, the Dark Tobacco Growers' Cooperative Association, the Burley Tobacco Growers' Cooperative Association, comprising an aggregate of more than 270,000 grower members, for the cooperative marketing of the tobacco of their members; and

Whereas such cooperative associations have been organized along lines encouraged by this Government and have been financed in part by the War Finance Corporation and the intermediate credit banks; and

Whereas the American Tobacco Co. and the Imperial Tobacco Co. are opposed to the formation of cooperative marketing associations among tobacco growers and desire to destroy them, and have attempted to discourage members by purchasing leaf tobacco from nonmember growers at higher prices than tenders theretofore made by such cooperative associations, and have induced and encouraged breaches of contracts between members and the cooperative associations contrary to the terms of the members' agreements with the associations; and

Whereas the said companies have practically boycotted the said cooperative associations and, by reason of their special interests in certain types, have caused great damage and harm to the cooperative associations; and

Whereas the aforesaid agreement stops competition between the said companies in the purchase from the growers of the types of tobacco used by the American Tobacco Co. and the Imperial Tobacco Co. and enables one company or the other to control the purchase and marketing of these types; and

Whereas acts on the part of these two companies cause leaf tobacco to be diverted from the cooperative associations to these companies, directly or indirectly, in spite of the contracts between the growers and the cooperative associations; and

Whereas such conduct on the part of such companies appears to be unfair practice in pursuance of an illegal agreement to restrict and restrain competition and trade in leaf tobacco in interstate commerce: Now therefore be it

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the President of the United States on or before July 1, 1925, the present degree of concentration and interrelation in the ownership, control, direction, financing, and management through legal or equitable ownership of stocks, bonds, or other securities or instrumentalities, or through interlocking directorates or holding companies, or through agreements or through any other device or means whatsoever by the American Tobacco Co. and the Imperial Tobacco Co.; and also particularly to investigate the methods employed by these companies in their fight against cooperative marketing associations and any boycott thereof; and also particularly to investigate any agreements or arrangements made by said companies to embarrass or injure any such cooperative associations or to cause discouragement or breaches of contracts between growers, members, and the said cooperative associations; and

Resolved, further, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury to permit the said Federal Trade Commission in making such investigation to have access to all official reports and records in any or all of the bureaus of said Treasury Department.

Mr. President, I ask that the papers and document to which I am about to refer may be inserted as part of my remarks without being read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ERNST. First, a decision of the House of Lords in the case of the Imperial Tobacco Co. *v.* Albert Bonnan and Bonnan & Co. found in the 1924 appeal cases. The decision is as follows:

In September, 1902, this last-named company made an agreement with the company called the American Tobacco Co., by which it was agreed that the American Tobacco Co. should confine its trade to the United States and certain islands and that the Imperial Tobacco Co. (of Great Britain and Ireland) (Ltd.) should confine its trade to Great Britain and Ireland, and that these two companies should form a third, to be called the British-American Tobacco Co. (Ltd.), which should confine its trade to the rest of the world not included in the territories of the two first companies. And, accordingly, the British-American Tobacco Co. (Ltd.) was incorporated, and to it the other two companies assigned their business, good will, and trade-marks outside their respective territories; and mutual covenants were entered into by the three companies confining their trades to their respective territories.

These cooperative associations believe that to-day there is some sort of implied agreement or understanding between these companies whereby this territory is still divided up as originally agreed upon, for the reason that the American Tobacco Co. sells but little of its output in England, and the Imperial Tobacco Co. sells nothing of its product here.

I also desire to file a brief which a commission of these growers, representing the associations I have named, presented to the Imperial Tobacco Co. in England in an endeavor to arrive at a fair understanding with that company and to assume business relations with it, the brief presenting the growers' side of the case.

The brief referred to is as follows:

LONDON, ENGLAND, *May 14, 1924*.

To the IMPERIAL TOBACCO CO. (LTD.),
Bristol, England:

This brief is presented by a commission composed of representatives of the leading tobacco growers' associations of the United States, namely:

Tobacco Growers' Cooperative Association, comprising over 97,000 growers of bright and dark tobacco in Virginia, North Carolina, and South Carolina, represented by Oliver J. Sands, executive manager and chairman of this commission:

G. A. Norwood, president; Tucker Watkins, jr., and Bright Williamson, members executive committee; A. R. Breedlove, assistant general manager.

Dark Tobacco Growers' Cooperative Association, including approximately 70,000 growers of the various types of dark tobacco in Kentucky, Tennessee, and Indiana, represented by R. E. Cooper, general manager, vice chairman of this commission; Mr. Englehard, sales manager.

Burley Tobacco Growers' Cooperative Association, including 103,000 members growing burley tobacco in Kentucky, Ohio, Indiana, Tennessee, West Virginia, and Missouri, represented by James C. Stone, president and general manager. In addition the commission included Aaron Sapiro, general counsel for all these associations.

Mr. Hughes, of the Department of Commerce, is attending the commission at the request of the Secretary of Commerce.

Each of these associations is a nonprofit association, organized without capital stock for the purpose of enabling its members to merchandise their tobacco intelligently instead of dumping it upon the open markets without regard to proper grading and without any ability to follow the usual good practice of making supply conform to demand.

Each association is the result of widespread dissatisfaction with economic conditions resulting from poor methods of marketing raw tobacco over a term of many years.

It is interesting to note that the lowest net return of any group of families in the entire United States, agricultural or industrial, has

been the fate of these tobacco growers in the last 16 years. The average annual family income covering the territory as a whole has been less than $360 for a family; and in the districts in North Carolina, probably the most prosperous of all, the average gross income per family has ranged between $200 and $650 per year. This leaves a net income of less than $400 per year as the maximum.

Most of these families depend primarily on tobacco for income. They may have a few hens and hogs, and perhaps a cow or two; and they may grow a bit of corn or other grains. But the net income figured above includes the estimated value of such commodities in addition to the tobacco productions.

Separately you will find a pamphlet issued by the University of North Carolina and a study of conditions in Virginia and similar territories which present certain intensive studies of such farm conditions. That explains why the standards of living have grown lower in these tobacco States than in any other section of the country. It explains why a State like Kentucky ranks forty-seventh in education in the United States, not because the people do not want education but simply because they can not pay the taxes for schools or teachers. These low incomes over a term of years lead to pathetic social conditions. Illiteracy has increased enormously in these areas, although these sections include the best Anglo-Saxon blood that came to America and represent the descendants of the British people more than any other sections of the United States.

These economic conditions led to great desperation and attracted the attention of the leading thinkers in the United States.

It was the consensus of opinion that social conditions in these areas could be changed only by introducing better methods in agriculture, and that the system of individual marketing was the weakest point in their status.

Therefore these cooperative marketing associations were organized, each in its own sphere, covering special types of tobacco with the express aims—

(a) To raise the standards of living in the homes of the tobacco farmers and to give them an opportunity for clean, comfortable living and for acquiring modern enlightenment;

(b) To stabilize the raw-tobacco industry by introducing better systems of grading and by pooling tobacco according to grades and by offering such tobacco at uniform prices for such grades throughout the tobacco territory;

(c) To merchandise raw tobacco intelligently into all normal and proper channels of trade, just as the manufacturers merchandise finished goods into the consuming channels of trade; and

(d) To enable the industry to adjust itself to modern financial and commercial progress.

This type of organization and these very associations have been fostered and encouraged by the United States Government. Here follows a letter from the President of the United States, addressed to Hon. Robert W. Bingham, who had originally expected to come as the chairman of this commission. This letter shows the current attitude of the President of the United States:

THE WHITE HOUSE,
Washington, April 8, 1924.

MY DEAR JUDGE BINGHAM: It has given me much satisfaction to learn that your association is sending to Europe a commission to represent its varied and highly important interests. I am assured that these cooperative tobacco marketing associations represent at least 250,000 tobacco growers and that your commission is going abroad in behalf of the export business in American tobacco with the purpose of establishing the most intimate and mutually helpful relations with the tobacco industries of Europe.

Having been for a long time profoundly impressed with the desirability of developing the cooperative marketing movement to its utmost possibilities in this country, I am especially pleased to know of the mission upon which you are going, together with Hon. John W. Davis and Mr. Oliver J. Sands. Your mission suggests the possibility of that larger cooperation, on an international basis, which is the aspiration of all who hope for a better organized, more productive, and more efficient civilization in this world. Happily, nearly all of us have passed the time when we indulge suspicion that the profit of one country through international trade must somehow represent the loss of some other country. We recognize that the prosperity and advancement of every community are to be shared by the other communities with which it maintains relations. For this reason your embassy must be regarded as not only a quest for business and profits, but also as an unselfish effort to coordinate in a mutually advantageous way the interests of our own country with other communities.

Feeling, as I do, profoundly assured that this is the true measure of such movements, I wish to extend assurances of my hope for the most satisfactory results, together with my belief that yours is one of the enterprises calculated to bring the world into a closer and better understanding neighborship, which will be the most effective guarantee of peace and of the widest expansion of civilization.

Most sincerely yours,

CALVIN COOLIDGE.

The attitude of the Secretary of Commerce, Mr. Herbert Hoover, is best explained in the following letter addressed to Mr. Oliver J. Sands:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, April 7, 1924.

DEAR MR. SANDS: The Hon. JAMES F. BYRNES, Congressman from South Carolina, has transmitted to me your letter of March 25 relative to some of the problems with which your tobacco associations are confronted, together with his comments on the subject.

I have been following with much interest the cooperative movement during the past few years in the marketing of the various agricultural products and it has been a satisfaction to note the able manner in which many of these cooperative associations have achieved successful results in spite of much opposition on the part of certain factors in the industry who did not fully comprehend at first the real purpose of the movement, or were not able to see the economies to be effected by the efficient operation of such a marketing agency, in lessening the cost of distribution.

It is not apparent to me that the motive of any cooperative association, which is possessed with a management of broad perspective, is to destroy any existing agency that is rendering a service to the industry, but on the other hand, a cooperative marketing association when efficiently and conservatively managed, is in position to effect economies in the cost of distribution, between the producer and the manufacturer, or foreign importer, in the case of raw products, that will revert alike to both the buyer and the seller. I am constrained to believe that when foreign importers and manufacturers fully comprehend the purpose of cooperative marketing of tobacco the system will not meet with either passive or active resistance; provided, however, that cooperative marketing be effected through a cooperative association whose management adopts sound and liberal business policies.

This department, through its staff in Washington and its representatives in the United Kingdom and Europe, will gladly render any service consistent in connection with your program for the proposed trip to Europe.

Yours faithfully,

HERBERT HOOVER,
Secretary of Commerce.

Secretary Hoover likewise sent with the commission Mr. Hughes, as representative of his department, to advise and assist in all activities.

The Secretary of Agriculture has been openly in favor of these tobacco organizations. The Congress of the United States passed specific legislation authorizing and approving cooperative marketing associations of this type.

The attitude of members of the United States Senate is best indicated by a letter from Senator Smith, chairman of the Committee on Interstate Commerce.

UNITED STATES SENATE,
Washington, D. C., April 12, 1924.

MR. OLIVER J. SANDS,
Executive Manager
Tobacco Growers' Cooperative Association,
Richmond, Va.

DEAR MR. SANDS: As you are planning a trip to Europe in the interest of cooperative marketing system of America, I take this opportunity of asking you to present to the representative of the different countries certain facts that have developed since we have attempted to bring about this organization.

Every government must recognize that the basis of all permanent world prosperity is agriculture. The United States recognizing this fact has officially and legislatively given every aid to cooperative marketing that can be given constitutionally. We have exempted these agricultural organizations from the operation of our antitrust laws, we have granted them special financial aid, and the Government is still considering means of further fostering these organizations.

It is alleged and believed that a certain English corporation, doing business in this country, has evidenced their hostility toward these organizations. This course is not calculated to promote that friendly relationship which should exist between Great Britain and America. It would not be considered a proper attitude for an American company, to whom was extended the privilege of doing business under the protection of the English flag, to assume an attitude antagonistic to a trade policy recognized and fostered by the English Government. Therefore, I earnestly hope that you will be able to have this condition remedied so that there may not be any ground for an unfriendly feeling to exist in this respect between any of our people to a great business concern organized under the laws of Great Britain and doing business in America. We take it that those who seek our markets, our own people as well as those from abroad, seek these markets for the sole purpose of trading in the commodities on these markets and not for the purpose of attempting to influence or dictate

the policies governing our markets. The article is the thing of interest and not the individual or corporation that offers it for sale. The commodities offered by the cooperative organizations are the same as offered by other individuals and corporations, and a refusal to buy a commodity simply because it is offered for sale by a given organization necessarily carries with it the declaration that it is the organization and not the commodity that is discriminated against; and as this organization has been recognized and fostered by our Government, we have reason to protest against any discrimination against it.

In behalf of the organization, and believing in the same of fair play that characterizes both nations, I earnestly solicit the careful attention of the proper British authorities to this very important matter.

I am, very sincerely,

E. H. SMITH.

The attitude of Senator SWANSON follows:

UNITED STATES SENATE,
Washington, D. C., April 29, 1924.

To whom it may concern:

I understand several of the officers of the Tobacco Growers' Association contemplate visiting Europe in order to interest tobacco buyers there.

The Tobacco Growers' Cooperative Association is a very large and successful organization, patronized extensively by the growers and purchasers of tobacco in America. Nearly all of the large tobacco companies purchase from the association, and it has been a source of regret that more of the large European companies have not done so.

I believe such a policy on the part of European buyers a mistake, and that when they fully understand the situation and conditions they will abandon it.

I commend the persons representing this association as men of high character and standing, both socially and financially.

With best wishes, I am,

Yours very truly,

CLAUDE A. SWANSON,
United States Senator from Virginia.

The Governors of Virginia and South Carolina have expressed themselves definitely in favor of these organizations.

RICHMOND, *May 1, 1924.*

To whom it may concern:

Mr. Oliver J. Sands and other officers of the Tobacco Growers' Cooperative Association of Virginia, North Carolina, and South Carolina are going abroad for the purpose of presenting the aims and business of the cooperative association to the buyers of leaf tobacco.

The situation of the American farmer has been such as to command the sympathetic interest of our National and State Governments, and many laws have been passed looking toward the betterment of this condition.

After most exhaustive investigation and study the experts of our governments have concluded that the marketing conditions as heretofore existing were such as to deprive the producers of much of the price paid by the manufacturers and consumers and that the cooperative plan of selling would bring to the farmer a larger return for his products.

The Government is not favorable to monopolies or to the undue withdrawal of products from sale, but it is encouraging in every possible way the orderly marketing of the staple crops of this country.

The plan of the tobacco growers is based upon proven methods of organization and management and is supported by many thousands of our best farmers and by the business interests throughout this territory.

It was my pleasure to appoint Mr. Sands as public director of this association and I bespeak for him and his associates the attention and consideration which this most worthy undertaking deserves.

Never before in the history of this world has the welfare of all the people of every country been so fully recognized as a problem of the mutual interest of the leading nations, and in so far as it is possible to cooperate for the general good it will inevitably lead to better understanding and more cordial relations.

Very respectfully,

E. LEE TRINKLE, *Governor of Virginia.*

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, April 28, 1924.

The PRESIDENT IMPERIAL TOBACCO CO.

MY DEAR SIR: I am advised that a commission from the Tri-State Tobacco Growers' Association will go to England soon to lay the matter of the relationship of the Imperial Tobacco Co. and their association before the directors of your company.

As a farmer, principally producing cotton, I have been a student of cooperative marketing for a number of years, and was one of those who, as a private citizen, took an active part in promoting both the cooperative marketing association for cotton and tobacco. It was never intended, and has not been the practice, that cooperative marketing association become a holding company, as has been reported, neither was it their purpose in organizing to force up prices inconsistent with the laws of supply and demand upon either manufacturers or consumers. They are organized for the purpose of promoting orderly marketing and the elimination of the immense expense of "middlemen"—a greater profit for their tobacco than obtained under the former methods of marketing, where their crops were thrown hurriedly upon the market and sold in a short time and at such variable and conflicting prices as to render the future entirely uncertain.

We are merely taking the position that just as every other occupation or vocation is entitled to a reasonable profit for labor performed or investments made, that so the man who feeds and clothes the world and supplies it with its luxuries, is likewise entitled to a reasonable profit over and above the cost of productions.

Our very best people, in the interest of the development of our resources, have taken part in this movement. It has been liberally patronized by many of the principal buyers of tobacco in our country, but for some reason, I must think under misinformation or misapprehension, your company has refused to deal with them and has, in fact, boycotted the association. I sincerely believe that an open investigation of conditions would change your course of action, and that you would find it from every standpoint to your advantage to deal with our American producers through their organizations.

I most earnestly recommend the message that this committee brings to you to your careful consideration, and will appreciate any courtesies you may show them.

Very respectfully yours,

THOMAS G. MCLEOD,
Governor of South Carolina.

In addition, we are attaching affidavits from 52 important local bankers, merchants, and legislators, indicating generally their judgment that the tobacco association, particularly the Bright Tobacco Growers' Organization, is sound, has been cleanly and efficiently managed, and is the type of movement which they favor and desire for their districts.

As a type of the affidavits, we here set forth a statement of Frank Brand:

COMMERCIAL & SAVINGS BANK,
Florence, S. C.

I believe that I am thoroughly familiar with the conditions of the agricultural interest, both past and present, of this and the surrounding counties, being president of the Commercial & Savings Bank of Florence, S. C., with branches at Lake City and Timmonsville, S. C., and connections throughout the tobacco-growing section of the State. A large portion of the business of this bank is directly or indirectly connected with the farmer.

During the years 1920 and 1921 the financial situation of the average farmer was most precarious and disheartening in the extreme both to himself and to those with whom he did business.

The returns from his tobacco were far less than the cost of production.

The farmers, in the latter part of 1921, realizing the hopelessness of the future under the then existing conditions, in an attempt to apply the sound business principles to the marketing of their products as were being used by the great commercial interests of the country, organized cooperative tobacco and cotton associations.

With experienced business executives in charge these associations began to function in 1922. I have now seen them in operation for two years, and have no hesitation in saying that they have been the economic salvation of this section of South Carolina. The effect on the agricultural interests and allied pursuits has been remarkable, and I think I am safe in stating that conditions have improved 100 per cent. I believe that every right-thinking citizen will concede that the basic principles of cooperative marketing are sound and that the farmers in their effort to better their condition without calling on outside assistance should receive every encouragement. A majority of our most influential farmers belong to these associations.

Speaking of the Tobacco Growers' Cooperative Association, the officers are well known to me personally and I have been much impressed with their integrity, ability, and spirit of fair dealing. They have overcome almost unsurmountable obstacles.

One of the most outstanding of these obstacles has been the lack of support, amounting to hostility, of the largest purchaser of the tobacco grown in this section, the Imperial Tobacco Co. This has been clearly indicated to me by their failure to purchase any of their requirements from the association. Their position is so well known that it is the subject of conversation on the streets and, at times, of much bitterness. Our farmers can not understand, nor can it be explained to them, why their organization, controlled by them and operated for them, and at the same time working no hardship on any person, either consumer or manufacturer, sponsored by the Government of the United States, receiving the support of and encouragement of the authorities of every State in the Union, should be singled out by the Imperial

Tobacco Co. alone, of all the great companies for what they can not help but construe as unfriendliness at the least.

I feel that both the Tobacco and Cotton Growers' Cooperative Associations are absolutely essential to the welfare of this State, and I can not indorse them too strongly.

FRANK BRAND,
President of Bank.

These statements as a whole indicate conclusively that the cooperative marketing movement and these associations in particular are definitely in line with the most advanced and intelligent opinion in the United States as to the proper course of progress in agriculture.

The association has done a large business with the R. J. Reynolds Tobacco Co., of Winston-Salem, with the Export Leaf Tobacco Co., and with Liggett & Myers Tobacco Co.

These business relations have proved satisfactory, as the following letters indicate:

R. J. REYNOLDS TOBACCO CO.,
Winston-Salem, N. C., April 26, 1924.

Mr. R. R. PATTERSON,
General Manager Tobacco Growers' Cooperative Association.

DEAR DICK: I have for acknowledgment your favor of the 23d instant, and in reply wish to state that we have bought large quantities of tobacco from your association during the last two years, and it gives us great pleasure to state that our relations with your association have been entirely satisfactory.

Yours very truly,

W. N. REYNOLDS,
Chairman of the Board.

EXPORT LEAF TOBACCO CO.,
New York, April 26, 1924.

Mr. R. R. PATTERSON,
General Manager Tobacco Growers' Cooperative Association,
Richmond, Va.

DEAR MR. PATTERSON: The writer wishes to acknowledge receipt of your letter of the 23d, requesting that I write you a letter with reference to our dealings with your association for the past two years, in reply to which I take pleasure in advising that all of the transactions which we have had with your association have been entirely satisfactory.

Assuring you of my highest personal regards, believe me,

Yours very truly,

R. C. HARRISON.

W. DUKE SONS & CO.,
BRAND OF LIGGETT & MYERS TOBACCO CO.,
New York, N. Y., April 24, 1924.

Mr. R. R. PATTERSON,
General Manager Leaf Department,
Tobacco Growers' Cooperative Association,
Richmond, Va.

DEAR MR. PATTERSON: We beg to acknowledge your letter of the 23d instant, and we are always anxious to do anything that you may request. We do not, however, write letters, and in this instance we certainly think it unnecessary since our purchases from you are the strongest kind of evidence.

Yours very truly,

C. W. TOMS.

On the other hand, these associations have been almost wholly unable to do business with the Imperial Tobacco Co. (Ltd.), although efforts have been made from time to time by these associations, and price lists and samples have been submitted.

On the contrary, instead of doing business with the cooperative associations, the Imperial Tobacco Co. has instituted what practically amounts to a boycott against the cooperative associations.

The affidavit of T. C. Watkins, jr., seems to set forth the attitude of one important employee of the Imperial Tobacco Co.:

STATE OF VIRGINIA, *City of Richmond:*

T. C. Watkins, jr., being first duly sworn, deposes and says:

"That I am a member of the board of directors of the Tobacco Growers' Cooperative Association and am employed by the said association as director of warehouse; that the said association is an organization of tobacco growers of the three States of Virginia, North Carolina, and South Carolina, formed for the purpose of cooperatively marketing the tobacco grown by its members, for minimizing speculation and waste, and for stabilizing tobacco markets in the interest of the grower and the public.

"That in the summer of 1922 I traveled on a railroad train from Richmond, Va., to South Boston, Va., with J. J. Hickey, of Richmond, Va., a well-known employee of the Imperial Tobacco Co. of Great Britain and Ireland.

"That in a conversation with the said Hickey at the time and place above mentioned the subject of the said Tobacco Growers' Cooperative Association was discussed.

"That in the said conversation the said Hickey told me that the said Imperial Tobacco Co. would never buy a damn pound of tobacco from the said association; that the said association would soon fail and deserved to fail; that the tobacco growers had no reason to form such an organization as the said association and that it ought not to succeed; that the said Imperial Tobacco Co. was one-third owner in the British American Tobacco Co. and that the said British American Tobacco would not, in his opinion, buy a pound of tobacco from the said association."

T. C. WATKINS, JR.

Sworn to and subscribed before me, F. G. Cubbon, notary public for the city of Richmond, in the State of Virginia, this 28th day of April, 1924.

F. G. CUBBON, *Notary Public.*

Your company has not rested with a mere boycott; but some of the employees thereof have indicated definite antagonism. The affidavits of H. L. Lane and John Martin and James Thomas Lacy, jr., definitely indicate points where this antagonism has crept out and become public property.

In addition to this boycott and open antagonism, the Imperial Tobacco Co. has taken steps to foster the extension of tobacco production in Georgia, although your officers know as well as all other merchants in the United States that the production has been more than ample for all commercial needs.

The secretary of the Farm Loan Bureau presents evidence of the attitude of the Imperial Tobacco Co. in extending tobacco production in south Georgia, always under the condition that the farmer must sell his crop through the auction warehouses, which are the greatest antagonists of the cooperative marketing idea. The letter of Mr. Hefley follows:

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BUREAU,
Washington, April 23, 1924.

Hon. CARTER GLASS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with your request over telephone, we furnish below an extract from a report made by our reviewing appraiser on the agricultural conditions in southern Georgia:

"The development of the tobacco industry in south Georgia has during the past two years assumed considerable proportions. It is estimated that between 30,000 and 40,000 acres will be planted in tobacco this coming year. The Imperial Tobacco Co. is fostering this production in cooperation with local banks and supply houses. This company maintains a considerable number of demonstrators who sign up the farmers, under contract, to plant a certain acreage in tobacco, the demonstrator to advise the farmer in the culture, handling, and marketing; also to furnish detail plans for construction of necessary barns. For this service the demonstrator received 10 per cent of gross sales from each farmer, whose operations he supervises. The tobacco company is also said to be directing the establishment of sales warehouses conveniently located, and the farmer is required to dispose of his entire crop through these warehouses. We observed large numbers of tobacco barns, either newly constructed or in process of construction.

"Attention is particularly called to the fact that the demonstrators above referred to are in every way possible working along lines intended to prejudice the farmers against affiliating with the Tobacco Growers' Cooperative Associations. This information was secured by M. Stevens and myself through conversation which we had with demonstrators at the hotel in Willacoochee and at Valdosta."

Yours very truly,

C. R. HEFLEY,
Secretary Farm Loan Board.

In addition, several of the buyers of the Imperial Tobacco Co., particularly Mr. Love, have been paying abnormally high prices for nonmembers' tobacco on the auction floor, especially with divided crops where the owner may be a member of the cooperative association and the tenant sells on the auction floor. In several such instances, when this fact was called to the attention of Mr. Love, he paid a price beyond the price usually paid for that grade of tobacco at that time, obviously to create dissatisfaction and to make the member of the association feel that he was not receiving a proper price for tobacco, because he would receive only the normal and proper price of the tobacco sold in the usual way through the normal channels of trade. The affidavits of F. L. Thomas, H. B. Stokes, E. C. Johnson, and C. C. Johnson support this statement.

In addition, the attitude of the Imperial Tobacco Co. has tended to encourage weak members to breach their contracts with the association and to violate the law of the land by so doing. Both by action and words the representatives of the Imperial Tobacco Co. have helped to create and foment dissatisfaction among members of the cooperative association and to confuse them as to the purposes, operations, and results or accomplishments of these associations.

The attitude of the Imperial Tobacco Co. is believed to be responsible for much trouble with contract violators, particularly in Virginia and North Carolina.

The results of this attitude on the part of the Imperial Tobacco Co. are that one of these associations is unable to sell tobacco to the largest buyer of bright tobacco in the United States, and huge stocks of tobacco are left unsold and have to be carried over to later seasons, always accumulating. Great damage has been done to the cooperative associations. Many contract violations are traceable to the open attitude of the Imperial Tobacco Co. and the terror caused thereby. It has prevented the cooperative associations from stabilizing prices because of the unscientific and manipulated auction markets. It has prevented a proper normal growth of the cooperative association, and it has caused great bitterness against things British. Many scores of thousands of farmers do not look kindly upon the effort of a small group of men sitting in England to thwart them in their one chance to secure a decent standard of living for their families by means of the type of organization which they were encouraged to adopt by their own American leaders, and even by their own Government.

These cooperative associations have refrained from bringing these matters of boycott and discrimination before the Federal Trade Commission or the courts. They have urged their friends in the Senate to refrain from open attacks and from a proposed investigation.

These associations have taken the view that the directors of the Imperial Tobacco Co. may have adopted their present course before they had an opportunity to understand fully the purpose or operations or the probable results of such cooperative marketing associations. These associations believe that the board of directors of the Imperial Tobacco Co. have been advised by their American managers; but these American managers have been acting under the force of their old established ideas and may not feel the responsibility for obstructing an enlightened movement for fair play.

These associations are aware that the company may give various reasons for its refusal to deal with the cooperative associations. It may say that the grading is not right; or that the prices are not right; or that it does not want to deal with new organizations.

But, as a matter of fact, it need not take any tobacco that does not come up to its standards. The grading has satisfied other big companies and purchasers, including the Export Leaf Tobacco Co. and Gallaher (Ltd.). There is not a single thing done in the grading and handling of tobacco purchased on the auction floor that it can not do equally well by purchases from these associations.

The company must admit that the prices are fair, because in some instances it has paid more for tobacco bought from nonmembers than it would need to pay for that grade of tobacco already tendered to it by the association at slightly lower prices. It must recognize that the organization is here and is here to stay. It may point to the fact that in the bright tobacco area we do not have the majority of the growers in the association; but the company knows that we have the majority of the farmers signed on the contracts, and that violations of contract and deliveries in breach of contract have brought the association below the 50 per cent mark, primarily because of the boycott and antagonism of the Imperial Tobacco Co.

There is not a single commercial reason; there is not a single moral justification for the present attitude or the practices of the Imperial Tobacco Co. in either boycotting, antagonizing, or discriminating against these cooperative associations.

The purpose of these associations is to stabilize the industry and to secure a fair price for raw tobacco and to permit the men who grow tobacco to have something to say in determining that fair price in the same way as the Imperial Tobacco Co. has something to say in determining the price for which it sells its manufactured goods to the trade and to the public.

There is no need to continue the system under which the growers had nothing whatsoever to say with regard to the prices of their commodities, and in which they had to take any price that was offered and then debase their standards of living accordingly. Some change of system is bound to stay; and the best thinkers in America believe that cooperative marketing is that change.

Therefore, these associations come to ask that the responsible heads of the Imperial Tobacco Co. definitely change their policy toward cooperative marketing groups; that they stop antagonism and discrimination against cooperative associations; that they stop their policy of urging extension of tobacco production, as far as such activities are actuated by antagonism to the cooperative or are unnecessary as far as quantity or quality of production are concerned; that they begin business relations with the cooperative association and buy from the cooperatives about the same proportion of their purchases as the cooperatives represent in percentage of type of crop handled through each association; all under the assumption that grading will be made satisfactory, and that prices will be fair and will not be greater than the prices at which the Imperial Tobacco Co. is buying such tobacco in bulk from outside sources.

The cooperative associations have confidence in the ultimate sense of justice and fair play on the part of the members of the executive committee of the Imperial Tobacco Co., and urge immediate consideration of this change of policy.

Respectfully submitted.

TOBACCO GROWERS' COOPERATIVE ASSOCIATION,
By G. A. NORWOOD,
BRIGHT WILLIAMSON,
OLIVER J. SANDS,
A. R. BREEDLOVE,
T. C. WATKINS, Jr.
DARK TOBACCO COOPERATIVE ASSOCIATION,
By R. E. COOPER,
J. C. ENGLEHART,
BURLEY TOBACCO GROWERS' COOPERATIVE ASSOCIATION,
By JAMES C. STONE, *President and General Manager.*
AARON SAPIRO, *Counsel.*

Mr. ERNST. I desire also to present the report which was made by this commission after its return from England, and after it had its interviews with the head of the Imperial Tobacco Co. As will be seen from this report, the question which was directed to the Imperial Tobacco Co. by this commission was, "Will you buy tobacco from cooperative associations, assuming that they can satisfy your buyers as to grade, condition, and price?"

The PRESIDENT pro tempore. Does the Senator from Kentucky ask that the documents be printed as a part of his remarks?

Mr. ERNST. I do; these and one or two others which I will supply.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report above referred to is as follows:

REPORT OF COMMISSION ON IMPERIAL CONFERENCE

The tobacco commission arrived at the office of the Imperial Tobacco Co. at 1.25 p. m. on Thursday, May 15.

They were met by Mr. George Falk, secretary of the board of directors, and by him introduced to the majority of the executive committee then in session.

The chairman of the executive committee was not present. It was stated that he was at home on account of illness. Mr. H. W. Gunn acted as chairman, and others present were A. F. Faulkner, Sir Gilbert Wills, C. S. Clark, E. R. Still, solicitor, L. H. Reed, T. R. Davie, Mr. Monckton, and Mr. Earl, and three others, including the assistant to the solicitor, Mr. Still.

At 1.30 the members of the tobacco commission and the representatives of the Imperial Tobacco Co. were invited in to lunch.

At 2.45 they adjourned to the board room and Mr. Gunn called the meeting to order.

Mr. Sands then arose and made the opening statement for the cooperative marketing association. This was a dignified, general statement in behalf of the three associations, explaining generally and without any suggestion of criticism the desire of the cooperative associations to enter into business relations with the Imperial Tobacco Co. At the opening of his remarks Mr. Sands read the letter of President Coolidge, and also letters from the Governor of South Carolina and from Ambassador Kellogg, all of these indicating that these cooperative marketing associations were organized for high purposes and along lines definitely approved by the United States Government. Letters were also presented from Liggett & Myers, R. J. Reynolds Co., and the Export Leaf Tobacco Co. stating that they had been buying tobacco from the cooperative associations and were satisfied.

No further documents were then submitted and no further subjects were then introduced. Then Mr. Sands called on Mr. Stone to speak specifically for the Burley Association. Mr. Stone explained that the condition of the burley section did not primarily depend upon the exportation of tobacco and that the purpose of the cooperative associations was to stabilize prices and avoid wide fluctuations in prices. At this point Mr. Gunn asked questions to try to bring out that the wide fluctuations in burley tobacco were caused by local American conditions only.

Mr. Faulkner was answered on the point regarding his organization to the effect that his organization might remain intact, and that the only departure was that the Imperial Tobacco Co. with the same organization might make purchases from the floors of the associations' warehouses, at the very same time and in the very same places, with the same men with whom it was operating from and with the nonCooperatives, or at auction floors antagonistic to the association. The question was: "Will you buy tobacco from the cooperative associations, assuming they can satisfy your buyer as to grade, condition, and price?"

To this question, which was asked in different forms by Mr. Sands and Mr. Sapiro, no definite answer was given at any time during the interview. Mr. Breedlove brought out that he could deliver tobacco in any form desired. Mr. Cooper made the same representation for his association. To these statements were answered general claims of

good will, but no single definite assurance was made nor any indication of a change of policy.

The letter of Mr. Hefley, secretary of the Federal Farm Loan Bureau, was read, stating specifically that the Imperial Tobacco Co. was fostering the extension of tobacco production in southern Georgia under express conditions showing antagonism against the cooperative marketing associations by the Imperial Tobacco Co. Mr. Gunn denied that this had been attempted, and Mr. Reed stated that he knew nothing of it and repudiated it. Efforts were made to get the tobacco commission to openly accept the statement of Mr. Reed and several of the members tactfully stated that they were willing to take Mr. Reed's word and close the matter; but this attitude was not taken by all of the tobacco commission and the majority of the commission remained silent and submitted the letter.

It was then brought out that there was a very general and widespread opinion in the tobacco areas that the Imperial Tobacco Co. was opposed to and actually antagonized these cooperative associations, and that this might be due to subordinate employees or others. The board of directors of the Imperial Tobacco Co. was asked if they would not issue a statement of denial of this feeling; but they declined to do so, and they would make no formal statement or definitely publish anything that would deny that there had been antagonism by any of their employees. Mr. Sands stated that it was his opinion and the opinion of many others that if the cooperative associations were compelled to break up, the Imperial Tobacco Co. would be held to blame in the minds of the farmers throughout the United States.

More than two hours were spent in discussion, and the attempt of the tobacco commission to narrow down the issues to the real point, namely, will the Imperial buy tobacco from the association and stop the boycott, was continually evaded. Mr. Gunn made the statement that they had made purchases, but it was pointed out that the purchases were relatively small. It was stated that out of the dark-fired types in the Dark Tobacco Association they had made purchases of about 25,000 pounds out of more than 12,000,000 pounds purchased from the auction floors, and out of the 150,000,000 pounds of bright tobacco handled by the tobacco growers' cooperative associations in 1923 they had not bought a single pound, but had made small purchases of dark tobacco probably because it could not be bought elsewhere.

Definite evidence was given of the boycott by the Imperial Tobacco Co, definitely proved by no substantial purchases.

The commission then asked for two specific things—first, that definite efforts be made to stop actual antagonism by the Imperial Tobacco Co. against the cooperatives, and to correct publicly the reports of such antagonism, and to stop the extension of tobacco territory against cooperative marketing antagonism, whereas there already is overproduction greater than the commercial requirements, and wherens the increased production was intended solely to embarrass cooperative marketing; second, that in some manner the Imperial Tobacco Co. would make purchases of tobacco from the cooperative marketing associations somewhat in proportion to the amount of tobacco which each association handled, considering each type always with the assurance that such purchases would be satisfactory as to grading and condition and price. The executive committee refused point-blank to do either of these things. They stated that they had been very much interested in the things that the tobacco commission had pointed out.

Mr. Sands, then in the name of the commission, expressed the extreme pleasure of the commission in meeting the various members of the committee. Then the tobacco commission repeated its request for something definite and asked for another meeting at which they might have further discussion and an answer to their specific requests, but Mr. Gunn stated that he did not think another meeting would be helpful.

Then Mr. Sands presented a brief bringing out all of the points of discussion of the entire afternoon. This brief had been prepared in advance and signed by the commission.

Mr. Sands called on Mr. Cooper to speak specifically for the dark association. Mr. Cooper pointed out facts regarding the operations of his association, and further pointed out that this association had been practically unable to make any real sales to the Imperial.

Mr. Gunn then asked questions in an attempt to bring out the idea that the condition of the continental countries was responsible for the bad conditions in the dark tobacco areas. Mr. Cooper replied to this question by pointing out that the continental buyers had bought in very large quantities and did not show evidence of a crippled buying power.

Throughout this discussion the attitude of the directors of the Imperial Tobacco Co. was that of studied and careful courtesy, as if to show that they were going to give the tobacco commission careful attention and thus avoid the charge of having been unwilling to give them a hearing.

Mr. Sands then called on Mr. Breedlove. He explained the eager willingness to sell tobacco to the Imperial Tobacco Co. Then there were questions raised as to the difficulty of the associations delivering tobacco to the Imperial Tobacco Co. because of grading or other conditions. Mr. Breedlove explained that their requirements of grading could be met and that the association was ready and able and willing to sell them any tobacco in any and every condition acceptable by the company. Mr. Gunn repeated three or four times that conditions were different because they had to buy for a different country and had to have different packing, and pointed out other technical details. Mr. Faulkner also brought out the point of the existence of his very expensive organization, made up after the efforts of years, which they did not want to disrupt.

The discussion then became general. Mr. Gunn then asked Mr. Sapiro questions regarding cooperative marketing in general. It looked as though they wanted to get information on all outside things and to avoid any further discussion of the main issue, namely, should they buy tobacco from the associations.

Mr. Sands called on Mr. Bright Williamson for a statement. Mr. Williamson stated how he had become interested in the cooperative movement, and also stated why the movement was essential to the prosperity of his section of the country. Various members of the commission were supported by more than 53 affidavits confirming the various points made. The brief contained copies of letters from the President, Secretary Hoover, the Governors of Virginia and South Carolina, Senators SMITH and SWANSON, and other documents indicating that these associations were in line with the most advanced social and economic thought in the United States. The committee also referred to and left with the executive committee a pamphlet issued by the American Bankers' Association, showing the general support and approval of the bankers of America to the cooperative marketing movement.

Mr. Gunn then invited the commission to tea, but the commission felt obliged to return to London.

Mr. Gunn brought out several times that the English were slow to change, and that they could not be expected to take quick action on this matter. It was brought out to him that this condition had been the same for over two years, and that the things the tobacco commission were requesting were not new things: First, that the Imperial stop its actual antagonistic fight against cooperatives, and, second, that they use their present organization in buying some tobacco from the cooperatives in just exactly the same way they have been operating and buying from the noncooperative growers.

The meeting then broke up. Then Mr. Faulkner stated to Mr. Stone and Mr. Sapiro that he was hardly to blame for his prejudice against the associations, because they received so many newspaper reports and clippings against the cooperative associations; and that he expected to meet with Judge Bingham and Mr. Lloyd-George some time during this month at London to discuss the matter further.

Mr. ERNST. Notwithstanding this effort on the part of the commission from the Tobacco Growers' Association no answer was made to that question, and the Imperial Tobacco Co. would not agree to say even that they were not opposed to the associations. No positive expression of opinion could be obtained from this company.

Next, a letter from one of the representatives of the Growers' Cooperative Association, a portion of which only I will read.

A LETTER FROM A REPRESENTATIVE OF THE GROWERS COOPERATIVE ASSOCIATIONS

JANUARY 20, 1925.

* * * * * * *

This agreement between the American Tobacco Co. and the Imperial Tobacco Co. was originally made in 1902; and provided that the American Tobacco Co. should not sell manufactured goods in the United Kingdom, and that the Imperial Tobacco Co. should not sell manufactured goods in the United States, and that the two of them should form the British American Tobacco Co., which would then sell in the rest of the world.

Then the American Tobacco Co. proceeded to absorb a great many companies in the United States and was finally ordered dissolved by court proceedings culminating in the famous tobacco decree of 1911.

Since that time, strange to say, the American Tobacco Co. still does not sell any important quantities of manufactured goods in Great Britain, and the Imperial Tobacco Co. does not sell in the United States, and there seems to be a continuation of that agreement.

It was originally thought that this agreement and the continuation of the agreement by an understanding through action, would not affect the trade very much, because it was simply a matter as to whether the American Tobacco Co., or the Imperial Tobacco Co. manufactured goods for such and such a trade.

Therefore, the distributers, as such, have not been fighting against this situation.

But it does affect the growers in a very harmful way. Great Britain does not use exactly the same types and grades of tobacco that the American consumers use. Therefore, this agreement and

understanding, between the American Tobacco Co. and the Imperial Tobacco Co., makes the Imperial Tobacco Co. the great purchaser of certain types of tobacco, so that in buying raw-leaf tobacco from the growers it absolutely dominates the market.

A similar result happens in reference to the American Tobacco Co. with certain other grades and types, although there the American Tobacco Co. is not permitted to dominate the market, but simply becomes a very large factor in the market.

Now, if the Imperial Tobacco Co. chooses to boycott a cooperative association, that means that there is practically no other purchaser for that particular grade or type of tobacco, or if the American Tobacco Co. chooses to boycott, that means that the possibility of sale of certain types of tobacco is distinctly limited.

But if there were no understanding between these two companies, then there would be free and open competition between the American Tobacco Co. and the Imperial Tobacco Co. on all of the grades and types, because the American Tobacco Co. would naturally want to buy the leaf tobacco to make the product that the British people like, and the Imperial Tobacco Co. would likewise conform to American taste.

Now the Imperial Tobacco Co. buys an average of 100,000,000 to 125,000,000 pounds of bright tobacco each year. These tobaccos are grown chiefly in the Carolinas and Virginia.

The Tobacco Growers Cooperative Association is composed of about 100,000 growers in Virginia and the Carolinas, and has actually had delivered to it from 26 to 32 per cent of all the bright tobacco produced in the country.

The contracts with the members should have brought a greater delivery, but for reasons which will appear later the control of the crop was between 26 and 32 per cent.

Nevertheless the Imperial Tobacco Co. did not buy any tobacco from the association out of the 1922 or 1923 crops.

The Imperial Tobacco Co. likewise buys from 8,000,000 to 10,000,000 pounds of dark tobacco each year.

The association in 1922 and 1923 had deliveries of 53 and 54 per cent, respectively, of the dark tobacco produced in Virginia.

Yet of that amount the Imperial Tobacco Co. bought from the association less than one-half million pounds out of its total requirements of over 8,000,000 pounds.

The American Tobacco Co. purchases from 30,000,000 to 35,000,000 pounds per year of bright tobacco.

Out of the 1922 crop the American Tobacco Co. bought approximately 5,000,000 pounds from the association, and of the 1923 crop it bought nothing.

On the 1924 crop neither the Imperial Tobacco Co. nor the American Tobacco Co. has bought anything from the association.

* * * * * * *

Not only did the Imperial Tobacco Co. practically boycott these associations, but in addition the buyers for the company did things to attempt to dissatisfy our members and thereby cause a breach of contract. They paid more for tobacco on open-auction floors than they could have purchased that tobacco for on straight tenders made by the association.

Their agents attempted to extend and increase the production of bright tobacco, even in the face of what was generally considered an overproduction.

As the affidavit of Mr. Watkins sets out, Mr. Hickey, one of their important employees, told Mr. Watkins, who is one of the important officials of the Tobacco Growers Cooperative Association, that the Imperial Tobacco Co. "would never buy a d— pound of tobacco from the said association," and so on.

In short the communication of the Cooperative Growers Association to the Imperial Tobacco Co. of May 14, 1924, shows fully the policy of antagonism adopted by this British company to try to prevent the American farmers from conducting their business along lines definitely approved by the leading authorities of this country from the President down.

In the dark-tobacco belt the Imperial Tobacco Co. usually uses 10,000,000 to 12,000,000 pounds of Green River tobacco per year, about 2,000,000 pounds of dark-fired stemming, and about 7,000,000 pounds of dark fired.

Of these requirements the Imperial Tobacco Co. has bought from the Dark Tobacco Growers Cooperative Association, in 1922, the full amount of 25,000 pounds of dark-fired tobacco, and in 1923, 700,000 pounds of Green River tobacco.

In spite of that fact, the Dark Tobacco Growers Cooperative Association has controlled between 40 and 50 per cent of these types of tobacco in Kentucky and Tennessee.

During the same years the American Tobacco Co. had average requirements of 10,000,000 to 12,000,000 pounds of air-cured tobacco and about one-half million pounds of dark-fired tobacco.

In 1922 the American Tobacco Co. purchased 5,000,000 pounds of Green River tobacco and 3,000,000 pounds of One Sucker.

Of the 1923 crop the American Tobacco Co. purchased about 800,000 pounds of Green River tobacco and 300,000 pounds of One Sucker tobacco.

These two companies control the conditions of purchase and sale of the tobacco in the Green River district, and their refusal to buy determines whether or not the crop will move at any price.

Strange to say, the attitude of both of these companies is absolutely parallel in reference to the cooperative associations.

They have attempted to boycott; their buyers have openly favored the auction markets, even where the prices were higher than tenders made by the cooperative associations.

It is impossible for the cooperative associations to meet this situation adequately, without the help of the law.

The associations must find customers; and on the different types, either the American Tobacco Co. or the Imperial Tobacco Co. prevails and dominates.

They can hold off these markets, and then spread rumors to the effect that the association can not sell the tobacco.

That affects our credit; the bankers get frightened; the growers get frightened.

Before we do a thing the growers begin to break contracts; the tobacco accumulates in the warehouses. The news of that accumulation is spread among the growers by these representatives; then the growers begin to bootleg the tobacco on the auction floors.

Then these buyers come in and buy on these auction floors a great deal of tobacco.

Now, we do not claim that a buyer needs to support the cooperative association; but we do maintain that this agreement and understanding between the Imperial Tobacco Co. and the American Tobacco Co., which results in giving each one a practical monopoly of control of certain types of tobacco, which prevents competition in those grades of tobacco is therefore a restraint of competition in interstate commerce. We maintain that all this is unfair trade practice, within the view of the Federal Trade Commission practice; and that the growers of the country have been badly damaged thereby, and that the whole matter warrants an investigation by the Federal Trade Commission, to determine the extent of the restraint of trade, and to throw the public light on the tactics of these two companies.

* * * * * * *

I also desire to have inserted as part of my remarks a statement prepared by the association, of estimated amount of purchases by the American and the Imperial tobacco companies, and the amount actually purchased from the Tobacco Growers' Association by these companies.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

* * * * * * *

The estimated amounts of purchases, bright and dark tobacco, by the American Tobacco Co. and the Imperial Tobacco Co., as follows:

BRIGHT TOBACCO

American Tobacco Co. (per year), 30,000,000 to 35,000,000 pounds.
Imperial Tobacco Co. (per year), 100,000,000 to 125,000,000 pounds.

DARK TOBACCO

Imperial Tobacco Co. (per year), 8,000,000 to 10,000,000 pounds.

The following is amount purchased by each company from the association:

1922 CROP, BRIGHT TOBACCO

American Tobacco Co., 5,055,228 pounds green order; 77,326 pounds redried.

1922 CROP, DARK TOBACCO

Imperial Tobacco Co., 458,507 pounds green order.

Neither of the above companies bought any tobacco from the 1923 crop, nor have they bought any from the association of the 1924 crop.

However, the American Tobacco Co. has given an order for 50,000 pounds dark fired Virginia, 1924 crop. No orders from the Imperial Tobacco Co. for 1924 crop.

With reference to the proportion of each type controlled by the association, I give you below statement, by crops, of the bright and dark fired tobaccos, both auction figures and our receipts, as well as the total production and the association's percentages:

	Auction	Association receipts	Total	Association
BRIGHT				*Per cent*
1922	281, 586, 770	133, 185, 034	414, 721, 800	32.11
1923	422, 130, 597	152, 931, 348	575, 061, 945	26.59
DARK				
1922	26, 917, 453	30, 404, 020	57, 321, 473	53.04
1923	22, 700, 547	27, 169, 237	49, 869, 784	54.48

I trust that the above information is what you desire.

Yours very truly,

P. S.—With reference to the 1924 crop, same not yet completed; the figures for this crop therefore not available at this time.

Mr. ERNST. There are also sundry affidavits which I desire to have inserted without reading, and I ask that that be done.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The affidavits are as follows:

STATE OF VIRGINIA, *City of Richmond:*

T. C. Watkins, jr., being first duly sworn, deposes and says:

That I am a member of the board of directors of the Tobacco Growers' Cooperative Association and am employed by the said association as director of warehouses; that the said association is an organization of tobacco growers of the three States of Virginia, North Carolina, and South Carolina, formed for the purpose of cooperatively marketing the tobacco grown by its members, for minimizing speculation and waste, and for stabilizing tobacco markets in the interest of the grower and the public.

That in the summer of 1922 I traveled on a railroad train from Richmond, Va., to South Boston, Va., with J. J. Hickey, of Richmond, Va., a well-known employee of the Imperial Tobacco Co. of Great Britain and Ireland.

That in a conversation with the said Hickey at the time and place above mentioned the subject of the said Tobacco Growers' Cooperative Association was discussed.

That in the said conversation the said Hickey told me that the said Imperial Tobacco Co. would never buy a damn pound of tobacco from the said association; that the said association would soon fail and deserved to fail; that the tobacco growers had no reason to form such an organization as the said association and that it ought not to succeed; that the said Imperial Tobacco Co. was one-third owner in the British-American Tobacco Co., and that the said British-American Tobacco Co. would not in his opinion buy a pound of tobacco from the said association.

T. C. WATKINS, Jr.

Sworn to and subscribed before me, F. G. Cubbon, a notary public for the city of Richmond, in the State of Virginia, this 28th day of April, 1924.

F. G. CUBBON, *Notary Public.*

(My commission expires August 4, 1926.)

ALBERTA, VA.

I am a citizen of Brunswick County, Va., and am not a member of the Tobacco Growers' Cooperative Association.

In the year 1922 Mr. R. R. Wesson owed me $250. I went with Mr. Wesson to Blackstone, Va., when he took his tobacco to market. He delivered it to the planters' warehouse, an open warehouse at Blackstone, and the highest bid offered for this tobacco was about $200 for the lot. Mr. Wesson refused to accept this bid. I asked Mr. D. W. Perkins, manager of the warehouse, if he could not obtain for him a better price for this tobacco. Mr. Perkins informed him that this was impossible as the tobacco had brought the market price. I then asked Mr. Wesson if I could take the tobacco and credit his account for the amount it brought on the open warehouse, and he allowed me to do this. I then went to the warehouse of the Tobacco Growers' Cooperative Association and asked Mr. T. P. Jones, the manager, if I could put it in the association and was informed by Mr. Jones that I could not unless I was a member of the association.

I then returned to the planters' warehouse and commenced to load the tobacco on the wagon of Mr. Wesson. Mr. D. W. Perkins asked me what I was going to do with the tobacco, and I told him I was going to deliver it to the Tobacco Growers' Cooperative Association. He then asked me how much I would take for the tobacco, and I told him that I would take $310, which was about double the amount offered for it when it was put on the floor by Mr. Wesson. Mr. Perkins asked me to wait a minute until he could see Mr. J. E. Beach, buyer for the Imperial Tobacco Co., and after seeing Mr. Beach, Mr. Perkins told me he would pay me $310 for the tobacco.

This was the same lot of tobacco which was originally bid on for about $200 for the lot.

C. C. JOHNSON,
Alberta, Va.

Sworn to and subscribed before me this 9th day of January, 1923.

A. B. ELMORE, *Notary Public.*

(My commission expires May 18, 1926.)

KENBRIDGE, VA.

I, R. L. Thomas, of Lunenburg County, Va., am a member of the Tobacco Growers' Cooperative Association.

In the winter of 1922 I brought a load of tobacco raised by a tenant on my land to Kenbridge, Va. One-half of this tobacco belonged to me and the other half belonged to the tenant. I delivered my tobacco to the association warehouse at Kenbridge, and as my tenant was not a member of the association, I carried his half of the tobacco to the open warehouse at Kenbridge. The highest bid offered on one pile of this tobacco belonging to the tenant was $36 per hundred pounds. I refused to accept this bid. Mr. Love, the buyer for the Imperial Tobacco Co., came to me and asked me what I was going to do with this pile of tobacco. I informed him that this tobacco belonged to a tenant of mine who was not a member of the association and that I had just delivered my share of this same crop to the association, and that I was going to take this pile of tobacco and deliver it to the association unless I received $47 per hundred pounds for it. Mr. Love, without any further remarks, marked this pile of tobacco $47 per hundred pounds and, I think, placed on it the grade "PE."

R. L. THOMAS.

Sworn to and subscribed before me this 3d day of August, 1923.

E. M. JETT, *Notary Public.*

(My commission expires September 30, 1923.)

KENBRIDGE, VA.

I, H. B. Stokes, of Lunenburg County, Va., am a member of the Tobacco Growers' Cooperative Association.

In the year 1922, I made a crop of tobacco on shares with E. W. Acers as tenant, who was not a member of the Tobacco Growers' Cooperative Association. I divided the crop with my tenant and my half was delivered to the Tobacco Growers' Cooperative Association at Kenbridge, Va. The half belonging to Mr. Acers was delivered to the open market at Kenbridge, Va. I was on the open market several times when Mr. Acers put his tobacco on the warehouse floors for sale and special attention was called by Mr. Shackleford, the open-warehouse manager, to the fact that this was a divided load and that the other half had been delivered to the Tobacco Growers' Cooperative Association. When this fact was called to the attention of the buyers, they paid a price beyond the average price of the market on similar grades for the tobacco of Mr. Acers.

On one occasion, John Lou Blackwell, who did not belong to the association, and E. W. Acers sold tobacco on the same day and the prices paid Mr. Acers on his divided load were much higher than the prices paid Blackwell for the same grades of tobacco. One pile of Mr. Acers's tobacco, bought by Mr. Love, the buyer for the Imperial Tobacco Co., was about $11 per hundred pounds higher than the price paid for a similar grade of tobacco belonging to John Lou Blackwell.

I have heard other members of the Tobacco Growers' Cooperative Association and outsiders state that it is a very common occurrence when it is known that a divided crop is on a warehouse floor for such tobacco to bring much higher prices than similar grades of tobacco that are not part of a divided crop.

HENRY B. STOKES.

Sworn to and subscribed before me this 3d day of August, 1923.

E. M. JETT, *Notary Public.*

(My commission expires September 30, 1923.)

Mr. ERNEST. As I have stated, the commission wholly failed in its purpose to obtain any satisfaction from the Imperial Tobacco Co. The action of the Imperial Tobacco Co. and the American Tobacco Co. has been such that only one conclusion can be fairly drawn from it and that is that they are distinctively hostile to these cooperative tobacco associations and are endeavoring by various devices to undermine them. The request of these growers that the matter be examined into is a most reasonable one, and should receive the active support of the Members of the Senate. They ask that the investigation be made, not by any committee of the Senate, but by the Federal Trade Commission, in accordance with the law, and that report of their investigations be made to the President not later than July 1, 1925.

This is a large subject, Mr. President. Much more can be said about it. I do not wish, however, to speak at greater length, because Senators have given way to me who are anxious to present other matters. I now ask that immediate action be taken upon this resolution.

Mr. BRUCE. Mr. President, I object. I object on the ground that it seems to me this resolution ought to take exactly the same course as other resolutions.

The PRESIDENT pro tempore. Objection is made.

GOOD ROADS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Pennsylvania [Mr. REED].

Mr. PHIPPS. Mr. President, I propose to make a few remarks with reference to the pending bill, House bill 4971.

For many years I have endeavored to keep in touch with the progress of the good roads movement in the United States. In the early nineteen hundreds our citizens who desired to get

any pleasure out of the use of automobiles, except within very restricted districts, found it necessary to go to foreign countries for that purpose. The good roads of France and of England were quite an inducement, and many of our people spent their vacations and their money on the roads of those countries because we did not have good roads.

It is not, however, the pleasurable use of the automobile which I consider the most important. I look upon the commercial development of our country as the main inducement for the making, the upkeep, and the development of good roads in the United States.

The principal object of good roads legislation so far has been the establishment of national routes throughout the United States. There are various uses for them, among the most important being that for the Postal Service. With the development we have had since 1916, and which, in fact, was greatly retarded by the Great War so that it was not until 1920 that we began to make real progress, the roads have been established to a remarkable extent. They have been made available for the extension of postal routes so that now many rural inhabitants are furnished with regular postal service which they did not previously enjoy.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. PHIPPS. I yield.

Mr. SIMMONS. In that connection I would like to ask the opinion of the Senator with reference to the effect of these good roads upon the cost to the Government of distributing the rural mails and the parcel-post service. Has it not, as a fact, greatly reduced the cost to the Government—that is to say, if they could not use the automobile as a method of distributing rural mail, would it not be more costly if they should be forced to return to the old methods of distributing it by vehicles drawn by horses? Is not that situation most strongly accentuated with reference to the parcel post? If the parcel post had to be delivered now, with bad road conditions, such as we had before we began to improve our roads and make them hard surfaced, would not the cost to the Government of distribution of those packages be very much greater than it is now with automobiles and hard-surfaced roads?

Mr. PHIPPS. Mr. President, while I have had no figures which would furnish proper comparisons so as to indicate the savings which may be effected and which have been effected from the employment of automobiles over good roads in the Postal Service, many routes have been established which could not possibly have been established before the building of these roads, and undoubtedly the cost of delivery and collection of mails of the United States, and particularly the parcel post, has been materially reduced on account of the use of automobiles on rural routes, and also the routes leading into the large centers of population, where the mails are to be dispatched by railway trains.

I feel that the further development of the good roads which is going forward is going to have a very decided effect upon the efficiency of the Postal Service and tend to lower very materially the cost of handling the mail.

Mr. SIMMONS. Mr. President, let me ask the Senator another question. I think he has made a very correct statement about the lessened cost to the Government of this service. On the other hand, have not the patrons of the rural mail and the senders and receivers of parcel post likewise received a great benefit from the establishment of these roads and the introduction of the automobile?

Mr. PHIPPS. Undoubtedly they have.

Mr. SIMMONS. Of course, the automobile could not have navigated upon our old roads to any very great extent, but the use of automobiles in connection with the better roads has given to the rural population of this country a quick service, a better service, a more regular service, and not only the Government has been greatly benefited, in the reduction of cost, but the patrons of the Post Office Department living in the country have had a very much better service and a very much quicker service. In connection with the mails, quickness is of very great importance, and this combination of advantages in the distribution of the mails in the country has given the country population a service almost equal to that enjoyed by the cities, especially the small towns.

Mr. PHIPPS. Mr. President, I thoroughly agree with the Senator in all of the statements he has made, and I thank him for his contribution.

Undoubtedly the citizens have been benefited and appreciate the fact that it has been possible to extend the benefits of rural free delivery service to them. The proof of it lies in the fact that other communities are making requests constantly, and where we have routes 24 miles long the requests are coming in continuously to extend the routes and make 36-mile routes, to take in other settlements, because the people in the neighboring communities and the small hamlets see the advantages which their neighbors who have had the service derive from delivery over these good roads, because it means to them more frequent and better service, and regular service, which would have been impossible before the roads were improved.

It has been found possible to give continuous service, even where we have adverse weather conditions, where we have to contend with snow and ice in the wintertime, over roads which have been gravel surfaced only. As to those which have been hard surfaced, so called, macadamized, or sheeted with asphalt or some other paving material, there is no question but that the deliveries may be as continuous and as regular as they are in the large cities themselves.

I believe the commercial features of the transportation over good roads are the most important, perhaps. The transportation of farm products to the markets has been rendered possible by the construction of good roads where hitherto the railways had to be depended upon almost exclusively, meaning that produce had to be transported greater distances. Instead of communities being supplied by the producing country in their immediate vicinity they had to resort to long hauls in order to draw their supplies from distant markets.

It is not only that the farm products shall come into the consuming centers, but also that the products of manufacturers may be delivered and distributed to the consumers over these good roads by the use of trucks. That is being done to-day at less cost for transportation than was paid to the railways for similar service.

Many lines of autobusses have been installed in various sections of the country and are now in operation. The service is being extended, because it has been found satisfactory as to comfort and convenience, and in cost it can compete with that of the railways.

The military aspect of the situation is one which I do not think should be overlooked. Countries like France, with their systems of good roads, in their war experiences found them absolutely essential for the movement of their troops and their supplies. Even in the United States during the Great War, with our few State roads not connected up into State highways, it was found possible to transport automobiles, machinery, and other war supplies from manufacturing centers, such as Detroit, Cleveland, and Buffalo, to the seaboard for loading; and to-day, if necessity should arise, the fact that those roads have since been connected up into through roads would prove of inestimable value in the handling of supplies to the seaboard.

As to the large centers, the big cities contribute willingly their proportion of taxes for the purposes of public roads, although not one penny of the appropriations is permitted to be used in the building of city streets. Why do they do that? It is because they want the highways to be made passable so that they may receive their daily needs of food and other supplies, that they may come to them regularly, and that they may not have to be entirely dependent upon railway transportation. It means to them the purchase of supplies at minimum costs. Then, too, they have their own products of manufacture which they desire to distribute to the markets which they supply, and they find with the development of the automobile truck that their produce may be largely handled and their merchandise distributed through the use of autotrucks over the improved highways, which was impossible of accomplishment before the highways were graded and properly surfaced.

All manufacturing centers throughout the United States have benefited through the development of the automobile industry, now one of the leading industries of the country. That development is not at all or by any means limited to the production of passenger vehicles. It is growing more and more important in the production of motor trucks and in the making of machinery for farming purposes. Tractors are coming into general use, together with other motor-driven vehicles on the farms of our country, thus reducing the costs in agriculture. The construction of all forms of motor-driven machinery has largely increased the demands for steel and all classes of supplies which go into the make-up of automobiles, tractors, and trucks.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. PHIPPS. I yield.

Mr. COPELAND. The Senator would not contend, I am sure, that we would be justified, under the Constitution, in expending money for roads in order to improve the automobile service and improve the manufacturing conditions relating to

motor cars and the development of steel for that purpose. We are only permitted to build post roads.

Mr. PHIPPS. If that were the only purpose, I would say no; but that is not the only purpose, as the Senator may see as I proceed in my statement.

No one State in the Union would have constructed the mileage of highways now in use within its borders without the incentive of Federal aid. Even the great Empire State of New York would not have expended, out of its own funds, anything like a half the amount of money that has been expended so far in the construction of the highways within its limits. What may be said of New York may equally well be said of any other of the populous States.

The automobile industry could not have developed as it has except for the movement for good roads, which has already given us a number of interstate routes. The demand to-day is for connecting up these routes into transcontinental highways, and while the direct benefits of such a program may be more noticeable in a territory that is sparsely settled, the indirect benefits are indeed much greater in the areas of large population.

Mr. President, the fact that the legislatures of many of the States meet only once in two years, and further that the raising of funds for public roads by the States involves the issuance of bonds, makes it necessary for the States to know in advance what the policy of the Federal Government will be with reference to the continuance of aid to the States for their highway construction. For these reasons it appears necessary for the Congress to make authorizations somewhat in advance of the actual requirements for appropriations. The bill now under consideration proposes to authorize for the ensuing two years. Assuming the enactment of the bill, the State legislatures which are now meeting will know how they may formulate their plans for bond issues or other character of financing necessary to carry on their programs of good-road construction.

In my own State hundreds of thousands of automobiles come from adjoining States and pass through Colorado during not only the summer season, but the early spring and late fall months of the year. Almost every State in the Union is represented in the tourist traffic. The people to-day are asking that the roads be connected up so that one may take his family in his own car and, if he so desires, motor from the Atlantic to the Pacific.

Mr. McKELLAR Mr. President——

Mr. PHIPPS. I yield to the Senator from Tennessee.

Mr. McKELLAR. Following out the view which the Senator has just expressed I saw in the newspaper the other day a statement that the amount of money spent in the State of New Hampshire by automobile tourists was $266,000,000 in one year. I do not vouch for that statement, but I saw it in the newspaper. I saw in the same paper a statement that 234,000 cars bearing tags of other States went into the State of Florida in a year. If good roads have brought about any such condition of affairs or anything approaching such a condition of affairs, manifestly it is a great thing for our country and it means the building up of our country. I indorse what the Senator is saying in reference to the use of through roads by automobile traffic.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Colorado permit me to ask the Senator from Tennessee a question?

Mr. PHIPPS. I am perfectly willing to yield for that purpose.

Mr. REED of Pennsylvania. If our doctrine of limitation of State sovereignty is to be cast aside because we want to promote automobile traffic, does not the Senator from Tennessee think the United States ought to run hotels all over the United States?

Mr. McKELLAR. Quite the contrary. As the Senator well understands, we have a direct, express, and specific authority in the Constitution of the United States for the building of post roads. Every road that is being improved by the National Government is a post road. In improving those roads we are directly within the express terms of the Constitution and no question of State rights therefore arises. The Senator can not deny that we have employed the authority under the post-roads clause of the Constitution to build these roads or to aid in their building, and therefore there can be no question of State rights involved.

When it comes to the question of hotels that is a totally different proposition. We have no authority under the Constitution to build hotels, and therefore, much as I respect his judgment and his learning, for I do respect both, I must differ with him in that regard.

Mr. REED of Pennsylvania. I do not differ with the Senator on that point. Of course, if it were not for the post-road clause of the Constitution this bill, if enacted into law, would be hopelessly unconstitutional and we would not need to debate it. The question is as to the propriety and the wisdom of the Federal Government helping the States to do those things which the States ought to do for themselves.

Mr. McKELLAR. If the Senator from Colorado will permit me further, I will say in reply to the Senator from Pennsylvania that I do not concede that it is the single duty of the States. I think it is a joint duty. I think those who wrote the Constitution intended that it should be a joint duty. I do not believe it will ever be done until it is carried out as a joint duty, and that is the reason why I differ with the Senator about that feature.

Mr. FESS. Mr. President——

Mr. PHIPPS. I yield to the Senator from Ohio.

Mr. FESS. Some days ago a colloquy arose on the policy of the Government in the building of roads, and I inadvertantly referred to the hit-and-miss plan upon which we were proceeding. I have a communication from the Chief of the Bureau of Public Roads which, I think, ought to be made a part of the RECORD, and I should like to read it at this time, if the Senator from Colorado will permit me to do so.

Mr. PHIPPS. I would prefer to conclude the remarks which I have to make and then the Senator may take the floor in his own time. I have about finished what I have to say on the subject this morning.

Mr. FESS. Very well.

Mr. ODDIE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. PHIPPS. I yield.

Mr. ODDIE. I would like to ask the Senator from Colorado if he does not think the question of national defense and military preparedness is a very important one to consider in referring to and studying the question of good roads, and if the opening up of a fine system of highways across and throughout the country from east to west and north to south is not a very important matter in that connection?

Mr. PHIPPS. I believe it is. I have reason to believe to-day, in fact I am quite sure, that our War Department is testing out the uses of the roads in practice marches of various classes of troops, including Cavalry, in the transportation of material, and so forth, so that they may know with what expedition they can count upon forwarding supplies and transferring them from point to point in case of necessity or in the event of emergency.

Mr. ODDIE. In regard to the possible breaking down of the railroad system in an emergency, would not these national highways be of very great benefit to our Government?

Mr. PHIPPS. In the Great War, when we entered it in 1917 and continuing on into 1918, without any breakdown of the railways, any physical failure, but by reason of lack of capacity, it was absolutely essential for the War Department and the Navy Department to use such highways as we had for getting war supplies from point of manufacture to the seaboard for transportation across the Atlantic to the front. It is most important. I believe that the country should have a coordinated system of through highways—national roads connecting up from the Atlantic to the Pacific and from the Great Lakes to the Gulf.

Mr. President, reverting to the remark that was made by the Senator from Tennessee [Mr. McKELLAR]—and I am sorry I did not have the opportunity to reply at the moment—I wish to say that had New Hampshire continued her former method of toll roads which was in effect in 1904 and up to at least 1907, instead of having $266,000,000 coming into her coffers from tourist traffic, she would have done well to have had $2,500,000. In 1907, I think it was, in going over what was then conceded to be one of the most desirable automobile tours in the United States—the Ideal Tour, I believe it was called—we passed through New Hampshire over poor roads, and among the poorest we found were those on which tolls were exacted, and which detracted very much from the pleasure of the trip. The hotels, the general stores, and all of the industries of New Hampshire benefit from the fact that she has to-day passable highways that have been built at least in part by Federal aid.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. HARRISON in the chair). Does the Senator from Colorado yield to the Senator from New York?

Mr. PHIPPS. Certainly.

Mr. COPELAND. I have not any doubt at all that money, no matter what it is for, will build good roads, but I would be glad to have the Senator state to us how we can lawfully use the money of the country, the Federal money, to build automobile roads? We might as well talk about buying automobiles or buying tires for automobiles as to talk about building roads simply for the convenience and comfort of our citizens.

Mr. PHIPPS. I think that is the first time I have heard anyone challenge the legality of Federal aid for public highways.

Mr. McKELLAR. It is plainly provided for in the Constitution.

Mr. PHIPPS. I do not care to debate the question. It may be a legal question, and I am not an attorney. But I say to the Senator from New York that in my humble opinion the State of New York has reaped greater benefits and larger returns from the money she has thus far contributed to the good roads movement than she has from any other investment she has made in the last 20 years.

Mr. COPELAND. I do not doubt the truth of that statement. I do not doubt it at all; but I desire to say, and I want to amplify it if I have the opportunity later, that under the power given by the Constitution I do not believe we can build anything except post roads—roads which are essential to the carrying of the mails. I believe when we take Federal money to build roads, to make them comfortable for travel through Colorado or New Hampshire or my own State of New York, or to build military roads, that we are entirely outside of the Constitution. The reason why I ask the Senator the question is because I want him to show me how I can vote for the pending bill and maintain my conscience unimpaired.

Mr. PHIPPS. I am glad to have the admission of the Senator from New York that the money which the State of New York has invested with its share of Federal aid has been a good investment. We have no difference on that score. We are in accord there. I have said I did not care to debate the legal phases of the proposition; but I do say to the Senator that, in my opinion, no road has been authorized on which Federal money could be expended that was not intended to be used—indeed, that is not to-day being used—for the transportation and handling of mail in the service of the United States.

The Senator would not say if we shall need a post road built that such road should only admit vehicles belonging to the Postal Service to pass over it and should shut off general traffic; that we should say "do not let anyone go joy riding, do not allow merchants to send their trucks loaded with their products over these roads because they are post roads." That is a position which I know the Senator does not assume for a moment.

Mr. COPELAND. I would not.

Mr. SIMMONS. Mr. President, will the Senator from Colorado yield to me?

Mr. PHIPPS. I yield to the Senator from North Carolina.

Mr. SIMMONS. If the Senator from Colorado will pardon me, he has stated that he is not a lawyer and therefore is not equipped to answer the inquiry of the Senator from New York [Mr. COPELAND].

I wish to say to the Senator from New York that this is the first time, as I recall, when the constitutionality of this legislation has been challenged. I have repeatedly heard the argument that it was violative of the principle of State rights, but that is not a constitutional objection; that is an objection that goes to the question of how one feels with reference to the question of the division of Federal and State power. There can be no question of the constitutionality of this measure. It is clearly within the provision of the Constitution authorizing the Government to establish post roads; it is clearly within the provision of the Constitution for the mobilization of our military forces in time of war; and it is clearly within the provision of the interstate commerce clause of the Constitution.

There is not a road to which the Government under this act will make a contribution which is not in essence an interstate road. As the Senator very well said, there is not a single mile of road which will be built or that can be built under the provisions of this measure that will not be used by the Government as a postal road.

However, Mr. President, take the great trunk lines about which the Senator has spoken, which traverse and cross and run up and down the continent. Those roads pass through a number of States. They are not State roads. If roads be purely State roads, then the Government does not contribute to their construction. It contributes only where roads in some way or other interlink with and become a part of interstate systems. Therefore, being interstate systems of highways, they are, for the purpose of regulation, if it ever comes to that point, if it ever becomes necessary, as much within the control of the Federal Government as our railroads that run from State to State are within such jurisdiction. If it ever shall transpire, as I stated the other day I believed it would transpire, when these great trunk highways are completed and become avenues of intercourse, commercial and social, between the various sections of the country, that we shall see not only the individual automobile but the individual truck going from State to State along these roads and shall see the long-distance busses and long-distance trucks crossing many States upon regular schedules—if that time shall arrive and Congress in its judgment shall feel that it is necessary to establish regular rates, then, I take it, those roads will become as much subject to regulation under the interstate commerce clause of the Constitution as are the railroads.

Mr. KING. Mr. President, will the Senator from Colorado yield to me in order that I may ask a question?

Mr. PHIPPS. I yield to the Senator from Utah for that purpose.

Mr. KING. The Senator from North Carolina [Mr. SIMMONS] certainly does not mean to contend that the power to regulate interstate commerce, whether as related to railroads or to busses which may travel upon any State road, gives to Congress the right to appropriate money out of the Treasury of the United States to build either railroads or any other kind of roads?

Mr. SIMMONS. I was not putting it upon that ground, but I was putting it upon the ground that such roads are performing an interstate service, and that it is only roads that perform interstate service to which this act applies, either directly or indirectly.

Mr. KING. I might state to the Senator, if I may be pardoned, that, if I understand the facts, I think there are many roads which have received very large contributions from the Federal Government under the so-called good roads plan which are used for automobiles for pleasure, for commercial purposes, but not at all for post roads for carrying the mails. As a matter of fact, we all know that many of these roads parallel the railroads, and that the railroads carry the mails.

Mr. SIMMONS. Oh, Mr. President, the Senator from Utah is wrong in saying that these roads parallel the railroads. There are a number, it is true, which do, but——

Mr. KING. The Senator must not misquote me. I said they parallel the railroads in many instances.

Mr. SIMMONS. Yes; but there are no roads which as a whole parallel the railroads. There are some of them that run along parallel and in very close proximity to the railroads for a short distance, but they then diverge, and they are used now and are necessarily used for the purpose of transmitting in the rural sections packages sent through the mails. There is now no community in the country that is not served with such mail facilities. The Government contributes to the building of these roads under the direction of Congress. This fund is not distributed by the department here at its will; it is not allocated according to the judgment of any particular department of the Government; but it is allocated according to the judgment of Congress which is declared in the act. It may be that it has happened that some roads that have been built were not strictly within the purview of the law, but if that has been so, then they were built outside and independently of and as a result of a misconstruction of the law. They were roads not authorized under the law, and we are not responsible for a violation or an incorrect interpretation of the law by an agency of the Government.

Mr. PHIPPS. Mr. President, I desire to thank the Senator for his contribution. In stating that I did not care to discuss the legal point raised by the Senator from New York, I said that the statement had previously been made by the Senator from Tennessee in colloquy here with the Senator from Pennsylvania that it was clearly within our constitutional rights to construct post roads.

As to their use when they are constructed, it is not necessary to limit them to that one use. In my own State automobile busses cover a distance north and south of about 250-odd miles; they run on regular schedules, and they are regulated by the public-service commission of the State. Incidentally, they carry the mails, or a portion of the mails. In California, I understand, automobiles run all of the way from San Diego to San Francisco, and they have routes extending northerly. It is only the fact that we have through routes on hard-surfaced roads that enables us to handle the passenger and much of the freight traffic of this country to-day. The use of trucks for the transportation of merchandise is becoming essential; that service is absolutely necessary, and for short hauls it has

been demonstrated that they can and do complete with the railways and furnish more dependable and more convenient service.

Mr. President, I do not care to continue the discussion at this time unless some Senator desires to ask me a question.

Mr. COPELAND. Mr. President, I was very much interested the other day when the Senator from Ohio [Mr. FESS] said, "The Government must be looked upon as an entity."

I know how eloquent the Senator is and have heard him speak upon the growth and development of our country; I have no doubt he has frequently quoted Gladstone, who said of the United States Constitution:

> It is the most wonderful work ever struck off at a given time by the brain and purpose of man.

But I do think in what the Senator from Ohio said the other day he rewrote the Constitution. I want to ask what there was about our Constitution that made it "the most wonderful work ever struck off at a given time by the brain and purpose of man"? In that connection, I wish to read a paragraph from Pierson's work, Our Changing Constitution, and, if I may say so in all my modesty and kindness, I believe that this little book on occasion might be read with profit by Senators. I have seen a copy of it from time to time upon the desk of the Senator from Florida [Mr. FLETCHER], and I know that he has been a student of this book, from which I wish to read this paragraph:

> Wherein, then, did the novelty and greatness of the Constitution lie? Its novelty lay in the duality of the form of government which it created—a nation dealing directly with its citizens and yet composed of sovereign States—and in its system of checks and balances. The world has seen confederations of states. It was familiar with nations subdivided into provinces or other administrative units. It had known experiments in pure democracy. The constitutional scheme was none of these. It was something new, and its novel features were relied upon as a protection from the evils which had developed under the other plans.
>
> The greatness of the Constitution lay in its nice adjustment of the powers of government, notably the division of power which it effected between the National Government and the States. The powers conferred on the National Government were clearly set forth. All were of a strictly national character. They covered the field of foreign relations, interstate and foreign commerce, fiscal and monetary system, post offices and post roads, patents and copyrights, and jurisdiction over certain specified crimes. All other power were reserved to the States or the people. In other words, the theory was (to quote Bryce's The American Commonwealth) "local government for local affairs; general government for general affairs only."

To me that means that local taxes should be used for local purposes and that the local demands should be satisfied by taxes raised locally.

There is one other reference in this little book which I wish to quote, because conditions are so different now and in such marked contrast to the fears existing at the time of the framing of the Constitution that the States might be interfered with. So I quote the following:

> The makers of the Constitution represented the people of distinct and independent States, jealous of their rights and of each other but, nevertheless, impelled by experience of danger lately past and sense of other perils impending to substitute for their loose and ill-working confederation a more effective union. The most formidable obstacle, apart from mutual jealousies, was a fear of loss of liberties, State and individual, through encroachment of the central power. The instrument, drawn with this fear uppermost, was designed to limit the National Government to "the irreducible minimum of functions absolutely needed for the national welfare."

The quotation is from Bryce.

> To this end the powers granted were specifically enumerated. All other powers were by express enactment "reserved to the States respectively, or to the people."

Now we find the Senator from Ohio coming to us and proposing, with other disciples of the Hamiltonian school, that the State lines should be wiped out and that the Government should be considered as an entity.

It may be out of place for the Senator from New York to discuss a constitutional question, but I want to ask Senators to go back to the foundation upon which we now appropriate money for post roads and consider how we came to do it.

I hold in my hand the debates in the Federal Convention of 1787, as reported by Madison.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from New York yield to the Senator from Tennessee?

Mr. COPELAND, I yield to the Senator,

Mr. McKELLAR. So far as the constitutional provisions the Senator is reading from are concerned, I think we are all in accord with those. The Senator says that the line of demarcation is the express grant of power in the Constitution. Here is an express grant of power. It expressly gives the Congress power to deal with post roads and interstate commerce.

This question has all been passed upon by our courts. It was passed upon in the legislation by which national aid was extended to the railroads of our country. The same question that the Senator is now propounding arose then. The Government granted national aid to our railroads, both on the ground that they were carriers of interstate commerce and on the ground that they were postal carriers; and that legislation has been upheld. It has been acquiesced in for over 50 years, and most of it for over 75 years.

I take it that so far as authority is concerned the authority of the National Government to act can not reasonably be doubted. It is a question of policy; and so, when it comes to the question of policy, it seems to me that there can be no doubt about the policy of the proposed appropriation, not only in the States where we have not the best of roads, but in the Senator's own State.

For instance, just take the Ideal Tour that the Senator from Colorado [Mr. PHIPPS] was talking about a while ago. It runs through the New England States. Where does it begin? It begins in the Senator's State and in the Senator's city.

Mr. COPELAND. It goes past the Senator's house.

Mr. McKELLAR. As the Senator says, it goes past the Senator's house. It is true that New York State does contribute the larger portion of the taxes that are expended under a bill of this kind. We all know that; we all admit that; but as a matter of fact I have no doubt in my mind that the State of New York gets the largest advantage from the expenditure of the money. All roads lead to New York—not only the railroads, but these interstate highways that are being improved. New York, in the end, will be one of the greatest if not the greatest beneficiary of any State in the Union. Those things adjust themselves. The natural course of business tends toward New York; and the Senator, instead of being opposed to the bill because his State in the first instance pays the larger part of the taxes, ought to be in favor of it, in my judgment.

Mr. COPELAND. Mr. President, I do not care to have the Senator from Tennessee quite so confident as to what I am going to do about my ultimate vote.

Mr. McKELLAR. I simply assume from the Senator's argument that if he votes as he talks he is going to vote against the bill.

Mr. COPELAND. I can not agree with my friend from Tennessee that because my State would benefit from this transaction it is necessarily a proper use of public funds. I might go and rob a bank, and I would benefit personally by the money I got out of the bank, but the transaction would not be a legal one.

Mr. McKELLAR. The Senator would not do that, however, nor would any other Senator.

Mr. COPELAND. No. I hope the Senator will not rob his country, either, if I can convince him that this is an improper act; but, of course, that is merely a facetious remark.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. COPELAND. I do.

Mr. SIMMONS. Does the Senator think that in the years since we entered upon this project of Government aid the Congress of the United States has been continuously and persistently and habitually violating the Constitution? Does not the Senator believe that that question has been very thoroughly thrashed out, and that the Senate and the House and the President of the United States would not likely have given their assent to the many appropriations we have heretofore made if the project were as clearly unconstitutional as he thinks it is? If we are going to rob the Government in the future, does the Senator think we have not been robbing the Government for the last 10 years? Does the Senator wish to characterize the action of Congress in appropriating this money biennially for the last 10 years as robbery of the Government?

Mr. COPELAND. Mr. President, I think the Senator missed the comment I made a moment ago that the remark to which he refers was facetious, as the RECORD will show.

Mr. SIMMONS. I did not hear the Senator say that he was speaking facetiously. I rather suspected that he was, but I do not remember that I heard him say it.

Mr. COPELAND. Of course, I would not criticize any Senator for his vote in the past; but I want to say to the Senator from North Carolina that while I want to vote for

this measure, and hope I may, I shall have to be convinced for myself that it can be done with propriety. I am not asking anybody else to be influenced by my action.

Mr. SIMMONS. The Senator is exactly right about that. If the Senator has doubts about the matter, I think it is very well that he should invite discussion of it; but I understood the Senator to be rather dogmatic in his expression of opinion that it was unconstitutional, and amounted practically to robbery of the Government.

Mr. COPELAND. I thought the Senator a moment ago accepted the statement that that was facetious.

Mr. SIMMONS. I do accept it, Mr. President.

Mr. COPELAND. Very well.

Now, Mr. President, I want to call the attention of the Senate to the session of the constitutional convention held on Thursday, August 16, 1787, as reported by Mr. Madison. The particular section of the Constitution which provides for the establishment of post offices and post roads—section 8 of Article I—was under discussion, and the question before the convention was on the proposition to establish post offices. It did not say a word about post roads. The proposition was to establish post offices. Mr. Gerry moved to add "and post roads." Mr. Mercer seconded the motion, and it was carried by a vote of 6 to 5, a very close vote. Massachusetts, Delaware, Maryland, Virginia, South Carolina, and Georgia voted "aye"; New Hampshire, Connecticut, New Jersey, Pennsylvania, and North Carolina voted "no." I suppose that had New York been present there would have been a tie vote.

That was on the 16th of August, 1787. The matter was up again on the 14th of September, when Doctor Franklin moved to add, after the words "post roads," Article I, section 8, these words:

> A power to provide for cutting canals where deemed necessary.

Of course, we then had a condition to deal with which was entirely different from the present condition, because there were no railroads. The only way in which the mails could be carried was by the post roads which were established; and I take it that the reason why in modern times the railroads have been included in this proposal was because, in the evolution of things, the railroads naturally would carry the mails. Doctor Franklin thought, however, that canals should be included, and Mr. Wilson seconded the motion.

Mr. Sherman objected, on the ground that—

> The expense in such cases will fall on the United States and the benefit accrue to the places where the canals may be cut.

That is exactly the question we have up now. The objection is raised that the benefit of these roads is largely local, that it does not accrue to the entire country, and that was the objection raised by Mr. Sherman at that time.

Then Mr. Wilson suggested that—

> Instead of being an expense to the United States they (the canals) may be made a source of revenue.

Mr. Madison suggested an enlargement of the motion into a power "to grant charters of incorporation where the interests of the United States might require and the legislative provisions of individual States may be incompetent." His primary object was, however, to secure an easy communication between the States which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural ones as far as possible ought to follow.

Mr. Randolph seconded the motion; and there was some question about whether the bank, over which there was so much dispute, might not be covered by such a proposal.

> Colonel Mason was for limiting the power to the single case of canals. He was afraid of monopolies of every sort, which he did not think were by any means already implied by the Constitution, as supposed by Mr. Wilson.
>
> The motion being so modified as to admit a distinct question specifying and limited to the case of canals—

Was defeated by a vote of 8 to 3. Pennsylvania, Virginia, and Georgia voted "yes," and all the other States voted against it.

Exactly the same question was up at that time; and I have very serious doubt myself whether we are justified under the Constitution in voting money in this way.

I recognize the necessity of good roads. The only way in which I can justify myself at all, as a Senator from the State of New York, in voting for this proposal, or any part of it, is that by the building of these roads the handling of the farmers' crops may be facilitated, and in all probability the cost of the essentials and necessities of life in our State and in the city of New York may be lessened. In that way there may be moral justification for this act.

But, Mr. President, we have been in session now a long time, and we have had before us a dozen agricultural bills. Why has not the party in control done something to relieve agriculture? The appropriation of large sums of money is proposed in good-roads legislation, and the argument made for it is because it will benefit agriculture. Why are we not voting those sums of money to benefit agriculture directly by the passage of some of the measures pending before us, or one of them at least, and making possible the incorporation of these cooperative organizations which are demanded by the agricultural interests, demanded by the President's commission, and demanded by the President himself?

It seems to me that is a very strange thing, Mr. President—and I regret that there are not more Senators on the other side of the Chamber present to hear it—that no effort is being made by the Republican Party, so far as the Congress is concerned, to give relief to the agricultural sections of the country.

If there were a proposition here to assist agriculture, to make it possible to go on with these cooperative organizations, to make possible some substantial benefits to agriculture, I should be very glad to have Congress make any necessary appropriations for the purpose, and I believe my State would approve such a course. Here, however, we have a proposal to go on with the building of good roads, and it means that lateral roads and roads going into remote sections are going to be benefited. The original idea of the writers of the Constitution certainly has been overridden, and we are going entirely aside and away from the original intention, which was to build post-roads in order that the mail might be carried between the States.

But, Mr. President, I do not want to give any wrong impression as to my intention. I hope that the amendment proposed by the Senator from Pennsylvania may be accepted, because that amendment provides for a smaller appropriation this year—$60,000,000 this year, and $50,000,000 next year—and it contemplates the appropriation of fewer millions in years to come. In the meantime the States will have been warned that these appropriations are not to be continued, and they will be making local provisions and local arrangements to take care of their roads.

I want to make clear that my city and my State are anxious to serve the agricultural and rural sections of the country. If this is the way they want to be served, if this is the height of their ambition, let us pass this bill, but, as I see it, agricultural and rural sections will be benefited in a much larger degree if some permanent agricultural policy may be developed, and the necessary appropriations made to carry that policy into effect.

Mr. BRUCE. Mr. President, the President of the United States has made a great many sensible and judicious observations in the course of his messages to Congress, but personally I do not think that he ever made a more sensible or judicious one than that made by him in one of his recent messages with respect to Federal aid in support of State objects. In that message he said:

> I am convinced that the broadening of this field of activity—

That is to say, Federal activity in the field of State administration—

> is detrimental both to Federal and State Governments. Efficiency of Federal operations is impaired as their scope is unduly enlarged. Efficiency of State governments is impaired as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs. I am opposed to any expansion of these subsidies. My conviction is they can be curtailed with benefit to both the Federal and State Governments.

In other words, this system of Federal aid has resulted to no small extent in the hypertrophy of Federal authority and in the atrophy of State authority, and it is largely because my views accord with the views of the President that I propose to support the amendment offered by the Senator from Pennsylvania [Mr. REED].

I think that the time has come when all of us should ask ourselves, as the Senator from New York [Mr. WADSWORTH] suggested yesterday, how far this system of Federal subsidy is to go. I think that we should all also ask ourselves, as the Senator from Pennsylvania [Mr. REED] has suggested, whether the time has not come when Federal aid in the matter of State roads, if extended at all, should not be extended in a diminished degree, perhaps in a degree that should lessen from year to year, and in process of time cease.

I think that there are many circumstances, as has been said by the Senator from Ohio [Mr. FESS], under which the country, in the matter of Federal appropriations, should be treated as a unit. Under ordinary circumstances it would not do for the sovereign States of the Union to enter into a scramble with each other as to how much or how little they were to contribute for the public benefit where national objects were involved. Usually each State of the Union should be glad, in proportion to the extent to which it has been endowed by fortune with its blessings, to contribute to the general good. That is elemental; that is fundamental.

Only a year or so ago, my State, realizing that it was not exactly just, in the face of special conditions, to rest its road appropriations for southern Maryland upon its ordinary quota, was so generous as, in addition to the usual appropriations for the construction of roads in southern Maryland, to add the extraordinary sum of a million dollars, and I have always thought that it was a rather ungenerous and short-sighted policy when Virginia came to adopt her present project of good roads that her people in the more favored parts, the more prosperous, the wealthier parts of the State, should not have been just a little more willing than they were to assume their full share of burdens intended to promote the local interests of the less favored, the less fortunate, the less wealthy parts of the State. As a general principle, however, in political relations, as in all others, contributions to common objects should be given in exact proportion, as far as possible, to the ability to give. That is a sound principle, which, as a rule, ought to run not only through individual conduct but through all national, collective, corporate conduct as well.

The State that I have the honor, in part, to represent is no such State as New York. It can not be said that it contains any such great emporium of commerce, any such cosmopolitan metropolis as the city of New York. It is no overflowing cornucopia. No golden streams pour from every portion of the United States into its coffers. For their prosperity its people have been largely dependent upon their own domestic exertions. Therefore, it would be impossible, it seems to me, for anyone justly to assign to the State of Maryland any peculiar degree of selfishness were she to contend that this burden of Federal aid rests upon her more unequally than it should. But the fact that it does rest upon her unequally can not be denied. She pays a large amount of taxes of one description or another into the Federal Treasury, and she receives back in the form of State aid only 2.77 per cent of the amount. It is also a fact that the expenses of the Federal Government imposed upon her people constitute a per capita tax burden four times as heavy as that which the expenses of her own State government impose upon her.

When it is recollected that the State of Nevada receives in the form of Federal aid 116 per cent of the taxes that she pays into the Federal Treasury, and that other States of the Union are in very much the same situation, abstractly speaking, it certainly seems to be a little unfair, indeed, quite unjust, that the Federal Government should regurgitate, so to speak, in the form of Federal aid, such a small percentage of the taxes that we paid to it during the last fiscal year as 2.77 per cent.

I might add, in this connection, that some of the Members of this body who are opposed to the amendment of the Senator from Pennsylvania [Mr. REED] appear to have lost sight of the very small percentages of return made by the Federal Government to their States of the Federal taxes paid by them. If I understand it, the Senator from North Carolina [Mr. SIMMONS] is antagonistic to the pending amendment; at least, I draw the inference from what he has said that he is.

Mr. SIMMONS. Does the Senator mean that I am antagonistic to the amendment proposing to reduce that amount provided by the Government from seventy-five million to sixty million?

Mr. BRUCE. Yes; or to any such reduction, as I understand it, or to any change in the system of Federal aid.

Mr. SIMMONS. The Senator is correct.

Mr. BRUCE. The State of North Carolina, in the Federal fiscal year ending in 1924, paid into the Federal fisc in taxes the enormous sum of $157,973,393, and it received back in the form of Federal aid only 1.18 per cent of this sum.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. BRUCE. I yield.

Mr. SIMMONS. The Senator is correct. North Carolina pays into the Federal Treasury annually a very large sum of money. Last year it paid, as the Senator has stated, in round numbers, the sum of $158,000,000. In some recent years it has paid even a larger amount than that, and I dare say the Senator is correct in stating that for one fiscal year the State of North Carolina received by way of contribution from the Federal Government for road construction in that State not very much over a million dollars. What were the figures the Senator gave?

Mr. BRUCE. One and eighteen one-hundredths per cent.

Mr. FLETCHER. One million eight hundred and seventy-three thousand dollars.

Mr. BRUCE. That was for the fiscal year ending in 1924.

Mr. SIMMONS. About a million and three-quarters, in round numbers, is what we received in North Carolina. I wish to call the attention of the Senator, however, to the fact that the State of North Carolina has received, up to this time, out of the money appropriated by the Federal Government for road construction, $12,294,000, less $1,221,000 which has been allocated but not yet used by the State.

That is as much as any State in the Union has received, with the exception of seven States. Seven of the great industrial and commercial States of the country have received more of this money than the State of North Carolina. The State of North Carolina is receiving about in the proportion that it pays taxes to the Federal Government. It pays more taxes to the Federal Government, possibly, than about seven other States and receives more money from Federal Government in aid of roads than all of the States except those seven.

Mr. BRUCE. That is, of course, because of the extraordinary scale of magnitude upon which the State of North Carolina is making State appropriations for the construction of roads.

Mr. SIMMONS. No; it is because the State of North Carolina is making extensive developments, just as a number of other States in the country are doing.

Mr. BRUCE. But not on the same scale.

Mr. SIMMONS. It is making extensive construction in comparison with the seven States that got larger sums of money out of the Federal Treasury than North Carolina for this purpose. I want to say to the Senator from Maryland that I was entirely aware of this situation. I knew the State of North Carolina would only receive in proportion to other States from this money. I knew the amount would not be determined by the amount the State paid to the Federal Government. I knew it would be determined upon the mileage of construction in the State, upon the population, and so on.

Mr. BRUCE. And determined by the amount that the State itself appropriates from its State treasury.

Mr. SIMMONS. Yes; of course. Those are the three elements, and the element of the amount of money a State pays into the Federal Treasury does not enter into the problem at all. I knew of all those things. I knew that the State of North Carolina was paying this large sum. I knew the State of North Carolina, even under its progressive road-construction program, would not receive any very large contribution out of the $75,000,000 to be divided among the 48 States. I knew that; but, knowing it, I supported the measure, and knowing it now I support the measure. Why? Not so much because my State gets that amount of money. If my State were the only State that got the money or were the only State that was so inspired and induced to construct good roads, I would vote against it.

Mr. BRUCE. Precisely.

Mr. SIMMONS. But if the Senator will permit me to develop this thought in answer to his suggestion——

Mr. BRUCE. Certainly.

Mr. SIMMONS. The State of North Carolina is deeply interested in the other States of the Union likewise constructing good roads. We are equally interested in being a part of the great trunk line highways that run up and down and across the continent and through my State. If my State should build good roads and the States bordering upon my State should not build good roads, we could not have those great interstate trunk lines. It is for the purpose of securing those great lines to traverse my State that I am so deeply interested, not because my State alone benefits so much by it, but because every other State benefits in the same way and to the extent that my State is encouraged to construct good roads the other States will be encouraged to construct good roads, and as the result of that general movement throughout the country there will pass through my State a system of highways from the East to the West and from the North to the South, highways that we could not possibly hope to have unless the other States like my State were engaged in the same general work.

Mr. BRUCE. I should think it fair to infer that the States adjacent to North Carolina are likely to respond to the same impulses of self-improvement.

Mr. SIMMONS. I want to encourage them to respond. I want to help them to respond.

Mr. BRUCE. That general extension of the good-roads system would result, though perhaps more slowly, even if the Federal Government did not contribute so liberally in aid of State roads.

Mr. SIMMONS. If the Senator will pardon me, I do not know how many of those trunk lines will pass through my State. I know that there will be at least three to pass through it from north to south, and I know there are at least two that will pass through it from east to west. Those roads will connect North Carolina by hard-surface roads with every State to the north of it, with every State to the south of it, and with every State to the west of it. The development of that system is of immense importance to every State in the Union.

It is of immense importance to my State. I believe that the intervention of the United States in the matter has done more than everything else put together to bring about the general system of road construction throughout the States that has now almost resulted in the complete construction of several great highways leading from the North to the South through my State and through every other State lying within the boundaries of the United States.

Mr. BRUCE. I should think that the Senator from North Carolina would have to enter upon a very nice calculation indeed to satisfy himself that the collateral advantages of which he speaks would be sufficient to offset the fact that while his State paid in taxes to the Federal Treasury in the fiscal year ending in 1924 as much as $157,973,393, it has paid back in Federal aid in one form or another only 1.18 per cent of that amount.

Mr. SIMMONS. I am utterly unable to follow the argument of the Senator from Maryland.

Mr. BRUCE. If the Senator will pardon me, it is impossible to pursue that line of inquiry to any further extent. The Senator is apparently satisfied, notwithstanding the extraordinary toll that is exacted from his State by the Federal Government in the form of taxes, that his State reaps the benefit of so many collateral advantages resulting generally from road building as to countervail the extraordinary contribution that it makes to the Federal Treasury in taxes.

Mr. SIMMONS. So far as my State is concerned, I think we probably would have built the roads even if the Government had not helped us, but I doubt whether other States would have done so. If the Government will help us, I am very glad that they should help us. I think that the basis upon which the money is distributed—that of population, of mileage, and of State construction—is a just basis. I can not for the life of me see how the amount the State pays into the Federal Treasury has anything to do with it.

Mr. BRUCE. I am glad to have the statement of the Senator that his State would probably have entered upon its great system of good roads even if it had never received a dollar of Federal aid.

Mr. SIMMONS. I think some other States perhaps would not have done so.

Mr. BRUCE. I think that perhaps a little more slowly all the other States that border on North Carolina will do the same thing. Virginia is certainly proceeding to do it. I do not know what the state of things in that respect is in South Carolina.

Mr. SIMMONS. Will the Senator let me say just another word in that connection? The Senator is correct. North Carolina is an exceptionally progressive State, and we are very proud of it.

Mr. BRUCE. Indeed it is, and I rejoice that such is the case. The fact is not only a source of pleasure to me as a native of the State that is coterminus with North Carolina on the north, but fills me with pride. North Carolina in recent years in the matter of industrial progress has furnished a beneficent example to every Southern State of what can be accomplished by the same measure of industry, energy, and farsighted sagacity.

Now, I desire to call the attention of the Senator from Virginia [Mr. SWANSON] to the fact that the percentage which that State gets back from the Federal Government in the form of Federal aid is most insignificant. During the fiscal year ending in 1924 the State of Virginia paid into the Federal Treasury in taxes of all kinds the sum of $45,991,886 and got back only 3.47 per cent of that amount. The same meager percentages apply to numerous other States—California, for instance, which gets in the form of Federal aid from the Government only 1.91 per cent of what she pays in taxes into the Federal Treasury; Connecticut, which gets only 1.45 per cent; Delaware, which gets only 3.51 per cent; Florida, which gets only 5.75 per cent; Illinois, which gets only 1.5 per cent; Indiana, which gets only 4.44 per cent; Massachusetts, which gets only 0.86 per cent; Michigan, which gets only 1.5 per cent; New Jersey, which gets only 0.98 per cent; New York, which gets only 0.58 per cent; Oregon, which gets back only 1.41 per cent; Pennsylvania, which gets back only 1.38 per cent; and so on. These figures are all taken from a table which was published last December in the Washington Post, and if there is no objection I would like to have it inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Proportion of Federal subsidies to United States taxes paid by each State

[From the Washington Post, December 28, 1924]

This table shows the amount of Federal taxes each State paid in the last fiscal year and the amount the State received in Federal aid.

State	Paid in Federal taxes	Received as State aid [1]	Per cent
Alabama	$9,800,970	$1,705,610	17.40
Arizona	2,131,288	895,331	42.00
Arkansas	6,536,635	1,361,459	20.82
California	129,026,453	2,475,800	1.91
Colorado	15,228,037	1,294,448	8.50
Connecticut	37,006,532	538,009	1.45
Delaware	10,805,101	379,330	3.51
Florida	15,819,827	910,084	5.75
Georgia	19,181,446	2,137,084	11.14
Idaho	1,976,084	905,827	45.08
Illinois	214,840,722	3,390,701	1.57
Indiana	45,767,607	2,034,555	4.44
Iowa	17,946,204	2,149,551	11.97
Kansas	20,735,282	2,036,124	9.81
Kentucky	28,574,914	1,593,612	5.57
Louisiana	20,427,582	1,099,011	5.37
Maine	13,945,902	704,496	5.05
Maryland	34,349,218	714,774	2.77
Massachusetts	138,681,654	1,196,042	.86
Michigan	221,380,005	2,339,480	1.05
Minnesota	31,586,633	2,157,830	6.83
Mississippi	4,949,236	1,428,199	28.55
Missouri	68,794,487	2,503,602	3.62
Montana	2,958,039	1,448,635	48.97
Nebraska	10,791,615	1,555,586	14.41
Nevada	764,499	885,759	116.31
New Hampshire	5,805,346	387,827	6.68
New Jersey	112,260,046	1,109,187	.98
New Mexico	1,131,323	1,119,086	98.91
New York	680,415,425	4,020,445	.58
North Carolina	157,973,393	1,873,830	1.18
North Dakota	1,282,838	1,142,382	89.05
Ohio	153,524,832	3,026,236	1.97
Oklahoma	13,520,536	1,813,931	13.41
Oregon	10,500,237	1,138,143	10.83
Pennsylvania	269,688,619	3,796,118	1.40
Rhode Island	20,239,353	371,864	1.38
South Carolina	8,938,278	1,178,110	13.18
South Dakota	1,951,248	1,175,515	60.24
Tennessee	18,633,046	1,754,211	9.41
Texas	36,863,758	4,448,314	12.06
Utah	4,087,186	816,876	19.98
Vermont	3,600,827	382,681	10.62
Virginia	45,991,886	1,599,270	3.47
Washington	19,006,008	1,111,060	5.84
West Virginia	19,895,467	917,127	4.60
Wisconsin	40,448,722	1,951,718	4.82
Wyoming	2,068,353	860,051	42.14

[1] These figures do not include small payments made under minor subsidy measures

Mr. FLETCHER. Mr. President, the Senator is mistaken in quoting Oregon. Oregon's percentage is 10.83. The Senator probably intended to read Ohio.

Mr. BRUCE. The Senator is right. I should not have mentioned Oregon. I thank the Senator for the correction. The table, of course, speaks for itself.

Mr. SIMMONS. Large or small as those contributions are, every State gets out of the Public Treasury about 43 per cent of all the money it spends upon a Government-aided road. If it does not get much, it is because it is not spending much itself.

Mr. BRUCE. That is true.

Mr. SIMMONS. But the Government matches the State—not exactly matches in the proportion of 50–50, but it pays practically 43 per cent of the actual cost of all the roads that are constructed under this plan.

Mr. BRUCE. Now, of course, the percentages that I have mentioned are the total percentages that were paid out in all forms of Federal aid to the States by the Federal Government.

So surely, on its face at any rate, this system of Federal aid with respect to roads and other State objects produces most unequal consequences; that is unquestionable. If those results can be defended, they can be defended only upon the very highest grounds of public disinterestedness, generosity, and self-sacrifice on the part of the States inter lese.

For the purposes of this discussion I am entirely willing to waive all inquiry as to whether it is just or unjust that the State of Maryland should be returned such a small percentage as 2.77 per cent of the taxes that she paid during the last fiscal year into the Federal Treasury. All that I am saying in respect to the pending amendment is that I think that the President is right when he says that the time has come to slow down in Federal aid to the States. As he alleges, the system is building up a vast organization of bureaucracy in the departments of the Federal Government, at the same time that it works the most lamentable enervation in the activities of the States. This hypertrophy of the Federal Government, this atrophy of the State governments, should be gradually brought to an end, and the old healthy, normal balance between the operations of the Federal Government and the operations of the State governments should be restored. Therefore I hope, and most earnestly hope, that in 1926 the Federal aid toward the construction of State roads will not be in excess of $60,000,000, and that in 1927 it will not be in excess of $50,000,000.

I have no doubt that until the system of gradual reduction contemplated by the President has worked out its complete results the people of Maryland will continue cheerfully, as they have heretofore done, to contribute toward the establishment of post roads throughout the country. However, my objection to the general system of Federal aid or subsidy is, as I have affirmed, fundamental. In my judgment it constitutes the stealthiest, the most insidious, the most perilous, the most effective invasion of State rights that has ever been known in the history of our country. A more skillful, a more ingenious method on the part of the Federal Government of robbing the States of the full measure of their State sovereignty could not be devised; in other words, this system of Federal aid is simply an indirect, oblique method of filching from the States the domestic powers that properly appertain to them.

What are the chief heads of Federal aid to the States? First, we have the Smith-Lever Act. I will not stop to dwell on that. Much can be said in its favor. That contemplates, of course, cooperative agricultural extension work between the Federal Government and the States.

Then we have the Federal aid road act, with which we have been dealing. Then we have the Chamberlain-Kahn venereal disease act. Why should the States call upon the Federal Government to aid them in the furtherance of the objects contemplated by that act?

Then we have the Smith-Hughes vocational education act, which looks to the joint promotion of vocational education in the wage-earning field by the Federal Government and the State governments. Why should the Federal Government trespass upon that State province, pray?

Then we have the industrial rehabilitation act, under which, through the joint efforts of the Federal Government and the State governments, persons who are injured in industrial occupations are to be rehabilitated. Why should the Federal authority intrude into that province, pray?

Then we have the most extreme violation of State sovereignty of all, as I conceive it—the Sheppard-Towner maternity and infancy welfare act. Why should the foot of the Federal Government be permitted to tread upon that State domain?

In all the different fields of appropriation involved in those six different acts the Federal Government is now making appropriations in conjunction with the States. Well might the Senator from New York [Mr. WADSWORTH] ask where is this process to stop?

In 1914 the whole amount of Federal-aid subsidies granted to the States was $6,500,000. Since that time Federal aid under the six heads that I have specified has amounted in the aggregate to more than $521,000,000. In other words, not only have we had Federal aid ramifying out into all these domestic provinces of State administration but with every passing year involving a larger and a larger tax burden.

Mr. President, as I see it, this system of Federal aid is in many respects a most demoralizing agency. It holds out to the States, so far as the surrender of their sovereignty is concerned, a lure as corrupting as the box of glistening jewels that Faust brings under the eye of Marguerite when he is tempting her virgin purity. Its solicitations are intended to induce the States with their own hands to despoil themselves of the domestic jurisdiction and authority with which they were clothed by the framers of the Federal Constitution.

Never, perhaps, by any direct means could the Federal Government have persuaded the States practically to surrender to it control over maternity and infancy welfare, over the physical rehabilitation of the injured workingmen, over the vocational education of the wage earner. It is only by the bribery that lurks in Federal aid to State activities that the Federal Government has succeeded in winning the States to the idea of divesting themselves of some of the most important, significant, and useful powers with which they are endowed under our constitutional forms.

In my judgment, the time has come for that sort of thing to terminate, and that fact is evidenced by the insistent spread of popular feeling which is creeping at the present time over the whole country and inspiring State after State to visit with its verdict of condemnation the proposed child labor amendment to the Federal Constitution. On every hand I see, God be praised, the recrudescence of the old sound ideas of State rights and State sovereignty, which were so precious in the eyes of our forefathers. A retroversion is going on that will sooner or later undo a vast amount of what has unhappily been done in the way of hamstringing State autonomy.

Like Samson when robbed of his omnipotent locks by Delilah, the people of the United States have permitted themselves to be deprived of a large portion of the State authority with which they were originally endowed. And it warms my heart to think that one of the influences that have been most potently at work to bring about this process of reversion to the old conception of State rights and State sovereignty is the disastrous results that have flowed from those most fatal, those most tragic, those most disastrous of all recent interferences with State sovereignty; that is to say, the eighteenth amendment to the Federal Constitution, and its whelp, the Volstead Act.

Not until the people of this country witnessed the utterly ineffectual efforts of the Government to enforce that unnatural constitutional mandate and that arbitrary statutory law, and realize how hopeless it is to adopt any constitutional provision or to enact any law that does not pay proper regard to varying local usages, customs, and manners, did they realize how priceless is the line of partition that was drawn by the authors of the Federal Constitution between the jurisdiction of the Federal Government and the jurisdiction of the States.

In my opinion, there is nothing in which the people of the United States are more interested to-day than the reestablishment of the ideas which formerly existed in this country with reference to our dual form of government. One of the greatest mistakes is to think of these ideas as peculiar to the South. They are not. I am sorry to say that no part of the country recently has drifted farther away from them than the South. Originally, the domestic rights of the States were held in fully as high estimation in New England and the Middle States as they were in the South. Henry Adams, in his history of the United States, expresses the opinion that until the sectional struggle sprang up over slavery an overwhelming majority of all the people of the United States were cordially wedded to the principle of State sovereignty. Then, of course, arose the sectional conflict, when the South used State sovereignty as a shield for its domestic protection in that conflict, with the result that State authority acquired no little opprobrium. That opprobrium, however, is passing away, and to-day we find the doctrine of local self-government nowhere more cherished than in the Middle and New England States.

So the Members of the Senate will see that I am not only in favor of the pending amendment on some secondary grounds, but because I deem it an initial step in the process by which I am certain that ultimately this Government of ours will be brought back in many important respects to its old, safe constitutional moorings.

Mr. FLETCHER. Mr. President, just a few words regarding this amendment.

It has been frankly stated by the author of the amendment, the junior Senator from Pennsylvania [Mr. REED], and it is admitted by the Senator from Maryland [Mr. BRUCE], that it is his wish that it shall be the initial step toward the final denial of all Federal aid in the construction of highways.

Mr. BRUCE. Mr. President, will the Senator permit me to interrupt him for just one moment? No; I do not mean that. The Federal Government has the undoubted power to establish post roads, and I do not quarrel with any direct, proper exercise by the Federal Government of the power to establish post roads. That is one of the objects to be subserved by the Federal power, just as much as any other object that falls within the domain of the power. I do object, however, to this system by which the Federal Government lures the State governments

into the surrender of that State sovereignty, and that is not all; by which it tempts the State governments often into most imprudent, improvident, and extravagant expenditures of State funds.

This Federal-aid system is like the old pretzel system. I presume the Senator is too temperate, perhaps, ever to have been familiar with it.

Mr. FLETCHER. I have heard of it.

Mr. BRUCE. Under that system, which prevailed in the old saloon, a man would come into the saloon, and the first thing that would greet his eye would be a lot of salted pretzels. When he ate the pretzels, of course he wanted to drink just twice as much as he did before he ate the pretzels. So the States, under the solicitation of this system of Federal aid, are tempted into expending far greater sums than they otherwise would expend.

Mr. FLETCHER. Mr. President, the Senator has already discussed the matter quite fully, and I want only a few minutes to give voice to the views that I have on this subject. I think I understand his position quite well.

In the first place, I disagree with the Senator's conception of the practical working out of the policy which we have adopted in regard to these highways. Up to 1916 we had done very little, so far as the Federal Government was concerned, in this field of activity. The act of 1916 was passed and this policy was adopted. I submit that it is not only working admirably, but I submit further that it has not unduly stimulated any State in the matter of constructing highways. On the contrary, there is no State, in my judgment, which has done all that it must do and concedes now that it is proper and right and wise for it to do in the way of building good roads.

In my judgment there is no factor which has contributed to the development of the various States and to the national wealth as the building of good roads has contributed. I do not wish to see a discontinuance of that system, which is working so admirably now and under which roads are being built throughout the country, enabling citizens from one portion of the country to go with comfort and pleasure to all other portions of the country. Instead of seeing that system discontinued I want to see it further expanded and extended.

It means something to be able to see, for instance, in the State of Washington, in the State of Oregon, in the State of California, in the State of Idaho, in the State of Montana, and other States, as we did last year when our committee was in that region in connection with the reforestation work, automobiles from Florida, from Georgia, from South Carolina, from Maine, and from all other portions of the country. It means the same thing down in Florida. There are in Florida to-day automobiles from Washington, from Minnesota, from Michigan, from Maine, even from California, and from all other portions of the country, including Canada. The people, through the use of those automobiles over these improved highways, are able to get acquainted with each other and cultivate good will and exchange their thoughts and ideas and cooperate in spirit and purpose through this facility for communication which otherwise they would not enjoy; and that ought to be continued.

I say we have accomplished a great deal since 1916, and we ought to continue to prosecute this great public activity along the same line. I can not see how we can for one moment support this idea of crippling this great work, of discontinuing it, of discouraging the States, hampering them, or refusing that proper cooperation that is desirable, that is back of this proposition. That is what it means, however. The Senator from Pennsylvania says that this is a proposal to reduce the appropriation for this purpose from $75,000,000 to $60,000,000 this year, and to reduce it next year still further, until ultimately no Federal aid whatever will be granted for the purpose of building good roads.

Mr. SMITH. Mr. President——

Mr. FLETCHER. I yield.

Mr. SMITH. I do not know that I shall take the opportunity to make any remarks on this question, but I have been interested to know what is the opinion of other Senators on this subject, and I can not go to a better source to get it than the Senator from Florida. What is his opinion of the effect of good roads, as we are now constructing them, upon the promotion and development of interstate commerce in this country, aside from post offices and post roads?

Mr. FLETCHER. I think the effect is marked and favorable. Commodities and produce from the farm are being moved to market by trucks on these roads, where otherwise they would rot in the fields or could scarcely be gotten to market at all.

Mr. SMITH. My reason for asking the question is that complaint has come before the Committee on Interstate Commerce that the revenues of the railroads, both as to freight and as to passengers, have been seriously impaired by the diversion of the traffic, both passenger and freight, to the local traffic on good roads.

Mr. FLETCHER. I have seen some statement of that kind, but, in my judgment, that is local to a great extent. In a general way the railroads have all the freight they can carry and all the passengers they can carry and render proper service now; and we need all the means of transportation that we can develop—not only good roads, but the waterways of the country as well.

Mr. SMITH. Mr. President, the point I wanted to make was this: If it be true that there has been a diversion of freight and passengers by virtue of this, the corollary to that is also true, that it would not be used if it were not more advantageous and in accordance with the desires of the people. Who would use one means of transportation for freight or passengers in preference to another if the one they neglected were superior to the other?

Mr. FLETCHER. Precisely; that is quite true.

Mr. KING. Mr. President——

Mr. FLETCHER. Will the Senator please excuse me? I will allow the interruption if he insists.

Mr. KING. No; I will not insist.

Mr. FLETCHER. We have gotten into a most abominable habit here. A Senator gets the floor to present his views, and he is interrupted right and left, and speeches are intertwined and interlaced, and we waste an enormous lot of time, it seems to me.

Without repeating myself, if Senators will allow me, I will conclude in about two minutes, and then any other Senator who wants to say anything can do so when he will have the right to the floor, and I will be in favor of his keeping it until he finishes, without interruption. We will get somewhere if we follow that course. But these constant interruptions, in my judgment, not only make for a waste of time, but they destroy all logical connection in the debate. I say that without finding fault with the Senator from South Carolina, because I value the contribution he has made to this subject by calling to mind a matter which I had not thought of dwelling upon at all. It is not necessary to dwell upon it. The Senator himself, by merely pointing out that situation, in my judgment, presents a strong argument in favor of the continuance of the construction of good roads in this country.

To show that the work has progressed satisfactorily, the total road mileage completed through Federal aid up to June 30, 1924, was 32,452 miles, and the work is going on splendidly. It is not a new policy. It is authorized expressly by the Constitution. It is in line with other things which the Government has been doing as well, and perhaps with less authority under the Constitution. For instance, the Government last year contributed $145,000,000 in the way of State aid for various purposes. Among the other purposes was the support of agricultural colleges. Do Senators want to say we must discontinue that? Among other purposes was the support of the experiment stations of cooperative agricultural extension work, and aid for the construction of highways, $63,375,000. For the National Guard, $19,486,000.

The total contribution from the Federal Government in the way of State aid last year was about $145,000,000, and that included such things, for instance, as, through the Agricultural Department, fighting white pine rust, European corn borer, and the gypsy and brown-tail moth. The Federal Government undertakes to cooperate with the States in the control and destruction of those pests. It is not proposed, I take it, that we discontinue those activities. Some of the matters mentioned may be somewhat questionable, but that is outside of this particular question now before us.

I am utterly opposed to any step that will diminish this aid and that will cause us to cease to engage properly in cooperation with the States of the country in this great enterprise of building highways, which means the development now taking place where good highways exist, and the civilizing influence and excellent enlightening effects upon the people.

The Senator from Maryland should not attempt to put the President of the United States in the position of opposing legislation of this kind by quoting from a message he delivered at some time, but which did not have reference to this particular question. I want to call attention to the President's message of December 6, 1923, where under the head of Highways and Forests, he said:

Highways and reforestation should continue to have the interest and support of the Government. Everyone is anxious for good highways. I have made a liberal proposal in the Budget for the continuing payment to the States by the Federal Government of its share for this necessary public improvement. No expenditure of public money contributes so much to the national wealth as for building good roads.

That is what the President said on this specific question, and I need not add anything to it. His Budget recommendation was for about $80,000,000, I think. In the last fiscal year there were distributed about $63,370,000, and that represented 48 per cent of the total Federal, State, and local funds expended for roads. The estimate in this year's Budget is $80,000,000, or 73 per cent of the $109,000,000 for Federal aid mentioned by the President in his Budget message.

I submit, Mr. President, that this amendment ought to be defeated, and that the bill should have our cordial support.

Mr. SMITH. Mr. President, I have wondered, during this debate, why some Senator has not called attention to the invention which has brought about this good-roads movement. The movement for good roads, as we now know them and as they are proposed to be constructed by the cooperation of State and National Governments, is not based upon the desire for good roads themselves, but upon the imperative necessity of getting roads that will get out of a modern invention the maximum return, the full and adequate expression of the power of that invention.

We had but one system of adequate, rapid, interstate communication, namely, the railroad, previous to the discovery of and the practical application of the internal-combustion engine. Not a man on this floor, not a citizen of the United States, would have questioned the right of the Federal Government to see that steam transportation was adequately provided for, because of its power to revolutionize, as it did revolutionize, the methods of communication between far-distant points. But it was of such a character that it could not become available for the individual, and to that extent was undemocratic.

It is not necessary for me to review the history of the building of our great transcontinental lines. Vast subsidies of land, empires, were given by the Government in order to bring about the completion of a system that would unite East and West. It made the opening of the West possible. It made the unification of the American continent possible.

As we have progressed in scientific discovery, we have a substitute for the railroad, which is the automobile, or the autotruck. Their full efficiency can not be gotten out of the ordinary roads as we knew them when horse-drawn vehicles were the vogue. They are built upon a quadrangle where the ordinary vehicle that is pulled could be put upon a triangle, like the fifth wheel in a buggy or a wagon. An uneven surface did not do the damage to the horse-drawn vehicle that it would do to one that is pushed, and therefore must be built upon a quadrangle. Any unevenness in the surface tends to destroy or impair the efficiency of the construction. Therefore, in order to get the greatest efficiency out of what we all recognize as being a marvelous substitute, locally now, at least, for train service, for steam service, you have to accommodate your road to it. Hence the good-road movement, the smooth surface, the hard surface.

It is more essential to the development of our country than ever the railroad was. It is more democratic. It has a greater effect upon a community. It has obliterated the isolation of farm life and country life. By virtue of its being contemporaneous with the radio and the telephone, it has made the inhabitants of the country as cosmopolitan and as much interested in the progress of the congested urban life as though they were there themselves.

It has also contributed to the development of out-of-the-way places, made it possible for communities to contribute their wealth to the great streams and arteries of wealth, as no other invention of modern times has done. It is stimulating and developing the commerce and the interchange of commerce in the country as the railroads or horse-drawn vehicles could never hope to do. It has reduced the importance of the element of time or the element of space, the two great barriers to the proper distribution and production of wealth.

I cannot understand how any man, realizing the fundamental activities which must be engaged in by all the people for the benefit of all, can stand on this floor and argue against the Government of the United States, with the commerce clause in the Constitution, with the post office and post roads provision, cooperating with the States in developing that system of transportation which makes possible the development of every out-of-the-way place on the American continent.

I call the attention of the Senator from Florida [Mr. FLETCHER] to the complaint which has come before the Committee on Interstate Commerce, that even here in the incipiency of auto transportation the railroads are complaining that we are granting Government aid to their competitors and granting no Government aid to the railroads. I will not stop to discuss whether or not we are granting aid to the railroads. I think it could be proven that we are, perhaps, in a larger degree than to the good-roads movement; but that has nothing to do with your and my duty, which is to furnish every facility for the development of the resources of this country within our power. It is not an infraction of State rights. It is giving the power to a State to demonstrate its right to develop and express itself beyond its borders, as well as within its borders.

No invention of modern times has exceeded in public value the invention of the internal-combustion engine. It has brought within the scope of the individual the power to have his own freight train and his own passenger train. It has gone far toward solving the vexed problem of our dependence upon steam transportation, with its monopolistic and imperialistic power. It is contended that there may be a few roads which have been constructed by Government aid that are not post roads, but there is not a good road in the United States that is not a direct contributor to the commercial development of this country.

These good roads are just as essential for the efficient use of modern power, the autotruck and the automobile, as railroad ties and steel rails are to accommodate the steam engine. We are not building good roads because we want the smooth surface alone, but we are building them because we can not get full efficiency out of the machine without accommodating ourselves to the machine. It is an economic question. We are building up good roads in order that we may get the most out of this modern application of the internal-combustion engine.

I do not approve the idea of standing here and saying that we will not contribute the Federal Government's share for the development of that system which in less than a decade has revolutionized the life of every community, brought within the province of exploitation places into which it was not possible to build a railroad on account of the extravagant cost. We can build a good road into such places and put a modern method of transportation in there and grant those people the same contact with the markets and the society of the world as though a railroad ran there.

It is not a question of localizing the system within a State. It is interstate in its very nature. It is not a question of South Carolina building a system of good roads without an understanding with North Carolina, her sister State, nothing but an imaginary line dividing the two, and where we might incidentally or accidentally build a road that would not accommodate itself to a like system of transportation in North Carolina. But by cooperating with North Carolina we can get a system of interstate communication that answers all the purposes of intrastate communication. Likewise as North Carolina touches Virgina and Virginia touches the District of Columbia, so stretching on across the common country are the States, each maintaining its State rights and developing that system that brings us together in elbow touch. That is the work to which every one of us should commit himself and foster with all the power within reach.

I do not believe that we would be wise in appropriating more money than we can wisely expend in the proper laying out of this marvelous means of modern advancement and communication, but we have an organization to take care of the Government's side and we have the State good roads commissions, which are supposed to have the welfare of their respective States at heart. They know how far they can levy the taxes without too great a burden. We know just to what extent we can go here. Working jointly, where is the limit in this country to our development with this modern means of rapid transit and communication, more comfortable, more educational than the system which it is rapidly supplanting, that of steam transportation?

I have sat here and listened to the debates and to Senators taking the view that it is a proposition to build a buggy road or a wagon road or a forest trail. It is a marvelous revelation through the inventive genius of man of what may be done in annihilating time and space and giving the country at large and the States a means of rapid communication both of person and of property. It is our duty to develop it. It is not a question of State rights. It is a question of national development all along the line, the logic of which is the promotion of every interest, religious, social, political, and commercial, and

we have no other way of doing it except by the elbow touch of communication. Genius has indicated the lines along which we shall move, and it behooves us to follow those who were endowed with the divine power of discovering the intent of Providence in relation to man.

CARRYING ANITITOXIN TO NOME BY RELAY TEAMS

Mr. DILL. Mr. President, this is a road bill which the Senate is now considering, and I think that without leaving the subject entirely I might discuss for a few moments certain events in that part of the United States which has no roads and to which the bill does not apply. In other words, I want to speak for a few minutes about the means of transportation used in far-away Alaska in the past few days. I want to speak of that classic, heroic dog-team relay that carried antitoxin for the suffering, dying people of the little city of Nome away out there on the coast of the Bering Sea.

It was a week ago last Monday that the news came that there were four deaths and 20 cases of diphtheria in Nome, and that the only antitoxin in the town had been there from four to six years and therefore was not worth anything in caring for those people. Then there arose the question of how the antitoxin that was needed could be gotten to Nome. Because of the ice-bound Bering Sea it is impossible to reach the harbor at this time of the year. It was first proposed that the antitoxin be carried by airplane. Nome is a thousand miles from Anchorage down on the southwestern coast of Alaska, from where the antitoxin was to be sent. But it was found that there were only three usable airplanes in Alaska, that they were in winter storage, and the aviators had gone to the States. There was one other airplane in Alaska, but the engine had not been in use for some time and it was believed to be very dangerous to undertake to use it without its being repaired. So it was finally decided that they might take 300,000 units of antitoxin from the railroad hospital at Anchorage and send it overland by dog teams. They could take it about half way by the railroad that runs from Anchorage to Fairbanks. They did not take it all of the distance to Fairbanks, but stopped at Dunbar, about 40 miles this side of Fairbanks. There it was met by one of the dog teams and in relays carried across the country.

RIGORS OF THE TRIP

We who live in a climate such as we have in the States can not possibly realize what that trip meant. It is a trip of 650 miles, which, made regularly by the mail teams, takes from 25 to 30 days. By the use of relay teams they covered the distance in five and one-half days. It is an accomplishment that will be talked about in Alaska not only through this winter, but for many years to come. The heroic deeds of those men and dogs have caught the imagination of the entire world and are worthy of a mighty pen and eloquent tongue, and will be celebrated in story and in song long after the participants are dead and gone.

I want to call particular attention to one or two things in connection with this method of transportation. The teams are made up ordinarily of 9 to 11 dogs. They travel from 6 to 7 miles an hour under ordinary conditions. When it was announced that they would take the antitoxin by relay teams, every noted dog driver in the entire country along the routes over the mountains and down the Yukon River to the seacoast, and then along the coast to Nome, volunteered his services, and the very best drivers and teams were chosen. They made some really remarkable records. I shall not attempt to trace the trip, nor to give the details; first, because I am not sufficiently familiar with them, and secondly, because it would take too much time; but it is interesting to know that between the relays, running from 30 to 40 miles each, there was only 10 to 15 minutes of delay, the driver of every team immediately taking charge of the antitoxin and driving on to the next station.

REMARKABLE RECORD

The Indian natives of the country volunteered their services to make possible the quick relays on the trip, because the people in that section of Alaska have again and again been stricken with this dread disease. So as the drivers and dogs went along on the trip, these Indians helped in every way they could. There are two or three speed records that are really worth mentioning. The relay from Ruby to Whiskey Creek, 28 miles, was made in three and one-half hours. The most remarkable relay was from Nulato to Kaltag, where they made 36 miles in three and one-half hours, which is a little better than 10 miles an hour. They made the entire distance from Tanana to Kaltag, 280 miles, in 37 hours, by these relay teams. These are truly remarkable records for this time of year.

I want to remind Senators of another thing. The newspapers mentioned the names of the great dog-team drivers who have won the relay races, Seppala, and particularly Kasson, but those records I have just mentioned were made by unknown Indian dog drivers with teams of mongrel dogs. Of course, the last part of the trip was more exciting and the traveling was the more fierce, because of the terrific gales that swept across the Bering Sea and the coast. But we should always remember that the rapid and successful carrying of this antitoxin to Nome was due as much to the unknown drivers and the unknown dogs fighting their way through the blizzards over the lonely, dead ice desert, each doing his part to make the final victory possible, and that they deserve equal credit with those whose names came through in the news dispatches.

THROUGH DARKNESS, COLD, AND GALES

When the teams which carried the antitoxin over the mountains and down the river to the Bering coast reached that point they struck the most difficult part of the trip. It was 30° below zero, the gales blew 40 miles an hour, and this is the time of the year in Alaska when the country is wrapped in darkness. Their daylight period is from 10 to 2 o'clock and is a period of misty light. They made the trip through the darkness, the drivers most of the time being unable to see anything at all and least of all the trail. They had to trust to the dogs, which seemed to have an almost supernatural power of finding their way along the trail. The trip of Seppala was something like 100 miles, much of it across the country where there is not a single habitation through all the distance. With his dog team of 20 or 21 dogs he made a wonderful record, the crossing of Norton Sound being the most spectacular and the most notable part of the trip. His dogs are the Siberian dogs, smaller than the ordinary malamute dogs used on the first part of the trip. They have the peculiar faculty of starting at an ordinary rate of speed and as they go along they get faster and faster until they attain a speed of 8 or 9 miles an hour. They are said in this case to have speeded up beyond anything known in the travel of Alaskan dog teams. They seem to have had a sort of supernatural knowledge that they must get through to the coast in the face of the storm which was driving against them.

TRIBUTE TO BALTO

When the relay reached Bluff it was taken by Kasson with his team of Siberian dogs. He was to have been relayed at a place called Safety. The storm, however, was terrible, and he did not stop at Safety, but went on through and made the trip of 55 miles. His description of the trip, as written in the newspaper, reads like a romance. I shall not attempt to give it all, but I wish to read just two or three statements from it. According to the United Press, he said:

I left Bluff, 53 miles east of Nome, at 10 p. m. Sunday. The thermometer stood at 30 below, and a gale was blowing from the northwest. I couldn't see the trail. Many times I couldn't even see my dogs, so blinding was the gale. I gave Balto, my lead dog, his head and trusted to him. He never once faltered. It was Balto who led the way—the credit is his.

This black Siberian dog, through the darkness and storm, crossed this icy desert and kept the trail when no human being could possibly have found his way. I wish to read a commentary on this feat by one of the editors of the Hearst newspapers, because, while many editors have attempted to do justice to this trip, I think he has come nearest to doing so. Speaking of the journey, he said:

Nothing finer has been done by heroism on any battle field than this relay race across this wind-swept, ice-locked desert of the Arctic.

If anything, this heroism of the distant North is better than that of battle, for there was no thrill in the doing of it, no wild intoxication, no mass delirium which makes the hazard seem a holiday.

All alone these brave drivers and brave dogs accepted the challenge of the tempest and the plague—and won.

Six hundred and fifty miles they struggled through the storm, blowing 70 miles an hour—650 miles with the thermometer 40 below zero.

There was not even daylight to relieve the loneliness of it, for at this season that region is wrapped in night. Only between 10 in the morning and 2 in the afternoon a pale gray light filters through—a light so dim that the driver can not see his leading dog.

And after this brief twilight, blackness comes—and with it all the desolation of a dead world.

Such was the pitiless stage of this great drama of Alaska—this drama of man and dog—or dog and man—for in the fine democracy of nature all are equal if their worth be equal.

The savage wind cut them, the stinging, flying ice numbed them, the cold cut clear to the bone. They were clad in ice—dogs and drivers—but they kept straight on toward Nome, for children were dying there for want of the medicine they bore—and every minute meant a life.

They are a dauntless lot—these mushers and their dogs—who find their way where there is neither sign nor star—and they are a gallant lot as well.

For instance Seppala, four-time winner of the all-Alaska sweepstakes, first won the prize from Scotty Allan, till then the peerless driver of the northland, and then Seppala named his leading dog "Scotty," in honor of his vanquished rival.

There are thoroughbreds up yonder in the long, bitter darkness.

Consider another gallant fellow—

When, half frozen, Gunnar Kasson, the driver of the final relay into Nome, was given coffee and half thawed out, his first words were words of praise for his leader "Balto."

Then the editor quoted this statement from Kasson:

I do not believe any dog other than my leader, Balto, could have brought the sled with the antitoxin through such a night of storm as we, my 13 dogs and myself, passed through last night.

I could not see the trail or any markings myself, and it was only through Balto's leadership that we arrived when we did.

SHOULD NEVER BE NECESSARY AGAIN

Senators, I tell this story because I want it in the RECORD, and because I want to remind the Senate and the bureau that has charge of the Health Service that we should see to it that never again in the future will a great ice-locked northern port be left in the fall with no antitoxin except that which is from four to six years old.

The 300,000 units of antitoxin that were carried there are only sufficient for 20 or 30 people. It has been decided to send 1,200,000 more units of antitoxin and 200 Shick tests from Seattle. It is hoped to be able to send those by airplane, and probably in the future they will always be able to transport such necessary medical supplies by airplane.

The classic victory of these dogs and men will probably be the last of its kind, and it is certainly a fitting finish to the long history of brilliant achievement made by dog teams in the far north.

While I am speaking on the subject of the work that dogs have done with men and for men, I wish to insert in the RECORD two tributes to the dog which have been paid by men to the faithfulness of dogs in temperate climes, living under conditions with which we are familiar. I desire to submit them as a part of my remarks, the one being the well-known tribute to the dog by former Senator Vest, of Missouri, and the other being the editorial written by former President Harding concerning the dog that died when he was editing his newspaper at Marion.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

SENATOR VEST'S TRIBUTE TO A DOG

"Gentlemen of the jury, the best friend a man has in the world may turn against him and become his enemy. His son or daughter that he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and good name, may become traitors to their faith. The money that a man has he may lose. It flies away from him perhaps when he needs it most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the first to throw the stone of malice when failure settles its clouds upon our heads.

"The one absolutely unselfish friend that a man can have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous, is his dog. He will sleep on the cold ground where the wintry winds blow and the snow drives fiercely if only he may be near his master's side. He will kiss the hand that has no food to offer. He will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince. When all other friends desert he remains. When riches take wings and reputation falls to pieces he is as constant in his love as the sun in its journey through the heaven. If fortune drives the master forth an outcast in the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him, to guard against danger, to fight his enemies.

"And when the last scene of all comes and death takes the master in its embrace and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by his grave side will the noble dog be found, his head between his paws, his eyes sad, but open to alert watchfulness, faithful and true even in death."

MR. HARDING'S MASTERPIECE

Back in the days when Warren G. Harding was merely the editor of the Marion Daily Star and only an ultraoptimistic few of his fellow townsmen expected him ever to become President of the United States, there was a little dog who loved this beetle-browed man above every other living thing. This was Hub, a Boston terrier.

One day last summer when the Republican presidential candidate had been complimented upon one of his best speeches he mentioned Hub, and said:

"The best thing I ever wrote was an obituary for my dog. I felt that, and anybody can write when he feels very strongly upon his subject. Some day I'll find a copy of that tribute to my dog and you'll agree with me that it was good."

Recently George Van Fleet, managing editor of the Marion Star and the sole boss while the owner is in Washington, found the obituary of Hub in the newspaper files and sent a copy to the White House. Here it is:

"Edgewood Hub in the register, a mark of his breeding; but to us just Hub, a little Boston terrier, whose sentient eye mirrored the fidelity and devotion of his loyal heart. The veterinary said he was poisoned; perhaps he was. His mute suffering suggested it. One is reluctant to believe that a human being who claims man's estate could be so hateful a coward as to ruthlessly torture and kill a trusting victim, made defenseless through his confidence in the human master, but there are such. One honest look from Hub's trusting eyes was worth a hundred lying greetings from such inhuman beings, though they wear the habiliments of men.

"Perhaps you wouldn't devote these lines to a dog. But Hub was a Star office visitor nearly every day of the six years in which he deepened attachment. He was a grateful and devoted dog, with a dozen lovable attributes, and it somehow voices the yearnings of broken companionship to pay his memory deserved tribute.

"It isn't orthodox to ascribe a soul to a dog. But Hub was loving and loyal, with the jealousy that tests its quality. He was reverent, patient, faithful; he was sympathetic, more than humanly so sometimes, for no lure could be devised to call him from the sick bed of mistress or master. He minded his own affairs, especially worthy of human emulation, and he would kill nor wound no living thing. He was modest and submissive where these were becoming, yet he assumed a guardianship of the home he sentineled, until entry was properly vouched. He couldn't speak our language, but he could be, and was, eloquent with uttering eye and wagging tail, and the other expressions of knowing dogs. No, perhaps he had no soul, but in these things are the essence of soul and the spirit of lovable life.

"Whether the Creator planned it so or environment and human companionship have made it so, men may learn richly through the love and fidelity of a brave and devoted dog. Such loyalty might easily add luster to a crown of immortality."

FAITHFULNESS

Mr. DILL. Now, in conclusion, I wish to make one other observation. Somebody has said that if a man feeds a dog when he is cold and hungry, even though he be a cur, he will never bite that man, no matter how he may subsequently be treated by him. I think that is a quality that human beings, especially many politicians, might emulate. [Laughter.]

I am told that when it was desired to erect a statue in the French Palace of Justice in Paris to typify the faithfulness that a lawyer should practice in serving his client, they chose a dog faithful to his master. The dog is the companion of man in every clime on every part of earth, and his devotion to his master has always been as steadfast as the stars and as eternal as love.

Mr. FESS. Mr. President, our colleague from Washington, by his splendid talent, has put himself in the class with Jack London in The Call of the Wild. I think we have enjoyed his address on the dog as much as any of us enjoyed reading the famous book of Jack London.

ADDRESSES BY FORMER GOVERNOR FRANK O. LOWDEN

Mr. HARRIS. Mr. President, one of the ablest men who has been in public life in the United States is former Gov. Frank O. Lowden, of Illinois. He recently delivered two addresses in my State, one in Atlanta and one in Savannah, of such great interest to our people that I ask unanimous consent to have them printed in the RECORD. I also ask to have printed in the RECORD the remarks of Mrs. Walter D. Lamar in introducing Governor Lowden to his audience in Atlanta. Mrs. Lamar is one of the distinguished women of Georgia and the South. Her father was the Hon. James H. Blount, who for 20 years so ably represented in Congress the sixth district of Georgia.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

ADDRESS OF HON. FRANK O. LOWDEN, AT ATLANTA, GA.

Madam President and ladies of the United Daughters of the Confederacy, I thank you for this opportunity. When your gracious invitation came I was deeply moved and grateful—moved beyond words that you should thus honor me and grateful for the chance to tell of the gladness that fills my heart because of the fact that the last wraith of misunderstanding between the North and the South is laid, as I believe, forevermore.

It is a happiness, too, to be here under the auspices of the Daughters of the Confederacy. In war women always bear the hardest part. In battle the soldier is stimulated by the pomp and panoply that surround him, is heartened by his contact with his comrades, is sustained by the intense excitement which is inseparable from combat. The woman at home is altogether without these powerful influences. She, in her loneliness, with only her children about her, always bears the heaviest brunt of war. For woman, brave beyond man in enduring pain herself, suffers most of all when her loved ones are in pain or peril. The worst that can happen to a soldier fighting for his country is to sleep in a patriot's grave. It is those whom he leaves behind—a mother, it may be, or a wife or children—to whom our tenderest sympathy is due. It came very close to my heart, therefore, that you, the Daughters of the Confederacy, upon whose mothers the war laid the heaviest burdens, that it was you who bade me come.

I do not deem it appropriate to-night to go further into the causes of the Civil War than may be needed for a better understanding of some of the perils that beset us to-day.

The question of the right of a State to secede was not a new one. It had been asserted many times since the adoption of the Constitution. It was inevitable, I think, that this should be. The question is inherent in the very nature of the Constitution itself. For in that great instrument a new principle was introduced into government.

The United States of America are a federation. Unlike all earlier federations, however, the federation itself is clothed with powers to be exercised directly over certain designated subjects. It is, therefore, a federation and a Nation in one. The framers of the Constitution saw that all the federations of the past, usually formed for purposes of mutual defense, had fallen apart whenever their several members had come into conflict over internal affairs. They had seen the confederation of the Colonies torn by internal discord and sinking into impotence. When, therefore, they assembled in Independence Hall to frame a new Constitution, they were not content to frame a mere federation and nothing more. They adopted a new device in government and conferred upon the central Government jurisdiction to be exercised directly upon the citizens of the several States in those matters which were thought to be of common interest to all the States and which were necessary to enable the new Government to maintain itself. It was thus unavoidable that men should differ as to the power of the new Government. Those who by temperament regarded the integrity of the States as the important feature in the new Government were inclined to view with jealousy any large exercise of power directly by the central Government. They, upon the other hand, who looked to the national principle embodied in the Constitution as affording the largest hope for the future of our country were inclined to a liberal construction of the powers of the central Government. Those holding the former view easily deduced the doctrine that each State had the right to decide for itself, in a case where there was doubt, as to whether or not the General Government had exceeded its powers, and if it had, to refuse to yield obedience in that particular matter to the central Government. This is the doctrine embodied in the Kentucky and Virginia resolutions announced during the first decade under the new Government. A little later the famous Hartford convention was held. There the same doctrine was advanced, and although the convention in its formal report denied that it had any present intention to dissolve the Union, the right to do so lay in the background of its deliberations. Indeed, in its demands upon Congress for far-reaching amendments to the Constitution there was contained an implied threat of secession. The Kentucky and Virginia resolutions were adopted on the initiative of the then Republican Party, when the Federalists were in power, as a protest against some of the policies of that party. The Hartford convention of Federalists was held during the second war with England and while their old opponent, the Republican Party, was in power, as a protest against the policies which that party had adopted in the prosecution of the war and which were believed to be injurious to the interests of New England. Fortunately, before any action could be taken, peace with England had been declared and Jackson's great victory at New Orleans had greatly strengthened the national spirit. Thus we see the two great parties of the day, when the opposite party was in power, equally indulging in at least implied threats of secession.

This vital fundamental question continued to reappear in different forms throughout subsequent years and until it was finally settled by the arbitrament of arms.

The question was so vital, so far-reaching, so novel, without any precedent in all history to guide us, that it is difficult for us to see, looking calmly over the past, how it was possible to settle this question in any other way. It was unfortunate for the South that events cast upon her the burden of bringing this mighty issue to the cruel test of war. It is conceivable that if the second war with England had lasted some years longer the New England States would have felt impelled to take the course that the States of the South later took.

The war was really waged over conflicting theories of government. There were inherent differences of opinion among honest men as to whether the central Federal Government safely could be clothed with power enough to maintain itself against the will of the States themselves without endangering the liberties of its far-flung citizenship. This was the real question involved in that heroic struggle. For threescore years and ten the statesmen of America had attempted in vain to solve the problem. The resources of human statesmanship had been exhausted, and it was reserved to the armies of the North and the South to answer the question with their life's blood. The question was so large, involving as it did not only the future of America but all the future generations of men everywhere, that it need must be settled even at the awful cost of war.

It had been decreed that the answer to this portentous question should be yes, and when the war was over men everywhere could say that this great question had been settled forever by brave men, some wearing the blue and some the gray.

It was a distinguished son of the South, Gen. Stephen D. Lee, who said:

> "Now, that 30 milestones of the years have been passed since the last life was offered up for the love of our country, the southern people, making no apologies for the past, since, as you generously recognize, they fought for the right as they saw it and did their duty as they understood it, do not regret that the great God, who holds the destiny of nations, settled the question of State sovereignty and slavery for our common and everlasting good."

Through war the dream of the founders of the Republic came true, and a mighty and united country had become a fact. This was equally, as I believe, to the benefit of both the South and the North. The Constitution extends its protecting influence over the remotest portion of our common country. A war between the States is no longer a thing to dread. There are other influences now at work, however, seeking to undermine the very foundations of the Constitution.

It is seriously proposed that the Congress of the United States shall be given power to overrule decisions of the Supreme Court declaring an act of Congress void. If that proposition is adopted, the Constitution, which was finally established at such an awful cost of treasure and blood, will have become of no more significance than an act of Congress, which may be repealed by a temporary majority in the following year. Those great enduring guaranties of the rights and liberties of the citizens which the Constitution contains will have been swept away and the States themselves will sink to the status of satrapies ruled from Washington. Congress, freed from the restraints contained in the Constitution and which can be given effect only by the Supreme Court, will legislate upon every variety of subject which hitherto has been regarded as of merely State concern. The war made this an "indissoluble union of indestructible States"—mind you, indestructible States. If this new proposal shall be given effect, the States, as independent entities in our Federal system, will have been destroyed by a single blow. For who can doubt that the Congress of the United States, in the exercise of its powers, if made the final judge of its own acts, will encroach upon those powers which hitherto have been exercised by the State until the State shall be shorn of those powers, one by one.

If this shall happen, the States as we know them will disappear. They will become but mere shadows of their former selves. They will finally be ruled from Washington, the seat of autocratic power. The "lost cause" is dear to the heart of every southerner. But though he lost his cause, he found a country greater than any of which he had dreamed. Now, if the proposition to substitute the will of Congress for the sacred guaranties of the Constitution shall prevail, it will indeed be a "lost cause" for which both North and South poured out their blood upon a hundred battle fields.

The principle established in the Civil War has gained steadily in the estimation of the students of government the whole world round. Two years ago two great Englishmen visited America—Lord Shaw, chief justice of England, and Lionel Curtis. Lord Shaw addressed the American Bar Association at San Francisco, and Lionel Curtis at about the same time addressed the Institute of Politics at Williamstown. These men both emphasized the Federal principle as America's greatest contribution to the science of government. Lord Shaw said:

> "In this task of widening the range of law your great country has produced supremely great advocates. I sometimes think that the Federal idea, the idea which the genius of Hamilton and Washington combined to impress upon your people, under which State rights could be guaranteed and the Union kept secure, is on the eve of establishment on a world scale."

A generation ago it was suggested that it would be well for our country if all monuments keeping alive the memories of the Civil War were razed to the ground, so that future generations might forget that fratricidal strife. At the time the idea commended itself to many broad-minded Americans, both North and South, but in the light of these later years I think it would have been a grievous mistake. The bitterness engendered by the war has disappeared. Time, the great physician, has healed the wounds to the spirit inflicted by the war.

The monuments we are erecting North and South to our soldier dead no longer recall anything of the bitterness of the strife, but they do immortalize the sacrifices, the valor, the heroism of the American soldier, whether clothed in blue or gray. When I am told that the strategy of Stonewall Jackson was taught for years in the military schools of France in preparation for the greatest war the world has ever seen, pride swells within me that Stonewall Jackson was an American soldier, and I forget for the moment upon which side he fought. When the English military experts pronounced him the greatest soldier since Napoleon, I was glad that this great tribute had been paid to an American soldier, though south of Mason and Dixon's line. What we need is not fewer monuments, but we do need to feel both North and South that all of us have a part in all that was brave, fine, self-sacrificing, and great in the matchless deeds of the armies of both North and South. When I visit Richmond and gaze upon the statue of Robert E. Lee, that masterpiece of art, I like to think that the knightly figure there portrayed was a countryman of mine, and that I have a small part in the immortal fame that has come to him. And I know that no true son or daughter of the South ever passes the stately mausoleum on Riverside Drive in New York, where lie the ashes of Ulysses S. Grant, who would not think the great metropolis the poorer if that monument were destroyed by vandal hands.

Last fall I visited Stone Mountain and saw the beginning of the most stupendous memorial I think that man has ever dared. I thought, when I learned that this great monument had been initiated and inspired by the United Daughters of the Confederacy, that though it had not been so intended it was a noble monument, too, to their great organization. And when I looked upon the heroic figures then being sketched upon the side of that majestic granite peak a feeling of awe came over me, and I could not but think that when the pyramids have crumbled into dust, when all the monuments of the bygone ages erected by the hand of man have disappeared from earth, this great memorial will stand an immortal record of the great achievements of Americans.

When the war was over, the soldiers of the North formed themselves into the Grand Army of the Republic and the soldiers of the South into the United Confederate Veterans. Each of these organizations has rendered important service to their country in all the years that followed Appomattox. Around their several camp fires they have recalled deeds of valor and heroism and hardship and revived the stirring days of the war. They have given the tenderest care to the widowed and orphaned of their fallen comrades. They have exerted their great influence toward a better understanding between the two sections. For the brave are always generous, and it was the soldiers of the two sections who first extended the hand of friendship and fellowship across the chasm which had sundered the two. Though they could not know it, the opportunity for the greatest service of all they were to render their country did not come for more than a half century after the last shot was fired in the War between the States. Their ranks had been thinned until only shadows of the proud armies that had laid down their arms at Appomattox remained. And then the World War laid its claims upon American manhood. I was Governor of Illinois at the time and it was one of my duties to attempt to rouse our people to a full understanding of the significance of the mighty conflict. It was a difficult thing to accomplish. The war seemed to many to be so far away. It was not easy to bring home to the average mind the truth that there never was a war in our history which was so close to our hearthstones as that war across the sea. I soon learned that in my State it was the Grand Army of the Republic that responded first and most heartily to every patriotic appeal.

During this time I had occasion, too, to visit the South. And wherever I went I found the United Confederate Veterans performing a like service. They, too, were exhorting their sons and their grandsons to answer their country's call. I saw that they were employing the same language, the same lofty sentiments of patriotism, in their appeal as were their former foes of the North, now become comrades all.

A merciful God had preserved these veterans of the Civil War for more than 50 years. No longer capable of bearing arms themselves, they still could inspire and arouse the younger men to the supreme need of responding to their country's call.

Wherever there was a Grand Army post North or wherever there was a post of the United Confederate Veterans South that post was the center from out of which there radiated all the stimulating, patriotic influences in that community. These old veterans still held aloft in their trembling hands the torch of liberty to illumine the pathway of duty and honor to those whose forbears had worn the blue and the gray.

All honor to the great-hearted, broad-minded men and women of both North and South who were the first to point the way to fraternal accord between the two sections. I shall have time to name but a few.

In the summer of 1885 Grant lay dying upon Mount McGregor. His last years had been saddened by the perfidy of a business associate. Up to the very end he was engaged in writing his memoirs, with the hope that the proceeds derived therefrom might save his widow and children from want. During his heroic struggle to live until he might complete his work the public's old interest in him and affection for him began to revive. Letters and messages poured in, and none so heartened him as the words of respect and sympathy which came from his old foes of the battle field. Just three weeks before the end he wrote a letter to his physician, asking him to keep it confidential until after his death. In this letter he said:

> "As I have stated, I am thankful for the providential extension of my time to enable me to continue my work. I am further thankful, and in a much greater degree thankful, because it has enabled me to see for myself the happy harmony which has so suddenly sprung up between those engaged but a few short years ago in deadly conflict."

And no sincerer mourners followed the great captain to his tomb than the brave men from the South who had held him at bay for four long years.

And I would be recreant to my duty, speaking, as I am, upon Georgia soil, if I did not recall the great contribution to a better understanding made by that gifted son of this historic State, Henry W. Grady. His great speech in New York but four years after Grant's death, which he called "The New South," impressed the North as I think no other speech within my memory has impressed it. Let me quote for you a few of his inspired words:

> "In my native town of Athens is a monument that crowns its central hills—a plain, white shaft. Deep cut into its shining side is a name dear to me above the names of men, that of a brave and simple man who died in brave and simple faith. Not for all the glories of New England—from Plymouth Rock all the way—would I exchange the heritage he left me in his soldier's death. To the foot of that shaft I shall send my children's children to reverence him who ennobled their name with his heroic blood. But, sir, speaking from the shadow of that memory, which I honor as I do nothing else on earth, I say that the cause in which he suffered and for which he gave his life was adjudged by higher and fuller wisdom than his or mine, and I am glad that the omniscient God held the balance of battle in His almighty hand, and that human slavery was swept forever from American soil—the American Union saved from the wreck of war.
>
> "This message, Mr. President, comes to you from consecrated ground. Every foot of the soil about the city in which I live is sacred as a battle ground of the Republic. Every hill that invests it is hallowed to you by the blood of your brothers, who died for your victory, and doubly hallowed to us by the blood of those who died hopeless, but undaunted, in defeat—sacred soil to all of us, rich with memories that make us purer and stronger and better, silent but stanch witnesses in its red desolation of the matchless valor of American hearts and the deathless glory of American arms—speaking an eloquent witness in its white peace and prosperity to the indissoluble Union of American States and the imperishable brotherhood of the American people."

A little later, John B. Gordon, another son of Georgia, gallant soldier, statesman, gentleman, gave a lecture in different parts of the United States called "The last days of the Confederacy." It was a great lecture. The portraits he draws of Lee and Grant at Appomattox should be enshrined forever in the heart of every true American. The two men as he paints them were equally great, each in his own way, the one in victory and the other in defeat. No one can read General Gordon's story of that time without feeling that it was one of the climatic hours of history. There was no precedent for it in all the annals of time, and no one can read it without thinking, too, that Grant and Lee then and there, without knowing it, perhaps, were laying the foundations for the happy union that has come about between the North and the South.

I am proud of the fact that it was in Illinois that the first great reunion of the soldiers of the North and the South occurred. The time was Memorial Day in 1895, just 10 years after Grant's noble message from his deathbed to his brethren of the South. The occasion was the dedication of a monument which had been erected above the dust of Confederate dead in Oakwood Cemetery in Chicago. Thither had come Longstreet, Stephen D. Lee, Fitzhugh Lee, Wade Hampton, Heth, Butler, and Underwood from the South, to fraternize with their erstwhile adversaries of the North. Never since the war had the wearers of the blue and the gray in such large numbers met and mingled. They formed a great parade and marched to the cemetery. There in the presence of a vast concourse they united in paying final honors to the Confederate dead. It was my own old regiment—I

am proud to recall—the First Infantry of the Illinois National Guard, which, in final military tribute, fired volleys over the Confederate graves. It was an epochal event. It was fitting that this final rapprochement should happen upon Illinois soil. For was not Illinois the home of Lincoln?

And it was Lincoln who said, in his first inaugural address:

> "I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection.
>
> "The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature."

Those words were spoken with great solemnity three and three score years ago. They did not come true then as Lincoln fondly hoped and prayed. He was destined not to live to see the consummation of his dreams. His prophecy seemed for the time to have failed. In fact, it was only postponed. For now we have seen his prophetic utterance come true in every word and line. Passion has greatly strained, but it has not broken "our bonds of affection." The mystic chords of memory "are stretching from every battlefield and patriot grave." They issue from Chancellorsville and from Gettysburg and from a score of other battlefields consecrated by the blood of brave men, Americans all. They come from the graves of those who died beneath the Stars and Bars just as from the graves of those who fell beneath the Stars and Stripes. In very truth they go to "swell the chorus of the union" in ever increasing volume. And surely these "mystic chords" have been divinely "touched by the better angels of our nature" just as Lincoln hoped and prayed. We can now say, in all thankfulness to Almighty God, that Lincoln's noble vision at last is realized.

MRS. LAMAR'S INTRODUCTION

This is a great moment in the history of the Daughters of the Confederacy, it is a great moment in the history of the State of Illinois, it is a great moment in the history of the United States; and why? Because to-day the daughter of the Confederacy, standing deeply imbued with reverence for her forbears and the principles for which they offered their lives in the War between the States, with a sorrowful glance at the scorched fields back of her from Atlanta to the sea, is with loyalty to the Constitution seeking how she may best have a part in maintaining standards of the Nation against lawlessness and unrighteousness.

Behold her! A countenance that radiates love for her section and her country, a bearing that denotes pride in her heritage from Revolutionary as well as Confederate ancestry. In her left hand, clasped close to her heart, is the flag she loves, symbol of a Nation than which none ever rose more fair nor fell more pure—the Stars and Bars. In her right hand she holds aloft the flag of a reunited country, a flag that was once an enemy flag, but a flag that now protects her life and home, a flag under which her sons have three times since the sixties marched side by side with sons of men who wore the blue in that sorrowful strife between brothers—Old Glory, the Stars and Stripes.

OF INTEREST TO ILLINOIS

This is a great moment in the history of the State of Illinois, because her favorite son comes into the heart of the Southland to bring to the daughters of men against whom his fathers were once in battle arrayed a message of respect and appreciation of what the West and the South may be to each other and to the whole country in friendly combine against the only forces that can profit by a failure to know each other better. This is a great moment in the history of the United States, because only by being really united can our Nation go forward to the place in the sun toward which she is striving, the place of the Nation that must be the great factor in the world peace so devoutly to be wished. And that great something of which we sing "My country, 'tis of thee"; that beneficent oversoul to the body politic which we know as the "United States" must thrill with loving pride at every symptom of better understanding between the South and the not-south part of itself.

As sign and seal of the greatness of this moment and the fullness of its import, a daughter of a Confederate soldier presents to you a man who comes from the native State of the Federal general to whom the Confederate Army surrendered at Appomattox, the State of the man who, in the War between the States, remained on the side of the Union as its President, and the State that has through this distinguished guest given expression in no uncertain terms to the desire for friendly cooperation of all the mighty forces for good inherent in the citizens of North, South, East, and West.

AN ALL-AROUND AMERICAN

The public utterances of this man have proven him to be an all-around American, whose estimate of men has been from standards of worth to the Republic, rather than from any regard for the part of the Union from which they come. I believe, too, he holds with dear old Corporal Tanner, of the Grand Army of the Republic, who asked permission to speak a few words to the Daughters of the Confederacy in convention assembled in Washington in 1912. Corporal Tanner said, in part: "I honor the sentiment which prompts you women to cherish your flag. It is akin to that sentiment which prompts the bereaved mother to go to the bottom drawer of the bureau, take out the little dead baby's shoes, kiss them, and weep over them." And then he added, as he limped from the platform, "I buried my leg in the Valley of the Shenandoah and I buried my animosity at Appomattox."

LEADS USEFUL LIFE

The speaker of the evening is a member of the legal profession, but he is an aristocrat who believes that he alone is entitled to be so called who serves his country to the best of his ability. By devotion to business he has become a man of wealth, but he values his position as a plutocrat only in so far as it fits him the better to serve his country. Although the Republican Party claims him, his broad views, his kindly attitude toward those who differ with him, make of him the best of Democrats.

Aristocrat, plutocrat, democrat! Words that have been distorted to mean sinister things in the world's history sometimes, but words which, rightly interpreted by lives of usefulness, stand for the greatest possible factors in the conception and promotion of all that we mean when we say "He is a true American."

It is, therefore, with pride and pleasure that I present to the United Daughters of the Confederacy, in convention assembled, a great constitutional lawyer, the best governor that Illinois ever had, the best man the Republican Party ever had in view for the presidency, a man that has that most lovable of all qualities, the ability to put himself in the other fellow's place. A man, high-minded, noble-hearted, cultured—the Hon. Frank O. Lowden, of Illinois.

ADDRESS OF HON. FRANK O. LOWDEN, AT SAVANNAH, GA.

When the Great War came to an end everyone recognized the fact that there must be a readjustment of values. It was assumed that prices generally would decline. It was supposed that the decline would affect all commodities with an approach at least to uniformity. That has not happened. Prices of farm products declined rapidly and beyond all proportion to the decline in prices of other commodities and have never regained their former relative position. Why is it that in every other period of depression there has been some degree of uniformity in the lowering of prices of commodities generally and not at this particular time? Why is it that at the time of the panic of 1873 and of 1893 prices of steel products and of farm implements and of manufactured goods generally declined substantially as much as did the prices of the products of the farm? And why is it that this period of depression we have gone through has been an exception in this respect? To answer these questions correctly requires that we should look into the conditions generally as they exist to-day and as they did exist during the former periods of depression. The chief difference, I think, between now and then is that during the last 30 years organization has been the dominant factor with labor and with every other industry except our own. When the depression of 1920 set in there was a large accumulation of goods of all kinds on hand; but industry, being highly organized, was able to resist more successfully than the farmer the pressure for lower prices.

This leads to the inquiry whether or not, in marketing farm products, the farmer has kept apace with the great changes going on everywhere in the modern business world. In all other industries there has been a growing tendency to stabilize prices. This has been effected largely through the organization of a few great corporations which have taken the place of innumerable smaller independent units scattered over the land. Not only are there fewer manufacturers relative to production, in every line, but they in turn are organized into a great national body which meets usually once a year and considers questions of world supply and demand and other subjects of common interest to the industries. These great companies are therefore able to plan the next year's campaign intelligently and to adjust their production to the probable demand. From time to time they fix the price upon their product, which remains until new conditions require a change. They no longer go ahead blindly running full capacity, putting their commodity upon the market at whatever price may be offered, for they have learned that in that way danger lies. In agriculture alone have the methods of marketing made no improvement, except as to the sale of those products which are now being marketed through cooperative commodity marketing associations. These associations have made remarkable progress during recent years. Indeed, while the farmer generally has retained his old methods, they have lost much of their original efficacy because of the tendency toward organization on the part of purchasers of his product. The number of sellers has constantly increased while the number of purchasers has as constantly decreased.

FARMERS MUST ORGANIZE

Agriculture, therefore, finds itself with its millions of members freely competing among themselves while it is obliged to sell its products in a highly organized industrial and commercial world. Now, if the farmers are to put themselves upon terms of equality with the great industries of the country they, too, must organize. It is not desirable that they should imitate the great industries, adopt the corporate form of organization, and operate their farms through corporate management. It would weaken our whole social structure if our millions of farmers were to surrender their individualism in this way. Nor is it necessary. While much improved efficiency in production is still possible, the farmers have made and are making constant progress in this respect. The problems which press hardest upon him to-day are concerned with the marketing at a price which will enable him to live and to go on producing his products. He must find some way to restore the proper relationship between the prices he receives for his products and the prices he pays for other commodities. The devotee of the laissez faire philosophy insists that in process of time, under the operation of economic laws alone, this relationship will be restored. Perhaps he is right. The last report of the Secretary of Agriculture states that during the last year 10 per cent of the farms in Michigan alone have been abandoned, and 13 per cent more only partially worked. Only the other day the county agent in one of the counties in Indiana told me that last year 320 farms in his county alone lay idle. Indeed, I think I may safely say that there is not an agricultural State in the country in which there are not at the present time fallow fields. As things stand this tendency will continue until farm production will fall so low that there will be a real scarcity of farm products and farm prices will rise to an even higher level than would be desirable. In the meantime, a large portion of the farm population will go bankrupt. Certainly this is not a pleasing prospect from the standpoint of either the producer or the consumer of farm products. If we would avoid this ruin I see but one way out. The farmer, too, must organize for the purpose of marketing his products. Commodity marketing associations are no longer an experiment. It is not necessary before this audience to enlarge upon this point.

Those who oppose the principle of cooperative marketing seem to think that in some sort of way the cooperative associations are seeking to avoid the operation of the law of supply and demand. Quite the reverse is true. Those who advocate this form of marketing are seeking only to create conditions by which the law will operate fairly as between the seller and the buyer of farm products. At present it does not. We are told by the economists that time and place are important factors in the market price. He, therefore, who selects the time and place for the sale of his product has a direct effect upon the price of that product. This the individual farmer can not do. As to the time, he usually must market whenever his product is harvested or otherwise ready for the market. As to place, he is limited practically to the nearest local market. Organized along commodity lines, his organization would have much to say as to both time and place. We are told also by the economists that the supply which operates in price change "does not mean the total stock of goods in existence but the quantity which sellers are willing and able to sell at the former price." Therefore he who exercises a substantial control upon the flow of the product to the market is an important factor in making the price. It is perfectly evident that the hundreds of thousands of individual producers each acting for himself are deprived of this advantage.

FOES OF FREE COMPETITION

The laws of supply and demand extending over a series of years in fixing what the political economists call the normal price still obtain. To fix the market price, however, fairly, that law is effective only "with free competition on both sides." Among the causes which defeat free competition, Hadley, formerly president of Yale University, in his "Work on Economics," places ignorance first. In other words, there must be equality of understanding on the part of buyers and sellers before this law can operate successfully.

Now, apply this to the farmer marketing his product. How can he possibly know as much about the many and complex factors which enter into the thing as the great, powerful organized buying corporations, including, during recent years, even governments themselves? If, however, he should enjoy equality of information with the buyer, he is not usually in a position to take advantage of his knowledge. In most instances he must market his field crops as soon as they are harvested. He, therefore, dumps his entire crop upon the market within a few weeks or months at the outside. The effect inevitably is to depress the price. It is not a sufficient answer to say that by the device of dealing in futures, as in the cereal and in the cotton markets, the effect of the dumping is altogether obviated. For though it may be shown that the price of the cash commodity months hence may be but little more than sufficient to cover the cost plus the carrying charges, it is quite likely that the cash price throughout the year would have been much higher if the market had not been unduly depressed by dumping at the beginning. In other words, it is altogether probable that the market for the year never recovers from the jolt it receives by the marketing of almost the entire crop within a few weeks.

Of course, the law of supply and demand still holds. Like any other law, however, in the economic or the natural world it may be made to serve man, or, through ignorance, destroy him. The law of gravitation is of immense benefit to the farmer when rightly used. It enables him to drain his lands, makes it possible for him to distribute water cheaply from a tank throughout his house and barn. The same law, however, may destroy him if he carelessly leaves open a trap door into his hay mow and falls through it to the floor below. The purpose of cooperative marketing of farm products is not to defy the law of supply and demand but only to make that law serve the farmer.

THE SURPLUS BUGABOO

We have too long permitted the bugaboo of surplus to depress unduly the price of the great staple products of the farm. The world has been producing wheat for some thousands of years. Since the time of Pharaoh, however, there has never at any given time been a sufficient amount of wheat in existence to feed the world for more than a few months. Would we call mankind improvident if enough of wheat were always carried in storage to feed the world for a single year? If not, what shall we say of the system of marketing wheat by which a six months' supply is permitted to lower the price of that necessity of life below the cost to produce?

Two recent instances have come to me of the faulty way in which the present system works. Early in the summer I marketed some hogs at $6.90 a hundred. A few days afterwards the same hogs were selling at $9.50 a hundred. Now the law of supply and demand, I insist, was not working perfectly on both these days so far as hogs in Illinois were concerned. During August, the Government estimate increased the probable yield of cotton by 600,000 bales over its previous estimate, or less than 5 per cent. As a result, at the same time the price in the market declined $30 a bale, or 20 per cent. In other words, the crop by the last estimate was worth less in the market by $300,000,000 than the crop by the lesser estimate, and yet the world needs cotton as it has not needed it before in modern times.

Something is wrong with our methods of marketing when the aggregate money value of a larger crop of a prime necessity is smaller than the value of a smaller crop. There are untold thousands of men and women and children who need to clothe them more cotton than is produced in the world to-day. To say, therefore, that 12,400,000 bales of cotton are worth more to the world than 13,000,000 bales is to condemn a system of marketing which reveals such an absurdity.

GROWERS WAKING UP

Cotton growers of the South have begun to appreciate the situation. In each of the cotton-growing States they have effected an organization for the cooperative marketing of their cotton. These associations have already accomplished much for their members, though they market less than 15 per cent of all the cotton produced. Their membership is increasing. And when the time comes, as it surely will, if only the farmers of the South are alive to their own interests, when they shall market instead of less than 15 per cent 50 per cent or more of the crop, you may be sure that an increase of less than 5 per cent in a crop will not decrease the price received by 30 per cent.

A year ago corn was selling in many sections of the country, as I recall it, at about 40 cents a bushel. This was less than it cost under present conditions to produce it. It was said that the low price was the result of a surplus. Most farmers were compelled to sell even at a loss. The few men who were able to hold have received double that price. The old bogey of a surplus did not disturb them, for they knew that under the operation of the economic laws corn must some day bring in the market what it cost to produce it. For though farmers are long suffering as a rule, they will not indefinitely continue to produce at a continuous loss. Now, if the corn producers had been organized as other businesses are organized, they would have marketed their corn in an orderly way; they would have established a fair price for corn, marketed as much as possible, and waited for the turn which was inevitable before marketing the remainder. But, you say, what if this year there had been another bumper crop of corn. I reply that if it were ascertained that we were producing year by year any commodity in excess of the world's needs, and we were organized, we would at once take steps to curtail production, just as every other organized industry does. One of the ablest authorities on farm conditions, not only in America but throughout the world, Eugene H. Grubb, believes that we are cultivating too much land in America. He thinks that we should permit 25 per cent of our tilled fields to go back into pasture. It is certain that we are exhausting the fertility of our farms at a rapid rate. If all branches of agriculture were organized it would be possible to reduce cultivation to this extent. The so-called surpluses, which are really after all but a small percentage of the total crop produced, would disappear. The 75 per cent of land then cultivated would, I believe, produce in money value much more than it does to-day. In other

words, through organization we would be able to do just what other great organized industries do. We would adjust our production to consumption. I know of no other way in which this can be accomplished.

OMINOUS SIGNS

Men everywhere who have been bred upon the land cling tenaciously to the land. They endure much before they exchange the farm for some other occupation. But there are ominous signs all round about us now. Young men who prefer the farm are leaving it because of the larger rewards the cities offer. The number of students entering our agricultural colleges is smaller than it has been for years. And yet these are the young men upon whom we must depend if agriculture shall flourish in the years to come. The Mississippi valley rightly has been called the granary of the world. And yet if the present tendency goes on, in another decade the Mississippi valley will be dotted with abandoned farms because no one can be found who will till them.

The well-being of American agriculture is essential to the well-being and progress of the entire nation. No national policy for America is sound which does not make agriculture its very cornerstone.

The historian of Rome tells us that the decadence of that great empire began with the desertion of the farm for the superior attractions and ease of living in the city of Rome. Indeed, Ferrero, the great historian, has found already much in present day conditions in America to remind him of that period in the history of the Roman empire. Shall we not take warning and while it is yet time see to it that American agriculture shall be guarded at whatever cost?

The agricultural problem is not a class problem, as many seem to think. It involves the very existence of our institutions, as I believe. No man can contemplate the future of America with assurance unless America is to remain fundamentally an agricultural nation. Nature set us apart for an agricultural nation. The very character of our institutions is suited best to an agricultural population. In times of stress, when clouds gather upon our horizon, we turn from the smoke-stacks of our industrial centers to the open fields, and thank God for the millions of American farmers who live upon the farms they own. For we know that in the quiet of the country these millions of men and women still have time to think and pray. We know that they still cherish the ideals which they were taught at their mothers' knees. In their keeping American institutions are secure.

MUSCLE SHOALS

Mr. HOWELL. Mr. President, recently Henry Ford, in reply to a letter requesting him to retake an interest in Muscle Shoals, has very generously offered to turn over to the Government the results of his investigations and determinations respecting new methods of producing fertilizer. This letter was published recently in the Washington Herald, together with some comments by Mr. Arthur Brisbane. I ask unanimous consent to have it spread upon the RECORD.

The PRESIDING OFFICER (Mr. DILL in the chair). Is there objection to the request of the Senator from Nebraska? The Chair hears none.

The matter referred to is here printed, as follows:

UNITED STATES SHOULD OPERATE SHOALS AS NITRATE PLANT, FORD ADVISES—REPLYING TO TELEGRAM OF MR. HEARST, HE PROMISES COOPERATION AND EXPRESSES BELIEF PROBLEM OF GETTING CHEAP NITROGEN FROM AIR HAS BEEN SOLVED

DETROIT, January 31.—Henry Ford issued the following public statement to-night in answer to a telegram he received from William Randolph Hearst:

"I am no longer interested in taking over Muscle Shoals in accord with the original Ford offer which I made at the request of the War Department four years ago.

"However, I am willing to cooperate with the Government in developing Muscle Shoals into a great nitrate plant making cheap fertilizer for the American farmers.

"In my opinion, the shoals should be used for the production of nitrate and fertilizer.

"I believe that the Government could itself keep Muscle Shoals and run it, not as a power plant but as a nitrate plant, to help farmers in peace and safeguard the country in war. The people of the United States spent $140,000,000 to create a Government nitrate plant, not a power house. We should not lose sight of the original and biggest reason for Muscle Shoals being built.

"If the Government keeps Muscle Shoals and operates the nitrate plant by the Army and Navy, I shall be glad to put at their service all that the Ford company has of knowledge and experience. Our engineers have been working for three years on the problem of making cheap fertilizer from the air for farmers. We believe we have discovered improvements on the present processes. We believe air nitrate can be made at a price that will materially reduce the cost of fertilizer on the farm.

"The Ford company will turn over to the Government without cost the results of its research. We will lend the men to help build up an efficient organization to run the Shoals. As a citizen's duty, we worked with the Army and Navy during the war. We are ready to give the same cooperation to the Government in aid of the farmers now, cost free to the Government.

"Our open offer, made at Government request, was based on public-service principles with a view to developing, maintaining, and turning back to the Government a great public utility and defensive asset. This can not be done under the system of 'private profit only' that now rules business.

"It is a mistake to say that the Government can not run the nitrate plant as well as any private party. This is the very kind of business the Government ought to engage in. Electrochemical methods of air nitrogen fixation do not require great forces of employees. It is a straight job of letting the forces of nature work for you. The Government has as good men as there are in this field. We talked with some of them when we were figuring on the shoals.

"If the Government keeps Muscle Shoals and runs it for the farmers, I will help, so far as technical help goes, just as much as I could have helped if I had taken the property over.

"(Signed) HENRY FORD."

TO-DAY—NITROGEN OR POWER—FORD PUTS IT PLAINLY—LOOKS LIKE MONOPOLY NOW—UP TO THE PRESIDENT

(By Arthur Brisbane)

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NEW YORK, February 1.—At the request of the War Department, Henry Ford offered to develop the power plant, built by the people at Muscle Shoals, to provide nitrogen from the atmosphere for use in war time.

Nitrogen can be made into explosives for war and fertilizer for peace.

Every voter in this country should read and remember, until next election, Henry Ford's statement concerning Muscle Shoals. It was made yesterday in response to a message from W. R. Hearst, urging Ford to reenter the Muscle Shoals contest and again try to rescue the people's property from selfish exploiters.

The situation is clear. The President must see it plainly. And, fortunately, private monopolists can not seize this public property without the President's consent.

Should Muscle Shoals go to the power monopoly, that concern will be directly indebted to President Coolidge.

In this appeal, sent to Henry Ford by wire, Mr. Hearst said:

"I know how public-spirited you are, and how much you have at heart the welfare of our country and our people.

"I know that in your former attitude toward the Muscle Shoals enterprise you were animated mainly by a desire further to benefit the people of this country, and particularly the farmers, whom you hold so closely in your consideration.

"I know that you have lost none of this desire to serve, and I think that the situation in Washington that has developed in regard to the Muscle Shoals enterprise would again warrant your attention in the public interest."

Every farmer and every other good citizen in the country should write to President Coolidge urging him to keep Muscle Shoals out of the hands of monopolistic exploiters.

It is understood that the President does not believe in public ownership—perhaps because his knowledge of politicians convinces him that they can't be trusted with a dollar.

But the President surely does not believe in turning over a $140,000,000 public investment to be exploited by private monopolists, whose record for public exploitation is notorious.

The question is, "Shall Muscle Shoals, which the people own, be developed, primarily as a nitrogen-producing plant, and secondarily as a power plant, both in the public interest? Or shall the great enterprise be given to private monopolists to be exploited on the usual basis of 'all that the traffic will bear?'"

President Coolidge will decide the matter. Congress will not send him a bill if it is known that he will veto it.

Write the President and tell him what you think. Farmers, especially, should write. The President is always glad to hear from any citizen.

GOOD ROADS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended, and supplemented, and for other purposes.

Mr. FESS. Mr. President, the other day in a colloquy as to the program of the Bureau of Public Roads I was inad-

vertently led to make the statement that probably the policy was of the hit-or-miss variety. I should like to make a correction of that statement, because I spoke without information. I have received a letter from the chief of the bureau which is quite informing. Rather than read it myself I should like to have it read at the desk if I can get unanimous consent to have that done.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The principal clerk read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., February 5, 1925.

Hon. SIMEON D. FESS,
United States Senate.

MY DEAR SENATOR FESS: I have been very much interested in reading the debate on the Federal highway authorization measure pending before the Senate. The Federal aid program is not on a haphazard basis, but is strictly confined to a system of roads, interstate and intercounty in character, limited to not more than 7 per cent of the total road mileage. The system in each State is agreed upon between the State and the Secretary of Agriculture; an official map has been prepared, and all Federal funds are confined to this system until completed.

The mileage in each State is shown in Table B, published on page 2983 of the CONGRESSIONAL RECORD for February 4, showing that there has been approved as the Federal aid highway system 174,350 miles.

I am sending you a map of this approved system, showing how it forms a connected network for the whole of the United States. We are completing this system at the rate of about 9,000 miles per year of all types. I have roughly estimated that it will require a program of from 12 to 15 years to do the major work on the system, and beyond that period the expenditures can be smaller. I mean by this that after we have surfaced the system in a reasonable manner there will still need to be a continuity of work for some time, such as the elimination of dangerous railroad crossings. In other words, our program is like the railroad program. We get the roads through and the traffic over them, then there is a considerable amount of supplementary construction absolutely necessary to give service to the public and to protect the public in their use of the roads.

As to types of highways, in States like Ohio practically all of the funds are spent for the higher types of roads such as brick, Portland cement concrete, and bituminous macadam.

We approve, on request of the State highway department, what we term "stage construction." This means that we first do the grading and other necessary fundamental work such as the building of culvert's and bridges, and put on the surface a covering of gravel or sand-clay to be used until funds are available and the traffic has reached a point where such a surface can no longer be economically maintained. This plan has been used very little east of the Mississippi, but we have necessarily followed it in the Western States because the big demand has been for a large mileage of roads to be used by a very much lighter and less dense traffic than east of the Mississippi.

There are no arbitrary policies established with respect to the administration of Federal aid. Under the Federal highway act the States' rights and authority are very carefully preserved, and the question of State versus Federal rights is not raised in our actual operations. There is close cooperation between the State highway departments and the Bureau of Public Roads. Each respects the good faith and judgment of the other, and we approach the problem of road building as engineers seeking to accomplish the same objective and to be mutually helpful in this immense task.

Very truly yours,

THOMAS H. MACDONALD,
Chief of Bureau.

Mr. FESS. Mr. President, I have had the letter read because it covers all of the items that were in controversy the other day when I was interrogated during the course of the colloquy.

Mr. WADSWORTH. Mr. President, may I ask a question?

Mr. FESS. Certainly.

Mr. WADSWORTH. Does the letter cover an estimate of the ultimate cost?

Mr. FESS. No; it covers the time that will be required to finish the present program.

Mr. WADSWORTH. But not the cost?

Mr. FESS. I think not.

Mr. WADSWORTH. Of course, the Senator will admit that is a rather important element.

Mr. FESS. It is. I do not recall, however, that that question was asked the other day.

Mr. KING. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. FESS. I yield.

Mr. KING. For information, I should like to know what the Senator considers a finished program? For instance, to make myself clear, I read in the hearings that one of the witnesses—and one of the principal witnesses—estimates, as I gather his meaning, that 2,671,400 miles will have to be constructed in order to finish the program. There have been to date Federal aid roads constructed aggregating about 46,000 miles, which have cost the Government more than $500,000,000. The same witness to whom I am referring says that just the limited number of miles which are now under construction and upon which Federal aid has been bestowed and upon which Federal aid will be bestowed will cost over three and one-half billion dollars.

Mr. FESS. I will say to my friend I can not carry the figures in my mind, but I will be glad to place before him the map that was sent to me of the roads already constructed and those which it is planned to construct.

Mr. President, as to the cost, which is enormous, I have the statement of the President of the United States in his first annual message to Congress in which he says:

> No expenditures of public money contributes so much to the national wealth as for building good roads.

Whatever be the amount of money required to put the roads in a finished condition the Government is committed to that policy.

I am sure it is, because I read from the platform of one of the great political parties a plank adopted June 11, 1924:

> The Federal aid road act adopted by the Republican Congress in 1921 has been of inestimable value in the development of the highway systems of the several States and of the Nation. We pledge a continuation of this policy of Federal cooperation with the States in highway building.
>
> We favor the construction of roads and trails in our national forests necessary to their protection and utilization. In appropriations therefore the taxes which these lands would pay if taxable should be considered as a controlling factor.

Then, Mr. President, I wish to read from the platform of another great political party adopted on June 28, 1924:

> Improved roads are of vital importance not only to commerce and industry but also to agriculture and rural life. We call attention to the record of the Democratic Party in this matter and favor a continuance of Federal aid under existing Federal and State agencies.

So I think there is left no doubt as to what is the policy of the Government so far as Federal aid to the building of roads goes. I am certain that it is a nonpartisan movement or, rather, an omnipartisan movement, all parties favoring it. I thought I ought to put this into the RECORD in view of some colloquy the other day.

NOMINATION OF HARLAN FISKE STONE

Mr. HEFLIN obtained the floor.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Dakota?

Mr. HEFLIN. I would rather not yield, Mr. President. The rules require the Presiding Officer to recognize the Senator who first addresses him. I shall detain the Senate only a moment.

The Washington Post to-day contains some misrepresentations regarding myself by a correspondent of the paper who has the privilege of the press gallery. I do not mind representatives of the press criticizing me. I rather invite it. If I take a position they do not agree with, I am willing for them to criticize my position. I like open, honest, fair criticism, but I do not like to have falsehoods told about me.

I have addressed the Senate several times during my service here, and on yesterday when I spoke in behalf of an American citizen who had been denied his rights in the courts of his country the galleries were packed. I have not seen a gallery more sympathetic with any Senator in his fight than the entire gallery was with me. I think every truthful man and woman who observed the situation knows that nine-tenths of the gallery here yesterday sympathized with me in the fight that I made.

A representative of the Washington Post, in an article this morning, says that when I announced that I was about through with my speech there was applause in the galleries. Every newspaper man in the press gallery, including the man who

wrote that article, knows that that is a falsehood. No such thing occurred.

There is one other thing, Mr. President, and that is what I rose to reply to in particular. There are other misrepresentations in this article, but this one I wish to reply to in particular:

At another point Senator HEFLIN said he thought it a mistake to have lawyers on the Senate Judiciary Committee.

Every newspaper man in the gallery and every one else in the gallery and every Senator here knows that that is false; that I said nothing of the kind. The newspaper man who wrote that knew that he was telling a falsehood when he wrote it. I never took the position that there ought not to be lawyers on the Judiciary Committee. I think we ought to have lawyers on it; but because that committee passes upon United States marshals and Federal judges, district judges, circuit judges, and Supreme Court judges, I said and I still say that there ought to be some people on that committee who are not lawyers.

Mr. President, sometimes lawyers are embarrassed on that committee. When they know that a man is going to be confirmed for a place on the Supreme Bench, the thought comes to them that they will have to appear before him and practice law before him, and they naturally do not want to offend him or incur his displeasure; and what is involved in that? It is the lawyer looking at the matter from a lawyer's standpoint, because the lawyer must appear in the Supreme Court before the judge that he would like to oppose, but, perhaps, thinks that he had better not. If we had some people who were not lawyers upon that committee, with some lawyers on it, I think it would be much better.

Here is what I said on that subject; and I merely call this to the attention of the Senate in order that the truth may be known, and that the RECORD, at least, may contain it:

The Judiciary Committee ought not to be composed entirely of lawyers. Why should it be? The Supreme Court judges are not the judges of lawyers only; but the Judiciary Committee, composed only of lawyers, sit in judgment upon every man who constitutes the Federal judiciary. The people are involved. It is their Government; their rights are at stake; and why should they not have a right to say who shall come through the Judiciary Committee duly O. K'd for a place on the Supreme Court bench.

That was my position, Mr. President; and at some future time I shall fight to have some Senators who are not lawyers placed on that committee. I think it would be a wise change for the Senate to make. I am opposed to all the members of that committee being lawyers, just as I am opposed to bankers constituting the Banking and Currency Committee to the exclusion of others. I do not think the Senate should turn over to the banking interests of this country the Banking and Currency Committee. I think we ought to have some bankers on it, and I think we ought to have on it some people who are not bankers. I feel the same way about the Judiciary Committee—that we should have some lawyers on it and some people who are not lawyers.

Mr. President, I want to make this further observation: I think the Senate ought to take note of newspaper men who have the privilege of the press gallery who deliberately misrepresent a Senator. There is not any excuse for one of them misrepresenting me, and nine-tenths of them would not if they could, because I usually speak loud enough to be heard. I am not going to call the name of the man who wrote that article this time, because he is a very clever writer and I hope he will have a bright future if he will get out of this rascality that they are trying to get him into now on the Post. It would be the best day's work he ever did to quit the Post, because, if he can not stay with the Post and be straight and clean, he should not remain and become a rascal with the Post. [Laughter.]

GOOD ROADS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. STERLING. Mr. President, I had hoped very much to have a vote on at least this one and first amendment this afternoon, but I had an understanding with the Senator from Washington [Mr. JONES] this morning that I should give way within the course of a couple of hours from the time we began in order that the appropriation bill might be considered, and I want to adhere to that understanding. I therefore ask unanimous consent——

Mr. SWANSON. Mr. President, so far as I am concerned we may just as well understand the situation. I am not going to consent to have any other legislation get ahead of this bill between 12 and 5 o'clock until it is disposed of. There may be a majority to beat it, but I am not going to consent to delay. While I am not going to object this time, I serve notice now that I shall not consent to further postponements. It appears to me that there is more or less of a filibuster being engendered against the bill, and I am not willing to have it jeopardized in the last week of the session and leave it to the mercy of some Senators to say whether or not it shall pass. This bill has been made the unfinished business and I am not going to consent to laying it aside after this time.

If the Senator in charge of the bill has arrived at an understanding that it shall be laid aside for the day, I believe that understanding ought to be carried out.

Mr. STERLING. Yes.

Mr. SWANSON. But I am not going to consent to have the bill laid aside, except by a majority vote, after this time, so far as I am concerned.

Mr. WARREN. Mr. President, will the Senator permit me to interrupt him?

Mr. STERLING. Mr. President, if the Senator from Wyoming will excuse me, I want to say to the Senator from Virginia that I think when we get at this bill again we shall be able to dispose of it in a reasonably short time. That is my feeling now, and it is an impression that has been growing.

Mr. HEFLIN. Mr. President, can we not get an agreement to vote on this amendment and the bill to-morrow at 2 o'clock?

Mr. STERLING. I should be very glad if we could enter into such an agreement.

Mr. HEFLIN. Before we agree to the other request, I ask unanimous consent that this bill and all amendments to it be voted on finally at 2 o'clock to-morrow.

Mr. SMOOT. It would be necessary to have a quorum to make such an agreement.

Mr. STERLING. We should have to call a quorum in order to do that, and it would take a good deal of time to get the quorum. I think probably there will be an opportunity to ask unanimous consent either this evening or to-morrow morning.

The PRESIDING OFFICER (Mr. DILL in the chair). The Senator from Alabama asks unanimous consent——

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Keyes	Reed, Mo.
Ball	Ernst	King	Reed, Pa.
Bayard	Fernald	Ladd	Sheppard
Bingham	Ferris	McKellar	Shipstead
Borah	Fess	McKinley	Shortridge
Brookhart	Fletcher	McNary	Simmons
Broussard	Frazier	Mayfield	Smith
Bruce	George	Means	Smoot
Bursum	Gooding	Metcalf	Spencer
Butler	Harreld	Neely	Stanfield
Cameron	Harris	Norbeck	Stanley
Capper	Harrison	Norris	Sterling
Caraway	Heflin	Oddie	Swanson
Copeland	Howell	Overman	Trammell
Couzens	Johnson, Calif.	Owen	Wadsworth
Cummins	Johnson, Minn.	Pepper	Walsh, Mass.
Curtis	Jones, N. Mex.	Phipps	Warren
Dale	Jones, Wash.	Pittman	Wheeler
Dial	Kendrick	Ransdell	Willis

The PRESIDENT pro tempore. Seventy-six Senators have answered to the roll call. There is a quorum present. The Clerk will state the unanimous-consent agreement proposed by the Senator from Alabama [Mr. HEFLIN].

The reading clerk read as follows:

Ordered, By unanimous consent, that on the calendar day of Saturday, February 7, 1925, at not later than 2 o'clock, p. m., the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 4971, to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, through its regular parliamentary stages to its final disposition.

The PRESIDENT pro tempore. Is there objection?

Mr. WADSWORTH. Reserving the right to object, although I had intended to offer an amendment for which I would hope to get consideration to-morrow, and although I can not possibly be here to-morrow, I shall not object to a final disposition of the bill to-morrow; but I do object on general principles to the form of the unanimous-consent agreement which has been suggested. I have seen it operate a good many times. The

result generally is that amendments offered at the last moment can not be explained at all because the final vote has been ordered on all amendments then pending and to be offered, and upon the final passage of the bill.

Mr. CURTIS. I was going to suggest to the Senator that he not object, but that the proposed agreement be amended so as to permit debate of, say, 10 minutes on each amendment.

Mr. WADSWORTH. That is what I was about to say had I not been interrupted.

Mr. HEFLIN. I have no objection that beginning at 12 o'clock to-morrow any Senator may have 10 minutes to discuss any amendment.

The PRESIDENT pro tempore. The Clerk will state the proposed unanimous-consent agreement as modified.

The reading clerk read as follows:

That on the calendar day of Saturday, February 7, 1925, at not later than 2 o'clock, p. m., the Senate shall proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 4071) through the regular parliamentary stages to its final passage, and that after the hour of 12 o'clock m. on said calendar day, no Senator shall speak more than once or longer than 10 minutes upon the bill or more than once or longer—

Mr. WADSWORTH. That is not the agreement which I had in mind. I am perfectly willing to consent to a limitation on debate. I would just as leave have it five minutes on any amendment and on the bill, but not fixing the hour for the final vote.

Mr. SWANSON. The Senator has no objection to an agreement to dispose of the bill before adjournment to-morrow?

Mr. WADSWORTH. Not at all.

Mr. HEFLIN. Will the Senator agree to have the time fixed at 4 o'clock?

Mr. NORRIS. Let me suggest to the Senator from New York that if the unanimous-consent agreement is amended so as to limit the debate to five minutes that will bring about the end he desires; there will not be any trouble about it. If we do agree on a specific hour for final vote, as we all know, we are likely to run against the very thing the Senator from New York has spoken of.

Mr. WADSWORTH. We do it constantly, and it is exceedingly unfair to the Senate, as well as to the introducer of any amendment at the last minute, not to have any debate on it at all.

Mr. NORRIS. I think the Senator's proposal as made——

Mr. HEFLIN. Let me suggest to the Senator from New York that debate be limited to five minutes——

Mr. WADSWORTH. To that I am perfectly willing.

Mr. HEFLIN. On amendments and on the bill, and that a vote be had on the bill to-morrow.

Mr. WADSWORTH. In the good time of the Senate.

Mr. NORRIS. I ask unanimous consent that beginning to-morrow all speeches on the bill or any amendment thereto be limited to five minutes.

Mr. SWANSON. Make it 1 o'clock.

Mr. NORRIS. I will make it 1 o'clock.

Mr. HEFLIN. I accept the suggestion of the Senator from Nebraska.

Mr. NORRIS. That after 1 o'clock all speeches on the bill or upon any amendment be limited to five minutes.

Mr. REED of Pennsylvania. And that no Senator shall speak more than once.

Mr. NORRIS. And that no Senator shall speak more than once upon the bill or any amendment.

Mr. HEFLIN. I accept the amendment.

The PRESIDENT pro tempore. The Senator from Alabama accepts the modification proposed by the Senator from Nebraska. The Secretary will state the unanimous-consent agreement as it would read if so modified.

Mr. REED of Pennsylvania. Mr. President, I understand that a large number of Senators who are actively interested in the bill will be compelled to be absent from the Senate to-morrow. I suggest that there be nothing in the agreement to provide that a vote must be taken to-morrow. The effect of the agreement as it stands will be to force a vote to-morrow.

Mr. SWANSON. No——

Mr. REED of Pennsylvania. If the agreement provides that at 1 o'clock speeches shall be limited to five minutes, there will be a final disposition of the bill to-morrow, it is sure.

Mr. McKELLAR. But the present proposal does not provide for that.

The PRESIDENT pro tempore. The Secretary will state the agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that, beginning at 1 o'clock p. m. to-morrow, all speeches on the bill H. R. 4071 be limited to five minutes, and no Senator shall speak more than once on the bill or any amendment.

Mr. BROUSSARD. I would like to suggest that there be inserted in the unanimous-consent agreement a provision that no other business shall intervene before the final disposition of the bill.

Mr. REED of Pennsylvania. If the hour is made 4 o'clock, that will have practically the same effect. We will dispose of the bill finally on Monday, and at the same time give consideration to these other Senators—I am not one of them—who have to be absent to-morrow. I ask the Senator from Nebraska to accept the modification.

Mr. NORRIS. As far as I am concerned, I do not want to cut off any Senator. If it is agreeable to everybody else, I am perfectly willing that we should have the understanding that the bill will not be disposed of until Monday.

Mr. HEFLIN. Mr. President, in order to finally determine what we are going to do about it, will the Senator object to having a final vote on the bill at 2 o'clock on Monday?

Mr. NORRIS. We may reach a vote before that time.

Mr. HEFLIN. At 3, or 4, or 4.30?

Mr. NORRIS. In order to accommodate the Senators who have to be away to-morrow, we should have an understanding that we will not take a final vote to-morrow. As far as I am concerned, I am willing to have a final vote now, but in order to accommodate two Senators—the Senator from Connecticut and the Senator from New York, neither one of whom can be here to-morrow—I am willing that a vote shall be had on Monday.

Mr. STERLING. I understand the Senator from New York waives that question.

Mr. NORRIS. The Senator from Connecticut, no doubt, would be willing to waive it, too, but he is very much interested in the bill, and would like to be here.

Mr. SWANSON. Would the Senator from New York be willing that the agreement should be made, with the understanding that no final vote shall be taken before 2 o'clock Monday?

Mr. WADSWORTH. That will be perfectly satisfactory.

Mr. NORRIS. I am agreeable to that.

Mr. DIAL. Mr. President, we have had this matter up for a long time, and I imagine that every Senator has made up his mind how he will vote on it. The session is drawing to a close, and some of the rest of us have measures we want to have passed. It seems to me we might as well dispose of the bill this afternoon. I do not object to its going over, but——

Mr. SWANSON. There has been an agreement made by the Senator in charge of the bill that we will take up an appropriation bill, and we ought to abide by that.

Mr. DIAL. Senators can not bind the rest of us by any agreement among themselves.

Mr. REED of Pennsylvania. Will the Senator yield to me?

Mr. DIAL. I yield.

Mr. REED of Pennsylvania. I understand that the Senator who has charge of the appropriation bill is willing that we should now dispose of the pending amendments to the good roads bill, and I understand also that there are no other Senators who wish to be heard on them. I suggest that we dispose of them now, and then let us go to the appropriation bill.

Mr. HEFLIN. Very well. I call for the yeas and nays on the pending amendment.

The PRESIDENT pro tempore. Objection is made to the proposed unanimous-consent agreement, and the question is upon the amendment proposed by the Senator from Pennsylvania [Mr. REED]. The yeas and nays are demanded. Is the demand seconded?

The yeas and nays were ordered.

Mr. REED of Pennsylvania. I ask that the amendment be stated.

The READING CLERK. On page 2 of the bill the Senator from Connecticut [Mr. BINGHAM] proposes to strike out lines 3 and 4 in the following words:

The sum of $75,000,000 for the fiscal year ending June 30, 1926.

The Senator from Pennsylvania [Mr. REED] moves, in line 3, to strike out "$75,000,000" and to insert in lieu thereof "$60,000,000."

The PRESIDENT pro tempore. The yeas and nays have been ordered, and the clerk will call the roll.

The reading clerk proceeded to call the roll.

Mr. SWANSON (when Mr. GLASS's name was called). My colleague, the junior Senator from Virginia [Mr. GLASS] is paired with the senior Senator from Connecticut [Mr. MCLEAN]. If my colleague were present he would vote "nay."

Mr KING (when his name was called). Upon this vote I have a general pair with the Senator from New Jersey [Mr. EDGE]. Not knowing how he would vote, I withhold my vote.

Mr. CURTIS (when Mr. ROBINSON's name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON] on this question. I have already voted "nay" and will allow my vote to stand. I understand if the Senator from Arkansas were present he would vote "nay."

Mr. HARRISON (when Mr. STEPHENS's name was called). My colleague, the junior Senator from Mississippi [Mr. STEPHENS], is paired on this question with the senior Senator from Rhode Island [Mr. GERRY]. If the senior Senator from Rhode Island were present, he would vote "yea." If my colleague were present, he would vote "nay."

The roll call was concluded.

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD], is absent on account of illness. If he were present, he would vote "nay."

Mr. JONES of New Mexico. I desire to announce that the Senator from Indiana [Mr. RALSTON] is necessarily absent. He is paired with his colleague, the senior Senator from Indiana [Mr. WATSON].

Mr. OWEN. I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. BROUSSARD (after having voted in the negative). I have just ascertained that my general pair, the senior Senator from New Hampshire [Mr. MOSES], is absent. I transfer my pair to the senior Senator from Tennessee [Mr. SHIELDS] and allow my vote to stand.

Mr. BRUCE (after having voted in the affirmative). I am paired on this question with the Senator from Virginia [Mr. GLASS]. If that Senator were here he would vote "nay," and if I were permitted to vote I would vote "yea."

Mr. REED of Pennsylvania. A pair with the Senator from Virginia [Mr. GLASS] has already been announced.

Mr. SWANSON. My colleague [Mr. GLASS] has a general pair with the Senator from Connecticut [Mr. MCLEAN]. My colleague had to leave at 3 o'clock and did not know how the Senator from Connecticut would vote on this question. Just before he left, my colleague wrote me a note asking me to inform the Senator from Maryland [Mr. BRUCE] that he, the Senator from Maryland, was released to vote on this question, and my colleague kept his pair with the Senator from Connecticut. I noticed that the Senator from Maryland voted and consequently did not call his attention to the fact that the pair had been released.

The result was announced—yeas 13, nays 61, as follows:

YEAS—13

Bayard	Butler	Metcalf	Walsh, Mass.
Bingham	Copeland	Pepper	
Borah	Cummins	Reed, Pa.	
Bruce	Keyes	Wadsworth	

NAYS—61

Ashurst	Fess	McKellar	Shipstead
Ball	Fletcher	McKinley	Shortridge
Brookhart	Frazier	McNary	Simmons
Broussard	George	Mayfield	Smith
Bursum	Gooding	Means	Spencer
Cameron	Harreld	Neely	Stanfield
Capper	Harris	Norbeck	Stanley
Caraway	Harrison	Norris	Sterling
Couzens	Heflin	Oddie	Swanson
Curtis	Howell	Overman	Trammell
Dale	Johnson, Calif.	Owen	Warren
Dial	Johnson, Minn.	Phipps	Wheeler
Dill	Jones, N. Mex.	Pittman	Willis
Ernst	Jones, Wash.	Ransdell	
Fernald	Kendrick	Reed, Mo.	
Ferris	Ladd	Sheppard	

NOT VOTING—22

Edge	Hale	Moses	Underwood
Edwards	King	Ralston	Walsh, Mont.
Elkins	La Follette	Robinson	Watson
Gerry	Lenroot	Shields	Weller
Glass	McCormick	Smoot	
Greene	McLean	Stephens	

So the amendment of Mr. REED of Pennsylvania was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment proposed by the Senator from Connecticut.

Mr. STERLING. I understand that the amendment has been withdrawn.

Mr. REED of Pennsylvania. I understand the Senator from Connecticut has withdrawn his amendment, and I desire to do the same with my second amendment.

The PRESIDENT pro tempore. There is no record of the withdrawal.

Mr. BINGHAM. I withdraw the amendment.

The PRESIDENT pro tempore. The amendment of the Senator from Connecticut is withdrawn, as is also the amendment of the Senator from Pennsylvania to it.

Mr. STERLING. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 2, line 7, before the word "not," insert "immediately upon the passage of this act and thereafter," and in line 7 strike out the numerals "1925" and insert in lieu thereof the words "of each year," so as to read:

Immediately upon the passage of this act, and thereafter not later than January 1 of each year, the Secretary of Agriculture is authorized to apportion among the several States—

And so forth.

Mr. STERLING. This is a clerical amendment, as I think I may call it, made necessary by the fact that the Senate did not act upon the bill prior to January 1, 1925.

The amendment was agreed to.

Mr. STERLING. On page 2, line 19, I move to amend by striking out the word "contractural" and inserting the word "contractual."

The amendment was agreed to.

Mr. STERLING. On page 4 there is a committee amendment to be acted upon.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 4, line 13, strike out "June 30" and insert "January 22."

The amendment was agreed to.

Mr. STERLING. I send to the desk an amendment, which is offered in behalf of the Senator from Kansas [Mr. CURTIS], and which amendment I accept.

The PRESIDENT pro tempore. The Clerk will state the proposed amendment.

The READING CLERK. After section 4, it is proposed to insert a new section, as follows:

SEC. 5. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this act, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit.

Mr. STERLING. Mr. President, I desire to say that this amendment is word for word the same as the law of 1921, which allowed the Secretary of Agriculture to continue to approve projects for three years.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole and is open to amendment.

Mr. WADSWORTH. I move to amend the bill by inserting, after line 16, on page 4, probably as a new section, the language which I send to the desk, and I ask the Secretary to read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New York will be stated.

The READING CLERK. On page 4, after line 16, it is proposed to insert:

The Secretary of Agriculture is authorized and directed to cause to be prepared, in cooperation with the appropriate State authorities, a map or plan outlining the system of post roads which, in his judgment, should be improved under the Federal-aid system, and to report to the Congress, not later than June 30, 1926, such map or plan, together with estimates as to cost and the period of time necessary for completion of the work.

Mr. WADSWORTH. Mr. President, the object of the amendment is obvious, and I hope it will be accepted by the Senator in charge of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. STERLING. I think I have no objection to that amendment.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. PITTMAN. No, Mr. President——

Mr. SHIPSTEAD obtained the floor.

Mr. HARRISON. Let us have a division on the amendment,

The PRESIDENT pro tempore. The Chair has recognized the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. SHIPSTEAD. I yield to the Senator from Nevada.

Mr. PITTMAN. I do not think the amendment of the Senator from New York should be adopted as though it amounted to nothing. I never knew an amendment to be offered by the Senator from New York that was not material and important.

Mr. WADSWORTH. This amendment has such merit that no one could object to it.

Mr. PITTMAN. The present law, as I understand, does not give power to the Department to determine where a road shall be built.

Mr. WADSWORTH. Not at all.

Mr. PITTMAN. Nor does it leave it to the discretion of the department to say what roads are important and what are not.

Mr. WADSWORTH. This amendment does not imply any such power.

Mr. PITTMAN. I take it for granted that the Secretary of Agriculture is to report what roads, in his opinion, are valuable as post roads.

Mr. WADSWORTH. Yes; that is it.

Mr. PITTMAN. I feel that we should not ask for his opinion but for information as to what roads are at present used as post roads.

Mr. WADSWORTH. I think the amendment covers the very matter which the Senator from Nevada has in mind.

Mr. PITTMAN. Possibly I did not understand the amendment as read.

Mr. WADSWORTH. The amendment merely provides that:

> The Secretary of Agriculture is authorized and directed to cause to be prepared in cooperation with the appropriate State authorities a map or plan outlining the system of post roads which, in his judgment, should be improved under the Federal aid system and to report to the Congress not later than June 30, 1926—

That is, about 15 months from now—

> together with estimates as to cost and the period of time necessary for completion of the work.

Mr. PITTMAN. If the amendment should call for a report as to what roads in the judgment of the Secretary of Agriculture and the States should be improved, it would be a different thing, or if the map were to be made in cooperation with the States.

Mr. WADSWORTH. Under this proposed amendment the investigation of the Secretary of Agriculture is to be made in cooperation with the States.

Mr. PITTMAN. The investigation is to be made in cooperation with the States, but there is nothing, as I take it, providing that he shall report as to the views and attitude of any State with which he is cooperating. We shall get nothing under the amendment except the report of the Secretary of Agriculture.

Mr. WADSWORTH. I do not know how the Senate could call for a report from 48 different States. I thought we could get the information through the Federal officer in general charge of the work in cooperation with the States.

Mr. PITTMAN. I am in accord with the Senator as to securing a report from the Secretary of Agriculture, but I do not want his opinion alone. I do not object to having his opinion, but I want him to report the facts as developed by the joint investigation.

Mr. WADSWORTH. I think that is what the amendment calls for.

Mr. PITTMAN. Will the Senator change the last words of his amendment so to provide that the Secretary of Agriculture shall report not only his opinion, but also the facts developed by such investigation?

Mr. WADSWORTH. The last words of the amendment read:

> Together with estimates as to cost and the period of time necessary for completion of the work.

How would the Senator desire that language changed? Would he have it read "together with his estimates"?

Mr. PITTMAN. Of course, I can not keep in mind the language of the Senator's amendment. I simply want the Secretary of Agriculture to report not alone his opinion, but also as to the action of the States.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. The Chair has recognized the Senator from Minnesota.

Mr. FLETCHER. Will the Senator from Minnesota yield to me?

Mr. SHIPSTEAD. Is it the purpose of this amendment to provide that an official survey shall be conducted for the purpose of designating a national system of highways?

Mr. WADSWORTH. Yes; of post roads.

Mr. SHIPSTEAD. Is it a new undertaking so far as the Government is concerned?

Mr. WADSWORTH. No; it is not a new undertaking. I assume that the Bureau of Public Roads already has in mind a good deal of its work for the future. What I think Congress is entitled to know is what is contemplated for the future; how much it will cost, how long it will take. I may say that legislative provisions, such as this, are contained in most of the good roads legislation of the several States. I know in the State of New York which, unfortunately for itself, it may be said, went ahead and completed its road system before Federal aid was ever started, and is now helping other States to pay for theirs—the road legislation contains a provision that there shall be a map of the contemplated road system of the State; and no money can be appropriated for the building of good roads in the State of New York unless it is applied to the roads specified on that map.

I do not know that Congress will want to go as far as that in the future; I do not know whether it will want us to be as strict as that in the future; but I do say that if we are to expend $75,000,000 a year for a score of years yet to come, and further sums beyond that period for incidental expenses, as mentioned in the letter of Mr. MacDonald, the chief of the bureau, we ought to have some plan on which to build, and that plan ought to be reported to the Congress, so that we will know not only when we start but where we are going.

Mr. FLETCHER. Mr. President, may I interrupt the Senator for a moment?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Florida?

Mr. SHIPSTEAD. I yield.

Mr. FLETCHER. What will be accomplished by this amendment, if adopted, will be to stop any further building of roads than those that exist now and are at present recognized. The amendment contemplates a program merely embracing highways now authorized and which it is proposed to finish. That does not leave any opportunity for future development of roads.

Mr. WADSWORTH. The Senator from Florida is mistaken.

Mr. FLETCHER. In some States that might be all right, but in States that are building new roads and are developing vast areas in different portions of the country there is need for new roads in addition to those that exist to-day or that may exist to-morrow. Why cut off the building of good roads at a certain point and say we shall not go beyond that?

Mr. STERLING. Mr. President, I think the Senator from Florida is in error in his interpretation of the proposed amendment offered by the Senator from New York. I do not think it has any such meaning or scope as he has indicated. It merely provides that the highway authorities of the several States may, in cooperation with the Secretary of Agriculture, ascertain what post roads need improvement or what are practicable, and so forth, and such projects may be approved by the Secretary of Agriculture when they are submitted to him thereafter.

Mr. President, as a matter of fact a great deal of work has been done, and a national system of roads to the extent of 174,350 miles has already been apportioned or actually completed or allotments have been made for the several projects belonging to the system.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from New Mexico?

Mr. SHIPSTEAD. I yield.

Mr. JONES of New Mexico. I should like to call to the attention of the Senator the fact that there is absolutely no limitation of time provided in the amendment proposed by the Senator from New York. We do not know what length of time the Secretary may feel called upon to consider when he comes to carrying out this direction, and if the amendment means what it says then he shall do this for all time.

Mr. WADSWORTH. Oh, no.

Mr. JONES of New Mexico. There is no limitation in the amendment. It refers to all roads that may be necessary, but the Senator from New York himself said that he wanted to know how large the road appropriations would be in the future. If the Secretary of Agriculture were to attempt to carry out the proposal of the Senator from New York we would have not the remotest idea of the expense to be incurred. How is he going to ascertain the expense and the cost of post roads without making an engineering estimate? To do that at this

time for prospective roads, I submit, would be calling upon the Treasury for an expenditure wholly unnecessary. Why should he be called on to say what in his opinion should be done in this road matter now and in the future? The Senator does not even mention the number of years which may be necessary in order to complete the program.

Mr. WADSWORTH. I ask for the information, that is all—for the opinion of the Secretary of Agriculture.

Mr. JONES of New Mexico. So far as the amendment is concerned, it requests him to make an estimate for all time.

Mr. WADSWORTH. Oh, no; not for all time. Apparently the Senator from New Mexico, if he will pardon me, does not want this information.

Mr. JONES of New Mexico. I submit that the information will be of no value whatever. If the Senator wants to know what roads are already under construction or contemplated, and wants to have a map of such roads, all well and good, but, as stated by the Senator from Florida [Mr. FLETCHER], we can not now even anticipate what roads we may want in the near future. Some sections of the country are in a state of development; we are extending the roads of the country; and the information called for by the Senator from New York would either be worthless or it would involve an expenditure which, I am sure, the Senate would not want to incur now for that purpose.

Mr. WADSWORTH and Mr. BROUSSARD addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Minnesota yield, and if so, to whom?

Mr. SHIPSTEAD. I yield to the Senator from New York.

Mr. BROUSSARD. Mr. President, will the Senator yield?

Mr. WADSWORTH. I think the Senator from Minnesota yielded to me.

Mr. SHIPSTEAD. Yes; I yield to the Senator from New York first.

Mr. WADSWORTH. I thank the Senator.

Mr. BROUSSARD. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. For a question, but I should like to explain my amendment a little further.

Mr. BROUSSARD. I merely wanted to make a short statement, but I will do so later, in my own time.

Mr. WADSWORTH. Mr. President, I was greatly interested in a letter which was put into the RECORD by the Senator from Ohio [Mr. FESS] this afternoon addressed to him by Mr. MacDonald, the chief of the Bureau of Public Roads of the Department of Agriculture. As I recollect, in that letter Mr. MacDonald states that, counting up the roads thus far built with Federal aid, the roads thus far approved, and the roads planned for the future, the total aggregates 174,000 miles.

Mr. BROUSSARD. Mr. President, at that point will the Senator yield?

Mr. WADSWORTH. Yes.

Mr. BROUSSARD. I was about to state a while ago, and I think I may make the statement now, so that the Senator in his discussion may consider the factor I am about to mention that in determining the roads to be built, as the Senator knows, a State must duplicate the amount appropriated by the Federal Government.

Mr. WADSWORTH. I understand that.

Mr. BROUSSARD. Those amounts are raised by special assessment, and until every section of any given interstate road has been provided for in the regular way, under the State constitution, it is impossible for the State to give its assent to any project for an interstate road. If the Senator from New York wants to permit the Bureau of Public Roads to lay out a system of roads and then require the States to adopt it, under the conditions imposed in the Federal good roads law, it will be necessary for the States to assess by way of special taxation an amount equal to the Federal appropriations. Even if such a system of roads were projected and submitted to the Congress of the United States it would be absolutely worthless, in my opinion, Mr. President, because there are certain sections of the United States where the assessed valuation of the property abutting the roads would not permit the levying of sufficient taxes at a given time in order to meet the State expenditure. So we would find ourselves in this condition, that, although we had a system of roads submitted to the Congress, when we undertook to construct them we would have links that were not completed and no provision under which the local communities could complete them.

Mr. WADSWORTH. Mr. President, if the Senator will pardon me, I will start over again.

The letter of Mr. MacDonald indicated the existing plans or hopes, perhaps, of the Bureau of Public Roads, involving, as I recollect the figures in the letter, 174,350 miles. That, as I understand, is merely the opinion of Mr. MacDonald. I should like the Federal authority to confer with the States for the next year and a half, and, after so conferring, report to the Congress what in his judgment, this program is going to amount to.

This amendment of mine does not involve in the slightest degree any attempt to force a good-road system upon the States. It is merely to bring to the Congress some information as to the present judgment of the States and the Bureau of Public Roads as to what the program is, how long it will take, and how much it will cost.

Mr. STERLING. Mr. President, does the Senator from New York mean the program that will involve the construction of 174,350 miles?

Mr. WADSWORTH. Yes; or any modification of it which he may see fit to submit to us for further consultation between him and the States between now and June 30, 1926. If the Senate does not want that information, it can vote down the amendment.

The PRESIDENT pro tempore. The Chair withdraws the statement, which will be found in the RECORD, that the amendment was agreed to without objection. The question is upon agreeing to the amendment of the Senator from New York.

Mr. WADSWORTH. Upon that I call for the yeas and nays.

Mr. COUZENS. Mr. President, let us have the amendment stated. It has been revised several times.

Mr. WADSWORTH. It has not been revised at all. It is the same amendment that I had before. I am willing to have it stated, of course.

Mr. COUZENS. Let us have it stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The reading clerk read as follows:

The Secretary of Agriculture is authorized and directed to cause to be prepared in cooperation with the appropriate State authorities a map or plan outlining the system of post roads which, in his judgment, should be improved under the Federal aid system, and to report to the Congress not later than June 30, 1926, such map or plan, together with estimates as to cost and the period of time necessary for completion of the work.

Mr. SHIPSTEAD. Mr. President, I am not convinced in my own mind that this amendment should not prevail. It seems to me, however, that I can see in it the beginning or the continuation of a policy of enlargement of Federal aid that is sweeping all over the country and takes in almost every form of human endeavor and adds to the constantly growing appropriations from the Federal Treasury. This is done, Mr. President, upon the assumption upon the part of a great many people that if the State will spend $100 for a good road the Federal Government will spend another $100, and it encourages the people of the States to spend money on a very extravagant basis because so many of them are led to believe that by spending a great deal of money they will get a great deal of money from the Federal Government for nothing. That is the underlying basis of a great deal of this so-called Federal aid to the various activities throughout the States.

It seems to me that I can see in this amendment a proposition already conceived for a great national program for national highways; and it seems to me that it is fair to assume that with that report will come a request for an appropriation to carry it out which will be double or treble the amount of the appropriation we are voting here this afternoon. Unless, for instance, my State or any other State taxes its people to meet the appropriation for Federal aid, that State is placed in a position where it will have to contribute to the Federal road fund, but can not enjoy the benefits of its own taxes.

This continual propaganda for Federal aid is increasing the appropriations and the taxes necessary to fill the Federal Treasury; and, I think, that instead of laying plans for further encroachments upon the Federal Treasury we should have some commission to investigate how we can stop these continual encroachments upon the Federal Treasury, which are made on the assumption that if the county and the State will produce a certain amount of money they will get a like amount of money from the Federal Government for nothing. We do not get it for nothing. It all comes out of the pockets of the people, and at least 90 per cent of this propaganda for Federal aid is based upon the falsehood that the money the people get from the Federal Treasury, through Federal aid, they get for nothing under the slogan of "Free Federal aid!"

Mr. PEPPER. Mr. President, I do not see in this amendment what the Senator from Minnesota [Mr. SHIPSTEAD] sees in it. I should think the Senator from New York could not

have fairly imputed to him any such purpose as that which is suggested.

This is a simple proposition. Some of the States make large contributions to this Federal fund. The question is whether our taxpayers are to be asked blindly to pour their money into this pool, or whether we are to be furnished with some information respecting the probable outlay, and where it is that our money is going. It is a conservative measure, not an extravagant one. It is in the interest of good business. It is, in a measure, budgeting the work of good roads; and I, for one, very much hope, in the interest of those who contribute the money to the fund, that the amendment will prevail.

Mr. SHIPSTEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. PEPPER. I do.

Mr. SHIPSTEAD. I hope the Senator will not assume that I intended to impute any but the best motives to the Senator from New York. I realize that this is a question upon which there can be an enormous difference of opinion. I do not want to be understood as having any conscientious scruples about the motives. I take it for granted that the motives are good.

Mr. PEPPER. I assume that that is the Senator's state of mind.

Mr. HARRELD. Mr. President, I should like to ask the Senator a question. Under the present law the entire expense that is incurred in locating roads is borne by the State highway departments. The Federal Government only finally says whether or not it will contribute to the building of the roads. I have just come into the Chamber, but I should like to ask whether the amendment that the Senator is supporting in any way affects that condition? Does it in any way put the Government to the expense of having to locate these various roads—because there is where a large part of the expense is

Mr. PEPPER. Not at all. As I understand, this is an amendment which calls upon the Secretary of Agriculture during the next 15 months to prepare, in cooperation and consultation with the State authorities, a map indicating the scheme of Federal post roads which it is desirable to improve, and to report to the Congress by June 30, 1926, the map thus prepared, together with estimates of cost and an estimate of the time during which the program of improvement will take place. It does not limit the authority of the States. It promotes cooperation between the Department of Agriculture and the State authorities, and it merely prevents the Congress from appropriating these vast sums of money and pouring them into a blind pool. It is calling for the information which will alone justify us in voting all these millions and millions of the taxpayers' money.

Mr. HARRELD. If, however, this map is once established and becomes binding in any way, then it would involve the Federal Government in the expense and in the difficulties of locating roads.

Mr. PEPPER. Mr. President, I am sure that if the Senator will read the amendment, he will agree that there is not one word in it that imposes an obligation upon anybody to do anything, excepting upon the Secretary of Agriculture to prepare a map and report it to us.

Mr. HARRELD. It would not be binding on Congress?

Mr. PEPPER. Not at all, sir. It is a mere report for our information.

Mr. KING. Mr. President, may I have the attention of the able Senator from New York [Mr. WADSWORTH]? My opinion is that the amendment offered by the Senator from New York calls for information which we should be glad to have, but what I am afraid of is this: Knowing the predilection of Federal officials to extend their authority and to increase appropriations in behalf of bureaus which they control, I fear that the Secretary will recommend surveys far beyond the needs of the States, and far beyond the capacity of many of the States to execute. I am afraid of a plan which would be recommended by the Secretary of Agriculture. I think we ought to know not only the beginning of our program but the end of it. To that extent I am in entire sympathy with the Senator from New York.

What I should like to see is a comprehensive program, participated in, as the Senator's amendment contemplates, by the Secretary of Agriculture and by the various road authorities. If there are any differences between them, the report ought to indicate those differences, and we ought to have the views of the State authorities as to what they think a comprehensive plan should be, and the views of the Secretary of Agriculture, and then it is up to us to determine what we shall do.

I say again to the able Senator from New York, however, that if you leave to the Secretary of Agriculture the determination of a program, he may impose upon Congress, if he can, a program that will bankrupt the Government and bankrupt many of the States. I have not any confidence in paternalism and in the judgment of many of these bureaus; and I hope the able Senator from New York will modify his amendment so that we may have the views of the States as well as the views of the Secretary of Agriculture. If those views coincide, well and good. If there are differences we should have those differences before us, and then it will be up to Congress to determine whether they will make appropriations for the execution of the program or not.

Mr. JONES of New Mexico. Mr. President, I just want to say another word.

I do not believe that this program of road building has any prospective end, and I do not think it should have. I hope, as long as we have this great country of ours, that we will continue to increase the good roads of the country. I do not know of a single country on earth that has completed its road system; and it is absolutely futile to attempt to make out a general program here for future action by Congress with a view of limiting the activities of the Government in connection with the States.

I can find nothing in this amendment that seems to indicate a spirit of carrying on the construction of good roads such as the Senators here who voted for these appropriations have in mind. I think I can see an attempt to have a report brought in, which in the course of a great number of years would involve the expenditure of a large sum of money, and then appeal to the country that we are appropriating these tremendous sums, and that the Congress ought to bring this thing to a stop. I submit that this amendment is not in sympathy with the movement which we have favored in the enactment of legislation such as we are now considering.

Mr. WADSWORTH. Mr. President, I desire to modify my amendment by adding a new sentence, as follows:

> And the Secretary of Agriculture is also authorized and directed to transmit to the Congress, as a part of his report, such recommendations and estimates as may emanate from the State authorities.

Apparently Senators suspect the motive of this amendment. It has been very evident that some of them do. Some of them in private conversation have already told me so. All I am asking is that as we embark upon the erection of an immense structure, we see the plans; that is all.

Mr. GOODING. Mr. President, the Senator must admit that that means a great expenditure of money, which many of the States can not afford at this time to undertake. Any other information than a regular survey with an estimate would be of no value at all to the Congress or to anyone else.

I am disappointed at the turn this argument has taken on this bill. I do not know why the East should be against this proposition; and it is practically the East that is against this bill and has been fighting it. I do not know why the East should be opposed to the development of the West.

As far as my State is concerned, the East owns it; it is largely owned in New York City. All of the standing timber in my State belongs to eastern companies. All the life-insurance companies and all the fire-insurance companies in my State, with one or two exceptions, belong to eastern companies. The railroads of my State, the interurban lines, and everything else we have out there, the power plants, and such things as that, belong to eastern corporations. The General Electric Co. has a monopoly of all the power plants in my State and all the potential opportunities for the development of power. The people of Idaho have very little left outside of the land. It is true they have that. Practically every corporation we have in Idaho is a foreign corporation. They are mightily interested in the West. My State has something like 60,000 automobiles bought from the East. We buy all of our farming machinery in the East. We have not a manufacturing institution in the State of Idaho of any importance. We pay tribute to the East on about everything we have and everything we buy.

I do not know why the East should be so much against the development of their own property, in which they have such a great interest, and I do not know of anything that will develop that country any better than good roads. The people in the East should not object to the building of good roads for the development of the West.

We have great national parks out in the West, and we are proud of them, as far as that is concerned, and we want the people of the East to come out and visit our parks. At the same time, with the great financial interest the East holds in

the West, we do not think they should object to the building of good roads for the development of the West.

Mr. WILLIS. Mr. President, I have not engaged in this discussion, but what has been said by the Senator from Idaho makes me desire to occupy a brief moment.

I am from that section of the country which I suppose the Senator would denominate the East. I am as much interested in the building of good roads as is the Senator from Idaho, but I repel the suggestion that if a Senator indicates that he wants the Government to get a plan, therefore he is opposed to carrying out the project. Suppose we were about to construct a great building; would the Senator from Idaho say that if we undertook to get a plan of the building, therefore we would be opposed to the erection of the building? I am for this bill and for this appropriation, but I am in favor of this amendment, because it is a reasonable attempt to secure information.

Mr. HEFLIN. Mr. President, I want to say that we already have this information. I have visited the Good Roads Department and have gone over with Mr. MacDonald a map showing the projects in my State and projects in other States, those now approved and the projects they have in mind for the future. I think we already have this information, and I ask for a vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York as modified, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON] and in his absence I withhold my vote.

Mr. JONES of New Mexico (when his name was called). I transfer my general pair with the Senator from Maine [Mr. FERNALD] to the Senator from Tennessee [Mr. SHIELDS], and vote "nay."

The roll call was concluded.

Mr. HARRISON. My colleague [Mr. STEPHEN] is paired on this question with the senior Senator from Rhode Island [Mr. GERRY]. If my colleague were present and voting, he would vote "nay."

Mr. BROUSSARD (after having voted in the negative). I transfer my pair with the senior Senator from New Hampshire [Mr. MOSES] to the senior Senator from Alabama [Mr. UNDERWOOD], and permit my vote to stand.

The result was announced—yeas 22, nays 45, as follows:

YEAS—22

Ball	Couzens	McKinley	Wadsworth
Bingham	Cummins	Norbeck	Walsh, Mass.
Bruce	Hale	Pepper	Warren
Butler	Jones, Wash.	Reed, Pa.	Willis
Capper	Keyes	Spencer	
Copeland	King	Sterling	

NAYS—45

Ashurst	Frazier	Ladd	Sheppard
Brookhart	George	McKellar	Shipstead
Broussard	Gooding	McNary	Shortridge
Bursum	Harreld	Mayfield	Simmons
Cameron	Harris	Means	Smith
Caraway	Harrison	Neely	Stanfield
Dale	Heflin	Norris	Stanley
Dial	Howell	Oddie	Swanson
Dill	Johnson, Calif.	Overman	Trammell
Ernst	Johnson, Minn.	Phipps	
Ferris	Jones, N. Mex.	Pittman	
Fletcher	Kendrick	Ransdell	

NOT VOTING—29

Bayard	Gerry	Moses	Underwood
Borah	Glass	Owen	Walsh, Mont.
Curtis	Greene	Ralston	Watson
Edge	La Follette	Reed, Mo.	Weller
Edwards	Lenroot	Robinson	Wheeler
Elkins	McCormick	Shields	
Fernald	McLean	Smoot	
Fess	Metcalf	Stephens	

So Mr. WADSWORTH's amendment was rejected.

The PRESIDENT pro tempore. The bill is still in Committee of the Whole and open to amendment. If no further amendment is to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDENT pro tempore. The bill is in the Senate and open to amendment. If there be no amendments to be proposed, the amendments will be ordered engrossed and the bill to be read a third time.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question now is, Shall the bill pass?

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], but I am at liberty to vote on this question, and I vote "yea."

Mr. JONES of New Mexico (when his name was called). Making the same announcement as to the transfer of my pair as on the previous vote, I vote "yea."

Mr. OWEN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Montana [Mr. WASH] and vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD], but I am informed that if he were present he would vote as I intend to vote. I vote "nay."

The roll call was concluded.

Mr. SWANSON. I desire to announce that my colleague, the junior Senator from Virginia [Mr. GLASS], is paired with the senior Senator from Connecticut [Mr. MCLEAN]. If my colleague were present, he would vote "yea."

Mr. DALE. My colleague, the senior Senator from Vermont [Mr. GREENE], is unavoidably detained. If he were present, he would vote "yea."

Mr. CARAWAY. My colleague, the senior Senator from Arkansas [Mr. ROBINSON], is unavoidably absent. If present, he would vote "yea."

Mr. BROUSSARD. I am paired with the senior Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the senior Senator from Alabama [Mr. UNDERWOOD] and vote "yea."

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD] is absent on account of illness. If present, he would vote "yea."

Mr. HARRISON. My colleague, the junior Senator from Mississippi [Mr. STEPHENS] is paired on this question with the senior Senator from Rhode Island [Mr. GERRY]. If present, my colleague would vote "yea." If the senior Senator from Rhode Island were present, he would vote "nay."

Mr. JONES of Washington. I wish to announce that the senior Senator from New Hampshire [Mr. MOSES] is unavoidably absent, and if present, he would vote "nay."

I also wish to announce that the senior Senator from Indiana [Mr. WATSON] is necessarily absent. He has a general pair with his colleague, the junior Senator from Indiana [Mr. RALSTON].

The result was announced—yeas 65, nays 5, as follows:

YEAS—65

Ashurst	Ernst	Kendrick	Reed, Mo.
Ball	Ferris	Keyes	Sheppard
Brookhart	Fess	King	Shipstead
Broussard	Fletcher	Ladd	Shortridge
Bruce	Frazier	McKellar	Simmons
Bursum	George	McKinley	Smith
Butler	Gooding	McNary	Spencer
Cameron	Hale	Mayfield	Stanfield
Capper	Harreld	Means	Stanley
Caraway	Harris	Neely	Sterling
Copeland	Harrison	Norris	Swanson
Couzens	Heflin	Oddie	Trammell
Cummins	Howell	Overman	Warren
Curtis	Johnson, Calif.	Owen	Willis
Dale	Johnson, Minn.	Phipps	
Dial	Jones, N. Mex.	Pittman	
Dill	Jones, Wash.	Ransdell	

NAYS—5

Bingham	Reed, Pa.	Wadsworth	Walsh, Mass.
Pepper			

NOT VOTING—26

Bayard	Glass	Moses	Underwood
Borah	Greene	Norbeck	Walsh, Mont.
Edge	La Follette	Ralston	Watson
Edwards	Lenroot	Robinson	Weller
Elkins	McCormick	Shields	Wheeler
Fernald	McLean	Smoot	
Gerry	Metcalf	Stephens	

So the bill was passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 174) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1925, etc.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 555) for the relief of Blattmann & Co.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9343) authorizing the adjudication of claims of the Chippewa Indians of Minnesota; requested a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. SNYDER, Mr. LEAVITT, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the following entitled bills of the House:

H. R. 5558. An act to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding $200,000 for the purpose of improving the street and sewerage system of the town; and

H. R. 6070. An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, on the island and county of Hawaii, Territory of Hawaii.

The message returned to the Senate in compliance with its request, the bill (S. 1639) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 2694. An act authorizing certain Indian tribes, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties or otherwise;

H. R. 3669. An act to provide for the inspection of the battle fields of the siege of Petersburg, Va.; and

H. R. 8263. An act to authorize officers of the Treasury to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds.

REPORT OF UNITED STATES COAL COMMISSION

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to Senate Concurrent Resolution 3, which were, in line 8, to strike out "document room" after the word "Senate," and in line 11, to strike out "document room" after the word "House," so as to make the resolution read:

Resolved by the Senate (the House of Representatives concurring), That the report of the United States Coal Commission relative to the anthracite and bituminous coal industry, with accompanying papers, charts, diagrams, and illustrations (including not to exceed one supplemental volume), be printed as a Senate document, with contents and index, and that 5,000 additional copies be printed, of which 1,100 copies shall be for the use of the Senate, 100 copies for the use of the Committee on Mines and Mining of the Senate, 3,500 copies for the use of the House, and 300 copies for the use of the House Committee on Interstate and Foreign Commerce.

Mr. PEPPER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

BIOGRAPHICAL CONGRESSIONAL DIRECTORY

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (H. Con. Res. 43) of the House of Representatives:

Resolved by the House of Representatives (the Senate concurring), That there shall be compiled, printed, and bound, as may be directed by the Joint Committee on Printing, 4,000 copies of a revised edition of the Biographical Congressional Directory up to and including the Sixty-eighth Congress, of which 1,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House of Representatives.

Mr. PEPPER. I ask that the concurrent resolution may be considered and agreed to.

The concurrent resolution was considered by unanimous consent and agreed to.

BRIDGES ACROSS ARTHUR KILL

Mr. LADD. From the Committee on Commerce I report back favorably with amendments the bill (S. 4179) to authorize the Port of New York Authority to construct, operate, maintain, and own bridges across the Arthur Kill between the States of New York and New Jersey, and I submit a report (No. 1034) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 3, after the word "That," to strike out down to and including the word "permit," on page 8, line 5, and insert "the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate two bridges and approaches thereto across Arthur Kill, one of said bridges to be located at a point suitable to the interests of navigation in or near Perth Amboy on the New Jersey side and Tottenville on the New York side, and the other to be located at a point suitable to the interests of navigation in or near Elizabeth on the New Jersey side and Howland Hook, Staten Island, on the New York side, in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906." And on page 3, to strike out lines 11 to 22, inclusive, and to renumber the sections, so as to make the bill read:

Be is enacted, etc., That the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate two bridges and approaches thereto across Arthur Kill, one of said bridges to be located at a point suitable to the interests of navigation in or near Perth Amboy on the New Jersey side and Tottenville on the New York side, and the other to be located at a point suitable to the interests of navigation in or near Elizabeth on the New Jersey side and Howland Hook, Staten Island, on the New York side, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. Construction of the said bridges shall be commenced within three years, and they shall be completed within six years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Port of New York Authority to construct, maintain, and operate bridges across the Arthur Kill between the States of New York and New Jersey."

HUDSON RIVER BRIDGE

Mr. LADD. From the Committee on Commerce I report back favorably with amendments the bill (S. 4178) to authorize the Port of New York Authority to construct, operate, maintain, and own a bridge across the Hudson River between the States of New York and New Jersey, and I submit a report (No. 1033) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 3, after the word "That," to strike out down to and including the word "permit" on page 3, line 4, and insert "the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate a bridge and approaches thereto across the Hudson River, at a point suitable to the interests of navigation, and connecting a point between One hundred and seventieth Street and One hundred and eighty-fifth Street, Borough of Manhattan, New York City, with a point approximately opposite thereto in the Borough of Fort Lee, Bergen County, N. J., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906; and on page 3, to strike out lines 10 to 21, inclusive, and to renumber the sections, so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate a bridge and approaches thereto across the Hudson River, at a point suitable to the interests of navigation, and connecting a point between One hundred and seventieth Street and One hundred and eighty-fifth Street, Borough of Manhattan, New York City, with a point approximately opposite thereto in the Borough of Fort Lee, Bergen County, N. J., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. Construction of the said bridge shall be commenced within three years and it shall be completed within seven years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson River between the States of New York and New Jersey."

MILITARY RESERVATION ON ANASTASIA ISLAND, FLA.

Mr. FLETCHER. From the Committee on Military Affairs I report back favorably with amendments the bill (S. 4152) to authorize the Secretary of War to grant a perpetual easement for railroad right of way over and upon a portion of the military reservation on Anastasia Island, in the State of Florida, and I submit a report (No. 1035) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 2, line 14, after the word "thence," to strike out "is" and insert "in"; and on page 3, line 18, after the word "purposes," to insert a colon and the following additional proviso: "*Provided further*, That this grant shall not become effective until there shall have been reconveyed to the United States, free from all incumbrances, the title to that portion of the existing right of way of the St. Johns Electric Co. across this reservation, which will be superseded by the new right of way," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant and convey to the St. Johns Electric Co., an electric power and railroad corporation, organized and existing under and by virtue of the laws of the State of Florida, its successors and assigns, a perpetual easement, subject to the proviso in section 2 herein, for electric railroad purposes over and upon the following described property, being a part of the military reservation on Anastasia Island, in the State of Florida, to wit:

Beginning at a point in old right of way of the St. Johns Electric Co. in the northeast quarter of the northeast quarter of section 28, township 7 south, range 30 east, said point of beginning being 125 feet from the north line and 572 feet from the west line of the northeast quarter of the northeast quarter of section 28, township 7 south, range 30 east, running thence generally in a southerly direction to a point in the half-section line of section 27, township 7 south, range 30 east, said point being 181 feet east of the section line between sections 27 and 28, township 7 south, range 30 east; thence in a southeasterly direction to a point in the south line of lot 10 of section 27, township 7 south, range 30 east, said point being 326 feet east of the southwest corner of said lot 10; said perpetual easement to be 100 feet on each side of the center of the track of railroad company and 6,138 feet in length; with full power to locate and construct railroad tracks, sidings, switches, stations, and other appurtenances thereon and to use said property for any and all purposes appurtenant to its business: *Provided*, That no part of the property hereby granted shall be used for any other than railroad purposes, and that when the property above described shall cease to be so used it shall revert to the United States of America.

SEC. 2. The said conveyance shall be subject to the conditions and reversion hereinbefore provided for, and shall be used for the purposes hereinbefore described only, and shall be subject to the right of the United States in case of an emergency to assume control of, hold, use, and occupy, temporarily or otherwise, without license, consent, or leave from said corporation, any or all of said land for any and all military, naval, or lighthouse purposes, free from any conveyance charges, encumbrances, or liens made, created, permitted, or sanctioned thereon by said corporation: *Provided*, That the United States shall not be or become liable for any damages or compensation whatever to the said corporation for any future use by the Government of any or all of the above-described land for any of the above-mentioned purposes: *Provided further*, That this grant shall not become effective until there shall have been reconveyed to the United States free from all encumbrances the title to that portion of the existing right of way of the St. Johns Electric Co. across this reservation which will be superseded by the new right of way.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF WORLD WAR OFFICERS

The PRESIDENT pro tempore. The Chair lays before the Senate the special order, Senate bill 33, which will be stated.

The READING CLERK. The bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

Mr. BURSUM. I ask that the special order be temporarily laid aside in order to enable the Senate to consider the appropriation bill which the Senator from Washington [Mr. JONES] has in charge.

The PRESIDENT pro tempore. The Senator from New Mexico asks that the special order be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECESS

Mr. JONES of Washington. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it shall take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent that when the Senate shall conclude its business for the day it shall take a recess until 12 o'clock to-morrow. Is there objection? The Chair hears none, and it is so ordered.

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

Mr. JONES of Washington. Mr. President, I ask that the Senate proceed to the consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes. I will say that if the request is granted I shall ask the Senate to consider only the last amendment in the bill, on page 91, in which the two Senators from New York are interested. They can not be here to-morrow.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent to proceed to the consideration of House bill 11753.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES of Washington. I ask unanimous consent that the formal reading of the bill may be dispensed with and the bill read for amendments, committee amendments to be disposed of first.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington? The Chair hears none and it is so ordered.

Mr. COPELAND. Mr. President, may I ask the Senator from Washington to defer action on one amendment until Monday? He can then take care of the entire bill to-morrow, with that exception, and on Monday my colleague and I will both be here, and that matter can be taken care of.

Mr. JONES of Washington. I was in hopes we could dispose of that amendment to-night.

Mr. COPELAND. What I have to say will take considerable time.

Mr. JONES of Washington. I was in hopes we could get the bill disposed of to-morrow.

Mr. COPELAND. The Senator can make disposition of everything except the one amendment, and that can be taken care of early on Monday. I hope the Senator will agree to that course.

Mr. JONES of Washington. The Senator thinks that we could not dispose of that amendment to-night?

Mr. COPELAND. It will take a long time for me to say what I wish to say.

Mr. JONES of Washington. That makes it all the more important that we should get along with it.

Mr. COPELAND. I hope that consent may be given to do as I have suggested.

Mr. JONES of Washington. I had hoped that we could get that disposed of to-night, and I had thought probably we could do so, but I appreciate the Senator's position. I understand that the two Senators from New York will be away to-morrow, and that this is an amendment in which they are both peculiarly interested; I know that; and so I will have this understanding with them, if no other Senator objects, that we will try to dispose of this bill to-morrow except for that amendment, and leave that to go over until Monday.

Mr. COPELAND. I thank the Senator.

Mr. GOODING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES of Washington. I yield.

PEND D'OREILLE RIVER BRIDGE, IDAHO

Mr. GOODING. Out of order, I ask unanimous consent for the immediate consideration of the bill (H. R. 11706) to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Roard crossing, Idaho.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

Mr. BURSUM. Are there any amendments to it?

Mr. GOODING. No; it is a bridge bill from the House of Representatives without amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. Without objection, the bill will be considered as having passed through the parliamentary stages.

Mr. REED of Pennsylvania. I ask similar action in the case of Calendar No. 1082, being the bill (H. R. 11367) granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania.

There is necessity for considerable haste in the construction of the bridge provided for in the bill.

Mr. JONES of Washington. Mr. President, I will inquire what is the bill that the Senator from Idaho asked to have considered.

Mr. McKELLAR. It is a bridge bill.

Mr. GOODING. It is House bill 11706.

Mr. JONES of Washington. To whom does the bill give permission to build a bridge?

Mr. GOODING. I do not know to whom the permission is granted, but it is merely a bridge bill which has passed the House of Representatives.

Mr. JONES of Washington. Is it the bill that grants the consent of Congress to a Mr. Beardmore to build the bridge?

Mr. GOODING. I think that is the bill.

Mr. JONES of Washington. Well, if the bill has been passed I shall have to ask that the votes by which the bill was read the third time and passed shall be reconsidered. I hope the Senator will not object to that. If he does, I will have to enter a motion to reconsider.

Mr. GOODING. I shall not object to that, of course, although I should like to have the bill passed.

Mr. JONES of Washington. If we may have the vote reconsidered, I will speak to the Senator about it. I did not know that the bill had passed.

Mr. FLETCHER. Let the bill remain on the calendar.

Mr. JONES of Washington. Yes; just let it remain on the calendar. I ask that the vote by which the bill was ordered to a third reading and passed may be reconsidered.

The PRESIDENT pro tempore. The bill has not been passed.

Mr. JONES of Washington. Then, I want to object to its consideration.

The PRESIDENT pro tempore. Objection is made.

Mr. JONES of Washington. I will speak to the Senator from Idaho with reference to the bill later.

LIMITS OF COST OF CERTAIN NAVAL VESSELS

Mr. HALE. Mr. President——

Mr. JONES of Washington. I yield to the Senator from Maine.

Mr. HALE. I ask unanimous consent for the immediate consideration of the bill (H. R. 11282) to authorize an increase in the limits of costs of certain naval vessels.

Mr. JONES of Washington. Will the bill lead to debate?

Mr. HALE. I think it will not lead to debate.

Mr. OVERMAN. I ask that the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the limits of cost for the construction of the United States ships *Lexington* and *Saratoga*, the conversion of which vessels into airplane carriers, in accordance with the terms of the treaty providing for the limitation of naval armament, was authorized by the act of July 1, 1922, is hereby increased to $34,000,000 each.

Mr. HALE. I can explain in a moment the purpose of the bill.

Mr. WADSWORTH. I do not think the Senator need explain the bill.

Mr. HALE. Very well.

Mr. KING. Mr. President, I merely wish to call attention to the fact that we have had a Limitation of Arms Conference which was presumed to limit the cost of our Navy. We will expend this year more than $360,000,000 for the Navy and a little less for the Army; we will expend substantially $600,000,000 for the Army and Navy in peace times; all of which demonstrates that the Limitation of Arms Conference effectuated very great reforms.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

TERMS OF THE DISTRICT COURT OF MISSISSIPPI

Mr. HARRISON. I ask unanimous consent for the present consideration of the bill (H. R. 466) to amend section 90 of the Judicial Code of the United States, approved March 3, 1911, so as to change the time of holding certain terms of the District Court of Mississippi.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

Be it enacted, etc., That section 90 of the Judicial Code be, and the same is hereby, amended to read as follows:

"SEC. 90. The State of Mississippi is divided into two judicial districts to be known as the northern and southern districts of Mississippi. The northern district shall include the territory embraced on the 1st day of December, 1923, in the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Calhoun, Carroll, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Tate, Tippah, Union, Webster, and Yalobusha, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bolivar, Conhoma, Leflore, Quitman, Sunflower, Tallahatchie, and Tunica, which shall constitute the Delta division of said district. The terms of the district court for the eastern division shall be held at Aberdeen on the first Mondays in April and October; and for the western division, at Oxford on the third Monday in April and the first Monday in December; and for the Delta division, at Clarksdale on the fourth Monday in January and the third Monday in October. The southern district shall include the territory embraced on the 1st day of December, 1923, in the counties of Amite, Copiah, Covington, Franklin, Hinds, Holmes, Jefferson Davis, Lawrence, Leake, Lincoln, Madison, Pike, Rankin, Simpson, Smith, Scott, Wilkinson, and Yazoo, which shall constitute the Jackson division; also the territory embraced on the date last mentioned in the counties of Adams, Claiborne, Humphreys, Issaquena, Jefferson, Sharkey, Warren, and Washington, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Clarke, Jones, Jasper, Kemper, Lauderdale, Neshoba, Newton, Noxubee, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Perry, Pearl River, Stone, and Walthall, which shall constitute the southern division of said district. Terms of the district court for the Jackson division shall be held at Jackson on the first Mondays in May and November; for the western division, at Vicksburg on the third Mondays in May and November; for the eastern division, at Meridian on the third Mondays in March and September; and for the southern division, at Biloxi on the third Monday in February and the first Monday in June. The clerk of the court for each district shall maintain an office in charge of himself or a deputy at each place in his district at which court is now required to be held, at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court. The marshal for each of said districts shall maintain an office in charge of himself or a deputy at each place of holding court in his district."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS

Mr. CURTIS. I move that the Senate take a recess, the recess being under the previous order until noon to-morrow.

The motion was agreed; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 7, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 6 (legislative day of February 3), 1925

COLLECTOR OF CUSTOMS

Miner G. Norton, of Cleveland, Ohio, to be collector of customs for customs collection district No. 41, with headquarters at Cleveland, Ohio, in place of W. Burr Gongwer, whose term of office expired May 31, 1924.

UNITED STATES DISTRICT JUDGE

Thomas W. Slick, of Indiana, to be United States district judge, district of Indiana, under the provisions of an act approved January 16, 1925, providing for an additional United States district judge for the district of Indiana.

UNITED STATES MARSHAL

Millard M. Owens, of Florida, to be United States marshal, northern district of Florida, vice Peter H. Miller, resigned.

POSTMASTERS

ALABAMA

Rupert M. Bearden to be postmaster at West Blocton, Ala., in place of W. W. Perry. Incumbent's commission expired June 4, 1924.

CALIFORNIA

Eugene L. Ely to be postmaster at Kentfield, Calif., in place of Henry DeSoto, resigned.

COLORADO

Burgis G. Coy to be postmaster at East Portal, Colo., in place of B. G. Coy. Office became third class October 1, 1924.

CONNECTICUT

Fred T. Koehler to be postmaster at Windsor Locks, Conn., in place of J. F. Oates. Incumbent's commission expired June 5, 1924.

FLORIDA

Helen Arbuthnot to be postmaster at Lake Alfred, Fla., in place of E. C. Garcia, resigned.

Herbert L. Eiland to be postmaster at Baker, Fla., in place of H. L. Eiland. Office became third class April 1, 1924.

GEORGIA

Lelia Morgan to be postmaster at Sycamore, Ga., in place of Marijo McMillan. Incumbent's commission expired February 4, 1924.

Helen B. Wiley to be postmaster at Rockmart, Ga., in place of J. F. Dever, deceased.

Josie M. Crawford to be postmaster at Dalton, Ga., in place of J. A. Crawford, deceased.

ILLINOIS

Myrtle L. Schroeder to be postmaster at Addieville, Ill., in place of L. P. Schroeder. Office became third class April 1, 1924.

IOWA

Arthur M. Michaelson to be postmaster at Roland, Iowa, in place of S. E. E. Thompson. Incumbent's commission expired June 5, 1924.

Leona M. Haffner to be postmaster at Donnellson, Iowa, in place of Chris Haffner, deceased.

LOUISIANA

Edward J. Templet to be postmaster at Pharr, La., in place of K. S. Foster, resigned.

Lola M. Hutchings to be postmaster at Bossier, La., in place of L. M. Hutchings. Office became third class April 1, 1924.

MARYLAND

Shadrach G. Sparks to be postmaster at Sparks, Md., in place of S. G. Sparks. Office became third class January 1, 1925.

MICHIGAN

Albert Steinen to be postmaster at Painesdale, Mich., in place of Albert Steinen. Incumbent's commission expired June 4, 1924.

Frank Leonard to be postmaster at Hubbell, Mich., in place of P. J. Scanlon. Incumbent's commission expired June 4, 1924.

Ronald H. Macdonald to be postmaster at Dollar Bay, Mich., in place of R. H. Macdonald. Incumbent's commission expired August 8, 1923.

Julius P. White to be postmaster at Kearsarge, Mich., in place of R. M. Smith, resigned.

MINNESOTA

Joseph A. Schoenhoff to be postmaster at Sauk Center, Minn., in place of J. A. Schoenhoff. Incumbent's commission expired June 5, 1924.

John Jacobs to be postmaster at Richmond, Minn., in place of P. P. Ruegemer. Incumbent's commission expired February 18, 1924.

Fred C. Nehring to be postmaster at Paynesville, Minn., in place of W. A. Huntington. Incumbent's commission expired June 5, 1924.

Alvin E. Comstock to be postmaster at Lakefield, Minn., in place of A. L. Eriksen. Incumbent's commission expired June 5, 1924.

MISSISSIPPI

James J. Hiller to be postmaster at Calhoun City, Miss., in place of J. J. Hiller. Incumbent's commission expired January 28, 1924.

MISSOURI

Gustav F. Duensing to be postmaster at Freeman, Mo., in place of Ellen Van Meter. Office became third class July 1, 1924.

NEW MEXICO

George A. Titsworth to be postmaster at Capitan, N. Mex., in place of C. J. Larsen. Incumbent's commission expired February 4, 1924.

NEW YORK

Bertha Howland to be postmaster at Lisle, N. Y., in place of F. P. Edmister. Office became third class October 1, 1924.

NORTH CAROLINA

Jesse L. Riggs to be postmaster at Bayboro, N. C., in place of F. C. Brinson, resigned.

NORTH DAKOTA

Katherine Ritchie to be postmaster at Valley City, N. Dak., in place of W. W. Smith. Incumbent's commission expired July 28, 1923.

OKLAHOMA

Joseph T. Dillard to be postmaster at Waurika, Okla., in place of C. D. Snider. Incumbent's commission expired November 8, 1923.

Oscar F. Fowler to be postmaster at Redrock, Okla., in place of H. E. Brinson, resigned.

PENNSYLVANIA

William M. Kelvington to be postmaster at Meadow Lands, Pa., in place of G. H. Kelvington. Office became third class April 1, 1924.

George C. Brown to be postmaster at Masontown, Pa., in place of C. H. Howard, resigned.

James W. McCurdy to be postmaster at Jackson Center, Pa., in place of G. R. Jones, resigned.

Hobart M. Lord to be postmaster at Hastings, Pa., in place of G. E. Baldwin, resigned.

Lucy Hawkins to be postmaster at Export, Pa., in place of J. D. Hart, failed to qualify.

SOUTH DAKOTA

Thomas R. Worsley to be postmaster at Witten, S. Dak., in place of T. R. Worsley. Office became third class January 1, 1925.

TEXAS

Malcolm Shaw to be postmaster at Carthage, Tex., in place of R. D. Tiller. Incumbent's commission expired January 31, 1924.

VIRGINIA

Edgar E. Rawlings to be postmaster at Capron, Va., in place of A. E. Drewry, resigned.

WASHINGTON

Ruth Randall to be postmaster at Prescott, Wash., in place of F. J. Fleischer, resigned.

WEST VIRGINIA

William H. Cheeks to be postmaster at Hollidays Cove, W. Va., in place of D. M. Shakley, resigned.

WYOMING

Carrie A. Scanlin to be postmaster at Megeath, Wyo., in place of T. A. Marshall. Office became third class July 1, 1923.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 6 (legislative day of February 3), 1925

PUBLIC HEALTH SERVICE

TO BE SENIOR SURGEON

Taliaferro Clark.

TO BE SURGEONS

Robert W. Hart.
Clifford R. Eskey.
Walter T. Harrison.
Rolla E. Dyer.
Charles Armstrong.
Justin K. Fuller.
Vance B. Murray.

TO BE PASSED ASSISTANT SURGEONS

Lester C. Scully. Marion R. King.
Floyd C. Turner.

TO BE ASSISTANT SURGEONS

Edwin H. Carnes. Ernest E. Huber.
Lucius F. Badger. Albert E. Russell.
Adolph S. Rumreich. Alfred J. Aselmeyer.

DIRECTOR OF THE COAST AND GEODETIC SURVEY

TO BE DIRECTOR WITH RELATIVE RANK OF CAPTAIN IN THE NAVY

Ernest Lester Jones.

POSTMASTERS

ALABAMA

William M. Pugh, Red Bay.

ALASKA

Grace Brook, Fort Yukon.

ILLINOIS

John L. Lewandowski, Calumet City.
Paul R. Beebe, Forreston.
Jesse E. Meharry, Tolono.
Frank Z. Carstens, Woodriver.

IOWA

Matt Olson, Clear Lake.
Finley E. Dutton, Manchester.
Guy C. Wilhelm, Modale.
Ren S. Bosley, Newhall.
Arthur M. Foster, Storm Lake.

LOUISIANA

Louise L. Bass, Willetts.
Nellie M. Landrum, Woodsworth.

MASSACHUSETTS

Charles C. Starratt, Ocean Bluff.

MISSOURI

Lonnie W. Hoover, Princeton.
Ralph W. Day, Summersville.

NEW JERSEY

Charles Carter, Mount Ephraim.
Joseph Kish, Nixon.

VIRGINIA

Newton F. Smith, Berryville.
John M. B. Lewis, Lynchburg.

WEST VIRGINIA

Roscoe C. Damron, Branchland.
Blanche P. Reed, Clay.
Leonard S. Echols, Charleston.
Henry E. Crews, Edwight.
Albert A. Drinkard, Elbert.
James T. Keeney, Eskdale.
Lutie Vicars, Fort Gay.
Harry F. Cunningham, Grant Town.
Thomas O. Wash, Kayford.
Ora E. Gay, Libow.
Joseph W. Thornbury, Man.
William W. Wolfe, Mount Clare.
Andrew B. Canterbury, Pax.
Clifton M. Spangler, Peterstown.
J. Wade Bell, Quinwood.
Willard M. Mason, Seth.
John S. Walker, Sharples.
James H. Reid, Slab Fork.
Harry M. Slush, Whitesville.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 6, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Lead on, O King eternal, and make plain the way of duty. As the days are big with responsibilities, may they be rich with results. Permit nothing to cloud our wisdom or to weaken our strength. May failures not depress or discouragements leave their marks. Let us accept them with patience as part of life's discipline. May we trust Thy unfailing love and unerring wisdom, for these shall far outlast the limitations of man. Establish hope eternal in all our breasts and allow nothing to obscure or hide Thy face from us. Guide us when the way is confused and the sky is overcast and be the lamp of life unto our pathways. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 5197. An act to amend section 71 of the Judicial Code as amended; and

H. R. 10528. An act to refund taxes paid on distilled spirits in certain cases.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate Nos. 1, 7, and 9 to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes.

That the Senate had receded from its amendment No. 42 to said bill.

The message also announced that the Senate had passed the following order:

Ordered, That the bill (S. 2693) entitled "An act in reference to writs of error" be returned to the House of Representatives in compliance with its request.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2694. An act authorizing certain Indian tribes, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties, or otherwise;

H. R. 3669. An act to provide for the inspection of the battle fields of the siege of Petersburg, Va.;

H. R. 8263. An act to authorize the General Accounting Office to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds; and

H. R. 10404. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes.

THE FORDNEY-M'CUMBER TARIFF

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the tariff.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, after spirited debate we have voted to provide over $700,000 for the requirements of the Tariff Commission during the coming fiscal year. The matter is of great interest not only to Members of this body but to the entire country, because it again focuses attention on that bane of our people's existence, the tariff.

In the national election of last November the most important issue with which the country is concerned was practically lost sight of because of discussions pertaining to more spectacular and less intricate matters, such as dishonesty in public office and violation of public trusts. This was indeed unfortunate, because the most far-reaching line of demarcation between the two great political parties is still the tariff.

Since September, 1922, when the Fordney-McCumber Tariff Act became a law the country has struggled under a burden of $4,000,000,000 imposed annually in indirect taxes, of which only one-tenth has gone into the United States Treasury. The remaining $3,500,000,000 has gone into the pockets of the protected interests. At the time of its enactment the entire country became aroused at the iniquity of the measure, and the press and the leading publicists of the Nation, irrespective of their political affiliations, denounced the measure as the grossest injustice yet done to a people in the guise of raising revenue. By adroit political maneuvering the Republican administration since in power, however, has done absolutely nothing to remedy the situation or relieve the burden. The whole subject has been camouflaged by smoke screens of other issues, such as "tax reduction" and "economy"—all raised to divert attention from the greatest tax burden of all—the tariff.

Direct taxes, such as the income tax and excise taxes are paid by only about 6,000,000 people and are infinitesimal compared with the exactions of the present Republican tariff which are borne by every one of our 110,000,000 people. Likewise the much-mouthed proposals and preachings of "economy" in Government expenditures, even if sincerely carried out, mean little in savings to the entire population of the country as compared to an honest revision of the present tariff law.

The Tariff Commission as originally created under a Democratic administration, as part of the program of that man of vision, President Wilson, to relieve the burdens of the people, was designed as an impartial fact finding body with powers only to ascertain the real facts, such as the cost of production and differences in wages here and abroad. It was the first sincere effort ever made to "take the tariff out of politics," and, that there might be no partisanship reflected in its findings of facts, a Democratic Congress specifically provided that of the six members of the commission at no time should more than three be affiliated with the same political party. The safeguards contained in that act, however, have been deliberately destroyed by the Republican administration in Congress and its President.

In 1922 the Republicans inserted in the act what are known as the "flexible provisions." These authorize the President, upon findings of the commission submitted to him, to increase or decrease any of the tariff rates, but although that commission has made many findings of facts the President has seen fit to act in only one instance and that to increase the duty on wheat. For two years he has had before him the findings of the commission recommending a reduction in the duty on sugar, which now costs the American people the sum of $400,000,000 a year, a major portion of which goes to "sweeten the bowl" of the sugar interests.

These interests are represented by at least one member of the commission, who was appointed by the President after serving as a lobbyist for the sugar interests, and their cause was advocated before the commission by the treasurer of the Republican National Committee, and the Senator whose name appears in the title of the present tariff act. Every day the President delays action on a revision of the sugar schedule costs nearly a million dollars to the sugar-consuming public.

With no attempt to conceal his purpose the President is proceeding to fill all vacancies on this commission, and other bipartisan commissions, with men in complete sympathy with the policies of his party and in direct violation not alone of the spirit but of the very letter of the laws creating those commissions. There can only be one result of this action—a narrow partisan determination of the questions without regard to the public interest. A tariff commission composed entirely of high protectionists obviously will make no recommendations which are antagonistic to the very interests which are the favorites of the protective policy.

In carrying out its policy of "one-man control," the Republican Party and its President has usurped the powers of Congress, which alone directly represents the people, in dealing with this question so directly responsible for the high cost of living. The burdens and conditions of the people never enter into their considerations. The large contributors to their campaign funds dictate their policies.

In a studied effort to delude the American people the Republican Party has for years conducted a systematic propaganda that the Democratic Party is the party of "free trade"—that the Democratic Party believes in no tariff whatsoever. Nothing could be further from the truth.

The Democratic Party favors a tariff which will assure a proper revenue for the support of the Government, at the same time insuring reasonable competition without injury to any industry economically justifiable. The Democratic Party in framing a tariff has always taken into consideration the wage differences in this country and abroad and have always had in mind the maintenance of the high standard of American labor. The American workingman realizes that it is not a high protective tariff that keeps up his wages, but organization, superior workmanship, and the development of machinery. He also realizes that high wages profit him nothing if all his wages are immediately taken away from him by means of a high tariff on every article of clothing, food, or household use which he buys. To take only one instance, the specific duty of 31 cents per clean pound on wool operates to hold down the cost of the more expensive grades of clothing to the wealthier classes and to put up the cost of the less expensive grades to the poorer classes. Knowing this, the leaders of organized labor have always favored the Democratic tariff over the high Republican tariff.

For years the farmer was deceived into believing a high protective tariff on the products he produces was for his benefit, but his experiences of recent years has opened his eyes to the real situation. He now knows that such protection is worthless—that for every dollar he receives by virtue of a Republican tariff the same law takes away $5 by means of a tax on everything he buys for his farm or his family. No one knows this better than his wife. The American housewife is the one who comes into direct contact with the extortions of the tariff. On her purchases alone she contributes $3,000,000,000 to the profiteering high-protected interests.

The tariff policy of the Republican Party, if completely successful, would keep out all foreign importations, and there would be no revenue from that source whatsoever. Their real purpose and object, however, is to so diminish foreign importations that the supply of the article in this country will be so limited that the American manufacturer will receive such prices as he sees fit to charge, because foreign competition is entirely limited. This is "protection."

The Democratic Party believes that all taxes collected by a tariff or otherwise should go directly into the Treasury of the United States. The Republican Party delivers seven-eighths of the huge sum extorted from the public into the pockets of the protected profiteer. They make no bones about it. It is their admitted policy. They are proud of their direct descendancy from the original Tarif, an African pirate of the eighth century, whose name is the source of the present English word "tariff," the original meaning of which is "extortion from the many for the benefit of the few."

Can we hope for any relief from the Republican Congress which was just elected? All signs unmistakably point to the contrary. But other elections are coming. A new House of Representatives will be elected in less than two years, when truth must triumph over deceit, when a long-suffering and thoroughly aroused public should and will visit the inevitable retribution upon the heads of those who have failed to protect their interests but have exploited the many to enrich the few.

REFORESTATION

Mr. CLARKE of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a speech that I delivered on February 4, 1925, before the American Paper and Pulp Association at the Waldorf Astoria Hotel in New York City.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLARKE of New York. Mr. Speaker, under leave granted me by the House, I extend my remarks by inserting in the RECORD the following:

SPEECH DELIVERED BEFORE THE AMERICAN PAPER AND PULP ASSOCIATION AT WALDORF-ASTORIA, NEW YORK CITY, FEBRUARY 4, 1925

Mr. CLARKE. I am grateful to this great wood-using organization for inviting me here to deliver a little talk. I do not come here as an orator, though, as a youngster, I had aspirations in that line. They lasted until I was sent to Kingston as a committee of one to bring into Delhi a very famous orator. As we journeyed back to my beloved hills, I sought to impress on the Senator the fact that there were two orators in that automobile. As we were passing through one of the smaller villages in my district, where they have the church and cemetery in the same plot, I called the Senator's attention to the church as the place where I had made my first great speech. The Senator, pointing to the cemetery, replied, "And there, by God, is the audience."

My language may lack the scientific nomenclature of you experts, but my history of interest in our forests began before that of many of you here, for I first touched elbow with pulp-wood operations over 30 years ago, when as a boy, I was in charge of a mining company store at Benson Mines, N. Y., and used to go out in the woods to sell the contractors cutting pulp wood their supplies, and my interest in our woods and streams antedates that employment, for in my heart I have always been a fisherman, and last summer achieved my greatest triumph in catching the largest trout caught in my town.

I also have a first-hand knowledge of many of your problems, because, as a member of the Agriculture Committee, we spent months listening to more than 57 varieties of opinion on the so-called Capper reforestation bill and its rival, the Snell bill. I was inevitably induced by these hearings to reach the conclusion that these United States in their forest policies were a good deal like the June bug—the light was all behind—and that our "hit-and-miss policy" regarding our forests, as States and a Nation, was speeding us to a treeless, Chinafied United States, a calamity to us as a Nation and a tragedy to our leadership in civilization itself.

A subcommittee of five was appointed from the Agriculture Committee to see if a bill could not be prepared that would eliminate many of the highly controversial features and constitutional questions of the Snell and Capper bills.

We used to meet at the University Club Secretary Wallace (as sincere a friend of reforestation as ever occupied a Cabinet position), and Col. "Bill" Greeley would meet with us to work on a bill incorporating essentials, omitting constitutional questions. I then evolved a statement of principles in what has since become a very famous recipe. I want to give this recipe to you.

PRESTO

A NATIONAL FOREST POLICY

A recipe for bringing about the continuous production of timber in the United States.

Take 96 United States Senators and 435 Members of Congress. Mix well with pictures of the denuded hills of China and its population with the lowest standards of living. Add a panoramic view of our now fast-disappearing forests, due to the absence of a national forest policy. Place into this mixture the leaven of an aroused public conscience, demanding a national forest policy adequate to the requirements of the United States. Knead into six loaves, embodying the following points based on reciprocal laws and the cooperation of each of the States with the Federal Government:

1. More funds for patrol and lookout stations to prevent and put out forest fires.

2. Just forest taxation laws to encourage private owners to grow trees.

3. Substantial additions to the already existing areas of public-owned forest lands.

4. More assistance to the private forest owner, both in aiding reforestation and in the proper management of existing woodland.

5. Adequate appropriations for investigation and research work in order to standardize, utilize, and get the most out of our forests.

6. Permission for owners of private forest land who actively cooperate with the Government to deduct a certain percentage from their income-tax returns, the same principle as is now followed where the individual makes charitable contributions.

Repeat the same process with the legislatures in each of the 48 States. Bake quickly.

Result: Forty-eight States cooperating with the National Government and the children of all the to-morrows singing the praises of all those who joined in accomplishing this long-desired end.

The Clarke-McNary bill is a step in that direction and embodies five out of the six policies of my recipe.

I take it we are all conservationists and I hope the kind that meets the spirit if not the letter of my handmade definition. "Conservation is the outlining of a policy, and the enacting of that policy into a law that will save God Almighty's endowments in this country from the profiteering of the plunderbund, the wastefulness of the ignorant and selfish, and the utilization of these endowments by the prudent and wise, so that all the children of all the to-morrows shall not seem forgotten."

When I try to visualize the United States and its forests, or lack of forests, I am reminded of the fat colored woman whose son George had bought a Ford, and that son was very dutifully giving his mother her first ride in his new car. Unfortunately, he had an accident, and when Mandy, his mother, regained her senses in the hospital, the doctor, seeking to comfort her, told her of the damages she would collect, when Mandy replied, "Mah Gawd, doctor, 'taint damages I want, its repairs I need."

Timber is to-day a national necessity. Over two-thirds of our 822,000,000 acres originally covered with forests have been culled, cut over, or burned and burned again, and there is left now in the United States only about 137,000,000 acres of virgin timber, 112,000,000 acres of culled and second growth, 133,000,000 acres part stocked, and 81,000,000 acres of devastated, practically waste land. Brother Kellogg estimates there is about two-fifths of our virgin timber still standing, and of the three-fifths which has disappeared as much has gone up in fire and smoke as has been utilized, or possibly more. It is, therefore, up to us to get busier than we have ever been before if we are to meet the obligation and duty that is resting upon us of this day, if treeless to-morrows is not our legacy to those who come after us.

The States as well have a definite and fixed responsibility that can not be shifted. That responsibility is the duty of going forward in each State, in its own way, with a cooperative policy and law, under the leadership of the Federal Government, yet recognizing the sovereignty of each State, and each State cooperating because of the fairness and practicability of Uncle Sam's program as a national program and the duty of each State to encourage and promote this larger policy. If you want a program for the States here is one, a real definite survey of the States to get out of the realm of glittering generalities and—

1. To ascertain the extent of its lands more suitable for reforestation than agriculture.

2. An exact, scientific determination of the kind of trees those lands will best grow in the light of that survey, and the needs of the State.

3. Proper protection from fire and the enemies of trees.

4. Fair tax laws that will make certain that our public-spirited citizens will not be penalized for making wood lots and idle lands grow trees.

5. Getting going with a plan of growing and distributing seeds and trees.

Private organizations, great corporations, municipalities, waterworks companies, and individuals have their part to play in a cooperative way.

I believe the single, most constructive meeting ever held in the United States, having to do with the products of our forests, was the national conference on the utilization of forest products, conceived by our late Secretary Wallace, carried out so successfully by Secretary Gore and Chief Forester Colonel Greeley November 19 and 20, 1924, in Washington.

Here was the voluntary coming together of every phase of the vast interests having to do with the manufacture of wood products as well as representatives whose objective was a complete study of preventable wastes from the cutting of the tree to the utilization of the last cubic foot of the wood that could be economically utilized. It takes just such a coming together, in the spirit of a national duty, with the President of the United States addressing the conference, to impress the importance of that national duty upon all of us. The statement was made by one authority that preventable decay in standing timber, stored logs, pulpwood, wood pulps, and lumber and of various wood products, as structurable lumber, railroad ties, pile and mine timbers, would probably, if prevented, furnish enough wood products to build a city for 1,000,000 people.

Let me give you examples:

1. Railroad crossties. Ties subjected to the zinc chloride or creosoting treatment find their average serviceable life lengthened from 6 to 13 years. Yet there are millions of railroad crossties being put under railroad tracks in the United States without treatment.

2. Look into your own pulp and paper business. Statements were made that there was a preventable loss being absorbed in your general business of $6,000,000, a loss that only a small added investment would stop. I mean the loss through decay of stored pulp and pulp wood by better storage methods and fungicide treatments.

3. Our own great State of New York with a constitutional prohibition preventing the cutting of matured timber, when it could and should be done under such regulations as we have in our national forests.

So it needs the getting together of all these interests, the directing of public attention on such wastes and the education of all.

The Federal Government in its proper field is doing splendid work in its laboratory at Madison, and otherwise. The allied timber manufacturing industries are going into these problems more carefully and progress is being made all along the line in preventable wastes.

There is a lot of loose thinking and still looser talking regarding our natural resources "overtopping all the world." Thus it seems a fitting occasion to dispel some popular illusions. While it is true that we embrace less than 6 per cent of the land area of the world and have about 6 per cent of the world population, we now have 50 per cent of its gold and about 40 per cent of the railroad mileage: yet in Europe alone is more iron and coal, in Russia (European and Asiatic) four times the forest area, and we possess a minority interest in the farm grazing and wheat lands of the world. Gold and silver have been produced in greater quantity abroad, elsewhere is more oil, and so we are in varying degree regarding other of God's benefactions. We are not endowed out of proportion to the rest of the world, nor is it true that our geographical situation gives us the advantage over the rest of the world, nor have we cornered all the brains. I will tell you wherein is the secret of our success; it is the form of government that has guaranteed to individual initiative the rewards that go with perseverance and ability.

I am an old-fashioned fundamentalist. I believe our wonderful achievement in government finds its explanation in a variety of causes, and that the outstanding features are—

1. An anchorage in the moral code of the Good Book that has shaped the quality of character of our people.

2. The Constitution that has guaranteed to our people, through our constitutional form of government, those rights of life, of liberty, of property, and shaped our ideals and citizenship.

That such a people, building on so firm foundations, have gone forward with nature's endowments, able to meet the world competition and give to our people more than any other form of government has given to any other people in all time, is not strange; but we can not much longer continue the wicked wastefulness with God's endowments, nor permit our constitutional system to be undermined so as to destroy individual initiative through undue interference of the Government with business without surrendering our leadership and ushering in the forces that will ultimately break down our standards in every phase of government and life.

In the New England States, largely in New Hampshire, is the White Mountain National Forest. Why a national forest instead of a State forest is the question that naturally propounds itself, and here is my explanation: It was my privilege to be invited by the select committee of the United States Senate to accompany it in its investigations that were carried on in 18 different States. We held our meeting in New York State and journeyed to Boston; from Boston our objective was this White Mountain National Forest.

As we journeyed toward it, we traveled for miles along the Merrimac River. We found community after community with their great manufacturing establishments dependent upon that stream for the employment offered to many thousands of people, dependent upon the evenness of the flow of that river for power that was harnessed, used,

then harnessed and used again. We found the increase in the flow of the water and the steadiness of the flow of the Merrimac, even to its lowest reaches in Massachusetts, was due to this national forest, way up in the New Hampshire hills. Looking to the west you could see the Vermont hills, and trickling down through the valleys were streams, feeders of the mighty Connecticut. With extreme fluctuation in the flow of the river largely eliminated because the run-off of the water was slower, due to the forests, with a greater amount of water in the river during the entire year, meaning increasing the depth of the flow by 5 or 6 inches, thanks to a national forest in the hills of New Hampshire. As we journeyed down the Androscoggin River into Maine, we found history again repeating itself, mills and more mills, water power after water power, employment and more employment to thousands of people.

We also learned that during the summer, in that national forest, well over 2,000,000 people spent their vacations. So it follows, as the day the night, that every New England State shared in the benefits of a national law that is gradually building up a greater White Mountain forest that will prove of immense service in every phase of the economic and industrial life of the New England States, as well as in the commerce of the Nation. We need such national forests established in and about this State, and in and about many of the other forest regions to the north, south and west. The first national forest has been created under the Clarke-McNary bill—when the President, by Executive order, took out of the War Department and placed under the Secretary of Agriculture about 79,000 acres of the Fort Bennings, Ga., military reservation, and we expect to dedicate it to growing more trees for our people, and there are other military reservations to follow (two in New York State). And it is up to the States to enlarge on and broaden out their State policy of reforestation and get it going so that they can join hands with the National Government in a program that shall tell the world of to-day that they are not falling down in their opportunity to bring back to our hills and dales the trees, to adorn and make more helpful the to-morrows, under that national leadership offered in the Clarke-McNary bill.

Theodore Roosevelt, that great American and pioneer conservationist, said:

> "A people without children would face a hopeless future. A country without trees is almost as helpless; forests which are so used that they can not renew themselves will soon vanish, and with them all their benefits. When you help to preserve our forests or plant new ones you are acting the part of good citizens."

"WHAT DO WE PLANT?"

What do we plant when we plant the tree?
We plant the ship which will cross the sea;
We plant the mast to carry the sails;
We plant the planks to withstand the gales—
The keel, the keelson, the beam, the knee—
We plant the ship when we plant the tree.
What do we plant when we plant the tree?
We plant the houses for you and me;
We plant the rafters, the shingles, the floors;
We plant the studding, the lath, the doors,
The beams, and siding, all parts that be;
We plant the house when we plant the tree.

What do we plant when we plant the tree?
A thousand things that we daily see.
We plant the spire that out-towers the crag;
We plant the staff for our country's flag;
We plant the shade, from the hot sun free;
We plant all these when we plant the tree.

(Henry Abbey, 1842–1911.)

BLATTMANN & CO.

Mr. EDMONDS. Mr. Speaker, I call up the conference report upon the bill S. 555, for the relief of Blattmann & Co.

Mr. BEGG. Mr. Speaker, I think there is a very important phase to this conference report, and I do not believe the members of the House can vote upon it intelligently unless they hear a discussion of the matter. Therefore, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. Evidently there is not.

Mr. EDMONDS. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 52]

Anderson	Buckley	Collins	Davey
Bacharach	Burtness	Connolly, Pa.	Deal
Berger	Butler	Corning	Dempsey
Bloom	Carew	Croll	Denison
Bowling	Celler	Cummings	Dickstein
Boylan	Clark, Fla.	Curry	Dominick
Britten	Cole, Ohio	Dallinger	Evans, Iowa
Faust	Kent	Morin	Schall
Favrot	Kiess	Nolan	Schneider
Fenn	Kindred	O'Brien	Shallenberger
Fisher	King	O'Sullivan	Sproul, Kans.
Fitzgerald	Knutson	Oliver, N. Y.	Strong, Pa.
Foster	Kunz	Peavey	Sullivan
Gallivan	Lampert	Perkins	Summers, Tex.
Gilbert	Langley	Perlman	Tague
Glatfelter	Larson, Minn.	Porter	Thomas, Ky.
Graham	Lea, Calif.	Prall	Thompson
Green	Leach	Quayle	Tinkham
Griest	Lee, Ga.	Rathbone	Treadway
Harrison	Lindsay	Rayburn	Tucker
Haugen	Logan	Reed, Ark.	Vaile
Hawes	McFadden	Reed, W. Va.	Vare
Hawley	McLaughlin, Nebr.	Roach	Ward, N. Y.
Hersey	McNulty	Rogers, Mass.	Ward, N. C.
Hoch	Mead	Rogers, N. H.	Weller
Hull, Tenn.	Michaelson	Rosenbloom	Wertz
Johnson, W. Va.	Miller, Ill.	Rouse	Wilson, Miss.
Jost	Mills	Sanders, Ind.	Winslow
Kendall	Montague	Schafer	Wolff

The SPEAKER. Three hundred and sixteen members have answered to their names—a quorum.

Mr. EDMONDS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from Pennsylvania calls up a conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 555) for the relief of Blattmann & Co. having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$97,804.70"; and the House agree to the same.

G. W. EDMONDS,
J. D. FREDERICKS,
Managers on the part of the House.

GEORGE WHARTON PEPPER,
HENRIK SHIPSTEAD,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 555 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report: In lieu of the sum proposed insert "$97,804.70."

G. W. EDMONDS,
J. D. FREDERICKS,
Managers on the part of the House.

Mr. EDMONDS. Mr. Speaker, this is the case which was argued before the House a short time ago intended to relieve the losses of a citizen of Switzerland who had bought a lot of gluten in this country, the same being seized by the Alien Property Custodian and sold on account of the fact that information arrived to the Alien Property Custodian that the gluten was to be delivered in Germany. The case was argued in the House very thoroughly, and while I was not present that evening I was under the impression that the House had instructed the conferees to vote for the sum that was agreed to in the House. The bill was passed by unanimous consent, and the sum agreed to by the House was $64,000. The Senate bill calls for something over $124,000. When we arrived at the conference the Senators called our attention to the fact that there was no agreement in the House that the sum should be held at $64,000, and upon investigation of the records I came to the same conclusion as the Senators, namely, that there was no agreement in the House or by the House to that effect, nor was there any instruction to the conferees that they should stick to the sum of $64,000. We then took up the question of what would be the proper sum to reimburse Mr. Blattmann for his loss in connection with this gluten, and after going over the matter very thoroughly we arrived at the conclusion that in order to fulfill his obligations Mr. Blattmann was obliged to purchase back from the party who had purchased at auction sale from the Alien Property Custodian six hundred thousand and odd pounds of gluten, for which he paid

18 cents a pound, making his loss on that particular gluten 6 cents more per pound. The Senators agreed on their part to pay no attention to the loss of interest or of storage, but they put it upon the flat basis of what Mr. Blattmann lost on the gluten. The figures come out in this way: He bought back six hundred thousand and odd pounds at 18 cents, costing him $110,540.52. The amount remaining, which cost him 12 cents a pound, four hundred thousand and odd pounds, amounted to $53,158.32. The total outlay for the gluten was $163,698.84. Under orders from the Department of Justice the money received from the sale of the gluten originally was returned to Mr. Blattmann. That amounted to $65,894.14; that left a balance of loss on the part of Mr. Blattmann of $97,804.70. It seemed fair to your conferees that we should reimburse the actual loss of this concern. Mr. Hughes in his letter to the House, following the demand from the Swiss minister, stated that Mr. Blattmann's actual loss on the transaction was $61,000.

The sum added to it by the House, $3,000, was interest money, making $64,000. However, Mr. Hughes in his letter did not limit his ideas of damages to that actual sum. I have his letter here, in which he says:

> While not undertaking at this time to pass upon the precise amount of the loss suffered by Blattmann & Co., it would seem that, as pointed out in my letter of December 9, 1923, to Senator Lodge, a copy of which is inclosed, there is basis for the claim of that company that it suffered a loss in excess of the amount realized from the sale by the custodian of the devitalized gluten at a price of approximately 6¼ cents a pound.

The Secretary of State asked us to take action on the bill because it has been a matter of correspondence between the State Department and the Swiss Government, and it was felt by the conferees of the House that it would be fair at least to pay Mr. Blattmann his loss, and it was felt by the conferees that this loss was $97,804.70, which we have placed in the report.

I now desire to yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, when this bill was brought up for consideration in the House under the unanimous-consent Private Calendar process objection was raised to the amount carried in the bill as reported by the committee. At that time the bill could have been sidetracked or delayed or postponed by a single objection. The gentleman who had offered objection withheld his objection, with the distinct understanding—on his part, at least—that $64,000 was the amount that Secretary Hughes recommended in his letter to the committee. Representing the committee at that time, I accepted the amendment of the gentleman from Ohio, and accepted it, I think, on behalf of the committee. Perhaps I exceeded my authority at the time. So at the present time I am only speaking for myself when I declare that it would be a breach of faith on my part, a breach of faith to the Members of the House who were present that evening, and a particular breach of faith on my part to the gentleman from Ohio if I do not support the contention that $64,000 was the amount agreed upon that Mr. Blattmann should receive, and I intend to support it in spite of the report of the conferees. [Applause.] I think that the House has confidence in the Committee on Claims, realizing that we do the very best we can with the information we have, and I would dislike very much to excite any suspicion in the minds of any Member of the House that I, as one member of the committee, was not absolutely fair with them. Consequently I support the action of the House awarding $64,000 as the amount of damages sustained by the plaintiff. If they are not willing to accept that amount, let them come to another session of the Congress. [Applause.] I yield back whatever time may remain.

Mr. EDMONDS. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the House, I should not have wasted the time of the House this morning in contesting the adoption of this conference report if the only thing involved had been the mere matter of $33,000. I do believe that there is something more involved, and we might just as well decide it this morning as next year. Now, what are the circumstances surrounding this report? I am going to use the figures in my statement in round numbers—they all have odd hundreds. In 1918 Blattmann & Co. were importers and exporters of gluten. They bought over a million pounds of gluten in this country, and they paid a certain price for it. But before they could dispose of it the Government, through the Alien Property Custodian, seized that gluten, and the Government then followed that seizure by a sale, and then proceeded to make a settlement with Blattmann & Co. Now, I can not go back of the figures submitted by Blattmann & Co. themselves through the Swiss minister. And, Members of this House, if you will take this report and all the evidence, you will find that Blattmann & Co., through the Swiss minister, said that the loss to them on the gluten was $22,000. Now, get that. The actual loss on the gluten was $22,000. Now, there was added to it storage and insurance, which brought the total loss to Blattmann & Co. to $39,000 in round figures, and the Swiss minister, through the Department of State, offered Secretary Hughes to settle for $39,000 in 1918. Well, the settlement was not made, and in the interim between that time and this a certain attorney got hold of the case, and in this Congress there was passed through the Senate a bill to pay Blattmann & Co. $124,000.

Mr. CRISP. Would it interrupt my friend at that point if I asked a question?

Mr. BEGG. When I have completed the statement I will be glad to yield. Now, I want you to get that. The Swiss minister puts in a bill for $39,000. Do not take my word, take the evidence, and if you will find where Blattmann & Co., through the Swiss minister at that time, claimed any more than $39,000, in round numbers, I will withdraw my opposition and vote for the bill. But they did not do it. But, as I said, through the intervention of some other party a bill was passed in the Senate for $124,000.

It came to the House. I took my pencil and figured. You can take yours now, before you are called upon to vote; you can take your pencil and figure 6 per cent on $39,000 from May 1, 1918, down to this day. The best you can get is $53,000.

Now, then, gentlemen, I agreed with the proponents of the bill when this bill was on the Unanimous-Consent Calendar to let the bill go at $64,000, if we had any kind of assurance that they would be satisfied with $64,000 and the conferees would show some backbone. But what did we have? We sent our bill over for $64,000 to the United States Senate. That amount, gentlemen, $64,000, is $10,000 more, in round numbers, than the best mathematician in the world can figure as 6 per cent interest due Blattmann & Co. The Senate adds $33,000. What for? I do not know, but perhaps it was to pay the attorney for his efforts in passing the bill originally through the Senate for $124,000.

Now they add $33,000. I know that my friend from Georgia [Mr. CRISP] and my good friend from Georgia [Mr. WRIGHT] are not motivated by any improper considerations in their viewpoint, but I submit to you, gentlemen, whether or not I have given you a complete statement of the transaction.

Let us review it again for a moment. The Government seized the gluten and sold the gluten and paid over to Blattmann & Co. the receipts of the sale, less the expense, and when we grant Blattmann & Co. for losses $20,000 and $3,000 for storage, if we pay the storage, and interest and the amount of the deficit in the sale of the gluten, as compared with the cost to Blattmann & Co., I submit we have completed the transaction.

What are they now proposing to do after this transaction was completed with the United States? Mr. Blattmann did not quit the gluten business because this 1,000,000 pounds were seized. Oh, no. He was in the business of buying gluten and exporting it. He did not quit. He had his customers for gluten. He had to go into the market and buy some. Now, a long period of time after the original seizure was made and the transaction was completed Mr. Blattmann wanted 600,000 pounds of gluten, and he had to go into the market and buy it; and it so happened that Armour & Co., to whom the Government had sold the original Blattmann gluten, had gluten for sale at the lowest price obtainable at that time, and Mr. Blattmann went to Armour & Co. and bought 640,000 pounds of gluten, I believe, and he paid a higher price than he would originally have paid if the Government had not seized it, and then he sold it; and nobody to this day knows what he received on the resale. We do not know whether he made 5 cents or 25 cents a pound. But presumably he made a profit, because it was a distinct and new transaction, just as much as if Mr. Blattmann would go into the market to-day and buy the balance of his original purchase and then sell it at a profit. He would be just as much entitled to come before Congress and say that he should be compensated for any loss on the balance of the 500,000 pounds out of the million originally bought, if to-day he went into the market and had to pay 18 cents a pound for it—he would be just as much entitled to come in and ask compensation for this last 500,000 pounds as he is to come in and ask for com-

pensation for the difference between the original cost of the gluten and the price paid on the 640,000 pounds.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes; I shall be glad to yield.

Mr. BLANTON. When this bill was passed the chairman of the committee was present, and the gentleman from Massachusetts [Mr. UNDERHILL], outranking the gentleman from California [Mr. FREDERICKS] on the committee, was presumed to be able to speak for the conferees; and the gentleman from Massachusetts did intimate that no increase would be agreed upon in conference, and the gentleman from Ohio [Mr. BEGG] accepted that, and the House had a right to believe it. I take it that the conferees ought to carry out such an agreement as we had in the House on that day.

Mr. EDMONDS. Mr. Speaker, will the gentleman yield there?

Mr. BEGG. Yes.

Mr. EDMONDS. I want to correct a statement that was made. The chairman of the committee was not present.

Mr. BLANTON. I beg the gentleman's pardon. I thought he was.

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. BOX. Is it correct that there was a specific agreement entered into on the floor of the House with the gentleman from Massachusetts [Mr. UNDERHILL] to the effect that the amount would not be increased?

Mr. BLANTON. Not specific, but so understood. I will read it to the gentleman.

Mr. BEGG. That is my understanding that the gentleman from Massachusetts [Mr. UNDERHILL] said in substance, "If I am a conferee I will not agree to another nickel."

Mr. BLANTON. Here is what the gentleman from Massachusetts stated:

> If that is agreeable to Blattmann & Co., I am sure the committee will accept the compromise proposed.

Then a little later:

> Mr. BLANTON. Will the gentleman yield, with the permission of the gentleman from Georgia?
>
> Mr. CRISP. The gentleman has my permission.
>
> Mr. BEGG. And I yield.
>
> Mr. BLANTON. The gentleman from Ohio started to tell us what he was going to do if the conferees should bring back a larger sum.
>
> Mr. BEGG. I would object and fight it, and try to keep the conference report from being adopted by making a statement with regard to the figures and how I have arrived at them.
>
> Mr. BLANTON. And the gentleman thinks he can keep the smaller sum in the bill?
>
> Mr. BEGG. I do not believe the conferees on this bill will yield. I think they will be in a position to hold out indefinitely.

Now, let me show you what Mr. UNDERHILL agreed to do.

Mr. BEGG. I would like to have the gentleman hurry, because I do not want to lose all my time.

Mr. FREDERICKS. I want to call the gentleman's attention to the fact that so far there has been no instruction to the conferees, and none was intended. I was not present.

Mr. BEGG. I can not yield to the gentleman from Texas [Mr. BLANTON] further. My time is going.

Now there was a definite understanding, so far as the House goes, that $64,000 was to be the maximum amount. I do not charge bad faith on the part of any of the conferees, but I do think that after we passed the bill with that kind of an understanding, which nobody disputes, our conferees on the part of the House ought to say to the Senate, "Either you meet our agreement or there will be no conference report."

I am going to say to you gentlemen that there will be no more unanimous-consent agreements on this kind of a bill if after we have come to a fair understanding, with the interest fixed at 6 per cent, the Senate can add $35,000, and I can not find out what for. However, that much I do know, that there will be no more unanimous-consent agreements on that kind of a bill unless this House shows its backbone and notifies the other body that we are to be respected just as much as they, and I believe this House will do it.

Let me call your attention, in conclusion, to the thing I mentioned in the beginning: The completed transaction gives them $39,000; adding 6 per cent interest for six years to May 1, of this year, makes the amount $53,000, and then adding $10,000 more for added losses it makes it $64,000. That completes the transaction. Then months after that Blattmann goes into the open market and purchases 640,000 pounds of gluten, sells it and presumably makes a profit; then he comes in and presents a bill, and under the insinuations of the proponents of the bill this added $33,000 is to compensate Mr. Blattmann for the losses sustained on the 640,000 pounds of gluten he repurchased. [Applause.]

Mr. EDMONDS. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BOX], a member of the committee.

Mr. BOX. Mr. Chairman and gentlemen of the House, I was a member of this conference committee, but I have not signed the conference report. I did not understand that there was an explicit agreement on the floor of the House at the time the bill was considered that the House conferees should not agree to a greater amount, but I did understand that some sort of a general understanding to that effect existed in the minds of Members, and since Members who were giving attention to this state it as strongly as the gentleman from Ohio [Mr. BEGG], who gave special attention to it, states it, I am inclined to take that view. [Applause.]

Mr. CRAMTON. Will the gentleman yield?

Mr. BOX. I will.

Mr. CRAMTON. Unless there is a general implied understanding to that effect the consideration of these private claims on an unobjected calendar would be an idle ceremony, and that fact has been recognized in this Congress by the Committee on Claims, which has recently brought in conference reports on two or three small claims in which they have kept faith with the House by refusing the Senate increases absolutely. In my judgment it is not necessary that there be an express agreement, because when a bill comes up on the Private Calendar and is allowed to pass by unanimous consent the custom and practice and circumstances are sufficient to create the implied agreement that faith is going to be kept with the House.

Mr. BOX. It is that general view which convinces me of the fact that the House conferees ought not to agree to an increase, and I am inclined to think that the House will have to insist on that procedure.

I want to say that the considerations in connection with this claim are not all on one side. I speak now of the claim on its merits. When it was first presented to the committee several things developed in connection with it which caused me to look on it with hostility, but I went into it with some care. I got all the hearings I could get, conducted by either the House or Senate committees, and went over it in detail. Some of the facts may have escaped me, but my judgment as a lawyer—bad, possibly—is that the United States is liable to Blattmann & Co. for about the amount named in the Senate bill, and, but for what seems to have been an understanding on the part of the House, I believe it would be right to pay that amount. I think that is the measure of damages expressed or implied in the letters of the President and Secretary Hughes.

Mr. FREDERICKS. Will the gentleman yield?

Mr. BOX. Yes.

Mr. FREDERICKS. What amount is that?

Mr. BOX. About $124,000. I understand that the gentlemen who have agreed with the Senate just about halved the difference between the Senate's contention and that of the House. However, in view of what occurred between the gentleman from Ohio [Mr. BEGG] and the other gentlemen, not including the gentleman from Georgia [Mr. CRISP], who made no promise, I felt there was an implied obligation on the part of the House conferees to bring this question back to the House for its determination before agreeing to it. I shall vote accordingly, although, in good conscience and good judgment, if I as a lawyer had to pass on this question in the first instance I would have to award Blattmann & Co. a greater amount than the House bill or the conference report awards.

Mr. EDMONDS. Will the gentleman yield?

Mr. BOX. Yes.

Mr. EDMONDS. I just want to say to the gentleman that the matter is before the House now for its consideration. I do not think there has been any breach of faith at all in the matter. The House has the final vote on these conference reports. If we pass a bill by unanimous consent and the conferees change it without any instructions, the House has a perfect right to do it when the conference report is brought back.

Mr. BOX. That is true; but the question as to the procedure to be followed by the House conferees ought to be settled in this connection.

Mr. EDMONDS. Of course, the fact that two or three gentlemen got together on the side and made a private agreement has no effect on the chairman of the committee.

Mr. BOX. The gentleman from Pennsylvania knows that if the House conferees agree to a greater amount than has been agreed on in the House under an agreement made with Members who are inclined to object to measures that are mixed in their nature, the difficulty of getting such bills considered at all will be greater. When gentlemen have pronounced views

such as the gentleman from Ohio held concerning this measure, and those views are met in order to get a bill considered, we ought to bring the question back here to the House for submission before agreeing to anything inconsistent with the terms on which consideration was obtained.

Mr. EDMONDS. Is not the question before the House now?

Mr. BOX. Yes; it is before the House.

Mr. CRAMTON. Will the gentleman yield?

Mr. BOX. Yes.

Mr. CRAMTON. In connection with what the gentleman from Pennsylvania has just suggested as to not being present, I want to ask the gentleman from Pennsylvania if he does not feel that when the chairman of the committee is absent, and a matter is up under unanimous consent and a member of his committee makes a statement that is made in effect in behalf of the committee and is not objected to by any member of the committee who is present, then does not the gentleman think that in order to secure expeditious consideration of bills hereafter from his committee it would be well to keep the agreement that is made in behalf of his committee?

Mr. EDMONDS. If the gentleman will show me the agreement in the RECORD——

Mr. CRAMTON. I accept the statement of the gentleman from Massachusetts.

Mr. EDMONDS. I went over there and said to the gentlemen of the Senate that we could not change our figure because of an agreement, but we found there was no agreement.

Mr. BOX. I yield the floor, Mr. Speaker.

Mr. EDMONDS. Mr. Speaker, I yield two minutes to the gentleman from California [Mr. FREDERICKS]. [Applause.]

Mr. FREDERICKS. Mr. Speaker and gentlemen, I have not a particle of interest in the question of whether you allow Blattmann & Co. this claim or not. I have an interest in the matter of whether or not good faith has been maintained by your conferees in this matter. This matter was referred to me as a subcommittee of the Committee on Claims originally, and I decided, as my colleague the gentleman from Texas [Mr. BOX] has stated he decided, that in all probability, and in fact, Blattmann & Co. were entitled to the amount which the Senate had given them, but that it was a matter of accounting and should be referred to the Court of Claims. I made that report to the Committee on Claims, and that committee adopted the report; and in that form, as I understand, the bill was reported to the House—that is, the whole question should be referred to the Court of Claims.

I was not present when the bill came up here in the House for discussion and passage. I know nothing of any promises or agreements or suggestions that were made at that time unless they appear in the RECORD. I went over the RECORD when I was appointed one of the conferees, and I found there no obligation that I considered an obligation binding me as a conferee to stick to the figure of $64,000. I therefore used my judgment in arriving at a compromise. No compromise is a scientific decision of any question under discussion. A scientific and correct decision of this question, in my judgment, would be to give Blattmann & Co. $124,000, as the Senate allowed that company; but in order to reach an agreement it was necessary to meet the Senate halfway, and we met them practically halfway by adopting this figure of $97,000.

So far as I have been able to read the record of the discussion in the House, there was no commitment which bound us in the matter, and I used my best judgment as one of your conferees. As to what you do with the claim itself, it is before you, you have thrashed it out, you have talked it over, you had it here before, and you can adopt this report or you can turn it down. The Congress has an investment in time expended in this matter, and it should be determined at this time.

Mr. EDMONDS. I yield 15 minutes to the gentleman from Georgia [Mr. CRISP]. [Applause.]

Mr. CRISP. Mr. Speaker and gentlemen of the House, I regret to have to talk to you again about this claim, because I have once trespassed upon your patience and indulgence in a discussion of it. Let me say at the outset, I know that everybody who has spoken on this floor of the House is acting in the utmost good faith. I have no fault to find or criticism to make of any of the gentlemen. I was frank with the House when I was seeking the unanimous consent of the House to consider this bill, as I am always frank with the House [applause], and I shall later read from the RECORD.

My good friend, the gentleman from California [Mr. FREDERICKS], says compromises are never scientific. I agree with him, as a general rule, but there are exceptions to all rules, and this is an exception, because this compromise is scientifically and equitably and justly correct, as I hope to show to this House in a few minutes.

I have no personal interest in this claim. The claimant is a citizen of Switzerland, a friendly country. The only interest I have is the same you have, to see our great Government do justice to a citizen of a foreign country which is at peace with us, when he has been injured and wronged by our great Government. That is all the interest I have in this case.

Let me say, further, that by inuendo, if not by direct statement, much has been said about the fee that the Government will have to pay in this case to ex-Senator Hoke Smith, of Georgia. Ex-Senator Smith is the counsel of Blattmann & Co. Smith came to me, asked me to read the report, requested that I take an interest in the claim to try to see that justice was done, and I agreed to do it. I knew he had a fee, but he has never told me what amount of fee he has, and it does not make one particle of difference what fee he receives, provided the Government is not mulcted in damages to pay that fee, and under this settlement the Government does not pay one single cent in excess of the actual damage sustained by Blattmann eliminating entirely all questions of profit. So whatever fee Blattmann & Co. may pay Senator Smith is a matter between those two, and every claimant or every litigant who has to go into court has to pay his counsel fees and his loss is simply increased to the amount of fee he pays; but in this case not one cent is being paid by the Government on account of attorney's fees.

Now, gentlemen, what is the history of this case? I dislike to thrash it over again. During the year 1914, before the German war started, Blattmann & Co. made a contract to purchase in this country gluten, and under the terms of the contract the gluten was to be delivered to a warehouse in New York, and paid for by the National City Bank. After the war broke out in 1914, shipping was driven from the seas and this gluten could not be shipped to Switzerland. So it accumulated during the years 1914, 1915, and 1916 in this warehouse in New York until 1,057,000 pounds were stored there. After we entered the war in the year 1918 the Alien Property Custodian seized this gluten on the ground that Blattmann & Co. were alien enemies.

When the Alien Property Custodian took over the gluten they sold it to Armour & Co. for 6¼ cents a pound when Blattmann & Co. had paid for it 12 cents a pound. The market price for it at that time was 20 cents per pound. Under the alien property law the National City Bank could not notify Blattmann that his property had been seized, and so it was months afterwards that he learned it. He came to the United States and took the case up with the Swiss minister. The Swiss minister took it up with the State Department and the Department of Justice, and upon an investigation the Alien Property Custodian and the Department of Justice decided that this seizure was unlawful; that the Government acted wrongfully in seizing the property; and that Blattmann & Co. was a citizen of a friendly, neutral nation and was not trading with the enemy at all.

Let me say in passing that Blattmann inherited the business from his father and that all during the war the French Government never forbade Blattmann to import and sell, and the French authorities have stated that there was never any question as to Blattmann's being a friendly neutral, who was not aiding or abetting the enemy.

When Blattmann arrived here the Swiss legation wrote a letter to Secretary Hughes, asking that Blattmann & Co. be reimbursed for their loss, and in that letter they estimated the loss at $61,000. I have never seen any figures like those my friend from Ohio speaks about, but that letter estimated the loss at $61,000, based on this: A million and fifty-seven thousand pounds of gluten cost Blattmann 12 cents a pound, or one hundred and twenty-seven-odd thousand dollars. The property was sold to Armour & Co. for about $65,000, and after the State Department took it up with the Alien Property Custodian they turned over to Blattmann the $65,000, less the costs of sale, which left the difference between what Blattmann originally paid for the gluten at 12 cents per pound and the amount paid him by the alien custodian, leaving a difference of $61,000.

Secretary Hughes sent this letter to the Committee on Claims, and he recommended under all the facts and circumstances that Blattmann & Co.'s damages should not be held down to the exact amount they originally paid for it, less the credit of what the Alien Property Custodian turned over to them, but that they should be paid the actual loss and damage sustained by the wrongful act of the Government.

Mr. BOX. Will the gentleman yield?

Mr. CRISP. I will.

Mr. BOX. As I understand, the Secretary of State insisted that the value of the gluten at the time it was taken to be the measure of damages, and that is the view of the gentleman?

Mr. CRISP. If you adopt that view, Mr. Blattmann is entitled to $124,000 instead of $97,000. Now, gentlemen, that is the history of the case. When Blattmann reached here they tried to get back from Armour & Co. their own gluten, but Armour & Co. refused to sell it, said it was worth 22 cents; they bought it for 6½ cents. Blattmann & Co. begged Armour & Co. to turn it back to them, upon their reimbursing them for all the expenses they had gone to, but Armour & Co. refused to do it. Later Blattmann bought back from Armour & Co. 614,000 pounds of the gluten at 18 cents a pound. Now, here is what the gluten in question cost Blattmann & Co., divorcing all question of profit from it, the actual dollars they paid for this gluten that was seized by the Government, what it cost them to get back their own property from the Government, which the Government had wrongfully seized.

There were 442,986 pounds that cost Blattmann & Co. 12 cents a pound. They bought back from Armour & Co. 614,114 pounds at 18 cents a pound. The actual amount in dollars and cents that Blattmann & Co. paid for their own gluten, this particular gluten, the gluten in controversy, is $163,698. They received a credit on it from the Alien Property Custodian, the net amount the Government received from Armour & Co., of $65,894, which made them sustain an actual loss in dollars and cents of $97,804, the amount which your conferees have agreed to. Therefore I say this is really a scientific compromise, for it does exact justice and fixes the amount of damage at the exact sum that the property cost Blattmann & Co. No profit or attorneys' fees are included.

Now, let me refer to what took place in the House. I had charge of this bill when it came up. It was called up under the Unanimous Consent Calendar. You know the rocky road that any private claim has to run when it comes up under unanimous consent. I knew my friend from Ohio [Mr. BEGG] was opposed to it. Let me say that he has kept "the faith." He said that if the conferees brought in any more than the House amendment he would fight the conference report. Did he anticipate the conferees might increase the amount? He is fighting it. He has kept the faith. My good friend, the gentleman from Massachusetts [Mr. UNDERHILL] kept the faith; and, gentlemen, I have kept the faith. [Applause.] I went to see the gentleman from Ohio [Mr. BEGG] and asked him if he would not withhold any objection if I offered an amendment fixing the amount at $97,000, reducing the Senate bill from $124,000 to $97,000, and let us fight the matter out on the floor. He declined to do so. But he did say that he would not object if I offered an amendment making it $64,000. I told him under the circumstances, to get the bill considered at all I would have to agree to offer an amendment on the floor of the House reducing the Senate bill from $124,000 to $64,000, but I did not think it the correct amount. This happened before unanimous consent was given to consider the bill. My object was plain—to get the bill in conference, where it would not require unanimous consent for the House to consider the measure on its merits. After I had discussed the bill my good friend from Texas [Mr. BLANTON] indicated that he was going to object. I appealed to him to let me make a statement. I made the statement. He was kind enough then to state when I got through that he was not going to object, because he believed the House ought to vote on it, but if it went to the Court of Claims under my statement they would give $124,000; and then, Mr. BLANTON asked, what will happen in conference? Bear in mind, gentlemen of the House, that this was before unanimous consent had ever been given. I read from the RECORD of January 2, 1925, at page 1132:

> Mr. BLANTON. I will not object, because I believe the gentleman on his statement will get his amendment passed. But what kind of an assurance can the gentleman from Georgia give the House as to what will take place after this bill goes to conference? Will he be just as insistent on his amendment remaining in the bill in conference as he is in pressing it here in the House?
>
> Mr. CRISP. I think the fair thing would be to pay the $97,804.70, not the $124,000, not the $64,312, but the $97,804.70, the difference between what the gluten actually cost at the original price and the price he bought it back for from Armour. I think that is an equitable and fair amount. I do not think we should go above that. I will not be on the conference committee and can not tell what the conferees may do.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. BLACK of Texas. It seems to me that the gentleman, of course, states correctly that the measure of damage should be the value of the property at the time it was seized. I do not think there is any question about that. What bothers me is, if this property had a value of $124,000 at the time it was seized, why it was that the Alien Property Custodian sold it to Armour & Co. for $64,000.

Mr. CRISP. I can not answer that.

Mr. BEGG. Does not the testimony also show that the 6¼ cents that was paid was the best price obtainable at the time of the sale?

Mr. CRISP. I have not seen any testimony to that effect.

Mr. WRIGHT. Is it not the fact that it brought only 6¼ cents a pound, because a million and odd pounds were offered in bulk for sale, and perhaps there was no other concern in the country able to pay for it.

Mr. BLANTON. When the gentleman indicated that he would offer an amendment reducing it to $64,000, the RECORD shows that I spoke as follows:

> Mr. BLANTON. Here is what will happen:
>
> The gentleman will offer his amendment, and his appeal—the appeal that he has just made—will go to the hearts of his various colleagues, and they will vote down his amendment to decrease the amount and leave the bill as it is, with $124,000 in it.
>
> Mr. CRISP. I thank the gentleman for his compliment, but I shall ask the House, if I offer the amendment, to accept the $64,312.02.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. CRISP. Mr. Speaker, I ask the gentleman from Pennsylvania to give me some more time in order that I may answer what the gentleman has just said.

Mr. EDMONDS. I have no more time.

Mr. BLANTON. Mr. Speaker, I yield the gentleman half a minute of my time, if I may do so.

Mr. CRISP. I simply want to say in answer to the gentleman's question that the gentleman had suggested that the House, when they gave consideration to the bill, might immediately vote down my amendment for $64,000, and I then replied that I would ask the House to accept my amendment. I literally complied with my promise, as the RECORD will show. I said that when it got into conference what I thought would be the fair thing was the $97,000. I do not see how any gentleman can question my position regarding this controversy. Gentlemen of the House, this conference is a fair settlement of the differences existing between the House and the Senate on the bill, the Senate giving up about $27,000 and the House about $33,000; almost a 50–50 proposition.

The object of a conference between the House and the Senate on a legislative dispute between them is to reconcile the differences between the two Houses. This conference report is a reasonable and equitable adjustment of the differences between the two Houses of Congress, and the amount allowed in the conference report, in my judgment, is a just and correct one. Only two questions are involved in this controversy; first, whether the Government is liable to Blattmann & Co. This question has been answered in the affirmative by the United States Alien Property Custodian's office, by the United States Department of Justice, by the State Department, by the Senate Committee on Foreign Relations and by the Senate, by the House Committee on Claims and by the House itself, and by every gentleman except one who has participated in this debate. Therefore this is a closed question. The only remaining question is as to what amount of damages Blattmann & Co. sustained. I believe any court would allow at least $124,000 damages, but the conference report allows only $97,000. I am absolutely sure that Blattmann & Co., by all rules for measuring damages, is entitled to at least $97,000, and I shall vote for the conference report.

Mr. BLANTON. Mr. Speaker, no one in the House has a higher regard for the gentleman from Georgia [Mr. CRISP] and for the gentleman from California [Mr. FREDERICKS] than I. They are both my good personal friends; but here is what happened. This was unanimous-consent day, on January 2, 1925. This case was called up. Any man in the House could have blocked this bill by objecting to it. We would have objected to it and would have blocked it, but when we pinned down the gentleman from Georgia, who is always fair, he said that if we would let it come up he would offer an amendment to reduce the amount to $64,000. Then we asked him, suppose the House did not agree to his amendment and voted it down and gave the full amount; what then? And then he said that he would ask the House to accept the $64,000. We knew when he said that that he would do it. We had confi-

dence in him, and we knew that he would do it; and then I turned to the gentleman from Massachusetts [Mr. UNDERHILL]. I knew that he was the ranking member on this committee. I knew that he ought to be a conferee under the rules of the House, and I said, "But what if the gentleman does get it reduced in the House; how may we know what the conferees will do in conference?"

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In just a moment. And here is what Mr. UNDERHILL said:

So far as the committee is concerned, I think they would be disposed to kick out this proposition.

He meant to kick out the whole thing. But he says further on:

If that is agreeable to Blattmann & Co., I am sure the committee will accept the compromise proposed.

What was the compromise proposed? The amendment of the gentleman from Georgia. Who was representing Blattmann & Co.? Ex-Senator Hoke Smith, a friend of our friend from Georgia [Mr. CRISP]. That is the reason he took up the bill and represented it on the floor. He was doing just what we would do for one of our ex-Senators.

Senator Hoke Smith was his friend, and he was the attorney for Blattmann & Co., and we had reason to expect that when Blattmann & Co.'s representative, Senator Hoke Smith, would agree that our colleague, the gentleman from Georgia, would reduce this to $64,000 we could depend upon its not being raised above that sum. That was a kind of gentleman's agreement among us. Let me show you what the gentleman from Ohio [Mr. BEGG] then said when I asked him to suppose that these contingencies might happen and you will get just exactly what his trend of mind was, and which will show you beyond a doubt that he would have objected to this claim if it had been more than $64,000, by reading his statement, which shows that Mr. BEGG had this attitude, for here is what he said:

And if I thought the conferees would come back with anything like that, I would not let it go. But I do not believe the conferees on the side of the House will agree to more than $64,000 in the face of this statement as to how the $64,000 was arrived at.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BEGG. I certainly would have objected, I now say for the benefit of the House.

Mr. BLANTON. I would have also, and my colleague from Texas [Mr. BOX] would have objected. This bill would never have come up if we had not believed that the amount would be kept down to $64,000.

Now, I want to tell my colleagues something, just what the gentleman from Michigan [Mr. CRAMTON] said, that if we can not rely on a gentleman's agreement on the floor when taking up these bills, we who work hard on them, do you suppose we are going to let a bill come up in the future on assurances if we think it will be set aside afterwards in conference? We will not do it. Members of the House ought to have confidence in the action taken on the floor of the House.

Mr. FRENCH. Will the gentleman yield?

Mr. BLANTON. In just a moment. My friend from California [Mr. FREDERICKS] is a splendid gentleman, but he says he did not know anything about this agreement and says he was not here. We had almost as many Members on the floor at that time on the 2d of January as we have here now. It was an open discussion, the RECORD is full of it, and if you look on pages 1104 and 1105 you will see all this occurred before unanimous consent was given, and then, after all this argument, after all of these assurances, after we knew we could depend on the gentleman from Georgia [Mr. CRISP] offering his amendment reducing this to $64,000, the Speaker said, "Is there objection?" and nobody objected, and the bill came up, and the gentleman from Georgia [Mr. CRISP] kept his word, as he always does. We can always depend upon his keeping his word. He offered the amendment cutting the amount down to $64,000. It was accepted, and then, when the bill went to conference, instead of the gentleman from Massachusetts [Mr. UNDERHILL] being appointed, two men were appointed on the committee of conference who were absentees that day, who were not here. Our friend from California [Mr. FREDERICKS] was not here, and the chairman of the committee says he was not here, but two absentees were put on that conference committee, and they went out somewhere else and agreed to something to which we had not agreed.

The SPEAKER. The time of the gentleman has expired. [Cries of "Vote!"]

Mr. EDMONDS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the Chair was in doubt.

The House divided; and there were—ayes 65, noes 51.

Mr. BEGG. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and make that point of order.

The SPEAKER. It is clear there is no quorum present. The Doorkeeper will close the doors and the Clerk will call the roll.

The question was taken; and there were—yeas 170, nays 144, answered "present" 1, not voting 116, as follows:

[Roll No. 53]

YEAS—170

Abernethy	Drewry	Kincheloe	Ramseyer
Allen	Driver	Lankford	Rayburn
Almon	Dyer	Larsen, Ga.	Reece
Anderson	Eagan	Lazaro	Richards
Arnold	Edmonds	Lea, Calif.	Robsion, Ky.
Aswell	Elliott	Lineberger	Sanders, Ind.
Bacon	Evans, Mont.	Linthicum	Sanders, N. Y.
Bankhead	Fairchild	Lyon	Sanders, Tex.
Barkley	Favrot	McClintic	Sandlin
Bell	Fish	McDuffie	Schneider
Black, N. Y.	Fisher	McLaughlin, Mich.	Shallenberger
Black, Tex.	Fredericks	McLeod	Sherwood
Bland	Free	McReynolds	Shreve
Bowling	French	McSwain	Sinnott
Brand, Ga.	Fuller	Magee, Pa.	Smithwick
Britten	Gambrill	Major, Ill.	Snyder
Browne, N. J.	Gardner, Ind.	Major, Mo.	Speaks
Browne, Wis.	Garner, Tex.	Manlove	Spearing
Browning	Garrett, Tenn.	Mansfield	Stedman
Brumm	Gasque	Martin	Stengle
Burdick	Geran	Minahan	Stevenson
Burton	Gibson	Mooney	Swing
Byrnes, S. C.	Gifford	Moore, Ga.	Taylor, Colo.
Campbell	Green	Moore, Va.	Taylor, W. Va.
Canfield	Greenwood	Morehead	Temple
Casey	Griffin	Morris	Thompson
Clancy	Hall	Morrow	Tilson
Clarke, N. Y.	Harrison	Nelson, Me.	Timberlake
Cleary	Haugen	Newton, Mo.	Tucker
Collier	Hawes	Nolan	Tydings
Connery	Hayden	O'Connell, N. Y.	Upshaw
Cook	Hickey	O'Connell, R. I.	Vincent, Mich.
Cooper, Ohio	Hill, Ala.	Oldfield	Vinson, Ga.
Cooper, Wis.	Hill, Wash.	Oliver, Ala.	Vinson, Ky.
Crisp	Holaday	Park, Ga.	Weaver
Crosser	Hooker	Parks, Ark.	Williams, Mich.
Cullen	Howard, Nebr.	Peery	Wilson, Ind.
Darrow	Hudspeth	Pou	Wingo
Davis, Tenn.	Humphreys	Prall	Woodrum
Dempsey	Johnson, Ky.	Quin	Wright
Dickinson, Mo.	Johnson, Tex.	Ragon	Yates
Doughton	Kelly	Rainey	
Drane	Kerr	Raker	

NAYS—144

Ackerman	Fairfield	Leatherwood	Seger
Aldrich	Fleetwood	Leavitt	Simmons
Allgood	Foster	Lehlbach	Sinclair
Andrew	Freeman	Longworth	Sites
Ayres	Frothingham	Lowrey	Snell
Barbour	Fulbright	Lozier	Sproul, Ill.
Beck	Fulmer	McKenzie	Sproul, Kans.
Beedy	Funk	McKeown	Stalker
Beers	Garber	McSweency	Steagall
Begg	Garrett, Tex.	MacGregor	Stephens
Bixler	Goldsborough	MacLafferty	Strong, Kans.
Blanton	Guyer	Magee, N. Y.	Summers, Wash.
Boies	Hadley	Mapes	Sumners, Tex.
Box	Hardy	Merritt	Swank
Boyce	Hastings	Michener	Swoope
Brand, Ohio	Hersey	Miller, Wash.	Thatcher
Briggs	Hill, Md.	Milligan	Thomas, Okla.
Buchanan	Howard, Okla.	Moore, Ohio	Tincher
Bulwinkle	Huddleston	Moores, Ind.	Underhill
Busby	Hudson	Morin	Underwood
Byrns, Tenn.	Hull, Iowa	Murphy	Vestal
Cable	Hull, Morton D.	Newton, Minn.	Wainwright
Carter	James	Paige	Watkins
Chindblom	Jeffers	Parker	Watres
Christopherson	Johnson, S. Dak.	Patterson	Watson
Clague	Johnson, Wash.	Perkins	Wefald
Cole, Iowa	Jones	Phillips	Welsh
Cole, Ohio	Kearns	Purnell	White, Kans.
Colton	Ketcham	Rankin	White, Me.
Connally, Tex.	Knutson	Ransley	Williams, Ill.
Cramton	Kopp	Reid, Ill.	Williams, Tex.
Crowther	Kurtz	Robinson, Iowa	Williamson
Davis, Minn.	Kvale	Romjue	Winter
Denison	LaGuardia	Rubey	Woodruff
Dickinson, Iowa	Lampert	Scott	Wurzbach
Dowell	Lanham	Sears, Fla.	Zihlman

ANSWERED "PRESENT"—1

Jacobstein

NOT VOTING—116

Anthony	Gallivan	McNulty	Salmon
Bacharach	Gilbert	Madden	Schafer
Berger	Glatfelter	Mead	Schall
Bloom	Graham	Michaelson	Sears, Nebr.
Boylan	Griest	Miller, Ill.	Smith
Buckley	Hammer	Mills	Strong, Pa.
Burtness	Hawley	Montague	Sullivan
Butler	Hoch	Moore, Ill.	Sweet
Cannon	Hull, Tenn.	Morgan	Taber
Carew	Hull, William E.	Nelson, Wis.	Tague
Celler	Johnson, W. Va.	O'Brien	Taylor, Tenn.
Clark, Fla.	Jost	O'Connor, La.	Thomas, Ky.
Collins	Keller	O'Connor, N. Y.	Tillman
Connolly, Pa.	Kendall	O'Sullivan	Tinkham
Corning	Kent	Oliver, N. Y.	Treadway
Croll	Kiess	Peavey	Vaile
Cummings	Kindred	Perlman	Vare
Curry	King	Porter	Volgt
Dallinger	Kunz	Quayle	Ward, N. Y.
Davey	Langley	Rathbone	Ward, N. C.
Deal	Larson, Minn.	Reed, Ark.	Wason
Dickstein	Leach	Reed, N. Y.	Weller
Dominick	Lee, Ga.	Reed, W. Va.	Wertz
Doyle	Lilly	Roach	Wilson, La.
Evans, Iowa	Lindsay	Rogers, Mass.	Wilson, Miss.
Faust	Logan	Rogers, N. H.	Winslow
Fenn	Luce	Rosenbloom	Wolff
Fitzgerald	McFadden	Rouse	Wood
Frear	McLaughlin, Nebr.	Sabath	Wyant

So the conference report was agreed to.

The Clerk announced the following pairs:

General pairs:

Mr. Dallinger with Mr. Buckley.
Mr. Griest with Mr. Wilson of Mississippi.
Mr. Hull, William E., with Mr. Cannon.
Mr. King with Mr. O'Connor of Louisiana.
Mr. Larson of Minnesota with Mr. Cummings.
Mr. Tinkham with Mr. Clark of Florida.
Mr. McLaughlin of Nebraska with Mr. Oliver of New York.
Mr. Taber with Mr. Deal.
Mr. Roach with Mr. Sullivan.
Mr. Porter with Mr. Glatfelter.
Mr. Wyant with Mr. Thomas of Kentucky.
Mr. Reed of New York with Mr. Quayle.
Mr. Wood with Mr. Doyle.
Mr. Morgan with Mr. Johnson of West Virginia.
Mr. Ward of New York with Mr. Ward of North Carolina.
Mr. Michaelson with Mr. Reed of Arkansas.
Mr. Evans of Iowa with Mr. O'Sullivan.
Mr. Leach with Mr. Collins.
Mr. Fitzgerald with Mr. O'Brien.
Mr. Perlman with Mr. Sabath.
Mr. Moore of Illinois with Mr. Dickstein.
Mr. Reed of West Virginia with Mr. McNulty.
Mr. Frear with Mr. Celler.
Mr. Schall with Mr. Berger.
Mr. Miller of Illinois with Mr. Wolff.
Mr. Nelson of Wisconsin with Mr. Kent.
Mr. Faust with Mr. Gallivan.
Mr. Mills with Mr. Rogers of New Hampshire.
Mr. Butler with Mr. Lindsay.
Mr. Rathbone with Mr. Mead.
Mr. Fenn with Mr. Carew.
Mr. Graham with Mr. Davey.
Mr. Rogers of Massachusetts with Mr. Salmon.
Mr. Kendall with Mr. Hammer.
Mr. Sweet with Mr. Weller.
Mr. Luce with Mr. Kindred.
Mr. McFadden with Mr. Wilson of Louisiana.
Mr. Smith with Mr. Kunz.
Mr. Kiess with Mr. Lee of Georgia.
Mr. Hawley with Mr. Boylan.
Mr. Strong of Pennsylvania with Mr. Logan.
Mr. Taylor of Tennessee with Mr. Bloom.
Mr. Hoch with Mr. Lilly.
Mr. Connolly of Pennsylvania with Mr. Montague.
Mr. Bacharach with Mr. Corning.
Mr. Vare with Mr. O'Connor of New York.
Mr. Winslow with Mr. Dominick.
Mr. Treadway with Mr. Rouse.
Mr. Madden with Mr. Tague.
Mr. Burtness with Mr. Jost.
Mr. Anthony with Mr. Tillman.
Mr. Vaile with Mr. Hull of Tennessee.
Mr. Wertz with Mr. Gilbert.
Mr. Curry with Mr. Croll.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

PERMISSION TO ADDRESS THE HOUSE

Mr. JONES. Mr. Speaker, I desire to prefer a unanimous-consent request. I ask unanimous consent that to-morrow after reading of the Journal the gentleman from Ohio, General SHERWOOD, be allowed 20 minutes in which to discuss reminiscences of his service in the House, which began 52 years ago.

The SPEAKER. The gentleman from Texas asks unanimous consent that to-morrow immediately after the reading of the Journal the gentleman from Ohio [Mr. SHERWOOD] be permitted to address the House for 20 minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

DISPOSITION OF BONUSES, RENTALS, AND ROYALTIES, ETC.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 876, to disagree to the amendment of the Senate to the amendment of the House, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table, to disagree to the amendment of the Senate to the amendment of the House, and ask for a conference on the bill which the Clerk will report by title.

The Clerk read as follows:

An act (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands under Executive order Indian reservations, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk reported the following conferees:

Mr. SNYDER, Mr. DALLINGER, and Mr. HAYDEN.

ADJUDICATION OF CLAIMS, CHIPPEWA INDIANS OF MINNESOTA

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9343, to disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from New York asks to take from the Speaker's table the bill H. R. 9343, to disagree to the Senate amendment, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9343) authorizing the adjudication of claims of the Chippewa Indians in Minnesota.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. SNYDER, Mr. LEAVITT, and Mr. HAYDEN.

INAUGURAL CEREMONIES

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 174 and agree to the same.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the joint resolution which the Clerk will report by title.

The Clerk read as follows:

S. J. Res. 174. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1925—

And so forth.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, how much charge does this require of the Federal Treasury?

Mr. ELLIOTT. None at all.

Mr. BLANTON. Does it provide for any expenses on the part of the Government?

Mr. ELLIOTT. This resolution provides for the use of the grounds down here, under the direction of the Secretary of War, for parking purposes and places where they can put up stands. It allows them to put up electric wiring, and then it allows them to loan the use of flags and things of that kind from the War and Navy Departments for decorative purposes.

Mr. BLANTON. It will eventuate in taking no money out of the Public Treasury?

Mr. ELLIOTT. That is my understanding.

Mr. LANHAM. This is the resolution ordinarily passed for inaugural occasions, is it not?

Mr. ELLIOTT. Yes.

Mr. LANHAM. Does it not provide for indemnity to the War Department and Navy Department for any loss or damage in the parks or in the material used?

Mr. ELLIOTT. It does.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the Committee on Inaugural Ceremonies for the use of any reservations or other public spaces in the city of Washington under his control on the occasion of the inauguration of the President elect in March, 1925: *Provided*, That in his opinion no serious or permanent

injuries will be thereby inflicted upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington under their control as they may deem proper and necessary: *Provided, however,* That all stands or platforms that may be erected on the public spaces aforesaid, including such as may be erected in connection with the display of fireworks, shall be under the supervision of the said inaugural committee and in accordance with the plans and designs to be approved by the engineer commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the Architect of the United States Capitol: *And provided further,* That the reservations or public spaces occupied by the stands or other structures shall after the inauguration be promptly restored to their condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage of any kind whatsoever upon such reservations or spaces by reason of such use.

SEC. 2. The Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural Committee for said Inaugural Ceremonies to stretch suitable overhead conductors, with sufficient supports wherever necessary, for the purpose of connecting with the present supply of light for the purpose of effecting the said illumination: *Provided,* That if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further,* That the said conductors shall not be used for conveying electrical currents after March 8, 1925, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1925: *And provided further,* That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further,* That no expense or damage on account of or due to the stretching, operation, or removal of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 3. The Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the Committee on Inaugural Ceremonies such ensigns, flags, and signal numbers, etc., belonging to the Government of the United States (except battle flags) that are not now in use and may be suitable and proper for decoration and which may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided,* That the loan of the said ensigns, flags, signal numbers, etc., to said committee shall not take place prior to the 24th day of February, and they shall be returned by the 10th day of March, 1925: *Provided further,* That the said committee shall indemnify the said departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee for the purpose of caring for the sick, injured, and infirm on the occasion of said inauguration such hospital tents and camp appliances and other necessaries, hospital furniture and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *And provided further,* That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances, as aforesaid, not necessarily incident to such use.

SEC. 4. The Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Co. and the Postal Telegraph Co. to extend overhead wires to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within 10 days after the conclusion of the ceremonies.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

Mr. DOWELL. Mr. Speaker, I desire to call up from the Speaker's table the bill H. R. 5558.

The SPEAKER. The gentleman from Iowa calls up from the Speaker's table the bill H. R. 5558. Is there any other bill that the gentleman desires to call up?

ELECTRIC CURRENT IN HAMAKUA, HAWAII

Mr. DOWELL. I also desire to call up the bill H. R. 6070, with Senate amendments.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 6070, with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6070) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, on the island and county of Hawaii, Territory of Hawaii.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. DOWELL. Mr. Speaker, the amendments made by the Senate to this bill consist chiefly in the striking out of section 12, which exempts the utility from taxation. With that section out there is no exemption for taxes. Otherwise the bill is substantially as passed by the House. I move that the Senate amendments be agreed to.

The SPEAKER. The question is on agreeing to the Senato amendments.

The Senate amendments were agreed to.

BOND ISSUE, JUNEAU, ALASKA

Mr. DOWELL. Mr. Speaker, I call up the bill H. R. 5558, with Senate amendments.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 5558, with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5558) to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding $200,000 for the purpose of improving the street and sewerage system of the town.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. DOWELL. Mr. Speaker, as the bill passed the House it provided for an issue of $200,000 bonds for the purpose of street improvements and for the establishment of a sewerage system in Juneau, Alaska. The Senate amended the bill by limiting it to $60,000, and cutting out the provision for street improvements. As the bill now stands with the amendments, it merely provides authority for a $60,000 bond issue for the purpose of establishing a sewerage system. I move that the House concur in the Senate amendments.

The SPEAKER. The question is on agreeing to the Senato amendments.

The Senate amendments were agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] will please resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12033, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes.

The CHAIRMAN. When the committee rose yesterday the time remaining was as follows: The gentleman from Minnesota [Mr. DAVIS] had 49 minutes remaining and the gentleman from Kansas [Mr. AYRES] had 39 minutes remaining.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, I want to speak very briefly to the committee about two matters affecting the fiscal relations of the District and the

Federal Government, and because I want to yield back some of my time, if I can, I am going to ask that I be not interrupted.

We recently passed a bill, called the surplus bill, authorizing the payment by the Federal Government to the District of something over $4,000,000, with certain other sums to be ascertained, making it probably above $5,000,000. No sooner had that become a law than the press of the District commenced a campaign to force us to pay $5,000,000 more along with it on the claim that because at the time that money was raised as taxes from the people we were on a 50–50 basis as to District expenditures and were bound to match their $5,000,000 with another $5,000,000 of ours. That theory was first put forth in an editorial in the Star, which I noted but do not now have at hand. A little later news reports appeared which seemed to indicate this grotesque theory was being taken seriously in official District quarters. The Washington Post, February 2, 1925, carried this news story:

DISTRICT TO OUTLINE PROGRAM FOR UNITED STATES TO EQUAL SURPLUS—COMMISSIONERS WOULD SPEND DOUBLE AMOUNT FIXED IN BILL RECENTLY PASSED—CLAIM IS MADE UNDER OLD 50–50 FISCAL PLAN—SCHEDULE CALLS FOR $10,500,000 OUTLAY FOR SCHOOLS, PARKS, AND PLAYGROUNDS

A program calling for expenditure of more than $10,500,000 for schools, parks, and playgrounds will be prepared by the District Commissioners for submission to Congress when it meets next December.

This program will be based on the District surplus bill passed by Congress recognizing the right of the District to a surplus which accumulated over several years amounting to more than $5,257,000. The commissioners' program will call for expenditure of just twice the amount fixed in the bill as belonging to the District.

Their claim to this amount is based on the fact that the surplus was accumulated under the old 50–50 fiscal arrangement between the Federal and District Governments, and now that Congress finally has recognized the right of the District to the surplus, it is in duty bound to recognize the obligation of the Federal Government to expend a similar amount in accordance with the fiscal arrangement which was in effect at the time the surplus was accumulated.

GREATEST FOR ANY YEAR

The expenditures for schools, parks, and playgrounds out of the surplus will be in addition to the regular appropriations for these works carried in the annual District appropriation bill for the next fiscal year, which begins July 1, and will make the amounts available for these items next year the greatest in any year in the District.

The intention of the District Commissioners to prepare a program calling for expenditure by the Federal Government of an amount equal to the District surplus was made known by Commissioner Rudolph.

All of the surplus, it was pointed out, was piled up from District taxes and revenues, the unexpended balance in past years going into the Federal Treasury, where it has remained, in spite of the fight carried on by the commissioners and Daniel J. Donovan, District auditor, to have recognized the right of the District to it.

DISTRICT OFFICIALS PLEASED

The action of the present Congress in recognizing the surplus was highly pleasing to District officials, Commissioners Rudolph, Oyster, and Bell expressing their gratification that congressional leaders had "considered the matter carefully and decided fairly."

Although the commissioners are hopeful that their contention that the Federal Government is obligated under the old 50–50 fiscal arrangement to spend a sum equal to the surplus, which was accumulated entirely out of the pockets of District taxpayers, it is not certain that they will be upheld by Congress.

Announcement by Mr. Rudolph is in line with the statements and arguments advanced by District officials in the past in the heat of the fight for recognition of the surplus, although there has been no particular attention paid to the question recently.

The same morning the Washington Herald had this story:

DISTRICT OF COLUMBIA TO SPEND TEN MILLIONS—COMMISSIONERS FRAMING PROGRAM FOR PURCHASING SCHOOL, PARK, AND PLAYGROUND SITES

Expenditures of $10,500,000 for schools, parks, and playground sites is planned by the District Commissioners in a program they are now preparing for submission to Congress.

The program is being drawn as a result of the action of Congress in recognizing the District rights to a surplus of $5,257,000 which has accumulated in the Treasury. The surplus bill is now before the President for his signature.

UNITED STATES TO SHARE COST

The sum returned by Congress was accumulated under the 50–50 plan. The increased amount which will be carried in the District's program will be estimated on the theory that the Federal Government will contribute its share to the amount accumulated from taxes by the local government.

Under the terms of the bill the surplus is to be spent only for schools, parks, and playground sites. The bill provided that the District's right to $4,438,000 of the money in the Treasury be recognized. Accountants found an additional item of $819,000 also carried in the bill on an amendment, bringing the total to $5,257,000.

TO GO TO NEXT CONGRESS

A comprehensive program calling for purchases of new sites, as provided in the bill, is now being drawn up by the commissioners. Preparation will take several months.

A bill calling for purchase of much-needed sites will be presented in December at the next session of Congress.

I want to challenge that proposition now before it goes any further. There is no basis in equity whatever for any such claim being made [applause], and I can not conceive that Congress would ever be misled or bludgeoned into anything of that kind.

I want to be very brief. Any equity there was for the payment of that surplus of $5,000,000 to the District by the Federal Government was founded on the fact that at the time we were matching dollar for dollar the contributions of the District to the expenses of the District they were obliged to raise their half of it by taxes and necessarily they could not each year raise exactly to a penny the amount necessary to pay their share and there would exist a little surplus carried over from time to time. So far their claim was equitable, but I have always believed that there were offsets more than enough to take care of that, but that is gone and past. I have before me the language of the law at the time that surplus was being created. I read this from the appropriation act for the fiscal year 1920, the last one under the 50–50 plan:

That one-half of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, namely:

Now, what was this surplus? It was an accumulation of their money in our Treasury and, under their claim, an accumulation of the fruits of their taxation which we were holding in our Treasury and owed to them. Our agreement was not to match dollar for dollar all their taxes any more than to match their money in their pockets, but to match dollar for dollar appropriations for the District during that time, and we did match dollar for dollar when we were on the 50–50 basis; every penny that was taken from District taxes to be spent in the District. Every time a penny was taken from District taxes we took a penny out of the Federal Treasury to match it. We kept our agreement fully each year we were on the 50–50 basis and there was no obligation carried over. Then, when it was 60–40 we contributed $40 every time they contributed $60 in appropriations. Now, because they have some money that we were holding for them we have turned it back to them. They will now use it in paying their share of appropriations in accordance with the law existing during the year the money is spent and not in accordance with the law of the year when it was raised. There is no equity whatever for this new claim. It illustrates, gentlemen of the committee, that whatever the Congress of the United States may do and however far we may go in our effort to satisfy the sentiment of the District, there is a demand here, voiced by the press of this District, that is insatiable and impossible of conciliation. [Applause.]

I want also to discuss for a moment the view advanced by the gentleman from Virginia [Mr. MOORE] yesterday. The bill before us has been hailed by the press and people of the District as the most satisfactory bill that ever came to Congress as it left the Budget, and it has been hailed as it left the Appropriations Committee and came to this House as the best balanced and best appropriation bill for the District that has ever been framed, and I am surprised that under the very happy and auspicious conditions which now exist my friend from Virginia has come in with a proposition seeking, first, to have the preparation of the estimates for the District of Columbia taken away from the Budget Bureau that has done such a good job this year, and to have the preparation of the bill itself taken away from the Committee on Appropriations and turned over to some joint committee that he proposes to create. That proposition, on the face of it and under these happy conditions, is unnecessary. But it is more than that. It is unworkable and undesirable. It means that the Commissioners of the District of Columbia are to make up the budget.

The Commissioners of the District have nothing to do with the operations of the water supply for the District. The estimates for those appropriations come through the War Department. The commissioners have nothing to do with the maintenance of the Zoo. That is under the Smithsonian Institution, and the estimates must come from that body. The commissioners have nothing to do with the administration of the parks of the city—Potomac Park, Rock Creek Park, and all other parks. Those parks are administered by Colonel Sherrill, and the estimates originate with him. The commissioners have nothing to do with the parkway we are building from Potomac Park to the Zoo. That is under the Parkway Commission, which originates those estimates. The commissioners have nothing to do with the National Parks Commission that has been created and which, under a law passed last year, is securing more areas for a great park program. They originate their estimates. The commissioners now have charge of the estimates for the schools, but the Board of Education is demanding that that be taken away from the commissioners and the Board of Education be permitted to handle their own estimates.

Either the gentleman's theory is wrong and unworkable or else all of these things must be turned over to the District Commissioners. If you turn all of these other things over to the District Commissioners you will have a protest throughout the District. If you do not, then you have estimates coming to this Congress from this corner and that, from every different sort of organization, with nobody making up a balanced budget for the District. I have had a little experience in District matters on the subcommittee, although not for the last two or three years, and I know, as does every gentleman that has served in that capacity under the Budget, that the Budget can and does perform an invaluable service in scanning these proposed appropriations before they come to Congress. They have several months in which to examine the proposed sites for schools and all the other details that we do not have the time to attend to here, especially in a short session like this. So to me it is impossible to believe that Congress would ever discharge that very valuable agency that now scans the appropriations before they come to Congress; and beyond that, there is this to consider: The program proposed by the able gentleman from Virginia [Mr. MOORE] entirely forsakes the idea that the Federal Government has great interests here in the District.

The gentleman seems to have accepted the lump-sum theory, and to have gone far beyond it. The gentleman seems to be embarking upon the theory that it is purely a local matter, and if so, they ought to pay all the expenses of running the government.

The gentleman ordinarily maintains that our interests are so great that $9,000,000 a year contributed by us is a mere bagatelle in comparison with what we ought to contribute because of our vast interests here, but yesterday he seemed to consider the Federal interests here so negligible as to justify no Federal control. But we are vitally interested in the police and the firemen and all of the other agencies that keep order in and protect this Capital City. It was for the protection of the preeminent Federal interests here that this form of government was created, placing this District not in any State but directly under the control of the Congress, and that is where we must continue it.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. CRAMTON. Very briefly.

Mr. BLANTON. What we ought to do is to take the estimates of District appropriations away from the Budget and put that exclusively in the hands of the gentleman from Maryland [Mr. ZIHLMAN] and the gentleman from Virginia [Mr. MOORE].

Mr. CRAMTON. Well, there was a joint committee proposed and that may be the intention; I do not know. Such a membership would be a good start, from the standpoint of the District at least.

I yield back, Mr. Chairman, the balance of the time given me.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes additional to the gentleman.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 15 minutes.

Mr. UNDERHILL. Mr. Chairman, I shall not take up that length of time, due to the fact that the gentleman from Michigan [Mr. CRAMTON] has covered so many of the points I wanted to cover regarding the financial situation of the District. I will supplement his remarks, however, with a few observations regarding the legislative program of the District and make one or two suggestions as to something constructive which the Congress might do regarding District affairs.

In the first place, I do not want to see Congress give up the controlling hand so far as the District appropriation is concerned. In spite of the neglect that has been charged to Congress—and I think some of it is justified—the District has the very best government in the world to-day. It calls upon the best minds of this whole Nation from every State in the Nation and upon men to administer its affairs who are not taken from any restricted area or population. Although an assignment to the District Committee is not altogether a pleasant assignment, I consider it one of the most important assignments in the House. The great difficulty has been in the past that Members too frequently, after serving one session on that committee, resign from the committee for something more attractive. Consequently new Members are constantly added to the committee, and they lack the experience and lack the knowledge of District affairs which I think they ought to have. If this is to be continued, every Member of this House should consider it a part of his obligation to his Nation's Capital to do everything he possibly can to further constructive legislation; not to hamper the committee—I will not say that—but not to discredit the committee by criticism but by helpful suggestions bring about legislation which will be beneficial not only to the people of the Capital but to the people of the whole Nation, so many of whom visit here, and we find that their impressions of the Capital are carried back home to many hundreds of thousands or millions of people.

One of the gravest difficulties with which the District has to contend is that lunatic fringe of society that is always and forever in evidence in Washington; not people particularly of the District, but people who come here from outside the District with hifalutin schemes for the betterment of humanity. They want to try them first on the dog, using the District as the dog. They ask for model legislation for the rest of the country, and everybody of red or pink tendencies, everybody that has some special, individual, one-track line of thought comes here to the District and urges ridiculous or half-baked schemes upon the District and upon the District Committee. You can see that such conditions or situations lead to the neglect of important legislation on the part of Congress for the real benefit of the District.

One other grave difficulty is that the District authorities—the commissioners and their subordinates or department chiefs—are not given enough leeway; I mean in the details, the minor details, of the government of a great city of half a million people. The closing of a street here, the giving up of an alley over there, the widening of some little passageway which does not involve a large expenditure of money, the development of traffic regulations; almost everything that would be left in a city of this size to some subordinate who might be hired for $1,500 to $1,800 a year—and that would be about all he would be worth—are brought in to Congress to be haggled over and adjudicated by a body of men who are being paid $7,500 a year and whose time could better be spent on the golf links than in passing upon such simple questions as rearrangement of alleys; changing the names of Abbey Place, Chevy Chase Drive, Jewett Street, or Military Road; closing, opening, or widening of Fourth Street, First Street, or Nichols Avenue; connecting sewers; correcting minor errors or mistakes of employees of the District; and the issuing of permits for the removal of a body to another cemetery.

Mr. GIBSON. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. GIBSON. Does not the gentleman think it would be possible to have a study made of the situation to which he has referred in respect to the limitation by a commission between this Congress and the assembling of the next and have recommendations made that would be helpful?

Mr. UNDERHILL. I am opposed to any special committee being appointed to sit through the recess for that purpose, but I hope that every Member of Congress will consider himself a committee of one to think over the matter and see if he can not bring in something constructive next session. One of the first steps is to make lump-sum appropriations permanent legislation. We come here each session of Congress, discuss a 40–60 proposition or a 50–50 proposition or a lump-sum proposition, and rehash the same old arguments. The newspapers excite the people in the District, telling the taxpayers that they are having their pockets picked and taxes are going beyond anything that is supposed to be the limit in other cities of the Nation. That ought to be stopped, and if we did not do another thing from now on until the session ended, if we would take the Cramton bill, enact that into the law, thus eliminating

all future discussions along this line, it would be a big thing for the Capital of the Nation.

Mr. AYRES. The gentleman understands that would have to be done by the proper committee and not by the Committee on Appropriations.

Mr. CRAMTON. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. CRAMTON. The gentleman knows that the bill has been before the District Committee for two years without a report. Does not the gentleman think that the rest of the committee ought to be brought around to think the way he does?

Mr. UNDERHILL. I certainly do, and I know the gentleman will give me a little credit for what support I bring to the bill. The trouble is we have had the rent bill, we have had power-development proposition, registration of District architects, plumbers, engineers, and so many other matters—I do not want to reflect on my colleagues, but it seems to me that membership on the Committee of the District of Columbia always results in one sure thing, and that is an insatiable desire on the part of the Members for publicity; and, believe me, they get it. The newspapers of the District are always ready to give pages of publicity, particularly to a man who will take up some of their crazy propositions and try and put them over. If we get down to real business in the committee, get rid of all these new ideas of eliminating business for profit, fixing of price of rentals, the price of light, the price of this and the price of that, let the people recover from the paternalistic pink rash with which they seem to be afflicted, stop scratching themselves, and scratch for themselves, I think they will find Congress more willing to do something constructive for them in the future. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLANTON].

PRESIDENT COOLIDGE'S PROPOSED RENT CONTROL BILL

Mr. BLANTON. Mr. Chairman, on December 27, 1924, the following letter was sent by Mr. Coolidge, President of the United States, not to Congress but direct to the gentleman from West Virginia [Mr. REED], chairman of the Committee on the District of Columbia, to wit:

THE WHITE HOUSE, *December 27, 1924.*

Hon. STUART F. REED,
Chairman Committee on the District of Columbia,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Inclosed is a copy of the bill that I have had prepared by the Rent Commission, or, more especially, by Mr. Whaley, undertaking to provide a law that would deal with the present difficulty in the District. I wish that you would submit it to the committee for their consideration. As you know, this matter is very important and has a very direct effect upon the employees of the Government resident in Washington.

Very truly yours,

CALVIN COOLIDGE.

PRESIDENT GOT PROMPT ACTION

Promptly after receiving said letter from the President, Chairman REED, of the Committee on the District of Columbia, introduced in the House the President's bill thus sent him, in the identical form sent by the President, same being H. R. 11078, introduced in the House on December 29, 1924, and a copy of this identical bill of the President's was on the same day likewise introduced in the Senate by the Senator from Delaware [Mr. BALL], being S. 3764.

MOST REMARKABLE PROVISIONS IN PRESIDENT'S BILL

Let me call attention to some of the provisions in this Calvin Coolidge bill, from which I quote:

SEC. 3. A commission is hereby created and established, as an independent establishment of the Federal Government, to be known as the Rent Commission of the District of Columbia. The commission shall be composed of five commissioners, one of whom shall be an attorney at law and all of whom shall devote their entire time to the duties of the office, who shall be appointed by the President by and with the advice and consent of the Senate. The commissioners appointed under the provisions of Title II of the food control and District of Columbia rents act, approved October 22, 1919, as amended, shall, after this act takes effect, continue to act as commissioners of the commission hereby created and established until their successors shall have been appointed by the President and shall have qualified. The terms of the five commissioners, who may be first appointed by the President, shall expire, respectively, in one, two, three, four, and five years from the 22d day of May, 1925, and the President shall designate the term of each appointee at the time of making each appointment.

SEC. 4. The term of each commissioner appointed after May 22, 1925, to take the place of any commissioner whose term is about to expire, shall be for a period of five years, dating from May 22 of each year. Any vacancy in the office of any such commissioner shall be filled in the same manner as the original appointment, except that the appointment of the commissioner shall be made only for the unexpired term of the commissioner whom he succeeds. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 5. No commissioner shall be appointed who is directly or indirectly engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia.

SEC. 6. Each commissioner shall receive a salary of $6,000 per annum. The commission shall appoint an attorney at a salary not to exceed $5,000 per annum and two assistant attorneys, who shall give their time exclusively to the work, at salaries not to exceed $2,500 per annum, as the commission may deem proper and necessary to carry into effect the intent of this act. The commission shall also appoint a secretary-treasurer at a salary of not to exceed $3,500 per annum, who shall give bond in such sum, not exceeding $10,000, as shall be fixed by the commission; a field engineer at a salary not to exceed $3,500 per annum; and may appoint such stenographic reporters as the commission shall deem necessary, capable of taking testimony, verbatim, at all hearings of the commission at salaries to be fixed exclusively by the commission, but not to exceed $2,000 per annum; all such appointees shall be removable at the pleasure of the commission. Subject to the United States civil service laws, the commission may appoint and remove such other officers, employees, and agents as may be necessary to the administration of this act. All salaries shall be paid semimonthly.

LARGE RAISE IN SALARIES

Note that under the President's bill, the five commissioners have their salaries raised from $5,000 to $6,000, and not that in addition to their attorney at $5,000, they are given two assistant attorneys at $2,500 each per annum, and are given a new officer, a secretary-treasurer at $3,500 per annum, and are given another new officer, a field engineer at $3,500 per annum.

ARE GIVEN STENOGRAPHERS WITHOUT LIMIT

Also note that in the President's bill, this commission may appoint just as many stenographers as it desires without limit.

MAY ALSO APPOINT OFFICERS, EMPLOYEES, AND AGENTS WITHOUT RESTRICTION

Also note from the President's bill, that this commission is given the right to appoint and remove all officers, employees, and agents at will, without any restrictions whatever being placed over such appointments by Congress.

COMMISSION MAY SPEND MONEY AT WILL

Also note that the President's bill, in section 9, allows this commission to spend money without limitation. Let me quote his section 9:

SEC. 9. The commission may make such expenditures for rent, furniture, office equipment, law books, books of reference, periodicals, printing, telephone service, telegrams, stationery, and for such other supplies and expenses as may be necessary to the administration of this act. The commission shall have the exclusive right to determine the necessity for such supplies and expenditures, which shall be signified by the written approval of the chairman of the commission on all vouchers for such expenditures, and his signature shall be a sufficient warrant and authority to the Comptroller General of the United States and the purchasing officer, the auditor, and the disbursing officer of the District of Columbia to approve, audit, and pay the same. The commission shall not be limited in its expenditures to the purchase of items contracted for by the municipality of the District of Columbia.

Mr. WEFALD. That is in line with the economy program, I suppose.

Mr. BLANTON. Yes; but I have hardly begun yet. Let me show you, colleagues, what else is in this President's bill.

MEMBERS OF COMMISSION GIVEN FRANKING PRIVILEGE

Section 10 of the President's bill provides that the Rent Commission shall be accorded the use of penalty privilege envelopes by the Post Office Department, and free registration of mailable matter. No Senator and no Congressman can register mail free, but must pay for such registers.

PRESIDENT'S BILL ABSOLUTELY DESTROYS RIGHT OF PRIVATE CONTRACT

I now quote from the President's bill his section 13, to wit:

SEC. 13. The commission shall prescribe standard forms of leases and other contracts for the use or occupancy of any rental property or apartment and shall require their use by the owner thereof.

Every such lease or contract entered into after the commission has prescribed and promulgated a form for the tenancy provided by such lease or contract shall be deemed to accord with such standard forms; and any such lease or contract in any proceeding before the commission or in any court of the United States or of the District of Columbia shall be interpreted, applied, and enforced in the same manner as if it were in the form and contained the stipulations of such standard form.

Hence after the passage of the President's bill, no persons in the District of Columbia will be permitted to enter into a private contract of lease, with terms different from those prescribed by this Rent Commission.

MAY NOSE INTO PEOPLE'S PRIVATE AFFAIRS

I quote from the President's bill his section 16:

SEC. 16. The commission, or any officer, employee, or agent duly authorized in writing by it, shall at all reasonable times have access to, for the purpose of examination and the right to copy, any books, accounts, records, papers, or correspondence relating to any matter which the commission is authorized to consider or investigate; and the commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such books, accounts, records, papers, and correspondence relating to any such matter.

PRESIDENT'S BILL FIXES RENTS

The following is quoted from section 17 of the President's bill:

The commission may, after consideration of such plans, schedules, data, or other information, determine and fix a schedule of fair and reasonable rates and charges for such apartment; and the rates and charges when so fixed and stated in such schedule shall thereafter constitute the fair and reasonable rates and charges for such apartment.

MAY DISRUPT CONTRACTS ABSOLUTELY SATISFACTORY

Even where the property owner and the tenant are satisfied absolutely and neither has a complaint or grievance the President's bill gives this Rent Commission, on its own initiative, the right to interpose itself and to interfere with the peaceful tranquillity of the parties and determine itself just what rentals and service shall be maintained, regardless of the terms of the agreeable contract. To show that this is the case I quote from the President's bill his section 20:

SEC. 20. For the purpose of this act it is declared that all rental property and apartments are affected with a public interest and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property or apartment with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy. The commission upon its own initiative may, or upon complaint shall, determine whether the rent, charges, service, and other terms or conditions of a lease or other contract for the use or occupancy of any such rental property or apartment are fair and reasonable. The commission, or any member thereof or its duly authorized agent, shall have the right to inspect any and all such rental properties and apartments. Such complaints may be made and filed by or on behalf of any tenant and by or on behalf of the owner of any rental property or apartment, notwithstanding the existence of a lease or other contract between the tenant and the owner.

RENT COMMISSION MAY COMPEL OWNER TO FURNISH JUST WHAT REPAIRS AND SERVICE IT ORDERS

I quote the following from section 21 of the President's bill:

If the commission finds that the existing rents, charges, service, or other terms or conditions of the use or occupancy of any rental property or apartment are unfair and unreasonable, it shall fix and determine the fair and reasonable rents or charges for the rental property or apartment under consideration, and may fix and determine the fair and reasonable service, terms, and conditions of the use or occupancy of the rental property or apartment, and may also order and require the furnishing of such service by the owner as it shall lawfully determine to be fair and reasonable.

PRESIDENT'S BILL WOULD WITHHOLD PROPERTY FROM OWNER FOREVER

No matter how distasteful, wasteful, destructive, objectionable, and abusive a tenant might be to the property owner, as long as the Rent Commission ordered it no property owner could get rid of the tenant, for I quote from the President's bill his section 31:

SEC. 31. The right of a tenant to the use or occupancy of any rental property or apartment existing at the time this act takes effect, or thereafter acquired, under any lease or other contract for such use or occupancy, or under any extension thereof by operation of law, shall, notwithstanding the expiration of the term fixed by such lease or contract, continue at the option of the tenant, subject, however, to any determination or regulation of the commission relevant thereto, and such tenant shall not be evicted or dispossessed so long as he pays the rent and performs the other terms and conditions of the tenancy as fixed by such lease or contract, or in case such lease or contract is modified by any determination or regulation of the commission then as fixed by such modified lease or contract.

EVEN SALE OF PROPERTY WILL NOT GET RID OF UNDESIRABLE TENANT

I show this by quoting from the President's bill his section 32:

SEC. 32. All remedies of the owner at law or equity, based on any provision of any such lease or contract to the effect that such lease or contract shall be determined or forfeited if the premises are sold, are hereby suspended. Every purchaser shall take conveyance of any rental property or apartment subject to the rights of tenants as provided in this act.

ORDERS FIXED AND ETERNAL AS THE LAW OF THE MEDES AND PERSIANS

When the commission once determines what service shall be given and what rent shall be paid, all future owners must abide by such decision until it is set aside by the Rent Commission itself. I show this by quoting from the President's bill his section 39:

SEC. 39. The determination of the commission in a proceeding begun by complaint or upon its own initiative fixing fair and reasonable rents, charges, service, and other terms and conditions of use or occupancy of any rental property or apartment shall constitute the commission's determination of the fairness and reasonableness of such rents, charges, service, terms, or conditions for the rental property or apartment affected, and shall remain in full force and effect notwithstanding any change in ownership or tenancy thereof, unless and until the commission modifies or sets aside such determination upon complaint either of the owner or of the tenant.

PRESIDENT'S BILL PROVIDES THREE DIFFERENT PUNISHMENTS

To show the first punishment, I quote from the President's bill, his section 40:

SEC. 40. If the owner of any rental property or apartment collects any rent or charge therefor in excess of the amount fixed in a determination of the commission made and in full force and effect in accordance with the provisions of this act, he shall be liable for, and the commission is hereby authorized and directed to commence, an action in the municipal court of the District of Columbia to recover double the amount of such excess, together with the costs of the proceeding, which shall include an attorney's fee of $50, to be taxed as part of the costs.

To show the second punishment, I quote from the President's bill, his section 46:

SEC. 46. The commission shall make, publish, and promulgate such rules, regulations, and orders governing the maintenance and operation of rental property and apartments as will tend to promote the health, morals, peace, comfort, and welfare of the community, and any violation thereof which shall continue to exist after 10 days' notice in writing to remove the same, served upon the owner or his agent, either personally or by registered mail, shall be punished by a fine to be imposed by the commission of not exceeding $25 for each and every day after the service of said notice until such violation shall be removed.

To show the third punishment, I quote from the President's bill, his section 49:

SEC. 49. Any owner of any rental property or apartment in the District of Columbia, who, having knowledge that the commission has fixed and determined the fair and reasonable rent or compensation to be charged therefor, collects or demands from the tenant rent or compensation for the use or occupancy of any such rental property or apartment in an amount in excess of the rate previously fixed and determined by the commission, shall be guilty of a misdemeanor, shall be prosecuted in the same manner as prescribed for other misdemeanors in the District of Columbia, and shall, upon conviction, be punished by a fine not exceeding $1,000 or by imprisonment for not exceeding one year, or by both.

ADDITIONAL FOURTH PUNISHMENT FOR GOOD MEASURE

To show that it is an awful crime to be a property owner in the District of Columbia, the President's bill has inflicted a fourth punishment, and to show this, I quote from the President's bill, his section 50:

SEC. 50. Any owner who after the passage of this act (1) willfully fails to furnish the tenants of any rental property or apartment such service (a) as has ordinarily been furnished the tenant of such rental property or apartment prior to such failure, or (b) as is required either expressly or impliedly to be furnished by the lease or other contract for the use or occupancy of the rental property or apartment, or any extension thereof by operation of law, or (2) who with intent to avoid the provisions of this act enters into any agreement or arrangement

for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property or apartment, or who participates in any fictitious sale or other device or arrangement the purpose of which is to grant or obtain the use or occupancy of any rental property or apartment without subjecting such use or occupancy to the provisions of this act or to the jurisdiction of the commission, shall in either case be guilty of a misdemeanor, shall be prosecuted in the same manner as prescribed for other misdemeanors in the District of Columbia, and shall upon conviction be punished by a fine not exceeding $1,000 or by imprisonment for not exceeding one year, or by both.

Mr. Chairman, would any sane American imagine that such a bill would come from Calvin Coolidge, President of the United States? It carries socialistic ideas further than many socialists you have in Minnesota and Wisconsin would be willing to hang as a millstone around the neck of this Republic.

Mr. SCHNEIDER. The gentleman does not mean to say that the President of the United States is a socialist, does he?

Mr. BLANTON. I mean to say that as soon as I read that bill I got on this floor and I said that the newspapers must be mistaken; that that could not be the President's bill; that the President certainly could never have sent such a socialistic bill as that to the committee to consider; that he certainly could not be behind such a bill as that. I had more confidence in the sane, conservative character and disposition of the President of the United States than to believe that he could propose such a bill.

Mr. WEFALD. Are we to understand that the President is getting this pink rash, of which the gentleman from Massachusetts [Mr. UNDERHILL] spoke about?

Mr. BLANTON. I am afraid so. I did not believe it at first. I got on this floor and I said the newspapers were mistaken; that the President would not own and back that bill; yet every day and every week since that time there has been appearing in the press of the city statements that it is the President's bill, that he is backing it, that he is insisting upon its being passed, and I am forced to the conclusion that he is getting this pink rash.

CHRONOLOGICAL HISTORY OF RENT-CONTROL LEGISLATION

During the war the Sixty-fifth Congress passed a resolution which became effective May 31, 1918, titled: "To prevent rent profiteering in the District of Columbia." It recited that it was a war emergency act and should terminate when a treaty of peace was signed between the United States and Germany, and it prevented a landlord from dispossessing a tenant. It was a war emergency. The Government had brought to Washington about 75,000 additional employees. Housing facilities were inadequate. Numerous business interests sent representatives to Washington. Some avaricious rent profiteers doubled and trebled their rents overnight. But the resolution did not stop profiteering. Tenants would sublet at big profits. Subtenants would in turn sublet at additional profits. On one occasion I found eight girls occupying a large room on a third floor, with four double beds and little else in the room, and all eight were paying $25 per month for such miserable accommodation. One died at a time when others in the room were sick. The poor girl, being from my district, brought this situation to my attention.

Then, after the armistice, Congress passed an act, becoming effective July 11, 1919, extending the life of said "antirent-profiteering resolution" for a period of 90 days following the definite conclusion of peace between us and Germany.

And then, becoming effective October 22, 1919, Congress passed the Ball Rent Act, as a continuing "war emergency," which was to terminate on October 22, 1921, which created a Rent Commission of three commissioners, at a salary of $5,000 per year, and a secretary, at $3,000 per year, and authorized it to pass on rentals and prevent owners from dispossessing tenants. To show that it was deemed merely a temporary war emergency, let me quote from it the following section:

SEC. 122. It is hereby declared that the provisions of this title are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in rental conditions in the District of Columbia dangerous to the public health and burdensome to public officers and employees whose duties require them to reside within the District and other persons whose activities are essential to the maintenance and comfort of such officers and employees, and thereby embarrassing the Federal Government in the transaction of the public business. It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of two years from the date of the passage of this act, unless sooner repealed.

Then Congress passed an extending act, becoming effective August 24, 1921, extending the Rent Commission until May 22, 1922, and allowing such commission an attorney at $5,000 per year.

I supported each and all of said laws as emergency measures made necessary by reason of the war and conditions following the war. When the chairman of the committee refused to have the bill considered, I joined certain members of the committee who forced its favorable report over the protests of the chairman. And when the chairman refused to call it up in the House I joined members of the committee who forced the bill to be taken up and passed, over the fight made against it by the chairman of the committee. I was willing to continue it the seven months from October 22, 1921, to May 22, 1922, for I knew that some heartless property owners would force tenants to vacate after the law expired on October 22, 1921, and I was afraid that with winter coming on some hardships might ensue.

Thus from May 31, 1918, until May 22, 1922, no landlord was permitted to increase the rent paid by his tenant unless permited to do so by the Rent Commission, and however distasteful and objectionable such tenant might be to the property owner, no evictions were permitted except for nonpayment of rent, and as long as such tenant paid the rent, the property owner could not evict him.

SITUATION IN MAY, 1922

Up to May, 1922, no beneficial results whatever had been effected by the Rent Commission. For four years property had been withheld from lawful owners by the rental laws, and owners were forced to keep in their property undesirable tenants, yet rents continued to advance. Tenants generally became abusive both of the owner and his property. Some tenants injured property at will, and if the owner made any protest he would be told to "Go to; you can't put me out, for the law protects me." Practically every owner was more or less harassed, threatened, and abused, and was forced to employ attorneys for protection. Many owners and real estate men became hard-boiled and sought to squeeze out of their tenants every dollar possible under the law. The Rent Commission was able to touch only one little edge of one side of the situation. Whenever it decided that certain rooms of certain specifications in a particular apartment house were worth so much per room, as a fair, reasonable rental, real estate speculators would immediately take advantage of it by raising the rent on like rooms in every similar apartment where the rental was not up to that standard set, and the Rent Commission, being bound by its own decisions, would be thus used as an instrumentality in raising rents instead of lowering them. And for every apartment that they would lower they would cause raises in a hundred others.

THEREFORE FOUGHT FURTHER EXTENSION IN MAY, 1922

This Rent Commission, which was purely an emergency of war and when first initiated was declared to be temporary, should have expired and gone out of existence on May 22, 1922. But "it is easier for a camel to go through the eye of a needle" than it is to jar loose even temporary employees from the pay roll of the Government.

So very naturally the new Ball Rent Act, extending its life two more years, to May 22, 1924, and increasing the commission to five commissioners, was passed by the Senate. It also provided that where the landlord collected more rent than was authorized by the commission the attorney furnished by the Government at $5,000 should recover same by suit for such tenant. I realized then that the next step would be to make this commission a permanent institution of the Government, and I then did everything within my power to defeat it, but the House passed it. And since 1918 property rented here in the District of Columbia has been kept from its lawful owners by law. Many owners have desired to occupy their own property, only to be accused by the tenant and the commission of "not wanting same in good faith," followed by a decision denying them such right. Tenants have abused property at will. Tenants have insulted the owners of property and told them that they would remain in the property as long as they desired, and that they could not be put out, as the law would not permit it; and they could stay there under the law, because the law did not permit the owner to put them out.

At all times during the past three years there have been several hundred desirable residences vacant in Washington because the owners did not want to take chances on getting in their property an undesirable tenant, which they would not be able to put out by law. These owners would have been glad to rent such properties had it not been for such Rent Commission. The owners of several thousand vacant lots would have been glad to erect substantial houses on same for rent

had it not been for such Rent Commission. Hundreds of new residences during the past five years have been built all over the city, and not one single one of them has been offered for rent, because the owner could not afford to take chances on getting on his hands for life an undesirable tenant, whom he could not put out by law. There have been numerous unlawful combines and monopolies formed for the purpose of taking advantage of decisions of the Rent Commission, through fictitious sales of property, pyramiding second, third, fourth, and fifth trusts upon same, through dummy transactions, made solely for the purpose of increasing rents. Where the Rent Commission has lowered one rental, at least 100 rentals have been raised in consequence of some decision of the Rent Commission.

SENATOR BALL PROPOSED A PERMANENT RENT COMMISSION

There was introduced in the United States Senate on January 21, 1924, by Senator BALL his then new rent bill, S. 2110, to establish a permanent Rent Commission, with salaries raised, new officers, an unlimited number of assistant attorneys at $3,000, and an unlimited number of stenographers at $2,000. I quote from such bill the following:

SEC. 6. Each commissioner shall receive a salary of $7,500 per annum. The commission shall appoint an attorney at a salary not to exceed $5,000 per annum, and such assistant attorneys at salaries not to exceed $3,000 per annum as the commission may deem proper and necessary to carry into effect the intent of this act. The commission shall also appoint a secretary who shall receive a salary of $4,000 per annum, a field engineer at a salary not to exceed $3,600 per annum, and may appoint such stenographic reporters, capable of taking testimony verbatim at all hearings of the commission, at salaries not to exceed $2,000 per annum. All such appointees shall be removable at the pleasure of the commission. Subject to the United States civil service laws, the commission may appoint and remove such other officers, employees, and agents as may be necessary to the administration of this act. All salaries shall be paid semimonthly.

And the bill provides that the Rent Commission shall determine not only the amount of rent that the tenant shall pay but also the kind of service that the owner shall furnish, and authorizes the owner to be fined $1,000 and imprisoned for one year if he disobeys the commission. I quote from the bill the following:

SEC. 55. Any person who after the passage of this act (1) willfully fails to furnish the tenants of any rental property or apartment such service (a) as has ordinarily been furnished the tenant of such rental property or apartment prior to such failure, or (b) as is required either expressly or impliedly to be furnished by the lease or other contract for the use or occupancy of the rental property or apartment, or any extension thereof by operation of law, or (2) who with intent to avoid the provisions of this act enters into any agreement or arrangement for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property or apartment, or who participates in any fictitious sale or other device or arrangement the purpose of which is to grant or obtain the use or occupancy of any rental property or apartment without subjecting such use or occupancy to the provisions of this act or to the jurisdiction of the commission, shall in either case be guilty of a misdemeanor, shall be prosecuted in the same manner as prescribed for other misdemeanors in the District of Columbia, and upon conviction be punished by a fine not exceeding $1,000, or by imprisonment for not exceeding one year, or by both.

COMPANION LAMPERT BILL SIMILAR

Practically at the same time the gentleman from Wisconsin [Mr. LAMPERT] introduced the companion bill in the House, being H. R. 7962, which was almost identical with the Ball bill, except that instead of making the rent commission a permanent institution it extended its life only to August 1, 1926, and the increases in salary were not so large as in the Senate bill. But the Lampert bill had the following additional punishment:

SEC. 54. Any owner, lessor, landlord, or rental agent of any rental property or apartment in the District of Columbia, who, having knowledge that the commission had previously fixed and determined the fair and reasonable rent or compensation to be charged therefor, collects or demands from the tenant rent or compensation for the use or occupancy of the said rental property or apartment in an amount in excess of the rate previously fixed and determined by the commission shall, upon conviction, be punished by a fine not exceeding $1,000, or by imprisonment for not exceeding one year, or by both.

HOUSE COMMITTEE THEN HELD EXTENSIVE HEARINGS

In the early spring of 1924 the House subcommittee held hearings on the Lampert bill. I want to repeat concerning that so-called hearing what I said on April 7, 1924, in my minority report, to wit: That such hearing was the most unjust, unfair, one-sided arrangement I ever attended. I have had a wide experience as an attorney at law for over a quarter of a century, eight years of which I presided as judge over a circuit court. I have tried hundreds of cases in courthouses involving almost every kind of a legal question imaginable. But never before have I seen any proceedings that matched for unfairness the hearing on that bill. In my judgment never had there appeared before Congress prior to that time a better organized, more determined lobby than that constituted by the five $5,000 a year Rent Commissioners, their attorney, and their friends, who made it miserable for any property owner who dared to testify before the committee. The few witnesses who did dare to testify in favor of the property owner's side and against extending the life of the commission were subjected to rigid and harsh cross-examination and even to insults, not only by the members of the committee favoring the bill but by the Rent Commissioners themselves, and especially by Chairman Whaley, Commissioner Metzerott, and Commissioner Taylor, and by tenants in the audience. To illustrate how these commissioners would interrupt and butt into the testimony of a witness, I quote from such House hearings the following excerpt:

Mr. WHALEY. I was the commissioner who said that I was not familiar with all of the tenant laws of the District of Columbia. I still say so, and I am not called on as a rent commissioner to know how to dispossess one of a house, or to know how to collect the rent for landlords.

We have, time and again, requests that we collect rent for landlords and I tell them that the law provides that they go to the municipal court and collect. They have also the charge made here inferentially that the landlords never get any increase that the commission makes. I want to say that is not true.

Mr. MCKEEVER. Did I make that charge?

Mr. WHALEY. Well, I am not making any personal reference, but if you want to you can wear the cap.

Mr. BLANTON. I want to say that these real estate people are here with rights as much as anybody else and they have no right to be insulted by the chairman of the Rent Commission.

Mr. METZEROTT. Do you think the Rent Commission ought to be insulted?

Mr. BLANTON. I have not heard any improper personalities except the last one. There ought to be some order here before the committee. If we are going to have personal insults brought up that way, respectable people are not going to come before the congressional committee to testify. The Rent Commission has probably a little advantage of the witnesses here. I have a kindly feeling for our former colleague, Mr. Whaley, and he knows it; but I do not think he has the right to talk that way to a witness here. This man has his views. He has a right to state them, without being insulted by Chairman Whaley, and I submit that such matters should be kept out of the hearing.

WAS CHAIRMAN WHALEY PREJUDICED

Let me quote just one other excerpt from the House hearings to show that Chairman Whaley was called down as unfair:

Mr. BLANTON. With regard to interest on second-trust notes, you said that Mr. Wardman testified that on second-trust notes they were paying as high as 40 per cent.

Mr. WHALEY. That is his sworn testimony.

Mr. BLANTON. His sworn testimony?

Mr. WHALEY. Yes.

Mr. BLANTON. But the chairman can go to any bank in Washington and borrow money on his note for 6 per cent interest.

Mr. WHALEY. I have not done it, but I am glad to know that it can be done.

Mr. BLANTON. Well, I have done it. Sometimes I have had to borrow money.

Mr. WARDMAN. Mr. Whaley, I was not in the hearing room when you were speaking regarding these heavy rents.

Mr. WHALEY. But this is testimony given by you before the commission.

Mr. WARDMAN. That is not my testimony. My testimony is that I have never paid more than 10 per cent unless it was a long-time payment.

Mr. WHALEY. But you must remember that there are lots of properties that change hands time and time again.

Mr. WARDMAN. I want to say that that is not my testimony you referred to. That testimony must be stricken out, because I have never made an assertion of that kind.

Mr. WHALEY. It was taken down by a stenographer in the hearing room.

Mr. WARDMAN. I do not care; that is not my testimony.

Mr. WHALEY. My statement was made based on this testimony.

Mr. WARDMAN. It is not my testimony.

Mr. WHALEY. I heard you say it.

Mr. WARDMAN. It is not my testimony. You might go along and read further down.

Mr. BLANTON. When a man's signature is good at the bank he can go to the bank and get the money at 6 per cent, can he not?

Mr. WARDMAN. If he is good; yes. If he goes beyond his line, they stop him until he catches up again.

Mr. BLANTON. Where the man is good they will give him money at 6 per cent, will they not?

Mr. WARDMAN. Yes. They will give me a million dollars to-day.

And remember, previous to this colloquy Chairman Whaley had testified in the hearing before our committee that he had every confidence in Harry Wardman, who was one of the largest realtors in the city, and he had been before the commission time and again, and that they had found him absolutely honest and straightforward in his testimony.

KNOCKED OUT BY SUPREME COURT OF THE UNITED STATES

On April 21, 1924, the Supreme Court of the United States rendered a decision holding that they would take judicial knowledge of the fact that the emergency had passed and, while dicta, held that further extension of the life of the Rent Commission was unconstitutional.

CONGRESS IGNORED THE CONSTITUTION AND THE SUPREME COURT

Following such decision, the Committee on Rules granted a special rule for the consideration of the rental measure and allowed only one hour of debate against it, and on April 28, 1924, the House amended the Lampert bill so as to extend the life of said Rent Commission for one year more to May 22, 1925, and thus passed it.

RENT COMMISSION THEN ENJOINED FROM ACTING BY COURTS

Shortly thereafter numerous injunction suits were filed against said Rent Commission, based on said decision of the Supreme Court, and by decree the courts restrained said Rent Commission from functioning, all of which I predicted when trying to defeat said bill, and since May 22, 1924, without doing any work whatever or rendering anything in return therefor to the Government, these five rent commissioners have been drawing their $5,000 per year salaries each, their attorney has been drawing his $5,000 per year salary, their secretary has been drawing his $3,000 per year salary, and their stenographers and other employees have had nothing to do.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MOORE of Virginia. The gentleman is a good lawyer and he has been on the bench. Will he explain to the House, so far as the constitutional question is concerned, what is alleged to be the distinction between the bill to which he is now alluding and the legislation that he says was held unconstitutional?

Mr. BLANTON. There is not any distinction. With some additions, it is the same identical legislation except its provisions are even more repugnant to the Constitution. It changes its excuse from an "emergency" to a "public welfare" proposition based on the police powers of Congress. And instead of the five members of the Rent Commission getting $5,000 a year, in the President's bill they will get $6,000 a year. There is a raise of a thousand dollars a year. The attorney is to get $5,000, but the President's bill gives them two assistant attorneys, and the President's bill gives them a secretary and treasurer at $3,500 a year. The President's bill gives them another new officer, to be known as a field engineer, at $3,500 a year. The President's bill has a clause in it that the commission without any limitation whatever can appoint just as many stenographers and other employees as they desire. These very valuable provisions are the secret of the birth of this new bill which the rent commissioners have pushed over on the President.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes, certainly.

Mr. DENISON. Will the gentleman state briefly upon what grounds the court intimated that the present law was not valid, if it did so?

Mr. BLANTON. On the ground that the emergency of the war had passed.

Mr. DENISON. Does this bill remedy that situation?

Mr. BLANTON. Not at all.

Mr. DENISON. Did it attempt to?

Mr. BLANTON. Oh, they have zealously tried to get around the Constitution, but they can not do it.

Mr. DENISON. I have not read the bill and I am asking these questions for information. In what way did they try?

Mr. BLANTON. They put in a clause reciting—

That the provisions of this act are made necessary by reason of rental conditions in the District of Columbia, which are dangerous to the public health, comfort, morals, peace and welfare, and burdensome to public officers and employees of the Federal Government,

And they imagine that such simulated, unwarranted recitation will make the bill constitutional under the public welfare clause, and because this is the seat of Government.

Mr. DENISON. And they omitted all reference to the emergency proposition?

Mr. BLANTON. Yes.

Remember that since May 22, 1924, these five commissioners and all their employees have been idle, with nothing to do except to draw their fat salaries.

PRESIDENT SENDS US WHALEY BILL TO PAY THEM FOREVER

As heretofore mentioned, when the President sent this new bill, which he had Chairman Whaley prepare, to our committee, a copy of it was introduced both in the House and in the Senate, and our two subcommittees of the House and Senate have been holding joint hearings on the bill, presided over by Senator BALL, author of the original Ball Rent Act. Let me quote from these joint hearings a few excerpts from Chairman Whaley's testimony:

Mr. WHALEY. For the past six years landlords, as a general rule, have absolutely refused to make any repairs, to do any repairing, plastering, or papering. For the sake of squeezing the last dollar out of the property they have failed to furnish proper heat, and in many cases no heat at all. * * *

Representative BLANTON. Mr. Whaley, I believe you stated that for the past six years as a general rule landlords have not made improvements, they have not painted, they have not papered, they have not fixed up their plumbing, they have not put their buildings in good repair. I so understood you, as a general rule.

Mr. WHALEY. That is my own statement. I have no correction to make in it.

Representative BLANTON. I wish you would. The Rent Commission has been in existence for the past six years?

Mr. WHALEY. Since 1919.

Representative BLANTON. That is for the past six years. Do you not think your statement is the greatest indictment you could bring against the Rent Commission?

Mr. WHALEY. I do not consider it so.

Representative BLANTON. That for six years while we have had a rent commission there has been no improvement by landlords, showing that there must be some reason for the landlords not improving.

Mr. WHALEY. Mr. Blanton, I tried to explain to you and I have explained to the committee that there has been no power in the act allowing us to make them do anything.

Representative BLANTON. I understand that.

Mr. WHALEY. The act is faulty in that direction. The object of the present bill is to give us power to make them do things.

Representative BLANTON. With regard to a survey, when you appeared before our House committee in February, 1924, was not the first question I asked whether or not you had made a survey of rental houses in the District?

Mr. WHALEY. It was.

Representative BLANTON. And you stated that you had not done so?

Mr. WHALEY. That is correct.

Representative BLANTON. Did not I suggest then to you that the first thing that ought to be done was to make such a survey?

Mr. WHALEY. You did.

Representative BLANTON. Did you ever make it?

Mr. WHALEY. We did not.

Representative BLANTON. Since May, 1924, your commission has had very little to do since the 40 injunctions were brought against you?

Mr. WHALEY. You are right.

Representative BLANTON. Have you made a survey since that time?

Mr. WHALEY. We have not.

Representative BLANTON. Have you made a personal survey since then, yourself?

Mr. WHALEY. I have not.

Representative BLANTON. Why have you not done so?

Mr. WHALEY. I wanted you to ask me that question. Last year the commission went before Congress, before your committee and your subcommittee on which you sat, and recommended to you that this act should be made permanent—I did, at any rate. I told you why I thought it should be made permanent. I told you why we could not make the survey was because we had no money to do it.

Representative BLANTON. I made a survey and I have not had any money.

RENT COMMISSIONERS AND EMPLOYEES PREFERRED IDLENESS

Thus the chairman of this Rent Commission admitted that since May 22, 1924, the commission and its employees have all been idle with nothing to do, the five commissioners each drawing from the Government $5,000 per year, their attorney drawing $5,000 per year, and their secretary drawing $3,000 per year, yet none of them have turned a hand to make a survey of the property that is now available for rent in the District of Columbia.

YET PRESIDENT COOLIDGE IS MAKING SUCH A SURVEY

After President Coolidge sent his permanent rent control bill to the committee for action the press has since reported that the President is having the police force of Washington make a survey of all vacant rental property now in the District offered for rent in Washington. This is just what I tried to get the committee to do in February, 1924, before they took the farcical action in extending the life of the commission another year when the Supreme Court had already knocked the life out of it.

JOINT COMMITTEE HEARINGS OUTHERODED HEROD FOR UNFAIRNESS

If any unbiased, unprejudiced person will wade through the 663 pages of printed hearings recently had before the joint committee of the Senate and House, he will not be able to escape the conclusion that it was unfair, unjust, and unequitable to the property owners of the District of Columbia. Hearing after hearing was given to the organized tenants, whose interest was in charge of Mrs. Henry C. Brown, secretary of the Tenants' League. Mrs. Brown was permitted by the chairman to put witnesses on the stand, conduct the direct examinations, interrupt other witnesses, insult witnesses who dared to appear in behalf of property owners, and to make every kind and character of repetitions of hearsay that should have been given no probative force and effect whatever.

The Washington Real Estate Board, which represented only a small proportion of the realtors of Washington, was permitted to offer evidence, but much of their time was wasted with irrelevant interruptions, and their witnesses were subjected to abruptness and many discourtesies.

Former United States Senator Thomas P. Gore, as representative for the Association of Builders, Owners, and Managers of Washington, was permitted to offer evidence in hearings. His witnesses were interrupted.

But at no time were the property owners of Washington ever given an opportunity to be heard. And they are unorganized, and they constitute 95 per cent of the people whose interests from a property standpoint are involved. In their behalf, when I, as a member of the joint Senate and House committee, and a Representative in Congress, sought to ask witnesses questions to bring out all of the pertinent facts, I was interrupted by the chairman continually, and by his rulings prevented from asking many pertinent questions. And when I sought to have a night set apart for them to be heard, I was prevented from offering their testimony. Let me illustrate this point from quoting just a few excerpts from the hearings.

The CHAIRMAN. We will proceed to close the hearings so far as those opposed to the bill are concerned. * * *

Mr. GORE. Mr. Chairman, Congressman BLANTON the other day suggested that he desired property owners who were not organized to be heard. I want to ask the Congressman if he has some one of that sort present?

Representative BLANTON. Here is the situation: Knowing the attitude I have taken against this legislation, they have besieged me with letters wanting to be heard and wanting me to put their views into the record. I have no time to communicate with those people. That is not my business as a legislator. I think the committee ought to do that and ought to do the same by them as they have done by the others—indicate a certain time for them to be heard and let the daily papers notify them. My office is worked to death with my ordinary legislative work, without having to notify these people to be here. I can not notify them by letter or telephone. I am not that much interested in them. I am interested in them coming here and getting a fair, square deal, but what the committee ought to do, in my judgment, is to set a time for property owners who are not organized to be heard at a certain hour and let the newspapers publish it and notify them in that way.

These gentlemen who are here represent a certain band of realtors who are organized.

The CHAIRMAN. The property owners will have an hour and a half if we do not take up the time now in the discussion of something that has no real bearing on the question before the committee. If we take up the time now in that way, of course, they will not have the hour and a half.

Representative BLANTON. Yes; but the property owners that had no notice. The unorganized property owners have not had any notice of the meeting this morning.

Representative HAMMER. We promised Senator Gore that he could have a part of the time this morning.

Representative BLANTON. I have no objection to that. I am interested in the unorganized property owners, who constitute 90 per cent of the people interested in the bill, who are more interested than the realtors are. They should be given at least two hours, and they should be notified. They should be given an opportunity to come here and offer such evidence as they want to present. It is their rights that are jeopardized. If the committee is not willing to do it, that is the end of it. I have done my duty in presenting their request. I hope the committee will be fair enough to them to give them at least two hours, to set a certain time in order that the newspapers can notify them, and if the newspapers will not notify them through their columns, I will take it upon myself to notify enough of them so they can be heard. In some instances the bill would affect property that some of them have inherited. Some of them are helpless women. They ought to be heard in this matter.

Senator JONES of Washington. I want to say that I sympathize very much with what Representative BLANTON has said. I think we should give the people outside of these organizations an opportunity to be heard.

The CHAIRMAN. We have given them an hour and three-quarters to-day.

Senator JONES of Washington. But we have not notified the people outside of these organizations that they would be heard.

Representative BLANTON. No; that is just what I am complaining about.

Representative HAMMER. We gave so much time to both sides, and they have not really come and asked for it; but at the same time I would be mighty glad to give them a little while to be heard. I do not know whether they need that much time or not.

The CHAIRMAN. The question before the committee apparently is whether we shall reopen the hearings and continue them indefinitely.

Senator JONES of Washington. Oh, no; I beg your pardon; that is not the proposition at all.

The CHAIRMAN. We can not grant an indefinite extension to one side without granting a similar extension to the other side.

Senator JONES of Washington. We certainly have been very liberal with these people. We have given several hours to people from outside of the District, who, I think, are not interested in the proposition at all.

The CHAIRMAN. We have given more than eight hours now, and as I understand it you are asking for an extension of how many more hours?

Senator JONES of Washington. We can fix that among ourselves. I thought we ought to give a public meeting, just as we did to the people who were at the meeting the other night representing the tenants.

The CHAIRMAN. I am perfectly satisfied to do that, but that is for both sides of the question, as I understand it.

Representative BLANTON. I move that we give the same character of hearings to the unorganized property owners here in the District of Columbia, over in the Senate Office Building some evening in the caucus room, that we gave to the tenants—just such a meeting as that. We can set it ahead two or three days and they can all get their notice through the newspapers.

The CHAIRMAN. Do you mean such a meeting as we gave the landlords?

Representative BLANTON. No; such a meeting as we gave the tenants over in the Senate Office Building the other night. The unorganized property owners have never been heard. They have never been notified to appear.

The CHAIRMAN. I shall be glad to agree to your suggestion if you will provide in it that the other side shall have at least the same extension of time.

Mr. BLANTON. I do not care how many meetings you have for the other side, but I do want you to give the unorganized property owners a chance.

The CHAIRMAN. If you are willing to come here every night and every morning, we will proceed to give them as many hearings as they want, but I am not willing to give my time and attention to the matter unless the others Members will be here and assist.

Representative BLANTON. I am as busy as any Senator, and yet I have attended every meeting of the committee.

The CHAIRMAN. But you are always late getting here.

Representative BLANTON. Yes; but I get into action as soon as I get here. [Laughter.]

Representative HAMMER. Too much so, sometimes.

The CHAIRMAN. You may proceed, Mr. Gore.

Senator JONES of Washington. Should we not decide this question before we proceed further? I think we ought to do it, so that ample notice may be given in the papers.

Representative BLANTON. I insist on my motion being put to the committee.

Senator JONES of Washington. I think two hours' additional time for the unorganized people opposed to the bill would be ample, and I am perfectly willing to attend a night session of the committee to hear them.

The CHAIRMAN. Then why did you suggest at first giving eight hours to each side?

Senator JONES of Washington. Because I thought it would be enough. I never thought about your giving Chicago people a couple of hours.

Representative BLANTON. Yes; and the New York people two more hours.

Senator JONES of Washington. I thought the matter was to be confined to people from the District of Columbia.

The CHAIRMAN. We want to get people's ideas as to the effect this legislation may have elsewhere as well as in the District of Columbia.

Senator JONES of Washington. That is all right, but it ought to come out of their time and ought not to deprive the unorganized property owners of a hearing.

Representative HAMMER. Why not fix to-morrow night for those people and give them an opportunity to "blow off" then?

Representative BLANTON. That is all right.

The CHAIRMAN. To-night we are to have a meeting of the committee for the renters or tenants, who are to have three hours, from 8 to 11. That will make up their eight hours. If you are going to extend for four or four and a half hours the time of those opposed to the bill, you should certainly give the renters some additional time.

Representative BLANTON. But here is the situation. The tenants have had eight hours when they finish their meeting to-night. The unorganized property owners, as I said, representing 90 per cent of the people interested here upon the other side of the tenants' issue, have never had one single chance to be heard.

The CHAIRMAN. The organized tenants' association and the organized owners have controlled practically all of the time so far.

Representative BLANTON. We are going to be confronted with these questions on the floor of the House and Senate: Have we been fair to the unorganized property owners? You are going to have to meet that question on the floor, and you might just as well meet it here in committee. They are going to be heard some time or other.

The CHAIRMAN. Will the committee be satisfied with this suggestion, that the tenants have from 8 until 11 o'clock to-night and that the real estate people have from 8 until 11 o'clock to-morrow night?

Senator JONES of Washington. I am not in favor of giving the real estate people any more time.

Representative BLANTON. The unorganized property owners?

The CHAIRMAN. Those opposed to the bill.

Senator JONES of Washington. Outside of the organization.

Senator COPELAND. Why not have a sort of double meeting to-night? Let the outside landlords or unorganized property owners come in for a couple of hours, and then finish with the tenants.

Representative BLANTON. But I am talking about the unorganized property owners. Without knowing them, I represent them as a Representative in Congress and not in private life. I do not know one of them. I am representing that side of the bill.

The CHAIRMAN. Is it exactly fair for a member of the committee that he is representing a particular faction?

Representative BLANTON. I am representing the Constitution, which says you can not take a private property without giving a fair return.

The CHAIRMAN. Is that applicable only to a certain class of people or is it applicable to all?

Representative BLANTON. That is not applicable to the realtors to enable them to make money for these property owners. It is applicable to the property owners themselves, and they are the owners I am contending for. If they are given three hours to-morrow night, I do not care how much time you give the others. You can give them a week if you want to do so, but I call your attention to this fact—we know they will have had eight hours.

The CHAIRMAN. Five of which have been taken by the organized owners.

Representative BLANTON. Who is responsible for that except the committee? The committee is responsible for it.

The CHAIRMAN. The committee is responsible for taking up much of their time.

Representative BLANTON. I do not think we ought to exclude Washington people and let New York organizations and Chicago organizations come here and take up their time and our time. This legislation is not going to affect Chicago and New York. It affects Washington property owners. I submit that in all fairness to my colleagues, who I am sure are fair-minded men.

I submit to the members of the committee that every member here, whether he is an ordinary Member of the House or whether he is a Senator, has a right to put a motion and has a right to have that motion stated to the committee. Of course, they can amend the motion as they see fit, but let them amend it according to the rules and in the proper way. I do not want the chairman to state my motion in a different form from the way in which I proposed it, unless he sees fit to amend it in the proper way. I have made my motion.

The CHAIRMAN. But your motion was not seconded.

Representative BLANTON. A motion does not have to be seconded in committee or on the floor of Congress. I have made my motion and I now renew it that to-morrow night from 8 to 11 o'clock shall be given over to a general meeting in the Senate caucus room, in the Senate Office Building, to the unorganized property owners of the District. That is my motion.

Senator JONES of Washington. The chairman of the committee included that in his proposition.

Representative HAMMER. I suggest that you accept the amendment offered by the chairman.

Representative BLANTON. But I have no authority to keep amendments from being added to my motion. That is my motion and I make it.

Representative LAMPERT. I move to amend by covering the chairman's idea.

The CHAIRMAN. The question is on agreeing to my amendment to the motion of Representative Blanton. [Putting the question.] The amendment is agreed to. The motion now is on the amended motion that from 8 to 11 o'clock to-morrow night be given the property owners of the District of Columbia opposed to the bill who belong to no organization, and on Wednesday night from 8 to 11 be given to the tenants of the District of Columbia who belong to no organization.

Representative HAMMER. I do not like the idea of excluding anybody else if we run out of business.

Senator JONES of Washington. We can quit if we run out of business.

Representative HAMMER. Oh, no; we ought to put in all of the time.

Representative LAMPERT. I do not think there is any danger of running out of talk.

(The motion as amended was agreed to.)

And thus, Mr. Chairman, after insistence and perseverance, I finally succeeded in getting the chairman of the joint Senate and House committees to allow the property owners of Washington, who were more interested than anyone else in this bill, to be heard for a few hours. And it was understood that notice would be given by the committee secretary to the press about this meeting for such property owners.

BUT THEY WERE FLUKED OUT OF A HEARING AFTER ALL

On the next night, when the joint committees met in the Senate Office Building caucus room, I quote from the hearings as to what happened:

CONGRESS OF THE UNITED STATES,
JOINT SUBCOMMITTEE OF THE COMMITTEES
ON THE DISTRICT OF COLUMBIA,
Tuesday Evening, January 27, 1925.

The joint subcommittee met, pursuant to adjournment, at 8 o'clock p. m.

Present: Senators BALL (chairman) and JONES, and Representatives LAMPERT, STALKER, BLANTON, and HAMMER.

The CHAIRMAN. The committee will come to order.

Representative BLANTON. Mr. Chairman, this afternoon while I was very busy in my work several parties rang me up and said that they noticed in the papers that the hearing for unorganized property owners had been put off until to-morrow night. I told them they must be mistaken, that it was for to-night, and they said no, that it was in the Post and Times that it was for to-morrow night and that the unorganized tenants would be heard to-night.

Well, I told them I did not know anything about it and that I presumed that the chairman had had some reason for changing it, but I thought that they must be mistaken about what the papers stated.

From the Washington Herald, Tuesday morning, January 27, 1925:

"To-night a three-hour session, from 8 o'clock to 11 o'clock, will be held in the caucus room for the benefit of the tenants who are not affiliated with the Tenants' League. To-morrow night a three-hour session, from 8 o'clock to 11 o'clock, will be held in the caucus room for the purpose of hearing unorganized landlords"——

The CHAIRMAN (interposing). I would like to ask if the correspondent of the morning Post is here?

Mr. TAYLOR. I am on the Post. That was in the Times.

Mr. BLANTON. Now, here is the morning Post, the Washington Post for Tuesday, January 27, 1925, and I am reading from page 2, column 5, the following:

"Tenants"—

Note, now, that it says "tenants" instead of "property owners"—

" who have no affiliations with the Tenants' League will be heard by the joint committee to-night. Another hearing will be held to-morrow night."

Then I got the Star this afternoon, for they kept calling my attention and the attention of my office to it, and in the Washington Star, from the first page to the last, there is not one word about any hearing to-night.

Then I got the green sheet of the Times, which is the last edition, and I read from this green sheet of the Times the following:

"To-night a three-hour session, from 8 to 11 o'clock, will be held in the caucus room for the benefit of the tenants who are not affiliated with the Tenants' League. To-morrow night a three-hour session, from 8 to 11 o'clock, in the caucus room in the Senate Office Building, will be held in the interest of the unorganized landlords desiring to voice individual opposition to the proposed Whaley rent bill."

The CHAIRMAN. I want to ask the assistant clerk of our committee if she authorized any such statement?

Miss PISER. I certainly did not. I have been answering our own phone continually to-day to contradict that announcement that was in the Post. I said that it was a typographical error, because no such information was given.

Representative BLANTON. I want to read from the only other paper in Washington, the News. Here is the News for Tuesday, January 27, 1925, and it says this:

"Tenants without organization or affiliation with the Tenants' League will be heard to-night."

Now, Mr. Chairman——

Senator JONES of Washington (interposing). If there are any landlords here, let us hear them. They can come to-morrow night.

Representative BLANTON. What I wanted to say is that the property owners who are unorganized have been misled by all these papers.

But there are several parties who found out in time that these were mistakes. I saw the Washington Post man this afternoon and asked him about it, and he told me it was a mistake, and I saw a Herald man and he told me it was a mistake in the paper, and there are two or three parties who have called me since then, and I have told them that that was an error and they are here. Now, I would like to ask the committee to hear them and then proceed with the tenants and let them be heard, and then hear the rest of the property owners to-morrow night.

The CHAIRMAN. I thought I made the matter perfectly clear in my statement last night. I certainly did not say, when I made that statement, that we would hear the tenants to-night. I certainly tried to say that those opposed, the individual property owners who are opposed to the bill, would be heard to-night. How the newspapers got it wrong I do not know. It must be because we kept them up so late and they got sleepy.

Under the circumstances, I think the proper thing to do is to hear those on both sides who are here to-night.

Representative BLANTON. I want to proceed and offer some evidence along some lines I have in mind from a constitutional standpoint, and since I have not been previously permitted to do that I want to do it now.

Mr. Chairman, Mr. Richards, the assessor, was called on the first day of the hearing by Senator JONES to check up some figures that Mr. Whaley had presented, and was asked to bring that in. Mr. Richards told me he had sent that statement to the chairman. I would like to have that read into the record.

The CHAIRMAN. Shall I read it?

Representative BLANTON. We may just consider that in the record without its being read.

The CHAIRMAN. I would like to have you state whether you want this to be put in for the tenants or for those opposed?

Representative BLANTON. For everybody; for the American public.

The CHAIRMAN. It is an independent statement. It shows that the valuations placed——

Representative BLANTON (interposing). I would not want the chairman to state his construction of it, because it speaks for itself. I would rather have Mr. Richards speak for himself. This is from Mr. Richards, the tax assessor of the District, and he will put the proper construction on it.

And this statement from Tax Assessor Richards, which I will quote in a few minutes from the hearings, did not support any of the testimony given concerning such properties by Chairman Whaley, but on the contrary, absolutely wiped out the force and effect of such data, yet the press reported just the contrary the next morning, and the presiding chairman attempted to place such a contrary interpretation upon it when I stopped him. Possibly this is the reason that he did not offer it until I asked for it myself. The following is such statement and it shows that Chairman Whaley was in error as to these properties:

STATEMENT BY MR. RICHARDS, ASSESSOR

The Randolph, in square 3524, lots 35 to 40, was sold in April, 1920, by Thomas Bradley and Harry L. Rust, trustees, to Ethel M. Butty for $22,500 and transferred the same month to Julia M. Higgins for $14,500, subject to a trust of $14,500, or $29,000 in all. The property is assessed for $26,244 and the commission's figures overtops all the above in an estimate of $32,000. Did Mr. Bradley and Mr. Rust, who were expert appraisers of real estate, make a mistake in their sale? The chances are that they did not and that the commission's value is excessive.

No. 1490 Chapin Street is assessed for $7,635, and the commission places a value of $13,000 on the property. The house is next to the corner of Fifteenth and Chapin Streets and is less valuable than the corner. The corner sold to Mrs. Henderson in October, 1918, for $7,300.

The Oliver, square 234, lot 145, is assessed for $27,840. It sold for $30,000 in 1920. According to a court record, it sold for $18,000 in 1916 and in September, 1919, sold for $20,000. It remained for the Rent Commission to put it on a pedestal for $50,000. It rented for $2,610 gross in 1915 and is a walk-up apartment of three stories and basement and was built for $15,000.

The Prince Karl, square 85, lot 35, is placed on the new assessment roll at $61,500. The Rent Commission values it at $87,730. It has been built over a dozen years and sold in 1912 for $40,000 and in 1920 for $60,000. Seven times the gross rental in 1915 ($6,500) indicated a value then of $45,000. Allowing 2 per cent a year depreciation, has it doubled? Hardly!

The Fairmont, square 525, lot 29, 818 New York Avenue, was formerly the Melton, and was built by Thomas H. Melton over 20 years ago. In May, 1914, the owner appealed against the assessment, saying that the building was 12 or 14 years old and the taxes should be reduced. It was then assessed at two-thirds of $55,000. According to court record, it was sold September, 1915, for $33,800 and some kind of sale was reported in 1919 at $55,000. The present assessment is $65,170 and the commission fixes its value at $100,000, or three times the court record of 1915.

The Chesterfield, square 2595, lot 806, is located on Mount Pleasant Street, above Irving Street, in a row of similar apartments. In 1914 the then owner of 3141 Mount Pleasant Street, the Chesterfield, made an appeal in which he stated that the property had been acquired in trade for $50,000 and was worth between $45,000 and $50,000. The assessors now place $68,925 on this property and the commission put it at $104,600, or more than twice the owner's value of 10 years ago, although it is a lightly built structure subject to considerable depreciation.

But consider this in connection with the Chesterfield. The apartment houses Bloomfield, Winston, and Chesterfield, standing side by side, were built by Bates Warren at a cost of about 15 cents per cubic foot or less. They were worth about $45,000 in the year 1914. Permit for construction of the Bloomfield in September, 1909, gave an estimate of $35,000, which seems about right, as it was sold in trade for $50,000 in April, 1914. In January, 1917, the Bloomfield brought $55,000, and in November, 1920, Irvin B. Linton paid $65,000 for it and changed the name to Lynton. Apartments Winston and Chesterfield are duplicates in every way, the assessors now placing $68,874 on the Winston and $68,925 on the Bloomfield. The Rent Commission have adopted the following values: The Chesterfield, $104,600; the Winston, $73,040, for buildings alike. Please examine them.

The Audoun is in square 215, lot G (1102 Fourteenth Street). The Hermitage is in the same square, 215, lot 11, 1117 Vermont Avenue. Both are valued the same in the assessor's new appraisal at $100,000 each. The Audoun contains 125,100 cubic feet and is on the corner. The Hermitage contains 154,320 cubic feet and stands in the middle of the square with two fronts. The assessors believe there is little or no difference in the values of the two properties. The Rent Commission placed $90,000 on the Audoun and $150,000 on the Hermitage.

Comparisons between the assessment values of 1924, as just prepared by the assistant assessors, the values of the Rent Commission as published, the sale values of 1919 to the present time and the year of sale

Name of apartment	Assessor's value of 1924	Rent Commission value	Sale	Year
Temple	$17,778	$23,000	$17,500	1921
Geneva	35,774	41,475	37,500	1922
Newport	56,828	70,000	75,000	1921
Hawarden	90,100	90,000	175,000	1921
Gladstone	92,096	90,000		
Randolph	26,244	32,000	22,500	1920
Oliver	27,840	50,000	30,000	1920
Prince Karl	61,500	87,730	60,000	1920
Lonsdale	105,092	189,000	175,000	1920
Fairmont	65,160	100,000	77,000	1920
Park	29,508	35,000	30,000	1920
Seville	57,251	78,000	60,000	1921
Arden	62,355	90,500	67,500	1922
Hoffman	45,047	52,000	50,000	1922
Turin	52,680	70,000	62,500	1921
1708 Newton Street	57,250	70,000	75,000	1922
Total	949,100	1,168,205	973,500	

Comparisons between the assessment values of 1924, as just prepared by the assistant assessors, the values of the Rent Commission as published, the sale values of 1919 to the present time and the year of sale—Continued

Commission's value	Gross rents 1915	Value in 1915 taken 7 times the gross rents	Commission's value	Gross rents 1915	Value in 1915 taken 7 times the gross rents
$23,000	$2,600	$18,200	$90,000	$5,040	$35,280
41,475	3,250	22,750	35,000	3,900	27,300
70,000	6,180	43,260	27,500	2,600	18,200
90,000	9,750	68,250	96,000	8,484	59,388
50,000	2,610	18,270	55,000	5,214	36,498
37,500	3,000	21,000	150,000	7,296	51,072
250,000	21,000	147,000	78,000	7,152	50,064
75,000	5,300	37,100	74,600	7,590	53,130
87,770	6,480	45,360	135,000	10,049	70,343
96,500	7,666	53,662	90,500	7,100	49,700
85,000	7,100	49,700	104,600	7,700	53,900
60,000	4,866	34,062	70,000	5,874	41,118
65,000	6,800	47,600	73,000	7,928	55,496
189,000	18,180	127,260	87,000	10,000	70,000
70,000	6,240	43,680	57,500	5,900	41,300
36,000	2,772	19,404	30,000	2,400	16,800
100,000	10,800	75,600	72,000	5,500	38,500
82,000	7,836	54,852	80,000	6,120	42,840
25,000	2,256	15,792			
60,000	6,360	44,520	3,050,985	262,093	1,854,651
52,500	5,200	36,400			

In 1915 prices were of a stable and easily determined character and apartments were selling uniformly at seven times the gross yearly rental. The above prices in 1915 indicates that the Rent Commission followed no uniform and scientific method in determining their prices as they run from 20 per cent to 200 per cent above pre-war values.

And then, for a few minutes only, I was permitted to offer some evidence. I quote from the hearings the following:

TESTIMONY OF MR. STACY M. REED

(The witness was sworn by the chairman.)

Mr. REED. Mr. Chairman and gentlemen, I have a statement which I would like to make, and if there is no objection I would like to complete it entirely and then be subject to questions.

Representative BLANTON. First, I want to ask these two questions. Are those [handing paper to witness] copies of various advertisements for the apartment which Mr. Colby rented from you?

Mr. REED. They are.

Representative BLANTON. State whether all of them are correctly put in, or whether there was any error.

Mr. REED. There is an error in the advertisement of December 26, December 27, December 28, December 29, December 30, and December 31, which shows a rental of $70.

Representative BLANTON. Was that ever corrected?

Mr. REED. That was corrected in subsequent advertisements.

Representative BLANTON. On what days?

Mr. REED. On January 10, January 11, and January 12 that was corrected to $42.50.

Representative BLANTON. Now, state whether this statement of rents of the various apartments in that building is true and correct.

Mr. REED. That is a correct statement of the existing rentals.

Representative BLANTON. That statement I will offer in evidence.

The statement in question is as follows:

The Susquehanna, 1430 W Street NW.

Apartment No.	Size	Rental
1	4 rooms and bath	$35.00
2	do	29.00
3	do	35.00
4	5 rooms and bath	42.50
5	3 rooms and bath	25.00
6	4 rooms and bath	32.50
20	5 rooms and bath	45.00
21	4 rooms and bath	35.00
22	do	37.50
23	do	37.50
24	do	35.00
25	do	37.50
30	5 rooms and bath	40.00
31	4 rooms and bath	35.00
32	do	37.50
33	do	37.50
34	do	35.00
35	do	37.50
40	5 rooms and bath	42.50
41	4 rooms and bath	32.50
42	do	35.00
43	5 rooms and bath	42.50
44	3 rooms and bath	25.00
45	4 rooms and bath	35.00

The above is a list of the apartments in the Susquehanna, together with the monthly prices. Rents in this building have not been increased for the past two years.

STACY M. REED.

Representative BLANTON. And all those apartments are rented for those amounts now?

Mr. REED. Yes, sir; they are.

Representative BLANTON. If the committee has no objection, he can now read the statement.

The CHAIRMAN. I have no objection.

Mr. REED. The C. A. Snow Co. does not engage in brokerage business.

The C. A. Snow Co. owns and manages 13 apartment houses and some miscellaneous properties, containing a total of approximately 526 dwelling units.

These buildings are located in all sections, except the southwest section of the city, and range in price from $6.50 per month for a 4-room alley house to $200 per month for 6-room, 2-bath apartments in the northwest.

We have not raised the rent of a single tenant during the past two years, though on November 12, 1924, we secured an injunction against the Rent Commission.

It has been shown beyond a doubt by more experienced men than myself that the Whaley bill is unconstitutional and that rent legislation is unsound economically; but I would like to approach the matter from a different point of view and show why rent control is particularly odious to the owner.

We take pride in our buildings and their maintenance. We like to see them well kept and in good condition. We like to feel about them as one likes to feel about a new automobile or a suit of clothes. We enjoy the prestige that a satisfied and contented group of occupants can give our buildings. We have buildings in which the Rent Commission has never interfered, filled with occupants, all of whom have nothing but words of praise for our management. This would be possible in all of our buildings except for Rent Commission interference; but with rent control the condition is far different. Rent control has encouraged Washington to become a city of contract breakers. No law can be fair except when fairly applied, and Rent Commission inquisitions have served more to fan the flame of discontent and unrest than anything except the present hearings.

Much has been said of evictions during the past few weeks, and surely the most heart-rending examples have been brought here as exhibits, but in few cases has the other side of the question been exposed. Our company has sued for possession in seven cases. We have done so not only to protect the walls, the plumbing, and the fixtures of our buildings which have been subjected in the past to wanton depredation, but have sued for possession to protect other occupants of the building from undesirable and trouble-making neighbors. In each case we have rerented the vacated apartment at the previous rental. We still maintain our right to select the people who occupy our buildings and shall do so until the last scrap of our constitutional right has been destroyed. In the language of Justice McKenna's famous dissenting opinion in Hirsh v. Block "a tenant out is a tenant in," and we assume that this committee is more interested in improving the general situation than in protecting a few undesirable individuals. We believe that in ridding our properties of these undesirables we will not only increase the prestige of our buildings but will benefit the general situation by increasing the peace and contentment of those who remain. The fact that we have rerented in every case at the same rate, though under no legal obligation to do so, is proof that these suits for possession were entered into for no pecuniary gain.

In concluding I submit to the committee copies of advertisements relating to the apartment—those are the copies you referred to, Mr. Blanton—referred to in the testimony of Mr. Colby, together with the dates of their mention in the Evening Star. Mrs. Brown is correct in that this apartment was advertised at $70.

The fact remains, however, that after six insertions of the corrected advertisement we were able to rent the apartment to Mr. Colby as he has previously testified. Mrs. Brown, in her testimony, intimated that we had misstated the facts in advertising this apartment as consisting of five rooms, bath, and reception hall. However anxious we may have been to secure a tenant for this apartment, the fact remains that, including the kitchen, the apartment contains five rooms. This is a very usual way of advertising and not meant to deceive, it being presumed that an individual of ordinary intelligence, seeing such an advertisement with no kitchen mentioned, will assume one of the rooms to be a kitchen.

This incident relates to one of some 20,000 apartments in Washington. It is in itself too trivial to have consumed your time. In that respect it is similar to almost all of the testimony so far submitted by the proponents of this bill. We have introduced it simply to illustrate to what extremes Mrs. Brown has been forced to go, even in incorrect testimony, to make her case.

The CHAIRMAN. I just want to ask one question. Did you price that apartment to the applicant at $70?

Mr. REED. I did not; no. I do not think that any information of that kind was given out of our office, either. I would not have given it, but I am not in the front office.

The CHAIRMAN. I would like to have somebody submit to the committee a list of vacant apartments with their rentals. So many ten-

ants have written to me and asked me to supply them with a list of vacant apartments of $50 and under, that they were wanting such a place, and that they thought it should be brought out at this hearing.

Representative BLANTON. I want to proceed, Mr. Chairman.

And then a Mr. Low, who represented a realtor, insisted on testifying, when I was insisting on giving the few property owners who had not been misled by the incorrect newspaper notices a chance to be heard. But I was never permitted to place a single one of them on the stand. I quote from the hearings to show what occurred.

Representative BLANTON. I prefer to have Mr. Low stand aside.

The CHAIRMAN. I have a lot of questions I would like to ask of Mr. Low.

Representative BLANTON. I would like to have the property owners who are here to have an opportunity to be heard, even though they have not had a fair statement of the situation in the papers. There are a few here, but go ahead.

Mr. LOW. I am not here to defend Mr. Baskin or any landlord, but I have followed these proceedings pretty closely; I have listened to the testimony and I have heard statements made by these Tenants' League people which were so exaggerated in many cases, so absolutely untrue and, more especially, which were so calculated to keep the real facts from coming out, that I have felt——

Representative BLANTON (interposing). If you want to give some facts, get down to them.

The CHAIRMAN. I think we could bring out what we want by questions.

Representative BLANTON. I would not want the chairman to take up all the time that has been given. Some knowledge that I have has made me fundamentally against the rent law, and I want to show what is in my mind and what is making me take a stand against this bill. It is my knowledge of conditions here that does not agree with the chairman's knowledge of them.

The CHAIRMAN. I would like to ask if the Chair is not permitted to ask any questions?

Representative BLANTON. The Chair led these other witnesses; couldn't I lead a few of them? If this is the Chair's time, though the newspapers said it was the tenant's night, I will turn it over to him. I would rather go home with my family than waste my time. If the Chair is an unfair as that, I will go home.

(Mr. BLANTON thereupon left the room.)

And thus not a single individual property owner in the District of Columbia was ever permitted to appear and be heard against a bill that will continue to withhold from owners their property, which the law has already withheld from them nearly seven years.

TENANTS' LEAGUE

Now, Mr. Chairman, let me mention the testimony that was offered by witnesses in behalf of this bill. I do not believe that it impressed a single member of the joint committee. Practically all of it that was first hand, and not hearsay, was introduced under the direction of the Tenants' League, in charge of its secretary, Mrs. Brown, and its president, Mr. Edward H. Schirmer. Concerning same, let me quote the following from the hearings:

Mr. MCKEEVER. I now submit a contract between E. H. Schirmer and Frances M. Butts, together with a copy of the declaration in suit No. 111819 in the Municipal Court of the District of Columbia. I wish you to understand that I am not introducing this evidence for the purpose of bringing Mr. Schirmer's financial difficulties to the attention of the committee, but in order to disclose to the committee the purposes and objectives back of the forming of the Tenants' League, who are now so actively working before this committee in support of the Whaley bill. The contract to which I refer is as follows:

"WASHINGTON, D. C., ——, ——.

"This contract, made and entered into this 4th day of September, 1924, for and between Edward H. Schirmer, party of the first part, and Frances M. Butts, party of the second part, witnesseth that:

"For and in consideration of $150 cash in hand, paid by the party of the second part to the party of the first part, the party of the first part, Edward H. Schirmer, agrees and promises to meet the note given by him this day to the party of the second part for $150 in 30 days if by that time the party of the second part is not fully satisfied to become a partner with him in a tenants' league of Washington, which he is now forming and for the expenses of which he wishes to use this money. If Frances M. Butts, party of the second part, is within 30 days fully satisfied to become a partner in said tenants' league, she is to pay to Edward H. Schirmer, at such time as shall be agreed between them, the balance of the sum of $500, for which she is to have one-third interest in said tenants' league, with all the rights pertaining thereto.

Signed this 4th day of September, 1924, in the city of Washington, D. C.

E. H. SCHIRMER.
FRANCES M. BUTTS.

In the Municipal Court of the District of Columbia. Frances M. Butts, plaintiff, v. Edward H. Schirmer, defendant. No. 111819.

PLAINTIFF'S DECLARATION

"The plaintiff sues the defendant for:

"1. That heretofore, to wit, on the 4th day of September, 1924, the plaintiff and defendant entered into a contract, a photographic copy of which is hereto annexed and marked 'A' on the bill of particulars hereto annexed. That in accordance with the said contract, the plaintiff loaned the defendant the sum of $150 for 30 days from the said date; that there has been paid on account the sum of $30, leaving a balance of $120, which sum, with $1.60 interest, is now due the plaintiff.

"2. That the defendant, Edward H. Schirmer, on the 5th day of November, 1924, by his promissory note, now overdue, promised to pay C. S. Butts or order at the Riggs National Bank of Washington, D. C., $120 one month after date, and the said C. S. Butts indorsed the same to the plaintiff; but the defendant did not pay the same.

"3. That heretofore, to wit, on the 4th day of September, 1924, the defendant represented that he was about to organize a certain organization to be known as the tennnts' league; that the said tenants' league would be extremely profitable to its promoters and organizers, and would result in large revenues to the original promoters and organizers by dues and other collections; that a great number of persons in the city of Washington would become members of such organization, if properly promoted, and that the said organization or similar organizations would be extended to other cities throughout the United States, thereby further increasing the revenues and profits to be derived by its original promoters and organizers, and that the said defendant would, in consideration of the payment to him of $500, assign, transfer, and set over to the plaintiff a one-third interest in the said organization and to the dues, proceeds, and revenues therefrom.

"That the plaintiff did advance the sum of $150 on the said date to the defendant as a loan and did agree with the defendant that the plaintiff would have an option running for 30 days, during which to pay the additional sum of $350 if the plaintiff would elect to become an owner and partner of one-third interest in the said tenants' league, and did further agree that in the event the plaintiff did not exercise such option of becoming a partner in the same organization, the defendant would return to her the sum of $150 with interest within 30 days from the said date. That in accordance with the said arrangement, a contract was executed between the parties in writing, a copy of which is hereto anexed, marked 'A' on the bill of particulars hereto annexed, and that the defendant did execute his promissory note in the said amount as security for the advance of $150. That the plaintiff has become cognizant of the true aims and purposes of the aforesaid organization, and has upon the maturity of the said note demanded payment thereof, which payment was refused, all this in accordance with her rights in and under the agreement herein set forth. That after much difficulty the plaintiff was enabled to obtain and secure two payments each in the sum of $15 upon the entire debt hereof, together with a note for the balance in the sum of $120, a copy of which note is hereto annexed and marked 'B' on the said bill of particulars, which note has since become due; that payment thereof was not made, and that she has been unable to obtain payment of said note; that she has made repeated demands for the payment of said note, but payment has been refused.

"That above three counts are for the same cause of action.

"And the plaintiff claims $121.60, with interest thereon from the 5th day of December, 1924, besides costs."

Representative HAMMER. That note has been paid now.

Mr. MCKEEVER. I understand it has been settled; yes, sir.

Mr. GORE. Have you a copy of the order entered in the case?

Mr. MCKEEVER. I have sent for a photographic copy of it, but I have not received it yet. I was to get it here this morning.

This contract was entered into on September 4, 1924, and the Tenants' League was organized on September 17, 1924.

Representative BLANTON. Mr. McKeever, has this Mr. Schirmer had anything to do with these hearings?

Mr. MCKEEVER. I have seen him around here, and I understood that the secretary of the Tenants' League and he together were directing the proponents' side.

Representative BLANTON. Was he the one who was with Mrs. Brown?

Mr. MCKEEVER. Yes.

Representative BLANTON. I just wanted to show his connection.

Mr. MCKEEVER. I was told it was he. I do not know him. I am told now that he has just this moment left the hearing room.

Representative BLANTON. Just gone out of this room?

Mr. MCKEEVER. Yes. This contract was entered into on September 4, 1924, and the Tenants' League was organized on September 17, 1924, and it was, you notice, proposed in the contract that I have just read to organize the Tenants' League. Gentlemen, it needs no further comment from me to convince you that the real purpose in forming the Tenants' League was not to help the tenants.

It will be remembered that on February 28, 1924, the Senate passed Senate Resolution 158, appropriating $2,500 for its Dis-

trict Committee to make a survey of rental property. On April 7, 1924, there was distributed to each Member on the floor of the House a seven-paged printed pamphlet, signed by one whose name we know, dated April 3, 1924, addressed to the Senate Committee on the District of Columbia, purporting to be his report made for the Senate on said rental conditions. And it will be remembered that this party had just recently served a sentence in the Delaware penitentiary for embezzlement by bailee. Then it will be remembered that on said April 7, 1924, the Senate passed Senate Resolution 203, providing the Senate committee with an additional $5,000 to make a further investigation, and this was conducted by Edward H. Schirmer, who is president of the Tenants' League, and who, when procuring the $150 from Frances M. Butts, represented to her as an inducement to her joining him in organizing said league that—

the said Tenants' League would be extremely profitable to its promoters and organizers, and would result in large revenues to the original promoters and organizers by dues and other collections, that a great number of persons in the city of Washington would become members of such organization, if properly promoted, and that the said organization or similar organizations would be extended to other cities throughout the United States, thereby further increasing the revenues and profits to be derived by its original promoters and organizers, and that the said defendant would in consideration of the payment to him of $500 assign, transfer, and set over to the plaintiff a one-third interest in the said organization and to the dues, proceeds, and revenues therefrom.

CHARACTER OF TESTIMONY AND MANNER OF CONDUCTING HEARING

The testimony of Mrs. J. A. Tschipke well illustrates the above. She had testified that her rent was raised; that she was evicted without cause; that she was sick in bed and unable to move; that in a heartless manner her things were thrown out into the cold, and she had put in the record newspaper reports of the transaction with pictures in the press of her and her things when being thrown out. The following is my cross-examination:

Representative BLANTON. You are not an employee of the Government?

Mrs. TSCHIPKE. No.

Representative BLANTON. And your husband is not?

Mrs. TSCHIPKE. No.

Representative BLANTON. Your husband is conducting a private business here for profit in Washington?

Mrs. TSCHIPKE. Yes.

Representative BLANTON. A novelty store?

Mrs. TSCHIPKE. Yes.

Representative BLANTON. How many men does he work?

Mrs. TSCHIPKE. Nobody.

Representative BLANTON. You mentioned a while ago that you went to the man who was working for him.

Mrs. TSCHIPKE. We had a watchmaker working in the place and we gave him free space.

Representative BLANTON. That is the reason what I asked about. You went to him?

Mrs. TSCHIPKE. Yes. He was not working for us. He was working for himself. He is a watchmaker.

Representative BLANTON. He does the watchmaking business and repairs for your husband's business?

Mrs. TSCHIPKE. Yes.

Senator COPELAND. Let us be clear about that. Does this man work for your husband?

Mrs. TSCHIPKE. No.

Representative BLANTON. I prefer to have the Senator let me ask my own questions.

Senator COPELAND. I prefer also to have the record correct.

Representative BLANTON. I want to be perfectly fair. I am fair to the Senator. If we are not going to conduct a fair hearing I do not care to participate in it.

Representative HAMMER. But you assume things that are not correct. That is the trouble, Mr. BLANTON.

Representative BLANTON. The man who repairs watches in your husband's place of business, you spoke of a while ago voluntarily as a man who was working for you.

Mrs. TSCHIPKE. No; he is not working for us. He is working with us.

Representative BLANTON. Then you made a mistake when you said that?

Mrs. TSCHIPKE. Yes; if I said that.

Representative BLANTON. Did you get any profit from the work he does in your place of business? Do you get a profit from his work?

Mrs. TSCHIPKE. Yes.

Representative BLANTON. From the repair work?

Mrs. TSCHIPKE. Yes.

Representative BLANTON. If I bring my watch there to be repaired I would turn it over to you and you would have this man repair it and you would get part of what I pay and he gets part?

Mrs. TSCHIPKE. That is it.

Representative BLANTON. You have lived in Washington how long?

Mrs. TSCHIPKE. Eight years.

Representative BLANTON. You have paid this owner, since September, how much rent?

Mrs. TSCHIPKE. I have not figured out the whole amount.

Representative BLANTON. Have you paid him any amount since last September? Have you actually paid him any rent since September?

Mrs. TSCHIPKE. I have paid him everything, and here is this month's rent which he has sent back.

Representative BLANTON. I mean, how much money have you paid him since September that he has kept?

Mrs. TSCHIPKE. The same rent what the Rent Commission fixed, $47.50.

Representative BLANTON. When was the last $47.50 you paid him?

Mrs. TSCHIPKE. That was returned?

Representative BLANTON. No; he did not take that check which you show me.

Mrs. TSCHIPKE. That was November.

Representative BLANTON. So it was not a payment?

Mrs. TSCHIPKE. No.

TURNED OUT TO BE FRAME-UP

Representative BLANTON. I do not know who has charge or who is going to present the evidence, but before they begin I want to say to the committee that one of the deputy marshals is here concerning whose action with reference to an eviction there was some testimony the other day. I would like to have him heard at this time. I have not talked with him about his testimony, but I would like to hear his side of the eviction story.

Mr. BRANDENBURG. Mr. Callahan is here and ready to testify.

TESTIMONY OF STEPHEN B. CALLAHAN

(The witness was duly sworn by the chairman.)

Representative BLANTON. You are a deputy United States marshal?

Mr. CALLAHAN. I am chief deputy United States marshal.

Representative BLANTON. There was some evidence here either yesterday or the day before by a lady with reference to an eviction with which you had some connection. Will you just tell exactly what connection there was of your office or yourself officially with that matter?

Mr. CALLAHAN. On Saturday, the 3d day of January, gentlemen of the committee, a lady came into my office at the courthouse and opened an envelope and showed me a letter which she had received from one of my deputies, in which he stated she was to be put out on the 3d day of January. She wanted to know what time the eviction would take place. I told her that it was sort of a courtesy notice that we sent to tenants notifying them we would have to evict them and that we did not evict people on Saturday. "But I want to be evicted. I don't want this to go over."

Representative BLANTON. She said that?

Mr. CALLAHAN. This is the conversation I am giving you. She said, "I want this thing published." I said, "Madam, we do not want any publicity in these matters ourselves. We want no write-up. They generally jump on the marshal's office and his deputies. I am going to take the liberty of extending this time myself, but I will first talk to the agent." I got him on the phone and asked him to extend the time for three or four days, anyhow, until Thursday at least, on account of the weather conditions. "No; now wait a minute. Don't you go any further now. I want this stuff put out on the street because I have already arranged with the newspapers to take a picture and write this matter." I said, "You are not going to write my office up. I am going to hold you off on it." Then I had Mr. Tribby to let her stay until Thursday, all day Thursday, and if she didn't get out I would put her out on Friday. So Wednesday the lady came into my office again.

Representative BLANTON. The lady is in the room.

Mr. CALLAHAN. That [indicating] is the lady. On Wednesday she came back to my office again. She said, "I can't get out, Mr. Callahan, on Thursday. Can't you extend the time?" I said, "I can not do any more for you. I passed my word about it. You had better move or go some place else and get your stuff out. They insist on us putting you out."

On Thursday about noontime my deputy who has charge of the division from which this lady came was in my office discussing matters. He comes over every day and reports to me. While he was there a reporter from the Herald wanted to know when we were going to put Mrs. Tschipke out. I said, "I don't know. I guess she has moved." I said, "Call up the other office and find out if those people have moved out." That was on Friday. I was wrong about it being Thursday. It was at noontime on Friday. He called up, and Mr. Tribby said, "No," and that he wanted possession. I said, "You will have to give Mr.

Tribby possession of his apartment." I said, "Send somebody up there; if you haven't got the regular man, get somebody else, but go up there and give possession, otherwise they will come back on the marshal." That is all I know of the case.

Representative BLANTON. This is a short agreed judgment between the parties in this case, and it is a very material matter that I want to go in the record, with the permission of the committee. This is an agreed judgment in the municipal court of the District of Columbia in the case of C. E. Tribby, plaintiff, against J. K. Tschipke, defendant. It is marked "Filed, municipal court, November 8, 1924," and reads as follows:

"Now come the parties hereto by their counsel and agree as follows:

"First, that judgment in the above-entitled cause for possession of the premises therein described be rendered forthwith in favor of plaintiff.

"Second, that stay of execution be had until December 31, 1924, provided the rental due for the months of October and November be paid forthwith and provided that the rental for the month of December be paid on or before November 25, 1924. In the event of a failure on the part of the defendant to keep and perform any or all of the above conditions execution shall issue forthwith."

This is signed by the attorney for the plaintiff and signed also by attorney for the defendant. The writ was not issued until after that day. You served the writ on either January 6 or January 7?

Mr. CALLAHAN. It was issued on the 2d day of January and was executed, I believe, on the 9th.

Representative BLANTON. You served it finally?

Mr. CALLAHAN. Notice was served first.

Representative BLANTON. When did you put the goods out on the street?

Mr. CALLAHAN. The deputy marshal put her out on the 9th, Friday.

Representative BLANTON. And the judgment provided they were to go out on December 31?

Mr. CALLAHAN. That is a judgment by confession of the parties. They agreed to vacate by the 31st of December, "Costs as per stipulated herein." There is the docket entry right on the paper.

TESTIMONY OF G. C. TOUHEY

Mr. TOUHEY. On Friday, the 9th, I received orders from the chief deputy of the municipal court to execute a restitution at apartment No. 4, 1300 Massachusetts Avenue. I went up there and was met at the door by a couple of photographers and some newspaper men. I told them I did not have anything to say, that they could talk to the lady. I rang the bell and waited about two minutes, and then Mrs. Tschipke came to the door. She looked as though she had just gotten up or had slept late that morning. She, of course, was a little bit nervous. I read the writ of restitution to her and told her I would have to execute it. I had four men there to carry out the actual work. She said something about not feeling well. I told her I was very sorry, but she had expected us to come up to execute the writ, as notice had been mailed to her and the landlord had spoken to her and all that sort of thing, and that I would have to go ahead.

A good many things in the apartment were all packed up. Evidently she expected the marshal up during the last day or so to put things out, because nearly all of the small articles were all packed up and ready to go. She stated that she would have to call an ambulance to go to the hospital. Of course, I did not know anything about that side of it. She went back in her bedroom, and I started the men moving out some of the furniture in the front part of the apartment, and she immediately came out there and started to tell them what not to take out right away and what to take out and took some pretty good-sized bundles out of their hands. If she was ill I do not imagine she should have lifted as much as she did or rushed around the way she did.

I went on, as our instructions are to execute the writ in a quiet way and with the least amount of embarrassment I could to the lady. Her husband arrived shortly before the furniture was all out, and I had them both look over the apartment to see that everything was out, and he gave me his key and she gave me hers, and the reporters were there getting a story from them, and I immediately left.

Mr. BRANDENBURG. What papers were represented there, do you recall, or how many?

Mr. TOUHEY. I know that the News and, I think, the Times.

Mr. BRANDENBURG. The photographers were also there?

Mr. TOUHEY. The two photographers; yes.

Mr. BRANDENBURG. Did you notify those papers that you were about to serve this writ of restitution?

Mr. TOUHEY. No, sir.

Mr. BRANDENBURG. Had any notice, directly or indirectly, been conveyed by you to the newspapers that you were about to serve the writ of restitution Did you give any notice in any way?

Mr. TOUHEY. No, sir.

Mr. BRANDENBURG. You do not know who did notify the papers?

Mr. TOUHEY. No; I do not.

And later on it developed that Mrs. Brown, of the Tenants' League, was the prime mover in this newspaper photographic notoriety.

IS CHAIRMAN WHALEY AN UNPREJUDICED RENT COMMISSIONER

Within a few minutes after the joint hearings opened Chairman Whaley testified to the following:

For the past six years landlords as a general rule have absolutely refused to make any repairs, to do any repairing, plastering, or papering. For the sake of squeezing the last dollar out of the property they have failed to furnish proper heat and in many cases no heat at all. * * *

Another instance of it is like this: There may be a leak in the bathroom. That leak continues until after a while the ceiling begins to fall. It is neglected for one or two or three months. I know of one instance where it was neglected for four months and the ceiling began to fall. The landlord paid no attention to it at all, and the tenant's property was being damaged in the bathroom.

Senator JONES of Washington. Had notice been given to the landlord?

Mr. WHALEY. Yes, sir; repeatedly given to the landlord, and nothing was done. All we would say is, "Where you have accepted the money in advance and you have agreed to render the service you must either render it or we will penalize you for not rendering it." I do not think there is anything drastic in that section.

Senator JONES of Washington. I would like your list to include the landlords covered by those various incidents.

Mr. WHALEY. That last instance I gave about the bathroom is my own case in my own apartment.

Senator JONES of Washington. I do not know where that is, nor do I know the name of the landlord.

Mr. WHALEY. I am just giving that as an illustration.

Senator JONES of Washington. Give the name of the landlord.

Mr. WHALEY. H. L. Rust & Co. I have been there eight years in the apartment.

Representative BLANTON. I take for granted the President will retain the present board. With regard to the present chairman I offer this, not reflectively, but just as a question of fact. The chairman of the commission has testified that he has suffered for four months with his own landlord, H. L. Rust & Co., who left a leaking roof going on until the plaster was dropping down. Feeling a grievance against a landlord like that——

Mr. WHALEY. I do not feel any grievance. I have been on both sides of the fence.

Representative BLANTON. Would a person be able to sit impartially with that feeling?

Mr. WHALEY. Yes.

Representative BLANTON. In a case against H. L. Rust & Co.?

Mr. WHALEY. H. L. Rust & Co. are among the best friends I have in town. I like both of them, H. L. Rust and his son. I think the world of all of them.

Representative BLANTON. H. L. Rust, of which Mr. John Bowie is a member——

Mr. WHALEY. Yes; and I know him well, too.

Representative BLANTON. They are two of the highest-class citizens in Washington, are they not?

Mr. WHALEY. Yes.

Representative BLANTON. High classed in every respect?

Mr. WHALEY. I think so.

Representative BLANTON. And the most honorable real-estate men you find anywhere?

Mr. WHALEY. I think so. I do not think you will find better men in Washington than H. L. Rust and sons.

TESTIMONY OF JOHN F. M. BOWIE

(The witness was duly sworn by the chairman.)

Mr. BOWIE. I understand from reports that the chairman of the Rent Commission in his testimony before the committee made a statement that the property owners were not furnishing service nor were they making repairs, very much to the discomfort of the tenants, and when asked for specific instances he cited his own landlord as one who had failed to keep his obligations.

I represent the landlord of the chairman of the Rent Commission and I think he did his landlord an injustice in that he did not state the whole case. I would like to get into your record the whole facts in connection with it.

Mr. Whaley rented this apartment in the Iroquois Apartment, 1410 M Street, in August, 1916. He paid for a four-room and bath apartment, with elevator service, $40 a month. He is still occupying that apartment and paying $60 a month. I have gone over our books, and for the period of 18 months beginning July 18, 1923, and ending February 1, 1924, the following improvements were made upon his apartment and the following amounts paid for those improvements:

July 18, 1923, repairing waste pipe in the kitchen, $21.50.

September 26, 1923, new medicine cabinet and other carpenter work, $22.

October 10, 1923, new window shades, $8.95.

November 21, 1923, new electric fixtures, $45.27.

November 19, 1923, painting and papering throughout, $150.

December 17, 1923, new flush tank, $30.

February 9, 1924, glass shelf in bathroom, $2.

February 1, 1924, repairing shelves, $3.50.

This made a total of $283.22 spent upon Mr. Whaley's apartment in a period of approximately 18 months, showing that he was given approximately 5 months' rent or that 5 months' rent was expended in his apartment out of those 18 months.

He made some reference to a leak which I understood he said came from the roof and that he called it to our attention and it was not promptly attended to. It was his custom as a rule to call my attention to things that he wanted when I appeared before the Rent Commission. It is possible that he may have spoken to me about that leak and I overlooked it. However, when he called our office and reported it, it was attended to right away. It has been fixed. Mr. Whaley knew that that leak was not intentionally neglected.

That is all I wish to say.

The officers of the Washington Real Estate Board, representing only about one-fourth of the realtors of the city, testified to the following vacant properties now offered for rent in Washington:

Survey of vacant properties based on reports of 85 rental offices affiliated with the Washington Real Estate Board

Unfurnished heated apartments	969
Unfurnished apartments not heated	69
Unfurnished houses	524
Total unfurnished properties	1,562
Furnished apartments	54
Furnished houses	108
Total furnished properties	162

Rentals of the above mentioned unfurnished apartments range as follows:

Up to $35 per month	64
From $36 to $50 per month	246
From $51 to $75 per month	486
From $76 to $100 per month	160
From $101 to $125 per month	62
From $126 to $150 per month	6
Over $150 per month	14

A total of 310 listed at $50 or less and 486 listed at from $51 to $75, or a total of 796 listed for $75 or less and 242 listed at over $75.

Rentals of the above unfurnished houses range as follows:

Up to $35 per month	38
From $36 to $50 per month	64
From $51 to $75 per month	145
From $76 to $100 per month	135
From $101 to $125 per month	56
From $126 to $150 per month	36
Over $150 per month	66

A total of 248 houses at $75 or less and 293 at over $75.

The sizes of the unfurnished apartments listed range as follows:

1 room and bath	30
2 rooms and bath	155
3 rooms and bath	433
4 rooms and bath	230
5 rooms and bath	131
6 rooms and bath	44
Over 6 rooms and bath	55

The sizes of the unfurnished houses listed range as follows:

4 rooms and bath	19
5 rooms and bath	27
6 rooms and bath	164
7 rooms and bath	64
8 rooms and bath	71
9 rooms and bath	68
10 rooms and bath	43
Over 10 rooms	68

The apartments and houses reported are located in the four sections of the city as follows:

Northwest	1,501
Northeast	99
Southwest	35
Southeast	89

In addition to the above, the following apartments under construction were also reported:

Available Feb. 15	115
Available Mar. 1	384
Available Apr. 1	134
Available May 1	119
Date of completion not given	16

Showing a total of 768 additional apartments coming on the market approximately within 90 days.

And each specific piece was then fully described in detail, giving the number of rooms, baths, and garage, and the price and location.

Illustrating some of the interruptions of witnesses, I quote from the hearings the following:

Mr. MCKEEVER. In the case of Knoxville v. Water Company (212 U. S. 1) it was said:

"Our social system rests largely upon the sanctity of private property, and that State or community which seeks to invade it will soon discover the error in the disaster which follows. The slight gain to the consumer which he would obtain from a reduction in the rates charged * * * is as nothing compared with his share in the ruin which would be brought about by denying to private property its just reward, thus unsettling values and destroying confidence."

In Kennedy Bros. v. Sinclair, decided by the Court of Appeals of the District of Columbia, and reported in Two hundred and eighty-seventh Federal Reporter, pages 972, 977, it was said——

Representative HAMMER. When was that? The Federal Reporter has not been issued for two years. It was eliminated. It must be an old case.

Mr. MCKEEVER. This is the case of Kennedy Bros. v. Sinclair. Sinclair was a rent commissioner.

Representative HAMMER. That was several years ago.

Mr. MCKEEVER. The fact that it was makes it all the more important. It was, I think, a little while back.

Representative HAMMER. Are you not aware that you can find authority for anything in the Federal Reporter?

Mr. MCKEEVER. I think this case in the Court of Appeals of the District of Columbia may have a particular bearing on it in view of the fact that that is the court to which your act is going to go.

Representative HAMMER. Yes; that is true.

Representative BLANTON. Right there, let me suggest that the court must have converted former Rent Commissioner Sinclair, because now he says this law is uneconomic and ought not to be passed.

Mr. MCKEEVER. I think they must have.

Representative BLANTON. I got a strong letter from him the other day urging that view of the matter.

Mr. MCKEEVER. I know he is very much opposed to the necessity for any bill of this kind.

Representative HAMMER. They were just as much against him as they are against Whaley now, and more so, I guess, when he was in.

Mr. MCKEEVER. That 's right.

Representative BLANTON. That indicates that when they are in they want to stay in, and when they are out they do not believe in the law. [Laughter.]

Mr. MCKEEVER. That, Mr. BLANTON, is the reason why we say that if you let this law die for one year, and there are no rent commissioners to urge the passage of it or lobby for it, there will be no further extensions of the law and no necessity or request for the law.

Representative HAMMER. I thought you said last night that you wanted to change the date six months.

Mr. MCKEEVER. No; we want you to kill it now.

May I finish this case?

The CHAIRMAN. Go ahead.

Mr. MCKEEVER. In this case of Kennedy Bros. v. Sinclair (287 Fed. Rep. 972, 977) the court said:

"Price fixing and rate regulation of purely private enterprises necessarily interfere with the law of supply and demand, and even when most carefully, prudently, and justly done generally result in economic complications and social disorders worse than the evil sought to be remedied. That must always follow if the arbitrament of prices or rates breeds distrust, discourages capital, or diverts it to less beneficial although safer investments."

That is exactly what is being done here.

I quote further from the hearings the following position of a woman's organization in Washington:

2506 CLIFFBOURNE PLACE,
Washington, D. C., January 10, 1925.

Hon. T. L. BLANTON,
House of Representatives, Washington, D. C.

DEAR SIR: Will you permit me please to bring to your attention how the rent bill before Congress assails the most cherished interests of women?

This bill would establish a commission to control rents and fix the value of all housing property in the District of Columbia. It is based on the assumption made by its backers that Federal employees are a permanent tenant class and stands on the argument that to diminish alleged ills of this assumed unfortunate class, to destroy constitutional rights of owners of housing property is justified. Such legislation with the rest would destroy the economic basis of home making.

The rent bill before Congress is not a mere matter of business affecting only real estate dealers on the one hand and tenants on the other. It involves all property held as homes in the District of Columbia.

In no particular is the proposed rent bill so faulty in its construction of economic relations as when it arbitrarily distinguishes between property used for business and property used for housing, and applies its terms to the latter with no regard to value operating in the conduct of family affairs. Not only property rented for housing but property occupied as home is as much a matter of business as property occupied for stores and factories. It figures in household economy and cost of living and thus affects the purchasing power of salary and of price.

That the proposed rent law now before Congress destroying constitutional rights of property owners would likewise destroy the economic basis of home making is not a subject for sentimental consideration. It is an important consideration of business, and the rent bill, making no account of this, does injury alike to business interests and to home makers who are logically inseparable allies to oppose the bill.

Justice Field in the Munn case has said, "There is indeed no protection of any kind under constitutional provision which does not extend to the use and income of the property as well as to its title and possession." Commenting on the foregoing, Prof. John R. Commons, in "Legal Foundations of Capitalism," says, "The title of ownership or the possession of physical property is empty as a business asset if the owner is deprived of his liberty to fix a price on the value of the product of that property." The sale of the product of home ownership is rent. Depriving householders of liberty in this regard, backers of the proposed legislation evoke the police power of Congress. As to that, Justice Blatch, Minnesota Rate case, for the majority wrote, "The power to regulate [police power] is not the power to destroy, and limitation is not the equivalent of confiscation."

The proposed rent bill for all business purposes confiscates the property acquired in a home of one's own. The profits of the wageless work of wives and the economies of homemakers normally find an ideal investment in home ownership. In the past Federal employees no less than others of moderate income have been able to raise families in the enjoyment of means economically adjusted to acquiring homes of their own. But investment in home ownership to be sound must be negotiable on terms of equality with other investments or persons of small means, least of all women, dare not touch it. The home maker whose life energy has gone into the ownership of a home, for the protection of herself and family in need, on occasion of illness or death of the husband, must be able freely to contract as to the disposition of her home property which must be valued like other economic goods according to market conditions or home ownership becomes a liability that only the wealthy may safely assume. The rent bill now before Congress proposes to create a commission empowered arbitrarily to fix the value of the widow's home property and to fix the income she may derive from it regardless of her necessities. Moreover, the aged widow dependent on the rent of her home to live, by the terms of the proposed rent law virtually loses possession of her property, for the tenant is empowered to occupy rental property as long as he likes, also to make all the trouble he likes, the proposed rent law being ingeniously devised to stimulate endless demands on the part of tenants which the owner must meet or suffer endless expense going into the courts for protection.

The proposed rent law aiming to fix Federal employees in the economically degraded category of a permanent tenant class would legislate a large increase of that class by making individual home ownership an investment that no person of moderate means reasonably could undertake. Eliminate the reasonable aim of home ownership and the main screw of American household economy is gone. The proposed rent law tends also to frighten persons of small means from investing their economies in small income-producing rental property which in the past has been a favorite investment of honest men and women in Washington. This class of property owners has even now greatly diminished under the operation of the existing rent law to the increased hardship of tenants. The very ills of tenants which the rent law before Congress is advertised to remedy largely result from the existing rent law which has so hampered individual ownership of housing property as to clear the real estate investment field of individual small owners for the wider operation of powerful corporate interests that promote extensive building operations not for housing purposes but to the end of the profits to be realized in the pyramiding of loans. This matter was reported to the last session of Congress and no remedial action has since been taken. The anomaly of many vacant apartments existing at the same time that tenants desperately seek shelter for their heads is explained in that wealthy corporations speculating in the Washington housing field find it to their profit to figure loss on these intentionally vacant apartments in making their income-tax returns. Some one has said, "The greatest discovery in modern times is that debts may be bought and sold." But that was before income-tax laws revealed the profit to be derived from losses.

The ills which tenants in Washington suffer under present conditions admit of no uncertain remedy. Congress in the past found means to rescue families and homes from the avarice of chattel mortgage sharks. Honest intention in regard to the existing housing situation would stir Congress to deal directly with the real estate loan shark. For the relief of the particular housing difficulties of Federal employees the obvious remedy is for Congress to vote increase of salaries adjusted to prevailing cost of living. Not only have prices of the necessaries of life vastly increased the past 10 years, but increased employment of married women in wage earning compelled by inadequate salaries such as many Federal employees receive (an average of $1,500 per year) unquestionably increases cost of living in consequence of a disordered household economy resulting in such case. President Coolidge is reported in the press as backing the proposed rent bill "for the protection of Government employees against the need of increased salaries." What is meant no doubt is that the President views with alarm the reaction upon taxpayers of any proposed increased cost of Government. But what of the cost of the projected rent law? Taxpayers should know that it provides nearly $50,000 annually in specified salaries with additional salaries unspecified, and besides carries an omnibus provision that the Comptroller General of the United States shall pay any and all vouchers for expenditures for the Rent Commission on the approval of the chairman of the commission, whose signature "shall be a sufficient warrant and authority." However, the cost, perhaps, most to be dreaded by the taxpayer in his rôle of maintaining American institutions and liberties is the intangible cost resulting from the death blow that the rent bill before Congress would deliver against the American ideal of home ownership, for home ownership is the economic guarantee of the home maker's activities and the sustaining principle of American family life, in which connection also must be taken into account the reduced purchasing power of salary that the proposed rent law would effect by the confusion of household economy to result from destroying the economic basis of home making.

There are over 35,000,000 women in the country by profession home makers. These women want a law which will put the real estate loan shark out of business in the National Capital, they want the ownership of homes removed from the incubus of a rent law that is destructive of constitutional rights, they want Federal employees redeemed from the enforced inferiority of a permanent tenant class and assured the reasonable hope of achieving the American ideal of home ownership.

The majority leader of the House, Representative LONGWORTH, after conferring with the President is reported to have pledged a vote on the rent law in Congress. That vote will be carefully studied with regard to the economic interests of home makers, and Congressmen looking ahead two years to their own interests may wisely now reflect that after all the vote of 35,000,000 women counts.

Very truly yours,

FLORA MCDONALD THOMPSON,
Chairman Fact Finding Committee on Women's Economic Relations.

VOLUNTARY REDUCEMENTS IN RENTS WITHOUT COMMISSION

For months we have had no commission functioning in Washington because restrained by the courts. Yet during this time, pages 556 to 590, inclusive, of the hearings embrace solid printed lists after lists, duly sworn to, of many, many properties rented in the District upon which the owners have voluntarily reduced the rents.

Mr. DENISON. Has the committee reported this bill?

Mr. BLANTON. I am glad to say that even the committee could not agree with the President, and they have just reported a simple resolution here extending the life of the Rent Commission over for another year. Of course, that meets the main bone of contention, because the main bone of contention for these five commissioners and their employees is to still draw their salaries, and when you extend the life of the commission and its employees for another year they will still be on the pay roll, so that their trouble is ended, and they have not said one word against the action of the committee. That is Title I of the bill that comes in here next Monday.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHNEIDER. Now, the President will be required to veto that bill if economy is the thing desired to be carried out.

Mr. BLANTON. I hope he will, but he will not have to do it to make it inoperative, for as soon as the Rent Commission is extended by this bill another year the courts are going to restrain them again. Whenever the Supreme Court of the United States speaks you can just bet your life that the people are going to hear its decision. I want to say this, that no poor person ought ever to criticize a decision of the Supreme Court of the United States or any other court. The Supreme Court of the United States and the courts of this country are the only safety that the poor people of this country have. The rich can protect themselves. It takes a decision of court to protect the poor.

Mr. WEFALD. Does not the gentleman know that the President was elected upon a program of protecting the court?

Mr. BLANTON. Yes; and if he had not promised to do that he could not have gotten one-third of the votes that he did get. If he had gone off on a fool idea such as was proposed by Mr. LA FOLLETTE, that the Congress should set aside a decision of the Supreme Court, he could never have gotten a corporal's guard to support him.

Mr. WEFALD. Does not the gentleman think that if we pass the bill here that the President tells us to pass, and if it goes to the Supreme Court they will find the bill constitutional

when the man who made us pass it was the man elected on the program of protecting the courts?

Mr. BLANTON. I think a great deal of my friend from Minnesota [Mr. WEFALD], although I differ with him on economic questions as much as any men can differ, and yet personally I like him immensely. He and I differ on fundamentals in an economic way, but personally I think that he is a fine, splendid gentleman, and I am glad that he honors this House here with his presence, but I will tell you what is now the matter with the President on this bill; so many gentlemen who occupy positions on this Rent Commission had been deviling the life out of the President, and for the last eight months they have been afraid they will lose their positions and salaries, and they made his life miserable through the press. They are claiming that the poor tenants are imposed upon; they are claiming that they are about to be evicted. They have overimportuned him. You can not get a statement over his signature that the President wants this bill passed; not one. I want to say to you gentlemen that I am not a tearer down but a builder up. I proposed the only constructive features of this bill, which has been reported to-day by the committee. Read titles 2 and 3. They ought to be passed. I am going to ask you gentlemen to strike out title 1, that has been held unconstitutional. Let this Rent Commission die, and then pass titles 2 and 3 of the reported bill, for they are good. That will meet the situation. I wrote both of those titles, every word.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. The gentleman from Kansas promised me 10 minutes.

Mr. AYRES. I yield the gentleman 10 minutes.

Mr. BLANTON. Let me quote Title II of the bill, and it is good and should pass:

TITLE II.—TO PREVENT FRAUDULENT TRANSACTIONS RESPECTING REAL ESTATE

SEC. 4. The real consideration shall be stated in every deed, deed of trust, or other conveyance of real property situated within the District of Columbia, and it shall be unlawful for any grantor, whether an individual, copartnership, association, or corporation, to execute any deed, deed of trust, or other conveyance of real property situated within the District of Columbia, that does not state the real and true consideration. And it shall likewise be unlawful for any lessor, whether an individual, copartnership, association, or corporation, to execute any lease or rental contract concerning any building or part thereof or land appurtenant thereto in the District of Columbia, unless the real and true consideration therefor is stated in such contract.

SEC. 5. It shall be unlawful for any person, copartnership, association, or corporation, to enter into or become a party to any contract, agreement, or understanding, or in any manner whatsoever to confederate, combine, or act with another, or others, for the purpose and with the design of lessening or preventing, or tending to lessen or prevent, full and free competition in the renting of real estate, or any building or part thereof or land appurtenant thereto, in the District of Columbia, or to fix rents within the District of Columbia.

SEC. 6. When placing trust liens upon real property in the District of Columbia, such trusts shall be numbered consecutively in the instrument creating same as the first trust, the second trust, or the third trust, etc.; and each of such trust instruments shall recite the full amount of indebtedness against the property that is secured by prior trust instruments; and all notes and bonds covering deferred payments on real estate in the District of Columbia shall be numbered consecutively, and shall recite the number and amount, respectively, of all such notes or bonds given as deferred payments in that transaction, and the number and amount, respectively, of all notes or bonds, if any, outstanding and unpaid, that were given as deferred payments in prior transactions; and each trust shall retain its so specified priority of lien until the indebtedness which it secures is fully paid. And when any trust indebtedness matures, and the owner of such indebtedness refuses to renew same, any other lender of money, by paying to the owner of such trust indebtedness the amount due, may at the instance of the owner of the property, renew such trust indebtedness for any new term agreed upon by the owner of the property, and be inured to the same priority of lien and all other rights held by the holder of such matured trust indebtedness, as fixed by the priority specified in his deed of trust. And as each trust indebtedness is fully paid and satisfied by the owner of the property, the trust indebtedness next below it in priority will then inure to the priority of the trust indebtedness so paid off and satisfied. And it shall be unlawful for any person, copartnership, association, or corporation (a) to execute any deed of trust that fails to specify therein its true priority, or (b) to enter into or become a party to any agrement or understanding, or in any manner whatsoever to confederate, combine, or act with another, or others, for the purpose and with the design of influencing or hindering some other lender of money from taking up and extending maturing trust indebtedness, or (c) to execute, or to cause another to execute any note or bond that fails to state the number and amount of all notes and bonds given in that transaction, and the number and amount, respectively, of all notes or bonds, if any, that are outstanding and unpaid, which constitute deferred payments against the property involved.

SEC. 7. It shall be unlawful for any person, copartnership, association, or corporation to enter into or become a party to any contract, agreement, or understanding, or in any manner whatsoever to confederate, combine, or act with another or others in (a) executing a deed conveying real property in the District of Columbia that is not a bona fide sale, but is a simulated sale of such property, executed for the purpose and with the intent of increasing the value of such property, and designed to mislead and defraud others; or (b) executing a deed of trust upon real property situated in the District of Columbia that does not represent a bona fide indebtedness, but is a simulated transaction, executed for the purpose and with the intent of fraudulently selling to others securities that are not bona fide, in that the said trust has been pyramided upon others when the real value of the property known to such conspirators did not warrant same.

SEC. 8. Any person or corporation violating any provision of sections 4 or 5 or 6 or 7 of this act shall, upon conviction thereof, if a person, be punished by a fine of not more than $1,000 or by imprisonment for a term of not to exceed one year, or by both such fine and imprisonment, in the discretion of the court; and if a corporation, be punished by a fine of not more than $10,000. Any officer or agent of a corporation, or member or agent of a copartnership or association, who shall personally participate in or be accessory to any violation of this act by such copartnership, association, or corporation, shall be subject to the penalties herein prescribed for individuals.

The foregoing Title II was approved by every member of the joint Senate and House committees. It was not objected to by any member of our House committee. It is good and should be adopted.

Mr. WINGO. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. WINGO. Does the gentleman mean to say the mortgage instrument itself shall show prior indebtedness, or the note?

Mr. BLANTON. The note and mortgage both shall show it.

Mr. WINGO. Does the gentleman think that is necessary on the note?

Mr. BLANTON. I think so.

Mr. WINGO. Here is the thought that I had in mind: the gentleman understands that the note itself is a negotiable instrument and every time you add some technical provision to the note you reduce to a certain extent its negotiability.

Mr. BLANTON. Every time you let the owner understand what is ahead of it you add to its value if it is a good note. If it is a bad note it ought not to have any value.

Mr. WINGO. I understand.

Mr. BLANTON. I am speaking of protecting the rights of innocent purchasers.

Mr. WINGO. I agree with the purposes the gentleman is seeking to carry out. I think it will add to the saleability of securities in the District if you will remove any suspicion that they are not sound securities; and then again you may go to the other extreme of having the provisions of the note so technical, with so many things entering into it, that the purchasers of the security may say, taking this as an illustration, if there happens to be an error, "Does that vitiate the validity of the note"?

Mr. BLANTON. The most reputable and honorable real estate men in this city agree to Title II and Title III. They say it will militate in favor of honorable transactions.

Now, I also wrote Title III of the bill and I know it is good. Title III provides that there shall be a licensing board here in the District of Columbia, which will not cost the Government one penny. I have modeled it after Gen. Nathan W. MacChesney's model license law. It will be financed out of the license fees paid by the realtors. There are nearly 600 of them in the District. It provides that the licensing board shall be appointed by the President of the United States, and that they shall issue licenses, and every realtor and realty salesman in business in this District must secure a license.

Then the board is to have the power to annul licenses for false practices. If they find a man engaged in dishonest practices they can annul his license, and he can not engage in the business any more. The fees are down so that it will not militate against the smaller men in this district. In other words, General MacChesney, who is an expert on the subject of license boards in the States, framed the skeleton of this bill as a standard act, which is in force in many of the States. It

was proposed to make the license fee $100, but it was thought that that would impose too great a burden on the small realtor, and we reduced it to $30, which would provide funds for the board and would not be harsh on the small realtor.

These are constructive provisions which if enacted into law in this District will protect the people from dishonest realtors, and allow the old law of supply and demand to come back and operate.

I want to say this to you: The evidence before our joint hearings showed that for six years there has not been a single residence built in the District of Columbia for residential purposes; not one. Think of it! There has not been a single residence built in the District of Columbia for residential purposes in six years! The president of this commission testified before our joint hearing that not a piece of rental property in this District had been repaired except in isolated cases.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DENISON. If Congress has the power to pass all this regulatory legislation, why could it not pass a law to allow the commission to fix rents?

Mr. BLANTON. The fifth amendment to the Constitution says you shall not take a man's property away from him without rendering a fair return.

Mr. DENISON. I doubt very seriously if I shall vote for anything in the bill; but does not the gentleman make a clear distinction under the fifth amendment between proper regulations and the inhibition that is in the fifth amendment? For instance, for illustration, I know that at the beginning, in the discussions incident to the passage of usury laws, many of the bankers said this—that that was in violation of the right of contract. In one legislature I know there was a very drastic act proposed to prevent the construction of buildings to be used as bawdy houses.

Mr. BLANTON. I am sorry that I can not discuss this bill further. I hope my colleagues will eliminate Title I in the bill, and let this worthless Rent Commission die, and then pass both Titles II and III, which are constructive and will be of great benefit. I want you to take the time to read these facts. I will include excerpts from our hearings which will give you light on this transaction, and if you will study those facts you will never vote for the President's bill extending this Rent Commission.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, at this time I desire to register my unalterable opposition to Senate Bill 3173, known as the "Arlington Memorial Bridge bill," and which authorizes the construction of a bridge across the Potomac River between the Lincoln Memorial and the Arlington Cemetery. This bill authorizes the expenditure of fourteen and three-quarter million dollars, and if past experience furnishes any correct criterion for the future, the ultimate expenditure will probably reach twenty million dollars, as the cost of projects of this character is usually largely in excess of the estimate.

On April 22, 1924, the Arlington Memorial Bridge Commission transmitted to the Congress a report recommending the construction of this bridge by the Government. This report was signed by President Coolidge and by the President pro tempore of the Senate, the Speaker of the House, the chairman of the Senate Committee on Public Buildings and Grounds, and the chairman of the House Committee on Public Buildings and Grounds. The vital part of this report is as follows:

> The commission, having carefully analyzed the various features of the bridge and having given due consideration to the requirements of economy, now recommend that the Arlington Memorial Bridge project be authorized for immediate execution at a total cost not exceeding $14,750,000.

During the recent presidential campaign I do not recall having heard any of the President's followers pointing with pride to this Arlington bridge project as a shining illustration of the Coolidge brand of economy.

Notwithstanding the economic distress that now prevails in many portions of our Nation, and the exceedingly heavy burden of taxation under which our people groan, in view of the President's approval of this bill, I might stand mute, or look with complacency on this lavish expenditure of public funds; but when I consider that this is but one of a large number of measures, either already framed or soon to be formulated by the inhabitants and civic organizations of the District of Columbia, that will, in the next 10 or 20 years, take from the United States Treasury probably $200,000,000, largely for the adornment and beautification of the city of Washington, I feel that I should not remain silent, but vigorously protest against this raid on the Public Treasury.

The program to make Washington the model city of the world from an architectural standpoint includes the following skillfully formulated projects:

(1) The memorial bridge to cost at least fourteen and three-quarter million dollars.

(2) The enlargement and development of the Botanic Gardens, with new buildings.

(3) Transformation of the area between the Capitol and the Union Station into superb plaza or beautifully embellished garden, skirted by new public buildings of monumental proportions.

(4) Development and embellishment of the large area known as the Mall, the destruction of the public buildings thereon, the construction of broad roadways and graceful promenades from the Capitol to the Lincoln Memorial, and the erection of public buildings of the most impressive type and colossal proportions along the outer edges of the flanking drives.

(5) The discard and consequent destruction of numerous public buildings that now house departments and bureaus, and afford reasonably efficient facilities for the transaction of public business, in lieu of which it is proposed to erect new structures of striking magnitude and artistic concord. The President, in his message to Congress, suggests the expenditure of $50,000,000 in the next few years for new public buildings in the city of Washington, and Senate bill 2284 has been introduced to carry out this program, and the House has already passed the $150,000,000 public building bill, $50,000,000 of which will be expended in the city of Washington in the next six years for Government buildings.

(6) The acquisition of large areas for public parks for the District of Columbia.

(7) The acquisition and improvement of a garden suburb around the city of Washington as residential districts for Government employees.

(8) A stadium with immense seating capacity, one that would "attract the Olympic games and the big American athletic events."

(9) "A system of aqueducts to serve as a model for municipalities everywhere."

(10) A national peace carillon, or a system of chimes and bells (the largest in the world, they say), to commemorate the sacrifices and ideals of the American people in the World War.

(11) The Potomac power development or Great Falls power project, recently reported favorably by the District committee, the estimated cost of which is $44,421,000, but which some engineers claim will ultimately cost double that sum.

(12) An imposing monument of Col. Theodore Roosevelt, to cost probably $2,000,000, but thank Providence the cost of constructing the memorial to this great exemplar of virile and lofty Americanism is to be paid by private subscription, the only one of these 12 projects that will not be consummated at the expense of the United States Treasury, if the people of the District have their way.

I grant you that all of these projects have not been presented to the Congress, but who will deny that they are all being incubated and will be presented as rapidly as their proponents think Congress will digest and approve them. I am willing at all times for Congress to appropriate such sums as may be reasonably necessary to properly house our departments and bureaus and to maintain the civic institutions of the city of Washington in a manner worthy and befitting the Capital of our great Nation, but I am not willing to grant every demand the District may make, nor will I, by my vote, commit the Congress to a legislative program that will result in extravagant appropriations for the architectural adornment of the city of Washington at a cost of probably $200,000,000 in the next 10 or 20 years. Such of these projects as relate exclusively to Federal matters merit the candid consideration of Congress, but even these should be approached from a standpoint of economy and not from the angle of extravagance. Such of these proposals as do not relate to governmental activities the people of the District are seeking to nationalize and have consummated at the expense of the Federal Government.

This memorial bridge, with nine segmental arches, faced with white granite, to cost at least $14,750,000, is but the opening wedge; the first course in a wild and wanton orgy of wasteful expenditures; the first of a series of appropriations of such amazing prodigality that they will invite corruption and shock the public conscience. These raids on the Nation's strong box are sought to be justified on the specious ground

that we should make Washington the most beautiful and magnificent capital city in the world. London, Berlin, Paris, Rome, Vienna, and Buenos Aires must give up the race for architectural primacy.

The other great cities—New York, Chicago, Boston, Philadelphia, St. Louis, San Francisco, Los Angeles, Naples, Brussels, Venice, and Madrid—great centers of wealth, population, commerce, and industry, shall henceforth be remote corners in a world of which the city of Washington shall be the center. And the expense incident to this marvelous transformation must be met by the American people, who are already groaning under an almost unbearable burden of taxation.

Judging from the commission's description and from the tremendous cost of this memorial bridge, it is to be an architectural marvel, the wonder of the ages, the "summum bonum" and last word in gorgeous detail, graceful arches, and stately columns, in grandeur challenging the Gothic temples whose somber type "bespeak the abode of feudal power, and the pageantry of barbaric magnificence"; in combination of magnitude, stability, and beauty, in structural balance, in artistic refinement, and in chaste ornamentation unexcelled by any previous creation of human genius; more impressive than Westminster Abbey, where England's gifted poets, philosophers, philanthropists, and statesmen "sleep with her kings and dignify the scene"; more symmetrical than the far-famed temple of Diana of the Ephesians; more imposing than the Roman Colosseum, that stupendous creation of human genius which, though now "bereft of marble and gilding, once formed the arena in which the early Christians contended with ferocious beasts"; in harmonious proportions surpassing the Parthenon on the Acropolis at Athens, peopled and embellished by the almost breathing forms created by the magic chisel of Phidias. More magnificent than the temple of Jupiter Olympius, "at which the Athenians toiled seven centuries, which all the kings of Asia labored to finish, which Hadrian, the ruler of the world, had first the honor and glory to complete."

I understand this bridge is to be an architectural epic, that may boldly challenge the classic edifices and other creations of human genius in the ages of Pericles and Augustus; a symphony of graceful arches and towering shafts; a mosaic of concrete, granite, and marble, combining all that is noblest in all schools and systems of architecture, Greek, Roman, Gothic, Tuscan, Byzantine, Moorish, Moslem, Norman, and Renaissance; Ionian columns, with capital scrool ornaments; Doric columns, of great strength and chastened severity but unadorned; slender, fragile, fluted Corinthian columns, with ornate entablatures and capitals; deep far-flung arches and massive masonry, characteristic of the Romanesque type; columns of porphyry, perhaps patterned after those from the tomb of Hadrian; a congruous commingling of rich sculpture in arabesque order, with interlaced lines and curves; tablets, basreliefs, triglyphs, and friezes, perchance duplicates of ornaments stripped by vandals from pagan temples of antiquity. In view of the enormous cost, we are justified in expecting that this structure will reflect the rare refinement, delicate contour, and exquisite grace of the Phidiac art, and the expression Praxiteles gave to his statues of Venus, Hermes, Bacchus, and other marvelous creations of his transcendent genius. Each of the three gateways of this superb structure will be marked by two sturdy pylons, perchance of Carrara, Elgin, Parian, or Pentalic marble, 40 feet high, "adorned with sculptured groups and appropriate inscriptions, and surrounded by eagles, symbolic of the United States of America." And behold two other lofty columns on the Virginia side, 166 feet high, rising from lavishly decorated stylobates, and surmounted by gigantic statues of Victory, all patterned after the Collonne de Juillet in Paris. I am justified in assuming that this bridge is designed to "remind us of the perfection of human greatness and of the perfection of human taste," and is intended to commemorate the superb achievements of our Nation in the past, its present stability and greatness, its manifest destiny, and its future glory.

Considering the cost, is it unreasonable for us to expect that this bridge will be more stately and awe inspiring than the age-old Cathedral of Notre Dame, the mother structure from whose rugged lines and sturdy walls were patterned the cathedrals of Rheims, Amiens, Rouen, Milan, York, Lincoln, Canterbury, and a brood of other cathedrals that were centuries in building, and that inspire finite men with a sublime faith in the Infinite.

Yes, Mr. Chairman, the American people, under the so-called economical administration of President Coolidge, and on his recommendation and approval, are to be taxed $14,750,000 to build a bridge that will far surpass all other historic bridges built by other nations since the curtain went up on human history, and since primeval man began the age-long and wearisome march toward social order and stable government. It is a long, long trail from this superb structure back to the crude bridges erected by the ancient Chinese who originated and first utilized the masonry arch to support roadways over streams.

Compared with the proposed memorial bridge, how petty and provincial were the structures built by the Romans at Vulci, Bieda, and Cora 700 years before the advent of the Man of Galilee, and how insignificant the rugged bridges and lofty viaducts in the Appian Way, over which the invincible Roman legions marched in triumph with the spoils of victory, and along which the great Apostle to the Gentiles, a prisoner, chained to his guards, footsore and weary, but unafraid, walked to martyrdom in imperial Rome, the city of the Cæsars and the capital of the world. How unpretentious the Sublician bridge built by Ancus Martius over the Tiber, six centuries before the Christian era, and on which Horatius Cocles so valiantly defended "the ashes of his fathers and the temples of his gods" when the arrogant hosts of Lars Porsena besieged and menaced the Roman state.

And the Aemelian, the first stone bridge over the Tiber; the Ponte Fabrico, a portion of which has resisted the insidious and relentless ravages of time and decay; and the Ponte Sant Angelo, reared by Emperor Hadrian; all these were plebian and provincial structures when compared with the ornate and classic creation that "Careful Cal" and his economical administration are getting ready to present to the city of Washington, at an expense to the taxpayers of the Nation of fourteen and three-quarter million dollars.

Madame de Stael, in Corinne, has graphically delineated the splendors of St. Peters and the Appian Way in a manner unsurpassed by pen or human tongue. If I had her genius and descriptive powers, I might faintly hope to portray the esthetic and artistic magnificence of this $14,000,000 bridge, in a way that would inspire voiceless lips to break forth in pæans of triumphant exultation. But limited as I am, my endeavor so to do would be as futile as an effort to obtain the golden apples of the sunset, hanging on golden branches and half hid by golden leaves in the garden of the Hesperides; as disappointing as a description of the joys of the supremely blessed in the Elysian fields; as impossible as to awaken Endymion from his age-long slumber in his Carian cave, "perpetual youth united with perpetual sleep"; as difficult as the quest of Jason and his Argonauts for the golden fleece:

> Led by golden stars, as Chrion's art
> Had marked the sphere celestial.

When I read the President's description of this awe-inspiring, age-astounding, soul-uplifting structure, so singularly pleasing to the taste, and fascinating to the imagination, I must confess my inability to describe its splendor or express its praise, because of the paucity of my vocabulary and the poverty of language.

According to a Norse myth, in the great Hall of Odin the boar Serimner was cooked every morning, consumed at the feasts during the day, and became whole again each night, thus affording an unfailing source of supply. But Government funds can not be thus magically replenished, and when once expended, can never be reclaimed. Hence the supreme folly of investing fourteen and three-quarters million dollars in a bridge for which there is no pressing need. Fortunately or unfortunately, the President does not possess the magic power of Midas to turn all things he touches into gold. He should stop, look, and listen, right about face, and withdraw his approval of this project. Only by so doing can he demonstrate the sincerity of his oft-repeated promises of economy in public expenditures.

Would the President and his advisers have us believe that this $14,000,000 expenditure can be reconciled with a policy of economy? Does the transcendent beauty, artistic excellence, and outstanding magnificence of this bridge justify the President in breaking his pledge to the American people to reduce taxes and eliminate extravagance from the administration of governmental affairs? At the bar of the public conscience, what excuse can he offer for this unnecessary, and therefore wasteful, expenditure of public funds? In what way will this prodigal outlay lighten the tax burdens, restore prosperity to the agricultural classes, stimulate economy, remedy existing economic ills, or prevent mischievous care and social injustice from mingling with the fleeting pleasure of mortals?

I regret that the powers that be in the city of Washington and the present occupant of the White House are backing this grossly extravagant proposal, this rape of the United States Treasury, this indefensible waste of public funds collected from the people, already overburdened by taxation.

And why this lavish expenditure? The bridge is not needed to accommodate traffic. The expenditure can not be justified on economic or utilitarian grounds. It is not demanded by the business, industrial, or commercial activities of the city; but is being promoted primarily for decorative or ornamental purposes by the people of the District, who do not seem to realize that this Government is maintained for the use and benefit of all the people of the United States, and not primarily, as many seem to think, to provide funds for the support of the District government and for the ornamentation of the city of Washington.

If we concede for the sake of argument that another bridge across the Potomac is needed to accommodate the traffic—which no one seriously contends—then a bridge that will meet every public need for a generation can be built for one-third or one-fourth of the amount proposed to be expended on the memorial bridge project.

If President Coolidge favors real economy in governmental affairs, here is the place and now is the time to demonstrate it. How can he reconcile his approval of this wasteful expenditure with his oft-repeated declarations in favor of rigid economy in the fiscal affairs of the Nation? I stand with him on a platform that will carry professions into practice. It may be embarrassing for the President to withdraw his approval of this project, but nevertheless, that is the manly and proper thing to do, and such action will invoke the commendation of an overwhelming majority of the American people.

Back of this memorial bridge proposition are extravagance, pride, and vain glory; a consuming passion on the part of some people in Washington to erect another show place with stately abutments, symmetrical shafts, and graceful arches; an inordinate craving for pomp and splendor at the expense of an orderly and economical administration of public affairs.

If this bridge is constructed at the proposed cost, it will mutely but eloquently proclaim to the present generation, and to men and women yet unborn, that this administration, while professing devotion to the policy of economy, sanctioned this, one of the most excessive and extravagant expenditures of public funds in a generation. It will indeed be a memorial bridge, but it will commemorate a frolic of extravagance, a carousal of prodigality, and mark the abandonment by President Coolidge of his professed policy of economy.

I hope no Democratic Member of this House will vote for this bill, which in essence is antagonistic to the great principles that underlie, permeate, and vitalize our party, and I trust no Republican Member will sanction this raid on the Treasury. Democrats and Republicans should be a unit in opposing this measure. How can any Member justify his support of this bill? Its passage will shock the public conscience and justify the rapidly growing belief that extravagance in public expenditures is too strongly entrenched to be uprooted.

And why this enormous expenditure? To satisfy a morbid passion for display; satiate a perverted appetite for ostentation, and glut a consuming ambition for luxury and prodigality; to surpass all mankind in the art and science of bridge building; to eclipse the 12 superb bridges over the Thames at London; to outclass the 9 Berlin bridges over the Spree; to excel the 33 magnificent structures over the Seine at Paris.

Here between the Potomac flats and the Arlington bluffs we are asked to invest fourteen and three-quarter million dollars in a structure of concrete, granite, and marble, more imposing than the Anteuil Bridge at Paris, a structure of exceptional beauty, with its 234 cross arches of solid masonry; excelling the Pont Neuf, built 850 years ago, from the center of which rises the majestic statue of Henry IV, and which bridge, with the possible exception of the London Bridge, accommodates more traffic than any other in the world. Compared with our proposed memorial bridge, how unpretentious the Port Alexander III, with its single steel span, stretching from shore to shore, over which the gay Parisian revelers strut, like peacocks, between the Palace of the Elysee to the Hotel des Invalides; and how grotesque and inartistic is the Pont de la Concorde, paved in part with stones from the Bastile, the ancient prison fortress, in the dark and noisome cells of which the unhappy victims of royal displeasure rotted.

The very liberal appropriation for the construction of this bridge would make possible its ornamentation with fountains surrounded by bronze tritons, nereids, and nymphs, supporting dolphins spouting water into marble basins. If so, I assume one will be a counterpart of the majestic fountain nestling in the shadow of the famous obelisk of Luxor, in Paris, where in revolutionary times stood the guillotine on which perished Danton, Robespierre, Madam Roland, Vergniaud, Marie Antoinette, Louis XVI, and thousands of other men and women, who were victims of the unspeakable ferocity and bloody processes by which France emerged from regal despotism. And perhaps at each end of the memorial bridge may be placed a replica of St. Michael and the dragon, carved from white marble, flanked by bronze griffins of heroic size.

On the old London Bridge stood the chapel of St. Thomas of Canterbury and a tower on which the heads of traitors were exposed. I am wondering if on the so-called memorial bridge there will be erected a chapel for the worship of mammon, an altar where an extravagant people may offer oblations to pride and prodigality; an arch on which may be emblazoned our contempt for economy and our indifference to the reckless misuse of public funds and the shameless dissipation of our national resources. And perhaps the builders of this memorial bridge may find room somewhere for a modest tablet to express their derision and ridicule for those of us who oppose this prodigal expenditure and who are to the extent of our limited ability trying to call our Government back to the old paths of efficiency and rigid economy in the administration of public affairs.

In Berlin stands a triumphal arch of classic proportions, known as Brandenburg Gate, erected in honor of Frederick William II. Thereon is a bronze statue of Victory driving a four-horse chariot. If this bill passes and this bridge is built, how appropriate it would be to erect thereon, midway between the District and Virginia shores, a bronze statute of the Goddess of Liberty chained to the Gorgon of Extravagance.

When fully advised of the facts your constituents will not approve your action in voting for this extravagant expenditure of public funds. And careful, calculating, cautious Cal can not cleverly consummate this rape of the Public Treasury and thereafter constantly and consistently crow and cackle about economy.

I trust this measure may suffer the overwhelming defeat it deserves. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. AYRES. Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, House bill 10690, introduced by the gentleman from Missouri [Mr. HAWES], has been favorably reported by the Committee on Interstate and Foreign Commerce and is on the calendar. Upon motion of Mr. HAWES it has been placed on the Unanimous Consent Calendar and will possibly be before the House for action on our next unanimous-consent day.

The purpose of that bill, according to its title, is "to regulate the interstate transportation of black bass." The bill proposes to make a Federal crime out of the act of transporting black bass across a State line when the fish has been taken in violation of a State law. As explained by Mr. HAWES in his extension of remarks appearing in the RECORD a few days ago, the bill is intended to aid the States in enforcing any laws they may have against the taking of black bass by nets or for commercial purposes. It is not intended to prevent the taking of black bass where they may be taken consistently with the laws of the State in which taken.

It seems to me that the bill involves a matter of important principle and of policy, and for that reason is worthy of the consideration of the House. I am opposed to the bill, and I wish to state briefly some of my grounds of objection.

To the making of laws there is no end. We are the most law-ridden people on earth. There is a law to cover every human activity, and almost every day a new law is passed converting into a crime what was previously an innocent act. Among these new and useless laws are those which unload on the Federal Government matters within the jurisdiction of the States. There is a strong disposition to put the Federal Government to discharging the police functions of the States and to put the Federal Government to helping the States to enforce their own laws. It is time to call a halt.

No sooner is a man elected to Congress or to a State legislature than he seeks to "immortalize" himself by passing some new and useless law. Some Congressmen seem to think that this is the only way to be reelected, so they try to connect their names with some measure, useless and foolish though it may be. This is why we have 30,000 bills introduced in a single Congress and why we find the books cluttered up with foolish laws of so many varieties.

There is a strong tendency for Congress to assume extraordinary powers under the clause of the Constitution which gives Congress the right to regulate interstate commerce. There is almost no limit to the senseless extremes to which Congress may go under this clause. It is so broad that practically every detail of the police powers of the State may be occupied and

the States made mere geographical divisions instead of self-governing communities.

At the outset of this tendency Congress passed the Mann Act, which was intended to deal with "white-slavery" conditions, but it was made so broad by the interpretation of the courts that under the present practice its chief use is to punish interstate adultery. Next we had the car breaking act, under which men are prosecuted in the Federal courts for burglarizing a car when they would have to be prosecuted in a State court for burglarizing a house. This, of course, is a senseless distinction. The car breaking act was passed to suit the convenience of the great railroad companies engaged in interstate commerce.

Next we had the Webb-Kenyon Act and the Reed amendment, dealing with the interstate shipment of liquor. These were proper laws, for their purpose was to enable the States to enforce their own laws. Their purpose was to enable the Federal Government to take over prohibition enforcement.

Two years ago the Dyer Act, dealing with automobile thefts, was passed. This was another law inspired by the desire for convenience in prosecution, and had no justification in principle. It provides for a Federal prosecution for carrying a stolen automobile across a State line, whereas Federal courts have no jurisdiction to punish for carrying other kinds of stolen property across State lines.

By passing the automobile theft law Congress entered a new field, and the next thing in line would have been to pass a law giving Federal courts jurisdiction of all interstate thefts. However, the gentleman from Missouri [Mr. DYER], vying with his colleague from Missouri [Mr. HAWES], who is the author of the black bass bill, made a long jump and caused his committee to report his bill, the Dyer bill, prohibiting interstate commerce in gambling machines and pistols. Some other gentleman—I forget who—presented to the House a few days ago a bill forbidding sending pistols through the mails. The House promptly passed the bill, as it seems disposed to pass any kind of bill that is offered which invades the powers of the States. Everything is to be unloaded on the Federal Government. The Dyer pistol bill is still on the calendar, but as yet remains unpassed.

In line with this disposition of Congress we have the Denison "blue sky" bill, regulating the sale of stocks and bonds in interstate commerce. That bill was passed by the House at last session, but has not been adopted by the Senate.

The excuse for all these bills is the regulation of interstate commerce. As recently remarked by the witty chairman of the Committee on Interstate and Foreign Commerce, Mr. WINSLOW, the color scheme is now complete—with the Mann Act, the Denison blue sky bill and the Hawes black bass bill, as we have dealt with *white* slavery, the *red* light, the *blue* sky, and the *black* bass.

With all the subjects covered by these bills, the States have ample powers to deal. These subjects lie peculiarly within the exercise of the police powers reserved to the States. Federal assumption of such powers is a usurpation. The regulation of interstate commerce is merely their excuse. Their real reason is to put the Federal Government to the duty of preserving order and enforcing laws which lie within the province of the States. The whole purpose of these measures is to allow the States to neglect the enforcement of their own laws and to leave everything to "Uncle Sam."

I am wondering where this matter is going to stop. It need never stop, gentlemen, if you propose to go to the extreme limit of Federal jurisdiction under the interstate commerce clause. You can regulate every detail of a man's life, and you can correct every delinquency of which men may be guilty, and you can pass laws fixing things just exactly like you would like to have them, if you will do everything that the interstate clause of the Constitution permits Congress to do.

I have an idea that we passed beyond the safe limits some time ago. The business men of the country are complaining of governmental interference with business. Well, the business elements do not expect me to defend their interests here, so I will not presume to speak for them, but I would like to say to some that the plain people who have some small vestige of liberties left would like for Congress to leave them alone awhile just as much as the men who are interested in property only. And there are also some other people in this country who hold to their faith in the principle to self-government, and who believe that not only in principle, but as a matter of wisdom and of good, sound policy that each community should be left to govern itself so far as possible.

I do not know any way that we can apply the principle better than to strike at some of the legislation which is taking up the time of Congress.

Along comes some organization such as the Izaak Walton League, which is fathering Mr. HAWES, black bass bill, or some other bunch of fellows with hired propagandists who are anxious to give an account of themselves and to show that they are well hired and are worth the money being paid them, and propose some quibbling new law, fan up a lot of interest in it by agitation, and get the folks at home who have not studied the principle involved, and so do not realize what we are driving into, to write us to do this, that, and the other foolish thing.

We had a lot of these bugs who claimed an interest in "migratory birds," they called them, and they got Congress to pass a foolish bill requiring a Federal hunter's license and so on, which the courts very properly struck down as unconstitutional. Then these gentlemen belonging to a class which have a great and profound respect for the Constitution, in its letter and its spirit as well, proceeded to wriggle around the Constitution by getting the Government to negotiate a treaty relating to migratory birds, and under the excuse of enforcing this treaty passed the same bill which the Supreme Court had previously declared unconstitutional. Thereby they accomplished their foolish purpose, though they ravished the spirit of the Constitution to do it. It was not really a bird bill, it was a "bird hunters" bill.

It is time to stop creating new Federal crimes. It is time to stop doing the things that the States ought to do. It is time to stop trying to correct every little evil by a statute. Let the Federal Government attend to its own business and leave the States to attend to theirs.

The CHAIRMAN. The time of the gentleman from Alabama has expired. If there is no further general debate, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1926, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, $9,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923, namely:

Mr. CRAMTON. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: At the end of the paragraph just read, page 2, line 8, insert: "*Provided*, That in order to defray the expenses of the District of Columbia for each fiscal year after the fiscal year ending June 30, 1926, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived, shall be credited wholly to the District of Columbia; and, in addition, $9,000,000 shall each such fiscal year be appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923."

Mr. CHINDBLOM. Mr. Chairman, I rise to reserve a point of order on the amendment. This, of course, is going to make this present arrangement permanent for all time. I do not think that should be done without pretty mature consideration.

Mr. CRAMTON. Mr. Chairman, I will make this statement and then if the gentleman desires to make a point of order I would be glad to have it made and over with.

The amendment just read simply proposes to perpetuate as permanent law the arrangement that is in existence this year and that the bill proposes to continue for 1926. That was the agreement secured by the two Houses in the last session. It is proposed to be continued, but for its best operation and most beneficial effect to all it should be in permanent form, so that when the Budget makes their estimates they know just the system under which the appropriations shall be made, and

hence I have offered this amendment and I hope the gentleman will not press the point of order. If the gentleman does, of course, I have some argument in support of the amendment being in order.

Mr. CHINDBLOM. I will ask the gentleman whether he thinks that without regard to the future needs of this District, without regard to the population of the District, without regard to the relations between the District and the Federal Government, which may be enlarged or diminished from time to time, an arbitrary amount of $9,000,000 as the contribution of the Federal Government should now be fixed in permanent law.

Mr. CRAMTON. I will say to the gentleman that there is no such thing strictly as permanent law. Whatever action one Congress takes in legislation is subject to change even by that same Congress at a subsequent session; but what we term "permanent" is legislation that governs until there is some change made by Congress, and I do believe that that amount having been arrived at, and apparently being satisfactory to both the District and the Congress under present conditions, should be put in what we call permanant form until at some future time Congress should see fit to change it, if it does reach that point, so that when the Budget Commissioner sends in the estimates he may know just the system of appropriations that is to be followed.

The gentleman will recognize that when the Budget commissioner is asked to send in estimates totaling $32,000,000 for the District of Columbia, it is highly important to the Budget commissioner to know whether the Federal contribution is to be $9,000,000 under the lump-sum proposition or is to be some $13,000,000 under the 40 per cent proposition or $16,000,000 under the 50 per cent system of contribution. The effect upon the whole Budget total of the Federal Treasury is very important, and therefore we ought to have this in shape so that the Budget will know when they send in the estimates.

Mr. CHINDBLOM. Mr. Chairman, if I may be permitted to say a word under the reservation, I have been hoping, as I have no doubt a large number of the Members of the House have been hoping, that some time the fiscal relations between the District and the Federal Government would be more or less definitely settled and determined, and it seems to me that the Committee on the District of Columbia certainly should have some interest in this matter. I would like to know whether the Committee on the District of Columbia has in mind the preparation or the proposal of some permanent arrangement as between the Federal Government and the District of Columbia. Let me say in this connection that I know there has been criticism of some of us who assume to make points of order upon legislation in these appropriation bills.

Only recently the present occupant of the chair and the gentleman from Illinois, now speaking, were subjected to rather unfair criticism because matters of legislation had been ruled out on a point of order. I insist that Members of the House have parliamentary rights to make points of order—I am not directing my remarks to the gentleman from Michigan—but, generally speaking, it should not be assumed that there is any hostility on the part of those who make points of order to legislation that may be more or less meritorious; but I think we are going pretty far adrift in passing legislation on appropriation bills when we settle once for all, or as long as may be and finally, the relations between the District of Columbia and the Federal Government on an appropriation bill.

I have no greater responsibility than any other Member of the House. I am not a member of the Committee on the District of Columbia, and there may be men in this House who have given the subject more thought than has been possible for myself, but generally speaking I want to submit that this matter of legislating permanently upon an appropriation bill should not be used, unless absolutely necessary in some great public emergency.

Mr. CRAMTON. Mr. Chairman, in response to the gentleman's suggestion, I have not the slightest disposition to criticize the gentleman for making a point of order under the rules of the House, for I know that he would be guided only by his best judgment, and I would expect him in a matter of this kind to do as he thinks desirable, but as is well known for two years I have had pending before the Committee on the District of Columbia this lump-sum proposition. It was indorsed by both Houses in the 1925 appropriation act. I have been before the District Committee and have sought to have the bill reported. The committee has not reported it; notwithstanding the House has expressed its indorsement of the program, the committee has failed to give the House any opportunity for consideration of this matter among the flood of bills that have come from that committee. I have my responsibilities as a Member of the House, and it seems to me that it is my duty to the House to offer this amendment, and if a point of order that is good is made against it I have performed my duty and I have no further responsibility. If the point of order is not made the House will determine the matter as it sees fit. I do not admit that it is subject to a point of order, but if the gentleman makes the point I do not desire to take much time of the House.

Mr. ZIHLMAN. Mr. Chairman, I will say in reply to the gentleman from Michigan that while it is true the gentleman has had a bill before the legislative committee dealing with the affairs of the District of Columbia for some time, he only asked for a hearing before the committee 10 days ago. I called a special meeting of the committee and gave the gentleman an opportunity to present the case and present the facts on the lump-sum contributions to the expenditures of the District of Columbia. The committee has not seen fit as yet to take any action. There is a wide difference of opinion among the members of the committee and Members of the House. Some contend that the lump sum is too liberal, and others that it is not enough. In addition, Members of the other legislative branch of Congress have widely different views on the subject. I might say that it has been suggested by the leaders of the majority side that the committee take up for consideration and study during the recess amendments to the present organic act of the District of Columbia. I feel that this permanent legislation on an appropriation bill is indefensible at this time, and therefore I make the point of order against the amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. ZIHLMAN. The point of order is that this is legislation on an appropriation bill; that it does not come within the province of the Holman rule, because the language which the gentleman seeks to strike out or add to carries out the purpose and intent of the Holman rule in saving the money to the Federal Government. I make the point that this is legislation on an appropriation bill and does not come within the purview of the Holman rule.

Mr. CHINDBLOM. Mr. Chairman, as I made the reservation of the point of order, may I say that, in my opinion, the language already in the bill, to which this language is added as amendment, for the present fiscal year might be subject to the point of order, but I had no intention to raise that question. I think for the present year it has been settled, and I have no objection personally to that arrangement being continued during the present fiscal year. I have nothing to propose instead of it, unless we should go back to the 40-60 proposition, which would be entirely satisfactory to me; but when it is proposed to make this arrangement permanent until Congress in its wisdom sees fit to change it, I think the point of order should be made. I therefore support the point of order made by the gentleman from Maryland.

Mr. CRAMTON. Mr. Chairman, under ordinary conditions the point of order would be good, in that it does constitute legislation on an appropriation bill. It is, however, to be noted that my amendment is offered as an amendment to a paragraph which itself, if the point of order had been made in time, would have been subject to a point of order. The paragraph itself contains matter that is in the nature of legislation on an appropriation bill. It was so held by the Chairman of the Committee of the Whole when this same appropriation bill was before the House a year ago. The portion of the paragraph appropriating $9,000,000 as the contribution would not have been subject to a point of order, for that would have been taken care of under the Holman rule, and Chairman GRAHAM so held a year ago. But the other part of it, the change of law as to the disposition of certain revenues, was legislation, is legislation in this paragraph, and would have been subject to a point of order if the point of order had been made in time. It is now too late to make it.

Under existing law the revenues coming from fines and license taxes and various fees are to be divided between the Federal Treasury and the District treasury in the proportion that the appropriation was made. If the appropriation was made 40 per cent from the Federal Treasury, then these returns of fines, and so forth, shall return 40 per cent of them to the Federal Treasury and the balance to the District. The way it has been running the returns on the 40 per cent basis would amount to some seven or eight hundred thousand dollars, and under existing law that seven or eight hundred thousand dollars would go into the Federal Treasury, but this paragraph before us provides a change in that law for the current year and provides that instead of their being returned as 40 per cent to the Federal Treasury no part of those fees or revenues shall go into the Federal Treasury. Of course, that could not have

been sustained under the Holman rule, because it is a diminution of revenues of the Federal Government to that extent.

It was legislation, and as a change of law it would have been subject to the point of order. The point of order, however, was not made, and so the paragraph is now before us, and any amendment that is germane to the pending paragraph is in order. The mere fact that it is of a legislative character does not destroy its right to be offered, and now the only question is as to whether it is germane. The situation is this: The paragraph before us provides a certain proportion of the expense of government to be borne by the Federal Treasury, and a certain disposition of returns from the fines and licenses for the fiscal year 1926; and the amendment that I have offered takes exactly that same disposition of expenses and returns and carries it forward into the future. It deals with exactly the same subject, deals with it in exactly the same way. It is as germane as it could be made. It is legislation just as the paragraph is legislation, but it continues it for a longer period. and I submit, therefore, that the point of order is not well taken.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. ZIHLMAN. As I understand the rules of the House, it is necessary for an amendment of this kind, in order to be in order, to come within the provisions of the Holman rule. I wish the gentleman would point out wherein this saves any money for the Federal Government. What is to prevent the gentleman's committee from making the lump-sum contribution $7,000,000?

Mr. CRAMTON. There is nothing to prevent it. That would come under the Holman rule.

Mr. ZIHLMAN. The gentleman does not contend that this is not legislation of a permanent character?

Mr. CRAMTON. I admit that it is legislation, but I am urging that the paragraph itself contains legislation which would have been subject to the point of order if the point of order had been made, but the point of order was not made, and now any amendment carrying legislation is in order if it is germane to the paragraph. Its legislative character no longer injures it.

Mr. ZIHLMAN. Does the gentleman contend that because no point of order was raised against the balance of this paragraph any matter of legislation can now be offered?

Mr. CRAMTON. That is germane to the language before it, as I have tried to emphasize.

Mr. ZIHLMAN. I do not agree with the gentleman at all.

The CHAIRMAN. The Chair is ready to rule. The paragraph which this amendment seeks to amend clearly embodies legislation and would have been repugnant to the rule unless taken out by some exception to the rule. Doubtless, it would have been claimed that the Holman rule makes it an order. The present occupant of the chair, not now being called upon to decide it, can say that as the paragraph stood, if a point of order had been made against it, he would have ruled it out of order as not coming under the Holman rule, because of the indefinite, uncertain nature of the refund provision. If the uncertainty had been removed by some provision making it readily demonstrable that the amount appropriated in the paragraph is less than the 40 per cent of the total amount of the bill to be paid jointly from the General Treasury and from District funds, then the Chair would have held it in order, because the existing law authorizes a contribution of 40 per cent from the Treasury.

No point of order was made, however. Now, the gentleman from Michigan [Mr. CRAMTON] offers to amend by inserting a new paragraph, making permanent substantially the same provision carried in the original paragraph as applicable only to the year for which the appropriation is carried in the bill.

The new paragraph would make permanent law, so far as we can make a law permanent, whereas the paragraph in the bill relates only to the year for which the appropriation is made. The gentleman from Michigan claims that because the original paragraph is legislation, therefore, it opens up the paragraph to amendment by anything that is germane. The Chair agrees to this proposition as a general statement of the rule. The amendment, however, must be germane in fact. The paragraph as it stands deals with temporary legislation only, its force and effect being limited to the year for which the bill appropriates. The gentleman's amendment would make it permanent law. It seems to the Chair that this introduces an entirely new element that is in fact "a subject different from that under consideration" and, therefore, repugnant to the rule relating to germane amendments.

The Chair cites one precedent only, and that was by Mr. Speaker GILLETT in the Sixty-seventh Congress, fourth session, on December 19, 1922. A bill was returned from the Senate carrying an amendment providing for an Undersecretary of the Treasury, but for the current year only. The gentleman from Illinois [Mr. MADDEN] moved that the House recede and concur with an amendment adding the word "hereafter," which would have had the effect of making it permanent law. On this the Speaker indicated that the word "hereafter," changing a temporary provision to a permanent one, made the amendment offered by the gentleman from Illinois [Mr. MADDEN] subject to a point of order as not germane to the amendment as it came from the Senate. The Chair sustains the point of order.

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the last word. I wish to make clear, as one of the members of the legislative committee, that I am not so unalterably opposed to the substitution of a lump-sum provision for the present language of the organic act as the point of order made by me would indicate, and I am hopeful we may soon work out a plan which will be acceptable to Congress and the citizens of the District.

The House has gone on record several times overwhelmingly in favor of a lump-sum contribution, and I am in favor of the legislative committee of the District of Columbia taking up this matter and disposing of the bill introduced by the gentleman from Michigan [Mr. CRAMTON]. It is apparent to those of us who are interested in the growth and development of the National Capital that the actual needs, the necessary needs of the Capital are only going to be met by adopting a plan such as this or some similar plan and then providing for a fair rate of taxation in order to meet the actual and growing needs of the District of Columbia. I want to take advantage of this opportunity to commend the subcommittee of the Committee on Appropriations, who framed this bill, for the care and untiring effort that they have put into it. I have pointed out several times to representative groups of business men of this city, that these emergency needs of the District were only going to be obtained by imposing the burden of raising the money upon the citizens of the District, and that there was a growing sentiment in the Congress toward a curtailment of the amount we have been contributing first under the 50–50 plan and then under the 40–60 plan. And I am in full accord with the gentleman from Virginia [Mr. MOORE] that the present system of submitting estimates by the Commissioners of the District of Columbia to the Director of the Budget for his approval or disapproval and then submitting them to the Congress is wrong, and that it never was the intent of the framers of the Budget law or the men who drew the organic law for the District of Columbia that the officials of the Budget Bureau, charged with the responsibility of going over and of curtailing and of balancing the needs of all the various activities of the Federal Government, that they should be called upon to pass upon the question of street improvements, the number of policemen, the number of firemen, school buildings, school sites, extension of water mains, extension of sewer mains, and matters of that kind, and I contend that if this system is to continue that the Budget Bureau should set up machinery for actually considering the needs of the District of Columbia and of giving the citizens of this municipality, the men and women who pay the taxes, an opportunity of presenting their needs to the Director of the Budget.

When the Budget law was first adopted and the estimates for the District of Columbia were sent there the matter was referred to an ex-United States Senator, a splendid and learned man, and he was given the responsibility and the power of recommending what streets should be extended, what streets should be paved, what water lines and water mains should be extended, and all the various activities of the Government were passed upon by this distinguished gentleman, then approved by the Bureau of the Budget and sent to the Congress as he prepared it, and immediately the Committee on Appropriations met and solemnly resolved for that year they would not raise a single item submitted by the Director of the Budget. I am glad to see in the preparation of this bill that after investigation and after ascertaining what the actual needs of the District are that the committee bringing in this bill have not been bound by all the estimates submitted to them by the Bureau of the Budget. I called the committee's attention yesterday to the fact that when we had this recent snowstorm that the Commissioner of the District of Columbia who is charged with the responsibility of keeping the streets and alleys clean had gone to the Director of the Budget to get some assurance from him that if he spent the money remaining in the Treasury for street

cleaning and for the removal of waste, refuse, and so forth, that the Director of the Budget would recommend a deficiency; and then after he had gotten that assurance he came here, as stated by the gentleman from Illinois, chairman of the Committee on Appropriations, and asked his advice about this matter, and the gentleman from Illinois [Mr. MADDEN] told him that if he was the official charged with the responsibility of keeping the streets clean he would go ahead and spend the remaining surplus in the Treasury to the credit of the District of Columbia for this purpose and take the chances on getting a deficiency appropriation. I regret that this committee did not give more consideration to this matter of snow removal. I find nothing in the hearings; I find merely an increase of $20,000 in the lump sum allowed them for the removal of dirt, waste, refuse, and so forth, in the city.

Mr. MURPHY rose.

Mr. ZIHLMAN. And I actually believe that this recent snowstorm will cost in street improvements fully $100,000 in repair to the surface of the streets. The gentleman from Texas [Mr. BLANTON], who may not be entirely accurate in his estimate, said he had investigated and it would cost a million dollars. I do not agree with that statement, but I do believe as a layman that the damage done to the streets——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes. I have not taken up any time in general debate and I will take very little on the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ZIHLMAN. I now yield to Mr. MURPHY, a member of the committee, or to the gentleman from Texas.

Mr. BRIGGS. How much more does the gentleman think will be necessary to care for the situation, to get the streets cleared of snow in Washington when there is a heavy snowstorm, and keep the streets in a fair condition of repair?

Mr. ZIHLMAN. I will say to the gentleman that an auxiliary committee of citizens has met with the officials of the District of Columbia and they have made a request for equipment and for funds which, as I recall, amount to some $300,000; probably a little more than that. It is my purpose to offer in good faith an amendment asking an increase in this sum of $100,000. I desire to answer the gentleman further by saying that according to the statement made by the distinguished gentleman from Kansas [Mr. AYRES] upon the floor during the first six months of the fiscal year they expended in cleaning and removing dirt, and so forth, from the streets more than one-half of their allowance for that purpose.

Mr. BRIGGS. Can the gentleman explain why it is that the District officials seem so slow in undertaking any step to remove snow from the streets when it does fall here, but let it cake and harden and become ice and then undertake to remove it when it costs about three times as much as it would originally cost if they had undertaken the work sooner?

Mr. ZIHLMAN. Well, I will say to the gentleman that I agree with the gentleman from Illinois [Mr. MADDEN], in that if I had been the official charged with that responsibility I would have removed the snow and spent every cent to the credit of the District for such purposes, and would then have taken my chances on creating a deficiency that could be used later for the removal of dirt. Nor do I believe the estimate which appeared in the newspapers is correct of $1,000 a mile to clear the snow off the streets. Our State of Maryland has 2,000 miles of improved highways, and we kept them clean last year at a total expense of $79 per mile.

Mr. BRIGGS. Why is it necessary to try to require all the property owners to remove the snow and ice from their sidewalks and at the same time allow the street-car companies to allow the snow and ice to lie on the space between the tracks?

Mr. ZIHLMAN. It is a question as to whom the streets belong. The matter has gone to the Supreme Court as to who owns the streets and the sidewalks.

Mr. BRIGGS. The owners decline to assume the responsibility, and the city government does not assume it, and between the two the streets are left in a condition that makes them impassable.

Mr. ZIHLMAN. Our committee has several times attempted to frame laws to give the Commissioners of the District the power to penalize owners for not removing the snow from the sidewalks. They have carried the matter into the courts, and they have been unable to obtain convictions.

Mr. BRIGGS. Why not place the responsibility definitely somewhere and impose that responsibility on them, and in that way get their cooperation?

Mr. ZIHLMAN. Yes; that might be done.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. I would prefer to finish this statement first. I do not want my entire five minutes to be occupied in answering questions. But let the gentleman go ahead.

Mr. MURPHY. The gentleman knows that something over $400,000 was appropriated for street-cleaning purposes, of which $108,000 was still on hand, and he knows that the ordinary snow removal would not require the expenditure of that entire sum. The gentleman could not help knowing that if the officers here had used some of that money for the removal of snow it would not have accumulated as it did; and if a deficiency had been incurred, he knows that the members of the Committee on Appropriations look with favorable eyes on requests for money from the District.

Mr. ZIHLMAN. That is true as a broad, general rule, but I would have to take exception to that statement and some of the details of this bill.

Mr. MURPHY. You had that $108,000 to work with, and you did not use it. I did not think the city authorities should have lain down as they did until they were instructed just how to spend it.

Mr. ZIHLMAN. The gentleman should remember that when this snowstorm came upon us there were six months of the fiscal year yet remaining.

Mr. MURPHY. But the city authorities did not use the money they had on hand.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland may proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MURPHY. Will the gentleman yield again?

Mr. ZIHLMAN. Yes.

Mr. MURPHY. I just want to call attention to the fact that the word "snow" appears here in the appropriation, and you do not clean snow off the streets of the District of Columbia in the month of April. It was a national disgrace in the city of Washington.

Mr. ZIHLMAN. There was not sufficient money to remove it from the streets.

Mr. MURPHY. You had sufficient money to do it with.

Mr. ZIHLMAN. In the first six months of the fiscal year they spent $230,000 for the removal of dirt, and they had only $180,000 in all remaining for the removal of dirt, waste, refuse, and snow.

Mr. MURPHY. You knew how to come back here and get more money in the deficiency bill to take care of the situation, and you have not done it; and it is a disgrace to thousands of people who come to the Capital every day.

Mr. ZIHLMAN. I think the official charged with that responsibility had the right to be apprehensive as to whether he would get money to keep the dirt off the streets for the remainder of the fiscal year.

Mr. MURPHY. The gentleman knows quite well that the attitude of the Committee on Appropriations toward District expenditures has been liberal.

Mr. ZIHLMAN. In some particulars they have been liberal. I call the attention of the committee to the insert in the RECORD by the gentleman from Virginia [Mr. MOORE], in which he has set forth an estimate of the actual needs for the future development of the city. I will call the gentleman's attention to the fact that the aggregate sum set forth in that statement of the actual needs of the District is $55,000,000.

There are hundreds and thousands of homes here that do not have sewer service, and there are hundreds and thousands of homes here who do not have water service; so that while I am not stating that the Committee on Appropriations has been parsimonious, and while I have commended them for their well-balanced and more or less liberal bill, yet it must not be assumed that the committee has met all the needs of the municipality. Many of the one-time luxuries have now become necessities in our modern life, and they affect a class of people who have no very great influence in this city, and those needs should be met by adequate appropriations. And I will say this to the gentleman in conclusion, that when you adopt a lump sum and provide that every dollar you spend over that sum is to be collected from the taxpayers of the District, the people of this city will have the right to expect more or less liberal treatment at the hands of Congress and at the hands of this committee.

Mr. MURPHY. I quite agree with the gentleman that if we go on to the lump sum in a permanent way in financing the District the people of the District may then be allowed to add to their taxes as they may desire.

Mr. ZIHLMAN. You have the authority to compel them to do that.

Mr. MURPHY. I will go this far with the gentleman and say that the Budget officer, after Congress establishes the plan of the lump sum, might say we do not need to raise the tax rate of this District to meet the estimates by the Budget Bureau. Let the commissioners attend to that. If they get the tax rate moved above the satisfaction of their needs, then you could come back to Congress and ask for a lowering of the rate; and if more money is needed, the rate can be raised and you can ask Congress for an additional appropriation.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. GARNER of Texas. Realizing that the gentleman from Maryland [Mr. ZIHLMAN] and the gentleman from Virginia [Mr. MOORE] know the needs of the people of the District of Columbia better than any other two men in the House of Representatives, would the gentleman from Maryland and the gentleman from Virginia, speaking for the people of the District of Columbia, be willing to say that they are willing to tax them sufficiently to carry out the program that they have in mind?

Mr. ZIHLMAN. I have never heard a dissenting voice from the taxpayers of this city as to the necessary improvements. We were asked for $1,000,000 for park purposes not long ago, and not a citizen of the District raised his voice against the appropriation of that large sum for the beautification of the Capital. I could cite the gentleman examples without end as to the fact that the people here have been entirely satisfied to pay for these improvements.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. CHINDBLOM and Mr. AYRES rose.

Mr. CHINDBLOM. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. For what purpose does the gentleman from Kansas rise?

Mr. AYRES. Mr. Chairman, I want to make the suggestion that we have spent 45 minutes on this section, and I move that all debate on the pending paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Kansas moves that all debate on the pending paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. CHINDBLOM. Mr. Chairman and gentlemen of the committee, I have seldom taken part in the debate upon the appropriation bill for the District of Columbia. I have been a Member of the House for six years and I have been watching the proceedings with reference to the District from the point of view of one who has lived in a large city all of his life.

A moment ago I undertook to reserve a point of order and would have made a point of order against the proposed permanent legislation with reference to the financial relations between the District and the Federal Government. I want to say, however, that I did not intend in so doing to find any fault whatever with the gentleman from Michigan [Mr. CRAMTON], who has taken the initiative and had the energy to propose something in the way of a permanent arrangement for the fiscal relations between the District and the Federal Government. It is time that somebody undertook that task and presented a concrete plan. Speaking for myself, and I think for many other Members of the House, I want to say that the members of the District Committee and the people of the District themselves had better see to it that some permanent arrangement is soon proposed to Congress or they are very likely to have legislation which will be prepared by some one who has sufficien interest and sufficient energy to propose a plan, and it may be adopted upon very short notice.

Mr. AYRES. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. AYRES. I will ask the gentleman whether that was not proposed a few moments ago, and did not the gentleman make a point of order against it?

Mr. CHINDBLOM. I did; and I did that because I did not think it had received the consideration it should receive by the legislative committee. I do not think the Appropriations Committee itself or the subcommittee of the Appropriations Committee have considered this plan of permanent legislation as fully as it should be considered.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. TAYLOR of Colorado. Does not the gentleman think he is doing a great injustice to the District of Columbia by making a point of order against the attempt to settle this matter, because, as was intimated by the gentleman from Maryland [Mr. ZIHLMAN], if we had a definite lump sum, I think the sentiment of Congress would be to give the District $50,000,000, if they wanted it; but what most of us object to is having our people at home charged with it.

Mr. CHINDBLOM. I will say to the gentleman that I would like a more liberal provision for the District than was contained in the proposal to which I suggested a point of order. I have been supporting the 40-60 proposal, and I am willing to go back to it; but I can see very well that the sentiment of the House is so overwhelmingly against that proposition that sooner or later permanent legislation along the lines of the present proposal will be adopted. For that reason I am saying that the people of the District should cooperate with Congress, and particularly with the District of Columbia Committee, in working out a plan for the permanent solution of the fiscal relations between the District and the Federal Government.

Mr. TAYLOR of Colorado. Has not that been under consideration constantly for years?

Mr. CHINDBLOM. I know it has; but we are not getting anywhere.

Mr. TAYLOR of Colorado. And we can not if gentlemen object.

Mr. CHINDBLOM. The only way we are getting any action is by legislation upon an appropriation bill. The Appropriations Committee must come in year after year and propose legislation rather than appropriations, and finally an energetic and wide-awake member of the Appropriations Committee has proposed permanent legislation when, after two years, he has failed to obtain action upon the proposal. I am not finding any fault with him, but I do think there is a growing sentiment among the Members of the House that this matter should soon receive such consideration that we may have permanent legislation upon the subject.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

In all, Executive Office, $200,760.

Mr. McDUFFIE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, I appreciate your desire to hurry along with the pending measure and I feel I should apologize for asking your indulgence at this late hour and at this particular time even for a few moments in order that I may set out in the RECORD certain figures relative to the expenses of the Emergency Fleet Corporation. On Wednesday, in a colloquy on the floor between my colleague from Alabama [Mr. BANKHEAD], the gentleman from New Jersey [Mr. LEHLBACH], and myself, Mr. LEHLBACH had the following to say:

These figures are incorporated in a letter dated January 31, 1925, which shows that the general overhead of the Emergency Fleet Corporation, including pay roll, salaries, rents, cables, traveling expenses, telegrams, etc., is $5,600,000.

The gentleman from Alabama [Mr. BANKHEAD] had previously stated that his information was to the effect that the personnel was more than 3,000, at an annual expense of more than $7,000,000.

On yesterday I secured a copy of the "Pay roll and personnel statement of per annum employees (including foreign and weekly pay rolls), United States Shipping Board and Emergency Fleet Corporation, December 31, 1924, to January 15, 1925." This table is prepared, according to the language contained on the front of the statement, by the "personnel division." I will insert the table in this statement for the benefit of those who may be interested in the figures:

Summary

EMERGENCY FLEET CORPORATION

Detail page		Dec. 31		Jan. 15		Increase		Decrease	
		Number	Annual salaries	Number	Annual salaries	Number	Annual salaries	Number	Annual salaries
1	Chairman's office	19	$59,880	19	$59,880				
1	Commissioner's offices	10	24,640	10	24,640				
1	Office of the president	8	54,920	8	54,920				
1-2	Secretary's office	98	146,460	97	145,620			1	$840
2	Investigation department	24	65,700	21	54,900			3	10,800
2	Field offices—Executive	217	388,089	213	392,689		$4,600	4	
2	Bureau of research	34	56,840	34	57,620		780		
3	Legal department	157	542,260	157	554,080		11,820		
4	Recruiting service	49	101,160	49	101,040				120
4	Departments, Vice President Sidney Henry	84	213,240	84	213,240				
5	Comptroller's department	480	1,013,690	475	999,490			5	14,200
6	Treasurer's office	135	337,040	130	323,460			5	13,580
7	Ship sales department	31	87,780	32	93,180	1	5,400		
7-8	Departments, Vice President W. B. Keene	178	454,300	180	461,440	2	7,140		
9-10	Departments, operations	1,317	2,629,907	1,305	2,582,367			12	47,540
	Total, Emergency Fleet Corporation	2,841	6,175,906	2,814	6,118,566	3	29,740	30	87,080
	Net decrease							27	57,340

SUMMARY OF TOTALS

Emergency Fleet Corporation:								
Exclusive of weekly	2,468	$5,621,244	2,436	$5,559,770			32	$61,474
Weekly	373	554,662	378	558,796	5	$4,134		
Total, Emergency Fleet Corporation	2,841	6,175,906	2,814	6,118,566	5	4,134	32	61,474
United States lines	677	1,108,382	679	1,122,238	2	13,856		
Total	3,518	7,284,288	3,493	7,240,804	7	17,990	32	61,474
United States Shipping Board	88	267,540	88	267,540				
Grand total	3,606	7,551,828	3,581	7,508,344	7	17,990	32	61,474
Net decrease							25	43,484

It will be noted that the annual pay roll as of January 15, 1925, for salaries alone, mark you, without the inclusion of any charges of rents, cables, and so forth, as suggested by my friend from New Jersey, and without including the weekly pay roll or temporary pay roll of the Emergency Fleet Corporation, amounts to $5,559,770. To this amount must be added the weekly pay roll, which must be a part of the overhead of the corporation, the sum of $558,796, making a total annual and weekly pay roll of $6,118,566. The gentleman from New Jersey stated that in the month of January Admiral Palmer had reduced the annual pay roll of the corporation a hundred thousand dollars. The admiral is to be commended for this, yet even granting that this was done, the figures quoted by the gentleman from New Jersey can not be reconciled with the figures of the table and those quoted above.

A glance at the table will further show that the gentleman did not take into account the salaries paid for the operation of the United States lines which are operated directly by the Government. These salaries amount to $1,122,238 and if added to the annual and weekly personnel and pay roll statement or figures for the Emergency Fleet Corporation, make a total of $7,240,804. If to this amount we add the items for the Shipping Board proper, we have a grand total of expenses for pay roll and personnel of the Emergency Fleet Corporation and the Shipping Board of $7,508,344, of which amount there is chargeable to the board proper the sum of $267,540. I am sure the gentleman from New Jersey had not seen these figures when he received the letter from which he took the figures quoted by him. I expect to call his attention to these figures, for I am sure he did not mean to say that the figures he quoted, namely, $5,600,000, included rents, cables, traveling expenses, telegrams, and so forth. I am informed that these latter items alone are said to amount to something like $3,000,000 per annum. Of course I mean rents paid all over the country and abroad, as well as here in Washington, together with cables and other incidentals that are properly chargeable as a part of the administrative expenses. So if we add the amount paid for such expenses—and I should think they are a part of the overhead expenses—we would find that the total would be more than ten millions.

The gentleman further stated that there had been some "loose talk" about the percentage of losses chargeable to overhead. He stated that the overhead, meaning the salaries and other administrative expenses of the Emergency Fleet Corporation, compared with the entire cost of our ship operations, is but 4½ per cent. Figuring as he does the cost of operation to be $36,000,000, the $5,600,000 which he claims to be the administrative expenses is more than 4½ per cent and nearer 14½ per cent. I am advised, and I think by very good authority, that during the month of December for the operation involving 117 terminations by freight vessels there was a loss of $2,119,488.72. The amount of administrative expense charged to these voyages was $412,576.02, which is close to 20 per cent of the actual loss in operation for the month of December. The committee may not be interested in this particular subject at the present moment, yet I am submitting this statement in order that the RECORD may contain the statement upon this subject made by the division personnel itself.

May I again call to your attention the matter of reduction in the number of ships upon the established trade routes. During the month of January it seems that nine ships were taken out of the service. Understand, I am not criticizing Admiral Palmer for this reduction. He told the subcommittee that further reduction would have to be made.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. McDUFFIE. Mr. Chairman, I ask to proceed for just two additional minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. McDUFFIE. Admiral Palmer told the Committee on Appropriations that, using his language, on page 490 of the hearings, on January 2, 1925:

Mr. PALMER. During the fiscal year 1924 we operated an average of about 338 cargo vessels to all ports of the world. We are now actually operating about 320 cargo vessels, but this is a very much greater number than is authorized by the appropriation under which we are operating, and the average, as laid down by the Shipping Board, was about 297 cargo vessels throughout the year, though the Fleet Corporation estimate to live within the congressional appropriation was 275 cargo vessels. The additional vessels that are on now are due to a special grain situation along the Gulf, and they are being taken off; they have all been ordered off; but as the voyages are extended over several months, the ships are not actually off now. The appropriation for the last fiscal year was $50,000,000, and we are now operating under the new appropriation of $30,000,000 for operations and $6,000,000 for liquidation and laid-up vessels.

The general result is that we are now working toward a basis of expenditures of about $14,000,000 less than we were last year. We are $1,300,000 above it at the end of five months, as we have had to operate more than the estimated number of cargo vessels, but we are making every effort to reduce the losses.

You will note the admiral says that he was about $1,300,000 above the amount that was estimated would be expended dur-

ing the last five months by reason of the fact that he had to operate more than the estimated number of cargo vessels. The question that presents itself to me is, How will Admiral Palmer be able to operate more than 200 cargo vessels on the amount appropriated in the bill just passed? If he is operating on a basis of $36,000,000 now and feels that only 275 vessels can be operated on that amount, how many vessels will he be able to operate and keep up efficient service on all the trade routes established on the amount we have just provided? Of course, neither the admiral nor the board can be blamed if we do not furnish money enough to operate the ships. Therefore, let me again suggest to this committee that in cutting down the amount for the operation of our merchant marine we are likely to bring about a greater reduction of the number of vessels than we wish and prevent the Emergency Fleet Corporation from functioning for the welfare of the whole country as the country expects it to do. I thank you gentlemen for your kindness in permitting me to proceed out of order.

The pro forma amendment was withdrawn.

The CHAIRMAN. Without objection, the spelling of the word "buildings," in line 18, on page 8, will be corrected.

There was no objection.

The Clerk read as follows:

Northeast: For grading Evarts Street, Fourth Street to Central Avenue, $4,400.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment at this point.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: On page 19, at the end of line 6, insert the following: "For grading, including necessary culverts, drains, and retaining walls, the following:

"Northwest: Sixteenth Street, Alaska Avenue to Kalmia Street, $40,500.

"Northwest: Western Avenue, Massachusetts Avenue to Forty-first Street, $30,000."

Mr. ZIHLMAN. Mr. Chairman and gentlemen of the committee, I wish to say that this appropriation for street improvements last year was $605,650, and this year the committee has recommended $298,750. I take no exception to the judgment of the committee. The two items which I have offered were approved by the Director of the Budget. In all they only involve $70,500. One provides for the grading of a part of Sixteenth Street beyond Alaska Avenue, where Sixteenth Street ends just north of the Walter Reed Hospital, and the other provides for the grading of a street between the District line and the State of Maryland. The latter item is asked for and approved by the officials of the American University. I have here a letter from the chancellor of the university pointing out the need and the necessity for this item, and in view of the very considerable sum that the committee has saved in the matter of street improvements I ask the committee to accept this amendment.

Mr. MURPHY. We will accept the amendment.

Mr. DAVIS of Minnesota. I am willing to accept the amendment.

Mr. AYRES. Just a moment, Mr. Chairman. As one member of the committee I am unwilling to accept the amendment.

Mr. ZIHLMAN. If the gentleman is going to speak against the amendment, I would like to use the balance of my five minutes.

I want to say that this is payable by law entirely from District funds.

Even though you did not adopt the lump-sum plan it would be paid for by the property owners of the District. The only objection I have heard is that it is paid by the District as a whole and not by the adjoining property owners. But that is the present law and it is applicable to this improvement, and if the people of the District want to put the cost of street improvements on the entire District I can see no reason why they should not do so.

Mr. AYRES. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. AYRES. I do not intend to take up the gentleman's time, but this item of $70,500 is paid exclusively out of the gasoline tax, and no part of this is charged to the property owners of the locality in which the projects are situated. I think it is very unfair at this time to come in and undertake to put $70,500 of the gasoline funds into the cost of these gradings. One of these propositions is a mile beyond the resident portion of the District.

Mr. ZIHLMAN. It renders it possible to use Sixteenth Street.

Mr, AYRES. There are only about six or seven residences there, and it is not needed at this particular time. If it were needed I would make no objection. The Alaska Avenue proposition is for the purpose of straightening Sixteenth Street, and while I think it would be a good proposition later on, it is not necessary at this time. There are other projects in the city for repaving and widening streets that are much more necessary. Furthermore, if a portion of these items were paid for by the property owners I would feel differently about it, but the entire amount comes out of the gasoline tax.

Mr. ZIHLMAN. I wish the gentleman would point out where this comes out of the gasoline tax. I had a conversation with the clerk of the committee and he said that this was paid for by the residents of the District of Columbia. The next paragraph is the gasoline tax fund. Page 19, line 6 is the paragraph that provides for the gasoline tax fund.

Mr. AYRES. Well, with that understanding I have no objection, but I certainly would oppose the amendment offered by the gentleman from Maryland if the expense was borne by the gasoline fund.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word. I do that in order to ask unanimous consent to proceed a minute out of order on the subject of the ratification or rejection of amendments to the Constitution.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed a minute out of order on the subject of the ratification or rejection of amendments to the Constitution. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, on January 3 I introduced a bill, H. R. 11283, which proposes an amendment to section 205 of the Revised Statutes. I will incorporate the bill, which is very brief, as a part of my remarks:

A bill (H. R. 11283) to amend section 205 of the Revised Statutes

Be it enacted, etc., That section 205 of the Revised Statutes be, and the same is hereby, repealed and reenacted with an amendment so as to read as follows:

"SEC. 205. Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid to all intents and purposes as a part of the Constitution of the United States; and whenever official notice is received at the Department of State that any amendment proposed to said Constitution has been rejected by the legislatures or the conventions, respectively, of more than one-fourth of the States, the Secretary of State shall forthwith issue a proclamation specifying the States by which the same may have been rejected and shall cause the said promulgation to be published in the newspapers authorized to promulgate the laws."

The proposed amendment would require the Secretary of State to certify when one more than one quarter of the States had rejected a proposed amendment to the Constitution, and would give the other side of his present duty, which is to certify when three-quarters have agreed to sanction an amendment to the Constitution. The uncertainty which exists at the present time as to the status of an amendment, is very interesting and well expressed in a brief article by Mr. J. F. Essary, in the Baltimore Sun of this morning, which I ask unanimous consent to incorporate in my remarks.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

[From the Baltimore Sun, February 6, 1925]

(By J. F. Essary)

WASHINGTON, February 5.—Rejection of the child labor amendment to the Constitution by more than one-third of the States, which action seems to have defeated the measure decisively, has raised a series of questions that profoundly perplex Government officials.

Is the Department of State called upon to proclaim the defeat of an amendment in the same manner that it proclaims ratification of such a measure?

QUESTIONS THAT ARISE

"If such proclamation is issued and if a sufficient number of States should reverse themselves to change the result what would happen?

"Are the States required to notify the State Department of their adverse action on a proposed amendment?

"If a State votes to ratify an amendment, then changes its mind, as Arkansas has just done, and votes against it, which action holds?

"How long may the States take to vote one way or the other, or both ways, on an amendment?

"If the legislature of a given State votes one way on an amendment and a subsequent legislature votes another way, which action shall the State Department recognize and record?"

MAY END IN LEGAL BATTLE

Some of these questions, which have come up in connection with the unprecedented action on the proposed amendment, may have to be submitted to judicial determination, administration officials say, if the amendment fight goes on, as is predicted.

Both sides in the contest insist the fight is not over, although more than enough States to kill the amendment have voted against it. The group of organizations lobbying for the proposal say they will continue in their course until enough States vote to ratify by direct action or by reversing themselves.

Only yesterday opponents of the amendment, speaking through their Washington lobby, admitted that the fight would have to go on indefinitely in view of the refusal of the proponents to give up. This group claims a victory so far as the 1925 legislatures are concerned, but foresees renewal of the contest all along the line.

WITHOUT PARALLEL

The situation with regard to the child labor amendment, authorities here say, is without parallel. Other amendments, once they received a two-thirds vote of the House and Senate, necessary for submission to the States, have had powerful support throughout the country. No other measure of this kind, it is declared, has been turned upon immediately and voted down by the legislatures.

Nor in any other case has there been a widespread and concerted movement to induce legislatures to change their votes or to elect new legislatures pledged to reverse the action taken, as in this instance.

In the process of ratification of a constitutional amendment the States, once they have voted in favor of the measure, formally certify the fact to the Secretary of State. The States which vote against it may or may not do so. In the past some have failed to certify their action, regarding it as unnecessary.

OFFICIALS PUZZLE OVER CASE

Three-fourths of the States are necessary to ratify an amendment and one more than one-fourth may reject it. State Department officials do not know what they should do if 13 or more States certify their rejection, action which, on its face, would amount to defeat.

Some officials in that branch are of the opinion that the department is not obligated to proclaim the defeat of an amendment. It must proclaim ratification once three-fourths of the States have approved, but it is doubtful that negative action must be announced formally.

It was pointed out to-day in this connection that the State Department is the recording office for all laws passed by Congress. The originals of such laws are deposited in the department's archives. The department, on the other hand, is not required to take any notice of bills or resolutions which fail of enactment.

State Department officials refuse to give an opinion on the length of time the States had in which to decide, once for all, what their position on an amendment would be or whether a State could change its vote, either before or after certification of action may have been sent to the department.

OBSTACLES EXPECTED

The officials emphasize that the department, being merely a recording office, the courts must be resorted to if a question on the legality of any State's action is raised.

It is by no means certain that the advocates of the child labor amendment will succeed in their effort to bring about ratification of the measures, however long they may work to that end.

The opponents of the organic change have the better of the fight. Only three States have voted in favor of the proposal, while more than the required number have voted against it, this among fewer than half the States that have acted.

That it will require tremendous pull to bring about a general reversal of action on the amendment is well understood, but if that should come, it is highly probable, State Department officials admit, that some issues never before raised would have to be submitted to the courts for settlement.

Mr. HILL of Maryland. I feel that what I am proposing will help clear up the situation until the Wadsworth-Garrett amendment is passed. [Applause.]

The Clerk read the paragraph on page 19, beginning at line 7.

Mr. DAVIS of Minnesota. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to change all the totals.

The CHAIRMAN. Without objection, the Clerk will be instructed to change the totals.

There was no objection.

The Clerk read as follows:

GASOLINE-TAX ROAD AND STREET IMPROVEMENTS

For paving, repaving, grading, and otherwise improving streets, avenues, suburban roads, and suburban streets, respectively, including personal services and the maintenance of nonpassenger-carrying motor vehicles used in this work, as follows, to be paid from the special fund created by section 1 of the act entitled "An act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes," approved April 23, 1924, and accretions by repayment of assessments.

Mr. AYRES. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. AYRES: Page 19, line 21, strike out the words "nonpassenger-carrying."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Northwest: For widening to 55 feet and repairing the roadway of E Street from Fifth Street to Thirteenth Street, $95,000.

Mr. FUNK. Mr. Chairman, I ask unanimous consent that the Clerk be directed to correct the spelling on line 9, page 20. It should be "repaving" instead of "repairing."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Northwest: For widening to 60 feet and repairing the roadway of Thirteenth Street from E Street to Pennsylvania Avenue, $5,000.

Mr. FUNK. Mr. Chairman, on line 6, page 22, the word "repairing" should be "repaving," and I ask that the Clerk be authorized to make the correction.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The Clerk read as follows:

Northwest: Thirty-fourth Street, Massachusetts Avenue to Cleveland Avenue, 30 feet wide, $20,000.

Mr. AYRES. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. AYRES: Line 4, page 23, after the word "thirty," insert the words "and forty."

Mr. AYRES. Mr. Chairman, Thirty-fourth Street above Cleveland Avenue, both blocks, is 30 feet wide. The Government owns all of the property south of Cleveland Avenue, and it will be no extra expense to make the street 40 feet wide, and it is absolutely necessary that it be that wide in order to provide for parking space later on. The engineer commissioner asks that it be made 40 feet wide. There will be no condemnation of property or added expense.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

The Clerk read as follows:

Repairs: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to asphalt pavements with the same or other not inferior material, and including the maintenance of nonpassenger-carrying motor vehicles used in this work, $600,000. This appropriation shall be available for repairing pavements of street railways when necessary; the amounts thus expended shall be collected from such railroad companies as provided by section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

Mr. AYRES. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. AYRES: Page 26, line 6, after the figures "$600,000" strike out the period, insert a comma, and add the words "to be immediately available."

Mr. DAVIS of Minnesota. Mr. Chairman, did the gentleman get any letter from the commissioners concerning this matter?

Mr. AYRES. No; but some of them saw me and said that they wanted it done, and they gave very plausible reasons. I thought I had spoken to the gentleman from Minnesota about it.

Mr. DAVIS of Minnesota. No; but I have no objection to it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the commissioners, and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters in the discretion of the commissioners, including services and purchase and maintenance of equipment, rent of storage room; maintenance and repairs of stables; hire, purchase, and maintenance of horses; hire, purchase, maintenance, and repair of wagons, harness, and other equipment; maintenance and repair of nonpassenger-carrying motor-propelled vehicles necessary in cleaning streets and purchase of motor-propelled street-cleaning equipment; purchase, maintenance, and repair of bicycles; and necessary incidental expenses, $430,000.

Mr. ZIHLMAN. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: Page 30, line 5, strike out the figures "$430,000" and insert in lieu thereof the figures "$530,000," and the following: "*Provided*, That $100,000 shall be available for emergency use in removing snow and ice from street crossings and gutters."

Mr. ZIHLMAN. Mr. Chairman, I offer this amendment because I believe sincerely that the sum allowed for this purpose is inadequate to meet an emergency of this kind. This would simply create an emergency fund of $100,000 for the removal of snow. The speeches made here by gentlemen who are members of the committee demonstrate the fact that $430,000 which is made available is actually needed in the removal of dust and dirt, of waste paper from the streets of the city, and I believe there should be an emergency fund of this kind. I do not think that the sum which we have asked for is entirely adequate, but I am hoping that some such sum will be made available for this purpose. I shall not further take up the time of the committee, but submit the amendment. In my opinion the recent snowstorm caused a great deal of damage to the surface of the streets of the city and according to the Washington branch of the American Automobile Association a great deal of this damage could have been prevented by an appropriation such as this if it had been available.

I insert herewith as a part of my remarks a letter signed by Mr. George W. Offutt, secretary of the association, and by the advisory board of same:

AMERICAN AUTOMOBILE ASSOCIATION,
Washington, D. C., January 3, 1925.

Hon. FREDERICK N. ZIHLMAN,
Committee on the District of Columbia,
House of Representatives, Washington, D. C.

MY DEAR MR. ZIHLMAN: In behalf of the motorists of Washington, we desire to call your attention to the deplorable condition of our city streets and roads as a result of the recent snowfall. We understand that all snow-removed funds heretofore appropriated by Congress for the use of the District Commissioners are exhausted and that no funds are now available for this work.

Our association has recently made an exhaustive study of the question of snow removal and as a result of this work we are convinced that in the end it is much more economical to appropriate money to remove snow than to provide funds with which to repair the damage to our streets and roads which is caused by allowing the snow to remain on the streets until it disappears as a result of natural causes.

A copy of our Snow Removal Book, which will give you an idea of what is being done along this line throughout the snow belt in various parts of the United States, is inclosed herewith for your information.

The pounding and grinding action of the traffic in the snow ruts and holes causes the street and road surfaces to rapidly disintegrate. For instance, a truck which under normal conditions exerts a pressure on the road surface of 5,000 pounds per wheel will, when dropping 2 or 3 inches into these holes and ruts, produce a blow equivalent to 35,000 to 40,000 pounds per wheel; in other words, an impact amounting to three and one-half to four times the static load. The damage caused by this pounding action on the roads and streets is further accentuated by the grinding effects of the chains which must be used by passenger cars and trucks when the streets are covered with snow.

Two years ago, during the winter of 1922, the damage to our streets and roads caused by one heavy snow amounted to several hundred thousand dollars. The effect of the present snowfall will probably damage our streets and roads to the extent of at least $100,000. This could have been obviated by an appropriation of a few thousand dollars for the removal of the snow before the damage was done.

The economic loss to the business interests of the city and to the Federal Government as a result of our lack of organization preparedness probably amounts to hundreds of thousands of dollars. That this loss is irrecoverable is shown by surveys made in other great centers of population.

In view of these facts, we respectfully urge that an adequate appropriation be made at once by Congress to remove the snow from the principal highways and streets of the city and that funds be provided now for an ample snow-removal program for the balance of the year, including the purchase of suitable snow-removal machinery.

The motorists of Washington, through personal property taxation, registration fees, and gasoline taxes, are contributing their fair share of taxes and we believe they are entitled to reasonable and just consideration in this matter.

Respectfully submitted.

DISTRICT OF COLUMBIA ADVISORY BOARD
AMERICAN AUTOMOBILE ASSOCIATION.
DR. FRED V. COVILLE, *Chairman.*
EDWARD S. BRASHEARS.
ISAAC GANS.
WALTER B. GUY.
STANLEY H. HORNER.
PYKE JOHNSON.
RUDOLPH JOSE.
A. M. LOOMIS.
DR. E. G. SEIBERT.
GEO. W. OFFUTT, *Secretary.*

Mr. AYRES. Mr. Chairman, I am not very much of a parliamentarian, but I am going to make the point of order.

The CHAIRMAN. The gentleman is too late; the gentleman has debated the amendment.

Mr. AYRES. All right. I would like to hear the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The amendment was again reported.

Mr. DAVIS of Minnesota. Mr. Chairman, I do not like to do so, but I believe I shall have to oppose that amendment. I do not think they need it. Congress has always been prompt to respond in the matter of emergency funds. I dislike to oppose the amendment of the gentleman from Maryland [Mr. ZIHLMAN], but this is absolutely unnecessary, because we can take care of emergencies as they arise. That is all there is to it.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. DAVIS of Minnesota. I will.

Mr. ZIHLMAN. I appreciate very much the courtesy of the gentleman and I do not wish to be unreasonable in this matter, but I call the attention of the gentleman to the fact that the sum you have allowed for this purpose of removing dirt and waste is barely sufficient to meet the requirements of that work, and the committee has on this floor here criticized the District Commissioners because they do not take the money remaining in the Treasury, $180,000, which remained at the time of this last storm, and use it for this purpose, and do so under the promise that Congress would come forward and give them a deficiency appropriation.

Mr. DAVIS of Minnesota. But the law provides in any emergency like that that a deficiency may be incurred. The law actually provides that. We have added twenty-odd thousand to the current appropriation, and if they should need additional money because of an unusual snowfall they can ask for a deficiency.

Mr. ZIHLMAN. Will not the gentleman be called upon to make a deficiency appropriation if all of this money available has been expended for this purpose?

Mr. DAVIS of Minnesota. The law provides in case of any emergency along this line that a deficiency may be incurred.

Mr. ZIHLMAN. The question as to what constitutes an emergency would certainly arise, and the engineer commissioner took the position that he did not feel justified in expending this balance because——

Mr. DAVIS of Minnesota. I do not think he read the law.

Mr. ZIHLMAN. I do not think still—although I want to commend the committee for the liberality of their bill—I do

not think they have provided enough money for the actual cleaning needs.

Mr. CHINDBLOM. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield the floor?

Mr. MURPHY rose.

Mr. DAVIS of Minnesota. Yes, sir.

Mr. CHINDBLOM. Will the gentleman from Ohio yield?

Mr. MURPHY. I will.

Mr. CHINDBLOM. Since there is provision here for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, what would be an emergency in the way of a snowfall?

Mr. DAVIS of Minnesota. If the unexpended balance of the appropriation were no more than adequate to meet ordinary demands and an unusually heavy fall of snow should occur.

Mr. CHINDBLOM. Is the lack of funds an emergency?

Mr. DAVIS of Minnesota. No. The lack of funds would not enter into it at all. I have been on this committee for a good many years, and we have provided whatever they have asked for—$20,000 or $30,000, or any reasonable sum necessary properly to free the streets of snow and ice.

Mr. BRIGGS. What did it cost to clear these streets of snow in the city of Washington recently?

Mr. DAVIS of Minnesota. It depends a great deal on when they started in and how they did it.

Mr. BRIGGS. I mean how much was it in this last storm?

Mr. DAVIS of Minnesota. I do not know. They had a balance of $180,000 available for all purposes.

Mr. BRIGGS. I understand that was practically all allotted to other purposes, such as maintaining streets generally, and they could not utilize it for another purpose.

Mr. DAVIS of Minnesota. The law provides that they could use it all for removing snow if necessary.

Mr. BRIGGS. What about the repair and cleaning of the streets when Congress is not in session?

Mr. DAVIS of Minnesota. It was a situation where a legal deficiency, you might term it, properly could be incurred.

Mr. BRIGGS. How does it happen that they are not cognizant of what is a legal deficiency? Do they have authority to go ahead and clean the streets and come to Congress afterwards, and have a deficiency already approved by the Budget Bureau and which Congress is bound to respect and pass?

Mr. DAVIS of Minnesota. Suppose a certain appropriation was made to remove the dust and dirt and snow from the streets. When an emergency came along they could use it all up for snow, if necessary, and if they lacked for money later on, that is construed to be a legal emergency under the law, and they are entitled to a deficiency.

Mr. BRIGGS. And the Budget Bureau and the Congress are bound to respect it?

Mr. DAVIS of Minnesota. We always have.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRIGGS. Will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. BRIGGS. I want to know whether the District Commissioners now understand that they can create a legal deficiency to carry on the necessary work of street cleaning, whether snow or something else, when it is really and actually necessary?

Mr. DAVIS of Minnesota. We have made it very clear in our report, if they did not understand it before.

Mr. BRIGGS. They agree with the committee in that matter?

Mr. DAVIS of Minnesota. I do not know as to that.

Mr. MURPHY. Perhaps the gentleman from Maryland [Mr. ZIHLMAN] could answer the question.

Mr. ZIHLMAN. The engineer commissioner went to the Director of the Budget to get assurance that he could get a deficiency appropriation, and then when that assurance was received, as I understand it, he came to this committee and asked this committee of Congress to assure him that the committee would recommend a deficiency appropriation; and the chairman of the committee told him that if he were in his place he would clean the streets and later on take his chances of getting the money.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For supplies, installing electric lights, repairs, maintenance, and necessary expenses of operating three swimming pools, $3,000.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from Minnesota if he does not think it about time we were rising?

Mr. DAVIS of Minnesota. Well, we are progressing so rapidly now, and it has taken us so long to get to a position where we could make progress at all that it seems to me 10 or 15 minutes would not make much difference, and we could get over quite a number of pages. As there is no one apparently here who is a principal objector to these items, we are making good progress. I would like to run on until half past 5. It is now 5.15. I would be glad to run for 15 minutes longer, and then I will move to rise.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Bathing beach: For personal services in accordance with the classification act of 1923, $1,320; for temporary services, supplies, and maintenance, $4,500; for repairs to buildings, pools, and upkeep of grounds, $1,780; in all, $7,600.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the paragraph for the bathing beach. I will ask the gentleman from Minnesota if it will not be agreeable to pass over this paragraph and let it be taken up later.

Mr. DAVIS of Minnesota. I do not think this is the paragraph the gentleman has in mind.

Mr. GARRETT of Tennessee. This is the one on the Tidal Basin?

Mr. DAVIS of Minnesota. No.

Mr. GARRETT of Tennessee. What beach is this?

Mr. DAVIS of Minnesota. It is down on the Monument Grounds, and it is for little children.

Mr. CHINDBLOM. It is a pool, not a bathing beach.

Mr. DAVIS of Minnesota. I think the item the gentleman is talking about is on page 73.

Mr. GARRETT of Tennessee. Mr. Chairman, with that assurance, I will withdraw the amendment.

The Clerk read as follows:

For care of smaller buildings and rented rooms, including cooking and manual-training schools, wherever located, at a rate not to exceed $96 per annum for the care of each schoolroom, other than those occupied by atypical or ungraded classes, for which service an amount not to exceed $120 per annum may be allowed, $8,000.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the subcommittee whether they employ any janitors at the District Supreme Court building or whether any money is provided for the employment of janitors at that building.

Mr. DAVIS of Minnesota. Yes.

Mr. BRIGGS. It certainly has a most unsightly appearance, especially around the pillars and out in front. It looks as though it has not been cleaned in years, and it looks as though it is the nesting place and roosting place for all the pigeons and birds in the District.

Mr. DAVIS of Minnesota. I do not think they employ them out of this paragraph, but that they are carried in another paragraph.

Mr. BRIGGS. They are certainly not employed in front of the building, though they may be used on the inside.

Mr. DAVIS of Minnesota. I can not answer the gentleman as to that. We provide for them.

Mr. BRIGGS. I happened to pass there to-day, and that building struck me as having a most disgraceful appearance—I refer to the exterior of the building—and its appearance indicates that they have no money with which to clean it. I was wondering whether they had any janitor service there or whether money was provided for securing janitor service.

Mr. DAVIS of Minnesota. I will say that Congress is not to blame for it; they have plenty of money to employ them if they want to.

Mr. BRIGGS. I am not talking about that; but if they are not using the money which Congress provides for the employment of janitor service, why not reduce the appropriation and find some other way of dealing with the situation?

Mr. DAVIS of Minnesota. I agree with the gentleman that that would be the right thing to do if conditions are such as he indicates.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For contingent expenses, including furniture and repairs of same, pay of cabinetmaker, stationery, printing, ice, and other necessary items not otherwise provided for, and including not exceeding $3,000 for books of reference and periodicals, $77,000: *Provided*, That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia.

Mr. GARRETT of Tennessee. Mr. Chairman, I reserve a point of order against the proviso:

That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia.

May I ask the gentleman from Minnesota why a bond should not be required?

Mr. DAVIS of Minnesota. I will say to the gentleman that that proviso was inserted in last year's bill and it was inserted in order to save a premium of $600. That is why we did it. I think the question was raised before and it was held in order and put in the bill.

Mr. GARRETT of Tennessee. I do not understand that a point of order was made against it and that it was held in order, but even with the statement made by the gentleman from Minnesota, that the proviso was inserted for the purpose of saving a premium, why should not a bond be required?

Mr. DAVIS of Minnesota. All I can say to the gentleman is that it is a question of saving $600; that is all.

Mr. GARRETT of Tennessee. The Government is loaning this property and it looks to me as though there ought to be some security given for its return.

Mr. DAVIS of Minnesota. In a sense we are loaning it to ourselves.

Mr. CHINDBLOM. If the gentleman will yield, it seems that this property is loaned by the War Department to the District for use in the high schools and, as I understand, it is believed that the cost of the premium on such a bond should be saved to the District. I presume it would be possible for the Congress, and probably for the officials of the War Department, to collect damages from the District or reimburse the Government in some way without exacting a bond.

Mr. GARRETT of Tennessee. I do not know about that. I do not know how they would go about collecting it.

Mr. CHINDBLOM. We might take it out of some appropriation.

Mr. GARRETT of Tennessee. I make the point of order, Mr. Chairman.

The CHAIRMAN. It is clearly legislation and the saving, if any, which might be claimed, in the opinion of the Chair, is entirely too contingent to bring it within the Holman rule. Therefore the Chair sustains the point of order.

The Clerk read as follows:

The children of officers and men of the United States Army and Navy and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

Mr. ALLEN. Mr. Chairman, I think this is an interesting place to stop, now, and I make the point of no quorum.

Mr. DAVIS of Minnesota. Mr. Chairman, I move that the committee do now rise.

Mr. ALLEN. I withdraw the point of no quorum, Mr. Chairman.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 12033, the District of Columbia appropriation bill, had come to no resolution thereon.

DISPOSITION OF BONUSES, RENTALS, AND ROYALTIES FROM INDIAN LANDS

Mr. SNYDER. Mr. Speaker, in relation to the bill S. 876, upon which I requested a conference earlier in the day, I am informed the Senate has attempted to amend a portion of the bill, which had already passed both Houses. I therefore ask unanimous consent that the Clerk respectfully inform the Senate that the House can not act on such an amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve the right to object.

Mr. SNYDER. Mr. Speaker, the bill S. 876 passed the Senate and the House passed the first section of the bill without an amendment, but with an amendment to another section, and sent it to the Senate. The Senate sends it back to the House, having amended the first section, which had passed both Houses without amendment, and we desire to send it back to them and have it corrected.

Mr. TILSON. As I understand it, both Houses have agreed on the first section of the bill.

Mr. SNYDER. That is it exactly.

Mr. TILSON. And having sent it back with another amendment, the Senate has now amended the original paragraph, which had passed both Houses without amendment.

Mr. SNYDER. Yes.

The SPEAKER. Is there objection?

There was no objection.

SAVE AMERICAN AGRICULTURE FROM RUIN

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks by including an article in the Sunday Star of December 14, 1924, on agricultural conditions.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Speaker, under leave granted to extend my remarks I insert an article on agricultural conditions, which is as follows:

B. F. YOAKUM, RAILROAD FINANCIER, DISCUSSES PLAN TO SAVE AMERICAN AGRICULTURE FROM RUIN

(By B. F. Yoakum)

I believe I am safe in saying that no country in the civilized world has permitted its agricultural industry to sink into as low estate as has the United States.

Although in the matter of production we are still the world's greatest agricultural country, at the same time our agricultural industry is harder pressed financially than can be asserted of the agricultural industry of any other country.

I know I am on sound ground when I add that because of this paradoxical condition the United States to-day is faced by the gravest economical problem that is vexing the statesmanship of any other country.

NEGLECTED BY STATESMEN

The cause is wholly due to the fact that our statesmanship has for more than a generation neglected agriculture while fostering carefully every other of our great industries. It has failed utterly to respond with constructive legislation and administration to the constantly growing demands of agriculture to be kept abreast of modern economic and commercial progress and methods.

Because of this neglect American agriculture to-day presents the grotesque spectacle of a great industry being pauperized at the production end while piling up huge profits at the distribution end. Production and distribution are twin factors of commerce. They are the Siamese twins of modern business. The death of one involves the death of the other. In our agriculture one of the twins is sick and rapidly wasting away. If the disease is not speedily cured it soon will be communicated to its mate. So intimately interwoven are all the factors of our huge business structure that every one of them will be sure to suffer with the completion of the processes of bankruptcy that are bringing the agriculture industry to ruin.

DENIES BEING AN ALARMIST

I am aware that I am using strong language. A horde of intelligent and well-meaning American doubtless will say I am employing the language of the alarmist. But I am certain that if they will only give this vitally important subject careful thought they will agree with what I have said.

I am not an alarmist; neither am I a pessimist. Conservatism and optimism constitute my creed as an American. I believe I appreciate as fully as any one else what America has done for the world spiritually as well as materially. World leadership has gravitated to us, whether we want to accept this responsibility or not, because of our free and progressive institutions. Our forefathers founded a government based upon what was then a startling declaration of principles, the chief of which was that "all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness."

Upon this basic declaration the Government was founded and was unique among the governments of the world at its birth, because it pledged a rule under which equal justice was to be extended to all, with special privileges to none.

CALLS FARMER OPPRESSED

But the American farmer to-day is not enjoying the blessings of "equal justice to all." Through sheer neglect by the Federal Government he is actually being oppressed. He is being driven into bankruptcy. He is losing his property, his home, his family ties. He

is being forced to abandon an industry he knows how to conduct and driven into the crowded centers through the dire necessity of earning a livelihood for himself and those of his family who still are of too tender age to shift for themselves.

Senator WILLIAM E. BORAH, among the comparatively few Members of Congress who apparently have given this subject close study, recently pointed out that—

"Homes are being deserted. Thousands of farmers are passing into bankruptcy. Men and women who have been reared on farms, who have given their youth and mature years to farm life, and now, at a time when little fitted to cope with a new situation, are crowding to the overpopulated centers, where men and women hive and where ignorance and want foster and spread."

Representative JAMES B. ASWELL of Louisiana, ranking Democratic member of the House Committee on Agriculture, not long ago gave utterance to this serious statement:

"The distressed farmer is not alone in his anxiety over the deplorable situation confronting him. Business is beginning to feel the pang of agricultural bankruptcy. Delay is unfortunate and dangerous."

The Department of Agriculture at Washington estimates that the minimum number of farmers who have been driven out of business since the census of 1920 was taken is 1,200,000.

520 FORECLOSURES

A few weeks ago I embraced an opportunity to visit the great agricultural belt of States in the Northwest to talk to large assemblies of farmers. At one place I was told that from the courthouse steps of the county seat in which I happened to be stopping there recently had been 520 farm foreclosure sales. I also was told that in the execution of the foreclosure sales not only the farmers involved lost their lands and homes, but in many cases chattel mortgages on their furniture and household effects had been sold at the same time. Everything was taken from them when their homes were sold; then the keys were turned, locking them out, forcing the women to leave stooped in sorrow, with their children going they knew not where. The children were not allowed to take their toys or other playthings. All were turned out upon the world penniless and hopeless.

It goes without saying that when men and women lose their homes they go out into the world embittered. Deep into their souls there sinks the conviction that there is something wrong in a governmental system which fails to throw better protection around them in their "pursuit of happiness."

The total farm wealth of the country is placed by the satisticians at $78,000,000,000. At a recent national convention of the Farmers' Grange, held in Atlantic City, Mr. Tabor, head of that great farm organization, stated that against this total farm wealth there is now a mortgage indebtedness of $14,000,000,000. The total mortgage indebtedness reported in the census taken in 1920 was only $4,000,000,000. Thus, if Mr. Tabor's figures are reliable, it is shown that within the last five years the mortgage indebtedness piled up on the farmers of the United States has grown $10,000,000,000, or at the rate of $2,000,000,000 a year. This ruinous process will continue and perhaps at an arithmetic ratio until the cause is removed. And the Congress of the United States is the sole abiding place of the power to remove the cause.

PRESIDENT KNOWS FACTS

Happily for the country and its perpetuity President Coolidge seems thoroughly familiar with the cause and is determined to stimulate Congress speedily to exercise its power of removal. Although he has appointed a select commission to study the grave situation from all its angles and report its findings with all possible haste, it is known that Mr. Coolidge favors application of the one remedy which the best students of the subject are agreed is the surest, safest, and speediest. This remedy is to be found in a measure now upon the Senate Calendar awaiting the immediate attention of the lawmakers whose tenures closes March 4.

It is known as the Curtis-Aswell bill and was reported out of the Senate Committee on Agriculture and Forestry unanimously only a few hours before the last session of Congress adjourned prior to the meeting of the national political conventions. No more thoroughly nonpartisan piece of legislation was ever presented to the United States Congress. Its authorship was nonpartisan, consisting of Senator CHARLES CURTIS, of Kansas, successor of the late Senator Henry Cabot Lodge as the Republican leader of the Senate, and Representative JAMES B. ASWELL, of Louisiana, the ranking Democratic member of the House Committee on Agriculture.

The Curtis-Aswell bill deals with the actual conditions in the American agricultural industry and presents no theories. It takes note of the salient fact that in our farming industry there is no economic or commercial organization as there is in every other great industry, and accordingly provides a way to remedy this fatal deficiency.

TOO MUCH FOR DISTRIBUTION

Its joint authors studied with meticulous care every detail of the existing deplorable condition. When they discovered that the factor of greatest weakness is that at present the consumer of farm products has to pay twice as much chargeable against the cost of distribution as he pays to the farmer for his necessary foodstuffs, they realized keenly and immediately that the factor of distribution and not of production was the one of the greatest importance to legislate upon.

Consequently they drew a bill whose chief purpose is to authorize a closely knit economic and commercial organization of American farmers to be formed under a Federal charter and to function as a national organization without any interference from the Government or any of its agencies. In other words, they perceived that the pressing necessity was for a national marketing system to be officered, managed, and controlled by the farmers themselves, just as the United Steel Corporation, the American Sugar Co., etc., are officered, managed, and controlled by men who have learned the respective industries with which they are connected through long practical experience.

Until this is done under the authorization of Congress our agricultural industry will continue to gravitate toward bankruptcy. It is perilously near that abyss now. Hence no time should be lost through investigating committees or querulous debates in Congress. The condition of the patient is known, the seat of the disease is located, and nothing remains for the attending physicians to do but apply the necessary remedy.

We hear a surfeit of talk about "the farmer's dollar" and the part it plays in American commerce, but we hear very little said concerning the part the farmer gets of that dollar. For none of his products does the farmer get more than one-third of that much-vaunted dollar. Some authorities contend that he averages considerably less than a third. Senator WALSH of Massachusetts, for example, after an exhaustive study, estimates that the farmer's share of the dollar paid by the consumer is only one-fourth instead of one-third. The other two-thirds—or probably three-fourths—go to the multiplied interests which now have a throttling grip on the present loose, unscientific, uneconomic and wickedly wasteful marketing system.

Only through a national cooperative marketing system can the reversal of the present division of "the farmer's dollar" be brought about—that is, two-thirds to the farmer and one-third to the dealer or distributor. The Curtis-Aswell bill provides specifically for this division. It takes notice of the amazing fact that there is a dealer or distributing population of more than 19,000,000 living—not only living but inordinately profiting—at the expense of the country's farming population of 34,000,000.

CRUSHED BY DEALER BURDEN

Stated in another way, this means that on the back of every one and three-fourths of the farming population of the Nation there is one dealer or distributor of the farmer's products. It has not been long since every citizen or subject in Europe had a soldier on his back. It took a World War to relieve Europe of this crushing burden. Let us hope that the American farmer will be relieved of his crushing burden before a frightful financial debacle falls upon America!

Here are some undeniable figures that prove my main postulate:

In 1922, as shown by reports of the Department of Agriculture, the farm value of standard crops produced in the United States, exclusive of livestock, products of animals, cotton, and tobacco, totaled $7,500,000,000. Under careful and conservative investigations made by myself and trustworthy agents it has been shown that for the part of the 1922 crops consumed by the American people $22,500,000,000 was expended. Of course, a considerable part of the 1922 crops were exported, but the exports brought no money to their American producers.

The profits of our agricultural exports were gathered in exclusively by the American dealers, or distributors. Hold in mind the fact that these figures take no account of the farm value, or consumer's cost of livestock, products of animals, including our meats, cotton, and tobacco produced and consumed in 1922. The $22,500,000,000 represent only what American consumers paid for the other farm products necessary to their living. If account in these investigations had been taken of the cost of all agricultural products consumed in 1922 by the American people the figure would largely exceed the $22,500,000,000 accounted for.

COST OUTWEIGHS WORTH

But simply for purposes of illustration let us assume that the total cost of our food in 1922 was only $22,500,000,000. We know that the farm value of the farm products enumerated that passed through our kitchens to our dining tables was only $7,500,000,000 and that we paid for them $22,500,000,000. I hold that this cost of distribution goes enormously beyond what that service is worth and is imposing an unnecessary burden upon the consuming public.

It is not the farmer who runs up the cost to the consumer; it is the dealer or distributor. The farmer gets no share of this unnecessary cost to the consumer. The dealer gets it. I hold further that just as efficient service of distribution can be provided for half of its present cost, or $7,500,000,000 annually instead of $15,000,000,000 under the present system of marketing. This would leave $7,500,000,000 to be divided equitably with the farmer to the profit both of the producer and consumer.

It is upon this foundation that the new structure the Curtis-Aswell bill seeks to erect is based. For this reason it may be expected that the Curtis-Aswell bill will encounter determined and resourceful opposition in Congress this winter. Special interests have been built up under the existing system of distribution or marketing. It can not be expected, of even hoped, that these interests will supinely submit to the revolutionary change that would be made in our marketing system by the Curtis-Aswell bill.

If the 6,000,000 population of Greater New York enjoy three meals a day, it means 18,000,000 meals daily. Estimating the cost a day at 50 cents for the three meals per capita, or, say, 17 cents a meal per capita, the daily food cost of the city is shown to be $3,000,000, or over $1,000,000,000 a year.

Two-thirds, or more than $650,000,000 of this gigantic sum, is incurred by distribution, leaving only about $350,000,000 for the farming interest and charged against production. I do not present these figures as accurate. I believe they are even higher on the side of distribution than is here stated, because there is good reason to suspect that Senator WALSH's estimate of only one-fourth going to the producer instead of the one-third generally accepted as representing the division of "the farmer's dollars" is nearer the fact.

When the control of distribution is brought under the management of the farmers, just as now production is under their control, the dealer no longer will have the farmer at his mercy in the vitally important matter of fixing prices. It is known, of course, that at present the farmer has absolutely no voice in determining the price he gets for his products. He has to accept whatever the distribution element offers him. Then, in turn, the distribution element determines what the consumer must pay.

FREIGHT BILL ALL HE GOT

To illustrate—the commissioner of markets of New York not long ago cited a case where a farmer shipped 10 carloads of onions to that market, expecting to get the then prevailing price, which would have brought him about $1,000 a car and relieve his financial embarrassment; but instead, the whole shipment was dumped by the consignee in the Jersey meadows because, at the time, the market was threatened with a glut. The shipper received a freight bill from the consignee instead of the expected check in payment for his year's toil and investment.

This sort of thing happens constantly at every big market center in the United States. It would be stopped under the dispensation of the Curtis-Aswell bill. The national cooperative marketing system, provided for in this bill, would authorize and empower the farming industry so to organize as to control shipments to market. Through such a system producers would be kept fully informed of marketing conditions all over the world. Its agents would keep the proposed national board of directors, composed exclusively of farmers, closely informed of every change in market conditions at every big distributing center.

ASKS NO APPROPRIATION

The Curtis-Aswell bill differs radically in another important aspect from any other similar measure ever introduced in Congress. It calls for no appropriation. All it asks in the way of financial assistance from the Government is a loan of $10,000,000 in the form of a revolving fund at the rate of 4½ per cent, payable in full on or before 10 years. As long as the loan is pending a fiduciary officer of the Government is to be a member of the national board of directors to exercise supervision over the allocation of the revolving fund, and all allocations are to be used only to defray the expenses of organization of the system.

As soon as the loan is paid the Government's representative ipso facto is dropped from the board and the Federal Government will no longer have authority to interfere or meddle in any way with the control, management, and conduct of the National Farm Marketing Association. The loan is to be secured through a system of assessments levied by the various boards upon all commodities whose producers become members of the association.

ADJOURNMENT

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Saturday, February 7, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

849. A communication from the President of the United States, transmitting a communication from the Secretary of the Navy, submitting an estimate of appropriations in the sum of $1,091.36 to pay claims which have been adjusted and which require an appropriation for their payment (H. Doc. No. 602); to the Committee on Appropriations and ordered to be printed.

850. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Commerce for the fiscal year ending June 30, 1925, amounting to $260,000 (H. Doc. No. 603); to the Committee on Appropriations and ordered to be printed.

851. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Justice for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, in the amount of $909,100 (H. Doc. No. 604); to the Committee on Appropriations and ordered to be printed.

852. A communication from the President of the United States, transmitting a communication from the Secretary of the Navy, submitting an estimate of appropriation in the sum of $1,535.43 to pay claims which have been adjusted and which require an appropriation for their payment (H. Doc. No. 605); to the Committee on Appropriations and ordered to be printed.

853. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the office of the superintendent State, War, and Navy Department Buildings for the fiscal year June 30, 1925, to remain available until June 30, 1926, for rebuilding elevators, $50,000 (H. Doc. No. 606); to the Committee on Appropriations and ordered to be printed.

854. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the fiscal year 1924, $500, and a supplemental estimate of appropriation for the fiscal year 1925, $1,500, for the United States Employees' Compensation Commission, amounting in all to $2,000 (H. Doc. No. 607); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JAMES: Committee on Military Affairs. S. 3818. An act authorizing the construction of additional facilities at Walter Reed General Hospital, in the District of Columbia; without amendment (Rept. No. 1398). Referred to the Committee of the Whole House on the state of the Union.

Mr. WRIGHT: Committee on Military Affairs. S. 3977. An act to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service; without amendment (Rept. No. 1399). Referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON: Committee on the District of Columbia. H. R. 11079. A bill to authorize a five-year building program for the public school system of the District of Columbia which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia; with amendments (Rept. No. 1400). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN: Committee on Indian Affairs. S. 4015. An act to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians; without amendment (Rept. No. 1403). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Illinois: Committee on the Post Office and Post Roads. H. R. 11636. A bill authorizing and directing the Postmaster General to grant permission to use special canceling stamps or postmarking dies in the Chicago post office; with amendments (Rept. No. 1401). Referred to the House Calendar.

Mr. LEHLBACH: Committee on the Merchant Marine and Fisheries. S. 2399. An act to provide and adjust penalties for violation of the navigation laws, and for other purposes; without amendment (Rept. No. 1402). Referred to the House Calendar.

Mr. JOHNSON of South Dakota: Committee on Indian Affairs. H. R. 12005. A bill authorizing an appropriation for the payment of certain claims due certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses; without amendment (Rept. No. 1404). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 12086. A bill to authorize the transfer of the United States Weather Bureau site and buildings at East Lansing, Mich., to the State of Michigan in exchange for another Weather Bureau site on the grounds of the Michigan State Board of Agriculture and other considerations; without amendment (Rept. No. 1405). Re-

ferred to the Committee of the Whole House on the state of the Union.

Mr. LAMPERT: Committee on the District of Columbia. H. R. 12154. A bill to extend the provisions of Title II of the food control and District of Columbia rents act, as amended; to prevent fraudulent transactions respecting real estate; to create a real-estate commission for the District of Columbia; to define, regulate, and license real-estate brokers and real-estate salesmen; to provide a penalty for a violation of the provisions hereof; and for other purposes; without amendment (Rept. No. 1406). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS: Committee on Naval Affairs. H. R. 11921. A bill to authorize the permanent appointment of any acting chaplain in the Navy to the temporary grade and rank in the Navy held by him during the World War; without amendment (Rept. No. 1407). Referred to the Committee of the Whole House on the state of the Union.

Mr. GASQUE: Committee on the District of Columbia. H. R. 11701. A bill to amend the act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887; without amendment (Rept. No. 1408). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FREE: A bill (H. R. 12191) to amend paragraph 737 of schedule 7 of that certain act entitled "An act to provide revenue, to regulate commerce with foreign counries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. RAGON: A bill (H. R. 12192) to authorize the creation of game refuges on the Ozark National Forest, in the State of Arkansas; to the Committee on Agriculture.

By Mr. SUMMERS of Washington: A bill (H. R. 12193) to authorize the withdrawal of national forest lands for the protection of watersheds from which water is obtained for municipalities, and for other purposes; to the Committee on Agriculture.

By Mr. WOOD: A bill (H. R. 12194) granting the consent of Congress to the Secretary of War to authorize the modification of the act of March 2, 1919, relative to the improvement of Indiana Harbor, Ind.; to the Committee on Rivers and Harbors.

By Mr. HILL of Maryland: A bill (H. R. 12195) granting to alien veterans of the World War who seek citizenship certain exemptions from the requirements of the naturalization law; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 12196) granting a military status to members of the LaFayette Escadrille; to the Committee on Military Affairs.

Also, a bill (H. R. 12197) granting a good-conduct medal to all men in the Army; to the Committee on Military Affairs.

By Mr. MOONEY: Joint resolution (H. J. Res. 344) to provide for the erection at Washington, D. C., of a monument to the memory of Haym Salomon; to the Committee on the Library.

By Mr. HAYDEN: Joint resolution (H. J. Res. 345) extending appropriation in connection with the Yuma project, Arizona-California; to the Committee on Appropriations.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 346) authorizing and requesting the Postmaster General to design and issue a special postage stamp to commemorate the one hundredth anniversary of the founding of Fort Vancouver, Wash., and in recognition of the Fort Vancouver centennial celebration in 1925; to the Committee on the Post Office and Post Roads.

By the SPEAKER (by request): Memorial of the Legislature of the State of Wisconsin, protesting against the continuation of the illegal taking of water from the Great Lakes through the Chicago Drainage Canal; to the Committee on Rivers and Harbors.

By Mr. MACGREGOR: Memorial of the senate of the State of New York, not to advance to passage any bills or measure which would authorize the withdrawal of any quantity of water from Lake Michigan through the Chicago Sanitary Canal in excess of 1,000 feet per second, as such withdrawal is damaging to navigation interests on the Great Lakes in addition to damage to other interests; to the Committee on Interstate and Foreign Commerce.

By Mr. CULLEN: Memorial of the senate of the State of New York, not to advance to passage any bills or measures which would authorize the withdrawal of any quantity of water from Lake Michigan through the Chicago Sanitary Canal in excess of 1,000 cubic feet per second, as such withdrawal is damaging to navigation interests on the Great Lakes in addition to the damage to other interests; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNOR of New York: Resolutions of the senate and assembly of the State of New York, memorializing the Congress of the United States not to advance the passage of Senate bill 4428 or House of Representatives bill 3933; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the senate of the New York State Legislature, opposing the passage of Senate bill 4428 and House bill 3933; to the Committee on Interstate and Foreign Commerce.

By Mr. KVALE: Resolution of the Legislature of the State of Minnesota, passed concurrently, asking that there be allocated to the State of Minnesota a 500-bed tubercular hospital for the care of disabled tubercular veterans, by the President of the United States and the Director of the United States Veterans' Bureau; to the Committee on World War Veterans' Legislation.

By Mr. RICHARDS: Resolution of the Legislature of the State of Nevada, memorializing the Congress of the United States to take favorable action on the Pittman Act; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 12198) for the relief of John T. Conway; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 12199) for the relief of Capt. Adelbert Althouse, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 12200) for the relief of Capt. Martin E. Trench, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 12201) for the relief of Capt. Waldo Evans, United States Navy; to the Committee on Naval Affairs.

By Mr. FAIRCHILD: A bill (H. R. 12202) granting a pension to William Nussbaum; to the Committee on Invalid Pensions

By Mr. HILL of Maryland: A bill (H. R. 12203) granting a military status to Herman L. Chatkoff; to the Committee on Military Affairs.

By Mr. HUDSON: A bill (H. R. 12204) granting a pension to Martha E. Hodges; to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 12205) for the relief of Thomas Parker; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12206) for the relief of Thomas W. Thompson; to the Committee on Claims.

By Mr. TEMPLE: A bill (H. R. 12207) authorizing the payment of an indemnity to John Williamson on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921; to the Committee on Foreign Affairs.

By Mr. WILSON of Indiana: A bill (H. R. 12208) granting an increase of pension to Maria M. Mann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12209) granting an increase of pension to Florinda McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12210) granting an increase of pension to Louisa S. Miller; to the Committee on Invalid Pensions.

By Mr. YATES: A bill (H. R. 12211) granting an increase of pension to Helen L. Huff; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: Resolution (H. Res. 432) providing for emergency clerks during the illness of the present incumbents; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3669. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, opposing the enactment of the Butler rate bill (S. 3927); to the Committee on Interstate and Foreign Commerce.

3670. By Mr. GARBER: Copy of transportation program of the Associated Traffic Clubs of America, at Atlanta, Ga., October 15 and 16, 1924, asking that the transportation act be left as it is; to the Committee on Interstate and Foreign Commerce.

3671. Also, petition of Central Labor Union of Ponca City, Okla., asking that an investigation be secured to determine rights of lessees on school lands; to the Committee on the Public Lands.

3672. By Mr. HUDSON: Petition protesting against the passage of the compulsory Sunday observance bill (S. 3218) and all other religious legislation, from the citizens of Oxford, Mich.; to the Committee on the District of Columbia.

3673. By Mr. O'CONNELL of New York: Petition of Mr. Karl T. Frederick, of New York, favoring the passage of House bill 745, the game refuge-public shooting ground bill; to the Committee on Agriculture.

3674. Also, petition of William B. Greeley, of New York, favoring the passage of House bill 745, the game refuge-public shooting ground bill; to the Committee on Agriculture.

3675. By Mr. PHILLIPS: Affidavits to accompany House bill 12184, granting a pension to Luther Leroy Funkhouser; to the Committee on Invalid Pensions.

3676. Also, affidavits to accompany House bill 12139, granting a pension to Maude S. Hays; to the Committee on Invalid Pensions.

3677. By Mr. RICHARDS: Memorial of Nevada Legislature, memorializing Congress to expedite action on the Pittman act; to the Committee on Banking and Currency.

3678. By Mr. WELSH: Petition in opposition to compulsory Sunday observance bill (S. 3218) and other religious legislation which may be pending; to the Committee on the District of Columbia.

SENATE

SATURDAY, *February 7, 1925*

(Legislative day of Tuesday, February 3, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the amendment of the House to the bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SNYDER, Mr. DALLINGER, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message also communicated to the Senate the following action of the House relative to Senate bill 876:

That in respect to the proposed amendment of the Senate to the original text of the Senate bill, not in disagreement between the two Houses, having already been agreed upon, the House can not now act, and the Clerk is directed respectfully so to inform the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7144) to relinquish to the city of Battle Creek, Mich., all right, title, and interest of the United States in two unsurveyed islands in the Kalamazoo River.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 5197. An act to amend section 71 of the Judicial Code, as amended;

H. R. 5558. An act to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding $60,000 for the purpose of improving the sewerage system of the town;

H. R. 10404. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes; and

H. R. 10528. An act to refund taxes paid on distilled spirits in certain cases.

NATIONAL FOREST RESERVE COMMISSION

The PRESIDENT pro tempore. The Chair announces the receipt of the resignation of the Senator from Tennessee [Mr. SHIELDS] as a member of the National Forest Reserve Commission, and that he has appointed the Senator from North Carolina [Mr. OVERMAN] to fill the vacancy caused by the resignation.

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore. The Chair lays before the Senate a letter from the Secretary of the Navy, submitted pursuant to law, asking permission for the destruction of certain obsolete papers in the files of the department. The Chair appoints as a committee on the part of the Senate to consider the advisability of granting the request the Senator from Maine [Mr. HALE] and the Senator from Virginia [Mr. SWANSON]. The Secretary will notify the House of Representatives of this action.

PARLIAMENTARY PROCEDURE ON BILL

Mr. ASHURST. Mr. President, regarding the message which has just come from the House, I am sure that if Senators will give their attention to the message they will perceive that it raises one of the most important questions that could be raised in a parliamentary body. I think before formal action is taken on the message some discussion should be had. It so happens that the bill relates to matters pertaining to my State and various other Western States, but it is a parliamentary question that is raised that the Senate ought to consider. I ask that the message may be read.

Mr. CURTIS. Why not merely print the message in the RECORD and let those interested have an opportunity to consider it?

Mr. ASHURST. It is very short. Let it be read at the desk so that Senators may see that it is of great importance and that they may reflect upon it. They will see at once that it is a novel question; it is new to me; and it is a question which ought to be settled. I ask that the message be read at the desk.

The PRESIDENT pro tempore. The message will be read by the Clerk.

The reading clerk read as follows:

That in respect to the proposed amendment of the Senate to the original text of the Senate bill not in disagreement between the two Houses, having already been agreed upon, the House can not now act, and the Clerk is directed respectfully so to inform the Senate.

Mr. ASHURST. Mr. President, just a word further. I will ask the parliamentarians of the Senate to give the subject their consideration, and I ask those who do not claim to be parliamentarians to study it also. The Senate passed a bill. The House of Representatives added amendments to the bill and returned the bill to the Senate, whereupon the Senate made an amendment to the original text of the bill. I have not before in my experience encountered a similar procedure. I think there is no doubt that the Senate has a right to do what it did, but I shall not pursue the matter further at this time. It raises a very serious question which ought to be considered and we ought to take it up on Monday or Tuesday for some discussion. I shall not say anything more on the subject now.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Commerce:

Joint resolution 1, protesting to the Congress and to the Secretary of War of the United States against the continuation of the illegal taking of water from the Great Lakes through the Chicago Drainage Canal

Whereas actions were instituted by the United States in 1908 and 1913 against the Sanitary District of Chicago praying an injunction to restrain the diversion of water from the Great Lakes through the Chicago Drainage Canal in excess of 4,167 cubic feet per second, and over the protest of the Government a decision was delayed until, after the resignation of Judge Landis, on June 18, 1923, Judge Carpenter decided the case in favor of the Government and ordered that the injunction be granted;

Whereas the States of Wisconsin, Minnesota, Michigan, Indiana, Ohio, Pennsylvania, and New York joined in appearing as amici curiae with the United States against the Sanitary District of Chicago in said action on appeal before the Supreme Court of the United States;

Whereas the United States Supreme Court on January 5, 1925, affirmed the decision of Judge Carpenter, holding that the Sanitary District of Chicago has violated the laws of the United States, that its action is in violation of our treaty with Great Britain, and enjoining any abstraction of water in excess of 4,167 cubic feet per second;

Whereas the Legislature of Wisconsin in 1921 ordered and directed the beginning of a suit in the Supreme Court of the United States by the State of Wisconsin against the State of Illinois and the Sanitary District of Chicago to restrain the taking of water from the Great Lakes by the Sanitary District of Chicago, and such action has begun and is still pending, no proceedings therein having been had awaiting the final decision in the case just decided;

Whereas the present illegal abstraction of water from the Great Lakes now, and for many years past, has reached the enormous amount of upward of 10,000 cubic feet per second and has seriously lowered the

levels of the Great Lakes and the St. Clair, Detroit, Niagara, and St. Lawrence Rivers, and has greatly restricted and interfered with navigation thereon;

Whereas the Great Lakes constitutes the greatest waterway in the world, carrying at the present time a tonnage equal to one-fourth of all the railroad tonnage of the United States, at a cost of less than one-fifth that of railroad freight rates, and the diversion by the Sanitary District of Chicago has already increased lake freight rates by not less than $3,000,000 annually and has damaged lake harbors and other works fully $12,000,000;

The enormous diversion has created currents in the Chicago harbor which have destroyed Chicago as a lake port to its own great loss and to the great loss of all other ports thereby deprived of economical lake transportation to and from this great center of the Middle West;

Incalculable damage has been done to farm and other property along the Illinois River and its fishing and pearl industry has been destroyed by the dumping of Chicago sewage into the stream;

The action of the sanitary district in abstracting nearly 10,000 cubic second-feet where less than 1,000 cubic second-feet is necessary or desirable for navigation has rendered futile all projects for a Lake to the Gulf waterway by way of the drainage canal and the Desplaines, Illinois, and Mississippi Rivers, and if continued will forever prevent the development of such waterway;

The Chicago Sanitary District is deriving a revenue of more than $1,000,000 annually from electric power produced by the water so taken, and by this diversion is preventing the United States from obtaining its fair share of water for power purposes at Niagara Falls and along the St. Lawrence River, where the same quantity of water will produce at least ten times the amount of power produced by the sanitary district;

The controversy over the diversion by the sanitary district stands in the way of the immediate undertaking of the St. Lawrence waterway to give to ocean-going vessels access to the Great Lakes and to give to the middle and the northwestern part of the United States the advantages of ocean-going ports and the enormous development of power possible through such improvement of the St. Lawrence River; and

Whereas the Sanitary District of Chicago has repeatedly asked Congress to enact legislation permitting such diversion, and Congress has refused to enact such legislation, and bills are now pending in Congress for such permission, and the sanitary district has repeatedly petitioned Secretaries of War for permits authorizing such diversion, and Secretary of War Stimson in 1913 refused any permission in excess of 4,167 cubic feet per second, and the sanitary district now gives out that it will make application for a permit to increase said amount and is carrying on a propaganda, and gives out that it must continue to take not less than 10,000 cubic feet per second until the year 1945, with the implication that it intends to continue to abstract this amount of water or more during this period and all time thereafter, and will not erect sewage-disposal plants other than to take care of sewage from the growth of population and industries during this time, and the sanitary district is not now making provisions for the immediate practical disposal of sewage by modern methods, as is being done in other large Lake cities; and

Whereas the States appearing with the Government in the recent case take the position that the waters and the right to have these waters flow down the natural watershed of the Great Lakes is a property right of these States within their respective boundaries, and that there has been delegated to the Government of the United States no power to divert these waters for any purpose except possibly so far as needed for the protection and improvement of navigation, for which purpose there will at no time be needed more than 1,000 cubic feet per second along the Chicago, Desplaines, and Illinois Rivers:

Resolved by the assembly (the senate concurring), That the State of Wisconsin hereby respectfully protests to the Congress of the United States and to the Secretary of War against any action by either recognizing or continuing any permit to the Sanitary District of Chicago to divert water from the Great Lakes through the Chicago Drainage Canal for any purpose other than the protection and improvement of navigation;

Resolved, That a copy of this resolution, properly attested by the presiding officers and chief clerks of both houses, be sent to the President of the United States, the Secretary of War, the Presiding Officers of the Senate and the House of Representatives, and to each United States Senator and Member of Congress from Wisconsin;

Resolved, That a copy of this resolution so attested be sent to the governor and the presiding officers of both houses of the legislature in each of the States of the Union, inviting the cooperation of the States in like protest to the Congress and to the Secretary of War.

HENRY A. HUBER,
President of the Senate.
S. W. SCHOENFEHL,
Chief Clerk of the Senate.
H. W. SACHTJEN,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The PRESIDENT pro tempore also laid before the Senate a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of Senate bill 3927, to promote the flow of foreign commerce through all ports of the United States and to prevent the maintenance of port differentials and other unwarranted rate handicaps, which was referred to the Committee on Interstate Commerce.

Mr. CAPPER presented a resolution adopted by Local Union No. 555, Journeymen Barbers' International Union of America, of Arkansas City, Kans., favoring the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the forty-fourth annual Kansas conference of the Seventh-Day Adventists, protesting against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

Mr. PEPPER presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of Senate bill 3927, to promote the flow of foreign commerce through all ports of the United States and to prevent the maintenance of port differentials and other unwarranted rate handicaps, which was referred to the Committee on Interstate Commerce.

Mr. LADD presented a memorial of sundry citizens of Maddock, N. Dak., remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented the petition of members of Myra L. Dowling Auxiliary No. 3, United Spanish War Veterans, of Toledo, Ohio, praying for the passage of the so-called Knutson bill, being House bill 5934, granting increased pensions to veterans of the Spanish War and their widows, etc., which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. ASHURST, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 117) transferring the possession and control of the Fort Foote Military Reservation in Prince Georges County, Md., to the Chief of Engineers of the Army to be administered as a part of the park system of the National Capital, reported it without amendment and submitted a report (No. 1036) thereon.

Mr. DIAL, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3118) to authorize the Rock Creek and Potomac Parkway Commission to dispose of certain parcels of land, reported it with amendments and submitted a report (No. 1037) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2491) for the relief of August Michalchuk, reported it with amendments and submitted a report (No. 1038) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 3514) authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Eriesson, reported it without amendment and submitted a report (No. 1039) thereon.

Mr. HARRELD, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2820) authorizing appropriations for medical school building and equipment for Howard University, reported it without amendment and submitted a report (No. 1040) thereon.

He also, from the same committee, to which was referred the bill (S. 3153) to authorize the construction of a nurses' home for the Columbia Hospital for Women and Lying-in-Asylum, reported it with an amendment and submitted a report (No. 1041) thereon.

Mr. McNARY, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 5170) providing for an exchange of lands between Anton Hiersche and the United States in connection with the North Platte Federal irrigation project, reported it without amendment and submitted a report (No. 1042) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1229) for the relief of the estate of Moses M. Bane (Rept. No. 1043);

A bill (S. 2619) for the relief of John Plumlee, administrator of the estate of G. W. Plumlee, deceased (Rept. No. 1044); and

A bill (S. 2647) providing employee's compensation for James McKay, who was injured while in the service of the Quartermaster Corps, United States Army (Rept. No. 1045).

Mr. TRAMMELL also, from the Committee on Claims, to which was referred the bill (S. 3203) for the relief of Joseph

Harkness, jr., reported it with an amendment and submitted a report (No. 1046) thereon.

He also, from the same committee, to which was referred the bill (S. 3519) for the relief of James Doherty, reported it with amendments and submitted a report (No. 1047) thereon.

Mr. LADD, from the Committee on Commerce, to which was referred the bill (H. R. 11280) authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin, reported it without amendment and submitted a report (No. 1048) thereon.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill (H. R. 6645) to amend the national prohibition act, to provide for a Bureau of Prohibition in the Treasury Department, to define its powers and duties, and to place its personnel under the civil service act, reported it with amendments and submitted a report (No. 1049) thereon.

Mr. KING, from the Committee on the District of Columbia, reported a bill (S. 4253) to create the Federal City Planning Commission (accompanied by a report, No. 1050), which was read twice by its title and ordered to be placed on the calendar.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that February 6, 1925, that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 2232. An act to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service";

S. 2848. An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.;

S. 2975. An act validating certain applications for, and entries of public lands, and for other purposes;

S. 3392. An act to amend section 558 of the Code of Law for the District of Columbia;

S. 3622. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry;

S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Batesville, in the county of Independence, in the State of Arkansas;

S. 3885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River, at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas;

S. J. Res. 135. Joint resolution granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt;

S. J. Res. 154. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; and

S. J. Res. 155. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

ADDITIONAL DISTRICT JUDGE, WESTERN DISTRICT OF MICHIGAN

Mr. CARAWAY. Mr. President, I ask unanimous consent to report back favorably without amendment from the Committee on the Judiciary a bill providing for the appointment of a judge in the district of Michigan, and I ask for its immediate consideration.

Mr. KING rose.

Mr. CARAWAY. Before the Senator objects, I should like to state that a judge there is physically unable to discharge his duties, and it is recommended that another judge be appointed. There can be no court held until that is done. The bill follows the ordinary and usual course of providing that when the present judge shall die no one shall be appointed to succeed him. It makes the new appointee the senior judge, with the provisions that go with that kind of legislation enacted heretofore, so that he may discharge the duties in the interim.

Mr. CURTIS. It virtually retires the present judge?

Mr. CARAWAY. It does. It leaves him on the pay roll. He is 64 years of age and can not retire without losing his salary. He can not discharge his duties, and never will be able to discharge his duties in the future, as the people who are acquainted with the situation believe. The bill authorizes the naming of this judge so that the business of the district may be transacted.

Mr. REED of Pensylvania. What district is it?

Mr. CARAWAY. The western district of Michigan.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4056) to provide for an additional judge for the western district of Michigan, which was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge of the District Court of the United States for the Western District of Michigan, whose compensation, duties, and powers shall be the same as now provided by law for other district judges, and said judge shall be held and treated as if senior in commission to the present judge of said court, and shall exercise such powers and perform such duties as by law may be incident to seniority.

SEC. 2. The present district judge for the western district of Michigan shall be held and treated as if junior in commission, and upon the death, resignation, or retirement of the present district judge for the western district of Michigan the vacancy caused by such death, resignation, or retirement of the said present judge shall not be filled.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 4251) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of land required for a connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park; to the Committee on the District of Columbia.

By Mr. NORRIS (for Mr. LA FOLLETTE):

A bill (S. 4252) granting a pension to Morgan J. Lovelace; to the Committee on Pensions.

RESTORATION OF ALIEN PROPERTY

Mr. BORAH. Mr. President, last session I introduced a bill with reference to restoring alien property to its owners. I have since amended that measure, but instead of submitting amendments I prefer to introduce an original bill. I now introduce the bill and ask that it be referred to the Committee on the Judiciary. I realize, of course, that it is rather late in the session to hope to get any action, but it is extremely important, it seems to me, since the claim which is now made to the effect that arrangements have been made for the payment of American citizens, that we release this property and get rid of the alien property institution as a matter of self-respect just as rapidly as we can.

Mr. KING. Mr. President, the Senator from Idaho has just directed attention to the fact that a bill has been introduced by him which is before the Judiciary Committee for the restoration of the property which was sequestrated at the beginning of the war belonging to enemy nationals. Two bills have been before the Judiciary Committee for four years for the same purposes. Two bills were introduced at the beginning of the present session of Congress, which have been before the committee and no action has been taken. I do not suppose there will be any action taken upon the bill of the Senator from Idaho, when the other measures, which are broad and comprehensive, are not being considered by the committee. I shall be glad, however, if the committee will take up some of the bills dealing with the matter, as well as the bill introduced this morning by the Senator from Idaho.

The bill (S. 4250) to repeal an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENT TO RIVERS AND HARBORS BILL

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

THOMAS SULLY PORTRAIT OF SAM HOUSTON

Mr. SHEPPARD submitted the following concurrent resolution (S. Con. Res. 29), which was referred to the Committee on the Library:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on the Library be, and it is hereby, requested and directed to undertake negotiations with the owner of the Thomas Sully portrait of Sam Houston with a view to its acquisition by the Government, and to report to Congress the terms on which it may be obtained.

ALFRED B. WILLIAMS

Mr. SIMMONS submitted the following resolution (S. Res. 330), which (with accompanying papers) was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint Alfred B. Williams an additional messenger, who shall be paid at the rate of $1,440 per annum from the contingent fund of the Senate, until the end of the Sixty-ninth Congress, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

ORIGIN AND CAUSES OF THE WORLD WAR

Mr. OWEN submitted the following resolution (S. Res. 331), which was referred to the Committee on Foreign Relations:

Resolved, That the Committee on Foreign Relations shall cause to be prepared for the Senate an authoritative and impartial abstract and index of all authentic important evidence, omitting all inconsequential matters heretofore made available in printed form or otherwise readily accessible, bearing on the origin and causes of the World War. The legislative reference service of the Library of Congress shall be employed for this purpose. The chairman of the Committee on Foreign Relations shall have authority to employ such additional assistance as he may require, at a cost not to exceed $10,000, to be paid from the contingent fund of the Senate. The abstracts shall be submitted to the Committee on Foreign Relations not later than February 1, 1925, and shall be printed for the information of the Senate.

PROPOSED INVESTIGATION OF POWER COMPANIES

Mr. NORRIS. Mr. President, after talking with the Senator from Washington [Mr. JONES], in charge of the pending appropriation bill, and finding that he has no objection if what I am about to propose does not take any great time—and I do not think it will—I ask unanimous consent for the present consideration of the resolution, S. Res. 286, directing the Federal Trade Commission to investigate the alleged Power Trust in the United States and its financial relationship with certain other public utility companies and associations, which was reported from the Committee on Interstate Commerce.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska?

Mr. MOSES. I do not wish to interpose an objection in my own behalf, but there are several Senators very much interested in the resolution who are not now here.

Mr. NORRIS. The Senator who objected to the consideration of the resolution the other time it was called up is now in the Chamber. I would not have made the request if he had not been present.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the present consideration of Senate Resolution 286. Is there objection?

Mr. WATSON. I have just entered the Chamber. What is the resolution?

Mr. NORRIS. It is the water-power investigation resolution, reported from the Committee on Interstate Commerce.

Mr. WATSON. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. NORRIS. I give notice that when the pending appropriation bill is disposed of I shall move to take up the resolution.

MONONGAHELA RIVER BRIDGE

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 11367) granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania. It is a bridge bill in its usual form, unanimously reported. It is very important to get the contract completed and start construction of the bridge at once.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Allegheny, in the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge, with approaches thereto, across the Monongahela River at a point suitable to the interests of navigation, at or near its junction with the Allegheny River, in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETIREMENT OF WORLD WAR OFFICERS

The PRESIDENT pro tempore. Senate bill 33 is before the Senate as in Committee of the Whole.

Mr. KING and Mr. McKELLAR. What is the bill?

The PRESIDENT pro tempore. It is the bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

Mr. JONES of Washington. Mr. President, I thought when we took a recess yesterday afternoon that the bill making appropriations for the Departments of State, Justice, and so forth, would come before the Senate to-day and we would proceed with its consideration this morning. However, if it is necessary to ask unanimous consent that Senate bill 33 be temporarily laid aside in order that we may proceed to the consideration of the appropriation bill, I ask unanimous consent.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington? The Chair hears none.

MUSCLE SHOALS (S. DOC. NO. 196)

Mr. KEYES. Mr. President, I submit a conference report, and ask that the report be printed. I desire at this time to give notice that on Monday I shall ask that the conference report be taken up for consideration.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Without objection, that order will be made, and the conference report will be printed.

The report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam-power plant, to be located and constructed at or near Lock and Dam No. 17, on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in House Doc. No. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"An act to provide for the national defense; for the production and manufacture of fixed nitrogen, commercial fertilizer, and other useful products, and for other purposes

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*,

"SEC. 1. That the United States nitrogen fixation plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings used in connection therewith; all tools, machinery, equipment, accessories, and materials thereunto belonging; all laboratories and plants used as auxiliaries thereto, the Waco limestone quarry in Alabama, and any others used as auxiliaries of said nitrogen plants Nos. 1 and 2; also Dams Nos. 2 and 3 located in the Tennessee River at Muscle Shoals, their power houses, their auxiliary steam plants and all of their hydroelectric and operating appurtenances, together with all machines, lands, and buildings now owned or hereafter ac-

quired in connection therewith, are hereby dedicated and set apart to be used for national defense in time of war, and for the production of fertilizers and other useful products in time of peace.

"SEC. 2. That whenever, in the national defense, the United States shall require all or any part of the operating facilities and properties or renewals and additions thereto, described and enumerated in the foregoing paragraph of this act, for the production of materials necessary in the manufacture of explosives or other war materials, then the United States shall have the immediate right, upon five days' notice to any person or persons, corporation, or agent, in possession of, controlling, or operating said property under any claim of title whatsoever, to take over and operate the same in whole or in part, together with the use of all patented processes which the United States may need in the operation of said property for national defense, but any lease hereunder, and all contracts for power sold under said lease shall contain the proviso that the power may be recalled by the United States if and when needed in the prospect, or event of war, without payment of, or liability for damages to consumers or others so deprived of said power and no contract or lease shall be valid which does not include this proviso.

"The foregoing clauses shall not be construed as modified, amended, or repealed by any of the subsequent sections or paragraphs of this act, or by indirection of any other act.

"SEC. 3. That in order that the United States may have at all times an adequate supply of nitrogen for the manufacture of powder and other explosives, whether said property is operated and controlled directly by the Government or its agents, lessees, or assigns, under any and all circumstances the amount of fixed nitrogen specified in section 4 hereof must be produced annually on said property and with nitrogen fixation plant No. 2, or its equivalent, and no lease, transfer, or assignment of said property shall be legal or binding on the United States unless such adequate annual production of fixed nitrogen is guaranteed in such lease, transfer, or assignment.

"SEC. 4. That since the production and manufacture of commercial fertilizers is the largest consumer of fixed nitrogen in time of peace, and its manufacture, sale, and distribution to farmers and other users, at fair prices and without excessive profits, in large quantities throughout the country is only second in importance to the national defense in time of war, the production of fixed nitrogen as provided for in this act shall be used, when not required for national defense, in the manufacture of commercial fertilizers. In order that the experiments heretofore ordered made may have a practical demonstration, and to carry out the purposes of this act, the lessee or the corporation shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of these fertilizers that shall contain fixed nitrogen of at least 10,000 tons during the third year of the lease period and in order to meet the market demand, said annual production shall be increased to not less than 40,000 tons the tenth year of the lease period, the terms and conditions governing the annual production within said 10-year period shall be determined by the President: *Provided*, That if in the judgment of the President, the interest of national defense and agriculture will obtain the benefits resulting from the maintenance of nitrogen fixation plant No. 2 or its equivalent in operating condition by so doing, then he is authorized to substitute the production of fertilizers containing available phosphoric acid (computed as phosphoric anhydride P_2O_5) for not more than 25 per cent of the nitrogen production herein specified at the rate of not less than 4 tons of phosphoric acid annually for each annual ton of nitrogen for which the substitution is made.

"The farmers and other users of fertilizer shall be supplied with fertilizers at prices which shall not exceed 8 per cent above the fair annual cost of production.

"SEC. 5. That the President is hereby authorized and empowered to lease the properties, enumerated under section 1 of this act as a whole, with proper guaranties for the performance of the terms of the lease, for a period not to exceed 50 years: *Provided*, That the terms and conditions being equal, the said lessee shall have the preferred right to negotiate with the United States for a lease upon such terms as may then be prescribed by Congress: *And provided further*, That if the United States shall terminate said lease at the end thereof, it shall resume full possession of its property by and in consideration of a payment to the lessee of the then fair value of the improvements upon or in connection with said property, made by the said lessee and which are dependent for their commercial usefulness to the lessee in the production of fertilizer and fertilizer products, upon the continuation of the lease: *Provided*, That said lease shall be made only to an American citizen, or citizens, or to an American owned, officered, and controlled corporation, and if leased, in the event at any time the ownership in fact or the control of such corporation should directly or indirectly come into the hands of an alien or aliens, or into the hands of an alien owned or controlled corporation or organization, then said lease shall at once terminate and the properties be restored to the United States. The Attorney General of the United States is given full power and authority, and it is hereby made his duty, to proceed at once in the courts for cancellation of said lease in the event said properties are found to be alien owned or controlled and are not voluntarily restored. The lessee shall be required and obligated to carry out in the production of nitrogen and the manufacture and sale of commercial fertilizer the purposes and terms enumerated in sections 1, 2, 3, and 4 of this act, and such other terms not inconsistent therewith as may be agreed to in the lease contract. The lessee shall pay an annual rental for the use of said property an amount that shall not be less in the aggregate than 4 per cent for the period of the lease on the total sum of money expended in the building and construction of Dam No. 2 and upon Dam No. 3 after completion, which shall be paid in full each year unless it be shown that due to expenditures in development and improved equipment for the production of fertilizer as provided herein, the lessee may be granted a deferred payment, which shall draw interest at the rate of 4 per cent annually after the first six years of the lease period at either or both dams: *Provided, however*, That no interest payment shall be required upon the cost of the locks at Dam No. 2 and Dam No. 3 nor upon an additional amount to be determined by the President as representing the value of this development to navigation improvement. The lease shall also provide the terms and conditions under which the lessee may sell and dispose of the surplus electric power created at said plants. The lease shall also provide for the protection of navigation at said Dams Nos. 2 and 3 and the lessee shall be required to supply sufficient electrical power to operate all navigation locks at Dams Nos. 2 and 3, free of cost to the United States. The lease contemplated in this section shall be made with the understanding that the United States shall complete and have ready for operation Dams Nos. 2 and 3 and the locks connected therewith, together with the plants and machinery for the production of electric power, and that after the lease is entered into the lessee shall maintain the property covered by the lease in good repair and working condition for the term of the contract: *Provided, however*, That the lessee shall not be required to guarantee the stability of the leased dams nor assume responsibility in case of loss due to acts of Providence nor of enemies of the Government. Time shall be made of the essence of the contract herein provided for, and failure on the part of the lessee to comply with the terms of said contract shall render the same terminable upon six months' notice at the option of the United States, whereupon the United States shall proceed immediately to maintain and operate the leased properties as provided herein: *Provided*, That the United States shall have shown in a proceeding in equity in the United States district court that said failure has actually occurred: *And provided further*, That such court action shall have been sought within one year following the alleged breach of said contract.

"SEC. 6. That in the event the President is unable to make a lease under the terms of the power herein granted to him before the 1st day of December, 1925, then the United States shall maintain and operate said properties described in section 1, in compliance with the terms and conditions set forth in sections 1, 2, 3, and 4 of this act, and under the power and authority prescribed and granted in the following sections of this act.

"SEC. 7. That the President is hereby authorized and empowered to designate any five persons to act as an organization committee for the purpose of organizing a corporation under authority of, and for the purpose enumerated in, this act.

"ORGANIZATION

"The persons so designated shall, under their seals, make an organization certificate, which shall specifically state the name of the corporation to be organized, the place in which its principal office is to be located, the amount of capital stock, and the number of shares into which the same is divided, and the fact that the certificate is made to enable the corporation formed to avail itself of the advantages of this

act. The name of the corporation shall be The Muscle Shoals Corporation.

"The said organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with acknowledgment thereof, authenticated by the seal of such notary or court, transmitted to the President, who shall file, record, and carefully preserve the same in his office. Upon the filing of such certificate with the President as aforesaid, the said corporation shall become a body corporate, and as such, and in the name The Muscle Shoals Corporation, have power—

"First. To adopt and use a corporate seal;

"Second. To have succession for a period of 50 years from its organization, unless it is sooner dissolved by an act of Congress, or unless its franchise becomes forfeited by some violation of law;

"Third. To make contracts, and no such contract shall extend beyond the period of the life of the corporation;

"Fourth. To sue and be sued, complain, and defend in any court of law or equity;

"Fifth. To appoint by its board of directors such officers and employees as are not otherwise provided for in this act; to define their duties, to fix their salaries, in its discretion to require bonds of any of them, and to fix the penalty thereof, and to dismiss at pleasure any of such officers or employees;

"Sixth. To prescribe by its board of directors by-laws not inconsistent with law regulating the manner in which its general business may be conducted and the privileges granted to it by law may be exercised and enjoyed;

"Seventh. To exercise by its board of directors or duly authorized officers or agents all powers specifically granted by the provisions of this act and such incidental powers as shall be necessary to carry on the business for which it is incorporated within the limitations prescribed by this act, but such corporation shall transact no business except such as is incidental and necessary preliminary to its organization until it has been authorized by the President to commence business under the provisions of this act.

"The corporation shall be conducted under the supervision and control of a board of directors, consisting of five members, to be selected by the President. The directors so appointed shall hold office at the pleasure of the President. The President shall designate a chairman of the board, who shall have power to designate one of the others as vice chairman. The vice chairman shall perform the duties of chairman in the absence of the chairman. Not more than two of such directors shall be appointed from officers in the War Department.

"The board of directors shall perform the duties usually appertaining to the office of directors of private corporations and such other duties as are prescribed by law.

"POWERS OF THE CORPORATION

"The corporation shall have power—

"(a) To purchase, acquire, operate, and develop in the manner prescribed by this act and subject to the limitations and restrictions thereof the following properties owned by the United States:

"1. United States nitrogen-fixation plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with (a) all real estate used in connection therewith; (b) all tools, machinery, equipment, accessories, and materials thereunto belonging; (c) all laboratories and plants used as auxiliaries thereto, the Waco limestone quarry in Alabama, Dam No. 2 at Muscle Shoals, and the hydroelectric power plant connected therewith, together with the steam plants used as auxiliaries of the United States nitrogen-fixation plants Nos. 1 and 2, together with all other property described in section 1 of this act.

"2. To construct, purchase, maintain, and operate all such buildings, plants, and machinery as may be necessary for the production, manufacture, sale, and distribution of fixed nitrogen and other forms of commercial fertilizer.

"3. Any other plants or parts of plant, equipment, accessories, or other properties belonging to the United States which are under the direct control of the President or of the War Department, and which the President may deem it advisable to transfer, convey, or deliver to said corporation for use in connection with any of the purposes of this act or for any purpose incidental thereto.

"(b) To acquire, establish, maintain, and operate such other laboratories and experimental plants as may be deemed necessary or advisable to assist it in furnishing to the United States Government and others at all times nitrogen products for military or other purposes in the most economical manner and of the highest standard of efficiency.

"(c) To sell to the United States such nitrogen products as may be manufactured by said corporation for military or other purposes.

"(d) To sell any or all of its products not required by the United States to producers or users of fertilizers or to others: *Provided*, That in the sale of such products not required by the United States Government preference shall be given to those persons engaged in agriculture: *Provided further*, That if such products are sold to others than users of fertilizers the corporation shall require as a condition of such sale the consent of the purchaser to the regulation by the corporation of the prices to be charged users for the product so purchased or any product of which the product purchased from the corporation shall form an ingredient.

"(e) The operation of the hydroelectric power plant and steam power plants at Muscle Shoals and the use and sale of the electric power to be developed therefrom that is not required to carry out the terms imposed by sections 1, 2, 3, and 4 of this act.

"(f) To enter into such agreements and reciprocal relations with others as may be deemed necessary or desirable to facilitate the production and sale of nitrogen products on the most scientific and economic basis.

"(g) To purchase, lease, or otherwise acquire United States or foreign patents and processes or the right to use such patents or processes.

"(h) To require an agreement of its officers or employees, as a condition of their employment, that said corporation may obtain domestic or foreign patents upon all discoveries or inventions of said officers or employees made while in the employ of the corporation, and that the said patents shall be and become in whole or in part the property of the corporation.

"(i) To assume any or all obligations of the United States entered into in connection with the construction, maintenance, and operation of the plants to be transferred to the corporation under the provisions of this act.

"(j) To deposit its funds in any Federal reserve bank, or with any member bank of the Federal reserve system.

"(k) To sell and export any of its surplus products not purchased by the United States or by persons, firms, or corporations within the United States.

"(l) To invest any surplus of available funds not immediately used for the operation, construction, or maintenance of its plants or properties in United States bonds or other securities issued by the United States.

"(m) To lease or purchase such buildings or properties as may be deemed necessary or advisable for the administration of the affairs of the corporation or for carrying out the purposes of this act; and with the approval of the President to lease to other persons, firms, or corporations, or to enter into agreements with others for the operation of such properties not used or needed for the purposes named herein. In the operation, maintenance, and development of the plants purchased or acquired under this act, the corporation shall be free from the limitations or restrictions imposed by the act of June 3, 1916, and shall be subject only to the limitations and restrictions of this act.

"CAPITAL STOCK AND BONDS

"The capital stock of the corporation shall consist of 100 shares of common stock of no par value. The operation shall also issue an amount of 20-year bonds bearing interest at the rate not exceeding 5 per cent per annum, which shall be a first lien on the property of the corporation, and in an amount not to exceed $50,000,000, to be sold from time to time as needed to carry out the purpose of this act: *Provided*, That the principal and interest of said bonds shall be paid by the Secretary of the Treasury out of funds in the Treasury not otherwise appropriated upon default at any time in payment as herein provided by the corporation. The terms for the sale of said bonds shall be approved by the President.

"In exchange for the properties purchased or acquired from the United States and from time to time transferred, conveyed, or delivered to the corporation by the President or the Secretary of War, and for all unexpended balances now under the control of the Secretary of War and applicable to the nitrate plants at or near Muscle Shoals, Ala., the corporation shall cause to be executed and delivered to the President a certificate for all of the common stock of the corporation. The certificate shall be evidence of the ownership by the United States of all stocks of the corporation.

"In consideration of the issuance of such common stock to the President, the President is authorized and empowered to transfer, convey, and deliver to the corporation all of the real estate, buildings, tools, equipment, supplies, and other properties be-

longing to, used by, or appertaining to the plants and properties to be acquired by the corporation under the terms of this act, and to transfer, convey, and deliver as and when he may deem it advisable any other equipment, accessories, plants, or parts of plants, or other property referred to in this act, and which the corporation is authorized to acquire or purchase from the United States under its provisions.

"DISTRIBUTION OF EARNINGS

"All net earnings of the corporation not required for its organization, operation, and development shall be used—

"(a) To pay interest on the bonds and create a fund for their payment;

"(b) To develop and improve its plants and equipment;

"(c) To create a reserve or surplus fund until such fund amounts to $2,500,000; and

"(d) The remainder to be paid as dividends on the stock into the Treasury of the United States as miscellaneous receipts.

"MISCELLANEOUS

"The corporation shall not have power to mortgage or pledge its assets, or to issue bonds secured by any of its properties, except as hereinbefore provided.

"The United States shall not be liable for any debts, obligations, or other liabilities of the corporation, except the principal and interest of the bond issue herein provided for.

"The corporation and all of its assets shall be deemed and held to be instrumentalities of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation. The directors, officers, attorneys, experts, assistants, clerks, agents, and other employees of the corporation shall not be officers or employees of the United States within the meaning of any statutes of the United States and the property and moneys belonging to said corporation, acquired from the United States, or from others, shall not be deemed to be the property and money of the United States, within the meaning of any statutes of the United States.

"The accounts of the corporation shall be audited under the regulations to be prescribed by the President, who shall annually report to Congress a detailed statement of the fiscal operations of said corporation.

"SEC. 8. That the President is hereby authorized to complete the construction of Dam No. 3 and the necessary approach to the locks in Dam No. 2 in the Tennessee River at or near Muscle Shoals, Ala., in accordance with report submitted in House Document 1262, Sixty-fourth Congress, first session: *Provided*, That the President may in his discretion make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation, and the President is hereby authorized to include Dam No. 3 in the same lease with Dam No. 2 and, except as otherwise indicated, said lease shall be under the same terms as are herein specified for said Dam No. 2.

"The appropriation of $3,472,487.25, the same being the amount of the proceeds received from the sale of the Gorgas steam power plant is hereby authorized for the continued investigation and construction by contract or otherwise as may be necessary to prosecute said project to completion. Further expenditures to be paid for as appropriations may from time to time be made by law.

"SEC. 9. That the surplus power not required for the fixation of nitrogen or for the manufacture of fertilizers or other useful products which will reduce the cost of the fertilizers shall be sold for distribution: *Provided*, That all contracts for the sale of said power for public utility or industrial purposes shall contain the proviso that said power may be withdrawn on reasonable notice, at any time during the lease period, if and when said power is needed for the manufacture of fertilizers.

"That as a condition of any lease, entered into under the provisions of this act, every lessee hereunder which is a public-service corporation, or a person, association, or corporation developing, transmitting, or distributing power under the lessee either immediately or otherwise, for sale or use in public service, shall abide by such reasonable regulation of the services rendered to customers or consumers of power, and of rates and charges of payment thereof, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution, or use in public service of power by any lessee hereunder or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such lessee or by its customer engaged in public service, or the rates and charges of payment thereof, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such lease that jurisdiction is hereby conferred upon the commission created by the act of Congress approved June 10, 1920, upon complaint of any person aggrieved or upon its initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: *Provided*, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

"That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such lessee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such lessee, or by any person, corporation, or association purchasing power from such lessee for sale and distribution or use in public service shall be reasonable, non-discriminatory, and just to the customer and all unreasonable, discriminatory, and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the said commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce and to regulate the issuance of securities by the parties included within this section, and securities issued by the lessee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such lessee.

"The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided for in the act to regulate commerce approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

"In any valuation hereunder for purposes of rate making no value shall be claimed or allowed for the rights granted by this act or under any lease executed thereunder.

"SEC. 10. That any lease made under the terms of this act shall provide that not less than $50,000 shall be expended annually for 10 years; and thereafter, such an amount as the President may designate by the lessee in electrochemical research at Muscle Shoals having for its object the improved and cheapened production of high-grade fertilizer materials, and of war gases, light metals, and other electrochemical or electric-furnace products suitable for use in national defense. Said research shall not be confined to laboratory work but shall include investigations made on a commercial or semi-commercial scale, and the lessee shall adopt and install such improved processes as in the judgment of the lessee are determined to be commercially superior to those in use at the time, and the power released by the employment of improved processes shall be utilized for fertilizer production so far as it may be necessary or desirable to do so in order to meet the commercial demand for the fertilizers produced.

"SEC. 11. The President is hereby authorized and empowered to employ such advisory officers, experts, agents or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and the sum of $100,000 is hereby authorized, to enable the President of the United States to carry out the purposes herein provided for.

"SEC. 12. That in order that farmers and other users of fertilizer may be supplied with fertilizers at a maximum net profit not exceeding 8 per centum annually upon the fair annual cost of production, the lessee shall agree to the creation of a board of not more than nine (9) voting members, chosen as follows: The three (3) leading representative farm organizations, national in fact, namely: The American Farm Bureau Federation, The National Grange, The Farmers' Educational

and Cooperative Union of America or their successor or successors (said successor or successors to be determined, in case of controversy, by the Secretary of Agriculture) shall each designate not more than seven (7) candidates for said board in the first instance and thereafter, for succession in office, not more than three (3) candidates. The President shall select for membership on this board not more than seven (7) of these candidates, selected to give representation to each of the above-mentioned organizations, and there shall be two voting members of said board selected by the lessee: *Provided*, That not more than one shall be selected by the President from the same State: *Provided further*, That if either or any of said farm organizations or its or their successors by reason of the expiration of its or their charter or ceasing to function or failing to maintain its organization or for any cause or reason should decline, fail, or neglect to make such designations, then the Secretary of Agriculture, shall make such designation or designations for such or all of said organizations as may so decline, fail or neglect to make such designation; and if such designation is made by the Secretary of Agriculture for only one or two of said organizations, then such designation shall be made so as to give the remaining organization or organizations the same right and in the same proportion to designate candidates for said board as in the first instance and just as though all of said organizations were making such designations: *Provided, however*, That a failure to make designations at any one time shall not thereafter deprive any organization of its original rights under this section: *And provided further*, That the terms of office of the first seven candidates selected by the President on the designation of said farm organizations shall be as follows: Two for a period of two years, two for a period of four years, and the remaining three for a period of six years, and thereafter, the nominations for membership on said board made by the President, except for unexpired terms, shall be for six years, each. None of the members of said board shall draw compensation from the Government, except that any which may be nominated on the designation of the Secretary of Agriculture, under the provisions hereof shall receive from the Government their actual expenses while engaged in work on said board. A representative of the Bureau of Markets, Department of Agriculture, or its legal successor, to be appointed by the President, shall also be a member of the board serving in an advisory capacity without the right to vote. The said board shall employ a competent and disinterested firm of certified public accountants satisfactory to the lessee, which accountants shall determine for the said board what has been the cost of manufacture and sale of fertilizer products and the price which has been charged therefor. The said board shall have authority if necessary, for the purpose of limiting the annual profit to 8 per centum as aforesaid, to regulate the price at which said fertilizers may be sold by the lessee. The said firm of certified public accountants for these purposes shall have access to the books and records of the company at any reasonable time. In order that such fertilizer products may be fairly distributed and economically purchased by farmers and other users thereof, the said board shall determine the equitable territorial distribution of the same and may in its discretion make reasonable regulation for the sale of all or a portion of such products by the company to farmers, their agencies or organizations.

"SEC. 13. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 14. That no lease made under the terms of this act shall be transferred without the approval of the President of the United States.

"SEC. 15. That all laws and parts of laws in conflict herewith be, and the same are hereby, repealed."

And the Senate agree to the same.

HENRY W. KEYES,
W. B. MCKINLEY,
JOHN B. KENDRICK,
Managers on the Part of the Senate.

JOHN C. MCKENZIE,
JOHN M. MORIN,
PERCY E. QUIN,
Managers on the Part of the House.

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11753) making appropriations for the Department of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes.

The PRESIDENT pro tempore. An order has already been entered that the formal reading of the bill is dispensed with and that the bill will be read for action on the committee amendments. The Clerk will proceed to read the bill.

Mr. MCNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Pittman
Ball	Ferris	King	Ransdell
Bayard	Fess	Ladd	Reed, Pa.
Borah	Fletcher	McKellar	Sheppard
Brookhart	Frazier	McKinley	Shipstead
Broussard	George	McLean	Shortridge
Bruce	Gooding	McNary	Simmons
Bursum	Greene	Mayfield	Smith
Butler	Hale	Means	Smoot
Cameron	Harreld	Metcalf	Stanley
Capper	Harris	Moses	Sterling
Caraway	Harrison	Neely	Swanson
Couzens	Heflin	Norbeck	Trammell
Cummins	Howell	Norris	Underwood
Curtis	Johnson, Calif.	Oddie	Walsh, Mass.
Dale	Johnson, Minn.	Overman	Warren
Dial	Jones, N. Mex.	Owen	Watson
Dill	Jones, Wash.	Pepper	Wheeler
Ernst	Kendrick	Phipps	Willis

Mr. JONES of Washington. I desire to announce that the junior Senator from Connecticut [Mr. BINGHAM] is necessarily absent.

Mr. HARRISON. I wish to announce that the senior Senator from Rhode Island [Mr. GERRY] is detained from the Senate by illness.

The PRESIDENT pro tempore. Seventy-six Senators have answered to the roll call. There is a quorum present.

RESTORATION OF ALIEN PROPERTY

Mr. SIMMONS. Mr. President, for information I should like to ask the Senator from Idaho [Mr. BORAH] a question in connection with the bill which he introduced this morning regarding a subject which is of great importance to some of my constituents, and upon which I confess some degree of ignorance, or at least a lack of information. I ask the Senator from Idaho the question, because he is very much more familiar than am I with the Dawes plan and with the agreement to which our Government has recently been committed with respect to that plan, if there is anything in the Dawes plan or in the recent agreement which commits the United States to the release to Germany of the alien property funds now in our possession?

Mr. BORAH. I do not so understand.

Mr. SMOOT. No; there is not.

Mr. BORAH. I do not understand that there is, but I would not want to discuss the matter at this time, because I might not be entirely accurate. I am proceeding with reference to this other matter upon the same general principle that I have proceeded from the beginning with reference to it, that we ought not to hold this property. In my opinion, it was in violation of an expressed provision of the treaty to have taken it, except at most to preserve it; and it is in violation of the soundest principles of international decency and good morals to hold it. When people come into this country and acquire property here or send money here and invest it in this country they do so under the belief, and really under the guaranty, that their property as the property of individuals will be protected, regardless of the fact that war may obtain between the two nations. It is upon that general principle that I proceed as to details in the other matter; but, if the Senator will permit me, I will defer answering his question until Monday, and meantime I can go into the subject. My opinion now, however, is that his question should be answered in the negative.

Mr. SIMMONS. I will not ask the Senator from Idaho to go further into the matter at this time, but before he answers the question I should like to ask him for further information, the giving of which he can withhold until he is ready to answer the question. If this fund is released to Germany, what arrangements are made in the Dawes plan or in the Paris agreement for the settlement by Germany or German nationals of the claims of our citizens against it or them? I do not ask the Senator to answer that question now, but I am simply asking the question to be answered in the future.

Then, I should like to ask the Senator further if there is any power vested in the executive branch of the Government to determine the question of the return of this property without authority of Congress and except in pursuance of that authority.

Mr. BORAH. With reference to the latter question, I am inclined to answer that there is no such authority. I think that would require affirmative action upon the part of Congress.

Mr. SIMMONS. I was in doubt about it and I desired to have my position confirmed, if I could, by the Senator from Idaho.

Mr. SWANSON. Mr. President, I wish to offer a suggestion and also to give a warning to the American people in regard to recent transactions and their effect on the claims which American citizens have against Germany. The Dawes plan is properly stated, as I understand, by the Senator from Idaho, makes provisions, certainly in a limited way, for the payment of American claimants for damage done by Germany.

Mr. SIMMONS. Mr. President——

Mr. SWANSON. I will yield to the Senator in a few moments, if he will permit me to proceed. The collection of those claims is doubtful and the time is long, and the contention will be made that, having arranged for the settlement of the claims of American citizens against Germany, the fund now in our possession ought to be returned to the claimants of that fund in Germany. That will be the second step.

The third step which will confront the Congress will be that, having released this fund, which was intended to pay American claimants for damages done by the German Government, and having arranged by agreement under the Dawes plan to take care of these claims, which have been so long delayed and the payment of which is doubtful, the United States itself should assume the obligation, morally if not legally, to settle the claims for damages of its own citizens against Germany.

I simply wish to suggest, as the matter progresses, an important consideration will be the effect upon the American taxpayer who will finally be called upon to pay the claims of American citizens for damages for which Germany was responsible during the late war as the conditions finally develop.

I realize that by the treaty with Prussia we agreed to have the property of German nationals in this country protected, and there was a similar obligation on the part of Germany to protect the property of American citizens, but Germany violated that obligation, and I am not going to consent, so far as I am concerned, either morally or otherwise, that the taxing power of this Government and its Treasury shall be utilized to pay claims of American citizens on account of damages which they suffered through the misconduct of Germany during the war.

Mr. SIMMONS and Mr. SMOOT addressed the Chair.

Mr. SWANSON. I yield first to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I am very much indebted personally to the very lucid statement which the Senator from Virginia has given with reference to this matter. His views, as expressed, coincide with mine exactly. If Germany did not owe us a debt growing out of the war for damages done to our citizens, I would, of course, be perfectly willing to see the fund that we now hold in our hands released to Germany or her citizens.

I do not see the wisdom of our turning over this money to Germany, releasing this fund that we have in our possession, and allowing Germany, if she wants to do so, to appropriate the fund which she may thus receive for any purpose she sees fit and postpone for an indefinte period the return of property of American citizens held by it or by its nationals.

Mr. SWANSON. I yield now to the Senator from Utah.

Mr. SMOOT. I will not at this time ask the question I was going to ask the Senator from Virginia.

Mr. BORAH. Mr. President, let me say——

Mr. SWANSON. I yield to the Senator from Idaho.

Mr. BORAH. Let me say that we are here settling with individuals; we are not settling with Germany. When we restore this property we are settling with individuals who came here and invested under the solemn pledge of a treaty that their property would be protected. Not only was there a treaty but it has been for a century and a half a principle of international law. We never can appropriate this property except in violation of a treaty which we made with another government and in violation of a policy for which we have contended from the very beginning of the Government.

Mr. OVERMAN. Has not Germany signed a treaty in reference to the disposition of this fund?

Mr. SIMMONS. The point I was making was not that we appropriate this property, but hold it until we have reasonable assurance that Germany is going to settle like claims of our nationals against her or her citizens.

Mr. BORAH. In other words, Mr. President, foreign citizens came here and invested their money in property; they acquired property, and they acquired it not only under the ordinary rules of international law, but they acquired it under the specific terms of a solemn treaty that it should be protected, regardless of the fact that war might intervene between the two countries.

We seized it. We have practicaly dissipated millions of it by the reckless way in which we have administered it, and now we refuse to turn it back to those individuals who came here under that pledge. The United States has had a most honorable record in the past. I want it preserved.

Mr. OVERMAN. Mr. President, if the Senator will yield to me for a minute——

Mr. SWANSON. I yield to the Senator.

Mr. OVERMAN. I will ask the Senator from Idaho if we have not made two treaties with Germany by which they agreed that this fund which we have here shall go to pay these debts and by which Germany assumes payment to her nationals?

Mr. BORAH. That does not relieve us at all. We could not by treaty relieve ourselves from the ordinary rules of morality and honor.

Mr. OVERMAN. Is not that so?

Mr. BORAH. It is true in a measurable degree, but we knew at the time that agreement was made that Germany was not in a position to pay these nationals, and she is not in a position to pay them within any reasonable time. It does not make any difference how much you may manipulate the situation by treaty; it all results in our confiscating the property of the people who came here and invested under the theory that the American Government would protect the property of people who invested here.

Mr. SWANSON. Mr. President, in reply to the Senator from Idaho, I will say that there was a treaty with Prussia in which we agreed to protect this property in time of peace and in time of war. That treaty was made with the Prussian Government, not with the nationals who came here and invested.

Mr. BORAH. Nobody else could make it.

Mr. SWANSON. Nobody else could make it. Consequently the Prussian Government, when it made that treaty, took the authority to speak for its people who might come here. The Senator voted for the separate treaty of peace with Germany.

Mr. BORAH. The Senator from Virginia is mistaken.

Mr. SWANSON. Did not the Senator vote for that treaty? I do not refer to the Versailles treaty.

Mr. BORAH. The Senator is mistaken.

Mr. SWANSON. No, sir. In that treaty itself Germany agrees with its nationals that this fund shall be used for this purpose, if I understand the separate treaty with Germany.

Mr. SIMMONS. That is my understanding.

Mr. SWANSON. Now, the question arises to what extent in morals, to what extent in law, can a nation make an agreement for its nationals which is binding upon them? That is a question which has been a subject of discussion and diplomatic understanding for years. The question reverts to this proposition: Can the German Government make a treaty for its nationals existing in Germany concerning the property being here with no power of taxation on the part of the German Government to make the property bear its part of the burden? That is a question of proper debate. It is a question on which there may be a proper difference of opinion. There are different precedents involved in it. When that question comes up the next question is, When that money is returned to Germany which she has agreed can be applied for the payment of damages that she did——

Mr. BORAH. We are not going to return any money to Germany. We are going to return it to the individuals who own it.

Mr. SWANSON. Germany has agreed, speaking for her nationals, that this money should be used to settle the claims of people damaged in America on account of the violent acts of Germany. The German Government has agreed that it should be used for that purpose. This Government has agreed, without the consent of its nationals in America, that Germany shall pay under the Dawes plan 2½ per cent a year out of a very indefinite and uncertain fund. This Government having agreed on behalf of its nationals to the method by which these claims should be settled, if this fund is released which the claimants in America understood should be held until a satisfactory arrangement was made, the next step in this procedure will be the claim that there is a moral obligation on the part of the United States Government to pay out of its Treasury the damages done to American citizens by the German Government.

Mr. BORAH. Mr. President, I do not hesitate for a moment to say that if the question is presented of the United States violating its treaty and the soundest principles of international decency and morality upon one side, and upon the other of taxing our people to pay our citizens who were in-

jured, I will unhesitatingly vote to tax the people to pay for those injuries. But it does not follow necessarily that our people would have to pay. We might and perhaps should pay our citizens now, but ultimately we get it from Germany. When we made the treaty with Prussia, which we made in accordance with established principles of international decency, it bound us. We could not relieve ourselves by manipulating the situation with other treaties, the Dawes plan, or anything else. We are under obligation to carry it out. There is not anything more necessary for proper dealings between nations than to know that when a national goes into a country and invests the laws of that country will protect him, especially when a treaty to that effect is made. We can, if we want to, take the immoral position that having got them here under a treaty we will confiscate their property; but it will be worth more to us to observe the rules of decency and honesty than it will to collect this amount of money in this way. Honesty is the best policy among nations as well as individuals. It pays from the standpoint of morals and character and it pays as a matter of business. Our nationals have money invested and hold property in many countries. Do we want to take the position as a mere matter of business, to say nothing of morality and common honesty, that these people have no protection, either under international law or by treaty? Such a revolting doctrine has no place in a national policy of this Republic.

Mr. SWANSON. When this treaty of peace with Germany was made, and that provision was included in it, if I recall correctly—I think I am correct—that was the time to have discussed this question of morals; and if the Senator's position is correct, that provision by which Germany agreed that this fund should be dedicated to this purpose should have been excluded from the treaty.

Mr. BORAH. So far as the Senator from Idaho is concerned, he voted against the treaty, and he denounced to the utmost of his capacity the whole scheme from time to time upon this floor.

Mr. SWANSON. As usual the Senator is consistent.

Mr. BORAH. I am not only consistent but, what is more important, I am right.

Mr. SWANSON. It is a doubtful question to what extent a government can contract for its nationals. The American Government contracts for its nationals about a great many things without their consent. I recognize the situation. I recognize the Prussian treaty. I recognize that Germany ignored it. I recognize that under that treaty some German property came here, and I recognize that there is a moral obligation of right unless Germany had the power to contract for its nationals in morals and in law.

Mr. BORAH. Germany never could contract to relieve us of the obligation which we assumed under that treaty. That was with us. We could not surrender it. The obligation was there, and the moral obligation was there, and we could not give it up upon the theory that we would put upon somebody else the obligation to discharge our obligation.

Mr. SWANSON. I understand, then, that the Senator takes the position that this Government has no right to contract for its nationals in connection with the Dawes plan——

Mr. BORAH. I want to say to the Senator very frankly that I am not asking the citizens of the United States to rely very much upon the Dawes plan. It does not enter into my theory in regard to this matter at all. I advocated what I am advocating this morning long before the Dawes plan was ever suggested. I am only urging the matter anew at this time because those who were opposed to releasing this property until some plan was devised by which to take care of it now claim that they have such a plan; that is all. It does not control me at all. I am in favor of paying our own citizens, but I am in favor of this Government living up to its treaty and the ordinary rules of sound morality.

Mr. SWANSON. Has the Senator examined the Dawes plan recently to ascertain whether or not there is any security in it for the American claimants who were injured and prejudiced?

Mr. JOHNSON of California. Mr. President, why not refer the subject to Messrs. Kellogg, Herrick, and Logan at Paris?

Mr. SWANSON. If I should take the suggestion of the Senator, I do not know what amount of light we will get.

Mr. BORAH. Perhaps that would be all right. I have an idea of my own about it, though.

Mr. SWANSON. The position I take is this, and I want to state it so that my position will be clearly understood.

When the third step comes in this procedure by which the claimants against Germany are to be paid out of the Treasury of the United States, by which the taxpayers are to pay for all the violence and damage that we incurred at the hands of Germany, saying that we have agreed to the Dawes plan, which never has been submitted to the Senate, and consequently the Government has cut off all claims against Germany except so far as provided in the Dawes plan, I am not going to vote to tax the American people to pay these claimants. I think the time is past when the American citizen should be taxed and made to pay for the damages of foreign governments to our citizens. That is what is proposed in connection with the French spoliation claims which have been pending here for years, by which America, it is said, bartered away the damage to its citizens and then proposed to make the American taxpayer pay for the damages done to other Americans.

Mr. BORAH. The Senator would have, then, this kind of a situation: If some foreigner should desire to-morrow to come and invest in the United States and acquire property in the United States, he would not be protected under the ordinary rules of international law, and neither would he be protected although we made a solemn treaty to the effect that his individual property should not be confiscated. The Senator knows that to establish that kind of a rule in international affairs is to create chaos in international dealings. We must practice good faith. It must be understood that if individuals come here and invest, they are going to be protected according to the agreement. Any other rule would create a condition of affairs in which there would be an utter destruction of confidence between nations; and from Alexander Hamilton down it has always been the theory of the American Government that when an individual came here and invested he was fully protected in the rights of his property.

Mr. SWANSON. During war?

Mr. BORAH. During war or at any other time.

Mr. SWANSON. Then, if I understand the Senator, these nationals being in Germany, these funds ought not to have been seized, and they had a right to use those funds to increase Germany's ability to wage war against us.

Mr. BORAH. The Senator says they should not have been seized.

Mr. SWANSON. No; I did not say they should not have been seized. I think it was not improper to control this property to prevent its being used against us, but we were bound to return it when the exigency was past.

Mr. BORAH. I say, the Senator is arguing that I say they should not have been seized. Of course, during a time of war we would have a right to take any step which would prevent property from being used against the American people; but so far as the seizure is concerned, having in mind the manner in which it was executed, I do not hesitate a moment to say that it was in violation of our solemn treaty, and that there is neither morals nor decency behind it.

Mr. SWANSON. Mr. President, this property was seized as a war measure. The treaty was made with the German Government. The German Government has agreed, speaking for its nationals, as to a disposition of this fund. Now the question reverts back, to what extent can a government agree for its nationals? If Germany had not made this agreement, I think the position of the Senator would be correct, unless the property had been used in such a way that the confiscation was just, on account of its being utilized for war purposes, contrary to peace and contrary to the rights of American citizens.

Mr. BORAH. Look at the terms under which we seized this property. According to the statute which we passed for the purpose of seizing it, we did not seize it for the purpose of holding it to be utilized against claims. We were simply taking control of it and administering it as a trustee, to be returned to the people for whom we were administering it. We were bound according to the act by which we seized it to hold it in trust until the war ended and return it.

Mr. SWANSON. But the act of Congress states the terms under which it was seized. The extent to which Germany can agree to get exonerated from its obligations and let this fund be used is a question of international law, a question of precedent; and, if I am correct, there are precedents which say that where a government assumes the right to speak for its nationals, as Germany did in this case, it has a right to do so.

Mr. KING. Mr. President——

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

Mr. SWANSON. I am through.

Mr. SIMMONS. Mr. President, so far as the observance by the American people of good faith in dealing with foreign nations and with the citizens of foreign nations is concerned, I think I have just about as correct and as moral a conception of that principle as the Senator from Idaho.

I do not want the Government to do anything that would violate good morals or good faith. But while we hold the property of certain German citizens, the property of certain

American citizens is withheld by Germany and in Germany. I have in mind now one case where $600,000 in money belonging to an American citizen or firm is impounded in Germany, and it seems utterly impossible at this time to recover it. While we do not wish to confiscate, in the obnoxious sense of that term, the money of the German citizen, I insist that before we release the money we hold we should require Germany to release to our citizens the money of our citizens which is held in Germany. That is a matter of adjustment between these two nations, and my inquiry went to that point; if we release this fund to Germany, what arrangements has our Government made, what provision has it adopted, by which Germany will reciprocate and return the property she holds of our citizens, as it is demanded that we shall do with respect to property of German citizens in our hands?

Mr. PEPPER. Mr. President, will the Senator yield for a question?

Mr. SIMMONS. I yield.

Mr. PEPPER. I merely wanted to inquire whether it is not true that in the hands of the Alien Property Custodian there are funds of large amount belonging to German citizens and corporations against whom American citizens have large claims, so that the application of the funds in the hands of the Alien Property Custodian in those cases to the payment of American claims would be merely settling accounts between two debtors? It would not be taking A's property to give it to B; it would be taking A's property to give to A's debtor. Are there not many such cases?

Mr. BORAH. I do not know of any such cases.

Mr. PEPPER. I know of one such case.

Mr. SIMMONS. I have been told of one case of that character; and it is deliberately proposed, as I understand, that we release property of German nationals when American citizens have a right to have that property held until their claims are adjusted.

Mr. BORAH. Mr. President, I do not know of any such claim. If there is any such claim, that is a mere matter of detail in the arranging of this settlement. What I am objecting to is that we have had here for five or six years a vast fund, which is being dissipated; vast fees are being paid out; all kinds of expenses are being incurred; people's property is being wasted. We ought to settle the matter, and end it. If there is any accounting upon the different sides, that is a mere matter of detail. But we have no right to hold this property here indefinitely, and to administer it in a way that means the ruin of the particular individuals whose property it is.

Mr. SIMMONS. Mr. President, I agree with the Senator from Idaho that we should not hold this property here indefinitely, but I assert that we ought to hold it here until the United States Government, through its regularly constituted authorities, shall have prevailed upon Germany to do the very thing with respect of the protection of our nationals here by it which the Senator insists we shall do in favor of German citizens. Why should we be in such a hurry to release this property we hold, when Germany shows no disposition to release property belonging to citizens of the United States held by it? I asked the Senator the question because I wanted to get information. I wanted to ascertain whether this Government, in its haste to release this property, has made any arrangement for, or is in negotiation with the German Government, for the purpose of securing like treatment on the part of that Government of our nationals who happened to be caught with property in Germany when we entered the war.

Mr. BORAH. It is possible that Germany has accepted our example, and is willing to confiscate the property. She has an example in our conduct for doing so.

Mr. SIMMONS. I do not believe in one-sided justice, Mr. President. I believe that both parties to this transaction ought to be required to do justice, and I do not feel that the United States is called upon to act with precipitancy with reference to this matter.

There was one matter about which I wanted to be enlightened by some member of the Foreign Relations Committee. Is it understood—when we turn this alien property over, under the treaty between the United States and Germany to which the Senator referred—Germany is to assume responsibility of paying to the owners of the property the amounts due them? I assume that obligation will follow. Am I right about that? If not, it should be expressly stipulated.

Mr. KING. Yes; that is correct.

Mr. SWANSON. I might be mistaken, but I understand that this property was to be used for the settlement of damages Germany had caused to United States citizens, and Germany made that agreement for her nationals. To what extent it can be done in law and morals is, of course, a debatable question, but I am not willing that this fund shall now be entirely dissipated, and American citizens be not provided for by action of this Government, and then have their claims against Germany for illegal acts paid out of the Treasury of the United States. I see no occasion for precipitate action. The German Government has practically contracted for its nationals.

Mr. SIMMONS. So that if this money is returned to Germany under that treaty——

Mr. SWANSON. Not to Germany. The proposition would be to pay it to the individuals.

Mr. SIMMONS. To the nationals. I thought it was to be returned to Germany, and that Germany was to assume the obligation of paying her nationals.

Mr. KING. No.

Mr. SIMMONS. That is a matter which is not of very great importance, however.

Mr. KING. Mr. President, this question is not new in the Senate. Soon after the World War ended I introduced a bill calling for the restoration to German nationals of the property which had been sequestered under an act of Congress passed in 1917. I took the position then that under the treaty which had been negotiated in 1827 between the United States and Prussia, the provisions of which were carried into subsequent treaties made between the German Confederacy and the United States, there was a moral obligation, if not a legal one, upon the part of the United States to restore to German nationals the property which had been sequestered.

I presented the matter to the Senate and quoted from the debates which had occurred in the House and in the Senate when the bill was passed which called for the sequestration of this property. I did not then know that the Senator from Idaho entertained the view which I then expressed, and which I subsequently expressed upon a number of occasions upon the floor of the Senate. I recall that the late Senator from Pennsylvania, Mr. Knox, approved the position which I took.

Mr. OVERMAN. And the Senator from Montana [Mr. WALSH].

Mr. KING. No; I do not recall that he presented his views. I am glad to know that the Senator from Idaho favors the return of the property seized by the Alien Property Custodian to those to whom it belongs.

Mr. President, the bill which I offered went to the Judiciary Committee and I have endeavored to get some consideration of the measure, but no action was taken. Later the committee did report a bill, which in part accepted the view which has been expounded by the Senator from Idaho, namely, a bill which provided for the return to German nationals of substantially $50,000,000, the amount to be allocated to them being according to their respective claims, but in no case to exceed $10,000.

Just a word about the legal phase of this proposition as it has been discussed. I have no doubt but that a government may have the right, if it has constitutional authority, to expropriate the property of its own nationals. Germany, under her pre-war constitution, had authority to expropriate for public use the property of her nationals. When the German Republic formed its constitution it contained a provision under which private property might be taken by the Government for public use.

As I understand, the German Government has sought to apply that principle of its constitution, and to expropriate if not the corpus at least the use of the property of its nationals which was found in the United States and seized by the Alien Property Custodian.

Germany undoubtedly had the legal right, and, according to municipal and international law, the moral right to expropriate the property of her nationals for public use and upon just compensation being paid therefor, the same as the United States has the right to expropriate the property of its nationals. So Germany did that; at least, she expropriated the use of the property, under the Versailles treaty; and under the so-called Berlin treaty she provided that the property of her nationals, then in the hands of our Alien Property Custodian, should be held by the American Government until satisfactory arrangements had been made by Germany to liquidate the claims of American nationals against the German Government.

Mr. SIMMONS. Have we held it with that understanding?

Mr. KING. I think that has been the view of the Government and Congress in dealing with this sequestrated property. There are precendents, numerous ones for the action of Germany. The United States made a treaty with Spain following the Spanish-American War which called for the taking of private property belonging to American nationals, by the Government of the United States. This property consisted of

claims which American citizens had against Spain, and our Government in effect announced that it would cancel the claims of our nationals against Spain, and assume the obligation of compensating them for the property (choses in action) principally, and claims for damages for property lost or destroyed during the war, under such circumstances as would make Spain liable to the owner of the same even though they were not Spanish citizens.

This procedure was a taking by our Government of the property belonging to American citizens. Spain received credit in settling her obligations to the United States and the latter paid its citizens the established and valid claims which they had against Spain. So I say as a legal proposition Germany had the right to expropriate the property or its use for an indefinite time of her own nationals, which was in the United States, and provide that its custody should remain in the hands of the United States. Germany could exercise the right of eminent domain by a treaty and expropriate the corpus of the property of her citizens, or only its use, and consent that it should be held by the United States until she had settled, or made satisfactory arrangements to settle, the claims of American nationals against Germany or her nationals.

Another proposition is suggested; that is, whether the war terminated the treaty which existed between the United States and Germany.

Mr. SIMMONS. Mr. President, as I understand the Senator now, he says that under this arrangement he has just been discussing Germany was to assume the obligation of paying her nationals the losses they had sustained by reason of the seizure of their property by the United States.

Mr. KING. I do not think the treaty states that, but when Germany expropriated the property, or the use of the property, because the treaty was the assertion of the power of eminent domain against the property of German citizens, undoubtedly an obligation was incurred by Germany, under her constitution, to reimburse her nationals, because her constitution provides that private property may be taken by the State for public use. It is conceded by international law writers the taking of property for war purposes is a taking for public use.

Mr. SIMMONS. I think the Senator is entirely justified in assuming that Germany did enter into that obligation as a matter of law.

Mr. KING. There was an implied obligation, at least. It is quite likely Germany did not seek the consent of Germans whose property had been seized by the Alien Property Custodian, to enter into the Versailles treaty or the Berlin treaty, both of which constituted "a taking" of private property.

Mr. OVERMAN. By implication, at least.

Mr. KING. Undoubtedly.

Mr. SIMMONS. By implication, at least, so far as her citizens were concerned. As I understand the Senator, the theory of that arrangement was that we were to hold the property seized by the Alien Property Custodian until Germany satisfied American claims.

Mr. SMOOT. Mr. President, will my colleague yield?

Mr. KING. Until they made satisfactory arrangements.

Mr. SIMMONS. That being so, without Germany having made those arrangements, or even made a gesture toward those arrangements, except what may be included in the Dawes plan, it seems to me that we are a little precipitous in wanting to turn over this property.

Mr. SMOOT. Mr. President——

Mr. KING. I yield to my colleague.

Mr. SMOOT. I call the Senator's attention to the fact that Congress has already acted upon a part of that fund. Congress authorized the return to the individuals of any claim in an amount less than $10,000.

Mr. KING. Up to $50,000,000.

Mr. SMOOT. And that has been done. All claims amounting to less than $10,000 have been paid under an act of Congress.

Mr. FLETCHER. That was done at the time with the understanding that we still had enough left in the fund to protect the remaining American claimants.

Mr. SMOOT. I think there is to-day about $350,000,000 in the fund, and I think that is about what the claims amount to.

Mr. OVERMAN. We had full hearings before the committee, and it was alleged there that there was plenty of money ready to pay our claims.

Mr. SIMMONS. Let me ask the Senator from Utah a question. He is the head of the Finance Committee. He is a great authority upon financial matters. I want to ask the Senator from Utah if there is any authority for any department of the Government to turn over any part of this money held by the Alien Property Custodian without an authorization by Congress?

Mr. SMOOT. I will say to the Senator that in my own opinion, and I have not made any examination of the matter so it is just an offhand opinion, the money can not be distributed without an act of Congress.

Mr. SIMMONS. That is matter about which I wished to elicit an expression of opinion of Senators, especially Senators upon the Committees on Foreign Relations and on Finance, and I am glad to know that upon this question the Senator from Utah, who is chairman of the Committee on Finance, concurs with that of the Senator from Idaho, who is chairman of the Committee on Foreign Relations.

Mr. KING. That matter has been thoroughly canvassed by the Judiciary Committee and has been discussed on the floor since. It is clear that under the act of Congress under which the property was sequestrated, it can not be restored to German nationals except by an act of Congress; and that is the reason why repeated efforts have been made before the Judiciary Committee to have a bill reported out providing for restoring the property of German nationals. I took the position when I first introduced a bill to restore the sequestrated property that there was a moral obligation, if not a legal one, to restore the property which we had seized to the German owners of the same.

When Congress passed the act under which the property of enemy aliens was seized, it was understood that we were to hold it as a trustee until the war was over and then to restore it to those to whom it belonged. As I have contended and as other Senators have contended before the Judiciary Committee, we should restore the property, notwithstanding it would lessen the chances of American citizens to promptly receive compensation for the wrongs which they have sustained at the hands of the German Government.

I was not willing that the transgressions of the German Government which resulted in losses to American nationals should be visited upon the heads of innocent German nationals who have made investments in the United States upon the strength of treaties, the first one of which was signed in 1827, and the spirit if not the letter of which had been continued in various treaties and were embodied in the treaty which existed between the two countries when the United States declared war against Germany. I have felt there was a moral obligation, waiving the question of technical rights, for us to restore the property of the German nationals. I take this position notwithstanding the provision relative to eminent domain found in the new German constitution, and notwithstanding the act of expropriation by Germany of her nationals' property, executed by the treaty of Berlin. I believe that not only because of the obligations of the treaty which existed between the United States and Germany when we entered the war, but because of the broad and just principles of international law, we should restore to those who invested in the United States the property which we have seized. These are practical considerations also, which justify if they do not demand such a course. These I have discussed upon former occasions during the past four years.

Mr. SIMMONS. I assume that the Senator, who shows great solicitude about our doing exact justice to German nationals, is equally as much interested in Germany doing just as exact justice to American nationals?

Mr. KING. Yes. I think the Senator was in error, if he will pardon me, when he assumed that Germany had confiscated or was unlawfully or illegally withholding the property of Americans.

Mr. SIMMONS. I did not go that far. I said there was impounded in Germany at this time, in one particular case I know of, $600,000 of money that the American claimants had not been able to secure. But what I was interested in and what I was insisting upon was that before we release the property our Government should make some arrangement with Germany by which she would reciprocate and likewise release the property that she holds belonging to American citizens. I want to ask the Senator if he knows of any special effort on the part of the executive department looking to that consummation and if the Senator is interested in legislation looking to that consummation, and whether any such legislation is pending?

Mr. KING. I think the fact that our Government negotiated a treaty with Germany or entered into an arrangement under which the Mixed Claims Commission was created and charged with the duty of ascertaining the validity of all claims of American nationals against Germany and against the German Government, and the validity of claims of the American Govern-

ment against the German Government, and vice versa, does show a sincere effort to protect American citizens and provide for the payment of their just claims against Germany. The Mixed Claims Commission under the administration of Judge Parker, a very able jurist, has made most remarkable progress in executing the stupendous task laid at its door. Within a few months it will have concluded the work of passing upon more than 12,000 claims presented for its determination. My information is that the probable judgments or awards against the German Government for injuries to and losses sustained by American nationals will be less than $250,000,000.

Mr. FLETCHER. May I inquire of the Senator at that point if he does not see that his position and the position taken by the able Senator from Idaho leads to the proposition that a foreign citizen coming to the Unted States and acquiring property here thereby has greater and more extensive guaranties than does an American citizen, because according to their contention he has the guaranties of his own government and in addition to that the guaranties of the United States that insure him against any possible use of his property in time of war or at any other time. The Senator speaks about the moral obligation of the United States toward those nationals. What about the obligation of the United States toward its own citizens?

Mr. BORAH. Of course, we have an obligation toward our own citizens. We will discharge it, I trust. We are big enough and rich enough to be honest with our own and with those who come here trusting in our honor.

Mr. FLETCHER. I protest there is not the slightest element of confiscation in the use of this alien enemy property for the protection of our citizens and, if necessary, for the payment of American claims.

Mr. BORAH. In other words, if we should take possession of the Senator's property and utilize it for the payment of somebody else's claims, then the Senator would not think he had been done an injustice?

Mr. FLETCHER. That is not the case here at all, in my judgment.

Mr. KING. I do not understand the proposition of the Senator that a German citizen has a double guaranty. A German citizen's property in the United States is subject to being sequestrated by our Government to the same extent as the property of American citizens. The United States seized German vessels at the outbreak of the war—vessels owned by German citizens. And I think we took real estate owned by Germans, but needed in the prosecution of the war. The power of the United States to condemn the property of aliens for a public use and upon payment of just compensation can not be challenged. Property owned by German nationals in the United States was acquired under the guaranties of a treaty, and the treaty, indirectly if not directly gave the same guaranties that the Constitution of the United States gives to American citizens, namely, that the Government will not take the property of its own citizens or the property of German nationals except for public use, and then only by making just compensation.

But I ask the Senator to remember the language of the statute under which we took this property and the discussion which occurred in the House and in the Senate when the statute was under consideration. We said in effect that we were to hold it in trust. What is the duty of a trustee? Is it to hold the property indefinitely or to confiscate it? There may be confiscation of property when we do not destroy the corpus of it. An indefinite holding of property may amount to a "taking." If I hold the property of the Senator from Idaho, his cattle or his sheep, for an indefinite period, it may amount to confiscation. If we impound the seized property for a long period, it would probably amount to a confiscation of the same.

The Senator from Idaho was right when he said that some of the property seized has depreciated in value and that there has been waste. There have been many cases in which in my opinion property was sold injudiciously, improperly, at prices less than the fair market value of the same. I think that Congress made a mistake when it authorized the Alien Property Custodian to dispose of any or all of the property seized by him, subject, of course, to the approval of the President.

I want to answer one suggestion made by the Senator from North Carolina [Mr. SIMMONS]. I think Germany more carefully observed the treaty between her and the United States than did the latter as it related to the property of nationals of the two countries. Germany did not seize the property of American citizens which was located in Germany for many months after we had enacted the statute authorizing seizure of property of German nationals. Soon after the war ended Germany sought to return to Americans the property which had been seized by Germany. My information is that substantially all such property was speedily returned to the owners of the same. It is possible that there are some cases where the owners have not yet received their property. That may result from the fact that a controversy exists as to who are the rightful owners. There may be divers claimants or liens against the property. Judicial proceedings may be necessary to clear up the matter. It may be that the American claimants can not agree among themselves as to the disposition to be made of the property.

There are many questions, as the Senator will see, that may hold property in the hands of the stakeholder until the claimants are able to determine their respective interests so it may be properly allocated.

I have heard of a number of other cases where Americans deposited money in German banks prior to the war, and disputes arose between the depositors and the banks or the German Government as to the amount in gold which the American claimants were entitled to receive. In some cases they were tendered depreciated German marks. I have no doubt there are a number of cases that have not been determined, but my information is that practically all claims have been settled and that Germany is endeavoring to make full and satisfactory restitution to all American citizens.

Mr. SIMMONS. But only if she could do it in depreciated marks.

Mr. KING. I think Germany has been trying to make fair composition with all American nationals who had property in Germany when the war broke upon us.

Mr. FLETCHER. Suppose the Claims Commission as now constituted has actually found that Germany took possession of the property of an American citizen during the war and appropriated it and used it, and the commission has found she owes that American citizen so much money——

Mr. KING. That is, the German Government?

Mr. FLETCHER. Yes. Shall that American citizen wait 25 years for his money or ought he to be protected out of this fund in the hands of the Alien Property Custodian?

Mr. KING. I will answer the Senator's question by suggesting another case. What are we doing with the claims of American nationals against Mexico?

It is alleged that the nationals of Mexico and the Government of Mexico, between them, have killed more than a thousand American citizens; that Mexican nationals or Mexican troops and Mexican military authorities have injured and confiscated American property of the value of hundreds of millions of dollars. There are many claims against Mexico which are of long standing, but not a dollar has been paid. What is the duty of the American Government in respect to American citizens? Shall the United States seize the property of Mexican nationals which is in the United States and hold it until Mexico settles all claims of American citizens against Mexico or its nationals? Obviously not. The law of retaliation can not be applied in such a way as that. I submit, Mr. President, that it is not in consonance with the treaty, to say nothing of international law and the high principles of morality which should govern international relations, for the American Government to try to offset claims of American nationals against the German Government by confiscating the property of German nationals which was acquired in the United States, or invested in the United States, under the guaranties of treaties between the two Governments. It is the duty of the United States—answering the second part of the Senator's question—as soon as the Mixed Claims Commission shall have reported their findings, and adjudges that the German Government owes American nationals $100,000,000 or $200,000,000, whatever the sum may be, to present the claims to the German Government and demand payment, whether Germany will immediately respond or whether she will be able to respond, I shall not attempt at this time to state.

Concede that she will not be able promptly to respond—that, in my judgment, would not justify a departure from the high principles of international morality for which I am contending, so as to warrant the United States in saying, "If you will not pay our nationals judgments which have been found by the Mixed Claims Commission, we will seize $350,000,000 worth of property owned by German nationals now in the hands of the Alien Property Custodian, property which was acquired pursuant to treaty and which we sequestrated under the promise that we would hold it as trustee and restore it when the war was over."

The Senator from Pennsylvania [Mr. PEPPER] has suggested that some American citizens who may obtain judgments or awards against Germany have valid claims against some German whose property is in the hands of the Alien Property Custodian. If there be such cases, of course, these claims should be liens upon the property of the German debtors.

I repeat, our Government should promptly demand of Germany the payment of all sums found due to American citizens, and if Germany should not pay, then our Government would be relegated to the same course that any sovereign State must pursue when injury has been done to its citizens by a foreign power or its nationals.

In my opinion Germany is desirous of meeting any awards pronounced by the Mixed Claims Commission and will exert her full power to satisfy the reasonable demands of our Government or its citizens. It seems to me that the proposition is very simple. We restore to the Germans the property which belongs to them, and when it shall have been determined what is due us we make demand upon the German Government, and the German Government then must use every means at its command to make payment.

I might say to the Senator from North Carolina [Mr. SIMMONS] that under the present revenue system obtaining in Germany a considerable part of the fund which we now hold would be taken by the German Government for taxes if returned to the owners of the same. There is no reason why our Government should not negotiate with Germany, so that the part that would be collected by Germany as taxes should be paid to the United States, to be applied toward the settlement of the awards made by the Mixed Claims Commission. It seems manifest that Germany has the right to exercise the taxing power against her own citizens whether their property is in Germany or in the United States. There may be grave doubt as to whether or not Germany can exert her taxing power against the corpus of real estate situate beyond her borders, but I think it is competent for her to tax the incomes of her citizens derived from property in other lands. If we were to restore the property held by the Alien Property Custodian to the owners of the same, the German Government could and probably would tax it very heavily. So a part of the property which would be restored to the German nationals would undoubtedly be taxed by the German Government and, as most of it is cash, covered into her treasury, and would thus be available to meet the obligations of the Government.

There is another question that I think some Senators have overlooked in regard to this subject—and this will tend to support the proposition of the Senator from North Carolina. I do not think that we have the right, "technically," to restore this property without the consent of the German Government. The German Government, as I have indicated, exerted the power of eminent domain with respect to property of her nationals which is in our possession. Having exerted the power of eminent domain, and having seized the use of it, if not the corpus of it, then if we attempted to restore it to the owners without the consent of the German Government, and if then we should make a demand upon the German Government to pay our nationals, Germany could say "We left with you $350,000,000 by treaty, and you have turned it back to our nationals without our consent." I recall when we made the appropriation of $50,000,000 at the last session of Congress I immediately suggested to the property officials of our Government that they should not pay any portion of the amount until consent of the German Government had been obtained, and a release secured from any obligation that might exist upon our part to retain such property, in virtue of the treaty of Berlin as well as the treaty of Versailles.

Mr. SIMMONS. Mr. President, I want to say that I feel amply compensated for provoking this controversy. My familiarity with the subjects discussed was limited; I hoped by the interrogatories I propounded to the Senator from Idaho to get more information, and I have obtained from that and other Senators who have participated in the discussion information which I regard as of great value, and I have no doubt that other Senators have also been enlightened by the discussion.

I wish to repudiate, however, Mr. President, any suggestion that may be conveyed by the remarks of the Senator from Utah that I or anyone agreeing with my views had the remotest idea of suggesting confiscation by the United States of the property of Germans in the possession of United States.

The United States is bound to deal fairly and according to international law and custom treaty stipulations with this fund and with the claimants, and it will do so. All I am insisting upon—and that is the point of difference, as I see it, between the Senator from Utah and myself—is that the properties impounded respectively by the United States and the German Governments, that which is held, shall be held subject to some mutually satisfactory arrangements between the two countries for reciprocal payments or settlement with the creditor nationals of the two countries. The Senator from Utah, however, seems to think that it is the duty of the United States, without regard to the attitude of Germany, to turn the property so held by it over to the German claimants and to trust the good faith and the integrity of the German Government to deal with like justice toward American claimants. I am not quite so well satisfied, as the Senator from Utah seems to be, that Germany would show the same correct moral sense of obligation and duty as he is insisting this Government shall show.

Mr. KING. Mr. President, will the Senator make one slight modification there? I said, as I recall—at least I intended to say—that before turning the property over I should want the consent of the German Government, and I indicated that when we passed the bill to restore the $50,000,000 I suggested to the department that it ought not to pay any part of that amount until the German Government had signified its willingness that that should be done.

Mr. SIMMONS. I would prefer that the Senator put it in another form, and say until the German Government had signified in a practical way that it would extend the same treatment toward American nationals whose property it had impounded and sequestered the United States Government should not proceed further to release the impounded funds of German nationals now in our possession.

Mr. DIAL. Mr. President, I do not know that it is profitable to continue the discussion of this matter; but it has been over six years since the armistice, and I am very glad the matter has been discussed here to-day. I hope that this Government and the German Government will expedite the settlement of all these claims. It seems to me that sufficient time has elapsed. No doubt the Mixed Claims Commission has reported on many claims, the amounts have been fixed, and I should be very glad indeed to have the representatives of our Government settle these matters and let the money get back into the hands of the individuals who own it, so that the trade of our country with the people of Germany, Austria, and Hungary can be resumed to the full extent.

I tried to put this money to use under a revolving fund bill some time ago, in order to help expedite the sale of our surplus agricultural products, and also to put the people of those countries in possession of our raw materials, which they needed and which they could manufacture; but as Senators have seen fit to vote against that bill I take it that can not be accomplished at this session. Therefore I hope the matter will be expedited and soon settled up.

I should be glad also to see our Foreign Relations Committee and our Government look into the resumption of trade with Russia and all the countries of the world. I am glad to note that last year the people of Russia purchased in the United States something over 230,000 bales of our cotton for export to that country, and this year they are purchasing a larger amount. I trust that business relations, at least, between our Government and all the other governments will soon become settled, so that we can carry on our business in a satisfactory way. We desire purchasers for our raw agricultural products, thereby mutually benefiting all. Let our Government talk the matter over with Russian representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 6070. An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, on the island and county of Hawaii, Territory of Hawaii; and

H. R. 11248. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes.

BLATTMANN & CO.

Mr. PEPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 555) for the relief of Blattmann & Co., having met, after full and

free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the sum proposed insert "$97,804.70"; and the House agree to the same.

GEORGE WHARTON PEPPER,
HENRIK SHIPSTEAD,
CLAUDE A. SWANSON,
Managers on the part of the Senate.
G. W. EDMONDS,
J. D. FREDERICKS,
Managers on the part of the House.

The report was agreed to.

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Secretary will read the bill.

The reading clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Miscellaneous objects, Department of Justice," on page 30, line 10, after the word "government," to insert "and including a director of the Bureau of Investigation, at not exceeding $7,500 per annum," so as to read:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; the acquisition, collection, classification, and preservation of criminal identification records and their exchange with the officials of States, cities, and other institutions; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; hire, maintenance, upkeep, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary; purchase and exchange of a motor-propelled passenger-carrying vehicle to cost not to exceed $3,000, exclusive of the exchange allowance on any vehicle given in part payment therefor; firearms and ammunition, such stationery and supplies for use at the seat of government or elsewhere as the Attorney General may direct, including not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General; per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, including not to exceed $295,000 for necessary employees at the seat of government, and including a director of the Bureau of Investigation at not exceeding $7,500 per annum, $2,177,500; for the investigation of the official acts, records, and accounts of marshals, attorneys, and clerks of the United States courts and the territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; and also, when requested by the presiding judge, the official acts, records, and accounts of referees and trustees of such courts, including $43,000 for necessary employees at the seat of government, $117,000; in all, $2,294,500, to be expended under the direction of the Attorney General.

Mr. KING. Mr. President, I desire to ask the Senator in charge of the bill a question with reference to this entire item for the detection and prosecution of crimes.

I find here a provision for—

the acquisition, collection, classification, and preservation of criminal identification records and their exchange with the officials of States, cities, and other institutions.

Is that new legislation?

Mr. JONES of Washington. No; I understand that that item has been carried in the bill for some little time.

Mr. KING. How much increase is there under the provisions of this bill for this item, or the items in this paragraph over preceding appropriations? I find that this paragraph calls for $2,294,500.

Mr. JONES of Washington. There is a decrease of $108,294 over the current appropriation.

Mr. KING. What was the appropriaton for this purpose in 1916 or 1917?

Mr. JONES of Washington. I can not tell the Senator that. The Clerk will probably find that in just a moment. I imagine that the appropriation in this bill is considerably greater than the 1916 appropriation.

Mr. KING. The Senator will discover that the appropriation here for the Department of Justice is very greatly in excess of the appropriations for 1915, 1916, and 1917.

Mr. JONES of Washington. I have no doubt about it.

Mr. KING. Did the evidence before the committee support the view that this enormous appropriation of $2,294,500 was required for the work comprised within the provisions of this section?

Mr. JONES of Washington. I will say to the Senator that the Senate Committee on Appropriations did not take any additional testimony with reference to this item; but I tried to go over the hearings before the House committee, and I think the hearings there fully justify the action that the House has taken.

The Clerk has handed me a statement from which I find that the appropriation for 1915 for these prosecutions was $485,000; for 1916, $485,000, with a deficiency of $25,000; for 1919, coming after the war, it was $1,000,000, with a deficiency of $1,350,000.

Mr. KING. That was at a time when Congress passed resolutions for investigating various aliens alleged to be guilty of sedition, and called for their deportation.

Mr. JONES of Washington. Yes; that is true.

Mr. KING. And I understand that the greater part of that appropriation was expended pursuant to instructions given by Congress.

I notice in the same appropriation, on page 32, an item of $1,000,000, to be expended in the discretion of the Attorney General for the investigation and prosecution of war frauds.

Mr. JONES of Washington. Let me, if I may, suggest to the Senator that that proposition will be discussed, possibly at considerable length, after we get through with the committee amendments. The Senator from Tennessee [Mr. MCKELLAR] is going to offer an amendment, I think, to reduce that appropriation to $500,000.

Mr. KING. I am going to offer an amendment to that provision myself, but I shall be very glad if the Senator will do so; and I shall pretermit any discussion of that item until the amendment is offered by the Senator from Tennessee. I should like to ask the Senator, however, if this is the creation of a new office:

And including a Director of the Bureau of Investigation at not exceeding $7,500 per annum.

Mr. JONES of Washington. No; it is not. The Senator probably knows Mr. Hoover, who is now at the head of the Bureau of Investigation in the Department of Justice. Some little time ago Mr. Burns had the position that Mr. Hoover now occupies. This is not a new position.

Mr. KING. Then what is this amendment for?

Mr. JONES of Washington. This amendment is to give Mr. Hoover the salary that that position has been paying for some time, and that he has been getting. If this were left out, and it were to go under the reclassification act, his salary would go down to something over $6,000. He is generally regarded, I think, as one of the best officials we have, and it is not thought that it would be right to reduce the salary that he has been getting for some time; so we put in the item in that way.

Mr. SMOOT. Mr. President, I will say to my colleague that the bill provides that wherever there is one person in a grade within a class the salary shall not be more than the average of all the classes within that grade. That brings this position down to about six thousand seven hundred and odd dollars. I am quite certain if the Senator has met the gentleman who holds this position that he knows that if there is anyone who should receive a salary of $7,500 it is this particular man. Therefore, we have made an exception in this case and have provided in this bill for paying him just what he is receiving now. There are hundreds of others that are affected by the same provision, but no exception has been made in their cases. They will either have to take the amount or else leave the service.

Mr. KING. By that does the Senator mean that there are others who stands out like solitary peaks, and will have to be graded down unless we make exceptions?

Mr. SMOOT. They are not such high peaks as this particular peak.

Mr. FLETCHER. Mr. President, why should not the reclassification act itself supply the exceptions, if exceptions are necessary? First we pass a general law and then we come

along and make exceptions to it in separate acts. Why should we not provide in the law itself for exceptions?

Mr. SMOOT. Then, of course, we would put that whole power in the hands of the department heads, and what would happen would be that every one of these salaries would be increased to $7,500.

Mr. KING. Does the Senator think it is wise to make these exceptions?

Mr. SMOOT. I am sure that it is, or I would not have voted for it at all.

Mr. KING. It seems to me that the reclassification has not worked satisfactorily. I think the reclassification has been too much concerned in enlarging the salaries of those in the higher grades, and that many of the salaries have been advanced far more than they should have been. I have in mind one particular case where a certain person was getting $2,400. The duties which are being performed now are not much different, but the position is called by a different name and the salary has been advanced to over $5,000.

Mr. SMOOT. I can not call to mind a case of that kind. I do know, however, that the classification law, in cases such as the Commissioner of the General Land Office, the Commissioner of Indian Affairs, and the different commissioners, decreased the salary from $7,500 to $6,700. Time and time again amendments have been offered to the bill on the floor of the Senate to increase the salary of one or the other of those commissioners to $7,500. I remember that the last one, just before the passage of the reclassification act, was the Commissioner of Pensions. A splendid man was holding that position at the time, and there was no question in the world that he ought to have received that amount for the work that he did; but as long as one of the commissioners received $5,000 it was thought that all ought to be treated alike. The reclassification bill treated them all alike and put them in the class of $6,700.

Mr. KING. Does not the Senator think that, generally speaking, the reclassification board considered with some little favoritism the higher grades, and that if there was any discrimination it was against the lower grades?

Mr. SMOOT. No; taking the percentages—and I have gone over the matter very carefully because of the fact that I was not very much enamored of the classification act, as the Senator knows—I find that the percentages of increase are the largest between the salaries of $900 and $1,200. The next highest percentage is between $1,600 and $2,000, and then it jumps from there immediately up to about $4,000, and that is the next grade, graded on percentages.

I want to assure the Senate that this particular man can leave the service of the United States at once and get more money; but he is loyal and has been loyal, and I should hate very much to see him leave the Government service.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Marshals, district attorneys, clerks, and other expenses of United States courts," on page 40, at the beginning of line 16, to strike out "$30,000" and insert "$25,000," so as to read:

For the purchase of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, including the nine libraries of the United States circuit courts of appeals, including not to exceed $25,000 for the purchase of the Federal Reporter and continuations thereto as issued, to be expended under the direction of the Attorney General: *Provided*, That such books shall in all cases be transmitted to their successors in office; all books purchased thereunder to be marked plainly, "The property of the United States," $65,000.

The amendment was agreed to.

The next amendment was, under the subhead "Penal institutions," on page 43, line 22, after the name "Kansas," to strike out the comma and the words "of which $20,000 shall be available only for drainage," so as to read:

For miscellaneous expenditures, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., and not exceeding $500 for maintenance and repair of horse-drawn and motor-propelled passenger-carrying vehicles, $183,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Foreign and Domestic Commerce," on page 50, line 11, after the word "him," to strike out "$335,861" and insert "$340,861," so as to read:

Commercial attachés: For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for the compensation of a clerk or clerks for each commercial attaché at the rate of not to exceed $5,000 per annum for each person so employed, and for janitor and messenger service, traveling and subsistence expenses of officers and employees, rent outside of the District of Columbia, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference, and periodicals, reports, documents, plans, specifications, manuscripts, newspapers (both foreign and domestic) not exceeding $400, and all other publications, travel to and from the United States, and all other incidental expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $340,861.

The amendment was agreed to.

The next amendment was, on page 51, line 4, after the name "United States" to strike out "$432,000" and insert "$457,600," so as to read:

Promoting commerce, Europe and other areas: For all necessary expenses, including investigations in Europe and other areas, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, purchase of books of reference and periodicals, maps, reports, documents, plans, specifications, manuscripts, newspapers (both foreign and domestic) not exceeding $400, and all other publications for the promotion of the commercial interests of the United States, rent outside the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to further promote and develop the foreign and domestic commerce of the United States, $457,600, to be expended under the direction of the Secretary of Commerce.

Mr. FLETCHER. Mr. President, may I ask the Senator about the cause of that increase? There is an increase of $25,000.

Mr. JONES of Washington. Mr. President, there are four increases here of $25,000, and I will state to the Senator in just a few words the basis upon which the committee acted.

The committee felt that this is a very critical time with reference to the expansion of our foreign trade; that we are going to have our strongest competition for world trade during the next two years. The committee felt that with the stabilization of conditions in Europe the people of Europe are going to go out and seek the markets of the world and use every possible means of securing them, and so we thought that an appropriation of $100,000 additional for these four branches of this service was fully justified. Therefore we put an additional $25,000 on four different items here, as the Senator will note in the bill. That is above the Budget estimate; we appreciate that, and I have stated to the Senator the general view of the committee, and the general reason why we did it. Every member of the committee expressed himself as heartily in favor of that action.

Mr. FLETCHER. Generally speaking, I am in favor of taking steps to broaden our markets and develop our trade and commerce. I think it is a very excellent thing to do now, but I was not quite advised as to the specific use of the money. It is to send out additional agents or representatives, is it?

Mr. SMOOT. I can perhaps explain in a very few words the basis of the action of the committee. I will take just one industry as an example. Our moving-picture industry, as everybody knows, has been one of the greatest of our industries to do business in foreign lands. In fact, we furnish 90 per cent of all of the moving-picture films in the world outside of the United States. We furnish practically all of them here. In the last year there has been a movement on foot in all foreign countries, and in some of the countries there have been laws passed, or attempts to pass laws, virtually to destroy that trade abroad. There is no need of my going into the details of those cases, because I do not think it would do any good.

Mr. OVERMAN. That does not affect this provision. We gave $15,000 extra for that service.

Mr. SMOOT. I am only citing that as an example. What we want is to have a man who knows the business from beginning to end, one who has an education sufficiently broad, and one who is particularly qualified to appear before the officials of any government when this industry is attacked, one who can watch and guard it, and call attention to anything affecting it in any part of the world. He can travel from one country to

another and guard and protect the interests of that industry in this country.

I only mention that as one example. As the Senator from Washington has said, there are four increases provided for. I could refer the Senator to the trade in South America, which has grown by leaps and bounds. As the Senator from Washington has so well said, when Europe gets back on an even basis and gets to work again it is going to be harder for us than it ever has been in the past to maintain our trade abroad, and what little we appropriate for this purpose now, and particularly the increases, I am quite sure will bring results.

Mr. FLETCHER. The increases pertain to commerce in Europe and other great areas, and also to South and Central America?

Mr. SMOOT. Yes.

Mr. FLETCHER. And in the Far East?

Mr. SMOOT. Yes; in the Far East.

Mr. FLETCHER. The idea is that we may have some one qualified to represent us in taking care of our trade in those regions?

Mr. SMOOT. In taking care of that foreign business.

Mr. McKELLAR. Mr. President, I just want to say to the Senator that the Democratic members of the committee fully agreed to these increases. They all believed that this was a very appropriate time to increase the number of our trade attachés abroad, so as to increase American business. The particular case to which the Senator from Utah referred, of the moving-picture man, is provided for separately. That is not provided for in the four increases to which attention has been called. That makes five increases in all. The amount of $15,000 was applied specifically to the moving-picture industry. I think it is as little as we can do, and I think the money will be well spent. I wish I could say that all the rest of the money appropriated in this bill would be as well spent.

Mr. WALSH of Massachusetts. Mr. President, I would like to have the attention of the Senator from Utah. I was very much surprised a few days ago to have my attention called to the great increase in appropriations for this bureau in recent years. I think the total appropriations have increased in a few years to over $1,000,000 for the Bureau of Foreign and Domestic Commerce. Am I correct?

Mr. SMOOT. It is more than that.

Mr. WALSH of Massachusetts. What is the total?

Mr. JONES of Washington. Something over $2,000,000.

Mr. WALSH of Massachusetts. A few years ago it was a few thousand dollars. What is the amount for the Bureau of Foreign Commerce? Perhaps that is the figure I have in mind.

Mr. JONES of Washington. It is all one bureau, the Bureau of Foreign and Domestic Commerce.

Mr. WALSH of Massachusetts. What I wanted to observe is this: We have been increasing our appropriations very rapidly to promote business abroad, and that is commendable; but it seems to me we are a bit inconsistent. We have been niggardly in our appropriations for the Tariff Commission. We have denied them the appropriations they have asked to enable them to extend their investigations. On the one hand we are increasing appropriations so that American business men may get information on which they may extend their foreign business, but we are denying to the industries of this country the helpful information which they could get from the Tariff Commission if the Tariff Commission were given the money to enable them to make the necessary investigations.

Mr. SMOOT. We have given the Tariff Commission whatever was estimated by the Budget.

Mr. JONES of Washington. We have increased the estimate.

Mr. SMOOT. Yes; we have increased it.

Mr. WALSH of Massachusetts. Does the Senator remember that a year ago, in response to a resolution asking how many petitions of business concerns were pending before that commission and how many the commission was unable to act upon because they did not have the funds, they replied that there were something like 75. They then stated in response to my resolution that a special appropriation of about $400,000 would be necessary to enable them to conduct the investigations which they believed to be necessary. They did not get it. Whether the appropriation bill for the fiscal year beginning July 1 will carry that advance or not I do not know.

The point I want to make is this, that we have been restricting and limiting investigations by our Tariff Commission, and the way to help business in the first instance is to let our industries know, through the Tariff Commission, all available facts that are necessary for the promotion of American business and for the development of American industries, and especially information which goes to show the difference between the cost of production here and the cost abroad.

The business people of this country have been complaining that they have not been able to get that information; that the Tariff Commission has had so many problems before it, and there has been such a lack of money, that the commission has not been able to function satisfactorily.

I also want to call attention to the fact that while we are extending our appropriations in our efforts to secure foreign business for American business men, we have not in a corresponding manner given assistance to the Tariff Commission to enable them to furnish to American industries and American business men the information which they should have. I hope the Senator sympathizes with the contention I make.

Mr. SMOOT. I certainly do sympathize with it.

Mr. WALSH of Massachusetts. It does little good to go out and get foreign business if the business men here at home can not get, through the Tariff Commission, the information which they desire, and which they believe is necessary in order to enable them to compete with foreign producers.

Mr. SMOOT. Mr. President, I thank the Senator for his remarks and I assure him that I am deeply concerned in the subject to which he has just referred.

Mr. KING. Mr. President, in view of the statements just made by the Senator from Massachusetts, if I may have his attention, I am prompted to inquire of him whether he believes that the Tariff Commission as at present constituted, and as we are advised it is to be constituted in the future, if the Executive has his way, will serve the ends which he has in view, and will be of advantage to our country, either to the consumer or to the producer?

Mr. WALSH of Massachusetts. I will say, in answer to the Senator, that I have been contemplating making some observations before the session ends about the propaganda abroad to destroy the present Tariff Commission. I was very much surprised to read an editorial in a leading Washington paper recently advocating the abandonment of the bipartisan character of the Tariff Commission, and asserting that it was the opinion of that newspaper—and I have heard the comment made elsewhere—that the Tariff Commission should be a strictly partisan body, an instrumentality wholly in sympathy with the Executive, to carry out his tariff policies and his theories. I will say frankly to the Senator that if that idea shall be carried out, we might just as well abolish the Tariff Commission. The power to tax the people—and tariffs are forms of taxation—should never be delegated to a tribunal that is not elected by the people.

Mr. KING. I think it is being carried out, and will be carried out, if the present administration has its way, and we might just as well abolish it, because it will cease to perform any useful purpose. It will be merely the tool of the protected interests.

Mr. WALSH of Massachusetts. They will be special pleaders for special interests paid by taxes collected from all the people, which is practically the same thing as what the Senator has said—the tools of the special interests. I look forward with very keen regret to the possibility of this valuable commission being diverted toward partisan ends. It ought to be a semijudicial body, finding out the facts which Congress and the Executive ought to have upon which to base tariff rates. I say frankly to the Senator that I hope the suggestions which have been made about changing the character of that commission will not be carried out. It does not seem probable that any Chief Executive of this country would be a party to the construction of that commission in such a manner as to promote the theory of tariff protection that one political organization or one political party might have. I have too much confidence in the present Chief Executive to believe he would approve of any change in the Tariff Commission that would destroy its bipartisan character and purpose.

Mr. SMOOT. I am quite certain that the Senator may rest assured that the President of the United States has expressed no idea of that kind, and I do not think he would do so.

Mr. WALSH of Massachusetts. The Senator will agree that there is some propaganda to that effect.

Mr. SMOOT. The only thing I have read along that line was the editorial referred to by the Senator. I have not seen in another paper in the United States any such idea expressed.

Mr. WALSH of Massachusetts. I have seen several papers which are devoted to the principle of tariff protection advocating substantially the same proposition. There really has been quite a little comment to this end in the press, which has surprised and somewhat alarmed me. When the information

of the Tariff Commission ceased to be unbiased its usefulness ceased. It should give facts and not recommend duties.

I want to say to the junior Senator from Utah [Mr. KING] that I think it was a mistake to give to the Tariff Commission the powers that were given in the last revenue law.

Mr. KING. The flexible provision?

Mr. WALSH of Massachusetts. Yes; the flexible provision. Of course, tariff duties should be changed from time to time, but only after full discussion in the open and not behind closed doors.

Mr. KING. Undoubtedly; and I think it is unconstitutional.

Mr. WALSH of Massachusetts. It has tended to make judges instead of investigators of facts of the commission. It has diverted their thought and mind from the work of mere investigations into questions of policy with which Congress alone should deal. It has tended to change the whole theory for which the commission was constituted. The flexible provisions have absorbed nearly all the funds and energies of the commission. The power to bribe for partisan or financial advantage has been encouraged, for now it is possible for the commission to grant indirectly special favors to chosen interests.

Mr. KING. There is no doubt of that.

Mr. WALSH of Massachusetts. I say this to the Senator, that so long as there is a law which permits the industries of this country to petition the Tariff Commission to have investigations made we ought to give the Tariff Commission money to make those investigations or else repeal the law. They should not be put in the position in which they are now, when they can not get any investigations made because the money is not available.

Mr. KING. Mr. President, I hope that if the Tariff Commission is continued it will be with the understanding that it functions as designed by those who established it. They believed we should have a nonpartisan Tariff Commission, which should, without bias or prejudice or political control, obtain facts upon which sound tariff legislation might be projected. President Roosevelt advocated such a commission, and public opinion supported the measure which was enacted. Mr. Roosevelt perceived the pernicious way in which most tariff measures were enacted; the lobbying and logrolling and the intriguing of special interests to secure inordinate tariff rates in order that they might increase the prices charged to the American people. And when he broke with his party he denounced its then latest tariff law and the "crooked" activities of "crooked interests."

President Wilson and the Democratic Party were committed to a policy which required the creation of a tariff commission. It was believed that such an organization could be of service, not only to Congress but to the country; that it could obtain data needed by Congress in drafting revenue measures. Their purpose was to present to Congress and to the country all pertinent facts relating to tariff questions, and particularly to legislation dealing with exports and imports. It was never supposed that the commission would seek to promote the cause of any political party or to procure only data in support of some particular economic or political view. The commission was to be a real fact finding commission—not a partisan commission—a commission interested only in obtaining all facts, the consideration of which would be imperatively required in the formulation of tariff legislation.

We know, if we are to believe the press and current reports in Washington, that one of the ablest men on the Tariff Commission is soon to leave it, I do not think voluntarily but because of unpleasant situations which have been developed on account of his insistence upon pursuing a course dictated by his conscience and mature and enlightened judgment.

I have no doubt but that an effort is being made now by selfish and protected interests in the United States, by monopolies and trusts, to control the Tariff Commission appointments that are soon to be made. I have no doubt that every force possible will be marshaled and all the machinery of the Republican Party that can be controlled will be put into motion for the purpose of making the Tariff Commission a mere instrumentality of the protected interests and a vehicle to serve their ends.

It is needless to remark that in serving their ends the interests of the American people will be ignored.

But, Mr. President, I shall not pursue that subject further. Referring to the remarks of the Senator from Massachusetts, he thought the appropriation for use by the bureau to aid in developing foreign trade and commerce was but $700,000. As I have hastily examined the figures, the aggregate sum will be more than $2,600,000 for such purpose. This department, like other departments and Federal agencies, started out in a modest way, but soon its demands became startlingly great; and this bill reveals that the appetite of this governmental agency is becoming insatiable.

Mr. WALSH of Massachusetts. How long have we been making appropriations for this particular bureau?

Mr. KING. The department was first called the Department of Commerce and Labor.

Mr. WALSH of Massachusetts. But this particular bureau is of recent origin.

Mr. KING. Yes.

Mr. WALSH of Massachusetts. I do not think we have had it more than six or eight years.

Mr. McKELLAR. It was established in 1914, as I recall.

Mr. KING. Let me call attention to some of the items of appropriation for the Bureau of Foreign and Domestic Commerce. First is for salaries in the District of Columbia, $266,477. There will not be intensive investigation in foreign lands by the enormous personnel functioning here in the District of Columbia. Of course some of the employees paid from this sum give their attention to purely domestic matters.

The next item is commercial attachés, amounting to $340,861; promoting commerce in Europe and other areas, $457,600, and out of that $53,000 may be used for salaries here in the District of Columbia.

Mr. McKELLAR. Mr. President——

Mr. KING. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator understands, of course, that is for the Bureau of Foreign and Domestic Commerce, and the domestic part of it is to be found in the appropriations to which he alludes, namely, $266,477, on page 49, and the $53,000, on page 51, and there may be other items. The bureau is operated as one and looks after both foreign and domestic commerce.

Mr. KING. The Senator will discover that on page 47 $230,380 is carried for clerical help in the District. If that is for domestic commerce, then what is the $266,477 for?

Mr. McKELLAR. They are both used in the carrying out of the operations of the Bureau of Domestic Commerce and Foreign Commerce, too, because it is all under the control of the Secretary of Commerce.

Mr. KING. Mr. President, I wanted to make some further observations on the subject now under consideration, but the Assistant Sergeant at Arms whispers to me that the subcommittee of the Finance Committee is in session and considering an important matter calling for my presence. I hope the bill will not be passed during my absence.

Mr. McKELLAR. Mr. President, I am sorry the Senator must leave, because I have the facts and figures which I think answer completely the Senator's contention about these items of expenditure. These are items which are justified in every way, according to my information, and I have the facts and figures before me taken from the hearings which I want to insert in the RECORD and which I will now do if the Senator from Utah has concluded. I am sorry that he has to leave.

In answer to what the Senator from Utah has said, I desire to call attention to the evidence given in the hearings before the Senate committee, at page 50, by Doctor Klein, the assistant chief of the department, where he said:

> There has been an enormous growth of our trade down there. Our total trade in Latin America in 1914 was $708,000,000. Last year it was $1,940,000,000. That is an increase of 143 per cent in 10 years. We are egotistical enough to feel that at least to a certain extent that has been due to the efforts of the Department of Commerce. There is this rather significant fact in that connection: We have a very careful history of the trade between the United States and the 16 countries in which we were authorized to establish offices in the course of the last three years. Of those 16 countries, 13 showed very heavy increases of trade, and 3 showed a slight falling off. On the other hand, in those countries where we have had no offices the increase of trade has been much less than in those where we have had offices.

I also read from the hearings before the House committee. I am going to call the attention of the Senate to the succinct statement referred to by Mr. Klein in the statement I have just read. It is a table appearing at page 9 of the House hearings. Without reading the figures I ask permission to insert the table in the RECORD at this point.

The PRESIDING OFFICER. Without objection, that order is made.

The table is as follows:

Total trade (combined imports and exports) of the United States in 1919, 1921, and 1924 (estimated) with countries in which 16 offices of the Bureau of Foreign and Domestic Commerce have been established since July 1, 1921

Countries	Location of bureau offices	Calendar years			Per cent of increase, 1924 over 1913
		1913	1921	1924 [1]	
		Millions of dollars	*Millions of dollars*	*Millions of dollars*	
Greece	Athens	4.4	51.1	40.7	834
Rumania	Bucharest	3.4	5.1	1.4	[2] 60
Cuba	Habana	198.3	418.1	601.4	203
British India	Calcutta, Bombay	81.3	135.0	136.5	68
Philippine Islands	Manila	45.8	98.7	161.4	252
Brazil	Sao Paulo	140.8	154.4	227.7	62
Colombia	Bogota	23.4	61.7	87.6	275
Dutch East Indies	Batavia	8.4	64.5	69.5	732
Egypt	Alexandria	19.4	35.7	32.1	65
China	Canton	65.4	209.4	228.9	250
Germany	Hamburg	536.1	452.7	535.3	----------
Finland	Helsingfors	4.0	15.3	18.0	348
Uruguay	Montevideo	9.5	26.3	26.4	178
Canada	Ottawa	545.3	92.9	1,031.4	89
Porto Rico	San Juan	72.5	118.1	159.6	120
Sweden	Stockholm	26.5	57.3	80.5	216

[1] Estimated on basis of figures for 10 months ending Oct. 31, 1924.
[2] Per cent decrease.

Note that trade of all but three countries (Greece, Rumania, and Egypt) shows increases since 1921.

Mr. McKELLAR. I read further from the report just a brief statement:

It will be observed from the foregoing table that only three countries show a decrease, mainly due to political conditions, whereas 13 show a marked increase, from 200 to 700 per cent. While the bureau is not completely responsible for this increase in business, there is no doubt that a great deal of it is directly due to the agencies established in these countries for that purpose.

I differ entirely with the Senator from Utah upon this subject. I recall when the department was established. I was at that time a Member of the House and as active as I knew how to be in helping to establish the bureau and in getting a proper appropriation for it. I know that trade in the products of the State from which I come has been beneficially advanced in various foreign countries through this bureau of the department. It is one of the most valuable bureaus in the Government. It is one that we should foster because we all want to increase our foreign trade. I think it would be very unwise to reduce the amount. I think the increase of the Budget allowance is proper and right, and I hope will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 52, line 14, after the word "Commerce," to strike out "$248,040" and insert "$273,040," so as to read:

Promoting commerce, South and Central America: To further promote and develop the commerce of the United States with South and Central America, including personal services in the District of Columbia and elsewhere, purchase of furniture and equipment, stationery and supplies, typewriting, adding and computing machines, accessories and repairs, books of reference and periodicals, reports, plans, specifications, manuscripts, documents, maps, newspapers (both foreign and domestic) not exceeding $400, and all other publications, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to be expended under the direction of the Secretary of Commerce, $273,040, of which amount not to exceed $99,080 may be expended for personal service in the District of Columbia:

The amendment was agreed to.

The next amendment was, on page 53, at the end of line 7, to strike out "$243,734" and insert "$268,734," so as to read:

Promoting commerce in the Far East: To further promote and develop the commerce of the United States with the Far East, including personal services in the District of Columbia and elsewhere, purchase of furniture and equipment, stationery and supplies, typewriting, adding and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, maps, newspapers (both foreign and domestic) not exceeding $400, and all other publications, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to be expended under the direction of the Secretary of Commerce, $268,734, of which amount not to exceed $95,771 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 54, at the end of line 14, to strike out "$618,054" and insert "$633,054," so as to make the paragraph read:

Export industries: To enable the Bureau of Foreign and Domestic Commerce to investigate and report on domestic as well as foreign problems relating to the production, distribution, and marketing in so far as they relate to the important export industries of the United States, including personal services in the District of Columbia not to exceed $575,404, traveling and subsistence expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside District of Columbia, and all other incidental expenses connected therewith, $633,054.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Lighthouses," on page 75, line 8, after the word "depots," to strike out "$4,031,000" and insert "and not exceeding $8,500 for contingent expenses of the office of the Bureau of Lighthouses in the District of Columbia, $4,039,500," so as to read:

General expenses: For supplies, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks, and purchase of land for same; establishment of post lights, buoys, submarine signals, fog signals; establishment of oil or carbide houses, not to exceed $10,000: *Provided*, That any oil or carbide house erected hereunder shall not exceed $1,000 in cost; construction of necessary outbuildings at a cost not exceeding $500 at any one light station in any fiscal year; improvement of grounds and buildings connected with light stations and depots; restoring light stations and depots and buildings connected therewith: *Provided further*, That such restoration shall be limited to the original purpose of the structures; wages of persons attending post lights; temporary employees and field force while engaged on works of general repair and maintenance, and laborers and mechanics at lighthouse depots; rations and provisions or commutation thereof for working parties in the field, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels or in working parties in the field may be paid on proper vouchers to the person having charge of the mess of such vessel or party; purchase of rubber boots, oilskins, rubber gloves, and coats, caps, and aprons for stewards' departments on vessels; reimbursement under rules prescribed by the Secretary of Commerce of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year; fuel and rent of quarters where necessary for keepers of lighthouses; purchase of land sites for fog signals; rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent; rent of offices, depots, and wharves; traveling expenses; mileage; library books for light stations and vessels, and technical books and periodicals not exceeding $1,000; traveling and subsistence expenses of teachers while actually employed by States or private persons to instruct the children of keepers of lighthouses; all other contingent expenses of district offices and depots, and not exceeding $8,500 for contingent expenses of the office of the Bureau of Lighthouses in the District of Columbia, $4,039,500.

The amendment was agreed to.

The next amendment was, on page 77, line 17, to increase the appropriation for surveys and necessary resurveys of coasts on the Pacific Ocean under the jurisdiction of the United States from "$292,000" to "$321,420."

Mr. FLETCHER. Mr. President, may I inquire of the Senator from Washington the reason for that increase? There is an increase of $29,420 there.

Mr. JONES of Washington. That is a Pacific coast survey. We have given the current appropriation. We had Colonel Jones before the committee. He came there at our request and we asked for the situation. His testimony clearly shows that we would have to lay up the vessels for about two months in each year if we reduced the amount of the appropriation. The committee felt that the work ought to be carried on. We provided just a few years ago splendid vessels to do the work, and we thought it would really be a very great

detriment unless we carried it on. We restore the current appropriation. We do not increase it over the current year.

Mr. SMOOT. In other words, it will cost the Government no greater amount to do one-sixth more work for the additional pay than if the amount was cut down so they would have to lay up for two months in each year.

Mr. FLETCHER. Is this a continuous work out there?

Mr. SMOOT. Yes; it will be continuous for a number of years, and this will reduce the time one-sixth.

Mr. JONES of Washington. The 5-year program will be pretty well carried out if there is no interruption.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 79, line 18, to reduce the total appropriation for field expenses of the Coast and Geodetic Survey, from "$631,020" to "$626,550."

The amendment was agreed to.

The next amendment was under the subhead "Bureau of Fisheries," on page 82, line 8, after the word "stations" to strike out "$250,000" and insert "$252,500," and at the end of line 10, to strike out "$428,860" and insert "431,360," so as to make the paragraph read:

For pay of employees in the field, as follows: Alaska service, $47,210; employees at large, $39,450; distribution (car) employees, $33,600; employees at fish cultural stations, $252,500; employees fish rescue station, Mississippi River Valley, $19,600; employees at biological stations, $39,000; in all, $431,360.

The amendment was agreed to.

The reading was continued to line 4, page 83.

Mr. JONES of Washington. There is a mistake in the print in line 4, page 83. It should appear there that the House appropriation was $386,250, and that that was stricken out by the Senate committee and increased to $400,000. That should be the amendment.

The PRESIDING OFFICER. The amendment corrected by the Senator from Washington will be stated.

The READING CLERK. On page 83, line 4, strike out "$386,250" and insert "$400,000," so as to read:

Propagation of food fishes: For maintenance, repair, alteration, improvement, equipment, and operation of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment (including rubber boots and oil skins) and apparatus, contingent expenses, temporary labor, and not to exceed $10,000 for propagation and distribution of fresh-water mussels and the necessary expenses connected therewith, $400,000.

The amendment was agreed to.

Mr. WALSH of Massachusetts. Mr. President, may I call the attention of the senior Senator from Utah [Mr. SMOOT] to the fact that I have been looking up the resolution to which I referred and the report made by the United States Tariff Commission?

Mr. SMOOT. I remember very well the resolution to which the Senator refers.

Mr. WALSH of Massachusetts. I find that the report was made some time near the close of the last session. In that report it was stated that the Tariff Commission had instituted 37 investigations and that there were 75 bona fide petitions of industries in the country which could not be given the investigation desired because Congress had not furnished the necessary funds for that purpose. The report further stated that the amount of money that would be necessary to carry on the investigation was $396,000. I would like to ask the Senator from Utah if that situation has been remedied?

Mr. SMOOT. Not entirely, I will say to the Senator from Massachusetts, although there have been many of those 75 investigations completed and some other matters added that have been investigated. I do not know whether or not this came about from a resolution which was submitted by the Senator from Massachusetts himself, but I think it did.

Mr. WALSH of Massachusetts. Yes. The industries in my State were complaining that they could not get a hearing; that they could not get the information they desired; so I submitted the resolution asking how many petitions had been filed, how many cases had been heard, and how many were pending which could not be heard. The report was made in answer to that resolution.

Mr. SMOOT. I will say to the Senator that they are not current; I am sure of that.

Mr. WALSH of Massachusetts. I think the Senator from Utah, the chairman of the Committee on Finance, will agree with me that we ought to give these industries all the information that is possible in order to help them, and especially information such as the cotton and other manufacturers of my State desire, in order to be informed as to what extent imports were interfering with the cotton business of this country. We ought to get that information for them before beginning to spend large sums of money abroad in order to get this information, important as it is. I hope that the Senator from Utah, as chairman of the Committee on Finance, will see that the necessary funds are available for the use of this commission in order that they may make thorough investigations into all the facts that are necessary to promote American industry.

Mr. SMOOT. I think such funds ought to be provided, Mr. President.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 84, at the beginning of line 20, to insert "and roads," and on page 85, at the end of line 7, to strike out "$300,000" and insert "$310,000," so as to make the paragraph read:

Alaska, general service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, improvement, repair, and alteration of buildings and roads, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, hire and maintenance of vessels, including $10,000 to be used in providing a reserve supply of food, clothing, medicines, and other necessities on the Pribilof Islands, and for all expenses necessary to carry out the provisions of the act entitled "An act to protect the seal fisheries of Alaska, and for other purposes," approved April 21, 1910, and for the protection of the fisheries of Alaska, including travel, subsistence (or per diem in lieu of subsistence) of employees while on duty in Alaska, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $310,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Naturalization," on page 91, line 12, after the word "buildings" to strike out the semicolon and "carrying into effect section 13 of the act of June 29, 1906 (34th Stat. p. 600), as amended by the act approved June 25, 1910 (36th Stat. p. 765), and in accordance with the provision of the sundry civil act of June 12, 1917, for which purposes $20,000 of this appropriation shall be immediately available," so as to read:

General expenses: For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stat. L., vol. 37, p. 736), and May 9, 1918 (Stat. L., vol. 40, pp. 542–548, inclusive), including not to exceed $51,440 for personal services in the District of Columbia, in accordance with the classification act of 1923, and for their actual and necessary traveling expenses while absent from their official stations, including street-car fare on official business at official stations, together with per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for such per diem, together with actual necessary traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; not to exceed $20,000 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; and for mileage and fees to witnesses subpœnaed on behalf of the United States, the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, $680,000.

Mr. JONES of Washington. By unanimous consent, that amendment goes over until Monday.

I now desire on behalf of the committee to offer the amendment which I send to the desk.

Mr. KING. Is the amendment now proposed by the Senator from Washington an amendment to an amendment?

Mr. SMOOT. No; it is a separate committee amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 13, after the numerals "$45,000," it is proposed to insert:

Provided, That after June 30, 1924, vice consuls while in charge of a consulate general or consulate during the absence of the principal officer shall be entitled to additional compensation in the same manner and under the same conditions as foreign service officers as provided in section 17 of the act of May 24, 1924,

Mr. JONES of Washington. Mr. President, I wish to adhere to the rule against putting legislative provisions upon an appropriation bill as closely as possible, but——

Mr. KING. I shall raise the point of order against the amendment.

Mr. JONES of Washington. The amendment is subject to a point of order, I will say to the Senator; but let me state briefly what it proposes to do, and then, of course, if the Senator shall make the point of order, it will be good.

Under the general act, which is known as the Rogers Act, it is provided that certain subordinate foreign-service officials when acting as principals shall have their salaries increased to half of that of the principal. The purpose of the amendment, briefly, is simply this: If a vice consul, by reason of the absence of his principal, the consul, enters upon the duties of the consul and discharges those duties, during that time his salary shall be increased up to one-half of the salary of the principal. It seemed to the committee that that was just and right. So on that ground we propose the amendment. Of course, it is subject to a point of order. However, it is urged by the Secretary of State in a letter to the committee, and it appealed to the committee as being nothing more than fair that when the vice consul is discharging the duties of the consul he shall at least have half the salary of the official whose duties he is performing. That, briefly, is the reason for the amendment.

Mr. KING. Let me ask the Senator from Washington what is the salary of a vice consul as compared with the salary of a consul whose place he might fill?

Mr. JONES of Washington. I do not know. It is evidently in many cases not half of the salary of the consul, because this amendment proposes to permit the salary to be raised to only half of the salary of the consul. I have not examined to ascertain just what the salaries of the consuls or vice consuls are in the different places, and they vary, so far as that is concerned, my recollection being that there are a number of different classes. However, the purpose of the amendment, I repeat, is to put the vice consuls on the same basis as are certain other officials. I will read to the Senator from Utah the letter from the Secretary of State in which he quotes the law. The Secretary says:

The act of February 15, 1915, provides:

"And for such time as any vice consul shall be lawfully authorized to assume charge of a consulate general or consulate during the absence of the principal officer at the post to which he shall have been appointed or assigned he shall be entitled to receive, in addition to his regular salary or compensation as a subordinate consular officer or employee, compensation equal to the difference between such salary or compensation and 50 per cent of the salary provided by law for the principal consular officer at such post."

That was the law in 1915. The letter continues:

This provision was made applicable to foreign-service officers only by section 17 of the act of May 24, 1924, popularly known as the Rogers Act, in the following language:

"That for such time as any foreign-service officer shall be lawfully authorized to act as chargé d'affaires ad interim or to assume charge of a consulate general or consulate, during the absence of the principal officer at the post to which he shall have been assigned, he shall, if his salary is less than one-half that of such principal officer, receive, in addition to his salary as foreign-service officer, compensation equal to the difference between such salary and one-half of the salary provided by law for the ambassador, minister, or principal consular officer, as the case may be."

It appears that a vice consul is not included within the term "foreign officer," and so the Secretary says:

By this change and through a probable inadvertence, since both foreign-service officers and vice consuls take charge of consulates in the absence of their principals, vice consuls not of career—that is, vice consuls who are not foreign-service officers within the meaning of the Rogers Act—are not entitled to additional compensation—

When they perform the duties of the consul. There is the letter of the Secretary of State with reference to that matter.

Mr. KING. I do not quite understand one statement in the letter. Does the law provide that if an ambassador is absent and somebody shall be designated to take his place, that he shall have one-half the salary of the ambassador?

Mr. JONES of Washington. Yes; if some foreign-service officer takes his place. That is in accordance with the Rogers Act, but the term "foreign-service officer" apparently does not include a vice consul. Vice consuls are not considered as foreign-service officers. The sole purpose of the amendment is to provide that where the vice consul performs the duties of consul he shall have half of the salary of the principal.

Mr. KING. The Senator from Washington will see that if the principle which seems to have been riveted upon us in the Rogers law shall be carried into all governmental activities, whenever any chief of a department or any officer holding some position of authority is absent or is called away, immediately the subordinate who takes his place temporarily will either enjoy all of his salary or an increase over the salary which the subordinate gets under the law.

Mr. JONES of Washington. Let me suggest to the Senator that that is a bridge which we shall cross when we reach it.

Mr. KING. It seems to me the adoption of the amendment would establish a very bad precedent.

Mr. JONES of Washington. We have provided that a foreign-service officer when he takes the place of his principal shall get half his salary. Whether it is right to do it or not I will not say, but we have done it. Here is a vice consul, rendering practically the same service but who does not come under the class of "foreign-service officers," and yet he does perform the duties of his principal. It seems if we are going to let the other law stand, it is only fair and right that when this vice consul discharges the duties of his principal he shall have half the salary.

Of course, I do not anticipate Congress is going to proceed along the line suggested by the Senator from Utah at all, but if it shall, then, it seems to me, it would be nothing but fair that we should take care of those who are called upon to perform the duties of the principal.

Mr. KING. Take the attachés provided for in this bill, and various other employees under the Treasury Department and other agencies of the Government who will go abroad and who will have subordinates with them; if we extend this bill as contemplated by the amendment offered by the Senator, there is no reason why the subordinate who goes with the attaché, if the attaché is called away, should not get his salary, or at least an increase over the salary he was drawing up to that time.

Mr. JONES of Washington. The Senator is mistaken. Such attachés are not in the Diplomatic Service or under the Secretary of State.

Mr. KING. I understand that.

Mr. JONES of Washington. Of course, if we should hereafter provide that where an attaché is absent some other man should get half his salary when he fills his place, and then if we should leave out other employees who may be called upon properly to fill the place, of course it would be unfair not to treat them all in the same way. But, as I look at it, here is a case where we have made certain provisions in the law, and the amendment is simply to meet the situation that arises where another person under similar circumstances and the same conditions is called upon to do the same thing. We simply try to treat him right. If the provision of the Rogers Act was not just, of course it ought not to have been enacted, but we have enacted it; we have made it the law, and it seems to me that unless we think that provision is improper and ought to be repealed, we ought to take care of the vice consuls. That is the consideration that appealed to the committee.

Mr. KING. The Senator can see that if we establish this principle in the State Department, the demand will be made that it be established in all of the departments.

Mr. JONES of Washington. I hardly think so.

Mr. KING. I do not see any reason why we should discriminate in favor of the State Department in these respects, particularly in view of the fact that the State Department employees now are supposed to be selected from the classified service, and the very fact that a young man who is vice consul or who is acting as vice consul is temporarily assigned to duty as consul increases his chances for promotion and gives him greater prestige, and he gets compensation in many ways by the added responsibility that temporarily rests upon him.

Mr. JONES of Washington. I know the Senator appreciates that the Rogers Act does not apply to all the employees of the State Department, but merely applies to those in the foreign service.

Mr. KING. I understand that.

Mr. JONES of Washington. That is the whole situation. I do not know of anything else to add. It does seem to me, however, that if we are to allow the provision of the Rogers Act to stand that foreign-service officers shall get this pay when they fill the positions of their principals, if a vice consul is called upon to do the same thing, he certainly ought to be treated in the same way; and that is all the amendment proposes to provide.

Mr. KING. I presume that soon, when the captain of a ship is temporarily called away or is ill and the next in rank takes

his place, we will have to elevate him and give him additional compensation, and so on all down the line. I do not see where logically or in justice we are going to draw the line.

Mr. JONES of Washington. I should say if we should provide in case the captain of a ship is absent the first lieutenant shall have his salary and then there should arise such a condition that not only the captain but the first lieutenant were disabled and the second lieutenant were to perform the captain's duty, it seems to me it would be nothing but fair that the second lieutenant should have that compensation; but until we do provide something of that kind by general legislation, of course, we are not confronted with the proposition with reference to second lieutenants. In this case, however, we have provided that where a certain class of foreign-service officers go into the principals' place they get a certain salary. Here is another man, a vice consul, who is frequently called upon to discharge the duties of consul, and it appealed to the committee that we ought to treat him under such circumstances the same as we treated the others.

Mr. KING. I ask the Senator if he can see any reason why we should apply the rule to these particular officers and not apply it to others, particularly those who are engaged abroad? Speaking for myself, I see no reason why we should adopt that rule with respect to those who serve abroad and not apply it to those who serve at home.

Mr. JONES of Washington. I am not on the Foreign Relations Committee; I was not on the committee when the Rogers bill was considered. I took the judgment of the committee, as we have to do oftentimes; and so I am not prepared offhand to give the Senator the special reasons that warranted the committee in taking that action, and that would not warrant them in taking action in other cases; but we have taken that action, and it seems to me that unless we are going to undo that and repeal that law it is nothing more than just and right that we should give the vice consul when he fills the place of his principal the salary allowance proposed.

Mr. KING. If the provision in the law was a mistake and ought to be repealed, the Senator sees it will be more difficult to secure its repeal if we increase the mistake, if we broaden the error and bring others into its benefits.

Mr. JONES of Washington. I do not think so.

Mr. FESS. Mr. President, will the Senator from Utah permit me to ask the Senator from Washington in charge of the bill a question?

Mr. KING. Yes.

Mr. FESS. I understood the Senator from Washington to say that the vice consuls were not classed as foreign-service officers.

Mr. JONES of Washington. They do not seem to be classed as foreign-service officers according to the letter of the Secretary of State.

Mr. FESS. I have before me the classification, and I notice that vice consul of career, consular assistants, interpreters, and student interpreters are listed as foreign-service officers unclassified. I think the vice consuls are foreign-service officers. That is the provision of the Rogers law.

Mr. JONES of Washington. I am taking the letter of the Secretary of State. I do not pretend to know, myself. The Secretary of State says they are not classed as foreign-service officers in the sense of the statute.

Mr. KING. Mr. President, I confess that I dislike to raise a point of order, which, of course, would defeat the amendment; and yet I think the provision to which I have called attention is an error, although there may be some persuasive arguments in favor of giving these increases in compensation, and there may be strong reasons that would justify a departure from what I conceive to be sound policies. What I am afraid of is this: I will say to the Senator very frankly that if it becomes known that we have given to those engaged in foreign service an advantage, and have provided that those who are in subordinate positions may be elevated, because of the absence of their chief, to the position held by the chief for a little while, and they are to get increased compensation, in every department of the Government, if the chief of a bureau, or the head of a department, or the head of a commission is temporarily absent for a day, or for a week, or for a longer period, and some subordinate ipso facto takes the place or is designated to take the place, he will demand additional compensation, and so down the entire line. We will have to change existing law, and it will affect thousands and perhaps tens of thousands of employees in the Government service, and, of course, add immeasurably to the expenses of the Government.

I agree with the Senator that it seems unjust in this service, if this increase is proper, to discriminate against the vice consuls. If we have given it to all others in this particular branch of the service, it would seem that we ought to give it to the residue; but the principle as I understand it is wrong, and I believe that this precedent will become a basis for increasing demands so that we will have to extend this policy to every branch of the Government, or else we will have to amend the law which deals with foreign service.

I shall not raise the point of order, although I think it ought to be raised. I do not think the committee ought to have offered this amendment. They ought to have considered this matter in connection with other agencies of the Government. They ought to have talked it over with the Bureau of the Budget and found how far-reaching this precedent will be, and then, after their matured judgment had been obtained, they ought to have submitted it to Congress. I do not want to take the responsibility of defeating this amendment in view of the unanimous recommendation of the committee; but I do say that it is bad legislation, and it is a mistake, and in my judgment it will be the lever by which the doors of the committee will be pried open and large sums of money taken out to be devoted to increasing the compensation of a multitude of other employees of the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, that disposes of all the committee amendments except the one which goes over until Monday, so I ask unanimous consent——

Mr. McKELLAR. Mr. President, I have an amendment that I desire to offer.

Mr. JONES of Washington. Yes; I ask unanimous consent that individual amendments may now be offered, notwithstanding the consent that was given when we started on the bill to consider committee amendments first.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. McKELLAR. Mr. President, on page 32, line 19, I move to strike out the numerals "$1,000,000" and to insert in lieu thereof the numerals "$500,000."

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 32, line 19, it is proposed to strike out "$1,000,000" and to insert "$500,000."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I should like very much to have Senators listen to what I have to say about this amendment. I took part in the deliberations of the committee, and I agreed upon all the items in this bill, and I think they are all very fair, except this one.

Mr. President, a little more than two years ago the Congress established in the Department of Justice what was known as a war-frauds section and appropriated $500,000 for it. At the same time they established in the War Department a war-frauds section and appropriated $500,000 for that section. The section in the War Department was for the purpose of employing accountants.

This is really a very important matter, and I hope Senators may become interested in it for a few moments. I know that it is an unpopular thing to ask to practice real economy. The kind of economy that we hear so much about in the newspapers is one kind of economy, but this is a real economy. Here we are about to throw away, in my judgment, a million dollars of the people's money, and I feel that it is almost the duty of Senators before they vote on this matter to understand for what they are voting.

Mr. KING. Mr. President, will the Senator yield? I agree with the Senator. I think this is a very important matter, and I suggest the absence of a quorum.

Mr. McKELLAR. I hope the Senator will not do that. I do not know whether there will be more Senators present afterwards or not; and if I could impress the Senators who are here with the facts in this case, I feel sure that no Senator, if he knows the facts, is going to vote for this appropriation of $1,000,000.

The PRESIDING OFFICER. Does the Senator insist on the suggestion of the absence of a quorum?

Mr. KING. Mr. President, I feel that the matter is so important, and I agree so thoroughly with the Senator that this item is improper, that I think we ought to have more Senators here.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Sheppard
Bayard	George	McLean	Shipstead
Brookhart	Gooding	McNary	Simmons
Bruce	Hale	Mayfield	Smith
Bursum	Harreld	Means	Smoot
Butler	Harris	Moses	Stanfield
Cameron	Harrison	Neely	Sterling
Capper	Heflin	Norris	Swanson
Carraway	Howell	Oddie	Trammell
Couzens	Johnson, Calif.	Overman	Underwood
Cummins	Johnson, Minn.	Owen	Warren
Curtis	Jones, Wash.	Pepper	Watson
Dial	Kendrick	Phipps	Wheeler
Ernst	Keyes	Pittman	Willis
Fernald	King	Ransdell	
Fess	Ladd	Reed, Pa.	

Mr. JONES of Washington. I desire to announce that the Senator from Connecticut [Mr. BINGHAM] is necessarily absent.

The PRESIDENT pro tempore. Sixty-two Senators have answered to the roll call. There is a quorum present.

Mr. McKELLAR. Mr. President, as I was stating when I was interrupted, I know it is not a popular thing to undertake to save to the Treasury of the United States the sum of $500,000, but when I see an absolutely wasteful, useless expenditure of money I feel that it is my duty to bring it to the attention of the Senate at any rate.

Mr. NORRIS. I wish the Senator would state just what his motion is.

Mr. McKELLAR. My motion is to amend on page 32, line 19, by striking out "$1,000,000" and inserting in lieu thereof "$500,000."

My reason for offering that amendment is this, that in 1922 the Government embarked upon a program of prosecuting what were termed "war frauds cases." We appropriated $500,000 that year for the War Department in order to have the accounts gone over by expert accountants, and at the same time we appropriated $500,000 for the Department of Justice, to enable them to employ accountants and to employ lawyers to prosecute war frauds. In 1923 a similar appropriation was made for each department. In 1924 a similar appropriation was made. In 1925, $250,000 was appropriated for the War Department, and the Bureau of the Budget recommended that $1,725,000 be appropriated for the Department of Justice for the prosecution of these war frauds. This year, as a deficiency appropriation, $200,000 was appropriated for the Department of Justice, making in all $3,450,000 which have been appropriated, and about twice that amount have been collected by the two departments. In order to bring the matter directly to the attention of Senators, this particular year we have appropriated $700,000 for the Department of Justice alone for the prosecution of war frauds. What has been the result of that appropriation up to date?

We have employed 26 lawyers, most of them high priced; innumerable accountants, one of them getting $18,000 a year; and we have collected, with all this vast force of lawyers and this array of accountants, $157,000, in round figures, by way of compromise, and the 26 lawyers have tried only three lawsuits, getting judgments of a little more than $14,000.

They have spent already nearly $400,000 and they have collected $170,000. In the name of heaven, Senators, are we going to permit this to go on, such a result, when we have employed 26 lawyers with a vast array of accountants? I am going to give the exact figures as to the number and what they are paid. They have tried only three lawsuits since July 1, 1921. Let me show what they were. No one has been convicted. There have been no criminal prosecutions. From July 1, 1924, to January 30, 1925, they got a judgment against the Graves Real Estate Co., M. Z.—whatever that means—for $14,000. They got a judgment against Wilfred W. Montague for $111.65. They got a judgment against John Y. Stokes et al. for $80. Two magistrate-court cases, and one judgment of $14,000, marked "M. Z." As I have said, what that "M. Z." means I do not know. Here we have 26 highly paid lawyers and so many accountants that you could hardly get them in the department, one of them drawing $18,000 a year, and in seven months' time they have secured one judgment of $14,000, a second judgment of $111.65, and a third judgment of $80.

Mr. President, on that showing what did the Bureau of the Budget do? They recommended an appropriation of $1,725,000, and recommended that we increase the force of lawyers from 26 to 105. What are they going to do? They say they have 700 cases. If they have 700 cases and they try them at the rate of three for every seven months, how long would it take them to finish them? It would take them many years. Every person in the Senate now would be dead before they got through with the 700 cases, and if they increase the appropriation to $1,725,000 and employ 105 lawyers, the youngest of us would be in his grave before they would get through trying those 700 cases.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. NORRIS. Can the Senator give us the names of the 26 lawyers and the salaries they get?

Mr. McKELLAR. I will do that with a great deal of pleasure. I read from page 24 of the hearings.

Mr. KING. House hearings or Senate hearings?

Mr. McKELLAR. Senate hearings. I want to say that the two young gentlemen who appeared before our committee in charge of this work are very fine young men. I think if they would devote their time to prosecuting lawsuits instead of building up a bureau they would get good results, because they seemed to me to be earnest, intelligent, fine young men, and I have no criticism to make of them. I am criticizing the system. I am criticizing the project. I am criticizing the results they have obtained.

Department of Justice: War transactions section.
Compensation requirements for personnel at January 1, 1925.
Chief attorney, directors, $10,000.

The two directors get $10,000 each.

Chief attorney, $10,000; senior attorney, $6,000; senior attorney, $6,000; senior attorney, $5,200.

The names are so constantly changing that it is difficult to keep up with them. I am giving the number of attorneys on the roll. I think they all have private assistants who are paid fees, or the most of them have.

Attorney, $5,000; attorney, $4,600; attorney, $4,200; attorney, $4,000; attorney, $3,800; associate attorney, $3,000; assistant attorney, $2,400; special counsel, $10,000; special counsel, $7,500; special counsel, $6,500; special counsel, $6,000; special counsel, $3,000.

Mr. NORRIS. Mr. President——

Mr. McKELLAR. I have not finished; but I am just wondering how proud these high-paid attorneys must feel in having obtained three judgments—two magistrate court judgments and one judgment of $14,000.

Mr. NORRIS. I would like to interrupt the Senator there, if he will permit me. I draw the conclusion, and I would like to know whether it is correct, that these attorneys are not employed by the year. I judge that from the salaries the Senator has read.

Mr. McKELLAR. Most of them are employed by the year, but special counsel are not employed by the year, as I understand it. I proceed:

Cantonment group: Chief attorney, $10,000.

The Senator from South Carolina [Mr. DIAL] asks me how many attorneys there are to each judgment. There are 26 attorneys, and three judgments. It can easily be seen how many of these high-paid counsel there are to each judgment. Three into 26 will go eight and two-thirds times.

Mr. SMITH. How much does the two-thirds get?

Mr. McKELLAR. I do not know. I think they all get enough, judging from these figures:

Cantonment group:
Chief attorney, $10,000.
Senior attorney, $6,000.
Senior attorney, $5,200.
Chief engineer—

My heavens! When I look back over my professional life and remember how, with one stenographer, I tried the most important cases, how I had to work with those cases, and then compare what the poor, plodding private lawyer in private practice has to contend with, and read these figures—the comparison is marvelous.

Chief engineer, $6,000.
Engineers, $4,800.
Investigator, $3,000.
Senior investigating assistant, $2,400.
Ordnance quartermaster examiners:
Senior investigating assistant, $2,400.
Senior investigating assistant, $2,300.
Senior investigating assistant, $2,100.
Senior investigating assistant, $2,000.
Senior investigating assistant, $1,860.
Clerks, stenographers:
Junior administrative assistant, $2,800.
Chief stenographer, $2,100.
Clerk, $2,040.
Senior stenographer, $1,860.

Senior stenographer, $1,800.
Senior stenographer, $1,680.
Senior stenographer, $1,500.
Assistant clerk, $1,500.
Junior stenographer, $1,680.
Junior stenographer, $1,440.
Junior stenographer, $1,320.
Watchmen—

I wonder whether they were watching those three judgments, or whether they were watching these lawyers. I wonder what place a watchman has in this division.

Mr. WHEELER. Perhaps they were watching to see that they did not steal the Department of Justice.

Mr. HEFLIN. If the Senator will permit, they probably had them out watching so they could notify them if somebody came along, and wake them up.

Mr. McKELLAR. I do not know what function a watchman has in that place. The Senator from Alabama may be right.

Messengers, $1,260; messenger, $1,020; watchman, $1,140.

There were two watchmen. As some Senator has suggested, probably they were there to keep the law books from being stolen. Perhaps so. They got judgments, two magistrate-court judgments, one for $80 and one for $111, and a real judgment of $14,000. But I continue:

Accounting-investigation: Special executive officer, $18,000.

He gets $3,000 more than the Chief Justice of the United States receives.

Mr. SMITH. Nearly as much as a Senator gets.

Mr. McKELLAR. Nearly three times as much as a Senator gets. An $18,000 accountant. And they got three judgments, one of $80, one of $111, and one of $14,000, in seven months.

Chief accountant and auditor, $5,200; assistant chief accountant and auditor, $4,600; assistant chief accountant and auditor, $4,200; assistant chief accountant and auditor, $3,800; accounting auditor, $3,300; accounting auditor, $3,000; assistant accounting auditor, $3,000.

Principal accounting and auditing assistant—some of them are auditing assistants and some of them are assistant auditors, and I wonder what distinction there is? The marvellous thing is that they can all get in the department every day and not run over each other.

Assistant accounting and auditing assistants:
Principal accounting and auditing assistant, $2,700; principal accounting and auditing assistant, $2,500; principal accounting and auditing assistant, $2,400; principal accounting and auditing assistant, $2,100; senior accounting and auditing assistant, $2,400; senior accounting and auditing assistant, $2,200; senior accounting and auditing assistant, $2,000; another one at $2,000; another one at $1,860; accounting and auditing assistant, $1,800; clerk, $1,780; clerk, assistant, $1,680; another one at $1,500; junior clerk, $1,400; typist—they have one typist there, $1,440.

Mr. President, when we compare that vast array and realize that this bureau of the Government has been in existence for three years and in the last seven months has recovered only three judgments, it is clearly and palpably a willful waste of the people's money. There is some talk about economy. No man who can be in favor of economy can vote for this million-dollar appropriation. The surprising thing to me is how the House ever passed it.

I think $500,000 even is too much. I think it would be far better and cheaper for the Government to go out of the business entirely rather than to keep this vast array of lawyers down there.

The only reason why I have offered an amendment to reduce the amount to $500,000 is to serve notice on them that unless they bring about some results by the time the next Congress meets we will abolish that bureau entirely.

Mr. HEFLIN. Mr. President——

Mr. McKELLAR. I yield to the Senator from Alabama.

Mr. HEFLIN. I am in hearty sympathy with the fight the Senator is making. He is right. I want to ask the Senator if they have collected any of those judgments?

Mr. McKELLAR. I do not know.

Mr. HEFLIN. They have just recovered the judgments?

Mr. McKELLAR. Yes.

Mr. HEFLIN. And the Senator does not know whether the money has been collected or not?

Mr. McKELLAR. Whether they have collected them or not I do not know. It reminds me of the story of the two darkies who met on the street. One of them said, "Jim, what you think about dat wife of mine. She is the beatenest woman about money I ever seed in all my life. She is just wantin' money all de time, money in de mornin', money in de midday, money at night. Money, money, money am all dat she talks about, just money, money, money." His friend said, "What do she do with all dat money, Jim?" Jim said, "I dunno, I aint never give her none yit." [Laughter.] I do not know whether the bureau has ever collected any of that money "yit" or not. I can not say. I have very grave doubts about the collection of any of the money.

Mr. JONES of Washington. Mr. President, may I suggest to the Senator from Tennessee in fairness to him that it seems likely that we shall not be able to dispose of his amendment to-day?

The Senator from Utah [Mr. KING] wants to take some little time on the question, and I thought it was hardly fair to let the Senator from Tennessee go on and finish his speech on the matter, because he is talking squarely to it, and then when he gets through ask to have the matter go over until Monday.

Mr. McKELLAR. I shall conclude in just a few moments.

Mr. JONES of Washington. I was not doing it to get the Senator to conclude. I suggest to the Senator that it seemed to me I should not let him go on and finish his speech and then immediately ask to have the amendment go over until Monday.

Mr. McKELLAR. The Senator does not intend to have a vote on my amendment this afternoon?

Mr. JONES of Washington. We will not be able to do so. The Senator from Utah wants to speak on it.

Mr. McKELLAR. Why can we not vote on it? The great trouble is in getting Senators to listen whenever it comes to economy. That is a word that we talk about in the open frequently, and now here is an opportunity to practice economy. This appropriation is absolutely indefensible. It is impossible for any man to defend it, in my judgment.

Mr. JONES of Washington. I do not think the Senator appreciates my motive. I thought I was favoring the Senator and treating him as I think he ought to be treated. I do not want to treat him unfairly. The Senator from Utah said he wanted to speak about an hour on the amendment.

Mr. McKELLAR. If the Senator does not think we are going to get a vote this afternoon, I am perfectly willing to let it go over until Monday.

Mr. JONES of Washington. I would like to get a vote to-day, but I am satisfied we will not be able to do it. I thought it was not fair to the Senator, who is in earnest about the matter, to have him go on and make his speech and lay the amendment over until Monday. I did not think that would be just the right thing to do.

Mr. McKELLAR. May I ask the Senator another question? Why can we not dispose of the whole matter by the Senator accepting my amendment and let the question be determined this afternoon?

Mr. JONES of Washington. Oh, I could not do that.

Mr. McKELLAR. Then I prefer that it should go over, and I will continue my remarks on the subject on Monday.

Mr. JONES of Washington. I thought it would be fair to the Senator to suggest that. I ask unanimous consent that the pending amendment may be laid aside and that other amendments to the text of the bill may be considered.

Mr. McKELLAR. If the Senator will permit me, I would like to have the matter stand as it is, with the understanding that we will take up my amendment and vote on it first on Monday.

Mr. JONES of Washington. I want to have some other amendments disposed of this afternoon. It probably will not take very much time. That is the reason why I made the request I did. I want the Senator's amendment to be considered as the pending amendment on Monday.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent that the pending amendment may be temporarily laid aside that other amendments may be considered, and that this amendment shall be the pending amendment on Monday. Is there objection? The Chair hears none and it is so ordered.

Mr. REED of Pennsylvania. I offer the amendment which I send to the desk, and ask to have it read.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Pennsylvania will be read.

The PRINCIPAL LEGISLATIVE CLERK. On page 90, line 6, after the word "patrol," to insert a colon and the following additional proviso:

Provided further, That hereafter any employee of the Bureau of Immigration authorized so to do under regulations prescribed by the Commissioner General of Immigration, with the approval of the Sec-

retary of Labor, shall have power without warrant (1) to arrest any alien who in his presence, or view, is entering, or attempting to enter, the United States in violation of any law or regulation made in pursuance of law regulating the admission of aliens, and to take such alien immediately for examination before an immigrant inspector, or other official having authority to examine aliens as to their right to admission to the United States, and (2) to board and search for aliens any vessel, railway car, conveyance, or vehicle in which he believes aliens are being brought into the United States, and such employee shall have power to execute any warrant, or other process issued by any officer, under any law regulating the admission, exclusion, or expulsion of aliens.

Mr. McKELLAR. Is that intended to be offered as an amendment to the pending bill?

Mr. REED of Pennsylvania. Yes. Of course, I understand it is subject to a point of order as general legislation, but it is offered by unanimous direction of the Committee on Immigration, and for the sole purpose of clarifying the authority of the border patrol of the Immigration Service.

Mr. McKELLAR. It applies only to aliens?

Mr. REED of Pennsylvania. It applies only to the arrest of aliens in the act of entering the country.

There has been some doubt about the authority of those men to make arrests. We want to make it very clear that they have no right to make arrest except on sight of a violation of the immigration law as to illegal entry. They have no right to go into an interior city and pick up aliens in the street and arrest them, but it is just at the border where they are patroling that we want them to have this authority.

Mr. McKELLAR. May I ask the Senator whether the amendment would apply to aliens already in the country?

Mr. REED of Pennsylvania. Oh, no; not at all.

Mr. McKELLAR. It only applies to those who are seeking to get in clandestinely?

Mr. REED of Pennsylvania. Yes; and who are caught in the act of getting in.

Mr. FLETCHER. A violation in the presence of the officer?

Mr. REED of Pennsylvania. It must be in sight of the officer himself; otherwise he has to get a warrant. We are all on the alert against granting too much power to these officials to act without warrant.

Mr. McKELLAR. If it applied to all aliens there might be objection to it. There may be aliens who have been here and who under the law would have a right to return. There are such aliens who have been outside of the United States for a while and who are entitled to return. But if it applies only to aliens who are trying illegally to get into the country, it seems to me it ought to be adopted. I shall not object to the amendment.

Mr. JONES of Washington. If the amendment can be agreed to without much discussion I do not think I shall make the point of order against it; but I want to say that I am not going to treat this as a precedent to warrant the withholding of points of order against other amendments that may be proposed which may be subject to a point of order. As the Senator from Pennsylvania has said, I understand the amendment has been passed upon by the Committee on Immigration unanimously, and he has been urged to present it as an amendment to the pending bill. Under those circumstances I shall not make the point of order against it, but I want it understood that I shall not consider this a precedent to let other amendments come in.

Mr. NORRIS. Mr. President, I would like to ask the Senator from Pennsylvania a question, if he will permit me.

Mr. REED of Pennsylvania. Certainly.

Mr. NORRIS. All I know about the amendment is from hearing it read. It is a little bit drastic, it seems to me, and I want to inquire what is provided in the amendment as to what shall be done with the person arrested. Is there any limitation about it?

Mr. REED of Pennsylvania. The amendment provides that they shall be immediately taken before an immigration inspector for hearing.

Mr. McKELLAR. Suppose the result of the hearing is against them, are they to be transported back to their homes at the expense of the Government?

Mr. REED of Pennsylvania. Not at all. They are transported back to the nearest port in their home country at the expense of the carrier which brought them. If they cross the river on their own legs, as they can do most of the year on the Mexican border, they are merely put back into Mexico.

Mr. McKELLAR. Suppose one came from Asia Minor, does the amendment make it obligatory upon the steamship bringing that would-be immigrant over here to take him back to Asia Minor?

Mr. REED of Pennsylvania. That is provided for under the present immigration law itself.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. SHIPSTEAD obtained the floor.

Mr. HARRISON. Mr. President, the Senator from Minnesota desires to address the Senate, I understand. Will he permit me to offer an amendment and have it pending so he can address himself to it?

Mr. SHIPSTEAD. Certainly.

Mr. HARRISON. On page 55, line 5, in the item for domestic commerce and raw-materials investigations, I move to amend by striking out "$115,000" and insert in lieu thereof "$234,000."

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 55, line 5, strike out "$115,000" and insert "$234,000."

Mr. JONES of Washington. I make the point of order against the amendment that it is not covered by an estimate and is not reported by a standing committee. I will say to the Senator, however, that the Budget estimate, I understand, is $125,000.

Mr. HARRISON. I understand that. I realize the Senator can make his point of order.

Mr. JONES of Washington. If the Senator will propose an amendment to make it $125,000, I shall have no objection.

Mr. HARRISON. I was going to follow it up with that proposal, because, while I believe it should be made the full amount I have asked, I appreciate that I probably can not get it. I therefore withdraw the amendment which I have just offered and move to amend by striking out "$115,000" and inserting in lieu thereof "$125,000."

The PRESIDENT pro tempore. The amendment will be stated.

The PRINCIPAL LEGISLATIVE CLERK. On page 55, line 5, to strike out "$115,000" and insert "$125,000," so as to read:

Domestic commerce and raw-materials investigations: For all expenses, including personal services in the District of Columbia and elsewhere, purchase of books of reference and periodicals, furniture and equipment, stationery and supplies, typewriting, adding and computing machines, accessories and repairs, medical supplies and first-aid outfits, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the disposition and handling of raw materials and manufactures within the United States; and to investigate the conditions of production and marketing of foreign raw materials essential for American industries, $125,000, of which amount not to exceed $100,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

Mr. WILLIS. Mr. President, there has been some discussion to-day touching the Bureau of Foreign and Domestic Commerce. I ask unanimous consent to have printed in the RECORD at this point and referred to the Committee on Commerce certain statements from the Cincinnati Chamber of Commerce and from other business organizations relative to that bureau.

There being no objection, the matter was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE CINCINNATI CHAMBER OF COMMERCE,
December 30, 1924.

Hon. FRANK B. WILLIS,
Care Senate, Washington, D. C.

DEAR SIR: The Cincinnati Chamber of Commerce, through its board of directors, is in favor of the enactment of the Winslow-Jones bill, creating a foreign commerce service of the United States, and known as H. R. 7034 and S. 3384.

It appears to our board of directors and our membership that there is nothing more important to the foreign trade of the United States than such a service as is now rendered by the Bureau of Foreign and Domestic Commerce of the Department of Commerce, and it is certainly good, sound policy to put such an establishment on a permanent basis.

In indorsing the above bill we are not advocating the establishment of something new, but simply desire to establish on a permanent basis what is now conducted on a year-to-year basis, and we urge the early passage of the bill.

The Cincinnati Chamber of Commerce represents manufacturing, commercial, and professional interests of the city of Cincinnati and industrial districts and is endeavoring to promote the foreign commerce of the United States in cooperation with other agencies.

The work of this organization has been greatly helped by the aid given it by the existing foreign service of the Bureau of Foreign and Domestic Commerce of the Department of Commerce.

We earnestly request your assistance in securing the passage of the above-mentioned bill.

Yours very truly,

A. JULIUS FREIDBERG, *President.*
W. C. COLKINS,
Executive Vice President.

EXECUTIVE OFFICES THE INTERNATIONAL
B. F. GOODRICH CORPORATION,
Akron, Ohio, U. S. A., February 1, 1925.

Senator FRANK B. WILLIS,
United States Senate, Washington, D. C.

DEAR SIR: There is before the House Committee on Interstate and Foreign Commerce a measure introduced by Mr. WINSLOW, of Massachusetts, designated H. R. 4517. We are exceedingly anxious to see this bill passed, as we deem it to be a necessary support to one of the most practical and valuable of all the Government agencies, namely, the Bureau of Foreign and Domestic Commerce. This bureau, in our opinion, is furnishing to American business the most businesslike service which we find in any Government department.

We rely on it, and it always responds by serving us in an intelligent, thorough, and, above all, a most prompt manner.

Anything that can be done to increase the efficiency of this bureau is, we submit, a service to American business. Should this bill pass the House and come before the Senate, we respectfully ask that you give to it the fullest support which your judgment may warrant.

Very truly yours,

W. C. ARTHUR, *Vice President.*

THE AMERICAN PULP AND PAPER MILL
SUPERINTENDENTS ASSOCIATION,
Miamisburg, Ohio, January 23, 1925.

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

DEAR MR. WILLIS: I wired you as follows:

"Refer to the annual appropriation for Bureau of Foreign and Domestic Commerce now before Congress. I urge your support for the full amount asked for by Secretary Hoover to carry on the work of our domestic commerce, especially that part for the provision of the waste-utilization program as adopted at the recent conference on utilization of forest products."

Our association is very much interested in the work of utilization of forest products, and we are making every effort possible to advance this work, and we feel that if an appropriation less than the amount asked for by Secretary Hoover is not granted the work that they are endeavoring to do will not avail the purpose it is intended for. I therefore trust that you will use every possible effort in helping to secure an appropriation in keeping with the work that is to be done.

The paper and pulp concerns in the United States are dependent upon the forest products to a very large extent, and unless sufficient wood is obtainable in this country there will naturally be a curtailment of operations for lack of wood from which to make pulp.

Assuring you of our appreciation for any efforts you make to secure a suitable appropriation, we are,

Yours very truly,

R. L. EMINGER, *Secretary.*

NATIONAL ASSOCIATION OF STEEL FURNITURE MANUFACTURERS,
January 5, 1925.

Hon. FRANK B. WILLIS,
Washington, D. C.

DEAR SIR: You will shortly consider the Winslow-Jones bill, S. 3384, H. R. 7034. This bill is very pertinent to the commerce of this country and we, as manufacturers of about 85 per cent of the steel furniture produced, sincerely hope that you will vote in favor of it when the opportunity arises.

By giving a definite status to the Department of Commerce, the result will reflect materially upon this industry. The export of steel furniture increased 36 per cent in 1923 over the previous year, while it is hoped that the 1924 figures will show a greater increase than this. Steel furniture is an all-American product created by American minds and, therefore, it should not be left unprotected to meet foreign competition which is growing. The facilities of the Department of Commerce have already been serviceable to us. The most striking example is that an impostor in Argentine secured a patent which excluded the various basic features of our product from that country. They acted promptly on this and prevented any loss to our members.

It is reasonable to expect that similar conditions will arise with greater frequency in the future. While it is our duty as manufacturers to be alert, you can realize that the Department of Commerce is in a position to advance our interest more advantageously than we can ever hope to, providing they are adequately manned to meet conditions as they arise. Therefore we energetically urge the passing of this bill which will encourage and expand this Nation's foreign commerce, because the service which will be rendered will make it possible for the manufacturer to act without the great precaution which he must now employ. We confidently hope that you will cooperate with us in this matter.

Yours very truly,

J. D. M. PHILLIPS,
Secretary.

SUPERIOR GAS ENGINE CO.,
Springfield, Ohio, December 20, 1924.

Hon. F. B. WILLIS,
United States Senate, Washington, D. C.

DEAR SIR: The writer has paid an extended visit to the different countries in Europe during the past summer and the summer of 1923, seeing a very great need of better representation of our industries and products in many of these countries. I feel there is considerable opportunity for a great deal of our surplus manufactured articles to be placed in a number of the countries wherein little manufacturing is carried on.

Few, if any, of the firms in this country are financially strong enough to maintain individual representation. The firms who need representation are usually the weak and growing ones.

I would strongly urge that you lend every support and effort toward furnishing the necessary financial support from the Government to the efforts of Secretary Hoover in maintaining the organization we now have, and enlarging upon it wherever possible, in order to secure, throughout Europe and South America, an outlet for our surplus manufactured products, and assist the medium and small manufacturer at home in finding a market for his goods.

It is needless for me to mention to you that 25 or 30 per cent of our manufactured product must find a greater market in other countries to maintain prosperity and steady employment of our people.

Most of us in viewing our export business fail to take into consideration that the greater portion of this export is of foodstuffs, which is very good in itself, but we should analyze this and bring to the attention of our American people that increased export of manufactured product must also be brought about.

I trust you will lend every effort to spread out and enlarge upon it.

Very truly yours,

SUPERIOR GAS ENGINE CO.,
Per P. J. SHOUVLIN.

AMERICAN PAPER AND PULP ASSOCIATION,
New York, December 22, 1924.

Hon. FRANK B. WILLIS,
United States Senate, Senate Office Building, Washington, D. C.

MY DEAR SENATOR WILLIS: The Bureau of Foreign and Domestic Commerce of the Department of Commerce is giving definite help to the paper industry.

As a result of developments during and immediately following the war the paper industry finds itself to-day with some considerable overcapacity. To meet this situation in such a way as to allow the mills to run satisfactorily the industry is turning to the development of foreign trade, as other industries are doing, we believe, to the benefit of the business of the country.

You may be somewhat surprised to learn that we are to-day exporting monthly about $2,000,000 worth of paper and paper goods. Our principal markets are in Central and South America, Asia, and Africa. European countries are coming back into these markets, and it is absolutely necessary for us to keep thoroughly well informed of conditions in the nonpaper-producing countries.

The Bureau of Foreign and Domestic Commerce, through their agents in the field, have been giving us very valuable help. We would like very much to see appropriations for the bureau so increased that a few more agents are put into the field, particularly in Central and South America and central Europe.

The aggressive work of the Bureau of Foreign and Domestic Commerce is bringing in information which it has been difficult for them to get to the industries because of their very small printing appropriations. We believe it would be of great benefit to business if the informational service of the bureau could be developed, both through a few more special agents and through funds for printing valuable reports on foreign markets and conditions.

The paper industry in the State of Ohio will appreciate keenly your interest and help in seeing that the Bureau of Foreign and Domestic Commerce gets some additional funds for four or five extra special agents and additional funds for printing reports of value to this industry. With best wishes for the holiday season, I am,

Very truly yours,

HUGH P. BAKER.

WILLARD STORAGE BATTERY CO.,
Cleveland, Ohio, March 14, 1924.

Hon. FRANK B. WILLIS,
Washington, D. C.

DEAR SIR: The writer, as export manager of the above firm, has recently returned from an extended trip through part of Europe and South America, having been gone over a year. He has had an opportunity to judge at first hand the importance of obtaining reliable information regarding local conditions from impartial sources, and he found splendid cooperation from the commercial attachés and Consular Service everywhere he had occasion to call on them.

He therefore sincerely hopes that you will find it possible to give full support to the bill now introduced in the House of Representatives by Mr. WINSLOW on January 3, 1924, which was referred to the Committee on Interstate and Foreign Commerce, recommending the establishment of foreign commerce service in the Department of Commerce. In the writer's estimation this would materially help the American business man and manufacturer in obtaining the most up-to-date information on conditions and possibilities in any given market.

The writer believes that the majority of export managers feel similarly on this subject.

Respectfully yours,

W. P. BARANOWSKI.

BONUSES, RENTALS, AND ROYALTIES FROM INDIAN LANDS

Mr. HARRELD. Mr. President, I ask that the Chair lay before the Senate the action of the House of Representatives relative to the amendments of the Senate to the amendment of the House to Senate bill 876.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 6, 1925.

Resolved, That the House disagree to the amendments of the Senate to the amendment of the House to the bill (S. 876) entitled "An act to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled 'An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain,' approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes," and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. SNYDER, Mr. DALLINGER, and Mr. HAYDEN be the managers of the conference on the part of the House.

That in respect to the proposed amendment of the Senate to the original text of the Senate bill, not in disagreement between the two Houses having already been agreed upon, the House can not now act, and the Clerk is directed respectfully so to inform the Senate.

Mr. HARRELD. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. CURTIS. I suggest that the language of the motion of the Senator from Oklahoma should be changed, because the dispute is not merely over a House amendment to a Senate bill. I suggest that the Senator from Oklahoma move that the Senate insist on its amendments and action and agree to the conference asked for by the House.

Mr. HARRELD. I accept that suggestion. I now recall that the dispute is over the amendments of the Senate to the amendment of the House to the bill.

The PRESIDENT pro tempore. The Senator from Oklahoma accepts the qualification of his motion suggested by the Senator from Kansas. The question is on the motion as modified.

The motion was agreed to; and Mr. HARRELD, Mr. MCNARY, and Mr. ASHURST were appointed conferees on the part of the Senate.

CLAIMS OF CHIPPEWA INDIANS, MINNESOTA

Mr. HARRELD. I ask the Chair to lay before the Senate the action of the House of Representatives in reference to House bill 9343.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9343) authorizing the adjudication of claims of the Chippewa Indians of Minnesota, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARRELD. I move that the Senate insist upon its amendment, agree to the conference asked for by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and Mr. HARRELD, Mr. CURTIS, and Mr. ASHURST were appointed conferees on the part of the Senate.

Mr. NORRIS. Mr. President, I had desired to be heard briefly on the motion to appoint the conferees who have just been appointed, but my attention was distracted for a moment to something else.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. SHIPSTEAD] has been recognized.

Mr. SHIPSTEAD. I yield to the Senator from Nebraska.

Mr. NORRIS. As I understand, the question of appointing conferees is a debatable question.

Mr. HARRELD. I merely asked that conferees be appointed.

Mr. NORRIS. Yes; but that is action which requires a motion, and it is subject to amendment; for instance, that the conferees be elected, or it is subject to an amendment naming them in the motion.

Mr. HARRELD. But my motion was that the Chair appoint the conferees.

Mr. NORRIS. I understand that; but that is a debatable question, and I want to debate it merely for a few moments.

Mr. HARRELD. I have no objection to the Senator doing that.

The PRESIDENT pro tempore. What question does the Senator from Nebraska desire to debate?

Mr. NORRIS. I desire to debate the motion to appoint conferees on the bill.

Mr. CURTIS. Let me suggest that I have agreed with the chairman of the Committee on Foreign Relations that early this afternoon we shall have an executive session, and if there is going to be any debate on this matter I hope it may go over until Monday.

Mr. NORRIS. I do not want to have it go over; nor do I want to interfere with the Senator from Minnesota. I was trying to get recognition, but I could not get recognition. I wanted to make a brief statement.

I have before me, Mr. President, a list of 33 Senators—almost a majority of the Senate—who are opposed to this method of appointing conferees. They do not believe in having conferees selected in this way; they did not want to follow such a procedure on the Muscle Shoals bill; and are we now going to take a jump in the dark and appoint conferees here in this instance without any one of those 33 Senators saying a word of objection? Have the conferees, who in this instance have been appointed, taken the oath of allegiance? Have they held up their right hands and promised solemnly that if appointed conferees they will obey the mandate of the Senate?

Mr. President, we are likely to get into all kinds of trouble by proceeding in this manner. What evidence have we here that these conferees are not going to go back on us when they get into the dark corners of a conference committee room where there is no light, where there is no record, and no newspaper correspondent or anybody else to tell the world what is going on? How do we know that these conferees are going to obey the mandate of the Senate? It is a vital matter. Thirty-three honest Senators here, whose names I might read if I wanted to take up the time—but you will find them in the RECORD, Mr. President—are opposed to that kind of a hopscotch way of doing business.

Mr. HARRELD. I am not one of them, I will say to the Senator.

Mr. NORRIS. I did not say the Senator was, and I hope, because I was looking at him, the Senator did not get the idea that I thought he had any blood on his hands. I did not think he was guilty. I merely wanted to call attention to the dangerous ground on which we are treading. I am wondering why, when the Agricultural Committee was on trial and suspended by the neck in the Senate, 33 Senators distrusted them, and held them up before the country as men unworthy to be conferees because of some fear, perhaps, that they might go back on the Senate, while here in the closing hours of the week and without an opportunity to debate the appointment of conferees in this case is jammed through as if a steam roller were behind it. It is a serious matter, Mr. President.

If there were a larger attendance of the Senate present I would read these 33 names, but since there are so few of us gathered around here when this appointment of conferees is being put across, I will hold it out for some future occasion. However, Senators who are interested will find the 33 names voting on the roll call on the appointment of conferees on the Muscle Shoals bill.

Why is it that these Senators now have more confidence in their fellow Senators than they did on that memorable occasion? Why do we now let the Chair appoint conferees with-

out even suggesting to him that before he does so he ought to have them take the oath, make the promise, and pledge themselves openly and above board that when they are appointed to that position they will faithfully and obediently follow the mandate of the Senate?

Mr. HARRELD. I hope the Senator from Nebraska will remember that I am not one of the 33 who cast the vote to which he refers.

The PRESIDENT pro tempore. The Senator from Minnesota has been recognized.

Mr. HARRELD. No objection has been raised, Mr. President, to the appointment of the conferees. I move that they be appointed by the Chair.

Mr. NORRIS. I understood that the motion had prevailed and that the conferees had been appointed.

The PRESIDENT pro tempore. The conferees on the bill have been appointed.

Mr. NORRIS. I had to speak even after the work had all been done. It only goes to show how Senators who are so jealous of the prerogatives of the Senate, and want conferees to be so obedient, forget when they are in a hurry.

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes.

Mr. SHIPSTEAD. Mr. President, I offer an amendment and ask that it may be read, and lie on the table.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The READING CLERK. On page 20, after line 16, it is proposed to insert the following:

Provided, That the President is hereby respectfully requested to propose to all the nations of the world the conclusion of a convention definitely binding them to terminate all compulsory military, naval, and related service in terms substantially as follows:

I. The high contracting parties to such convention be requested to solemnly engage, each within three years from the date of its ratification of this instrument, to place all their military, naval, aerial, and subsidiary services of offense and defense, and all human labor required for the preliminary preparation of material for such services, on a strictly voluntary basis, and never, during the life of this treaty, in peace or in war, in any circumstances or on any grounds whatsoever, to compel their nationals, or to permit them to be compelled, by conscription, or by any other form of compulsion, whether direct or indirect, whether public or private, to perform military, naval, aerial, or subsidiary service at home or abroad, or engage in war for the collection of any public or private debt.

II. This treaty shall be unconditionally binding upon each of the high contracting parties for 30 years from the date of its ratification, and may not be denounced by any high contracting party within that time. It shall continue to be binding upon each of the high contracting parties indefinitely thereafter, unless denounced by that high contracting party, formal notice given, or the withdrawal three full years in advance of its effective date.

III. The high contracting parties, having in view the possibility that in some countries constitutional provisions may require considerable time to be adjusted so that this treaty may in no way conflict with any fundamental law, agree to regard the adoption by national legislatures of resolutions, or equivalent formal expressions, recording formal acceptance in principle of the treaty as ample guaranty of eventual ratification and as sufficient warrant for action in good faith by each and all of themselves.

Mr. SHIPSTEAD. Mr. President, I am inclined to believe that the amendment is subject to a point or order, but I hope that a point of order will not be made against it. I can not see how it could be offensive to any Senator who will read the text. It has to do with the problem of world peace and disarmament.

Mr. President, I have listened to a great number of proposals for the regulation of international controversies since I became a Member of the Senate, and I have noted with more and more discouragement that no one of them went to the heart of the problem. The world seems ready enough to discuss the trifling details as to whether the arbitrators of an international dispute shall be elected for so-and-so many years, or one or three steps removed from the assembly of the Geneva league, or to discuss the respective merits of the Court of Arbitration at The Hague, or the League of Nations Court of International Justice; but naval, military, aerial, scientific, and human armaments are subjects upon which no real discussion seems practicable. If there have been statesmen throughout the world who have possessed an earnest desire for world peace in order to relieve their overburdened peoples of the crushing weight of preparation for war, they have been harassed, on the one hand, by the professional naval and military men and the other numerous types of warriors that modern science has developed, and, on the other hand, by the industrial groups that seek loan commissions, oil wells, iron mines, and trade, and also in general by those who want the rest of humanity to think that Providence has confided to them the definition of protection of the national interests.

Consequently, no "full, frank, and free discussion" of these basic problems has come, in or out of the League of Nations or any other body, since 1919, for all the promises we had on both sides of the Atlantic Ocean that such would be the case. It is true that technical committees of the league and other groups, like the committees that discussed limitation of naval armament during the meetings of the "conference to conclude the four-power pact" in 1921-22, have made a feeble effort to deal with the outermost fringes of the armament problem; but no frankness has characterized the atmosphere of these discussions, and their programs have centered about things already obsolescent. In fact, the logic of nearly all of these so-called peace organizations have been of the kind revealed by the mother who expressed a yearning desire to have her daughter learn to swim, but refused to permit her to go near the water. So fast does science move that even if much of the equipment of the recent war were now prohibited, new engines of destruction developed since its end would enable a more hideous slaughter than even that of the last World War. Nor have the efforts to codify the law of warfare made sensible progress, and even these efforts, however desirable, are confined to the technique of combat, prisoners, contraband, and the like. These efforts have not been directed to the prevention of war, but in an effort to formulate the rules of war so that in the next war the killing of human beings en masse shall be conducted in a nice, humane, and orderly manner. None of our vaunted international law societies on either side of the Atlantic Ocean has had the courage to tear the veil of sophistry from the inner history of the last war and face the ethical and moral crime of war by famine, or the shameful suppression of the truth and broadcasting of falsehood by national and international organizations.

None of our international law bodies here or in Europe, in spite of the fact that they draw their nourishment from the industrial property and corporate securities of the Carnegie Corporation and other perpetual estates, have had the courage to meet the issue. They have not had the courage or wisdom to see that in the Bolshevist chaos in Russia, we have the inevitable result of the wholesale and ruthless disrespect for enemy private property that characterized the war-time policy of Great Britain, France, and the United States.

Law, both national and international, seems to float on, utterly without guidance or direction, so far as concerns any attempt to get down to the enduring principles of reciprocal trust and equity in the relations between nations.

Great international lawyers and statesmen are quibbling over technical points in the abstract, while diplomats and commissions, dominated by industrial and banking groups, are playing the game of international poker for possession of the natural resources and markets of the world.

Unless something of a practical nature is done the time will again arrive when one or more of these poker players will find it convenient to accuse the others of cheating, and the shooting begins. It would not be so bad, Mr. President, if these international poker players had to do their own shooting, but they now have the power, through the control of the governments of the world, to conscript the manhood and wealth of the world to enable them to start and prolong the row.

Above all, Mr. President, and right at the very heart of the question, is the failure of the nations to deal with universal military service, apart from imposing its abolition upon Germany, Austria, Hungary, and Bulgaria. Yet a careful and dispassionate examination of the course of history over the last century will lead to the conviction that there is no weapon within reach of the state that at all compares with its power to place the population under arms, to compel men to risk their lives regardless of their own wish, to wipe out at a single stroke all the individual rights and liberties that man possesses.

Is it conceivable that the Great War would have been allowed to commence, much less last 50 months, if the governments had been obliged to find their combatants otherwise than by conscription? In universal military service is the foremost weakness of all our modern political development. It turns the

entire population, at a moment's notice, and upon the decision of a few men, into slaves who may be slaughtered or starved, or have a colossal indemnity wrung out of their unhappy children for 50 years. Governments, Mr. President, are as weak in the face of temptation as individual men; and the temptation to launch upon an annoying enemy a huge army which you can summon by merely declaring a national mobilization, is a temptation too great for most governments to resist.

It may be said, of course, that regardless of any peace-time obligation such as the treaty I suggest might impose, nothing could restrain nations when once at war from immediately resorting to this supreme test of their sovereignty. This may be so. For one thing, however, they will not be so quick about engaging in war; and for another, the attempt to resort to compulsory service when war has actually begun is not likely to be successful under the conditions which then usually prevail. Such a treaty, when accepted by the nations of the world, will place the decision to make war in the hands of those who have some other sanction than the caprice of a handful of diplomatic scribes, supported by unmoral statutes or conventional platitudes.

This country is big and strong enough to lead the way. No government would challenge our sincerity if we proposed such a treaty as I suggest, even though many governments might be disposed to make reservations. I admit that the negotiations could be neither smooth nor expeditious. But all the trouble in the world would be justified by the attainment of this great object, of at last freeing man from the specter of war-time servitude that has haunted him for 40 centuries of recorded history, in spite of the protest of religion, philosophy, and every branch of human thought.

I admit, too, that constitutional difficulties might be formidable, but, Mr. President, throughout the world save in a few jurisdictions like the Japanese and British Empires and Russian Federation of Soviet Republics, from whom did the constitutions emanate, at least in theory, if not from those whose interest it would be to amend them so as to eliminate every last authorization of universal and compulsory military service? Why, Mr. President, in every country on earth such an amendment would go through over night if the people could only force their representatives to let them vote on it! This is one of those measures that would convince each group in the world of the good will of the others, despite all the suspicious perversity of bureaucratic and military classes; and its moral and intangible value would be incalculable.

Just in this hemisphere alone, Mr. President, it would be a great blessing; for several of our Latin American neighbors suffer severely from the great burden that this system entails. If Europe declines to help us develop what has been called "the international mind" by eliminating conscription as an aid to the creation of warlike attitudes and excessive readiness to belligerency, then let the blood be on Europe's own head! We shall be none the worse off for having proposed it. Latin America will think none the worse of us for the effort to rid the world of this blight of despotic state control over the life and death of citizens who are now only theoretically free. But Europe will not refuse any such suggestion from our Government. The late prime minister of England, Mr. Baldwin, declared in the House of Commons last July that "It behooves all people in all nations to do what they can by joining hands to save what we have." The British Empire, and many other countries, perhaps all, will not hesitate to take this step if the United States will lead the way.

I do not stop now to calculate the financial outlay and burdens that are placed upon the people and the producers of the world as a result of universal military conscription.

I believe, Mr. President, that as the Western Hemisphere was dedicated to freedom, so it can now give the world this greatest offer—a road to peace through individual freedom—an offer that no nation in the world can afford, much less desire, to refuse. Or is it to be said by the historian of the future that the treaty of Versailles abolished conscription for the vanquished but retained the enslavement of its own nationals by the victor?

I believe that we fought the World War to prohibit militarism, and so far as compulsory military service is concerned we imposed that prohibition upon the vanquished; but the victors, who fought the war to do away with militarism, have taken that beast to their bosoms.

Mr. President, I hope the amendment may be agreed to, so that America may lead the world to national freedom and peace through a treaty that will strike the chains of militarism from the hands of an enslaved humanity.

Mr. JONES of Washington. Mr. President, has the Senator offered his amendment to the bill?

Mr. SHIPSTEAD. I asked that it be printed. If there is no objection, I should like to have it considered now.

Mr. JONES of Washington. I feel constrained, I will say to the Senator, to make the point of order against the amendment on the ground that it is new legislation on an appropriation bill. I have much sympathy with the suggestion of the Senator, but I feel that I shall have to make a point of order against it on the appropriation bill.

Mr. SHIPSTEAD. If the Senator intends to make a point of order, he might as well make it now as at any other time.

Mr. JONES of Washington. That is what I thought.

The PRESIDENT pro tempore. The Chair sustains the point of order.

ORDER FOR RECESS

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock on Monday.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

FEDERAL ANTITRUST LAW ENFORCEMENT, PAST AND PRESENT

Mr. FESS. Mr. President, I ask unanimous consent to have printed in the RECORD an address by Hon. A. T. Seymour, Assistant Attorney General, on the work of the Department of Justice in the prosecution of antitrust cases.

The PRESIDENT pro tempore. Is there objection?

Mr. HEFLIN. Does the address contain any information regarding prosecutions which have recently been had and cases that have been pushed to a conclusion?

Mr. FESS. It does. I want to say to my friend from Alabama that I have read the address which was delivered at Princeton and it is entirely free from any objectionable statements whatever.

Mr. HEFLIN. If it has in it any information that will show that the Department of Justice has really been trying to prosecute some of these people, I would like to have it.

Mr. FESS. I am very much obliged to the Senator. He will be satisfied.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

FEDERAL ANTITRUST LAW ENFORCEMENT, PAST AND PRESENT

(Address of Hon. A. T. Seymour, Assistant Attorney General, before the American Whig Society, Princeton University, January 19, 1925)

I. PURPOSE OF ANTITRUST LEGISLATION

It is necessary to protect the flow of interstate commerce from artificial obstruction and unnecessary restraint.

The natural resources and prosperity of the country must be distributed among all the people so that they will have the full and free enjoyment thereof. The channels of trade must be kept open. Any attempt to interpose unnecessary and artificial restraints must be stopped. No government has any right to interfere unnecessarily with private business, but any government which fails to protect the freedom of all its citizens in the enjoyment of common benefits from the power of any group to withhold these benefits has no right to pride itself upon a constitution dedicated in name only to the promotion of the general welfare.

II. THE COMMERCE CLAUSE OF THE CONSTITUTION

The source of the power of the Federal Government to meet the public need must be traced to Article I, section 8, paragraph 3, of the Constitution, which provides:

"The Congress shall have power * * * to regulate commerce with foreign nations and among the several States. * * *"

These few words, proposed, I think, by James Monroe, which had much to do with the adoption of the Constitution itself, have proved one of the most important factors in the continued growth of this Nation. The Constitution itself is an agreement which has been solemnly ratified and consented to as a basis of our common enterprise of self-government. The Articles of Confederation proved inadequate on account of want of any general power in the Federal Government to control the relation of the States with each other. (Miller on the Constitution, p. 484.)

Hamilton, Madison, and Jay were continually commenting in the Federalist upon the importance of this cause. The experience of Germany with the interference of her several States was pointed to as a warning of disaster. (Federalist, No. 7.)

From the decision of the Supreme Court of the United States in Gibbons v. Ogden, in 1824 (9 Wheat. 1) until the present time the scope of this clause of the Constitution has been broadened and strengthened by judicial interpretation.

The limitation upon the Federal power to interfere with the freedom of the citizens of the several States is based upon the provision that the commerce which may be controlled by an act of Congress must

be interstate, and no restriction, however vicious, may be touched by the Federal Government unless its necessary and direct effect is the restraint upon such interstate commerce.

III. SCOPE OF THE LEGISLATION

Restraint upon commerce can be affected in any one of three ways—by (1) Government grants, (2) cornering the supply of a commodity, or (3) by agreement or combination among separate and independent individuals. The Government has adopted a policy of granting a monopoly to inventors and their assignees under the patent laws. From time to time individuals acting alone or in small groups have succeeded in acquiring sufficient of the supply of a given commodity so that the demand may not be satisfied except by paying tribute to those who have acquired such control. "Cornering the market" is the popular description of such incidents. It was denounced in the Patten case (226 U. S. 525, reversing the Circuit Court, Southern District of New York), involving an attempt to corner the cotton market. The agreement between two or more natural competitors not to compete with each other is the third and the method by far the most frequently employed to restrain trade.

When two or more men, expressly or tacitly, publicly or secretly, agree with each other not to sell the product they deal in below a certain price which they fix they are held in law to be engaged in a conspiracy. The devices which they adopt in obtaining the power to fix this price and to maintain it have been at the root of all the cases instituted by the Federal Government under the antitrust law. That law, in substance, forbids anyone monopolizing or attempting to monopolize any part of the trade or commerce among the several States and any contract, combination, or agreement in restraint of trade among such States.

The original act, passed in 1890, has been supplemented by the Clayton Act, passed October 15, 1914, the Federal Trade Commission act, passed September 26, 1914, and by a provision in the Wilson Tariff Act, passed in 1894 and amended in 1913.

IV. PROGRESS OF JUDICIAL INTERPRETATION

Among the most ancient rules of the common laws bonds in restraint of trade were declared void. As early as the second year of Henry V (A. D. 1415) this was considered to be old and settled law. In 1711 Chief Justice Parker, speaking for the English court (Mitchell *v.* Reynolds, I. P. Williams, 181, 190), directed public attention to the evils of monopoly, and it was then held that contracts in restraint of trade were unenforceable at common law. In the case of Alger *v.* Thatcher (19 Pickering's Repts., 51–55) Mr. Justice Morton speaking for the Supreme Court of Massachusetts, said:

> "This doctrine (contracts in restraint of trade are void) extends to all branches of trade and all kinds of business. * * * It is reasonable, salutary, and suited to the genius of our Government and the nature of our institutions. It is founded on great principles of public policy and carries out our constitutional prohibition of monopolies and exclusive privileges.
>
> "Such contracts injure the parties making them. * * * They expose such person to imposition and oppression. They tend to deprive the public of the services of men in the employments and capacities in which they may be most useful to the community as well as to themselves. They discourage industry and enterprise and diminish the products of ingenuity and skill. They prevent competition and enhance prices. They expose the public to all the evils of monopoly. And this especially is applicable to wealthy companies and large corporations, who have the means, unless restrained by law, to exclude rivalry, monopolize business, and engross the market. Against evils like these wise laws protect individuals and the public by declaring all such contracts void."

Until the Sherman antitrust law was passed, however, the power of the courts was limited to refusal to enforce any such contracts in restraint of trade when the parties to such contracts appealed to the courts for relief. When this law was passed the Government took upon itself the power and duty of protecting the public from the ill effects of such conspiracies and monopolistic enterprises.

At first the law was not met with approval in the courts. Mr. Justice Jackson, then sitting as a circuit judge, in August, 1892, refused to remove a defendant from the State of Ohio to the State of Massachusetts for trial under an indictment against the Whisky Trust, and he was released on a writ of habeas corpus. The Supreme Court of the United States in 1895 held that the American Sugar Refining Co. (U. S. *v.* E. C. Knight Co., 156 U. S. 1) in acquiring stock in four Philadelphia refineries, which gave it a practical monopoly of the business in the United States, had no direct relation to commerce between the several States. Mr. Justice Harlan in that case, however, in a dissenting opinion, announced what has since become, in my judgment, the law of this country upon that subject, in the following language:

> "I perceive no difficulty in the way of the court passing a decree declaring that the combination imposes an unlawful restraint upon trade and commerce among the States and perpetually enjoining it from further prosecuting any business pursuant to the unlawful agreements under which it was formed or by which it was created. Such a decree would be within the scope of the bill and is appropriate to the end which Congress intended to accomplish, namely, to protect the freedom of commercial intercourse among the States against combinations and conspiracies which impose unlawful restraints upon such intercourse."

Mr. Taft, while Kent professor of law at Yale University, excused the failure of that great court to realize the true significance of its opinion in the Knight case by the suggestion that the case for the Government was not well prepared at the circuit, nor was this chief feature of the Government's real case sufficiently set forth in the bill of complaint. (Taft on "The Antitrust Act and the Supreme Court," p. 59.) He also said:

> "The effect of the decision in the Knight case upon the popular mind, and indeed upon Congress as well, was to discourage hope that the statute could be used to accomplish its manifest purpose and curb the great industrial trusts which, by the acquisition of all or a large percentage of the plants engaged in the manufacture of a commodity, by the dismantling of some and regulating the output of others, were making every effort to restrict production, control prices, and monopolize the business. So strong was the impression made by the Knight case that both Mr. Olney, Attorney General, and Mr. Cleveland concluded that the evil must be controlled through State legislation and not through a national statute, and they said so in their communications to Congress." (Taft on "The Antitrust Act and the Supreme Court," pp. 59–60.)

It remained for Mr. Taft, while sitting as United States circuit judge, to write the first great opinion upholding the Sherman antitrust law. He was sitting on the circuit court of appeals for the sixth circuit with Mr. Justice Harlan, who had vigorously dissented in the Sugar case, and with Judge Lurton, who afterwards became Mr. Justice Lurton of the Supreme Court. On February 8, 1898, they reversed the district court in Tennessee and instructed that court to enter a decree for the United States perpetually enjoining the defendants from maintaining the combination in cast-iron pipe described in the bill and substantially admitted in the answer, and from doing any further business thereunder. This decision was later affirmed in the Supreme Court of the United States on June 6, 1898. (United States *v.* Addystone Pipe & Steel Co., 175 U. S. 211.)

> "This case involved an agreement by which all iron-pipe companies in the Ohio Valley and the Mississippi Valley, from which manufacturers in other parts of the country were naturally excluded by freight rates, agreed that they would maintain prices and share profits, and that in pursuance of these purposes no one of them would offer iron pipe to any intending purchaser, who was usually a municipal corporation inviting public competitive bids, without the permission of the combination and only after there had been a secret bidding among the members of the combination to see which member would make such a bid as would from the profits of the contract allow the best bonus to be divided among the other members of the combination." (Taft on "The Antitrust Act and the Supreme Court," p. 71.)

It remained for Judge Lurton, nine years later in the same court, to write another great opinion sustaining this law in the case of John D. Park & Sons Co. *v.* Hartman (153 Fed. 14). No greater opinions have ever been announced upholding the antitrust laws of the United States than those written by Judge Taft in the Addystone Pipe case, by Judge Lurton in the Hartman case, and by Mr. Justice Harlan, dissenting, in the Knight case. The district courts in both the Addystone Pipe case and Hartman case were against the application of the statute. Both were reversed in the circuit court of appeals, and both decisions of the circuit court of appeals were affirmed by the Supreme Court. If it had not been for these three great judges, all of whom were then or later justices of the Supreme Court of the United States, I can not surmise the present condition of business in this country nor the effect on the liberties and welfare of its people. So much for the background of the antitrust legislation and judicial interpretation.

V. PRESENT NEED FOR ENFORCEMENT OF ANTITRUST LAWS

I am firmly convinced that at no time since the act was passed has there been so great a need for its vigorous enforcement as now. The decrees entered against the great combinations in the past must be translated into practical results. The defendants who have been found to have violated the statute must, in spirit and in practice, conform to the decrees and to the law. No new methods of circumventing freedom of commerce must be permitted to gain a foothold in our industrial life.

Mergers in the packing and baking industry, among grain elevators, of companies engaged in the manufacture of steel, copper, sugar, ice, and other commodities are reported as in progress of formation and are asking financial support. The consolidation of the transportation systems is progressing rapidly under the intelligent supervision of the Interstate Commerce Commission.

I do not mean to say that these enterprises are all illegal or fraught with menace to our economic welfare. But it is of the utmost importance in the common interest that every move toward the centralization of power in any industry or among those dealing in any commodity should be scrutinized with care.

Mr. Chief Justice White, in the opinion in the Standard Oil case (U. S. v. Standard Oil Co. of New Jersey, 221 U. S. 1), stated the position of the Government in the following language:

> "Indeed, so conclusive, it is urged, is the proof on these subjects that it is asserted that the existence of the principal corporate defendant—the Standard Oil Co. of New Jersey—with the vast accumulation of property which it owns or controls, because of its infinite potency for harm and the dangerous example which its continued existence affords, is an open and enduring menace to all freedom of trade and is a byword and reproach to our modern economic methods" (p. 47).

And he continues:

> "(a) Because the unification of power and control over petroleum and its products which was the inevitable result of the combining in the New Jersey corporation by the increase of its stock and the transfer to it of the stocks of so many other corporations, aggregating so vast a capital, gives rise, in and of itself, in the absence of countervailing circumstances, to say the least, to the prima facie presumption of intent and purpose to maintain the dominancy over the oil industry, not as a result of normal methods of industrial development, but by new means of combination which were resorted to in order that greater power might be added than would otherwise have arisen had normal methods been followed, the whole with the purpose of excluding others from the trade and thus centralizing in the combination a perpetual control of the movements of petroleum and its products in the channels of interstate commerce.
>
> "(b) Because the prima facie presumption of intent to restrain trade, to monopolize and to bring about monopolization resulting from the act of expanding the stock of the New Jersey corporation and vesting it with such vast control of the oil industry, is made conclusive by considering (1) the conduct of the persons or corporations who were mainly instrumental in bringing about the extension of power * * *; (2) by considering the proof as to what was done under those agreements and the acts which immediately preceded the vesting of power in the New Jersey corporation, as well as by weighing the modes in which the power vested in that corporation has been exerted and the results which have arisen from it."

The rule governing the Department of Justice in its solution of the problems presented by these mergers has probably never been better stated than in the language just quoted. It is fortunate that the solution of the problems presented is not attended by any desire for political effect or temporary popular approval. They are of grave economic importance and any ill-advised or premature attack will be to invite disaster and to impair the influence of the Federal Government in arriving at a correct solution.

It is no part of the Government's business to interfere with honestly conducted business. It is the Government's duty to challenge any attempt to secure an unfair advantage over the public by artificial combination and agreement. The existence of power in a small group of men to control the supply or to fix the price of any commodity passing in interstate commerce is at war with the whole economic system which has made our civilization progressive. If such power is acquired without any resort to means prohibited by existing legislation, the executive department of the Government may be unable to interfere. But if the statutory prohibitions against combinations in restraint of trade have been violated, its duty is clear. The common law rules against restraints of trade rest upon the theory that competition is desirable. It is no answer that restrictive covenants only prevent injurious competition and result in the maintenance of reasonable prices. (Lurton, J., in Park v. Hartman, 153 Fed. 24, 46.) What we are afraid of and what we have good reason to fear is the existence of the power of individuals or small groups of individuals to control supply and fix prices. The test is not whether such combinations do fix unreasonable prices or result in public injury. As Judge McIlvaine, speaking for the Supreme Court of Ohio, said (Central Ohio Salt Co. v. Guthrie, 35 Ohio State, 666, 672, quoted by Mr. Justice Harlan in U. S. v. Knight, 156 U. S. 27):

> "Courts will not stop to inquire as to the degree of injurious influence upon the public; it is enough to know that the inevitable tendency of such contracts is injurious to the public."

The effect of these mergers will not be immediate and some may subside of their own weakness. It may be necessary in some cases to observe the way in which the power is exerted and the results which follow. If they do violate the law, an adequate remedy will be found. In the words of Mr. Justice Holmes (Gompers v. Buck Stove & Range Co., 221 U. S. 418, 438):

> "The court's protective powers extend to every device whereby * * * interstate commerce is restrained. Otherwise the antitrust act would be rendered impotent."

In approaching the inquiry we have no criticism of the rule of reason announced in the Standard Oil case. Certainly the Government can not fairly commence an action unless the restraint complained of is in fact unreasonable and liable to be injurious to the general public. The initiative in bringing these problems before the Federal courts for determination rests upon the Department of Justice. The so-called mergers are so recent that no action as yet has been taken. The attitude of the Department of Justice, however, may be illustrated by a short reference to cases or classes of cases actually dealt with during the past two years which have been or are about to be tried in the courts. The extent of the work is indicated by the fact that during the year ending June 30, 1924, 189 separate alleged violations of the antitrust act were under investigation, 1,684 reports were submitted; and 15 cases were commenced. At the present time 33 cases are pending which will require actual trial and 21 are in a stage where civil or criminal proceedings are imminent. If all these cases are actually filed, there will be pending at one time 54 antitrust cases, a larger number than have been pending at any one time since the Sherman law was passed.

ENFORCING FORMER DECREES

Decrees heretofore entered are now being carried into effect under the direction of the Attorney General in the cases involving anthracite coal, the packers, Eastman Kodak Co., and the International Harvester Co.

A supplemental petition was filed on July 17, 1923, asking the court to take the necessary steps to restore competitive conditions in the harvesting machinery industry. It is claimed that the old decree has failed to achieve its purpose and that it is necessary to take further steps in the dissolution of the harvester trust so that not less than three separate and distinct competitors will be manufacturing such machinery. The case was argued at St. Paul in October, 1924, and a decision has not yet been announced. This case, with the suit pending in the district court in New York City, attacking the sisal monopoly, are aimed at things directly affecting agricultural necessities.

In the Eastman Kodak case the sale of two important lines of cameras—the Century-Folmer & Schwing and the Premo—is being worked out. The Eastman Co. was found to have illegally monopolized the camera business, and it has been ordered by the court to dispose of certain lines illegally acquired so that when such separate lines of cameras are offered for sale there may be active competition in that business.

The packers consented in 1920 to a decree requiring them to dispose of unrelated lines of business. This decree is now being subjected to attack, and the Attorney General is insisting upon its integrity and that it be complied with.

In the Anthracite Coal cases the coal-carrying railroads were ordered to dispose of all their interests in the stock of coal companies whose output was being carried by such railroads. It is easy to understand that there was no chance of any development in the anthracite coal industry which would tend toward a decrease in the amount of freight to be hauled by the railroads which controlled the policies of the coal companies. The hold of these transportation companies on the coal mines has been broken. Most of the steam size of the anthracite coal produced is sold at a loss. It is conceivable that power generated at the mines may be transported over electric wires for industrial and transportation uses at no far distant time. All initiative toward the production of giant power and its transportation by wire was stifled as long as it was to the interest of the owners of the coal mines to have this class of coal transported in freight cars.

A. TRADE ASSOCIATIONS

The interest of business men and lawyers is now more generally manifested in trade association activities than any other branch of business to which the antitrust law has been applied. The Supreme Court has recently decided the Hardwood Lumber case (U. S. v. American Column & Lumber Co., 257 U. S. 377, decided Dec. 19, 1921) and the Linseed Oil case (U. S. v. American Linseed Oil Co., 262 U. S. 371, decided June 4, 1923), prohibiting the activities of both associations. The so-called Cement case was tried in the criminal court in New York, where the jury disagreed. In a civil case, Judge Knox rendered a decree against the association (U. S. v. Maple Flooring Manufacturers' Association, 204 Fed. 390). The case will be argued in the Supreme Court within the next few months. A decree enjoining the Maple Flooring Manufacturers' Association was entered in the district court at Grand Rapids, Mich.; has been argued before the Supreme Court and assigned for reargument on February 24, 1925. Similar cases are now about to be tried against the Western Pine Association, the Southern Pine Association, the Steam Fitters' Association, the National Malleable Iron Castings Association, the Southern California Grocers' Association, the Seattle Produce Association, the Oregon Wholesale Grocers' Association, the Utah-Idaho Wholesale Grocers' Association, and a number of other associations are under consideration by the department.

Evidence of cooperation among the defendants in the wrongful use of information reported under the auspices of the association has been found in the cases which have been brought to trial.

"Genuine competitors do not make detailed weekly and monthly reports of the minutest details of their business to their rivals." (American Column & Lumber Co. v. U. S., 257 U. S. 377, 410.)

In the Maple Flooring case the district court prohibited the defendants from agreeing—

"to make reports to a central collective agency or agencies, or to receive reports from a central collective agency or agencies * * * to be used as a means of fixing or controlling prices or in any manner affecting the production of * * * flooring, or to be used as a means of fixing or controlling or increasing or diminishing prices of flooring, or to be used as a means of controlling or otherwise affecting production of such flooring." (Final decree entered Jan. 4, 1924, United States District Court, Western District of Michigan.)

As long as associations have gathered statistical information under proper safeguards solely in aid of proper distribution and for the avoidance of extremes of overproduction and underproduction they have not been interfered with by the Government. Mr. John W. Davis, in arguing the cement case in the court in New York, said:

"Ignorance is not a virtue and knowledge is not a crime."

It is not too much to hope that the clarifying opinions of the courts in the cases brought by the Government will finally permit trade associations, in some safely guarded way, to eliminate cycles of feverish production followed by depression, and will stabilize employment and wages and insure an adequate supply at all times of commodities dealt in. The safeguards against the misuse of such statistical information and against common action resulting in artificial restraints of trade are necessary to prevent natural competitors from arbitrarily controlling the supply and price of articles of necessity in which they may be dealing.

B. PATENT CASES

Another class of cases are those attacking the attempt to extend the scope of the lawful monopoly granted under the patent laws. We now have five cases in which the inventions patented have been acquired by large corporations and in which such corporations are attempting to maintain a system of contracts with their customers, giving the assignees of the patents the right to control prices beyond any legitimate interpretation of the patent laws. They are cases against the Standard Oil Co. of Indiana, the American Chain Co., the Jeffrey Manufacturing Co., the Kryptok Co., and their various associates.

A patent gives the patentee the right to control the use of his invention for 17 years, during which time he may rightfully protect by contract his power to regulate, manufacture, sell, and use the thing embodied in the invention. The purpose of the patent law is to stimulate invention by protecting inventors for a fixed time in the advantages that may be derived from exclusive manufacture, use, and sale. (Miles Medical Co. v. Park, 220 U. S. 373–401.) Mr. Chief Justice Marshall said (Grant v. Raymond, 6 Peters, 24):

"It is the reward stipulated for the advantages derived for the public for the exertion of individuals and is intended as a stimulus to those exertions. * * * The great object and intention of the act is to secure to the public the advantages to be derived from the discoveries of individuals. The means it employs are the compensation made to those individuals for the time and labor devoted to these discoveries."

In the case against the Standard Oil Co. of Indiana we are met with restrictive covenants in licenses made by owners of patents to refiners who use the patented process. Some of these license agreements arbitrarily restrict the extent to which the patented process may be used and the quantity which a licensee may produce in certain territories during a specified time. Others prohibit the transportation of gasoline and kerosene made under the patented process from one part of the United States to another.

In the General Electric Co. case the company, by a system of agency contracts, reserves the right to fix the price at which its incandescent lamps may be sold until they reach the ultimate consumer. The General Electric Co. also by means of a license agreement with its chief competitor, the Westinghouse Electric & Manufacturing Co., restricts the quantity of lamps which that company can manufacture, and also requires that the Westinghouse Co. shall sell lamps manufactured under such licenses at prices which are not less than those followed by the General Electric Co. This case is set for trial at Cleveland, Ohio, on January 27, 1925.

In the American Chain Co. case the company manufactures automobile bumpers and licenses a number of different manufacturers, but in its license contracts reserves the right to fix the price at which its licensee shall sell these bumpers.

The Jeffrey Manufacturing Co. manufactures mining machinery. The owners of several different inventions have assigned all their patents to the Jeffrey Manufacturing Co. and taken back licenses to manufacture under all of such patents which have been pooled, and the license agreements require the licensees to follow prices fixed by the licensor, the Jeffrey Manufacturing Co.

In the Kryptok case the owner of a number of patents covering bifocal lenses and blanks for use in manufacturing such lenses has granted licenses to a number of concerns authorizing the manufacture of lenses under said patents but requiring that such lenses shall be sold and resold through jobbers and retailers at prices to be fixed jointly by the owners of the patents and the licensees.

There is another class of cases relating to patents which is being carefully considered by the department. For some time it has been the practice of large manufacturers desiring to monopolize an industry to purchase numbers of patents covering patented articles and patented processes for the making of such articles. In certain instances such patents are for the process or articles of a competing nature and the purchase or acquisition of such patents is not to enable the manufacturer to utilize the patents in the production of the patented articles but to place the manufacturer in the position where he can prohibit others from making articles in competition with those which it manufactures. For example, the manufacture of incandescent-electric lamps is at the present time controlled under a fixed patent relating to the filament or light-giving element of the lamp.

It is obvious that if a filament consisting of some other substance should be invented which would produce a lamp of equal or greater efficiency than the present lamp, the monopoly of manufacturing incandescent lamps would be broken unless the owner of the patent which now controls the situation acquired the new device.

It is enough that the Government permits the inventor to assign his monopoly. Otherwise many inventions would never become useful or available, because of lack of capital on the part of the inventor to manufacture them. But the great rewards under the patent law go not to the inventor but to the assignee of the inventor. It would be interesting to compare the relative income from the manufacture and sale of a patented article in common use of the original inventor of that device with that of the company which purchased the monopoly. In fact, the manufacturer of devices like these hire all the men who have demonstrated any ability to contribute to the development of the commodities dealt in at a moderate fixed salary and take an absolute assignment of the product of their genius. If the present legislation does not protect the public from the arbitrary exactions of purchasers of these inventions, Congress has the absolute power to cut down the extent of the monopoly which may be granted under such laws. If the element of competition could be preserved by the Government in such a way that the inventor would derive a profit from the use of his invention but any one company would be unable to obtain a monopoly on the use of that invention, both the public and the inventor would be benefited, and the purpose of the patent laws would be served. We have long since lost sight of all idea of rewarding the inventor under the guise of the patent laws. We are perpetuating and aiding monopoly, and the money goes into the pockets of men who usually lack inventive genius.

An illustration of the practical effect of eliminating a patent monopoly is the litigation in which Henry Ford finally succeeded in defeating the owners of the Selden patent under which members of the association of automobile manufacturers were all operating under license agreement. If he had been unsuccessful in that litigation, there would now be no $400 cars on the market. As a result of his success the automobile has become a matter of every-day necessity and not a luxury to be enjoyed by the fortunate few.

ACQUIESCENCE IN DEPARTMENT RULINGS

In many cases manufacturers have abandoned the activities which have been criticised by the Government. It is necessary to constantly observe the operations of those who have thus voluntarily abandoned such practices. The importers of tracing cloth used by architects have withdrawn all price suggestions for the resale of their product and now solicit orders from all responsible dealers. The National Bottle Manufacturers' Association disbanded after discussing their activities with representatives of the Department of Justice. The members of the Tile Manufacturers' Credit Association refused to defend the case brought by the Government and a decree was entered forbidding the activities complained of. Representatives of all automatic sprinkler companies have notified the Attorney General of a plan to effect a separation of joint stock holdings by the companies and their subsidiaries and the holding company will be liquidated. A complete monopoly of the cement industry in the Rocky Mountain States has been eliminated by the proposed sale of separate plants in accordance with a decree entered in a case brought by the Government. This case was not actually tried, but a decree was entered after full presentation of the facts to the court.

It is a long step from the decision of the Supreme Court in the Knight case in 1895, when the American Sugar Refining Co. had a practical monopoly, to the ruling of Mr. Attorney General Stone on January 5, 1925, when he refused to consent to a modification of the decree entered in 1922 forbidding the American Sugar Refining Co. increasing its ownership in the stock of its competitor, the National Sugar Refining Co. The Department of Justice brought a new suit against the American Sugar Refining Co. and others in 1910, alleging a monopoly. During the 12 years which followed conditions in the sugar industry changed for the better so far as the monopoly was concerned, and in 1922 the American Sugar Refining Co. was doing only

80 per cent of the business, whereas in 1910 it had almost complete control thereof. When the American Sugar Refining Co. requested the Attorney General to consent to a modification of the decree to permit it to purchase all the assets of the National Sugar Refining Co. a careful inquiry disclosed that in the territory north of the Mason and Dixon line and east of the Mississippi River the two most vigorous competitors were the American Sugar Refining Co., with its "Domino" brand, fighting the National Sugar Refining Co. with its "Jack Frost" brand. In order not to interfere with these competitive conditions, the Attorney General saw fit to refuse to consent and has been advised that no further attempt to merge those two companies will be made.

CONCLUSION

In conclusion I suggest that if our people were left unprotected by the Government we can not foresee the extent to which individuals and corporations might go in their quest for exclusive advantage to be obtained by reducing control of industry into as few hands as possible. Monopoly and arbitrary control of production and prices discourage enterprise and diminish the products of ingenuity and skill. The inevitable result is to enhance prices. Whenever any group of men have the power to exclude rivalry they lose all incentive to initiative. There is no longer any reward for excellence in quality or elimination of waste and unnecessary expense in production. If the power to engross the market and monopolize business exists, it will be used, and it will not be used for the ultimate benefit of the public. May I recall to your minds the position in which Mr. Justice Harlan was placed when the Supreme Court of the United States convened at noon on January 21, 1895, and the Chief Justice of the United States announced the opinion of the court in the case of United States against E. C. Knight Co.? The original bill, filed in the Circuit Court for the Eastern District of Pennsylvania, had been dismissed by Butler, district judge. On appeal the circuit court of appeals for the third circuit, Judges Acheson, Dallas, and Green, had unanimously affirmed that decree on the 26th of March, 1894, and now his eight associates on the Supreme Court announced that the circuit court of appeals had not erred in affirming that decree. Judge Key, of the circuit of Tennessee, had rendered an opinion in favor of the Government against the Nashville Coal Exchange. But the Sherman law had had little other support. Mr. Justice Harlan, with an independence of judgment and a courage born of a conviction that he was right, announced his dissenting opinion, covering 28 pages of the report. The majority opinion covered but 9 pages. If he could have looked forward 30 years to the acquiescence in his position by the courts, the bar, and the business men of the country, instead of using the words of Tallyrand, "Time and I against any man," he might well have said to his brethren on the bench, "Time and I against any twelve."

He did have a prophetic vision when in that opinion he used the following words (156 U. S. pp. 44–45):

> "We have before us the case of a combination which absolutely controls, or may, at its discretion, control the price of all refined sugar in this country. Suppose another combination organized for private gain and to control prices should obtain possession of all the large flour mills in the United States, another of all the grain elevators, another of all the oil territory, another of all the salt-producing regions, another of all the cotton mills, and another of all the great establishments for slaughtering animals and the preparation of meats. What power is competent to protect the people of the United States against such dangers except a national power—one that is capable of exerting its sovereign authority throughout every part of the territory and over all the people of the Nation?
>
> "To the General Government has been committed the control of commercial intercourse among the States, to the end that it may be free at all times from any restraints except such as Congress may impose or permit for the benefit of the whole country. The common government of all the people is the only one that can adequately deal with a matter which directly and injuriously affects the entire commerce of the country, which concerns equally all the people of the Union, and which, it must be confessed, can not be adequately controlled by any one State."

CHILD LABOR

Mr. KING. Mr. President, I ask unanimous consent to have printed in the RECORD an able article by the president of the Bar Association of West Virginia upon the question of the proposed amendment to the Constitution concerning child labor.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is here printed, as follows:

"SHALL WE ABOLISH OUR REPUBLICAN FORM OF GOVERNMENT?"

(Annual address of the president of the West Virginia Bar Association, delivered at Clarksburg, November 20, 1924, by Clarence E. Martin, Martinsburg, W. Va.)

Members of the association: Again this association is in session for the mutual benefit of its members and the general good of the Commonwealth. One can not imagine a gathering of lawyers, such as this meeting, without stamping it at once as a public function. For lawyers live in the public eye, their duties are essentially public in their nature, and, in a peculiar manner, their moral responsibilities, as members of the bar, are to the Republic and to the State, as well as to their God.

We are here, therefore, for the purpose of reasserting our faith in the principles of right and justice, maintained and upheld by progenitors in the profession, who have bequeathed them to us as a sacred heritage, to be guarded and protected, and devised in turn for the benefit of succeeding generations.

By the absence of a governing or ruling class among us the people turn intuitively to the members of our profession who are engaged daily in interpreting and applying the laws, to help make and execute them. And when the path of political destiny grows dim, and the people are in danger of straying, it is our duty, even if a self-assumed one, to call them back and note brightly that path, so that the landmarks established to preserve our liberties in the past may be observed, and thus we shall be deterred from wandering into the dreary forests of unbridled democracy and socialism.

One hundred and fifty years ago, when the first Continental Congress met in Philadelphia to protest collectively against the treatment imposed upon the colonists by a monarchical government, even those who dreamed most thought not of the Nation whose corner stone they were unconsciously placing. But the members of the convention which submitted the Constitution had different hopes and broader ideals. The Constitution was strictly American in origin. The tendency of the public mind at that time, which produced it, was a federalist one, it is true; yet the tendency was curbed in the convention by the adherents of the rights of the States. It is indeed fortunate for the future of the country that the opinions of neither the advocates of a complete, centralized Government nor those of a weak, confederated one, prevailed. The former would not have been accepted by the States; the latter would have been ineffective. The Constitution adopted carried out in its largest and most positive sense the purpose of government, which affords protection from hostile designs of other peoples and secures the greatest possible amount of personal freedom to its own citizens, conducive to their welfare, the rights of their neighbors, and the perpetuity of the Nation.

The rights reserved by the States were kept intact until the horrors of civil war swept the land; and that war settled for all time one political question—that the compact made was perpetual. The popular thought, therefore, that the rights of the States in the Federal plan were abandoned at Appomattox, is of course, a fallacious one. But there the dominancy of State rights was crushed. Legislation affecting these reserved powers during the years following has materially strengthened the position of the Federal Government and correspondingly weakened that of the States; until now the status of the States, guaranteed under the compact made, has become so insecure that unless prompt and effective public sentiment interferes the States as representatives of the sovereign powers residing in their people will be annihilated, and the republican form of government, under which this Nation has grown great and mighty, will gradually give way to a pure democracy. If that time comes, and we pray it never will, the days of our greatness as a Nation will be numbered and the pen of posterity will place us among the great nations and peoples known only to history.

Proud of the ability of our National Government, with knowledge of its wealth and its capacity to deal effectively dangling before our eyes, we have allowed our better judgment to be swayed from the rules set down for our guidance at the foundation of the Government. Legislation, tending toward centralization, seems to have kept step with our material development. This enlargement of Federal powers is due to no misconception of the rights of the States.

The tenth amendment, reserving these powers to the States, in practice, however, has become obsolete, under this now popular method, and State legislation is fast becoming a mere ratification of Federal interference. Indeed, this tendency has grown so strong and the National Government looked to for legislative guidance in so many matters of purely local concern—as one Congressman lately put it, from the advancement and control of education to that of hunting and fishing, that the system of government now being formulated as a result, and which we are unconsciously projecting, is making the Federal establishment more imperial than the German system we so heartily condemned and materially aided in effacing. The result is almost as complete as if a revolution, by cyclonic action, had torn asunder the fabric and structure of our federation. By constant usurpation, this Federal Government of ours, neither built nor intended for the purpose for which it is now being used, is being weighed down to such an extent that if this tendency is not checked it is bound to break under the strain.

This movement, toward Federal supremacy, so far as legislation is concerned, has demonstrated itself in three distinct ways: By Federal grants-in-aid laws; by laws plainly usurping State functions; and by constitutional amendment. To some negligible extent we find judicial concurrence. I shall dwell briefly upon the first two propositions.

In 1862, Congress passed the first grant-in-aid law, known as the Morrill Act, giving aid to agricultural schools, which has been successively amended. The scheme is simple. When and if the State passes a certain act containing stated provisions, prescribed by Congress, and makes at least the same appropriation, a peculiar sum of money is available. While the State is not compelled to accept their provisions, by the threat to withhold this aid, the State is in fact coerced, surrenders its sovereign power to legislate as to the subject, the draft as proposed by Congress is adopted, responsibility of State legislatures to the people for law enactment is removed, control of State legislation is thereby secured, regulation of the manner of distribution is obtained, and the Federal Government is supreme. The Supreme Court is powerless to prevent such invasion, even in a suit brought by a State, because the question is political, not judicial, in character. (Massachusetts v. Mellon, 262 U. S. 447; 67 L. E. 1078.) The Federal Treasury, therefore, has become the agency for this transposition of power and diminishing local government is the consequence.

It is said that these enactments are due to an expansion of social functions of government; that State performance would be incompetent; that untold effort must be expended to secure passage of similar legislation by 48 different States, besides the delay and want of uniformity; that the National Government might not be able to perform the object directly, and unsupervised efforts would result in abuses; that the aid is really to projects under local supervision, and that, if attempted alone, the very act might be duplicated by the States. It is urged, too, that the movement divides the burden, too heavy for the States to bear, insures a certain national minimum standard and relatively economical expenditure, affords a clearing house for information upon the subject treated, solves the constitutional objections, serves to integrate the units affected within the State, and strengthens State control. Since 1911 several of these laws have been passed and some are pending. They extend aid for forest protection, good roads, militia, vocational education, social diseases, and mother welfare. Each of them appear to leave authority for their enforcement to the States without doing so.

They are costing the Federal Government, at the present time, $200,000,000 yearly, and if the Sterling-Reed bill, granting aid to education, is passed, the increase will be not less than $100,000,000 more. The income tax amendment, by giving to the National Government a large additional source of revenue, has made it possible for the Nation to embark upon this system of subsidies to the States. The laws are an incentive to wasteful and increased local appropriations and result in increased taxation, under the baseless theory that the local governing body is getting something for nothing. For this reason it is possible to organize a mass of State and local pressure in their favor, against which resistance is almost impossible.

If the laws are good in themselves, necessary for the uplift of the public generally, and there is a general sentiment for their enactment, the States will adopt them either directly or by coordinate action, in a similar manner to that which is bringing uniformity in the commercial world, by the enactment of the proposed uniform statutes, recommended by the American Bar Association to the State legislatures, as the best experience of years. The result desired could be obtained by Federal investigation and recommendation, an eminently proper way. If the passage of these acts continue, State legislatures will become mere agencies of Congress, and the States, in our system, will then be little more than the departments of France or the counties of England.

Nor has the National Government profited. These laws have added to the Federal police power; they have built up top-heavy and inefficient bureaus in Washington; they lead to plundering of the National Treasury; and, if carried much farther, they and similar ones will tend to bankrupt the Government.

The functions of the National Government are no longer exclusively or primarily negative; they are constructive. Through the tariff and other similar legislation, business interjected itself into Government in past decades to such an extent that Government has interjected itself into business, and business has become so interwoven with Government that there are few branches of commerce in the actions of which the Government is not concerned.

The commerce clause, from which Madison, in the Federalist, said "no apprehensions are entertained," is largely responsible for this character of Federal encroachment. The reason for its inclusion in the Constitution was a then present, compelling one. States were adopting local protective, commercial, and tariff laws. Unless commerce could move free and untrammeled, there could be no real union. But the elastic construction, which the commerce clause has received, has served as an invitation, I should almost say a dare, to Congress, for progressive Federal action.

The first great commerce case (Gibbons v. Ogden, 9 Wheaton 1) settled the exclusive right of Congress to regulate commerce. Indeed it has been urged (2 Warren's Supreme Court 81 et sequi) that had Congress followed this decision to its fullest extent, slavery could have been abolished by prohibiting the slave trade and excluding slaves from the domain of interstate commerce. Remarkable as this proposal may seem to-day, its reasoning is sound, for the court upheld the Webb-Kenyon Act, which prohibited the transportation of liquor into a dry State, even though that State—West Virginia in fact—allowed a quart to be transported for personal use. (U. S. v. Hill, 248 U. S. 420, 63 L. E. 337.)

Although Congress made little use of the commerce clause until 1887, it has been overworked since that time. Under this clause, food is being examined, meat is being inspected, standard packages for fruit have been established, trade is being regulated, grain exchanges are being directed, the hours and conditions of labor are being determined, and personal morals are supervised. All of these subjects are within the scope of the police power of the States.

Indeed there are few subjects of legislation affecting State rights that Congress has not assumed to act under the commerce clause.

The Supreme Court, also, has opened the way for additional legislation under the commerce clause, which, in effect, will curb the right of the States to fully regulate public utilities. We may expect such legislation. It has been decided (Pa. Gas Co. v. Public Service Commission, 252 U. S. 23, 64 L. E. 364) that the direct transmission of natural gas from the source of supply outside of the State to local consumers in municipalities within the State is interstate commerce; but that until Congress acts under its superior authority by regulating the subject matter for itself, the States may do so without offending against the commerce clause. Just previous to this decision by the Supreme Court of the United States, it is interesting to note that our own court laid down the identical principle as to electric current. (Mill Creek Coal & Coke Co. v. Public Service Commission, 84 W. Va. 882, 100 S. E. 557, 7 A. L. R. 1081). Recently, the district court in the northern district refused to enjoin our Public Service Commission from fixing interstate telephone rates (Judges Rose, Baker, and Soper sitting) upon the theory that Congress has not yet seen fit to act under its power.

The right of Congress to fix rates for oil and gas transported in pipe lines, telephone and telegraph messages, and electric power transmitted from one State to the other, is unquestioned. Couple this with the powers of the Federal courts under the fourteenth amendment, the influence upon intrastate rates will be tremendous, and the public service commissions will become largely a rubber stamp, so far as rates are concerned. State control, then, over the larger activities of public utilities will be a thing of the past.

But the commerce clause is not alone responsible. Under the navigation clause the Federal Power Commission is functioning. By its right to control the waters of a nonnavigable stream, the damming of which the commission determines may affect navigable waters into which the nonnavigable stream flows, the States have lost complete control over all the useful waters within their boundaries. And the right of Congress to control the waters of nonnavigable streams was decided by the Supreme Court long before the Federal Power Commission act was in contemplation (United States v. Rio Grande Dam and Irrigation Co., 174 U. S. 690, 43 L. E. 1136). When Congress exercises its rights under the navigation and commerce clauses the Federal Government will have almost complete and entire jurisdiction over hydroelectric utilities.

Until Congress acts the power of the States is paramount, but the right of Congress, once exercised, is exclusive, and its treatment of the subject supreme even though the rights of the States are invaded.

It has been held, however, that the intent to supersede the State police power will not be implied unless the act of Congress, fairly interpreted, is in actual conflict with the law of the State (Carey v. State of South Dakota, 250 U. S. 118, 63 L. E. 886). Indeed, the Supreme Court, especially in later years, has been the guardian angel of the reserved rights of the States. Out of 48 cases in which the Supreme Court has declared 46 acts of Congress unconstitutional, 16 decisions have declared 14 acts encroachments upon the purely internal and domestic affairs of the States. Others among the remainder might well be so classed.

Let us admit that this national trend of thought away from the original American ideal of local self-government is not without a reason, destructive in character to the stability of our republican form of government, though it be. There can be no doubt that effectual local action has not been had in many cases to correct existing evils and maintain untrampled guaranteed personal and property rights. This inefficiency in some State governments, coupled with an encouraged tendency in other quarters toward centralization, has found its reflection in congressional action. It is rapidly crystallizing into a national thought and is resulting in the development of an unwritten constitution or basis of federalization entirely at variance with the spirit of our written one.

When, therefore, congressional action is taken and judicial concurrence is wanting, constitutional amendment is promptly suggested and the effort is made to submit an amendment to take the power from the States. A study of these amendments offered at various times is a history of American politics. Most all of them reflect some problem then presently urgent.

For instance, the late Senator Hoar, as a Member of the House, among many others, offered an amendment in the early nineties requiring postmasters to be elected. During the Sixty-seventh Con-

gress, when the price of coal was high and labor troubles existent, Mr. Volstead introduced a resolution to submit an amendment regulating the production of and commerce in coal, oil, and gas. Amendments have been offered covering every conceivable thought from one granting Congress the power to buy and sell agricultural land and thus become a real-estate broker to one changing the name of the country.

It was once thought to be a Herculean effort to amend the Constitution. Yet amending the National Constitution has been an easier task in recent years than amending the Constitution of West Virginia. In quick succession the States have given to the National Government the right to levy direct income taxes, agreed that the Senators should be elected by direct vote, agreed to abolish the liquor traffic and gave to Congress concurrent power with the States to enforce prohibition, and agreed that women should have the right to vote.

In this discussion we are interested in referring to them as evidence of this growing national tendency. The application of some of the legislation passed in pursuance of their provisions, however, has brought strongly to mind the convincing thought that local control of police powers is certainly the best governmental policy.

It is a serious proposal, one would imagine, to suggest a change in any system of government. During the present Congress, however, 101 joint resolutions, suggesting amendments to the Constitution of the United States, have been so far introduced. Many of them would limit the right of or take from the Supreme Court the power to pass upon acts of Congress. Of the remainder, 2 would require Congress to provide for equal rights of men and women, 6 would give the National Government the right to levy taxes on State securities, 7 would give Congress the power to provide uniform laws on marriage and divorce, 28 would give Congress the right to pass laws relating to child labor; all aimed at destruction of State rights. Several would elect the President and Vice President by popular vote of all the people, thus destroying the last vestige of State sovereignty. Overwhelming, positive proof, you will concur, that some movement toward destruction of State governmental powers is under way. One only of these proposed amendments was passed and submitted for ratification—the so-called child labor amendment. It follows:

> "SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.
>
> "SEC. 2. The power of the several States is unimpaired by this article, except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Congress passed the first Federal child labor law in 1916, invoking the commerce clause to protect it in the courts. The Supreme Court held (Hammer *v.* Degenhart, 247 U. S. 251) that the commerce clause of the Constitution could not be used to compel the States to exercise their police power.

Using its taxing power to sustain it, Congress then passed the Federal child labor law of 1917. The Supreme Court (Bailey *v.* Drexel Furniture Co., 259 U. S. 20) again prevented Congress from usurping the right reserved to the States, and held that the taxing power of the National Government could not be used to secure jurisdiction over the subject, legislation concerning which was clearly within the bounds of State sovereignty. In that case Mr. Chief Justice Taft, among other things, said:

> "To give such magic to the word 'tax' would be to break down all constitutional limitations of the powers of Congress and completely wipe out the sovereignty of the States."

Then came the submission of the amendment. Its adoption is advocated by many well-meaning people. The fact of its submission by Congress is sufficient to justify assumption of the existence of reasons for its ratification. We thought that the eighteenth amendment was the high-water mark in State police power direct grants. Yet the powers granted by that amendment are insignificant, indeed, to the powers conferred upon Congress by this so-called child labor amendment.

Let us examine first the necessity for a Federal law upon the subject, and then the extent of the power asked to be granted. A comprehensive statement of the facts for the purpose of this discussion is neither possible nor necessary.

According to the 1920 census there were 40,000,000 of people in this country under the age of 18. Congress, therefore, seeks the right to legislate for 40,000,000 of persons by this proposed amendment. Of these, 12,502,582 were between 10 and 15 years of age, an increase of 15.5 per cent over the 1910 census. Inasmuch as the Census Bureau's statistics of 1920 are founded upon the then existing law, the figures given cover only the ages between 10 and 15. There is a difference between child employment and child labor. The term "children in gainful occupations" between the ages of 10 and 15 include those who work after school hours, during vacation, on the farm for the parents; in fact, all kinds of intermittent work outside of school hours and in other perfectly legal employment. Child labor implies a child of tender years laboring continuously for long hours at tasks beyond its capacity, to its physical or moral detriment.

Of the 12,502,582 above referred to, there were employed in "gainful occupations" 1,060,858, a decrease of 46.7 per cent since 1910. Or to put in another way, there were almost double the number of children working in 1910 than in 1920.

Of the 1,060,858 children, 647,309 were engaged in agricultural pursuits. Of this latter number, 88 per cent were working after school hours or during vacation on the home farm, and 12 per cent worked either for, with, or under the direction of their parents.

Of the 413,549 engaged in nonagricultural pursuits, 364,444 were legitimately employed. There were therefore 49,105 only, less than 15, whose employment was a matter of legal concern, and of these 12,789 were newsboys less than 14, leaving only 36,316 out of a possible 12,502,582 actually engaged in child labor, or not quite three-tenths of 1 per cent of all the children in the country between 10 and 15, who were employed antagonistic to the terms of the Federal law in force in 1920. Apparently, the amendment proposes to take care of the class represented by these 36,316.

While West Virginia employed 23,802 out of a possible 155,000 children in 1910, owing to local conditions, better facilities for education, and stronger enforced laws, there were employed in 1920 only 7,431 boys and girls between 10 and 15 years of age out of a possible 191,299. Most of the other States show a similar change, although the percentage in most of them does not register so great an improvement as in West Virginia.

We have always been lead to believe that it was the situation elsewhere that needed attention. For instance, with us, it is the cotton mill of the South that has been held up as the terrible curse of childhood. Yet of the 36,316 above referred to, 404 of this number less than 14 were employed as operatives in North Carolina, South Carolina, Georgia, and Alabama, and 218 in all the other States. The other States hear of the terrible child-labor conditions in the West Virginia mines.

States generally forbid employment of children under 14, except in agriculture or domestic service, and under 16 at hazardous occupations. None forbid employment after 16, nor at any age in agricultural pursuits or domestic service, consistent with school law. So while we have been debating and discussing this matter, what was once a real has become a phantom problem.

These, then, as briefly as can be stated, are the facts in the case. What rights have the States over children and what is the extent of the grant asked? Are the States so impotent that Federal intervention is necessary?

The State may stand in loco parentis only in certain peculiar cases, for it is a primary principle that the head of the family has control of and the right to obedience from the child always.

Or, as Blackstone (1 Blackstone 453) puts it:

> "The duties of children to their parents arise from a principle of natural justice and retribution. For to those who gave us existence we naturally owe subjection and obedience during our minority, and honor and reverence ever after."

The State has no jurisdiction over the child merely because it is a child, and no earthly power can delegate such privilege to the State. The divine law, as well as the invincible law of nature, prescribed the rights and duties of parent and child centuries before nations were known and governments formulated. Notwithstanding the attacks of diverse character throughout the centuries, the family is and will remain the fundamental unit of government.

Years of legal experience has caused us to divide childhood into three ages, one less than 7, one from 7 to 14, and the other from 14 to 21. The presumption of a child's knowledge of right and wrong, his right to perform certain legal duties and enjoy certain rights are all dependent upon his age during infancy. Not only the rights, but the child's duty to its parents, have been fixed in our law for centuries, and all legislation must take into consideration these relative rights and duties.

The child's right to sustenance and education is a parental duty. Parents voluntarily accept that duty; ordinarily will not attempt to escape it, and can not if the law is invoked. If the parent can not or will not perform his duty, then the State may; but the State can not assume the right to perform primarily without the consent or the failure of the parent. The State does, however, put certain facilities at the parent's command to lighten his burden and make more efficacious his work. The parent has the undoubted right to train his child, to educate him in the manner he will, and the State may not interfere, if the parent does so, and the minimum standard of parental conduct, which the State requires, is maintained. As Mr. Justice McReynolds aptly remarks (Meyer *v.* Nebraska, 262 U. S. 390, 67 L. E. 1042, known as the German language case):

> "Corresponding to the right of control it is the natural duty of the parent to give to his children education suitable to their station in life; and nearly all States, including Nebraska, enforce this obligation by compulsory laws."

And again:

> "That the State may do much, go very far indeed, in order to improve the quality of its citizens, physically, mentally, and morally, is clear, but the individual has certain fundamental rights which must be respected."

The State, therefore, does not have the right to disturb "fundamental rights." They are fixed by the natural law. So-called labor statutes are upheld upon the ground of public morals, mental development, or physical safety. They are, however, largely "employment" statutes. It may be argued, with considerable force, that statutes preventing the employment of children under a certain age from engaging in labor in a "gainful occupation" are in derogation of the common law. Rather, however, are they to be regarded as in aid of the common law; because it is the natural duty of the parent to protect the child's health and morals. But no State has gone beyond the limits of reason in applying the rule, else parental rights would be disturbed. This amendment, therefore, by giving Congress the right to limit, regulate, or prohibit labor of persons under 18, intends to confer upon that body a right that the States do not now possess, and actually seeks, by the legislation that may be passed in pursuance of it, to set aside the natural law.

Whatever reasons exist for its submission, the only excuse given in the debate in the Senate was that Congress had twice legislated upon this question, and there must therefore exist the incontrovertible presumption that the people felt the need of national legislation upon this subject or their representatives in Congress would not have voted for it. Therefore Congress should have the power to legislate upon the prohibited subject and the States should surrender it.

This argument could be made by any justice of the peace, who might insist that because several suitors had brought suits before him beyond his jurisdiction, the public generally intended to give him such power; therefore he should have it.

Why this proposed amendment, therefore, fixes the limit of regulation to 18 years, in view of present progressive State statutes and former Federal legislation is not, at once, obvious. There is no existing sentiment in favor of such an age; high school graduates are usually younger, the average country boy has taken his place in the sphere of usefulness before that age.

It will be observed that the amendment uses the word "labor" and not "employment." Therefore, Congress can limit, regulate, or prohibit not alone "employment," but all kinds of "labor," for the latter is a more comprehensive term and embodies the act done, whether employed or not. Therefore, Congress is substituted for the parents, and may exercise right over the child from the time of birth forward. Not only this, but Congress can determine the obligation of parents with respect to labor and education of their own children. Unlike the State laws, this amendment applies to agricultural and domestic service, as well as all other labor.

The power to prohibit is a comprehensive right, when granted. Therefore under the clause giving the right to prohibit, Congress can prevent any person from performing the slightest task until they are 18. The power to prohibit, gives Congress the incidental right then to support those who are not permitted to support themselves. It can be made an incentive to idleness. And if Congress use the full power of prohibition to labor, adults will perform the light tasks now done by younger people, scarcity of labor may result and react to the detriment of the country under the basic principle of supply and demand.

Under the right to limit, Congress may prescribe the age at which a child may do a certain act; as for instance when the girl is old enough to do housework or the boy is old enough to keep the woodpile in shape, forward to heavier and more exacting labor; or whether they may work at all.

Under its right to regulate, Congress may prescribe the character, methods, and hours of labor, the minimum wage, in what seasons the child may work, what are proper working conditions, whether the labor of the youth is dependent upon the labor of older persons, and the number of hours contributed by the adults on the same class of work. In this manner the character and hours of labor, not only of infants, but of adults also, may be regulated by Congress, if youths under 18 are laboring at the same place with adults.

The word "regulate" is even broader than the other two powers granted. Congress will be the judge of the extent of such regulation. It may extend to compulsory education, require military training, or any incidental feature that a future Congress may conceive to be essential in the regulation of the direct power conferred. Indeed, as one Senator in the debate sagely remarked, the law of Moses was being amended to read "Honor thy father and thy mother, as the Great Father in Washington dictates."

Under this right comes the implied power to control education. Congress shall have the power to determine the standard of education and training that must be attained before either a boy or a girl can follow a certain avocation. If challenged, the Supreme Court, following its precedents, must decide that, given the power to legislate, the manner and form in which the prerogative is exercised is that of Congress and, being legislative, can not be judicially challenged. Entire control of the physical and mental exertions of every person under 18 is asked by Congress.

It may be urged that Congress will not have these powers; that the reference is to labor alone and not to other incidental matters. There arises before me, as a spectre in the night, the great implied power clause (clause 18, sec. 8, art. 1, Constitution) which gives to Congress the authority to pass all laws necessary and proper to carry into execution the powers expressly conferred. The tenth amendment does not use the word "expressly" in reserving powers not granted. It is a fundamental principle of constitutional construction, as we all know, that what is implied is as much a part of the instrument as what is expressed. (In re Jasper Yarbrough et al., 110 U. S. 651, 28 L. E. 274.)

I can sense the workings of your minds—that the subject has been overdrawn in this discussion; that Congress, even though it has the power, will not so act. Probably not all at once nor entirely at any one time. But the right is clear. We just observed that it took Congress 100 years to fully grasp its rights under the commerce clause; now the most important enactments are passed under its grant. But let me give you another answer. Let me say, through you, to the good women of West Virginia that the Children's Bureau in Washington is now advocating a law providing for compulsory registration of pregnancy through local health offices. (Standards of Child Welfare, Children's Bureau Publication No. 60, p. 146.) Is there one here who doubts the power of Congress, which will have jurisdiction over the physical and mental exertions from the time of birth forward, to enact such a law if this amendment is ratified?

But if Congress does not intend to use them, why ask the grant of such powers? And why grant them? Does any necessity exist for their exercise?

The iniquitous concurrent clause is attached to this amendment. If there is one thing essential to stable government, it is the necessity of placing the performance of authority where it belongs and hold the dependable agency responsible for its proper exercise. Plainly this amendment permits double appropriations and double the number of officeholders. It just as certainly allows double convictions for the same act, if the State has a child labor law, and all of them have; for the State, in theory, is still a sovereign power. This second clause is open to as many constructions as it has words.

Proponents will say that three reasons exist for this grant of power. First, the lack of adequate legislation and adequate enforcement on the part of some of the States. We have seen that all of the States have proper legislation covering the ages generally recognized as subjects of protection. There is not a single charge of want of enforcement upon the part of any of the States. Second, the want of uniformity. Every household treats its problems in its own manner. So also the States. It is an element of sovereignty. Might we not also urge Federal assumption of enforcement of the entire body of the criminal law because various crimes are defined and punished in various ways in different portions of the country? Third, the efficiency of the central Government over that of the States and the assumption of the cost of enforcement by the National Government. The central power is not so potent in the enforcement of police regulations as local governments.

But it was charged in the debate in the Senate that this was a Bolshevik effort to nationalize children. Senator KING, of Utah, boldly stated that while in Moscow the year previous, when he criticized child nationalization by the Communist Government, he was told that the socialists of this country were back of the movement here, that our Constitution would be amended, and that the Federal Government would soon be doing just what the Bolshevik Government is doing in Russia. We might not be opposed to legislation if it is right, even though it came from such a source, but we should scan it more deliberately, weigh it more carefully, than otherwise.

But, frankly, there does not seem to be any reason for it. This proposed grant is not a proposed child employment amendment. It is not so intended. It is a socialistic measure. It is an ingenuous attempt to nationalize children, making them responsible to the National Government instead of their parents. It strikes a blow at the home. It takes from the States whatever rights they possess relative to the matter and its coordinate subjects.

Whatever arguments may be made by its defendents, the labor condition of youths of 17 do not have to be regulated or prohibited by governmental action. It is too broad, too indefinite, too general in the face of principles of well-known construction to suggest otherwise. There must be ulterior reasons.

More than all of this, it appears to be a part of a definite, positive plot to destroy our Republic and substitute therefor social democracy. Advantage is being taken of the federalization tendency to authorize the enactment of socialistic laws. It is time to call a halt. The spirit of this amendment is opposed to the ideals of our American institutions. The legislature should, and I predict will, refuse to ratify it.

The States met the problem of dueling by calling it murder. Imprisonment for debt was abolished because it was inhuman. The same is true of child labor. None required Federal interference. The growth of public sentiment was sufficient. A national lynch law is proposed, but lynching is fast becoming an obsolete practice. Like all crime, it can not be completely eradicated. The spirit that prompts such schemes as the present proposed amendment is the same spirit which unconsciously substitutes sentimental emotionalism for the realm of reason.

Adopt this proposed change under consideration and the other amendments nationalizing or socializing our governmental structure

will follow, and their adoption will be, more or less, a mere matter of form. If the General Government is given jurisdiction of the child, naturally it ought to have the regulation of marriage and divorce. In its train is the settlement of the personal and property rights of the persons concerned. If these, why not the other domestic relations?

You will recall that the income tax amendment was to be resorted to only in emergencies. Now the power to tax securities of States and their subdivisions is earnestly urged because the holders of them escape payment of income tax upon the proceeds of their investment. Grant this right of taxation and the interest required to be paid on State securities will prevent their issue and the National Government will step in to finance the necessary governmental project. It is then the plan and purpose of the latter, or by complete regulation will be made so. The power to tax these securities naturally carries the power to prevent their issue and to destroy this function of State governments.

So with the other proposed amendments. The sentiment behind the proposed abridgment of the powers of the Supreme Court is powerful; adopt this in any one of its many proposed forms and you cut the very heart from our body politic. When this is adopted not only the States but the fundamentals will be gone. Freedom of speech, of the press, and liberty of conscience will be imperiled. The Constitution shall become a collection of high-sounding but meaningless words.

Begun just after the Civil War, this centralizing tendency developed into a so-called progressive movement less than two decades ago, and it has grown to such proportions that the advocacy of any theory to correct public ills must bear its stamp. Politicians have been quick to take advantage of it, so-called "big business" uses it when convenient, social welfare workers thrive upon it, legislative combines have been formed under its protection, until to question the efficacy of any measure proposed in its name is to become a reactionary and the enemy of matters substantial in the body politic. Commenced in the proper spirit, now it has grown to be the refuge of the radical, the citadel of the socialist, the hope of the communist.

The States are no longer looked to to furnish guidance for the welfare of the citizens or to secure to them the protection of their basic rights. Without discussing the causes—and they are many—there is in reality a revolution going on in the land. A prominent political scientist recently remarked that all the revolutions occurring in other parts of the world were not "a hill of beans to the one taking place in this country." The student must admit that as a result of this movement there has been a material change in our governmental organization. When the powers of the States are finally destroyed the limited bounds of the National Government will be removed and there will be in this land a social democracy as autocratic as the present Russian régime. It will not do to say that this can not happen. Although not an alarmist, I submit that a study of recent enactment and proposed amendments prove, consciously or otherwise, that it is now being projected.

Are we prepared to sponsor this character of change in our Government? Shall we meet the issue now and prevent it from taking further tangible form?

"The people of every State must feel a deep interest in resisting principles so destructive of the Union and in averting consequences so fatal to themselves." The American people, heterogeneous though they be, are deeply and intensely imbued with a spirit of loyalty to their respective States and to the Republic. Undoubtedly this method of destruction has not become thoroughly manifest to them. I predict many Members of Congress have not completely sensed it. There has been an unconscious retrogression from the system that is responsible for our tranquillity at home and greatness abroad.

Amid the vicissitudes and fortunes of our political life for a century and a half, members of the bar have been the leaders of constructive thought and action in the Nation. There should be, therefore, an individual sense of responsibility on the part of each of us and a stern determination to stem this tide of destruction. The fight then is ours. A recognition of compelling duty urges us to sound the note of warning. If our Republic of to-day disintegrates into a social democracy to-morrow, it will be our fault; it can be none other.

I choose to believe that success will crown our efforts; that the people will not abandon the structure the Fathers reared; that the concentrating tendencies of to-day will be checked; that we shall hand down to posterity a Government "upon which the world may gaze in admiration forever."

A DEFENSE OF THE OIL INDUSTRY AS SUCH

Mr. HOWELL. Mr. President, in connection with the discussion of our oil resources, I ask unanimous consent to have printed in the RECORD a speech by Senator HARRELD, of Oklahoma, at the International Petroleum Congress held at Tulsa, Okla., October 7, 1924.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is here printed, as follows:

Senator HARRELD. Mr. Chairman, the oil industry comes in for much unjust criticism. I saw in a cathedral at Milan, Italy, a statue—a work of art. It was the statue of a man who had been skinned alive. His skin, including his scalp and toe nails, was thrown around the figure as a Roman toga was worn in the days of Roman greatness. In his hand was held the Holy Bible, and he was in the attitude of preaching. It purported to be the statue of St. Bartholomew, one of the Twelve Disciples of Christ. Tradition has it that St. Bartholomew was a Roman, the only one of the twelve who was not a Jew, and that he was finally skinned alive for his faith; that he lived for three days and continued to preach. Men are not skinned alive for their faith in these days, but they are skinned alive with criticism that is often as unjust and unmerited as was the actual skinning of St. Bartholomew. The unjust criticism that those engaged in the oil industry suffer has impelled me to come to their defense. I, too, in the past have lifted my voice in criticism of those engaged in the business, but always in criticism of specific acts of wrongdoing and never in condemnation of the industry. Wrongdoing should be criticized. It is not just criticism I am condemning, but unjust criticism. This unjust criticism of the oil industry has brought it into public disrepute. In the earlier days of the development of the industry those engaged in it were guilty of practices that were very reprehensible. Larger companies would do anything to stifle competition and to crush out the smaller concerns. This is, to some extent, responsible for the present public distrust of the industry. Much of this is a thing of the past. The industry is now organized along different lines and realizes that public favor is a thing to be desired, and that they can not have it unless they merit it by ethical conduct. There are still those companies and individuals engaged in the industry, however, who do not do business on the lines of the Golden Rule. They are the "Peck's bad boys" of the industry, to use the words of another. It should be the duty and delight of the others of the industry to see to it that such practices are not indulged, thus bringing the industry into disrepute. Because one or two of these bad boys of the industry continually play an unfair game is no reason for condemning the entire industry, unless the industry fails to use its power to punish those who are guilty. The situation to-day is such that the whole industry is in bad repute because of the crookedness of these few "bad boys" who persist in their course. The acts of a few have brought suspicion and distrust of the whole. So acute is this feeling of distrust that if a man who has ever been engaged in the oil business essays to run for office they whisper, "Why, that man is an oil man," or if he seeks an appointive office they say, "I don't think we can appoint him because of his oil connection."

To the general public it is the acme of perfidy for a man to be connected with the oil business. Of course, this frame of public mind, which brings under condemnation everyone who engages in the oil business, is augmented by the wail of the demagogue. It suits his purpose to seize upon some specific act of wrongdoing, committed by some man or company engaged in the oil business, and allege these specific acts to be the rule, when as a matter of fact they are the exception. I have found it so in my experience in the oil business. It is unfair to the industry, should be resented, and must be resented and refuted by the industry if it would gain the confidence of the public. It is not my purpose in this address to condone any of these offenses committed by the "Peck's bad boys" of the industry, but rather to condemn them, not as the acts of the industry, but as the acts of certain individuals or companies, from the effects of which the industry as a whole unjustly suffers, just as the whole Government suffers for the acts of some crooked official or as the general public suffers for the acts of a few criminals. The industry should make every effort to purge itself of responsibility. It is only by doing so that it can gain the public esteem to which, as an industry, it is entitled. In what I shall say I am only interested in the industry as a whole. Some things I may say may sound like an attempt to justify the crooked element. This is far from my intention. Any seeming justification I may utter I hope will be considered only in that greater perspective—a defense of the industry as a whole. As a whole it is an industry of which any American can be proud; its development has been remarkable, abounding in every element of romance and adventure. It has made possible the growth of its twin, the automotive industry. Because of it, every seventh man and woman of this country owns and operates his own automobile for business or pleasure. It has put at every man's door the products of crude petroleum, which are so necessary to the comfort of man. It has made pleasant the humdrum country life. It has saved lives and property from loss by making quick movements from one place to the other possible. It has contributed more to the sum total of human happiness than any other human agency. Why, then, should the public treat it as an enemy? Why should the industry, justly proud of its progress and achievements, not be given the meed of praise which it merits? Why should not the industry be encour-

aged to weed out those elements which have brought this unjust criticism down upon it? If I can say a word which will serve to mitigate this criticism, that will point out to the industry a method by which it can reinstate itself into the good graces of the public, I shall feel amply repaid for the effort.

To be connected with the Standard Oil Co. or any of its group is especially to be the target for criticism. The public does not draw a line between what President Roosevelt designated as "good trusts" and "bad trusts." It considers all oil men bad because part are bad. All men who engage in the trade are to the public Standard Oil men. It does not know that many of the Standard Oil companies conduct their business upon a high and ethical plane and are no more responsible for the conduct of the "bad boys" of the Standard group than is some company not engaged in the industry at all. The public does not stop to think that great aggregations of capital are necessary to the proper conduct of the business in order that the products of the trade can be brought to its very doors. If we did not have the Standard group to furnish this capital to build pipe lines, refineries, and distributing agencies, we would have some other group which might be worse. I would not, for an instant, favor destroying the Standard Oil interests, because they are absolutely necessary to the industry. Without it the independent producer, who stabilizes the industry as no other agency, could not thrive. I would, however, favor placing the detaining hand of the Government upon them when they do wrong and see to it that they do not continue to bring the industry into disrepute, just as I would favor prosecuting any individual who violates the law. Our position toward the Standard group should be exactly the same as toward every other company or individual. We should be with them when they are right and against them when they are wrong. They should not want us to be otherwise. They, like others engaged in the industry, should know that the good will of the public is worth procuring, even at the expense of a part of their profits. If they or any other person connected with the industry can not see it that way, they should be made to see it that way. The interest of the industry as a whole is greater than that of any part.

This industry, which, save for the agricultural industry, is the largest in this land of ours, depends for its life and welfare more upon the good will of the public than any other. To a certain extent it is a necessity, but largely its products are luxuries. Men can go on strike, quit buying gasoline, quit using cars and thus cut down consumption to the point that will be disastrous to the industry. The oil industry has suffered economically during the last two years largely because the consumption has not been up to expectations. You let the public become convinced that they are being fleeced by the industry and there will be a still greater fall off in consumption. I repeat, it behooves the industry to keep the good will of the public. This is self-evident. How best can the public good will be again acquired and kept? Perhaps by studying the causes for this distrust and concerted action to remove the causes. Let us consider a few of these causes.

This feeling of antagonism against the industry has been augmented in several ways within the last two years. The leasing of the naval oil reserves in violation of the conservation policy of Congress, and in violation of every concept of the welfare of the public as well as every concept of the welfare of the industry, has done more to intensify this distrust of the industry than any other one thing. This is true aside from the sordid aspects that developed afterwards and are not to be condoned. The industry, as such, had nothing whatever to do with it and deprecates it as much or more than any other class of our people. Yet it is peculiarly the object of the attacks engendered by this act. It involved only a few persons, a part of whom were actuated by desires for personal gain at the expense of the public and a part of whom were simply the advocates of the policy of immediate development of the public domain and out of accord with the policy of conservation. The oil industry as a whole are naturally advocates of conservation. They have seen the direful effects upon the industry of overproduction. Nothing has such a calamitous effect upon the industry as throwing upon the market vast quantities of production at a time when production exceeds consumption. No one knows this better than the oil producer. He is naturally, therefore, the advocate of conservation. To him the well-defined policy of Congress to hold these naval reserves until such time as consumption exceeds production is a conviction. He is a conservationist of his own resources wherever the conditions existing in an oil field where he is operating will warrant. To him the opening of these naval oil reserves was nothing short of a calamity to the industry. He was obliged to stand by and see the cupidity of a few of those connected with the industry, who, acting in conjunction with a few misguided if not corrupt public officials, threw upon an already congested market the vast production which could have, and should have, been held sacredly in nature's storage, not only for the future needs of our Navy but for the present protection of the oil industry itself, already overburdened with an ever-increasing overproduction. Shall the industry as such now be held in contempt and suffer the indignities heaped upon it by the demagogue, who knows nothing of the industry except such information as he gets from the sordid record disclosed by the Senate investigating committee? We think it unjust to hold the industry responsible for something which it could not avoid and which it would have opposed with all its power if it had had the opportunity.

Another thing that has served to bring the oil industry into disrepute with the public is the disclosure of the La Follette oil investigating committee of the advantage that some refining companies have by reason of patent cracking processes held by them. It was shown that in at least one instance the entire production of one oil field was refined by one refining company, that the entire residue from this refinery was then passed on to another refinery near by, owned by another refining company, rerun by this refinery, and by the use of one of these exclusively owned processes as much again of gasoline was extracted. The public can see from these facts that it is compelled to pay two adequate profits where it should only pay one. It is easy for those who make it a business to discredit the industry to argue to the public that this is responsible for an increase in the price of gasoline to the consuming public, and, based on this premise, they can build a convincing argument to substantiate their claims that other and greater advantages are taken of the public by those engaged in the industry. It does not satisfy the public to argue that the Government, in order to encourage the invention of labor-saving and production-increasing devices and formulas, gives to the inventor an exclusive patent on the use of such formulas and devices. It can only see that thus the cost to the consuming public is augmented. It does not stop to consider the specious argument in favor of the granting of these exclusive patents—that but for this incentive perhaps these new processes would not have been discovered. It only knows that whereas it should only pay one profit it is now paying two, and that thus it pays more than it should for the gasoline it consumes. I understand the Department of Justice has taken upon itself the task of rectifying this inequality. The industry as a whole would benefit by some adjustment of this advantage that some companies have over others. At least it would remove one of the prolific causes of public mistrust of the industry. Those who have this advantage may be expected to fight hard to keep the underhold they have, yet, again, we must deal here with the industry as a whole, and such advantages by the few are greatly to the disadvantage of the industry.

Again the industry has been shown up in an unfavorable light in the recent Fort Worth prosecutions of postal frauds. The public is not inclined to differentiate between the oil stock promoters on the one hand, and the oil producer on the other, largely because many times the same persons or companies are engaged in both producing oil and promoting oil stock sales. The promoter who fleeces the public by selling fake stocks is not usually connected with the oil business and has no part in the glory that attaches to those who have built the industry. Here again the legitimate industry suffers unjustly. The necessity for large funds in the proper development of oil production makes it necessary for the man or company engaged in the business, at times, to resort to the expediency of offering for sale new stock in his company. In doing so he must show up the advantages of his proposition and the prospects for its success, just as any banker or industrial concern must do when it wants to sell stock. This is legitimate business procedure. The wonderful growth of the oil industry, which has taken place before the eyes of the public, has created a desire in the hearts of investors, the country over, to invest in oil securities, and this desire also animates every poor person who has heard of the wonderful returns made in isolated cases. This gives the unscrupulous stock salesman not only an opportunity to offer fake stocks for sale, but he also often overstates the merits of stocks in reputable companies whose stocks may fall into his hands for sale. I know of no way to prevent him from plying his nefarious trade, except to prosecute him as was done at Fort Worth, but I do think that the public should understand that the oil industry is just as little to blame for his acts as the gullible victim. Oftentimes these stock salesmen are reputable, and are led to make misstatements by the misrepresentations made to them by others, which they believe. Many others make no misstatements of fact, but sell to those who expect too much return from such investments, and turn upon the salesman with all the viciousness of a wild animal when they don't get them. They themselves swear falsely against the salesman when they don't get an hundred fold return in a short time. It is related that one of these oil stock salesmen persuaded St. Peter to let him into heaven upon his promise to rid heaven of some other oil stock salesmen who had slipped by, and which St. Peter could not dislodge. In a day or two all these salesmen appeared at the gate and asked leave to depart for hades. Upon inquiry St. Peter found that this salesman in his effort to dislodge them had represented to them that oil had been discovered in hell, and so convinced them that they decided to go there in a body. A few days later this other salesman also asked permission to go there,

saying he had convinced himself that probably there was oil there. They certainly are convincing talkers, and on the whole are a detriment to the industry, but the industry as such should not be chargeable with their derelictions, and to the credit of the industry it has insisted upon and aided in the prosecution of these offenders.

One criticism of the oil industry which makes strained relations between it and the public is the charge that gasoline sells too high. If it does, and there is room for doubt on that point, to what extent is the industry chargeable for that condition? The producers complain that existing prices for crude are such that the business is paralyzed, and it is. The refiner complains that present prices make the refining business unprofitable, and they do. From the finding made by the Federal Trade Commission in April, 1921, it appears that the refiner was making a profit of only 8½ cents per barrel, which is not exorbitant. Yet the fact that certain governors of certain States, by purchasing with State money what refiners call "distress gasoline"; that is, gasoline sold at forced sale below cost of production, were able to resell to the public at reduced prices, convincing the public that the whole oil industry is in the hands of outlaws, profiteers, and crooks. They were able to do this partly because they cut out the profits of the middlemen of the industry, and sold direct to the consumer. They sold it through State employees and agencies. Right here is where the oil producers and the oil refiners can do a real service to the public and to themselves if they can hold down the spread between the producer of crude and its products and the consumer. It is true that there is too much spread between what the producer gets and what the consumer pays in the case of almost every commodity. I saw where some man had figured out that at the rate he paid for an order of toasted bread at a hotel wheat should be selling at $60 per bushel. Producers in other lines are getting their eyes open as to this immense spread, and the public is aroused over it. Without criticizing those of the industry who are engaged in the barter and sale of gasoline I do want to say that this spread between the price of gasoline at the refinery and the consumer is doing much to bring the whole industry into disrepute. The people are no fools. They know that when they buy gasoline they are paying for these handsome filling stations that adorn all the valuable corners in every city and town. They know that when there are four filling stations where there is need for only one, that they are paying for the overhead. An effort should be made by the industry, organized as it is, to reduce this spread or at least to keep it from getting wider. One of two things is absolutely true, gasoline will have to be sold higher to cover this increased spread, or the refiner will have to reduce the price to the jobber or retailer to cover it, and then pay less for his crude. The latter is most likely for the public is not in a mood to pay higher prices at the filling stations, and, as I said before, it will go on strike and slack up in buying before it does so.

The oil industry is entitled to credit by the public for many things for which it is denied credit. For instance, no profiteering was indulged in by the industry during the war. There may be something in the charges that at various periods in time of peace the price of gasoline has not followed the law of supply and demand, but the war period was not one of them. The prices of petroleum products during the war never at any time was excessive, nor failed to reflect truly the cost of production with a very reasonable profit. It was not until after the war that gasoline reached its highest price on the market; yet then its index price was only 170 as compared with 424 for potatoes, 296 for sugar, 295 for clothing, and 276 for flour. At this same time all index prices for all commodities had reached the high point, and in comparison oil products was lowest of all. The oil industry can justly be proud of the patriotism it displayed by refusing to take advantage of a condition under which it could easily have exploited the public during the war.

The oil industry has made it possible for the American people to ride on the whirlwind while the rest of humanity crawls. We not only produce 49 per cent of the world's supply of oil, but we consume 44 per cent of it. England has one automobile to every 43 inhabitants, while we have one for every seven. Instead of being proud of the fact that America leads in the finding, producing, refining, distributing, and using of this magic fluid, the industry is vilified at home, traduced abroad by our own citizens, and made the target of every demagogue and a byword among our own people. It is neither just nor wise to imperil an industry which has accomplished so much for the country, and which provides a livelihood for millions of our citizens, and upon which the very life of our other industries and commerce depends. I urge that the industry so conduct itself as to be worthy of the confidence of the public, and then to see to it that it is respected by the public as it merits to be respected.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

OSAGE INDIAN LANDS AND FUNDS IN OKLAHOMA

Mr. OWEN. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 959, House bill 5726, relative to Osage Indian lands and funds.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" which had been reported from the Committee on Indian Affairs with amendments.

Mr. OWEN. I offer certain minor amendments to the committee amendments, which are acceptable to the committee. There is no objection so far as I know on the part of the members of the committee. The chairman of the committee is present.

Mr. HARRELD. I am authorized by the committee to accept the amendments in order that the matter may go to conference. I will state for the benefit of the Indians' counsel, who are opposed to some of the amendments, that in order that the matter may go to conference I am willing to accept them.

The PRESIDENT pro tempore. The amendments proposed by the Senator from Oklahoma to the amendments of the committee will be stated in their order as reached.

The first amendment of the Committee on Indian Affairs was, on page 1, line 7, after the word "heir," to insert "or devisee," so as to read:

Be it enacted, etc., That the Secretary of the Interior shall cause to be paid at the end of each fiscal quarter to each adult member of the Osage Tribe of Indians in Oklahoma having a certificate of competency his or her pro rata share, either as a member of the tribe or heir or devisee of a deceased member, of the interest on trust funds, the bonus received from the sale of oil or gas leases, the royalties therefrom, and any other moneys due such Indian received during each fiscal quarter, including all moneys received prior to the passage of this act and remaining unpaid; and so long as the accumulated income is sufficient the Secretary of the Interior shall cause to be paid to the adult members of said tribe not having a certificate of competency $1,000 quarterly, except where such adult members have legal guardians, in which case the amounts provided for herein may be paid to the legal guardian or direct to such Indian, in the discretion of the Secretary of the Interior, the total amounts of such payments, however, shall not exceed $1,000 quarterly, except as hereinafter provided.

The amendment was agreed to.

The next amendment was, on page 2, line 16, after the word "age," to insert "and above 18 years of age," and in line 17, after the word "minors," to insert "and out of the income of minors under 18 years of age, $500 quarterly," so as to read:

and shall cause to be paid for the maintenance and education, to either one of the parents or legal guardians actually having personally in charge, enrolled or unenrolled, minor member under 21 years of age, and above 18 years of age, $1,000 quarterly out of the income of each of said minors, and out of the income of minors under 18 years of age, $500 quarterly, and so long as the accumulated income of the parent or parents of a minor who has no income or whose income is less than $500 per quarter is sufficient, shall cause to be paid to either of said parents having the care and custody of such minor $500 quarterly, or such proportion thereof as the income of such minor may be less than $500, in addition to the allowances above provided for such parents.

The amendment was agreed to.

The next amendment was, on page 3, after the word "investments," to strike out "not exceeding $500 a quarter," so as to read:

Rentals due such adult members from their lands and their minor children's lands and all income from such adults' investments shall be paid to them in addition to the allowance above provided.

The amendment was agreed to.

The next amendment was, on page 3, line 10, after the word "shall," to insert "in case the Commissioner of Indian Affairs finds that such adults are wasting or squandering said income," so as to read:

All payments to adults not having certificates of competency, including amounts paid for each minor, shall, in case the Commissioner of Indian Affairs finds that such adults are wasting or squandering said income, be subject to the supervision of the superintendent of the Osage Agency.

The amendment was agreed to.

The next amendment was, after the word "agency," on page 3, line 13, to insert the following proviso:

Provided, That if an adult member, not having a certificate of competency so desires, his entire income accumulating in the future from the sources herein specified shall be paid to him without supervision, unless the Commissioner of Indian Affairs shall find, after notice and hearing, that such member is wasting or squandering his income, in which event the Secretary of the Interior shall pay to such member only the amounts hereinbefore specified to be paid to adult members not having certificates of competency.

The amendment was agreed to.

The next amendment was, on page 3, line 22, after the word "invest," to strike out "or deposit the remainder, after paying all of the taxes of those members whose funds are subject to his supervision, as provided by existing law: *Provided*, That any part of such remainder, including minor's funds, not to exceed $10,000, may be expended for the benefit of such member of the tribe for the specific purpose of purchasing or improving a home, and any additional amount may be expended in the prevention of or cure of any member or minor afflicted with tuberculosis or by any lingering or dangerous disease, when authorized by the Commissioner of Indian Affairs and expended under his direction and supervision" and insert:

the remainder, after paying the taxes of such members, in United States bonds, Oklahoma State bonds, real estate, first mortgage real estate loans not to exceed 50 per cent of the appraised value of such real estate, and where the member is a resident of Oklahoma such investment shall be in loans on Oklahoma real estate, stock in Oklahoma building and loan associations, livestock, or deposit the same in banks in Oklahoma, or expend the same for the benefit of such member, such expenditures, investments, and deposits to be made under such restrictions, rules, and regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall not make any investment for an adult member without first securing the approval of such member of such investment.

The amendment was agreed to.

The next amendment was, on page 5, line 1, after the word "application," to insert "or approval," so as to read:

No guardian shall be appointed except on the written application or approval of the Secretary of the Interior for the estate of a member of the Osage Tribe of Indians who does not have a certificate of competency or who is of one-half or more Indian blood.

The amendment was agreed to.

The next amendment was, on page 5, line 4, after the word "blood," to insert:

All moneys now in the possession or control of legal guardians heretofore paid to them through mistake of law and which should have been reserved by the Secretary of the Interior under the act of Congress of March 3, 1921, relating to the Osage Tribe of Indians, shall be returned by such guardians to the Secretary of the Interior, and all property, bonds, securities, and stock purchased, or investments made by such guardians out of said moneys paid them shall be delivered to the Secretary of the Interior by them, to be held by him or disposed of by him as he shall deem to be for the best interest of the members to whom the same belongs. Such purchases and investments made by legal guardians are hereby declared to be legal when approved by the Secretary of the Interior. The expenditure of any part of such funds so paid which have been made by such guardians in accordance with the laws of Oklahoma are hereby declared to be legal when approved by the Secretary of the Interior. Moneys used in investments and expenditures by legal guardians which are not approved by the Secretary of the Interior shall be accounted for by such legal guardians to him under such rules and regulations as he may prescribe. All bonds, securities, stocks, and property purchased and other investments made by legal guardians shall not be subject to alienation, sale, disposal, or assignment without the approval of the Secretary of the Interior. Any indebtedness lawfully incurred by guardians may be paid out of the funds of the members for whom such indebtedness was incurred by the Secretary of the Interior when approved by him.

The amendments to the committee amendment were, on page 5, line 12, after the word "them," to insert "now in their possession"; in line 15, before the word "purchases," to strike out "such" and insert "moneys expended and"; in line 16, after the word "guardians," to insert "in accordance with the laws of the State of Oklahoma"; in line 16, after the word "legal," to strike out all down to and including line 24; on page 6, line 4, before the word "lawfully," to insert "heretofore"; in the same line, after the word "guardians," to strike out "may" and insert "shall"; and in line 6, after the words "Secretary of the Interior," to strike out "when approved by him."

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 6, line 7, after the word "funds," to insert "other than as above mentioned," so as to read:

All funds other than as above mentioned, and other property heretofore or hereafter received by a guardian of a member of the Osage Tribe of Indians, which was theretofore under the supervision and control of the Secretary of the Interior or the title to which was held in trust for such Indian by the United States, shall not thereby become divested of the supervision and control of the Secretary of the Interior or the United States be relieved of its trust; and such guardian shall not sell, dispose of, or otherwise encumber such fund or property without the approval of the Secretary of the Interior, and in accordance with orders of the county court of Osage County, Okla.

The amendment was agreed to.

The next amendment to the committee amendment was, in section 2, page 7, line 1, before the name "Osage," to insert the word "restricted"; in the same line, after the word "Indians," to insert "of one-half or more Osage Indian blood"; the committee proposed at the end of the same line, after the words just inserted, after the word "Indians," to insert the words "inherited by or bequeathed to them"; and in line 6, after the word "heirs," to insert "or devisees," so as to read:

SEC. 2. All funds of restricted Osage Indians of one-half or more Osage Indian blood inherited by or bequeathed to them accruing to their credit and which are subject to supervision as above provided, may, when deemed to be for the best interest of such Indians, be paid to the administrators of the estates of deceased Osage Indians or direct to their heirs or devisees, in the discretion of the Secretary of the Interior, under regulations to be promulgated by him.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 2, page 7, line 8, after the word "him," to insert:

The Secretary of the Interior shall pay to administrators and executors of estates of deceased Osage Indians a sufficient amount of money out of said estates to pay all lawful indebtedness and costs and expenses of administration, when approved by him, and out of the shares belonging to heirs or devisees he shall pay the costs and expenses of such heirs or devisees, including attorneys' fees, when approved by him, in the determination of heirs or contest of wills.

The amendment to the committee amendment was, on page 7, line 9, before the word "deceased," to insert the word "such."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 3, on page 8, after the word "Interior," to insert:

The homestead selection of a member of the Osage Tribe shall be nontaxable so long as the title remains in the original allottee.

Mr. OWEN. I ask that the amendment be rejected.

The committee amendment was rejected. Section 3, unamended, reading as follows:

SEC. 3. Lands devised to members of the Osage Tribe of one-half or more Indian blood or who do not have certificates of competency, under wills approved by the Secretary of the Interior, and lands inherited by such Indians shall be inalienable unless such lands be conveyed with the approval of the Secretary of the Interior. Property of Osage Indians not having certificates of competency purchased as hereinbefore set forth shall not be subject to the lien of any debt, claim, or judgment except taxes or be subject to alienation, without the approval of the Secretary of the Interior.

The next amendment was, in section 4, on page 8, line 15, after the word "granted," to insert the following proviso: "*Provided*, That all just indebtedness of such member existing at the time his certificate of competency is revoked shall be paid by the Secretary of the Interior, or his authorized representative, out of the income of such member, in addition to the quarterly income hereinbefore provided for: *And provided further*, That such revocation or cancellation of any certificate of competency shall not affect the legality of any transactions theretofore made by reason of the issuance of any certificate of competency," so as to make the section read:

SEC. 4. Whenever the Secretary of the Interior shall find that any member of the Osage Tribe of more than one-half Indian blood, to whom has been granted a certificate of competency, is squandering or misusing his or her funds, he may revoke such certificate of competency after notice and hearing in accordance with such rules and regulations as he may prescribe, and thereafter the income of such member shall be subject to supervision and investment as herein provided for members not having certificates of competency to the same extent as

if a certificate of competency had never been granted: *Provided*, That all just indebtedness, etc.

The amendment was agreed to.

The next amendment was, in section 5, page 8, line 24, after the word "or," to strike out "who causes or procures" and insert "convicted of causing or procuring," so as to make the section read:

SEC. 5. No person convicted of having taken, or convicted of causing or procuring another to take, the life of an Osage Indian shall inherit from or receive any interest in the estate of the decedent, regardless of where the crime was committed and convictions obtained.

The amendment was agreed to.

The next amendment was, in section 6, page 9, line 7, before the word "funds," to insert "payment of," so as to make the section read:

SEC. 6. No contract for debt hereafter made with a member of the Osage Tribe of Indians not having a certificate of competency shall have any validity, unless approved by the Secretary of the Interior. In addition to the payment of funds heretofore authorized, the Secretary of the Interior is hereby authorized in his discretion to pay, out of the funds of a member of the Osage Tribe not having a certificate of competency, any indebtedness heretofore or hereafter incurred by such member by reason of his unlawful acts of carelessness or negligence.

The amendment was agreed to.

The next amendment was, on page 9, after line 13, to insert the following additional section:

SEC. 7. Hereafter none but heirs of Indian blood of those who are of one-half or more Indian blood of the Osage Tribe of Indians shall inherit or acquire any right, title, or interest by inheritance in or to any restricted lands, moneys, or mineral interests of the Osage Tribe or of any enrolled member thereof: *Provided*, That if there be no heirs as above provided or descendants of such persons to take by inheritance, such lands, moneys, or mineral interests, the said property shall revert to the Osage Tribe of Indians.

The next amendments to the amendment proposed by the committee were in section 7, page 9, at the end of line 14, strike out the word "of" and insert "shall inherit from"; in line 16, after the word "Indians," to strike out "shall inherit or acquire"; in line 17, after the word "interest," to strike out "by inheritance in or"; and in line 18, after the name "Osage Tribe," to strike out "or of any enrolled member thereof," so as to read:

SEC. 7. Hereafter none but heirs of Indian blood shall inherit from those who are of one-half or more Indian blood of the Osage Tribe of Indians any right, title, or interest to any restricted lands, moneys, or mineral interests of the Osage Tribe.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The next amendment to the committee amendment was, in section 7, page 9, line 19, after the word "*Provided*," to strike out the remainder of the proviso and insert "This section shall not apply to spouses under existing marriages," so as to make the proviso read:

Provided, That this section shall not apply to spouses under existing marriages.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 9, after line 22, to insert the following additional section:

SEC. 8. Any member of the Osage Tribe of any degree of Indian blood to whom has been granted a certificate of competency and for whom, either for his person or his estate, has heretofore been appointed a guardian by the proper court and who is still under such guardianship, and any such member who is hereafter placed under guardianship, either for his person or for his estate, by the proper court, shall be deemed incompetent, and his certificate of competency shall be revoked by the Secretary of the Interior, and thereafter he shall be subject to the same rules and regulations of the Secretary of the Interior and his property subject to the control and regulations of the Secretary of the Interior to the same extent as if a certificate of competency had never been granted: *Provided*, That out of the income of such member, in addition to the quarterly payment herein provided for, he shall pay all just indebtedness of such member existing at the time his certificate of competency is revoked.

The amendments to the committee amendment were, in section 8, page 9, line 23, after the word "of," to strike out "any degree of" and insert "one-half or more"; on page 10, line 4, after the word "court," to strike out "shall be deemed" and insert "may be declared"; in line 5, before the word "and," to insert "after notice and hearing by the Secretary of the Interior"; in the same line, after the word "competency," to strike out "shall" and insert "may"; and in line 6, before the word "and," to insert "if he be found to be squandering his funds," so as to make the section read:

SEC. 8. Any member of the Osage Tribe of one-half or more Indian blood to whom has been granted a certificate of competency and for whom, either for his person or his estate, has heretofore been appointed a guardian by the proper court and who is still under such guardianship, and any such member who is hereafter placed under guardianship, either for his person or for his estate, by the proper court, may be declared incompetent, after notice and hearing by the Secretary of the Interior, and his certificate of competency may be revoked by the Secretary of the Interior, if he be found to be squandering funds, and thereafter he shall be subject to the same rules and regulations of the Secretary of the Interior and his property subject to the control and regulations of the Secretary of the Interior to the same extent as if a certificate of competency had never been granted: *Provided*, That out of the income of such member, in addition to the quarterly payment herein provided for, he shall pay all just indebtedness of such member existing at the time his certificate of competency is revoked.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossd, and the bill to be read a third time.

The bill was read the third time and passed.

TOBACCO GROWERS' COOPERATIVE MARKETING ASSOCIATIONS

Mr. BRUCE. Mr. President, may I be allowed to say that it was I who objected yesterday to the immediate consideration of the resolution relating to the Tobacco Trust? I did so simply because I desired to have an opportunity to read the resolution, which I had never done. So far from having any objection to the general purpose of the resolution, I was entirely in sympathy with it. Among other reasons, if I may indulge in a little personal reminiscence, I recollect one of the last things I ever heard my father say, who was a tobacco planter in the State of Virginia, was that he trusted the American Tobacco Co. would at least establish an asylum in that State for decayed tobacco planters. Naturally enough, I am disposed to see that the investigation is pushed to every legitimate limit.

Mr. SMITH. Mr. President, I ask unanimous consent for the present consideration of Senate Resolution 329, directing the Federal Trade Commission to investigate the interrelationship between the American Tobacco Co. and the Imperial Tobacco Co., and their agreement to embarrass tobacco growers' cooperative marketing associations.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent for the present consideration of Senate Resolution 329. Is there objection?

Mr. NORRIS. I have not any objection to the present consideration of the resolution, but when it is before the Senate I desire to offer an amendment.

There being no objection, the Senate proceeded to consider the resolution submitted yesterday by Mr. ERNST, which was read, as follows:

Whereas it has been stated openly that an agreement exists between the American Tobacco Co. and the Imperial Tobacco Co. of Great Britain whereby the American Tobacco Co. will sell no tobacco in Great Britain and the Imperial Tobacco Co. will sell no tobacco in the United States; and

Whereas such an agreement gives the Imperial Tobacco Co. a practical monopoly on certain types of tobacco grown in Virginia, North Carolina, and South Carolina and a special interest in certain types of tobacco grown in Kentucky and purchased in the United States by the local resident agents of the Imperial Tobacco Co. and processed in the United States in its plants, and the same agreement gives the American Tobacco Co. a special interest in other types grown in those States; and

Whereas the growers of leaf tobacco have formed great cooperative organizations, known as the Tobacco Growers' Cooperative Association, the Dark Tobacco Growers' Cooperative Association, the Burley Tobacco Growers' Cooperative Association, comprising an aggregate of more than 270,000 grower members for the cooperative marketing of the tobacco of their members; and

Whereas such cooperative associations have been organized along lines encouraged by this Government and have been financed in part by the War Finance Corporation and the intermediate credit banks; and

Whereas the American Tobacco Co. and the Imperial Tobacco Co. are opposed to the formation of cooperative marketing associations among

tobacco growers and desire to destroy them, and have attempted to discourage members by purchasing leaf tobacco from nonmember growers at higher prices than tenders theretofore made by such cooperative associations, and have induced and encouraged breaches of contracts between members and the cooperative associations contrary to the terms of the members' agreements with the associations; and

Whereas the said companies have practically boycotted the said cooperative associations and, by reason of their special interests in certain types, have caused great damage and harm to the cooperative associations; and

Whereas the aforesaid agreement stops competition between the said companies in the purchase from the growers of the types of tobacco used by the American Tobacco Co. and the Imperial Tobacco Co. and enables one company or the other to control the purchase and marketing of these types; and

Whereas acts on the part of these two companies cause leaf tobacco to be diverted from the cooperative associations to these companies, directly or indirectly, in spite of the contracts between the growers and the cooperative associations; and

Whereas such conduct on the part of such companies appears to be unfair practice in pursuance of an illegal agreement to restrict and restrain competition and trade in leaf tobacco in interstate commerce: Now, therefore, be it

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the President of the United States on or before July 1, 1925, the present degree of concentration and interrelation in the ownership, control, direction, financing, and management through legal or equitable ownership of stocks, bonds, or other securities or instrumentalities, or through interlocking directorates or holding companies, or through agreements, or through any other device or means whatsoever by the American Tobacco Co. and the Imperial Tobacco Co.; and also particularly to investigate the methods employed by these companies in their fight against cooperative marketing associations and any boycott thereof; and also particularly to investigate any agreements or arrangements made by said companies to embarrass or injure any such cooperative associations or to cause discouragement or breaches of contracts between growers, members, and the said cooperative associations; and

Resolved further, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury to permit the said Federal Trade Commission in making such investigation to have access to all official reports and records in any or all of the bureaus of said Treasury Department.

Mr. NORRIS. I desire to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Nebraska offers the amendment, which will be stated.

The READING CLERK. On page 4, after line 6, insert the following:

Whereas it has been alleged on the floor of the Senate during the course of a debate upon a bill relating to the disposition, operation, management, and control of the water-power and steam-power plant with their incidental lands, equipment, fixtures, and properties, that a corporation known as the General Electric Co. has acquired a monopoly or exercises a control in restraint of trade or commerce in violation of law of or over the production and distribution of electric energy and the manufacture, sale, and distribution of electrical equipment and apparatus: Therefore be it

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Co., or the stockholders or other security holders thereof, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power, whether produced by steam, gas, or water power; and to report to the Senate the manner in which the said General Electric Co. has acquired and maintained such monopoly or exercises such control in restraint of trade or commerce and in violation of law.

Resolved further, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury, under such rules and regulations as the Secretary of the Treasury may prescribe, to permit the said Federal Trade Commission to have access to official reports and records pertinent thereto in making such investigation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. MOSES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Brookhart	Cummins	Fess	Johnson, Calif.
Bruce	Curtis	Harreld	Jones, Wash.
Bursum	Ernst	Heflin	Kendrick
Couzens	Ferris	Howell	Keyes
King	Norbeck	Phipps	Stanfield
McKellar	Norris	Sheppard	Swanson
McNary	Overman	Shipstead	Wheeler
Means	Owen	Simmons	Willis
Moses	Pepper	Smith	

The PRESIDING OFFICER (Mr. MOSES in the chair). Thirty-five Senators having answered to their names, there is not a quorum present.

RECESS

Mr. CURTIS. Mr. President, I move that the unanimous-consent order be carried out, and that the Senate now take a recess until 12 o'clock on Monday next.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate took a recess until Monday, February 9, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 7 (legislative day of February 3), 1925

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

QUARTERMASTER CORPS

Second Lieut. Philip Mapes Shockley, Field Artillery, with rank from July 3, 1923.

SIGNAL CORPS

Capt. Edgar Lewis Clewell, Infantry (detailed in Signal Corps), with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. William Richie Gibson, Quartermaster Corps, from February 2, 1925.

To be lieutenant colonel

Maj. Ned Bernard Rehkopf, Field Artillery, from February 2, 1925.

To be majors

Capt. Stuart Clarence MacDonald, Infantry, from February 2, 1925.

Capt. Metcalfe Reed, Infantry, from February 2, 1925.

To be captains

First Lieut. Edward Bates Blanchard, Chemical Warfare Service, from January 18, 1925.

First Lieut. Thomas Banbury, Quartermaster Corps, from February 1, 1925.

First Lieut. William Edward Cashman, Quartermaster Corps, from February 2, 1925.

First Lieut. William Sawtelle Kilmer, Corps of Engineers, from February 2, 1925.

To be first lieutenants

Second Lieut. Fred Pierce Van Duzee, Infantry, from January 31, 1925.

Second Lieut. Arthur Gillette Watson, Air Service, from February 1, 1925.

Second Lieut. Burns Beall, Infantry, from February 1, 1925.

Second Lieut. John Bartlett Hess, Infantry, from February 2, 1925.

Second Lieut. Allen Francis Haynes, Infantry, from February 2, 1925.

To be captains

First Lieut Edward Oscar Schairer, Quartermaster Corps, from November 1, 1924.

First Lieut. Charley Muller, Infantry, from November 2, 1924.

First Lieut. Alfred Henry Thiessen, Signal Corps, from November 3, 1924.

First Lieut. Horace Nevil Heisen, Air Service, from November 4, 1924.

First Lieut. Aubrey Iri Eagle, Air Service, from November 5, 1924.

First Lieut. Jacob J. Van Putten, jr., Finance Department, from November 7, 1924.

First Lieut. Harvey Weir Cook, Air Service, from November 10, 1924.

First Lieut. Charles Summer Reed, Ordnance Department, from November 11, 1924.

First Lieut. Raymond Clair Hildreth, Signal Corps, from November 14, 1924.

First Lieut. David Emery Washburn, Signal Corps, from November 16, 1924.

First Lieut. Bernard Edward McKeever, Quartermaster Corps, from November 20, 1924.

First Lieut. Michael James Byrne, Infantry, from November 21, 1924.

First Lieut. William George Muller, Infantry, from November 23, 1924.

First Lieut. William Vincent Randall, Ordnance Department, from November 26, 1924.

First Lieut. Will Vermilya Parker, Signal Corps, from November 27, 1924.

First Lieut. Floyd Newman Shumaker, Air Service, from December 2, 1924.

First Lieut. Lowell Herbert Smith, Air Service, from December 4, 1924.

First Lieut. Albert Edward Higgins, Field Artillery, from December 6, 1924.

First Lieut. Ethel Alvin Robbins, Quartermaster Corps, from December 7, 1924.

First Lieut. Walter Harold Sutherland, Finance Department, from December 17, 1924.

First Lieut. Michael Nolan Greeley, Quartermaster Corps, from January 6, 1925.

First Lieut. Richard Allen, Quartermaster Corps, from January 7, 1925.

First Lieut. Christopher William Ford, Air Service, from January 11, 1925.

First Lieut. Biglow Beaver Barbee, Finance Department, from January 16, 1925.

[NOTE.—First Lieutenant Schairer was nominated December 2, 1924, with rank from November 2, 1924, and was confirmed December 10, 1924. First Lieut. Charley Muller was nominated December 2, 1924, with rank from November 3, 1924, and was confirmed December 10, 1924. First Lieutenant Thiessen was nominated December 2, 1924, with rank from November 4, 1924, and was confirmed December 10, 1924. First Lieutenant Heisen was nominated December 2, 1924, with rank from November 5, 1924, and was confirmed December 10, 1924. First Lieutenant Eagle was nominated December 2, 1924, with rank from November 7, 1924, and was confirmed December 10, 1924. First Lieutenant Van Putten, jr., was nominated December 2, 1924, with rank from November 10, 1924, and was confirmed December 10, 1924. First Lieutenant Cook was nominated December 2, 1924, with rank from November 11, 1924, and was confirmed December 10, 1924. First Lieutenant Reed was nominated December 2, 1924, with rank from November 14, 1924, and was confirmed December 10, 1924. First Lieutenant Hildreth was nominated December 2, 1924, with rank from November 16, 1924, and was confirmed December 10, 1924. First Lieutenant Washburn was nominated December 2, 1924, with rank from November 20, 1924, and was confirmed December 10, 1924. First Lieutenant McKeever was nominated December 2, 1924, with rank from November 21, 1924, and was confirmed December 10, 1924. First Lieutenant Byrne was nominated December 2, 1924, with rank from November 23, 1924, and was confirmed December 10, 1924. First Lieut. William G. Muller was nominated December 2, 1924, with rank from November 26, 1924, and was confirmed December 10, 1924. First Lieutenant Randall was nominated December 13, 1924, with rank from November 27, 1924, and was confirmed December 20, 1924. First Lieutenant Parker was nominated December 13, 1924, with rank from December 2, 1924, and was confirmed December 20, 1924. First Lieutenant Shumaker was nominated December 13, 1924, with rank from December 4, 1924, and was confirmed December 20, 1924. First Lieutenant Smith was nominated December 13, 1924, with rank from December 6, 1924, and was confirmed December 20, 1924. First Lieutenant Higgins was nominated December 13, 1924, with rank from December 7, 1924, and was confirmed December 20, 1924. First Lieutenant Robbins was nominated January 3, 1925, with rank from December 17, 1924, and was confirmed January 12, 1925. First Lieutenant Sutherland was nominated January 10, 1925, with rank from January 6, 1925, and was confirmed January 26, 1925. First Lieutenant Greeley was nominated January 10, 1925, with rank from January 7, 1925, and was confirmed January 26, 1925. First Lieutenant Allen was nominated January 17, 1925, with rank from January 11, 1925, and was confirmed January 26, 1925. First Lieutenant Ford was nominated January 23, 1925, with rank from January 16, 1925, and was confirmed January 31, 1925. First Lieutenant Barbee was nominated January 23, 1925, with rank from January 18, 1925, and was confirmed January 31, 1925. This message is submitted for the purpose of correcting errors in dates of rank of nominees, caused by the separation from the Army of First Lieut. Charles A. Morrow, Quartermaster Corps, who was dropped from the rolls of the Army January 30, 1925, having been absent without leave for more than three months. He was nominated and confirmed for promotion to captain, with rank from November 1, 1924, but as he did not accept the promotion, he can not be regarded as having filled the vacancy. The first lieutenant next below Lieutenant Morrow on the promotion list (Edward O. Schairer) is, therefore, entitled to the vacancy which occurred November 1, 1924.]

CONFIRMATIONS

Executive nominations confirmed by the Senate February 7 (legislative day of February 3), 1925

PROMOTIONS IN THE REGULAR ARMY

Thomas William Conrad to be captain Ordnance Department (detailed).

Everett Clement Meriwether to be second lieutenant Field Artillery.

Emory Clayton Cushing to be second lieutenant Field Artillery.

George Frederick Humbert to be major Coast Artillery Corps.

Frank Burton Bonner to be chaplain, with the rank of captain.

POSTMASTERS

GEORGIA

Clarence W. Bazemore, Butler.

CALIFORNIA

Michael G. Callaghan, Livermore.

GEORGIA

Mattie M. Lewis, Fayetteville.
Fannie L. Mills, Folkston.
L. Bertie Rushing, Glennville.
William M. Hollis, Reynolds.

KANSAS

James Rae, Franklin.
Ella E. Moreland, Overland Park.

MISSOURI

Martha T. Russell, Bertrand.
Ira E. Knight, Conway.
William L. Jenkins, North Kansas City.

NEBRASKA

Helen L. Churda, Weston.

OREGON

Andrew L. Clark, Rainier.
Mildred M. Pitcher, Valsetz.

TEXAS

John A. Noland, Crawford.
Charles E. Belvin, Zephyr.

WYOMING

Henry H. Loucks, Sheridan.

HOUSE OF REPRESENTATIVES

SATURDAY, *February 7, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the defender of the poor and the needy, the rewarder of the righteous and the redeemer of the sinful, we seek hidden fellowship with Thee. So be with us that we may fully realize that we may purchase the best only at the price of earnest toil. How infinitely true that God is God and truth is truth and sin is sin and hatred can never harmonize with love. Thy goodness and mercy have blest us in the past and they shall surely be our portion in the future. God will not disappoint us. With a blessed assurance we go forth into the to-morrow of life with that same tender love which has cared for us so generously to-day. It shall surround us there and we shall dwell in the house of the Lord forever. Amen.

The Journal of yesterday's proceedings was read and approved.

SUSPENSION DAY, TUESDAY, FEBRUARY 10

Mr. SNELL. Mr. Speaker, I present the following privileged resolution from the Committee on Rules.

The Clerk read as follows:

House Resolution 433

Resolved, That it shall be in order on Tuesday, February 10, 1925, after the adoption of this resolution, to move to suspend the rules under the provisions of Rule XXVII of the House of Representatives.

The resolution was referred to the House Calendar and ordered to be printed.

REPEAL OF THE FEDERAL ESTATE TAXATION LAW

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution adopted by the Legislature of the State of Vermont relative to the desirability of repealing the Federal estate taxation law.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. GIBSON. Mr. Speaker, under leave to extend my remarks in the RECORD I present the following resolution adopted by the Legislature of the State of Vermont relative to the desirability of repealing the Federal taxation law:

Resolved by the senate and house of representatives—

Whereas a tax on inheritance has been an important source of revenue of this State since 1896; and

Whereas in the proper division of subjects of taxation between the State and Federal Governments, Secretary of the Treasury Andrew W. Mellon, with the approval of President Calvin Coolidge, has urged upon Congress the desirability of repealing all Federal estate taxation laws for the purpose of leaving this source of revenue to the States alone:

Resolved, That the Senators and Representatives of Vermont in Congress be respectfully requested to do everything in their power to carry out the foregoing recommendation in order that this State may have exclusive jurisdiction of the taxation of estates and inheritances of citizens of this State.

Resolved, That the secretary of state is hereby directed to mail forthwith to each Senator and Representative of Vermont in Congress a duly authenticated copy of this resolution.

ROSWELL M. AUSTIN,
Speaker of the House of Representatives.
W. K. FARNSWORTH,
President of the Senate.

Approved February 4, 1925.

FRANKLIN S. BILLINGS, *Governor.*

STATE OF VERMONT, OFFICE OF SECRETARY OF STATE

I hereby certify that the foregoing is a true copy of joint resolution relating to taxation of estates and inheritances, approved February 4, 1925.

MINORITY VIEWS ON H. R. 11444

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to file at this time minority views on the bill H. R. 11444, relating to salaries and postal rates.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ADDRESS BY MAJ. GEN. CLARENCE R. EDWARDS

Mr. REECE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a brief patriotic address delivered by Maj. Gen. Clarence R. Edwards before the Y. D. Club of Washington on the occasion of the seventh anniversary of the entrance of the Twenty-sixth Division into the front line.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. REECE. Mr. Speaker, on the occasion of the celebration by the Y. D. Club of Washington on the seventh anniversary of the entrance of the Twenty-sixth American Division upon the firing line its commanding general, Maj. Gen. Clarence R. Edwards, delivered an address of such great interest that under the leave to print I present it to be printed in the RECORD:

The Yankee Division, the first overseas based upon one of the great regions of the United States.

It was animated from first to last by a regional aspiration. Its highest ambition was to make its contribution of winning the war worthy of New England past and an inspiration to the New Englanders of the future.

The regional spirit to which I refer is no selfish sectional issue. We welcomed to the division 15,000 men from all parts of the United States—welcomed them as fellow Americans who were glad to cast in their lot with us because we were striving to make a contribution toward the winning of the war that would not only conserve but enhance the best American tradition.

We learned from them and they from us, and our national sense of the value of that association is attested by the presence here this evening, seven years after the war, by the veterans from many States.

When a man came to our division, where he was from counted with us only in proportion to what he could do for the division, for the division is to an army what the nation is to the world and the family to the state. You can no more build an army by crushing the individuality of the division than you can build up a neighborhood by destroying the integrity of the family or bring peace to a war-worn world by breaking down the nations that make up the family of free nations.

So it was that we were proud of the individuality of the Y. D.; proud of the regional spirit that animated it; proud of the national vision that led it forward; proud not only that we always took our objectives and of the distances we made, but devoutly thankful that our losses, though large, were less than half of other divisions similarly engaged.

Nor did our pride in any of these things end with the armistice.

These lessons that we learned as soldier citizens with the colors in war, it becomes our duty during the years that remain to us to take to heart as citizen soldiers and interpret to the younger generation.

We must help our countrymen to differentiate as we differentiated in the division between the unselfish pride that a people take in the contribution of their region toward the welfare of the whole country and that selfish prejudice that some people of a section or class are tempted at times to manifest in an effort to aggrandize themselves at the expense of their country's welfare.

We learned our lesson of regional regimentation of the national spirit in the school of the soldier, but it is in the arena of citizenship and by the power of individual example that the opportunity and the obligation front us to teach the lesson to others. So much for the organization of the division and the spirit that dominated its every effort.

But organization without discipline is as helpless as an individual without character, and character in the individual is built first by the discipline of others and then by the discipline of self.

Our effort in the Y. D. was to develop a discipline based upon mutual confidence and mutual respect to keep the common touch.

We reserved the other kind of discipline when we were permitted so to do, for those who did not tote fair. They were a minority; they were an exception to the general rule not only in our war but in every division and in every war in which Americans have been privileged to fight under intelligent leadership. And by intelligent leadership is meant a leadership that knows Americans and does not labor under a hallucination that Americans would rather be ruled than led.

The watchword of the division was not "Let's be driven"; it was "Let's go."

For ours is a country that glories in the leadership of the Presidency—that looks to the White House for a leader and not a ruler. That hails the man in the White House to-day as a leader and not a ruler.

This preference of a leader rather than a ruler is a lifelong preference of the American people. Is is surprising that their sons should carry it with them to the colors when they go to the defense of their country? Given such a leadership, learning to lean upon such a leadership, quickened by the confidence of such a leadership, no discipline thus imposed is too drastic for the American soldier to accept, no hardship too severe for him to endure, no danger but what will stiffen his stomach for a fight.

Why? Because under these circumstances the American soldier senses aright his leadership. After all, leadership is founded on faith in a man. The faith born of a belief that the company has the confidence of the captain; that the colonel believes in his regiment; that the general trusts and takes the greatest pride in his division—knows that it's bound to triumph. This is no new doctrine—it is as old as the war itself. It was Napoleon who said that there were no bad regiments, but there are bad colonels, and it was a great leader of men in our own war, Admiral Beatty, who has summed up the lesson of that war in a single sentence; said he: "The lesson taught by the Great War is the superiority of man to his machine." This, too, my comrades, is what you and I learned in the division. The superiority of the man to his machine. This is the lesson which it is our proud privilege to interpret to our countrymen in business, in politics, in education, in religion, in the home, and in every walk in life—"the superiority of man to his machine."

The soul, therefore, was our concern.

Our division came into being August 13, 1917, fully manned, 28,000 men, based on that inspired general order, the galley proof of which was rushed to Boston by a staff officer from Washington to become its new chief of staff.

The colonels and generals stood by at headquarters on Huntington Avenue about midnight of the 12th, when the order was signed, the first birth of an American division under the new tables of organization.

The question to the general: "What's the word?"

"The idea, gentlemen—the soul of the division—put a soul into your commands—and thus the division. The name, the Yankee Division, the Y. D.—its song—the Battle Hymn of the Republic." In less than a month it was on the water. Its announced destination, Charlotte, N. C.—its real destination—France—known only by our guest here to-night, the then Senator from Massachusetts.

It was trained in France less than four months.

It was concentrated for the first time on battle line at the front on the Chemin de Dames seven years ago to-night.

Then during 46 days all its elements were bled.

The interdependence of all its arms manifested to every man its confidence, its esprit born, crystallized, to be proved as shock troops in the 10 months of continuous service without leaves, on the front line, with the exception of 10 days at Chatellon, in which we absorbed 6,000 green replacements between Chateau-Thierry and St. Mihiel.

From August 13, 1917, to February 4, 1925, to-night, whatever the tasks—and no division ever had greater—the esprit, the soul, not only triumphed but grows rather than fades with memory.

Another lesson—the material one—the Yankee division learned the meaning of the superiority of air.

They learned, in addition to land and sea, a new consideration, the air.

We know that we do not deserve to remain a Nation unless we gain and keep the superiority of the air. There is one way now open here to gain and keep it, and that by the airship—make it a commercial success, peculiarly solvable in this country of vast distances.

History possibly may not be accurately written for 25 years. But it is our duty to make of record the facts of our service—it is due to the Yankee Division.

The importance of the American pioneers should be stressed. Their work was vital to the glorious contribution of the United States. I speak of the Forty-second, First, Second, and Twenty-sixth Divisions, the 20 destroyers, the thousands of youths whose clear vision of duty inspired them to cast their lot with our allies and spurn the caution "watchful waiting."

They not only revived the hope of allies bled white in despair but held the fort until their fellows could arrive and make the victory sure.

RETURN OF DOMESTIC ANIMALS DUTY FREE

Mr. GARNER of Texas. Mr. Speaker, I call up H. J. Res. 325, extending the time during which certain domestic animals which have crossed the boundary line into foreign countries may be returned duty free. I have consulted with the gentleman from Ohio [Mr. LONGWORTH], and it is agreeable to him.

The SPEAKER. The gentleman from Texas calls up H. J. Res. 325, which the Clerk will report.

The Clerk read as follows:

House Joint Resolution 325

Resolved, etc., That despite the provisions of paragraph 1506 of Title II of the tariff act of 1922, horses, mules, asses, cattle, sheep, goats, and other domestic animals, which heretofore have strayed across the boundary line into any foreign country, or been driven across such boundary line by the owner for temporary pasturage purposes only, or which may so stray or be driven before May 1, 1925, shall, together with their offspring, be admitted free of duty under regulations to be prescribed by the Secretary of the Treasury, if brought back to the United States at any time before December 31, 1925.

SEC. 2. The Secretary of the Treasury shall, under regulations prescribed by him, remit and refund any duties on any such domestic animals and their offspring returned to the United States after December 30, 1924, and before the enactment of this resolution. Such refunds shall be made upon application therefor made within one year after the enactment of this resolution. There is hereby authorized to be appropriated an amount necessary to make such refunds.

Mr. GARNER of Texas. This is a unanimous report from the Committee on Ways and Means extending the present law.

The joint resolution was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. GARNER of Texas, a motion to reconsider the vote whereby the resolution was passed, was laid on the table.

RELINQUISHING TITLE TO LAND TO THE CITY OF BATTLE CREEK, MICH.

Mr. SINNOTT. Mr. Speaker, I call up from the Speaker's table the bill H. R. 7144 to relinquish to the city of Battle Creek, Mich., all right, title, and interest of the United States in two unsurveyed islands in the Kalamazoo River within the corporate limits of said city, with Senate amendments.

The Senate amendments were read.

Mr. SINNOTT. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River at or near the city of Batesville, in the county of Independence, in the State of Arkansas; and

S. 3885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 3) providing for the printing of the report of the United States Coal Commission as a Senate document.

The message also announced that the Senate had passed with amendments the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 466. An act to amend section 90 of the Judicial Code of the United States approved March 3, 1911, so as to change the time of holding certain terms of the District Court of Mississippi;

H. R. 11282. An act to authorize an increase in the limits of cost of certain naval vessels; and

H. R. 11367. An act granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4152. An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way over and upon a portion of the military reservation on Anastasia Island, in the State of Florida;

S. 4178. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson River between the States of New York and New Jersey; and

S. 4179. An act to authorize the Port of New York Authority to construct, maintain, and operate bridges across the Arthur Kill between the States of New York and New Jersey.

The message also announced that the Senate had concurred in the following resolution:

House Concurrent Resolution 43

Resolved by the House of Representatives (the Senate concurring), That there shall be compiled, printed, and bound, as may be directed by the Joint Committee on Printing, 4,000 copies of a revised edition of the Biographical Congressional Directory up to and including the Sixty-eighth Congress, of which 1,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House of Representatives.

The message also announced that the President pro tempore had appointed Mr. HALE and Mr. SWANSON members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Navy Department.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 5197. An act to amend section 71 of the Judicial Code, as amended;

H. R. 5558. An act to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding $60,000 for the purpose of improving the sewage system of the town;

H. R. 10528. An act to refund taxes paid on distilled spirits in certain cases;

H. R. 6070. An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric cur-

rent for light and power within the district of Hamakua, on the island and county of Hawaii, Territory of Hawaii;

H. R. 11248. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes; and

S. J. Res. 174. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1925, etc.

SENATE BILLS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4179. An act to authorize the Port of New York Authority to construct, maintain, and operate bridges across the Arthur Kill between the States of New York and New Jersey; to the Committee on Interstate and Foreign Commerce.

S. 4178. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson River between the States of New York and New Jersey; to the Committee on Interstate and Foreign Commerce.

CONFERENCE REPORT ON MUSCLE SHOALS

Mr. McKENZIE. Mr. Speaker, I present a conference report on the bill H. R. 518, the Muscle Shoals bill.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

An act (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"An act to provide for the national defense, for the production and manufacture of fixed nitrogen, commercial fertilizer, and other useful products, and for other purposes

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*—

"SECTION 1. That the United States nitrogen fixation plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings used in connection therewith; all tools, machinery, equipment, accessories, and materials thereunto belonging; all laboratories and plants used as auxiliaries thereto, the Waco limestone quarry in Alabama, and any others used as auxiliaries of said nitrogen plants Nos. 1 and 2; also Dams Nos. 2 and 3 located in the Tennessee River at Muscle Shoals, their power houses, their auxiliary steam plants, and all of their hydroelectric and operating appurtenances, together with all machines, lands, and buildings now owned or hereafter acquired in connection therewith, are hereby dedicated and set apart to be used for national defense in time of war, and for the production of fertilizers and other useful products in time of peace.

"SEC. 2. That whenever, in the national defense, the United States shall require all or any part of the operating facilities and properties or renewals and additions thereto, described and enumerated in the foregoing paragraph of this act, for the production of materials necessary in the manufacture of explosives or other war materials, then the United States shall have the immediate right, upon five days' notice to any person or persons, corporation, or agent, in possession of, controlling, or operating said property under any claim of title whatsoever, to take over and operate the same in whole or in part, together with the use of all patented processes which the United States may need in the operation of said property for national defense, but any lease hereunder, and all contracts for power sold under said lease shall contain the proviso that the power may be recalled by the United States if and when needed in the prospect, or event of war, without payment of, or liability for damages to consumers or others so deprived of said power and no contract or lease shall be valid which does not include this proviso.

"The foregoing clauses shall not be construed as modified, amended, or repealed by any of the subsequent sections or paragraphs of this act, or by indirection of any other act.

"SEC. 3. That in order that the United States may have at all times an adequate supply of nitrogen for the manufacture of powder and other explosives, whether said property is operated and controlled directly by the Government or its agents, lessees, or assigns, under any and all circumstances the amount of fixed nitrogen specified in section 4 hereof must be produced annually on said property and with nitrogen fixation plant No. 2, or its equivalent, and no lease, transfer, or assignment of said property shall be legal or binding on the United States unless such adequate annual production of fixed nitrogen is guaranteed in such lease, transfer, or assignment.

"SEC. 4. That since the production and manufacture of commercial fertilizers is the largest consumer of fixed nitrogen in time of peace, and its manufacture, sale, and distribution to farmers and other users, at fair prices and without excessive profits, in large quantities throughout the country is only second in importance to the national defense in time of war, the production of fixed nitrogen as provided for in this act shall be used, when not required for national defense, in the manufacture of commercial fertilizers. In order that the experiments heretofore ordered made may have a practical demonstration, and to carry out the purposes of this act, the lessee or the corporation shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of these fertilizers that shall contain fixed nitrogen of at least 10,000 tons during the third year of the lease period and in order to meet the market demand, said annual production shall be increased to not less than 40,000 tons the tenth year of the lease period, the terms and conditions governing the annual production within said 10-year period shall be determined by the President: *Provided*, That if in the judgment of the President the interest of national defense and agriculture will obtain the benefits resulting from the maintenance of nitrogen fixation plant No. 2 or its equivalent in operating condition by so doing, then he is authorized to substitute the production of fertilizers containing available phosphoric acid (computed as phosphoric anhydride P_2O_5) for not more than 25 per cent of the nitrogen production herein specified at the rate of not less than 4 tons of phosphoric acid annually for each annual ton of nitrogen for which the substitution is made.

"The farmers and other users of fertilizer shall be supplied with fertilizers at prices which shall not exceed 8 per cent above the fair annual cost of production.

"SEC. 5. That the President is hereby authorized and empowered to lease the properties enumerated under section 1 of this act as a whole, with proper guaranties for the performance of the terms of the lease for a period not to exceed 50 years: *Provided*, That the terms and conditions being equal, the said lessee shall have the preferred right to negotiate with the United States for a lease upon such terms as may then be prescribed by Congress: *And provided further*, That if the United States shall terminate said lease at the end thereof, it shall resume full possession of its property by and in consideration of a payment to the lessee of the then fair value of the improvements upon or in connection with said property made by the said lessee and which are dependent for their commercial usefulness to the lessee in the production of fertilizer and fertilizer products upon the continuation of the lease: *Pro-*

vided, That said lease shall be made only to an American citizen, or citizens, or to an American-owned, officered, and controlled corporation, and, if leased, in the event at any time the ownership in fact or the control of such corporation should directly or indirectly come into the hands of an alien or aliens, or into the hands of an alien-owned or controlled corporation or organization, then said lease shall at once terminate and the properties be restored to the United States. The Attorney General of the United States is given full power and authority, and it is hereby made his duty to proceed at once in the courts for cancellation of said lease in the event said properties are found to be alien owned or controlled and are not voluntarily restored. The lessee shall be required and obligated to carry out in the production of nitrogen and the manufacture and sale of commercial fertilizer the purposes and terms enumerated in sections 1, 2, 3, and 4 of this act and such other terms not inconsistent therewith as may be agreed to in the lease contract. The lessee shall pay an annual rental for the use of said property an amount that shall not be less in the aggregate than 4 per cent for the period of the lease on the total sum of money expended in the building and construction of Dam No. 2 and upon Dam No. 3 after completion, which shall be paid in full each year unless it be shown that due to expenditures in development and improved equipment for the production of fertilizer as provided herein, the lessee may be granted a deferred payment, which shall draw interest at the rate of 4 per cent annually after the first six years of the lease period at either or both dams: *Provided, however*, That no interest payment shall be required upon the cost of the locks at Dam No. 2 and Dam No. 3, nor upon an additional amount to be determined by the President as representing the value of this development to navigation improvement. The lease shall also provide the terms and conditions under which the lessee may sell and dispose of the surplus electric power created at said plants. The lease shall also provide for the protection of navigation at said Dams Nos. 2 and 3, and the lessee shall be required to supply sufficient electrical power to operate all navigation locks at Dams Nos. 2 and 3 free of cost to the United States. The lease contemplated in this section shall be made with the understanding that the United States shall complete and have ready for operation Dams Nos. 2 and 3 and the locks connected therewith, together with the plants and machinery for the production of electric power, and that after the lease is entered into the lessee shall maintain the property covered by the lease in good repair and working condition for the term of the contract: *Provided, however*, That the lessee shall not be required to guarantee the stability of the leased dams nor assume responsibility in case of loss due to acts of Providence nor of enemies of the Government. Time shall be made of the essence of the contract herein provided for, and failure on the part of the lessee to comply with the terms of said contract shall render the same terminable upon six months' notice at the option of the United States, whereupon the United States shall proceed immediately to maintain and operate the leased properties as provided herein: *Provided*, That the United States shall have shown in a proceeding in equity in the United States District Court that said failure has actually occurred: *And provided further*, That such court action shall have been sought within one year following the alleged breach of said contract.

"SEC. 6. That in the event the President is unable to make a lease under the terms of the power herein granted to him before the 1st day of December, 1925, then the United States shall maintain and operate said properties described in section 1, in compliance with the terms and conditions set forth in sections 1, 2, 3, and 4 of this act, and under the power and authority prescribed and granted in the following sections of this act.

"SEC. 7. That the President is hereby authorized and empowered to designate any five persons to act as an organization committee for the purpose of organizing a corporation under authority of, and for the purpose enumerated in, this act.

"ORGANIZATION

"The persons so designated shall, under their seals, make an organization certificate, which shall specifically state the name of the corporation to be organized, the place in which its principal office is to be located, the amount of capital stock, and the number of shares into which the same is divided, and the fact that the certificate is made to enable the corporation formed to avail itself of the advantages of this act. The name of the corporation shall be the Muscle Shoals Corporation.

"The said organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with acknowledgment thereof, authenticated by the seal of such notary or court, transmitted to the President, who shall file, record, and carefully preserve the same in his office. Upon the filing of such certificate with the President as aforesaid, the said corporation shall become a body corporate, and as such, and in the name of the Muscle Shoals Corporation, have power—

"First. To adopt and use a corporate seal;

"Second. To have succession for a period of 50 years from its organization, unless it is sooner dissolved by an act of Congress, or unless its franchise becomes forfeited by some violation of law;

"Third. To make contracts, and no such contract shall extend beyond the period of the life of the corporation;

"Fourth. To sue and be sued, complain, and defend in any court of law or equity;

"Fifth, to appoint by its board of directors such officers and employees as are not otherwise provided for in this act; to define their duties, to fix their salaries, in its discretion to require bonds of any of them, and to fix the penalty thereof, and to dismiss at pleasure any of such officers or employees;

"Sixth, to prescribe by its board of directors by-laws not inconsistent with law regulating the manner in which its general business may be conducted and the privileges granted to it by law may be exercised and enjoyed;

"Seventh, to exercise by its board of directors or duly authorized officers or agents all powers specifically granted by the provisions of this act and such incidental powers as shall be necessary to carry on the business for which it is incorporated within the limitations prescribed by this act, but such corporation shall transact no business except such as is incidental and necessary preliminary to its organization until it has been authorized by the President to commence business under the provisions of this act.

"The corporation shall be conducted under the supervision and control of a board of directors, consisting of five members, to be selected by the President. The directors so appointed shall hold office at the pleasure of the President. The President shall designate a chairman of the board, who shall have power to designate one of the others as vice chairman. The vice chairman shall perform the duties of chairman in the absence of the chairman. Not more than two of such directors shall be appointed from officers in the War Department.

"The board of directors shall perform the duties usually appertaining to the office of directors of private corporations and such other duties as are prescribed by law.

"POWERS OF THE CORPORATION

"The corporation shall have power—

"(a) To purchase, acquire, operate, and develop in the manner prescribed by this act and subject to the limitations and restrictions thereof the following properties owned by the United States:

"1. United States nitrogen-fixation plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with (a) all real estate used in connection therewith; (b) all tools, machinery, equipment, accessories, and materials thereunto belonging; (c) all laboratories and plants used as auxiliaries thereto, the Waco limestone quarry in Alabama, Dam No. 2 at Muscle Shoals and the hydroelectric power plant connected therewith, together with the steam plants used as auxiliaries of the United States nitrogen-fixation plants Nos. 1 and 2, together with all other property described in section 1 of this act.

"2. To construct, purchase, maintain, and operate all such buildings, plants, and machinery as may be necessary for the production, manufacture, sale, and distribution of fixed nitrogen and other forms of commercial fertilizer.

"3. Any other plants or parts of plant, equipment, accessories, or other properties belonging to the United States, which are under the direct control of the President or of the War Department, and which the President may deem it advisable to transfer, convey, or deliver to said corporation for use in connection with any of the purposes of this act or for any purpose incidental thereto.

"(b) To acquire, establish, maintain, and operate such other laboratories and experimental plants as may be deemed necessary or advisable to assist it in furnishing to the United States Government and others, at all times, nitrogen products for military or other purposes in the most economical manner and of the highest standard of efficiency.

"(c) To sell to the United States such nitrogen products as may be manufactured by said corporation for military or other purposes.

"(d) To sell any or all of its products not required by the United States to producers or users of fertilizers or to others;

Provided, That in the sale of such products not required by the United States Government preference shall be given to those persons engaged in agriculture: *Provided further*, That if such products are sold to others than users of fertilizers the corporation shall require as a condition of such sale, the consent of the purchaser to the regulation by the corporation of the prices to be charged users for the product so purchased or any product of which the product purchased from the corporation shall form an ingredient.

"(e) The operation of the hydroelectric power plant and steam power plants at Muscle Shoals and the use and sale of the electric power to be developed therefrom that is not required to carry out the terms imposed by sections 1, 2, 3, and 4 of this act.

"(f) To enter into such agreements and reciprocal relations with others as may be deemed necessary or desirable to facilitate the production and sale of nitrogen products on the most scientific and economic basis.

"(g) To purchase, lease, or otherwise acquire United States or foreign patents and processes or the right to use such patents or processes.

"(h) To require an agreement of its officers or employees, as a condition of their employment, that said corporation may obtain domestic or foreign patents upon all discoveries or inventions of said officers or employees made while in the employ of the corporation, and that the said patents shall be and become in whole or in part the property of the corporation.

"(i) To assume any or all obligations of the United States entered into in connection with the construction, maintenance, and operation of the plants to be transferred to the corporation under the provisions of this act.

"(j) To deposit its funds in any Federal reserve bank, or with any member bank of the Federal reserve system.

"(k) To sell and export any of its surplus products not purchased by the United States or by persons, firms, or corporations within the United States.

"(l) To invest any surplus of available funds not immediately used for the operation, construction, or maintenance of its plants or properties in United States bonds or other securities issued by the United States.

"(m) To lease or purchase such buildings or properties as may be deemed necessary or advisable for the administration of the affairs of the corporation or for carrying out the purposes of this act; and with the approval of the President to lease to other persons, firms, or corporations, or to enter into agreements with others for the operation of such properties not used or needed for the purposes named herein. In the operation, maintenance, and development of the plants purchased or acquired under this act, the corporation shall be free from the limitations or restrictions imposed by the act of June 3, 1916, and shall be subject only to the limitations and restrictions of this act.

"CAPITAL STOCK AND BONDS

"The capital stock of the corporation shall consist of 100 shares of common stock of no par value. The corporation shall also issue an amount of 20-year bonds bearing interest at the rate not exceeding 5 per cent per annum, which shall be a first lien on the property of the corporation and in an amount not to exceed $50,000,000, to be sold from time to time as needed to carry out the purpose of this act: *Provided*, That the principal and interest of said bonds shall be paid by the Secretary of the Treasury out of funds in the Treasury not otherwise appropriated upon default at any time in payment as herein provided by the corporation. The terms for the sale of said bonds shall be approved by the President.

"In exchange for the properties purchased or acquired from the United States and from time to time transferred, conveyed, or delivered to the corporation by the President or the Secretary of War, and for all unexpended balances now under the control of the Secretary of War and applicable to the nitrate plants at or near Muscle Shoals, Ala., the corporation shall cause to be executed and delivered to the President a certificate for all of the common stock of the corporation. The certificate shall be evidence of the ownership by the United States of all stocks of the corporation.

"In consideration of the issuance of such common stock to the President, the President is authorized and empowered to transfer, convey, and deliver to the corporation all of the real estate, buildings, tools, equipment, supplies, and other properties belonging to, used by, or appertaining to the plants and properties to be acquired by the corporation under the terms of this act, and to transfer, convey, and deliver as and when he may deem it advisable any other equipment, accessories, plants, or parts of plants, or other property referred to in this act, and which the corporation is authorized to acquire or purchase from the United States under its provisions.

"DISTRIBUTION OF EARNINGS

"All net earnings of the corporation not required for its organization, operation, and development, shall be used—

"(a) To pay interest on the bonds and create a fund for their payment;

"(b) To develop and improve its plants and equipment;

"(c) To create a reserve or surplus fund until such fund amounts to $2,500,000;

"(d) The remainder to be paid as dividends on the stock into the Treasury of the United States as miscellaneous receipts.

"MISCELLANEOUS

"The corporation shall not have power to mortgage or pledge its assets, or to issue bonds secured by any of its properties; except as hereinbefore provided.

"The United States shall not be liable for any debts, obligations, or other liabilities of the corporation, except the principal and interest of the bond issue herein provided for.

"The corporation and all of its assets shall be deemed and held to be instrumentalities of the United States and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation. The directors, officers, attorneys, experts, assistants, clerks, agents, and other employees of the corporation shall not be officers or employees of the United States within the meaning of any statutes of the United States and the property and moneys belonging to said corporation, acquired from the United States, or from others, shall not be deemed to be the property and money of the United States, within the meaning of any statutes of the United States.

"The accounts of the corporation shall be audited under the regulations to be prescribed by the President, who shall annually report to Congress a detailed statement of the fiscal operations of said corporation.

"SEC. 8. That the President is hereby authorized to complete the construction of Dam No. 3 and the necessary approach to the locks in Dam No. 2 in the Tennessee River at or near Muscle Shoals, Ala., in accordance with report submitted in House Document 1262, Sixty-fourth Congress, first session: *Provided*, That the President may in his discretion make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation, and the President is hereby authorized to include Dam No. 3 in the same lease with Dam No. 2 and, except as otherwise indicated, said lease shall be under the same terms as are herein specified for said Dam No. 2.

"The appropriation of $3,472,487.25, the same being the amount of the proceeds received from the sale of the Gorgas steam power plant, is hereby authorized for the continued investigation and construction by contract or otherwise as may be necessary to prosecute said project to completion. Further expenditures to be paid for as appropriations may from time to time be made by law.

"SEC. 9. That the surplus power not required for the fixation of nitrogen or for the manufacture of fertilizers or other useful products which will reduce the cost of the fertilizers shall be sold for distribution: *Provided*, That all contracts for the sale of said power for public utility or industrial purposes shall contain the proviso that said power may be withdrawn on reasonable notice, at any time during the lease period, if and when said power is needed for the manufacture of fertilizers.

"That as a condition of any lease, entered into under the provisions of this act, every lessee hereunder which is a public-service corporation, or a person, association, or corporation developing, transmitting, or distributing power under the lessee either immediately or otherwise, for sale or use in public service, shall abide by such reasonable regulation of the services rendered to customers or consumers of power, and of rates and charges of payment thereof, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution, or use in public service of power by any lessee hereunder or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such lessee or by its customer engaged in public service, or the rates and charges of payment thereof, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such lease that jurisdic-

tion is hereby conferred upon the commission created by the act of Congress approved June 10, 1920, upon complaint of any person aggrieved or upon its initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: *Provided*, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

"That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such lessee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such lessee, or by any person, corporation, or association purchasing power from such lessee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable, discriminatory, and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State, or to regulate and control the amount and character of securities to be issued by any of such parties, or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the said commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce and to regulate the issuance of securities by the parties included within this section, and securities issued by the lessee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such lessee.

"The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided for in the act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

"In any valuation hereunder for purposes of rate making no value shall be claimed or allowed for the rights granted by this act or under any lease executed thereunder.

"SEC. 10. That any lease made under the terms of this act shall provide that not less than $50,000 shall be expended annually for 10 years, and thereafter such an amount as the President may designate by the lessee in electrochemical research at Muscle Shoals having for its object the improved and cheapened production of high-grade fertilizer materials, and of war gases, light metals, and other electrochemical or electric-furnace products suitable for use in national defense. Said research shall not be confined to laboratory work, but shall include investigations made on a commercial or semicommercial scale, and the lessee shall adopt and install such improved processes as in the judgment of the lessee are determined to be commercially superior to those in use at the time, and the power released by the employment of improved processes shall be utilized for fertilizer production so far as it may be necessary or desirable to do so in order to meet the commercial demand for the fertilizers produced.

"SEC. 11. The President is hereby authorized and empowered to employ such advisory officers, experts, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and the sum of $100,000 is hereby authorized to enable the President of the United States to carry out the purposes herein provided for.

"SEC. 12. That in order that farmers and other users of fertilizers may be supplied with fertilizers at a maximum net profit not exceeding 8 per cent annually upon the fair annual cost of production, the lessee shall agree to the creation of a board of not more than nine voting members, chosen as follows: The three leading representative farm organizations, national in fact, namely: The American Farm Bureau Federation, the National Grange, the Farmers' Educational and Cooperative Union of America or their successor or successors (said successor or successors to be determined, in case of controversy, by the Secretary of Agriculture) shall each designate not more than seven candidates for said board in the first instance and thereafter, for succession in office, not more than three candidates. The President shall select for membership on this board not more than seven of these candidates, selected to give representation to each of the above-mentioned organizations, and there shall be two voting members of said board selected by the lessee: *Provided*, That not more than one shall be selected by the President from the same State: *Provided further*, That if either or any of said farm organizations or its or their successors by reason of the expiration of its or their charter or ceasing to function or failing to maintain its organization or for any cause or reason should decline, fail, or neglect to make such designations, then the Secretary of Agriculture shall make such designation or designations for such or all of said organizations as may so decline, fail, or neglect to make such designation; and if such designation is made by the Secretary of Agriculture for only one or two of said organizations, then such designation shall be made so as to give the remaining organization or organizations the same right and in the same proportion to designate candidates for said board as in the first instance and just as though all of said organizations were making such designations: *Provided, however*, That a failure to make designations at any one time shall not thereafter deprive any organization of its original rights under this section: *And provided further*, That the terms of office of the first seven candidates selected by the President on the designation of said farm organizations shall be as follows: Two for a period of two years, two for a period of four years, and the remaining three for a period of six years, and thereafter the nominations for membership on said board made by the President, except for unexpired terms, shall be for six years each. None of the members of said board shall draw compensation from the Government, except that any which may be nominated on the designation of the Secretary of Agriculture, under the provisions hereof, shall receive from the Government their actual expenses while engaged in work on said board. A representative of the Bureau of Markets, Department of Agriculture, or its legal successor, to be appointed by the President, shall also be a member of the board serving in an advisory capacity without the right to vote. The said board shall employ a competent and disinterested firm of certified public accountants satisfactory to the lessee, which accountants shall determine for the said board what has been the cost of manufacture and sale of fertilizer products and the price which has been charged therefor. The said board shall have authority if necessary, for the purpose of limiting the annual profit to 8 per cent as aforesaid, to regulate the price at which said fertilizers may be sold by the lessee. The said firm of certified public accountants for these purposes shall have access to the books and records of the company at any reasonable time. In order that such fertilizer products may be fairly distributed and economically purchased by farmers and other users thereof, the said board shall determine the equitable territorial distribution of the same and may, in its discretion, make reasonable regulation for the sale of all or a portion of such products by the company to farmers, their agencies, or organizations.

"SEC. 13. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be combined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 14. That no lease made under the terms of this act shall be transferred without the approval of the President of the United States.

"SEC. 15. That all laws and parts of laws in conflict herewith be, and the same are hereby, repealed."

And the Senate agree to the same.

JOHN C. MCKENZIE,
JOHN M. MORIN,
PERCY E. QUIN,
Managers on the part of the House.

HENRY W. KEYES,
W. B. MCKINLEY
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the House bill H. R. 518, submit the following detailed written statement in explanation of the effect agreed upon and recommended in the conference report filed herewith.

The Senate having stricken out the entire House bill and substituted therefor an entire new bill, which in turn was disagreed to by the House, the whole subject of the production of nitrates in time of war and fertilizer in time of peace at Muscle Shoals came before the conference committee.

All reference in this statement shall be understood to refer to the Senate amendment to the House bill unless otherwise stated.

The first material change from the Senate amendment contained in the substitute is the inclusion of Dam No. 3, which change is set forth in section No. 1. This change is in harmony with the original House bill.

The next material change from the Senate amendment is found in the next to the last paragraph in section 2, by striking out the period and adding the following:

but any lease hereunder, and all contracts for power sold under said lease shall contain the proviso that the power may be recalled by the United States if and when needed in the prospect or event of war, without payment of or liability for damages to customers or others so deprived of said power, and no contract or lease shall be valid which does not include this proviso.

The next material change is in section 3, which strikes out lines 18, 19, 20, and 21 and inserts in lieu thereof the following:

The amount of fixed nitrogen specified in section 4 hereof must be produced annually on said property and with nitrogen fixation plant No. 2, or its equivalent, and no

The next change is in section 4. The words, "According to demand," are stricken out in line 14, page 21. Following this in same section beginning with the word "at," in line 18, the remainder of the paragraph is stricken out and the following language substituted:

At least 10,000 tons during the third year of the lease period, and in order to meet the market demand said annual production shall be increased to not less than 40,000 tons the tenth year of the lease period, the terms and conditions governing the annual production within said 10-year period shall be determined by the President: *Provided*, That if in the judgment of the President the interests of national defense and agriculture will obtain the benefits resulting from the maintenance of nitrogen fixation plant No. 2 or its equivalent in operating condition by so doing, then he is authorized to substitute the production of phosphoric acid (computed as phosphoric anhydride P_2O_5) for not more than 25 per cent of the nitrogen production herein specified at the rate of not less than 4 tons of phosphoric acid annually for each annual ton of nitrogen for which the substitution is made.

Also, in the last paragraph of section 4 the numeral (1) and the language in the last line of this paragraph is stricken out, and in lieu of the same the following was inserted: "8 per cent above the fair annual cost of production."

The next important change is in section 5, which strikes out of the Senate amendment, in lines 8 and 9, the phrase "either separately or as a whole," and inserts in lieu thereof, after the word "act," in line 9, the following: "as a whole."

In line 11, section 5, after the word "that," the following was inserted:

The terms and conditions being equal, the said lessee shall have the preferred right to negotiate with the United States for a lease upon such terms as may then be prescribed by Congress: *And provided further*, That if the United States shall terminate said lease at the end thereof, it shall resume full possession of its property by and in consideration of a payment to the lessee of the then fair value of the improvements upon or in connection with said property made by the said lessee and which are dependent for their commercial usefulness to the lessee in the production of fertilizer and fertilizer products upon the continuation of the lease.

Also, in section 5, in line 6, page 23, after the word "less," the words "in the aggregate" are inserted, and in the following line, after the words "per centum," the words "for the period of the lease" were inserted. Also, in section 5, in line 8, after the numeral "2," the remainder of the page, and also lines 1 and 2, on page 24, to and including the period in line 2 were stricken out and the following language inserted:

and Dam No. 3: *Provided, however*, That no interest payment shall be required upon the cost of the locks at Dam No. 2 and Dam No. 3 nor upon an additional amount to be determined by the President as representing the value of this development to navigation improvement.

Also in section 5, on page 24, in lines 6 and 7, strike out the following language:

Dam No. 2 and the operation of the locks connected therewith,

and insert in lieu thereof the following:

Dams Nos. 2 and 3 and the lessee shall be required to supply sufficient electrical power to operate all navigation locks at Dams Nos. 2 and 3, free of cost to the United States.

Also in section 5, lines 9 and 10 on page 24, the words "Dam No. 2" are stricken out and the words "Dams Nos. 2 and 3" are inserted.

Also in section 5, the following change was made in line 14: The period is stricken out, a semicolon inserted, and the following language added:

Provided, however, That the lessee shall not be required to guarantee the stability of the leased dams nor assume responsibility in case of loss due to acts of Providence nor of enemies of the Government.

Also in section 5, on page 24, the lines 18 to 25, inclusive, are stricken out and in lieu thereof the following language is inserted:

terminable upon six months' notice at the option of the United States whereupon the United States shall proceed immediately to maintain and operate the leased properties as provided herein: *Provided*, That the United States shall have shown in proceedings in equity in the United States district court that said failure has actually occurred: *And provided further*, That such court action shall have been sought within one year following the alleged breach of said contract.

The next change of consequence is found on page 30, which strikes out the subsection (h) and in lieu thereof substitutes the following language:

(h) To require an agreement of its officers or employees that said corporation may obtain domestic or foreign patents upon all discoveries or inventions of said officers or employees made while in the employ of the corporation, and that said patents shall be and become in whole or in part the property of the corporation.

This change is made to more definitely express the purpose of the subsection.

The next important change is in line 24 of section 7, on page 31, which strikes out the word "of" and inserts in lieu thereof the words "not exceeding." The purpose of this amendment being to change the interest rate from a flat 5 per cent to that of a rate not exceeding 5 per cent on the bonds of the corporation.

The next change strikes out, on page 32 of the Senate amendment, all of line 8, after the word "President," and all of lines 9, 10, 11, 12, 13, 14, and 15.

The next change of importance is in lines 3 and 4, on page 35, which strikes out the words "and directed."

Also section 8 was changed by striking out the period at the end of the section, inserting a comma, and adding the following:

and the President is hereby authorized to include Dam No. 3 in the same lease with Dam No. 2, and, except as otherwise indicated, said lease shall be under the same terms as are herein specified for Dam No. 2. The appropriation of $3,472,487.25, the same being the amount of the proceeds received from the sale of the Gorgas steam power plant, is hereby authorized for the continued investigation and construction by contract or otherwise as may be necessary to prosecute said project to completion, further expenditures to be paid for as appropriations may from time to time be made by law.

The next important change strikes out section 9 and substitutes new language for section stricken out and merges sections 10 and 11.

SEC. 9. That the surplus power not required for the fixation of nitrogen or for the manufacture of fertilizers or other useful products which will reduce the cost of the fertilizers or contribute to the usefulness of the project for national defense shall be sold for distribution: *Provided*, That all contracts for the sale of said power for public-utility or industrial purposes shall contain the proviso that said power may be withdrawn on reasonable notice, at any time during the lease period, if and when said power is needed for the manufacture of fertilizers.

The next change is the addition of a new section (sec. 10) providing for investigation and experimentation by the lessee and fixing the amount to be annually expended for the first 10 years.

The next important change is in the new section (sec. 11) of the substitute for the Senate amendment which provides for the authorization for the employment and compensation of advisory officers, experts, agents, or agencies to enable the President to carry out the purposes of this act.

Section 12 of the substitute was not included in the Senate amendment but was contained practically in the same form in the bill as it passed the House.

Section 13 is a substitute for the language in the Senate amendment contained in lines 1 and 2, on page 39.

The foregoing covers all the material changes made in the Senate amendment.

There are a number of unimportant amendments, such as the substitution of the word "nitrogen" for the word "nitrate," and other similar changes.

The title to the bill was changed to conform to the bill as changed by the Senate amendment and the substitute agreed upon by the conferees.

JOHN C. MCKENZIE,
JOHN M. MORIN,
PERCY E. QUIN,
Managers on the part of the House.

LEAVE TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that on next Thursday, immediately after the approval of the Journal, I may address the House for 20 minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that on Thursday next, after the reading of the Journal and the disposition of the papers on the Speaker's table, he may address the House for 20 minutes. Is there objection?

Mr. MADDEN. Reserving the right to object, we are going to have an appropriation bill on Thursday, and there will be general debate. Could not the gentleman take his time in the general debate?

Mr. RANKIN. My remarks are to be upon a subject of vital importance to a great mass of the agricultural element of the country, and I should prefer to wait until some other time when I can have a goodly portion of the membership present.

Mr. MADDEN. I do not want to object. When this bill now under consideration is finished we shall have but one more regular appropriation bill. We will not be able to get to that until Thursday next, on account of so many special orders. We would like to give the gentleman 20 minutes' time in general debate upon that bill.

Mr. RANKIN. Mr. Speaker, as I said before, this is a matter that I should like to call to the attention of the membership of the House. We discussed a bill here for a whole day, almost, not more than three days ago, when there were not over 25 to 30 Members of the House present. It will not take any more time for me to use the 20 minutes right after the reading of the Journal than it will during general debate.

Mr. MADDEN. But we will have the general debate on top of that. That is the trouble.

Mr. RANKIN. I understand; but I wish to discuss a matter of vital importance to millions of farmers of this country, and I prefer not to do so under general debate.

Mr. MADDEN. But if we delay we may not get that bill passed that day, and it ought to be passed at that time.

Mr. RANKIN. Then I shall take my time some other day.

Mr. MADDEN. I do not want the gentleman to feel offended.

Mr. RANKIN. Oh, not at all. If it will suit the gentleman any better, I shall make my request for Friday.

Mr. MADDEN. That will suit me much better.

Mr. RANKIN. Then, Mr. Speaker, I desire to change my request and ask unanimous consent that on Friday next, after the reading of the Journal and disposition of matters on the Speaker's table, I may address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection

CALL OF THE HOUSE

Mr. STENGLE. Mr. Speaker, we are about to listen to one of our most distinguished Members for 20 minutes, the gentleman from Ohio [Mr. SHERWOOD], and I make the point of order that there is no quorum present, because I think he is entitled to a full House.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present; evidently there is not.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 54]

Abernethy	Black, Tex.	Bulwinkle	Collins
Andrew	Bloom	Butler	Connolly, Pa.
Anthony	Boies	Carew	Cooper, Ohio
Barkley	Boylan	Celler	Corning
Berger	Britten	Clark, Fla.	Croll
Black, N. Y.	Buckley	Cleary	Cullen
Cummings	Hill, Md.	Nelson, Wis.	Schall
Curry	Hull, Tenn.	Newton, Minn.	Scott
Dallinger	Humphreys	Nolan	Sears, Nebr.
Davey	Johnson, W. Va.	O'Brien	Strong, Pa.
Dempsey	Kelly	O'Connell, N. Y.	Sullivan
Dickstein	Kendall	O'Connor, N. Y.	Sweet
Dominick	Kent	Oliver, N. Y.	Tague
Edmonds	Kiess	Oliver, Ala.	Thatcher
Evans, Iowa	Kindred	Paige	Tinkham
Fairfield	Kunz	Peavey	Treadway
Favrot	Kurtz	Peery	Tydings
Fitzgerald	Langley	Perlman	Vare
Frear	Larson, Minn.	Phillips	Voigt
Fredericks	Leach	Porter	Ward, N. Y.
Free	Lee, Ga.	Quayle	Ward, N. C.
French	Lindsay	Reed, Ark.	Weller
Gallivan	Linthicum	Reed, W. Va.	Welsh
Gilbert	Logan	Roach	Wertz
Glatfelter	McNulty	Rogers, Mass.	White, Kans.
Graham	Mead	Rogers, N. H.	Wilson, Miss.
Green	Michaelson	Rouse	Winslow
Griest	Mills	Salmon	Wolff
Hardy	Montague	Sanders, Ind.	Zihlman
Haugen	Moore, Ill.	Schafer	

The SPEAKER. Three hundred and fourteen Members have answered to their names; a quorum.

Mr. LONGWORTH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

ORDER OF BUSINESS

The SPEAKER. By special order of the House, the gentleman from Ohio [Mr. SHERWOOD] is recognized for 20 minutes. [Prolonged applause.]

Mr. SHERWOOD. Mr. Speaker, some of my friends thought that as I am a sort of reminiscence, a talk by me on reminiscences might prove interesting to the present generation. The topic I have chosen for to-day is—

FIFTY YEARS AGO AND NOW

It is 52 years since I first drifted into this great body of honored citizens. That was the Forty-third Congress. Of the 242 Representatives and 74 Senators only two are alive—Joseph G. Cannon and myself. As Oliver Wendell Holmes would remark—I am the last leaf upon the tree, still shaken for the fall.

It touches me with deep sadness that of all the 316 Members of that Congress only one of my colleagues is still alive. There were historical characters in that Congress called to deal with both ethical and fundamental questions growing out of the great war; questions that stirred the blood and commanded the most potent mental endeavor. Just across the aisle sat in constant conflict two intellectual athletes—Gen. Benjamin Butler, of Massachusetts, and S. S. Cox, of New York, formerly of Ohio—who continually measured the strength and potency of their rasping scimiters. Halfway down the aisle sat Gen. James A. Garfield, afterward President; then chairman of the Committee on Appropriations. Right in front in his wheeled chair sat Alexander H. Stephens, of Georgia, the Vice President of the Confederacy. James G. Blaine, of Maine, the idol of his party, was Speaker. There were 85 Union soldiers in that Congress and 12 Confederates. There were seven distinguished major generals—among the more notable Gen. Joe Hawley, of Connecticut; General Negley, of Pennsylvania; General Garfield, of Ohio; and General Butler, of Massachusetts.

General Grant was just starting on his second term. I remember the appropriation for the salary and clerk hire and upkeep of the White House that year—1873–74—was $42,800. As an evidence of our immense growth in material prosperity and official generosity we this year give our President the tidy sum of $500,000—as the items foot up—including the *Mayflower*.

General Grant had no body guard, no military staff, no White House police. I remember meeting General Grant several times walking down Pennsylvania Avenue alone. General Grant was an expert horseman. He was not only at home in the saddle but he was a double-team driver, the only President from Washington down to Roosevelt, who knew how to drive a pair of trotters at speed. [Applause and laughter.]

Members of Congress were salaried at $5,000 a year. We were allowed no secretary—we had to rent our offices out of our salary and we had to take our pen in hand to answer kicking letters from constituents. There were no typewriting machines. The Speaker had no parliamentary expert. He decided every contention without explanation or parliamentary palaver. We had no Hinds' Precedents. We had no Rules Committee. We had no steering committee invading the White House to find out what legislation the President favored. The first article of the Federal Constitution fixes that duty solely with Congress. [Applause.]

We had no tariff experts to confuse the rudimentary Congressman and no Calendar Wednesday. [Laughter.] We had no Secretary of Agriculture, hence the farmers were contented and reasonably prosperous. [Laughter and applause.]

The country had no automobiles, no wireless, no airplanes, no canned music. Prize fighting was not then our popular entertainment. We had no moving pictures. Tainted actresses were not then our popular stars of the stage. We had no jazz music. The glorious old war songs of heroic memory and patriotic inspiration had not been supplanted by Captain Jinks of the Horse Marines, Hail, Hail, the Gangs All Here, and similar jargons, and the grand plays of Shakespeare and plays of high moral import had not been supplanted by the vulgar and smutty vaudeville. [Applause.]

We had no electric cars. Edison, the wizard of the electrical world, had not yet appeared. We had no preparedness for war talk on this floor. Those two crime breeders, the bootleggers' league and the Anti-Saloon League, had not yet appeared. [Laughter and applause.] Utah was then a Territory represented by the distinguished Mormon Elder Cannon. His four wives, sitting side by side in the Members' gallery, without cosmetic adornment, were the observed of all observers, as quiet and as uncomplaining as four planted oysters in Lynnhaven Bay. This was 40 years before Doctor Cook discovered the North Pole and 45 years before the Rev. Billy Sunday drove the devil out of Washington. [Laughter and applause.]

Viscount Bryce has written the greatest book on democracy in the English language. He says in a democracy supreme power is lodged exclusively in the people, and whenever any group or element sets up any authority antagonistic to the expressed will of the people democracy is supplanted by autocracy. Neither executive will nor the edicts of courts can usurp the popular will as expressed by the people's Congress without violating both the spirit and letter of democracy. The Federal Constitution is explicit and plain on that vital subject.

The first article of the Constitution states "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

It is through these two representative bodies that the people at the ballot box voice their sovereign rights. Lincoln voiced this sentiment when he said, "This is a Government of the people, by the people, and for the people." Yet I heard a leading Member of this Congress last winter proclaim in this historic Chamber that this is a Government by party, because the party in power is responsible for legislation. I challenge any Member on this floor to find the word "party" in the Constitution of the United States or in any of the 19 amendments. It is not there. The prophetic statesmen who framed our Federal Constitution and set the Republic on its career anticipated no such doctrine.

The coming Congress has great questions to solve, and I may surprise you in the statement that these questions are more moral or ethical than economic. The criminal records of the United States are a menace to Christian civilization. We have the murder record of the world. Last year we had twelve times as many murders as England. The record of banditry and robbery and all crimes against the person and property is alarming the clergy and our leading collegiates.

Our crime record has been called out in a sermon in protest by the leading scholar and theologian of Great Britain. I refer to Bishop Inge, Dean of St. Paul's Cathedral, London.

Quite recently Bishop Freeman, leading bishop of the Protestant Episcopal Church of the United States, preached an alarm sermon in Washington on this vital subject. He called attention to the fact that the church has failed to check the crime wave. I quote from the great bishop:

> Even laws imposed by constituted authority are flaunted and disobeyed, and this by the so-called "best people" in our communities. It is little wonder that this is so, for laws will not be obeyed by men and women who lack deep moral and spiritual convictions.

You will all agree that at no time in our history has there been a more urgent demand than now for legislators of courage, ability, and experience to deal with the perils that confront society, especially the lack of active patriotism among the masses. There is a spirit of indifference toward the soldiers of the World War. The World War is the only war of our six great wars that has produced no President of the United States. The Civil War produced five soldier Presidents in succession, covering a period of a quarter of a century—Grant, Hayes, Garfield, Harrison, and McKinley, all soldiers with creditable battle records; all born in Ohio.

We had 478 generals in the World War; but heroism and self-sacrifice do not belong exclusively to rank. We had plenty of heroic soldiers in the World War who did not wear stars who are worthy and available for President.

We are evidently short on patriotism. Why not inspire it by a heroic example, even if it takes the soldier who stood behind the guns?

I am reminded that this may be my last talk on this floor; I am about to retire to the simple life of a private citizen. I feel it due to you, my colleagues, to express my deep appreciation for the uniform courtesies and kindness I have received at your behest. During my remaining short span of life the years I spent in comradeship with so many splendid gentlemen in this historic Chamber will be my most delightful and sacred memory. [Prolonged applause, Members rising.]

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. SHERWOOD. Certainly.

Mr. SUMNERS of Texas. Will the gentleman be good enough to state specifically how long it has been since he first came to this body, and to also state his age at this time?

Mr. SHERWOOD. Between my first session in Congress and my last election 52 years elapsed. My age is 90 years. I think I have reached the retiring age. I propose now to devote myself to accumulating some property to take care of me when I get old [laughter]—and I can not do it in Congress.

Before I take my seat I wish also to thank the Speaker of the House for the many courtesies he has shown me, which I deeply appreciate.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, it has been an inspiration to listen to the gentleman from Ohio [Mr. SHERWOOD], the gallant soldier of the Civil War, who has served over a longer period in Congress than any other man. I am happy to have been here and to have been able to hear what he had to say. He is entitled to the confidence and the plaudits of the American people, both for his valor as a soldier and for his service in this House. [Applause.]

I have risen, however, to say a few words about another distinguished Member of this House. To-day we have a gentleman sitting here in charge of the pending bill, our friend and colleague the Representative from Minnesota [Mr. DAVIS], who has served in this House for nearly a quarter of a century, ably and honestly. [Applause.] He has given to the American people a service which money could not buy. All men who come here and devote themselves for any considerable length of time do it at a great sacrifice. They serve, they contribute of their genius, they make the financial sacrifice which follows service here, and they leave the House like an old horse turned out to pasture, without any consideration on the part of the American people.

This man of whom I speak is about to leave us after an honorable service of nearly a quarter of a century. We regret to see him go. We honor him for the genius he has displayed in all the work with which he has been charged while a Member of this House. He has been an honorable member of the Committee on Appropriations for many many years. He has been the chairman of the subcommittee which has had jurisdiction over appropriations for the District of Columbia for many years. He has given of his time to this arduous work without stint. He has made every sacrifice at home in order that he might serve the people of this locality well. He has sacrificed his own interests in order that he might do justice to public work which came before him. He has had no thought of self. His thought has been for the welfare of the Nation and of the people. He has a right to expect, and I am sure he will receive, the grateful thanks of those whom he has served so well for so long. He has the confidence of every Member of the House, Democrat and Republican. He is entitled to that confidence by the nature of the work he has performed. He should be entitled to the confidence of the people of his State, and I am sure he has it, and certainly no man deserves better of the people of the Nation than CHARLES DAVIS, of Minnesota, who is about to leave us shortly after the enactment of the bill now pending into law. I wish Mr. DAVIS Godspeed and success and long life and happiness wherever he may go or whatever he may be called upon to do for the remaining years of his life, and if there ever comes a time now or in the future when I can be of any service to him to make the burden lighter I shall be more than happy to have him call upon me to render that service, for as chairman of the Committee on Appropriations I feel under the deepest kind of obligation for the splendid cooperation and the intelligent service he has rendered to the people of America in the position that he now occupies. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, at a later day I shall ask the indulgence of the House again to say a few words in reference to our colleague, General SHERWOOD of Ohio. For the present I desire to join with the gentleman from Illinois [Mr. MADDEN] in giving to the gentleman from Minnesota and to the country the assurances of our universal appreciation of his fine character, his fine services, and his distinguished career. The service which the gentleman from Minnesota has rendered has been of inestimable value. It has not been along the lines that brought him into spirited conflict on the floor very often. It has been a work largely formulated in the quietude and the privacy of the committee room, and merely outwardly expressed here on the floor of the House. Members are indebted to the gentleman from Minnesota for the splendid service which he has rendered. He has had his country honors that he might serve his country's good. It is a matter of regret universally that the gentleman is to retire from the Congress at the end of this session. [Applause.]

Mr. ALMON. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent to address the House for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ALMON. Mr. Speaker, I am greatly pleased with the conference report on the Muscle Shoals bill which has been signed by all of the conferees of both Houses and reported to-day to both Houses of Congress. [Applause.] The measure reported by the conferees is a real fertilizer bill. No one can claim that it turns over Muscle Shoals to any water-power interests. It is a real dedication of Muscle Shoals to national defense and fertilizer, the uses for which it was developed. [Applause.]

While it is a revision of the Underwood bill, it retains the fundamentals of that bill. It should, and no doubt will, be almost unanimously approved by both Houses of Congress. It will be a happy conclusion of a long-drawn-out controversy. It will no doubt be approved by the President, as it carries out his recommendations to Congress on the subject. Its provisions are such as to interest capital and enable the President to make a lease that will insure successful private operation. Its leasing provisions are such as should, and I hope will, cause Henry Ford to become interested in Muscle Shoals again. [Applause.] A lease to him by the President would meet with the hearty approval of the great masses of the American people, and especially the farmers. [Applause.]

I congratulate the conferees. Their report is a real achievement of a piece of big, constructive legislation, the result of much hard work and study, and a credit to each of them.

The six conferees, all of whom signed the report, are Senator KEYES, of New Hampshire; MCKINLEY, of Illinois; KENDRICK, of Wyoming; Representative MCKENZIE, of Illinois, chairman of the Military Committee, and one of the best in the history of the House, who voluntarily retires March 4, much to the regret of all his colleagues [applause]; Mr. MORIN, of Pennsylvania, who will be chairman of the Military Committee of the House during the next Congress, and our much-beloved colleague, PERCY QUIN, of Mississippi, who will be chairman of the Military Committee of the House after the next Congress, when the Democrats expect to be in the majority. [Applause.]

NECESSITY OF ENACTMENT OF DEPORTATION LAW AT THIS SESSION OF CONGRESS

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the deportation act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BACON. Mr. Speaker and Members of the House, there is an urgent need for the passage of a fair, just, and comprehensive deportation act at this session of the Congress.

Such an act, to supplement the restrictive immigration act passed at the last session, is a vital need and would be a progressive step toward facilitating and assisting the immigration authorities in carrying out more successfully the provisions of that law. H. R. 11796, known as the deportation bill, reported from the Committee on Immigration and Naturalization, of which I am a member, in my humble judgment meets that need and meets it well. It is not directed against the alien or the immigrant; it is directed against the criminal.

The restrictive immigration act at the last session of the Congress was passed by an overwhelming majority. The purposes of that law all of you know. Many of its provisions were aimed at preventing the entry of undesirable and dangerous aliens and directed to the selection at the source, as far as possible, of the best of those who offer themselves as immigrants to this country.

One of the results of that legislation has been the increasing attempts of undesirable aliens, who could not meet the tests that were set up, to smuggle themselves into our land by land and sea. This deportation bill is not merely a natural and logical but a vitally necessary supplement to this restrictive immigration act of 1924.

The deportation of undesirable and criminal aliens is not a new question. Provisions covering it have been part of our laws for some time. However, it is admitted and emphasized that the deportation laws now on our statute books can not and do not protect citizens or aliens as they should, and that in many ways they place unjust burdens on our Government.

Sections 18, 19, and 20 of the immigration act of Febuary 5, 1917, which practically contain all of our present deportation laws, were designed, at the time they were enacted, to cover fully the question of the deportation of those aliens who are inimical to our best interests.

Since that time changes have been made in our immigration laws, changed conditions have arisen and changes have now become necessary in our present deportation laws which will remedy the many glaring defects with relation to the deportation problem that have developed before and since the administration of the restrictive immigration act. A recodification and revision of the deportation laws is most urgently needed in the interest of citizen and alien alike. And, too, it is needed in the interest of simplicity of enforcement.

The present deportation laws are in many respects grossly insufficient. For example, they do not provide for the deportation of an alien who has been convicted of a crime involving moral turpitude when he has been in this country longer than five years.

They do not adequately reach the growing evil of the smuggling of aliens.

They are inadequate in handling the case of the alien who illegally harbors an alien not entitled to remain here, or who assists in smuggling other aliens across our borders.

They are not adequate to reach those aliens who habitually and grossly violate the eighteenth amendment and who may have been convicted time and time again of major violations of our prohibition laws, such as rum running, "hi-jacking," and so forth.

They do not adequately reach one of the most despicable of all law violators—the one who illicitly deals in narcotic and habit-forming drugs. The drug traffic is largely carried on by criminal aliens.

These are merely some of the instances where our present deportation laws fall short in their effectiveness.

In its general effects the deportation bill reported to the House strengthens the hands of our Government in dealing with the class of aliens, who, because of criminality or physical or mental incapacity, are undesirable.

It is not aimed at law-abiding and worthy aliens, nor against immigrants who come here to assimilate themselves into our national life with the hope that they may win the rich prize of American citizenship. Anyone reading the bill will at once be impressed with this fact.

The bill, in general, provides for the deportation of:

Those classes of aliens excludable under the present law.

Aliens who have smuggled or otherwise surreptitiously entered the United States.

Aliens who have been admitted legally for temporary visits but who, under the cover of this admission, attempt to remain here permanently in defiance of our immigration requirements.

Those classes of aliens who, from causes not shown to have arisen subsequent to their admission, are idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and so forth.

Those classes who become dependent on our institutions for care arising from causes not shown to have arisen subsequent to entry into the United States.

Aliens convicted of offenses, committed after passage of this bill, for which they have been sentenced to imprisonment for one year or more.

Aliens convicted of offenses, committed after passage of this bill, and sentenced to terms aggregating 18 months or more.

Aliens convicted, after passage of this bill, of major and gross violations or conspiracy to violate Federal or State prohibition laws, when they are sentenced for terms aggregating one year or more.

Aliens who have been convicted, or admit commission, prior to entry, of offenses involving moral turpitude. This provision is a part of our present law and has been left unchanged.

Aliens who, after passage of this bill, have violated or conspired to violate the white slave and narcotic laws.

The bill also strengthens the present deportation laws with reference to the expulsion of prostitutes and those aliens who import prostitutes, and so forth.

It provides that the alien who conceals or harbors any alien liable to deportation shall himself be deported, and it strikes at the criminal alien who aids or assists any other alien unlawfully to enter the United States.

The bill also contains certain humanitarian features which experience since 1917 shows to be necessary. By humanitarian features I mean that provision is made for the care and treatment in Government hospitals of those sick, disabled, and diseased aliens who are subject to deportation until such time as they may, without undue discomfort or injury to themselves, be deported.

I have by no means given a complete summary of all the provisions of this bill, and I do not intend to do so. But it can readily be seen from the excerpts I have given from it what the bill aims at and what beneficent results would flow from its adoption. It must be remembered that a major portion of this bill is a recodification of existing law.

The matter that has been added should not cause controversy, because there should be no objection to the deportation of the criminal alien who is a menace to our country, a burden to our Government, and a disgrace to every law-abiding alien in the land.

A substantial portion of the bill merely simplifies and clarifies the procedure to be followed by the immigration authorities in the arrest and deportation of those aliens affected by the bill. And in other respects it takes care of conditions that have but comparatively recently come to the forefront, such as smuggling and bootlegging of aliens. It is little wonder that public opinion has been shocked.

The smuggling of aliens is the subject of much anxiety to our people. This bill will go a long step toward curbing, through its penalty provisions, this nefarious practice.

In brief, it can be justly said that this bill is designed to promote the maintenance of law and order in our country. As such, it should be welcomed by every citizen who has the welfare of his country at heart as well as by the honest and desirable and law-abiding alien who comes to our shores to become a part of our national life and who seeks and justly deserves our protection.

This bill is not directed against the honest alien; it is directed to his best interests.

It is not directed against the law-abiding alien; it is directed against the criminal alien and the alien who repeatedly flouts our laws.

The law-abiding alien will welcome it; the law-breaking alien will fear it.

I can not emphasize too strongly the fact that this law will be a protection to the bona fide alien or immigrant. As the majority report of the committee states:

> No class of people suffer more from the actions of undesirable and law-breaking aliens than does that great body of worthy and deserving aliens residing in our midst, who in good faith are contributing to the welfare of the country and are in large numbers attempting to become citizens of the United States. * * * Therefore the deportation of that small percentage of undesirable aliens will redound to the benefit of the worthy and deserving in the country to an equal if not greater degree than to that of our own citizens.

In short, this bill is aimed at better protecting America from those who would flout her laws, undermine her institutions, and grossly abuse her generous hospitality. And the advantages of its terms would accrue to the alien as well as to the citizen.

This bill has been offered to the House by the chairman of the Immigration and Naturalization Committee only after exhaustive study and hearings on the part of the committee. The committee has met on an average of four days a week since the session started for consideration of this bill. Great care has been given, as the majority report will disclose, to this entire subject and its labors have been most painstaking. I doubt if a more careful recodification of existing law has ever been offered to the House.

The executive departments of the Government, in whose care the adminstration of our immigration and deportation laws rests, have been freely consulted and they whole-heartedly approve of the provisions of this bill.

There is a real need for this measure and it should be passed at this session of Congress, so that those charged with carrying out the restrictive immigration act may be assisted in their important task.

You will recall the words of President Coolidge in his first message to the Congress:

> Free government has no greater menace than disrespect for authority and continual violation of law.

And again:

> American institutions rest solely on good citizenship * * *. New arrivals should be limited to our capacity to absorb them into the ranks of good citizenship. America must be kept American. For this purpose it is necessary to continue a policy of restricted immigration. * * * *Those who do not want to partake of the American spirit ought not to settle in America.*

The italics are mine. And I want to add that aliens who do great violence to the American spirit, deliberately flout American laws, and unlawfully abuse American hospitality should not be permitted to remain in America.

This bill would carry on the work so strongly urged by President Coolidge and so happily begun in the operation of the restrictive immigration act passed at the first session of this Congress, and I hope it will become a law before adjournment.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12033).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12033, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12033, which the Clerk will report by title.

The Clerk read as follows:

> A bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> METROPOLITAN POLICE
>
> SALARIES
>
> For the pay and allowances of officers and members of the Metropolitan police force, in accordance with the act entitled "An act to fix the salaries of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," including the present chief clerk of the police department, who shall be appointed an assistant superintendent on the Metropolitan police force, $2,646,900.

Mr. AYRES. Mr. Chairman, I would like to offer the following amendment: Page 46, line 2, strike out the figures "$2,646,900" and insert "$2,946,900."

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. AYRES: Page 46, line 2, strike out the figures "$2,646,900" and insert in lieu thereof "$2,946,900."

Mr. AYRES. Mr. Chairman, I may be mistaken about this matter, but I take it this is the item necessary to take care of the additional policemen; that is, the motor-cycle policemen.

Mr. FUNK. Mr. Chairman, I will state for the gentleman's information——

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. AYRES. Yes; I yield.

Mr. FUNK. That the total as printed here is correct. It takes care of the additions that have been put in by the various amendments.

Mr. AYRES. With that explanation, Mr. Chairman, I ask unanimous consent to withdraw the amendment which I submitted.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> For contingent expenses, horseshoeing, furniture, fixtures, oil, medical and stable supplies, harness, blacksmithing, gas and electric lighting, flags and halyards, and other necessary items, cost of installation

and maintenance of telephones in the residences of the superintendent of machinery and the fire marshal, $28,000.

The CHAIRMAN. The Clerk informs the Chair that two words in this paragraph in the print which he has are misspelled. Without objection, they will be corrected.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For maintaining a child hygiene service, including the establishment and maintenance of child welfare stations for the clinical examinations, advice, care, and maintenance of children under 6 years of age, payment for personal services, rent, fuel, periodicals, and supplies, $18,000: *Provided*, That the commissioners may accept such volunteer services as they may deem expedient in connection with the establishment and maintenance of the service herein authorized: *Provided further*, That this shall not be construed to authorize the expenditure or the payment of any money on account of any such volunteer service.

Mr. AYRES. Mr. Chairman, I offer an amendment on line 20, page 53, to increase the amount from $18,000 to $25,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment offered by Mr. AYRES: Page 53, line 20, strike out the figures "$18,000" and insert in lieu thereof "$25,000."

Mr. AYRES. Mr. Chairman, in explanation of this amendment I desire to say that heretofore private donations have been made to make this amount $25,000. Heretofore we have carried $18,000, but through certain organizations here in the District of Columbia, headed by ladies such as Mrs. Frank Noyes, they have succeeded in increasing the amount to $25,000 by private donations. This $7,000 heretofore raised by private donations was for the purpose of paying one-half of the salary of the superintendent and physicians and the various officers who are connected with this institution. But in view of the fact that they can no longer get these private donations, so Mrs. Noyes has told me as one member of the committee, it is necessary to have an increase of the appropriation to $25,000 in order to make the amount adequate to take care of this particular work. That is why I am offering that amendment at this time.

Mr. DAVIS of Minnesota. Mr. Chairman, I certainly have no objection to appropriating all the money necessary for matters of this kind. The committee has thought and I have felt for many years that this was sufficient; but if the gentleman states now that he has information that this should be increased to $25,000, I shall not object, because matters of this kind are certainly very important to me.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

POLICE COURT

Salaries: For personal services in accordance with the classification act of 1923, $58,124.

Mr. AYRES. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. AYRES: Page 55, line 6, strike out "$58,124" and insert in lieu thereof the following:

"Ninety thousand seven hundred and seventy-four dollars, including compensation in accordance with the classification act of 1923 for two additional judges and such other court employees, within the limit of available funds, as the court may determine to be necessary, and of said sum $6,530 shall be available immediately: *Provided*, That in addition to the sums hereinafter appropriated for the expenses of said court and for any of said purposes there is further appropriated the sum of $22,800, of which $12,600 shall be available immediately: *Provided further*, That section 42 of the Code of Law of the District of Columbia hereby is amended so as to provide that the police court in the District shall consist of four judges, and the provisions of other sections of such code as relate to the powers and duties of employees of said court shall apply to such employments as the court may authorize in pursuance hereof, and the said court, sitting in banc, shall have power to make rules affecting the business of the court not inconsistent with law, including the selection of a presiding judge: *Provided further*, That the second paragraph of section 44 of the Code of Law for the District of Columbia hereby amended to read as follows: 'In all cases where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be more than $300, or imprisonment as punishment for the offense may be more than 90 days, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year.'"

Mr. BLACK of Texas. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the amendment.

Mr. AYRES. Mr. Chairman, I will say there is no question but that it is clearly subject to a point of order, but I am very much in hopes that it will not be urged.

Mr. DAVIS of Minnesota. I suggest to the gentleman that there is a bill now pending in the District of Columbia legislative committee dealing with this matter. The ranking members of that committee on both sides, I understand, are in favor of it, and I believe that bill will come out in a very few days, along the line suggested by my friend from Kansas. This is a matter of very vital importance. There is a great jam of cases now waiting in the court and you can not catch up unless some legislation of this kind is created. I know it is subject to a point of order.

Mr. BLACK of Texas. We all realize that it is subject to a point of order. If the subcommittee in charge are unanimously of the opinion that it is necessary——

Mr. DAVIS of Minnesota. We are.

Mr. BLACK of Texas. I will withdraw my reservation. I wanted a word of explanation.

Mr. DAVIS of Minnesota. The gentleman from Kansas can give you a better explanation than I. We have considered the matter in our committee, but we have been waiting for the District legislative committee to come along with a bill. It is possible they may not come in in time. We have had the matter before us, and under the circumstance we would be glad to put it in now.

Mr. BLACK of Texas. Mr. Chairman, in view of the statement of the gentleman from Kansas, concurred in by the gentleman from Minnesota, I withdraw the reservation.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WORKHOUSE

For personal services in accordance with the classification act of 1923, $68,840.

Mr. AYRES. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. AYRES: Page 60, line 14, after the amount, insert the following: "*Provided*, That bricks manufactured at the workhouse may be issued without charge for authorized construction work on account of the National Training School for Girls and the District Training School (Home and School for Feeble-Minded)."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. DAVIS of Minnesota. Mr. Chairman, I want to say that they make over 3,000,000 bricks down in the workhouse, and they should be used in just such a manner as that suggested by the gentleman from Kansas. I very much approve of the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TEMPORARY HOME FOR UNION EX-SOLDIERS AND SAILORS

For personal services in accordance with the classification act of 1923, $3,060; maintenance, $6,000; in all, $9,060, to be expended under the direction of the commissioners; and Union ex-soldiers, sailors, or marines of the Civil War, ex-soldiers, sailors, or marines of the Spanish War, Philippine Insurrection, or China Relief Expedition, and soldiers and sailors of the World War or who served prior to February 9, 1924, shall be admitted to the home.

Mr. DAVIS of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. DOWELL). The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Minnesota: Page 68, after line 1, insert as a part of the title "(Department of the Potomac, G. A. R.)."

In line 8, after the word "soldiers" strike out "and sailors" and insert in lieu thereof ", sailors, or marines."

In line 9, strike out "February 9, 1922," and insert in lieu thereof "July 2, 1921."

In line 9, after the word "home" insert the following: ", all under the supervision of a board of management."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The Clerk read as follows:

For purification of waters of the Tidal Basin, and care, maintenance, and operation of the bathhouse and beach, $12,300.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNS of Tennessee: Page 73, strike out lines 24, 25, and 26 and insert in lieu thereof the following:

"The unexpended balance of the sum of $50,000 and the appropriation of $25,000 provided in the second deficiency act, fiscal year 1924, approved December 5, 1924, for the construction and maintenance of a bathing beach and bathhouse on the west shore of the Tidal Basin in Potomac Park is hereby directed to be covered into the Treasury to the credit of the District of Columbia."

Mr. BYRNS of Tennessee. Mr. Chairman, I have offered this amendment with a view of striking out the appropriation for the maintenance of the bathing beaches on the Tidal Basin in Potomac Park. For several years there has been a bathing beach for white persons on the Tidal Basin. I think all Members will agree with me when I say that it ought never to have been put there. [Applause.] The Potomac Park is one of the beautiful parks of this city. The Tidal Basin is a matter of pride to the people of the city and one of the attractions of the park. We have the Lincoln Memorial within three or four hundred feet of this Tidal Basin. It is proposed to construct a great memorial bridge, to cost something like $15,000,000, to connect the Lincoln Memorial with the cemetery at Arlington. To have bathing beaches within a few hundred feet of these great memorials and in this beautiful park, which is patronized by all the people of Washington and seen by everybody who comes to Washington, it seems to me will mar the whole effect. Every Member who has seen this—and we have all seen it—knows that those bathhouses detract from the beauty of that park. In addition to that, during the summer months there are bathing suits and wet towels hung out on lines for the purpose of drying. During the day thousands of automobile tourists go through that park, and I repeat that a bathing beach ought never to have been put on the Tidal Basin. I am not saying anything just at this moment with reference to the sanitation.

In 1923 there was an appropriation made of $25,000 to construct a bathing beach for the colored population of the city of Washington, and if we are to have a bathing beach for the white population, I am in favor of a bathing beach for the colored population.

It was proposed by Colonel Sherrill to put that bathing beach at the Key Bridge on the Potomac River, and Colonel Sherrill in the hearings stated that he thought that was a more suitable place for it, not only on account of sanitation but on account of its other advantages. He proposed to put it there, but the colored people of this city objected and said they wanted it to be located on the Tidal Basin where the bathing beach for white people is located. On December 5, 1924, the second deficiency act carried an appropriation of an additional $50,000, with direction that a bathing beach for the colored population be constructed on the west shore of the Tidal Basin.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. That same bill carried a reappropriation of the $25,000, so that we are in this attitude: We have $75,000 appropriated to construct a bathing beach for the colored population on the Tidal Basin just beyond the statute of John Paul Jones and not very far from the bathing beach used by the white population. It is within three or four hundred feet of the Lincoln Memorial, and it is within three or four hundred feet of the $15,000,000 bridge it is proposed to construct as a memorial and to link, as some say, the North and the South. Now, I venture this prediction: If you spend this $75,000 now it will be but a very short time before Congress will be called upon to do away with that bathing beach, and not only to tear that one down but to remove the other bathing beach in the interest of the beauty of the park and the general scheme for the improvement of that section. So we are really wasting this $75,000.

The construction of this particular bathing beach has been delayed. I tell no secret, possibly, but my information is that some of those who have authority in the matter are really opposed to putting this bathing beach there. But very recently an order was given to go ahead with its construction. While I have not been down there recently, I am told that many of the beautiful Japanese cherry trees are being cut down and have been cut down and the work is now in progress with the purpose of putting this colored bathing beach and bathhouse upon the west shore of the Tidal Basin.

Mr. MADDEN. The construction was delayed because the deficiency bill did not become a law, as the gentleman will remember.

Mr. BYRNS of Tennessee. I beg the gentleman's pardon. The deficiency bill becomes a law on December 5, 1924.

Mr. MADDEN. Yes; but it was not passed last June.

Mr. BYRNS of Tennessee. The gentleman is correct about that.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. ZIHLMAN. Does not the gentleman think there should be public bathing beaches in Washington?

Mr. BYRNS of Tennessee. I have not the slightest objection to the construction of bathing beaches for the city of Washington.

Mr. ZIHLMAN. Does not the gentleman think that we should provide for them instead of cutting out these items?

Mr. BYRNS of Tennessee. I think it is perfectly proper to have them, but does not the gentleman think, so far as the white population is concerned, it would be vastly better to have a bathing beach on the Potomac River in running water on one of its sandy beaches?

Mr. ZIHLMAN. I agree with the gentleman as to that.

Mr. BYRNS of Tennessee. And does not the gentleman think the present bathing beach on the Tidal Basin is a detriment to the park and ought to be removed?

Mr. ZIHLMAN. It is not a thing of beauty.

Mr. BYRNS of Tennessee. Certainly, it is not a thing of beauty, and that is what your parks are supposed to be.

Mr. BARKLEY. Will the other one, which they are going to construct, add anything to the beauty of the park?

Mr. BYRNS of Tennessee. I fancy it will not. What are we going to have? We have on the east shore the present bathing beach and bathhouse, and right across, just a few hundred feet on the west shore, we are going to have a similar bathing beach and bathhouse for the colored population.

I am not going into the question of what may or may not happen with those two beaches there in such close proximity, but I want to call your attention to the statement of Colonel Sherrill to the effect that the white bathing beach now is patronized throughout the summer by from 4,000 to 10,000 persons daily. What is going to happen if you have 20,000 people bathing in that Tidal Basin?

Right now they have to use chlorine gas to keep the water sanitary. If you put 10,000 more people in there bathing every day I think you can anticipate just what will be the effect on the health of the people of this District. It is true that Colonel Sherrill says that he thinks it will remain sanitary, but he also says that at the present time, utilized as it is by only from 4,000 to 10,000 people daily, the water is not clean.

Mr. BARKLEY. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. BARKLEY. Can the gentleman inform us what sort of gas they will have to use after the other one is put in operation to keep the water pure?

Mr. BYRNS of Tennessee. It will have to be a pretty strong quality of chlorine gas, I am sure, to take care of it.

Mr. CROWTHER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. CROWTHER. The idea is to have Japanese cherry trees on one side and African peaches on the other, I suppose?

Mr. BYRNS of Tennessee. That seems to be the idea, I will say to the gentleman.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask for just three minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Gentlemen of the committee, if we strike out this appropriation, what will happen? There will be no money for the maintenance of bathing beaches after July 1. There is ample time now for steps to be taken to establish these bathing beaches upon the Potomac River where they should have been established in the first place. The Senate can take this bill and write in it a provision so as to have in operation by the time the season for bathing begins bathing beaches and bathhouses upon the Potomac River in suitable places for both the white and the colored populations. If that is not done on this bill it can be done by joint resolution. There are three or four more weeks of the session remaining. You are not going to save this $75,000 and prevent this bathing beach from being established on the west shore of the Tidal Basin unless you adopt this amendment and then stand by it after it is adopted, and I hope it will be passed. If you permit this bathing beach to be constructed you had just as well abolish the bathing beach for the white people, for it will not be patronized to any great extent. [Applause.]

Mr. MADDEN. Mr. Chairman, my very good friend and genial colleague, the gentleman from Tennessee [Mr. BYRNS], always makes a very interesting and eloquent speech on any subject upon which he talks. I remember a good many years ago when I was chairman of the appropriating committee of the city of Chicago, I became convinced that there was not anything you could do more beneficial to the populace than to furnish it with bathing facilities. One of the very first things I undertook was to establish public bathing facilities. We established a system of bathhouses that has been the wonder of the world. We were the pioneers. Why did we establish these bathing places? We established them because we concluded that a man who was driving a coal wagon, for instance, and came home at night covered with soot and coal dust and had no place at home to bathe, should have an opportunity somewhere to clean up, put on a clean shirt, so that he could associate with his neighbors and feel more respectable. We believed that this would keep him out of the saloons and keep him away from temptation and at the same time make the best possible citizen out of him. We built these bathing establishments in the neighborhoods where the poorer people lived and where they had no such facilities of their own. We attracted thousands, hundreds of thousands, and millions, in the gross, every year to these bathing houses, and there was a feeling of respectability in all those neighborhoods after these bathing houses were established that never existed before.

To say that it is not wise to establish bathing facilities would make anyone laugh, and I am sure the gentleman from Tennessee does not believe that himself.

Mr. BYRNS of Tennessee. The gentleman is entirely correct. I believe in bathing beaches, but does not the gentleman think it would be vastly better for the health of the people of this District, as well as add to the beauty of Potomac Park, if these bathing beaches were in running water on the Potomac River rather than in this Tidal Basin where the water is more or less stagnant?

Mr. MADDEN. Of course, the water comes in from the Potomac River and runs out on the other side daily. Whether it cleanses itself as often as it might be cleansed, I do not know.

Mr. BYRNS of Tennessee. Colonel Sherrill says it is not clean.

Mr. MADDEN. Whatever Colonel Sherrill may have said, Colonel Sherrill continuously comes to us advocating increased bathing facilities on the Tidal Basin.

The gentleman from Tennessee, by his amendment, if it should be adopted, would destroy all bathing facilities in the District, and I am sure he would not do that if he could. What is it that prompts him to the action which he is proposing? Is it because he does not want anyone to bathe? Is it because he does not want any public facilities afforded for those who want to bathe? Is it because he does not want to spend the public money? Or is it because he wants to take away the privilege of these unfortunate people who are kicked about and cuffed everywhere, and are not believed to be entitled to any consideration? I am quite sure the gentleman does not, because, forsooth, they are to build a bathing beach on the west side of this basin, want to destroy the opportunity of putting a bathing beach there, because possibly it may destroy some of the cherry trees. What is the beauty of a cherry tree compared with the cleanliness of citizenship? We can preserve the cherry trees, they can be transplanted; there is no reason why the amendment of the gentleman from Tennessee should prevail. There is no reason why the bathing beach we have had there should be discontinued, and there is every reason why the proposed bathing beach on the Tidal Basin should be constructed. It is being constructed now. The money has been appropriated. The gentleman knew the money was being appropriated when it was voted, and there is no reason why it should be repealed. It is not in the bill and why should the gentleman go so far back and undertake to repeal that provision? Unfortunately, from the standpoint of the gentleman and those for whom he speaks, the people who are to enjoy the facilities of bathing on the west side of the basin are black.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BYRNS of Tennessee. The gentleman has asked me a question. My amendment if adopted will prevent the operation and maintenance of both beaches as bathing houses, for the white population as well as the black. My amendment seeks to cover back into the Treasury the $75,000 for the colored bathing beach bathhouses, because I think both ought to go out.

Mr. MADDEN. What is the gentleman going to do with the facilities we have there? How is the gentleman going to provide for the needs of the people? Does he propose to repeal the act we are endeavoring to pass here to appropriate $12,300 a year to furnish facilities for the people of his own race? That is too small a contention. Gentlemen, that is not the reason for this amendment. The reason for this amendment is that the proposed bathing beach on the west side is for the black people of the District of Columbia. They are not to have a place anywhere to bathe. We discriminate against them; why should they not have facilities to bathe as well as we? What is it about them that we ought to discriminate against, while we are proposing to furnish every facility for our own people? Why refuse to furnish facilities for them? Gentlemen, it is not a question of the Tidal Basin, it is not a question of the unhealthy conditions, it is a question of race. [Applause.] That is the question before us. Let us be fair and let us be frank.

The gentlemen over there, his friends, contemplate giving him a majority of votes on this question, and they would not be here this afternoon to vote for the amendment offered by the gentleman from Tennesse if it was not for the fact that the race question is involved. Let us be fair to these people. We do not hesitate when the Nation's life is in danger to call these men to the front. We do not consider them disqualified to carry a rifle to defend the flag. Oh, no; we do not ask them what color of skin is theirs, not at all; but if a measly $75,000 is to be appropriated to give them a chance to bathe, then we raise the question of their rights.

The CHAIRMAN (Mr. TILSON). The time of the gentleman has expired.

Mr. MADDEN. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Why should we discriminate against them? Because they are black? Are they not citizens of the United States? Are they not Americans? If they are not, who is? They have been long enough here to be Americans. How long does a man have to be here to be called an American? Must he have come over in the *Mayflower?*

Mr. BANKHEAD. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BANKHEAD. The gentleman wants us to be fair. Will not the gentleman be fair enough to admit that if the amendment of the gentleman from Tennessee is adopted it would prevent any discrimination, because it does away with the bathing beaches for both the white and the black people?

Mr. MADDEN. Then it would not be fair to anybody if that is true. I certainly hope that there will not be enough Members of this House who will vote for the amendment of the gentleman from Tennessee to carry it.

Mr. ZIHLMAN. Mr. Chairman, I hope the amendment offered by the gentleman from Tennessee [Mr. BYRNS] will not be adopted in its present form. I am not strongly in favor of

bathing beaches on the Tidal Basin for either race. If we are going to discontinue the bathing beaches, we ought to substitute something instead for the poorer classes in this city.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. ZIHLMAN. I yield.

Mr. BYRNS of Tennessee. The gentleman is at the head of the legislative committee on the District of Columbia. If this amendment of mine goes in and the provision in the bill goes out, does not the gentleman think that he could bring in a bill providing for bathing beaches on the river?

Mr. ZIHLMAN. I doubt if we could at this late day in the session. We might as well look at this matter frankly. This entire opposition was aroused because Congress attempts to provide a bathing beach for the colored people. Previous to that we heard nothing about discontinuing the bathing beach at the Tidal Basin for white people.

I remember one hot Saturday afternoon several years ago, when it was difficult to obtain a quorum here, that a great many Members of Congress were down patronizing this bathing beach, or at least looking on as spectators at the annual beauty contest. There has not always been this opposition to the bathing beach on the Tidal Basin. The gentleman from Tennessee [Mr. BYRNS] says that we can put it in the running water of the Potomac River. The Potomac Park Speedway occupies nearly the entire Potomac River from Haines Point to the Key Bridge. If we are going to strike out this maintenance appropriation, I think we ought to substitute something in its stead. We ought to make the appropriation available for the erection of bathing beaches in these parks at some other point, or at some other place in one of the District parks, or in some other section of the city, but it is not fair nor just in order to discriminate against one class in the District to deprive others of the opportunity afforded by the use of these bathing facilities. The present bathing beach is used by a number of Members of this House, who have been loud in their praise of the cleanliness of the institution, of its sanitation, and of the orderly conduct of those who enjoy the facilities. I hope the House will not adopt the amendment in this form.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

Mr. CRAMTON. Mr. Chairman, may we have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. CRAMTON. Mr. Chairman, I ask for a division of the question. There are two questions involved, one the discontinuance of the bathing beach for white people, and the other the covering back into the Treasury of the money for the bathing beach for colored people.

Mr. BYRNS of Tennessee. Mr. Chairman, there is no mention of either a "white" bathing beach or a "colored" bathing beach. The amendment is to strike out and insert in lieu of the matter stricken out, and I make the point of order that it is not divisible.

The CHAIRMAN. It seems to the Chair upon inspection that this is simply a motion to strike out and insert.

Mr. CRAMTON. One is to strike out the language providing for the care and maintenance and operation of the existing bathhouses. The language to be inserted has nothing to do with the existing bathhouses. It is a separate and distinct proposition.

Mr. BANKHEAD. If that is the rule, then every time an amendment of this sort is offered on the floor, even on ordinary items, it would be subject to a division of the question.

The CHAIRMAN. It seems to the Chair that section 7 of Rule XVI settles the matter, wherein it says that a motion to strike out and insert is not divisible. The Chair sustains the point of order. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 55, noes 40.

Mr. MADDEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. MADDEN and Mr. BYRNS of Tennessee to act as tellers.

The committee again divided; and the tellers reported—ayes 83, noes 57.

So the amendment was agreed to.

The Clerk rend as follows:

Lighting the public grounds: For lighting the public grounds, watchmen's lodges, offices, garages, shops, storehouses, and greenhouses at the propagating gardens, including all necessary expenses of installation, maintenance, and repair, $37,480.

Mr. BLANTON. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 74, line 10, strike out the word "propagating."

Mr. BLANTON. Mr. Chairman, I desire to speak upon the subject of "propagating." Officers in our Army, especially in the engineering department, are continually "propagating" schemes to take large sums of money out of the Treasury for them to spend. They are asking us now for $44,000,000 to dam the Potomac River.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. Is this amount of money to provide electric power, and so forth, for the District of Columbia to be paid for by the United States or by the District of Columbia?

Mr. BLANTON. Oh, the gentleman knows where the money is coming from. He knows the modus operandi of this situation in Washington. That was one of the first comments the District Commissioners made when the bill was sent to them for approval, and they sent it back to the committee with a favorable report. They said that they were willing to report it because they noted that none of the money came out of the funds of the District of Columbia. Of course all of the money will come out of the Federal Treasury.

DEVELOPMENT OF HYDROELECTRIC ENERGY AT GREAT FALLS

Such is the name they have given this $44,000,000 bill.

I can not agree with the six members of the committee who voted to report this bill favorably. The amended bill and the committee report are both misleading. Neither gives a true idea of what is proposed.

This bill in no way whatever affects navigation. It does not intend to improve a navigable river. The sole and only purpose of this bill is to furnish cheaper electricty to residents of the District of Columbia.

It is not based on necessity. The private utility company is now furnishing to residents of the District of Columbia electric power and current at a rate just as cheap, if not cheaper, than residents of all comparable cities in the United States are paying. There is no threat of increasing charges. On the contrary, charges have recently been reduced. And there is actively functioning here in the District of Columbia a Public Utility Commission which lately caused the Potomac Electric Power Co. to impound $4,000,000 and, under agreement approved by the trial court, to distribute $2,000,000 among its patrons.

The power site at Great Falls is not in the District of Columbia. It is not owned by the Government. It is owned by the Potomac Electric Power Co. and the Great Falls Power Co., which together own 859 acres of land on one side of the river in the State of Virginia and 300 acres of land on the other side of the river in the State of Maryland. The remainder of the contiguous land involved is owned by citizens of Virginia on one side and by citizens of Maryland on the other side of the river, which river in that vicinity is the line between Virginia and Maryland.

The title of this bill, as introduced in the Senate, reads, "Providing for the development of hydroelectric energy at Great Falls," and the bill states but one object, "the development of hydroelectric power at Great Falls."

But the Supreme Court of the United States has held:

In improving navigation dams may be constructed which may also incidentally be used for the production of power, but the latter must be an incident to navigation. (142 U. S. 254.)

But to hide and cloak the real purpose of the bill in an attempt to bring it within the law, the committee has amended the title to read:

A bill providing for the improvement of the Potomac River and the development of hydroelectric power at Great Falls.

And the committee amended the bill by inserting the following blinds and decoys:

That the improvement of the Potomac River for the improvement of the navigable capacity thereof and for the development of hydroelectric power, in accordance with the report in Senate Document No. 403, Sixty-sixth Congress, third session, is hereby adopted.

The committee knew that the said report in Senate Document No. 403 did not concern navigation and did not contemplate any improvement for navigation, but its sole and only object was to secure electric power for residents of the District of Columbia.

The committee report says:

When it is considered that this splendid natural resource can be developed at an initial investment of not more than $13,000,000 in its entirety, and that investment bankers, after investigation by some of the most prominent hydroelectric engineers in the country, are willing, upon favorable terms of lease, to expend one-third of this sum for the privilege of a long-term lease, and that the project can be paid for and be forever available and serviceable to the people of the Capital within a short term of years, your committee has no hesitancy in recommending that the Government proceed to the actual construction of the initial unit with the restrictions and limitations above referred to.

One would gather the impression from reading the above that the Government was spending only $13,000,000. Nowhere in the committee report is any statement that this project is to cost at least $44,421,000, which is conceded by the committee. And there is evidence in the hearings from expert engineers that it could cost double that enormous sum.

When the acting chairman (Mr. ZIHLMAN) began hearings on this bill he inserted a report thereon from the Commissioners of the District of Columbia, from which I quote:

The hydroelectric power development of the Potomac River thus recommended may be summarized as follows:

1. A dam and power-generating station at the District of Columbia line (Chain Bridge), estimated to cost	$13,600,000
2. A dam and power-generating station at the Great Falls	18,616,000
3. Three storage reservoirs at the following locations:	
a. Great Cacapon River, W. Va., near its mouth	2,340,000
b. North Fork of the Shenandoah River at Brocks Gap, near Broadway, Va	3,615,000
c. South Branch of the Potomac River, about one-half mile upstream from its mouth, near Green Springs, W. Va	6,250,000
Total cost (Report, p. 14)	44,421,000

The Board of Commissioners is of the opinion that the development as proposed is a well-considered one and that its completion would be of great benefit to the District of Columbia. Nothing has been noted in the bill or in the report to indicate that funds of the District of Columbia are to be utilized in the construction.

Very naturally they would report favorably on the bill when they note that this $44,421,000 spent on this project is to be taken out of the United States Treasury and not out of the tax funds of the residents of the District of Columbia.

I quote the following excerpts from the testimony of Civil Engineer M. O. Leighton, of New York and Washington:

Mr. ZIHLMAN. Will you please state your name and occupation?

Mr. LEIGHTON. M. O. Leighton; I am a water-power engineer.

Mr. ZIHLMAN. Located at New York?

Mr. LEIGHTON. At present, yes; although my legal domicile is in Washington, and I have lived here for 22 years and have an office in Washington. Up to May 1, 1913, I was a member of the Geological Survey and in that capacity made two examinations of the Great Falls project, one in the nature of a semiprivate report to President Roosevelt, about 1907, and I think in 1910 and 1911 I made a report to the Secretary of the Interior at the request of the Commissioners of the District of Columbia.

I have no interest in the matter whatever, save that of a taxpayer in the District of Columbia, and represent here no one but myself. My purpose this morning is merely to be helpful, and the suggestions I shall make and the purpose which animates them do not involve any question of public versus private ownership and operation. I take it that whether the one or the other eventually be decided upon the first question to be answered is whether the Potomac River power is good now or in the future.

We can all agree, I think, that if the project is not economical it is unwise for the Government or for anyone else to develop it; and by the same token if the project be doubtful, public prudence demands that we shall settle all the doubtful points before we plunge in, and that underlies my whole thought this morning.

The bill before you has its genesis in Major Tyler's report. I think I have read all of the reports that have been made on the development of Great Falls power, and Major Tyler's is the best that I have ever read.

And after taking up the many items of cost in detail and showing where Major Tyler had made mistakes in estimates and had left out substantial items of cost, Mr. Leighton summed up the comparison as follows:

Well, you will find everything here. I do not need to go over the other items, but, in fine, as against the total estimates of Major Tyler for the entire system of $44,721,000 I get $57,700,000, or an increase of about 30 per cent.

If the organization to which I am attached were going to build this, they would probably add enough to that to make it around $60,000,000 and finance it on that basis with some hope that it would come out right.

I quote further the following excerpts from Mr. Leighton's testimony:

Mr. ZIHLMAN. You spoke of your investigation of the Potomac River. Your investigation went into construction of hydroelectric development, or was the work confined largely to the flow of the river?

Mr. LEIGHTON. No; in the first place, I think it was along in 1907, President Roosevelt asked me to make a report to him personally as to whether the Great Falls could be economically developed to light the streets and the Government buildings in Washington. I advised him "No," told him why, and he said, "It would be like taking a 20-pound sledge hammer to crack an eggshell, will it not?"

Later I made an investigation at the request of the District Commission, which I think had some controversy about the cost of street lighting. They wanted to know if Great Falls could be developed to light the streets.

Mr. BLANTON. What are your initials?

Mr. LEIGHTON. M. O. Leighton.

Mr. BLANTON. What is your address?

Mr. LEIGHTON. My Washington office, National Savings and Trust Building, New York Avenue and Fifteenth Street. My New York address is 71 Broadway.

Mr. BLANTON. Mr. Leighton, have you any connection of any nature whatever with the public utilities company here in Washington?

Mr. LEIGHTON. No, sir.

Mr. BLANTON. You have lived here how long?

Mr. LEIGHTON. Twenty-two years.

Mr. BLANTON. You are familiar, of course, with the country surrounding this entire site, from Great Falls down to Chain Bridge?

Mr. LEIGHTON. Oh, yes. I have almost crawled over it on my hands and knees.

Mr. BLANTON. Your total figures are $57,700,000 against his of $44,421,000.

Mr. LEIGHTON. Yes; 30 per cent more.

Mr. BLANTON. You would say as an expert engineer that to be safe for your client if you were passing on this project as a feasible undertaking, you would recommend that they not undertake this for less than $60,000,000.

Mr. LEIGHTON. I would advise financing on that basis.

Mr. BLANTON. With regard to building this project by piecemeal, beginning below the Chain Bridge first, may I ask you this as an engineer, where you would build the lower Chain Bridge dam first, expecting to construct the upper Great Falls dam afterwards, and after building the Chain Bridge dam and having the backwater up the river, that it would cause, and there should come freshets such as we had here during the last six weeks in the river, what effect would that probably have upon your cofferdams at Great Falls, where there was not sufficient outlet for the water to such an extent that it raised it almost to the flooring of some of these bridges here on the Potomac?

Mr. LEIGHTON. If I undersand your question, the flood that we had three or four days ago would take out the usual type of cofferdam.

Mr. BLANTON. And would cause them to be reconstructed?

Mr. LEIGHTON. Oh, yes, sir. Of course, some men put in better cofferdams than others, and the latter have not all the virtue on their side, because it is just a question whether it is better to put a big heap of money in a cofferdam or take a little risk.

Mr. BLANTON. And usually they take some risk, do they not?

Mr. LEIGHTON. Yes; oh, yes.

Mr. BLANTON. Now, with regard to storage, much of this power is dependent, of course, upon storage, is it not?

Mr. LEIGHTON. Yes, sir.

Mr. BLANTON. Now, I notice that Major Tyler has made no allowance whatever for the filling up of the reservoirs with mud. Of course, as reservoirs fill up, it decreases the storage volume of water.

Mr. LEIGHTON. Yes, sir.

Mr. BLANTON. I appreciate, of course, the ethics of your profession that prevent you from criticizing the work of some other engineer. I appreciate that highly, but we do want the facts. Now, in regard to land values placed by Major Tyler at $75 for farm lands, do you know of any farm lands within 20 miles of Washington that could be bought for less than $100 an acre?

Mr. LEIGHTON. No, sir.

Mr. BLANTON. On the open market now?

Mr. LEIGHTON. No.

Mr. BLANTON. Now, with regard to estimates, I happen to have examined very closely some figures on Muscle Shoals that were furnished by Mr. MADDEN, the chairman of our Appropriations Committee, on original estimates. The original estimates of our engineers before there was ever an appropriation of a dollar made on Muscle Shoals was a total of $19,500,000 for the three dams, the complete project. Later, after we made our initial appropriation and had embarked upon the proposition so we could not back off, the next estimate that came on only one dam, just the Wilson Dam No. 2, was $25,000,000. And then there was a subsequent estimate of $35,000,000 on the Wilson Dam No. 2, and the last estimate that was furnished Mr. MADDEN was $45,000,000 on that one dam alone, so that illustrates your change of figures here.

Mr. LEIGHTON. Yes, sir.

Mr. BLANTON. And your statement that estimates are something that are very unreliable; that the best engineers fail on them.

Mr. LEIGHTON. They do.

Mr. BLANTON. There is one engineer here in Washington who belongs to your society of civil engineers. I have forgotten the name——

Mr. LEIGHTON. American Society of Civil Engineers?

Mr. BLANTON. Yes; who claims that instead of agreeing with your figures—I have his report that I expect to put in the records if I do not get him here—he claims that instead of costing $60,000,000 that the minimum will be $75,000,000. Could he be that far wrong? Could you have made a mistake?

Mr. LEIGHTON. I would say that $75,000,000 is too much.

Mr. HAMMER. Mr. Leighton, you had some considerable experience in building dams, hydroelectric dams, have you not?

Mr. LEIGHTON. Quite a bit. Our organization has. I do not say any one man in our organization can claim all the experience. The organization, however, has had a very ripe experience.

Mr. HAMMER. It is in evidence here that Colonel Tyler has had much experience, but not as much as others. I want to get the facts. I do not intend to criticise you. You are a stranger to me, while you talk like a very intelligent gentleman. I want to know if you have had experience in building dams in New York or elsewhere; have you supervised and looked after the erection of water-power developments of the type of Great Falls?

Mr. LEIGHTON. Yes; our organization is at the present time building developments of that type.

Mr. HAMMER. What do you mean by your organization?

Mr. LEIGHTON. The Electric Bond & Share Co.

Mr. HAMMER. You are connected with them?

Mr. LEIGHTON. Yes.

Mr. HAMMER. And you are one of the engineers?

Mr. LEIGHTON. I am one of the boys.

Mr. HAMMER. How many engineers have you; more than one?

Mr. LEIGHTON. Oh, I think all together we have about 1,500.

Mr. HAMMER. I misunderstood you. Is this a corporation you are speaking of?

Mr. LEIGHTON. Yes; a management and construction corporation.

Mr. HAMMER. If it has 1,500 engineers, it must be the largest in the country, then.

Mr. LEIGHTON. It is of that type. The properties that are operated and managed by that corporation supply a population of about 8,000,000 people.

Even the strongest proponents of this project admit that unless the Government can sell some of this power to Baltimore and other cities away from Washington, it would not be feasible. And when asked about possible sales, Mr. Leighton indicated that the Government couldn't compete with power sold cheaper from other sources.

Mr. LEIGHTON. If you can sell it all.

Mr. HAMMER. Why, you do not mean to say we could not sell it. Is there a place anywhere in this country where there is not a demand for nearly twice as much as can be furnished?

Mr. LEIGHTON. Yes, sir.

Mr. HAMMER. I wish you would tell me where it is.

Mr. LEIGHTON. Your Great Falls power will not compete very well with the James, Roanoke, or Susquehanna Rivers. You can not expect to sell any power in Baltimore from Great Falls, where they can develop on the Susquehanna River 1,000,000,000 kilowatt hours for $20,000,000, when you propose to expend $50,000,000 for 750,000,000 kilowatt hours.

Mr. HAMMER. I am asking you about these things.

Mr. LEIGHTON. That is it.

Mr. HAMMER. It has been stated here that this is the greatest natural opportunity for development of power of any place except Niagara. Of course, I know that can not be true. I think I have seen places with my own eyes which were better than that; even in my own State, I think.

Mr. LEIGHTON. Great Falls power appears enormous in times of flood. People go out there and see water going down hill, and they conclude that there must be a tremendous amount of power going to waste. Well, there is much power in flood times, but up to the present it has not been economical to develop. Whether it is now or not no one knows, because you have not collected all the information necessary to determine.

Mr. HAMMER. Nobody thinks of ever developing this without being able to make a contract with the Potomac Electric Power Co. to utilize it and work in harmony with them and furnish the power to street-car service from Great Falls.

Mr. LEIGHTON. If I were the Potomac Electric Power Co., I confess, with the present state of our knowledge, that I would be a little apprehensive that you were handing me a white elephant. That may be wrong. The great trouble is that none of us know. My impression is that it is not a feasible thing to do now, and I offer you that opinion for what it is worth.

The firm of Stone & Webster (Inc.), of Boston, Mass., is probably one of the largest construction engineering concerns in the United States. Their expert engineer, Mr. H. Leland Lowe, of Boston, Mass., testified before the committee and showed in detail the actual cost of power both by steam and by the proposed hydroelectric development, and I quote from his summary the following:

Let us use his [Major Tyler's] 6.23 cents per killowatt-hour as the cost of hydroelectric energy, and let us add to it 0.59 mills per kilowatt-hour, which is the expense of steam power which can not be saved, due to the introduction of hydroelectric power. The cost, therefore, of hydroelectric power, including the portion of the steam-plant cost that can not be saved, is 6.82 mills per kilowatt-hour as compared with 0.15 mills per kilowatt-hour for all steam generation. Or, according to this, the hydroelectric power would cost 67 mills per kilowatt-hour more than steam power alone for coal costing $6 per ton of 2,000 pounds.

Perhaps it would be suitable for me to make some statement of conclusions that I have reached from these figures, which is merely my personal opinion. It appears to me that this hydroelectric development would certainly not be attractive to private capital. It is true that on the basis of public credit, the fixed charges allowed by Major Tyler, it does show an advantage at the end of 15 years, but private interests would not care to absorb the losses for that 15-year period for the sake of the benefits that might come later, nor would private capital be at all interested in running the risk of making a hydroelectric development which may cost much more than estimated for the slender prospect of gain that is shown here.

Now, remember, that Stone & Webster's engineer, Mr. Lowe, said that with coal costing $6 per ton steam generation would be 67 mills per kilowatt-hour cheaper than same could be generated by the hydroelectric plant at Great Falls.

As a matter of fact coal is not now costing $6 per ton to the Potomac Electric Power Co. Mr. W. F. Ham, president Potomac Electric Power Co., testified:

I want to show that for many years down to 1916 the price of coal was fairly uniform, running from $3.05 to $3.25 per ton. After that it advanced rapidly, reaching the highest point in 1921, $7.66 per ton, dropping in 1922 to $6.68 and slightly increasing in 1923 to $6.85.

You will note from this statement that our actual generating cost in 1919 was 0.6888 cents. That is a little less than 7 mills.

Potomac Electric Power Co.—Cost of coal and cost per kilowatt hour generated at Benning power plant—Unit cost per annum

	Fuel	Other	Maintenance	Total	Coal per gross ton, not including switching
	Cents	*Cents*	*Cents*	*Cents*	
1907	0.3003	0.0739	0.0420	0.4252	$3.05
1908	.2845	.0429	.0205	.3479	3.05
1909	.2721	.0377	.0192	.3290	3.05
1910	.2782	.0369	.0266	.3417	3.05
1911	.2767	.0359	.0387	.3513	3.06
1912	.2797	.0334	.0157	.3288	3.05
1913	.2912	.0307	.0176	.3395	2.25
1914	.3059	.0320	.0244	.3623	3.25
1915	.3002	.0309	.0269	.3580	3.25
1916	.3042	.0312	.0209	.3563	3.25
1917	.3969	.0346	.0290	.4595	3.72
1918	.5091	.0694	.1041	.6826	4.98
1919	.5540	.0698	.0650	.6888	5.61
1920	.6669	.0624	.0550	.7843	7.33
1921	.6677	.0573	.0433	.7773	7.66
1922	.5657	.0491	.0321	.6577	6.63
1923	.5892	.0475	.0452	.6819	6.85

If you will take substantially the present price of coal—$5 per net ton or $5.60 per gross ton—you will find that the saving given in the Tyler report is 5.57, whereas, according to our corrected figures, it is 4.68.

NO MARKET FOR EXCESS POWER HENCE NOT FEASIBLE

All admit that unless the excess power could be disposed of in Baltimore and other accessible cities, the project should not be built. Now note what President Ham said on this point:

As to the market for power outside of Washington, I would suggest that this be given most careful consideration. My understanding is that hydroelectric development is now being undertaken on a large scale by the American Waterworks & Electric Co., or through its subsidiaries, in Maryland, West Virginia, and Virginia, which makes it quite possible that hydroelectric power from one or

more of these developments may be delivered into Washington even before the Great Falls project could be completed, and at a cost which would be comparable to the power obtained from said project.

Also I know that Baltimore is already partially supplied with hydroelectric power from the Susquehanna River and that due to its large industrial load and more favorable freight rates Baltimore can produce power by steam at a cost lower than is possible here in Washington. On account of more favorable load and more favorable freight rate, they are in position to produce power by steam cheaper than it can be produced by steam in Washington. Therefore, there would be less likelihood of our competing with steam in Baltimore than there is of their competing with steam in Washington.

I am informed that recently the Federal Power Commission granted a permit for another water-power development on the Susquehanna with an ultimate development of 300,000 horsepower, the principal market for this power undoubtedly being Baltimore.

There is no large power market out of Washington until we reach Richmond, 116 miles south, which is at present partially supplied with power from hydroelectric plants and partially from steam plants.

The cost of building transmission lines to Richmond, with a substation at that point, would, of course, amount to a large sum of money, and it is possible that the carrying costs of this line, added to the cost of power, would be too great to sell power in that city from Great Falls.

GREAT FALLS IN SUMMER TIME

Illustrating the small flow of water during the summer months, note the kodak pictures taken from Chain Bridge in August, 1924, which appear in my minority report.

ADVERSE DECISION FROM EXPERT ENGINEER

I quote from the hearings the following adverse opinion against the advisability of constructing this project made by an expert engineer:

GREAT FALLS POWER PROJECT AS PROPOSED

The Great Falls power project as outlined in the bill now pending in Congress should be rejected for many reasons, which the writer desires to summarize briefly. In general, the project should be rejected because the expenditure of public funds for the production and sale of power is illegal, because the project has not been properly examined into and would commit the public to unknown expenditures, with results which are mere assumptions founded on neither facts nor carefully prepared data. Another reason for the rejection is found in the fact that this bill would place the work in the hands of a War Department bureau to execute by force account or day labor, and it has been clearly shown that such a condition results in the wasteful expenditure of public funds. In addition to these features the failure to make the detailed investigations so necessary to arriving at the feasibility of a power project makes the estimates of plant cost and the cost of power production merely guesses, some of which are extremely wild.

As to the legality of the proposition of expending public funds for the construction of power plants and the consequent sale of power, a resolution (S. Res. 44) was adopted in the Sixty-second Congress, second session, directing the Committee on the Judiciary to report to the Senate on the power of the Government over the development and use of water power. A Subcommittee on the Judiciary, composed of Senators Knute Nelson, Elihu Root, and William E. Chilton, made a very exhaustive study of the proposition, making their report to the Sixty-fourth Congress, first session, this report being published as Senate Document No. 246. The report affirms the contention that the Federal Government has full rights to take such action as Congress may deem necessary to improve navigation for the benefit of commerce. In the improvement of navigation the Federal Government may install power machinery as an adjunct to such improvement and sell the power or lease such portions of the plant as are not required for the purposes of commerce (Kaukauna Water Power Co. v. Green Bay & Mississippi Canal Co., 142 U. S. 254). The following paragraph found on page 18, Senate Document No. 246, Sixty-fourth Congress, second session, sets forth the legal status quite clearly:

"Congress, as in the case of Wisconsin, Ohio, and other States, can delegate the work of improving portions of navigable rivers to States, municipalities, private corporations, and individuals, and if in connection with such improvements and as an incident thereto surplus power is created, Congress may authorize those to whom the right of improvement is delegated to lease and secure compensation for such surplus power. In such case those to whom the power of making the improvement is delegated are the agents for and stand in place of the Federal Government. But unless such work of improvement is primarily made for the purpose of improving the navigation on streams or other waters carrying interstate commerce the Federal Government could not confer the power to obtain compensation for the use of the water."

If the press reports as published this morning relative to an opinion of the Attorney General are correct, it would appear that his opinion has been one of the snapshot variety given without any real consideration of the case such as was made by the Senate Committee on the Judiciary. This opinion is not founded on facts, but on incorrect assumptions. The assumption that the development of a power project at Great Falls at the expense of the tax-paying public would contribute to the promotion of the welfare of residents of the Capital by furnishing a public utility service which modern life makes convenient and indispensable is entirely unwarranted by the facts. The expenditure of large sums from the Public Treasury would result in producing nothing more than the public already is in possession of, and it is a far-fetched assumption that power would be produced to the consumer at any lower figure than it is now furnished. The coupling of a power project with the District of Columbia water supply is also not warranted, as this project has no connection with the water supply. In other words, it appears that the opinion of the Attorney General is predicated on the mass of propaganda with which the District has been flooded for months, rather than on the question of what is or is not legal. If the Attorney General had devoted every hour of his time since taking his oath of office, he could not have examined the mass of records sufficiently to be able to express a definite opinion.

Our forefathers who drew up the Constitution had suffered greatly from an autocratic government and therefore sought to safeguard the public from the evils of such a government, and placed very definite restrictions on the acts of the Federal Government. They had been unjustly taxed for purposes in which they were not in the least concerned; therefore they stipulated just what taxes could be levied, limiting such taxation to the acquirement of funds for the running expenses of the Government. There is no provision under the Constitution for the socialization of industries and the establishment of an autocratic bureaucracy, such as some of the Government departments are so earnestly striving for—particularly the War Department.

It must be borne in mind that the Great Falls power project contemplates taxing the general public for the construction of what is clearly a questionable project for the benefit of the residents of the District of Columbia, who are already receiving perquisites at the general expense of the public, such as cheap water, a tax rate about one-third of the average rate paid by the public in different States, and many other things it is unnecessary to mention here.

It would take a great deal more than the masses of propaganda disseminated through the local papers for the past several months to convince the farmers of the Western and Southern States, who work from daylight to dark to make both ends meet, that it is necessary for them to have additional taxes levied on them in order that a Government bureau in Washington may have forty or fifty millions of their hard-earned money to spend on a questionable power project which will benefit them in no way.

Proponents of this project may point out that only a mere bagatelle of $45,000,000 are involved, but when this scheme is added to hundreds of others pending before Congress the aggregate runs into billions of dollars.

Almost half of the people of this country are engaged in agricultural pursuits, and these people in particular have suffered from the aftermath of the war more than any other class. There is a widespread demand for a reduction in taxation and also for means of relieving the critical situation existing in the farming districts. Government bureaus are naturally opposed to any tax reduction, for that means a curtailment of useless expenditures, such as the proposed expenditure at Great Falls, for there is nothing new in the situation in the District. The people of the country are entitled to relief from the burden of taxation, but this relief can not be accomplished if hundreds of millions of dollars are to be appropriated merely to satisfy the whims of Government departments.

In the financing of projects there is a radical difference between the financing by private concerns and by the Government. Private projects are financed by enlisting surplus capital from people who have an uninvested surplus available for such purposes; in other words, idle capital is put to work. In Government financing it does not make any difference whether or not the individual is able to pay his pro rata in taxes. If he does not have the money, he must borrow it, and he has absolutely no choice in the matter. The Government has no means of securing funds except from taxation, regardless of what form that taxation takes—the "man in the street" pays the bill. The Government bureaus which measure their importance by the amount of money they can secure and spend are not the least interested in whether or not the farmer is forced to mortgage his farm to meet his taxes in order that some of their paternalistic schemes may be authorized and money secured for spending.

There is no phase of engineering which requires higher professional skill than that of power engineering, and the ability to investigate and prepare plans for a power project is something requiring a great deal more consideration than has been given to the Great Falls project. Power at the plant means little or nothing, and the engineer who stops his consideration at the power plant stops before half his job is completed. The writer has in mind a number of projects where the dis-

tribution systems cost more than the power plants. Take the ill-advised steam-power plant built at Gorgas, Ala., in connection with the Muscle Shoals nitrate plants; this power plant was constructed 89 miles from where the power was to be used, and the transmission line cost more than the plant. In the District of Columbia there is a power company working under a definite charter and which has spent large sums in providing means for distributing power. The Federal Government can not destroy this company simply to gratify the wishes of a War Department bureau. If the Government can construct and operate power plants and sell power, it can engage in the manufacture of products, it can take over shoe stores, grocery stores, and go in the general tailoring business. In fact, if the Federal Government has the powers attributed to it, there is no line of industry which it can not enter into in competition with private industry.

Another good reason why the pending bill should be rejected is because it is so prepared that the War Department under its provisions would be authorized to start expenditures on a project which is hazy in the extreme, and to attempt to carry same out on force account or by day labor, which, as previously stated, involves enormous waste of public funds. Due to this method employed by the War Department the cost of Dam No. 2 at Muscle Shoals has been at least $15,000,000 more than it would have been had it been let to experienced contractors and handled by their experienced engineers. Engineers and contractors all over the country know full well that the execution of public work of any kind by day labor under the Federal Government is extremely expensive and wasteful. In this connection reference is made to some very pertinent facts concerning the work on the Mississippi River, quoted by Senator KING (pp. 8603, 8604, and 8605, CONGRESSIONAL RECORD, May 12, 1924), relative to the waste of public funds on this work. It is certain that where a bill is so prepared by a Government bureau as to give them unlimited authority to make expenditures for which they are neither accountable nor responsible the public is going to be the loser. It must be patent to Members of Congress that there is no section of the Federal Government which functions in an economical manner as compared with private industries. Some of the bureaus desiring to secure large sums to squander in trying to execute work for which they are fitted neither by training nor experience point out that if work is let out by private contract the contractors will make a profit out of it. True enough, but it is generally the case that twice the average profit made on a contract could be made and the work still executed at a less figure than if it is attempted by day labor under Government direction.

Inasmuch as the War Department "plan" for the Great Falls project is more of a scheme than a regular plan, it is not strange that the estimates prepared as representing the cost of the plan are hopelessly inadequate, there being little of value on which to predicate an estimate of cost. The investigation of the proposition has been too shallow to permit of a definite calculation as to the possibilities as a whole.

In connection with the estimated cost of the Great Falls project, the striking resemblance of the War Department report to the War Department's report on Muscle Shoals, published as House Document 1262, Sixty-fourth Congress, first session, is particularly noticeable, though the latter report was a bit more complete. Under this report, submitted to Congress in 1916, a detailed estimate was made showing that three dams with power equipment could be constructed at Muscle Shoals at a cost of $19,300,000. During the World War work was started on the project under this report without authorization from Congress, and the work continued until stopped by failure to receive further appropriations in 1921. Later on, after an immense amount of propaganda had been put out, Congress made an appropriation to continue the work. It developed after some $17,000,000 had been spent that the cost of one dam instead of three would reach the figure of $45,000,000, and this figure was later raised to $50,000,000 for the one dam. It is noticeable that in a period of about seven months, after Congress had been induced to sanction the project, the estimated cost increased from $25,000,000—Col. Lytle Brown, though the estimate was not Colonel Brown's but merely submitted by him to a congressional committee—to $50,000,000 (Col. Hugh L. Cooper). It is also to be noted that the War Department was forced to call in a competent hydroelectric engineer, Col. Hugh L. Cooper, to redesign the project and supervise its construction. This had cost the taxpayers several hundred thousand dollars, though it was money well spent, as long as the project was to be completed.

In the War Department "report" it is noted that a little joker has been inserted in that report and also in the bill which permits the Federal Power Commission to redesign the project, if found necessary. This is an evidence that the War Department feels that it is faulty. The joke of the proposition lies in specifying the Federal Power Commission as the proper unit to make the redesign or changes. The Federal Power Commission is made up of a series of Government officials who know little and care less about the functions of the commission and can be nothing more than a rubber stamp for the War Department or some individual. The theory of a Federal Power Commission is all right, but the agency which wrote the bill adopted by Congress desired to make the commission merely a rubber stamp; otherwise it would have been constituted as a body which would really function as a commission and whose members would be qualified to pass on problems involved. This makes no reference to the present incumbents, but to the general status of the commission, which changes as Cabinets change. As it stands now, the commission appears to be little more than a rubber stamp for the War Department in its paternalistic ventures with public funds.

In order to make this project look feasible, figures on the cost of power production have been submitted to the committee which are little short of being ridiculous. To arrive at a low cost of power the power produced has been figured at full peak load 365 days in the year and 24 hours a day. The average yearly load factor in areas with large industrial organizations is less than 50 per cent—a few places run fairly high, but most run low. The yearly load factor for Great Falls would hardly range greater than 35 per cent, owing to the absence of industries consuming power on a 24-hour basis. The yearly load factor is the joker when it comes to figuring costs of power. When it comes to installing a plant to produce power without considering distribution, etc., a Diesel oil engine driven plant could be installed complete in every respect which would generate power at a less cost than the War Department power project and at a small fraction of the cost in plant. The theory that the construction of the Great Falls project would cut the cost of power to the consumer in half is simply a piece of bunk, which can neither be supported by facts nor figures, as the statements made in this connection have been made without any consideration of the problem of distribution.

The average person who looks at the Potomac River around Washington is inclined to feel that it is "some" river, not knowing the difference between tidal water and a flowing stream. The Potomac River is a very erratic one and a class of river which makes private interests hesitate in considering power potentialities—it is too uncertain. The minimum flow is decidedly small, and the flood stage quite large, the latter being a useless factor as regards power possibilities. In connection with the efforts made to induce Congress to authorize the starting of the proposed project, it was noted that Members of Congress were not taken to Great Falls during the lower-water period, but after the river had begun to assume an air of more importance due to fall rains. It is the several months in the year when there is little rainfall that must be used as the basis for calculation in laying out a power project. Few of the real factors in connection with a power project have been considered, and for this reason, if no other, the bill now pending should not be seriously considered. If the Public Treasury gets so jammed with surplus funds that Congress feels a pressing necessity for relieving the pressure to the extent of sinking from $50,000,000 to $100,000,000 in the Great Falls project, they should employ an expert hydroelectric engineer or engineers to make a real examination and report, so that a report may be had which will give a fair estimate of the situation, which is not the case with anything now before Congress or the committee. No matter how appealing propaganda may be when put out in quantities, as has been the case with Great Falls during the past several months, it has no actual value.

In general, the project has not received much real consideration; the estimates of plant cost are grossly inadequate, the estimates of cost of power (especially the figures presented to the committee) are little short of being ludicrous, and the results represented as possible have little foundation. There can be no justification in spending public funds for such a project as is now covered by the pending bill.

ADVERSE REPORT BY CHOATE, LAROCQUE & MITCHELL

When Mr. Orlando B. Willcox, of the above firm, was before the committee, I requested him to furnish data on the projects of Ontario, Cleveland, and Chippewa, which had been heralded as successful, and he furnished such data in the following letter:

[Choate, Larocque & Mitchell, 40–42 Wall Street, New York. Joseph Larocque, Clarence B. Mitchell, Orlando E. Willcox, Nelson Shipman, William E. Bayes, Clarence Van S. Mitchell. Telephone, 4358 John; cable address, Larocque, New York]

MAY 26, 1924.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

DEAR SIR: In the matter of Senate bill 746 and H. R. 4979 for authorizing the Secretary of War to construct hydroelectric development at Great Falls on the Potomac, pursuant to your request—

1. I inclose you herewith pamphlet of National Electric Light Association on municipal ownership and the electric light and power industry, which is full of valuable information.

Re Hydroelectric Commission of Ontario. See page 7 and also below in this letter:

2. The Cleveland municipal electric plant is reported to have been subject to a report by A. D. Roberts, engineer, and financial experts of the municipal research bureau in March last, filed with the Cleveland city council committee on public utilities, stating, among other things, that approximately $3,000,000 is needed in the immediate future to balance up plant and bring it to operating par; actual losses instead of profits shown in the annual reports in every year; that

actual losses have been sustained in every year except 1916 after correct allowances for debt charges are set up instead of the profits shown in the annual reports; that a net loss of over $9,000 was incurred instead of the large book profit reported; that a far-reaching adjustment of municipal light and power operations is viewed as inevitable; and that bookkeeping methods have kept the city council in ignorance of the real problem.

3. Re Ontario Hydroelectric Commission:

P. G. & E. Progress in recent issues reports after study of late reports from the commission that rates for power to municipalities vary from $13 per horsepower year to $117 per horsepower year; rates to rural districts vary from $54 to $347; that in 60 cities supplied by the commission the average revenue for lighting exceeds 7 cents per kilowatt-hour, and in 40 cities exceeds 8 cents per kilowatt-hour; that the lowest cost power obtained by the commission is purchased from a private company; that the Province of Ontario gives the hydroelectric commission out of the public treasury a 50 per cent bonus on all investments in rural lines, in spite of which rates for rural service in Ontario are twice as high as those charged for similar service to rural districts in California by the Pacific Gas & Electric Co. It has been reported that the original estimates on the Chippewa development were $10,500,000 and expenditures to date in excess of $80,000,000, the plant not yet completed, and to the total cost there should be added about $25,000,000 of cost of private plants and water rights made necessary to have water to operate the Chippewa plant.

It is also reported that of the total public debt of the Province of Ontario something more than $200,000,000, a very large percentage, stated to be 80 per cent, is indebtedness incurred by or on behalf of the hydroelectric commission.

4. See an article entitled "The blight of government in business," by George E. Roberts, in the Nation's Business for December last.

Very truly yours,

ORLANDO B. WILLCOX.

PRESENT SYSTEM IN WASHINGTON CHEAPEST

Thus you will note that in 60 cities supplied by the Ontario project the average revenue for lighting exceeds 7 cents per kilowatt-hour, and in 40 cities it exceeds 8 cents per kilowatt-hour, while Stone & Webster's expert engineer, Mr. Lowe, demonstrated before the committee that with coal at $6 per ton the cost of steam generation in Washington would be only 6 cents and 5 mills per kilowatt-hour, and President Ham testified that at this time they are paying only $5.50 per ton for their coal under contract, which brings their cost of steam generation down still cheaper.

FLOOD REPORT ON ONTARIO PROJECT

Mr. Henry Flood, jr., formerly secretary-engineer of the United States Government's superpower organization, in his report on the Ontario project, says:

After a careful analysis of the governmentally owned, controlled, and operated electric utility structure as represented by the Hydroelectric Power Commission of Ontario, I am of the opinion, firstly, that the principles of its application can find no place in the United States; secondly, that to attempt the substitution of its principles of control and operation within the States would be to strike a blow at economic structures, the present existence of which are not only far better equipped to protect the public interests in their conjunctive relation with the public-service commissions of the States regulating their rates, but it would also be to strike an equal blow at the shareholders of the electric utilities which are now serving the American public; and, thirdly, that the hydroelectric power commission owes its being only to the fact that a public-service commission on the order of those operating in the States was not in existence in the Province of Ontario at the time of its creation.

GENERAL BLACK

Gen. William Murray Black testified that he graduated from the United States Military Academy at West Point; that in March, 1916, he was made Chief of Engineers of the United States Army; that on October 31, 1919, as a major general, he retired from service, and is now engaged in private business in Washington, D. C., as a consulting engineer, and is a member of the firm of Black, McKenny & Stewart, engineers, with offices at 1653 Pennsylvania Avenue NW. I quote the following excerpts from his testimony:

Mr. BLANTON. Now, I understand that you are employed by the chamber of commerce here——

General BLACK (interposing). Oh, no; I am not employed.

Mr. BLANTON. What I meant was by some local organization to check up the figures of Major Tyler.

General BLACK. Oh, no, sir; as a citizen of the District of Columbia I want to do my share of civic work, so our firm is a member of the chamber of commerce, and as a member of the chamber of commerce we were put on this committee and I was made chairman of the subcommittee.

Mr. BLANTON. Of your own knowledge do you know of any such power that has been sold by the United States?

General BLACK. I do not recall any now.

Mr. BLANTON. Well, with regard to the present cost of the power of the company here, I understood you to say that you had estimated the cost for 1923 at 7.14 mills?

General BLACK. No, sir; that is the switchboard cost of production—yes, sir; without any overhead charges at all, without any charges for the financing.

Mr. BLANTON. Now, the president of this company day before yesterday testified here before the committee that with present prices of coal his cost was figured at something over 5 mills—I have forgotten the exact amount—taking into consideration their present contract for coal.

General BLACK. Well, that is possible. I do not know. I know that Major Tyler himself states that the cost of electricity by hydroelectric power from his project is economic for all time when the coal is $5.50 a ton and over.

Mr. BLANTON. Well, that is $5.43, I believe it was.

Mr. HAM. $5.41.

Mr. BLANTON. $5.41 is what they are paying now for this year's coal.

General BLACK. Then they may be able to do it. But you must remember in that connection that this $5.41 is not what the people have to pay.

Mr. BLANTON. And you also in that connection spoke of the fact—to use your own words, and I will attempt to quote them—that you would deem this profitable for the United States while it would be unprofitable to private enterprise?

General BLACK. Yes, sir.

Mr. BLANTON. And you mentioned that that was because of one fact alone, and that is that the United States could get its money at from 4½ per cent to 5 per cent interest and it would cost a private enterprise about 8 per cent?

General BLACK. Yes, sir.

Mr. BLANTON. Now, on the Pacific coast you mentioned that the hydroelectric plants out there now were operating and offering electricity and power for sale at 8 mills?

General BLACK. Around that, so I am informed.

Mr. BLANTON. Now, their private plants and private enterprises have been built and constructed with private money, with no help from the Government.

General BLACK. Yes, sir.

Mr. BLANTON. If they can do that on the Pacific coast, why can not they do it on the Atlantic coast?

General BLACK. The difference of the cost of coal. It all hinges back on the relative cost of production of power by water and by coal.

Mr. BLANTON. Now, is not coal cheaper in the East than it is in the West?

General BLACK. Oh, yes, sir.

Mr. BLANTON. Well, coal is cheaper in the East than it is in the West, is it not?

General BLACK. Oh, yes, sir. They have not any coal on the Pacific coast, any good quality of coal, except in Alaska, and those mines have not been developed.

Mr. BLANTON. Your idea was to string them out over a series of years, building the Chain Bridge Dam first, the reservoir second, and the Great Falls project third. That was a matter of distributing the appropriations through Congress?

General BLACK. Yes, sir.

Mr. BLANTON. You think it would be easier to get appropriations through Congress in that way?

General BLACK. Well, I think Congress could afford to make appropriations in that way. We have not any too much money in the Treasury. I have had a good many years' experience with public works of that kind. I think my first appearance before a committee of Congress was in 1881, and I have been coming here ever since, until I was retired.

Mr. BLANTON. I agree with you that that is the way, the usual modus operandi.

General BLACK. Well, it has to be done so. Congress can not do it. Now, you know yourself that it is utterly impossible, although Congress knows that there are some public works in our country that are much more important than others. You know that under the demands of our country itself it is imposible to concentrate an appropriation in any one place. It must be distributed. That is unquestionably so.

Mr. BLANTON. You remember what the distinguished Member from Illinois, one of the greatest we have ever had here, Mr. Jim Mann, said about the initial appropriation for this particular project?

General BLACK. No, sir; I do not remember it.

Mr. BLANTON. He said the nose of the camel had gotten under the tent and he was afraid that the balance was going to have to come.

General BLACK. Well, probably it would. That is what you would expect. But you can always raise your tent and let the nose come in under a little farther.

Mr. BLANTON. That is the method in the departments.

General BLACK. Well, you can not help it under our form of government.

POTOMAC ELECTRIC POWER CO. PERFECTLY WILLING

Mr. BLANTON. There is just one other question. I understood that you had talked over this proposition with some of the directors of the utility company here?

General BLACK. Yes, sir.

Mr. BLANTON. And this is not obnoxious to them?

General BLACK. I will not quote any words, but one gentleman who is prominent here said that if this could go through as now projected, "I can not see any objection to it, but I do not know what in the wide world Congress is going to do with it." Now, that is very frank.

Mr. BLANTON. But they are not objecting to it?

General BLACK. No, sir. He told me that he was not, if properly safeguarded. Now, he would not want to be compelled to buy this power, no matter at what price. He has not any objection to buying the power if he can buy it cheaper than they can produce it.

Mr. BLANTON. They know that no one else on earth, even including the Government, from a competitive business standpoint, could compete with them, they having their distribution system in existence?

General BLACK. Yes, sir.

Mr. BLANTON. So they are sitting back in an easy-chair watching proceedings?

General BLACK. I do not think I would call it that. I think they are very anxious about it, because you know, sir, as well as I, that there is not the very greatest confidence in what Congress will do throughout the country.

Mr. BLANTON. I wish there was more.

General BLACK. I do not make that remark in any disrespect, but there are a good many people anxious because they do not know which way the cat is going to jump.

Mr. BLANTON. I think it is just such measures as this that cause people to be of that impression of mind.

ADVERSE OPINION FROM AN EXPERT ENGINEER

[J. Edward Cassidy, M. Am. Soc. C. E., consulting engineer, 817 Fourteenth Street NW., Washington, D. C. Power developments]

DECEMBER 13, 1924.

Hon. THOMAS L. BLANTON, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: The Great Falls power project reported on favorably yesterday by the District subcommittee shows clearly that when it comes to socialistic ventures this country can outdo Russia. The Great Falls "scheme," hatched in the War Department solely as an excuse to secure large sums of money to spend, is in direct contravention to the Constitution in many ways, the Federal Government being absolutely without authority to engage in such a venture. It proposes to seize private property under the process of condemnation and this property is to be turned over to certain individuals or group of individuals for their pecuniary advantage and to tax the general public for the benefit of such individuals. This is the sort of stuff which breeds anarchy and revolution. If the public can be plundered in this instance merely because the War Department demands it, then there is no limit to the extent to which it can be done.

One of the most amazing pieces of audacity the writer has observed in many years of congressional observation was the appearance before the subcommittee of an attorney for a stock-selling concern who begged the committee to sandbag the public taxpayer into paying for a project he well knows his own interests would not sink a dollar in. He was very frank about the proposition, showing that after the public had been sandbagged for $45,000,000 to $70,000,000 his company desired the proposition to be turned over to it for their gain. If this is good enough to unload on the public why does not E. H. Rollins & Co. get busy and float a company for the exploitation of this wonderful(?) project as an excellent investment? It does not need a soothsayer to find out why they do not do this, and one of the main reasons is that the public would not "bite" on any such a half-baked scheme as is covered by the War Department report. If a project is not a good thing for private capital, it is not a good proposition to saddle on the taxpayer, and when a concern such as Rollins & Co. plead for a $45,000,000 to $70,000,000 subsidy to make a proposition look good to them, it is certainly pretty rotten. To listen to the propagandists, the man in the street would figure that the development of hydroelectric power is entirely dependent on Federal Government appropriations. Millions of horsepower have been developed in such operations and millions more in the process of development. If a project has any merit there is plenty of capital to put it through. When projects have little merit and are not sound, the usual method seems to be to get some political ring and the "pork-barrel section" of the War Department busy concocting a scheme to unload them on the shoulders of the taxpayer who has no say in the matter.

Conservation of coal is one of the greatest pieces of bunk put out in the propagandist "sob stories" for this and other doubtful projects. This has been so consistently harped on that the writer made a request of the United States Geological Survey to furnish a statement as to the life of the coal supply available in this country. The writer was advised by the Director of the Geological Survey that on the basis of the present rate of consumption the coal supply would last for 57,000 years. The taxpayer is more interested right now in getting his tax burden lessened than he is in figuring out what his successors will be doing to solve the fuel problem some 50,000 years hence.

The Rollins & Co. scheme of taxing the public to build this doubtful project so that their company or some other may reap any benefit to be derived after paying 4 per cent interest does not contemplate looking behind the scenes to see where the money comes from that is to go into the project. This money comes from the "man in the street"—the small taxpayer—and as more than 40 per cent of the population are engaged in agricultural pursuits, a large proportion of the tax will come from the farmer who not only often has to borrow money at rates ranging from 6 to 10 per cent to pay his taxes or by mortgaging his property to pay them. Does he get his money to pay taxes at 4 per cent? Not on your life; if a farmer was offered money at 4 per cent, he would probably drop dead from heart failure. The War Department, where more "pork-barrel" schemes originate than in almost any other Government department, is not interested in the troubles of the taxpayer; it is interested only in concocting schemes for spending money. The taxpayer has been sandbagged by rotten legislation in the past seven years until he is dizzy, and it is about time that Congress shuts down on authorizing these wild schemes.

There is no greater an enthusiast for the normal development of water power than the writer, but it must be done in an orderly way and not through a fraud practiced on the public. The Muscle Shoals "cheap fertilizer for the farmer" smoke screen has been largely dispelled during the past few days and the country, which was fed up on propaganda stating that the fertilizer bill of the farmer would be cut in half as soon as the Muscle Shoals project was finished, is now learning that this was merely "bunk." The Great Falls power project was hatched in the same incubator as the "cheap fertilizer for the farmer" slogan.

I do not believe there is a single individual who has appeared before the congressional committees in support of the Great Falls project who would be willing to risk a single dollar of his personal funds in the project now pending. Risking your own money in a half-baked project is quite different from "shooting the moon" with funds filched from the taxpayers.

If the Federal Government can throw aside the Constitution, which purports to protect the rights of the individual as regards his property as well as the sovereign rights of individual States, so that the individual may be deprived of his property in order that a special class or group of citizens may enrich themselves, then there is no phase of private industry which is safe and the Constitution must be considered as a "scrap of paper" when it is balanced against "pork."

Whenever the Federal Government has attempted to engage in business or industry it has made a hopeless failure. If the propaganda with which the country is now being flooded is correct, the billion dollars of taxpayers' money being spent every three years by the Navy Department has produced nothing but a bunch of junk. Three and a half billions of dollars have been sunk by the Federal Government in experimenting with a merchant marine with practically nothing to show for it other than a large increase in Federal employees. Two billion dollars have been spent on airplanes in the past seven years without getting anywhere. There is a $200,000,000 "white elephant" at Muscle Shoals waiting for some one to give it a home. Hundreds of millions of dollars have been spent by the War Department on useless river projects which had no significance other than "politics and pork." With these records of inefficiency and incompetency to deal with business and industrial propositions, it would seem to be about time for Congress to take a look behind the smoke screens.

Common honesty has been nowhere apparent in this Great Falls power scheme. Its first appearance was "shady," to say the least. The so-called "Tyler report" was printed and kept under cover on its first appearance in the Capitol until the House had passed the Army appropriation bill, the bill had been reported out by the Senate committee, and discussion on the bill completed. At this psychological moment, just before the passage of the bill was moved, the sponsor for the "scheme" arose and introduced the proposition as a rider on the appropriation bill and "sprung" the Tyler report. This was done with 16 Senators in the Senate Chamber, and was aided by one of the "without objection, it is so ordered" affairs rather to common for public good. The deal was a little too raw for the chairman of the House Appropriations Committee to let through, so on his insistence the rider went out in conference. The deal was timed so as to preclude any consideration of the matter and to speak over a congressional authorization for the project when few were looking. The CONGRESSIONAL RECORD will show how this deal went out.

There is a certain power potentiality in the Potomac River just as there is a certain power potentiality in a spring branch, but it bears little resemblance to the War Department "scheme" which has received little actual consideration so far as the vital factors of a power project are concerned. Only experienced power engineers can deal with these vital factors and it does not seem that any such have been in on this "project."

In matters involving finances, it is certain that a project or projects in which private capital can not be enlisted is a good thing for the Federal Government to keep out of, and it is certain that the Great Falls power project is one on which the public would not "bite" as a good investment.

Yours truly,

J. EDWARD CASSIDY,
Member American Society Civil Engineers.

ITS COAL NOW COSTS COMPANY $5.41 PER TON

In order that there may be no misunderstanding as to what its coal is now costing the Potomac Electric Power Co., I quote from the hearings the following:

Mr. HAMMER. Coal now is about $5.40, I think, delivered in Washington.

Mr. MARTIN. Probably so.

Mr. HAMMER. I believe that is the figure—$5.41—that was mentioned here the other day; is that correct, Mr. Ham?

Mr. HAM. Yes, sir.

EXCERPTS FROM TESTIMONY OF W. F. HAM

I quote from the hearings the following excerpts:

STATEMENT OF W. F. HAM, PRESIDENT POTOMAC ELECTRIC POWER CO., WASHINGTON, D. C.

Mr. HAM. At the time the recess was taken at the former hearing I had just completed a brief description of the property of the Potomac Electric Power Co., and in furtherance of that I would like to file an exhibit, to be read into the record, showing the value of the property of the Potomac Electric Power Co. upon two different bases.

Potomac Electric Power Co.—Reproduction cost of property based upon findings of Public Utilities Commission of District of Columbia

	July 1, 1914, per Public Utilities Commission (after distribution of general costs)	Additions, July 1, 1914, to Dec. 31, 1923 (after distribution of general costs)	Total, Dec. 31, 1923 (after distribution of general costs)
Land	$452,468.00	$128,603.83	$581,071.83
General structures	127,683.16	284,082.61	411,765.77
Power-plant buildings and equipment	2,732,068.12	3,442,757.48	6,174,825.60
Substation buildings and equipment	1,468,178.45	1,724,713.49	3,192,891.94
Transmission and distribution	6,407,184.57	5,293,093.27	11,700,277.84
General equipment	125,978.40	181,624.78	307,603.18
Materials and supplies	128,893.08	448,939.43	577,832.51
Working capital	135,000.00	263,557.99	398,557.99
Total	11,577,453.78	11,767,372.88	23,344,826.66

Reproduction cost of property as claimed by company

	July 1, 1916 (after distribution of general costs)	Additions, July 1, 1916, to Dec. 31, 1923 (after distribution of general costs)	Total, Dec. 31, 1923 (after distribution of general costs)
Land	$830,967.44	$128,570.10	$959,537.54
General structures	237,353.35	238,142.38	475,495.73
Power-plant buildings and equipment	3,940,661.92	3,390,418.84	7,331,080.76
Substation buildings and equipment	1,867,560.93	1,654,440.98	3,522,001.91
Transmission and distribution	8,560,151.25	4,865,201.70	13,425,352.95
General equipment	147,888.14	172,928.12	320,816.26
Materials and supplies	172,084.89	448,939.43	621,024.32
Working capital	378,396.71	263,557.99	641,954.70
Subtotal	16,135,064.63	11,162,199.54	27,297,264.17
General overhead and other items:			
Property rights in easements	2,500,000.00		2,500,000.00
Development cost	2,115,323.00		2,115,323.00
Preliminary operation	50,000.00		50,000.00
Financing	60,000.00		60,000.00
Compensation to conceivers	650,000.00		650,000.00
Preorganization expense	25,000.00		25,000.00
Brokerage and commissions	700,000.00		700,000.00
Great Falls water-power site	1,000,000.00		1,000,000.00
Total	23,235,387.63	11,162,199.54	34,397,587.17

Mr. BLANTON. The usual electric-light bill for the ordinary family in Washington runs about $3?

Mr. HAM. I think probably that is high for the average.

Mr. BLANTON. Then, if I understand you, if we expend $44,000,000 up here and get the power and have a friendly agreement with you to use it through your distribution plant and everything is perfectly harmonious, the families here will benefit only about 4 cents on their monthly bill?

Mr. HAM. That is correct.

Mr. BLANTON. That is just about one-half of one street-car token?

Mr. HAM. Yes; it is just one-half of one token in every fifty.

Mr. BLANTON. You spoke of Major Tyler's report having an error of about 30 per cent as to your cost of operation?

Mr. HAM. Yes, sir.

Mr. BLANTON. If Major Tyler's project is based upon economies to be effected and he made a mistake to start with of 30 per cent on your cost of operation, we would have to deduct 30 per cent from the availability of his project, would we not?

Mr. HAM. I would feel that you ought to study into the accuracy of our figures; but it is apparent that if he has gone on a false assumption as to steam costs, that same error must necessarily be throughout his report in comparing the economies of the hydroelectric development with the steam production.

Mr. BLANTON. Your expense now you fix at $0.539?

Mr. HAM. Yes.

Mr. BLANTON. Then you do admit that the people are interested in the economies of your company?

Mr. HAM. Absolutely.

Mr. BLANTON. In other words, they are entitled to have an economical administration of the affairs of all public utilities?

Mr. HAM. Yes, sir.

Mr. BLANTON. Would you mind stating how many salaries the Potomac Electric Power Co. pays in excess of $5,000?

Mr. HAM. I would be very glad to insert the figures in the record. They are on file with Congress.

Mr. BLANTON. Will you do that, please?

Mr. HAM. I will be glad to.

Mr. BLANTON. What is the highest salary the Potomac Electric Power Co. pays?

Mr. HAM. Fifteen thousand dollars.

Mr. BLANTON. That is to the president?

Mr. HAM. Yes.

Mr. BLANTON. What is the highest salary that the Washington Railway & Electric Co. pays?

Mr. HAM. Ten thousand dollars to the same president.

Mr. BLANTON. Then the two companies pay $25,000 to one man?

Mr. HAM. Yes, sir.

Mr. BLANTON. And the two companies are really owned by one company?

Mr. HAM. Yes.

Mr. BLANTON. Same stockholders?

Mr. HAM. All the stock of the Potomac Electric Power Co. is owned by the Washington Railway & Electric Co.

Mr. BLANTON. How many subsidiary companies are there that are owned by these two companies or either of them?

Mr. HAM. Eight or ten.

Mr. BLANTON. Are you the president of all of them?

Mr. HAM. Yes.

Mr. BLANTON. You are president of 8 or 10 subsidiary companies?

Mr. HAM. Yes.

Mr. BLANTON. What salary do they pay their president?

Mr. HAM. Those salaries that I have given you are the total. When I spoke of the Washington Railway & Electric Co. I had reference to these other companies except the Potomac Electric Power Co.

Mr. BLANTON. Then they pay out no official salaries, these subsidiary companies?

Mr. HAM. They are included in the figure I gave you. We have a very economical organization. It may be that this report——

Mr. BLANTON (interposing). I would rather have the 1924 figures.

Mr. HAM. Suppose I have that inserted in the record. You want both companies?

Washington Railway & Electric Co.'s system—Annual salaries in excess of $5,000

	Paid by Potomac Electric Power Co.	Paid by Washington Railway & Electric Co.	Tota
President	$15,000.00	$10,000.00	$25,000.00
General superintendent Potomac Electric Power Co	13,500.00		13,500.00
Superintendent railways		8,500.00	8,500.00
Vice president and counsel	6,500.00	5,500.00	12,000.00
Comptroller	4,250.00	3,250.00	7,500.00
Manager, commercial department, Potomac Electric Power Co	7,000.00		7,000.00
Secretary	3,000.00	3,000.00	6,000.00
Attorney	3,000.00	3,000.00	6,000.00
Do	1,500.00	4,500.00	6,000.00
Treasurer	3,000.00	2,500.00	5,500.00
Engineer of way		5,500.00	5,500.00

Mr. BLANTON. This is a project you have had in mind for some time?

Mr. HAM. Yes, sir.

Mr. BLANTON. You were present when General Black stated that he had conferred with various officials of your organization and he knew or could state that this project was agreeable to your organization? That is a fact?

Mr. HAM. I do not think that he intended to put it that way. As I understand the facts, so far as I know them, General Black called upon one of our directors.

Mr. BLANTON. But you are not antagonistic to this project

Mr. HAM. No; but the company has never done anything which would warrant General Black in arriving at that conclusion. He had a conversation with one of 15 directors.

SAVING OF ONLY 4 CENTS PER MONTH TO EACH FAMILY

The uncontroverted evidence in the hearings before the committee shows that even if this project could be built with the $44,421,000 of public money proposed in the bill, it would be a saving of only 4 cents per month to each family living in the District of Columbia. And to save each family living here 4 cents per month we are proposing to spend from $45,000,000 to $75,000,000 of the public money of the taxpayers of America out of the Federal Treasury. Such a proposal is ridiculous.

PET SCHEME OF TWO COLLEAGUES

This is the pet scheme of our two colleagues, the distinguished gentleman from Virginia [Mr. MOORE], whose district lies contiguous to the Potomac River on the west side of this project and whose constituents would be specially benefited, and the distinguished gentleman from Maryland [Mr. ZIHLMAN], whose Maryland friends live on the east side of the river contiguous to the project, and who would likewise be specially benefited.

Notwithstanding that I had been to Great Falls many times in my car, these two colleagues, the gentleman from Virginia and the gentleman from Maryland, arranged a special trip to this project site, and got our subcommittee to accompany them up to the project site to demonstrate to us that same should be built. All on earth that we did was to visit the site and spend a short time looking at it, and then return, learning absolutely nothing in addition to that which one would naturally learn on a first visit there. But that afternoon the newspapers of Washington carried a large picture of our subcommittee, and heralded that the entire membership, with the one exception of myself, were in favor of constructing this project.

NO OBJECTION TO THE PEOPLE OF WASHINGTON BUILDING IT

If the committee would let the necessary funds come out of the revenues of the District of Columbia I would have no objections whatever to the people of Washington constructing this project. But why should it be built with Government funds? Why should the already overburdened taxpayers of the United States be forced to spend from $45,000,000 to $75,000,000 of their money to furnish cheaper lights to Washington people, and thereby save each family in the District of Columbia 4 cents per month? There are numerous wealthy people living in Washington, owning big properties here, who have no connection whatever with the Government. They live here to take advantage of this beautiful city and to enjoy the cheap taxes prevailing here. Why should they not pay part of this expense?

PRESENT TAX RATE ONLY $1.40 ON THE $100

The tax rate on intangibles now prevailing in the District of Columbia is only five-tenths of 1 per cent. Until recently it was only three-tenths of 1 per cent. Each family here is allowed $1,000 personal property free and exempt of all taxes. And the present rate of taxes here in the District of Columbia on real and personal property is only $1.40 on the $100, assessed at from one-half to two-thirds valuation. Until last year it was only $1.20 on the $100. The reason for such a low tax rate is because the overburdened taxpayers of the United States, back in the 48 States from which we Congressmen hail, are required to pay all of the balance of the expenses of the people of the District of Columbia out of the Federal Treasury. And until 1922 these taxpayers of the United States paid 50 per cent of all the civic expenses of Washington out of the Federal Treasury.

MAKING WASHINGTON BEAUTIFUL DOES NOT MEAN EXEMPTING PEOPLE HERE FROM TAXES

I want to say this to you: I am for making Washington the most beautiful city in the world. I am for taking every million dollars out of the Treasury of the United States for the Government to spend to do it that is justly needed, but I am not willing to continue taxing the already tax-burdened people of this country, who have to pay their own large taxes at home, to pay the civic expenses here and then let these specially favored, petted, pampered, selfish, spoiled people in Washington pay only $1.40 on the hundred and enjoy all the benefits of this great city at the expense of our constituents back home.

Take this magnificent $6,000,000 Congressional Library that would cost at least $15,000,000 now—is not it enjoyed by every citizen in the District? Take the magnificent Smithsonian Institution, the magnificent museums here, the art gallery, the magnificent parks, the magnificent playgrounds. Are not the people of the District of Columbia getting the benefit? And yet they want to tax the Government of the United States more than $9,000,000 a year, which the Cramton amendment offers them, for the very property that they enjoy hourly here in this District.

THE OLD SLOGAN HAS WORN THREADBARE

Whenever a Member of Congress seeks to change the unjust system of allowing the people of Washington to pay the ridiculous tax rate of only $1.40 on the $100, the newspapers and citizens' associations immediately resort to their old battle cry—

That Washington is the Nation's Capital and must be made the most beautiful city in the world; that the Government should pay a big part of the local city expenses because it owns so much property here.

Washington is the Nation's Capital and should be made the most beautiful city in the world, and I will go just as far as any other man through all legitimate and proper means to make it the most beautiful city in the world. Before the Government built all of its fine institutions here Washington was a mere village. Property here was of little value. It is because of the fact that the United States has spent its millions here that has caused some lots to jump in value from $100 to $100,000. Every piece of property owned by the Government in Washington is daily enjoyed by the people of Washington.

The local pay roll of the Government is a bonanza to the merchants and business enterprises of Washington. The Government pays its nearly 100,000 employees in Washington their wages promptly every two weeks in new money that has never been spent before. Chicago, or any other big city in the United States, would gladly exempt the Government from paying all taxes on its property to get it to move its Capital to such city.

Because we want to make it the most beautiful city in the world is no reason why the Government should pay for building million-dollar school buildings and employing 2,500 teachers and buying the schoolbooks for the 70,000 school children of the thousands of families living in Washington who have no connection whatever with the Government except to bleed it on all occasions and to grow rich on the Government pay rolls expended here.

Because we want to make Washington the most beautiful city in the world is no reason why the Government should pay for the army of garbage gatherers, the army of ash gatherers, the army of trash gatherers, the army of street cleaners and sprinklers, the army of tree pruners and sprayers, and the street-lighting system for the several hundred miles of private residences owned by rich tax dodgers who have no connection whatever with the Government; nor is it any reason why the Government should pay for their water system, their sewer system, their police protection, their fire protection, for playgrounds for their children, for parks for their enjoyment, for their municipal golf grounds, for their numerous public tennis courts, for their bathing beaches, for their skating ponds, for their cricket grounds, for their baseball and football grounds, for their horseback-riding paths, for paving the streets in front of their residences and maintaining and keeping them in repair, for building their million-dollar bridges, furnishing million-and-a-half-dollar market houses, their municipal trial and appellate courts, their jails and houses of correction, their municipal hospitals, asylums for their insane, special asylum schools for their deaf and dumb, asylums for their orphans, a university for their 110,000 colored people, their municipal libraries, their municipal community-center facilities, salaries of all their municipal officers, employees, buildings, furnishings, equipments, sanitary and health departments, and the hundred of other things that all other cities of the United States must furnish and pay for themselves, but a very substantial part of which the people of Washington have been getting out of the Federal Treasury for years.

The magnificent Capitol and its beautiful grounds are daily enjoyed by Washington people. The Congressional Library,

which cost $6,032,124, in addition to the sum of $585,000 paid for its grounds, and for the upkeep of which Congress annually spends a large sum of money, is daily enjoyed by the people of Washington. The Government furnished and maintains the magnificent Botanic Gardens here for the pleasure and enjoyment of Washington people. The Government furnished and maintains the wonderful Zoo Park with all of its interesting animals for the instruction and amusement of Washington children. The Government furnished and maintains the extensive and most beautiful Rock Creek Park, with its picturesque picnic grounds, its miles of wonderful boulevards, its incomparable scenery, all for the pleasure of Washington people. Congress has spent millions of dollars reclaiming and purchasing the lands now embraced in the Potomac Parks and Speedway, daily used and enjoyed by Washington people. The Government has spent several million dollars building the various bridges spanning the Potomac River and huge sums for the bridges spanning the Anacostia River, and spent $1,000,000 building the beautiful "million-dollar bridge" on Connecticut Avenue. The Government has spent millions of dollars on the Lincoln Memorial, grounds, and reflecting pool, the Washington Monument Grounds, Lincoln Park on East Capitol Street, and the numerous beautiful little parks scattered all over the city, all for the pleasure and benefit of Washington people.

In the debate the other day on the floor of the House, when the so-called $4,438,000 alleged surplus bill was up, the gentleman from Colorado [Mr. HARDY] admitted that the Government had spent $190,000,000 out of the Federal Treasury for civic matters here in Washington. I have been fighting this unjust low tax rate ever since I came to Washington. We have succeeded in getting it changed from the old 50–50 plan of Government contribution to 60–40, and then further reduced to a $9,000,000 lump-sum contribution by the Government annually, and I shall not stop until a just and reasonable tax rate is fixed here.

Let me again mention that in October, 1923, when the tax rate here was $1.20 per $100, I wrote to the mayor of every city of any size in the United States and asked them to advise us of their local tax rate, of the charges for water, sewer, paving, and so forth, and what rate, in their judgment, they thought Washington people should pay as a minimum. I want to insert just a few in this report. The consensus of opinion was that the rate here should be at least $2.50 per $100, and there was a large per cent who were in favor of it being much higher, and the rates for taxation ranged from $2.75 to over $6.50, and in all these cities the people were charged more for water, sewer, and paving.

Let me again quote a few excerpts from the letter sent me by the mayor of the city of Peoria, Ill., which is a city comparable in size to Washington, D. C.:

[City of Peoria, Ill., mayor's office. Edward N. Woodruff, mayor]

NOVEMBER 1, 1923.

Hon. THOMAS L. BLANTON,
Representative, Washington, D. C.

DEAR SIR: Answering your questionnaire of October 15, concerning relative tax rates of the cities of Washington and Peoria:

The tax rates on each $100 taxable valuation levied against the real and personal property of the citizens of Peoria for the year 1922 is itemized as follows:

City corporate tax, including library, tuberculosis, garbage, and police and fire pension fund	$1.94	
Street and bridge	.24	
School district	2.70	
Park district	.41	
		$5.29
State	.45	
County	.59	
County highway	.25	
		1.29
Total, all purposes		6.58

Unless there is a tremendous revenue derived from sources other than from taxes, the rate of $1.20 for Washington is ridiculous. While I have never had my attention called to this disparity, I am amazed that the light has not been let into financial affairs of the Capital City long before this time.

You should be supported by every colleague in your effort to compel the citizens of Washington to do theirs, even as every citizen outside the District is doing his.

Wishing you success, I am,

Very truly yours,

E. N. WOODRUFF, *Mayor.*

The foregoing statement from the mayor of Peoria, Ill., fairly indicates the sentiment of the people over the United States. It might be enlightening to quote from a few of the letters received the tax rates of some of the cities over the United States as certified to me by the mayors of such cities.

When I speak of the tax rate of these cities I, of course, mean their total tax—State, county, school, and municipal—which is the total tax citizens of those respective cities have to pay on their property, as compared with the $1.40 on the $100 rate Washington people have to pay in the District of Columbia.

The tax rate paid by the people in Baltimore, Md., $3.27 on the $100; in New Orleans, La., $3.16½ on the $100; in Portland, Oreg., $4.52 on the $100; in my birthplace, Houston, Tex., $4.29½ on the $100; in Ogden, Utah, $3.33 on the $100; in Cheyenne, Wyo., $3.75 on the $100; in Fort Smith, Ark., $3.32 on the $100; in New Bedford, Mass., $3.13; in Burlington, Vt., $3.10 on the $100; in Pittsburgh, Pa., $3.22 on the $100; in St. Louis, Mo., which is a distinct political subdivision of the State, the city tax is $2.43 on the $100; in Boston, Mass., $2.47 on the $100; in Rochester, N. Y., $3.36 on the $100; in Portland, Me., $3.40 on the $100; in Boise City, Idaho, $4.29 on the $100; in Mobile, Ala., $3.40 on the $100; in Detroit, Mich., $2.75 per $100; in Duluth, Minn., $5.79 on the $100; in Atlanta, Ga., $3.15 on the $100; in Kansas City, Mo., $2.93 on the $100; in Minneapolis, Minn., $6.52 on the $100; in Salt Lake City, Utah, $3.18 on the $100; in Oakland, Calif., $4.02 on the $100.

Mr. Cornelius M. Sheehan, president, and Mr. Leo Kenneth Mayer, director, respectively, of the American City Government League, advise me that the tax rate in the city of New York is as follows:

TAXES IN CITY OF NEW YORK

City purposes	$1.287
School purposes	.555
Debt charges	.619
County charges	.096
State charges	.171
Total city tax rate	2.728

TAX RATE IN TEXAS CITIES

In the city of Austin, the capital of Texas, $3.54 on the $100; in Denver, Colo., $2.76 on the $100; in Trenton, N. J., $3.22 on the $100; in Racine, Wis., $2.87 on the $100; in Nashville, Tenn., $2.80 on the $100; in Charlottesville, Va., $2.85. And let me illustrate as the tax rate runs generally over Texas: In Paris, Tex., $4.10 on the $100; in Port Arthur, Tex., $3.54 on the $100; in Tyler, Tex., $4.61 on the $100; in Denison, Tex., $3.32 on the $100; in Waco, Tex., $3.63 on the $100; in Amarillo, Tex., $3.55 on the $100; in Temple, Tex., $3.15; in Wichita Falls, Tex., $5.05 on the $100; in Beaumont, Tex., $4.04.

Mr. Edward F. Bryant, tax collector for San Francisco, Calif., has sent me a statement certifying that the following is the tax rate paid by the citizens in the following cities:

In Seattle, Wash., $8.80 on the $100; Chicago, Ill., $8 on the $100; in Reno, Nev., $7.38 on the $100; in Philadelphia, Pa., $6 on the $100; in Detroit, Mich., $4.48 on the $100; in San Francisco, Calif., $3.47 on the $100; in Los Angeles, Calif., $3.89 on the $100.

What excuse have we to offer to our constituents back at home who are paying the above tax rates for permitting by our votes here the 437,000 people in Washington, D. C., to continue paying the measly little pittance of only $1.40 on the $100, based on a half to two-thirds valuation, when our constituents have to pay all the balance of the expenses of this great city?

WHO SHOULD OBJECT TO WHAT IS JUST AND RIGHT?

Some of the finest people in the world live in Washington. They are selfish simply because Congress has raised them that way from their infancy up. They have been taught to depend on hand-outs each year from the Public Treasury. I am contending only that they should pay a reasonable and fair tax; not a high tax but a reasonable and fair one. I am willing to find out what is the lowest tax rate in any comparable city in the whole United States and adopt that rate as the tax rate for Washington. Isn't that fair? What could be fairer?

MEMBERS OF PRESS GALLERY CITIZENS OF WASHINGTON

Most of the members of the press gallery are citizens of Washington, owning homes here, and some own property here of various kinds. They are personally interested in keeping this low tax rate here. Because I have continued a never-ceasing, determined fight to force a reasonable tax rate here most of them are prejudiced against me, and with very rare exceptions they never permit any kind of reference about any of my work here to go into the press of the country. But the people of the United States who read the daily CONGRESSIONAL RECORD and who are familiar with my work in Congress are

catching on to the discrimination, and to the punishment which these press reporters attempt to inflict upon me, hence their third degrees cause little injury to me. When I know that I am right, I am not afraid to go ahead.

DRESS-SUIT FOOLISHNESS

Illustrative of the above, for the past three days practically all of the newspapers in Washington have been carrying front-paged articles about my appearing in a dress suit and silk hat last Wednesday night. What of it? Was not it proper? It was a dress suit and a silk hat that I brought with me to Washington eight years ago. I have worn it about once a month during the past eight years. I wore one on dress occasions for many years before coming to Washington. I was invited to attend a full-dress uniform banquet given by the 800 members of the fire department of Washington. They wore their full-dress uniforms. What was there wrong in my doing likewise? Col. Bill Price, the veteran and distinguished associate editor of the Washington Times, was toastmaster at this banquet. I enjoyed the very pleasurable honor of being seated next to him. I noticed that he was in full dress, and costumed just as I was. Hence I could not have been far wrong. I want to say this, when I go to a full-dress banquet given for the firemen of the District I put on the best I have got. [Applause.] And I am deeply grateful to Colonel Price for his very kind editorial appearing in this afternoon's Washington Times, which, under the circumstances, I quote:

CONGRESSMAN TOM BLANTON'S DRESS SUIT AND THE DISTRICT OF COLUMBIA IN CONGRESS

(By Bill Price)

Here's where we rise to the defense of Congressman TOM BLANTON. His friend, Congressman ZIHLMAN, of Maryland, "let the cat out of the bag" in open House that the Texan had appeared the night before all dolled up in "evening clothes," and one newspaper goes so far as to print a picture of the silk hat he is alleged to have worn on that occasion.

This writer saw BLANTON in the dress suit at the annual banquet of the Firefighters' Association of Washington. The writer happened to be master of ceremonies, once called "toastmaster" back in the days when there was something liquid to offer in the way of toasts.

Well, TOM BLANTON looked the part of a million dollars in his nifty suit. He smiled like a million dollars, his speech was of that eloquent, earnest, courageous kind he always makes, and he got a storm of applause from the Washington firemen he has consistently befriended in Congress.

It can't be possible that this thing has been sprung on BLANTON to put the cowboys of his congressional district to kidding him or to have them turn their admiration toward a political rival who does not believe "in them durn dress suits." If it was, we don't mind telling those cowboy Texans that their friend Tom "ain't no slouch" in a dress suit and that he is "right there" wherever his duties or obligations call him, even if he does have to put on a "jimswinger" or a dinner coat.

As a matter of fact, all these Texas statesmen are at home either at a social gathering or a stiff poker game, and mighty few of them refuse to don evening clothes when the occasion demands. Former Senator Joe Bailey, of Texas, was one of the few Texas statesmen of recent years who positively would not take to evening wear, and so kept out of so-called "sassiety."

BLANTON is no society leader, either, but he likes to mingle among red-blooded men like the firemen of Washington.

Fighting TOM BLANTON doesn't have the right slant as to heavy taxation of District citizens for the upkeep of a strictly National Capital, but means to be fair. That he is sincere and honest goes without question. The worst thing yet brought against him is this dress suit charge, and we hope we have explained that satisfactorily to his constituents.

THIS BILL SHOULD NOT PASS

At the proper moment I shall move to strike out the enacting clause of this bill, and I hope that my colleagues will support same, and thus prevent this unmeritorious and unjust measure from passing.

The CHAIRMAN. Without objection, the gentleman from Texas withdraws his pro forma amendment.

The Clerk read as follows:

SEC. 5. That the commissioners are authorized to employ in the execution of work the cost of which is payable from the appropriation account created in the District of Columbia appropriation act, approved April 27, 1904, and known as the "Miscellaneous trust-fund deposits, District of Columbia," all necessary inspectors, overseers, foremen, sewer tappers, skilled laborers, mechanics, laborers, special policemen stationed at street-railway crossings, one inspector of gas fitting, two janitors for laboratories of the Washington and Georgetown Gas Light Co.'s market master, assistant market master, watchman, two bookkeepers in the auditor's office, clerk in the office of the collector of taxes, horses, carts, and wagons, and to hire therefor motor trucks when specifically and in writing authorized by the commissioners, and to incur all necessary expenses incidental to carry on such work and necessary for the proper execution thereof, and including maintenance of nonpassenger-carrying motor vehicles, such services and expenses to be paid from said appropriation account.

Mr. AYRES. Mr. Chairman, I would like to offer an amendment on line 12, page 84, by striking out the words "nonpassenger carrying."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. AYRES: Page 84, line 12, strike out the words "nonpassenger carrying."

Mr. DAVIS of Minnesota. Mr. Chairman, I have no objection to that; it is a proper amendment.

The question was taken, and the amendment was agreed to.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling attention to an amendment I offered to the section dealing with the public schools. This amendment was adopted last year but inadvertently one word was omitted. On page 34, line 13, after the word "of" there should have been inserted the word "offensive," and on page 35, line 2, after "teachers" there should be inserted the word "offensive." I was detained and not able to be on the floor when we passed this section, and am asking unanimous consent that we return to this section for the purpose of offering the one word amendment at the two places I have indicated.

The CHAIRMAN. What page?

Mr. SUMMERS of Washington. Page 34.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to page 34, for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Mr. SUMMERS of Washington offers the following amendment: Page 34, line 13, after the words "teaching of," insert the word "offensive."

Mr. SUMMERS of Washington. Mr. Chairman, only a word of explanation to those who have not the bill before them. Last year, on account of certain things which were being taught in the schools here, an amendment prepared by me was inserted which reads:

Provided, That no part of this sum shall be available for the payment of the salary of any superintendent, assistant superintendent, director of intermediate instruction, or supervising principal who permits the teaching of partisan politics, disrespect of the Holy Bible, or that ours is an inferior form of government.

Now, inadvertently the word "offensive" was omitted last year, and that is what I am asking to insert at this time.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. CRAMTON. Can the gentleman explain clearly to this House just what kind of partisan politics would be considered as offensive partisan politics and what kind would be inoffensive? Does it not depend a good deal on the individual concerned whether it is offensive or inoffensive?

Mr. SUMMERS of Washington. The language is "partisan politics." That is unduly restrictive. It was not intended to be so.

Mr. CRAMTON. The gentleman has put in a word that makes the whole thing of very questionable value. It makes the whole thing a matter that is very difficult to define. If I were a teacher I would not know what the gentleman from Washington thought was offensive.

Mr. SUMMERS of Washington. Some teachers of history have said that they did not understand how they could teach the doctrines held by the great parties throughout the history of this country and keep wholly away from a subject that might be construed as partisan politics. Now, to deal with those subjects on broad, general lines, as is quite proper in any school or any college, is one thing; that is permissible and that is right; but to deal with those subjects in a way that offends the sensibilities of the children who are in the classes is a wholly different thing.

I do not want to say too much about this, but there have been a good many instances where teachers have injected what

you and I would say is offensive partisan politics, and have presented their own views, and when the child wanted to present his views they would say, "We will not discuss this matter any further."

That is a condition that I believe the gentleman from Michigan would want to see corrected. There is no objection to their teaching what is commonly taught in schools and colleges, but when it is dealt with in a way that any reasonable person would say is an offensive manner, that is the thing we wish to prevent. That is a thing that should not be done in any public school.

Mr. CRAMTON. Mr. Chairman, I simply wish to call attention to the language in the paragraph and to show how unreasonable it is. The language carries on its face the admission that Congress does not trust the administration of our schools, because everything that the gentleman from Washington [Mr. SUMMERS] seeks to accomplish by the language he has put in is something that would be accomplished, anyway, under any responsible administration of our schools. Does the Congress have to tell the superintendent of public schools that he must not teach, for example, that we have not an inferior form of government? If it is necessary to tell him that, then it is evident that a new Board of Education and a new superintendent of schools should be obtained.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield at that point?

Mr. CRAMTON. Yes.

Mr. SUMMERS of Washington. Last year when this was offered a number of gentlemen told me that these abuses referred to were occurring in the schools, and I have heard two or three gentlemen say within the last few minutes that these things that are referred to in this paragraph were being taught here.

Mr. CRAMTON. As to partisan politics, the gentleman says they want to teach what has happened with respect to partisan politics in our past history, and if they tell the truth about it they are bound to offend somebody. I can imagine, for example, a teacher getting up and telling the pupils what happened last November and about this new party that promised it "was going to restore the Government to the people." They might readily say something that would be offensive to the pupils or to their parents, and it might be offensive to some Member of Congress or somebody outside. The fact is, you can not take up live political questions without a chance of hurting somebody's feelings. While the gentleman has put in the word "offensive" before the words "partisan politics," he is just illustrating the inefficiency of the whole policy contemplated under this paragraph of the bill.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. MOORE of Virginia. I agree with the gentleman that the bill would be weakened by the adoption of the amendment, because I think the provision would be left open to construction, so that it would be difficult to define what is offensive partisan politics, just as it was difficult in the interpretation and administration of the Lever Act to define what was meant by "unreasonable prices."

Mr. CRAMTON. I suppose what the gentleman wants to accomplish is this: He does not want the schools to be used for partisan purposes. If they should happen to touch on the relationship between bathing beaches and important elections, for example, that might be deemed offensive. I hope the amendment will not be adopted, and if it is not adopted I will move to strike out the rest of the language.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

Mr. WINGO. Mr. Chairman, I rise in opposition to the amendment. As I understand it, the proposition hinges on the practice of teaching offensive partisanship in the schools. I do not think anybody will charge that I am not a loyal friend of the public schools of the District of Columbia, but there are some people connected with the schools of the District who ought to realize that the Civil War is over. They ought to realize that the most cowardly thing on earth—and I measure my words when I say it—the most cowardly thing on earth is for a man or a woman to take advantage of the temporary authority he may have or she may have over a child and say contemptible and offensive things against the ancestors of that child, or teach that child falsely that his father or his grandfather was a traitor to his country and unworthy of respect. I repeat my words: Nobody but a coward would do it. Nobody but a scurvy cur would approve it. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this paragraph and all amendments thereto be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I move to strike out the proviso in this paragraph.

Mr. TINCHER. Mr. Chairman, I make the point of order that the paragraph has been passed and there has been no consent granted to return to it except for the purpose of permitting the gentleman from Washington [Mr. SUMMERS] to offer a specific amendment.

Mr. CHINDBLOM. Mr. Chairman, consent was granted to return to that specific paragraph and to the succeeding paragraph for the purpose of offering amendments to them.

Mr. TINCHER. Consent was granted to return for the purpose of offering a certain amendment, and the gentleman from Washington stated the amendment he was going to offer when he obtained the consent.

The CHAIRMAN. It seems to the Chair it would be abusing the confidence of the House to ask to return to this paragraph for the purpose of offering a specific amendment and then open it for further amendment.

Mr. CHINDBLOM. Mr. Chairman, my distinct recollection is that the request was to return to the paragraph.

The CHAIRMAN. As the Chair recalls, it was for a specific purpose, for the purpose of permitting the gentleman from Washington to offer an amendment, that permission to return to this paragraph was given. If the Chair is in error, he would like to be corrected. The Clerk will read.

The Clerk read as follows:

SEC. 6. That the commissioners and other responsible officials, in expending appropriations contained in this act, so far as possible shall purchase material, supplies, including food supplies and equipment, when needed and funds are available, from the various services of the Government of the United States possessing material, supplies, passenger-carrying and other motor vehicles, and equipment no longer required because of the cessation of war activities. It shall be the duty of the commissioners and other officials, before purchasing any of the articles described herein, to ascertain from the Government of the United States whether it has articles of the character described that are serviceable. And articles purchased from the Government, if the same have not been used, shall be paid for at a reasonable price, not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage. The various services of the Government of the United States are authorized to sell such articles to the municipal government under the conditions specified and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided*, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office materials, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 85, after line 18, insert a new section, as follows:

"SEC. 7. The estimates of appropriations in the District of Columbia chapter of the Budget for the fiscal year 1927 shall be submitted on the same basis of contribution by the United States which this act provides."

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman, I do not care to discuss the amendment, and ask for a vote.

Mr. MOORE of Virginia. Mr. Chairman, I make a point of order against the amendment.

Mr. CRAMTON. Mr. Chairman, I make the point of order that that point of order comes too late.

Mr. MOORE of Virginia. I did not hear anything intervene.

Mr. CRAMTON. The Chair had recognized the gentleman from Illinois, and the gentleman stated he did not care to discuss the amendment.

The CHAIRMAN. It is evident that the gentleman from Virginia is too late, because the Chair paused and then recognized the gentleman from Illinois, and the gentleman spoke several words.

Mr. MADDEN. Mr. Chairman, I ask for a vote.

Mr. GARRETT of Tennessee. Mr. Chairman, I would like to ask the gentleman from Illinois a question about this amendment, if he does not mind. I heard the amendment read, but I do not understand its exact meaning.

Mr. MADDEN. The point is that it would be more fair and more convenient, I believe, for the District government authorities and the Budget authorities to make their estimates on the basis of a flat contribution by the United States, as this bill and the previous bill provides, than it would be on the 60–40 percentage basis which is the permanent law. That is why I think this should be done. It is in the interest of permitting the submission of the estimates to conform to the lump-sum basis of appropriation.

Mr. MOORE of Virginia. May I ask the gentleman to what year this amendment would apply?

Mr. MADDEN. To next year.

Mr. MOORE of Virginia. It does not apply indefinitely?

Mr. MADDEN. No; just for one year.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last word for the purpose of discussing an amendment which was adopted a little while ago, and for that purpose I ask unanimous consent to proceed out of order for five minutes.

Mr. MOORE of Virginia. Mr. Chairman, reserving the right to object, may I ask whether it is the purpose to vote this afternoon?

Mr. MADDEN. It is; yes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Chairman, a little while ago, while most of those who are now present were out of the Chamber—which, of course, was their own fault, as it was mine; I happened to be at luncheon—an amendment was adopted on page 55, at the end of line 6, in which is included the following language:

Provided further, That the second paragraph of section 44 of the Code of Law for the District of Columbia hereby is amended to read as follows:

I would like to have the membership listen to this amendment:

In all cases where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be more than $300, or imprisonment as punishment for the offense may be more than 90 days, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year.

This amendment was offered under the head of the "police court." The constitutional provision governing this kind of cases is this:

The trial of all crimes, except in cases of impeachment, shall be by jury.

It has been held that even quasi-criminal cases——

Mr. AYRES. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. AYRES. I will say that the supreme court of this District, in Twenty-second District Court of Appeals, at page 321, held in cases of this kind—that is, petty offenses—that as a matter of right the offender has no right to demand a trial by jury.

Mr. CHINDBLOM. I thought the gentleman wanted to ask a question. I can not yield all of my time. I have only five minutes.

Mr. AYRES. I was just calling the gentleman's attention to the fact that the constitutional provision which the gentleman is citing was construed in this case and they held it did not apply to petty offenses.

Mr. CHINDBLOM. I had started to say that it has been held in some jurisdictions that even in quasi-criminal cases where there is a possibility of infliction of punishment by imprisonment, the trial must be by jury. I have not risen for the purpose of arguing the constitutional question. I have risen for the purpose of submitting to the House the question whether we are prepared in and for the District of Columbia to deprive any offender, any criminal, any man charged with misdemeanor or with crime, of the right of trial by jury, even where the imprisonment is less than 90 days or where the fine is less than $300.

Mr. BLANTON. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. BLANTON. This is just an enlargement of the present law of the District. Where the fine is not more than $50 he is not entitled to a trial by jury, as a matter of right.

Mr. CHINDBLOM. That might look like a bagatelle and a very small matter, but when you come to a fine of $300 or imprisonment for 90 days I think we are going a little far in the District of Columbia, when we, the Congress of the United States, provide that such penalties and such punishments may be inflicted without giving a man the right to demand a trial by jury. Of course, if it is some petty offense and the man should prefer to have his case tried by the court, as is often true, there would be no objection to that, but we are depriving such persons of the right even to demand a trial by jury where there may be imposed a find of $300 or where there may be imposed imprisonment for a period of 90 days. I shall not be captious about it. I shall ask for a separate vote upon the amendment and if the amendment is approved by the membership present, with full knowledge of what it contains, of course, I shall be perfectly content.

Mr. LOZIER. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. LOZIER. Is it not almost universally held in all jurisdictions that proceedings for violations of city ordinances are not criminal proceedings but are in the nature of proceedings for the collection of a penalty, and on that theory has not practically every State held that they are not entitled to trial by jury as a matter of right?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 12033, the District of Columbia appropriation bill, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. DAVIS of Minnesota. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. MADDEN. Mr. Speaker, I demand a separate vote on the amendment of the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. CHINDBLOM. Mr. Speaker, a moment ago I referred to the amendment on page 55, line 6. I am assured that that may receive further consideration by the committee and perhaps by the other body, so I shall not press the matter now.

RENT COMMISSION BILL

Mr. BLANTON. Mr. Speaker, may I have permission at this time, in order that I may attend to some other work, to file minority views up to midnight to-night on the bill that the Committee on the District of Columbia reported out yesterday, known as the rent bill?

The SPEAKER. The Chair does not think the business of the House ought to be interrupted in that way, but the Chair will put the request. The gentleman from Texas asks unanimous consent to have until midnight to-night to file minority views on the bill referred to. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL

The SPEAKER. If a separate vote is not demanded on any other amendment, the Chair will put the other amendments in gross.

The amendments were agreed to.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. BYRNS], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNS of Tennessee: On page 73, strike out lines 24, 25, and 26 and insert in lieu thereof the following: "The unexpended balance of the sum of $50,000 and the reappropriation of $25,000 provided in the second deficiency act, fiscal year 1924, approved December 5, 1924, for the construction and maintenance of a bathing beach and bathhouse on the west shore of the Tidal Basin in Potomac Park is hereby directed to be covered into the Treasury to the credit of the District of Columbia.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BYRNS of Tennessee) there were—ayes 54, noes 49.

Mr. MADDEN. Mr. Speaker, I object to the vote on the ground of no quorum being present and make the point of no quorum.

The SPEAKER. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 129, nays 137, not voting 165, as follows:

[Roll No. 55]

YEAS—129

Allen	Driver	Lee, Ga.	Sanders, Tex.
Arnold	Eagan	Lilly	Sandlin
Aswell	Evans, Mont.	Lowrey	Sears, Fla.
Ayres	Fisher	Lozier	Shallenberger
Bankhead	Fulbright	Lyon	Sherwood
Barkley	Fulmer	McClintic	Smithwick
Bell	Gambrill	McDuffie	Spearing
Black, Tex.	Gardner, Ind.	McReynolds	Steagall
Bland	Garner, Tex.	McSweeney	Stedman
Blanton	Garrett, Tenn.	Major, Mo.	Stengle
Bowling	Garrett, Tex.	Martin	Stevenson
Box	Gasque	Milligan	Sumners, Tex.
Boyce	Greenwood	Mooney	Swank
Brand, Ga.	Hammer	Moore, Ga.	Taylor, Colo.
Briggs	Harrison	Moore, Va.	Taylor, W. Va.
Browne, N. J.	Hastings	Morehead	Thomas, Ky.
Browne, Wis.	Hayden	Morris	Thomas, Okla.
Browning	Hill, Ala.	Morrow	Tillman
Bulwinkle	Hill, Wash.	Oldfield	Tucker
Busby	Hooker	Oliver, Ala.	Underwood
Byrnes, S. C.	Howard, Nebr.	Park, Ga.	Upshaw
Byrns, Tenn.	Howard, Okla.	Parks, Ark.	Vinson, Ga.
Canfield	Huddleston	Peery	Vinson, Ky.
Carter	Hull, Tenn.	Quin	Watkins
Collier	Jeffers	Ragon	Weaver
Connally, Tex.	Johnson, Tex.	Rainey	Williams, Tex.
Crisp	Jones	Raker	Wilson, Ind.
Davis, Tenn.	Jost	Rankin	Wilson, La.
Deal	Kerr	Rayburn	Wingo
Dickinson, Mo.	Kincheloe	Reece	Wright
Doughton	Lanham	Romjue	
Drane	Lankford	Rubey	
Drewry	Larsen, Ga.	Salmon	

NAYS—137

Ackerman	Free	McLaughlin, Nebr.	Sites
Aldrich	Freeman	McLeod	Smith
Bacharach	French	MacGregor	Snell
Bacon	Fuller	MacLafferty	Snyder
Barbour	Funk	Madden	Speaks
Beedy	Geran	Magee, N. Y.	Sproul, Ill.
Beers	Gibson	Magee, Pa.	Sproul, Kans.
Begg	Gifford	Major, Ill.	Stalker
Black, N. Y.	Green	Mapes	Strong, Kans.
Boies	Guyer	Michener	Summers, Wash.
Burtness	Hadley	Miller, Wash.	Taber
Burton	Hall	Minahan	Temple
Campbell	Hardy	Moore, Ohio	Thatcher
Chindblom	Haugen	Moores, Ind.	Tilson
Clague	Hawley	Morgan	Timberlake
Clancy	Hersey	Murphy	Tincher
Clarke, N. Y.	Hickey	Nelson, Me.	Tinkham
Cole, Iowa	Hoch	Newton, Minn.	Vaile
Colton	Hudson	O'Connell, R. I.	Vestal
Cooper, Wis.	Hull, Iowa	Patterson	Vincent, Mich.
Cramton	Hull, Morton D.	Perkins	Wainwright
Crosser	Hull, William E.	Purnell	Watres
Darrow	Jacobstein	Ramseyer	Watson
Davis, Minn.	Johnson, S. Dak.	Ransley	Wefald
Denison	Ketcham	Rathbone	White, Kans.
Dickinson, Iowa	Knutson	Reed, N. Y.	Williams, Ill.
Dowell	Kopp	Reed, W. Va.	Williams, Mich.
Dyer	LaGuardia	Robsion, Ky.	Winter
Elliott	Leavitt	Sanders, Ind.	Woodruff
Fairchild	Lehlbach	Sanders, N. Y.	Wyant
Faust	Lineberger	Seger	Yates
Fenn	Longworth	Shreve	Zihlman
Fish	Luce	Simmons	
Fitzgerald	McKenzie	Sinclair	
Foster	McLaughlin, Mich.	Sinnott	

NOT VOTING—165

Abernethy	Boylan	Carew	Cook
Allgood	Brand, Ohio	Casey	Cooper, Ohio
Almon	Britten	Celler	Corning
Anderson	Brumm	Christopherson	Croll
Andrew	Buchanan	Clark, Fla.	Crowther
Anthony	Buckley	Cleary	Cullen
Beck	Burdick	Cole, Ohio	Cummings
Berger	Butler	Collins	Curry
Bixler	Cable	Connery	Dallinger
Bloom	Cannon	Connolly, Pa.	Davey
Dempsey	Kendall	Nelson, Wis.	Sears, Nebr.
Dickstein	Kent	Newton, Mo.	Stephens
Dominick	Kiess	Nolan	Strong, Pa.
Doyle	Kindred	O'Brien	Sullivan
Edmonds	King	O'Connell, N. Y.	Sweet
Evans, Iowa	Kuns	O'Connor, La.	Swing
Fairfield	Kurtz	O'Connor, N. Y.	Swoope
Favrot	Kvale	O'Sullivan	Tague
Fleetwood	Lampert	Oliver, N. Y.	Taylor, Tenn.
Frear	Langley	Paige	Thompson
Fredericks	Larson, Minn.	Parker	Treadway
Frothingham	Lazaro	Peavey	Tydings
Gallivan	Lea, Calif.	Perlman	Underhill
Garber	Leach	Phillips	Vare
Gilbert	Leatherwood	Porter	Volgt
Glatfelter	Lindsay	Pou	Ward, N. Y.
Goldsborough	Linthicum	Prall	Ward, N. C.
Graham	Logan	Quayle	Wason
Griest	McFadden	Reed, Ark.	Weller
Griffin	McKeown	Reid, Ill.	Welsh
Hawes	McNulty	Richards	Wertz
Hill, Md.	McSwain	Roach	White, Me.
Holaday	Manlove	Robinson, Iowa	Williamson
Hudspeth	Mansfield	Rogers, Mass.	Wilson, Miss.
Humphreys	Mead	Rogers, N. H.	Winslow
James	Merritt	Rosenbloom	Wolff
Johnson, Ky.	Michaelson	Rouse	Wood
Johnson, Wash.	Miller, Ill.	Sabath	Woodrum
Johnson, W. Va.	Mills	Schafer	Wurzbach
Kearns	Montague	Schall	
Keller	Moore, Ill.	Schneider	
Kelly	Morin	Scott	

So the amendment was rejected.

The following pairs were announced:

Mr. Strong of Pennsylvania with Mr. Abernethy.
Mr. Michaelson with Mr. Gallivan.
Mr. Frothingham with Mr. O'Connor of Louisiana.
Mr. Morin with Mr. Prall.
Mr. Sweet with Mr. Hawes.
Mr. Miller of Illinois with Mr. Boylan.
Mr. Swing with Mr. Johnson of Kentucky.
Mr. Mills with Mr. Richards.
Mr. Taylor of Tennessee with Mr. Cannon.
Mr. Swoope with Mr. Weller.
Mr. Stephens with Mr. Logan.
Mr. McFadden with Mr. Corning.
Mr. Dempsey with Mr. Favrot.
Mr. Crowther with Mr. O'Connell of New York.
Mr. Connolly of Pennsylvania with Mr. Reed of Arkansas.
Mr. Rogers of Massachusetts with Mr. Buckley.
Mr. Cooper of Ohio with Mr. Humphreys.
Mr. Brumm with Mr. Almon.
Mr. Winslow with Mr. Glatfelter.
Mr. Wurzbach with Mr. O'Sullivan.
Mr. Treadway with Mr. Quayle.
Mr. Vare with Mr. Hudspeth.
Mr. Wertz with Mr. Buchanan.
Mr. White of Maine with Mr. Carew.
Mr. Johnson of Washington with Mr. Johnson of West Virginia.
Mrs. Nolan with Mr. Rogers of New Hampshire.
Mr. Kiess with Mr. Casey.
Mr. Moore of Illinois with Mr. Kent.
Mr. Scott with Mr. Rouse.
Mr. Porter with Mr. Allgood.
Mr. Welsh with Mr. Gilbert.
Mr. Phillips with Mr. O'Connor of New York.
Mr. Hill of Maryland with Mr. Bloom.
Mr. Paige with Mr. Griffin.
Mr. Garber with Mr. Pou.
Mr. Wason with Mr. Celler.
Mr. Burdick with Mr. Kuns.
Mr. Christopherson with Mr. Sabath.
Mr. Kearns with Mr. Linthicum.
Mr. Britten with Mr. Ward of North Carolina.
Mr. Fredericks with Mr. Cook.
Mr. Thompson with Mr. Kvale.
Mr. Leatherwood with Mr. Clark of Florida.
Mr. Kurtz with Mr. Steagall.
Mr. James with Mr. Tague.
Mr. Kelly with Mr. Lea of California.
Mr. Evans of Iowa with Mr. Wilson of Mississippi.
Mr. Fairfield with Mr. McKeown.
Mr. Larson of Minnesota with Mr. Croll.
Mr. Frear with Mr. Davey.
Mr. Anderson with Mr. Mansfield.
Mr. Andrew with Mr. Collins.
Mr. Wood with Mr. Mead.
Mr. Newton of Missouri with Mr. Dickstein.
Mr. Bixler with Mr. O'Brien.
Mr. Parker with Mr. Doyle.
Mr. Griest with Mr. Woodrum.
Mr. Anthony with Mr. McSwain.
Mr. Butler with Mr. Cummings.
Mr. Reid of Illinois with Mr. Sullivan.
Mr. Kendall with Mr. Lazaro.
Mr. Cole of Ohio with Mr. Cleary.
Mr. Lampert with Mr. Goldsborough.
Mr. Curry with Mr. Oliver of New York.
Mr. Manlove with Mr. Lindsay.
Mr. Fleetwood with Mr. Tydings.
Mr. Dallinger with Mr. Connery.
Mr. Roach with Mr. Cullen.
Mr. Perlman with Mr. McNulty.
Mr. Brand of Ohio with Mr. Wolff.
Mr. Graham with Mr. Dominick.
Mr. Merritt with Mr. Montague.
Mr. King with Mr. Berger.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DAVIS of Minnesota, a motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL AID TO RURAL POST ROADS

Mr. DOWELL. Mr. Speaker, I call up from the Speaker's table the bill H. R. 4971, with Senate amendments.

The Clerk will read the title, as follows:

An act (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The Senate amendments were read.

Mr. DOWELL. Mr. Speaker, the principal amendment to this legislation adopted by the Senate was the one just read extending the time for the compliance with the Federal road law to the States where it was found necessary to amend their statutes and constitutions in order to comply with the Federal aid law. This amendment extends further time to these States, to give them an opportunity to amend their laws in order that they may fully comply with the Federal-aid legislation. The other amendments are merely correcting amendments.

I move that the House concur in the Senate amendments to the bill.

The Senate amendments were agreed to.

FEDERAL FINANCES, 1913–1925

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. HULL] may have permission to extend his remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. GARNER] that the gentleman from Tennessee [Mr. HULL] may extend his remarks in the RECORD?

There was no objection.

Mr. HULL of Tennessee. Mr. Speaker, the financial operations of the Federal Government are of the greatest interest and importance to the people, and yet no other phase of our governmental affairs is so little understood by them. This unfortunate condition seems to be due to the fact that Treasury bookkeeping has long been obsolete and unintelligible, and besides people otherwise intelligent make no effort, with rare exceptions, thus to keep themselves informed. This lack of intelligent understanding is to-day everywhere apparent, notwithstanding the historic and dramatic financial activities and experiences of the Government during recent years. The World War taxed the power of America and of all nations engaged—the financial, the industrial, and the man power—as never before. The financial operations of our Government were conducted on a colossal and gigantic scale never dreamed of in the past. Their history reads like an epic. They were huge and amazing, even to the most experienced banker and business man. The example of financing set by the American Government in connection with the World War period, which, in wisdom and soundness, far surpasses that of our own Government during former wars and of any other government during any war, will be invoked and followed as a model by this and all other enlightened governments in the unfortunate event of future wars.

While the people are too near the recent confusing war conditions to grasp and understand the full and true nature of the financial policies and methods conceived and placed in operation by the American Government since 1913, the present period nevertheless calls for a brief résumé of their more outstanding phases as a means both of better understanding and of removing widespread misinformation and resulting misconceptions existing in the public mind. Next to the loss of the war itself are the losses which the people may suffer both during and subsequent to the war on account of the manner of its financing. Finance not only underlies every war activity from the front-line trenches back to the plants, mines, and factories where war materials and supplies are produced, but the methods by which a war is financed have a tremendous and controlling effect upon the entire financial, industrial, and economic welfare of the people during the generation that follows.

While the Democratic Party through the agency of the Wilson administration had control of the executive and legislative departments of the Government beginning March 4, 1913, one outstanding object in view was to give to America a new and modernized fiscal system. This embraced tax reform, financial or banking reform, a rural credits system, and reform in accounting and retrenchment in expenditures through a Budget system.

THE PAYNE TARIFF

The Wilson administration found in operation in 1913 a grossly unfair, lopsided, and archaic system of Federal taxation. They found an antiquated, extortionate, inequitable, and class system of high tariff taxation—a system which had been dictated by its own beneficiaries. The masses were bearing the burden of most all Federal taxation. The owners of the principal wealth of the country were virtually immune from Federal taxes. At the same time manufacturers, sheltered from competition behind abnormally high tariffs, were charging the people profits far above reasonable profits. These high tariffs, in addition, had greatly obstructed our foreign trade until "dumping" became the favorite resort of exporters. Many economic trade barriers were erected against us, including rank discriminatory practices, by other commercial nations.

The Payne tariff law had jacked up the costs of production to a high artificial level, having unduly increased the cost of living, the cost of raw materials, and other items in manufacturing costs. A further result was trust-controlled prices, stagnation, and depression at home.

All rules of justice and equity in taxation had been ignored. The doctrine of ability to pay had become obsolete under previous administrations. The only breach that had been made in this tariff wall of entrenched privilege by the opposition occurred in 1909, when the sponsors of the Payne tariff bill were obliged to agree to the submission of an income-tax amendment to the Constitution in order to prevent an income-tax measure from being enacted as a part of the Payne law; or, to quote the language of Senator Aldrich at the time, "to defeat the income tax." And, too, revenue necessities required the Payne law to be supplemented by a 1 per cent tax on the net earnings of corporations, which yielded around $30,000,000.

THE UNDERWOOD TARIFF

The Wilson administration proceeded promptly to enact the Underwood-Simmons tariff law, which embraced two great policies of tax reform—a competitive tariff for revenue and an income tax. The fundamental policies of this law were revenue, reasonable competition, and moderate tariff rates—rates which would not afford a shelter for excessive or extortionate prices on the one hand, nor destroy or materially injure any industry economically justifiable on the other. Higher rates were levied upon articles of luxury and lower rates or none at all upon articles of necessity. The general effects of this measure were to prevent trust-controlled prices in many instances, and hence to lower the cost of living as well as the previously existing high and artificial level of production costs. This measure was likewise calculated to unfetter many phases of our foreign commerce and greatly to promote its growth and expansion. It repudiated the economic absurdity that we would forever sell but never buy. This tariff policy also contemplated the elimination of many forms of discrimination in international commerce and other hurtful trade practices.

The income tax was enacted in response to the best modern fiscal opinion for the twofold purpose of providing revenue and equalizing the tax burden. Fifty-two countries and States had already adopted a permanent income-tax policy and none had abandoned it. This tax method was the outgrowth of centuries of tax legislation throughout the world. The income-tax provision in the Underwood-Simmons law of 1913 was modeled after parts of different existing systems, and carried a normal rate of 1 per cent with a maximum surtax rate of 6 per cent. Who could complain at these peace-time rates? Experience has demonstrated that the income tax offers the only method of getting at the financial resources of the country in fair measure by reaching classes of persons who would otherwise virtually escape taxation. No statesman or economist to this day has been able to suggest any substitute method for the income tax that would constitute an improvement. Like all other general tax methods this tax is not without some complications, and like all other taxes it is disagreeable to pay; but unlike most others it is equitable, and constitutes an indispensable part of every sound, well-balanced revenue system. The Nation was soon to turn to this tax, which Gladstone characterized as "an engine of gigantic power for national purposes," as the "center and sheet anchor of our financial system" during the World War.

The Underwood-Simmons law remained on the statute books from October, 1913, to September, 1922, and met every sound economic law and every expectation as a producer of revenue. The estimated yield from customs for the fiscal year ending June 30, 1914, was $270,000,000, whereas the actual yield was $292,000,000. The combined tariff and income-tax yield for the same period was many millions in excess of the combined revenue yield of the Payne law for the previous year. Under the operation of this salutary law the only hesitation of any branch of business occurred during the fore part of 1914, when and because central Europe, to whom we owed billions, dumped vast quantities of securities upon America for payment, in rapid preparation for the World War soon to commence. Nor

did the Underwood tariff result in "a flood" of imports, as had been predicted by its enemies.

The imports of manufactures for the year 1914 were $682,632,000, as against imports of $753,689,000 during 1913, chiefly under the Payne rates. The carefully propagated myth that Democratic tariffs are followed by bad business conditions was not only effectively destroyed by the nine years' operation of the Underwood-Simmons tariff act but the country is now forcibly reminded that the disastrous panic of 1873 occurred under the Morrill high tariff; that the more disastrous panic of 1890–1893 occurred under the McKinley high tariff; that the severe panic of 1907 occurred under the Dingley high tariff; and that the panic of 1921–1923, disastrous mainly to agriculture, occurred under the Republican emergency high tariff and while the general Fordney tariff was either in process of enactment or was the existing law.

GROSSLY DEFECTIVE FINANCIAL SYSTEM PRIOR TO 1913

Since the Civil War the country had bumped along with a patchwork, panic-breeding currency system. As late as 1900 to 1907 those in control of the Government were content to boast that the old Civil War national banking act was good enough. They ignored the patent fact that the banking system was vitally defective in its most essential elements. It is true that spasmodic efforts at solution were made by individual Members of Congress from time to time, but with no results. Notwithstanding the appearance of many storm signals and other ominous warnings, the banking and currency question was not touched from 1900 to 1908, and the currency law of 1900 had offered but a slight step toward general banking reform. There never was in any government such serious necessity for a wise and permanent national policy relating to money and credit as during these and former years. This question for more than 40 years had afforded a fruitful field for the demagogue and the ignorant during periods of hard times.

The terrific panic of 1907 sobered officials in charge of the Government long enough to secure the enactment of a second piece of inadequate and ill-considered banking and currency legislation, which failed to meet the demand even as a temporary makeshift—the Aldrich-Vreeland Act.

This act was solely an emergency measure and was to expire by limitation in June, 1914. It was materially amended, however, in a number of instances and extended for a year, by the Wilson administration, pending the complete operation of the Federal reserve system which began in November, 1914. As thus amended in certain vital respects the Aldrich-Vreeland Act afforded partial aid in preventing a panic at the outbreak of the war in August, 1914, but the chief safeguard and protection against panic were the assurances offered by the Federal reserve system which had been enacted late in the previous year. The panic of 1907 was a bankers' panic, which resulted in a vast number of bank failures, accompanied by suspension of specie payments. Another gesture toward banking reform was the creation of the Aldrich Monetary Commission in 1908. This commission prepared and recommended the Aldrich bill in 1912. One great central bank was its distinguishing feature. It embraced the idea of private banking control, of a uniform discount rate, and of the discredited reserve city deposit system.

FEDERAL RESERVE SYSTEM, 1913

The Wilson administration in 1913 brushed aside the dominant features and provisions of the Aldrich measure and cleared the decks for legislative action on a broad and constructive scale. The result, late in that year, was the enactment of the great Federal reserve system, the detailed provisions of which are now familiar to the general public. This wonderful law differed fundamentally from the Aldrich proposal, in that it substituted Government control for private banking control, and a system of branch banks for one great central bank. It was designed to make available the best possible distribution of money and credit alike to business, agriculture, and labor at all times. This salutary and epochal measure was vigorously opposed by the larger banks generally, as it was by Senator Aldrich and his group. The fact is significant that even the conference report on this great measure was opposed by a majority of the Republicans voting in the Senate and a majority voting in the House.

This historic measure was in the act of being placed in operation when the war broke out in 1914 and proved a mainstay to our financial situation seriously threatened by the world panic at that time. Perhaps the ablest world banker of this period, Sir Edward Holden, of England, early in 1918 paid the following tribute to our Federal reserve system:

I wish to congratulate the Federal Reserve Board and the bankers of America on having succeeded in creating and building up a banking system which surpasses in strength and excellence any other banking system in the world.

The enactment of the Federal reserve system in 1913 over the bitter opposition of dominant Republican leaders and the principal banking interests of the country is a forceful reminder of the line of cleavage between the Democratic Party and its opponents on the banking and currency question from the beginning of the Government, when Hamilton's national bank proposal was seriously questioned by those of the Jeffersonian views of government. This fight was later fought to a finish under the leadership of Andrew Jackson when a new national bank charter was denied upon the ground originally urged to the effect that the people would be subjected to a monopoly of money and credit. The old story of the banks and their friends seeking to perpetuate a like policy that had prevailed since the Civil War was strikingly revealed in the fight made by the Democratic Party under the Wilson leadership to abolish these conditions by giving to the country a financial system controlled by Government officials rather than by private bankers, and money issued by the Government rather than by private banking agencies. The people will forever remain greatly indebted to the Democratic Party for these outstanding services. That party will be needed as greatly in the future as during the periods of Jefferson, Jackson, and Wilson to wage over again this never-ending controversy which the opposition watch every opportunity to revive.

NEW FISCAL MEASURES INDISPENSABLE DURING WAR

The Wilson administration had thus built a great, well-balanced structure of revenue and finance as a peace-time model to this and all other countries, which constituted the greatest fiscal reform of all time. But even more important, this wonderful fiscal system was soon to become the indispensable mainstay of America and of the world through the greatest war in history. The money and credit operations conducted through the agency or supervision of the Federal reserve system and the vast revenues raised mainly from war profits through the agency of the income tax, extended and developed for war purposes, not only made possible the winning of the war but its financing on a wiser and sounder basis than had ever before been known.

To illustrate the utter helplessness of the Government to raise money from any other kind of taxes for the prosecution of the war, it is only necessary to point to the fact that from the income and profits taxes the Government for the years 1917 to 1922, inclusive, raised $15,000,000,000, while the miscellaneous revenue yield was only $5,250,000,000 and the entire tariff revenue yield was $1,500,000,000. At the same time the new Federal reserve system alone made it possible to finance our enormous commerce and trade, foreign and domestic, to mobilize our money and credit on that gigantic scale necessary to assist the allied governments and to meet our own tremendous expenditures which our participation in the war incurred. Our old banking and currency system would utterly have failed and the Nation would have been entirely helpless to conduct the greatest financial operations hitherto known to any government and so indispensable to the winning of the war.

None of these great fiscal measures would have been enacted by a Republican administration, with the result that probably a losing war would have been financed chiefly by bonds and fiat money, while great mountains of war profits would have escaped war taxes then and war burdens thereafter. And, too, the people would have been subjected to all the incalculable evils and losses of inflation and depreciation. The policy of this new fiscal system will continue, as it always has, to constitute a dividing line between the Democratic Party and its opposition.

Our Civil War, due to the lack of an adequate revenue system, was financed chiefly by bonds and depreciated paper currency hurriedly issued for the purpose. The total taxes raised in 1861–62 were $50,841,000, and for 1864–65, $295,593,000. The loans carried astonishingly high rates of interest compared with those of the recent war, ranging from 7.3 per cent to 5 per cent, which rates were greatly augmented in effect by the depreciated currency. The result further was that in funding the public debt of $4,846,000,000 following the Civil War, the taxpayers were severely penalized both by high interest rates and by the purchase of outstanding bonds at large premiums, as great as 25 per cent.

The policy of the Wilson administration in financing the Government during the World War was by taxation as heavy as the country could reasonably bear, supplemented by bonds carrying interest rates sufficiently low as not to result in substantial premiums on the bonds during the years to follow the war, together with such terms of maturity and redemption

as would enable the bonds to be refunded or paid off in a manner least burdensome and unfair to the taxpayers.

ADDITIONAL REVENUE NECESSARY UNDER WAR CONDITIONS

The general war which began in Europe in 1914 greatly demoralized American finances and commerce, as it did those of all countries. Foreign trade everywhere was severely checked and reduced. The South American countries suffered a loss of imports during the first few months of the war averaging 50 per cent. Canada lost 28 per cent of her customs revenue, and Japan's customs declined $41,000,000 during the first four months of the war. The United States was no exception. To meet this threatened deficit, Congress passed a war emergency revenue act, October 22, 1914, which increased duties on beer and other fermented liquors and prescribed certain special taxes, including stamp taxes. The measure was estimated to yield $54,000,000 and did not fall far short of this sum. This emergency revenue measure which had been enacted for only one year was later extended in the fall of 1915 for a period of two years.

The new national defense law enacted in 1916 and the sending of troops to the Mexican border during that year, together with proposed expenditures by the new Shipping Board, called for further emergency revenue legislation. The revenue act of 1916, designed to yield $197,000,000, expanded the emergency act of 1914; restored the duty on sugar, which the Underwood law had left free; increased the normal income-tax rate on individuals and corporations from 1 per cent to 2 per cent; and extended the surtaxes to a small extent.

A new general estate or inheritance tax provision, carrying graduated rates to a maximum of 10 per cent, with $50,000 exemption, was also inserted in this revenue measure as a permanent part of our revenue system.

To meet emergency needs of the Army and Navy and our fortifications as war conditions became more threatening the revenue act of March, 1917, was passed. It was intended to yield $207,000,000 of revenue, while it authorized bond issues for the cost of the Mexican trouble, the Danish West Indies, the Alaskan railroad, shipping, and armor-plate plant. These, however, were not issued, but were later merged into the war bond issues. This act, too, was soon merged into the revenue act of October, 1917. The general result was that ordinary receipts, exclusive of postal, rose from $779,000,000 in 1916 to $1,118,000,000 in 1917. Two hundred and thirty-five million dollars of this amount was due to the income tax. These emergency tax measures were based upon precedent and sound revenue considerations, and with the exception of a slight deficit for 1915 they amply met all ordinary Treasury requirements until after our entry into the war. A nonpartisan Tariff Commission was at this time created, with the view to taking the tariff to the fullest possible extent out of politics.

THE FARM-LOAN SYSTEM

It is pertinent here to refer to the establishment in July, 1916, of the great Federal farm-loan bank system to provide long-term credits for the farmers of the United States at lower and reasonable rates of interest. This most salutary measure, to be further developed and extended from time to time, not only undertook to make available sufficient credits for deserving farmers but to do so, as stated, at reasonable rates of interest.

One outstanding result of this notable new policy has been that $1,500,000,000 has been loaned, and the interest level to which the American farmers were subjected at the time of its adoption by loan concerns, averaging around 8 per cent, has been reduced under the direct effects of the Federal farm-loan system to an average of 6 per cent. The farmers, as a consequence, are to-day saving over $200,000,000 each year in reduced interest, if their indebtedness amounts to $14,000,000,000, as is claimed.

When the United States was forced into the World War on April 6, 1917, the most stupendous and seemingly impossible problems of Government finance suddenly presented themselves in the most acute form. From every allied capital in Europe the most urgent messages hourly came to the effect that the allied forces were in tremendous need of munitions and general supplies and that these must be immediately forthcoming if they were to hold the battle lines until American troops could be organized and sent to Europe to turn the tide of war. The allied objective as to the fighting had then become the American objective. The most, therefore, that America could do during the many months that were to elapse before her armies could reach Europe was to supply the allied governments with a certain amount of credit. The entire problem of our Government in brief was, during the 19 months to follow, to throw the very maximum of the Nation's resources, including man power and supplies, into the war. Money and credit constituted the mainspring by which alone this could be done. To this end every citizen was urged to produce and save. For the first time America could not turn to any other nation for money and credit aid, but from the resources of her people alone must finance her part in the war and much of that of the Allies as well.

METHODS AND PRINCIPLES OF WAR FINANCING

Congress and the Treasury immediately proceeded to grapple with the staggering problems of finance—of loans and taxes. A war can only be financed by taxes, bonds, or currency, the latter more or less of a fiat nature. There was no thought of utilizing this latter agency. It was impossible in advance to determine just what proportion of the war should be financed by taxes and what proportion by loans, on account of the many factors involved, such as the uncertain length of the war, its large or small cost, the country's credit, and the amount of war taxes the country might be able to bear at successive stages.

The general policy agreed upon, however, was that as large an amount of taxes as could be levied without materially injuring our commercial, financial, and industrial affairs or seriously handicapping their activities and development for war purposes would be justifiable and wise. This embraced the idea also that after the initial war-tax levy, as the war progressed and revenue needs increased, the rates and provisions of the original war-revenue measure could properly be extended and should be.

The loan side of our Government financing was even more perplexing, not only because of the universal effects upon price levels of other securities and upon all phases of private business, finance, and commerce, but upon the entire economic conditions during the generation to follow the war. The staggering amount of the loans necessary to be floated was another giant problem. The high commercial interest rates, too, must be faced. Most of the European countries engaged in the war, England excepted, relied chiefly on bonds rather than taxes for its prosecution. This unwise and unsound policy was destined to incur upon the countries so practicing all the frightful calamities and more which befell the American people for 30 years as a result of financing the late Civil War chiefly by bonds or loans, together with fiat paper currency. The inevitable and invariable results of this method of war financing are incalculable losses from inflation and resulting depreciation with their devastating effects upon the people for years to follow and excessive interest rates both during the war and the life of the indebtedness incurred.

FIRST LIBERTY LOAN

Congress and the Treasury cooperated in complete harmony throughout the period of the war. An act was approved April 24, 1917, authorizing the Treasury to issue bonds to the extent of $5,000,000,000 at a rate of 3½ per cent, exempt from taxation. Many of the ablest bankers assured the Secretary of the Treasury that it would be impossible to float at one time more than $500,000,000, or in any event more than $1,000,000,000 of bonds. The Secretary of the Treasury, feeling obliged to ignore this expert advice, offered for subscription a bond issue of $2,000,000,000 to meet the urgent needs of the allied governments.

To the surprise of most persons the subscriptions aggregated $3,035,000,000, of which amount $2,000,000,000 was allotted, and most of this amount was rapidly converted into loans for the Allies according to their relative necessities. Only $2,000,000,000 of bonds were issued under this act at 3½ per cent, tax exempt. These loans to foreign governments were made on demand obligations in legal form, with the understanding that they were, as early as feasible, to be converted into bonds of the same terms as our domestic Liberty bonds. The interest level, time of maturity, redemption period, and other terms of these foreign obligations were placed by law on an exact parity with corresponding issues of Liberty bonds, plus the expense of floating them, the proceeds of which constituted the loan basis to the allied governments.

WAR REVENUE ACT OF 1917

Congress immediately proceeded to the consideration of the war-revenue measure upon the policy finally decided of defraying as nearly one-half the expenses of the war by taxes as might be possible. The House in May, 1917, passed a bill carrying additional taxes of $1,800,000,000. This measure, which extended the income, profits, estate, and miscellaneous taxes, became a law October 3, 1917, and contemplated a total yield of revenue for the fiscal year ending June 30, 1918, of $3,400,000,000, which yield was actually $3,696,000,000.

In order to conserve our gold supply the act of June 15, 1917, authorized the prohibition of transfers or exports of gold

from the United States, with certain specific limitations. The United States was at this time the only country of any importance which was not already enforcing a similar prohibition. The principal countries at war were feverishly grasping for every ounce of gold possible to be obtained. This wise and timely step was an invaluable safeguard to America's gold reserves during the trying period to follow.

SECOND AND THIRD LIBERTY LOANS

By the 1st of September, 1917, the increased war demands of this and allied Governments rendered a second loan necessary. The second Liberty loan act of September 24, 1917, was promptly made a law and contained authorizations of $7,538,000,000, to bear interest at not exceeding 4 per cent and subject to surtax and Federal estate tax. This was in addition to the issue of $2,000,000,000 3½ per cents. The Treasury, early in October following, offered $3,000,000,000 of bonds to the public. The total subscriptions were $4,617,000,000—a most gratifying result. The Treasury allotted of this amount $3,808,000,000. This act also authorized the issue and sale of war-savings certificates and thrift stamps not exceeding $2,000,000,000.

The fact should be mentioned here that in the act of April 24, 1917, the issuance of Treasury certificates to the extent of $2,000,000,000 at not exceeding 3½ per cent interest was authorized, and the second Liberty loan act in September authorized additional issues of Treasury certificates not to exceed $4,000,000,000 outstanding at any one time, the same to mature in 12 months. The object of the Treasury at each stage of war financing was to offer Government paper maturing over many different periods, beginning with three months, so as to avail itself of all moneys looking for investment, whether for short or longer periods. This policy met the convenience and desires of every class of investors, while it brought to the Treasury the maximum amount of money. These Treasury certificates were likewise issued in anticipation of taxes due by installments during the months to follow in each year.

It became necessary for Congress to enact the third Liberty loan act on April 4, 1918, authorizing a sale of bonds at not exceeding 4¼ per cent, nonconvertible and taxable as per the terms of the second Liberty loan. This loan act increased the amount of bonds authorized from $7,538,000,000 to $12,000,000,000 and the issues of Treasury certificates from $4,000,000,000 to $8,000,000,000.

The Treasury in May invited subscriptions in the amount of $3,000,000,000. The subscriptions received amounted to $4,176,000,000—another most gratifying result. The entire amount was allotted. The general opinion among bankers, strongly expressed, was that the third Liberty loan must carry an interest rate of 4½ per cent. The contention was earnestly made that the country could not absorb another huge loan without unusual effort and that former bond issues were then below par and that a higher rate of interest was imperative.

Congress and the Treasury gave most serious consideration to all the conflicting conditions. The two former bond issues by their terms were convertible, with the result that an increase of interest rate for the third loan would swing the interest rates of the two preceding loans to a higher level of 4½ per cent, thereby greatly augmenting the cost of the war. Then it was that the big decision was made not only to hold the interest rate down to 4¼ per cent, but to stabilize this rate by making the bonds nonconvertible into any new issues that might later be made. This far-reaching step, decided upon with such acute apprehension but pursued with firmness and vigorous determination, was the turning point in war financing. It meant an incalculable saving in the cost of the war.

SECOND WAR REVENUE ACT, 1918

In May, 1918, Congress proceeded with the task of enacting another war-revenue measure still further increasing and extending the income, profits, estate, and miscellaneous taxes and carrying $8,000,000,000 of additional taxes. This course was in courageous recognition of the stern policy that war expenditures should be met by the very maximum of war taxes, for the reason that war debts contracted in time of high and artificial prices and years later paid off in a period of low or normal peace prices inevitably inflict a vastly increased burden on all taxpayers. Before this measure had passed the Senate the armistice came and the bill was cut to the estimated amount of $6,000,000,000 for the calendar year 1918, and to $4,000,000,000 for 1919 and until taxes could be further reduced.

This act promptly reducing war taxes for 1919 and subsequent years was severely criticised by Republican leaders, apparently through a selfish desire to permit the incoming Republican Congress after March 4, 1919, to secure the credit. This was in harmony with the later Republican congressional policy which postponed all further war-tax reduction until the Harding administration. Attention should be called to the fact that great delay was experienced in collecting the full amount of taxes under the high rates applicable to 1918, under the act of 1918, enacted in February, 1919, so that these 1918 taxes are reflected in the taxes of 1920–21.

FOURTH LIBERTY LOAN

The fourth Liberty bond act was deemed necessary and accordingly passed on July 9, 1918. This act increased Liberty bond authorizations from $12,000,000,000 to $20,000,000,000 to bear 4¼ per cent interest and taxable as aforesaid. Subscriptions for $6,000,000,000 were invited in October, 1918, with result that $6,989,000,000 were received, notwithstanding the influenza epidemic was at its height in every community in the United States at the time. The floating of this loan in its magnitude and success constitutes an outstanding financial achievement in all history. The Treasury made allotment in full upon all subscriptions.

Herculean efforts were necessary and seemingly insurmountable obstacles were confronted in connection with the floating of the fourth Liberty loan at 4¼ per cent interest rate. A new revenue bill carrying $8,000,000,000 was pending in Congress; surtaxes had been increased and still greater increases were carried in the revenue bill then pending, and our money and credit resources were already severely taxed. The Treasury and Congress adopted the expedient of liberalizing the surtaxes on Liberty bonds for a temporary period. Thus to the lasting patriotism of the American people, the fourth Liberty loan was consummated at a 4¼ per cent interest level and the country was again saved an enormous item in the cost of the war.

During the fore part of 1918 great apprehension arose, especially among industries producing war supplies, lest they should not be able to secure a sufficient supply of necessary credits on account of large Government borrowings. This threatening condition was promptly met by the creation of the War Finance Corporation. This agency of the Government was designed to furnish financial aid to war industries in emergency or exceptional cases. The provisions of the act also authorized emergency aid to savings banks. The War Finance Corporation both during and since the war proved a most powerful and effective instrumentality of financial aid.

CAPITAL ISSUES COMMITTEE—WAR-SAVINGS STAMPS

While throughout the war the American people promptly, scrupulously, and patriotically endeavored to comply in the fullest with every war demand made upon them by the Government, they were not at other times devoid of that human nature which prompted every individual to make as much money as possible from production, trade, and commerce. In order to mobilize behind the Government a sufficient amount of the money and credit of the people to prosecute the war successfully, it was deemed advisable and necessary to take steps to prevent large absorptions of capital by nonessential industries during the war. The result was the creation of the Capital Issues Committee along with the War Finance Corporation. The function of this committee, which was performed in a wonderful manner and to the extremely valuable aid of the Government during the war period, was to supervise and control new issues of securities except for essential war industries and in other instances where the need was imperative. The Capital Issues Committee thus prevented unnecessary issues of $450,000,000 and required their postponement for the time being.

The war-savings and thrift system, so wisely established by the Government early in the war, not only resulted in investments of near $1,100,000,000 in war-savings paper during the war period, but the people were carefully instructed by the Government loan organizations as to the immense benefits of investments for savings purposes, the importance of an individual savings policy, and the safety and superior value of governmental securities as a permanent investment. This new system of savings both rendered extremely valuable financial aid to the Government and taught and encouraged the people to adopt the habit of saving. The people were also taught that they could best serve the Government and themselves by holding their Government bonds and other securities except where their sale became imperative. This policy meant both the practice of thrift and the maintenance of Government security values.

FOREIGN LOANS

The first Liberty loan act of April 24, 1917, authorized loans to foreign governments and prescribed the terms. Additional authorizations were made in the subsequent Liberty loan acts of September 24, 1917, and April 4 and July 9, 1918. A total

appropriation of $10,000,000,000 was accordingly made for this purpose. These foreign loans were made after the most searching investigation as to the urgent necessities of the government making application and in accordance therewith. The amount thus loaned up to November 1, 1917, aggregated $2,717,200,000, while the amount of credits established up to November 15, 1918, aggregated $8,171,796,000, and the total cash advances to this date were $7,098,714,000. The Interally Purchasing Commission, created in August, 1917, supplied our Government with detailed information as to the urgency and necessity of these successive loans. With respect to all advances made to these foreign governments during the war period the fact should be noted that the demand certificates of indebtedness, legally executed by the foreign governments, bore a 5 per cent rate of interest, which was designed to cover Liberty loan rates, loss from tax exemptions, and the costs of our entire bond transaction in connection therewith.

When America entered the war allied European governments made request for these loans on the recognized condition then and theretofore prevailing, which was that each government engaged in the war would provide by one method or another for the support of their respective armies and navies participating in the war and for the payment of any other expenses which such nation itself saw fit to incur in the prosecution of the war. This was the general policy of these loans. There is nothing to the contrary in any treaty or understanding entered into at any time before or since. During the existence of the war it was almost, if not quite, as necessary that each government should provide absolute necessities for the civilian population engaged chiefly in producing war supplies. No country could fight with a starving civilian population behind the military lines.

According to the testimony of Hon. Oscar F. Crosby, Assistant Secretary of the Treasury, and the representative of our Government in Europe in connection with loans and purchases between this Government and the allied governments, it was not until near the close of the war that officials of the allied governments began quietly to raise the question of future debt cancellation. American officials carefully declined to discuss the question. Later an alternative suggestion of "sacrifices in proportion to resources" was offered in connection with this debt situation. Mr. Crosby again wisely suggests that this would raise the questions of relative responsibility for creating the European situation of 1914, relative dangers to national welfare due to political or geographical and population conditions, and relative gains finally realized through victory. Such inquiries, Mr. Crosby further suggested, would "revive the hastily surrendered claim of the United States to a large slice of reparation payment for pensions and allowances."

In view of the fact that these foreign loans were contracted freely and without condition or qualification, it would seem to be logical and proper that when a debt settlement is made with a foreign debtor and the principle is substantially scaled, when compared with the corresponding amount of domestic bonds issued to raise the money, it would be both logical and proper for Congress to pass a measure appropriating the amount of the reduction, reciting that for satisfactory reasons shown the appropriation shall be treated as a credit on such foreign debt. Under the terms of the British settlement such an appropriation would amount to $1,666,000,000. The merits of this foreign debt situation should be carefully and impartially discussed and developed with the view of maintaining international good will and credit.

Unless the heads of the various governments involved shall exercise patience and forbearance the settlement and extinction of these debts is calculated to create constant feeling, broils, and bitter international strife for two generations. Experience has already shown that had the United States, instead of assuming and maintaining an attitude of almost entire aloofness during the four years following the war, pursued the policy of practical cooperation, at least morally and economically, our debtor governments in Europe would have been in a far better financial situation and in a better humor with respect to payment of these debts in full, and the debts would probably have been long since funded at or near the full principal.

For the fiscal year ending June 30, 1917, it is interesting to note that exclusive of foreign loans and public debt transactions, the Treasury was able to meet 98.5 per cent of the expenditures of the Government from revenue receipts, while for the fiscal year ending June 30, 1918, with the same items excluded, 49.4 per cent of the expenditures was paid from revenue receipts; and for the fiscal year ending June 30, 1919, the Treasury under the same conditions met 43 per cent of the expenditures out of tax receipts.

VICTORY LOAN, 1919

After the armistice, on November 11, 1918, Government financing for a time continued even more difficult. Near 4,500,000 men in the military and naval service had to be brought home from many parts of the world and discharged. America had made war preparations on the hugest imaginable scale upon the representations of all the highest military experts that the war would continue into and through much of the year 1919. By the spring of 1919 the floating debt had accumulated to such an extent—near $5,000,000,000—as to call for funding steps. A new loan for this purpose constituted an almost insurmountable problem to the Government, because "the war was over" according to the popular mind, and hence the people might thereafter turn attention to peace-time affairs. Bankers and business men earnestly insisted that a new large loan could not be floated except at a considerable increase of interest rates, especially on account of the high commercial interest level then prevailing and the vast amount of money and credit the Government had already absorbed. Congress and the Treasury proceeded notwithstanding to grapple vigorously with this problem. It was deemed important not to disturb the market level of long-term Liberty bonds bearing 4 per cent and 4½ per cent already in the hands of the public.

The final outcome was that on March 3, 1919, the short-term Victory loan act was passed authorizing the issuance of notes in an amount not exceeding $7,000,000,000, to mature within a period of not less than one year nor more than five years. In the face of the high commercial interest level, of the depleted money and credit resources of the people, and amidst the most disturbed economic conditions, the Treasury, during April and May, 1919, floated the Victory loan at 4¾ per cent and 3¾ per cent containing liberalized surtax or tax-exempt provisions and running four years. These bonds were made interconvertible. The amount of the issue was fixed at $4,500,000,000, and the total subscriptions received were $5,249,000,000, of which amount a little less than $4,450,000,000 was accepted or allotted. Near $700,000,000 of notes were taken at the 3¾ per cent tax-exempt interest rate.

In the light of the state of the public mind and the postwar conditions, including the low price of Liberty bonds, the exhaustion of the country's supply of money and credit, and high commercial rates of interest throughout the Nation, the achievement of this loan undertaking was never excelled and probably never equaled. It magnificiently succeeded without the advantages of peace conditions and without the support of the war psychology.

In their manifold complications, unimaginable difficulties, and giant proportions the financial operations of the Federal Government from April 6, 1917, to the summer of 1919 are absolutely incomparable, and the names of McAdoo and Glass, who presided over the Treasury during this momentous period, will forever stand out in fiscal history. During the brief period of 24 months, or say until June 30, 1919, the economic resources of America had absorbed a new Government indebtedness of approximately $17,000,000,000 long-term bonds, $4,500,000,000 of four-year notes, $3,626,000,000 of treasury certificates, and $953,997,000 of war-savings certificates and thrift stamps, which on August 31, 1919, culminated in a gross debt of $26,596,000,000, which was the peak point of our national war indebtedness. To the lasting credit of the Treasury officials be it said that no war debt of magnitude was ever created on a wiser or sounder basis. The following statement of the five large debt issues speaks for itself:

	Amount	Due	Redeemable
First Liberty loan	$2,000,000,000	30 years (1947)	15 years (1932).
Second Liberty loan	3,808,000,000	25 years (1942)	10 years (1927).
Third Liberty loan	4,176,000,000	10 years (1928)	10 years (1928).
Fourth Liberty loan	6,989,000,000	20 years (1938)	15 years (1933).
Fifth Victory loan	4,498,000,000	4 years (1923)	3 years (1923).

WAR DEBT POLICIES—APPROVAL AND CRITICISM

This extremely able course in financing pursued the original American policy of early convertibility by making the longest term bonds redeemable at the end of 15 years, as it also followed the ancient American doctrine that there should be no permanent national debt and that the first and most urgent duty in time of peace is to discharge promptly all war obligations. The life of this huge debt, therefore, was made 30 years. Such terms of maturity and such different kinds of Government obligations were prescribed as would apportion the burden over the debt period in a manner most fair and convenient to all the taxpayers as well as the investors. To have

created a long-term war debt alone would have almost doubled the period of its ultimate payment. The interest level of 4¼ per cent for the long-period debt was below that of any government in any important war. When rapidly ascending commercial interest rates rendered it impossible to float Government bonds at 4¼ per cent, the Treasury adopted the heroic tactics of floating short-term paper at a higher rate to the end that the same might soon be refunded into lower rates, as in the case of the 4¾ per cent Victory notes and a considerable amount of one-year Treasury certificates. Any other course would have resulted in swinging the entire long-term public debt further toward the high, but temporary, commercial interest level.

Another ingenious but important phase of financing by the Treasury and Congress was the imposition of the graduated surtax upon bond interest which would forever prevent the chief portion of the war debt from gravitating into the hands of a small number of wealthy individuals, as occurred here following the Civil War and as is occurring to-day in most countries engaged in the recent war. If this policy could be extended to our State and local debt situation, preferably by uniform State legislation, the best possible solution of the tax-free security problem would result. Due to the fact that the market level of State and local securities is normally several points below that of Federal securities, the graduated surtax rates should be adjusted accordingly. The chief effect of such uniform tax would not depress the normal security price level more than 20 points, according to experience, while all Federal, State, and local governmental agencies would continue to have the benefit of bond issues at near the present interest rates and price levels, and at the same time no small number of individuals of large wealth would be able to monopolize such holdings. The taxes that would be derived from fully taxed bonds is not comparable with the interest savings from bonds subject alone to surtaxes.

Our Federal debt is now so adjusted that the Nation will have the opportunity to pay off the principal at par and interest accumulations as rapidly as the ability of the Treasury from year to year will permit. The policy originally contemplated of paying maximum amounts during periods of general prosperity and relatively smaller amounts in times of depression is always wise and sound.

The most rabid critic of the Wilson administration has never dared to assault its unparalleled record of Government financing except upon two minor points, and these were steeped in demagogy and bitterest partisanship. One of these criticisms was that war expenditures were excessive, although the merest tyro knows that war means waste—waste of money, of property, and of life—and that the one single and supreme objective is winning the war, in which time is the very essence. Throughout this trying period the members of both political parties in Congress worked together and agreed with singular unanimity upon all tax measures, all appropriation bills, and all loan authorizations, both foreign and domestic, as well as their respective amounts. Since the war vicious party charges of waste during the war have been made, but no theft or criminality in connection with expenditures has been seriously alleged. Waste of money and of property there inevitably was, but no jackal has ever dared to charge the Wilson administration, intrusted with American leadership during the war, with waste of human life. History now shows that the swiftness with which America threw her men, money, and materials into the war prevented its continuance into 1919, which would have cost countless lives and additional billions of money.

The other criticism much harped on solely for partisan purposes, was that Liberty bonds temporarily went below par. During this same period every person at all sane or intelligent knew that interest rates were different in different parts of America and that wide fluctuations in security and other price levels were constantly taking place, and that the owners of almost all other kinds of securities or property have suffered much greater losses from depreciation than did the holders of Government bonds. Secondly, it was impossible to finance the Government solely on short-term loans, but was absolutely necessary from time to time to consolidate them into long-term loans. To have floated such long-term loans on the then existing high artificial commercial interest level would not only have resulted in swinging the entire war debt up to that level for the future, but all the bonds would soon after the war have gone to a high premium, as they did under this policy following the Civil War.

The future taxpayers would accordingly have been penalized to the extent of billions of dollars. Moreover, the purchaser of every piece of Government paper during the war only had to hold it to be sure of payment later at par. To the suggestion that had our huge war debt been contracted at high commercial interest rates it could, immediately after the war, have been refunded into lower rates of interest, the patent answer is that no government could within any short length of time refund a debt of $26,000,000,000 on anything like satisfactory rates of interest. Imagine, too, this huge debt falling due at one time. The conclusion is inescapable that the coming generation has been saved literally billions of dollars in excessive interest rates and in premiums on the war debt by reason of the wise and courageous financing prosecuted by the Treasury in cooperation with Congress during the World War period.

Secretary of the Treasury Mellon at the end of his four years' administration of the Treasury pays the highest possible compliment to the financing of his predecessors when he admits that he has only been able to effect a few appreciable interest reductions in the course of the Treasury's refunding operations since March 4, 1921, although it has been true in the past that the two principal methods of paying off war debt are by taxes and by refunding into lower rates of interest. Treasury officials prior to 1921 deserve a lasting monument for having virtually discounted the operation of this last method of debt payment.

SINKING FUND ACT

Not a single point in financing was overlooked during this trying war period. The Victory bond act of March 3, 1919, was careful to provide for a permanent, and so far as possible, irrepealable and constantly operating sinking fund, calculated to pay off the war debt within a period of 25 years. Cursed be the official who dares to lay violent hands on the sinking fund act or its operation during the life of our World War debt. Since the creation of the sinking fund to June 30, 1924, or during the three preceding fiscal years, $856,051,000 have been paid on the public debt through this automatic agency, or including franchise tax receipts from Federal reserve banks, foreign debt payments, and other items made applicable to debt redemption, the total for these three years was $1,283,543,000. It would not be unfair in this connection to say that the administration which created and placed in operation this permanent debt-paying agency is entitled to its fair share of credit for debt payments to this extent that have since been annually made.

COST OF WAR

A brief recital of governmental receipts and expenditures during the war period is important. From April 6, 1917, to June 30, 1920, the total receipts, exclusive of principal of the public debt, were $16,078,000,000, while the total expenditures on the same basis were $38,830,000,000. More than 41 per cent of expenditures were met by Treasury receipts other than public-debt receipts, excluding installments of taxes for 1919 payable during the last half of 1920. In order to answer the true inquiry as to the actual cost of prosecuting the war by the United States, we would deduct from expenditures $9,523,000,000 loaned to foreign governments up to June 30, 1920, which would leave total expenditures for the period above stated of $29,307,000,000, 55 per cent of which was met by Treasury receipts other than borrowed money.

If finally we should deduct from the total expenditures above the sum of $3,750,000,000, the estimated amount of expenditures of the Government on a peace basis from April 6, 1917, to June 30, 1920, and if we also deduct certain miscellaneous receipts due to war conditions of $1,625,000,000, which should have been merely offset against like expenditures, and likewise deduct the amount of foreign loans as aforesaid, we have a net cost of $24,010,000,000 resulting from the war. At the same time deducting from the total current receipts above $3,750,000,000 plus $1,625,000,000 miscellaneous receipts aforesaid, we have remaining as net war-tax receipts $10,703,000,000, or 44.57 per cent of the net war expenditures, while with foreign loans included the percentage of net expenditures would be 32. The history of any other government in the recent or any war can successfully be challenged in like circumstances to show similar unparalleled achievements in war financing.

It is proper to call attention to the fact that the sinking-fund system contemplated that an amount of domestic debt equal to loans to foreign governments would be set off by such foreign-debt payments. Subsequent events have interfered with this policy. The moratorium and the scaling of interest rates in debt settlements thus far made with England and two or three minor foreign governments will inevitably delay the payment of our public debt considerably beyond the period contemplated by the sinking fund act.

Had the United States been able to throw the necessary number of troops into Europe promptly after it entered the war,

these foreign loans would have been neither necessary nor possible, because our troops would have quickly won the war, and, besides, all our available money and credit would have been applied to the furnishing of munitions and supplies to our own troops. These were not loans of money, however, except to a slight extent, because the allied governments absorbed the loans by the purchase of war supplies from America at top war prices. One phase of this situation was graphically described by Hon. R. C. Leffingwell, whose great ability and genius constituted one of the mainstays of the Treasury in coping with all the difficulties of war financing, when he said:

I have no doubt but that if the Russian Army had not been kept on the eastern front during the summer of 1917, the war could not have been kept going long enough for us to get in and win it. The loan of $187,000,000 to Russia, which, at the time, had greater wealth and population than any country on the planet, kept Russia in the war and held that eastern front for six precious months. What would it have cost America had not that eastern front thus been held for that six months?

Similar effects of our loans, Mr. Leffingwell added, were had upon the Italian Army in the summer and fall of 1917, when the great German offensive broke loose on Italy. In brief, it is patent to any observer now that except for these foreign loans the war would have been disastrously over before we really got into it, with the unspeakable result that, having previously entered the war on April 6, 1917, we would have been left to wage it almost single-handed.

TAXES—EXPENDITURES—DEBT, 1919–20

The Treasury during 1919–20 resolutely wrestled with every financial problem with "economy" and "abolition of war agencies" as its watchword. This patriotic course enabled the Treasury to accomplish the astounding feat of not only balancing our national budget with a Treasury balance of $291,000,000, but to accomplish this remarkable achievement at the end of the first full fiscal year after the war, June 30, 1920. Few other countries not engaged in the war and none of the participating nations were able to do so, and not until the present year have most of the European countries reached this goal.

The armistice ended the fighting part of the war, but, as stated, by no means ended war expenditures and war financing. The treaty of peace was not even negotiated until the spring of 1919, and was later tied up indefinitely in the United States Senate. Instead of the restoring of conditions of peace, the world continued an armed camp for the two years following 1918. This course necessarily delayed the disbandment of troops by any large nation such as the United States. We did not make peace with Germany until 1921. A considerable body of American troops were kept in Germany until far into the Harding administration. Reduction of our Treasury war expenditures was correspondingly impeded. During the war the Treasury had conducted the financing in a manner calculated to keep our business and economic conditions as stable as was possible. From the date of the armistice the Treasury took the earliest feasible steps to aid in restoring private business initiative and to remove governmental control. The functions of the capital issues committee were discontinued and the embargo on gold exports was removed. America from that time to this day has furnished the only large free gold market in the world.

The Wilson administration early in 1919 promulgated a comprehensive reconstruction program, which included rigid economy, additional tax reduction and readjustment, and general disarmament, with corresponding further tax reduction. In December, 1918, the Treasury had recommended the early discontinuance of excess-profits taxes. It was in order for Congress promptly to enact legislation necessary for the return of the railroads, to provide a general shipping policy, to establish a permanent peace basis for the Army and Navy, and by legislation to discontinue many war agencies. To the incalculable injury of America a recalcitrant and extremely partisan Republican Congress assumed control on March 4, 1919, and soon thereafter adopted a policy of defeat or indefinite delay as to the chief features of the administration's reconstruction program. It was to this policy that Republican House leader Fordney later referred when he blurted out the statement that, "We were voting to put Wilson in a hole." Railroad legislation, for example, was delayed for more than a year, while wholly unnecessary expenditures of $1,000,000,000 were incurred. Tremendous Treasury outlays likewise resulted from congressional delay in devising permanent peace policies for our shipping and our Army and Navy. Congress also deliberately declined to consider tax reduction for two years, seemingly upon the belief that a Republican administration in 1921 would thereby secure greater credit and the Wilson administration less. The taxpayers were not considered.

In harmony with this partisan course the Budget system, which the Wilson administration had for some time sought to create, was deliberately postponed by the Republican Congress for a year in order that a Republican administration might claim sole credit for it, although when President Wilson was obliged to veto the Budget measure in the spring of 1920 on patent constitutional grounds he earnestly requested Congress promptly to repass it with the objectionable part omitted. It was passed a year later in the identical language of the Wilson recommendation. The extra session of the Republican Congress in the spring and summer of 1919 and the following regular session well earned the appellation of the "do-nothing Congress."

The tax situation from the armistice to March 4, 1919, has been described. It is interesting to glance at the debt and expenditures phases of our Government financing during this period. The public debt, which had swept up to its peak on August 31, 1919, when it stood at $26,596,000,000 gross, stood at $24,051,000,000 on February 28, 1921, a reduction by the Wilson administration during the preceding 18 months of $2,545,000,000. While it is true that much of this debt reduction was effected by Treasury receipts other than tax revenues, the Treasury is nevertheless entitled to the same credit for this huge and startling reduction of the public debt, because the Treasury and Congress in any event are charged with the responsibility for creating other assets of the Treasury as much so as if they had been tax assets. The only question was whether it was necessary to create the full amount of the debt. No person has raised, or can raise, this question. And besides, Secretary Mellon, who now says that the large volume of tax certificates should minimize the full size of the debt, can not complain, because he, on October 31, 1924, had outstanding $1,196,000,000 of tax certificates. The above gross debt at the end of February, 1921, consisted of $16,165,000,000 of Liberty bonds, $4,149,000,000 of Victory notes, $2,771,000,000 of Treasury certificates, and $735,000,000 war-savings certificates. Of the Treasury certificates, $1,651,000,000 were tax certificates.

The Treasury during the last 18 months of the Wilson administration had a well-defined program for the retirement of the remaining floating war indebtedness already well under control, but the program for these debt payments was unexpectedly reduced near $2,000,000,000 chiefly on account of the delay in Congress in dealing with the railroads, shipping, the Army, and other agencies which were continuing war expenditures.

The total ordinary cash expenditures of the Government for the fiscal year 1919 were $18,514,000,000, when war expenditures reached their peak. This included foreign loans of $3,477,000,000. Expenditures were reduced to $6,403,000,000 for the fiscal year 1920, and still further reduced to $5,538,000,000 for the fiscal year 1921.

WHAT WILSON ADMINISTRATION TURNED OVER TO ITS SUCCESSOR

The Democratic administration, on March 4, 1921, turned over to its successor (1) a system of war taxes that had been promptly reduced $2,000,000,000; (2) war expenditures that had been reduced $12,976,000,000; (3) a gross war debt that had been reduced $2,545,000,000 within 18 months; (4) back taxes for years prior to 1921, from which a net amount of at least $600,000,000 was later realized during the years 1922–3–4; (5) surplus property which yielded a net amount of $252,086,000 for the years 1922–3–4; (6) assets of Railroad Administration and War Finance Corporation, from which $250,800,000 net was realized during 1922–3–4; (7) securities held by the Treasury aggregating $11,318,000,000, from the foreign loan portion of which the Treasury received in principal and interest $500,000,000 during 1922–3–4; (8) a surplus of ordinary receipts over ordinary expenditures of $186,000,000; (9) a net balance in the general fund of the Treasury of $301,000,000; (10) a rigid sinking-fund law which, with kindred provisions, made certain the annual payment of more than $400,000,000 on the public debt.

These recitals only reveal a part of the story. The War Finance Corporation was likewise bequeathed to the present administration. With some slight extensions by the Victory loan act of 1919 and the later law of 1921, this corporation has been utilized in a wonderful way to promote foreign exports and to relieve agriculture. The Federal reserve and the rural credits systems also were priceless bequests of the Wilson to the Harding-Coolidge administrations.

The fact was universally recognized that while the United States had been greatly impeded in the work of postwar re-

habilitation and readjustment on account of the perverse and recalcitrant Republican Congress, this country by 1921 had nevertheless made far greater advances toward normal peacetime conditions than any other. Little wonder is it that Secretary Mellon in an official letter of March 9, 1921, referring to the public debt figures and current operations of the Treasury, said:

> They show the country's finances are sound, etc.

And that he again in an official letter of April 30, 1921, said:

> The Nation's finances are sound and its credit is the best in the world.

So this is the "great mess" the Democratic administration left on the hands of its successor! It is time that the puny and mendacious efforts to minimize the record of financing of the Wilson administration, which will reflect lasting honor upon the Nation, and to magnify out of all proportions the financing of its successor, should, as a matter of common decency, cease.

REPUBLICAN RECORD OF DEBT REDUCTION

Let us now glance briefly at the course of the Harding-Coolidge administration in dealing with debt, expenditures, and taxes and the results to date. Almost monthly, weekly, and daily during the last three years reckless propaganda has been sent out through the press, the radio, moving pictures, and other agencies to the effect that the Republican national administration was not only balancing its budgets but accomplishing wonders in the reduction of the public debt. At the end of the last fiscal year, June 30, 1924, as well as thereafter, the press was filled with inspired statements to the effect that the public debt had been reduced more than $5,000,000,000, with the inference always clearly left that this entire reduction had been effected by the Harding-Coolidge administration.

The constantly repeated reference to the taxpayers in this connection was also calculated, if not intended, to create the fixed impression that the administration in power was meeting current expenses and paying off this vast amount of debt during its three years' existence from taxes levied during that period.

With no disposition to deny the Republican administration the fullest credit due, considerations of fair dealing and of decency, however, require that its predecessor should likewise have its fair share of credit in accordance with the facts.

The Wilson administration, as pointed out, not only reduced the gross public debt in the amount of $2,545,000,000, but it turned over to the Republican administration almost incalculable assets which it had created amidst unimaginable difficulties, from which the present administration easily realized a net cash amount of from $1,600,000,000 to $2,000,000,000 during the fiscal years 1922–1924 and applied the same either to debt reduction or current expenses, or both. While boasting that the Republican administration has effected these vast reductions in the public debt, the damaging fact that the Democratic administration furnished the major portion of the money is carefully concealed from the public. Adding $1,600,000,000, the minimum of cash thus far realized from assets of the preceding administration, as stated, to $2,545,000,000, the amount of public-debt reductions during the Wilson administration, totals $4,145,000,000, for which the Democratic administration is really entitled to credit on the total reductions of the public debt of $5,345,000,000 to June 30, 1924, while credit for the remainder of $1,200,000,000 would justly go to the Harding-Coolidge administration. It is extremely regrettable that Secretary Mellon not only refuses thus to give credit, but takes most to himself, and, in addition, for the first time in the history of that great office, injects partisanship in his annual report in order to belittle the amount of debt payments of his predecessors.

It is almost a crime to mislead the public by the recital of such partial figures and such less-than-half truths as have emanated from inspired Republican publicity sources in regard to the state of the public debt since March, 1921. In harmony with this same policy of concealment and gross exaggeration we have seen similar tactics pursued in connection with the funding and refunding operations of the Treasury during the past three years. Secretary Mellon is one of the great individual heads of finance and industry in the United States, and is entitled to be recognized as such. He may possess the constructive and administrative ability of Alexander Hamilton as Secretary of the Treasury, but he is only entitled to credit for his fairly appraised achievements in that official capacity in the light of the problems and duties involved, and not credit for tremendous imaginary achievements for which no opportunity nor occasion was offered. Only those who have met and successfully dealt with massive problems such as confronted Hamilton would, I dare say, either expect or desire to be called a second Alexander Hamilton, either by flatterers or ignorant worshippers.

It is only truth to say that it has not been the misfortune of Secretary Mellon to face Treasury problems at all insurmountable. It also may be said that the history of the office of Secretary of the Treasury shows that more often Secretaries have been appointed who were not skilled in private banking and not specially trained in private finance, but their records have been equally, if not more, brilliant than those of the other type. The Treasury administration, therefore, to quote Dewey in his financial history, "Is not vitally dependent upon the personality of the Secretary."

MELLON REFUNDING OPERATIONS

The long-term war debt of $16,165,000,000, as already stated, was contracted on a 4¼ per cent interest level. No part of this was payable or redeemable until 1927 and 1928, so that it gave the Treasury no serious concern during the last four years. The flotation of certificates has not at any time since 1920 involved a difficult undertaking. In his annual report for 1921 Secretary Mellon states that since March of that year "the certificates of all issues outstanding have been quoted at par or a premium." While the Treasury at the beginning of the Harding administration was faced with the task of paying off or refunding the short-term debt of $7,500,000,000 during the two years and more following, the fact should be recalled that $1,651,000,000 of this amount comprised tax certificates which would automatically disappear, thus leaving near $6,000,000,000, which included Victory notes due in May, 1923, but redeemable a year earlier.

In making all flotations of Government paper Secretary Mellon adopted the policy of prescribing interest rates that would well conform to market quotations for such Government securities. That is to say, the public and not the Treasury fixed the interest rates. The first offering of certificates was in anticipation of taxes and was made for $400,000,000 on March 15, 1921. The subscriptions were for $503,000,000 while the interest rates ranged from 5½ per cent to 5¾ per cent, or a decline of one-fourth of 1 per cent from the latter half of 1920. This transaction was not difficult but almost automatic. An issue of loan certificates in the amount of $150,000,000 was announced for April 15, 1921, and subscriptions in double this amount were promptly received. The interest rate was 5½ per cent, and $190,000,000 was allotted. Another offering of loan certificates of $200,000,000 was made on May 16, 1921, at the same interest rate, and the subscriptions amounted to $532,000,000, or two and one-half times the amount offered. These examples of Treasury-certificate financing are thoroughly typical and illustrative of the experience of the Treasury from that time forward. The Secretary of the Treasury has not been required at any time to exhibit more than ordinary capacity in dealing with this entire certificate situation. The opportunity, therefore, for any outstanding or noteworthy achievements in connection with these activities has been utterly lacking. This financing, be it said, has been well performed, but with interest terms fixed by the current market quotations.

The Mellon administration, in dealing with Treasury certificates, as with most of all its financing, has pursued the same policies which its predecessor originated and adopted. Where, then, does Alexander Hamilton's name come in? The people now had great surpluses of money and credit anxious to go into all Government paper.

The Treasury adopted another policy of its predecessor by offering short-dated notes of three years on June 15 and September 15, 1921, the former bearing 5¾ per cent and the latter 5½ per cent, with the result that both subscriptions were tremendous and the two allotments aggregated $701,000,000. This natural and easy transaction required no Hamiltonian qualities. The fact is apparent that these operations neither taxed the ingenuity of the Treasury nor the absorbing ability of investors.

Secretary Mellon in his annual report in December, 1921, referring to the increase of the market price of Liberty and Victory bonds during 1921, thoroughly vindicated the policy of foresight of his predecessors in their flotations. He said:

> It is a well-known economic law that high money rates and high commodity prices mean low prices for bonds and other fixed income securities, while lower money rates with reduced commodity prices normally bring higher market prices for bonds.

During the war the Treasury contracted the war debt absolutely upon this sound assumption and with the certain knowledge that soon after the war the entire debt would proceed to

par, which it has done. This is the answer to the political demagogy and balderdash during 1919 and 1920 to the effect that a different political party could, without regard to the law of supply and demand and all other sound economic laws and conditions, restore these securities to par. The fact, too, was apparent from the beginning that if the American people had been able to take the great mass of war bonds and hold them for a time, which they were not, such securities would not at any time have fallen far below par, and in any event the subscribers holding them would not have suffered the loss of one penny either in interest or principal.

The Treasury with one exception pursued its same policies of financing during the year 1922, which, in the language of Secretary Mellon, included the policy of "financing the maturities on a straight investment basis." Any person will recall in this connection that panic conditions during 1921 and 1922 either drove or kept vast amounts of money and credit out of industry and active business, with the result that it was keen for Government investments at reduced rates of interest, which, be it remembered, the public itself fixed.

In addition to successive flotations of Treasury certificates for different periods with varying rates of interest, the Treasury floated four offerings of three-year Treasury notes during 1922 at interest rates ranging from 4¼ per cent to 4¾ per cent and aggregating allotments of $2,042,000,000. The ease with which these financial operations were performed is shown by the experience of the first of these loans on February 1, 1922. The offering was for $400,000,000, while the total subscriptions aggregated $1,249,000,000, and $601,000,000 was allotted, and yet these were loudly proclaimed as Hamiltonian achievements! The Treasury experienced similar pleasing results in connection with the other three issues of Treasury notes during 1922. The maturities of these notes ranged from three to four years.

It was not until October, 1922, that the Secretary of the Treasury undertook his first long-term refunding operation. He then offered $500,000,000 of 30-year bonds, redeemable at the end of 25 years, at 4¼ per cent. The total subscriptions were $1,651,000,000. But seldom has there been a larger amount of idle money seeking just this sort of investment than at this time. This loan matures in October, 1952, and extends the period of the war debt to the extent of this loan five years beyond the period originally contemplated and marked the first departure. The total allotment of this offering was $704,000,000. For some time this loan has been at a premium of 104.5. The interest rate was too high and the redeemable privilege too far off. The entire freedom from difficulty with which this refinancing was accomplished is shown both by the tremendous oversubscription and by the premium at which this paper has since been quoted. Was there anything Hamiltonian in this transaction? But it was widely published as such. As a result of these various operations the Victory notes to the extent of $1,922,000,000 were either refunded or paid off between June 30, 1921, and June 30, 1922, leaving less than $2,000,000,000 still to be disposed of. The sinking fund, operating automatically and unerringly, revealed itself as a mighty factor at every stage of debt reduction. The market quotations during the fiscal year 1922 showed Treasury certificate interest rates at as low as 3½ per cent on a six months' maturity. We may still properly keep in mind the fact that at all times the public prescribed the market and interest level for this class of securities according to the law of supply and demand. The Treasury at no time, so far as public information reveals, sought a closer rate. Attention is thus called for the purpose of reciting the policy of the Treasury.

During the fiscal year ending June 30, 1923, Treasury financing was even more free from serious complications or unusual difficulties. The Treasury successfully offered four additional issues of short-dated Treasury notes with maturities ranging from two and one-half to near five years at interest rates of from 4¼ per cent to 4¾ per cent. The total allotments were $1,991,000,000. As illustrating the great demand for these Treasury notes, whenever offered at the interest rates prescribed, the offering of $300,000,000 on January 15, 1923, met with subscriptions of $581,000,000. And again when the Treasury note offering of May 15, 1923, at 4¾ per cent was announced the public sent in overwhelming subscriptions. The offering was for $400,000,000, and the total subscriptions $1,233,000,000 for these notes maturing March 15, 1927. Offerings of certificates or short-term notes during this period were met with tremendous subscriptions. The end of the fiscal year 1923 found most all of the short-dated and floating debt existing in March, 1921, either retired or refunded.

No Treasury financing of unusual interest occurred during the fiscal year 1924. The Treasury, however, made a second long-term offering on December 15, 1924, of 4 per cent bonds to run 30 years, and redeemable at the end of 20 years. To this extent the maturity of the war debt was extended 7 years beyond the original 30-year policy. The cash offering was for $200,000,000, with the privilege of allotting additional bonds to refund third Liberties, certificates of indebtedness, and Treasury notes. Cash and exchange subscriptions were received in the amount of $1,900,000,000. The total allotments are probably $750,000,000. These bonds are now at a slight premium, thus vindicating the unwisdom of the previous 4¼ per cent long-term loan maturing in 1952. Most Government securities are now selling on a basis slightly below 4 per cent. The question might well be raised as to the policy of extending our long-term debt too far in the future without optional provisions giving the Government the privilege of paying off or refunding into lower interest rates at an earlier date. Another difficulty that might arise from maintaining Government securities at a premium would be interference with sinking-fund operations except as to maturing securities.

The refunding operations since March, 1921, have been heralded as matchless achievements in a class with those of Alexander Hamilton, and yet a review of the investment conditions and of the actual nature and extent of these operations utterly fails to reveal any really new policies compared with those of the previous administration or any serious problems to be solved or any important difficulties to overcome. The history of this period shows the existence at every stage of greatly excessive moneys ready and anxious for investment in Government securities at the market interest rates. It shows also that the chief portion of the Victory notes floated at 4¾ per cent in 1919, in the face of unimaginable difficulties, was refunded by this administration into Treasury notes at or near the same rate of interest. Assuming that the public has forgotten the former, we are daily reminded that the latter transaction was an astonishing financial feat. This is merely illustrative of many similar transactions.

Again, Secretary Mellon, while significantly silent as to amount of debt reductions by refunding into lower interest rates, strongly emphasizes the saving of $225,000,000 annual interest by chiefly debt retirement. England, under far greater disadvantages, but with a larger debt, it is true, has effected interest reductions of $200,000,000 a year, in accomplishing which lower interest rates were an important factor. This fact is a high compliment to Democratic war financing, rather than a criticism of Secretary Mellon, and hence his silence. The financial operations of McAdoo and GLASS, in their magnitude and difficulties, compare with those of Mellon as Mount Everest to a small elevation, and yet it is popular to glorify Mellon, but sacrilege even to mention the names of McAdoo and GLASS and Houston.

In determining the wisdom of Secretary Mellon's refunding policies the question naturally arises as to whether any portion of the short-term debt that can not be retired prior to 1927–8 could not more profitably have been refunded into a longer period during the past two years. Beginning with 1927 the Treasury will be sufficiently occupied in dealing with the second and third Liberty loans. The Government will probably not then find a more favorable investment market or more attractive interest opportunities than during the past two years, but even in this event redeemable privileges could be made to safeguard against lower interest possibilities. On the general question of interest rates at present the Government is at least paying liberally. I thoroughly agree, however, that all Government securities should under peace conditions always stand at par.

REPUBLICAN EXPENDITURES—ECONOMY

We next come to the subject of Federal expenditures since June 30, 1921. During this period almost every conceivable claim of economy and retrenchment has been broadcast by the party in power. Upon no other phase of Government have so many misleading statements and so much misinformation, including statements of partial facts, half truths, and no truths, been inflicted upon the helpless public by spokesmen of the Harding-Coolidge administration during the past three years.

For the benefit of the average citizen it is important first to describe the background of our national expenditures situation. He can then better comprehend and appraise what he hears or reads on this subject. Near the close of the fiscal year 1922 Budget Director Dawes said:

> The indefensible system of governmental accounting renders possible the placing of almost any kind of misconstruction on the fiscal figures of government as ordinarily presented.

This statement was not in the least overdrawn. It has long been the favorite practice of unscrupulous persons to use the terms "appropriations," "authorizations," "expendi-

tures," and "Treasury estimates" interchangeably, according to which would offer the most favorable set of figures in support of the particular purpose in view. Such practices are as a rule intended to deceive. Actual expenditures are the real test of the cost of government, but even the true figures as to these are not generally obtainable on the surface because of revolving funds; hidden appropriations; reappropriations; the setting off of certain receipts against certain liabilities and reporting the net balance; postponement of legitimate items of expenditure to another year; the shifting of still other items of expenditure from one governmental agency to another, thereby creating the impression of reductions without calling attention to corresponding increases elsewhere; appropriations for only a part of a year or to meet only a part of fixed obligations, thereby creating the false impression that reductions are occurring, whereas the balances are later made up by deficiency bills, which escape the attention of the public. Another recent practice is to publish swollen estimates of expenditures for a year ahead and later take credit in large part for their reduction. Four different estimates of expenditures for 1923 had a spread of $1,100,000,000. Think of it!

The citizen can thus form an idea as to the bewildering qualifications and complications confronting him when he seeks the exact figures as to the cost of Government at Washington. The unscrupulous politician is accustomed to revel in these many sets of trick figures.

Another phase necessary to keep in mind is that successful economy and retrenchment can only be fully obtained by the whole-hearted cooperation of Congress and all important officials and employees of the executive department of the Government. Credit for economy, therefore, must be apportioned accordingly. It is ludicrous for some one group in the executive branch to attempt to delude the public into the belief that any one set of officials is entitled to a monopoly of credit. Congress has more often held to the true course of economy than any other Government officials. And yet from the "economy" speeches of the President and Budget officials, the citizen would scarcely know that Congress was in existence.

In apportioning credit the public, too, must keep in mind the records of the two leading political parties on the subjects of economy and taxation, if it would accurately determine whether acts or professions at a given time contemplate temporary or permanent practices. The Democratic Party, for example, has an ancient and traditional record for rigid economy and the lowest level of equitable taxation consistent with imperative Treasury needs. The Republican Party, on the other hand, has a consistent record to 1921 of gross extravagance and high and inequitable taxation. In the four fiscal years ending in 1897 the total expenditures of the Government were $1,758,000,000, while in the four fiscal years ending in 1905 the total expenditures were $2,769,000,000, or $235,000,000 in excess of those of the preceding four years, which included the Spanish war. For the four-year period ending with the fiscal year 1913 the expenditures aggregated more than $4,000,000,000.

Still another part of the background of our expenditures situation which the citizen must keep in mind is that the Government has been passing through the postwar period, with the result that it has been possible only gradually to get rid of the many war hang overs, such as the adjustment of a vast number of uncompleted contracts; the discontinuance of war agencies, such as the railroads, the Grain Corporation, Sugar Equalization Board; gradual reductions of the Army and Navy Departments to a normal peace basis, and many other like factors. Any sane person will readily realize that without any effort at real economy during the years following a war the automatic disappearance of war agencies alone affords large reductions in annual expenditures. There was, for example, no effort for actual economy following the Civil War, and yet expenditures, computed on a four-year period, steadily declined until the year 1881, when they stood at near four times the amount of expenditures for a like period prior to the Civil War.

In February, 1921, Assistant Secretary Gilbert, who has been Secretary Mellon's right arm in conducting refunding operations, said:

> It might well be possible to save as much as $50,000,000 or $100,000,000 by careful and scientific reorganization of the Government's business. It is futile, however, to expect that any reorganization of Government departments will effect a relatively substantial reduction of expenditures.

We now come to the final question of what is "economy" in the true sense. By what standard are we to determine just what constitutes actual savings and economies in the cost of government? Certainly reductions of expenditures from the disappearance of war agencies and war hang overs, as stated, is not the standard. They would inevitably occur in the ordinary course of the Government's business. Nor do reductions of appropriations below Treasury estimates or even of expenditures below appropriations within themselves constitute a saving or economy in the practical and true sense of these terms. All the facts and factors involved must be considered, as in a private business.

> Whenever it is possible to reduce the expenditures for work performed below those for the identical work hitherto performed under the identical operating conditions, such reduction would constitute a savings or economy.

This definition is approved by the Budget Bureau. When the Democratic House, under the leadership of Samuel J. Randall, in 1875, proceeded to lower the level of expenditures annually recurring during 10 years of normal peace conditions, a shining example of true economy was presented.

With the foregoing lights and tests in mind, let us examine and appraise the Government expenditures during the past three fiscal years of 1922, 1923, and 1924. The Harding-Coolidge administration at every stage has sought to feature and dramatize "economy" in the evident attempt to create the popular impression that they were each year effecting the most wholesale savings and economies in the total cost of the Federal Government. No matter how slight the decrease of a given expenditure in one department nor how large the increase in another, the latter has been ignored, while the former has been magnified out of all proportion. The American citizen is not specially interested in any particular item of increased or decreased expenditures, but he is tremendously interested in knowing what is the total annual cost of Government at Washington for all purposes. The total cost of Government for which the people have matched dollar for dollar was approximately $4,102,829,000 for the fiscal year ending June 30, 1922; $4,180,469,000 for 1923; and $4,086,625,000 for 1924.

The actual expenditures of the Government payable from ordinary receipts, exclusive of Postal Service, were $3,782,000,000 for 1922, $3,696,000,000 for 1923, and $3,499,000,000 for 1924. The American people during each of these three years have been required to meet not a portion but every dollar of these total expenditures. What reductions are thus shown? These figures reveal a total net reduction for 1923 below 1922 of only $86,000,000 and for 1924 below 1923 of $197,000,000, or a total of $283,000,000 since June 30, 1922. This amount since June 30, 1922, is but little more than the $225,000,000 reduction of public-debt interest due to debt retirements. Republicans virtually ignore the low level of reductions for 1923 and 1924, and rest almost their sole claim for economies on the one large reduction of war expenditures in 1922 below those of 1921.

In order deliberately to mislead the American people, Republican propagandists carefully dodge this true and inescapable test of the burdens the American people must bear and are bearing each year. One favorite device thus to divert attention is to enthusiastically point to reductions in certain departments, or bureaus or divisions, often more apparent than real, but keeping away from figures as to the reduction of total expenditures for each of the three past years. The big catch in their favorite "economy" figures was disclosed in another way by President Coolidge and General Lord, Director of the Budget, on January 26, 1925. President Coolidge said:

> In the fiscal year 1921 we spent $5,538,000,000. It is estimated that we will spend this fiscal year $3,534,000,000. This will show a reduction in our expenditures of $2,004,000,000.

To show the "clarity" and the "harmony" of the figures of expenditures solemnly proclaimed by President Coolidge and General Lord, which the American public was seriously expected to reconcile and understand, I now quote from General Lord on the same occasion:

> Federal expenditures in 1921, the last pre-Budget year, was $5,115,927,689.30.

This is the sort of hopelessly confusing information that is being even broadcasted over the American radio service by the highest governmental officials. It is true that General Lord parenthetically remarks that "this was exclusive of the amount applied to the reduction of the public debt," a statement which, of course, escaped the public. Both President Coolidge and General Lord, carefully omitting mention of the slight reductions of total expenditures for 1923 and for 1924, proceeded to rely almost solely on the single reduction of $1,700,000,000 in 1922 below 1921 as constituting a continuous three and one-half

years' record of outstanding economies. With due respect to the high offices they occupy, the true facts and figures absolutely refute their statements as genuine economy claims.

In all candor, it would have been equally sound and accurate for the Wilson administration to have seriously claimed the reduction of war expenditures from $18,514,000,000 in 1919 to $6,403,000,000 in 1920, a total of $12,111,000,000, as an actual economy and saving. The recital of just a few items of purely war expenditures in 1921, which naturally or in large measure, automatically disappeared from the expenditures in 1922, irrefutably destroys this amazing "economy" claim of President Coolidge and General Lord. One item, which afforded nearly one half of the reduction of expenditures for 1922 below those of 1921, was that pertaining to the Government operation of the railroads. In his special report of May 8, 1922, General Dawes, Director of the Budget, states that the expenditures for the railroad administration in 1921 were $730,711,000 contrasted with not one penny of like expenditures, but $56,000,000 of actual receipts, in 1922, thus operating at a total net reduction of $786,711,000 for 1922 below 1921 on this one item. It was not physically possible for the Government, after 1921, to continue these expenditures on account of the railroads, because they had been permanently returned to private ownership and operation. And yet this automatic disappearing expenditure is solemnly included as constituting as genuine a part of the Republican record of actual savings and economy as any other item to which they lay claim.

Every consideration of decency justifies the branding of this contention as a fake and a fraud on the credulous and trusting American people. General Dawes, in the same special report of May, 1922, recites that the expenditures of the War Department were reduced for 1922 below those of 1921, $712,594,513. He, of course, estimated War Department expenditures for the remaining seven weeks of the fiscal year, 1922, which at that stage could be closely approximated. General Dawes, in the same report, cites a reduction in naval expenditures of $192,000,000 below those of 1921. For the first time it had become possible to take the last step in reducing the Army and Navy virtually to a peace level.

These three purely war items of expenditures wipe out this "huge and masterly economy" showing, on which virtually the entire prestige of the Harding-Coolidge administration for reducing expenditures has been built up. It, of course, was impossible to audit and settle all of the vast Army and Navy accounts created in connection with the war and to reduce the personnel of the Army and Navy to a permanent peace basis prior to the making of the appropriations for the fiscal year 1921, which a Republican Congress was obliged under the law to estimate and enact as early as the session of Congress beginning in December, 1919. The truth is that there were both numerous increases as well as decreases in the expenditures of 1922 as compared with those of 1921. There were increases aggregating many millions in the State Department, in the Veterans' Bureau, in the Treasury for tax refunds, good roads, and so forth.

The question of governmental expenditures is essentially nonpolitical and relatively as many honest and zealous supporters of practical economy are to be found in both Houses of Congress as in the executive department or anywhere. These embrace Members alike in both political parties. They are to-day meeting President Coolidge and the Budget Bureau more than halfway in prosecuting the policy of retrenchment and economy. The Budget law, as General Dawes stated in 1922, "is the product of nonpartisanship in Congress." President Wilson and his Secretaries of the Treasury had often strongly urged this law, as had Fitzgerald, Shirley, Byrns, and other House leaders, supported by leading Republicans in Congress. The law was conceived and completely framed during the Wilson administration. Since its delayed enactment in the summer of 1921 the Budget officials have done excellent work, and Congress most heartily welcomes their cooperation in prosecuting economy and savings policies. It would be most unfortunate for this bureau to destroy its efficiency by injecting politics into the absurd claims of economy which the Executive department has been endeavoring to monopolize at the entire expense of Congress during the past three years. This and a disposition to usurp policies properly belonging to Congress are the chief dangers to the success of the Budget Bureau.

The Executive department, including the Budget Bureau, are freely granted the fullest measure of credit for what they actually accomplish, but they shall not be permitted without protest and exposure to constantly peddle out to the country spurious and misleading data as to wholesale economies which are purely imaginary. It would be entirely fair and accurate to say that the Democratic administration reduced war expenditures $12,111,000,000, and the Harding-Coolidge administration reduced them near $1,700,000,000.

When the President and the Budget Bureau were called upon by the House to specify their savings and economies, the report made by the Budget Director in May, 1922, only lays claim to $250,000,000 of this character. The saving of most of this amount was due to the fact that following the war the Democratic administration left on hand in each department, bureau, and division a vast amount of supplies; far more than was needed by such agencies in time of peace. The Bureau of the Budget materially aided in carrying out the patent idea of a full interchange or transfer among each of the departments, bureaus, and divisions of such surplus which one did not need but which another could profitably utilize. This course was naturally pursued and avoided the loss of selling surplus at a sacrifice by some Government agencies and the independent purchase at commercial price levels of like supplies by other agencies in need of the same. The Budget Bureau was a principal factor in performing this valuable service. But the Democratic administration furnished the assets, and, besides, this was chiefly an adjustment of certain war conditions to a peace basis at virtually the earliest opportunity afforded. In the face of these conditions, pure and unadulterated economies to the extent of $250,000,000 are claimed for the Harding-Coolidge administration just as though the preceding administration had not furnished the assets and as though this action constituted a readjustment of fixed peace conditions rather than those of war. Credit should accordingly be allowed and apportioned between the present administration and its Democratic predecessor.

All Cabinet heads would have been grossly derelict had they not obviously pursued the same policy as the foregoing. What occurred and all that occurred in this $250,000,000 transaction, save as to a few items, was that the Wilson administration made a present of these immense supplies to the Republican administration, and because it needed and kept and used the supplies instead of virtually giving them away it claims large credit for an actual economy.

In justice to the American people the Treasury should be required by law to publish more often the total annual expenditures for all purposes. The practice of the Treasury, especially during recent years, has been almost parenthetically to compile and publish in any one statement the amount of these total expenditures. Postal receipts and expenditures are eliminated in most instances. Another favorite method of publication is to eliminate from expenditures the amount paid on the public debt from the ordinary receipts, thereby giving the public the benefit of annual expenditures less those of the Postal Service and less those for the retirement of the public debt. During the present administration it has also become fashionable still further to chop up the total expenditures by eliminating interest on the public debt and all other public-debt transactions, and to stereotype before the country the cost of the naked Government establishment, but not including the post office, which ranged around $1,700,000,000. The compilation and use of these various sets of figures as to partial Government costs are justifiable and wise for the purpose of administration, legislation, and economy. After all is said, I agree with Assistant Secretary Gilbert that the Budget can not effect what are true economies in the administration of the business of the 10 departments of more than $50,000,000 to $100,000,000. This has been the result and is the true situation to-day, except as to some millions of savings in naval expenditures under the disarmament treaty.

The people should insist, however, that systematic publications of only partial receipts or expenditures or only partial reductions in the cost of government should also embrace the facts as to increases at the same time, if any, together with the net effect upon the total cost of government, as stated.

The result of this recent practice is that claims of partial reductions in the annual cost of certain governmental departments are now more misleading than otherwise, because they not only ignore the total expenditures still arising but they ignore the fact that many permanent expenditures of regular departments have been shifted to a large number of independent bureaus, commissions, and so forth, of which there are to-day some 39, which call for annual expenditures of near $500,000,000.

And, again, it is necessary to recognize that on account of constantly disappearing special items of expenditures and the appearance of special new or temporary items, the total Treasury expenditures may vary up or down to the extent of $100,000,000 to $200,000,000 annually. For example, the large item for vocational education of ex-service men, aggregating near

$500,000,000 since the war, is rapidly disappearing and will soon entirely disappear. It is already plainly evident, for further example, that the total expenditures payable out of ordinary receipts will be greater for 1925 than for 1924.

REPUBLICAN TAX REDUCTION

I now approach the final subject of tariff and other tax legislation during the four years of the Harding-Coolidge administration. The widest misleading propaganda as to the true nature and extent of this revenue legislation and the net amount of tax relief afforded the people as a result has been systematically poured out upon the American people. For illustration, President Coolidge, in his widely broadcasted speech on January 26, 1925, complacently remarked that in this period of four years "the people have been benefited by a material reduction in taxes of about $2,000,000,000 yearly." Some careless subordinate has grossly misled the President. The unvarnished truth is that the total amount of such tax reductions is exactly nothing. The record shows that a large amount of taxes have been shifted but not reduced. Internal tax reductions were effected while increased tariff taxes imposed a burden certainly equal to the amount of internal-revenue taxes removed.

REVENUE ACT 1921

It is just as well at this point to cite the exact figures of internal-revenue reductions to which President Coolidge refers and which he overstates to an astonishing extent. The revenue act of 1921 and the revenue act of 1924 constitute the entire internal-revenue reductions brought about during the four years of the Republican administration. In his annual report for the fiscal year 1921 Secretary Mellon estimates the total tax reductions under the revenue act of 1921 at $835,000,000. In his annual report for 1923, during which year the full effects of the tax reduction were reflected, Secretary Mellon said:

> As a result of the revenue act of 1921 internal-revenue receipts during the fiscal year just closed, it is estimated, were approximately $800,000,000 less than they would have been at the rates contained in the old law.

This is the deliberate judgment of Secretary Mellon at the end of the first full year's operation and effects of the revenue act of 1921. Internal-revenue receipts for 1923, however, fell off $1,972,000,000 below those of 1921. According to Secretary Mellon's repeated estimates only $800,000,000 of this decline or difference is attributable to 1921 tax reduction. It is patent that the remaining $1,172,000,000 loss was due to the effects of panic conditions on the taxpayers during 1921–22. President Coolidge, in his statement already quoted, fails to make this distinction, and falls into the tremendous error of claiming as a part of the total annual tax reductions $800,000,000 as tax losses which were panic losses. This is plainly evident when we add the reductions of $800,000,000 under the revenue act of 1921 to the annual reductions of $400,000,000 under the revenue act of 1924, and deduct the total Republican tax reductions of $1,200,000,000 from $2,000,000,000 which the President now claims as the true total of yearly tax reductions effected under this administration. In other words, while total internal-revenue tax receipts have declined $2,000,000,000 since 1921, according to Secretary Mellon and the inherent, bald facts, $800,000,000 of this decline was due to the panic.

This is a wide discrepancy and I deny the right of the President or any other official to broadcast so-called economy figures so entirely inaccurate and so greatly misleading to the country. I have a right to demand that the President and his Director of the Budget correct these figures in the course of their frequent radio-broadcast statements about the alleged savings and economies they are effecting. The President was expressly referring to yearly tax reductions and could not have had in mind the single temporary item of 25 per cent reduction on individual incomes for 1923, and even if he had, the mistake as to his figures would have remained almost as great.

Internal revenue taxes are essentially nonpolitical. Democrats while in control of Congress had consistently kept them out of politics. The Republican leadership immediately after the Republican Congress came into power March 4, 1919, proceeded to make this legislation a strict partisan matter almost the same as the tariff. Ignoring the earnest urgings of President Wilson, his Secretaries of the Treasury, and Democratic leaders in Congress, during 1919 and 1920, to enact further tax reduction and readjustment legislation, this partisan Congress deadlocked the Government in this as in many other instances until March 4, 1921. In the meantime, oceans of propaganda were put out condemning the Wilson administration for failure to give further tax relief and conveying the very definite idea that taxpayers could only get relief by electing a Republican administration. The inevitable result was that the Harding administration found an utterly chaotic legislative situation when the passage of the revenue act of 1921 was undertaken. The injection of internal revenue taxes into partisan politics had the direct effect of creating class consciousness and class controversy. Factions, blocs, and cliques then promptly made their appearance in the Republican Congress of 1921. This Congress, containing a tremendous Republican majority, found itself utterly unable to legislate on taxes either scientifically or practically or intelligently. The remainder of the excess-profits provisions were repealed in accordance with the recommendation of Secretary McAdoo in December, 1919; surtaxes constituted the next largest reduction, and certain miscellaneous items the chief remaining reduction.

Senator Penrose best described this patchwork measure when he stated that "the bill is a temporary makeshift." Senator Moses gave a more detailed estimate in his reported statement that it was "the tattered rags of a tax measure, three years old, long since out of style, and faded." Further comment is scarcely necessary.

The larger taxpayers, many of whom had contributed vast sums to the Republican campaign of 1920, seemed to feel that their demands for tax relief would be given paramount and quickly effective consideration. They were woefully disappointed at the outcome because many of them, as stated, had joined in the movement to make this a partisan matter and so had for two years aided in making war on the Democratic administration, notwithstanding its insistent fight for the most rapid war-tax reduction possible from December, 1918.

It is really calamitous that any phase of internal-revenue taxes has thus become the football of politics. It is most unfortunate for any one group of income taxpayers to permit themselves to be segregated by designing politicians with respect to income taxation which may prove for them a condition of never-ending controversy.

Democrats generally have all along favored the policy of imposing graduated income-tax rates so as to conform to the principle of ability to pay, reasonable rates which could not be considered as unduly burdensome or oppressive or punitive, and which would neither materially handicap any business nor interfere with its natural and proper expansion and development, or in other words, rates which the weight of disinterested economic authority friendly to the doctrine of progressive income taxation might suggest. Well-balanced scientific rates according to the policy of graduated income taxation can not be based upon collateral considerations such as the tax-free security situation, which of course should be dealt with on its own separate merits. A recent report of the Federal Trade Commission justified this view when it revealed that taxpayers with incomes of $10,000 and over only held about $4,450,000,000 of tax-exempt securities at the close of 1922, from which they derived interest of $175,740,000.

REVENUE ACT OF 1924

In accordance with their fixed policy of keeping internal taxes in partisan politics, Secretary Mellon long before the meeting of Congress in December, 1923, drafted or caused to be drafted an internal revenue tax reduction measure complete in its every detail, and sent same over to Congress with rather peremptory intimations from himself and President Coolidge that Congress should promptly enact the measure without material changes. No Democratic Member of either House was consulted or permitted to see the draft. Relief for a small group of the larger taxpayers was again emphasized and made the outstanding feature of this proposed tax revision. The first thing that happened was that the so-called progressive republicans proposed a substitute measure representing the opposite extreme. The Democrats, easily recognizing that there would either be no tax legislation under these proposals or that there would at most be turned out another lopsided patchwork law such as that of 1921, proceeded to draft and offer a substitute proposal which would give substantial relief to every class of taxpayers, large and small, and which would have a real chance of passage. Their judgment was later vindicated by the passage of a tax reduction measure, all the income tax rates in which were written by the Democrats under the leadership of Senator SIMMONS and Representative GARNER.

The supporters of the defeated Mellon plan have slandered this tremendously beneficial tax reduction law in every conceivable way. President Coolidge signed it under bitter protest. Fortunately, however, all taxpayers just now are discovering for themselves the great reductions which this democratic measure has given them—reductions larger to all income taxpayers, save those five or six thousand whose income exceed $66,000, than the Mellon plan proposed. Under this

salutary measure there is a difference of less than $3,000 on an income of even $100,000 as compared with the Mellon plan. The public was never so grossly deceived by inspired propaganda than that put out in behalf of the Mellon plan during 1923 and 1924, but it has been deceived almost to a like extent by deliberately false reports intended to discredit the democratic compromise measure which became a law. Tens of thousands of income surtax payers who actually received larger reductions under the democratic proposal are still condemning it upon the silly and absurd hallucination that they would have received larger reductions under the Mellon proposal.

Republican leaders have evidently been more interested in prejudicing some of the income taxpayers against Democrats than they have in giving them tax relief. This fact ought now to be patent to every intelligent person. In any event, the Democrats are conscious of having been responsible for another long step in tax reduction and readjustment following the war. Further steps can and should later be taken in accordance with the sound rules and principles of fair and reasonable taxation, free from Republican political jockeying and horseplay.

The revenue act of 1924 made substantial reductions in the normal income tax rates and in the surtax rates from top to bottom. At the same time it went far beyond the Mellon plan, which proposed to eliminate only two or three of the miscellaneous tax items by eliminating or materially reducing a large number of this class of taxes.

Credit for the initiation of the gift tax and the increase of the estate tax rates in fairness belongs to the Republicans in the House, but there was not serious controversy as to the passage of each. The Federal Government doubtless would be prepared to relinquish the estate tax entirely provided the States would agree to a somewhat uniform law with duplicate, triplicate, and quadruple taxation eliminated. This the States thus far have shown their indisposition or inability to do. The people of the United States could and should pay from $300,000,000 to $400,000,000 of estate or inheritance taxes without undue burden. Most of the States did not undertake seriously and comprehensively to develop this tax method until after the Federal enactment of 1916. The other way out of the conflicting State and Federal systems, which should be pursued in default of State solution, would be one uniform Federal tax, coupled with a provision for the return of a certain substantial percentage to the States according to the place of citizenship of the persons whose estates are subject to such taxes. Additional factors governing such distribution might be introduced. The Federal method was the pre-war Germany policy. If a solution of this deplorable condition of combined and conflicting Federal and State taxes can not be effected, it will then become the duty of each of these governmental agencies to prescribe rates tempered by such moderation as the existence of duplicate rates of other governmental agencies would suggest.

FORDNEY TARIFF, 1922

The tariff tax legislation of the Harding-Coolidge administration comprises the emergency high tariff act of May 27, 1921, and the Fordney general high tariff revision act of September 22, 1922. The first act greatly increased the tariff on agricultural products and also contained antidumping legislation. The fact at once becomes apparent that the increased tax burdens due to the radical increase of these tariff taxes more than offsets the amount of tax relief given to the American people by reductions of internal-revenue taxes under the revenue acts of 1921 and 1924. This statement will go down in fiscal history as an obvious fact. Those taxpayers who are the victims of this condition are thus far utterly oblivious of its true nature for the reason that inspired propaganda has kept their attention riveted upon the internal-revenue tax situation. They will undoubtedly awaken and become aroused to just what has happened in the way of revenue legislation at no distant date.

If the American people would accurately appraise and understand the real attitude of the two leading political parties with respect to tariff taxation, they must look to the actual practices of the respective parties when dealing with the tariff. There is as much difference, for illustration, between the tariff professions and practices of the Republican Party as there is between literal free trade and a fair and reasonable protective tariff. The distinguishing characteristics of the present Republican high-tariff system are its jokers, its inconsistencies, its anomalies, and its vast number of excessive and extortionate rates. Tariff beneficiaries during recent years have been accustomed to give large campaign contributions and, in return, been permitted to send their lobbyists to Washington and write their own high and exorbitant rates. The result is that Republican leaders are accustomed to preach tariff protection in terms of moderation while their high-tariff legislation, drafted and enacted in the manner and spirit just stated, is filled with excesses, abnormalities, extortion, and other unconscionable provisions.

The Fordney-McCumber law was not only framed and enacted in defiance of every sound economic law of to-day, but it ignored all professed Republican requirements of the past for the proper framing and enactment of comprehensive high-tariff legislation. I refer to the fact that this measure was framed and passed during a period when unsettled, artificial, and constantly changing economic conditions here and everywhere rendered it utterly impossible to ascertain either foreign production costs or figures as to domestic production costs at all accurate or satisfactory. Collapsed foreign exchanges, depreciated foreign moneys, extreme scarcity of law materials in other manufacturing countries, and the general dislocation, derangement and breakdown of the processes of production, transportation, and distribution, both internally and externally, throughout Europe, were well known outstanding conditions when the Fordney tariff law was prepared and enacted.

When hard pressed the apologists and proponents of this measure conceded these facts, but their ingenuity worked out a contrivance which afforded them a pretext for the passage of this measure in 1922. They said, in effect, that while it is true we have no definite tangible facts on which to base tariff rates, with the result that we can only plunge into the realm of figures and thus promiscuously prescribe rates, we will at the same time take care of all these difficulties by inserting what is now known as the flexible tariff provisions. The chief object was to fix the rates sufficiently high for every contingency. Under these provisions they set up the contention that the President would promptly proceed to raise or lower any and all rates according to the true economic facts which would later be developed and reported to him by the tariff commission. The fact that this provision was probably unconstitutional and certainly unworkable, as experience has since demonstrated, did not cause the slightest hesitation on the part of the proponents nor check their enthusiasm for a speedy enactment of this wholly unsound, impractical, and extremely harsh legislation.

From my viewpoint the real issue between the Democratic and Republican Parties, as the latter is controlled, with respect to the tariff is, Shall the United States maintain a system of tariff (1) for revenue, (2) that will afford reasonable competition, and (3) with moderate rates having the application and effects as I described in my references to the policy of the Underwood law? Or, to state the Republican attitude as shown by actual practice, shall the United States pursue the policy of permitting tariff beneficiaries by their vast campaign contributions to dominate a political party, and when it is in power to write their own tariff rates which according to every law of human nature are only limited by the selfishness and the greed of their authors? Democrats, as in 1913, would approach tariff reform and readjustment with due consideration of all existing business conditions.

Carefully diverting the attention of the overburdened tariff taxpayers from the artificial high tariff prices they pay for most of what they purchase to wear or use, Republican spokesmen for tariff beneficiaries point to the increased revenue yield from the Fordney-McCumber law, although it is relatively trivial when compared with the total revenue the Government must annually raise. The fact also carefully concealed is that nearly $140,000,000 of the total tariff revenue is derived from importation of sugar alone and tens of millions of additional revenue from wool and other raw materials, which greatly increase the cost of manufacture and which jack up our entire production costs to a high artificial level, thereby entailing a four to five fold burden to the people apart from the taxes that reach the Treasury.

In order to raise $550,000,000 from the present high tariff the American people are subjected in the way of artificial high prices for what they purchase to a far heavier penalty than was ever imposed upon a like amount of revenue that found its way into the Federal Treasury. The existing tariff system is in direct conflict with sound economic policies, domestic and international. It not only sets up every sort of artificial trade barriers but invites other commercial nations to do likewise. Its price-increasing effect ramifies into every commodity of which any tariff-ridden product is a part.

American producers have already been forced into the practice of dumping, or selling their surplus abroad cheaper than at home. It is no justification of the Fordney system to point to the recent temporary increase in our foreign trade. The fact that we have loaned our foreign customers $950,000,000 during the past year and probably extended credit for an additional billion dollars is a complete answer. It is also true that

some foreign populations have been behind in production and have suffered great loss in purchasing power, whereas the regaining of the latter renders it both possible and necessary that they should buy from us at any price for the time being. It is also true that the present gradual recovery of Europe—long delayed by republican obstruction of international, moral, and economic cooperation—will for a short period result in larger trade with this country, thereby obscuring and delaying the appearance of the inherent injuries and unsound effects of the high tariff upon our permanent business and economic conditions.

Foreign countries and peoples to-day owe to America from $20,000,000,000 to $30,000,000,000. They can only pay with gold, goods, or service. We have the major portion of the gold, as we also have our own merchant marine. We increased production during the war period an average of 25 to 33⅓ per cent. We must either maintain and increase that level, finding markets abroad for the surplus, or we may continue a high tariff fence around the Nation and shrink and shrivel to a production volume which will only equal our home consumption demands. We are destined to come to this latter condition under our present high tariff policies. This inevitably means much idle capital, idle labor, and conditions of stagnation in the future. To-day our chief imports are raw materials and foodstuffs we do not produce. Imports of manufactures consist mainly of high-priced articles specially wanted on account of their pattern, design, or foreign make.

A glance at the financial, industrial, and commercial power and resources of America utterly discredits such restricted, provincial, temporary, and suicidal economic policies as the Fordney tariff law embraces. America produces 40 per cent of the world's supply of iron and steel, 25 per cent of the wheat, 40 per cent of the lead, 50 per cent of zinc, 52 per cent of the coal, 60 per cent of the aluminum, 60 per cent of copper, 60 per cent of the cotton, 66 per cent of the oil, 75 per cent of the corn, and more than 85 per cent of the automobiles. We are the chief source of international credit; we have vast and unrivaled systems of mass production; the most modernized machinery, and labor of the highest skill and intelligence in the world. Shall we continue to improve our efficiency in manufacturing and general production, correspondingly lowering our cost levels, and proceed further to develop and expand our domestic and international finance, trade, and commerce in a natural way, or shall we turn away from this inviting picture and tempting opportunity and pursue the shortsighted and disastrous course of curtailing production in all lines to our domestic needs save such excess as may be disposed of by the unthinkable process of dumping? The Fordney-McCumber tariff law is the signboard pointing in this latter direction. The world is still passing through more or less temporary, uncertain, artificial, and abnormal business and economic conditions. It is absurd to attribute the concurrence for the time being of a number of favorable industrial and commercial conditions to the existence of the Fordney tariff law, the authors of which have conceded that its rates were the haphazard product of the purest guesswork by reason of the very temporary and instable conditions already described. America can never long participate profitably in world commerce while her prices and production costs are kept upon a high, artificial level by high tariffs. It is true, such tariffs, as to some industries, will stimulate an unhealthy and inflated development, but such an economic structure would be unsound and destructive of our permanent economic welfare.

The American farmer, for further illustration, has undoubtedly learned his tariff lesson. He now knows that as to his most important products he has never received any tariff advantages, while all the time he has been obliged to pay extortionate tariff prices for what he has had to buy. He now knows that any industry or business in America which produces a substantial surplus which must be sold in world markets can not hope to receive any appreciable tariff benefits; that so-called high protective tariffs have the effect of artificially increasing prices, except as just stated, which is the prime purpose of those demanding the same; that while the high tariff creates artificial temporary prosperity for certain industries, others languish or suffer depression; that the high tariff by preventing other countries from paying for our surplus in part in goods thereby diminishes their purchasing power and lessens their ability to buy our surplus at the attractive prices fixed by the undisturbed law of supply and demand. Our foreign trade is more than $5,000,000,000 less for 1924 than it was in 1920.

The tariff can not be entirely taken out of politics so long as the Republican Party, as at present, is supported, financed, and controlled by the tariff beneficiaries. They furnish the financial aid to maintain every kind of publicity agency through which the people are kept confused and in a state of misunderstanding as to the sound solution of this economic question. The people seemingly can only discover the fallacy and the fraud gradually and by disastrous experience.

UNVEILING OF THE MEMORIAL TABLET TO PRESIDENT WILSON

Mr. OLIVER of Alabama. Mr. Speaker, President Wilson was an elder in the Central Presbyterian Church of Washington and attended services there during his term as President. Memorial exercises for the late President were held at the church, and I ask unanimous consent to extend my remarks by printing the address of Dr. James H. Taylor on that occasion.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. OLIVER. Mr. Speaker, on Sunday, January 25, at the morning service in the Central Presbyterian Church, Washington, D. C., in the presence of a large congregation, including many officials high in the Government service, President Calvin Coolidge unveiled a bronze memorial tablet commemorating the organization of this church by Rev. Dr. A. W. Pitzer in 1868, and the laying of the corner stone on December 19, 1913, of the present building by former President Woodrow Wilson, a member of this congregation. Besides President and Mrs. Coolidge, Mrs. Woodrow Wilson was present, accompanied by members of her family. The pastor, Dr. James H. Taylor, conducted the service, assisted by Dr. Wallace Radcliffe, pastor emeritus of the New York Avenue Presbyterian Church, and by Dr. Parks P. Flournoy.

Doctor Taylor spoke briefly as follows, from the text:

"Except the Lord build the house, they labour in vain that build it." (Psalm cxxvii, 1.)

The place of worship is a place where God is. It may be a very small place, an out of the way place, or an obscure place, but that which makes the place of worship is not the material surroundings but the presence of God. How clearly this fact is disclosed in the Old Testament is seen in the experiences of the people of God in the early days. Noah built for himself an altar (Genesis viii, 20), and there he worshiped God. It was only a pile of stones, but it was a place that signified God's presence. Abraham, on his way from Ur of the Chaldees to Canaan, stopped at Moriah, gathered some stones together, and "there builded he an altar" where he worshiped. (Genesis xii, 7.) So, wherever men happened to be, they might build an altar of stones, and worship God at that place. Jacob, after his dream in which he saw a ladder set up on the earth, the top of it reaching to Heaven, with the angels ascending and descending upon it, said of this place, "Surely the Lord is in this place; and I knew it not. * * * This is none other but the house of God." He set up a stone pillar and called it Bethel, which being translated means the house of God. (Genesis xxviii, 19.) So that there was the first intimation of a permanent place of worship in the location of this stone pillar. Moses, after the battle with the Amalekites, built an altar, and this pile of stones was a place of worship. (Exodus xvii, 15.)

In later years God gave to Moses and his people a tabernacle or tent of meeting, which these wanderers carried with them through the desert. Wherever they stopped to rest, or wherever they camped, they set up the tabernacle as a place of worship, for the presence of God was made evident to them in the tabernacle. Thus the pile of stones as a place of worship is supplanted by the tabernacle.

When the conquest of Canaan was finished, and the Hebrew people had dwelt long in this promised land, King David wished to build a temple, but he was denied that privilege, and his son, Solomon, was permitted to build a great temple of worship (I Kings, chs. 5 and 6). No sound of ax or hammer was heard in the construction of this beautiful temple, and when it was completed the presence of God was made evident to the worshipers, "for the glory of the Lord had filled the house of the Lord." In course of time, when the people of God were carried away captive by the invading hosts, the temple of Solomon was destroyed and the vessels of gold and silver were carried away, and the Ark of the Covenant, the symbol of the religious hope and life of the people, disappeared. During these days of captivity, when they had no temple, the people gathered together in places of worship, and the synagogue came into being. But the day of restoration soon came, when the people, under the providence of God, returned to their land, and the temple was rebuilt, only to be destroyed about 30 years before Christ. Another temple was built which was called the Temple of Herod, but was not finished until about 10 years after the death of Herod, and this temple was destroyed by the Roman Emperor Titus in A. D. 70. Thus, from a pile of stones and a stone pillar and a movable tabernacle the house of God came to be a permanent place of worship. Man can worship God in the simplest surroundings or in the most elaborate building, if God is present. "God is a Spirit, and they that worship Him must worship Him in spirit and in truth."

We record to-day in this service our gratitude for the providence of God in the organization of this church and in the building of this house of worship. The providence of God is evident as we recall the early history of this church, when on May 31, 1868, the Rev. Dr. A. W. Pitzer with a small group of 29 earnest Christians organized the Central Presbyterian Church. Those were troublous times in the National Capital. Doctor Pitzer, himself being a southern man and coming to Washington at this time to organize a church in connection with the Southern Presbyterian Assembly, faced an almost impossible problem. This group of people had no money, no building, and not a foot of ground. With a wonderful faith and with undaunted courage they undertook this work, giving of their time and possessions and relying constantly on prayer; but they were committed to a great idea; their purpose was to build a house of worship to which those might repair who wished to worship God in simplicity. Political preaching and discussions of national problems were not included in the message of the preacher. It was to be a Bible church with a Bible ministry, where all might come to worship, irrespective of political views and affiliations. And so it came to pass that many came to this church to worship who entertained opposite political views and interests, but found in this place the common ground of the worship of God. Many were the sacrifices that these people made in the early days to help to build the house of God. One lady gave a very handsome picture of the Madonna, which was purchased by Mr. Levi P. Morton, afterwards Vice President of the United States. Others gave silver plate to be made into the communion set; jewels of gold and silver were sold and the proceeds given to swell the fund. It was the Bible story over again, the great struggle of a group of faithful people to have their house of worship. In course of time a house of worship was secured in which this congregation worshipped for many years, Doctor Pitzer continuing as the active pastor of this church for 38 years. Upon his resignation in April, 1906, Doctor Pitzer was made pastor emeritus and moved to Salem, Va. It was my privilege to succeed him in the pastorate. We soon discovered that it would be necessary, owing to changing conditions in our city, to remove to a new location. In 1911 we acquired the property at the corner of Fifteenth and Irving Streets NW. In October, 1912, we began work upon our new building on this site.

Meantime, President Woodrow Wilson had come to our church and had written me a letter stating that he and his family would make the Central Presbyterian Church their church home. I immediately told him that we planned to move from the old location and build on the new site. He expressed a very deep interest in this plan, promised his help, and assured us that he would follow us to the new location. On December 19, 1913, President Wilson laid the corner stone of this building in which we now worship. In those days there was a little more of the simplicity of life than there is now, not so many automobiles, and not so many moving-picture cameras around, so that an air of delightful simplicity was evident on that occasion. On the north side of this site were two magnificent pine trees, and on the west side of this site were several beautiful maple trees. An old paling fence ran around this lot, and as we gathered under the shade of these trees on that bright December afternoon, with a great crowd on the inside and outside of the fence, President Wilson laid the corner stone of this house of worship and then made a charming address, which address I have included in the memorial of him given on February 10, 1924. This house of worship was completed in May of 1914, and on Sunday, May 31, 1914, the dedication exercises were held, this date being the forty-sixth anniversary of the organization of the church. A very remarkable thing should be noted, and perhaps there is no parallel in this country where a man in the providence of God organized a church and continued with it for so long a period. Doctor Pitzer was the active pastor of this church for 38 years, and has been pastor emeritus since 1906. He is now living in Salem, Va., and thus for a period of over 57 years has been identified with this church. Since its organization in 1868, this church has had only two pastors, who are both living and identified with this church, and you have to support them both.

There have been some wonderfully interesting occasions in our church. On one of these occasions President Wilson came to a meeting of the Presbytery of Potomac, which was in session in this church, and this visit I have described in the memorial address. Another occasion was during the war period when things were tense, and the air was charged with suspicion. It was immediately after we had declared war.

I had received a great many anonymous letters, and among them was a letter expressing a fear for the safety of the President and telling me that great damage might be done to the church. Many wondered if the President would attend the services on the Sunday morning after the declaration of war, but I was confident that he would be present. I did not communicate to him any information regarding these letters, though I kept in touch constantly with the Department of Justice. It was a very anxious day. President Wilson came to church and occupied his usual pew, as calm and unruffled as a summer sea. One would have thought that there was not a cloud in the sky to have seen him sitting so calmly and quietly on that Sunday morning. But I did that morning what I had never done before in all my ministry. I prayed with my eyes partially open, and during that entire service I never took my eyes off that congregation, which I watched with the utmost care. Ample provision had been made for an increased bodyguard for the President on that day.

Another interesting occasion was the jubilee service in our church in 1918. We were celebrating the fiftieth anniversary of the organization of our church. It was during the war period, and we felt that it was necessary to have our ceremonies as simple as possible. We held a reception, which President and Mrs. Wilson attended. Instead of the usual formalities of an occasion of this sort, the reception developed into one of the most delightful and informal occasions that you could possibly imagine. In the most gracious and cordial manner President and Mrs. Wilson, who remained for a large part of the evening, received and talked with nearly all of the guests and made everyone feel so comfortable and at home in their presence. The President had not agreed to make a speech, but on my earnest solicitation he consented to say a few words to the people. In a few remarks, not over three minutes in length, he stated the aims of the war. These few remarks have remained in my mind as the finest brief statement that was ever given on this subject.

In recalling to your minds the history of this church, I want to impress upon you again the fact of the providence of God. I want you to appreciate the fact that "Except the Lord build the house, they labour in vain that build it," and that we have unmistakable evidence of the providence of God in the life of this church.

We shall now proceed to the unveiling of the tablet.

The President of the United States has graciously consented to be with us this morning and to unveil the tablet commemorating the organization of our church 57 years ago and the laying of the corner stone of this edifice by President Wilson.

As soon as President Coolidge had unveiled the tablet Doctor Taylor offered a prayer, after which the following hymn was sung, which was written by the pastor of this church:

Lead on, Thou God of Hosts, lead on
Thy Church through every age,
That 'gainst the powers of sin and wrong,
With valiant heart and echoing song,
May march a mighty, faithful throng,
Christ's precious heritage.
Thou glorious, mighty King of Kings,
Thou God of Hosts, lead on!

Lead on, Thou God of Hosts, lead on;
The fight is fierce and long.
The field is drenched with martyr's blood,
And thousands lie upon the sod,
With dying eyes upturned to God,
Lips quivering with song.
Thou glorious, mighty King of Kings,
Thou God of Hosts, lead on!

Lead on, Thou God of Hosts, lead on;
Thy banner streams afar.
Across the mountains, on the breeze,
Through pleasant valleys, over seas,
Go tidings of the King of Peace,
His cross the guiding star.
Thou glorious, mighty King of Kings,
Thou God of Hosts, lead on!

Lead on, Thou God of Hosts, lead on
The blood-washed, conquering throng,
Till ransomed by the might of grace
This multitude of every race
Stand in that day before Thy face
And sing redemption's song.
Thou glorious, mighty King of Kings,
Thou God of Hosts, lead on!

The address made by Doctor Taylor at the funeral services of President Wilson, to which reference has heretofore been made, is here set out in full:

A GREAT MAN HAS FALLEN

"Know ye not that there is a prince and a great man fallen this day in Israel?" (II Samuel iii, 38.)

These words describe most appropriately the man in whose honor we hold this service to-day. In a very real sense, and in a most significant way, he was a great man. While we often speak of men as being great, yet in reality there are few men in the life of the world that are really and truly great. In every period of history and in every national crisis great outstanding characters have arisen, but in times like these often one man rises higher than his fellows by

virtue of his intellectual powers, his moral purposes, his spiritual idealism, and his love for humanity. These and many other qualities of mind and heart made Woodrow Wilson truly a great man. He is even now to be linked with those men in the history of the world who are permanently great; such greatness as lies not alone in intellectual achievement, but more particularly in disinterested righteousness and in a vision of service for one's country and for humanity. To be able to assess life in terms of disinterested purpose and lofty idealism is a characteristic of a great man. To be able to see ahead far into the distant future, to be able to visualize the needs and happiness of the people in the coming years, exhibit the power of a prophet, and the vision of a seer. The virtue of the seer lies not so much in the fact that he is able to see what others do not see, but that he is able to see clearly what the great multitude sees only dimly. His great value for men lies in the fact that he has been able to formulate a vision of hope, of joy, and of peace, which he strives to pass to those about him in the forward movement of affairs. Such a man is rare in the world. Now and then he appears, and with undimmed vision and indomitable purpose he strives to lead the way, calling to his fellows to follow in the effort to reach the prize. He strives to impress upon the minds of men that such a vision, while apparently lying now in the realm of idealism, can be attained and become for men a profound and lasting reality. Such a man was Woodrow Wilson. Unquestionably he was a seer, and because he looked so far ahead there was between him and the eager multitude a gap, which time will close up as men shall come to see more clearly the vision of this seer, and realize its splendor and its surpassing value.

He was preeminently a prophet of peace. As the prophet of the olden time stood courageously before his people calling upon them to walk in the road of peace, pleading with them to forget their antagonisms and their petty jealousies, so he called upon men to give themselves to constructive lines of endeavor that should make for the peace of the world. His was eminently a constructive spirit. He believed firmly that men should strive hard and suffer much, if somehow they might introduce into the thought and practice of the world those principles that would make for peace and good will among men. To him no sacrifice was too great, no work too hard, no toil too heavy, if this purpose might be achieved. Thus he gave himself with a marvelous spiritual abandon to this cause. No man could contemplate the peace of the world who did not carry on his heart as a great burden the needs and concerns of all humanity. It is difficult for us to realize how a man could embrace in comprehensive interest the needs of all humanity, and it was only by a complete renunciation of self and a great love for men that he could have espoused this noble cause. Now and then great leaders in the world have arisen who have been impelled by a vision like this, but only on rare occasions has a man in authority and power been willing to give himself to such high emprise. Perhaps no man in history who has occupied a position of such authority and power has been willing, while he was exercising that power, to give himself so unreservedly to the great cause of peace. It was a veritable passion of his soul. It took possession of him and burned like an eternal fire upon the altar, and the fire was kept burning brightly by the devotion and loyalty to this great idea. So powerful did this great passion become in his life that he dedicated himself to it with unswerving fidelity. Anything that would tend to obscure this great idea or hinder this high purpose must be either brushed aside or endured, for the end in view was worth in his estimate all that it might cost in sacrifice and toil. When there shall have passed away all the rancor and bitterness of the times in which he lived, men will come to realize more and more that there was in their very midst a great prophet, whose interest and energy, whose great intellectual achievements and moral purposes, were dedicated without reserve to the peace of the world. His monument will be more enduring than brass, for it will be the memory of a great unselfish service, enshrined in the hearts of his countrymen.

Because he gave himself to this great purpose of life, he became the champion of the weak and the oppressed. Among the small nations and little peoples of the world there are inchoate ideas and unexpressed yearnings for freedom and independence and for the attainment of national aspirations. For centuries these beliefs and yearnings had been suppressed by the superior forces of other nations that exercised sovereignty or protectorates over these small nations. No man in the world had appeared who would champion the cause of these little peoples against their masters; but no sooner did the opportunity offer during the Great War than this man of great soul and spirit immediately espoused their cause. He became the champion of little peoples and weak nations. He recognised that to them also belonged the inalienable right to life, liberty, and the pursuit of happiness; and with intellectual power and moral enthusiasm he plunged into this fight. He gave form and voice to the inchoate ideas and yearnings of these little peoples. They recognised at once that a great champion had arisen for their cause. They realized that a man had appeared in the world, the like of whom they had not seen, who was their friend. This service alone, in espousing the cause of oppressed peoples, sets him apart as a great lover of humanity.

Woodrow Wilson possessed an intellect of prodigious power. All will concede the fact that his intellectual powers qualify him to be placed among the great minds of history. His mind was remarkable for its logical precision, for the power of keen and deep analysis, for clarity of thinking, and for ability to express great ideas in simple language. No man of a century has surpassed him, and few have equaled him, in his use of the English tongue. His language was a model to be followed, and wherever the English language is spoken or read he will be recognized as a master of it. He had the power of great concentration and would listen attentively to any matter submitted to him. When the subject matter was fully presented he would then proceed to analyze it and always came to the heart of the proposition at once. I recall during the war period a conference that we had together concerning a matter of importance and interest. He listened most attentively, never taking his eyes from me until I had completed my statement. He seemed to have analyzed the whole matter, and then began to express himself, taking the subject apart with amazing skill and with wonderful clearness. I came away from that conference freshly impressed with the marvel of his intellectual keenness and insight. And yet withal he possessed a rare sense of humor. He had the art of being able to produce on the spot stories that were unusually applicable to the matter under discussion. I recall on another occasion that a brother minister and myself were invited to lunch with him, on a Sunday after the morning service. It was very informal, as we went to the White House with him after the service was over. It was before we had entered into the war, and the proclamation of neutrality had been made. We were, many of us, very careful in our public utterances. I was telling him about a brother minister who offered a prayer in a service, giving the Lord the most recent information about the progress of the war. He then told the following appropriate story that his father had told him. A Scotch Presbyterian minister on one occasion was giving the Lord a great deal of information in a prayer, and realizing that the time was too short to give all the information he desired, he closed the prayer with the comprehensive statement, "as Thou knowest, O Lord, was published last month fully in the Edinburgh Review." He was very sensitive to good humor, and often gave fine illustrations of it. His estimate of humor is well stated in one of his essays, in which he says: "Wit does not make a subject light; it simply beats it into shape to be handled readily * * * For light on a dark subject, commend me to a ray of wit."

He was very human in his relationships and had that wonderful gift of great men, in that he was able to make you feel comfortable in his presence. He would often talk about many matters of great interest and concern with perfect freedom. You felt as if you had been suddenly lifted to a position of importance by being treated with such unusual confidence. It was delightful to sit and hear him talk, especially on some subject of mutual interest. As he would open up the subject he would illuminate it with many appropriate quotations and with fascinating stories. In it all there was the charm of the mastery of language which made listening to him a great delight. An example of this human feeling is illustrated in his deep concern for the soldier boys. When warned about undertaking the tour in behalf of the League of Nations, he replied in effect that if the boys could risk their lives in the trenches or go over the top, so he, too, should not hesitate to risk anything for the great cause. One soldier boy sent him a khaki-bound copy of the New Testament such as the doughboys carried into the trenches with them, asking him to read it every day. He kept this agreement, never failing to read this khaki-bound Testament, and no matter how hard he had worked during the day, or how late the hour at night, he read that Testament and kept faith with the boys. There are numerous instances of this tender appreciation of friendship and examples of sincere regard.

Woodrow Wilson's leadership during the war is known to all. History will give him due praise and assign to him in course of time the high station which he deserves. It was an illustration of his ability to see far ahead that he did not rush this Nation into the war before we were ready. As we look back upon this fact we shall become increasingly aware that he could not have taken this Nation as a whole unitedly into the war before he did. Many thought that he should have rushed into the strife, but he realized fully that war meant the sacrifice of our youth, and it was only when the Nation was ready as a whole and the spirit of the Nation was clear that he courageously led us into the struggle. During this war period he gave to the world a new conception of America. The nations of the Old World could not conceive of another nation coming into the war without the purpose of acquiring territory or additional power. He proclaimed to the world the great altruistic purpose of our country. So well and constantly did he affirm this fact that slowly the nations rubbed their eyes and began to see that this fact was true. It was a new fact in the history of nations. No nation in the history of the world had ever taken such a position honestly and lived up to it. He demonstrated to the world the unusual character of our part in

the Great War and has put international relationships on a higher moral plane. He showed to the world not only the generosity and unselfishness of this land but demonstrated that without the expectation of national gain we could express our invincible spirit and our indomitable will and our abounding generosity in the prosecution of the war. His patriotism was fervent and glowing. He loved his country passionately. He believed in the country and in its destiny. He visualized for himself what this country might mean to the world, and thus his patriotism was a consuming fire in his life.

Woodrow Wilson was great in his moral and spiritual idealism. One of the defects of many great leaders has been the fact that while they have had unusual power and vision and force, they have not had any moral idealism. The world does not often understand a moral and spiritual idealist, because the world is always estimating values in terms of what is tangible and what is mercenary. It lives too constantly in the realm of material interests and selfish purposes and can not understand that any impelling motive could arise outside of these things. It was because he was a prophet and a seer; because he was in the most striking sense a forward-looking man, that his moral idealism became a dominant and impelling force in his life. He craved for his country the moral leadership of the world, for he knew that moral leadership could belong only to that nation that had no designs upon the territory of other peoples. Only that nation that can be trusted by small nations; only that nation that can show a loyal disinterested spirit, can become a moral leader in the life of the world. He realized that spiritual idealism was a constituent element in this great aim, and he visualized this Nation standing as the moral leader among the nations. Such a vision was the vision of the prophet, and such a purpose was the high endeavor of one who counted himself but loss for the accomplishment of this high end. Those ideals which when translated into thought and conduct have always made for the progress of righteousness and peace, he sought to translate into life. In a very real sense he was a great constructive leader. These ideals and purposes were to be the fabric of a structure which when complete would represent particularly the life, the leadership, the spirit and purpose of our country.

He possessed an invincible spirit that did not know the meaning of either retreat or surrender. To him such an idea as surrender was inconceivable when once he believed that he was right. This was because of the intensity of his convictions with regard to what was right. He came to his conclusions through a logical process, weighing things impartially on both sides, so that when the decision was arrived at it seemed to be final. His convictions therefore were very deep rooted, and the thing about the conviction that was characteristic was the idea of right. The question was not, was the matter expedient, but was it right? The factor of expediency could not possibly enter into such a logical process. It was ruled out because it could have no standing in such a method. It was therefore natural that, believing in the right and justice of a decision, he should be loyal to the decision at all costs. Thus he maintained that invincible spirit which recognized no defeat and knew no surrender. This invincible spirit remained regnant to the very end of his life.

His religious convictions were very clear and strong. He believed intensely in the spirituality of religion. I recall that he said to me once in effect: If you deprive Christianity of its spirituality you have taken out its heart. He was deeply reverential in his worship, desiring always that he might occupy his place in this church in a simple, unostentatious manner. He came to the services regularly and enjoyed the fact that he was permitted to worship quietly and without display. He gave the most careful attention to the reading of the Scripture and to the preaching of the sermon. In fact, it was often quite disconcerting to a visiting minister to discover suddenly that the sermon was being listened to with such concentrated attention. He always joined in the singing of the hymns, and would often step out of his pew to give a hymn book to some one who may have come in late. He himself was always punctual. His punctuality was an example to this entire congregation. During the period of the war when our city was crowded and our churches taxed beyond their capacity he insisted that his pew should be divided with the soldier boys, and often soldiers, sailors, and marines were seated next to the Commander in Chief of the Army and Navy. These glimpses of the character of this great man let us in to a better understanding of his deep reverence for religion. He was interested in the work and progress of the church, and on one occasion came to a meeting of our Presbytery, spending the entire evening at the meeting, and making a most interesting and effective address. He took time from the arduous duties that were resting upon him at that time to come to this meeting of the Presbytery in order that he might emphasize by his presence his interest in the welfare of the church.

He was by training and profession a Presbyterian, the son of a noted Presbyterian minister, and loved the history and traditions of our church. He was Presbyterian in spirit, and liked simplicity of worship, believing it was possible for all men to approach God in a very simple way. He was regular in his attendance upon the services of the church. He went to church to worship, not merely to observe a custom, but to find comfort and strength for his spiritual life. He was in every sense of the word a Christian gentleman. He was an elder in the Presbyterian Church, and recognized that office as one of dignity and honor. In the meeting of the presbytery in this church just referred to, in making his address he announced that he came to the service not as the President of the United States, but as a member of the Presbyterian Church. He was very devotional and reverential in his worship, and seemed to enjoy greatly taking part in the singing of the hymns. He was interested in the progress of religion, and whatever tended to promote righteousness and faith secured his loyal support. His spirit was broad and liberal. His deep convictions, his liberal spirit, and his great reverence are signal marks of his religious interest. A fine illustration of this religious interest and devotion is found in the address that he made at the laying of the cornerstone of this church on December 19, 1913. The address is as follows:

> "I can not let this occasion pass without at least expressing, in the first place, my personal pleasure that it has been my privilege to join this congregation and to share with them the satisfaction of seeing their hopes with regard to owning a new place of worship finally realized.
>
> "Perhaps I may also express what I am sure is in your minds with regard to the significance of this occasion. We are here doing something more than laying the foundation of a place of worship, because, while a church is intended as a place of worship, and does serve as the rallying place or central home of a congregation of fellow worshippers, it seems to me to stand for something more than that.
>
> "In the Old Testament scripture (Psalm 84), which was read to you to-day, there are two beautiful expressions. One speaks of the spirit of man as the place where there is the highway to Zion, along which the spirit itself moves from strength to strength. A place of worship is, in my mind, a place of individual vision and renewal. I do not see how any thoughtful man can be conscious that he sits in the presence of God without becoming aware not only of his relationship to God, as far as he can in this life conceive it, but also of his relationship to his fellow men. How a man can harden his heart in the exclusiveness of selfishness while he sits in a place where God is in any degree revealed to him I can not understand.
>
> "I believe that every place of worship is sanctified by the repeated self-discovery which comes to the human spirit. As congregations sit under the word of God and utter the praise of God there must come to them visions of beauty not elsewhere disclosed. Even the family is too little a circle. The congregation is a sample of the community. There is revealed to the man there what it is his duty to be and to do.
>
> "Therefore I, in looking forward to the privilege of worshiping in this place, shall look forward with the hope that there may be revealed to me, as to you, fresh comprehension of duty and of privilege."

His letters are often indicative of his appreciation of little things as well as big things. He was very thoughtful in many unexpected ways, and his last letter to me, received on January 3 last, just a month prior to his departure, contains a message of appreciation and thanks to the members of this church for a New Year's greeting. He says in this letter: "I am indeed proud to have won their friendship and approval. Please express to them when you have an opportunity my grateful appreciation." Many of the recent letters which I have received are expressive of his appreciation of interest in him during his illness. One can not read these letters to his friends, such as the letters that he has written me, without realizing the fact that a great man is not only concerned with the great ideas of life, but that he is also interested in and appreciative of the small things that happen every day.

It was his devotion to the great ideal of peace to which he had already dedicated his life that had much to do with his final illness and death. He had dedicated himself to a great cause, and was willing to pay the price with his life if only the end might be achieved. There arose a great protest against this purpose on all sides, and from every quarter came the storm of criticism and the tempest of abuse. As a great Britisher has recently said, perhaps no man in history has ever been so maligned and abused. These things cut deep into his soul, but could not force that invincible spirit to surrender the vision. There is something wonderfully triumphant about his departure, for in it all, apart from the tragic illness, he passes out leaving behind the most remarkable contribution to the peace of the world that the world has had since the first century of the Christian era. While he himself is gone, his spirit and his great ideals remain. Violence, criticism, and abuse will not destroy them. They are engraved deeply upon the hearts of men. In the heart of the soldier and the sailor who took part in the great strife; in the hearts of those whose homes were made desolate by the war; in the heart of the oppressed peasant, and in the heart of the toiler; in the hearts of those who cherish the vision of peace and good will to men, as well as in the hearts of many

great leaders in the world to-day, these ideals have been planted, and will never die. They will live even after those who do not accept them now will have passed into obscurity. Through the spirit of Woodrow Wilson, America will continue to make great contributions to the moral and spiritual decisions of the world. America will contribute the great idea of peaceful arbitration for the settlement of disputes instead of the arbitrament of war.

He has paid the price of greatness by his devotion and loyalty to the vision of peace, but this great sacrifice will not be in vain. The generations that are to come will rise up and call him blessed. Even now in his death he looms so great that, looking at him, thinking of his masterful intellect, his impelling idealism, and his sacrificial devotion, we say to ourselves, "We shall not look upon his like again." The coming years will bring this greatness out with finer definition, and the perspective that the later years contribute will only tend to make this greatness more apparent, this devotion more inspiring, and this spiritual idealism more impelling. As the years go by, men shall appraise him higher. They shall see his great work detached from the noise and tumult of partisan strife. They will realize more and more the genuineness and sincerity of the purpose of his life. His vision of peace for the world will become clearer and clearer, and men will catch something of its surpassing splendor. Men everywhere will realize the greatness of his spirit; they will learn more and more of his love for humanity; and more and more in the coming generations these ideals and these purposes, these hopes and these desires, will become realities. Posterity will fix a just and due appraisal of the life and service of this great man.

His splendid resignation and undaunted faith in his last days are inspiring. He realized that the time of his departure was at hand. But even before this time he wrote a letter to me in June, 1923, in which he sounded a lofty note of faith and compelling trust in God. He said: "I sometimes get discouraged at the exceedingly slow progress of my recovery, but I am ashamed of myself when I do, because God has been so manifestly merciful to me, I ought to feel much profound gratitude. I believe that it will all turn out well, and that, whether well or ill, it will turn out right." When the end was very near at hand he said to his faithful friend and physician, "I am a broken piece of machinery. I am ready." He bore his illness with supreme fortitude and glowing faith. He is saying to us as another heroic martyr to a great cause said: "I have fought a good fight, I have finished my course, I have kept the faith."

"Servant of God, well done, well hast thou fought
The better fight, who single hast maintained
Against revolted multitudes the cause
Of truth, in word mightier than they in arms;
And for the testimony of truth hast borne
Universal reproach, far worse to bear
Than violence; for this was all they care
To stand approv'd in sight of God."

—Paradise Lost, VI, 29–36.

We can say of him in all due reverence that God sent a man into the world; a man of great spirit and purpose; a man of great intellectual power, and moral idealism; a man who was a seer and a prophet of peace; to be a leader of his people and a friend to the world, whose name is Woodrow Wilson.

THE HULL AMENDMENT TO THE INDEPENDENT OFFICES APPROPRIATION BILL

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Hull amendment to the independent offices appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK of New York. Mr. Speaker, it is quite evident from the hearings before the Appropriations Committee and the select committee investigating the Shipping Board that unless Congress compels the board to let the navy yards work on the ships of the merchant marine that private shipyards will get practically all of the work.

This amendment is a working measure of economy, forcing the Shipping Board to apportion the work between the navy yards and the private yards. Both need work and it is only just that both should get it. There is little real naval work going on, and the navy yard should get at least some of the work on commercial vessels owned by the United States.

The Navy can live up to its obligations in this respect. Take, for instance, the recent history of the Brooklyn Navy Yard in this connection. The best evidence of the fitness of the navy yard in this field is to be found in the following letter from Gibbs Bros. (Inc.), to Rear Admiral C. P. Plunkett, United States Navy:

GIBBS BROTHERS, INCORPORATED,
New York, March 27, 1924.

Rear Admiral C. P. PLUNKETT,
United States Navy Commandant,
United States Navy Yard, Brooklyn, N. Y.

Subject: Reconditioning Hog Island Type-B Army Transport, steamship *American Merchant.*

DEAR ADMIRAL PLUNKETT: We desire to express to you, on behalf of our organization and ourselves, our appreciation and thanks for the cooperation and courtesy which you have shown us in connection with the recent reconditioning of the steamship *American Merchant.*

So far as we have heard, since leaving the yard, the vessel has performed most satisfactorily and we believe that the material and workmanship supplied by the yard is excellent and should insure the operation of the equipment installed in a most satisfactory manner.

Our work with the navy yard has been a pleasure on account of the evident desire of everybody to facilitate matters in every possible way, and we feel that it is altogether fitting and proper that we should express our appreciation to you, and request that you convey our thought on this subject to your associates, particularly Captain Butler, Captain Wright, Commander Joyce, Lieutenant Commander Irish, Lieutenant Maynard, Lieutenant Marron, Lieutenant Kell and Messrs. O'Brien and Murphy.

Sincerely yours,

WILLIAM FRANCIS GIBBS, *President.*

An extract from the testimony of Admiral Plunkett before the select committee is enlightening:

Mr. DAVIS. Is your yard capable of doing absolutely first-class work?

Admiral PLUNKETT. So capable, in fact, that when we had to replace the backing turbines in the *Leviathan* we were the only yard on the coast they would let tackle it.

Mr. DAVIS. Are you qualified to do repairing and reconditioning work as economically for the work done as any other yard?

Admiral PLUNKETT. I do not think there is any yard that can do it any cheaper or any better.

Mr. DAVIS. And so, whatever it costs, it represents first-class work and material at just what it costs you. Is that correct?

Admiral PLUNKETT. Absolutely. There is no other charge. The *American Merchant* presents the first direct specific instance known where it is possible to make a complete comparison between the cost of work performed at a commercial yard and at a navy yard on identical ships, covered by identical specifications, and inspected by the same inspectors.

Eleven outside firms submitted bids for the work upon the *American Merchant.* The average time asked by them was 117 days. The average amount of money asked by them was $529,365. The New York Navy Yard actually did this work in 97 days, at a cost of $481,000. This resulted in a saving of 20 days' time and $48,365 over the average of what was bid by the 11 outside companies. The fact that the bid at the New York Navy Yard was $91,000 too low does not alter the above statement of fact. The actual cost of the work at the New York yard represents a saving of time and money over the average bid of the 11 outside companies.

As to the *America,* Admiral Plunkett's testimony before the select committee clearly shows that his yard saved the Government at least $20,000.

The navy yards, as part of our system of national defense, must be maintained. The Disarmament Conference has cut down their opportunities for subsistence. The Government has gone into the shipping business via the Shipping Board and if it is going to compete with foreign merchant marines it must keep down its costs. The navy yards can help in this—by doing some of the repair work and through the competition of the Navy, forcing the private yards to make reasonable bids.

The cost of battleship construction in private ship yards dropped when the New York Yard and the Mare Island Yard started to build naval vessels. The price of powder for the Navy and Army dropped from about 80 cents to 53 cents when the Government powder factories were established. The price of armor plate dropped from about $400 per ton, the last price paid, to a prospective price of $247 per ton when the naval armor plate plant was established at Charleston, W. Va.

The Shipping Board is not inclined to call on the navy yards unless Congress forces it—and the Hull amendment to the independent offices appropriation bill is the legislative instrument to force the Shipping Board to give the Navy a chance.

LEGISLATIVE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12101, the legislative appropriation bill, and pending that motion I would like to ask the gentleman from Colo-

rado [Mr. TAYLOR] if we can agree upon time for general debate.

Mr. TAYLOR of Colorado. I have had very few requests on this side.

Mr. DICKINSON of Iowa. Will two hours, one hour on a side, be agreeable?

Mr. TAYLOR of Colorado. That will be satisfactory.

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent that the time for general debate be limited to two hours, one hour to be controlled by the gentleman from Colorado [Mr. TAYLOR] and the other hour myself.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative appropriation bill, and pending that asks unanimous consent that the time for general debate be limited to two hours, one hour to be controlled by himself, and the other by the gentleman from Colorado [Mr. TAYLOR]. Is there objection?

There was no objection.

The motion of Mr. DICKINSON of Iowa was then agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DICKINSON of Iowa. Mr. Chairman, as this bill will not be read under the five-minute rule until the middle of next week, I am going to withhold my statement until the next time the bill is taken up. I yield 10 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, the Detroit Free Press is one of the great newspapers of the country. It is the only morning daily in the city of Detroit, the fourth city in the Union, the only morning daily in that great industrial center. It was never an advocate of the adoption of prohibition; but, since it became the law of the land, the Free Press has been an outstanding, sensible, practical advocate of law enforcement. I ask unanimous consent that the Clerk may read in my time this editorial from the Detroit Free Press, under date of February 4, 1925, which is a significant utterance on a very timely topic.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

ARE THEIR HANDS CLEAN

These words are attributed to William H. Stayton, head of the Association Against the Prohibition Amendment, "If the Members of Congress were compelled to abstain from intoxicants for one week, the eighteenth amendment would be repealed at the week's end."

It is difficult to believe that Mr. Stayton is quoted with accuracy because he certainly knows as well as the remainder of the public does that the Members of Congress have no power to repeal the eighteenth amendment. Their authority extends no further than control over the permanence of the enforcement act. We assume that the gentleman meant to refer to the Volstead law when he spoke.

Even so, his remark is the reverse of impressive. The context indicates an assumption that the so-called "dry" Members of Congress are practically all hypocrites who take their swigs on the quiet as they are able to get them. This charge has been made frequently. It may have some foundation in fact. But it never has been proven by production of the names of the individual culprits. If Mr. Stayton really knows what he is talking about, he ought to back up his assertion with something definite in the way of detailed evidence. Otherwise he might better keep still.

Also, even assuming that the inferential statement about the dampness of Members of Congress is accurate, the assertion that enforcement of the dry law against them would bring about a repeal in a week is absurd. Mr. Stayton is crediting the average Congressman with much less political caution, and with much more nerve, than most of the breed possess. Whatever may be the extent of the discontent with the Volstead Act, it would be suicide for the majority of the Members of the National Legislature to wipe it off the books in any rough and ready way, and they know it.

Though the report does not indicate that he said so, the tenor of Mr. Stayton's remarks carries an inference that he thinks the Senators and Congressmen are under some special obligation to observe the dry law because they enacted it. There is a general sense in which this is true. A law-making body which does not honor its own enactments is a very poor example to the country. But in putting forth any such argument Mr. Stayton throws a boomerang which flies back at his own organization. If the Volstead Act was passed by Congress, the eighteenth amendment, which made the passing of a dry law mandatory, was passed by the Nation of which the members of the Association Against the Prohibition Amendment are members. They are a part of the body which enacted that provision of the fundamental law, and so they are under especial obligation to honor it as an example to others just as much as the Members of Congress are. Do Mr. Stayton's members obey the dry laws? If they do not, it is his business to preach to them and see that they do, before he turns his attention to other sinners.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman and gentlemen of the House, interest is one of the heaviest loads the American farmer has to carry. Agriculture is therefore vitally interested in low interest rates. The higher the interest rate the more farm commodities required to meet the interest payments. The lower the interest rate the fewer farm commodities required for this purpose.

According to a bulletin issued by the Census Bureau, the total amount of farm mortgages in the United States on January 1, 1920, was $7,857,700,000. Accurate statistics are not available showing the increase in the farm-mortgage indebtedness between January 1, 1920, and January 1, 1925, but it will not be disputed that the mortgage indebtedness of the American farmers increased very rapidly during that period, and on January 1, 1925, the total farm-mortgage indebtedness in the United States was approximately $9,000,000,000. In addition to the farm-mortgage indebtedness the personal obligations of the farmers of the United States on January 1, 1925, was probably not less than $5,000,000,000, making the total indebtedness of the American farmers approximately $14,000,000,000.

The importance of a reduced interest rate on farm loans will be appreciated when we consider the farm-mortgage indebtedness on January 1, 1920, in the 15 leading agricultural States, which was as follows:

Iowa	$1,098,970,000
Illinois	502,860,000
Minnesota	455,540,000
Wisconsin	455,470,000
California	425,460,000
Nebraska	416,860,000
Texas	396,670,000
Missouri	385,790,000
Kansas	295,870,000
South Dakota	278,880,000
North Dakota	267,780,000
New York	224,060,000
Michigan	215,740,000
Ohio	210,760,000
Indiana	206,060,000

Of course, in the last five years there has been a substantial increase in the farm-mortgage indebtedness in all the States. I have heretofore called your attention to the fact that the total indebtedness of the American farms is approximately $14,000,000,000. Now, a reduction of 1 per cent in the average interest rate will mean a saving to the American farmer of $140,000,000 annually. A reduction of 2 per cent would result in a saving of $280,000,000 annually.

According to reliable authorities, the average interest rate on the mortgages and other indebtedness of the American farmers was about 6½ per cent per annum, or approximately $900,000,000. Approximately $942,000,000 of these farm mortgages were held by the 12 Federal land banks and approximately $454,000,000 worth of these mortgages were held by the 66 joint-stock land banks, making an aggregate farm-mortgage indebtedness of $1,396,000,000 due from the American farmers to the Federal land banks and the joint-stock land banks. That is, about one-sixth in amount of the total farm-mortgage indebtedness of the United States is held by these two agencies created by the Government to finance farm loans, namely, the Federal land banks and the joint-stock land banks. But when the personal obligations of the farmers are added to their mortgage indebtedness, the loans carried by the Federal land banks and the joint-stock land banks aggregate less than one-tenth of the total indebtedness of the agricultural classes.

The average interest rate charged by the Federal land banks and the joint-stock land banks is, of course, less than the aver-

age rate charged by private persons and corporate companies, still only a small proportion of the farmers' indebtedness is carried by these two governmental agencies. Moreover, I believe that the rates charged by the Federal land banks and the joint-stock land banks are unreasonably high and should be reduced. The loans made by the Federal land banks and the joint-stock land banks have a preferential status and are tax exempt, and the bonds issued on these loans are not taxable and furnish a desirable and profitable investment for those who desire to place their surplus capital in interest-bearing obligations.

The net return to the purchaser on these Federal land-bank and joint-stock land-bank bonds is more than the income from standard stocks and bonds which are taxable. Obviously, there is too little difference between the interest rates on ordinary farm loans by individuals and corporate companies and the interest rate charged by Federal land banks and joint-stock land banks. I maintain that we are rapidly approaching a time when Federal land-bank bonds can be readily sold on the basis of an income to the purchaser of 3½ or 4 per cent, and when joint-stock land-bank bonds can be marketed at from 4 to 4½ per cent. These rates, I believe, will give the Federal land banks and the joint-stock land banks a fair profit, in view of the fact that these organizations, especially Federal land banks, are created primarily not for profit but to furnish the farmers the lowest possible interest rates consistent with safety. Of course, I understand the element of profit is a factor in the organization and operation of joint-stock land banks.

According to the annual report of the Secretary of the Treasury, during the fiscal year ending June 30, 1924, Federal land banks closed 52,446 loans, amounting to $187,969,194. During that period the earnings amounted to $8,405,949, of which sum $1,877,400 was added to the reserve, leaving the net earnings $6,528,549. This was 4 per cent on the $47,289,522 capital stock of the 12 Federal land banks. When we consider that this was a profit over and above the saving accruing to borrowers, it is evident that the returns were quite satisfactory.

The condition of the bond market for a part of the fiscal year ending June 30, 1924, was unfavorable. This necessitated an increase of the interest rate of Federal land bank bonds to 4¾ per cent in order to market these bonds, but this condition was temporary, and, except in emergencies, we may confidently expect a demand for all Federal land bank bonds at a lower rate than now prevails.

The combined capital of the 12 Federal land banks on June 30, 1924, was $47,289,522. Practically all of the original capital stock was subscribed by the Government, which stock, under the law, had to be retired out of the proceeds of stock subscriptions by national farm-loan associations. On June 30, 1924, the national farm-loan associations owned $44,995,997 worth of the capital stock of the 12 Federal land banks and the amount of the capital stock held by the Government had been reduced to $1,985,500. It may be of interest to add that in 5 of the 12 Federal land banks all Government capital has been retired.

On June 30, 1924, 66 joint-stock land banks were doing business, operating in all the States except the New England States, Delaware, Florida, New Mexico, and Montana. The earnings of these 66 joint-stock land banks for the last fiscal year, after setting aside a reserve as required by law, was $2,730,013. During that year these joint-stock land banks made 13,221 loans, aggregating $85,756,833. Thus it will be seen that these joint-stock land banks earned in excess of 3 per cent net on the amount of money loaned after setting aside the legal reserve. And this was accomplished notwithstanding the unfavorable economic condition in the United States during the fiscal year ending June 30, 1924. The Secretary of the Treasury in his annual report said:

> At present the bond market is very satisfactory and there is no reason to anticipate any handicap in this respect during the coming fiscal year.

In view of the fact that the bond market is exceedingly good, there is no convincing reason why the interest rate on Federal land bank and joint-stock land bank bonds should not be reduced. All issues of Government bonds drawing 3½, 4, and 4½ per cent interest are in demand and now selling above par. With this favorable bond market, the Federal land bank and joint-stock land bank tax exempt 3½ or 4 per cent bonds ought to find a ready market which would make the rate to the borrower 4½ or 5 per cent. If our supply of surplus cash was not being constantly invested in foreign securities, I believe it would be possible for Federal land banks and joint-stock land banks to function efficiently and profitably on a rate of not exceeding 4½ or 5 per cent to the borrower. Nontaxable Federal land bank 3½ per cent or 4 per cent bonds based on conservative farm loans in stable communities in favored territory, of not exceeding 50 per cent of the actual present value of the lands, should furnish a very desirable investment, and it is not unreasonable to expect a sufficient demand to absorb the supply of such securities when money is plentiful and not being diverted overseas and invested in foreign stocks and bonds.

In this connection I desire to call attention to what I consider is very largely responsible for the high interest rates the farmer is compelled to pay on his farm mortgages and other obligations. In 1924, the American banks, trust companies, and capitalists loaned abroad approximately $1,000,000,000, or to be exact, $1,209,000,000. Of this amount $235,988,500 represented refunding operations, leaving the net amount loaned abroad in 1924, $973,011,500.

Last year we made new foreign loans, as follows:

Canada	$180,540,000
Europe	520,650,000
Asia	121,011,500
South America	150,810,000
Total loans abroad	973,011,500

To this sum should be added the short-term loans maturing in less than one year; also loans made to industrial and commercial concerns and which were not offered for sale to the public.

Now, if this money, approximately $1,000,000,000, or the major portion of it, had remained in the United States and been available for productive purposes, and for farm, commercial, and industrial loans, it would have materially reduced domestic interest rates and tremendously stimulated our productive capacities. In the last six years, 1919 to 1924, inclusive, approximately $4,000,000,000 of American money has been loaned abroad, or an average of nearly $700,000,000 annually for the last six years. I am convinced that this is too large an annual investment of American money in foreign securities, until there has been a financial and economic rehabilitation of American agriculture and all other gainful occupations.

In emphasizing the importance to the farmer of low interest rates I do not wish to be understood as contending that better credit facilities and low interest rates will relieve the agricultural classes of the economic handicap under which they have labored so long. Liberal credit facilities and low interest rates will materially improve but not entirely remedy the farmers' economic ills. For years the farmers have not been able to sell their commodities at a price that returned to them the cost of production much less afford a profit. Until this condition can be remedied no permanent relief for the farmer is possible. Until he can sell his commodities at prices that afford a fair profit over and above the cost of production, the farmer can not emerge from the slough of financial despondency. Until there is a radical reduction in the amazing spread between the price the farmer gets for his products and the price he pays for his supplies, agriculture will continue to be an unprofitable occupation.

Inasmuch as practically all other vocations have been reconstructed and rehabilitated and placed on a sound financial and economic basis, is not the rehabilitation of agriculture the outstanding and paramount issue, and should not the solution of this problem command the immediate attention and undivided energies of Congress and the national administration? I think so. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. STENGLE].

Mr. STENGLE. Mr. Chairman, I have no intention of making a speech of any kind, but rather rise to serve a sort of notice upon the committee, a friendly notice, that at the proper time I shall offer an amendment to this bill in an endeavor to give the guards at the Library of Congress a little better chance to live. The guards in the Library of Congress are at present and for some time past have been the recipients of the munificent salary of $95 a month, from which they have had to buy their own uniforms. Last year I made an earnest endeavor to get them paid a living wage. For some reason or other I was not able to accomplish it. In reading the hearings this year I find that in addition to myself and others who are anxious to give a living wage to these men, the librarian himself was anxious to give them an increase of $60 a year at least, but owing to the allocation under the classification system the law of averages prevented the committee from granting an increase of $60.

There is nothing that I can see in the classification law, however, that will prevent this House from helping those men buy their uniforms, at least, and thus relieve them of paying out

$60 annually from their meager salary of $95 a month. I believe it is a disgrace to Congress—it is a disgrace especially to this House, where revenues originate—that we should expect any man to live in this expensive city for $95 a month, especially in this case when we think of the care and the responsibility and demands for courtesy that are required of them—demands for loyalty in the Library of Congress, where they are meeting annually hundreds of thousands of citizens, and doing the greater work of protecting millions of dollars worth of valuable property. I want at this time merely to say to the committee that I hope they will grant a friendly ear when I offer the amendment. I do not want to take any snap judgment, because the matter is just, the matter is right, the matter is fair, and we should meet it as we ought to and help these poor fellows. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, next Tuesday I understand that the bill H. R. 11796 will be before the House on a motion to suspend the rules. It is known as the deportation bill. The report made by the committee, joined in by all except two members, is illuminating and bears the name of the chairman, but he was assisted in it by the expert on the committee and the members of the committee, and to the end that this matter might be before the Members of the House I ask that I may revise and extend my remarks by inserting the bill, together with the report, in order that it may be fully presented Tuesday when it comes before the House.

The CHAIRMAN. Does the gentleman from California make that unanimous-consent request now?

Mr. RAKER. I make it now.

The CHAIRMAN. The gentleman from California makes the unanimous-consent request that he may have printed in the RECORD the deportation bill and the report on the same. Is there objection?

Mr. LONGWORTH. Mr. Chairman, reserving the right to object, what is the object?

Mr. RAKER. The object is to get the views of the committee, in which all Members on both sides except two have unanimously joined, before the House, as we have been advised that this bill will come up on Tuesday under a motion to suspend the rules, and we want the Members of the House advised in regard to the bill.

Mr. LONGWORTH. The gentleman for the present is further advised in that matter than I am, and for the present I object.

The CHAIRMAN. The Gentleman from Ohio objects.

Mr. RAKER. Of course, some people—this doesn't apply to anybody present in the House—do not desire all the light on subjects that they might get, but I am not going to blame them. This bill provides for amendments to sections 18, 19, and 20 of the immigration act of February 5, 1917, providing a method of procedure and deportation which is so that it can be handled and carried out, and then provides in section 19 those who shall be deported in clear and concise language. Subdivision 1:

> Any alien who at the time of entry was a member of one or more of the classes excluded by law from admission to the United States.

That covers those included in section 3 of the immigration act of 1917, with the amendments which were passed during the war.

Mr. LAGUARDIA. What is the period of limitation?

Mr. RAKER. There is no period of limitation in the present bill. In other words, where a man does not belong in this country and is violating the law there is no statute of repose or statute of limitation. It has been demonstrated that so far as these cases are concerned there ought not to be any limitation. They ought to be deported as long as they are aliens, because they can become naturalized in five years and become American citizens, and in the case of a man who simply stays here without any desire to assume the burdens and accept the responsibilities and get the benefits of this Government and is not of such a character that he should be here, there should be no statute of limitation in his favor.

> (2) An alien who enters the United States at any time or place other than as designated by immigration officials, or who eluded examination or inspection, or who obtained entry by a false or misleading representation, or the failure to disclose material facts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. How far will I be permitted to revise and extend my remarks?

Mr. LONGWORTH. Not to the extent of printing bills.

Mr. RAKER. I will ask unanimous consent to revise and extend, keeping in mind the idea of the gentleman from Ohio.

Mr. LONGWORTH. I have no doubt of the good faith of the gentleman, I am sure.

The CHAIRMAN. The gentleman from California asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. I am presenting herewith an analysis of H. R. 11796 as it passed the House of Representatives on February 10, 1925; received in the Senate on February 11, 1925. The Senate did not act on this bill.

This analysis from the Committee on Immigration and Naturalization of the House on the bill H. R. 11796, which will give a better understanding thereof, reads as follows:

> The immigration acts of 1917 and 1924, which now appear to represent the settled policy of this Government, have made it possible, to a great extent at least, to limit the entry into this country of undesirable and dangerous aliens. This bill will materially assist the immigration authorities in further preventing the entry of such aliens, and provides methods whereby those already unlawfully in the United States and those who may hereafter unlawfully enter or seek to enter the country may be deported.
>
> While there is a wide difference of opinion as to the policy of restrictive immigration, the committee is glad to report that there is no substantial objection to the deportation of aliens who constitute a menace to or an unjust burden on our Government.
>
> The principal reason for deporting undesirable aliens is to promote the maintenance of law and order in our country and to afford protection and opportunities for development to all the people residing in our country, aliens and citizens alike. No class of people suffer more from the actions of undesirable and law-breaking aliens than does that great body of worthy and deserving aliens residing in our midst, who in good faith are contributing to the welfare of the country, and are in large numbers attempting to become citizens of the United States. Unworthy conduct and flagrant disregard of the laws of our country on the part of a very small percentage of the aliens residing in the United States unfortunately, but certainly, tends to create a prejudice in the public mind against all aliens. Therefore the deportation of that small percentage of undesirable aliens will redound to the benefit of the worthy and deserving aliens in the country to an equal, if not greater, degree than to that of our own citizens.
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> Part I. General scope of the bill.
> Part II. Exclusion and deportation.
> Part III. Grounds for arrest and deportation.
> Part IV. Procedure in arrest and deportation cases.
> Part V. Provisions common to exclusion and arrest.
> Part VI. Miscellaneous provisions.
> Appendix A. The bill as reported.
> Appendix B. Sections 18, 19, and 20 of the immigration act of 1917.
> Appendix C. The act of December 20, 1920, entitled "An act to provide for the treatment in hospitals of diseased alien seamen," which is repealed by the bill, but the subject matter of which is provided for in the bill.
>
> PART I.—GENERAL SCOPE OF BILL
>
> The proposed deportation act of 1925 is chiefly an extension and revision of the provisions relating to the deportation of aliens contained in sections 18, 19, and 20 of the immigration act of February 5, 1917 (39 Stat. 874), set forth in Appendix B of this report, together with certain added provisions for the better enforcement of the law. These provisions have been rearranged into a more orderly classification, so that section 18 governs the exclusion and deportation of arriving aliens who are not found to be entitled to enter the United States, section 19 governs the arrest and deportation of aliens who have entered the United States either legally or illegally, while section 20 contains general provisions applicable to the deportation of both classes of aliens.
>
> IN ADDITION TO OTHER LAWS
>
> The provisions of the bill are in addition to other acts and provisions of law relating to deportation. The following laws have not been repealed:
>
> (1) The act entitled "An act to exclude and expel from the United States aliens who are members of the anarchistic and similar classes," approved October 16, 1918, as amended by an act to amend such act, approved June 5, 1920;
>
> (2) The act entitled "An act to deport certain undesirable aliens and to deny readmission to those deported," approved May 10, 1920 (relating to war-time offenses, etc.);
>
> (3) Section 2 of the act entitled "An act to prohibit the importation and the use of opium for other than medicinal purposes," approved February 9, 1909, as amended; and

(4) Laws relating to the immigration, exclusion, and deportation of Chinese persons or persons of Chinese descent.

Section 6 of the bill, however, provides that whenever in any law heretofore enacted it is provided that any alien shall be deported, the arrest and deportation of such alien shall (regardless of the manner provided in such law) be made in the same manner as provided in sections 19 and 20 of the act of 1917 as amended. In reference to the Chinese exclusion acts it should be noted that subdivision (d) of section 19 of the 1917 act, as amended by the bill, puts upon Chinese persons when arrested under the provisions of such section the burden of proving their right to remain in the United States.

In order to have complete uniformity in deportation procedure, section 6 of the bill further provides that whenever in any law hereafter enacted it is provided that any alien shall be deported, the arrest and deportation shall, unless expressly provided to the contrary, be made in the same manner as provided in such sections 19 and 20.

PART II.—EXCLUSION AND DEPORTATION

TIME AND MEANS OF DEPORTATION

Section 18 of the existing law provides that aliens brought in in violation of law shall be immediatey sent back unless, in the opinion of the Secretary of Labor, immediate deportation is not practicable or proper. The proposed amendment provides for immediate deportation with discretion vested in no person to suspend the deportation except: (1) Where a diseased alien seaman is placed in a hospital; (2) where it would cause unusual hardship or suffering to deport an excluded alien before hospital treatment; (3) where the testimony of an excluded alien is necessary in the interests of the United States. If it is not practicable or proper to deport the alien on the vessel bringing him (as, for example, where the vessel has departed before the determination of the alien's inadmissibility, or where the vessel which brought the alien from one country is destined on the return trip to other places), he is to be deported on a vessel owned or operated by the same interests, unless that is not practicable or proper (as where there is no other such vessel or too long a time will elapse before its arrival, or for other reasons satisfactory to the immigration official in charge at the port of arrival), in which case he is to be otherwise deported. Under subdivision (d) of section 18, the expense of deportation in all cases is put upon the owner, agent, or consignee of the vessel bringing such alien.

EXCLUSION AND DEPORTATION OF SEAMEN

Under the present law only two classes of alien seamen can be excluded and deported at the time of arrival. Seamen generally are subject to the same grounds for deportation after arrival in the country, upon warrant of arrest and order of the Secretary of Labor, as other aliens. But in order to be able to exclude and deport a seaman at the time of arrival, under the present law it must be shown either (1) that he is not a bona fide seaman, or (2) that he is afflicted with certain dangerous mental or physical diseases or disorders which can not be cured within a reasonable time. If he is subject to exclusion for any other reason, he nevertheless must be permitted to land temporarily for the purpose of reshipping foreign. In order to secure proper conditions for seamen deported on one of the two above grounds and also as a means of preventing the bringing to the United States of such aliens by vessels as members of their crews, it is provided in the bill (as a part of subdivision (a) of section 18 of the 1917 act as amended by the bill) that in no case shall an alien employed on board a vessel be deported on that vessel, or on any vessel owned or operated by the same interests, unless it appears to the immigration officials that deportation in any other manner would be impracticable. The insertion of this provision makes necessary the rewriting of section 20 of the immigration act of 1924, which section is amended by section 4 of the bill, so as to remove from that section the provision of existing law which makes it the duty of the vessel to detain on board and deport an alien seaman if so ordered by immigration officials. Section 20 of the act of 1924, as rewritten, also omits the provision found in the existing law authorizing the Secretary of Labor to cause a seaman to be deported on a vessel other than the one which brought him if he finds it will cause undue hardship. There is omitted also the existing subdivision (b) of section 20 of the 1924 act providing that proof that an alien seaman did not appear upon the outgoing manifest of the vessel, or that he was reported by the master as a deserter, shall be prima facie evidence of failure to deport after requirement by immigration officials. Since the penalty which the section imposes upon the owner and master of the vessel is an administrative fine, liability to which is determined by the Secretary of Labor, and which is enforced by denial of clearance (see Oceanic Steam Navigation Co. v. Stranahan (214 U. S. 320), is it not apparent why there should be any necessity for a rule of prima facie evidence. If the Secretary is satisfied that the vessel has not performed its duty, liability to the fine is imposed by the law.

In rewriting section 20 of the 1924 act there is inserted a new subdivision providing that an alien employed on a vessel may be removed to an immigration station or other appropriate place for examination under the same conditions in respect of such removal as in the case of any other alien. Probably the present law imposes such a duty upon the vessel, but the immigration officials have encountered opposition in certain cases, and it is desirable to have the law made definite beyond a doubt.

ACCOMPANYING ALIENS

Subdivision (b) of section 18 is a revision of the last proviso of the same section in the existing law. It provides that if an alien who is excluded is accompanied by another alien whose protection or guardianship is required the accompanying alien may also be excluded and deported. The existing law adds a provision that the vessel shall be required to return him in the same manner as in the case of other rejected aliens. This language is omitted as surplusage since the bill provides in another place for placing the expense of deportation upon the vessel upon which any excluded alien has come. Since the accompanying alien is by law made an excluded alien, no particular imposition of liability is necessary at this point.

HOSPITALIZATION OF DISEASED ALIEN SEAMEN

The act of December 26, 1920, entitled "An act to provide for the treatment in hospital of diseased alien seamen" (printed in full in Appendix C) provides that "alien seamen" found on arrival in ports of the United States to be afflicted with certain disabilities or diseases shall be placed in a hospital and treated at the expense of the vessel. If it appears to the satisfaction of the immigration official in charge that it will not be possible to effect a cure within a reasonable time, the act provides that "the return of the alien seamen shall be enforced on or at the expense of the vessel on which they came." The Circuit Court of Appeals for the Second Circuit decided a year ago in the case of New York & Cuba Mail Steamship Co. v. United States (297 Fed. 158) that the act does not apply to aliens employed upon vessels of American registry. This is contrary to the intention of the act. The present bill repeals this act and rewrites it (subdivision (c) of section 18 of the immigration act of 1917 as amended by the bill) so as to remove any possible doubt on the question. It is provided that aliens employed on board any vessel who are certified by a Public Health Service officer to be afflicted with certain dangerous mental and physical disorders and diseases are to be placed in a hospital for treatment at the expense of the vessel. Upon cure the alien is to be permitted to enter the United States temporarily under the same conditions and limitations as if the vessel had arrived on the date of his discharge from the hospital, but if it appears that he can not be cured within a reasonable time he is to be deported at the expense of the vessel.

COST OF MAINTENANCE OF EXCLUDED ALIEN

Subdivision (d) of section 18 affirmatively imposes upon the owner, agent, or consignee of the vessel bringing an alien not found to be entitled to enter the United States the cost of his maintenance while temporarily removed from such vessel, while pending examination for admission or pending deportation after having been found to be inadmissible, or while deportation is suspended to permit hospital treatment for sickness or mental or physical disability where immediate deportation would cause unusual hardship or suffering (including medical and hospital treatment, and burial expenses not to exceed $125 in case of death), and the cost of his deportation. This subdivision also places upon the owner, agent, or consignee of a vessel bringing a diseased alien seaman all such costs incurred in respect of such seaman.

This subdivision also authorizes (but does not require) the immigration official in charge at the port of arrival, under regulations, to require the owner, agent, or consignee of any vessel bringing aliens to the United States to give bond that all costs accruing on account of such aliens shall be paid, and where bond is required clearance shall not be granted until it is given, unless a sum equal to the estimated amount of costs is deposited with the collector of customs. Additional bond or sums may be required from time to time and enforced against such vessel or any other vessel owned or operated by the same interests. With no such protective provision in the existing law, the Government has in some cases been forced to bear the expense of the maintenance of aliens, due to a failure of the steamship companies to pay their bills, followed by the bankruptcy of such companies. If found necessary, the giving of a blanket bond covering all aliens brought in by a company during any specified period might be permitted in lieu of separate bonds for each trip.

PART III.—GROUNDS FOR ARREST AND DEPORTATION

The proposed amendment of section 19 of the immigration act of 1917 eliminates various time limitations imposed by the immigration act of 1917, and provides that the following aliens shall, at any time after entering the United States (whether the entry was before or after the enactment of the deportation act of 1925), be taken into custody and deported:

ALIENS EXCLUDABLE AT TIME OF ENTRY

(1) An alien who at the time of entry was a member of one or more of the classes excluded by law from admission to the United States. (Under existing law, at any time within five years after entry.)

SURREPTITIOUS OR UNLAWFUL ENTRY

(2) An alien who entered the United States at any time or place other than as designated by immigration officials, or who eluded examination or inspection, or who obtained entry by false or misleading representation, or the failure to disclose material facts. The existing law reads: "At any time within three years after entry any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters without inspection." No good reason is seen for perpetuating the distinction made in existing law between entering by water or by land. The suggested amendment is broad enough to cover entry in any manner. Immigration officials, of course, will designate times and places only as authorized by their superior officers. It is deemed desirable to state affirmatively the additional grounds set forth in this paragraph, which can now be covered only by resorting to the phrase "who enters without inspection."

UNLAWFUL REMAINING IN UNITED STATES

"(3) An alien who remains in the United States for a longer time than authorized by law or regulations made under authority of law." This is a new provision which supplements a similar one in section 14 of the immigration act of 1924. The act of 1917 in section 19 contains the following language: "Any alien who shall have entered or who shall be found in the United States in violation of this act or in violation of any other law of the United States." This clause is omitted, as being covered by paragraphs (1), (2), and (3).

PUBLIC CHARGES

"(4) An alien who is a public charge from causes not affirmatively shown to have arisen subsequent to entry into the United States." Existing law reads: "Any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing." The change eliminates the five-year time limitation and enables the Government to deport an alien public charge at any time unless it can be affirmatively shown that the cause has arisen subsequent to entry into the United States. The practice is prevalent on the part of many persons to care for such of their friends or relatives as come within these classes until the expiration of the five-year period, and thereupon turn them out to be cared for by public institutions when they can no longer be deported under existing law on the ground of being a public charge.

INSANE ALIENS

"(5) An alien who, from causes not affirmatively shown to have arisen subsequent to entry into the United States, is an idiot, imbecile, feeble-minded person, epileptic, insane person, person of constitutional psychopathic inferiority, or person with chronic alcoholism." This is a new provision to make deportable aliens of the enumerated classes who at the time of their entry were affected by one or more of such conditions in such a manner as not to make them appear subject to exclusion. This would make it possible to deport the enumerated classes regardless of the fact that they are not public charges, the primary purpose being to rid the country of this dangerous and undesirable type of aliens. It seems to the committee that wealth or poverty in this class of cases is immaterial and that the country should rid itself of the rich idiot as well as one who is a public charge.

CONVICTION OF CRIME

"(6) An alien who is convicted of any offense (committed after the enactment of the deportation act of 1925) for which he is sentenced to imprisonment for a term of one year or more." The existing law provides: "Any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude committed within five years after the entry of the alien to the United States, or who is hereafter sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude, committed at any time after entry," except that deportation shall not be made or directed in such case "if the court, or judge thereof, sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence or within 30 days thereafter, due notice having first been given to representatives of the State, makes a recommendation to the Secretary of Labor that such alien shall not be deported." The three important changes effected by this paragraph are: (1) The elimination of the five-year time limitation for a single offense; (2) the substitution for the vague and uncertain test of "moral turpitude" the test of a sentence to imprisonment for a term of one year or more; and (3) the elimination of the provision for a recommendation of nondeportation by the court or judge sentencing such alien.

"(7) An alien who is convicted of any offense (committed after the enactment of the deportation act of 1925) for which he is sentenced to imprisonment for a term which, when added to the terms to which sentenced under one or more previous convictions of the same or any other offense (committed after the enactment of the deportation act of 1925), amounts to 18 months or more." This is a new provision to make deportable the alien who is an habitual criminal but who has escaped with sentence of less than one year. Under this paragraph, when an alien who has been convicted more than once of minor infractions of law, has received terms of imprisonment aggregating 18 months or more, he is to be deported.

"(8) An alien who is convicted of a violation of or conspiracy to violate (committed or entered into after the enactment of the deportation act of 1925) any statute of the United States or a State or Territory prohibiting or regulating the manufacture, possession, sale, exchange, dispensing, giving away, transportation, importation, or exportation of intoxicating liquors for beverage purposes, for which he is sentenced to imprisonment for a term which, when added to the terms to which sentenced under one or more previous convictions of a violation of or conspiracy to violate any of such statutes (such previous violations or conspiracies having been committed or entered into after the enactment of the deportation act of 1925), amounts to one year or more." This is a new provision to make deportable aliens who have been convicted of violations or conspiracies to violate the liquor laws of the United States or of a State or Territory and for which they are sentenced to imprisonment for terms aggregating one year or more. This paragraph is designed to effect the deportation of an alien where he has violated either a Federal or State or Territorial liquor law twice, or has violated the Federal law in one instance and a State or Territorial law in another, or has violated a State or Territorial law in one instance and another State or Territorial law in another instance.

Subdivision (b) of section 19 gives the alien convicted of crime two safeguards not affirmatively specified in existing law, although, as a matter of practice, it is quite likely that both are being afforded without specific provision. They are that no conviction can be used as a ground of deportation unless, first, it is a conviction in a court of record, and, second, that the judgment on such conviction has become final. This provision is applicable to every conviction alluded to in paragraphs (6), (7), and (8) above quoted and explained. Where an alien has appealed, or while he has the right to appeal, from the judgment on a conviction rendering him liable to deportation, he may not be deported. These safeguards are deemed desirable, especially since the court or judge is no longer given the right to recommend that the alien be not deported.

This subdivision also provides that in the case of a sentence for an indeterminate term in which the minimum term under the sentence is less than one year, the term actually served shall be considered the term for which sentenced where deportation is based upon the length of the term of imprisonment.

An alien who has been pardoned after conviction of an offense specified in paragraphs (6), (7), or (8) above, shall not be deported. Thus a pardon would not relieve from deportation an alien who has violated or conspired to violate the white slave traffic act or the Federal antinarcotic laws, nor would it save persons engaged in or connected with prostitution, nor others who are deported under some provision of law other than the paragraphs enumerated. This provision of the bill continues the principle embodied in a provision of the existing law which exempts from deportation an alien who has been pardoned after conviction of a crime involving moral turpitude.

Subdivision (c) of section 19 provides that an alien sentenced to imprisonment shall not be deported under any provision of law until after the termination of the imprisonment, which is similar in principle to the provision in section 19 of the existing law. Particular attention is directed to the fact that an alien violating the provisions of section 8 or 9 of the bill is not to be deported until after the termination of the imprisonment to which he may be sentenced under such sections.

"(9) An alien who was convicted, or who admits the commission, prior to entry, of an offense involving moral turpitude." There is no change of substance in this paragraph. It would be inadvisable to substitute for the "moral turpitude" test the length of sentence test as to aliens convicted of offenses in foreign countries where standards of punishment are so variant. It should be observed that the provision of existing law relieving the alien from deportation if he has been pardoned has been removed in this class of deportable aliens, while retained for the purposes of paragraphs (6), (7), and (8) above quoted.

VIOLATION OF NARCOTIC LAWS AND WHITE SLAVE TRAFFIC ACT

"(10) An alien who has, after the enactment of the deportation act of 1925, violated or conspired to violate, whether or not convicted of such violation or conspiracy, (A) the white slave traffic act, or any law amendatory of, supplementary to, or in substitution for, such act; or (B) any statute of the United States prohibiting or regulating the manufacture, possession, sale, exchange, dispensing, giving away, transportation, importation, or exportation of opium, coca leaves, or any salt, derivative, or preparation of opium or coca leaves." This is a new provision and puts this class of aliens into the same category as alien prostitutes, so far as deportation is concerned, are placed by the existing law and paragraph (11) following.

Where it can be established in any manner, by immigration officials or otherwise, that an alien has violated or conspired to violate these particular laws he may be immediately taken into custody and deported without awaiting his conviction for such offense, just as under existing law the immigration authorities may summarily arrest and deport aliens found practicing prostitution or connected with the business of prostitution. An alien may still be deported under the provisions of section 2 of the act of February 9, 1909, as amended, relating to the importation of narcotics, although this paragraph furnishes a supplementary basis for deportation and permits deportation for a violation of that act, irrespective of a conviction of a violation. The primary purpose of the paragraph, however, is to catch the large number of alien violators of the so-called Harrison Antinarcotic Act of December 17, 1914, as amended. At the present time no alien violators of the antinarcotic laws are being deported except those who have been convicted under section 2 of the act of February 9, 1909, as amended by the act of May 26, 1922, which requires knowledge or fraudulent intent. In many cases violators of the Harrison Act are given nominal or short sentences, and in the case of such violators who are given sentences of one year or more, the Solicitor of the Labor Department has held that such offenses do not involve moral turpitude. The question has not been settled by the courts for the reason that, in view of the solicitor's holding, the department has not attempted to deport in such cases.

PROSTITUTES

"(11) An alien who is found practicing prostitution or is an inmate of, or connected with the management of, a house of prostitution, or who receives, shares in, or derives benefit from any part of the earnings of any prostitute, or who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes or where prostitutes gather, or who in any way assists any prostitute, or protects or promises to protect from arrest any prostitute, or who imports or attempts to import any person for the purpose of prostitution, or for any other immoral purpose, or who enters for any such purpose, or who has been convicted and imprisoned for a violation of any of the provisions of section 4 hereof." The provisions of section 19 of the 1917 act relating to prostitution as a ground for deportation have been changed in but two respects:

First, there is added as an additional class of deportable persons any alien entering the United States for the purpose of prostitution or for any other immoral purpose; and

Second, there is omitted the provision of the present law which makes deportable any alien who, after being excluded and deported or arrested and deported under the provisions relating to the deportation of prostitutes and other immoral persons, returns to and enters the United States. This language is omitted as being surplusage. Section 8 of the bill provides for the exclusion from admission of any person deported from the United States on any ground whatsoever, and paragraph (1) of subdivision (a) of section 19 as rewritten makes deportable any person who, at the time of entry, belongs to any of the classes excluded by law. It becomes unnecessary, therefore, to repeat the language of the present law specifically as to these classes of undesirable aliens.

AIDING ALIENS TO EVADE IMMIGRATION LAWS

"(12) An alien who conceals or harbors, attempts to conceal or harbor, or aids, assists, or abets any other person to conceal or harbor, any alien liable to deportation." This is a new provision, which needs no comment.

"(13) An alien who aids or assists in any way any alien to unlawfully enter the United States." This is also a new provision and is in addition to the penalties prescribed by section 8 of the act of 1917. Aliens in this country who seek to aid others to enter in violation of our laws should not be permitted to remain in the United States.

ALIENS IN COASTWISE TRADE

"(14) An alien who is found employed on a vessel engaged in the coastwise trade of the United States without having been admitted to the United States for permanent residence." A fair construction of existing law would seem to prohibit aliens from serving on such vessels, since alien seamen not regularly admitted to the United States as immigrants are allowed to land only temporarily for medical treatment or for the purpose of reshipping, within a limited period specified by regulation, on board another vessel bound to a foreign port or place. Notwithstanding this, large numbers of these alien seamen are now employed on vessels in the coastwise trade to the detriment of American seamen. This provision would materially strengthen the enforcement of the laws applicable to seamen and state affirmatively what the law now implies, and in addition would make the alien deportable even if his service on the coastwise vessel was within the period during which the regulations permit him to remain in the United States for the purpose of reshipping foreign.

ALIEN BELONGING TO MORE THAN ONE DEPORTABLE CLASS

Subdivision (h) of the proposed new section 19 of the act of 1917 is put in out of an abundance of caution to make it clear that it is the intention of Congress that an alien who is liable to deportation upon any ground specified in any paragraph of such section 19 shall be deported whether or not he is liable to deportation upon a ground specified in any other paragraph of the bill or in any other law. For instance, if an alien violates the narcotic drugs import and export act, he is to be deported (under paragraph (10) of subdivision (a) of section 19), even though he has not been convicted of the violation and, consequently, is not deportable under section 2 of such act. So, also, if he is one of the anarchistic classes made deportable by the act of October 16, 1918, as amended, he is to be deported regardless of whether he is or is not subject to deportation upon some other ground specified in the bill.

ANARCHISTIC CLASSES

The bill, in rewriting section 19 of the 1917 act and in enumerating the grounds for deportation, omits that part of section 19 which places among the deportable classes aliens advocating or teaching anarchy or the overthrow by force or violence of the United States Government, etc. This is omitted because it has been superseded by the act of October 16, 1918, as amended by the act of June 5, 1920, which contains full and detailed provisions for the deportation of the anarchistic classes. These laws are not repealed by the bill.

ALIENS FROM INSULAR POSSESSIONS

The bill also omits another provision found in section 19 of the 1917 act, to the effect that the section (relating to the arrest and deportation of aliens) shall also apply "to the case of aliens who come to the mainland of the United States from the insular possessions thereof." This provision is omitted as surplusage. The provisions of section 19 as rewritten clearly make deportable any alien who falls within any of the classes there enumerated, regardless of where he came from. If the alien is in the continental United States he may be deported, even though he may have come from a possession; and if he is in one of the possessions he may be deported, even though he came from the United States.

MARRIAGE AS RELIEF FROM DEPORTATION

Section 19 of the 1917 act provides that the marriage to an American citizen of a woman of the sexually immoral classes deportable by law shall not confer citizenship if the marriage is solemnized after the arrest or after the commission of the acts making her liable to deportation. This provision was necessary at the time of the passage of the 1917 act, because at that time marriage of a woman to an American citizen made her an American citizen. Since the passage of the act of September 22, 1922, marriage no longer confers citizenship, and this provision of the 1917 act is omitted as surplusage. It is not necessary to provide that this class of women can not be naturalized, for the naturalization laws already require good moral character as a condition precedent to naturalization.

PART IV.—PROCEDURE IN ARREST AND DEPORTATION CASES

ARREST, HEARING, AND ORDER OF DEPORTATION

The existing law contains no rule as to carrying on the proceedings for the arrest and deportation of undesirable aliens. It merely provides that the deportable alien shall, "upon the warrant of the Secretary of Labor, be taken into custody and deported." Under the system put into effect by regulations various immigration officials in the field, having reason to believe that an alien is deportable, apply to the Secretary of Labor at Washington for a warrant of arrest. Inasmuch as it is impossible for the Secretary to know whether or not the facts presented are sufficient to justify an arrest, it has become the practice in nearly every case to issue a warrant of arrest whenever applied for from the officer in the field. All this takes time and seems to the committee useless waste of time and money. The bill, therefore, provides (in subdivision (d) of section 19 of the 1917 act as amended by the bill) for the issuance of warrants of arrest either by the Commissioner General of Immigration or by any official authorized by the Commissioner General of Immigration to issue warrants of arrest.

Inasmuch as the Constitution affords aliens as well as citizens due process of law, it seems to the committee that the statute itself should give the right to notice and hearing. On the other hand, the committee felt that the procedure should be as simple and nontechnical as possible. The bill, therefore, provides that the alien shall be given a hearing before an immigrant inspector, who shall transmit the evidence to the Secretary of Labor. The Secretary is to make an order either releasing the alien or ordering his deportation, but the Secretary's decision is to be based solely on the evidence taken at the hearing, except that he may send the case back for the taking of additional evidence or order the case reheard by another immigrant inspector.

In order to avoid technical objections based upon the insufficiency of grounds stated in the warrant of arrest, and at the same time to

show clearly the legislative intent that the alien is not to be deported until he has had notice and hearing upon the grounds upon which he is deported, the bill provides that the order of deportation shall refer to the particular provisions of law under which the alien is ordered deported, and shall briefly state the grounds upon which such provisions are applicable to the alien. It is then provided that the alien shall not be deported unless he was afforded, at the hearing before the immigrant inspector, an opportunity after notice to be heard upon the grounds stated in the order of deportation. This means, for example, that if in the warrant of arrest or in the course of the proceedings six charges are brought against the alien and he is given an opportunity to be heard after notice on only two of the six charges, the order of deportation will be valid if it states that he is deported upon either or both of the grounds as to which he was given notice and hearing, but will be void if it states that he is deported on any of the four grounds as to which he has not been given notice or hearing.

The bill provides, as does the existing law, that the decision of the Secretary of Labor in every case of deportation shall be final. This provision has been considered by the Supreme Court as meaning that the decision of the Secretary is final only if the alien has in fact had due process of law, but the court has refused to overturn the decision of the Secretary unless it appears, (1) that his action has been arbitrary, or (2) that there is no evidence on which to support the finding, or (3) that the alien has not had proper notice and opportunity to be heard, or (4) that the Secretary has misconstrued the law. In no case does the court have the right to review the evidence for the purpose of determining whether or not the weight of evidence supports the finding of the Secretary. If there is evidence in support of his finding, the court will sustain it even though, were the matter before the court originally, the court would have reached a conclusion opposite to that which the Secretary has reached. The arrested person has the right to a judicial determination of his claim of citizenship, unless such claim is plainly frivolous.

The system as outlined adequately protects the rights of the alien to the fullest extent possible under any system which is administratively practicable, it being remembered that, from the nature of the case, the proceedings must be expeditious and free from the burdensome requirements necessary to a judicial proceeding. The careful examination of the record and of the law in the department, which will be necessary before the order of deportation is issued, will relieve the courts in habeas corpus proceedings of any necessity of a detailed examination of the proceedings at the hearing to determine whether or not the alien has been afforded due notice and opportunity to be heard on numerous charges which, as a matter of fact, have never entered into the decision of the Secretary.

RELEASE UNDER BOND

Subdivision (e) of the proposed new section 19 is a revision of the last sentence of section 20 of the existing law. Under this provision an alien taken into custody for deportation may be released under a bond in the penalty of not less than $1,000, whereas under the existing law the amount of the penalty is $500. The existing law provides that there shall also be furnished "surety approved by the Secretary of Labor." The provision in the bill is that "such bond shall have surety approved, under regulations prescribed by the Commissioner General of Immigration with the approval of the Secretary of Labor, (1) by the Commissioner General of Immigration, or (2) by any official authorized by the Commissioner General of Immigration to approve such bonds." This administrative change in the handling of bonds and sureties will eliminate the present practice of requiring the approval of the Secretary of Labor in the thousands of individual cases and will also expedite the release of the arrested alien by authorizing the approval of such bonds and sureties by officers in the field. The Secretary of Labor, it is believed, retains just as effectively, through the power to approve regulations, the same control over the kind of bond or surety as he now exercises by approving the bond in each instance. The subdivision contemplates, of course, that an alien may not be released at all without giving a bond, which in no case shall be in an amount less than $1,000, and presupposes that the surety shall in each case be of a character which will assure the appearance of the alien when required.

PROCEDURE IN CASE OF ALIEN SEAMEN

Section 34 of the immigration act of 1917 reads as follows:

"SEC. 34. That any alien seaman who shall land in a port of the United States contrary to the provisions of this act shall be deemed to be unlawfully in the United States, and shall, at any time within three years thereafter, upon the warrant of the Secretary of Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act."

It will be noticed that this section (1) places a statute of limitation of three years from the time of landing upon the deportation of alien seamen, (2) affords a seaman a right to be heard before a board of special inquiry, and (3) apparently allows his admission unless he is at the time of such hearing a member of one of the excluded classes. No reason was apparent to your committee why a seaman should be granted any of these privileges, which are not granted to any other class of aliens, and it is therefore provided in the bill (subdivision (b) of section 5) that this section be repealed. The effect of this repeal will be to place the seaman upon the same plane as any other alien so far as the procedure in deportation cases is concerned.

PAYMENT OF EXPENSES

Subdivisions (f) and (g) of the proposed new section 19 constitute a revision, with certain changes, of that part of section 20 of the existing law relating to the expenses of the deportation of aliens who are arrested and deported. Under the bill if the alien was unlawfully induced to enter the United States, his deportation, including the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom he was unlawfully induced to enter the United States, whereas under the existing law his deportation, including only one-half of the entire cost of removal to the port of deportation, is at the expense of such person. Under the provisions of the bill the owner, agent, or consignee of the vessel or transportation line by which an alien came to the United States must bear the expense of the deportation of such alien from the port of deportation to the place designated under subdivision (a) of section 20 unless (1) the deportation is made by reason of causes arising subsequent to entry (such as the commission of crime after entry) or (2) deportation proceedings are begun later than five years after the entry of the alien and it can not be shown that the owner, agent, or consignee of the vessel bringing such alien knew or could have known by the exercise of reasonable diligence that the alien would be subject to deportation, or (3) there is a contractor, procurer, or other person who unlawfully induced such alien to enter the United States and from whom the Government has collected the expenses of deportation, including the cost of removal to the port. The bill provides that where liability for the expense of deportation can not be ascertained or enforced, or where no liability for such expense is imposed by law, such expense shall be payable by the Government.

PART V.—PROVISIONS COMMON TO EXCLUSION AND ARREST

PLACE TO WHICH DEPORTED

Section 20 of the existing law states "that the deportation of aliens provided for in this act shall, at the option of the Secretary of Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States." The proposed new section 20 attempts to restate these provisions in a more orderly manner and enlarges the number of places to which the alien may be deported. Instead of leaving the destination of a deported alien in the option of the Secretary of Labor, the bill provides that the destination shall be specified under regulations prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor.

The bill provides that in the case of an alien entering from foreign contiguous territory, he may be deported to such territory or to the country of which he is a citizen or subject, or to the foreign port at which he embarked for such territory (irrespective of whether he has acquired a domicile in such territory), whereas under the existing law the only place specified in such a case is to the foreign port at which he embarked for such territory. In any case, an alien may be deported to the country (if any) in which he resided prior to entering the country from which he embarked for the United States or for foreign contiguous territory in lieu of deportation to the country of which he is a citizen or subject, or the foreign port at which he embarked for the United States or for foreign contiguous territory, or to such territory if he has entered therefrom. Under existing law deportation into such a country is conditioned upon the refusal of the country from which such alien entered the United States to receive back the alien, either absolutely or conditionally, whereas the proposed bill removes such condition.

EMPLOYMENT OF ATTENDANTS

Subdivision (b) of the proposed new section 20 is a revision of the last proviso in section 20 of the existing law, but is expanded to provide that when, in the opinion of the Secretary of Labor, the mental or physical condition of an excluded alien is such as to require personal care and attention, he shall in such case, when necessary, as also in the case of an alien arrested and ordered deported, employ a

suitable person for that purpose, who shall accompany such alien to his final destination, and the expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanying alien is defrayed. This would, of course, mean that a steamship company bringing an inadmissible alien who would require personal care and attention upon the return voyage would be obliged to defray the expenses of the accompanying person.

SUSPENSION OF DEPORTATION FOR DISABILITY

Subdivision (c) of the proposed new section 20 is intended to replace the following provisions in section 18 of the existing law: "No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless the Secretary of Labor is satisfied that to refuse treatment would be inhumane or cause unusual hardship or suffering, in which case the alien shall be treated in the hospital under the supervision of the immigration officials at the expense of the vessel transporting him: *Provided further,* That upon the certificate of an examining medical officer to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of this act, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported."

The bill provides that if it appears to the satisfaction of the Secretary of Labor that immediate deportation in the case of an alien who is arrested and ordered deported, as well as in the case of an alien excluded, before hospital treatment for sickness or mental or physical disability, would cause unusual hardship or suffering, he may suspend temporarily the deportation of such alien solely for the purpose of placing him in a hospital. As the existing law is worded, an alien "suffering from tuberculosis in any form or from a loathsome or dangerous contagious disease other than one of quarantinable nature" shall not be permitted to land for medical treatment unless the Secretary of Labor is satisfied that it would be inhumane to refuse treatment or cause unusual hardship or suffering. Nothing is said as to other cases of illness where the element of contagion is absent. Since many cases of sickness and disability other than from causes specified in the existing law arise where it would be equally inhumane to deport before hospital treatment, it is thought that the provision should be broad enough to cover all such cases and also that the benefit of this provision should be affirmatively afforded to persons who are arrested and deported as well as to excluded aliens. The term "sickness, mental or physical disability" is the same as used in the case of an excluded alien under subdivision (b) of section 18. The term "inhumane" is omitted as surplusage, since if it would cause unusual hardship or suffering to deport immediately, naturally it would be inhumane to deport.

The provision in existing law "that no alien * * * shall be permitted to land for medical treatment * * * in any hospital in the United States," unless the Secretary finds that it would be inhumane to refuse treatment, in which case the alien shall be treated in the hospital under the supervision of immigration officials, gives rise to the inference that an excluded alien, when permitted by the Secretary to land temporarily for treatment, might choose "any hospital in the United States." The provision in the bill omits such a broad, general reference and provides that deportation may be suspended temporarily solely for the purpose of placing such alien "in a hospital under the supervision of immigration or United States Public Health Service officials." There are some places where it is not practicable for the immigration officials to have direct supervision over the treatment of such aliens in hospitals, and the provision adding the term "United States Public Health Service officials" is added to take care of this situation. Specific reference to the case of an insane alien is omitted and the term "mental disability" is intended to cover such case. No good reason is seen for a different standard to be set up in the case of the insane alien as distinguished from other cases of sickness or disability which would cause unusual hardship or suffering, nor does there seem to be any foundation for holding the insane alien for treatment at the expense of the Government while the diseased alien is held at the expense of the vessel bringing him. The provision in the bill therefore puts the expense of maintenance and treatment of all excluded aliens, whether diseased or insane, at the expense of the owner, agent, or consignee of the vessel bringing him, and the expense of the treatment of the alien arrested and ordered deported is to be defrayed in the same manner as the cost of removal to the port of deportation, which means at Government expense in most cases, the exception being where there is a procurer or other such person. Deportation is to be suspended only until such time as in the opinion of the Secretary of Labor the sickness or disability has been relieved to the extent that the deportation of such alien would not cause unusual hardship or suffering.

TESTIMONY OF DEPORTEE NECESSARY TO UNITED STATES

Subdivision (d) of the proposed new section 20 is a revision of the provision in section 18 of the existing law which permits the Commissioner General of Immigration, with the approval of the Secretary of Labor, to suspend deportation where the testimony of such alien is necessary on behalf of the United States in the prosecution of offenders against the immigration act of 1917 or other laws of the United States. The provision in the bill expands the provision so that it will be applicable also to the alien who is arrested and ordered deported, and provision is made for the suspension of the deportation where the testimony of the alien is "necessary in the interests of the United States in any judicial or other proceeding." The provision is thus extended to permit the detention of a deportable alien where he is needed in the interests of the United States in any kind of a proceeding. Where the alien is held in the custody of the Government officials, the provision in the bill makes it clear that the United States is to pay all the costs of maintenance and pay to the alien the witness fee now provided by law. These expenses are paid from the appropriation for the enforcement of the immigration laws, except that the Department of Justice appropriation is chargeable where deportation is suspended at the request of that department. Where it is feasible to release the alien under bond when he is held as a witness, it is provided that the cost of his maintenance shall not be borne by the United States.

PENAL PROVISIONS

Subdivisions (e) and (f) of the proposed new section 20 constitute a combination and revision of, and additions to, the penal provisions contained in sections 18 and 20 of the 1917 act.

Changes are made in the penalties to conform to the proposed changes made in other parts of the law. For instance, subdivision (a) of section 20 specifies various places to which excluded aliens may be deported. The penal provision in the bill, therefore, makes it unlawful for the person in charge, etc., of any vessel to fail or refuse to transport such aliens "to the place designated" (under regulations prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor) instead of simply "to the foreign port from which they came," as the existing law provides. The penalty for failure "to pay the costs imposed in pursuance of law in respect of any alien" is intended to cover all costs of maintenance, hospitalization, deportation, and all other expenses which are imposed by law upon the owner, agent, or consignee, etc., of any vessel. Section 15 of the act of 1917 provides that "the immigration officials may order a temporary removal" of arriving aliens for examination at a designated time and place. The provision of the bill includes a penalty for failure by the person in charge, etc., of any vessel to remove such aliens, or to detain them on board, as the immigration officials may order.

The existing law provides a penalty for any person in charge, etc., of a vessel "knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act [of 1917] unless prior to reembarkation the Secretary of Labor has consented that such alien shall reapply for admission." The provision in the bill provides a penalty for the person in charge, etc., of a vessel "knowingly to bring to the United States any alien excluded or arrested and deported under any provision of law until such time as such alien may be lawfully entitled to enter the United States." There appears to be no reason why the person in charge, etc., of a vessel should not be penalized for knowingly bringing an alien who has been deported so long as it is unlawful for him to reenter the United States. This means that in the case of an alien arrested and deported it is unlawful for him to return at all, and in the case of an alien excluded and deported it is unlawful for him to return within one year from the date of such deportation unless the Secretary of Labor has, prior to the expiration of the year, consented to his reapplying for admission.

The amount of the penalty for each violation is increased from $300 to $1,000. The duties imposed are of an imperative nature and are such as could and should be uniformly complied with. Instances have arisen where the owner of the vessel has found it cheaper to pay the fine than to comply with the law and has, therefore, simply refused to comply. There seems to be good ground for making the amount of the penalty sufficient to insure compliance with these provisions of law. An additional provision for securing the amount of the fines imposed is proposed by the bill. It would authorize the Government to forfeit any vessel by a proceeding by libel in rem in admiralty where the responsible person has failed to pay the fines imposed within 10 days after their imposition in respect of violations by the person in charge, etc., of such vessel or of any other vessel owned or operated by the same interests, and after clearance has been denied to such vessel for failure to pay the fines. Where there is any question as to liability to such fine the present provision of law is retained whereby a sum sufficient to cover the fine may be deposited

with the collector of customs pending the determination of the liability. A further provision is added that permits the Secretary of Labor to deny to any vessel or company persistently violating the provisions of subdivision (e) of the proposed section 20 the privilege of landing alien immigrant passengers at United States ports for such period as he deems necessary to secure a compliance with the law by such offenders.

PART VI.—MISCELLANEOUS PROVISIONS

READMISSION OF DEPORTED ALIENS

Under section 3 of the immigration act of 1917 one of the classes excluded from admission consists of persons who have been deported under any of the provisions of that act and who may again seek admission within one year unless they have obtained permission from the Secretary of Labor to reapply for admission. A serious situation has arisen, particularly on our land borders, whereby people deported to contiguous countries turn around and come back again without further penalty than exclusion or another deportation. No matter how serious the offense for which deported, an alien can under existing law, except in a few limited cases (as prostitutes, anarchists, and war-time offenders), if otherwise admissible, reenter the United States after one year from the date of his deportation and can apply to the Secretary for readmission at any time within that period. Subdivision (d) of section 8 of the bill retains so much of the provision of the present law referred to as applies to aliens who have been excluded on arrival and sent back. They, as heretofore, are prohibited from coming back within one year unless they have obtained the consent of the Secretary of Labor. Subdivision (a) of section 8, however, provides that if any alien has been arrested and deported he shall be excluded from admission to the United States, and imposes fine or imprisonment or both upon him if he enters or attempts to enter the United States. At the termination of the imprisonment he will be deported under paragraph (1) of subdivision (a) of section 19 of the 1917 act as rewritten by the bill.

Owing to the inadequacy of the appropriations now made for enforcement of deportation provisions under existing law the Department of Labor has, in many cases, after a warrant of deportation has been issued, refrained from executing the warrant and deporting the alien, at the expense of the appropriation, to the country to which he might be deported, upon the condition that the alien voluntarily, at his own expense, leave the United States. Some doubt exists whether an alien so departing has been "deported." Subdivision (b) of section 8 of the bill therefore removes any possible doubt on this question by providing that in such cases the alien shall be considered to have been deported in pursuance of law.

Under the present law an alien seaman upon arrival in the United States, even though he belongs to one of the excluded classes (except in cases of certain dangerous mental and physical diseases and disorders and except in the case of aliens who are not bona fide seamen), is nevertheless not excludable as in the case of any other class of aliens, but is permitted to land temporarily for the purpose of reshipping foreign. If such a seaman stays beyond the time permitted by regulations made in pursuance of the law and is at a later date arrested and deported in pursuance of law he may turn around and immediately return to the United States and upon arrival must again be permitted to land temporarily for the purpose of reshipping foreign. Thus he is afforded an opportunity of quitting his calling and again remaining in the United States beyond the time fixed by the law and regulations. To prevent this result it is provided in subdivision (c) of section 8 of the bill that an alien subject to exclusion from admission on the ground that he had once been deported shall, although employed as a seaman, be excluded and deported in the same manner as if he were an immigrant passenger and be entitled to none of the landing privileges allowed by law to seamen.

PENALTY FOR UNLAWFUL ENTRY

Section 9 of the bill attempts to cure one of the defects of the present law by imposing a criminal penalty upon any alien who enters the United States at any time or place other than as designated by immigration officials, or eludes examination or inspection or obtains entry by a false or misleading representation, or a willful concealment of a material fact. Under the present law all that can be done to such an alien is to deport him. It is believed that if the class of aliens who are endeavoring to enter the United States surreptitiously become aware that when detected they will be fined and imprisoned, as well as deported, the number who attempt to smuggle themselves or have themselves smuggled into the United States will be materially lessened. It should be noted that the punishment of fine or imprisonment is not in substitution for deportation. After the sentence has been served the alien will be deported, under paragraph (2) of subdivision (a) of section 19 of the act of 1917, as rewritten by the bill.

SECTION 32 OF THE IMMIGRATION ACT OF 1917

Section 32 of the immigration act of 1917 imposed a penalty upon the owner or master of a vessel for failure to detain alien seamen on board in certain cases. This section was repealed by the immigration act of 1924, the substance of it being incorporated in sections 19 and 20 thereof. Section 33 of the immigration act of 1917 provided that it should be unlawful and be deemed "a violation of the preceding section" to pay off or discharge any alien employed aboard any vessel arriving in the United States unless "duly admitted" pursuant to the immigration laws. It will be noted that, since section 32 of the act of 1917 has been repealed, there is no longer any "preceding section" to which section 33 can refer. Section 5 of the bill amends section 33 of the immigration act of 1917 by striking out the words "preceding section" and inserting in lieu thereof "section 20 of the immigration act of 1924," thus making the unlawful paying off or discharge of alien seamen a violation of section 20 of the immigration act of 1924, which provides appropriate penalties. Section 5 of the bill also amends section 33 of the 1917 act by inserting the words "for permanent residence" after the words "duly admitted," in order to make it clear that it is unlawful to pay off or discharge an alien seaman unless he has been duly admitted for permanent residence, but the bill does not—except as provided in section 8 of the bill, which is above explained in this report—disturb the provisions of section 33 of the 1917 act permitting alien seamen to land for the purpose of reshipping foreign, and permitting his discharge for such purpose.

PENDING CASES

Section 7 of the bill provides that the act is not to affect any deportation proceeding in which the warrant of arrest has been issued before the enactment of the act. As pointed out previously, the provisions of existing law relating to deportation after conviction of crime have been greatly enlarged. The crimes to which the new provisions relate, however, are confined to crimes committed after the enactment of this act. Inasmuch as the old law is repealed, there might arise a case where a crime involving moral turpitude has been committed before the enactment of this act and hence conviction for this crime, no matter for what length of time the alien might be sentenced, could not constitute a ground for deportation. Section 7 of the bill therefore provides that the provisions of existing law regarding deportation after conviction for crime involving moral turpitude shall remain in force in cases where the crime was committed before the enactment of this act.

NATURALIZATION

The Senate passed an amendment to the naturalization laws, the bill being known as Senate bill 4382, which was referred to the House Committee on Immigration and Naturalization. The Committee on Immigration and Naturalization of the House amended Senate bill 4382 by adding Title II, on deportation, which is in practically the same language as House bill 11796. The House committee made some amendments to the Senate bill, to be known as Title I, on naturalization.

A general analysis of Title I of Senate bill 4382, as reported to the House on March 2, 1925, will be of interest, and is as follows:

The bill supplements the naturalization act of June 29, 1906, by requiring all aliens who have arrived in the United States after June 29, 1906, to secure certificates of arrival before declaring their intention. The present law requires all such aliens to obtain a certificate of arrival at the time of petitioning for naturalization. The bill does not disturb the requirement of the present law, but requires a certificate also at the time of the declaration of intention. No additional hardship is imposed upon the alien by this change, as the same certificate obtained at the time of making the declaration of intention will again be used at the time of filing the petition.

The bill also provides that no certificate of arrival may be issued to an alien arriving on or after June 3, 1921, unless he was lawfully admitted to the United States for permanent residence. In other words, an alien who has illegally entered the United States since the taking effect of the first quota act shall not be permitted to begin the process of becoming a citizen.

There are many aliens who lawfully entered the United States prior to the quota period of restriction where no entry was made at the American port of arrival. Under the present practice no certificate of arrival can be issued to such aliens, and they are unable to petition for naturalization or obtain a judicial ruling upon their citizenship status. There is no specific provision of law to remedy this situation. This bill provides the remedy and authorizes the Commissioner General of Immigration to issue a certificate to such an alien upon proof of his continuous residence in the United States from the time of his arrival, and that he did not belong to any of the excluded classes at the time of entry. No alien can obtain a certificate of arrival who is subject to deportation under the proposed amendment.

The same fee is required for certificates of arrival as that now required of aliens who obtain a permit to return to the United States after temporary absence. That fee is $3. Payment of a fee for the certificate at the time of declaring his intention relieves from the fee for a certificate at the time of petition for naturalization.

Subdivision (a) of section 5 will enable honorably discharged veterans of the World War (not ineligible to citizenship) to be natural-

ized under the war-time preference which expired March 3, 1924, by limitation of statute. That is to say, during the World War those serving in the naval or military forces of the United States were privileged to petition for citizenship without previously filing a declaration of intention, without payment of any fee, and without the delay imposed upon other aliens. They were allowed to petition in the most convenient court, and to have an immediate hearing under the supervision of the Bureau of Naturalization. This subdivision reenacts the war-time measure as to those veterans only who served between April 5, 1917, and November 11, 1918, and were discharged under honorable circumstances. Enactment of the subdivision is deemed advisable as a measure of relief to those soldiers who, by reason of a misapprehension of their status, did not take advantage of the privilege when it was available and for the relief also of those who could not take advantage of the war-time statute because of illness in hospital.

Subdivisions (b) and (c) of section 5 will permit an alien who has lived in several parts of the same State to prove his residence and good moral character by depositions relating to residence in all places outside of the county in which the petition for naturalization is filed. The present law only admits of depositions for residence outside of the State in which the petitioner resides. These subdivisions substitute a period of six months' residence within the county in place of the one year of residence within the State.

During the Sixty-ninth Congress I am in hopes that the provisions of H. R. 9816, introduced by me on December 1, 1924, which can be found in the CONGRESSIONAL RECORD of date December 4, 1924, at pages 142 et seq., will be enacted into law.

Mr. TAYLOR of Colorado. Mr. Chairman, I have two more requests, but the gentlemen have gone to their offices to get their material and have not returned, so I will ask the chairman to consume some time or move that the committee rise.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I listened with a great deal of attention to the editorial which the gentleman from Michigan [Mr. CRAMTON] had read and which now becomes part of the official record of the deliberations of this House. Personally I never take offense when people say that Congressmen violate the law or the Volstead Act because I do not think they are referring to me, and I just could not see the point or purpose of inserting the editorial in the RECORD. I read a statement the other day by some one in authority, and supposed to know, who said that New York was one of the wet spots in the United States. Well, if you stop to consider how many transients we have in New York every day coming from the real dry districts, I can readily understand how there is a great demand for liquor in that city. I do not think that criticism of the enforcement or the advisability of the law can be tested by the personal habits of Members of Congress. I do not think that has anything to do with it. I believe that a modification of the law is necessary, but I am willing to give Brother UPSHAW, who is sitting right in front of me, and the rest of the advocates of the drys all the law and all the appropriations they want to enforce the law and I will vote with them. Then, why not enforce the law?

Mr. UPSHAW. Will the gentleman yield?

Mr. LAGUARDIA. I will yield to the gentleman from Georgia.

Mr. UPSHAW. The gentleman says he believes that the Volstead law ought to be modified. Does not the gentleman realize that the Volstead law is simply the eighteenth amendment in action? It was made mandatory by the eighteenth amendment, and since the eighteenth amendment outlaws the manufacture, sale, and transportation of anything that is intoxicating, it follows inevitably that any kind of a modification that lets in anything intoxicating is unconstitutional?

Mr. LAGUARDIA. The only action I have seen under the Volstead law is the activity of the bootleggers. Of course, if it is true that a modification of that law violates the purpose and intent of the eighteenth amendment, then we have to do the next thing, and that is to amend the Constitution. But I will go with the gentleman as long as he is asking for opportunity to enforce that law. I will vote for every appropriation and every measure that the gentleman will bring before the House for that purpose. [Applause.]

Mr. UPSHAW. That is fine; that is patriotic.

Mr. LAGUARDIA. But at the end of a 10-year period from the time of the enactment of the Volstead Act I am going to ask for a hearing on the floor of this House, and then we ought to take an inventory and see whether or not this law is capable of enforcement.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. May I have a little more time than this? Give me five minutes more.

Mr. TAYLOR of Colorado. I will give the gentleman three minutes more.

The CHAIRMAN. The gentleman from New York is recognized for three minutes more.

Mr. LAGUARDIA. Thanks. Gentlemen, what is the use of closing our eyes to the existing conditions? The importation of liquor into this country is of such magnitude, it comes in in such enormous quantities, involving use of a fleet of steamers, involving enormous banking operations, involving hundreds of millions of dollars, that it could not carry on without the knowledge if not the connivance of the authorities intrusted with the enforcement of the law. You can not get away from that. England is sending enough liquor to this country to produce a tax from which she can derive sufficient income to pay the debt she owes this country. If France had the bootlegging trade to send wine to this country to the extent of the liquor that England is exporting, perhaps France could pay her debt to us.

Mr. UPSHAW. The gentleman can not go any further than the gentleman from Georgia goes in believing that if this Government or this administration had conscience enough—I mean a militant conscience—it could stop the importation of the devilish stuff. We would not allow enemy vessels in time of war to land contraband here. When we get a Government that actually means business, we can practically stop it now. We should sink liquor ships that continue to defy our sober Constitution and our stainless flag.

Mr. LAGUARDIA. Would the gentleman sink British ships in neutral waters? That involves the very question of whether this amendment is capable of being enforced.

Mr. UPSHAW. It also involves the question of whether this Government is capable of enacting a great moral law for the safety of its own citizens and then enforcing that law against enemies at home and abroad. The waters are no longer neutral when foreign ships defy our laws by landing outlawed liquor on our friendly shores.

Mr. LAGUARDIA. And if it can not be enforced, then we will have to do the next thing and modify it.

Mr. UPSHAW. If we can not successfully enforce a great humanitarian law enacted for the preservation of our homes and our citizens, then the Government should consider the matter of going out of business.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

Mr. KENT, by unanimous consent, was granted leave of absence for an indefinite period, on account of illness.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 8206. An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes;

H. R. 646. An act to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations;

H. R. 4294. An act for the relief of the heirs of Casimira Mendoza;

H. R. 5420. An act to provide fees to be charged by clerks of the district courts of the United States;

H. R. 6860. An act to authorize each of the judges of the United States District Court for the District of Hawaii to hold sessions of the said court separately at the same time;

H. R. 8369. An act to extend the period in which relief may be granted accountable officers of the War and Navy Departments, and for other purposes;

H. R. 9461. An act for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy;

H. R. 10413. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," approved February 27, 1910;

H. R. 10724. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes;

H. R. 10887. An act granting the consent of Congress to the State of Alabama to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala.;

H. R. 2694. An act authorizing certain Indian tribes, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties or otherwise;

H. R. 3669. An act to provide for the inspection of the battle fields of the siege of Petersburg, Va.;

H. R. 8263. An act to authorize the General Accounting Office to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds; and

H. R. 11035. An act granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River at a point approximately 19.1 miles above the mouth of the river, in the counties of Allegheny and Westmoreland, in the State of Pennsylvania.

ADJOURNMENT

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 3 minutes p. m.) the House adjourned until Monday, February 9, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

855. A letter from the Secretary of the Navy, transmitting copy of a letter of the Paymaster General of the Navy, dated January 21, 1925, together with a copy of the list accompanying it, in which he requests authority for the disposition of approximately 35 tons of valueless records of the Bureau of Supplies and Accounts, Navy Department, which are no longer needed in the transaction of public business; to the Committee on Disposition of Useless Executive Papers.

856. A communication from the President of the United States, transmitting estimate of appropriation submitted by the Attorney General for the payment of interest on judgments rendered against the Government by the United States District Court for the District of New Jersey (H. Doc. No. 608); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 433. A resolution to provide for suspension of the rules on Tuesday, February 10, 1925; without amendment (Rept. No. 1409). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. J. Res. 342. A joint resolution to authorize the appointment of an additional commissioner on the United States Lexington-Concord Sesquicentennial Commission; without amendment (Rept. No. 1417). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BOX: Committee on Claims. H. R. 5307. A bill for the relief of J. A. Galloway; without amendment (Rept. No. 1411). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 1574. An act for the relief of Alice E. O'Neil; without amendment (Rept. No. 1412). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 2223. An act for the relief of the estate of Robert M. Bryson, deceased; without amendment (Rept. No. 1413). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 3310. An act for the relief of owners of the barkentine *Monterey;* with an amendment (Rept. No. 1414). Referred to the Committee of the Whole House.

Mr. HILL of Maryland: Committee on Military Affairs. S. J. Res. 46. A joint resolution for the relief of Capt. Ramon B. Harrison; without amendment (Rept. No. 1415). Referred to the Committee of the Whole House.

Mr. SWING: Committee on Naval Affairs. S. 3676. An act for the relief of Harry Newton; without amendment (Rept. No. 1416). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. REED of West Virginia: A bill (H. R. 12212) to amend an act entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, as amended by an act of Congress approved December 30, 1910; to the Committee on the District of Columbia.

Also, a bill (H. R. 12213) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of land required for a connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park; to the Committee on the District of Columbia.

Also, a bill (H. R. 12214) to authorize the closing of a part of Thirty-fourth Place NW. and to change the permanent system of highways plan of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. WARD of North Carolina: A bill (H. R. 12215) providing for the appointment of an additional district judge for the western judicial district of North Carolina; to the Committee on the Judiciary.

By Mr. DICKINSON of Iowa: A bill (H. R. 12216) to encourage, promote, and aid in the formation of cooperative marketing associations of producers of agricultural products; to aid in the efficient and economical operation of such associations; to provide for a cooperative marketing board, and also an advisory council, and for other purposes; to the Committee on Agriculture.

By Mr. LaGUARDIA: Resolution (H. Res. 434) directing the Secretary of the Navy to inform the House of Representatives, if not incompatible with the public interest, of the number or designation of United States vessels that have run aground since January 1, 1923, and for other purposes; to the Committee on Naval Affairs.

By the SPEAKER (by request): Memorial of the Legislature of the State of New York, opposing the passage of the McCormick bill, authorizing the withdrawal of 10,000 cubic feet of water per second from Lake Michigan by the Sanitary District of Chicago; to the Committee on Interstate and Foreign Commerce.

By Mr. KVALE: Memorial of the Legislature of the State of Minnesota, protesting to the Congress of the United States and to the Secretary of War against the continuation of the illegal taking of water from the Great Lakes through the Chicago Drainage Canal for any purpose other than the protection and improvement of navigation; to the Committee on Rivers and Harbors.

By Mr. DAVIS of Minnesota: Memorial of the Legislature of the State of Minnesota, petitioning the President of the United States to allocate to the State of Minnesota a 500-bed tubercular hospital for the care of tubercular persons who served in the World War; to the Committee on World War Veterans' Legislation.

By the SPEAKER (by request): Memorial of the Legislature of the State of Nevada, petitioning Congress to act upon the Pittman bill now before Congress relative to purchase of silver by the United States; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 12217) granting a pension to H. C. Gibson; to the Committee on the Civil Service.

By Mr. EDMONDS: A bill (H. R. 12218) for the relief of certain disbursing officers, office of the superintendent, State, War, and Navy Department Building; to the Committee on Claims.

By Mr. HADLEY: A bill (H. R. 12219) for the relief of John Cain; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 12220) granting an increase of pension to Janet Hiett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3679. By the SPEAKER (by request): Petition of Board of Supervisors of San Francisco, Calif., requesting Congress to

appoint a committee to attend diamond jubilee of the State September 9, 1925; to the Committee on Rules.

3680. Also (by request), petition of Harry S. Hayward and other citizens of Honolulu, Hawaii, favoring resolution extending authority of naval radio system to carry press communications; to the Committee on the Merchant Marine and Fisheries.

3681. By Mr. GALLIVAN: Petition of Whitcomb & Co., Boston, Mass., protesting against Senate bill 3764 and House bill 11078, providing for the establishment of a permanent rent commission for the District of Columbia; to the Committee on the District of Columbia.

3682. By Mr. GARBER: Petition of lessees and citizens of the State of Oklahoma, urging that Congress investigate to determine the rights of the school-land lessees; to the Committee on the Public Lands.

3683. Also, letter from Charles F. Barrett, president of the National Guard Association, urging support of bill to have Maj. Gen. George C. Rickards, Chief of Militia Bureau, retired with the pay and allowances of the rank of colonel in the Regular Army; to the Committee on Military Affairs.

3684. By Mr. KELLY: Petition of McKeesport (Pa.) Real Estate Board, protesting against rent legislation for District of Columbia; to the Committee on the District of Columbia.

3685. By Mr. MacGREGOR: Petition of citizens of Buffalo, N. Y., opposing the enactment of Senate bill 3218, or any similar legislation; to the Committee on the District of Columbia.

3686. By Mr. O'CONNELL of New York: Petition of Mr. Frederick K. Vreeland, of New York City, favoring the passage of House bill 745, the game refuge public shooting ground bill; to the Committee on Agriculture.

3687. By Mr. SEGER: Memorial of the Passaic County Bankers' Association of New Jersey, lauding the services of Andrew W. Mellon as Secretary of the Treasury, commending the Mellon tax plan, and opposing Government publicity of tax returns; to the Committee on Ways and Means.

3688. By Mr. SINCLAIR: Petition of the following-named officials of North Dakota in favor of House bill 633: Minnie J. Nielson, State superintendent of public instruction; Joseph A. Kitchen, commissioner of agriculture and labor; J. M. Devine, commissioner of immigration; R. B. Murphy, chairman board of administration; Lewis F. Crawford, superintendent State Historical Society; A. G. Sorlie, governor; Lillian E. Cook, secretary and director library commission; to the Committee on Education.

3689. Also, petition of 17 residents of Belfield, N. Dak., protesting against Senate bill 3218, or other religious legislation; to the Committee on the District of Columbia.

3690. By Mr. SWING: Petition of citizens of Fullerton, Calif., protesting against Sunday observance law; to the Committee on the District of Columbia.

3691. By Mr. WARD of North Carolina: Petition of Joseph C. Spence, Elizabeth City, N. C., favoring a bill in the interest of veterans, widows, and orphan children of the Indian wars, introduced by Hon. ADDISON T. SMITH; to the Committee on Pensions.

3692. Also, petition of Charles Carmine, Elizabeth City, N. C., favoring House bill 11798; to the Committee on Pensions.

3693. Also, petition of Lars F. Wadsten and J. A. Hooper, Elizabeth City, N. C., urging that Congress enact House bill 11798; to the Committee on Pensions.

3694. By Mr. WILLIAMS of Michigan: Petition of Henry G. Vlier and 23 residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

